



## Planning Commission Meeting

Thursday, June 9, 2016

Meeting held at the Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs

### AGENDA

#### Commencing at 6:30 P.M.

1. Pledge of Allegiance.
2. Roll Call.
3. Public Input – Time has been set aside for any person to express ideas, concerns, comments, questions or issues that are not listed on the agenda. Comments are limited to three minutes.
4. Amendment to the Annexation Expansion Area of the City's Annexation Policy Plan – Presented by Sarah Carroll.
5. Work Session: Accessory Dwelling Units Code Amendments. – Presented by Jamie Baron.
6. Work Session: Discussion of Code and Vision - Presented by Kimber Gabryszak.
7. Approval of Minutes:
  - a. May 26, 2016
8. Reports of Action
9. Commission Comments
10. Director's Report:
  - a. Council Actions
  - b. Applications and Approval
  - c. Upcoming Agendas
  - d. Other
11. Motion to enter into closed session for the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, the deployment of security personnel, devices or systems or the physical or mental health of an individual.
12. Adjourn.

**PLEASE NOTE: The order of items may be subject to change with the order of the planning commission chair. One or more members of the Commission may participate electronically via video or telephonic conferencing in this meeting.**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 766-9793 at least one day prior to the meeting.



## Planning Commission Memorandum

**Author:** Sarah Carroll, Senior Planner  
**Memo Date:** Thursday, June 2, 2016  
**Meeting Date:** Thursday, June 9, 2016  
**Re:** Annexation Policy Plan Amendments

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### Background:

In anticipation of future applications for annexations, staff is recommending Amendments to the Annexation Policy Plan. The attached map indicates the parcels to be included in the Annexation Policy Plan. The City has already adopted an Annexation Policy Plan; the purpose of this process is to add a small area to that Plan.

### Process:

Utah Code 10-2-401.5 requires that “no municipality may annex an unincorporated area located within a specified county unless the municipality has adopted an annexation policy plan as provided in this section.” A review of the requirements is below.

### Utah Code 10-2-401.5

- (2) To adopt an annexation policy plan:
  - (a) the planning commission shall:
    - (i) prepare a proposed annexation policy plan that complies with Subsection (3);
    - (ii) hold a public meeting to allow affected entities to examine the proposed annexation policy plan and to provide input on it;
    - (iii) provide notice of the public meeting under Subsection (2)(a)(ii) to each affected entity at least 14 days before the meeting;
    - (iv) accept and consider any additional written comments from affected entities until 10 days after the public meeting under Subsection (2)(a)(ii);
    - (v) before holding the public hearing required under Subsection (2)(a)(vi), make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on input provided at or within 10 days after the public meeting under Subsection (2)(a)(ii);
    - (vi) hold a public hearing on the proposed annexation policy plan;
    - (vii) provide reasonable public notice, including notice to each affected entity, of the public hearing required under Subsection (2)(a)(vi) at least 14 days before the date of the hearing;
    - (viii) make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on public input

- provided at the public hearing; and
- (ix) submit its recommended annexation policy plan to the municipal legislative body; and
- (b) the municipal legislative body shall:
  - (i) hold a public hearing on the annexation policy plan recommended by the planning commission;
  - (ii) provide reasonable notice, including notice to each affected entity, of the public hearing at least 14 days before the date of the hearing;
  - (iii) after the public hearing under Subsection (2)(b)(ii), make any modifications to the recommended annexation policy plan that the legislative body considers appropriate; and
  - (iv) adopt the recommended annexation policy plan, with or without modifications.

***Staff Finding:*** *The attached map indicates the proposed changes to the Annexation Policy Plan. Notice of the public meeting was mailed to affected entities at least 14 days before the meeting. The public meeting will allow affected entities to examine the proposed amendment to the annexation policy plan and comment for 10 days prior to a public hearing. Changes will be made if so directed by the Planning Commission. The public hearing with the Planning Commission will be scheduled for June 23, 2016. The public hearing with the City Council is tentatively scheduled for July 19, 2016, after which, modifications will be made as directed by the City Council.*

- (3) Each annexation policy plan shall include:
  - (a) a map of the expansion area which may include territory located outside the county in which the municipality is located;
  - (b) a statement of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including:
    - (i) the character of the community;
    - (ii) the need for municipal services in developed and undeveloped unincorporated areas;
    - (iii) the municipality's plans for extension of municipal services;
    - (iv) how the services will be financed;
    - (v) an estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area; and
    - (vi) the interests of all affected entities;
  - (c) justification for excluding from the expansion area any area containing urban development within 1/2 mile of the municipality's boundary; and

(d) a statement addressing any comments made by affected entities at or within 10 days after the public meeting under Subsection (2)(a)(ii).

**Staff Finding:** *The City repealed and adopted the annexation policy plan on January 14, 2003, Ordinance 03-2(1-14-03), which includes the required statements, and revised the annexation policy plan on June 19, 2012, Ordinance 12-7(6-19-12) (refer to attached ordinances). Modifications will be presented during the public hearings that includes any comments made by affected entities after the public meeting.*

- (4) In developing, considering, and adopting an annexation policy plan, the planning commission and municipal legislative body shall:
- (a) attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
  - (b) consider population growth projections for the municipality and adjoining areas for the next 20 years;
  - (c) consider current and projected costs of infrastructure, urban services, and public facilities necessary:
    - (i) to facilitate full development of the area within the municipality; and
    - (ii) to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
  - (d) consider, in conjunction with the municipality's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development;
  - (e) consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality; and
  - (f) be guided by the principles set forth in Subsection 10-2-403(5).

**Staff Finding:** *The attached map indicates the proposed changes to the Annexation Policy Plan. Notice of the public meeting was mailed to affected entities at least 14 days before the meeting. The public meeting will allow affected entities to examine the proposed amendment to the annexation policy plan and comment for 10 days prior to a public hearing. Changes will be made if so directed by the Planning Commission. The public hearing with the Planning Commission will be scheduled for June 23, 2016. The public hearing with the City Council is tentatively scheduled for July 19, 2016, after which, modifications will be made as directed by the City Council.*

- (5) Within 30 days after adopting an annexation policy plan, the municipal legislative body shall submit a copy of the plan to the legislative body of each county in which any of the municipality's expansion area is located.

**Staff finding:** *To be completed after adoption.*

- (6) Nothing in this chapter may be construed to prohibit or restrict two or more municipalities in specified counties from negotiating and cooperating with respect to defining each municipality's expansion area under an annexation policy plan.

