

# CITY OF SARATOGA SPRINGS CITY COUNCIL MEETING

Tuesday, October 6, 2015

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

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## **CITY COUNCIL AGENDA**

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

**PLEASE NOTE: THE ORDER OF THE FOLLOWING ITEMS MAY CHANGE WITH THE 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. PUBLIC HEARING ITEMS:**

- a. Budget Amendments to the City of Saratoga Springs 2015-2016 Fiscal Year Budget.
  - i. Resolution R15-45 (10-6-15): adopting amendments to the City of Saratoga Springs 2015-2016 Fiscal Year Budget.
- b. Village Plan and Community Plan for The Crossing located on the NW Corner of Pioneer Crossing and Redwood Road, to Market Street, Redwood Road and Pioneer Crossing Extension, The Boyer Company, applicant.
- c. General Plan and Land Development Code Amendments.
  - i. Ordinance 15-29 (9-15-15): adopting amendments to the Saratoga Springs Land Development Code and General Plan.

### **2. ACTION ITEMS:**

- a. Resolution R15-46 (10-6-15): appointing Troy Cunningham and Brandon Mackay to the City of Saratoga Springs Planning Commission.
- b. Salt Lake County Officer Involved Critical Incident Task Force Interlocal Agreement.
  - i. Resolution R15-47 (10-6-15): entering into the Salt Lake County Officer involved Critical Incident Task Force Interlocal Agreement as to police protection services provided to Bluffdale City.
- c. Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Services.
  - i. Resolution R15-48 (10-6-15): resolution to enter into the Salt Lake County Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Services in support of Police Services provided to Bluffdale City.
- d. Removal of Agricultural Protection Areas for Legacy Farms Village Plan 1 Plats A, B, C, and D.
- e. Recertification of the City of Saratoga Springs Justice Court.
  - i. Resolution R15-49 (10-6-15): requesting the recertification of the Saratoga Springs Justice Court.
- f. City Council Minutes:
  - i. September 15, 2015.

### **3. REPORTS:**

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

### **4. REPORTS OF ACTION.**

- 5. Motion to enter into closed session for 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.**
- 6. Adjournment.**

### **Notice to those in attendance:**

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

I, the City Recorder of City of Saratoga Springs, does hereby certify that the above agenda notice was posted on this 30<sup>th</sup> day of September, 2015 on the Saratoga Springs City bulletin board, the Saratoga Springs City website [www.saratogaspringscity.com](http://www.saratogaspringscity.com), posted to the Utah State Public Notice website at [www.utah.gov/pmn](http://www.utah.gov/pmn) and sent to at least one newspaper of general circulation within the jurisdiction of the public body. Lori Yates, City Recorder

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

**Author:** Chelese M. Rawlings, Finance Manager  
**Subject:** Budget Amendments  
**Date:** October 6, 2015  
**Type of Item:** Resolution



**Summary Recommendation:** Staff recommends approval of the following by resolution amending the budget for the fiscal year 2015-16.

## Description

### A. Topic

This is the second budget amendment for the fiscal year 2015-2016.

### B. Background

On August 4, 2015 the first budget amendment for FY15-16 was approved by council. Attached is the detail of the requested budget amendments for the 2nd budget amendment.

### C. Analysis

Additional budgeted expenditures are detailed in the attached spreadsheet.

**Recommendation:** Staff recommends approval of the resolution amending the budget for the fiscal year 2015-16.

**2015-2016 Budget Amendment Supplemental #2**

<b>G/L Account</b>	<b>Department</b>	<b>Description</b>	<b>Current FY 2016 Budget</b>	<b>New Budget Amount</b>	<b>Increase (Decrease)</b>	<b>Notes/Comments</b>
<b>General Fund</b>						
<u>Expenditures</u>						
10-4610-400	Library Services	Library Grant Expenditures	-	25,610	25,610	Library Grant - State of Utah
10-4610-210	Library Services	Computers and Maintenance	8,500	53,500	45,000	Library Grant - State of Utah
10-4610-400	Library Services	Books	17,000	22,000	5,000	Library Grant - State of Utah
10-4260-500	Grant Expenditures	Fire Department Grants	52,000	195,708	143,708	Assistance to Firefighters Grant - Wiland Equipment 10% match
10-4210-132	Police Department	Salaries - Part Time	197,865	207,865	10,000	Crossing Guard - Sage Hills Elementary
					-	
					229,318	

**RESOLUTION NO. R15-45 (10-6-15)**

**A RESOLUTION AMENDING THE CITY OF SARATOGA SPRINGS BUDGET FOR FISCAL YEAR 2015-2016 AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Saratoga Springs has found it necessary to amend the City's current 2015-2016 fiscal year budget;

WHEREAS, pursuant to state law, the City Council has conducted a public hearing on the proposed amended budget; and,

WHEREAS, the City Council has determined that the proposed budget amendment is in the best interests of the public, will further the public health, safety, and welfare, and will assist in the efficient administration of City government.

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

1. The City of Saratoga Springs does hereby adopt the amended 2015-2016 fiscal year budget as set forth and attached hereto.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage.

Passed on the 6<sup>th</sup> day of October, 2015

CITY OF SARATOGA SPRINGS  
A UTAH MUNICIPAL CORPORATION

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

Attest: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Date



**Community Plan and Village Plan**

**The Crossing**

**Tuesday, October 6, 2015**

**Public Hearings**

Report Date:	Tuesday, September 25, 2015
Applicant:	The Boyer Company
Owner:	Suburban Land Reserve Inc. (SLR)
Location:	NW Corner of Pioneer Crossing and Redwood Road, to Market Street
Major Street Access:	Redwood Road and Pioneer Crossing Extension
Parcel Number(s) & Size:	58:035:0085, 68.787 acres
Parcel Zoning:	Planned Community (PC)
Adjacent Zoning:	PC
Current Use of Parcel:	Agriculture
Adjacent Uses:	Agriculture
Previous Meetings:	PC Work Session July 30, 2015 CC Work Session August 5, 2015 PC Hearing September 10, 2015 PC Continued Hearing September 24, 2015
Previous Approvals:	Annexation Agreement (2010) Rezone to PC zone (2010) City Center District Area Plan (2010)
Land Use Authority:	City Council
Future Routing:	City Council
Type of Actions:	Administrative
Author:	Kimber Gabryszak, Planning Director

**A. EXECUTIVE SUMMARY**

The applicants are requesting approval of a Community Plan and Village Plan pursuant to Section 19.26 of the Land Development Code (Code) and the City Center District Area Plan (DAP). The proposal allocates a maximum of 1,413,879 sq.ft. of non-residential development equaling ~653 Equivalent Residential Units (ERUs) to ~69 acres within the DAP.

The Community Plan allocates a portion of the DAP density to the ~69 acres, and lays out the broader guidelines for the development, while the Village Plan provides the density and standards specific to the first phase of development consisting of ~21 acres.

**Staff recommends that the City Council conduct two public hearings, take public comment, review and discuss the proposed Community Plan (CP) and Phase 1 Village Plan (VP), and choose from the options in Section I of this report.** Options include approval of either or both the CP and VP as proposed or with changes as directed by the Council, continuation of either or both the CP and VP, or denial of either or both the CP and VP.

**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 are 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

The DAP has also approved Place Types ranging in density from 5-75 dwelling units per acre:

Place Types	Dwelling Unit Density Range	Range of FAR *
Urban Center	14-75	0.39-2.34
Transit Oriented Development	8-75	1.25-2.4
Town Neighborhood	6-34	0.36-1.82
Business Park	0	0.39-0.93
Office Warehouse	0	0.39-0.93
Neighborhood Commercial	5-14	0.39-1.5
Regional Retail	0	0.36-0.47
Traditional Neighborhood	5 -32	0.47-1.04
Master Planned Subdivision	4-14	0.35-0.50
Resort/Hospitality	6-8	.36-.93

\* FAR = Floor Area Ratio

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

While the DAP includes several conceptual scenarios for the distribution of various place types, both the DAP and Code allow the place type for individual developments to be identified and finalized at the time of Community Plan approval.

**C. SPECIFIC REQUESTS**

**Community Plan**

The Community Plan covers the whole of the ~69-acre project, and the applicants are proposing the Regional Retail place type for the entire Community Plan, with a maximum of 693.2 ERUs, equaling a maximum of 1,413,879 sq.ft.

**Phase 1 Village Plan**

The Phase 1 VP covers the southeastern corner of the Community Plan and contains ~21 acres. Within this first VP, the applicants are proposing a maximum of 199.10 ERUs, consisting of a maximum of 430,961 sq.ft.. The VP proposes to apply this square footage to a big-box anchor store as well as multiple outparcels along both Pioneer Crossing and Redwood Road, per the attached exhibits.

## D. PROCESS / HOW IT WORKS

Section 19.26 of the Code describes development in the PC zone, and the graphic to the right shows the hierarchy of the different plans:

1. For a large-scale planned community district, an overall governing document is first approved, known as the District Area Plan (Section 19.26.13). *The City Center DAP was approved in 2010.*
2. A Community Plan is then proposed and approved (Sections 19.26.03-19.26.08). The Community Plan lays out the more specific guidelines for a sub-district within the DAP. *The Crossing Community Plan will govern only the ~69 acre sub-district of the Crossing.*
3. Following and / or concurrently with the Community Plan, a Village Plan is proposed and approved (Sections 19.26.09 – 19.26.10). The Village Plan is the final stage in the Planned Community process before final plats, addressing such details specific to the sub-phase as open space, road networks, and lots for a sub-phase of the Community Plan. *The applicants are currently proposing a VP for the southeastern portion (21 acres) of the Community Plan.*

The approval process for the CP and VP includes:

1. A public hearing and recommendation by the Planning Commission
2. A public hearing and final decision by the City Council (19.26 states that the process is per Section 19.17, which is Code amendments / rezones, and requires hearings with the Council.)

### Planning Commission Hearing – September 10, 2015

The Commission held a hearing on September 10, 2015, and gave initial feedback to the applicant on the proposal prior to continuing the hearing to the September 24, 2015 meeting. General comments and questions included:

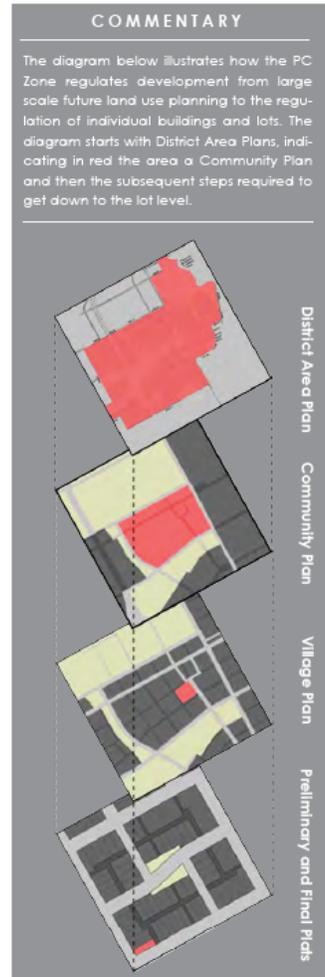
- Requests for the applicant to ensure that pavement and landscaping and amenities provided in the early phases are protected from damage as future phases develop.
- Questions about timelines for future phases, and the potential for traffic lights at entrances in the future.
- Questions about the plans for the existing Smith's fueling station near Crossroads and Redwood, and whether the station will remain.
- Questions about the proposed approval processes and consistency with existing City processes.
- Feedback to ensure appropriate planning for the location of the sewer line and potential impacts from the future widening of Redwood Road.

### Planning Commission Hearing – September 24, 2015

The applicants made modifications to the plans in response to Staff and Commission input, and presented the modified plans to the Planning Commission at the continued hearing. Following the public hearing, the Commission voted 4:0 to forward a positive recommendation to the City Council, as outlined in the attached Report of Action.

## E. COMMUNITY REVIEW

These hearings were noticed as public hearings in the *Daily Herald*; and mailed notice sent to all property owners within 300 feet. As of the date of this report, no public comment has been received.



**F. REVIEW**

**Place Type**

The Community Plan designates the entire ~69 acre Crossing development as Regional Retail, which is described in the DAP as follows:

PLANNING CRITERIA AND GUIDELINES

**REGIONAL RETAIL**

Range of Average Dwelling Units/Acre	0 du/ac
Range of Average FAR	0.36–0.47
Range of Open Space	11 -14 %

Open Space Types:

- Plaza
- Entrance park
- Pocket park
- Special Use
- Greenway
- Parkway (Boulevard)
- Park lawns
- Connector trail

Regional retail includes an agglomeration of large and small scale retail buildings. Some office buildings can also be found in regional retail areas. The retail serves a community that extends beyond the neighborhoods to the entire region. Regional retail provides adequate parking for the businesses in close proximity to the stores and the customers arriving via automobile. Regional retail is located at major intersections of highways and arterials and along key transit corridors in the region. Housing is not included in this place type, however neighborhoods may be located adjacent to regional retail. Nearby residential can be connected to regional retail centers by a grid street network that is walkable.

**Density**

The Regional Retail Place Type does not have an identified maximum density in terms of ERUs, however has identified a Floor Area Ratio (FAR) range. FAR is a term that refers to the ratio of square footage to ground cover.

- A FAR of 1.0 means that a 1-story building could have a footprint covering the entire lot, or a 2 story building covering half of the lot.
- Example: A 10,000 sq.ft. lot with a FAR of 1.0:
  - 10,000 x 1.0, would equal 10,000 total maximum sq.ft. of development
  - Possibly a one-story building with a 10,000 sq.ft. footprint
  - Possibly 10-story building with a 1,000 sq.ft. footprint

The DAP has a density range in the Regional Retail area of 0.36 to 0.47 FAR. Applied to the Crossing:

<i>Development Area in Acres</i>	Development Area in sq.ft.	FAR of 0.36 (in sq.ft.)	FAR of 0.47 (in sq.ft.)	<i>Equivalent Residential Units (ERUs)</i>	FAR of 0.36 (in ERUs)	FAR of 0.47 (in ERUs)
69.06 acres	69.06 x 43,560 =	3,008,253.6 x 0.36 =	3,008,253.6 x 0.47 =	1 ERU = 2164.5 sq.ft.	1,082,971.3 =	1,413,879.2 =
	3,008,253.6 sq.ft.	<b>1,082,971.3 sq.ft.</b>	<b>1,413,879.2 sq.ft.</b>		<b>500.3 ERUs</b>	<b>653.2 ERUs</b>

The allowed range is therefore approximately 1,083,000 to 1,414,000 sq.ft., or 500 to 653 ERUs. The applicants are requesting a maximum of 653.20 ERUs, consisting entirely of non-residential uses in compliance with the maximum allowable FAR.

**Uses**

The applicants have identified specific uses, referencing Section 19.04 and the uses permitted in the Regional Commercial (RC) zone. The applicants have requested several modifications to change Conditional Uses in the RC zone to Permitted Uses in order to streamline processing. The Planning Commission discussed these proposed changes, and voted to forward a positive recommendation on the modifications as proposed, with the

request that the Commissioners be invited to review site plans individually to provide feedback prior to staff approvals.

### **Traffic and Infrastructure**

The applicants have provided a traffic study and infrastructure plans. The Engineer has reviewed these and has recommended approval with conditions (see Engineer's report in Exhibit E).

### **Development Standards**

City Staff has been working with the applicants on the governing standards and principles of the project, which are contained in the CP and Phase 1 VP.

#### *Community Plan*

The CP contains the general standards for the entire ~69 acre project. The applicants have proposed general compliance with the standards in Title 19 of the Code, specifically referencing the Regional Commercial (RC) zone, but have requested several exceptions. These exceptions are summarized below:

- Reduced landscaping as approved by the DAP
- Reduced front setbacks
- Increased height limits for office uses and a potential future movie theater
- Reduced parking ratios
- Modified fencing standards
- Increased lighting pole heights, and different pole colors
- Modified landscaping planting standards
- Staff approvals of all future site plans, in lieu of the current Planning Commission and City Council process
- Modified architectural standards in lieu of the City's Design Standards
- Modified road cross sections

#### *Village Plan*

The Phase 1 VP contains additional standards to implement the Community Plan on a particular sub-phase. While these topics were addressed at a higher level in the Community Plan, the information in the VP is more specific and applies only to the ~21 acres contained in the VP:

- Conceptual Lotting Plan
- Allocation of density / FAR
- Phasing Plan
- Village-specific pedestrian plan
- Architectural details / materials
- Landscaping
- Phasing
- Infrastructure and Utilities

### **Staff Review**

Staff has reviewed the CP and VP several times and provided several pages of redlines to the applicant. The applicants have responded to this feedback, and made multiple changes. The Planning recommendations as of September 17, 2015 are outlined in Exhibit F. **The applicants resubmitted the CP and VP on September 24, 2015 with changes to address staff recommendations. Due to the short timeframe, Planning staff will update the Council with a list of any remaining requirements from Exhibit F prior to the Council meeting.**

### **Discussion items for the Council include:**

- Proposed development standards for the CP and the VP (theme, height, lighting, architecture/materials, open space & landscaping, etc.)

- Items in the RC zone as conditional uses being permitted uses in the CP
- Inclusion of outdoor seating, parking lot islands, and wide sidewalks in open space %
- Delegation approval of all site plans to Staff
- Other Planning recommendations as outlined in Exhibit F

More detail on the proposed development are found in the complete Crossing Community Plan and Phase 1 Village Plan drafts, at [www.saratogaspringscity.com/planning](http://www.saratogaspringscity.com/planning), under “pending applications”.

## G. 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. The proposed Community Plan includes trail connections and parks in compliance with the related master plans, and specific development standards and design guidelines.

## H. 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-sections.

### 19.26.04 – Uses Permitted within a Planned Community District

- The application includes big box and general retail, office, and similar uses, which are permitted in the PC zone. The proposal includes all uses in the RC zone, with several Conditional Uses (big box, fitness centers, and fueling stations) being changed to Permitted uses.

## COMMUNITY PLAN CODE REQUIREMENTS

### a) Section 19.26.06 – Guiding Standards of Community Plans

The standards for a Community Plan are below:

1. Development Type and Intensity. The allowed uses and the conceptual intensity of development in a Planned Community District shall be as established by the Community Plan.  
*Staff finding: complies. Subdivision plats and building permits will be reviewed for compliance with the Community Plan.*
2. Equivalent Residential Unit Transfers.  
*Staff finding: complies. The Community Plan states that no density will be transferred.*
3. Development Standards. Guiding development standards shall be established in the Community Plan.  
*Staff finding: up for discussion. The proposed CP references Title 19 of the City Code for standards, however contains requested exceptions from these standards, and also requested*

*streamlined approval processes that differ from the approval processes in the Code. Planning Commission input on the proposed exceptions and processes is requested.*

4. Open Space Requirements.

**Staff finding: complies.** *While the Code currently requires 30% open space for development in the Planned Community Zone, it allows DAPs to include a lower range. The City Center DAP is the governing document for the proposed Community Plan, and the proposed open space and landscaping meets the standards and range of 11-14% as identified in the DAP for this place type.*

5. No structure (excluding signs and entry features) may be closer than twenty feet to the peripheral property line of the Planned Community District boundaries.

- a. The area within this twenty foot area is to be used as a buffer strip and may be counted toward open space requirements, but shall not include required back yards or building set back areas.
- b. The City Council may grant a waiver to the requirement set forth in this Subsection upon a finding that the buffer requirement will result in the creation of non-functional or non-useable open space area and will be detrimental to the provision of useful and functional open space within the Project.

**Staff finding: complies.** *The applicants are installing a 30' buffer along Redwood Road per the City's road standards and specifications. This is in addition to required setbacks.*

#### **b) 19.26.07 – Contents of Community Plans**

The items summarized below are required to be part of a Community Plan:

1. Legal Description. **Provided**
2. Use Map. **Provided**
3. Buildout Allocation. **Provided**
4. Open Space Plan. **Provided**
5. Guiding Principles. **Provided, though City Council feedback and direction on the proposed principles are requested.**
5. Utility Capacities. **Provided**
6. Conceptual Plans. Other elements as appropriate - conceptual grading, wildlife mitigation, open space management, hazardous materials remediation, fire protection. **Provided**
8. Additional Elements.
  - a. responses to existing physical characteristics of the site. **Provided**
  - b. findings statement. **Provided**
  - c. environmental issues. **Provided**
  - d. means to ensure compliance with standards in Community Plan. **Provided**
9. Application and Fees. **Provided**

#### **c) 19.26.05 – Adoption and Amendment of Community Plans**

The criteria for adoption of a Community Plan are below:

- a. is consistent with the goals, objectives, and policies of the General Plan, with particular emphasis placed upon those policies related to community identity, distinctive qualities in communities and neighborhoods, diversity of housing, integration of uses, pedestrian and transit design, and environmental protection;

**Staff finding: consistent.** *See Section G of this report.*

- b. does not exceed the number of equivalent residential units and square footage of nonresidential uses of the General Plan;

**Staff finding: complies.** The General Plan does not identify ERUs or square footage, however the DAP identifies a maximum FAR. The proposed plan complies with the maximum allowable FAR.

- c. contains sufficient standards to guide the creation of innovative design that responds to unique conditions;  
**Staff finding: Up for Discussion. City Council feedback and direction on the proposed standards are requested.**
- d. is compatible with surrounding development and properly integrates land uses and infrastructure with adjacent properties;  
**Staff finding: complies.** Adjacent property is undeveloped, and is also governed by the same DAP as the proposed development. Infrastructure needs for future development have been taken into account in the planning of this site.
- e. includes adequate provisions for utilities, services, roadway networks, and emergency vehicle access; and public safety service demands will not exceed the capacity of existing and planned systems without adequate mitigation;  
**Staff finding: complies with conditions. See Engineering Report dated 9/17/2015.**
- f. is consistent with the guiding standards listed in Section 19.26.06; and  
**Staff finding: up for discussion based on Council input.** See analysis in subsection H.a) above.
- g. contains the required elements as dictated in Section 19.26.07.  
**Staff finding: complies.** The application contains all required elements.

#### VILLAGE PLAN CODE REQUIREMENTS

##### **d) 19.26.03.2 – Additional Village Plan Requirements**

Additional requirements for a Village Plan are summarized below:

- a. A detailed traffic study – **Provided. See Engineering Report.**
- b. A map and analysis of backbone infrastructure systems - **Provided.**
- c. Detailed architectural requirements and restrictions - **Provided.**
- d. If applicable, details regarding the creation of an owners’ association, master association, design review committee, or other governing body. - **Provided.**

##### **e) 19.26.09 – Village Plan Approval**

The criteria for a Village Plan approval are summarized below:

- a. is consistent with the adopted Community Plan;  
**Staff finding: complies.** The Village Plan appears to be consistent with the allowed densities, FAR, uses, and standards in the Community Plan.
- b. does not exceed the total number of equivalent residential units dictated in the adopted Community Plan;  
**Staff finding: complies.** The ERUs are consistent with the CP.
- c. for an individual phase, does not exceed the total number of equivalent residential units dictated in the adopted Community Plan unless transferred per the provisions of the Community Plan;  
**Staff finding: complies.** The FAR and ERUs have been provided and are consistent with the CP.

- d. is consistent with the utility, infrastructure, and circulation plans of the Community Plan; includes adequately sized utilities, services, and roadway networks to meet demands; and mitigates the fair-share of off-site impacts;  
**Staff finding: complies with conditions. See Engineering Report dated 9/17/2015 in Exhibit E.**
- e. properly integrates utility, infrastructure, open spaces, pedestrian and bicycle systems, and amenities with adjacent properties; and  
**Staff finding: complies. Utility plans, pedestrian plans, and trail/sidewalk cross sections have been provided. Future connectivity is also called out as a requirement.**
- f. contains the required elements as dictated in Section 19.26.10.  
**Staff finding: complies. See below. All required topics have been included.**

**19.26.10 – Contents of a Village Plan**

The required contents of a Village Plan are summarized below:

- 1. Legal Description - **Provided**
- 2. Detailed Use Map - **Provided**
- 3. Detailed Buildout Allocation – **Provided**
- 4. Detailed Development Standards – **Provided; City Council input is requested**
- 5. Design Guidelines – **Provided; City Council input is requested**
- 6. Owners’ / Governing Associations - **Provided**
- 7. Phasing Plan - **Provided**
- 8. Lotting Map - **Provided**
- 9. Landscaping Plan – **Provided**
- 10. Utility Plan - **Provided**
- 11. Vehicular Plan - **Provided**
- 12. Pedestrian and Bicycle Plan – **Provided**
- 13. Additional Detailed Plans. Other elements as necessary (grading plans, storm water drainage plans, wildlife mitigation plans, open space management plans, sensitive lands protection plans, hazardous materials remediation plans, and fire protection plans) - **Provided**
- 14. Site Characteristics - **Provided**
- 15. Findings Statement – **Provided**
- 16. Mitigation Plans. (Protection and mitigation of significant environmental issues) - **Provided**
- 17. Offsite Utilities - **Provided**
- 18. Development Agreement – **Pending (draft being edited by staff and the applicant)**

**I. Recommendation:**

Staff recommends that the Planning Commission conduct two public hearings, take public comment, review and discuss the proposed CP and VP, and choose from the following options.

**Option 1 – Approvals**

“I move to **approve** recommendation The Crossing Community Plan with the Findings and Conditions below:”

**Findings**

- 1. The application complies with the City Center District Area Plan (DAP). Specifically, the neighborhood type, required contents, density, and unit type are as permitted in the DAP.
- 2. The application is consistent with the goals, objectives, and policies of the General Plan, as identified in Section G of this report, which section is incorporated by reference herein;

3. With appropriate modifications, the application complies with Section 19.26.05 of the Development Code as outlined in Section H of the Staff report, which section is incorporated by reference herein. Particularly:
  - a. The 653.2 ERU maximum and 0.47 FAR does not exceed the number of ERUs and square footage of nonresidential uses of the General Plan;
  - b. With required modifications and conditions, the application contains sufficient standards to guide the creation of innovative design that responds to unique conditions;
  - c. The application is compatible with surrounding development and properly integrates land uses and infrastructure with adjacent properties;
  - d. The application includes adequate provisions for utilities, services, roadway networks, and emergency vehicle access; and public safety service demands will not exceed the capacity of existing and planned systems without adequate mitigation;
  - e. With required modifications and conditions, the application is consistent with the guiding standards listed in Section 19.26.06.
  - f. The application contains the required elements as dictated in Section 19.26.07.

**Conditions:**

1. The maximum allowed ERUs in the Community Plan shall be 653.2.
2. All requirements of the City Engineer shall be met.
3. All requirements of the Fire Department shall be met.
4. All other Code requirements shall be met.
5. The Community Plan shall be edited as directed by the Council.
6. The signed and approved Master Development Agreement shall be recorded prior to further City approvals beyond the first Village Plan, including subsequent Village Plans, site plans, and plats.
7. The remaining changes listed below from Exhibit F shall be made prior to further approvals:
  - a. *CP items # \_\_\_\_\_ are required.*
8. Other: \_\_\_\_\_

“I also move **approve** The Crossing Phase 1 Village Plan with the Findings and Conditions below:”

**Findings**

1. The application is consistent with the guiding standards in the The Crossing Community Plan. Specifically, the density, unit types, block types, thoroughfares, and other standards are expressly as contained in the Community Plan.
2. The application complies with the criteria in section 19.26.09 of the Development Code, as articulated in Section H of the Staff report, which section is incorporated by reference herein. Particularly:
  - a. With appropriate modifications, the application is consistent with the adopted Community Plan;
  - b. The range of density in the application does not exceed the total number of equivalent residential units dictated in the adopted Community Plan;
  - c. For an individual phase, the density will not exceed the total number of equivalent residential units dictated in the adopted Community Plan unless transferred per the provisions of the Community Plan;
  - d. The application is consistent with the utility, infrastructure, and circulation plans of the Community Plan; includes adequately sized utilities, services, and roadway networks to meet demands; and mitigates the fair-share of off-site impacts.
  - e. The application properly integrates utility, infrastructure, open spaces, pedestrian and bicycle systems, and amenities with adjacent properties; and
  - f. The application contains the required elements as dictated in Section 19.26.10.

**Conditions:**

1. The maximum allowable ERUs in the Village Plan shall be 199.10.
2. All requirements of the City Engineer shall be met.
3. All requirements of the Fire Department shall be met.
4. All other Code requirements shall be met.
5. The Village Plan shall be edited as directed by the Council.
6. The remaining changes listed below from Exhibit F shall be made prior to further approvals:
  - a. *VP items # \_\_\_\_\_ are required.*
7. Other: \_\_\_\_\_

**Option 2 – Continuance**

"I move to **continue** the Crossing Community Plan and Village Plan to the October 20<sup>th</sup>, 2015 meeting with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

1. Changes identified by the Council shall be incorporated.
2. Hard copies of the modified plans provided to the Council at least one full week prior to the meeting.
3. Other: \_\_\_\_\_

**Option 3 – Denial**

"I move to **deny** The Crossing Community Plan with the Findings below:

1. The application is not consistent with the General Plan, as articulated by the Council:  
\_\_\_\_\_, and/or
2. The application is not consistent with the DAP, as articulated by the Council:  
\_\_\_\_\_, and/or
3. The application does not comply with Section 19.26 of the Code, as articulated by the Council:  
\_\_\_\_\_.

"I also move to **deny** The Crossing Village Plan with the Findings below:

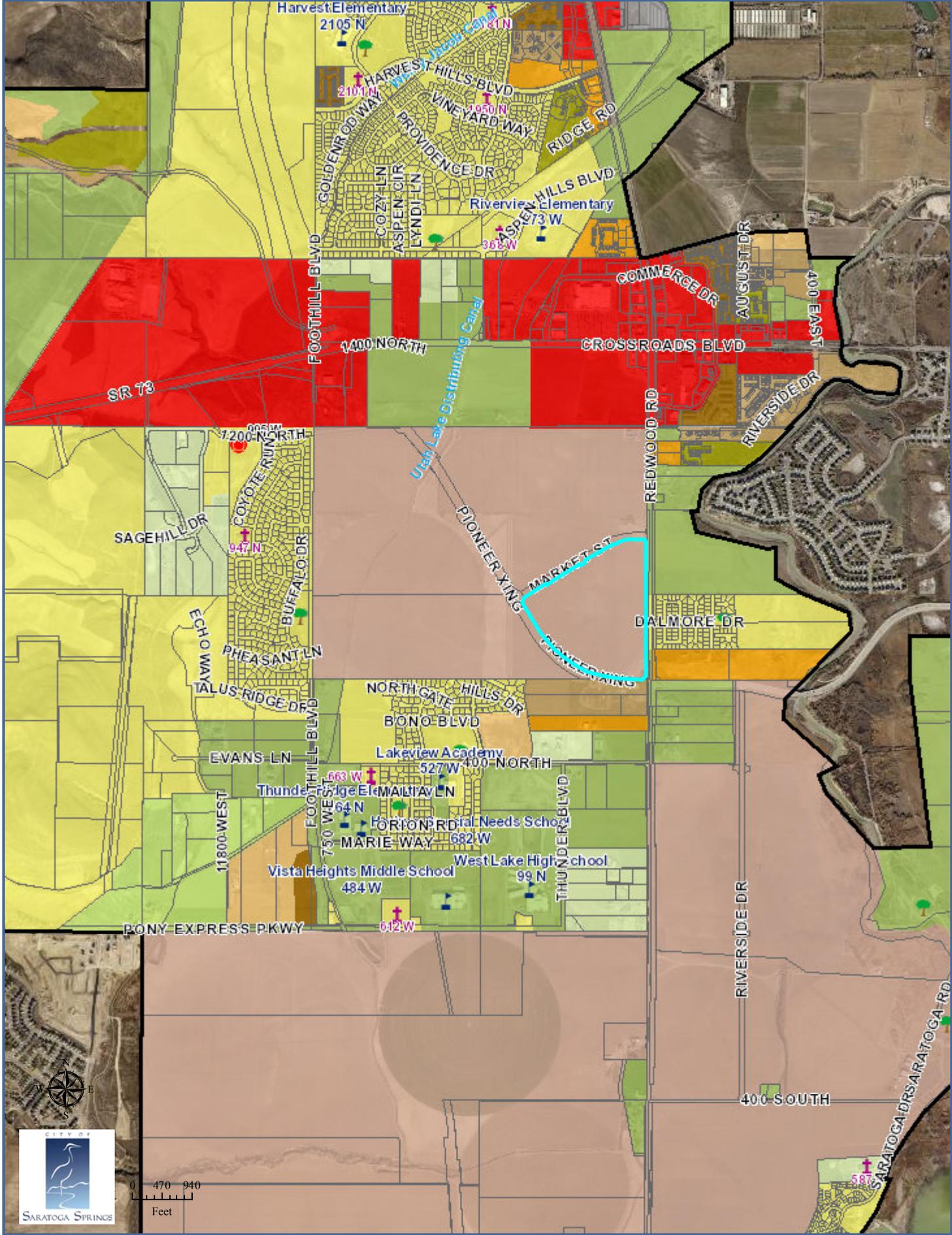
1. The application is not consistent with the General Plan, as articulated by the Council:  
\_\_\_\_\_, and/or
2. The application is not consistent with the DAP, as articulated by the Council:  
\_\_\_\_\_, and/or
3. The application does not comply with Section 19.26 of the Code, as articulated by the Council:  
\_\_\_\_\_.

I also move to continue the final recommendations to a future meeting, on October 20<sup>th</sup>, 2015, and direct Staff to return with official Findings as outlined in my motion."

**J. Attachments:**

- |   |               |
|---|---------------|
| A. Location & Zone Map  | (page 12)     |
| B. District Area Plan Regional Retail Information   | (page 13)     |
| C. Community Plan Layout as of 9/24/2015  | (page 14)     |
| D. Village Plan Layout as of 9/24/2015  | (page 15)     |
| E. City Engineer’s Report dated 9/17/2015   | (pages 16-18) |
| F. Planning Review Memo dated 9/17/2015   | (pages 19-21) |
| G. Planning Commission Report of Action 9/24/2015   | (pages 22-25) |
| H. Full Community Plan: <a href="http://www.saratogaspringscity.com/planning">www.saratogaspringscity.com/planning</a> , under “Pending Applications” |               |
| I. Full Village Plan: <a href="http://www.saratogaspringscity.com/planning">www.saratogaspringscity.com/planning</a> , under “Pending Applications”   |               |

# The Crossing Location & Zone



# SARATOGA SPRINGS CITY CENTER DISTRICT AREA PLAN

## PLANNING CRITERIA AND GUIDELINES

### REGIONAL RETAIL

Range of Average Dwelling Units/Acre	0 du/ac
Range of Average FAR	0.36–0.47
Range of Open Space	11 -14 %

Open Space Types:

- Plaza
- Entrance park
- Pocket park
- Special Use
- Greenway
- Parkway (Boulevard)
- Park lawns
- Connector trail

Regional retail includes an agglomeration of large and small scale retail buildings. Some office buildings can also be found in regional retail areas. The retail serves a community that extends beyond the neighborhoods to the entire region. Regional retail provides adequate parking for the businesses in close proximity to the stores and the customers arriving via automobile. Regional retail is located at major intersections of highways and arterials and along key transit corridors in the region. Housing is not included in this place type, however neighborhoods may be located adjacent to regional retail. Nearby residential can be connected to regional retail centers by a grid street network that is walkable.

*The “ingredients” that make up Regional Retail:*

### Commercial

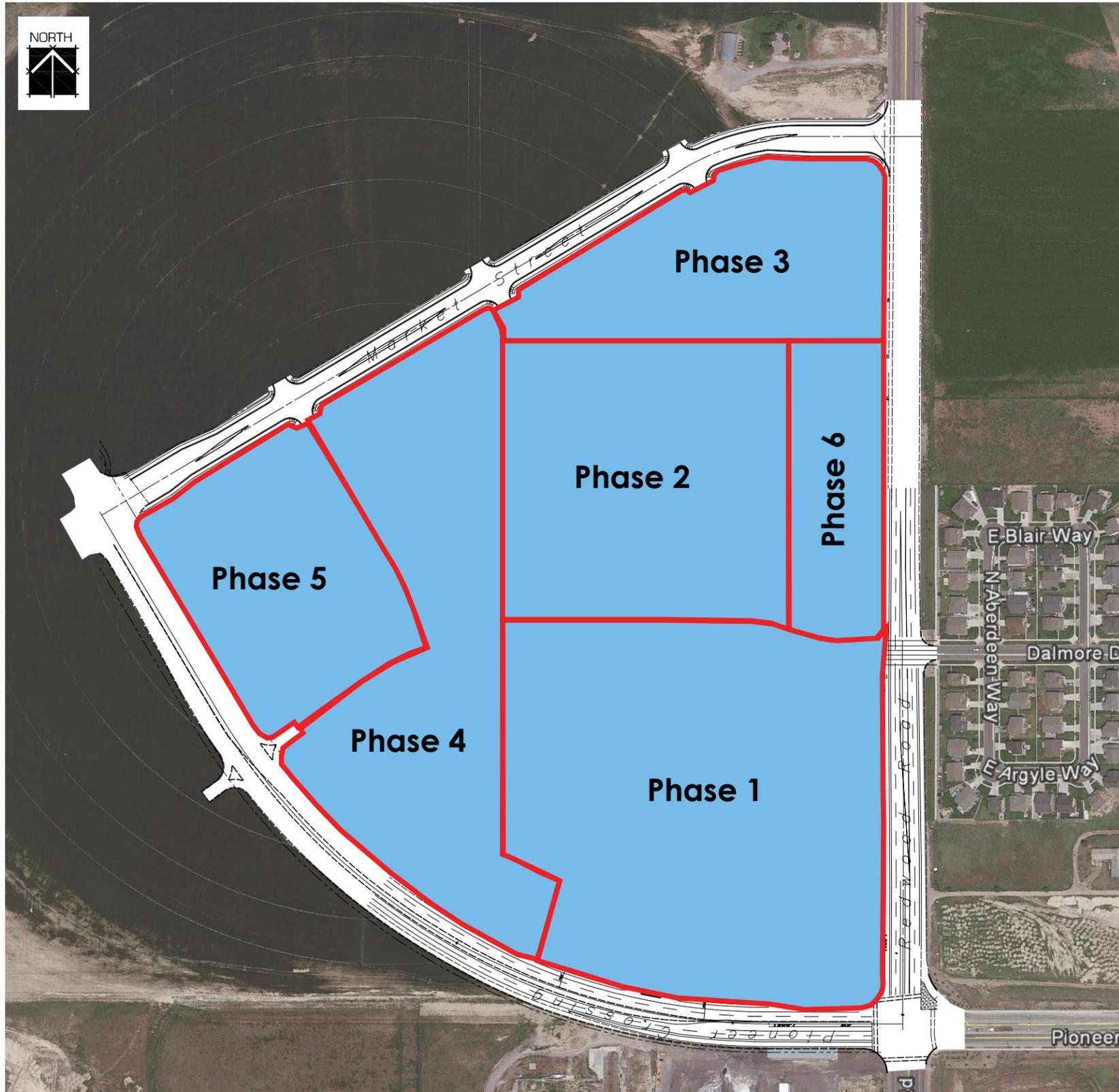


### Streets



### Open Space





**LOT BREAKDOWN**

Phase #	Acres	Open Space %*	Maximum Building SF**	ERU Allocation
Phase 1	21.05	11-14% min.	430,961	199.10
Phase 2	13.21	11-14% min.	270,451	124.95
Phase 3	8.52	11-14% min.	174,432	80.59
Phase 4	13.98	11-14% min.	286,215	132.23
Phase 5	8.05	11-14% min.	164,809	76.14
Phase 6	4.25	11-14% min.	87,011	40.20
<b>Total</b>	<b>69.06</b>	<b>11-14% min.</b>	<b>1,413,879</b>	<b>653.2 max.</b>

\* Approximately 4.8% (145,000 sf) of open space will be provided in the buffer areas of the perimeter street frontage. Additional open space must be provided in each Phase to meet the minimum values listed in the table above.

