



AGENDA – Variance Hearing

CITY OF SARATOGA SPRINGS
Thursday July 18, 2019 at 8:00 a.m.

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

Commencing at 8:00 a.m.

1. Rear Setback Variance for property located at 486 West 1530 North, Starhaven Partnership LTD., applicant.
2. Adjourn.



Hearings Examiner Staff Report

Variance

Starhaven Subdivision

July 18, 2019

Public Meeting

| | |
|--------------------------|---|
| Report Date: | July 11, 2019 |
| Applicant: | Ken Evans |
| Owner: | Ken and Sandra Evans; Starhaven Partnership LTD (ET AL) |
| Location: | 486 West 1530 North/452 W. Starhaven Boulevard |
| Major Street Access: | Crossroads Boulevard |
| Parcel Number(s) & Size: | 52:898:0002, 2.45 Acres |
| Land Use Designation: | Rural Residential |
| Parcel Zoning: | Rural Residential (RR) |
| Adjacent Zoning: | R1-10, R1-9 (Low Density Residential) |
| Current Use of Parcel: | Single-family Residential |
| Adjacent Uses: | Agriculture and single-family residential |
| Previous Approvals: | Preliminary Subdivision Approval on 3/5/19 Planning Commission Recommendation on 2/28/19 |
| Author: | Tippe Morlan, AICP, Senior Planner |

A. **Executive Summary:**

The applicant is requesting a rear setback variance for an accessory structure on Lot 1 of the Starhaven Subdivision, which is Phase 6 of the approved Starhaven development. An existing single-family home and an existing barn are located on this lot, currently addressed at 486 West 1530 North. The barn currently meets the 12 foot minimum rear setback for accessory structures within the Rural Residential (RR) zone; however, the applicant is dedicating the northernmost 15 feet of property along the rear of the lot to the City for a trail corridor with the Starhaven Subdivision. This results in the barn encroaching into the rear setback by 2 feet. The request is to reduce the rear setback for accessory structures from 12 feet to 10 feet to allow the barn to remain in its current location without relocating the structure.

Recommendation:

Staff recommends the Hearings Examiner conduct a public meeting and **approve** the requested variance with the findings and conditions in Section I of this report. Alternatives include denial and continuation.

B. **Background:**

The Starhaven Subdivision preliminary plat was originally approved in March 2019 with one lot for the existing home. The 15 foot trail corridor to be dedicated to the City was included as a part of this approval.

C. Specific Request:

The applicant is requesting a variance to reduce the minimum rear setback for accessory structures from 12 feet to 10 feet on this lot only (see Exhibit C). This would allow the barn to remain in its current location.

D. Process:

Section 19.03.11 requires a variance request to be heard and decided by the Hearings Examiner. Section 19.03.18 states "Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or holds some other beneficial interest in may apply to the Hearing Examiner for a variance from the terms of Title 19."

E. Community Review:

This item has been noticed as a public meeting.

F. Staff Review:

The requested variance has been reviewed by the City's Development Review Committee. The committee recommends supporting the requested variance to allow for a solution other than relocating the barn. The proposed variance will allow the owner to maintain and operate the structure in its existing location in line with all other zoning regulations.

G. General Plan:

The subject property is designated Low Density Residential in the General Plan, which is described as follows:

The Low Density Residential designation is designed to provide areas for residential subdivisions with an overall density of 2 to 5 units per acre. This area is characterized by single-family neighborhoods built on a highly connected street pattern and interspersed with schools, public facilities, walkable neighborhood amenities, parks and trails.

Staff Conclusion: *Consistent. The requested variance does not increase the current density, which falls within the range listed in the general plan.*

H. Code Criteria:

Applicable Code Sections are cited and reviewed below.

Section 19.03.11. Powers and Duties of the Hearing Examiner.

1. To hear and decide variances, as defined in state law, from the area, width, setback, or other terms of the land use ordinance except a use variance shall not be granted;

Staff finding: complies. *The variance request will be heard by the hearings examiner and is a request for a reduced setback. The requested variance is not a use variance.*

Section 19.03.18. Provisions for Hearing and Ruling on Variances.

1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or holds some other beneficial interest in may apply to the Hearing Examiner for a variance from the terms of Title 19.

Staff finding: complies. *The applicant has applied for a variance to the minimum rear setback for accessory structures.*

2. Prior to filing an application for a variance with the Hearing Examiner, the applicant must have applied for a permit, or other land use approval, and have been denied such by the City or land use administrative officer or agency of the City of Saratoga Springs, based on the specific requirement that is the subject of the variance. If there were multiple reasons for denial, the approval of a variance of one requirement shall not relieve the applicant of the need to meet the remaining standards of the ordinance. The requirements of this subsection may be waived by the City Planner after consulting with the City Attorney to determine that the application would be required to be denied if submitted.

Staff finding: complies. *Although the applicant has not been denied a permit or land use approval, the Planning Department has consulted with the City Attorney and determined that the existing barn would need to be relocated outside of the new setbacks. An application for the barn to remain in its location as a noncomplying structure would be denied if submitted.*

3. The Hearing Examiner may not hear a request for a variance unless the applicant has filed a properly completed application and paid the application fee. The application shall contain the following information:
 - a. the normal or standard amount of area, distance, size, or volume required by the land use ordinance;
 - b. the specific amount of variance being requested;
 - c. an explanation of why an unreasonable hardship exists;
 - d. the special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - e. the reasons why granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone; and
 - f. all other information required by the application form.

Staff finding: complies. *The application has been submitted and the fee has been waived since the hardship is created by property to be dedicated to the City. The Rural Residential (RR) zone requires a rear setback of 12 feet for accessory structures, and the applicant is requesting a reduction to 10 feet along the north side of the lot.*

Without the requested variance, the existing barn would be out of compliance with rear setback requirements after the 15 foot trail corridor is dedicated to the City. The alternative would be to relocate the entire barn by 2 feet so that it is outside of the

rear setback area.

The circumstances of this property are unique in that the barn is the only existing structure which falls into the setback area for the proposed trail corridor between Foothill Boulevard and 400 West. Additionally, the adjacent subdivisions all have R1-10 and R1-9 zoning designations which have a 5 foot minimum rear setback for accessory structures. This includes Arcadia Springs, Aspen Hills, and the remainder of the Starhaven development. Because the property owner is maintaining RR zoning for the existing home and barn on this lot, the rear setback requirements are larger than the surrounding properties. The barn meets all other setback requirements for accessory structures within the RR zone.

