CITY OF SARATOGA SPRINGS
CITY COUNCIL MEETING

Tuesday, December 1, 2015
Meeting held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

CITY COUNCIL AGENDA

Councilmembers may participate in this meeting electronically via video or telephonic conferencing.
PLEASE NOTE: THE ORDER OF THE FOLLOWING ITEMS MAY BE SUBJECT TO CHANGE BY ORDER OF THE MAYOR.

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: (All items are scheduled for consideration and possible approval unless otherwise noted).

1. **Staff Update on the Violence Against Women Act Grant (VAWA)**

2. **PUBLIC HEARING ITEMS:**
   a. **Concept Plan and Rezone to R-3 low density residential, for Willow Glen (formerly Parkway Estates) located at approximately 1900 East 145 North (8950 West 7350 North Utah County Address), PG Property Holdings, applicant.**

   b. **General Plan Land Use Map Designation and Rezone from Low Density Residential and R-3 to Mixed Waterfront: Richard Chiu Property, Parcel 588:032:0142, located at approximately 940 North Redwood Road (North of Dalmore Meadows Subdivision), City initiated.**

3. **ACTION ITEMS:**
   a. **Appointment of Kayla Moss as City Recorder – Resolution R15-56 (12-1-15).**

   b. **Interlocal Cooperation Agreement Modifying the 2010 Interlocal Cooperation Agreement that Established the Jordan River Commission – Resolution R15-57 (12-1-15).**

   c. **America First Federal Credit Union Road Impact Fee Refund and Settlement Agreement.**

   d. **Lakeside Plats 25-27 Upsized Improvements Reimbursement Agreement.**

   e. **Multiple Preliminary Plats for Legacy Farms Village Plan 2, Plats 2A, 2B, 2C, 2D, & 2E, located at 400 S. Redwood Road, D.R. Horton Inc., Applicant.**

   f. **Policy for Dedication and Maintenance of Parks, Trails, Open Space, and Landscaping.**

4. **Approval of Minutes**
   a. **November 10, 2015**
   b. **November 17, 2015**

5. **REPORTS:**
   a. **Mayor.**
   b. **City Council.**
   c. **Administration communication with Council.**
   d. **Staff updates: inquires, applications, and approvals.**

6. **REPORTS OF ACTION.**

7. **Motion to enter into closed session for any of the following: purchase, exchange, or lease of real property; pending or reasonably imminent litigation; the character, professional competence, or the physical or mental health of an individual.**

8. **Adjournment.**

Notice to those in attendance:

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

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

City Council
Staff Report

Concept & Rezone
Willow Glen (Parkway Estates)
December 1, 2015
Public Hearing

Report Date:	November 18, 2015
Applicant:	PG Property Holdings LLC (Jared Haynie)
Owner:	Verna Peterson Family Trust (VeaLynn Jarvis)
Location:	Approximately 1900 East 145 North (8950 W. 7350 N Utah County Address)
Major Street Access:	7350 North (145 N, Saratoga Springs)
Parcel Number(s) & Size:	13:031:035 – 6.996 acres
Parcel Zoning:	N/A
Adjacent Zoning:	R-3, A
Current Use of Parcel:	Agriculture
Adjacent Uses:	Agriculture
Previous Meetings:	Annexation – CC 11/10/2015 Concept & Rezone – PC 11/12/2015
Previous Approvals:	None at time of report
Type of Action:	Legislative
Land Use Authority:	City Council
Future Routing:	City Council
Author:	Jamie Baron, Planner I

A. Executive Summary:

The applicant is requesting a Rezone for 6.996 acres of property located at approximately 1900 East 145 North (8950 W 7350 N Utah County Address) in order to submit applications for a new subdivision in this location. The annexation was conditionally approved by the City Council on November 10, 2015. At the time of this report, the property has not been formally annexed into the city as the paperwork is still in the process of being submitted to the Utah Lieutenant Governor's Office. The request is to zone the property as R-3, contingent upon finalization of the annexation.

Recommendation:

Jamie Baron, Planner I
jbaron@saratogaspringscity.com
1307 North Commerce Drive, Suite 200 • Saratoga Springs, Utah 84045
801-766-9793 x161 • 801-766-9794 fax

Staff recommends that the City Council conduct a public hearing on the Willow Glen Rezone, take public comment, review and discuss the proposal, provide feedback on the Concept Plan, and choose from the options in Section "H" of this report. Options include approval, denial, or continuation.

B. **Background:** On August 18, 2015 the City received applications for Annexation, a Concept Plan, and Rezone for 6.996 acres located approximately at 1900 East 145 North (8950 W 7350 N Utah County Address), Northwest of the Loch Lomond Subdivision. The Annexation application was conditionally approved at the November 10, 2015 City Council meeting.

C. **Specific Request:** The applicant requests the R-3 zoning designation for 6.996 acres for the purpose of developing a residential subdivision. The attached concept plan indicates the proposed subdivision, including 18 lots and 0.688 acres of open space

D. **Process:**

Rezone
Section 19.17.03 outlines the process requirements for a Rezone, requiring all rezone applications to be reviewed by both the Planning Commission and City Council. The City Council is the land use authority for Rezone applications and shall review and either approve or deny the application, after receiving a formal recommendation from the Planning Commission. Both the Planning Commission and City Council reviews involve a public hearing.

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

The applicant has submitted a Concept Plan for the proposed subdivision. Per Section 19.13 of the City Code, the process for a Concept Plan includes an informal review of the Concept Plan by both the Planning Commission and the City Council. The reviews shall be for comment only, no public hearing is required and no recommendation or action made.

E. **Community Review:** The Rezone portion of this application has been noticed as a public hearing in the *Daily Herald*, and mailed notice sent to all property owners within 300 feet of the subject property at least 10 days prior to this meeting. As of the date of this report, no public input has been received. The Concept Plan does not require a public hearing.

F. **General Plan:** The Land Use Element of the General Plan designates the property as Low Density Residential. The applicant requests that the property be zoned as R-3 in order to develop a Low Density Residential subdivision. The Low Density Residential designation is defined by the General Plan as follows:

"**Low Density Residential.** The Low Density Residential designation is designed to provide areas for residential subdivisions with an overall density of 1 to 4 units per acre. This area is characterized by neighborhoods with streets designed to the City's urban standards, single-family detached dwellings and open spaces. Planned unit developments may be permitted within this designation.

Open spaces shall include useable recreational features as outlined in the City's Parks, Recreation, Trails, and Open Space Element of the General Plan but may be comprised of both Natural and Developed Open Spaces. The Low Density Residential designation is expected to be the City's most prevalent land-use designation. In this land use designation, it is estimated that a typical acre of land may contain 3 dwelling units"

Staff conclusion: Consistent*. The applicant is requesting an R-3 zone designation. The R-3 zone allows for a density of 3 units per acres and requires 15% open space. The intent of the R-3 zone is for the development of Single Family Residential Subdivisions.*

G. Code Criteria:

Rezones and General Plan amendments are legislative decision; therefore, the Council has significant discretion when making a decision on such requests. Because of this legislative discretion, the Code criteria below are guidelines and are not binding.

<u>Rezone</u>

19.17, General Plan, Ordinance, and Zoning Map Amendments

- Planning Commission/City Council Review
  - 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 the Title.

Staff Finding: Consistent*. The proposed zone is R-3 and is within the density contemplated in the General Plan.*

- Consideration of General Plan, Ordinance, or Zoning Map Amendment
  - The Planning Commission and City Council shall consider, but are not 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 provision of the General Plan;
    2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;

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
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.

Staff Finding: Consistent*. The proposed zone is R-3 and is consistent with the General Plan, does not pose any adverse effects on the public, is consistent with the City Code, and makes improvements to the arterial right of way for 145 North, which is proposed as an East/West connecting arterial on the Transportation Master Plan.*

Note: Rezones are a legislative action and the City Council has significant legislative discretion in approving or denying the application and determining what the appropriate zone should be for the subject property.

<u>Concept Plan</u>

19.04, Land Use Zones. Complies, or compliance to be verified with future applications.

- Zone: R-3 (Proposed)
- Use: Low Density Residential (Proposed)
- Density: Up to 3 units per acres allowed. **Complies.** The concept plan proposes 18 units on 6.996 acres (2.57 units per acre)
- Setbacks: No setback detail on concept plan. Shall be required on preliminary and final plat.
    - The required minimum setbacks are as follows:
        - 25’ front
        - 8’/20’ total side yard
        - 20’ corner side yard
        - 25’ rear

- Lot width: minimum of 70’ at front set back. **Complies**
- Lot frontage: 35’ required on a public or private street. **Complies**
- Lot size: minimum of 10,000 square feet, corner lots must be 10% larger than the minimum. City Council can approve lot reductions up to 10% of required lot size and no more than 25% of the total lots may be reduced.
    - **Lot reductions requested**. The applicant is requesting lot reductions in exchange for the extra right of way dedication and improvements that are required along 145 North. This street is designated as a major arterial on the Transportation Master Plan and requires a 180 feet right of way (90 foot half-width), as opposed to a collector road with a 77 foot right of way (38.5 foot half-width). 22percent of the lots are proposed to be between 9,000-10,000 square feet.
- Lot coverage: 50% maximum. Shall be reviewed at time of Building Permit.

- Dwelling/Building size: minimum of 1,250 square feet of living space required above grade. Shall be reviewed at time of Building Permit.
- Height: 35' maximum. Shall be reviewed at time of Building Permit.
- Open Space / Landscaping: 15% minimum required in R-3. **Complies.** The proposed plan has 1.053 acres of open space, 15.05%.
- Sensitive Lands: Once improved, the detention basin will be sensitive lands and may not exceed 50% of the required open space. This will be reviewed more thoroughly with the Preliminary Plat application.
- Trash: Individual cans will be used

19.05, Supplemental Regulations. Complies.

- Water & sewage: will connect to City infrastructure
- Transportation Master Plan: 145 North (7350 North County) is designated as a Major Arterial with a 180' Right of Way (ROW).
    - The City Council may consider lot size reductions in return for the additional ROW improvement and dedication.
- Property access: all lots have access onto a public street

19.06, Landscaping and Fencing. Compliance to be verified with future applications.

- Landscaping Plan: A landscape plan is required with the preliminary and final plat applications

19.09, Off Street Parking. Complies.

- Each dwelling shall have, at a minimum, a 20 foot deep driveway that is wide enough for two cars and a two car garage. **Complies**. Each home will have a 2 car garage and a 20 foot, or longer, driveway.

19.12, Subdivisions. Complies.

- General Subdivision Improvements, 19.12.06.
    - Maximum block length is 1,000 feet. **Complies**
    - If a block is more than 800 feet in length a pedestrian walkway is required through the block. **Complies**
    - Pedestrian walkways, trails, and other logical linkages are required.
    - Driveway location for lots next to an arterial: 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. **Complies.** Lot 1 is 11,000 sq. ft. in size to meet this requirement.
    - Access: Two separate means of access are required when the total number of dwelling units exceed 50. **Complies.** The plan consists of only 18 lots and contains one access.

- Lot Design: The design shall not create lots that are not buildable due to size, shape, topography, terrain, etc. **Complies.**
- Lot Frontage: All lots shall have frontage on a road that meets the city standards.
    - Cul-de-sac details need to be updated to current City Standards.
        - 125' total diameter.
        - 96' diameter drivable surface (to front of curb).
- Flag lots: None proposed
- Public roads may not be included in lots: **Complies**. There are no proposed roads in lots.
- Property lines: Side property lines shall be at approximate right angles to the street line or radial to street line. **Complies**
- Corner lots: Corner lots shall be platted at least 10% larger than the minimum lot size for the zone. **Complies**. All corner lots are 11,000 sq. ft. or larger.
- Boundary: No lot shall be divided by a municipal boundary line. **Complies**
- Remnants: Remnants of property that do not meet the code requirements shall not be left in a subdivision. **Complies**
- Double access lots are not permitted with the exception of corner lots. **Complies**
- Arterials: Subdivisions along arterials shall comply with the adopted arterial cross section. **Complies.**
    - 7350 North (County) is designated as a Major Arterial with a 180' Right of Way (ROW). The Subdivision complies with the cross section as detailed in the Transportation Master Plan.

19.18, Signs: None Proposed

19.27, Addressing: Addressing will be required for Preliminary and Final Plat.

H. Recommendation and Alternatives:

Staff recommends that the City Council conduct a public hearing, take public input, discuss the application, provide feedback on the Concept Plan, and choose from the following options.

Option 1 – Staff Recommendation, Approval

"I move to **approve** the zoning designation of Willow Glen as R-3 with the Findings and Conditions in the Staff Report dated November 18, 2015:"

Findings

1. The application complies with the criteria in section 19.17 of the Development Code, as articulated in Section "G" of the staff report, which section is incorporated by reference herein.

2. The application is consistent with the General Plan, as articulated in Section "F" of the staff report, which section is incorporated by reference herein.

Conditions:

1. In consideration for the lot size reductions in Section "G" of this report, Developer shall install and dedicate their portion of Right-of-way for 145 North (7350 North [County]) to the City in accordance with the City's Transportation Master Plan.
2. All conditions of the City Engineer shall be met, including but not limited to those in the Staff report in Exhibit 1.
3. The annexation of the property into the City shall be finalized prior to recording the R-3 zoning designation.
4. Any other conditions or changes as articulated by the City Council: _____.

Concept Plan Review Comments:

- All requirements of the City Engineer shall be met, including those listed in the attached staff report
- All requirements of the Fire Chief shall be met
- The City Council [supports/does not support] the requested lot size reductions.
- Any other comments stated by the City Council: _____ _____.

Alternative 1 - Continuance

The City Council may also choose to continue the item. "I move to **continue** the Willow Glen Rezone to another meeting on [DATE], with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

1. _____
2. _____

Alternative 2 – Denial

The City Council may also choose to deny the application. "I move to **deny** the Willow Glen Rezone with the Findings below:

1. The Willow Glen Rezone is not consistent with the General Plan, as articulated by the City Council: _____, and/or,
2. The Willow Glen Rezone is not consistent with Section 19.17 of the Code, as articulated by the City Council: _____.

I. Attachments:

1. City Engineer's Report (pages 8-10)
2. Location & Land Use Map (page 11)
3. Annexation Map (page 12)
4. Concept Plan (page 13)
5. PC Minutes 11/12/2015 (pages 14-21)

City Council
Staff Report

Author: Jeremy D. Lapin, City Engineer
Subject: Willow Glen (Parkway Estates)
Date: November 12, 2015
Type of Item: Rezone and Concept Plan

Description:

A. Topic: The Applicant has submitted an Annexation application. Staff has reviewed the submittal and provides the following recommendations.

B. Background:

Applicant:	*PG Property Holdings LLC (Jared Haynie)*
Request:	*Rezone*
Location:	*Approximately 1900 East 145 North (8950 W. 7350 N Utah County Address)*
Acreage:	*Parcel # 13:031:035 – 6.996 acres*

C. Rezone Recommendation: Staff recommends approval of the Rezone subject to the following findings and conditions:

D. Findings and Conditions:

1) The project and associated 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 rezone of the property 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 and on their concept plan, 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 construction drawings that shall be submitted with or prior to the first plat application. This submittal shall include a Traffic Impact Study that meets all of the requirements provided for in the City's Engineering Standards and Specifications and Transportation Master Plan. Such plans shall also show existing city mains locations and sizes and identify all proposed points of connection to existing. The plans 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 access spacing and permitting requirements. 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) Lift stations will not be permitted to provide sewer or storm drain service for any areas. All Sanitary and Storm Sewers must by gravity lines only.

11) A metered connection the TSSD main shall be sized and designed in a way that allows future connections from the east and west of the tie in point.

12) Storm water retention is not permitted. All storm water must be detained to historical or pre-development conditions and all basins bust 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.

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

1) Prepare construction drawings as outlined in the City's standards and specifications and receive approval from the City Engineer on those drawings prior to receiving Final approval from the City Council.

2) Consider and accommodate existing utilities, drainage systems, detention systems, and water storage systems into the project design. Access to existing facilities shall be maintained throughout the project.

3) Comply with the Land Development Codes regarding the disturbance of 30%+ slopes.

4) Incorporate a grading and drainage design that protects homes from upland flows.

5) Developer shall provide a traffic study to determine the necessary improvements to existing and proposed roads to provide an acceptable level of service for the proposed project.

6) Project must meet the City Ordinance for Storm Water release (0.2 cfs/acre for all developed property) and all UPDES and NPDES project construction requirements.

7) Developer shall meet all applicable city ordinances and engineering conditions and requirements in the preparation of the Construction Drawings.

8) Project bonding must be completed as approved by the City Engineer prior to recordation of plats.

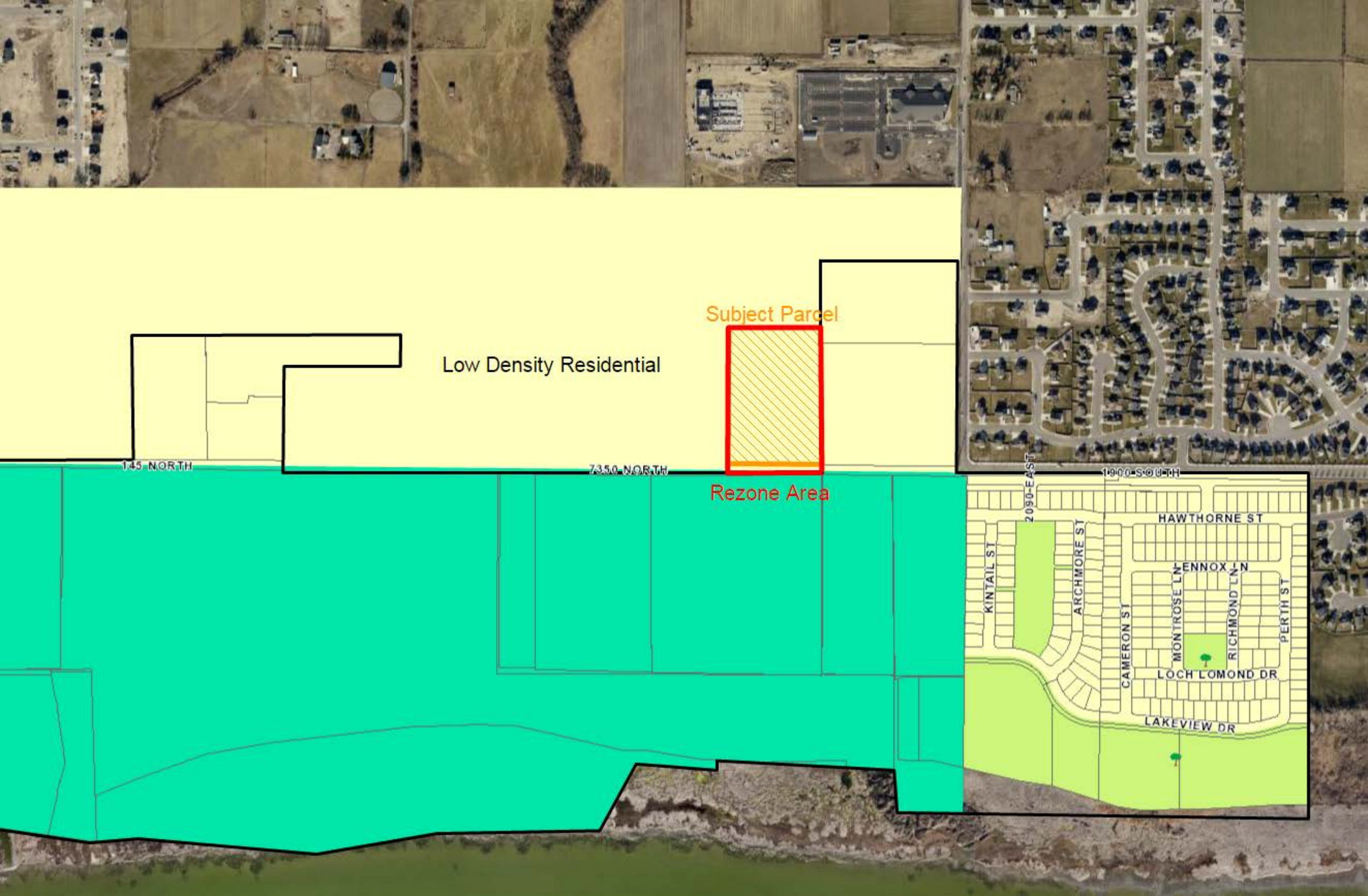
9) All review comments and redlines provided by the City Engineer are to be complied with and implemented into the construction drawings.

10) All work to conform to the City of Saratoga Springs Standard Technical Specifications, most recent edition.

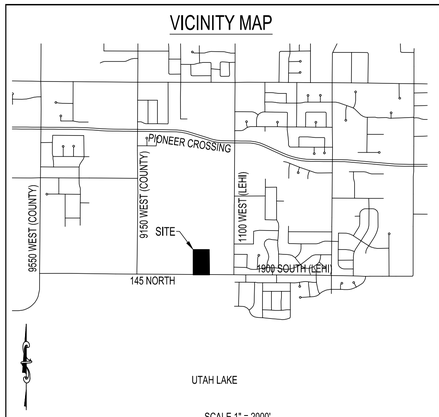
11) Developer shall prepare and record easements to the City for all public utilities not located in a public right-of-way.

12) Developer is required to ensure that there are no adverse effects to adjacent property owners and future homeowners due to the grading and construction practices employed during completion of this project.

13) Several master planned culinary, secondary, sewer, and storm drain facilities as well as roadways are planned on this property. Developer shall coordinate with the City's master plans to accommodate the required infrastructure.


Subject Parcel
Low Density Residential
Rezone Area
145 NORTH
7350 NORTH
2090 EAST
1900 SOUTH
HAWTHORNE ST
KINTAIL ST
ARCHMORE ST
LENNOX LN
MONTROSE LN
RICHMOND LN
PERTH ST
CAMERON ST
LOCH LOMOND DR
LAKEVIEW DR

VICINITY MAP



SCALE 1" = 2000'

SURVEYOR'S CERTIFICATE

[illegible]

DATE

SURVEYOR'S NAME (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED SOUTH 0°07'59" EAST ALONG SECTION LINE 1017.55 FEET AND [illegible] SPRINGS CITY BOUNDARY THE FOLLOWING TWO COURSES AND DISTANCES: 1) SOUTH 0°43'39" [illegible] 89°56'00" EAST 451.83 FEET TO THE POINT OF BEGINNING.

[illegible]

ACCEPTANCE BY LEGISLATIVE BODY

[illegible]

DATED THIS ____ DAY OF _____, A.D. ___.

MAYOR

ATTEST

CLERK-RECORDER
(SEE SEAL BELOW)

ANNEXATION PLAT

VERNA ANNEXATION

SARATOGA SPRINGS, UTAH COUNTY, UTAH
SCALE: 1" = 60 FEET

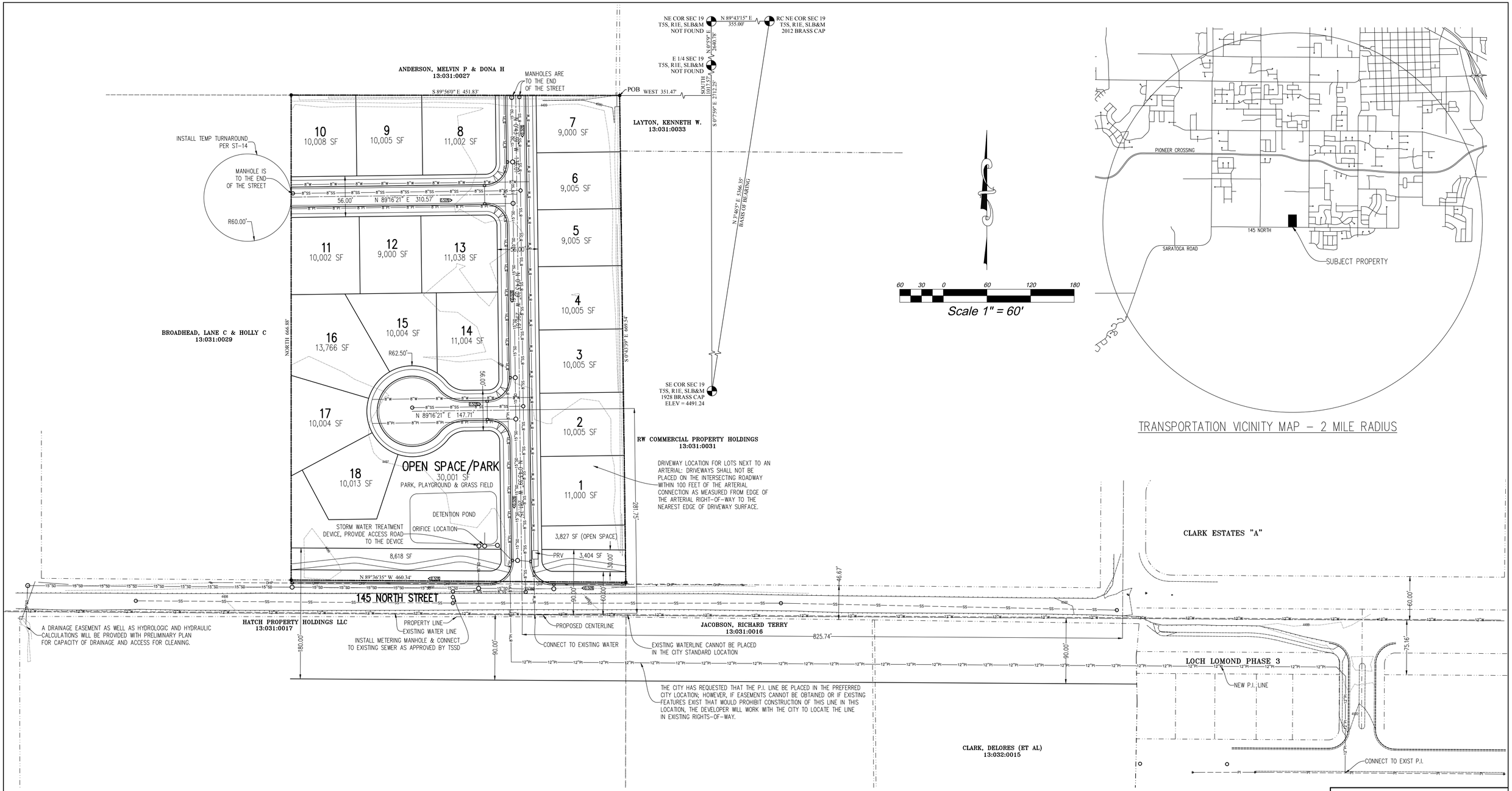
COUNTY SURVEYOR'S CERTIFICATE

[illegible]

COUNTY SURVEYOR

DATE

COUNTY SURVEYOR'S SEAL	SURVEYOR'S SEAL	CLERK-RECORDER SEAL	UTAH COUNTY RECORDER



TRANSPORTATION VICINITY MAP – 2 MILE RADIUS

RECORD LEGAL DESCRIPTION

Commencing South 1017.57 feet and West 351.47 feet from the East Quarter Corner of Section 19, Township 5 South, Range 1 East, Salt Lake Base and Meridian; South 0°43'39" East 669.54 feet; North 89°36'35" West 460.34 feet; North 666.88 feet; South 89°56'0" East 451.83 feet to beginning.

Area = 6.996 Acres

LOT REDUCTION REQUEST

1. THE DEVELOPER REQUESTS A 10% REDUCTION IN SIZE OF FOUR (4) OF THE PROPOSED SUBDIVISION LOTS FROM 10,000 S.F. TO 9,000 S.F. THIS IS BEING REQUESTED DUE TO THE REQUIRED PROPERTY THAT HAS BEEN REQUIRED FOR THE MAJOR ARTERIAL ALONG 145 NORTH STREET. LOTS 5, 6, 7, AND 12 ARE THE LOTS REQUESTING REDUCTION.
2. THE FOUR (4) LOTS REQUESTED FOR REDUCATION ARE 22.2% OF THE TOTAL LOTS. A MAXIMUM OF A 25% REDUCTION IS ALLOWED IN THE CODE.

DATA TABLE

TOTAL AREA:	6.996 ACRES =	100%
OPEN SPACE:	1.053 ACRES =	15.05%
TOTAL LOTS:	18	
DENSITY:	2.57 LOTS/ACRE	
PROPOSED ZONE:	LDR (R-3)	

Developer: Jared Haynie

EXCEL ENGINEERING
David W. Peterson, P.E., License #270393
12 West 100 North, Suite 201, American Fork, UT 84003
P: (801) 756-4504; F: (801) 756-4511

WILLOW GLEN SUBDIVISION

SARATOGA SPRINGS 1880 EAST 145 NORTH UTAH

Drawn by: D.W.P.	CONCEPT PLAN	Scale: 1"=60'
Designed by: D.W.P.		Date: 10/30/15
Checked by: D.W.P.		C1

City of Saratoga Springs Planning Commission Meeting
October 22, 2015

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

Planning Commission Minutes

Present:

Commission Members: Kirk Wilkins, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham, Brandon Mackay

Staff: Kimber Gabryszak, Sarah Carroll, Kara Knighton, Jamie Baron, Kevin Thurman, Nicolette Fike

Others: Lindsay Gadd, Howard Hix, Jr. Brian Everill, Daniel Schmitt, Susan Palmer, Jen Klingonsmith, Craig Remund, Nathan Remund, Jason Coe, Dana Powell

Excused:

Call to Order - 6:30 p.m. by Chairman Kirk Wilkins
Pledge of Allegiance - led by Dana Powell
Roll Call – A quorum was present

Public Input Open by Chairman Kirk Wilkins
No Comments.
Public Input Closed by Chairman Kirk Wilkins

Item 7 was moved forward in the meeting.

7. **Public Hearing: Plat Amendment for Harvest Hills Plat F-A, Lots 1205, 1206, 1207, 1208, 1209, and 1210, Located at approximately Ginger Place and Bay Leaf Drive. Ridgepoint Management applicant.**

Jamie Baron presented the plat amendment. This is a request for a plat amendment to correct an illegal parcel and encroachment by the property owners on to abutting property. The proposed plat amendment affects six lots in Harvest Hills Plat F. After building permits were issued and the homes built, the property owners encroached on the parcel to the south. Staff has a recommendation for a Replacement to condition 6: A trail slope easement shall be indicated on the plat with the following note: Trail Slope Easement – No changes in grade permitted within the easement area. Each lot encumbered by a trail slope easement shall at its sole cost and expense, maintain and keep slope in a reasonable condition and state of repair. There is concern that if the slope is eroded or removed that the trail could collapse.

Jennifer Klingonsmith, an applicant, commented that they understand that the slope area is sensitive land, and she asked that if there was anything else about the slope that needs to be explained, they let them know. Some neighbors want to put in minimal landscaping. When they decided to purchase the land they were told they could have a 3 ft. split rail fence. A 6 foot fence on top of the berm seems too much. Now that there is trail up there they accepted that it could be 6 foot semi-private fence. If it could be as semi-private as it could get that would be great.

Tiffany Barney, an applicant, said the developer is changing the plat is so they could purchase the land from the developer. She has not heard before about the trail easement and she wanted it clarified what that would be for.

Public Hearing Open by Chairman Kirk Wilkins
No comments.
Public Hearing Closed by Chairman Kirk Wilkins

Jamie Baron spoke on the slope easement concern; the easement is to protect the trail, if the slope is eroded or excavated it may compromise the trail.

Jeremy Lapin said they owners can still landscape it but they can't excavate it as it would be detrimental to the trail on the top.

Jamie Baron commented that in regards to the fencing they would need another condition to say that any fencing installed along the property line (in the rear) would need to meet the requirements of being semi-private and if installed by the property owner they would be required to maintain it. If they install it, it would need to be prior to the city installing it.

Kimber Gabryszak noted that there are two separate plat issues on this, one is the fencing has to be semi-private but the other issue is that the fence proposed to be installed is to be installed and maintained by the city, and would conform to city standards. The recommendation has been for the 6 ft. semi-private to meet city standard. If the owner chose to put up something before the city then the owner would be responsible for that section.

Jeremy Lapin replied the standard is 3" solid wide planks with a 1" gap. He would be happy to consider adopting a more open standard.

Kimber Gabryszak said landscaping on the slope would help protect it, the only prohibition is that it cannot be excavated or change the slope. The easement just protects the slope.

Tiffany Barney wanted to be clear on the easement.

Jeremy Lapin replied that an easement does not give the city any rights to take over the property; the only restriction is that the slope cannot be changed. This doesn't give us right of access to the property.

Tiffany Barney asked if a retaining wall would be allowed.

Jeremy Lapin said it would not be allowed but we could change language to say unless permission was granted by the city.

Ken Kilgore asked to clarify the second condition.

Jamie Baron said the condition is a note on the plat to say that if a fence is placed on the property line by the owner that it has to be semi-private and the owner needs to maintain it.

Ken Kilgore noted it looks like there is a PUE easement now and if the lot goes to the private owners is the PUE needed.

Jamie Baron said the PUE is just being moved with the property line.

Ken Kilgore wondered if there was going to be any kind of tax situation that would arise with this.

Jeremy Lapin replied that part of their process requires a title report that will note things like that so it will be clear title.

Ken Kilgore wondered about the owner next to them that was not part of the subdivision and if they would want to be part of it.

Jen Klingonsmith replied that they were not interested financially in it.

Troy Cunningham had no further comments that had not been covered.

David Funk wondered why the property line was not cut below the berm instead of up the slope.

Jamie Baron said there was an illegal parcel done earlier so they stayed with that line for consistency purposes.

Kimber Gabryszak said there were a number of issues. They didn't want to jog the line and maintain all the jogged lines and it needed to be so far away from the berm to allow mowers if it would have been below. This was the solution that was agreed on by the city and all the adjacent property owners.

Jeremy Lapin noted another problem with fence at the bottom of the berm is it becomes a collector for trash.

David Funk noted other areas where the property owners owned up to the trail so he didn't see that as a problem.

Brandon MacKay thought it looked like a great solution.

Sandra Steele asked who would be responsible for maintaining the area behind the lots that are not part of this.

Jamie Baron said it would be part of the open space requirement for the subdivision going in south of them. The city fence will jog at the end of this and abut their property.

Sandra Steele asked how this happened without title companies picking up on this.

Tiffany Barney said they purchased the property a year ago and that started this process when the title company found it.

Kirk Wilkins wondered about a small triangular piece and what would happen with this.

Jamie Baron said it is being deeded to the city and will be part of Shay Park.

Kimber Gabryszak commented that it's right next to the park so it will just be a smooth transition, it won't end up a tiny triangle.

Kirk Wilkins asked what made the first parcel illegal so we could learn from it.

Kimber Gabryszak said it is illegal because it was not quit claimed correctly and it was landlocked. Any time you create something without going through the process it's illegal.
Kirk Wilkins clarified that it is not part of their approval tonight to address the size of the fence.
Staff replied it was not.

Motion made by David Funk to approve the proposed plat amendment for Harvest Hills Plat F-A, located at Bay Leaf Drive and Ginger Place as outlined in Exhibit 3 with the Findings and Conditions in the Staff Report dated October 15, 2015. With the addition of condition 6 (A trail slope easement shall be indicated on the plat with the following note: Trail Slope Easement – No changes in grade permitted within the easement area. Each lot encumbered by a trail slope easement shall at its sole cost and expense, maintain and keep slope in a reasonable condition and state of repair.) And the addition that any fence placed along the rear of the property line will be a semi-private fence, and that no change in grade will be permitted unless approved by the City. Seconded by Ken Kilgore. Aye: Sandra Steele, David Funk, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Abstain: Hayden Williamson. Motion passed 6 - 0.

4. **Home Occupation for Two Little Hands Preschool & Daycare, located at 2894 S Fox Point Dr., Dana Powell Applicant.**

Sarah Carroll presented the application. She handed out some emails she received as public comment. The applicant is requesting approval of a preschool for children ages 2-5 in the basement of her home. In the future the applicant may switch from preschool services to daycare services and would like approval to do both. Staff recommends approval but if they were to switch to daycare that they quite the preschool and obtain the proper business licenses. She read public comments received by email by two neighbors that were opposed to the application.

Dana Powell said she would give to parents a flow of traffic and she would meet the children at the curb. There is a half hour between classes so there would not be an overlap of traffic. Currently she has sons living with her and they are moving so the cars in her drive will decrease. She has done a day care in her previous home and did enrichment with those children. She thinks it would be silly to drop the preschool because she would teach the kids in daycare for their enrichment. She would only have 8 kids at a time either way. Since her daughter is living there she had to go through the training as well as she would need to be counted as an assistant. And her children have to count in her count. Most of her neighbors have been supportive of the preschool.

Public Hearing Open by Chairman Kirk Wilkins
No comments.
Public Hearing Closed by Chairman Kirk Wilkins

Sandra Steele asked what the width of the streets was.
Sarah Carroll said they meet the public standard cross section.
Sandra Steele wondered if there was a problem with traffic, if there would be any recourse for those people.
Sarah Carroll said we don't have anything clearly in the code of how to meet that problem.
Sandra Steele asked when she applied for a business license if she applied for preschool and daycare licenses.
Dana Powell said she has applied; she is still in the process working to meet both the City and the State standards.
Sandra Steele asked if she would agree to not have a business license issued until she has the State licensing in place.
Dana Powell replied absolutely.
Sandra Steele commented on stopping preschool to do a daycare, if we are allowing the same number of children then she believes it would be ok.
Dana Powell noted that no cars would be parked; they are only dropping off the kids. She will meet the children. The only exception is if they are late and she has children inside she has to stay with them but she will make it clear where and how they can park for that.

Sandra Steele appreciates the neighbors' concerns but it's a city standard street and she believes the applicant has addressed those concerns.

Brandon MacKay commended her for doing things the right way and getting all the licenses. He noted that coming from an area with much tighter streets, he feels she will comply with all the conditions and that there shouldn't be a problem with the traffic. There is no data to quantify the objections.

David Funk asked about the fencing that can comply.

Dana Powell noted the fence is being worked on but is not complete just yet, it will be before they open.

David Funk feels everything has been complied with and has no objections.

Hayden Williamson clarified that we really don't have anything in the code about parking for this type of business. He encouraged her to go forward with this and be a good neighbor. He asked if she planned on expanding.

Dana Powell said while her daughter is living with her and her kids are required to be counted but they don't plan on expanding past 8 kids per class.

Hayden Williamson asked if where she has given us the number of class size if it was binding.

Sarah Carroll said the limit of how much of the home could be used was binding.

Sandra Steele mentioned condition 1. Included that it was approved as proposed so that should cover it.

Troy Cunningham thought where drop off and pick up was, where there were no other drives, it did not appear it would be a problem and had no objections.

Ken Kilgore had no issues with parking. But he had an issue with traffic flow with a lot of construction going on in the area. He noted where the entrance to the basement was and wondered if that was a problem.

Dana Powell noted they would be pouring a sidewalk and it was all on ground level. They need to wait to landscape until the fencing was in. She noted that several of the kids would be walking also.

Kirk Wilkins commented that his questions had been addressed.

Motion made by Hayden Williamson to approve the Home Occupation for the Two Little Hands Preschool and Daycare, located at 2894 South Fox Pointe Drive, with the findings and conditions listed in the staff report. Seconded by Sandra Steele. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

5. **Public Hearing: Preliminary & Final Plat for Saratoga Springs Commercial Development (Turf Farm). Located at approximately 200 W Crossroads Blvd. (across from IHC), WPI (Daniel Schmidt) applicant.**

Kara Knighton presented the plat. The proposed plan includes 3 lots ranging in size from .99 acres to 4.49 acres. Each lot will be required to provide a minimum of 20% landscaping at the time of site plan application.

Daniel Schmidt was present to answer questions.

Public Hearing Open by Chairman Kirk Wilkins
No Comments.
Public Hearing Closed by Chairman Kirk Wilkins

Ken Kilgore had no questions.

Troy Cunningham had no comments.

Hayden Williamson asked about infrastructure, particularly water and what kind of impact would that have to the surrounding community.

Jeremy Lapin said the location was in an easier to serve area so they had no pressure issues. There are no unforeseen issues at this time.

David Funk asked what would be done with the other pieces and what the access to them would be.

Kara Knighton said there were no plans for them yet and there would be a private road there for access.

Daniel Schmidt said that uses would be consistent with what is in the area. But they don't have any specific tenants for those yet. For the drive they would extend it further to the east as needed and it would function like a private road like you see between the pads in other developments or similar to the Smiths Marketplace in Lehi, with a private drive between the businesses in the front and the business in the back.

Brandon MacKay had no comment at this time.

Sandra Steele asked why there was a jog in the property line.

Daniel Schmidt replied it is to accommodate two pad uses in the front and some specific requirements of the next application for tractor supply. The land around is owned by their partnership and they are not concerned with the jog or future adjacent uses.

Kirk Wilkins wanted to clarify what would be going in to the area.

Kimber Gabryszak said they were simply pad ready sites that could be similar to some sort of fast food or dental retail type pad as yet to be determined.

Motion made by Sandra Steele to forward a positive recommendation to the City Council for the Saratoga Springs Commercial (Plat "A") Preliminary Plat as shown in Exhibit 3 with the Findings and Conditions in the Staff Report. Seconded by Hayden Williamson. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

6. **Public Hearing: Site Plan for Tractor Supply, located approximately 200 W Crossroads Blvd. (across from IHC), WPI (Daniel Schmidt) applicant.**

Kara Knighton presented the site plan. The applicant is requesting approval of a Site Plan for a commercial building, along with outdoor display areas. She reviewed conditions.

Howard Hixs was present as applicant to answer any questions.

Public Hearing Open by Chairman Kirk Wilkins

No comments.

Public Hearing Closed by Chairman Kirk Wilkins

Sandra Steele commented that this has gone through a redesign from the last time it was seen and this is an improvement. She agrees with UDC that the mechanical equipment should be screened and any rooftop equipment as well. She commented that on the outdoor display area, when you add up all the square footage it is more than the building and that is a bit of a concern for her. She asked what they planned to store in the adjacent storage area.

Howard Hix said the outdoor would be things that need to be picked up by a truck that take up a lot or room like fence posts and gates and water tanks. They would drive inside to pick it up and be assisted with loading.

Sandra Steele asked if they would be storing fertilizer or feed outside.

Howard Hix replied that those types of things would be inside in climate controlled area and forage in forage sheds. He understands some of those would be nuisance items outside. They have never had any fire problems in the past.

Sandra Steele asked what was normally in the front display area.

Howard Hix said typically items like riding lawnmowers, go carts or motorized equipment for children, seasonal items, horse stall mats, wheelbarrows. Something similar to what they might see at a home depot type store.

Sandra Steele asked if they intended to berm in the north area.

Howard Hix did not know what the grading plan was for that.

Sandra Steele asked what was going in front because of the design guideline code that says it shall be under the buildings permanent roof structure and in pads as may be approved. She would not like them to go against the code for what is outside the fence. She thinks mechanical equipment needs to be screened with an opaque wall all roof top access was from the interior.

Howard Hix said it's a standard metal roof and they typically do not try to access those through penetration and they don't keep equipment on the roof. They design the buildings to keep the people off the roof. People on the roof trying to fix one problem tend to create other problems.

Sandra Steele wants to not have a fixed ladder onto the roof.

Howard Hix understands but wants to make sure it meets OSHA requirements.

Kimber Gabryszak noted by saying permanent, if there is a repair that needs to be made they can use a ladder truck or something temporary but nothing fixed to the building.

Sandra Steele noted that they have a code that no lights can be mounted higher than 16 feet and it looks like these decorative lights are above that and she likes the type of sign but it needs to come down lower to meet that code.

Howard Hix said they would like to stay consistent with what they have proposed that meets the brand of the company. With respect to the city codes he is looking for maybe an accommodation that those are strictly decorative lights that it is a type of brand they are trying to meet.

Sandra Steele noted they do need to meet the code. She asked if it's the mounting of the light that was in the code or the fixture

Kimber Gabryszak noted it was the mounting. The requirement for a berm is only along a public street. The only location they would require it would be along Commerce Drive. City Council may require it in other locations.

Sandra Steele noted the sign as proposed is 6 inches too tall. Also they require delineation of the outdoor display area in the front usually with colored lines or colored concrete. She asks that it would be nice if their street address was somewhere on the monument sign. They referred to required wheel stops; she asked if those are those required.

Jeremy Lapin said it is not in engineering standards.

Sandra Steele asked what it would have to be to not require the wheel stops. She would ask the applicant to not have the wheel stops it traps trash, impedes snow removal and they are a tripping hazard.

Ken Kilgore thought the wheel stops in the front of the building were to delineate the parking from the display area and keep the cars from going in the display area.

Howard Hix said indeed it was to keep traffic from coming in the display area.

Sandra Steele thinks there is landscaping there that would stop it.

Howard Hix agrees that he doesn't like the stops either.

Sandra Steele thinks it's possible that they could not need them.

Brandon MacKay did not have any concerns and was excited to see something like this come into the city.

David Funk clarified that on the plans there was plants in the front but on the side there wasn't so parking may be a concern on the side without stops. He asked if they had any projects in Utah.

Howard Hix said they had them in Tooele, Heber, and West Haven; maybe 15 throughout the state. The architectural standards will be different at them a little based on city architectural requirements.

David Funk had a concern about the fenced outdoor display area and whether it should be covered or not, he can see why it might need to be covered but questions the amount of parking that would then require which they wouldn't need.

Howard Hix noted they try to have a little more spaces than they need but not be wasteful.

Kimber Gabryszak commented that there is some background, two documents that are regulatory, the development code and the design standards. This is where there is some confusion. There is a display area in front. And display areas outside. And so this is going through the process as part of the site plan. There is the ability for the Council to determine that it is customary and does not need to be covered. The staff recommends that the area out front have the delineation with paint or something, and the same of the other outdoor display area. The area that is display in front of the open area has no roof and staff would support a removal of the area. It would not require more parking with the display area roof.

Hayden Williamson had a question with the front display area. Walmart, for example has an area not under roof.

Kimber Gabryszak noted those projects came in before this code. And the code was where the display areas were expanding and encroaching on parking etc. by requiring it under roofs/eaves it limits how far they can go.

Hayden Williamson can understand why they want those areas in front of the open area. He would be in favor to suggest to Council to let it stand as it is. It doesn't make sense to cover the whole outdoor area. He would go along with something covering the front area in front of the building and the delineation of the area. He is not concerned about parking here. He asked why we have the lighting restriction in place that it not be over 16 feet.

Kimber Gabryszak noted that it was part of ordinance that came from the study they had with Camp Williams and the dark sky principals and any higher than that it, it has much more bleed over.

Hayden Williamson asked if they were required to light the sign.

Howard said that they were just decorative for branding purposes.
Hayden Williamson said if they didn't light then he doesn't see why they couldn't be allowed.
Troy Cunningham was a little concerned about the parking not being enough. He is excited for then to come to the city and for choosing us over other cities.
Ken Kilgore wanted to ask why they did pick this city, what was it that brought them here
Howard Hix said it's an amalgamation of a lot of things. And there is a cross roads and they think it will continue to be a hub of retail commerce and there are the larger properties in the area. They also do pet supplies for non-hooved animals.
Ken Kilgore asked if the applicant had addressed the off street parking.
Kimber Gabryszak said the question was whether or not the additional sq. footage should apply and it seems it should not.
Ken Kilgore said the sign size was a concern.
Howard Hix said they can revisit that with the design team.
Ken Kilgore clarified that the roof coverage is in front of the building. He asked about a tractor that was to scale and how it would come into the area with the fence.
Howard Hix said the large tractor would not be in the parking lot it would only be in the back area.
Kirk Wilkins recapped that the staff concerns were covered.
Kimber Gabryszak said condition 6 would take care of the concern for the outdoor area if they chose shall or shall not.

Motion made by Hayden Williamson to forward a positive recommendation to the City Council for the Tractor Supply Company Site Plan as shown in Exhibits 3 and 4 with the Findings and Conditions in the Staff Report. That in condition 6 the outdoor display area shall not be covered and that item 6a be struck. And in addition All permanent roof top access be from the interior. Lighting above the main entrance sign be kept to the allowed 16' per section. 19.11.5. A three foot landscaped berm shall be provided along the parking adjacent to Commerce Drive. Delineate display areas. Rear mechanical equipment shall be screened. Seconded by David Funk.

Howard Hix asked about the outdoor display area that it be allowed out in front of the fenced area.
Hayden Williamson said that was his intent of the motion.
David Funk asked on the display, did they want it to be marked or different in front of the west side.
Hayden Williamson replied it should cover all display areas.
Kirk Wilkins made sure the sign requirement was met. (condition 5 met that.)

Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

A short break was taken at this time.

8. Work Session: Discussion of Code and Vision.
Kimber Gabryszak updated them on the large lot landscaping. At an upcoming work session the assistant City Manager will be speaking with them on the impacts and purchase of service. They have been discussing the same things for accessory dwelling units. For the mixed waterfront zone staff is going to visit some facilities to give them information to be applied to out items and to look at waterfront areas.

9. Approval of Minutes:
1. October 8, 2015

Motion made by Sandra Steele to approve the minutes of October 8, 2015. Seconded by Hayden Williamson. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

10. Reports of Action. – No Reports

11. Commission Comments.

Sandra Steele went to a debate with City Council candidates and business friendly was a common theme. But many of those are complainers that do not read and follow our code. If a project meets our code we are duty bound to approve it. If applicants would follow it would save time and cost. We need to understand that business friendly takes on many faces. By going too far the other way it can impact businesses on the other side. We need to provide a predictable outcome. It should be developer's obligation to go through the city's standards. She would hate to see us lower our standards.

Ken Kilgore mentioned that he ran the So. Jordan 5k recently and it was his first time in the area along the water front. He thought it was beautiful, there are water pools with benches and it's landscaped, not a lot of commercial but as far as how it looked it was terrific.

Brandon Mackay would have a slight rebuttal against Sandra Steele's comments; businesses try to meet the bare minimum requirement. The developers only want to do the bare minimum because it is not revenue generating. As a developer you need to use city staff to help you know what is required.

Kirk Wilkins commented that there is a lot of comments from residents about the traffic on Redwood Road. Who has the decision in UDOT (to move the project along) and how can the City help influence them.

Kimber Gabryszak replied that yes the traffic is very bad, they have been communicating with UDOT and there are several more intersections that qualify for lights and depending on their budgeting and timeframe it could be sooner or later. The widening down to Stillwater will help alleviate the choke point there. The city feels that is only a temporary and small mitigation and it's not on the docket until 2018. They are looking at different avenues to move that up, it is dependent on their funds. Long term they are looking to corridor preservations, other sources of funding. Nothing can move quickly until they have all the right of way and money.

Hayden Williamson said he talked with other people about this and Foothill came up, he clarified that it is a city road and so we have the control over it.

Kimber Gabryszak said it is a city road but they can get some funding from other sources for it. Because of the cost of Foothill they will likely have to go to some of the other funding sources. Land acquisition is also holding it up.

Kirk Wilkins sees that people go east on Centennial Blvd. and then back onto Redwood Road at Saratoga Road. That is the congestion point.

Kimber Gabryszak said they are private roads and it's up to the HOA's to enforce traffic control.

Kirk Wilkins asked what the best place is for people to make their voice heard with UDOT.

Kimber Gabryszak said she would look into that and get the information out.

12. Director's Report:

- Council Actions
  - The last meeting was moved to next week (Oct. 27).
- Applications and Approval
- Upcoming Agendas
  - Reminder that there is only one meeting in November. It will be a large meeting.
- Other

13. Motion to enter into closed session – No closed session.

Meeting adjourned by Chairman Kirk Wilkins 9:10 p.m.

12 Nov 2015
Date of Approval

Nicolette Fike, Deputy City Recorder

City of Saratoga Springs Corporate Seal 1899 State of Utah

Planning Commission Chair
Kirk Wilkins

CITY OF SARATOGA SPRINGS

City Council
Staff Report

General Plan Amendment and Rezone
Chui Property
December 10, 2015
Public Hearing

Report Date:	Tuesday, November 24, 2015
Applicant:	n/a, City Initiated
Owner (if different):	Patricia and Richard Chiu
Location:	Redwood Road and Jordan River, north of Dalmore Meadows
Major Street Access:	Redwood
Parcel Number(s) and size:	58:032:0142, 45.078855 acres
General Plan Designation:	Low Density Residential
Zone:	Agriculture (A)
Adjacent Zoning:	A, R-3
Current Use:	Vacant
Adjacent Uses:	Residential, Vacant
Previous Meetings:	PC PH 9/10/2015 and 11/12/2015
Type of Action:	Legislative
Land Use Authority:	City Council
Future Routing:	City Council
Planner:	Kimber Gabryszak, Planning Director

A. Executive Summary:

This City initiated General Plan amendment is to change the designation of a ~45 acre parcel from Low Density Residential to Mixed Waterfront. The City proposes to rezone the property from Agriculture to Mixed Waterfront concurrently with the General Plan amendment.

Staff Recommendation:

Staff recommends that the City Council conduct a public hearing and take public comment on the Rezone and GP Amendment, and consider making a decision on the Rezone and GP Amendment. Options for the Rezone and GP amendment include approval, denial, or continuance, and are outlined in Section H of this report.

B. BACKGROUND: The purposed of the original Mixed Lakeshore zone was to enable development that takes advantage of the recreational and scenic qualities of Utah Lake. The City recently amended the zone to permit its application along the Jordan River as well as Utah Lake, as both Utah Lake and Jordan River offer similar amenities. The amended zone will be called "Mixed Waterfront", and all properties in the City currently designated Mixed Lakeshore on the Future Land Use Map have been renamed. Additionally, the City has proposed amending the designation for a property on the Jordan River to Mixed Waterfront, and rezoning the property at the same time.

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Earlier this year City entered into an agreement with the property owner to acquire a utility easement through the property. The property was previously shown as Mixed Use on the General Plan Future Land Use Map, but was then modified to be shown as Low Density Residential; as part of the easement agreement, the property owner requested restoration of the Mixed Use designation. To better protect adjacent residents, and to provide for more residential uses, the City proposed the Mixed Waterfront as an alternative. The Mixed Waterfront zone permits a lower percentage of commercial and a higher percentage of residential development, and is therefore more compatible with the adjacent neighborhoods than the Mixed Use zone. The property owner accepted this alternative, and requested that the property not only receive the General Plan Land Use Designation, but also be zoned to Mixed Waterfront.

The Planning Commission held a public hearing on September 10, 2015 on the proposed rezone, and at that time voted to table the rezone until amendments to the Mixed Waterfront zone were completed. Public input was received at that meeting, and minutes are attached.

Since that time, the Council has approved the renaming of the zone from Mixed Lakeshore to Mixed Waterfront, and finalized several minor changes. More substantial changes to the density were not approved, and the maximum allowable density remains at 6 units per acre. Staff is conducting further research on waterfront best practices, and future amendments to overhaul the MW zone may return to the Planning Commission and City Council in the future.

Following the City Council's approval of the Mixed Waterfront amendments, the Planning Commission held another public hearing on November 12, 2015, and voted to forward a positive recommendation on the rezone to the City Council. As part of their motion, they encouraged the City Council to consider rezoning a portion of the NW corner of the property (the NE and SE corners of the intersection of Market Street and Redwood) to Neighborhood Commercial, either in lieu of Mixed Waterfront, or as part of a future rezone. Draft minutes of their meeting are attached.

C. **SPECIFIC REQUEST:** The City proposes to change the General Plan designation of this ~45 acre parcel from Low Density Residential to Mixed Waterfront, and concurrently rezone the property from Agriculture to Mixed Waterfront. As this is a City initiated change, no concept plan is required.

Information on the allowed and conditional uses in the Mixed Waterfront zone, as well as the currently proposed standards under review by the City Council, are included as Exhibits 2 and 3.

D. **PROCESS**

General Plan Amendment and Rezone
Section 19.17.03 of the City Code outlines the requirements for a rezone and General Plan amendment requiring all rezoning application to be reviewed by the City Council after receiving a formal recommendation from the Planning Commission. The Planning Commission forwarded a positive recommendation on November 12, 2015.

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

There is no petition for this change, so no concept plan or Master Development Agreement is required.

E. COMMUNITY REVIEW:

The rezone and GP portions of this application have been noticed as a public hearing in the *Daily Herald*, and mailed notice sent to all property owners within 300 feet at least 10 days prior to this meeting. As of the date of this report, public input was provided at the Planning Commission hearings.

The property owner was also provided with a letter outlining the proposed change, including permitted and conditional uses in both the current and proposed zones, and other related development standards.

F. GENERAL PLAN:

The site is currently designated as Low Density Residential on the adopted Future Land Use Map. The City proposes an amendment to Mixed Waterfront, to further the General Plan's goal of taking advantage of the scenic and recreational qualities of Utah Lake and the Jordan River. The property is located along the Jordan River, and its proximity between Redwood Road, Pioneer Crossing, and SR 73 makes the location appropriate for a mixed medium-density residential development including limited commercial uses.

G. CODE CRITERIA:

Rezones and General Plan amendments are legislative decisions; therefore the Council has significant discretion when making a decision on such requests.

The Code criteria below are provided as guidelines, however are not binding requirements.

<u>Rezone and General Plan Amendments</u>

Section 19.17.04 outlines the requirements for both a rezone and a General Plan amendment, and states:

> 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.*** *The application is consistent with the goals of the General Plan as outlined in Section F of the staff 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 proposal enables development to enable more residents to benefit from proximity to the Jordan River.*
>
> 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.*** *This will be the first rezone in the City to a Mixed Waterfront type zone, which will enable the goals of that Land Use Designation to be more fully realized.*
>
> 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.*** *Enabling development in the Mixed Waterfront zone will benefit the public by*

providing development that provides more access and utilization of the Jordan River.

H. Recommendation and Alternatives:

Staff recommends that the City Council conduct a public hearing on the General Plan Amendment and Rezone, take public comment, discuss the proposal, and then choose from the options outlined below:

Option 1, Approval as proposed

(Staff supports this option)

"I move to **approve** the General Plan Amendment and Rezone of the ~45.08 acre parcel 58:032:0142, from Low Density Residential and Agriculture to Mixed Waterfront, as identified in Exhibit 1, with the Findings below:"

Findings

1. The General Plan amendment will not result in a decrease in public health, safety, and welfare as outlined in Section F of this report, which section is hereby incorporated by reference.
2. The rezone is consistent with Section 19.17.04 of the Code, as articulated in Section G of this report, which section is hereby incorporated by reference.

Option 2, Approval with Council Directed CHanges

(Staff supports this option)

"I move to **approve** the General Plan Amendment and Rezone of the ~45.08 acre parcel 58:032:0142, from Low Density Residential and Agriculture to [DESIGNATION(s)] and [ZONE(s)], as identified in Exhibit 1, with the Findings and Conditions below:"

Findings

1. The General Plan amendment will not result in a decrease in public health, safety, and welfare as outlined in Section F of this report, which section is hereby incorporated by reference.
2. The General Plan Amendment and Rezone to [DESIGNATION(s)] and [ZONE(s) will better benefit the community than the proposed rezone, as articulated by the City Council: _____, and/or
3. The rezone to [ZONE(s)] is consistent with Section 19.17.04 of the Code, as articulated by the Council:
    a. _____
    b. _____
    c. _____
    d. _____

Conditions

1. Staff shall create a legal description defining the areas for the [DESIGNATION(s)] and [ZONE(s)] as directed by the Council, prior to finalization of the General Plan Amendment and Rezone.

Option 3, Continuance

"I move to **continue** the rezone and General Plan amendment to another meeting on [date], with direction to Staff on information and / or changes needed to render a decision, as follows:

1. _____
2. _____
3. _____

Option 4, Denial

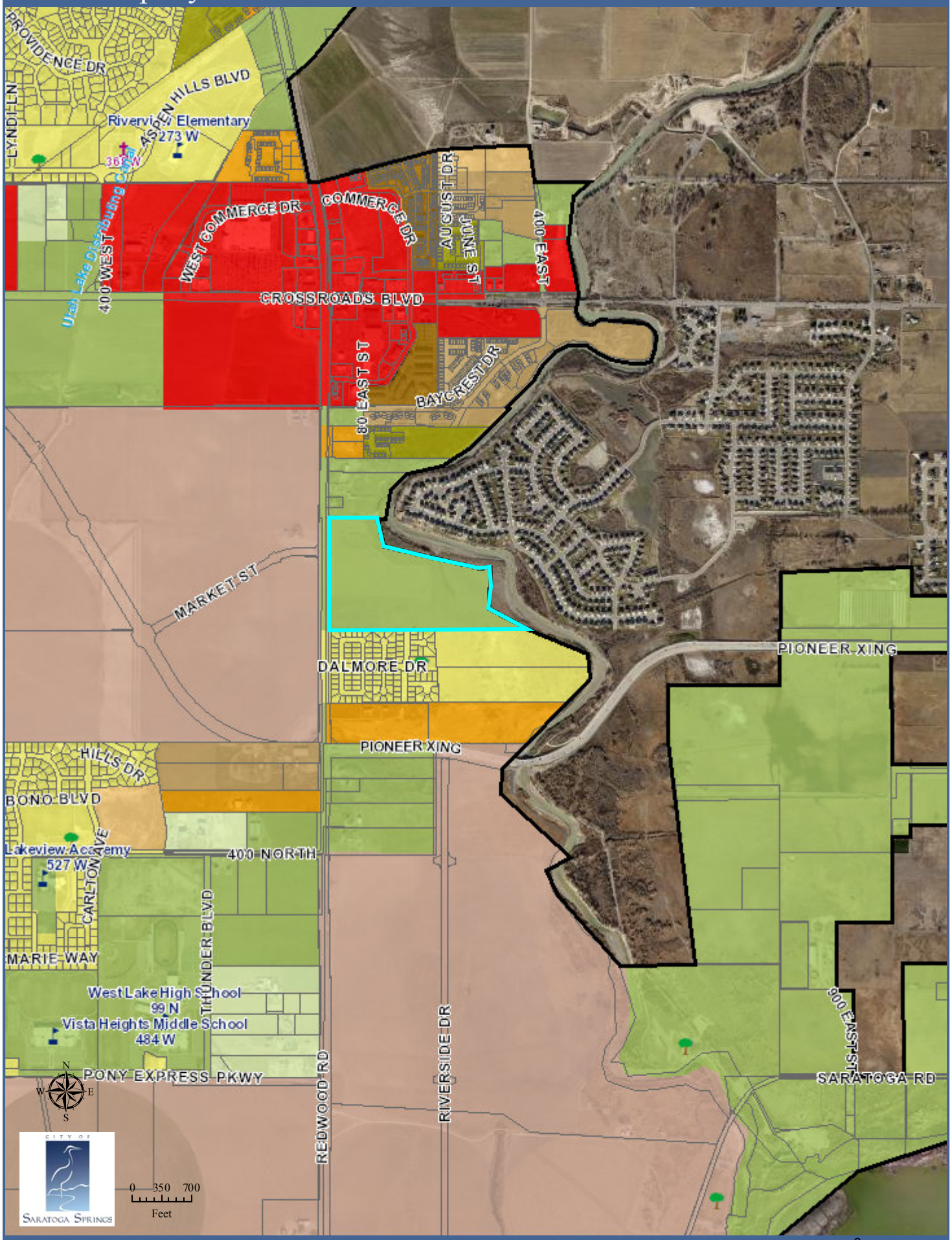
"I move to **deny** the General Plan Amendment and Rezone of the ~45.08 acre parcel 58:032:0142, from Low Density Residential and Agriculture to Mixed Waterfront, as identified in Exhibit 1, with the Findings below:

1. The General Plan amendment will result in a decrease in public health, safety, and welfare as articulated by the Council: _____, and/or
2. The rezone is not consistent with Section 19.17.04 of the Code, subsection _____, as articulated by the Council: _____.