\*\* Based on a 0.47 FAR

**Note:** Phase breakdown is conceptual and actual phases may vary, however, the total values will not change.

**FUTURE PROJECTIONS**

Projected employment = 1,500 future employees (estimated)

**EQUIVALENT RESIDENTIAL UNITS**

**District Area Plan:**

Per the District Area Plan, 4,620 ERUs are allowed for every 10 Million square feet of commercial building area which is the equivalent of 2,164.5 square feet per ERU.

**Community Plan:**

A maximum of 1,413,879 square feet of building area is anticipated at the completion of all phases. Per the table above, the 69 acres included in this Community Plan translates to a total of 653 ERUs for the Community Plan.



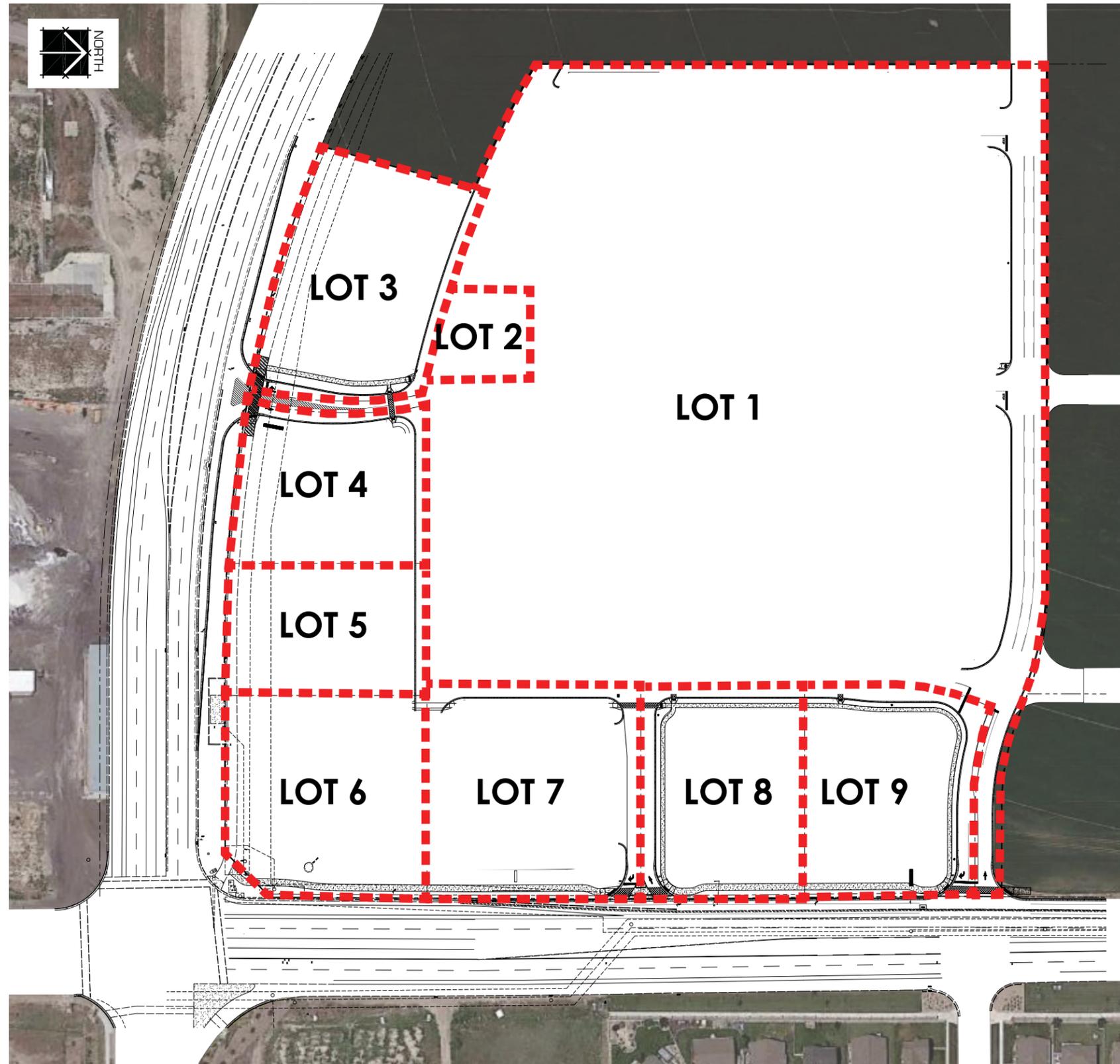


Exhibit D  
Village Plan Layout

**LOT BREAKDOWN**

Phase #	Acres	Open Space %	Maximum Building SF***	ERU Allocation****
Lot 1	12.29	6% min.*	251,616	116.25
Lot 2	0.28	6% min.*	5,732	2.65
Lot 3	1.35	6% min.*	27,639	12.77
Lot 4	0.96	6% min.*	19,654	9.08
Lot 5	0.92	6% min.*	18,835	8.70
Lot 6	1.37	6% min.*	28,048	12.96
Lot 7	1.50	6% min.*	30,710	14.19
Lot 8	1.17	6% min.*	23,954	11.07
Lot 9	1.21	6% min.*	24,773	11.44
<b>Total</b>	<b>21.05</b>	<b>11% min.**</b>	<b>430,961</b>	<b>199.10</b>

\* Not including landscape buffers along Redwood Road and Pioneer Crossing which provide 5% of the minimum open space required in the Phase I Village Plan. Additional open space must be provided on each Lot to meet the minimum open space listed in the Community Plan.

\*\* Per Community Plan, Including landscape buffers

\*\*\* Based on a 0.47 FAR

\*\*\*\* Undeveloped ERU's shall be reserved for future development within project.

**FUTURE PROJECTIONS**

Projected population = 0 future residents  
 Projected employment = 500 future employees (estimated)

**EQUIVALENT RESIDENTIAL UNITS**

**District Area Plan:**

Per the District Area Plan, 4,620 ERUs are allowed for every 10 Million square feet of commercial building area which is the equivalent of 2,164.5 square feet per ERU.

**Community Plan:**

A maximum of 1,413,879 square feet of building area is anticipated at the completion of all phases. Per the table above, the 69 acres included in this Community Plan translates to a total of 653 ERUs for the Community Plan.

**Phase I Village Plan:**

A maximum of 430,961 square feet of building area is anticipated at the completion of all phases of the Village Plan. Per the table above, the 21.05 acres included in this Phase I Village Plan translates to a total of 199 ERUs.



SARATOGA SPRINGS



# City Council Staff Report

**Author:** Jeremy D. Lapin, City Engineer  
**Subject:** The Crossing  
**Date:** September 24, 2015  
**Type of Item:** Community and Village Plan



## Description:

**A. Topic:** The Applicant has submitted a community and village plan application. Staff has reviewed the submittals and provides the following recommendations.

## B. Background:

*Applicant:* The Boyer Company  
*Request:* Community and Village Plan Approval  
*Location:* Northwest corner of Pioneer Crossing and Redwood Rd.  
*Acreage:* Community Plan 68.821 acres and 653 ERU's; Village Plan #1 20.5 acres and 194 ERU's

**C. Recommendation:** Staff recommends approval of the Community Plan and Village Plan #1 with the following conditions.

- 1) Incorporate all recommendations of the traffic impact study (TIS) from Hales Engineering dated September 8, 2015 as well as incorporate any additional items that are part of revisions or updates to the report.
- 2) The transportation plan in the Community Plan and Village Plan shall identify specific road or access types and cross sections with standards specified for each.
- 3) The project shall meet the minimum requirements as outlined in the City's Transportation Master Plan Developer including the completing the half-width improvements along Redwood Road (Principal Arterial) as per the City's Transportation Master Plan (TMP) and Engineering standards and specifications.
- 4) The Pedestrian Plan in the Community Plan shall identify routes from north to south and east to west through the project. The pedestrian plan shall have specific trail types/names and cross sections and standards specified for each type.
- 5) The community plan shall specify how much "regional" open space will be provided independent of each village plan as well as what should be provided with each village plan. The Village Plan shall identify what open space is required with each lot.

- 6) Utility Master Plans shall be provided in the Community and Village Plans that identify the utility impacts of the project and identify how these needs will be met both for Village Plan 1 and for the Community Plan area. These plans shall be consistent with the City's Masterplans.
- 7) The drainage plan in the Community and Village Plan shall identify clarify how the drainage will be handled for the overall project area and what will be required with each lot. The drainage plan needs to also illustrate how Stormwater will be treated to meet City standards prior to discharge.
- 8) The sanitary sewer plan in the Community and Village Plan shall be consistent with the City's Master Plan as well as provides capacity for future phases within the community plan as well as for future areas to the west that may need to drain through project.
- 9) The developer shall comply with all UDOT access permitting requirements. A permit for all points of access along Redwood Road shall be obtained from UDOT prior to final plat approval. Redwood Road is a Category 4 roadway and as such all access points, signalized or other, must meet UDOT's standards for that roadway classification.
- 10) While the existing utility systems (culinary water, pressurized irrigation, storm drain and sewer) currently have adequate capacity for the City's current rate of growth, the adoption of the community plan 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 community plan, that is only the City's 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 and shall primarily be based on the exhibits in the Community plan but may be adjusted in accordance with current City regulations.
- 11) 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.
- 12) Open Space areas that will be maintained by the City must be designed in accordance with City Standards and the City's Engineering Standards and Specifications.
- 13) 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' paved 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.

- 14) 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.
- 15) Project shall comply with all ADA standards and requirements.
- 16) 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.
- 17) All sites shall have separate metered culinary and secondary laterals.
- 18) The full access from Pioneer Crossing including sidewalks and the entire Redwood Road frontage and access roads are to be constructed with phase 1.

September 17, 2015

The Boyer Company

**Re: The Crossing at Saratoga Springs – Third Review**

We have reviewed the 9/10/2015 resubmittal for the Crossing at Saratoga Springs Community and Village Plans, and have the following comments and requirements.

Ongoing comments; no changes needed:

**Fire Department**

1. All requirements of the Fire Department shall be met, including fire access and turnarounds, fire flow levels, and hydrant spacing.
2. Specific comments and requirements will be provided at time of Site Plan and Building Permit review for each individual site.

**Building Department**

1. Specific comments and requirements will be provided at time of Site Plan and Building Permit review for each individual site.

**Refer to redlined plans in addition to the comments below for details and specifics.**

***Note: Items still outstanding from previous redlines are in bold italics, while comments specific to the changes in the resubmittal are not.***

**COMMUNITY PLAN**

1. General: page numbers are provided, but exhibit numbers have been removed. Please restore to the headings.
2. Page 3 – Use Map.
  - a. Correct minor typos in last sentence
3. Page 4 – Build-out allocation
  - a. One ERU is 2164.5 sq.ft., not 2164.0
  - b. Maximum ERUs is 653.20, not 653.36
4. Page 6
  - a. 1.058 million square feet is inconsistent with 1,413,879 sq.ft. identified on page 4
  - b. ERUs in the CP are not 2164; they are 488.8 if 1.058M sq.ft., or 653 if 1,413,879 sq.ft.
5. Page 7
  - a. 5.ii and iv: Correct setback contradiction as identified
  - b. 9.a: identify how to determine if UDC consultation is appropriate
  - c. 12.a: if staff approval is given for site plan, how does Council approve height?
  - d. Off street parking: how is a “center” defined?
6. Page 8
  - a. Please provide an example of shared parking matrix in practice
  - b. Remove specific code reference for lighting exception, and just state the exception
7. Page 9
  - a. Refer to Sections 19.12, 19.13, 19.14, and 19.15 where processes are referenced
8. Page 12
  - a. Define large expanses
  - b. Identify how much latitude can occur

- c. Replace “should” with “shall” in last paragraph
  - d. Maximum number of materials may be too restrictive. Minimum is 3, maximum is 4, not much room.
9. Page 13
- a. Identify criteria for façade shifts
  - b. Roofs: Replace “should” with “shall” in first sentence.
  - c. Roofs: Require access to be from inside the building, not external to the building
10. Page 15
- a. Hameln grass is not used in the Village Plan
  - b. List under Street corners does not use parallel structure
11. Page 16
- a. Landscape: Recommend 11% not include parking lot islands and thin strips by buildings
  - b. Parking lot screening: include 3’ height requirement
  - c. Retaining walls: VP 1 occurs after CP; please rewrite to accurately reflect timing
  - d. Boulders Edging etc: Remove “#1” from Village Plan. Also add concrete edging between lawn and beds as it is referenced elsewhere
  - e. 19.06 requires intermittent landscaping along walls, will this be done?
12. Page 17
- a. Replace last sentence of each paragraph with “Phase I Village Plan rock colors and sizes to be matched by all subsequent Village Plans” for clarity
  - b. Add “in depth” to the 8’ of landscaping abutting single stacked rows

### VILLAGE PLAN

1. General: page numbers are provided, but exhibit numbers have been removed. Please restore to the headings.
2. Page 4 – Detailed Build-out allocation
  - a. Open space/landscaping ranges still not provided
  - b. 2164.5 sq.ft., not 2164
  - c. ***Still missing Community Plan information in the ERU section***
  - d. ***What happens to density if the maximums are not reached?***
3. Page 5 – Development Standards
  - a. ***\*\*\*OVERALL\*\*\*, please follow the pattern of listing a standard and then indicating how the material in the VP compares to the standard.***
  - b. Combine open space and landscaping as they are treated as one item throughout plan
  - c. ***Missing open space plan & percentages (can be elsewhere in VP but comes to mind here).***
4. Page 10 – Landscape Plan
  - a. Reference the RC zone in the note below the drawing
5. Page 11 – Corner...
  - a. Add “minimum” before sq.ft. on each drawing
6. Page 12 – Utility Plan
  - a. ***Still showing a specific lot layout, including corner drive-thru. Will utility plan work for all layouts?***
  - b. Add note for conceptual layout
7. Page 14 – Pedestrian Plan
  - a. 4’ sidewalks result in need for periodic bump-outs for passing
8. Page 18 – Signage
  - a. Section 19.18, not 08
  - b. Clarify that pedestal and pylon are permitted
9. Page 21 – conceptual signage
  - a. Need exhibit for gas canopy signage to verify compliance with 19.18
10. Page 24 – Anchor Tenant Proposed Elevations

- a. Add note to elevations stating conceptual and changes may be necessary to comply with CP/VP/Code standards.
  - b. Regarding comments below, Smith’s architect has contacted Planning and is working on 4-sided architecture. Seating and lighting and other remaining information to be verified at time of site plan review.
    - i. Wall pack lights can be mounted no taller than 16 feet. What are the heights shown on the elevations?*
    - ii. Even at buildout of the full commercial center, the Smiths building will continue to be very visible from all angles. 4-sided architecture is needed to create a finished visual product. As such, please ensure that color schemes are wrapped on all sides four sides.*
    - iii. Other Smiths Marketplace stores have outdoor seating to complement their deli and Starbucks. These outdoor seating areas typically have upgraded lighting mounted on the building. If outdoor seating is planned with this store, please show the upgraded lighting.*
    - c. Can we get a 3D version for SketchUp?*
11. Page 26 – Fuel Center
- a. Max height for fuel canopies?
  - b. Signage percentage / compliance?
12. Pages 27-32 – Detailed Plans, Lot Layouts
- a. When is articulation required? No requirement in the CP or VP.*
  - b. Propose a table on each page to address the following items remaining:
    - i. Is parking suitable for all uses? Parking requirements will be one of the items most scrutinized. Based on the Smiths and all of the pad buildings shown on the VP, indicate how each of the lots is parked - in other words prove the need to have the ability to "share parking".*
    - ii. Show OS/landscape ranges and % for each concept.*
    - iii. FAR ranges.*
    - iv. ERU ranges.*
    - v. Signage info, both site and building.*
  - c. Still need the disclaimer or clause that staff has the ability to require full review and approval of any site plan by the City Council should a proposal not meet the specific design requirements listed in the VP. Can place on page 9 of the CP, processes.*
13. Page 30 – Pad D
- a. Still recommend removing drive-through single building option from pad D, or at a minimum rotate to place parking and drive-through behind building at an angle. - The bank/credit union is still shown as an option on the corner; original recommendation was to replace with a building that has a better street presence and can incorporate thematic design elements that can continue through the whole development.*
14. Page 34 – Findings
- a. b. numbers don’t match table on page 4
  - b. c. extra space in first sentence
  - c. c. remove unnecessary comma, and correct type at end of last sentence
  - d. d. extra space & remove one of the two uses of “also” from last sentence

Saratoga Springs City  
Planning Commission  
  
Report of Action

<u>REQUEST FOR COUNCIL ACTION</u>	
Concept Discussion	_____
Preliminary Approval	_____
Final Approval	_____
For Discussion Only	_____
Site Plan	_____
Rezone	_____
Resolution	_____
Ordinance	_____
General Plan	_____
Code Amendment	_____
Plat Amendment	_____
Road Vacation	_____
Condition Use Permit	_____
Development Agmt.	_____
Other <u>CP/VP</u>	<u>X</u>

Meeting Date: September 24, 2015

**ITEM #6.** The Crossing Community Plan and Village Plan

Jeff Cochran was present as Chair.

**ACTION OF PLANNING COMMISSION**

The following action was taken by the Planning Commission on the above-described item:

**Positive Recommendation with conditions**

**STAFF PRESENTATION**

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- See Staff Report

**APPLICANT PRESENTATION**

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Summarized the changes
- Expressed agreement with the staff recommendations and steps taken to meet them
- Explained that a staff approval is needed to enable development to be more attractive to tenants
- Applicant agreed to maintain landscaped areas between trails and curb along Redwood and Pioneer Crossing

**CONCERNS RAISED BY PUBLIC**

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in verbal comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- No public comment.

**PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- Ken Kilgore

- Asked for clarification on the pedestrian connectivity (staff: typo. Should have read “complies” since the analysis said it complied).
- Kirk Wilkins
  - Asked if sewer alignment was addressed (yes)
  - Asked if the utility alignment had been finalized to work with all layouts (yes)
  - Asked about Village Plan page 7, the City maintenance; applicant agreed to maintain
- David Funk
  - Was the Pad D alignment and drive through worked out? (Yes, shown without the drive through on the corner)
- Sandra Steele
  - Not willing to vote tonight, since plans were brought and no chance given to make a recommendation.
  - Questions:
    - Asked about dust and landscaping of parcels not ready for development, discussed with the applicant.
    - Asked about colors and materials, discussed need for “pop”
    - Asked about mechanical and utility meter screening – language in the CP is too broad with “to extent possible”
    - Monument signs are allowed; 10’ tenant monument sign is excessive.
    - Disagrees with the removal of Planning Commission and Council from the process. Suggest 1<sup>st</sup> Village Plan to have PC/CC review, and loosen up for later Village Plans if it is working.
    - Concerned with the Smith’s elevation and lack of 4 sided architecture
- Jeff Cochran
  - Discussed recommendation options – clarified that vote is on document in the report from 9/10, not the document handed out tonight.
- All
  - Discussed possibilities for fast-tracking site plans. Discussed recourses in the plan for Council review.

## MOTION

Commissioner Wilkins made the following motion:

“I move to forward a **positive** recommendation to the City Council for The Crossing Community Plan with the Findings and Conditions below:

### **Findings**

1. The application complies with the City Center District Area Plan (DAP). Specifically, the neighborhood type, required contents, density, and unit type are as permitted in the DAP.
2. With conditions, the application is consistent with the goals, objectives, and policies of the General Plan, as identified in Section G of this report, which section is incorporated by reference herein;
3. With appropriate modifications, the application complies with Section 19.26.05 of the Development Code as outlined in Section H of the Staff report, which section is incorporated by reference herein.

Particularly:

- a. The 653.2 ERU maximum and 0.47 FAR does not exceed the number of ERUs and square footage of nonresidential uses of the General Plan;

- b. With required modifications and conditions, the application contains sufficient standards to guide the creation of innovative design that responds to unique conditions;
- c. The application is compatible with surrounding development and properly integrates land uses and infrastructure with adjacent properties;
- d. The application includes adequate provisions for utilities, services, roadway networks, and emergency vehicle access; and public safety service demands will not exceed the capacity of existing and planned systems without adequate mitigation;
- e. With required modifications and conditions, the application is consistent with the guiding standards listed in Section 19.26.06.
- f. The application contains the required elements as dictated in Section 19.26.07.

**Conditions:**

- 1. The maximum allowed ERUs in the Community Plan shall be 653.2.
- 2. All requirements of the City Engineer shall be met.
- 3. All requirements of the Fire Department shall be met.
- 4. The Community Plan shall be edited as directed by the Commission.
  - a. A provision for vehicle stacking for drive-thru facilities shall be made.
- 5. Changes as identified in Exhibit F shall be made prior to Council action.
- 6. All other requirements of the Code shall be met.
- 7. Other: \_\_\_\_\_

"I also move to forward a positive recommendation to the City Council for The Crossing Phase 1 Village Plan with the Findings and Conditions below:"

**Findings**

- 1. The application is consistent with the guiding standards in the The Crossing Community Plan. Specifically, the density, unit types, block types, thoroughfares, and other standards are expressly as contained in the Community Plan.
- 2. With conditions, the application complies with the criteria in section 19.26.09 of the Development Code, as articulated in Section H of the Staff report, which section is incorporated by reference herein. Particularly:
  - a. With appropriate modifications, the application is consistent with the adopted Community Plan;
  - b. The range of density in the application does not exceed the total number of equivalent residential units dictated in the adopted Community Plan;
  - c. For an individual phase, the density will not exceed the total number of equivalent residential units dictated in the adopted Community Plan unless transferred per the provisions of the Community Plan;
  - d. The application is consistent with the utility, infrastructure, and circulation plans of the Community Plan; includes adequately sized utilities, services, and roadway networks to meet demands; and mitigates the fair-share of off-site impacts.
  - e. The application properly integrates utility, infrastructure, open spaces, pedestrian and bicycle systems, and amenities with adjacent properties; and
  - f. The application contains the required elements as dictated in Section 19.26.10.

**Conditions:**

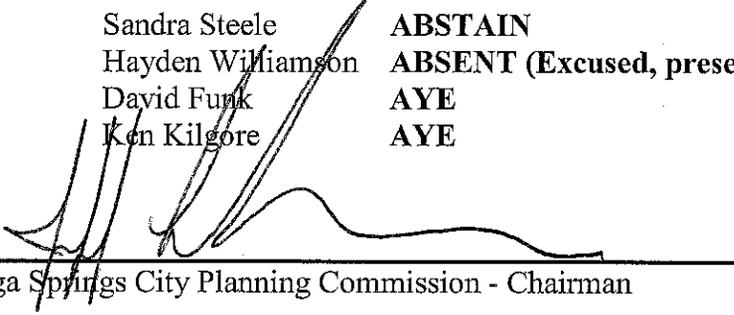
- 1. The maximum allowable ERUs in the Village Plan shall be 199.10.
- 2. All requirements of the City Engineer shall be met.

3. All requirements of the Fire Department shall be met.
4. The Village Plan shall be edited as directed by the Commission. \_\_\_\_\_
5. Changes as identified in Exhibit F shall be made prior to Council action.
6. All other requirements of the Code shall be met.
7. Other: \_\_\_\_\_

Commissioner Funk seconded the motion.

**VOTE** (4 TO 0)

Jeff Cochran	<b>AYE</b>
Kirk Wilkins	<b>AYE</b>
Sandra Steele	<b>ABSTAIN</b>
Hayden Williamson	<b>ABSENT (Excused, present previously)</b>
David Funk	<b>AYE</b>
Ken Kilgore	<b>AYE</b>

  
Saratoga Springs City Planning Commission - Chairman

**\*\*Official action of the Planning Commission on this item.\*\***

**Exhibit: Staff Report dated 9/24/2015**



September 30, 2015

The Boyer Company

**Re: The Crossing at Saratoga Springs – Fourth Review**

Planning has reviewed the 9/24/2015 resubmittal for the Crossing at Saratoga Springs Community and Village Plans, and have the following comments and requirements. Additional comments may be provided prior to or at the 10/6/2015 City Council hearing.

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**Ongoing comments; no changes needed**

**Fire Department**

1. All requirements of the Fire Department shall be met, including fire access and turnarounds, fire flow levels, and hydrant spacing.
2. Specific comments and requirements will be provided at time of Site Plan and Building Permit review for each individual site.

**Building Department**

1. Specific comments and requirements will be provided at time of Site Plan and Building Permit review for each individual site.

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**Note: All changes needed are highlighted in yellow.**

Items outstanding from previous redlines are in bold italics; items that have been addressed are crossed out.

**COMMUNITY PLAN**

- ~~1. General: page numbers are provided, but exhibit numbers have been removed. Please restore to the headings.~~
- ~~2. Page 3 Use Map.
  - a. Correct minor typos in last sentence~~
- ~~3. Page 4 Build-out allocation
  - a. One ERU is 2164.5 sq.ft., not 2164.0
  - b. Maximum ERUs is 653.20, not 653.36~~
4. Page 6
  - ~~a. 1.058 million square feet is inconsistent with 1,413,879 sq.ft. identified on page 4~~
  - b. ERUs in the CP are not 2164; they are ~653 at 1,413,879 sq.ft.**
5. Page 7
  - ~~a. 5.ii and iv: Correct setback contradiction as identified~~
  - ~~b. 9.a: identify how to determine if UDC consultation is appropriate~~
  - ~~c. 12.a: if staff approval is given for site plan, how does Council approve height?~~
  - ~~d. Off street parking: how is a “center” defined?~~
  - e. You have deleted 10.c. Staff supports this change.**
- ~~6. Page 8
  - a. Please provide an example of shared parking matrix in practice
  - b. Remove specific code reference for lighting exception, and just state the exception~~
- ~~7. Page 9
  - a. Refer to Sections 19.12, 19.13, 19.14, and 19.15 where processes are referenced~~
- ~~8. Page 12~~

- a. Define large expanses
  - b. Identify how much latitude can occur (*did not define, but addressed adequately with other standards*)
  - c. Replace “should” with “shall” in last paragraph
  - d. Maximum number of materials may be too restrictive. Minimum is 3, maximum is 4, not much room.
9. Page 13
- a. Identify criteria for façade shifts
  - b. Roofs: Replace “should” with “shall” in first sentence.
  - c. Roofs: Require access to be from inside the building, not external to the building
  - d. Remove “to the extent possible”
10. Page 15
- a. Hameln grass is not used in the Village Plan
  - b. List under Street corners does not use parallel structure
11. Page 16
- a. Landscape: Recommend 11% not include parking lot islands and thin strips by buildings *Addressed in the landscape definition.*
  - b. **Parking lot screening: include 3’ height requirement; made change to vegetation, but did not make change to walls and berms.**
  - c. Retaining walls: VP 1 occurs after CP; please rewrite to accurately reflect timing
  - d. Boulders Edging etc: Remove “#1” from Village Plan. Also add concrete edging between lawn and beds as it is referenced elsewhere
  - e. **19.06 requires intermittent landscaping along walls, will this be done?**
12. Page 17
- a. Replace last sentence of each paragraph with “Phase I Village Plan rock colors and sizes to be matched by all subsequent Village Plans” for clarity
  - b. Add “in depth” to the 8’ of landscaping abutting single stacked rows
  - c. Typos – “subsequent” is misspelled in all locations as “susequent”

## VILLAGE PLAN

- 1. General: page numbers are provided, but exhibit numbers have been removed. Please restore to the headings.
- 2. Page 4 Detailed Build-out allocation
  - a. Open space/landscaping ranges still not provided
  - b. 2164.5 sq.ft., not 2164
  - c. ~~Still missing Community Plan information in the ERU section~~
  - d. ~~What happens to density if the maximums are not reached?~~
  - e. New typo: the Community Plan information in the ERU section appears to have been pasted from the CP and references a table that does not exist. Please reword.
- 3. Page 5 Development Standards
  - a. ~~\*\*\*OVERALL\*\*\*, please follow the pattern of listing a standard and then indicating how the material in the VP compares to the standard.~~
  - b. Combine open space and landscaping as they are treated as one item throughout plan
  - c. ~~Missing open space plan & percentages (can be elsewhere in VP but comes to mind here).~~
- 4. Page 7 Associations
  - a. Per the PC discussion, remove the last paragraph about City maintenance.
- 5. Page 10 Landscape Plan
  - a. Reference the RC zone in the note below the drawing
- 6. Page 11 Corner...
  - a. Add “minimum” before sq.ft. on each drawing
- 7. Page 12 Utility Plan
  - a. ~~Still showing a specific lot layout, including corner drive thru. Will utility plan work for all layouts?~~
  - b. Add note for conceptual layout
- 8. Page 14 Pedestrian Plan
  - a. 4’ sidewalks result in need for periodic bump outs for passing
- 9. Page 18 Signage

- a. ~~Section 19.18, not 08~~
  - b. ~~Clarify that pedestal and pylon are permitted~~
10. Page 21 ~~conceptual signage~~
- a. ~~Need exhibit for gas canopy signage to verify compliance with 19.18 – see item 12, page 26~~
11. Page 24 ~~Anchor Tenant Proposed Elevations~~
- a. ~~Add note to elevations stating conceptual and changes may be necessary to comply with CP/VP/Code standards.~~
  - b. Regarding comments below, Smith’s architect has contacted Planning and is working on 4-sided architecture. **Seating and lighting and other remaining information below to be verified at time of site plan review.**
    - i. *Wall pack lights can be mounted no taller than 16 feet. What are the heights shown on the elevations?*
    - ii. *Even at buildout of the full commercial center, the Smiths building will continue to be very visible from all angles. 4-sided architecture is needed to create a finished visual product. As such, please ensure that color schemes are wrapped on all sides four sides.*
    - iii. *Other Smiths Marketplace stores have outdoor seating to complement their deli and Starbucks. These outdoor seating areas typically have upgraded lighting mounted on the building. If outdoor seating is planned with this store, please show the upgraded lighting.*
  - c. *Can we get a 3D version for SketchUp?*
- 12. Page 26 – Fuel Center**
- a. **Max height for fuel canopies?**
  - b. **Signage percentage / compliance?**
13. Pages 27-32 ~~Detailed Plans, Lot Layouts~~
- a. ~~When is articulation required? No requirement in the CP or VP.~~
  - b. ~~Propose a table on each page to address the following items remaining:~~
    - i. ~~Is parking suitable for all uses? Parking requirements will be one of the items most scrutinized. Based on the Smiths and all of the pad buildings shown on the VP, indicate how each of the lots is parked – in other words prove the need to have the ability to “share parking”.~~
    - ii. ~~Show OS/landscape ranges and % for each concept.~~
    - iii. ~~FAR ranges.~~
    - iv. ~~ERU ranges.~~
    - v. ~~Signage info, both site and building.~~
  - c. ~~Still need the disclaimer or clause that staff has the ability to require full review and approval of any site plan by the City Council should a proposal not meet the specific design requirements listed in the VP. Can place on page 9 of the CP, processes.~~
14. Page 30 ~~Pad D~~
- a. ~~Still recommend removing drive-through single building option from pad D, or at a minimum rotate to place parking and drive-through behind building at an angle. The bank/credit union is still shown as an option on the corner; original recommendation was to replace with a building that has a better street presence and can incorporate thematic design elements that can continue through the whole development.~~
15. Page 34 ~~Findings~~
- a. ~~b. numbers don’t match table on page 4~~
  - b. ~~c. extra space in first sentence~~
  - c. ~~remove unnecessary comma, and correct type at end of last sentence~~
  - d. ~~d. extra space & remove one of the two uses of “also” from last sentence~~

## City Council Staff Report

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### General Plan and Code Amendments

#### Multiple Sections

Tuesday, October 6, 2015

#### Public Hearing

Report Date: Tuesday, September 29, 2015  
Applicant: Staff and Subcommittee Initiated  
Previous Meetings: Code Subcommittee Meetings  
Planning Commission Work Session August 13, 2015  
City Council Work Session August 18, 2015  
Planning Commission Hearing August 27 and Sept. 10, 2015  
Planning Commission Hearing September 24, 2015  
City Council Hearing September 15, 2015, continued  
Land Use Authority: City Council  
Future Routing: None  
Author: Kimber Gabryszak, Planning Director

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#### A. Executive Summary:

For the convenience of the Council, items changed since the previous meeting (9/15/2015) have been highlighted in yellow. The proposed Code and General Plan amendments are as follows:

##### GENERAL PLAN

- Change Mixed Lakeshore Designation to Mixed Waterfront

##### CODE **Round 1** – Recommended by PC 9/10/2015 & discussed by CC on September 15, 2015

- 19.02 – Definitions
- 19.04 – Land Use Zones
- 19.05 – Supplemental Regulations
- 19.06 – Landscaping and Fencing
- 19.12 – Subdivisions
- 19.13 – Process
- 19.14 – Site Plan
- 19.26 – Planned Community Zone
- Multiple sections, removal of “Gateway”: 19.02, 19.04, 19.15, 19.18, 19.23

##### CODE **Round 2** – Recommended by Planning Commission on September 24, 2015

- 19.05 – Sales trailers
- 19.06 – Landscaping & Sight Triangle

##### Recommendation:

**Staff recommends that the City Council conduct a continued public hearing, take public comment, discuss the proposed amendments, and vote to approve all or some of the amendments with or without modifications.** Alternatives include continuance to a future meeting or denial of all or some of the amendments.

- B. Background:** The City has been working for the last several years to adopt amendments to the Land Development Code to improve transparency, increase consistency, close loopholes, increase standards, and remove contradictions. In October 2013 the Council appointed a Development Code (Code) Update Subcommittee consisting of two City Councilmembers, one member of the Planning Commission, and City staff as appropriate.

Additionally, the business community, development community, staff, Planning Commission, and City Council have expressed concern over the often lengthy application review process, and have set a goal of streamlining the application review process as the Code is improved. Other issues been identified through the application of Code to development applications, and through Code enforcement. The subcommittee and staff have drafted the enclosed amendments to further these goals and address identified issues.

### **ROUND 1**

The Planning Commission and City Council reviewed changes in public hearings for sections 19.02, 19.04, 19.05, 19.06, 19.12, 19.13, 19.14, 19.15, 19.18, 19.23, and 19.26.

#### **Planning Commission Work Session**

The Planning Commission held a work session on June 11, 2015, and provided input on the draft amendments. An additional work session was held on August 13, 2015 at which time revisions responding to the Commission's input were presented.

#### **Planning Commission Hearings**

The Planning Commission held a public hearing on August 27, 2015. No public comment was received, and the Commission voted to forward a positive recommendation on the amendments as included in this packet.

#### **City Council Hearing**

The City Council held a public hearing on September 15, 2015. Public comment was received on the proposed changes to the Mixed Lakeshore / Mixed Waterfront zone. The Council gave input and direction on the proposed changes, and voted to continue the code amendments to their October 6, 2015 hearing to enable Staff to make the directed changes. Changes include:

- The addition of labels to graphics.
- The addition of a requirement for a hard surface for auto sales display areas.
- The removal of most previously drafted changes to Mixed Lakeshore content, only changing the name of the zone at this time.
- Other minor typographical and organizational changes.

### **ROUND 2**

While the Planning Commission and Council were reviewing the aforementioned changes, Staff and the Subcommittee continued working on additional amendments to sections 19.05 and 19.06. The Planning Commission held a work session on September 10, 2015, and voted to forward a positive recommendation on the amendments following a public hearing on September 24, 2015. Draft minutes are attached.