Granting the proposed variance will eliminate the requirement for the barn to be relocated by 2 feet, removing the financial and strategical hardship of the task from both the property owner and the City. It will also allow the property owner to continue to maintain and utilize the barn and the property between the barn and residence as it exists today.

The applicant has submitted graphics related to their request (see Exhibit C). The criteria for a variance are reviewed further under number 5 below.

4. The substance of the application for a variance must be a request to vary the requirements for height, bulk, width, setback, or other numerical or quantitative, as distinguished from approval to have a land use that is not listed as permitted in a zone. For example, the Hearing Examiner may not grant a "use variance."

Staff finding: complies. *The request is for a reduced rear setback for accessory structures and is not a "use variance."*

5. The Hearing Examiner may grant a variance only if the requirements of Utah Code § 10-9a- 702 are met. The following is that section's pertinent provisions:
 - a. The Hearing Examiner may grant a variance only if:
 - i. literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the City's land use ordinances;

Staff finding: complies. *According to Section 19.01.04, two purposes of the City's land use ordinance are to "encourage and facilitate the orderly growth and expansion of the City" and to "facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, storm drains, and other public requirements." The requested variance will allow for the dedication of the 15 foot trail corridor without impairing the owner's ability to enjoy his existing barn. The relocation of the barn is an unreasonable hardship that is not necessary to carry out the general purpose of the City's land use ordinance, especially as the neighboring properties have a less stringent setback requirement.*

- i. there are special circumstances attached to the property that do not generally apply to other properties in the same zone;

Staff finding: complies. *Special circumstances which only apply to this lot include the dedication of 15 feet of trail property to the City along the rear property line and the existing barn at this location. Other properties with the same zoning in the area have already dedicated property for the trail corridor and do not have accessory structures within setback areas.*

- ii. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

Staff finding: complies. *The requested variance is essential for the property owner to maintain the existing barn and for the City to develop the trail to the north, without incurring the hardship and cost of relocating the structure by 2 feet.*

- iv. the variance will not substantially affect the General Plan and will not be contrary to the public interest; and

Staff finding: complies. *Granting the variance will not substantially affect the General Plan because it will support efficient development that is compatible with the natural and built environment. The proposed variance is not contrary to the public interest because it provides additional public trails and open space while maintaining existing structures at this location. Additionally, a similar barn or accessory structure could be built 10 feet from the property line along the trail within legal setbacks for all adjacent properties.*

- v. the spirit of the land use ordinance is observed and substantial justice done.

Staff finding: complies. *The spirit of the land use ordinance is observed in that all other zoning requirements are met by existing structures on this site, and the applicant is working with the City to provide additional trails and open space.*

- b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (5)(a), the Hearing Examiner may not find an unreasonable hardship unless the alleged hardship:

- i. is located on or associated with the property for which the variance is sought;

Staff finding: complies. *The existing barn and the proposed trail corridor property to be dedicated to the City are both located on this*

lot. The hardship comes the requirement to relocate the barn by 2 feet to accommodate the trail corridor.

- ii. comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and

Staff finding: complies. *The hardship is peculiar to this property because there are no other existing structures so close to the adjacent to the trail corridor which would require relocation to meet setback requirements.*

- iii. is not self-imposed or economic.

Staff finding: complies. *The hardship is related to the City's request for 15 feet of property along the trail corridor to the north. The existing barn currently exists within all setback requirements and is not self-imposed by the property owner. The owner is not receiving any economic gain by dedicating property to the City.*

- c. In determining whether or not there are special circumstances attached to the property under Subsection (5)(a), the Hearing Examiner may find that special circumstances exist only if the special circumstances:
 - i. relate to the hardship complained of; and
 - ii. deprive the property of privileges granted to other properties in the same zone.

Staff finding: complies. *(5)(a) has been reviewed above, and the hardship is the new property line along the proposed trail corridor creating new setbacks and a special circumstance for this lot. The special circumstance deprives the property of privileges granted to other properties in the same zone because without the variance, the barn would have to be relocated to meet the 12 foot setback requirement for accessory structures.*

- d. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

Staff finding: complies. *The attached summary and graphics have been provided by the applicant and outline the special circumstances related to the property and the request for a variance (see Exhibits B and C). This has also been reviewed under number 3 on page 2 & 3.*

- e. In granting a variance, the Hearing Examiner may impose additional requirements on the applicant that will:
 - i. mitigate any harmful effects of the variance; or
 - ii. serve the purpose of the standard or requirement that is waived or modified.

Staff finding: up for discussion. Staff does not recommend any additional conditions.

6. In addition to the requirements of Utah Code § 10-9a-702, the following standards shall apply:
 - a. The Hearing Examiner shall not grant a variance greater than the minimum amount necessary to afford relief.
 - b. Variances run with the land.

Staff finding: complies. The requested variance is for a reduced rear setback for accessory structures from 12 feet to 10 feet. The requested variance is the minimum needed for the existing barn to afford relief.

I. Recommendation and Alternatives:

Staff recommends that the Hearings Examiner conduct a public meeting and choose from the following options.

Option 1 – Approval (Staff Recommendation)

Staff recommends that the Hearings Examiner approve the item.

"I move to approve a 2 foot variance to allow a 10 foot rear setback for accessory structures for Lot 1 of the Starhaven Subdivision (Phase 6), to be located at 452 W. Starhaven Boulevard, with the following findings and conditions:"

Findings

1. The request is for a variance to reduce the rear setback for accessory structures along the north side of the lot.
2. Section 19.03.11 of the Code requires variances to be heard by the Hearings Examiner.
3. This item has been noticed as a public meeting and the agenda has been posted.
4. Section 19.03.18 of the Code allows any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns to apply to the Hearing Examiner for a variance from the terms of Title 19.
5. The Rural Residential zone requires a rear setback of 12 feet for accessory structures. The requested variance is to reduce that setback to 10 feet.
6. The proposed variance is consistent with the General Plan as explained in Section G of this report, which findings are incorporated by reference herein.
7. The proposed variance meets all the requirements of the Utah Code and Land Development Code as explained in the findings in Section H of this report, which findings are incorporated by reference herein.

Conditions:

1. None proposed.

Option 2 - Continuance

The Hearing Examiner may also choose to continue the item.

"I move to continue the item 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. _____

Option 3 – Denial

The Hearings Examiner may choose to deny the application.

"I move to deny the requested variance, with the findings below:"

1. The request is not consistent with the General Plan, as articulated by the Hearing Examiner:
_____ and/or,
2. The request is not consistent with Section 19.03.18, subsection _____, as articulated by the Hearing Examiner: _____.

