

**CITY OF SARATOGA SPRINGS  
CITY COUNCIL MEETING**

Tuesday, August 5, 2014

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

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**CITY COUNCIL AGENDA**

Councilmembers may participate in this meeting electronically via video or telephonic conferencing.

**POLICY SESSION- Commencing at 7:00 p.m.**

- Call to Order.
- Roll Call.
- Invocation / Reverence.
- Pledge of Allegiance.
- Awards, Recognitions and Introduction.
- Public Input - Time has been set aside for the public to express ideas, concerns, and comments. Please limit repetitive comments.

**POLICY ITEMS**

1. Departmental Quarterly Updates from the Finance Department, Planning Department, Public Works and Engineering Department.
2. Consent Calendar:
  - a. Approval of Minutes:
    - i. July 15, 2014.
3. Concept Plan and Possible Rezone of Harvest Heights located between Redwood Road and Fall Harvest Drive, Fieldstone Utah Investors, applicant.
  - a. Concept Plan.
  - b. Public Hearing on Possible Rezone from A, Agricultural to R-4, Low Density Residential, R-6, Medium Density Residential and RC, Regional Commercial.
  - c. Consideration of Ordinance 14-20 (8-5-14): An Ordinance of the City of Saratoga Springs, Utah, adopting amendments to the Saratoga Springs City's Official Zoning Map and Rezoning Harvest Heights property from A, Agricultural to R-4, Low Density Residential, R-6, Medium Density Residential and RC, Regional Commercial; instructing the City staff to amend the City Zoning Map and other official zoning records of the City; and establishing an effective date. (Harvest Heights)
4. Consideration of Amendment to the approved Final Plat of River Heights.
5. Proposed Advertising/Sponsorship Policy for Civic Events.
6. Consideration of Sunrise Meadows Secondary Well Reimbursement Agreement.
7. Motion to enter into closed session for the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual.
8. Adjournment.

**Notice to those in attendance:**

- Please be respectful to others and refrain from disruptions during the meeting.
- Please refrain from conversing with others as the microphones are sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (e.g., applauding or booing).
- Please silence all cell phones, tablets, beepers, pagers, or other noise making devices.
- Refrain from congregating near the doors to talk as it can be noisy and disruptive.

# City Council Staff Report

**Author:** Chelese Rawlings, Finance Manager  
**Subject:** Fourth Quarter Budget Financial Statements  
**Date:** Aug 5, 2014  
**Type of Item:** Informational



## Description

### A. Topic

Attached are the fourth quarter budget financial statements for the fiscal year 2013-2014.

### B. Background

The budget was adopted by the Council on June 18, 2013. The attached reports show the actuals in comparison to the budget up to June 30, 2014. Please be aware the fiscal year is not closed and revenues and expenditures are still be accrued back to this fiscal year.

### C. Analysis/Overview of the General Fund

Revenues in comparison to last year fourth quarter:

- Collected over \$57,269 more in property tax revenue, and over \$112,131 more in franchise and energy taxes.
- Collected \$66,569 less in licensing and permits, a majority of which is in building permits.
- Collected \$270,185 more in sales and use tax.
- Collected over \$16,099 more in charges for services, a majority in inspection and review fees and ambulance service revenue.
- Collected about \$98,018 more in other revenue, a majority of this in fines and citations, special services and miscellaneous revenue.

Expenditures in comparison to last year fourth quarter:

- A significant reason for the minor increases in expenses of all the general fund department expenditures is the increase in salaries that was approved during the budget process.
- Another reason for the increase is benefits that incrementally increase every year that are not controlled by council or staff, such benefits are: URS retirement, health benefits, dental benefits, etc.

Transfers

- A transfer of \$2,100,000 was made from the General Fund to the Capital Projects fund to keep the fund balance in the General Fund below the 25% threshold. Of this amount \$1.1 million was loaned to the water operations fund for the purchase of secondary meters until the bond proceeds are released.

#### **D. Summary**

The City of Saratoga Springs is under the 100 percent threshold of expenditures to date. The threshold is determined to be 100 percent because the fourth quarter reflects four quarters of our budget. In the General Fund we are currently at 92.8 percent of budgeted expenses.

The revenues are strong, mainly because the City has received more than what was budgeted of our property tax revenues, licenses and permits, charges for services, and other revenue. In the General Fund we are currently at 85.9 percent of budgeted revenues. It is under the 100 percent threshold because of a budgeted transfer for beginning balance in revenues that would not have received monies.

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 12 MONTHS ENDING JUNE 30, 2014

GENERAL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
TAX REVENUE	5,812,657	5,773,595	( 39,062)	100.7
LICENSES AND PERMITS	582,224	482,100	( 100,124)	120.8
INTERGOVERNMENTAL REVENUE	565,112	782,202	217,090	72.3
CHARGES FOR SERVICES	1,502,278	1,252,495	( 249,783)	119.9
OTHER REVENUE	1,455,018	1,282,274	( 172,744)	113.5
ADMINISTRATIVE CHARGES	1,308,658	1,308,658	0	100.0
CONTRIBUTIONS & TRANSFERS	0	2,185,513	2,185,513	.0
	<u>11,225,949</u>	<u>13,066,837</u>	<u>1,840,888</u>	<u>85.9</u>
 <u>EXPENDITURES</u>				
LEGISLATIVE DEPARTMENT	101,944	106,428	4,484	95.8
ADMINISTRATIVE DEPARTMENT	548,674	560,819	12,145	97.8
UTILITY BILLING DEPARTMENT	64,270	74,478	10,208	86.3
TREASURER DEPARTMENT	137,412	142,802	5,390	96.2
RECORDER DEPARTMENT	93,684	101,003	7,319	92.8
ATTORNEY DEPARTMENT	246,201	261,265	15,064	94.2
JUSTICE COURT DEPARTMENT	230,300	240,891	10,591	95.6
NON-DEPARTMENTAL	321,154	337,836	16,682	95.1
GENERAL GOV'T BLDGS & GROUNDS	168,720	181,732	13,012	92.8
ELECTIONS DEPARTMENT	9,538	9,540	2	100.0
PLANNING AND ZONING DEPARTMENT	296,222	306,595	10,373	96.6
COMMUNICATIONS DEPARTMENT	92,007	94,918	2,911	96.9
POLICE DEPARTMENT	2,492,043	2,696,878	204,835	92.4
POLICE DEPARTMENT - BLUFFDALE	703,426	733,468	30,042	95.9
FIRE DEPARTMENT	1,492,248	1,509,294	17,046	98.9
BUILDING INSPECTION	404,230	454,044	49,814	89.0
GRANT EXPENDITURES	31,417	109,463	78,046	28.7
STREETS DEPARTMENT	497,292	680,014	182,722	73.1
PUBLIC WORKS DEPARTMENT	297,414	295,767	( 1,647)	100.6
ENGINEERING DEPARTMENT	679,278	723,404	44,126	93.9
PARKS & OPEN SPACES DEPT	551,118	723,499	172,381	76.2
RECREATION DEPARTMENT	216,405	236,879	20,475	91.4
COMMUNITY & ECONOMIC DEVELOPMT	14,716	15,000	284	98.1
LIBRARY SERVICES	132,630	153,062	20,432	86.7
OTHER USES	0	8,245	8,245	.0
TRANSFERS	2,309,512	2,309,513	1	100.0
	<u>12,131,854</u>	<u>13,066,837</u>	<u>934,983</u>	<u>92.8</u>
	<u>( 905,906)</u>	<u>0</u>	<u>905,906</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 12 MONTHS ENDING JUNE 30, 2014

STREET LIGHTING SID S.R. FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
STREET LIGHTING SID REVENUE	149,891	125,000	( 24,891)	119.9
INTEREST REVENUE	951	61,912	60,961	1.5
	<u>150,842</u>	<u>186,912</u>	<u>36,071</u>	<u>80.7</u>
<u>EXPENDITURES</u>				
STREET LIGHTING SID EXPENDITUR	105,450	121,970	16,520	86.5
TRANSFERS AND OTHER USES	0	64,942	64,942	.0
	<u>105,450</u>	<u>186,912</u>	<u>81,462</u>	<u>56.4</u>
	<u><u>45,391</u></u>	<u><u>0</u></u>	<u><u>( 45,391)</u></u>	<u><u>.0</u></u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 12 MONTHS ENDING JUNE 30, 2014

SSD STREET LIGHT SID S.R. FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
SSD STREET LIGHT SID REVENUE	24,034	22,500	( 1,534)	106.8
INTEREST REVENUE	309	54,786	54,477	.6
	<u>24,343</u>	<u>77,286</u>	<u>52,943</u>	<u>31.5</u>
<u>EXPENDITURES</u>				
SSD STREET LIGHT SID EXPENDIT	18,055	77,286	59,231	23.4
	<u>18,055</u>	<u>77,286</u>	<u>59,231</u>	<u>23.4</u>
	<u>6,288</u>	<u>0</u>	<u>( 6,288)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 12 MONTHS ENDING JUNE 30, 2014

ZONE 2 WATER IMPROVEMENT SID

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
WATER SID REVENUE	339,995	400,000	60,005	85.0
INTEREST REVENUE	140,716	543,847	403,131	25.9
	<u>480,711</u>	<u>943,847</u>	<u>463,136</u>	<u>50.9</u>
<u>EXPENDITURES</u>				
WATER SID EXPENSES	821,007	825,059	4,052	99.5
TRANSFERS AND OTHER USES	0	118,788	118,788	.0
	<u>821,007</u>	<u>943,847</u>	<u>122,840</u>	<u>87.0</u>
	<u>( 340,296)</u>	<u>0</u>	<u>340,296</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 12 MONTHS ENDING JUNE 30, 2014

STORM DRAIN-CAPITAL PROJ FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
IMPACT FEES REVENUE	177,688	899,895	722,207	19.8
	<u>177,688</u>	<u>899,895</u>	<u>722,207</u>	<u>19.8</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	185,438	663,973	478,535	27.9
TRANSFERS AND OTHER USES	0	235,922	235,922	.0
	<u>185,438</u>	<u>899,895</u>	<u>714,457</u>	<u>20.6</u>
	<u>( 7,750)</u>	<u>0</u>	<u>7,750</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
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PARKS - CAPITAL PROJECTS FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
INTERGOVERNMENTAL REVENUE	0	132,891	132,891	.0
IMPACT FEES REVENUE	730,869	2,383,301	1,652,432	30.7
	<u>730,869</u>	<u>2,516,192</u>	<u>1,785,323</u>	<u>29.1</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	358,338	2,303,268	1,944,930	15.6
TRANSFERS AND OTHER USES	0	212,924	212,924	.0
	<u>358,338</u>	<u>2,516,192</u>	<u>2,157,854</u>	<u>14.2</u>
	<u>372,530</u>	<u>0</u>	<u>( 372,530)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
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ROADS - CAPITAL PROJECTS FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
IMPACT FEES REVENUE	919,206	5,155,224	4,236,018	17.8
	<u>919,206</u>	<u>5,155,224</u>	<u>4,236,018</u>	<u>17.8</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	708,322	5,155,224	4,446,901	13.7
	<u>708,322</u>	<u>5,155,224</u>	<u>4,446,901</u>	<u>13.7</u>
	<u>210,884</u>	<u>0</u>	<u>( 210,884)</u>	<u>.0</u>

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PUBLIC SAFE-CAPITAL PROJ FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
IMPACT FEES REVENUE	280,156	926,198	646,042	30.3
	<u>280,156</u>	<u>926,198</u>	<u>646,042</u>	<u>30.3</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	438	830,000	829,563	.1
TRANSFERS AND OTHER USES	0	96,198	96,198	.0
	<u>438</u>	<u>926,198</u>	<u>925,761</u>	<u>.1</u>
	<u>279,718</u>	<u>0</u>	<u>( 279,718)</u>	<u>.0</u>

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CAPITAL PROJECTS FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
SOURCE 33	1,699,799	2,456,284	756,485	69.2
TRANSFERS AND OTHER SOURCES	2,268,872	2,268,872	0	100.0
CONTRIBUTIONS & OTHER REVENUE	479,674	1,827,969	1,348,296	26.2
	<u>4,448,344</u>	<u>6,553,125</u>	<u>2,104,781</u>	<u>67.9</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	3,896,666	6,188,863	2,292,197	63.0
TRANSFERS AND OTHER USES	0	356,368	356,368	.0
DEPARTMENT 6001	7,895	7,895	0	100.0
	<u>3,904,561</u>	<u>6,553,125</u>	<u>2,648,565</u>	<u>59.6</u>
	<u>543,784</u>	<u>0</u>	<u>( 543,784)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
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DEBT SERVICE FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
SOURCE 37	213,773	213,773	0	100.0
CONTRIBUTIONS AND TRANSFERS	78,027	78,027	0	100.0
SOURCE 39	0	650	650	.0
	<u>291,800</u>	<u>292,450</u>	<u>650</u>	<u>99.8</u>
<u>EXPENDITURES</u>				
DEBT SERVICE	<u>292,332</u>	<u>292,450</u>	<u>118</u>	<u>100.0</u>
	<u>292,332</u>	<u>292,450</u>	<u>118</u>	<u>100.0</u>
	<u>( 532)</u>	<u>0</u>	<u>532</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
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WATER FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
UTILITY OPERATING REVENUE	3,216,624	2,550,850	( 665,774)	126.1
WATER RIGHT REVENUE	0	2,774,000	2,774,000	.0
SOURCE 39	0	1,163,179	1,163,179	.0
	<u>3,216,624</u>	<u>6,488,029</u>	<u>3,271,405</u>	<u>49.6</u>
 <u>EXPENDITURES</u>				
DEPARTMENT 4800	0	17,106	17,106	.0
WATER OPERATIONS	2,443,932	4,675,670	2,231,738	52.3
SECONDARY WATER OPERATIONS	788,305	914,862	126,557	86.2
DEPRECIATION	0	790,000	790,000	.0
DEPARTMENT 5810	0	90,391	90,391	.0
TRANSFERS AND OTHER SOURCES	69,160	0	( 69,160)	.0
	<u>3,301,397</u>	<u>6,488,029</u>	<u>3,186,632</u>	<u>50.9</u>
	<u>( 84,773)</u>	<u>0</u>	<u>84,773</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
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SEWER FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
OPERATING & NON-OPERATING REV	2,299,351	2,016,000	( 283,351)	114.1
CONTRIBUTIONS & TRANSFERS	0	1,027,167	1,027,167	.0
	<u>2,299,351</u>	<u>3,043,167</u>	<u>743,816</u>	<u>75.6</u>
<u>EXPENDITURES</u>				
SEWER OPERATIONS	1,807,074	2,438,167	631,093	74.1
DEPRECIATION	0	605,000	605,000	.0
TRANSFERS AND OTHER USES	27,769	0	( 27,769)	.0
	<u>1,834,843</u>	<u>3,043,167</u>	<u>1,208,324</u>	<u>60.3</u>
	<u><u>464,508</u></u>	<u><u>0</u></u>	<u><u>( 464,508)</u></u>	<u><u>.0</u></u>

