



# Syracuse City Planning Commission Meeting October 4, 2016

Begins at 6:00 p.m. in the City Council Chambers  
1979 West 1900 South, Syracuse, UT 84075

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## Regular Meeting Agenda

### PLANNING COMMISSIONERS

#### CHAIR

Ralph Vaughan

#### VICE CHAIR

Dale Rackham

Curt McCuistion

Greg Day

Troy Moultrie

Grant Thorson

Gary Bingham

1. **Meeting Called to Order**
  - Invocation or Thought by Commissioner **Moultrie**
  - Pledge of Allegiance by Commissioner **Bingham**
  - Adoption of Meeting Agenda
2. **Meeting Minutes**  
September 20, 2016 Regular Meeting and Work Session
3. **Public Comment**, this is an opportunity to address the Planning Commission regarding your concerns or ideas, regarding items that have not been scheduled for a public hearing on this agenda. Please limit your comments to three minutes.
4. **Public Hearing, Subdivision Amendment** - Ford Subdivision property located at 2049 S 1230 W
5. **Subdivision Amendment** - Trails Edge Phase 1, property located at approximately 3300 W 625 S
6. **Adjourn**

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## Work Session

1. **Department Business**
  - a. City Council Liaison Report
  - b. City Attorney Updates
    1. Land Use Training (30 minutes)
  - c. Upcoming Agenda Items
2. **Discussion Items**
  1. Water Wise Landscaping
3. **Commissioner Reports**
4. **Adjourn**

### NOTE

If you wish to attend a particular agenda item, please arrive at the beginning of the meeting. In compliance with the Americans Disabilities Act, those needing auxiliary communicative aids and services for this meeting should contact the City Office, at 801-614-9626, at least 48 hours prior to the meeting.

### CERTIFICATE OF POSTING

This agenda was posted on the Syracuse City Hall Notice Boards, the State Public Notice website at <http://www.utah.gov/pmn/index.html>, and the Syracuse City website at <http://www.syracuseut.com>.



# PLANNING COMMISSION REGULAR MEETING AGENDA

October 4, 2016

## Agenda Item # 2      Meeting Minutes

**September 20, 2016**

Regular & Work Session Meeting Minutes

### **Suggested Motions:**

#### **Grant**

I move to **approve** the meeting minutes dated ... for the regular meeting and work session Planning Commission meeting, as amended...

#### **Deny**

I move to **deny** the meeting minutes dated ... for the regular meeting and work session Planning Commission meeting with the finding...

#### **Table**

I move to **table** the meeting minutes dated ... for the regular meeting and work session Planning Commission meeting until ...

# Minutes of the Syracuse Planning Commission Regular Meeting, September 20, 2016

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on September 20, 2016, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

**Present:**

Commission Members: Ralph Vaughan, Chairman  
Curt McCuiston  
Grant Thorson  
Troy Moultrie  
Gary Bingham

City Employees: Noah Steele, Planner  
Royce Davies, Planner  
Paul Roberts, City Attorney  
Stacy Adams, Commission Secretary

City Council: Councilman Gailey  
Councilman Maughan

Excused: Commissioner Rackham  
Commissioner Day  
Commissioner Moultrie

Visitors: Lynette Hilton                      Garth Robinson                      Melanie Blodgett  
Brent Savage                              Becca Nelson                              Robert Freeman  
Stephen Burton                              Dru Thornley                              Joe Fisher  
TJ Jensen

[6:02:05 PM](#)

1. **Meeting Called to Order:**

Commissioner Bingham provided an invocation. The Pledge of Allegiance was led by Commissioner McCuiston.

[6:03:35 PM](#)

COMMISSIONER THORSON MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR SEPTEMBER 20, 2016 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER BINGHAM. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

[6:04:02 PM](#)

2. **Meeting Minutes:**

**September 6, 2016 Regular Meeting & Work Session**

COMMISSIONER THORSON MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR SEPTEMBER 6, 2016. THE MOTION WAS SECONDED BY COMMISSIONER MCCUSITION. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

[6:04:40 PM](#)

3. **Public Comment:** This is an opportunity to address the Planning Commission regarding your concerns or ideas, regarding items that have not been scheduled for a public hearing on this agenda. Please limit your comments to three minutes.

None

[6:05:15 PM](#)

4. **Public Hearing, Subdivision Amendment - Trails Edge Phase 1, property located at approximately 3300 W 625 S**

Planner Davies stated this property is located in Trails Edge subdivision on the southwest corner of Phase 1. Received a building permit application a couple of months ago as was mentioned in the staff report, the house was a little bit closer to the property line that what was permitted and spoke with the home builder about that and didn't hear much more until this application. Since then since have sent out public notices, resident and neighbors in the area have been kind enough to contact staff and let them know about the backstory here. Essentially what is being requested is that 2 lots, lot 125 and parcel A, will be combined into one lot. Parcel A, the L shaped lot on the bottom is a detention basin which is required by the City for maintenance of storm water so that is undevelopable land and would be attached to lot 125 on the north which is developable. Essentially his understanding is that this was intended to be sold as a packaged deal as early as December in talking with some of the residents. What this would do is would allow the person who owns lot 125 on the north there to maintain and control what happens in that detention basin with the exception of building anything back there because that would have to have to be maintained for storm water to come through. This is a mix of the R-3 and R-1 zones and both of the respective areas meet the minimum requirements for the zones, if anything the combination of these 2 lots makes both of the lots even more conforming to the code because it increases the lot size and the General Plan matches the zoning as this was a recent subdivision however, the detention basin would not be developable. In receiving the application, it is a little bit complicated because lot 125 is owned by Trails Edge, LLC and then parcel A which makes up the detention basin is owned by the Trails Edge Home Owners Association. According to the CC&R's for the development the Home Owners Association does not yet exist and will not exist until all of the parcel are sold. However, it is his understanding that there was not an intent of the developer to create a Home Owners Association so

64 basically this property is held proprietarily by the developer until that Home Owners Association were to be created.  
65 Because the developer is the applicant and the applicant is not the property owner, State Law requires an affidavit that  
66 authorizes the applicant to act in the name of the property owner. Staff has not received an affidavit yet but have notified  
67 the applicant about that and received an email back saying that they were working with their attorney on that and has  
68 requested that Planning Commission conditionally approve it on the basis that receive an affidavit before it would be  
69 finally approved by the City Council, so that is their request and something that is something that would be up for  
70 discussion for the Planning Commission if would like to do that or not but it is not required for the City to do that, so that is  
71 a request. From a City Code standpoint this does meet the ordinance, if there are challenges or things that are brought up  
72 here during the meeting as there have been brought up to staff during the course of after the public notices were mailed  
73 out, just know that again it does meet City Code, so in order to deny it would have to find some sort of life safety issue that  
74 would be inherently associated with it and could not mitigate with any condition.

75 [6:11:25 PM](#)

76 Commissioner Thorson stated parcel A has a detention basin, was it anticipated to be maintained privately  
77 from the beginning, is confused as to why the HOA would take over and the HOA was never intended and it wasn't given  
78 to the City for the City to maintain and so is just wondering why this ever wasn't resolved from the beginning and why this  
79 becomes a loose end. Planner Davies stated that is a god questions and that is something that he thought was pretty  
80 straight forward moving one property over to whoever the property owner would be that would but this lot but is not sure of  
81 what the intentions were when this was created from his understanding there was no intent really to create an HOA.  
82 Commissioner Thorson stated if this was approved Trails Edge Phase 1 now, was approved now, would they be required  
83 to give the detention basin to the City or would they be required to prove maintenance of it of some sort. Planner Davies  
84 stated yes, would require maintenance of it, it could be an individual property owner, it could be an HOA, it could be really  
85 anybody, they could deed it to the City if accepted that. Commissioner Thorson stated but it is not City standard policy that  
86 they dedicate those to the City. Planner Steele stated yes that is correct, the City doesn't want to accept detention basins  
87 as they are a lot of maintenance and responsibility so generally the developer will hold onto it, but do require that  
88 developers sign what is called a maintenance agreement and from the City's perspective don't care if it is HOA or the  
89 developer or if they hire someone, as long as it is mowed and functions as a detention basin that is fine and that is what  
90 they sign in the detention maintenance agreement and do have one for Trails Edge subdivision that the developer has  
91 signed that is something that is required before record a plat. In the recorded plat in the owner dedication section, will see  
92 that have given parcel A shown as open space to be owned and maintained by the Trails Edge HOA with an easement in  
93 favor of Syracuse City Corporation over parcel A for the storage and convenience of storm water. So when this was  
94 approved last year the City covered its bases now as far as what the developer works out with the HOA or the residents,  
95 that is why have this process with the public hearing so that the residents are aware of situation even though the City's  
96 role in ability to say cannot combine those parcels because technically the developer is the owner so there is not a lot the  
97 City can do but at least there is a venue and there is a way for the resident to be informed of what is going on.

98 [6:14:46 PM](#)

99 Commissioner McCuiston stated he is wondering about the open space requirements, was this a PRD or some kind  
100 of a zoning that needed to have open space as part of the approval. Planner Davies stated no the R-3 and R-1 single  
101 family zones don't require that and this was not an R-1 Cluster where it is zoned R-1 so it wouldn't be required.

102 [6:15:15 PM](#)

103 Commissioner Thorson stated he is concerned and maybe the City Attorney could maybe guide them a little bit, is  
104 there any wrong doings for the subdivision to be approved and sell lots with open space but then it is taken away after the  
105 fact, is there any misrepresentation that goes with that that they need to protect. City Attorney Roberts stated he doesn't  
106 want to cross the line of giving people legal advice because if there was any sort of misrepresentation it would be a defect  
107 in that contract and that it not something that the City gets involved in, that would be a civil dispute between people. There  
108 is nothing that, have a plat amendment process for a reason, nothing is set in stone so don't know what representations  
109 were made when were selling the lots to other people, if there was some misrepresentation about this always being open  
110 space people should consult their own legal counsel but there is nothing that the City can really do, the plat is amendable  
111 and so as long as it meets the code and have property owners who are willing to amend the plat the City's role is just to  
112 ensure that the codes are upheld.

113 [6:16:35 PM](#)

114 Commissioner Bingham stated as far as he understands it, it is their priority to maintain the functionality of the  
115 detention basin and if this is developed and if a fence is put around it will that impede the functionality in anyway. Planner  
116 Davies stated no, inherently it shouldn't unless they start storing things or allow weeds to grow down there or whatever  
117 but that would be a Code Enforcement issue down the road if that happened.

118 [6:17:39 PM](#)

119 Commissioner Thorson asked staff, parcel A goes from being a kind of quasi-public entity owned by the  
120 HOA to be a private, there is piping and infrastructure in there that could cost a significant amount of money to maintain  
121 and replace if it fails, does the owner then become responsible for that. Planner Davies stated yes. City Attorney Roberts  
122 stated as it is currently platted the HOA owns it so any cost of maintenance, replacement anything like that would be  
123 borne by the HOA, because it has been titled over to the HOA, whether it is existing or not and if this is approved and the  
124 land transfer goes through then yes the owner of lot 125A, which would be the combined parcel, would be responsible for  
125 the maintenance and also the replacement of any infrastructure that is located on it.

126 [6:18:39 PM](#)

127 Commissioner McCuiston stated he has an additional question as well, typically when design a detention  
128 basin have to design for a 100-year storm and have an emergency overflow for volumes beyond the 100-year storm that  
129 will usually drain out to the street if this turns into a private lot and is fenced that could impede the flow of flood water and  
130 cause flooding or damage, has the City Engineer taken a look at that. Planner Davies state the City Engineer's review is  
131 in the staff report and don't believe that was mentioned can double check it. Planner Steele stated doesn't think the City  
132 Engineer has directly addressed the fencing issue and don't know 100% if it will be fenced are just making assumptions  
133 that if somebody buys it most likely will fence it in and will be basically an extension of their backyard. Commissioner  
134 McCuiston stated was wondering if should put a condition that it not be fenced or if had looked at that and was okay. City  
135 Attorney Roberts stated City Engineer Bloemen is not here tonight and so not sure if the review included that and certainly  
136 if that causes a danger to the other lots surrounding it then that would be something that would be appropriate to put in  
137 there, but did not have the City Engineer tell them that.

138 [6:20:01 PM](#)

139 Commissioner Vaughan asked the applicant or representatives to come forward. Looks like the applicant or  
140 representatives are not present at this time.

141 [6:20:31 PM](#)

142 Public Hearing opened.

143 [6:20:50 PM](#)

144 TJ Jensen stated a couple of questions the Commission may want to consider when is out of public hearing, would  
145 seem to him would make a little more sense if this was lot 127, it would tie it in better with lot 127 than lot 125 because lot  
146 125 it is kind of the backyard and it is going in a weird direction and guess could put a driveway over there on 3300 W and  
147 kind of have access in the back or something but if it was lot 127 then it would be their side yard and rear yard and that  
148 would be better. The second thing would like to point out is there is that narrow strip of land behind lot 128 for a detention  
149 basin would assume, not on the plans here, but there is probably some piping and stuff that is going through there to the  
150 detention basin but don't know but that would his guess why that is there but as far as maintaining it would seem to him  
151 that it would make more sense if lot 128 took that on because that is a narrow strip of land that are going to mow back and  
152 forth on and just seems odd. Unfortunately, the applicant isn't here to comment on those things but as a citizen and  
153 someone just looking at this think it would make more sense to tie it to lot 127 with that area in the back being tied to lot  
154 128 with restrictions of course of no building in there since it is a detention basin.

155 [6:22:17 PM](#)

156 Lynette Hilton, possible owner of lot 125, her understanding is the builder was going to be here to address all of this  
157 and was just coming to give support to him, so not really sure but can tell them what their intentions were with it. When  
158 they put their money down for the parcel and for the lot it was with the understanding that the developer would sod and  
159 sprinkler the land and they would be responsible for the maintenance of it and so it would just be green space, it would be  
160 grass as far as they are concerned, they had the intention of putting a fence around it at some point but listening to the  
161 concerns could certainly do whatever they needed to do with that. Was only expecting to come and give support, wasn't  
162 expecting to come and speak, but wanted to put a name to a face, is lot 125.

163 [6:23:40 PM](#)

164 Steve Burton, just bought lot 106 and just signed today, they were originally going to buy lot 125 back in January and  
165 were told the same thing is that Nilson Homes would sod it and put sprinklers on it and then would have to maintain it after  
166 that, they asked if they could put a fence around it and they told them no at that time so don't know with the questions that  
167 came up if that is an issue or not. One of his biggest questions just because have talked to other people on the  
168 neighborhood is there a value of that property that they need to be concerned of as if it is in the HOA portion of it that the  
169 money goes straight to the developer or is that something that needs to be a concern of theirs to go back to the  
170 neighborhood because where that parcel A was in the HOA, did their lot values go up or their portions that they paid for  
171 their lots include that as an Association or is that some that they need to be concerned with, or if it is signed back and the  
172 developer gets the money for it. Commissioner Vaughan stated they cannot answer that question specifically for him, if it  
173 comes up perhaps might have the City Attorney make some comments on that but will have some additional thoughts.  
174 Steve Burton stated those are just some of their concerns and questions were, would prefer not the HOA personally but to  
175 just have them be able to take it and maintain it but that was just one of his questions that he had.