*Staff finding: The City has had discussions with abutting City's regarding annexation boundaries and does not construe this chapter as prohibitory in negotiating expansion boundaries.*

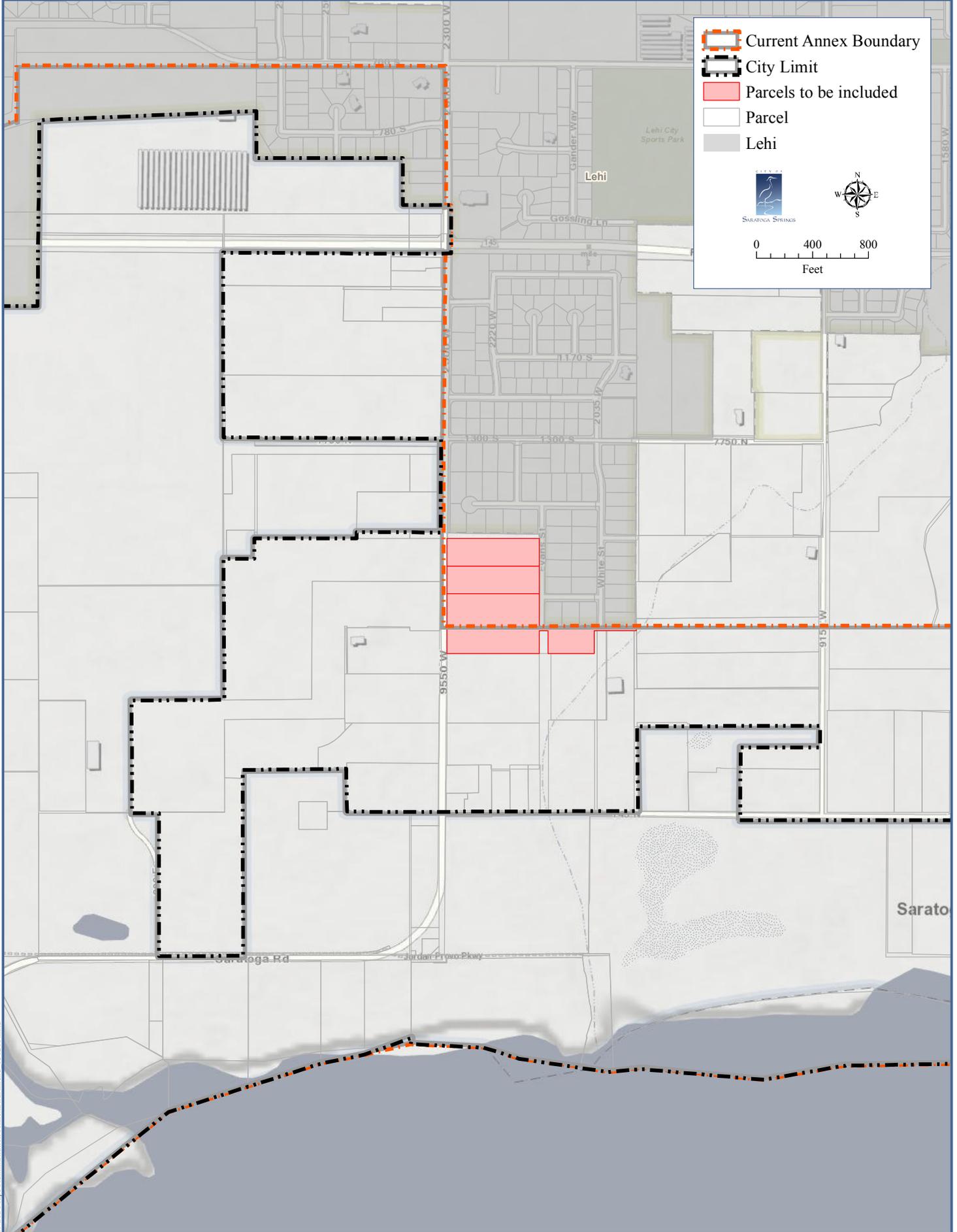
**Recommendation:**

Staff recommends that the Planning Commission hold a public meeting and allow affected entities to examine and comment on the proposed amendment to the annexation policy plan, prior to holding a public hearing.

**Attachments:**

- A. Proposed Amendment to the Annexation Policy Plan Boundary
- B. Annexation Policy Plan and Boundary, Ordinance 03-2 (1-14-03)
- C. Annexation Policy Plan Amendment, Ordinance 12-7(6-19-12)

# Proposed Annex Boundary Amendment



Policy Item #7  
1-14-03

**ORDINANCE NO. 03-2 (1-14-03)**

**AN ORDINANCE REPEALING ORDINANCE 99-0209-001, ANNEXATION POLICY; AN ORDINANCE ESTABLISHING AN ANNEXATION POLICY PLAN; AN ANNEXATION POLICY PLAN MAP; AND ANNEXATION PETITION REQUIREMENTS AND PROCEDURES; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Saratoga Springs is a city of the third class under Section 10-2-301(2)(a), Utah Code Annotated, 1953, as amended; and,

WHEREAS, the City of Saratoga Springs allows property owners desirous of annexing property into the municipality to petition the City to include such properties within the corporate limits of the City; and,

WHEREAS, under Section 10-2-401.5, Utah Code Annotated, 1953, as amended, no municipality, after December 31, 2002, may annex unincorporated area located within a specified county unless the municipality has adopted an annexation policy plan.

NOW, THEREFORE, be it ordained by the Governing Body of the City of Saratoga Springs, Utah, as follows:

1. The City of Saratoga Springs hereby repeals Ordinance #99-0209-001, Annexation Policy
2. The City of Saratoga Springs hereby adopts the following Annexation Policy Plan Statement.
3. The City of Saratoga Springs hereby adopts the following Annexation Policy Plan Map.
4. The City of Saratoga Springs hereby adopts the following Annexation Petition Requirements and Procedures.

## Section 2. Annexation Policy Plan Statement.

Statements of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions:

1) Character of the community.

Saratoga Springs is a relatively new growing Master Planned community that places substantial emphasis on quality, sensible growth. The community contains a variety of landforms and natural amenities which help create a unique sense of place. Saratoga Springs is currently home to some 5,000 residents. Commercial developments that are currently under construction, along with others that are now being planned, will diversify the City's land-uses and give both residents and visitors new opportunities for shopping and employment. At the same time, agricultural activities will continue on large tracts of land in the City which will help create a sense of continuity as the community continues to grow.

2) The need for municipal services in developed and undeveloped unincorporated areas.

The City of Saratoga Springs is a newly formed municipality that contains both rural and urban land uses. There are large tracts of existing agricultural property that will remain undeveloped for at least twenty (20) years under the current agricultural protection designation that has been placed on those parcels. Developed areas within the City have all been approved with the condition that municipal services shall be provided concurrent with the development of the property.

Undeveloped locations within the unincorporated areas may or may not be ready for municipal services. Current City land development regulations in this case indicate that prior to development, an applicant must submit a proposed master development plan. In that plan submittal, all applicants must indicate how the proposed development will be serviced by public utilities and other municipal services.

3) The municipality's plans for extension of municipal services.

As indicated above, the City's policy regarding the extension of public services is that proposed developments are required to submit information showing how their respective projects will be served. The City then makes decisions regarding the extension of such services through a detailed review and approval process that begins with the City's technical staff: the Development Review Committee (DRC). Following the DRC process, proposed facilities are then reviewed by the Planning Commission and acted upon by the City Council.