CITY OF SARATOGA SPRINGS  
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WASTEWATER CAPITAL PROJ FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
IMPACT FEES REVENUE	433,351	1,545,041	1,111,690	28.1
	<u>433,351</u>	<u>1,545,041</u>	<u>1,111,690</u>	<u>28.1</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	1,013,248	1,593,041	579,793	63.6
DEPRECIATION	0	92,000	92,000	.0
	<u>1,013,248</u>	<u>1,685,041</u>	<u>671,793</u>	<u>60.1</u>
	<u>( 579,897)</u>	<u>( 140,000)</u>	<u>439,897</u>	<u>(414.2)</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
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STORM DRAIN ENTERPRISE FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
OPERATING REVENUE	407,523	361,000	( 46,523)	112.9
CONTRIBUTIONS & OTHER SOURCES	1,227	478,634	477,407	.3
	<u>408,750</u>	<u>839,634</u>	<u>430,884</u>	<u>48.7</u>
<u>EXPENDITURES</u>				
STORM DRAIN OPERATIONS	231,348	429,634	198,286	53.9
DEPRECIATION	0	410,000	410,000	.0
TRANSFERS AND OTHER USES	27,769	0	( 27,769)	.0
	<u>259,117</u>	<u>839,634</u>	<u>580,517</u>	<u>30.9</u>
	<u>149,634</u>	<u>0</u>	<u>( 149,634)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
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GARBAGE UTILITY FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
OPERATING REVENUE	893,967	851,768	( 42,199)	105.0
INTEREST REVENUE	2,548	162,000	159,452	1.6
	<u>896,515</u>	<u>1,013,768</u>	<u>117,253</u>	<u>88.4</u>
<u>EXPENDITURES</u>				
GARBAGE OPERATIONS	954,365	916,518	( 37,847)	104.1
TRANSFERS AND OTHER USES	0	97,250	97,250	.0
	<u>954,365</u>	<u>1,013,768</u>	<u>59,403</u>	<u>94.1</u>
	<u>( 57,851)</u>	<u>0</u>	<u>57,851</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
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CUL WATER CAPITAL PROJ FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
CONNECTION FEES REVENUE	951,227	3,008,994	2,057,767	31.6
	<u>951,227</u>	<u>3,008,994</u>	<u>2,057,767</u>	<u>31.6</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	624,521	1,949,928	1,325,407	32.0
TRANSFERS AND OTHER USES	0	29,066	29,066	.0
DEPRECIATION/AMORTIZATION	0	1,030,000	1,030,000	.0
	<u>624,521</u>	<u>3,008,994</u>	<u>2,384,473</u>	<u>20.8</u>
	<u>326,705</u>	<u>0</u>	<u>( 326,705)</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
 FOR THE 12 MONTHS ENDING JUNE 30, 2014

2NDARY WATER CAPITAL PROJ FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
CONNECTION FEES REVENUE	339,924	734,342	394,418	46.3
	<u>339,924</u>	<u>734,342</u>	<u>394,418</u>	<u>46.3</u>
<u>EXPENDITURES</u>				
CAPITAL PROJECT EXPENDITURES	523,349	634,342	110,992	82.5
DEPRECIATION	805	100,000	99,195	.8
	<u>524,154</u>	<u>734,342</u>	<u>210,187</u>	<u>71.4</u>
	<u>( 184,230)</u>	<u>0</u>	<u>184,230</u>	<u>.0</u>

CITY OF SARATOGA SPRINGS  
 FUND SUMMARY  
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WATER RIGHTS FUND

	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>				
WATER RIGHTS - DEVELOPER FEES	870,193	250,000	( 620,193)	348.1
INTEREST REVENUE	10,411	688,600	678,189	1.5
	<u>880,604</u>	<u>938,600</u>	<u>57,996</u>	<u>93.8</u>
<u>EXPENDITURES</u>				
DEPARTMENT 5800	381,815	938,600	556,786	40.7
	<u>381,815</u>	<u>938,600</u>	<u>556,786</u>	<u>40.7</u>
	<u><u>498,789</u></u>	<u><u>0</u></u>	<u><u>( 498,789)</u></u>	<u><u>.0</u></u>

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**City of Saratoga Springs**  
**City Council Meeting – Policy Session**  
**July 15, 2014**

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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**Work Session Minutes**

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**Present:**

Mayor: Jim Miller

Council Members: Michael McOmber, Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

Staff: Scott Langford, Kimber Gabryszak, Kevin Thurman, Jeremy Lapin, Nicolette Fike, Chelese Rawlings

Others: Keith Larsen, Matt Mills, Cathy Allred

**Call to Order – 6:35 p.m.**

**1. Update on the Sewer Rate Study from Zions Bank.**

Presentation by Keith Larsen of Bowen and Collins. He said the window to do these projects is now before growth makes it harder and more costly. He showed Gravity vs. Pumped timeline and costs.

- Total Capital Costs are approximately equal for Gravity and Pumped Systems
- Gravity System requires a large initial investment, while pumped system can be implemented in smaller increments
- Additional Operation & Maintenance costs associated with Pumped system are significant
- Over the long-term, Gravity system will be significantly less expensive
- Break-even point occurs in 20 years (based on current growth projections)
- Gravity system includes several non-cost benefits including ease of operation and reliability

Matt Mills from Zions Bank presented the Sewer Utility Rate Study. There were two options to present option 1 has a 16% increase in 2015, and 10% in 2016. Option 2 has a 13.75% increase in 2015 and 12% in 2016.

Council commented that Option 2 was more preferable.

There were options for decisions that would need to be made for 2017 and beyond. These options were based on a gravity system.

**Adjourn to Policy Session - 7:12 p.m.**

## Policy Session Minutes

### **Present:**

Mayor: Jim Miller

Council Members: Michael McOmber, Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

Staff: Scott Langford, Kimber Gabryszak, Kevin Thurman, Jeremy Lapin, Sarah Carroll, Chelese Rawlings, Jess Campbell, Andrew Burton

Others: Amryn Scott, Jason Scott, Sue Alexander, K. Becraft, Ryan Poduska, Cole Peck, Clay Peck, Tess

Collins, Ronald Johnston, Nathan Johnston, Del Elmer, Randy Henderson, Fran McCorkel, Justin Balls,

Jonathan Abbott, Jack Carrick, Gavin Carrick, Sterling Jacobsen

Excused: Mark Christensen, Spencer Kyle, Owen Jackson

**Call to Order** - 7:15 p.m.

**Roll Call** - Quorum was present

**Invocation / Reverence** - Given by Councilman McOmber

**Pledge of Allegiance** - led by Councilwoman Baertsch

### **Awards, Recognitions and Introductions**

- Swearing in of Police Officer, John Hill – by Mayor Miller.
- Recognition of the C.E.R.T. graduates. The graduates introduced themselves and were applauded for their effort. One graduate, took a moment to share his experience.

### **Public Input** - Opened by Mayor Miller

Ryan Poduska commented that Pine trees do not do as well in our area and he thought the number planned for item 3 on the agenda was too high. A lot of residents in his area are asking about Swainson being completed on time and how it affects busses and school starting.

Fran McCorkel was here in June and shared her concerns about the irrigation water. She had her water tested again and it did not show improvement. She noted that she has been watering with culinary water and it did a better job. She has not been contacted by City staff who was supposed to follow up with her.

**Public Input Closed** by Mayor Miller

### **Policy Items**

#### **1. Consent Calendar:**

**a. Award of Bid for the 2014 City Wide Pavement Preservation.**

**b. Approval of Final Plat for Landrock Connection located south of the intersection of Valley View and Grandview Court, Lakeview Land and Development Company/Clay Peck, applicant.**

**i. Resolution R14-34 (7-15-14) Addendum to resolution of the City of Saratoga Springs pertaining to the City Street Lighting Special Improvement District to include additional subdivision lots. (Landrock Connection)**

**c. Approval of Minutes:**

**i. July 1, 2014.**

**ii. July 8, 2014.**

Councilwoman Call had a question on the bid, that only one was received and it was over the Engineering estimate.

Jeremy Lapin responded that he had done some research. Riverton had a bid at about 17 cents a sq. foot, draper about 16. We are doing more than them and we were about 15 cents square feet. This bid was comparable to what other cities have received for the same size area.

Councilwoman Call asked if it would be advantageous to have the seal done at different time of year, perhaps for future bids. She would be in favor of putting an earmark or projected based on previous years in the budget, especially if we could get a better price at a different time.

Jeremy Lapin said for this year it's better to do the work now before the winter would have more damage. They could possibly delay it next year, but this year they needed to wait for the budget.

Councilwoman Baertsch wanted clarification on condition # 5 in the Landrock piece with the fee in lieu of open space.

Scott Langford said the applicant and city are still going through the huge stacks of files. The condition gives them the needed flexibility.

95 Motion made by Councilman McOmber to approve the Consent Calendar with the award of bid for the  
96 for the 2014 City Wide Pavement Preservation as outlined in City Staff recommendations, schedule A,  
97 Slurry Sealing, to Intermountain Slurry Seal in the amount of \$547,865.25 and schedule B, micro  
98 surfacing, to Geneva Rock Products Inc. in the amount of \$208,143.12 with city staff recommendation  
99 and approving the minutes with changes submitted via email from Councilwoman Call and  
100 Councilwoman Baertsch. Second by Councilman Poduska. Aye: Councilman Willden,  
101 Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion  
102 passed unanimously.  
103

104 **2. Sewer Collection Facilities Impact Fee.**

105 **a. Public Hearing Regarding the Proposed Sewer impact Fee, Sewer Impact Fee Facilities Plan, and**  
106 **Sewer Impact Fee Analysis.**

107 **b. Consideration of Ordinance 14-19 (7-15-14): Ordinance Enacting and Adopting Amended Sewer**  
108 **Impact Fee a Sewer Impact Fee Facilities Plan, and the Sewer Impact Fee Analysis in the City of**  
109 **Saratoga Springs, Utah.**

110 Jeremy Lapin reviewed the proposed impact fees. Overall in the city the fees will be going down. The existing  
111 fee in the South Service north area is actually about \$2100 and in the south area it's about \$4800.

112  
113 **Public Hearing Open** - by Mayor Miller

114 No input was given at this time.

115 **Public Hearing Closed** - by Mayor Miller  
116

117 Councilman Willden asked about updating with future development.

118 Jeremy Lapin noted that they intended to update the plan every 3-5 years. At some point they feel they can't  
119 get so far south pumped all the way up north.

120 Councilwoman Baertsch noted that the packet makes things a little more transparent and clear.

121 Councilwoman Call appreciated the work done by staff. She was concerned with verbiage in the ordinance.

122 Kevin Thurman noted that the part she indicated was taken verbatim from the state statute and was required by  
123 law.

124 Councilwoman Baertsch asked could we have a developer come back and say you have to reimburse me. Is  
125 there a way to protect the city from undue burden?

126 Kevin Thurman said we could add clarification for any impact fee paid in the future the city shall adjust. He said  
127 state statute should apply to only up to one year. We can provide additional protections that the State statute  
128 doesn't cover. We could add the clarification, but thinks for the most part we are ok. He said this is the  
129 language that was recommended they adopt for the least amount of opposition.

130 Councilwoman Call would like it to reference a time period.

131 Councilman McOmber appreciated all the work put into the project. He would like the final document to have  
132 the corrected numbers in the table for the South service district areas of the table to show true amounts, so  
133 that it shows that everything is seeing a reduction. It's impact fee plus service or reimbursement for service  
134 agreement.

135 Councilman Poduska echoed the concerns of Councilman McOmber.

136 Kevin Thurman reviewed the statute and it says "at the time an impact fee is charged." He added a clause that  
137 "at the time an impact fee is charged, the city shall adjust the calculation."  
138

139 **Motion by Councilwoman Baertsch that the City Council approve Ordinances 14-19, dated today July 15,**  
140 **2014, Ordinance Enacting and Adopting Amended Sewer Impact Fee a Sewer Impact Fee Facilities**  
141 **Plan, and the Sewer Impact Fee Analysis in the City of Saratoga Springs, Utah. Including the changes**  
142 **in wording offered up by Kevin Thurman to clarify the reimbursement and also the changes to the**  
143 **fees listed by Jeremy Lapin to appropriately show not only the fees but also the reimbursement**  
144 **amounts. Second by Councilman McOmber.**  
145

146 Councilwoman Call indicated that there were two separate sections for reimbursement and refund.

147 Kevin Thurman noted he added it to subsections 1 and 2.

148 Councilwoman Baertsch **amended the motion to direct staff to take care of all indicated sections for**  
149 **reimbursements and refunding.**

150 Councilman McOmber **seconded the amendment**  
151

152 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**  
153 **Councilman Poduska. Motion passed unanimously.**

154  
155 **3. Concept Plan for Saratoga Springs South Stake Center located at 330 South Village Parkway, Evans**  
156 **and Associates Architecture, applicant.**

157 Sarah Carroll reviewed the plan. She reviewed suggestions by Planning Commission and staff.  
158 Applicant was not able to attend  
159

160 Councilman Willden was fine with the reduction in the turf with the increase of trees and shrubs.

161 Councilman McOmber doesn't want to set too much of a precedence with a reduction in landscaping. He  
162 wanted staff to take it back to the applicant that he would not like to see the continual asking of reductions  
163 and he would like to see different building designs. He noted that with another business he would not have  
164 allowed it. He agrees that Pine Trees do not do as well, but noted that the Church was good at removing  
165 dead trees. He did say they would have to meet HOA standards. He thought it would be good for the  
166 applicant to meet with the HOA and hear their concerns.

167 Councilman Poduska had a concern with the site; its current state was a large hill of debris. He thought a  
168 compromise between xeriscaping and amounts of plants would be good.

169 Councilwoman Baertsch is not ok with the reduction of landscaping; she felt it would create a heat island. She  
170 noted that we have given them exceptions where the city has not given it to other developers. She thought  
171 the slope was not too steep to have more grass.

172 Councilwoman Call appreciated that they were bringing in more shrubs and trees but doesn't agree with  
173 suggestion for reduction in evergreens from HOA, she thinks there are varieties that will do alright, and it is  
174 good for the changing seasons. She would also like more sod. She would like less rock and more mulch.  
175 She would recommend more shade trees around the pavilion area and moving a tree further from the west  
176 entrance site triangle. She would give the recommendation that the drive on the right be moved to the end so  
177 people would not have to go around the median in the main road.

178 Councilman McOmber is ok with the lighting difference because of precedence, but he would like to go with the  
179 city standards. He asked about the dirt removal ordinance and wanted to insure that they pay the appropriate  
180 fees.

181 Kevin Thurman said the grading permit is already part of the site plan. If they do any work before that than they  
182 would need a grading permit.  
183

184 **4. Lake Cove located at 2618 South Spinnaker Drive, Ron Johnston, applicant.**

185 **a. Consideration of Preliminary Plat and Final Plat.**

186 **b. Consideration of Resolution R14-35 (7-15-14): Addendum to resolution of the City of Saratoga Springs**  
187 **pertaining to the City Street Lighting Special Improvement District to include additional subdivision**  
188 **lots. (Lake Cove)**

189 Scott Langford reviewed the subdivision Plat. He noted that Planning Commission forwarded a positive  
190 recommendation.

191 Applicant was present.  
192

193 Councilman McOmber expressed appreciation to Scott and effort put into the power-point. He was fine with the  
194 payment in lieu; it was a great example of doing that. He looks forward to the project.

195 Councilman Poduska asked about the pathway and continuance. He thought it was a nice addition to the area.  
196 Staff and applicant responded that plans were in place for the trail and it would be extended about 55' to the  
197 North.

198 Councilwoman Call appreciated that they were looking at the bigger picture than just this project. She liked the  
199 big lots and stub out. She felt this was the appropriate use for payment in lieu.

200 Councilman Willden liked seeing the larger lot sizes and thought it was a great candidate for payment in lieu.  
201 Councilwoman Baertsch also appreciated the density. She had a question for requirement of temporary turn-  
202 around?

203 Staff indicated that the way it was, with less than 150 ft. it worked for a turn around the way it was.

204 Councilwoman Baertsch thought it was a shame that they have to create an HOA to take care of such a small  
205 detention basin, especially where it is close to where they are right next to the lakeshore trail. She is fine  
206 with payment in lieu, and noted that this is a great spot for it.