I. Exhibits:

1. Property to be Rezoned – Location Map & Current Zone (page 6)
2. Current Zone & Residential Uses (pages 7-9)
3. Proposed Uses - Mixed Waterfront Zone (pages 10-13)
4. Mixed Waterfront Zone, current General Plan & Zone (pages 14-17)
5. 9/10/2015 Planning Commission Minutes (pages 18-20)
6. 11/12/2015 Draft Planning Commission Minutes (pages 21-24)

Chiu Property Location & Zone - Rezone MW



Minimum Setbacks (accessory buildings not requiring a building permit):												
	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11	See § 19.05.11
Bulk: Width, Frontage, Height, Coverage, Dwelling Size, Open Space												
Lot Width	250’	250’	100’	100’	90’	80’	70’	60’	50’	50’	50’	50’
Lot Frontage	250’	250’	75’	75’	35’	35’	35’	35’	35’	35’	35’	35’
Maximum Building Height	35’	35’	35’	35’	35’	35’	35'	35'	35’	35’	40’	35’
Maximum Lot Coverage	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Minimum Dwelling Size	1,600 sq. ft.	1,600 sq. ft.	1,600 sq. ft.	1,600 sq. ft.	1,500 sq. ft.	1250 sq.ft.	1250 sq.ft.	1250 sq.ft.	1000 sq.ft.	1000 sq.ft.	800 sq.ft.	800 sq. ft.
Minimum % Open Space	None	None	None	None	15%	15%	15%	20%	20%	20%	20%	20%

**Sensitive lands shall not be included in the base acreage when calculating the number of units permitted in any development. No development credit shall be given for sensitive lands.Also see Chapter 19.12 for Subdivision Layout requirements.*

*** Lot sizes shall be a minimum of the stated number but a larger size may be required as stated in the applicable zone districts.*

Ŧ Lot sizes may be reduced as outlined in the applicable zone districts.

Ŧ Ŧ See applicable zone district for limitations.

2. Permitted and Conditional Uses by Zone-Residential:

The following table lists the Permitted and Conditional uses for the Residential Zones in the City of Saratoga Springs. Empty boxes means that the use is prohibited in that zone. Uses not listed are also prohibited.

	A	**RA-5**	**RR**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-10**	**R-14**	**R-18**
Agriculture	P	P	P									
Animal Hospital, Large/Large Veterinary Office	P	P										
Apiary (see	P	P	P	P	P	P	P	P	P	P	P	P

§§ 19.05.08)												
	A	**RA-5**	**RR**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-10**	**R-14**	**R18**
Bed and Breakfast	C	C	C	C	C	C	C	C				
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C
Chickens (see §§ 19.05.05 and 19.05.06)	P	P	P	P	P	P	P	P				
Child Care Center	C	C	C	C	C	C	C	C	C	C	C	C
Church	C	C	C	C	C	C	C	C	C	C	C	C
Dairy	C	P										
Dwelling, Multi-Family										P	P	P
Dwelling, Single Family	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling, Three-Family									P	P	P	P
Dwelling, Two-Family									P	P	P	P
Educational Center	C	C	C	C	C	C	C	C	C	C	C	C
Equestrian Center	C	C										
Farm Animals (see Section 19.05.05)	P	P	P									
Farmer's Market	C	C	C									
Golf Course	P	P	P	P	C	C	C	C				
Home Occupations	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08
Kennel, Private	C	C	C									
Livestock Auction Yard	C	C										
Plant and Tree Nursery	P	C	C									
Preschool			C	C	C	C	C	C	C	C	C	C
Production of Fruit and Crops	P	P	P	P	P	P	P	P	P	P	P	P
	A	**RA-5**	**RR**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-10**	**R-14**	**R-18**

	A	RA-5	RR	R-1	R-2	R-3	R-4	R-5	R-6	R-10	R-14	R-18
Public and private utility building or facility	C	C	C	C	C	C	C	C	C	C	C	C
Public Building or Facilities (City Owned)	C	C	C	C	C	C	C	C	C	C	C	C
Public Parks, playgrounds, recreation areas, or other park improvements*	P	P	P	P	P	P	P	P	P	P	P	P
Residential Facilities for Elderly Persons	C	C	C	C	C	C	C	C	C	C	C	C
Residential Facilities for Persons with a Disability	C	C	C	C	C	C	C	C	C	C	C	C
Riding Arena (Commercial)	C	C	C									
Riding Arena (Private)	P	P	P									
School, Charter	P	P	P	P	P	P	P	P	P	P	P	P
School, Private and Quasi-Public	C	C	C	C								
School, Public	C	C	C	C	C	C	C	C	C	C	C	C
Stables	P	P	C									
Temporary Sales Trailer	P	P	P	P	P	P	P	P	P	P	P	P
	A	**RA-5**	**RR**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-10**	**R-14**	**R-18**

P = Permitted C = Conditional

*A neighborhood meeting is required for all public parks, public playgrounds, public recreation areas, or other public park improvements prior to new construction. City staff will notify residents within the subdivision or neighborhood area prior to any meeting. Any proposal for a regional park within the City will also be required to go

through a Site Plan review according to the requirements within the Land Development Code.

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[A]		
Automobile Repair, Major				C	C				
Automobile Repair, Minor			C**	C	C		C[E]		
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	P[A]C[E]		
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[A]		
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[A]	C[A]		
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[E]		
Convenience Store/Fast Food Combination			C**				C[E]		
Copy Center	C	P	P	C			C[A]		
Crematory/Embalming Facility				C	C				
Dry Cleaners	C	P	P				C[E/A]		
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			C	P	
Electronic Media Rental & Sales		C	P						
Electronic Sales & Repair		C	P				C[A]		
Equipment Sales & Services			C		P				
Financial Institution		P	P				P[A]		
Fitness Center (5,000 sq. ft. or less)	P	P	P	P		P	P[A]		
Fitness Center(5,001 sq. ft. or larger)	C	C	C	C			C[A]		
Floral Sales	P	P	P			P	P[A]		
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						
Home Occupations	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	See §19.08	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[A]		
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[A]		
Plant & Tree Nursery	C		C	C	P				
Postal Center	C	C	P	C			P[A]	P	
Preschool	C	C	C			C[A]	C[A]		
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		C[E]	C[E]		
Restaurant, Deli	P	P	P			P	C[A]		
Restaurant, Sit Down	P	P	P	P		P	P[E]		
Retail Sales	P	P	P	P		P	C[A]		
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

[A] The noted Uses shall be allowed in the listed zones as an ancillary use only.

[E] 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.

Exhibit 4
Current Mixed
Waterfront Language

GENERAL PLAN

h. **Mixed Waterfront.** The Mixed Waterfront designation guides development patterns at key locations along the Utah Lake shoreline and Jordan River. This designation accommodates a wide range of land-uses so long as those land-uses are combined and arranged to create destination-oriented developments that take full advantage of the scenic and recreational opportunities that their lakeshore and riverfront locations provide. Appropriate mixtures of land-uses would include retail, residential, and/or resort properties. Low Density Residential, Medium Density Residential, and Neighborhood Commercial land uses would be considered appropriate for this land use designation. A mix of 80% residential and 20% commercial use in the Mixed Waterfront designation is the goal. The City will review each proposal on an individual basis to determine an acceptable ratio for the residential and commercial components.

Given the broad range of land-uses that will be included in this area, a sense of consistency, place and arrival will be established with the integration of stylized architecture and proper site design. Developments in the Mixed Waterfront area will be required to maintain and enhance public access to the lakeshore and riverfront and associated facilities (trails, beaches, boardwalks).

Developments in these areas shall contain landscaping and recreational features as per the City's Parks, Recreation, Trails, and Open Space Element of the General Plan. In this land use designation, it is estimated that a typical acre of land may contain 3 equivalent residential units (ERU's).

CODE

19.04.25. Mixed Waterfront (MW).

1. **Purpose and Intent.**
    a. The purpose of the Mixed Waterfront (MW) Land Use Zone is to allow for a wide range of land uses so long as those land uses are combined and arranged to create destination-oriented developments that take full advantage of the scenic and recreational opportunities that their lakeshore and riverside locations provide. Appropriate mixtures of land uses include retail, residential, and resort properties.
    b. Low Density Residential, Medium Density Residential, and Neighborhood Commercial land uses, as listed in the tables in Section 19.04.07, are considered appropriate uses for this zone. The goal is to accomplish a mix of 80% residential land area and 20% commercial land area in this zone.
    c. This land use zone recognizes that in order for the City to be a well-rounded community, many different housing styles, types, and sizes should be permitted. Residential densities in this zone shall not exceed 6 ERUs per acre.
    d. Other important characteristics that must be addressed in this land use zone include neighborhood services and facilities, social gathering places, attractive landscaping, convenient access to public areas along the lakeshore, appropriately-placed parking, a sense of personal safety, well-maintained housing, and attractive parks.
    e. Certain land uses have been identified as either ancillary uses or edge uses only.

2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Mixed Waterfront Zone.

3. **Conditional Uses.** The uses identified in 19.04.07.3 as Conditional Uses in the Mixed Waterfront (MW) Zone, with some uses identified in that section limited to edge or ancillary use only.

4. **Minimum Development Size and Lot Sizes.**
    a. The minimum size requirement for development in this zone is one acre.
    b. Lots within a one acre or larger development may be created based upon an approved Master Development Plan contained in a Master Development Agreement.
    c. All developments in this zone are required to develop a Master Development Plan that includes maps and descriptions of how the entire property is anticipated to develop (see Chapters 19.12, 19.13, and 19.14) and to enter into a Master Development Agreement.
    d. The minimum lot size for single family dwellings is 5,000 square feet. For multi-family structures where each unit is separately owned, the minimum lot size shall be based on each building rather than each individual unit.

e. Home Occupations may require a minimum lot size greater than 5,000 square feet based on the requirements of Chapter 19.08. Each Home Occupation will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.

f. Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:
    1. the maximum number individuals using the building at one time;
    2. the number of required off-street parking required in this Title;
    3. traffic and transportation concerns;
    4. compatibility with adjacent uses;
    5. adverse impacts on adjacent uses; and
    6. amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc.

g. In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site-by-site requirements.

5. **Setbacks and Yard Requirements.**
    a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.
    b. All primary buildings in this zone are required to maintain minimum setbacks as follows:
        i. Front: Twenty-five feet.
            1. For single family structures or multi-family structures, the front plane of the home may encroach by up to ten feet into the required setback, if the garage is set back an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback for the garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.
            2. An unenclosed front entry or porch may encroach up to five feet into the twenty-five-foot front setback. This encroachment may be combined with a reduced setback for the front plane (accompanied by an increased setback to the garage) but in no case shall the front plane and porch combined be set back less than 20 feet.
        ii. Sides:
            1. single family structures: 5/10 feet (minimum/combined);
            2. multi-family and non-residential structures: 5 feet to property line or 10 feet between structures, whichever is greater.
        iii. Rear: 15 feet
    c. Corner Lots:
        i. There shall be a minimum setback on corner lots as follows:
            1. Front: 20 feet
            2. Side abutting street: 15 feet
        ii. The front setback and the side setback abutting the street can be reversed, but in no case shall the two setbacks be less than 20 and 15 feet.
    d. All accessory structures in this zone are subect to the standards identified in Section 19.05.
    e. Accessory structures requiring a building permit shall be set back a minimum of 5 feet from rear and interior side property lines, and shall not be placed within any front or street-side yard area..
    f. There shall be a five foot minimum separation between all sides of the accessory buildings and any other structure in this zone.

6. **Minimum Lot Width.** For single family homes, the minimum lot width shall be no less than 50 feet. For multi-family structures where each unit is separately owned, the minimum lot width shall be based on each building rather than each individual unit.

7. **Minimum Lot Frontage.** For single family homes, the minimum lot frontage shall be no less than 35 feet. All other uses in this zone shall have at least 100 feet of frontage along a public or private street. For multi-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual unit.

8. **Maximum Height of Structures.** No structure in this zone shall exceed 40 feet in height.

9. **Maximum Lot Coverage.** The maximum lot coverage in this zone is 50%. For multi-family units where each dwelling is separately owned, the maximum lot coverage shall be based on each building rather than each individual unit.

10. **Minimum Dwelling Size.** Every dwelling unit in this zone shall contain a minimum of 1,000 square feet of living space above grade.

11. **Development Standards.** The following development standards shall apply to this zone:
    a. **Architectural Review.** The Urban Design Committee shall review the Site Plan and building elevations and offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
    b. **Landscaping Buffers.** For multi-family and non-residential structures, Front yards and other yard areas facing a public street shall have a landscaped area of not less than15 linear feet. There shall be a minimum of 10 feet of landscaping between parking areas and side and rear property lines adjacent to agricultural and residential land uses. (See Chapter 19.09, Off-street Parking Requirements.)

12. **Open Space and Landscaping Requirement.** There shall be a minimum requirement of 25% of the total residential project area to be installed as open space for either public or common space not reserved in individual lots, and a minimum requirement of 25% of the total commercial project area to be installed as landscaping. Open space shall meet the definition in Section 19.02.02. If the open space is common space, the developer shall record a public access easement at plat recordation. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (13) below.

13. **Sensitive Lands.**
    a. Sensitive lands shall not be included in the base acreage when calculating the number of units permitted in any development and no development credit shall be given for sensitive lands.
    b. All sensitive lands shall be placed in protected open space.
    c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands.

14. **Timing of Open Space and Landscaping Installation.** All open space and landscaping shall be completed in accordance with the approved Site Plan or Plat Approval and shall be installed prior to the issuance of a Certificate of Occupancy for any building. A Performance and Warranty Bond will be required in accordance with Section 19.12.05. The Planning Director may approve exceptions where weather conditions prohibit the completion of approved and required improvements in accordance with Section 19.06.05. . It shall be the responsibility of the property owner to maintain all approved open space and landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping and Fencing.

15. **Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

(Ord. 14-13)

19.26.04. Uses Permitted within a Planned Community District.

1. **Permitted and Conditional Uses.** Since the character and land use designations of each Community Plan may vary widely, a specific list of uses that are permitted by-right or conditionally permitted is not dictated in this zone. Instead, the detailed list of uses that are permitted by right or conditionally permitted shall be established in each Village Plan. Generally, however, the establishment of uses that are permitted by right, or conditionally permitted within a particular Village Plan, shall be guided but not limited to the following Sections of the Land Development Code:
    a. Agricultural: Subsections 19.04.08 (2) and (3).
    b. Residential: Subsections 19.04.09 (2) and (3).
    c. Neighborhood Commercial: Subsections 19.04.20 (2) and (3).
    d. Mixed Use: Subsections 19.04.21 (2) and (3).
    e. Regional Commercial: Subsections 19.04.22 (2) and (3).
    f. Office Warehouse: Subsections 19.04.23 (2) and (3).
    g. Industrial: Subsections 19.04.24 (2) and (3).

h. Mixed Waterfront: Subsections 19.04.25 (2) and (3).
i. Business Park: Subsections 19.04.26 (2) and (3).

Wade Williams noted it was an alternate process that they have used in other communities that has worked well and they are asking that it be looked at. They have found with these types of projects it's important when a tenant has a certain opening date or time frame they want to make sure they fit that opening date. They feel they have the process and control documents to meet those deadlines.

Kimber Gabryszak noted that because this is a community plan they do not need a code amendment if the Commissioners and Council were accepting of it.

Jeff Cochran asked that they be mindful of future widening of Redwood Road. As they have future phases develop, what would they do to protect the existing landscaping and pavement as they construct.

Wade Williams said they are looking at that closely, they would like to have construction stage areas. There will be some that will need to be replaced.

6. **Public Hearing: General Plan Land Use Map Designation and Rezone from Low Density Residential and R-3 to Mixed Waterfront. Parcel 58:032:0142, north of Dalmore Meadows on Redwood Road.**

Kimber Gabryszak presented the proposal. The City proposes to change the General Plan designation of this ~45 acre parcel from Low Density Residential to Mixed Waterfront, and concurrently rezone the property from Agriculture to Mixed Waterfront.

Public Hearing Open by Chairman Jeff Cochran

Ryan Mitchell had a concern that the density will be high and affect the value of the properties already there. Commercial properties would make it a little subdivision with commercial on all sides. There are several residents that are concerned about their land values.

Darcey Williams agrees with some things Mr. Mitchell said. She thinks they need better clarification on what the property currently is. She was under the assumption that it was only a smaller portion that was commercial; they would like to know exactly where it was at. She too is concerned about the neighborhood becoming an island.

Public Hearing Closed by Chairman Jeff Cochran

Kimber Gabryszak addressed some public comments. She said the property was previously designated as Mixed Use on the General Plan Future Land Use Map and is currently zoned agriculture. The General Plan designation makes it easier for an owner to apply for a rezone. With the last update to the General plan map it was changed to a designation of low density residential. With the Mixed Lakeshore the zone would apply to the whole property and the goal is to have 80% residential and 20% commercial. There are proposals to help protect existing neighborhoods. If they want to do higher density it cannot be next to existing neighborhoods, it has to be compatible with the existing neighborhood and transition away from current residential. The purpose of the zone is to create the critical density to help businesses along the lake be viable. The actual language is up for discussion at City Council next week. She explained that the Mixed Lakeshore zone is a more residential oriented zone, the commercial use is limited, no big box, auto repair, or drive thru for example. Mixed Use also has a residential component but is more heavily commercial it is about 1/3 residential, 1/3 business/office, and 1/3 commercial retail.

Sandra Steele asked what the language was the required the commercial to go closer to the waterfront.

Kimber Gabryszak clarified by reading the current proposed amendment. No percentages are called out but having the majority by the waterfront is, if the Council approves the proposed language. Some commercial could be by the main road but most by the waterfront.

Sandra Steele said her thinking is that they will want to put a signal at the intersection of Market Street and Redwood Road. It may be an advantage to make the corners of that intersection Commercial and that reserves a greater amount of commercial to be closer to the waterfront. There will be an intersection of Market Street and Riverside Drive and that may be key to getting the commercial off the ground. She asked has Mr. Chui started his de-annexation from Lehi.

Kevin Thurman is not sure if that agreement has been signed by all the parties yet. We really don't know what the code will allow until it is adopted, so they could continue it. Once it's signed they have 120 days to rezone the property.

Kimber Gabryszak noted that because it is a legislative decision it is still up to Planning Commission recommendation and up to City Council whether they approve it.

Sandra Steele referred to a document from Jeremy Lapin in July. She asked if the City's Capital Facilities plan has changed.

Kimber Gabryszak it has not been done yet. This was the first step and the City Engineer is working on that.

Sandra Steele read from the Packet of July 21st, a proposed agreement. She feels they have a little time to look at all the possibilities before they rezone this. She thinks it would be a win/win to do the rezone.

Kevin Thurman would encourage them to look at the actual agreement, not the staff report. There is no language of exchange. We are working towards that agreement; there is plenty in there that protects the City.

David Funk commented that in consideration of the neighboring residents he doesn't feel that he could agree to change the zoning if the zone doesn't exist yet.

Hayden Williamson commented that this will drive the majority of the commercial to the north end of the property, so what is the north property zoned? This would probably put in a domino type of situation. He received clarification that this is the zone that the applicant is expecting to come in on.

Kimber Gabryszak noted that the front of this property was called out in the Future Land Use as Neighborhood Commercial. Riverside Drive will eventually be a collector.

Hayden Williamson believes the Mixed Waterfront will get the neighboring residents more of what they are looking for with residential around them.

Kirk Wilkins would like to treat this how they have done other properties in the past. They have not changed the zoning until they had the proposals for construction, so they could see what was going to be in the area. He would feel uncomfortable changing the zoning until we have a code in place. He feels the language in the amendment is similar to agenda 21 and we are working at removing that language from our code. He asked who was driving this petition.

Kimber Gabryszak said there were a number of parts in it. It coincided with the change to Mixed Waterfront. When this came up they had already been talking about changing some designations to Mixed Lakeshore. The timing just lined up, the property owner was requesting something more like a Mixed Use zone but they didn't want to sandwich the current development. The property owner was amenable to this Mixed Waterfront zone and so the Staff moved forward with the change to the designation. The agreement doesn't bind the City or the Property Owner. The City wants to see some successful development of this type in the City to take advantage of the natural amenities.

Kirk Wilkins would like to see it locked down before they change the zoning.

Kevin Thurman said the property owner is not ready to move forward with any development plans at this time.

Ken Kilgore asked if there any setbacks from the river edge.

Kimber Gabryszak said there is not a specific setback but there is a meander study that identifies potentially hazardous areas and it would have to comply with wetlands and stabilization of the hill.

Ken Kilgore thinks in this situation, the property owner wants this rezone and probably can't make plans until it is changed and it will help preserve the waterfront in the city and will bring value to the homeowners in the area. He noted that the idea of the higher density is that these types of shops need the density to survive. Everywhere he has seen with this type of vibrant waterfront community, the home values have gone up. His concern right now is that in front of Dalmore Meadows the merging lane to Redwood Road from Pioneer Crossing is getting dangerous and the traffic in the area would need to be restudied.

Sandra Steele was concerned that if they don't make the area Mixed Waterfront, he will make it Mixed Use.

Jeff Cochran appreciates the Residents comments. He feels this Mixed Waterfront is a good balance to allow residential and still meet the needs and wants of the City to preserve the waterfront for commercial. He likes what has been presented but doesn't feel comfortable moving forward before the zone exists yet.

Ken Kilgore is in favor of recommending this.

Kirk Wilkins is not sure which recommendation to make, perhaps to deny.

Hayden Williamson would be alright with continuing or forwarding a negative recommendation. And once Council has approved the Mixed Waterfront they could then make a decision.

David Funk feels the same; he is not opposed to this, just the approving something that doesn't exist yet.

Sandra Steele would be in favor of continuing this. She is concerned with how the wording will be, and the amount of commercial and how it would be placed. She thinks the owner is expecting a higher use and we shouldn't recommend a denial or approval, she would feel more comfortable with continuing.

Kevin Thurman would advise to continue this as the owner is required to be given a list of permitted uses in the Zone. And the zoning regulations haven't been created yet and we just don't have enough information on it yet.

Motion made by Hayden Williamson to continue the decision on the General Plan Land Use Map Designation and Rezone from Low Density Residential and R-3 to Mixed Waterfront. Parcel 58:032:0142, north of Dalmore Meadows on Redwood Road to a future date. Second by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Ken Kilgore. Motion passed 6 - 0.

7. **Work Session: Code Amendments, View Protections, and Landscaping Enforcement.**

Kimber Gabryszak led a discussion of potential Code amendments. As Code Enforcement has been going out this summer they have been looking at ways to clarify the code, and organize it better.

- 19.05 – Sales Trailers
  - Merge and edit sales trailer sections.
  - Once a model home is built they can no longer have a trailer.

David Funk got clarification that once the model home is built they have 30 days to remove a trailer.
Ken Kilgore asked about trash removal and lighting restrictions for sales trailers.
Kimber Gabryszak noted they have the general standards for code enforcement. Every development is subject to the dark sky ordinance.
Ken Kilgore asked about minimum security requirements.
Kimber Gabryszak said it was left up to the developer; there is nothing specific to that. She can look into it further.
Hayden Williamson would be concerned that when we start getting into that we can get into liability issues.
Kevin Thurman commented that if we have a standard established for the developer pertaining to safety and they disregard it, it could potentially lead to an argument with the city if we aren't enforcing that code.
Jeff Cochran would be concerned with us adding language that may hold the city liable for safety issues.
Sandra Steele thought if the city was requiring something that caused a problem then the city could be somewhat liable.

- 19.06 – landscaping and Sight Triangles.
  - Reorganize chapter for clarity in application and code enforcement.
  - Tree base clearance, a minimum of three feet, instead of the canopy of the tree except in parking islands. Remove requirement for mulch beneath trees and shrubs. This is for commercial and multifamily.
  - Artificial turf not permitted in commercial section.
  - Relocated parking lot standards.
  - Amounts of landscaping referencing definition under parking lots.
  - Specify lots 1/3 acre or smaller must be all landscaped with time line, larger than 1/3 acre they have to landscape 1/3 acre.
  - Clarifies what can be removed.
  - 25% of landscaping in front and street side yards must be non-rock/hardscape. Artificial turf not allowed in same area.
  - Clarify sight triangles.

Kirk Wilkins suggested changing "but" to "and" in 19.06.08.1.c.ii
Ken Kilgore asked about tree preservation and invasive species.
Kimber Gabryszak said there is a list from the State that they go by.
Ken Kilgore asked about maintenance once trees were mature.
Kimber Gabryszak said there is a place where it talks about maintaining it in a healthy and clean state.

Exhibit 6
Draft PC Minutes
11/12/2015

City of Saratoga Springs
Planning Commission Meeting
November 12, 2015
Regular Session held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

Draft Minutes for
Planning Commission Item 9.

Present:
Commission Members: Kirk Wilkins, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham, Brandon MacKay
Staff: Kimber Gabryszak, Sarah Carroll, Kevin Thurman, Nicolette Fike, Sarah Carroll, Kara Knighton, Jamie Baron
Others: Thane Smith, Blair Davies, Luke & Tenille Perry, Clay Johnson, Frank Pulley, Scott & Amy Monson, Peter Staks, Cindy Tittelfitz, Pam Infanger, Neil Infanger, Jared Haynie, Shawn Jones, Stephanie Jones, Ian Tovens, Cathy Collard, Kristen Hood, Wayne Beuchert, Russell Jones, Krisel Travis
Excused:

Call to Order - 6:30 p.m. by Chairman Kirk Wilkins
Pledge of Allegiance - led by Ethan Perry
Roll Call – A quorum was present
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Brandon MacKay was excused
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9. Public Hearing: Proposed Rezone and General Plan Amendment, R-3 and Low Density Residential to Mixed Waterfront for Richard Chiu Property, Parcel 58:032:0142, located at approximately 940 North Redwood Road (North of Dalmore Meadows Subdivision), City initiated.

Kimber Gabryszak presented. The City proposes to change the General Plan designation of this ~45 acre parcel from Low Density Residential to Mixed Waterfront, and concurrently rezone the property from Agriculture to Mixed Waterfront. As this is a City initiated change, no concept plan is required. As part of the easement agreement the property owner requested to come in under the Mixed Waterfront. In Mixed Waterfront they have a maximum of 6 units per acre and a goal of approximately 20% commercial which are limited to small scale neighborhood oriented uses.

Public Hearing Open by Chairman Kirk Wilkins

Luke Perry spoke to the concern of the Dalmore Meadows owners that there needs to be a buffer between them and the commercial area of the property. They don't want to be a residential island.

Cathy Collard wonders if the city notices the water in that area is like a big mud-hole, and wonders what the City is thinking that would be along the waterfront. They have been caught in the crossfire where they have all the commercial properties around them.

Public Hearing Closed by Chairman Kirk Wilkins

DRAFT

Kimber Gabryszak responded that staff is working on an overhaul to the Mixed Waterfront. They looked at nearby cities that have a Waterfront and talked to the cities about best practices and things. They do know what the river looks like back there and it's one of the goals of the zone to help convert the river to a nice corridor and habitat. They met with communities have had the same thing happen to them and now their rivers are beautiful. They are not proposing the business go right up against the water but use it as a draw. They looked at buffer sizes and parkways. They will be revisiting the feathering requirements and that densities are feathered and businesses not be placed right next to existing residential. This owner doesn't have any plans to develop in the immediate future. It's kind of a long term vision.

Kirk Wilkins asked if it was a condition that they buffer.

Kimber Gabryszak said it is not a condition as this is just a rezone and they don't have a project yet. They will need to buffer appropriately when they develop. We will be working on revisions to Mixed Waterfront in the near future.

Hayden Williamson asked what the timeline on the revisions was.

Kimber Gabryszak replied that they are having a work session with City Council next week then some work sessions over the next few months with Planning Commission, so it's about 6 months.

Hayden Williamson asked if he developed sooner would be have any legal standing before we had things that are ironed out. If he came in before the revisions were done could we slow him down.

Kimber Gabryszak said the code does state there is a maximum of 6 units per acre but the general plan states that there is an average of about 3. They could use the code to make sure things meet the goal we have.

Hayden Williamson asked if that dealt with where they put the commercial and if we could fast track our process.

Kimber Gabryszak said if we had one public hearing before they came in with an application then they could do impending ordinance.

Kevin Thurman said it's a risk, the general plan is an advisory document and the code would prevail.

Sandra Steele thinks we are where we were before. We still can't tell him what he can or can't do. Since he is coming in and agreeing to the Mixed Waterfront we have today can we hold him to the new Mixed Waterfront.

Kimber Gabryszak said we can, the zone change affects everyone in the zone equally unless he had a complete application before those changes.

Sandra Steele still thinks the corners of market and Redwood Road should be zoned Neighborhood Commercial. It would be a higher and better use for those two corners, and give us a better negotiation. She feels that is where he is going to want his commercial. If we are going to stick with our Mixed Waterfront then we need our commercial closer to the waterfront than Redwood Road. We need to look at rezoning those two corners, not go all the way to Dalmore or maybe neighborhood commercial would be a better alternative. She doesn't think commercial will stop with the north line of this property.

Ken Kilgore asked if we had cause to continue or deny this applicant at this point.

Kevin Thurman replied that we are dealing with the original agreement where we got the storm easement for free and agreed to rezone his property. It's still a legislative decision. The agreement is up at the end of this month.

Sandra Steele wanted to know if he would hold off if we gave him a higher zoning along Redwood Road.

Kimber Gabryszak thinks the language was Neighborhood Commercial or Waterfront.

Sandra Steele thinks we need to put boundaries on it if they want to do the neighborhood commercial.

Kimber Gabryszak suggested they could say 5 acres from the north boundary down to no more than halfway between Market Street and Dalmore.

Ken Kilgore thinks we are really parceling this just trying to constrain one property owner, where The Mixed Waterfront code would probably solve the issues the neighbors are concerned about. He thinks changing the zone may even cause more problems.

DRAFT

Sandra Steele feels he will probably put his commercial along the main road and then we lose a great amount of commercial that could go by the river. If we go ahead and zone that then we have a better chance of getting the commercial next to the waterfront. She thinks it's protecting the vision if we did commercial closer to Redwood Road where it makes sense.

Kirk Wilkins asked that given the time sensitivity what has delayed this code from solidifying.

Kimber Gabryszak said we are rewriting multiple chapters of the code and we put in some recommendations to solve these issues and they got rejected because it wasn't fleshed out enough. They would rather see us do it right. Tonight what is before them is just rezoning the property to Mixed Waterfront.

Ken Kilgore asked if we don't make the rezone, then what is the issue to the property owner.

Kimber Gabryszak said then we are in violation of the agreement. They could forward a negative recommendation if they wanted.

Kevin Thurman noted that the applicant does live in the East and can't be here. The agreement itself talks about a few other things and we do need to meet the agreement. The portion up for discussion tonight is the rezone to mixed waterfront. We've already used the easements that were granted.

Sandra Steele asked if the applicant had applied for de-annexation. Has he performed on everything he is supposed to perform on in the agreement?

Hayden Williamson doesn't want us to be in violation of an agreement. Can we push this through now and later it could be rezoned. He agrees that neighborhood commercial along Redwood Road would be better for the neighbors.

Kimber Gabryszak said they could do that. They would have to send them notice and give them time to object. They would make that part of their recommendation tonight. And if the Council agreed then they would have to come up with legal description and send a notice and go from there.

Ken Kilgore thought it was clear what the owner wanted in the agreement, to rezone to Mixed Waterfront.

Kevin Thurman thinks he has heard that the concern of the property owner was that it was downzoned to residential. He originally requested Mixed Use; the agreement was amended to Mixed Waterfront.

Ken Kilgore said it was pretty clear what the applicant is agreeing to but he is not against the condition. His preference is to go ahead with the recommendation of the zone change closer to the traffic.

Hayden Williamson summarized we would approve today as Mixed Waterfront and work with the applicant in the future and get it right.

David Funk asked if we refuse this at this time what impact would that have on the City's negotiation, vs us approving with conditions.

Kevin Thurman would ask that they move forward and give the recommendation to the Council with something they are comfortable with. City Council would then move forward with it as they felt.

Motion made by Sandra Steele to forward a positive recommendation to the City Council for the General Plan Amendment and Rezone of the ~45.08 acre, parcel 58:032:0142, from Low Density Residential and Agriculture to Mixed Waterfront, as identified in Exhibit 1, with the Findings in the staff report. And with a recommendation to the City Council that they consider rezoning the NW corner and the SW corner of the intersection of Market Street and Redwood Road to be Neighborhood Commercial. Seconded by Ken Kilgore.

David Funk asked if she wanted to limit how far down that goes.

Sandra Steele said she was kind of leaving that to staff.

Kimber Gabryszak felt they understood the direction.

Kirk Wilkins asked if they would do anything to suggest a buffer zone to the neighborhood south of the property. He wants to honor the agreement between the landowner and the City but it is difficult to rezoning to a zone that is undefined.

Hayden Williamson asked if we could, as a condition of rezoning, put in stipulations that are not part of the zone as it currently exists.

DRAFT

Kevin Thurman said that would be basically a conditional rezone. It really comes down to this is a recommendation. He would ask that they move forward.

Sandra Steele asked could they make a recommendation that the development be feathered from Dalmore to the proposed Neighborhood Commercial.

Kevin Thurman thought they could make a recommendation that they consider what the options would be in regards to feathering

Hayden Williamson was concerned that it's an in depth section of code and he wouldn't want to throw something out there and make it a condition. Staff is going to put a lot of thought into how they word it. Making it a condition of approval could make more problems than it solves.

Kirk Wilkins asked if we could have more influence on that at the point they are recording a plat.

Kimber Gabryszak responded that once they submit for concept plan staff will give them that feedback and then they will come to Planning Commission and City Council for review.

Sandra Steele wondered if there would be any teeth in that if they weren't done with the Mixed Waterfront change yet.

Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

Draft Copy /s/ Nicolette Fike, Deputy City Recorder

DRAFT

RESOLUTION NO. R15-56 (12-1-15)

A RESOLUTION APPOINTING A CITY RECORDER

WHEREAS, candidates for the vacant City Recorder position have been interviewed and the most qualified candidate, Kayla Moss, after an extensive background check, has been recommended to the Mayor for appointment; and

WHEREAS, the City Council for the City of Saratoga Springs, Utah ("Council") met on December 1, 2015, during a regular session to consider, among other things, the appointment of Kayla Moss as City Recorder; and

WHEREAS, Utah Code § 10-3-916 provides that the Mayor shall appoint with the advice and consent of the Council a qualified person to the office of City Recorder;

WHEREAS, the Mayor for the City of Saratoga Springs wishes to appoint Kayla Moss as City Recorder.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, UTAH, THAT:

1. The Council hereby grants its consent of the appointment of Kayla Moss as City Recorder.
2. The Mayor hereby appoints Kayla Moss as City Recorder.
3. The appointment of Kayla Moss is in the best interests of the health, safety, and general welfare of City residents.
4. City Staff is authorized and directed to ensure administering of the Oath of Office per Utah Code § 10-3-828.
5. This Resolution shall take effect immediately.

PASSED AND APPROVED this 1st day of December, 2015

Signed: _____
Jim Miller, Mayor

Attest: _____ _____
Nicolette Fike, Deputy City Recorder Date

09/29/2015

Proposal to Jordan River Commission Member Entities for Interlocal Agreement Amendment

INTRODUCTION AND PURPOSE

HB 251, passed during the 2015 legislative session, makes amendments to the governance of interlocal entities such as the Jordan River Commission (JRC). In order to comply with the law, the JRC Governing Board has determined that the current interlocal agreement (ILA) should be amended. The ILA provides that it may be amended at any time by the written approval of seventy-five percent (75%) of all current Members signatory to it. See list attached. Our preference is to have all Jordan River Commission Members to approve any ILA amendments.

Our review of the ILA brought attention to concerns that some of its current provisions may limit the ability of the JRC to act in a timely fashion and that these provisions are better addressed in the bylaws. We suggest that the amendments proposed for the ILA will not only address the requirements of HB251, but will also simplify the ILA and provide the Governing Board with flexibility to adapt to any future legislative amendments and to improve operations of the JRC as determined by the Governing Board from time to time.

The Governing Board recommends that these proposed amendments to the ILA be authorized by each of the JRC members and each member entities' representative to the Governing Board of the JRC bring this proposal to them for review and approval.

PROPOSED INTERLOCAL AGREEMENT CHANGES

These changes, after approval by the necessary number of signatory entities, will be effective January 1, 2016.

General Changes:

1. Title, dates and language tense.
   A number of small changes were made throughout the document to clarify that this not an entirely new agreement, but instead is amending the original Interlocal Cooperation Agreement that established the Jordan River Commission.

2. Terms.
   - The term "Jordan River Commission" has been abbreviated to "Commission" throughout the document.
   - The term "member" has been capitalized throughout the document when referring to Ex Officio or Government Members of the Jordan River Commission.

09/29/2015

Specific Changes:

5.4 Ex Officio Members of the Board.

By a majority vote of the Governing Board, Ex-Officio ~~m~~Members may be appointed or removed from the Board as Ex Officio ~~m~~Members. Ex Officio ~~m~~Members shall be selected from other interested parties including recreation organizations; water user organizations; and other public or non governmental organizations. Interested parties may petition the Governing Board to become Ex Officio Members. Ex Officio ~~m~~Members shall be voting members who serve terms of two years and shall pay dues in accordance with Sections 13.1 and 13.3. Ex Officio ~~m~~Membership shall continue for subsequent terms unless terminated by a majority vote of the Governing Board. After the Commission is established and the Governing Board has voted, those appointed to serve as Ex Officio ~~m~~Members of the Board shall be listed in Appendix 1 to this agreement, which Appendix shall be modified as the Governing Board adds to or deletes those who will serve. For every two governmental members of the Commission, one Ex Officio Member position will be added to the Governing Board. ~~Ex Officio members shall comprise one-third (1/3) of the total members of the Commission.~~ The actual number of Ex Officio ~~m~~Members shall vary from time to time as regular Members join or withdraw from participation in the Commission. …

> *Notes: There may be times when it is impossible to fill exactly 1/3 of the Board with Ex-officio positions filled with whole persons. For example, 19 governmental members on the Board creates space for 9.5 ex-officio positions.*

8.1.4.5 Review governmental agencies' ordinances, rules, standards, and regulations and recommend additions or changes in conformance with the Jordan River Blueprint, upon request of the affected member government.

> *Notes: The practice of the Jordan River Commission is to proactively offer technical assistance, but to only engage in a formal review following an invitation from the member government.*

8.3 Review of Private Development Proposals.
Upon approval by the Board of processes for the review of private development plans, programs and proposals, including residential, commercial, and recreational developments, ("private submissions"), the Commission will review all such private submissions for lands within one-half mile from the River. The Commission shall review private development proposals as they occur, upon request of the affected Member or the private party. …

> *Notes: The practice of the Jordan River Commission is to proactively offer technical assistance, but to only engage in a formal review following an invitation from the member government.*

09/29/2015

8.4 Review of Proposed Governmental Agency Actions.
Upon approval by the Board of processes for the review of government agency plans, programs, proposals, regulations, ordinances, rules or modifications thereof ("agency submissions"), the Commission will review all such agency submissions that affect lands within one-half mile from the River for consistency with the Jordan River Blueprint. The Commission shall review governmental agency actions as they occur, upon request of the affected Members.
…

Notes: The practice of the Jordan River Commission is to proactively offer technical assistance, but to only engage in a formal review following an invitation from the member government.

9.3 Obligations Special and Limited.
…Members may enter into agreements to pledge revenues to finance projects undertaken by the Commission and to secure bonds issued by the Jordan River Commission to finance such projects ~~undertaken by the Commission~~. …

Notes: This change clarifies that separate agreements will outline Commission and Member obligations for any financed projects.

10.4 Leadership.
The Governing Board shall have a Chair, ~~and a~~ Vice-Chair, and Past Chair elected by and from their members, whose term shall ~~expire every two years~~ be set in the By Laws. ~~The chair and vice-chair shall not serve successive terms.~~

Notes: This change allows the Governing Board to make changes in the officers' terms and succession without the need to amend the ILA each time. The Governing Board will amend the bylaws to provide for a one-year term for each office and clarify that the limitation on succession is only for the specific office previously held, allowing the Vice-Chair to succeed the Chair.

11.1 Executive Committee.
The Governing Board shall have the authority to appoint an Executive Committee consisting of ~~not more than seven (7)~~ members of the Board.

Notes: This change allows the Governing Board to make changes in the number of the Executive Committee without the need to amend the ILA each time. The By Laws will address the composition and size of the Executive Committee.

09/29/2015

11.1.1 The Executive Committee shall include ~~a representative of the State of Utah,~~ a Past Chair elected by the Board, the Chair ~~of the Board~~, the Vice-Chair ~~of the Board~~ and other members as determined by the Board through its bylaws.

Notes: This change allows the Governing Board to determine and change the composition of the Executive Committee without the need to amend the ILA each time. The By Laws will address the composition and size of the Executive Committee. The Governing Board would like to add the immediate Past Chair as a member of the committee.

11.1.4 The Governing Board may not delegate the following powers and duties: (i) the election of the Past Chair, Chair and Vice Chairs of the Board.; (ii) the election of the group representatives to the Executive Committee;…

11.4 Bylaws.
The Governing Board shall ~~have the authority to~~ adopt bylaws in compliance with state law and as otherwise deemed needed by the Governing Board and thereafter amend the bylaws in compliance with state law. The adoption and any amendments shall be by a seventy-five percent (75%) vote of the Board. Each Member shall receive a copy of the bylaws.

Notes: This change allows the Governing Board to adapt to HB251 and future changes in state law without the need to amend the ILA each time.

11.7 Policies and Procedures.
The Governing Board shall adopt policies and procedures in compliance with state law and as otherwise deemed needed by the Governing Board, and thereafter amend the policies and procedures. The adoption and amendments shall be by a majority vote of the Board. Each member shall receive a copy of the policies and procedures.

Notes: This change allows the Governing Board to adapt to HB251 and future changes in state law without the need to amend the ILA each time.

12.1.3 One appointed representative from the Department of Environmental Quality, Division of Water Quality and each of the following Divisions of the Department of Natural Resources: Division of Wildlife Resources, Division of Forestry, Fire and State Lands; Division of Parks and Recreation; and the Division of Water Resources, as determined by the Department;

~~12.1.5 One appointed representative of the Utah Department of Environmental Quality, as determined by the Department; and~~

Notes: The section numbering was also updated after striking this section.

09/29/2015

12.2 Terms.

The terms of Technical Advisory Committee members shall ~~each be appointed for four year terms of office. One half of the initial members shall serve two year terms as determined by lot~~ be set in the By Laws. Reappointments and replacements shall be by appointment of the public agency who appointed the member being replaced or reappointed or by vote of the Ex Officio ~~m~~Members.

Notes: This change allows the Governing Board to make changes in the technical committee members' terms without the need to amend the ILA each time. The By Laws will address the terms of the TAC members.

12.4 Leadership.

The Technical Advisory Committee shall have a Chair and a Vice-Chair elected by and from their members, whose term shall ~~expire every two years.~~ be set in the By Laws.~~The chair and vice-chair shall not serve successive terms~~.

Notes: This change allows the Governing Board to make changes in the technical committee members' terms without the need to amend the ILA each time. The By Laws will address the terms of the TAC members.

13.4 Certified Annual Audit.

The Governing Board shall provide for a certified annual audit, or other financial reporting as required by law, of the accounts and records of the ~~Jordan River~~ Commission, which ~~audit~~ shall conform to generally accepted ~~auditing~~ accounting standards and requirements set forth by the Utah State Auditor. Such annual audit shall be open for inspection by each Member representative at all reasonable times.

Notes: The Office of the Utah State Auditor changed its standards in 2014 to require the governing body of an entity whose revenues or expenditures of all funds are at least $100,000 but less than $500,000 to either "cause an annual audit to be made of its accounts by a competent, independent CPA or, unless otherwise required by external parties (bond/debt covenants, etc.), the governing body may cause an annual agreed-upon procedures engagement to be made of its accounts by a competent, independent CPA." This was again changed in 2015 to affect only entities with revenues or expenditures of funds between $350,000 and $750,000.

The Jordan River Commission has historically prepared an Agreed Upon Procedures report, and this language allows for the financial reporting and auditing procedures to adapt to the Commission's size and increasing revenue over time.

09/29/2015

Signature Page.

IN WITNESS WHEREOF, the parties have signed and executed this Interlocal Cooperation Agreement amending the 2010 Interlocal Cooperation Agreement that created the Jordan River Commission, after resolution duly and lawfully passed, on the dates listed on the signatory pages, below, to become effective on the Effective Date, first written above.

> *Notes: The previous version of the ILA did not include a separate signature page, but rather included the signature line on the last page of the ILA. This made compiling a master copy of the signed agreement difficult. A separate signature page simplifies the ability to add additional signatures to the document as new members join the JRC.*

09/29/2015

SIGNATORY MEMBER ENTITIES

1. Cottonwood Heights
2. Davis County
3. Draper
4. Jordan Valley Water Conservancy District
5. North Salt Lake
6. Riverton
7. Salt Lake City
8. Salt Lake County
9. Sandy
10. Saratoga Springs
11. South Salt Lake
12. South Jordan
13. Taylorsville
14. Utah County
15. Utah Division of Water Quality
16. Utah Transit Authority
17. West Jordan
18. West Valley City
19. Utah Division of Forestry Fire and State Lands
20. Utah Division of Water Quality

(75% = 15)

OTHER BOARD MEMBER ENTITES

1. Chevron
2. Community At-large
3. Office of the Governor*
4. Rocky Mountain Power
5. Tracy Aviary
6. The Jordan River Foundation
7. Tree Utah
8. Utah House of Representatives*
9. Utah State Fairpark
10. Wasatch Rowing Foundation
11. Workers Compensation Fund
12. Zions Bank
13. Utah Lake Commission*

* Although there are individuals appointed to represent these public bodies on the Governing Board, these bodies are not “signatories” to the ILA.

09/29/2015

PROPOSED BYLAW CHANGES

Updates to the By Laws will be considered by the Governing Board of the Jordan River Commission following the approval of the updated ILA by the individual members' governing bodies. The following is a summary of the changes proposed to the By Laws.

Section 6.1 - Authorized Officers

There shall be a Chair, ~~and a~~ Vice Chair and Past Chair of the Governing Board, chosen from among Governing Board members who will conduct the business of the Governing Board. The Governing Board may appoint a Treasurer, chosen from among its membership or alternate member representatives. In addition to Governing Board Officers, there shall be an Executive Director who is an employee of the Commission. The Executive Director shall act as Secretary ~~and Treasurer~~ to the Governing Board.

Section 6.2 - Election of Officers

The Chair and Vice-Chair shall be elected from among the official representatives on the Governing Board by a majority vote of the Governing Board. Initial elections of Chair and Vice-Chair shall be conducted at the first meeting of the Commission. Those individuals shall serve until the first meeting of the next full even numbered calendar year. Thereafter, elections shall be held bi-annually at the first meeting of the calendar year (even numbered years). ~~The Chair and Vice Chair shall not serve successive terms.~~ At this time, the Chair will move to the position of Past Chair. The Vice-Chair will be elevated to the office of Chair, and the Governing Board will elect a new Vice-Chair from the Board membership. …

Section 6.6 - Duties of Treasurer

The Treasurer will oversee the management of Commission finances by the Executive Director, preparation of regular statements of the conditions of the finances of the Commission for each regular meeting of the Governing Board and at such other times as shall be required, preparation of the annual budget proposal, preparation of the annual audit, and do and perform all duties appertaining to the office of Treasurer.

Section 7.3- Purpose

The Executive Director shall act as the principal administrative officer of the Jordan River Commission as directed by the Governing Board and the Chair. The Executive Director shall serve as Secretary ~~and Treasurer~~ to the Governing Board.

7.5.12 - Be responsible for distributing monies payable according to the Commission's Fiscal Procedures Policy ~~and co-sign payments together with the Chair or Vice Chair (two signatures required)~~;

10.2.1 - The Executive Committee shall include the Commission Chair, the Commission Vice Chair, the Commission immediate Past Chair and up to five other members as determined by the Board and noted in the official minutes of the Commission.

INTERLOCAL COOPERATION AGREEMENT

MODIFYING THE 2010 INTERLOCAL COOPERATION AGREEMENT THAT ESTABLISHED THE

JORDAN RIVER COMMISSION

THIS INTERLOCAL COOPERATION AGREEMENT (hereinafter "Agreement") is made and entered into as of the _____ day of _____, 2015, by and between the signatories to this Agreement. The signatories to this Agreement are "public agencies" as defined in the Utah Interlocal Cooperation Act, and are hereinafter referred to collectively as "Members" or "Parties" and individually as "Member" or "Party."

W I T N E S S E T H:

WHEREAS, pursuant to the provisions of the Utah Interlocal Cooperation Act (the "Interlocal Cooperation Act"), Title 11, Chapter 13, Utah Code Annotated (the "Utah Code"), public agencies are authorized to enter into mutually advantageous agreements for joint or cooperative action; and

WHEREAS, the Parties to this Agreement believe the Jordan River is one of Utah's great natural treasures and that cooperative action through the creation of a Jordan River Commission (the "Commission") would promote protection of the river in keeping with the Public Trust Doctrine, facilitate orderly planning and development in lands and waters adjacent to the river or impacting the quality of waters flowing into the river while protecting an individual jurisdiction's ability to govern its own area, and assist in the formulation and implementation of comprehensive plans for the management, protection and preservation of the river; and

WHEREAS, the Parties to this Agreement have respectively received appropriate authority to participate, as described herein, in a new Utah interlocal entity to be known as the Jordan River Commission; and

WHEREAS, Envision Utah, after extensive public hearings and public involvement, has developed a document titled "*Blueprint Jordan River*" which sets forth guiding principles and goals developed through a public process for protecting the Jordan River and developing it as a community resource for the citizens of the counties and cities through which it passes; and

WHEREAS, the Commission is responsible for developing broad-based support for

Blueprint Jordan River and fostering the involvement of federal, state and local officials, representatives of private and non-governmental organizations, and the public in the implementation of the Blueprint; and

WHEREAS, the Commission can identify "best practices" with respect to management of the river ecosystem and can use that work to assist the Parties and private entities with professional and technical expertise and coordinate the exchange of information and expertise between the parties; and

WHEREAS, the Commission is an effective and shared entity for on-going planning for the Jordan River that will have political, legal and financial viability; and

WHEREAS, by focusing on the river in its entirety, the Commission coordinates with the cities and the counties in arriving at a comprehensive vision and Jordan River Blueprint for the entire river; and

WHEREAS, the Commission can identify and help solve issues relating to streams and creeks feeding into the Jordan River thus increasing the water quality of the overall system; and

WHEREAS, the Commission, through the broad participation of the Parties and the community can enjoy increased capability to secure governmental, foundation and other financial support for activities improving the river; and

WHEREAS, the parties believe that amendments to the Original Interlocal Agreement creating the Commission (the "Original Agreement") will facilitate the effective operation of the Commission, reflect changes in state law and improve the governance of the Commission

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree to amend the Original Agreement as follows:

ARTICLE 1
Definitions

As used herein, the following terms and words shall have the following meanings:

1.1 "Board" or "Governing Board" means the governing body of the Commission.

1.2 “Bonding” means the issuance of “Bonds” and “Bonds” means bonds, notes, certificates of participation or other evidences of indebtedness of the Commission, except as provided herein.

1.3 “Commission” means the Jordan River Commission, the new legal entity created by this Interlocal Cooperation Agreement.

1.4 “Effective Date” means the date the Parties to this Interlocal Cooperation Agreement intend for this Agreement to become effective, and is the date first written above.

1.5 “Governing Body” means the board, commission, council or executive body of a Member to whom a particular decision or governmental action is entrusted by law. For purposes of the financial decisions contemplated by Paragraphs 5.6 and 9.3 of this agreement, “Governing Body“ in a city or county shall mean the city’s or county’s legislative body.

1.6 “Jordan River Blueprint” means a set of guiding principles and standards formally adopted by the Governing Board of the Commission as the principles and standards guiding improvement, use and development of the Jordan River and the lands and wetlands adjoining the river under the jurisdiction of the various local and state governmental entities and may include recommendations to Members and others on how best to set standards for improvement, use and development in the Jordan River Blueprint Study Area. It is the intent of the Parties that the Blueprint Jordan River prepared by Envision Utah and the guiding principles set out therein shall serve as the initial Jordan River Blueprint for the Commission.

1.7 “Members” or “Parties” means the participating counties, municipalities, limited purpose local government entities, and the State of Utah as represented by its participating departments.

1.8 “Ex Officio Members” means entities, associations, or organizations appointed in accordance with Section 5.4.

1.9 “Operation and Maintenance Expenses” means all expenses reasonably incurred by the Commission or paid to any other entity pursuant to contract or otherwise, necessary to fulfill the purposes of this Agreement, including cost of audits hereinafter required, payment of insurance premiums, and, generally all expenses, exclusive of depreciation and other non-cash items which under generally accepted accounting practices are properly allocable to operation and maintenance; however, only such expenses as are ordinary and necessary to the proper and efficient operation of the Commission shall be included.

1.10 “Technical Advisory Committee” or “Technical Committee” means the technical

advisory committee formed pursuant to Article 12 to advise the Governing Board on water quality, environmental, development, engineering, recreation, wildlife, and other technical and relevant issues associated with the Jordan River.

1.11 "Jordan River Blueprint Study Area" means the Jordan River and all lands and wetlands within one-half mile of the river as identified in the Blueprint Jordan River as it currently exists or as it may be amended from time to time.

ARTICLE 2
Purposes

The Original Agreement to create the Commission as a separate legal entity, as provided by the Interlocal Cooperation Act, was entered into and continues in existence by the Members in order to perform the following activities and such others as are authorized by law and approved by the members:

2.1 Encourage and Promote Multiple Uses of the River.

The Commission shall balance access, use, development, ecological value, preservation, restoration and economic benefits in accordance with applicable laws, rules and regulations, and consistent with the fact that the ownership of the river and its adjacent lands and areas are owned or governed by various public and private entities.

2.2 Foster Communication and Coordination.

The Commission shall coordinate communication among agencies and organizations regarding all aspects of land use, water use, water rights, river and river ecosystem protection, recreation, public facilities, and natural resource planning and management that affect the Jordan River and cooperate with state, federal, local governments, as well as private landowners and organizations to implement the purposes and goals of the Commission as adopted in the Jordan River Blueprint as determined by the Board and the "best management practices" developed by its Technical Advisory Committee. The Commission shall coordinate with agencies and entities having jurisdiction over the tributaries of the Jordan River so that the overall health and well being of the River is considered in the activities of those agencies and entities.

2.3 Promote Resource Utilization and Protection.

The Commission shall promote the conservation, restoration and protection of the river's natural resources, including fish and wildlife, riparian habitat, water, water quality,

environmental concerns, and open space.

2.4 Maintain and Develop Recreation Access.

The Commission shall encourage the enhancement of public access to recreational opportunities on and around the river in accordance with the purposes of the Commission and the guiding principles outlined in the Jordan River Blueprint and education and outreach efforts in furtherance thereof.

2.5 Monitor and Promote Responsible Economic Development.

The Commission shall monitor and promote responsible economic activity along the river and in areas affecting the river to promote efficient and orderly development that harmonizes with the aforementioned purposes of the Commission and is in accordance generally with the principles outlined by the Jordan River Blueprint.

2.6 Identify and Secure Funding for the Acquisition of Critical Habitat and Open Space.

The Commission will actively seek public and private funding to be used to acquire critical habitat and open space and to restore vital functioning of the riparian corridor. To that end it may partner with public entities, foundations and other private sources to secure and protect necessary river resources. The Commission shall be authorized to spend Commission and other private and public funding for projects directly benefitting the River regardless of whether those projects are in the Jordan River Study Area.

2.7 Engage in ongoing planning for the Identified Jordan River Blueprint Study Area.

The Commission will engage in a continuing planning process that involves the Members, the Ex Officio Members, other governmental entities and the community to guide development of the river and public and private facilities within the Jordan River Blueprint Study Area.

ARTICLE 3
Term of the Interlocal Cooperation Agreement

The term of this Interlocal Cooperation Agreement shall continue for fifty (50) years from the Effective Date of this Agreement unless this Agreement is sooner terminated by vote of seventy-five percent (75%) of the Members of the Commission or by operation of law.

ARTICLE 4
Creation of the Jordan River Commission

4.1 Independent Legal Entity; Scope.

The Commission became a separate and independent governmental entity on the Effective Date of the Original Agreement pursuant to the provisions of that Agreement and shall continue its operation and existence pursuant to the provisions of that Agreement. The area included for Commission study and action includes the Jordan River Blueprint Study Area as defined in Article 1.

4.2 Headquarters.

The Commission's headquarters shall be located in a Member's geographical boundaries as determined by the Governing Board. The Governing Board may change the location from time to time. The Commission will have a budget as funded by the Board which allows it to hire necessary staff, purchase services from participating governmental entities, and retain the services of necessary legal counsel and consultants in accordance with an annual budget approval by the Board.

ARTICLE 5
Parties to this Agreement

5.1 Initial Membership.

Each signatory to this Agreement hereby contracts with the other signatories of this Agreement to form, and become a Member of, the Commission to accomplish the purposes set forth in Article 2 herein.

5.2 Withdrawal.

Each party to this Agreement acknowledges and agrees that the withdrawal of any Member from this Agreement pursuant to Section 5.6 shall not adversely affect this Agreement nor such party's contractual relationship with any other Party to this Agreement. Withdrawal of a Member does not relieve the Member's obligation to pay its annual dues for current year or its share of obligations, indebtedness, and liabilities incurred prior to withdrawal in accordance with Section 9.3.

5.3 Member Representation on Governing Board.

Membership of the Governing Board shall be made up of the signatories to this Agreement and as noted in Appendix 1 of this Agreement and such Ex Officio members as are admitted pursuant to Section 5.4. These Members shall have voting rights as noted in this Agreement. Counties that have established Municipal Type Services Districts pursuant to UCA 17-34-1 et seq. shall be entitled to two seats on the Governing Board to ensure adequate representation on issues related to unincorporated area land use regulation and county-wide recreational responsibilities.

5.4 Ex Officio Members of the Board.

By a majority vote of the Governing Board, Ex-Officio Members may be appointed or removed from the Board as Ex Officio members. Ex Officio Members shall be selected from other interested parties including recreation organizations; water user organizations; and other public or non governmental organizations. Interested parties may petition the Governing Board to become Ex Officio Members. Ex Officio Members shall be voting members who serve terms of two years and shall pay dues in accordance with Sections 13.1 and 13.3. Ex Officio Membership shall continue for subsequent terms unless terminated by a majority vote of the Governing Board. After the Commission is established and the Governing Board has voted, those appointed to serve as Ex Officio Members of the Board shall be listed in Appendix 1 to this agreement, which Appendix shall be modified as the Governing Board adds to or deletes those who will serve. For every two governmental Members of the Commission, one Ex Officio Member position will be added to the Governing Board. The actual number of Ex Officio Members shall vary from time to time as regular Members join or withdraw from participation in the Commission. An Ex Officio Member may be removed prior to the expiration of the Ex Officio Member's term if a reduction in the total number of Ex Officio Members is required by the withdrawal of a Member. Selection of the Ex Officio Member to be removed shall be by a majority vote of the Governing Board.

5.5 Subsequent Membership.

Public agencies who do not initially approve and become signatories to this Agreement, have withdrawn and wish to reapply, or are newly created municipalities or Limited Purpose Local Government Entities may join and become signatories to this Agreement upon approval of, and pursuant to the conditions established by, the Governing Board.

5.6 Notice of Withdrawal.

A Member, including an Ex Officio Member, may withdraw if the governing body of the Member gives written notice of its intent to withdraw from the Governing Board of the Commission not less than thirty days after the annual budget and dues structure is established for the following fiscal year. Such withdrawal shall take effect on the last day of the current fiscal year. Any such notice shall not affect the obligation of the Member to pay its financial obligations to the Commission for the current fiscal year, including payment of its annual budget commitment. A withdrawal may not materially adversely affect any project or bonds previously approved by the Commission and the governing body of the withdrawing Member. A Member who withdraws its membership shall have no further obligations to the Commission and the Commission shall have no further obligations to the withdrawn Member, except as otherwise expressly provided for herein. The fact that a public agency has previously withdrawn its membership or its membership has been cancelled shall not prohibit said public agency from rejoining the Commission as provided in Section 5.5.

ARTICLE 6
Voting Rights of Members

6.1 Voting by Members and Technical Committee Members.

Each Member of the Governing Board shall be entitled to one vote on the official business that comes before the Board. Technical Committee Members who are not also members of the Governing Board shall not be entitled to vote.

ARTICLE 7
Powers and Authority of the Commission

7.1 Independent Legal Entity; Scope and Location.

The Commission became a separate and independent governmental entity on the effective date of the Original Agreement pursuant to the provisions of that Agreement and the Interlocal Cooperation Act. The Commission shall continue its operation and existence pursuant to the provisions of the Original Agreement. The area for Commission study and action shall include the Jordan River Blueprint Study Area as defined in Article 1.

7.2 Interlocal Cooperation Act Powers.

The Commission shall have all powers granted by the Interlocal Cooperation Act and is hereby authorized to do all acts necessary to accomplish its stated purposes, including, but not limited to, any or all of the following:

7.2.1 To make and enter into contracts consistent with Section 7.5.

7.2.2 To acquire, hold, or dispose of its property, contributions, grants, and donations of property, funds, services, and other forms of assistance from persons, firms, corporations, and governmental entities for projects benefitting the Jordan River and the public interest.

7.2.3 To sue and be sued in its own name.

7.2.4 Except as otherwise provided herein, to lawfully cooperate and/or contract with other entities, Members or Parties to accomplish the purposes of this Agreement.