The City Council also adopts an annual Capital Facilities Plan wherein it designates and plans for the construction of public infrastructure that will be required during the next 12-24 months. These plans are reviewed annually and updated as necessary and as funding allows.

Public infrastructure and services are also provided through developer contribution as development projects are approved and built. Many development projects in the City have oversized the capacity of water, sewer and storm drain facilities so that other portions of the City can be serviced with public utilities.

4) How municipal services will be financed.

Municipal services and their accompanying infrastructure are typically financed through private developers making investments in their respective development projects. However, the City also make contributions periodically, particularly in the construction of capital projects

such as storm drainage facilities, road reconstruction, sewer line construction, parks and public safety buildings. The City is able to make these expenditures primarily through the collection of impact fees. The City has adopted the following impact fees per equivalent residential unit (ERU):

Public Safety:	\$327
Transportation:	\$921
Parks & Open Space:	\$833
Storm Drainage:	\$559

In this way, the City has already constructed many capital improvements and will continue to do so, in coordination with the Capital Facilities Plan (mentioned previously) and timing of development approvals and collection of impact fees.

Finally, the City may also, from time to time, borrow funds to extend and construct new physical infrastructure when necessary.

- 5) Estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area.

Currently, residents within the unincorporated areas of Utah County do not pay a municipal services tax. This means that when they are annexed into the City of Saratoga Springs, they will experience a tax increase. Many of these residents are being assessed under the "greenbelt" status of the Utah Property Tax Code. On a typical 25 acre parcel in the unincorporated area and in greenbelt status, an owner might expect to have a valuation of only a few hundred dollars for most of the property and then the actual house is valued at the regular or typical residential/urban evaluation.

Newly annexed properties will be assessed a new property tax for City municipal services. Currently the City's certified property tax rate is 0.001495. On a typical residence that has an assessed tax valuation of \$125,000 the annual payment required to be paid to the City is \$186.88 (\$125,000 X 0.001495).

- 6) Interests of all affected entities.  
(to be addressed after the public meeting)
- 7) Justification for excluding from the expansion area any area containing urban development within ½ mile of the municipality's boundary.

There is no urban development within ½ mile of the City's expansion area that is not presently being served by a neighboring municipality.

- 8) A statement addressing comments made by affected entities at or within ten days after the public meeting under Subsection (2)(a)(ii).  
(to be addressed after the public meeting)

Section 3. Annexation Policy Plan Map.



## Section 4. Annexation Petition Requirements and Procedures.

### General Requirements

In order to assure orderly growth and development of the community and protect the general interest of the tax paying public as well as the rights of individual property owners who wish to annex to the City, the following specific guidelines are established.

- 1) That an annexation fee of \$250.00 plus \$10.00 per acre be charged. City of Saratoga Springs policy requires subdividers and developers to provide for public improvements through on-site construction, bond procedures, special improvement districts and impact fees in addition to this annexation fee. Developers will be subject to all other appropriate and adopted fees to offset the cost to the City of planning and development services. A party annexing property will likewise be charged for all attorneys' fees associated with review of the annexation.
- 2) That every annexation includes the greatest amount of property possible, be a compact area to the greatest extent possible and be contiguous to the City of Saratoga Springs municipal boundaries.
- 3) That piecemeal annexation of individual small parcels of property not allowed if contiguous parcels, soon to be developed, are available, in order to avoid repetitious annexations.
- 4) That no pocket or island of county jurisdiction be left or created, and that peninsulas and irregular boundaries be minimized.
- 5) That annexation generally follow existing roads, property lines, easements, utilities and power lines in order to minimize the public expense for extension of main or service lines and streets.
- 6) That in order to facilitate the consolidation of overlapping functions of local governments, promote the efficient delivery of services, encourage the equitable distribution of community resources and obligations and eliminate island and peninsulas of territory that are not receiving municipal services, the boundaries of an area proposed for annexation shall be drawn, where practicable and feasible, along the boundaries of existing special districts for sewer, water, and other services, and along the boundaries of school districts, and along the boundaries of other taxing entities.
- 7) That in order to provide for the orderly growth and development in the City and avoid confusion and undue cost to the taxpayers, all utility and service hook-on shall be limited to incorporated areas of the City and shall not be made available outside the City limits. The only exception shall be those extensions which are made pursuant to agreement with other units of government under the Interlocal Government Cooperation Act, or by specific approval of the City Council on the request of the Mayor.
- 8) That utilities be extended to annexed areas as soon as practicable after annexation.
  - a) Each annexation should require a disclosure by the developer of anticipated needs of utilities and street improvements and a timetable of anticipated development.
  - b) Needed utilities should be extended into the annexed area as soon as practicable subject to budgetary limitations.
  - c) Extensions of main and service lines shall be chargeable to the property development rather than to the public generally, and shall be planned and constructed in full compliance with City ordinances.

### Water

Inasmuch as the annexation of property into the City of Saratoga Springs will ultimately require a supply of water resources within the annexed area, the owner of the annexed property may be required to demonstrate, upon development of the property, how they shall provide all water resources as required under the water ordinances of the City of Saratoga Springs.

### Property Owner Initiation of Annexation

When initiated by the property owner, the process for annexation shall be as follows:

- 1) The property owner or owners shall submit to the City a petition, in the specific form provided by the City, meeting the criteria established by the state law. Said petition shall contain signatures of property owners representing a majority of the land area and at least 1/3<sup>rd</sup> of the value of real property within the area proposed for annexation. Said petition shall designate up to five of the petitioners as sponsors, and one whom shall be designated as the contact sponsor. The mailing address of each sponsor shall be included in the petition.
- 2) Attached to and as a part of the petition shall be an accurate survey plat of the property to be annexed, prepared by a surveyor licensed to practice in the State of Utah. The survey plat shall accurately describe the existing City boundaries and each individual ownership sought to be annexed and shall also include an accurate legal description of the property to be annexed.
- 3) There shall be attached to the annexation petition a full disclosure statement of how water resources shall be provided to the property to be annexed.
- 4) The annexation petition shall not propose annexation of any land area proposed for annexation to the municipality in a previously filed petition that has not been granted, denied, or rejected.
- 5) The annexation petition shall not propose annexation of any land area being considered for incorporation under Utah State Law.
- 6) On the date of filing the annexation petition with the City Recorder, the petition sponsor(s) shall also deliver or mail a copy of the petition to the County Clerk of Utah County and to the chair of the Planning Commission of each township in which any part of the area proposed for annexation is located.
- 7) There shall also be attached to the annexation petition a statement as to the anticipated timetable for development of the property to be annexed.
- 8) There shall also be attached to the petition a proposed development agreement for the territory proposed for annexation. The proposed development agreement shall include at least the following components:
  - a) General land use plan for the area; utilizing City of Saratoga Springs land use designations.
  - b) Zoning for all parcels. Where multiple zones are suggested, specific boundaries of each zone shall be designated; utilizing City of Saratoga Springs zone designations.
  - c) Provisions for utility services including but not limited to; Power, water, wastewater, secondary water, natural gas, telephone, and cable TV.