Exhibits:

- A. Location Map
- B. Summary Statement from Applicant
- C. Setback Variance Site Plan
- D. Approved Starhaven Subdivision Plat (Phase 6)

Starhaven Subdivision Location Map



Summary Statement

- *The specific feature or features of the proposed use, construction or development that require a variance.*
 - The existing barn on this site will require a variance at the north of the lot, only for the rear setback for accessory structures.

- *The specific provision of the ordinance from which the variance is sought and the precise variance being sought.*
 - Setbacks are identified in Section 9.04.07 of the City Code: Table 1: Table Summary of Land Use Regulation, Agricultural and Residential Zones. Minimum Setbacks for Accessory Structures are identified with a 12 foot requirement for rear setbacks.
 - The precise variance being sought is a 10 foot rear setback for accessory structures, a reduction of 2 feet, allowing an existing barn to remain in place.

- *A statement of the characteristics of the subject property that prevent compliance with the provision of the ordinance and result in unnecessary hardship.*
 - The existing barn meets setback requirements for the existing lot; however, the applicant is working with the City to dedicate the northernmost 15 feet of the lot for a trail corridor with the Starhaven Subdivision. The dedication of this trail property to the north is in addition to the required trail and open space improvements required in the Development Agreement. This variance is required in order to prevent the owner and the City from the hardship of relocating the entire structure by 2 feet.

- *A statement of the minimum variation needed to permit the proposed use, construction or development.*
 - 2 feet is the minimum variance needed to permit the existing structure with the new property lines since the barn would sit 10 feet from the proposed new property line.

- *Does literal enforcement of the Zoning Ordinance cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance? If yes, why?*
 - o Yes. Literal enforcement of the 12 foot minimum rear setback requirement for accessory structures would result in the hardship of relocating or demolishing a barn that already exists on the site. This relocation or demolition is not necessary to carry out the general purpose of the Zoning Ordinance. This hardship is not necessary to allow the Starhaven Development or the trail development to move forward.
 - o Additionally, all adjacent property is zoned R1-9 and R1-10, which has a 5 foot rear setback for accessory structures, so a similar barn could be constructed even closer to the proposed trail corridor than this existing barn on those properties.

- *Are there special circumstances attached to the property that do not generally apply to the other properties in the same district? If yes, what are they?*
 - o Yes. With the Starhaven development, the existing property owner would like to maintain the existing home and accessory structures on this site. The remainder of the property is undeveloped and does not require any consideration for existing structures.
 - o Additionally, there is no additional property zoned Rural Residential (RR) within close proximity of this site. The closest property with RR zoning is 770 feet to the west of this property.
 - o Lastly, the City is requesting property for a trail corridor which already exists along adjacent properties outside of the Starhaven development.

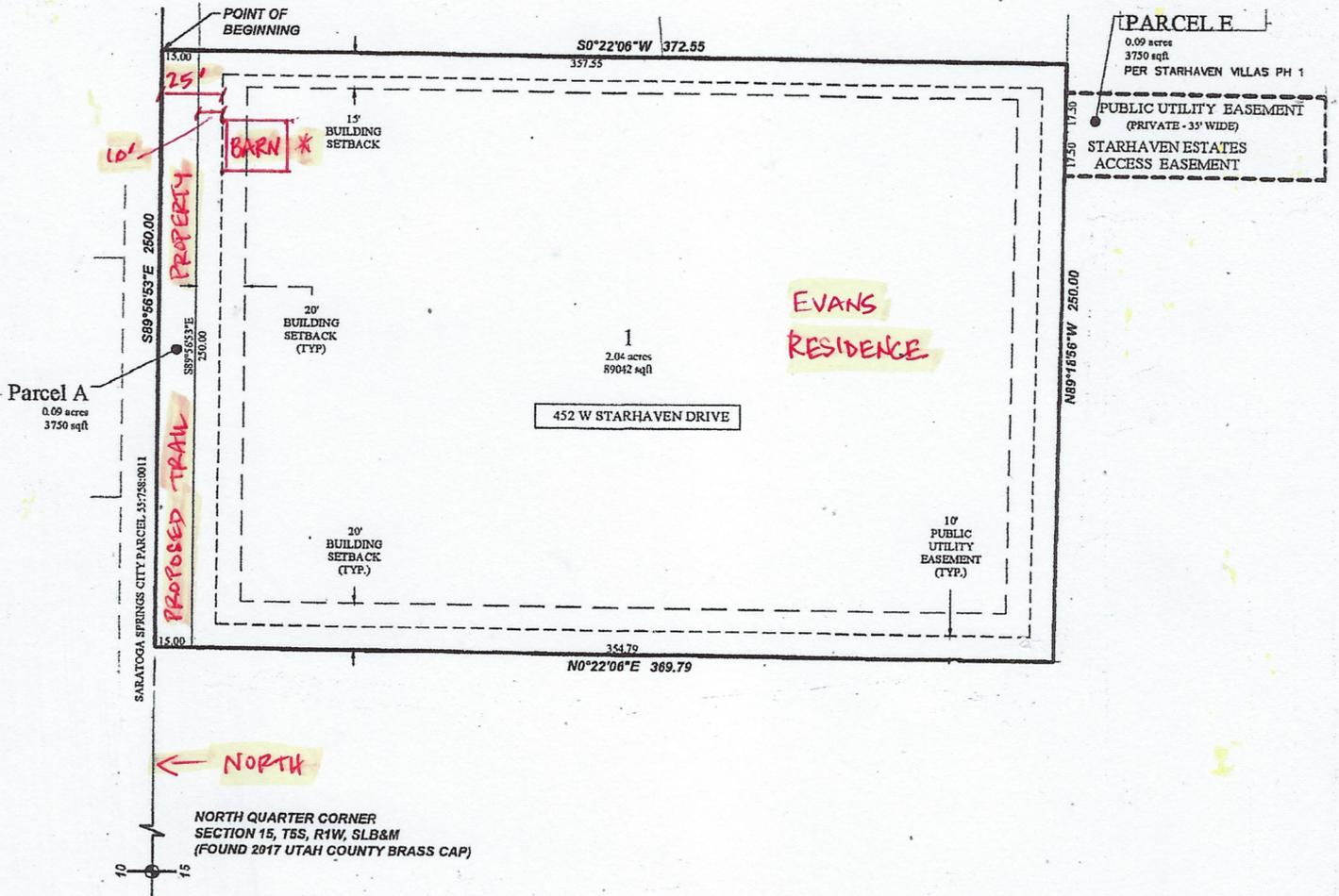
- *Is granting this variance essential to the enjoyment of a substantial property right possessed by other property in the same district? If yes, why?*
 - o Yes. The property owner has a right to maintain existing structures on the property without having to relocate or demolish it.

