



All agenda items
in this packet are
preliminary, until
approved by the
Layton City
Council.

**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 November 18, 2021**.

AGENDA ITEMS:

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

- A. Minutes of Layton City Council Work Meeting — July 15, 2021
- B. Minutes of Layton City Council Meeting — October 7, 2021
- C. Minutes of Layton City Council Strategic Planning Work Meeting — October 21, 2021

2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. VERBAL PETITIONS AND PRESENTATIONS:

- A. Youth Council Swearing In
- B. Recognition of Community Emergency Response Team (CERT) Graduates
- C. Proclamation — Small Business Saturday

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. Adopting the Davis County 2021 Natural Hazard Pre-Disaster Mitigation Plan Update, as Required by the Federal Disaster Mitigation and Cost Reduction Act of 2000 — Resolution 21-46
- B. Authorizing the Acquisition of Interests in Real Property for the Construction of a Traffic Turn Lane Located on the Southwest Corner of Flint Street and Gentile Street by Negotiation or by Eminent Domain — Resolution 21-34
- C. Interlocal Cooperation Agreement Between Davis County Cities and Davis County for Utah Pollutant Discharge Elimination System (UPDES) General Permit — Approval and Adoption of City's Updated Storm Water Management Program — Resolution 21-51
- D. Easement Agreement between Layton City and Utah Department of Transportation — Resolution 21-50 — 1705 Weaver Lane

6. PUBLIC HEARINGS:

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
Online comments must be submitted via Web Feedback at laytoncity.org/LC/City/Connect
- 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. Elected Officials 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

JULY 15, 2021; 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, GARY CRANE, CHAD
WILKINSON, TERRY COBURN, PAUL
APPLONIE, WES ADAMS, MASON KJAR,
STEPHEN JACKSON, DAVID PRICE, RYAN
PICKUP, ED FRAZIER, AND KIM READ**

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

Mayor Petro opened the meeting.

AGENDA:

COUNCIL MEMBER REPORT

Councilmember Thomas reminded the Council of the activities planned for July 24: Riders in the Sky concert in the Kenley Amphitheater, food trucks in Constitution Circle (in lieu of Taste of the Town), and light parade following the concert.

Councilmember Bloxham reported the Davis Arts Council Board had received a significant federal grant.

Councilmember Fitzpatrick informed the Council, Communities That Care would be hosting a booth on Friday, August 13, 2021, during Layton FEST as part of its anti-vaping campaign. She mentioned the organizations at both Layton High and Northridge High had identified this issue as the focus for the year. She also mentioned possible grant opportunities. She indicated the Youth Council was organizing Meet the Candidates event for Tuesday, July 20, 2021, at the OPPA (On Pitch Performing Arts) Theater. She reminded the Council, the City had participated in Utah State's Wellness Survey and indicated Dr. Flint was requesting time to present the results to the Council.

COUNCIL TRAINING

Gary Crane, City Attorney, presented a training regarding the principle of Vesting to the Council. He

D R A F T

provided a definition of the term and explained how it was applicable to land zoning. He explained the two exceptions and shared some examples to illustrate definitions.

UPDATE – WATER CONSERVATION

Stephen Jackson, City Engineer, shared a visual presentation and reviewed water usage data with the Council which included the following:

- Evapotranspiration
- Average high temperature
- Water ET (evapotranspiration) need
- Comparison of evapotranspiration data from 2020-2021

Mr. Jackson reported City residents had been saving water at an excellent rate. He shared statistics which reflected decrease in water use trends and referred to a graph which illustrated the water use by month reflecting the comparison from 2020 and 2021. Alex Jensen, City Manager, pointed out the usage was specific to metered water and Mr. Jackson added Weber Basin was not yet entirely metered and its metering information and data wasn't as advanced as the City's and a discussion followed.

Mr. Jackson presented information from Utah's drought monitor website. He announced this winter's moisture would determine whether outdoor watering would be allowed next summer. He suggested the City's message should be 'Thank You', but continue to conserve.

Mayor Petro expressed appreciation to Staff's efforts and requested a tutorial regarding the app be available to the residents.

David Price, Parks and Recreation Director, shared a visual presentation which identified the conservation plan used by the Parks Department which illustrated the three different stages of watering:

- Stage 1 – water grass one time a week
 - detention basins, park strips without trees or shrubs (grass will enter a period of dormancy and turn brown)
- Stage 2 – water grass two times a week
 - neighborhood parks, park strips with trees (most areas of grass will enter a period of dormancy and turn brown)
- Stage 3 – water grass three times a week
 - Ellison Park, athletic fields in neighborhood parks, and areas that have large community

D R A F T

gatherings (using best management practices to conserve and still protect investment to provide safe spaces to hold community and athletic events)

He shared metered water usage statistics specific to Ellison Park which reflected the water conservation efforts on behalf of the City. He also shared an illustration reflecting loss of turf grass due to over-use during a dormant period and explained the City would need to water these areas prior to fall usage for soccer and football.

Mayor Petro inquired why the City watered during the day and Mr. Price responded City Staff conducted sprinkler testing during the day and reported Staff did its best to conduct that testing during morning hours.

The Council expressed appreciation to Staff for implementing conservation efforts.

AMENDMENT – DEVELOPMENT GUIDELINES AND DESIGN STANDARDS – ORDINANCE 21-20

Mr. Jackson stated the Development Guidelines and Design Standards was used to guide construction within the City by the Engineering Division. He added State law required City Council adoption for the guidelines and standards. He reported City Staff had reviewed the document to ensure compliance with State Code, consistency with all best practices, and City ordinances. He asked if there were any specific questions and Councilmember Fitzpatrick requested clarification specific to sidewalk width and Mr. Jackson clarified how the language would be modified.

INTERLOCAL COOPERATION AGREEMENT BETWEEN LAYTON CITY AND DAVIS COUNTY FOR TRANSPORTATION PROJECT REIMBURSEMENT – RESOLUTION 21-32 – APPROXIMATELY 2700 WEST FROM HILL FIELD ROAD TO THE WEST DAVIS CORRIDOR

Mr. Jackson informed the Council the resolution was applicable to grant funding received by the City from Davis County related to the 2700 West/Hill Field Road connection associated with the West Davis Corridor. He reviewed the specifics associated with the agreement mentioning the 20% match and the two-year time period to use the funding. He mentioned another grant was anticipated to be awarded this coming year for the remainder of the project.

ADOPT AND APPROVE AN AGREEMENT BETWEEN LAYTON CITY AND KAYS CREEK

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IRRIGATION COMPANY FOR THE TRANSFER OF THE PRESSURIZED IRRIGATION SYSTEM FROM KAYS CREEK IRRIGATION COMPANY TO LAYTON CITY – RESOLUTION 21-35

Mr. Crane reminded the Council this agreement had been discussed during previous City Council Meetings. He pointed out how the City currently received its water and the necessity to secure water for future growth. He reviewed some specifics included in the agreement which addressed the following: responsibilities of both the City and Kays Creek, the impact to users and shareholders, and how the transition would occur. He summarized this was probably the most critical decision this Council would act upon.

Councilmember Day expressed his opinion the Council should approve a final agreement and a discussion followed. Mr. Jensen explained the Council would continue to be informed during negotiations and Mason Kjar, City Prosecutor, provided an explanation regarding the exhibits to the agreement. Mayor Petro emphasized the Council merely wanted to continue to be informed moving forward specific to the implementation of the agreement and transfer.

Councilmember Bloxham expressed appreciation to Staff.

AMEND SETTLEMENT AGREEMENT BETWEEN LAYTON CITY AND SERITAGE KMT FINANCE LLC – RESOLUTION 21-33

Chad Wilkinson, Community and Economic Director, emphasized the amendment to the Settlement Agreement wouldn't affect any of the land uses, rather, it identified certain conditions associated with how the parcel was developed. He shared a visual illustration of the property and oriented the Council to its location. He explained the issues regarding development of the site and reported the applicant came forward with a different site plan; however, Staff believed it met the intention of the original agreement and reviewed those components with the Council: four-sided architecture, the need to frame the corner with buildings located close to the street, and inclusion of a drive-thru. He reported Staff had worked closely with the applicant to ensure the architectural elements met the intent of the original settlement agreement and recommended approval. He emphasized the only change to the Agreement was with Exhibit D and building elevations and clarified no changes to text language would be made.

He asked if there were any questions. Councilmember Fitzpatrick indicated she liked this proposal better than what was originally planned and inquired about "lot 5". Mr. Wilkinson believed it could be

D R A F T

developed as long as adequate parking was available.

Mayor Petro inquired about the eatery which the original agreement required to be attached to the main building. Mr. Wilkinson believed this amendment had the potential for that to happen and reported the developer had fulfilled the settlement conditions identified in the original agreement regarding entitlements for the site plan.

DEVELOPMENT AGREEMENT AMENDMENT – HEARTLAND, LLC – LOCATED AT APPROXIMATELY 184 EAST ANTELOPE DRIVE AND 225 EAST 1800 NORTH

Mr. Wilkinson shared an illustration and oriented the Council to the parcel. He explained the request was to add some uses to an existing development agreement. He stated the original agreement restricted the uses based on the following: the property was within the APZ (Accident Potential Zone) and to not negatively impact the existing residential uses in the area. He informed the Council the proposed amendment would allow for a construction storage facility for the purpose of storing large belly dump trucks. He reported Staff had reviewed the request, original conversations and intent, and concluded the request wasn't compatible with the original development agreement and was recommending the Council deny the request. He mentioned some of the original Planning Commission members which considered and approved the original request were still serving on the Commission and had provided context of the original intent during its discussion for the amendment.

Councilmember Fitzpatrick added she had served on the Planning Commission when it was originally approved and stated she didn't want to subject the residents to the negative impacts associated with construction vehicles.

Mr. Wilkinson mentioned the Planning Commission had questioned the difference between this use and the storage of RV or boat storage and indicated this proposed use would have a significantly higher traffic volume.

MAYOR'S REPORT

Mayor Petro requested clarification if the Council was still interested in participating in touring the North Davis Sewer District and the Council indicated its interest in doing this during the fall once cooler weather was evident.

D R A F T

The meeting adjourned at 6:54 p.m.

Kimberly S Read, City Recorder

D R A F T

MINUTES OF LAYTON CITY COUNCIL MEETING

OCTOBER 7, 2021; 7:03 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, STEPHEN
JACKSON, DAVID PRICE, AND KIM READ**

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

Mayor Petro opened the meeting and welcomed the public. Councilmember Bloxham led the Pledge of Allegiance and Councilmember Day offered the invocation.

MINUTES:

Councilmember Fitzpatrick requested a clarification to the Council Meeting minutes from June 17, 2021. She directed the Council to page 6, where her comments reflect QWEL(Qualified Water Efficiency Landscape) certification. She indicated the QWEL certification would be applicable for the landscaper completing installation or water management of projects as opposed to Staff. Kimberly Read, City Recorder, indicated she had made that correction.

MOTION: Councilmember Fitzpatrick moved to approve the minutes from the June 17, 2021 Work Meeting and September 16, 2021 Council Meeting as proposed; and the June 17, 2021 Council Meeting as amended. Councilmember Morris seconded to approve the minutes of:

**Layton City Council Work Meeting – June 17, 2021;
Layton City Council Meeting – June 17, 2021; and
Layton City Council Meeting – September 16, 2021.**

The vote was unanimous to approve the minutes as amended and written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Thomas announced the following Family Recreation Activities:

D R A F T

- Turkey bowling registration begins Monday, November 1, 2021. He mentioned this was a very popular activity and suggested the available spots go quickly.
- Pumpkin carving contest from Wednesday, October 20 through Friday, October 22, 2021. He stated pumpkins should be dropped off at the museum during that time from between the hours of 10:00 a.m. through 5:00 p.m. He stated pumpkins would be lit and displayed on October 22 from 6:00-8:00 p.m.

Mayor Petro also mentioned the Halloween Bash scheduled for Friday, October 22, 2021, at the Kenley Amphitheater. She also announced Davis Arts Council Active Pages scheduled for Saturday, October 9, 2021, and indicated this year's theme was Dracula. She mentioned this was a free activity; however, participants were required to register in order to obtain a ticket. She indicated the Layton Rotary Club would be selling hot chocolate that evening and all proceeds would benefit charities within the community.

RESENTATIONS:

There were no presentations.

CITIZEN COMMENTS:

There were no citizen comments.

CONSENT AGENDA:

LOCAL GOVERNMENT UNDERSTANDING AND AGREEMENT BETWEEN LAYTON CITY AND WASATCH FRONT REGIONAL COUNCIL FOR HIRING PROFESSIONAL DESIGN SERVICES FOR AN ACTIVE TRANSPORTATION PLAN – RESOLUTION 21-43

David Price, Parks and Recreation Director, stated this agreement would allow the hiring of professional services allowing the City to update its bike trails and transit plans, found in several plan elements in the City's General Plan, into one document, known as the City's Active Transportation Plan. He explained the Active Transportation Plan would serve as a guide to Staff and Elected Officials with how to allocate funds conducive to multiple modes of transportation. He reported the City received a grant award of \$90,000 for the purpose of creating an Active Transportation Plan, contingent on a match of \$10,000, from the Transportation Land Use Connections Program through Wasatch Front Regional Council (WFRC) in March 2021. He reported the Mayor signed a Letter of Concurrence and Match Agreement on June 6, 2021, which

D R A F T

formalized the agreement with WFRC for the Active Transportation Plan and was consistent with the funding request approved in the fiscal year 2021-2022 budget. He stated Staff recommended approval to authorize the Mayor's signature to the Local Government Understanding and Agreement between the City and WFRC for the Active Transportation Plan.

He asked if there were any questions.

Councilmember Fitzpatrick clarified the \$10,000 match had already been included in the budget and wouldn't come to the Council as a budget amendment and Mr. Price responded in the affirmative.

FISCAL ASSISTANCE AGREEMENT ACCEPTING THE UTAH DIVISION OF PARKS AND RECREATION'S FEDERAL HIGHWAY ADMINISTRATION'S RECREATIONAL TRAILS PROGRAM 2021 FUNDED GRANT AWARD FOR THE EAST AND WEST TRAIL CONNECTIONS OF THE KAY'S CREEK TRAIL HIGHWAY 89 PEDESTRIAN UNDERPASS – RESOLUTION 21-42 – SLIGHTLY NORTH OF 2700 NORTH ON HOBBS CREEK DRIVE

Mr. Price reminded the Council it previously approved the acceptance of grant funding in January 2019 for the Kays Creek Trail/Highway 89 Underpass. He explained a two year period was allocated to complete the project using the grant funding and reported due to delays associated with the Highway 89 construction project, being completed by UDOT (Utah Department of Transportation), the underpass project was not yet completed. He indicated the City requested an extension from Utah Division of Parks and Recreation for the grant and was encouraged to re-apply during this year's grant process, which it did in April 2021. He explained this east/west trail connection will connect Valley View Drive and 2200 North to the underpass which will provide the needed infrastructure to connect the Kays Creek Trail alignment to the Bonneville Shoreline Trail System and to the mountains to the East. He reported the City was notified on September 1, 2021, that it had been awarded \$75,000 through the Utah Division of Parks and Recreation's Federal Highway Administration's Recreation Trails Program 2021 Grant Funding and Staff recommended approval of the Resolution authorizing the City Manager to conduct negotiations and authorize the Mayor to execute the agreement.

Mayor Petro asked if there were any questions.

Councilmember Fitzpatrick asked if there were any concerns about the City not meeting the two year time frame associated with this grant. Mr. Price believed the project would be completed within the two year time limit and informed the Council there was an extension associated with the original grant and reported on the

D R A F T

progress of the project.

Councilmember Day clarified the overall cost hadn't changed and Mr. Price responded the grant funding was specific to connecting the two trails to the underpass and indicated as consultants were hired for design purposes, costs could change.

ADOPTING AND APPROVING AN INTERLOCAL AGREEMENT ALLOWING THE DAVIS COUNTY ATTORNEY'S OFFICE TO REPRESENT LAYTON CITY'S INTERESTS IN FORFEITURE PROCEEDINGS – RESOLUTION 21-45

Gary Crane, City Attorney, explained Davis County typically handled all forfeiture cases within the County which included cases from the Davis Metro Narcotics Strike Force (DMNSF). He reminded the Council the Layton Police Department was the lead agency of DMNSF; therefore, it was the custodian of all evidence seized by the strike force and was subject to forfeiture laws within the State. He reported the Utah Legislature recently modified the State Code as it related to forfeiture actions. The parties believe it would be mutually beneficial to continue having the Davis County Attorney's Office represent the Agency in all future civil forfeiture proceedings; therefore, this interlocal agreement was necessary.

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

PUBLIC HEARINGS:

LAYTON HEALTH HOLDINGS, LLC/GENTILE STATION DEVELOPMENT AGREEMENT AMENDMENT – RESOLUTION 21-41 – 312-332 WEST GENTILE STREET

Chad Wilkinson, Community and Economic Development Director, shared an illustration of the development and oriented the Council to its location. He identified the four buildings on the western side of the development originally designated as single story duplex buildings, consisting of two units in a single structure. He shared an illustration of an outdoor elevation reflecting dormers on the roof, known as habitable attic space, generally used as a "bonus" space above the first floor living space. He explained as the developer moved through the development process, a decision was made to finish the attic space for two bedrooms and a bathroom, still allowed by building code. He explained while habitable attic space was allowed by building code, the finished space also met the definition of a half story found in the Land Use Ordinance. Since the duplex units were originally approved as single story units, Staff believed it was

D R A F T

appropriate to proceed through the public process and modify the development agreement to provide consistency between the development agreement, land use ordinance, and the allowance for finished attic space found in the applicable building code. He pointed out there were no changes to the approved elevations and exterior, height of the structure, and/or setback easements. He shared an illustration of one of the buildings and continued to explain the difference between this use and that of a two-story home. He reported this change had been reviewed by the Planning Commission which recommended approval and clarified the Council would be approving Exhibit C and D to the development agreement.

