

**CITY OF SARATOGA SPRINGS  
CITY COUNCIL MEETING**

Tuesday, April 21, 2015

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

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**AMENDED 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.
- Public Input - Time has been set aside for the public to express ideas, concerns, and comments. Please limit repetitive comments.
- Awards and Recognitions.

**POLICY ITEMS**

1. Consent Calendar:
  - a. Consideration and Possible Approval: Preliminary Plat for Fox Hollow Neighborhood 11 located at 3400 South Wildlife Boulevard, Kerry Winn, applicant.
  - b. Consideration and Possible Approval: Amendment of Water Rates for the City of Saratoga Springs.
    - i. Resolution R15-17 (4-21-15) An Resolution of the City of Saratoga Springs, Utah amending Secondary Water rates and fees in the Consolidated Fee Schedule and establishing an effective date.
  - c. Minutes:
    - i. March 31, 2015.
2. Public Hearing: Consideration and Possible Approval of the Annexation, General Plan Amendment, Rezone, and Master Development Agreement for The Springs located West of Wildflower and Harvest Hills, south of Camp Williams, Western States Ventures, applicant.
  - i. Ordinance 15-14 (4-21-15): An Ordinance adopted pursuant to Section 10-2-407(3)(b) of the Utah Code, approving an Annexation application relating to approximately 723.732 acres of land; annexing such land into the City; and related matters.
  - ii. Ordinance 15-15 (4-21-15): An Ordinance of the City of Saratoga Springs, Utah, adopting Amendments to the City of Saratoga Springs' Official Zoning Map and General Plan for certain Real Property totaling 723.732 acres West of the Harvest Hills Development; instructing the City staff to amend the City Zoning Map, General Plan, and other Official Zoning Records of the City and establishing an effective date.
  - iii. Ordinance 15-16 (4-21-15): An Ordinance of the City of Saratoga Springs, Utah, approving the Annexation and Master Development Agreement for The Springs Master Planned Community.
3. Public Hearing: Consideration and Possible Approval of amendments to the City of Saratoga Springs Land Development Code.
  - i. Ordinance 15-17 (4-21-15): An ordinance of the City of Saratoga Springs, Utah, adopting amendments to the Saratoga Springs Land Development Code and establishing an effective date.
4. Consideration and Possible Approval of the 2015 Municipal Recreation Grant Program.
5. Motion to enter into closed session for the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, the deployment of security personnel, devices or systems or the physical or mental health of an individual.
6. Adjournment.

**Notice to those in attendance:**

- Please be respectful to others and refrain from disruptions during the meeting.
- Please refrain from conversing with others in the audience 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.

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



## City Council Staff Report

### **Preliminary Plat The Villages at Saratoga Springs (Fox Hollow), Neighborhood 11, Phases 2-5 April 21, 2015 Public Meeting**

Report Date:	Thursday April 9, 2015
Applicant:	Kerry Winn
Owner:	FH 2014, LLC
Location:	~ 3400 South Wildlife Boulevard (~300 West)
Major Street Access:	Wildlife Boulevard
Parcel Number(s) & Size:	59:013:0061, 59:013:0062, 59:013:0063, 59:013:0033, 59:013:0064, 59:013:0032, ~ 20.17 acres
Land Use Map Designation:	Medium Density Residential
Parcel Zoning:	R-3 PUD, Low Density Residential Planned Unit Development
Adjacent Zoning:	R-3 PUD, Low Density Residential Planned Unit Development
Current Use of Parcel:	Undeveloped, some utilities have been installed
Adjacent Uses:	Single-family lots, future city park
Previous Meetings:	MDA reviewed by PC and CC in 2013 Planning Commission Review, 4-9-15
Previous Approvals:	MDA approved by City Council 4-16-13
Land Use Authority:	City Council
Future Routing:	Final Plat applications required
Author:	Sarah Carroll, Senior Planner

#### **A. Executive Summary:**

This is a request for approval of the Preliminary Plat for The Villages at Saratoga Springs (Fox Hollow) Neighborhood 11 Phases 2-5, consisting of approximately 20.17 acres and containing 118 lots.

#### **Recommendation:**

**Staff recommends that the City Council conduct a public meeting, take public comment at their discretion, discuss the proposed preliminary plat, and choose from the options in Section "H" of this report.** Options include approval with conditions, continuation, or denial based on non-compliance with findings of specific criterion.

- B. Background:** Some of the utilities were constructed in 2006, based on old approvals that were in place at that time. The applicant is proposing the same layout and lot sizes that were in place back then and is proposing to use the existing utility lines. This property is subject to the "Villages at Saratoga Springs (Fox Hollow) Second Master Development Agreement" (the MDA), which is 250 pages in length and may be found on the City's website.

The open space obligations were met in 2007 through a payment in lieu of open space agreement and the MDA absolves Neighborhood 11 of further open space obligations. However, there are some small pieces of open space on the plats, as described under "Open Space" in Section G of this report.

- C. Specific Request:** The applicant is requesting approval of the Preliminary Plats for Neighborhood 11 Phases 2-5. The proposed subdivision layout is very similar to the conceptual layouts shown on the exhibits in the Master Development Agreement.
- D. Process:** Section 19.13.04 of the City Code states that Preliminary Plats require a public hearing with the Planning Commission and that the City Council is the approval authority.

**Staff finding: complies.** *After a public hearing with the Planning Commission the application will be forwarded to the City Council.*

- E. Community Review:** Prior to the Planning Commission review of the Preliminary Plat, this item was noticed as a public hearing in the *Daily Herald*; and notices were mailed to all property owners within 300 feet of the subject property. As of the date of this report no public input has been received regarding this application.

**Planning Commission Review:** The Planning Commission reviewed the proposed application on April 9, 2015. Draft meeting minutes will be available prior to the City Council meeting on April 21, 2015.

- F. General Plan: consistent.** The General Plan recommends Medium Density Residential for this area. The Land Use Element of the General Plan defines Medium Density Residential as four to fourteen units per acre. The proposed plans indicate 20.17 acres containing 118 lots or 5.85 units per acre; thus the proposed density is consistent with the General Plan.
- G. Code Criteria:** The requirements for this property are governed by the Land Development Code and The Villages at Saratoga Springs (Fox Hollow) Second Master Development Agreement. **The applications were received on March 8, 2013, prior to the Code changes that were adopted on July 16, 2013; thus, the Code that was in effect prior to that date is applicable and referenced in this report.** The property is zoned R-3 PUD, Low Density Residential Planned Unit Development; Section 19.04.11 regulates the R-3 zone. This project also falls within a Planned Unit Development (PUD) and is regulated by Chapter 19.07. Pertinent sections and Chapters along with the requirements of the MDA are reviewed below.

#### **Master Development Agreement**

**Density: complies.** The MDA allows up to 226 units and 10 units per acre within Neighborhood 11, Phases 2-5; the plans indicate 118 lots and a density of 5.85 units per acre.

**Infrastructure Requirements: can comply.** According to the MDA, the developer will be required to complete the following items, as described in Exhibit I and L of the MDA, and outlined below:

- R-1, Swainson Boulevard
- R-2, Wildlife Boulevard
- W-2, N-5 to N-11 12" Water Main Connection
- W-3, Wildlife Boulevard 12" Water Main

It is anticipated that the applicant will participate in a pioneering agreement for the construction of Swainson Boulevard. The applicant is currently in discussions with other land owners regarding the timing and construction of Wildlife Boulevard. Engineering Condition K requires that these roads be completed and dedicated to the City prior to construction of Neighborhood 11, Phases 2-5.

**MDA Open Space Requirements: complies.** The MDA outlines specific open space requirements for each Neighborhood in Fox Hollow and states that Neighborhood 11 has met their open space requirements through a payment in lieu of open space agreement that was entered into in 2007 (attached).

**Section 19.04.11, Low Density Residential (R-3)**

**Permitted or Conditional Use: complies.** "Single Family Dwellings" are a permitted use in the R-3 zone. The proposed preliminary plats indicate 118 single-family lots for single family dwellings; the proposed use is a permitted use in the R-3 zone.

**Minimum Lot Size: variation requested.** The minimum lot size for any use in this zone is 10,000 square feet. However, lot sizes may be reduced through the PUD process and the applicant is requesting lots ranging in size from 4,500 to 8,329 square feet in size. See "variations" later in this report.

**Setbacks/Yard Requirements: variation requested.** The R-3 zone requires front setbacks of 25 feet, side setbacks of 8 feet and 12 feet, and rear setbacks of 25 feet. For corner lots the minimum setback is 25 feet in the front and 20 feet on the side. However, setbacks may be reduced through the PUD process and the application is requesting minimum setbacks of:

Front: 18' (driveways will still have to meet the 20' requirement)  
Sides: 5'  
Rear: 20'  
Corner side: 15'

The proposed setbacks are consistent with the setbacks that are in place and recorded on the Neighborhood 11, Phase 1 Plat. See "Variations" later in this report.

**Minimum Lot Width: variation requested.** Every lot in this zone shall be 70 feet in width at the front building setback. However, lot width may be reduced through the PUD process and the applicant is requesting a minimum lot width of 50 feet. See "Variations" later in this report.

**Minimum Lot Frontage: complies.** Every lot in this zone shall have at least 35 feet of frontage along a public street. The proposed lots comply with this requirement.

**Maximum Height of Structures, Maximum Lot Coverage, Minimum Dwelling Size: can comply.** No structure in the R-3 zone shall be taller than 35 feet. Maximum lot coverage in the R-3 zone is 50%. The minimum dwelling size in the R-3 zone is 1,250 square feet of living space. These requirements will be reviewed by the building department with each individual building permit application.

**Fencing: can comply.** Section 19.06.09 states "Fencing shall be placed along property lines abutting open space, parks, trails, and easement corridors. In addition, fencing may also be required adjacent to undeveloped properties. In an effort to promote safety for citizens using these trail corridors and security for home owners, fences shall be semi-private."

Fencing is required around the open spaces and along the Village Parkway trail corridor; this has been included as a condition of approval. Fences around the open space shall be 6' tall semi-private tan vinyl fencing. Fencing along Village Parkway shall match existing fencing that is adjacent to this corridor.

**Open Space: complies.** The open space requirements are detailed in the MDA which states that Neighborhood 11 has already met the open space requirements through a payment in lieu of open space agreement that was entered into in 2007. However, there are some small pieces of open space on three of the proposed plats.

The majority of the drainage channel that is adjacent to Neighborhood 11 is currently owned by the City, thus small pieces of the drainage channel that are shown on the plats should be dedicated to the City, but the access path between the lots should be owned and maintained by the HOA, as follows:

- Plat 11-2 (0.15+0.04 acres): The trail connection between lots 11149-11150 and 11160-11162 shall be dedicated to the HOA and the portion of the drainage channel behind lots 11142-11150 shall be dedicated to the City.
- Plat 11-3 (0.04 +0.04 acres): The trail connections between lots 11193-11195 and 11210-11212 shall be dedicated to the HOA.
- Plat 11-4 (0.24 acres): The portion of the drainage channel behind lots 11235-11242 shall be dedicated to the City.
- Plat 11-5 (0.39 acres): The portion of the drainage channel shown adjacent to lots 11232-11234 shall be dedicated to the City.

Landscape plans for these areas shall be reviewed and approved with the final plat applications.

**Variations:** Variations are being requested for the lot sizes, setbacks, and lot widths. The PUD section allows variations to be requested and Section 19.07.07 states:

1. Upon combining the PUD overlay zone provisions with an appropriate existing zone, variations from the development standards of the underlying zone may be permitted by the Planning Commission and City Council provided the variations meet the requirements of this Chapter and are specifically adopted by the Planning Commission and City Council as part of the approved PUD plans. Variations, however, shall not include changes in the uses allowed by the zone with which the PUD has been combined.
2. The Planning Commission and City Council may, in the process of approving preliminary or final PUD plans, approve variations from the minimum standards of the underlying zone, including minimum densities, lot sizes, setbacks, and open space requirements where there is sufficient evidence that the variations will not adversely affect neighboring property and where the designation standards of this Chapter are met.

Section 19.07.08 states:

The Planning Commission and City Council may, in the process of approving preliminary or final PUD plans, approve variations from applicable development standards in the underlying zone only if it finds that all of the following conditions are met:

1. that the granting of the variation will not adversely affect the rights of adjacent landowners or residents;
2. that the variation desired will not adversely affect the public health, safety, or general welfare; and
3. that the granting of the variation will not be opposed to the general spirit and intent of this Chapter or the Land Use Element of the General Plan.

**Overall Staff finding: complies.** *The requested variations do not include variations related to uses allowed within the zone. Granting a variation to the minimum lot size, setbacks, and minimum lot width will not adversely affect the rights of adjacent landowners or residents because lots of similar sizes and widths are directly abutting this property. The variations will not adversely affect the public health, safety, or general welfare because allowing smaller lots within Fox Hollow allows for larger open spaces. The granting of the variation will not be opposed to the general spirit and intent of this Chapter or the Land use Element of the General Plan because the PUD section allows for variations to be considered and neighboring phases have received similar variations. The MDA requires 30% open space along with a regional park that will be dedicated to the City. The open space throughout the development will offset the*

*variations being requested and thus the variations will not adversely affect neighboring property. The requested variations do not result in an increased density beyond what is allowed for Neighborhood 11, Phases 2-5. These phases are allowed up to 226 units and 118 units are proposed.*

**Chapter 19.07.10, PUD Plan Approval.**

Section 19.07.10 states "PUD is reviewed in a three-step process: 1) concept plan review, 2) preliminary plat review, 3) final plat review.

1. Concept Plan Review:

This section requires Conceptual plan review prior to preliminary plat review.

**Staff finding: complies.** *The proposed layout is similar to the conceptual layouts shown within the MDA and the expired approvals that were granted in 2006.*

2. Preliminary PUD Plat Review:

This section requires the preliminary PUD plans to comply with the project densities, density bonuses, clustering, preservation of open space, etc. and requires the architectural plans to be reviewed. The architectural elevations are required to be reviewed by the Urban Design Committee prior to review by the Planning Commission, and should demonstrate continuity and uniform architectural themes, features, and styles for all structures within the project, including types of materials. The Planning Commission shall hold a public hearing and "either recommend approval, approval with conditions, or denial of the application to the City Council." Following the Planning Commission's action, the application shall be forwarded to the City Council for action.

**Staff finding: can comply.** *The architectural elevations were reviewed by the Urban Design Committee prior to review by the Planning Commission (see "Urban Design Committee" below). The Planning Commission will hold a public hearing and make a recommendation to the City Council.*

3. Final PUD Plat Review:

This section requires final plats to be prepared in compliance "with the action of the City Council on any preliminary plat application" and shall also comply with any conditions of the preliminary plat approval. The City Council shall review the final plat plans for compliance with the conditions of the preliminary plat plans at a later date.

**Staff finding: can comply.** *The current application is for the preliminary plat. Final plat applications have not yet been received.*

**Urban Design Committee:**

*Section 19.07.09.2.b. requires the Urban Design Committee to review building elevations prior to review by the Planning Commission and states "The UDC shall review architectural styles, themes, and materials and shall make a recommendation to the Planning Commission regarding architectural styles, themes, and materials." The Urban Design Committee reviewed the attached renderings on September 17, 2013 and made the following recommendations:*

- The color palette needs more variety
- Materials such as wainscot should wrap the corners and end at an interior corner
- The stone above the garage doors is too heavy. It would be better as a wainscot with the stone wrapping the corners

*The Villages HOA ARC has reviewed the proposed elevations and provided the attached letter.*

**H. Recommendation and Alternatives:**

Staff recommends that the City Council review the proposed Preliminary Plat, discuss any public input received at their discretion, and make the following motion:

**Recommended Motion:**

"I move that the City Council approve The Village of Fox Hollow Neighborhood 11 (The Preserve), Phases 2-5 preliminary plats, located at approximately 3400 South Wildlife Boulevard, based on the findings and conditions listed below:

**Findings:**

1. Prior to the Planning Commission review of the Preliminary Plat, this item was noticed as a public hearing in the *Daily Herald*; and notices were mailed to all property owners within 300 feet of the subject property.
2. The proposed preliminary plat is consistent with the General Plan as explained in the findings in Section "F" of this report, which findings are incorporated herein by this reference.
3. The proposed preliminary plat meets or can conditionally meet all the requirements in the Land Development Code as explained in the findings in Section "G" of this report, which findings are incorporated herein by this reference.

**Conditions**

1. That all requirements of the City Engineer be met, including those listed in the attached report.
2. That all requirements of the City Fire Chief be met.
3. The following variations are approved:
  - i. The minimum lot size shall be 4,500 square feet
  - ii. The minimum lot width shall be 50 feet
  - iii. The minimum setbacks shall be:
    - Front: 18' (driveways shall be a minimum of 20' deep)
    - Sides: 5'
    - Rear: 20'
    - Corner lots, side abutting the street: 15'
4. Fences shall be installed around the open space and shall be 6' tall semi-private tan vinyl fencing.
5. Fencing shall be installed along Village Parkway and shall match existing fencing that is adjacent to this corridor.
6. Plat 11-2 (0.15 acres): The trail connection between lots 11149-11150 and 11160-11162 shall be dedicated to the HOA and the portion of the drainage channel behind lots 11142-11150 shall be dedicated to the City.
7. Plat 11-3 (0.04 +0.04 acres): The trail connections between lots 11193-11195 and 11210-11212 shall be dedicated to the HOA.
8. Plat 11-4 (0.24 acres): The portion of the drainage channel behind lots 11235-11242 shall be dedicated to the City.
9. Plat 11-5 (0.39 acres): The portion of the drainage channel shown adjacent to lots 11232-11234 shall be dedicated to the City.
10. Landscape plans for open space areas shall be reviewed and approved with the final plat applications.
11. Several color palette options shall be offered to the home buyers. Color palettes for the homes shall be approved by the HOA.
12. Materials such as wainscot should wrap the corners and end at an interior corner, final approval shall be by the HOA.
13. The stone above the garage doors is too heavy. It would be better as a wainscot with the stone wrapping the corners, final approval shall be by the HOA.

**Alternative Motions:**

**Alternative Motion A**

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

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**Alternative Motion B**

"Based upon the analysis in the Staff Report and information received from the public, I move that the City Council deny the proposed preliminary plat for The Village of Fox Hollow Neighborhood 11 (The Preserve), Phases 2-5 preliminary plats, located at approximately 3400 South Wildlife Boulevard."

List findings for denial:

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**I. Exhibits:**

- A. Engineering Staff Report
- B. Location Map
- C. Payment In Lieu of Open Space Agreement, 2007
- D. HOA ARC letter
- E. Renderings
- F. Proposed Preliminary Plats

# City Council Staff Report

**Author:** Jeremy D. Lapin, City Engineer  
**Subject:** The Villages at Saratoga Springs (Fox Hollow)  
**Neighborhood 11 Phases 2-5**  
**Date:** April 2, 2015  
**Type of Item:** Preliminary Plat Approval



## Description:

**A. Topic:** The Applicant has submitted a preliminary plat application. Staff has reviewed the submittal and provides the following recommendations.

**B. Background:**

*Applicant:* Kerry Winn  
*Request:* Preliminary Plat Approval  
*Location:* Approx. 3400 South Wildlife Blvd  
*Acreage:* 20.17 acres - 110 lots

**C. Recommendation:** Staff recommends the approval of preliminary plat subject to the following conditions:

**D. Conditions:**

- A. The developer shall prepare final construction drawings as outlined in the City's standards and specifications and receive approval from the City Engineer on those drawings prior to commencing construction.
- B. All roads shall be designed and constructed to City standards and shall incorporate all geotechnical recommendations as per the applicable soils report.
- C. Developer shall provide end of road and end of sidewalk signs per MUTCD at all applicable locations.
- D. Developer shall provide a finished grading plan for all roads and lots and shall stabilize and reseed all disturbed areas.
- E. Developer shall provide plans for and complete all improvements within pedestrian corridors.
- F. Meet all engineering conditions and requirements as well as all Land Development Code requirements in the preparation of the final plat and construction drawings.

All application fees are to be paid according to current fee schedules.

- G. All review comments and redlines provided by the City Engineer during the preliminary process are to be complied with and implemented into the final plat and construction plans.
- H. Developer shall prepare and submit easements for all public facilities not located in the public right-of-way
- I. Final plats and plans shall include an Erosion Control Plan that complies with all City, UPDES and NPDES storm water pollution prevention requirements. Project must meet the City Ordinance for Storm Water release (0.2 cfs/acre for all developed property) and shall identify an acceptable location for storm water detention. All storm water must be cleaned as per City standards to remove 80% of Total Suspended Solids and all hydrocarbons and floatables.
- J. Project shall comply with all ADA standards and requirements.
- K. Developer shall comply with all requirements of the MDA and therefore may not be able to begin construction or record plats until Swainson Boulevard and Wildlife Boulevard are completed and dedicated for public use.
- L. Developer may not be able to record any lots in water zone 3 until a secondary water system is completed, operational, and dedicated for public use.



LOCATION/AERIAL MAP

PAYMENT IN LIEU OF OPEN SPACE AGREEMENT FOR **THE PRESERVE PLAT 11-1**  
**AT** THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11 SUBDIVISION

THIS AGREEMENT is made and entered into as of May 9, 2007 by and between the CITY OF SARATOGA SPRINGS (the "City") and FOX HOLLOW, LLC ("Developer").

RECITALS:

A. The City approved the Village at Fox Hollow Neighborhood 11 Subdivision covering 9.79 acres with 37 building lots (the "Development"). The Villages at Saratoga Springs Master Development Plan Agreement requires 5.0 acres of open space more than is included in the Development.

B. Developer and the City have determined that allowing the Developer to meet the remainder of the open space requirement for the Development by making a payment in lieu of conveying more open space would better serve the interests of the City and Developer and would meet the objectives of the Payment in Lieu of Open Space Ordinance (the "Payment in Lieu Ordinance").

C. The City and the Developer are executing this Agreement to set forth the terms, conditions and agreements regarding payment in lieu of open space for a portion of the open space required for the Development as recommended by the Planning Commission and approved by the City Council.

AGREEMENT:

ENT 124956:2007 PG 1 of 2  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2007 Aug 24 3:22 pm FEE 0.00 BY CM  
RECORDED FOR SARATOGA SPRINGS CITY

NOW THEREFORE, for and in consideration of the mutual covenants, conditions and terms hereinafter set forth and set forth in the Recitals the parties hereby agree as follows:

1. Compliance with Percentage Requirements of Payment in Lieu Ordinance. The City Council has approved the Development based upon the payment in lieu of open space provided for in this Agreement. The payment in lieu of open space required for the Development meets the minimum requirements of the Payment in Lieu Ordinance.

2. Compliance with Value Requirements of Payment in Lieu Ordinance. Developer has offered to pay to the City and the City has agreed to accept \$625,000 for the 5.0 acres to be developed that would normally be required as open space (the "in lieu land"). That agreed payment is equal to approximately \$125,000 per acre. The Payment in Lieu ordinance allows the City and the Developer to agree as to the market value of the in lieu land so long as there are circumstances that assure that the agreed value is at least equal to the expected appraised value. The City and the Developer believe that \$125,000 per acre meets or exceeds the expected appraised value of the in lieu land. The shared belief as to the expected appraised value of the in lieu land is based on what the Developer has recently sold other land for in the area covered by the Villages at Saratoga Springs Master Development Plan Agreement. The estimated costs of

water connections and water rights for the in lieu land if it were developed as open space is \$80,900 or \$16, 180 per acre. The total payment to be made under this agreement is \$705,900.

3. Payment Prior to Recording. Developer will pay the above \$705,900 as payment in lieu of open space prior to recording the subdivision plat for the Development.

4. Miscellaneous Provisions.

4.1. This Agreement supersedes any and all negotiations, dealings and agreements by the parties as to the matters addressed herein.

4.2. The parties to this Agreement agree to cooperate with each other in effectuating the terms and conditions of this Agreement and agree to execute such further agreements, conveyances and other instruments as may be reasonably required to carry out the intent and purposes of this Agreement.

4.3. It is agreed that time is of the essence in the performance of duties and obligations under this Agreement. No failure or delay in exercising any right, power or privilege hereunder on the part of any party shall operate as a waiver hereof. No waiver shall be binding unless executed in writing by the party making the waiver.

4.4. The parties agree that should any party default in any of the covenants or agreements herein contained, the defaulting party shall pay all costs and expenses, including reasonable attorney's fees, which may arise or accrue from enforcing this Agreement or in pursuing any remedy provided hereunder or by applicable law, whether such remedy is pursued by filing suit or otherwise.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first hereinabove written.

CITY OF SARATOGA SPRINGS

By: Timothy L. Parker  
Its: Mayor

ATTEST:

Don Miller



FOX HOLLOW, LLC

By: [Signature]  
Its: MANAGER



Sarah Carroll  
Senior Planner  
City of Saratoga Springs

January 12, 2015

Dear Sarah,

Having reviewed the revised preliminary renderings submitted by The Aimtec Group for Neighborhood 11, phases 2 and 3 (Preserves at Fox Hollow), the Board of the Villages at Saratoga Springs Home Owners' Association would like to submit this letter for the record.

The renderings submitted were reviewed by the Architectural Review Committee as thoroughly as possible. On the surface, the homes appear to be in line with the general architectural theme of the community. However, none of these elevations meet the minimum point requirement, as contained in the HOA's Builder's Packet.

Please note that the builder will be required to submit a formal application (the Builder's Packet), accompanied by a review fee, to ARC for each home prior to actual construction. The builder will be required to abide by the rules and regulations spelled out in the Master Development Agreement, CC&Rs, and other governing documents.

Phases 2 and 3, as well as other subsequent phases of Neighborhood 11 will require perimeter fencing and fencing between the lots and open space. Also, the neighborhood sign at the entrance to the Preserves community will need to be finished, as required by the CC&Rs. We noticed a lack of trails connecting future homes to the existing park in Neighborhood 11. Since one of the goals of the Design Guidelines for our HOA calls for the existence of pedestrian-friendly accesses to the community's amenities, we would appreciate if a few trails were added to the plans.

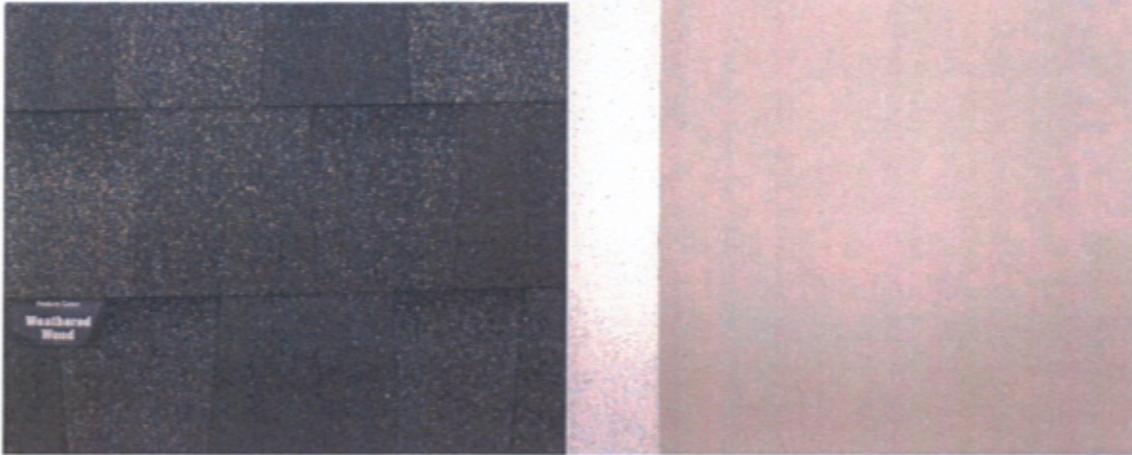
We look forward to working with The Aimtec Group. If you have any questions or concerns, please do not hesitate to contact me. Thank you!

Sincerely,

Tanya Parker | Vice-President  
Email [vp@villageshoa.org](mailto:vp@villageshoa.org) | [www.VillagesHOA.org](http://www.VillagesHOA.org)



Single, Single, Single

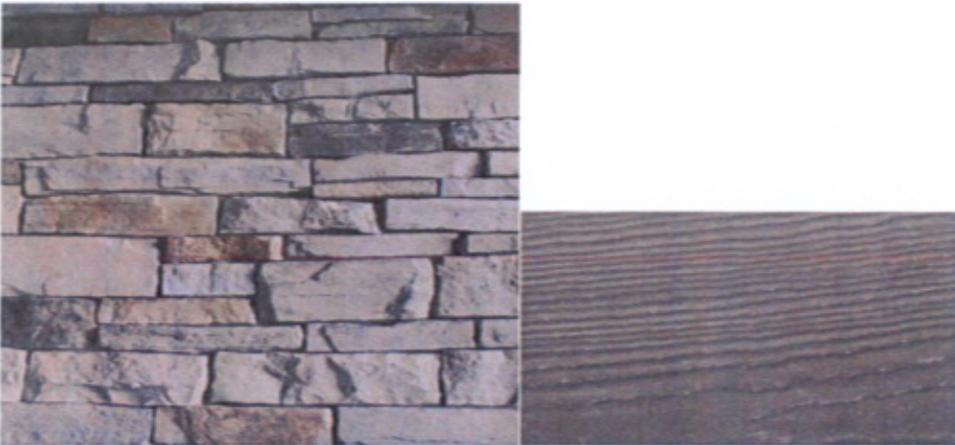


**Roof Color:** Weatheredwood

**Stucco Body:** JH Cobblestone

**Stucco Trim:** Maxi White

**Hardie Main Color:** James Hardie Cobblestone



**Stone:** Natural Blend WeatherLedge

**Hardie Accent Color:** James Hardie Timber Bark



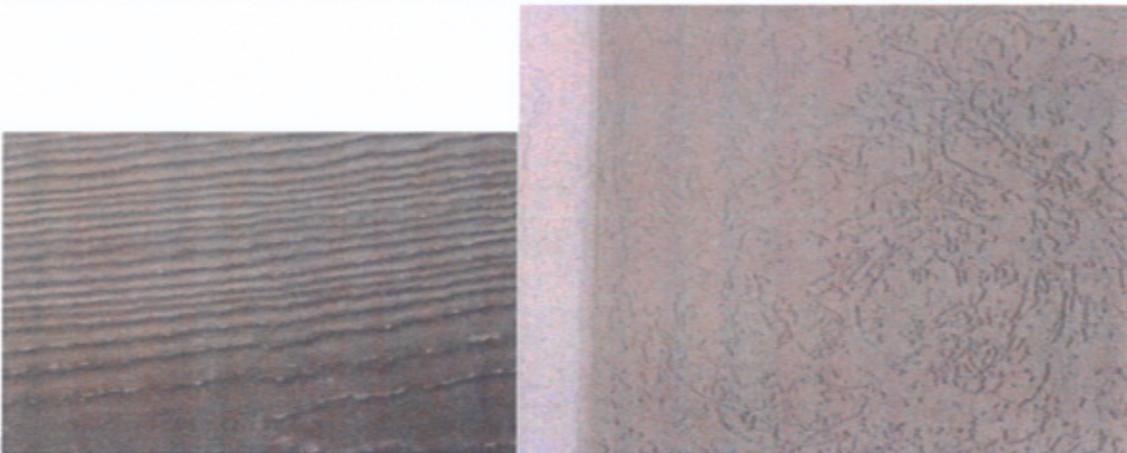
**Hardie Trim Color:** James Hardie Arctic White



*2284-sequoia-a*



**Hardie Main Color: Monterey Taupe James Hardie Roof Color: Weatheredwood**



**Hardie Accent Color: Timber Bark James Hardie Stucco Body: JH Monterey Taupe**

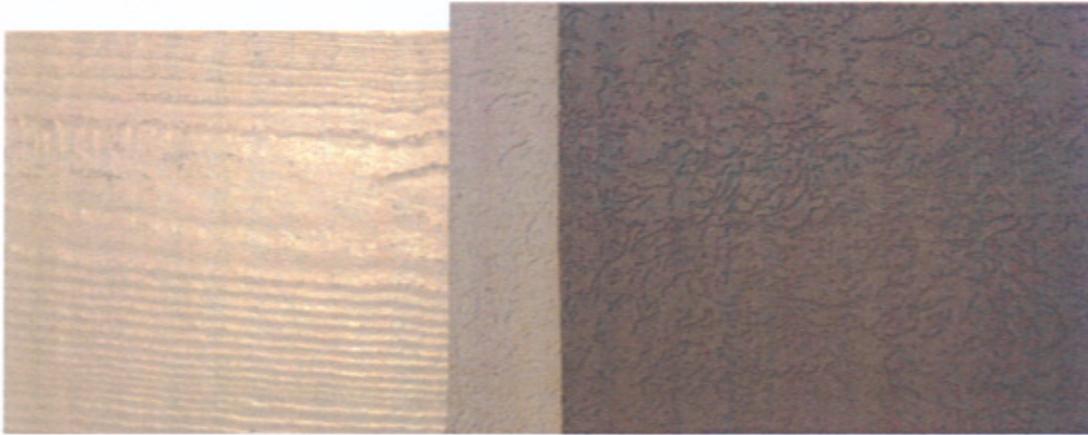
**Stucco Trim: Maxi White**



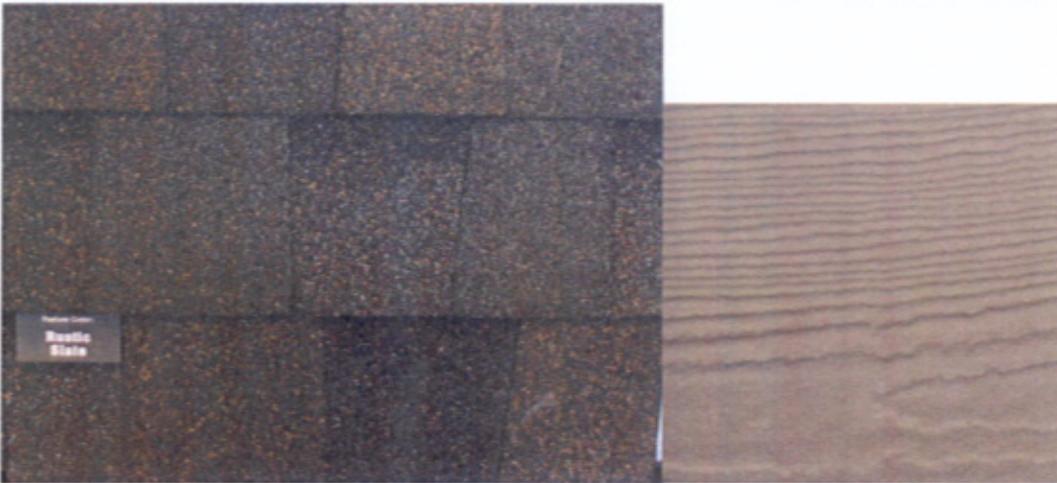
**Stone: Sagewood WeatherLedge Dutch Quality**



*See photos, color*



**Hardie Trim:** James Hardie Navajo Beige      **Stucco Trim:** JH Navajo Beige      **Stucco Body:** JH Khaki Brown



**Roof:** Rustic Slate      **Hardie Main Color:** James Hardie Khaki Brown



**Stone:** Dutch Quality "Natural Blend LedgeStone"      **Hardie Accent Color:** James Hardie Chestnut Brown

Main Hardy: Khaki Brown

COLOR OPTION #5

Trim Hardy: Country Lane Red/Timber Bark

Windows: Tan



Rock: Veneer Stone, Mineral County

Stucco: Match Khaki Brown



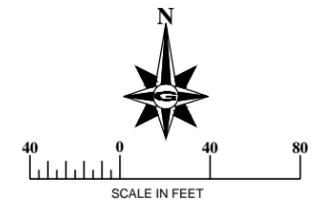
Roof: Weathered Wood



Photos are for color purposes only; may not reflect actual home being built or home design.



**THE PRESERVE PLAT 11-2**  
**THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11**  
 LOCATED IN NORTHEAST QUARTER OF SECTION 13,  
 TOWNSHIP 6 SOUTH, RANGE 1 WEST,  
 SALT LAKE BASE AND MERIDIAN.



Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	175.41	503.00	19°58'50"	N33° 56' 50"E	174.52
C3	47.09	503.00	5°21'49"	S46° 37' 10"W	47.07
C4	47.09	503.00	5°21'50"	S51° 58' 59"W	47.07
C5	546.82	503.00	62°17'16"	N55° 06' 03"E	520.29
C6	230.15	503.00	26°12'57"	S67° 46' 27"W	228.15
C7	47.09	503.00	5°21'49"	S83° 33' 08"W	47.07
C8	39.66	503.00	4°31'05"	S83° 58' 23"W	39.65
C9	39.65	503.00	4°31'01"	S88° 30' 12"W	39.64
C10	47.09	503.00	5°21'50"	N88° 55' 36"E	47.07
C11	40.77	503.00	4°38'37"	S86° 54' 59"E	40.75
C12	33.33	503.00	3°47'48"	S86° 29' 35"E	33.33
C13	72.27	150.00	27°36'14"	N17° 33' 14"W	71.57
C14	40.75	250.00	9°20'17"	S36° 01' 48"E	40.70
C15	35.70	531.00	3°51'08"	N25° 52' 59"E	35.70
C16	48.38	531.00	5°13'13"	N30° 25' 10"E	48.36
C17	48.38	531.00	5°13'13"	N35° 38' 23"E	48.36
C18	48.38	531.00	5°13'13"	N40° 51' 36"E	48.36
C19	48.38	531.00	5°13'13"	N46° 04' 49"E	48.36
C20	47.96	531.00	5°10'31"	N51° 16' 41"E	47.95
C21	20.00	531.00	2°09'30"	N54° 56' 41"E	20.00
C22	49.78	531.00	5°22'18"	N58° 42' 35"E	49.76
C23	48.39	531.00	5°13'16"	N64° 00' 18"E	48.37
C24	48.38	531.00	5°13'13"	N69° 13' 34"E	48.36
C25	48.38	531.00	5°13'15"	N74° 26' 47"E	48.37
C26	43.28	531.00	4°40'12"	N79° 23' 31"E	43.27
C27	22.38	15.00	85°29'02"	S38° 59' 09"W	20.36
C28	22.38	15.00	85°28'56"	N46° 29' 50"W	20.36
C29	43.04	531.00	4°38'37"	S86° 54' 59"E	43.02
C30	31.48	475.00	3°47'48"	S86° 29' 35"E	31.47
C31	24.97	15.00	95°21'53"	N43° 55' 35"E	22.18
C32	24.97	15.00	95°21'46"	S51° 26' 15"E	22.18
C33	82.71	475.00	9°58'35"	N75° 53' 35"E	82.60
C34	71.02	475.00	8°33'58"	N66° 37' 18"E	70.95
C35	63.61	475.00	7°40'24"	N58° 30' 06"E	63.57
C36	24.97	15.00	95°21'50"	N6° 58' 59"E	22.18
C37	18.79	278.00	3°52'25"	S38° 45' 44"E	18.79
C38	26.51	278.00	5°27'52"	S34° 05' 36"E	26.50
C39	23.56	15.00	90°00'00"	N76° 21' 40"W	21.21
C40	23.56	15.00	90°00'00"	S13° 38' 20"W	21.21
C41	23.56	15.00	90°00'00"	N76° 21' 40"W	21.21
C42	23.56	15.00	90°00'00"	S13° 38' 20"W	21.21
C43	21.44	222.00	5°31'58"	S34° 07' 39"E	21.43
C44	14.74	222.00	3°48'19"	S38° 47' 47"E	14.74
C45	24.97	15.00	95°21'49"	S88° 22' 50"E	22.18
C46	82.82	475.00	9°59'24"	N38° 56' 33"E	82.72
C47	53.09	178.00	17°05'25"	N12° 17' 52"W	52.90
C48	32.66	178.00	10°30'50"	N26° 05' 59"W	32.62
C49	37.20	122.00	17°28'20"	N22° 37' 07"W	37.06
C50	21.57	122.00	10°07'53"	N8° 49' 00"W	21.54

NORTHWEST CORNER  
SECTION 13,  
T6S,R1W, SLB&M

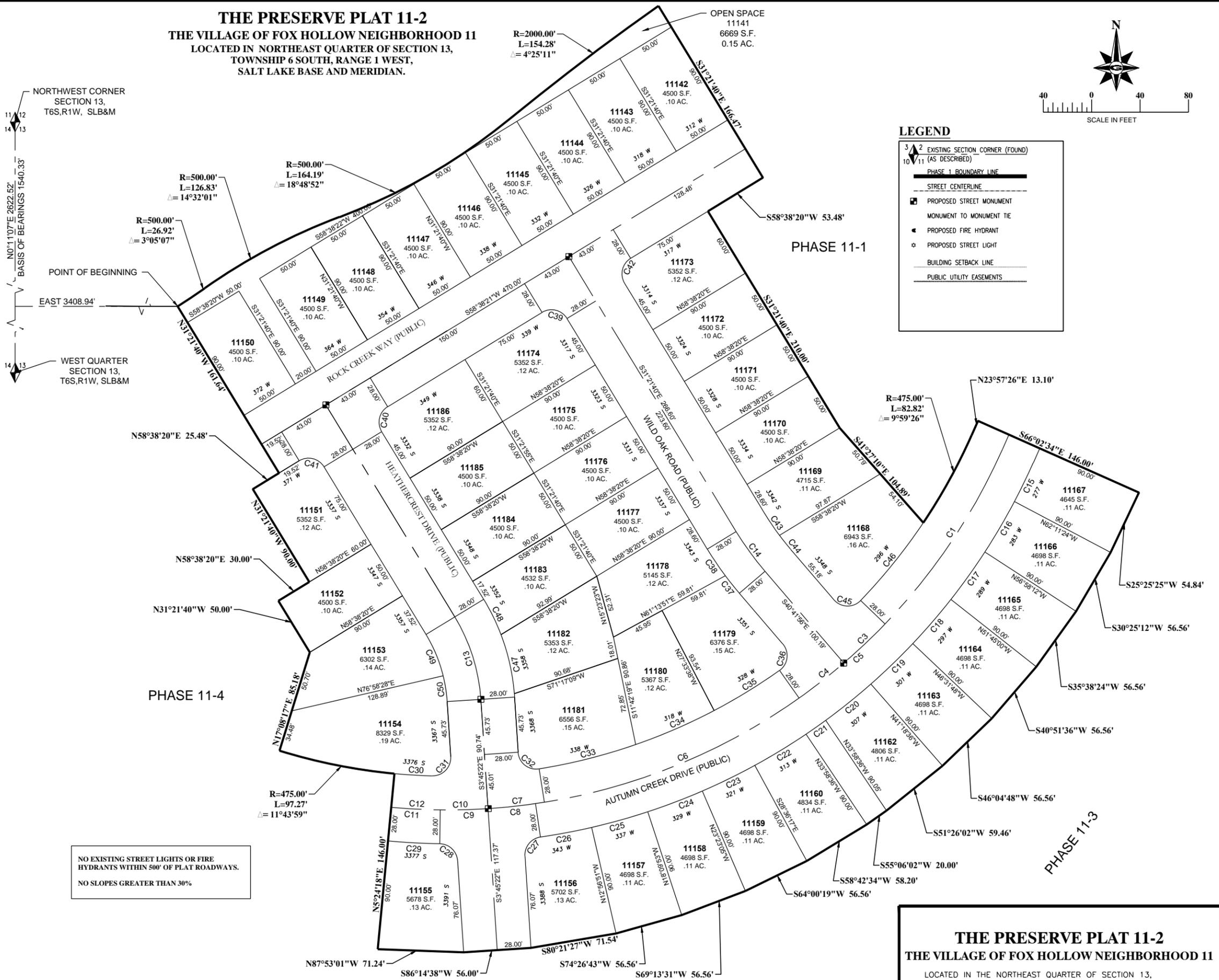
N0°11'07"E 2622.52'  
BASIS OF BEARINGS T540.33'

POINT OF BEGINNING

EAST 3408.94'

WEST QUARTER  
SECTION 13,  
T6S,R1W, SLB&M

NO EXISTING STREET LIGHTS OR FIRE  
HYDRANTS WITHIN 500' OF PLAT ROADWAYS.  
NO SLOPES GREATER THAN 30%



**LEGEND**

- 3 2 EXISTING SECTION CORNER (FOUND)
- 10 11 (AS DESCRIBED)
- PHASE 1 BOUNDARY LINE
- STREET CENTERLINE
- PROPOSED STREET MONUMENT
- MONUMENT TO MONUMENT TIE
- PROPOSED FIRE HYDRANT
- PROPOSED STREET LIGHT
- BUILDING SETBACK LINE
- PUBLIC UTILITY EASEMENTS

12401 SOUTH 450 EAST  
DRAPER, UT 84020 BLD  
PHONE: (801) 571-9414  
FAX: (801) 571-9449

CONSULTING ENGINEERS AND SURVEYORS

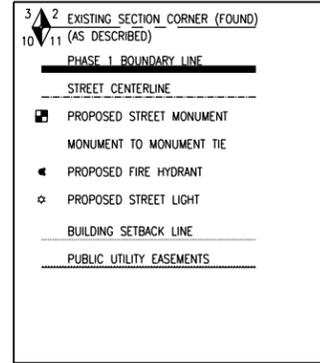
**THE PRESERVE PLAT 11-2**  
**THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11**  
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 13,  
 TOWNSHIP 6 SOUTH, RANGE 1 WEST,  
 SALT LAKE BASE AND MERIDIAN  
 SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

**P2 of 2**

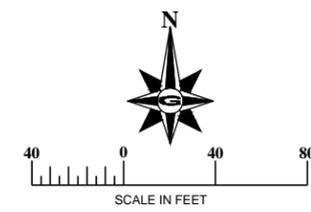
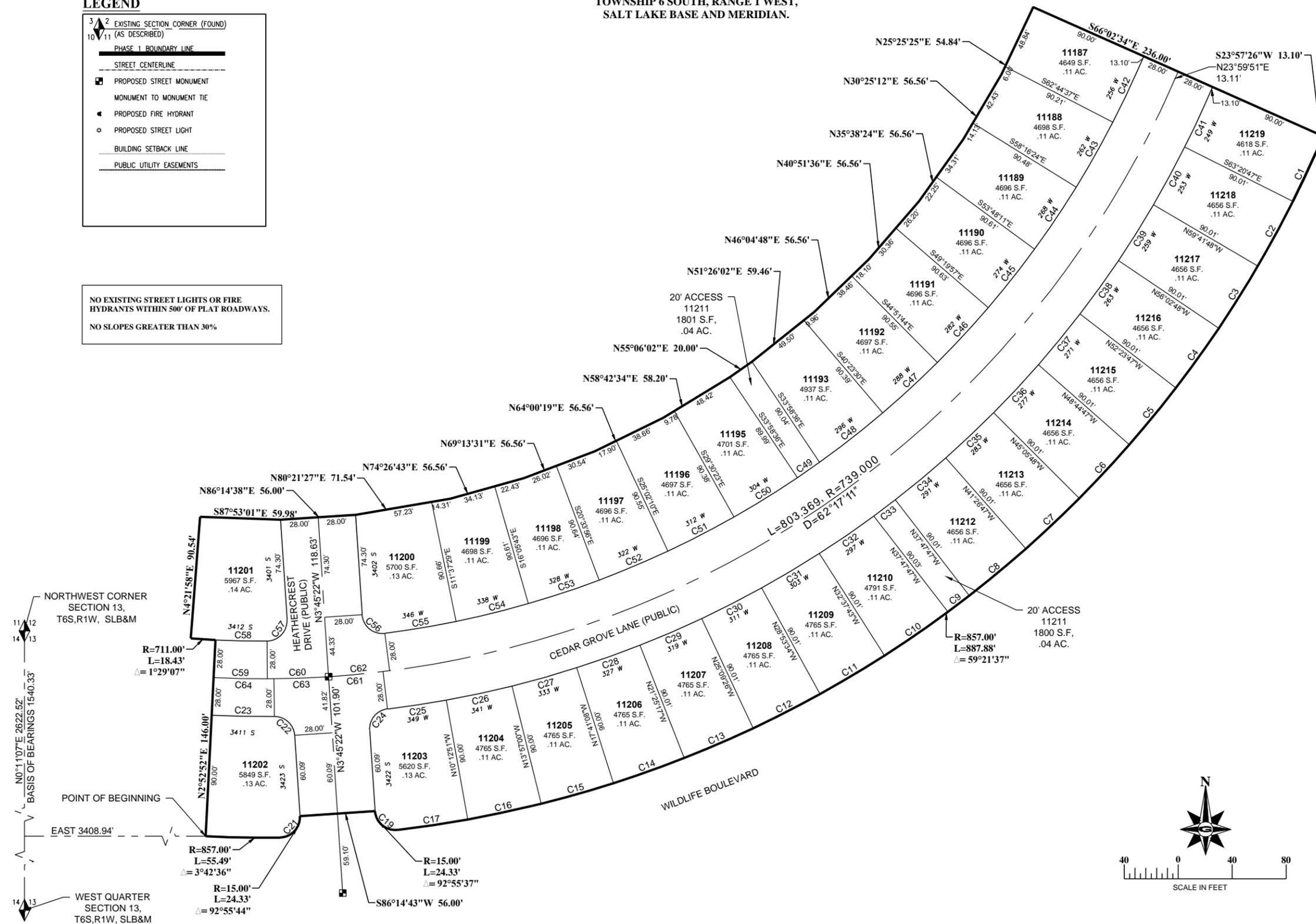


**THE PRESERVE PLAT 11-3**  
**THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11**  
 LOCATED IN NORTHEAST QUARTER OF SECTION 13,  
 TOWNSHIP 6 SOUTH, RANGE 1 WEST,  
 SALT LAKE BASE AND MERIDIAN.

**LEGEND**



NO EXISTING STREET LIGHTS OR FIRE HYDRANTS WITHIN 500' OF PLAT ROADWAYS.  
 NO SLOPES GREATER THAN 30%



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	40.33	857.00	2°41'47"	N25°18'18"E	40.33
C2	54.60	857.00	3°39'01"	S28°28'42"W	54.59
C3	54.60	857.00	3°39'01"	S32°07'44"W	54.59
C4	54.60	857.00	3°39'01"	N35°46'45"E	54.59
C5	54.57	857.00	3°38'53"	N39°25'42"E	54.56
C6	54.59	857.00	3°39'00"	N43°04'39"E	54.58
C7	54.59	857.00	3°39'00"	N46°43'39"E	54.58
C8	54.59	857.00	3°39'00"	N50°22'38"E	54.58
C9	20.00	857.00	1°20'14"	N52°52'15"E	20.00
C10	57.30	857.00	3°49'51"	N55°27'17"E	57.29
C11	55.88	857.00	3°44'09"	N59°14'17"E	55.87
C12	55.88	857.00	3°44'09"	N62°58'26"E	55.87
C13	55.88	857.00	3°44'09"	N66°42'35"E	55.87
C14	55.88	857.00	3°44'09"	N70°26'43"E	55.87
C15	55.88	857.00	3°44'09"	N74°10'52"E	55.87
C16	55.88	857.00	3°44'09"	S77°55'01"W	55.87
C17	52.83	857.00	3°31'56"	N81°33'03"E	52.82
C18	24.33	15.00	92°55'37"	S50°13'10"E	21.75
C19	24.33	15.00	92°55'44"	N42°42'30"E	21.75
C20	22.74	15.00	86°50'52"	N47°10'48"W	20.62
C21	46.65	767.00	3°29'07"	S88°51'41"E	46.65
C22	22.74	15.00	86°50'52"	S39°40'04"W	20.62
C23	44.28	767.00	3°18'27"	N81°26'16"E	44.27
C24	50.01	767.00	3°44'09"	N77°54'59"E	50.00
C25	50.01	767.00	3°44'09"	N74°10'50"E	50.00
C26	50.01	767.00	3°44'09"	N70°26'41"E	50.00
C27	50.01	767.00	3°44'09"	N66°42'32"E	50.00
C28	50.01	767.00	3°44'09"	N62°58'23"E	50.00
C29	50.01	767.00	3°44'09"	N59°14'14"E	50.00
C30	49.18	767.00	3°40'26"	N55°31'57"E	49.17
C31	20.00	767.00	1°29'38"	N52°56'55"E	20.00
C32	48.86	767.00	3°39'00"	N50°22'36"E	48.85
C33	48.86	767.00	3°39'00"	N46°43'37"E	48.85
C34	48.86	767.00	3°39'00"	N43°04'37"E	48.85
C35	48.83	767.00	3°38'53"	N39°25'41"E	48.83
C36	48.87	767.00	3°39'01"	N35°46'44"E	48.86
C37	48.87	767.00	3°39'01"	N32°07'43"E	48.86
C38	48.87	767.00	3°39'01"	S28°28'42"W	48.86
C39	48.87	767.00	3°39'01"	S32°07'43"W	48.86
C40	40.93	711.00	3°17'54"	N25°18'18"E	40.92
C41	55.47	711.00	4°28'12"	N29°29'27"E	55.46
C42	55.47	711.00	4°28'14"	N33°57'40"E	55.46
C43	55.47	711.00	4°28'16"	N38°25'54"E	55.47
C44	55.49	711.00	4°28'19"	N42°54'12"E	55.48
C45	55.46	711.00	4°28'08"	N47°22'25"E	55.44
C46	59.60	711.00	4°48'11"	N52°00'35"E	59.59
C47	20.00	711.00	1°36'42"	N55°13'02"E	20.00
C48	55.47	711.00	4°28'11"	N58°15'29"E	55.45
C49	55.48	711.00	4°28'14"	N62°43'42"E	55.46
C50	55.47	711.00	4°28'13"	N67°11'55"E	55.46
C51	55.48	711.00	4°28'16"	N71°40'10"E	55.47
C52	55.47	711.00	4°28'12"	N76°08'24"E	55.46
C53	24.49	15.00	93°32'32"	S50°31'38"E	21.86
C54	24.49	15.00	93°32'31"	N43°00'54"E	21.86
C55	38.41	711.00	3°05'43"	S88°39'59"E	38.40
C56	39.92	739.00	3°05'43"	S88°39'59"E	39.92
C57	45.69	739.00	3°32'32"	N88°00'54"E	45.68
C58	40.66	739.00	3°09'08"	S84°40'04"W	40.65
C59	45.69	739.00	3°32'31"	S84°28'22"W	45.68
C60	40.66	739.00	3°09'08"	N87°49'12"E	40.65
C61	44.95	739.00	3°29'07"	N88°51'41"W	44.94

12401 SOUTH 450 EAST  
 DRAPER, UT. 84020 BLD  
 PHONE: (801) 571-9414  
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CONSULTING ENGINEERS AND SURVEYORS

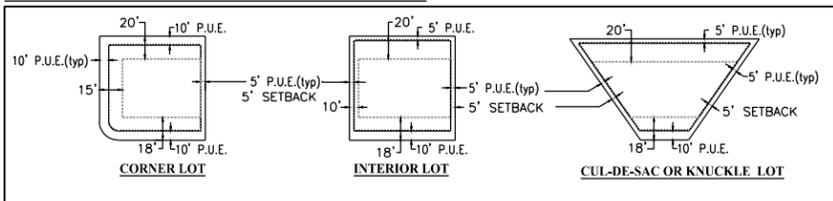
**THE PRESERVE PLAT 11-3**  
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 LOCATED IN THE NORTHEAST QUARTER OF SECTION 13,  
 TOWNSHIP 6 SOUTH, RANGE 1 WEST,  
 SALT LAKE BASE AND MERIDIAN  
 SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

**P2 OF 2**

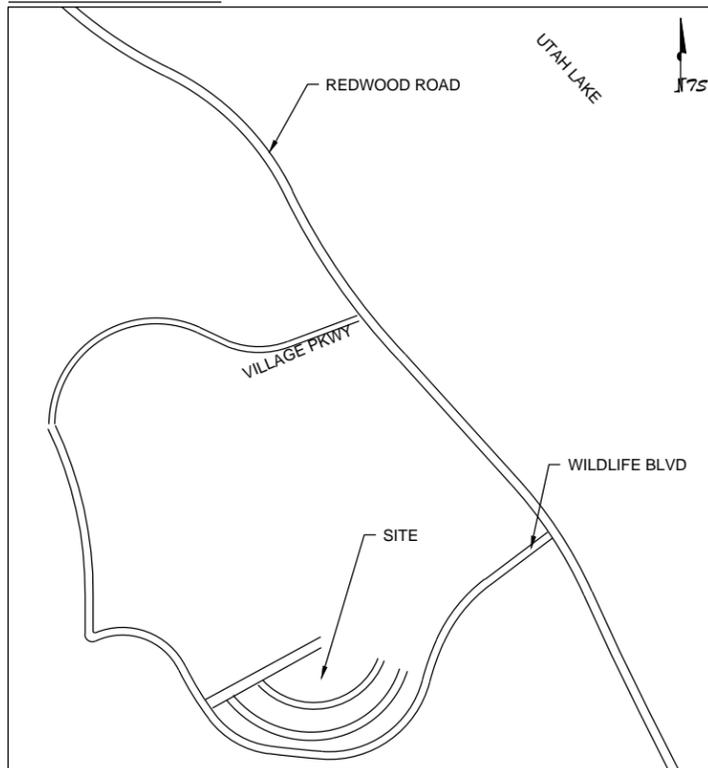
**THE PRESERVE 11-4  
THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11**

LOCATED IN NORTHEAST QUARTER OF SECTION 13  
TOWNSHIP 6 SOUTH, RANGE 1 WEST,  
SALT LAKE BASE AND MERIDIAN.

**TYPICAL SETBACK & P.U.E. DETAILS**



**VICINITY MAP**



**NOTICE TO PURCHASERS**

BUILDING SETBACKS ARE 18' IN THE FRONT FOR THE BUILDING AND 20' IN THE FRONT FOR THE GARAGES. THE SHOWN PLATED LOTS ARE SHOWN AS 18' IN THE FRONT DUE TO NOT KNOWING WHAT SIDE OF THE HOUSE THE DRIVEWAYS ARE ON.