For streamlining and tracking purposes, Staff has combined the amendments from both Round 1 and Round 2 into one staff report and ordinance.

- C. **Specific Request:** The proposed amendments are summarized below, with details outlined in Exhibits 1 – 6. (Note: the Exhibits are organized by topic and not by Code section.)

**Round 1 – amended as directed by the City Council**

- 19.02, Yard Definition
  - Clean-up definition to avoid confusion, and replace graphics
- Multiple sections, Gateway
  - Remove the Gateway definition and references from Code, as the defined Gateway is no longer the primary entrance into the City
  - Sections impacted: 19.02, 19.04, 19.15, 19.18, 19.23
- 19.05, multiple –
  - Standards for Auto Sales
- 19.06, multiple –
  - Identify location where fencing should drop to 3’ height for corner lots
  - Minor change to planting standards for clarify on caliper height
- General Plan and 19.04 – Mixed Lakeshore
  - Change name to from Mixed Lakeshore to Mixed Waterfront to permit application along Jordan River as well as Utah Lake
  - Add several clarifications, and modify feathering and commercial location standards.
  - Proposal includes higher density in interior of development, with density transition to match adjacent developed residential areas
- 19.12 and 19.13 and 19.14 – Subdivisions and Development Processes and Site Plans
  - Delegate several types of approvals to better streamline processes

**Round 2**

- 19.05 – merge & edit sales trailer sections
- 19.06 –
  - Reorganize landscaping chapter for clarity in single-family application and code enforcement
  - Amend single-family landscaping standards to address large lots and bare ground e.g. gardens
  - Remove requirement for mulch beneath trees and shrubs; clarify requirement to avoid rock beneath trees
  - Clarify sight triangle standards

- D. **Process:** Section 19.17.03 of the Code outlines the process and criteria for an amendment:

1. The Planning Commission shall review the petition and make its recommendation to the City Council within thirty days of the receipt of the petition.  
*Complies. There is no application as this is Staff initiated, and is being presented to the Commission for a recommendation.*
2. The Planning Commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and that changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.  
*Complies. Please see Sections F and G of this report.*

3. The Planning Commission and City Council shall provide the notice and hold a public hearing as required by the Utah Code. For an application which concerns a specific parcel of property, the City shall provide the notice required by Chapter 19.13 for a public hearing.

*Complies. Please see Section E of this report. After the Planning Commission recommendation, a public hearing has been scheduled with the City Council.*

4. For an application which does not concern a specific parcel of property, the City shall provide the notice required for a public hearing except that notice is not required to be sent to property owners directly affected by the application or to property owners within 300 feet of the property included in the application.

*Complies. Please see Section E of this report.*

- E. Community Review:** Per Section 19.17.03 of the City Code, this item has been noticed as a public hearing in the *Daily Herald*; as these amendments affect the entire City, no mailed notice was required. **The Planning Commission hearings on September 10, 2015 and September 24, 2015 were also noticed.**

**F. General Plan:**

**Land Use Element – General Goals**

The General Plan has stated goals of responsible growth management, the provision of orderly and efficient development that is compatible with both the natural and built environment, establish a strong community identity in the City of Saratoga Springs, and implement ordinances and guidelines to assure quality of development.

The General Plan also has goals for development taking advantage of the scenic and recreational values of Utah Lake. The Jordan River is also of scenic and recreational value to the community; therefore implementation of the Mixed Lakeshore standards along the Jordan River is also consistent.

**Staff conclusion: consistent**

The proposed changes help to improve transparency and consistency by continuing to clarify definitions and remove contradictions. The changes also help to increase efficiency by removing unnecessary regulations such as the Gateway, continue to streamline processes, and improve the ability of the City to benefit from local scenic and recreational amenities.

The goals and objectives of the General Plan are not negatively affected by the proposed amendments, community goals will be met, and community identity will be maintained and possibly enhanced.

**G. Code Criteria:**

**Code amendments are a legislative decision; therefore the City Council has significant discretion when considering changes to the Code.**

The criteria for an ordinance (Code) change are outlined below, and act as guidance to the Council, and to the Commission in making a recommendation. Note that the criteria are not binding.

**19.17.04 Consideration of General Plan, Ordinance, or Zoning Map Amendment**

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

1. The proposed change will conform to the Land Use Element and other provisions of the General Plan;  
*Consistent. See Section F of this report.*
  
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;  
*Consistent. The amendments help streamline the process, clarify inconsistencies, remove unnecessary regulations while ensuring negative impacts are mitigated through additional standards elsewhere as necessary, increase benefit from local scenic and recreational amenities, and general welfare will be maintained. The amendments will also ensure clear and consistent standards for sales trailers, landscaping, and sight triangle identification for safety*
  
3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and  
*Consistent. The stated purposes of the Code are found in section 19.01.04:*
  1. The purpose of this Title, and for which reason it is deemed necessary, and for which it is designed and enacted, is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City, its present and future inhabitants, and the public generally, and in particular to:
    - a. encourage and facilitate the orderly growth and expansion of the City;
    - b. secure economy in governmental expenditures;
    - c. provide adequate light, air, and privacy to meet the ordinary or common requirements of happy, convenient, and comfortable living of the municipality's inhabitants, and to foster a wholesome social environment;
    - d. enhance the economic well-being of the municipality and its inhabitants;
    - e. facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, storm drains, and other public requirements;
    - f. prevent the overcrowding of land, the undue concentration of population, and promote environmentally friendly open space;
    - g. stabilize and conserve property values;
    - h. encourage the development of an attractive and beautiful community; and
    - i. promote the development of the City of Saratoga Springs in accordance with the Land Use Element of the General Plan.

*The amendments helps to clarify the process and improve efficiency and consistency, thus ensuring economy in government expenditures by lessening the cost of application review, and maintaining a high standard of review by ensuring existing requirements are still met. The amendments also provide increased opportunity for waterfront development while continuing to encourage an attractive and beautiful community.*

4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.  
*Consistent. The amendments will better protect the community through more efficient process, clarity and consistency in development review, and maintenance of high standards.*

## **H. Recommendation / Alternatives:**

Staff recommends that the City Council conduct a public hearing, take public comment, discuss the proposed amendments, and vote to approve the amendments with or without modifications, or choose from the alternatives below.

**Staff Recommended Motion – Approval**

The City Council may choose to **approve** all or some of the amendments to the Code Sections listed in the motion, as proposed or with modifications:

Motion: “Based upon the evidence and explanations received today, I move to **approve** the proposed amendments to Sections [19.02, 19.04, 19.05, 19.06, 19.12, 19.13, 19.15, 19.18, 19.23, 19.26] as contained in Exhibits 1 and 2 and 3 with the Findings and Conditions below:

**Findings:**

1. The amendments are consistent with Section 19.17.04.1, General Plan, as outlined in Sections F and G of this report and incorporated herein by reference.
2. The amendments are consistent with Section 19.17.04.2 as outlined in Section G of this report and incorporated herein by reference.
3. The amendments are consistent with Section 19.17.04.3 as outlined in Section G of this report and incorporated herein by reference.
4. The amendments are consistent with Section 19.17.04.4 as outlined in Section G of this report, and incorporated herein by reference.

**Conditions:**

1. The amendments shall be edited as directed by the Council: \_\_\_\_\_
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_

**Alternative A – Continuance**

Vote to **continue** all or some of the Code amendments to the next meeting, with specific feedback and direction to Staff on changes needed to render a decision.

Motion: “I move to continue the amendments to Sections [19.02, 19.04, 19.05, 19.06, 19.12, 19.13, 19.15, 19.18, 19.23, 19.26] of the Code to the October 16, 2015 meeting, with the following direction on additional information needed and/or changes to the draft:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Alternative B – Denial**

Vote to **deny** recommendation all or some of the proposed Code amendments.

**Motion:** “Based upon the evidence and explanations received today, I move to **deny** the proposed amendments to Sections [19.02, 19.04, 19.05, 19.06, 19.12, 19.13, 19.15, 19.18, 19.23, 19.26] of the Code as contained in Exhibit 1 and 2 with the Findings below:

**Findings**

1. The amendments do not comply with Section 19.17.04(1), General Plan, as articulated by the Council: \_\_\_\_\_

2. The amendments do not comply with Section 19.17.04, sub paragraphs 2, 3, and/or 4 as articulated by the Council: \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

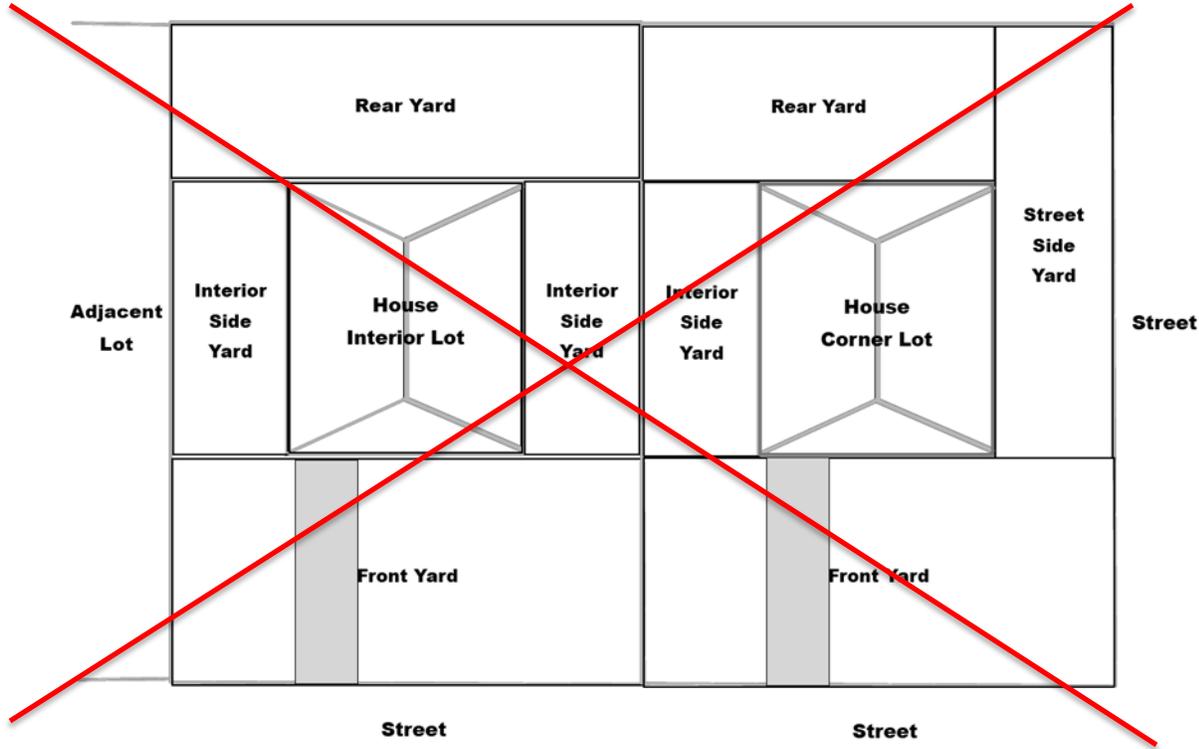
**I. Exhibits:**

1. Code Amendments Round 1 – working copy with changes directed by Council (pages 8-25)
  - a. 19.02 – Definitions (pages 8-9)
  - b. Multiple sections – Gateway (pages 10-12)
  - c. 19.05 – Vehicle Sales (pages 13-14)
  - d. 19.06 – Planting & Fencing (pages 15-17)
  - e. Multiple sections – Process Delegation (pages 18-21)
  - f. General Plan and Code Sections – Mixed Waterfront (pages 22-25)
2. Code Amendment Round 2 – working copy (pages 26-32)
  - a. 19.05 – sales trailers (pages 26-27)
  - b. 19.06 – Landscaping & Sight Triangle (pages 28-32)
3. Code Amendments Rounds 1 and 2 – combined clean copy with changes highlighted (pages 33-52)
  - a. 19.02 – Definitions (pages 33-34)
  - b. Multiple sections – Gateway (pages 35-36)
  - c. 19.05 – Sales Trailers (page 37)
  - d. 19.05 – Vehicle Sales (pages 38-39)
  - e. 19.06 – Planting & Fencing & Sight Triangle (pages 40-44)
  - f. Multiple sections – Process Delegation (pages 45-48)
  - g. General Plan and Code Sections – Mixed Waterfront (pages 49-52)

± #TBD. “Yard, side”

- a. Interior lot side yard: means a yard between the interior side lot line and the side facade of a main building, extending from the front yard to the rear yard, and
- b. Corner lot Street side yard: a yard between the street side lot line and the side façade of a main building on a corner lot, extending from the front yard to the rear lot line, as illustrated in Drawing-Figure 2.2 ± below.

Drawing 1, Interior and Corner Lot Yards





**GATEWAY Sections 19.02, 19.04, 19.15, 19.18, 19.23**

**19.02.02. Definitions.**

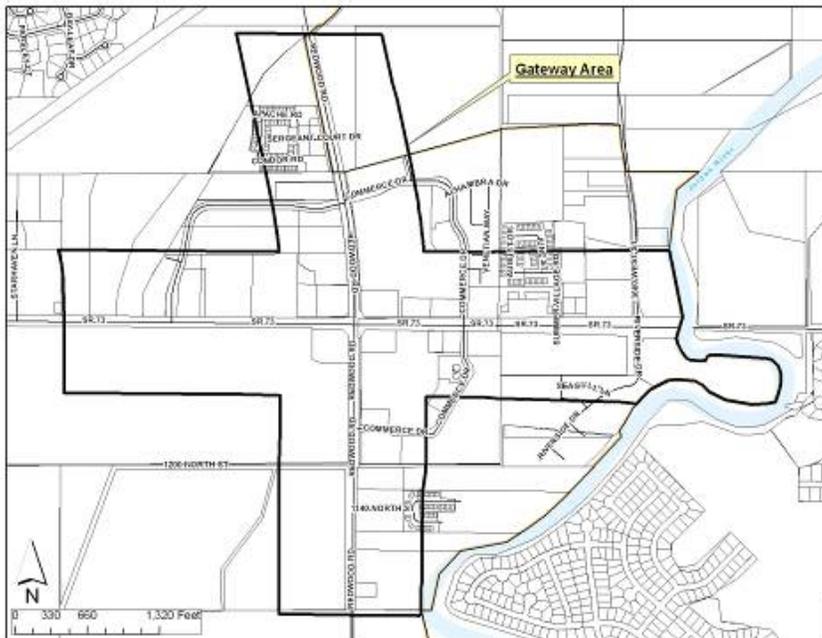
“Gateway Area” means the following areas, as also shown on the exhibit below, which is subject to certain land use restrictions in the Regional Commercial (RC) Zone as identified in Section 19.04.18:

**North and south of the intersection of Redwood Road and SR 73:** The area of land that is located within 600 feet of the edge of right of way along State Route 68 (Redwood Road) and a distance of 2,640 feet north and south of the intersection of the centerlines of State Routes 68 and 73.

**West of the intersection of Redwood Road and SR 73:** The area of land that is located within 600 feet of the edge of right of way along SR 73 and a distance of 2,640 feet west of the intersection of the centerlines of State Routes 68 and 73.

**East of the intersection of Redwood Road and SR 73:** The area of land within 600 feet of the edge of right of way between the west bank of the Jordan River and the intersection of the centerlines of State Routes 68 and 73.

**19.04.07.2**



**Permitted and Conditional Uses by Zone – Commercial**

	NC	MU	RC*	OW	I	ML	BP	IC	PSBL
Automobile Repair, Minor			C**	C	C		CE		
Automobile Sales			C**		C				
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service			C**	C	P				
Building Material Sales (with outdoor storage)			C**	C	P				
Car Wash (self service)			C**	C	C				
Convenience Store/Fast Food Combination			C**				CE		
Recreational Vehicle Sales			C**						

~~\*\* The noted uses shall only be allowed in the listed zones at locations that are outside the Gateway Area.~~

#### **19.04.22. Regional Commercial (RC).**

1. **Purpose.** The purpose of the Regional Commercial Land Use Zone is to allow, in appropriate areas, commercial businesses and shopping centers of a scale that will serve neighborhood, community-wide, and regional shopping needs. These regulations should preserve the existing quality and livability of the City while still assuring maximum efficiency of traffic circulation and convenience.
2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Regional Commercial (RC) Zone.
3. **Conditional Uses.** The uses identified in the table in 19.04.07.3 as Conditional Uses in the Regional Commercial (RC) Zone ~~allows the Conditional Uses with some uses as identified in the table only permitted outside the Gateway Area.~~

#### **19.15.06. Special Standards and Considerations Governing Particular Uses.**

In addition to the general standards and considerations set forth in 19.15.08, the following special standards shall be considered in relation to an application for a Conditional Use permit for any of the following uses:

1. **Automobile refueling stations and car wash operations.** As Conditional Uses, automobile refueling stations and car wash (self-serve) operations may be permitted under the following conditions:
  - a. The proposed location of the Conditional Use is in accord with the Land Use Ordinance and land use zone in which the site is located.
  - b. They do not break up contiguity for pedestrians of retail store frontage.
  - c. They will not be a nuisance to residences and other surrounding uses.
  - d. They will not cause traffic hazards or undue traffic congestion.
  - e. For automobile refueling stations or free standing car washes, the lot frontage, if located on a major street, shall not be less than 125 feet.
  - f. For automobile refueling stations or car wash operations with gasoline, diesel, or natural gas pumps shall have buildings of the type of construction as required in applicable building codes, and are to be located at a distance of not less than twenty-five feet from property or building setback lines, whichever is greater.
  - g. Gasoline pumps and pump islands for car wash operations or automobile refueling stations shall have a canopy and the setback, measured from the edge of the canopy, shall be not less than twenty-five feet from any property lines or shall be in conformity with the building setback lines of the zone, whichever is greater.
  - h. Driveway design and spacing for automobile refueling stations or car wash operations shall be reviewed by the City Engineer, whose recommendation will be forwarded to the Planning Commission.
  - i. The minimum closest distance from the automobile refueling stations or car wash with gas pumps site to an existing school, park, playground, museum, or place of public assembly shall not be less than 500 feet.
  - j. No outdoor storage of rental trucks or trailers, stacks of tires, or other merchandise will be provided by the automobile refueling stations or car wash operation except when such equipment or merchandise is screened by an approved fence not less than six feet in height.

~~In the Regional Commercial (RC) Land Use Zone, these land uses will not be allowed within the Gateway Area.~~

#### **19.18.04. Signs not requiring a permit.**

- 9.d. Two off-premise development identification signs may be allowed to guide traffic to a site.
  - i. These signs are limited to thirty-two square feet in area and eight feet in height.
  - ii. These signs must be placed entirely upon private property.
  - iii. These signs must have written permission of the property owner and be presented to the Planning Director for approval before they are erected.
  - iv. The duration of display shall be the same as On-Premise development identification signs.  
~~These off premise signs are prohibited in the City's "Gateway Area" as defined within this Code, unless the development is specifically accessed from within the Gateway.~~

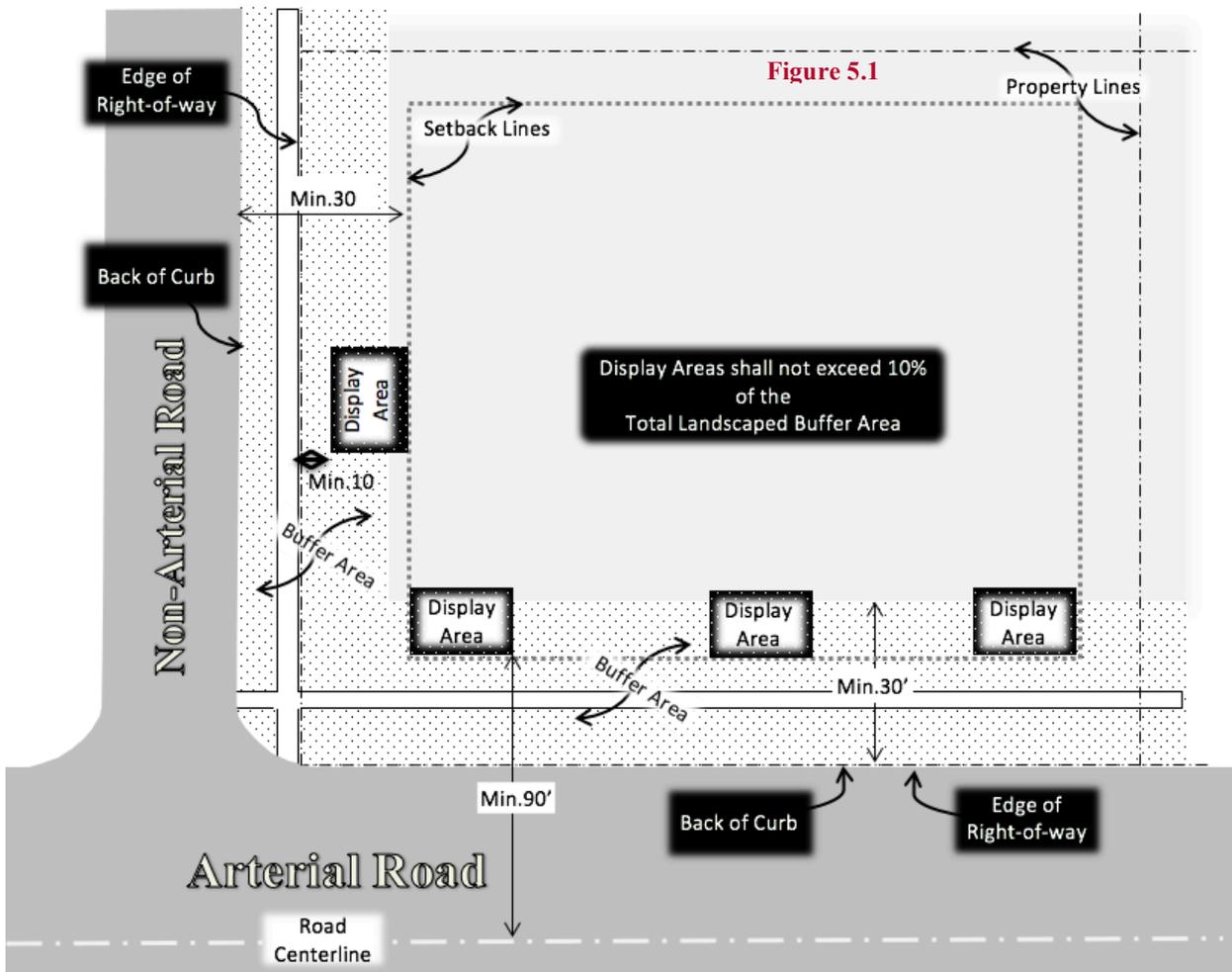
#### **19.23.03. Permitted Locations and Restrictions.**

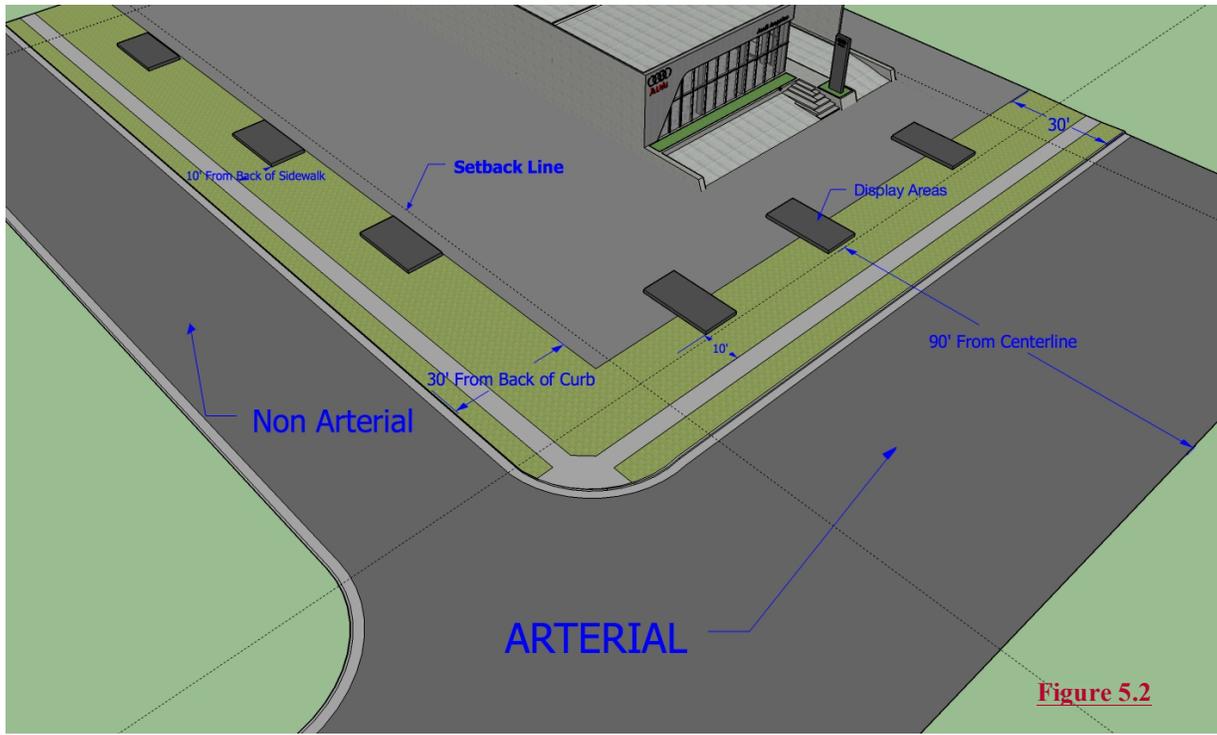
Sexually oriented businesses shall only be permitted in areas zoned Industrial, as defined in the Saratoga Springs Land Development Code, Section 19.04.20. Sexually oriented businesses are subject to the following additional restrictions:

1. No sexually oriented business shall be located within a 1,000 foot radius of any church, park, school, or residential zone, as measured by a straight line without regard to intervening structures. The distance is measured from the property line of the church, park, school, or residential zone nearest the sexually oriented business and the property line of the sexually oriented business nearest the church, park, school, or residential zone.
2. ~~No sexually oriented business shall be permitted within the Gateway area or within 1,000 feet of the Gateway area.~~

**19.05.14. Vehicle Sales.**

- I. Uses identified as any type of outdoor vehicle sales shall meet the additional standards below, as shown in Figures 5.1 and 5.2.
  - a. Landscaped buffer. Parking and sales lots shall be separated from adjacent roadways by a minimum 30-foot wide landscaped buffer area, as measured from back of curb. The buffer area may include required setbacks, ROW, walkways, sidewalks, and park strips.
  - b. Screening. Parking lots and large doors shall be placed behind a landscaped berm or screen wall with a minimum height of 3 feet installed in the landscaped buffer.
  - c. Arterials. Along arterial roadways, parking and sales lots shall be set back a minimum of 90 feet from the Right of Way centerline.
  - d. Vehicle Display Areas. Vehicles may be displayed in the landscaped buffer area, subject to the following restrictions:
    - i. Display may only occur in areas outside the ROW, walkways, sidewalks, and park strips.
    - ii. Display areas shall be on locations designated for such display through the site plan approval process.
    - iii. Display areas shall be of concrete, asphalt, or other impervious surface.
    - iv. Display areas shall be a minimum of ten feet from inside the back of sidewalk.
    - v. Display areas shall comply with clear view triangle setbacks.
    - vi. Display areas shall not exceed 10% of the landscaped buffer area.
    - vii. Vehicles in the display area shall not exceed a maximum height of ten feet, such height including both vehicle and display surface as measured from the height nearest sidewalk to the highest point of the vehicle.
    - viii. For arterial roads, display areas shall also be set back a minimum of 90 feet from the centerline of the road.





**19.06.06. Planting Standards and Design Requirements.**

1. The planting standards are the minimum standards of landscaping that the City will accept towards meeting the landscaping required in this Chapter. Design requirements identify specific standards as they pertain to landscaping. The planting standards and design requirements shall be used in evaluation of any landscaping plan by the City Council.
2. The following are planting standards for required landscaping that shall be followed for all new development, with all caliper sizes measured at the diameter at breast height (DBH) no less than 12 inches above the root ball:
  - a. All required trees in commonly owned or HOA owned open space shall be planted according to the public planting standards outlined in the City Standard Technical Specifications and Drawings. Required trees are subject to the following standards:
  - b. *[See previous amendments for requirements]*

**19.06.09. Screening and Fencing Requirements and Restrictions.**

This Section outlines provisions that govern the heights of screening and fencing.

1. **Front yards:** fences exceeding three feet in height shall not be erected in any front yard space, or street side yard space that abuts a neighboring front yard, space of any residential lot.
- ~~1.2.~~ **Street side yards:** fencing in street side yards adjacent to a driveway shall not exceed three feet for a distance of fifteen feet back from the intersection of driveway and sidewalk, or driveway and ROW property line where no sidewalk exists as shown in the drawing below. Fencing shall also comply with all other clear sight triangle requirements as stated in 19.06. See graphics Figures 6.1 and 6.2 below:

**Figure 6.1**

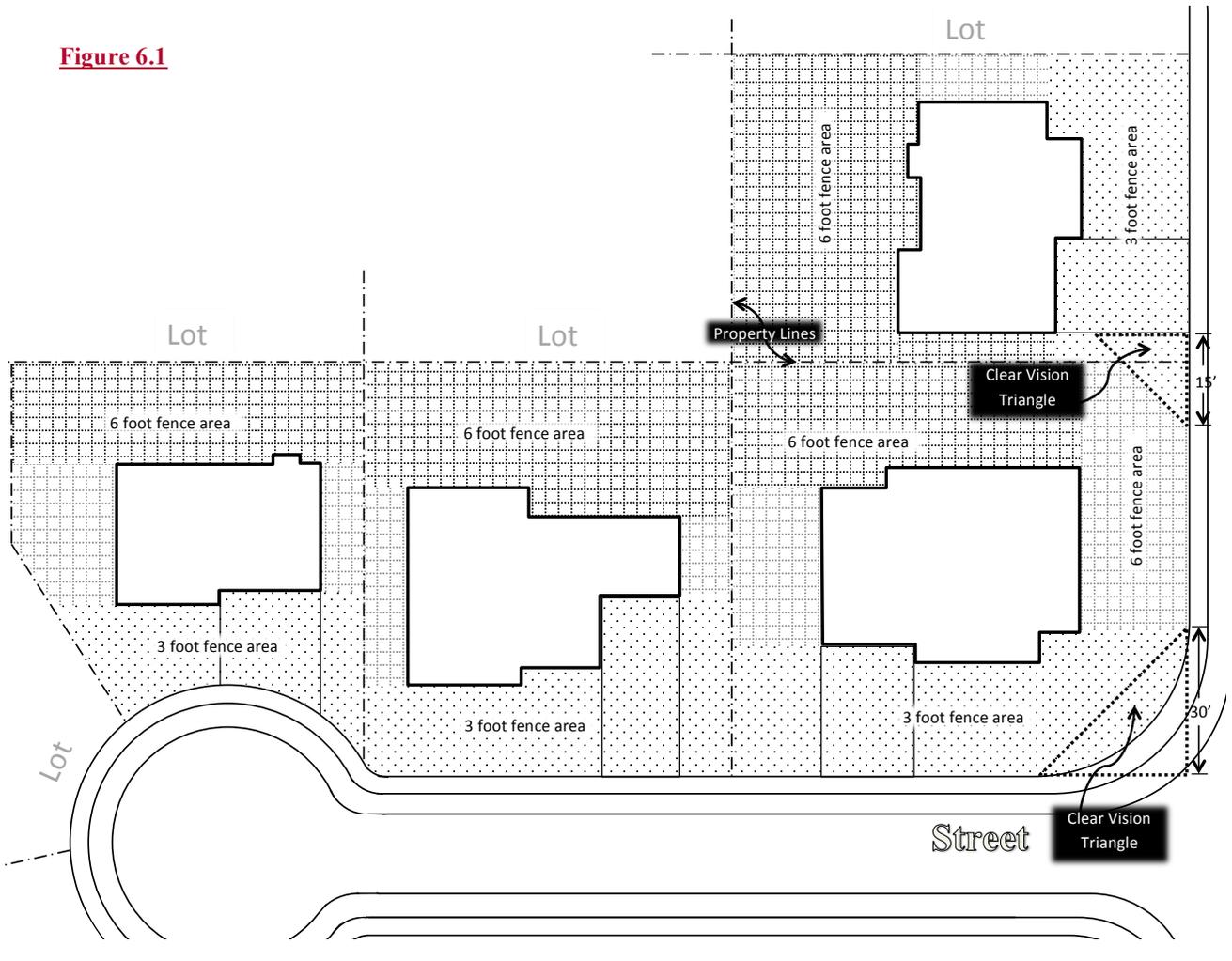
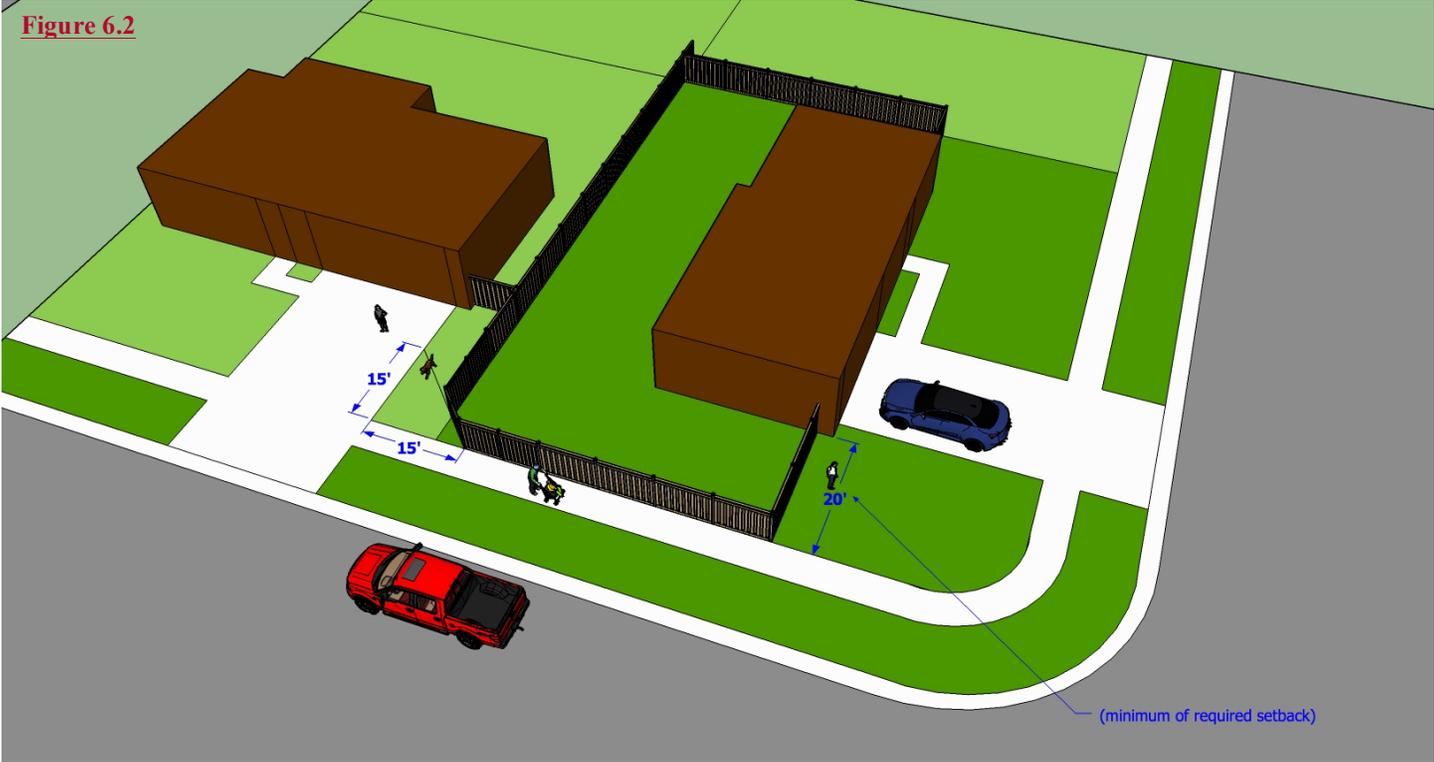


Figure 6.2



**19.12.03. Subdivision Process and Approval Procedure.**

\* \* \* \* \*

2-3. Final Plat. Upon approval of a preliminary subdivision plat by the City Council, or concurrently with the preliminary plat, the developer must submit a final subdivision plat application to the City.

b-a. The developer may submit a Final Plat application with the Planning Director at any time after the Preliminary Plat application for a subdivision has been submitted and all applicable fees have been paid so long as any Preliminary Plat approval has not expired; Final Plat approval may not occur until after Preliminary Plat approval but applications may be processed concurrently and considered at the same meeting.

e-b. Upon receipt of an application for a Final Plat, the following process shall be followed:

i. City staff shall review the application to determine whether the application is complete. If incomplete, the application shall not be accepted by the City and shall be returned to the applicant, along with a written list of the reasons why the application is deficient.

ii. Once an application is deemed to be complete, City Staff shall review the proposed Final Plat and determine whether it is in compliance with the approved Preliminary Plat, other provisions of the City Code, and any modifications, requirements, findings, and conditions made during Preliminary Plat approval. If the proposed Final Plat fails to comply, the Planning Director shall direct the City staff to return it to the developer, along with a written list of deficiencies. The Planning Director is specifically charged with ensuring that all significant conditions required for Final Plat have been resolved before ~~recommending City Council~~ taking action.

iii. If the Planning Director ~~recommends that a proposed Final Plat be approved, the City staff shall place it on the agenda of the next available meeting where the application may be properly considered. If the City Council finds that the Final Plat is in its final form and complies with the City Code and with the terms and conditions of the approved plat Preliminary Plat, it shall authorize the Mayor to sign the proposed Final Plat. If the City Council Planning Director determines that the Final Plat does not comply with the City Code and with the terms and conditions of the approved plat Preliminary Plat, it they shall direct City staff to return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the City Council Planning Director will authorize the Mayor to sign it.~~

iv. ~~If the Final Plat application contains requested deviations from the approved Preliminary Plat, the City staff shall place it on the agenda of the next available City Council meeting where the application may be properly considered. If the City Council finds that the Final Plat and requested deviations are in final form and comply with the City Code and with the terms and conditions of the approved Preliminary Plat, it shall authorize the Mayor to sign the proposed Final Plat. If the City Council determines that the Final Plat and requested deviations do not comply with the City Code and with the terms and conditions of the approved Preliminary Plat, it shall return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.~~

~~iii.~~

iv-v. The City Recorder, or his or her designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

**4. Final Plat Application Requirements.** Applications for Final Plats shall be on an approved-City form and include the following items:

\* \* \* \* \*

**q. Mylar Final Plat:** After receiving Final Plat approval from the ~~City council~~ Planning Director or City Council and in a form approved by the City, a 24" x 36" copy of the ~~final plat~~ Final Plat shall be provided to the City on reproducible Mylar for recording with Utah County. ~~The Mylar plat~~ Final Plat shall be presented with all utility and owner signatures and appropriate notarizations.

