

**CITY OF SARATOGA SPRINGS
CITY COUNCIL WORK SESSION AGENDA**

Tuesday, November 17, 2015

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

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

City Council Work Session

5:45 p.m.

1. Discussion of Mixed Lakeshore Amendments
2. Discussion of Open Space, Landscaping, and Trails Maintenance Policy
3. Agenda Review:
 - a. Discussion of City Council policy agenda items.
 - b. Discussion of future City Council policy and work session agenda items.
4. Motion to enter into closed session for any of the following: purchase, exchange, or lease of real property; pending or reasonably imminent litigation; the character, professional competence, or the physical or mental health of an individual.
5. Adjourn to Policy Session.



City Council Staff Report

Author: Kevin Thurman, City Attorney
Subject: Open Space and Trails Maintenance Policy
Date: November 17, 2015
Type of Item: Legislative, Policy Decision

Summary: Discussion of the Open Space and Trails Maintenance Policy.

Description:

- A. Topic:** Open Space and Trails Maintenance Policy.
- B. Background:** For some time now, Staff has been unsure of what to tell developers about maintenance of trails, landscaping, and open space in the City and what the City's policies are, especially as it applies to open space and trails that are public or have some associated public use. The Redwood Road trail is a good example. Over the years, the City has been very inconsistent as to whom is responsible to install or maintain these improvements. Therefore, Staff has drafted the attached policy with the goal of having consistent, non-arbitrary, and fair rules.
- C. Analysis:** The policy has a definition section, purpose section (including the rules about exactions), general policies, and specific policies for trails, parks, landscaping, and park strips. Please review the attached policy and discuss at the work session. This is a legislative decision and the Council may choose to go in a different direction. We would like your feedback and direction so we can forward with adoption of a policy.
- D. Conclusion:** The attached policy will help to establish a uniform policy for the installation and maintenance of trails, open space, parks, and landscaping.

Recommendation: Consideration and discussion of the attached policy.

Attachment: Trails, landscaping, and parks policy.

Policies for Trails, Landscaping, and Parks

November 10, 2015 Draft

- 1. Definitions.** As used in this policy, the following terms and definitions shall apply:
 - a.** “Consideration” means: impact fee credits; permitted exceptions in Title 19 such as reduced setbacks, lot sizes, and percentage of open space; increased density; rezoning; and/or any other development benefit lawfully conferred on a developer.
 - b.** “Development activity” means that same definition as found in Utah Code § 10-9a-103.
 - c.** “Development approval” means a favorable decision on any application relating to the use of property—including amendments—such as the following: preliminary plat; final plat; site plan; district area plan; community plan; development agreement; village plan; rezoning/zoning; code amendment; general plan amendment; building permit; or occupancy permit.
 - d.** “Regional trails” means those regional trails identified in the City’s current Parks, Trails, Recreation, and Open Space Master Plan.

- 2. Purposes.**
 - a.** In general. This policy will provide a systematic and uniform method for requiring property owners engaging in development activity to dedicate, improve, and maintain open space such as trails, open space, landscaping, and parks in exchange for development approval.
 - b.** Specific policies. The specific purposes of this policy are to:
 - i. ensure that required open space, landscaping, and trails are lawful exactions that comply with Utah statutory and common law;
 - ii. help the City provide and maintain recreational infrastructure for the enjoyment of City residents in a cost-effective, fair, safe, and efficient manner; and
 - iii. increase and preserve the beauty and environmental quality of the Saratoga Springs community by providing well-maintained parks, open space, landscaping, and trails for the enjoyment of City residents on a City-wide basis or on a neighborhood/homeowners association basis.

- 3. Balancing Under the Rough Proportionality Test.**
 - a.** Exactions for open space, trails, landscaping, and parks will be determined by the City after careful consideration of the rough proportionality test as required by Utah Code § 10-9a-508. The rough proportionality test will be used to determine the fairness and extent of each exaction. The rough proportionality test requires that each exaction:

- i. has an essential link between the exaction and a legitimate governmental purpose; and
 - ii. is roughly proportionate in both:
 - 1. nature, and
 - 2. extent.
- b. To have an essential link between the exaction and a legitimate governmental purpose, the exaction must be related to the governmental purpose used to justify the exaction.
 - i. Examples of legitimate governmental purposes include without limitation public health and safety, City infrastructure, and City aesthetics.
- c. To be roughly proportionate in nature, the exaction must be seen as a solution to a problem caused by the new development.
 - i. For example, if the development will cause increased pedestrian traffic, an exaction of land for a trail or sidewalk may be proportionate in nature because it solves the problem of increased pedestrian traffic by providing a place for pedestrians to travel.
- d. To be roughly proportionate in extent, the cost of the exaction (including the cost of the dedicated land, any improvements to the land, and maintenance) must be roughly proportionate to the development's impact. Under this requirement, a development only pays its fair share of a public improvement based on the impact of the development. Costs in excess of this impact are borne by the City.
 - i. For example, the cost to the developer should not be significantly higher than the cost the City would spend to ease the burden of the development's impact.