Councilmember Fitzpatrick inquired if a revised building plan was required to reflect the additional plumbing, electrical, etc. and Mr. Wilkinson responded in the affirmative and added the Plan would also need to reflect walls and locations of doors.

Mayor Petro opened the public hearing at 7:26 p.m.

Mayor Petro called for public comment.

Linda Melaney, 376 West Gentile, stated she was most concerned about the home which reflected three dormers, adjacent to her property. She expressed her opinion citizen concern in reaching out to the City no longer mattered; the City, Staff, and Council, were more concerned with keeping developers happy. She reported she had initially expressed concern with the dormers to City officials in April and had been reassured no plumbing, electrical, or walls would be allowed because there was no room for this type of space. She informed the Council she had continued to report concerns associated with the construction to the City as late as August and expressed concern two of the homes had now been completed without approval from the City. She believed Walker Homes had been allowed to do what it wanted incurring no consequences. She pointed out the dormers were located in such a way that they directly face into her backyard. She expressed her opinion Henry Walker Homes knowingly and intentionally completed the construction without permission and that it was easier to ask for forgiveness as opposed for permission.

Councilmember Fitzpatrick requested clarification regarding the illustrations reflecting the dormers and Mr. Wilkinson emphasized the original illustrations had always reflected the dormers. He explained once Staff realized the attic space was completed different than anticipated; however legal to the building code, Staff requested it come back through the approval process. He emphasized at no point did Staff allow something inappropriate to take place. Councilmember Fitzpatrick believed Ms. Melaney expressed valid concerns that the building plans submitted didn't reflect the additional living space. Mr. Wilkinson responded new building plans would need to be submitted reflecting the revision, following Council's approval of this Resolution.

D R A F T

Councilmember Fitzpatrick expressed disappointment the homebuilder had completed work differently than what was submitted.

Brock Lumas, Henry Walker Homes, 1216 West Legacy Crossing, Centerville, stated discussions had taken place with Staff in the Building Department about finishing the attic space as livable space and clarified there were no restrictions in the building code or permit process. He emphasized the builder didn't proceed with finishing the two bedrooms and bathroom without approval to be discovered at a later time; rather, the request had been made prior to construction.

Mr. Wilkinson clarified there was no issue as the construction related to the building code; however, a new building permit application should have been submitted reflecting that change and suggested a misunderstanding had taken place.

Mayor Petro suggested this should be included to the checklist associated with approvals within the Community and Economic Development Department.

Ms. Melaney continued to express concern that each time she reported her concerns to the City she was told one thing yet the builder was allowed to do another. Mr. Wilkinson expressed agreement the project could have been completed better.

Tom Tudor, 1757 Gregory Drive, requested clarification that no laws had been violated regarding the development and/or construction of the home.

Councilmember Bloxham mentioned this was an unfortunate experience for everyone involved and expressed appreciation to Staff for bringing it to the Council for approval.

MOTION: Councilmember Bloxham moved to close the public hearing at 7:46 p.m. and approve the Development Agreement with Layton Health Holdings, LLC/Gentile Station, as presented, Resolution 21-41. Councilmember Morris seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Morris, Fitzpatrick, and Bloxham. Voting NO – Councilmember Day.**

GENERAL PLAN AMENDMENT, DEVELOPMENT AGREEMENT, AND REZONE REQUEST – M-2 (HEAVY MANUFACTURING/INDUSTRIAL) TO R-H PRUD (HIGH DENSITY RESIDENTIAL, PLANNED RESIDENTIAL UNIT DEVELOPMENT) AND CP-3 (PLANNED REGIONAL COMMERCIAL) – ORDINANCE 21-25, RESOLUTION 21-39, AND ORDINANCE 21-

D R A F T

26 – APPROXIMATELY 1800 WEST GORDON AVENUE

Mr. Wilkinson shared a visual illustration and oriented the Council to the location of the parcel and identified its surrounding uses. He addressed the proposed General Plan Amendment reminding the Council the parcel had been designated Manufacturing in the most recently adopted General Plan. He explained Staff had identified a change in circumstances since adoption of the General Plan. He pointed out the frontage along the active rail line and Staff, at the time, believed a rail spur would encourage a manufacturing use. He also shared an illustration identifying the difference in grade for the active rail line and was determined this wasn't conducive for this use as well as the proximity of additional rail spurs. He continued to identify other challenges associated with delivery truck access routes to the parcel and Staff concluded another land use designation would be more appropriate. He pointed out the small parcel to the south would remain industrial to allow for some light commercial/manufacturing uses.

He announced the property was proposed to be rezoned to R-H PRUD (High Density Residential, Planned Residential Unit Development) and CP-3 (Planned Regional Commercial) and explained these zoning designations would allow a mix of housing types, along with the Commercial/Manufacturing use within the development. He identified the main streets within the development and the proposed location of the townhomes/condominiums and multi-family within the development pointing out the proposed trail access connections. He stated it would be a Master Planned Community consisting of an open space network complete with amenities which included trail connections. He shared some visual concepts and renderings of the different housing types and identified how the different elevation would act as a buffer. He spoke to the light industrial and maker space which could take place in the small manufacturing/commercial parcel along Gordon.

He also reviewed the proposed conceptual landscape programming for the development which implemented the City's waterwise landscaping ordinance and added the development was also compliant with the City's PRUD standards. He also spoke to the benefits associated with the utility infrastructure. He reported the developer had completed a traffic study, although one was not required at this time. He added the Planning Commission reviewed the requests during its meeting on Tuesday, September 14, 2021, and recommended approval.

The Council requested clarification regarding open space requirements and amenities. Councilmember Day expressed concern with the Jordan River Valley property which was currently overgrown with brush, weeds, and unmaintained trees and requested the developer address those issues during the Public Hearing. Mr. Wilkinson explained how the amenities were proposed to be completed and indicated the pool could be

D R A F T

included with the other amenities in the development agreement.

Councilmember Morris inquired whether the developer had secured the appropriate water shares for the development and requested clarification regarding the waterwise landscaping. Mr. Wilkinson responded the waterwise landscaping would extend to the single family homes within the development and believed it would be a showcase to illustrate what this would look like. He also pointed out the investment associated with the installation of the drip water system proposed for the development. Councilmember Day clarified the exaction would remain the same whether or not the waterwise landscaping was implemented within the development and Stephen Jackson, City Engineer, responded in the affirmative.

Mr. Jackson indicated the developer was actively attempting to purchase water shares and expressed his opinion the endeavor would be successful. He also spoke to the traffic study and reported the two entrances met the service level requirements and indicated both streets (Gordon Avenue and 2200 West) could accommodate the traffic associated with the proposed development. He also mentioned the traffic engineer was in the process of identifying the most appropriate location for a signaled intersection and suggested it would possibly be located at Cold Creek Way and Gordon Avenue. He also mentioned the study suggested a left hand turn pocket lane to allow traffic along 2200 West to enter into the subdivision. He emphasized the numbers and modeling had also taken into consideration anticipated traffic associated with The Park Development.

Councilmember Day continued to express concern with the access to the north and identified the unique circumstances with that location in that it is near the trail and the dip in the road. He expressed his opinion there was poor visibility and requested Staff consider his concerns regarding the access to ensure safe access. Mr. Jackson responded these types of issues aren't usually addressed until the preliminary plan stage during the approval process.

Councilmember Fitzpatrick inquired about the request for the General Plan Amendment to Condo/Apartment as opposed to Condo/Apartment, C-TH, and Single Family residential. Mr. Wilkinson reminded the Council the purpose of the General Plan was to designate an appropriate use in general terms and pointed out the intent was to identify a use which could allow for the multi-family development in addition to single-family. He clarified the Development Agreement in conjunction with the PRUD allowed the City to exercise some control over the development consisting of the transitions with the different types of uses and a discussion followed.

Councilmember Day requested clarification about the trail connections and Mr. Wilkinson indicated it was

D R A F T

the City's desire to work with all affected entities.

Mayor Petro opened the public hearing at 8:18 p.m.

Mayor Petro called for public comment.

Erin Sandberg, 3470 West 650 North, pointed out the traffic study completed for The Park Development along 2200 West which recommended the need for a right hand turn lane to accommodate additional vehicular traffic as a result of the proposed 272 residences. She pointed out this proposed development would consist of 568 residences, yet the traffic study reflected there would be no impact to the existing infrastructure at the 2200 West/Gordon intersection. She also referenced the proposed signaled intersection at Cold Creek Way/Gordon Avenue and expressed concern about the safety of the students crossing Gordon to attend Ellison Park Elementary.

Mr. Jackson responded the current signal located at 2200 West recently received an upgrade to optimize the timing of the traffic. He reported on the results from the traffic study which reflected the vehicular "trips" wouldn't impact that intersection. He mentioned although the Master Plan reflected the signal at Cold Creek Way was planned for 2026 a warrant study would need to be completed to identify the appropriate time for installation. He also mentioned the West Davis Corridor was anticipated to be completed approximately December 2024. He indicated a HAWK (High Intensity Activated Cross Walk Traffic Signal) crossing was designated for students living north of Gordon Avenue and also mentioned the pedestrian crossing at the 2200 West intersection and indicated crossing guards were available at both crossings. Councilmember Fitzpatrick suggested the City consider two crossing guards for the Gordon Avenue location.

Thomas White, 2474 West 1325 North, pointed out the challenges associated along 2200 West and asked if there were any plans to make the transition smoother. He continued pointing out specific statistics identified in the traffic study using traffic numbers from 2018 and expressed concern the traffic modeling wasn't accurate. He also expressed concern whether the current infrastructure: roads in the area, water, and appropriate open space was sufficient for the proposed development.

David Bailey, 67 South Main Street, responded to the safety concerns associated with the rail trail and indicated the developer had committed to clean up any overgrowth, as well as the Jordan Valley Water District and UTA (Utah Transit Authority) property. He reported a pool was intended as an amenity to the development and referred to the illustrations/plans to identify where it would be located. He mentioned the City could call it out specifically in the development agreement if it so desired. He expressed his willingness

D R A F T

to work with Staff regarding maintenance associated with the trailhead connections.

MOTION: Councilmember Fitzpatrick moved to close the public hearing 8:39 p.m. and adopt Ordinance 21-25 approving the General Plan Amendment for property located at approximately 1800 West Gordon Avenue, as presented. Councilmember Morris seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Day, Bloxham, Fitzpatrick, Morris, and Thomas. Voting NO – None.**

MOTION: Councilmember Fitzpatrick moved to adopt Resolution 21-39 approving the Development Agreement, seconded by Councilmember Bloxham. The motion passed with the following vote: **Voting AYE – Councilmembers Bloxham, Fitzpatrick, Morris, Thomas, and Day. Voting NO – None.**

MOTION: Councilmember Fitzpatrick moved to adopt Ordinance 21-26 approving a Rezone Request – M-2 (Heavy Manufacturing/Industrial) to R-H PRUD (High Density Residential, Planned Residential Unit Development) and CP-3 (Planned Regional Commercial) – as presented. Councilmember Morris seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Fitzpatrick, Morris, Thomas, Day, and Bloxham. Voting NO – None.**

UNFINISHED BUSINESS:

There was no unfinished business.

CLOSED DOOR:

MOTION: Councilmember Thomas moved to adjourn the City Council Meeting and reconvene in a Closed Meeting at 8:41 p.m. to discuss the Character, Professional Competence, or Physical or Mental Health of an Individual. Councilmember Fitzpatrick seconded the motion, which passed unanimously.

The meeting adjourned at 8:42 p.m.

Kimberly S Read, City Recorder

SWORN STATEMENT

D R A F T

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **7th day of October, 2021**, was to discuss the Character, Professional Competence, or Physical or Mental Health of an Individual.

Dated this 18th of November, 2021.

ATTEST:

JOY PETRO, Mayor

KIMBERLY S READ, City Recorder

D R A F T

MINUTES OF LAYTON CITY COUNCIL STRATEGIC PLANNING WORK MEETING

OCTOBER 21, 2021; 7:30 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

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

STAFF PRESENT:

GARY CRANE, AND KIM READ

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

Mayor Petro opened the meeting and turned the time over to the Council.

DISCUSSION REGARDING CITY GOALS AND PRIORITIES

Councilmember Thomas reported the pickleball courts at Ellison Park were nearly finished and were just waiting to be painted. He reported on a conversation he had with one of the workers regarding the construction process and installation of the ‘structure’. Councilmember Morris mentioned the play structure at Harmony Place was also nearly completed.

Councilmember Bloxham indicated the pickleball courts at Andy Adams Park were also very popular. He mentioned the on ramp to Gordon Avenue from Highway 89 and expressed his opinion it was a nice entry into the City. He also mentioned the pickleball court lighting was very bright at Andy Adams Park and expressed concern it could have a negative impact to the adjacent residents.

Councilmember Day also expressed concern about the late night and early morning use at Andy Adams reservoir. Gary Crane, City Attorney, said he would check with the Police Department regarding complaints.

Mayor Petro reported she had received complaints regarding the sight line or clear view associated with the masonry wall turning left onto Gordon Avenue from Highway 89 and Councilmember Bloxham expressed agreement with that concern and a discussion followed.

D R A F T

Councilmember Morris requested an update regarding the Kays Creek Irrigation Agreement and Mr. Crane provided an update and reported a meeting would soon be scheduled with individual shareholders. He indicated a meeting had taken place with the Conservancy District and reported it was pleased with how its water would be delivered. Mr. Crane reported once the Kays Creek Board approved its resolutions, the process would proceed with the shareholders. He added everything was moving forward, it was just taking time. He assured the Council the City had responded to anyone with questions during the process.

Councilmember Bloxham inquired if the Legislature had any intent to address issues as a result of JRI (Justice Reinvestment Initiative). Mr. Crane provided an update and a discussion followed. He believed the Legislature was now recognizing issues and challenges resulting from that implementation and mentioned the healthcare component also needed to be addressed. Councilmember Bloxham believed a primary responsibility of the Council was to ensure safety to citizens.

Councilmember Fitzpatrick also asked if the courts had caught up since experiencing delays associated with COVID-19 and Mr. Crane responded court cases were extremely behind and a discussion followed regarding federal legislation which would provide additional funding for domestic violence incidents. He reported one or two trials a week were still being conducted via Zoom. Councilmember Morris asked if the Council could become involved with returning to a normal prosecution and court process. Mr. Crane indicated there weren't many options available to the City and didn't believe there was anything it, or the Council could do to further that action. He stated court operations were determined by the Administrative Office of Courts and a discussion followed. A discussion also took place regarding serious crime in Layton City and Mr. Crane explained how policy dictated release of perpetrators which were unvaccinated for COVID-19. Mr. Crane explained how the Receiving Center was being used in place of taking drug offenders to the county jail and reported it was recognizing an approximately 78% success rate.

Councilmember Fitzpatrick expressed concern with the City's website and shared some examples which illustrated it wasn't user friendly. She suggested public notices should be on the front page and expressed concern some of the information on the website wasn't current and continued to share examples.

Councilmember Thomas inquired which department was responsible for the website and a discussion took place. The Council complimented the Community and Economic Development Department's website.

D R A F T

and Councilmember Bloxham suggested most people received their information from websites and expressed his opinion the current website wasn't dynamic. Councilmember Day mentioned the Council had expressed concern with the website for a number of years now. Mayor Petro believed the City should consider outsourcing a website similar to what Community Development had done. Councilmember Bloxham stated he had complete confidence in the IT (Information Technology) Department but expressed concern with Staff's resistance in moving forward with a new website. Councilmember Fitzpatrick suggested citizen input would be important and the discussion continued.

Mayor Petro requested clarification whether the Council still had concerns specific to social media and Councilmember Morris believed the City should equally be providing information on both the website and social media.

Councilmember Fitzpatrick expressed concern about the City's current form of Government and inquired at what time the City would move to a full-time Mayor. She was also concerned about the compensation for the Mayor compared to the councilmembers. She provided a handout she obtained from the Utah Transparency website reflecting cities and their respective compensation and benefits and reviewed the different salaries. The Council discussed and compared the information.

Councilmember Thomas asked if the City had received further direction regarding COVID-19 funding distribution guidelines with how the City could appropriate the received funds and Mr. Crane responded the City was still waiting to hear about specified regulations and mentioned the State had received additional COVID-19 funding designated for affordable housing.

Councilmember Fitzpatrick pointed out there was a difference between unaffordable housing and low-income housing and a discussion followed. Councilmember Thomas asked if there were still low-income housing developments located within the City and Mr. Crane responded in the affirmative and he reviewed the methods and best practices implemented throughout the State.

Councilmember Day inquired about the progress of the 2700 West/Layton Parkway project as poor weather was quickly approaching and asked about possible penalties associated with a completion date. Councilmember Fitzpatrick responded Stephen Jackson, City Engineer, was taking her on a field trip the following morning to the site and invited Councilmember Day to attend. Mr. Crane stated he would investigate and inform the Council of the progress and subsequent completion date and a discussion

D R A F T

followed. Councilmember Fitzpatrick indicated she would also be asking questions about the 2200 West/Layton Parkway intersection and described what she had observed at the intersection. Mr. Crane provided an update regarding that portion of the road project and a discussion followed.

The Council discussed situations in which the City wasn't allowed to make certain exceptions specific to City Ordinance and Code.

Councilmember Morris reminded the Council of previous discussions regarding street lighting and dark areas within the City. He requested the topic be revisited and/or discussed during a future meeting.