207 Mayor Miller appreciated the larger lot sizes as well.  
208

209 **Motion by Councilwoman Baertsch that the council approve the Preliminary Plat and Final Plat for Lake**  
210 **Cove located at 2618 South Spinnaker Drive, Ron Johnston, applicant. As well as Resolution R14-35**  
211 **dated today (7-15-14): Addendum to resolution of the City of Saratoga Springs pertaining to the City**  
212 **Street Lighting Special Improvement District to include additional subdivision lots. (Lake Cove)**

**including all findings and conditions. Second by Councilman Poduska Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed unanimously.**

**5. Hillcrest Condominium Phase 3 located at approximately 1900 North Crest Road, Nate Hutchinson, applicant.**

**a. Consideration of Preliminary Plat and Site Plan Amendment.**

Sarah Carroll presented the site plan and changes, and recommendations from Staff and Planning Commission. Applicant was not present.

Councilwoman Baertsch thought it was a much improved parking layout. She thanked the Planning Commissioners for their work. She is ok with the landscaping changes and the tot lot to a basketball court.

Councilman McOmber agreed that it was a much stronger plan. He asked when the landscaping was to be finished and noted that some of it was not completed in earlier phases as needed. He is fine with the little corner detention basin being finished with the last phase. Other than that he is fine with the plan.

Sarah Carroll noted that this is not the original developer and that the new owners have fixed some things but they would be apprised of the need to complete it. Enforcements would need to go to the HOA at this point.

Councilman Poduska agrees that the plan is much improved and likes the changes in amenities and roads and parking.

Councilman Willden appreciated staff and zplanning Commission and their recommendations He likes the amenities and is ok with the more units due to their vested rights.

Councilwoman Call likes the changes in amenities, especially the basketball courts. She reiterated the thought that they had the vested rights to build to this density. She appreciated everyone's efforts in the project.

Mayor Miller commented that he would see the value in keeping the two parking stalls.

Kimber Gabryszak commented that they didn't see any harm in leaving them, they wouldn't be required but they would see what they could do to keep them.

Kevin Thurman said standards in this section shall apply to all parking areas, not all required, but they would try to make it work

**Motion by Councilman Poduska that the City Council approve the Site Plan Amendment and Preliminary Plat for Hillcrest Condominiums, Phase 3, located at approximately 1900 North Crest Road, based on the findings and conditions listed in the Staff Report. Second by Councilwoman Baertsch.**

Councilman McOmber would like to see with the final plat that they take into consideration for getting the landscaping for the building in phase one completed and would prefer not to approve final plat without that as a condition. And also he would like the parking for final plat as well.

**Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed unanimously.**

**6. Public Hearing: Harvest Heights located between Redwood Road and Fall Harvest Drive, Fieldstone Utah Investors, applicant.**

**a. Concept Plan and Possible Rezone from A, Agricultural to R-4, Low Density Residential, R-6, Medium Density Residential and RC, Regional Commercial.**

**b. Consideration of Ordinance 14-20 (7-15-14): An Ordinance of the City of Saratoga Springs, Utah, adopting amendments to the Saratoga Springs City's Official Zoning Map and Rezoning Harvest Heights property from A, Agricultural to R-4, Low Density Residential, R-6, Medium Residential and RC, Regional Commercial; instructing the City staff to amend the City Zoning Map and other official zoning records of the City; and establishing an effective date. (Harvest Heights)**

Kimber Gabryszak presented the rezone and concept plan. She noted that some public notice was not done correctly and they would have to re-hear the plan in the future. She reviewed current zones and proposed rezone. She reviewed Staff and Planning Commission recommendations. The Concept plan is based on the rezone plan.

Jason Harris, for applicant, had a presentation and gave his reasons for the plan and rezone that they are asking consideration for. He noted the natural typography and how that would work in the current plan. He felt the new zones helped with the transition to the current neighborhood. He indicated that it made sense to continue the trail system from Harvest Hills through the new subdivision. He showed neighboring lot sizes

271 and that what they are proposing is larger than existing lots. Their project total is 2.85 dwelling units per  
272 acre.

273 Blaine Walker, for applicant, addressed the commercial section and the reason they are requesting Regional  
274 Commercial, of the 10 business types that could be allowed by that zone, 6 would not work there at all due  
275 to location etc. He felt the other 4 often worked well in NC anyway. He felt the quality of the product  
276 needed to be looked at, not just the size of the lot.

277  
278 **Public Hearing Open** by Mayor Miller

279 Sue Alexander is ok with the R-4 not the R-6 and would like it to stay NC, not RC. She would hope it is a  
280 better product than she has seen in other areas (Hawks Landing) and that they would be easier to work  
281 with than she found years ago.

282 **Public Hearing Closed** by Mayor Miller

283  
284 Jason Harris responded that he was not familiar with the area Ms. Alexander referred to; he hasn't been with the  
285 company as long.

286  
287 Councilwoman Baertsch appreciated the presentations. She noted that she had received several comments from  
288 residents through phone and email and listed several names. They were not in favor of R-6 and RC. She  
289 wanted to wait to hold the hearing until the residents could come and hear the comments.

290 **Motion was made by Councilwoman Baertsch that they table the rezone item to Aug 5<sup>th</sup> with additional**  
291 **public hearing. Second by Councilman McOmber.**

292  
293 Councilman Willden wondered if they gave them some feedback tonight could they come back with a  
294 different plan for next time. That would be his preference that they give them some comments so they  
295 could move forward with any modifications. He voted nay because of this.

296 Kevin Thurman noted that the Councilwoman's motion only applied to the rezone.

297  
298 **Aye: Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Nay:**  
299 **Councilman Willden. Motion passes 4-1**

300  
301 Councilman McOmber encouraged applicant to hear feedback from council members outside of this meeting for  
302 a better discussion.

303 Councilman Willden supports this and feels the applicants are going to want to listen to feedback.

304 Kevin Thurman feels it is fine that they give feedback but want to caution that when speaking with public that  
305 they let applicant know those concerns.

306 Kimber Gabryszak said if they are going to set up meeting and revise the plan than it would have to be a longer  
307 delay, it wouldn't be able to come back by Aug. 5<sup>th</sup>. Also the concept plan is not a public hearing so they  
308 can proceed with comments on that.

309  
310 Councilman Poduska wanted clarified the style of the buildings and size of lots along Redwood Road.

311 Jason Harris responded it would be single family homes on minimum of 6000 square feet lots. Across the street  
312 would be similar product. About 2500-3500 square foot homes.

313 Councilman Poduska asked about the elevation change from Redwood Road to the lots. (about 20 feet) He likes  
314 the R4 but doesn't see the need for R6 other than fitting in more lots. He would like to see if it would be  
315 commercially viable to zone the R6 to an R4. He does not have as much resistant to the RC change because  
316 of the RC across the street.

317 Councilman McOmber likes the trail corridors. He feels there could be larger lots along Redwood Road that  
318 would have nice views. He would like to keep the NC.

319 Councilwoman Baertsch indicated that this does not fit with the vision of the general plan that the city has. She  
320 likes the trails. She does not think the comparison to harvest Hills is so valid. She does not like the  
321 exchange from sales tax producing land to more housing when there are not as many sales tax producing  
322 opportunities in the city.

323 Councilman Willden would personally rather see homes as opposed to commercial. He likes the trail systems.

324 Councilwoman Call agrees with keeping the area NC and echoes Councilwoman Baertsch's comments about  
325 the general plan.

326  
327 Mayor Miller noted that Saratoga Shores asked if they could get street signs for their 10 yr. celebration and  
328 passed letter to Jeremy Lapin to get the ball rolling.

330 7. Motion to enter into closed session for the purchase, exchange, or lease of property, pending or  
331 reasonably imminent litigation, the character, professional competence, or physical or mental health of an  
332 individual.  
333

334 Motion made by Councilman Poduska to enter into a closed session for the purpose of litigation. Second  
335 Councilman Willden. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmer,  
336 Councilwoman Call, Councilman Poduska. Motion passed unanimously.  
337

338 Meeting Adjourn to Closed Session 9:37 p.m.  
339 A 5 minute break was taken at this time.

340  
341 **Closed Session**  
342

343 Present: Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmer, Councilwoman  
344 Call, Councilman Poduska, Kimber Gabryszak, Jeremy Lapin, Kevin Thurman, Nicolette Fike  
345

346 **Call to Order – 9:45 p.m.**  
347

348 Kevin Thurman led discussion for reasonably imminent litigation.  
349

350 **Closed Session Adjourned at 9:52p.m.**  
351

352 **Motion to adjourn Policy Session, Motion passed unanimously.**  
353 **Policy Meeting Adjourned at 9:53p.m .**  
354  
355

356 \_\_\_\_\_  
357 Date of Approval

\_\_\_\_\_  
Mayor Jim Miller

358  
359  
360 \_\_\_\_\_  
361 Lori Yates, City Recorder  
362



**Concept Plan and Rezone  
Harvest Heights  
August 5, 2014  
Public Hearing and Concept Review**

Report Date:	July 29, 2014
Applicant:	Fieldstone Utah Investors
Owner:	Blaine Walker, et al
Location:	Redwood Road and Fall Harvest Drive
Major Street Access:	Redwood Road
Parcel Number(s) & Size:	58:023:0112, 27.658 acres
Parcel Zoning:	Agriculture (A)
Adjacent Zoning:	A, R-3, R-18, RC
Current Use of Parcel:	Vacant
Adjacent Uses:	Residential, Commercial
Proposed Zoning:	R-4, R-6, and RC
Previous Meetings:	Planning Commission Hearing & Concept Review, June 26, 2014 <b>Council Hearing &amp; Concept Review, July 15, 2014 (continued)</b>
Previous Approvals:	None
Land Use Authority:	City Council
Future Routing:	Planning Commission and City Council
Author:	Kimber Gabryszak, Planning Director

**A. Executive Summary:**

The applicant, Fieldstone Utah Investors on behalf of the property owner, is requesting a rezone to the R-4 and R-6 Residential zones and to the RC zone, and input on a concept plan for a 77-unit subdivision.

The rezone would require a General Plan amendment for the proposed R-6 and RC zones, from Neighborhood Commercial to Medium Density Residential and Regional Commercial.

The Planning Commission held a public hearing on June 26, 2014, and forwarded a positive recommendation for a modified rezone and general plan amendment instead: rezoning only to R-4 and Neighborhood Commercial and not the requested R-4, R-6, and Regional Commercial. The Commission did not specify to which portion of the property these zones would apply, **however review of the motion and findings indicates that the NC was specified for the portion of property proposed for RC by the applicants.**

**The Council held a public hearing on July 15<sup>th</sup>, 2014 and continued it to a future meeting due to a noticing error. In the interim, the applicants discussed potential changes to the proposal in**

response to Planning Commission and Council input. As of the date of this report, however, the official application is still to the R-4, R-6, and RC zones. The applicant has verbally expressed acceptance of only the R-4 and NC zones, and the resulting drawing have not yet been provided. They will be discussed at the hearing.

Items modified since the July 15<sup>th</sup> Staff Report have been highlighted in yellow for the convenience of the Council and public.

### **Staff Recommendation:**

Staff recommends that the City Council conduct a public hearing to take comment on the rezone application, give the applicant feedback on the concept plan, and consider making a decision on the rezone requests.

Options for the rezone include approval as requested with conditions, approval with modifications as recommended by the Planning Commission, continuance of the item, or denial, and are outlined in Section G of this report.

### **B. SPECIFIC REQUEST:**

The applicant is requesting a rezone of the parcel from A to R-4 and R-6 to allow consideration of a 77-lot subdivision consisting of small and medium single family dwellings. A portion of the property would also be rezoned to RC to accommodate potential commercial uses.

The ~27 acre parcel would be rezoned as follows:

- 2.54 acres of RC in the southeast corner of the parcel adjacent to Redwood and Fall Harvest, containing two developable lots and building square footage of 14,072 sq.ft.
- 13.63 acres of R-4 in the western half of the parcel adjacent to Harvest Hills, with 37 lots
- 10.83 acres of R-6 in the eastern half of the parcel adjacent to Redwood, with 38 lots

### **C. PROCESS**

#### **Rezone**

Section 19.17.03 of the City Code outlines the requirements for a rezone, requiring all rezoning application to be reviewed by the City Council after receiving a formal recommendation from the Planning Commission. An application for a rezone request shall follow the approved City format. Rezones are subject to the provisions of Chapter 19.13, Development Review Processes.

The development review process for rezone approval includes a review of the request by the Planning Commission in a public hearing, with a formal recommendation forwarded to the City Council. The Commission made a formal recommendation on June 26, 2014 to the City Council.

#### **Concept Plan**

Section 19.17.02 of the Code also states "*Petitions for changes to the City's Zoning Map to all land use zones shall be accompanied by an application for Concept Plan Review or Master Development Agreement approval pursuant to Chapter 19.13 of this Code.*"

The applicants have submitted a Concept Plan application for a 75-lot residential and 2-lot commercial subdivision. The process for a Concept Plan currently includes informal review of the

plan by both the Planning Commission and the City Council. No public hearing is required, feedback is informal, and neither a recommendation nor a decision is made.

**D. COMMUNITY REVIEW:**

The rezone portion of this application has been noticed as a public hearing in the *Daily Herald*, posted on the State and City websites, and mailed notice sent to all property owners within 300 feet at least 10 days prior to this meeting. As of the date of this report, public input was received at the July 15<sup>th</sup>, 2014 Council hearing.

The Concept Plan does not require a public hearing.

**E. GENERAL PLAN:**

The site is designated partially as Low Density Residential on the adopted Future Land Use Map, and partially as Neighborhood Commercial.

The General Plan states that areas designated as Low Density Residential are

*"designed to provide areas for residential subdivisions with an overall density of 1 to 4 units per acre. This area is to be characterized by neighborhoods with streets designed to the City's urban standards, single-family detached dwellings and open spaces."*

The Concept Plan associated with the proposed rezone shows that the portion of the property to be zoned R-4 can be developed in a way that is consistent with this use in the General Plan.

- **R-4 rezone request: consistent as originally proposed.**

The remainder of the property is designated as Neighborhood Commercial on the Future Land Use Map, which does not contemplate the proposed R-6 and RC zones. To accommodate the proposed rezones, the Future Land Use Map must be amended as well. The portion of the property proposed for R-6 would need to be amended to Medium Density Residential, and the portion of the property proposed for RC would need to be amended to Regional Commercial.

Due to the amount of RC property in the city, and the lack of neighborhood commercial, Staff would recommend that the commercial portion of the property be rezoned to Neighborhood Commercial, not Regional Commercial. In this case, the commercial rezone request would be consistent with the future land use map.

- **R-6 and RC rezone requests: inconsistent.**
- **The applicants have expressed verbal support of replacing the R-6 portion with R-4. This would not be consistent with the General Plan, and a General Plan amendment would be needed.**
- **If NC instead of RC and R-6, commercial portion would be consistent. The applicants have expressed verbal support of a change to the NC zone, so this would be consistent with the General Plan.**

If the Council supports the proposed rezones, final approvals can be postponed and conditioned upon submittal and approval of the General Plan amendment(s).

The Planning Commission's recommendation was for a rezone to R-4 and NC.

## F. CODE CRITERIA:

### **1. Rezone**

Rezoning is a legislative action; therefore the Council has significant discretion in making decisions to rezone property. The criteria in Section 19.17.04, outlined below, are not binding and may act as guidance in making a rezoning decision:

The Planning Commission and City Council shall consider, but not be bound by, the following criteria when deciding whether to recommend or grant a general plan, ordinance, or zoning map amendment:

1. the proposed change will conform to the Land Use Element and other provisions of the General Plan;  
**Not consistent as proposed; can be consistent if Land Use Element amended.** *The application is consistent with the Low Density Residential category identified in the General Plan, but not to the Neighborhood Commercial category. The areas proposed for R-6 and RC would require a Land Use Element amendment.*
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;  
**Consistent.** *The proposal places lower density zoning adjacent to existing low-density residential, and places higher density adjacent to Redwood Road.*
3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and  
**Consistent.** *With appropriate conditions to ensure access, infrastructure, layout and appearance, traffic mitigation, trail connectivity, and other code compliance, the proposed development will be consistent with the goals of orderly growth and well-being.*
4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.  
**Consistent.** *With appropriate conditions to ensure that impacts are minimized, the allowance of additional residential development easily accessible from Redwood Road will be beneficial to the community.*

### **2. Concept Plan**

Staff has reviewed the proposed concept plan according to the proposed zone districts. **If the rezoning for the R-6 portion is changed to R-4, this review will need to be revised based on updated plans submitted by the applicants.**

**Allowed / Conditional Uses – complies.** Single-family lots are an allowed use in the R-4 and R-6 zones.

**Density – complies.** The R-4 zone has a maximum density of 4 units per acre and the R-4 portion proposes 2.71 units per acre. The R-6 zone has a maximum density of 6 units per acre, and the R-6 portion proposes 3.51 units per acre.