176 [6:25:25 PM](#)

177 Robert Freeman stated he is the owner of lot 123, first of all is all for someone else maintaining this area, but agree  
178 with the Commission's concerns over how it should be maintained, fencing, in his past they have lived in subdivisions  
179 before and the first owner takes care of the yard very well, second owner not so much, third owner maybe not at all. If this  
180 owner is going to take that whole parcel is concerned about the longevity and the process that is going to keep it up, when  
181 they purchase it is it going to be written in the HOA that for perpetuity has to maintain it, that is one of the concerns he  
182 has. Doesn't know if he is for an HOA, to him an HOA has good news, bad news. The good news is that maybe get some  
183 control over the kind of houses that are built in their neighborhood, the bad news is that they have meetings and overhead  
184 and expenses and things like that. Is concerned that when Nilson Homes sold them their homes there they kind of took  
185 pieces out of the HOA and enforced them and other pieces they didn't. For example, they told them, as an older couple,  
186 no kids and wanted to build a smaller home, they told them that they needed to do 1550 sq. ft. minimum so that is right in  
187 the HOA and has printed out a copy of the HOA thanks to Planner Davies. Is concerned that these builders picked and  
188 choose pieces out of the HOA that is available on their website and that were, an HOA has good things and bad things is  
189 his concern. Also like the home owner who just spoke, who gets the proceeds from the sale of this, is Nilson Homes, can

190 they sell it, is it a piece that can be sold, that was open space as far as they are concerned when they bought it so  
191 concerned about that. Another thing that one of the Planners mentioned that the HOA really isn't in place, is there really  
192 an HOA in existence and maybe by the end of this will be able to find out.

193 [6:28:42 PM](#)

194 Public Hearing closed.

195 [6:28:59 PM](#)

196 Donald Sandberg, is one of the owners of the Trails Edge, LLC, in regards to the owner of lot 125 in discussions they  
197 are going to transfer parcel A out of the HOA and will be maintained by the owner of lot 125. One of the advantages they  
198 had is that it is not going to be maintained, there are good and bad advantages of having an HOA, in this regard it is going  
199 to be maintained privately. This is really just to, that was the entire reason to do that was to get it out of the HOA and into  
200 private and that was the plan was going forward. Commissioner Vaughan stated understands he is the applicant, is he the  
201 owner of the property. Donald Sandberg stated he is one of the owners of the actual lots that they sell, yes. Commissioner  
202 Vaughan asked if it is a partnership or LLC. Donald Sandberg stated it is an LLC, that is correct, the LLC is made up by  
203 multiple property owners of those parcels, they all formed the Trails Edge, needless to say the sales of the lots go into the  
204 LLC and then are given back to the original property owners in which he is one of them and there are others in the Trails  
205 Edge, LLC that actually own the land. Commissioner Vaughan asked if there was an HOA functioning at this particular  
206 time, this very minute. Donald Sandberg stated they do have an HOA, yes. Now there have been some questions of  
207 regards of how Nilson Homes is following that HOA, so need to get back and really dig down and see if there have been  
208 any actual violations of that. Commissioner Vaughan asked if members of the HOA are paying any dues or any fees or  
209 receiving any services from the HOA at this particular point. Donald Sandberg stated that he is not sure of and need to get  
210 back, does not have that information. Commissioner Vaughan stated but is sure there is an HOA currently in place and  
211 functioning. Donald Sandberg stated there have instituted the regulations of how those landscapes are to be done and  
212 those are in the books as was discussed. What he will do is get back and get all the documentation of what they do have  
213 to Syracuse City.

214 [6:32:18 PM](#)

215 Commissioner Vaughan asked staff if they have a functioning HOA as far as the City is concerned. City Attorney  
216 Roberts stated as an attorney and is going to give him an 'it depends', in the case of a corporate entity, land has been  
217 transferred to it, whether they have taken all of the steps necessary to organize the HOA under the laws, does not know,  
218 that is sort of beyond the City's purview, they have transferred land to the HOA, when look at the CC&R's that are on  
219 record for these parcels it does say that until the last lot is sold by the person who created that HOA, the developer  
220 controls the HOA, so as soon as the last lot is sold then it would be turned over to the residents. Donald Sandberg stated  
221 they have defined those CC&R's and that is kind of what he was eluding to however they don't want to be in the business  
222 of managing the HOA, they would rather as much as they can transfer it back to the neighborhood, however they want to  
223 do it going forward is really is really their call. City Attorney Roberts stated as far as parcel A on the County records it is  
224 listed as Trails Edge HOA so that is the property owner, that is why they required the affidavit so that the property owner  
225 is part of the application. There were questions about division of proceeds, that is also beyond the City's scope and really  
226 cannot offer an opinion as to what should or shouldn't do, doesn't know what contracts are in place and it wouldn't be the  
227 City's place to mediate that kind of question. So is not able to answer that because doesn't know, there could be a lot of  
228 things that go into that that does not have access to.

229 [6:34:08 PM](#)

230 Commissioner Vaughan stated it has been discussed and the Mr. Sandberg was not present for the first part that  
231 City staff indicated that there is an affidavit that is required for the property and really for the Commission to go through  
232 with this. Donald Sandberg stated to transfer to the owner of lot 25. Commissioner Vaughan asked if that had been done,  
233 filed and recorded. Donald Sandberg stated if the City does not have it, it sounds like it has not been done, so will need to  
234 go up and ensure that it has been filed properly, it should be with the City and if that is not the case then must have lost it  
235 somewhere, don't know. City Attorney Roberts stated under State law in order for a plat amendment have to have the  
236 parcel, the property owners be involved at least in the application, so in this case they didn't have an affidavit from the  
237 owner of parcel A which is the HOA so as soon as get that affidavit then can proceed with the plat amendment because  
238 then have both property owners participating in the application, so have passed that along to the developer and said  
239 would get it to staff in a week or so. Donald Sandberg stated okay, has that action to get the affidavit and could maybe.  
240 Planner Davies stated staff has contacted Mark Sandberg. Donald Sandberg stated that is his father, that is the reason he  
241 is here. Planner Davies stated he knows what is going on then. Donald Sandberg stated they will get that locked down so  
242 that are doing things by the book on that and his apologies for not having that submitted prior to this meeting. An audience  
243 member asked a question. Donald Sandberg stated to kind of talk about what was discussed, they are the land owners of  
244 that and in terms of the 3 or 4 actual owners of that land that actually had that land in the beginning does not know but it is  
245 their land. An audience member asked another question. Donald Sandberg stated doesn't know if they have actually  
246 given that out specifically to the HOA or if were going to transfer that. An audience member asked another question.  
247 Planner Davies stated the current property owner is the Home Owners Association. Donald Sandberg stated so it would  
248 simply transfer out of the Home Owners Association to lot 125.

249 [6:36:55 PM](#)

250 Commissioner Thorson asked to bring the meeting back to order.

251 [6:37:05 PM](#)

252 Commissioner Vaughan asked staff at this particular point is there a technical failure in the paperwork for this  
253 particular item, are they lacking something to have a complete packet. Planner Davies stated in terms of the affidavit, is  
254 that what are referring to. Commissioner Vaughan stated yes. Planner Davies stated had sent out an email to the  
255 applicant last week stating needed the affidavit because the applicant is not the property owner so basically in this case  
256 the Home Owners Association would need to authorize them to be a representative for them, however because they  
257 pretty much are the Home Owners Associations right now because the board has not been created in the neighborhood  
258 yet he would essentially be authorizing himself to make that application. However, because that is what need legally per  
259 State code do need that. In terms of a complete application, technically they do not have a complete application because  
260 of that however that doesn't preclude the Commission from taking action on it.

261 [6:38:22 PM](#)

262 Commissioner Vaughan stated the short answer is no, they do not have a complete application. Planner Davies  
263 stated no. Commissioner Vaughan stated at this particular point with staff giving them the short answer, it is incomplete  
264 and do not think they are prepared to go forward and feel very uncomfortable without having all of the legal requirements  
265 fulfilled for this and is inclined right now to ask the applicant representative if he would like to withdraw this or have the  
266 meeting continue with the peril of possibly being denied because it is incomplete.

267 [6:39:05 PM](#)

268 City Attorney Roberts stated a couple other options they have, could table it, the applicant said were going to get  
269 some more information and bring it back to the Commission so could table until the next meeting and then issue a  
270 decision at that point and they have indicated that they will have that paperwork ready by then. The other option would be  
271 that could conditionally approve, condition upon getting the proper paperwork in place before it goes to the City Council or  
272 before it gets finalized so those are multiple options tonight.

273 [6:39:05 PM](#)

274 Commissioner Thorson stated based on the Chairman's concerns is reluctant and can foresee a 3/1 in favor of this or  
275 maybe a tie either case it fails and so is concerned that they move forward with the risk of the Chairman voting against  
276 and a failure even though there is a majority. Is that the case, the Bylaws require a 4 affirmative regardless of quorum,  
277 correct. Commissioner Vaughan stated yes, that is his understanding. Commissioner Thorson stated he says that  
278 because he has some pretty good concerns about this and will bring them up in an unite, most of what have brought up  
279 but have some concerns that see this as a means to an end of kind of resolving a problem that this neighborhood has, of  
280 a HOA that was never really wanted and doesn't really function. So is pretty concerned that any ownership of this parcel if  
281 it goes to private is concerned about the value of the infrastructure that could be on this land owner's shoulders. There is  
282 probably \$10,000 worth of pipe, control box, etc. that in the event of a blow-out, failure of sorts this would really create a  
283 pretty burden on them and is concerned about that. Is concerned that the sale of the property include very specifically that  
284 they are taking the responsibility of maintenance, ownership and the function of the infrastructure not just mowing the  
285 grass, because it is a lot more than mowing the grass, there are all sorts of things that end up in storm drains, full bicycles  
286 is one of them that have seen and these things happen and in the event of a storm and something gets stuck in there and  
287 something happens the City can go in there and pull that out but not until they know about and usually they know about if  
288 after there is a torrent, flooding someone's yard and so is concerned about that. Having a fence up is one thing but would  
289 have to as Commissioner McCuiston mentioned would have to maintain the opportunity for flow of overflow, there are  
290 some concerns have about making sure the owner is aware of all this and if is willing to take it on that is their choice. Is  
291 also concerned about the outcome here and the Chairman has expressed disinterred in moving forward with an  
292 incomplete application, that would shut it down if they vote and get 3/1. Commissioner Vaughan stated if this is continued  
293 or turned down then would have the opportunity to come back at another time to exactly revisit each one of those  
294 concerns and shares his concerns and completely understand that but at this particular time from what have heard from  
295 the residents of lots 106, 122 and 125 that they might not be aware of all of the ramifications, especially lot 125 in regards  
296 to responsibilities of this being turned over to them. Commissioner Thorson stated guess does have to take some of it  
297 back, even if they do not recommend approval, they can still go to City Council anyway and could take it to City Council  
298 regardless but those are some of his concerns about the process are going through right here in additional to the actual  
299 physical concerns that have with the lot.

300 [6:43:22 PM](#)

301 Commissioner McCuiston stated they are concerned that they are worrying about things that aren't rally under this  
302 body's purview and should be focused on applying the City's code to this and while they have brought these things to their  
303 attention they can discuss those as they will with civil attorney's or however they are going to handle that and would be  
304 okay in moving this forward with conditions and allowing the process to take place. Think they have been told it meets  
305 code and there is really not a requirement for open space, the HOA is in quasi effect, they have legal rights to this  
306 property and can do this legally and are not the body that says if things are right or wrong, are the body that applies the  
307 City code and leave those things to the elected officials so would say should move it forward with conditions that the City  
308 Engineer review for storm drain maintenance and access and things like that and just let the next step in the process take  
309 place. Commissioner Vaughan stated the absence of comment by City staff particularly the City Engineer is one of his  
310 strong concerns and doesn't know if has had the opportunity to consider that and does not know what his answer would  
311 be should he consider that. If they conditionally approve it upon receipt of the affidavit solely then it doesn't matter what  
312 the City Engineer would say, it is in the bag. Just has his concerns and is why mentioned possibly what he would  
313 recommend rather than turn it down completely would be to either have the applicant consider to possibly have it being  
314 mandatorily be continued by the Commission or allow them to get all of their ducks in a row and don't know which the

315 applicant would prefer. The main thing is on something like this want to be a stickler and if the file is incomplete, it is  
316 incomplete, if it is 99% done, sorry it still fails if it is not complete, the short answer was no, the Planner tried to give a very  
317 good explanation which he did but the bottom line is no it is not a complete application. The Chair cannot make the motion  
318 but anyone else is welcome to do that but think have an understanding of how he feels about it.

319 [6:46:12 PM](#)

320 Commissioner Bingham stated he agrees with Commissioner McCuiston that it is their main priority to maintain the  
321 functionality of this detention basin and would be okay with conditionally approving it based on the recommendation of the  
322 City Engineer and upon of the affidavit as well.

323 [6:46:55 PM](#)

324 COMMISSIONER MCCUITION MADE A MOTION TO RECOMMEND TO CITY COUNCIL APPROVAL OF THE  
325 REQUEST OF TRAILS EDGE PHASE 1 SUBDIVISION AMENDMENT UPON THE CONDITONS THAT THE AFFIDAVIT  
326 IS RECEIVED BY THE CITY AND CITY ENGINEER REVIEWS AND APPROVES THE DETENTION BASIN AND CAN  
327 OR CANNOT BE FENCED AND ANY OTHER CONDITIONS AND MAINTAIN THE DETENTION BASIN.  
328 COMMISSIONER THORSON STATED WOULD ALSO INCLUDE FOR MAINTENANCE AND FUNCTION OF THE  
329 AREA.

330 [6:47:59 PM](#)

331 Planner Davies stated before they finalize their motion, according to City Code section 10.20.140, the Planning  
332 Commission is the Land Use Authority on this so it would not go to City Council, so the motion language he included there  
333 is incorrect and apologizes for that.

334 [6:48:23 PM](#)

335 COMMISSIONER MCCUITION AMENDED HIS MOTION TO APPROVE THE TRAILS EDGE PHASE 1  
336 SUBDIVISION AMENDMENT, BASED ON THOSE SAME CONDITIONS.

337 [6:48:30 PM](#)

338 THE MOTION WAS SECONDED BY COMMISSIONER THORSON. CHAIR VOTES NAY, OTHER  
339 COMMISSIONERS VOTED IN FAVOR. MOTION FAILED WITH 3/1 VOTE.

340 [6:48:30 PM](#)

341 Commissioner Vaughan stated at this particular point the applicant can probably see how the Commission is stuck  
342 and would invite the applicant to consider possibly wanting to withdraw this with no penalties obviously to continue this to  
343 a date upon his request for them to get everything legally required to be filed with the City and also give the City time to  
344 speak with the City Engineer about the detention basin and those requirements. The Chairman would support a motion to  
345 table knowing what their vote would be again.

346 [6:49:58 PM](#)

347 Commissioner Thorson stated he is not sure where they are legally and asked the City Attorney for advice. City  
348 Attorney Roberts stated under the Bylaws they need to have 4 votes at least to take action. Commissioner Thorson asked  
349 once they voted is that the end of it. City Attorney Roberts stated no can have alternative motions.