NO EXISTING STREET LIGHTS OR FIRE HYDRANTS WITHIN 500' OF PLAT ROADWAYS.

NO SLOPES GREATER THAN 30%

**CORPORATE ACKNOWLEDGMENT**

STATE OF UTAH ) S.S.  
County of UTAH

On the \_\_\_ day of \_\_\_, A.D., 20\_\_\_, personally appeared before me \_\_\_ and, who being by me duly sworn did say each for himself, that he, the said \_\_\_ is the President and he the said \_\_\_ is the Secretary of \_\_\_ Corporation, and that the within and foregoing instrument was signed in behalf of said Corporation by authority of a resolution of its board of directors and said \_\_\_ and \_\_\_ each duly acknowledge to me that said Corporation executed the same and that the seal affixed is the seal of said Corporation.

My commission expires: \_\_\_\_\_ Notary Public residing at \_\_\_\_\_

**OWNER'S DEDICATION**

Know all men by these presents that \_\_\_\_\_, the \_\_\_\_\_ undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as

**THE PRESERVE 11-4**

do hereby dedicate for the perpetual use of the public and/or City all parcels of land, easements, right-of-way, and public amenities shown on this plat as intended for public and/or City use. The owner(s) voluntarily defend, indemnify, and save harmless the City against any easements or other encumbrance on a dedicated street which will interfere with the City's use, maintenance, and operation of the street. The owner(s) voluntarily defend, indemnify, and hold harmless the City from any damage claimed by persons within or without this subdivision to have been caused by alterations of the ground surface, vegetation, drainage, or surface or sub-surface water flows within this subdivision or by establishment or construction of the roads within this subdivision.

In witness whereof \_\_\_ have hereunto set \_\_\_ this \_\_\_ day of \_\_\_, A.D. 20\_\_\_.

**OWNER'S ACKNOWLEDGMENT**

STATE OF UTAH ) S.S.  
County of Utah

On the \_\_\_ day of \_\_\_, A.D. 20\_\_\_, personally appeared before me, the undersigned Notary Public, in and for the County of Utah in said State of Utah, the signer ( ) of the above Owner's dedication, \_\_\_ in number, who duly acknowledged to me that \_\_\_\_\_ signed it freely and voluntarily and for the uses and purposes therein mentioned.

My commission expires: \_\_\_\_\_ Notary Public residing at \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I, JOSH F. MADSEN DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 5152657 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND THAT I HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THAT THE SAME HAS OR WILL BE STAKED ON THE GROUND AS SHOWN ON THIS PLAT, AND SHALL BE HEREAFTER KNOWN AS THE PRESERVE 11-4 THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11.

**BOUNDARY DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF WILDLIFE BOULEVARD, SAID POINT BEING LOCATED EAST 54.50 FEET, AND SOUTH 1207.75 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 13, AND RUNNING THENCE NORTH 47°49'17" EAST, 3.63 FEET TO A POINT OF CURVATURE WITH A 222.00 FOOT RADIUS CURVE TO THE LEFT; THENCE CONTINUING NORTHEASTERLY 78.08 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°09'07" (CHORD BEARS NORTH 37°44'45" EAST 77.68 FEET) TO THE POINT OF REVERSE CURVATURE WITH A 278.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY 64.45 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°17'02" (CHORD BEARS NORTH 34°18'46" EAST, 64.31 FEET); THENCE NORTH 31°21'40" WEST, 109.67 FEET TO A POINT ON THE ARC OF A 200.00 FOOT NON TANGENT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 16°40'37" WEST); THENCE NORTHEASTERLY 133.71 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°18'14" (CHORD BEARS NORTH 54°10'17" EAST, 131.23 FEET) TO A 300.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 54°58'48" EAST); THENCE NORTHEASTERLY 200.77 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°20'36" (CHORD BEARS NORTH 54°11'32" EAST, 197.04 FEET) TO A 500.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 16°38'09" WEST); THENCE NORTHEASTERLY 134.13 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°22'13" (CHORD BEARS NORTH 65°40'45" EAST, 133.73 FEET); THENCE SOUTH 31°21'40" EAST, 161.64 FEET; THENCE SOUTH 58°38' 20 " WEST, 25.48 FEET; THENCE SOUTH 31°21' 40" EAST, 90.00 FEET; THENCE SOUTH 58°38'20" WEST, 30.00 FEET; THENCE SOUTH 31°21'40" EAST, 50.00 FEET; THENCE SOUTH 17°08'17" WEST, 85.18 FEET TO A POINT ON THE ARC OF A 475.00 FOOT RADIUS NON TANGENT CURVE TO THE LEFT (CENTER BEARS NORTH 17°08'17" EAST); THENCE SOUTHEASTERLY 97.27 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°43'59" (CHORD BEARS SOUTH 78°43'43" EAST, 97.10 FEET); THENCE SOUTH 05°24'18" WEST 146.00 FEET; THENCE SOUTH 87°53'01" EAST, 11.27 FEET; THENCE SOUTH 04°21'58" WEST, 90.54 FEET TO A POINT ON THE ARC OF A 711.00 FOOT RADIUS NON TANGENT CURVE TO THE LEFT (CENTER BEARS NORTH 04°21'58" EAST); THENCE SOUTHEASTERLY 18.43 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°29'07" (CHORD BEARS SOUTH 86°22'35" EAST, 18.43 FEET); THENCE SOUTH 02°52'52" WEST 146.00 FEET TO NORTHEASTERLY RIGHT OF WAY LINE OF WILDLIFE BOULEVARD AND A 857.00 FOOT RADIUS NON TANGENT CURVE TO THE RIGHT (CENTER BEARS NORTH 02°52'52" EAST); THENCE NORTHWESTERLY 628.40 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42°00'46" (CHORD BEARS NORTH 66°06'45" WEST, 614.42 FEET) TO A POINT OF COMPOUND CURVATURE WITH A 15.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 44°53'38" EAST); THENCE CONTINUING 13.09 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50°00'38" (CHORD BEARS NORTH 20°06'03" WEST 12.68 FEET) TO THE POINT OF BEGINNING.

CONTAINS 6.904 ACRES, MORE OR LESS.

BY SIGNING THIS PLAT, THE FOLLOWING UTILITY COMPANIES ARE APPROVING THE: (A) BOUNDARY, COURSE, DIMENSIONS, AND INTENDED USE OF THE RIGHT-OF-WAY AND EASEMENT GRANTS OF RECORD; (B) LOCATION OF EXISTING UNDERGROUND AND UTILITY FACILITIES; (C) CONDITIONS OR RESTRICTIONS GOVERNING THE LOCATION OF THE FACILITIES WITHIN THE RIGHT-OF-WAY, AND EASEMENT GRANTS OF RECORD, AND UTILITY FACILITIES WITHIN THE SUBDIVISION. "APPROVING" SHALL HAVE THE MEANING IN UTAH CODE SECTION 10-9A-603(4)(c)(ii).

**QUESTAR GAS COMPANY**  
Approved this \_\_\_ day of \_\_\_, A.D. 20\_\_\_

**ROCKY MOUNTAIN POWER**  
Approved this \_\_\_ day of \_\_\_, A.D. 20\_\_\_

QUESTAR GAS COMPANY

ROCKY MOUNTAIN POWER

**COMCAST CABLE TELEVISION**  
Approved this \_\_\_ day of \_\_\_, A.D. 20\_\_\_

**CENTURY LINK**  
Approved this \_\_\_ day of \_\_\_, A.D. 20\_\_\_

COMCAST CABLE TELEVISION

QWEST

12401 SOUTH 450 EAST  
DRAPER, UT. 84020 BLD  
PHONE: (801) 571-9414  
FAX: (801) 571-9449

CONSULTING ENGINEERS AND SURVEYORS

**FIRE CHIEF APPROVAL**  
Approved by the Fire Chief on this \_\_\_ day of \_\_\_, A.D. 20\_\_\_

CITY FIRE CHIEF

**PLANNING COMMISSION REVIEW**  
Reviewed by the Planning Commission on this \_\_\_ day of \_\_\_, A.D. 20\_\_\_

CHAIRMAN, PLANNING COMMISSION

**SARATOGA SPRINGS ENGINEER APPROVAL**  
Approved by the City Engineer on this \_\_\_ day of \_\_\_, A.D. 20\_\_\_

CITY ENGINEER

**SARATOGA SPRINGS ATTORNEY**  
Approved by Saratoga Springs Attorney on this \_\_\_ day of \_\_\_, A.D. 20\_\_\_

SARATOGA SPRINGS ATTORNEY

**LEHI CITY POST OFFICE**  
Approved by Post Office Representative on this \_\_\_ day of \_\_\_, A.D. 20\_\_\_

LEHI CITY POST OFFICE REPRESENTATIVE

SURVEYORS SEAL

NOTARY PUBLIC SEAL

CITY ENGINEER SEAL

CLERK-RECORDER SEAL

**THE PRESERVE 11-4  
THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11**

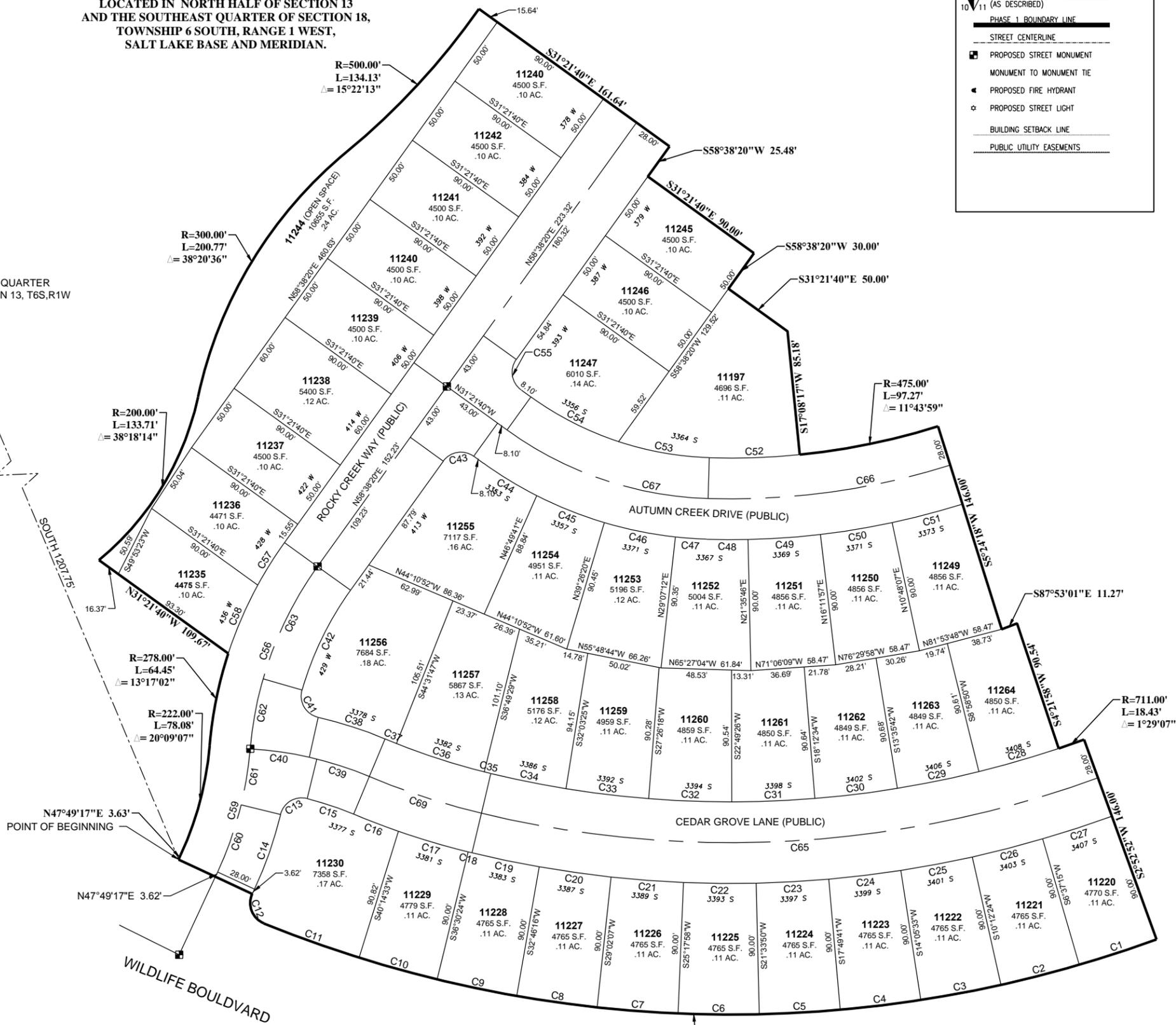
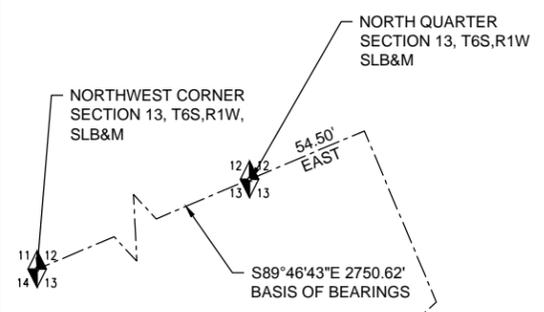
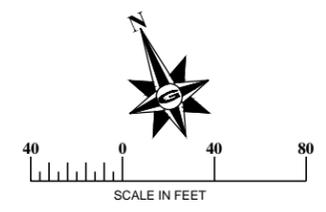
LOCATED IN NORTH HALF OF SECTION 13,  
TOWNSHIP 6 SOUTH, RANGE 1 WEST,  
SALT LAKE BASE AND MERIDIAN  
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

**THE PRESERVE 11-4**  
 THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11  
 LOCATED IN NORTH HALF OF SECTION 13  
 AND THE SOUTHEAST QUARTER OF SECTION 18,  
 TOWNSHIP 6 SOUTH, RANGE 1 WEST,  
 SALT LAKE BASE AND MERIDIAN.

**LEGEND** DATE OF PREPARATION

- 3 2 EXISTING SECTION CORNER (FOUND)
- 10 11 (AS DESCRIBED)
- PHASE 1 BOUNDARY LINE
- STREET CENTERLINE
- PROPOSED STREET MONUMENT
- MONUMENT TO MONUMENT TIE
- PROPOSED FIRE HYDRANT
- PROPOSED STREET LIGHT
- BUILDING SETBACK LINE
- PUBLIC UTILITY EASEMENTS

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD D.
C1	55.93	857.00	3°44'22"	27.98	55.92	S85°14'57"E
C2	55.64	857.00	3°43'12"	27.83	55.63	S81°31'09"E
C3	56.11	857.00	3°45'06"	28.07	56.10	S77°47'00"E
C4	55.88	857.00	3°44'09"	27.95	55.87	S74°02'23"E
C5	55.88	857.00	3°44'09"	27.95	55.87	S70°18'14"E
C6	55.88	857.00	3°44'09"	27.95	55.87	S66°34'05"E
C7	55.88	857.00	3°44'09"	27.95	55.87	S62°49'57"E
C8	55.88	857.00	3°44'09"	27.95	55.87	S59°05'48"E
C9	55.88	857.00	3°44'08"	27.95	55.87	S55°21'39"E
C10	55.88	857.00	3°44'09"	27.95	55.87	S51°37'31"E
C11	69.57	857.00	4°39'04"	34.80	69.55	S47°25'54"E
C12	24.33	15.00	92°55'39"	15.79	21.75	S1°21'28"W
C13	23.63	15.00	90°16'33"	15.07	21.26	S81°45'42"W
C14	54.33	278.00	11°11'53"	27.25	54.25	N42°13'22"E
C15	33.76	222.00	8°42'45"	16.91	33.73	N48°44'39"W
C16	33.05	528.00	3°35'11"	16.53	33.04	N46°10'52"W
C17	50.00	528.00	5°25'33"	25.02	49.98	N50°41'13"W
C18	2.75	528.00	0°17'54"	1.38	2.75	N53°32'57"W
C19	47.26	767.00	3°31'49"	23.64	47.25	N55°27'49"W
C20	50.01	767.00	3°44'09"	25.01	50.00	N59°05'47"W
C21	50.01	767.00	3°44'09"	25.01	50.00	N62°49'56"W
C22	50.01	767.00	3°44'09"	25.01	50.00	N66°34'05"W
C23	50.01	767.00	3°44'09"	25.01	50.00	N70°18'14"W
C24	50.01	767.00	3°44'09"	25.01	50.00	N74°02'23"W
C25	50.01	767.00	3°44'09"	25.01	50.00	N77°46'32"W
C26	50.01	767.00	3°44'09"	25.01	50.00	N81°30'41"W
C27	50.06	767.00	3°44'22"	25.04	50.05	N85°14'56"W
C28	57.26	711.00	4°36'52"	28.65	57.25	N83°19'35"W
C29	57.26	711.00	4°36'52"	28.65	57.25	N78°42'43"W
C30	57.25	711.00	4°36'49"	28.64	57.24	N74°05'53"W
C31	57.26	711.00	4°36'52"	28.65	57.25	N69°29'03"W
C32	57.26	711.00	4°36'53"	28.65	57.25	N64°52'11"W
C33	57.32	711.00	4°37'08"	28.67	57.30	N60°15'10"W
C34	52.68	711.00	4°14'42"	26.35	52.67	N55°49'15"W
C35	4.76	472.00	0°34'39"	2.38	4.76	N53°24'34"W
C36	63.48	472.00	7°42'23"	31.79	63.44	N49°16'03"W
C37	8.46	472.00	1°01'36"	4.23	8.46	N44°54'04"W
C38	48.29	278.00	9°57'08"	24.20	48.23	N49°21'50"W
C39	43.42	250.00	9°57'08"	21.77	43.37	N49°21'50"W
C40	41.09	250.00	9°25'03"	20.59	41.05	N59°02'54"W
C41	24.40	15.00	93°13'11"	15.87	21.80	S7°43'52"E
C42	76.57	222.00	19°45'42"	38.67	76.19	S48°54'34"W
C43	23.56	15.00	90°00'00"	15.00	21.21	N76°21'40"W
C44	43.09	278.00	8°52'48"	21.59	43.04	S35°48'04"E
C45	50.06	278.00	10°19'05"	25.10	50.00	S45°24'00"E
C46	50.07	278.00	10°19'09"	25.10	50.00	S55°43'07"E
C47	21.67	278.00	4°27'58"	10.84	21.66	S63°06'41"E
C48	28.37	531.00	3°03'40"	14.19	28.37	S66°52'30"E
C49	50.01	531.00	5°23'48"	25.03	50.00	S71°06'14"E
C50	50.01	531.00	5°23'48"	25.03	50.00	S76°30'01"E
C51	50.01	531.00	5°23'48"	25.03	50.00	S81°53'49"E
C52	62.33	475.00	7°31'05"	31.21	62.28	S69°06'12"E
C53	63.72	222.00	16°26'44"	32.08	63.50	S57°07'17"E
C54	67.95	222.00	17°32'15"	34.24	67.69	S40°07'47"E
C55	23.56	15.00	90°00'00"	15.00	21.21	N13°38'20"E
C56	135.13	250.00	30°58'10"	69.26	133.49	N43°09'20"E
C57	34.54	278.00	7°07'09"	17.29	34.52	N55°04'51"E
C58	51.27	278.00	10°33'59"	25.71	51.20	N46°14'17"E
C59	87.93	250.00	20°09'07"	44.42	87.48	N37°44'45"E
C60	48.86	250.00	11°11'53"	24.51	48.78	S42°13'22"W
C61	39.07	250.00	8°57'14"	19.57	39.03	S32°08'49"W
C62	48.90	250.00	11°12'28"	24.53	48.83	S33°16'29"W
C63	86.23	250.00	19°45'42"	43.55	85.80	S48°45'34"W
C65	431.05	739.00	33°25'13"	221.85	424.97	N70°24'31"W
C66	169.00	503.00	19°15'03"	85.31	168.21	S74°58'11"E
C67	148.28	250.00	33°59'00"	76.39	146.12	S48°21'10"E
C69	81.25	500.00	9°18'38"	40.71	81.16	N49°02'35"W



12401 SOUTH 450 EAST  
 DRAPER, UT. 84020 BLD  
 PHONE: (801) 571-9414  
 FAX: (801) 571-9449

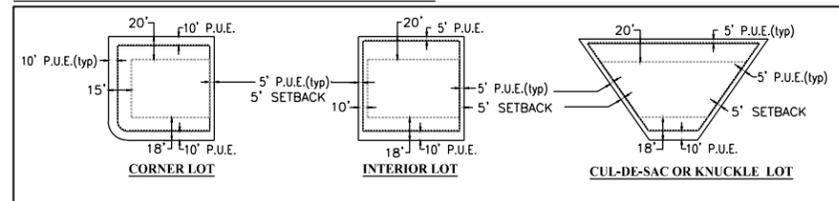
CONSULTING ENGINEERS AND SURVEYORS

**THE PRESERVE 11-4**  
 THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11

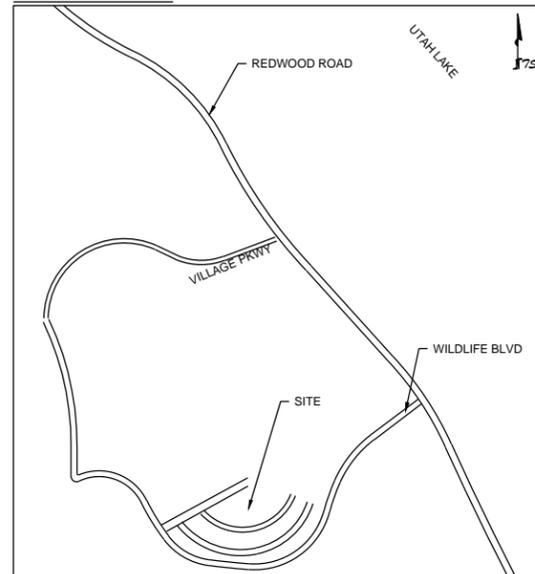
LOCATED IN A PORTION OF THE NORTH HALF OF SECTION  
 13, TOWNSHIP 6 SOUTH, RANGE 1 WEST,  
 SALT LAKE BASE AND MERIDIAN  
 SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

P 1 OF 2

**TYPICAL SETBACK & P.U.E. DETAILS**



**VICINITY MAP**



**NOTICE TO PURCHASERS**  
BUILDING SETBACKS ARE 18' IN THE FRONT FOR THE BUILDING AND 20' IN THE FRONT FOR THE GARAGES. THE SHOWN PLATED LOTS ARE SHOWN AS 18' IN THE FRONT DUE TO NOT KNOWING WHAT SIDE OF THE HOUSE THE DRIVEWAYS ARE ON.

NO EXISTING STREET LIGHTS OR FIRE HYDRANTS WITHIN 500' OF PLAT ROADWAYS.  
NO SLOPES GREATER THAN 30%

BY SIGNING THIS PLAT, THE FOLLOWING UTILITY COMPANIES ARE APPROVING THE: (A) BOUNDARY, COURSE, DIMENSIONS, AND INTENDED USE OF THE RIGHT-OF-WAY AND EASEMENT GRANTS OF RECORD; (B) LOCATION OF EXISTING UNDERGROUND AND UTILITY FACILITIES; (C) CONDITIONS OR RESTRICTIONS GOVERNING THE LOCATION OF THE FACILITIES WITHIN THE RIGHT-OF-WAY, AND EASEMENT GRANTS OF RECORD, AND UTILITY FACILITIES WITHIN THE SUBDIVISION. "APPROVING" SHALL HAVE THE MEANING IN UTAH CODE SECTION 10-9A-603(4)(c)(ii).

**QUESTAR GAS COMPANY**  
Approved this \_\_\_ day of \_\_\_, A.D. 20\_\_

QUESTAR GAS COMPANY

**COMCAST CABLE TELEVISION**  
Approved this \_\_\_ day of \_\_\_, A.D. 20\_\_

COMCAST CABLE TELEVISION

**ROCKY MOUNTAIN POWER**  
Approved this \_\_\_ day of \_\_\_, A.D. 20\_\_

ROCKY MOUNTAIN POWER

**CENTURY LINK**  
Approved this \_\_\_ day of \_\_\_, A.D. 20\_\_

QWEST

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	54.52	278.00	11°14'14"	S35° 20' 10"W	54.44
C2	9.93	278.00	2°02'45"	S28° 39' 13"W	9.93
C3	45.78	222.00	11°48'56"	N33° 34' 39"E	45.70
C5	32.30	222.00	8°20'06"	N43° 38' 36"E	32.27

**OWNER'S DEDICATION**

Know all men by these presents that \_\_\_, the \_\_\_ undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as

**THE PRESERVE 11-5**  
**THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11**

do hereby dedicate for the perpetual use of the public and/or City all parcels of land, easements, right-of-way, and public amenities shown on this plat as intended for public and/or City use. The owner(s) voluntarily defend, indemnify, and save harmless the City against any easements or other encumbrance on a dedicated street which will interfere with the City's use, maintenance, and operation of the street. The owner(s) voluntarily defend, indemnify, and hold harmless the City from any damage claimed by persons within or without this subdivision to have been caused by alterations of the ground surface, vegetation, drainage, or surface or sub-surface water flows within this subdivision or by establishment or construction of the roads within this subdivision.

In witness whereof \_\_\_ have hereunto set \_\_\_ this \_\_\_ day of \_\_\_, A.D. 20\_\_.

**CORPORATE ACKNOWLEDGMENT**

STATE OF UTAH ) S.S.  
County of UTAH

On the \_\_\_ day of \_\_\_, A.D., 20\_\_, personally appeared before me \_\_\_ and, who being by me duly sworn did say each for himself, that he, the said \_\_\_ is the President and he the said \_\_\_ is the Secretary of \_\_\_ Corporation, and that the within and foregoing instrument was signed in behalf of said Corporation by authority of a resolution of its board of directors and said \_\_\_ and \_\_\_ each duly acknowledge to me that said Corporation executed the same and that the seal affixed is the seal of said Corporation.

My commission expires: \_\_\_\_\_ Notary Public residing at \_\_\_\_\_

**OWNER'S ACKNOWLEDGMENT**

STATE OF UTAH ) S.S.  
County of Utah

On the \_\_\_ day of \_\_\_, A.D. 20\_\_, personally appeared before me, the undersigned Notary Public, in and for the County of Utah in said State of Utah, the signer( ) of the above Owner's dedication, \_\_\_ in number, who duly acknowledged to me that \_\_\_\_\_ signed it freely and voluntarily and for the uses and purposes therein mentioned.

My commission expires: \_\_\_\_\_ Notary Public residing at \_\_\_\_\_

**FIRE CHIEF APPROVAL**  
Approved by the Fire Chief on this \_\_\_ day of \_\_\_, A.D. 20\_\_

CITY FIRE CHIEF

**PLANNING COMMISSION REVIEW**  
Reviewed by the Planning Commission on this \_\_\_ day of \_\_\_, A.D. 20\_\_

CHAIRMAN, PLANNING COMMISSION

**SARATOGA SPRINGS ENGINEER APPROVAL**  
Approved by the City Engineer on this \_\_\_ day of \_\_\_, A.D. 20\_\_

CITY ENGINEER

**SARATOGA SPRINGS ATTORNEY**  
Approved by Saratoga Springs Attorney on this \_\_\_ day of \_\_\_, A.D. 20\_\_

SARATOGA SPRINGS ATTORNEY

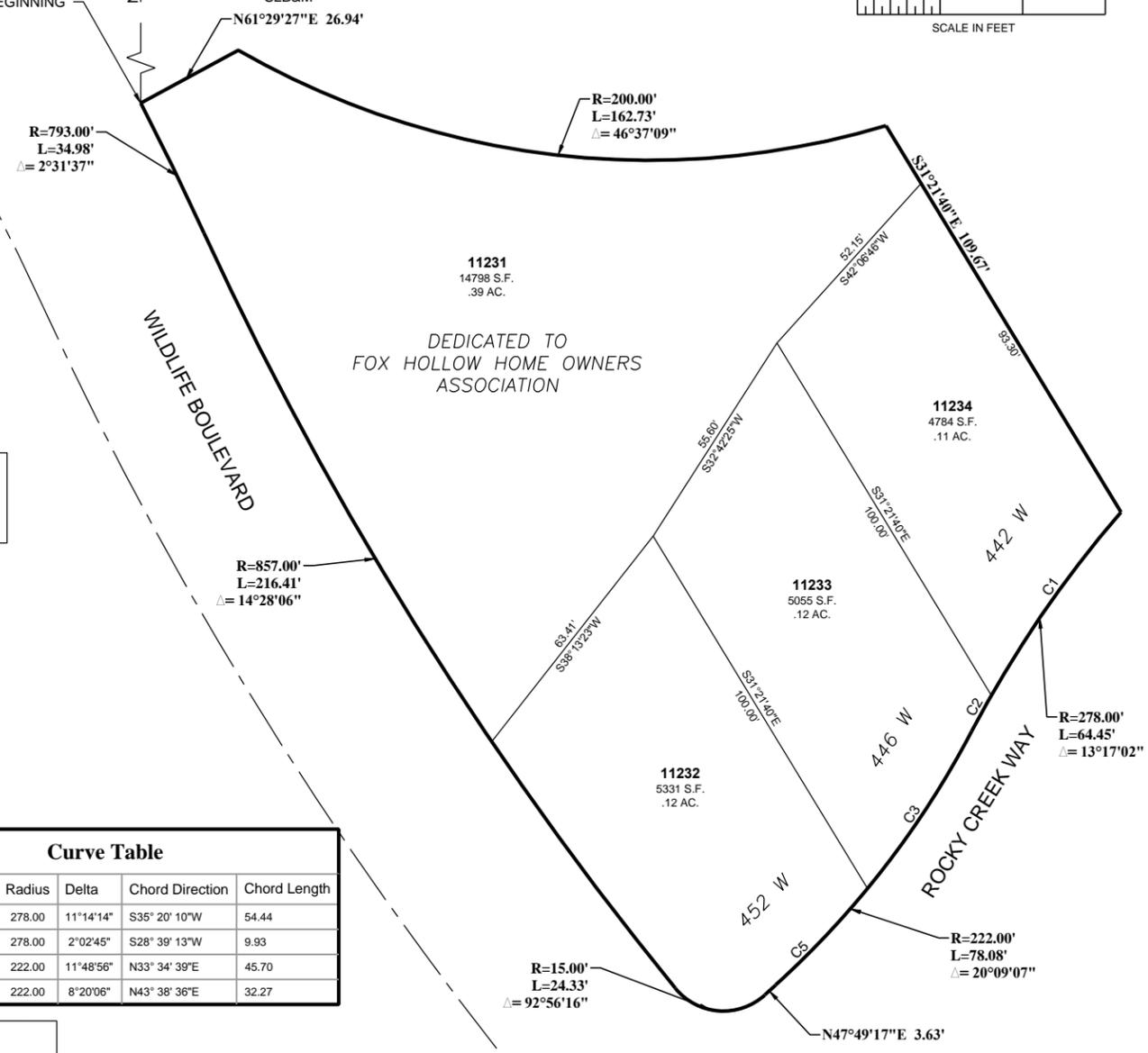
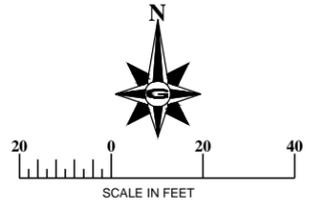
**LEHI CITY POST OFFICE**  
Approved by Post Office Representative on this \_\_\_ day of \_\_\_, A.D. 20\_\_

LEHI CITY POST OFFICE REPRESENTATIVE



**THE PRESERVE 11-5**  
**THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11**

LOCATED IN NORTH HALF OF SECTION 13  
TOWNSHIP 6 SOUTH, RANGE 1 WEST,  
SALT LAKE BASE AND MERIDIAN.



**SURVEYOR'S CERTIFICATE**

I, JOSH F. MADSEN DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 5152857 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND THAT I HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AND THAT THE SAME HAS OR WILL BE STAKED ON THE GROUND AS SHOWN ON THIS PLAT, AND SHALL BE HEREAFTER KNOWN AS THE PRESERVE 11-5 THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11.

**BOUNDARY DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF WILDLIFE BOULEVARD, SAID POINT BEING LOCATED SOUTH 89°46'43" EAST 2657.48 FEET AND SOUTH 0°13'17" WEST 992.06 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 13, AND RUNNING THENCE NORTH 61°29'27" EAST 26.94 FEET TO A POINT ON A 200 FOOT NON-TANGENT RADIUS CURVE TO THE LEFT; THENCE CONTINUING 162.73 FEET ALONG THE ARC OF SAID CURVE, WITH A DELTA ANGLE OF 46°37'09" (CHORD SOUTH 83°22'01" EAST 158.28 FEET); THENCE SOUTH 31°21'40" EAST 109.67 FEET TO A POINT ON A 278.00 FOOT RADIUS CURVE TO THE LEFT; THENCE CONTINUING 64.45 FEET ALONG THE ARC OF SAID CURVE, WITH A DELTA ANGLE OF 13°17'02" (CHORD SOUTH 34°18'25" WEST 64.31 FEET) TO A 222.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE CONTINUING 78.08 FEET ALONG THE ARC OF SAID CURVE WITH A DELTA ANGLE OF 20°09'07" (CHORD SOUTH 37°44'28" WEST 77.68 FEET); THENCE SOUTH 47°49'17" WEST 3.63 FEET TO A POINT OF CURVATURE WITH A 15.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE CONTINUING 24.33 FEET ALONG THE ARC OF SAID CURVE WITH A DELTA ANGLE OF 92°56'16" (CHORD NORTH 85°42'54" WEST 21.75 FEET) TO A 857.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE CONTINUING 216.41 FEET ALONG THE ARC OF SAID CURVE WITH A DELTA ANGLE OF 14°28'06" (CHORD NORTH 32°01'07" WEST 215.84 FEET) TO A 793.00 FOOT RADIUS CURVE TO THE LEFT; THENCE CONTINUING 34.98 FEET ALONG THE ARC OF SAID CURVE WITH A DELTA ANGLE OF 2°31'37" (CHORD NORTH 26°02'41" WEST 34.97 FEET) TO THE POINT OF BEGINNING.

CONTAINS 29970 S.F. OR 0.688 ACRES, MORE OR LESS.

**APPROVAL BY LEGISLATIVE BODY**

The City Council of the City of Saratoga Springs, County of Utah, approves this subdivision subject to the conditions and restrictions stated hereon, and hereby accepts the Dedication of all streets, easements, and other parcels of land intended for the public purpose of the perpetual use of the public.

This \_\_\_ day of \_\_\_, A.D. 20\_\_.

City Mayor \_\_\_\_\_ Attest \_\_\_\_\_  
City Recorder  
(See Seal Below)

**THE PRESERVE 11-5**  
**THE VILLAGE OF FOX HOLLOW NEIGHBORHOOD 11**

LOCATED IN NORTH HALF OF SECTION 13,  
TOWNSHIP 6 SOUTH, RANGE 1 WEST,  
SALT LAKE BASE AND MERIDIAN  
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

SURVEYORS SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL
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**City Council  
Staff Report**

Author: Spencer Kyle, Assistant City Manager  
Subject: Secondary Water Rates  
Date: April 21, 2014  
Type of Item: Resolution



Summary Recommendations: Staff recommends approval of the attached resolution amending the consolidated fee schedule for secondary water rates.

**History:**

Staff has been working with Zions Bank public Finance to develop a secondary water rate methodology. During the summer of 2014 the City completed a secondary water meter project for the purpose of reducing secondary water usage in the City. Reduced water usage will result in increased pressures for residents and additional capacity in the existing season.

**Analysis:**

At the March 31, 2015 City Council meeting, the City Council directed staff to set the secondary water base rate at \$65 per acre. The usage rates would then need to be created to meet the revenue requirements of the water fund. The usage rates have changed slightly due to updated information on lot sizes being imported to the City's utility billing system. Zions bank recommends the following fees:

Base fee \$65.00 per acre

Usage Rates:

- Up to 75% of allotment, \$0.35 per 1,000 gallons.
- 75 to 100% of allotment, \$1.00 per 1,000 gallons.
- 100 to 150% of allotment, \$1.25per 1,000 gallons.
- 150 to 200% of allotment, \$2.00 per 1,000 gallons.
- 200 to 250% of allotment, \$3.00 per 1,000 gallons.
- Above 250% of allotment, \$3.80 per 1,000 gallons.

Allotments for single family residences will be calculated by multiplying the lot size by 108.793732. Because the City has exact irrigable acreage amounts for all other properties, their will be calculated by multiplying the irrigable acreage by 152.99127.

The resolution also creates a secondary water leak forgiveness program with the following policies:

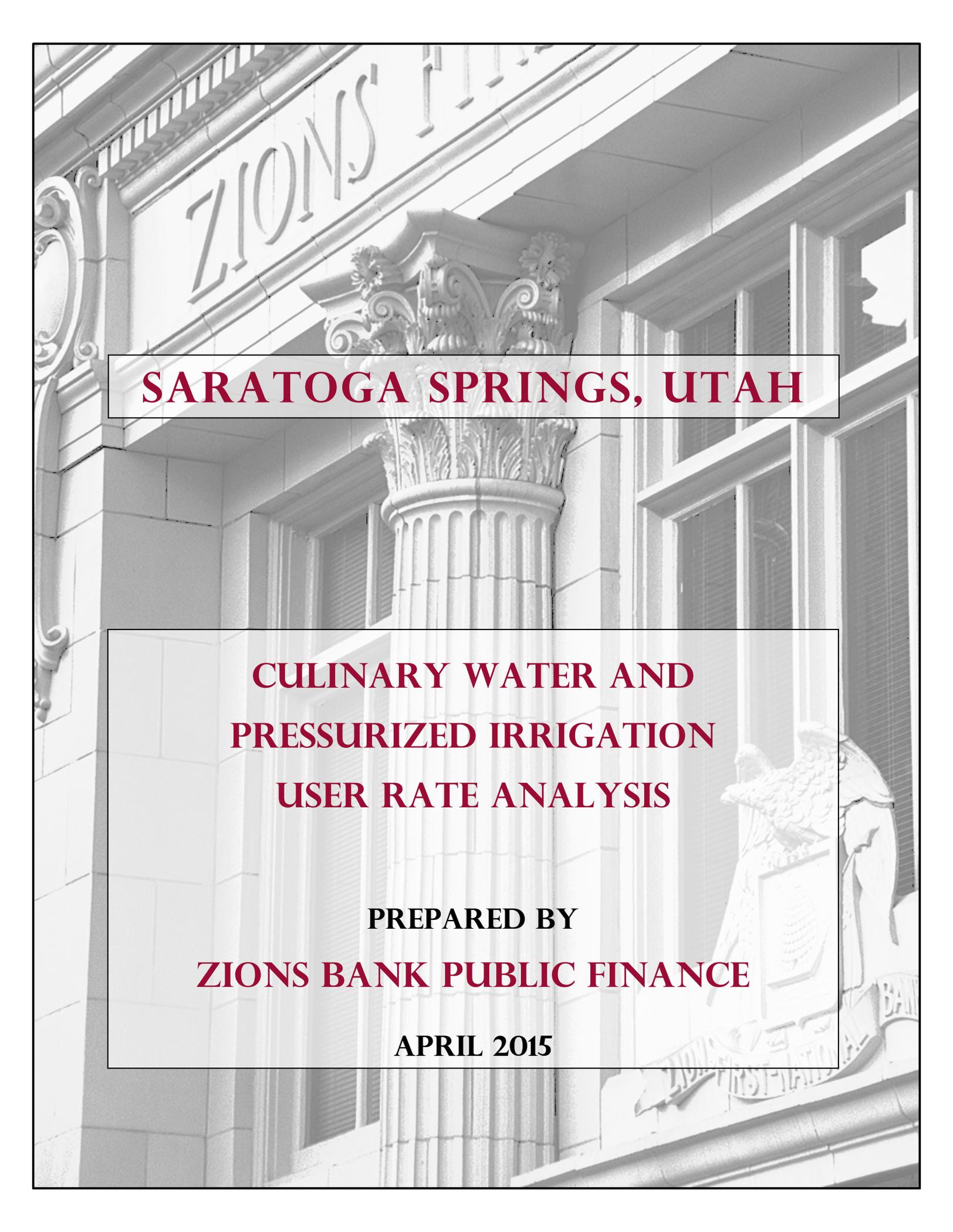
- Only applies to residential customers (not commercial, institutional, etc.)
- Only applies to water leaks. Does not apply to customers overwatering or establishing new grass.
- Each account is eligible to request forgiveness once per year.
- The City will forgive any amount over 150% of the resident's allotment.
- The resident must request the forgiveness no later than 30 days after the high water bill's due date.

- Customers must be current on their utility account (with the exception of the month for which they are requesting to use this leak forgiveness policy).
- Sufficient proof and/or documentation evidencing a leak may be required to be provided by the resident before the City forgives any amount.

The new rates will be effective July 1, 2015. For the first month of the new rates (July 2015) the City will also cap the maximum bill a resident may receive. The cap will be established at 150% of the allotment for each lot in the City. Beginning in August 2015, residents will be subject to the full rate schedule as outline above.

**Recommendation:**

Staff recommends adopting the attached resolution amending the consolidated fee schedule.

A black and white photograph of the Zions Bank building facade. The word "ZIONS" is visible in large letters above a classical column. The building features ornate architectural details, including a large eagle sculpture on the right side. The text is overlaid on the image in a white box with a black border.

**SARATOGA SPRINGS, UTAH**

**CULINARY WATER AND  
PRESSURIZED IRRIGATION  
USER RATE ANALYSIS**

**PREPARED BY  
ZIONS BANK PUBLIC FINANCE**

**APRIL 2015**

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## **RATEPAYERS' OVERVIEW OF THE USER RATE ANALYSIS**

### **WHY IS THE CITY PREPARING A USER RATE ADJUSTMENT?**

The City of Saratoga Springs (the City) is a growing community with continual new development and many water projects yet to be constructed. This user rate adjustment has been prepared for the culinary water and pressurized irrigation (PI) water utilities.

Pressurized irrigation meters have recently been installed throughout the City. The meters allow the City to bill according to pressurized irrigation usage which will help the City conserve water supplies and reduce operations costs. The City is updating the pressurized irrigation rate structure at this time to incorporate changes to the billing rate structure to consider PI metering.

The pressurized irrigation system is in need of many large projects over the next several years to develop the capacity and redundancy to reliably deliver water to its users. The City needs to carefully monitor rate revenues annually to be sure that the capital projects as well as outstanding and future debt service payments can be adequately funded and that the costs of operating the system are met.

When setting user rates, consideration has been given to projects that will be funded with the City's impact fees, and the rates have been set to consider operations and maintenance expense, repair and replacement projects, and maintenance of bond coverage ratios and cash balances. An objective of this rate analysis is to modify the existing culinary and PI water rates to ensure that user rates develop sufficient revenues to adequately fund the operations and maintenance of the systems while maintaining a fair fee structure for each utility.

### **WHO PREPARED THE USER RATE ANALYSIS?**

Zions Public Finance Inc has been hired by the City to review the costs of the water utilities, make recommendations on how to best fund future capital projects, review the demands of each user class, and recommend a rate for each utility that will generate the funds needed. The professionals at Zions have combined experience of 25 years in ratemaking work.

### **WHAT ARE UTILITY USER RATES?**

Utility user rates are fees charged to users of each of the utilities. The utility rate studies follow the general methodologies prescribed by the American Water Works Association (AWWA). AWWA rate methodologies provide consistency and uniform reporting and documentation. The rate study follows the City's budgetary formats and can easily be incorporated into budget documents. The intent of a user rate is to generate only enough to operate the system, build new or replacement capital projects, and maintain fair cash reserves to offset potential risks and unforeseen costs to the system. The intent for these user rates is not to create a profit for the City that can be spent elsewhere but rather ensure that each system is financially self-sufficient.

### **WHAT ARE THE UTILITIES?**

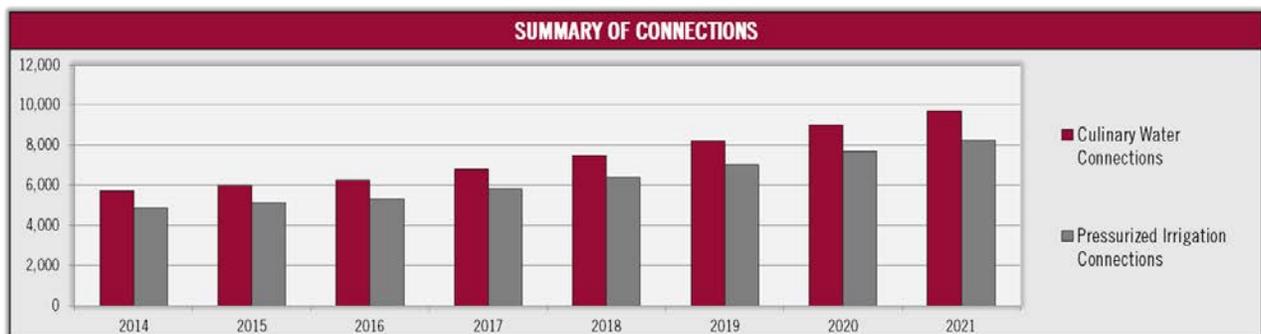
The existing culinary and pressurized irrigation utilities provide high quality service to the residents, businesses, and other users in Saratoga Springs. Although generally unseen, these utilities provide essential services and must be maintained so that they continue to do so. Pipes, wells, water tanks, pumps, reservoirs, etc. are continually degrading with time and use that requires the City to reinvest in these facilities to make sure that they provide safe and reliable service indefinitely.

Cities that do not maintain their systems run the risk of line breaks, backups, flooding, or service interruption that can result in illnesses, loss of property, or even loss of life.

Both systems are relatively new and currently require little repair and replacement expense, but the City is facing a great deal of new growth. Although impact fees will pay for the bulk of the new improvements there still may be timing gaps between the timing of impact fee payments and the actual construction timing of the project. Generally, impact fee revenues do not come to the City fast enough to pay the entire growth-related project costs. Until sufficient impact fees are collected, the utility enterprise fund will cover the costs and then will be repaid as impact fees are collected.

In 2014 the City had 5,738 culinary water connections and 4,899 pressurized irrigation connections. The table below graphs the growth in connections that the City anticipates. It is projected that by 2021 the City will have 9,676 culinary connections and 8,261 PI connections.

FIGURE ES.1: UTILITY CUSTOMERS CONNECTIONS



## WHAT ARE OUR CURRENT USER RATES AND WHAT DO THEY FUND?

The City of Saratoga Springs currently collects monthly user rates for culinary water and pressurized irrigation. Revenues collected are used to pay the following key costs of maintaining good utility service for the City:

- Salaries and wages of City employees that operate and maintain the system;
- Costs of power to pump water out of the ground and deliver it throughout the City;
- Costs of keeping the existing infrastructure in good and safe condition;
- Cost of annual debt service payments for the outstanding Series 2011 and 2014 bonds and the future Series 2016 bond which have or will fund culinary and pressurized irrigation capital projects; and
- Maintenance of enterprise fund cash reserves equivalent to 150 days of operations expense combined coverage to maintain financial stability and protect against emergencies or cost overruns.

The current culinary water rate and pressurized irrigation rate structures are found in Figures ES.2 and ES.3 below.

FIGURE ES.2: CURRENT CULINARY RATE STRUCTURE

Culinary Water Commercial/Industrial per Connection With 3,000 Gal Allotment						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	Unlimited	1.65	112	3/4"	\$	17.75
			113	1"		23.08
			114	1.5"		28.40
			115	2"		46.15
			116	3"		177.50
			117	4"		225.43
			118	6"		339.03
			119	8"		468.60

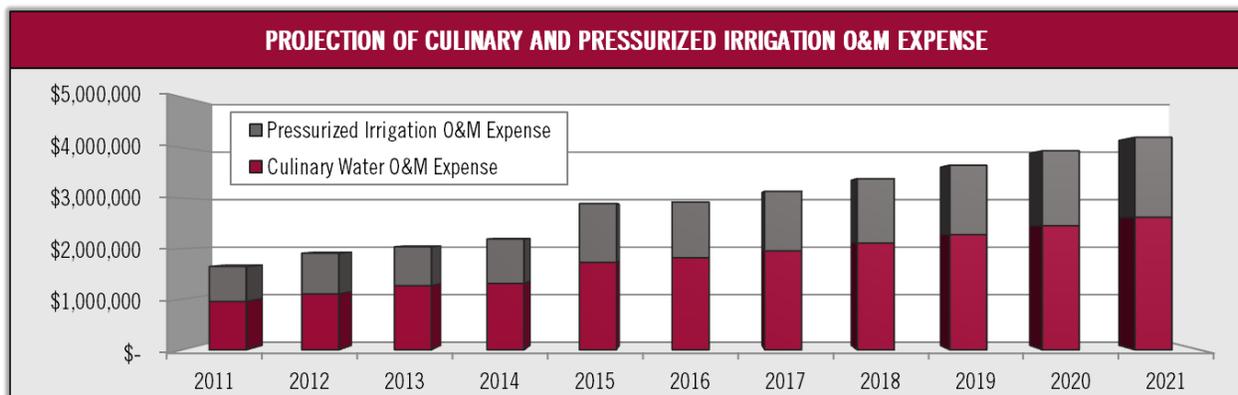
Culinary Water Residential With 3,000 Gal Allotment						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	3,000	\$ -	101	0.75"	\$	17.75
3,001	7,000	2.40	102	1"		17.75
7,001	12,000	3.25				
12,001	999,999,999	4.00				

FIGURE ES.3: CURRENT PRESSURIZED IRRIGATION RATE STRUCTURE

Pressurized Irrigation - Reliance on Combined Water Coverage for 1.25 X Coverage			
Table No.	Base Fee		
701	Acre	\$	104.72
701	Half Acre		52.36
701	Third Acre		34.56
701	Quarter Acre		26.18

Figure ES.4 below shows the projected annual costs for fiscal years 2011-2021 broken down by utility.

FIGURE ES.4: PROJECTED ANNUAL OPERATIONS & MAINTENANCE COSTS BY UTILITY



There are four primary goals that the City is concerned with when making long-term financial goals. These are: **1)** cover the cost of operating the system, **2)** minimize the amount of borrowing needed while still providing exceptional service, **3)** sufficiently pay the costs of bond payments if bonds must be issued, and **4)** maintain, at an absolute minimum, at least 150 days of operating expense in cash reserves to mitigate any financial risks, emergencies, or unanticipated cash overruns. The City is meeting all goals very well.

The City’s utilities have maintained a good financial position by making all bond payments resulting from money borrowed to build capital projects.

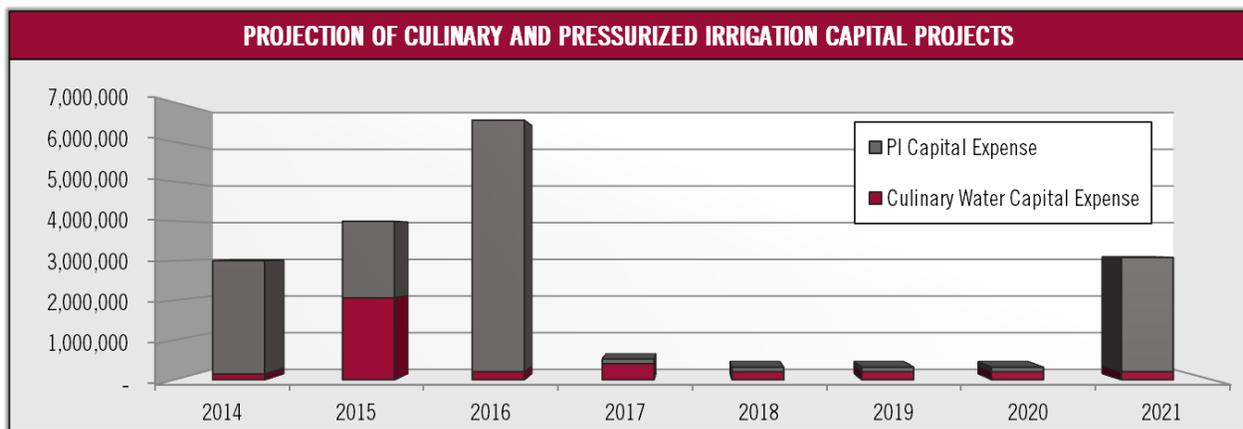
**WHAT IS THE LONG-TERM PLAN FOR THE UTILITIES?**

The City has prepared this rate analysis and financial plan to be sure that adequate financial resources are available to continue to operate the utilities as well as invest sufficient funds in repair and replacement to keep the systems operating properly. Growth will certainly continue within the City and although impact fees will help to fund the bulk of the growth-related costs, the timing of the impact fee collections will likely not match the timing of growth-related capital expenses. User rate revenues will offset any mismatches between slow impact fee collections and the immediate need for impact fee qualifying projects.

**WHY DOES THE CITY NEED THE PLANNED CAPITAL PROJECTS?**

The City needs to undertake multiple capital projects for each utility to provide sufficient capacity for new growth and to a small extent repair and replace some existing facilities that need to be upgraded or replaced as they have reached their useful life. Pressurized irrigation meters were recently installed and will enable the City to develop more equitable PI rates. Impact fees will pay the majority of the costs for system expansions over time but rates will need to make up any immediate funding gaps.

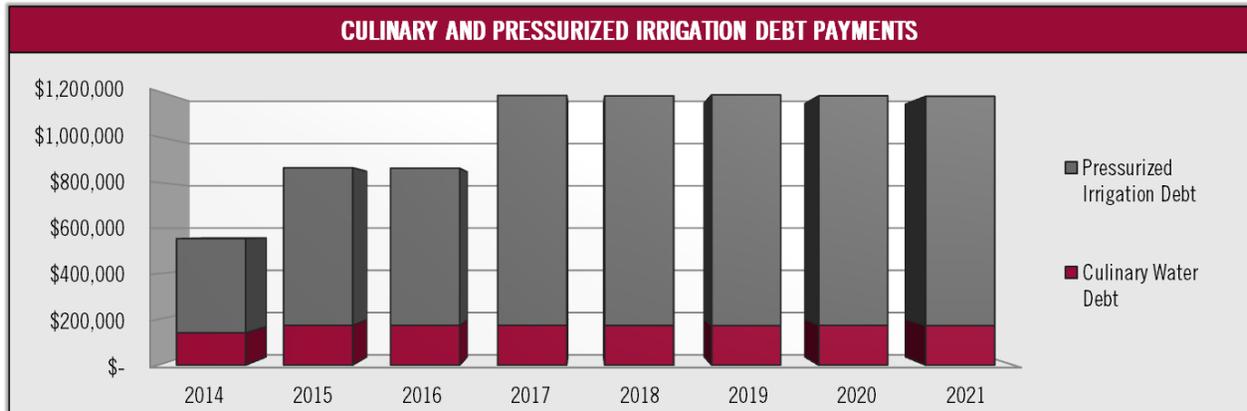
FIGURE ES.5: ANNUAL CAPITAL PROJECTS BY UTILITY



**WILL THE CITY NEED TO ISSUE BONDS TO BUILD CAPITAL PROJECTS?**

The City has outstanding debt issues associated with the culinary water and pressurized irrigation utilities. Saratoga Springs issued 2005, 2006 and Series 2009 Bonds. These three bonds were refunded by the 2014 Bond in addition to approximately \$6,350,000 in new money. A portion of the 2011 Sales Tax Bond has also been used for culinary and PI projects. The City also anticipates issuing approximately \$4.6M in 2016 for PI projects. Figure ES.6 summarizes the City’s debt payment schedules for the culinary and pressurized irrigation systems.

FIGURE ES.6: SUMMARY OF FUTURE DEBT PAYMENTS FOR BOTH WATER SYSTEMS



Coverage ratios must be evaluated in conjunction with cash reserves. A utility may have a high coverage ratio if there is a lot of cash funded capital projects but have low cash balances or vice versa. A low number of cash funded capital projects needed results in high cash balances and lower coverage ratios.