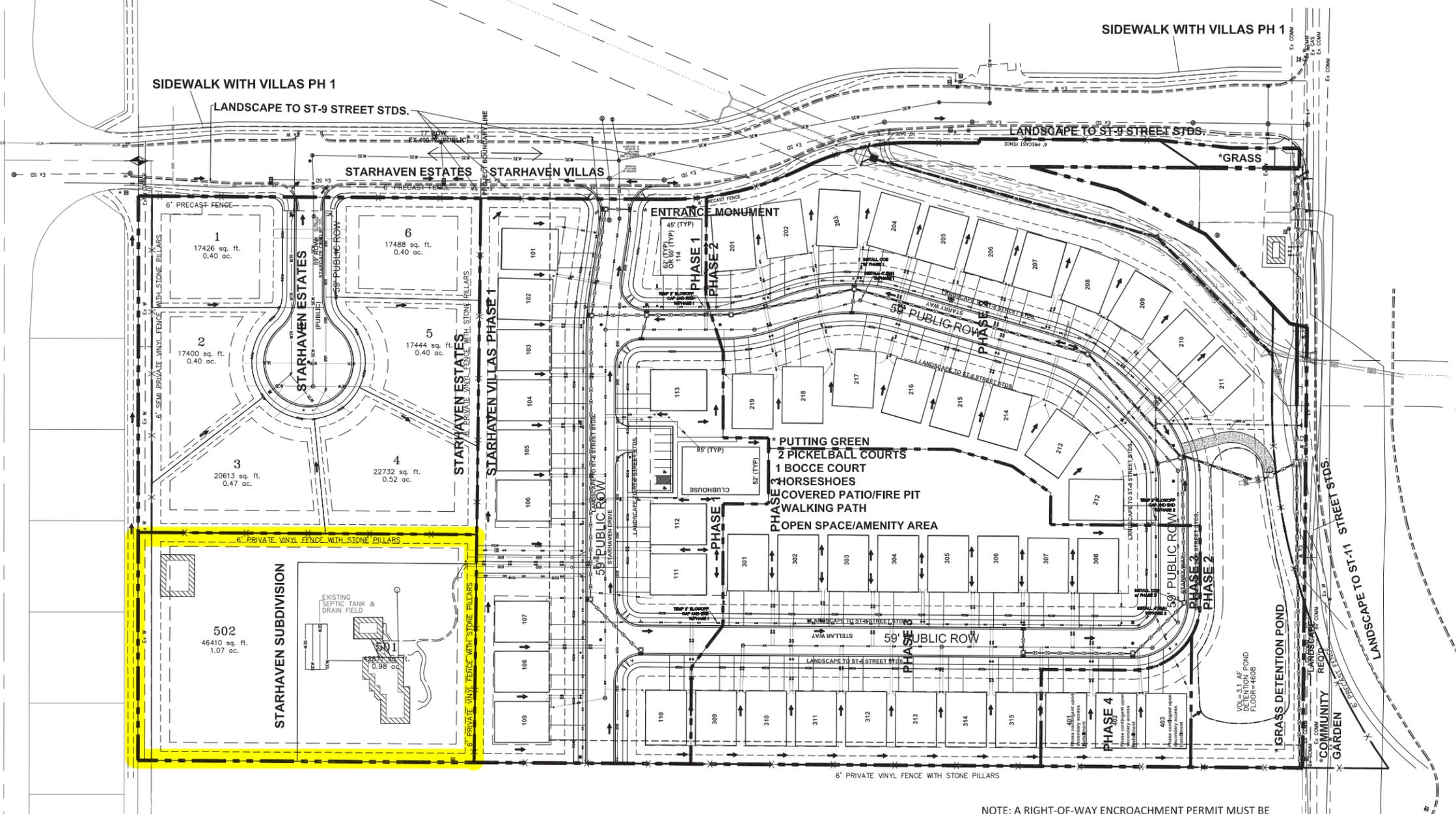
- *Will the variance substantially affect the General Plan and will it be contrary to the public interest? If no, why?*
 - o No. The variance does not substantially affect the General Plan, does not change what will be developed on the site, and is not contrary to the public interest.
 - o The dedication of the trail property adding to the City's system of trails and open space is in the public interest.

- *Will the spirit of the Zoning Ordinance be observed and substantial justice be done if the variance is granted? If yes, why?*
 - o Yes. The spirit of the Zoning Ordinance will be observed and substantial justice will be done should the variance be granted.

Exhibit C - Setback Variance Site Plan

* BARN IS CURRENTLY SET BACK 25 FEET
AFTER PARCEL A EXCHANGE TO THE CITY, THE
BARN SETBACK WOULD BE 10 FEET.





NOTE: A RIGHT-OF-WAY ENCROACHMENT PERMIT MUST BE OBTAINED FROM THE CITY OF SARATOGA SPRINGS PRIOR TO DOING ANY WORK IN EXISTING RIGHT-OF-WAY. CONTACT MARK EDWARDS AT 801-766-9793 EXT 118.

LEGEND

| | | |
|----------------------|--------------------------------|--------------------------------|
| SEWER LINE | EXISTING SEWER LINE | EXISTING SEWER LINE |
| SEWER APPARATUS | EXISTING STORM LINE | EXISTING STORM LINE |
| STORM LINE | EXISTING DRAINAGE SWELL | EXISTING DRAINAGE SWELL |
| DRAINAGE SHELL | EXISTING WATER LINE | EXISTING WATER LINE |
| | EXISTING IRRIGATION LINE | EXISTING IRRIGATION LINE |
| STORM APPARATUS | EXISTING FENCE | EXISTING FENCE |
| | EXISTING FINISH CONTOUR (5 FT) | EXISTING FINISH CONTOUR (5 FT) |
| | 12" FINISH CONTOUR | 12" FINISH CONTOUR |
| | 10" FINISH CONTOUR | 10" FINISH CONTOUR |
| | PHASE LINE | PHASE LINE |
| | BOUNDARY LINE | BOUNDARY LINE |
| | CURB & GUTTER | CURB & GUTTER |
| | PVE | PVE |
| | SETBACK | SETBACK |
| WATER LINE | MTR | MTR |
| WATER APPARATUS | WATER APPARATUS | WATER APPARATUS |
| FIRE HYDRANT | FIRE HYDRANT | FIRE HYDRANT |
| IRRIGATION LINE | IRRIGATION LINE | IRRIGATION LINE |
| IRRIGATION APPARATUS | IRRIGATION APPARATUS | IRRIGATION APPARATUS |
| (DRAINAGE AREA) | (DRAINAGE AREA) | (DRAINAGE AREA) |
| | 30% SLOPE AND GREATER | 30% SLOPE AND GREATER |
| | PROPOSED OPEN SPACE | PROPOSED OPEN SPACE |
| | DRAINAGE DIRECTION | DRAINAGE DIRECTION |