7.2.5 To exercise all powers necessary and proper to carry out the terms and provisions of this Agreement or otherwise authorized by law.

7.2.6 To borrow money or incur indebtedness, liabilities, or obligations; to issue bonds for the purposes for which it was created; to assign, pledge, or otherwise convey as security for the payment of any such bonds the revenues and receipts from or for the Commission, which assignment, pledge, or other conveyance may rank prior in right to any other obligation except taxes or payments in lieu thereof payable to the State of Utah or its political subdivisions.

7.3 Receive Federal and State Grants and Private Funds.

The Commission is hereby authorized to act as an agency to receive federal and state grants; other grants; or loans on behalf of the members, or funds from private organizations for all planning and development programs and projects which are specifically intended to accomplish the purposes under the Interlocal Cooperation Act and the goals of the Commission.

7.4 The Commission has no Superseding Authority.

The Commission has no authority to nor does it supplant any powers of individual Members as set forth in the Utah Constitution, state law, county or municipal ordinance, or other powers specifically given to them; nor does the Commission have superseding authority over

other government entities and jurisdictions. The Commission shall not have the authority to require alterations of duly adopted plans or decisions of any agency or jurisdiction.

7.5 Contracts.

The Commission may contract generally and, as approved by its Governing Board, enter into contracts or agreements with private organizations, foundations, the federal government, states, counties, municipal corporations, and/or any other governmental agency for any purpose necessary or desirable for dealing with affairs of mutual concern, and/or contract for the provision of services with states, counties, and cities, and to accept all funds resulting therefrom.

7.6 Acquisition of Personal Property.

The Commission may acquire personal property or an undivided, fractional, or other interest in personal property, necessary or convenient for the purposes of the staff of the Commission.

7.7 Acquisition of Real Property.

The Commission may acquire or receive real property or an undivided fractional, or other interest in real property, as approved by the Governing Board, necessary or convenient for the purposes or programs of the Commission.

7.8 Exercise of Powers.

All powers of the Commission shall be exercised pursuant to the terms of this Agreement, its By Laws, and any governing laws.

ARTICLE 8
Responsibilities of the Commission

8.1 Maintain a Jordan River Blueprint.

The Commission shall maintain a Master Jordan River Blueprint (the "Blueprint") that incorporates guiding principles, goals, and standards for the acquisition and protection of open space, the protection of the River, and the development or rehabilitative redevelopment of lands affecting the River. The Blueprint Jordan River and the Salt Lake Water Quality Stewardship Plan shall be guidelines for the Commission's activities. The Blueprint shall be reviewed on a regular basis by the Commission and amended or updated as required. The Commission shall

consider related studies performed by public or private entities in its review of the Blueprint. In no case shall such reviews be performed less frequently than once each five years.

8.1.1 The Blueprint review and adoption process shall achieve the aforementioned purposes of the Commission by:

8.1.1.1 Identifying and securing funding for staff, operations, programs and projects.

8.1.1.2 Creating advisory committees as needed.

8.1.1.3 Gathering information, including hydrology studies, scientific studies and current land use, recreation, transportation, public facilities, water quality, and natural resource management plans.

8.1.1.4 Undertaking studies and assessments to fill in information gaps.

8.1.1.5 Identifying corrective actions needed to restore and/or maintain the ecological integrity of the river, including the chemical, physical, environmental, wildlife, and biological integrity of the Jordan River Blueprint study area.

8.1.1.6 Soliciting public input and participation throughout the process.

8.1.2 The Jordan River Blueprint shall include the following correlated elements:

8.1.2.1 A land use plan which considers Public Trust responsibilities for the management of the river as a basis for making decisions regarding the river and the lands adjacent to it. The Jordan River Blueprint process shall balance economic benefits, public access, use and enjoyment, and protection. It shall develop recommendations for use by public agencies in developing plans for the river and adjacent lands including land use planning coordination.

8.1.2.2 A transportation plan which includes consideration for roads, trails, mass transit, access areas, buffer zones, restrictions and limitations.

8.1.2.3 A natural resources conservation and management plan which includes, but is not limited to, improving the quality of the river and its water in order to

improve all aspects of conservation, recreation, wildlife, riparian interests, wetlands, and open space.

8.1.2.4 A recreation plan which includes consideration for trails, entry points, public access areas and other areas of public interest.

8.1.2.5 A public services and capital facilities plan.

8.1.2.6 A protection plan for the river and critical lands.

8.1.2.7 Prioritization of land and resource acquisition necessary for the protection of the river, development of it as a recreational resource, and protection of the river's ecosystem.

8.1.3 General Plans. The Jordan River Blueprint shall take into consideration the General Plans of public agencies having jurisdiction over the river or its adjacent lands. The Commission shall utilize its Technical Advisory Committee as needed to assist in the preparation of the Jordan River Blueprint.

8.1.4 The Commission shall coordinate the implementation of the Jordan River Blueprint as follows:

8.1.4.1 Have regular publicized meetings to receive input from the public, governmental agencies, private landowners and other organizations and manage the many aspects of implementing, reviewing, and monitoring the Jordan River Blueprint.

8.1.4.2 Establish policies and procedures that assure problem solving, communication, and coordination with governmental agencies that are not Members of the Commission.

8.1.4.3 Ensure public participation is encouraged and solicited.

8.1.4.4 Review governmental agencies currently adopted plans for the Jordan River Blueprint Study Area and recommend additions or changes in conformance with the Jordan River Blueprint. This review will include offering assistance, technical reviews and coordination of all planning and activities that will impact the river and the landholders in the Jordan River Blueprint Study Area.

8.1.4.5 Review governmental agencies' ordinances, rules, standards, and regulations and recommend additions or changes in conformance with the Jordan River Blueprint, upon request of the member government.

8.2 Effect of Vote.

Adoption by vote of the Board shall be the consensus of the Commission and Members and Ex Officio Members should all work in unity to implement measures necessary to carry out that which has been adopted.

8.3 Review of Private Development Proposals.

Upon approval by the Board of processes for the review of private development plans, programs and proposals, including residential, commercial, and recreational developments, ("private submissions"), the Commission will review all such private submissions for lands within one-half mile from the River. The Commission shall review private development proposals as they occur, upon request of the affected Member or the private party. The Commission shall provide timely comments regarding Jordan River Blueprint consistency on the proposed development to the local jurisdiction and the proponent of the development. The Commission may work with the parties to resolve any issues of inconsistency by providing detailed research, suggestions, and advisory and technical support required to bring the private submission into consistency with the Jordan River Blueprint. The comments of the Commission are advisory only and final approval of the specifics of any plan shall be left to the sole discretion of the reviewing agency that has jurisdiction over said submission.

8.4 Review of Proposed Governmental Agency Actions.

Upon approval by the Board of processes for the review of government agency plans, programs, proposals, regulations, ordinances, rules or modifications thereof ("agency submissions"), the Commission will review all such agency submissions that affect lands within one-half mile from the River for consistency with the Jordan River Blueprint. The Commission shall review governmental agency actions as they occur, upon request of the affected Members. The Commission shall provide timely comments regarding Jordan River Blueprint consistency on the proposed proposal to the public agency. The Commission may work with the agency to resolve any issues of inconsistency by providing detailed research, suggestions, and advisory and technical support required to make the agency submission consistent with the Jordan River Blueprint. The comments of the Commission are advisory only and final approval of the specifics of any plan shall be left to the sole discretion of the reviewing agency that has jurisdiction over said submission.

8.5 Adoption of Uniform Ordinances and Standards.

The Commission shall have the power to recommend by resolution, any ordinances, rules, regulations or policies not inconsistent with state law which are necessary, appropriate, or incidental to effectuate the Jordan River Blueprint. The resolutions shall recommend general standards, including but not limited to the following: water quality, subdivision development, zoning, solid waste disposal, sewage disposal, tree removal, development in the river flood plain, outdoor recreation, flood plain protection, soil and sedimentation control, air pollution and watershed protection. Whenever possible without diminishing the effectiveness of the Jordan River Blueprint, the recommended ordinances, rules, regulations and policies shall be confined to matters which are general in nature. The comments of the Commission are advisory only and the specifics of any such matter adopted by a governmental jurisdiction shall be left to the sole discretion of the adopting agency.

8.6 Require the Permanent Conservation of Acquired or Restored Critical Habitat or Open Space.

The Commission shall require that, as soon as is practical, any lands acquired or restored with the use of funds generated by the Commission for the purpose or purposes of critical habitat be permanently preserved through placing an appropriate deed restriction, conservation easement or other like encumbrance that perpetually protects the resources of and on the property. The deed restriction, conservation easement or other like encumbrance shall be held by a third party entity approved of by a vote of the Commission.

8.7 Identify Maintenance Needs.

Continually identify maintenance projects and opportunities for improvements that should be pursued; develop funding, an annual work program, and a long-range strategy to carry out the projects.

ARTICLE 9
Liabilities and Obligations of Members

9.1 Governmental Immunity.

In entering into this Agreement, the Members do not waive, and are not waiving, any immunity provided to the Members or their officials, employees, or agents by the Governmental Immunity Act of Utah, Title 63G, Chapter 7, Utah Code (the "Immunity Act"), or by other law.

9.2 Waiver of Obligations.

This Agreement shall not relieve any Member of any obligation or responsibility imposed upon it by law. However, to the extent of actual and timely performance thereof by the Commission, such performance may be offered in satisfaction of such obligation or responsibility.

9.3 Obligations Special and Limited.

The obligations entered into by each Member pursuant to this Agreement are special limited obligations of each such Member, and nothing herein shall be construed or give rise to a general obligation or liability of any Member or a charge against its general credit or taxing powers. Members may enter into agreements to pledge revenues to finance projects undertaken by the Commission and to secure the bonds issued by the Jordan River Commission to finance such projects. Such pledges shall constitute ongoing financial obligations of the pledging Members only to the extent expressly authorized by the governing body of each Member and as provided for in the agreement authorizing the issuance of the bonds and pledging the revenues of the pledging Member.

9.4 Bonding.

Any Bonds issued or incurred by the Commission shall not constitute a debt of any individual Member, but shall be secured only in the manner set forth herein and pursuant to the terms of the separate agreement entered into by the individual pledging Member authorizing the issuance of the Bonds. There shall be no additional liability or obligation of a Member except as provided in Section 9.3.

9.5 Indemnification.

The Commission shall defend, indemnify, save harmless, and exempt the Members, their officers, agents, and employees from and against all claims, suits, legal proceedings, demands, damages, costs, expenses, and attorneys' fees incident to any willful or negligent acts or omissions by the Commission, its officers, agents, or employees. The Governing Board shall, prior to the commencement of construction of any project undertaken by the Commission provide for risk and liability coverage and payment and performance bonds in such amounts as the Commission deems necessary to insure against risks arising from the undertaking the project.

ARTICLE 10
Governing Board

10.1 Appointment.

There is hereby created a Governing Board of the Commission which shall consist of the following:

10.1.1 Appointed elected officials from each participating county, appointed in accordance with Section 5.3 and each county's respective rules or ordinances governing appointments to Boards;

10.1.2 An appointed elected official from each of the participating municipalities, appointed in accordance with each municipality's respective rules governing appointments to Boards;

10.1.3 An appointed representative of each department, division or agency of the State of Utah participating in the Commission as determined by the executive director of the department, division or agency;

10.1.4 One individual appointed by the Governor of the State of Utah;

10.1.5 A member of the Utah Legislature whose District includes all or a portion of the Jordan River, appointed jointly by the President of the Senate and the Speaker of the House;

10.1.6 An appointed representative of each Ex Officio Member appointed by that organization's governing body; and

10.1.7 An appointed member from each Limited Purpose Local Government Entity appointed in accordance with that entity's adopted policies or procedures

10.2 Terms.

The Governing Board members shall serve until replaced by the respective Member or Ex Officio Member that appointed the Board member or until no longer qualified to serve by virtue of no longer serving as an elected official. Reappointments and replacements should be by appointment of the public agency who appointed the Member being replaced or reappointed.

10.3 Compensation.

Members of the Governing Board shall serve without compensation and have their expenses paid by their appointing agency.

10.4 Leadership.

The Governing Board shall have a Chair, Vice-Chair, and Past Chair elected by and from their members, whose term shall be set in the By Laws.

10.5 Alternates.

The Board representative may send an alternate to act in his or her place at a Board or Executive Committee meeting, except if the Board representative is the Chair, then that Board representative's responsibilities for conducting the meeting or signing documents shall fall to the Vice-Chair.

10.6 Regular Meetings.

The Governing Board should hold regularly scheduled public meetings to accomplish the objectives of the Commission and adopt, amend and repeal By Laws, rules, policies and procedures for the conduct of their affairs. The Board shall hold at least one regular meeting annually. Meetings may be conducted by telephonic or other electronic means of communication. All meetings shall be noticed and conducted in accordance with the Utah Open and Public Meetings Act.

10.7 Minutes.

The Governing Board shall cause to be kept minutes of all meetings of the Board in accordance with the Utah Open and Public Meetings Act. As soon as possible after each meeting, a draft copy of the minutes shall be forwarded to each member of the Board.

10.8 Majority Vote.

The presence of the Board members entitled to cast a majority of the votes of the entire Board shall constitute a quorum for the transaction of business. Unless otherwise requiring a 2/3 or greater vote or a majority vote of all Members, a majority vote of the total votes of the Board members present when a quorum exists, shall constitute action by the Board.

10.9 Notice of Meetings.

Notice to Board members shall be sufficient if delivered in writing, by fax, or by e-mail to the designated representative of the respective Member, at the address, fax number, or e-mail address provided. Public notice of meetings shall be given in accordance with the Utah Open and Public Meetings Act.

10.10 Requests for Information.

The Governing Board shall have an ongoing duty to see that all of its Members are informed regarding all activities of the Commission and, accordingly, shall cause a copy of all materials (unless they are not public records; in which case, notice of their existence shall be given) delivered in the manner it deems appropriate to Board members for meetings of the Board, including meeting agendas and minutes of past meetings, and to such other persons as the Member may request in writing, including each Member's legal counsel. The Executive Director shall promptly respond to all requests for information made by any Member.

ARTICLE 11
Powers and Duties of the Governing Board

The Governing Board shall have the following powers and duties:

11.1 Executive Committee.

The Governing Board shall have the authority to appoint an Executive Committee consisting of members of the Board.

11.1.1 The Executive Committee shall include a Past Chair elected by the Board, the Chair, the Vice-Chair and other members as determined by the Board through its By Laws.

11.1.2 The Board may delegate to the Executive Committee such powers and responsibilities as the Board deems appropriate.

11.1.3 The voting, powers, and responsibilities of the Executive Committee shall be as established in the By Laws of the Commission.

11.1.4 The Governing Board may not delegate the following powers and duties: (i) the election of the Past Chair, Chair and Vice Chairs of the Board; (ii) the election of the group representatives to the Executive Committee; (iii) the power to adopt, modify, and

approve changes in the By Laws and the power to recommend proposed changes to the Agreement that must be approved by the Members' governing bodies; (iv) the power to terminate or dissolve the Commission; and (v) the adoption of budgets, amendment of budgets or the allocation or reallocation of budgeted amounts between budget categories.

11.1.5 Other Committees. The Governing Board shall have the authority to appoint additional committees made up of members of the Governing Board and such other individuals as are approved by the Board. It shall also have authority to establish committees separate and apart from the Technical Committee established in Article 12, to advise and confer with the Governing Board and the Technical Advisory Committee.

11.1.5.1 Membership of the various committees shall be at the will and pleasure of the Governing Board, for time limited or project limited assignments, and are not permanently associated with the Commission.

11.1.5.2 The various committees shall engage in such projects and reviews as assigned by the Governing Board.

11.2 Executive Reports.

The Governing Board shall receive and act upon reports of the Executive Committee and of the Executive Director.

11.3 Executive Director and Staff.

The Governing Board may hire a limited staff including appointing an Executive Director on such terms and conditions as the Board determines appropriate, and may employ such persons as the Board deems necessary for the proper administration of the Commission. The Governing Board shall have the general supervisory and policy control over the day to day decisions and administrative activities of the Executive Director.

11.4 By Laws.

The Governing Board shall adopt By Laws in compliance with state law and as otherwise deemed needed by the Governing Board and thereafter amend the By Laws in compliance with state law. The adoption and any amendments shall be by a seventy-five percent (75%) vote of the Board. Each Member shall receive a copy of the By Laws.

11.5 Rules.

The Governing Board shall have the authority to establish rules governing its own conduct and procedures not inconsistent with the By Laws.

11.6 Records.

The records of the Commission shall be governed by the "Government Records Access and Management Act," Section 63G-2-101, et seq., to the extent applicable, except that the governing body and/or legal counsel of each Member shall have full access to inspect all records and copy public records of the Commission.

11.7 Policies and Procedures.

The Governing Board shall adopt policies and procedures in compliance with state law and as otherwise deemed needed by the Governing Board, and thereafter amend the policies and procedures. The adoption and amendments shall be by a majority vote of the Board. Each Member shall receive a copy of the policies and procedures.

ARTICLE 12
Technical Advisory Committee

12.1 Creation.

There is hereby created a Technical Advisory Committee to the Commission which shall consist of appointed representatives as follows:

12.1.1 One representative from each participating county, appointed in accordance with each county's respective rules governing appointments to Boards;

12.1.2 One appointed representative from each of the participating municipalities listed in Appendix 1, appointed in accordance with each municipality's respective rules governing appointments to Boards;

12.1.3 One appointed representative from the Department of Environmental Quality, Division of Water Quality and each of the following Divisions of the Department of Natural Resources: Division of Wildlife Resources, Division of Forestry, Fire and State Lands; Division of Parks and Recreation; and the Division of Water Resources, as determined by the Department;

12.1.4 One appointed representative of the Jordan Valley Water Conservancy District, appointed by its board;

12.1.5 Three individuals representing the Ex Officio Members appointed by majority vote of the Ex Officio Members.

12.1.6 One member from each local district or public utility designated by the Governing Board for participation on the Technical Advisory Committee. The Governing Board shall choose one or more local districts or utilities operating in the jurisdictions of the Members to represent the interests of all such local districts or utilities.

12.1.7 Additional members as appointed by the Governing Board.

12.2 Terms.

The terms of Technical Advisory Committee members shall be set in the By Laws. Reappointments and replacements shall be by appointment of the public agency who appointed the member being replaced or reappointed or by vote of the Ex Officio Members.

12.3 Compensation.

Members of the Technical Advisory Committee shall serve without compensation by the Commission and shall have their expenses paid by their appointing agency.

12.4 Leadership.

The Technical Advisory Committee shall have a Chair and a Vice-Chair elected by and from their members, whose term shall be set in the By Laws.

12.5 Advice.

The Technical Advisory Committee shall advise the Governing Board with respect to the technical aspects of the Governing Board's work including water rights affecting the River, maintaining or amending the Jordan River Jordan River Blueprint, standards, goals, best management practices and recommendations for uniform rules, regulations, policies and ordinances.

12.6 Meetings.

Unless otherwise provided by By Laws or resolution of the Board, the Technical Advisory Committee shall meet as often as it deems necessary to conduct its business.

12.7 Information Gathering.

The Technical Advisory Committee, on its own initiative or when requested by the Board or Executive Director, shall gather information, investigate the appropriate issues, and make recommendations to the Board.

12.8 Subcommittees.

The Technical Advisory Committee may create subcommittees from among its members and appoint others to work with said committees as it deems necessary to fulfill its purposes and specific assignments.

ARTICLE 13
Funding, Budget, Accounts and Financial Records

13.1 Funding; Investment and Disbursement of Funds.

The Members, including Ex Officio Members, shall contribute based on a formula developed and approved by the Board to cover annual operating expenses, including projects approved by the Board. Other sources of funding could include fees and contributions from other Federal agencies, State agencies, local governments, grants from private individuals or organizations, developers, and businesses. Failure of a Member to provide its contribution shall constitute a breach of this Agreement. The Governing Board shall provide for the investment and disbursement of funds and their periodic review.

13.2 Annual Budget.

The Governing Board shall annually adopt an operating budget pursuant to the provisions of this Agreement, By Laws or policies adopted by the Governing Board and applicable law. The annual budget shall be approved by the Governing Board not less than sixty days prior to the end of the fiscal year. A funding formula for calculating Member contributions and dues established by the Board may be modified by a 2/3 vote of the Commission Members, but such changes shall not take effect until the beginning of a new budget year. The Members recognize and agree that

all individual Member contributions for annual dues or project costs are subject to the availability and appropriation of funds by that Member.

13.3 Funds and Accounts.

The Executive Director shall establish and maintain such funds and accounts as may be required by governmental accounting practices and the State's fiscal procedures act. Financial records of the Commission shall be open to inspection at all reasonable times by Members' representatives and shall be public records if so required by Utah State law.

13.4 Certified Annual Audit.

The Governing Board shall provide for a certified annual audit, or other financial reporting as required by law, of the accounts and records of the Commission, which shall conform to generally accepted accounting standards and requirements set forth by the Utah State Auditor. Such annual audit shall be open for inspection by each Member representative at all reasonable times.

13.5 Executive Director's Responsibility for Funds.

The Executive Director shall have custody of and shall disburse the Commission's funds. The Executive Director shall have the authority to delegate the signatory function to such persons as are authorized by the Governing Board.

13.6 Fidelity Bonds.

Unless otherwise provided for by the Governing Board, a fidelity and/or treasurer's bond may be required of all officers, agents, and personnel authorized to disburse funds of the Commission. The cost of such bond shall be paid by the Commission.

13.7 Financial Records.

The Executive Director shall keep and maintain, or cause to be kept and maintained, adequate and correct financial records, including accounts of its assets, liabilities, receipts, and disbursements, and shall have such other duties as are provided for in the By Laws.

13.8 Selling of Services.

The Executive Director may authorize the sale of the Commission's services, output or products to other entities upon approval of the Board.

ARTICLE 14
Dissolution of the Commission

14.1 Outstanding Indebtedness.

So long as there are any outstanding Bonds or other indebtedness of the Commission, the Commission shall remain a separate legal entity with all of the powers and duties set forth in this Agreement and all of the responsibilities, covenants, and obligations required in the Bond documents.

14.2 Dissolution of the Commission by Vote.

If there are no outstanding Bonds or other indebtedness that cannot be covered by current funds, the Commission may be dissolved with a seventy-five percent (75%) vote of the Members at any time.

14.3 Powers of Governing Board Upon Dissolution.

The Governing Board is vested with all powers necessary for the purpose of winding up and dissolving the business affairs of the Commission consistent with and subject to the limits of this Agreement.

14.4 Division of Assets.

Upon dissolution and after payment in full of all outstanding Bonds and other Commission obligations, the Governing Board shall equitably disburse the assets of the Commission to the then current Members. After deducting costs, any cash or other assets jointly shared shall be disbursed, or interests deeded, pro rata.

ARTICLE 15
Filing of this Interlocal Cooperation Agreement

A copy of this Interlocal Cooperation Agreement shall be placed on file in the office of the Official Record Keeper of each public agency that is a Member hereto and shall remain on file for public inspection during the term of this Agreement.

ARTICLE 16
Miscellaneous Provisions

16.1 Confidentiality.

The Governing Board and Technical Advisory Committee shall take such steps as they deem necessary to protect and keep confidential appropriate information received or kept by it in accordance with the Government Records Access and Management Act. The Members shall protect and keep confidential information kept or received by the Commission during the term of this Agreement and after the termination of their membership in the Commission pursuant to the By Laws or other policies adopted by the Board and consistent with law. Nothing in this section shall be construed to allow the Board, the Technical Advisory Committee, the Officers or employees from withholding information from any Commission Member, so long as the Member agrees to maintain the confidentiality of such information.

16.2 Status of Members' Employees.

When members of the Governing Board and the Technical Advisory Committee, and the employees and agents of the Commission are acting on behalf of the Commission within the scope of their authority, office or employment, they shall be considered to be acting on behalf of their respective public agency employer within the meaning of the Governmental Immunity Act and Section 63G-7-101, et seq., and thus, shall be entitled to indemnification and representation so long as they meet the requirements of said Act.

16.3 Prohibition Against Assignment.

No Member may assign any right, claim, or interest it may have under this Agreement; and no creditor, assignee, or third party beneficiary of any Member shall have any right, claim, or title to any asset of the Commission.

16.4 Severability Clause.

In the event that any article, provision, clause, or other part of this Agreement should be held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability will not affect the validity or enforceability with respect to other articles, clauses, applications, or occurrences, and this Agreement is expressly declared to be severable.

16.5 Complete Agreement.

The foregoing constitutes the full and complete Agreement of the parties. There are no oral understandings or agreements not set forth in writing herein.

16.6 Amendment.

This Agreement may be amended at any time by the written approval of seventy-five percent (75%) of all current Members signatory to it.

16.7 Governing Law.

This Agreement shall be governed according to the laws of the State of Utah.

16.8 Binding Effect.

This Agreement shall bind the parties, their successors and assigns.

16.9 Captions.

The captions to the various Sections of this Agreement are for convenience and ease of reference only and do not define, limit, augment, or describe the scope, content, or intent of this Agreement or any part or parts of this Agreement.

16.10 Time.

Time is of the essence of each term, provision, and covenant of this Agreement.

16.11 Appendices and Exhibits.

The Appendices attached hereto, and those Appendices and Exhibits subsequently attached hereto from time to time by a seventy-five percent (75%) vote of the Governing Board, shall be considered to be a part of this Agreement and binding upon all parties. The parties'

signatures on any Appendices and Exhibits shall be evidence that the same are accepted.

16.12 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

16.13 Breach of Agreement.

The failure of a party to substantially comply with the material terms and conditions of this Agreement shall constitute a breach of this Agreement. A party shall have thirty (30) days after receipt of written notice to correct the conditions specified in the notice, or if the corrections cannot be made within the thirty (30) day period, within a reasonable time if corrective action is commenced within ten (10) days after receipt of the notice. After notice, if corrective action is not taken, the Board may take appropriate action including revocation of the breaching party's membership.

SIGNATURE PAGE

INTERLOCAL COOPERATION AGREEMENT

MODIFYING THE 2010 INTERLOCAL COOPERATION AGREEMENT THAT ESTABLISHED THE

JORDAN RIVER COMMISSION

IN WITNESS WHEREOF, the parties have signed and executed this Interlocal Cooperation Agreement amending the 2010 Interlocal Cooperation Agreement that created the Jordan River Commission, after resolution duly and lawfully passed, on the dates listed on the signatory pages, below, to become effective on the Effective Date, first written above.

[ENTITY]

By_____
[Title]

RESOLUTION NO. R15-57 (12-1-15)

RESOLUTION OF THE CITY OF SARATOGA SPRINGS, UTAH APPROVING THE INTERLOCAL COOPERATION AGREEMENT MODIFYING THE 2010 INTERLOCAL COOPERATION AGREEMENT THAT ESTABLISHED THE JORDAN RIVER COMMISSION

WHEREAS, pursuant to the provisions of the Utah Interlocal Cooperation Act (the "Interlocal Cooperation Act"), Title 11, Chapter 13, Utah Code Annotated (the "Utah Code"), public agencies are authorized to enter into mutually advantageous agreements for joint or cooperative action; and

WHEREAS, the original Interlocal Agreement Establishing the Jordan River Commission was entered into in 2010 to promote protection of the Jordan River, facilitate orderly planning and development in lands and waters adjacent to the Jordan River, and assist in the formulation and implementation of comprehensive plans for the management, protection, and preservation of the Jordan River; and

WHEREAS, the City Council has determined that amendments to the original Interlocal Agreement creating the Jordan River Commission (the "Original Agreement") will facilitate the effective operation of the Commission, reflect changes in state law, and improve the governance of the Commission.

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Saratoga Springs, Utah as follows:

1. The City Council hereby approves that certain Interlocal Agreement attached as Exhibit "A," as presented.

2. The Mayor is authorized to sign said Interlocal Agreement.

3. This Resolution shall take effect immediately.

PASSED AND APPROVED this 1st day of December, 2015

City of Saratoga Springs

_____

Mayor

Attest:

_____

City Recorder's Office

City Council
Staff Report

Author: Jeremy D. Lapin, P.E., City Engineer
Subject: AFCU Road Impact Fee Refund and Settlement Agreement
Date: December 1, 2015
Type of Item: Reimbursement and Settlement Agreement

Description:

A. Topic:

This item is for the approval of a Reimbursement and Settlement Agreement with America First Federal Credit Union for Road Impact Fees that were paid in 2014 with the construction of their Credit Union at 1420 North Commerce Drive in Saratoga Springs, Utah.

B. Background:

The City calculated the Road Impact Fees for the Credit union based on trips for a drive-in bank as estimated from the Institute of Transportation Engineers (ITE) Trip Generation Manual 6th Edition in accordance with the City's adopted Impact Fee Facilites Plan. AFCU appealed the Impact Fee based on the finding that the 9th Edition of the ITE Trip Generation Manual had a lower trip rate for a drive in Bank that the 6th Edition. The City and AFCU agreed that AFCU would pay the current impact fee based on the ITE 6th Edition numbers and conduct a Traffic Count when the site had been open for 6 months to evaluate the Impact Fee.; and

C. Analysis:

AFCU conducted the Traffic Count on Tuesday September 1, 2015. This traffic count showed that the actual traffic was lower that was estimated with the ITE Trip Generation Manual 6th Edition. The City has entered into a reimbursement and settlement agreement with AFCU to settle and fully resolve their dispute over the Impact Fee and to fully and forever release and discharge the City from further claims, disputes, and lawsuits over the Impact Fee.

Recommendation: Staff recommends that the City Council approve the reimbursement and settlement agreement with AFCU to provide the $27,724 ("Refund") based upon the traffic counts and findings provided in the traffic count memorandum prepared by Falcon Traffic dated September 5, 2015

09.16.2015

Memo

To
Jeremy Lapin, P.E.
City Engineer

From
Steven Lord
Project Manager

Re
AFCU Traffic Impact Fee Appeal Review

Purpose and Introduction:

The purpose of this memorandum is to present the findings of a technical review of the Traffic Traffic Impact Fee Appeal – America First Saratoga Springs, Commerce Drive and SR-73 prepared by Falcon Traffic and submitted to the City in September 2015. The review performed on the study included a detailed examination of the assumptions and calculations used to analyze determine the impact of the drive-in bank. The review does not include any grammatical/spelling errors or other errors which have no bearing on the technical outcomes of the report. The review also does not validate any claims in regards to fees paid or owed on the part of the developer and assumes that quoted financial figures are correct. The review is portioned into three sections, which describe the nature of any errors, omissions, or general observations found during the review process. The three sections of the review are as follows:

1. Major Errors/Omissions
   Major errors or omissions are things that may potentially change the results of the study. These will generally include items that if corrected will change conclusions of the study.
2. Minor Errors/Omissions
   Minor errors and omissions will include items that do not change the conclusions and recommendations of the study but may need to be corrected or justified at the City's discretion.
3. Comments and Suggestions
   Comments and suggestions include areas that may need to be clarified or modified to reflect alternative scenarios or assumptions. Comments and suggestions are for the City to review and decide what course of action to take.

Major Errors and Omissions:

There are no major errors or omissions in the report.

Tel 801-763-5100
Fax 801-763-5101
2162 Grove Parkway
Pleasant Grove, UT
www.horrocks.com
stevenl@horrocks.com
HORROCKS ENGINEERS

Minor Errors and Omissions:

There are no minor errors and omissions in the report.

Comments and Suggestions:

All data and analysis appears to have been performed using correct and appropriate traffic engineering principles.

ROAD IMPACT FEE REFUND AND
SETTLEMENT AGREEMENT

This Road Impact Fee Refund and Settlement Agreement ("Agreement") is made this _____ day of November, 2015 by and between City of Saratoga Springs, a Utah municipal corporation ("City") and America First Federal Credit Union ("AFCU"), a federally chartered Credit Union, with reference to the following facts:

RECITALS

WHEREAS, in March of 2014, AFCU paid $88,924 in Road Impact Fees ("Impact Fee") for the construction of their credit union located in Saratoga Springs, Utah at 1420 North Commerce Drive ("Project) based upon City Ordinance 05-19; and

WHEREAS, this Impact Fee was based on trips for a drive-in bank as estimated from the Institute of Transportation Engineers (ITE) Trip Generation Manual 6th Edition; and

WHEREAS, AFCU appealed the Impact Fee based on the finding that the 9th Edition of the ITE Trip Generation Manual had a lower trip rate for a drive in Bank that the 6th Edition; and

WHEREAS, the City and AFCU agreed that AFCU would pay the current impact fee based on the ITE 6th Edition numbers and conduct a Traffic Count when the site had been open for 6 months to evaluate the Impact Fee; and

WHEREAS, this Traffic Count was conducted on Tuesday September 1, 2015 and is attached as "Exhibit A" incorporated herein by reference; and

WHEREAS, Exhibit A shows that the actual traffic was lower that was estimated with the ITE Trip Generation Manual 6th Edition; and

WHEREAS, the parties desire to settle and fully resolve their dispute over the Impact Fee and to fully and forever release and discharge each other from further claims, disputes, and lawsuits over the Impact Fee.

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

AGREEMENT

1. REFUND

City hereby agrees to refund a portion of the Impact Fee paid in the total amount of $27,724 ("Refund") based upon the traffic counts and findings provided in Exhibit A.

2. MUTUAL RELEASE OF CLAIMS

In return for the Refund, the receipt and sufficiency of which is hereby acknowledged and accepted, and for other good and valuable consideration, AFCU hereby fully and completely releases and forever discharges the City, its elected officials, officers, agents, servants, employees, and former elected officials, officers, agents, servants, and employees from any and all claims, damages, and demands of every nature whatsoever which were asserted, could have been asserted, or will be asserted arising out of and pertaining to the Impact Fee.

3. AUTHORITY TO SETTLE; INDEMNIFICATION

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

3.1 has the power to enter into and perform this Agreement;

3.2 is the lawful representative of the parties in the aforementioned Refund and Settlement Agreement; and

3.3 shall indemnify, defend, and hold harmless the City with respect to any future claim for compensation, reimbursement, and credits related to the Impact Fee brought against the City by AFCU or any of its successors or assignees.

4. PARTIES REPRESENTATIVES; NOTICES

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

America First Federal Credit Union
Attn: Operations Services Manager
PO Box 9199
Ogden, Utah 84409

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

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

5. COMPLETE AGREEMENT, MODIFICATION

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

6. SETTLEMENT

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

6.1 voluntarily enters into it of its own free will;
6.2 has had ample opportunity to review this Agreement with legal counsel;
6.3 is a legally incorporated or organized entity,
6.4 has performed all corporate formalities to execute this Agreement; and
6.5 accepts the consideration set forth herein is in full accord and satisfaction of claims which it may have with respect to the subject matter and the Impact Fee.

7. ATTORNEY FEES

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

8. GOVERNMENTAL IMMUNITY

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

9. MISCELLANEOUS PROVISIONS

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

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

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

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

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

For Saratoga Springs:

_____
Mark Christensen, City Manager

ATTEST:

_____
Lori Yates, City Recorder

APPROVED AS TO FORM AND LEGALITY:

_____
Kevin Thurman, City Attorney

For America First Federal Credit Union:

_____
Senior Vice President Operations

STATE OF _____)
) ss.
CITY OF _____)

The foregoing instrument was acknowledged before me this ___ day of November, 2015, by _____.

_____

EXHIBIT A

FALCON TRAFFIC

September 5, 2015

Jeremy D. Lapin, P.E.
City of Saratoga Springs
City Engineer
1307 North St # 200
Saratoga Springs, UT 84045

Re: Traffic Impact Fee Appeal – America First Saratoga Springs, Commerce Drive and SR-73

Dear Jeremy:

The purpose of this letter is to document actual traffic counts to challenge the traffic impact fee that was imposed upon the America First Credit Union. America First paid $88,924 based on the ordinance. The ordinance was based on trips for a drive-in bank from the Institute of Transportation Engineers Trips (ITE Trip Generation 6th Edition). The fee was appealed as based on the ITE Trip Generation 9th Edition had a much lower trip rate for a drive-in bank. It was decided that the fee could be reimbursed based on actual traffic counts after the site had been open for six months. Table One shows the difference between different versions of the ITE Trip Generations.

Table One
ITE Trip Generation
Land Use 912 – Drive-In Bank
(based on 1,000 square feet of Gross Floor Area)

	PM Peak Hour	**Weekday**	**Ratio PM/Weekday**
6th Edition	54.77	265.21	0.21
9th Edition	24.30	148.15	0.16

The ITE data sheets for Land Use 912 – Drive-In Bank, both 6th and 9th Editions are included for your consideration.

It can be seen that the trip rates decreased dramatically in the latest edition of trip rate studies. In the cased of weekday rates, some studies were actually removed from the survey. In the case of the PM Peak Hour, the number of sites increased dramatically (from 29 to 102) and this increase is surveys lowered the standard deviation of the trips. Based on the PM Peak Hour number of studies, it is felt that the 9th Edition is a more reasonable estimate of trips.

It was agreed that the site had been open long enough that traffic counts would be a reasonable representation of typical traffic. While the fee was based on weekday traffic (essentially representing trips over a 24 hour period on a weekday), it was agreed that PM Peak Hour counts could be made and then adjusted to the weekday rate. There was one other issue related to traffic counts. Some traffic cuts through the America First parking lot to access the retail to the east (i.e., Subway, UPS Store, etc). There is also traffic that cuts through in the opposite direction. This is a convenient movement for traffic as it allows them to access the Commerce Drive/SR-73 traffic signal.

This "cut through" traffic is important to separate out as it should not be part of the America First counted trip rate or impact fee calculation for America First. To accomplish this, manual counts were made using a person in lieu of automated counting machines. The counter was then able to determine whether the

9221 South Falcon Way, Sandy, Utah 84093
(801) 395-4054 fax (801) 942-7552

traffic was "cut through" and count it as such. In addition, videos were taken that show the "cut through" traffic, if the City wishes to verify the procedure. The traffic counts that were made on Tuesday, September 1, 2015 are shown in the following table. The counts were made from 4:00 p.m. to 6:00 p.m., but only the peak hour (the highest four consecutive 15 minutes) will be used to determine the actual trip rate. The Peak Hour was from 4:30 to 5:30 p.m. Table Two shows these counts:

Table Two
PM Peak HourTraffic Counts
America First Credit Union – Saratoga Springs
Tuesday, September 1, 2015

Time Period		**North Commerce Drive Access**		**South Commerce Drive Access**		**East Access To Retail**		**Cut Through Traffic**		**Total Traffic**	**America First Traffic**
		In	**Out**	**In**	**Out**	**In**	**Out**	**West to East**	**East to West**		
4:00	4:15	7	8	5	1	2	0	0	4	27	23
4:15	4:30	1	5	4	4	1	3	8	0	26	18
4:30	4:45	8	8	7	3	1	0	4	2	33	27
4:45	5:00	10	11	2	7	2	2	12	2	48	34
5:00	5:15	10	7	8	5	0	0	10	8	48	30
5:15	5:30	7	10	5	4	1	0	2	0	29	27
5:30	5:45	6	5	7	5	0	0	2	6	31	23
5:45	6:00	2	4	3	6	0	0	4	4	23	15
4:00	5:00	26	32	18	15	6	5	24	8	134	102
4:15	5:15	29	31	21	19	4	5	34	12	155	109
4:30	**5:30**	**35**	**36**	**22**	**19**	**4**	**2**	**28**	**12**	**158**	**118**
4:45	5:45	33	33	22	21	3	2	26	16	156	114
5:00	6:00	25	26	23	20	1	0	18	18	131	95

The table also shows that there were a total of 158 trips that used the accesses to the site, but 40 of those trips were "cut through" traffic. From the above table it can be seen that America First generated 118 trips during its peak hour from 4:30 to 5:30 p.m. Based on the America First containing 4.04 units (1,000 square feet), this yields a PM Peak Hour trip rate of 29.21 (118/4.04). This is higher than the ITE 9th Edition projections, but much lower than the 6th Edition that was used for the impact fee.

To convert the America First Peak Hour trips into weekday trips, the ratio of PM/Weekday was used from Table One. The 9th Edition ratio of 0.16 was used as it was felt that the 9th Edition has become more accurate. By dividing the actual PM Peak Hour trip rate (29.21) by the PM/Weekday (0.16), the actual Weekday trip rate for the site would be 182.56. This rate will be reused to calculate the fee.

The fee was paid based on the following:

- 265.21 average weekday trips per thousand square feet of retail - Source: Impact Fee Ordinance based on the Institute of Transportation Engineers (ITE) Trips (ITE Trip Generation 6th Edition).
- The Impact Fee Ordinance converts this into 8.8 ERU's per thousand square feet.
- Based on 4.04 thousand square feet for the bank, 35.57 ERU's were calculated.
- Based on $2,500 per ERU, the road impact fee was that was paid was $88,924.

The fee based on the actual trip rate is as follows:

- 182.56 average weekday trips per thousand square feet of retail - Source: September 1, 2015 traffic counts.
- Based on the ratio of 6th Edition Weekday Trips to Actual Counted trips this converts this into 6.06 ERU's per thousand square feet.
- Based on 4.04 thousand square feet for the bank, 24.48 ERU's were calculated.
- Based on $2,500 per ERU, the road impact fee was that was paid was $61,200.

It is requested that $27,724 be reimbursed to the developer based on the fee adjustment from actual traffic counts as discussed above.

Please contact me with any questions.

Sincerely,

Falcon Traffic Engineering

Randy Wahlen, PE
Principal

9221 South Falcon Way, Sandy, Utah 84093
(801) 395-4054 fax (801) 942-7552

Drive-in Bank
(912)

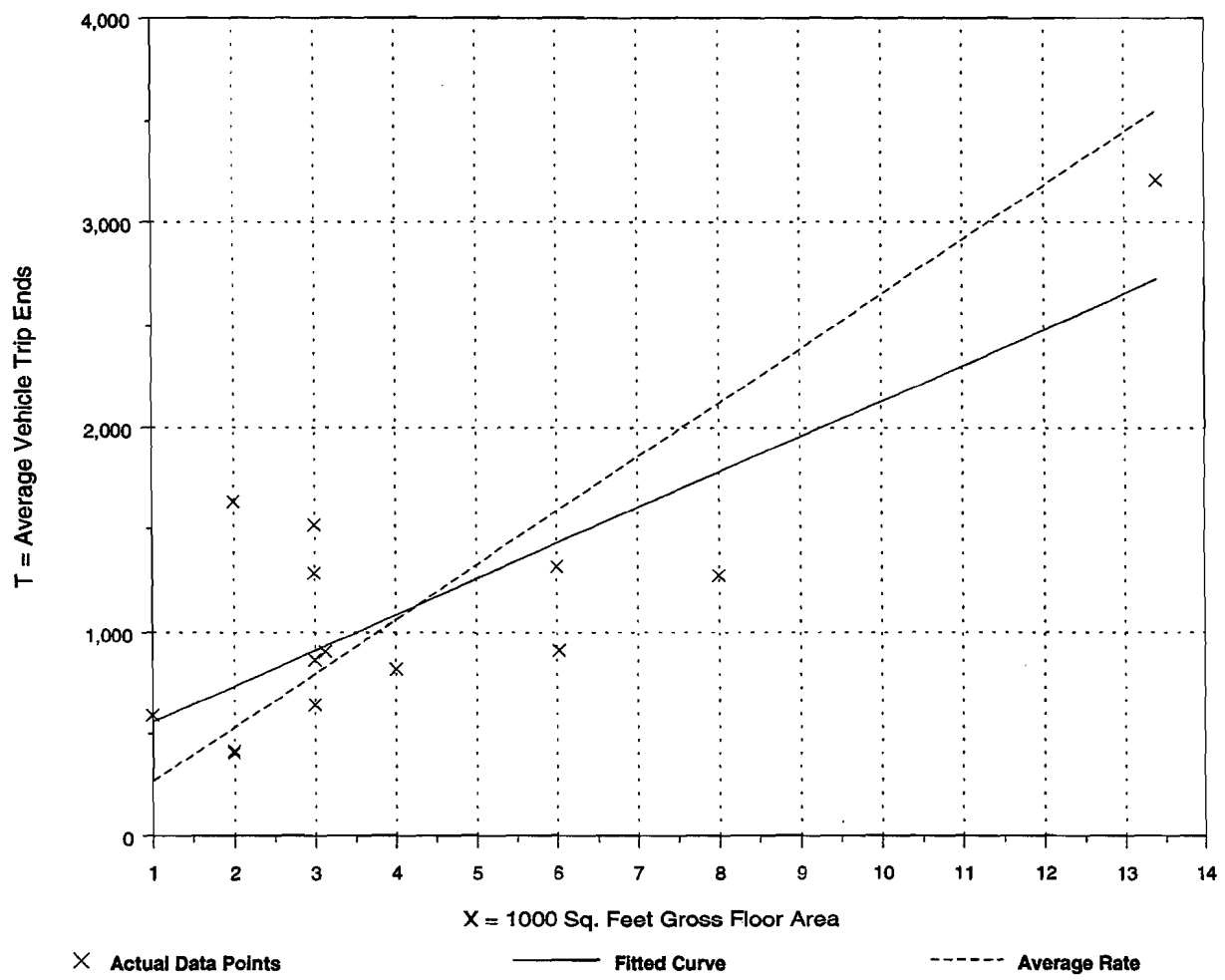
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday

Number of Studies: 14
Average 1000 Sq. Feet GFA: 4
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
265.21	150.86 - 817.00	143.92

Data Plot and Equation



Fitted Curve Equation: T = 174.529(X) + 385.789 $R^2 = 0.63$

Drive-in Bank
(912)

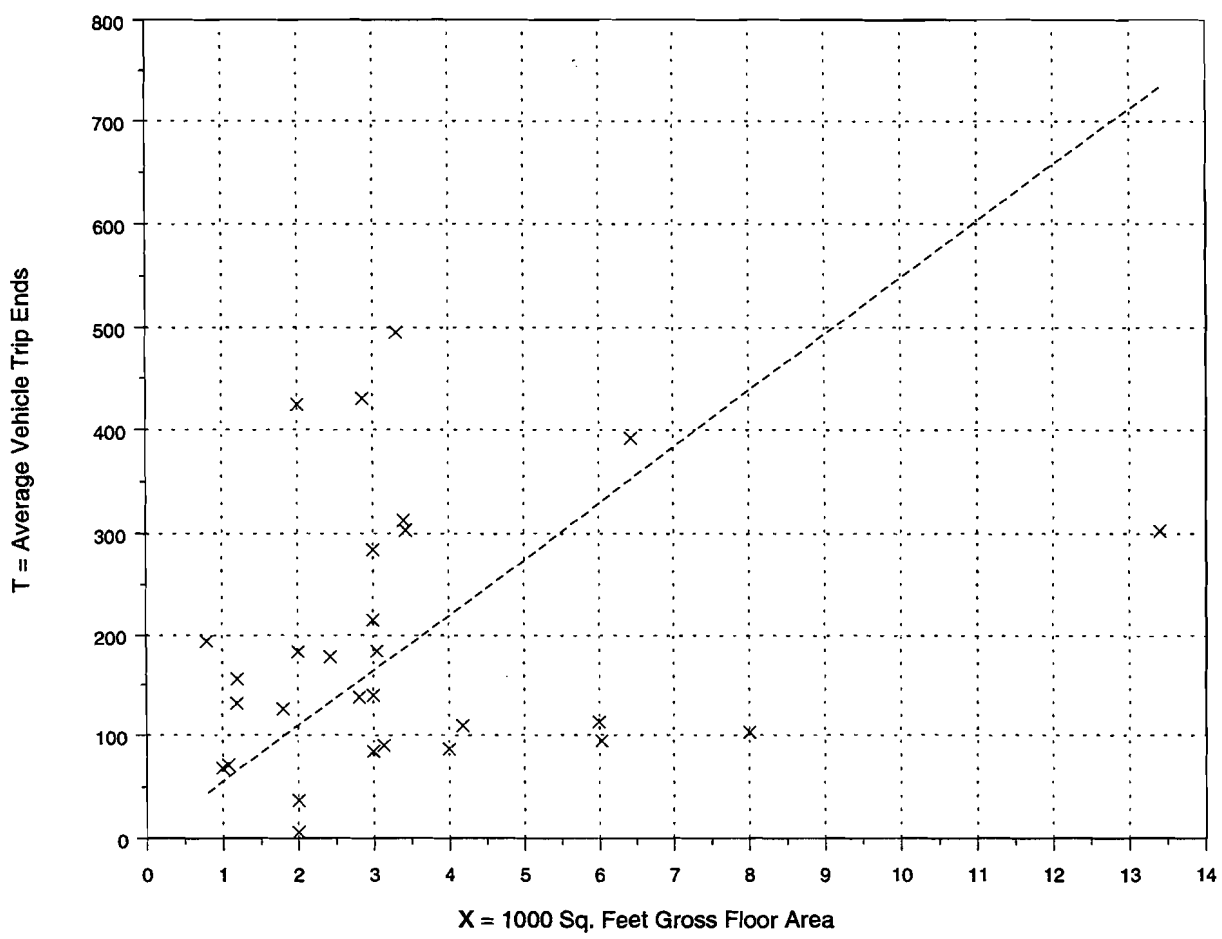
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 29
Average 1000 Sq. Feet GFA: 3
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
54.77	3.00 - 242.50	48.48

Data Plot and Equation



Fitted Curve Equation: Not given

R^2 = ****

Drive-in Bank
(912)

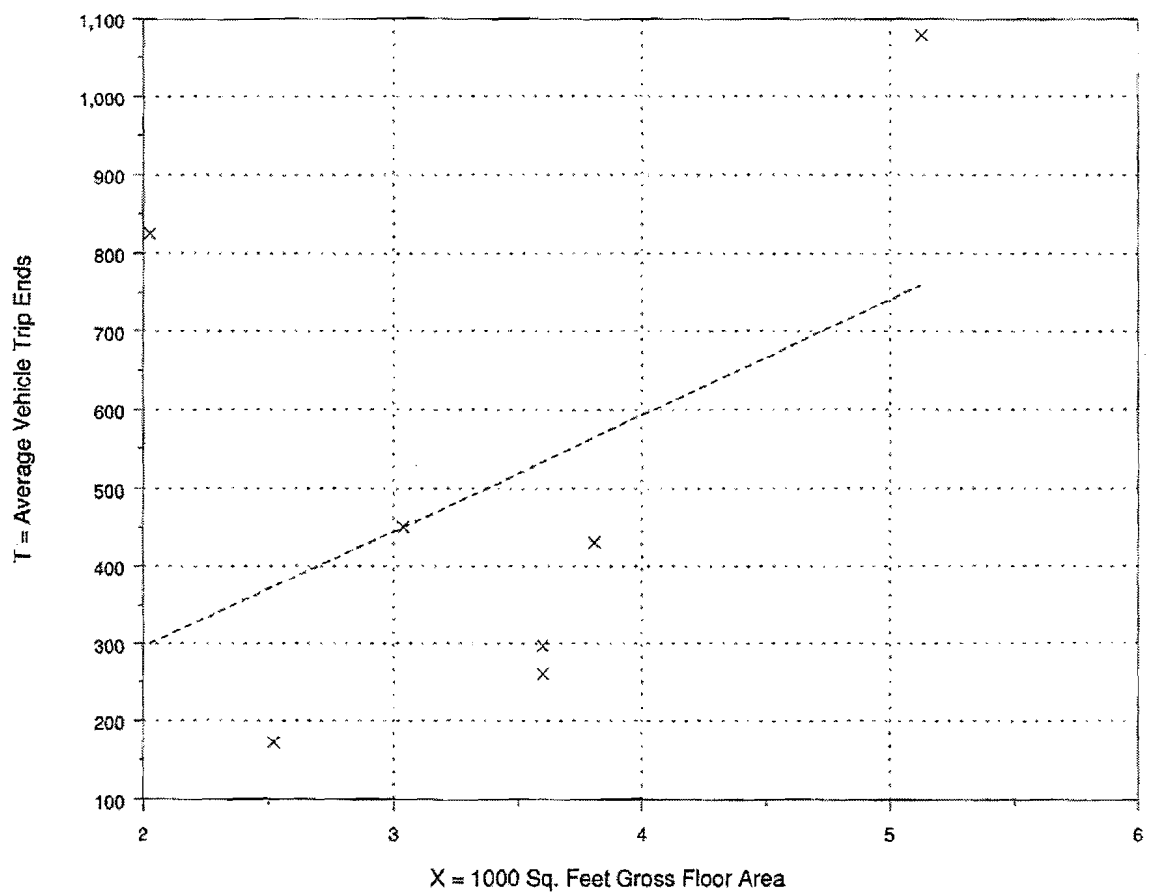
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday

Number of Studies: 7
Average 1000 Sq. Feet GFA: 3
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
148.15	68.23 - 407.21	97.36

Data Plot and Equation



× Actual Data Points

------ Average Rate

Fitted Curve Equation: Not given

R^2 = ****

Drive-in Bank
(912)

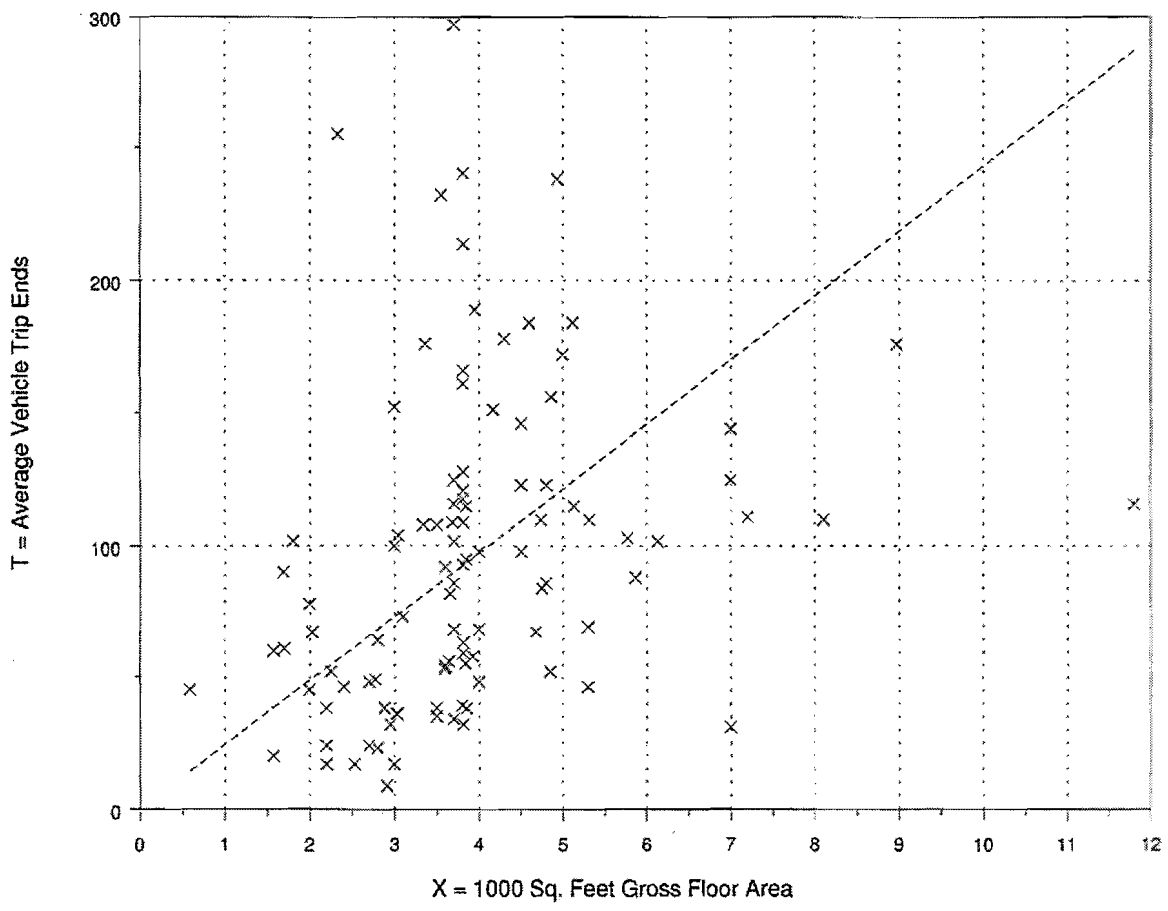
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 102
Average 1000 Sq. Feet GFA: 4
Directional Distribution: 50% entering, 50% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
24.30	3.09 - 109.68	16.24

Data Plot and Equation



× Actual Data Points

------ Average Rate

Fitted Curve Equation: Not given

R^2 = ****

SARATOGA SPRINGS ESTIMATED EQUIVALENT RESIDENTIAL UNITS AND ASSOCIATED IMPACT FEES

Land Use	Unit	ITE Rate/ Daily Trips	Average Trip Distance (miles)	% Pass-By & Internal Capture	Total Vehicle Miles Traveled (VMT)	Equivalent Residential Units (ERU)	Impact Fee/Cost per VMT
Single Family Housing	dwelling unit	10	3	0%	15	1.0	$2,500
Multi-Family Housing	dwelling unit	7	3	0%	11	0.7	$1,750
Convenience Store/ Gas Station/ Fast Food	1,000 Sq. Ft.	845	1	75%	106	7.0	$17,604
Pharmacy	1,000 Sq. Ft.	90	2	50%	45	3.0	$7,500
Specialty Retail	1,000 Sq. Ft.	44	2	25%	33	2.2	$5,500
Grocery Store	1,000 Sq. Ft.	112	2	50%	56	3.7	$9,333
Church	1,000 Sq. Ft.	9	1	25%	3	0.2	$563
Office Building/ Research Park	1,000 Sq. Ft.	11	3	50%	8	0.6	$1,375
Schools & Recreational Facilities	1,000 Sq. Ft.	18	2	50%	9	0.6	$1,500
Mini Warehouse Storage	1,000 Sq. Ft.	3	3	0%	5	0.3	$750
Industrial/ Manufacturing Warehouse	1,000 Sq. Ft.	7	3	50%	5	0.4	$875
Restaurant	1,000 Sq. Ft.	110	2	25%	83	5.5	$13,750
Bank	1,000 Sq. Ft.	265	2	50%	133	8.8	$22,083
Other Retail	1,000 Sq. Ft.	50	2	50%	25	1.7	$4,167

Note: Based on ITE Trip Generation 6th Edition, rounded and generalized by InterPlan Co. using best engineering judgement.

City Council
Staff Report

Author: Jeremy D. Lapin, P.E., City Engineer
Subject: Lakeside Plats 25 - 27 Upsized Improvements Reimbursement Agreement
Date: December 1, 2015
Type of Item: Reimbursement Agreement

Description:

A. Topic:

This item is for the approval of a Reimbursement Agreement with Woodside Homes for the Upsize a sanitary sewer main within Plat 27 of the Saratoga Springs Development.

B. Background:

Woodside Homes has been working with the City to ensure their Infrastructure Designs not only serve their project needs but also address existing issues the City has identified in this area. In review of the City's Sewer Master Plan, the City requested the developer upsize a portion of their sanitary sewer system to provide additional capacity in these systems to meet the needs of this area as growth continues. Staff notified the developer the upsize and potential reimbursement would be subject to approval from the City Council and the Developer has agreed to the proposed upsizing.

C. Analysis:

The Developer has agreed to the requested System Upsizing for an estimated reimbursement through impact fee credits for the following.

Sanitary Sewer	$ 64,742.95

The Lakeside Project Consists of approximately 210 lots covering approximately 71.05 acres. The estimated impact fees that this project will generate based on current fee schedules is as follows:

Sanitary Sewer	$ 134,820

Recommendation: Staff recommends that the City Council approve the reimbursement agreement Woodside Homes to provide the Developer a Sanitary Sewer Impact Fee Credit as satisfaction in whole of any additional expenses incurred by Developer for the proposed Upsized Improvements.

REIMBURSEMENT AGREEMENT AND RELEASE OF ALL CLAIMS

This Reimbursement Agreement and Release of All Claims (hereinafter "Agreement") is made and entered into as of the ___ day of _____, 2015, by and between CITY OF SARATOGA SPRINGS, a Utah municipal corporation, (the "City"), and WOODSIDE HOMES, a Utah corporation (the "Developer").

RECITALS:

WHEREAS, Developer is developing a subdivision within City, which subdivision is commonly referred to as the Lakeside Development Plats 25, 26, and 27 ("Project") Subdivision and contains approximately 210 lots (the "Project"), which is more particularly described in **Exhibit A**, attached hereto and by this reference made a part hereof; and

WHEREAS, the Project requires certain facilities and improvements including Roadway, Water, Irrigation, Sewer, Storm Drain, and other improvements; and

WHEREAS, Developer has agreed to increase the size of certain improvements ("Upsized Improvements") within the Project above and beyond what is required to service the Project, which are more particularly described in **Exhibit B**, attached hereto and by this reference made a part hereof; and

WHEREAS, the Upsized Improvements will provide capacity that benefits neighboring properties and the City; and

WHEREAS, the Upsized Improvements will result in additional costs and the City wishes to provide Developer impact fee credits as consideration and in satisfaction in whole of any additional expenses incurred by Developer relating to the Upsized Improvements that will benefit other neighboring properties and the City;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

AGREEMENT

1. CONSIDERATION

As a compromise and full settlement of all claims which Developer may have against the City, Developer agrees to accept the consideration provided for in this Agreement and to withdraw with prejudice and waive any and all claims it may have against the City for compensation, reimbursement, capacity reservations, and credits with regard to the Upsized Improvements. Developer agrees to comply with the provisions in this Agreement and to install the Upsized Improvements.

2. REIMBURSABLE EXPENSES

Developer and City hereby agree that the following table enumerates in full the estimated additional expenses (and as evidenced by Developer's bid from Jacobson Excavation more particularly described in **Exhibit C**, attached hereto and by this reference made a part hereof) incurred by Developer to install the Upsized Improvements (the "Reimbursable Expenses"):

TABLE A

Increase in Approx. 1,719 LF of Sewer Main from 10-in to 21-in and 24-in:	$47,488.78
Increase in Pipe Zone Material:	$6,583.77
Increase in Trench Backfill Material:	$10,670.40
Total Eligible Reimbursable Expenses:	**$64,742.95**

Subject to the terms of this agreement, Developer agrees to accept a Sanitary Sewer impact fee credit in an amount up to the Total Eligible Expenses of $64,742.95 ("Impact Fee Credit") as satisfaction in whole of City's obligations under this agreement.