(Ord. 14-23, Ord. 14-4)

**19.12.04. Condominium Process and Approval Procedure.**

\* \* \* \* \*

4. Upon receipt of an application for a condominium plat, the following Final Plat process outlined in this Chapter shall be followed:
  - a. The Planning Director and City staff shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.
  - b. Once an application is deemed to be complete, the Development Review Committee shall complete a review of the proposed condominium plat and submit a report to the Planning Commission at least three days prior to the meeting where the Planning Commission will review the condominium plat application.
  - c. The Planning Commission shall review the proposed condominium plat and determine whether it is in compliance with the approved Site Plan and other provisions of the City Code and any requirements imposed as a condition of that Site Plan approval.
  - iv. If the proposed condominium plat complies, the Planning Commission shall approve it for signature by the Mayor, after final approval of the Development Agreement (if necessary) by City staff.
  - v. If the proposed condominium plat fails to comply, the Planning Commission shall direct the City staff to return it to the developer, along with a written list of deficiencies.
  - vi. The Planning Commission is specifically charged with ensuring that all significant conditions required for the development have been resolved before recommending City Council action.
  - g.a. If the Planning Commission recommends that a proposed condominium plat be approved, the City staff shall place it on the agenda of the next available City Council meeting where the application may be properly considered.
    - If the City Council finds that the plat is in its final form and complies with the City Code and with the terms and conditions of the approved plat, it shall authorize the Mayor to sign the proposed condominium plat when the Development Agreement (if applicable) is completed and approved by City staff.
    - If the City Council determines that the condominium plat does not comply with the City Code and with the terms and conditions of the approved plat, it shall direct City staff to return the proposed condominium plat to the developer, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.
  - The City Recorder, or his or her designee, shall be responsible for recording condominium plats. The developer shall pay for all recording fees at the time of recordation. No condominium plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.
5. Condominium Plats shall be prepared in accordance with all applicable titles of the Utah Code (e.g., Title 57) and all Final Plat requirements deemed necessary by City staff.

#### **19.12.07. Minor Subdivision Approval Procedure.**

Applications to subdivide a parcel into a maximum of four parcels may follow the process described herein as the Minor Subdivision Approval Procedure. The process of effectuating the subdivision of land as a Minor Subdivision shall commence with the submission of a complete Minor Subdivision application to the City. Upon receipt of an application for a Minor Subdivision approval, the following process shall be followed and criteria met:

##### **1. Limitations.**

- a. A Minor Subdivision is a one-time process. To ensure adequate infrastructure, lots contained in an existing recorded subdivision plat are not eligible to apply for a Minor Subdivision.
- b. The minimum lot size for lots created through a Minor Subdivision shall be one acre, or the minimum allowed by the zone, whichever is greater.
- c. Lots created through a Minor Subdivision may not be buildable until all other applicable State and local requirements are met.

2. **Complete Application.** The Planning Director and City Staff shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.
3. **DRC Review.** Once an application is deemed to be complete, the Development Review Committee shall complete a review of the proposed plat and submit a report to the Planning Commission prior to the meeting where the Planning Commission will review the Final Plat application.
4. **Planning Commission Approval.** The Planning ~~Commission-Director~~ shall ~~conduct a public hearing and~~ review the proposed Final Plat to determine whether it is in compliance with the City Code.
  - a. If the proposed plat complies, the Planning ~~Commission-Director~~ shall approve the plat and authorize the Mayor to sign the plat.
  - b. If the proposed plat fails to comply, the Planning ~~Commission-Director~~ shall deny the plat, or may continue the decision ~~with direction to the City staff to and~~ return it to the developer along with a written list of deficiencies that must be corrected before the Planning ~~Commission-Director~~ will authorize the Mayor to sign it.
  - c. The Planning ~~Commission-Director~~ is specifically charged with ensuring that all significant conditions required for plat approval have been resolved before taking final action.
5. **Recordation.** The City Recorder, or designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plat shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

\* \* \* \* \*

**19.13.04. Specific Development Processes and Submittal Requirements.**

1. This Section of the Chapter identifies the development processes for each of the major types of developments within the City of Saratoga Springs. The following table is a non-exhaustive summary of these processes, and specifies who acts as the land use authority for each:

<b>Process and Land Use Authority →</b>	Planning Director Approval	Planning Commission Public Hearing	Planning Commission Recommendation	Planning Commission Approval	City Council Approval
<b>Development Type ↓</b>					
Change of Use Permit**	X				
Concept Plan	<b>X - Informal review only</b>				
Conditional Use – New Construction		X	X		X
Conditional Use – Existing Building or Site**	X				
Development Agreement (DA)					X
DA or MDA Amendment – Minor	X				
DA or MDA Amendment – Major					X
Home Occupation*	X				
Lot Line Adjustment	X				
Master Development Agreement (MDA)		X	X		X

Minor Subdivision	X	X		X	
Planned Unit Development		X	X		X
Plat, Amendment**	X				
Plat, Condominium and Final	X				X
Plat, Preliminary		X	X	-	X
Site Plan		X	X	-	X
Site Plan Amendment - Minor	X	X		X	
Site Plan Amendment - Major		X	X	X	X
Temporary Use	X				

\* May be approved by staff unless staff determines Planning Commission approval is necessary based on the criteria in § 19.08.03.

\*\* May be approved by staff unless Planning Commission or Council approval is required per §19.12 or §19.13.

**19.14.06. Application.**

\* \* \* \* \*

**8. Site Plan Application and Approval Process.**

- a. All persons seeking Site Plan approval shall submit an application to the Planning Department for review by the City’s Development Review Committee (DRC).
- b. Complete engineering drawings for all on-site and off-site improvements must be provided prior to the Site Plan application being scheduled for any public meeting or hearing. The Engineering Department and Development Review Committee shall review the drawings for compliance with City ordinances, regulations, and standards.
- c. New site plans shall follow the process below:
  - i. Prior to being scheduled for any public meeting or hearing, the developer shall provide a soils report for the development.
  - ii. Upon compliance with the Development Review Committee’s recommendations, the revised application shall be forwarded to the Planning Commission for a public hearing and possible recommendation.
  - iii. Upon recommendation by the Planning Commission, the application shall be forwarded to the City Council.
  - iv. The City Council shall review and take action to table, approve, deny, or to modify the same.
  - v. Upon action by the City Council on the Site Plan application, the City Recorder shall prepare written minutes of the decision.
- d. Amended site plans shall follow the process below:
  - i. Minor amendment: an amendment that does not alter the density, intensity of use, amount of open space, or unit type, and may be approved by the Planning Commission Director.
  - ii. Major amendment: an amendment that alters the density, intensity of use, amount of open space or unit type, and may be approved by the Planning Commission following a public hearing. shall follow the same process as a new site plan.

**GENERAL PLAN**

h. **Mixed Lakeshore Waterfront.** The Mixed Lakeshore 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 Lakeshore 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 Lakeshore 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 Lakeshore Waterfront (MLMW).**

**1. Purpose and Intent.**

- a. The purpose of the Mixed Lakeshore Waterfront (MLMW) 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 uses-land area and 20% commercial uses-land area in this zone, and no development containing less than 20% commercial land area will be considered. The City will review each proposal on an individual basis to determine an acceptable ratio for the residential and commercial components.
- 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 Lakeshore Waterfront Zone.

3. **Conditional Uses.** The uses identified in 19.04.07.3 as Conditional Uses in the Mixed Lakeshore Waterfront (MLMW) 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 40,000 square feet one acre.
- b. Lots within a 40,000 square foot 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.

e.f. ~~The minimum lot size for any non-residential use in this zone is one acre.~~ 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.

f.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, ~~including accessory buildings,~~ 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 required to subject 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, maintain at least five feet of distance from all sides of the accessory structure to any other structure.~~

e.f. There shall be a five foot minimum separation between all sides of the accessory buildings and dwelling units ~~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 than 15 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.)
  - ~~c. **Commercial Uses.**
    - i. No commercial use may be placed within 200 feet of single family development existing at the time of commercial development.
    - ii. The majority of commercial uses shall be located adjacent to the waterfront. Where the main access road to the development also intersects with an arterial, a minority of the commercial development may be located at this intersection.~~
  - ~~d. **Density Transition.** Where development abuts existing single family development, similar low densities shall be placed adjacent to the existing development, which may then transition to higher densities as distance from existing development increases.~~
  - ~~b.e. **Access.** Primary access to a Mixed Waterfront development shall not occur on local roads through existing single family residential neighborhoods, and shall occur on collector or arterial roads.~~
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. Such 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 landscaping 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)

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**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 **Lakeshore Waterfront**: Subsections 19.04.25 (2) and (3).
  - i. Business Park: Subsections 19.04.26 (2) and (3).

19.05 – MERGING TWO SALES TRAILER SECTIONS

19.05.02. General Supplemental Regulations.

\* \* \* \* \*

1. **Model Homes.** Model homes may be constructed in approved and recorded residential subdivisions when water, power, and sewer services are available to the site. Sites for model homes must also have improved, all-weather, vehicular access as approved by the City Engineer. Model homes may not be occupied as a dwelling until a permanent Certificate of Occupancy has been issued by the City.

a. \_\_\_\_\_

~~b. \_\_\_\_\_~~ **Temporary Sales Trailers.** The following regulations shall pertain to all Temporary Sales Trailers:

- ~~c. \_\_\_\_\_~~ the trailer shall be located within an approved and recorded subdivision area for which the trailer is selling homes or lots. Sales trailers that are off site from the project area are prohibited;
- ~~d. \_\_\_\_\_~~ water, power, and sewer services shall be available to service the trailer. Such trailers must have bathroom facilities within the trailer that are accessible to the public and any employees that may work in the trailer;
- ~~e. \_\_\_\_\_~~ the trailer must be in compliance with the accessibility regulations in Chapter 19.09 and as approved by the City Building official;
- ~~f. \_\_\_\_\_~~ the trailer must receive a building permit from the City and must also have an approved landscape plan and off street parking area. Compliance with this provision will be reviewed and approved by planning staff prior to building permit issuance. At the time of building permit issuance a bond shall be posted in the amount of \$3,000.00 to guarantee appropriate removal and clean up of the site;
- ~~g. \_\_\_\_\_~~ no trailer will be allowed to be located in any subdivision project for a period of time in excess of twelve months. Trailers shall be removed within thirty days of the expiration of the occupancy permit. A one time extension of up to twelve months may be approved by City staff. A request for an extension must be made prior to the end of the initial twelve month period;
- ~~h. \_\_\_\_\_~~ a signage plan shall be submitted with any application for a temporary sales trailer and must be in compliance with the City's ordinances governing signs; and
- ~~i. \_\_\_\_\_~~ failure to comply with any of the conditions of a temporary sales trailer permit shall be considered justification for the revocation of such a permit by City Staff.

\* \* \* \* \*

19.05.14. Temporary Subdivision Sales Trailers.

1. One temporary sales trailer may be granted per preliminary or final plat so long as it complies with the standards in this Section 19.05.14. Failure to comply with any of the standards herein shall be considered justification for the revocation of the permit by City Staff. An applicant must receive a permit for a subdivision sales trailer from the Planning Director, who is designated as the land use authority, and a building permit from the Building Official. Any of the standards below do not replace or limit any building or fire codes adopted by the City. In the event of a conflict, the more restrictive standard shall apply. The following are the specific land use standards for a temporary subdivision sales trailer:

- a. The sales trailer must be located in a subdivision of not less than five acres in total acreage. The trailer shall be located within an approved and recorded subdivision area for which the trailer is selling homes or lots.
- b. Sales trailers that are off-site from the project area are prohibited.
- c. Sales trailers are not permitted in subdivisions which also have an operational model home; sales trailers approved prior to a model home shall be removed within thirty days of a model home beginning operation.
- d. The Sales trailers must be located at least 200 feet from any existing dwelling outside of the subdivision measured along street lines;
- B. \_\_\_\_\_, and issued a subdivision sales office permit.
- \_\_\_\_\_ A permit for a subdivision sales trailer may be issued by the Planning Director and Building Department at any time after recording of the subdivision;
- e. the trailer shall be located within an approved and recorded subdivision area for which the trailer is selling homes or lots. Sales trailers that are off site from the project area are prohibited;

~~f. Water, power, and sewer services shall be available to service the sales trailer. Such sales trailers that are accessible to the public or any employee must have bathroom facilities within the sales trailer that are accessible to the public and any employees that may work in the trailer.~~

~~e.~~

~~g. The sales trailer must be in compliance with the accessibility regulations in Chapter 19.09 and as approved by the City Building official.~~

~~f.~~

~~h. The sales trailer must receive a building permit from the City and must also have an approved landscape plan and off-street parking area. Compliance with this provision will be reviewed and approved by planning staff prior to building permit issuance.~~

~~g.~~

~~i. At the time of building permit issuance, a bond shall be posted in the amount of \$3,000.00 to guarantee appropriate removal and clean-up of the site.~~

~~h.~~

~~i. No sales trailer will be allowed to be located in any subdivision project for a period of time in excess of twelve months.~~

~~i. Within this twelve month period, sales trailers shall be removed within thirty days of the expiration of the occupancy permit, or after issuance of the final certificate of occupancy in the development, or after approved construction activity ceases, whichever is shorter.~~

~~j. A one-time extension of up to twelve months may be approved by City staff. A request for an extension must be made prior to the end of the initial twelve month period.~~

~~ii.~~

~~a. A signage plan shall be submitted with any application for a temporary sales trailer and must be in compliance with the City's ordinances governing signs; and~~

~~j.~~

~~k. Failure to comply with any of the conditions of a temporary sales trailer permit shall be considered justification for the revocation of such a permit by City Staff.~~

~~b.k. For temporary subdivision sales trailer for which construction begins within 180 days of issuance of the permit, the permit shall become void one year following the date on which the permit was issued. The temporary trailer shall then be removed unless thirty days prior to the expiration of the one year period, a request for an extension of time is made and granted by the Planning Director. In no case will more than one extension be granted, and such extension may not be more than one year. If construction does not begin within 180 days of issuance of the permit, the permit shall expire per the International Building Code.~~

~~A temporary subdivision sales trailer shall be removed no later than 30 days after issuance of the final certificate of occupancy in the development or approved construction activity ceases.~~

Chapter 19.06. Landscaping and Fencing.

\* \* \* \* \*

19.06.06. Planting Standards and Design Requirements **for Nonresidential and Common Open Space.**

3. These planting standards are the minimum standards of landscaping that the City will accept towards meeting the landscaping required in this **Chapter for nonresidential development and open spaces that are held in common or in Homeowner's Association ownership in residential developments.** Design requirements identify specific standards as they pertain to landscaping. The planting standards and design requirements shall be used in evaluation of any landscaping plan by the City Council.
4. The following are planting standards for required landscaping that shall be followed for all new development, with all caliper sizes measured no less than 12 inches above the root ball:
  - ~~a.~~ **Required trees are subject to the following standards:**
  - ~~b.~~
    - a.** **Required Trees.** Required trees are subject to the following standards:
      - i. **Deciduous Trees.** All deciduous trees shall have a minimum trunk size of two (2) inches in caliper.
      - ii. **Evergreen Trees.** All evergreen trees shall have a minimum size of 6 feet in height.
      - iii. **Tree base clearance.** ~~no rock shall be placed in an area at the base of the plant~~ **a minimum of three feet in diameter equal in size to the predicted canopy of shrubs and trees at maturity and shall instead be covered with wood chips, mulch, bark, or other non-rock cover** ~~shall be kept free of rock and turf. In parking lot islands and other narrow strips of landscaping where strips of turf two feet or less in width would otherwise occur, this clear area may be reduced to two feet in diameter.~~
  - ~~b.~~ **Shrubs.** At least 25% of the required shrubs shall be a minimum of 5 gallons in size at time of installation; all other required shrubs shall be a minimum of 1 gallon in size.
  - ~~c.~~ **Turf.** No landscaping shall be composed of more than seventy percent turf.
  - ~~d.~~ **Drought Tolerant Plants.** Fifty percent of all trees and shrubs ~~species~~ shall be required to be drought tolerant **species.**
  - ~~e.~~ **Rock:** rock may be utilized up to the maximum percentage specified in Section 19.06.07, subject to the following requirements:
    - i. a minimum of two separate colors, and a minimum of two different sizes shall be used;
    - ~~ii.~~ **rock shall provide contrasting color to pavement and other hard surfaces within the property, and all colors used shall be earth tones, and**
    - ~~iii.~~ **no rock shall be placed in an area at the base of the plant equal in size to the predicted canopy of shrubs and trees at maturity and shall instead be covered with wood chips, mulch, bark, or other non-rock cover**
  - ~~f.~~ **Planting and Shrub Beds.** Planting and shrub beds may be used to satisfy up to the percentage of the total required landscaping as specified in the Section 19.06.07. In addition to the required plants in the chart, planting and shrub beds must meet the following requirements:
    - i. high-quality weed barrier is used;
    - ii. high quality materials such as wood chips, wood mulch, ground cover, decorative rock, landscaping rocks, or similar materials are used, and materials must be heavy enough to not blow away in the wind;
    - iii. edging is used to separate lawns from beds, and all areas except residential must use concrete edging for durability;
    - iv. drip lines are used for irrigation.
  - ~~g.~~ **Artificial Turf.** Artificial turf is not permitted ~~in non-residential landscaping, and is not permitted in front or corner street side yards in residential development.~~
5. The following design requirements will be used when reviewing landscaping plans in the City of Saratoga Springs:
  - a. **Selection of Plants.** Plants shall be selected for texture, form, color, pattern of growth, and adaptability to local conditions.
  - b. **Evergreens.** Evergreens shall be incorporated into landscaped treatment of sites where screening and buffering are required.

- c. **Softening of Walls and Fences.** Plants shall be placed intermittently against long expanses of building walls, fences, and barriers to create a softening effect.
  - d. **Planting and Shrub Beds.** Planting and shrub beds are encouraged to be used in order to conserve water. Planting and shrub beds shall meet the requirements in subsection 19.06.06(2)(g) above.
  - e. **Water Conservation.** While irrigation systems are required for all landscaped areas, all systems shall be efficient in the use of water such as the installation of drip lines for shrubs and trees.
  - f. **Energy Conservation.** Placement of plants shall be designed to reduce energy consumption. Deciduous trees are encouraged to be planted on the south and west sides of structures to provide shade over the structures in the summer months. Evergreens trees are encouraged to be planted on the north side of structures when feasible to dissipate the effects of winter winds.
  - g. **Preservation of Existing Vegetation.** Where possible and appropriate, existing native vegetation must be incorporated into the landscape treatment of the proposed site.
  - h. **Tree Preservation.** Existing mature evergreen trees of 16 feet in height or greater, and existing mature deciduous or decorative trees of more than four inches (4") in caliper, shall be identified on the landscape plan and preserved if possible.
    - i. If preservation is not possible, the required number of trees shall be increased by double the number of such trees removed.
    - ii. The replacement trees for evergreen trees shall be evergreens, and for deciduous shall be deciduous.
    - iii. Trees smaller than four inches in caliper that are removed shall be replaced on a one to one ratio.
    - iv. Replacement trees shall be in addition to the minimum tree requirements of this Chapter, and shall comply with minimum sizes as outlined in the Chapter.
  - i. **Placement.** Whenever possible, landscaping shall be placed immediately adjacent to structures, particularly where proposed structures have large empty walls.
6. No trees shall be planted directly under or in close proximity to power lines, poles, or utility structures unless:
- a. the City Council gives its approval;
  - b. the power company or owner of the power line gives written consent; and
  - c. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.

#### 4.7. Parking Lots.

- a. Parking areas have additional landscaping standards outlined in Chapter 19.09.

(Ord. 14-23)

#### **19.06.07. Amount of Required Landscaping.**

- 1. Portions of property that are not developed with structures, rights of ways, or parking areas shall be required to be landscaped per the definition of Landscaping in Section 19.02 in all land use zones.
- 2. Single-family residential lots shall be required to landscape per Section 19.06.08.
- 3. The Multi-family, improved open space, and nonresidential development in the R-6, R-10, R-14, R-18, NC, MU, RC, OW, I, ML, BP, IC, PSB-all Zones shall be required to adhere to the minimum landscaped standards contained in the table below.
- 4. The City Council shall have authority to adjust these standards as circumstances dictate.

Required Landscaped Area <sup>1</sup>	Minimum Deciduous Trees <sup>3</sup>	Minimum Evergreen Trees <sup>3</sup>	Minimum Shrubs	Minimum Percentage of Required Turf	Percentage of Required Planting and Shrub Beds
< than 1,000	1	1	7	0 % <sup>2</sup>	Up to 100%
1,001 - 3,000	3	1	10	0 % <sup>2</sup>	Up to 100%
3,001 - 5,000	5	2	13	0 % <sup>2</sup>	Up to 100%
5,001 - 7,000	5	3	14	35%	Not more than 65%
7,001 - 9,000	6	3	17	35%	Not more than 65%
9,001 - 11,000	6	4	19	35%	Not more than 65%
11,001 - 13,000	6	4	22	35%	Not more than 65%
13,001 - 15,000	7	5	25	35%	Not more than 65%
15,001>	7 + 1 per additional 3000 sq.ft.	5 + 1 per additional 3000 sq.ft.	25 + 1 per additional 3000 sq.ft.	25%	Not more than 75%

<sup>1</sup>Areas are measured in square feet. Parking lot landscaping islands may have different standards and are found in Chapter 19.09.

<sup>2</sup>The City Council may require a certain percentage of turf on a case-by-case basis.

<sup>3</sup>This number shall be increased per the requirements of Section 19.06.06 above.

(Ord. 14-23, Ord. 14-1)

**19.06.08. Additional Single Family Residential and Park Strip Landscaping Requirements.**

**I. Single Family Residential Lots**

~~5-a.~~ All residential lots in all zones except A and RA-5, one-third acre in size and smaller shall have the front yards, and street-side yards for corner lots, landscaped within one year, and interior side and back yards within two years after (whichever is less restrictive):

- ~~a.i.~~ receiving a Certificate of Occupancy; or
- ~~ii.~~ once ownership is established by the current owner.

~~b.~~ All residential lots larger than one-third acre must landscape a minimum of one-third acre:

- ~~i.~~ The one-third acre may include structure footprints, driveways, parking areas, and other lot improvements that fall within a contiguous one-third acre area.
- ~~ii.~~ Areas outside of the landscaped one-third acre may remain in a native state, however but and shall be maintained in compliance with nuisance and fire requirements.
- ~~iii.~~ That portion of the landscaping that falls within the front yard, and street side yard for corner lots, shall be landscaped within one year, and that portion of landscaping within interior side and back yards shall be landscaped within two years after (whichever is less restrictive):
  - ~~1.~~ receiving a Certificate of Occupancy; or
  - ~~2.~~ once ownership is established by the initial owner.

~~c.~~ All landscaped areas shall be completely landscaped per the definition of Landscaping in Section 19.02, with the following exceptions:

- ~~i.~~ Bare dirt, meaning ground with no planting, hardscape, rock, or other cover, may occur in limited quantities when in conjunction with gardens, trellis areas, and similar features.
- ~~ii.~~ Trees and shrubs are permitted to have a ring of bare dirt around the trunk and beneath the drip line of the canopy.

~~d.~~ At least 25% of landscaping in front yards and corner street side yards shall consist of non-rock planter beds, shrubs and grasses, or other non-hardscape and non-rock landscaping.

~~e.~~ Artificial turf is not permitted in front or corner street side yards.

~~f.~~ No trees shall be planted directly under or in close proximity to power lines, poles, or utility structures unless:

- ~~i.~~ the City Council gives its approval;

- ii. the power company or owner of the power line gives written consent; and
- a-iii. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.

~~6.2.~~ Park strips.

~~b.a.~~ Park strips shall be landscaped when the front yard is landscaped for a residential dwelling, or when site improvements are completed for a non-residential project, and shall thereafter be perpetually maintained by the property owner who abuts the park strip. Only the following shall be installed in park strips: turf, trees, shrubs or other plants, mulch, live plant vegetation (other than trees) below three feet in height, landscape rock, cobble, and removable pavers. When landscape rock, cobble, or pavers are used, at least thirty percent of each park strip shall contain plantings.

—Weeds, dead vegetation, fruit trees, fruit and vegetable gardens, gravel, asphalt, concrete, and large boulders are prohibited in park strips.

~~b.~~

~~c.~~ Four foot wide concrete walkways are allowed in the park strip when the walkway lines up with the main walkway to the front door.

~~7.~~

~~8. Parking Lots.~~

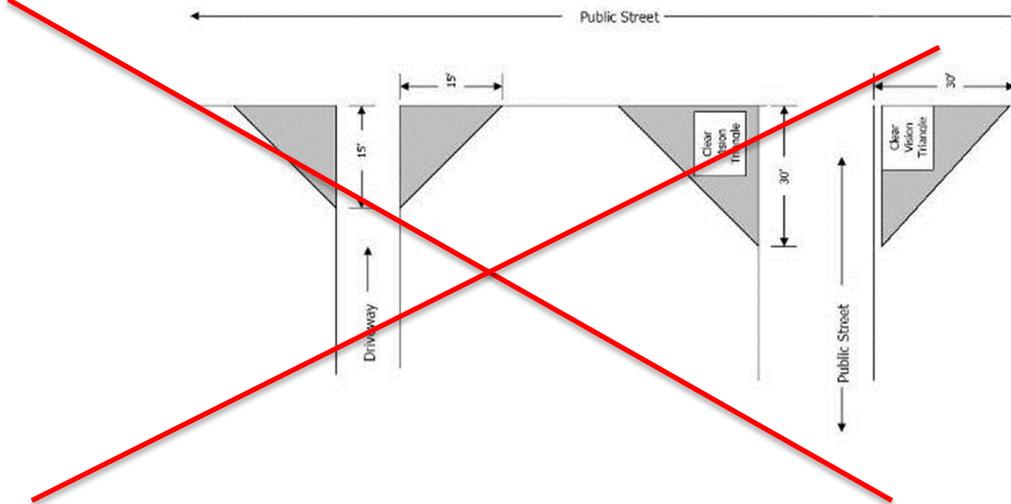
~~e. Parking areas have additional landscaping standards outlined in Chapter 19.09.~~

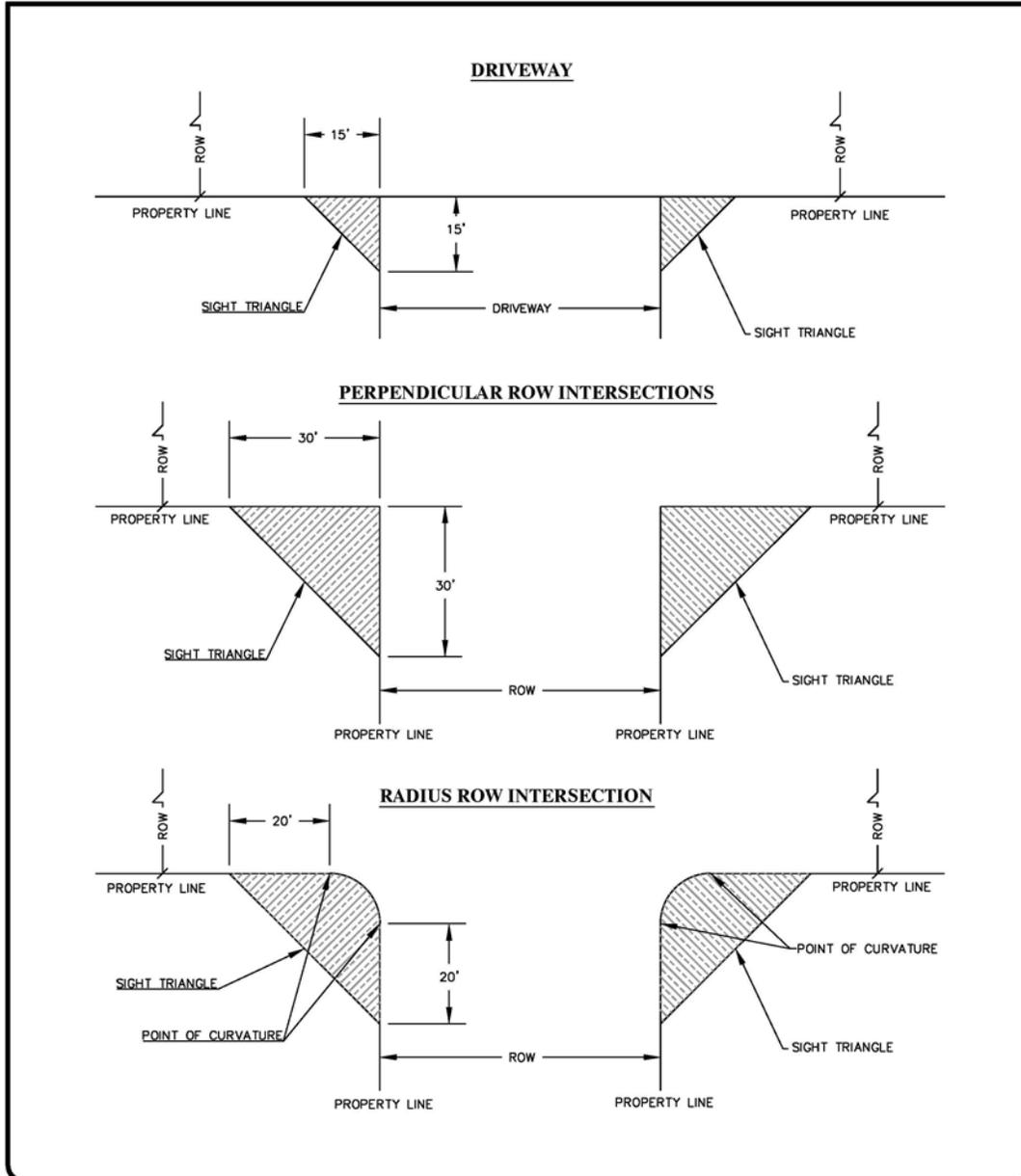
(Ord. 14-23)

**19.06.11. Clear Sight Triangle.**

At all intersections of streets, driveways, or sidewalks, all landscaping, berms, and fencing shall be limited to a height of not more than three feet, and the grade at such intersections shall not be bermed or raised, for a distance of twenty feet back from the point of curvature of curved ROWs and property lines or thirty feet back from the intersection of straight ROWs and property lines, whichever is greater, and fifteen feet back from edge of driveways to allow for clear sight as shown in the graphic below.

**Clear Sight Triangle:**





<b>SIGHT TRIANGLE</b>	DATE: JULY 2014	REVISIONS		STANDARD DETAILS	
	DRAWING NAME:	REV: DATE BY COMMENTS		SIGHT TRIANGLE	
	DRAWN BY: ETL				
	CHECKED: APPROVED:	<b>SARATOGA SPRINGS CITY</b> <small>1307 N. COMMENCE DR. 8500 SARATOGA SPRINGS, UT 84045 PHONE: 801-798-4700 FAX: 801-798-0794</small>			

(Ord. 14-23)

#TBD. “Yard, side”

- a. Interior **side yard**: means a yard between the interior side lot line and the side facade of a main building, extending from the front yard to the rear yard, and
- b. **Street side yard**: a yard between the street side lot line and the side façade of a main **building on a corner lot**, extending from the front yard to the rear lot line, as illustrated in Figure 2.2 below.

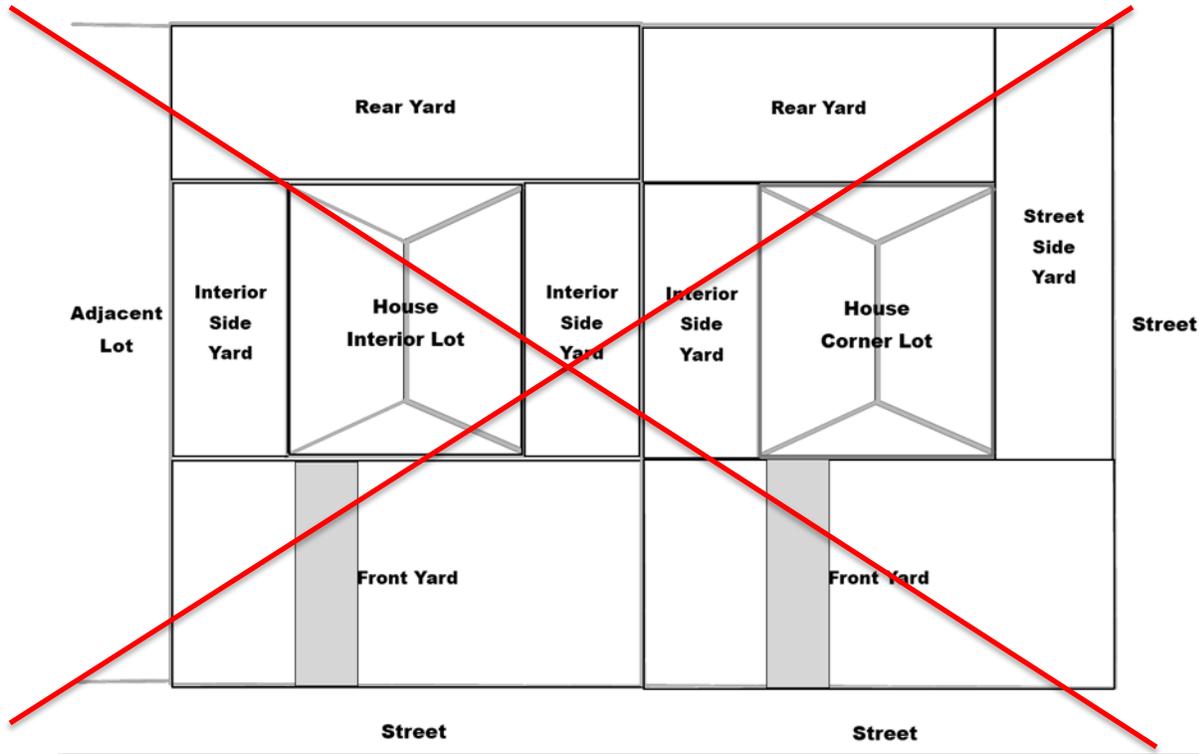
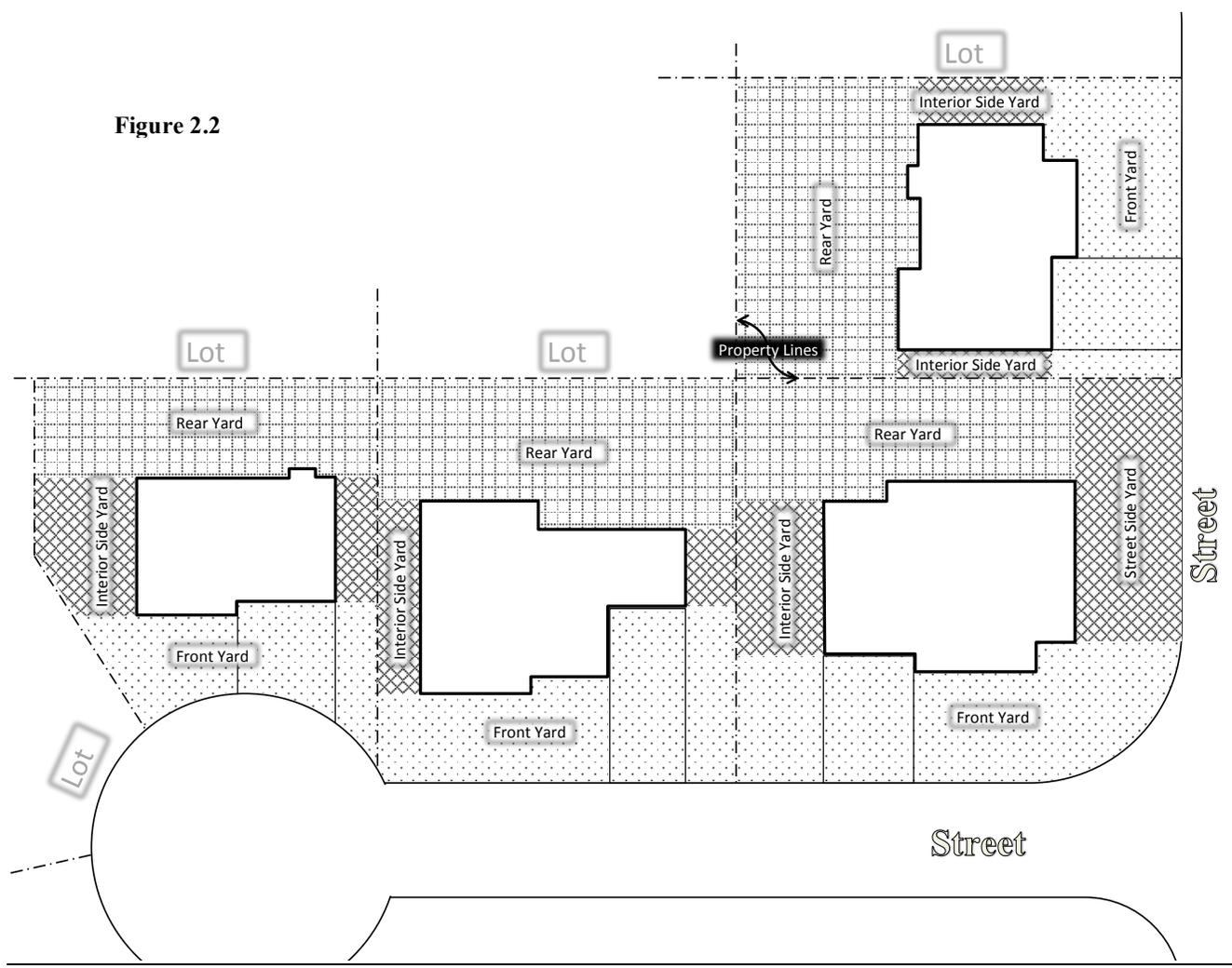


Figure 2.2





2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Regional Commercial (RC) Zone.
3. **Conditional Uses.** The uses identified in the table in 19.04.07.3 as Conditional Uses in the Regional Commercial (RC).