Councilmember Bloxham mentioned the Council had been unanimous on increasing the Police Department's budgets and/or salaries and expressed his desire to explore or ensure the mental health of the City's Police and Fire Department Staff and a discussion followed. Councilmember Fitzpatrick suggested those services should also be available to police officer's and firefighter's families and the discussion continued.

Councilmember Bloxham also suggested the Council consider ways of expressing appreciation to those individuals serving on City Committees. Councilmember Fitzpatrick suggested those individuals could be invited to the employee Christmas breakfast and Mr. Crane believed previous omissions of those invitations were an oversight. Mayor Petro also suggested the Council visit the different meetings.

Mayor Petro expressed concern about Valley View Drive accommodating traffic as a frontage road once Highway 89 was completed and suggested it needed to be completed with a curb and gutter. She believed the City should take the lead and move forward with the improvements.

She also reminded the Council of the Veterans Day Parade scheduled for Saturday, November 13, and inquired how many of the Council would not be able to attend. She also mentioned the luncheon planned for Friday, November 19, 2021, for those working on the Church of Jesus Christ of Latter-Day Saints temple.

The meeting adjourned at 9:20 p.m.

D R A F T

Kimberly S Read, City Recorder

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

Item Number: 3.A.

Subject:

Youth Council Swearing In

Background:

The new Youth Council members will be sworn in by the City Recorder.

Alternatives:

N/A

Recommendation:

N/A

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

Item Number: 3.B.

Subject:

Recognition of Community Emergency Response Team (CERT) Graduates

Background:

The Layton Citizen Corps CERT outreach program teaches CERT classes several times a year for citizens interested in learning basic skills regarding how to take care of themselves, their families, and their neighbors after a disaster situation. The course has been developed by the Federal Emergency Management Agency (FEMA) and is overseen locally by the Fire Department. It includes instruction on potential hazards, fire suppression, disaster first-aid, urban search and rescue, disaster psychology, terrorism, and a mock disaster exercise to practice newly acquired skills. These students have completed all of the required training sessions, a mock disaster, and a final exam.

Alternatives:

N/A

Recommendation:

N/A

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

Item Number: 3.C.

Subject:

Proclamation — Small Business Saturday

Background:

Mayor Petro will proclaim Saturday, November 27, 2021, as Small Business Saturday.

Alternatives:

N/A

Recommendation:

N/A

Whereas, the government of Layton City, Utah, celebrates local small businesses and the contributions they make to the local economy and community. According to the United States Small Business Administration, there are 31.7 million small businesses in the United States, they represent 99.7% of all firms with paid employees in the United States, they are responsible for 65.1% of net new jobs created from 2000 to 2019; and

Whereas, small businesses employ 47.1% of the employees in the private sector in the United States, 88% of U.S. consumers feel a personal commitment to support small businesses in the wake of the pandemic, and 92% of small business owners have pivoted the way they do business to stay open during the pandemic; and

Whereas, 97% of consumers who shopped on Small Business Saturday® agree that shopping at small, independently-owned businesses supports their commitment to making purchases that have a positive social, economic, and environmental impact and 85% of consumers who shopped on Small Business Saturday encourage friends and family to do so too; and

Whereas, 56% of shoppers reported they shopped online with a small business on Small Business Saturday in 2020; and more than 50% of consumers who reported shopping small endorsed a local business on social media or shopped at a local business because of a social media recommendation; and

Whereas, Layton City, Utah, supports local businesses that create jobs, boost our local economy, and preserve our communities; and

Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, Be It Resolved that I, Joy Petro, Mayor of Layton City, Utah, along with the Layton City Council do hereby proclaim, November 27, 2021, as **Small Business Saturday**, and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

In Witness Whereof: I have caused the Seal of the City of Layton, Utah, to be affixed on this 18th day of November 2021.

Mayor _____

Date _____

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

Item Number: 5.A.

Subject:

Adopting the Davis County 2021 Natural Hazard Pre-Disaster Mitigation Plan Update, as Required by the Federal Disaster Mitigation and Cost Reduction Act of 2000 — Resolution 21-46

Background:

As of 2000, federal law, and the attendant regulations adopted by the Federal Emergency Management Agency (FEMA), require local governmental entities adopt a pre-disaster mitigation plan. The adoption of such a plan is also required in order for these entities to be eligible to receive disaster relief funding through FEMA. In accordance with these requirements, Layton City, along with the other municipalities in Davis County, has been working with the County in updating the Davis County Pre-Disaster Mitigation Plan.

This Plan identifies the potential hazards, anticipates the impact of those hazards, and an evaluation of infrastructure, along with other pertinent information. The Plan then establishes goals measured to mitigate and prepare for those hazards and probable impacts.

The document is ongoing and is continually updated. Federal law requires that periodically the document be reviewed and re-adopted. This was last adopted by resolution in 2016, and the County is asking the City to review and adopt the most current draft. Staff has attached the nine-page executive summary for the Council's convenience. The entire document is 300 pages, and is electronically available to the Council.

Alternatives:

Alternatives are to 1) Adopt Resolution 21-46 adopting the Davis County 2021 Natural Hazard Pre-Disaster Mitigation Plan Update, As required by the Federal Disaster Mitigation and Cost Reduction Act of 2000; 2) Adopt Resolution 21-46 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 21-46 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 21-46 adopting the Davis County 2021 Natural Hazard Pre-Disaster Mitigation Plan Update, as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000, and authorize the Mayor to sign the necessary documents.

RESOLUTION 21-46

A RESOLUTION ADOPTING THE DAVIS COUNTY 2021 NATURAL HAZARD PRE-DISASTER MITIGATION PLAN UPDATE, AS REQUIRED BY THE FEDERAL DISASTER MITIGATION AND COST REDUCTION ACT OF 2000

WHEREAS, President William J. Clinton signed H.R. 707, the Disaster Mitigation and Cost Reduction Act of 2000 into law on October 30, 2000; and

WHEREAS, the Disaster Mitigation Act of 2000 requires all jurisdictions to be covered by a Pre-Disaster Hazard Mitigation Plan in order to be eligible for Federal Emergency Management Agency (FEMA) post-disaster funds; and

WHEREAS, the City Council of Layton City recognizes the threat that natural hazards pose to people and property within the City and Davis County, Utah; and

WHEREAS, Layton City has participated with Davis County in preparing an update to the County's multi-hazard mitigation plan, known as the Davis County 2021 Natural Hazard Pre-Disaster Mitigation Plan Update, in accordance with Disaster Mitigation Act of 2000 and FEMA requirements found in 44 C.F.R.201.6; and

WHEREAS, the Davis County 2021 Natural Hazard Pre-Disaster Mitigation Plan Update identifies mitigation goals and actions to reduce or eliminate long-term risks to people and property in the City and County from the impacts of future hazards and disasters; and

WHEREAS, the City has determined that it is in the best interest of the community to adopt the current draft of the Davis County 2021 Natural Hazard Pre-Disaster Mitigation Plan Update.

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

That Layton City adopt and approve the current draft of the Davis County 2021 Natural Hazard Pre-Disaster Mitigation Plan Update, which is attached hereto and incorporated herein by this reference.

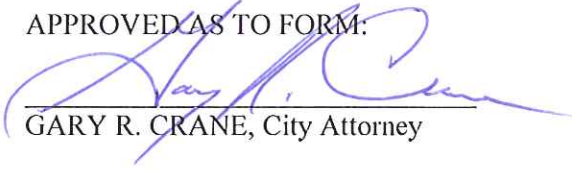
PASSED AND ADOPTED by the City Council of Layton, Utah, this ____ day of _____, 20__.

JOY PETRO, Mayor

ATTEST:

KIMBERLY S READ, City Recorder

APPROVED AS TO FORM:



GARY R. CRANE, City Attorney



STEVE GARSIDE, Department Director

Davis County, Utah
Pre-Disaster Mitigation Plan
2021 Update

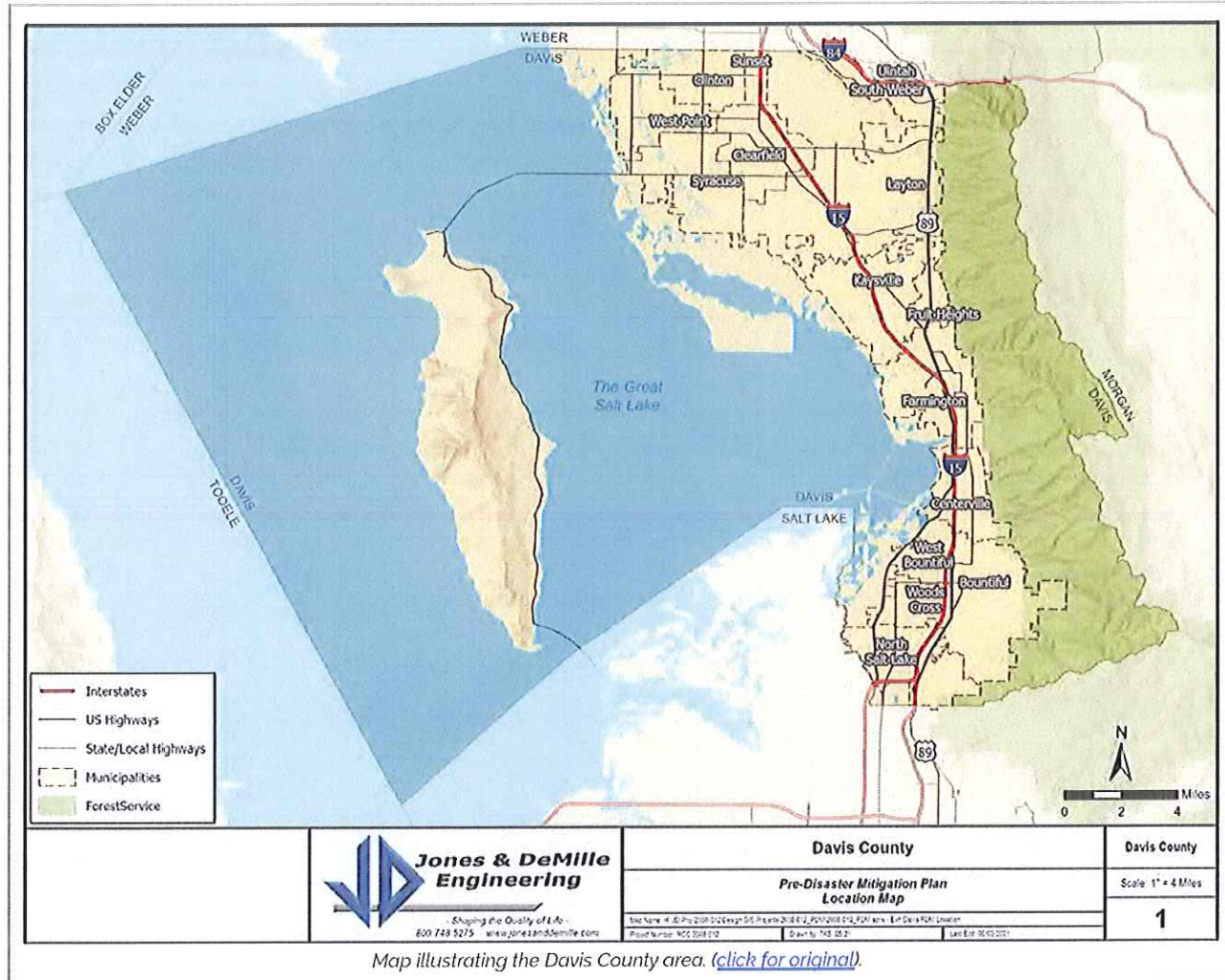


Davis
COUNTY

TABLE OF CONTENTS

Executive Summary	2
1 - Introduction	9
2 - Adoption Process	13
3 - Planning Process	16
4 - County Goals (previous)	25
5 - County Goals (new)	32
6 - Stakeholder Goals	37
7 - Geographic Setting	149
8 - Capability Assessment	165
9 - Risk Assessment	173
10 - Specialized Local Districts	225
11 - Plan Maintenance + Implementation	228
12 - Appendix A: Policy Considerations	235
13 - Appendix B: General Mitigation Strategies	238
14 - Appendix C: Hazard Histories	257
15 - Appendix D: Critical Facilities	259
16 - Appendix E: Glossary of Terms	269
17 - Appendix F: Works Cited	278
18 - Appendix G: Stakeholder Participation.....	286
19 - Appendix H: Stakeholder Support.....	295

EXECUTIVE SUMMARY



Davis County Overview

With a total area of 630 square miles and only 223 square miles of usable land, Davis County is the second smallest county in Utah. Antelope Island in the Great Salt Lake adds another 42 square miles to the land area with the remaining portion part of the Great Salt Lake. Davis County is the third most populous county in the state with a population density of roughly 933 people per square mile. Morgan County bounds the county to the east, Salt Lake County to the south, Tooele County to the west, and to the north, Weber County. The western half of Davis County consists of the Great Salt Lake, while the eastern edge of the County is the front of the Wasatch Mountains, much of that in the Wasatch National Forest.

Executive Summary - Davis Co PDMP

Davis County includes 15 municipalities: Bountiful, Centerville, Clearfield, Clinton, Farmington, Fruit Heights, Kaysville, Layton, North Salt Lake, South Weber, Sunset, Syracuse, West Bountiful, West Point, and Woods Cross. Unincorporated areas with significant populations are limited to Hill Air Force Base, the Val Verda area between the communities of North Salt Lake and Bountiful and the Mutton Hollow area between Kaysville and Layton. The percent of land ownership within the county is 10.9% Federal, 12.0% State, 24.9% Private and Local Government, and 52.2% under the Great Salt Lake (also owned by the State).

Most of the early settlers in Davis County were ranchers and farmers. The fertile ground produced sugar beets, tomatoes, alfalfa, grain, corn, potatoes, onions and extensive fruit orchards were developed on the bench areas. Cattle ranching and dairy farming were also leading agricultural activities.

As the county population continued to grow, Davis County developed a commercial and industrial base. The military became an important part of the County economy with the development of the Naval Supply Depot and Hill Air Force Base. The Naval Supply Depot was sold to private developers in the 1960's and it became Freeport Center, which is the largest distribution center in the United States. Hill Air Force Base has been the economic backbone of Davis County for many years and is a fundamental economic component of the community. The current economy has many components including manufacturing, trade, services and government. Some of the largest employers include Hill Air Force Base, Davis County School District, Lifetime Products Inc., Smith's Marketplace, Utility Trailer Manufacturing and Wal-Mart (UDWS 2007b). Davis County's population is large and growing and the housing and community demands are high. Mean household income in 2014 was \$70,388 and the 2014 per capita income was \$26,309.

Hazard History

Within the mitigation planning process, it is important to remember that the past is the key to the future. Identifying past hazard events provides a starting point for predicting where future events could occur. The following historical hazard event statistics were consolidated from the Spatial Hazard Events and Losses Database for the United States (SHELDUS) of the Hazards and Vulnerability Research Institute. This database records reported natural hazard events which cause greater than \$50,000 in damages.

Risk Assessment

The risk assessment process revealed the following for Drought, Earthquake, Flood, Infestation, Landslide/Slope Failure, Severe Weather, and Wildland Fire. Drought, Infestation and Severe Weather are regional hazards and can be found in Part VII. Refer to Part VI for an explanation of the risk assessment methodology. According to this data, there are a total of 130 identified critical facilities within Davis County. For the complete list, refer to Appendix D.

Table Exec.1 - Davis County, Structures with Moderate or Greater Vulnerability, 2020

	TOTAL	Ground Shaking	Liquefaction	Flood	Problem Soils	Wildfire	Soil Failure	Dam Failure
Amateur Radio Repeaters	12	12 (100%)	5 (42%)	2 (17%)	0 (0%)	12 (100%)	1 (8%)	1 (8%)
Public Safety Repeaters	9	9 (100%)	1 (11%)	0 (0%)	0 (0%)	6 (67%)	1 (11%)	0 (0%)
Electric Generation Facilities	1	1 (100%)	1 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (100%)

Executive Summary - Davis Co PDMP

Emergency Operations Centers	1	1 (100%)	1 (100%)	1 (100%)	0 (0%)	0 (0%)	0 (0%)	1 (100%)
Fire Stations	16	15 (100%)	9 (60%)	1 (7%)	0 (0%)	1 (6%)	0 (0%)	2 (13%)
Hospitals	3	2 (100%)	1 (50%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Oil Facilities	7	7 (100%)	7 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (14%)
Police Stations	14	14 (100%)	12 (86%)	2 (14%)	0 (0%)	0 (0%)	0 (0%)	3 (21%)
Schools	88	88 (100%)	69 (78%)	3 (3%)	0 (0%)	0 (%)	1 (1%)	14 (17%)
Water Treatment Facilities	3	3 (100%)	3 (100%)	1 (33%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)

Risk Potential

The FEMA National Risk Index identifies Davis County Utah as an area with an overall risk index of 6.92. This is lower than the average for counties in Utah (7.25), and the national average (10.70). However, emergency management is a priority to Davis County because the same matrix identifies Davis County as having a much higher score for "Expected Annual Loss" (23.83) - almost double the average in Utah (12.95) and counties throughout the nation (13.47). One of the main reasons for this is because of the population density and building values in Davis County.

Development Trends

Davis County's residential growth will continue to infill previous agricultural and industrial fringe. Some of the residential growth is occurring on more sensitive lands such as hillsides and low lying areas towards the Great Salt Lake, and in northern Davis County. The opening of the Legacy Parkway in 2008 provided a much needed alternate north/south transportation expressway through the county. The planned North Davis Highway will further facilitate transportation from Weber, through Davis, to Salt Lake County.