FIGURE ES.7: FORECASTED DEBT SERVICE COVERAGE GRAPH FOR BOTH WATER SYSTEMS

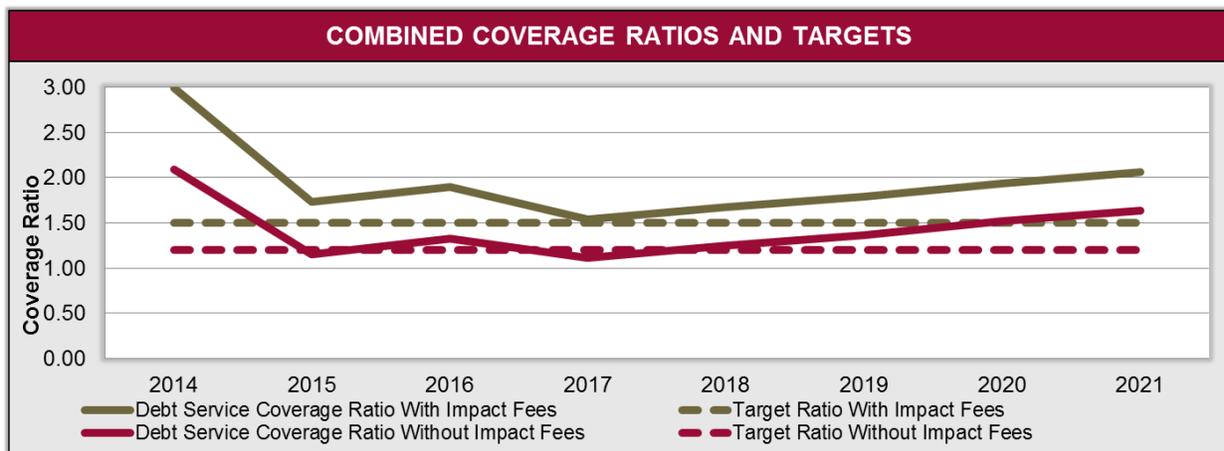
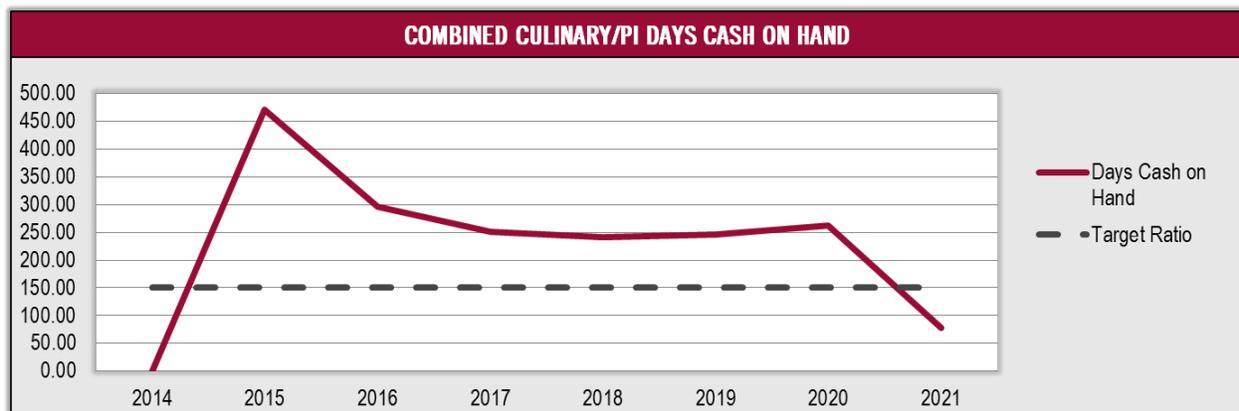


FIGURE ES.8: FORECASTED DAYS CASH ON HAND GRAPH FOR BOTH WATER SYSTEMS



### HOW ARE UTILITY RATES CALCULATED?

Rates are determined by first calculating how much money the City must generate each year to adequately meet all financial goals. Second, the usage patterns of customer classes (i.e. single family, multi-family, commercial, etc.) are reviewed to know how much impact or demand each type of user places on the system. Finally a rate structure that will generate the necessary income is tailored for each user class that charges a fair price for the service provided given average demands.

### WHAT CHANGES WILL BE MADE TO CUSTOMER CLASSES, TIERS, OR OTHER RATE COMPONENTS?

The current structure of the culinary water rates will generally follow the current rate structure. The rate structures for pressurized irrigation will change significantly and will be updated to a graduated tier structure similar to what has been implemented for culinary water rates.

### WHAT ARE THE RECOMMENDED RATES?

The complete rate schedule for each utility is found in the attachments of this analysis. Figures ES.9 and ES.10 show the proposed rates.

FIGURE ES.9: PROPOSED RESIDENTIAL CULINARY WATER RATES

<b>Culinary Water Residential With 3,000 Gal Allotment</b>						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	3,000	\$ -	101	0.75"	\$	17.75
3,001	7,000	2.40	102	1"		17.75
7,001	12,000	3.25				
12,001	999,999,999	4.00				

<b>Culinary Water Multi-Family/Condominiums - Per Unit With 3,000 Gal Allotment</b>						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	3,000	\$ -	103	3/4"	\$	17.75
3,001	7,000	2.40	104	1"		17.75
7,001	12,000	3.25				
12,001	999,999,999	4.00				

<b>Culinary Water Commercial/Industrial per Connection With 3,000 Gal Allotment</b>						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	Unlimited	1.65	112	3/4"	\$	17.75
			113	1"		23.08
			114	1.5"		28.40
			115	2"		46.15
			116	3"		177.50
			117	4"		225.43
			118	6"		339.03
			119	8"		468.60

The structure for the pressurized irrigation rates is changing significantly. The PI rates were previously calculated based entirely on lot size and charged as a flat monthly fee regardless of water use. However, the City has recently installed meters on the PI connections which allows the City to charge according to consumption. The proposed PI rate structure is being updated to charge according to actual consumption and to promote water conservation.

Each PI connection will be charged a base fee of \$65 per acre which will be multiplied by the gross lot size. Therefore, a quarter acre lot would be charged ¼ of that base fee, or \$16.25. Consumption tiers are also based on the percentage of a monthly water allotment that is scaled according to the gross lot size and a reasonable estimate of water use to adequately irrigate and maintain landscaping. The monthly water allotment is determined according to the information in the table below. The gross lot size is multiplied by the Monthly Allotment per Acre to determine the water allotment for each user.

FIGURE ES.10: CALCULATION OF ALLOTMENT BY GROSS LOT SIZE

	Residential	Commercial
Acre feet per Irrigated Acre:	3.13	3.13
% Irrigable:	0.64	0.90
Gallons per Af:	325,860	325,860
Annual Allotment (Gal):	652,763	917,948
Monthly Allotment per Acre (Gal):	108,793.79	152,991.27

Once the allotment has been determined for each lot, the PI rates are charged according to the tiered rate schedule below. For a connection that uses 75% or less of their total allotment they are charged the base fee for their lot size and \$0.35 per 1,000 gallons of consumption. As consumption increases the price per thousand gallons increases as actual demand meets or exceeds the target monthly allotment.

FIGURE ES.11: PROPOSED PRESSURIZED IRRIGATION WATER RATES

Pressurized Irrigation			
Allotment	Price per 1Kgal		Price per Acre
Up to 75%	\$	0.35	Base Fee \$ 65.00
Up to 100%		1.00	
Up to 150%		1.25	
Up to 200%		2.00	
Up to 250%		3.00	
Above 250%		3.80	

### WHEN WILL USER RATES BE CHANGED AGAIN?

The user rates proposed in this analysis are intended to be useful for the next five years assuming that there are no shifts in capital project timings or costs, or major changes in how the City operates each utility that would affect operations and maintenance cost projections. After 2016, rates are expected to be increased annually as shown in Figure ES.11. The rates reflect a larger bump today to set the revenues in a trend that will likely prevent the need for major increases later as long as the City implements the small annual adjustments recommended in Figure ES.11. If there is any major change in project planning or user rate assessment, then the rate analysis will need to be redone sooner.

FIGURE ES.12: ANNUAL RATE INCREASE

Culinary Water	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Annual Increase to Average Monthly Culinary Rates	\$ 0.57	\$ -	\$ 0	\$ -	\$ -	\$ -	\$ -	\$ -
Annual Average Monthly Culinary Rates	\$ 24.95	\$ 24.95	\$ 25.11	\$ 25.11	\$ 25.11	\$ 25.11	\$ 25.11	\$ 25.11
Pressurized Irrigation	2014	2015	2016	2017	2018	2019	2020	2021
Increase to PI Revenues	60%	0%	10%	10%	10%	10%	10%	10%
Growth Rates	5%	5%	4%	9%	10%	10%	10%	8%
Net Change to Rates	55%	0%	6%	1%	0%	0%	0%	2%
Annual Increase to Average Monthly PI Rates	\$ 9.31	\$ -	\$ 1.48	\$ 0.36	\$ 0.02	\$ 0.07	\$ 0.12	\$ 0.70
Annual Average Monthly PI Rates	\$ 26.18	\$ 26.18	\$ 27.66	\$ 28.01	\$ 28.03	\$ 28.10	\$ 28.22	\$ 28.92
<b>Estimated Increase in Average Water Bill</b>	<b>\$ 9.88</b>	<b>\$ -</b>	<b>\$ 1.64</b>	<b>\$ 0.36</b>	<b>\$ 0.02</b>	<b>\$ 0.07</b>	<b>\$ 0.12</b>	<b>\$ 0.70</b>
<b>Estimated Average Monthly Water Bill</b>	<b>\$ 51.13</b>	<b>\$ 51.13</b>	<b>\$ 52.77</b>	<b>\$ 53.12</b>	<b>\$ 53.14</b>	<b>\$ 53.21</b>	<b>\$ 53.33</b>	<b>\$ 54.03</b>
<b>Net Change to Rates</b>		<b>0%</b>	<b>3%</b>	<b>1%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>1%</b>

Figures shaded beyond 2016 are for rough approximation only. Once PI meters are installed, rates will be based on actual consumption rather than lot size.

### WHAT IS THE IMPACT UPON RESIDENTS OF SARATOGA SPRINGS?

Figures ES.13 and ES.14 are graphs that compare the current residential bills with the proposed bill for each utility given different usage patterns.

FIGURE ES.13: COMPARISON OF CURRENT AND PROPOSED CULINARY WATER AVERAGE COST PER 1,000 GALLONS

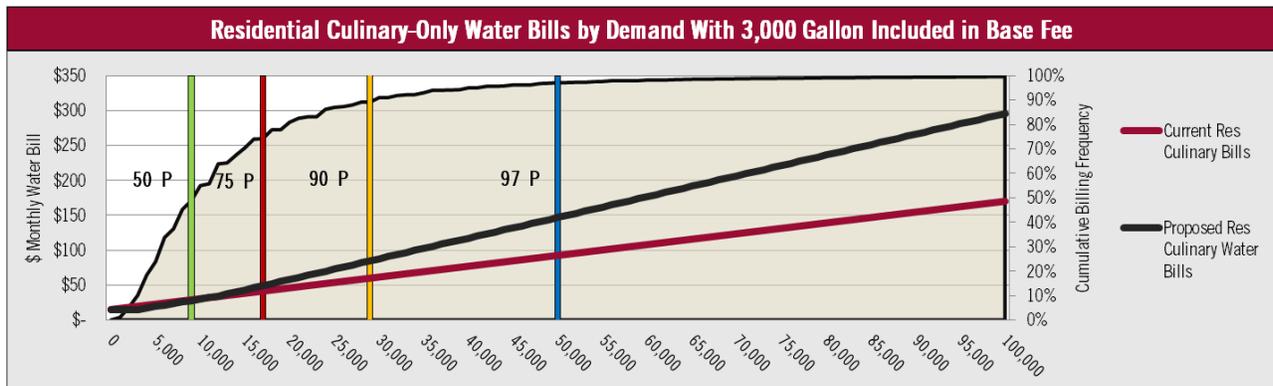


FIGURE ES.14: COMPARISON OF RESIDENTIAL PI WATER BILLS ACCORDING TO LOT SIZE AND USAGE

Lot Size (Acre)	Current Monthly Bill (1Acre)	Base Monthly Fee	Up to 75% of allotment	Up to 100% of allotment	Up to 150% of allotment	Up to 200% of allotment	Up to 250% of allotment	300% of allotment
2.00	\$ 208	\$ 130	\$ 210	\$ 287	\$ 478	\$ 784	\$ 1,243	\$ 1,825
1.50	156	98	158	215	359	588	932	1,369
1.00	104	65	105	143	239	392	622	913
0.75	78	49	79	108	179	294	466	684
0.50	52	33	53	72	120	196	311	456
0.25	26	16	26	36	60	98	155	228

## **CHAPTER 1: UTILITY RATE ANALYSIS OVERVIEW**

The City of Saratoga Springs (the “City”) hired Zions Bank Public Finance (“Zions”) to conduct a utility user rate study, including an evaluation of the current user rate structures, an updated revenue requirement analysis, and corresponding user rates for the culinary water and pressurized irrigation utilities. The purpose of this analysis was to provide a fair and equitable rate structure for each utility that provides for healthy, financially sustainable utilities. The data for this analysis was provided by the City of Saratoga Springs and the study was conducted in cooperation with City staff.

### **OVERVIEW OF THE USER RATE ANALYSIS**

#### **BACKGROUND OF CITY UTILITIES**

The City was incorporated in December of 1997. The City contains over 21 square miles and runs from Pelican Point on the west side of Utah Lake over eleven miles north to the Camp Williams US Army facility in the foothills between Utah and Salt Lake Counties. Saratoga Springs provides culinary water and pressurized irrigation services within the City boundaries. The City has an estimated 25,364 residents and 5,087 culinary water connections and 4,828 PI connections.

#### **RATE-SETTING PROCESS**

The rate setting process consisted of the following three phases:

1. **Revenue Requirement Analysis:** In this phase, Zions worked with the City’s public works staff to project expenses for each utility over eight years from FY 2014 to FY 2021, including operating and maintenance expenses, capital expenditures, specified reserves, and future debt service;
2. **User Demand and Cost of Service Analysis:** Following the calculation of the revenue requirements, Zions analyzed the City’s historic billing and usage data to determine the demand for each utility; and
3. **Rate Design Analysis:** In the final phase of the study, Zions structured a schedule of rates based on the revenue requirements and historical user data for all utilities.

### **GENERAL USER RATE ANALYSIS OBJECTIVES**

#### **REVENUE SUFFICIENCY AND FINANCIAL STRENGTH**

An objective of the rate analysis is to determine rates for each of the water utilities that provide revenue sufficiency, meet bond debt service requirements, fund capital projects, and build reserves. The rates also need to remain within affordability guidelines as defined by the EPA and maintain fairness between users with differing levels of impact on the system.

#### **FAIR AND EQUITABLE USER RATES**

Each city is unique and each of its utilities has its own characteristics that need to be considered in a rate analysis. Considerable research and analysis must be undertaken to understand and analyze the costs of the City’s utilities and demands. The City is working to draw new business in and promote economic development. The rate design process should not hamper these goals, but provide a tool to meet the City’s key objectives. The objective is to develop a fair rate structure that will keep the City’s utilities financially self-sufficient indefinitely.

## CONSIDER FUTURE INFLATIONARY COSTS OF OPERATIONS

The costs of operating the utility systems increases each year with cost inflation just as the expenses of food, cars, power, clothing and other day to day goods increase over time. If the City were not able to increase utility rates accordingly then the amount of buying power would decrease each year due to inflation and eventually the City would be unable to effectively operate the system. To maintain the same great service that the City currently provides, the rates must be increased for inflation and to adequately fund capital projects.

## CITY COUNCIL'S OBJECTIVES

ZBPF worked with the City Council to discuss options regarding policy that would be used to guide the development of an improved utility user rate structure. The following are the general results of the efforts to define a rate structure:

- User rates should be divided into more user rate classes according to the different user and demand characteristics to achieve a more equitable cost allocation;
  - New culinary water rate categories could include Single Family Residential, Multi-family Residential, and Commercial/Industrial;
- User rates should reflect the demand patterns for each user class rather than using a flat and averaged cost for all user classes;
- A tiered culinary water rate structure is appropriate for residential users;
  - 3,000 gallons are included in the base monthly fee;
  - Tiered pricing starts at 3,001 gallons to 7,000 gallons, 7,001 to 12,000 gallons, and above 12,001 gallons;
  - Multi-family rates follow the same single-family tiered rate structure multiplied by the number of units served. For example, a four unit building with one connection will be provided 12,000 gallons (3,000 gallons x 4 connections) included in the base monthly fee and will pay a base fee of \$71.00 (\$17.75 x 4 connections); and
  - Commercial/Industrial users will be based upon a flat price per 1Kgal per class that will be applied to all water usage.
- ADD FOR PI POLICIES

## FINANCIAL OBJECTIVES

Zions and City staff have developed the following financial objectives to be met by this user rate analysis:

- User rate revenues should cover all operating, financing, and capital costs;
- Meet minimum coverage ratio requirements for all debt to be issued;
- Each utility should establish adequate cash fund balances;
- Cash fund improvements wherever possible to reduce borrowing costs; and
- Consider reasonable future capital projects/replacements.

## USER RATE REVENUES

Revenue for each utility is derived from user charges, meter fees, impact fees, interest income, and other non-rate revenues. The bulk of revenue generated will come from user rate charges, thus the level of future revenue the City can expect is directly related to the number of connections the City serves.

## DEBT SERVICE COVERAGE RATIO

One of the key ratios credit analysts use in assessing the financial strength of a utility system is the Debt Service Coverage Ratio—the ratio of revenues (less O&M excluding depreciation expense) to annual debt service. The minimum coverage ratio is 1.25X, which means the system generates enough revenue, after O&M expenses excluding depreciation, to pay 125% of the debt service. When the City issues debt this coverage calculation must be constantly monitored to ensure full compliance with bond covenants.

As future debt is contemplated in this user rate analysis and outstanding debt exists, a debt service coverage ratio must be met. Debt service requirements consist of principal and interest payments on existing debt. Outstanding and future bonds require at least 1.25X annual revenue coverage for each dollar of debt.

## CASH RESERVES (DAYS OPERATION & MAINTENANCE IN RESERVE)

Another key ratio used by credit analysts in assessing the strength of a utility system is Days Operation & Maintenance in Reserve (DO&MR). DO&MR measures the utility's financial flexibility and liquidity and is calculated as follows:

Cash Balance/(Annual O&M Expenses/150) = Days Operation & Maintenance in Reserve

Highly rated municipalities have adequate cash on hand to cover unforeseen contingencies.

These numbers can be used as a benchmark for the City as it prepares to issue utility revenue bonds.

The City requires adequate cash reserves to meet operating, capital, and debt service requirements. Debt service reserves provide protection from defaulting on annual debt service payments in times of financial difficulty. One year of debt service payments is required in reserve, so each time the City issues new bonds, additional proceeds are added to the restricted reserve. Operating reserves may be used to meet ongoing cash flow requirements as well as emergency requirements.

## CASH FUNDING REPAIR AND GROWTH-RELATED CAPITAL PROJECTS

Cash funding capital projects is ideal because this approach reduces the amount of interest expense that the City's ratepayers must pay in user rates and it suggests a greater degree of self-reliance. However, at times it is not practical to cash fund capital projects and debt must be issued. Debt is helpful when the amount of capital projects to fund is so large that setting the user rates to cash-fund the improvements will result in very large rate increases. Sometimes a project must be built much quicker than the ability to accumulate cash.

Some utilities will only focus on growth-related infrastructure that can be included in the impact fees and neglect to consider the costs of failing infrastructure that need significant investment to continue to serve users. It is important that utilities continually focus on the amount of reinvestment needed each year to keep their assets in service as long as possible. This analysis considers a large amount of capital reinvestment.

## REVENUE REQUIREMENT ANALYSIS

The first important step in the rate setting process is to determine a utility's revenue requirement. A revenue requirement is the level of user rate revenues required for a utility to adequately operate and maintain its system, meet its financial obligations, and maintain appropriate reserves. Utility user rates must generate sufficient revenue to cover expenses and maintain the financial integrity of each utility. The revenue requirement analysis includes operating and maintenance (O&M) expenses, capital expenditures, debt service payments, specified reserves, and related bond covenants.

The revenue requirement analysis includes the following five expense categories to create an annual amount that each of the water utilities must generate to keep each system financially sound:

1. Rate and Non-Rate Revenue Projections;
2. Operations and Maintenance Expense Forecast;
3. Funding Future Capital Projects;
4. Outstanding and Future Debt Service Payments; and
5. Maintenance of Adequate Cash Balances

## **USER RATE AND NON-RATE REVENUE PROJECTIONS**

The City collects a range of revenue sources that help pay the costs of the utilities in addition to the revenues collected from the user rates. These revenues include operating and non-operating revenues that help reduce the amount that must be collected from rates.

### **UTILITY RATE REVENUES**

Rate revenues are a combination of a monthly base fee paid per connection plus, in the case of culinary water, a consumption fee for the amount of water used. Rate revenues from the monthly base fees are very stable and predictable while the revenues from the consumption fees become more unstable as consumption increases beyond what is needed for indoor consumption.

### **NON-RATE UTILITY REVENUES**

Non-rate revenues include sources such as interest income paid on cash balances, impact fees collected according to the rate of growth, connection fees, disconnection fees, penalties for late payment, and other administrative charges. Non-rate revenues are small in comparison with rate revenues. Some charges, such as impact fees and connection fees, fluctuate with growth while others tend to remain stable or slightly increase as the total number of City connections increases.

## **OPERATIONS AND MAINTENANCE EXPENSE FORECAST**

O&M expenses are the costs necessary to operate and maintain wells, lines, pumping, transmission and distribution facilities, as well as the costs of customer service, administrative, and general expenses. The O&M expenses are projected based on historical expenditures with adjustments to reflect any known and anticipated changes in expenditures, including inflationary costs. The operational expenses to be covered by each utility were identified and divided by utility.

## **WATER AND SYSTEMS' CAPITAL NEEDS**

### **CAPITAL PROJECTS IDENTIFIED THROUGH 2021**

Capital expenditures are those expenditures that result in the repair, acquisition, or addition of fixed assets. The City's 2013 Culinary Water and Pressurized Irrigation Capital Facilities Plan, prepared by Hansen Allen & Luce and reviewed by City staff, outlines the growth-related and maintenance capital projects required through 2021. These capital projects may be paid for through a combination of current year revenues, debt financing, and cash reserves.

### **FUNDING GROWTH-RELATED AND MAINTENANCE CAPITAL PROJECTS**

The Capital Facilities Plan has laid out the projects that will be needed to expand the current capacities of the City's utilities for future citizens, and repair and, when necessary, replace existing facilities that serve current customers. It is important to categorize projects in this manner because impact fee revenues (charged to new development) are reserved

for expansion related costs and therefore cannot be used for repair and replacement projects. It is important that the City plan for anticipated repair and replacement projects, as well as build a reserve fund for unanticipated projects.

Capital facilities are to be funded through a combination of several different funding mechanisms listed below:

- Bond proceeds
- Pay-as-you-go revenues— rates and rate funded reserves
- Grant receipts
- Contributions
- Interest earnings
- Impact Fees

### **FUNDING GROWTH-RELATED PROJECTS WITH IMPACT FEES**

The City's capital improvement plan for each utility has distinguished between repair and replacement and expansion costs to properly apply revenue sources. New customers will benefit from capacity created by expansion projects. These projects will be funded (in part) by impact fees and bond proceeds. However, impact fees are not always a stable source of revenue as growth patterns change and sufficient funds may not have been collected to fund an entire project. This rate analysis also includes a financing plan to fund high dollar projects from the Capital Facilities Plan.

### **OUTSTANDING AND FUTURE DEBT SERVICE PAYMENTS**

Debt service includes principal and interest payments on existing and future bonds. The City's Capital Facilities Plan outlines multiple capital projects that are anticipated to be paid for with bonds at some point in the future. The exact timing of the projects is unknown and the costs of the projects will vary from year to year due to inflation, which can be a challenge for creating stable rates. City staff/Consulting Engineers provided reasonable estimations of capital project timings for each utility. Financing the projects through bonds will help provide uniform expenses from year to year, which allows for more rate stability.

### **COST OF SERVICE ANALYSIS**

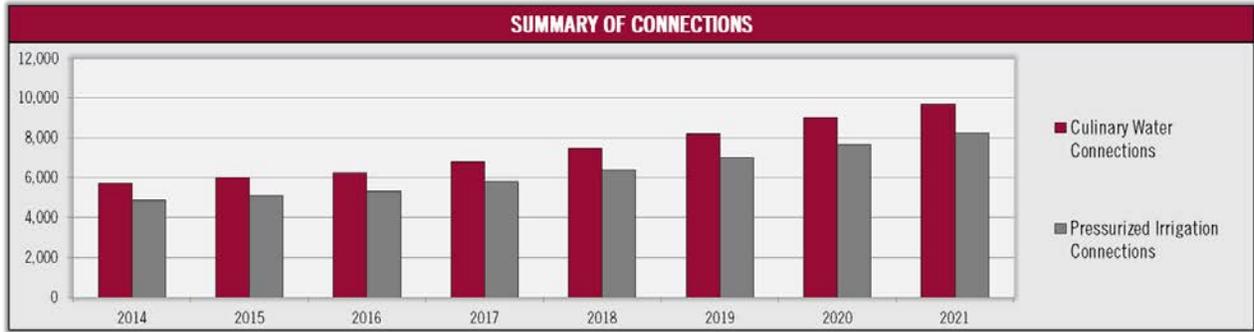
In a cost of service analysis (COSA), the true cost of water is determined using a methodology that generates a system of fair and equitable costs in proportion to the service received by each customer class. The cost of service allocations conducted in this study are based on the base-extra capacity method endorsed by the American Water Works Association (AWWA) a nationally recognized water body directing the management of utilities in the US.

ZBPF will demonstrate in the following chapters the true cost of water and evaluate scenarios for cost savings and optimizing the City's water resources and contracts.

### **GENERAL CITY-WIDE CONNECTION GROWTH PROJECTIONS**

Figure 1.1 shows the growth rate projection for the City of Saratoga Springs. In 2014 the City had 5,738 culinary connections and 4,899 PI connections. By 2021 it is anticipated that culinary connections will reach 9,676 and pressurized irrigation will reach 8,261.

FIGURE 1.1: PROJECTED GROWTH IN CONNECTIONS



## **CHAPTER 2: CULINARY WATER RATES**

### **CULINARY WATER SYSTEM OVERVIEW**

The City's culinary water system provides safe and clean drinking water to all the residents in Saratoga Springs. The culinary water system provides the water used indoors for domestic purposes such as cooking, cleaning, bathing, etc. The pressurized irrigation system is used for outdoor watering purposes.

The City has several projects that must be undertaken to ensure that culinary water service remains safe and reliable. A lack of maintenance often leads to greater frequencies of pipe breaks and failures that usually end up costing the City and ratepayers more than if the money was put into rehabilitating the system in the first place. Timings and sizes of capital project investments are found in Figure 2.5 later in the document.

### **CURRENT CULINARY WATER USER RATE STRUCTURE**

The City's current culinary water user rates for all users, both residential and non-residential, are based upon the following key rate structuring criteria:

- Single family, multi-family and commercial/industrial user classes;
- Monthly base fee of 17.75 for residential; and
- Consumption charges assessed per 1,000 gallons based on a graduated tier structure.

### **CULINARY WATER RATE DESIGN OPTIONS AND RECOMMENDATIONS**

Culinary water rates are structured to promote water conservation. Water in Utah is a scarce resource and must be used wisely. The infrastructure needed to convey water is expensive and high volumes of wasteful water use requires the City to build higher-capacity and higher cost storage tanks and water lines. Conservation ensures that there is enough water for everyone to use and reduces the costs of building culinary water infrastructure.

Conservation is promoted by water rates through an increasing cost of water as more water is used. The cost increases particularly fast once a user reaches a level of usage that is very high (97<sup>th</sup> Percentile) in comparison with what other similar users are demanding.

### **RECOMMENDED CULINARY WATER USER GROUPS**

The following groups are recommended for the new culinary water rate structure:

- Single Family Residential;
- Multi-Family/Condominiums; and
- Commercial/Industrial.

FIGURE 2.1: RECOMMENDED CULINARY WATER RATE STRUCTURE

Culinary Water Residential With 3,000 Gal Allotment						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	3,000	\$ -	101	0.75"	\$	17.75
3,001	7,000	2.40	102	1"		17.75
7,001	12,000	3.25				
12,001	999,999,999	4.00				

Culinary Water Multi-Family/Condominiums - Per Unit With 3,000 Gal Allotment						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	3,000	\$ -	103	3/4"	\$	17.75
3,001	7,000	2.40	104	1"		17.75
7,001	12,000	3.25				
12,001	999,999,999	4.00				

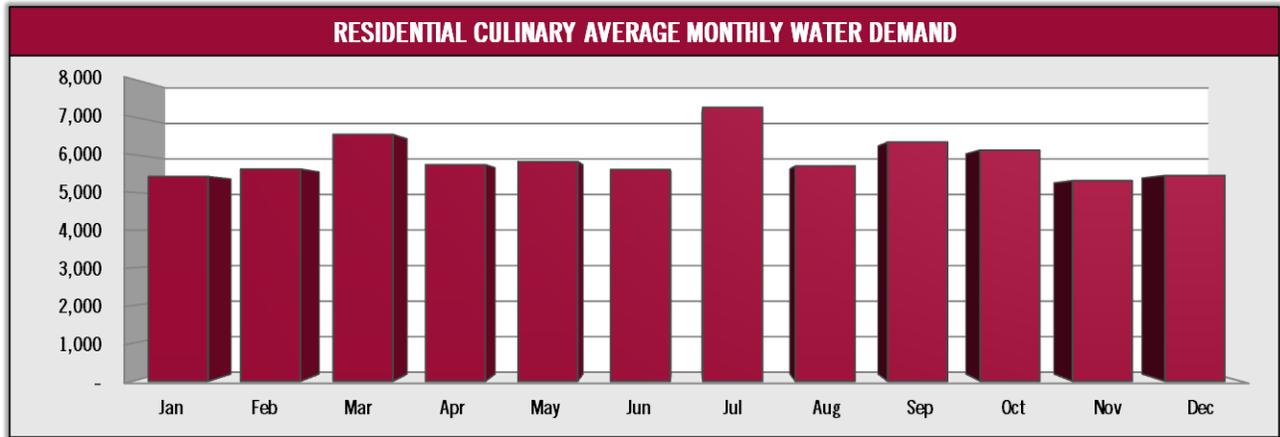
Culinary Water Commercial/Industrial per Connection With 3,000 Gal Allotment						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	Unlimited	1.65	112	3/4"	\$	17.75
			113	1"		23.08
			114	1.5"		28.40
			115	2"		46.15
			116	3"		177.50
			117	4"		225.43
			118	6"		339.03
			119	8"		468.60

## CULINARY WATER DEMAND ANALYSIS

### PROJECTED RATE OF CONNECTION

It is anticipated that an average of 500 new culinary water connections will be added per year which equates to an average growth rate of 7.77% from 2014 to 2021.

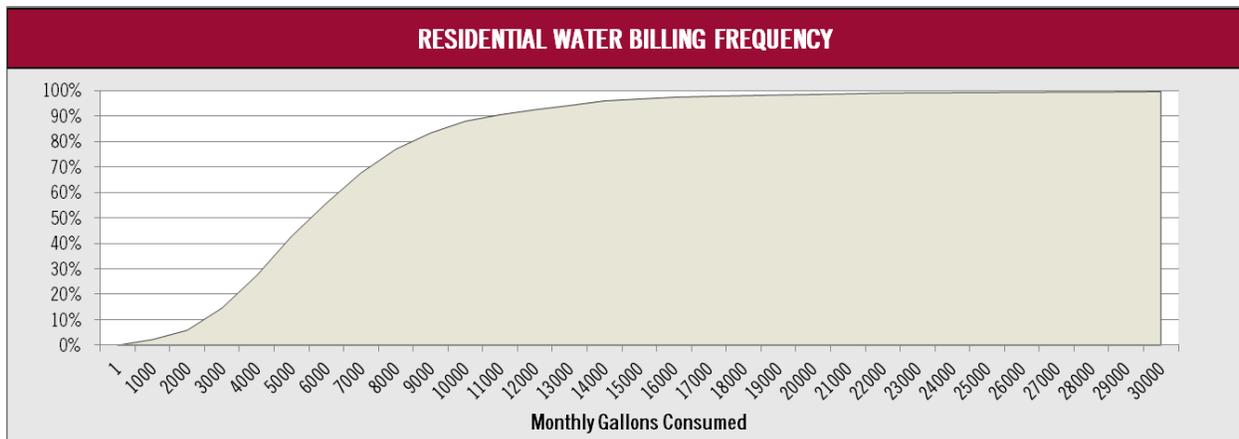
FIGURE 2.2: AVERAGE MONTHLY CULINARY WATER DEMANDS BY CONNECTION



### CUSTOMER DEMAND PATTERNS

Culinary water usage is more level throughout the year than a typical city without pressurized irrigation. The single family residences, in comparison with commercial/industrial culinary water users, have a very predictable pattern of usage as the water is for meeting in-door demands. Figure 2.3 below shows the typical residential single-family consumption by percentile. The median or 50% percentile of all bills is at 6,000 gallons.

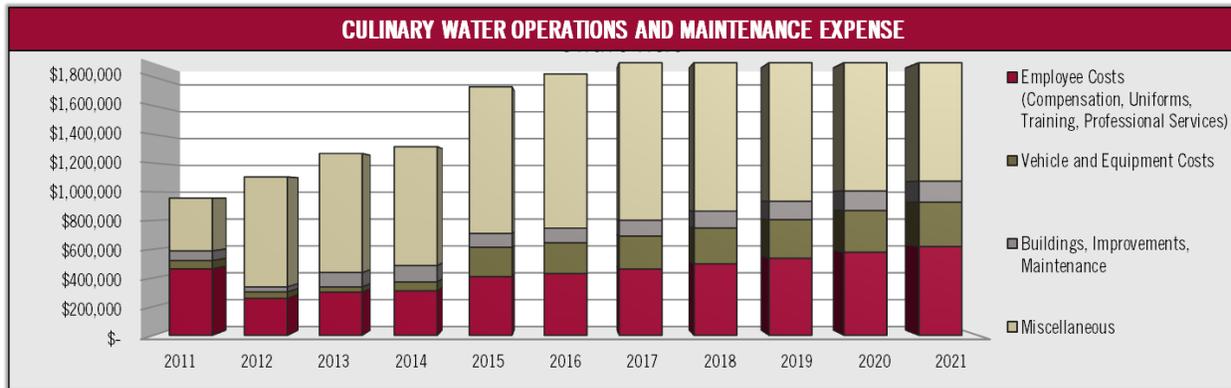
FIGURE 2.3: RESIDENTIAL CULINARY WATER BILLING FREQUENCY



## CULINARY WATER REVENUE REQUIREMENTS

### CULINARY WATER OPERATIONS AND MAINTENANCE EXPENSE

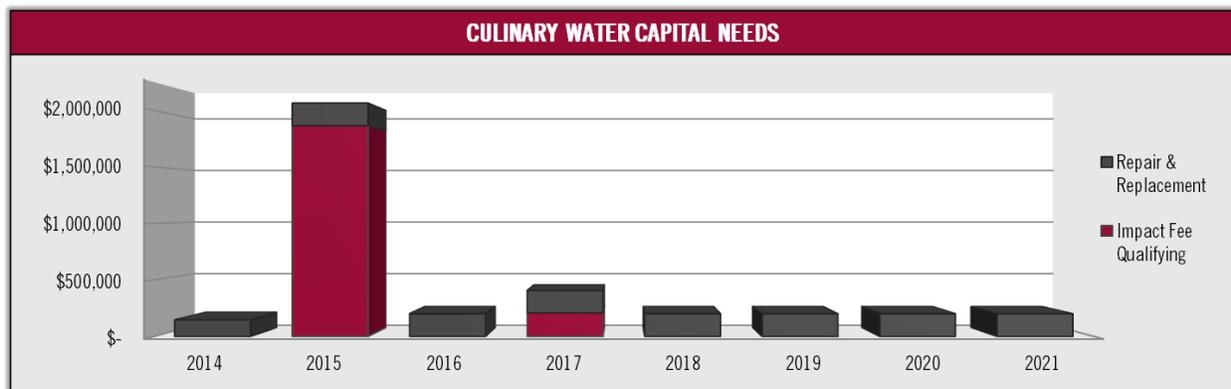
FIGURE 2.4: CULINARY WATER OPERATIONS AND MAINTENANCE EXPENSE



### CULINARY WATER CAPITAL PROJECTS

The City is planning to invest funding toward culinary water capital projects and has identified these projects in the attached Appendix E. The initiative includes \$3 million (FV) of projects required to expand and improve the City’s system.

FIGURE 2.5: CULINARY WATER CAPITAL PROJECT EXPENSE



### OUTSTANDING AND FUTURE DEBT SERVICE PAYMENTS

The City issued a 2011 Bond to build the Public Works Building but excess funds have been used to construct water improvements. Approximately 33% of the Series 2011 Bond relates to culinary water improvements and 16% to the pressurized irrigation system. Figure 2.6 below details the summary of outstanding and future debt. Two future bonds are anticipated. The 2014 Bond refunded the City’s 2005, 2006 and 2009 bonds and benefits both the pressurized irrigation system and a small portion to culinary water. The Series 2016 bonds will exclusively be used for the pressurized irrigation system.

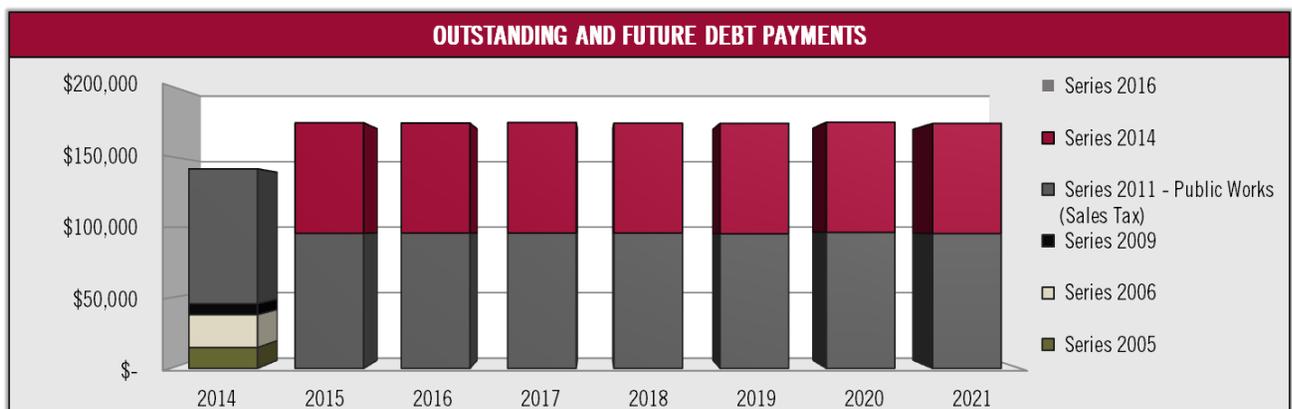
### FUTURE PROPOSED BONDS

FIGURE 2.6: SUMMARY OF OUTSTANDING AND FUTURE CULINARY AND PRESSURIZED IRRIGATION DEBT

Bond Issue	Total Par Amount	Interest	Total Debt Service	% to Water	% to PI
Series 2011 Public Works	\$ 4,000,000	\$ 1,820,163	\$ 5,820,163	33%	16%
Series 2014 Water Revenue Bond	10,000,000	4,406,184	14,406,184	11%	89%
Series 2016 Water Revenue Bond	4,395,000	1,937,309	6,332,309	0%	100%
<b>Totals</b>	<b>\$ 18,395,000</b>	<b>\$ 8,163,655</b>	<b>\$ 26,558,655</b>		

Figure 2.7 shows the schedule of outstanding and future debt payments. As mentioned previously, the Series 2005, 2006 and 2009 Bonds are expected to be refunded with the Series 2014 Bond.

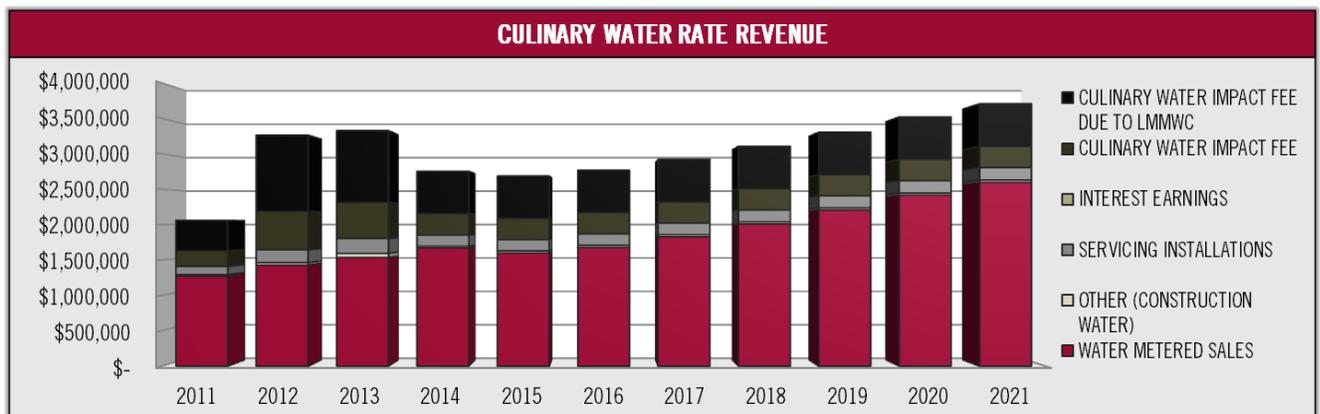
FIGURE 2.7: SCHEDULE OF OUTSTANDING AND FUTURE CULINARY WATER DEBT PAYMENTS



### ANNUAL REVENUE REQUIREMENT TO BE COLLECTED

As shown below, the City needs to generate approximately \$2.8M in total revenue in FY 2014. By FY 2021 this total revenue requirement will have increased to just over \$4M.

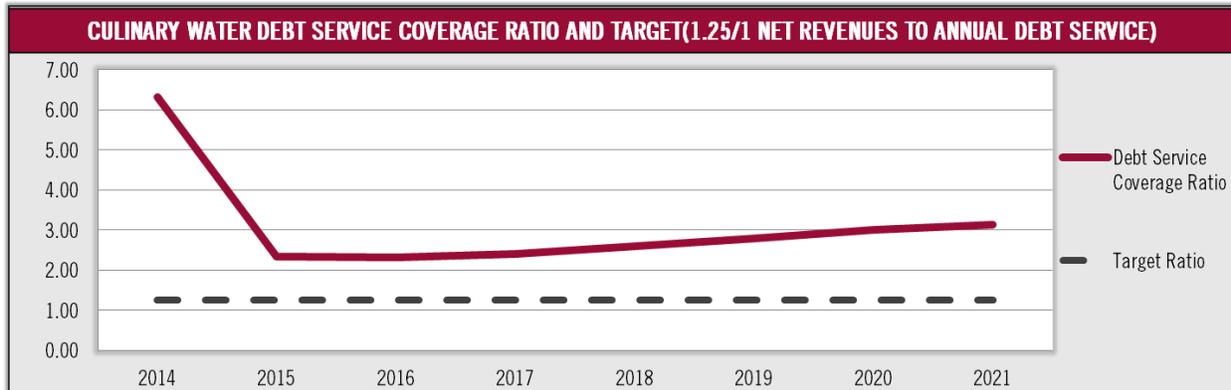
FIGURE 2.8: RECOMMENDED CULINARY WATER ANNUAL REVENUE REQUIREMENT (2011 TO 2021)



### CASH RESERVE LEVELS (DAYS OPERATION & MAINTENANCE IN RESERVE)

As explained in Chapter 1, DO&MR is a key ratio to analyze when calculating user rates. The City's target ratio is 150 days of funds in reserve. The graph below shows the DO&MR for the culinary water utility fund.

FIGURE 2.9: CULINARY WATER DEBT SERVICE COVERAGE RATIO AND TARGET



The City requires adequate cash reserves to meet operating, capital, and debt service requirements. Debt service reserves provide protection from defaulting on annual debt service payments in times of financial difficulty. One year of debt service payments is required in reserve, so each time the City issues new bonds, additional proceeds are added to the restricted reserve. Operating reserves may be used to meet ongoing cash flow requirements as well as emergency requirements.

FIGURE 2.10: CULINARY WATER RATE SUMMARY

CULINARY WATER RATE SUMMARY					
Year	2014	2015	2016	2017	2018
Increase to Culinary Water Revenues	9.0%	0.0%	5.0%	0.0%	0.0%
Culinary Water Connections	5,738	5,738	5,738	5,738	5,738
Growth Rates	4.82%	4.56%	4.35%	8.71%	9.94%
Net Change to Rates	0.00%	0.65%	0.00%	0.00%	0.00%
Coverage Ratio	0.62	0.59	0.69	0.87	1.07
Days Operations Expense Cash on Hand (Target: 150)	858	495	475	458	480

## CHAPTER 3: PRESSURIZED IRRIGATION RATES

### PRESSURIZED IRRIGATION SYSTEM OVERVIEW

Pressurized irrigation rates are structured to promote conservation of more expensive culinary water sources by developing lesser grade water sources for outdoor watering. The water delivered to these connections is only delivered for a portion of the year. The pressurized irrigation system is generally in operation for six months of the year from April to October.

Saratoga Springs' existing PI system is comprised of a pipe network, water storage ponds, and water supply sources. Though the system is master planned and the desire of the City is to have a completed system there are still a number of major facilities yet to be constructed. The majority of the systems in the north are piping only, relying on cross connections to the culinary water system to provide source and storage. The south system utilizes low quality groundwater, and canal water as sources with large storage ponds.

### CURRENT PRESSURIZED IRRIGATION USER RATE STRUCTURE

In the past, the pressurized irrigation user rates were structured as a flat monthly fee graduated according to lot size. The City has recently installed meters on the PI connections so the rate structure can now be updated to consider consumption to encourage an efficient use of PI water.

### CALCULATION OF THE PI RATES

The structure for the pressurized irrigation rates is changing significantly. The PI rates were previously calculated based entirely on lot size and charged as a flat monthly fee regardless of water use. However, the City has recently installed meters on the PI connections which allows the City to charge according to consumption. The proposed PI rate structure is being updated to charge according to actual consumption and to promote water conservation.

Each PI connection will be charged a base fee of \$65 per acre which will be multiplied by the gross lot size. Therefore, a quarter acre lot would be charged  $\frac{1}{4}$  of that base fee, or \$16.25. Consumption tiers are also based on the percentage of a monthly water allotment that is scaled according to the gross lot size and a reasonable estimate of water use to adequately irrigate and maintain landscaping. The monthly water allotment is determined according to the information in the table below. The gross lot size is multiplied by the Monthly Allotment per Acre to determine the water allotment for each user.

FIGURE 3.1: CALCULATION OF ALLOTMENT BY GROSS LOT SIZE

	Residential	Commercial
Acre feet per Irrigated Acre:	3.13	3.13
% Irrigable:	0.64	0.90
Gallons per Af:	325,860	325,860
Annual Allotment (Gal):	652,763	917,948
Monthly Allotment per Acre (Gal):	108,793.79	152,991.27

Once the allotment has been determined for each lot, the PI rates are charged according to the tiered rate schedule below. For a connection that uses 75% or less of their total allotment they are charged the base fee for their lot size and \$0.35 per 1,000 gallons of consumption. As consumption increases the price per thousand gallons increases as actual demand meets or exceeds the target monthly allotment.

FIGURE 3.2: RECOMMENDED PRESSURIZED IRRIGATION RATE STRUCTURE

Pressurized Irrigation				
Allotment	Price per 1K gal		Price per Acre	
Up to 75%	\$	0.35	Base Fee	\$ 65.00
Up to 100%		1.00		
Up to 150%		1.25		
Up to 200%		2.00		
Up to 250%		3.00		
Above 250%		3.80		

For example, a ¼ acre lot that consumes 20,000 gallons in a month would follow the steps listed below to calculate the monthly bill:

1. Base fee is calculated based on gross lot size at \$65 per acre.  $65 \times .25 = \$16.25$
2. Calculate the allotment based on lot size by multiplying 0.25 by 108,793 gallons equaling 27,198.45 per month.
3. A ¼ acre lot using 20,000 gallons per month is using less than 75% of their allotment (monthly allotment of 27,198.45 reduced to 75% is 20,398.84). Their monthly rate would be base rate (\$16.25) + 0.35 per 1,000 gallons ( $0.35 \times 20 = \$7.00$ ) so that connection would be assessed a PI rate of \$23.25.

### PRESSURIZED IRRIGATION DEMAND ANALYSIS

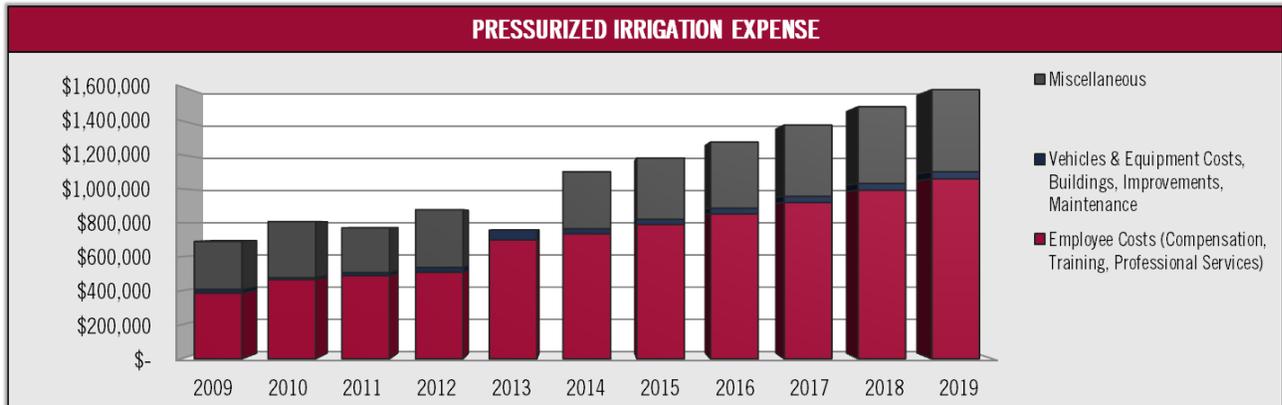
Overall, the City has 1,435 existing irrigated acres in the PI system. Three year usage data was completed on the metered connections and it was determined average of 0.62 acre feet of water was used per year per connection. Average peak month water use per meter was 1,528 gallons per day. Based on this data an equivalent residential connection (ERC) was identified as 0.5 acre feet of PI per year.

### PRESSURIZED IRRIGATION REVENUE REQUIREMENTS

#### **PRESSURIZED IRRIGATION OPERATIONS AND MAINTENANCE EXPENSE**

Several of the costs assigned to the pressurized irrigation system are shared with the culinary water system. The pressurized irrigation system is not operated throughout the entire year. Figure 3.3 shows the general cost categories defined for the pressurized irrigation system starting at approximately \$814,240 per year in 2013 and increasing to approximately \$1.1M in 2021. The operations and maintenance costs are also added to the capital project and bond financing costs to determine the total costs that rates must fund for the pressurized irrigation system.

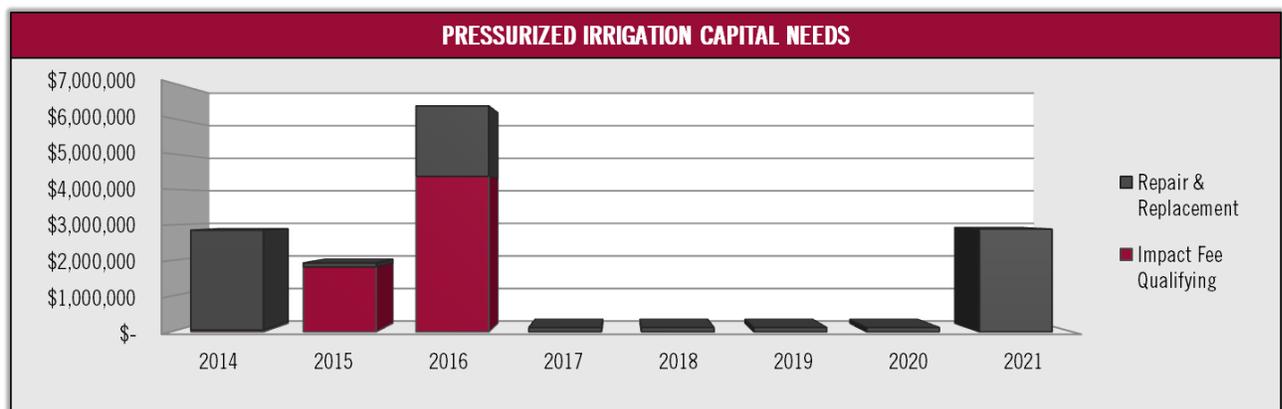
FIGURE 3.3: PRESSURIZED IRRIGATION EXPENSE



### PRESSURIZED IRRIGATION CAPITAL PROJECTS

The City has recently put a lot of funding toward water capital projects and has identified through the current pressurized irrigation CFP that future water capital facilities remain a priority.

FIGURE 3.4: PRESSURIZED IRRIGATION CAPITAL PROJECT EXPENSE



### FUTURE DEBT SERVICE PAYMENTS

There are outstanding bonds associated with the pressurized irrigation system. The City issued debt in 2005 and 65.36% of the 2009 bond that related to the PI utility. Both of those bonds were refunded by the Series 2014 bond. Additionally, a future bond is expected in 2016. As shown in Figure 3.5 all of the debt that the City must issue through 2021 for the water utilities relates to the PI system.

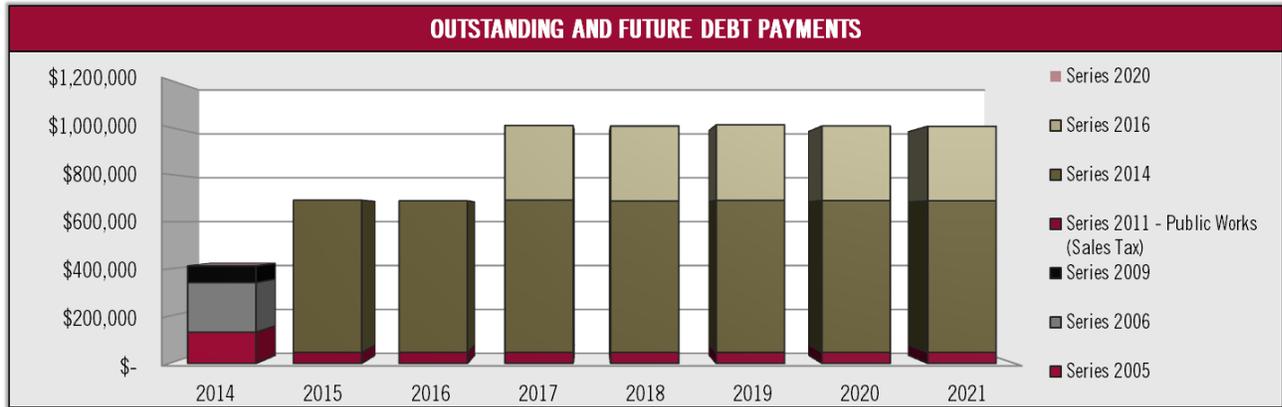
### FUTURE PROPOSED BONDS

FIGURE 3.5: SUMMARY OF OUTSTANDING AND FUTURE CULINARY AND PI WATER DEBT

Bond Issue	Total Par Amount	Interest	Total Debt Service	% to Water	% to PI
Series 2011 Public Works	\$ 4,000,000	\$ 1,820,163	\$ 5,820,163	33%	16%
Series 2014 Water Revenue Bond	10,000,000	4,406,184	14,406,184	11%	89%
Series 2016 Water Revenue Bond	4,395,000	1,937,309	6,332,309	0%	100%
<b>Totals</b>	<b>\$ 18,395,000</b>	<b>\$ 8,163,655</b>	<b>\$ 26,558,655</b>		

Figure 3.6 shows the schedule of outstanding and future debt payments. As mentioned previously, the Series 2005, 2006 and 2009 Bonds were refunded with the Series 2014 Bond.

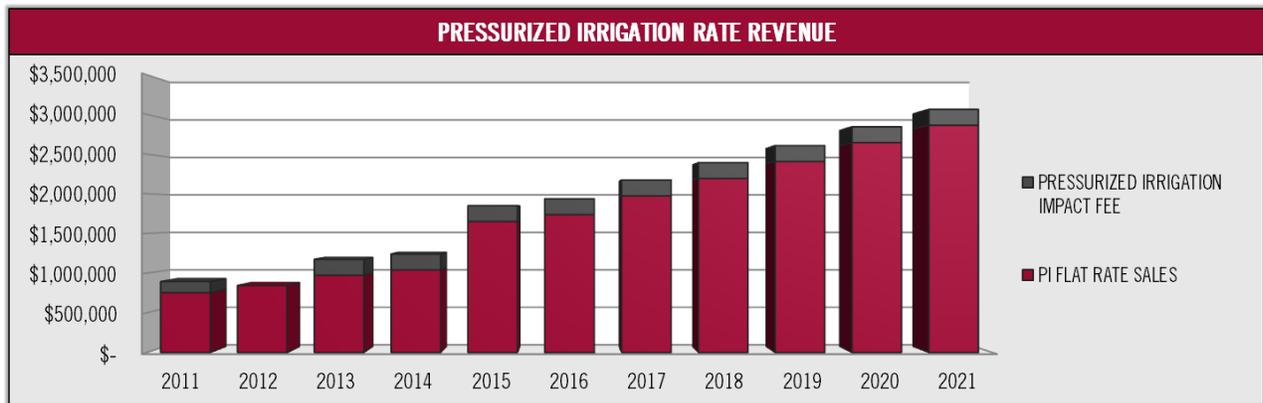
**FIGURE 3.6: SCHEDULE OF OUTSTANDING AND FUTURE CULINARY AND PI DEBT PAYMENTS**



### ANNUAL REVENUE REQUIREMENT TO BE COLLECTED

As shown below, the City needs to generate approximately \$1.65M in FY 2015 through pressurized irrigation water rates to cover the costs of the PI system. This amount will increase to just over \$2.9M in FY 2021 with increases to cost inflation, additional capital projects, and revenue requirements related to outstanding debt.

**FIGURE 3.7: RECOMMENDED PI ANNUAL REVENUE REQUIREMENT (2011 TO 2021)**



### CASH RESERVE LEVELS (DAYS OPERATION & MAINTENANCE IN RESERVE, DO&MR)

As explained in Chapter 1, DO&MR is a key ratio to analyze when calculating user rates. The City’s minimum target ratio is 150 days of funds in reserve. The graph below shows the DO&MR for the pressurized irrigation utility fund.