**19.15.06. Special Standards and Considerations Governing Particular Uses.**

In addition to the general standards and considerations set forth in 19.15.08, the following special standards shall be considered in relation to an application for a Conditional Use permit for any of the following uses:

1. **Automobile refueling stations and car wash operations.** As Conditional Uses, automobile refueling stations and car wash (self-serve) operations may be permitted under the following conditions:
  - a. The proposed location of the Conditional Use is in accord with the Land Use Ordinance and land use zone in which the site is located.
  - b. They do not break up contiguity for pedestrians of retail store frontage.
  - c. They will not be a nuisance to residences and other surrounding uses.
  - d. They will not cause traffic hazards or undue traffic congestion.
  - e. For automobile refueling stations or free standing car washes, the lot frontage, if located on a major street, shall not be less than 125 feet.
  - f. For automobile refueling stations or car wash operations with gasoline, diesel, or natural gas pumps shall have buildings of the type of construction as required in applicable building codes, and are to be located at a distance of not less than twenty-five feet from property or building setback lines, whichever is greater.
  - g. Gasoline pumps and pump islands for car wash operations or automobile refueling stations shall have a canopy and the setback, measured from the edge of the canopy, shall be not less than twenty-five feet from any property lines or shall be in conformity with the building setback lines of the zone, whichever is greater.
  - h. Driveway design and spacing for automobile refueling stations or car wash operations shall be reviewed by the City Engineer, whose recommendation will be forwarded to the Planning Commission.
  - i. The minimum closest distance from the automobile refueling stations or car wash with gas pumps site to an existing school, park, playground, museum, or place of public assembly shall not be less than 500 feet.
  - j. No outdoor storage of rental trucks or trailers, stacks of tires, or other merchandise will be provided by the automobile refueling stations or car wash operation except when such equipment or merchandise is screened by an approved fence not less than six feet in height.

**19.18.04. Signs not requiring a permit.**

- 9.d. Two off-premise development identification signs may be allowed to guide traffic to a site.
  - i. These signs are limited to thirty-two square feet in area and eight feet in height.
  - ii. These signs must be placed entirely upon private property.
  - iii. These signs must have written permission of the property owner and be presented to the Planning Director for approval before they are erected.
  - iv. The duration of display shall be the same as On-Premise development identification signs.

**19.23.03. Permitted Locations and Restrictions.**

Sexually oriented businesses shall only be permitted in areas zoned Industrial, as defined in the Saratoga Springs Land Development Code, Section 19.04.20. Sexually oriented businesses are subject to the following additional restrictions:

1. No sexually oriented business shall be located within a 1,000 foot radius of any church, park, school, or residential zone, as measured by a straight line without regard to intervening structures. The distance is measured from the property line of the church, park, school, or residential zone nearest the sexually oriented business and the property line of the sexually oriented business nearest the church, park, school, or residential zone.

19.05 – MERGING TWO SALES TRAILER SECTIONS

19.05.02. General Supplemental Regulations.

\* \* \* \* \*

19. Model Homes. Model homes may be constructed in approved and recorded residential subdivisions when water, power, and sewer services are available to the site. Sites for model homes must also have improved, all-weather, vehicular access as approved by the City Engineer. Model homes may not be occupied as a dwelling until a permanent Certificate of Occupancy has been issued by the City.

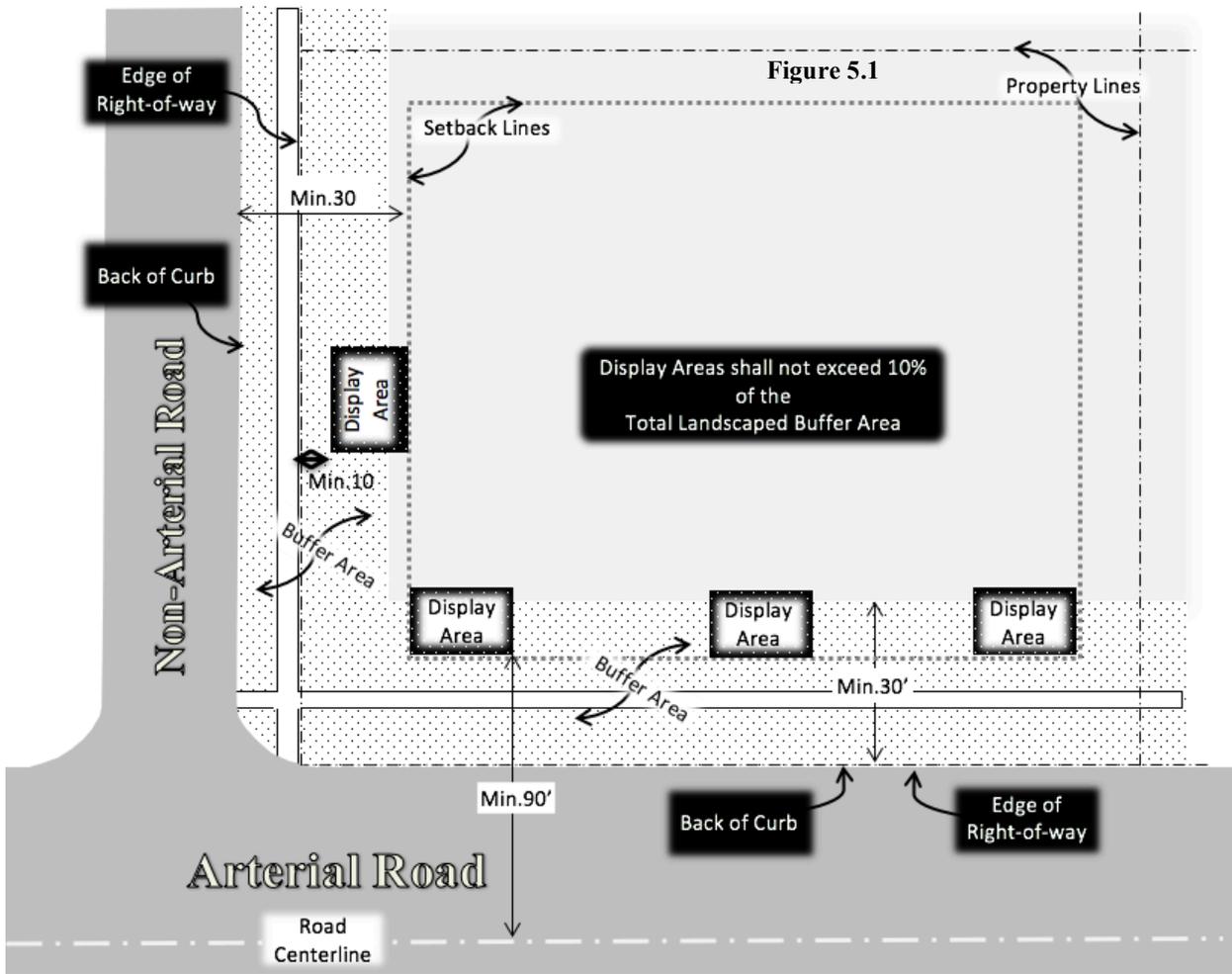
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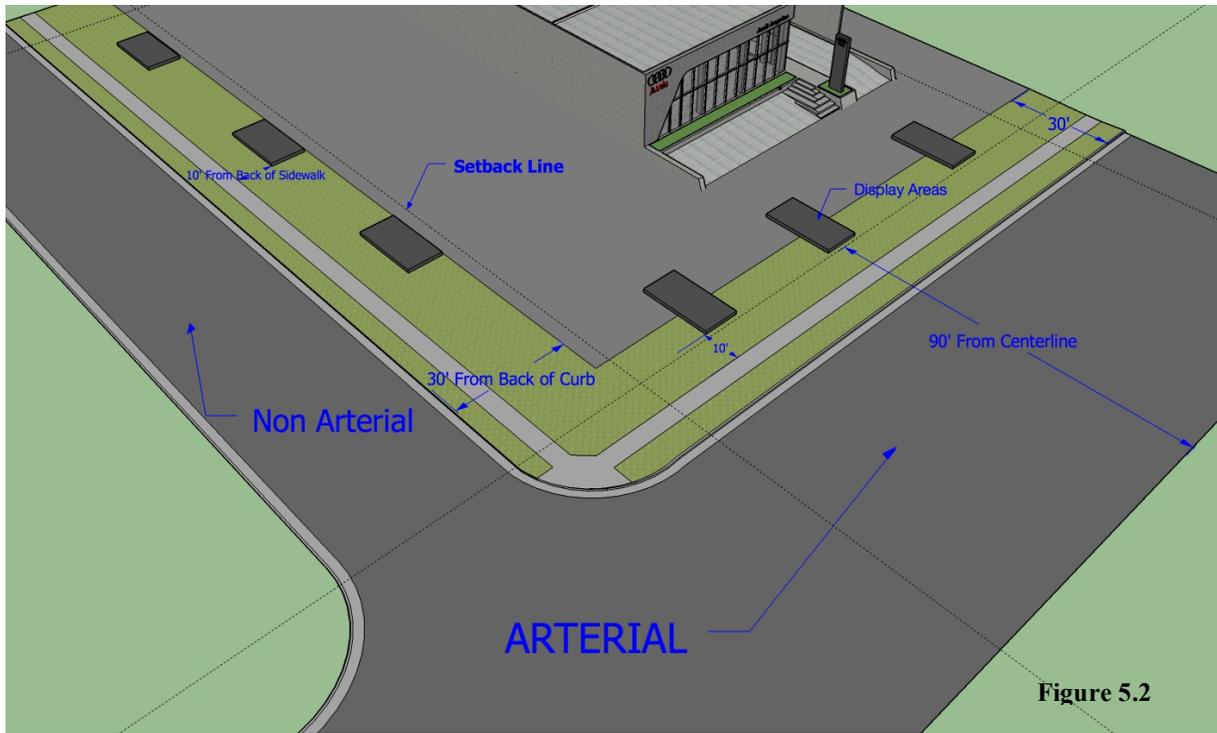
19.05.14. Temporary Subdivision Sales Trailers.

- I. One temporary sales trailer may be granted per preliminary or final plat so long as it complies with the standards in this Section 19.05.14. Failure to comply with any of the standards herein shall be considered justification for the revocation of the permit by City Staff. An applicant must receive a permit for a subdivision sales trailer from the Planning Director, who is designated as the land use authority, and a building permit from the Building Official. Any of the standards below do not replace or limit any building or fire codes adopted by the City. In the event of a conflict, the more restrictive standard shall apply. The following are the specific land use standards for a temporary subdivision sales trailer:
  - a. The sales trailer must be located in a subdivision of not less than five acres in total acreage. The trailer shall be located within an approved and recorded subdivision area for which the trailer is selling homes or lots.
  - b. Sales trailers that are off-site from the project area are prohibited;
  - c. Sales trailers are not permitted in subdivisions which also have an operational model home; sales trailers approved prior to a model home shall be removed within thirty days of a model home beginning operation.
  - d. Sales trailers must be located at least 200 feet from any existing dwelling outside of the subdivision measured along street lines;
  - e. Water, power, and sewer services shall be available to service the sales trailer. Sales trailers that are accessible to the public or any employee must have bathroom facilities within the sales trailer;
  - f. The sales trailer must be in compliance with the accessibility regulations in Chapter 19.09 and as approved by the City Building official;
  - g. The sales trailer must have an approved landscape plan and off-street parking area. Compliance with this provision will be reviewed and approved by planning staff prior to permit issuance.
  - h. At the time of permit issuance, a bond shall be posted in the amount of \$3,000.00 to guarantee appropriate removal and clean-up of the site;
  - i. No sales trailer will be allowed to be located in any subdivision project for a period of time in excess of twelve months.
    - i. Within this twelve month period, sales trailers shall be removed within thirty days of the expiration of the occupancy permit, or after issuance of the final certificate of occupancy in the development, or after approved construction activity ceases, whichever is shorter.
    - ii. A one-time extension of up to twelve months may be approved by City staff. A request for an extension must be made prior to the end of the initial twelve month period;
  - j. A signage plan shall be submitted with any application and must be in compliance with the City's ordinances governing signs; and
  - k. If construction does not begin within 180 days of issuance of the permit, the permit shall expire per the International Building Code.

**19.05.14. Vehicle Sales.**

- I. Uses identified as any type of outdoor vehicle sales shall meet the additional standards below, as shown in Figures 5.1 and 5.2 .
  - a. Landscaped buffer. Parking and sales lots shall be separated from adjacent roadways by a minimum 30-foot wide landscaped buffer area, as measured from back of curb. The buffer area may include required setbacks, ROW, walkways, sidewalks, and park strips.
  - b. Screening. Parking lots and large doors shall be placed behind a landscaped berm or screen wall with a minimum height of 3 feet installed in the landscaped buffer.
  - c. Arterials. Along arterial roadways, parking and sales lots shall be set back a minimum of 90 feet from the Right of Way centerline.
  - d. Vehicle Display Areas. Vehicles may be displayed in the landscaped buffer area, subject to the following restrictions:
    - i. Display may only occur in areas outside the ROW, walkways, sidewalks, and park strips.
    - ii. Display areas shall be designated through the site plan approval process.
    - iii. Display areas shall be of concrete, asphalt, or other impervious surface.
    - iv. Display areas shall be a minimum of ten feet inside the back of sidewalk.
    - v. Display areas shall comply with clear view triangle setbacks.
    - vi. Display areas shall not exceed 10% of the landscaped buffer area.
    - vii. Vehicles in the display area shall not exceed a maximum height of ten feet, such height including both vehicle and display surface as measured from the height nearest sidewalk to the highest point of the vehicle.
    - viii. For arterial roads, display areas shall also be set back a minimum of 90 feet from the centerline of the road.





**Figure 5.2**

Chapter 19.06. Landscaping and Fencing.

\* \* \* \* \*

19.06.06. Planting Standards and Design Requirements for Nonresidential and Common Open Space.

1. These planting standards are the minimum standards of landscaping that the City will accept towards meeting the landscaping required in this Chapter for nonresidential development and open spaces that are held in common or in Homeowner's Association ownership in residential developments. Design requirements identify specific standards as they pertain to landscaping. The planting standards and design requirements shall be used in evaluation of any landscaping plan by the City Council.
2. The following are planting standards for required landscaping that shall be followed for all new development, with all caliper sizes measured no less than 12 inches above the root ball:
  - a. **Required Trees.** Required trees are subject to the following standards:
    - i. **Deciduous Trees.** All deciduous trees shall have a minimum trunk size of two (2) inches in caliper.
    - ii. **Evergreen Trees.** All evergreen trees shall have a minimum size of 6 feet in height.
    - iii. **Tree base clearance.** An area at the base of the tree a minimum of three feet in diameter shall be kept free of rock and turf. In parking lot islands and other narrow strips of landscaping where strips of turf two feet or less in width would otherwise occur, this clear area may be reduced to two feet in diameter.
  - b. **Shrubs.** At least 25% of the required shrubs shall be a minimum of 5 gallons in size at time of installation; all other required shrubs shall be a minimum of 1 gallon in size.
  - c. **Turf.** No landscaping shall be composed of more than seventy percent turf.
  - d. **Drought Tolerant Plants.** Fifty percent of all trees and shrubs shall be required to be drought tolerant species.
  - e. **Rock:** rock may be utilized up to the maximum percentage specified in Section 19.06.07, subject to the following requirements:
    - i. a minimum of two separate colors, and a minimum of two different sizes shall be used;
    - ii. rock shall provide contrasting color to pavement and other hard surfaces within the property, and all colors used shall be earth tones.
  - f. **Planting and Shrub Beds.** Planting and shrub beds may be used to satisfy up to the percentage of the total required landscaping as specified in the Section 19.06.07. In addition to the required plants in the chart, planting and shrub beds must meet the following requirements:
    - i. high-quality weed barrier is used;
    - ii. high quality materials such as wood chips, wood mulch, ground cover, decorative rock, landscaping rocks, or similar materials are used, and materials must be heavy enough to not blow away in the wind;
    - iii. edging is used to separate lawns from beds, and all areas except residential must use concrete edging for durability;
    - iv. drip lines are used for irrigation.
  - g. **Artificial Turf.** Artificial turf is not permitted.
3. The following design requirements will be used when reviewing landscaping plans in the City of Saratoga Springs:
  - a. **Selection of Plants.** Plants shall be selected for texture, form, color, pattern of growth, and adaptability to local conditions.
  - b. **Evergreens.** Evergreens shall be incorporated into landscaped treatment of sites where screening and buffering are required.
  - c. **Softening of Walls and Fences.** Plants shall be placed intermittently against long expanses of building walls, fences, and barriers to create a softening effect.
  - d. **Planting and Shrub Beds.** Planting and shrub beds are encouraged to be used in order to conserve water. Planting and shrub beds shall meet the requirements in subsection 19.06.06(2)(g) above.
  - e. **Water Conservation.** While irrigation systems are required for all landscaped areas, all systems shall be efficient in the use of water such as the installation of drip lines for shrubs and trees.
  - f. **Energy Conservation.** Placement of plants shall be designed to reduce energy consumption. Deciduous trees are encouraged to be planted on the south and west sides of structures to provide shade over the structures in the

summer months. Evergreens trees are encouraged to be planted on the north side of structures when feasible to dissipate the effects of winter winds.

- g. **Preservation of Existing Vegetation.** Where possible and appropriate, existing native vegetation must be incorporated into the landscape treatment of the proposed site.
  - h. **Tree Preservation.** Existing mature evergreen trees of 16 feet in height or greater, and existing mature deciduous or decorative trees of more than four inches (4”) in caliper, shall be identified on the landscape plan and preserved if possible.
    - i. If preservation is not possible, the required number of trees shall be increased by double the number of such trees removed.
    - ii. The replacement trees for evergreen trees shall be evergreens, and for deciduous shall be deciduous.
    - iii. Trees smaller than four inches in caliper that are removed shall be replaced on a one to one ratio.
    - iv. Replacement trees shall be in addition to the minimum tree requirements of this Chapter, and shall comply with minimum sizes as outlined in the Chapter.
  - i. **Placement.** Whenever possible, landscaping shall be placed immediately adjacent to structures, particularly where proposed structures have large empty walls.
4. No trees shall be planted directly under or in close proximity to power lines, poles, or utility structures unless:
- a. the City Council gives its approval;
  - b. the power company or owner of the power line gives written consent; and
  - c. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.

**5. Parking Lots.**

- a. Parking areas have additional landscaping standards outlined in Chapter 19.09.

(Ord. 14-23)

**19.06.07. Amount of Required Landscaping.**

- 1. Portions of property that are not developed with structures, rights of ways, or parking areas shall be required to be landscaped per the definition of Landscaping in Section 19.02 in all land use zones.
- 2. Single-family residential lots shall be required to landscape per Section 19.06.08.
- 3. The Multi-family, improved open space, and nonresidential development in all Zones shall be required to adhere to the minimum landscaped standards contained in the table below.
- 4. The City Council shall have authority to adjust these standards as circumstances dictate.

Required Landscaped Area <sup>1</sup>	Minimum Deciduous Trees <sup>3</sup>	Minimum Evergreen Trees <sup>3</sup>	Minimum Shrubs	Minimum Percentage of Required Turf	Percentage of Required Planting and Shrub Beds
< than 1,000	1	1	7	0 % <sup>2</sup>	Up to 100%
1,001 - 3,000	3	1	10	0 % <sup>2</sup>	Up to 100%
3,001 - 5,000	5	2	13	0 % <sup>2</sup>	Up to 100%
5,001 - 7,000	5	3	14	35%	Not more than 65%
7,001 - 9,000	6	3	17	35%	Not more than 65%
9,001 - 11,000	6	4	19	35%	Not more than 65%
11,001 - 13,000	6	4	22	35%	Not more than 65%
13,001 - 15,000	7	5	25	35%	Not more than 65%
15,001>	7 + 1 per additional 3000 sq.ft.	5 + 1 per additional 3000 sq.ft.	25 + 1 per additional 3000 sq.ft.	25%	Not more than 75%

<sup>1</sup>Areas are measured in square feet. Parking lot landscaping islands may have different standards and are found in Chapter 19.09.

<sup>2</sup> The City Council may require a certain percentage of turf on a case-by-case basis.

<sup>3</sup> This number shall be increased per the requirements of Section 19.06.06 above.

(Ord. 14-23, Ord. 14-1)

**19.06.08. Single Family Residential and Park Strip Landscaping Requirements.**

**1. Single Family Residential Lots**

- a. All residential lots in all zones except A and RA-5, ~~one-third acre in size and smaller~~ shall have the front yards, and street-side yards for corner lots, landscaped within one year, and interior side and back yards within two years after (whichever is less restrictive):
  - i. receiving a Certificate of Occupancy; or
  - ii. once ownership is established by the current owner.
- ~~b. All residential lots larger than one-third acre must landscape a minimum of one-third acre:
  - i. The one-third acre may include structure footprints, driveways, parking areas, and other lot improvements that fall within a contiguous one-third acre area.
  - ii. Areas outside of the landscaped one-third acre may remain in a native state, and shall be maintained in compliance with nuisance and fire requirements.
  - iii. That portion of the landscaping that falls within the front yard, and street-side yard for corner lots, shall be landscaped within one year, and that portion of landscaping within interior side and back yards shall be landscaped within two years after (whichever is less restrictive):
    1. receiving a Certificate of Occupancy; or
    2. once ownership is established by the initial owner.~~
- c. All landscaped areas shall be completely landscaped per the definition of Landscaping in Section 19.02, with the following exceptions:
  - i. Bare dirt, meaning ground with no planting, hardscape, rock, or other cover, may occur in limited quantities when in conjunction with gardens, trellis areas, and similar features.
  - ii. Trees and shrubs are permitted to have a ring of bare dirt around the trunk and beneath the drip line of the canopy.
- d. At least 25% of landscaping in front yards and corner street side yards shall consist of non-rock planter beds, shrubs and grasses, or other non-hardscape and non-rock landscaping.
- e. Artificial turf is not permitted in front or corner street side yards.
- f. No trees shall be planted directly under or in close proximity to power lines, poles, or utility structures unless:
  - i. the City Council gives its approval;
  - ii. the power company or owner of the power line gives written consent; and
  - iii. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.

**2. Park strips.**

- a. Park strips shall be landscaped when the front yard is landscaped for a residential dwelling, or when site improvements are completed for a non-residential project, and shall thereafter be perpetually maintained by the property owner who abuts the park strip. Only the following shall be installed in park strips: turf, trees, shrubs or other plants, mulch, live plant vegetation (other than trees) below three feet in height, landscape rock, cobble, and removable pavers. When landscape rock, cobble, or pavers are used, at least thirty percent of each park strip shall contain plantings.
- b. Weeds, dead vegetation, fruit trees, fruit and vegetable gardens, gravel, asphalt, concrete, and large boulders are prohibited in park strips.
- c. Four foot wide concrete walkways are allowed in the park strip when the walkway lines up with the main walkway to the front door.

(Ord. 14-23)

**19.06.09. Screening and Fencing Requirements and Restrictions.**

This Section outlines provisions that govern the heights of screening and fencing.

1. **Front yards:** fences exceeding three feet in height shall not be erected in any front yard space, or street side yard space that abuts a neighboring front yard, of any residential lot.
2. **Street side yards:** fencing in street side yards adjacent to a driveway shall not exceed three feet for a distance of fifteen feet back from the intersection of driveway and sidewalk, or driveway and property line where no sidewalk exists as shown in the drawing below. Fencing shall also comply with all other clear sight triangle requirements as stated in 19.06. See Figures 6.1 and 6.2 below:

Figure 6.1

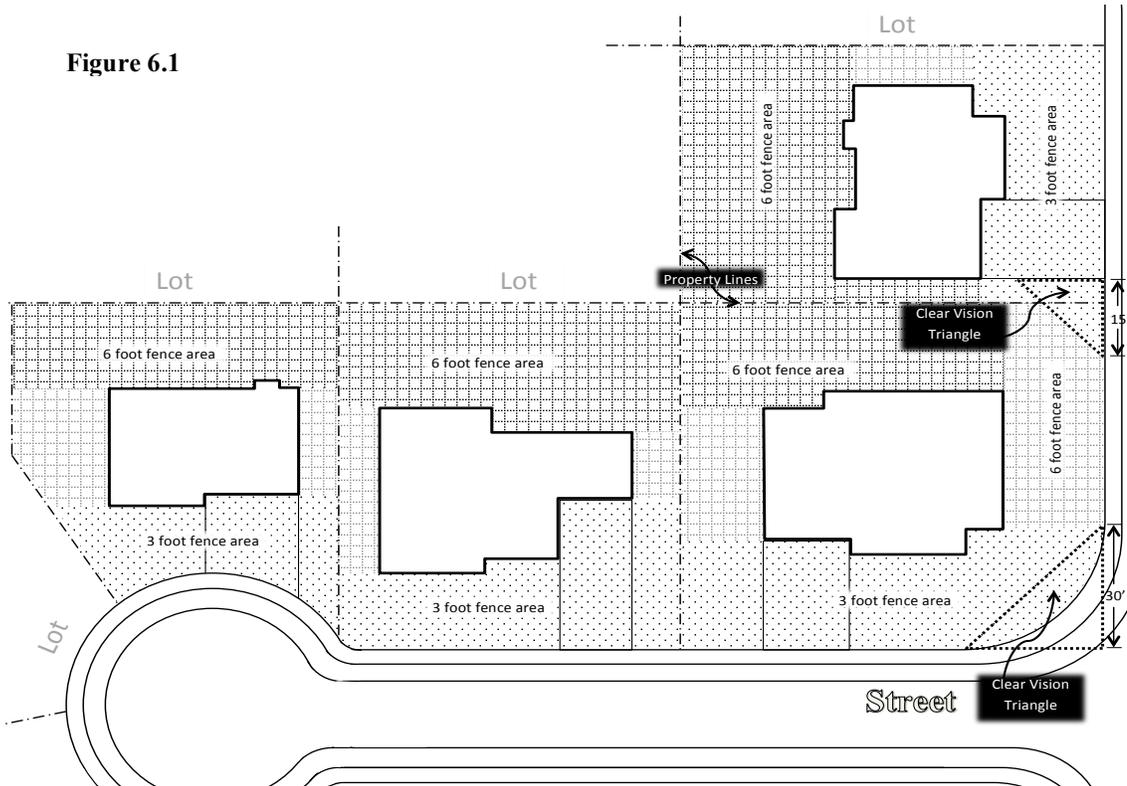
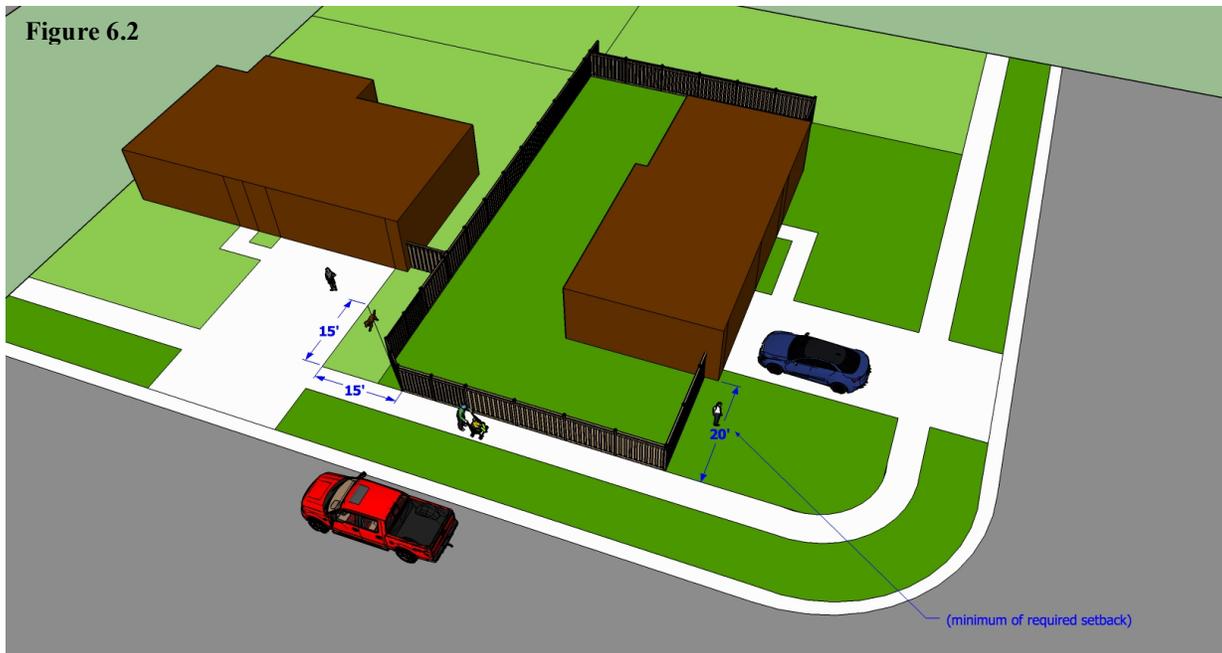


Figure 6.2

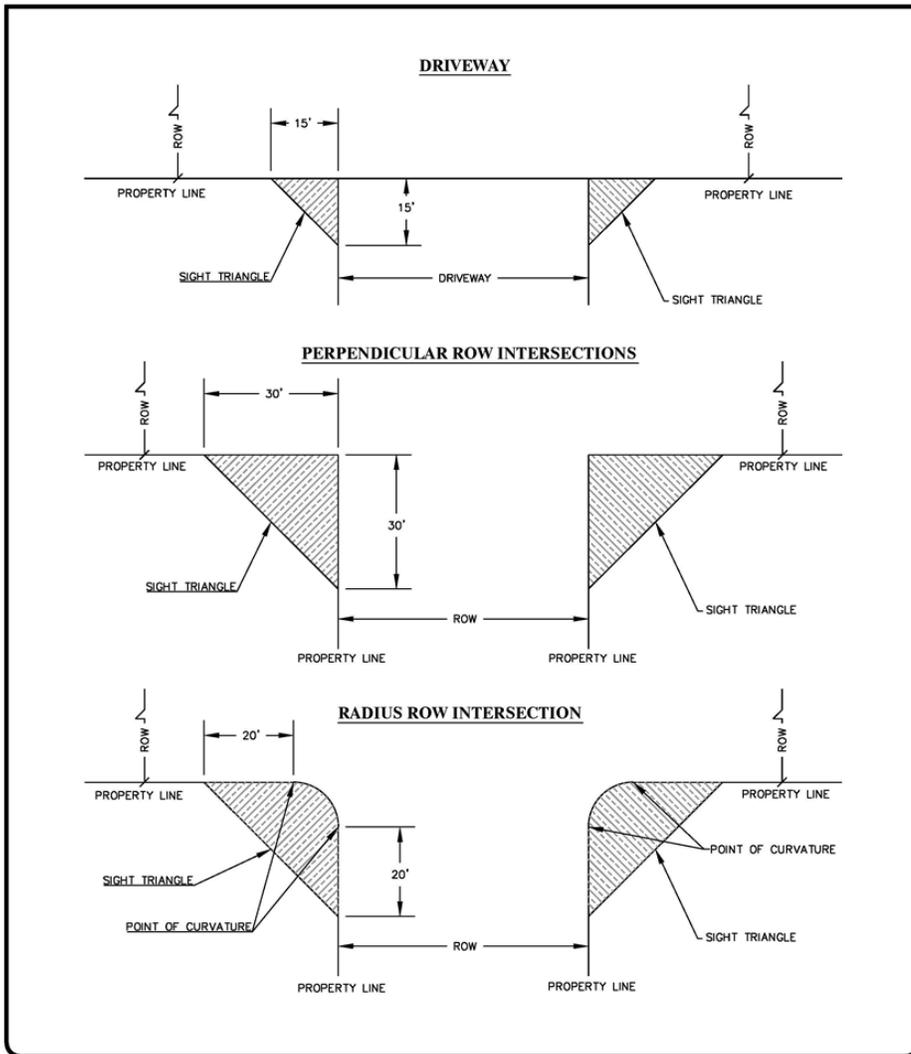


\* \* \* \* \*

**19.06.11. Clear Sight Triangle.**

At all intersections of streets, driveways, or sidewalks, all landscaping, berms, and fencing shall be limited to a height of not more than three feet, and the grade at such intersections shall not be bermed or raised, for a distance of twenty feet back from the point of curvature of curved ROWs and property lines or thirty feet back from the intersection of straight ROWs and property lines, whichever is greater, and fifteen feet back from edge of driveways to allow for clear sight as shown in the graphic below.

**Clear Sight Triangle:**



<b>SIGHT TRIANGLE</b>	DATE JULY 2014	REV. DATE	BY	REVISIONS COMMENTS		STANDARD DETAILS
	DRAWING NAME:					SIGHT TRIANGLE
	DRAWN BY: ETL					
	CHECKED: APPROVED:					
<b>SARATOGA SPRINGS CITY</b>		<small>100 N. COMMERCIAL DR. PO. BOX 500 SARATOGA SPRINGS, NY 12158 PHONE: 518.766.6799 FAX: 518.766.6794</small>				

**19.12.03. Subdivision Process and Approval Procedure.**

\* \* \* \* \*

1. **Final Plat.** Upon approval of a preliminary subdivision plat by the City Council, or concurrently with the preliminary plat, the developer must submit a final subdivision plat application to the City.
  - a. The developer may submit a Final Plat application with the Planning Director at any time after the Preliminary Plat application for a subdivision has been submitted and all applicable fees have been paid so long as any Preliminary Plat approval has not expired; Final Plat approval may not occur until after Preliminary Plat approval but applications may be processed concurrently and considered at the same meeting.
  - b. Upon receipt of an application for a Final Plat, the following process shall be followed:
    - i. City staff shall review the application to determine whether the application is complete. If incomplete, the application shall not be accepted by the City and shall be returned to the applicant, along with a written list of the reasons why the application is deficient.
    - ii. Once an application is deemed to be complete, City Staff shall review the proposed Final Plat and determine whether it is in compliance with the approved Preliminary Plat, other provisions of the City Code, and any modifications, requirements, findings, and conditions made during Preliminary Plat approval. If the proposed Final Plat fails to comply, the Planning Director shall direct the City staff to return it to the developer, along with a written list of deficiencies. The Planning Director is specifically charged with ensuring that all significant conditions required for Final Plat have been resolved before **taking** action.
    - iii. If the Planning Director finds that the Final Plat is in its final form and complies with the City Code and with the terms and conditions of the approved Preliminary Plat, it shall authorize the Mayor to sign the proposed Final Plat. If the **Planning Director** determines that the Final Plat does not comply with the City Code and with the terms and conditions of the approved Preliminary Plat, they shall return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the **Planning Director** will authorize the Mayor to sign it.
    - iv. If the Final Plat application contains requested deviations from the approved Preliminary Plat, the City staff shall place it on the agenda of the next available City Council meeting where the application may be properly considered. If the City Council finds that the Final Plat and requested deviations are in final form and comply with the City Code and with the terms and conditions of the approved Preliminary Plat, it shall authorize the Mayor to sign the proposed Final Plat. If the City Council determines that the Final Plat and requested deviations do not comply with the City Code and with the terms and conditions of the approved Preliminary Plat, it shall return the proposed Final Plat to the developer, along with a written list of deficiencies that must be corrected before the City Council will authorize the Mayor to sign it.
    - v. The City Recorder, or his or her designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plats shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

**4. Final Plat Application Requirements.** Applications for Final Plats shall be on an approved-City form and include the following items:

\* \* \* \* \*

- q. **Mylar Final Plat:** After receiving Final Plat approval from the **Planning Director or City Council** and in a form approved by the City, a 24" x 36" copy of the Final Plat shall be provided to the City on reproducible Mylar for recording with Utah County. The Mylar Final Plat shall be presented with all utility and owner signatures and appropriate notarizations.