Davis County's population is projected to continue to increase significantly. This will result in housing cost increases greater than the rate of inflation. Higher population densities are projected to be concentrated in currently developed areas with recent development occurring at lower densities in the outlying areas.

Executive Summary - Davis Co PDMP

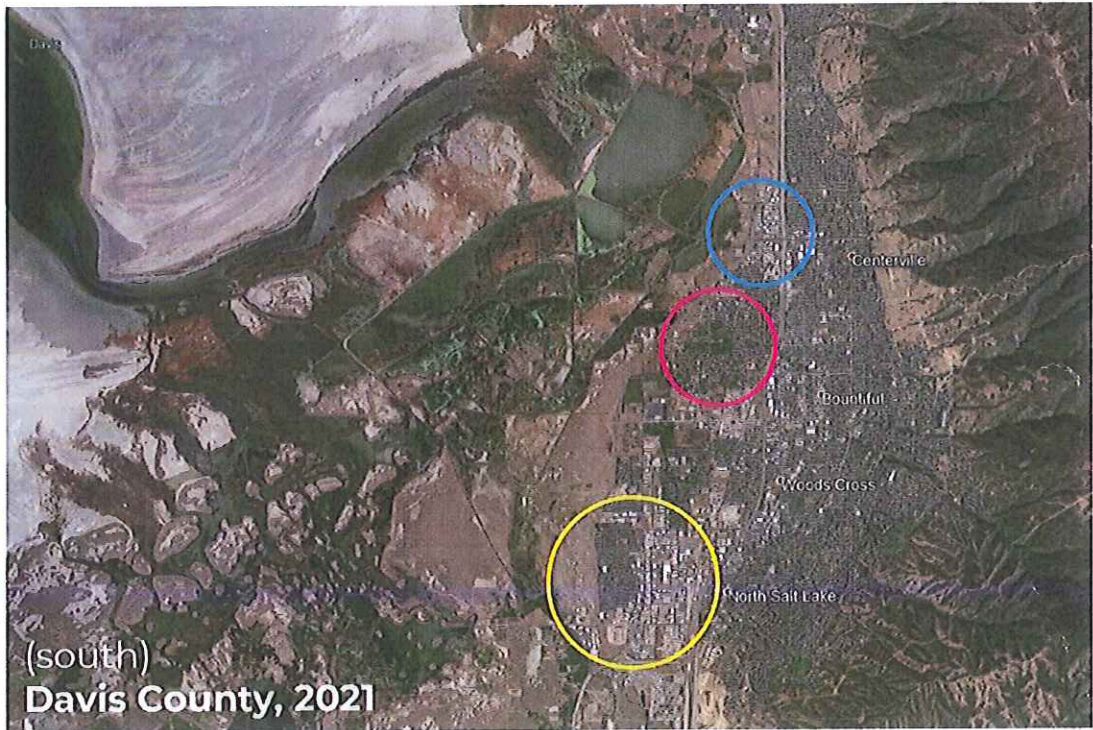
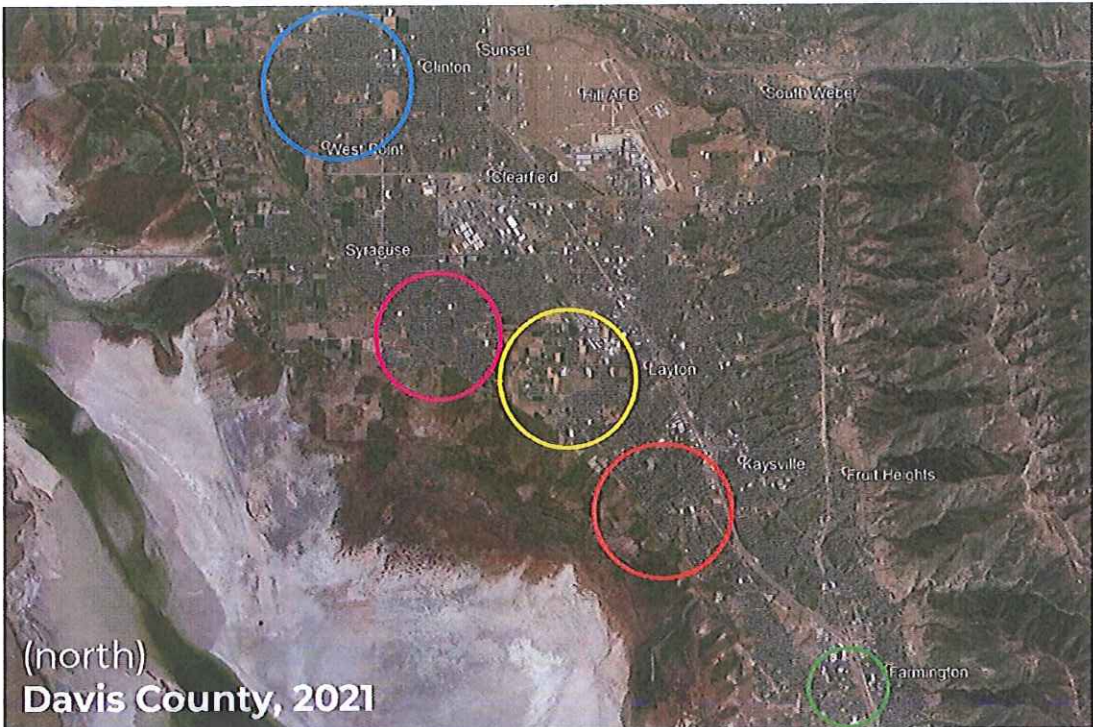


Illustration of areas that are likely to see growth in the next 5 years. (Source: local county and municipal planners).

Executive Summary - Davis Co PDMP

Plan Mission

Davis County developed this PDM Plan in partnership with the jurisdictions it serves to substantially and permanently reduce the County's vulnerability to natural hazards. The Plan is intended to promote sound public policy and protect or reduce the vulnerability of the citizens, critical facilities, infrastructure, private property and the natural environment within the County. This can be achieved by increasing public awareness, documenting resources for risk reduction and loss-prevention and identifying activities to guide the development of a less vulnerable and more sustainable community.

Plan Update

This Plan represents an update of the PDM Plan that was approved by the cities, county, the State and by FEMA in 2016. All of the demographic data, maps, vulnerability assessments and mitigation strategies have been revised to reflect the constant growth throughout Davis County. Development pressures in hazard areas will continue to increase the risk to residents. The entire plan was reviewed and analyzed by the planning team throughout the planning process and again at the final draft stage before submission to the state and FEMA.

Plan Organization

The Plan was developed and organized within the rules and regulations established under 44 Code of Federal Regulations (CFR), Section 201.6. The Plan contains a discussion on the purpose and methodology used to develop the Plan, a profile on communities within Davis County, as well as a hazard identification study and a vulnerability analysis of eight hazards. To assist in the explanation of the above-identified contents there are several appendices included which provide more detail on specific subjects. This is intended to improve the ability of communities within Davis County to respond to emergencies and disasters. It will also document valuable local knowledge on the most efficient and effective ways to reduce loss.

Plan Funding

The Plan has been funded and developed under the PDM Program provided by the Federal Emergency Management Agency (FEMA) and the Utah Department of Public Safety, Division of Emergency Management (DEM).

Plan Participation

Plan participation was completed as a result of a collaborative effort between Davis County, DEM, city and county emergency managers, fire departments, sheriff's office, public works departments, planning commissions, assessor's office, city and county geographic information systems (GIS) departments, special service districts, school district, elected officials, public employees and citizens of the cities in Davis County.

Interviews were conducted with stakeholders from the communities and workshops were conducted during the Plan development phase. Additionally, through public hearings, workshops and draft Plan displays, ample opportunity was provided for public participation. Any comments, questions and discussions resulting from these activities were given strong consideration in the development of this Plan.

Hazards Identification

The PDM Plan addresses earthquake, flood, landslide, problem soils, wildfire, dam failure, and severe weather. The hazard identification study recognized the following natural hazards as being the most prevalent and posing the most potential risk to Davis County. It is recognized that dam failure is not a natural hazard. However, the impact from a catastrophic dam failure would likely be so severe that it warrants inclusion into the Plan.



Acknowledgements

Davis County would like to extend their appreciation to the following agencies, which assisted in the development of this Plan.

- Utah Division of Emergency Management
- Federal Emergency Management Agency
- National Weather Service
- National Climate Data Center
- Utah Army Corps of Engineers
- Utah Geologic Survey
- Utah Division of Forestry, Fire and State Lands
- Utah Department of Agriculture
- Utah Avalanche Center
- Utah Automated Geographic Resource Center
- University of Utah
- University of Utah Seismic Station
- Utah State University
- Wasatch Front Regional Council (WFRC)
- Associations of Governments
- Davis County
- Bountiful City
- Centerville City
- Clearfield City
- Clinton City

Executive Summary - Davis Co PDMP

- Farmington City
- Fruit Heights City
- Kaysville City
- Layton City
- North Salt Lake City
- South Weber City
- Sunset City
- Syracuse City
- West Bountiful City
- West Point City
- Woods Cross City
- Davis County elected officials
- Davis County Emergency Manager Sgt. Ellis Bruch, Davis County Sheriff's Office
- Rural Community Consultants and Jones & DeMille Engineering, Consultant
- Davis County agencies including;
 - Public Works
 - Local Emergency Planning Committee (LEPC)
 - Fire Departments
 - Davis School District
 - Special Service Districts
 - Weber Basin Water Conservancy District

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

Item Number: 5.B.

Subject:

Authorizing the Acquisition of Interests in Real Property for the Construction of a Traffic Turn Lane Located on the Southwest Corner of Flint Street and Gentile Street by Negotiation or by Eminent Domain — Resolution 21-34

Background:

Layton City is a Utah Municipal Corporation and as such has the authority to acquire property for public improvements and the right and power of eminent domain to acquire property for a “public purpose” if unable to acquire the same by reasonable negotiation. The Council has appropriated funds for the installation of improvements associated with the widening of the intersection on the southwest corner of Gentile and Flint Street for the purpose of installing a turn lane, hereinafter referred to as the Flint Street Project. The City Council has adopted a General Plan which, by reference, includes various master plans and capital facilities plans showing the public need for the Flint Street Project and its related infrastructure. The City has determined that it is in the public interest to undertake the acquisition of certain private property for said public improvements and to construct and maintain public improvements. The City has introduced the project to the affected property owner and the City has notified the property owner of the right to arbitration and mediation with the State Property Rights Ombudsman, and completed all other steps necessary as conditions precedent to any needed use of the City’s eminent domain authority and those attendant actions. The interest of real property to be acquired by the City for this public purpose is necessary for the completion of the Flint Street Project.

Alternatives:

Alternatives are to 1) Adopt Resolution 21-34 authorizing the acquisition of interest in real property for the construction of a traffic turn lane located on the southwest corner of Flint Street and Gentile Street by negotiation or by eminent domain; 2) Adopt Resolution 21-34 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 21-34 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 21-34 and authorize the Mayor to sign the necessary documents.

RESOLUTION 21-34

A RESOLUTION AUTHORIZING THE ACQUISITION OF INTERESTS IN REAL PROPERTY FOR THE CONSTRUCTION OF A TRAFFIC TURN LANE LOCATED ON THE SOUTHWEST CORNER OF FLINT STREET AND GENTILE STREET BY NEGOTIATION OR BY EMINENT DOMAIN

WHEREAS, Layton City is a Utah Municipal Corporation and as such has the authority to acquire property for public improvements and the right and power of eminent domain to acquire property for a "public purpose" if unable to acquire the same by reasonable negotiation; and

WHEREAS, the Council has appropriated funds for the installation of improvements associated with the widening of the intersection on the southwest corner of Gentile and Flint Street for the purpose of installing a turn lane, hereinafter referred to as the "Flint Street Project", (attached hereto as Exhibit "A"); and

WHEREAS, the Council has adopted a General Plan which, by reference, includes various master plans and capital facilities plans showing the public need for the Flint Street Project and its related infrastructure; and

WHEREAS, the City has determined that it is in the public interest to undertake the acquisition of certain private property for said public improvements and to construct and maintain public improvements (a legal description of said property is attached hereto as Exhibit "B"); and

WHEREAS, the City has introduced the project to the affected property owner and the City has notified the property owner of the right to arbitration and mediation with the State Property Rights Ombudsman, and completed all other steps necessary as conditions precedent to any needed use of the City's eminent domain authority and those attendant actions; and

WHEREAS, the interest of real property to be acquired by the City for this public purpose is necessary for the completion of the Flint Street Project.

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

1. That the City is authorized to acquire by negotiations, in conformance with the statutes relating to eminent domain and the requirements to negotiate in good faith, the above-described interests in real property referred to as the "Flint Street Project" for the full appraised fair market value, together with all damages compensable by law associated with and arising from said acquisition, and the construction of public improvements to be placed on said property shown in Exhibit A, which is attached hereto and incorporated herein by this reference.

2. That if said property cannot be acquired by voluntary purchase through reasonable negotiations then the City, through its legal counsel, is authorized to undertake condemnation to acquire, in the name of the City, the real property's interest herein described, and if necessary, to make application in the Court having jurisdiction for an Order of Immediate Occupancy permitting the City to take immediate possession of the identified properties so as to allow commencement of construction of the Flint Street Project.

3. That said property is being acquired for the purpose of constructing a turn lane at Gentile and Flint Street, which property is more particularly described in Exhibit B, which is attached hereto and incorporated herein by this reference.

4. That any actions taken heretofore and consistent herewith are hereby ratified.

5. That the Mayor may be authorized to execute those documents necessary to accomplish the above.

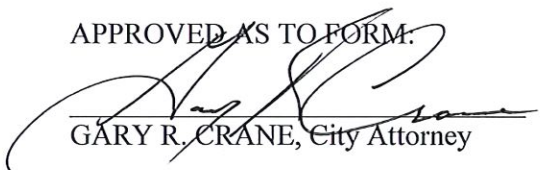
PASSED AND ADOPTED by the City Council of Layton, Utah, this ____ day of _____, 20__.

JOY PETRO, Mayor

ATTEST:

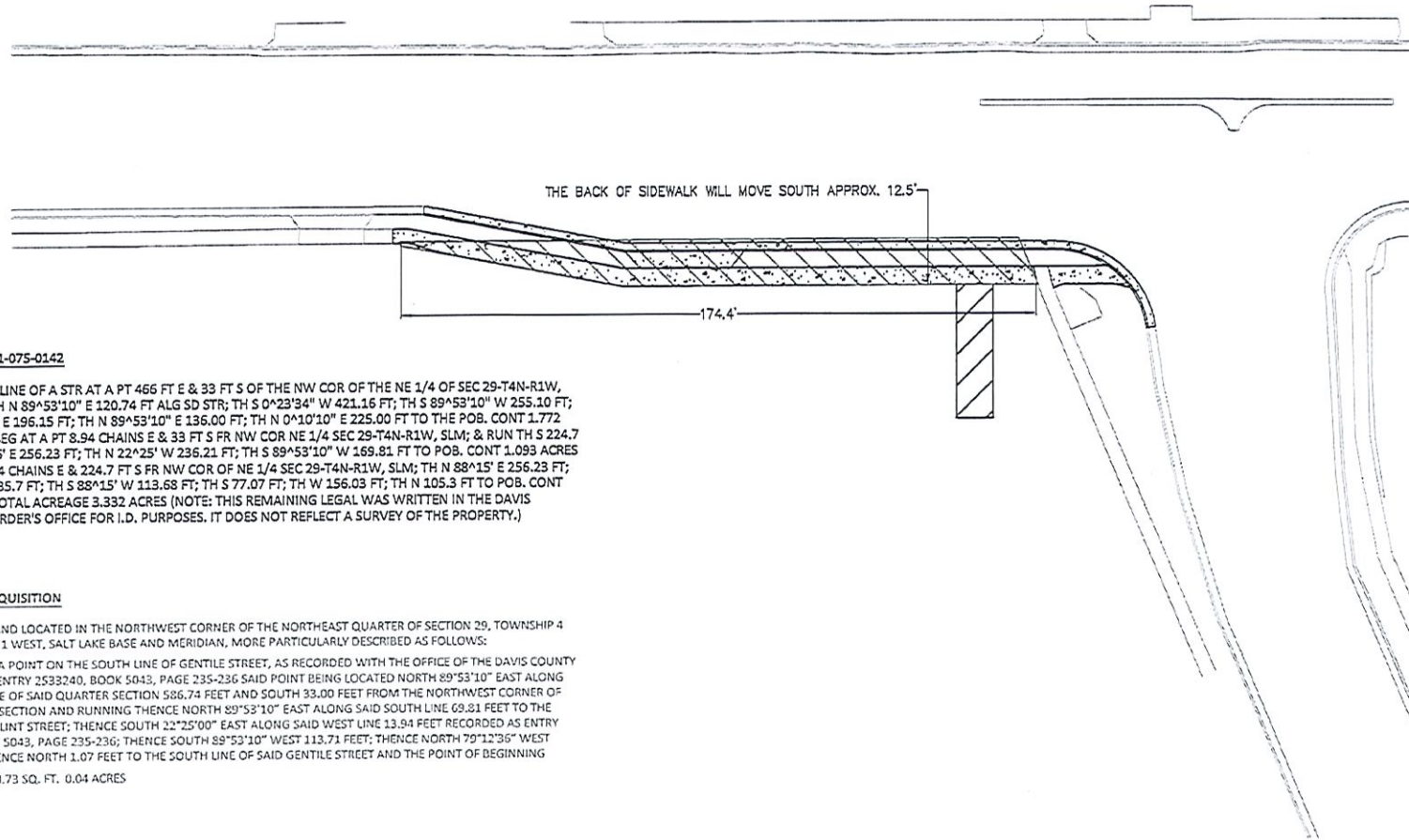
KIMBERLY S READ, City Recorder

APPROVED AS TO FORM:



GARY R. CRANE, City Attorney

EXHIBIT A



PARCEL NO. 11-075-0142

BEG ON THE S LINE OF A STR AT A PT 466 FT E & 33 FT S OF THE NW COR OF THE NE 1/4 OF SEC 29-T4N-R1W, SLM; & RUN TH N 89°53'10" E 120.74 FT ALG SD STR; TH S 0°23'34" W 421.16 FT; TH S 89°53'10" W 255.10 FT; TH N 0°10'10" E 196.15 FT; TH N 89°53'10" E 136.00 FT; TH N 0°10'10" E 225.00 FT TO THE POB. CONT 1.772 ACRES ALSO: BEG AT A PT 8.94 CHAINS E & 33 FT S FR NW COR NE 1/4 SEC 29-T4N-R1W, SLM; & RUN TH S 224.7 FT; TH N 88°15' E 256.23 FT; TH N 22°25' W 236.21 FT; TH S 89°53'10" W 169.81 FT TO POB. CONT 1.093 ACRES ALSO: BEG 8.94 CHAINS E & 224.7 FT S FR NW COR OF NE 1/4 SEC 29-T4N-R1W, SLM; TH N 88°15' E 256.23 FT; TH S 22°25' E 35.7 FT; TH S 88°15' W 113.68 FT; TH S 77.07 FT; TH W 156.03 FT; TH N 105.3 FT TO POB. CONT 0.467 ACRES TOTAL ACREAGE 3.332 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

PROPERTY ACQUISITION

A PARCEL OF LAND LOCATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF GENTILE STREET, AS RECORDED WITH THE OFFICE OF THE DAVIS COUNTY RECORDER; AS ENTRY 2533240, BOOK 5043, PAGE 235-236 SAID POINT BEING LOCATED NORTH 89°53'10" EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 586.74 FEET AND SOUTH 33.00 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 89°53'10" EAST ALONG SAID SOUTH LINE 69.81 FEET TO THE WEST LINE OF FLINT STREET; THENCE SOUTH 22°25'00" EAST ALONG SAID WEST LINE 13.94 FEET RECORDED AS ENTRY 2533240, BOOK 5043, PAGE 235-236; THENCE SOUTH 89°53'10" WEST 113.71 FEET; THENCE NORTH 79°12'36" WEST 62.52 FEET; THENCE NORTH 1.07 FEET TO THE SOUTH LINE OF SAID GENTILE STREET AND THE POINT OF BEGINNING CONTAINS 1860.73 SQ. FT. 0.04 ACRES

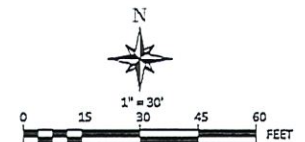
UTILITY EASEMENT

A PARCEL OF LAND LOCATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NORTH 89°53'10" EAST 739.48 FEET AND SOUTH 45.89 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 89°53'10" EAST 10.00 FEET; THENCE SOUTH 36.68 FEET; THENCE SOUTH 89°53'10" WEST 10.00 FEET; THENCE NORTH 36.68 FEET TO THE POINT OF BEGINNING. CONTAINS 377.74 SQ. FT. 0.01 ACRES

Property Acquisition 1861 SQ. FT.
0.04 ACRES

Utility Easement 378 SQ. FT.
0.01 ACRES



Layton
City

437 N WAGGON DR.
LAYTON, UT 84041
(801) 226-3700

PRELIMINARY-NOT
FOR CONSTRUCTION

REVISION	BY	DATE	DESIGNED BY	DATE	HORIZONTAL SCALE
			B. SCHAFF	7/2021	1" = 30'
			DRAWN BY	DATE	VERTICAL SCALE
			B. SCHAFF	7/2021	N/A
			APPROVED BY	DATE	VIEW NAME
			S. JACKSON	7/2021	N/A

PROJECT 19-71
FLINT STREET - EAST BOUND RIGHT TURN POCKET
PROPERTY ACQUISITION

DRAWING #
1
OF
1

EXHIBIT B

PROPERTY ACQUISITION

A PARCEL OF LAND LOCATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF GENTILE STREET, AS RECORDED WITH THE OFFICE OF THE DAVIS COUNTY RECORDER; AS ENTRY 2533240, BOOK 5043, PAGE 235-236 SAID POINT BEING LOCATED NORTH 89°53'10" EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 586.74 FEET AND SOUTH 33.00 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 89°53'10" EAST ALONG SAID SOUTH LINE 69.81 FEET TO THE WEST LINE OF FLINT STREET; THENCE SOUTH 22°25'00" EAST ALONG SAID WEST LINE 13.94 FEET RECORDED AS ENTRY 2533240, BOOK 5043, PAGE 235-236; THENCE SOUTH 89°53'10" WEST 113.71 FEET; THENCE NORTH 79°12'36" WEST 62.52 FEET; THENCE NORTH 1.07 FEET TO THE SOUTH LINE OF SAID GENTILE STREET AND THE POINT OF BEGINNING

CONTAINS 1860.73 SQ. FT. 0.04 ACRES

UTILITY EASEMENT ACQUISITION

A PARCEL OF LAND LOCATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NORTH 89°53'10" EAST 739.48 FEET AND SOUTH 45.89 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 89°53'10" EAST 10.00 FEET; THENCE SOUTH 36.68 FEET; THENCE SOUTH 89°53'10" WEST 10.00 FEET; THENCE NORTH 36.68 FEET TO THE POINT OF BEGINNING.

CONTAINS 377.74 SQ. FT. 0.01 ACRES

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

Item Number: 5.C.

Subject:

Interlocal Cooperation Agreement Between Davis County Cities and Davis County for Utah Pollutant Discharge Elimination System (UPDES) General Permit — Approval and Adoption of City's Updated Storm Water Management Program — Resolution 21-51

Background:

In May 2021, the State of Utah, Department of Environmental Quality, Division of Water Quality issued a revised edition of the General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s). The previous permit and the Interlocal Cooperation Agreement with Davis County expired. The new permit required changes to the City's Storm Water Management Program which was originally adopted in 2003 and revised in November 2021.

Resolution 21-51 authorizes the Mayor's signature of the Interlocal Cooperation Agreement for the City to participate jointly with Davis County to satisfy the requirements of the Storm Water Management Program and adhere to the Environmental Protection Agency's (EPA) Storm Water Phase II Rule.

Resolution 21-51 also authorizes the adoption of the City's Storm Water Management Program (SWMP), which is available for review in Public Works Engineering and the City Recorder's offices.

Alternatives:

Alternatives are to 1) Adopt Resolution 21-51 approving the interlocal cooperation agreement between Davis county cities and Davis county for Utah Pollutant Discharge Elimination System (UPDES) General Permit and adopt the City's Updated Storm Water Management Program; or 2) Not adopt Resolution 21-51 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 21-51 authorizing the Mayor to sign the Interlocal Agreement, and adopt the Storm Water Management Program.

RESOLUTION 21-51

A RESOLUTION ADOPTING AND APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH DAVIS COUNTY CITIES AND DAVIS COUNTY FOR UPDES GENERAL PERMIT, AND ADOPTION OF THE CITY'S UPDATED STORM WATER MANAGEMENT PROGRAM

WHEREAS the State of Utah, Department of Environmental Quality, Division of Water Quality is authorized to issue municipal separate storm sewer system permits, and establish attendant requirements within the State of Utah; and

WHEREAS, Layton City (hereinafter "City") desires to comply with these requirements as outlined in the updated Storm Water Management Program; and

WHEREAS, Title 11, Chapter 13, of the Utah Code authorizes governmental entities to enter into interlocal cooperation agreements under the Interlocal Cooperation Act for provision of services; and

WHEREAS, the City desires to combine efforts and have agreed to the terms and conditions contained in the Interlocal Cooperation Agreement between Davis County Cities and Davis County for UPDES General Permit; and

WHEREAS, it is the desire of the City to approve and adopt an Interlocal Cooperation Agreement.

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

1. That the Interlocal Cooperation Agreement with Davis County is hereby adopted and approved.
2. That the Mayor is authorized to execute the attached Interlocal Cooperation Agreement.
3. That the City Council of Layton City, Davis County, State of Utah, has reviewed and accepted the City Storm Water Management Program (SWMP).
4. This Resolution shall become effective immediately upon adoption by the City Council.

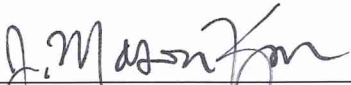
PASSED AND ADOPTED by the City Council of Layton, Utah, this **18th day of November, 2021.**

JOY PETRO, Mayor

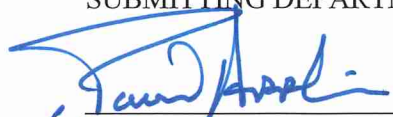
ATTEST:

KIMBERLY S READ, City Recorder

APPROVED AS TO FORM:


for GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:


for TERRY COBURN, Public Works Director

**2021 INTERLOCAL COOPERATION AGREEMENT
BETWEEN DAVIS COUNTY CITIES AND
DAVIS COUNTY
FOR
UPDES GENERAL PERMIT**

THIS AGREEMENT (Agreement) is entered into this ____ day of ____, 2021, by and between the following parties: DAVIS COUNTY, a body corporate and politic of the State of Utah, and the following cities, each of which is a municipal corporation of the State of Utah: BOUNTIFUL, CENTERVILLE, CLEARFIELD, CLINTON, FARMINGTON, FRUIT HEIGHTS, KAYSVILLE, LAYTON, NORTH SALT LAKE, SOUTH WEBER, SUNSET, SYRACUSE, WEST BOUNTIFUL, WEST POINT and WOODS CROSS (Parties).

WITNESSETH:

WHEREAS, the parties are “public agencies” and are authorized and to comply with the *Utah Interlocal Cooperation Act*, §11-13-101, *et seq.*, *Utah Code Annotated*, to enter into agreements with each other for joint or cooperative action; and

WHEREAS, the Environmental Protection Agency (EPA) has published its “Final Rule” setting forth the National Pollutant Discharge Elimination System (NPDES) permit application rules and regulations for stormwater discharges to municipal separate storm sewer systems; and

WHEREAS, the State of Utah, through its Department of Environmental Quality, Division of Water Quality (DWQ), has statutory rulemaking authority and authority to issue pollutant discharge elimination system permits within the State of Utah pursuant to the rules and regulations of the Utah Pollutant Discharge Elimination System (UPDES); and

WHEREAS, the State of Utah has issued a General Permit for Discharges from Small Municipal Separate Storm Sewer Systems, Permit No. UTR 090000 (Permit), to each party of this Agreement, which Permit is incorporated herein by this reference; and

**2021 INTERLOCAL COOPERATION AGREEMENT
BETWEEN DAVIS COUNTY CITIES AND
DAVIS COUNTY
FOR
UPDES GENERAL PERMIT**

THIS AGREEMENT (Agreement) is entered into this ____ day of _____, 2021, by and between the following parties: DAVIS COUNTY, a body corporate and politic of the State of Utah, and the following cities, each of which is a municipal corporation of the State of Utah: BOUNTIFUL, CENTERVILLE, CLEARFIELD, CLINTON, FARMINGTON, FRUIT HEIGHTS, KAYSVILLE, LAYTON, NORTH SALT LAKE, SOUTH WEBER, SUNSET, SYRACUSE, WEST BOUNTIFUL, WEST POINT and WOODS CROSS (Parties).

WITNESSETH:

WHEREAS, the parties are “public agencies” and are authorized and to comply with the *Utah Interlocal Cooperation Act*, §11-13-101, *et seq.*, *Utah Code Annotated*, to enter into agreements with each other for joint or cooperative action; and

WHEREAS, the Environmental Protection Agency (EPA) has published its “Final Rule” setting forth the National Pollutant Discharge Elimination System (NPDES) permit application rules and regulations for stormwater discharges to municipal separate storm sewer systems; and

WHEREAS, the State of Utah, through its Department of Environmental Quality, Division of Water Quality (DWQ), has statutory rulemaking authority and authority to issue pollutant discharge elimination system permits within the State of Utah pursuant to the rules and regulations of the Utah Pollutant Discharge Elimination System (UPDES); and

WHEREAS, the State of Utah has issued a General Permit for Discharges from Small Municipal Separate Storm Sewer Systems, Permit No. UTR 090000 (Permit), to each party of this Agreement, which Permit is incorporated herein by this reference; and

WHEREAS, the rules and regulations provide that more than one entity may jointly implement activities to comply with UPDES permit requirements under Section 4.3 of the General Permit for Discharges from Small Municipal Separate Storm Sewer Systems; and

WHEREAS, the parties are willing to jointly implement activities to fulfill a portion of the UPDES permit requirements; and

WHEREAS the parties desire to enter into this Agreement setting forth their present understanding as to their respective responsibilities with regard to their participation as permittees under their Permit.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

1. Compliance with Permit. As permittees, the parties agree to jointly implement and enforce within their own jurisdictions, their respective responsibilities for complying with the Permit requirements including but not limited to, those responsibilities and requirements set forth in Parts 4.0, 5.0, and 6.0 of the Permit.

2. Administration of Agreement. The administration of this Agreement shall be done by the public works directors of each party, or their official designee, constituting the Davis County Storm Water Coalition (Coalition). Each party will have one voting right. No separate legal entity is created by the terms of this Agreement.

3. Costs. The parties agree that each party shall be responsible to pay for those costs relating to their own stormwater systems, and that the parties shall reimburse each other for expenses incurred in providing services for each other as may be agreed by the parties concerning the various tasks and responsibilities required under the Permit.

4. Joint Cooperation. As reasonably necessary, the parties agree to assist each other in providing and sharing information, drawings, plans, data, etc., which are required to comply

with the requirements set forth in the Permit. The specific activities that the parties agree to assist each other in are set forth as follows:

- a. Jointly purchase educational and training materials, as determined by the Coalition, for distribution to:
 - i. Residents
 - ii. Institutions, industrial and commercial facilities
 - iii. Developers and contractors (construction)
 - iv. Municipal Separate Storm Sewer System (MS4) owned or operated facilities
- b. Use the Coalition as a county-wide committee to:
 - i. Train personnel
 - ii. Create partnerships
 - iii. Obtain input and feedback from special interest groups
- c. Annually contribute updated storm drain system information for county-wide mapping purposes
- d. Jointly prepare and promote model ordinances, updates and standards that addresses:
 - i. Illicit discharges
 - ii. Construction site storm water runoff
 - iii. Long-term storm water management
- e. Jointly arrange for and provide education about hydrologic methods and criteria for selecting and sizing post-construction BMPs
- f. Jointly participate to develop draft Standard Operating Procedures
- g. Jointly evaluate, identify, target and provide educational materials and

outreach to address the reduction of water quality impacts associated with nitrogen and phosphorus in discharges

5. Term of Agreement. The parties agree that the duration of this Agreement shall commence upon entry and shall continue in effect for the term of the Permit (which expires at midnight, May 11, 2026) and for an additional 120 days from the effective date of the renewal of the Permit by the Division.

6. Property. In the event that any property is acquired by the parties jointly for the undertaking, and paid for by them, then it shall be divided as the parties' representatives shall agree, or if no agreement is reached, then it shall be divided according to their respective payments for property, or if it cannot be practically divided, then the property shall be sold and the proceeds divided according to the parties' proportionate share of the purchase of the item of property. If property is purchased at one party's sole expense in connection with this Agreement, then the property so purchased shall be and remain the property of the party which purchased it.

7. Entire Agreement. This Agreement embodies the entire agreement between the parties, and it cannot be altered except in a written amendment which is signed by the parties.

8. Governmental Immunity. The parties recognize and acknowledge that each party is covered by the Utah Governmental Immunity Act, as set forth in *Utah Code Ann.* §§ 63G-7-101, *et seq.*, as amended, and nothing herein is intended to waive or modify any and all rights, defenses or provisions provided therein. Officers and employees performing services pursuant to this Agreement shall be deemed officers and employees of the party employing their services, even if performing functions outside of the territorial limits of such party and shall be deemed officers and employees of such party under the provisions of the Utah Governmental Immunity Act. Each party shall be responsible and shall defend the action of its own employees, negligent

or otherwise, performed pursuant to the provisions of this Agreement.

9. No Third-Party Benefits. This Agreement is not intended to benefit any person or entity not named as a party hereto.

10. Severability. If any provision of this Agreement is determined by a court to be invalid or unenforceable, such determination shall not affect any other provision hereof, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. Such invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision shall be deemed to be effective, operative and entered into in the manner and to the full extent permitted by applicable law.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the day and year first above written.

[Signature Pages to Follow]

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

DAVIS COUNTY

By: _____
Randy Elliott, Chair
Davis County Commission

ATTEST:

Curtis Koch
Davis County Clerk/Auditor

Approved as to Form:

Office of Davis County Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF BOUNTIFUL

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF CENTERVILLE

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF CLEARFIELD

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF CLINTON

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF FARMINGTON

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF FRUIT HEIGHTS

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF KAYSVILLE

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF LAYTON

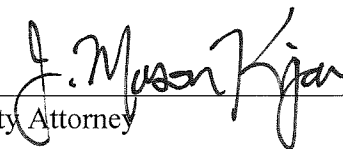
By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

for  _____
City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF NORTH SALT LAKE

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF SOUTH WEBER

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF SUNSET

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF SYRACUSE

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF WEST BOUNTIFUL

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF WEST POINT

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

**Approval of
Interlocal Cooperation Agreement between
Davis County and Davis County Cities for
UPDES General Permit**

Date _____

CITY OF WOODS CROSS

By: _____

Mayor

ATTEST:

City Recorder

Approved as to Form:

City Attorney

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

Item Number: 5.D.