FIGURE 3.8: PRESSURIZED IRRIGATION DEBT SERVICE COVERAGE RATIO AND TARGET

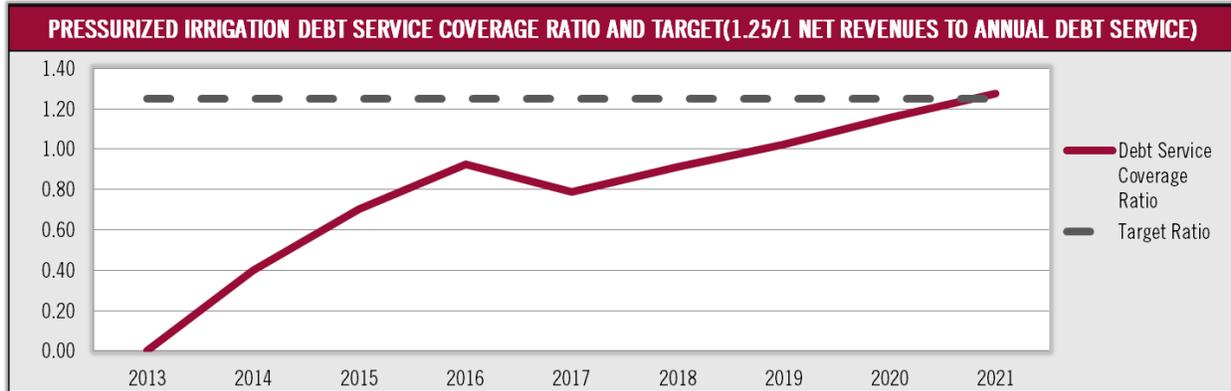


FIGURE 3.9: PRESSURIZED IRRIGATION RATE SUMMARY

PRESSURIZED IRRIGATION					
Year	2014	2015	2016	2017	2018
Increase to Pressurized Irrigation Revenues	60.0%	0.0%	10.0%	10.0%	10.0%
PI Connections	4,899	5,122	5,345	5,811	6,388
Growth Rates	4.82%	4.56%	4.35%	8.71%	9.94%
Net Change to Rates	55.18%	0.00%	0.00%	5.65%	1.29%
Coverage Ratio	0.40	0.70	0.93	0.79	0.91
Days Operations Expense Cash on Hand (Target: 150)	1,305	801	287	90	83

### IMPACT ON RESIDENTIAL AND COMMERCIAL/INDUSTRIAL USER RATES

The recommended pressurized irrigation rates will change the cost that users pay monthly for pressurized irrigation service.

FIGURE 3.10: COMPARISON OF RESIDENTIAL PI WATER BILLS ACCORDING TO LOT SIZE AND USAGE

Lot Size (Acre)	Current Monthly Bill (1Acre)	Base Monthly Fee	Up to 75% of allotment	Up to 100% of allotment	Up to 150% of allotment	Up to 200% of allotment	Up to 250% of allotment	300% of allotment
2.00	\$ 208	\$ 130	\$ 210	\$ 287	\$ 478	\$ 784	\$ 1,243	\$ 1,825
1.50	156	98	158	215	359	588	932	1,369
1.00	104	65	105	143	239	392	622	913
0.75	78	49	79	108	179	294	466	684
0.50	52	33	53	72	120	196	311	456
0.25	26	16	26	36	60	98	155	228



## APPENDICES

# WATER APPENDIX A: CURRENT AND PROPOSED CULINARY WATER AND PRESSURIZED IRRIGATION USER RATES

Saratoga Springs City Utility User Rate Analysis - April 2015

Table A.1: Current Culinary Water Rates						
Culinary Water All Users						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	999,999,999	\$ 1.55	101	All Meters* \$ 15.08		
*Single family homes in the City are allowed a 5/8" or 3/4" meter						
Hydrant Meter Water Usage						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	999,999,999	\$ 1.33	102	All Meters* \$ -		
Condominiums						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	999,999,999	\$ 1.40	104	All Meters \$ 15.08		
Daybreak Bypass Meter						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	999,999,999	\$ 1.40	105	All Meters \$ -		

**Table A.3: Current Pressurized Irrigation Rates**

Current Pressurized Irrigation			
Table No.	Base Fee		
701	Acre	\$ 67.48	
701	Half Acre	33.74	
701	Third Acre	22.27	
701	Quarter Acre	16.87	

**Table A.4 Proposed Pressurized Irrigation Rates**

Pressurized Irrigation - Reliance on Combined Water Coverage for 1.25 X Coverage				
Table No.	Base Fee			
701	Acre	\$ 104.72	1	
701	Half Acre	52.36	0.5	
701	Third Acre	34.56	0.33	
701	Quarter Acre	26.18	0.25	

**TABLE A.2: Proposed Water Rate Structures**

Culinary Water Residential With 3,000 Gal Allotment						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	3,000	\$ -	101	0.75" \$ 17.75		
3,001	7,000	2.40	102	1" 17.75		
7,001	12,000	3.25				
12,001	999,999,999	4.00				

Culinary Water Multi-Family/Condominiums - Per Unit With 3,000 Gal Allotment						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	3,000	\$ -	103	3/4" \$ 17.75		
3,001	7,000	2.40	104	1" 17.75		
7,001	12,000	3.25				
12,001	999,999,999	4.00				

Culinary Water Commercial/Industrial per Connection With 3,000 Gal Allotment						
Minimum	Maximum	Price per 1Kgal	Table No.	Base Fee		
-	Unlimited	1.65	112	3/4" \$ 17.75		
			113	1" 23.08		
			114	1.5" 28.40		
			115	2" 46.15		
			116	3" 177.50		
			117	4" 225.43		
			118	6" 339.03		
			119	8" 468.60		

Pressurized Irrigation						
Allotment	Price per 1Kgal	Base Fee		Price per Acre		
Up to 75%	\$ 0.35			\$ 65.00		
Up to 100%	1.00					
Up to 150%	1.25					
Up to 200%	2.00					
Up to 250%	3.00					
Above 250%	3.80					

A B C D E F G H I J K L M

WATER APPENDIX B: COMBINED CULINARY AND PI COVERAGE  
Saratoga Springs City Utility User Rate Analysis - April 2015

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Total Blended Increase to Culinary/PI Rate Revenues	5.21%	4.07%	9.92%	2.55%	5.63%	5.25%	4.90%	4.86%	3.96%
Growth Rates		4.82%	4.56%	4.35%	8.71%	9.94%	9.75%	9.58%	7.53%
Net Change to Rates		3.32%	15.29%	0.74%	2.56%	0.56%	0.05%	0.15%	0.40%
Change to Non Rate Revenue	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Coverage Ratio Without Impact Fees	-	2.09	1.15	1.32	1.11	1.25	1.37	1.52	1.64
Days Operational Expense Cash on Hand (Target: 150)	-	-	472	296	251	242	246	262	78

Table B.1: Combined Culinary and Pressurized Irrigation Coverage Table

Fiscal Year	BUDGET				BUDGET						
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
<b>Annual Cash Balances (Target: &gt; 150 Days O&amp;M Budget)</b>					\$ 8,282,739	\$ 4,516,698	\$ 2,852,511	\$ 2,565,243	\$ 2,640,755	\$ 2,861,394	\$ 3,255,234
<b>Target Cash Balances</b>	676,664	785,211	837,194	1,146,955	1,436,721	1,447,066	1,535,362	1,638,079	1,747,660	1,864,594	1,974,053
<b>Operational Revenues</b>											
CULINARY WATER METERED SALES	\$ 1,273,546	\$ 1,428,884	\$ 1,534,486	\$ 1,671,708	\$ 1,600,000	\$ 1,678,267	\$ 1,826,262	\$ 2,007,792	\$ 2,203,552	\$ 2,414,652	\$ 2,596,476
PRESSURIZED IRRIGATION WATER SALES	751,692	842,121	973,040	1,040,036	1,650,000	1,737,313	1,974,166	2,191,818	2,407,529	2,644,872	2,864,176
OTHER CULINARY WATER OPERATIONAL REVENUES	138,903	216,242	272,266	180,600	185,500	189,210	192,994	196,854	200,791	204,807	208,903
OTHER PRESSURIZED IRRIGATION OPERATIONAL REVENUES	-	-	-	-	-	-	-	-	-	-	-
<b>Total Operational Revenues</b>	<b>\$ 2,164,141</b>	<b>\$ 2,487,248</b>	<b>\$ 2,779,792</b>	<b>\$ 2,892,344</b>	<b>\$ 3,435,500</b>	<b>\$ 3,604,789</b>	<b>\$ 3,993,422</b>	<b>\$ 4,396,464</b>	<b>\$ 4,811,872</b>	<b>\$ 5,264,331</b>	<b>\$ 5,669,554</b>
<b>Non-Operational Revenues</b>											
CULINARY NON-OPERATIONAL NET REVENUES/(EXPENSE)	\$ 63,235	\$ 56,359	\$ 65,174	\$ 55,000	\$ 55,000	\$ 56,100	\$ 57,222	\$ 58,366	\$ 59,534	\$ 60,724	\$ 61,939
PI NON-OPERATIONAL NET REVENUES/(EXPENSE)	-	-	-	-	-	-	-	-	-	-	-
CULINARY WATER IMPACT FEES (Non-LMMWC)	646,500	1,617,060	1,519,661	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000
PRESSURIZED IRRIGATION IMPACT FEES	141,600	(2,665)	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
CULINARY WATER IMPACT FEE DUE TO LMMWC	431,250	1,078,040	1,013,661	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000
<b>Total Non-Operational Revenues</b>	<b>\$ 1,282,585</b>	<b>\$ 2,748,795</b>	<b>\$ 2,798,496</b>	<b>\$ 1,155,000</b>	<b>\$ 1,155,000</b>	<b>\$ 1,156,100</b>	<b>\$ 1,157,222</b>	<b>\$ 1,158,366</b>	<b>\$ 1,159,534</b>	<b>\$ 1,160,724</b>	<b>\$ 1,161,939</b>
<b>Total Operational Revenues</b>	<b>\$ 3,446,726</b>	<b>\$ 5,236,043</b>	<b>\$ 5,578,288</b>	<b>\$ 4,047,344</b>	<b>\$ 4,590,500</b>	<b>\$ 4,760,889</b>	<b>\$ 5,150,644</b>	<b>\$ 5,554,831</b>	<b>\$ 5,971,406</b>	<b>\$ 6,425,055</b>	<b>\$ 6,831,493</b>
<i>Annual % Change</i>		51.91%	6.54%	-27.44%	13.42%	3.71%	8.19%	7.89%	7.00%	7.69%	6.83%
<b>Operational Expenses</b>											
PRESSURIZED IRRIGATION OPERATIONAL EXPENSES	\$ (956,316)	\$ (1,104,152)	\$ (1,267,008)	\$ (1,314,868)	\$ 4,590,500	\$ 4,760,889	\$ 5,150,644	\$ 5,554,831	\$ 5,971,406	\$ 6,425,055	\$ 6,831,493
CULINARY WATER OPERATIONAL EXPENSES	(690,232)	(806,528)	(770,163)	(876,057)	(1,731,995)	(1,821,626)	(1,955,606)	(2,111,468)	(2,277,746)	(2,455,183)	(2,621,276)
Payments to LMMWC	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)
<b>Total Operational Expenses</b>	<b>\$ (1,646,548)</b>	<b>\$ (1,910,680)</b>	<b>\$ (2,037,172)</b>	<b>\$ (2,790,925)</b>	<b>\$ (3,496,020)</b>	<b>\$ (3,521,195)</b>	<b>\$ (3,736,048)</b>	<b>\$ (3,985,992)</b>	<b>\$ (4,252,638)</b>	<b>\$ (4,537,179)</b>	<b>\$ (4,803,529)</b>
<i>Annual % Change</i>		16.04%	6.62%	37.00%	25.86%	(2.896,020)	(2,921,195)	(3,136,048)	(3,385,992)	(3,652,638)	(3,937,179)
<b>Net Revenues Available for Debt Service</b>	<b>\$ 1,800,178</b>	<b>\$ 3,325,363</b>	<b>\$ 3,541,116</b>	<b>\$ 1,256,419</b>	<b>\$ 1,094,480</b>	<b>\$ 1,239,695</b>	<b>\$ 1,414,596</b>	<b>\$ 1,568,839</b>	<b>\$ 1,718,768</b>	<b>\$ 1,887,876</b>	<b>\$ 2,027,964</b>
<i>Annual % Change</i>		84.99%	6.62%	-27.44%	(15.42%)	10.51%	12.54%	9.51%	8.14%	7.69%	6.83%
<b>Future Debt</b>											
Series 2005	\$ (147,701)	\$ (147,590)	\$ (147,365)	\$ (147,024)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Series 2006	(232,883)	(233,403)	(232,763)	(232,995)	-	-	-	-	-	-	-
Series 2009	(78,070)	(78,240)	(78,326)	(78,330)	-	-	-	-	-	-	-
Series 2011 - Public Works (Sales Tax)	-	(94,953)	(95,215)	(95,426)	(95,590)	(95,704)	(95,769)	(95,785)	(95,198)	(96,177)	(95,394)
Series 2011 - Public Works (Sales Tax) - Pond 6	-	-	-	-	(46,472)	(46,528)	(46,560)	(46,568)	(46,280)	(46,760)	(46,376)
Series 2014	-	-	-	-	(722,459)	(719,650)	(722,550)	(718,475)	(722,300)	(720,750)	(719,775)
Series 2016	-	-	-	-	-	-	(315,984)	(317,500)	(319,350)	(315,350)	(315,475)
Series 2020	-	-	-	-	-	-	-	-	-	-	-
<b>Total Outstanding and Future Debt</b>	<b>\$ (458,654)</b>	<b>\$ (554,186)</b>	<b>\$ (553,669)</b>	<b>\$ (553,775)</b>	<b>\$ (864,521)</b>	<b>\$ (861,882)</b>	<b>\$ (1,180,863)</b>	<b>\$ (1,178,328)</b>	<b>\$ (1,183,128)</b>	<b>\$ (1,179,037)</b>	<b>\$ (1,177,020)</b>
<i>Annual % Change</i>		20.16%	-1.70%	-0.18%	(37.86%)	(0.31%)	(27.84%)	(0.21%)	(0.42%)	(0.85%)	(0.17%)
Rate Stabilization Fund - Water Rights	\$ -	\$ -	\$ -	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000
<b>Coverage Ratio with Impact Fees (Min: &gt;1.25, Target: &gt;1.5)</b>											
					2.99	1.90	1.54	1.67	1.79	1.94	2.06
<b>Coverage Ratio Without Impact Fees (Min: &gt;1.00)</b>											
					2.09	1.32	1.11	1.25	1.37	1.52	1.64
<b>Net Revenues After Debt Service</b>											
					\$ 702,645	\$ 229,959	\$ 377,813	\$ 233,732	\$ 390,511	\$ 535,640	\$ 708,839
<b>Net Revenues After Debt Services</b>											
					\$ 702,645	\$ 229,959	\$ 377,813	\$ 233,732	\$ 390,511	\$ 535,640	\$ 708,839
<b>Ending Cash Balance</b>											
					\$ 4,516,698	\$ 2,852,511	\$ 2,565,243	\$ 2,640,755	\$ 2,861,394	\$ 3,255,234	\$ 1,023,178

FOOTNOTES

1 Cash balances is combination of operational cash, impact fees, and bond proceeds

Red numbers in the coverage table are for cross checking tables

Fund 51	869,581
Culinary Water Impact Fees	338,516
Pressurized Irrigation Impact Fees	547,980
Water Rights Fund	3,026,662
<b>Beginning Cash Fund Balance</b>	<b>\$ 4,782,739</b>

WATER APPENDIX C: CULINARY COVERAGE  
Saratoga Springs City Utility User Rate Analysis - April 2015

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Increase to Culinary Water Revenues - March 2014 Adoption	0.00%	9.00%	0.00%	5.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Growth Rates	4.96%	4.82%	4.56%	4.35%	8.71%	9.94%	9.75%	9.58%	7.53%
Net Change to Rates	4.18%	0.00%	0.65%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Change to Non-Rate Revenues	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
Coverage Ratio Without Impact Fees	-	4.19	0.62	0.59	0.69	0.87	1.07	1.29	1.42
Days Operational Expense Cash on Hand (Target: 150)	205	414	858	495	475	458	480	419	416

Table C.1: Culinary Water Coverage Table

Fiscal Year	2011	2012	2013	2014	BUDGET 2015	2016	2017	2018	2019	2020	2021
Beginning Annual Operating Cash Balance		\$ -	\$ -	\$ -	\$ 4,234,759	\$ 2,405,359	\$ 2,433,595	\$ 2,274,372	\$ 2,352,248	\$ 2,464,883	\$ 2,615,577
Target Cash Balances	393,007	453,761	520,688	540,357	711,779	748,613	803,674	867,727	936,060	1,008,979	1,077,237
Operational Revenues											
WATER METERED SALES	\$ 1,273,546	\$ 1,428,884	\$ 1,534,486	\$ 1,671,708	\$ 1,600,000	\$ 1,678,267	\$ 1,826,262	\$ 2,007,792	\$ 2,203,552	\$ 2,414,652	\$ 2,596,476
OTHER (CONSTRUCTION WATER)	17,300	33,669	58,344	23,100	28,000	28,560	29,131	29,714	30,308	30,914	31,533
SERVICING INSTALLATIONS	117,200	181,345	210,882	157,500	157,500	160,650	163,863	167,140	170,483	173,893	177,371
INTEREST EARNINGS	4,403	1,229	3,040	-	-	-	-	-	-	-	-
CULINARY WATER IMPACT FEE	215,250	539,020	506,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000	300,000
CULINARY WATER IMPACT FEE DUE TO LMMWC	431,250	1,078,040	1,013,661	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000
<b>Total Operational Revenues</b>	<b>\$ 2,058,948</b>	<b>\$ 3,262,187</b>	<b>\$ 3,326,413</b>	<b>\$ 2,752,308</b>	<b>\$ 2,685,500</b>	<b>\$ 2,767,477</b>	<b>\$ 2,919,256</b>	<b>\$ 3,104,646</b>	<b>\$ 3,304,343</b>	<b>\$ 3,519,459</b>	<b>\$ 3,705,379</b>
Non-Operational Revenues											
FORFEITURES AND PENALTIES	\$ 63,235	\$ 56,359	\$ 65,174	\$ 55,000	\$ 55,000	\$ 56,100	\$ 57,222	\$ 58,366	\$ 59,534	\$ 60,724	\$ 61,939
<b>Total Non-Operational Revenues</b>	<b>\$ 63,235</b>	<b>\$ 56,359</b>	<b>\$ 65,174</b>	<b>\$ 55,000</b>	<b>\$ 55,000</b>	<b>\$ 56,100</b>	<b>\$ 57,222</b>	<b>\$ 58,366</b>	<b>\$ 59,534</b>	<b>\$ 60,724</b>	<b>\$ 61,939</b>
<b>Annual % Change</b>		<b>58.44%</b>	<b>1.97%</b>	<b>-17.26%</b>	<b>-2.43%</b>	<b>3.05%</b>	<b>5.48%</b>	<b>6.35%</b>	<b>6.43%</b>	<b>6.91%</b>	<b>6.28%</b>
Operational Expenses											
SALARIES & WAGES	\$ (300,342)	\$ (142,981)	\$ (162,616)	\$ (161,239)	\$ (221,319)	\$ (232,772)	\$ (249,893)	\$ (269,809)	\$ (291,057)	\$ (313,730)	\$ (334,954)
EMPLOYEE BENEFITS	(119,487)	(81,558)	(94,631)	(88,377)	(93,994)	(98,858)	(106,129)	(114,588)	(123,611)	(133,241)	(142,255)
OVERTIME PAY	(11,592)	(18,395)	(25,681)	(20,233)	(20,233)	(21,280)	(22,845)	(24,666)	(26,608)	(28,681)	(30,621)
UNIFORMS / CLOTHING	(3,841)	(2,510)	(5,317)	(2,862)	(4,304)	(4,527)	(4,860)	(5,247)	(5,660)	(6,101)	(6,514)
ADMINISTRATIVE CHARGE	(71,418)	(422,542)	(404,648)	(364,195)	(526,069)	(553,293)	(593,988)	(641,329)	(691,833)	(745,727)	(796,175)
VEHICLES	(31,012)	(589)	-	(21,327)	(21,327)	(22,431)	(24,080)	(26,000)	(28,047)	(30,232)	(32,277)
VEHICLE MAINTENANCE	(7,596)	(16,739)	(13,378)	(16,500)	(16,500)	(17,354)	(18,630)	(20,115)	(21,699)	(23,390)	(24,972)
GAS CARD	(16,642)	(22,182)	(21,732)	(16,800)	(16,800)	(17,669)	(18,969)	(20,481)	(22,094)	(23,815)	(25,426)
POWER AND PUMPING (70% TO CULINARY)	(127,412)	(169,212)	(138,585)	(142,800)	(145,656)	(153,194)	(164,461)	(177,569)	(191,552)	(206,474)	(220,442)
SCADA SYSTEM EXPENSES (33% TO CULINARY)	(189)	(848)	(200)	(12,177)	(594)	(625)	(671)	(724)	(781)	(842)	(899)
PROF & TECH SERVICE - ATTORNEY (50% TO CULINARY)	(16,263)	(5,535)	-	(6,000)	(6,000)	-	-	-	-	-	-
PROF & TECH SERVICE - ENGINEER (50% TO CULINARY)	(5,953)	-	-	(1,250)	(1,250)	(1,315)	(1,411)	(1,524)	(1,644)	(1,772)	(1,892)
BLUE STAKES EXPENSES (50% TO CULINARY)	(1,555)	(2,337)	(2,551)	(1,950)	(2,460)	(2,587)	(2,778)	(2,999)	(3,235)	(3,487)	(3,723)
EDUCATION/TRAINING	(1,033)	(1,035)	(6,868)	(6,696)	(6,700)	(7,047)	(7,565)	(8,168)	(8,811)	(9,498)	(10,140)
CONTRACT SERVICES	(4,830)	(5,397)	(4,948)	(23,500)	(6,000)	(6,311)	(6,755)	(7,315)	(7,891)	(8,505)	(9,081)
SOURCE AND SUPPLY	(100)	-	-	-	-	-	-	-	-	-	-
PURIFICATION	(2,750)	(4,800)	(4,626)	(4,000)	(4,000)	(4,207)	(4,516)	(4,876)	(5,260)	(5,670)	(6,054)
WATER METER	(164,684)	(156,678)	(270,878)	(300,585)	(338,985)	(356,527)	(382,750)	(413,255)	(445,799)	(480,527)	(513,034)
SHOP AND MAINTENANCE	(4,465)	(12,322)	(48,335)	(11,800)	(11,800)	(12,411)	(13,323)	(14,385)	(15,518)	(16,727)	(17,859)
CUL WATER EQUIPMENT	(1,480)	(4,842)	(854)	(7,020)	(2,020)	(2,125)	(2,281)	(2,463)	(2,657)	(2,863)	(3,057)
C SHOP AND MAINTENANCE DISTRIBUTION	(10,863)	(36,775)	(37,527)	(66,400)	(50,000)	(52,588)	(56,455)	(60,955)	(65,755)	(70,877)	(75,472)
C SHOP AND MAINTENANCE WELL HOUSE	(52,810)	14,007	(15,213)	(35,000)	(35,000)	(36,811)	(39,519)	(42,668)	(46,028)	(49,614)	(52,971)
BAD DEBT EXPENSE	-	(10,881)	(8,400)	(4,157)	(4,365)	(4,591)	(4,929)	(5,321)	(5,740)	(6,188)	(6,606)
MISCELLANEOUS EXPENSES	-	-	(20)	-	-	-	-	-	-	-	-
TRANSFER OUT-CAP PROJECT	-	-	-	-	-	-	-	-	-	-	-
Replacement Meters	-	-	-	-	(148,000)	(155,659)	(167,108)	(180,426)	(194,635)	(209,797)	(223,990)
Additional Employee	-	-	-	-	(54,619)	(57,446)	(61,671)	(66,586)	(71,425)	(77,425)	(82,663)
<b>Total Operational Expenses</b>	<b>\$ (956,316)</b>	<b>\$ (1,104,152)</b>	<b>\$ (1,267,008)</b>	<b>\$ (1,314,868)</b>	<b>\$ (1,731,995)</b>	<b>\$ (1,821,626)</b>	<b>\$ (1,955,606)</b>	<b>\$ (2,111,468)</b>	<b>\$ (2,277,746)</b>	<b>\$ (2,455,183)</b>	<b>\$ (2,621,276)</b>
Payments to LMMWC				(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)
<b>Net Revenues Available for Debt Service</b>	<b>\$ 1,165,867</b>	<b>\$ 2,214,394</b>	<b>\$ 2,124,579</b>	<b>\$ 892,440</b>	<b>\$ 408,505</b>	<b>\$ 401,951</b>	<b>\$ 420,872</b>	<b>\$ 451,545</b>	<b>\$ 486,131</b>	<b>\$ 525,001</b>	<b>\$ 546,042</b>
Outstanding Debt											
Series 2005	\$ (14,770)	\$ (14,759)	\$ (14,736)	\$ (14,702)							
Series 2006	(23,288)	(23,340)	(23,276)	(23,300)							
Series 2009	(7,807)	(7,824)	(7,833)	(7,833)							
Series 2011 - Public Works (Sales Tax)	-	(94,953)	(95,215)	(95,426)	(95,590)	(95,704)	(95,769)	(95,785)	(95,198)	(96,177)	(95,394)
Series 2014	-	-	-	-	(78,315)	(78,011)	(78,325)	(77,883)	(78,298)	(78,130)	(78,024)
Series 2016	-	-	-	-	-	-	-	-	-	-	-
Series 2020	-	-	-	-	-	-	-	-	-	-	-
<b>Total Outstanding and Future Debt</b>	<b>\$ (45,865)</b>	<b>\$ (140,876)</b>	<b>\$ (141,060)</b>	<b>\$ (141,261)</b>	<b>\$ (173,905)</b>	<b>\$ (173,715)</b>	<b>\$ (174,094)</b>	<b>\$ (173,668)</b>	<b>\$ (173,496)</b>	<b>\$ (174,307)</b>	<b>\$ (173,418)</b>
<b>Coverage Ratio with Impact Fees (Min: &gt;1.25, Target: &gt;1.5)</b>				<b>6.32</b>	<b>2.35</b>	<b>2.31</b>	<b>2.42</b>	<b>2.60</b>	<b>2.80</b>	<b>3.01</b>	<b>3.15</b>
<b>Coverage Ratio Without Impact Fees (Min: &gt;1.00)</b>				<b>4.19</b>	<b>0.62</b>	<b>0.59</b>	<b>0.69</b>	<b>0.87</b>	<b>1.07</b>	<b>1.29</b>	<b>1.42</b>
<b>Net Operating Revenues After Debt Services</b>				<b>\$ 751,179</b>	<b>\$ 234,600</b>	<b>\$ 228,236</b>	<b>\$ 246,777</b>	<b>\$ 277,876</b>	<b>\$ 312,635</b>	<b>\$ 350,694</b>	<b>\$ 372,623</b>
Impact Fee Qualifying Capital Expense				\$ (145,790)	\$ (1,864,000)	\$ -	\$ (206,000)	\$ -	\$ -	\$ -	\$ -
Non-Impact Fee Qualifying Capital Expense					(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)
LMMWC Payoff						(200,000)	(200,000)	(200,000)	(200,000)	(200,000)	(200,000)
<b>Culinary Water Capital Expenses</b>				<b>\$ (145,790)</b>	<b>\$ (2,064,000)</b>	<b>\$ (200,000)</b>	<b>\$ (406,000)</b>	<b>\$ (200,000)</b>	<b>\$ (200,000)</b>	<b>\$ (200,000)</b>	<b>\$ (200,000)</b>
<b>Bond Proceeds</b>				<b>739,838</b>							
<b>Ending Cash</b>				<b>\$ 1,345,227</b>	<b>\$ (1,829,400)</b>	<b>\$ 28,236</b>	<b>\$ (159,223)</b>	<b>\$ 77,876</b>	<b>\$ 112,635</b>	<b>\$ 150,694</b>	<b>\$ 172,623</b>
					<b>2,405,359</b>	<b>2,433,595</b>	<b>2,274,372</b>	<b>2,352,248</b>	<b>2,464,883</b>	<b>2,615,577</b>	<b>2,788,200</b>

WATER APPENDIX D: PI COVERAGE  
Saratoga Springs City Utility User Rate Analysis - April 2015

Mar-16

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
<b>Increase to Pressurized Irrigation Revenues - April Adoption</b>	0.00%	60.00%	0.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
<b>Growth Rates</b>	4.96%	4.82%	4.56%	4.35%	8.71%	9.94%	9.75%	9.58%	7.53%
<b>Net Change to Rates (Implemented in April)</b>	55.18%	0.00%	5.65%	1.29%	0.06%	0.25%	0.42%	2.47%	
<b>Change to Non-Rate Revenues</b>	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%	2.00%
<b>Coverage Ratio Without Impact Fees</b>	-	0.40	0.70	0.93	0.79	0.91	1.02	1.16	1.28
<b>Days Operational Expense Cash on Hand (Target: 365)</b>	-	1,305	801	287	90	83	105	158	(407)

Apr-14

Table D.1: Pressurized Irrigation Coverage Table

Fiscal Year	2011				2012				2013				2014				BUDGET			
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2015	2016	2017	2018	2019	2020	2021		
<b>Beginning Annual Operating Cash Balance</b>					\$ 4,047,980	\$ 2,111,340	\$ 418,516	\$ 290,871	\$ 288,506	\$ 396,512	\$ 639,657									
<b>Target Cash Balances</b>	\$ 283,657	\$ 331,450	\$ 316,505	\$ 360,023	\$ 478,366	\$ 451,878	\$ 485,113	\$ 523,777	\$ 565,024	\$ 609,040	\$ 650,241									
<b>Revenues</b>																				
Operational Revenues																				
WATER METERED SALES																				
OTHER (CONSTRUCTION WATER)																				
SERVICING INSTALLATIONS																				
FORFEITURES AND PENALTIES																				
INTEREST EARNINGS																				
PI FLAT RATE SALES		751,692	842,121	973,040	1,040,036	1,650,000	1,737,313	1,974,166	2,191,818	2,407,529	2,644,872							2,864,176		
CONTRIBUTIONS																				
WATER RIGHTS DEVELOPER FEES																				
TRANSFERS FROM OTHER FUNDS																				
WATER FUND BAL - APPROPRIATED																				
APPROPRIATED RETAINED EARNINGS																				
TRANSFER TO GENERAL FUND																				
TRANSFER TO CAPITL PROJ FUND																				
LEASE FINANCING (LIABILITY)																				
DW BOND REVENUE																				
TRANSFER TO DEBT SERVICE FUND																				
PRESSURIZED IRRIGATION IMPACT FEE		141,600	(2,655)	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000									
<b>Total Operational Revenues</b>	\$ 893,292	\$ 839,457	\$ 1,173,040	\$ 1,240,036	\$ 1,850,000	\$ 1,937,313	\$ 2,174,166	\$ 2,391,818	\$ 2,607,529	\$ 2,844,872	\$ 3,064,176									
<b>Annual % Change</b>		-6.03%	39.74%	5.71%	49.19%	4.72%	12.23%	10.01%	9.02%	9.10%	7.71%									
<b>Operational Expenses</b>																				
SALARIES & WAGES	\$ (267,699)	\$ (87,744)	\$ (96,178)	\$ (96,079)	\$ (96,380)	\$ (101,368)	\$ (108,823)	\$ (117,496)	\$ (126,749)	\$ (136,623)	\$ (145,861)									
EMPLOYEE BENEFITS	(89,822)	(41,410)	(40,308)	(45,845)	(48,995)	(51,530)	(55,211)	(59,730)	(64,433)	(69,453)	(74,151)									
OVERTIME PAY	(5,897)	(2,792)	(9,768)	(8,330)	(8,330)	(8,761)	(9,405)	(10,155)	(10,955)	(11,808)	(12,607)									
ADMIN FEE TO DEBT SERVICE					(118,559)															
VEHICLES	(757)	-	-	(5,477)	(5,477)	(5,760)	(6,184)	(6,677)	(7,203)	(7,764)	(8,289)									
VEHICLE MAINTENANCE	(4,834)	(1,866)	(3,117)	(5,500)	(5,541)	(5,828)	(6,256)	(6,755)	(7,287)	(7,855)	(8,386)									
GASOLINE EXPENSES	(5,970)	(7,445)	(5,236)	(6,300)	(6,300)	(6,626)	(7,113)	(7,680)	(8,285)	(8,931)	(9,535)									
PRESSURIZED IRRIGATION POWER & PUMPING	(107,282)	(159,348)	(121,538)	(142,700)	(154,559)	(162,557)	(174,514)	(188,422)	(203,611)	(219,095)	(233,916)									
EDUCATION/TRAINING	(553)	(365)	(1,100)	(3,000)	(3,155)	(3,387)	(3,657)	(3,945)	(4,253)	(4,540)	(4,840)									
CONTRACT SERVICES	-	-	-	(17,400)	(17,400)	(18,300)	(19,646)	(21,212)	(22,883)	(24,665)	(26,334)									
PI SOURCE & SUPPLY	(95,301)	(37,632)	(30,535)	(25,000)	(25,000)	(26,856)	(29,671)	(32,421)	(35,108)	(37,735)	(40,303)									
PI TRANSMISSION & DIST	-	-	-	-	-	-	-	-	-	-	-									
SHOP AND MAINTENANCE	(6,268)	(1,668)	(10,175)	(5,000)	(5,000)	(5,259)	(5,646)	(6,095)	(6,575)	(7,088)	(7,567)									
PRESSURIZED IRRIGATION EQUIPMENT	(3,996)	(1,186)	(1,188)	(5,500)	(5,500)	(3,681)	(3,952)	(4,267)	(4,603)	(4,961)	(5,297)									
PI MAINTENANCE DISTRIBUTION	(13,530)	(19,508)	(13,121)	(55,000)	(35,000)	(36,811)	(39,519)	(42,568)	(46,028)	(49,514)	(52,971)									
PI MAINTENANCE WELL & PUMPS	(9,361)	(36,186)	(35,086)	(28,000)	(28,000)	(29,449)	(31,815)	(34,135)	(36,823)	(39,691)	(42,376)									
CANAL MAINTENANCE	(208)	(173)	(212)	(2,000)	(2,000)	(2,104)	(2,258)	(2,438)	(2,630)	(2,835)	(3,027)									
MISCELLANEOUS EXPENSES	-	-	-	-	-	-	-	-	-	-	-									
WATER METERS	-	-	-	-	-	-	-	-	-	-	-									
ADMINISTRATIVE CHARGE	-	(327,116)	(341,258)	(330,172)	(523,619)	(550,716)	(591,221)	(638,342)	(688,611)	(742,254)	(792,468)									
POWER AND PUMPING - WATER - 30%	(54,605)	(72,519)	(59,394)	(61,200)	(62,424)	(65,654)	(70,483)	(76,101)	(82,094)	(88,489)	(94,715)									
SCADA SYSTEM EXPENSES - 66%	(378)	(1,696)	(400)	(24,354)	(1,188)	(1,249)	(1,341)	(1,448)	(1,564)	(1,684)	(1,798)									
PROF AND TECH SERVICE - ATTORNEY - 50%	(16,263)	(5,535)	-	(6,000)	-	-	-	-	-	-	-									
PROF AND TECH SERVICE - ENGINEER - 50%	(5,953)	-	-	(1,250)	(1,250)	(1,315)	(1,411)	(1,524)	(1,644)	(1,772)	(1,892)									
BLUE STAKES - 50%	(1,555)	(2,337)	(2,551)	(1,950)	(2,460)	(2,587)	(2,778)	(2,999)	(3,235)	(3,487)	(3,723)									
<b>Total Operational Expenses</b>	\$ (690,232)	\$ (806,528)	\$ (770,163)	\$ (876,057)	\$ (1,164,025)	\$ (1,099,569)	\$ (1,180,442)	\$ (1,274,523)	\$ (1,374,892)	\$ (1,481,996)	\$ (1,582,253)									
<b>Annual % Change</b>		16.65%	-4.51%	13.75%	32.87%	-5.54%	7.35%	7.97%	7.88%	7.79%	6.77%									
<b>Net Revenues Available for Debt Service</b>	\$ 203,060	\$ 32,929	\$ 402,877	\$ 363,979	\$ 685,975	\$ 837,744	\$ 993,724	\$ 1,117,295	\$ 1,232,637	\$ 1,362,875	\$ 1,481,922									
<b>Outstanding Debt</b>																				
Series 2005	\$ (132,931)	\$ (132,831)	\$ (132,628)	\$ (132,322)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -									
Series 2006	(209,595)	(210,063)	(209,487)	(209,696)	-	-	-	-	-	-	-									
Series 2009	(70,263)	(70,416)	(70,494)	(70,497)	-	-	-	-	-	-	-									
Series 2011 - Public Works (Sales Tax)	-	-	-	-	(46,472)	(46,528)	(46,560)	(46,568)	(46,280)	(46,760)	(46,376)									
Series 2014	-	-	-	-	(644,143)	(641,639)	(644,225)	(640,520)	(644,002)	(642,520)	(641,751)									
Series 2016	-	-	-	-	-	-	(315,984)	(317,500)	(319,350)	(315,350)	(315,475)									
Series 2020	-	-	-	-	-	-	-	-	-	-	-									
<b>Total Outstanding and Future Debt</b>	\$ (412,789)	\$ (413,310)	\$ (412,609)	\$ (412,514)	\$ (690,615)	\$ (688,167)	\$ (1,006,769)	\$ (1,004,660)	\$ (1,009,632)	\$ (1,004,730)	\$ (1,003,602)									
<b>Coverage Ratio with Impact Fees (Min: &gt;1.25, Target: &gt;1.5)</b>					0.88	0.99	1.22	0.99	1.11	1.22	1.36									
<b>Coverage Ratio Without Impact Fees (Min: &gt;1.00)</b>					0.40	0.70	0.93	0.79	0.91	1.02	1.16									
<b>Net Operating Revenues After Debt Services</b>	\$ (209,728)	\$ (380,381)	\$ (9,732)	\$ (48,534)	\$ (4,640)	\$ 149,576	\$ (13,045)	\$ 112,635	\$ 223,005	\$ 358,145	\$ 478,321									
Impact Fee Qualifying Capital Expense				(46,000)	(1,817,000)	(4,367,000)	-	-	-	-	-									
Non-Impact Fee Qualifying Capital Expense				(2,807,000)	(115,000)	(1,975,000)	(115,000)	(115,000)	(115,000)	(115,000)	(115,000)									
<b>Pressurized Irrigation Capital Expenses</b>				(2,853,000)	(1,932,000)	(6,342,000)	(115,000)	(115,000)	(115,000)	(115,000)	(115,000)									
<b>Bond Proceeds</b>				6,085,162		4,500,000														
<b>Ending Cash</b>			444,075	\$ 3,183,628	2,111,340	418,516	290,871	288,506	396,512	639,657	1,765,022									

# WATER APPENDIX E: CULINARY WATER CAPITAL PROJECTS

Saratoga Springs City Utility User Rate Analysis - April 2015

A B C D E F G H I J K L M N

**Table E.1: Total Culinary Water Rate and Impact Fee Eligible Projects**

Description	Total Cost	Construction Year	PV Cost	2013	2014	2015	2016	2017	2018	2019	2020	2021	Construction Year Cost
<b>8 Year Capital Projects</b>													
CW - 2.0 Zone 2 North Source Capacity - Pump Station at U-73 & Line	\$ 1,211,000	2015	\$ 1,211,000	\$ -	\$ -	\$ 1,211,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,211,000
CW - 3.0 Zone 1 Redwood Road Transmission	653,000	2015	653,000	-	-	653,000	-	-	-	-	-	-	653,000
CW - 4.0 CWP Source	206,000	2017	206,000	-	-	-	-	206,000	-	-	-	-	206,000
CW - 5.0 CWP Source	360,000	2023	360,000	-	-	-	-	-	-	-	-	-	-
Miscellaneous Water Project			-	-	145,790	200,000	200,000	200,000	200,000	200,000	200,000	200,000	1,545,790
			-	-	-	-	-	-	-	-	-	-	-
<b>Capital Facilities Plan Total</b>	<b>2,430,000</b>		<b>\$ 2,430,000</b>	<b>\$ -</b>	<b>\$ 145,790</b>	<b>\$ 2,064,000</b>	<b>\$ 200,000</b>	<b>\$ 406,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>	<b>\$ 3,615,790</b>

**Table E.2: Total Culinary Water Impact Fee Eligible Projects**

Description	% To Growth	Blank	Blank	2013	2014	2015	2016	2017	2018	2019	2020	2021	Construction Year Cost
<b>8 Year Capital Projects</b>													
CW - 2.0 Zone 2 North Source Capacity - Pump Station at U-73 & Line	100%			\$ -	\$ -	\$ 1,211,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,211,000
CW - 3.0 Zone 1 Redwood Road Transmission	100%			-	-	653,000	-	-	-	-	-	-	653,000
CW - 4.0 CWP Source	100%			-	-	-	-	206,000	-	-	-	-	206,000
CW - 5.0 CWP Source	100%			-	-	-	-	-	-	-	-	-	-
Miscellaneous Water Project	0%			-	-	-	-	-	-	-	-	-	-
<b>Capital Facilities Plan Total</b>			<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,864,000</b>	<b>\$ -</b>	<b>\$ 206,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,070,000</b>

**Table E.3: Total Culinary Water Non-Impact Fee Projects**

Description	% To Growth	Blank	Blank	2013	2014	2015	2016	2017	2018	2019	2020	2021	Construction Year Cost
<b>8 Year Capital Projects</b>													
CW - 2.0 Zone 2 North Source Capacity - Pump Station at U-73 & Line	0%			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CW - 3.0 Zone 1 Redwood Road Transmission	0%			-	-	-	-	-	-	-	-	-	-
CW - 4.0 CWP Source	0%			-	-	-	-	-	-	-	-	-	-
CW - 5.0 CWP Source	0%			-	-	-	-	-	-	-	-	-	-
Miscellaneous Water Project	100%			-	145,790	200,000	200,000	200,000	200,000	200,000	200,000	200,000	1,545,790
				-	-	-	-	-	-	-	-	-	-
<b>Capital Facilities Plan Total</b>			<b>\$ -</b>	<b>\$ -</b>	<b>\$ 145,790</b>	<b>\$ 200,000</b>	<b>\$ 1,545,790</b>						

A B C D E F G H I J K L M N

# WATER APPENDIX F: PRESSURIZED IRRIGATION CAPITAL PROJECTS

Saratoga Springs City Utility User Rate Analysis - April 2015

A B C D E F G H I J K L M N

**Table F.1: Total PI Rate and Impact Fee Eligible Projects**

Description	Construction Year	Construction Cost	PV Cost	2013	2014	2015	2016	2017	2018	2019	2020	2021	Construction Year Cost
<b>8 Year Capital Projects</b>													
SW - 1.0 Zone 2 North Storage - Expand Pond #6	2012	\$ 656,000	\$ 656,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SW - 2.0 Zone 2 North Source - Sunrise Well	2012	710,000	710,000	-	-	-	-	-	-	-	-	-	710,000
SW - 2.0A Zone 2 North Transmission	2014	46,000	46,000	-	46,000	-	-	-	-	-	-	-	46,000
SW - 3.0 Zone 2 South Source	2015	1,817,000	1,817,000	-	-	1,817,000	-	-	-	-	-	-	1,817,000
SW - 4.0 Zone 1 North Source and Storage Welby Jacob Canal	2016	2,886,000	2,886,000	-	-	-	2,886,000	-	-	-	-	-	2,886,000
SW - 5.0 Zone 1 North Transmission	2016	1,481,000	1,481,000	-	-	-	1,481,000	-	-	-	-	-	1,481,000
SW - 6.0 Installation of PI Meters	2014	2,774,000	2,774,000	-	2,774,000	-	-	-	-	-	-	-	2,774,000
SW - 7.0 Zone 2 Source - Well #1 Replacement	2016	1,860,000	1,860,000	-	-	-	1,860,000	-	-	-	-	-	1,860,000
SW - 8.0 Zone 3 North - Pump Station and Storage	2021	2,768,000	2,768,000	-	-	-	-	-	-	-	-	2,768,000	2,768,000
Miscellaneous Pressurized Irrigation Projects	2014	33,000	33,000	-	33,000	115,000	115,000	115,000	115,000	115,000	115,000	115,000	838,001
<b>Capital Facilities Plan Total</b>		<b>\$ 15,031,000</b>	<b>\$ 15,031,000</b>	<b>\$ -</b>	<b>\$ 2,853,000</b>	<b>\$ 1,932,000</b>	<b>\$ 6,342,000</b>	<b>\$ 115,000</b>	<b>\$ 115,000</b>	<b>\$ 115,000</b>	<b>\$ 115,000</b>	<b>\$ 2,883,000</b>	<b>\$ 15,180,001</b>

**Table F.2: Total PI Impact Fee Eligible Projects**

Description	% To Growth	Blank	Blank	2013	2014	2015	2016	2017	2018	2019	2020	2021	Construction Year Cost
<b>8 Year Capital Projects</b>													
SW - 1.0 Zone 2 North Storage - Expand Pond #6	50%			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SW - 2.0 Zone 2 North Source - Sunrise Well	100%			-	-	-	-	-	-	-	-	-	710,000
SW - 2.0A Zone 2 North Transmission	100%			-	46,000	-	-	-	-	-	-	-	46,000
SW - 3.0 Zone 2 South Source	100%			-	-	1,817,000	-	-	-	-	-	-	1,817,000
SW - 4.0 Zone 1 North Source and Storage Welby Jacob Canal	100%			-	-	-	2,886,000	-	-	-	-	-	2,886,000
SW - 5.0 Zone 1 North Transmission	100%			-	-	-	1,481,000	-	-	-	-	-	1,481,000
SW - 6.0 Installation of PI Meters	0%			-	-	-	-	-	-	-	-	-	-
SW - 7.0 Zone 2 Source - Well #1 Replacement	0%			-	-	-	-	-	-	-	-	-	-
SW - 8.0 Zone 3 North - Pump Station and Storage	0%			-	-	-	-	-	-	-	-	-	-
Miscellaneous Pressurized Irrigation Projects	0%			-	-	-	-	-	-	-	-	-	-
<b>Capital Facilities Plan Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 46,000</b>	<b>\$ 1,817,000</b>	<b>\$ 4,367,000</b>	<b>\$ -</b>	<b>\$ 6,940,000</b>				

**Table F.3: Total Pressurized Irrigation Non-Impact Fee Projects**

Description	% To Non-Impact Fee	Blank	Blank	2013	2014	2015	2016	2017	2018	2019	2020	2021	Construction Year Cost
<b>8 Year Capital Projects</b>													
SW - 1.0 Zone 2 North Storage - Expand Pond #6	50%			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SW - 2.0 Zone 2 North Source - Sunrise Well	0%			-	-	-	-	-	-	-	-	-	-
SW - 2.0A Zone 2 North Transmission	0%			-	-	-	-	-	-	-	-	-	-
SW - 3.0 Zone 2 South Source	0%			-	-	-	-	-	-	-	-	-	-
SW - 4.0 Zone 1 North Source and Storage Welby Jacob Canal	0%			-	-	-	-	-	-	-	-	-	-
SW - 5.0 Zone 1 North Transmission	0%			-	-	-	-	-	-	-	-	-	-
SW - 6.0 Installation of PI Meters	100%			-	2,774,000	-	-	-	-	-	-	-	2,774,000
SW - 7.0 Zone 2 Source - Well #1 Replacement	100%			-	-	-	1,860,000	-	-	-	-	-	1,860,000
SW - 8.0 Zone 3 North - Pump Station and Storage	100%			-	-	-	-	-	-	-	-	2,768,000	2,768,001
Miscellaneous Pressurized Irrigation Projects	100%			-	33,000	115,000	115,000	115,000	115,000	115,000	115,000	115,000	838,001
<b>Capital Facilities Plan Total</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,807,000</b>	<b>\$ 115,000</b>	<b>\$ 1,975,000</b>	<b>\$ 115,000</b>	<b>\$ 115,000</b>	<b>\$ 115,000</b>	<b>\$ 115,000</b>	<b>\$ 2,883,000</b>	<b>\$ 8,240,001</b>

A B C D E F G H I J K L M N

**RESOLUTION R15-17 (4-21-15)**

**A RESOLUTION OF THE CITY OF SARATOGA SPRINGS, UTAH  
AMENDING SECONDARY WATER RATES AND FEES IN THE  
CONSOLIDATED FEE SCHEDULE AND ESTABLISHING AN  
EFFECTIVE DATE.**

**WHEREAS**, the City of Saratoga Springs operates a secondary water system to ensure the public health, safety, and welfare of its citizens; and

**WHEREAS**, Utah Code Annotated § 10-8-14 authorizes the City to establish and provide secondary water services; and

**WHEREAS**, Utah Code Annotated § 10-8-22 authorizes the City to charge a fee for use of the same; and

**WHEREAS**, Sections 8.01.08 and 8.01.09 of the City Code authorizes the City to charge a water charge to its residents; and

**WHEREAS**, the City previously adopted secondary water fees and now desires to amend the same; and

**WHEREAS**, the City has recently installed secondary water meters throughout the City and needs to establish secondary water usage rates; and

**WHEREAS**, the City wishes to create a tiered water rate structure to encourage water conservation; and

**WHEREAS**, growth in population of the City of Saratoga Springs has resulted in the need to construct and expand the secondary water system; and

**WHEREAS**, said expansion, addition of secondary water meters, and an increase in operation and maintenance costs, has necessitated a change in the secondary water rates and fees; and

**WHEREAS**, it is the responsibility and obligation of the City Council of the City of Saratoga Springs to ensure that the costs of the secondary water improvements and the increased operation and maintenance costs are paid for through the City's Water Enterprise Fund and that said fund remains solvent; and

**WHEREAS**, from 2014 to 2015, Zions Bank Public Finance conducted a utility rate study to determine if the City's secondary water rates and fees are sufficient to meet its current and future service delivery and infrastructure needs; and

**WHEREAS**, on February 17, 2015, Zions Bank Public Finance made presentations to the City Council during work and policy sessions outlining the comprehensive rate study that recommended amendments to the secondary water rates and fees; and

**WHEREAS**, the City Council adopts the findings by Zions Bank Public Finance, which are attached as Exhibit A; and

**WHEREAS**, the City Council finds that amending the secondary water fees and rates as specifically provided herein is in accordance with Utah law and City ordinances and furthers the public health, safety, and welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Saratoga Springs City Council as follows:

**SECTION I – WATER USER RATE ANALYSIS**

The Secondary Water User Rate Analysis prepared by Zions Bank Public Finance, attached as Exhibit A hereto and incorporated herein by this reference, is hereby adopted.

**SECTION II – ENACTMENT**

The secondary water rates and fees in the Consolidated Fee Schedule are replaced by the following rates and fees:

**A. Secondary Water Rates and Fees**

Single Family Residential Base Fee	\$65.00 per acre
Base fee for all other types of accounts (non-single family residential accounts)	\$65.00 per irrigable acre
Single Family Residential Monthly Allotment (thousand gallons)	Gross lot acreage multiplied by 108.793732
Monthly Allotment for non-single family residential accounts (thousand gallons)	Irrigable lot area multiplied by 152.99127
Secondary Water Usage Rates	0 to 75% of allotment, \$0.35 per 1,000 gallons 75 to 100% of allotment, \$1.00 per 1,000 gallons 100 to 150% of allotment, \$1.25per 1,000 gallons 150 to 200% of allotment, \$2.00 per 1,000 gallons 200 to 250% of allotment, \$3.00 per 1,000 gallons Above 250% of allotment, \$3.80 per 1,000 gallons

**B. Leak Forgiveness Program**

Because the cost of a leak in a residential customer’s irrigation system can be costly, the City establishes a leak forgiveness policy with the following guidelines:

1. Participation is only available to residential customers.
2. This policy only applies to water leaks and does not apply to customers who overwater or establish new sod.
3. Each account is eligible to request forgiveness up to once per year.
4. The City will only forgive an amount over 150% of the resident's allotment.
5. The resident must request the forgiveness no later than 30 days after the high water bill's due date.
6. Customers must be current on their City utility account (with the exception of the month for which they are requesting to use this leak forgiveness policy).
7. Sufficient proof and/or documentation evidencing a leak may be required to be provided by the resident before the City forgives any amount.

**SECTION III – AMENDMENT OF CONFLICTING POLICIES**

If any ordinances, resolutions, or policies 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 IV – EFFECTIVE DATE**

This resolution shall take effect on July 1, 2015.

**SECTION V – 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.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this \_\_\_ day of \_\_\_\_\_, 2015.

Signed: \_\_\_\_\_

Jim Miller, Mayor

Attest: \_\_\_\_\_

Lori Yates, City Recorder

\_\_\_\_\_

Date

**VOTE**

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

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**City of Saratoga Springs**  
**City Council and Planning Commission Training Session**  
**March 31, 2015**

City of Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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**Notes**

**Present:**

Mayor: Jim Miller

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

Commissioners: David Funk, Sandra Steele, Kirk Wilkins, Kara North

Staff: Scott Langford, Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman,

Jeremy Lapin, Nicolette Fike, Sarah Carroll

Others: Brent Bateman, Patrick Putt

**Call to Order** - 6:30 p.m.

**1. Land Use Law: Brent Bateman, State Property Rights Ombudsman.**

Brent Bateman trained on Common Issues. He discussed that the legislative body (City Council) of the city were the only ones allowed to make the laws. The Planning Commission is a part of the legislative process as a recommending body. The Council cannot make a decision without a recommendation from the Planning Commission. City Council can give the authority to make administration decisions to another. His opinion was that a tie vote was a split decision, neither negative nor positive. The standard of review for legislative decision is whether or not it's reasonably debatable that the decision advances the public welfare. You can only make decisions based on substantial evidence on record. You cannot make a decision based on public clamor, must have evidence that is relevant, credible and proof of facts.

**2. Land Use/Procedures: Patrick Putt, Summit County Community Development Director.**

Pat Putt tried to focus on the human part of the government roles and responsibilities. These are things that are so basic that they get overlooked. There is a need for clarification of roles and communication. We get so busy we fail to communicate with each other. Planning commission is almost administrative as they measure and make decisions and provide recommendations. Patience is needed to know that some point in time Council is going to have the ability to make the decisions. If you build a predictable process you will have the opportunity to do that. Planning Commission only has the ability to use the tools that City Council has given them. Be careful of saying I feel, stick to more of I have reviewed the code and have determined.

**Adjourn to Policy Session 7:17 p.m.**

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**City of Saratoga Springs**  
**City Council Meeting**  
**March 31, 2015**

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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**Policy Session Minutes**

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**Present:**

Mayor: Jim Miller

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

12 Staff: Scott Langford, Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman,  
13 Jeremy Lapin, Sarah Carroll, Chelese Rawlings, Nicolette Fike

14 Others: Rick Davis, Dan Griffiths, Elizabeth Holliday, David Weber, Matt Neipraschk, Chris Porter, J.

15 Klingonsmith, David Funk, Thane Smith, Nancy Hart, Chris Porter, Krisel Travis, Greg Haws, Boyd  
16 Martin

17  
18 **Call to Order** 7:18 p.m.

19 **Roll Call** - Quorum was present

20 **Invocation / Reverence** - Given by Councilman Poduska

21 **Pledge of Allegiance** - led by Councilman Willden

22  
23 Saratoga Springs Strategic Planning Committee was introduced and given recognition for their work. Dan

24 Griffiths went over the processes they went through and reported on the findings and new pamphlet.

25 Councilman Willden thanked them for their work and thought it was a fantastic product. He believes it will be a  
26 great marketing product.

27 Councilwoman Baertsch thought it was great to see what they thought were the citizen's objectives actually come  
28 back as what the citizens wanted. She suggested some changes to help jazz it up and alleviate confusion.

29 Councilman McOmber thought it was great and what they had hoped for the citizens to get involved to showcase  
30 the city. It will be a great marketing tool. He had a few suggestions including that they use the City's tag line  
31 "Life's just better here." Overall it is great.

32 Councilwoman Call said this was exactly what they wanted to see. She suggested that we adopt the document  
33 and legitimize it more by putting the City Council contact info on it also.

34 Councilman Poduska feels they have done an outstanding job; it has a great tone that comes through. He noted  
35 how people wanted the restaurants and businesses but they didn't want the high density. He asked if they got  
36 a feeling of how the community thought they would get that.

37 Dan Griffiths said if they get people together the dialogue happens and they will realize those things for  
38 themselves.

39 Mayor Miller thanked them and liked that the process and results were not politically driven; it was just  
40 volunteers from the community. He presented the committee with some awards of recognition.

41 Mark Christensen would like to go back and incorporate these into the goals the City and Council are working  
42 towards.

43  
44 **Public Input - Opened** by Mayor Miller

45 No input at this time.

46 **Public Input - Closed** by Mayor Miller

47  
48 **Policy Items**

49  
50 **1. Consent Calendar:**

51 **a. Consideration and Possible Approval to Amend the City of Saratoga Springs Consolidated Fee**  
52 **Schedule.**

- 53           **i. Ordinance 15-12 (3-31-15): An Ordinance amending the Consolidated Fee Schedule for the City**  
54           **of Saratoga Springs and establishing an effective date.**
- 55           **b. Consideration and Possible Approval of the Amended Plat for Landrock Connection located at 1600**  
56           **South 400 West, Clay Peck, applicant.**
- 57           **i. Settlement Agreement regarding Payment-in-Lieu of Open Space and Landrock Easements.**
- 58           **c. Consideration and Possible Approval for the Hillcrest Condominiums Plats M & N Final Plat**  
59           **located at 1985 North Hillcrest Road, Flagship, applicant.**
- 60           **i. Resolution R15-14 (3-31-15): Addendum to resolution of the City of Saratoga Springs pertaining**  
61           **to the City Street Lighting Special Improvement District to include additional subdivision lots.**  
62           **(Hillcrest Condominiums Plats M & N)**
- 63           **d. Consideration and Possible Approval of the Community Strategic Plan.**
- 64           **i. Resolution R15-15 (3-31-15): A resolution of the City Council of the City of Saratoga Springs,**  
65           **Utah adopting the Community Strategic Plan of the City of Saratoga Springs as a guiding**  
66           **document for Elected Officials and City staff.**
- 67           **e. Consideration and Possible Approval of the Mallard Bay Phase 1 Secondary Water Upsize**  
68           **Reimbursement Agreement.**
- 69           **f. Consideration and Possible Approval of the Infrastructure Development Agreement regarding**  
70           **Riverside Street and Market Street.**
- 71           **g. Minutes:**
- 72           **i. March 17, 2015.**

73

74 Councilwoman Baertsch asked for clarification on how many meetings it was referenced on pg. 4 for  
75 applications, under Comment Review Meeting.