350 [6:50:16 PM](#)

351 COMMISSIONER THORSON MADE AN ALTERNATIVE MOTION TO TABLE THIS UNTIL THE NEXT AVAILABLE  
352 MEETING WHICH WOULD BE OCTOBER 4, 2016 AND IN CONJUNCTION WITH THE APPLICANT'S SUPPLEMENT  
353 TO THE APPLICATION AT HIS REQUEST, PRIMARILY THE AFFIDAVIT AND ARE TABLING IT BASED ON THE  
354 COMPLETION OF THE APPLICATION. COMMISSIONER MCCUITION SECONDED THE MOTION. ALL WERE IN  
355 FAVOR, MOTION CARRIED 4/0.

356 [6:51:51 PM](#)

357 **5. Public Hearing, Code Amendment - Title 10.75.040 regarding PRD (Planned Residential Development)**

358 Planner Steele stated have seen this before and have brought exactly what they have talked about at the last  
359 meeting with the exception of some options. As a quick refresher under the PRD Zone the City Council has asked the  
360 Commission to address the access situation from an arterial or collector road and last time proposed a text amendment  
361 that clarified that yes, for sure want a road connection to a PRD and it makes it so there is no question about it. Option A  
362 says 'the development design shall include a direct connection to a major arterial, minor arterial or major collector  
363 roadway by way of a full width and dedicated right-of-way designed for the movement of automobile traffic', so none of  
364 this trail business or secondary whatever, it would kind of set that in stone. So if that is what want to be in the text then  
365 can just continue on but there was some discussion last time so thought it is not a bad thing to just add some extra  
366 options for consideration and not pushing for any of these options just to be clear just so it is in front of them. Option B  
367 says 'the development property shall have frontage on an arterial or collector roadway, a direct automobile connection is  
368 not required' so that would group those land uses next to the roadways but wouldn't necessarily mean that they would  
369 have to have a connection. Option C says 'automobile access to a PRD development shall not exceed 1,000 linear feet  
370 from an arterial or major collector road measured along the center lines of local roads, measurement shall begin at the  
371 intersection of the center line of an arterial or major collector road and that of a local road and continue along the center  
372 line to the intersection of the property line of the proposed development'. 1,000 feet wasn't just an arbitrary number this is  
373 something that see with some of the other PRD's and developments that are not located directly on an arterial. So those  
374 are 3 options with that and then the other amendment was in relationship to private driveways and adding some language  
375 to clarify what want to see with private driveway and address some of those concerns that they had that were getting out  
376 of control.

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[6:55:18 PM](#)

Public Hearing opened.

[6:55:39 PM](#)

TJ Jensen stated kind of hit on this briefly in the work session last week. First off want the Commission to consider and think Commissioner McCuiston was the only Commissioner that is currently sitting up on the diose that was involved in the discussion when were discussing the access for PRD. While thinks it is a good idea to require direct access to an arterial that was the intent of the Commission at the time and is certainly within purview to relax that if so chose. But the goal was to try to limit where these are placed within the City because as Commissioner Thorson pointed out this has been a troublesome ordinance for the City for a while, certainly have a couple good looking PRD's in the City but there are some but's involved with that so consider that. The main thing wants to talk about again is the 6 units with the shared driveway and know that the Commission mentioned last time they weren't really happy about the shared driveways but do think that Stoker Gardens is a good example of shared driveways done right, one of the beauties of a shared driveway is that the City is not responsible for maintenance of said driveways, the owners of the properties there being an HOA or the owners directly, since this is a PRD it would be an HOA that would be paying for the maintenance and not the City so it makes it easier for the City's snowplow drivers to do these neighborhoods in the winter because they don't have to do the whole thing and since cul-de-sacs generally are one of the last thing they get to anyway if the HOA isn't there and is responsible for it that is fine. Want to point out that and as pointed out last time think the 3 per side is a little too limiting because might have a parcel that is odd shaped and so may need to do a 4/2 split or something like that but really don't even think need that restriction because think the 160-foot maximum length requirement already accomplishes that but does in such a way that the developers still have some flexibility in development. PRD is the only Zone left in Syracuse other than R-4 which is deprecated that allows multi-family units, PRD's allow up to 4 units to share so would suggest that no more than 6 units for single-family and no more than 8 units for multi-family, no more than 2 buildings for multi-family situation if that should exceed 6, specifically thinking about the 4-plex, because would have 4 on each side. Stoke Gardens does have some 6 but the ordinance no longer allows 6-plexes so think that there needs to be wiggle room for those units if someone wants to have 4-plexes facing each other.

[6:58:20PM](#)

Public Hearing closed.

[6:58:30 PM](#)

Commissioner Vaughan stated first off thank you staff for bringing this back and think have given them some excellent choices there. Is in favor of all of the ones outside of 10.75.040 minimum lot standards section 5, where have the 3 options there on subsection 5, like option A, which is the clearest, shortest, easiest understood and do not think it can be manipulated very well.

[6:58:30 PM](#)

Commissioner McCuiston stated he agrees with what Mr. Jensen said that limiting 10.75.070 to 3 per side might be a little limiting and think would accomplish the same of 6 lots total instead of 3 per side, kind of a 6 and 1 half dozen and another doesn't think it matters all that a bunch and as far as a connection, support option A as well. Think with a traffic impact study some other options might be okay but would rather have a professional opinion on that and not just put it in the ordinance.

[7:00:06 PM](#)

Commissioner Thorson stated assuming they select option A where require 1 access, there are some larger PRD's, the minimum would expect in high 20's low 30's for PRD but does the City have recourse to require a traffic impact study on any subdivision if they think it is big enough, that would mean option A could stand as is and still give them an opportunity to require that if it is 50 or 60 units going onto 2000 W or something might want to require an impact study. City Attorney Roberts stated think any subdivision that appears will have a significant impact on the traffic that is something where could say this is big enough and need to have an impact study done. Commissioner Thorson asked if they had the authority to request that. City Attorney Roberts stated yes, can require that if think will have a detrimental effect. Commissioner Thorson stated that is what he would expect just wanted to make sure, don't want a 100 unit going through 1 access because that is what the code says. Planner Steele stated per the Fire Code anything over 35 units will have a secondary access as well, but has seen the City Engineer require traffic studies, like over at Ninigret there was a traffic study done, so he has that within his purview. Commissioner Thorson stated he agrees and would go option A and would go with what Commissioner McCuiston recommended and would just get rid of the 3 per side part on the private drive and would prefer it to be no private drives but, no shared drives.

[7:01:56 PM](#)

Commissioner Vaughan stated he personally prefer the 3 on the side rather than having 6 strung out, if say 6 strung out and a limitation of 160 feet length are inviting a 3000 sq. ft. lot where as if they limit to 3 then there is no excuse to make those lots to be really dinky to be able to fit into this thing. Think the City is doing its very, very best to avoid flag lots and if had 6 in a row this would definitely be a flag, creation of technically or should say realistically a flag lot but not technically because it would be a private drive or private driveway however they want to call that but think 6 on one side is a flag lot and definitely don't have flag lots in the City but other than that can support it. If were to go through with that because this is very important, it has been delayed once or twice will support whatever the motion is although is against the 6 in a row portion and just as long as that is reflected in the minutes so the City Council knows why and his concern on that but will support the motion to get this through to them.

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[7:03:45 PM](#)

COMMISSIONER THORSON MADE A MOTION TO RECOMMEND TO CITY COUNCIL APPROVAL OF THE PRD ORDINACNE 10.75. WITH CHANGES OUTLINED IN THE PACKET WITH THE SELECTION OF OPTION A FOR THE CHANGES TO THE AERTIAL ACCESS FOR THE PRD. THE MOTION WAS SECONDED BY COMMISSIONER BINGHAM. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

[7:04:36 PM](#)

6. **Adjourn**

COMMISSIONER THORSON MADE A MOTION TO ADJOURN. COMMISSIONER BINGHAM SECONDED THE MOTION. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY. MOVED STRAIGHT INTO WORK SESSION.

\_\_\_\_\_  
Ralph Vaughan, Chairman  
Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Stacy Adams, Commission Secretary

DRAFT

## Minutes of the Syracuse Planning Commission Work Session, September 20, 2016

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1 Minutes of the Syracuse City Planning Commission Work Session held on September 20, 2016, at 6:00 p.m., in the  
2 Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

3  
4 **Present:** Commission Members: Ralph Vaughan, Chairman  
5 Curt McCuiston  
6 Grant Thorson  
7 Troy Moultrie  
8 Gary Bingham  
9  
10 City Employees: Noah Steele, Planner  
11 Royce Davies, Planner  
12 Paul Roberts, City Attorney  
13 Stacy Adams, Commission Secretary  
14  
15 City Council: Councilman Maughan  
16  
17 Excused: Commissioner Rackham  
18 Commissioner Day  
19 Commissioner Moultrie  
20  
21 Visitors: TJ Jensen  
22

23 [7:05:19 PM](#)

24 1. **Department Business:**

25 [7:05:25 PM](#)

26 **a. City Council Liaison Report**

27 Councilman Gailey stated wanted to thank Councilman Maughan for sitting in at the last meeting. Wanted to review a  
28 few things the City Council is working on now so are aware. They are in the process of creating a CDA which will be the  
29 last one because of the State Legislature are coming in on the tail end of the opportunity to create this kind of  
30 development and it will basically be from 2000 W on both sides of the street heading east to encourage development  
31 along Antelope Drive particularly on the south side. There is a proposal to bring a liquor store to Syracuse and are dealing  
32 with some concerns with access to that liquor store, the sites that are being looked at are behind McDonalds up in the  
33 Smith's parking lot where would gain access to that liquor store through the Boyer property but that access is going to  
34 cost the State a lot of money and so there is a propose possibility of that moving to the property that is on 1000 W, west of  
35 the adult community that is along 1000 W there or may even just fold and may not have that opportunity depending on  
36 what the City Council and how open they are from moving it from location to the other. They are working on the  
37 compensation for the employees of the City and have made considerable progress to that the last time they met. It was  
38 very, very positive and they worked out a lot of details, still have some to work with. Don't know if the Commission is  
39 aware but have a Paralympian returning home to Syracuse tomorrow and are going to celebrate, he won a bronze and  
40 silver medal at the Paralympics and participated in a 4x100 relay and by a technical disqualification for some kind of an  
41 unapproved touch, but set a world record. He will be welcomed home tomorrow and then on Saturday at the High School  
42 on the Football stadium at 930 have organized a welcome home to Hunter Woodhall. It has been great to see him be  
43 successful. Wanted to take a minute to thank the Commission and wished the other 3 members were here so could hear  
44 what have to say and have thought about this long and hard since they met in the last City Council meeting. There was  
45 some very caustic and very unkind, he thought, criticism of both the Planning Commission and City Council in public  
46 comment made last time they met and just wanted to thank the Commission for voting their feelings and voting their  
47 coconscious and being willing to take it on the head, for both Yay's and Nay's. What he commends to the Commission is  
48 the fact that they honestly look at something and have an opinion and that express that opinion and that opinion isn't  
49 hidden somewhere for fear of deprecation or some other thing. Just felt that needed to communicate that to the  
50 Commission as a member of the City Council and know that all on the City Council appreciates the work of this body and  
51 what they do and were it not for the Commission the burden on the City Council would be much greater than it is. So  
52 thank you for what you do and please do not, not respond because are afraid that what say may, has learned a ton in  
53 these meetings in listening to what the Commission says about issues that will come to the City Council and is grateful  
54 has this opportunity because is more educated by the time it gets to the City Council. So thank you for what you say and  
55 what you represent and just wanted to apologize on behalf of the residents of the City for some of the comments that were  
56 made in a public comment last time, those comments were unfair.

57 [7:11:00 PM](#)

58 **b. City Attorney Updates**

59 City Attorney Roberts stated just a point of clarification Councilman Gailey mentioned the CDA that was created, it  
60 was actually approved in August, there was a lot of paperwork that had to be filed, had a table full of notices that had to  
61 send to different agencies and made sure that all of the notices had been sent out and things had been recorded with the  
62 County. At this point now the County waits for the City to trigger the CDA, so as soon as are ready to start that increment  
63 collect will let the County know and will start having increment collect. Generally, wait until there is significant development  
64 and the City can maximize the amount of increment the agency receives. So it was effective in August, and if it wasn't

65 effective by now wouldn't be able to have it because it had to be approved by the Council before the beginning of this  
66 month, fortunately were able to accomplish that. Also, the Commission was given instructions on the email updates and  
67 getting email properly migrated over with the new Office365 update and if ever have problems getting to the packet staff is  
68 always here as a resource, if Dropbox isn't working can access it online, it is always posted on the City website, if for  
69 some reason that is not working, contact staff and will provide it, just make sure that get the information that need.

70 [7:12:41 PM](#)

71 **c. Upcoming Agenda Items**

72 Planner Steele stated have 1 application for another plat amendment, it is located to the west of Stoker Gardens and  
73 then will also bring back what was tabled tonight and hopefully will have some more information. Also will be absent next  
74 meeting but Planner Davies will be here.

75 [7:13:14 PM](#)

76 Commissioner McCuistion stated he heard a rumor about a Costco that a few people had asked him about, is  
77 anything going on with that. Planner Steele stated think it is just a rumor, have barked up that tree unsuccessfully a few  
78 times. City Attorney Roberts stated if it was true wouldn't be able to tell them anyway because they want the City to be  
79 very tight lipped on those type of things. Planner Steele stated also if are going to be absent or not able to attend PC just  
80 let staff or the Chair know by email or phone.

81 [7:14:00 PM](#)

82 **2. Discussion Items:**

83 Commissioner Vaughan asked if they wanted to work on anything like the sign ordinance or noise ordinance. Nothing  
84 to discuss.

85 [7:14:23 PM](#)

86 **3. Commissioner Reports**

87 Commissioner Thorson stated nothing. Commissioner Bingham stated nothing. Commissioner McCuistion stated  
88 nothing. Commissioner Vaughan stated has one observation that is a month old and didn't know if anyone had a chance  
89 to see it, but a cell phone tower in Farmington that failed recently, caught fire, fell over, 115% of the fall zone, so it fell  
90 outside of the fall zone, which is normally 110% around the base of the cell phone. AS much as they talk about cell  
91 phones sometime in the past there were some comments about never ever hearing about a cell phone tower failing and  
92 this cell tower failed not too far down the road. It blocked traffic for about 5-6 hours until were able to cut it up into small  
93 pieces and drag it away. It involved 6 fire units because the fire was that big and couldn't get to it because the fire  
94 originated inside the tube.

95 [7:15:55 PM](#)

96 **4. Adjourn**

97 COMMISSIONER THORSON MADE A MOTION TO ADJOURN. COMMISSIONER BINGHAM SECONDED THE  
98 MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.



# PLANNING COMMISSION REGULAR MEETING

## AGENDA October 4, 2016

### Agenda Item # 4                      Subdivision Amendment 2049 South 1230 West

***Factual Summation***

Please review the following information. Any questions regarding this agenda item may be directed to Royce Davies, City Planner.