3. ADDITIONAL TERMS OF REIMBURSEMENT

In addition to Impact Fee Credit and installation of the Upsized Improvements, Developer and City agrees as follows:

A. Reimbursement shall be primarily based upon the unit prices and quantities specified in Exhibit B. Exhibit B represents plan quantities while final reimbursement shall be based on the actual quantities and measurements of work performed during the installation of the Upsized Improvements as evidenced by material tickets and invoices. In no case shall the City be obligated to reimburse Developer for an item until sufficient evidence is provided as to the actual quantities and prices of the installed and accepted Upsized Improvements. In addition, in no case shall the City be obligated to reimburse Developer for expenses that exceed the total amount of $64,742.95. Further, in no case shall City reimburse Developer for any labor, products, tools, equipment, plant, transportation, services, incidentals, erection, installation costs, overhead, or any item not listed in Exhibit B.

B. Impact Fee Credits may only be used to offset sewer impact fees within the Lakeside Plats 25 -27 ("Project Area") areas more specifically shown on Exhibit A

C. Developer shall receive reimbursement as the work is completed after Developer submits a request for reimbursement and meets the following requirements:

   i. Developer has posted applicable performance and warranty bonds in accordance with City ordinances to guarantee the installation and Workmanship of the Upsized Improvements and to ensure that the Improvements remain in good condition and free from defects for a period of one (1) year, in accordance with City ordinances, regulations, and standards.

   ii. City has approved the Upsized Improvements requested for reimbursement in connection with the standard inspections conducted by City to ensure that the Upsized Improvements are constructed per City standards.

iii. Upon completion of the Upsized Improvements, Developer shall deliver a certified set of as-built plans (in both paper and electronic format) along with the verified actual costs of construction of the Improvements.

4. MUTUAL RELEASE OF CLAIMS

In return for the Impact Fee Credit and installation of the Upsized Improvements, as well as all other promises, covenants, and consideration in this Agreement, the receipt and sufficiency of which is hereby acknowledged and accepted, each party hereby fully and completely releases and forever discharges the other party, its elected officials, officers, agents, servants, employees, and former elected officials, officers, agents, servants, and employees from any and all claims, damages, and demands of every nature whatsoever which were asserted, could have been asserted, or will be asserted by either party arising out of and pertaining to each party's obligations for the Upsized Improvements, including but not limited to any claims for impact fee credits, illegal exactions, reimbursements, or credits because of Developer's installation of the Upsized Improvements.

5. AUTHORITY TO SETTLE; INDEMNIFICATION

As an express condition of this Agreement, the signor below represents and warrants that he and Developer:

5.1 have the power to enter into and perform this Agreement;
5.2 are the lawful representatives of the Developer;
5.3 are the sole owner(s), assignee(s), heir(s), obligor(s), beneficiary(ies), etc. of the Project;
5.4 have not transferred, assigned, or sold, or promised to transfer, assign, or sell their interest in the Project;
5.5 shall indemnify, defend, and hold harmless the City with respect to any future claim related to this Agreement and with respect to any claim against the City for compensation, reimbursement, reservation of capacities, and credits for the installation of the Upsized Improvements brought against the City by any party, person, entity, corporation, homeowners association, government entity, third party, etc.

6. PARTIES REPRESENTATIVES; NOTICES

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

If to Developer:

Woodside Homes
Attn: Garrett Seely
460 West 50 North, Suite 200
Salt Lake City, UT 84101
O: 801.869.4019
C: 801.372.2077
garretts@woodsidehomes.com

If to City:

City of Saratoga Springs
Attn: City Manager – Mark Christensen
1307 N. Commerce Drive, Suite 200
Saratoga Springs, Utah 84045
Telephone: (801) 766-9793
Facsimile: (801) 766-9794

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

7. COMPLETE AGREEMENT, MODIFICATION

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

8. SETTLEMENT

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

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

9. ATTORNEY FEES

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

10. GOVERNMENTAL IMMUNITY

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

11. MISCELLANEOUS PROVISIONS

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

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

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

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

IN WITNESS WHEREOF, the parties hereto have executed this Reimbursement Agreement by and through their respective, duly authorized representatives as of the day and year first above written.

ATTEST:

By:_____
City Recorder

CITY OF SARATOGA SPRINGS

_____
City Manager

Approved as to Form:_____
City Attorney

DEVELOPER

Woodside Homes, a Utah corporation

_____

By:_____
Its:_____

State of Utah)
:ss
County of Utah)

On this _____ day of _____, 20____, personally appeared before me_ _____, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he/she is the authorized representative of Woodside Homes, a Utah corporation and said document was signed by him/her in behalf of said corporation by authority of its bylaws or of a Resolution of its Board of Directors, and he/she acknowledged to me that said corporation executed the same.

_____
Notary Public

Saratoga Springs Composite Description
Encompassing Future Phases25, 26, 27 And
Includes Parcel No. 59-012-0061

A parcel of land located in the Northeast Quarter of Section 12, and the Southeast Quarter of Section 1, Township 6 South, Range 1 West, Salt Lake Base and Meridian, Saratoga Springs, Utah County, Utah, more particularly described as follows:

Beginning at the east quarter corner of Section 12, Township 6 South, Range 1 West, Salt Lake Base and Meridian, and running:

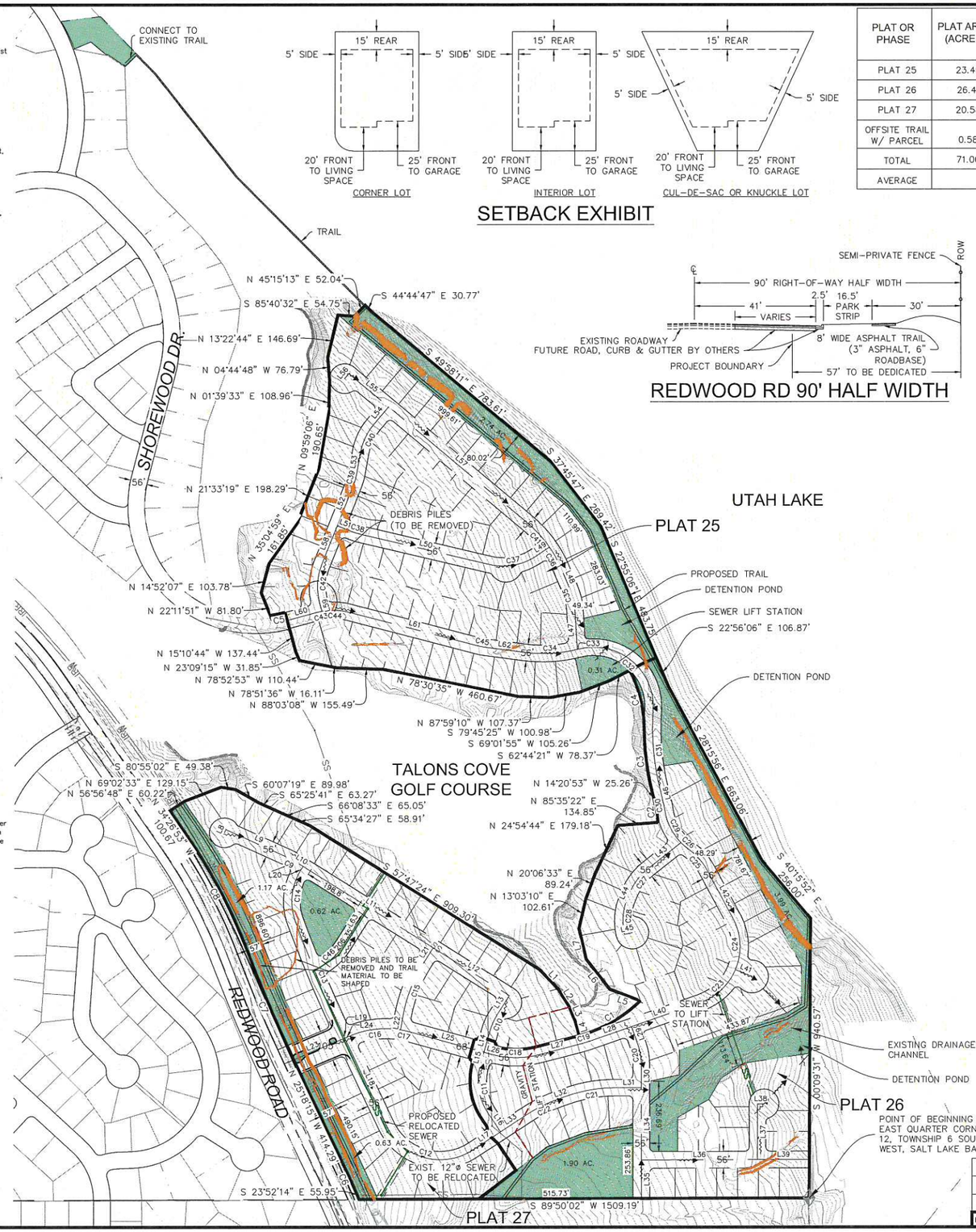
thence South 89°50'02" West along the quarter section line 1,509.19 feet to the east line of State Highway 68 (Redwood Road), thence along said east line the following six (6) courses and distances:
1) North 23°52'14" West 55.95 feet,
2) northwesterly along the arc of a 2,123.00 foot radius tangent curve to the left, the center of which bears South 66°07'46" West, through a central angle of 01°26'02", a distance of 53.13,
3) North 25°18'15" West 414.29 feet,
4) northwesterly along the arc of a 4,967.00 foot radius tangent curve to the right, the center of which bears North 64°41'45" East, through a central angle of 04°33'33", a distance of 395.23,
5) northwesterly along the arc of a 1,833.00 foot radius reverse curve to the left, the center of which bears South 69°15'18" West, through a central angle of 13°42'11", a distance of 438.38 and
6) North 34°26'53" West 100.67 feet;
thence North 56°56'48" East 60.22 feet;
thence North 69°02'33" East 129.15 feet;
thence South 80°55'02" East 49.38 feet;
thence South 60°07'19" East 89.98 feet;
thence South 65°25'41" East 63.27 feet;
thence South 66°08'33" East 65.05 feet;
thence South 65°34'27" East 58.91 feet;
thence South 57°47'24" East 909.30 feet;
thence South 43°39'16" East 90.01 feet;
thence South 31°52'09" East 68.73 feet;
thence South 23°05'15" East 53.40 feet;
thence South 15°35'10" East 52.46 feet;
thence northeasterly along the arc of a 472.00 foot radius non-tangent curve to the left, the center of which bears North 15°25'21" West, through a central angle of 28°57'01", a distance of 238.49 feet;
thence North 69°11'02" West 110.00 feet;
thence North 37°53'52" West 128.29 feet;
thence North 13°19'46" West 106.47 feet;
thence North 13°03'10" East 102.61 feet;
thence North 20°06'33" East 89.24 feet;
thence North 24°54'44" East 179.18 feet;
thence North 85°35'22" East 134.85 feet;
thence northerly along the arc of a 472.00 foot radius non-tangent curve to the left, the center of which bears South 84°53'14" West, through a central angle of 09°14'08", a distance of 76.08 feet;
thence North 14°20'53" West 25.26 feet;
thence northerly along the arc of a 888.00 foot radius tangent curve to the right, the center of which bears North 75°39'07" East, through a central angle of 14°08'54", a distance of 219.28;
thence northerly along the arc of a 422.00 foot radius reverse curve to the left, the center of which bears South 89°48'01" West, through a central angle of 27°38'20", a distance of 203.57 feet;
thence South 62°44'21" West 78.37 feet;
thence South 69°01'55" West 105.26 feet;
thence South 79°45'25" West 100.98 feet;
thence North 87°59'10" West 107.37 feet;
thence North 78°30'35" West 460.67 feet;
thence North 88°03'08" West 155.49 feet;
thence North 78°51'36" West 16.11 feet;
thence North 78°52'53" West 110.44 feet;
thence North 23°09'15" West 31.85 feet;
thence North 15°10'44" West 137.44 feet;
thence westerly along the arc of a 372.00 foot radius non-tangent curve to the right, the center of which bears North 15°10'27" West, through a central angle of 07°43'32", a distance of 50.16 feet;
thence North 22°11'51" West 81.80 feet;
thence North 14°52'07" East 103.78 feet;
thence North 35°04'59" East 161.85 feet;
thence North 21°33'19" East 198.29 feet;
thence North 09°59'06" East 190.65 feet;
thence North 01°39'33" East 108.96 feet;
thence North 04°44'48" West 76.79 feet;
thence North 13°22'44" East 146.69 feet;
thence South 85°40'32" East 54.75 feet;
thence North 45°15'13" East 52.04 feet to the boundary of the "Compromise Elevation Line" as described in that "Agreement of Stipulation and Compromise Regarding Utah Lake Boundary" as recorded January 12, 2000, under Entry No. 3278:2000, in the Office of the Utah County Recorder, thence along said line the following seven (7) courses and distances:
1) South 44°44'47" East 30.77 feet;
2) South 49°58'11" East 783.61 feet;
3) South 37°45'47" East 269.42 feet;
4) South 22°55'06" East 483.75 feet;
5) South 22°56'06" East 106.87 feet;
6) South 28°15'56" East 663.06 feet and
7) South 40°15'52" East 256.00 to its intersection with the Section line and established by the extended line between the found monuments at the East Quarter of Section 12 (dated 1960) and the Meander Corner 822.76 feet along the Section line to the north (dated 1913); thence South 00°09'31" West 940.57 feet along the Section line TO THE POINT OF BEGINNING.

Containing 3,070,418 Square Feet or 70.487 Acres.

30%+ SLOPES

DRAINAGE ARROW

NOTE:
1. NO WETLANDS ARE WITHIN THE DEVELOPED (ROADS AND LOTS) PORTION OF THE PROPERTY.



SETBACK EXHIBIT

REDWOOD RD 90' HALF WIDTH

PLAT OR PHASE	PLAT AREA (ACRES)	LOTS	MINIMUM LOT SIZE (SF)	AVERAGE LOT SIZE (SF)	PERCENTAGE OF BUILDABLE LAND	OPEN SPACE (ACRES)	OPEN SPACE (%)	DENSITY OF DWELLINGS BY ACRE
PLAT 25	23.49	78	7,000	8,510	100%	3.03	12.9%	3.32
PLAT 26	26.41	66	7,000	9,640	100%	5.89	22.3%	2.49
PLAT 27	20.58	65	7,000	8,815	100%	2.46	12.0%	3.16
OFFSITE TRAIL W/ PARCEL	0.58					0.58	100.0%	
TOTAL	71.06	209				11.96	16.8%	
AVERAGE				8,960			16.8%	2.98

Line Table		
Line #	Direction	Length (ft)
L1	S 43°39'16" E	90.01'
L2	S 31°52'09" E	68.73'
L3	S 23°05'15" E	53.40'
L4	S 15°35'10" E	52.46'
L5	N 69°11'02" W	110.00'
L6	N 37°53'52" W	128.29'
L7	N 13°19'46" W	106.47'

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	238.49'	472.00'	28°57'01"	235.96'	N 60°06'08" E
C2	76.08'	472.00'	9°14'08"	76.00'	N 09°43'50" W
C3	219.28'	888.00'	14°08'54"	218.72'	N 07°16'26" W
C4	203.57'	422.00'	27°38'20"	201.60'	N 14°01'09" W
C5	50.16'	372.00'	7°43'32"	50.12'	S 78°41'18" W
C6	53.13'	2123.00'	1°26'02"	53.12'	N 24°35'15" W
C7	395.23'	4967.00'	4°33'33"	395.13'	N 23°01'29" W
C8	438.38'	1833.00'	13°42'11"	437.34'	N 27°35'48" W

Centerline Line Table		
Line #	Direction	Length (ft)
L8	S 24°25'33" W	11.94'
L9	N 65°34'27" W	228.64'
L10	N 57°47'24" W	31.58'
L11	N 57°47'24" W	514.71'
L12	N 57°47'24" W	302.12'
L13	N 32°12'36" E	76.21'
L14	N 15°16'08" E	75.26'
L15	N 15°16'08" E	44.15'
L16	N 33°28'20" W	74.65'
L17	S 56°31'40" W	109.68'
L18	N 25°18'15" W	326.35'
L19	N 25°18'15" W	11.91'
L20	N 32°12'36" E	12.41'
L21	N 32°12'36" E	59.23'
L22	N 09°34'34" E	43.28'
L23	S 66°49'44" W	218.15'
L24	S 66°49'44" W	15.58'
L25	N 74°31'27" W	259.48'
L26	N 74°31'27" W	27.76'
L27	S 75°29'06" W	140.78'

Centerline Line Table		
Line #	Direction	Length (ft)
L28	S 70°41'55" W	143.76'
L29	N 19°10'25" W	64.99'
L30	N 00°10'26" W	78.75'
L31	S 89°49'34" W	85.57'
L32	S 70°22'26" W	27.15'
L33	S 56°31'40" W	102.55'
L34	N 00°10'26" W	243.61'
L35	N 00°10'26" W	128.93'
L36	S 89°49'36" W	389.97'
L37	S 00°10'24" E	187.35'
L38	S 89°49'36" W	22.00'
L39	S 89°49'36" W	175.30'
L40	S 70°41'55" W	243.16'
L41	N 67°17'00" W	60.45'
L42	S 28°15'56" E	185.81'
L43	N 51°27'49" E	141.60'
L44	N 23°10'54" E	20.19'
L45	S 76°48'07" W	27.00'
L46	S 14°20'53" E	25.26'
L47	S 03°29'03" E	133.20'

Centerline Line Table		
Line #	Direction	Length (ft)
L48	S 22°55'06" E	81.94'
L49	N 55°36'50" E	51.16'
L50	S 76°39'55" E	444.03'
L51	S 68°26'41" E	53.28'
L52	S 21°33'19" W	149.59'
L53	S 09°59'06" W	69.15'
L54	S 40°01'49" W	77.68'
L55	S 49°58'11" E	173.65'
L56	N 40°01'49" E	22.00'
L57	S 49°58'11" E	608.24'
L58	S 21°33'19" W	140.85'
L59	S 15°10'27" E	31.50'
L60	N 74°49'33" E	105.13'
L61	S 75°16'48" E	447.32'
L62	S 82°26'48" E	128.70'
L63	N 32°12'36" E	156.72'

Centerline Curve Table		
Curve #	Length	Radius
C9	27.17'	200.00'
C10	59.14'	200.00'
C11	170.14'	200.00'
C12	342.67'	200.00'
C13	413.43'	4782.00'
C14	183.47'	200.00'
C15	197.52'	500.00'
C16	175.78'	300.00'
C17	30.89'	300.00'
C18	157.03'	300.00'

Centerline Curve Table		
Curve #	Length	Radius
C19	41.77'	500.00'
C20	66.32'	200.00'
C21	169.75'	500.00'
C22	120.83'	500.00'
C23	167.49'	200.00'
C24	177.96'	200.00'
C25	91.72'	200.00'
C26	36.24'	200.00'
C27	98.72'	200.00'
C28	126.99'	200.00'

Centerline Curve Table		
Curve #	Length	Radius
C29	121.69'	200.00'
C30	44.06'	500.00'
C31	272.59'	860.00'
C32	376.79'	200.00'
C33	6.54'	500.00'
C34	182.68'	500.00'
C35	67.84'	200.00'
C36	80.06'	400.00'
C37	166.58'	200.00'
C38	28.70'	200.00'

Centerline Curve Table		
Curve #	Length	Radius
C39	40.39'	200.00'
C40	104.88'	200.00'
C41	108.79'	400.00'
C42	128.21'	200.00'
C43	15.22'	200.00'
C44	89.13'	200.00'
C45	25.02'	200.00'
C46	125.14'	200.00'

SCALE (FT)
0 200 400 600

PRELIMINARY
FOR PLANNING PURPOSES ONLY
– NOT FOR CONSTRUCTION –

Rev.	By	Date	Remarks
C	JJS	10/06/14	INTERNAL REVIEW
B	JJS	09/18/14	INTERNAL REVIEW
A	JJS	09/15/14	ISSUED FOR REVIEW

WOODSIDE HOMES

LAKESIDE PLATS 25-27

CONCEPT PLAN

BINGHAM ENGINEERING
SALT LAKE CITY - (801) 532-2520
OGDEN - (801) 399-1662

Dsn: JJS
Drw: JJS
Chk: GM
Rvw: JRL

Sht 1 of 1

Print Date: Created: 09/00/04 Proj. # 5262

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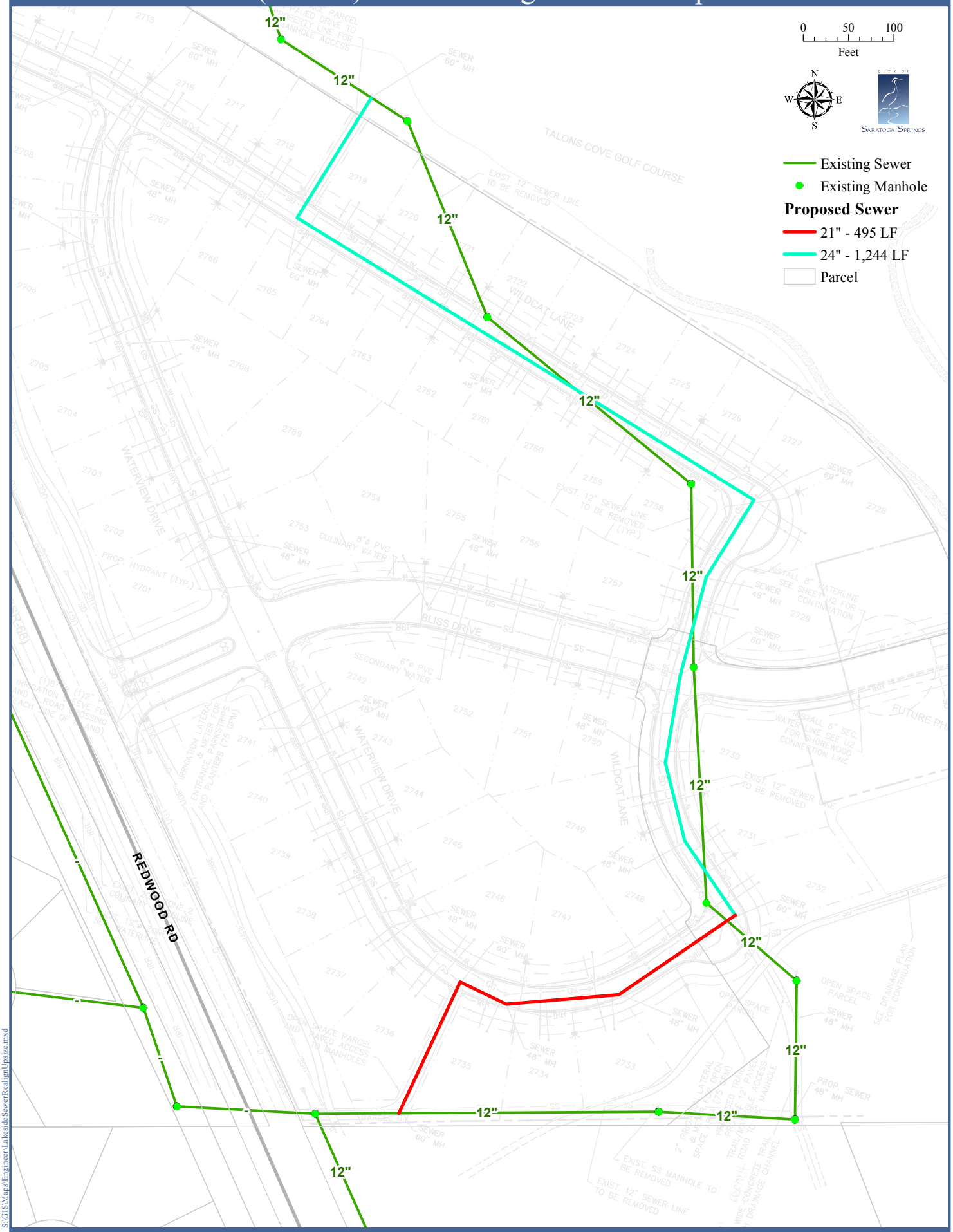
BBB

EXHIBIT B

Lakeside Phase 1 (Plat 27) Sewer Realignment and Upsize



S:\GIS\Maps\Engineer\LakesideSewerRealignUpsize.mxd

3 September 2015

EXHIBIT C

BILLING

To Woodside Homes Of Utah, LLC
460 West 50 North Suite 200
Salt Lake City, Utah 84101

From Jacobson Excavation
579 East Fremont Way
Elk Ridge, Utah 84651

Invoice #: 3
Date: 10/27/2015
Application #: 3
Customer #:
Invoice Due Date: 11/27/2015
Contract: LAKESIDE PLAT 27

Item	Description	Contract Amount	Contract Quantity	Quantity This Period	Quantity JTD	U/M	Unit Price	Amount This Period	Amount To Date	% Complete
	ROADWAY									
1	Excavation (within Plat 27)	$ 10,188.80	2,560.00	0.00	7204.00	CY	$ 3.98	$ -	$ 28,671.92	281.41%
2	Embankment/fill (within Plat 27)	$ 271,276.50	12,030.00	3125.00	3125.00	CY	$ 22.55	$ 70,468.75	$ 70,468.75	25.98%
3	Strip Topsoils (within Plat 27)	$ 30,190.00	301,900.00	0.00	301900.00	SF	$ 0.10	$ -	$ 30,190.00	100.00%
4	Excavation (for Shorewood/Bliss)	$ 15,283.20	3,840.00	0.00	4991.00	CY	$ 3.98	$ -	$ 19,864.18	129.97%
5	Embankment/fill (for Shorewood/Bliss)	$ 149,506.50	6,630.00	3330.00	6630.00	CY	$ 22.55	$ 75,091.50	$ 149,506.50	100.00%
6	Strip Topsoil (for Shorewood/Bliss)	$ 17,186.40	171,864.00	0.00	171864.00	SF	$ 0.10	$ -	$ 17,186.40	100.00%
7	Saw Cut And Replace Existing Asphalt Along Shorewood Drive Waterl	$ 12,001.08	273.00			LF	$ 43.96	$ -	$ -	0.00%
8	Saw Cut Existing Asphalt Along Redwood Road (8" Thick)	$ 1,682.00	1,450.00	0.00	1450.00	LF	$ 1.16	$ -	$ 1,682.00	100.00%
9	Asphalt 3" Thickness For Residential Roadways	$ 133,525.35	78,085.00			SF	$ 1.71	$ -	$ -	0.00%
10	Asphalt 4" Thickness For Bliss Drive Place In Multiple Lifts	$ 83,520.00	36,000.00			SF	$ 2.32	$ -	$ -	0.00%
11	Asphalt 7" Thickness For Redwood Road Place In Multiple Lifts	$ 121,920.00	32,000.00	32000.00	32000.00	SF	$ 3.81	$ 121,920.00	$ 121,920.00	100.00%
12	Asphalt 3" Thickness For Utility Access Roads Place In One Lift	$ 11,398.72	6,368.00			SF	$ 1.79	$ -	$ -	0.00%
13	Concrete 6" Thickness For 12' Wide Access Way	$ 7,494.20	2,020.00			SF	$ 3.71	$ -	$ -	0.00%
14	Concrete 5" Thickness For 8' Wide Trails	$ 15,198.70	4,510.00			SF	$ 3.37	$ -	$ -	0.00%
15	Base 8" Thick For Residential Roadways And Bliss Drive	$ 96,972.25	114,085.00			SF	$ 0.85	$ -	$ -	0.00%
16	Base 6" Thick For Redwood Road, Meeting UDOT Specified Gradation	$ 23,360.00	32,000.00	0.00	32000.00	SF	$ 0.73	$ -	$ 23,360.00	100.00%
17	Base 6" Thick For Utility Access Roads, Meeting UDOT Specified Grad	$ 5,221.76	6,368.00			SF	$ 0.82	$ -	$ -	0.00%
18	Base 8" Thick For Temporary Access Roadway From Bliss Drive Temp	$ 6,670.80	6,540.00			SF	$ 1.02	$ -	$ -	0.00%
19	Temporary Turn Around With 8" Roadbase And Ditch	$ 3,168.00	1.00			EACH	$ 3,168.00	$ -	$ -	0.00%
20	Temporary Turn Around With 8" Roadbase And Ditch	$ 3,427.60	4,510.00			SF	$ 0.76	$ -	$ -	0.00%
21	Base 8" Thick For 12' Wide Concrete Trails	$ 3,232.00	2,020.00			SF	$ 1.60	$ -	$ -	0.00%
22	Sub Base 18" Thick For Roadways	$ 154,014.75	114,085.00			SF	$ 1.35	$ -	$ -	0.00%
23	Sub Base 12" Thick For Redwood Road Imported Granular Material	$ 30,080.00	32,000.00	0.00	32000.00	SF	$ 0.94	$ -	$ 30,080.00	100.00%
24	Sub Base 12" Thick For Utility Access Roads Imported Granular Mater	$ 5,985.92	6,368.00			SF	$ 0.94	$ -	$ -	0.00%
25	24" Highback Curb And Gutter	$ 104,313.80	7,372.00			LF	$ 14.15	$ -	$ -	0.00%
26	24" Reverse Pan Curb And Gutter	$ 4,740.40	280.00			LF	$ 16.93	$ -	$ -	0.00%
27	Handicap Accessible Ramp	$ 7,720.00	4.00			EACH	$ 1,930.00	$ -	$ -	0.00%
28	Flare Drive Approach	$ 1,407.00	1.00			EACH	$ 1,407.00	$ -	$ -	0.00%
29	Flare Drive Approach W ADA Compliant Slopes And Detectable Warni	$ 4,324.00	2.00			EACH	$ 2,162.00	$ -	$ -	0.00%
30	Striping, Complete With Crosswalks, Turn Arrows, Lane Lines, Stop Ba	$ 500.00	1.00			LS	$ 500.00	$ -	$ -	0.00%
31	Stop Sign	$ 1,830.00	6.00			EACH	$ 305.00	$ -	$ -	0.00%
32	Street Sign	$ 2,060.00	4.00			EACH	$ 515.00	$ -	$ -	0.00%
33	Dead End Sign	$ 335.00	1.00			EACH	$ 335.00	$ -	$ -	0.00%
34	Road End Sign	$ 1,380.00	2.00			EACH	$ 690.00	$ -	$ -	0.00%
35	Delineator Sign	$ 180.00	4.00	5.00	5.00	EACH	$ 45.00	$ 225.00	$ 225.00	125.00%
36	Object Markers	$ 586.00	2.00	2.00	2.00	EACH	$ 293.00	$ 586.00	$ 586.00	100.00%
37	Tee Signage	$ 1,980.00	1.00			EACH	$ 1,980.00	$ -	$ -	0.00%
40	Traffic Control (Redwood & Interior)	$ 17,000.00	1.00	1.00	1.00	LS	$ 17,000.00	$ 17,000.00	$ 17,000.00	100.00%
41	Striping (Redwood Road)	$ 3,600.00	1.00	1.00	1.00	LS	$ 3,600.00	$ 3,600.00	$ 3,600.00	100.00%
42	Survey Monuments	$ 7,535.00	11.00			EACH	$ 685.00	$ -	$ -	0.00%
	SEWER									
43	Remove Existing 12" Sewer Main	$ 17,115.00	1,750.00	1648.00	1750.00	LF	$ 9.78	$ 16,117.44	$ 17,115.00	100.00%
44	Remove Existing Sewer Manholes	$ 3,600.00	8.00	7.00	8.00	EACH	$ 450.00	$ 3,150.00	$ 3,600.00	100.00%
45	8" Sewer Main	$ 61,004.15	1,865.00	346.00	1849.00	LF	$ 32.71	$ 11,317.66	$ 60,480.79	99.14%
46	21" Sewer Main	$ 63,550.10	478.00	10.00	488.00	LF	$ 132.95	$ 1,329.50	$ 64,879.60	102.09%
47	24" Sewer Main	$ 194,688.08	1,241.00	10.00	1251.00	LF	$ 156.88	$ 1,568.80	$ 196,256.88	100.81%
48	Trench Stabilization Material, 12" Thickness	$ 19,944.96	1,792.00			LF	$ 11.13	$ -	$ -	0.00%
49	Bedding Material	$ 47,272.96	3,584.00	362.00	3584.00	LF	$ 13.19	$ 4,774.78	$ 47,272.96	100.00%
50	48" Manholes	$ 63,120.00	16.00	1.00	16.00	EACH	$ 3,945.00	$ 3,945.00	$ 63,120.00	100.00%
51	60" Manholes	$ 49,770.00	9.00	1.00	9.00	EACH	$ 5,530.00	$ 5,530.00	$ 49,770.00	100.00%
52	Select Backfill	$ 124,392.24	12,124.00	0.00	12124.00	TON	$ 10.26	$ -	$ 124,392.24	100.00%
53	Dewatering	$ 32,868.00	1.00			LS	$ 32,868.00	$ -	$ -	0.00%
54	4" Laterals, From 8" Main To 15' Into Property	$ 90,000.00	40.00	11.00	40.00	EACH	$ 2,250.00	$ 24,750.00	$ 90,000.00	100.00%
55	4" Laterals, From 21" Main To 15' Into Property	$ 66,700.00	29.00	0.00	29.00	EACH	$ 2,300.00	$ -	$ 66,700.00	100.00%
	RJT 8" Sewer Main	$ (15,327.48)	771.00	0.00	771.00	EACH	$ (19.88)	$ -	$ (15,327.48)	100.00%
	RJT 24" Sewer Main	$ (35,591.88)	1,241.00	0.00	1241.00	EACH	$ (28.68)	$ -	$ (35,591.88)	100.00%
	RJT 48" Manholes	$ (7,035.00)	7.00	0.00	7.00	EACH	$ (1,005.00)	$ -	$ (7,035.00)	100.00%
	RJT 60" Manholes	$ (7,830.00)	5.00	0.00	5.00	EACH	$ (1,566.00)	$ -	$ (7,830.00)	100.00%
	RJT 4" Sewer Laterals	$ (36,498.00)	42.00	0.00	42.00	EACH	$ (869.00)	$ -	$ (36,498.00)	100.00%
	WATER LINE									
56	8" PVC Main	$ 81,646.96	4,058.00	2127.00	2167.00	LF	$ 20.12	$ 42,795.24	$ 43,600.04	53.40%
57	10" PVC Main	$ 72,108.16	2,936.00	2940.00	2940.00	LF	$ 24.56	$ 72,206.40	$ 72,206.40	100.14%
58	8" Gate Valves W/ Valve Boxes	$ 24,245.00	13.00	4.00	5.00	EACH	$ 1,865.00	$ 7,460.00	$ 9,325.00	38.46%
59	10" Gate Valves W/ Valve Boxes	$ 27,995.00	11.00	10.00	10.00	EACH	$ 2,545.00	$ 25,450.00	$ 25,450.00	90.91%
60	Hydrant Assembly 8" Main Complete	$ 39,375.00	7.00	3.00	3.00	EACH	$ 5,625.00	$ 16,875.00	$ 16,875.00	42.86%
61	Hydrant Assembly 10" Main Complete	$ 47,160.00	8.00	6.00	6.00	EACH	$ 5,895.00	$ 35,370.00	$ 35,370.00	75.00%
62	Bedding Material	$ 41,194.66	6,994.00	5067.00	5107.00	LF	$ 5.89	$ 29,844.63	$ 30,080.23	73.02%
63	Select Granular Backfill (for Main)	$ 43,594.74	4,249.00	2000.00	2017.00	TON	$ 10.26	$ 20,520.00	$ 20,694.42	47.47%
64	Laterals 3/4" Poly	$ 103,500.00	69.00	9.00	9.00	EACH	$ 1,500.00	$ 13,500.00	$ 13,500.00	13.04%
65	8" 11.25 Degree Bend	$ 5,640.00	12.00	5.00	5.00	EACH	$ 470.00	$ 2,350.00	$ 2,350.00	41.67%
66	8" 22.5 Degree Bend	$ 2,880.00	6.00	2.00	2.00	EACH	$ 480.00	$ 960.00	$ 960.00	33.33%
67	8" 45 Degree Bend	$ 2,100.00	4.00	1.00	1.00	EACH	$ 525.00	$ 525.00	$ 525.00	25.00%
68	10" 11.25 Degree Bend	$ 10,050.00	15.00	12.00	12.00	EACH	$ 670.00	$ 8,040.00	$ 8,040.00	80.00%
69	10" 22.5 Degree Bend	$ 3,375.00	5.00			EACH	$ 675.00	$ -	$ -	0.00%
70	10" 45 Degree Bend	$ 725.00	1.00	3.00	3.00	EACH	$ 725.00	$ 2,175.00	$ 2,175.00	300.00%
71	8" Tee	$ 1,540.00	2.00	1.00	1.00	EACH	$ 770.00	$ 770.00	$ 770.00	50.00%
72	10" Tee	$ 1,990.00	1.00	1.00	1.00	EACH	$ 1,990.00	$ 1,990.00	$ 1,990.00	100.00%
73	8" Cross	$ 2,168.00	1.00	1.00	1.00	EACH	$ 2,168.00	$ 2,168.00	$ 2,168.00	100.00%

74	10" X 8" Tee	$ 6,516.00	3.00	3.00	3.00	EACH	$ 2,172.00	$ 6,516.00	$ 6,516.00	100.00%
75	10"x8" Reducer	$ 415.00	1.00	2.00	2.00	EACH	$ 415.00	$ 830.00	$ 830.00	200.00%
76	8" Cap	$ 930.00	2.00	2.00	2.00	EACH	$ 465.00	$ 930.00	$ 930.00	100.00%
77	10" Cap	$ 530.00	1.00	1.00	1.00	EACH	$ 530.00	$ 530.00	$ 530.00	100.00%
78	8" MJ Plug	$ 445.00	1.00			EACH	$ 445.00	$ -	$ -	0.00%
79	Connection To Existing Main	$ 620.00	1.00	1.00	1.00	EACH	$ 620.00	$ 620.00	$ 620.00	100.00%
80	Furnish And Install Airvac Assembly	$ 8,880.00	2.00			EACH	$ 4,440.00	$ -	$ -	0.00%
81	Furnish And Install A 2" Blow Off Valve Assembly	$ 9,110.00	2.00	2.00	2.00	EACH	$ 4,555.00	$ 9,110.00	$ 9,110.00	100.00%
	SECONDARY WATERLINE									
82	6" PVC Main	$ 79,934.80	4,070.00	700.00	700.00	LF	$ 19.64	$ 13,748.00	$ 13,748.00	17.20%
83	10" PVC Main	$ 68,019.84	2,892.00	1743.00	3023.00	LF	$ 23.52	$ 40,995.36	$ 71,100.96	104.53%
84	Bedding Material	$ 45,322.62	6,962.00	2443.00	3723.00	LF	$ 6.51	$ 15,903.93	$ 24,236.73	53.48%
85	6" Gate Valves	$ 24,650.00	17.00	6.00	6.00	EACH	$ 1,450.00	$ 8,700.00	$ 8,700.00	35.29%
86	10" Gate Valves	$ 15,270.00	6.00	2.00	8.00	EACH	$ 2,545.00	$ 5,090.00	$ 20,360.00	133.33%
87	Select Backfill (for Mains)	$ 28,933.20	2,820.00	1000.00	2000.00	TON	$ 10.26	$ 10,260.00	$ 20,520.00	70.92%
88	Laterals On 6" Main	$ 101,775.00	69.00	3.00	3.00	EACH	$ 1,475.00	$ 4,425.00	$ 4,425.00	4.35%
89	2" Laterals	$ 3,840.00	2.00			EACH	$ 1,920.00	$ -	$ -	0.00%
90	6" Tee	$ 1,220.00	2.00			EACH	$ 610.00	$ -	$ -	0.00%
91	10" X 6" Tee	$ 3,384.00	3.00	2.00	4.00	EACH	$ 1,128.00	$ 2,256.00	$ 4,512.00	133.33%
92	6" Cap	$ 610.00	2.00	2.00	2.00	EACH	$ 305.00	$ 610.00	$ 610.00	100.00%
93	10" Cap	$ 425.00	1.00	1.00	1.00	EACH	$ 425.00	$ 425.00	$ 425.00	100.00%
94	8" MJ Plug	$ 330.00	1.00	1.00	1.00	EACH	$ 330.00	$ 330.00	$ 330.00	100.00%
95	6" 11.25 Degree Bend	$ 4,290.00	11.00	1.00	1.00	EACH	$ 390.00	$ 390.00	$ 390.00	9.09%
96	6" 22.5 Degree Bend	$ 2,340.00	6.00			EACH	$ 390.00	$ -	$ -	0.00%
97	6" 45 Degree Bend	$ 2,125.00	5.00	2.00	2.00	EACH	$ 425.00	$ 850.00	$ 850.00	40.00%
98	10" 11.25 Degree Bend	$ 8,710.00	13.00	4.00	12.00	EACH	$ 670.00	$ 2,680.00	$ 8,040.00	92.31%
99	10" 22.5 Degree Bend	$ 2,025.00	3.00	1.00	4.00	EACH	$ 675.00	$ 675.00	$ 2,700.00	133.33%
100	10" 45 Degree Bend	$ 725.00	1.00	1.00	1.00	EACH	$ 725.00	$ 725.00	$ 725.00	100.00%
101	6" Cross	$ 2,010.00	1.00	1.00	1.00	EACH	$ 2,010.00	$ 2,010.00	$ 2,010.00	100.00%
102	10" Cross	$ 2,450.00	1.00			EACH	$ 2,450.00	$ -	$ -	0.00%
103	10" X 6" Reducer	$ 390.00	1.00	1.00	2.00	EACH	$ 390.00	$ 390.00	$ 780.00	200.00%
104	Temporary Modified 2" Washout Assembly	$ 2,350.00	1.00			EACH	$ 2,350.00	$ -	$ -	0.00%
105	Blow Off	$ 9,200.00	2.00	1.00	1.00	EACH	$ 4,600.00	$ 4,600.00	$ 4,600.00	50.00%
106	4" Drain Valve	$ 2,855.00	1.00	1.00	1.00	EACH	$ 2,855.00	$ 2,855.00	$ 2,855.00	100.00%
107	2" Air Vac	$ 10,065.00	3.00			EACH	$ 3,355.00	$ -	$ -	0.00%
108	Connection To Existing Main	$ 2,285.00	1.00	1.00	1.00	EACH	$ 2,285.00	$ 2,285.00	$ 2,285.00	100.00%
109	RPZ Backflow Preventer On Culinary Main And Secondary Water Syst	$ 30,885.00	1.00	1.00	1.00	EACH	$ 30,885.00	$ 30,885.00	$ 30,885.00	100.00%
	STORM DRAIN									
110	Redwood Road Drainage Ditch Excavation	$ 18,836.00	1,700.00	1700.00	1700.00	LF	$ 11.08	$ 18,836.00	$ 18,836.00	100.00%
111	Detention Basin	$ 19,835.00	1.00	0.00	1.00	LS	$ 19,835.00	$ -	$ 19,835.00	100.00%
112	15" RCP	$ 90,159.16	2,444.00	2007.00	2007.00	LF	$ 36.89	$ 74,038.23	$ 74,038.23	82.12%
113	18" RCP	$ 19,109.52	486.00	578.00	578.00	LF	$ 39.32	$ 22,726.96	$ 22,726.96	118.93%
114	24" RCP	$ 45,253.20	860.00	870.00	870.00	LF	$ 52.62	$ 45,779.40	$ 45,779.40	101.16%
115	Trench Stabilization Material, 12" Thickness	$ 21,091.35	1,895.00			LF	$ 11.13	$ -	$ -	0.00%
116	Bedding Material	$ 55,713.00	3,790.00	3455.00	3234.00	LF	$ 14.70	$ 50,788.50	$ 47,539.80	85.33%
117	Select Backfill	$ 15,041.16	1,466.00	1466.00	1466.00	TON	$ 10.26	$ 15,041.16	$ 15,041.16	100.00%
118	Inlet Boxes	$ 9,405.00	9.00	9.00	9.00	EACH	$ 1,045.00	$ 9,405.00	$ 9,405.00	100.00%
119	Combination Boxes	$ 47,940.00	12.00	12.00	12.00	EACH	$ 3,995.00	$ 47,940.00	$ 47,940.00	100.00%
120	3' X 3' Temporary Catch Basin	$ 3,570.00	2.00			EACH	$ 1,785.00	$ -	$ -	0.00%
121	Two Way Manholes (4' Round)	$ 34,140.00	12.00	10.00	10.00	EACH	$ 2,845.00	$ 28,450.00	$ 28,450.00	83.33%
122	Three Way Manholes (5' Round)	$ 6,680.00	2.00	4.00	4.00	EACH	$ 3,340.00	$ 13,360.00	$ 13,360.00	200.00%
123	Three Way Manhole (4'x4' Box) And Orifice	$ 6,310.00	1.00	1.00	1.00	EACH	$ 6,310.00	$ 6,310.00	$ 6,310.00	100.00%
124	Construct Storm Drain Manhole Over Existing Culvert	$ 4,490.00	1.00			EACH	$ 4,490.00	$ -	$ -	0.00%
125	Concrete Flared End Section For 15" RCP	$ 2,280.00	2.00			EACH	$ 1,140.00	$ -	$ -	0.00%
126	Concrete Flared End Section For 18" RCP	$ 5,900.00	5.00	6.00	6.00	EACH	$ 1,180.00	$ 7,080.00	$ 7,080.00	120.00%
127	Concrete Flared End Section For 24" RCP	$ 1,265.00	1.00			EACH	$ 1,265.00	$ -	$ -	0.00%
128	Contech CDS4030 8 C Water Treatment System	$ 45,800.00	1.00			LS	$ 45,800.00	$ -	$ -	0.00%
129	Furnish And Install Pyramat Slope Lining	$ 82,799.64	40,194.00			SF	$ 2.06	$ -	$ -	0.00%
130	2 Foot Thick Rip Rap Pad (D50 = 12")	$ 1,700.00	400.00			SF	$ 4.25	$ -	$ -	0.00%
	SWPPP									
131	Install And Maintain SWPPP	$ 43,521.00	1.00	0.00	1.00	LS	$ 43,521.00	$ -	$ 43,521.00	100.00%
	UTILTIY CONDUITS									
132	2" PVC Irrigation Conduit Under Roadways For Irrigation System	$ 488.64	48.00			LF	$ 10.18	$ -	$ -	0.00%
133	Rocky Mountain Power PVC Conduit Under Roadways	$ 642.72	48.00			LF	$ 13.39	$ -	$ -	0.00%
134	6" PVC Irrigation Conduit Under Roadways For Irrigation System	$ 642.72	48.00			LF	$ 13.39	$ -	$ -	0.00%
	POWER									
136	Rocky Mountain Power Trench	$ 48,655.20	7,372.00			LF	$ 6.60	$ -	$ -	0.00%
							Totals:	**$ 1,153,753.24**	**$ 2,125,211.19**	**61.57%**

REMARKS

Please Pay From This Invoice

Total Due This Invoice: $ 1,153,753.24

All accounts due 15th of the month following date of billing. In the event payment is not made by due date, a FINANCE CHARGE of 1.5% per month (ANNUAL PERCENTAGE RATE 18%) will be added.

City Council
Staff Report

Legacy Farms Village Plan 2 Plats 2A, 2B, 2C, 2D, and 2E
Preliminary Plats
Tuesday, December 1, 2015
Public Meeting

Report Date:	Thursday, November 5, 2015
Applicant:	D.R. Horton
Owner:	D.R. Horton, Inc
Location:	SE corner intersection of Redwood and 400 South, to Saratoga Dr.
Major Street Access:	Redwood Road and 400 South
Parcel Number(s) & Size:	66:058:0007, 176.44 acres; 58:041:0185, 5.497 acres Total overall project area: 181.94 acres Total included in proposed plats: ~42.5 acres
Parcel Zoning:	Planned Community (PC)
Adjacent Zoning:	PC and Low Density Residential (R-3)
Current Use of Parcel:	Agriculture
Adjacent Uses:	Agriculture, Residential
Previous Meetings:	Planning Commission Hearing (11/12/2015)
Previous Approvals:	Annexation Agreement (2010) Rezone to PC zone (2010) City Center District Area Plan (2010) Community Plan and Village Plan 1 (PC 6/12/2014 and CC 7/1/2014) Village Plans 2, 3, 4, and 5 (PC 12/11/2401 and CC 1/6/2015) MDA (CC 1/6/2015) Village Plan 1 Plats 1A-1F (PC 3/12/2015 and CC 3/31/2015)
Type of Action:	Administrative
Land Use Authority:	City Council
Future Routing:	N/A
Author:	Kara Knighton, Planner I

A. Executive Summary:

The applicants are requesting approval of preliminary and final plats for the second five subdivision plats of the Legacy Farms project. These five plats cover Village Plan 2, and contain a

total of 199 single family and multi-family units along with ~41 Equivalent Residential Units (ERUs) applied to a school site and church site.

Recommendation:
Staff recommends that the City Council conduct a public meeting, review and discuss the proposed preliminary plats, and choose from the options in Section "H" of this report. Options include approval with conditions on all or some of the plats, continuance of all or some of the plats, or denial of all or some of the plats.

B. Background:
The City Center District Area Plan (DAP) was approved in 2010 following annexation of just under 3000 acres into the City. As part of the annexation agreement and DAP, the 2883 acres is approved and vested for 16,000 residential units and 10,000,000 square feet of non-residential density:

Land Use Table

Type of Land Use	Quantity
Residential Housing	16,000 Units
Non-residential Area	10 million sq. ft.
Equivalent Residential Units	20,620 Units

(*Note: the complete DAP can be found by visiting www.saratogaspringscity.com/planning then clicking on "Master Plans" and then "City Center District Area Plan.")*

1000 Equivalent Residential Units (ERU's) of residential density and 55 ERUs of non-residential density were approved and allocated to the Legacy Farms CP, broken down into five Village Plans:

VP 1	48.94 acres	Max 341 ERUs	All Residential
VP 2	42.58 acres	Max 281 ERUs	239 Residential, ~41 Non-Residential (school, church)
VP 3	40.03 acres	Max 318 ERUs	304 Residential, ~14 Non-Residential (church)
VP 4	28.11 acres	Max 173 ERUs	All Residential
VP 5	22.27 acres	Max 131 ERUs	All Residential (age-restricted community)
Total:	181.93	1244*	1189 Residential*, ~55 Non-Residential

*Cumulative total limited to 1055 ERUs per the CP. Maximums are higher in each VP to enable flexibility in ERU allocation.

Of the 1055 ERUs, a maximum of 239 residential units and ~41 non-residential units were approved within VP2; the next step in development of any units is approval of a subdivision plat or plats.

Planning Commission Hearing and Recommendation
The Planning Commission held a public hearing on November 12, 2015, and voted to forward a positive recommendation with conditions.

Several lots in Plat 2-C are through roads in Plat 2-D, however Plat 2-D cannot be recorded nor roads constructed until the Tickville Wash improvements are complete and FEMA has accepted the improvements. Due to concern over constructing home without guaranteed access, Staff recommended a condition stating:

- "The access for lots 272-274 and 2159 -2176 in Plat 2-C are accessed from roads in Plat 2-D. Plat 2-D shall be recorded prior to or simultaneously with Plat 2-C or the lots may be moved into Plat 2-D."

In their motion, the Planning Commission replaced that condition with:

- "A plat note on Plat 2-C stating that lots 2159-2176 not be issued building permits until the adjacent street access in Plat 2-D, or alternate permanent access, is constructed."

Draft minutes from that meeting are attached, and the recommended conditions of approval for the Council reflect the PC recommendation.

C. Review:

Place Type
The CP designates the entire ~182 acre Legacy Farms development as Traditional Neighborhood, which is described I the DAP as follows:

TRADITIONAL NEIGHBORHOOD

Range of Average Dwelling Units/Acre	5–32 du/ac
Range of Average FAR	0.47–1.04
Range of Open Space	18 - 24%

Open Space Types:

- Plaza
- Entrance park
- Pocket park
- Neighborhood park
- Community park
- Regional park
- School park
- Sports complex
- Special use
- Community garden
- Parkway (Boulevard)
- Greenway

The "ingredients" that make up a Traditional Neighborhood:

Traditional neighborhoods in this district are medium-density residential areas typically comprised of many small lot single-family dwellings, some townhomes and small scale apartments. Houses in these neighborhoods are close enough to the street to encourage interaction among neighbors and create a "front porch" culture. Houses are closer together and on smaller lots than in a master planned subdivision. There are small neighborhood serving parks and connections to trails. Street connectivity is relatively favorable, allowing for a walkable environment and transit options. On-street parking slows traffic and creates a buffer between traffic and pedestrians on the sidewalks.

Density
The CP was approved with a maximum density of 1055 ERUs, with additional limits on a block-by-block basis. VP 2 assigned a maximum of 239 residential units and ~41 non-residential units to the plan, with additional limits on a more detailed block basis. The current application is for 199 residential units, which is below the maximum of 239 permitted in VP 2.

Unit/ Products Types
VP 2 contains the following product types for platting:

- 10,000 sq. ft. lots (minimum required 9,000 sq. ft.)

- 8,000 sq. ft. lots (minimum required 7,200 sq. ft.)
- 6,000 sq. ft. lots (minimum required 5,100 sq. ft.)
- Cottage Lots
- Rear-Loaded Townhomes
- Shared Lane Townhomes
- Twin Home Lots
- School lot
- Church lot

D. Specific Request:

The application contains preliminary and final plats for a total of 199 units and 41 nonresidential ERUs. The 199 single-family and multi-family units are below the potential maximum of 239 Residential units approved in VP2. The 199 units are broken down into five plats, outlined below.

Plat 2-A:

- 11 single-family lots
  - Product type:
    - 10,000 sq. ft. lots (minimum 9,000 sq. ft.) = 9
    - 8,000 sq. ft. lots (minimum 7,200 sq. ft.) = 2
- 2 Open Space Parcels
- 1 Church lot (3.25 acres)

Plat 2-B:

- 9 single-family lots
  - Product type:
    - 8,000 sq. ft. lots (minimum 7,200 sq. ft.) = 9
- 1 School lot (11.37 acres)

Plat 2-C:

- 75 single-family and multi-family lots
  - Product type:
    - 6,000 sq. ft. lots (minimum 5,100 sq. ft.) = 14
    - Cottage lots (minimum 3,400 sq. ft.) = 11
    - Twin Home lots (minimum 3,870 sq. ft.) = 2
    - Shared Lane Townhomes = 12
    - Rear-Loaded Townhomes = 36
- 3 Open Space parcels

Plat 2-D:

- 84 multi-family units
  - Product type:
    - Cottage lots (minimum 3,400 sq. ft.) = 10
    - Twin Home lots (minimum 3,870 sq. ft.) = 8
    - Shared Lane Townhomes = 66

- 2 Open Space parcels

Plat 2-E:

- 18 multi-family units
  - Product type:
    - Shared Lane Townhomes = 18

E. Community Review: This item was noticed prior to the public hearing with the Planning Commission on November 12, 2015 in the *Daily Herald*; and mailed notice sent to all property owners within 300 feet. Public comment was received during the Planning Commission hearing; please see the attached draft minutes for details.

F. General Plan:

The General Plan Land Use map identifies this area as Planned Community, which states:

> k. **Planned Community.** The Planned Community designation includes large-scale properties within the City which exceed 500 acres in size. This area is characterized by a mixture of land uses and housing types. It is subject to an overall Community Plan that contains a set of regulations and guidelines that apply to a defined geographic area. Required Village Plans contain regulations that apply to blocks of land and provide specific development standards, design guidelines, infrastructure plans and other elements as appropriate. Development in these areas shall contain landscaping and recreational features as per the City's Parks, Recreation, Trails, and Open Space Element of the General Plan.

The 2883 acre DAP was approved in 2010 in compliance with the General Plan and the intent of the Planned Community designation. Multi-family development was also approved as part of the DAP, and was therefore vested prior to Proposition 6, which limited some types of future multi-family housing.

The CP was approved in 2014 and VP2 was approved on January 6, 2015 and found to be in compliance with the DAP; the CP includes trail connections and parks in compliance with the related master plans. Both were found to be consistent with the General Plan.

G. Code Criteria:

The property is zoned PC, and is subject to the standards and requirements in Section 19.26 of the Code, and its several sub-section.

19.26.04 – Uses Permitted within a Planned Community District

- The application includes single family and multi-family homes, parks, a school lot, a church lot, and trails. All of these uses are permitted in the PC zone and are subject to the more specific criteria in the CP and VP 2.

CP and VP 2 Standards

The CP outlines high-level standards for the development; while VP 2 calls out more specific standards, the plats are still subject to any specifics in the CP. Lot sizes, lot frontages, lot widths, and setback are identified in VP 2 on a product-type basis. The applicable pages from VP2 for each product type contained in the proposed plats are attached.

- Thoroughfare types and widths: **Complies**. All thoroughfares are included in the CP or VP.
- Block types and density ranges: **Complies**. Each plat is below the maximum density permitted in each Block Type and Transect Zone.
- Intersection types: **Complies**. All intersections are included in the CP or VP.
- Community level pedestrian plans: **Complies**. Proposed pedestrian connections are included.
- Landscaping standards: **Complies with modifications**
    - Tree spacing: Complies. Street trees are planted a maximum of 40' apart.
    - Plant sizes (caliper, height, etc.): Can comply. The Planting Legend does not currently list sizes of the trees and shrubs.
    - Plant species: Complies. All proposed plantings are in the CP.
    - Fencing: Can comply. The applicant is bringing in a piece of semi-private fencing to determine if the gap is sufficient.
    - Complete plans: Complies.
- Open space types: **Complies**. Each type of open space contained in the plats corresponds to a type in the CP and VP.
- Setbacks and product types: **Complies**. Setbacks have been measured for compliance with the appropriate T-zone.
- General architectural categories: **TBD** and will be verified at time of building permit(s) issuance.
- Plat contents: **Complies with conditions**.
    - The data table on Plat 2-D is off by 1 lot. The data table lists 85 lots when only 84 lots are proposed.

Staff has provided the applicant with corrections to meet the requirements of the CP, City Code, and VP 2, including but not limited to the list below:

- Cul-de-sacs shall have a 96' diameter drivable surface, per Fire standards.
- The data table for Plat 2-D shall be changed to reflect the actual 84 units as opposed to the 85 currently listed on the table.
- Provide photometric plans- applicant has stated that plans will be included in resubmittal of complete construction plans. Staff will verify.
- All changes and additional information required by the City Engineer.

Floodplain

A portion of the proposed development is currently in a Special Flood Hazard Area (SFHA). This area is subject to the management regulations of the national Flood Insurance Program (NFIP) and Chapter 18.02 of the City code. The applicants have submitted a Letter of Map Revision (LOMR) application to FEMA for revision to the floodplain maps, based upon infrastructure designed to channel floodwaters and protect the development area. Until this area is removed

by FEMA from the NFIP maps through the LOMR process, the applicants must comply will all provisions of the NFIP program and Chapter 18.02 of the City Code.

The NFIP requires any development within the SFHA have a comprehensive engineering analysis completed. This analysis must be supported by technical data and signed by a registered professional engineer and include a determination of the Base Flood Elevation (BFE) and the impact to the floodplain that the proposed improvements would have. Any structures within the SFHA would be required to have the lowest finished floor a minimum of 1-ft above the BFE. The City Engineer has included conditions in his Staff Report that all City and NFIP requirements be met within the SFHA.

If the applicants do not desire to move forward on development within the SFHA until after the maps are revised by FEMA, they may still record and build those portions of the development that are outside of the identified floodplain.

H. Recommendation and Alternatives:

Staff recommends that the City Council conduct a public meeting on the proposed plats, review and discuss the proposed plats, and choose from the options below for each plat. Separate motions will be needed if different actions are taken on individual plats.

Option 1 – Approval with Conditions on some or all of the plats

"I move to approve the Legal Farms Plats [2A, 2B, 2C, 2D, and 2E] with the Findings and Conditions in the Staff Report."

Findings

1. With required conditions, the applications are consistent with the guiding standards in the Legacy Farms Community Plan as outlined in Section "F" of this report, which section is hereby incorporated by reference. Specifically, the density, unity types, block types, thoroughfares, and other standards are expressly as contained in the Community Plan.
2. With required conditions, the applications are consistent with the specific standards in the Legacy Farms Village Plan 2 as outlined in Section "G" of this report, which section is hereby incorporated by reference. Specifically, the layout, product types, open space, setbacks, and other standards are compliant with the Village Plan.

Conditions:

1. All conditions of the City Engineer shall be met, including but not limited to those in the Staff report in Exhibit "1".
2. No construction drawings for lots in the identified flood plain shall be approved, nor final plats recorded for such lots, until such time as the floodplain map is amended to remove the lots from the floodplain, or the construction drawings are amended to contain all required items for development in a floodplain.
3. All requirements of the Fire Chief shall be met including, but not limited to a 96' cul-de-sac diameter.

4. All buildings over 35' in height shall be fully sprinkled and meet all additional Fire and Building Department requirements.
5. The data table for Plat 2-D shall be changed to reflect the actual 84 units as opposed to the 85 currently listed on the table.
6. Sizes for both trees and shrubs shall be added into the Planting Legend and shall comply with the CP and VP2.
7. Photometric plans shall be provided prior to final plat approval.
8. Semi-private fencing shall comply with the Planning Director requirements prior to final plat approval.
9. Conditions or changes as recommended by the Planning Commission:
    a. Clear sight triangles shall remain clear of objects greater than 3' in height, including tree canopies.
    b. A plat note shall be placed on Plat 2-C stating that lots 2159-2176 shall not be issued building permits until the adjacent street access in Plat 2-D, or alternate permanent access, is constructed.
10. Any other conditions or changes required by the City Council: _____.

Option 2 - Continuance

The City Council may also choose to continue any or all of the items. "I move to **continue** the Legacy Farms Plats [2A, 2B, 2C, 2D, and 2E] to another meeting on [DATE], with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

1. _____
2. _____

Alternative 2 – Denial of all or some of the plats

The City Council may also choose to deny any or all of the Legacy Farms Plats. "I move to deny the Legacy Farms Plats [2A, 2B, 2C, 2D, and 2E] with the Findings below:

1. The plats are not compliant with the Legacy Farms Community Plan, as articulated by the City Council: _____
2. The plats are not compliant with the Legacy Farms Village Plan, as articulated by the City Council: _____

I. Attachments:

1. City Engineer's Report (pages 10-13)
2. Location & Zone Map (page 14)
3. Aerial Photo (page 15)
4. Approved CP Layout (page 16)
5. Approved VP 2 Layout & Conceptual Lotting Plan (page 17-18)
6. Plat 2-A (page 19-20)
7. Plat 2-B (page 21)
8. Plat 2-C (page 22-23)
9. Plat 2-D (page 24-25)
10. Plat 2-E (page 26)

11. T-zones (page 27-31)
12. Proposed Landscape Plan (page 32-33)
13. Product Type Pages from VP 2 (page 34-42)
14. Draft minutes from Planning Commission 11-12-2015 (pages 43-45)
15. Complete CP: www.saratogaspringscity.com/planning, then “Pending Applications” under “Recently Finalized”
16. Complete VP 2: www.saratogaspringscity.com/planning, then “Pending Applications” under “Recently Finalized”

City Council
Staff Report

Author: Jeremy D. Lapin, City Engineer
Subject: Legacy Farms Village Plan 2 Plats 2A, 2B, 2C, 2D, and 2E
Date: December 1, 2015
Type of Item: Preliminary and Final Plat Approval

Description:

A. Topic: The Applicant has submitted a Preliminary and Final Plat application. Staff has reviewed the submittal and provides the following recommendations.