**Lot Size – complies.** The R-4 zone has a minimum lot size of 9,000 sq.ft., and the project proposes lots ranging in size from 9,011 sq.ft. to 12,929 sq.ft. The R-6 zone has a minimum lot size of 6,000 sq.ft., and the project proposes lots ranging in size from 6,000 sq.ft. to 8,418 sq.ft.

**Lot width / frontage: complies.** The R-4 has a minimum lot width of 70 feet; initial review indicates general compliance, with potential for several cul-de-sac lots to need minor modification. The R-6 zone has a minimum lot width of 50 feet; initial review indicates general compliance. Further detail and verification will be done at time of preliminary plat.

**Open Space – can comply.** The development appears to comply with minimum requirements of 15% in the R-4 zone and 20% in the R-6 zone by averaging the open space. The proposal exceeds open space in the R-6 but is short in the R-4; however, the combined overall open space provided does meet the minimum acreage. For landscaping in the RC zone, the lot sizes appear sufficient to permit the minimum requirement, which will be verified and required at time of Site Plan.

Further detail will also be needed for slopes over 30% and other sensitive lands, to be verified through preliminary plat review.

**Setbacks** – as currently proposed, it appears that the minimum requirements for the zones can be met by the proposal. Further detail and verification will be required at time of preliminary plat and site plan.

**Drainage** – the City Engineer requires that drainage and stormwater information be provided.

**Slopes** – there is potential for slopes over 30% to be disturbed. Further information will be required to ensure that Code compliance is met.

**Landscaping – not provided.** Review and detail to be provided and addressed with preliminary plat(s) and site plan(s).

**Lighting – not provided.** Lighting plans will be reviewed with preliminary plat and site plan.

**Parking – can comply.** Parking for the single-family homes will be provided on individual lots. Parking for the commercial area will be reviewed more in-depth at time of site plan application and when more detail on tenants is provided.

**Access – complies.** Second access is required for developments exceeding 50 units. The concept plan shows two points of access a minimum of 500 feet apart onto Fall Harvest, and a stub to connect with future development to the north.

## **G. Recommendation and Alternatives:**

Staff recommends that the City Council give the applicant informal feedback and direction on the Concept Plan.

Staff also recommends that the City Council conduct a public hearing on the rezone, take public comment, discuss the rezone, and then choose from the options outlined below:

**Option 1 – continuance or table with feedback**

"I move to **continue** the rezone to another meeting / **table** the rezone, with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

- 1. The concept plan shall be revised to reflect the R-4 and NC zones only, R-4 for the entire area requested for R-4 and R-6, and NC for the area requested for RC.
- 2. Related General Plan amendments shall be applied for.
- 3. The concept plan shall be modified as directed by the Council.
- 4. Any other feedback outlined by the Council: \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

**Option 2 – conditional approval with modifications as recommended by the Planning Commission**

"I move to **approve** the rezone of the ~27.658 acre parcel 58:023:0112 from Agriculture to R-4 and Neighborhood Commercial for the area identified as RC, as located in Exhibit 1 and outlined in Exhibit 5, with the Findings and Conditions below:"

**Findings**

- 1. The rezone complies with Section 19.17.04 of the Code as articulated in Section F of the staff report and which section is incorporated herein by reference. Specifically:
  - a. With conditions to postpone the rezone until the Land Use Element is amended from NC to Low Density Residential, if necessary, the proposal will be consistent with the Future Land Use Map. If the portion of the property requesting R-6 be rezoned to NC, the proposal will also be consistent.
  - b. With conditions to modify the rezone request from RC to NC for the commercial portion, the commercial rezone will be consistent with the Future Land Use Map.
  - c. The proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public.
  - d. With appropriate conditions to ensure access, infrastructure, layout and appearance, traffic mitigation, trail connectivity, and other code compliance, the proposed development will be consistent with the goals of orderly growth and well-being.
  - e. With appropriate conditions to ensure that impacts are minimized, the allowance of additional residential development easily accessible from Redwood Road will be beneficial to the community.

**Conditions:**

- 1. The R-4 zone shall apply to the portion of the property identified by the City Council:
  - a. The area identified in the Land Use Element as Low Density Residential, or
  - b. The area requested for R-4 and R-6
- 2. The NC zone shall apply to the portion of the property identified by the City Council.
  - a. The area identified in the Land Use Element at Neighborhood Commercial, or
  - b. The area requested for RC
- 3. The rezones shall not be recorded until any required General Plan amendment(s) are applied for and approved.
- 4. The rezones shall not be recorded until the residential preliminary plat is approved.
- 5. Any other conditions added by the Council. \_\_\_\_\_

6. \_\_\_\_\_

**Option 3 – approval as proposed**

“I move to **approve** the rezone of the ~27.658 acre parcel 58:023:0112 from Agriculture to R-4, R-6, and RC as located in Exhibit 1 and proposed in Exhibit 5, with the Findings and Conditions below:”

**Findings**

1. The rezone complies with Section 19.17.04 of the Code as articulated in Section F of the staff report and which section is incorporated herein by reference. Specifically:
  - a. With conditions to postpone recordation of the rezone until the Land Use Element is modified, the proposal will be consistent with the Future Land Use Map.
  - b. The proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public.
  - c. With appropriate conditions to ensure access, infrastructure, layout and appearance, traffic mitigation, trail connectivity, and other code compliance, the proposed development will be consistent with the goals of orderly growth and well-being.
  - d. With appropriate conditions to ensure that impacts are minimized, the allowance of additional residential development easily accessible from Redwood Road will be beneficial to the community.

**Conditions:**

1. The rezone shall not be recorded until required General Plan amendments are applied for and approved.
2. Any conditions added by the Council. \_\_\_\_\_
3. \_\_\_\_\_

**Option 4 – denial**

“I move to **deny** the rezone of the ~27.658 acre parcel 58:023:0112 from Agriculture to R-4, R-6, and RC as located in Exhibit 1 and proposed in Exhibit 5, with the Findings below:

1. The application is not consistent with the Land Use Element of the General Plan.
2. Any other findings as articulated by the Council: \_\_\_\_\_  
\_\_\_\_\_

**H. Exhibits:**

1. Location & Zone Map (page 8)
2. Future Lane Use Map (page 9)
3. Existing Conditions (page 10)
4. Applicant Letter (page 11)
5. Concept Plan (page 12)
6. City Engineer’s Report (pages 13-14)

Exhibit 1  
Location / Zone

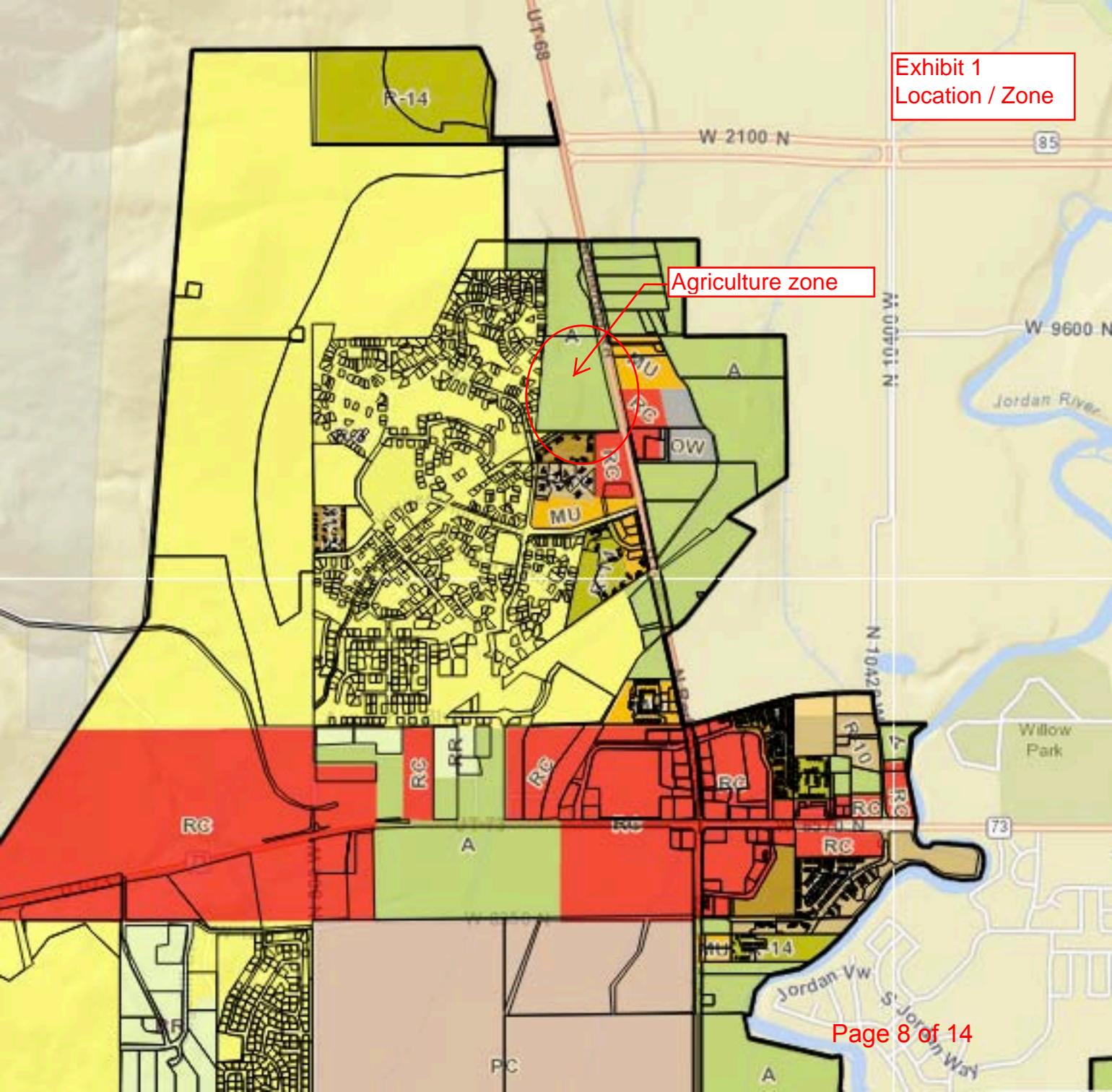
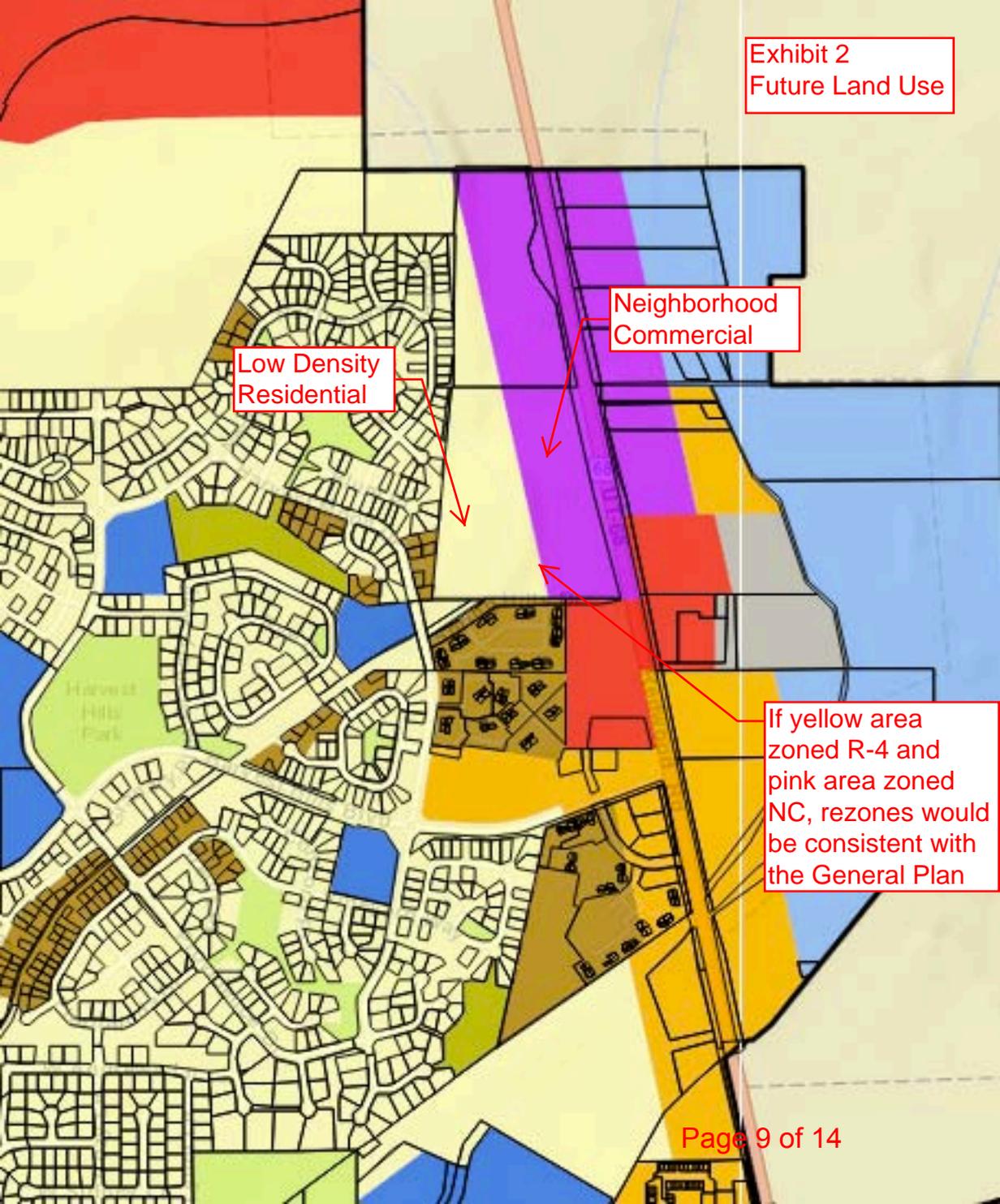


Exhibit 2  
Future Land Use



Low Density Residential

Neighborhood Commercial

If yellow area zoned R-4 and pink area zoned NC, rezones would be consistent with the General Plan



## Zoning Application Letter

Saratoga Springs City Planning Staff,

Fieldstone has conducted operations in homebuilding, land development, land entitlement and related business since 1981. Since its founding, Fieldstone has constructed and sold more than 35,000 homes in over 300 communities. Fieldstone would like to move forward with the rezone and concept approval of the 27.66 acre property located near Redwood Road and Spring Hills Dr, Parcel # 58-023-0112.

The Current Zoning classification for the site is A (Agriculture). As the applicant we are requesting that Saratoga Springs change the Zoning to R-4 Single Family Residential, R-6 Single Family Residential, and RC Residential Commercial as shown in the Harvest Bluffs Concept submitted with this rezone request.