Subject:

Easement Agreement between Layton City and Utah Department of Transportation — Resolution 21-50 —
1705 Weaver Lane

Background:

In July 2010, the Kay's Creek Estates Homeowners' Association dedicated 16.51 acres of property located at 1705 Weaver Lane (Tax ID# 11-405-0181) to Layton City with a deed restriction that the property is to be maintained as open space or as a City park. The City agreed to accept the property for the purpose of establishing, at a future date, the improvements for a City park upon the property.

The Utah Department of Transportation (UDOT) desires to obtain a perpetual easement to use part of the park property (0.559 acres) for a trail to be located along the West Davis Corridor as part of the West Davis Corridor Project (Project No. S-R199(229)). The proposed trail would be part of 10 new miles of trail that will connect the existing Emigration Trail to Legacy Parkway Trail, from West Point to North Salt Lake.

The City is willing to grant a perpetual easement to UDOT for the purpose of constructing, reconstructing, and maintaining thereon trail facilities and trail appurtenances including but not limited to slopes, trail signs, drainage, lighting, and buried utilities only as necessary for the safe operation of the West Davis Corridor and its accompanying trail.

Alternatives:

Alternatives are to 1) Adopt Resolution 21-50 approving a perpetual easement agreement with the Utah Department of Transportation regarding property located at 1705 Weaver Lane (Tax ID# 11-405-0181); 2) Adopt Resolution 21-50 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 21-50 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 21-50 approving a perpetual easement agreement with the Utah Department of Transportation regarding property located at 1705 Weaver Lane (Tax ID# 11-405-0181) owned by Layton City and authorize the Mayor to sign the necessary documents.

RESOLUTION 21-50

**A RESOLUTION ADOPTING AND APPROVING AN EASEMENT AGREEMENT
FROM LAYTON CITY TO THE UTAH DEPARTMENT OF TRANSPORTATION
FOR THE WEST DAVIS TRAIL CORRIDOR REGARDING PROPERTY
LOCATED AT 1705 WEAVER LANE (TAX ID#11-405-0181)**

WHEREAS, the property located at 1705 Weaver Lane (Tax ID# 11-405-0181) is owned by the City; and

WHEREAS, a portion of the West Davis Trail Corridor is desired to be constructed upon the property as part of the Utah Department of Transportation's (UDOT) West Davis Corridor Project (known as Project No. S-R199(229); and

WHEREAS, the City is willing to grant UDOT a perpetual right-of-way easement for the purpose of constructing, reconstructing, and maintaining thereon trail facilities and trail appurtenances including but not limited to slopes, trail signs, drainage, lighting, and buried utilities only as necessary for the safe operation of the West Davis Corridor and its accompanying trail; and

WHEREAS, the trail shall be constructed upon the property in accordance with the deed restriction agreement with Kay's Creek Estates Homeowners' Association; and

WHEREAS, it is in the City's best interest to enter into an easement agreement with UDOT;

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

1. That the City is hereby authorized to enter into an easement agreement with UDOT, which agreement is attached hereto and incorporated herein by this reference.
2. That the Mayor is authorized to sign the attached easement agreement.

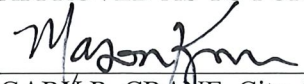
PASSED AND ADOPTED by the City Council of Layton, Utah, this ____ day of _____, 20__.

JOY PETRO, Mayor

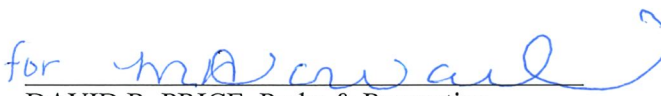
ATTEST:

KIMBERLY S READ, City Recorder

APPROVED AS TO FORM:

for 

GARY R. CRANE, City Attorney

for 

DAVID R. PRICE, Parks & Recreation
Department Director

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

**DOCUMENT WAS
RECEIVED FROM
OUTSIDE SOURCE**

Easement

(CITY)

Davis County

Tax ID No. 11-405-0181

PIN No. 11268

Project No. S-R199(229)

Parcel No. R199:418:E

Layton City, a municipal corporation of the State of Utah, Grantor, hereby GRANTS and CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00) Dollars, and other good and valuable considerations, the following described easement in Davis County, State of Utah, to-wit:

A perpetual easement, upon part of an entire tract of property, situate in a portion of Parcel E, Kayscreek Estates Phase One - A P.R.U.D., situate in the NW1/4 SE1/4 and SE1/4 NW1/4 and SW1/4 NE1/4 of Section 31 Township 4 North, Range 1 West, Salt Lake Base and Meridian, for the purpose of constructing (reconstructing) and maintaining thereon trail facilities, and trail appurtenances including but not limited to slopes, trail signs, drainage, lighting, and buried utilities only as necessary for the safe operation of the West Davis Corridor and its accompanying trail, known as Project No. S-R199(229). This easement includes the right to construct, maintain, and continue the existence of said cut and/or fill slopes in the same grade and slope ratio as constructed by Grantee. This easement shall run with the real property and shall be binding upon the Grantor, successors, heirs and assigns, and includes and conveys all rights of Grantor to change the vertical distance or grade of said cut and/or fill slopes. The boundaries of said part of an entire tract are described as follows:

Beginning in the westerly boundary line of said Parcel E, which point is 135.59 feet N.00°01'54"E. along the Quarter Section line from the Center of said Section 31; and running thence N.39°32'07"W. 325.12 feet along said westerly boundary line to a point of curvature of a non-tangent curve to the left with a radius of 193.50 feet at a point 128.25 feet perpendicularly distant northeasterly from the SR-67 right of way control line of said Project, opposite approximate Engineers Station 1441+93.66; thence southeasterly along said curve with an arc length of 32.24 feet, chord bears S.54°29'15"E. 32.20 feet to a

point of curvature of a reverse curve to the right with a radius of 218.50 feet at a point 136.74 feet perpendicularly distant northeasterly from the SR-67 right of way control line of said Project, opposite Engineers Station 1441+62.60; thence southeasterly along said curve with an arc length of 76.51 feet, chord bears S.49°13'45"E. 76.12 feet to a point 150.00 feet perpendicularly distant northeasterly from the SR-67 right of way control line of said Project, opposite Engineers Station 1440+87.64; thence S.39°11'53"E. 1335.17 feet, parallel with said right of way control line, to the southerly boundary line of said Parcel E at a point 150.00 feet perpendicularly distant northeasterly from the SR-67 right of way control line of said Project, opposite approximate Engineers Station 1427+52.48; thence S.49°58'17"W. 13.27 feet along said southerly boundary line to the westerly boundary line of said Parcel E; thence N.39°32'07"W. 1116.28 feet along said westerly boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 24,351 square feet in area or 0.559 acre.

(Note: Rotate above bearings 00°20'27" clockwise to equal NAD83 Highway bearings)

SUBJECT TO the following restrictions which shall run with the land in perpetuity, bind Grantee and its successors and assigns, and benefit Grantor and its successors and assigns:

The property shall be perpetually maintained as open space or a City park. The terms "open space" and "City park" shall have their ordinary regular meanings.

The City agrees to accept the Property for the purpose of establishing, at a future date, the improvements for a City park upon the Property.

After the Property is conveyed, the City will maintain the Property as open space until the City improves the Property as a City park, at which time the City will maintain the Property as a City Park. The owners of lots in the Kayscreek Estates Subdivision shall continue to have the right to use the Property in a manner consistent with open space until the Property is improved as a City park. Prior to improving the Property as a City park, the City shall not use the Property in any manner inconsistent with its use as open space or the construction and maintenance of a City park.

The City agrees to provide an opportunity for the Kayscreek Estates Homeowners' Association to participate in the design of the City park by including an advisory committee which will include City staff, members of the Kayscreek Estates Homeowners' Association, and the general public, for the purpose of making recommendations on plans for the City park. The Kayscreek Estates Homeowners' Association shall have the right to equitably challenge any use of the Property that is not consistent with the restrictions herein. In the event Grantor brings any such action, the prevailing party shall be awarded reasonable attorneys fees. The right to challenge shall apply only to the Kayscreek Homeowners' Association as it is comprised at the time of the challenge and shall not extend to individual lot owners within the Kayscreek Estates Homeowners' Association.

The City agrees to incorporate the following general guidelines relative to the City park:

- A. If any restrooms are constructed on the City park, they will be located as far towards the western portion of the property as technically possible in view of the existing topography needed to satisfy the engineering needs for sewer and availability of other utilities and will not be located within 100 feet (100') of the lot line of any lot in the Kayscreek Estates Subdivision.
- B. The City will install and maintain a uniform white vinyl privacy fence at a uniform location along the eastern boundary of the City park abutting homes within the Kayscreek Estates Subdivision. Each adjoining lot owner within the Kayscreek Estates Subdivision shall be allowed to install, at such homeowner's expense, a gate to allow access to the City park.
- C. The City will provide buffering, by way of plants, trees and other buffering methods consistent with the park design and budget, to separate the City park from the abutting homes along the western edge of the Kayscreek Estates Subdivision, and to buffer the western edge of the dedicated property from the anticipated extension of the Legacy Highway. The City agrees to consider input from adjoining lot owners from the Kayscreek Estates Subdivision regarding the buffering, or lack thereof, for their individual lots and to consider such input in the design to the extent consistent with the City park design and budget.
- D. The City park, by its size and design, will not be designated nor used as a regional sports facility, but will accommodate local activities, including sports.

The recreational fields in the park will be designed for multiple recreational activities.

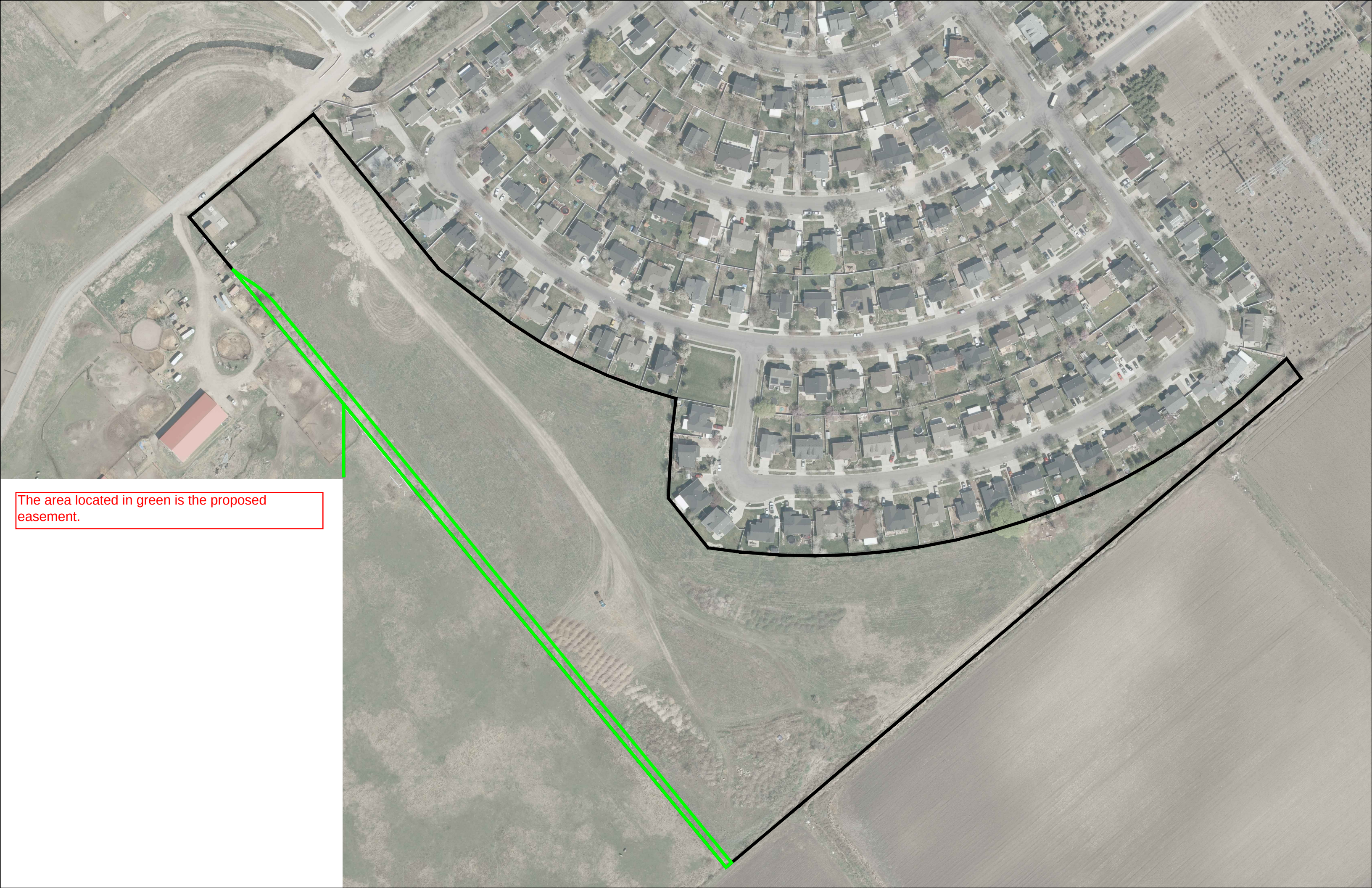
- E. All lighting, as reasonably feasible, will be directed away from the Kayscreek Estates Subdivision.
- F. Parking will be limited to one hundred (100) spaces or less and will be buffered from the homes along the east side of the City park.

STATE OF)
) ss.
COUNTY OF)
By _____

WITNESS my hand and official stamp the date in this certificate first above written:

APPROVED AS TO FORM BY

 11.8.21
Parks & Recreation Director Date



The area located in green is the proposed easement.

OWNERSHIP RECORD

Title by: KJB

Date: February 2019

County: Davis

Parcel No.: R199:418

Type Ownership: Corporation

Tax ID No.: 11-405-0181

Project No.: S-R199(229)

PIN No.: 11268

Recorded Owner: Layton City, a Utah municipal corporation

Address: 437 North Wasatch Drive, Layton, UT 84041

Property Address: Approx. 1411 West 1382 South, Layton, UT 84041

Entry No.	Book	Page	Type Instr.	Date Signed	Date Recorded
2538626	5061	823	Special	14 May 2010	07 July 2010

Warranty Deed

Description:

A parcel of land lying within the N 1/2 and the SE 1/4 of Section 31, Township 4 North, Range 1 West, SLB&M, Layton, Davis County, Utah, more particularly described as follows:

Commencing at the Center 1/4 Corner of said Section 31, N 00°01'54" E along the north-south centerline of said section a distance of 135.59 feet to the point of beginning; Thence N 39°32'07" W a distance of 451.12 feet; Thence N 50°25'30" E a distance of 299.40 feet; Thence S 39°02'27" E a distance of 369.25 feet; Thence S 52°42'55" E a distance of 100.00 feet; Thence S 53°32'00" E a distance of 67.91 feet; Thence S 57°15'49" E a distance of 67.93 feet; Thence S 61°34'25" E a distance of 67.94 feet; Thence S 65°30'54" E a distance of 67.94 feet; Thence S 69°27'22" E a distance of 67.94 feet; Thence S 73°23'49" E a distance of 67.94 feet; Thence S 07°07'57" W a distance of 65.65 feet; Thence S 03°06'05" W a distance of 119.82 feet; Thence S 38°30'49" E a distance of 118.62 feet; Thence S 82°31'41" E a distance of 58.37 feet; Thence S 85°34'12" E a distance of 74.34 feet; Thence S 88°47'13" E a distance of 66.01 feet; Thence N 88°11'13" E a distance of 66.01 feet; Thence N 85°09'39" E a distance of 66.01 feet; Thence N 82°08'06" E a distance of 66.01 feet; Thence N 79°06'32" E a distance of 66.01 feet; Thence N 76°04'59" E a distance of 66.01 feet; Thence N 73°03'25" E a distance of 66.01 feet; Thence N 70°01'51" E a distance of 66.01 feet; Thence N 67°00'18" E a distance of 66.01 feet; Thence N 63°58'44" E a distance of 66.01 feet; Thence N 60°57'11" E a distance of 66.01 feet; Thence N 57°55'37" E a

distance of 66.01 feet; Thence N 54°54'04" E a distance of 66.01 feet; Thence N 51°52'30" E a distance of 66.01 feet; Thence N 47°40'30" E a distance of 117.20 feet; Thence S 36°41'00" E a distance of 45.88 feet; Thence S 49°38'12" W a distance of 1006.56 feet; Thence S 49°27'27" W a distance of 220.54 feet; Thence S 49°58'17" W a distance of 176.12 feet; Thence N 39°32'07" W a distance of 1116.28 feet to the point of beginning.

Calculated area: The above described tract of land contains 16.502 acres.

Grantor: Kayscreek Estates Homeowners' Association, a Utah non-profit corporation

Subject to a Sanitary Sewer Line Easement, Signed on April 7, 2004, Recorded January 24, 2005 as Entry No. 2046907 in Book 3711 at Page 64, from Kayscreek Estates Homeowners Association to Layton City Corporation a body public of the State of Utah.