### Procedure for Petitions and Plats

The procedure for processing annexation petitions and plats shall be as follows:

- 1) A petition (on a petition form provided by the City) and proper plat certified by a licensed surveyor shall be submitted (on a City of Saratoga Springs Petition Submittal form) to the City Recorder as set forth in Section 10-2-403, Utah Code Annotated, 1953, as amended, together with any other information required by the City staff to enable the staff to prepare an impact report to the City Council. All materials shall be provided with the petition prior to the City Recorder accepting the petition.
- 2) Prior to City Council action on the petition, the petition and plat shall be forwarded to the Development Review Committee who shall determine the feasibility of expanding the annexation boundaries.
- 3) The Development Review Committee shall complete, on timely basis not to exceed 60 days, an impact report on the proposed annexation. The impact report shall be forwarded to the Planning Commission for review and comment and then forwarded to the City Council.

- 4) If the City accepts the annexation petition, the petition shall be forwarded to the City Recorder for certification pursuant to section 10-2-405, Utah Code, as amended.
- 5) If the annexation petition is certified by the City Recorder, the City Council shall provide for public notice and a hearing as set forth in section 10-2-406, Utah Code, as amended.

Annexation Petition Review

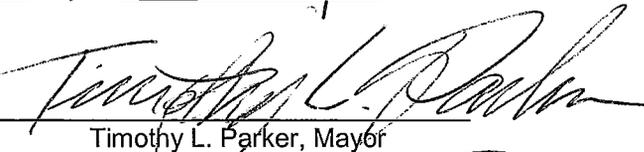
Once the annexation petition has been accepted by the City Council, general annexation procedure shall be provided by the Utah Code; provided however, that the City Council shall not take final action on any petition until the same has been reviewed by the City of Saratoga Springs Development Review Committee and Planning Commission.

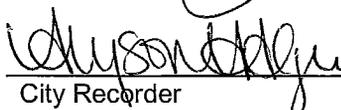
The Development Review Committee will review each annexation request and prepare an impact report with considerations and recommendation for the Planning Commission and City Council indicating an evaluation of the proposed annexation. The impact report shall include at least the following information:

- 1) The ability to meet annexation policy criteria.
- 2) An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features.
- 3) Current and potential population of the area and the current residential densities.
- 4) A review of existing and proposed land uses.
- 5) Statement as to how the proposed area, and/or its potential land use, would contribute to the achievement of the goals and policies of the City of Saratoga Springs General Plan.
- 6) Assessed valuation of the current properties.
- 7) A review of the potential demand on various municipal services, including, but not limited to, the following:
  - a) Distance from existing utility lines.
  - b) Special requirements.
  - c) Distance to public schools, parks, and shopping centers.
  - d) Traffic generated by expected land uses.
- 8) The affect that the annexation will have upon City boundaries and whether the annexation will ultimately create potential for islands, undesirable boundaries, and difficult service areas.
- 9) Specific timetable for extending services to the area and how these services will be financed.
- 10) Potential revenue versus service costs.
- 11) Recommendations or comments of other local government jurisdictions regarding the proposal and potential impact of the annexation on general county economic needs, goals, or objectives.

This Ordinance shall become effective upon passage by the Governing Body and posting by the City Recorder as required by the Utah Code.

ADOPTED AND PASSED by the Governing Body of the City of Saratoga Springs, Utah, this 14<sup>th</sup> day of January, 2003.

Signed:   
Timothy L. Parker, Mayor

Attest:   
City Recorder



1/23/03  
Date

**ORDINANCE NO. 12-7 (6-19-12)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, UTAH AMENDING THE CITY'S ANNEXATION EXPANSION AREA MAP; AMENDING THE ANNEXATION POLICY PLAN INCLUDING THE ADDITION OF COMMENTS RECEIVED BY AFFECTED ENTITIES AND THE CITY'S RESPONSE THERETO; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, Utah Code section 10-2-401.5 provides that an annexation policy plan for the City must be adopted to establish the policy of the City for municipal annexation and to provide notice to citizens and affected entities in the City; and

WHEREAS, the City previously adopted an annexation policy plan, which included an annexation expansion area map; and

WHEREAS, the Council finds that is in the public interest to amend the original annexation policy plan to consider the modification of the annexation expansion area map as well as comments received from affected entities pertaining thereto; and

WHEREAS, all required public notices have been provided, all required public hearings and meetings have been held, and all comments on the proposed amended plan have been received and considered by the City of Saratoga Springs Planning Commission and City Council as required by law.

NOW THEREFORE, be it resolved by the City Council of the City of Saratoga Springs, Utah as follows:

1. The annexation policy plan for Saratoga Springs is hereby amended follows:

A statement addressing comments made by affected entities at or within ten days after the public meeting under Subsection (2)(a)(ii).

In May and June of 2012, the City of Saratoga Springs considered amendments to the City's annexation policy plan, specifically the annexation expansion area map contained therein. After the planning commission held its first public meeting, affected entities were given 10 days, per Utah Code section 10-2-401.5, to respond in writing to the proposed amendments. The City received comments from Steve Mumford, Eagle Mountain Planning Director, on May 16, 2012. In his letter, he mentioned the following concerns regarding the proposed amendments:

- Eagle Mountain requests that the City remove 240 acres from the annexation expansion area map because of a recent annexation by Eagle Mountain.

Saratoga Springs' Response: It is our understanding that Eagle Mountain City has not yet received a certificate of annexation from the Lieutenant Governor's office. Therefore, Saratoga Springs has not removed this property since the annexation process has not finalized.

- The Interpace property, as well as the Rocky Mountain Power and Kern River Gas easements, has always been included in Eagle Mountain's annexation expansion area.

Saratoga Springs' Response: We do not dispute this. However, as stated by Mayor Love, it is the City's intent, if feasible, to honor the requests of property owners to choose which City they wish to annex into. Furthermore, a determination as to annexation policy is a legislative decision that is granted considerable deference under Utah law.

- Utah Code section 10-2-401.5 states that cities shall "attempt to avoid . . . overlaps with the expansion areas of other municipalities." Saratoga Springs is making a deliberate attempt at overlapping our boundary.

Saratoga Springs' Response: The use of the word "attempt" means that this is not mandatory. Therefore, it is not illegal to include land that overlaps. In the case at hand, there is simply nothing the City can do to not overlap this land as the property owner has requested to be annexed into Saratoga Springs and it is the policy of the City to honor the requests of property owners to select for themselves the city they wish to annex into and the land use ordinances and policies they wish to be bound to.

- In 2009, a property owner specifically requested to be annexed into Eagle Mountain City. Eagle Mountain declined to annex this property due in part to concerns raised by Saratoga Springs.

Saratoga Springs' Response: The Interpace property is significantly different than the property mentioned. For example, it is the City's understanding this property was not contiguous to Eagle Mountain, was outside of Eagle Mountain's ability to service, and was proposed solely for the purpose of acquiring municipal revenue, as prohibited by Utah Code section 10-2-402. Here, we are honoring the request of a property owner, are able to service this property, and are not annexing this property solely for the purpose of acquiring additional revenue.