60 0 60 120

SCALE IN FEET
1"=60' (24x36 SHEET)

| STARHAVEN ESTATES | LOT | UNITS | ACRES |
|-----------------------|-------------------------|---------|--------------|
| | LOT 101 | 0.44 | ACRE |
| | LOT 102 | 0.42 | ACRE |
| | LOT 103 | 0.5 | ACRE |
| | LOT 104 | 0.5 | ACRE |
| | LOT 105 | 0.42 | ACRE |
| | LOT 106 | 0.44 | ACRE |
| | LOT 502 | 1.07 | ACRE |
| PHASE 1-4 | 51 units | 2700 SF | |
| CLUBHOUSE | | 3120 SF | |
| STARHAVEN SUBDIVISION | ~2500 SF EXISTING HOUSE | | ON 1.06 ACRE |

| STAR HAVEN VILLAS | | | |
|-------------------|------|-------|-------|
| PHASE | LOTS | UNITS | ACRES |
| 1 | 14 | 3.76 | |
| 2 | 19 | 5.73 | |
| 3 | 15 | 3.41 | |
| 4 | 3 | 0.42 | |

| STAR HAVEN ESTATES | | | |
|--------------------|------|-------|-------|
| PHASE | LOTS | UNITS | ACRES |
| 1 | 6 | 3.17 | |

| STAR HAVEN SUBDIVISION | | | |
|------------------------|------|-------|-------|
| PHASE | LOTS | UNITS | ACRES |
| 1 | 2 | 2.13 | |

| LAND USE | | |
|--------------------------------|--|------------------|
| TOTAL ACREAGE | | 18.62 ac. |
| BUILDABLE ACREAGE | | 17.65 ac (94.8%) |
| SENSITIVE LAND | | 0.0 |
| TOTAL UNITS, LOTS, BUILDINGS | | 60 |
| TOTAL OPEN SPACE (LANDSCAPING) | | 6.26 ac (34%) |
| ROADS | | 2.89 ac (15.5%) |
| OVERALL DENSITY | | 3.22 HOUSES/ACRE |

| ROADWAY IMPROVEMENTS | PHASE 1 | PHASE 2 | PHASE 3 | STARHAVEN ESTATES |
|-------------------------|-----------|-----------|-----------|-------------------|
| 3" ASPHALT W/ 8" BASE | 30,740 SF | 18,514 SF | 17,927 SF | 11,164 SF |
| 36" SUBBASE (PIT RUN) | 30,740 SF | 18,514 SF | 17,927 SF | 11,164 SF |
| CURB AND GUTTER | 1,826 LF | 1,278 LF | 1,244 LF | 536 LF |
| 5" CONCRETE WALK W/BASE | 1,582 LF | 2,513 LF | 1,269 LF | 532 LF |
| 8" CONCRETE WALK W/BASE | 0 | 532 LF | 0 | 0 |
| ADA RAMPS | 8 | 0 | 0 | 0 |
| MONUMENTS | 3 | 3 | 1 | 2 |
| DRIVEWAY APPROACH | 14 | 19 | 18 | 0 |

| NO. | DESCRIPTION | DATE | APP'D |
|-----|-------------|------|-------|
| | | | |

ORIG. DATE: 3-1-18
 SURVEY BY: GFW
 DRAWN BY: GFW
 DESIGNED BY: GFW
 CHECKED BY: GFW
 SCALE: 1"=60'

GATEWAY CONSULTING, Inc
 P.O. BOX 951005 SOUTH JORDAN, UT 84095
 PH: (801) 694-5848 FAX: (801) 432-7050
 paul@gatewayconsultinginc.com