B. Background:

Applicant:	*D.R. Horton*
Request:	*Preliminary/Final Plat Approval*
Location:	*SE corner intersection of Redwood and 400 South, to Saratoga Dr.*
Acreage:	*181.94 acres - 241 lots*

C. Recommendation: Staff recommends the approval of preliminary and final 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.

A. The Preliminary and Final Plats and Construction Drawings shall be compliant with the approved Community Plan and Village Plan for this area as well as 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.

B. The Construction Drawings shall include phasing plans for improvements, utilities, erosion control plans, and open space improvement plans. Phasing plan shall also illustrate the phasing of the frontage improvements along 400 South.

C. Developer shall complete the half-width improvements along 400 South (Collector) as per the City's Transportation Master Plan (TMP) and Engineering standards and specifications.

D. Developer shall complete all recommendations of the submitted Traffic Impact Study prepared by Hales Engineering applicable to this phase of the project.

E. A schematic layout for the proposed the elementary school and church sites shall be included with any proposed points of access or utility stubs or laterals to be installed with this project to ensure their proposed location is consistent with the Site Plan and in accordance with City Standards.

F. The project shall comply with the recommendations of the Traffic Study Memorandum from Hales Engineering dates 4-2-2014 and Addendum #1 dated June 17, 2014 including providing left turn lanes for the elementary school. If the road is to be constructed before the location of the accesses are known, a left turn lane shall be provided for the entire primary frontage and extend a sufficient distance past the frontage to provide adequate queuing lengths.

G. A portion of the proposed development is currently in a Special Flood Hazard Area (SFHA). This area is subject to the management regulations of the National Flood Insurance Program (NFIP) and Chapter 18.02 of the City Code. A LOMR to remove this area from the Flood Plain will be required through FEMA before any lots can be recorded in any area currently shown within the FEMA 100-yr flood plain including Zone “A” which is identified as those areas having a 1% annual chance flood event with no defined base flood elevation.

H. The developer shall obtain an Army Corp of Engineers (ACOE) 404 permit for any portion of the project that may disturb wetlands or fall under the ACOE jurisdiction prior to beginning construction and must comply with all local, state, and federal laws.

I. Developer shall provide a geotechnical report and hydrologic/hydraulic storm drainage calculations for the 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 and must be cleaned to remove 80% of Total Suspended Solids and all hydrocarbons and floatables.

J. All roads shall comply with the City’s TMP be designed and constructed to City and AASHTO standards, and shall incorporate all geotechnical recommendations as per the applicable soils report. Road cross sections shall match either the ones in the City’s adopted Engineering Standards and Specifications or the Community Plan/Village Plan and must also comply with international fire code requirements. Intersection spacing along 400 south and on all internal roads shall comply with the spacing standards identified in the City’s adopted TMP or as otherwise specified in the community or village plan.

K. Road names and coordinates shall comply with current city ordinances and standards.

L. Project trails and open space designs shall comply with the Community Plan or the City's adopted Parks, Recreation, Trails, and Open Space Master Plan if not specifically addressed in Community Plan.

M. Park strips less than 9' in width shall only be planted with trees appropriate for narrow areas and that will not damage the sidewalk as they grow. Trees shall be located in areas that do not conflict with driveways or other points of access.

N. Open Space areas that will maintained by the City must be designed in accordance with City Standards and the City's Engineering Standards and Specifications.

O. Developer shall prepare and submit signed easements for all public facilities not located in the public right-of-way. Sewer and storm drains shall be provided with a minimum of 20' wide easements and water and irrigation lines a minimum of 10' wide easements centered on the facility. Utility lines may not be closer than 10' apart from each other or from any structure. Developer shall provide 12' access roads and 20' wide access easements to any location where access is required outside the ROW such as sewer or storm drain manholes. Utility mains outside of the ROW shall be located in common or dedicated open space acres and shall not be located in private lots and must be a minimum of 20' from any building or structure. Such easements must be recorded prior to receiving occupancy on any unit in the plat with which the easement is associated.

P. All street lighting and any other lighting proposed to be dedicated to and maintained by the City shall comply with the current City standards and specifications. All lighting shall be full-cutoff style and meet all other City and IESNA standards.

Q. Project shall comply with all ADA standards and requirements.

R. Utilities including water, irrigation, sewer and storm drain and shall not be located within any lot residential lot boundary (except for laterals).

S. Lots shall not contain any sensitive lands; all sensitive lands must be placed in protected open space.

T. 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.

U. No parking stalls are permitted in the Public ROW. On street parking parallel to the

roadway/curb may be permitted where not specifically prohibited but any parking area constructed adjacent to the public ROW may only install a drive approach within the public ROW with all portions of the parking area and stalls completely outside of the ROW.

V. Photometric plans shall be provided for all common areas and parking areas to verify compliance with the City Standards as well as with the Community and Village Plans.

W. Street Lighting locations and lighting designs/details shall be provided for all shared lanes.

X. No private drainage improvements including swales and detention basins may be located within the public ROW.

Y. Construction Drawings shall include plans for the re-vegetation and stabilization of all disturbed areas.

Z. Developer shall provide end of road and end of sidewalk signs per MUTCD at all applicable locations.

AA. Developer shall provide plans for and complete all improvements within pedestrian corridors.

BB. Developer may be required by the Saratoga Springs Fire Chief to perform fire flow tests prior to final plat approval and prior to the commencement of the warranty period.

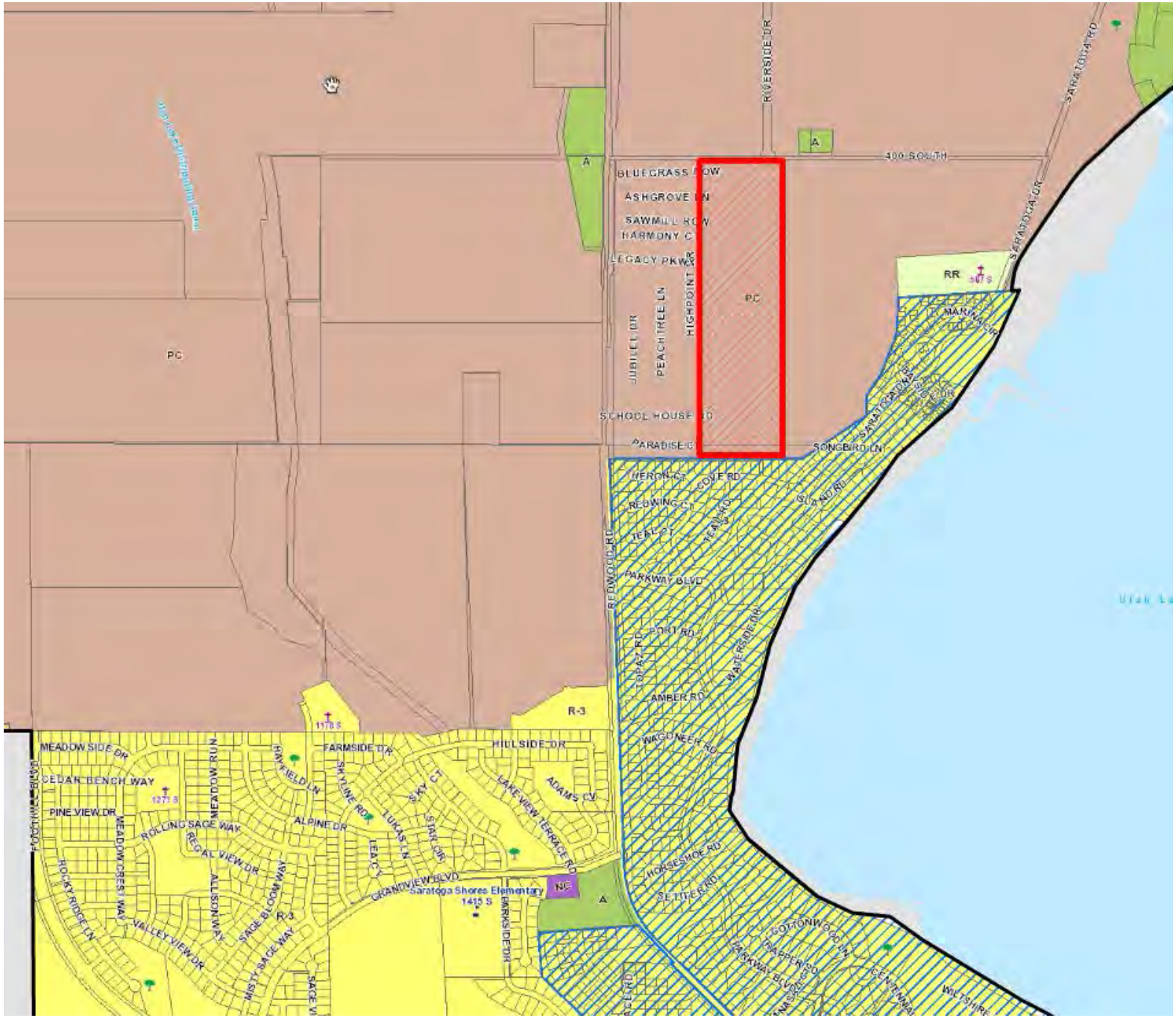
CC. Submittal of a Mylar and electronic version of the as-built drawings in AutoCAD format to the City Engineer is required prior acceptance of site improvements and the commencement of the warranty period.

DD. The Cul-de-sac design shall have a minimum diameter of ninety-six feet of drivable surface to comply with the international fire code, latest edition.

EE. All waterline valves shall be located within landscaped areas, no valves shall be located in ADA ramps or other paved areas.

FF. Nothing taller than three feet shall exist in the clear-site triangles at the intersections as specified in the City's Land Development Code.

Exhibit 2

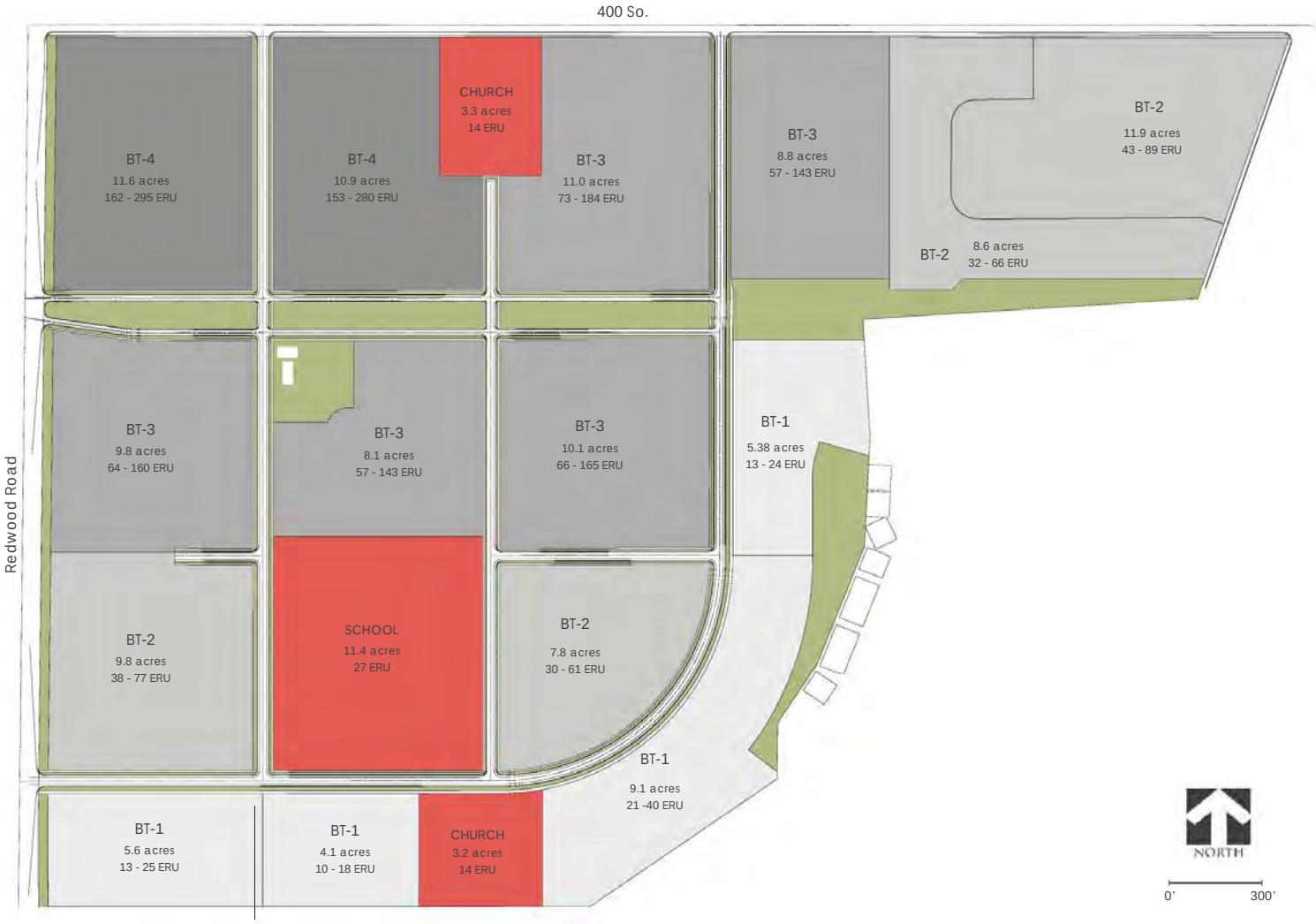

RIVERSIDE DR
SARATOGA RD
400 SOUTH
A
BLUEGRASS ROW
ASHGROVE LN
SAWMILL ROW
HARMONY CT
LEGACY PKWY
HIGHPOINT DR
PEACH TREE LN
JUBILEE DR
PC
RR
MARINA DR
SCHOOL HOUSE LN
PARADISE CT
SONGBIRD LN
VERON CT
COVE RD
REDWING CT
TEAL CT
TEAL RD
SCAND RD
PARKWAY BLVD
REDWOOD RD
PORT RD
TOPAZ RD
WATERSIDE DR
AMBER RD
WAGONEER RD
R-3
MEADOW SIDE DR
CEDAR BENCH WAY
PINE VIEW DR
MEADOW RUN
FARMSIDE DR
HILLSIDE DR
HAYFIELD LN
PIPELINE RD
ADAMS CV
LAKE VIEW TERRACE RD
ALPINE DR
ROLLING SAGE WAY
REGAL VIEW DR
LUKAS LN
SKY CT
SKY DR
LEA CT
GRANDVIEW BLVD
Saratoga Shores Elementary
NC
HORSESHOE RD
SETTLER RD
ROCKY RIDGE LN
MEADOW CREST WAY
VALLEY VIEW DR
ALLISON WAY
SAGE BLOOM WAY
MISTY SAGE WAY
BARKSIDE DR
COTTONWOOD LN
TRAPPER RD
PARKWAY BLVD
CENTENNIAL
WILTSHIRE

3875

LEGACY FARMS

Village Plan #2

Community Plan



	Block Type	Acres	% (181.9 ac.)	ERU's
	BT-1	24.3	13.4	
	BT-2	38.1	20.9	
	BT-3	47.9	26.3	**1,000 (Residential)** **55 (Non-Residential)**
	BT-4	22.5	12.3	**Total Maximum = 1,055 ERUs**
	Civic Space	17.9	9.9	
	Community Open Space	13.4 *	7.4	
	Community Plan Roads	17.8	9.8	

Note:
* Does not include open space contained within block types. Overall open space will range between 18 - 24% per the requirements of the Saratoga Springs City Center District Area Plan

EXHIBIT 3

EXHIBIT 4: VILLAGE PLAN 2

LEGACY FARMS

Village Plan 2

T1	T2	T3	T4	T5
N/A	4 ERU per gross acre	10 ERU per gross acre	24 ERU per gross acre	34 ERU per gross acre

T3R	T4R	T5R
8 ERU per gross acre	12 ERU per gross acre	28 ERU per gross acre

T4SL
24 ERU per gross acre

Transect Sub-District Assignments

Transect Zone	Acres	% of Gross Area	Max. ERU
T2	2.60	6%	
T3-R	1.53	4%	
T3	2.51	6%	
T4-R	2.62	6%	
T4-SL	2.74	6%	
T4	2.32	6%	
T5-R	0.71	1%	**Total Maximum =**
T5	0	0%	281 ERU's
Civic	14.62	35%	
O.S.	8.25	19%	
Thoroughfares	4.68	11%	
Totals	42.58	100%	

LEGACY FARMS

Village Plan #2

CONCEPTUAL LOTTING PLAN

Product

- 10,000 s.f. lots
- 8,000 s.f. lots
- 6,000 s.f lots
- Cottage
- Front-Load Cottage
- Twin Homes
- Townhomes
- Rear-Loaded Towns

The lotting diagram on this page is conceptual in nature and subject to change. Changes in residential products must comply with the criteria established in each designated transect sub-district zone.

EXHIBIT 6

LEGACY FARMS PLAT 2-A

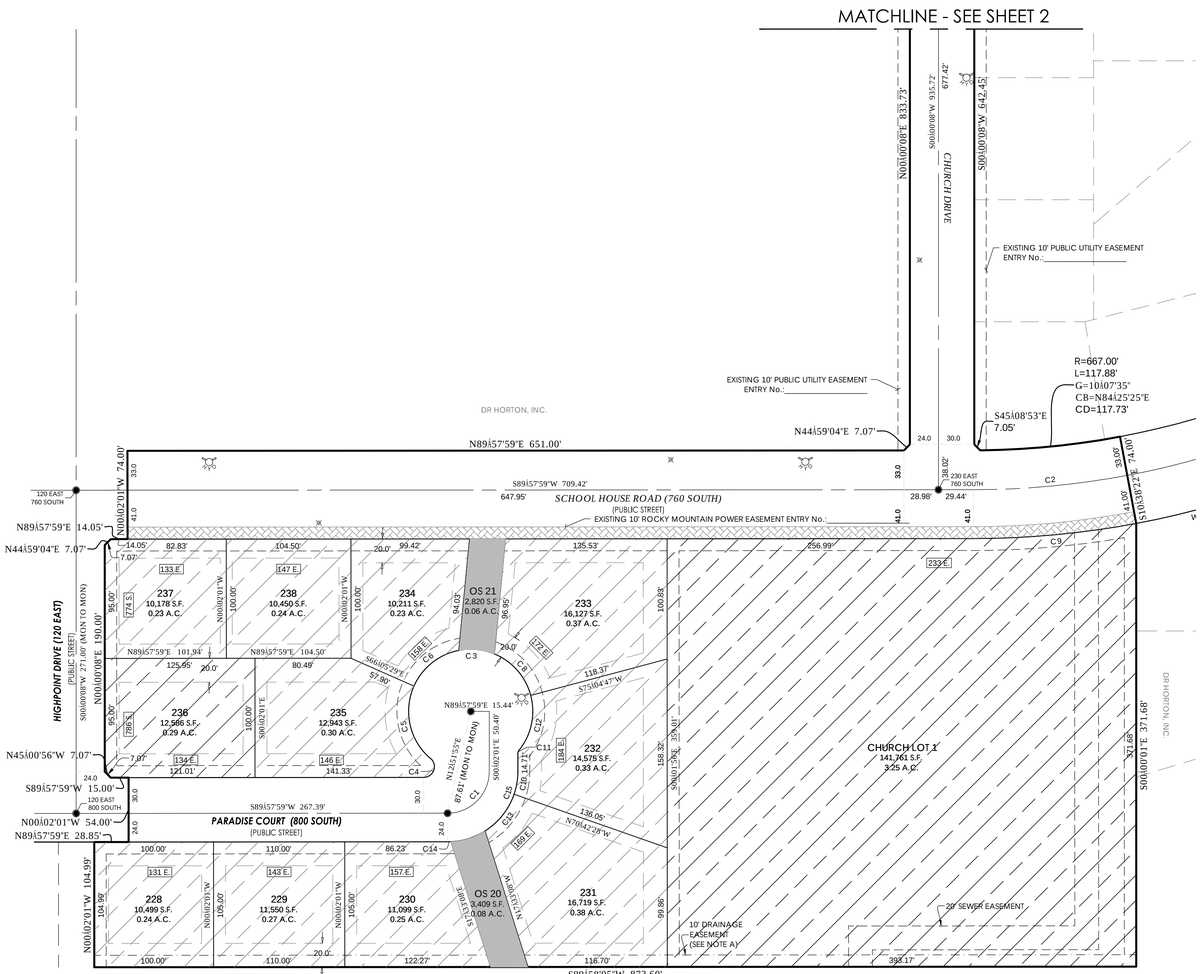
VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, AND PORTIONS OF THE
NORTHEAST QUARTER OF SECTION 35
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

GRAPHIC SCALE

0 30 60 120 240

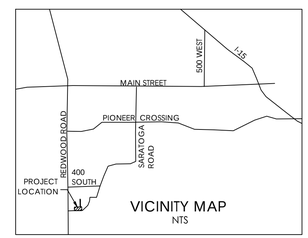
(IN FEET)
1 inch = 60 ft.



HOA WILL OWN PARCELS:
(see Plat Note 8)
OS 20
OS 21

PLAT NOTES:

1. PLAT MUST BE RECORDED WITHIN 24 MONTHS OF FINAL PLAT APPROVAL BY CITY COUNCIL. FINAL PLAT APPROVAL WAS GRANTED ON THE _____ DAY OF _____, 20 _____.
2. THE INSTALLATION OF IMPROVEMENTS SHALL CONFORM TO ALL CITY RULES, ORDINANCES, REQUIREMENTS, STANDARDS, AND POLICIES REGARDING THE DEVELOPMENT OF THIS PROPERTY.
3. PRIOR TO BUILDING PERMITS BEING ISSUED, SOIL TESTING STUDIES MAY BE REQUIRED ON EACH LOT AS DETERMINED BY THE CITY BUILDING OFFICIAL.
4. PLAT MAY BE SUBJECT TO A MASTER DEVELOPMENT AGREEMENT, DEVELOPMENT AGREEMENT, SUBDIVISION AGREEMENT, OR SITE PLAN AGREEMENT. SEE CITY RECORDER FOR MORE INFORMATION.
5. BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL IMPROVEMENTS HAVE BEEN INSTALLED AND ACCEPTED BY THE CITY IN WRITING: ALL IMPROVEMENTS CURRENTLY MEET CITY STANDARDS; AND BONDS ARE POSTED BY THE CURRENT OWNER OF THE PROJECT PURSUANT TO CITY CODE.
6. ALL BONDS AND BOND AGREEMENTS ARE BETWEEN THE CITY, DEVELOPER/OWNER AND FINANCIAL INSTITUTION, NO OTHER PARTY, INCLUDING UNIT OR LOT OWNERS, SHALL BE DEEMED A THIRD PARTY BENEFICIARY OR HAVE ANY RIGHTS INCLUDING THE RIGHT TO BRING ANY ACTION UNDER ANY BOND OR BOND AGREEMENT.
7. THE OWNER OF THIS SUBDIVISION AND ANY SUCCESSORS AND ASSIGNS ARE RESPONSIBLE FOR ENSURING THAT IMPACT AND CONNECTION FEES ARE PAID AND WATER RIGHTS ARE SECURED FOR EACH INDIVIDUAL LOT. NO BUILDING PERMITS SHALL BE ISSUED FOR ANY LOT IN THIS SUBDIVISION UNTIL ALL IMPACT AND CONNECTION FEES AT THE RATES IN EFFECT WHEN APPLYING FOR BUILDING PERMIT, ARE PAID IN FULL AND WATER RIGHTS SECURED AS SPECIFIED BY CURRENT CITY ORDINANCES AND FEE SCHEDULES.
8. ALL OPEN SPACE AND TRAIL IMPROVEMENTS LOCATED HEREIN ARE TO BE INSTALLED BY OWNER UNLESS SPECIFIED OTHERWISE ON EACH IMPROVEMENT. THESE IMPROVEMENTS ARE TO BE MAINTAINED BY A HOMEOWNERS ASSOCIATION UNLESS SPECIFICALLY DESIGNATED FOR USE BY THE PUBLIC.
9. ANY REFERENCE HEREIN TO OWNERS, DEVELOPERS, OR CONTRACTORS SHALL APPLY TO SUCCESSORS, AGENTS, AND ASSIGNS.
10. PRIVATE ROADS AND COMMON AREAS ARE UTILITY EASEMENTS TO THE CITY OF SARATOGA SPRINGS FOR WATER, IRRIGATION, SEWER & STORM DRAIN.
11. LOTS/UNITS ARE SUBJECT TO ASSOCIATION BYLAWS, ARTICLES OF INCORPORATION AND CC&R'S.
12. OPEN SPACE PARCELS (OS) ARE RESTRICTED FROM RESIDENTIAL DEVELOPMENT.
13. LOTS 233 AND 234 TO HAVE DRIVEWAY ACCESS FROM PARADISE COURT.
14. LOT 237 TO HAVE DRIVEWAY ACCESS FROM HIGHPOINT DRIVE.
15. ALL BUILDING LOTS CONTAINED WITHIN THIS PLAT ARE SUBJECT TO PRODUCT TYPES AS SET FORWARD IN LEGACY FARMS COMMUNITY AND VILLAGE PLAN 2.
16. OVERNIGHT ON STREET GUEST PARKING IS RESTRICTED FROM NOVEMBER 1ST TO MARCH 1ST.
17. ALL LOTS WITHIN THIS PLAT ARE SUBJECT TO THE LEGACY FARMS COMMUNITY PLAN AS WELL AS VILLAGE PLAN 1.
18. COMMON AND LIMITED COMMON AREAS ARE CITY EASEMENTS FOR WATER, IRRIGATION, SEWER AND STORM DRAIN AS WELL AS PUBLIC UTILITY EASEMENTS AND DRAINAGE EASEMENTS.
19. OS PARCELS 20 AND 21 ARE CITY EASEMENTS FOR WATER, IRRIGATION, SEWER AND STORM DRAIN AS WELL AS PUBLIC UTILITY EASEMENTS AND DRAINAGE EASEMENTS.



LEGEND

- SUBDIVISION BOUNDARY
- PUBLIC UTILITY EASEMENT
- LOT LINE
- BUILDING SETBACK
- SECTION LINE
- FLOOD PLAIN
- FOUND SECTION CORNER
- SUBDIVISION BOUNDARY CORNER
- STREET MONUMENT
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- OPEN SPACE PARCEL (OS) (COMMON AREA)
- PRIVATE AREAS
- LIMITED COMMON AREAS
- COMMON AREAS
- ROCKY MOUNTAIN POWER EASEMENT

NOTES:

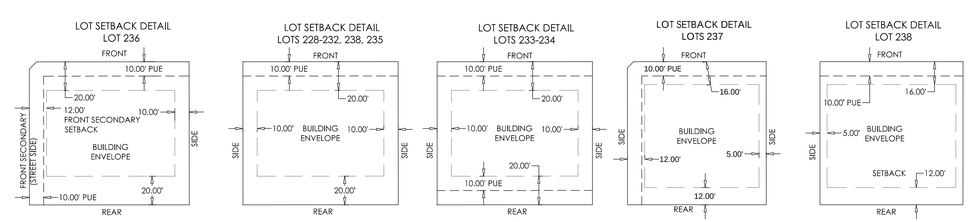
A. Drainage Easement areas are perpetual, non-exclusive, mutual cross drainage easements for purposes of storm water capture and conveyance on, over, upon, and across the areas delineated as Drainage Easements. Each lot encumbered by a drainage easement shall, at its sole cost and expense, maintain and keep all above and below grade infrastructure and appurtenances in a reasonable condition and state of repair. No obstructions or changes in grade shall be located within the easement area that will impede, divert, or cause the runoff to have an adverse effect on adjoining property.

QUESTAR GAS COMPANY

Questar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's Right-of-Way department at 800-366-6532.

QUESTAR GAS COMPANY	ROCKY MOUNTAIN POWER
Approved this _____ day of_____A.D. 20___.	Approved this _____ day of_____A.D. 20___.
BY	ROCKY MOUNTAIN POWER
TITLE	
COMCAST CABLE TELEVISION	**CENTURY LINK**
Approved this _____ day of_____A.D. 20___.	Approved this _____ day of_____A.D. 20___.
COMCAST CABLE TELEVISION	CENTURY LINK

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).



SHEET 1 OF 2

SURVEYOR'S CERTIFICATE

I, Craig E. Ahrens, do hereby certify that I am a Registered Land Surveyor, and that I hold a license, Certificate No. 270814, in accordance with the Professional Engineers and Land Surveyors Licensing Act found in Title 58, Chapter 22 of the Utah Code. 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, have subdivided said tract of land into lots, streets, and easements, have completed a survey of the property described on this plat in accordance with Utah Code Section 17-23-17, have verified all measurements, and have placed monuments s represented on the plat. I further certify that every existing right-of-way and easement grant of record for underground facilities, as defined in Utah Code Section 54-8a-2, and for other utility facilities, is accurately described on this plat, and that this plat is true and correct to the best of my knowledge and belief. I also certify that I have filed, or will file within 90 days the recordation of this plat, a map of the survey I have completed with the Utah County Surveyor.

BOUNDARY DESCRIPTION

A parcel of land lying and situate in the Southeast Quarter of Section 26, and the Northeast Quarter of Section 35, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is South 00°33'28" West 1,464.65, along the Section Line, and West 1,145.34 feet from the East Quarter Corner of said Section 26, and running thence South 00°00'08" West 191.25 feet; thence South 45°01'27" East 7.07 feet; thence North 89°56'57" East 5.00 feet; thence South 00°00'08" West 54.00 feet; thence South 89°56'57" West 5.00 feet; thence South 44°58'33" West 7.07 feet; thence South 00°00'08" West 642.45 feet; thence South 45°08'53" East 7.05 feet; to a point on a non-tangent curve; thence easterly 117.88 feet along the arc of a 667.00 foot curve to the left (chord bears North 84°25'25" East 117.73 feet) through a central angle of 10°07'35"; thence South 10°38'22" East 74.00 feet; thence South 00°00'01" East 371.68 feet; thence South 89°58'05" West 873.60 feet; thence North 00°02'01" West 104.99 feet; thence North 89°57'59" East 28.85 feet to the Easterly Right-of-Way Line of Highpoint Drive (120 East); thence along said Easterly Line the following seven (7) courses (1) North 00°02'01" West 54.00 feet (2) South 89°57'59" West 15.00 feet (3) North 45°00'56" West 7.07 feet (4) North 00°00'08" East 190.00 feet (5) North 44°59'04" East 7.07 feet (6) North 89°57'59" East 14.05 feet (7) North 00°02'01" West 74.00 feet; thence North 89°57'59" East 651.00 feet; thence North 44°59'04" East 7.07 feet; thence North 00°00'08" East 833.73 feet; thence North 44°59'52" West 7.07 feet; thence North 89°59'52" West 5.00 feet; thence North 00°00'08" East 54.00 feet; thence South 89°59'52" East 5.00 feet; thence North 45°00'08" East 7.07 feet; thence South 89°59'52" East 54.00 feet to the Point of Beginning.

Contains 422,916 square feet / 9.709 acres / 12 Lots

DATE

Craig E. Ahrens
P.L.S. 270814

OWNER'S DEDICATION

Know all men by these presents that DR Horton Inc. A Delaware Company, 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

LEGACY FARMS PLAT 2-A

VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

do hereby dedicate for the perpetual use of the public and/or City all parcels of land, easements, rights-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 encumbrances 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 but only to the extent to have been caused by the owner's alterations of the ground surface, vegetation, drainage, or surface or sub-surface water flows within this subdivision or by owner's establishment of construction of the roads within this subdivision.

In witness whereof _____ have hereunto set ____ this _____ day of _____, AD 20 _____.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF _____ } S.S.

On the ____day of _____ A.D., 20 _____, personally appeared before me, _____, who being duly sworn did say that he/she is the_____ _____of DR Horton Inc., a Delaware Corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and he/she acknowledged 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

Commission No.

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)

LEGACY FARMS PLAT 2-A
VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, AND PORTIONS OF THE NORTHEAST QUARTER OF SECTION 35
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

PSOMAS
4179 S. Riverboat Rd., Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

No.	Revisions	By	Date

Project Number	PM
8DRH010600	CEA
Filename	Plot Date
VILLAGE 2A.dwg	10/20/15
Designed By	Drawn By
CEA	TDM
Checked By	Date
JT	10/20/15
Scale	Date Issued
1"= 60'	Date

FIRE CHIEF APPROVAL

Approved by the Fire Chief on this _____day of_____A.D._____.

CITY FIRE CHIEF

PLANNING COMMISSION REVIEW

Reviewed by the Planning Commission on this_____day of_____ A.D._____.

CHAIRMAN, PLANNING COMMISSION

SARATOGA SPRINGS CITY ENGINEER APPROVAL

Approved by the City Engineer on this_____day of_____ A.D.____.

CITY ENGINEER

SARATOGA SPRINGS ATTORNEY

Approved by the Saratoga Springs Attorney on this_____day of_____ A.D._____.

SARATOGA SPRINGS ATTORNEY

LEHI CITY POST OFFICE

Approved by the Post Office Representative on this_____day of_____ A.D._____.

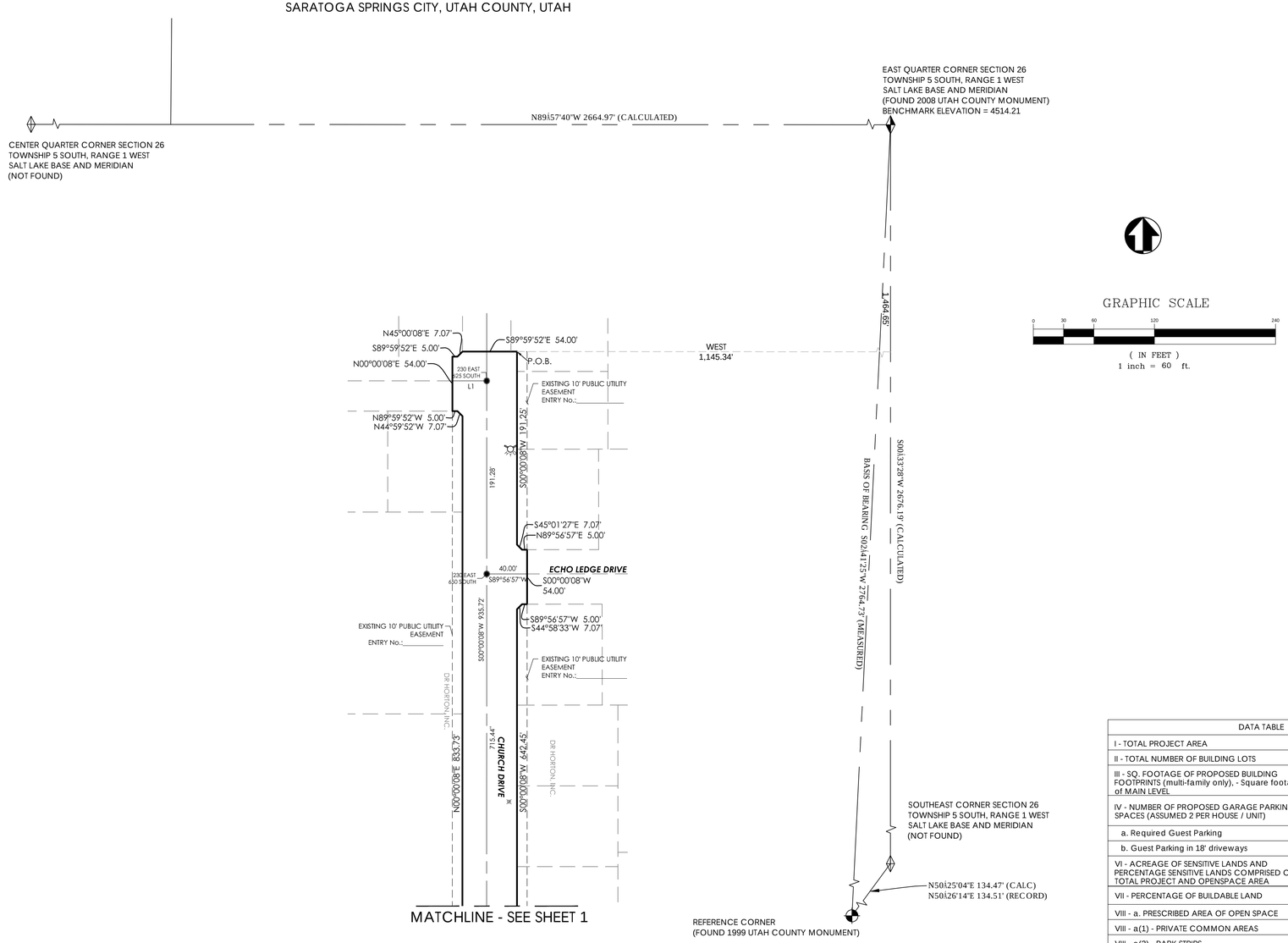
LEHI CITY POST OFFICE REPRESENTATIVE

SURVEYOR'S SEAL | NOTARY PUBLIC'S SEAL | CITY ENGINEER'S SEAL | CLERK-RECORDER SEAL

LEGACY FARMS PLAT 2-A

VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, AND PORTIONS OF THE
NORTHEAST QUARTER OF SECTION 35
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH



CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	35.00'	54.98'	90°00'00"	N44°57'59"E	49.50'
C2	700.00'	129.58'	10°36'21"	S84°39'49"W	129.39'
C3	52.00'	243.49'	268°17'27"	S84°35'19"W	74.63'
C4	9.00'	21.92'	139°31'24"	S20°12'17"W	16.89'
C5	52.00'	66.68'	73°27'56"	S12°49'27"E	62.20'
C6	52.00'	49.77'	54°50'30"	S51°19'46"W	47.89'
C7	52.00'	30.43'	33°31'54"	N84°29'02"W	30.00'
C8	52.00'	47.92'	52°47'51"	N41°19'09"W	46.24'
C9	741.00'	137.16'	10°36'21"	N84°39'49"E	136.97'
C10	59.00'	19.47'	18°54'30"	N09°25'14"E	19.38'
C11	5.00'	3.38'	38°46'03"	N19°21'01"E	3.32'
C12	52.00'	48.70'	53°39'16"	N11°54'25"E	46.94'
C13	59.00'	40.00'	38°50'41"	N38°17'49"E	39.24'
C14	59.00'	2.87'	2°47'25"	N88°34'17"E	2.87'
C15	59.00'	92.68'	90°00'00"	N44°57'59"E	83.44'
C16	59.00'	30.33'	29°27'24"	N72°26'52"E	30.00'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	34.00'	N89°59'52"W

LEGEND

- SUBDIVISION BOUNDARY
- PUBLIC UTILITY EASEMENT
- LOT LINE
- BUILDING SETBACK
- SECTION LINE
- FLOOD PLAN
- FOUND SECTION CORNER
- SUBDIVISION BOUNDARY CORNER
- STREET MONUMENT
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- OPEN SPACE PARCELS (OS) (COMMON AREA)
- PRIVATE AREAS
- LIMITED COMMON AREAS
- COMMON AREAS
- ROCKY MOUNTAIN POWER EASEMENT

DATA TABLE	
I - TOTAL PROJECT AREA	9.7 AC
II - TOTAL NUMBER OF BUILDING LOTS	12
III - SQ. FOOTAGE OF PROPOSED BUILDING FOOTPRINTS (multi-family only), - Square footage of MAIN LEVEL	NA
IV - NUMBER OF PROPOSED GARAGE PARKING SPACES (ASSUMED 2 PER HOUSE / UNIT)	24
a. Required Guest Parking	3
b. Guest Parking in 18' driveways	24
VI - ACREAGE OF SENSITIVE LANDS AND PERCENTAGE SENSITIVE LANDS COMPRISED OF TOTAL PROJECT AND OPENSPACE AREA	0 AC
VII - PERCENTAGE OF BUILDABLE LAND	100%
VIII - a. PRESCRIBED AREA OF OPEN SPACE	0.14 AC
VIII - a(1) - PRIVATE COMMON AREAS	0.00 AC
VIII - a(2) - PARK STRIPS	0.48 AC
VIII b - APPLICABLE (TOTAL) AREA OF OPEN SPACE	0.62 AC
Percentage of Prescribed Area Open Space	23 %
Percentage of Applicable (TOTAL) Area Open Space	6.39 %
IX - NET DENSITY OF DWELLING PER ACRE (SENSITIVE LANDS MUST BE SUBTRACTED FROM BASE ACREAGE)	1.24

III - square footage provided for attached product only, does not include single family residential. Calculations based on multi-family as 2-story product and twin homes as single story product.
IV - All products with 18' driveway will provide 2 guest parking spaces in addition to Multi-modul lane use (on street) and additional parking behind ROW.
VII a - Area taken from open space parcels (as shown on subdivision plat)
VIII a(1) - Area taken from common areas (as shown on subdivision plat)
VIII a(2) - Area of open space parcels, common areas and park strips

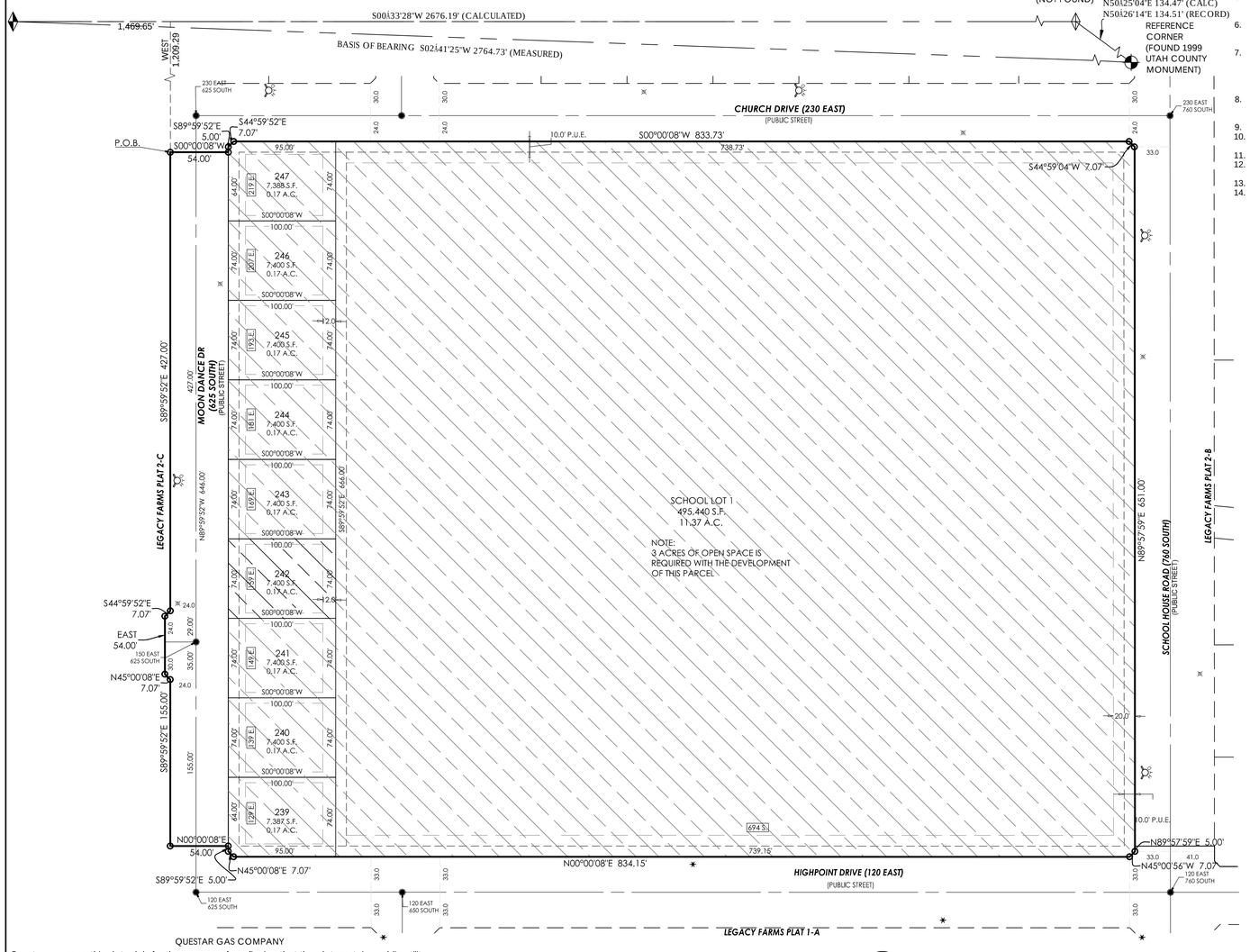
SHEET
2 OF 2

PSOMAS
4179 S. Riverboat Rd., Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

LEGACY FARMS PLAT 2-B

VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH



QUESTAR GAS COMPANY

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GRAPHIC SCALE

0 30 60 120 240

(IN FEET)
1 inch = 60 ft.

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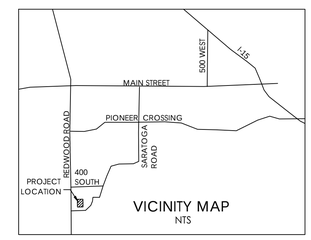
4. PLAT MAY BE SUBJECT TO A MASTER DEVELOPMENT AGREEMENT, DEVELOPMENT AGREEMENT, SUBDIVISION AGREEMENT, OR SITE PLAN AGREEMENT. SEE CITY RECORDER FOR MORE INFORMATION.
5. BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL IMPROVEMENTS HAVE BEEN INSTALLED AND ACCEPTED BY THE CITY IN WRITING: ALL IMPROVEMENTS CURRENTLY MEET CITY STANDARDS; AND BONDS ARE POSTED BY THE CURRENT OWNER OF THE PROJECT PURSUANT TO CITY CODE.
6. ALL BONDS AND BOND AGREEMENTS ARE BETWEEN THE CITY, DEVELOPER/OWNER AND FINANCIAL INSTITUTION, NO OTHER PARTY, INCLUDING UNIT OR LOT OWNERS, SHALL BE DEEMED A THIRD PARTY BENEFICIARY OR HAVE ANY RIGHTS INCLUDING THE RIGHT TO BRING ANY ACTION UNDER ANY BOND OR BOND AGREEMENT.
7. THE OWNER OF THIS SUBDIVISION AND ANY SUCCESSORS AND ASSIGNS ARE RESPONSIBLE FOR ENSURING THAT IMPACT AND CONNECTION FEES ARE PAID AND WATER RIGHTS ARE SECURED FOR EACH INDIVIDUAL LOT. NO BUILDING PERMITS SHALL BE ISSUED FOR ANY LOT IN THIS SUBDIVISION UNTIL ALL IMPACT AND CONNECTION FEES AT THE RATES IN EFFECT WHEN APPLYING FOR BUILDING PERMIT, ARE PAID IN FULL AND WATER RIGHTS SECURED AS SPECIFIED BY CURRENT CITY ORDINANCES AND FEE SCHEDULES.
8. ALL OPEN SPACE AND TRAIL IMPROVEMENTS LOCATED HEREIN ARE TO BE INSTALLED BY OWNER UNLESS SPECIFIED OTHERWISE ON EACH IMPROVEMENT. THESE IMPROVEMENTS ARE TO BE MAINTAINED BY A HOMEOWNERS ASSOCIATION UNLESS SPECIFICALLY DESIGNATED FOR USE BY THE PUBLIC.
9. ANY REFERENCE HEREIN TO OWNERS, DEVELOPERS, OR CONTRACTORS SHALL APPLY TO SUCCESSORS, AGENTS, AND ASSIGNS.
10. PRIVATE ROADS AND COMMON AREAS ARE UTILITY EASEMENTS TO THE CITY OF SARATOGA SPRINGS FOR WATER, IRRIGATION, SEWER & STORM DRAIN.
11. LOTS/UNITS ARE SUBJECT TO ASSOCIATION BYLAWS, ARTICLES OF INCORPORATION AND CC&R'S.
12. ALL BUILDING LOTS CONTAINED WITHIN THIS PLAT ARE SUBJECT TO PRODUCT TYPES AS SET FORWARD IN LEGACY FARMS COMMUNITY AND VILLAGE PLAN 2.
13. OVERNIGHT ON STREET GUEST PARKING IS RESTRICTED FROM NOVEMBER 1ST TO MARCH 1ST.
14. COMMON AND LIMITED COMMON AREAS ARE CITY EASEMENTS FOR WATER, IRRIGATION, SEWER AND STORM DRAIN AS WELL AS PUBLIC UTILITY EASEMENTS AND DRAINAGE EASEMENTS.



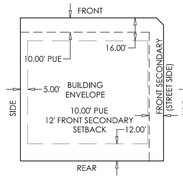
LEGEND

- SUBDIVISION BOUNDARY
- PUBLIC UTILITY EASEMENT
- LOT LINE
- BUILDING SETBACK
- SECTION LINE
- FLOOD PLAIN
- FOUND SECTION CORNER
- SUBDIVISION BOUNDARY CORNER
- STREET MONUMENT
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- OPEN SPACE PARCEL (OS) (COMMON AREA)
- PRIVATE AREAS
- LIMITED COMMON AREAS
- COMMON AREAS
- ROCKY MOUNTAIN POWER EASEMENT

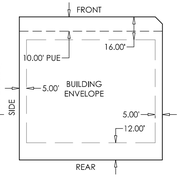
DATA TABLE	
I - TOTAL PROJECT AREA	13.71 AC
II - TOTAL NUMBER OF BUILDING LOTS	10
III - SQ. FOOTAGE OF PROPOSED BUILDING FOOTPRINTS (multi-family only), - Square footage of MAIN LEVEL	NA
IV - NUMBER OF PROPOSED GARAGE PARKING SPACES (ASSUMED 2 PER HOUSE / UNIT)	20
a. Required Guest Parking	2.5
b. Guest Parking in 18' driveways	20
VI - ACREAGE OF SENSITIVE LANDS AND PERCENTAGE SENSITIVE LANDS COMPRISED OF TOTAL PROJECT AND OPENSPACE AREA	0 AC
VII - PERCENTAGE OF BUILDABLE LAND	100%
VIII - a. PRESCRIBED AREA OF OPEN SPACE	0.0 AC
VIII - a(1) - PRIVATE COMMON AREAS	3.00 AC
VIII - a(2) - PARK STRIPS	0.34 AC
VIII b - APPLICABLE (TOTAL) AREA OF OPEN SPACE	3.34 AC
Percentage of Prescribed Area Open Space	0 %
Percentage of Applicable (TOTAL) Area Open Space	24.36 %
IX - NET DENSITY OF DWELLING PER ACRE (SENSITIVE LANDS MUST BE SUBTRACTED FROM BASE ACREAGE)	0.73

III - square footage provided for attached product only, does not include single family residential. Calculations based on multi-family as 2-story product and twin homes as single story product.
IV - All products with 18' driveway will provide 2 guest parking spaces in addition to Multi-modul lane use (on street) and additional parking behind ROW.
VIII a - Area taken from open space parcels (as shown on subdivision plat)
VIII a(1) - Area taken from common areas (as shown on subdivision plat)
VIII a(2) - Area of open space parcels, common areas and park strips

LOT SETBACK DETAIL
LOT 239, 247



LOT SETBACK DETAIL
LOT 240-246



SURVEYOR'S CERTIFICATE

I, Craig E. Ahrens, do hereby certify that I am a Registered Land Surveyor, and that I hold a license, Certificate No. 270814, in accordance with the Professional Engineers and Land Surveyors Licensing Act found in Title 58, Chapter 22 of the Utah Code. 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, have subdivided said tract of land into lots, streets, and easements, have completed a survey of the property described on this plat in accordance with Utah Code Section 17-23-17, have verified all measurements, and have placed monuments s represented on the plat. I further certify that every existing right-of-way and easement grant of record for underground facilities, as defined in Utah Code Section 54-8a-2, and for other utility facilities, is accurately described on this plat, and that this plat is true and correct to the best of my knowledge and belief. I also certify that I have filed, or will file within 90 days the recordation of this plat, a map of the survey I have completed with the Utah County Surveyor.

BOUNDARY DESCRIPTION

A parcel of land lying and situate in the Southeast Quarter of Section 26, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is South 00\33'28" West 1,469.65, along the Section Line, and West 1,209.29 feet from the East Quarter Corner of said Section 26, and running thence South 00\00'08" West 54.00 feet; thence South 89\59'52" East 5.00 feet; thence South 44\59'52" East 7.07 feet; thence South 00\00'08" West 833.73 feet; thence South 44\59'04" West 7.07 feet; thence South 89\57'59" West 651.00 feet to the Easterly Right-of-Way Line of Highpoint Drive (120 East); thence along said Easterly Line the following six (6) courses (1) South 89\57'59" West 5.00 feet (2) North 45\00'56" West 7.07 feet (3) North 00\00'08" East 834.15 feet (4) North 45\00'08" East 7.07 feet (5) South 89\59'52" East 5.00 feet (6) North 00\00'08" East 54.00 feet; thence South 89\59'52" East 155.00 feet; thence North 45\00'08" East 7.07 feet; thence East 54.00 feet; thence South 44\59'52" East 7.07 feet; thence South 89\59'52" East 427.00 feet to the Point of Beginning.

Contains 597,195 square feet / 13.710 acres / 10 Lots

DATE

Craig E. Ahrens
P.L.S. 270814

OWNER'S DEDICATION

Know all men by these presents that DR Horton Inc. A Delaware Company, 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

LEGACY FARMS PLAT 2-B

VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

do hereby dedicate for the perpetual use of the public and/or City all parcels of land, easements, rights-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 encumbrances 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 but only to the extent to have been caused by the owner's alterations of the ground surface, vegetation, drainage, or surface or sub-surface water flows within this subdivision or by owner's establishment of construction of the roads within this subdivision.

In witness whereof _____ have hereunto set ____ this _____ day of _____, AD 20 _____.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF _____ } S.S.

On the _____ day of _____ A.D., 20 _____, personally appeared before me, _____, who being duly sworn did say that he/she is the_____of DR Horton Inc., a Delaware Corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and he/she acknowledged 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

Commission No.

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)

QUESTAR GAS COMPANY

Approved this _____ day of_____A.D. 20___.

BY

TITLE

ROCKY MOUNTAIN POWER

Approved this _____ day of_____A.D. 20___.

ROCKY MOUNTAIN POWER

COMCAST CABLE TELEVISION

Approved this _____ day of_____A.D. 20___.

COMCAST CABLE TELEVISION

CENTURY LINK

Approved this _____ day of_____A.D. 20___.

CENTURY LINK

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).

SHEET
1 OF 1

LEGACY FARMS PLAT 2-B
VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, AND PORTIONS OF THE NORTHEAST QUARTER OF SECTION 35
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

PSOMAS
4179 S. Riverboat Rd., Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

No.	Revisions	By	Date

Project Number 8DRH010500	PM CEA
Filename VILLAGE 2B.dwg	Plot Date 10/20/15
Designed By CEA	Drawn By TDM
Checked By JT	Date 10/20/15
Scale 1"= 60'	Date Issued Date

FIRE CHIEF APPROVAL

Approved by the Fire Chief on this _____day of_____A.D._____.

CITY FIRE CHIEF

PLANNING COMMISSION REVIEW

Reviewed by the Planning Commission on this_____day of_____ A.D.____.

CHAIRMAN, PLANNING COMMISSION

SARATOGA SPRINGS CITY ENGINEER APPROVAL

Approved by the City Engineer on this_____day of_____ A.D.____.

CITY ENGINEER

SARATOGA SPRINGS ATTORNEY

Approved by the Saratoga Springs Attorney on this_____day of_____ A.D._____.

SARATOGA SPRINGS ATTORNEY

LEHI CITY POST OFFICE

Approved by the Post Office Representative on this_____day of_____ A.D._____.

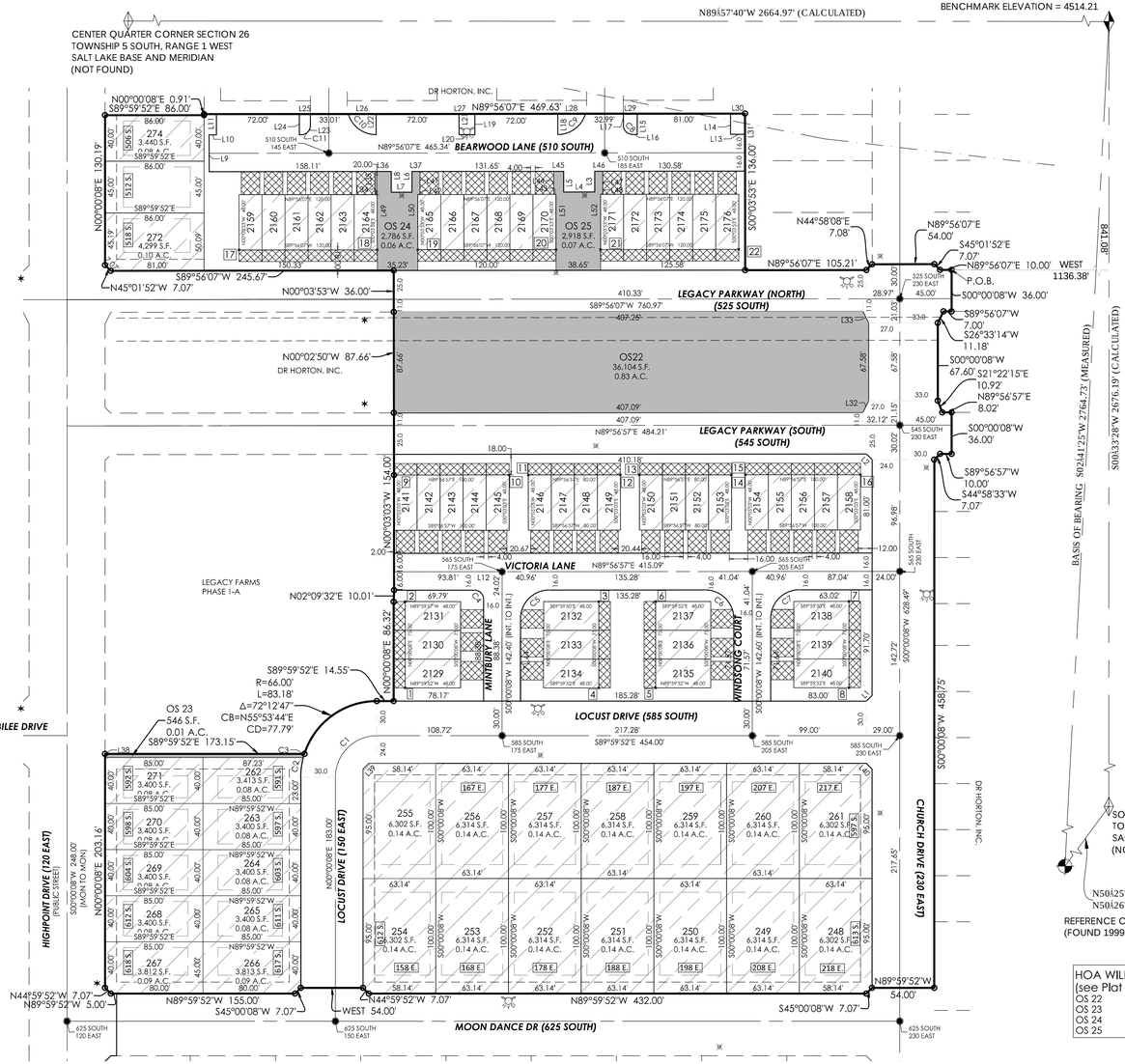
LEHI CITY POST OFFICE REPRESENTATIVE

SURVEYOR'S SEAL | NOTARY PUBLIC'S SEAL | CITY ENGINEER'S SEAL | CLERK-RECORDER SEAL

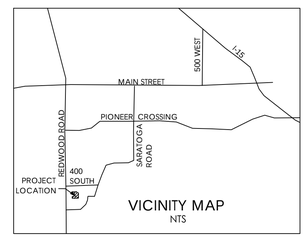
LEGACY FARMS PLAT 2-C

VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH



HOA WILL OWN PARCELS:
(see Plat Note 8)
OS 22
OS 23
OS 24
OS 25



LEGEND

- SUBDIVISION BOUNDARY
- PUBLIC UTILITY EASEMENT
- LOT LINE
- BUILDING SETBACK
- SECTION LINE
- FLOOD PLAIN
- FOUND SECTION CORNER
- SUBDIVISION BOUNDARY CORNER
- STREET MONUMENT
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- OPEN SPACE PARCEL (OS) (COMMON AREA)
- PRIVATE AREAS
- LIMITED COMMON AREAS
- COMMON AREAS
- ROCKY MOUNTAIN POWER EASEMENT

PLAT NOTES:

1. PLAT MUST BE RECORDED WITHIN 24 MONTHS OF FINAL PLAT APPROVAL BY CITY COUNCIL. FINAL PLAT APPROVAL WAS GRANTED ON THE _____ DAY OF _____, 20 _____.
2. THE INSTALLATION OF IMPROVEMENTS SHALL CONFORM TO ALL CITY RULES, ORDINANCES, REQUIREMENTS, STANDARDS, AND POLICIES REGARDING THE DEVELOPMENT OF THIS PROPERTY.
3. PRIOR TO BUILDING PERMITS BEING ISSUED, SOIL TESTING STUDIES MAY BE REQUIRED ON EACH LOT AS DETERMINED BY THE CITY BUILDING OFFICIAL.
4. PLAT MAY BE SUBJECT TO A MASTER DEVELOPMENT AGREEMENT, DEVELOPMENT AGREEMENT, SUBDIVISION AGREEMENT, OR SITE PLAN AGREEMENT. SEE CITY RECORDER FOR MORE INFORMATION.
5. BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL IMPROVEMENTS HAVE BEEN INSTALLED AND ACCEPTED BY THE CITY IN WRITING: ALL IMPROVEMENTS CURRENTLY MEET CITY STANDARDS; AND BONDS ARE POSTED BY THE CURRENT OWNER OF THE PROJECT PURSUANT TO CITY CODE.
6. ALL BONDS AND BOND AGREEMENTS ARE BETWEEN THE CITY, DEVELOPER/OWNER AND FINANCIAL INSTITUTION, NO OTHER PARTY, INCLUDING UNIT OR LOT OWNERS, SHALL BE DEEMED A THIRD PARTY BENEFICIARY OR HAVE ANY RIGHTS INCLUDING THE RIGHT TO BRING ANY ACTION UNDER ANY BOND OR BOND AGREEMENT.
7. THE OWNER OF THIS SUBDIVISION AND ANY SUCCESSORS AND ASSIGNS ARE RESPONSIBLE FOR ENSURING THAT IMPACT AND CONNECTION FEES ARE PAID AND WATER RIGHTS ARE SECURED FOR EACH INDIVIDUAL LOT. NO BUILDING PERMITS SHALL BE ISSUED FOR ANY LOT IN THIS SUBDIVISION UNTIL ALL IMPACT AND CONNECTION FEES AT THE RATES IN EFFECT WHEN APPLYING FOR BUILDING PERMIT, ARE PAID IN FULL AND WATER RIGHTS SECURED AS SPECIFIED BY CURRENT CITY ORDINANCES AND FEE SCHEDULES.
8. ALL OPEN SPACE AND TRAIL IMPROVEMENTS LOCATED HEREIN ARE TO BE INSTALLED BY OWNER UNLESS SPECIFIED OTHERWISE ON EACH IMPROVEMENT. THESE IMPROVEMENTS ARE TO BE MAINTAINED BY A HOMEOWNERS ASSOCIATION UNLESS SPECIFICALLY DESIGNATED FOR USE BY THE PUBLIC.
9. ANY REFERENCE HEREIN TO OWNERS, DEVELOPERS, OR CONTRACTORS SHALL APPLY TO SUCCESSORS, AGENTS, AND ASSIGNS.
10. PRIVATE ROADS AND COMMON AREAS ARE UTILITY EASEMENTS TO THE CITY OF SARATOGA SPRINGS FOR WATER, IRRIGATION, SEWER & STORM DRAIN.
11. LOTS/UNITS ARE SUBJECT TO ASSOCIATION BYLAWS, ARTICLES OF INCORPORATION AND CC&R'S.
12. OPEN SPACE PARCELS (OS) ARE RESTRICTED FROM RESIDENTIAL DEVELOPMENT.
13. ALL BUILDING LOTS CONTAINED WITHIN THIS PLAT ARE SUBJECT TO PRODUCT TYPES AS SET FORWARD IN LEGACY FARMS COMMUNITY AND VILLAGE PLAN 2.
14. OVERNIGHT ON STREET GUEST PARKING IS RESTRICTED FROM NOVEMBER 1ST TO MARCH 1ST.
15. ALL LOTS WITHIN THIS PLAT ARE SUBJECT TO THE LEGACY FARMS COMMUNITY PLAN AS WELL AS VILLAGE PLAN 2.
16. OPEN SPACE (OS) PARCEL 3 IS A UTILITY EASEMENT FOR THE CITY OF SARATOGA SPRINGS FOR WATER, IRRIGATION, SEWER AND STORM DRAIN.
17. A PORTION OF OS PARCEL 22 IS DEDICATED AS A TRAIL EASEMENT WHERE THE PUBLIC IS GRANTED A RIGHT OF ACCESS TO THE PUBLIC TRAILS WHERE AND AS THE SAME ARE CONSTRUCTED. THE CITY IS ALSO GRANTED A RIGHT OF ACCESS ON THE TRAIL EASEMENT FOR THE MAINTENANCE AND REPAIR OF THE PUBLIC TRAIL. THE CITY MAY USE AREAS ALONGSIDE THE TRAIL EASEMENT AS REASONABLY NECESSARY SO LONG AS THE CITY RESTORES THE LAND, VEGETATION OR IMPROVEMENTS THAT IT MAY DISTURB.
18. COMMON AND LIMITED COMMON AREAS ARE CITY EASEMENTS FOR WATER, IRRIGATION, SEWER AND STORM DRAIN AS WELL AS PUBLIC UTILITY EASEMENTS AND DRAINAGE EASEMENTS.