- The cities have failed to work together in the annexing and planning of areas near each City's boundary, as required by the Cooperative Boundary Agreement dated May 18, 2010.

Saratoga Springs' Response: The Cooperative agreement was discussed and approved during an Eagle Mountain City Council meeting. The written minutes of this meeting state: "The agreement doesn't legally bind either city, but it provides a framework for cooperative planning." While Saratoga Springs believes cooperation with Eagle Mountain City to be vital to the success of both cities, Saratoga Springs is not bound by the Cooperative Agreement and therefore can amend its annexation expansion area map to include the Interpace property.

- This property is next to Camp Williams, which has expressed opposition to the development of residential uses adjacent to Camp Williams.

Saratoga Springs' Response: Saratoga Springs will listen to and value input from Camp Williams as to the future development of adjacent land. Saratoga Springs is involved with Camp Williams and the Joint Land Use Study (JLUS) study currently underway. Saratoga Springs has been involved in this process from the beginning.

### Section 3. Annexation Expansion Area Map.

(attached as Exhibit A)

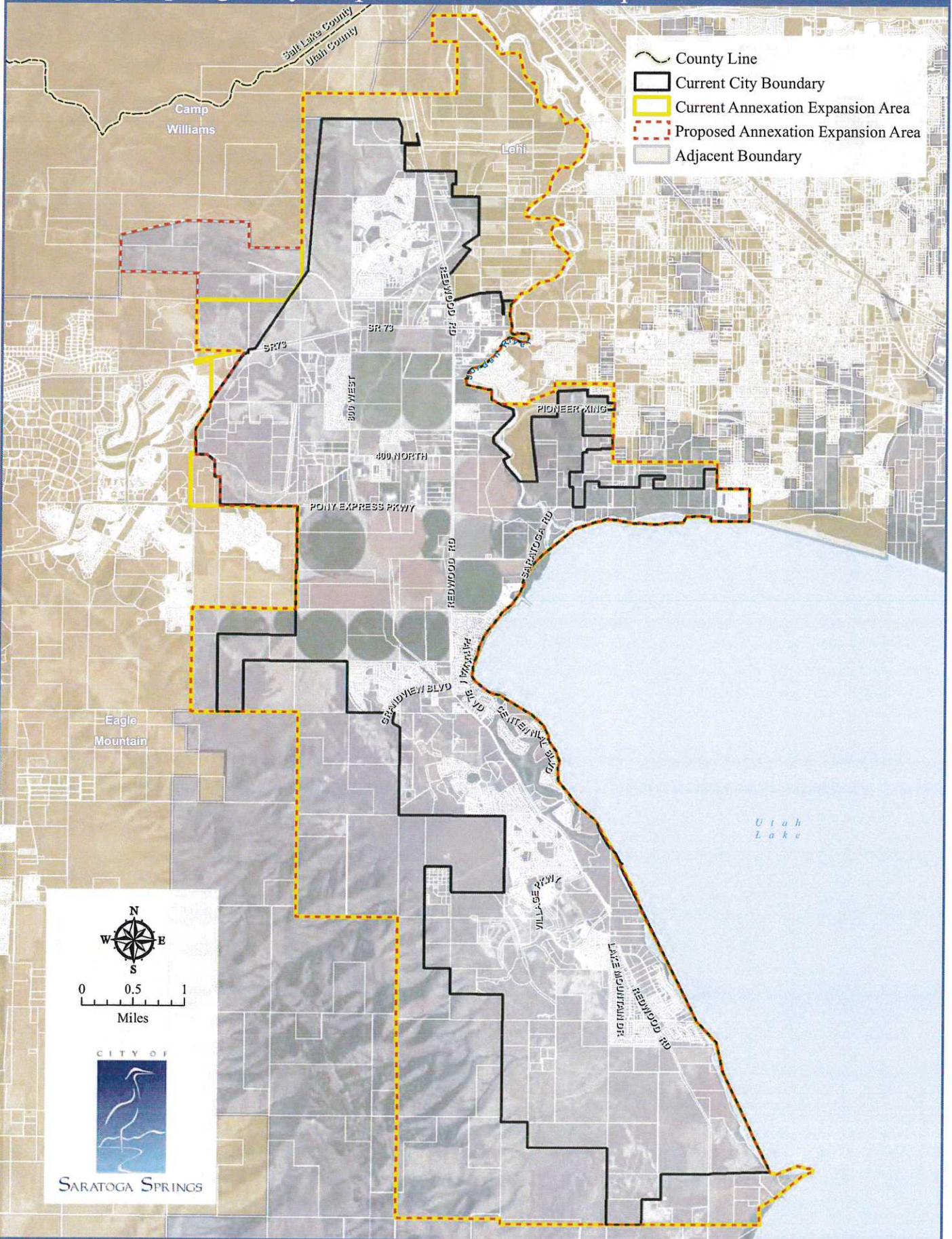
2. The annexation policy plan, as amended herein, shall be in force until it is amended or revised by the City Council of Saratoga Springs.

3. This Ordinance shall take effect immediately upon execution by the Mayor and attestation of the Recorder.

4. Within 30 days of passage of this Ordinance, the City Recorder is directed to submit a copy of the amended annexation policy plan, including the amended annexation expansion area map, to the legislative body of Utah County.

ADOPTED AND PASSED by the Governing Body of the City of Saratoga Springs, Utah, this 19<sup>th</sup> day of June, 2012.

# Saratoga Springs City Proposed Annexation Expansion Area



- County Line
- Current City Boundary
- Current Annexation Expansion Area
- Proposed Annexation Expansion Area
- Adjacent Boundary

0 0.5 1
   
 Miles
   
  
 CITY OF
   
  
 SARATOGA SPRINGS

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## Planning Commission Memorandum

**Author:** Jamie Baron  
**Memo Date:** Thursday, June 2, 2016  
**Meeting Date:** Thursday, June 9, 2015  
**Re:** Work session on Accessory Dwelling Units

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### Background:

Over the last several years there have been multiple requests from residents in the city regarding the addition of accessory dwelling units (ADU's) to their homes. Additionally, code enforcement has discovered multiple illegal ADU's already in existence in the city. As a result, the Code Subcommittee began a discussion of potentially adding code to permit Accessory Dwelling Units in 2015.

In an effort to provide alternative and affordable housing options in residential neighborhoods, staff has researched best practices both in the state and around the country and created a working draft of possible code for consideration.

On May 12, 2016, the Planning Commission discussed Accessory Dwelling Units and had questions regarding some of the proposed requirements and asked for clarification on whether or not those items are required by the Building Code.

Staff has discussed this with the Building Official and his response is attached in Exhibit B.

### Recommendation

Staff recommends that the Planning Commission continue the discussion on the proposed Code amendments, and provide feedback on the amendments in preparation for future public hearing(s).