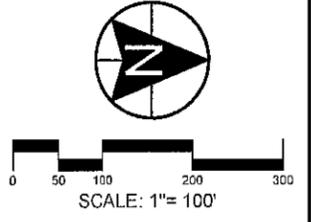
The Saratoga Springs City General Plan map shows the site is planned for Low Density Residential to the west and Neighborhood Commercial along Redwood Rd. The city's General Plan defines Low density residential as having an "overall density of 1 to 4 units per acre" and "it is estimated that a typical acre of land may contain 3 dwelling units per acre". In the area designated as low density residential our plan has a proposed density of 2.73 u/ac which is well below the 4 units per acre maximum. In addition, the site includes trails and open space also required in the plan.

As for the easterly portion of the site, the terrain along Redwood Road is too steep for both access and visibility that would be typical for commercial development. The difference between the existing grade of Redwood Road and the building locations is 20 to 30 feet (refer to attached survey). Commercial development along the Redwood frontage would require significant retaining walls and/or excavation of the site. For this reason, as well as there is already substantial commercial ground already available in this corridor, we propose a down zone from the contemplated Neighborhood Commercial for all but 2.5 acres to Low Density Residential; however, this portion of the site has a proposed density of 3.63 u/ac, which still complements adjacent zoning and meets the desire of no increased density and multifamily that's been a hot topic in the city.

The R-6 single family units will serve as a buffer from Redwood Rd to the east and the larger single family lots to the west. Turning the significant topography issues into a positive, the elevated lots over Redwood will also offer fantastic views of the valley. The proposed concept offers 17% open space, totaling 4.27 acres, split 20% among the R-6 single family and 15% among the R-4 single family.

Finally, the southeast corner of the site will be left as commercial. This is sensible since the access and topography work at this location and it complies with the General Plan.

# HARVEST HEIGHTS SUBDIVISION



**BERG**  
CIVIL ENGINEERING  
11038 N Highland Blvd Suite 400  
Highland Ut, 84003  
office (801) 492-1277  
cell (801) 616-1677

NO.	DATE	DESCRIPTION	SEAL
1			
2			
3			
4			
5			
6			
7			

ACTION	DATE
CONCEPT PLAN	4/25/14

# HARVEST HEIGHTS SUBDIVISION

DESCRIPTION

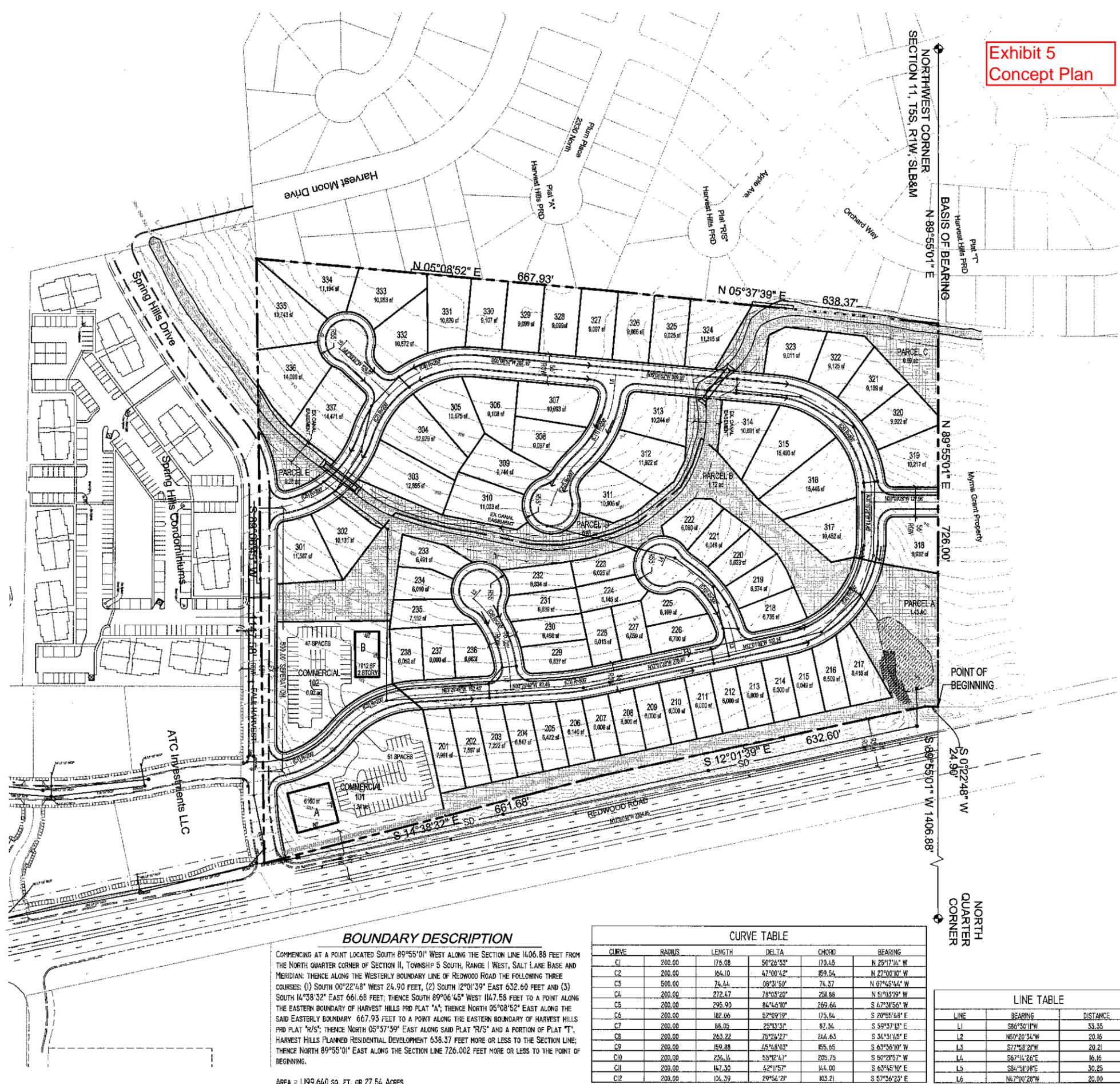
## CONCEPT PLAN

SHEET NAME SHEET NUMBER

COVER **CO**

Page 12 of 14 RECEIVED JUN 27 2014

Exhibit 5  
Concept Plan



**BOUNDARY DESCRIPTION**

COMMENCING AT A POINT LOCATED SOUTH 89°55'01" WEST ALONG THE SECTION LINE 1406.88 FEET FROM THE NORTH QUARTER CORNER OF SECTION II, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE WESTERLY BOUNDARY LINE OF REDWOOD ROAD THE FOLLOWING THREE COURSES: (1) SOUTH 00°22'48" WEST 24.90 FEET, (2) SOUTH 12°01'39" EAST 632.60 FEET AND (3) SOUTH 14°38'32" EAST 661.68 FEET; THENCE SOUTH 89°06'45" WEST 1147.58 FEET TO A POINT ALONG THE EASTERN BOUNDARY OF HARVEST HILLS PRD PLAT "A"; THENCE NORTH 05°08'52" EAST ALONG THE SAID EASTERLY BOUNDARY 667.93 FEET TO A POINT ALONG THE EASTERN BOUNDARY OF HARVEST HILLS PRD PLAT "R/S"; THENCE NORTH 05°37'39" EAST ALONG SAID PLAT "R/S" AND A PORTION OF PLAT "T", HARVEST HILLS PLANNED RESIDENTIAL DEVELOPMENT 638.37 FEET MORE OR LESS TO THE SECTION LINE; THENCE NORTH 89°55'01" EAST ALONG THE SECTION LINE 726.002 FEET MORE OR LESS TO THE POINT OF BEGINNING.

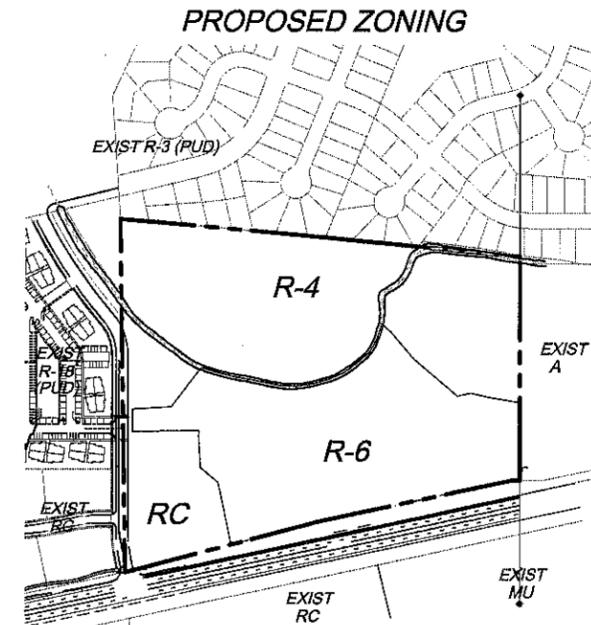
AREA = 1,199,640 SQ. FT. OR 27.54 ACRES

**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	200.00	176.08	50°26'33"	170.45	N 25°17'14" W
C2	200.00	164.10	47°00'42"	159.54	N 27°00'30" W
C3	500.00	76.44	08°31'50"	74.37	N 07°45'44" W
C4	200.00	272.47	78°03'20"	251.88	N 51°03'39" W
C5	200.00	296.90	84°44'10"	269.66	S 47°31'56" W
C6	200.00	182.06	52°09'19"	175.84	S 20°55'48" E
C7	200.00	88.05	29°33'31"	87.34	S 59°37'13" E
C8	200.00	243.22	75°24'27"	214.63	S 34°31'45" E
C9	200.00	159.88	45°48'03"	155.65	S 63°36'10" W
C10	200.00	236.16	55°12'47"	205.75	S 80°21'57" W
C11	200.00	147.30	42°11'57"	144.00	S 63°45'10" E
C12	200.00	104.39	29°54'21"	103.21	S 57°56'23" E

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S86°50'11" W	33.35
L2	N50°20'34" W	20.16
L3	S77°58'21" W	20.21
L4	S67°11'24" E	16.16
L5	S84°31'08" E	30.25
L6	N47°00'28" W	20.00



### DATA TABLE

#### COMMERCIAL

TOTAL ACREAGE	=	2.54 ACRES
LANDSCAPE	=	0 AC
# OF LOTS	=	2 LOTS
AVE LOT SIZE	=	1.08 AC
MIN LOT SIZE	=	0.92 AC
TOTAL # PARKING	=	98 SPACES
TOTAL BLDG SF	=	14072 SF

#### R-4

TOTAL ACREAGE	=	13.63 ACRES
REQ'D 15% LANDSCAPE	=	2.04 ACRES
PROVIDED LANDSCAPE	=	1.58 ACRES
# OF LOTS	=	37 LOTS
AVE LOT SIZE	=	10,856 SF
MIN LOT SIZE	=	9,000 SF
DENSITY	=	2.71 DU/AC

#### R-6

TOTAL ACREAGE	=	10.83 ACRES
REQ'D 20% LANDSCAPE	=	2.17 ACRES
PROVIDED LANDSCAPE	=	3.15 ACRES
# OF LOTS	=	38 LOTS
AVE LOT SIZE	=	6,463 SF
MIN LOT SIZE	=	6,000 SF
DENSITY	=	3.51 DU/AC

#### PROJECT TOTALS

TOTAL ACREAGE	=	27.54 ACRES
EXISTING ROADWAY	=	0.54 ACRES
SENSITIVE LANDS	=	0.00 ACRES
REQ'D R-6 LANDSCAPE	=	2.17 ACRES
REQ'D R-4 LANDSCAPE	=	2.04 ACRES
REQ'D TOTAL LANDSCAPE	=	4.21 ACRES
PROVIDED OVERALL LANDSCAPE	=	5.09 ACRES
# OF LOTS	=	77 LOTS
DENSITY	=	2.85 DU/AC

**LEGEND**

	PROPERTY LINE		CULINARY WATER
	LOT LINE		PRESSURIZED IRRIG.
	EASEMENT LINE		SANITARY SEWER
	EXISTING CURB		STORM DRAIN
	PROPOSED CURB		FIRE HYDRANT
	10 FOOT CONTOUR		
	2 FOOT CONTOUR		

## City Council Staff Report

**Author:** Jeremy D. Lapin, City Engineer  
**Subject:** Harvest Heights  
**Date:** June 26, 2014  
**Type of Item:** Concept Plan Review



### Description:

**A. Topic:** The applicant has submitted a concept plan application. Staff has reviewed the submittal and provides the following recommendations.

### B. Background:

*Applicant:* Fieldstone Utah Investors  
*Request:* Concept Plan  
*Location:* Redwood Road and Fall Harvest Drive  
*Acreage:* 27.54 acres - 77 lots

**C. Recommendation:** Staff recommends the applicant address and incorporate the following items for consideration into the development of their project and construction drawings.

### D. Proposed Items for Consideration:

- A. Prepare construction drawings as outlined in the City's standards and specifications and receive approval from the City Engineer on those drawings prior to receiving Final approval from the City Council.
- B. Consider and accommodate existing utilities, drainage systems, detention systems, and water storage systems into the project design. Access to existing facilities shall be maintained throughout the project.
- C. Comply with the Land Development Codes regarding the disturbance of sensitive lands, including 30%+ slopes.
- D. Incorporate a grading and drainage design that protects homes from upland flows.
- E. Developer shall provide a traffic study to determine the necessary improvements to existing and proposed roads to provide an acceptable level of service for the proposed project.

- F. Project must meet the City Ordinance for Storm Water release (0.2 cfs/acre for all developed property) and all UPDES and NPDES project construction requirements.
- G. Developer shall meet all applicable city ordinances and engineering conditions and requirements in the preparation of the Construction Drawings.
- H. Project bonding must be completed as approved by the City Engineer prior to recordation of plats.
- I. All review comments and redlines provided by the City Engineer are to be complied with and implemented into the construction drawings.
- J. All work to conform to the City of Saratoga Springs Standard Technical Specifications, most recent edition.
- K. Developer shall prepare and record easements to the City for all public utilities not located in a public right-of-way.
- L. Developer is required to ensure that there are no adverse effects to adjacent property owners and future homeowners due to the grading and construction practices employed during completion of this project.
- M. Developer shall ensure that the storm drains system outfalls to an acceptable location approved by the City Engineer.
- N. The developer shall dedicate the 90' half width of Redwood Road and install all necessary improvements along the Redwood Road frontage.
- O. Half width improvements shall be provided by the developer along the Fall Harvest Drive frontage and developer shall also dedicate the Right-of-Way.
- P. Developer shall ensure that all roads meet the City Standard requirements including minimum curve radii.
- Q. Developer shall connect to and extend the 12" culinary main and 8" secondary main.

**ORDINANCE NO. 14-20 (8-5-14)**

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AMENDMENTS TO THE CITY OF SARATOGA SPRINGS' OFFICIAL ZONING MAP FOR CERTAIN REAL PROPERTY (HARVEST HEIGHTS); INSTRUCTING THE CITY STAFF TO AMEND THE CITY ZONING MAP AND OTHER OFFICIAL ZONNG RECORDS OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Utah Code section 10-9a-503 allows municipalities to amend the number, shape, boundaries, or area of any zoning district;

**WHEREAS**, before the City Council approves any such amendments, the amendment must first be reviewed by the planning commission for its recommendation;

**WHEREAS**, on June 26, 2014, the Planning Commission held a public hearing after proper notice and publication to consider the proposed amendments to the City-wide zoning map and forwarded a positive recommendation with conditions;

**WHEREAS**, on July 15, 2014, the City Council held a public hearing after proper notice and publication to consider the proposed amendments to the City-wide zoning map;

**WHEREAS**, after due consideration, and after proper publication and notice, and after conducting the requisite public hearing, the City Council has determined that it is in the best interests of the residents of the City of Saratoga Springs that amendments to the City-wide zoning map be made.