4. General Policies.

- a. The City may require developers to dedicate, improve, and maintain in perpetuity land for trails, landscaping, parks, and other open space in exchange for development approval. Any such dedication will comply with the rough proportionality test as required by Utah Code § 10-9a-508 and explained in this policy.

5. Trails.

- a. In General.
 - i. The landscaping and land area of required trails shall count towards the developer's open space requirement in Title 19 of the City Code. If the City requires landscaping and trails in excess of the requirements in Title 19 of the City Code, the City shall provide additional consideration to the developer
- b. Regional Trails.
 - i. Land for regional trails will be dedicated to the City by the developer. Regional trails are established by the City's Parks, Recreation, Trails, and Open Space Master Plan. Although the land to be dedicated to the City is for

the trail surface only and not the landscaping along the trail, maintenance easements may be necessary alongside and adjacent to the trail to facilitate access during maintenance activities.

- ii. Regional trails will be improved and installed by the developer.
- iii. All regional trails will be owned and maintained by the City. The ownership and maintenance will be of the trail surface only and will not extend to landscaping along the trails.

- 1. **Exception:** The developer and/or homeowners association may be required to maintain the trail if the City, through an arm's length negotiation with the Developer, provides additional consideration to the developer that is memorialized through a recordable instrument such as a development agreement, reimbursement agreement, and/or plat note.

c. Other Trails.

- i. All other trails will typically be owned, installed, and maintained by the developer or a homeowner's association. The maintenance shall include both maintenance of the trail surface and the surrounding landscaping. The City and Developer may mutually agree that the City will own and maintain the trail if there is a public purpose in doing so.

d. Materials of Trails.

- i. Unless otherwise provided herein, all trails shall be constructed of those materials as required in the City's Engineering Standard Technical Specifications and Drawings Manual.

ii. *Regional Trails.*

- 1. All Lakeshore Trails shall meet the concrete standard in the Engineering Standard Technical Specifications and Drawings Manual.
- 2. All trails along Redwood Road shall be constructed either of asphalt or concrete in accordance with the following standards:
 - a. Trails on the west side of Redwood Road shall be constructed of concrete and be 10 feet in width.
 - b. Trails on the east side of Redwood Road shall be constructed of asphalt and be 10 feet in width.
 - c. On a yearly basis, the City Engineer shall perform a cost analysis of the current standard material costs of asphalt or concrete. Based on this annual assessment, the City shall reasonably determine whether the costs to the developer of an asphalt or concrete is roughly equivalent. To help ensure that the costs are roughly equivalent regardless of where the trail is located, one or more of the following concessions—at the

discretion of the City—shall be made. The City may also provide additional consideration as defined herein.

- i.** For a trail that is less than the cost of the trail on the other side of Redwood Road, Developer and/or a homeowners association shall be required to maintain such trail in perpetuity. This is City’s preferred method of ensuring an equivalent cost.
- ii.** Require extra width for the less expensive trail.
- iii.** Allow the more expensive trail to install a more linear sidewalk thereby reducing the length;
- iv.** Require additional trees and shrubs for the less expensive trail; and/or

6. Landscaping.

- a.** All landscaping around trails (whether regional or other) will be installed by the developer.
- b.** All landscaping around trails (whether regional or other) will be maintained by the developer or a homeowners association unless such area has been dedicated to the City.
- c.** Maintenance includes but is not limited to cutting the grass regularly, pruning trees and shrubbery, weeding, replacing dead vegetation, watering regularly, removal of debris and trash, and any requirements identified in the City Code.

7. Parks.

- a.** All parks shall be dedicated, installed, and maintained in accordance with development approvals, development agreements, and the City Code. However, all general policies herein shall apply.

8. Park Strips.

- a.** All park strips—meeting the definition of park strip in Section 19.02.02 of the City Code—within a development shall be installed by the developer or lot owner. This includes all pavement and landscaping.
- b.** Park strips shall not be counted towards open space requirements in Title 19 unless more than the minimum park strip width is being installed and all open space standards in Title 19 are met. In all cases of park strips counting towards open space requirements, the minimum required width of a traditional park strip shall be deducted from the total area of the oversized park strip being installed.
- c.** All park strips along all roads shall be maintained by the individual property owner, tenant, or person in possession of the property whose property abuts the park strip in accordance with Title 19 of the City Code.

- d.** Maintenance includes but is not limited to cutting the grass, removing growth from sidewalks, trimming trees and shrubbery, weeding, watering the vegetation, planting new vegetation, and removing debris and trash.