Location:                                      2049 South 1230 West  
 Current Zoning:                              R-2 and PRD  
 General Plan:                                   R-2 and PRD  
 Total Subdivision Area:                    2.271 Acres

***Summary***

The applicant has requested approval of a 4 lot amendment to a subdivision known as Harvest Point Phase 9 in the R-2 and PRD Zones. The dimensions of these lots are as follows:

Lot	Zone	Lot Size (R-2 10,000 Sq. Ft. Min. PRD None)	Lot Width (R-2 85 Ft. Min.)	Existing Structures to Remain
1	R-2 & PRD	21,073	100	Dwelling
2	R-2 & PRD	31,929	110	Dwelling
3	R-2 & PRD	16,102	100	Dwelling
68	PRD	29,831	NA	Storage Building, Cell Tower

Lots 1, 2, and 3 as they are proposed will have split zoning. The rear 80 linear feet from the rear property line of lots 1 and 2 are in the PRD Zone as well as approximately the rear 20 feet of lot 3. The remainder of these lots will be in the R-2 Zone. The entirety of lot 68 would be in the PRD Zone. The split zoning on lots 1, 2, and 3 is result of quit claim deeds splitting up lot 68 of Stoker Gardens and deeding property to the owners of the proposed lots 1, 2, and 3.

For continuity in numbering, lot 68 should be changed to lot 4. There is also a 97.5 foot monopole cell tower on lot 68 which has a required setback of 110 percent of the total height (107 feet) from any lot line. An exception to this may be granted by the Planning Commission in the form of an easement that occupies the fall zone. This easement has been included on the proposed plat.

1 water share will also be required for lot 68 before the plat may be recorded. This lot was given an exemption for water shares when the Stoker Gardens PRD was created with the condition that water shares would be provided when the lot was developed.

### ***Suggested Motion Language***

Approval – “I move the Planning Commission approve the request of Michael Ford for a 4 lot subdivision amendment to the Harvest Point Phase 5 and Stoker Gardens PRD Subdivisions consisting of 2.271 acres on property located at 2049 South 1230 West in the R-2 and PRD Residential Zones.”

Table – “I move the Planning Commission continue the request of Michael Ford for a 4 lot subdivision amendment to the Harvest Point Phase 5 and Stoker Gardens PRD Subdivisions consisting of 2.271 acres on property located at 2049 South 1230 West in the R-2 and PRD Residential Zones until (give date) based on the following findings:

1. (list findings)”

Denial – “I move the Planning Commission deny the request of Michael Ford for a 4 lot subdivision amendment to the Harvest Point Phase 5 and Stoker Gardens PRD Subdivisions consisting of 2.271 acres on property located at 2049 South 1230 West in the R-2 and PRD Residential Zones based on the following findings:

1. (list findings).”

### ***Attachments:***

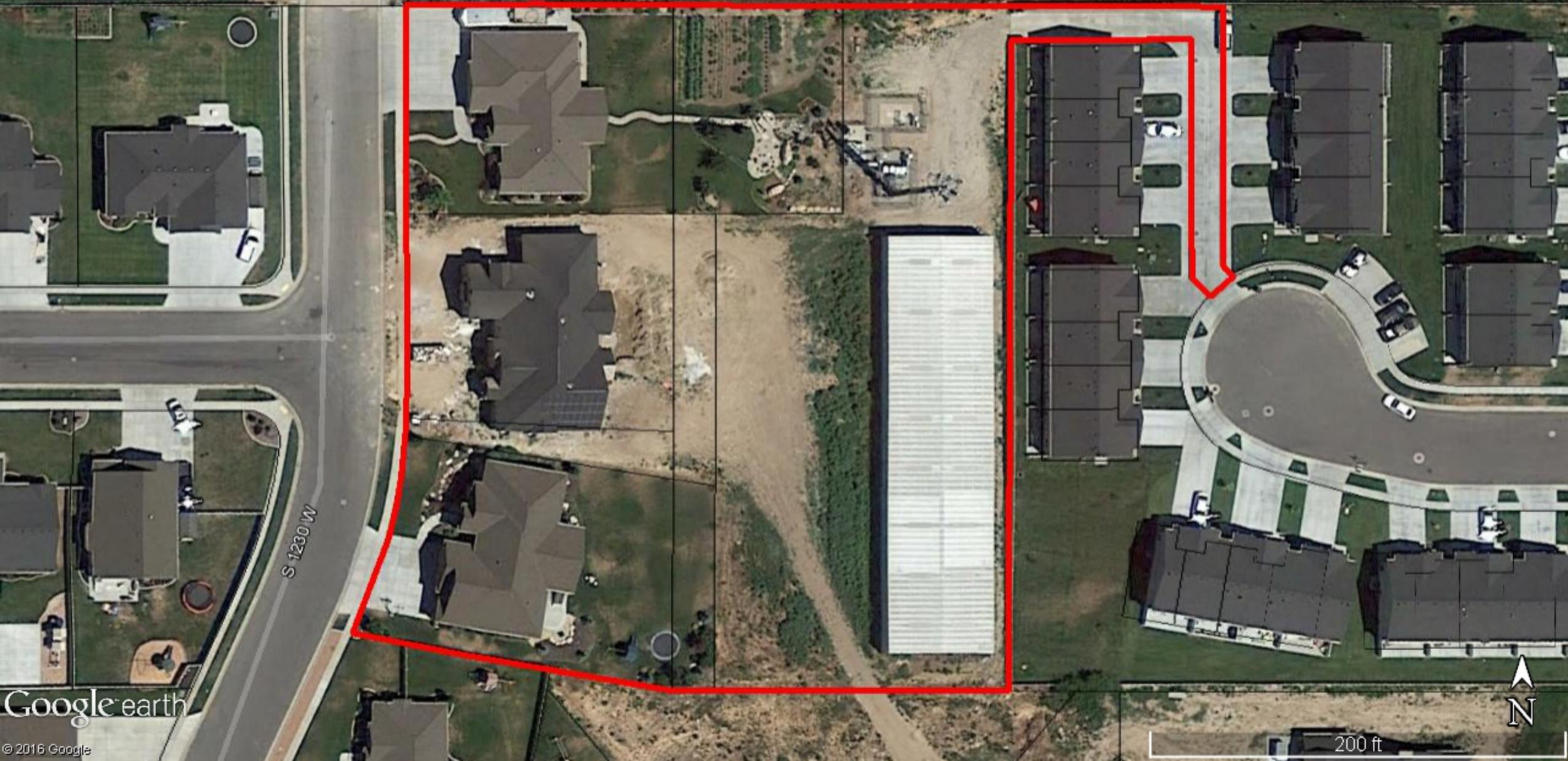
- Aerial Map
- Zoning Map
- General Plan Map
- Amended Subdivision Plat
- Harvest Point Phase 5 Plat
- Stoker Gardens PUD Plat
- PRD Zoning Ordinance
- R-2 Zoning Ordinance
- Minor subdivision review ordinances

# Harvest Point Phase 9

Amendment to Harvest Point Phase 5 and Stoker Gardens PUD

## Legend

 Satellite View



Google earth

© 2016 Google



200 ft

# Harvest Point Phase 9 Zoning Map

Amendment to Harvest Point Phase 5 and Stoker Gardens PUD

**Legend**

-  PRD (8.0 dwellings per net acre)
-  R-2 (3.79 dwellings per net acre)
-  R-3 (5.44 dwellings per net acre)



# Harvest Point Phase 9 General Plan Map

Amendment to Harvest Point Phase 5 and Stoker Gardens PUD

**Legend**

- PRD (8.0 dwellings per net acre)
- R-2 (3.79 dwellings per net acre)
- R-3 (5.44 dwellings per net acre)



# HARVEST POINT PHASE 9 - AMENDING LOTS 506, 507, & 508 OF HARVEST POINT PHS. 5 & LOT 68 OF STOKER GARDENS P.R.D.

PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY  
SYRACUSE CITY, DAVIS COUNTY, UTAH

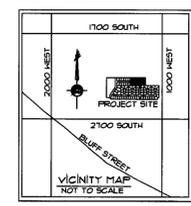
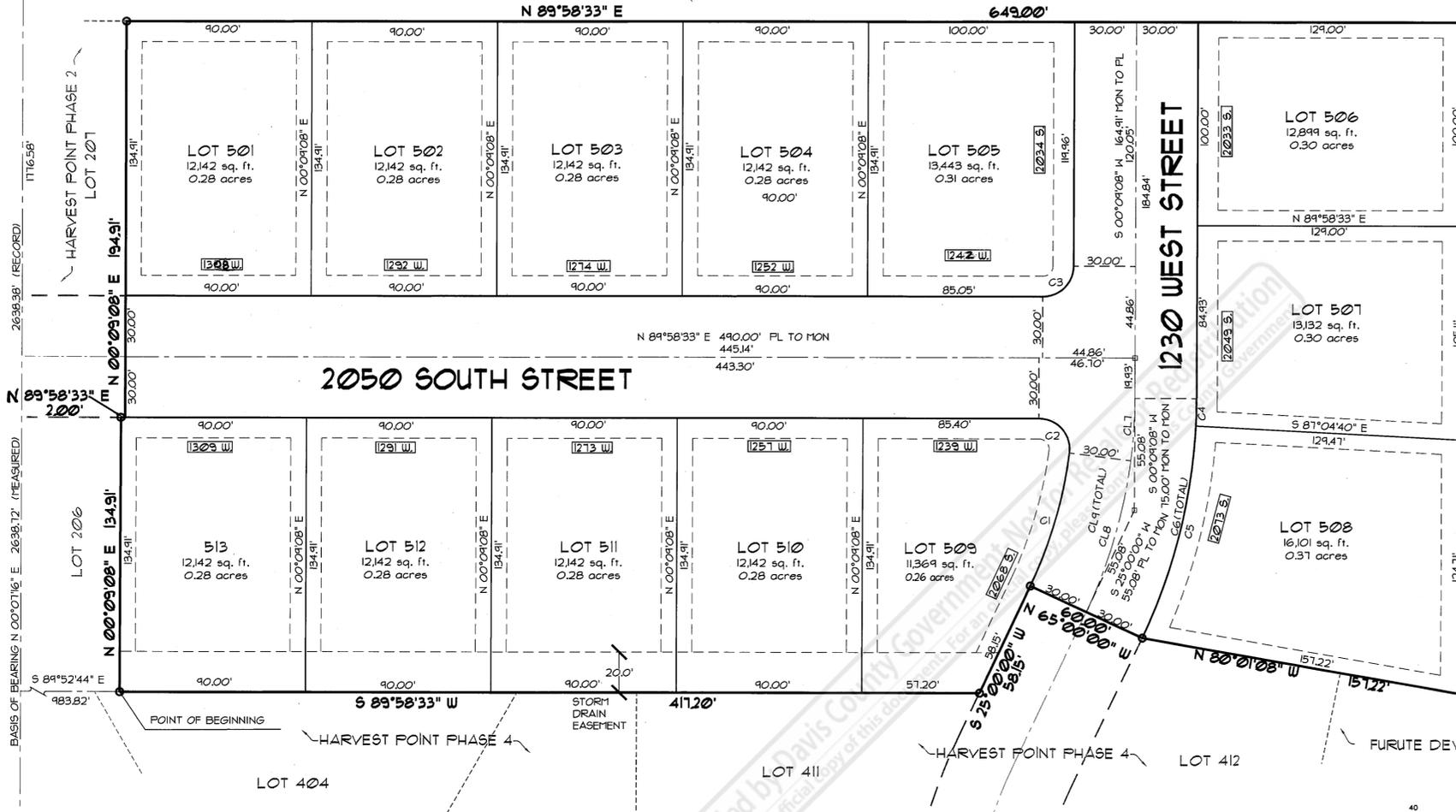


# HARVEST POINT PHASE 5

LOCATED IN THE NORTHEAST QUARTER OF SECTION 15 TOWNSHIP 4 NORTH RANGE 2 WEST SALT LAKE BASE 4 MERIDIAN SYRACUSE CITY, DAVIS COUNTY, UTAH

NORTH QUARTER CORNER SECTION 15 T4N R2W SLB411 (FOUND)

KELLER, MERLENE C. TRS

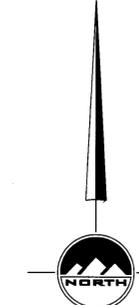


### General Notes:

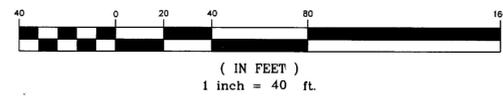
- 1) Property is zoned R-2.
  - a) Front yard setback is 25'
  - b) Rear yard setback is 30'
  - c) Side yard setback is 8'
  - d) Corner Lot side yard setback is 20'
- 2) All Public and Utility & Drainage easements (PU&DE) are 10' front, 7.5' side, 10' rear unless otherwise hereon.

Note: Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the public utility easements identified on this plat map as may be necessary or desirable in providing utility services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the PU&E. The utility may require the lot owner to remove all structures within the PU&E. At the lot owner's expense, or the utility may remove such structures at the lot owner's expense. At no time may any permanent structures be placed within the PU&E, or any other obstruction which interferes with the use of the PU&E, without the prior written approval of the utilities with facilities in the PU&E.

DELMAR J. AND ARDELL T. TRS



GRAPHIC SCALE



### LEGEND

- EXISTING MONUMENT
- PROPOSED STREET MONUMENT
- SECTION CORNER
- PU&DE PUBLIC UTILITY & DRAINAGE EASEMENT
- SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED ENSIGN ENG. & LAND SURV.
- BUILDABLE AREA (SEE GENERAL NOTE 1)
- PUBLIC UTILITY AND DRAINAGE EASEMENTS (PU&DE)

CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	68.28	220.00	34.11	68.00	N 16°06'33" E	17°46'54"
C2	25.46	15.00	17.03	22.51	N 41°24'10" W	97°14'33"
C3	23.52	15.00	14.95	21.18	N 45°03'51" E	84°49'25"
C4	13.54	280.00	6.71	13.54	N 01°32'14" E	2°46'12"
C5	107.89	280.00	54.62	107.23	N 13°51'40" E	22°04'40"
C6	121.43	280.00	61.68	120.48	N 12°34'34" E	24°50'52"
CL7	11.59	250.00	39.11	11.28	N 16°06'33" E	17°46'54"
CL8	30.83	250.00	15.44	30.81	N 03°41'01" E	7°03'58"
CL9	108.42	250.00	55.08	107.51	N 12°34'34" E	24°50'52"

DEVELOPER: CHRIS THURGOOD  
2128 SOUTH 100 WEST  
SYRACUSE CITY, UTAH 84015  
(801) 725-5300

STATE OF UTAH )  
County of Davis )  
On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, who is the \_\_\_\_\_ of \_\_\_\_\_, who duly acknowledged to me that he/she executed the same by authority.