76 Kimber Gabryszak noted it is three meetings per application.

77 Councilwoman Baertsch suggested to indicate in there that the first three meetings per application of the  
78 meetings listed and additional meetings are an additional fee.

79 Councilwoman Call appreciates the beginning of the process, there are some applications that have a  
80 difference between what the actual cost is and what we charge to developers, she would like those  
81 revisited. She feels developers should pay the cost of the application.

82 Councilwoman Baertsch agrees that we have tried to make that our philosophy, that we “pay to play” it  
83 would make sense to do that in our fees as well.

84 Councilman McOmber echoed those thoughts, it falls into their philosophy. He suggested looking at the  
85 comparative cities to see that our fees are in line with them, and if they are subsidizing.

86 Kimber Gabryszak noted that we are hiring a consultant to do a comprehensive fee study. With that we will  
87 be able to better analyze what our costs are and what percentage we are covering. Then Council can  
88 decide what percentage they would like to cover. They have looked at the other cities and sometimes our  
89 fees are what they are because we wanted to be competitive.

90 Councilwoman Call commented that when the evaluation is done if the application doesn’t cost more for  
91 more acreage, larger developers, we shouldn’t penalize them for something that is administratively the  
92 same. She noted there are some applications that really need more work; if we could have clear criteria  
93 that if you pay for this service then these functions will be performed. When looking at the fee schedule  
94 if there is something that can be improved or be helpful to facilitate their processes so that time is not  
95 bogged down than she would appreciate that.

96 Councilman Willden would add to not penalize small developers. Whatever the analysis looks like he would  
97 like to see stratify, within zone by number of lots or something that makes sense.

98 Councilwoman Baertsch commented on Landrock, that fencing along the back of future Foothill be  
99 consistent with neighboring fencing as wrought iron style, but it wasn’t included as a condition.

100 Scott Langford noted it was a condition in the preliminary plat and should carry over.

101 Councilwoman Baertsch noted also Sageview court needed to be referenced correctly. Item 8 in the  
102 agreement has a sentence she is concerned about and that when we agreed to the budget amendments for  
103 Riverside drive we did approve those access points. She is concerned about the contradiction.

104 Jeremy Lapin responded that we wanted to leave a blank slate to deal with those as they come in because  
105 there could be drive approaches and such and we are trying to give them confidence but not tie it down.

Kevin Thurman noted the agreement is clear to comply with the City ordinances and Standards and as long as they do that they still have a level of discretion as to where the access points are.

**Motion made by Councilwoman Baertsch to approve the Conscent Calandar items a.-g. including all staff findings and conditions. Including on item a. the additional change to the ordinance that we gave to Kimber: to include the modification for the Comment and Review Meeting, the addition of “per application” after three meetings and clarify that the \$250 is per additional meeting. And approve ordinance 15-12 (3-31-15). Amended Plat for Landrock Connection with Settlement Agreement regarding Payment-in-Lieu of Open Space and Landrock Easements. Approval for the Hillcrest Condominiums Plats M & N Final Plats and phases including Resolution R15-14 (3-31-15). Approval of the Community Strategic Plan Resolution R15-15 (3-31-15) with the direction to staff to work on the marketing aspect before it goes into SPAC. Also including approval of Mallard Bay Phase 1 Secondary Water Upsize Reimbursement Agreement in the amount of \$13,065.00 in the form of developer secondary water impact fee credits. And approval of the Infrastructure Development Agreement regarding Riverside Street and Market Street, with their contribution in the amount of \$2,470,000.00. And approval of minutes with email changes sent in by Councilwoman Baertsch and Councilwoman Call. Seconded by Councilwoman Call. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed unanimously.**

## 2. Presenting the Tentative Budget for Fiscal Year 2015-2016 to the City Council.

Chelese Rawlings drew their attention to appendices, all of the budget requests this year and all the budget amendments they have done this year.

Councilwoman Call wanted to bring to her attention some items that needed clarity like the historical property tax rate; she wants it clearer that of property taxes the city only receives 10%. Kudos for 320 building permits since July. She pointed out the population growth was 40% increase from 2010. She talked about performance measures and there are discrepancies between departments. She doesn't think those need to be in a budget document.

Mark Christensen commented that performance measures are a best practice identified by GFOA, it's an indication that we are measuring performance and it is a criterion for awards.

Councilwoman Call suggested that they could find some continuity or standard.

Councilman Willden would recommend the top 5 to standardize it.

Councilwoman Call doesn't understand the %'s on goals, if we have a goal all our goals should be 100%.

Mark Christensen replied that ideally we would like to say we are going to get 100% but we don't realistically expect perfect. If you are always reaching 100% than it's not a goal that stretches you, they aren't hard enough goals. He said they would take another look at it.

Councilwoman Call thought on garbage cans, that it is referenced for the wrong fiscal year. She thinks Councilman Willden's suggestion of the top 5 goals is good. She likes seeing the reports and statistics from departments but perhaps the more specific items should be in another report, not the budget.

Mark Christensen thought it was important for department heads to choose important things that show how they are doing in their departments, he largely lets them identify what they think is significant but he would be happy to review that.

Councilwoman Call realizes we adopted a 65% pay plan structure and we talked about reevaluating on a yearly basis. That makes her uncomfortable. She would like to see other alternatives to that, not a full revisit all the time. Maybe a cost of living coupled with merit or something. We are playing off other cities constantly. There is discomfort on salaries changing so often.

Mark Christensen suggested we bring in a consultant to do the study, relook at how we are doing things; he agrees with the sentiment and thinks a consultant can give an independent analysis better so you aren't just hearing from staff.

Councilman McOmber thinks to accomplish what they are really looking for perhaps we could have 3 or 4 consultants who would let us know their approach and Council could choose.

157 Mark Christensen would like the Council to direct the consultant. They are proposing in this budget to carry  
158 out the second year of the pay plan that they talked about last year. We are talking about the second year  
159 of the pay line in this budget.

160 Mayor Miller suggested that with the pay plan consultants, rather than presenting to the Council where they  
161 could hear each other that they make it more of an interview with maybe Councilman McOmber and  
162 Councilman Willden to vet out the pros and cons of each.

163 Councilman Poduska wondered if the secondary well being dug came out of the capital general fund.

164 Mark Christensen said it's coming out of the bond proceeds. The utility rates will ultimately pay that back.

165 Jeremy Lapin indicated that those projects we began construction on this year will roll over, it may be in this  
166 year's funding but won't show up until they roll over what is remaining.

167 Councilman Willden suggested on the metrics, when they are talking of the trends, share specific  
168 commentary around the growth, e.g. this is where we were last year and this is what happened. He would  
169 like to see specifically what happened between this year and last year. With the understanding that they  
170 haven't looked deep at the requests, we budget conservatively and it looks like we will be where we  
171 predicted this year. He appreciates with this tentative budget that it shows we have been conservative but  
172 our net is still building reserves. He doesn't agree with setting a goal at 100% it's an unattainable goal,  
173 there should be a target goal.

174 Councilwoman Baertsch suggested we should update the general map in the document. She asked about  
175 some figures that were zeroed out.

176 Chelese Rawlings replied it might be because stuff was carried forward but she will look at that.

177 Councilwoman Baertsch questioned the zero water certificates and 29 fire hydrants not in service.

178 Spencer Kyle noted that water certification is a new thing and we are sending new employees to that. He will  
179 look at those and refine them.

180 Councilwoman Baertsch said on a note in parks that showed a decrease but they talked about increase.

181 Chelese Rawlings replied that they purchased one time expenditures so it's included in operating budget.

182 Councilwoman Baertsch commented that they need to discuss as a Council ranges for different items, we  
183 should discuss if that is where we want to be on those programs.

184 Mark Christensen commented that we are going to be coming back later with the proposal of how are they  
185 going to add to programs, and what is our recreation program is going to look like.

186 Councilwoman Call said that if we can keep the policy high level, recreation pays for itself, programs within  
187 do not. If we can keep the policy broad then we have the flexibility to bring other programs in over time.

188 Councilwoman Baertsch asked what is a Records and Asset Manager/Management Analyst.

189 Mark Christensen it's in essence how can we be more compliant with things we need to be doing. (Daniel is  
190 doing the now)

191 Councilwoman Baertsch questioned replacement for vehicles approved and maintenance is denied. It seemed  
192 counterintuitive where a little maintenance could go a long way.

193 Spencer Kyle replied that they will look at the specifics but that they do not want budget creep and generally  
194 they are being told to make do with their budget.

195 Mark Christensen replied sometimes people think they need to make the requests to keep their budget up.

196 But it is their philosophy to not increase the budget when they aren't using what they have.

197 Councilwoman Baertsch replied if that is the case than maybe we need to decrease some of those budgets.

198 Councilman McOmber noted that Councilman Willden made a good point that our budgets are conservative  
199 and we end up with excess every year. So are we collecting too much? Do we need to look at that and  
200 make sure as a council we are looking at those rates and make sure we are where we need to be.

201 Mayor Miller was a little concerned that there was getting to be a use it or lose it mentality and then we have  
202 pork barrel spending to keep a budget. He would rather it be a little high and that if we are not spending  
203 it don't increase it.

204 Chelese Rawlings replied that is their philosophy.

205  
206 **3. Consideration and Possible Approval of the Preliminary Plat and Final Plat for the Legacy Farms**  
207 **Plan Plats 1A-1F located at 400 South Redwood Road, DR Horton, applicant.**

208 **i. Resolution R15-16 (3-31-15): Addendum to resolution of the City of Saratoga Springs pertaining to**  
209 **the City Street Lighting Special Improvement District to include additional subdivision lots.**  
210 **(Legacy Farms Plats 1A-1F)**

211 Kimber Gabryszak gave a brief overview. This is for 6 plats within The Legacy Farms development. They  
212 have made several changes that were required and there are some outstanding requirements they will be  
213 fixing, so it is complying.

214 Krisel Travis presented examples of lot products. She showed the locations of green spaces and proposed  
215 concepts for them.

216 Councilwoman Baertsch asked where it noted that the HOA would be taking care of some open spaces and  
217 the others were not called out.

218 Kimber Gabryszak replied there is a plat note that states all open spaces would be taken care of by the HOA.

219 Councilwoman Baertsch noted that it doesn't show any of the improvements of 400 S. on the maps.

220 Krisel Travis noted the road has already been dedicated so it is not owned by them to include it on their plats,  
221 but it will be improved.

222 Jeremy Lapin noted that there was a comment that they are waiting on that, they expect the new copy of the  
223 resubmittal of the construction drawings to include that, it doesn't affect the plat itself.

224 Councilwoman Baertsch asked about note 18 and snow removal, it needs to be corrected to show that snow  
225 removal can't affect required parking spaces. If it's on street parking it needs to say street spots, if it is  
226 snow spots it needs to say on snow spots.

227 Councilwoman Call said it's concerning that it says overnight guest parking is restricted from Nov 1st to Mar  
228 1<sup>st</sup>. There is no clarification that it's on street or guest stalls, it's too blanket, if on street parking is not  
229 allowed then it needs to say on street, if they have snow stack spots it needs to say those spots.

230 Councilwoman Baertsch appreciates the work that has been done and it seems to now meet all code.

231 Councilman Willden did not have many comments to add, it's complying with code, and it looks great.

232 Councilman Poduska has determined that it has complied with code and therefore he is ready to approve it.

233 Councilwoman Call had a note for staff in looking as the FEMA items, she asked if the stream alteration  
234 permit is applicable to this project.

235 Jeremy Lapin said that only applies to the river, not the lake so it does not apply to this project.

236 Councilwoman Call thought there was a division that is stream alteration, either the city or developer has to  
237 apply through the division of water rights.

238 Jeremy Lapin said his understanding is that it is only for the river. For the lake they would have to get  
239 approval through Sovereign land so they may need to work with Army corps on the Tickville project but  
240 his understanding it will not need to go through the division of water rights.

241 Councilwoman Call asked could we caveat the agreement to also meet all State requirements.

242 Jeremy Lapin replied those permits are contingent on meeting all other permits and requirements.

243 Krisel Travis said they have an appointment already next week.

244 Councilwoman Call was happy specifically with the decrease in density. She appreciates all the efforts.

245 Councilman McOmber does see that it meets all the code and is in favor of the approval and he appreciates  
246 all the work that has been done.

247 Mayor Miller liked to see this happening after 5 years and thanked them and staff for all the work they have  
248 done.

249  
250 **Motion made by Councilman Poduska to approve Preliminary Plat and Final Plat for the Legacy**  
251 **Farms Plan Plats 1A-1F located at 400 South Redwood Road. Also Resolution R15-16 (3-31-15):**  
252 **Addendum to resolution of the City of Saratoga Springs pertaining to the City Street Lighting**  
253 **Special Improvement District to include additional subdivision lots. (Legacy Farms Plats 1A-1F)**  
254 **with findings and conditions presented by staff and amended today. Seconded by Councilman**  
255 **McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,**  
256 **Councilwoman Call, Councilman Poduska. Motion passed unanimously.**  
257

258 **4. Administration communication with Council to discuss the Secondary Water Rates.**

259 Spencer Kyle noted that all the acreages were slightly off so we've taken all of the data of acreages from GIS  
260 and input them into the system so they were all right in the system and matched County data. He

261 reviewed the direction from Council for the rates. They said \$88 per acres and up to 75% \$0.10 cents,  
262 after that 100% at \$0.18 cents, with a continued increase of rate per additional usage, incrementally. That  
263 was an average of \$10.54 per residential account with the average acreage and usage. He presented some  
264 leak forgiveness options. Who is eligible, (residential to start). How many times can a claim be filed  
265 (once a year). How much can be forgiven (anything over 150%). There may be some exceptions. How  
266 long do they have to apply (30 days after payment is due.) Require them to make payment then request  
267 it, (if they had been current on their account). Do we require documentation of the leak (no).

268 Councilwoman Baertsch commented that if we have a person abusing it regularly it needs to be noted and we  
269 need to stop it.

270 Spencer Kyle replied we have a place to put notes so we can see if they have abused it.

271 Councilman Willden asked could we put something in that says staff may evaluate the application to help  
272 stop the abuse.

273 Spencer Kyle thought that we can have them fill out the form and we can scan it and tag it to their account.

274 Councilman McOmber commented that there needs to be good communication. He noted that the auto pay  
275 system is not working right, did not pull one month and the next pulled double. That should have been  
276 communicated to residents.

277 Spencer Kyle will talk to them tomorrow. He then recapped that the rate will be adopted at the next meeting;  
278 new rates effective in July. Does Council still want a 3 month cap of 150% of allotment or does the  
279 delayed implementation replace the capped amount.

280 Councilwoman Call thinks it's going to need more discussion in the future.

281 Councilman Willden suggested to cap it for a month and then show residents what they would have paid.

282 Spencer Kyle said we could show them a formula to have them look at their usages.

283 Mayor Miller asked if we could pull out people who did over use and send them a direct communication,  
284 maybe at 150%, because that is the cap, so they are aware.

285 Councilwoman Baertsch commented that this is going to cost us extra money but it's something that we need  
286 to do.

287  
288 **5. Motion to enter into closed session for the purchase, exchange, or lease of property, pending or**  
289 **reasonably imminent litigation, the character, professional competence, or physical or mental health of**  
290 **an individual.**

291  
292 **Motion made by Councilman Willden to enter into closed session for the purchase, exchange, or lease**  
293 **of property, pending or reasonably imminent litigation, the character, professional competence, or**  
294 **physical or mental health of an individual. Seconded by Councilwoman Baertsch. Aye:**  
295 **Councilman McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska and**  
296 **Councilwoman Call. Motion passed unanimously.**  
297

298 Meeting Adjourn to Closed Session 9:15 p.m.

299  
300 **Closed Session**

301 **Present:** Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman  
302 Call, Councilman Poduska, Mark Christensen, Kevin Thurman, Spencer Kyle, Nicolette Fike

303  
304 **Closed Session Adjourned at 9:55p.m.**

305 **Policy Meeting Adjourned at 9:55p.m**  
306

307  
308  
309 \_\_\_\_\_  
Date of Approval

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

310  
311 \_\_\_\_\_  
Lori Yates, City Recorder  
312



**The Springs Annexation, Rezone, General Plan Amendment, and Master Development Agreement  
Tuesday, April 21, 2015  
Public Hearing**

Report Date:	Thursday, April 9, 2015
Applicant:	Nate Brockbank
Owner:	Western States Ventures, LLC
Location:	1800 N. 1000 West (west of Harvest Hills, south of Camp Williams)
Major Street Access:	State Road 73, 800 West; in the future: Mountain View Corridor
Parcel Number(s) & Size:	58:022:0105, 52.458 acres; 58:022:0074, 41.107 acres 58:022:0104, 122.826 acres; 58:022:0208, 259.346 acres Total: approx. 475.737 acres
Parcel Zoning:	None
Adjacent Zoning:	PC
Current Use of Parcel:	Vacant, Ag
Adjacent Uses:	Vacant, pending Residential
Previous Meetings:	City Council Annexation Petition Acceptance: 12/2/2015 City Council Pre-Annexation Agreement: 12/9/2015 Planning Commission Work Session: 1/22/2015 City Council Work Session: 2/3/2015 Planning Commission Public Hearing: 2/12/2015 City Council Public Hearing: 3/3/2015
Previous Approvals:	Pre-Annexation Agreement: 12/9/2015
Land Use Authority:	Council
Type of Action:	Legislative
Future Routing:	City Council
Author:	Kimber Gabryszak, AICP

**A. Executive Summary:**

The applicant is requesting approval of an Annexation and Rezone, and a Master Development Agreement (MDA) to accompany the annexation for the Springs Development. The Annexation will bring property into the City, the Rezone will assign zones to the property, and the MDA will identify and codify maximum densities, zones, open space, development requirements, infrastructure, and other aspects of the development.

**RECOMMENDATION:**

**Staff recommends that the City Council hold a public hearing, take public comment, review the proposal, and choose from the options in Section H of this report.** Options include approvals as presented or with modifications, continuance to a future meeting, or denials.

## **B. Background:**

In September 2013, the Interpace Annexation application was submitted. After initial review, it was determined that the application was incomplete and it was returned to the applicants for modification. After numerous meetings between Staff and the applicants concerning required information and revisions, a revised application was submitted on November 24, 2014.

The application has been renamed “The Springs” and proposes the annexation of 596.72 acres of property within the northwest portion of the City’s annexation declaration area. 479.112 acres are owned by Western States Ventures, LLC and is the specific development known as “The Springs”; ~117.6 acres contain high-voltage transmission lines and are owned by Utah Power and Light; remaining parcels are owned by JD V and JD VI (HADCO), and the United States of America. The MDA and concept plan are specific to the Western States Ventures properties. Proposed zoning for the remaining property is Agricultural, or possibly Industrial in the JDV and JDVI cases.

### **Planning Commission Work Session**

The Planning Commission held a work session on January 22, 2015, and gave the following feedback to the applicant on the concept plan:

- Blasting buffer request: look into legality, and research how mining impacts decision with change in zoning.
- Ensure that open space is provided within higher-density development, not just outside.
- Provide percentage of Open Space that is Sensitive Lands. (*~40 acres out of ~110 = ~36%*)
- Recommend the Industrial Zone for HADCO property.
- Ask Eagle Mountain how a 2000’ buffer applied to HADCO and future phases that are approved. (*No buffer applied.*)
- Require plat notes to notify buyers that homes are located near mining blasting and base ordinance.
- Ensure that water is provided appropriately to protect pressure zones throughout city.
- Explore height options, not just 40’ but possibly keep at 35’ and spread out a bit (*Applicant revised plan to comply with 35’ limit per City ordinances*)

### **City Council Work Session**

The City Council held a work session on February 3, 2015, and gave the following feedback:

- Encouraged consideration of commercial or light industrial instead of housing in eastern portion currently designated as R-14, and / or for the R-18 and R-14 adjacent to Eagle Mountain’s industrial property
- Expressed lack of support for requiring a blast buffer zone, and encouraged HADCO to take on responsibility instead of requiring a buffer
- Required clean up of typos and inconsistencies between numbers and zones
- Required “ERUs” to be used throughout documents instead of “units”
- Expressed general support of proposal and asked to ensure that open space is provided in each development rather than all credit coming from community open space

### **Planning Commission Hearing**

The Planning Commission held a hearing on the MDA on February 12, 2015, and forwarded a positive recommendation to the City Council, with conditions. The minutes from that meeting are attached, and the conditions are below:

1. All requirements of the City Engineer, as outlined in but not limited to Exhibit 2, shall be met.
2. The MDA shall not be approved by the City Council unless the Annexation, General Plan Amendment, and Rezones are approved.

3. The MDA shall be edited to accurately reflect City policies and standards per Staff and applicant discussions.
4. The MDA shall require disclosures regarding the proximity to Camp Williams and ongoing military training operations, as well as active mining, which may include noise and vibration imp
5. All utility requirements shall be met.
6. The applicants shall conduct a seismic study and submit results with the first preliminary plat application.
7. The applicants shall coordinate with Camp Williams to determine potential modifications to the plan to address buffering needs.

**City Council Hearing**

The City Council held a hearing on the MDA, Rezone, and Annexation on March 3, 2015. Draft minutes are attached. Due to noticing issues with the March 3 hearing, this hearing is being conducted a second time on April 21, 2015 to ensure that all State and local Code requirements have been met.

In response to Council requests, the applicants have modified their plans as follows: decreased overall open space to 19%, to allow for larger lots in the development. The table in the next section demonstrates several of these reductions through lower average units per acre.

**C. Specific Request:**

When property is annexed into the City, the property must be accompanied by a master plan and be zoned appropriately.

Note: the City Council has significant legislative discretion to determine what the appropriate zones should be for each property in the annexation.

**The Springs**

The proposal includes a request for the following the zone designations and units:

<b>Zone</b>	<b>Acres</b>	<b>Units</b>	<b>Avg. Units per Acre</b>	<b><i>Prev. Units per Acre</i></b>
R-18	14.7	265	18	18
R-14:	77.5	675	8	8.7
R-10:	52.01	287	5.5	5.0
R-6:	64.91	216	3.3	4.3
R-5:	29.13	96	3.3	3.3
R-3:	59	232	2.5	2.6
R-2:	48.16	82	1.7	1.75
A:	90.55	0	n/a	n/a
Roads:	36.49	0	n/a	n/a
<b>Totals:</b>	<b>479.11</b>	<b>1770</b>	<b>n/a</b>	<b>n/a</b>

In most zone districts, the amount of density requested is below the maximum permitted in that zone. The applicants have requested these higher zone districts in order to provide flexibility in terms of lot size, setbacks, height, frontages and lot widths, and other Code requirements.

Additionally, regardless of the maximum density permitted in each zone, the project is still limited to the 1799-2000 limit approved in the pre-annexation agreement. If the MDA is approved with a reduced limit of 1770 ERUs, the overall density will not be permitted to exceed 1770.

The zoning will be achieved through a rezone as part of the annexation; the MDA will formalize the maximum density.

### **Remaining Property**

The owners of the JDV and JDVI properties have requested the Industrial Zone. Their request and information are included in Exhibit 10. The applicants have requested this zone to facilitate the expansion of mining activity to the annexed property, and potentially relocate their main offices to the site. Staff has requested information on any previous County approvals, or other documentation, demonstrating that the property needs the Industrial zone to allow ongoing operation, but has not received the requested evidence.

The remaining properties are owned by Utah Power and Light and by the United States. The applicant and Staff have recommended the Agricultural zone for these properties.

- D. Process:** Section 19.13.08 of the Code outlines the process for a Master Development Agreement, which includes a public hearing and recommendation by the Planning Commission and final action by the City Council. The Planning Commission forwarded a recommendation following a hearing on February 12, 2015.

Utah Code Chapter 10-4, subsections 401 through 428, govern the process for considering annexations. Chapter 19.22 of the City Code contains additional requirements that properties must meet before annexing into the City. The process contained in the Utah Code is summarized below:

1. The applicant submits an annexation petition. *Done*
2. Staff reviews the application for completeness. *Done*
3. The City Council must accept or reject the petition for further consideration during a public meeting. The acceptance for further consideration is a legislative decision. There is no public hearing for this decision. *Accepted for consideration on December 2, 2014*
4. If accepted, City staff notifies the County. *Done*
5. The City Recorder then has 30 days to review the petition to verify that the Utah Code requirements are met. The City Recorder reviews the petition with the City Attorney and County Assessor, Clerk, Recorder, and Surveyor to make this determination. If the requirements of the Utah Code are met, the City Recorder issues a certification that the petition meets the Utah Code requirements for ownership, connectivity, and contents. *Done and certification sent*
6. Once the City Recorder issues the certification, a 30-day protest period for affected entities begins and the City may begin publishing a weekly notice. *Timeframe over and weekly notices published*
7. At the end of the 30-day and weekly notice period, the City Council holds a public hearing, at which time the annexation may be approved by passing an ordinance or denied. *This meeting, April 21, 2015*
8. If the annexation is approved, the City then sends a Notice of Impending Boundary Action and plat with the Lieutenant Governor's office. The County is sent a copy. *Will occur*
9. Annexations are a legislative process; therefore there is significant discretion in the decision.

- E. Community Review:** This item has been noticed as a public hearing in the *Daily Herald*; and mailed notice sent to all property owners within 300 feet. As of the date of this report, no public input beyond that provided at the previous hearings has been received.

- F. General Plan:**

**Land Use Designation:** the Future Land Use Map of the General Plan has identified is property as Low Density Residential. As part of the Annexation, the applicants are requesting an amendment to change a portion of the property to the Medium Density Residential and High Density Residential designations, leaving some of the property as Low Density Residential.

Staff analysis: the MDA is consistent with the General Plan if the Council approves an amendment along with the Annexation and Rezone.

**Proposition 6:** Per Proposition 6, which was approved in November 2013, the General Plan has been amended to limit the percentage of multi-family dwelling units in the City. In this category type (multi-family attached, 2 or more stories) the limit is no more than 7% of all units in the City. Based upon an analysis of the existing approved units in the City, this 7% limit has already been exceeded.

The proposal includes development intended for multi-family development with a density ranging from 6-18 units per acre. The specific layout of these units has not yet been provided, and will be reviewed at a later date following the finalization of the MDA, however townhomes and stacked units are expected in order to achieve the proposed densities. Multi-story townhomes and stacked units (aka condos or apartments) would fall into the category of “multi-family attached, 2 or more stories.”

While the limit in the General Plan for these unit types has been exceeded, the Council may consider permitting them, in this case, for several reasons:

- The MDA codifies an application that is subject to a pre-annexation agreement to remove this site from consideration for the prison relocation.
- The General Plan is advisory, and with a finding of good cause, the Council may choose to approve a development that is not fully consistent with the General Plan. Such good cause could be the removal of the property from consideration for the prison relocation. Additional good cause could be the acquisition of acreage into Saratoga Springs that could have been annexed into another community with similar densities.

Staff analysis: consistent. The Council has found that the removal of the property from consideration for the prison is of public benefit, therefore, the proposal is generally consistent with the General Plan.

## **G. Code Criteria:**

### **Annexation Requirements**

Section 19.22.01 contains standards and guidelines for annexations:

1. Developers shall provide public improvements in accordance with City ordinances.  
*Complies. The MDA does not waive improvement standards, and all improvements will be reviewed for compliance with City ordinances at time of plat and site plan approvals.*
2. Developers shall pay all applicable impact fees, service fees, and assessments in addition to the annexation fee.  
*Complies. Fees will be charged at time of plat or site plan approval, and have not been waived through the MDA.*
3. Developers will be subject to all other appropriate and adopted fees to offset the costs to the City.  
*Complies. No fees were waived for the application.*

4. The applicant will be charged for all attorneys' fees associated with review of the annexation and drafting of applicable documents.  
*Complies. The application fee accounts for the City Attorney's review.*
5. Piecemeal annexation of individual small parcels of property is discouraged if contiguous parcels, soon to be developed, are available in order to avoid repetitious annexations.  
*Complies. The annexation is not piecemeal and includes all property within the annexation boundary between Saratoga Springs and Eagle Mountain.*
6. Except as permitted in Utah Code § 10-2-401 et seq., no islands or peninsulas of another jurisdiction shall be created by the annexation.  
*Complies. No islands or peninsulas are created.*
7. Irregular boundaries should be minimized.  
*Complies. Boundaries follow existing property lines and fill in gaps between Eagle Mountain, Saratoga Springs, and Camp Williams.*
8. The annexation shall generally follow existing roads, property lines, easements, utilities, and power lines in order to minimize the public expense for extension of main or service lines and streets.  
*Complies. The annexation follows existing property lines.*
9. In order to facilitate the consolidation of overlapping functions of local governments, promote the efficient delivery of services, encourage the equitable distribution of community resources and obligations, and eliminate islands and peninsulas of territory that are not receiving municipal services, the boundaries of an area proposed for annexation shall be drawn, where practicable and feasible, along the boundaries of existing special districts for sewer, water, and other services, along the boundaries of school districts, and along the boundaries of other taxing entities.  
*Complies. The annexation does not create islands or peninsulas and will fall with existing school districts. City special district boundaries will be amended along with future plats.*
10. In order to provide for the orderly growth and development in the City and avoid confusion and undue cost to the taxpayers, all utility and service hook-ups shall be limited to incorporated areas of the City and shall not be made available outside the City limits. The only exception shall be those extensions which are made pursuant to agreement with other units of government under the Interlocal Cooperation Act or by specific approval of the City Council.  
*Complies. No hookups are proposed outside City boundaries.*
11. Utilities should be extended to annexed areas as soon as practicable after annexation. However, the City is not obligated to provide utility services to newly annexed or undeveloped property.  
*Complies. The applicants understand that the City will not accelerate infrastructure, and are working with adjacent property owners to coordinate on improvements.*
12. Extensions of service lines and utilities shall be charged to the property annexed rather than to the public or City and shall be planned and constructed in full compliance with City ordinances.  
*Complies. Will be installed at the developer's cost.*
13. Each annexation shall require a disclosure by the developer of anticipated needs of utilities and street improvements and a timetable of anticipated development.  
*Complies. Sufficient information provided to City Engineer.*

## MDA

### 19.04, Land Use Zones - pending

- The applicant proposes use of existing City zones and standards, and does not propose the use of the PC zone in which they could create separate standards.

- Minimum lot size, frontage, width, depth, coverage – will be reviewed on a plat-by-plat basis for compliance with the individual zone district.
- Density – limited to a total of 1799-2200 units per the pre-annexation agreement. The MDA proposed 1770 Equivalent Residential Units (ERUs) ranging from less than 2 ERUs per acre in the R-2 zone, to a pocket of apartments at 18 ERUs per acre. Some of the ERUs may be converted into institutional uses such as schools and churches, reducing the overall number of residential units in the development.
- Setbacks / yard / height – will be reviewed on a plat-by-plat basis for compliance with the individual zone district.
- Open Space / Sensitive Lands – proposing large swaths of land totaling 23% throughout the development for protected open space. Additional open space will be provided within each multi-family development, with credit received for community open space outside of the plat.

19.06, Landscaping and Fencing – **Pending**

- Will be reviewed for compliance at time of Preliminary Plat, Final Plat, or Site Plan submittal

19.09, Off Street Parking – **Pending**

- Will be reviewed for compliance at time of Preliminary Plat, Final Plat, or Site Plan submittal

19.11, Lighting – **Pending**

- Will be reviewed for compliance at time of Preliminary Plat, Final Plat, or Site Plan submittal

19.14, Site Plan – **Pending**

- Will be reviewed for compliance at time of Site Plan submittal

19.14.04, Urban Design Committee – **Pending**

- Will be reviewed for compliance at time of Site Plan submittal

19.18, Signs – **Pending**

- Will be reviewed for compliance at time of Preliminary Plat, Final Plat, or Site Plan submittal

**Staff analysis:** the purpose of the MDA is to apply zones to the property, by which future plats and site plans will be reviewed. The general zones and standards comply with the code, and specific code criteria will be verified when detailed plans are submitted at a later date.

**H. Recommendation and Alternatives:**

Staff recommends that the City Council conduct a public hearing, take public comment, discuss any public input received, and choose from the following options:

**Staff Recommendation: approvals**

The City Council may choose to conditionally approve all or some the applications: “I move to **conditionally APPROVE** The Springs [Annexation, General Plan Amendment, and Rezone] with the Findings and Conditions below:

**Findings:**

1. The proposal is consistent with the pre-annexation agreement contained in Exhibit 3.

2. With conditions, the Annexation and Rezone comply with the Land Development Code articulated in Section G of the Staff report, which Section is incorporated herein by reference.
3. With conditions, the Annexation and Rezone is consistent with the General Plan as articulated in Section F of the Staff report, which Section is incorporated herein by reference.

**Conditions:**

1. The zones applied to The Springs property shall be as identified in Exhibit 7.
2. The General Plan Land Use Map shall be amended to reflect the zones applied to the Western States Ventures property, including Low Density Residential, Medium Density Residential, and High Density Residential, as appropriate.
3. The zone(s) applied to the JDV and JDVI properties, as identified in Exhibit 4, shall be [Industrial / Agricultural].
4. The General Plan Land Use Map shall be amended to reflect the zones applied to the JDV and JDVI property as appropriate.
5. The zone applied to the remaining annexed property shall be Agricultural.
6. All requirements of the City Engineer, as outlined in but not limited to Exhibit 2, shall be met.
7. Any other conditions articulated by the City Council: \_\_\_\_\_

“I also move to **conditionally APPROVE** The Springs MDA with the Findings and Conditions below:”

**Findings:**

1. The proposal is consistent with the pre-annexation agreement contained in Exhibit 3.
2. The MDA complies with Land Development Code articulated in Section G of the Staff report, which Section is incorporated herein by reference.
3. With conditions, the MDA is consistent with the General Plan as articulated in Section F of the Staff report, which Section is incorporated herein by reference.

**Conditions:**

1. All requirements and conditions of the City Engineer, as outlined in but not limited to Exhibit 2, shall be met.
2. The MDA shall not be approved by the City Council unless the Annexation, General Plan Amendment, and Rezones are approved.
3. The MDA shall require disclosures and plat notes regarding the proximity to Camp Williams and ongoing military training operations, as well as active mining, which may include noise and vibration impacts.
4. All utility requirements shall be met.
5. The applicants shall conduct a seismic study and submit results with the first preliminary plat application.
6. The applicants shall coordinate with Camp Williams to determine potential modifications to the plan to address buffering needs prior to platting in the subdivisions immediately adjacent to Camp Williams.
7. The MDA shall be edited as directed by the Council: \_\_\_\_\_.
8. Any other conditions as required by the City Council: \_\_\_\_\_.

**ALTERNATIVES:**

**Continuance**

The City Council may instead choose to continue all or some of the applications:

Potential motion: “Based on the analysis of the City Council and information received from the public, I move to **continue** The Springs [Annexation, General Plan Amendment, Rezone, and MDA] to the May 5, 2015 meeting, with the following direction on additional information or changes needed to render a decision:

1. A final draft of the MDA shall be provided.
2. Information needed to satisfy the requirements of Code Section 19.22.01.13 shall be provided.
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**Denial**

The Council may also choose to deny all or some of the applications:

Potential motion: “Based on the analysis of the City Council and information received from the public, I move to **deny** to The Springs [Annexation/ General Plan Amendment/Rezone/MDA] with the following findings:

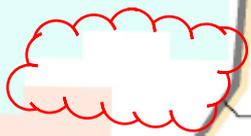
**Potential Findings:**

1. The [Annexation/General Plan Amendment/Rezone/MDA] is not consistent with the pre-annexation agreement contained in Exhibit 4, as articulated by the Council: \_\_\_\_\_, or \_\_\_\_\_, or
2. The [Annexation/General Plan Amendment/Rezone/MDA] does not comply with the Land Development Code, as articulated by the Council: \_\_\_\_\_, or
3. The [Annexation/General Plan Amendment/Rezone/MDA] is not consistent with the General Plan, as articulated by the Council: \_\_\_\_\_.

**I. Exhibits:**

- |                                   |               |
|-----------------------------------|---------------|
| 1. Location Map                   | (page 10)     |
| 2. City Engineer’s Report         | (pages 11-12) |
| 3. Pre-annexation Agreement       | (pages 13-15) |
| 4. Annexation Map                 | (page 16)     |
| 5. The Springs Concept Plan       | (page 17)     |
| 6. The Springs Context Map        | (page 18)     |
| 7. The Springs Proposed Zoning    | (page 19)     |
| 8. The Springs Park Concept       | (page 20)     |
| 9. The Springs Site Summary       | (page 21)     |
| 10. Public Input (HADCO)          | (pages 22-29) |
| 11. The Springs Draft MDA         | (pages 30-60) |
| 12. March 3, 2015 Council Minutes | (pages 61-63) |

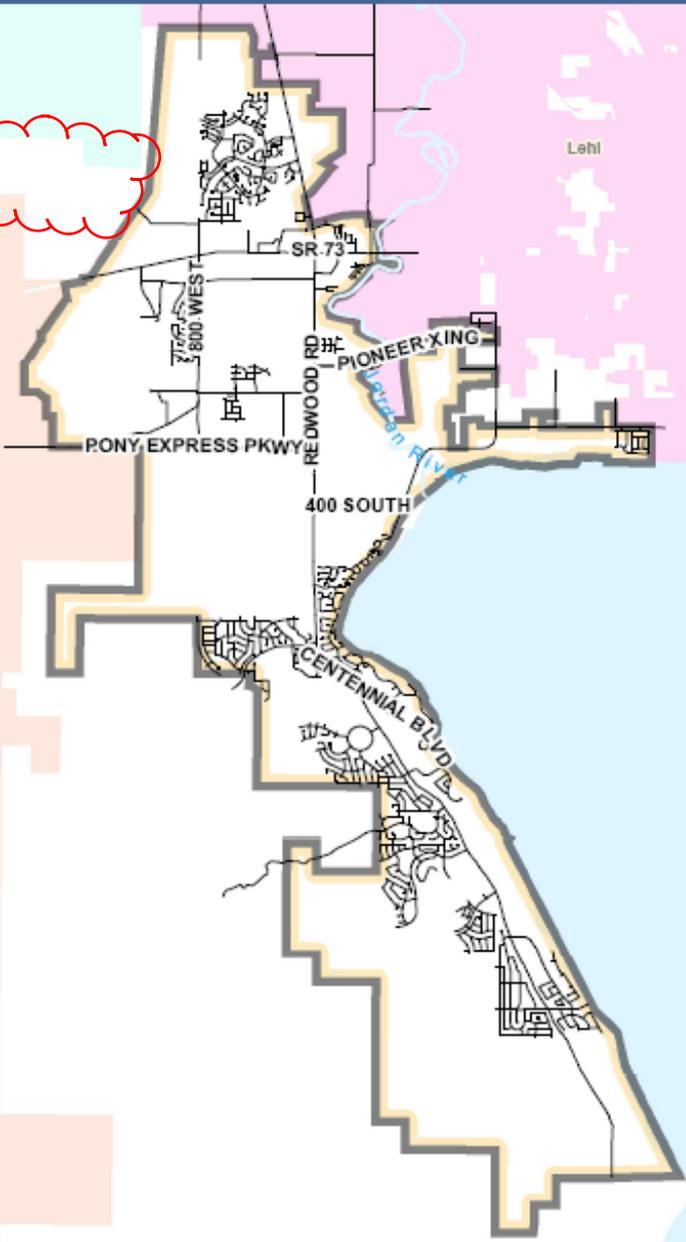
Exhibit 1  
Location



Camp  
Williams

Lehi

Eagle  
Mountain



Utah Lake



**City Council  
Staff Report**

**Author:** Jeremy D. Lapin, City Engineer  
**Subject:** The Springs  
**Date:** April 21, 2015  
**Type of Item:** Annexation, Rezone, MDA



**Description:**

**A. Topic:** The Applicant has submitted an Annexation, Rezone, Master Development Agreement application. Staff has reviewed the submittal and provides the following recommendations.

**B. Background:**

*Applicant:* Western States Ventures, LLC  
*Request:* Annexation, Rezone and Master Development Agreement (MDA)  
*Location:* Approx. 1800 N. 1000 West (west of Harvest Hills and south of Camp Williams)  
*Acreage:* Approximately 475.737 acres

**C. Recommendation:** Staff recommends approval of the Annexation, Rezone and Master Development Agreement subject to the following findings and conditions:

**D. Conditions:**

- 1) The project and associated master plans and construction drawings shall be consistent with the City's existing Master Plans including the Transportation Master Plan, the Parks, Trails, and Open Space Master Plan, as well as the City's utility master plans including the Culinary Water, Secondary Water, Sewer, and Storm Drain Master Plans.
- 2) The acceptance of the annexation and accompanying documents does not represent a reservation of capacity in any of the systems. Capacity is available on a first come, first serve basis and final verification of system capacity will need to be determined prior to the recordation of plats. At the time of plat recordation, Developer shall be responsible for the installation and dedication to City of all onsite and offsite improvements sufficient for the development of Developers' Property in accordance with the current City regulations. While the anticipated improvements required for the entire Property are set out in the developers disclosure of utility needs, that is only the City's and Developers best estimate at this time as to the required improvements and is not intended to be an exhaustive list. The required improvements for each plat shall be determined by the City Engineer at the time of plat submittal.
- 3) The infrastructure anticipated to be needed for the build out of this project shall be provided for in comprehensive master plans that shall be submitted with or prior to the first plat application. The master plan shall include a Traffic Impact Study that meets all of the requirements provided for in the City's Engineering Standards and Specifications. Such master plan shall also show existing city mains locations and sizes and identify all proposed points of connection to existing. Master Plan shall identify all offsite incoming storm water flows that must be routed and or mitigated through project.
- 4) The developer shall comply with all City and UDOT access spacing and permitting requirements. A permit for all points of access along UDOT roads shall be obtained. Developer shall complete roadway improvements as per the City's Transportation Master Plan (TMP) and Engineering standards and specifications.

- 5) Developer shall provide a geotechnical report and hydrologic/hydraulic storm drainage calculations for the overall project. Detention areas and volumes shall be identified as well as all proposed outfall locations. The project shall comply with all City, UPDES and NPDES storm water pollution prevention requirements. Storm water release shall not exceed 0.2 cfs/acre or predevelopment hydrology, whichever is less, and all storm water must be cleaned to remove 80% of Total Suspended Solids and all hydrocarbons and floatables.
- 6) Developer shall provide a complete trail system that provides pedestrian connectivity as well as pedestrian corridors at critical locations to maintain connectivity to trails and neighborhoods. The trail system shall also be consistent with the City's Trails and open space Master Plan
- 7) Existing pedestrian trails shall be incorporated into project
- 8) The developer shall ensure that any open space dedicated to the City will meet all City landscaping and irrigation design standards as well as meet all City and industry standards for amenities and play equipment.
- 9) All roads public or private shall meet all city standards and specifications and standard cross sections and pavement section designs.
- 10) Areas to be served by the various water zones shall have a direct connection to a source and storage for that specific zone; a connection only by PRV is not permitted.
- 11) Lift stations will not be permitted to provide sewer or storm drain service for any areas. All Sanitary and Storm Sewers must be gravity lines only.
- 12) Storm water retention is not permitted. All storm water must be detained to historical or pre-development conditions and all basins must have an outfall and overflow system as specified in the City's Engineering Standards.
- 13) Developer shall identify and protect all sensitive lands as specified in the Land Development Code.
- 14) Developer shall be required to bury and/or relocate of all overhead utility distribution lines.
- 15) Secondary and Culinary Water Rights must be secured from or dedicated to the City with each plat proposed for recordation compliant with current City Code. Prior to acceptance of water rights proposed for dedication, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right that it determines to be insufficient in annual quantity or rate of flow or has not been approved for change to municipal purposes within the City or has not been approved for diversion from City-owned waterworks by the State Engineer.

**PRE-ANNEXATION AND DEVELOPMENT AGREEMENT**

**December 9, 2014**

Western States Ventures, LLC (“Western States”) and the City of Saratoga Springs (“Saratoga Springs”) hereby enter into this Pre-Annexation and Development Agreement (“Agreement”) as more fully specified below.

**RECITALS**

WHEREAS, Western States owns approximately 480 acres of property (“Property”) located west of Saratoga Springs that is currently under the jurisdiction of Utah County;

WHEREAS, a legal description of the Property is attached hereto and incorporated by reference as Exhibit “A”;

WHEREAS, the Utah Prison Relocation Committee has recently identified the Property as one of the top potential sites for the relocation of the Utah State Prison;

WHEREAS, Saratoga Springs does not think that the Property is appropriate for being the site of a prison in light of the growing residential nature of the area and the potential to develop the Property in a manner that would be much more beneficial to Saratoga Springs and its residents;

WHEREAS, Western States, to assist the City in opposing the prison relocation, has worked diligently and in good faith with the professional staff of Saratoga Springs and filed a Petition to annex the Property into Saratoga Springs;

WHEREAS, Western States and Saratoga Springs’ professional staff also began work on the design of a master-planned community development project for the Property, to be known as “The Springs”, to be memorialized in an Annexation and Development Agreement;

WHEREAS, Saratoga Springs has expressed a willingness to use its governmental powers and to coordinate the development of the project including addressing the issues of public infrastructure and access in accordance with Saratoga Springs policies and practices, the Utah Impact Fees Act and other applicable codes;

WHEREAS, while it is too early in the planning process to have prepared a concept plan for The Springs, the general concept for the development envisions a broad mix of various residential unit types with the potential for some other use types such as retail, commercial and office as well as mixed-use structures encompassing between about 1,799 and 2,000 equivalent residential units;

WHEREAS, on December 2, 2014 the City Council accepted the Petition for annexation for further consideration and Saratoga Springs is now processing that Petition;

WHEREAS, Western States and Saratoga Springs anticipate that the annexation will be approved by Saratoga Springs and the Annexation and Development Agreement executed both by mid-January, 2015;

WHEREAS, Western States has not entered into binding agreements with the Prison Relocation Commission or other entity concerning the prison relocation;

WHEREAS, Saratoga Springs has asked Western States to take appropriate steps to inform the Prison Relocation Commission that the Property should no longer be considered in any way as a location for the possible prison and, subsequent to execution of this Agreement, formally and permanently withdraw its application from the State of Utah;

WHEREAS, Western States is willing to take such steps based on assurances from Saratoga Springs, including the entry into this Agreement, that Saratoga Springs will fairly and promptly annex the Property, process the approval of The Springs by entering into an Annexation and Development Agreement and work cooperatively with Western States using the powers of Saratoga Springs to coordinate the development of the project including addressing the issues of public infrastructure and access in accordance with Saratoga Springs policies and practices, the Utah Impact Fees Act and other applicable codes; and

WHEREAS, the City Council of Saratoga Springs considered this Agreement at a public meeting on December 9, 2014 and voted unanimously to each execute and enter into this Agreement along with the Mayor Miller on behalf of Saratoga Springs and take all of the steps necessary to implement this Agreement.

Now, therefore, in consideration of the foregoing Recitals, the following mutual promises and other good and valuable consideration Western States and Saratoga Springs agree to the following:

#### TERMS

1. Western States will, on December 10, 2014, formally and permanently withdraw its application with the State of Utah by sending the Prison Relocation Commission a written letter (or other sufficient notice) that Western States is permanently withdrawing the Property from further consideration as a potential site for the Prison.
2. Saratoga Springs will promptly process the Petition for annexation and annex the Property into Saratoga Springs as quickly as possible.
3. Saratoga Springs and Western States will work both cooperatively and as quickly as possible to create and approve a Master Plan for the future development of The Springs with a broad mix of various residential unit types and with the potential for some other use types such as retail, commercial and office as well as mixed-use structures encompassing between about 1,799 and 2,000 equivalent residential units, enter into an Annexation and Development Agreement providing, among other things, for the vested rights of Western States to develop

The Springs according to the approved Master Plan with the uses discussed above and the Annexation and Development Agreement and work cooperatively with Western States using the powers of Saratoga Springs to coordinate the development of the project including addressing the issues of public infrastructure and access in accordance with Saratoga Springs policies and practices, the Utah Impact Fees Act and other applicable codes.

4. Western States and Saratoga Springs intend to complete the annexation and enter into the Annexation and Development Agreement by January 31, 2015.

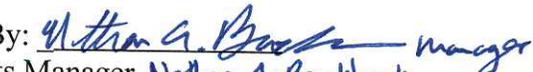
5. The recitals above are incorporated herein by this reference.

Dated this 9<sup>th</sup> day of December, 2014

City of Saratoga Springs

Western States Ventures, LLC

By:   
Hon. Jim Miller, Mayor

By:  manager  
Its Manager Nathan A. Brockbank

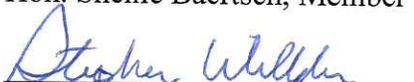
CITY COUNCIL

  
Hon. Michael McOmber, Member

  
Hon. Rebecca Call, Member

  
Hon. Shellie Baertsch, Member

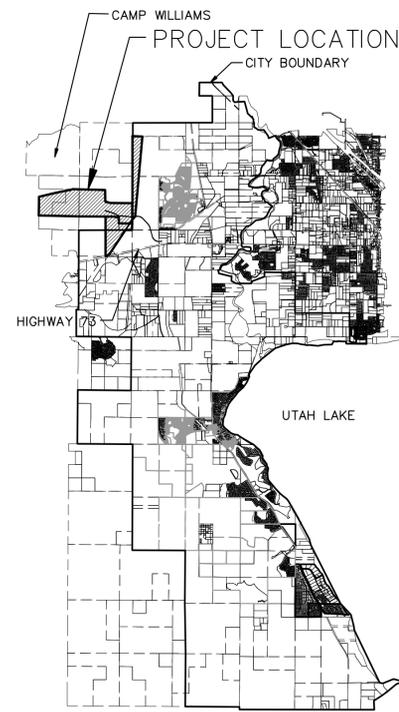
  
Hon. Bud Poduska, Member

  
Hon. Stephen Willden, Member

ATTEST:

  
City Recorder (or Deputy)





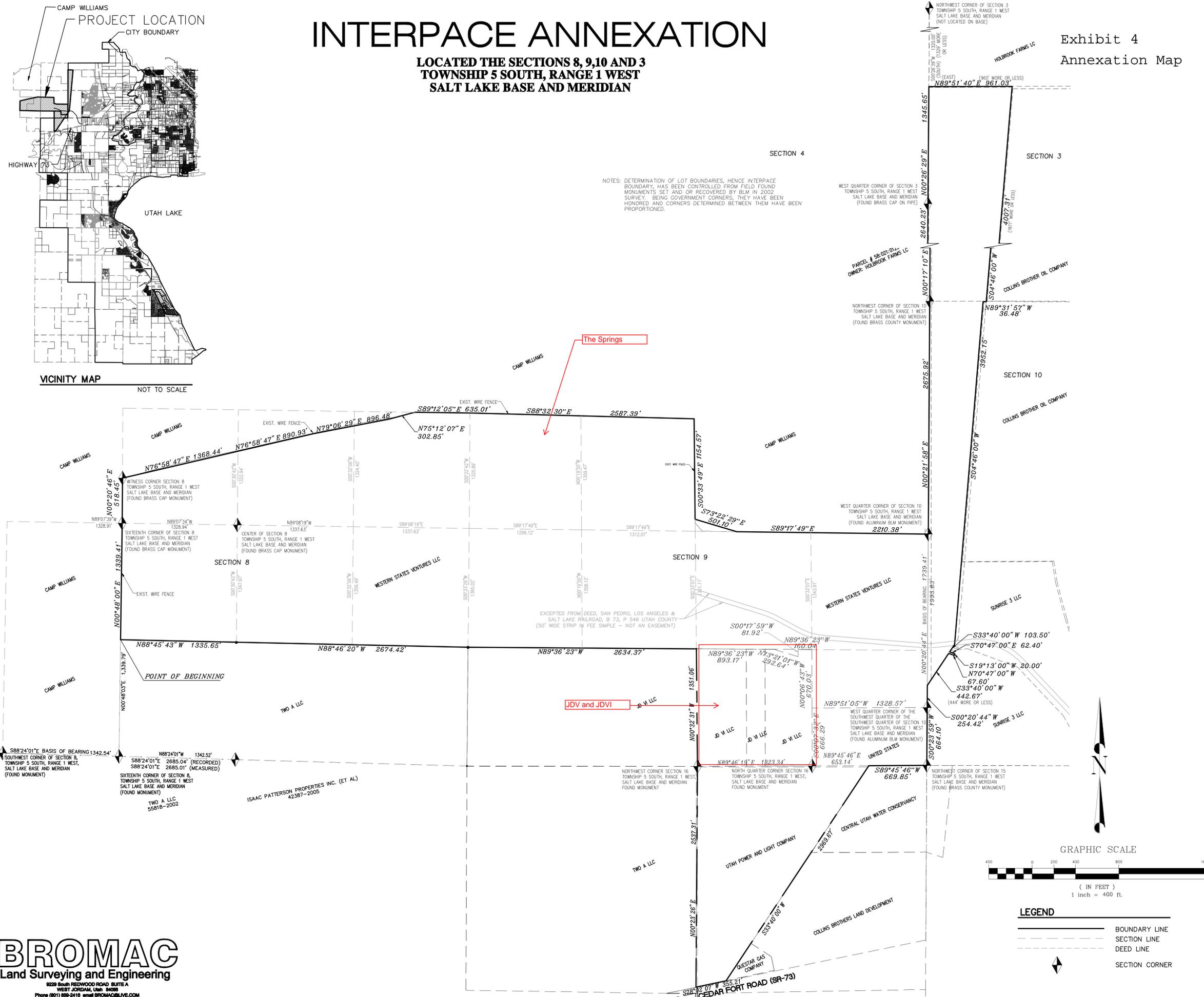
VICINITY MAP  
NOT TO SCALE

# INTERPACE ANNEXATION

LOCATED THE SECTIONS 8, 9, 10 AND 3  
TOWNSHIP 5 SOUTH, RANGE 1 WEST  
SALT LAKE BASE AND MERIDIAN

NOTES: DETERMINATION OF LOT BOUNDARIES, HENCE INTERPACE BOUNDARY, HAS BEEN CONTROLLED FROM FIELD FOUND MONUMENTS SET AND OR RECOVERED BY ELM IN 2002 SURVEY. BEING GOVERNMENT CORNERS, THEY HAVE BEEN HONORED AND CORNERS DETERMINED BETWEEN THEM HAVE BEEN PROPORTIONED.

Exhibit 4  
Annexation Map



**SURVEYOR'S CERTIFICATE**

I, C. DAVID MCKINNEY DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5251295 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A FINAL LOCAL ENTITY PLAT, IN ACCORDANCE WITH SECTION 17-23-20, WAS MADE BY ME AND SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF SAID FINAL LOCAL ENTITY PLAT.

C. DAVID MCKINNEY  
LICENSE NO. 5251295

DATE \_\_\_\_\_

---

**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT WHICH IS SOUTH 88°24'01" EAST 1342.54 FEET AND NORTH 00°48'03" EAST 1339.79 FEET FROM A BRASS CAP MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION 8, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 00°48'00" EAST ALONG THE SIXTEENTH LINE 1,339.41 FEET TO A FOUND BRASS CAP MONUMENT; THENCE NORTH 00°20'46" EAST ALONG THE SIXTEEN LINE 518.45 FEET TO A FOUND BRASS CAP MONUMENT; THENCE NORTH 76°58'47" EAST 1,368.44 FEET; THENCE CONTINUE NORTHEASTERLY ALONG SAID LINE, A DISTANCE OF 890.93 FEET; THENCE NORTH 79°06'29" EAST 896.48 FEET; THENCE NORTH 75°12'07" EAST 302.85 FEET TO A FOUND BRASS CAP MONUMENT; THENCE SOUTH 89°12'05" EAST ALONG THE SIXTEENTH LINE 635.01 FEET; THENCE SOUTH 88°32'30" EAST ALONG THE SIXTEENTH LINE 2,587.39 FEET TO A FOUND BRASS CAP MONUMENT; THENCE SOUTH 00°33'49" EAST ALONG A QUARTER SECTION LINE 1,154.57 FEET TO A FOUND BRASS CAP MONUMENT; THENCE SOUTH 73°22'29" EAST 501.10 FEET TO A QUARTER SECTION LINE; THENCE SOUTH 89°17'49" EAST ALONG THE QUARTER SECTION LINE 2,210.38 FEET TO A FOUND BRASS CAP MONUMENT; THENCE NORTH 00°21'58" EAST 2675.92 FEET; THENCE NORTH 00°17'10" EAST 2640.23 FEET; THENCE NORTH 00°26'29" EAST 1345.65 FEET; THENCE NORTH 89°51'40" EAST 961.03 FEET; THENCE SOUTH 04°46'00" WEST 4007.31 FEET; THENCE NORTH 89°31'57" WEST 36.48 FEET; THENCE SOUTH 04°46'00" WEST 3952.15 FEET; THENCE SOUTH 33°40'00" WEST 103.50 FEET; THENCE SOUTH 70°47'00" EAST 62.40 FEET; THENCE SOUTH 19°13'00" WEST 20.00 FEET; THENCE NORTH 70°47'00" WEST 67.60 FEET; THENCE SOUTH 33°40'00" WEST 442.67 FEET; THENCE SOUTH 00°20'44" WEST ALONG A SECTION LINE 254.42 FEET TO A FOUND BRASS CAP MONUMENT; THENCE SOUTH 00°23'59" WEST 664.10 FEET TO A FOUND BRASS CAP MONUMENT; THENCE SOUTH 89°45'46" EAST 669.85 FEET; THENCE NORTH 89°45'46" EAST 653.14 FEET; THENCE SOUTH 33°40'00" WEST 2969.67 FEET TO THE NORTH RIGHT-OF-WAY LINE OF CEDAR FORT ROAD (SR-73); THENCE SOUTH 78°02'07" WEST ALONG SAID RIGHT-OF-WAY 355.21 FEET; THENCE NORTH 00°23'26" EAST 2537.31 FEET; THENCE NORTH 00°32'31" WEST 1351.06 FEET TO A SIXTEENTH LINE; THENCE NORTH 89°36'23" WEST 2,634.37 FEET ALONG THE SIXTEENTH LINE; THENCE NORTH 88°46'20" WEST ALONG THE SIXTEENTH LINE 2,674.42 FEET; THENCE NORTH 88°45'43" WEST ALONG THE SIXTEENTH LINE 1,335.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 31,525,972 SQUARE FEET OR 723.732 ACRES, MORE OR LESS.