**NOW THEREFORE**, the City Council of the City of Saratoga Springs, Utah hereby ordains as follows:

**SECTION I – ENACTMENT**

The amendments to the City's Zoning Map attached hereto as Exhibit A and incorporated herein by this reference are hereby enacted.

**SECTION II – AMENDMENT OF CONFLICTING ORDINANCES**

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

**SECTION III – EFFECTIVE DATE**

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

**SECTION IV – SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION V – PUBLIC NOTICE**

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code § 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
  - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
  - ii. post a complete copy of this ordinance in three public places within the City.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this 15<sup>th</sup> day of July, 2014.

Signed: \_\_\_\_\_  
          Jim Miller, Mayor

Attest: \_\_\_\_\_  
          Lori Yates, City Recorder

\_\_\_\_\_ Date

**VOTE**

Shellie Baertsch	_____
Rebecca Call	_____
Michael McOmber	_____
Bud Poduska	_____
Stephen Willden	_____



## City Council Staff Report

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### Final Plat – Request to Amend Final Approval River Heights August 5, 2014 Public Meeting

Report Date:	July 30, 2014
Applicant:	Randy Rindlesbacher
Owner:	Bach Investments
Location:	Approximately 250 East Alhambra Drive
Major Street Access:	Redwood Road
Parcel Number(s) & Size:	58:023:0084, ~11.33 acres
Land Use Plan Designation:	Medium Density Residential
Zone:	R-6 and R-10, Medium Density Residential
Zoning of Adjacent Parcels:	R-14 and R-18, High Density Residential; R-10, Medium Density Residential; A, Agricultural
Current Use:	Currently being developed for townhomes and SF lots
Adjacent Uses:	Townhomes
Prior Approvals:	Summer Village Phases 4-7 Rezone, General Plan Amendment and Concept Review, 5-22-07 River Heights Concept Review, 12-13-12 PC, 1-15-13 CC, 2-19-13 CC Preliminary Plat: approved by City Council 5-7-13 Phase 1 Final Plat: 8/6/13
Land Use Authority:	City Council
Future Routing:	None
Author:	Sarah Carroll, Senior Planner

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#### A. **Request:**

This is a request to amend the amenities that were part of the final plat application that was approved by the City Council on August 6, 2013. The applicant is requesting to reduce the size of the play structure from a 4-platform structure to a 1-platform structure as shown in the attached drawings.

**B. Process:** The Final plat was approved by the City Council on August 6, 2013. Details for the amenities were required to be provided with the final plat and were attached to and approved with the final plat staff report on August 6, 2013. Final plat requires approval by the City Council, thus the request to amend the amenities requires City Council approval.

**C. Review:** The amenities that were approved for this project include a 4-platform play structure, two benches, a 16'x20' pavilion, and walking paths through the open space. The applicant is requesting to reduce the play structure to a 1-platform structure. Staff compiled the attached list of townhome developments in the City for comparison. This project consists of 52 single family units and 37 multi-family

units, for a total of 89 units. Projects with a comparable number of units include Riverbend, Saratoga Chase, Sergeant Court, and Summer Village. Projects with a comparable number of units have included play structures that have 2-5 platforms, along with additional amenities.

- D. Code Criteria:** Section 19.04.17(11) and Section 19.04.18(11) govern the open space requirements within the R-6 and R-10 zones and is reviewed below.

**Open Space: up for discussion.** The R-6 and R-10 zones require 20% open space, the code states “There shall be a minimum requirement of twenty percent of the total project area to be installed as open space not reserved in individual lots. Such open space shall meet the definition of open space in § 19.02.02. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (12) below. All open space in this zone shall have at least thirty-five feet of frontage along a public or private street.”

The definition of open space states:

“Open space”:

- a. means an open, landscaped, and improved area that:
  - i. is unoccupied and unobstructed by residential or commercial buildings, setbacks between buildings, parking areas, and other hard surfaces that have no recreational value;
  - ii. provides park or landscaped areas that meet the minimum recreational needs of the residents of the subdivision;
- b. includes parks, recreational areas, gateways, trails, buffer areas, berms, view corridors, entry features, or other amenities that facilitate the creation of more attractive neighborhoods;
- c. may include hard surfaced features such as swimming pools, plazas with recreational value, sports courts, fountains, and other similar features with recreational value, as well as sensitive lands with recreational value, subject to the limitations stated in the definition of sensitive lands, within a development that have been designated as such at the discretion of the Planning Commission and City Council; and
- d. may not include surplus open space located on another lot unless such surplus open space was previously approved as part of an overall site plan, development agreement, or plat approval.

During the Preliminary and Final plat review these criteria were reviewed and it was found that the open space criteria had been met. However, a smaller play structure is now being proposed.

The code requires that the “minimum recreational needs of the residents of the subdivision” be met, and does not offer criteria for meeting this requirement. Because there are no established criteria in the code, staff prepared the attached amenities study to determine the precedent that has been set and it is recommended that the applicant keep the 4-platform play structure in order to meet the established precedent.

**E. Recommendation and Alternatives:**

Staff recommends that the City Council review the request, discuss any public input received at their discretion, and select from the following options:

**Possible Motion Against Request:**

I move that the City Council deny the request for a smaller play structure for the River Heights development, located at approximately 250 East Alhambra Way, based on the findings and conditions listed below:

**Findings:**

1. Section 19.04.17(11) and Section 19.04.18(11) govern the open space requirements within the R-6 and R-10 zones and requires that the “minimum recreational needs of the residents of the subdivision” be met.

2. Based on the precedent that has been set, a reduction in size to the play structure would reduce the amenities below what similar developments have provided and would be below what would be considered the minimum recreational needs of the residents.

**Conditions**

1. That the 4-platform play structure that was approved with the final plat on August 6, 2013 be installed as originally anticipated.
2. All other previously anticipated amenities shall also be installed.

**Possible Motion in Favor of Request:**

I move that the City Council approve the request for a 1-platform play structure for the River Heights development, located at approximately 250 East Alhambra Way, based on the findings and conditions listed below:

**Findings:**

1. Section 19.04.17(11) and Section 19.04.18(11) govern the open space requirements within the R-6 and R-10 zones and requires that the "minimum recreational needs of the residents of the subdivision" be met.
2. The 1-platform play structure along with the benches, pavilion and paths through the open space meets the minimum recreational needs of the development, as articulated by the Council: \_\_\_\_\_

**Conditions**

1. The play structure may be reduced from a 4-platform play structure to a 1-platform play structure.
2. All other previously anticipated amenities shall also be installed.

**F. Exhibits:**

- A. River Heights, Landscape Plan
- B. River Heights, 4-platform play structure
- C. River Heights, proposed 1-platform play structure
- D. Amenities study



**SHADE TREE LEGEND**

SYMBOL	BOT. NAME/COMMON NAME	QTY.	SIZE
	FRAXINUS AMERICANA 'AUTUMN PURPLE' AUTUMN PURPLE ASH	24	2-1/2" CALIPER
	GLEDITSIA T. I. 'SHADEMASTER' SHADEMASTER THORNLESS HONEYLOCUST	16	2-1/2" CALIPER

**ORNAMENTAL TREE LEGEND**

SYMBOL	BOT. NAME/COMMON NAME	QTY.	SIZE
	MALUS SP. 'RADIANT' RADIANT CRAB APPLE	16	1-1/2" CALIPER
	PYRUS CALLERYANA 'CHANTICLEER' CHANTICLEER FLOWERING PEAR	37	1-1/2" CALIPER

**EVERGREEN TREE LEGEND**

SYMBOL	BOT. NAME/COMMON NAME	QTY.	SIZE
	PINUS FLEXILIS 'VANDERWOLF'S PYRAMID' VANDERWOLF'S LIMBER PINE	15	5'
	PICEA OMORIKA 'WELLS DEER RUN' WELLS DEER RUN SERBIAN SPRUCE	16	5'

**SHRUB LEGEND**

SYMBOL	BOT. NAME/COMMON NAME	QTY.	SIZE
A	CORNUS ALBA 'BAILHALO' IVORY HALO DOGWOOD	7	5 GALLON
B	CORNUS ALBA 'ELEGANTISSIMA' VARIEGATED DOGWOOD	21	5 GALLON
C	CORNUS SERICEA 'KELSEY' KELSEY DOGWOOD	61	5 GALLON
D	PHYSOCARPUS O. 'SUMMER WINE' SUMMER WINE NINEBARK	28	5 GALLON
E	PINUS MUGO 'SLOWMOUND' SLOWMOUND MUGO PINE	16	5 GALLON
F	SPIRAEA BIMALDA 'GOLDFLAME' GOLDFLAME SPIRAEA	13	5 GALLON
G	TAXUS BACCATA REPANDENS DWARF ENGLISH YEW	36	5 GALLON
H	VIBURNUM OPULUS NANUM DWARF EUROPEAN VIBURNUM	77	5 GALLON

**GRASS & PERENNIAL LEGEND**

SYMBOL	BOT. NAME/COMMON NAME	QTY.	SIZE
I	HEMEROCALLIS SP 'STELLA DE ORO' STELLA DE ORO DAYLILY	159	1 GALLON
J	HOSTA SP. 'MEDIO PICTA' VARIEGATA PLANTAIN LILY	68	1 GALLON
K	PENNISETUM RUPPELII CRIMSON FOUNTAINGRASS	79	1 GALLON

**LANDSCAPE NOTES:**

- ALL PLANTER AREAS SHALL HAVE A 3" DEPTH OF 1" SCREENED GRAVEL.
- SEE CIVIL PLANS FOR ALL GRADING AND DRAINAGE INFORMATION.
- SEE CIVIL PLANS FOR ALL HARDSCAPE DRAWINGS.
- SEE ARCHITECTURAL PLANS FOR ALL BUILDING AND PAVILION INFORMATION.
- SITE SHALL HAVE OVERHEAD SPRAY IRRIGATION IN ALL TURF AREAS AND DRIP IRRIGATION IN ALL PLANTER AREAS.

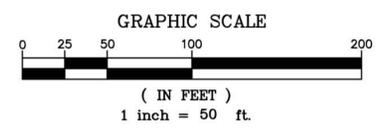
**TOWNHOME LANDSCAPE CALCULATION**

	REQUIRED	PROVIDED
TOTAL LANDSCAPE AREA:	-	69,619 S.F.
TOTAL DECIDUOUS TREES:	28	28
(6 PER 15,000 S.F.)		
TOTAL EVERGREEN TREES	19	23
(4 PER 15,000 S.F.)		
TOTAL SHRUBS:	88	263
(19 PER 15,000 S.F.)		
TOTAL TURF AREA:	50%	75%

**SINGLE FAMILY/OPEN SPACE CALCULATION**

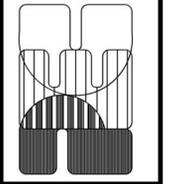
	REQUIRED	PROVIDED
TOTAL DECIDUOUS TREES:	-	51
TOTAL EVERGREEN TREES	-	8

**PRELIMINARY PLAN  
NOT FOR CONSTRUCTION**

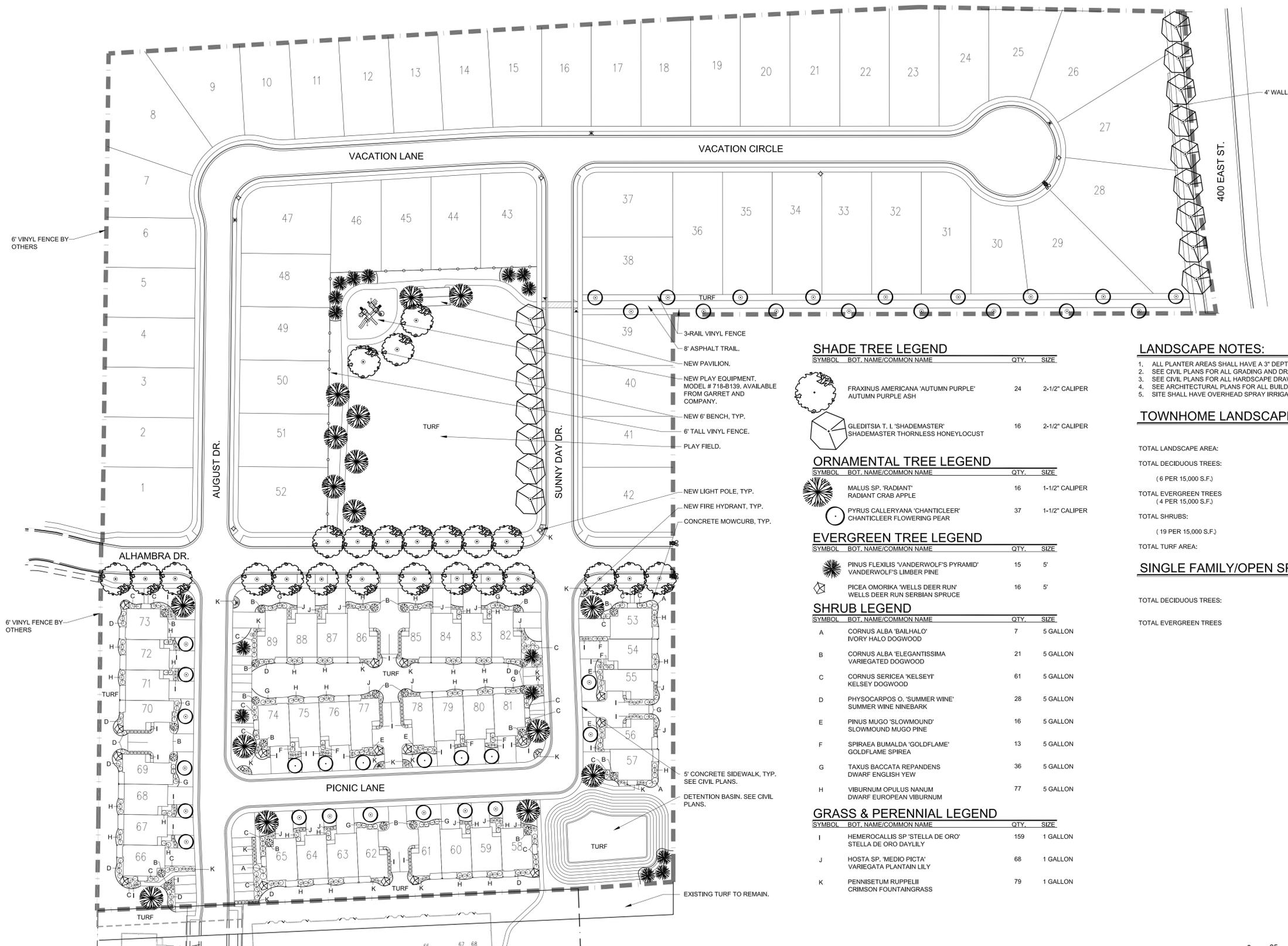


Project Number	LDA	Plot Date	Drawn By	Date	Date Issued	Revisions	No.	By	Date

**PROJECT ENGINEERING CONSULTANTS**  
 986 West 9000 South  
 West Jordan, Utah, 84088  
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 www.pecutah.com