Abstract

Serial Number: 11-405-0181

Tax District: 39

Exempt: Yes

Tax Name & Address for Tax Year
ADDYR: LAYTON CITY CORPORATION
437 NORTH WASATCH DR
LAYTON, UT 84041

Situs Address: null
null null

Parcel Dates: 07/07/2010
to

Acres: 16.51

Dedication Plat

Plat 2850

Parent /Child

Parent 11-405-0171 07/07/2010

Legal Description

KAYSCREEK ESTATES PHASE ONE PRUD - A PORTION OF AREA "E". A PARCEL OF LAND LYING WITHIN THE N 1/2 & THE SE 1/4 OF SEC 31-T4N-R1W, SLB&M MORE PARTLY DESC AS FOLLOWS: COMAT THE CENTER 1/4 COR OF SD SEC 31, N 00°01'54" E ALG THE NORTH-SOUTH CENTERLINE OF SD SEC A DIST OF 135.59 FT TO THE POB; TH N 39°32'07" W, A DIST OF 451.12 FT; TH N 50°25'30" E, A DIST OF 299.40 FT; TH S 39°02'27" E, A DIST OF 369.25 FT; TH S 52°42'55" E, A DIST OF 100.00 FT; TH S 53°32'00" E, A DIST OF 67.91 FT; TH S 57°15'49" E, A DIST OF 67.93 FT; TH S 61°34'25" E, A DIST OF 67.94 FT; TH S 65°30'54" E, A DIST OF 67.94 FT; TH S 69°27'22" E, A DIST OF 67.94 FT; TH S 73°23'49" E, A DIST OF 67.94 FT; TH S 07°07'57" W, A DIST OF 65.65 FT; TH S 03°06'05" W, A DIST OF 119.82 FT; TH S 38°30'49" E, A DIST OF 118.62 FT; TH S 82°31'41" E, A DIST OF 58.37 FT; TH S 85°34'12" E, A DIST OF 74.34 FT; TH S 88°47'13" E, A DIST OF 66.01 FT; TH N 88°11'13" E, A DIST OF 66.01 FT; TH N 85°09'39" E, A DIST OF 66.01 FT; TH N 82°08'06" E, A DIST OF 66.01 FT; TH N 79°06'32" E, A DIST OF 66.01 FT; TH N 76°04'59" E, A DIST OF 66.01 FT; TH N 73°03'25" E, A DIST OF 66.01 FT; TH N 70°01'51" E, A DIST OF 66.01 FT; TH N 67°00'18" E, A DIST OF 66.01 FT; TH N 63°58'44" E, A DIST OF 66.01 FT; TH N 60°57'11" E, A DIST OF 66.01 FT; TH N 57°55'37" E, A DIST OF 66.01 FT; TH N 54°54'04" E, A DIST OF 66.01 FT; TH N 51°52'30" E, A DIST OF 66.01 FT; TH N 47°40'30" E, A DIST OF 117.20 FT; TH S 36°41'00" E, A DIST OF 45.88 FT; TH S 49°38'12" W, A DIST OF 1006.56 FT; TH S 49°27'27" W, A DIST OF 220.54 FT; TH S 49°58'17" W, A DIST OF 176.12 FT; TH N 39°32'07" W, A DIST OF 1116.28 FT TO THE POB. CONT. 16.51 ACRES

Party	KOI	Entry Number	Book & Page	Inst.Date	Rec.Date & Time	Consideration	Vesting Doc.	See Also	XRefs (Book & Page)
Grantor: KAYSCREEK ESTATES HOMEOWNERS ASSOCIATION Grantee: KAYSCREEK ESTATES PHASE ONE KAYSCREEK ESTATES HOMEOWNERS KAYSCREEK ESTATES HOMEOWNERS Grantee: KAYSCREEK ESTATES PHASE FIVE Grantee: KAYSCREEK ESTATES PHASE FOUR Grantee: KAYSCREEK ESTATES PHASE THREE Grantee: KAYSCREEK ESTATES PHASE TWO	DECLARATION	2681354		08/16/2011	08/21/2012 12:17	\$0.00		114050001	133616914 117811411 783146594 21506102
Grantor: DAVIS COUNTY SURVEYOR Grantee: TO WHOM IT MAY CONCERN DAVIS COUNTY DAVIS COUNTY	AFFIDAVIT	2543621	5078-433	08/02/2010	08/02/2010 12:05	\$0.00		114050001	1336168
Grantor: KAYSCREEK ESTATES HOMEOWNERS ASSOCIATION Grantee: LAYTON CITY LAYTON CITY CORP LAYTON CITY CORP	SPECIAL WARRANTY DEED	2538626	5061-823	03/14/2010	07/07/2010 15:33	\$10.00	y	114050171	

RETURNED
JUL 07 2010

When recorded, return to:
Layton Municipal Corporation
437 N. Wasatch Drive
Layton, UT 84041
11 - 405 - 0171

E 2538626 B 5061 P 823-826
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
07/07/2010 03:33 PM
FEE \$0.00 Pgs: 4
DEF RT REC'D FOR LAYTON CITY CORP

SPECIAL WARRANTY DEED

KAYSCREEK ESTATES HOMEOWNERS' ASSOCIATION, a Utah non-profit corporation ("Grantor"), located in Layton City, Davis County, State of Utah, hereby **CONVEYS** and **WARRANTS** against all claiming by, through, or under the Grantor, to **LAYTON CITY, a Utah municipal corporation** ("Grantee" or the "City"), of 437 N. Wasatch Dr., Layton, Davis County, State of Utah, for the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the following-described tract of land in Davis County, Utah, ("Property") together with all improvements thereon, all water and mineral rights pertaining thereto, and all other rights and privileges appurtenant thereto, to wit:

Kayscreek Estates Phase 1 PRUD - A portion of Area "E"

A parcel of land lying within the N ½ and the SE ¼ of Section 31, Township 4 North, Range 1 West, SLB&M, Layton, Davis County, Utah, more particularly described as follows:

Commencing at the Center ¼ Corner of said Section 31, N 00°01'54" E along the north-south centerline of said section a distance of 135.59 feet to the point of beginning; Thence N 39°32'07" W a distance of 451.12 feet; Thence N 50°25'30" E a distance of 299.40 feet; Thence S 39°02'27" E a distance of 369.25 feet; Thence S 52°42'55" E a distance of 100.00 feet; Thence S 53°32'00" E a distance of 67.91 feet; Thence S 57°15'49" E a distance of 67.93 feet; Thence S 61°34'25" E a distance of 67.94 feet; Thence S 65°30'54" E a distance of 67.94 feet; Thence S 69°27'22" E a distance of 67.94 feet; Thence S 73°23'49" E a distance of 67.94 feet; Thence S 07°07'57" W a distance of 65.65 feet; Thence S 03°06'05" W a distance of 119.82 feet; Thence S 38°30'49" E a distance of 118.62 feet; Thence S 82°31'41" E a distance of 58.37 feet; Thence S 85°34'12" E a distance of 74.34 feet; Thence S 88°47'13" E a distance of 66.01 feet; Thence N 88°11'13" E a distance of 66.01 feet; Thence N 85°09'39" E a distance of 66.01 feet; Thence N 82°08'06" E a distance of 66.01 feet; Thence N 79°06'32" E a distance of 66.01 feet; Thence N 76°04'59" E a distance of 66.01 feet; Thence N 73°03'25" E a distance of 66.01 feet; Thence N 70°01'51" E a distance of 66.01 feet; Thence N 67°00'18" E a distance of 66.01 feet; Thence N 63°58'44" E a distance of 66.01 feet; Thence N 60°57'11" E a distance of 66.01 feet; Thence N 57°55'37" E a distance of 66.01 feet; Thence N 54°54'04" E a distance of 66.01 feet; Thence N 51°52'30" E a distance of 66.01 feet; Thence N 47°40'30" E a distance of 117.20 feet; Thence S 36°41'00" E a distance of 45.88 feet; Thence S 49°38'12" W a distance of 1006.56 feet; Thence S 49°27'27" W a distance of 220.54 feet; Thence S 49°58'17" W a distance of 176.12 feet; Thence N 39°32'07" W a distance of 1116.28 feet to the point of beginning.

Contains 16.51 Acres (719,223.58 Sq. Ft.)

SUBJECT TO all taxes, easements, restrictions, encumbrances, and other matters of record, and all matters that a physical inspection or accurate survey of the Property would disclose;

SUBJECT TO the following restrictions which shall run with the land in perpetuity, bind Grantee and its successors and assigns, and benefit Grantor and its successors and assigns:

The property shall be perpetually maintained as open space or a City park. The terms "open space" and "City park" shall have their ordinary regular meanings.

The City agrees to accept the Property for the purpose of establishing, at a future date, the improvements for a City park upon the Property.

After the Property is conveyed, the City will maintain the Property as open space until the City improves the Property as a City park, at which time the City will maintain the Property as a City Park. The owners of lots in the Kayscreek Estates Subdivision shall continue to have the right to use the Property in a manner consistent with open space until the Property is improved as a City park. Prior to improving the Property as a City park, the City shall not use the Property in any manner inconsistent with its use as open space or the construction and maintenance of a City park.

The City agrees to provide an opportunity for the Kayscreek Estates Homeowners' Association to participate in the design of the City park by including an advisory committee which will include City staff, members of the Kayscreek Estates Homeowners' Association, and the general public, for the purpose of making recommendations on plans for the City park. The Kayscreek Estates Homeowners' Association shall have the right to equitably challenge any use of the Property that is not consistent with the restrictions herein. In the event Grantor brings any such action, the prevailing party shall be awarded reasonable attorneys fees. The right to challenge shall apply only to the Kayscreek Homeowners' Association as it is comprised at the time of the challenge and shall not extend to individual lot owners within the Kayscreek Estates Homeowners' Association.

The City agrees to incorporate the following general guidelines relative to the City park:

- A. If any restrooms are constructed on the City park, they will be located as far towards the western portion of the property as technically possible in view of the existing topography needed to satisfy the engineering needs for sewer and availability of other utilities and will not be located within 100 feet (100') of the lot line of any lot in the Kayscreek Estates Subdivision.
- B. The City will install and maintain a uniform white vinyl privacy fence at a uniform location along the eastern boundary of the City park abutting homes within the Kayscreek Estates Subdivision. Each adjoining lot owner within the Kayscreek Estates Subdivision shall be allowed to install, at such homeowner's expense, a gate to allow access to the City park.

- C. The City will provide buffering, by way of plants, trees and other buffering methods consistent with the park design and budget, to separate the City park from the abutting homes along the western edge of the Kayscreek Estates Subdivision, and to buffer the western edge of the dedicated property from the anticipated extension of the Legacy Highway. The City agrees to consider input from adjoining lot owners from the Kayscreek Estates Subdivision regarding the buffering, or lack thereof, for their individual lots and to consider such input in the design to the extent consistent with the City park design and budget.
- D. The City park, by its size and design, will not be designated nor used as a regional sports facility, but will accommodate local activities, including sports. The recreational fields in the park will be designed for multiple recreational activities.
- E. All lighting, as reasonably feasible, will be directed away from the Kayscreek Estates Subdivision.
- F. Parking will be limited to one hundred (100) spaces or less and will be buffered from the homes along the east side of the City park.

Grantor binds itself to warrant and defend title to the Property as against all acts of Grantor, and none other, subject to the matters above set forth. No other warranties, express or implied, are given by this Special Warranty Deed. Witness the hand of said Grantor this day of March, 2010.

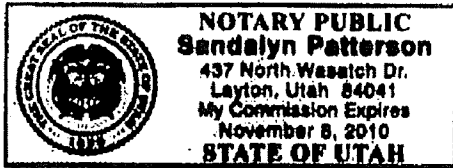
Kayscreek Estates Homeowners Association,
a Utah non-profit corporation

M. Cade Hoff
By: M CADE HOFF
Its: President

Lise D. Ranzani
By: Lise D. Ranzani
Its: Board Member

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

The foregoing instrument was acknowledged before me this 14th day of May, 2010, by Cade Hoff, President, and Lise Ranzani, Board Member of Kayscreek Estates Homeowners Association, a Utah non-profit corporation, on behalf of the company,



Sandalyn Patterson
NOTARY PUBLIC

Agreed and Accepted:

Layton City Corporation

Approved as to Form

By

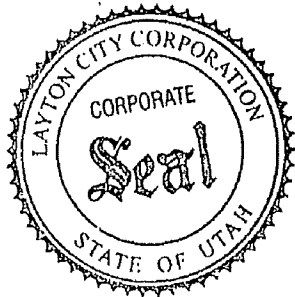
Date

Chen L. L. L.
10-29-10

J. Stephen Curtis
J. Stephen Curtis, Mayor

Attest:

Thieda Wellman
Thieda Wellman, City Reorder



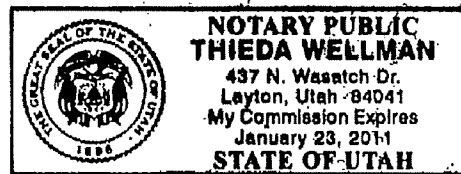
STATE OF UTAH)

: ss.

COUNTY OF DAVIS)

The foregoing instrument was acknowledged before me this 1st day of July, 2010, by J. Stephen Curtis, MAYOR of Layton City Corporation, a Utah municipal corporation, on behalf of the company.,

Thieda Wellman
NOTARY PUBLIC



When Recorded Please Return to:
 Layton City Planning Division
 437 North Wasatch Drive
 Layton City, Utah 84041

E 2046907 B 3711 P 64
 RICHARD T. MAUGHAN .0064
 DAVIS COUNTY, UTAH RECORDER
 03/24/2005 08:00 AM
 FEE \$0.00 Pgs: 1
 DEP RT REC'D FOR LAYTON CITY CORP

11-405-0171pt.

Sanitary Sewer Line Easement

For the sum of Ten Dollar (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned grantors hereby grant, convey, sell, and set over unto Layton City Corporation a body public of the State of Utah, hereinafter referred to as GRANTEE, its successors and assigns, a perpetual right-of-way and easement to lay, maintain, operate, repair, inspect, protect, install, remove and replace sanitary sewer pipelines, manholes, and other collection and transmission structures, and facilities, said right-of-way and easement situated in Layton City, State of Utah, over and through the parcel of the Grantor's land, more particularly described as follows:

A PARCEL OF GROUND LOCATED IN A SURFACE DRAINAGE EASEMENT FOR FLOOD CONTROL WHICH IS A PART OF KAYSCREEK ESTATES PHASE ONE - A P.R.U.D. IN THE NE AND NW ¼ SECTION 31, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN FOR THE CONSTRUCTION AND MAINTENANCE OF A SEWER OUTFALL LINE DESCRIBED AS FOLLOWS:

COMMENCING A POINT WHICH LIES N50°38'53"E 115.78 FEET AND S38°49'04"E 15.06 FEET FROM THE NW CORNER OF KAYSCREEK ESTATES PHASE ONE - A P.R.U.D., WHICH POINT OF BEGINNING IS ALSO S00°01'40"W 2080.78 FEET AND N89°58'14"W 201.77 FEET FROM THE N ¼ CORNER OF SAID SECTION 31; THENCE N51°10'56"E 20.00 FEET; THENCE S38°49'04"E 91.19 FEET; THENCE S51°10'56"W 20.00 FEET; THENCE N38°49'04"W 91.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0419 ACRES

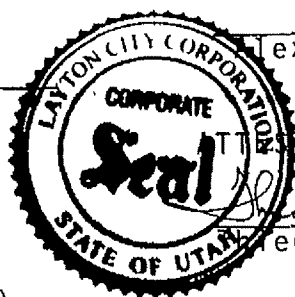
GRANTOR: Kayscreek Estates Homeowners Association