---

**ACCEPTANCE BY LEGISLATIVE BODY**

THIS IS TO CERTIFY THAT WE, A LEGISLATIVE BODY OF THE TOWN OF FRANCIS, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO THE TOWN OF FRANCIS, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HERewith ALL IN ACCORDANCE WITH THE UTAH CODE ANNOTATED (1953) 10-3-1 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY.

APPROVED: \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007.

RECORDER

---

**INTERPACE ANNEXATION**

**ADDITION TO THE CORPORATE LIMITS**

OF  
**THE CITY OF SARATOGA SPRINGS**  
UTAH COUNTY  
STATE OF UTAH

---

COUNTY RECORDERS NO. \_\_\_\_\_

STATE OF UTAH, COUNTY OF UTAH

RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_

DATE: \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

TIME: \_\_\_\_\_ FEE: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

COUNTY RECORDER

Exhibit 5  
Concept Plan

The Springs Site Summary - Saratoga Springs, Utah - Western States Ventures.

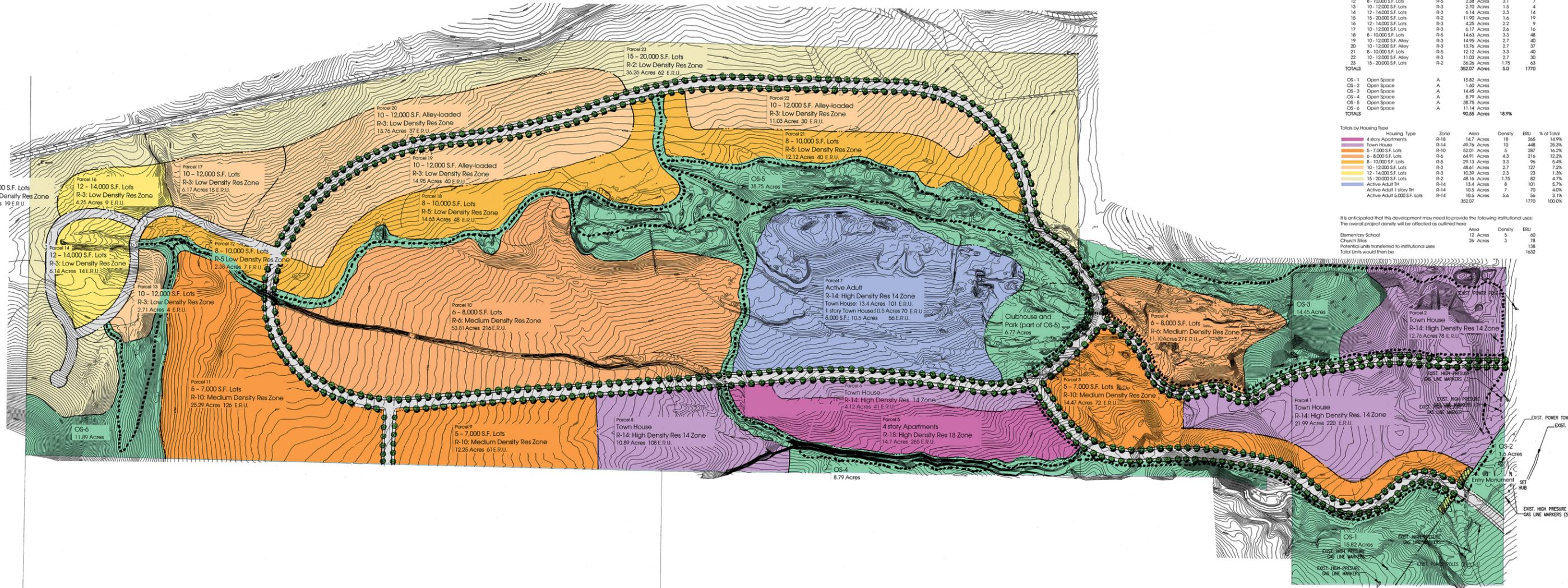
Site 479.11 Acres  
77 ft Collector Streets 28.47 Acres  
66 ft Local Streets as shown 632.02 Acres

Parcel	Housing Type	Zone	Area	Density	ERU	
1	Town House	R-14	21.99 Acres	10	220	
2	Town House	R-14	12.76 Acres	6.1	78	
3	5 - 7,000 S.F. Lots	R-10	14.47 Acres	5	72	
4	6 - 8,000 S.F. Lots	R-6	11.10 Acres	2.4	27	
5	4 story Apartments	R-18	14.70 Acres	18	265	
6	Town House	R-14	4.12 Acres	10	41	
7	Active Adult	R-14				
	Town House		15.80 Acres	7.5	101	
	1 story TH		10.50 Acres	6.7	70	
8	Town House	R-14	5,000 S.F. Lots	10.50 Acres	5.3	56
9	5 - 7,000 S.F. Lots	R-10	12.25 Acres	5	109	
10	6 - 8,000 S.F. Lots	R-6	53.81 Acres	4.01	216	
11	5 - 7,000 S.F. Lots	R-10	25.29 Acres	5	126	
12	8 - 10,000 S.F. Lots	R-5	2.38 Acres	3.1	7	
13	10 - 12,000 S.F. Lots	R-3	2.70 Acres	1.5	4	
14	12 - 14,000 S.F. Lots	R-3	4.14 Acres	2.3	14	
15	15 - 20,000 S.F. Lots	R-2	11.90 Acres	1.6	19	
16	12 - 14,000 S.F. Lots	R-3	4.25 Acres	2.2	9	
17	10 - 12,000 S.F. Lots	R-3	6.17 Acres	2.6	16	
18	8 - 10,000 S.F. Lots	R-5	14.63 Acres	3.3	48	
19	10 - 12,000 S.F. Alley	R-3	14.95 Acres	2.7	40	
20	10 - 12,000 S.F. Alley	R-3	13.76 Acres	2.7	37	
21	6 - 10,000 S.F. Lots	R-5	12.12 Acres	3.3	40	
22	10 - 12,000 S.F. Alley	R-3	11.03 Acres	2.7	30	
23	15 - 20,000 S.F. Lots	R-2	36.26 Acres	1.75	63	
TOTALS			352.07 Acres	6.0	1770	
OS-1	Open Space	A	15.82 Acres			
OS-2	Open Space	A	1.63 Acres			
OS-3	Open Space	A	14.45 Acres			
OS-4	Open Space	A	8.79 Acres			
OS-5	Open Space	A	38.75 Acres			
OS-6	Open Space	A	11.84 Acres			
TOTALS			90.55 Acres	18.9%		

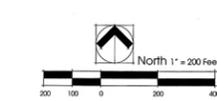
Totals by Housing Type	Housing Type	Zone	Area	Density	ERU	% of Total
	4 story Apartments	R-18	14.7 Acres	18	265	14.9%
	Town House	R-14	49.76 Acres	10	448	25.3%
	5 - 7,000 S.F. Lots	R-10	52.01 Acres	5	267	16.2%
	6 - 8,000 S.F. Lots	R-6	64.91 Acres	4.3	216	12.2%
	8 - 10,000 S.F. Lots	R-5	29.13 Acres	3.3	96	5.4%
	10 - 12,000 S.F. Lots	R-3	48.83 Acres	2.7	127	7.2%
	12 - 14,000 S.F. Lots	R-3	10.39 Acres	2.3	23	1.3%
	15 - 20,000 S.F. Lots	R-2	48.16 Acres	1.75	82	4.7%
	Active Adult TH	R-14	13.4 Acres	8	101	5.7%
	Active Adult 1 story TH	R-14	10.5 Acres	7	70	4.0%
	Active Adult 5,000 S.F. Lots	R-14	35.07 Acres	5.6	56	3.1%
					1770	100.0%

If it is anticipated that this development may need to provide the following institutional uses:  
The overall project density will be affected as outlined here

Elementary School	Area	Density	ERU
Church Sites	12 Acres	5	60
Potential units transferred to institutional uses	26 Acres	3	78
Total Units would then be			1632



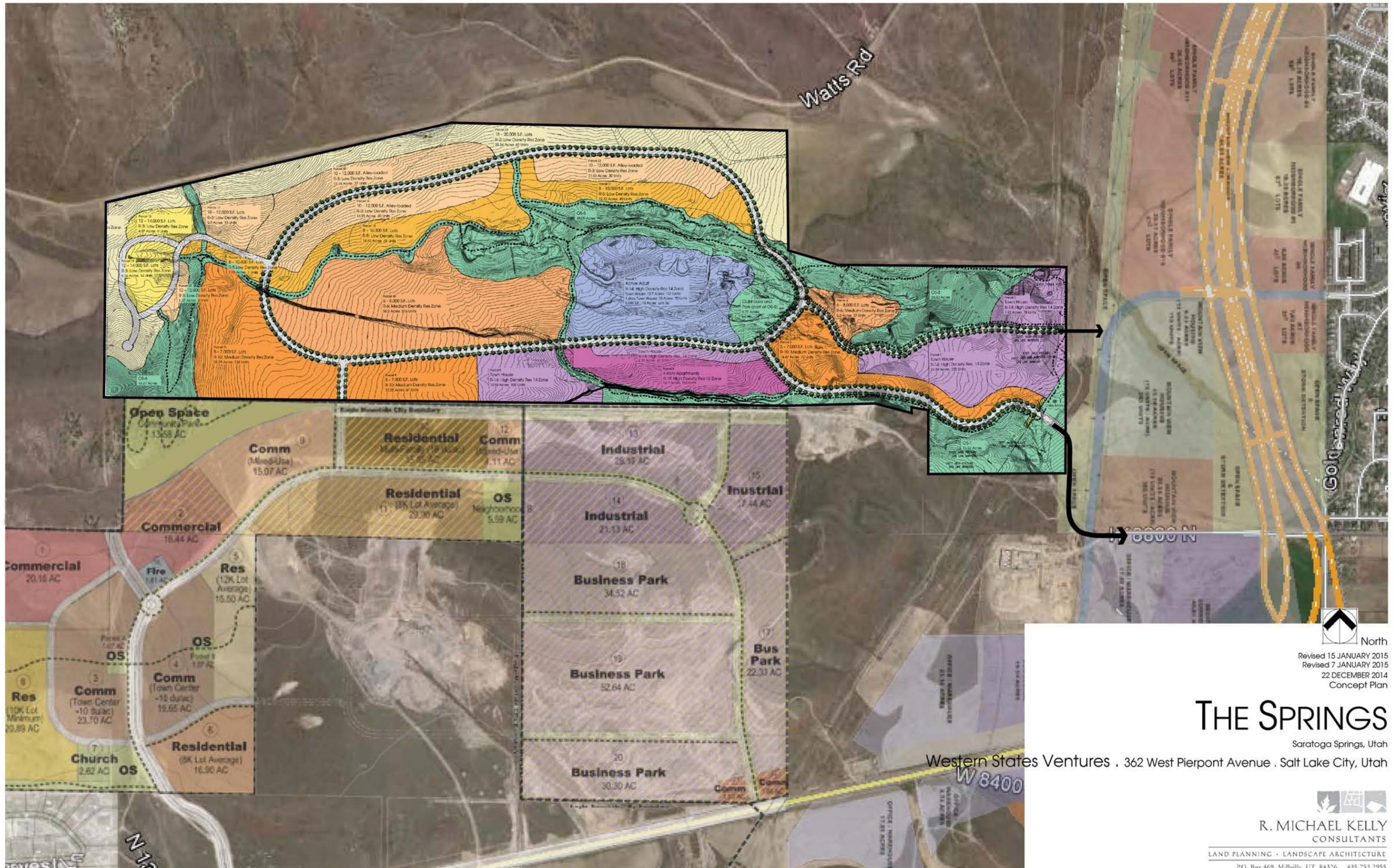
THIS PLAN represents a Conceptual Design only and is subject to changes prior to the preparation of Final Plans.



Revised 1 April 2015  
Revised 25 March 2015  
Revised 05 JANUARY 2015  
02 JANUARY 2015  
Concept Plan

THE SPRINGS  
Saratoga Springs, Utah

Western States Ventures . 362 West Pierpont Avenue . Salt Lake City, Utah



North  
 Revised 15 JANUARY 2015  
 Revised 7 JANUARY 2015  
 22 DECEMBER 2014  
 Concept Plan

# THE SPRINGS

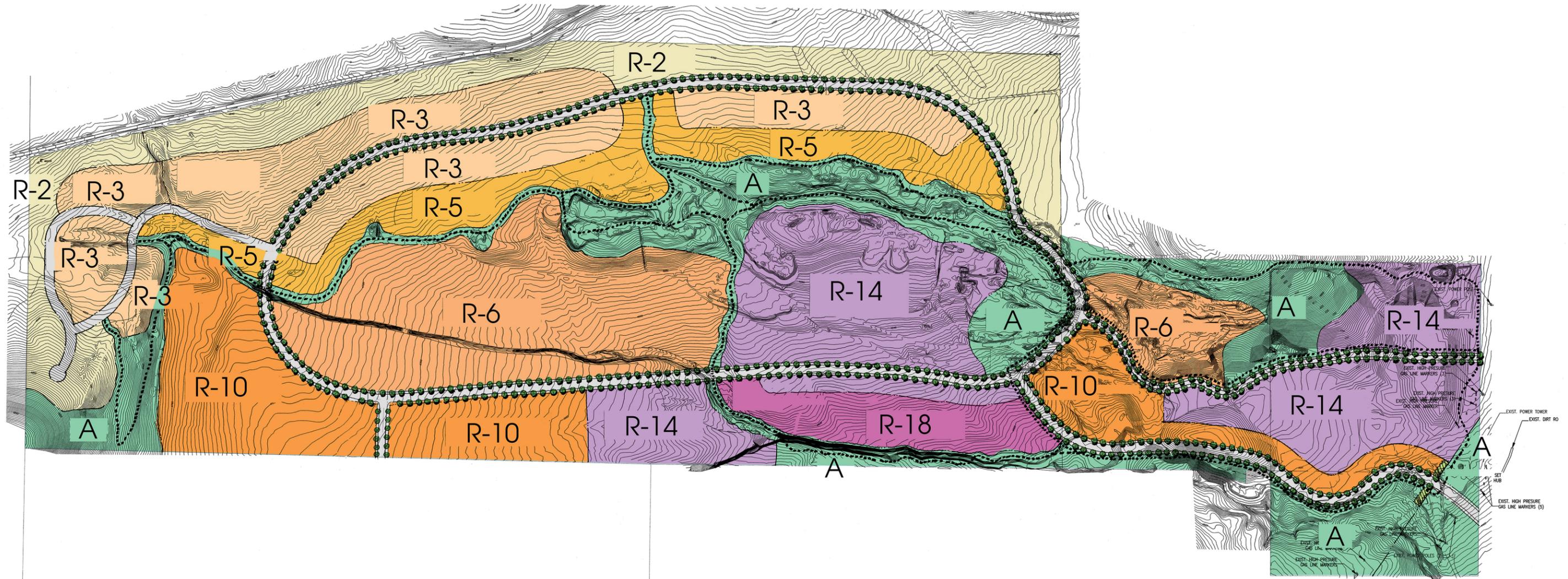
Saratoga Springs, Utah

Western States Ventures , 362 West Pierpont Avenue . Salt Lake City, Utah

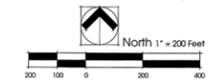
R. MICHAEL KELLY  
 CONSULTANTS

LAND PLANNING · LANDSCAPE ARCHITECTURE

P.O. Box 469, Millville, UT 84326 435.753.2955



THIS PLAN represents a Conceptual Design only and is subject to changes prior to the preparation of Final Plans.



Revised 0 April 2015  
Revised 06 JANUARY 2015  
02 JANUARY 2015  
PROPOSED ZONING

**THE SPRINGS**  
Saratoga Springs, Utah  
Western States Ventures . 362 West Pierpont Avenue . Salt Lake City, Utah

R. MICHAEL KELLY  
CONSULTANTS  
LAND PLANNING - LANDSCAPE ARCHITECTURE  
1000 West 1000 South, Salt Lake City, UT 84116 435.753.3955

Western States Ventures · 362 West Pierpont Avenue · Salt Lake City, Utah

# THE SPRINGS

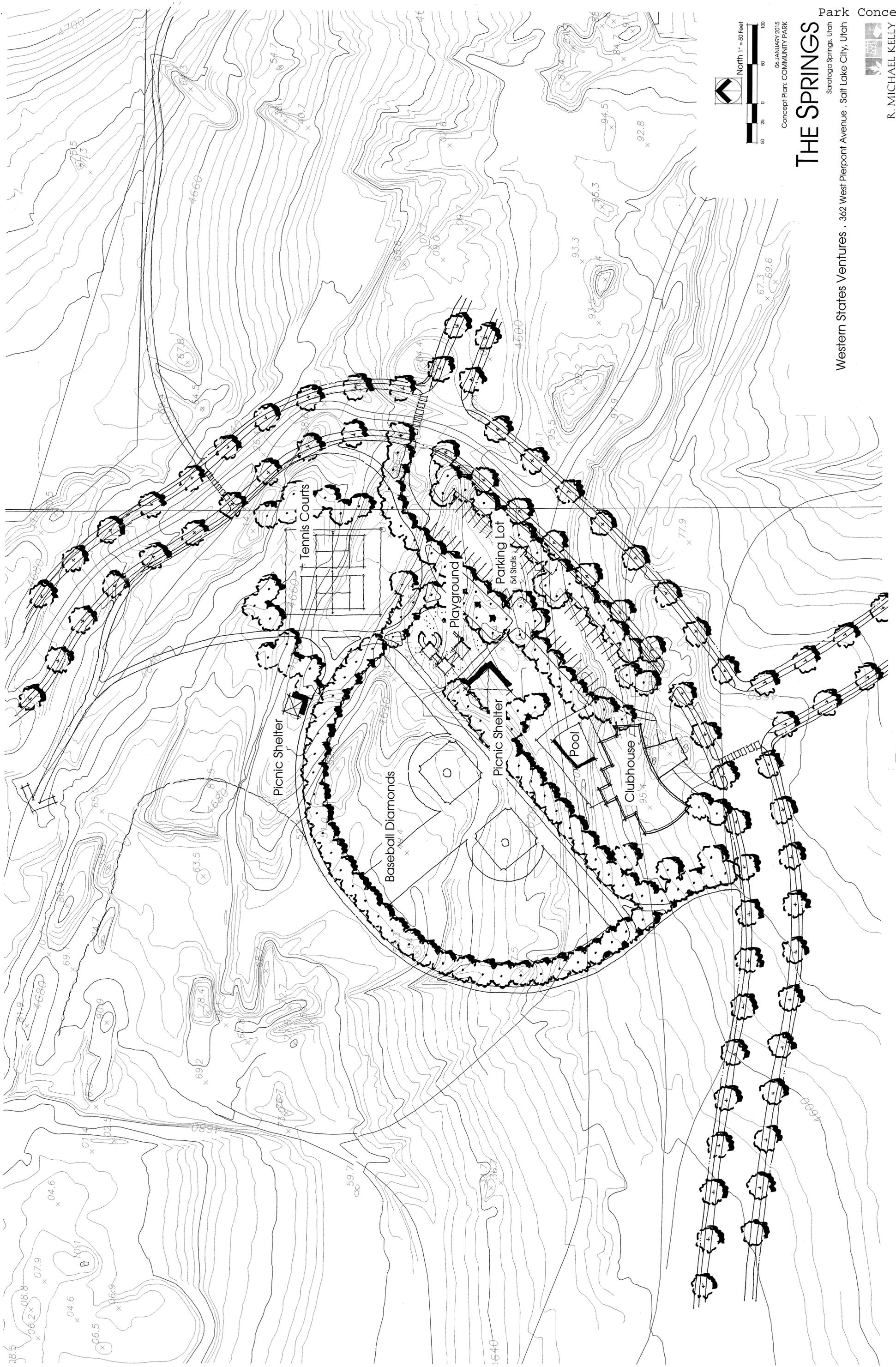
Saratoga Springs, Utah

06 JANUARY 2015  
Concept Plan: COMMUNITY PARK

R. MICHAEL KELLY  
CONSULTANTS  
LAND PLANNING · LANDSCAPE ARCHITECTURE  
P.O. Box 469, Millville, UT 84526 435.753.2955



North 1" = 50 Feet



THIS PLAN represents a Conceptual Design only and is subject to changes prior to the preparation of Final Plans.

# The Springs . Site Summary . Saratoga Springs, Utah . Western States Ventures.

Site	479.11 Acres
77 ft. Collector Streets	28.47 Acres
56 ft. Local Streets as shown	8.02 Acres

Parcel	Housing Type	Zone	Area	Density	ERU
1	Town House	R-14	21.99 Acres	10	220
2	Town House	R-14	12.76 Acres	6.1	78
3	5 - 7,000 S.F. Lots	R-10	14.47 Acres	5	72
4	6 - 8,000 S.F. Lots	R-6	11.10 Acres	2.4	27
5	4 story Apartments	R-18	14.70 Acres	18	265
6	Town House	R-14	4.12 Acres	10	41
7	Active Adult Town House	R-14	13.40 Acres	7.5	101
	1 story TH		10.50 Acres	6.7	70
	5,000 S.F. Lots		10.50 Acres	5.3	56
8	Town House	R-14	10.89 Acres	10	109
9	5 - 7,000 S.F. Lots	R-10	12.25 Acres	5	61
10	6 - 8,000 S.F. Lots	R-6	53.81 Acres	4.01	216
11	5 - 7,000 S.F. Lots	R-10	25.29 Acres	5	126
12	8 - 10,000 S.F. Lots	R-5	2.38 Acres	3.1	7
13	10 - 12,000 S.F. Lots	R-3	2.70 Acres	1.5	4
14	12 - 14,000 S.F. Lots	R-3	6.14 Acres	2.3	14
15	15 - 20,000 S.F. Lots	R-2	11.90 Acres	1.6	19
16	12 - 14,000 S.F. Lots	R-3	4.25 Acres	2.2	9
17	10 - 12,000 S.F. Lots	R-3	6.17 Acres	2.6	16
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22	10 - 12,000 S.F. Alley	R-3	11.03 Acres	2.7	30
23	15 - 20,000 S.F. Lots	R-2	36.26 Acres	1.75	63
<b>TOTALS</b>			<b>352.07 Acres</b>	<b>5.0</b>	<b>1770</b>

OS - 1	Open Space	A	15.82 Acres		
OS - 2	Open Space	A	1.60 Acres		
OS - 3	Open Space	A	14.45 Acres		
OS - 4	Open Space	A	8.79 Acres		
OS - 5	Open Space	A	38.75 Acres		
OS - 6	Open Space	A	11.14 Acres		
<b>TOTALS</b>			<b>90.55 Acres</b>	<b>18.9%</b>	

### Totals by Housing Type

Housing Type	Zone	Area	Density	ERU	% of Total
4 story Apartments	R-18	14.7 Acres	18	265	14.9%
Town House	R-14	49.76 Acres	10	448	25.3%
5 - 7,000 S.F. Lots	R-10	52.01 Acres	5	287	16.2%
6 - 8,000 S.F. Lots	R-6	64.91 Acres	4.3	216	12.2%
8 - 10,000 S.F. Lots	R-5	29.13 Acres	3.3	96	5.4%
10 - 12,000 S.F. Lots	R-3	48.61 Acres	2.7	127	7.2%
12 - 14,000 S.F. Lots	R-3	10.39 Acres	2.3	23	1.3%
15 - 20,000 S.F. Lots	R-2	48.16 Acres	1.75	82	4.7%
Active Adult TH	R-14	13.4 Acres	8	101	5.7%
Active Adult 1 story TH	R-14	10.5 Acres	7	70	4.0%
Active Adult 5,000 S.F. Lots	R-14	10.5 Acres	5.6	56	3.1%
		352.07		1770	100.0%

It is anticipated that this development may need to provide the following institutional uses:  
The overall project density will be affected as outlined here

	Area	Density	ERU
Elementary School	12 Acres	5	60
Church Sites	26 Acres	3	78
Potential units transferred to institutional uses			138
Total Units would then be			1632

**Property Owners: JD VI and JD V (John Hadfield - Owner)**

**Re: Issues and concerns with current proposed Saratoga Springs annexation and Western States Proposed Master Plan**

**Date: 12/18/2014**

Dear Saratoga Springs Representatives,

Two weeks ago, the above listed property owner was made aware of Saratoga Springs desire to annex a portion (three parcels) of the owner's property located within the Utah County property limits. In addition, the Owner was also made aware of Saratoga Springs' master plan discussions with Western States Ventures, which owns the property along the northern boundary of the Owner's properties. Although the Owners are interested in being good neighbors and partners with the city and adjacent landowners, they see a definite need to have an candid dialog regarding some significant potential issues and concerns that ought to be resolved before these proposals progress. Below are a few of the issues that the Owner is seeking to address with the city.

**Saratoga Springs proposed Annexation of Utah County Property**

1. The Owner's property contains an active, legally permitted industrial mining operation residing in the Utah County designated "Mining and Grazing" zone. This property has contained active mining operations for the past 50+ years. Any proposed annexation of this property by Saratoga Springs from Utah County would need to be zoned "Industrial" in order to preserve the Owner's existing legal mining and light industrial rights.
2. In addition, any potential master planning in the current Utah County properties should provide for the continuation of ingress and egress of heavy haul transport from all of the Owner's properties.

**Western States Venture (WSV) Master Planned proposal**

The Owner is very concerned about the proposed master plan currently put forward by Western States Ventures (WSV) in December 2014. In its current form, the proposed master plan represents a potentially significant safety concern which needs to be addressed.

1. The December 2014 WSV master plan shows proposed residences running directly up to the property line along the entire south border of the WSV Property. It is worth noting that this property is currently zoned for "Mining and Grazing" with Utah County. The Owners concern is that Saratoga Springs is being asked to change the current zoning from "mining and grazing" to "residential or multiuse" resulting in residential homeowners being located within 2000 ft from the Owner's property line. Allowing residences within 2000 ft of the property line will result in the future home owners and tenants being inside of the "blasting shock wave zone" resulting from the current mining operations. The Owner is formally requesting that Saratoga Springs have WSV revise their current master plan proposal to provide for an adequate buffer zone to ensure the safety of any future residents and structures.
2. The current December 2014 WSV proposal does not incorporate the existing road along the southern boundary of the property. This road is not just established, it also already contains both a large diameter Questar gas line along Rocky Mountain Power electrical lines. The WSV

master plan should be revised to reflect the roadway running along the southern WSV property line. Doing so will also prevent heavy haul traffic from traveling through the center of the proposed neighborhoods which provides a safety plan for the future Saratoga Springs residences.

The Owner is very interested in seeking a mutually amicable solution which allows for the preservation of their existing legal property rights, the continuation of their long established mining operations, and safety of all future residence in close proximity to the Owner's property.

We look forward to working together with Saratoga Springs planners and city council in working out a timely resolution.

If you have any questions regarding the above correspondence, please contact us at 801-766-7611. We would be more than happy to meet with any interested city representatives to review the issues at your convenience.

Thank you for your time and consideration.

Respectfully,

Steve Herman

John Hadfield (Property Owner)

**Subject:** RE: Saratoga Springs proposed annexation  
**Date:** Tuesday, January 6, 2015 at 4:30:59 PM Mountain Standard Time  
**From:** Steve Herman  
**To:** Kimber Gabryszak  
**CC:** John Hadfield

Hi Kimber,

Not sure what level of detail your are needing. I have attached below both the questions and responses that you had from our initial conversation.

- the current use of the property and length use has occurred: The current use of the property is for mining and other construction material uses (such as an asphalt plant)
- 
- intended term of current use: The intended term of use for mining and industrial production (as mentioned above) is in perpetuity.
- 
- any County approvals with copies of the terms The property has been in mining for 40+ years and has been in the “mining” zone during that time. I will have to research to see what county documents we have to accompany the operations. We are in the middle of an office expansion, with some files being moved around, so it may take a bit to track down some records. However, I have added an additional map overlaid on Google Earth so that it is very easy to see the active mining areas in relationship to the Western States Properties.
- 
- desired use going forward, and The future use of the property is for mining and other construction material uses (such as ready mix concrete plant, asphalt plant, trucking operations and offices)
- 
- desired zone district if you have one in mind. From our discussions with you earlier, it seems that an “industrial zone” was going to be the only zone option in Saratoga Springs that would work for both the current and future uses of the property.

Hope this helped. Please call me with any questions.

Thanks,

Steve Herman, PE  
Cell 801-915-0422

---

**From:** Kimber Gabryszak [mailto:KGabryszak@saratogaspringscity.com]  
**Sent:** Monday, January 5, 2015 4:58 PM  
**To:** Steve Herman  
**Cc:** John Hadfield  
**Subject:** Re: Saratoga Springs proposed annexation

Hi Steve,

Thanks for the drawing. We will include it as part of the packet that goes to the Planning Commission and City Council. The zoning decisions will be made by the City Council and are legislative decisions with significant discretion

We are also anticipating a drawing and background information for your property, including background and zones and intended uses. Will those be coming shortly?

Thanks,

**Kimber Gabryszak, AICP**

City of Saratoga Springs  
Planning Director  
(801)766-9793 x107

*"Life's Just Better Here..."*

---

**From:** Steve Herman <[sherman@hadcoconstruction.com](mailto:sherman@hadcoconstruction.com)>  
**Date:** Tuesday, December 30, 2014 at 2:19 PM  
**To:** Kimber Gabryszak <[kgabryszak@saratogaspringscity.com](mailto:kgabryszak@saratogaspringscity.com)>  
**Cc:** John Hadfield <[jdhadfield@hadcoconstruction.com](mailto:jdhadfield@hadcoconstruction.com)>  
**Subject:** RE: Saratoga Springs proposed annexation

Good afternoon Kimber,

Got the sketch back sooner than expected...

I have attached two documents in response to our meeting a couple of weeks ago, regarding the proposed annexation of the County property as well as the proposed master plan submittal for the property adjacent (to the north) to John's property JD V and JD VI. As we discussed in our meeting, we have some significant concerns about the city annexing the property to the north and then changing that property's zoning from "Mining and Grazing" to a residential use. The primary concern is that the proposed change would place residential property too close to existing, and legally zoned, mining operations, not allowing enough buffer zone for a safe residential community.

The first document is a brief letter outlining our concerns. The second document is a sketch showing the proposed master plan development in proximity to the existing mining operations. It also shows the recommended buffer zone which should be in place to allow adequate spacing between mining and residential properties. We hope that this information is helpful and would welcome the opportunity to expand upon it further if needed and would be happy to answer any questions you may have.

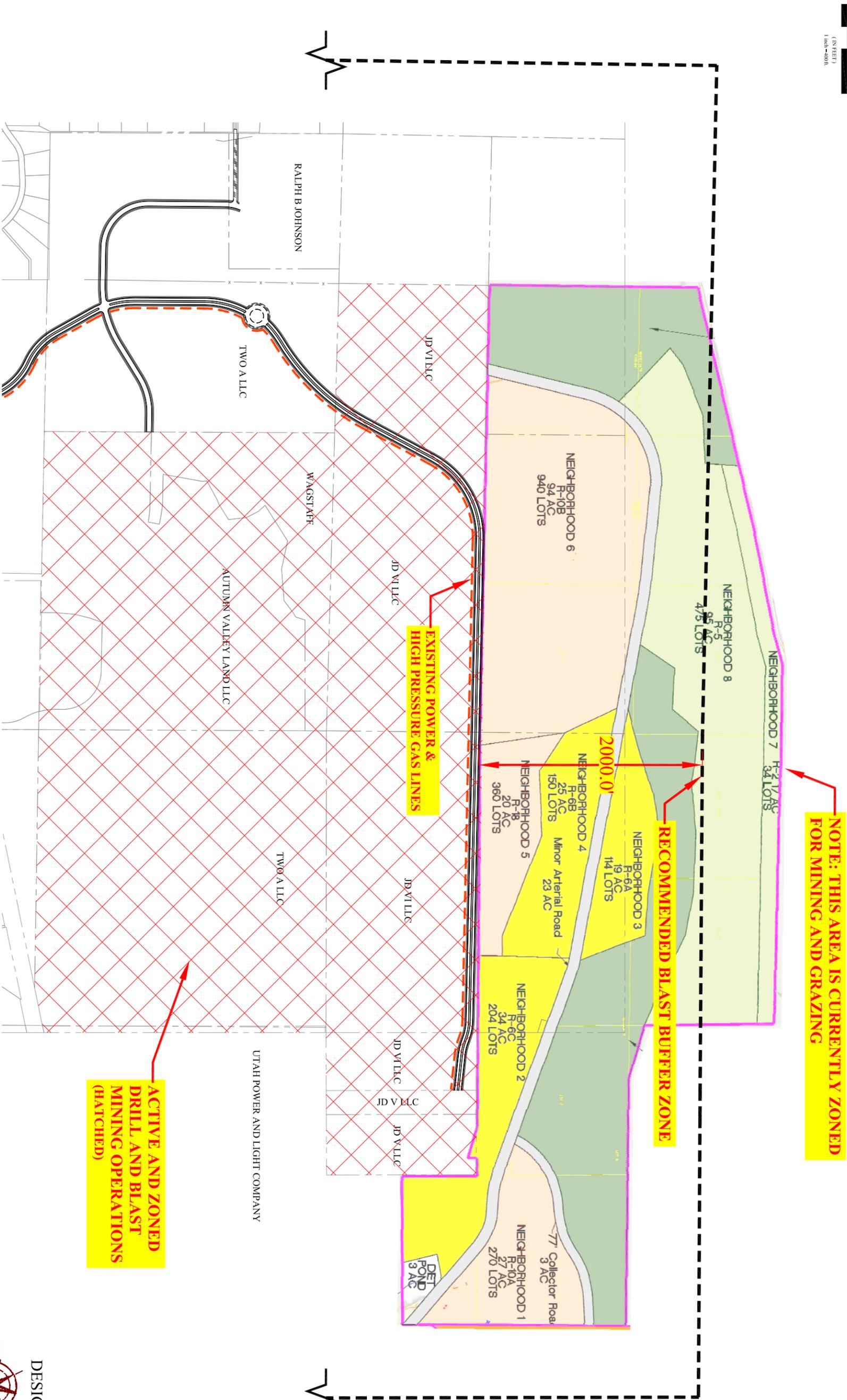
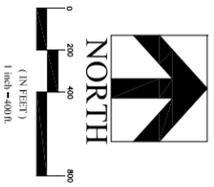
Thank you for your time and assistance,

Best regards,

**STEVE HERMAN, PE**

Cell 801-915-0422





**GENERAL NOTE:**  
 INFORMATION PROVIDED ON THIS PLAN IS BASED ON THE BEST AVAILABLE DATA AT THE TIME OF PREPARATION AND MAY CHANGE AT ANYTIME FOR ANY REASON. THIS PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY.

**Subject:** Updated information on the Mining operations adjacent to the Western States proposal.  
**Date:** Tuesday, January 13, 2015 at 1:08:58 PM Mountain Standard Time  
**From:** Steve Herman  
**To:** Kimber Gabryszak  
**CC:** John Hadfield

Hi Kimber,

Hope you had a nice weekend.

You had asked if we could provide some additional information about approvals/permits for the mining, asphalt and future concrete operations on the properties we discussed.

Below is some additional information in that regard:

1. In addition to the “mining and grazing” zoning current associated with the 40+ acres currently located in the County and owned by JD VI, and JD V (area under being considered for annexation), we have located additional zoning and permitted use call outs from Eagle Mountain (which covers the remaining property that would be adjacent (south of) to the Western States Proposal. All of the existing aggregate, asphalt, brick, etc. operations currently reside in the **Eagle Mountain “Extractive Industries Overlay Zone”** permitting such operations (aggregates, asphalt, concrete, brick, etc.). These operations have been in existence for decades, however, this specific zoning classification was reconfirmed further as part of the Spring Run Annexation into Eagle Mountain. The Eagle Mountain City Council meeting where this was approved took place on May 12, 2012 (Topic #15).
2. For some additional guidance on buffering, the Eagle Mountain planning department has called out that residential operations should not be placed within a ¼ mile (1,320 ft) of these existing mining operations, further stating that “New developments adjacent to an existing operations will have to be zoned with whatever buffering is deemed appropriate at the time {to maintain an adequate buffer}. The intent is not to disturb existing operations.”
3. Below is the Spring Run Master Plan map (the Western States properties is situated to the north). Although it shows that at some time after the mining and industrial operations are completed, some of the areas may become residential, those areas are currently in the “Extractive Industries Overlay Zone” as designated by the angled hatched lines running through those properties (see below). This map is from the Spring Run Master Plan and can be found on Eagle Mountain’s website and I have confirmed this understanding with Eagle Mountain’s City Planner.
4. This map also shows the main arterial road that we mentioned in our meeting. This road is currently exists in roadbase form, but already has all of the large mainline Gas and Electrical Utilities in the ground.

I hope this information is closer to what you were looking for. If you have any questions, please let us know.

Thanks again for your help and consideration.

### Land Use Summary

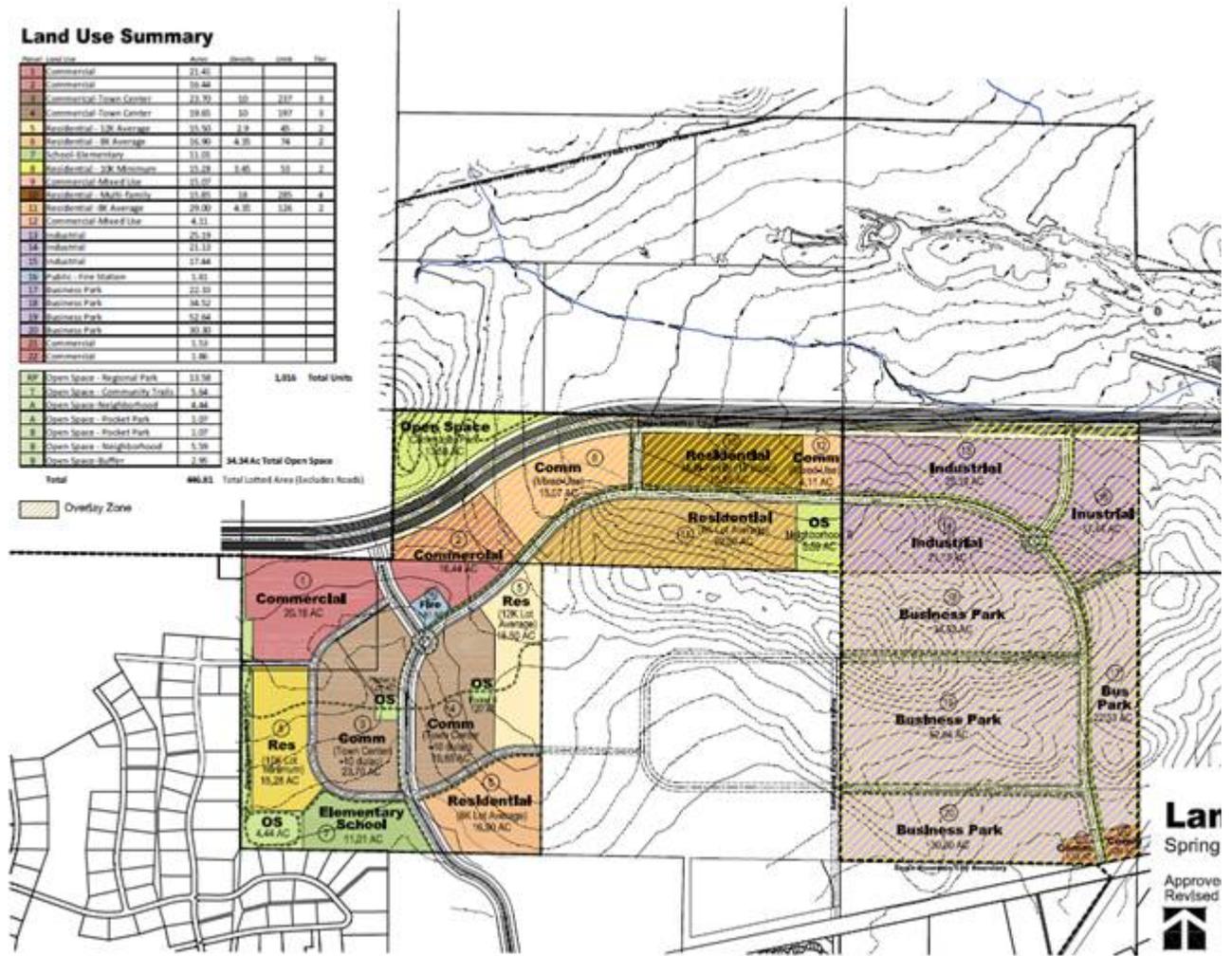
Land Use	Acres	Units	Year	Year
Commercial	21.45			
Commercial	35.44			
Commercial/Town Center	23.90	10	217	9
Commercial/Town Center	39.65	10	187	9
Residential - 1/2 Acre	15.90	2.9	45	2
Residential - 3/4 Acre	35.90	4.2	74	2
School-Elementary	11.25			
Residential - 1/2 Acre	15.28	1.45	22	2
Commercial Mixed Use	25.07			
Residential - Multi-Family	10.05	18	285	4
Residential - 3/4 Acre	29.50	4.25	74	2
Commercial Mixed Use	4.31			
Industrial	25.19			
Industrial	21.13			
Industrial	17.44			
Public - Fire Station	1.81			
Business Park	22.33			
Business Park	34.72			
Business Park	52.04			
Business Park	30.91			
Commercial	3.52			
Commercial	1.96			

OS - Open Space - Regional Park	13.78	1,815	Total Units
OS - Open Space - Community Trails	5.94		
OS - Open Space - Neighborhood	4.84		
OS - Open Space - Pocket Park	3.97		
OS - Open Space - Pocket Park	1.07		
OS - Open Space - Neighborhood	5.58		
OS - Open Space - Buffer	2.95		

34.34 Ac Total Open Space

44.82 Total Lotbed Area (Excludes Roads)

Overlay Zone



Steve Herman, PE  
Cell 801-915-0422

**ANNEXATION AND MASTER DEVELOPMENT AGREEMENT  
FOR  
THE SPRINGS MASTER PLANNED COMMUNITY**

April \_\_, 2015

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**WHEN RECORDED, RETURN TO:**

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\_\_\_\_\_

**ANNEXATION AND MASTER DEVELOPMENT AGREEMENT  
FOR  
THE SPRINGS MASTER PLANNED COMMUNITY**

THIS ANNEXATION AND MASTER DEVELOPMENT AGREEMENT is made and entered as of the \_\_\_ day of April, 2015, by and between the City of Saratoga Springs, a political subdivision of the State of Utah, and Western States Ventures, L.L.C., a Utah limited liability company.

**RECITALS**

- A. The capitalized terms used in these Recitals are defined in Section 1.2, below.
- B. Master Developer owns or controls the Property.
- C. The City and Master Developer entered into a Pre-annexation and Development Agreement on December 9, 2014.
- D. After the Pre-annexation and Development Agreement was approved the Parties worked cooperatively and through the City’s required public processes to create this MDA.
- E. The City approved the annexation of the Property on April \_\_\_, 2105.
- F. The annexation has proceeded through the remainder of the statutory processes to finalization.
- G. Upon annexation, the City zoned the Property as shown on Exhibit “B”.
- H. Master Developer and the City desire that Property be developed in a unified and consistent fashion pursuant to the Master Plan/Zoning Map and this MDA.
- I. Development of the Property will include the Intended Uses as defined in this MDA.

J. Development of the Project as a master planned community pursuant to this MDA is acknowledged by the parties to be consistent with LUDMA and the Zoning Ordinance and to operate to the benefit of the City, Master Developer, and the general public.

K. The City Council has reviewed this MDA and determined that it is consistent with the Act, the Zoning Ordinance and the Zoning of the Property.

L. The parties acknowledge that development of the Property pursuant to this MDA will result in significant planning and economic benefits to the City and its residents by, among other things requiring orderly development of the Property as a master planned community and increasing property tax and other revenues to the City based on improvements to be constructed on the Property.

M. Development of the Property pursuant to this MDA will also result in significant benefits to Master Developer by providing assurances to Master Developer that it will have the ability to develop the Property in accordance with this MDA.

N. Master Developer and the City have cooperated in the preparation of this MDA.

O. The parties desire to enter into this MDA to specify the rights and responsibilities of the Master Developer to develop the Property as parts of the Project as expressed in this MDA and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this MDA.

P. The parties understand and intend that this MDA is a “development agreement” within the meaning of, and entered into pursuant to the terms of Utah Code Ann. §10-9a-102 (2015).

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Developer hereby agree to the following:

## TERMS

### 1. Incorporation of Recitals and Exhibits/ Definitions.

1.1. **Incorporation.** The foregoing Recitals and Exhibits “A” – “C” are hereby incorporated into this MDA.

1.2. **Definitions.** As used in this MDA, the words and phrases specified below shall have the following meanings:

1.2.1. **Administrator** means the person designated by the City as the Administrator of this MDA.

1.2.2. **Applicant** means a person or entity submitting a Development Application.

1.2.3. **Buildout** means the completion of all of the development on all of the Project in accordance with the approved plans.

1.2.4. **City** means the City of Saratoga Springs, a political subdivision of the State of Utah.

1.2.5. **City Consultants** means those outside consultants employed by the City in various specialized disciplines such as traffic, hydrology or drainage for reviewing certain aspects of the development of the Project.

1.2.6. **City’s Future Laws** means the ordinances, policies, standards, procedures and processing fee schedules of the City which may be in effect as of a particular time in the future when a Development Application is submitted for a part of the Project and which may or may not be applicable to the Development Application depending upon the provisions of this MDA.

1.2.7. **City’s Vested Laws** means the ordinances, policies, standards and procedures of the City in effect as of the date of this MDA, a digital copy of which is attached as Exhibit “C”.

1.2.8. **Council** means the elected City Council of the City.

1.2.9. **Default** means a material breach of this MDA.

1.2.10. **Denied** means a formal denial issued by the final decision-making body of the City for a particular type of Development Application but does not include review comments or “redlines” by City staff.

1.2.11. **Density** means the number of Equivalent Residential Dwelling Units allowed per acre.

1.2.12. **Development** means the development of a Pod or a portion thereof pursuant to an approved Development Application.

1.2.13. **Development Application** means an application to the City for development of a portion of the Project including a Subdivision or any other permit, certificate or other authorization from the City required for development of the Project.

1.2.14. **Development Report** means a report containing the information specified in Sections 3.5 or 3.6 submitted to the City by Master Developer for a Development by Master Developer or for the sale of any Parcel to a Subdeveloper or the submittal of a Development Application by a Subdeveloper pursuant to an assignment from Master Developer.

1.2.15. **Equivalent Residential Dwelling Unit (“ERU”)** means, for the purpose of calculating density, a unit of measurement used to measure and evaluate development impacts on public infrastructure such as water, sewer, storm drainage, parks, roads, and public safety of proposed residential and non-residential land uses; and is intended to represent the equivalent impact on public infrastructure of one single family residence. Every residential dwelling unit shall equal one (1) ERU and every non-residential building shall constitute a minimum of 1 ERU.

1.2.16. **Final Plat** means the recordable map or other graphical representation of land prepared in accordance with Utah Code Ann. § 10-9a-603, or any successor provision, and approved by the City, effectuating a Subdivision of any portion of the Project.

1.2.17. **Homeowner Association(s) (or “HOA(s)”)** means one or more associations formed pursuant to Utah law to perform the functions of an association of property owners.

1.2.18. **LUDMA** means the Land Use, Development, and Management Act, Utah Code Ann. §§ 10-9a-101, *et seq.* (2015).

1.2.19. **Master Developer** means Western States Ventures, L.L.C., a Utah limited liability company, and its assignees or transferees as permitted by this MDA.

1.2.20. **Master Plan/Zoning Map** means the plan for developing the Project and the zoning of the Pods approved by the City on April \_\_, 2015 a copy of which is attached as Exhibit “B”.

1.2.21. **Maximum Equivalent Residential Units (ERUs)** means the development on the Property of One Thousand Seven Hundred Seventy (1,770) Equivalent Residential Dwelling Units.

1.2.22. **MDA** means this Master Development Agreement including all of its Exhibits.

1.2.23. **Notice** means any notice to or from any party to this MDA that is either required or permitted to be given to another party.

1.2.24. **Open Space** means that definition as found in Saratoga Springs City Code § 19.02.02 as amended.

1.2.25. **Outsourc[e][ing]** means the process of the City contracting with City Consultants or paying overtime to City employees to provide technical support in the review and approval of the various aspects of a Development Application as is more fully set out in this MDA. [Outsourcing shall be at the sole discretion of the City.](#)

1.2.26. **Parcel** means a Pod or a portion of a Pod that is created by the Master Developer to be sold to a Subdeveloper as a Subdivision that is not an individually developable lot as specified in Section 6.9.

1.2.27. **Phase** means the development of a portion of the Project at a point in a logical sequence as determined by Master Developer.

1.2.28. **Pod(s)** means an area or the areas of the Project designated to be used for specific types of zoning as more fully illustrated on the Master Plan/Zoning Map.

1.2.29. **Project** means the total development to be constructed on the Property pursuant to this MDA with the associated public and private facilities, Intended Uses, Densities, Phases and all of the other aspects approved as part of this MDA.

1.2.30. **Property** means that approximately four hundred eighty (480) acres of real property owned or controlled by Master Developer more fully described in Exhibit "A".

1.2.31. **Public Infrastructure** means those elements of infrastructure that are planned to be dedicated to the City as a condition of the approval of a Development Application.

1.2.32. **Subdeveloper** means a person or an entity not "related" (as defined by Internal Revenue Service regulations) to Master Developer which purchases a Parcel for development.

1.2.33. **Subdivision** means the division of any portion of the Project into a developable lots pursuant to State Law and/or the Zoning Ordinance.

1.2.34. **Subdivision Application** means the application to create a Subdivision.

1.2.35. **Zoning** means the zoning district for each Pod as specified on the Master Plan/Zoning Map.

1.2.36. **Zoning Ordinance** means the City's Land Use and Development Ordinance adopted pursuant to the Act that was in effect as of the date of this MDA as a part of the City's Vested Laws.

2. **Effect of MDA.** This MDA shall be the sole agreement between the parties related to the Project and the Property.

3. **Development of the Project.**

3.1. **Compliance with the Master Plan/Zoning Map and this MDA.** Development of the Project shall be in accordance with the City's Vested Laws, the City's Future Laws (to the extent that these are applicable as otherwise specified in this MDA), the Zoning, the Master Plan/Zoning Map and this MDA.

3.2. **Project Maximum Density.** At Buildout of the Project, Master Developer shall be entitled to have developed the Maximum Equivalent Residential Units as specified in and pursuant to this MDA.

3.3. **Intended Uses and Densities.** Intended Uses and Densities for each Pod are shown on the Master Plan/Zoning Map.

3.4. **Use of Density.** Master Developer may use any of the Maximum Equivalent Residential Units in the development of any Subdivision so long as the density requested in the proposed Development Application is no greater than the maximum density

allowed by the Zone and the Master Plan/Zoning Map for the proposed Subdivision.

**3.5. Accounting for Density for Developments by Master Developer.** At the recordation of a Final Plat or other approved and recorded instrument for any Development developed by Master Developer, Master Developer shall provide the City a Development Report showing any Density used with the Development and the Density remaining with Master Developer and for the entire remaining Project.

**3.6. Accounting for Density for Parcels Sold to Subdevelopers.** Any Parcel sold by Master Developer to a Subdeveloper shall include the transfer of a specified portion of the Maximum Equivalent Residential Units and, for any non-residential use, shall specify the amount and type of any such other use sold with the Parcel. At the recordation of a Final Plat or other document of conveyance for any Parcel sold to a Subdeveloper, Master Developer shall provide the City a Sub-Development Report showing the ownership of the Parcel(s) sold, the portion of the Maximum Equivalent Residential Units and/or other type of use transferred with the Parcel(s), the amount of the Maximum Equivalent Residential Units remaining with Master Developer and any material effects of the sale on the Master Plan/Zoning Map.

**3.6.1. Return of Unused Density.** If any portion of the Maximum Equivalent Residential Units transferred to a Subdeveloper are unused by the Subdeveloper at the time the Parcels transferred with such Density receives approval for a Development Application for the final portion of such transferred Parcels, the unused portion of the transferred Maximum Equivalent Residential Units shall automatically revert back to Master Developer and the Master Developer shall file with the City a Development Report updating the remaining portion of the Maximum Residential Uses.

**4. Zoning and Vested Rights.**

4.1. **Master Plan/Zoning Map.** The City has approved the Master Plan/Zoning Map which establishes the Zoning for each of the Pods and the Project as a whole.

4.2. **Vested Rights Granted by Approval of this MDA.** To the maximum extent permissible under the laws of Utah and the United States and at equity, the City and Master Developer intend that this MDA grants Master Developer all rights to develop the Project in fulfillment of this MDA, the City's Vested Laws and the Master Plan/Zoning Map except as specifically provided herein. The Parties intend that the rights granted to Master Developer under this MDA are contractual and also those rights that exist under statute, common law and at equity. The parties specifically intend that this MDA and the Master Plan/Zoning Map grant to Master Developer "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann. § 10-9a-509 (2015).

4.3. **Exceptions.** The restrictions on the applicability of the City's Future Laws to the Project as specified in Section 4.2 are subject to only the following exceptions:

4.3.1. Master Developer Agreement. City's Future Laws that Master Developer agrees in writing to the application thereof to the Project;

4.3.2. State and Federal Compliance. City's Future Laws which are generally applicable to all properties in the City and which are required to comply with State and Federal laws and regulations affecting the Project;

4.3.3. Codes. City's Future Laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments

and are required to meet legitimate concerns related to public health, safety or welfare;

4.3.4. Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated; or,

4.3.5. Fees. Changes to the amounts of fees (but not changes to the times provided in the City's Vested Laws for the imposition or collection of such fees) for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.

4.3.6. Planning and Zoning Modification. Changes by the City to its planning principles and design standards such as architectural or design requirements, setbacks or similar items so long as such changes do not work to reduce the Maximum Equivalent Residential Units, are generally applicable across the entire City to the respective Zones within the Project and do not materially and unreasonably increase the costs of any Development.

4.3.7. Compelling, Countervailing Interest. Laws, rules or regulations that the City's land use authority finds, on the record, are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(i) (2015).

5. **Term of Agreement.** The term of this MDA shall be until December 31, 2025. If as of that date Master Developer has not been declared to be in default as provided in Section 14, and if any such declared default is not being cured as provided therein, then this MDA shall be automatically extended until December 31, 2030, and, thereafter, for up to one (1) additional

period of five (5) years. This MDA shall also terminate automatically at Buildout.

## **6. Processing of Development Applications.**

**6.1. Outsourcing of Processing of Development Applications.** Within fifteen (15) business days after receipt of a Development Application and upon the request of Master Developer the City and Master Developer will confer to determine whether the City desires to Outsource the review of any aspect of the Development Application to insure that it is processed on a timely basis. If the City determines [in its sole discretion](#) that Outsourcing is appropriate then the City shall promptly estimate the reasonably anticipated differential cost of Outsourcing in the manner selected by the Master Developer or Subdeveloper in good faith consultation with the Master Developer or Subdeveloper (either overtime to City employees or the hiring of a City Consultant). If the Master Developer or a Subdeveloper notifies the City that it desires to proceed with the Outsourcing based on the City's estimate of costs then the Master Developer or Subdeveloper shall deposit in advance with the City the estimated differential cost and the City shall then promptly proceed with having the work Outsourced. Upon completion of the Outsourcing services and the provision by the City of an invoice (with such reasonable supporting documentation as may be requested by Master Developer or Subdeveloper) for the actual differential cost (whether by way of paying a City Consultant or paying overtime to City employees) of Outsourcing, Master Developer or the Subdeveloper shall, within ten (10) business days pay or receive credit (as the case may be) for any difference between the estimated differential cost deposited for the Outsourcing and the actual cost differential.

**6.2. Acceptance of Certifications Required for Development Applications.** Any Development Application requiring the signature, endorsement, or certification and/or

stamping by a person holding a license or professional certification required by the State of Utah in a particular discipline shall be so signed, endorsed, certified or stamped signifying that the contents of the Development Application comply with the applicable regulatory standards of the City. The City should endeavor to make all of its redlines, comments or suggestions at the time of the first review of the Development Application unless and changes to the Development Application raise new issues that need to be addressed.