CIVIL ENGINEERING * CONSULTING * LAND PLANNING
 CONSTRUCTION MANAGEMENT

STARHAVEN SUBDIVISION

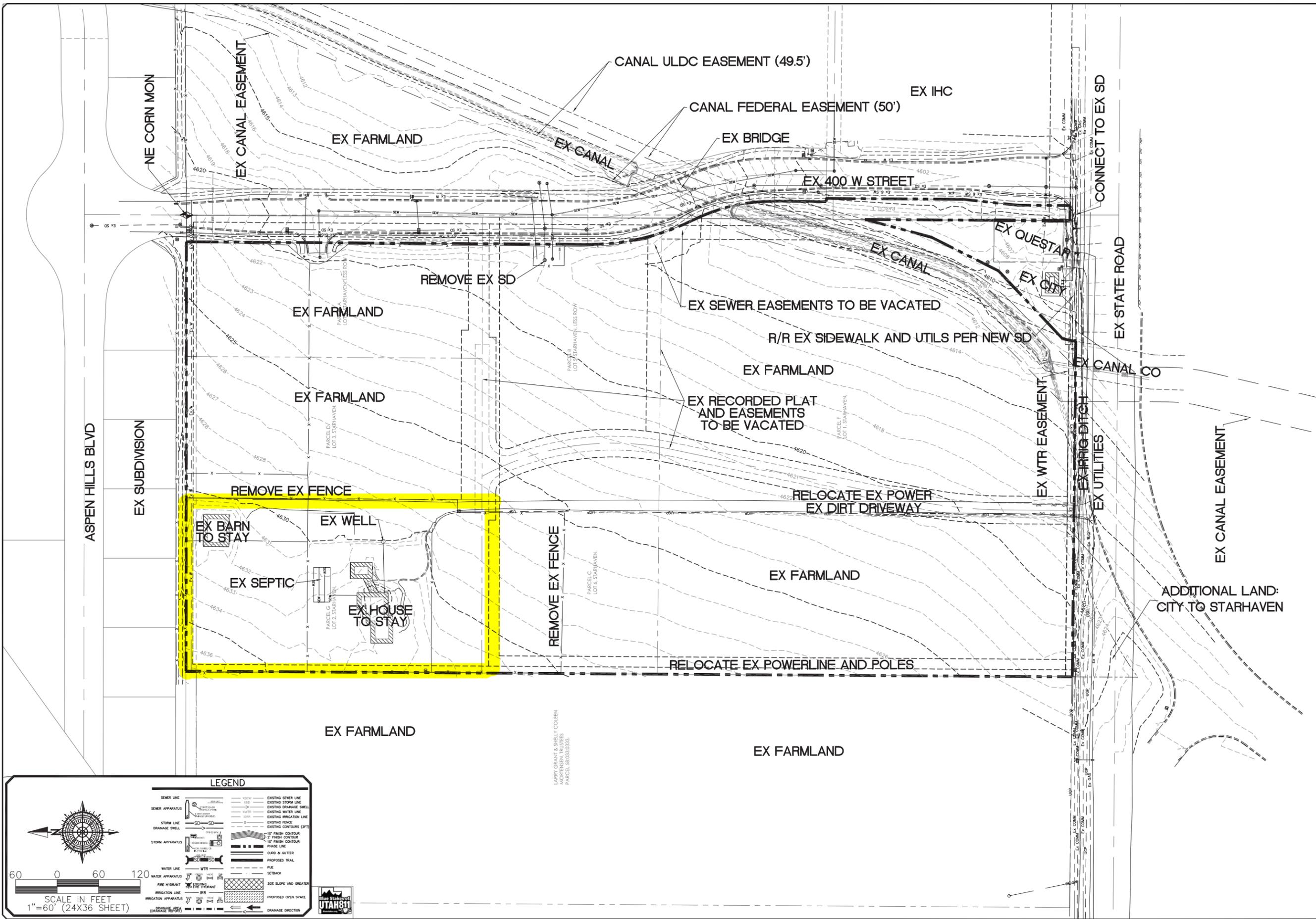
SITE PLAN

4-24-19

SARATOGA SPRINGS



SHEET NO. 3



LEGEND

| | | | |
|--|---------------------------------------|--|--------------------------|
| | SEWER LINE | | EXISTING SEWER LINE |
| | SEWER APPARATUS | | EXISTING STORM LINE |
| | STORM LINE | | EXISTING DRAINAGE SHELL |
| | DRAINAGE SHELL | | EXISTING WATER LINE |
| | STORM APPARATUS | | EXISTING IRRIGATION LINE |
| | WATER LINE | | EXISTING FENCE |
| | WATER APPARATUS | | EXISTING CONTOURS (2 FT) |
| | FIRE HYDRANT | | 10 FT FINISH CONTOUR |
| | IRRIGATION LINE | | 5 FT FINISH CONTOUR |
| | IRRIGATION APPARATUS | | PHASE LINE |
| | DRAINAGE AREA (DRAINAGE REPORT) | | CURB & GUTTER |
| | | | PROPOSED TRAIL |
| | SCALE IN FEET 1"=60' (24X36 SHEET) | | P.E. |
| | | | SETBACK |
| | | | 30% SLOPE AND GREATER |
| | | | PROPOSED OPEN SPACE |
| | | | DRAINAGE DIRECTION |

| NO. | DESCRIPTION | DATE | APP'D |
|-----|-------------|------|-------|
| | | | |
| | | | |
| | | | |

ORIG. DATE: 3-1-18
 SURVEY BY: GFW
 DRAWN BY: GFW
 DESIGNED BY: GFW
 CHECKED BY: GFW
 SCALE: 1"=60'

GATEWAY CONSULTING, Inc
 P.O. BOX 951005 SOUTH JORDAN, UT 84095
 PH: (801) 694-5848 FAX: (801) 432-7050
 paul@gatewayconsultingllc.com

CIVIL ENGINEERING * CONSULTING * LAND PLANNING
 CONSTRUCTION MANAGEMENT

STARHAVEN SUBDIVISION
 EXISTING CONDITIONS
 AND DEMOLITION SHEET

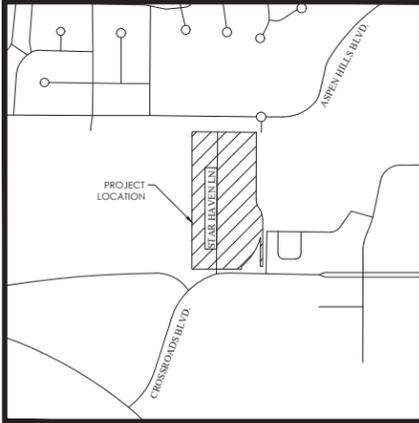
4-24-19

SARATOGA SPRINGS



SHEET NO. 2

Exhibit D - Approved Starhaven Subdivision Plat



VICINITY MAP
N.T.S.

LEGEND

| | |
|--|----------------------------------|
| | BOUNDARY |
| | SECTION LINE |
| | EASEMENT |
| | RIGHT-OF-WAY LINE |
| | BUILDING SETBACK |
| | PUBLIC UTILITY EASEMENT (P.U.E.) |
| | EXISTING PROPERTY LINE |
| | LOT LINE |
| | CENTER LINE |
| | SECTION MONUMENT (FOUND) |
| | STREET MONUMENT (TO BE SET) |