(Ord. 14-23, Ord. 14-4)

**19.12.04. Condominium Process and Approval Procedure.**

\* \* \* \* \*

4. Upon receipt of an application for a condominium plat, the **Final Plat** process **outlined in this Chapter** shall be followed.

5. Condominium Plats shall be prepared in accordance with all applicable titles of the Utah Code (e.g., Title 57) and all Final Plat requirements deemed necessary by City staff.

**19.12.07. Minor Subdivision Approval Procedure.**

Applications to subdivide a parcel into a maximum of four parcels may follow the process described herein as the Minor Subdivision Approval Procedure. The process of effectuating the subdivision of land as a Minor Subdivision shall commence with the submission of a complete Minor Subdivision application to the City. Upon receipt of an application for a Minor Subdivision approval, the following process shall be followed and criteria met:

1. **Limitations.**
  - a. A Minor Subdivision is a one-time process. To ensure adequate infrastructure, lots contained in an existing recorded subdivision plat are not eligible to apply for a Minor Subdivision.
  - b. The minimum lot size for lots created through a Minor Subdivision shall be one acre, or the minimum allowed by the zone, whichever is greater.
  - c. Lots created through a Minor Subdivision may not be buildable until all other applicable State and local requirements are met.
2. **Complete Application.** The Planning Director and City Staff shall have ten business days to determine whether the application is complete. The applicant shall be notified in writing if the application is complete and, if incomplete, shall be notified of the reasons why the application is deficient.
3. **DRC Review.** Once an application is deemed to be complete, the Development Review Committee shall complete a review of the proposed plat and submit a report to the Planning Commission prior to the meeting where the Planning Commission will review the Final Plat application.
4. **Approval.** The Planning Director shall review the proposed Final Plat to determine whether it is in compliance with the City Code.
  - a. If the proposed plat complies, the Planning Director shall approve the plat and authorize the Mayor to sign the plat.
  - b. If the proposed plat fails to comply, the Planning Director shall deny the plat, or may continue the decision and return it to the developer along with a written list of deficiencies that must be corrected before the Planning Director will authorize the Mayor to sign it.
  - c. The Planning Director is specifically charged with ensuring that all significant conditions required for plat approval have been resolved before taking final action.
5. **Recordation.** The City Recorder, or designee, shall be responsible for recording subdivision plats. The subdivider shall pay for all recording fees at the time of recordation. No Final Plat shall be recorded unless and until the plat is properly approved, signed, and accepted by the City.

\* \* \* \* \*

**19.13.04. Specific Development Processes and Submittal Requirements.**

1. This Section of the Chapter identifies the development processes for each of the major types of developments within the City of Saratoga Springs. The following table is a non-exhaustive summary of these processes, and specifies who acts as the land use authority for each:

Process and Land Use Authority →	Planning Director Approval	Planning Commission Public Hearing	Planning Commission Recommendation	Planning Commission Approval	City Council Approval
Development Type ↓					

Change of Use Permit**	X				
Concept Plan	X - Informal review only				
Conditional Use – New Construction		X	X		X
Conditional Use – Existing Building or Site**	X				
Development Agreement (DA)					X
DA or MDA Amendment – Minor	X				
DA or MDA Amendment – Major					X
Home Occupation*	X				
Lot Line Adjustment	X				
Master Development Agreement (MDA)		X	X		X
Minor Subdivision	X	X		X	
Planned Unit Development		X	X		X
Plat, Amendment**	X				
Plat, Condominium and Final	X				X
Plat, Preliminary		X	X	-	X
Site Plan		X	X	-	X
Site Plan Amendment - Minor	X	X		X	
Site Plan Amendment - Major		X	X	X	X
Temporary Use	X				

\* May be approved by staff unless staff determines Planning Commission approval is necessary based on the criteria in § 19.08.03.

\*\* May be approved by staff unless Planning Commission or Council approval is required per §19.12 or §19.13.

**19.14.06. Application.**

\*\*\*\*\*

**8. Site Plan Application and Approval Process.**

- a. All persons seeking Site Plan approval shall submit an application to the Planning Department for review by the City's Development Review Committee (DRC).
- b. Complete engineering drawings for all on-site and off-site improvements must be provided prior to the Site Plan application being scheduled for any public meeting or hearing. The Engineering Department and Development Review Committee shall review the drawings for compliance with City ordinances, regulations, and standards.
- c. New site plans shall follow the process below:

- i. Prior to being scheduled for any public meeting or hearing, the developer shall provide a soils report for the development.
  - ii. Upon compliance with the Development Review Committee's recommendations, the revised application shall be forwarded to the Planning Commission for a public hearing and possible recommendation.
  - iii. Upon recommendation by the Planning Commission, the application shall be forwarded to the City Council.
  - iv. The City Council shall review and take action to table, approve, deny, or to modify the same.
  - v. Upon action by the City Council on the Site Plan application, the City Recorder shall prepare written minutes of the decision.
- d. Amended site plans shall follow the process below:
- i. Minor amendment: an amendment that does not alter the density, intensity of use, amount of open space, or unit type, and may be approved by the Planning **Director**.
  - ii. Major amendment: an amendment that alters the density, intensity of use, amount of open space or unit type, **and may be approved by the Planning Commission following a public hearing.**

## **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, and no development containing less than 20% commercial land area will be considered.
- 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 subject 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 than 15 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.)
  - c. ~~**Commercial Uses.**~~
    - i. ~~No commercial use may be placed within 200 feet of single family development existing at the time of commercial development.~~
    - ii. ~~The majority of commercial uses shall be located adjacent to the waterfront. Where the main access road to the development also intersects with an arterial, a minority of the commercial development may be located at this intersection.~~
  - d. ~~**Density Transition.** Where development abuts existing single family development, similar low densities shall be placed adjacent to the existing development, which may then transition to higher densities as distance from existing development increases.~~
  - e. ~~**Access.** Primary access to a Mixed Waterfront development shall not occur on local roads through existing single family residential neighborhoods, and shall occur on collector or arterial roads.~~
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)

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**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).

**ORDINANCE NO. 15-29 (10-6-15)**

**AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS,  
UTAH, ADOPTING AMENDMENTS TO THE SARATOGA  
SPRINGS LAND DEVELOPMENT CODE AND GENERAL  
PLAN AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, Title 19 of the City of Saratoga Springs Code, entitled “Land Development Code” was enacted on November 9, 1999 and has been amended from time to time; and

**WHEREAS**, the General Plan was enacted September 13, 2005 and has been amended from time to time; and

**WHEREAS**, the City Council and Planning Commission have reviewed the Land Development Code and General Plan and find that further amendments to the Code and General Plan are necessary to better meet the intent and direction of the General Plan; and

**WHEREAS**, the Saratoga Springs Planning Commission has held a public hearing to receive comment on the proposed modifications and amendments as required by Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

**WHEREAS**, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Saratoga Springs City Council regarding the modifications and amendments; and

**WHEREAS**, the City Council has conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

**WHEREAS**, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Saratoga Springs City Council has determined that it is in the best interest of the public health, safety, and welfare of Saratoga Springs citizens that the following modifications and amendments to Title 19 and the General Plan be adopted.

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

**SECTION I - ENACTMENT**

The amendments attached hereto as Exhibit A, incorporated herein by this reference, are hereby enacted. Such amendments are shown as underlines and strikethroughs. The remainder of Title 19 and the General Plan shall remain the same.

**SECTION II - AMENDMENT OF CONFLICTING ORDINANCES**

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

**SECTION III - EFFECTIVE DATE**

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

**SECTION IV - SEVERABILITY**

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

**SECTION V - PUBLIC NOTICE**

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

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

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

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

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

\_\_\_\_\_  
Date

**VOTE**

Shellie Baertsch \_\_\_\_\_  
Rebecca Call \_\_\_\_\_  
Michael McOmber \_\_\_\_\_

Stephen Wilden  
Bud Poduska



**RESOLUTION NO. R15-46 (10-6-15)**

**A RESOLUTION APPOINTING TROY CUNNINGHAM AND BRANDON MACKAY TO THE CITY OF SARATOGA SPRINGS PLANNING COMMISSION; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Saratoga Springs has established a municipal Planning Commission as required by Section 10-9a-301, Utah Municipal Code; and

WHEREAS, two Planning Commission vacancies have been created through resignations; and

WHEREAS, the Mayor is authorized to fill vacancies in the Planning Commission with the advice and consent of the City Council; and

WHEREAS, the Mayor desires and believes it to be in the best interests of the health, safety, and welfare of the residents of the City of Saratoga Springs to appoint Troy Cunningham and Brandon Mackay to the Planning Commission.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SARATOGA SPRINGS, UTAH, AS FOLLOWS:

- 1. Troy Cunningham is hereby appointed to the Planning Commission to complete a term expiring on December 31, 2015, and Brandon Mackay is hereby appointed to the Planning Commission to complete a term expiring on December 31, 2016. The following is a list of the current Saratoga Springs Planning Commission Members:

<u>Current Regular Members</u>	<u>Expiration of Term</u>
Troy Cunningham	December 31, 2015
Ken Kilgore	December 31, 2016
Sandra Steele	December 31, 2015
Brandon MacKay	December 31, 2016
Kirk Wilkins	December 31, 2017
Hayden Williamson	December 31, 2017
Dave Funk	December 31, 2018

This resolution shall take effect upon immediately upon passage.

Passed this 6<sup>th</sup> day of October, 2015.

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

Attest: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Date

# City Council Staff Report

**Author:** Andrew Burton, Chief of Police

**Subject:** Salt Lake County Officer Involved Critical Incident Task Force Interlocal Agreement

**Date:** September 24, 2015

**Type of Item:** Resolution

**Summary Recommendations:** Staff recommends approval of the attached resolution authorizing the Mayor to sign the Salt Lake County Officer Involved Critical Incident Task Force Interlocal Agreement.

## Description:

**A. Topic:** Officer Involved Critical Incident Task Force in Salt Lake County.

**B. Background:** Utah Code Annotated 76-2-408 (the "OICI Statute") became effective May 12, 2015. This law sets forth requirements for the investigation of officer involved critical incidents as delineated in the statute. The statute requires every law enforcement agency to adopt and post by December 31, 2105, (1) the policies and procedure the agency has adopted to select the investigating agency that will investigate an OICI that occurs in its jurisdiction when one or more of its officers are alleged to have caused or contributed to the OICI; and (2) the protocols the agency has adopted to ensure that every OICI investigation conducted in its jurisdiction is conducted professionally, thoroughly, and impartially. Where we provide law enforcement services to the city of Bluffdale, that lies almost wholly within Salt Lake County, and for criminal cases falls under the jurisdiction of the District Attorney of Salt Lake County, we need to have OICI cases investigated within the Salt Lake County system for OICI investigations. The Valley Police Alliance (chiefs of law enforcement agencies in Salt Lake County) has determined that the formation of a Salt Lake County OICI Task Force will best meet the requirements of the statute. A subcommittee of police chiefs, together with the VPA legal committee, developed the agreement. The VPA legal committee is comprised of city attorney's from several of the Salt Lake Area entities. The Utah Risk Management Association (URMA) has also reviewed and approved the interlocal agreement establishing a task force. The formation of such a task force is authorized by UCA 11-13-101. The attached document is the interlocal agreement and it authorizes the establishment of the task force. UCA 11-13-202.5 requires that the governing body of the jurisdiction involved authorize the agreement by resolution. Other methods of accomplishing the requirements of UCA 76-2-408 do not seem to be tenable. If we ask one of the larger agencies to conduct the OICI investigations, or use some other method, it may be perceived that the investigation would not be impartial since we refuse to participate in the OICI Task Force.

**C. City Department Review:** City Police Chief and City Attorney.

**Alternatives:**

**A. Deny the Resolution:** We will not meet the statute and be in violation of UCA 76-2-408 as of December 31, 2015.

**B. Continue the Item:** We could be in violation of UCA 76-2-408 as of December 31, 2015.

**C. Do Nothing:** We will not meet the statute and be in violation of UCA 76-2-408 as of December 31, 2015.

**Recommendation:** Staff recommends approval of the resolution.

**RESOLUTION NO. R15-47 (10-6-15)**

**RESOLUTION TO ENTER INTO THE SALT LAKE COUNTY OFFICER INVOLVED  
CRITICAL INCIDENT TASK FORCE INTERLOCAL AGREEMENT IN SUPPORT OF  
POLICE SERVICES PROVIDED TO BLUFFDALE CITY**

WHEREAS, Utah Code Annotated 76-2-408, the "Officer Involved Critical Incident (OICI) Statute" became effective May 12, 2015, and

WHEREAS, this statute requires every law enforcement agency to adopt and post by December 31, 2105, (1) the policies and procedure the agency has adopted to select the investigating agency that will investigate an OICI that occurs in its jurisdiction when one or more of its officers are alleged to have caused or contributed to the OICI; and (2) the protocols the agency has adopted to ensure that every OICI investigation conducted in its jurisdiction is conducted professionally, thoroughly, and impartially, and

WHEREAS, the Saratoga Springs Police Department provides law enforcement services to the city of Bluffdale, that lies almost wholly within Salt Lake County, and,

WHEREAS, the Valley Police Alliance (Chiefs of law enforcement agencies in Salt Lake County) has determined that the formation of a Salt Lake County OICI Task Force will best meet the requirements of the statute, and,

WHEREAS, the Governing Body has reviewed the attached Staff Report,

NOW THEREFORE, be it resolved by the Governing Body of the City of Saratoga Springs, Utah, that:

1. The Mayor be authorized to sign the attached interlocal agreement establishing the Salt Lake County Officer Involved Task Force for the purposes of investigating Officer Involved Critical Incidents.
2. This resolution shall take effect immediately upon passage.

Passed this 6th day of October, 2015.

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

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

\_\_\_\_\_  
Date

**SALT LAKE COUNTY OFFICER INVOLVED  
CRITICAL INCIDENT TASK FORCE  
INTERLOCAL AGREEMENT**

**THIS INTERLOCAL COOPERATION AGREEMENT** (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_ 2015, by and between the following municipal and governmental entities for and on behalf of their respective law enforcement agencies, City of Alta, City of Bluffdale, City of Cottonwood Heights, Draper City, Granite School District, Murray City Corporation, Salt Lake City Corporation, Salt Lake County, Sandy City, City of Saratoga Springs, City of South Jordan, City of South Salt Lake, Unified Police Department of Greater Salt Lake, University of Utah, Utah Department of Corrections, Utah Department of Public Safety, Utah Transit Authority, City of West Jordan, and West Valley City, for the purpose of facilitating the establishment of the Salt Lake County Officer Involved Critical Incident Task Force (“OICI Task Force”). The parties to this Agreement are sometimes referred to collectively as the “Parties” or individually as a “Party.”

**RECITALS:**

- A. UTAH CODE ANN. § 76-2-408 (the “OICI Statute”) became effective on May 12, 2015 and sets forth requirements for the investigation of officer involved critical incidents (“OICI”) delineated in the statute.
- B. The OICI Statute requires every law enforcement agency to adopt and post by December 31, 2015, (1) the policies and procedure the agency has adopted to select the investigating agency that will investigate an OICI that occurs in its jurisdiction when one or more of its officers are alleged to have caused or contributed to the OICI; and (2) the protocols the agency has adopted to ensure that every OICI investigation conducted in its jurisdiction is conducted professionally, thoroughly, and impartially.
- C. The Parties have determined that the formation of a Salt Lake County OICI Task Force (“OICI Task Force”) that will serve as the investigating agency for OICI’s that occur in Salt Lake County will ensure that any investigation of an OICI will be conducted professionally, thoroughly and impartially.
- D. The Parties have determined that the OICI Task Force will be governed the Salt Lake County OICI Protocol (“OICI Protocol”) that the Parties have established to provide uniform procedures for the investigation of OICI’s.
- E. The utilization of a Salt Lake County OICI Task Force to investigate OICI’s is beneficial to the Parties, the citizens of Salt Lake County and the officers who are involved in OICI’s.
- F. The Utah Interlocal Cooperation Act, UTAH CODE ANN. §§ 11-13-101 *et seq.*, 1953, as amended (the “Interlocal Act”), authorizes public agencies to enter into agreement to provide law enforcement services to one or more other public agencies.

**NOW, THEREFORE**, in consideration of the mutual covenants and undertakings of the Parties hereto, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

**Section 1. General Purpose.** The purpose of this Agreement is to form a Salt Lake County OICI Task Force to meet the requirements set forth in the OICI Statute and to provide improved OICI investigations while avoiding conflicts of interest. The Parties declare that there is a county-wide need for an OICI Task Force.

**Section 2. Definitions.** For purposes of this Agreement, the following terms shall have the meanings given in this section:

- (a) “Advisory Board” means the Advisory Board that shall govern the administration of the OICI Protocol and shall include the District Attorney or designee thereof and a designee from each Participating Agency.
- (b) “Investigating Agency” means the Protocol Task Force composed of officers from multiple law enforcement agencies.
- (c) “Officer-involved critical incident” (“OICI”) as established in the OICI Statute includes any of the following:
  - 1. the use of a Dangerous Weapon by an Officer against a person that causes injury to any person;
  - 2. a fatal injury to any person, except the Officer, resulting from the use of a motor vehicle by an Officer;
  - 3. the death of a person who is in law enforcement custody, but not including deaths that are the result of disease, natural causes, or conditions that have been medically diagnosed prior to the person’s death; or
  - 4. a fatal injury to a person resulting from the efforts of an Officer attempting to prevent a person’s escape from custody, make an arrest, or otherwise gain physical control of a person.
- (d) “Participating Agency” means a law enforcement agency that agrees to be subject to and participate in the OICI Protocol and has indicated such commitment to participation by signing the Protocol.
- (e) “Protocol Task Force” means the OICI Protocol Task Force comprised of personnel from Participating Agencies designated with investigation duties led by the Protocol Task Force Coordinator and Team Leader under the terms and provisions of the OICI Protocol.

**Section 3. OICI Task Force Jurisdiction.** The OICI Task Force shall have jurisdiction throughout Salt Lake County to investigate OICI’s. Each Party to this Agreement hereby expressly consents to allow the OICI Task Force to act as the Investigating Agency to investigate

OICI's that occur in its jurisdiction when one or more of its officers are alleged to have caused or contributed to the OICI.

**Section 4. Interlocal Authority.** The Interlocal Act permits local governmental units to efficiently use of their powers by enabling them to provide joint or cooperative law enforcement services between agencies in a manner that will best aid the agencies and the citizens of the agencies served by such cooperative endeavors. In satisfaction of the requirement of the Interlocal Act, and in connection with this Agreement, the Parties agree as follows:

- (a) This Agreement shall be approved by each Party pursuant to Section 11-13-202.5 of the Interlocal Act;
- (b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act;
- (c) A duly executed original counterpart of this Agreement shall be filed with keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act;
- (d) No separate legal entity is created by the terms of this Agreement;
- (e) As required by Section 11-13-207 of the Interlocal Act, the Parties agree that the cooperative undertaking under this Agreement shall be administered by the Advisory Board of the Salt Lake County OICI Protocol; and
- (f) No real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

**Section 5. Consideration.** The consideration for this Agreement consists of the mutual benefits and exchange of promises provided herein.

**Section 6. Counterparts.** This Agreement may be executed in counterparts by the Parties. All signed counterparts shall be deemed to be one original.

**Section 7. Binding Agreement.** This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the respective Parties hereto.

**Section 8. Captions; Recitals.** The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope or interpretation of any of the terms or provisions of this Agreement or the intent hereof. The recitals form an integral part of this Agreement and are hereby incorporated.

**Section 9. Severability.** The provisions of this Agreement are severable, and should any provision hereof be void, voidable, unenforceable or invalid, such void, voidable, unenforceable or invalid provision shall not affect the other provisions of this Agreement.

**Section 10. Interpretation.** This Agreement shall be interpreted, construed and enforced according to the substantive laws of the state of Utah, without giving effect to any choice or conflict of law provision or rule (whether of the state of Utah or any other jurisdiction).

**Section 11. Notice.** All notices and other communications provided for in this Agreement shall be in writing and shall be sufficient for all purposes if: (a) sent by email to the address a Party may designate, or by fax to the fax number a Party may designate, and concurrently sent by first class mail to the Party and to the Party's legal office; (b) personally delivered; or (c) sent by certified or registered United States Mail addressed to the Party at the address the Party may designate, return receipt requested. Any notice or other communication required or permitted to be given hereunder shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within three (3) days after such notice is deposited in the United States mail, certified mail postage prepaid and addressed to the Parties at their respective addresses.

**Section 12. Governmental Immunity.** All Parties are governmental entities under the Governmental Immunity Act of Utah, UTAH CODE ANN. §§ 63G-7-101 to -904 (2011), as amended (the "Act"). Subject to and consistent with the terms of the Act, each Party shall be liable for its own negligent acts or omissions, or those of its authorized employees, officers, and agents while engaged in the performance of the obligations under this Agreement, and no Party shall have any liability whatsoever for any negligent act or omission of any other Party, its employees, officers, or agents. No Party waives any defenses or limits of liability available under the Act and other applicable law. All Parties maintain all privileges, immunities, and other rights granted by the Act and all other applicable law.

**Section 13. Ethical Standards.** The Parties to this Agreement each represent that they have not: (a) provided an illegal gift or payoff to any officer or employee, or former officer or employee, or to any relative or business entity of an officer or employee, or relative or business entity of a former officer or employee of any of the Parties; (b) retained any person to solicit or secure participation in this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statute; or (d) knowingly influenced, and hereby promise that they will not knowingly influence, any officer or employee or former officer or employee of any Party to breach any of the ethical standards set forth in State statute.

**Section 14. Assignment.** No Party may assign any of its rights or delegate any performance under this Agreement. Any attempt to assign any rights or delegate any performance under this Agreement shall be void.

**Section 16. Responsibility for Task Force members.** Each Participating Agency shall fund all salaries, benefits, and other obligations for its representatives assigned to the OICI Protocol Task Force.

**Section 17. Insurance.** Each Participating Agency shall be solely responsible for providing workers' compensation and benefits for its own employees who provide services under this Agreement. Each Participating Agency shall obtain insurance, become a member of a risk pool, or be self-insured to cover the liability arising out of negligent acts or omissions of its own personnel rendering services under this Agreement.

**Section 18. Effective Date.** This Agreement shall become effective when at least two Parties named above each execute an original or copy of the Agreement as required by law.

**Section 19. Term.** The term of this Agreement shall be three (3) years from the effective date, unless the Parties agree in writing to terminate the Agreement prior to the expiration of the initial term of the Agreement. Renewals shall occur automatically thereafter every three (3) years, for a period of up to fifty (50) years, unless the Parties agree in writing that the Agreement shall not be renewed.

**Section 20. Termination by Any Party.** Any Party to this Agreement may terminate its involvement with the Salt Lake County OICI Task Force at any time prior to the expiration of the term of the Agreement. Such termination shall be provided via written notice to the Advisory Board and shall be effective upon delivery to the Advisory Board. Notwithstanding such termination, any terminating Party will agree to complete its involvement in any investigations that are open at the time that written notice to terminate is delivered.

**Section 21. Claims and Disputes.** Claims, disputes and other issues between the Parties arising out of or related to this Agreement shall be decided by litigation in the Third Judicial District Court of Salt Lake County, Utah. Unless otherwise terminated pursuant to the provisions hereof or otherwise agreed in writing, each of the Parties shall continue to perform its obligations hereunder during the pendency of such dispute.

**Section 22. Integration.** This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter hereof, and supersedes all prior agreements and understandings concerning the subject matter of this Agreement.

**Section 23. Rights and Remedies.** The rights and remedies of the Parties shall not be mutually exclusive, and the exercise of one or more of the provisions of this Agreement shall not preclude the exercise of any other provision(s) hereof.

**IN WITNESS WHEREOF,** each Party has caused this Agreement to be executed on its behalf by its duly authorized representative.

[Remainder of page intentionally left blank - SIGNATURE PAGES of Parties follow]

Signature Page pertaining to the “**Salt Lake County Officer Involved Critical Incident Task Force Interlocal Agreement**” between City of Alta, City of Bluffdale, City of Cottonwood Heights, Draper City, Granite School District, Murray City Corporation, Salt Lake City Corporation, Salt Lake County, Sandy City, City of Saratoga Springs, City of South Jordan, City of South Salt Lake, Unified Police Department of Greater Salt Lake, University of Utah, Utah Department of Corrections, Utah Department of Public Safety, Utah Transit Authority, City of West Jordan, and West Valley City.

**CITY OF BLUFFDALE**

By \_\_\_\_\_

Its \_\_\_\_\_

Approved as to form

\_\_\_\_\_  
City Attorney/Legal Counsel

Signature Page pertaining to the “**Salt Lake County Officer Involved Critical Incident Task Force Interlocal Agreement**” between City of Alta, City of Bluffdale, City of Cottonwood Heights, Draper City, Granite School District, Murray City Corporation, Salt Lake City Corporation, Salt Lake County, Sandy City, City of Saratoga Springs, City of South Jordan, City of South Salt Lake, Unified Police Department of Greater Salt Lake, University of Utah, Utah Department of Corrections, Utah Department of Public Safety, Utah Transit Authority, City of West Jordan, and West Valley City.

**CITY OF SARATOGA SPRINGS**

By \_\_\_\_\_

Its \_\_\_\_\_

Approved as to form

\_\_\_\_\_  
City Attorney/Legal Counsel

# City Council Staff Report

**Author:** Andrew Burton, Chief of Police

**Subject:** Multi-Jurisdictional Mutual Aid Agreement for Police Services in Salt Lake County

**Date:** September 23, 2015

**Type of Item:** Resolution

**Summary Recommendations:** Staff recommends approval of the attached resolution authorizing the Mayor to sign the Mutual Aid Agreement.

## **Description:**

**A. Topic:** Police Mutual Aid Agreement in Salt Lake County.

**B. Background:** As the provider of police services for Bluffdale City, which is chiefly located within Salt Lake County, we have the need to cooperate with Salt Lake Area Law Enforcement Agencies. All criminal cases within Bluffdale City are handled in Salt Lake County. Law enforcement agencies within Salt Lake County provide mutual aid under authority of the Interlocal Cooperation Act found in Title 11, Chapter 13 of Utah Code. The mutual aid agreement in Salt Lake County is being updated and the attached document is that update. The document has been reviewed by the City Attorney, Kevin Thurman. During his review he made some recommendations for changes/additions. All of those changes were adopted by the Salt Lake Area Law Enforcement and Directors (LEADS) that developed this agreement and are included in this document. UCA 11-13-202.5 requires that the governing body of the jurisdiction involved authorize the agreement by resolution.

**C. City Department Review:** City Police Chief and City Attorney.

## **Alternatives:**

**A. Deny the Resolution**

**B. Continue the Item**

**C. Do Nothing**

**Recommendation:** Staff recommends approval of the resolution.

**RESOLUTION NO. R15-48 (10-6-15)**

**RESOLUTION TO ENTER INTO THE SALT LAKE COUNTY MULTI-JURISDICTIONAL  
MUTUAL AID AGREEMENT FOR SHERIFF AND POLICE SERVICES IN SUPPORT  
OF POLICE SERVICES PROVIDED TO BLUFFDALE CITY**

WHEREAS, The Saratoga Springs Police Department provides law enforcement services by contract to the City of Bluffdale, Utah, and

WHEREAS, the City of Bluffdale lies almost wholly within the boundary of Salt Lake County and falls under the jurisdiction of the Salt Lake County District Attorney for Class A misdemeanors and felonies, and

WHEREAS, the Law Enforcement Administrators and Directors Association of Salt Lake has established and espoused a mutual aid system and has had an agreement in place for many years, and,

WHEREAS, the current agreement needed updating, and the current update has been reviewed by the City Attorney for the City of Saratoga Springs with his recommended changes added to the agreement, and,

WHEREAS, the Governing Body has reviewed the attached Staff Report,

NOW THEREFORE, be it resolved by the Governing Body of the City of Saratoga Springs, Utah, that:

1. The Mayor be authorized to sign the attached interlocal agreement for the Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Service for the purpose of providing mutual aid and support.
2. This resolution shall take effect immediately upon passage.

Passed this 6th day of October, 2015.

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

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

\_\_\_\_\_  
Date

**MULTI-JURISDICTIONAL MUTUAL AID AGREEMENT  
FOR SHERIFF AND POLICE SERVICES**

(An Interlocal Cooperation Agreement)

AN INTERLOCAL COOPERATION AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by and among: Attorney General’s Office, Bluffdale City (Police services provided by Saratoga Springs Police Department), Cottonwood Heights, Draper City, Granite School District, Murray City, Salt Lake Airport Police, Salt Lake County, Salt Lake City, Sandy City, South Jordan City, South Salt Lake City, Tooele City, Town of Alta, Utah State Department of Corrections, Utah State Department of Natural Resources, Unified Police Department, University of Utah Police, Utah Transit Authority (UTA), Utah State Department of Public Safety, Utah Motor Vehicle Enforcement Division, West Jordan City, West Valley City; one of which shall be called an “Agency” or any two or more of which may be called “Agencies” herein. The term “all Agencies” shall refer to parties which are signatories to this Agreement and which have not terminated their participation herein.

**PURPOSE:** Each of the Agencies has or is a law enforcement agency or department with equipment and personnel trained and equipped to prevent and detect crimes, and authorized to enforce criminal statutes or ordinances in the State of Utah. The Agencies wish to provide for their mutual assistance in situations involving crimes, disturbances of the peace, riots, and other emergency situations which require police resources over and above those that can be provided by the Agency in whose jurisdiction the incident or emergency occurs, subject to the control of each individual Agency. All equipment and personnel of any Agency’s law enforcement department shall herein be referred to as “Resources”. The Agencies do not wish to provide for the reimbursement for the assistance they render. However, nothing herein is intended to replace or terminate any pre-existing interlocal agreement between or among any of the Agencies which provide for first response or assistance by one Agency’s law enforcement department within the political boundaries of another on a regular or routine basis. This Agreement is intended to replace the Multi-jurisdictional Mutual Aid Agreement for Police and Sheriff Services dated August, 1991, and amended and extended in or about 1996. The Agencies intend by this Agreement to commit to assist each other whenever possible, while allowing each Agency the sole discretion to determine when its Resources cannot be spared for assisting other Agencies.

**AUTHORITY:** The Interlocal Act permits local governmental units to make the most efficient use of their powers and to provide the benefit of economies of scale; authorizes municipalities to enter into cooperative agreements with one another for the purpose of exercising, on a joint and cooperative basis, any powers, privileges and authority exercise by such public agencies individually; and authorizes such public agencies, pursuant to such agreements, to create a separate legal entity to accomplish the purposes of their joint cooperative action.

## **INTERLOCAL COOPERATION ACT REQUIREMENTS**

In satisfaction of the requirements of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended, and in connection with the Agreement, the parties agree as follows:

1. The Agreement shall be authorized by resolution or ordinance of the governing body of each party pursuant to §11-13-202.5 of the Act.
2. This Agreement shall be approved as to form and legality by a duly authorized attorney on behalf of each party pursuant to §11-13-202.5 of the Act.
3. A duly executed original counterpart of this Agreement shall be filed with the keeper of records of each party pursuant to §11-13-209 of the Act.
4. Prior to the expiration of the term of this Agreement as set forth herein, this Agreement may only be terminated by and upon the express written consent of the parties.
5. Except as otherwise specifically provided in this Agreement or in any of the documents incorporated herein, any real or personal property acquired by a party, or by the parties jointly, pursuant to this Agreement or in conjunction with any joint cooperative action anticipated by this Agreement, shall be acquired and held, and disposed of by such party upon termination of this Agreement as agreed among the parties or as otherwise required by applicable local, state and federal law.

**CONSIDERATION:** The consideration for this Agreement consists of the mutual benefits and exchange of promises provided herein.

**EFFECTIVE DATE, TERM:** This Agreement shall become effective when two or more Agencies each execute an original or copy of this Agreement as required by law and send or deliver an original copy of the executed Agreement to the West Jordan Police Chief, 8040 South Redwood Road, West Jordan, Utah 84088. The West Jordan Police Chief shall send notice of properly executed agreements he receives to all other Agencies who are parties hereto. This Agreement shall continue in force from the effective date hereof until midnight June 30, 2018, subject to termination by any Agency or all the Agencies as provided in Section 8.

NOW THEREFORE, based upon the mutual promises and conditions contained herein, the parties agree as follows:

## **SPECIFIC PROVISIONS**

1. Assistance. The Agencies shall each provide their available Resources to assist any other Agency upon request by any other Agency, provided that the responding Agency shall have Resources reasonably available, in the sole discretion of the responding Agency. Except when otherwise requested, or except when the circumstances otherwise clearly indicate, a responding Agency shall send only certified peace officers to an Agency requesting

assistance hereunder unless the requesting Agency requests otherwise. Any responding Agency's law enforcement officers shall be fully certified, authorized, and empowered as law enforcement officers when in a requesting Agency's jurisdictional boundaries and when following orders of the requesting Agency's Commander or the incident commander. When responding, each responding Agency shall automatically be deemed to be authorized by the requesting Agency pursuant to Utah Code Ann. § 77-9-3. The scope of Saratoga Springs' responsibility to assist shall be limited to those resources committed to Bluffdale City as part of the agreement between Saratoga Springs and Bluffdale City.

2. Agency First Response, Dispatch. Each Agency shall instruct its dispatchers or the organization which provides dispatching services for its law enforcement department to first send Resources from its own department to any police emergency which the department is equipped to handle within its own political boundaries before requesting assistance from other Agencies. The chief officer from the department in whose boundaries the emergency occurs, who is responsible for coordinating law enforcement response to the emergency or such other officer whom he shall designate shall be the commanding officer at the scene or location for which police assistance is sought from other Agencies (herein called the "Incident Commander"). He or she may request that his or her dispatcher request assistance from any other Agency or Agencies.
3. Command at Scene, Release of Resources. The responding personnel or the chief officer from each Agency sending personnel and Resources to assist another Agency shall report to the Incident Commander upon arrival at the scene of an emergency or the location where assistance is requested, and shall follow the lawful directions of the Incident Commander with respect to the emergency. The Incident Commander shall, where reasonably able to do so, release Resources from other Agencies before releasing the Resources of his own Agency when no longer needed at the incident scene.
4. No Compensation. No Agency shall request or receive reimbursement for providing Resources to another Agency under this Agreement, except as otherwise provided herein, or except as the Agencies otherwise agree.
5. No Waiver of Immunity. Nothing herein shall be construed to waive any of the privileges and immunities associated with law enforcement or other related services, including emergency medical services, or of any other nature of any of the Agencies.
6. Workers Compensation, Insurance, Benefits. Each Agency shall be solely responsible for providing workers compensation and benefits for its own personnel who provide assistance under this Agreement unless the parties otherwise agree. Each Agency shall provide insurance or shall self-insure to cover the negligent acts and omissions of its own personnel rendering services under this Agreement.
7. Governmental Immunity. All Parties are governmental entities under the Governmental Immunity Act of Utah, Utah Code Ann. Sections 63G-7-101 to -904 (2011), as amended (the "Act"). Subject to and consistent with the terms of the Act, each Party shall be liable for its own negligent acts or omissions, or those of its authorized employees, officers, and

agents while engaged in the performance of the obligations under this Agreement, and no Party shall have any liability whatsoever for any negligent act or omission of any other party, its employees, officers, or agents. No Party waives any defenses or limits of liability available under the Act and other applicable law. All Parties maintain all privileges, immunities, and other rights granted by the act and all other applicable law.

8. Termination. Any Agency may terminate its participation under this Agreement by giving each other Agency to the Agreement 30 days prior written notice of its intent to terminate participation in it. Any obligations incurred by any Agency to any other hereunder prior to termination, including obligations of under paragraph 7, shall survive the termination of this Agreement.
9. Satisfaction of Responsibility. This Agreement shall not relieve any Agency of any obligation imposed upon it by law, provided that the performance of a responding Agency may be offered in satisfaction of any such obligation of the Agency requesting assistance to the extent of actual and timely performance by the responding Agency.
10. Additional Agencies. Any subdivision of the State of Utah not specifically named herein (“Prospective Agency”) which shall hereafter sign this Agreement or a copy hereof shall become an Agency hereto provided that it employ law enforcement officers, and provided that it first give 30days written notice to each Agency hereto of its intent to become an Agency, and provided that a majority of the Agencies shall not within 30 days thereafter notify the West Jordan Police Chief in writing that they object to the Prospective Agency becoming a party hereto, then the West Jordan Police Chief or his designee shall promptly notify the Prospective Agency that its application was rejected. A Prospective Agency thus rejected may reapply for membership hereunder after one year has passed. Any Agency which becomes a newly accepted Agency to the Agreement is entitled to all the rights and privileges and subject to the obligations of any Agency as set out herein.
11. No Separate Legal Entity. No separate legal entity is created by this Agreement, however, to the extent that any administration of this Agreement becomes necessary, then the Agencies’ police chiefs, or their designees, shall constitute a joint board for such purpose.
12. No Effect on Other First Response Agreements. This Agreement shall supercede any previous Multi-jurisdictional Mutual Aid Agreement for Sheriff and Police Services among some of the Agencies, including the Agreement that went into effect July 22, 2015; however, this Agreement shall not supercede those existing agreements of Agencies which provide for first response or assistance by one Agency’s law enforcement department within the political boundaries of another on a regular or routine basis.
13. Whole Agreement, Modification. This Agreement constitutes the whole agreement of the parties, and replaces all prior agreements and understanding, written or oral, between the parties. This Agreement may be modified only by a writing signed by all parties hereto.