### Attachments:

- A. Potential Accessory Dwelling Code and Standards
- B. Building Official feedback

## Exhibit A

### 19.05.16. Accessory Dwellings.

Potential Definition:

**“Dwelling, Accessory”** means a secondary dwelling unit established in conjunction with and clearly subordinate to a single family dwelling, and which may be wholly contained within the single family dwelling, or may be detached from but on the same lot as the single family dwelling. Such a dwelling is an accessory use to a single family dwelling.

Process:

Staff is looking at changing/creating the process for this, however these applications would follow the staff approval Conditional Use process until that change.

1. **Purpose and Intent.** The purpose and intent of the Accessory Dwelling section is to allow for secondary housing options in Single Family Neighborhoods, which would provide a variety of housing stock, affordable housing, and enable families to age within the City of Saratoga Springs.
2. **General Requirements.** All Accessory Dwellings are subject to the following requirements: (look at parking, landscaping...)
  - a. **Zones.** Accessory Dwellings are only permitted in the following zones; A, RA-5, RR, R-1, R-2, R-3, R-4, R-5 (minimum lot size of 6,000 sqft?)
  - b. **Number.** A single family dwelling is limited to one accessory dwelling unit.
  - c. **Occupancy.**
    - i. Owner occupancy of either unit is required, except where a valid temporary leave of absence has been approved by the City, as outlined in 19.05.16(6).
    - ii. Occupancy of each unit is limited to a “family” as defined in Section 19.02
    - iii. A Certificate of Occupancy shall be obtained from the City prior to any occupancy of the accessory dwelling unit.
  - d. **Business License.** A business license is required at all times. (Rental Dwelling License, yearly, proof of tenants, for discussion...)
  - e. **Living Area.** Accessory dwellings shall have a minimum area of living space based on the number of bedrooms:
    - i. 400 square feet for a Studio
    - ii. 600 square feet for a 1 bedroom
    - iii. 800 square feet for a 2 bedroom
  - f. **Size.**

- i. No accessory dwelling shall exceed 1,000 square feet or 1/3 of the main home square footage of living space, whichever is greater.
    - ii. The maximum number of bedrooms in accessory dwellings shall be 2.
  - g. Type
    - i. Internal Accessory Dwelling – An internal dwelling is located within the footprint of the primary dwelling.
    - ii. Attached Accessory Dwelling – An attached dwelling shares at least one, but no more than 2, common walls and/or ceiling/floor with the primary dwelling and is at or above grade.
    - iii. Detached Accessory Dwelling – Detached accessory dwellings are not connected to the primary single family dwelling.
  - h. Appearance. The appearance of a Single Family Home shall be maintained.
  - i. Addressing. Accessory dwellings shall have the same address as the primary building and referred to as unit B.
  - j. Entrances
    - i. All accessory dwellings shall have a private entrance.
    - ii. External entrances for Internal and Attached dwellings shall be located on the side or rear of the single family home.
    - iii. External entrances for Detached dwellings shall have a covered porch integrated into the architecture of the building.
  - k. All accessory dwellings shall have a 4 foot wide hard surfaced pedestrian access from the entrance to the street or driveway.
  - l. The property owner shall be the party responsible for compliance with all City ordinances, and shall be the named party for all City utility accounts
  - m. The property shall remain in compliance with all City ordinances; business license may be revoked upon noncompliance
- 3. **Detached Accessory Dwellings.** Detached accessory dwellings are subject the following standards:
  - a. Detached accessory dwellings are only permitted on lots in the A, RA-5, RR, R-1, R-2, and R-3 zones that are 13,000 square feet or larger.
  - b. All detached accessory dwellings shall comply with the accessory building standards of the zone and Section 19.05.
  - c. Detached accessory dwellings shall be located behind the primary building.
- 4. Business License / RDL.
- 5. **Temporary Leave of Absence.** A temporary leave of absence may be approved based on the following requirements:
  - a. Application: A Temporary Leave of Absence application shall be submitted to the Planning and Business License Departments prior to the absence. The following shall be required to be submitted with the application:
    - 1. Fees (if any)
    - 2. Documentation of ownership

3. Documentation of purpose and term for absence
    4. Contact information of Property Manager/Responsible Party during absence.
    5. Proof of owner occupancy for 1 year prior to application.
  - b. Qualifying reasons of Absence. A Temporary Leave of Absence may be approved for the following reasons:
    - i. Temporary job assignment
    - ii. Sabbatical
    - iii. Military Service
    - iv. Volunteer Service
    - v. Medical leave
  - c. Duration of absence. In no case shall a leave of absence extend beyond 3 years, after which the owner must return to occupy the residence. The owner shall occupy the residence for a period of 1 year before an additional leave of absence may be granted. An exception to the additional application requirements may be approved by the Planning Director if the application is associated with either Medical leave or Military Service.
  - d. Property management – All property managers or responsible parties shall be located within the state of Utah.
6. **Home Occupations in Accessory Dwellings.** Class 1 Home Occupations are permitted in accessory dwellings and shall comply with all requirements of Section 19.08.
7. **Good Landlord Program.** \*this is for a possible future program associated with rental properties. There are requirements that have to be met prior to implication of a Good Landlord Program and would not be able to be implemented at this time.
  - a. All property owners of accessory dwellings are eligible for participation in the City Good Landlord Program.
  - b. The requirements of the program are as follows:
    - i. Attendance to Good Landlord Program training.
    - ii. Screening tenants through Credit and Background checks.
    - iii. Maintaining property that is free from criminal activity, code violations, and other public nuisances.
    - iv. Maintain current business licensing and fees.
  - c. Any lapse in Business licensing, code violations, criminal activity, or public nuisance may result in the disqualification of the property owner from the program for a period of 1 year.
8. **Parking** \*this is for discussion and will be added to the Required Parking Table in Section 19.09
  - a. In no case shall the required parking for the primary dwelling count toward the parking requirements for the accessory dwelling.
  - b. 1 parking stall per bedroom shall be required.
  - c. Tandem parking is permitted for no more than 2 stalls.

## **Exhibit B**

Mark Chesley provided the following information:

There is no direct answer or code reference that is completely definitive about this requirement but there are many issued in the codes that push us that direction.

- It would be impossible to maintain the 1hr fire rated floor/ceiling assembly with multiple 6” holes in it where the heat runs would penetrate the rated assembly.
- Which tenant gets to dictate the temp in the building for the other tenant?
- Health concerns as all cold, flue and other air borne illnesses are allowed to be passed from unit to unit.
- It would be very difficult to meet the sound deadening requirements as prescribed in the building code with the direct penetrations of the heating and return air ducts.
- The requirements from the County Health Department states that “every dwelling and dwelling unit shall have heating equipment and appurtenances that are properly installed, and are maintained in a safe and good working condition. The equipment and appurtenances shall be capable of safely heating the dwelling or dwelling unit in every dwelling to at least a temperature of 68 deg. at a distance of 3’ above the floor.
- If one of the tenants smokes the second hand smoke would then be passed through the system, would this then violate the clean air act.
- The IBC/IRC define a dwelling unit as “a single unit providing independent living facilities for one or more persons.”