**6.3. Independent Technical Analyses for Development Applications.** If the City needs technical expertise beyond the City's internal resources to determine impacts of a Development Application such as for structures, bridges, water tanks, and other similar matters which are not required by the City's Vested Laws to be certified by such experts as part of a Development Application, the City may engage such experts as City Consultants under the processes specified in Section 6.1 with the actual and reasonable costs being the responsibility of Applicant. If the City needs any other technical expertise other than as specified above, under extraordinary circumstances specified in writing by the City, the City may engage such experts as City Consultants under the processes in Section 6.1 with the actual and reasonable costs being the responsibility of Applicant.

**6.4. City Denial of a Development Application.** If the City denies a Development Application the City shall provide a written determination advising the Applicant of the reasons for denial including specifying the reasons the City believes that the Development Application is not consistent with this MDA, the Master Plan/Zoning Map and/or the City's Vested Laws (or, if applicable, the City's Future Laws).

**6.5. Meet and Confer regarding Development Application Denials.** The City and

Applicant shall meet within fifteen (15) business days of any Denial to resolve the issues specified in the Denial of a Development Application.

**6.6. City Denials of Development Applications Based on Denials from Non-City Agencies.** If the City's denial of a Development Application is based on the denial of the Development Application by a Non-City Agency, Master Developer shall appeal any such denial through the appropriate procedures for such a decision and not through the processes specified below.

**6.7. Mediation of Development Application Denials.**

6.7.1. Issues Subject to Mediation. Issues resulting from the City's Denial of a Development Application that are not subject to arbitration provided in Section 6.8 shall be mediated.

6.7.2. Mediation Process. If the City and Applicant are unable to resolve a disagreement subject to mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the legal issue in dispute. If the parties are unable to agree on a single acceptable mediator they shall each, within ten (10) business days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Applicant shall pay the fees of the chosen mediator. The chosen mediator shall within fifteen (15) business days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding on the parties.

**6.8. Arbitration of Development Application Objections.**

6.8.1. Issues Subject to Arbitration. Issues regarding the City's Denial of a Development Application that are subject to resolution by scientific or technical experts such as traffic impacts, water quality impacts, pollution impacts, etc. are subject to arbitration.

6.8.2. Mediation Required Before Arbitration. Prior to any arbitration the parties shall first attempt mediation as specified in Section 6.7.

6.8.3. Arbitration Process. If the City and Applicant are unable to resolve an issue through mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable expert in the professional discipline(s) of the issue in question. If the parties are unable to agree on a single acceptable arbitrator they shall each, within ten (10) business days, appoint their own individual appropriate expert. These two experts shall, between them, choose the single arbitrator. Applicant shall pay the fees of the chosen arbitrator. The chosen arbitrator shall within fifteen (15) business days, review the positions of the parties regarding the arbitration issue and render a decision. The arbitrator shall ask the prevailing party to draft a proposed order for consideration and objection by the other side. Upon adoption by the arbitrator, and consideration of such objections, the arbitrator's decision shall be final and binding upon both parties. If the arbitrator determines as a part of the decision that the City's or Applicant's position was not only incorrect but was also maintained unreasonably and not in good faith then the arbitrator may order the City or Applicant to pay the arbitrator's fees.

6.9. **Parcel Sales.** The City acknowledges that the precise location and details of the public improvements, lot layout and design and any other similar item regarding the development of a particular Parcel may not be known at the time of the creation of or sale

of a Parcel. Master Developer may obtain approval of a Subdivision that does not create any individually developable lots in the Parcel without being subject to any requirement in the City's Vested Laws to complete or provide security for any Public Infrastructure at the time of such subdivision. The responsibility for completing and providing security for completion of any Public Infrastructure in the Parcel shall be that of the Developer or a Subdeveloper upon a subsequent re-Subdivision of the Parcel that creates individually developable lots. However, construction of improvements shall not be allowed until the Developer or Subdeveloper complies with the City's Vested Laws.

7. **Application Under City's Future Laws.** Without waiving any rights granted by this MDA, Master Developer may at any time, choose to submit a Development Application for some or all of the Project under the City's Future Laws in effect at the time of the Development Application so long as Master Developer and any Subdivider is not in current breach of this Agreement. Any Development Application filed for consideration under the City's Future Laws shall be governed by all portions of the City's Future Laws related to the Development Application. The election by Master Developer at any time to submit a Development Application under the City's Future Laws shall not be construed to prevent Master Developer from relying for other Development Applications on the City's Vested Laws.

8. **Tax Benefits.** The City acknowledges that Master Developer may seek and qualify for certain tax benefits by reason of conveying, dedicating, gifting, granting or transferring portions of the Property to the City or to a charitable organization for Open Space. Master Developer shall have the sole responsibility to claim and qualify for any tax benefits sought by Master Developer by reason of the foregoing. The City shall reasonably cooperate with Master Developer to the maximum extent allowable under law to allow Master Developer to take advantage of any such tax benefits.

**9. Public Infrastructure.**

9.1. **Construction by Master Developer.** Master Developer shall have the right and the obligation to construct or cause to be constructed and installed all Public Infrastructure reasonably and lawfully required as a condition of approval of the Development Application.

9.2. **Bonding.** If and to the extent required by the City's Vested Laws, unless otherwise provided by Chapter 10-9a of the Utah Code as amended, security for any Public or private Infrastructure is required by the City it shall provided in a form acceptable to the City (which may include security based on real property) as specified in the City's Vested Laws. Partial releases of any such required security shall be made as work progresses based on the City's Vested Laws.

**10. Upsizing/Reimbursements to Master Developer.**

10.1. **"Upsizing".** The City shall not require Master Developer to “upsized” any future Public Infrastructure (i.e., to construct the infrastructure to a size larger than required to service the Project) unless financial arrangements reasonably acceptable to Master Developer are made to compensate Master Developer for the incremental or additive costs of such upsizing. For example, if an upsized to a water pipe size increases costs by 10% but adds 50% more capacity, the City shall only be responsible to compensate Master Developer for the 10% cost increase. Acceptable financial arrangements for upsizing of improvements include reimbursement agreements, payback agreements, pioneering agreements, and impact fee credits and reimbursements.

**11. Open Space.**

11.1. **Requirement.** At Buildout, nineteen percent (19%) of the Project shall be Open Space. Except as provided in 11.1, the parties acknowledge that this final Open Space

requirement need not be met for the development of any particular Pod. The timing and location of any Open Space related to or within any Pod shall be as provided in Section 19.13.09.9 of the City's Vested Laws.

11.2. **Timing of Open Space Creation.** The Development Application approval for each separate Pod or portion thereof shall provide that the Applicant shall construct or designate the land required for Open Space that is located within the Pod or portion thereof and an amount of Open Space outside the Pod that is roughly consistent with achieving the ultimate ratio of Open Space at Buildout.

12. **On-Site Processing of Natural Materials.** Master Developer may use the natural materials located on the Project such as sand, gravel and rock, and may process such natural materials into construction materials such as aggregate, topsoil, concrete or asphalt for use in the construction of infrastructure, homes or other buildings or improvements located in the Project and other locations outside the Project. Master Developer shall make an application for all such uses pursuant to the processes in the City's Vested Laws. Master Developer must obtain all applicable excavation, grading, and storm water permits and comply with all City Future Laws.

13. **Provision of Municipal Services.** The City shall provide all City services to the Project that it provides from time-to-time to similarly situated residents and properties within the City including, but not limited to, police, fire and other emergency services. Such services shall be provided to the Project at the same levels of services, on the same terms and at the same rates as provided to similarly situated residents and properties in the City.

14. **Default.**

14.1. **Notice.** If Master Developer or a Subdeveloper or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, the party believing

that a Default has occurred shall provide Notice to the other party. If the City believes that the Default has been committed by a Subdeveloper then the City shall also provide a courtesy copy of the Notice to Master Developer.

**14.2. Contents of the Notice of Default.** The Notice of Default shall:

14.2.1. Specific Claim. Specify the claimed event of Default;

14.2.2. Applicable Provisions. Identify with particularity the provisions of any applicable law, rule, regulation or provision of this MDA that is claimed to be in Default;

14.2.3. Materiality. Identify why the Default is claimed to be material; and

14.2.4. Optional Cure. If the City chooses, in its discretion, it may propose a method and time for curing the Default which shall be of no less than thirty (30) days duration.

**14.3. Meet and Confer, Mediation, Arbitration.** Upon the issuance of a Notice of Default the parties shall engage in the “Meet and Confer” and “Mediation” processes specified in Sections 6.5 and 6.7. If the claimed Default is subject to Arbitration as provided in Section 6.8 then the parties shall follow such processes.

**14.4. Remedies.** If the parties are not able to resolve the Default by “Meet and Confer” or by Mediation, and if the Default is not subject to Arbitration then the parties may have the following remedies, except as specifically limited in 14.9:

14.4.1. Law and Equity. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief and/or specific performance.

14.4.2. Security. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular Default.

14.4.3. Future Approvals. The right to withhold all further reviews, approvals,

licenses, building permits and/or other permits for development of the Project in the case of a default by Master Developer, or in the case of a default by a Subdeveloper, development of those Parcels owned by the Subdeveloper until the Default has been cured.

14.5. **Public Meeting.** Before any remedy in Section 14.4 may be imposed by the City the party allegedly in Default shall be afforded the right to attend a public meeting before the City Council and address the City Council regarding the claimed Default.

14.6. **Emergency Defaults.** Anything in this MDA notwithstanding, if the City Council finds on the record that a default materially impairs a compelling, countervailing interest of the City and that any delays in imposing such a default would also impair a compelling, countervailing interest of the City then the City may impose the remedies of Section 14.4 without the requirements of Sections 14.5. The City shall give Notice to the Developer and/or any applicable Subdeveloper of any public meeting at which an emergency default is to be considered and the Developer and/or any applicable Subdeveloper shall be allowed to address the City Council at that meeting regarding the claimed emergency Default

14.7. **Extended Cure Period.** If any Default cannot be reasonably cured within thirty (30) days then such cure period shall be extended so long as the defaulting party is pursuing a cure with reasonable diligence.

14.8. **Default of Assignee.** A default of any obligations assumed by an assignee shall not be deemed a default of Master Developer.

14.9. **Limitation on Recovery for Default – No Damages.** Neither party shall be entitled to any claim for any monetary damages as a result of any breach of this MDA and each Party waives any claims thereto. The sole remedy available to Master

Developer or any Subdeveloper shall be that of specific performance.

15. **Notices.** All notices required or permitted under this Amended Development Agreement shall, in addition to any other means of transmission, be given in writing by certified mail and regular mail to the following address:

**To the Master Developer:**

Western States Ventures, L.L.C.  
Attn: Nate Brockbank  
West Pierpont  
Salt Lake City, Utah 84101  
natebrockbank@gmail.com

Bruce R. Baird, Esq.  
Bruce R. Baird PLLC  
2150 South 1300 East, Fifth Floor  
Salt Lake City, UT 84106  
bbaird@difficultdirt.com

**To the City:**

City of Saratoga Springs  
Attn: City Manager  
1307 N. Commerce Drive, Suite 200  
Saratoga Springs, Utah 84045  
markc@saratogaspringscity.com

City of Saratoga Springs  
Attn: City Attorney  
1307 N. Commerce Drive, Suite 200  
Saratoga Springs, Utah 84045  
kthurman@saratogaspringscity.com

15.1. **Effectiveness of Notice.** Except as otherwise provided in this MDA, each Notice shall be effective and shall be deemed delivered on the earlier of:

15.1.1. Hand Delivery. Its actual receipt, if delivered personally, by courier service, or by facsimile provided that a copy of the facsimile Notice is mailed or personally delivered as set forth herein on the same day and the sending party has confirmation

of transmission receipt of the Notice). If the copy is not sent on the same day, then notice shall be deemed effective the date that the mailing or personal delivery occurs.

15.1.2. Electronic Delivery. Its actual receipt if delivered electronically by email provided that a copy of the email is printed out in physical form and mailed or personally delivered as set forth herein on the same day and the sending party has an electronic receipt of the delivery of the Notice. If the copy is not sent on the same day, then notice shall be deemed effective the date that the mailing or personal delivery occurs.

15.1.3. Mailing. On the day the Notice is postmarked for mailing, postage prepaid, by First Class or Certified United States Mail and actually deposited in or delivered to the United States Mail. Any party may change its address for Notice under this MDA by giving written Notice to the other party in accordance with the provisions of this Section.

16. **Estoppel Certificate**. Upon twenty (20) days prior written request by Master Developer or a Subdeveloper, the City will execute an estoppel certificate to any third party certifying that Master Developer or a Subdeveloper, as the case may be, at that time is not in default of the terms of this Agreement.

17. **Attorneys Fees**. In addition to any other relief, the prevailing party in any action, whether at law, in equity or by arbitration, to enforce any provision of this MDA shall be entitled to its costs of action including a reasonable attorneys' fee. This shall not apply to mediation in accordance with Section 6.7.

18. **Headings**. The captions used in this MDA are for convenience only and are not intended to be substantive provisions or evidences of intent.

19. **No Third Party Rights/No Joint Venture**. This MDA does not create a joint venture

relationship, partnership or agency relationship between the City and Master Developer. Further, the parties do not intend this MDA to create any third-party beneficiary rights. The parties acknowledge that this MDA refers to a private development and that the City has no interest in, responsibility for or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements at which time all rights and responsibilities, except for warranty bond requirements under City's Vested Laws and as allowed by state law, for the dedicated public improvement shall be the City's.

20. **Assignability.** The rights and responsibilities of Master Developer under this MDA may be assigned in whole or in part by Master Developer with the consent of the City as provided herein.

20.1. **Sale of Lots.** Master Developer's selling or conveying lots in any approved Subdivision or Parcels to builders, users, or Subdevelopers, shall not be deemed to be an "assignment" subject to the above-referenced approval by the City unless specifically designated as such an assignment by the Master Developer.

20.2. **Related Entity.** Master Developer's transfer of all or any part of the Property to any entity "related" to Master Developer (as defined by regulations of the Internal Revenue Service), Master Developer's entry into a joint venture for the development of the Project or Master Developer's pledging of part or all of the Project as security for financing shall also not be deemed to be an "assignment" subject to the above-referenced approval by the City unless specifically designated as such an assignment by the Master Developer. Master Developer shall give the City Notice of any event specified in this sub-section within ten (10) days after the event has occurred. Such Notice shall include providing the City with all necessary contact information for the newly responsible party.

20.3. **Notice.** Master Developer shall give Notice to the City of any proposed assignment

and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such Notice shall include providing the City with all necessary contact information for the proposed assignee.

**20.4. Time for Objection.** Unless the City objects in writing within twenty (20) business days of notice, the City shall be deemed to have approved of and consented to the assignment.

**20.5. Partial Assignment.** If any proposed assignment is for less than all of Master Developer's rights and responsibilities then the assignee shall be responsible for the performance of each of the obligations contained in this MDA to which the assignee succeeds. Upon any such approved partial assignment, Master Developer shall be released from any future obligations as to those obligations which are assigned but shall remain responsible for the performance of any obligations that were not assigned.

**20.6. Denial.** The City may only withhold its consent if the City is not reasonably satisfied of the assignee's financial ability to perform the obligations of Master Developer proposed to be assigned or there is an existing breach of a development obligation owed to the City by the assignee or related entity that has not either been cured or in the process of being cured in a manner acceptable to the City. Any refusal of the City to accept an assignment shall be subject to the "Meet and Confer" and "Mediation" processes specified in Sections 6.5 and 6.7. If the refusal is subject to Arbitration as provided in Section 6.8 then the parties shall follow such processes.

**20.7. Assignees Bound by MDA.** Any assignee shall consent in writing to be bound by the assigned terms and conditions of this MDA as a condition precedent to the effectiveness of the assignment.

21. **Binding Effect.** If Master Developer sells or conveys Parcels of lands to Subdevelopers or related parties, the lands so sold and conveyed shall bear the same rights, privileges, Intended Uses, configurations, and Density as applicable to such Parcel and be subject to the same limitations and rights of the City when owned by Master Developer and as set forth in this MDA without any required approval, review, or consent by the City except as otherwise provided herein.

22. **No Waiver.** Failure of any party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

23. **Severability.** If any provision of this MDA is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this MDA shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this MDA shall remain in full force and affect.

24. **Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this Agreement which is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

25. **Time is of the Essence.** Time is of the essence to this MDA and every right or responsibility shall be performed within the times specified.

26. **Appointment of Representatives.** To further the commitment of the parties to cooperate in the implementation of this MDA, the City and Master Developer each shall

designate and appoint a representative to act as a liaison between the City and its various departments and the Master Developer. The initial representative for the City shall be the City Manager and the initial representative for Master Developer shall be Nate Brockbank. The parties may change their designated representatives by Notice. The representatives shall be available at all reasonable times to discuss and review the performance of the parties to this MDA and the development of the Project.

27. **Mutual Drafting.** Each party has participated in negotiating and drafting this MDA and therefore no provision of this MDA shall be construed for or against either party based on which party drafted any particular portion of this MDA.

28. **Applicable Law.** This MDA is entered into in Utah County in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of Utah's choice of law rules.

29. **Venue.** Any action to enforce this MDA shall be brought only in the Fourth District Court for the State of Utah, Utah County.

30. **Entire Agreement.** This MDA, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

31. **Recordation and Running with the Land.** This MDA shall be recorded in the chain of title for the Project. This MDA shall be deemed to run with the land. The data disk of the City's Vested Laws, Exhibit "C", shall not be recorded in the chain of title. A secure copy of Exhibit "C" shall be filed with the City Recorder and each party shall also have an identical copy.

32. **Authority.** The parties to this MDA each warrant that they have all of the necessary authority to execute this MDA. Specifically, on behalf of the City, the signature of the Mayor of the City is affixed to this MDA lawfully binding the City pursuant to Resolution No. \_\_\_\_

adopted by the City on April \_\_, 2015.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

MASTER DEVELOPER  
Western States Ventures, LLC

CITY  
City of Saratoga Springs

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_,  
Its: Mayor

Approved as to form and legality:

Attest:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Recorder

**CITY ACKNOWLEDGMENT**

STATE OF UTAH            )  
                                  :ss.  
COUNTY OF UTAH)

On the \_\_\_\_ day of April, 2015, personally appeared before me \_\_\_\_\_ who being by me duly sworn, did say that he is the Mayor of the City of Saratoga Springs, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the City by authority of its City Council and said Mayor acknowledged to me that the City executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

Residing at: \_\_\_\_\_

**DEVELOPER ACKNOWLEDGMENT**

STATE OF UTAH                    )  
  :ss.  
COUNTY OF UTAH    )

On the \_\_\_\_ day of April, 2015, personally appeared before me Nathan Brockbank, who being by me duly sworn, did say that he is the Manager of Western States Ventures, LLC, a Utah limited liability company and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

Residing at: \_\_\_\_\_

## TABLE OF EXHIBITS

Exhibit “A”	Legal Description of Property
Exhibit “B”:	Master Plan/Zoning Map
Exhibit “C”:	City’s Vested Laws

1 Councilwoman Call thanked staff and commented how it was a bigger deal than it looked. This gives us a  
2 second north - south corridor in the area.

3 Jeremy Lapin indicated that the MDA does give them options for reimbursements. They have not presented  
4 anything yet but they may. There may be a pioneering agreement in the future. The secondary water line  
5 in this area should give some benefit to secondary pressure south of here.

6 Mark Christensen noted they are near completing this task and the secondary pond in zone 3, with the  
7 completions of these they will start to see the dominoes falling in the area which will allow other  
8 neighborhoods to come and be recorded.

9 Councilwoman Baertsch clarified that this is all according to the previous MDA, it is not changing it.

0 Councilman McOmber is glad to see this come through; he asked if in neighborhood 4 they were held to this  
1 engineering standard. He wanted to make sure the park had the access and across into the neighborhood  
2 He didn't want to see access points offset from each other.

3 Jeremy Lapin said when they dedicate the park to us we would be able to design access points where we  
4 need them. They didn't want to get locked into anything now; they will bring the items in as needed.

5 Mark Christensen noted that they have a lot of dirt to remove and this entrance was strategically placed so it  
6 won't deteriorate with all the earth movement. They wanted to make sure they hauled in and out at this  
7 site.

8 Councilman McOmber responded that as long as they weren't limited to that one access he is amenable to it.

9 Jeremy Lapin said they will have to keep that in mind as they look at plans for neighborhood 4.  
0

1 **Motion made by Councilwoman Baertsch to approve Road Dedications for Swainson Avenue and Wildlife**  
2 **Boulevard including all staff findings and conditions. Seconded by Councilman McOmber, Aye;**  
3 **Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**  
4 **Councilman Poduska. Motion passed unanimously.**  
5

- 6 4. **Annexation, Rezone and Master Development Agreement for The Springs located at West of**  
7 **Wildflower and Harvest Hills, South of Camp Williams, Western States Ventures, applicant.**  
8 a. **Public Hearing re: Annexation, Rezone, and Master Development Agreement.**  
9 b. **Ordinance 15-9 (3-3-15): An Ordinance adopted pursuant to Section 10-2-407(3)(b) of the Utah**  
0 **Code, approving an Annexation Application relating to approximately 596.72 acres of land;**  
1 **annexing such land into the City; and related matters.**

2 Kimber Gabryszak reviewed the application. The applicant is requesting approval of an Annexation and  
3 Rezone, and a Master Development Agreement (MDA) to accompany the annexation for the Springs  
4 Development. There was a mistake in the notice and they will be doing that again but this hearing will  
5 carry forward tonight.

6 Councilwoman Call asked since the mistake was not made by the city, would the applicant pay for the re-  
7 notification.

8 Kimber Gabryszak replied they would look into it. The annexation proposal includes connecting parcels to  
9 the applicant. She noted the concept for the MDA. The applicants are applying for zones which currently  
0 exist in the city. They are asking for higher density in some zones to allow for flexibility in  
1 configuration, but will most likely not be those high of densities. The proposal is for 1770 ERU. She  
2 noted the other parcels that would be annexed. 3 parcels are requesting to be annexed as industrial zone.  
3 The others would be annexed as agricultural. The industrial parcel is requesting a blast buffer zone of  
4 2000 ft. staff is not recommending the 2000' buffer. Camp Williams has provided some suggestions for  
5 the area to insure adequate buffers. She reviewed Planning Commission recommendations. Staff  
6 recommends that Council continue the item to the next meeting.

7 Bruce Baird said they were working with the City Engineer to get their items finished up. He has been  
8 working with the City Attorney on finishing the MDA. They are being careful about the ERU caps. They  
9 have installed seismic devices to monitor the blasts from the neighboring parcels and they will determine  
0 the actual levels and deal with it on an ongoing process. They are happy to work with Camp Williams  
1 and they will be willing to put sound walls near the firing areas. They will do what they can. They did  
2 design the plan with the JLUS study in mind. They will continue to work in good faith with the National  
3 Guard.

Kevin Thurman did clarify that the protest period was 30 days so it will be held on the 21<sup>st</sup> of April.

**Public Hearing - Opened by Mayor Miller**

Cpt. Andrea Sievers, Camp Williams, understood the challenges they have to work with. Her job as an analyst is to do homework on everything that borders Camp Williams. She is concerned that it is so close to the firing points and shrapnel is potentially in those areas. She believes the artillery will shake the ground more than the gravel pit. They are also concerned with the fire mitigation. They are working on solutions and compromising with other cities and are building a trail to help with the mitigation along other cities. That city is not maintaining them; it is just raw land that can be used as a trail and acts as a buffer. She doesn't think that a sound wall would help with sound. They are for development but it needs to be the right kind. They have a lot of night training so the JLUS is a concern.

Paul Raymond, Camp Williams, commented that they aren't trying to throw all the concerns on the developer but doing all they can to help and look at options on their side of the fence as well.

Andrea Sieveres just wanted to make sure that everyone was aware of what was going on.

**Public Hearing - Closed by Mayor Miller**

Councilman McOmber appreciated the comments made from Camp Williams. Council has similar concerns and they hope they will continue to work with the developer. One of the problems with most of the City is that they border on an urban interface. It is something they take seriously in the City. He appreciated the comments about wildfire. He appreciates that the densities are lower. On the road coming into The Springs he mentioned that it would be nice if there were an interchange like a roundabout, that comment may be preliminary but it's feedback he has gotten already.

Councilman Willden thanked him for coming in with lower ERU. He appreciates them working with Camp Williams and appreciated the input from Camp Williams. He is not supportive of a 2000 ft. buffer. He appreciates the standards zoning and not PC zoning. Over all it's a good product and they have put the densities in the appropriate areas.

Councilwoman Baertsch noted we have been looking at the JLUS very carefully and they have passed the military overlay zone within a half mile buffer in that area. She is interested in what will happen with the seismic sensors. She thanked them for bringing up the fire issues. They now have what they need to help, one item is the ACUB (Army Compatibly Use Buffer) with the option to put an easement or purchase a buffer zone along Camp Williams. Her understanding is that Herriman has started putting a trail all around Camp Williams, that is an option and she knows all the parties will work together to make it all work. She asked staff what the width was on the industrial requested parcels. She doesn't think they should allow expansion of mining in that area because they would be violating their own buffer. If they want to put an office business there than we could give them a business park/commercial/agricultural, something that in the future would be a better use and not allow the mining but allow what they are currently doing as a non-conforming preexisting use. She said it was asinine that one property owner would ask for a zone that would push their requested 2000' buffer even further onto the other property owner's parcel. And she added that it was ridiculous to think that, if there is a buffer needed, they wouldn't care of that themselves, but try to put that burden onto a neighboring property owner. She noted that they had talked about a business park area previously and she wondered where that was at.

Councilwoman Call echoed the comments about the buffer zone as "asinine and ridiculous." She appreciated the representatives from Camp Williams and their willingness to work with this. She appreciates Councilwoman Baertsch and her relationship with Camp Williams on behalf of the City. She is happy that the ERU were reduced. She indicated that if she had to choose between extra open space and density, she would choose the lower density with just the required open space. If there was a way they could decrease some of the open space to what was required, she would like to entertain that, where it comes with a decrease in the amount of ERU.

Councilman Poduska also had a difficult time with the HADCO properties request and would consider zoning office warehouse but not industrial. He didn't see a purpose in the buffer. He thinks the densities have worked out well coming in lower than what was allowable. He thinks it's getting close to being able to work on the particulars.

7 Bruce Baird noted they will keep working with the Guard and will monitor events and put walls where they  
3 need to. As to the fire concern, they will be compliant with the Wildland interface. They are amenable to  
9 a dark sky ordinance. They appreciated the Guard considering moving the firing points, they will work  
0 with them to the maximum extent that they can. He noted that other jurisdictions are paying for the open  
1 space buffer, there are discussions on where to put the trails and how. Those properties are situated  
2 differently than this. He doesn't agree with the HADCO buffer. They will work with the Wildflower  
3 accesses. They will take a look at the densities vs. open space. They looked at the commercial  
4 possibilities and given the location and what is surrounding it they feel it would be highly unlikely to  
5 have commercial in the area, but if someone wanted to buy the commercial they would be happy to come  
5 in with a rezone. He felt personally that little pocket neighborhood commercial areas would be very  
7 valuable to the neighborhoods in the city. If they could find a way to do that here he would like to do  
3 that.

0 **Motion made by Councilwoman Baertsch that based on the analysis of the City Council and**  
1 **information received from the public tonight, I move to continue to The Springs Annexation,**  
2 **Rezone, and MDA to the April 21st, 2015 meeting, with the following direction on additional**  
3 **information or changes needed to render a decision. With the changes that 1. A final draft of the**  
4 **MDA shall be provided, 2. Information needed to satisfy the requirements of code section**  
5 **19.22.01.13 shall be provided. 3. Re-noticing in compliance with state and city requirements shall**  
5 **be done. Seconded by Councilman Willden**

7 Councilman McOmber asked about the re-noticing, if they had to do another public hearing.  
3 Kevin Thurman replied they did need to re-open the public hearing. He said under the statute if they  
9 could add to the motion that **they accept the notice of certification from the City Recorder.**

0 Councilwoman Baertsch amended the motion as stated.

1 Councilman Willden accepted the amendment

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

- 5 5. **Ordinance 15-10 (3-3-15): An Ordinance of the City of Saratoga Springs, Utah, adopting amendments**  
7 **to the City of Saratoga Springs' Official Zoning Map for certain real property (Wildflower);**  
3 **instructing the City staff to amend the City Zoning Map and other Official Zoning records of the City;**  
9 **and establishing an effective date.**

0 Kevin Thurman indicated that they forgot to put this ordinance with the packet earlier.

1 **Motion made by Councilwoman Call to adopt Ordinance 15-10 (3-3-15): An Ordinance of the City of**  
2 **Saratoga Springs, Utah, adopting amendments to the City of Saratoga Springs' Official Zoning**  
3 **Map for certain real property (Wildflower); instructing the City staff to amend the City Zoning**  
4 **Map and other Official Zoning records of the City; and establishing an effective date. Seconded by**  
5 **Councilman Poduska. Aye: Councilman Willden, Councilwoman Baertsch, Councilman**  
6 **McOmber, Councilwoman Call, Councilman Poduska. Motion passed unanimously.**

7 Councilman McOmber asked when they finish with the annexation, if staff would work on making new large  
3 maps of the City boundaries to have for display.

- 9 6. **Motion to enter into closed session for the purchase, exchange, or lease of property, pending or**  
0 **reasonably imminent litigation, the character, professional competence, or physical or mental health of**  
1 **an individual.**

2 **Motion made by Councilman Willden to enter into closed session for the purchase, exchange, or lease**  
3 **of property, pending or reasonably imminent litigation, the character, professional competence, or**  
4 **physical or mental health of an individual. Seconded by Councilwoman Call. Aye: Councilman**

**ORDINANCE NO. 15-14 (4-21-15)**

**AN ORDINANCE ADOPTED PURSUANT TO SECTION 10-2-407(3)(b) OF THE UTAH CODE, APPROVING AN ANNEXATION APPLICATION RELATING TO APPROXIMATELY 723.732 ACRES OF LAND; ANNEXING SUCH LAND INTO THE CITY; AND RELATED MATTERS.**

**WHEREAS**, Western States Ventures, LLC (“Western States”), owns approximately 475.737 acres of undeveloped land situated outside of the current boundaries of the City of Saratoga Springs, Utah (the “City”) within portions of unincorporated Utah County, which property is contiguous to the boundaries of the City, and which is more particularly described on Exhibit A attached hereto (the “Western States Property”); and

**WHEREAS**, Western States has submitted to the City Recorder an Annexation Application (such Annexation Application, together with all attached and related materials, being referred to herein as the “Petition”), requesting that the City annex the Western States Property into the City; and

**WHEREAS**, Western States included in the Petition certain additional parcels of property not owned by Western States, and also situated outside of the current boundaries of the City within portions of unincorporated Utah County, which additional parcels are contiguous to the boundaries of the City, and which are more particularly described on Exhibit B attached hereto (the “Non-Western States Property”); and

**WHEREAS**, the Western States Property and the Non-Western States Property is approximately 723.732 acres in size; and

**WHEREAS**, the Western States Property and the Non-Western States Property is situated within the portion of unincorporated Utah County included in the Annexation Policy Plan Map adopted by the City Council of the City on June 19, 2012 as part of Ordinance No. 12-7 (6-19-12); and

**WHEREAS**, on December 2, 2014 the City Council accepted the Petition for further consideration; and

**WHEREAS**, on March 12, 2015 the City Recorder (i) certified the Petition, and (ii) mailed or delivered written notification of such certification to the City Council, Western States, and the Utah County Commission, in satisfaction of Section 10-2-405(2)(c) of the Utah Code, a copy of which certification and notification is attached hereto as Exhibit C; and

**WHEREAS**, following receipt of notice of such certification from the City Recorder on March 12, 2015, the City Council caused a notice of the proposed annexation to be published (a) on March 17, 2015, March 24, 2015 and March 31, 2015, in the Daily Herald, a newspaper of general circulation within (i) the area circumscribed by the Western States Property and the Non-Western States Property, and (ii) the unincorporated area within ½ mile of the Western States

Property and the Non-Western State Property, and (b) for three weeks, beginning on March 12, 2015, on the website established pursuant to Section 45-1-101 of the Utah Code, which notices, together with affidavits of publication thereof, are attached hereto as Exhibit D; and

WHEREAS, following receipt of notice of such certification from the City Recorder on March 12, 2015, the City Council caused a notice thereof to be mailed on March 12, 2015 to affected entities, copies of which notices are attached hereto as Exhibit E; and

WHEREAS, the notices attached as Exhibits D and E identified the deadline of April 17, 2015 (the "Protest Deadline"), for the filing of protests under Section 10-2-407 of the Utah Code; and

WHEREAS, attached hereto as Exhibit F is a letter from the City Recorder stating that the City Recorder did not receive a copy of any protests to the proposed annexation filed with the Utah County Boundary Commission on or before the Protest Deadline; and

WHEREAS, on April 8, 2015, there was published in the Daily Herald a Notice of Public Hearing relating to the proposed annexation, in satisfaction of the requirements of Section 10-2-407(3)(b)(ii)(A) of the Utah Code, a copy of which Notice, together with an affidavit of the publication thereof, are attached as Exhibit G hereto; and

WHEREAS, on April 21, 2015, not less than seven (7) days after publication of the notice identified in Exhibit G, the City Council held a public hearing relating to the proposed annexation, at which public hearing all individuals desiring to express their views relating to the proposed annexation were given the opportunity to be heard on the matter; and

WHEREAS, the City Council has given careful consideration to the views expressed by the public during the public hearing; and

WHEREAS, the City Council has carefully reviewed and considered the Petition and all materials submitted by Western States in connection therewith and in support thereof, including materials required to be submitted pursuant to the City's Annexation Policy Plan Statement and Annexation Petition Requirements and Procedures; and

WHEREAS; in light of the foregoing, and after due deliberation, the City Council desires to approve the Petition and proceed with the proposed annexation and other related matters.

**NOW THEREFORE**, it is hereby ordained by the City Council of the City of Saratoga Springs, Utah, as follows:

**SECTION 1. Findings.** The City Council does hereby find and determine that the annexation of the Western States Property and the Non-Western States Property as proposed in the Petition furthers the health, safety, and general welfare of the City and its residents.

**SECTION 2. Approval of Annexation; Effective Date.** The City Council approves the Petition, approves the annexation of the Western States Property and the Non-Western States Property as described in the Petition, and does hereby annex the Western States Property and the

Non-Western States Property into the City. The effective date of such annexation shall be the date of issuance by the Utah Lieutenant Governor of the Certificate of Annexation, under Section 10-2-425 of the Utah Code.

**SECTION 3. Zoning.** The Western States Property and the Non-Western Property shall be subject to such zoning designations as shall be established by separate ordinance adopted by the City Council.

**SECTION 4. Vesting of Development Rights.** Western States Ventures, LLC shall be entitled to such vested development rights as are described in a separate Annexation and Master Development Agreement for The Springs Master Planned Community approved contemporaneously with this Ordinance.

**SECTION 5. Authorized Actions.** The Mayor, the City Recorder, the City Manager, and all other officers and employees of the City are hereby authorized and directed to take, in a timely manner, any and all actions required or advisable to be taken to give effect to the annexation hereby approved; including, without limitation, the giving of all notices and the filing of all items required pursuant to Sections 10-2-401 et seq. of the Utah Code.

**SECTION 6. Publication of Ordinance.** A copy of this Ordinance shall be delivered to the City Recorder immediately upon execution by the Mayor, and the City Recorder is hereby authorized and directed to cause a summary thereof to be published on the earliest possible date in the Daily Herald. This Ordinance shall become effective immediately upon such publication.

**SECTION 7. 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 8. 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.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this \_\_\_ day of \_\_\_\_\_, 2015.

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

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

\_\_\_\_\_  
Date

**VOTE**

Shellie Baertsch  
Rebecca Call  
Michael McOmber  
Stephen Willden  
Bud Poduska

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EXHIBIT A

[Here attach map of Unincorporated Western States Property.]

EXHIBIT B

[Here attach map of the Non-Western States Property.]

EXHIBIT C

[Here attach Certification and Notice of Annexation Petition.]

EXHIBIT D

[Here attach copy of published notice of proposed annexation, together with affidavits of publication.]

EXHIBIT E

[Here attach copy of notices to affected entities.]

EXHIBIT F

[Here attach letter of City Recorder.]

EXHIBIT G

[Here attach copy of notice of public hearing, together with affidavits of publication.]

**ORDINANCE NO. 15-15 (4-21-15)**

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AMENDMENTS TO THE CITY OF SARATOGA SPRINGS' OFFICIAL ZONING MAP AND GENERAL PLAN FOR CERTAIN REAL PROPERTY TOTALING 723.732 ACRES WEST OF THE HARVEST HILLS DEVELOPMENT; INSTRUCTING THE CITY STAFF TO AMEND THE CITY ZONING MAP, GENERAL PLAN, AND OTHER OFFICIAL ZONING RECORDS OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.**

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

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

**WHEREAS**, on February 12, 2015, the Planning Commission held a public hearing after proper notice and publication to consider the proposed amendments to the General Plan and City-wide zoning map and forwarded a positive recommendation with conditions; and

**WHEREAS**, on March 3, 2015, the City Council held a public hearing after proper notice and publication to consider the proposed amendments; and

**WHEREAS**, the City Council continued their decision and on April 21, 2015, held an additional public hearing and voted on the application at the April 21, 2015 meeting; and

**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 General Plan and 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 21<sup>st</sup> day of April, 2015.

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

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

\_\_\_\_\_  
Date

**VOTE**

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

**ORDINANCE NO. 15-16 (4-21-15)**

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, APPROVING THE ANNEXATION AND MASTER DEVELOPMENT AGREEMENT FOR THE SPRINGS MASTER PLANNED COMMUNITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Developer is the owner of approximately 475.737 acres of property in unincorporated Utah County adjacent or near to the City's northwest boundary west of the Harvest Hills development in Saratoga Springs, Utah (the "Property");

**WHEREAS**, the City and Developer desire that the Property be annexed into the City to enable the Developer to build single family and multi-family homes on the Property, which annexation is being approved contemporaneously with this ordinance;

**WHEREAS**, the City and Developer desire to enter into an Annexation and Master Development Agreement for The Springs Master Planned Community ("Agreement"), attached as Exhibit A, to promote the health, welfare, safety, convenience, and economic prosperity of the inhabitants of the City through the establishment and administration of conditions and regulations concerning the use and development of the Property;

**WHEREAS**, the City desires to enter into the Agreement because the Agreement establishes planning principles, standards, and procedures to eliminate uncertainty in planning and guide the orderly development of the Property;

**WHEREAS**, on February 12, 2015, after a duly noticed public hearing, the City's Planning Commission forwarded a positive recommendation of the Agreement to the City Council for its consideration;

**WHEREAS**, on March 3, 2015 and again on April 21, 2015, the Saratoga Springs City Council held public hearings to receive public comment with respect to the Agreement;

**WHEREAS**, pursuant to its legislative authority under Utah Code Annotated § 10-9a-101, et seq., and after all required public notice and hearings, the City Council, in exercising its legislative discretion, has determined that entering into the Agreement furthers the health, safety, prosperity, security, and general welfare of the residents and taxpayers of the City.

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

**SECTION I – ENACTMENT**

The Annexation and Master Development Agreement for The Springs Master Planned Community, attached hereto as Exhibit A and incorporated herein by this reference, is hereby approved and 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 3 public places within the City.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this 21<sup>st</sup> day of April, 2015.

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

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

\_\_\_\_\_  
Date

**VOTE**

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

**EXHIBIT A**

**Annexation and Master Development Agreement for  
The Springs Master Planned Community**

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**Code Amendments**  
**Multiple Sections**  
**Tuesday, April 21, 2015**  
**Public Hearing**

Report Date: Tuesday, April 15, 2015  
Applicant: Staff and Subcommittee Initiated  
Previous Meetings: Code Subcommittee Meetings  
Planning Commission Work Session, March 12, 2015  
Planning Commission Public Hearing, April 9, 2015  
Land Use Authority: City Council  
Future Routing: None  
Author: Kimber Gabryszak, Planning Director

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**A. Executive Summary:**

The Code Subcommittee and Staff have been working on another round of code cleanups, amendments, and clarifications. The current packet proposes changes to the following sections:

- 19.02 – Definitions
- 19.04 – Land Use Zones
- 19.05 – Supplemental Regulations
- 19.06 – Landscaping and Fencing
- 19.12 – Subdivisions
- 19.14 – Site Plan Review
- 19.26 – Planned Community Zone

**Recommendation:**

**Staff recommends that the City Council conduct a public hearing, take public comment, discuss the proposed amendments, and vote to approve all or some of the amendments with or without modifications.** Alternatives include continuance to a future meeting or denial for all or some of the amendments.

- B. Background:** The City has been working for the last several years to adopt amendments to the Land Development Code to improve transparency, increase consistency, close loopholes, increase standards, and remove contradictions. In October 2013 the Council appointed a Development Code (Code) Update Subcommittee consisting of two City Councilmembers, one member of the Planning Commission, and City staff as appropriate.

Additionally, the business community, development community, staff, Planning Commission, and City Council have expressed concern over the often lengthy application review process, and have set a goal of streamlining the application review process as the Code is improved. The subcommittee and staff have drafted the enclosed amendments to further these goals.

The Planning Commission held a public hearing on the amendments at their April 9, 2015 meeting; as this hearing will be held after the packet is provided to the City Council, a report of action detailing the Commission’s recommendations and changes will be provided to the Council prior to the April 21, 2015 meeting.

**C. Specific Request:** The proposed amendments are summarized below, with details outlined in Exhibits A – I.

19.02 – Measuring building height

- Clarify the method to ensure consistency and avoid violations; measure from newly defined “established grade” and require identification of established grade at plat or site plan

19.05 – Accessory Buildings reformat / clarification

- Clarify that items such as appearance apply to all accessory buildings, not only those that have a setback exception

19.06 – Fencing along arterial trail corridors

- Allow privacy fencing along limited arterial trail corridors

19.06 – Park strip landscaping

- Clarify that the 30% vegetation requirement applies to each park strip, not each lot

19.12 – Driveways & Corner Lots

- Allow gravel driveways in some zones, and state that driveways in other zones must be hard surface
- Clarify that minimum size requirements for corner lots are calculated from standard minimum sizes, not from reduced lot sizes

19.12 and 19.14 – Application Requirements

- Add “shapefile” and “established grade” to application requirements

19.12 – Plat Amendment Process

- Allow more types of plat amendments to be approved administratively

19.26 – PC zone Clarifications

- Add several clarifications to avoid misunderstandings

19.04 – Business Park Zone Uses

- Review and modify the allowed uses in the BP Zone to ensure resultant development is appropriate for the vision of that Land Use

**D. Process:** Section 19.17.03 of the Code outlines the process and criteria for an amendment:

1. The Planning Commission shall review the petition and make its recommendation to the City Council within thirty days of the receipt of the petition.

*Complies. There is no application as this is Staff initiated, and is being presented to the Commission for a recommendation.*

2. The Planning Commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and that changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.

*Complies. Please see Sections F and G of this report.*

3. The Planning Commission and City Council shall provide the notice and hold a public hearing as required by the Utah Code. For an application which concerns a specific parcel of property, the City shall provide the notice required by Chapter 19.13 for a public hearing.

*Complies. Please see Section E of this report. After the Planning Commission recommendation, a public hearing will be scheduled with the City Council.*

4. For an application which does not concern a specific parcel of property, the City shall provide the notice required for a public hearing except that notice is not required to be sent to property owners directly affected by the application or to property owners within 300 feet of the property included in the application.

*Complies. Please see Section E of this report.*

**E. Community Review:** Per Section 19.17.03 of the City Code, this item has been noticed as a public hearing in the *Daily Herald*; as these amendments affect the entire City, no mailed notice was required.

**F. General Plan:**

#### **Land Use Element – General Goals**

The General Plan has stated goals of responsible growth management, the provision of orderly and efficient development that is compatible with both the natural and built environment, establish a strong community identity in the City of Saratoga Springs, and implement ordinances and guidelines to assure quality of development.

#### **Staff conclusion: consistent**

The proposed changes help to improve transparency and consistency by removing unclear processes (height, lot sizes), will increase property use for some residents (fencing and driveways), increase efficiency by improving application requirements, and streamline additional processes while still ensuring a thorough review by City staff, the Planning Commission, and City Council.

The goals and objectives of the General Plan are not negatively affected by the proposed amendments, community goals will be met, and community identity will be maintained.

#### **Land Use Element – Business Park Land Use Designation**

The General Plan Business Park Land Use has identified the following goals for development in the BP Zone:

- k. **Business Park.** The Business Park designation will provide locations in the City that will accommodate land-uses that require large tracts of land specific infrastructure facilities. Developments in the Business Park areas will create and maintain a campus type of setting. The central land-use in the district should be office space but other land-uses will be considered.

As it is anticipated that potential operators in this district will have unique infrastructure needs, consideration will be given as those needs are identified so as to ensure the establishment of a functioning atmosphere for the individual businesses. This may require the planning for and developing off-site facilities to meet the needs of the various land-uses in the Business Park areas.

Developments in these areas shall contain landscaping and recreational features as per the City's Parks and Trails Element of the General Plan.

The potential uses in the BP zone currently range from office to auto repair, and include several uses that do not appear to comport with the vision of the General Plan for campus-type development primarily including offices and assorted edge and ancillary uses. The current permitted and conditional uses are more consistent with a commercial zone, or the Office Warehouse zone, so Staff and the Subcommittee recommend removing several uses from the BP zone and also considering the addition of uses such as Post Office as ancillary uses to the zone.

**Staff conclusion: consistent**

The proposed amendment will improve the consistency of the Code with the vision of the General Plan.

**G. Code Criteria:**

**Code amendments are a legislative decision; therefore the City Council has significant discretion when considering changes to the Code.**

The criteria for an ordinance (Code) change are outlined below, and act as guidance to the Council, and to the Commission in making a recommendation. Note that the criteria are not binding.

**19.17.04 Consideration of General Plan, Ordinance, or Zoning Map Amendment**

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;

*Consistent. See Section F of this report.*

2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;  
*Consistent. The amendments help streamline the process, widen property rights, clarify inconsistencies, and the general welfare will be maintained.*
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. The stated purposes of the Code are found in section 19.01.04:*
  1. The purpose of this Title, and for which reason it is deemed necessary, and for which it is designed and enacted, is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City, its present and future inhabitants, and the public generally, and in particular to:
    - a. encourage and facilitate the orderly growth and expansion of the City;
    - b. secure economy in governmental expenditures;
    - c. provide adequate light, air, and privacy to meet the ordinary or common requirements of happy, convenient, and comfortable living of the municipality's inhabitants, and to foster a wholesome social environment;
    - d. enhance the economic well-being of the municipality and its inhabitants;
    - e. facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, storm drains, and other public requirements;
    - f. prevent the overcrowding of land, the undue concentration of population, and promote environmentally friendly open space;
    - g. stabilize and conserve property values;
    - h. encourage the development of an attractive and beautiful community; and
    - i. promote the development of the City of Saratoga Springs in accordance with the Land Use Element of the General Plan.

*The amendments helps to streamline the process and improve efficiency and consistency, thus ensuring economy in government expenditures by lessening the cost of application review, and maintaining a high standard of review by ensuring existing requirements are still met.*

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. The amendments will better protect the community through more efficient process, clarity and consistency in development review, and maintenance of high standards.*

## **H. Recommendation / Options:**

Staff recommends that the City Council conduct a public hearing, take public comment, discuss the proposed amendments, and vote to approve some or all of the proposed amendments with or without modifications, or choose from the alternatives below.

### **Staff Recommended Motion – Approval**

The City Council may choose to **approve** all or some of the amendments to the Code Sections listed in the motion, as proposed or with modifications:

Motion: “Based upon the evidence and explanations received today, I move to **approve** the proposed amendments to Sections [19.02, 19.04, 19.05, 19.06, 19.12, 19.14, and 19.26] with the Findings and Conditions below:

**Findings:**

1. The amendments are consistent with Section 19.17.04.1, General Plan, as outlined in Sections F and G of this report and incorporated herein by reference.
2. The amendments are consistent with Section 19.17.04.2 as outlined in Section G of this report and incorporated herein by reference.
3. The amendments are consistent with Section 19.17.04.3 as outlined in Section G of this report and incorporated herein by reference.
4. The amendments are consistent with Section 19.17.04.4 as outlined in Section G of this report, and incorporated herein by reference.

**Conditions:**

1. The amendments shall be edited as directed by the Council: \_\_\_\_\_
  - a. \_\_\_\_\_

**Alternative A – Continuance**

Vote to **continue** all or some of the Code amendments to the next meeting, with specific feedback and direction to Staff on changes needed to render a decision.

Motion: “I move to continue the amendments to Sections [19.02, 19.04, 19.05, 19.06, 19.12, 19.14, and 19.26] of the Code to the May 5, 2015 meeting, with the following changes to the draft:

\_\_\_\_\_  
\_\_\_\_\_

**Alternative B – Denial**

Vote to **deny** all or some of the proposed Code amendments.

**Motion:** “Based upon the evidence and explanations received today, I move to **deny** the proposed amendments to Sections [19.02, 19.04, 19.05, 19.06, 19.12, 19.14, and 19.26] of the Code with the Findings below:

**Findings**

1. The amendments do not comply with Section 19.17.04(1), General Plan, as articulated by the Council: \_\_\_\_\_
2. The amendments do not comply with Section 19.17.04, sub paragraphs 2, 3, and/or 4 as articulated by the Council: \_\_\_\_\_
3. \_\_\_\_\_

**I. Exhibits:**

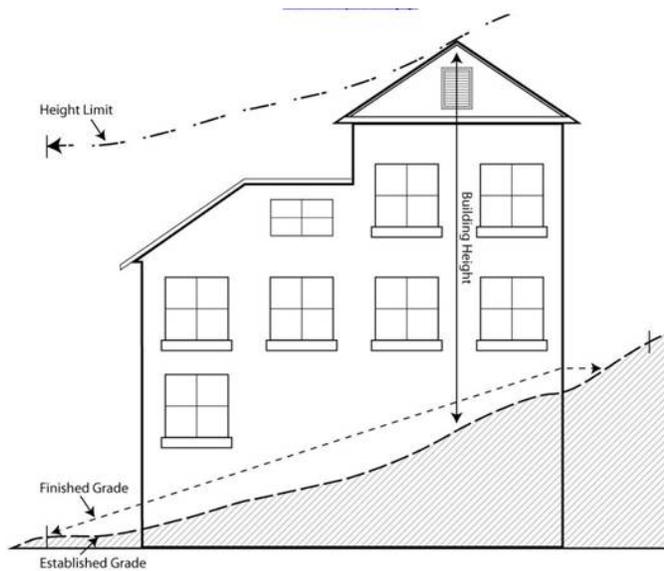
- A. 19.02 – Measuring building height
- B. 19.05 – Accessory Buildings reformat / clarification
- C. 19.06 – Fencing along arterial trail corridors
- D. 19.06 – Park strip landscaping
- E. 19.12 – Driveways & Corner Lots
- F. 19.12 and 19.14 – Application Requirements
- G. 19.12 – Plat Amendment Process
- H. 19.26 – PC zone Clarifications

19.04 – Business Park Zone Uses

## A. 19.02 – MEASURING BUILDING HEIGHT

Section 19.02.02.:

35. **“Building height”** or **“Structure height”** means:  
the vertical distance from the average finished established grade surface at the building wall, as shown in the drawing below, to either:
- the highest point of the coping of a flat roof or to the deck line of a mansard roof directly above the point of measurement; or
  - the mean height level between eaves and ridge for gable, hip, or gambrel roofs directly above the point of measurement.



94. “Established Grade” means the measured grade of a piece of land at time of subdivision or site plan approval, shown on the final subdivision plat or site plan, and from which height of future structures will be measured.

## B. 19.05 - ACCESSORY BUILDINGS

### 19.05.02. General Supplemental Regulations.

~~12. Height of Accessory Buildings. In all zones except for the A, RA-5, and RR zones, no accessory building shall be taller than any main structure or dwelling.~~

### 19.05.11. Accessory Buildings in Residential Development.

Accessory buildings may be placed on residential lots subject to the standards in the applicable zone districts as outlined in Chapter 19.04, and the standards of this section.

#### 1. All accessory buildings shall meet the following standards:

~~a. in all zones except for the A, RA-5, and RR zones, shall not be taller than any main structure or dwelling~~<sup>1</sup> for buildings with a building permit, or fifteen feet for buildings not requiring a building permit;

~~a-b. shall be of color and construction compatible with and similar to the primary structure; and~~

~~b-c. shall be regularly maintained in a clean and well-kept manner, and~~

~~e-d. shall not drain onto adjacent properties or onto public property; and~~

~~d-e. shall not be located in a required clear view triangle as outlined in Section 19.06; and~~

~~f. shall have a minimum twenty foot long driveway if housing a car, truck, RV, or other automobile.~~

#### 2. Accessory buildings requiring a building permit according to the International Building Code:

~~a. shall meet the accessory building setbacks identified in the applicable zone district, and~~

~~a.~~

b. shall not occupy more than 30% of any side or rear yard, subject to the lot coverage limitations of the applicable zone district.

#### 3. Accessory buildings not requiring a building permit <sup>2</sup> according to the International Building Code shall not be required to meet interior side yard and rear yard setbacks, and street-side yard setbacks for corner lots where the rear property line abuts the rear property line of the adjacent lot. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

If placed within ~~the a required~~ setback, such buildings:

~~a. are placed at the property owners' risk per Utah Code Chapter 54-3; and~~

~~b. ; and may be placed on a slab but shall have no footings; and~~

~~e-b. shall have a maximum height of ten feet, as measured from the finished grade of the surface directly beneath the building to the highest point of the building roof; and shall be of color and construction compatible with the primary structure; and~~

~~d-c. shall not have openings facing adjoining properties; and~~

~~e-d. shall have minimum one-hour fire rated construction for surfaces facing adjoining properties; and~~

~~f-e. shall not be used for the housing of animals or birds; and~~

~~g. shall not drain onto adjacent properties or onto public property; and~~

- ~~h. shall not be located in a required clear view triangle as outlined in Section 19.06; and~~
- ~~i. shall have a minimum twenty foot driveway if housing a car, truck, RV, or other automobile.~~
- ~~j. shall be regularly maintained in a clean and well kept manner, and~~
- ~~k.f.~~ if within the street side-yard setback, shall not have openings facing the street side property line.

## C. 19.06 – FENCING

### Section 19.06.09.

#### Screening and Fencing Requirements and Restrictions.

This Section outlines provisions that govern the heights of screening and fencing.

1. **Front yards:** fences exceeding three feet in height shall not be erected in any front yard space of any residential lot.
2. **Retaining walls:** for construction of all retaining walls four feet or taller in height, a building permit must be obtained. Prior to construction of retaining walls, Chapter 18 of the City Code shall be consulted to determine if a grading permit is also required. Where there is a difference in elevation on opposite sides of the fence, the height of the fence shall be measured from the highest elevation. Approval of fences over six feet in height will be determined on a case-by-case basis by the City Council for all new developments if fencing is proposed during the subdivision review process, or by the Planning Director for all developments that have received final approval; however, in no case will a fence be allowed to exceed eight feet in height. The following criteria shall be applied in making this determination:
  - a. compatibility with fences of surrounding uses;
  - b. quality of proposed materials;
  - c. aesthetics of proposed materials;
  - d. requirements of applicable development agreements;
  - e. intensity of existing surrounding uses; and
  - f. applicable conditions of approval.
3. **Prohibited stylesfencing:**
  - a. ~~no~~ No barbed wire, chain link, razor, or wire (agricultural, electric, chicken wire, mesh wire, hog fencing, etc.) fences shall be allowed. This does not apply to chain link or wire fences if the fence: (1) is not being used to delineate lot boundaries; and (2) is used for keeping of animals. This Section also does not apply in the A, RA-5, and RR zones.
  - b. No fencing that parallels existing fencing and is visible from an adjacent road or street shall be permitted within an existing fenced yard. Exceptions: interior fencing to enclose chickens or other livestock, or fencing as otherwise specifically permitted under this Code, and any fencing of three feet or less in height.
- 3.4. **Double frontages:** where lots have frontages onto more than one street, that area designated by the property owner as the rear yard may have a solid or view obstructing fence, wall, or hedge not exceeding six feet in height. Where the double frontage lot is also a corner lot (three frontages), clear sight across corner property shall be required and enforced. See Section 19.06.11, Clear Sight Triangles.
- 4.5. **Non-residential and Multi-family:** fencing and other screening materials for multi-family, residential, commercial, or industrial projects must receive approval by the City Council through the Site Plan review process. See Chapter 19.13 for Site Plan review requirements. In addition, the following criteria shall be applied:

- a. compatibility with fences of surrounding uses;
- b. quality of proposed materials;
- c. aesthetics of proposed materials;
- d. requirements of applicable development agreements;
- e. intensity of existing surrounding uses; and
- f. applicable conditions of approval.

6. **Required fencing:** fencing shall be placed along property lines abutting open space, parks, trails, and easement corridors. In addition, fencing may also be required adjacent to undeveloped properties.

- a. In an effort to promote safety for citizens ~~using these trail corridors~~ and security for homeowners, fences along open space, parks, trails, and easement corridors shall be semi-private. Exception: privacy fencing is permitted for property lines abutting trail corridors that are not City maintained [3] and both parallel and are visible from an arterial.
- b. Fencing along arterial roads shall be of a consistent material and color within each development.
- c. Fencing along open space, parks, trails, and easement corridors may be less than six feet in height but shall not be less than three feet in height, at the discretion of the property owner or HOA as applicable.