Notary Public  
Residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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

MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC  
RESIDING IN \_\_\_\_\_ COUNTY

SALT LAKE CITY 90 E. Fort Union Blvd Suite 100 Midvale UT 84047 Phone: 801.255.0529 Fax: 801.255.4449  
LAYTON 1485 West Hillfield Rd. Suite 204 Layton UT 84041 Phone: 801.547.1100 Fax: 801.593.6315  
PLEASANT GROVE 1346 West State Road Pleasant Grove UT 84062 Phone: 801.796.8145 Fax: 801.796.8147  
WWW.ENSIGNUTAH.COM



PLANNING COMMISSION APPROVAL  
APPROVED THIS 20th DAY OF June 2006 BY THE SYRACUSE CITY PLANNING COMMISSION.  
*Robert Whitley*  
CHAIRMAN, SYRACUSE CITY PLANNING COMMISSION

CITY ENGINEER'S APPROVAL  
APPROVED THIS 12th DAY OF July 2007 BY SYRACUSE CITY ENGINEER.  
*Paul Hansen*  
SYRACUSE CITY ENGINEER

CITY COUNCIL APPROVAL  
APPROVED THIS 29th DAY OF June 2006 BY THE SYRACUSE CITY COUNCIL.  
*Richard Brown* CITY RECORDER  
*Fred* CITY MAYOR

DAVIS COUNTY RECORDER  
ENTRY NO. 230514 FEE PAID 43.00  
FILED FOR RECORD AND RECORDED THIS 13th DAY OF Sept. 2007  
AT 11:58 AM IN BOOK 436 OF OFFICIAL RECORDS PAGE 572  
*Richard T. Maughan* DAVIS COUNTY RECORDER  
*Yvonne H. Homan* DEPUTY RECORDER

### SURVEYOR'S CERTIFICATE

I, KEITH R. RUSSELL, do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 164386, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as HARVEST POINT PHASE 5, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

### BOUNDARY DESCRIPTION

Beginning at the Southeast Corner of Lot 206, Harvest Point Phase 2, said point being North 00°01'16" East 662.14 feet along the quarter section line and South 89°52'44" East 983.82 feet from the Center of Section 15, Township 4 North, Range 2 West, Salt Lake Base and Meridian and running:  
thence North 00°09'08" East 134.91 feet along the east line of Lot 206, Harvest Point Phase 2 to the south line of 2050 South Street;  
thence North 89°58'33" East 2.00 feet along the south line of 2050 South Street;  
thence North 00°09'08" East 194.91 feet to and along the east line of Lot 207, Harvest Point Phase 2, to the Northeast Corner of said Lot 207;  
thence North 89°58'33" East 644.00 feet;  
thence South 00°09'08" West 324.82 feet;  
thence North 80°01'08" West 157.22 feet to and along the north line of Lot 412, Harvest Point Phase 4, to the east line of 1230 West Street;  
thence North 65°00'00" West 60.00 feet along the west line of 1230 West Street;  
thence South 25°00'00" West 58.15 feet along the west line of 1230 West Street to the Northeast Corner of Lot 411, Harvest Point Phase 4;  
thence South 89°58'33" West 417.20 feet along the north line of Harvest Point Phase 4, to the point of beginning.

Contains: 209,384 square feet. 4.807 acres.  
Date: June 22, 2007  
Keith R. Russell  
License No. 164386

Approved this 22nd day of June, 2007 by:  
*Mike Babin* Ft. Fuel Supply Company - Guestar  
*Ed Zieher* Rocky Mountain Power  
*Gayle W. Wilson* Quest Communications



### OWNER'S DEDICATION

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

### HARVEST POINT PHASE 5

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for Public use, in witness whereof, I have hereunto set this 25th day of June, A.D., 2007.

*Chris Thurgood* Managing Member  
THR Investments LLC

### ACKNOWLEDGMENT

STATE OF UTAH )  
County of Davis )

On the 25 day of June A.D., 2007, personally appeared before me, the undersigned Notary Public, in and for said County of Davis in said State of Utah, the signer ( ) of the above Owner's dedication, in number, who duly acknowledged to me that *Chris Thurgood* signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: *November 14, 2008*  
*Nobalu W. Rhoades* NOTARY PUBLIC  
Layton, Ut. RESIDING IN DAVIS COUNTY

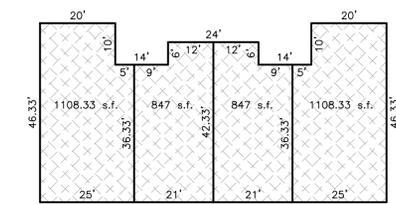
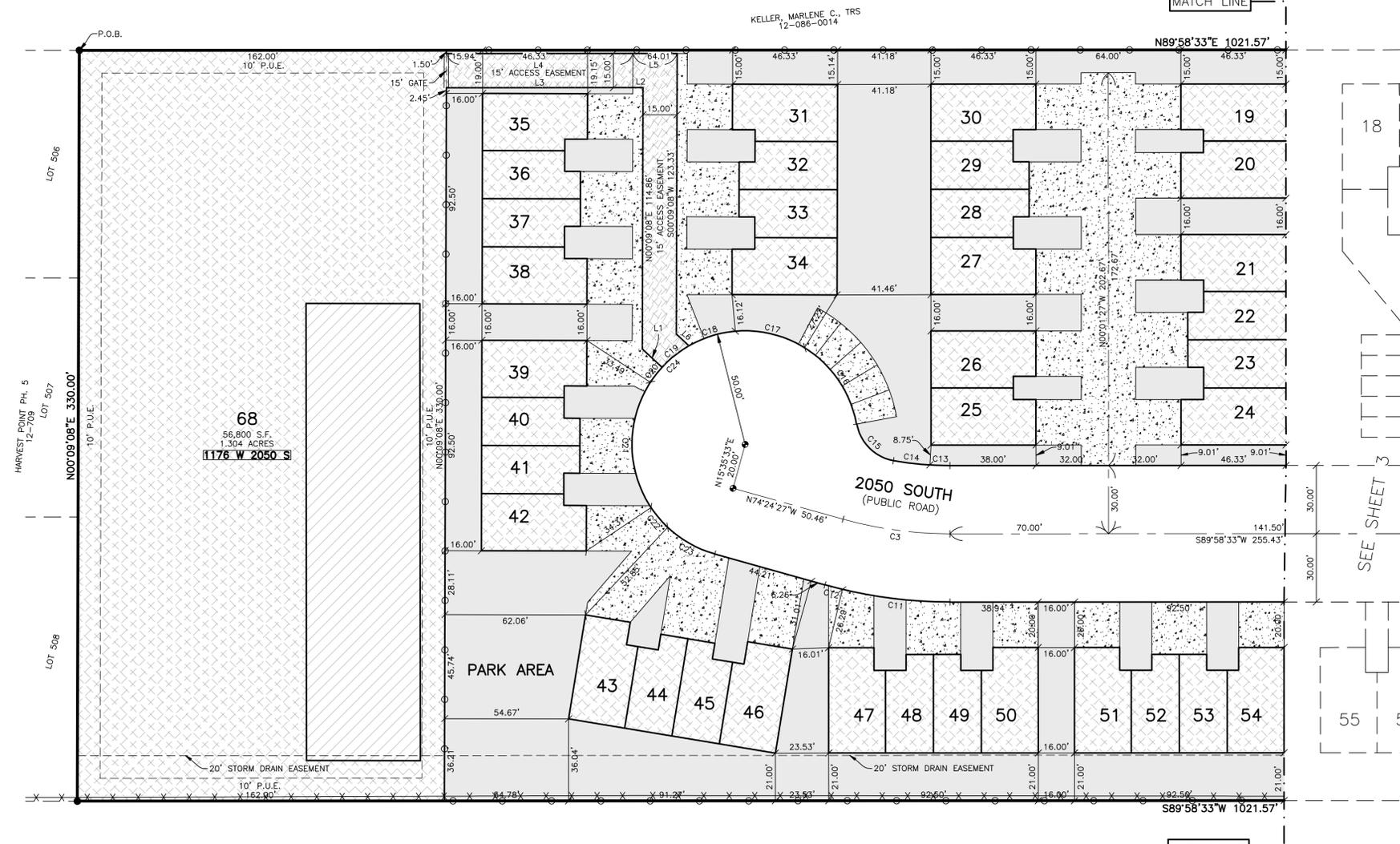
### HARVEST POINT PHASE 5

LOCATED IN THE NORTHEAST QUARTER OF SECTION 15 TOWNSHIP 4 NORTH RANGE 2 WEST SALT LAKE BASE 4 MERIDIAN SYRACUSE CITY, DAVIS COUNTY, UTAH

APPROVED THIS 29th DAY OF June 2006 BY THE SYRACUSE CITY COUNCIL.

# STOKER GARDENS P.R.D.

PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY  
SYRACUSE CITY, DAVIS COUNTY, UTAH  
DECEMBER, 2011



(2" AIRSPACE BETWEEN UNITS)  
**TYPICAL BUILDING DETAIL**  
NOT TO SCALE

**CURVE TABLE**

CURVE	RADIUS	LENGTH	CHD	LTH	CHD DIR	DELTA
C1	154.00'	64.67'	64.20'	S77°58'42" W	24°03'42"	
C2	154.00'	64.67'	64.20'	S77°58'42" W	24°03'42"	
C3	175.00'	47.70'	47.55'	N82°12'57" W	15°37'00"	
C4	184.00'	77.27'	76.71'	S77°58'42" W	24°03'42"	
C5	124.00'	36.45'	36.32'	S81°31'19" W	16°50'28"	
C6	124.00'	15.63'	15.62'	S69°31'28" W	7°13'14"	
C7	184.00'	68.53'	68.13'	S76°35'01" W	21°20'20"	
C8	184.00'	8.74'	8.74'	S88°38'52" W	2°43'22"	
C9	124.00'	40.46'	40.28'	S75°15'44" W	18°41'42"	
C10	124.00'	11.61'	11.61'	S87°17'35" W	5°21'55"	
C11	205.00'	47.91'	47.80'	N63°19'46" W	13°23'22"	
C12	205.00'	7.97'	7.97'	N75°31'16" W	2°13'37"	
C13	145.00'	8.87'	8.87'	N88°16'18" W	3°30'18"	
C14	145.00'	16.15'	16.14'	N83°19'44" W	6°22'51"	
C15	20.00'	24.36'	22.88'	N45°14'33" W	69°47'15"	
C16	50.00'	41.89'	40.68'	N34°21'21" W	48°00'28"	
C17	50.00'	32.02'	31.48'	N76°42'24" W	36°41'39"	
C18	50.00'	21.57'	21.41'	S72°35'07" W	24°43'19"	
C19	50.00'	15.23'	15.18'	S61°29'43" W	19°22'29"	
C20	50.00'	8.37'	8.36'	S37°58'22" W	9°35'15"	
C21	50.00'	58.38'	55.12'	S00°16'19" E	66°54'07"	
C22	50.00'	11.37'	11.35'	S40°14'15" W	13°01'44"	
C23	50.00'	24.13'	23.90'	S60°34'47" E	27°39'21"	
C24	50.00'	212.98'	184.78'	S47°37'13" W	244°03'21"	

**LEGEND**

- = SET STREET MONUMENT
- = SET 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
- = BOUNDARY LINE
- = LOT LINE
- - - = ADJOINING PROPERTY
- = ROAD CENTERLINE
- = 6" VINYL FENCE TO BE INSTALLED
- x x x = EXISTING FENCE
- [Pattern] = PRIVATELY OWNED PROPERTY
- [Pattern] = COMMON AREA
- [Pattern] = LIMITED COMMON AREA
- [Pattern] = EXISTING BUILDING
- [Pattern] = 15' ACCESS EASEMENT

Scale: 1" = 30'

**ACKNOWLEDGMENT**  
STATE OF UTAH )ss.  
COUNTY OF \_\_\_\_\_ )  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, (AND) \_\_\_\_\_ SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME \_\_\_\_\_ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.  
\_\_\_\_\_  
COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

**NOTE**  
ALL COMMON AREA IS DEDICATED AS PUBLIC UTILITY AND DRAINAGE EASEMENT.

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N47°14'00"W	11.83'
L2	S89°58'33"W	4.50'
L3	S89°58'33"W	82.33'
L4	N89°58'33"E	82.33'
L5	N89°58'33"E	19.50'
L6	S47°14'00"E	7.55'

**Lots 1-66 (P.R.D.) Design Specs.**  
TOTAL AREA.....6.04 ACRES  
AREA OF RIGHT-OF-WAY.....1.38 ACRES  
NET DEVELOPABLE ACRES.....4.66 ACRES  
PARK AREA/FUNCTIONABLE OPEN SPACE.....2.23 ACRES (36.9%)  
OPEN SPACE.....3.13 ACRES (51.8%)  
PROPOSED NUMBER OF UNITS 66 (10.93 UNITS/ACRE)

**PROJECT INFORMATION**  
Surveyor: R. KUNZ Project Name: STOKER GARDENS P.R.D.  
Designer: N. ANDERSON Number: 3784-42  
Scale: 1"=30'  
Begin Date: 11-30-11 Revision: 1-9-2012 C.C.  
Page: 2 of 3



**DAVIS COUNTY RECORDER**  
ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_  
AND RECORDED \_\_\_\_\_ AT \_\_\_\_\_  
IN BOOK \_\_\_\_\_ OF \_\_\_\_\_  
THE OFFICIAL RECORDS, PAGE \_\_\_\_\_  
RECORDED FOR:  
\_\_\_\_\_  
DAVIS COUNTY RECORDER  
\_\_\_\_\_  
DEPUTY.

## **PRD ZONING ORDINANCE**

### **10.75.010 Purpose.**

The purpose of this zone is to allow diversification in the relationship of residential uses to its sites and permit directed flexibility of site design. Further, its intent is to encourage a more efficient use of the land and the reservation of a greater proportion of common space for recreational and visual use than other residential zones may provide and to encourage a variety of dwelling units that allow imaginative concepts of neighborhood and housing options and provide variety in the physical development pattern of the City. This will allow the developer to more closely tailor a development project to a specific user group, such as retired persons.

The intent of this zone is to encourage good neighborhood design while ensuring compliance with the intent of the subdivision and zoning ordinances. All dwelling units are to be held in private individual ownership. However, the development shall contain common or open space and amenities for the enjoyment of the planned community that are developed and maintained through an active homeowners' association or similar organization with appointed management.

### **10.75.020 Permitted uses.**

The following are permitted uses by right provided the parcel and building meet all other provisions of this title and any other applicable ordinances of Syracuse City:

- (A) Accessory uses and buildings (maximum 200 square feet).
- (B) Churches, synagogues, and temples.
- (C) Dwelling units, single-family (no more than four units attached).
- (D) Educational services.
- (E) Household pets.
- (F) Private parks.
- (G) Public and quasi-public buildings.
- (H) Residential facilities for persons with disabilities and assisted living centers.

### **10.75.030 Conditional uses.**

The following may be permitted conditional uses for nonattached dwellings, after approval as specified in SCC 10.20.080:

- (A) Day care centers (major).
- (B) Home occupations (minor or major).
- (C) Temporary commercial uses (see SCC 10.35.050) (minor).
- (D) Temporary use of buildings (see SCC 10.30.100(A)(9)) (minor).

### **10.75.040 Minimum lot standards.**

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards:

(A) Density: overall density of six dwelling units per gross acre.

(1) The development shall provide a standard road right-of-way of 60 feet which shall include curb, gutter, and sidewalk improvements;

(2) Open space/common space shall be a minimum 50 percent of the total land area, excluding roadways, buildings, acreage and excluding any above-ground City infrastructure. Of that 50 percent, 30 percent shall be in open space and 20 percent in common space;

(3) For detention ponds to be considered common space they must include amenities recommended by planning commission and city council;

(4) The aesthetic and landscaping proposals shall provide for trees and shrubs that break up the look of having the same building style duplicated throughout the development and shall be in accordance with the Architectural Review Guide;

(5) For the purpose of this section, landscaping is not considered to be an amenity;

(6) The development shall provide adequate off-street parking area(s), subject to requirements of this chapter and off-street parking requirements as found in Chapter 10.40 SCC; and

(7) The development design shall include a direct connection to a major arterial, minor arterial, or major collector roadway.

(B) Lot width: determined by development plan.

(C) Front yard: 20 feet.