**RIVER HEIGHTS SUBDIVISION**  
 ALHAMBRA DRIVE & AUGUST DRIVE  
 SARATOGA SPRINGS, UTAH, 84045  
**LANDSCAPE PLAN**



### SHADE TREE LEGEND

SYMBOL	BOT. NAME/COMMON NAME	QTY.	SIZE
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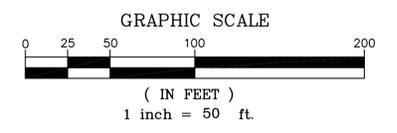
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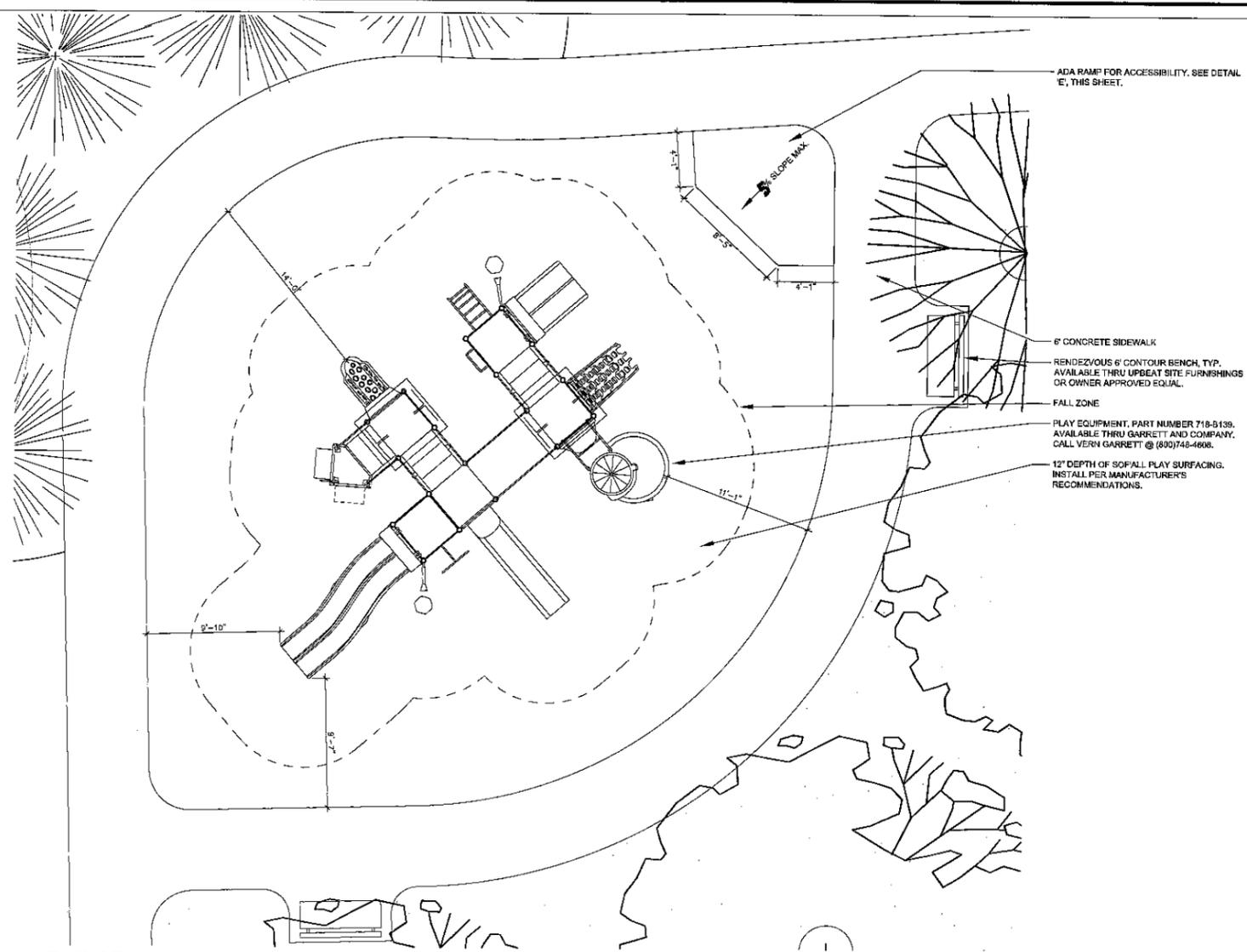
### SINGLE FAMILY/OPEN SPACE CALCULATION

	REQUIRED	PROVIDED
TOTAL DECIDUOUS TREES:	--	51
TOTAL EVERGREEN TREES:	--	8

**PRELIMINARY PLAN  
NOT FOR CONSTRUCTION**



<p><b>PROJECT ENGINEERING CONSULTANTS</b> 966 West 9000 South West Jordan, Utah, 84088 Tel. (801) 495-4240 Fax. (801) 495-4244 www.pecutah.com</p>	<p><b>RIVER HEIGHTS SUBDIVISION</b> ALHAMBRA DRIVE &amp; AUGUST DRIVE SARATOGA SPRINGS, UTAH, 84045 <b>LANDSCAPE PLAN</b></p>																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Project Number</th> <th>File Name</th> <th>Designed By</th> <th>Checked By</th> <th>Date</th> <th>Date Issued</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	Project Number	File Name	Designed By	Checked By	Date	Date Issued							<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>No.</th> <th>Revisions</th> <th>By</th> <th>Date</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Revisions	By	Date				
Project Number	File Name	Designed By	Checked By	Date	Date Issued																
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Sheet Number <b>LS1.0</b>																					

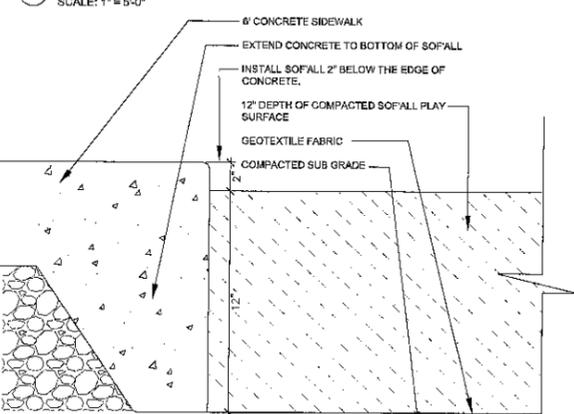


**PLAYGROUND SPECIFICATION**

COMPONENT	QUANTITY
• TRIPLE PLAY ROOFS	4
• TOTS' CHOICE MIRA-THERM2 DECKS	5
• TOTS' CHOICE STEEL POSTS	1
• DUPLI-GATOR SLIDE	1
• MIRA-THERM2 TYPHOON SLIDES	1
• MOGUL & GROOVE SLIDES	1
• ROCKITE SIDE-BY-SIDE SLIDE	1
• TOTS' CHOICE MIRA-THERM2 STEPS AND STAIRS	1
• RISER PLATES	1
• MIRA-THERM2 SQUARE TRANSFER POINTS	1
• TOT ROCK CLIMBER	1
• CLIMBING POLE/SPIDER CLIMBER/BUMPER LADDERS/PIRAL CLIMBER/CLIFF CLIMBER/TRAP DOOR CLIMBER	1
• VERTICAL LADDER/LOOK-OUT LADDER	1
• CURVED CLIMBERS	1
• HONEYCOMB CLIMBERS (KIDS' CHOICE & TOTS' CHOICE)	1
• TOTS' CHOICE MIRA-THERM2 RAMPS AND ARCHED BRIDGES	1
• ROCKITE BENCH PANEL	1
• WIRE MESH ENCLOSURE/RECYCLED PLASTIC ENCLOSURE	1
• IMAGINATION PANELS	1
• BONGO BRIDGES	1
• FUN FONE	1

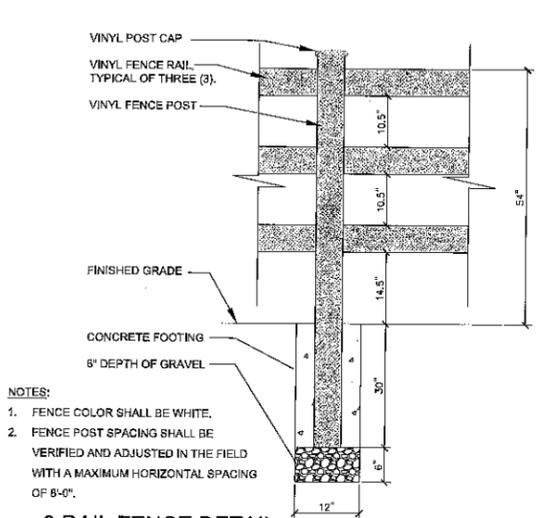
**NOTES:**  
 1. CONTRACTOR SHALL OBTAIN AND INSTALL PLAY EQUIPMENT PER MANUFACTURER'S RECOMMENDATIONS AND SPECS. COORDINATE WITH MANUFACTURER FOR DETAILED SPECIFICATIONS AND INSTALLATION INSTRUCTIONS.

**A PLAYGROUND ENLARGEMENT**  
 SCALE: 1" = 6'-0"



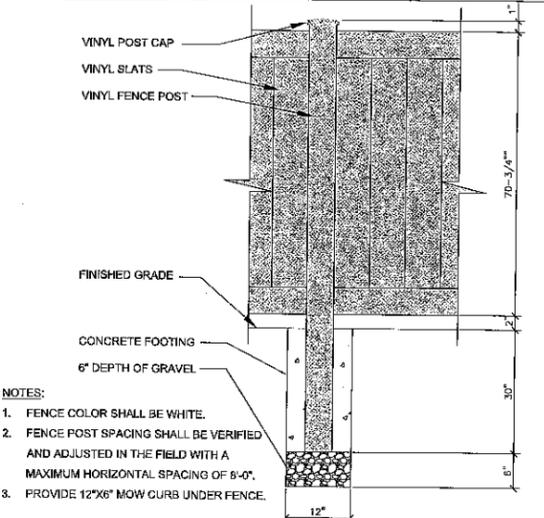
**NOTES:**  
 1. INSTALL SOFALL PER MANUFACTURER'S RECOMMENDATIONS.

**B THICKENED CONCRETE EDGE**  
 NTS



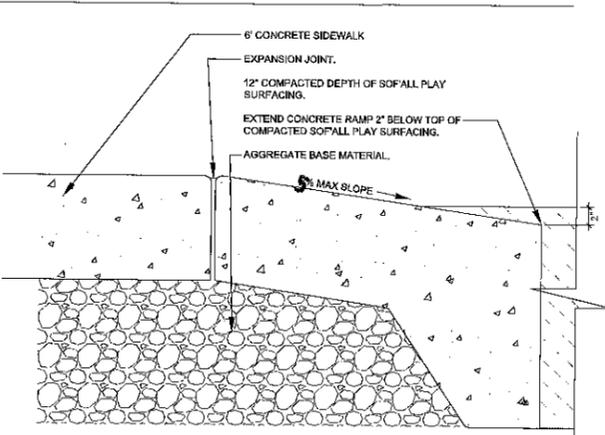
**NOTES:**  
 1. FENCE COLOR SHALL BE WHITE.  
 2. FENCE POST SPACING SHALL BE VERIFIED AND ADJUSTED IN THE FIELD WITH A MAXIMUM HORIZONTAL SPACING OF 8'-0\"/>

**C 3 RAIL FENCE DETAIL**  
 NTS



**NOTES:**  
 1. FENCE COLOR SHALL BE WHITE.  
 2. FENCE POST SPACING SHALL BE VERIFIED AND ADJUSTED IN THE FIELD WITH A MAXIMUM HORIZONTAL SPACING OF 8'-0\"/>

**D 6' VINYL FENCE DETAIL**  
 NTS

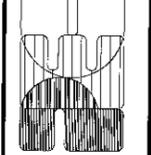


**E PLAYGROUND ADA RAMP DETAIL**  
 NTS

Project Number	PK	LOA	Plot Date	Designed By	Drawn By	Date	Scale	No.	By	Date
UT-13-085			5/7/13	JM	JM	5/20/2013	1"=30'			
Checked By	ZS	Date Revisit	7/7/13							



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 SARATOGA SPRINGS, UTAH, 84045  
**HARDSCAPE DETAILS**



## Amenities within Townhome Projects

Project	Zoning/ Density	# of Units	% open space	Amenities
Gables	R-18  10.48 units per acre	146	Phase 1: 32.29% (2.33 acres of 7.215 acres)  Phase 2: 29.93% (2.012 acres of 6.72 acres)	Phase 1: <ul style="list-style-type: none"> <li>• Tot lot (2 platform)</li> <li>• Gazebo</li> <li>• 2 BBQ grills</li> <li>• 2 picnic tables</li> </ul> Phase 2: <ul style="list-style-type: none"> <li>• Tot lot (1 platform)</li> <li>• 2 benches</li> <li>• Sand Volleyball</li> <li>• Basketball half-court</li> <li>• Splash Park (5 features)</li> <li>• Changing Building/ Pavilion combo ~16'x30'</li> <li>• 3 picnic tables</li> <li>• Path through open space</li> </ul>
River Heights	R-10, R-6	52 SF <u>37 MF</u> 89 total	20% (less than other projects due to SF lots w/in project) (1.598 acres of 15.03 acres)	Proposed: <ul style="list-style-type: none"> <li>• Playground (4 platform) <b>Requesting to change to one platform</b></li> <li>• 2 benches</li> <li>• Pavilion 16'x20'</li> <li>• Path through open space</li> </ul>
Riverbend	R-14	39 constructed <u>58 future</u> 97 total	Not complete, 20% required	<ul style="list-style-type: none"> <li>• Playground (2 platform with swings)</li> <li>• Sports Court (future)</li> <li>• Picnic Pavilion and Tables (future)</li> <li>• Path through open space (existing and future)</li> </ul>
Saratoga Chase	R-18	88	34% 2.21 acres of 6.51 acres	<ul style="list-style-type: none"> <li>• Clubhouse (~34'x38')</li> <li>• Playground (2 deck)</li> <li>• Geodesic dome (small)</li> <li>• Path thru Open Space</li> </ul>
Sergeant Court	MU	55 in Phase 2 <u>41 in Phase 3</u> 96 total	Phase 2: 44%  Phase 3: 33.75%	<ul style="list-style-type: none"> <li>• Playground (5 platform)</li> <li>• 2 benches</li> <li>• 1 picnic table</li> <li>• 10'x10' gazebo</li> <li>• Basketball half-court (future)</li> <li>• Path through open space</li> </ul>
Summer Village	R-10 & R-14	76	35.15%  (2.51 acres of 7.14 acres)	<ul style="list-style-type: none"> <li>• 4 swings</li> <li>• Playground (4 platform)</li> <li>• Circle play feature for climbing</li> <li>• 3 benches</li> <li>• Pavilion ~32'x22'</li> <li>• 2 picnic tables</li> <li>• Path through open space</li> <li>• HOA is proposing future half-court BB</li> </ul>
Talons Cove Townhomes	R-10	43	41%  (1.94 acres of 4.705 acres)	Under Construction/future: <ul style="list-style-type: none"> <li>• Splash Zone (4 features)</li> <li>• Modern Playground equipment (4 different structures of varying sizes, no platforms)</li> <li>• Restroom/pavilion combo 24'x25'</li> <li>• 4 picnic tables in pavilion</li> <li>• 2 picnic tables out of pavilion</li> <li>• BBQ grill</li> <li>• 1 bench</li> <li>• Path through open space</li> </ul>



## City Council Staff Report

**Author:** Kevin Thurman, City Attorney; Ken McCabe, Intern  
**Subject:** Proposed Advertising/Sponsorship Policy for City Events  
**Date:** August 5, 2014  
**Type of Item:** Legislative, Policy Decision

**Summary Recommendation:** Staff recommends the Council discuss the proposed policy.

### Description:

#### A. Topic

Advertising and sponsorship policy for City events.

#### B. Background

A question came up whether the City could limit sponsorships and advertising based on content. Typically, restrictions on speech have to be content neutral, meaning restrictions cannot regulate the content or topic of speech. The question then turned to whether the City could limit advertising or sponsorships for objectionable content. Based on our research, we have determined that the City can limit sponsorships and advertising so long as we have a reasonable policy in place and we follow that policy consistently.

#### C. Analysis

Reasonable restrictions may be placed on speech in a non-traditional public forum, especially when the government entity is the proprietor. Based on U.S. Supreme Court decisions, advertising and sponsorships for City events clearly falls into this category. In such a case, the City can place restrictions on broad categories of speech, such as restrictions on alcohol, tobacco, and sexually explicit advertisements and sponsorships. However, these restrictions must be reasonable and applied uniformly. So long as applied uniformly, the attached policy is consistent with the relevant U.S. Supreme Court decisions. If you would like a copy of our research, please let me know and I will gladly provide it.