With all of this said, I feel that each dwelling unit should be treated independently of each other and should be designed as such to allow compliance with the items noted above. This is the way that Orem, Provo, Sandy and other cities interpret and enforce this.

**City of Saratoga Springs**  
**Planning Commission Meeting**  
**May 26, 2016**

Regular Session held at the City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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**Minutes**

**Present:**

Commission Members: Kirk Wilkins, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham, Brandon MacKay  
Staff: Kimber Gabryszak, Planning Director; Gordon Miner, City Engineer; Jamie Baron, Planner 1; Kara Knighton, Planner 1; Nicolette Fike, Deputy Recorder  
Others: Paula Heaton,

**Call to Order - 6:30 p.m.** by Chairman Kirk Wilkins

1. **Pledge of Allegiance** - led by Commissioner Williamson
2. **Roll Call** – A quorum was present
3. **Public Input**

Public Input Open by Chairman Kirk Wilkins  
No input was given tonight.  
Public Input Closed by Chairman Kirk Wilkins

4. **Public Hearing: Rezone from Agriculture to R-4 and Concept Plan for Mountain View Estates II, located approximately 700 West 400 North, Brian Sudweeks, applicant.**

City Planner Baron presented the plans. The applicant is requesting a Rezone from Agricultural (A) to Low Density Residential (R-4) of 6.287 acres of property located at approximately 700 West 400 North. The Concept Plan was included for informal review. They are looking at the pond and existing trail to be included in open space and payment in lieu for the remaining area.

Public Hearing Open by Chairman Kirk Wilkins

Paula Heaton wanted to remind the city that their agricultural property is nearby with grandfathered rights and they would like to have something done which would warn the developer and potential owners of the agricultural property in the area. She also expressed safety concern for the nearby canal.  
Public Hearing Closed by Chairman Kirk Wilkins

Brian Sudweeks, applicant, commented that they would be installing a fence next to the canal and on the east side of the trail as well. He would have no problem with a note on the plat to notify owners of the agricultural property nearby.

Commissioner Kilgore asked if the City Council would be in favor of the payment in lieu. Staff responded that they believed they would

Commissioner Williamson asked if they planned on a turnaround at the end of the road. Brian Sudweeks replied they did not plan on a turn around. Planner Baron commented that it currently met city code.

Commissioner Funk asked staff to comment on why it would be R4 instead of R3. Planner Baron replied if they went with larger lots it would have taken away property needed for the pond. Commissioner Funk

noted that he was opposed to fee in lieu, in general for anyone, and was concerned that the distance between houses was smaller than normal. Planner Baron replied they would have to meet all setback requirements. Commissioner Funk asked what was going in Parcel C. Planner Baron replied that the developer would just be maintaining it until we knew if UDOT would need it for Mountain View Corridor.

Commissioner Steele received clarification that there was not a landlocked parcel being left, it was owned by Alpine District.

Commissioner Wilkins asked in the event that Parcel B was not needed, would they continue the road through there. Brian Sudweeks replied that the ponds would go in parcel B, the payment in lieu was because they needed to keep the parcel large enough to meet the City's needs. There are parks and trails already in the area that he feels meet the needs of the smaller lot.

City Engineer Miner advised that the City is very interested in that parcel there to take the water from the canal there and put it into the system.

**Motion made by Commissioner Williamson to forward a positive recommendation to the City Council for the proposed rezone from Agricultural to R-4 for property located at approximately 700 West 400 North, based on the findings and Conditions listed in the staff report. With the additional condition that we place a note on the plat informing future owners of the use of agricultural around them. Seconded by Commissioner Kilgore. Aye: Sandra Steele, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Nay: David Funk. Motion passed 6-1.**

**5. Work Session: Mixed Waterfront Code Amendments.**

City Planner Knighton advised that as currently written the zone fails to place adequate requirements to protect the environment and wildlife, while not sufficiently incentivizing the type of development that will encourage and provide public interaction with the waterfront. As currently written the Mixed Waterfront zone has a minimum lot size of one acre (43,560 sq. ft.) with a land area mix of 80% residential and 20% commercial. Staff recommends that the percentages be removed to allow additional commercial square footage in smaller developments as appropriate. Other proposed amendments were: Setbacks specific to multifamily and other development including mixed use and commercial were added for greater clarity; multiple development standard sections were added to mitigate impacts of development; Open space has some proposed amendments including requiring 25% for the overall project area with 10% of that 25% to be specifically applied to the residential areas.

Planning Director Gabryszak noted that at the time this was brought forward they had noted that the old mixed lakeshore wasn't bringing in the desired types of development. City Council asked that they compare other cities that have done this well. They are trying to make sure this zone is functional.

Commissioner Williamson would prefer to see more businesses near the waterfront instead of residential units. Planning Director Gabryszak responded they wanted to see more of the residential density and businesses by the water. It takes both residential and businesses to create the vibrancy.

Commissioner Steele asked if we take away the percentages then how do we get the commercial in there instead of just residential. Planning Director Gabryszak replied that they had been brainstorming on how to put a number on it that would help a smaller property owner and not penalize a large. They could put a matrix of densities with bonuses for certain things.

Commissioner Kilgore asked what the incentive for a developer to develop mixed waterfront would be and the incentive matrix is a good idea. In response to questions from Commissioner Kilgore staff clarified the reasoning behind some of the changes made. Home occupancy was removed because of repetition. Minimum dwelling size was changed as a 600 sq. ft. apartment is standard. 50% of the façade is dedicated to windows as along the trail corridor and you want to have pedestrian safety where there are eyes on the

trail, it also makes it friendlier. Building standards for enclosed parking for things like earthquake are in the building code and engineering standards.

Commissioner Steele asked if we would be able to maintain site triangle with the 10 feet. Planning Director Gabryszak replied they would still need to meet the site triangle. Commissioner Steele commented that we need to make some minimum dimensions. She asked if they should put something in on fencing so they get semiprivate fencing along trails. Planning Director Gabryszak replied that we have that under the fencing code, we may need to write exceptions for areas where we are ok with no fencing. We want to make sure there is some delineation between property and open space. Planning Director Gabryszak said they are also trying to see the buffer overlay on the whole length of the river and lake that will have its own set of rules as well.

Commissioner Funk received clarification that after you take out the landscaping requirements then you have a fairly small lot left for commercial, which is where incentivizing may be helpful. He commented that some of the areas on the Jordan River parkway have some nicer spots. He noted that while he enjoys the open space along a trail, if you make some kind of matrix that cuts down on landscape space, keep in mind part of the open space concept is already there because of the river and the lake. Because of that he is more inclined to be more flexible.

In response to a question by Commissioner Wilkins, Planning Director Gabryszak noted that the state is not allowing private docks; they began work on shared docks, but didn't finish with their regulations.

Commissioner Kilgore asked when a development has a zone for mixed use, why do they prefer to build more residential. Planning Director Gabryszak replied part of it is we don't provide the density needed to offset the cost. Another reason may be that some developers do only the residential because it is their market; it's less of a risk for them.