14. Severability. If any provision of this Agreement shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatever.
15. No Third Party Beneficiaries. This Agreement is not intended to benefit any party or persona not named as an Agency specifically herein, or which does not later become a signatory hereto as provided herein.
16. Agency Personnel Not Agents of the Other. The employees of the Agencies providing services pursuant to or consistent with the terms of this Agreement are solely the officers, agents, or employees of the entity which hired them. Each Agency shall assume any and all liability for the payment of salaries, wages, or other compensation due or claimed due, including workers' compensation claims, and each public entity shall hold the other harmless there from. The Agencies shall not be liable for compensation or indemnity to any other Agency's employee for any injury or sickness arising out of his or her employment, and the Agencies shall not be liable for compensation or indemnity to any Agency employee for injury or sickness arising out of his or her employment, and each party hereby agrees to hold the other party harmless against any such claim.
17. Real or Personal Property. The Agencies do not anticipate that they will acquire or hold any real or personal property in this cooperative undertaking, but in the event that any such property is acquired by the Agencies jointly for the undertaking, and paid for by two or more of them, then it shall be divided as the contributing Agencies' representatives shall agree, or, if no agreement is reached, then it shall be divided according to their respective payments for the property, or, if it cannot be practically divided, then the property shall be sold and the proceeds divided according to the Agencies' proportionate share of the purchase of the item of property.
18. Counterparts. This Agreement may be executed in original counterparts, each of which will be deemed an original.
19. Titles and Captions. The titles and captions of this Agreement are for convenience only and shall not be deemed part of this Agreement and in no way define, limit, augment, extend or describe the scope, content or intent of any part or parts of this Agreement.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the day and year set out below.

AGENCY: \_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

APPROVED AS TO LEGAL  
FORM AND COMPLIANCE WITH  
APPLICABLE LAW:

\_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_



**Legacy Farms Village Plan 1 Plats Agriculture Protection Area Removal  
Removal from Agriculture Protection Area  
Tuesday, October 6, 2015  
Possible Action**

Report Date:	Tuesday, September 28, 2015
Applicant:	Krisel Travis, D.R. Horton
Owner:	D.R. Horton
Location:	Southeast corner of 400 South and Redwood Road
Major Street Access:	Redwood Road
Parcel Number(s) & Size:	Multiple; Plats A, B, C, and D, 40.02 acres
Parcel Zoning:	Planned Community (PC)
Adjacent Zoning:	RR, R-3
Current Use of Parcel:	Agriculture
Adjacent Uses:	Residential, Agriculture
Previous Approvals:	Approval of the Agriculture Protection Area Removal of Agriculture Protection Area for Pioneer Crossing
Type of Action:	Administrative
Land Use Authority:	City Council
Future Routing:	None
Author:	Kimber Gabryszak, Planning Director

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**A. Executive Summary:**

In 2000, the City of Saratoga Springs approved the creation of an agriculture protection area consisting of 637.926 acres. The applicant is requesting the removal of the 40.02 acres included in the approved Legacy Farms Village Plan 1 Final Plats A, B, C, and D from this agriculture protection area to enable the Legacy Farms development to move forward.

**Recommendation:**

**Staff recommends that the Council review the proposal and vote to approve the removal of approximately 40.02 acres from the agriculture protection area based upon the analysis in this report and with the Findings and Conditions as stated in Section F of this report.**

- B. Specific Request:** The applicant is requesting the removal of ~48.91 acres from the agriculture protection area as shown in Exhibit B. The removal will enable the development of the Legacy Farms community.
- C. Process:** Section 19.21.09 outlines the process for removal of land from an Agriculture Protection Area:
1. Any owner may remove land from an agriculture protection area within the incorporated area of the City of Saratoga Springs by filing a petition for removal of the land from the agriculture protection area with the City Council.
  2. The City Council shall:
    - a. grant the petition for removing land from an agriculture protection area even if removal of the land would result in an agriculture protection area of less than the number of acres established by the City as the minimum under Section 19.21.03; and
    - b. in order to give constructive notice of the removal to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area and the land removed from the agriculture protection area, file a legal description of the revised boundaries of agriculture protection area with the City of Saratoga Springs, the County Recorder, and the Planning Commission.
  3. The remaining land in the agriculture protection area is still an agriculture protection area.
- D. Community Review:** No public hearing is required, so no mailed or newspaper noticing was done.
- E. Code Criteria:**  
Section 19.21.09 states that the City Council must grant the petition, and does not articulate criteria for the petition.

The notice outlined in subsection 2.b is attached as Exhibit C; the legal description is being finalized and will be added upon verification by the City Engineer.

As a result of this petition, the acreage in the existing agriculture protection area will be reduced from ~614.726 acres to ~574.702. These ~574.702 acres will continue to be an agriculture protection area until such time as additional requests for removal are submitted and approved.

**F. Recommendation and Alternatives:**

**Staff recommends that the Council review the proposal and vote to make the following motion to approve the removal of ~40.02 acres from the Agriculture Protection Area based upon the analysis in this report and with the Findings as stated below.**

"I move to APPROVE the removal of ~40.02 acres from the agriculture protection area and APPROVE the Notice of Removal contained in Exhibit C, with the Findings and Conditions below:"

**Findings**

1. The petition complies with Section 19.21.09 of the Land Development Code.

**Conditions:**

1. The City Engineer shall verify the legal description prior to recordation.
2. The legal description shall be provided to the County Recorder for recordation and to the Planning Commission.

**Alternative Motion**

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

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**G. Exhibit:**

- |  |             |
|--|-------------|
| A. Original Agriculture Protection Area Notice | (page 4)    |
| B. Schematic of Area to be Removed             | (pages 5)   |
| C. Notice of Removal and Legal Descriptions    | (page 7-11) |

NOTICE OF CREATION OF AGRICULTURE PROTECTION AREA

Notice is hereby given to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent hereto, pursuant to the Town of Saratoga Springs Agricultural Protection Area Ordinance, that a proposal for the creation of an agriculture protection area has been approved by the Town of Saratoga Springs Town Council with reference to the following real property situated in Saratoga Springs, State of Utah, and more particularly described as follows: (If a discrepancy exists between parcel serial numbers and the legal boundary description, the legal boundary description, the legal boundary description is binding).

COM S 1452.72 FT & E 23.13 FT FR N 1/4 CORNER SEC 26, T5S, R1W, SLM; N 4090.8 FT; E 1295.2 FT; N 0 DEG 21'20"W 325.5 FT; E 26.63 FT; N 0 DEG 16'39"E 575 FT; W 32.98 FT; N 0 DEG 21'20"W 418.95 FT; S 89 DEG 47'0"E 1104.15 FT; S 44 DEG 21'0"W 414.63 FT; S 4 DEG 1'6"W 296.19 FT; S 48 DEG 2'15"E 727.24 FT; S 0 DEG 29'46"E 250.14 FT; S 0 DEG 27'40"E 163.64 FT; S 67 DEG 22'13"W 98.24 FT; S 33 DEG 3'29"W 849.47 FT; S 25 DEG 59'15"W 797.16 FT; S 6 DEG 17'40"W 235.38 FT; S 15 DEG 53'35"E 791.31 FT; E 1417.53 FT; S 72 DEG 16' 49"E 1541.51 FT; S 26 DEG 8'49"W 275.18 FT; S 19 DEG 25'47"W 3396.85 FT; S 86 DEG 33'30"W 691.46 FT; S 85 DEG 59'0"W 221.6 FT; S 2 DEG 54'30"W 348.75 FT; S 21 DEG 58'0"W 403 FT; S 34 DEG 0'0" W 223.27 FT; S 0 DEG 41'0"W 180 FT; S 55 DEG 45'0"W 719.99 FT; S 89 DEG 57'52"W 1816.79 FT; N 0 DEG 38'0"E 1928.09 FT; N 89 DEG 29'43"W 221.53 FT; N 10 DEG 22'26"W 862.41 FT; N 32 DEG 3'40"W 29.13 FT; N 6 DEG 2'58"W 204.48 FT; N 5 DEG 1'33"E 112.79 FT; N 9 DEG 49'15"E 269.46 FT; N 7 DEG 37'19"E 56.51 FT; S 89 DEG 55'31"W 337.45 FT; N 0 DEG 4'29"W 585.08 FT; S 89 DEG 25'28"E 739.04 FT TO BEG.

Contains approximately 637.926 acres and includes the following tax parcel serial numbers:

Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints:

- 58:035:0011                      58:038:0010
- 58:035:0018                      58:038:0013
- 58:035:0024                      58:038:0021
- 58:037:0010                      58:038:0022
- 58:037:0016                      58:041:0055

Howard Sargent:

- 58:038:0012

Scott Cooper McLachlan:

- 58:038:0018

ENT 19297:2000 Pg 1 of 1  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2000 Mar 10 12:16 pm FEE 0.00 BY SS  
RECORDED FOR TOWN OF SARATOGA SPRINGS

DATED this 10<sup>th</sup> day of February, 2000.

TOWN OF SARATOGA SPRINGS

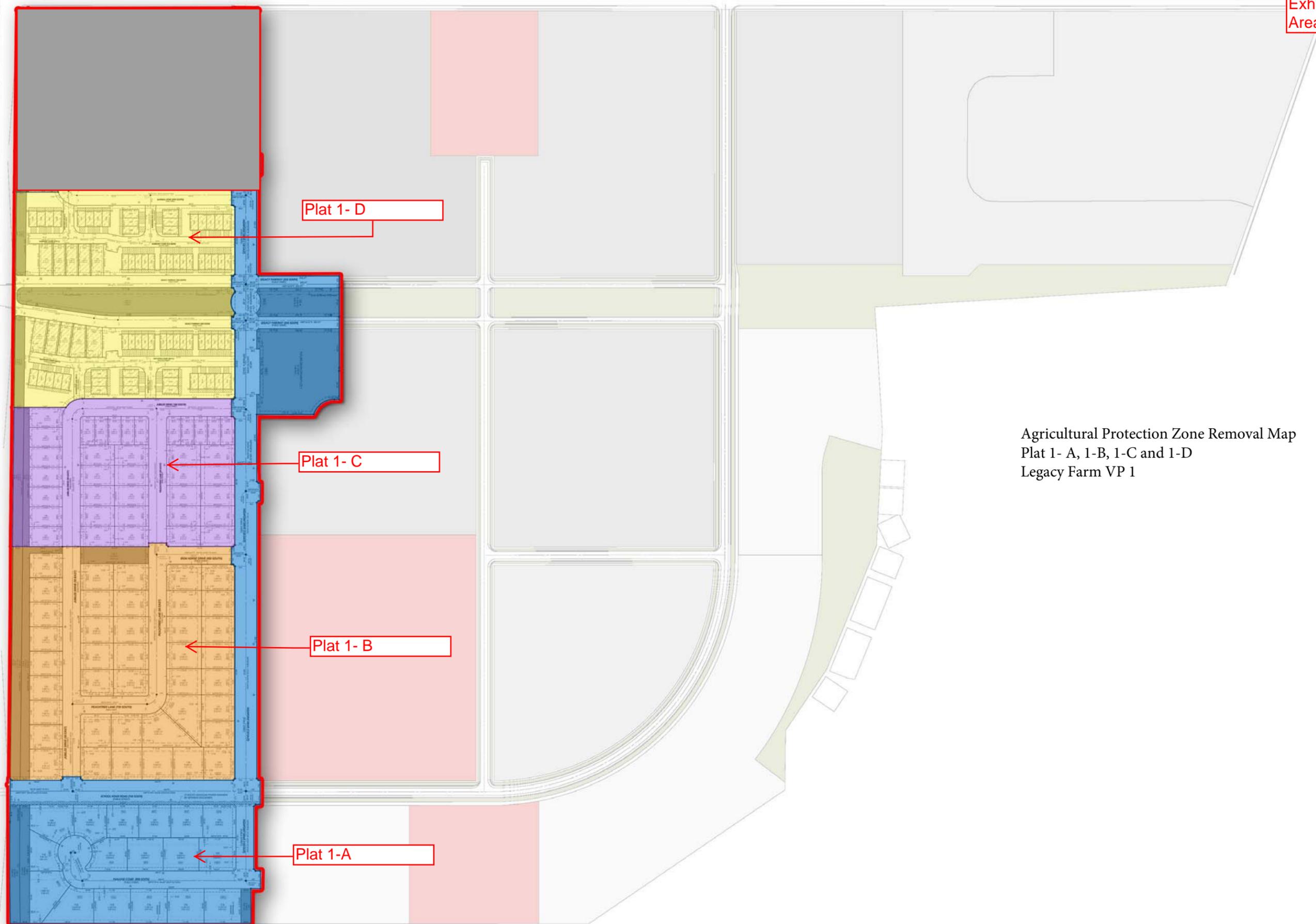
*Timothy L. Parker*  
Timothy L. Parker, Mayor

ATTEST:  
REBECCA NEAL  
Town Recorder

By: *Rebecca Neal*



Exhibit B  
Area to be removed



Plat 1- D

Plat 1- C

Plat 1- B

Plat 1- A

Agricultural Protection Zone Removal Map  
Plat 1- A, 1-B, 1-C and 1-D  
Legacy Farm VP 1

NOTICE OF REMOVAL OF PROPERTY FROM AGRICULTURE PROTECTION AREA

Notice is hereby given to all persons who have, may acquire, or may seek to acquire an interest in land in or adjacent to, pursuant to the City of Saratoga Springs Agricultural Protection Area Ordinance, that a proposal for the removal of property from an agriculture protection area has been approved by the City of Saratoga Springs City Council with reference to the following real property situated in Saratoga Springs, State of Utah, and more particularly described as follows:

LEGAL DESCRIPTIONS CONTAINED IN EXHIBITS 1, 2, 3, and 4

Contains approximately 40.02 acres

Dated this \_\_\_\_\_ day of October, 2015.

City of Saratoga Springs

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

ATTEST:  
LORI YATES  
City Recorder

By: \_\_\_\_\_

LEGACY FARMS  
PLAT 1-A  
OVERALL LEGAL DESCRIPTION  
AUGUST 31, 2015

A parcel of land situated 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 and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is S00°33'28"W 563.22 feet, along the Section Line, and West 1874.08' from the East Quarter Corner of said Section 26, and running thence S00°00'08"W 273.68 feet; thence S45°01'52"E 7.07 feet; thence N89°56'07"E 245.67 feet; thence S00°03'53"E 36.00 feet; thence S00°02'50"E 87.66 feet; thence S00°03'03"E 154.00 feet; thence S02°09'32"W 10.01 feet; thence S00°00'08"W 86.32 feet; thence N89°59'52"W 14.55 feet; thence Southwesterly 83.18 feet along the arc of a 66.00 foot radius curve to the left, chord bears S53°53'45"W 77.79 feet; thence N89°59'52"W 173.15 feet; thence S00°00'08"W 203.16 feet; thence S44°59'52"E 7.07 feet; thence S89°59'52"E 5.00 feet; thence S00°00'08"W 54.00 feet; thence N89°59'52"W 5.00 feet; thence S45°00'08"W 7.07 feet; thence S00°00'08"W 834.15 feet; thence S45°00'56"E 7.07 feet; thence N89°57'59"E 5.00 feet; thence S00°02'01"E 74.00 feet; thence S89°57'59"W 14.05 feet; thence S44°59'04"W 7.07 feet; thence S00°00'08"W 190.00 feet; thence S45°00'56"E 7.07 feet; thence N89°57'59"E 15.00 feet; thence S00°02'01"E 54.00 feet; thence S89°57'59"W 28.85 feet; thence S00°02'01"E 104.99 feet to the North Line of Saratoga Springs No. 2 Planned Unit Development, as recorded in the Office of the Utah County Recorder as Entry No.40728 Map Filing 7074; thence along said North Line S89°57'59"W 727.83 feet to the Easterly Right-of-Way Line of Redwood Road; thence, along said Easterly Right-of-Way Line, the following two (2) courses: (1) Northerly 307.55 feet along the arc of a 9940.00 foot radius curve to the right, chord bears N00°15'02"W 307.54 feet, (2) N00°38'09"E 130.47 feet; thence S44°41'56"E 7.03 feet; thence N89°57'59"E 148.66 feet; thence N44°59'04"E 7.07 feet; thence N00°00'08"E 5.03 feet; thence S89°59'52"E 54.00 feet; thence S00°00'08"W 5.00 feet; thence S45°00'56"E 7.07 feet; thence N89°57'59"E 456.90 feet; thence N44°59'04"E 7.07 feet; thence N00°00'08"E 642.21 feet; thence N45°01'27"W 7.07 feet; thence S89°56'57"W 5.00 feet; thence N00°03'03"W 54.00 feet; thence N89°56'57"E 5.05 feet; thence N44°58'33"E 7.07 feet; thence N00°00'08"E 381.98 feet; thence N44°59'52"W 7.07 feet; thence N89°59'52"W 5.00 feet; thence N00°00'08"E 54.00 feet; thence S89°59'52"E 5.00 feet; thence N45°00'08"E 7.07 feet; thence N00°00'08"E 204.02 feet; thence N45°01'27"W 7.07 feet; thence S89°56'57"W 5.00 feet; thence N00°03'03"W 36.00 feet; thence N89°56'57"E 5.03 feet; thence N26°33'24"E 11.18 feet; thence N00°00'08"E 67.58 feet; thence N26°34'34"W 11.18 feet; thence S89°56'07"W 5.00

feet; thence N00°03'53"W 36.00 feet; thence N89°56'07"E 5.04 feet; thence N44°58'08"E 7.08 feet; thence N00°00'08"E 204.76 feet; thence N45°04'22"W 7.06 feet; thence S89°51'09"W 5.00 feet; thence N00°08'51"W 54.00 feet; thence N89°51'09"E 5.14 feet; thence N44°55'38"E 7.08 feet; thence N00°00'08"E 5.00 feet; thence S89°59'52"E 66.00 feet to the Point of Beginning.

Contains 17 Lots

Contains 546,279 Square Feet or 12.54 Acres.

LEGACY FARMS  
PLAT 1-B  
OVERALL LEGAL DESCRIPTION  
AUGUST 31, 2015

A parcel of land situated 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 on the Westerly Boundary Line of Legacy Farms Plat 1-A, said point being also  $S00^{\circ}33'28''W$  1661.61 feet, along the Section Line, and West 1939.48' from the East Quarter Corner of said Section 26, and running thence, along the Westerly and Northerly Boundary Lines of said Legacy Farms Plat 1-A, the following thirteen (13) courses: (1)  $S00^{\circ}03'03''E$  54.00 feet, (2)  $N89^{\circ}56'57''E$  5.00 feet, (3)  $S45^{\circ}01'27''E$  7.07 feet, (4)  $S00^{\circ}00'08''W$  642.21 feet, (5)  $S44^{\circ}59'04''W$  7.07 feet, (6)  $S89^{\circ}57'59''W$  456.90 feet, (7)  $N45^{\circ}00'56''W$  7.07 feet, (8)  $N00^{\circ}00'08''E$  5.00 feet, (9)  $N89^{\circ}59'52''W$  54.00 feet, (10)  $S00^{\circ}00'08''W$  5.03 feet, (11)  $S44^{\circ}59'04''W$  7.07 feet, (12)  $S89^{\circ}57'59''W$  148.66 feet, (13)  $N44^{\circ}41'56''W$  7.03 feet to the Easterly Right-of-Way Line of Redwood Road; thence, along said Easterly Right-of-Way Line,  $N00^{\circ}38'09''E$  701.14 feet; thence  $S89^{\circ}59'52''E$  150.85 feet; thence  $N00^{\circ}00'08''E$  0.02 feet; thence  $S89^{\circ}59'52''E$  260.90 feet; thence  $N00^{\circ}00'08''E$  10.33 feet; thence  $S89^{\circ}59'52''E$  54.00 feet; thence  $S00^{\circ}00'08''W$  5.00 feet; thence  $S45^{\circ}01'27''E$  7.07 feet; thence  $N89^{\circ}56'57''E$  190.95 feet to the Point of Beginning.

Contains 40 Lots

Contains 476,453 Square Feet or 10.94 Acres.

LEGACY FARMS  
PLAT 1-C  
OVERALL LEGAL DESCRIPTION  
AUGUST 31, 2015

A parcel of land situated 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 on the Westerly Boundary Line of Legacy Farms Plat 1-A, said point being also  $S00^{\circ}33'28''W$  1215.60 feet, along the Section Line, and West 1943.75 feet from the East Quarter Corner of said Section 26 and running thence, along said Westerly Boundary Line, the following five (5) courses: (1)  $S00^{\circ}00'08''W$  54.00 feet, (2)  $S89^{\circ}59'52''E$  5.00 feet, (3)  $S44^{\circ}59'52''E$  7.07 feet, (4)  $S00^{\circ}00'08''W$  381.98 feet, (5)  $S44^{\circ}58'33''W$  7.07 feet to the Northerly Boundary Line of Legacy Farms Plat 1-B; thence, along said Northerly Boundary line, the following eight (8) courses: (1)  $S89^{\circ}56'57''W$  196.00 feet, (2)  $N45^{\circ}01'27''W$  7.07 feet, (3)  $N00^{\circ}00'08''E$  5.00 feet, (4)  $N89^{\circ}59'52''W$  54.00 feet, (5)  $S00^{\circ}00'08''W$  10.33 feet, (6)  $N89^{\circ}59'52''W$  260.90 feet, (7)  $S00^{\circ}00'08''W$  0.02 feet, (8)  $N89^{\circ}59'52''W$  150.85 feet to the Easterly Right-of-Way Line of Redwood Road; thence, along said Easterly Right-of-Way Line,  $N00^{\circ}38'09''E$  420.03 feet; thence  $S89^{\circ}59'52''E$  156.89 feet; thence Northeasterly 59.17 feet along the arc of a 61.00 foot radius curve to the right, chord bears  $N62^{\circ}12'48''E$  56.88 feet; thence  $S89^{\circ}59'52''E$  449.90 feet to the Point of Beginning.

Contains 37 Lots

Contains 293,057 Square Feet or 6.73 Acres.

**LEGACY FARMS  
PLAT 1D**

Beginning at a point on the Westerly Boundary Line of Legacy Farms Plat 1-A, said point being also  $S00^{\circ}33'28''W$  573.24 feet, along the Section Line, and West 1950.12 feet from the East Quarter Corner of said Section 26, and running thence, along said Westerly Boundary Line, the following seventeen (17) courses: (1)  $S00^{\circ}08'51''E$  54.00 feet, (2)  $N89^{\circ}51'09''E$  5.00 feet, (3)  $S45^{\circ}04'22''E$  7.06 feet, (4)  $S00^{\circ}00'08''W$  204.76 feet, (5)  $S44^{\circ}58'08''W$  7.08 feet, (6)  $S89^{\circ}56'07''W$  5.04 feet, (7)  $S00^{\circ}03'53''E$  36.00 feet, (8)  $N89^{\circ}56'07''E$  5.00 feet, (9)  $S26^{\circ}34'34''E$  11.18 feet, (10)  $S00^{\circ}00'08''W$  67.58 feet, (11)  $S26^{\circ}33'24''W$  11.18 feet, (12)  $S89^{\circ}56'57''W$  5.03 feet, (13)  $S00^{\circ}03'03''E$  36.00 feet, (14)  $N89^{\circ}56'57''E$  5.00 feet, (15)  $S45^{\circ}01'27''E$  7.07 feet, (16)  $S00^{\circ}00'08''W$  204.02 feet, (17)  $S45^{\circ}00'08''W$  7.07 feet to the Northerly Boundary Line of Legacy Farms Plat 1-C; thence, along said Northerly Boundary Line, the following three (3) courses: (1)  $N89^{\circ}59'52''W$  454.90 feet, (2) Southwesterly 59.17 feet along the arc of a 61.00 foot radius curve to the left, chord bears  $S62^{\circ}12'48''W$  56.88 feet, (3)  $N89^{\circ}59'52''W$  156.89 feet to the Easterly Right-of-Way Line of Redwood Road; thence, along said Easterly Right-of-Way Line,  $N00^{\circ}38'09''E$  653.18 feet; thence  $N89^{\circ}50'18''E$  126.32 feet; thence Northwesterly 20.35 feet along the arc of a 60.00 foot radius curve to the right, chord bears  $N09^{\circ}52'47''W$  20.26 feet; thence  $N00^{\circ}09'42''W$  4.00 feet; thence  $N89^{\circ}50'18''E$  54.00 feet; thence  $S00^{\circ}09'42''E$  5.00 feet; thence  $S45^{\circ}09'16''E$  7.07 feet; thence  $N89^{\circ}51'09''E$  467.88 feet to the Point of Beginning.

Contains 78 Lots

Contains 427,479 Square Feet or 9.81 Acres.

# City Council Staff Report

**Author:** Owen Jackson, Public Relations & Economic  
Development Manager  
**Subject:** Resolution Regarding the Recertification of the  
Justice Court  
**Date:** October 6, 2015  
**Type of Item:** Resolution



Summary Recommendations: Staff recommends the City Council adopt the resolution for the recertification of the Justice Court.

## **Description:**

**A. Topic:** Resolution regarding the recertification of the Justice Court for Saratoga Springs.

**B. Background:** State law requires that municipal justice courts be recertified by the Utah Judicial Council every four years. The current certification for the Justice Court expires in February 2016. There are three steps for the Justice Court to be recertified: a resolution passed by the City Council that requests recertification and agrees to comply with operation standards, an opinion letter from the City Attorney as to compliance with State law, and a completed and signed affidavit submitted by the municipal justice court judge.

**C. Department Review:** City Manager, City Attorney, Justice Court

**Attachments:** City Attorney Opinion Letter; Justice Court Standards for Recertification

**Recommendation:** Staff recommends the approval of the attached Resolution.



September 28, 2015

Saratoga Springs Mayor and City Council  
1307 N. Commerce Drive, Suite 200  
Saratoga Springs, UT 84045

Re: Re-certification of Justice Court

Dear Mayor and Council:

As required by Utah Code Section 78A-7-103 *et seq.*, I am providing this opinion regarding the requirements for the continued operation of the Saratoga Springs Justice Court.

Pursuant to Utah State law, the following standards must be met in the operation of a Justice Court:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).
2. Each court shall be opened and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).
6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).
7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).

8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78A-7-103).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76 and 17-50-319).

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).

13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances, and other necessary legal reference material (78A-7-103).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to Section 78A-7-215.

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

In addition to those requirements which are directly imposed by statute, Utah Code Section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. The Judicial Council has adopted the following minimum requirements:

A. That the Court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.

B. That the judge be available to attend court and conduct court business as needed.

C. That the minimum furnishings for a courtroom include: a desk and chair for the

judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.

D. A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.

E. Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.

F. A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.

G. The entity must have at least one peace officer (which may be contracted).

H. A court security plan must be submitted consistent with C.J.A. Rule 3-414.

I. Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts monthly. All justice courts shall use the CORIS case management system. (78A-7-213).

J. Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically.

In addition, the Saratoga Springs Justice Court is classified as a Class III Justice Court because it has an average of more than 60 but less than 201 cases filed each month. In addition to the base requirements listed above, the Saratoga Springs Justice Court, as a Class III Court with an average of 177 cases filed per month, must be open at least 3 hours per day and hold court at least every other week. Further, the City must maintain an audio recording system that meets the following requirements for a Class III Justice Court:

a. The recording system must be a stand-alone unit that records and audibly plays back the recording;

- b. The City must index, back-up, and archive the recording and enable the record to be retrieved; and
- c. The recording system must have at least two recording channels.

In reviewing the operational standards and requirements listed above, it is my opinion that the Saratoga Springs Justice Court meets, or can readily take steps to meet, all requirements mandated by State Law and the Judicial Council. In addition, the Justice Court has been providing significant service to the City and the residents that would be missed if the Court's operations were discontinued. I anticipate that the services rendered will continue to meet the mandatory requirements, be professional, and provide desired and satisfactory services to the citizens of the City of Saratoga Springs.

Please feel free to contact me at any time at (801) 766-9793, Ext. 105 if you have any questions or need further assistance concerning the recertification process.

Sincerely,



Kevin S. C. Thurman  
City Attorney

Cc: Judge Carolyn Howard  
Mark Christensen  
Owen Jackson

177 cases average per month = Class III court

**JUSTICE COURT STANDARDS**  
**FOR RECERTIFICATION**

**AUGUST 2015**

## INSTRUCTIONS TO APPLICANT FOR RECERTIFICATION

As part of the recertification process, each entity should carefully review all requirements for the operation of Justice Courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operations of the Court, the governing body of each entity must request and review a written opinion from its attorney advising the entity of all requirements for the operation of a Justice Court, and the feasibility of maintaining a Justice Court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for the operation of the Court during the period of certification. **A copy of the attorney's opinion and the resolution must accompany the application.** Please use the checklist on page 21 of this packet.

Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).
2. Each court shall be opened and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).
6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).
7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).

8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78A-7-103).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76 and 17-50-319).

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).

13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances, and other necessary legal reference material (78A-7-103).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to Section 78A-7-215.

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

In addition to those requirements which are directly imposed by statute, section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

- 1) That the Court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.
- 2) That the judge be available to attend court and conduct court business as needed.
- 3) That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses,

separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public. (A suggested courtroom configuration is attached).

- 4) A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
- 5) Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
- 6) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
- 7) The entity must have at least one peace officer (which may be contracted).
- 8) A court security plan must be submitted consistent with C.J.A. Rule 3-414.
- 9) Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts monthly. Also note that all justice courts shall use the CORIS case management system. (78A-7-213).
- 10) Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

In establishing minimum requirements, the Judicial Council has determined that Justice Courts with higher case filings require greater support services. To accommodate the great differences in judicial activity between Justice Courts within the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification. Courts which have an average of less than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are stated above. (These requirements are also attached as Class IV minimum requirements).

These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

Courts which have an average of more than 60 but less than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week (see attached Class III minimum requirements), and court must be scheduled at least every other week.

Courts which have an average of more than 200 but less than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours (see attached Class II minimum requirements), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his own use, clerical space may not be shared, at least one full-time clerk must be provided (see attached Class II minimum requirements), and the courtroom, judge's chamber and clerk's office must be in the same building.

Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three clerks, it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and which meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

The State Legislature has provided that any Justice Court that continues to meet the minimum requirements for its class is entitled to be recertified. The Judicial Council also has authority to waive any minimum requirement imposed by rule of the Council rather than by statute. Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will generally be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified, and the fact that a waiver has been previously granted will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the Justice Courts. The needs of a particular Court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the Court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the Court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions.

In order to adequately function it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; and in such circumstances waiver may be requested.

The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

Applications for existing courts for recertification must be accompanied by an affidavit of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. In addition, individual Justice Court Judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held and that the operational standards for the court have been met during the prior year.

Upon submission of an application, Judicial Council Staff will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If staff intends to recommend against certification, it shall specify the minimum requirements that have not been met. The entity may then present additional information, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the staff will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Committee's recommendations.

If you have any questions concerning this application, please contact Richard Schwermer, staff to the Judicial Council, at P. O. Box 140241, Salt Lake City, Utah 84114-0241, [ricks@utcourts.gov](mailto:ricks@utcourts.gov) or telephone: (801)578-3816.

## **OPERATIONAL STANDARDS**

The following standards are intended to be applied in the recertification review by the Justice Court Standards Committee as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year. The classification of a court is determined at creation and is subject to review and possible reclassification whenever the court is being recertified. While the standards for some areas of court operation are uniform for all levels of justice court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads of different levels.

### **CLASS I**

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**

501 or more citations or cases filed per month

**- HOURS:**

Court Open: Full Time

Judge: Full Time

**- FACILITY:**

Dedicated Courtroom (with juror deliberation room)

Judge's Chambers

Clerk Office

Co-located in the same facility

(Meet the Master Plan Guidelines adopted by the Judicial Council)

**- CLERICAL RESOURCES:**

At least three full time clerks

**- PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

**- INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

**- LEGAL RESOURCES:**

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103.

**- LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

**- BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

**- SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

**- JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours per year for the judge, and 10 hours for clerks.

**- REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

**CLASS II**

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**

201 to 500 citations or cases a month.

**- HOURS:**

Court Open

201-300 filings	At least 4 hours per day
301-400 filings	At least 5 hours per day
401-500 filings	At least 6 hours per day

Judge available when needed. Trial calendar set at least weekly.

**- FACILITY:**

Courtroom (configuration is permanent but may be shared)

Judge's Office

Clerk Office

(Courtroom and office must be co-located in the same building)

**- CLERICAL RESOURCES:**

201-275 filings	At least one full time clerk
276-350 filings	1.5 FTEs
351-425 filings	2.0 FTEs
426-500 filings	2.5 FTEs

**- PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

**- INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

**- LEGAL RESOURCES:**

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103

**- LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

**- BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

**- SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

**- JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours per year for the judge, and 10 hours for clerks..

**- REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

**CLASS III**

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class III Court it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**

61-200 citations or cases per month

**- HOURS:**

Court Open

61-150 filings

At least 2 hours a day

151-200 filings

At least 3 hours a day

Judge available as needed. Trial calendar set at least every other week.

**- FACILITY:**

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's /clerk office

(Meets minimum requirements)

**- CLERICAL RESOURCES:**

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

**- PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

**- INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

**- LEGAL RESOURCES:**

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103

**- LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

**- BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

**- SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

**- JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours each year for the judge, and 10 hours for clerks.

**- REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

**CLASS IV**

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class IV Court it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**

0-60 citations and/or cases per month

**- HOURS:**

Court open at least one hour per day. Judge available as needed and trial calendar set at least monthly.

**- FACILITY:**

Courtroom (access to public facility for trials, arraignments, etc.)  
Judge's/clerk office (can be a shared resource but court has priority when needed.)  
(Meets minimum requirements)

**- CLERICAL RESOURCES:**

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions.

**- PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

**- INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

**- LEGAL RESOURCES:**

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103

**- LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

**- BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

**- SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

**- JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours each year for the judge, and 10 hours for clerks.

**- REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

**COURT CERTIFICATION AFFIDAVIT**

Court Location: Saratoga Springs City, Utah

Judge: Carolyn Howard

Address: 1307 N. Commerce Dr. Suite 200

Saratoga Springs, UT 84045

Telephone: (801) 766-6508

Level of Court (Circle one): I II III IV

Average Case Filings Per Month: 177

Daily Court Hours: 8:00 am to 5:00 pm

Number of Full-time Clerks: 1  
# Hours Worked Per Week Per Clerk: 40

Number of Part-time Clerks: 2  
# Hours Worked Per Week Per Clerk: 20

This form is divided into two parts. Section I contains those requirements that are statutory and are **not** waivable. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

-----  
Comes now Judge Carolyn Howard

Justice Court Judge for Saratoga Springs Justice Court

\_\_\_\_\_ and,

except as specifically noted below, certifies as follows:

**SECTION I**

**THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED. CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.**

Please indicate **Yes or No** to each of the following:

1. All official court business is conducted in a public facility. yes
2. Court is open daily. yes
3. The hours of court operation are posted conspicuously. yes
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. yes
5. The judge is compensated at a fixed rate, within the statutory range. yes
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. yes
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. yes
8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. yes
9. The responsible governmental entity provides the Court with:
  - a. Sufficient prosecutorial support yes
  - b. Funding for attorneys for indigent defendants, as appropriate yes
  - c. Sufficient local law enforcement officers to attend court as provided by statute yes
  - d. Security for the court as provided by statute yes
  - e. Witness and juror fees yes
  - f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials yes

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. YES
11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).  
YES
12. All required reports and audits are filed as required by law or Rule of the Judicial Council.  
YES

## SECTION II

**Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for recertification.**

Please indicate YES or NO to each of the following:

1. Court is open each day as appropriate for the classification of the court. yes
2. The judge is available to attend court and to conduct court business as needed. yes
3. Minimum furnishings in the courtroom include:
  - a. Desk and chair for the judge yes
  - b. A six inch riser yes
  - c. Desk and chair for the court clerk yes
  - d. Chairs for witnesses yes
  - e. Separate tables and appropriate chairs for plaintiffs and defendants yes
  - f. A Utah State flag yes
  - g. A United States flag yes
  - h. A separate area and chairs for at least four jurors yes
  - i. A separate area with appropriate seating for the public yes
  - j. An appropriate room for jury deliberations yes
  - k. An appropriate area or room for victims and witnesses which is separate from the public yes
  - l. A judicial robe yes
  - m. A gavel yes
  - n. Current bail schedules yes
  - o. A copy of the Code of Judicial Administration yes

- p. Necessary forms and supplies yes
- q. Office space for the judge yes
- r. Office space for the court clerk yes
- s. Secure filing cabinets yes
- t. Appropriate office supplies yes
- u. A cash register or secured cash box yes
- v. At least one computer with internet access yes
- w. Access to a copy machine yes
4. The appropriate number of clerks as required by the classification of the court are present during the time court is open each day and as needed during court sessions. yes
5. Does the applicant have a law enforcement department? yes
6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. A security plan has been filed consistent with C.J.A. Rule 3-414. yes
8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. yes
9. If the court is a **Class I** court:
- a. Judge is employed on a full-time basis \_\_\_\_\_
- b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council \_\_\_\_\_
- c. Court has a jury deliberation room \_\_\_\_\_
- d. Judge's chambers, clerk's office, and courtroom are in the same building \_\_\_\_\_
- e. Judge has his or her own private chambers \_\_\_\_\_
- f. Clerk's office is separate from any other entity \_\_\_\_\_

- g. Court is open during normal business hours \_\_\_\_\_
10. If the court is a **Class II** court:
- a. Court is open (check one)
- \_\_\_\_\_ 1. 201-300 average monthly filings: at least 4 hrs./day  
 \_\_\_\_\_ 2. 301-400 average monthly filings: at least 5 hrs./day  
 \_\_\_\_\_ 3. 401-500 average monthly filings: at least 6 hrs./day
- b. Trial calendar is set at least weekly \_\_\_\_\_
- c. Courtroom configuration is permanent \_\_\_\_\_
- d. Courtroom, judge's chambers, and clerk's office are within the same building \_\_\_\_\_
- e. Judge has his or her own private chambers \_\_\_\_\_
11. If the court is a **Class III** court:
- a. Trial calendar is set at least every other week yes
- b. Court is opened (check one):
- \_\_\_\_\_ 1. 61-150 average monthly filings: at least 2 hrs./day  
✓ 2. 151-200 average monthly filings: at least 3 hrs./day
12. If the court is a **Class IV** court:
- a. Trial calendar is set at least monthly \_\_\_\_\_
- b. Court is open at least 1 hour per day \_\_\_\_\_
13. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).