NOTES:

A. Drainage Easement areas are perpetual, non-exclusive, mutual cross drainage easements for purposes of storm water capture and conveyance on, over, upon, and across the areas delineated as Drainage Easements. Each lot encumbered by a drainage easement shall, at its sole cost and expense, maintain and keep all above and below grade infrastructure and appurtenances in a reasonable condition and state of repair. No obstructions or changes in grade shall be located within the easement area that will impede, divert, or cause the runoff to have an adverse effect on adjoining property.

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

Questar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's Right-of-Way department at 800-366-6532.

SURVEYOR'S CERTIFICATE

I, Craig E. Ahrens, do hereby certify that I am a Registered Land Surveyor, and that I hold a license, Certificate No. 270814, in accordance with the Professional Engineers and Land Surveyors Licensing Act found in Title 58, Chapter 22 of the Utah Code. 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, have subdivided said tract of land into lots, streets, and easements, have completed a survey of the property described on this plat in accordance with Utah Code Section 17-23-17, have verified all measurements, and have placed monuments s represented on the plat. I further certify that every existing right-of-way and easement grant of record for underground facilities, as defined in Utah Code Section 54-8a-2, and for other utility facilities, is accurately described on this plat, and that this plat is true and correct to the best of my knowledge and belief. I also certify that I have filed, or will file within 90 days the recordation of this plat, a map of the survey I have completed with the Utah County Surveyor.

DATE _____ Craig E. Ahrens
P.L.S. 270814

BOUNDARY DESCRIPTION

A parcel of land lying and situate in the Southeast Quarter of Section 26, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is South 00ı33'28" West 841.08, along the Section Line, and West 1,136.38 feet from the East Quarter Corner of said Section 26, and running thence South 00ı00'08" West 36.00 feet; thence South 89ı56'07" West 7.00 feet; thence South 26ı33'14" West 11.18 feet; thence South 00ı00'08" West 67.60 feet; thence South 21ı22'15" East 10.92 feet; thence North 89ı56'57" East 8.02 feet; thence South 00ı00'08" West 36.00 feet; thence South 89ı56'57" West 10.00 feet; thence South 44ı58'33" West 7.07 feet; thence South 00ı00'08" West 458.75 feet; thence North 89ı59'52" West 54.00 feet; thence South 45ı00'08" West 7.07 feet; thence North 89ı59'52" West 432.00 feet; thence North 44ı59'52" West 7.07 feet; thence West 54.00 feet; thence South 45ı00'08" West 7.07 feet; thence North 89ı59'52" West 155.00 feet to the Easterly Right-of-Way Line of Highpoint Drive (120 East); thence along said Easterly Line the following three (3) courses (1) North 89ı59'52" West 5.00 feet (2) North 44ı59'52" West 7.07 feet (3) North 00ı00'08" East 203.16 feet; thence South 89ı59'52" East 173.15 feet; to a point on a non-tangent curve; thence northeasterly 83.18 feet along the arc of a 66.00 foot curve to the right (chord bears North 53ı53'44" East 77.79 feet) through a central angle of 72ı12'47"; thence South 89ı59'52" East 14.55 feet; thence North 00ı00'08" East 86.32 feet; thence North 02ı09'32" East 10.01 feet; thence North 00ı03'03" West 154.00 feet; thence North 00ı02'50" West 87.66 feet; thence North 00ı03'53" West 36.00 feet to the Northerly Right-of-Way Line of Legacy Parkway (525 South); thence along said Northerly Line the following course (1) South 89ı56'07" West 245.67 feet to the Easterly Right-of-Way Line of Highpoint Drive (120 East); thence along said Easterly Line the following two (2) courses (1) North 45ı01'52" West 7.07 feet (2) North 00ı00'08" East 130.19 feet; thence South 89ı59'52" East 86.00 feet; thence North 00ı00'08" East 0.91 feet; thence North 89ı56'07" East 469.63 feet; thence South 00ı03'53" East 136.00 feet; thence North 89ı56'07" East 105.21 feet; thence North 44ı58'08" East 7.08 feet; thence North 89ı56'07" East 54.00 feet; thence South 45ı01'52" East 7.07 feet; thence North 89ı56'076 East 10.00 feet to the Point of Beginning.

Contains 426,389 square feet / 9.79 acres / 75 Lots

OWNER'S DEDICATION

Know all men by these presents that DR Horton Inc. A Delaware Company, 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

LEGACY FARMS PLAT 2-C
VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

do hereby dedicate for the perpetual use of the public and/or City all parcels of land, easements, rights-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 encumbrances 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 but only to the extent to have been caused by the owner's alterations of the ground surface, vegetation, drainage, or surface or sub-surface water flows within this subdivision or by owner's establishment of construction of the roads within this subdivision.

In witness whereof _____ have hereunto set ____ this _____ day of _____, AD 20 _____.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH }
COUNTY OF _____ } S.S.

On the ____day of _____ A.D., 20 _____, personally appeared before me, _____, who being duly sworn did say that he/she is the_____ of DR Horton Inc., a Delaware Corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and he/she acknowledged 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 _____

Commission No. _____

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)

QUESTAR GAS COMPANY

Approved this _____ day of_____A.D. 20___.

BY _____

TITLE _____

ROCKY MOUNTAIN POWER

Approved this _____ day of_____A.D. 20___.

ROCKY MOUNTAIN POWER

COMCAST CABLE TELEVISION

Approved this _____ day of_____A.D. 20___.

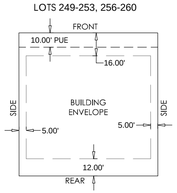
COMCAST CABLE TELEVISION

CENTURY LINK

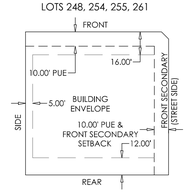
Approved this _____ day of_____A.D. 20___.

CENTURY LINK

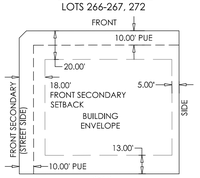
LOT SETBACK DETAIL
LOTS 249-253, 256-260



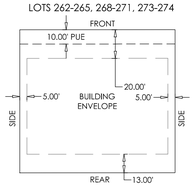
LOT SETBACK DETAIL
LOTS 248, 254, 255, 261



LOT SETBACK DETAIL
LOTS 266-267, 272



LOT SETBACK DETAIL
LOTS 262-265, 268-271, 273-274



GRAPHIC SCALE
0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

SHEET 1 OF 2

LEGACY FARMS PLAT 2-C
VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, AND PORTIONS OF THE NORTHEAST QUARTER OF SECTION 35
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

PSOMAS
4179 S. Riverboat Rd., Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

No.	Revisions	By	Date

Project Number	PM
BDRH010500	CEA
Filename	Plot Date
VILLAGE 2A.dwg	10/20/15
Designed By	Drawn By
CEA	TDM
Checked By	Date
JT	10/20/15
Scale	Date Issued
1"= 60'	Date

FIRE CHIEF APPROVAL
Approved by the Fire Chief on this _____day of_____A.D._____.
CITY FIRE CHIEF

PLANNING COMMISSION REVIEW
Reviewed by the Planning Commission on this_____day of_____A.D._____.
CHAIRMAN, PLANNING COMMISSION

SARATOGA SPRINGS CITY ENGINEER APPROVAL
Approved by the City Engineer on this_____day of_____ A.D.____.
CITY ENGINEER

SARATOGA SPRINGS ATTORNEY
Approved by the Saratoga Springs Attorney on this_____day of_____ A.D._____.
SARATOGA SPRINGS ATTORNEY

LEHI CITY POST OFFICE
Approved by the Post Office Representative on this_____day of_____ A.D._____.
LEHI CITY POST OFFICE REPRESENTATIVE

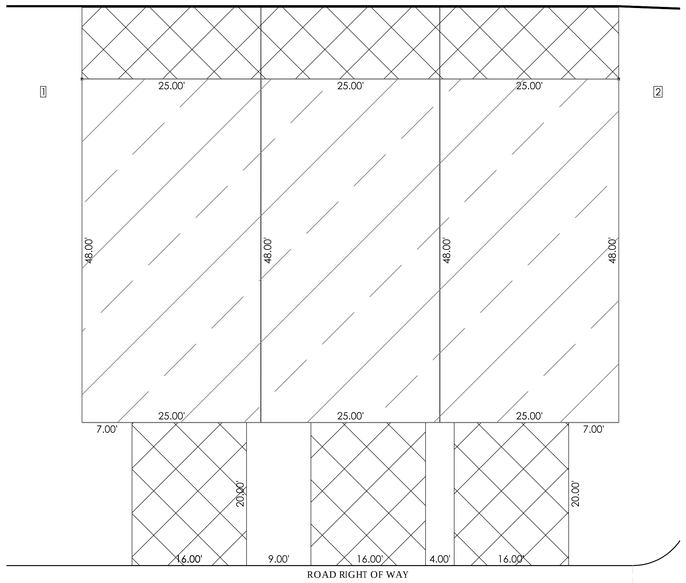
SURVEYOR'S SEAL | NOTARY PUBLIC'S SEAL | CITY ENGINEER'S SEAL | CLERK-RECORDER SEAL

LEGACY FARMS PLAT 2-C

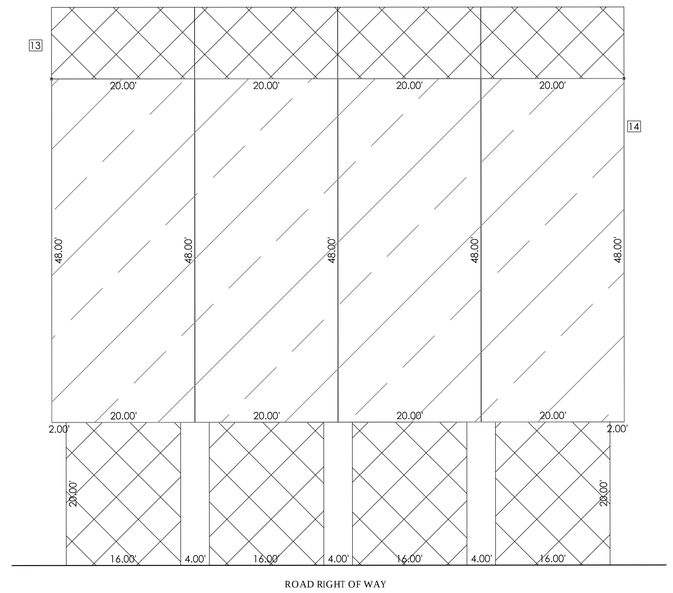
VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

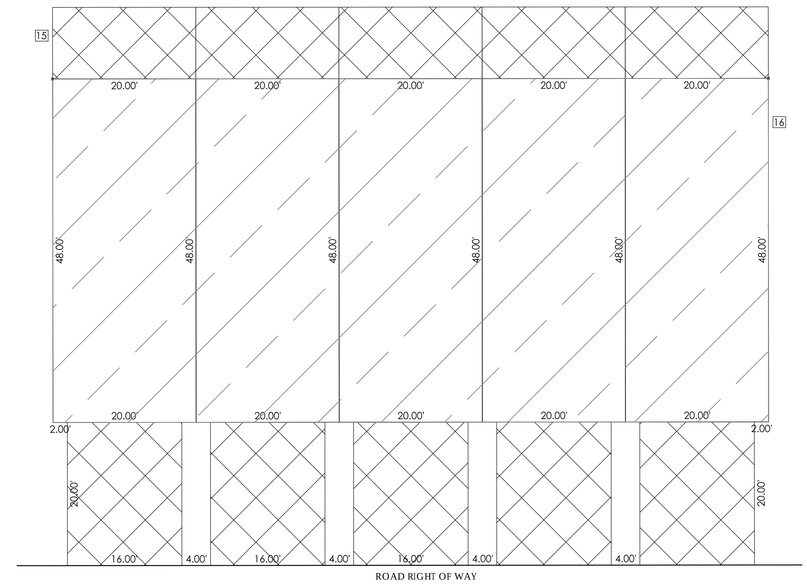
3 PLEX
LOTS 2129-2140



4 PLEX
LOTS 2146-2153



5 PLEX
LOTS 2141-2145
LOTS 2154-2176



NOTES:

1. LOTS SHOWN FOR REFERENCE ONLY. THE LIMITED COMMON AREA IS CONTROLLED BY THE PRIVATE ROAD ALIGNMENT.
2. ALL LOT LINES AND LIMITED COMMON AREA LINES ARE PARALLEL WITH AND/OR PERPENDICULAR TO THE BEARING LINES LISTED ON SHEET 1, EXCEPT AS SHOWN.

LEGEND

- SUBDIVISION BOUNDARY
- PUBLIC UTILITY EASEMENT
- LOT LINE
- BUILDING SETBACK
- SECTION LINE
- FLOOD PLAN
- FOUND SECTION CORNER
- SUBDIVISION BOUNDARY CORNER
- STREET MONUMENT
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- OPEN SPACE PARCELS (OS) (COMMON AREA)
- PRIVATE AREAS
- LIMITED COMMON AREAS
- COMMON AREAS
- ROCKY MOUNTAIN POWER EASEMENT

DATA TABLE	
I - TOTAL PROJECT AREA	9.79 AC
II - TOTAL NUMBER OF BUILDING LOTS	75
III - SQ. FOOTAGE OF PROPOSED BUILDING FOOTPRINTS (multi-family only), - Square footage of MAIN LEVEL	96,102
IV - NUMBER OF PROPOSED GARAGE PARKING SPACES (ASSUMED 2 PER HOUSE / UNIT)	150
a. Required Guest Parking	18.75
b. Guest Parking in 18' driveways	147
VI - ACREAGE OF SENSITIVE LANDS AND PERCENTAGE SENSITIVE LANDS COMPRISED OF TOTAL PROJECT AND OPENSPACE AREA	0 AC
VII - PERCENTAGE OF BUILDABLE LAND	100%
VIII - a. PRESCRIBED AREA OF OPEN SPACE	1.22 AC
VIII - a(1) - PRIVATE COMMON AREAS	0.59 AC
VIII - a(2) - PARK STRIPS	0.37 AC
VIII b - APPLICABLE (TOTAL) AREA OF OPEN SPACE	2.18 AC
Percentage of Prescribed Area Open Space	56 %
Percentage of Applicable (TOTAL) Area Open Space	22.27 %
IX - NET DENSITY OF DWELLING PER ACRE (SENSITIVE LANDS MUST BE SUBTRACTED FROM BASE ACREAGE)	7.66

III - square footage provided for attached product only, does not include single family residential. Calculations based on multi-family as 2-story product and twin homes as single story product.
IV - All products with 18' driveway will provide 2 guest parking spaces in addition to Multi-modul lane use (on street) and additional parking behind ROW.
VIII a - Area taken from open space parcels (as shown on subdivision plat)
VIII a(1) - Area taken from common areas (as shown on subdivision plat)
VIII a(2) - Area of open space parcels, common areas and park strips

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	7.07'	S45°00'08"W
L2	7.07'	S45°01'27"E
L3	18.00'	N00°03'53"W
L4	27.00'	N89°56'07"E
L5	18.00'	N00°03'53"W
L6	18.00'	N00°03'53"W
L7	18.00'	N89°56'07"E
L8	18.00'	N00°03'53"W
L9	32.00'	S00°03'53"E
L10	6.38'	S89°56'07"W
L11	18.00'	S00°03'53"E
L12	24.02'	N89°56'57"E
L13	12.56'	S89°56'07"W
L14	18.00'	S00°03'53"E
L15	18.00'	S00°03'53"E
L16	4.04'	S89°56'07"W
L17	9.99'	N00°00'11"W
L18	18.00'	N00°00'00"E
L19	18.00'	N00°00'00"E
L20	13.75'	S89°56'07"W

LINE TABLE		
LINE #	LENGTH	DIRECTION
L21	18.00'	N00°03'53"W
L22	18.00'	N00°03'53"W
L23	10.01'	N00°00'08"W
L24	18.00'	S00°03'53"E
L25	9.62'	N89°56'07"E
L26	24.00'	N89°56'07"E
L27	13.77'	N89°56'07"E
L28	23.98'	N89°56'07"E
L29	12.03'	N89°56'07"E
L30	12.56'	N89°56'07"E
L31	18.00'	S00°03'53"E
L32	11.38'	S26°33'24"W
L33	11.18'	S26°34'34"E
L34	2.00'	S89°56'07"W
L35	20.00'	N00°03'53"W
L36	14.23'	N90°00'00"E
L37	7.00'	N89°56'07"E
L38	3.16'	N00°00'08"E
L39	7.07"	N45°00'08"E
L40	7.07"	S44°59'52"E

LINE TABLE		
LINE #	LENGTH	DIRECTION
L41	20.00'	S00°03'53"E
L42	2.00'	N90°00'00"W
L43	2.00'	S89°56'07"W
L44	20.00'	N00°03'53"W
L45	8.65'	N90°00'00"E
L46	7.00'	N89°56'07"E
L47	20.00'	S00°03'53"E
L48	2.00'	S89°56'07"W
L49	66.00'	N00°03'53"W
L50	66.00'	S00°03'53"E
L51	66.00'	N00°03'53"W
L52	66.00'	S00°03'53"E

CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	36.00'	56.55'	90°00'00"	N45°00'08"E	50.91'
C2	66.00'	17.18'	14°55'06"	S07°28'10"W	17.14'
C3	66.00'	3.30'	2°51'38"	S16°21'32"W	3.29'
C4	8.00'	12.57'	90°03'11"	N45°01'27"W	11.32'
C5	25.00'	39.25'	89°56'49"	S44°58'33"W	35.34'
C6	25.00'	39.29'	90°03'11"	N45°01'27"W	35.37'
C7	25.00'	39.25'	89°56'49"	S44°58'33"W	35.34'
C8	8.00'	12.57'	90°03'42"	S45°02'02"E	11.32'
C9	25.00'	32.18'	73°44'23"	N53°03'56"E	30.00'
C10	25.00'	32.18'	73°44'23"	S53°11'41"E	30.00'
C11	8.00'	12.56'	89°56'16"	N44°58'00"E	11.31'

PARCEL / ADDRESS TABLE			
PARCEL #	AREA	ACRES	ADDRESS
2129	1,200	0.03	577 S MINTBURY LN
2130	1,200	0.03	573 S MINTBURY LN
2131	1,200	0.03	571 S MINTBURY LN
2132	1,200	0.03	572 S MINTBURY LN
2133	1,200	0.03	574 S MINTBURY LN
2134	1,200	0.03	578 S MINTBURY LN
2135	1,200	0.03	577 S WINDSONG LN
2136	1,200	0.03	573 S WINDSONG LN
2137	1,200	0.03	571 S WINDSONG LN
2138	1,200	0.03	572 S WINDSONG LN
2139	1,200	0.03	574 S WINDSONG LN
2140	1,200	0.03	578 S WINDSONG LN
2141	960	0.02	164 E LEGACY PKWY
2142	960	0.02	166 E LEGACY PKWY
2143	960	0.02	168 E LEGACY PKWY
2144	960	0.02	172 E LEGACY PKWY
2145	960	0.02	174 E LEGACY PKWY
2146	960	0.02	182 E LEGACY PKWY
2147	960	0.02	184 E LEGACY PKWY
2148	960	0.02	186 E LEGACY PKWY

PARCEL / ADDRESS TABLE			
PARCEL #	AREA	ACRES	ADDRESS
2149	960	0.02	188 E LEGACY PKWY
2150	960	0.02	192 E LEGACY PKWY
2151	960	0.02	194 E LEGACY PKWY
2152	960	0.02	196 E LEGACY PKWY
2153	960	0.02	198 E LEGACY PKWY
2154	960	0.02	206 E LEGACY PKWY
2155	960	0.02	208 E LEGACY PKWY
2156	960	0.02	212 E LEGACY PKWY
2157	960	0.02	214 E LEGACY PKWY
2158	960	0.02	216 E LEGACY PKWY
2159	960	0.02	137 E LEGACY PKWY
2160	960	0.02	139 E LEGACY PKWY
2161	960	0.02	141 E LEGACY PKWY
2162	960	0.02	143 E LEGACY PKWY
2163	960	0.02	147 E LEGACY PKWY
2164	960	0.02	149 E LEGACY PKWY
2165	960	0.02	163 E LEGACY PKWY
2166	960	0.02	167 E LEGACY PKWY
2167	960	0.02	169 E LEGACY PKWY
2168	960	0.02	171 E LEGACY PKWY

PARCEL / ADDRESS TABLE			
PARCEL #	AREA	ACRES	ADDRESS
2169	960	0.02	173 E LEGACY PKWY
2170	960	0.02	177 E LEGACY PKWY
2171	960	0.02	187 E LEGACY PKWY
2172	960	0.02	189 E LEGACY PKWY
2173	960	0.02	191 E LEGACY PKWY
2174	960	0.02	193 E LEGACY PKWY
2175	960	0.02	197 E LEGACY PKWY
2176	960	0.02	199 E LEGACY PKWY

POINT TABLE		
POINT #	NORTHING	EASTING
1	7,297,026.19	1,525,429.84
2	7,297,101.19	1,525,429.84
3	7,297,101.18	1,525,597.84
4	7,297,026.18	1,525,597.84
5	7,297,026.28	1,525,647.12
6	7,297,101.28	1,525,647.12
7	7,297,101.37	1,525,815.12
8	7,297,026.37	1,525,815.12
9	7,297,211.08	1,525,419.96
10	7,297,211.17	1,525,519.96
11	7,297,211.19	1,525,536.63
12	7,297,211.26	1,525,616.63
13	7,297,211.27	1,525,633.07
14	7,297,211.34	1,525,713.07
15	7,297,211.35	1,525,725.06
16	7,297,211.44	1,525,825.06
17	7,297,406.59	1,525,285.44
18	7,297,406.73	1,525,405.44
19	7,297,406.77	1,525,440.67
20	7,297,406.90	1,525,560.67
21	7,297,406.95	1,525,599.32
22	7,297,407.08	1,525,719.32

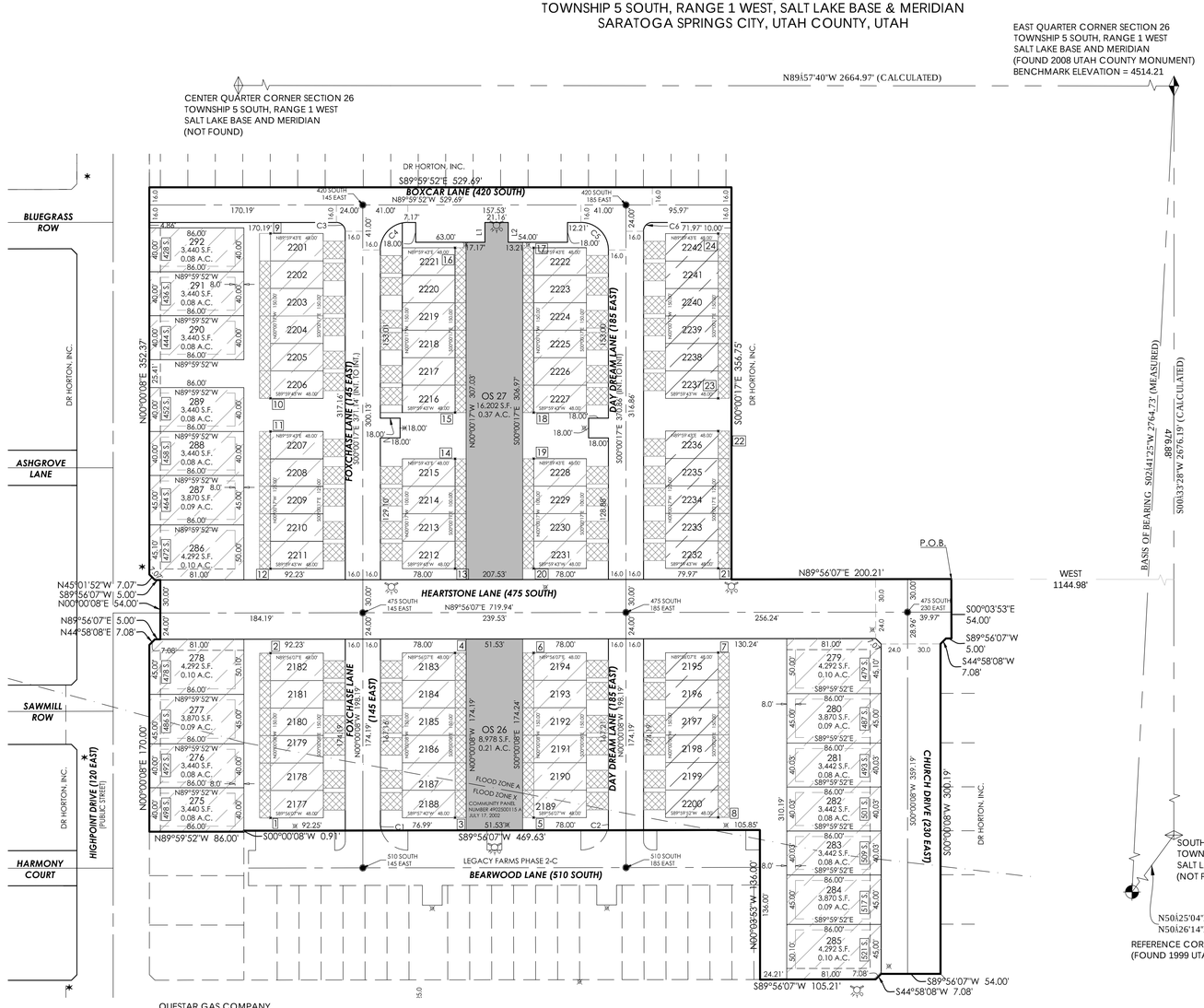
SHEET
2 OF 2

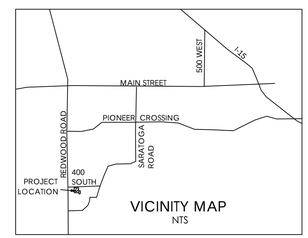
PSOMAS
4179 S. Riverboat Rd., Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

LEGACY FARMS PLAT 2-D

VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH





LEGEND

- SUBDIVISION BOUNDARY
- PUBLIC UTILITY EASEMENT
- LOT LINE
- BUILDING SETBACK
- SECTION LINE
- FLOOD PLAIN
- FOUND SECTION CORNER
- SUBDIVISION BOUNDARY CORNER
- STREET MONUMENT
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- OPEN SPACE PARCEL (OS) (COMMON AREA)
- PRIVATE AREAS
- LIMITED COMMON AREAS
- COMMON AREAS
- ROCKY MOUNTAIN POWER EASEMENT

PLAT NOTES:

1. PLAT MUST BE RECORDED WITHIN 24 MONTHS OF FINAL PLAT APPROVAL BY CITY COUNCIL. FINAL PLAT APPROVAL WAS GRANTED ON THE _____ DAY OF _____, 20_____.
2. THE INSTALLATION OF IMPROVEMENTS SHALL CONFORM TO ALL CITY RULES, ORDINANCES, REQUIREMENTS, STANDARDS, AND POLICIES REGARDING THE DEVELOPMENT OF THIS PROPERTY.
3. PRIOR TO BUILDING PERMITS BEING ISSUED, SOIL TESTING STUDIES MAY BE REQUIRED ON EACH LOT AS DETERMINED BY THE CITY BUILDING OFFICIAL.
4. PLAT MAY BE SUBJECT TO A MASTER DEVELOPMENT AGREEMENT, DEVELOPMENT AGREEMENT, SUBDIVISION AGREEMENT, OR SITE PLAN AGREEMENT. SEE CITY RECORDER FOR MORE INFORMATION.
5. BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL IMPROVEMENTS HAVE BEEN INSTALLED AND ACCEPTED BY THE CITY IN WRITING: ALL IMPROVEMENTS CURRENTLY MEET CITY STANDARDS; AND BONDS ARE POSTED BY THE CURRENT OWNER OF THE PROJECT PURSUANT TO CITY CODE.
6. ALL BONDS AND BOND AGREEMENTS ARE BETWEEN THE CITY, DEVELOPER/OWNER AND FINANCIAL INSTITUTION, NO OTHER PARTY, INCLUDING UNIT OR LOT OWNERS, SHALL BE DEEMED A THIRD PARTY BENEFICIARY OR HAVE ANY RIGHTS INCLUDING THE RIGHT TO BRING ANY ACTION UNDER ANY BOND OR BOND AGREEMENT.
7. THE OWNER OF THIS SUBDIVISION AND ANY SUCCESSORS AND ASSIGNS ARE RESPONSIBLE FOR ENSURING THAT IMPACT AND CONNECTION FEES ARE PAID AND WATER RIGHTS ARE SECURED FOR EACH INDIVIDUAL LOT. NO BUILDING PERMITS SHALL BE ISSUED FOR ANY LOT IN THIS SUBDIVISION UNTIL ALL IMPACT AND CONNECTION FEES AT THE RATES IN EFFECT WHEN APPLYING FOR BUILDING PERMIT, ARE PAID IN FULL AND WATER RIGHTS SECURED AS SPECIFIED BY CURRENT CITY ORDINANCES AND FEE SCHEDULES.
8. ALL OPEN SPACE AND TRAIL IMPROVEMENTS LOCATED HEREIN ARE TO BE INSTALLED BY OWNER UNLESS SPECIFIED OTHERWISE ON EACH IMPROVEMENT. THESE IMPROVEMENTS ARE TO BE MAINTAINED BY A HOMEOWNERS ASSOCIATION UNLESS SPECIFICALLY DESIGNATED FOR USE BY THE PUBLIC.
9. ANY REFERENCE HEREIN TO OWNERS, DEVELOPERS, OR CONTRACTORS SHALL APPLY TO SUCCESSORS, AGENTS, AND ASSIGNS.
10. PRIVATE ROADS AND COMMON AREAS ARE UTILITY EASEMENTS TO THE CITY OF SARATOGA SPRINGS FOR WATER, IRRIGATION, SEWER & STORM DRAIN.
11. LOTS/UNITS ARE SUBJECT TO ASSOCIATION BYLAWS, ARTICLES OF INCORPORATION AND CC&R'S.
12. OPEN SPACE PARCELS (OS) ARE RESTRICTED FROM RESIDENTIAL DEVELOPMENT.
13. ALL BUILDING LOTS CONTAINED WITHIN THIS PLAT ARE SUBJECT TO PRODUCT TYPES AS SET FORWARD IN LEGACY FARMS COMMUNITY AND VILLAGE PLAN 2.
14. OVERNIGHT ON STREET GUEST PARKING IS RESTRICTED FROM NOVEMBER 1ST TO MARCH 1ST.
15. ALL LOTS WITHIN THIS PLAT ARE SUBJECT TO THE LEGACY FARMS COMMUNITY PLAN AS WELL AS VILLAGE PLAN 2.

SURVEYOR'S CERTIFICATE

I, Craig E. Ahrens, do hereby certify that I am a Registered Land Surveyor, and that I hold a license, Certificate No. 270814, in accordance with the Professional Engineers and Land Surveyors Licensing Act found in Title 58, Chapter 22 of the Utah Code. 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, have subdivided said tract of land into lots, streets, and easements, have completed a survey of the property described on this plat in accordance with Utah Code Section 17-23-17, have verified all measurements, and have placed monuments s represented on the plat. I further certify that every existing right-of-way and easement grant of record for underground facilities, as defined in Utah Code Section 54-8a-2, and for other utility facilities, is accurately described on this plat, and that this plat is true and correct to the best of my knowledge and belief. I also certify that I have filed, or will file within 90 days the recordation of this plat, a map of the survey I have completed with the Utah County Surveyor.

BOUNDARY DESCRIPTION

A parcel of land lying and situate in the Southeast Quarter of Section 26, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is South 00\33'28" West 476.88, along the Section Line, and West 1,144.98 feet from the East Quarter Corner of said Section 26, and running thence South 00\03'53" East 54.00 feet; thence South 89\56'07" West 5.00 feet; thence South 44\58'08" West 7.08 feet; thence South 00\00'08" West 300.19 feet; thence South 89\56'07" West 54.00 feet; thence South 44\58'08" West 7.08 feet; thence South 89\56'07" West 105.21 feet; thence North 00\03'53" West 136.00 feet; thence South 89\56'07" West 469.63 feet; thence South 00\00'08" West 0.91 feet; thence North 89\59'52' West 86.00 feet to the Easterly Right-of-Way Line of Highpoint Drive (120 East); thence along said Easterly Line the following seven (7) courses (1) North 00\00'08" East 170.00 feet (2) North 44\58'08" East 7.08 feet (3) North 89\56'07" East 5.00 feet (4) North 00\00'08" East 53.99 feet (5) North 89\59'52' West 5.00 feet (6) North 45\01'52" West 7.07 feet (7) North 00\00'08" East 352.37 feet; thence South 89\59'52' East 529.69 feet; thence South 00\00'17" East 356.75 feet; thence North 89\56'07" East 200.21 feet to the Point of Beginning.

Containing 375,551 square feet / 8.622 acres / 85 Lots

DATE

Craig E. Ahrens
P.L.S. 270814

OWNER'S DEDICATION

Know all men by these presents that DR Horton Inc. A Delaware Company, 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

LEGACY FARMS PLAT 2-D
VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

do hereby dedicate for the perpetual use of the public and/or City all parcels of land, easements, rights-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 encumbrances 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 but only to the extent to have been caused by the owner's alterations of the ground surface, vegetation, drainage, or surface or sub-surface water flows within this subdivision or by owner's establishment of construction of the roads within this subdivision.

In witness whereof _____ have hereunto set ____ this _____ day of _____, AD 20 _____.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF _____ } S.S.

On the _____ day of _____ A.D., 20 _____, personally appeared before me, _____, who being duly sworn did say that he/she is the_____of DR Horton Inc., a Delaware Corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and he/she acknowledged 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

Commission No.

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.

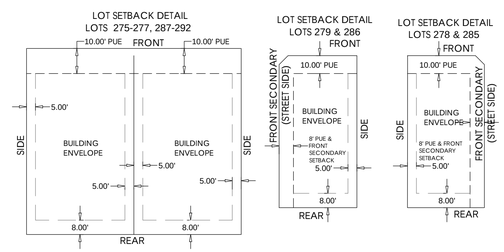
This _____, day of _____, A.D. 20 _____.

City Mayor — Attest _____ City Recorder (See Seal Below)

QUESTAR GAS COMPANY

Questar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's Right-of-Way department at 800-366-6532.

HOA WILL OWN PARCELS:
(see Plat Note 8)
OS 26
OS 27



QUESTAR GAS COMPANY

Approved this _____ day of_____A.D. 20___.

BY

TITLE

ROCKY MOUNTAIN POWER

Approved this _____ day of_____A.D. 20___.

ROCKY MOUNTAIN POWER

COMCAST CABLE TELEVISION

Approved this _____ day of_____A.D. 20___.

COMCAST CABLE TELEVISION

CENTURY LINK

Approved this _____ day of_____A.D. 20___.

CENTURY LINK

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).

GRAPHIC SCALE
0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

SHEET 1 OF 2

LEGACY FARMS PLAT 2-D
VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, AND PORTIONS OF THE NORTHEAST QUARTER OF SECTION 35
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

PSOMAS
4179 S. Riverboat Rd., Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

No.	Revisions	By	Date

Project Number 8DRH010600	PM CEA
Filename VILLAGE 2A.dwg	Plot Date 10/20/15
Designed By CEA	Drawn By TDM
Checked By JT	Date 10/19/15
Scale 1"= 60'	Date Issued Date

FIRE CHIEF APPROVAL
Approved by the Fire Chief on this _____day of_____A.D._____.
CITY FIRE CHIEF

PLANNING COMMISSION REVIEW
Reviewed by the Planning Commission on this_____day of_____ A.D.____.
CHAIRMAN, PLANNING COMMISSION

SARATOGA SPRINGS CITY ENGINEER APPROVAL
Approved by the City Engineer on this_____day of_____ A.D.____.
CITY ENGINEER

SARATOGA SPRINGS ATTORNEY
Approved by the Saratoga Springs Attorney on this_____day of_____ A.D._____.
SARATOGA SPRINGS ATTORNEY

LEHI CITY POST OFFICE
Approved by the Post Office Representative on this_____day of_____ A.D._____.
LEHI CITY POST OFFICE REPRESENTATIVE

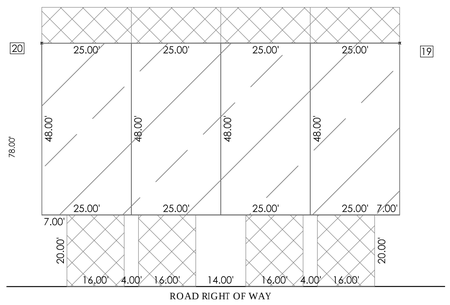
SURVEYOR'S SEAL | NOTARY PUBLIC'S SEAL | CITY ENGINEER'S SEAL | CLERK-RECORDER SEAL

LEGACY FARMS PLAT 2-D

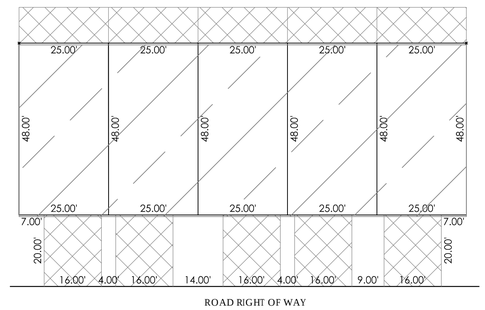
VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

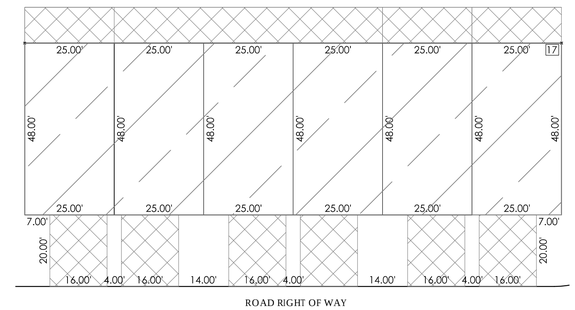
4 PLEX
LOTS 2212-2215
LOTS 2228-2231



5 PLEX
LOTS 2207-2211
LOTS 2232-2236



6 PLEX
LOTS 2177-2206
LOTS 2216-2227
LOTS 2237-2242



DATA TABLE	
I - TOTAL PROJECT AREA	8.62 AC
II - TOTAL NUMBER OF BUILDING LOTS	85
III - SQ. FOOTAGE OF PROPOSED BUILDING FOOTPRINTS (multi-family only), - Square footage of MAIN LEVEL	171,004
IV - NUMBER OF PROPOSED GARAGE PARKING SPACES (ASSUMED 2 PER HOUSE / UNIT)	170
a. Required Guest Parking	21.25
b. Guest Parking in 18' driveways	170
VI - ACREAGE OF SENSITIVE LANDS AND PERCENTAGE SENSITIVE LANDS COMPRISED OF TOTAL PROJECT AND OPENSPACE AREA	0 AC
VII - PERCENTAGE OF BUILDABLE LAND	100%
VIII - a. PRESCRIBED AREA OF OPEN SPACE	0.72 AC
VIII - a(1) - PRIVATE COMMON AREAS	1.1 AC
VIII - a(2) - PARK STRIPS	0.13 AC
VIII b - APPLICABLE (TOTAL) AREA OF OPEN SPACE	1.95 AC
Percentage of Prescribed Area Open Space	37 %
Percentage of Applicable (TOTAL) Area Open Space	22.62 %
IX - NET DENSITY OF DWELLING PER ACRE (SENSITIVE LANDS MUST BE SUBTRACTED FROM BASE ACREAGE)	9.86

III - square footage provided for attached product only, does not include single family residential. Calculations based on multi-family as 2-story product and twin homes as single story product.
IV - All products with 18' driveway will provide 2 guest parking spaces in addition to Multi-modul lane use (on street) and additional parking behind ROW.
VIII a - Area taken from open space parcels (as shown on subdivision plat)
VIII a(1) - Area taken from common areas (as shown on subdivision plat)
VIII a(2) - Area of open space parcels, common areas and park strips

PARCEL / ADDRESS TABLE			
PARCEL #	AREA	ACRES	ADDRESS
2177	1,200	0.03	497 S FOX CHASE LN
2178	1,200	0.03	493 S FOX CHASE LN
2179	1,200	0.03	491 S FOX CHASE LN
2180	1,200	0.03	489 S FOX CHASE LN
2181	1,200	0.03	487 S FOX CHASE LN
2182	1,200	0.03	483 S FOX CHASE LN
2183	1,200	0.03	484 S FOX CHASE LN
2184	1,200	0.03	486 S FOX CHASE LN
2185	1,200	0.03	488 S FOX CHASE LN
2186	1,200	0.03	492 S FOX CHASE LN
2187	1,200	0.03	494 S FOX CHASE LN
2188	1,200	0.03	496 S FOX CHASE LN
2189	1,200	0.03	497 S DAY DREAM LN
2190	1,200	0.03	493 S DAY DREAM LN
2191	1,200	0.03	491 S DAY DREAM LN
2192	1,200	0.03	489 S DAY DREAM LN
2193	1,200	0.03	487 S DAY DREAM LN
2194	1,200	0.03	483 S DAY DREAM LN
2195	1,200	0.03	484 S DAY DREAM LN
2196	1,200	0.03	486 S DAY DREAM LN

PARCEL / ADDRESS TABLE			
PARCEL #	AREA	ACRES	ADDRESS
2197	1,200	0.03	488 S DAY DREAM LN
2198	1,200	0.03	492 S DAY DREAM LN
2199	1,200	0.03	494 S DAY DREAM LN
2200	1,200	0.03	496 S DAY DREAM LN
2201	1,200	0.03	427 S FOX CHASE LN
2202	1,200	0.03	431 S FOX CHASE LN
2203	1,200	0.03	433 S FOX CHASE LN
2204	1,200	0.03	437 S FOX CHASE LN
2205	1,200	0.03	441 S FOX CHASE LN
2206	1,200	0.03	443 S FOX CHASE LN
2207	1,200	0.03	449 S FOX CHASE LN
2208	1,200	0.03	453 S FOX CHASE LN
2209	1,200	0.03	459 S FOX CHASE LN
2210	1,200	0.03	463 S FOX CHASE LN
2211	1,200	0.03	467 S FOX CHASE LN
2212	1,200	0.03	466 S FOX CHASE LN
2213	1,200	0.03	462 S FOX CHASE LN
2214	1,200	0.03	458 S FOX CHASE LN
2215	1,200	0.03	454 S FOX CHASE LN
2216	1,200	0.03	444 S FOX CHASE LN

PARCEL / ADDRESS TABLE			
PARCEL #	AREA	ACRES	ADDRESS
2217	1,200	0.03	442 S FOX CHASE LN
2218	1,200	0.03	438 S FOX CHASE LN
2219	1,200	0.03	436 S FOX CHASE LN
2220	1,200	0.03	434 S FOX CHASE LN
2221	1,200	0.03	432 S FOX CHASE LN
2222	1,200	0.03	431 S DAY DREAM LN
2223	1,200	0.03	433 S DAY DREAM LN
2224	1,200	0.03	437 S DAY DREAM LN
2225	1,200	0.03	441 S DAY DREAM LN
2226	1,200	0.03	443 S DAY DREAM LN
2227	1,200	0.03	447 S DAY DREAM LN
2228	1,200	0.03	453 S DAY DREAM LN
2229	1,200	0.03	457 S DAY DREAM LN
2230	1,200	0.03	461 S DAY DREAM LN
2231	1,200	0.03	463 S DAY DREAM LN
2232	1,200	0.03	466 S DAY DREAM LN
2233	1,200	0.03	462 S DAY DREAM LN
2234	1,200	0.03	458 S DAY DREAM LN
2235	1,200	0.03	456 S DAY DREAM LN
2236	1,200	0.03	452 S DAY DREAM LN

PARCEL / ADDRESS TABLE			
PARCEL #	AREA	ACRES	ADDRESS
2237	1,200	0.03	446 S DAY DREAM LN
2238	1,200	0.03	442 S DAY DREAM LN
2239	1,200	0.03	438 S DAY DREAM LN
2240	1,200	0.03	436 S DAY DREAM LN
2241	1,200	0.03	434 S DAY DREAM LN
2242	1,200	0.03	432 S DAY DREAM LN

POINT TABLE		
POINT #	NORTHING	EASTING
1	7,297,536.13	1,525,279.38
2	7,297,686.13	1,525,279.38
3	7,297,536.32	1,525,447.38
4	7,297,686.33	1,525,447.38
5	7,297,536.40	1,525,518.92
6	7,297,686.41	1,525,518.91
7	7,297,686.60	1,525,686.91
8	7,297,536.59	1,525,686.92
9	7,298,068.00	1,525,279.35
10	7,297,918.00	1,525,279.36
11	7,297,887.84	1,525,279.36
12	7,297,762.84	1,525,279.37
13	7,297,762.97	1,525,447.37
14	7,297,862.97	1,525,447.36
15	7,297,904.99	1,525,447.36
16	7,298,054.99	1,525,447.35
17	7,298,054.99	1,525,518.88
18	7,297,904.99	1,525,518.90
19	7,297,863.11	1,525,518.90
20	7,297,763.11	1,525,518.91
21	7,297,763.24	1,525,686.91
22	7,297,888.24	1,525,686.90
23	7,297,917.99	1,525,686.89
24	7,298,067.99	1,525,686.88

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	18.00'	N00°00'08"E
L2	18.00'	N00°00'08"E

CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	25.00'	7.12'	16°19'21"	S08°09'49"E	7.10'
C2	25.00'	7.07'	16°11'52"	N08°05'48"E	7.04'
C3	8.00'	12.57'	89°59'35"	N45°00'04"W	11.31'
C4	25.00'	39.27'	90°00'25"	S44°59'56"W	35.36'
C5	25.00'	37.27'	85°24'23"	N47°11'40"W	33.91'
C6	8.00'	12.57'	90°00'25"	S44°59'56"W	11.31'

NOTES:

1. LOTS SHOWN FOR REFERENCE ONLY. THE LIMITED COMMON AREA IS CONTROLLED BY THE PRIVATE ROAD ALIGNMENT.
2. ALL LOT LINES AND LIMITED COMMON AREA LINES ARE PARALLEL WITH AND/OR PERPENDICULAR TO THE BEARING LINES LISTED ON SHEET 1, EXCEPT AS SHOWN.

LEGEND

SUBDIVISION BOUNDARY
PUBLIC UTILITY EASEMENT
LOT LINE
BUILDING SETBACK
SECTION LINE
FLOOD PLAN
FOUND SECTION CORNER
SUBDIVISION BOUNDARY CORNER
STREET MONUMENT
PROPOSED STREET LIGHT
PROPOSED FIRE HYDRANT
OPEN SPACE PARCELS (OS) (COMMON AREA)
PRIVATE AREAS
LIMITED COMMON AREAS
COMMON AREAS
ROCKY MOUNTAIN POWER EASEMENT

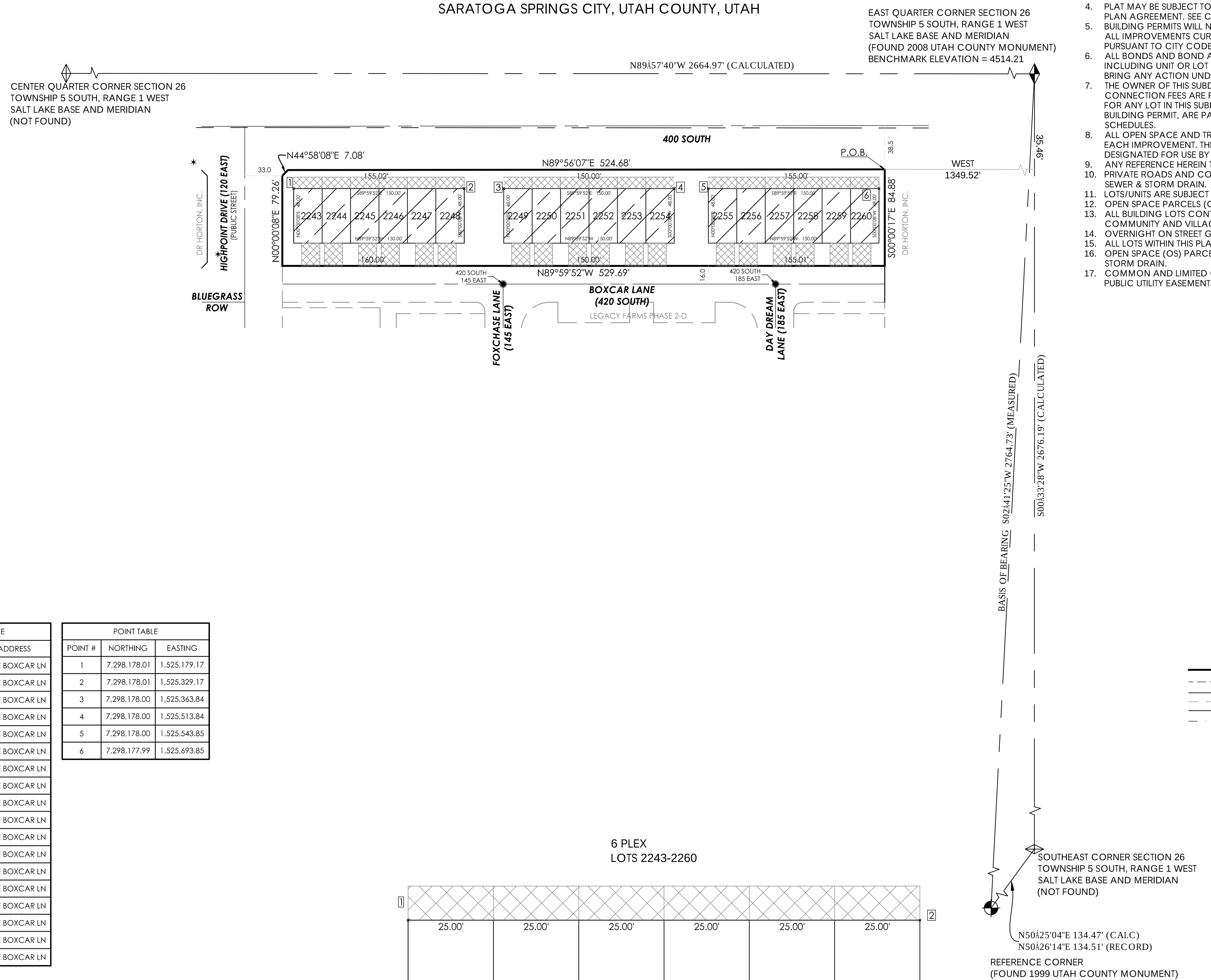
SHEET
2 OF 2

PSOMAS
4179 S. Riverboat Rd., Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

LEGACY FARMS PLAT 2-E

VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH



PLAT NOTES:

1. PLAT MUST BE RECORDED WITHIN 24 MONTHS OF FINAL PLAT APPROVAL BY CITY COUNCIL. FINAL PLAT APPROVAL WAS GRANTED ON THE ______ DAY OF ________, 20 ______.
2. THE INSTALLATION OF IMPROVEMENTS SHALL CONFORM TO ALL CITY RULES, ORDINANCES, REQUIREMENTS, STANDARDS, AND POLICIES REGARDING THE DEVELOPMENT OF THIS PROPERTY.
3. PRIOR TO BUILDING PERMITS BEING ISSUED, SOIL TESTING STUDIES MAY BE REQUIRED ON EACH LOT AS DETERMINED BY THE CITY BUILDING OFFICIAL.
4. PLAT MAY BE SUBJECT TO A MASTER DEVELOPMENT AGREEMENT, DEVELOPMENT AGREEMENT, SUBDIVISION AGREEMENT, OR SITE PLAN AGREEMENT. SEE CITY RECORDER FOR MORE INFORMATION.
5. BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL IMPROVEMENTS HAVE BEEN INSTALLED AND ACCEPTED BY THE CITY IN WRITING: ALL IMPROVEMENTS CURRENTLY MEET CITY STANDARDS; AND BONDS ARE POSTED BY THE CURRENT OWNER OF THE PROJECT PURSUANT TO CITY CODE.
6. ALL BONDS AND BOND AGREEMENTS ARE BETWEEN THE CITY, DEVELOPER/OWNER AND FINANCIAL INSTITUTION, NO OTHER PARTY, INCLUDING UNIT OR LOT OWNERS, SHALL BE DEEMED A THIRD PARTY BENEFICIARY OR HAVE ANY RIGHTS INCLUDING THE RIGHT TO BRING ANY ACTION UNDER ANY BOND OR BOND AGREEMENT.
7. THE OWNER OF THIS SUBDIVISION AND ANY SUCCESSORS AND ASSIGNS ARE RESPONSIBLE FOR ENSURING THAT IMPACT AND CONNECTION FEES ARE PAID AND WATER RIGHTS ARE SECURED FOR EACH INDIVIDUAL LOT. NO BUILDING PERMITS SHALL BE ISSUED FOR ANY LOT IN THIS SUBDIVISION UNTIL ALL IMPACT AND CONNECTION FEES AT THE RATES IN EFFECT WHEN APPLYING FOR BUILDING PERMIT, ARE PAID IN FULL AND WATER RIGHTS SECURED AS SPECIFIED BY CURRENT CITY ORDINANCES AND FEE SCHEDULES.
8. ALL OPEN SPACE AND TRAIL IMPROVEMENTS LOCATED HEREIN ARE TO BE INSTALLED BY OWNER UNLESS SPECIFIED OTHERWISE ON EACH IMPROVEMENT. THESE IMPROVEMENTS ARE TO BE MAINTAINED BY A HOMEOWNERS ASSOCIATION UNLESS SPECIFICALLY DESIGNATED FOR USE BY THE PUBLIC.
9. ANY REFERENCE HEREIN TO OWNERS, DEVELOPERS, OR CONTRACTORS SHALL APPLY TO SUCCESSORS, AGENTS, AND ASSIGNS.
10. PRIVATE ROADS AND COMMON AREAS ARE UTILITY EASEMENTS TO THE CITY OF SARATOGA SPRINGS FOR WATER, IRRIGATION, SEWER & STORM DRAIN.
11. LOTS/UNITS ARE SUBJECT TO ASSOCIATION BYLAWS, ARTICLES OF INCORPORATION AND CC&R'S.
12. OPEN SPACE PARCELS (OS) ARE RESTRICTED FROM RESIDENTIAL DEVELOPMENT.
13. ALL BUILDING LOTS CONTAINED WITHIN THIS PLAT ARE SUBJECT TO PRODUCT TYPES AS SET FORWARD IN LEGACY FARMS COMMUNITY AND VILLAGE PLAN 2.
14. OVERNIGHT ON STREET GUEST PARKING IS RESTRICTED FROM NOVEMBER 1ST TO MARCH 1ST.
15. ALL LOTS WITHIN THIS PLAT ARE SUBJECT TO THE LEGACY FARMS COMMUNITY PLAN AS WELL AS VILLAGE PLAN 2.
16. OPEN SPACE (OS) PARCEL 3 IS A UTILITY EASEMENT FOR THE CITY OF SARATOGA SPRINGS FOR WATER, IRRIGATION, SEWER AND STORM DRAIN.
17. COMMON AND LIMITED COMMON AREAS ARE CITY EASEMENTS FOR WATER, IRRIGATION, SEWER AND STORM DRAIN AS WELL AS PUBLIC UTILITY EASEMENTS AND DRAINAGE EASEMENTS.

SURVEYOR'S CERTIFICATE

I, Craig E. Ahrens, do hereby certify that I am a Registered Land Surveyor, and that I hold a license, Certificate No. 270814, in accordance with the Professional Engineers and Land Surveyors Licensing Act found in Title 58, Chapter 22 of the Utah Code. 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, have subdivided said tract of land into lots, streets, and easements, have completed a survey of the property described on this plat in accordance with Utah Code Section 17-23-17, have verified all measurements, and have placed monuments s represented on the plat. I further certify that every existing right-of-way and easement grant of record for underground facilities, as defined in Utah Code Section 54-8a-2, and for other utility facilities, is accurately described on this plat, and that this plat is true and correct to the best of my knowledge and belief. I also certify that I have filed, or will file within 90 days the recordation of this plat, a map of the survey I have completed with the Utah County Surveyor.

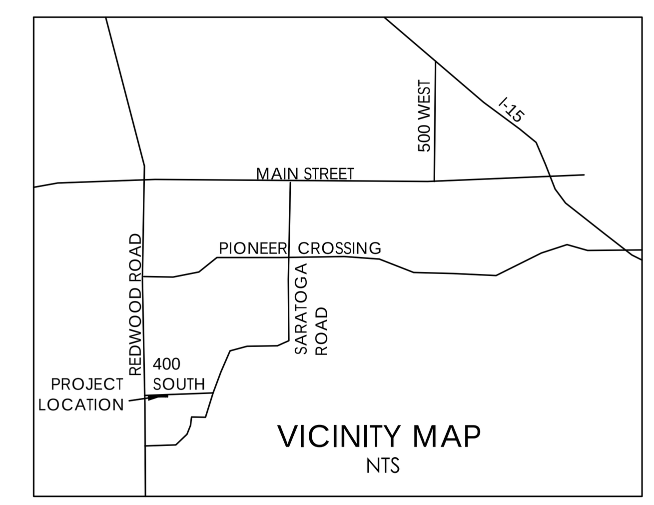
BOUNDARY DESCRIPTION

A parcel of land lying and situate in the Southeast Quarter of Section 26, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is South 00Á33'28" West 35.46, along the Section Line, and West 1,349.52 feet from the East Quarter Corner of said Section 26, and running thence South 00Á00'17" East 84.88 feet; thence North 89Á59'52" West 529.69 feet to the Easterly Right-of-Way Line of Highpoint Drive (120 East); thence along said Easterly Line the following two (2) courses (1) North 00Á00'08" East 79.26 feet (2) North 44Á58'08" East 7.08 feet to the Southerly Right-of-Way Line of 400 South Street; thence along said Southerly Line the following course (1) North 89Á56'07" East 524.68 feet to the Point of Beginning.