Bruce Campbell
 Signature for Grantor

LAYTON CITY ACCEPTANCE

HOA President
 Title

Lex Jensen, City Manager

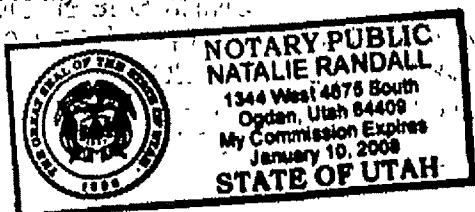


STATE OF UTAH)
 COUNTY OF DAVIS) SS

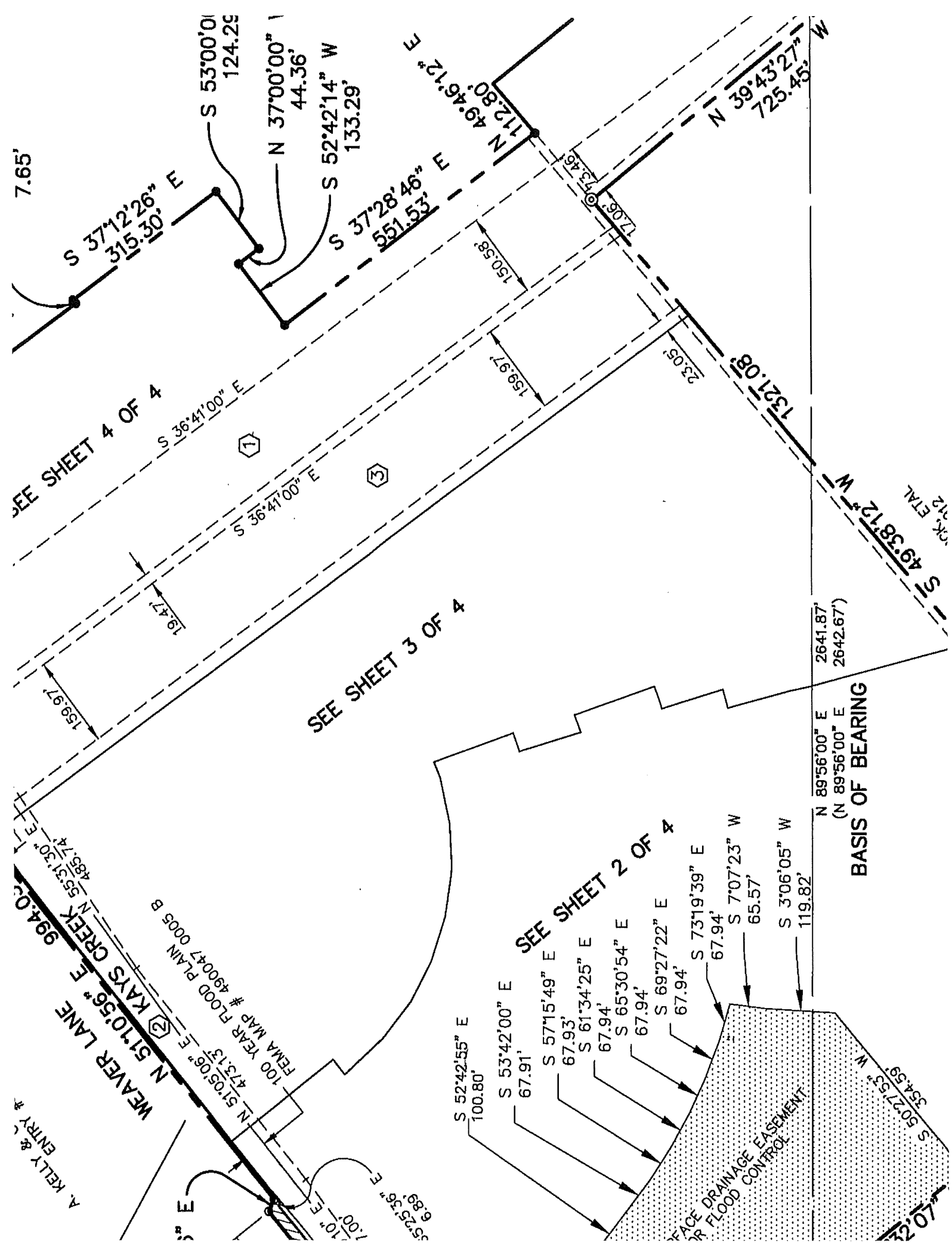
Shida Wellman
 City Recorder

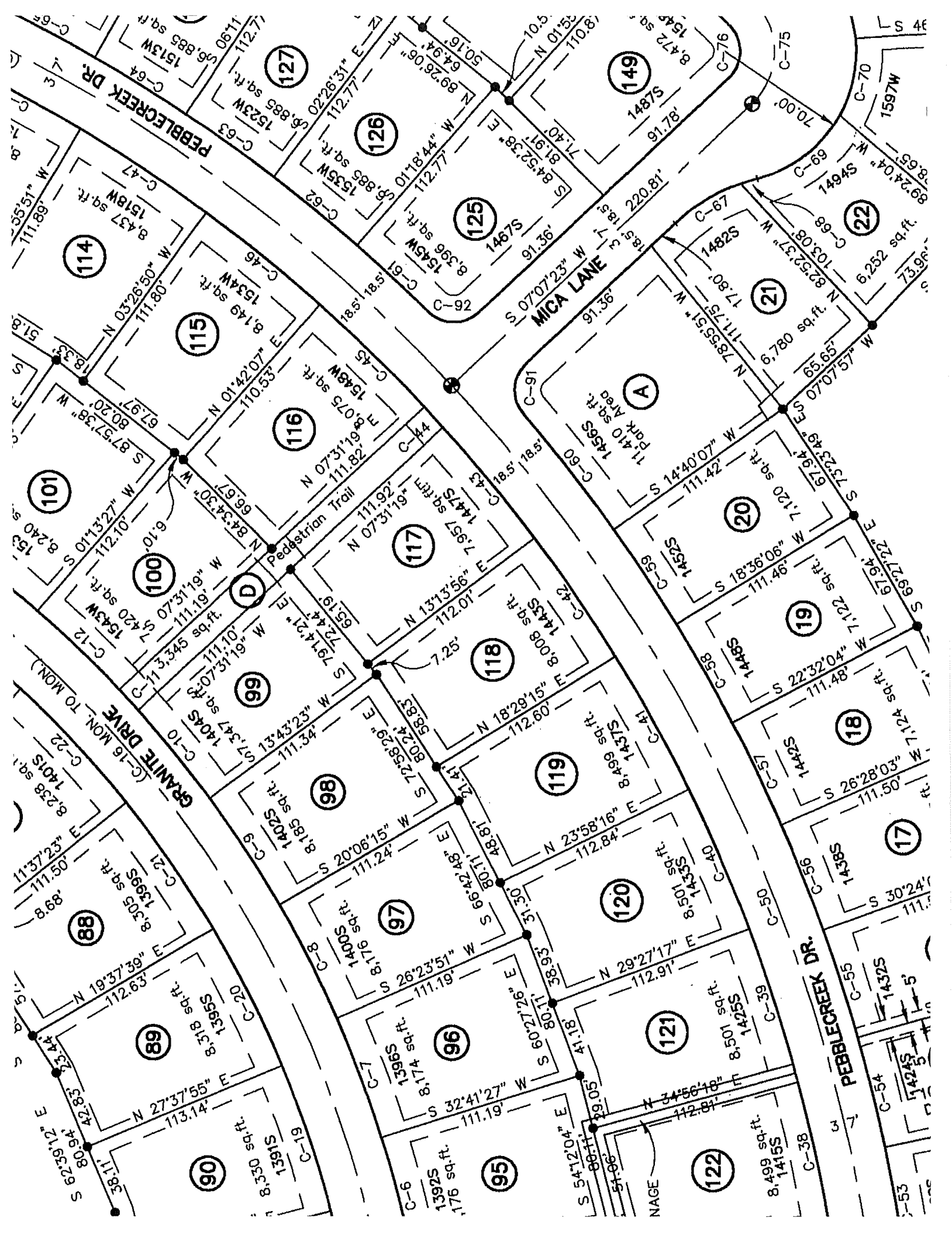
On this 7 day of April, 2004, personally appeared before me Bruce Campbell who being by me duly sworn did say, that he/she/they is/are the President of Kayscreek Estates Homeowners Association and that the foregoing instrument was authorized to be executed.

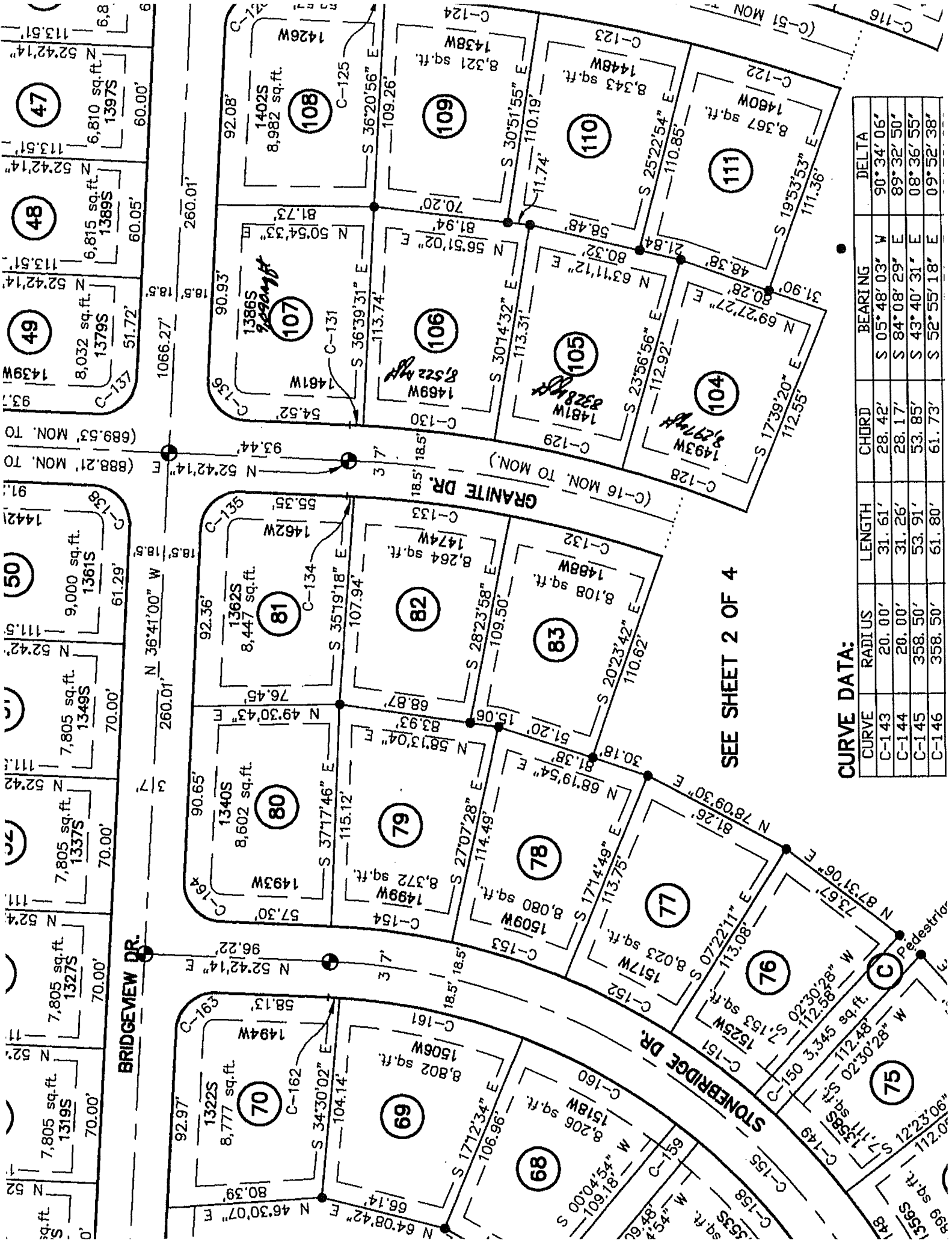
Witness my official hand and seal



Natalie Randall
 Notary Public



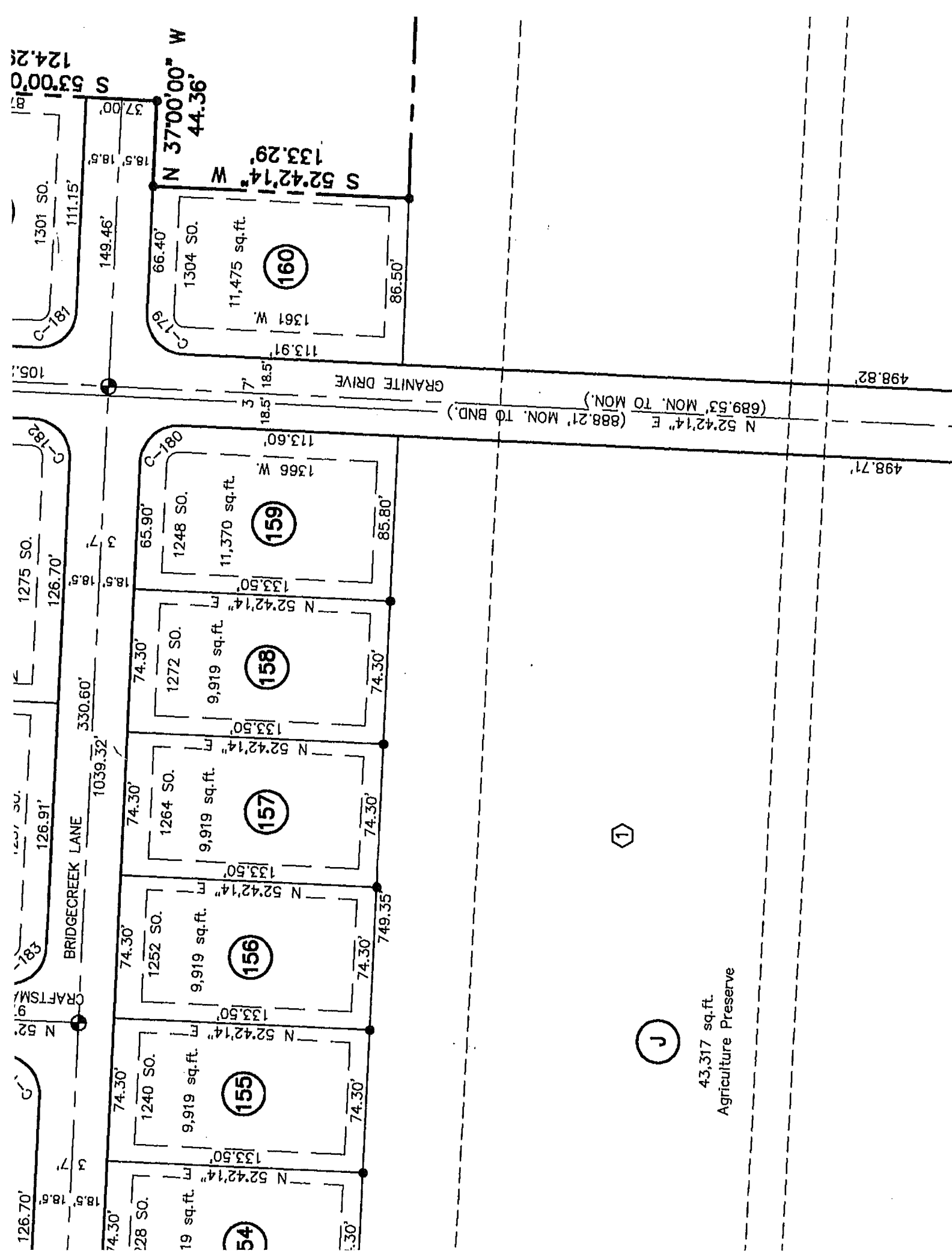




SEE SHEET 2 OF 4

CURVE DATA:

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C-143	20.00'	31.61'	28.42'	S 05°48'03" W	90°34'06"
C-144	20.00'	31.26'	28.17'	S 84°08'29" E	89°32'50"
C-145	358.50'	53.91'	53.85'	S 43°40'31" E	08°36'55"
C-146	358.50'	61.80'	61.73'	S 52°55'18" E	09°52'38"



ADDITIONAL

PACKET

ATTACHMENTS

From the 2019 “Layton Redevelopment Agency Report”, pg. 13, #6:

This report, created by the city’s Community and Economic Development Department, states (#6) that the city is “Currently in discussions with a land owner so we can relocate the mobile home park. We are in the beginning stages of negotiation but it seems very promising. The land owner we are talking to is in Layton and he is excited to work out a deal with us.”

Winkel Properties

2018/2019 Milestones and Accomplishments

1. Acquired the parcel and the lease for the cell phone tower from UDOT. It has been a long process with a lot of hurdles but it is completed.
2. Acquired Bill's comfort systems' parcel. This milestone was a major win since Gordon Booth (The former owner) has been unwilling to sell us his parcel in the past.
3. Closed on the two Randall Parcels in June. This has also open up our ability to complete the Voluntary clean up on the Randall Parcel closest to Main Street.
4. These last three acquisitions allow us to have a great site to continue to work on. It would have been very difficult to develop the site without these last three key acquisitions.
5. Working with UDEQ to continue and finish the voluntary clean up on the Randall parcel we just acquired in June. We are expecting to start in the environmental remediation in the middle of August.
6. Currently in discussions with a land owner so we can relocate the mobile home park. We are in the beginning stages of negotiation but it seems very promising. The land owner we are talking to is in Layton and he is excited to work out a deal with us.
7. Commissioned a soils study so we can better design the site.
8. Currently in discussions with prospective partners to develop the site. We appreciate your help during a meeting with some of them about week ago. We are very encourage by their commitment and eagerness to move the project forward. We will continue to move in that direction as well.

Page 13

In this report, Layton City leaders clearly acknowledge their role in the relocation of the residents, and engage in negotiations with the landowner for that purpose.

Question: So when were those “very promising” negotiations held? Who held them? What was decided? What was and is the follow-up? Most importantly: How will those negotiations help these residents today?

Conclusion: Residents believed in their city leaders’ intentional statements of “very promising” negotiations; “properly assist his residents”; “it is his responsibility to relocate his people”; and “successfully moved.”

Do you city leaders intend to protect these residents from financial destruction by honoring the statements you’ve made about Mr. Winkel’s role in these residents’ relocation? How? When? Please help them.

From D. Louise Brown, 343 So. 750 East, Layton, 801-682-0691, Nov. 18, 2021
RE: Cedarwood Mobile Home Park Residents still waiting for help.

In case you wonder why Cedarwood residents keep returning to ask for your help, I share statements from Layton City leaders regarding Mr. Winkel's role in "properly" and "successfully" relocating the Cedarwood residents.

Layton City leaders have independently stated their belief that Cedarwood owner McKay Winkel has a responsibility in the "relocation" (not just eviction) of the Cedarwood residents.

From Lon Crowell, Economic Development Deputy Director:

On May 11th, I visited Layton City Hall to discuss Cedarwood Park. Economic Dev. Dir. Lon Crowell shared much information. We emailed back and forth, especially regarding a letter he recommended the residents send to Mr. Winkel asking for financial assistance based on their conversations with the City. I received this statement in one of his emails:

"It is the responsibility of the property owner to properly assist his residents if he should decide to move forward with developing his property."

From Mayor Joy Petro:

Mayor Joy Petro agreed to meet with residents, opting to visit them onsite. There she stated that Mr. Winkel has a responsibility beyond just evictions to assist in the relocation of residents.

At Nikkole Malan's Cedarwood mobile home with Cedarwood residents and myself, June 4, 2021: **"We've told Mr. Winkel from the beginning that *it is his responsibility to relocate his people*."** When asked if eviction was what the city council accepted as a relocation tactic, the mayor said, "No, I don't think that's what the council had in mind at all."

From Gary Crane, city attorney:

Telemundo news interviewed residents and Gary Crane, then aired the story on July 22nd. From that interview:

In a television interview aired July 22nd by Telemundo about the Cedarwood situation: **"The city's part in all that is that we will not grant any approvals until those folks are moved—*successfully* moved to another location."**