(D) Side yards: a minimum of 16 feet between primary structures and eight feet from the property line.

(E) Rear yard: a minimum of 15 feet.

(F) Building height: as allowed by current adopted building code, with a maximum height of 30 feet to the top of the roof structure.

(G) Structure: attached units shall not have a single roofline and shall have variations in architectural style between the buildings. The units shall include a minimum of two-car garages for each unit and shall not be the major architectural feature of the building.

**10.75.050 Development plan and agreement requirements.**

(A) Subdivision ordinance requirements shall generally apply to planned residential communities. The developer shall submit a residential development plan of all project phases for City consideration and approval and shall integrate the proposed development plan into a development agreement between the developer and City. The development agreement shall undergo an administrative review process to ensure compliance with adopted City ordinances and standards with approval by the City Council. The subdivider shall develop the property in

accordance with the development agreement and current City ordinances in effect on the approval date of the agreement, together with the requirements set forth in the agreement, except when federal, state, county, and/or City laws and regulations, promulgated to protect the public's health, safety, and welfare, require future modifications under circumstances constituting a rational public interest.

(B) A planned residential development must have a minimum of five acres.

(C) The developer shall landscape and improve all open space around or adjacent to building lots and common spaces and maintain and warrant the same through a lawfully organized homeowners' association, residential management company, or similar organization.

(D) The development plan submitted for review shall show the location and building elevations with exterior building materials, size, and general footprint of all dwelling units and other main buildings and amenities.

(E) The development plan submitted for review shall include landscaping, fencing, and other improvement plans for common or open spaces, with the landscaping designed in accordance with an approved theme to provide unity and aesthetics to the project. The plan shall include all special features, such as ponds, fountains, signs, walking paths, inviting entryways, etc., together with a landscape planting plan. Common space should be the emphasis for the overall design of the development, with various community facilities grouped in places well related to the common space and easily accessible to pedestrians.

(F) A planned residential community shall be of sufficient size, composition, and arrangement to enable its feasible development as a complete unit, managed by a legally established owners' association and governed by enforceable, duly recorded CC&Rs.

**10.75.060 Design standards.**

The Land Use Authority shall approve the required common building theme. The design shall show detail in the unification of exterior architectural style, building materials, and color and size of each unit; however, the intent is not to have the design so dominant that all units are identical. Residential dwellings shall comply with SCC 10.30.020.

**10.75.070 Street design.**

The Land Use Authority may approve an alternative street design so long as it maintains the City's minimum rights-of-way. The developer shall dedicate all street rights-of-way to the City.

**10.75.080 Off-street parking and loading.**

For multi-unit developments, one additional off-street parking space shall be provided for each unit of four dwellings. Off-street parking and loading shall be as specified in Chapter 10.40 SCC; provided, however, that the City may limit or eliminate street parking or other use of City rights-of-way through the employment of limited or alternative street designs.

**10.75.090 Signs.**

The signs permitted in this zone shall be those allowed in residential zones by Chapter 10.45 SCC.

## **R-2 ZONING ORDINANCE**

### **10.65.010 Purpose.**

The purpose of this zone is to provide for moderate density single-family residential development that conforms to the system of services available.

### **10.65.020 Permitted uses.**

The following, and no others, are uses permitted by right provided the parcel and building meet all other provisions of this title and any other applicable ordinances of Syracuse City.

(A) Accessory uses and buildings (200 square feet or less).

(B) Agriculture.

(C) Churches, synagogues, and temples.

(D) Dwellings, single-family.

(E) Educational services.

(F) Household pets.

(G) Minor home occupations.

(H) Public and quasi-public buildings.

(I) Public parks.

(J) Rabbits and hens.

(K) Residential facilities for persons with disabilities.

(L) Vietnamese potbellied pigs.

### **10.65.030 Conditional uses.**

The following, and no others, may be conditional uses permitted after application and approval as specified in SCC 10.20.080:

(A) Accessory uses and buildings (greater than 200 square feet) (minor).

(B) Apiaries (minor).

(C) Day care centers (major).

(D) Dwellings, accessory (major/minor, see SCC 10.30.020).

(E) Dwelling groups (major).

(F) Dog kennels (minor).

(G) Home occupations (major).

(H) Temporary commercial uses (see SCC 10.35.050) (minor).

(I) Temporary use of buildings (see SCC 10.30.100(A)(12)) (minor).

**10.65.040 Minimum lot standards.**

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards:

(A) Density: minimum lot size 10,000 square feet, but in no case shall the density exceed 3.0 lots per gross acre.

(B) Lot width: 85 feet.

(C) Front yard: 25 feet.

(D) Side yards: eight feet (both sides).

(E) Rear yard: 30 feet.

(F) Building height: as allowed by current building code.

(G) Variation of lot: the Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence they acquired the land in good faith and, by reason of size, shape, or other special condition(s) of the specific property, application of the lot width requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or a reduction of the lot width requirement would alleviate a clearly demonstrable hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that:

(1) The strict application of the lot width requirement would result in substantial hardship;

(2) Adjacent properties do not share generally such a hardship and the property in question has unusual circumstances or conditions where literal enforcement of the requirements of the zone would result in severe hardship;

(3) The granting of such reduction would not be of substantial detriment to adjacent property or influence negatively upon the intent of the zone;

(4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to detract from the intention or appearance of the zone as identified in the City's general plan.

**10.65.050 Off-street parking and loading.**

Off-street parking and loading shall be provided as specified in Chapter 10.40 SCC.

**10.65.060 Signs.**

The signs permitted in this zone shall be those allowed in residential zones by Chapter 10.45 SCC.

## **MINOR SUBDIVISION ORDINANCE**

### **8.30.035 Minor residential subdivisions.**

(A) Purpose. In an effort to reduce the expense and time of development, minor residential subdivisions may be considered and approved under this section.

(B) This section does not modify or reduce requirements or standards for lots, infrastructure, or subdivisions, requirements for platting, or any other requirement or standard in this code. Its sole purpose is to provide more expedient approval for minor residential subdivisions.

(C) Minor Residential Subdivision Requirements. To be considered a minor residential subdivision, the subdivision must meet all the following requirements:

- (1) The subdivision contains 10 or less lots;
- (2) The subdivision is not traversed by the mapped lines of a proposed street as shown in the City's general plan;
- (3) The subdivision is located in a zoned area; and
- (4) The subdivision is not part of an existing, previously platted subdivision. Changes to a platted subdivision are to be done by amending the previously approved plat.

(D) Minor Residential Subdivision Application Procedure. The application procedure for a minor residential subdivision is:

- (1) Pre-Application Meeting. City staff shall review whether the subdivision meets the requirements of a minor residential subdivision and notify the developer of any requirements for necessary construction drawings.
- (2) Concept Plan Approval. The concept plan approval process for a minor residential subdivision shall follow that found in Chapter 8.20 SCC.
- (3) Final Minor Residential Subdivision Plan Approval Procedure. The final plan for a minor residential subdivision shall combine all requirements for both preliminary and final plan approval found in this title into one application.

(E) The Planning Commission and the City Council shall process the proposed minor residential subdivision and consider it for approval in accordance with SMC 8.30.030. All required signatures and conditions provided in that section apply to minor residential subdivisions.

### **8.30.040 Severability.**

If any provision of this chapter or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this chapter which can be given independent effect. To this end, the provisions of this chapter are severable.



## **Harvest Point Subdivision Phase 9**

2050 South Street & 1230 West Street

Engineer Plat Amendment Review

*Completed by Brian Bloemen on September 29, 2016*

Below are the engineering comments for the Harvest Point Subdivision Phase 9. This proposed subdivision boundary was brought forth to the planning commission on September 17, 2013 as the Ford Subdivision and was tabled by planning commission. Harvest Point Phase 9 was never part of the original phasing. There are currently no City owned utilities serving Lot 68.

1. Show the existing lot lines and lot numbers.
2. Water shares were never granted to the City for Lot 68 of Stoker Gardens, as it was not considered a buildable lot. Water shares will need to be granted for all areas within buildable Lots not previously collected.
3. Show the City's existing 20' storm drain easement through Lot 3.
4. Per County requirements Lot 68 cannot remain the same and shall be changed to 68A.
5. Label all the PUE widths.

If you have any further comments or questions, please feel free to contact me at 801-614-9630.

Sincerely,

Brian Bloemen, P.E.  
City Engineer



**Mayor**  
Terry Palmer

**City Council**  
Karianne Lisonbee  
Mike Gailey  
Corinne Bolduc  
Andrea Anderson  
David Maughan

**City Manager**  
Brody Bovero

## Subdivision Final Plan Review

September 30, 2016

Below is a review of the Harvest Point Phase 9 subdivision. The following comments must be addressed prior to recording the plat:

1. Lot 68 should be renumbered to "Lot 4"
2. Show all existing structures to remain on the plat.

Thank you for your interest in investing in Syracuse City. Please feel free to contact me with any questions concerning this project.

Regards,

Royce Davies  
City Planner  
(801) 614-9632  
rdavies@syracuseut.com



TO: Community Development, Attention: Royce Davies  
FROM: Jo Hamblin, Fire Marshal  
RE: Harvest Point Subdivision Amendment

DATE: September 27, 2016

I have reviewed the plan submitted for the above referenced project. The Fire Prevention Division of this department has the following comments/concerns.

1. Amending of the lot lines will move them into the fall zone of the cell tower on lot #68. Ordinance 10.130.080 C 2
2. The developer should be made aware that any change in use or occupancy of the existing structure on lot #68 would require that building to become subject to the current IFC and IBC edition.

These plans have been reviewed for Fire Department requirements only. Other departments must review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Syracuse City.



# PLANNING COMMISSION REGULAR MEETING

## AGENDA

October 4, 2016

### Agenda Item # 5                      Subdivision Amendment 3728 West 700 South

#### *Factual Summation*

Please review the following information. Any questions regarding this agenda item may be directed to Royce Davies, City Planner.

Location:                                      3728 West 700 South  
 Current Zoning:                              R-1 and R-3  
 General Plan:                                   R-1 and R-3  
 Total Subdivision Area:                    0.772 Acres

#### *Summary*

The applicant has requested approval of a 1 lot amendment to a subdivision known as Trail's Edge Phase 1 in the R-1 and R-3 Zones. The item was tabled on September 20, 2016 for being incomplete. **The missing affidavit has since been provided by the applicant.**

The dimensions of these lots are as follows:

Lot	Zone	Lot Size (R-1 12,000 Sq. Ft. Min.)	Lot Width (R-3 85 Ft. Min.)	Existing Structures to Remain
125A	R-1 and R-3	33,620	90.08	None

This plat amendment was brought to the City after a proposed home to be built on the currently existing lot 125 was too deep for the lot. Parcel A, which is a detention basin, is proposed to be combined with lot 125 to allow for the larger home. Once the two parcels are combined, there will be sufficient room in the rear setback to build a larger home. The amended plat indicates a 'buildable area' that will prohibit structures from being built in the detention basin. Also, the homeowner will be required to sign a detention basin maintenance agreement ensuring that the basin will not be filled in and maintained to function properly.

Once combined, the parcel will have split zoning with r-1 on the south and r-3 on the north. The buildable portion is within the r-3 zone and will be treated as an r-3 for building permit purposes.

In addition to being a detention basin, Parcel A is also labeled as open space on the Trail's Edge Phase 1 plat. Staff has recieved calls from residents of the subdivision concerned that the open space designation will be removed. Most likely, the owner of the combined parcels will fence it in, further removing the amenity. Parcel A does not have a conservation easement over it. Since the r-3 does not require open space dedication, this open space can be removed by city ordinance.

Parcel A was dedicated to the HOA with the recording of the plat. The HOA is not set up yet, and is currently managed by the developer. The property owners have an agreement with the developer and will need to negotiate directly with him as the city's priority in this case is to maintain the detention basin functionality, which the presented plat will maintain.

Plat amendements, as indicated in table 1 of 10.20.140, the Planning Commission is the land use authority and will not be required to be forwarded to the City Council.

### ***Suggested Motion Language***

Approval – “I move the Planning Commission recommend to the City Council approval of the request of Mark Sandberg for a 1 lot subdivision amendment to the Trail’s Edge Phase 1 Subdivision consisting of 0.776 acres on property located at 3728 West 700 South in the R-1 and R-2 Residential Zones.”

Table – “I move the Planning Commission continue the request of Mark Sandberg for a 1 lot subdivision amendment to the Trail’s Edge Phase 1 Subdivision consisting of 0.776 acres on property located at 3728 West 700 South in the R-1 and R-2 Residential Zones until (give date) based on the following findings:

1. (list findings)”

Denial – “I move the Planning Commission recommend to the City Council denial of the request of Mark Sandberg for a 1 lot subdivision amendment to the Trail’s Edge Phase 1 Subdivision consisting of 0.776 acres on property located at 3728 West 700 South in the R-1 and R-2 Residential Zones based on the following findings:

1. (list findings).”

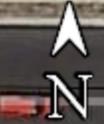
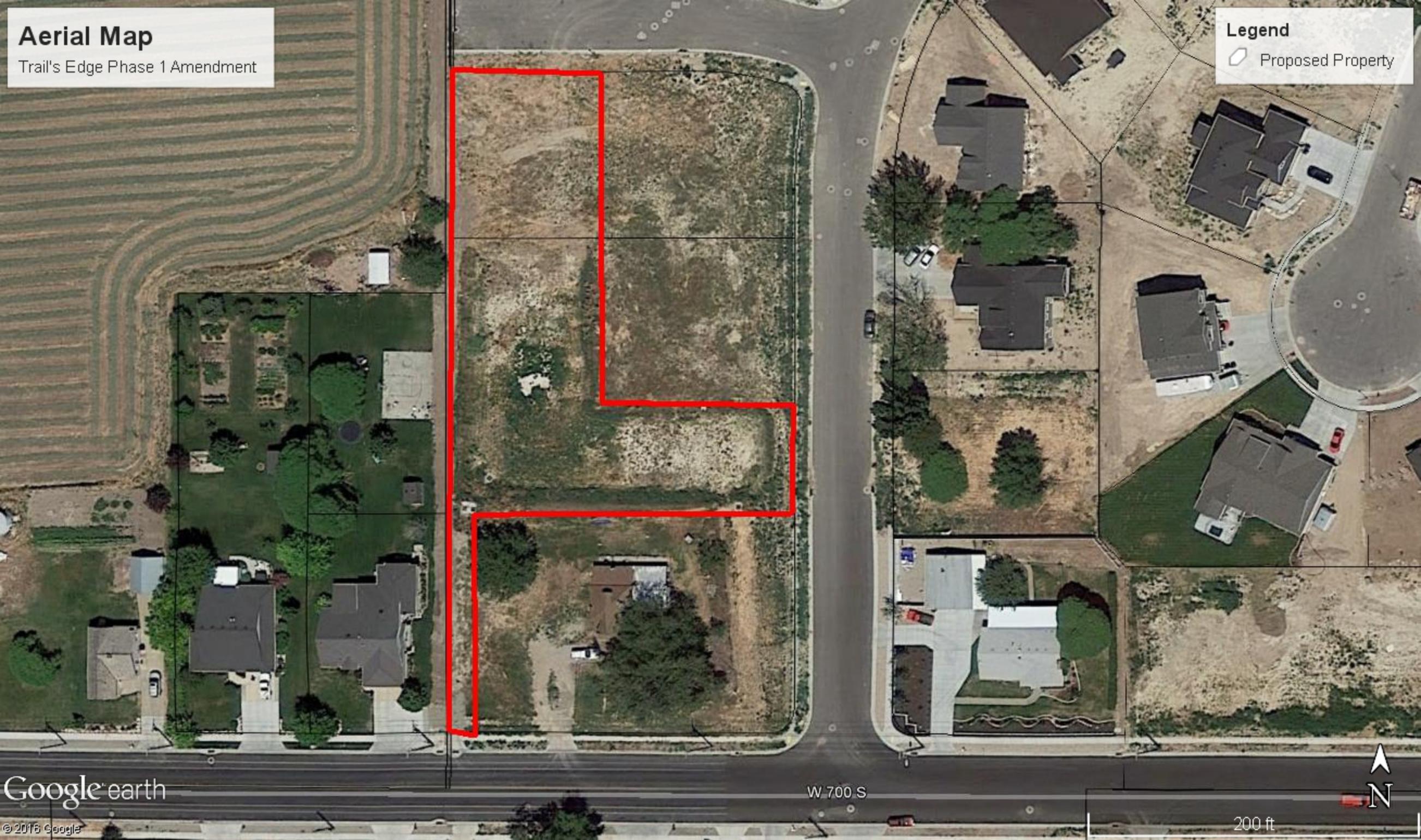
### ***Attachments:***