**D. Conclusion:** The attached policy is consistent with Supreme Court free speech decisions.

**E. Department Review:** Kevin Thurman, Owen Jackson, AnnElise Harrison.

**Recommendation:** Staff recommends that the Council approve the policy.

**Attachments:** Event Sponsorship and Advertising Policy.

**City of Saratoga Springs**  
**Event Sponsorship and Advertising Policy**

1. The City of Saratoga Springs wishes to keep all city sponsored events controversy free, family friendly, politically neutral, non-discriminatory, and welcoming to all members of the community, and therefore enacts this policy to ensure city sponsored events achieve these objectives. It is in this spirit that the City of Saratoga Springs has decided to limit sponsorships and advertising for City-sponsored events to organizations that reflect this approach. This policy is not an endorsement of any particular political point of view or the legitimacy of any legal business venture—it is merely a reflection of the City’s goals above.
2. In order to achieve the goals of this policy, all sponsors and advertisers wishing to support City-sponsored events are subject to review prior to being accepted. The City Manager, or designee, will review all sponsorship applications and advertisements to ensure compliance with this policy. Appeal of the City Manager’s decision may be brought to City Council within 10 days of denial.

**Sponsorships**

3. All sponsorships must further the goals of being controversy free, family friendly, politically neutral, non-discriminatory, and welcoming to all members of the community.
4. Sponsorships will not be accepted from organizations or businesses whose primary revenue source is the sale or promotion of alcoholic beverages. Examples include, but are not limited to, breweries, wineries, bars, nightclubs, taverns, breweries, etc.
5. Sponsorships will not be accepted from organizations that actively promote the sale of tobacco or smoking products, or whose primary source of revenue is from these products. Examples include, but are not limited to, cigarette companies, tobacco companies, cigarette outlets, electronic cigarette stores, smoke shops, etc.
6. Sponsorships will not be accepted from organizations whose primary business is the sale or promotion of sexually oriented products or from businesses that are classified or licensed as adult entertainment by the State of Utah. Examples include, but are not limited to, strip clubs, lingerie or underwear shops or companies, adult stores, indecent magazines, etc.

**Advertising**

7. All advertisements must further the goals of being controversy free, family friendly, politically neutral, non-discriminatory, and welcoming to all members of the community.
8. Advertisements that promote alcohol, tobacco, electronic cigarettes, or drug paraphernalia will not be accepted.
9. Sexually suggestive advertisements, including sexual innuendo, sexually demeaning, sexually explicit, or obscene drawings, photographs, or language will not be accepted.

10. Advertisements that promote or suggest discrimination based on race, color, sex, national origin, age, disability, sexual orientation, immigration status, citizenship, political affiliation, or religion are not permitted.
11. Political advertisements are not permitted.
12. Advertisements that disparage any person, entity, or place are not permitted.

**City Council  
Staff Report**

**Author: Jeremy D. Lapin, P.E., City Engineer**  
**Subject: Sunrise Meadows Secondary Well  
Reimbursement Agreement**  
**Date: August 5, 2014**  
**Type of Item: Settlement Agreement**



**Description:**

**A. Topic:**

This item is for the approval of a Settlement Agreement with Sunrise Meadows Development Company, L.L.C.

**B. Background:**

In 2003 the City entered into a Reimbursement agreement with Sunrise Meadows Development Company, L.L.C. ("Developer"). The agreement stipulated the City would reimburse Developer for any additional capacity in the Secondary Well beyond 400 gpm (the flow capacity needed to serve the Sunrise Meadows Subdivision per the design standards at that time) at an amount of \$283.33 for each gpm of additional capacity. After installation of recent improvements to the Well, the City has tested the well at 678 gpm. The City and Sunrise Meadows Development Company L.L.C. have both accepted this flow rate as the maximum capacity of the Well for the purposes of reimbursement only.

**C. Analysis:**

The City Attorney and the City Engineer met with the Developer in March and May of 2014 to negotiate a settlement of the remaining amount owed. Subsequently, after further negotiation with City Staff, and the results of a Well Capacity Analysis prepared by Hansen Allen and Luce, the Developer has agreed to settle both the 2003 agreement for a lump sum total of \$79,000 to be paid within 6 months of execution of the agreement.

**Recommendation:** Staff recommends that the City Council approve the settlement agreement with Sunrise Meadows Development Company, L.L.C. in the amount of \$79,000.



# MEMORANDUM

DATE: July 29, 2014  
TO: Jeremy Lapin, P.E.  
City Engineer  
City of Saratoga Springs  
1307 North Commerce Drive, Suite 200  
Saratoga Springs, Utah 84045

FROM: Tavis B. Timothy, P.E.  
Hansen, Allen & Luce, Inc. (HAL)  
6771 South 900 East  
Midvale, Utah 84047

SUBJECT: Sunrise Well Suggested Flow Capacity

PROJECT NO.: 360.02.210

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## PROJECT UNDERSTANDING

The City has requested of Hansen Allen and Luce (HAL) to determine the anticipated capacity of the Sunrise Well. The City of Saratoga Springs in the late spring of 2013 replaced the submersible pump at the Sunrise Well with a larger submersible pump. Other secondary water improvements were constructed so that the well would pump directly into the secondary system instead of an open pond near the pump house.

## SYSTEM IMPROVEMENTS

The system improvements constructed so that the Sunrise Well could be used directly into the secondary system were the following:

- Construct a new 12" DIP line connecting to the piping at the well house, bypassing the small on-site storage pond, and terminating at the Harvest Hills Subdivision. This new line connects the Sunrise Well to the City's Secondary Water Zone 2.
- Remove and replace the existing 50 Horsepower (HP) - pump with a larger 150 HP pump. The increase in pump size was to provide a higher lift (approximately 220 feet) to the upper Zone 2 storage pond. The City also wanted to maximize the flow within the well as a source for Zone 2.

## PUMP SELECTION

HAL was the Engineer of Record for the design on the pump improvements. The City was desirous to provide a new pump to maximize flows to the higher pressure of their Zone 2.

Three separate pump suppliers assisted with the pump selection. It was determined due to the wells 10-inch well casing that the largest pump motor should be 8-inches in diameter. Any larger motor could burn up with the limited space between the motor and casing. Coordinating with the pump suppliers the highest flow pump that could meet the lift requirements was selected. The pump placed in the well was a 150 HP, National 4-Stage with an 8" Motor.

### **EXISTING WELL CASING**

After the existing pump was removed the contractor provided a video log of the 10" casing. It was found that substantial scaling was present on the well screens limiting the surface area of the openings. The smaller surface area at the screens would decrease the amount of water entering the well. The City determined to direct the Contractor to scrub the well in hopes of removing as much of the scaling buildup as possible.

### **FLOW TESTING**

The original well log provided a flow of 920 gpm for 24 hours with minimal drawdown (2.3 feet). Upon replacement of the larger pump the flow was estimated near 900 gpm when pumping into the adjacent pond. The pump at this higher flow is much less efficient and requires more power. However, the flow was substantially less when pumping directly into the system. During construction when the pump was first turned on it would begin to pump approximately 750 gpm and then lower over the course of a day, as head requirements for the pump increased, to between the high 600's to near 700 gpm. The flows were read through a new 4" Badger Magnetic Flowmeter installed in the pump house. The meter was not hooked into the SCADA system so readings were only provided while City Staff were present.

### **SCADA INFORMATION**

Recently the City connected the pump house meter to their SCADA system allowing for the recording of flows. The City provided HAL with the flow information recorded while the pump station was running over a week in May of 2014. The data shows that when the pump starts the flow averages approximately 750 gpm but then through the course of the day drops near 600 gpm. This flow change is due to the system hydraulics and demands. While the demand is high near the well the flow is high, but when the pump is required to push water to the zone pond the flow decreases due to the additional lift requirements.

### **WELL CAPACITY RATING**

After review of the pump flow information along with pump curves, HAL would suggest that the well capacity be the average flow that the pump produces over an extended time period. This average would be the yield of the well as the flow is impacted by the demands of the system. The City SCADA information provides a flow of **678 gpm** over a week. In our opinion, and after discussion with pump manufacturer representatives, a larger pump is not feasible due to the constrictions of the 10" casing. We also feel that the yield of the pump is near its maximum at present after the City's scrubbing and cleaning of the well during placement of the pump.

We do suggest that the City review records for more than a week with smaller time increments to determine the yield of the well.

**SETTLEMENT AGREEMENT AND RELEASE  
SUNRISE MEADOWS WATER WELL AGREEMENT**

This Settlement Agreement and Release (hereinafter "Agreement") is entered into this \_\_\_ day of \_\_\_\_\_ 2014, by and between the City of Saratoga Springs, a political subdivision of the State of Utah (hereinafter "City"), and Sunrise Meadows Development Company, LLC ("Developer").

**RECITALS**

**WHEREAS**, on or about \_\_\_\_\_ 2003, City and Developer entered into a Water Well Agreement pertaining to the installation of secondary water improvements by Developer or Developer's predecessor Hearthstone Development, Inc. and reimbursement by City to Developer of the same ("Water Well Agreement"); and

**WHEREAS**, the secondary water improvements consisted of a secondary well and pump for the Sunrise Meadows Development ("Improvements"); and

**WHEREAS**, per the terms of the Water Well Agreement, Developer agreed to install the improvements and City agreed to reimburse Developer for the additional capacity above 400 gpm once City was able to utilize the additional capacity; and

**WHEREAS**, Developer has fully installed the improvements and has fulfilled its obligations under the Water Well Agreement; and

**WHEREAS**, City has recently made improvements to the Sunrise Meadows pump and has tested the well and pump at 678 gpm, which is agreed to by the parties to be the maximum capacity of the Improvements; and

**WHEREAS**, City wishes to satisfy its obligations to Developer by making a one-time lump sum payment; and

**WHEREAS**, Developer accepts City's one-time lump sum payment as satisfaction in whole of City's obligations under the Water Well Agreement.

**NOW THEREFORE**, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the City and Developer agree as follows:

**AGREEMENT**

**1. PAYMENT OF CONSIDERATION**

In consideration of the promises and covenants contained herein, and as a compromise and full settlement of all claims which Developer may have against the City, Developer agrees to

withdraw with prejudice any and all claims it may have against the City for compensation, capacity reservations, and credits with regard to the Improvements and the Water Well Agreement.

**2. SETTLEMENT PRICE**

Developer and City concur that the Water Well Agreement established that City would reimburse Developer for any additional capacity in the Improvements beyond 400 gpm at an amount of \$283.33 for each gpm of additional capacity. After installation of recent improvements to the Improvements in order to benefit from the additional capacity, the City has tested the well at 678 gpm, which both parties accept as the maximum capacity of the Improvements for the purposes of reimbursement only. In consideration of a lump sum payment in lieu of reimbursement for up to the 1,000 gpm, Developer agrees to accept the following compensation as satisfaction in whole of City's obligations under the Water Well Agreement:

\$79,000 ("Lump Sum Payment"). The Lump Sum Payment shall be paid within 6 months of signing this Agreement.

**3. MUTUAL RELEASE OF CLAIMS**

In return for the Lump Sum Payment, the sufficiency of which is hereby accepted, and for other good and valuable consideration, each party hereby fully and completely releases and forever discharges the other party, its elected officials, officers, agents, servants, employees, and former elected officials, officers, agents, servants, and employees from any and all claims, damages, and demands of every nature whatsoever which were asserted, could have been asserted, or will be asserted by either party arising out of and pertaining to each party's obligations under the Water Well Agreement.

**4. AUTHORITY TO SETTLE; INDEMNIFICATION**

As an express condition of the City's Lump Sum Payment, the undersigned represents and warrants that he:

- 4.1 has the power to enter into and perform this Agreement;
- 4.2 is the lawful representatives of the parties in the aforementioned Water Well Agreement;
- 4.3 is the sole owner, assignee, heir, obligor, beneficiary, etc. of all obligations and benefits provided in the Water Well Agreement;
- 4.4 has not transferred, assigned, or sold, or promised to transfer, assign, or sell his interest in the Water Well Agreement;
- 4.5 shall indemnify, defend, and hold harmless the City with respect to any future claim related to the Water Well Agreement and with respect to any claim against the City for compensation, reimbursement, reservation of capacities, and credits under the Water Well Agreement brought against the City by any party, person, entity, corporation, homeowners association, government entity, third party, etc.

**5. PARTIES REPRESENTATIVES; NOTICES**

All notices, demands, and requests required or permitted to be given hereunder shall be in writing and shall be deemed duly given if delivered in person or after three business days if mailed by registered or certified mail, postage prepaid, addressed to the following:

Dale Neibaur  
Managing Member  
Sunrise Meadows Development Company, LLC  
[insert address]

Mark Christensen  
City Manager  
City of Saratoga Springs  
1307 North Commerce Drive, Suite 200  
Saratoga Springs, Utah 84045

Either party shall have the right to specify in writing another name or address to which subsequent notices to such party shall be given. Such notice shall be given as provided above.

**6. COMPLETE AGREEMENT, MODIFICATION**

This Agreement, together with the attached exhibits, constitutes the entire agreement between the parties and supersedes and replaces any and all prior negotiations, representations, warranties, understandings, contracts, or agreements, whether written or oral, between the parties on all matters. This Agreement cannot be modified except by written agreement between the Parties.

**7. SETTLEMENT**

The undersigned certifies that he or she has read this Agreement, that it:

- 7.1 voluntarily enters into it of its' own free will;
- 7.2 has had ample opportunity to review this Agreement with legal counsel;
- 7.3 is a legally incorporated or organized entity,
- 7.4 has performed all corporate formalities to execute this Agreement; and
- 7.5 acceptance of the consideration set forth herein is in full accord and satisfaction of claims which it may have with respect to the subject matter and the Water Well Agreement.

**8. ATTORNEY FEES**

Each party hereto shall bear its own attorneys' fees and costs arising from the actions of its own counsel in connection with this Agreement and the subject matter. In any action of any kind relating to this Agreement, the prevailing party shall be entitled to collect reasonable

attorneys' fees and costs from the non-prevailing party in addition to any other recovery to which the prevailing party is entitled.

**9. GOVERNMENTAL IMMUNITY**

Nothing in this Agreement shall adversely affect any immunity from suit, or any right, privilege, claim, or defense, which the City or its employees, officers, and directors may assert under state or federal law, including but not limited to The Governmental Immunity Act of Utah, Utah Code Ann. §§ 63G-7-101 et seq., (the "Act"). All claims against the City or its employees, officers, and directors are subject to the provisions of the Act, which Act controls all procedures and limitations in connection with any claim of liability.

**10. MISCELLANEOUS PROVISIONS**

10.1 If, after the date hereof, any provision of this Agreement is held to be invalid, illegal, or unenforceable under present or future law effective during its term, such provisions shall be fully severable. In lieu thereof, there shall be added a provision, as may be possible, that give effect to the original intent of this Agreement and is legal, valid, and enforceable.

10.2 The validity, construction, interpretation, and administration of this Agreement shall be governed by the laws of the State of Utah.

10.3 All titles, headings, and captions used in this Agreement have been included for administrative convenience only and do not constitute matters to be construed in interpreting this Agreement.

10.4 This Agreement and release given hereunder shall be effective upon execution by both parties.

**IN WITNESS WHEREOF**, the City and Developer have caused this Agreement to be executed hereunder by their respective officers having specific authority to enter into this Agreement and to bind respectively the City and Developer to its terms.

For Saratoga Springs:

\_\_\_\_\_  
Mark Christensen, City Manager

ATTEST:

\_\_\_\_\_  
Lori Yates, City Recorder