PLAT NOTES

- SEWER ACCESS EASEMENT ENTERS INTO THE PROPERTY

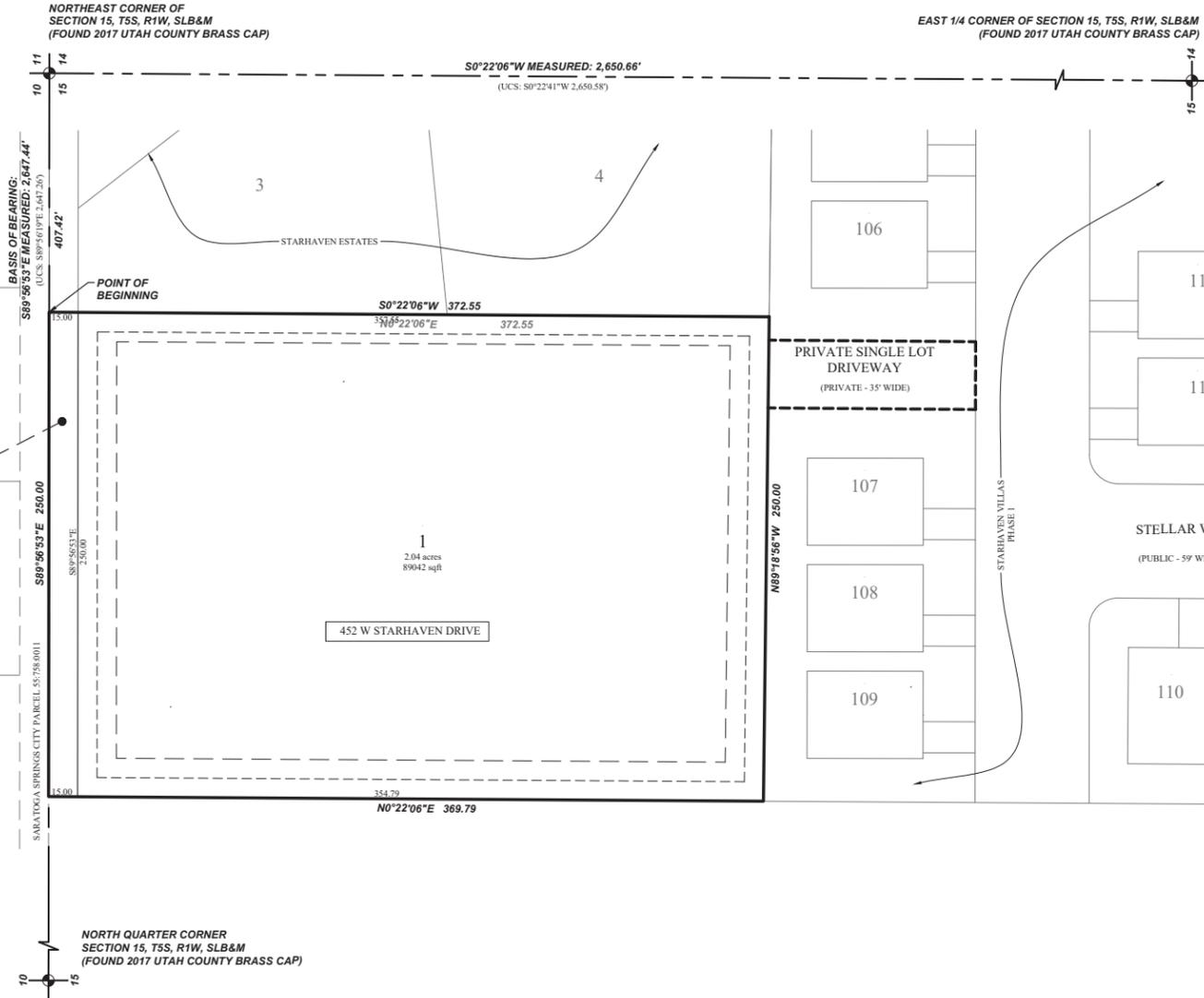
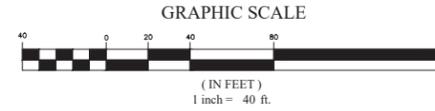
REQUIRED PLAT NOTES

- PLAT MUST BE RECORDED WITHIN 24 MONTHS OF FINAL PLAT APPROVAL, OR FOR PHASED DEVELOPMENTS, WITHIN 24 MONTHS OF RECORDATION OF MOST RECENT PHASE. THE FIRST FINAL PLAT APPROVAL WAS GRANTED ON THE DAY OF _____, 20____.
- PRIOR TO BUILDING PERMITS BEING ISSUED, SOIL AND/OR GEOTECHNICAL TESTING STUDIES MAY BE REQUIRED ON EACH LOT AS DETERMINED BY THE CITY BUILDING OFFICIAL.
- THIS SUBDIVISION IS SUBJECT TO THE RECORDED CONDITIONS, COVENANTS, AND RESTRICTIONS, RECORDED AS ENTRY No. _____ IN THE UTAH COUNTY RECORDERS OFFICE, AND IS ALSO SUBJECT TO THE 400 WEST TRAIL DEDICATION & IMPROVEMENT AGREEMENT AND THE STARHAVEN DEVELOPMENT AGREEMENT.
- PLAT IS SUBJECT TO "INSTALLATION OF IMPROVEMENTS AND BOND AGREEMENT NO. _____ WHICH REQUIRES THE CONSTRUCTION AND WARRANTY OF IMPROVEMENTS IN THIS SUBDIVISION. THESE OBLIGATIONS RUN WITH THE LAND AND ARE BINDING ON SUCCESSORS, AGENTS, AND ASSIGNS OF DEVELOPER. THERE ARE NO THIRD-PARTY RIGHTS OR BENEFICIARIES UNDER THIS AGREEMENT.
- BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED PER CITY STANDARDS AND ALL FEES INCLUDING IMPACT AND CONNECTION FEES ARE PAID.
- REFERENCES HEREIN TO DEVELOPER OR OWNER SHALL APPLY TO BOTH, AND ANY SUCH REFERENCE SHALL ALSO APPLY TO SUCCESSORS, AGENTS, AND ASSIGNS.
- NO CITY MAINTENANCE SHALL BE PROVIDED FOR STREETS AND IMPROVEMENTS DESIGNATED AS "PRIVATE" ON THIS PLAT.
- LOTS/UNITS MAY BE SUBJECT TO ASSOCIATION BYLAWS, ARTICLES OF INCORPORATION AND CC&R'S."
- A GEOTECHNICAL REPORT HAS BEEN COMPLETED BY ALAN SPILKER [GEOTECHNICAL ENGINEER], WHICH ADDRESSES SOIL AND GROUNDWATER CONDITIONS, PROVIDES ENGINEERING CRITERIA, AND RECOMMENDS MITIGATION MEASURES IF PROBLEMATIC CONDITIONS WERE ENCOUNTERED. THE CITY ASSUMES NO LIABILITY OR RESPONSIBILITY FOR ANY RELIANCE ON THE INFORMATION OR LACK THEREOF IN THE REPORT.
- AGRICULTURAL USES, OPERATIONS, AND RIGHTS ARE ADJACENT TO OR NEAR THE PLAT AND LOTS. THE LOTS IN THIS PLAT ARE SUBJECT TO THE SIGHTS, SOUNDS, ODORS, NUISANCES, AND ASPECTS ASSOCIATED WITH AGRICULTURAL OPERATIONS, USES, AND RIGHTS. THESE USES AND OPERATIONS MAY OCCUR AT ALL TIMES OF THE DAY AND NIGHT INCLUDING WEEKENDS AND HOLIDAYS. THE CITY IS NOT RESPONSIBLE OR LIABLE FOR THESE USES AND IMPACTS AND WILL NOT RESTRICT ANY GRANDFATHERED AGRICULTURAL USE FROM CONTINUING TO OCCUR LAWFULLY.
- DRAINAGE ACROSS PROPERTY LINES SHALL NOT EXCEED THAT WHICH EXISTED PRIOR TO GRADING. EXCESS OR CONCENTRATED DRAINAGE SHALL BE CONTAINED ON SITE OR DIRECTED TO AN APPROVED DRAINAGE FACILITY. LOTS SHALL BE GRADED TO DRAIN SURFACE WATER AWAY FROM FOUNDATION WALLS. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET.
- STARHAVEN SUBDIVISION SHALL HAVE ACCESS TO STARHAVEN DEVELOPMENT OPEN SPACE BUT HAVE NO ACCESS TO CLUB HOUSE OR ANY OTHER AMENITIES.