Containing 44,785 square feet / 1.028 acres / 18 Lots

DATE ______________ Craig E. Ahrens
P.L.S. 270814



VICINITY MAP
NTS

LEGEND

- SUBDIVISION BOUNDARY
- PUBLIC UTILITY EASEMENT
- LOT LINE
- BUILDING SETBACK
- SECTION LINE
- FLOOD PLAIN
- FOUND SECTION CORNER
- SUBDIVISION BOUNDARY CORNER
- STREET MONUMENT
- PROPOSED STREET LIGHT
- PROPOSED FIRE HYDRANT
- OPEN SPACE PARCEL (OS) (COMMON AREA)
- PRIVATE AREAS
- LIMITED COMMON AREAS
- COMMON AREAS
- ROCKY MOUNTAIN POWER EASEMENT

OWNER'S DEDICATION

Know all men by these presents that DR Horton Inc. A Delaware Company, 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

LEGACY FARMS PLAT 2-E
VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION

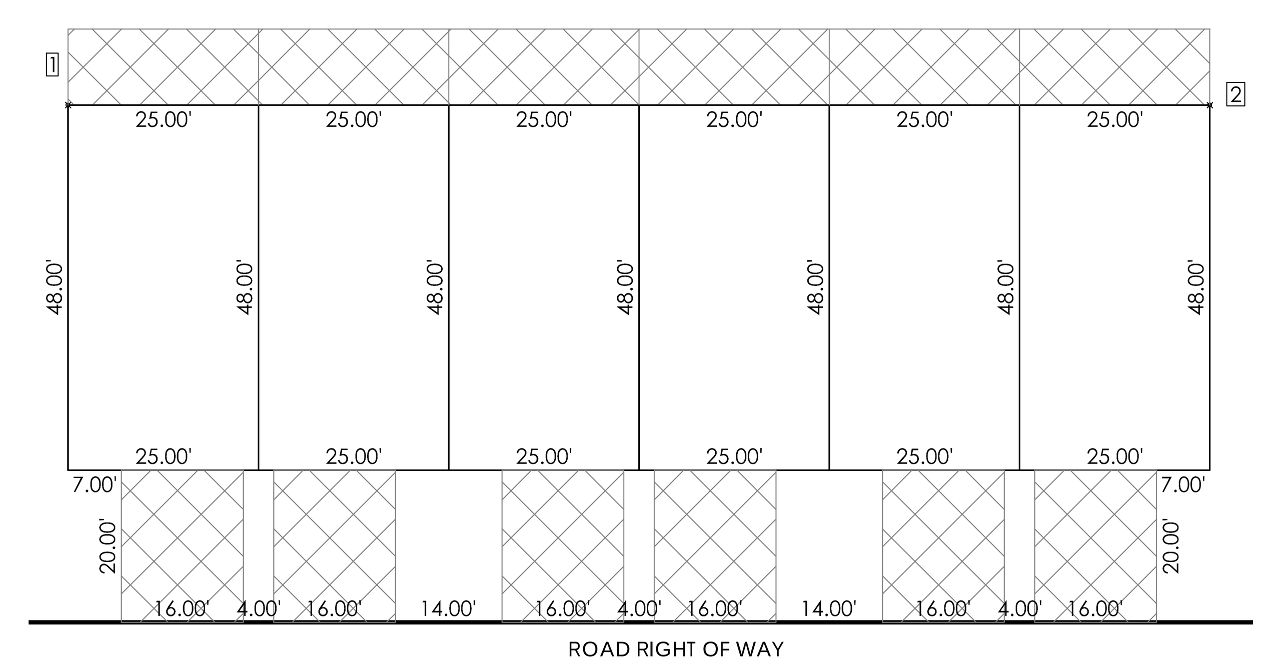
do hereby dedicate for the perpetual use of the public and/or City all parcels of land, easements, rights-of-way, and public amenities shown on this plat as intended for public and/or City use. The owner(s) voluntarily defend, indemnify, and save harmless the City against any easements or other encumbrances 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 but only to the extent to have been caused by the owner's alterations of the ground surface, vegetation, drainage, or surface or sub-surface water flows within this subdivision or by owner's establishment of the construction of the roads within this subdivision.

In witness whereof _____ have hereunto set ____ this _____ day of ___________, AD 20 _____.

PARCEL / ADDRESS TABLE			
PARCEL #	AREA	ACRES	ADDRESS
2243	1,200	0.03	122 E BOXCAR LN
2244	1,200	0.03	126 E BOXCAR LN
2245	1,200	0.03	128 E BOXCAR LN
2246	1,200	0.03	132 E BOXCAR LN
2247	1,200	0.03	134 E BOXCAR LN
2248	1,200	0.03	136 E BOXCAR LN
2249	1,200	0.03	146 E BOXCAR LN
2250	1,200	0.03	148 E BOXCAR LN
2251	1,200	0.03	154 E BOXCAR LN
2252	1,200	0.03	158 E BOXCAR LN
2253	1,200	0.03	164 E BOXCAR LN
2254	1,200	0.03	168 E BOXCAR LN
2255	1,200	0.03	178 E BOXCAR LN
2256	1,200	0.03	182 E BOXCAR LN
2257	1,200	0.03	186 E BOXCAR LN
2258	1,200	0.03	188 E BOXCAR LN
2259	1,200	0.03	192 E BOXCAR LN
2260	1,200	0.03	196 E BOXCAR LN

POINT TABLE		
POINT #	NORTHING	EASTING
1	7,298,178.01	1,525,179.17
2	7,298,178.01	1,525,329.17
3	7,298,178.00	1,525,363.84
4	7,298,178.00	1,525,513.84
5	7,298,178.00	1,525,543.85
6	7,298,177.99	1,525,693.85

6 PLEX
LOTS 2243-2260



CORPORATE ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF _________

On the _____day of _______ A.D., 20 _____, personally appeared before me, _____, who being duly sworn did say that he/she is the_________________of DR Horton Inc., a Delaware Corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and he/she acknowledged 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 ________

Commission No. ________

DATA TABLE	
I - TOTAL PROJECT AREA	1.02 AC
II - TOTAL NUMBER OF BUILDING LOTS	18
III - SQ. FOOTAGE OF PROPOSED BUILDING FOOTPRINTS (multi-family only), - Square footage of MAIN LEVEL	43,353
IV - NUMBER OF PROPOSED GARAGE PARKING SPACES (ASSUMED 2 PER HOUSE / UNIT)	36
a. Required Guest Parking	4.5
b. Guest Parking in 18' driveways	36
VI - ACREAGE OF SENSITIVE LANDS AND PERCENTAGE SENSITIVE LANDS COMPRISED OF TOTAL PROJECT AND OPENSPACE AREA	0 AC
VII - PERCENTAGE OF BUILDABLE LAND	100%
VIII - a. PRESCRIBED AREA OF OPEN SPACE	0.13 AC
VIII - a(1) - PRIVATE COMMON AREAS	0.10 AC
VIII - a(2) - PARK STRIPS	0.07 AC
VIII b - APPLICABLE (TOTAL) AREA OF OPEN SPACE	0.3 AC
Percentage of Prescribed Area Open Space	43 %
Percentage of Applicable (TOTAL) Area Open Space	29.41 %
IX - NET DENSITY OF DWELLING PER ACRE (SENSITIVE LANDS MUST BE SUBTRACTED FROM BASE ACREAGE)	17.65

III - square footage provided for attached product only, does not include single family residential. Calculations based on multi-family as 2-story product and twin homes as single story product.
IV - All products with 18' driveway will provide 2 guest parking spaces in addition to Multi-modul lane use (on street) and additional parking behind ROW.
VIII a - Area taken from open space parcels (as shown on subdivision plat)
VIII a(1) - Area taken from common areas (as shown on subdivision plat)
VIII a(2) - Area of open space parcels, common areas and park strips

QUESTAR GAS COMPANY

Questar approves this plat solely for the purpose of confirming that the plat contains public utility easements. Questar may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgement of any terms contained in the plat, including those set forth in the Owners Dedication and the Notes and does not constitute a guarantee of particular terms of natural gas service. For further information please contact Questar's Right-of-Way department at 800-366-6532.

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)

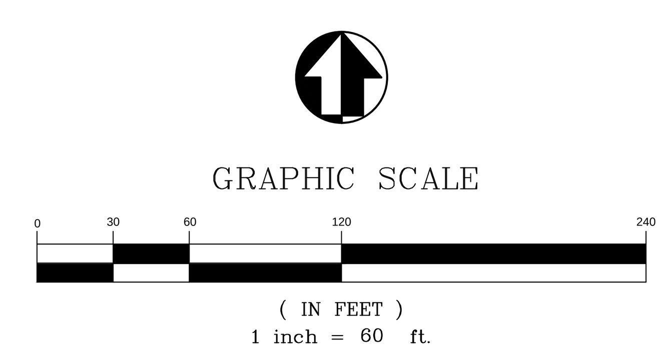
QUESTAR GAS COMPANY
Approved this _______ day of_________A.D. 20____.
BY
TITLE

ROCKY MOUNTAIN POWER
Approved this _______ day of_________A.D. 20____.
ROCKY MOUNTAIN POWER

COMCAST CABLE TELEVISION
Approved this _______ day of_________A.D. 20____.
COMCAST CABLE TELEVISION

CENTURY LINK
Approved this _______ day of_________A.D. 20____.
CENTURY LINK

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).



SHEET 1 OF 1

LEGACY FARMS PLAT 2-E
VACATING A PORTION OF PARCEL NO. 2, SARATOGA DRIVE CHURCH SUBDIVISION
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26
TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

PSOMAS
4179 S. Riverboat Rd., Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

No.	Revisions	By	Date

Project Number	PM
8DRH010600	CEA
Filename	Plot Date
VILLAGE 2E.dwg	10/20/15
Designed By	Drawn By
CEA	TDM
Checked By	Date
JT	10/20/15
Scale	Date Issued
1"= 60'	Date

FIRE CHIEF APPROVAL
Approved by the Fire Chief on this _______day of_________A.D.______.
CITY FIRE CHIEF

PLANNING COMMISSION REVIEW
Reviewed by the Planning Commission on this________day of_________ A.D.____.
CHAIRMAN, PLANNING COMMISSION

SARATOGA SPRINGS CITY ENGINEER APPROVAL
Approved by the City Engineer on this________day of_________ A.D.____.
CITY ENGINEER

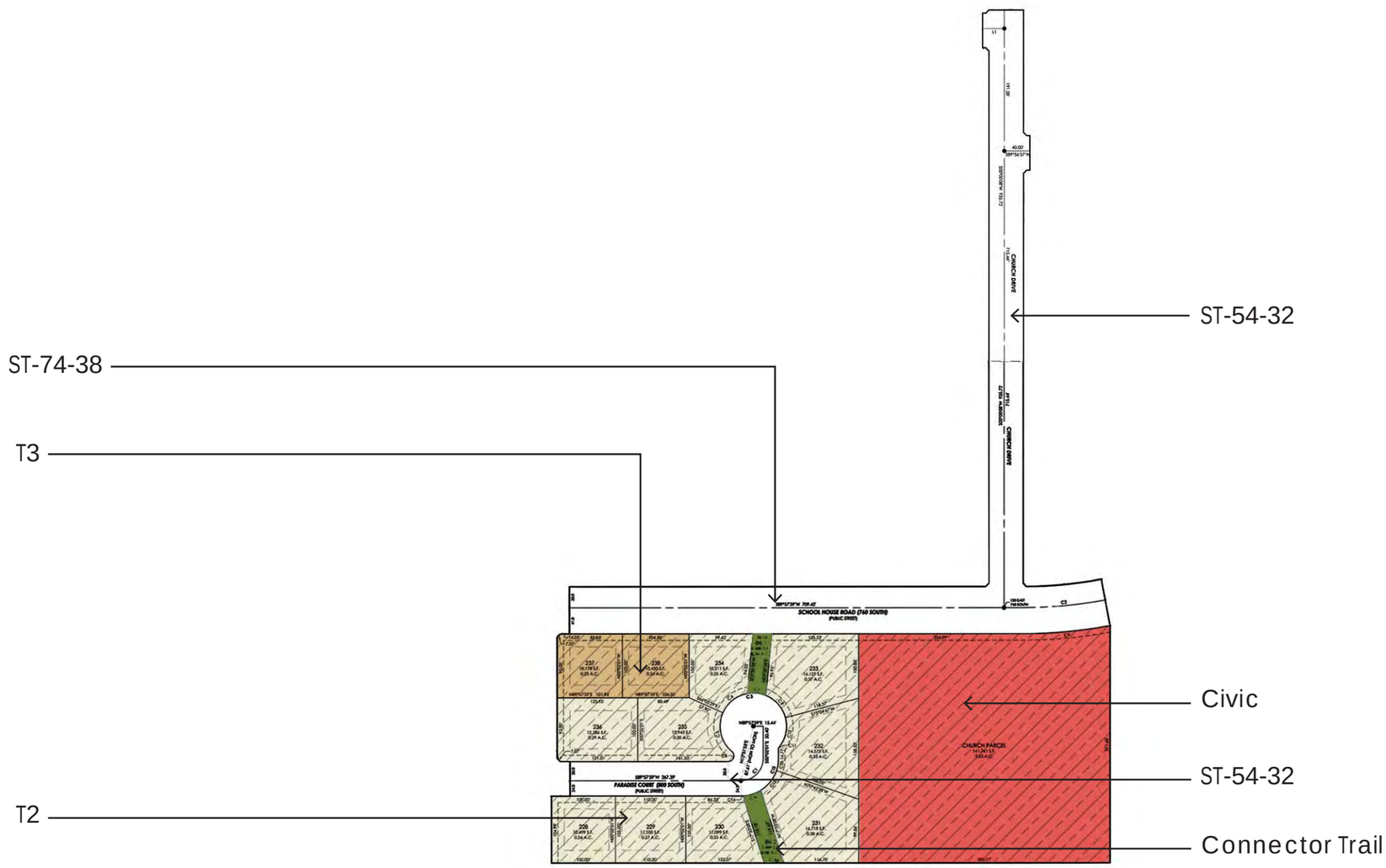
SARATOGA SPRINGS ATTORNEY
Approved by the Saratoga Springs Attorney on this________day of_________ A.D._____.
SARATOGA SPRINGS ATTORNEY

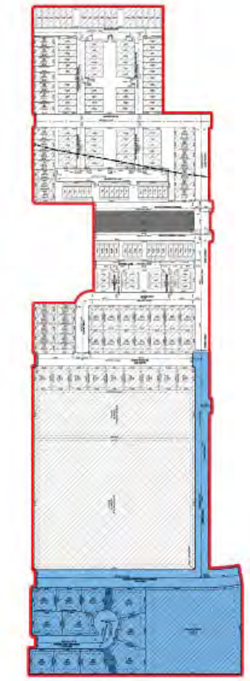
LEHI CITY POST OFFICE
Approved by the Post Office Representative on this________day of_________ A.D._____.
LEHI CITY POST OFFICE REPRESENTATIVE

SURVEYOR'S SEAL | NOTARY PUBLIC'S SEAL | CITY ENGINEER'S SEAL | CLERK-RECORDER SEAL

LEGACY FARMS VILLAGE PLAN 2 PLAT 2-A

TRANSECT SUB-DISTRICT ZONES





Transect Sub-districts

- T2
- T3-R
- T3
- T4-R
- T4-SL
- T4
- T5-R
- Civic
- O.S.

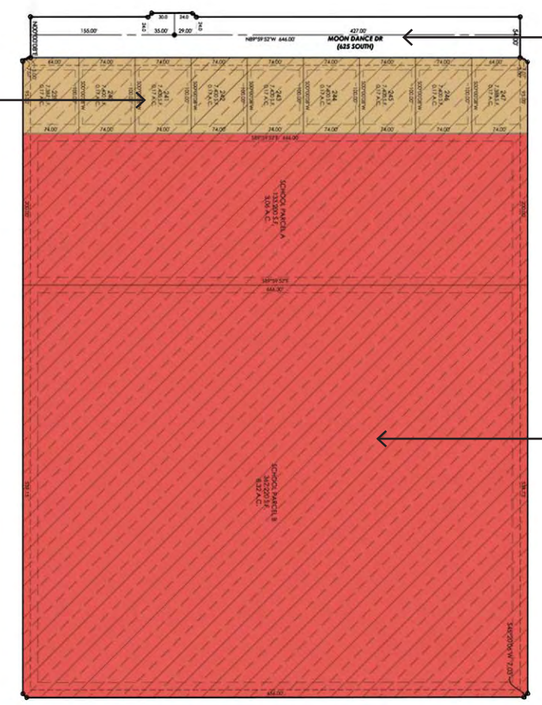
Scale: 1" = 200'

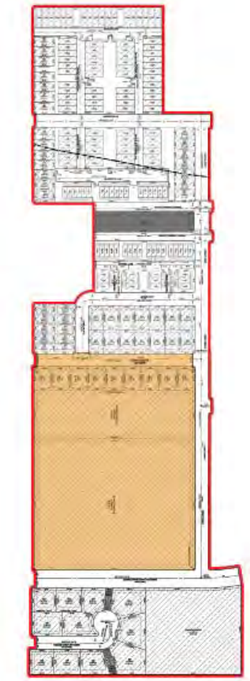
North

PSOMAS

LEGACY FARMS VILLAGE PLAN 2 PLAT 2-B

TRANSECT SUB-DISTRICT ZONES





Transect Sub-districts

- T2
- T3-R
- T3
- T4-R
- T4-SL
- T4
- T5-R
- Civic
- O.S.

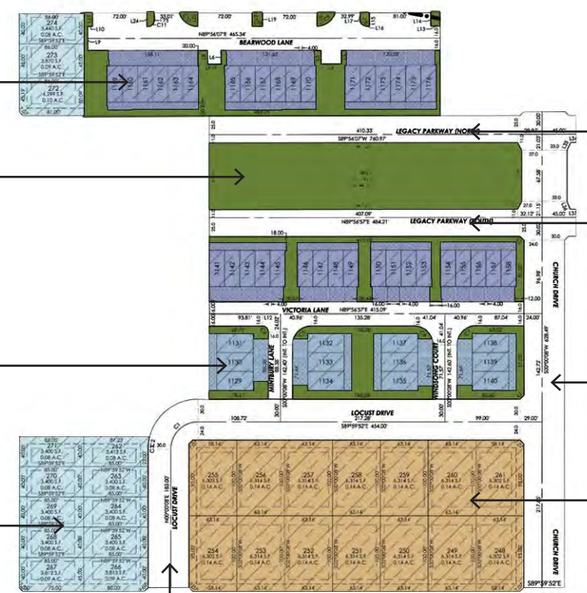
Scale: 1" = 200'

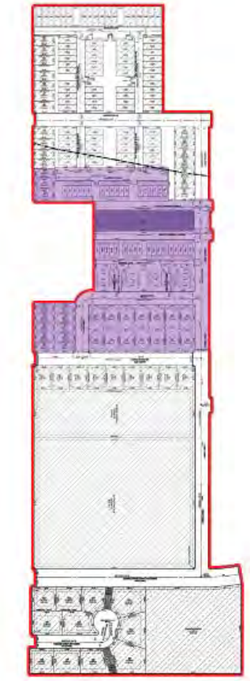
North

PSOMAS

LEGACY FARMS VILLAGE PLAN 2 PLAT 2-C

TRANSECT SUB-DISTRICT ZONES





Transect Sub-districts

- T2
- T3-R
- T3
- T4-R
- T4-SL
- T4
- T5-R
- Civic
- O.S.

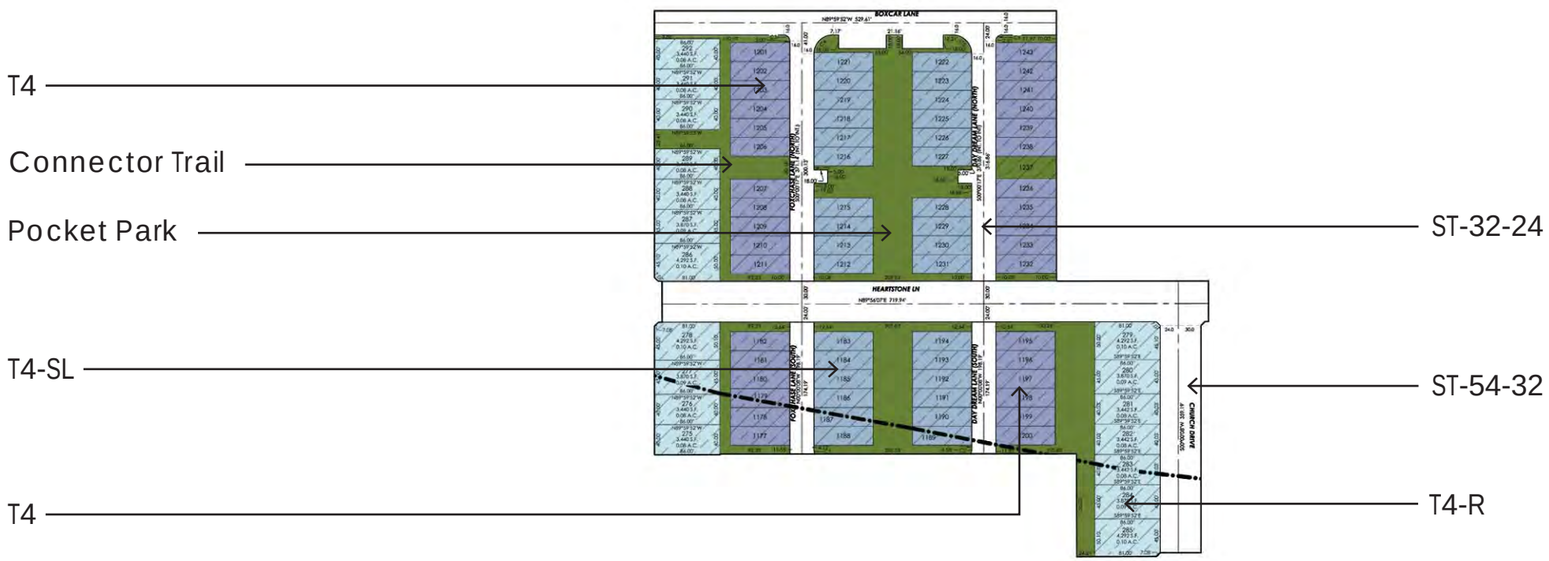
Scale: 1" = 200'

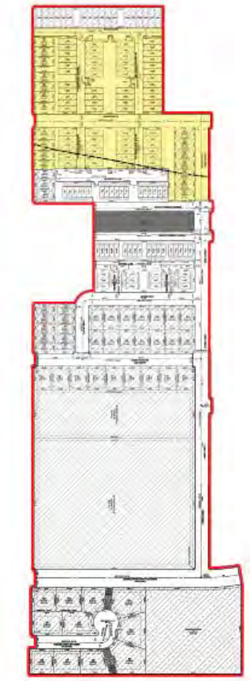
North

PSOMAS

LEGACY FARMS VILLAGE PLAN 2 PLAT 2-D

TRANSECT SUB-DISTRICT ZONES





Transect Sub-districts

- T2
- T3-R
- T3
- T4-R
- T4-SL
- T4
- T5-R
- Civic
- O.S.

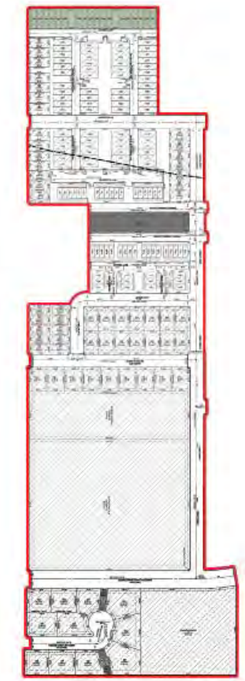
Scale: 1" = 200'

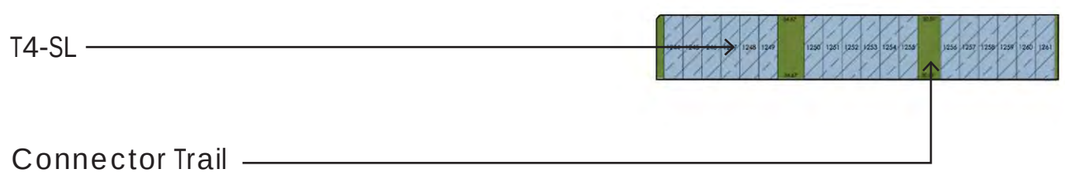
North

PSOMAS

LEGACY FARMS VILLAGE PLAN 2 PLAT 2-E

TRANSECT SUB-DISTRICT ZONES





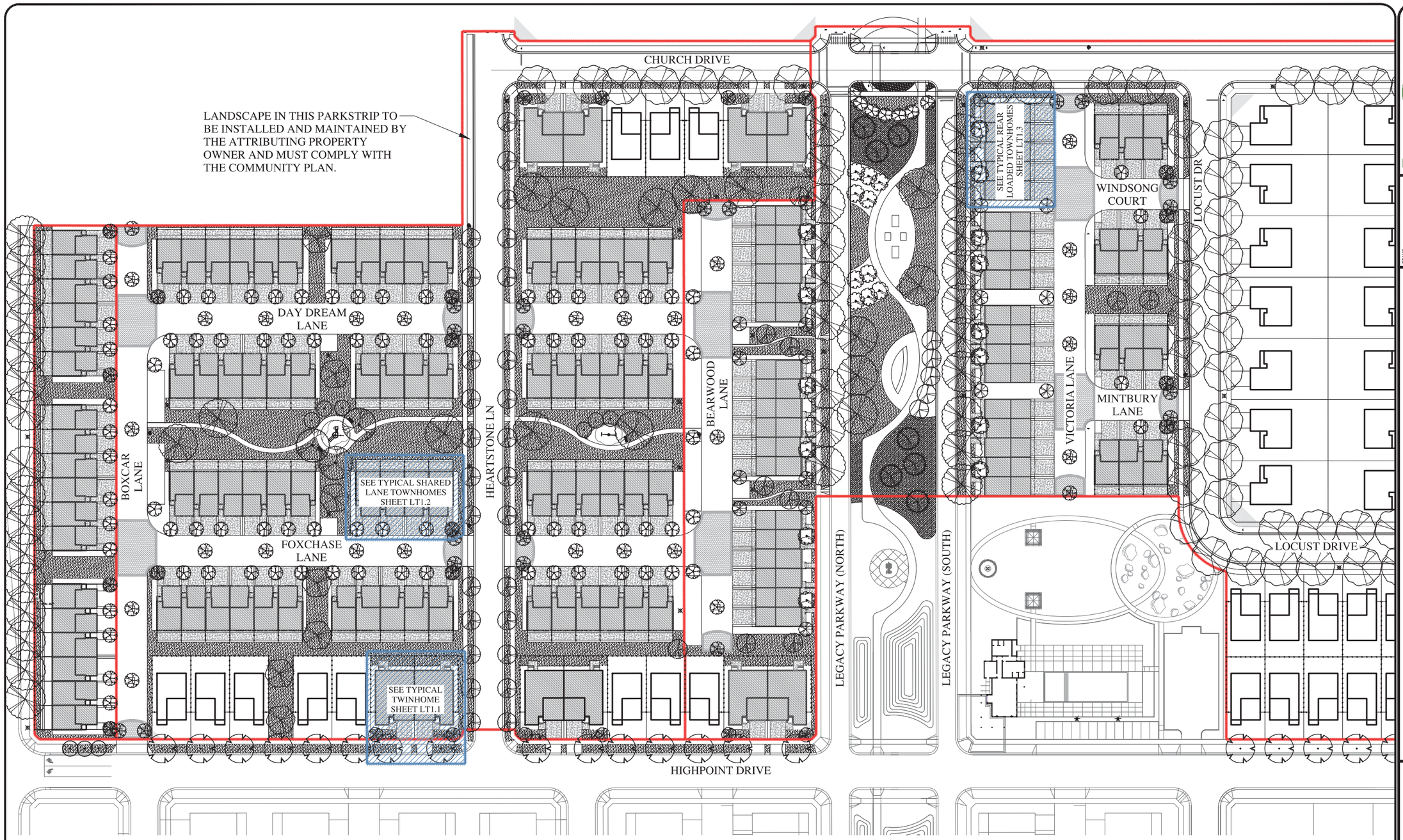
Transect Sub-districts

- T2
- T3-R
- T3
- T4-R
- T4-SL
- T4
- T5-R
- Civic
- O.S.

Scale: 1" = 200'

North

PSOMAS



GENERAL NOTES

1. SEE SHEET LS1.0C FOR PLANTING LEGEND, PLANT SIZES, PLANT QUANTITIES AND PLANTING NOTES AND THE REFERENCE NOTE SCHEDULE.
2. SEE SHEETS LS3.1 & LS3.2 FOR PLANTING DETAILS.
3. SEE SHEETS LS2.1 THRU LS2.42 FOR IRRIGATION DRAWINGS.
4. SEE SHEETS LS4.1 THRU LS4.4 FOR IRRIGATION DETAILS.
5. PLANT MATERIAL TO BE INSTALLED PER PLANT LEGEND. ANY SUBSTITUTIONS TO BE APPROVED BY OWNER AND/OR LANDSCAPE ARCHITECT.
6. ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH ADOPTED COMMUNITY AND VILLAGE PLAN. LANDSCAPE SHALL ALSO COMPLY WITH ADOPTED LOCAL, CITY AND STATE CODE AND SHALL FOLLOW AMERICAN ASSOCIATIONS NURSERYMEN STANDARDS FOR PLANT MATERIALS.
7. ALL BASE AND SITE INFORMATION WAS OBTAINED FROM DR HORTON. AND IS THEREFORE ASSUMED TO BE ACCURATE. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING AND PROPOSED GRADES, PLANT MATERIAL, BUILDINGS, PROPERTY LINES ETC. ON-SITE PRIOR TO CONSTRUCTION AND WILL NEED TO MAKE ON-SITE ADJUSTMENTS AS NECESSARY DURING CONSTRUCTION. BY USE OF THESE PLANS, THE OWNER AND CONTRACTORS AGREE TO HOLD IN-SITE DESIGN GROUP HARMLESS FROM ERRORS IN BASE PROVIDED.
8. CONTRACTOR AND/OR OWNER IS RESPONSIBLE TO VERIFY CORRECT PROPERTY LINES AND MAKE ADJUSTMENTS TO PLAN AS NECESSARY. IN ADDITION, ALL UTILITIES AND/OR EASEMENTS ARE TO BE VERIFIED ON-SITE TO ENSURE NO CONFLICTS EXIST BETWEEN EXISTING UTILITIES, EASEMENTS AND THE PROPOSED LANDSCAPE PLAN.
9. ISDG OFFERS NO GUARANTEE, WRITTEN OR OTHERWISE, AS TO THE ACCURACY OF THESE DRAWINGS. THE OWNER AND CONTRACTOR ARE ULTIMATELY RESPONSIBLE FOR ENSURING LANDSCAPE IS CONSTRUCTED IN A SAFE MANNER THAT WILL NOT CAUSE HARM TO ANY PERSON, STRUCTURE OR OTHER ELEMENTS ON THE SAID PROPERTY OR ADJACENT PROPERTIES.
10. CONTRACTOR SHALL INSPECT ALL DRAWINGS AND SPECIFICATIONS. ANY DISCREPANCIES FOUND IN THE DRAWINGS, DETAILS OR SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND IN-SITE DESIGN GROUP PRIOR TO CONSTRUCTION. CONTRACTOR SHALL OBTAIN WRITTEN FIELD DIRECTIVES FROM IN-SITE DESIGN GROUP STATING PROPER COURSE OF ACTION IF DISCREPANCIES OR ERRORS ARE DISCOVERED PRIOR TO AND DURING CONSTRUCTION.
11. LANDSCAPE AND IRRIGATION PLANS SHALL BE COORDINATED WITH ALL TRADES WORKING ON PROJECT, ANY CONFLICTS SHALL BE BROUGHT TO ATTENTION OF OWNER.

CALL BEFORE YOU DIG! BLUE STAKES 1-800-662-4111

N

50 0 50 100 150

SCALE: 1"=50'-0" ON 22X34 SHEET
1"=100'-0" ON 11X17 SHEET

In Site DESIGN GROUP
Landscape Architecture Land Planning
17 North 470 West American Fork, Utah 84003
801-785-5543 www.insitedesigngroup.com

STAMP: LANDSCAPE ARCHITECT #4884514 Cory B. Whiting LICENSED

PROJECT:
LEGACY FARMS VILLAGE PLAN 2
PREPARED FOR: D R HORTON
SARATOGA SPRINGS, UTAH

PRELIMINARY PLAN
NOT FOR CONSTRUCTION

SHEET TITLE: OVERALL PLANTING PLAN

DRAWN BY: AJN
CHECKED: CBW
DATE: 10-19-15
REVISIONS: --
--
--
JOB NO. 15-166

SHEET: LS1.0A

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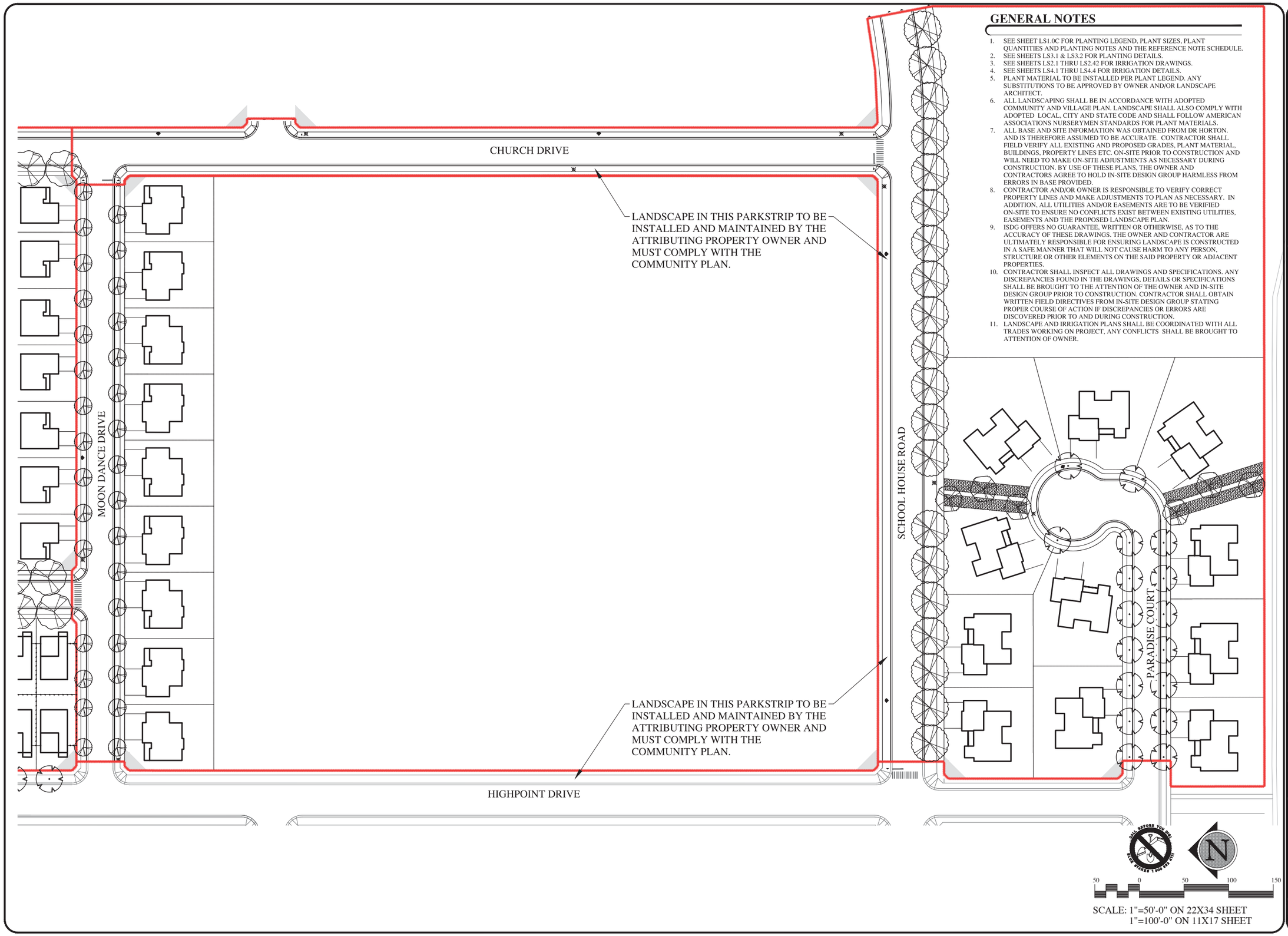

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In Site DESIGN GROUP
Landscape Architecture Land Planning
17 North 470 West American Fork, Utah 84003
801-756-5543 www.in-site-design-group.com

STAMP: LANDSCAPE ARCHITECT #488514 Cory B. Whiting

PROJECT:
LEGACY FARMS VILLAGE PLAN 2
PREPARED FOR: D R HORTON
SARATOGA SPRINGS, UTAH

PRELIMINARY PLAN
NOT FOR CONSTRUCTION

SHEET TITLE:
OVERALL PLANTING PLAN

DRAWN BY: AJN
CHECKED: CBW
DATE: 10-19-15
REVISIONS: --
--
--
JOB NO. 15-166

SHEET:
LS1.0B

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LEGACY FARMS

Village Plan #2

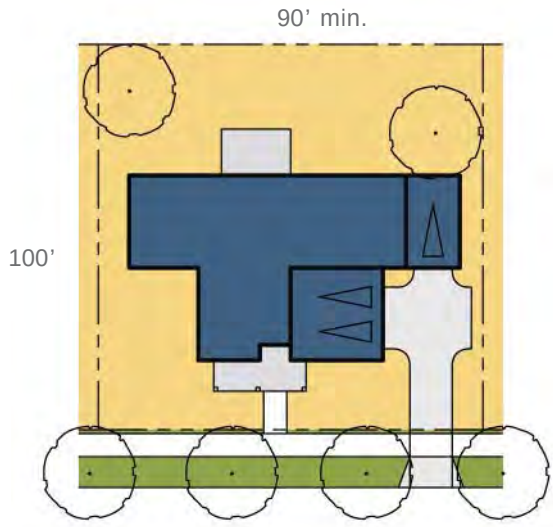
TABLE 5A - 10,000 S.F. LOTS

DAP	Traditional Neighborhood						
CP	BT-1						
		BT-2					
VP	T2	T3-R	T3				

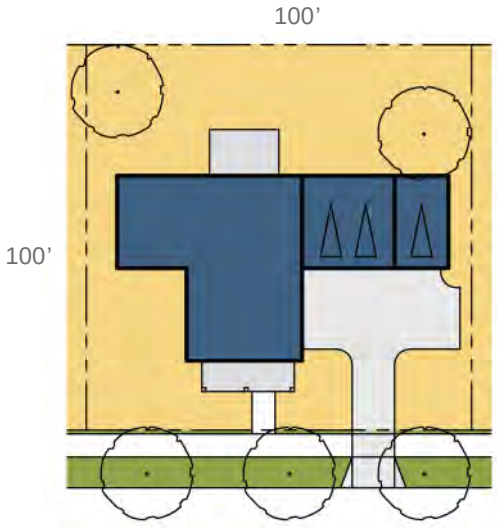
TYPICAL LOT CHARACTERISTICS	
Width	90’ min.
Depth	100’ min.
PRINCIPLE BUILDING SETBACKS	
Front	16’ min.
Side	8’ min.
Front - secondary	12’ min.
Rear	20’ min.
Second Lot Layer	12’ min.
PARKING REQUIREMENT (on site)	
Spaces	2 min.

Notes:
1. Side load exception allowed
2. Garage forward exception allowed

Note:
Guest parking at .25 stalls per unit shall be required for products that do not contain 18’ min. driveways. Required guest parking may not be impacted by snow storage.

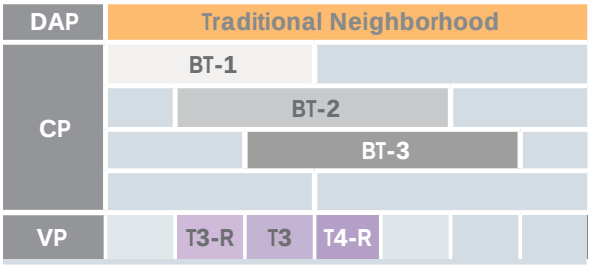


10,000 s.f. lot diagram with side load two-car garage and front facing one-car garage
(Scale: 1”=50’)



10,000 s.f. lot diagram with front facing three-car garage
(Scale: 1”=50’)

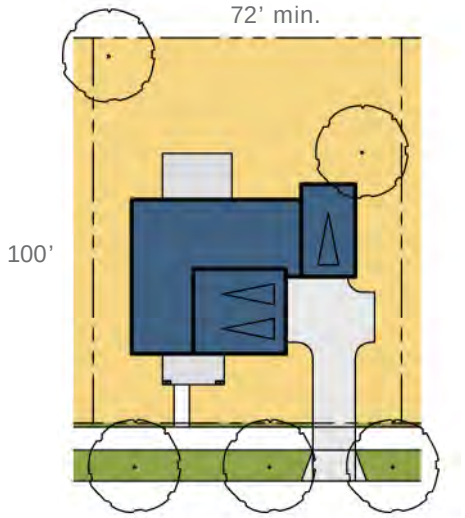
TABLE 5B- 8,000 S.F. LOTS



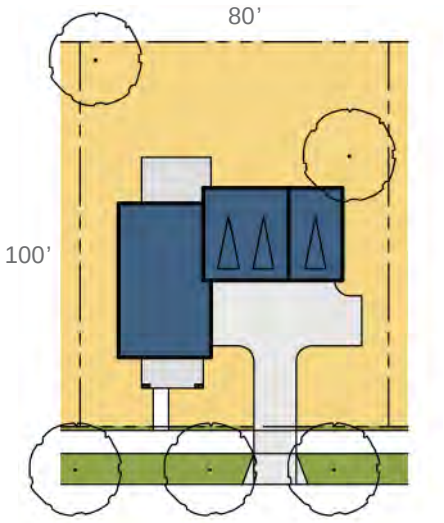
TYPICAL LOT CHARACTERISTICS	
Width	72’ min.
Depth	100’ min.
PRINCIPLE BUILDING SETBACKS	
Front	10’ min.
Side	5’ min.
Front - secondary	2’ min.
Rear	15’ min.
Second Lot Layer	10’ min.
PARKING REQUIREMENT (on site)	
Spaces	2 min.

Notes:
1. Side load exception allowed
2. Garage forward exception allowed

Note:
Guest parking at .25 stalls per unit shall be required for products that do not contain 18’ min. driveways. Required guest parking may not be impacted by snow storage.



8,000 s.f. lot diagram with side load two-car garage and front facing one-car garage
(Scale: 1”=50’)



8,000 s.f. lot diagram with front facing three-car garage
(Scale: 1”=50’)

LEGACY FARMS

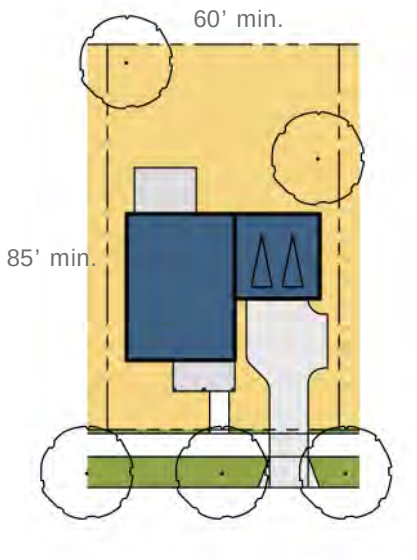
Village Plan #2

TABLE 5C - 6,000 S.F. LOTS

DAP	Traditional Neighborhood						
CP							
		BT-2					
			BT-3				
				BT-4			
VP			T3	T4-R	T4		

TYPICAL LOT CHARACTERISTICS	
Width	60’ min.
Depth	85’ min.
PRINCIPLE BUILDING SETBACKS	
Front	8’ min.
Side	5’ min.
Front - secondary	5’ min.
Rear	12’ min.
Second Lot Layer	12’ min.
PARKING REQUIREMENT (on site)	
Spaces	2 min.

Notes:
1. Side load exception allowed
2. Garage forward exception allowed



6,000 s.f. lot diagram
(Scale: 1”=50’)

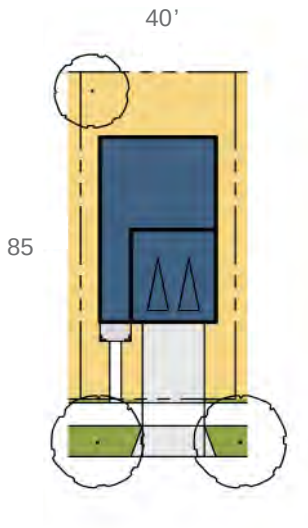
Note:
Guest parking at .25 stalls per unit shall be required for products that do not contain 18’ min. driveways. Required guest parking may not be impacted by snow storage.

TABLE 5D - COTTAGE LOTS

DAP	Traditional Neighborhood						
CP							
			BT-3				
				BT-4			
VP				T4-R	T4	T5-R	T5

TYPICAL LOT CHARACTERISTICS	
Width	40’ min.
Depth	85’ min.
PRINCIPLE BUILDING SETBACKS	
Front	8’ min.
Side	0’ min.
Front - secondary	2’ min.
Rear	10’ min.
Second Lot Layer	2’ min.
PARKING REQUIREMENT (on site)	
Spaces	2 min.

Notes:
1. Garage forward exception allowed



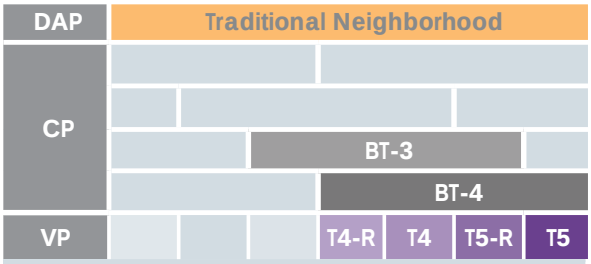
Cottage lot diagram
(Scale: 1”=50’)

Note:
Guest parking at .25 stalls per unit shall be required for products that do not contain 18’ min. driveways. Required guest parking may not be impacted by snow storage.

LEGACY FARMS

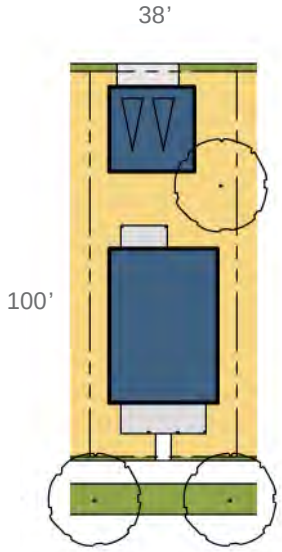
Village Plan #2

TABLE 5E - REAR-LOADED COTTAGE LOTS

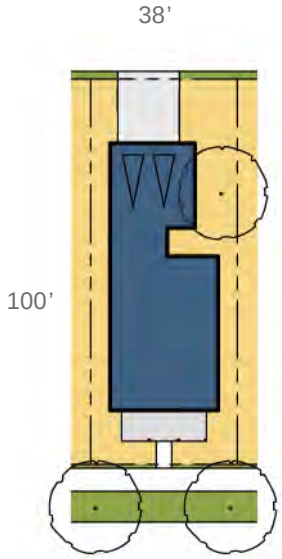


TYPICAL LOT CHARACTERISTICS	
Width	38’ min.
Depth	100’ min.
PRINCIPLE BUILDING SETBACKS	
Front	8’ min.
Side	0’ min.
Front - secondary	2’ min.
Rear	13 ft. min. from center line of rear lane
Second Lot Layer	N/A
PARKING REQUIREMENT (on site)	
Spaces	2 min.

Note:
Guest parking at .25 stalls per unit shall be required for products that do not contain 18’ min. driveways. Required guest parking may not be impacted by snow storage.



Cottage lot diagram
(Scale: 1”=50’)



Cottage lot diagram
(Scale: 1”=50’)

TABLE 5F - TWIN HOME LOTS

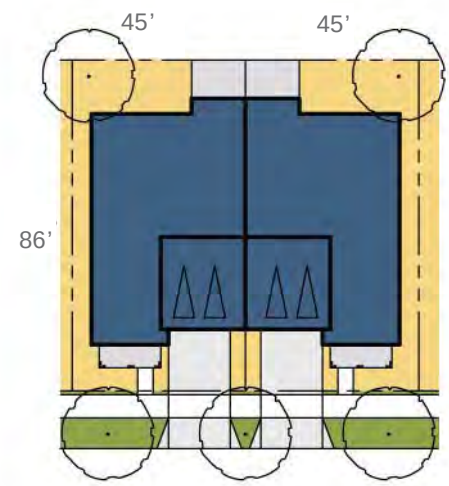
D.A.P.	Traditional Neighborhood						
C.P.							
			BT-3				
				BT-4			
V.P.				T4-R	T4	T5-R	T5

TYPICAL LOT CHARACTERISTICS	
Width	45’ min. (90’ min. paired)
Depth	86’ min.
PRINCIPLE BUILDING SETBACKS	
Front	8’ min.
Side	0’ min.
Front - secondary	2’ min.
Rear	8’ min.
Second Lot Layer	4’ min.
PARKING REQUIREMENT (on site)	
Spaces	2 min.

Notes:
1. All twin homes have 20’ min. length driveways

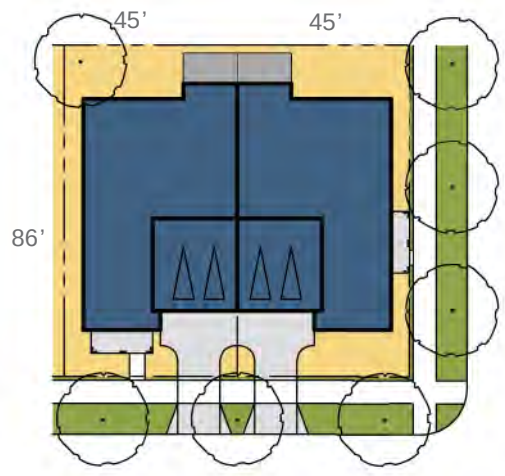
Note:
Guest parking at .25 stalls per unit shall be required for products that do not contain 18’ min. driveways. Required guest parking may not be impacted by snow storage.

A.



Twin Home lot diagram (mirror)
(Scale: 1”=50’)

B.

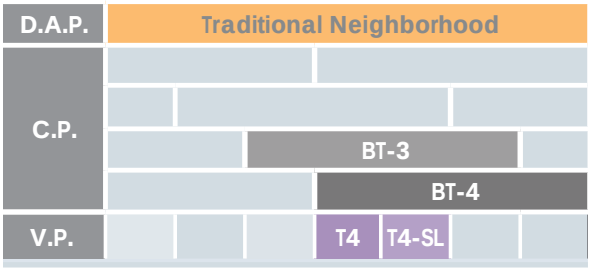


Twin Home lot diagram (corner wrap)
(Scale: 1”=50’)

LEGACY FARMS

Village Plan #2

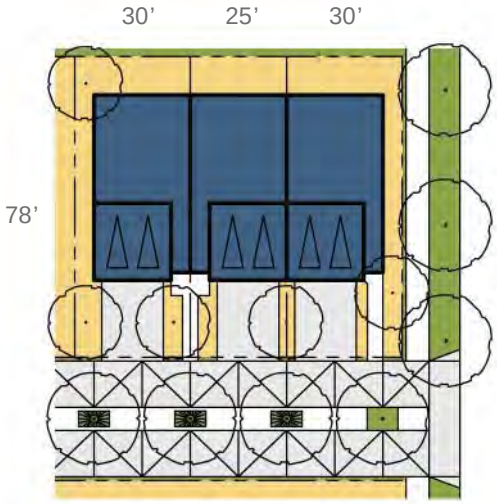
TABLE 5G - SHARED LANE TOWNHOMES



TYPICAL LOT CHARACTERISTICS	
Width	25’ min.*
Depth	78’ min.
PRINCIPLE BUILDING SETBACKS	
Front	20’ min.
Side	0’ or 5’ min.
Front - secondary	5’ min.
Rear	Per Code
Second Lot Layer	N/A
PARKING REQUIREMENT (on site)	
Spaces	2 min.

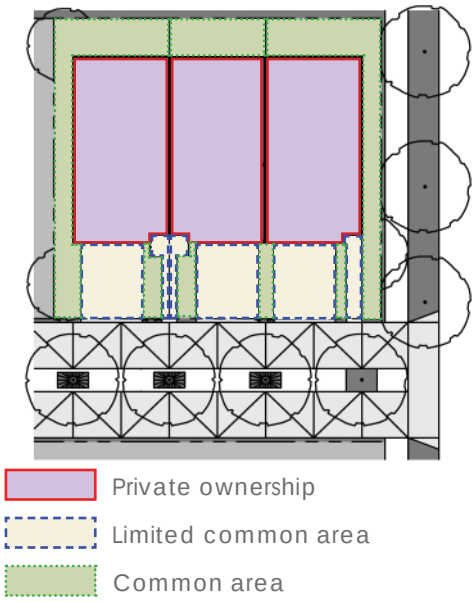
* Lot width for multifamily and attached products refers to the width of the individual unit, not the width of the entire building.

Note:
Guest parking at .25 stalls per unit shall be required for products that do not contain 18’ min. driveways. Required guest parking may not be impacted by snow storage.



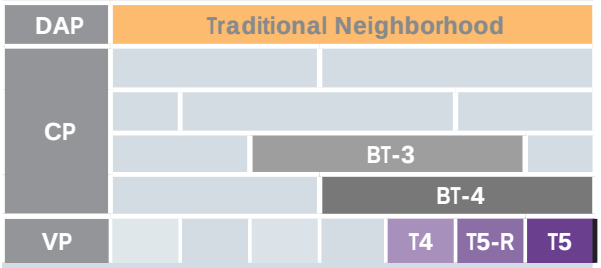
Townhome lot diagram
(Scale: 1”=50’)

Townhome ownership diagram



Lot coverage criteria in Table 3 includes private ownership, limited common, and common area

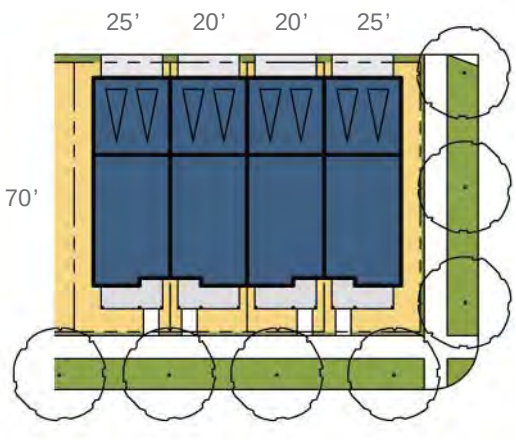
TABLE 5H - REAR-LOADED TOWNHOMES



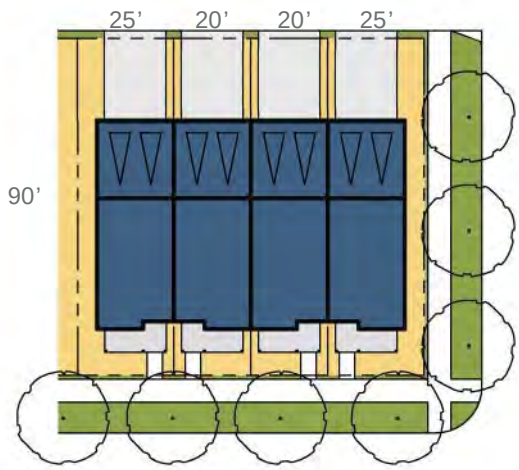
Note:
Guest parking at .25 stalls per unit shall be required for products that do not contain 18' min. driveways. Required guest parking may not be impacted by snow storage.

TYPICAL LOT CHARACTERISTICS	
Width	20' min.*
Depth	70' min.
PRINCIPLE BUILDING SETBACKS	
Front	10' min.
Side	0' or 5' min.
Front - secondary	5' min.
Rear	5' min.
Second Lot Layer	N/A
PARKING REQUIREMENT (on site)	
Spaces	2 min.

* Lot width for multifamily and attached products refers to the width of the individual unit, not the width of the entire building.

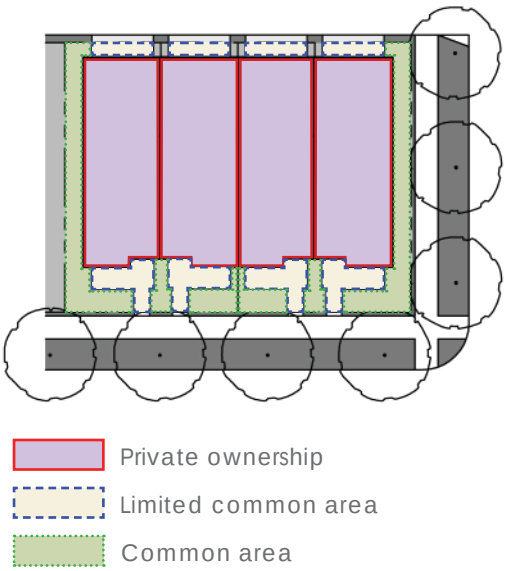


Rear-Loaded Townhome lot diagram
(Scale: 1"=50')



Rear-Loaded Townhome lot diagram
(Scale: 1"=50')

Townhome ownership diagram



Lot coverage criteria in Table 3 includes private ownership, limited common, and common area

LEGACY FARMS

Village Plan #2

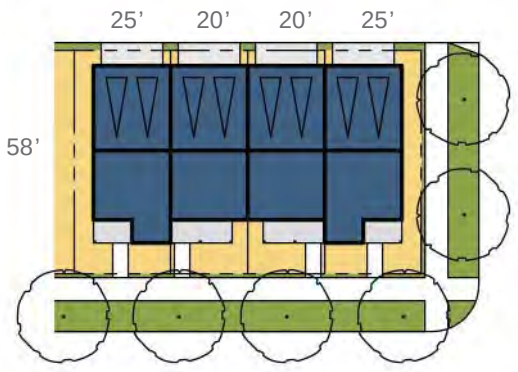
TABLE 5I - URBAN TOWNHOMES

D.A.P.	Traditional Neighborhood						
C.P.							
			BT-3				
				BT-4			
V.P.					T4	T5-R	T5

TYPICAL LOT CHARACTERISTICS	
Width	20’ min.*
Depth	58’ min.
PRINCIPLE BUILDING SETBACKS	
Front	8’ min.
Side	0’ or 5’ min.
Front - secondary	5’ min.
Rear	5’ min.
Second Lot Layer	N/A
PARKING REQUIREMENTS (on site)	
Spaces	2 min.

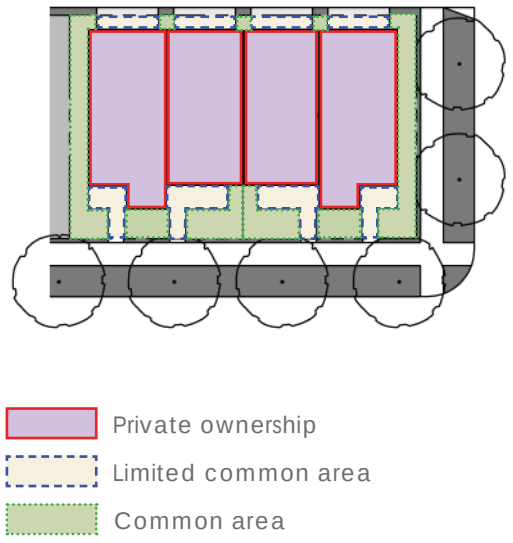
* Lot width for multifamily and attached products refers to the width of the individual unit, not the width of the entire building.

Note:
Guest parking at .25 stalls per unit shall be required for products that do not contain 18’ min. driveways. Required guest parking may not be impacted by snow storage.



Urban Townhome lot diagram
(Scale: 1”=50’)

Townhome ownership diagram



Lot coverage criteria in Table 3 includes private ownership, limited common, and common area

City of Saratoga Springs
Planning Commission Meeting
November 12, 2015
Regular Session held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

Draft Minutes for
Planning Commission Item 8.

Present:
Commission Members: Kirk Wilkins, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham, Brandon MacKay
Staff: Kimber Gabryszak, Sarah Carroll, Kevin Thurman, Nicolette Fike, Sarah Carroll, Kara Knighton, Jamie Baron
Others: Thane Smith, Blair Davies, Luke & Tenille Perry, Clay Johnson, Frank Pulley, Scott & Amy Monson, Peter Staks, Cindy Tittelfitz, Pam Infanger, Neil Infanger, Jared Haynie, Shawn Jones, Stephanie Jones, Ian Tovens, Cathy Collard, Kristen Hood, Wayne Beuchert, Russell Jones, Krisel Travis
Excused:

Call to Order - 6:30 p.m. by Chairman Kirk Wilkins
Pledge of Allegiance - led by Ethan Perry
Roll Call – A quorum was present
.
.
.
Brandon MacKay was excused

8. **Public Hearing: Multiple Preliminary Subdivision Plats for Legacy Farms Village Plan 2, located at approximately 400 South Redwood Road, D.R. Horton, Inc., applicant.**
Kara Knighton presented. The applicants are requesting approval of preliminary and final plats for the next five subdivision phases of the Legacy Farms project. There was an error on Condition 3 that should read 96 ft. cul-de-sac Diameter, not radius. These five plats cover Village Plan 2, and contain a total of 199 single family and multi-family units along with ~41 Equivalent Residential Units (ERUs) applied to a school site and church site. Until this area is removed by FEMA from the NFIP maps through the LOMR process, the applicants must comply will all provisions of the NFIP program and Chapter 18.02 of the City Code. Kara Knighton reviewed the conditions in the staff report.
Krisel Travis had a presentation and noted that this consists of 5 plats; 2A has 11 residential lots and one lot for a church. Lot 2B would contain a school lot as well as 9 residential lots. Plat 2C is all residential and open space. Plat 2D is all multifamily house and 2E along 400 south is multi-family. They are asking for overall approval of 199 units. There were initially 1000 allocated, in Village Plan 1 they used 329. This will add 199. This will be 528 ERUs total thus far. 55 were allocated to civic uses 41 will be used for school and church site. She reviewed the individual plats and transect zones.

Public Hearing Open by Chairman Kirk Wilkins
Pam Infanger said when Legacy farms was approved and conditions attached she has notes that Stephen Willden thanked them for not maxing out the project. Also Councilwoman Call saw a pattern of slowly increasing density and asked if D.R. Horton would cap it at 900 residential units

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so it would not max out the density as a show of good faith and she wants to know if it is now maxing out the density. (she read out of the newspaper notes.)

Public Hearing Closed by Chairman Kirk Wilkins

Kara Knighton responded that they were allowed 239 ERUs and they are coming in at 199 so they are below what was allowed.

Kimber Gabryszak said Village Plan 1 had 341 allowed units and they came in around 259, without looking at notes to confirm the numbers, but both Village Plan 1 and 2 have come in well below maximum and the block plans do not allow them to absorb those extras so they cannot max out.

Ken Kilgore wanted to know if the property was removed from the flood plains.

Krisel Travis responded that plat D and E were affected and until it was mitigated they could not record those plats. They are in the process of working on it, they are hopeful it will be completed by February then they will issue a public notice for 6 months so their hope is by next August they will be able to move forward. They currently have temporary access roads through that area that have been approved the by the City Engineer.

Ken Kilgore asked if the streets were private or public.

Krisel Travis replied to which roads were private, Shared Lanes marked ST32-24 all others are public.

Sandra Steele had a concern about the parking and if we allowed guest parking to be allowed on 18ft. driveways.

Kimber Gabryszak said it's 20' typically in the code but 18' in the Village Plan and Community Plan.