#### **6. Work Session: Discussion of Code and Vision.**

Planning Director Gabryszak went over a few proposed amendments coming up and got some feedback from the commissioners. They are recreating an open space zone and include parks. A big part of that is signage, if parks have an event they can't really put up signs. Rezoning things like churches and fire stations to institutional/civic (IC). They are looking at creating Community Commercial zone. They are working to calculate ERU's for facilities that allowed in residential zones.

Temporary Uses - look at temporary uses for things like ice-cream trucks. The commissioners discussed and agreed that ice cream trucks (drivers) should need to do back ground checks like for solicitor's licensees.

Stealth Designs for wireless/free standing towers - Planning Director Gabryszak asked how they felt about requiring stealth designs for free standing towers. Commissioner Williamson did not feel it should be required. Some designs may stand out more. The thoughts were perhaps not for taller poles but it would be easier on shorter poles. There was also a proposal staff was considering to encourage sharing poles.

Chain link fencing - recommend it only be allowed in the agriculture zone. Commissioner Steele suggested to also limiting barbed wire to agriculture only. Commissioner Kilgore suggested perhaps in the industrial zones as well. Commissioner Williamson reminded them about the cell tower discussion last meeting and that there were sometimes valid reasons for the chain link. Commissioner Kilgore asked how this code works with CPTED uses. Planning Director Gabryszak said we can still comply with other types of fencing, our code requires opaque.

Backyards – There was a suggested definition added for protective ground cover. There was some discussion to what materials should be included and weed issues. Commissioner Steele is concerned when we put something into code that doesn't get enforced. Commissioner Williamson responded that we might

relax the code so there is less to be enforced and the HOA's can have more intense regulations. Commissioner MacKay doesn't think we should relax the rules just because it's hard to enforce. Commissioner Cunningham noted that people should know the rules when moving in. Planning Director Gabryszak observed that from this discussion it looks like the majority is against the change, this would be keeping it as it is or adding the protective ground cover. Staff will not support not requiring anything. Commissioner Kilgore said he likes finding a happy medium here of the protective ground cover. Planning Director Gabryszak said we can break these sections out by topic so this can have its own vote and not weigh on any other changes. Commissioner Funk commented that there are other mulch options than just bark.

Parking table – we allow carports in higher density, should it be prohibited. Clarify parking on ERU vs sq. ft. and delete wider stall requirement to avoid conflict with 19.14. Commissioner Cunningham asked if they could do something to make access to garbage surrounds easier to access. Planning Director Gabryszak replied this would help address that. Commissioner Wilkins thinks carports add value especially when there are not garages available.

Conditional uses – remove requirement to protect viewsheds because the State Code doesn't really allow us to protect views. We could designate specific corridors, we haven't done that yet. Commissioner Wilkins commented that just because it's hard doesn't mean we don't want to do it. Planning Director Gabryszak noted to add “designated viewsheds.”

Design chapter – this would assemble all other design standards from other sections in to one place.

Open space chapter – this would replace the current open space standards, it added requirements for park space per residential units. It gives flexibility for types of open space that can be provided. Commissioner Wilkins suggested directing fees in lieu to specific projects. Commissioner Steele would hate to see the City lose all pocket parks. Planning Director Gabryszak said this wouldn't get rid of pocket parks but get rid of tiny unusable spaces that aren't being improved. Commissioner Kilgore also mentioned discounts for winter uses like sledding on a detention pond hill.

Signage – there was a request to allow snipe signs. They do want to create a provision for directional signs for special events with an approved event permit in the city. There was some research on electronic signs after direction from City Council. Commissioner Funk asked if there were problems with the JLUS and electronic signs. Planning Director Gabryszak noted that right now they are permitted in the IC zone like schools. They are looking at allowing them in other areas with restrictions. Commissioner Steele is concerned about the 5 second dwell time. Commissioner Williamson didn't find digital price signs for gas stations to be an issue. Commissioner Kilgore commented it may be a problem near residential areas. Commissioner MacKay noted that they could regulate a lot on a sign like the back substrate and amount allowed to be lit. Commissioner Steele would have a problem with canopies in some areas; anytime you take the lights up higher they become more offensive to more people. Commissioner Williamson thought they could limit canopy signs per zone. Commissioner MacKay would prefer not to allow the electronic signs, it's not prohibiting businesses, and whether they come or not is revenue based. Commissioner Williamson likes the change to the snipe signs.

## **7. Approval of Minutes:**

### **a. May 12, 2016**

Commissioner Wilkins amended a comment on pg. 4 to read: although he does not support basement rental code changes he would not like to see prohibitions for residents that already have finished basements in the event that basement rentals are permissible.

Motion made by Commissioner Steele to approve the minutes of May 12, 2016 as amended. Seconded by Commissioner Funk.

**8. Reports of Action.** – No reports tonight.

**9. Commission Comments.** - none

**10. Director’s Report:** - Planning Director Gabryszak gave a brief update on the following items.

**a. Council Actions** – approved: landscaping large lots, ABC Rezone, Fox Hollow, Western Hills, Lakeview Terrace fencing standards.

**b. Applications and Approvals** – items included in the staff report.

**c. Upcoming Agendas** – Annexation Boundary plan adjustment

**d. Other**

**11. Motion to enter into closed session.** - No closed session tonight.

**12. Meeting Adjourned at 8:45 p.m. by Chairman Kirk Wilkins**

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
Planning Commission Chair  
Kirk Wilkins

\_\_\_\_\_  
Nicolette Fike, Deputy City Recorder



## Memo

**To:** Mayor, City Council and/or Planning Commission  
**From:** Planning Department  
**Date:** June 2, 2016  
**Meeting Date:** June 9, 2016  
**Re:** New Applications & Resubmittals

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### **New Projects:**

- 5.19.16 Saratoga Animal Hospital Concept Plan (154 West Commerce Dr.)
- 5.23.16 Profound Healing Home Occupation (1481 S. Trapper Ct.)
- 5.25.16 Grasslands Park Memorial Sign Permanent Sign Permit (Corner of Weatherby Dr. & Ring Rd)
- 5.25.16 Legacy Farms Village Plan 3 Plats 3A-3E Preliminary & Final (400 S. Redwood Rd.)
- 5.25.16 5.25.16 The Village of Hawk Estates Preliminary (Fox Hollow N. 10)
- 5.25.16 The Village of Hawk Estates Plat A Phase 1 Final (Fox Hollow Neighborhood 10)
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### **Resubmittals & Supplemental Submittals:**

- 5.19.16 Denny's Site Plan (1516 N. Redwood Rd)
- 5.23.16 Smith's #207 Fuel Station Site Plan (The Crossing)
- 5.26.16 Fox Hollow Neighborhood 5 Preliminary & Construction (Village Blvd & Redwood Rd)
- 5.26.16 Tractor Supply Co Site Plan Construction Drawings (Commerce Dr. South of Hwy 73)

### **Staff Approvals:**