I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the City to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 14<sup>th</sup> day of September, 2015.

  
Justice Court Judge



I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this 14<sup>th</sup> day of Sept., 2015.

## CHECKLIST

Please be sure that your application for recertification includes each of the following:

1. \_\_\_\_\_ Court Certification Affidavit completed and signed by the judge.
2. \_\_\_\_\_ A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity of all requirements for the operation of the justice court and the feasibility of maintaining the court.
3. \_\_\_\_\_ A copy of a duly passed resolution of the sponsoring governmental entity that
  - a. requests recertification of the court, and
  - b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.
4. \_\_\_\_\_ A copy of your court security plan, as required by C.J.A. Rule 3-414, unless it has not changed since last submitted.

**ALL FOUR OF THESE DOCUMENTS MUST BE RECEIVED BY THE  
JUSTICE COURT STANDARDS COMMITTEE AT THE ADDRESS BELOW BY:  
OCTOBER 30, 2015.**

Utah Judicial Council  
Attention: Richard Schwermer  
Administrative Office of the Courts  
P. O. Box 140241  
Salt Lake City, Utah 84114-0241

**SAMPLE RESOLUTION**

A RESOLUTION REQUESTING THE RECERTIFICATION OF  
THE \_\_\_\_\_ COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_; and

WHEREAS, the members of the \_\_\_\_\_ (City Council or County Commission) have received an opinion letter from \_\_\_\_\_, City/County Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the \_\_\_\_\_ (City Council or County Commission) have determined that it is to the best interests of \_\_\_\_\_ (Municipality or County) to continue to provide for a Justice Court;

BE IT RESOLVED, the \_\_\_\_\_ (name of Commission, Council or Board) hereby requests recertification of the \_\_\_\_\_ Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the \_\_\_\_\_  
(name of Commission, Council, Board) of \_\_\_\_\_  
(Municipality or County) hereby affirm their willingness to continue to meet all requirements set  
forth by the Judicial Council for continued operation of the \_\_\_\_\_  
Justice Court for the next four-year term of court, except as to any requirements waived by the  
Utah Judicial Council.

APPROVED and signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Municipality or County)

by \_\_\_\_\_

(Title)

ATTEST:

\_\_\_\_\_

**RESOLUTION NO. R15-49 (10-6-15)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, UTAH REQUESTING THE RECERTIFICATION OF THE SARATOGA SPRINGS JUSTICE COURT**

**WHEREAS**, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

**WHEREAS**, the term of the present Saratoga Springs Justice Court shall expire in February 2016; and

**WHEREAS**, the members of the Saratoga Springs City Council have received an opinion letter from the City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

**WHEREAS**, the members of the Saratoga Springs City Council have determined that it is in the best interests of the City of Saratoga Springs to continue to provide for a Justice Court.

**NOW THEREFORE, BE IT RESOLVED** that the Saratoga Springs City Council hereby requests recertification of the Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

**BE IT FURTHER RESOLVED** that the Saratoga Springs City Council hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

**APPROVED** and **PASSED** this 6th day of October, 2015 by the Saratoga Springs City Council.

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

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

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**City of Saratoga Springs**  
**City Council Meeting**  
**September 15, 2015**

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

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**Policy Session Minutes**

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**Present:**

Mayor: Jim Miller

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

Staff: Mark Christensen, Kimber Gabryszak, Spencer Kyle, Owen Jackson, Kevin Thurman, Jeremy Lapin,

Kara Knighton, Chelese Rawlings, Jess Campbell, Nicolette Fike

Others: Chris Porter, K Becraft, Sherri Haab, Sandra Steele, Stan Steele, Amber Blasdell, Tennille Perry,

Micah Raventos, Darcey Williams, Jason Williams, Joe Baird, Karson Burton, Sam Peart, Ty Poyen,

Jason Wood, Brian Burton, Scout Troop 1124, Tyson Cabjlagh, AJ Baadsgaard, Cathy Collard, Cub

Scouts 416, Ron Edwards, David Cannon,

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**Excused:**

**Call to Order** 7:00 p.m.

**Roll Call** – a quorum was present

**Invocation / Reverence** - given by Councilman Willden

**Pledge of Allegiance** - led by Zack Baldry from Scout troop 435

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**Public Input – Opened** by Mayor Miller

Sherri Haab would like to bring to the attention of City Council that many people in the south of the city are still having problems with sewer and gas in the lines. A chemical dispensary was added to the system but with the dry weather the gas has continued to be bad. It is on both sides of Redwood Road. They checked on their neighborhood Facebooks and many people responded with the same problem. She believes it is because there is not enough water in the system. They are hoping the city will still pay attention to the issue and find a solution sooner rather than wait til more houses are built. She noticed it is worse on days that are clear.

Spencer Kyle noted they had been working with her, they did a chemical treatment to reduce hydrogen sulfide levels. They will go out soon to re-measure the system, and do testing throughout the city. They have also done more sulfur testing on the water and have not shown any.

Sandra Steele wanted to bring to their attention that the City Municipal Code does not have a pooper scooper law. She has provided a possible start to the ordinance to Owen Jackson to help address this. She thinks any public property should be included, not just sidewalks and thinks it is something for discussion.

Mayor Miller said they have had other complaints from residents on that issue and asked Mark Christensen to bring it back to them in a work session.

**Public Input - Closed** by Mayor Miller

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**POLICY ITEMS**

**1. Departmental Financial Update.**

Chelese Rawlings shared the Budget update. The report shows the actuals in comparison to the budget up to June 30, 2015 before year end closing entries. They only spent \$103,000 more than the last fiscal year.

This last year they brought in 1.8 million more revenues. She noted that their credit card fees are getting higher because more people are using their cards to pay for utilities.

Councilwoman Call had a question about the summary page and where they have an expenditure with a revenue coupled to it, is there a way for it to be broken out.

Chelese Rawlings said it's in other revenue so it's totaled together but she can see about breaking it out.

54 Councilwoman Call wanted to look at the cost of Bluffdale’s contract with their population compared to  
55 ours, if we could bring that back and look it over, to see if they need adjusted.  
56 Mark Christensen commented that the level of service they are contracting for is significantly less.  
57 Councilwoman Call asked about paying with credit card, are the fees recouped?  
58 Chelese Rawlings said there are laws that protect from passing on those fees to consumers. They would have  
59 to assess a fee to all, not just pick and choose. She would have to do more research. Right now they have  
60 it capped at \$1500 that can be charged on a credit card.  
61 Councilwoman Call commented that if our other utility customers are supplementing the credit card users  
62 then maybe we need some adjustment and if we can nip it now it would be better.  
63 Mayor Miller would be curious what our delinquency rate is between those that pay by credit and the others,  
64 as we pay more to collect from those that aren’t paying.  
65 Councilman McOmber appreciates the reports. He didn’t feel there was anything he needed to alert the  
66 auditor to this year. It’s much better than when he came in 6 years ago.  
67 Councilwoman Baertsch commented on the impact fees, the actuals are much lower than budgeted. She  
68 would like to know what that is due to.  
69 Chelese Rawlings some of the impact fees adjusted down throughout the year. We didn’t adjust it because  
70 we assumed with the growth we would still bring in the balance.  
71 Councilwoman Baertsch thinks with those types of things it might be good to adjust those. She had some  
72 other questions she will go over with Chelese Rawlings at a later time. She asked about the street light  
73 SID fund where we are over, is that a fund balance thing? Are we charging too much for those fees?  
74 Chelese Rawlings said we pulled in that many more.  
75 Mark Christensen said typically we are not over charging. With impact fee funds we collect and save up for  
76 capital and turn around and spend it on bigger projects. He hasn’t seen an excessive growth in any area.  
77 Councilwoman Baertsch said let’s make sure we are adjusting those budgets as we go.  
78 Councilman Willden really appreciates that we are very conservative in our revenue projections and what we  
79 put in our expense requests. Staff doesn’t push for things; they come in with what they need. If the city  
80 implemented a charge for credit cards more people will send in a check to save the two or three dollars.  
81 In the future it’s going to cost more to process a check than credit.  
82 Councilman Poduska appreciates the color coding in the report.  
83

84 **2. PUBLIC HEARING ITEMS:**

- 85 **a. General Plan, Land Use and Code Amendments-Mixed Lakeshore to Mixed Waterfront**
- 86 **Designation and Zone.**
- 87 **b. Amendments to the City of Saratoga Springs Land Development Code.**
- 88 **i. Ordinance 15-26 (9-15-15): adopting amendments to the Saratoga Springs Land Development**
- 89 **Code and General Plan.**

90 Kimber Gabryszak presented the proposed changes.

91 GENERAL PLAN

92 Change Mixed Lakeshore Designation to Mixed Waterfront, including a few cleanups.

93 CODE

94 19.02 – Definitions

- 95 • Clean-up definition to avoid confusion, and replace graphics

96 Councilwoman Call suggested that when we add a graphic could we give it an image reference number  
97 and then reference it when it’s talked about in the code.

98 Multiple sections, removal of “Gateway”: 19.02, 19.04, 19.15, 19.18, 19.23

- 99 • Remove the Gateway definition and references from Code, as the defined Gateway is no longer the  
100 primary entrance into the City
- 101 • Sections impacted: 19.02, 19.04, 19.15, 19.18, 19.23

102 19.04 – Land Use Zones – Mixed Lakeshore

- 103 • Change name to from Mixed Lakeshore to Mixed Waterfront to permit application along Jordan  
104 River as well as Utah Lake
- 105 • Add several clarifications, and modify feathering and commercial location standards.

- 106 • Proposal includes higher density in interior of development, with density transition to match adjacent  
107 developed residential areas

108 19.05 – Supplemental Regulations

- 109 • Standards for Auto Sales and Large Parking Lots and Vehicle Storage  
110 ○ Require an additional 30' buffer and displays subject to certain limitations.

111 Councilman McOmber asked if there was a limit to the number of car lots that could be in our  
112 commercial zones.

113 Kimber Gabryszak replied there is not.

114 Councilwoman Baertsch asked if we could something along the lines of there needs to be a spacing  
115 requirement, or so many lots per so many residents.

116 Councilman McOmber is concerned that several lots (like Lehi Main Street) would be unattractive.

117 Councilwoman Call said one thing where we have an advantage is we have standards and the ability  
118 to put in proper documentation up front and limiting the display. A 30' buffer is going to look  
119 better.

120 Mark Christensen said he and Owen met with Auto Dealers of Utah to see what they could do for  
121 long term planning. He would caution about putting to many restrictions as of yet, we want some  
122 flexibility for the future to be able to deal well with car dealerships.

123 Councilman McOmber commented that new car dealerships are not the same as used car lots. He is  
124 more concerned with the used car lots.

125 Kimber Gabryszak this is a pretty high standard that most used car dealers you see are not meeting.  
126 This should cover what we need for now.

127 Councilwoman Baertsch didn't notice a mandated pad for the display areas. We want to avoid them  
128 parking on the landscaping. If there is not an actual pad designated then they can add more  
129 vehicles and it becomes a code enforcement issue.

130 Kimber Gabryszak responded that they do have to designate the pad as part of their site plan.

131 Councilman McOmber said the cement pad is helpful to make it obvious for code enforcement.

132 Councilwoman Call doesn't understand the reasoning for limiting the height for display.

133 Councilwoman Baertsch said this is to limit the entire height so they can't have a 10 foot display  
134 then a 10 foot vehicle on top of that. It's the display and vehicle combined.

135 Councilwoman Call then noted that it calls out that vehicles can't be over 10 feet not vehicle and  
136 display together.

137 Kimber Gabryszak made a note for that change.

138 Councilwoman Baertsch noted the setback was a significant distance from the buffer area. She would  
139 be fine if they wanted to put their building up against the display area and have the main part of  
140 the parking behind the building she would be ok with that option, if they are not going to have  
141 parking right there.

142 Kimber Gabryszak remarked that the landscape buffer is only required for parking and sales lot so if  
143 they don't have a parking lot then it would be the typical building setbacks. That option is  
144 available.

145 Councilwoman Call suggested in the wording that we clarify which direction from the back of the  
146 sidewalk for a display area so they don't go into the buffer.

147 Councilwoman Baertsch mentioned on the exhibit there is back of curb and edge of ROW which is  
148 not always the same thing.

149 Kimber Gabryszak noted where there are two types of roads, and noted consistency changes that  
150 needed to be made.

151 19.06 – Landscaping and Fencing

- 152 • Minor change to planting standards to clarify caliper height. Industry standard is caliper is measured  
153 about 12 inches from root ball.

- 154 • Identify location where fencing should drop to 3' height for corner lots – they have to keep a clear  
155 view triangle when the street side yard is adjacent to a driveway.

156 Councilwoman Call suggested that when we are looking at new applications we can look out for a  
157 driveway that could be switched to the other side.

158 Councilman McOmber commented that it's important when we have situations like that, that the  
159 developers are informing owners of the consequences of where they place a driveway.  
160 Ultimately we have to consider safety. We need to figure out how to maintain site triangles and  
161 people also need to be cognizant when they back out.  
162 Councilwoman Baertsch noted this was an interesting discussion in Code Committee. We were able  
163 to get a pretty good compromise here. And she agrees to working with developers that they try to  
164 make sure the driveways are on the correct side.  
165 Kimber Gabryszak is more worried about side yards that are short.  
166 19.12 – Subdivisions - 19.13 – Process - 19.14 – Site Plan  
167 • Delegate several types of approvals to better streamline processes. Most of the changes are to follow  
168 direction given in Work sessions.  
169 Councilman McOmber is hesitant and wants to make sure that if a developer is coming in again and  
170 again to really look at it, and make notes of why it's happening. If it continues to be a problem  
171 he thinks City Council would need to be brought in again.  
172 Kimber Gabryszak commented that the way it's written, if the final plat is consistent with the  
173 preliminary staff can approve it but if it's not or it has a deviation it would have to come back to  
174 Council. She said they could put those concerns into the update memo.  
175 Councilwoman Baertsch said we need to be careful to be specific which plat they are talking about,  
176 e.g. on b.3.i it says plat but not preliminary or final. She is not sure "if no deviations are  
177 requested" needs to be there, it's redundant.  
178 Kimber Gabryszak summarized the changes for this section listed in the staff report.  
179 19.26 – Planned Community Zone  
180 • Change Mixed Lakeshore to Mixed Waterfront. They are proposing to increase the allowable density  
181 and adding language in the code that requires density transition from existing residential.  
182 Councilwoman Call said this makes her nervous. She understands what we are trying to accomplish  
183 but she doesn't think that moving it up to 10 units per acre will do that. She feels uncomfortable  
184 throwing in high density right now until we research more communities of this type. We have  
185 lost a lot of this to single family homes but she would rather first look at code that is  
186 implemented in other areas that are successful with this.  
187 Councilman McOmber had concerns here as well, that maybe it needs a little more attention to find  
188 the right balance. He agrees that in order to encourage commercial developers they need the  
189 density for an incentive but they don't want to give too much.  
190 Kimber Gabryszak said they could just not include the number changes, but recommended they  
191 make some of the name and transitional changes now. They plan on overhauling it more  
192 completely down the road. They are already working on the research requested now in other  
193 vibrant river walk communities.  
194 Councilwoman Call doesn't necessarily see the need for commercial within 200 feet of single family  
195 residential buffer.  
196 Kimber Gabryszak responded that was a request from Planning Commission as well as some  
197 residents. If they are comfortable they can remove 10 and 14 and c.1.  
198 Councilwoman Baertsch mentioned other areas they may want to look at minimum of commercial,  
199 there may be areas where they want more.  
200 Councilwoman Call wondered if one developer comes in and their property is not suited for  
201 residential or commercial do they have to wait until someone comes in to provide the 20 or 80  
202 percent.  
203 Councilwoman Baertsch said it may be too specific in some areas and not specific enough in other  
204 areas. We need to be specific in setting out the open space. When looking at some of those other  
205 cities, they seem to have set out 50-100 feet from the shoreline for public seating and walking  
206 areas. If you look at some of those areas they have the ability to put some of those homes or  
207 commercial right against some of those seating areas but they never put a road between housing  
208 and the riverside so it creates a very walkable environments, it's always to the back. We may  
209 need to do an overlay or just definitions to put more specific guidelines in. There may be a  
210 situation where there is commercial near the main road and it funnels down to the water front.

211 Kimber Gabryszak asked if City Council would like to just approve the name change tonight. With  
212 all the changes she would recommend they continue it to the next meeting.

213  
214 **Public Hearing Open** by Mayor Miller.

215 Darcey Williams noted that several people from her neighborhood were present tonight (Dalmore  
216 Meadows). They want to be cautious with this because of The Crossing directly west of them, the  
217 medical directly south of them and the commercial north of them. They are concerned their  
218 neighborhood would be an island surrounded by commercial, and their property values would go  
219 down. There is so much traffic there right now at certain times of the day they cannot turn left  
220 (south) out of their neighborhood. There are big concerns with this and they would like to see more  
221 housing by them.

222 **Public Hearing Closed** by Mayor Miller.

223  
224 **Motion made by Councilwoman Call to continue these items to our next meeting of October 6<sup>th</sup> 2015**  
225 **for further discussion and allow staff to make changes and bring back recommendations.**  
226 **Seconded by Councilwoman Baertsch. Aye: Councilman Willden, Councilwoman Baertsch,**  
227 **Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**  
228

229 **Item 3.a. was moved forward to this time.**

230 **3.a. Amending the Cul-de-Sac details in Engineering Standards Technical Specifications and Drawings**  
231 **manual.**

- 232 **i. Ordinance 15-28 (9-15-15): adopting a modified Cul-de-Sac detail for certain projects in the**  
233 **City of Saratoga Springs.**

234 Jeremy Lapin presented the item for the adoption of a modified cul-de-sac detail that is compliant with the  
235 International Fire Code.

236  
237 **Motion made by Councilwoman Baertsch to approve the Cul-de-Sac details in Engineering Standards**  
238 **Technical Details, Specifications and Drawings manual. Ordinance 15-27 dated today (9-15-15)**  
239 **including all Staff Findings and Conditions. Second Councilman McOmber. Aye: Councilman**  
240 **Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman**  
241 **Poduska. Motion passed 5 - 0.**  
242

- 243 **c. General Plan, Land Use Map, and Zone Map Amendments (Rezone) from Low Density Residential**  
244 **and R-3 to Mixed Waterfront located between Redwood Road and Jordan River, north of Dalmore**  
245 **Meadows; City of Saratoga Springs, applicant.**

- 246 **i. Ordinance 15-27 (9-15-15): adopting amendments to the City's Official Zoning Map and Land**  
247 **Use Map of the General Plan.**

248  
249 **Public Hearing Open** by Mayor Miller

250 Darcey Williams noted her earlier comments were also in conjunction with this item.

251 **Public Hearing Closed** by Mayor Miller

252  
253 **Motion made by Councilman McOmber to delay the General Plan, Land Use Map, and Zone Map**  
254 **Amendments to a future date. Seconded by Councilwoman Call.**  
255

256 Councilwoman Baertsch said from their July meeting they were pretty specific that the easement granted  
257 was tied into putting the road on the transportation capital facilities plan and the zone change was  
258 tied to the annexation to some other property and she wondered where we were at.

259 Kevin Thurman there was some confusion because the Engineers staff report said we would do one thing  
260 and the owner would do another, but the actual Agreement reads different, they are not tied to each  
261 other, it wasn't a quid pro quo. The Waterfront designation has to be rezoned within 120 days from  
262 signing the agreement.

263 Councilwoman Baertsch believes that generally they don't do a rezone unless they have a reason with an  
264 application and plans.  
265 Mark Christensen said sometimes they do that. The rezone request was for this particular parcel not the  
266 parcel they are bringing into the city. There is still some flexibility on that parcel. They have begun  
267 some conversations with the neighbor to the east regarding that property and they are beginning  
268 preliminary conversations and they are moving forward and doing their due diligence. They would  
269 like it rezoned by the time they are ready to do something with it at some point in the future.  
270 Councilwoman Baertsch said some councilmembers were concerned about the tax implications. If they  
271 were to put it on the Land Use Map and not do the zone change, it wouldn't have the tax implications  
272 a zone change would have. While it is the applicants desire to have this it may be a discussion you  
273 want to have with him.  
274 Mark Christensen replied that they would do that.  
275

276 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**  
277 **Councilman Poduska. Motion passed 5 - 0.**  
278

279 **3. ACTION ITEMS:**

- 280 **b. Final Plat for Talus Ridge Plat F located at approximately 1100 West Talus Ridge Blvd; Edge**  
281 **Homes, applicant.**  
282 **i. Resolution R15-41 (9-15-15): adding lots to the City Street Lighting Special Improvement**  
283 **District for Talus Ridge Plat F.**  
284 **c. Final Plat for Talus Ridge Plat G located at approximately 1100 West Talus Ridge Blvd; Edge**  
285 **Homes, applicant.**  
286 **i. Resolution R15-42 (9-15-15): adding lots to the City Street Lighting Special Improvement**  
287 **District for Talus Ridge Plat G.**

288 Kara Knighton said she would be happy to answer any questions.  
289

290 **Motion made by Councilman Willden approve the Final Plats for Talus Ridge Plats F & G**  
291 **including the Resolutions R15-41 & R15-42 (9-15-15) adding lots to the City Street Lighting**  
292 **Special Improvement District. Including all staff findings and conditions. Second from**  
293 **Councilman Poduska. Aye: Councilman Willden, Councilwoman Baertsch, Councilman**  
294 **McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**  
295

- 296 **d. Code Enforcement Extension Fees.**  
297 **i. Resolution R15-43 (9-15-15): amending the Consolidated Fee Schedule to add fees for code**  
298 **enforcement extensions.**

299 Kimber Gabryszak presented the amendment. This is a proposal to enable an extension process and still  
300 make sure the City's time is covered for cost and that it's a fair system to grant extension. The first  
301 extension is free, the second has a charge to cover half the city's cost and any further requests cover  
302 approximately the full cost. That way those that are coming into compliance are not being fined and  
303 those that are not are covering the costs.

304 Councilman Poduska had no difficulties, it seemed fair, to have the cost of the processing transferred to  
305 the user makes sense.

306 Councilwoman Call thinks for the first request it could be designated to just the code enforcement officer  
307 and not the CEO. There shouldn't need to be a site visit. On the second one we could send just the  
308 inspector out and charge the \$50. And the third attempt everyone does what is outlined by staff. She  
309 doesn't think the first time needs to have the Planning Director and Police Chief to look at the  
310 application and make sure it is all status quo.

311 Mark Christensen commented that we are trying to create a process where it's not just the officer, it may  
312 be best for them to not try and negotiate.

313 Councilwoman Call doesn't think it puts the City in a good light if the first time you just need two more  
314 weeks because your sod can't be delivered you shouldn't have to come into and be reviewed by the  
315 Police Chief.

316 Mark Christensen replied that it doesn't make sense to escalate it to the top but they are trying to catch  
317 more complex issues.  
318 Councilwoman Call appreciates that, but if the issues are going to be resolved in the first request then  
319 they are not very complex, by them being more complex it will require more requests and they will  
320 have the Chiefs eyes on them.  
321 Kevin Thurman commented that they don't just have Code Enforcement Officers in the Police  
322 department. They are also in Building, Planning, and Engineering. We could just say supervisors can  
323 sign off, that way the Chief of Police doesn't need to see each one.  
324 Councilwoman Call thought they could change it to a 30, 60, 90 day request. We shouldn't need the  
325 Chief to sign off on something simple like my sod can't come for a month.  
326 Kevin Thurman thinks they probably need a more robust policy that covers certain situations where the  
327 officer shouldn't have that much discretion and other times when he should. There may be times  
328 when we don't want that discretion to protect the officer and avoid conflicts with residents.  
329 Councilwoman Baertsch clarified that they are mostly talking about landscape issues. This wouldn't  
330 really apply to building issues.  
331 Kimber Gabryszak this would apply to anything that is Code Enforcement. It's not only CEOs that can  
332 issue citations. If they wrote a citation and then they requested an extension then this would apply.  
333 So this would be outside the scope of normal re-inspection fees etc.  
334 Kevin Thurman said you could direct us to only use the actual policy where the COP signature is  
335 required for enforcement actions under the police department.  
336 Councilman McOmber thought it made sense at first but then said if the first extension that is free but  
337 still costs the city \$103 with so many people's eyes on it, the concern is if you have an impact you  
338 should pay the fee for that impact. We don't need to jump through so many hoops. He would be ok  
339 with free if they remove so many of the eyes on it and kept the first request simple for the first  
340 extension request. Once you get into a second request then it gets more complicated and more  
341 people. Third request get more complicated with people on site and so many hours. But if just the  
342 officer is able to grant the extension then it makes more sense and keeps it simple.  
343 Kimber Gabryszak is happy to work with Chief of Police and Code Enforcement to revise the form and  
344 process. This resolution is just for the fees and not the policy. They can make the changes to the  
345 policy.  
346 Councilman Willden asked if the first one was an automatic approval, his concern is you are putting an  
347 officer in a difficult situation. If it's automatic he would be ok with it.  
348 Kevin Thurman thinks it hard for a one size fits all on this situation. Really it should be left to the  
349 discretion of the supervisor. If someone violates and comes in and pays the judgement, and they are  
350 violating again you may not want to give them an extension.  
351 Councilwoman Call would say it would be for someone that doesn't have a code enforcement issues in  
352 their past they should be granted an automatic extension and then it's virtually free. The next one  
353 where they need to go out and inspect has a fee on that because it costs us more money to administer  
354 that.  
355 Kevin Thurman commented that we will add it to the actual policy.  
356 Councilwoman Baertsch wondered if there is going to be a time when it shouldn't be an automatic  
357 extension. She is aware of one situation that has been brought up and he just kept going and the city  
358 gave a variance they shouldn't have and it's caused problems.  
359 Mark Christensen there are possibly times when they wouldn't want to do that automatic extension. If  
360 they are ok adopting the fees and bring back the policy for them to see they can do that.

361  
362 **Motion by Councilwoman Baertsch to approve Resolution R15-43 (9-15-15): amending the**  
363 **Consolidated Fee Schedule to add fees for code enforcement extensions and directing staff to**  
364 **discuss and revamp the policy and bring back to work session. Seconded by Councilman**  
365 **McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,**  
366 **Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**  
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368 e. Culinary Water Leak Forgiveness Program:

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**i. Resolution R15-44 (9-15-15): adopting a Culinary Water Leak Forgiveness Policy.**

Spencer Kyle presented the program. The item was discussed at the August 25, 2015 City Council work session. He listened to the audio from that meeting and put together a resolution based on the suggestions and recommendations from Council. He clarified that this was for Usage in July and August, billed in August and September.

**Motion by Councilwoman Call to approve Resolution R15-44 (9-15-15): adopting a Culinary Water Leak Forgiveness Policy with all staff findings and recommendations. Seconded by Councilman Poduska. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**

**f. City Council Minutes:**

**i. August 25, 2015.**

**ii. September 1, 2015.**

Minutes changes emailed by Councilwoman Call were read. Councilwoman Baertsch shared changes.

Councilman McOmber indicated that he was excused for the Closed Session.

Councilman Willden clarified with Mark Christensen that going forward we would post the changes at the door.

Kevin Thurman said if there are substantial changes we may need to spend more time and thought before adopting those changes in the future.

**Motion made by Councilwoman Call to approve the minutes for August 25, 2015 and September 1, 2015 with changes read by Nicolette and offered by Council members. Seconded by Councilwoman Baertsch. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**

**g. Discussion Central Utah Water Purchase Agreement Amendment.**

Mark Christensen noted that the old contract required the city and partner to acquire 62 million dollars' worth of water and after that then the annual operation would be paid for by PRI until the water's being used in the City's system. The result is that the city would gradually pick up the cost on that. They looked at different ways to structure the deal. The alternative they proposed to us would enable the cities to pay the upfront and operating and maintenance costs on a different draw-down schedule instead of paying the upfront buy-down of the entire allotment. Whoever the developer is that purchases the water would pay more for the contract price but only pay the operating and maintenance for the water they are actually using in their system. They adjusted the rates so you are paying a higher purchase price for the water, and redistribute the operating and maintenance costs. It transfers the cost. The city's cost would be the operating and maintenance cost. The operating and maintenance decreases significantly in the first 10 year period compared with the original deal. At the end of the 30 years it's more if you take the second alternative but differs depending on how quickly the water is taken down. If we go with the alternative it would grant a little more flexibility in trying to remarket the water in the community. If we don't go with the alternative, the incentive for PRI is to try and sell it off faster. It's something we are looking at. Central Utah Water has asked that we take a look at it. We have a meeting set up with Eagle Mountain to discuss the way they would like to move forward. All the purchasers will need to essentially agree. It's pretty break even for us, although the end number is bigger with the alternative, but you don't need to drop as much at the front end of the purchase nor would the total operating and maintenance fees be as high. On the current contract the operating and maintenance fees start to diminish towards the end of the contract for PRI because the City will ultimately pay more and more as we use the water.

Councilman Willden likes the alternative because it's a zero impact for the city. There is a higher likelihood that the water will stay with the city and not get sold elsewhere. It's important to retain the

421 water rights. The only cost is the price per acre fee which would be a development fee and in 30  
422 years we would expect water prices to go up.  
423 Mark Christensen said they have it that the water is graduating based on the different tiers. It's about a  
424 half an acre foot per household and potentially could be \$15,000 impact fee per home by 2045.  
425 Councilman McOmber said looking at the principle standpoint would like to see the \$10,000 acre fee  
426 stay within the city. He would also encourage plan c that is not such a large impact with a  
427 compromise in the middle. Continue those discussions as you are working with the other cities to  
428 find the better alternative.  
429 Councilman Willden would recommend time to go through the spreadsheet with Mark in a work session.  
430 Mayor Miller had a chance to talk to Mark yesterday and agrees with finding a balance between the two.  
431 Mark Christensen said last night they weren't sure if they were going to have to pay the full acre foot  
432 operation and maintenance. Under the amendment they are only charging for the portion we are  
433 using so it is significantly less.  
434 Councilman McOmber it makes sense that you should pay what you use.  
435 Councilwoman Call would like to see this in work session. So we can have the input while they are  
436 looking at all the information.  
437 Councilman McOmber would also like to have the work session and gain from Councilman Willden's  
438 financial perspective.  
439 Councilman Poduska would want to retain the \$10,000 feet and redistribute to the other developments as  
440 necessary. The discrepancies seems like it should be able to be negotiated.  
441

#### 442 **4. REPORTS:**

##### 443 **a. Mayor.**

444 Mayor Miller commented that some cites have got back flow preventers on homes to protect the water  
445 source. It's certified every year.  
446 Spencer Kyle said they used to have an inspection but now they say it's not allowed.  
447 Mayor Miller thought they could do it on new construction moving forward.  
448 Kevin Thurman mentioned that Title 8 prohibits that from occurring, but it doesn't say at the house.  
449 Mark Christensen said he is not aware of any but one circumstances of that that happening.  
450 Mayor Miller suggested they look at what So. Jordan is doing.

##### 451 **b. City Council.**

452 Councilwoman Call reminded them that she is leading the service project on the 19<sup>th</sup> at Inlet Park. The  
453 meeting for the appropriation will be next month. The lake commission has gone to a quarterly  
454 meeting schedule. Oct. 20<sup>th</sup> is the Legislative Lake hoopla at Talons Cove and she would like to  
455 request that Council attend that in lieu of their regularly scheduled meeting. She announced that she  
456 is withdrawing from the upcoming election. Her husband is accepting a position in Ohio. She  
457 thanked Council and Staff for the time they have worked with her.  
458 Councilman McOmber thanked Councilwoman Call and her attention to detail. He asked if the Recorder  
459 could look into how that affects the candidates listed on the ballot. He wants to thank Staff for  
460 getting the grass cut at Neptune Park. It is still long for soccer at about 4 inches. It is better but it  
461 could still be shorter.  
462 Spencer Kyle responded that the field portion is getting mowed twice a week now.  
463 Councilman McOmber commented on 400 south, it is open now; they took out some of the road and did  
464 not replace it from trenching on the side. He is worried it no longer meets the City standards.  
465 Mark Christensen said they will be extending it out when the canal goes in.  
466 Councilman McOmber thinks they should require the developer to stripe it so it is safer.  
467 Councilwoman Baertsch wanted an update from a transportation meeting that Kimber and Mark attended  
468 and they will be bringing a work session forward on. She asked if they could get an update on the  
469 North Shay Park Sidewalk and Berm trail and where they were on all that.  
470 Spencer Kyle did not have updates yet.  
471 Councilman Willden was in touch with the Library Board and has asked them to put together a long term  
472 analysis to project the growth and at what point would a library building make sense. So they can  
473 start planning about it. He thanked Councilwoman Call for her services.

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**c. Administration communication with Council.**

Mark Christensen commented that where they are doing more work on 400 South he will have to check with them. On the concerns with the trail and the park, Mark Edwards is looking into that, there are some concerns with steep grades. He said they should keep an eye out for an email from Melissa Grygla from the library. They will talk more about the backflow preventer in the home.

Owen Jackson shared that this weekend they will be doing a lane shift on Redwood Road as they install the Tickville storm drain across the road. On Sunday it will be only one lane with flaggers.

Councilwoman Call had a concern that if they are working on the weekend if there is a problem how residents would get a hold of the city.

Mark Christensen said they just discussed creating a voicemail box that will help take care of that.

**d. Staff updates: inquires, applications and approvals.**

Kimber Gabryszak updated the Council of New Applications & Resubmittals & Staff Approvals. (memo included in packet.)

**5. REPORTS OF ACTION:** No Reports tonight.

**6. 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 pending or reasonably imminent litigation. Seconded by Councilwoman Call. Aye: Councilman McOmber, Councilwoman Baertsch, Councilman Willden, Councilman Poduska and Councilwoman Call. Motion passed unanimously**

**Meeting Moved to Closed Session 9:20 p.m.**

**Closed Session**

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

**Closed Session Adjourned at 9:30p.m.**

Mayor Miller mentioned that Stevens Henagar College has a Mayor’s Choice award that is \$1500 off of tuition.

It doesn’t cost the city anything for it. They look at residents who are attending and meet certain criteria.

Councilwoman Call is ok for those that are attending but doesn’t want high school kids to apply.

Councilman McOmber thinks that maybe we should have some of these kids apply. A college like this is a good option for some kids.

Councilwoman Call doesn’t want them going in not knowing the price tag.

Mayor Miller said they have to sign a disclosure and they don’t get it until they graduate. It sounds like they will move forward with it.

**Policy Meeting Adjourned at 9:32p.m**

\_\_\_\_\_  
Date of Approval

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

\_\_\_\_\_  
Lori Yates, City Recorder (or deputy)



## Memo

**To:** Mayor, City Council and/or Planning Commission  
**From:** Planning Department  
**Date:** September 28, 2015  
**Meeting Date:** October 6, 2015  
**Re:** New Applications & Resubmittals

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### **New Projects:**

- 08.11.15 CarQuest Filter Sale & Food Truck Sign Permit (2184 N. Redwood Rd.)
- 09.09.15 Lexington Green Concept, GPA & Rezone (NW Corner of Foothill Dr. & Pony Express Pkwy)
- 09.10.15 Jacob's Ranch Plat N Variance (Ring Road- Jacobs Ranch Development)
- 09.10.15 Riverbend Medical Permanent Sign Permit (41 E.1140 N.)
- 09.11.15 Legacy Farms Village Plan 2 Plats 2A Preliminary & Final (400 S. Redwood Rd.)
- 09.16.15 Summerhill Phase 5, Lots508-510 Plat Amendment (S. Delphinium Way)
- 09.22.15 Harvest Hills Plat F-A (Bayleaf Drive & Ginger Place)

### **Resubmittals & Supplemental Submittals:**

- 09.04.15 Legacy Farms Clubhouse Site Construction Drawings (400 S. Redwood Rd.)
- 09.09.15 Fox Hollow N12 Pond/Tank Waterlines
- 09.10.15 The Crossing Village Plan & Community Plan (NW Corner Pioneer Crossing & Redwood Rd)
- 09.15.15 Talus Ridge Plat E (600 N. 800 W.)
- 09.15.15 Lake Mountain Concept (4000 S. 1220 E)
- 09.17.15 Saratoga Springs Commercial Development (Crossroad Blvd & Commerce Dr.)
- 09.21.15 Jacobs Ranch Plat N Preliminary & Final (450 W Remington Avenue)
- 09.22.15 Talus Ridge Plat F Final Plat (600 N. 800 W.)
- 09.25.15 Talus Ridge Plat G Final Plat (600 N. 800 W.)
- 09.24.15 The Crossing Community Plan & Village Plan (NW Corner Pioneer Crossing & Redwood Rd)

### **Staff Approvals:**

- Riverbend Medical Sign Permits
- Legacy Farms Clubhouse Site Plan
- Jiffy Lube temporary sign permit
- North Saratoga car wash temporary sign permit
- Adstyle Salon Home Occupation