Sandra Steele could not tell where the guest parking was in relation to the units that it served.

Krisel Travis noted where the parking was located in the multifamily plats. They are in compliance with the code. The snow stacking spaces are behind the stalls and not counted as auxiliary stalls.

Sandra Steele asked staff to address the condition #9 that there is a portion of a plat that is not accessible by any roads that will be constructed in that plat.

Kimber Gabryszak responded that in phase 2C there is a little development and none of the roads that access that portion of the plat are not recorded or constructed until the next phase. The plat cannot be recorded until it is out of the flood plain. Until then we are recording lots with no access. We assume FEMA will be approving. Staff recommended that they move these lots into the next phase, the developer did not what that because infrastructure would need to be delayed. Staff feels we can't allow it to be recorded without guaranteeing that there will be access.

Paxton Guymon, legal counsel for D.R. Horton, commented that they would be agreeable with a note on the plat that says no certificate of occupancy would be issued for any units until access is provided. That would give them the protection they needed and still allow them to move forward.

Krisel Travis said the other alternative would be a temporary extension of a roadway that would connect with an existing road in another plat.

Kimber Gabryszak replied that the option staff would recommend would be to record it with a permanent road and amend it later to remove. Any temporary access may leave them in trouble down the road. Our concern is it is pushing a burden on the home owner down the road if they have a lot with no access.

Sandra Steele asked if they could do it with no building permits could be issued.

Kevin Thurman mentioned that the code says you have to install all the necessary improvements for the plat or post a bond. He agrees the occupancy permit is sticky, you are saying to a family we are going to delay your occupancy and they would suffer the most. You could conditional approval on occupancy but it's difficult. They would prefer to have it resolved before building permits were issued. He supports staff's position.

Kirk Wilkins understands that we will not issue a building permit until the permanent road is in place.

Kimber Gabryszak said that would be a condition that no building permits were issued until the infrastructure in the adjacent plat was installed.

Krisel Travis asked that they specify that it was only for those specific units not the whole plat.

Kara Knighton noted those were units 2159 to 2176.
Kirk Wilkins asked if the applicants were amenable to a condition that they not issue building permits on those lots until permanent infrastructure was in place.
Paxton Guymon replied that they would.

Motion made by Hayden Williamson to forward a positive recommendation to the City Council for the Legacy Farms Plats 2A, 2B, 2C, 2D, and 2E, with the Findings and Conditions in the Staff Report. With changes that in Condition 3 that "radius" be changed to "diameter" and additional condition that in plat 2C units 2159-2176 that a plat note be added that building permits will not be issued until the adjacent street access in plat 2D is constructed. Seconded by David Funk.

Sandra Steele asked if this will include not only the street but the other improvements as well.
Kimber Gabryszak said it will by nature of how we issue the construction drawings.
Paxton Guymon stated that **the issue is no building permits will be issued until Street Access required by the code is installed; it doesn't necessarily have to be the street access in 2D.**
Changed to **or Alternate Permanent Access.**
Hayden Williamson **found that acceptable.**
David Funk also **accepted that change.**
Krisel Travis clarified the infrastructure for those units' runs on Legacy, in front of those units not in back on the shared lanes.
Kimber Gabryszak commented that this was **replacing Condition 9,** they don't want to have the two conflicting.
Changes on the motion were accepted by Hayden Williamson and David Funk.

Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham. Motion passed 6 - 0.

Draft Copy /s/ Nicolette Fike, Deputy City Recorder

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City Council Staff Report

Author: **Kevin Thurman, City Attorney**
Subject: **Policy for Dedication and Maintenance of Parks, Trails, Open Space, and Landscaping**
Date: **December 1, 2015**
Type of Item: **Legislative, Policy Decision**

Summary: Discussion of the Policy for Dedication and Maintenance of Parks, Trails, Open Space, and Landscaping.

Description:

A. Topic: Policy for Dedication and Maintenance of Parks, Trails, Open Space, and Landscaping.

B. Background: For some time now, Staff has been uncertain of the Council's expectations about maintenance and dedication of parks, trails, open space, and landscaping in the City and what information should be provided to the developer, especially as it applies to open space and trails that are public or have some associated public use. The Redwood Road trail is a good example. Over the years, the City has been inconsistent as to whom is responsible to install or maintain these improvements. Therefore, Staff has drafted the attached policy with the goal of having consistent, non-arbitrary, and fair rules.

C. Analysis: In the November 17, 2015 work session, the Council discussed the proposed draft of this policy. Based on the feedback from the Council, the policy has been revised as follows:

a. Lakeshore Trail: allow exceptions to the concrete standard if State agencies prohibit concrete. This applies only to areas of the Lakeshore Trail located in Utah State lands.
b. Non-Regional Trails: The Council indicated that the City would not maintain these trails unless there was a strong public purpose in doing so. The policy was clarified to better indicate this intent.
c. Redwood Road Trails: The Council was concerned with the cost-analysis of the draft policy due to fluctuating material costs of asphalt and concrete. The policy was revised to remove this discussion.

In addition to the above, the policy was revised to: (a) add a maintenance definition in the beginning to make the policy more concise; and (b) fix typos, style, and formatting.

D. Conclusion: The attached policy will help to establish a uniform policy for the installation and maintenance of parks, trails, open space, and landscaping.

Recommendation: Consideration and discussion of the attached policy.

Attachment: Policy for Dedication and Maintenance of Parks, Trails, Open Space, and Landscaping.

CITY OF
SARATOGA SPRINGS

Policy for Dedication and Maintenance of Parks, Trails, Open Space, and Landscaping

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

2. **Purposes.**
   - **a.** <u>In general</u>. This policy will provide a systematic and uniform method for requiring property owners engaging in development activity to dedicate, improve, and maintain parks, trails, open space, and landscaping in exchange for development approval.

b. Specific policies. The specific purposes of this policy are to:

i. ensure that required parks, trails, open space, and landscaping are lawful exactions that comply with Utah statutory and common law;

ii. help the City provide and maintain recreational infrastructure for the enjoyment of City residents in a cost-effective, fair, safe, and efficient manner; and

iii. increase and preserve the beauty and environmental quality of the Saratoga Springs community by providing well-maintained parks, trails, open space, and landscaping for the enjoyment of City residents on a City-wide or neighborhood basis.

3. Balancing Under the Rough Proportionality Test.

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

i. has an essential link between the exaction and a legitimate governmental purpose; and

ii. is roughly proportionate in both:

1. nature, and

2. extent.

b. To have an essential link between the exaction and a legitimate governmental purpose, the exaction must be related to the governmental purpose used to justify the exaction.

i. Examples of legitimate governmental purposes include without limitation public health and safety, City infrastructure, and City aesthetics.

c. To be roughly proportionate in nature, the exaction must be seen as a solution to a problem caused by the new development.

i. For example, if the development will cause increased pedestrian traffic, an exaction of land for a trail or sidewalk may be proportionate in nature because it solves the problem of increased pedestrian traffic by providing a place for pedestrians to travel.

d. To be roughly proportionate in extent, the cost of the exaction (including the cost of the dedicated land, any improvements to the land, and maintenance) must be roughly proportionate to the development's impact. Under this requirement, a development only pays its fair share of a public improvement based on the impact of the development. Costs in excess of this impact are borne by the City.

i. For example, the cost to the developer should not be significantly higher than the cost the City would spend to ease the burden of the development's impact.

4. General Policies.

a. The City may require developers to dedicate, improve, and maintain in perpetuity land for parks, trails, open space, and landscaping in exchange for development approval. Any such dedication shall comply with the rough proportionality test in Utah Code § 10-9a-508, Title 19 of the City Code, and this policy.

5. Trails.

a. <u>In General</u>.

i. The landscaping and land area of required trails shall count towards the developer's open space requirement in Title 19 of the City Code. If the City requires landscaping and trails in excess of the requirements in Title 19 of the City Code, the City shall provide additional consideration to the developer

b. <u>Regional Trails</u>.

i. Land for regional trails will be dedicated to the City by the developer. Regional trails are established by the City's Parks, Recreation, Trails, and Open Space Master Plan.

ii. Regional trails will be improved and installed by the developer.

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

1. Exception: The developer and/or homeowners association may be required to maintain the trail if the City, through an arm's

length negotiation with the Developer, provides additional consideration to the developer that is memorialized through a recordable instrument such as a development agreement, reimbursement agreement, and/or plat note.

iv. Although the land to be dedicated to the City is usually for the trail surface only and not the landscaping along the trail, maintenance easements may imposed by the City alongside and adjacent to the trail to facilitate access for maintenance of the trail surface.

c. Other Trails.

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

d. Materials of Trails.

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

ii. *Regional Trails*.

1. All Lakeshore Trails shall meet the concrete standard in the Engineering Standard Technical Specifications and Drawings Manual unless the trail in located in Utah State lands and concrete is prohibited by the State of Utah.

2. All trails along Redwood Road shall be constructed either of asphalt or concrete in accordance with the following standards:

a. Trails on the west side of Redwood Road shall be constructed of concrete and be 10 feet in width.

b. Trails on the east side of Redwood Road shall be constructed of asphalt and be 10 feet in width. These trails shall be maintained by a homeowners association with a public access easement dedicated to the City. Additional consideration may be granted by the City for the Developer's ongoing maintenance obligations.

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

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

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

City of Saratoga Springs
City Council Meeting
November 10, 2015

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

Work Session Minutes

Present:
Mayor: Jim Miller
Council Members: Michael McOmber, Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska
Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Nicolette Fike, Heston Williams, Mark Edwards, Chelese Rawlings
Others: Chris Porter, Ron Eichelberger, Josh Jensen, Jimmy Kawato

Call to Order - 6:30 p.m.

1. Recreation Department Update – Heston Williams

Heston Williams introduced himself to the Council. He would like to create and run programs that prepare the city for the future. Saratoga Springs is growing rapidly. The recreation department has not been growing with it. I would like the programs that we are currently running to be run as well as possible. I would also like to increase the amount of programing available. All programs new and old will be developed to ensure programs are recovering the costs they create. Currently the recreation department is running 4 programs with their different seasons. At this time there are no adult programs. I would like to add adult programing as well as expanding our youth options. They would like to offer all types of physical activity such as fitness classes as well as science, engineering, and art classes. Recreation needs to work with the Library as well as Civic Events to help with programs that already exist as well as make sure we are offering all programming that our public wants. The department currently runs Soccer, Jr Jazz, Youth Baseball, and Flag Football. Soccer is the largest program. It covers it's costs. He would like to add a 7th – 9th grade league he is talking with the surrounding cities to combine for a league. In Youth Baseball the program could be expanded with current amenities with machine pitch and back stops. There are locations he has identified for this. Flag Football is a good program, the cost is low because of only 6 games. A lot of people would like more games. The cost of league would have to go up to cover more games.

Councilman McOmber was ok with increasing fees but let's do a full analysis to make sure we know what the cost would be. Don't be too shy and hurt the program, make sure it can sustain itself.

Councilwoman Baertsch would be careful where a lot of parks don't have parking or restrooms. We don't want to overwhelm residents.

Heston Williams replied that has been taken into consideration. He reviewed locations for the back stops for machine pitch he would first recommend Sunrise Meadows, there is parking, bathrooms, play structures, and power for pitching machines.

Mark Christensen said they have talked about what it would take to make power a permanent fixture but to start they would probably run cords.

Councilman Poduska noticed the direction of line drives would be toward 800 West.

Heston Williams said the age group would be 2nd graders and they shouldn't be able to hit that far. The next suggestion would be at Inlet Park and Harvest Hills with the same amenities available.

Councilwoman Baertsch was concerned about the grade of Harvest Hills Park.

Heston Williams and Spencer Kyle noted they had visited it and the grade was not an impediment.

Councilwoman Call was concerned about parking at that park.

Councilwoman Baertsch noted there is a church and school next to it for additional parking.

Councilman McOmber thought Neptune would be a good park.

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Heston Williams said the issue with that was it would take away soccer space and that corner they could place it was swampy, they could still consider it as a possibility.
Councilwoman Baertsch asked if the back stops were moveable.
Spencer Kyle noted they were hiring a company to install the posts etc. it was not moveable.
Heston Williams returned to the overview of the programs. Jr. Jazz is currently not covering costs; the fees are high to use the gyms. If you look at the price that is consistent with Lehi, they don't offer tickets and have some of their own space. Eagle Mt. is a little higher, they provide tickets and if you don't have a jersey it goes up in price as well.
Councilman McOmber suggested that we don't need new jerseys every time. He suggested to leave the ticket as included.
Councilwoman Call said she would add the extra fee if they want a jersey, but if they didn't want the ticket it would be discounted from the base fee.
Spencer Kyle clarified that they aren't making hard decisions tonight, but are taking feedback. They want to look at the calendar for next year.
Councilwoman Call reiterated, to cover costs she would raise the price to $50 and add the additional jersey if needed. She suggested that they look up to Herriman and Riverton for ideas in their recreation departments.
Heston Williams proposed a tiered payment plan for Jr. Jazz, the younger kids don't have the same costs with officials and it's cheaper to rent the elementary schools.
Councilwoman Baertsch is hesitant to do the older groups. When we compete with private businesses it makes her nervous. This is a different level of play but she wants to be careful of competing with private business leagues.
Spencer Kyle said there are two types; competitive leagues and house leagues. They go for different audiences. We are trying to offer something to the kids that don't want to go that competitive.
Councilwoman Baertsch gets that but knows how booked out the schools are already
Heston Williams looked at the schools and space and they only have the Jr. high and high school for full courts. Both have given him a good amount of space. Recreation isn't necessarily competitive, we aren't competing with those other businesses, and it's a different product we are offering. He has talked to the Jr High and they are open to these programs using their gym. The High school is pretty booked out.
Mayor Miller asked about the fishing program.
Heston Williams said it is a learning opportunity. Kids and volunteers go out and learn how to cast and things. He is thinking of using Loch Lomond pond.
Councilwoman Call said to reach out to Eric Ellis at Utah Lake Commission. There are opportunities at the Lake with walleye and bass, just don't throw the carp back.
Spencer Kyle noted how the program had been done earlier and it didn't work well at the marina.
Heston Williams said the purpose is to have the kids catch fish so he suggests starting at the pond then maybe moving to the lake for a later class. The DWR stocks for free.
Councilman Poduska asked about the wrestling camp.
Heston Williams commented that they are backing off of that, the timing is not right.
Councilman Willden looked at this and really likes his approach of the analysis before we jump in. He is excited about all the programs and thinks he is a fantastic hire for the city.
Heston Williams noted that obviously the goal is cost recovery for all the programs, to not only cover the programs but the overhead of the department.
Councilwoman Baertsch mentioned running a shooting club.
Heston Williams said they could look into that. With the fee schedule, one philosophy he would like direction on is how they cover costs in the future. Do we wait as long as possible before we raise rates on our programs or do we do small increase each year?
Councilwoman Baertsch said we shouldn't be doing big increases every 10 years, where this covers itself it needs to be looked at regularly.
Councilman Willden doesn't like automatic incremental increases, it needs to be justified because it creates a misnomer that every year we are going to have inflation. If we are analyzing and justify a cost increase then let's go with it.
Spencer Kyle should we evaluate every year or go a few years.

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Councilwoman Call thinks that is what we are relying on him for to come back every year to evaluate and see where the needs are. We want the program to grow and be envied.

Councilman McOmber noted to make sure they include the new soccer laws from the federation that just came down. He would like to see an analysis every year, even as part of the retreat and echoed Councilman Willden's comments. He thanked him for coming.

2. Agenda Review:

a. Discussion of current City Council agenda staff questions.

b. Discussion of future City Council policy and work session agenda items.

Adjourn to Policy Session 7:01

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Date of Approval Nicolette Fike, Deputy City Recorder

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Policy Session Minutes

Present:

Mayor: Jim Miller

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

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Chelese Rawlings, Jess Campbell, Nicolette Fike, Mark Edwards

Others: Chris Porter, Ron Eichelberger, Josh Jensen, Jimmy Kawato, Marc Johnson, Lindsay Gadd, Trey Jinright, Andrew Robinson, Jared Haynie, Sheri Haab, Rachel Lewis, Stanton Macfarlae, Michael Martineau, Andrew Martineau, Ryan Wilson, Michael Briscoe, Stacy Dowd, Brenden Dowd, Tyler Dowd, Scott Wilson, Julie & Dallin Davidson, David Schmidt, Deren Lloyd, Jared Mason, Cameron Mason, Brent Litz

Excused:

Call to Order 7:01 p.m.

Roll Call – a quorum was present

Invocation / Reverence - given by Councilman Poduska

Pledge of Allegiance - led by Tyler from Scout Troop 1009

Public Input - **Opened** by Mayor Miller

Jimmy Kawato thanked the city for help with their event last year. He would like Council to discuss if they would like to go to a biennial event. He is looking at September 10th and 17th 2016 for proposed dates.

Mayor Miller presented Mr. Kawato with a special thanks and plaque from the Blue Star Mothers for Utah Chapter One.

Sherri Haab asked City Council about the sewer gasses that are pushing back into homes as they are still experiencing problems with it and it's not stopping, it is at different times of the day.

Rachel Lewis has gotten names of about 50 families affected by the same issue in the neighborhood and wanted to show that to Council. She noticed it coming through the manholes as well.

Stacy Dowd in Saratoga Hills/Benches area, made a list of people in her neighborhood that have also experienced this problem. It seems to rotate through areas and times. They would like to know what is happening with the testing.

Councilman McOmber added that he has the same problem.

Spencer Kyle said he would step out with them to get more information. They ordered a new odor logger they have done some testing. He is not aware of the recent results.

Ron Eichelberger commented on Redwood Road. He realizes it is a frustrating scenario for everybody that is spilling over many facebook pages. The citizens want to be part of the solution. They are trying to limit less effective communications. He is coming to ask that they consider opening up a greater dialogue about it to what the concerns are and what the possible solutions are. There have been a few improvements with people not cutting through Saratoga Springs Development as much. They appreciate cops out monitoring. Let them know how they can help push UDOT and get changes. It's not just a traffic issue, it's a safety issue. The only other road he can see on the plan is also a UDOT road and the timeline is out pretty far. Please communicate more clearly and tell them how they can help.

Mark Christensen responded that Mayor and Staff met with UDOT yesterday. They could restripe the road that could carry through to 400 South. There is the possibility of adding dual left turn lanes from Grandview onto Redwood Road. They discussed future funding issues. Much of the congestion occurred because people were using Parkway Blvd. as a get around and over the weekend they finished the project with Saratoga Road and they noted some improvements already. Short term solutions could be next spring. If the models show UDOT they are viable alternatives. They have a

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follow up meeting of the first two weeks of December. They are looking in addition to use some of the City's conduit for fiber optics to connect to UDOT's switching. Those are some short term things. Longer term it is a federally funded 2018 project and to shuffle it would be about a 30 million dollar price tag to the State. There are currently projects in line before this. Delays are inconvenient, they see the problems and they are viable concerns that have been raised.

Mayor Miller noted he and Councilwoman Baertsch were at the MAG meeting and they opened up the dialogue for corridor preservation fund to open up foothill sooner for an alternate route.

Mark Christensen said a lot of these issues are 20 or 40 year planning projects. It's not like we didn't try to cue up the money, clearly these are things we are looking forward on. Foothill will probably be funded initially by developers with a series of frontage roads that they would build into the freeway corridor. The challenge is they aren't going to build that until other infrastructure is in place like water and power it's a series of dominoes. They are looking at public outreach with more open classroom type of discussions to have with citizens.

Councilwoman Baertsch said they also discussed at MAG about the possibility of exchanging Federal dollars for State money with a cost saving of 15-30% on that and time savings. They are exploring those options for us.

Councilwoman Call spent the majority of last week on this topic. The community outreach is something we are lacking. Some residents are under the wrong idea of things that they can't find the info easily for. (One resident thought they had issued 10,800 building permits last year. They only had 257.) It would be nice to have a residential tally they could look at. She has been told by residents what has already been planned by UDOT, when it hasn't even been planned yet. When the only voice that is heard, is a voice that doesn't have all the information, that is who the people listen to.

Councilman McOmber noted he heard a lot recently too. He tried to explain the process we needed to go through to approve changes on facebook pages. We were too worried about getting involved in the private streets, but they need to communicate better. It would be helpful if Owen Jackson could get on that facebook page. The last thing they (Saratoga Springs Development) needs is to be villainized because they don't want people on their private streets. We shouldn't be so worried all the time, our goal is to inform.

Councilwoman Call said it is taking too much of the Councils time when if the information is out ahead of time it could have been avoided. They are going to get the people with crazy information anyway but if we can get information out ahead of time, some type of interactive pages so that people can get accurate information. On the Merging of Parkway; if they could address it with Chief Burton that people are not stopping at the sign. The lanes restriping, thank you for opening that dialogue. The developers on the frontage, she is concerned of how wide it needs to be and if they are wanting to look at reimbursements and things it could be a large burden on the residents, so thank you for looking forward there. Also Corridor Preservation, she understands that Spanish Fork took those funds.

Councilwoman Baertsch spoke about corridor preservation monies at the meeting. They tried to get into the policy that there would be a time period by which they would be required to sell excess land and nobody was going for it. Two years ago the last time they were putting out monies Eagle Mt. had a small portion and Springville put in for Corridor Preservation funds with a large parcel they needed to acquire. At some point they will go in and sell off the excess but they need to wait until it's engineered and designed and they wouldn't put in a time frame in, we are still looking at it.

Public Input - Closed by Mayor Miller

Councilwoman Baertsch commented that she and Councilman McOmber met with Staff and a Playground company. They have a developer willing to put in cash at Regal Park and a playground company matching dollar for dollar on that. It's a substantial increase in what we could have afforded.

Councilman McOmber said they were excited because of the timing. It's a perfect example of bidding in the winter.

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POLICY ITEMS

1. PUBLIC HEARING ITEMS:

a. Public Hearing: The Parkway Estates at Saratoga Springs (Willow Glen) Annexation. Located at 8950 W 7350 N (Utah County Address).

i. Ordinance 15-30 (11-10-15): An Ordinance adopted pursuant to Section 10-2-407(3)(b) of the Utah Code, Approving an Annexation Application Relating to Approximately 7.433 acres of land; Annexing such land into the City and Related Matters.

Kimber Gabryszak introduced the project. The Petition proposes the annexation of 7.433 acres of undeveloped property currently located in the unincorporated boundaries of Utah County on Old Saratoga Road near 7350 North. The Trust would like to develop a low density residential subdivision with 18 lots.

Kevin Thurman noted they are about 1/3 of the way with this process. At this point they haven't received any protests. It is his recommendation to move forward with this. A condition before the plat is recorded that the property be rezoned. The annexation shall not be finalized until the final local entity plat is recorded with the Utah county recorder's office.

Public Hearing Open by Mayor Miller

No Comments were brought forward.

Public Hearing Closed by Mayor Miller

Councilman Willden did not see any reason not to proceed.

Councilwoman Baertsch commented when they are going through the plat, maintenance wise, awkward corners make it hard for fencing, if they could shift the lot lines that may make it easier. She noted this will be the extension of Pony Express and where the Light Rail will travel. We are looking ahead to not get in to a traffic issue.

Councilman McOmber is excited for this; Loch Lomond is going to be better connected to the rest of the city. He was also excited about fishing at Loch Lomond to help them feel more connected to the City. He thanked the applicant for following the City's Code and process.

Councilwoman Call thanked him for the application and asked if he had any feedback on the process with staff that he let them know so they can improve the process.

Councilman Poduska thought it was going smooth and saw no reason not to proceed.

Motion made by Councilwoman Call to approve Annexation Petition of The Parkway Estates at Saratoga Springs (Willow Glen) located at 8950 W 7350 N (Utah County Address). With the Amended findings and conditions including adding The annexation shall not be finalized until the final local entity plat is recorded with the Utah County Recorder's office. Seconded by Councilwoman Baertsch.

Councilman Willden mentioned they need to say Conditionally Approved

Councilwoman Call **made the amendment to say Conditionally Approved**. Accepted by Councilwoman Baertsch.

Kevin Thurman noted they needed to be amended so that it shows before the final local entity plat is recorded there needs to be a zoning designation that has gone through Planning Commission and City Council.

Councilwoman Call asked if it could be added to Condition 2. That the rezone shall be finalized prior to the final local entity plat recordation.

Councilwoman Baertsch suggested that they put it with Condition 2 and add that the Rezone shall be finalized before Condition #1 happens.

Councilwoman Call Amended the Motion to: **With the amended conditions 1, 2, and 3 pertaining to the annexation prior to the County and the recommendation from Planning Commission before the rezone from City Council. And Adoption of the Ordinance.**

Councilwoman Baertsch seconded the amendment.

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Conditions:

1. The Annexation shall not be finalized until the final local entity plat is recorded with the Utah County Recorder's office.

2. The Rezone shall be finalized prior to the final local entity plat recordation.

3. The Rezone shall not be finalized until a recommendation is received from the Planning Commission and an ordinance adopted.

4. All requirements of the City Engineer, as outlined in but not limited to Exhibit 2, shall be met.

2. ACTION ITEMS:

a. Acceptance of the City of Saratoga Springs Fiscal Year 2015 Audit.

Chelese Rawlings introduced Brent Litz from Litz & Company which performed the audit.

Brent Litz wanted to commend the City for the work and effort of the staff, every department was very cooperative. They issued a report on the financial statements. There were two findings in their report on compliance and controls. Management has responded and the responses are shown to be adequate. Last year all findings were resolved. He mentioned the findings were storm drain fees; their audit process the commercial accounts was not in agreement with what the council had approved in the ERUs. They are going back in and changing those. The other item was if the monthly books need adjustments. It was not atypical, this year it was an accounting change that needed to be made. With the state compliance there was one finding. Minutes need to be posted to the Utah Public website within 3 day of it being approved. He reviewed the government's revenues and expenditures. He reviewed the general fund balance and general fund revenue and expense analysis compared to others cities.

Councilman Poduska has been impressed how well they have been doing as a City and how conservative they are. It's nice to have that confirmed by the audit, and see how well Mark Christensen and the staff are doing with things.

Councilwoman Call said by state statute we cannot carry more than 25% in the General fund to the next year, once they have that 25% they tend to allocate it and then get another 25%.

Brent Litz said each year is looked at on its own. The excess must be consumed or transferred to Capital Projects. What they usually see is a quick transfer of the excess so the next year they may run budget surplus so they would once again have to transfer or budget for it to be consumed.

Councilwoman Call asked with his experience, that fund is what everyone kind of transfers into, not multiple designations. She is concerned that every year they say they saved 25%, where they didn't; they just didn't spend what they saved the last year.

Brent Litz responded that there are two options, this is a new city without the infrastructure it needs they either put it to the Capital Projects or they need or cut the taxes.

Councilwoman Call said the other item is she is concerned that every time they look at their budgets of retirement figures. She would encourage staff to invite in some retirement planners for employees to be more educated. She feels they are not taking advantage of it.

Mark Christensen said they do bring in consultants with Utah retirement system and they had a great retirement seminar last year that was shared with employees. Ultimately it comes down to them. We don't know if there are other retirement programs they are taking advantage of.

Councilwoman Call is just concerned that employees are not taking advantage of what they could that may be a better option.

Councilman McOmber appreciated the report and the insight and the level of confidence he can have now. He would appreciate comparisons to cities that are closer and more in our geographic area like Herriman, Riverton, or Lehi.

Councilwoman Baertsch commented that it's nice to see that our assets are exceeding our liabilities. It shows our city is being responsible and lean in its spending. She asked about unfunded pension liabilities.

Brent Litz responded that number is generated by the Utah State Retirement System; actuaries are hired to calculate based on the assumptions made. This is within the URS system but in the City's Cost.

Mark Christensen commented that Legislature introduced the Second Tier System. It is designed to have a less rich program and fill the gap. It's adjusted to the rates; the rates we pay on an annual basis anticipate that filling of that gap over time.

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Councilman Willden mentioned it would naturally fluctuate with the market.
Councilwoman Call asked about a figure difference for unfunded pension on two pages.
Brent Litz replied one page (29) represents the liability from year to year and page 31 is reformulated. They have to present the numbers two different ways. The governmental funds don't record these liabilities in their funds. On the entity wide statements they have to include all the liabilities in.
Mark Christensen noted that we make the payments to the State and they divide it and they give us the numbers back to plug in.
Councilman Willden initially over-reacted the way the issues were written with "numerous and significant deficiency" but he talked with Chelese Rawlings and is comfortable with the actions they are going to take. Overall he appreciates looking at this and him providing feedback and expressing confidence.

Motion by Councilman Poduska to Accept the City of Saratoga Springs Fiscal Year 2015 Audit. Seconded by Councilman McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

b. Bid Award for Secondary Water Meter Phase 3.

Mark Edwards presented the award recommendation. This should wrap up all secondary meters. He recommends S & L Inc. for the bid award.
Councilwoman Baertsch asked if there was a way to separate the 3 in. meter mark item out from the others and do it separately.
Mark Edwards replied it was not. He thinks it was a terrific price overall.
Councilman Willden asked if we had worked with this contractor before.
Mark Edwards replied they worked in phase one and did most of phase 2.
Councilwoman Call would advise them that previous contractors were going in garages and where kids were playing. Make sure we communicate with residents so they are aware.
Mark Christensen noted this was a smaller project as well and pretty much everything else is done. These are the difficult situations.
Mark Edwards said they have already met with most of these land owners beforehand, they are aware.
Councilman Willden requested that if they are doing work with HOAs he would request they contact the HOA management companies so they can be on site so they are not put in a position of blame. Just so they are all aware and we aren't in a he said/she said situation.
Councilwoman Call asked that they pass along our appreciation to the contractor in the lower mobilization fee and what is our project for following up with these installations when the irrigation gets turned on.
Mark Edwards replied that they know they are going to have to come back in the spring. They already set up a process for that in the contract.

Motion made by Councilman Willden to approve the recommended bid to award the Phase 3 Secondary Water Meter project to S&L Inc. for the total of $89,640 28. Seconded by Councilman Poduska. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

c. Preliminary Plat for Saratoga Springs Commercial Development (Turf Farm). Located at approximately 200 W Crossroads Blvd. (across from IHC), WPI (Daniel Schmidt) applicant.

Kara Knighton presented the plans. The proposed plan includes 3 lots ranging in size from .99 acres to 4.49 acres. Each lot will be required to provide a minimum of 20% landscaping at the time of site plan application.
Daniel Schmidt was present and was happy to answer questions.
Councilman McOmber thought there was a huge demand in the region and he appreciates him meeting code and all the requirements.
Councilwoman Call deferred her comments until later.
Councilman Poduska said his understanding is they were using the same criteria for the display area that they used for the Walmart display areas.

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Kara Knighton noted this item was just for the Plat at this time and not the Site Plan.
Councilman Poduska commented that he was good with it.
Councilman Willden was comfortable with this and was excited to have them in the city.
Councilwoman Call said her concern was if extra stalls are needed to be allocated to this item if there was a roof added.
Councilwoman Baertsch commented that this type of business shouldn't necessitate extra stalls.
Councilwoman Call noted Walmart came in under a different code. It sounds like there is no concern with the extra stalls and she is fine with this.
Councilwoman Baertsch had no problem with the preliminary plat.

Motion made by Councilwoman Baertsch to approve Preliminary Plat for Saratoga Springs Commercial Development (Turf Farm). Located at approximately 200 W Crossroads Blvd. (across from IHC), WPI (Daniel Schmidt) applicant. Including all Staff Findings and Conditions Seconded by Councilman Willden. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed unanimously.

d. Site Plan for Tractor Supply, located approximately 200 W Crossroads Blvd. (across from IHC), WPI (Daniel Schmidt) applicant.

Kara Knighton presented the plan. The Site Plan proposal is for a 21,930 sq. ft. commercial building and a 15,000 sq. ft. fenced outdoor display area with a Forage Feed Building, measuring 1250 sq. ft. enclosed within the outdoor display area. Two permanent display areas are proposed in front of the outdoor display area measuring 915 sq. ft. and 1210 sq. ft. Two smaller display areas are also proposed in front of the main building at 761 sq. ft. A Permanent trailer and equipment display area is proposed on the North side of the parking lot along the proposed private drive measuring 3,000 sq. ft. She reviewed Urban Design and Planning Commission comments and recommendations.
Trey Jinright expressed appreciation in working with the City. They have a list of Conditions presented tonight. He spoke about the condition 3 that a roof be over the front display area and noted that typically there are riding lawnmower types of things. He asked if that item could be waived. He wanted to make sure what the intent of the berm was as with the typography it would be challenging. They would like to make sure the landscape was adequate with a 3 foot high landscape hedge. Their parking is higher than Commerce Drive.
Councilman Poduska commented on the display area with the roof requirement. He recalls that was a condition because things displayed such as at a grocery store could be harmed by weather but if they are displaying things designed to be out in the weather he would recommend that they extend a variance on that. He asked for clarification on what the requirement on the berm was.
Kimber Gabryszak replied since it was along a public street there was a requirement for berming for noise and for lights in the parking lot to not shine out on drivers.
Councilman Poduska asked about the fencing and clarified what was proposed. (It was wrought iron style.) He asked about the loading area in the back.
Trey Jinright said it was a steel ramp for deliveries to the store. Maybe one to two trucks a week.
Councilman Poduska asked about the condition to the screening of the mechanical equipment.
Trey Jinright pointed out where it was on the building elevations. It was the same type of materials.
Councilman Poduska asked if the sign/decorative lighting had been addressed. (It had.)
Councilwoman Call said they have been anxiously awaiting their arrival. The 3 foot berm does have requirements. She asked that they work with the engineering department to see if there were ways to make that easier on them. When we make code, we make code for everyone. She is concerned if we make an exception on the covered display area on this then it opens a can of worms for future applicants.
Kimber Gabryszak noted that staff looked at it extensively. They feel comfortable where it is enclosed and it's treated like a building, if it's out and unenclosed then it confuses the issues of parking and also for pedestrians could be an issue. But it's actually enclosed and separated from the remainder of circulation. Display areas in the front of buildings have encroached onto sidewalk and spill over into

parking and obstruct accessible access. Being under a roof helps that most developments aren't going to build a thirty foot roof to get more display area.

Councilwoman Call is less comfortable removing the area in front of the building.

Kimber Gabryszak replied that staff's recommendation and Planning Commission was to cover the area in front of the building. The rest they recommended leaving uncovered, in front of the outdoor display area.

Councilman Poduska asked if awning counted as a display covering.

Councilwoman Call felt if it extended enough it could be counted as a covering.

Councilman McOmber feels as a hardware improvement store they are not often covering displays in this type of store. That is part of a home improvement type store. But we haven't had this type of store come in before. If we have the ability to allow the no awning outside of the display area in the front, he is tending to lean towards allowing it. But he doesn't want to infringe on sidewalk and access areas. He understands that we have the control now; it gets harder when code enforcement tries to go out and enforce these things if they were to spill out more and more. Not saying they would but they have seen it from other developers. Because of the nature of the business he is in favor of not requiring the roof over the display areas in the front of the store. He would like to look at home improvement in the code like they looked at gyms in the past so we are prepared to meet this down the road. He is in favor of removing condition 3. With the berms, where we would have to go against our code, he would suggest staff is great to work with and see if they can't make the berm work to where they are supporting code. They have a beautiful store for Saratoga Springs, something that will fit into our community. He asked that if there is anything they can do to help in the process that they share that with staff.

Councilwoman Baertsch thanked him for working with them on the elevations. As far as declaring this as typical outdoor uses, yes these are typically outdoor uses. We have a requirement for fencing and screening on the sides because it is next to agricultural use and she would say it was not needed.

Kimber Gabryszak noted it says may require fencing where it is next to agriculture and where there is no development to the south currently they feel it is not necessary.

Councilwoman Baertsch asked that they make sure all mechanical equipment is fully screened. She said signage needs to fit in our size requirements. On the berm, it is to block the parking lots from views to not see a sea of cars and protect traffic from lights. If there was a setback of parking they would not need a berm. She does appreciate their landscaping that looks nice. She doesn't have a problem removing requirement 3, they can say the awnings cover that.

Councilman Willden commented they are all excited to see them come and he thinks they will do well. As far as removing condition 3 he is ok with that. He appreciates the feedback that everyone has been great to work with and thanked him for working through that process. He is not going to comment on the berm as he has heard that from the others. He received clarification on the ladder condition that it could not have a permanent ladder fixed on the outside. Welcome to the City.

Mayor Miller commented on the berm that most people coming here will be driving a truck where the lights would be above the 3 foot berm anyway.

Councilwoman Call said they are excited for them to come to the city. She wants to echo that they come back if they see any issues with the process. Anything they can address from the first time you contact the City or from when we contact you, anything we can do to improve the process.

Motion made by Councilwoman Baertsch to approve the Site Plan for Tractor Supply, located approximately 200 W Crossroads Blvd. (across from IHC), WPI (Daniel Schmidt) applicant. Including all Staff Findings and Conditions, subtracting condition #3. Seconded by Councilman McOmber

Kimber Gabryszak clarified that it **includes the additional conditions recommended by the Planning Commission.**

Councilwoman Baertsch replied **yes.**

Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

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Mark Christensen commented that they did not dissolve the Urban Design Committee they only dissolved the Code Sub Committee.

Council responded that they asked to dissolve both.

Kimber Gabryszak commented that the Urban Design Committee is identified in the code, so they would need to do a code amendment to officially disband.

Councilwoman Call said the Development Review Committee takes the place of Urban Design Committee.

e. Approval of Minutes:

i. October 27, 2015

Councilwoman Baertsch noted a change needed to be made on Councilman Willden's corrections that he would not increase development.

Motion made by Councilman Willden to approve the minutes with changes that were submitted by himself, Councilwoman Baertsch, Councilwoman Call, and Councilman McOmber, and posted here tonight. Modifying his change where the residents passed prop. 6 he "would not increase…" Seconded by Councilwoman Baertsch. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

3. REPORTS:

a. Mayor.

b. City Council.

Councilwoman Call commented that she wanted to make sure all those that have served on the various committees be thanked for their time and service. They got us to where we are today; we are grateful for their service and grateful that we are in the next phase. They are disbanding Urban Design, Economic Development, Parks, and Code committees.

Mark Christensen responded that they will work on Code amendment to disband those and include recognition to those that have worked on those.

Councilman McOmber also noted with the Parks Committee that they aren't going to have a standing committee with him and Councilwoman Baertsch, but Mayor Miller will assign Council members to represent when needed.

Councilman McOmber liked that the reports go earlier in the meeting when more people are present and he would like to see that change.

c. Administration communication with Council.

d. Staff updates: inquires, applications and approvals.

4. REPORTS OF ACTION: No reports this evening.

5. Motion to enter into Closed Session. – No need for closed session.

Policy Meeting Adjourned at 9:37 p.m.

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Date of Approval Mayor Jim Miller

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Nicolette Fike, Deputy City Recorder

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City of Saratoga Springs
City Council Meeting
November 17, 2015

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

Work Session Minutes

Present:
Mayor: Jim Miller
Council Members: Michael McOmber, Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska
Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin, Kara Knighton
Others: Chris Porter, Holly Wade, Kayla Moss
Excused:
Call to Order – 5:45p.m.

1. Discussion of Mixed Lakeshore Amendments.

Kimber Gabryszak presented some key take-a-ways from their riverwalk tour. They started with Twin Falls and saw interesting things with docks. They saw some good ADA access areas. In Boise they noted the aggregate put-ins. (Councilwoman Call noted that Forestry Fire and State Lands would not let us pave to the river.) Most cities with successful areas had biologists involved. Some interesting features, large separations to create viable space. There was some innovative park space. Higher densities along the river but no huge open parking areas visible; the first floor is parking.

Councilwoman Baertsch attended a seminar on water conservation in Eagle Mountain and learned some things that will help. She will pass that information along.

Councilwoman Call would love to leverage things already done so we don't spend as much on biologists. Such as the blueprint Jordan River and Utah Lake Master plans. With the setbacks on restaurant area, consider low impact areas, to let certain uses encroach within the wide right-of-way area.

Mark Christensen had some great examples of narrow areas. Boise about 4 years ago was about what our Jordan River is today. They worked with the biologists and got plantings going and now they have a beautiful corridor.

Kimber Gabryszak noted that was a key take away, how they were much like us and worked up to this. She continued with the presentation. The parkway became a draw and they got better businesses to the area. We need to work with adjacent communities. She noted places where buildings were done before the amenity was in place.

Councilman McOmber commented on what could be done with front or back of buildings that may face the river.

Kimber Gabryszak said they are recommending the permeability, not necessarily a front door. They went to Pendleton. Open spaces in key locations help in usability. They stopped in Richland, They heard over and over to try to conserve as much of a consistent swath as they can.

Mark Christensen said they are doing a river front study that should be done in February that we will receive a copy of.

Kimber Gabryszak said they are purchasing property along the river and leasing to commercial for 99 years. In Spokane they had to do some reclaiming of property and had to do creative work to make it a functional river. There were a few examples of restaurants taking advantage of the riverfront.

Mark Christensen commented on a large sculpture/play feature that they may be able to take advantage of something similar.

Kimber Gabryszak said they found that on the wider trails they saw more usage. People felt safer and bikes and joggers and walkers could all fit. Make sure the trails are wide enough that as plants fill in they don't encroach so much. She noted more network trails in Coeur d'Alene. She noted a dog park, and to not do just dirt. A key item everyone said was to obtain as much waterfront as they could. Also, have un-programmed space next to programed space. It is possible to undo what has been done. In Bear Lake

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they had homes going in long before they had access or trails and they are trying to recover access to the lake. Vegetation Preservation was needed. They need to find a balance between protecting the environment and allow access and usability. The trail is an asset that increases desirability for businesses. They can look at first floor parking and other creative solutions. They also had some key take-a-ways from City Offices and customer service such as meeting areas out front with kiosks that were convenient. Low counter type desks for people to sit while staff is helping them. Some other things were a River Walk bicycle repair stand, water fountains, bag recycle center to be reused as doggy dropping bags. Unique decorative usable features such as drains. Historical features and art was good. There was bike parking and adopt a tree programs. Next steps are to obtain copies of code from the good communities. Outline initial potential changes to Mixed Waterfront and potential changes to all waterfront development. Discuss these and other strategies during the Council Retreat. Schedule additional site visits as necessary in the spring. Move forward with adoption of Code amendments beginning in January.

Councilman McOmber would also encourage them to see San Antonio. They are probably the most successful. They really captured nice things and also generated revenue for the city. He thanked them for this and liked that we are creating relationships outside of Utah.

2. Discussion of Open Space, Landscaping, and Trails Maintenance Policy

Kevin Thurman noted that we've had the need for a uniform policy for a while. It makes more sense to have this as Policy rather than Code because things change regularly and having to go through the process to change code takes a lot of time. Having something that City Council can approve that we administer that is flexible and can change with 24 hour notice makes more sense. This helps make things absolutely clear and closes loop holes. It discusses purposes that can guide policy.

Councilman Willden asked how do developers become aware of this as opposed to code and how binding would it be.

Kevin Thurman said it is binding; Council would adopt it by ordinance.

Mark Christensen said they would include it when they gave other material to developers.

Councilwoman Call asked about Regional Trails, she is concerned that they are forcing HOAs to take care of all of it. She wants there to be parks next to trails.

Kevin Thurman said as staff it's hard to make those decisions administratively. It's up to the Council for discussion.

Councilwoman Call would say that trails will be maintained by the city, landscaping areas are encouraged to be developed in conjunction with 5 acres and dedicate it to the city. We encourage them to develop the trail adjacent to a park and if it is 5 acres or more we may take it.

Kevin Thurman commented that they want it to be as black and white as possible. If the Council is ok with maintaining some of the regional trails with landscaping we can proceed in that direction

Councilwoman Baertsch said it would depend on where it is. There are areas where they will have them in an HOA anyway. She is nervous about saying they would take anything over 5 acres.

Councilwoman Call would say the Council may opt to take, leave it discretionary.

Councilman Willden noted they could appeal to City Council.

Councilwoman Call noted that Forestry Fire and State Lands will not allow concrete along the canal line, on their land and would prefer it not adjacent to the Lake.

Kevin Thurman asked if they had some direction on maintaining the landscaping in regional trail areas

Councilman McOmber commented that if it's adjacent to a park he would be more open to it. He likes that people in those areas are maintaining their trails. For him it is more an all or nothing type of thing. If it's next to a park it makes more sense. Similar to what they did with Regal and Neptune Parks.

Kevin Thurman said they need a way to make it fair for both sides. They can set a high standard for themselves and have developers maintain those standards. There is a factor of the long term cost of this as well.

Councilman Poduska said as we expand and our trails expand maintenance is going to become a large part of our budget so he would not encourage the city maintaining landscaping. He would like it to be more flexible as far as not forcing HOAs.

Councilman Willden would agree as well. When it's next to a large park mobilization fees make more sense.

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Mark Christensen commented that if they had any other thoughts specific on this to send it to Kevin.

Kevin Thurman also wanted direction about concrete vs. asphalt along Redwood Road. They understood concrete on the west and asphalt on the East. We need to make sure we are treating developers fair and that it's not just based on which side they are on. Concrete is more expensive. So the engineer could do a cost analysis yearly and we could find a way to help equalize the costs.

Councilwoman Baertsch said a lot of times we are approving these years in advance and they would come back in and say the cost on this changed. We may end up doing a lot of change orders. If it is something more straight forward like looking at the last 10 years or adjust it every 5 years.

Kevin Thurman commented that if the concern is approving these developments early on we can identify what is on that side of the road and help equalize the costs for either developer and then approve construction drawings.

Councilwoman Baertsch noted they are told regularly that concrete is more expensive than asphalt but that is not always the case.

Councilman McOmber is in favor of having a standard set on each side of the road. They have enough precedence set. They can go forward with policy and they can address it when a developer comes in. if they put it all in the policy then they are asking for an argument. What is the true cost of sidewalk vs. asphalt; there are arguments on both sides.

Councilwoman Call would agree and is ok with asphalt on one side and concrete on the other. But then they don't want to get into if you have asphalt then you have to have an HOA to maintain the trail. She would like to offer the choice.

Kevin Thurman said this was to fit both circumstances and that these are things we can do to help equalize the costs.

Councilman McOmber thinks it is then defining unequal costs; one developer may have a better deal than another on material.

Councilwoman Baertsch is reading that the parkstrip has to be maintained by the owner, and they need a phrase that says unless it is noted otherwise. Her parkstrip is owned by the city and maintained by the HOA.

Kevin Thurman thinks it's confused where it says individual property owners. He will look at that.

3. Agenda Review:

a. Discussion of current City Council agenda staff questions.

b. Discussion of future City Council policy and work session agenda items.

4. **Motion to enter into Closed Session for the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual.**

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

Closed Session

Present: Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska, Mark Christensen, Kevin Thurman, Spencer Kyle, Kimber Gabryszak

Closed Session began at 6:50 p.m.

Closed Session Adjourned at 6:59 p.m.

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Policy Session Minutes

Present:
Mayor: Jim Miller
Council Members: Michael McOmber, Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska
Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin, Sarah Carroll, Chelese Rawlings, Jess Campbell, Andrew Burton
Others: Kayla Moss, Chris Porter, Holly Wade, Wade Williams, Taylor Blair, Kaden Schipaunbuond, Landon Morris, Simon Pitcher, Kylie Wade
Excused:

Call to Order 7:02 p.m.
Roll Call – a quorum was present
Invocation / Reverence - given by Councilwoman Call
Pledge of Allegiance - led by Councilwoman Baertsch

Public Input - **Opened** by Mayor Miller
No comments were made for public input.
Public Input - Closed by Mayor Miller

Awards, Recognitions and Introductions

- Mayor Miller recognized Simon Pitcher for having received his Eagle Scout award.

Mayor Miller announced that the City Christmas Tree Lighting would be Nov. 30th at 6:30 p.m.

POLICY ITEMS

1. First Quarter Departmental Financial Update.

Chelese Rawlings said we came in great in every category. The City of Saratoga Springs is under the 25 percent threshold of expenditures to date. In the General Fund we are currently at 20.4 percent of budgeted expenses. The revenues are under the 25 percent threshold, mainly because the City has not yet received a majority of our property tax revenues budgeted. In the General Fund we are currently at 23.3 percent of budgeted revenues.

Councilwoman Call asked, because dispatch is an increased level of service does that get payed for out of impact fees.

Chelese Rawlings responded it was from General Fund monies.

Mark Christensen commented that we couldn't use impact fees to fund the dispatch center because it hasn't been in the capital facilities plan and he doesn't believe it's eligible for public impact fee funding because it's a special district. As of right now it is out of General Funds. He was at a dispatch meeting Thursday, there were some cost changes they will be absorbing in their fund balance. They reaffirmed there would not be any additional cost passed on to the cities.

Councilwoman Call said where it's our philosophy to have individual funds pay for themselves, to have that come from General Funds is not what we normally do. If there were another option it might be nice.

Mark Christensen said he would look at that.

Councilwoman Baertsch commented on the SSID fund, how close are we to getting more lights in Saratoga Springs Development with that funding.

Spencer Kyle said he would look into it. They may need to look at incrementally adding lights but it's not a rapid expanding fund for them to be able to do that. It's not enough when we pay for our electricians and those things.

Councilwoman Call asked if we could open the communication lines to see what the interest level is. Wouldn't it be nice if we had one Special Service District across the whole city? And if we could bring them all up to our standard whether it was an individual assessment or whatever funding mechanism that is to get rid of their increased costs.

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Councilwoman Baertsch noted that since that is an HOA they may not want to have the same standards.
Spencer Kyle said their recommendation would be to do away with the SSID completely and have just a street light fee, the Council could decide what that fee is.
Mark Christensen said there is still a difference in the funding, at that point when they look at the fee structure they could pick up the cost with the rest of the city.
Councilwoman Baertsch said it's interesting because part of that development was built before this was a city and at different standards, and other parts since are up to standards but still have to pay the additional fee.
Mark Christensen said they meet with the HOA regularly and they will have this conversation.
Councilman McOmber wanted to bring up a concern, while they are discussing the HOA where Saratoga Springs Development has private streets, the street signs are crumbling and unreadable and he is wondering from a safety perspective they would want to have consistency and we need to look at them getting fixed. Personally he feels there are a bunch of tax payers that don't get their streets plowed and now we are going to say they need to take care of their own signs too. We should have a standard for safety, not for roads, but for safety. We need to make sure we are updating those and push back on the HOA. Especially if we are bringing emergency resources in from another city they may not be able to find the roads.
Councilwoman Call thanked Chelese Rawlings for the additional documents added to the report to make them easy to understand.
Councilwoman Baertsch asked about elections, where we were over.
Chelese Rawlings said most of those expenditures are spent in the first quarter and this is showing the budget divided into quarters. It should even out over the whole year.
Councilman Willden thanked Chelese Rawlings for listening to his ideas. To answer Councilwoman Baertsch questions, they are looking at not doing just a 25% budget every quarter but go back and look at 5 years historical data and calculate an allocation amount of the budget per quarter by line item so that would eliminate most of the questions like that. He would like to add a year over year comparison.

2. ACTION ITEMS:

a. Approval of the General Election Canvass.

i. Resolution 15-52 (11-17-15) Certifying the Election Results of the 2015 General Election for the City of Saratoga Springs.

Mark Christensen noted they forwarded an electronic version a little bit ago, as soon as it came from the County.

Motion made by Councilwoman Baertsch to approve Resolution 15-52 (11-17-15) Certifying the Election Results of the 2015 General Election for the City of Saratoga Springs. Seconded by Councilman McOmber.

Councilwoman Call offered congratulations to those who won and thanks for those who ran that did not win.
Councilman McOmber pointed out that it looked like City Council was in line with the general thoughts of the city as to Proposition #1.

Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

b. Approval of Addendum to Street Lighting SID for Saratoga Springs Commercial Development.

i. Resolution No. R15-53 (11-17-15) - Addendum to Resolution of the City of Saratoga Springs Pertaining to the City Street Lighting Special Improvement District to Include Additional Subdivision Lots. (Saratoga Springs Commercial Development).

Motion made by Councilwoman Baertsch to Approve Addendum to Street Lighting SID for Saratoga Springs Commercial Development. Resolution No. R15-53 (11-17-15) - Addendum to Resolution of

the City of Saratoga Springs Pertaining to the City Street Lighting Special Improvement District to Include Additional Subdivision Lots. (Saratoga Springs Commercial Development) including all staff findings and conditions. Second Councilwoman Call. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

c. Agreement with Utah Live Steamers—Salt Lake and Utah Railroad Historical Society for a Miniature Railroad System in Shay Park.

i. Resolution No. R15-54 (11-17-15) Approving the Agreement with Utah Live Steamers—Salt Lake and Utah Railroad Historical Society.

Kevin Thurman noted this helps provide for an opportunity we have with Shay Park.

Councilwoman Baertsch said the contract is pretty straight forward. The Club is going to own and maintain the tracks. It's a huge amenity for the residents. There is a change that needs made about transferring ownership of the track to the city. It's a conflict and doesn't match the intent. It should be all Club owned. We also need to add the caboose that is coming in to the list in item 5.c.

Councilman McOmber would add any train paraphernalia or structures. They will have a building eventually to store their equipment.

Councilwoman Call would worry about that because of train themed play equipment and pavilion.

Councilwoman Baertsch said we may need to address and amend the agreement when needed.

Mark Christensen summarized that they would be amending the last sentence in paragraph 2 to be removed and for item 5.c.vi. and add the caboose.

Councilman Poduska asked if there was a designation of the length of track they are to provide.

Councilwoman Baertsch replied that it's not in the contract but is designated within the Master Plan. They talked about eventually expanding. There is one last change she suggested that on paragraph 11 there is an item a. but no item b. so they could take out a. and leave it a standalone item.

Motion made by Councilman McOmber to approve Resolution No. R15-54 (11-17-15) Approving the Agreement with Utah Live Steamers—Salt Lake and Utah Railroad Historical Society. And all the findings and conditions with the amendments, taking out the paragraph at the end of item 2, adding 5.c.vi. to include the caboose and taking out the a. for a standalone paragraph and also approving the Agreement with Utah Live Steamers. Second Councilwoman Baertsch.

Councilman McOmber said he had two residents who have reached out to him. One is making a large donation to Utah Live Steamers and the other is already in the process of purchasing an engine to run on this track and is joining the Live Steamers.

Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

d. Preliminary Plat for The Crossing Commercial Plat, located adjacent to Redwood Road, between Market Street and Pioneer Crossing, The Boyer Company, applicant.

Kimber Gabryszak reported that Planning Commission forwarded a positive recommendation with conditions. The applicant has resubmitted the plat since Planning Commission and addressed most of those conditions. She gave a brief introduction of the project. She said there is a Site Plan that is in review with Staff for the Smiths Marketplace. They are proposing 9 parcels for development. The only item they haven't addressed yet is to add an established grade and some of the conditions by the City Engineer.

Councilman Poduska talked with Kimber previously about his concerns but it looks like it's coming along well and would like to see it keep moving as quickly as possible.

Councilwoman Call noted they had seen it a few times and worked out kinks along the way. She wants to hold Wade Williams to helping them identify any pain points along the way to avoid future problems and areas where we can improve. Thank you for working with us. She asked if the Gas Station was coming soon as it was not in phase one.

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Wade Williams replied it would catch up. He updated them that Smiths is planning beginning construction Feb. 8 and opening Dec. 11th. They should open at the same time.

Councilman McOmber asked if they would be keeping the current gas station open. He would encourage it to stay open. (Wade Williams did not know.) This has been 6 years in the making and it will be great. Thanks for all the hard work; we look forward to seeing phase 2.

Councilwoman Baertsch thanked them. Her only concern was if he had an update on who may be going in on the other retail pads.

Wade Williams said they had good progress, a good list of people who have expressed interest but they haven't figured out the best spaces for everyone, how to fit it all together. They have also received letters of interest on phase 2. They are looking Thursday at the 3rd iteration. They are starting to get a lot of buzz. Smith's went out to bid this week. They have another store they want to bid together.

Councilwoman Call said one thing they struggled with on annexation agreements is the allocation. This development is eating up quite a bit of that and having his perspective on this with the amount of road and density and the size that Saratoga is going to be, she wonders if their (annexations) allocation is off. It's the non-residential component. If he sees it advantageous to the Boyer Company to come say your allocations are a little off to do so.

Wade Williams said the one thing unique about this community is they will be the center point and regional retail for other communities.

Councilwoman Call commented it might be advantageous all around to have those conversations.

Wade Williams said they would be happy to look at that.

Motion made by Councilwoman Call to approve Preliminary Plat for The Crossing Commercial Plat, located adjacent to Redwood Road, between Market Street and Pioneer Crossing, The Boyer Company, applicant. With all Findings and Conditions. Seconded by Councilman McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

e. Resolution 15-55 (11-17-15) Declaring the City Council's Intent to Amend the Land Development Code with Respect to Sign Regulations in Accordance with Utah Code Section 10-9a-509(1)(a)(ii).

Kevin Thurman commented that the Supreme Court came out with the decision that has recently gone into effect and they have made changes to the sign code to be more compliant. Regulations need to be content neutral. All signs are subject to the same rules and be content neutral.

Kimber Gabryszak said this resolution would temporarily adopt the draft. It is scheduled to appear before Planning Commission on the December 10th for public hearing. The draft removes all references to signage by type. There are different standards by Zone, and every property in that zone is treated the same. It's fairly consistent with how much is allowed. It addresses some items like real estate and political signs. Also off premise developmental signs are addressed. For the next few weeks they will be subject to the draft. Any signage already in the City, most will be considered non-conforming and be allowed to stay. If they wanted to change the signs to different content we would not be regulating that.

Mark Christensen clarified that it is for existing approved signs not illegal signs out today.

Kimber Gabryszak replied that is correct, if it was put up without being approved it is illegal.

Kevin Thurman mentioned the pending ordinance doctrine basically says the Land Use Authority can enact regulations temporarily while it is going through the process. This will be a more favorable ordinance.

Councilman McOmber asked what the time limit was for going through the ordinance.

Kevin Thurman says the process is as established by the Land Use Authority. Right now we already have it scheduled for a public hearing.

Councilwoman Call saw this mainly as a house keeping item to bring us into compliance and has no concern with this and looks forward to reading Planning Commission recommendation.

Councilman Poduska was good with this.

Councilman McOmber commented that we need to be in compliance.

Councilman Willden would ask that we make sure Planning Commission doesn't table this item to hold up the process.

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Councilwoman Baertsch had comments she would forward to staff that are not concerning at this point. With the definitions are we concerned about those that are already out of the law, like Billboard that is not content neutral?

Kimber Gabryszak replied that we discussed that internally, we could take it out but thought it was better to leave it in to make it clear that we weren't looking for those.

Councilwoman Baertsch also commented on illumination standards, we don't reference our dark sky ordinance or lumens. Is that something we want to include now?

Kimber Gabryszak thinks we are covered because our lighting ordinance covers that.

Councilwoman Baertsch is wondering if we could include having addresses on monument signs for public safety.

Kimber Gabryszak said we are considering adding addresses as required for sign bases, not part of the sign area itself. We need to talk about it more internally.

Kevin Thurman said on the Supreme Court decision it was that if you do have content based signs it has to meet strict scrutiny test.

Councilwoman Call wondered if we are expanding the definition of sign if we are having content on the base.

Kimber Gabryszak thought it would be fine by requiring just the address.

Councilwoman Baertsch noted a couple of places where language needed to be clarified or corrected to be consistent in the document.

Motion made by Councilwoman Baertsch to approve Resolution 15-55 (11-17-15) Declaring the City Council's Intent to Amend the Land Development Code with Respect to Sign Regulations in Accordance with Utah Code Section 10-9a-509(1)(a)(ii). Including changes mentioned which are changes to sign size on façade with percentage, to allow for addressing on monument signs, and to allow for verbiage changes for consistency on height of signs as well. Seconded by Councilwoman Call. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

3. REPORTS:

a. Mayor.

b. City Council.

Councilman Poduska mentioned the proposed Fairways Office building that would be the first 3 story office building. He also mentioned the possibility of other commercial coming to the south area.

Councilman Willden said he was working with Chelese Rawlings in building out some more matrixes and with Daniel Widenhouse. Hopefully they can get to those in the next few months. He realizes they have been understaffed in those departments.

Councilwoman Call commented on an accident on Redwood Road where the lights were not changing because snow covered the sensor. The accident happened an hour and a half after the resident called about the issue and were told there was not a problem.

Councilwoman Baertsch commented that with the new LED lights and traffic signals, they are horrible and never change. You can't see them with the sun and she has seen people run them.

Jeremy Lapin said it is something they need to talk to UDOT about because they probably get some of the same concerns. We can only work with our lights, any UDOT lights would need to work through them.

Councilwoman Baertsch thought it may be so bad that they may need to get legislature involved.

Councilwoman Call mentioned that Councilman Willden had been added to the distribution lists for both Jordan River and Utah Lake. She likes the Cityworks app but is still concerned that when residents submit a ticket, when it's closed they get an email only about 5% of the time. Sometimes the content is only in a .pdf attachment. She would like for the content to not be in a pdf. It could be a security issue to open an attachment. She would push for a way to get their update through an email without an attachment.

Councilwoman Baertsch noted especially to newly elected officials that the League of Cities and Towns had training coming up they could attend. For all Council members, Local Official's day is on Wed.

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Jan. 27th at the Capitol. Legislation begins Jan. 25th. They are working on the Wildland Fire Policy. They are coming pretty close to figuring out the portion of what our payments would be and the maps. She attended the Central Utah Water policy meeting. Eagle Mt. had a water conservancy seminar the other night she would like to send that to all public works and parks. It was very informative.

Councilman McOmber would encourage residents to attend City events coming up. It would be great if the City Website could have civic events pop on the front page. It would be a good standard procedure to send Council a meeting invite for every city event rather than just an email so they can add it to their calendar easily.

Councilwoman Call if we are instigating a policy where they get put on our calendar she doesn't want every little thing like library story time. But it does show on the calendar so they can be aware of it.

c. Administration communication with Council.

d. Staff updates: inquires, applications and approvals.

Kimber Gabryszak reminded them about the UDOT open house tomorrow that they were invited to.

4. REPORTS OF ACTION: - No reports were done tonight.

5. Motion to enter into Closed Session for the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual.

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

Meeting Moved to Closed Session 8:10 p.m.

Closed Session

Present: Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska, Mark Christensen, Kevin Thurman, Spencer Kyle, Kayla Moss, Jeremy Lapin, Kimber Gabryszak, Owen Jackson

Closed Session Commenced at 8:15 p.m.

Closed Session Adjourned at 9:51p.m.

Policy Meeting Adjourned at 9:51p.m

_____ _____

Date of Approval Mayor Jim Miller

_____

Nicolette Fike, Deputy City Recorder

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