- Aerial Map
- Zoning Map
- General Plan Map
- Amended Subdivision Plat
- Trail’s Edge Phase 1 Plat
- R-1 Zoning Ordinance
- R-2 Zoning Ordinance
- Minor subdivision review ordinances

# Aerial Map

Trail's Edge Phase 1 Amendment

**Legend**  
Proposed Property

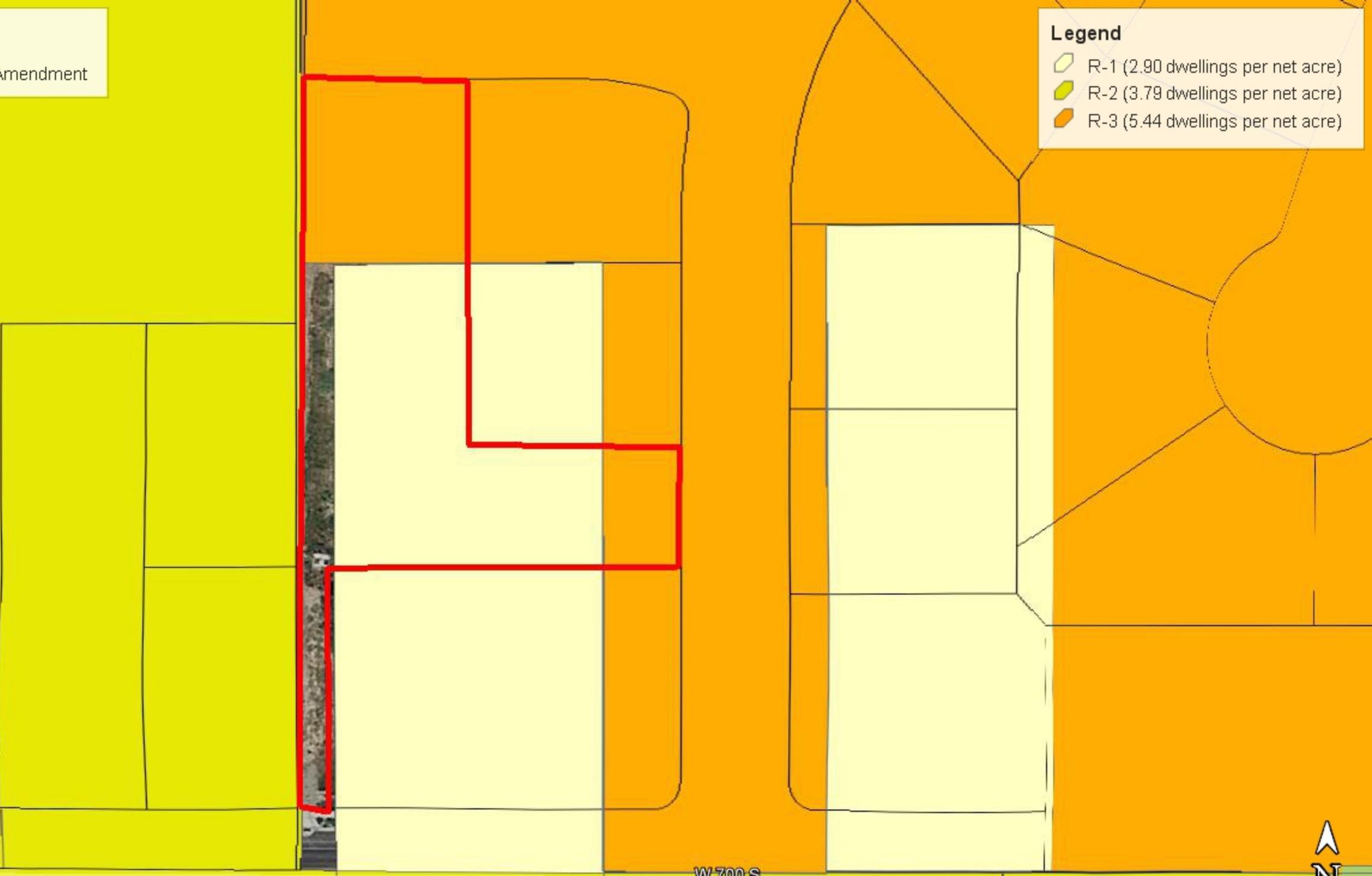


# Zoning Map

Trail's Edge Phase 1 Amendment

## Legend

-  R-1 (2.90 dwellings per net acre)
-  R-2 (3.79 dwellings per net acre)
-  R-3 (5.44 dwellings per net acre)







CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	15.00	23.56	89°58'56"	S44°53'35"E	21.21'
C2	210.00	121.60	33°10'39"	S16°41'12"W	119.91'
C3	210.00	52.72	14°23'00"	S40°28'02"W	52.58'
C4	15.00	23.56	90°00'00"	N87°20'28"W	21.21'
C5	280.00	29.38	6°00'46"	S45°20'51"E	29.37'
C6	280.00	67.23	13°45'22"	S55°13'55"E	67.06'
C7	15.00	21.88	83°33'32"	N20°19'50"W	19.99'
C8	720.00	59.56	4°44'23"	N23°49'07"E	59.54'
C9	780.00	25.44	1°52'06"	S25°16'15"W	25.43'
C10	780.00	72.59	5°19'56"	S21°39'14"W	72.56'
C11	15.00	11.63	44°25'00"	N41°11'46"E	11.34'
C12	60.00	43.69	41°43'03"	S42°32'45"W	42.73'
C13	60.00	58.32	55°41'15"	S6°09'24"E	56.05'
C14	60.00	58.52	55°53'01"	S61°56'32"E	56.23'
C15	60.00	66.07	63°05'21"	N58°34'16"E	62.78'
C16	60.00	72.23	68°58'42"	N77°27'45"W	67.95'
C17	15.00	15.95	60°56'22"	S11°28'58"E	15.21'
C18	720.00	79.45	6°19'20"	S22°08'56"W	79.41'
C19	720.00	11.04	0°52'43"	S25°44'57"W	11.04'
C20	780.00	68.13	5°00'17"	N23°41'10"E	68.11'
C21	15.00	20.72	79°08'40"	S80°45'22"W	19.11'
C22	280.00	49.91	10°12'45"	S84°46'41"E	49.84'
C24	220.00	122.07	31°47'27"	S66°42'54"E	120.51'
C25	220.00	32.56	8°28'43"	S46°34'49"E	32.53'
C26	15.00	23.56	90°00'00"	S2°39'32"W	21.21'
C27	270.00	5.88	1°14'55"	S47°02'04"W	5.88'
C28	270.00	86.03	18°15'23"	S37°16'56"W	85.67'
C29	15.00	20.88	79°44'56"	N68°10'42"E	19.23'
C30	230.00	48.27	12°01'29"	N78°06'34"W	48.18'
C31	15.00	22.05	84°13'11"	S42°00'43"E	20.12'
C32	15.00	23.57	90°10'04"	N45°06'25"E	21.22'
C33	170.00	50.77	17°06'41"	N81°19'42"W	50.58'
C34	15.00	21.66	82°45'04"	N31°23'49"W	19.83'
C35	270.00	46.56	9°52'50"	S5°02'18"W	46.50'
C36	15.00	23.57	90°10'04"	N45°06'25"E	21.22'
C37	200.00	20.11	5°45'45"	N87°00'11"W	20.11'
C38	200.00	41.97	12°01'29"	N78°06'34"W	41.90'
C39	200.00	13.38	3°50'00"	N70°10'50"W	13.38'

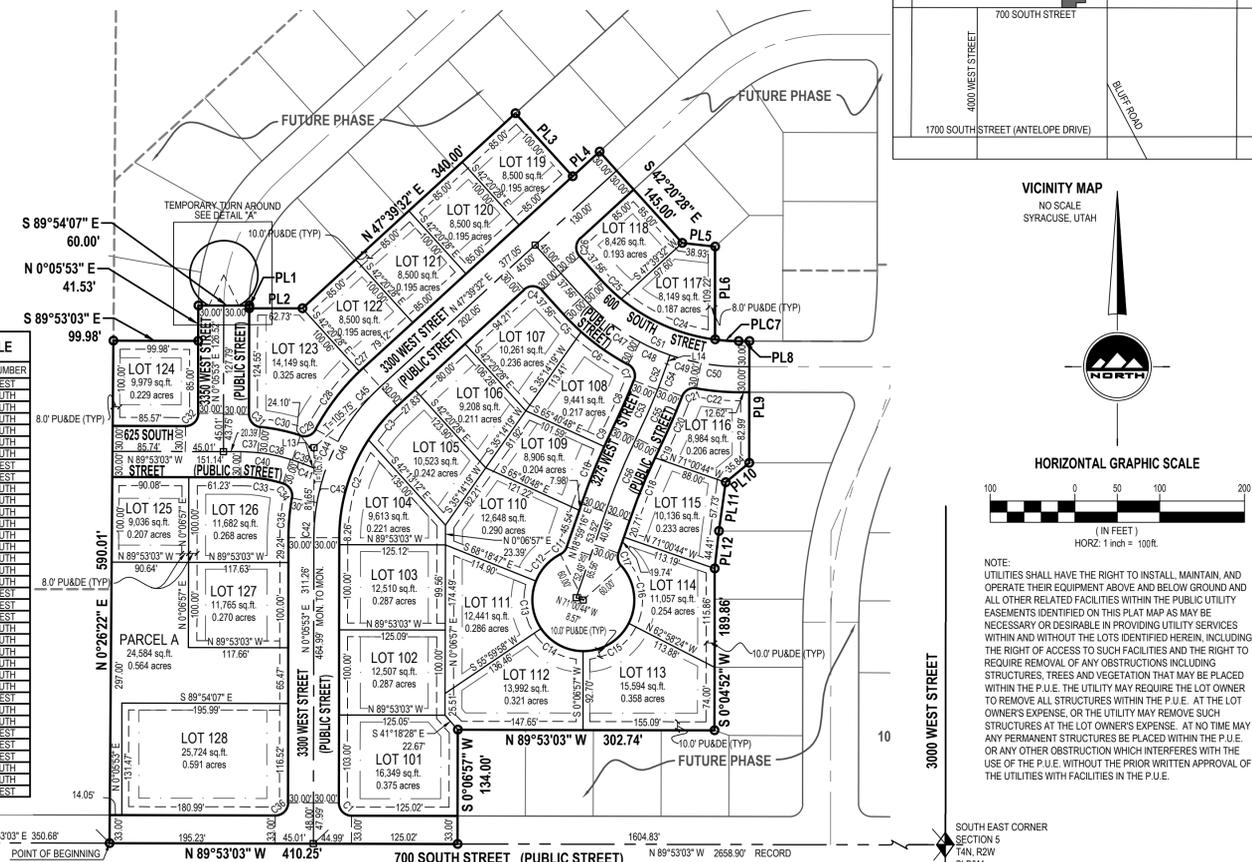
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C40	200.00	59.73	17°06'41"	N81°19'42"W	59.51'
C41	200.00	15.74	4°30'32"	N70°31'06"W	15.73'
C42	240.00	41.39	9°52'50"	S5°02'18"W	41.34'
C43	240.00	36.65	8°44'58"	S14°21'11"W	36.61'
C44	240.00	39.48	9°25'34"	S23°26'27"W	39.44'
C45	240.00	81.70	19°30'18"	S37°54'23"W	81.31'
C46	240.00	199.22	47°33'39"	S23°52'42"W	193.55'
C47	250.00	86.26	19°46'08"	S52°13'32"E	85.83'
C48	250.00	38.84	8°54'08"	S66°33'40"E	38.80'
C49	250.00	37.78	8°39'34"	S75°20'31"E	37.75'
C50	250.00	44.56	10°12'45"	S84°46'41"E	44.50'
C51	250.00	207.45	47°32'35"	S66°06'46"E	201.55'
C52	750.00	32.17	2°27'27"	N20°12'59"E	32.16'
C53	750.00	62.09	4°44'36"	N23°49'01"E	62.07'
C54	750.00	28.75	2°11'46"	N20°05'09"E	28.74'
C55	750.00	65.51	5°00'17"	N23°41'10"E	65.49'
C56	750.00	94.26	7°12'02"	S22°35'17"W	94.19'

LINE	BEARING	LENGTH
PL1	S0°05'53"W	3.23
PL2	S89°54'07"E	62.73
PL3	S42°20'28"E	100.00
PL4	N47°39'32"E	42.93
PL5	S83°52'22"E	38.93
PL6	S0°04'52"W	109.22
PLC7	SEE PLC TABLE BELOW	
PL8	N89°53'03"W	12.62
PL9	S0°06'57"W	142.99
PL10	S50°37'52"W	35.84
PL11	S7°45'21"W	57.73
PL12	S6°32'41"W	44.41
L13	S68°15'50"E	13.58
L14	N18°59'16"E	11.17

LOT NUMBER	HOUSE NUMBER	AREA
101	3288 WEST	0.229 acres
102	681 SOUTH	0.229 acres
103	697 SOUTH	0.229 acres
104	655 SOUTH	0.229 acres
105	623 SOUTH	0.229 acres
106	613 SOUTH	0.229 acres
107	603 SOUTH	0.229 acres
108	3281 WEST	0.229 acres
109	608 SOUTH	0.229 acres
110	626 SOUTH	0.229 acres
111	635 SOUTH	0.229 acres
112	676 SOUTH	0.229 acres
113	675 SOUTH	0.229 acres
114	651 SOUTH	0.229 acres
115	626 SOUTH	0.229 acres
116	613 SOUTH	0.229 acres
117	3283 WEST	0.229 acres
118	3278 WEST	0.229 acres
119	3280 WEST	0.229 acres
120	3282 WEST	0.229 acres
121	608 SOUTH	0.229 acres
122	612 SOUTH	0.229 acres
123	624 SOUTH	0.229 acres
124	622 SOUTH	0.229 acres
125	3383 WEST	0.229 acres
126	3382 WEST	0.229 acres
127	3381 WEST	0.229 acres
128	3348 WEST	0.229 acres

### TRAIL'S EDGE SUBDIVISION PHASE 1

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5 TOWNSHIP 4 NORTH RANGE 2 WEST SALT LAKE BASE & MERIDIAN SYRACUSE CITY, DAVIS COUNTY, UTAH



**SURVEYOR'S CERTIFICATE**  
 I, KEITH R. RUSSELL, do hereby certify that I am a Licensed Land Surveyor, and that I hold certificate No. 164386, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as TRAIL'S EDGE SUBDIVISION PHASE 1, and that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of the applicable zoning ordinances.