(Ord. 14-23)

**D. 19.06 – PARK STRIPS**

**19.06.08. Additional Landscaping Requirements.**

1. All residential lots shall have the front yards, and street-side yards for corner lots, landscaped within one year, and interior side and back yards within two years after (whichever is less restrictive):
  - a. receiving a Certificate of Occupancy; or
  - b. once ownership is established by the current owner.
2. Park strips.
  - a. Park strips shall be landscaped when the front yard is landscaped for a residential dwelling, or when site improvements are completed for a non-residential project, and shall thereafter be perpetually maintained by the property owner who abuts the park strip. Only the following shall be installed in park strips: turf, trees, drought tolerant plants, mulch, live plant vegetation (other than trees) below three feet in height, landscape rock, cobble, and removable pavers. When landscape rock, cobble, or pavers are used, at least thirty percent of ~~the area~~each park strip shall contain plantings.
  - b. Weeds, dead vegetation, fruit trees including crabapples, fruit and vegetable gardens, gravel, asphalt, concrete, and large boulders are prohibited in park strips.
  - c. Four foot wide concrete walkways are allowed in the park strip when the walkway lines up with the main walkway to the front door.

## **E. 19.12 – DRIVEWAYS and CORNER LOTS**

### **19.12.06. General Subdivision Improvement Requirements.**

1. **Subdivision Layout.** This Section contains general requirements regarding overall subdivision design and layout. The following provisions apply to new subdivisions:
  - a. The subdivision layout should be generally consistent with the City’s adopted Land Use Element of the General Plan, and shall conform to any land use ordinance, any capital facilities plan, and any impact fee facilities plan.
  - b. The maximum length of blocks shall be 1,000 feet. In blocks over 800 feet in length, a dedicated public walkway through the block at approximately the center of the block will be required.
    - i. Such a walkway shall not be less than fifteen feet in width unless otherwise approved by the City.
    - ii. Blocks intended for commercial or industrial uses shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.
    - iii. A block shall be measured from the centerline of one intersection to the centerline of the next intersection or apex of the nearest cul-de-sac. For purposes of measuring block length, an intersection may include two-way, three-way, or four-way intersections of roadways.
  - c. The City will require the use of connecting streets, pedestrian walkways, trails, and other methods for providing logical connections and linkages between neighborhoods.
  - d. Private roads may be constructed as approved as part of the Preliminary Plat approval and so long as such roads meet the same standards identified in the Saratoga Springs Standard Street Improvement Details.
  - e. Where the vehicular access into a subdivision intersects an arterial road as defined in the Transportation Master Plan, driveways shall not be placed on the intersecting road within 100’ of the arterial connection as measured from edge of the arterial right of way to the nearest edge of driveway surface to avoid vehicles backing into the stacking area for the arterial and for public safety.
  - f. Access:
    - i. Two separate means of vehicular access onto a collector or arterial road shall be required when the following threshold is met:
      1. Whenever the total number of dwelling units served by a single means of access will exceed fifty.
    - ii. Exceptions: where no point of second access is available within five hundred feet (500’), and where all units are provided with an approved sprinkler system, a second access shall not be required until the number of units reaches double the above limits.
    - iii. Where two means of access are required, the points of access shall be placed a minimum of 500 feet apart, measured along the center of the driving lane from center of right-of-way to center of right-of-way. The City Fire Chief may require a greater distance than 500 feet if:
      1. an essential link exists between a legitimate governmental interest and the requirement; and

2. the requirement is roughly proportionate, both in nature and extent, to the impact of the proposed development.

**g. Driveways:**

- i. Construction: single driveways in the A, RA, and RR zones that are constructed of road base or gravel shall include a concrete apron at the entrance to the garage and at the intersection with the street, each a minimum of five feet in depth. Single driveways in all other zones, and shared driveways in all zones, shall be constructed of concrete or asphalt.
- ii. Shared driveways: shared driveways shall be a minimum of twenty-six feet in width and shall direct all runoff to a public or private drainage system. All dwellings on shared driveways shall provide enclosed garages or other covered parking. Shared driveways accessing more than four dwellings shall also provide a minimum of twenty feet of parking space between the garage and shared driveway. Shared driveways with four or fewer dwellings, if not providing a minimum of twenty feet of parking space, shall install a remote garage door opener prior to issuance of Certificate of Occupancy. All requirements of the Fire Code shall also be met.

**2. Lot Design.** The following provisions apply to new lots:

- a. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots that would make improvement impracticable due to size, shape, steepness of terrain, location of watercourses, sanitary sewer problems, driveway grades, or other physical constraints and considerations.
- b. All lots or parcels created by the subdivision shall have frontage on a street or road that meets the City's ordinances, regulations, and standards for public roads.
- c. Flag lots may be approved with less frontage when the Planning Commission determines that the creation of such a lot would result in an improved design or better physical layout for the lot based on the following criteria:
  - i. For subdivisions with 20 or less lots: no more than 10% (rounding down) of the total lots are allowed to be flag lots;
  - ii. For subdivisions with 50 or less lots: no more than 7.5% of the total lots are allowed to be flag lots; and
  - iii. For subdivision with more than 50 lots: no more than 5% of the total lots are allowed to be flag lots.
- d. Land dedicated as public roads and rights-of-way shall be separate and distinct from land included in lots adjacent to public roads and rights-of-way. In no case may land dedicated for public roads and rights-of-way be included in the area calculation of any lots.
- e. Side property lines shall be at approximately right angles to the street line or radial to the street line.
- f. Corner lots for residential use shall be platted ten percent larger than the required minimum lot size interior lots in each zone, not including any approved lot size reductions, in order to facilitate conformance with the required street setback for both streets.
- g. No lot shall be created that is divided by a municipal or county boundary line. Each property boundary line shall be made a lot line.

- h. Remnants of property shall not be left in the subdivision that do not conform to lot requirements or are not required or suitable for common open space, private utilities, public purposes, or other purpose approved by the City Council.
- i. Double access lots are not permitted with the exception of corner lots.
- j. Driveways for residential lots or parcels shall not be allowed to have access on major arterials such as Redwood Road, Crossroads Boulevard, Pioneer Crossing, and Pony Express. Exceptions may be made for large lots (at least 1 acre in size) or for lots where the home is set back over 150 feet from the arterial roadway. Approval by UDOT may be required.
- k. All subdivisions along arterial roadways shall conform to the City's requirements and adopted street cross-section including pedestrian walkways, park strips, landscaping, and fencing.

**F. 19.12, 19.13, and 19.14 – APPLICATION REQUIREMENTS**

**19.12.03. Subdivision Process and Approval Procedure.**

1. **Processing of development plans.** All subdivisions are subject to the provisions of Chapter 19.13, Development Review Processes. In addition, all residential and non-residential subdivisions shall comply with this Chapter.
2. **Preliminary Subdivision Plats.** All subdivisions must receive a Preliminary Plat approval. Upon receipt of an application for a Preliminary Plat, City staff shall review the application to determine whether the application is complete. If incomplete, the application shall not be accepted by the City and shall be returned to the applicant, along with a written list of the reasons why the application is incomplete. Once an application is deemed to be complete, City Staff shall review the proposed Preliminary Plat and determine whether it is in compliance with state law, federal law, and City standards, resolutions, and ordinances. The Planning Director is specifically charged with ensuring that all such requirements have been resolved before recommending land use authority action. If the Planning Director recommends that a proposed Preliminary Plat be approved, the City staff shall place it on the agenda of the next available meeting where the application may be properly considered. If the land use authority finds that the preliminary Plat meets state law, federal law, and City standards, resolutions, and ordinances, the land use authority shall approve the Preliminary Plat. If the land use authority finds that the preliminary Plat does not meet state law, federal law, and City standards, resolutions, and ordinances, the land use authority shall deny the Preliminary Plat. An application for a Preliminary Plat shall follow the approved City format and must contain the following information:
  - a. Application form, applicant certification, and application fee.
  - b. Preliminary title report.
  - c. Soils report.
  - d. Preliminary Hydraulic and Hydrologic report and storm drainage calculations.
  - e. Wetland delineation when required by City Engineer, Planning Commission, Development Review Committee, or the Army Corp of Engineers.
  - f. Preliminary traffic report. Said report shall comply with the standards outlined in the City’s adopted Transportation Master Plan and shall include the following:
    - i. an analysis of the average daily trips generated by the proposed project;
    - ii. an analysis of the distribution of trips on City street systems;
    - iii. a description of the type of traffic generated; and
    - iv. recommendations on what mitigation measures should be implemented with the project to maintain a level of service for existing and proposed residents that meets the standards of the Transportation Master Plan.
  - g. Data table including:
    - i. total project area;
    - ii. total number of lots, dwellings, and buildings;
    - iii. square footage of proposed building footprints and, if multiple stories, square footage by floor;
    - iv. number of proposed garage parking spaces;
    - v. number of proposed total parking spaces;

- vi. percentage of buildable land;
  - vii. acreage of sensitive lands and percentage sensitive lands comprise of total project area and open space area;
  - viii. area and percentage of open space or landscaping;
  - ix. area to be dedicated as right-of-way (public and private);
  - x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
- h. Evidence of compliance with all applicable federal, state, and local laws and regulations, if requested by City.
- i. ALTA survey including deeds, easements, trees, utilities, structures, and other existing features and conditions.
- j. Preliminary Plat: Full-size 24" x 36" copies of the Preliminary Plat at a scale no smaller than 1" = 100' and 11 x 17 inch reductions as identified on the application form, along with digital copies as outlined below. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda. Each copy shall conform to the City's standard plat layout and contain at a minimum the following items:
- i. General Layout.
  - ii. Name and address of owners of land and name and address of developer if different than owner.
  - iii. Name of land surveyor.
  - iv. The location of the proposed subdivision with respect to surrounding property and streets.
  - v. The name of all adjoining property owners of record, or the names of adjoining developments.
  - vi. The names and location of adjoining streets and all facilities within 100 feet of the platted property.
  - vii. Street and road layout with centerline bearing and distance labels, dimensions, and names of existing and future streets and roads, (with all new names cleared through the City GIS Department).
  - viii. Subdivision name cleared with Utah County.
  - ix. North arrow.
  - x. A tie to a permanent survey monument at a section corner.
  - xi. The boundary lines of the project with bearings and distances and a legal description.
  - xii. Layout and dimensions of proposed lots with lot area in square feet.
  - xiii. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, recreational amenities, and trails.
  - xiv. Location of prominent natural features such as rock outcroppings, woodlands, steep slopes, etc.
  - xv. Proposed road cross sections.
  - xvi. Proposed fencing.
  - xvii. Vicinity map.
  - xviii. Signature blocks for preliminary approval by Planning Commission and City Council.
  - xix. The Preliminary Plat shall be prepared and stamped by a professional surveyor or engineer licensed in Utah.

- xx. Proposed methods for the protection or preservation of sensitive lands.
  - xxi. Location of any flood plains, wetlands, and other sensitive lands.
  - xxii. Location of 100-year high water marks of all lakes, rivers, and streams.
  - ~~xxii~~-xxiii. Projected Established Grade of all building lots.
- k. Preliminary Construction drawings containing, at a minimum, all items specified in the City's "Standard Technical Specification and Drawings" manual. Applicant shall provide full-size 24" x 36" copies and 11 x 17 inch reductions as required on the application form. Additional copies may be required prior to adding the application to the Planning Commission agenda.
  - l. Landscaping plan drawn by certified landscape architect, including planting plan, data table including vegetation types and percentages, percentage of turf, and other information consistent with the standards and requirements in Section 19.06.
  - m. Phasing plan including a data table with the following information for each phase:
    - i. total area in square feet and acres;
    - ii. number of lots or dwelling units;
    - iii. open space area and percentage;
    - iv. utility phasing plan;
    - v. number of parking spaces;
    - vi. recreational facilities to be provided.
  - n. Lighting plan including photometric information for the site and for immediately adjacent properties, and fixture design, height, and placement consistent with the requirements in Section 19.11.
  - o. File of all plans, documents, and reports in pdf format.
  - p. A copy of the Utah County plat map showing ownership and parcel numbers.
  - q. A document from UDOT Region 3 stating that UDOT has granted approval for all proposed accesses onto any State road.
  - r. Geolocated KMZ file or GIS Shapefile including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.
3. **Final Plat.** Upon approval of a preliminary subdivision plat by the City Council, or concurrently with the preliminary plat, the developer must submit a final subdivision plat application to the City.
- a. The developer may submit a Final Plat application with the Planning Director at any time after the Preliminary Plat application for a subdivision has been submitted and all applicable fees have been paid so long as any Preliminary Plat approval has not expired; Final Plat approval may not occur until after Preliminary Plat approval but applications may be processed concurrently and considered at the same meeting.
  - b. Upon receipt of an application for a Final Plat, the following process shall be followed:
    - i. City staff shall review the application to determine whether the application is complete. If incomplete, the application shall not be accepted by the City and shall be returned to the applicant, along with a written list of the reasons why the application is deficient.
    - ii. Once an application is deemed to be complete, City Staff shall review the proposed Final Plat and determine whether it is in compliance with the approved Preliminary Plat, other provisions of the City Code, and any modifications, requirements,

findings, and conditions made during Preliminary Plat approval. If the proposed Final Plat fails to comply, the Planning Director shall direct the City staff to return it to the developer, along with a written list of deficiencies. The Planning Director is specifically charged with ensuring that all significant conditions required for Final Plat have been resolved before recommending City Council action.

- iii. If the Planning Director recommends that a proposed Final Plat be approved, the City staff shall place it on the agenda of the next available meeting where the application may be properly considered. If the City Council finds that the plat is in its final form and complies with the City Code and with the terms and conditions of the approved plat, it shall authorize the Mayor to sign the proposed Final Plat. If the City Council determines that the Final Plat does not comply with the City Code and with the terms and conditions of the approved plat, it shall direct City staff to return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.
- iv. The City Recorder, or his or her designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

4. **Final Plat Application Requirements.** Applications for Final Plats shall be on an approved-City form and include the following items:

- a. Application form, applicant certification, and paid application fee.
- b. Signed easements and agreements with adjacent property owners for necessary off-site facilities.
- c. Signed and recorded articles of incorporation bylaws, and conditions, covenants, and restrictions of the Home Owners Association, if any.
- d. Certificate of Existence and Certificate of Good Standing from the State of Utah for the Home Owners Association, if any.
- e. Final Hydraulic and Hydrologic storm drainage report and calculations
- f. **Final Traffic report.** Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include, but not be limited to, the following:
  - i. an analysis of the average daily trips generated by the proposed project;
  - ii. an analysis of the distribution of trips on City street systems;
  - iii. a description of the type of traffic generated; and
  - iv. recommendations on what mitigation measures should be implemented with the project to maintain an level of service for existing and proposed residents acceptable to the City.
- g. **Data table** including:
  - i. total project area;
  - ii. total number of lots, dwellings, and buildings;
  - iii. square footage of proposed building footprints and, if multiple stories, square footage by floor;
  - iv. number of proposed garage parking spaces;
  - v. number of proposed parking spaces;
  - vi. percentage of buildable land;

- vii. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area;
  - viii. area and percentage of open space or landscaping;
  - ix. area to be dedicated as right-of-way (public and private);
  - x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
- h. **Final Subdivision Plat:** Full-size 24" x 36" sheets and 11" x 17" copies shall be submitted at a scale no smaller than 1" = 100' as outlined on the application form, along with digital copies as outlined below. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda. Each Copy shall conform to the City's standard plat layout and contain at a minimum the following items:
- i. Subdivision name and location.
  - ii. Name and address of owners of land and name and address of developer if different than owner.
  - iii. Name of land surveyor.
  - iv. The location of the proposed subdivision with respect to surrounding property and streets.
  - v. The name of all adjoining property owners of record, or the names of adjoining developments.
  - vi. The names and location and ROW widths of adjoining streets and all facilities within 100 feet of the platted property.
  - vii. Subdivision name cleared with Utah County.
  - viii. North arrow.
  - ix. A tie to a permanent survey monument at a section corner.
  - x. The boundary lines of the project with bearings and distances and a legal description with total project area in SF and acres.
  - xi. Layout and dimensions of proposed lots with lot area in square feet and acres. Lot boundaries shall include dimensions and bearings. Building envelopes shall be shown with dimensions and areas on each lot where slopes are greater than ten percent.
  - xii. Lot Numbers
  - xiii. Location, dimensions, and labeling of roads, structures, irrigation features, drainage, parks, open space, trails, and recreational amenities.
  - xiv. Location of prominent natural features such as rock outcroppings, woodlands, steep slopes, etc.
  - xv. Proposed road ROW widths.
  - xvi. Vicinity map.
  - xvii. Signature blocks for preliminary approval by Planning Commission and City Council.
  - xviii. The Preliminary Plat shall be prepared by a professional engineer licensed in Utah.
  - xix. Proposed methods for the protection or preservation of sensitive lands.
  - xx. Fencing plans.
  - xxi. Location of any flood plains, wetlands, and other sensitive lands.

- xxii. Flood plain boundaries as indicated by the Federal Emergency Management Agency as well as the location of 100-year high water marks of all lakes, rivers, and streams.
  - xxiii. Existing and Proposed easements.
  - xxiv. Street monument locations.
  - xxv. Fire hydrant locations.
  - xxvi. Street light locations (at intersections and every 300 feet, placed on alternating sides of streets).
  - xxvii. Lot and road addresses and addresses for each intersection. Road names must meet the requirements of Chapter 19.27 and be approved in writing by the City GIS department before being added to the subdivision plat.
  - xxviii. Final Established Grade of all building lots.
- i. **Final Construction Drawings** containing, at a minimum, all items specified in the City’s “Standard Technical Specification and Drawings” manual. Applicant shall provide three full-size 24” x 36” copies and five 11 x 17 inch reductions. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda.
  - j. **Landscaping and irrigation plans** drawn by certified landscape architect, including planting plan, data table including vegetation types and percentages, percentage of turf, installation details and other information consistent with the standards in 19.06. .
  - k. Phasing plan including a data table with the following information for each phase:
    - 1.8.01 Subtotal area in square feet and acres;
    - 1.8.02 number of lots or dwelling units;
    - 1.8.03 open space area and percentage;
    - 1.8.04 utility phasing plan;
    - 1.8.05 number of parking spaces;
    - 1.8.06 recreational facilities to be provided;
    - 1.8.07 overall plan showing existing, proposed, and remaining phases.
  - l. **Lighting plan** including photometric information for the site and for immediately adjacent properties, and fixture design, height, and placement consistent with the requirements in Section 19.11.
  - m. File of all plans, documents and reports in pdf format.
  - n. A document from UDOT Region 3 indicating that UDOT has granted approval for all proposed accesses onto any State road.
  - o. **Geolocated KMZ file or GIS Shapefile** including lot line(s), lot number(s), road centerline(s), building footprint(s) where buildings are proposed, open space, and sensitive lands.
  - p. **Title Report.** A title report shall be provided that is current within 30 days of recording the final plat.
  - q. **Mylar Final Plat:** After receiving Final Plat approval from the City council and in a form approved by the City, a 24” x 36” copy of the final plat shall be provided to the City on reproducible Mylar for recording with Utah County. Mylar plat shall be presented with all utility and owner signatures and appropriate notarizations.

**19.14.06. Application.**

- 1. **Overview of application process.** The property owner or an authorized agent shall make

application on a form prescribed for Site Plan Review by the City.

- a. Applicants for development approval must provide complete and accurate information regarding the specific site and the proposed use on the application.
  - b. No application shall be processed until the application fee has been paid and the application has been reviewed for completeness and accepted by the City. Incomplete applications shall not be processed under any circumstance.
2. **Pre-Application conference.** Prior to a complete application, a pre-application conference shall be held between the applicant and the planning staff, once the applicant can provide the following:
- a. A site analysis meeting the requirements of 19.14.06.3 below.
  - b. A site plan meeting the requirements of 19.14.06.3. below.
  - c. Conceptual elevations.
  - d. Vicinity map meeting the requirements of 19.14.06.3. below.
3. **Accompanying Maps, Reports, and Drawings Required.** The information submitted with the application shall include digital and paper the following:
- a. **Ownership Affidavit.** A statement of ownership and control of the subject property and a statement describing the nature of the intended use.
  - b. **Vicinity Map.** A general location map indicating the approximate location of the subject parcel.
  - c. **Context plan.** A context plan shall include the existing features within 200 feet of the proposed Site Plan property line. Existing features include, but are not limited to, buildings, ingress and egress points, landscaping areas, pedestrian paths, and property names.
  - d. **Site Analysis.** A site analysis is a plan view drawing demonstrating land constraints and existing features. Existing features may consist of the presence of boulders, existing man-made features, significant trees, canals or ditches, access points or public rights-of-way, and existing conditions within 200 feet of the property line.
  - e. **Survey.** A survey prepared and stamped by a Utah registered land surveyor listing the metes and bounds legal description and the gross acreage within the subject parcel.
  - f. **Compliance statement.** A statement indicating how the proposed development complies with the City's adopted Land Use Element of the General Plan.
  - g. **Final Construction Drawings** containing, at a minimum, all items specified in the City's "Standard Technical Specification and Drawings" manual. Applicant shall provide three full-size 24" x 36" copies and five 11 x 17 inch reductions as required on the application form, along with digital copies as outlined below. Additional copies may be required prior to adding the application to the Planning Commission or City Council agenda. Final Construction Drawings for aAA Site Plan is hereby required and shall be prepared and stamped by licensed or certified professionals including architects, landscape architects, land planners, engineers, surveyors, transportation engineers, or other professionals deemed necessary by the Planning Director. The City may require plans prepared by any or all of the above-noted professionals. A S-Site Plan application shall also contain the following :

- i. locations, dimensions, floor plans, uses and heights of all proposed buildings and structures, including overhangs, porches, stairwells, and balconies, and the locations of all structures on adjoining properties;
  - ii. access points, provisions for vehicular and pedestrian circulation on and off site, interconnection to adjacent sites, dimensions of such access and circulation, and pedestrian paths within 200 feet of the property boundary;
  - iii. acceleration and deceleration lanes, and dimensions thereof, if required;
  - iv. off-street parking and loading areas complying with the City's off-street parking requirements contained in Chapter 19.09 of this Title;
  - v. screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements;
  - vi. location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures;
  - vii. location, type, and size of all business and on-site circulation signage;
  - viii. tabulation of square footage devoted to various land uses, ground coverage by structures, and other impervious surfaces;
  - ix. type of construction of all structures, presence or absence of fire sprinkling, and location of existing and proposed fire hydrants;
  - x. Established Grade of building area.
- h. **Final Hydraulic and Hydrological storm drainage report and calculations.** location of all existing and proposed secondary irrigation systems, both on site and on adjacent properties, including ditches, pipes, and culverts;
- i. **Final Traffic report.** Said report shall comply with the standards outlined in the City's adopted Transportation Master Plan and shall include, but not be limited to, the following:
- i. an analysis of the average daily trips generated by the proposed project;
  - ii. an analysis of the distribution of trips on City street systems;
  - iii. a description of the type of traffic generated; and
  - iv. recommendations on what mitigation measures should be implemented with the project to maintain an level of service for existing and proposed residents acceptable to the City.
- j. **Data table** including
- i. total project area
  - ii. total number of lots, dwellings, and buildings
  - iii. square footage of proposed building footprints and, if multiple stories, square footage by floor
  - iv. number of proposed garage parking spaces
  - v. number of proposed surface parking spaces
  - vi. percentage of buildable land
  - vii. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area
  - viii. area and percentage of open space or landscaping
  - ix. area to be dedicated as right-of-way (public and private)
  - x. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).

- xi. number of off-street parking spaces (e.g., number of proposed garage parking spaces, number of proposed surface parking spaces, etc.)
- k. A file of all submitted plans, documents, and reports in pdf format.
- l. **Landscaping Plan.** A landscaping plan, prepared and stamped by a licensed landscape architect, indicating the location, spacing, types, and sizes of landscaping elements and existing trees, and showing compliance with the City's off-street parking requirements, the City's design guidelines and policies, and the requirements of the appropriate zone.
- m. **Lighting Plan.** A lighting plan indicating the illumination of all interior areas and immediately adjoining streets showing the location, candle power, and type of lighting proposed, and in conformance with the City's lighting standards. An individual photometric plan is also required.
- n. **Elevations.** The elevations of all proposed buildings, fences, and other structures viewed from all sides indicating height of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials. A board showing building colors and materials is required.
- o. **Signage Plan.** An overall signage plan shall be approved during the Site Plan approval process. All information to be provided for the sign approval shall be submitted concurrent with Site Plan application materials, consistent with the requirements in Section 19.18.

## **G. 19.12 – PLAT AMENDMENT PROCESS**

### **19.12.09. Vacating or Amending a Subdivision Plat.**

1. **Plat Amendment.** The City shall follow the process outlined in Utah Code Chapter 10-9a for the vacation of any public street, right-of-way, easements, or alley.
2. **Applicability.** Owners may petition to vacate or amend a recorded subdivision plat if the petition does not affect the location or boundary of a public road or the boundary of the plat, and seeks to:
  - a. join two or more of the petitioning fee owner's lots; or
  - b. adjust internal lot lines between two or more of the petitioning fee owner's lots; or
  - c. vacate or alter private streets, rights-of-way, easements, or alleys, or
  - d. adjust internal lot restrictions subject to the standards of this Title and applicable conditions of approval for the original plat.
3. **Standards.** Plat amendments may be approved if:
  - a. no new dwelling lot or dwelling results from the plat amendment; and
  - b. the number of lots or parcels does not increase; and
  - c. the amendment does not result in remnant land that did not previously exist; and
  - d. the amendment does not violate conditions of approval for the original plat; and
  - e. the amendment does not result in a violation of applicable zoning requirements; and
  - f. if all requirements of Utah Code Chapter 10-9a are met.
4. **Application.** The owners of affected lots shall file an application on an approved City form and include the following items:
  - a. Application form, applicant certification, and paid application fee.
  - b. Amended Plat that conforms to all of the requirements of a Final Plat as provided in section 19.12.03.
  - c. Data table including
    - i. total project area
    - ii. total number of lots, dwellings, and buildings
    - iii. number of proposed garage parking spaces
    - iv. number of proposed parking spaces
    - v. percentage of buildable land
    - vi. acreage of sensitive lands and what percent sensitive lands comprise of total project area and of open space area
    - vii. area and percentage of open space or landscaping, and recreational amenities
    - viii. area to be dedicated as right-of-way (public and private)
    - ix. net density of dwellings by acre (sensitive lands must be subtracted from base acreage).
  - d. A copy of the Utah County plat map showing ownership and parcel numbers.
  - e. [File of all plans, documents and reports in pdf format.](#)
  - f. Geolocated KML file [or GIS Shapefile](#) including lot line(s), lot number(s), road centerline(s), building footprint(s), open space, and sensitive lands.

5. **Title Report.** A title report shall be provided that is current within 30 days of recording the final plat.
6. **Land Use Authority.**
  - a. The Planning Director is hereby designated as the land use authority for all plat amendments involving only lot combinations or lot line adjustments, ~~and~~ plat amendments required to formalize a variance that has been granted by the Hearing Examiner, and all other plat amendments and vacations that do not affect public or private roads or easements or conditions of approval.
  - b. The Planning Commission is hereby designated as the land use authority for all other plat amendments and vacations that do not affect a public road.
  - c. The City Council is hereby designated as the land use authority for all plat amendments and vacations that affect a public road, per Section 19.12.10.
7. **Planning Director Review.** The Planning Director shall review all the documents to determine if they are complete and that they comply with the requirements set forth above.
  - g. For plat amendments where the Planning Director is the Land Use Authority, if the Planning Director determines that documents are complete the Planning Director shall take action on the application.
    - i. the Planning Director shall determine whether the amendment complies with the requirements of this section and this Title; and
  - h. the Planning Director shall approve, approve with conditions, or deny the amendment. For plat amendments where the Planning Commission or the City Council is the Land Use Authority, if the Planning Director determines that documents are complete, the Planning Director shall schedule the plat amendment for the next available meeting.
8. **Planning Commission Review and Action.**
  - a. For amendments where the Planning Commission is the Land Use Authority:
    - i. the Planning Commission shall determine whether the amended plat complies with the requirements of this section, this Title, and Chapter 10-9a of the Utah Code;
    - ii. the Planning Commission may approve, approve with conditions, or deny the amendment; and
    - iii. if the Planning Commission approves an amended plat, the Mayor shall sign a plat showing the alteration and direct that the plat be recorded in the office of the Utah County Recorder.
  - b. **Public Hearing.**
    - i. A public hearing shall not be held all the property owners in the plat sign the amendment.
    - ii. Notice. Prior to the public hearing, the City shall provide the notice required by Utah Code Chapters 10-9a and 52-4. The applicant shall pay the cost to post and provide notice to all property owners within 300 feet of the application, prior to final approval.
  - g. **Plat Amendment Not a Subdivision.** A plat amendment meeting these requirements, as well as the requirements of the Utah Code, shall not be deemed a subdivision of property and shall

not be required to follow the subdivision process of this Title.

- d. A copy of the Utah County plat map showing ownership and parcel numbers.
- e. pdf format.
- f. Geolocated ~~KML-KMZ~~ file or GIS Shapefile including lot line(s), lot number(s), road centerline(s), building footprint(s), open space, and sensitive lands.

## H. 19.26 – PC Zone Clarifications

### 19.26.05. Adoption and Amendment of Community Plans.

1. No ~~contiguous~~ property of less than 500 contiguous acres shall be zoned as a Planned Community District.

### 19.26.09. Village Plan Approval.

1. **Application for Village Plan.** Subsequent to the approval of a Community Plan, further development of any phase within a Planned Community Zone District shall require approval of a Village Plan. A Village Plan is a preliminary approval prior to subdivision or site plan approval and is intended to commit and provide detailed standards to assure compliance with the guiding principles and intent of the Community Plan and to further commit land uses, supporting infrastructure, and design principles. The Planning Commission shall review each Village Plan application in accordance with the provisions of Chapter 19.17 and certify its recommendation to the City Council. Before certifying a recommendation of approval, or approval with conditions, the Planning Commission must find that the Village Plan:
  - a. is consistent with the adopted Community Plan;
  - b. does not exceed the total number of equivalent residential units dictated in the adopted Community Plan;
  - c. for an individual phase, does not exceed the total number of equivalent residential units dictated in the adopted Community Plan unless transferred per the provisions of the Community Plan;
  - d. is consistent with the utility, infrastructure, and circulation plans of the Community Plan; includes adequately sized utilities, services, and roadway networks to meet demands; and mitigates the fair-share of off-site impacts;
  - e. properly integrates utility, infrastructure, open spaces, pedestrian and bicycle systems, and amenities with adjacent properties; ~~and~~
  - f. contains the required elements as dictated in Section 19.26.10; and
  - f.g. meets the minimum required open space in adopted Community Plan, and adopted District Area Plan if applicable.

**I. 19.04 – Business Park Allowed Uses**

**19.04.07. Summary of Land Use Regulations.**

**3. Permitted and Conditional Uses by Zone-Commercial:**

The following table lists the Permitted and Conditional uses for the Nonresidential Zones in the City of Saratoga Springs. Empty boxes means that the use is prohibited in that zone. Uses not listed are also prohibited.

**P= Permitted C= Conditional**

	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
Alcoholic Beverage, Package Agency					C				
Alcoholic Beverage, State Liquor Store					C				
Animal Hospital, Large/Large Veterinary Office	C	C	P	P					
Animal Hospital, Small/Small Veterinary Office	C	C	P	P					
Arts & Crafts Sales	C	P	P			P			
Automobile Refueling Station		C	C	C	C				
Automobile Rental & Leasing Agency			C	C	P		C <sup>A</sup>		
Automobile Repair, Major				C	C		€		
Automobile Repair, Minor			C**	C	C		PC <sup>E</sup>		
Automobile Sales			C**		C		€		
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service			C**	C	P				
Bakery, Commercial				C	C				
Bakery, Retail	P	P	P			P	C		
Bed and Breakfast		C				C			
Bookstore	P	P	P			P			
Building Material Sales (with outdoor storage)			C**	C	P		€		
Building Material Sales (without outdoor storage)			C	C	C		€		
Bus Lot									P

Car Wash (full service)			C				C <sup>A</sup>		
Car Wash (self service)			C**	C	C		€		
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
Child Care Center	C	C	C			C <sup>A</sup>	C <sup>A</sup>		
Churches	C	C				C		C	
Commercial & industrial laundries				C	P				
Commercial Recreation		C	C	C	C	P			
Commuter/Light Rail Station			P	P	P		C	C	
Contract construction services establishments				C	P				
Contract Services Office				P	P				
Convenience Store		C	P	C			C <sup>E</sup>		
Convenience Store/Fast Food Combination			C**				C <sup>E</sup>		
Copy Center	C	P	P	C			C <sup>A</sup>		
Crematory/Embalming Facility				C	C				
Dry Cleaners	C	P	P						
Dwelling, Above commercial		P	C			P			
Dwelling, Multi-Family		P				P			
Dwelling, Single-Family		P				P			
Dwelling, Three-Family		P				P			
Dwelling, Two-Family		P				P			
Educational Center	C	C	C	C				P	
Electronic Media Rental & Sales		C	P						
Electronic Sales & Repair		C	P						
Equipment Sales & Services			C		P		C <sup>A</sup>		
Financial Institution		P	P						
Fitness Center (5,000 sq. ft. or less)	P	P	P	P		P	€P <sup>A</sup>		
Fitness Center( 5,001 sq. ft. or larger)	C	C	C	C			P <sup>A</sup> C <sup>A</sup>		
Floral Sales	P	P	P			P			
Fueling Station									P
Fueling Station, Cardlock Facility									P
Funeral Home	C	C	C				€		

Grocery Store		C	P			P			
Hair Salon	P	P	P			P			
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
Hardware & Home Improvement Retail		C	P				P		
Home Occupations	See §19.08	See §19.08	See §19.08						
Hospital			P				C	P	
Hotels			C	C	C	C	C		
Ice Cream Parlor	P	P	P			P	C <sup>A</sup>		
Impound Yard					C				
Kennel, Commercial			C	C	P				
Laundromat			C	C	C				
Library		P	P					P	
Light Manufacturing				C	C		C		
Marina						P			
Mining					C				
Mixed Use		P				P			
Neighborhood Grocery Store		P				P			
Motels			C	C	C	C	€		
Non-Depository Institutions			C						
Office, High Intensity				P	C		C		
Office, Medical and Health Care	C	C	P				P	P	
Office, Professional	C	P	P	P	C	P	P		
Pawn Shop				C	C				
Personal Service Establishment	C	C		C		C	C <sup>A</sup>		
Plant & Tree Nursery	C		C	C	P				
Postal Center	C	C	P	C			P <sup>A</sup>	P	
Preschool	C	C	C			CA	C <sup>A</sup>		
Printing, lithography & publishing establishments				C	C		P		
Public & private utility building or facility			C	C	C	C		C	C
Public Building or Facilities (City Owned)	P	P	P	P	P	P	P	P	
Reception Centers	C	C	P			P	C		

Recreation Center			C		C	C			
Recreation Rentals			P			P			
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
Recreational Vehicle Sales			C**						
Recycling Facilities					C				
Research & Development			C	C	C		P	P	
Residential facilities for elderly persons		C				C			
Residential Facilities for Persons with a Disability		C				C			
Restaurant, Casual			P	C		CE	C <sup>E</sup>		
Restaurant, Deli	P	P	P			P	C <sup>A</sup>		
Restaurant, Sit Down	P	P	P	P		P	P <sup>E</sup>		
Retail Sales	P	P	P	P		P	C <sup>A</sup>		
Retail, Big Box			C						
Retail, Specialty	P	P	P	P		P			
Retail, Tobacco Specialty Store				C	C				
School, Public									
School, Trade or Vocational				P	P		P	P	
Sexually Oriented Businesses					P				
Shooting Range, indoor or outdoor				C	C				
Storage, Self-Storage, or Mini Storage Units				C	C				
Storage, Outdoor					C				
Storage, Vehicle					C				
Tattoo Parlor					C				
Temporary Sales Trailer		T							
Theater			C			C			
Transit-Oriented Development (TOD)		P				P	C		
	NC	MU	RC*	OW	I	ML	BP	IC	PSBL

<sup>A</sup> The noted Uses shall be allowed in the listed zones as an ancillary use only.

<sup>E</sup> The noted Uses shall be allowed in the listed zones as an edge use only.

\*As an ancillary component of the identified Permitted and Conditional Uses, employers may offer Child Care Center services for their employees. The provision of such services shall require Conditional Use approval.

\*\* The noted uses shall only be allowed in the listed zones at locations that are outside the Gateway Area.

**ORDINANCE NO. 15-17 (4-21-15)**

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS,  
UTAH, ADOPTING AMENDMENTS TO THE SARATOGA  
SPRINGS LAND DEVELOPMENT CODE AND  
ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, Title 19 of the City of Saratoga Springs Code, entitled “Land Development Code” was enacted on November 9, 1999 and has been amended from time to time; and

**WHEREAS**, the City Council and Planning Commission have reviewed the Land Development Code and find that further amendments to the Code are necessary to better meet the intent and direction of the General Plan; and

**WHEREAS**, the Saratoga Springs Planning Commission has held a public hearing to receive comment on the proposed modifications and amendments as required by Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

**WHEREAS**, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Saratoga Springs City Council regarding the modifications and amendments; and

**WHEREAS**, the City Council has conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

**WHEREAS**, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Saratoga Springs City Council has determined that it is in the best interest of the public health, safety, and welfare of Saratoga Springs citizens that the following modifications and amendments to Title 19 be adopted.

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

**SECTION I - ENACTMENT**

The amendments attached hereto as Exhibit A, incorporated herein by this reference, are hereby enacted. Such amendments are shown as underlines and strikethroughs. The remainder of Title 19 shall remain the same.

**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 \_\_\_ day of \_\_\_\_\_, 2014.

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

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

\_\_\_\_\_  
Date

**VOTE**

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



CITY OF  
**SARATOGA SPRINGS**  
ENGINEERING DEPARTMENT

April 16, 2015

Utah County Commission  
Attn: Casey Allen  
100 East Center St. #2300  
Provo, UT 84606  
caseya@utahcounty.gov

**Re: 2015 Municipal Recreation Grant Program**

Dear Utah County Commission:

The City of Saratoga Springs (hereafter referred to as 'The City') is requesting the total estimated available funds \$20,264.<sup>02</sup> from the Municipal Recreation Grant Program (hereafter to as 'the Grantee') for installation of Engineered Wood Fiber (hereafter referred to as 'EWF') play surface, concrete sidewalk, ADA ramps, park benches, and trash receptacles at Regal Park (hereafter referred to as 'the Park') in the Benches subdivision.

The Benches subdivision is part of a larger development oriented on a hillside facing the east with great vistas of Utah Lake and the Wasatch Mountains. The City of Saratoga Springs has recently acquired restricted funding to develop these parcels through a long awaited settlement with the original developer. The Park site plan includes a passive play area, multi-sport field, and playground equipment enclosure area with EWF material. The pedestrian corridor that is routed between homes includes manicured turf, trees, and concrete walkways; we have included site plan C-1.0 for an overall visual for the Park.

A quote provided by Project Engineering Consultants Ltd. (hereafter referred to as 'PEC') dictates the estimated costs with highlighted items for the EWF play surface, concrete sidewalk, ADA ramps, park bench, and trash receptacles for the Park. To assist this application proposal, we have included Exhibit C-101 and C-102 provided by PEC dated April 10, 2015, detailing a visual including these highlighted items.

As indicated above, the City is applying for the use of the total allocation funds \$20,264.<sup>02</sup> from the Grantee to be applied to the total estimated cost of 28,364.00 for the installation of the above described area of the Park.

Sincerely,

*Holly Geilman*

Holly Geilman  
Administrative Assistant

Cc: File  
Enclosures



# Utah County Commission

## 2015 Municipal Recreational Grants APPLICATION

Municipality: City of Saratoga Springs  
Name of Preparer/Contact Person: Holly Geilman  
Mailing Address: 1307 N Commerce Drive, Suite 200  
Phone: 801-836-5511 E-mail: hgeilman@saratogaspringscity.com

Grant Amount Requested: \$ 20,264.02

Project Name: Regal Park  
Project Location: Benches 8  
Project Type: (Please check all that apply.)

- Physical Facilities (Construction)       Cultural Facility  
 Recreational Facility                       Convention Facility  
 Tourist Facility

PLEASE ATTACH A DETAILED PROJECT DESCRIPTION

*APPLICATIONS MUST BE RECEIVED BY 5:00 P.M. ON May 1, 2015.*

Date Approved by Municipal Council: \_\_\_\_\_

Mayor Signature \_\_\_\_\_

Date \_\_\_\_\_

*For Internal Use Only*

Application Received	Attorney Review	Commission Approval	Agreement Signed	Verification Received	Funds Paid



1307 NORTH COMMERCE DRIVE #200  
SARATOGA SPRINGS  
UTAH 84045

P: (801) 766-9793  
F: (801) 766-9794

ENGINEER/LANDSCAPE ARCHITECT

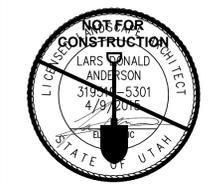


PROJECT ENGINEERING CONSULTANTS  
986 WEST 9000 SOUTH  
WEST JORDAN, UTAH, 84088  
OFFICE: 801-495-4240  
INFO@PEC.US.COM

PROJECT INFORMATION

REGAL PARK  
SARATOGA SPRINGS, UTAH

SEAL/STAMP OF APPROVAL



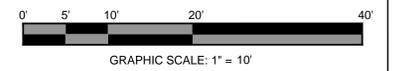
PI:	LDA
PM:	LDA
DRAWN BY:	CO
CHECKED BY:	ZS
PLOT DATE:	04/10/2015

SUBMISSION DATE PROJECT #

04/10/2015 UT15-010

NO.	REVISION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

PLAN INFORMATION

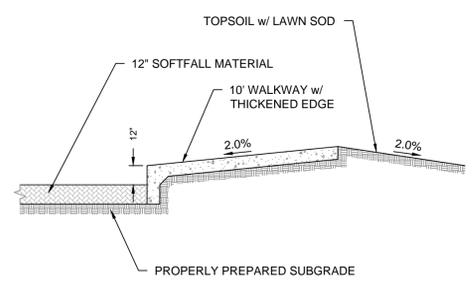
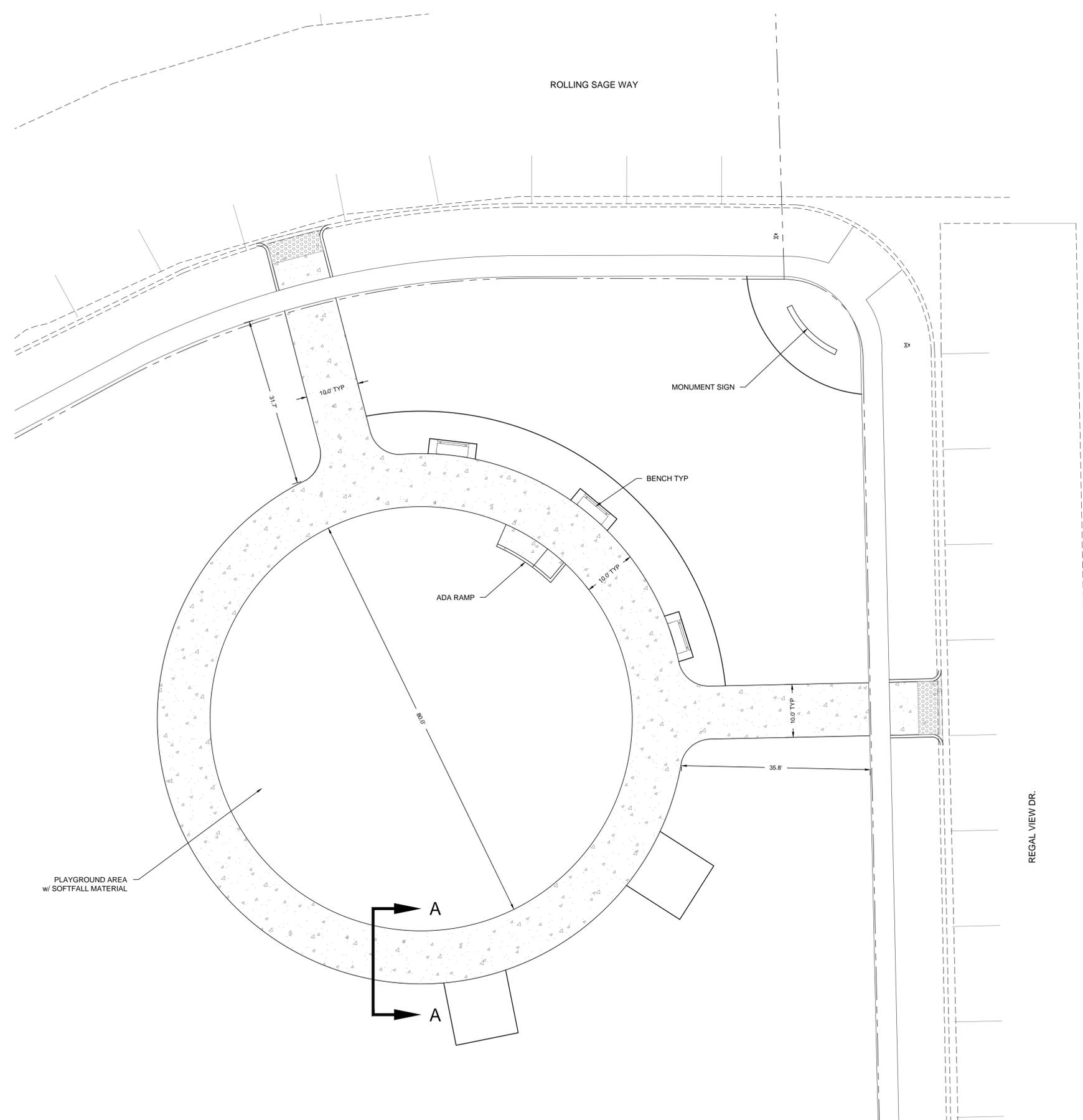


SHEET NAME

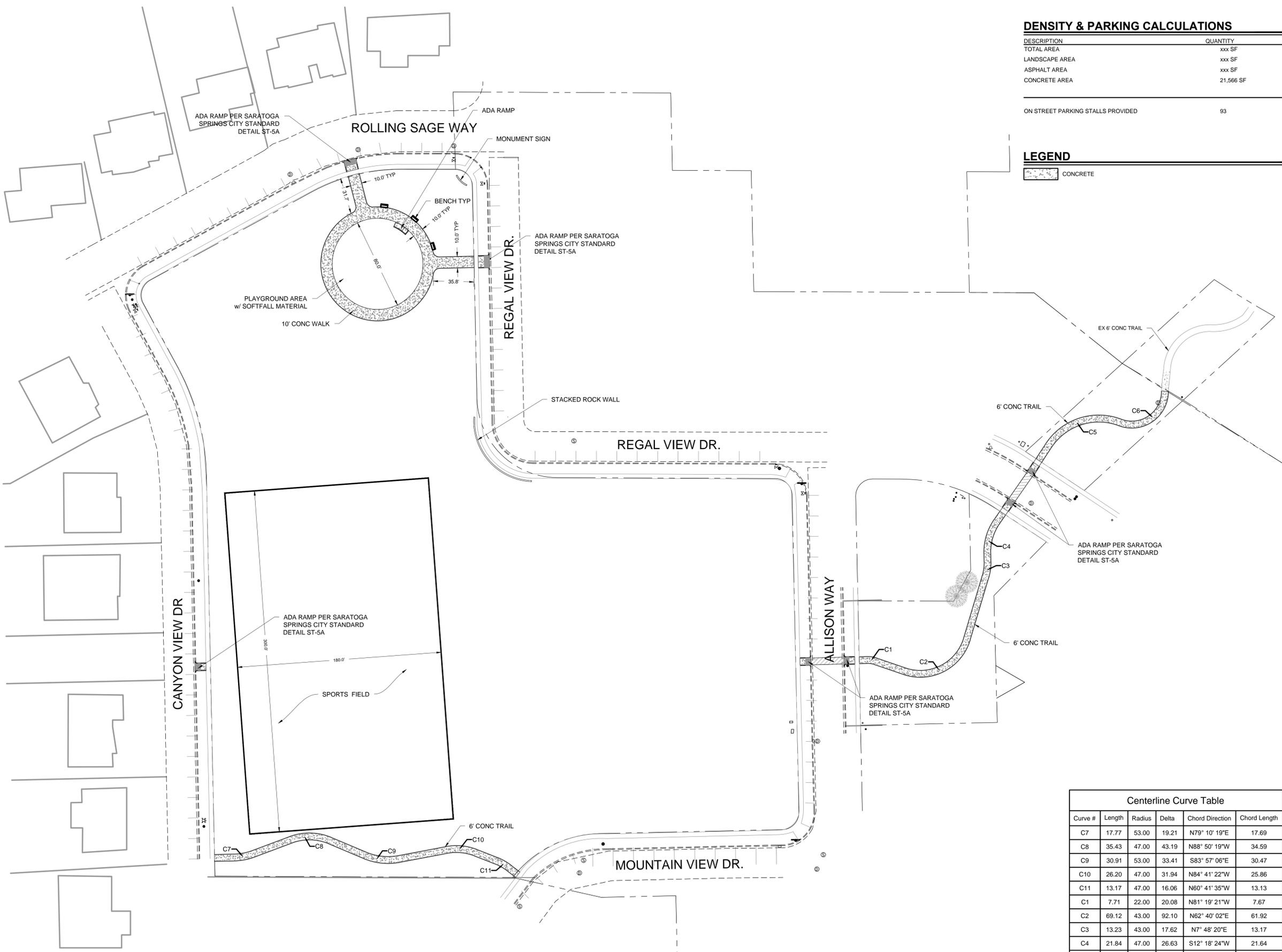
PRELIMINARY PLANS NOT  
FOR CONSTRUCTION  
PLAYGROUND AREA PLAN

SHEET NUMBER

C-101



SECTION A-A  
N.T.S.



**DENSITY & PARKING CALCULATIONS**

DESCRIPTION	QUANTITY
TOTAL AREA	xxx SF
LANDSCAPE AREA	xxx SF
ASPHALT AREA	xxx SF
CONCRETE AREA	21,566 SF

ON STREET PARKING STALLS PROVIDED 93

**LEGEND**

CONCRETE

OWNER/CLIENT



1307 NORTH COMMERCE DRIVE #200  
SARATOGA SPRINGS  
UTAH 84045

P: (801) 766-9793  
F: (801) 766-9794

ENGINEER/LANDSCAPE ARCHITECT

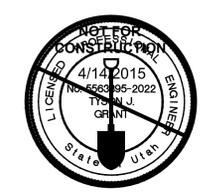


PROJECT ENGINEERING CONSULTANTS  
986 WEST 9000 SOUTH  
WEST JORDAN, UTAH, 84088  
OFFICE: 801-495-4240  
INFO@PEC.US.COM

PROJECT INFORMATION

**REGAL PARK**  
REGAL VIEW DRIVE AND ROLLING SAGE WAY  
SARATOGA SPRINGS, UTAH 84045

SEAL/STAMP OF APPROVAL



PI: LDA  
PM: LDA  
DRAWN BY: TJG  
CHECKED BY: CO  
PLOT DATE: 04/14/2015

SUBMISSION DATE

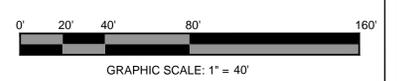
04/14/2015

PROJECT #

UT15-010

NO.	REVISION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

PLAN INFORMATION



SHEET NAME

**PRELIMINARY PLANS NOT FOR CONSTRUCTION**

**SITE PLAN**

SHEET NUMBER

**C-1.0**

Centerline Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C7	17.77	53.00	19.21	N79° 10' 19"E	17.69
C8	35.43	47.00	43.19	N88° 50' 19"W	34.59
C9	30.91	53.00	33.41	S83° 57' 06"E	30.47
C10	26.20	47.00	31.94	N84° 41' 22"W	25.86
C11	13.17	47.00	16.06	N60° 41' 35"W	13.13
C1	7.71	22.00	20.08	N81° 19' 21"W	7.67
C2	69.12	43.00	92.10	N62° 40' 02"E	61.92
C3	13.23	43.00	17.62	N7° 48' 20"E	13.17
C4	21.84	47.00	26.63	S12° 18' 24"W	21.64
C5	71.49	53.00	77.28	S72° 05' 15"W	66.19
C6	56.45	29.30	110.38	N55° 32' 12"E	48.11

DRAFT



## ENGINEER'S COST ESTIMATE NUMBERS

### Exhibit C-102

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>HARDSCAPE</b>					
	CONCRETE SIDEWALK	3,566	SQUARE FOOT	\$ 4.00	\$ 14,264.00
	CONCRETE FLATWORK		SQUARE FOOT	\$ 4.50	\$ -
	STAMPED AND COLORED CONCRETE		SQUARE FOOT	\$ 6.50	\$ -
	ADA RAMPS	1	EACH	\$ 1,500.00	\$ 1,500.00
	STRIPING		LINEAR FOOT	\$ 2.15	\$ -
	6" CONCRETE MOW CURBING		LINEAR FOOT	\$ 3.00	\$ -
<b>DEMOLITION AND GRADING</b>					
	CLEARING AND GRUBBING		LUMP		\$ -
	CUT		CUBIC YARD	\$ 3.00	\$ -
	FILL		CUBIC YARD	\$ 2.00	\$ -
	ADDITIONAL NET FILL		CUBIC YARD	\$ 4.00	\$ -
<b>UTILITY</b>					
<b>PARK AMENITIES</b>					
	PARK ENTRANCE SIGN		EACH	\$ 2,000.00	\$ -
	K-6 PLAYGROUND STRUCTURE		EACH	\$ 80,000.00	\$ -
	6-12 PLAYGROUND STRUCTURE		EACH	\$ 150,000.00	\$ -
	6 FOOT PICNIC TABLES		EACH	\$ 800.00	\$ -
	6 FOOT PARK BENCH	3	EACH	\$ 800.00	\$ 2,400.00
	INFORMATION KIOSK		EACH	\$ 5,000.00	\$ -
	TRASH RECEPTACLES	2	EACH	\$ 500.00	\$ 1,000.00
	LARGE PAVILION WITH RESTROOMS		EACH	\$ 130,000.00	\$ -
	LARGE PAVILION (20X30)		EACH	\$ 45,000.00	\$ -
	SMALL PAVILION (10X10)		EACH	\$ 14,000.00	\$ -
	TENNIS COURTS		EACH	\$ 50,000.00	\$ -
	TREE GRATES		EACH	\$ 250.00	\$ -
	INTERPRATIVE SIGNAGE		EACH	\$ 500.00	\$ -
	PEDESTRIAN BRIDGE		EACH	\$ 150,000.00	\$ -
	SKATE ART ELEMENTS		EACH	\$ 5,000.00	\$ -
	SKINNED BALL DIAMOND		EACH	\$ 15,000.00	\$ -
	BASEBALL LIGHTS		EACH	\$ 1,200.00	\$ -
<b>LANDSCAPE</b>					
	LANDSCAPE GRADING		SQUARE FOOT	\$ 0.25	\$ -
	BROADCAST SEED (CABIN GRASS BLEND)		ACRE	\$ 1,300.00	\$ -
	BIO-NATIVE INTERMOUNTAIN LAWN SOD		SQUARE FOOT	\$ 0.35	\$ -
	BIO-NATIVE INTERMOUNTAIN LAWN SOD FOR SOCCER INFIELD		SQUARE FOOT	\$ 0.35	\$ -
	BIO-NATIVE INTERMOUNTAIN LAWN SOD FOR BASEBALL OUTFIELD		SQUARE FOOT	\$ 0.35	\$ -
	ARTIFICIAL TURF		SQUARE FOOT	\$ 3.00	\$ -
	DECIDIOUS TREE (2 INCH CALIPER)		EACH	\$ 250.00	\$ -
	EVERGREEN TREE (7-8 FOOT)		EACH	\$ 300.00	\$ -
	SHRUB (5 GALLON)		EACH	\$ 35.00	\$ -
	ORNAMENTAL GRASS (1 GALLON)		EACH	\$ 25.00	\$ -
	PERENNIAL (1 GALLON)		EACH	\$ 11.55	\$ -
	IRRIGATION SYSTEM		SQUARE FOOT	\$ 1.00	\$ -
	18" (TO BE 36") HIGH CONCRETE RETAINING SEATWALL		SQ.FT. WALL FACE	\$ 25.00	\$ -
	MODULAR BLOCK WALL		SQ.FT. WALL FACE	\$ 50.00	\$ -
	MSE WALL (AT BERM)		SQ.FT. WALL FACE	\$ 78.00	\$ -
	BASEBALL FENCING SYSTEM		EACH	\$ 13,460.00	\$ -
	6' (TO BE 2-RAIL) VINYL FENCE		LN. FT.	\$ 21.00	\$ -
	TOPSOIL		CU. YD.	\$ 9.00	\$ -
	WEED BARRIER FABRIC		SQUARE FOOT	\$ 0.50	\$ -
	WOOD FIBER MULCH		ACRE	\$ 901.67	\$ -
	SOFTFALL PLAY SURFACE (12 INCH DEPTH)	184	CUBIC YARD	\$ 50.00	\$ 9,200.00
	3-4 FOOT DECORATIVE BOULDER FROM STAKER & PARSON'S MAQUIRE QUARRY		EACH	\$ 100.00	\$ -
<b>EROSION CONTROL</b>					

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
	SILT FENCE		LINEAR FOOT	\$ 1.67	\$ -
	STABILIZED CONSTRUCTION ENTRANCE		SQUARE FOOT	\$ 3.00	\$ -
	INLET BARRIER (GRAVEL BAGS)		EACH	\$ 90.00	\$ -
	PORTABLE TOILETS		EACH	\$ 2.00	\$ -
	STREET CLEANING		DAY	\$ 100.00	\$ -
	SILT FENCE		LINEAR FOOT	\$ 1.67	\$ -
					<b>\$ 28,364.00</b>