STARHAVEN SUBDIVISION

AMENDING AND VACATING PART OF LOT 2 OF PLAT "A" AMENDED STARHAVEN SUBDIVISION

LOCATED IN THE NE1/4 OF SECTION 15, T5S, R1W, SALT LAKE BASE & MERIDIAN CITY OF SARATOGA SPRINGS, UTAH COUNTY, UTAH



NORTH QUARTER CORNER SECTION 15, T5S, R1W, SLB&M (FOUND 2017 UTAH COUNTY BRASS CAP)

DOMINION ENERGY UTAH
Questar Gas Company dba Dominion Energy Utah, hereby approves this plat for the purposes of approximating the location, boundaries, course and dimensions of the rights-of-way and easements and existing underground facilities. Nothing herein shall be construed to warrant or verify the precise location of such items. The rights-of-way and easements are subject to numerous restrictions appearing on the recorded Right-of-Way and Easement Grant(s). Dominion Energy Utah also approves this plat for the purpose of confirming that the plat contains public utility easements; however, Dominion Energy Utah may require additional easements in order to serve this development. The approval does not constitute abrogation or waiver of any other existing rights, obligations or liabilities including prescriptive rights and other rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgment of any terms contained in the plat, including those set forth in the Owners Dedication or the Notes, and does not constitute a guarantee of particular terms or conditions of natural gas service. For further information contact Dominion Energy Utah's Right-of-Way Department at 801-366-8532.

QUESTAR GAS COMPANY
dba DOMINION ENERGY UTAH

Approved this _____ DAY OF _____, A.D. 20____
By: _____
Title: _____

ROCKY MOUNTAIN POWER

1. PURSUANT TO UTAH CODE ANN. 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.

2. PURSUANT TO UTAH CODE ANN. 17-27a-603(4)(g)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION, ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:

a. A RECORDED EASEMENT OR RIGHT-OF-WAY
b. THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
c. TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
d. ANY OTHER PROVISION OF LAW

APPROVED THIS _____ DAY OF _____, 20____

ROCKY MOUNTAIN POWER

PUBLIC WORKS DIRECTOR

Approved by the Public Works Director on this _____ day of _____, A.D. 20____

CENTURY LINK

Approved this _____ day of _____, A.D. 20____

COMCAST CABLE TELEVISION

Approved this _____ day of _____, A.D. 20____

COMCAST CABLE TELEVISION

PLANNING DIRECTOR

Approved by the Planning Director on this _____ day of _____, A.D. 20____

CITY ENGINEER

Approved by the City Engineer on this _____ day of _____, A.D. 20____

CITY ENGINEER

LAND USE AUTHORITY

Approved by the Land Use Authority on this _____ day of _____, A.D. 20____

FIRE CHIEF APPROVAL

Approved by the Fire Chief on this _____ day of _____, A.D. 20____

CITY FIRE CHIEF

PREPARED BY
FOCUS
ENGINEERING AND SURVEYING, LLC
32 WEST CENTER STREET
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

SARATOGA SPRINGS ATTORNEY

Approved by Saratoga Springs Attorney on this _____ day of _____, A.D. 20____

LEHI CITY POST OFFICE

Approved by Post Office Representative on this _____ day of _____, A.D. 20____

LEHI CITY POST OFFICE REPRESENTATIVE

SURVEYOR'S CERTIFICATE

I, the undersigned surveyor, do hereby certify that I am a registered Land Surveyor and that I hold a license (number shown below) 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 as 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. I also certify that I have filed, or will file within 90 days of the recordation of this plat, a map of the survey I have completed with the Utah County Surveyor.

Evan J. Wood
Evan J. Wood
Professional Land Surveyor
Certificate No. 183395

Date APRIL 08, 2019

BOUNDARY DESCRIPTION

AN ENTIRE PARCEL OF PROPERTY, SITUATE IN THE NE1/4 OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT N89°56'53"W 407.42 FEET ALONG THE SECTION LINE FROM THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE S0°22'06"W 372.55 FEET; THENCE N89°18'56"W 250.00 FEET; THENCE N0°22'06"E 369.79 FEET; THENCE S89°56'54"E 250.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 2.13 ACRES +/- A ONE (1) LOT SUBDIVISION

OWNER'S DEDICATION

Know all men by these presents that the undersigned owner(s) of the above described tract of land have caused the same to be subdivided into lots, parcels, and streets, together with easements and rights-of-way, to be hereafter known as:

STARHAVEN SUBDIVISION AMENDING AND VACATING PART OF LOT 2 OF PLAT "A" AMENDED STARHAVEN SUBDIVISION

and do hereby dedicate for the perpetual use of the public and City all parcels, lots, streets, easements, rights-of-way, and public amenities shown on this plat as intended for public or City use. The owner(s) and all agents, successors, and assigns voluntarily defend, indemnify, and save harmless the City against any easements or other encumbrance on a dedicated street which will interfere with the City's use, maintenance, and operation of the street. The owner(s) and all agents, successors, and assigns voluntarily defend, indemnify, and hold harmless the City from any claim arising from the owner's creation of this subdivision, the alteration of the ground surface, vegetation, drainage, or surface or sub-surface water flow within this subdivision, and the development activity within this subdivision by the owners and all agents, successors, and assigns.

In witness whereof I have hereunto set my hand this _____ day of _____, A.D. 20____.

Signature _____ Print Name _____ Title & Entity _____
Signature _____ Print Name _____ Title & Entity _____

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF _____

On this _____ day of _____, 20____, personally appeared before me _____ who being by me duly sworn, did prove to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed this plat with full authority of the owner(s).

I certify under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Notary Public Full Name: _____
Commission Number: _____
My commission expires: _____
A Notary Public Commissioned In Utah

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____.

APPROVED BY CITY MAYOR _____ ATTEST _____
CITY-RECORDER (SEE SEAL BELOW)

STARHAVEN SUBDIVISION AMENDING AND VACATING PART OF LOT 2 OF PLAT "A" AMENDED STARHAVEN SUBDIVISION

LOCATED IN THE NE1/4 OF SECTION 15, T5S, R1W, SALT LAKE BASE & MERIDIAN CITY OF SARATOGA SPRINGS, UTAH COUNTY, UTAH

| | | |
|-----------------|--------------------|---------------------|
| SURVEYOR'S SEAL | CITY ENGINEER SEAL | CLERK-RECORDER SEAL |
| | | |