**BOUNDARY DESCRIPTION**  
 Beginning at a point on the section line, said point being South 89°53'03" East 497.25 feet along the section line from the South Quarter Corner of Section 5, Township 4 North, Range 2 West, Salt Lake Base and Meridian, and running:

Thence North 0°26'22" East 590.01 feet;  
 Thence South 89°53'03" East 99.98 feet;  
 Thence North 0°05'53" East 41.53 feet;  
 Thence South 89°54'07" East 60.00 feet;  
 Thence South 0°05'53" West 3.23 feet;  
 Thence South 89°54'07" East 62.73 feet;  
 Thence North 47°39'32" East 340.00 feet;  
 Thence South 42°20'28" East 100.00 feet;  
 Thence North 47°39'32" East 42.93 feet;  
 Thence South 42°20'28" East 145.00 feet;  
 Thence South 83°52'22" East 38.93 feet;  
 Thence South 0°04'52" West 109.22 feet;  
 Thence southeasterly 27.93 feet along the arc of a 220.00 foot radius curve to the left, (center bears North 7°23'22" East and long chord bears South 86°14'51" East, with a central angle of 7°16'25");  
 Thence South 89°53'03" East 12.62 feet;  
 Thence South 0°06'57" West 142.99 feet;  
 Thence South 50°37'52" West 35.84 feet;  
 Thence South 7°45'21" West 57.73 feet;  
 Thence South 6°32'41" West 44.41 feet;  
 Thence South 0°04'52" West 189.86 feet;  
 Thence North 89°53'03" West 302.74 feet;  
 Thence South 0°06'57" West 134.00 feet to the section line;  
 Thence North 89°53'03" West 410.25 feet along the section line to the point of beginning.

Contains 472,579 square feet, 10,849 acres, 28 lots.

Date 10-02-14  
 Keith R. Russell  
 License No. 164386



**OWNER'S DEDICATION**  
 I, the undersigned owner of the above described tract of land, having caused same to be subdivided, hereafter known as:

### TRAIL'S EDGE SUBDIVISION PHASE 1

do hereby dedicate for perpetual use of the public all streets as shown on this plat as Public Streets intended for Public Use. We also separately convey by fee title to the Trail's Edge Home Owner's Association Parcel "K" shown hereon as an Open Space Parcel to be owned and maintained by the Trail's Edge Home Owner's Association with an easement in favor of Syracuse City Corporation over Parcel "K" for the storage and conveyance of storm water.

In Witness whereof I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_.

Trail's Edge, a Limited Liability Company  
 Gregory Higley  
 Manager

**LIMITED LIABILITY COMPANY ACKNOWLEDGMENT**

STATE OF UTAH \_\_\_\_\_ J.S.S.  
 County of Davis \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_, personally appeared before me, the undersigned Notary Public, in and for said County of Davis, in the State of Utah, who after being duly sworn, acknowledged to me that He is the Manager of Trail's Edge LLC, a Limited Liability Company and that He signed the Owner's Dedication freely and voluntarily for and in behalf of said Limited Liability Company for the purposes therein mentioned and acknowledged to me that said Limited Liability Company executed the same.

MY COMMISSION EXPIRES: \_\_\_\_\_  
 NOTARY PUBLIC \_\_\_\_\_ RESIDING IN \_\_\_\_\_ COUNTY.

### TRAIL'S EDGE SUBDIVISION PHASE 1

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5 TOWNSHIP 4 NORTH RANGE 2 WEST SALT LAKE BASE & MERIDIAN SYRACUSE CITY, DAVIS COUNTY, UTAH

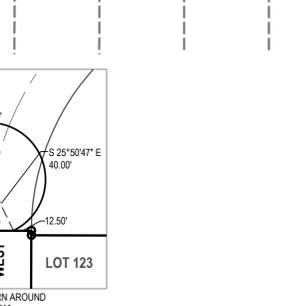
### DAVIS COUNTY RECORDER

ENTRY NO. \_\_\_\_\_ FEE \_\_\_\_\_  
 PAID \_\_\_\_\_ FILED FOR RECORD AND  
 RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS  
 PAGE \_\_\_\_\_

**SHEET 1 OF 1**  
 PROJECT NUMBER: L2138  
 MANAGER: K. RUSSELL  
 DRAWN BY: J. MOSS  
 CHECKED BY: K. RUSSELL  
 DATE: 9/16/14

BY \_\_\_\_\_ DAVIS COUNTY RECORDER  
 DEPUTY RECORDER

- GENERAL NOTES:**
- PROPERTY IS ZONED R-1 (LOTS 101-103, 127 AND 128). EXISTING HOMES ON LOTS 101 AND 128.
    - A. FRONT YARD SETBACK IS 40'
    - B. REAR YARD SETBACK IS 30'
    - C. SIDE YARD SETBACK IS 10'
    - D. CORNER LOT ROADSIDE SETBACK IS 20'
  - PROPERTY IS ZONED R-3 (LOTS 104-127).
    - A. FRONT YARD SETBACK IS 25'
    - B. REAR YARD SETBACK IS 20'
    - C. SIDE YARD SETBACK IS 8'
    - D. CORNER LOT SIDE YARD SETBACK IS 20' ON ROAD SIDE.
  - ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS (PU & DE) ARE 10' FRONT, 8' SIDE AND 10' REAR UNLESS OTHERWISE NOTED HEREON.
  - LOWEST FINISH FLOOR ELEVATION FOR ANY HOME IS 4280.00 (DAVIS COUNTY SURVEYOR'S OFFICE DATUM).
  - THE ARRANGEMENT OF RESIDENTIAL DRIVEWAYS ON PROPOSED SUBDIVISION LOTS FRONTING A COLLECTOR OR ARTERIAL STREET WILL BE DIRECTED BY THE CITY PLANNING COMMISSION. DRIVEWAYS FRONTING COLLECTOR OR ARTERIAL STREETS WILL BE CONSTRUCTED TO ALLOW SEMI-CIRCULAR, PULL-THROUGH OR HAMMERHEAD PULL-OUT RESIDENTIAL DRIVEWAYS. [ORD. 13-02 1 (EXHIBIT); ORD. 02-19, CODE 1911 8-2-20]



UTILITY COMPANY APPROVAL	
ROCKY MOUNTAIN POWER	DATE _____
QUESTAR GAS	DATE _____
CENTURY LINK	DATE _____

**CITY ATTORNEY'S APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE SYRACUSE CITY ATTORNEY.

**PLANNING COMMISSION APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE CITY PLANNING COMMISSION APPROVAL.

**CITY ENGINEER'S APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE SYRACUSE CITY ENGINEER.

**CITY COUNCIL APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 BY THE SYRACUSE CITY COUNCIL.

**SYRACUSE CITY ATTORNEY**  
 \_\_\_\_\_  
 SYRACUSE CITY ATTORNEY

**CHAIRMAN, SYRACUSE CITY PLANNING COMMISSION**  
 \_\_\_\_\_  
 CHAIRMAN, SYRACUSE CITY PLANNING COMMISSION

**SYRACUSE CITY ENGINEER**  
 \_\_\_\_\_  
 SYRACUSE CITY ENGINEER

**CITY RECORDER**  
 \_\_\_\_\_  
 CITY RECORDER

**CITY MAYOR**  
 \_\_\_\_\_  
 CITY MAYOR

LAYTON  
 1485 West Hillfield Rd. Suite 204  
 Layton UT 84041  
 Phone: 801.547.1100  
 Fax: 801.593.6315  
 WWW.ENSIGNUTAH.COM

SALT LAKE CITY  
 1485 West Hillfield Rd. Suite 204  
 Layton UT 84041  
 Phone: 801.796.8145  
 TOOLE: Phone: 435.843.3590



## **R-1 ZONING ORDINANCE**

### **10.60.010 Purpose.**

The purpose of this zone is to promote and preserve, where conditions are favorable, areas for large lot development for families to engage in food production and, where adequate lot area exists, keep a limited number of farm animals and fowl.

### **10.60.020 Permitted uses.**

The following, and no others, are uses permitted by right provided the parcel and/or building meet all other provisions of this title and any other applicable ordinances of Syracuse City.

- (A) Accessory uses and buildings (200 square feet or less).
- (B) Agriculture.
- (C) Aviaries.
- (D) Churches, synagogues, and temples.
- (E) Dwellings, single-family.
- (F) Educational services.
- (G) Farm animal keeping (see SCC 10.30.040).
- (H) Fruit and vegetable stands (for sale of products produced on owner's premises).
- (I) Household pets.
- (J) Minor home occupations.
- (K) Public and quasi-public buildings.
- (L) Public parks.
- (M) Rabbits and hens.
- (N) Residential facilities for persons with disabilities.
- (O) Vietnamese potbellied pigs.

### **10.60.030 Conditional uses.**

The following, and no others, may be conditional uses permitted after application and approval as specified in SCC 10.20.080:

- (A) Accessory uses and buildings (greater than 200 square feet) (minor).
- (B) Apiaries (minor).
- (C) Cluster subdivisions (major).

- (D) Day care centers (major).
- (E) Dog kennels (minor).
- (F) Dwellings, accessory (major/minor, see SCC 10.30.020).
- (G) Dwelling groups (major).
- (H) Greenhouses (minor).
- (I) Home occupations (major).
- (J) Private parks and recreational activities (minor).
- (K) Temporary commercial uses (see SCC 10.35.050) (minor).
- (L) Temporary use of buildings (see SCC 10.30.100(A)(12)) (minor).

**10.60.040 Minimum lot standards.**

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards. Lot area for properties fronting existing streets shall include all property as described on the most recent plat of record.

- (A) Density. Minimum lot size 12,000 square feet, but in no case shall the density exceed 2.3 lots per gross acre, unless the Land Use Authority grants additional density, per a cluster subdivision major conditional use permit.
- (B) Lot width: 100 feet.
- (C) Front yard: 25 feet.
- (D) Side yards: 10 feet (both sides).
- (E) Rear yard: 30 feet.
- (F) Building height: as allowed by current building code.
- (G) Variation of lot: the Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence they acquired the land in good faith and, by reason of size, shape, or other special condition(s) of the specific property, application of the lot width requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or a reduction of the lot width requirement would alleviate a clearly demonstrable hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that:
  - (1) The strict application of the lot width requirement would result in substantial hardship;
  - (2) Adjacent properties do not share generally such a hardship and the property in question has unusual circumstances or conditions where literal enforcement of the requirements of the zone would result in severe hardship;

(3) The granting of such reduction would not be of substantial detriment to adjacent property or influence negatively upon the intent of the zone;

(4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to detract from the intention or appearance of the zone as identified in the City's general plan.

**10.60.050 Off-street parking and loading.**

Off-street parking and loading shall be provided as specified in Chapter 10.40 SCC.

**10.60.060 Signs.**

The signs permitted in this zone shall be those allowed in residential zones by Chapter 10.45 SCC.

**10.60.070 Special provisions.**

All pens, barns, coops, stables, and other similar enclosing structures to keep animals or fowl shall be located no less than 150 feet from a public street and no less than 100 feet from all dwellings on adjacent lots. (This provision shall not apply to pastures.)

## **R-3 ZONING ORDINANCE**

### **10.70.010 Purpose.**

The purpose of this zone is to provide for medium density single-family residential development that conforms to the system of services available.

### **10.70.020 Permitted uses.**

The following, and no others, are uses permitted by right provided the parcel and building meet all other provisions of this title and any other applicable ordinances of Syracuse City.

(A) Accessory uses and buildings (200 square feet or less).

(B) Agriculture.

(C) Churches, synagogues, and temples.

(D) Dwellings, single-family.

(E) Educational services.

(F) Household pets.

(G) Minor home occupations.

(H) Public and quasi-public buildings.

(I) Public parks.

(J) Rabbits and hens.

(K) Residential facilities for persons with disabilities.

(L) Vietnamese potbellied pigs.

### **10.70.030 Conditional uses.**

The following, and no others, may be conditional uses permitted after application and approval as specified in SCC 10.20.080:

(A) Accessory uses and buildings (greater than 200 square feet) (minor).

(B) Apiaries (minor).

(C) Day care centers (major).

(D) Dwellings, accessory (major/minor, see SCC 10.30.020).

(E) Home occupations (major).

(F) Temporary commercial uses (see SCC 10.35.050) (minor).

(G) Temporary use of buildings (see SCC 10.30.100(A)(12)) (minor).

#### **10.70.040 Minimum lot standards.**

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards:

(A) Density: minimum lot size 8,000 square feet, but in no case shall the density exceed 4.0 lots per gross acre.

(B) Lot width: 80 feet.

(C) Front yard: 25 feet.

(D) Side yards: Eight feet both sides.

(E) Rear yard: 20 feet.

(F) Building height: as allowed by current adopted building code.

(G) Variation of lot: the Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence they acquired the land in good faith and, by reason of size, shape, or other special condition(s) of the specific property, application of the lot width requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or a reduction of the lot width requirement would alleviate a clearly demonstrable hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that:

(1) The strict application of the lot width requirement would result in substantial hardship;

(2) Adjacent properties do not share generally such a hardship and the property in question has unusual circumstances or conditions where literal enforcement of the requirements of the zone would result in severe hardship;

(3) The granting of such reduction would not be of substantial detriment to adjacent property or influence negatively upon the intent of the zone;

(4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to detract from the intention or appearance of the zone as identified in the City's general plan.

#### **10.70.050 Off-street parking and loading.**

Off-street parking and loading shall be provided as specified in Chapter 10.40 SCC.

#### **10.70.060 Signs.**

The signs permitted in this zone shall be those allowed in residential zones by Chapter 10.45 SCC.

## **MINOR SUBDIVISION ORDINANCE**

### **8.30.035 Minor residential subdivisions.**

(A) Purpose. In an effort to reduce the expense and time of development, minor residential subdivisions may be considered and approved under this section.

(B) This section does not modify or reduce requirements or standards for lots, infrastructure, or subdivisions, requirements for platting, or any other requirement or standard in this code. Its sole purpose is to provide more expedient approval for minor residential subdivisions.

(C) Minor Residential Subdivision Requirements. To be considered a minor residential subdivision, the subdivision must meet all the following requirements:

- (1) The subdivision contains 10 or less lots;
- (2) The subdivision is not traversed by the mapped lines of a proposed street as shown in the City's general plan;
- (3) The subdivision is located in a zoned area; and
- (4) The subdivision is not part of an existing, previously platted subdivision. Changes to a platted subdivision are to be done by amending the previously approved plat.

(D) Minor Residential Subdivision Application Procedure. The application procedure for a minor residential subdivision is:

- (1) Pre-Application Meeting. City staff shall review whether the subdivision meets the requirements of a minor residential subdivision and notify the developer of any requirements for necessary construction drawings.
- (2) Concept Plan Approval. The concept plan approval process for a minor residential subdivision shall follow that found in Chapter 8.20 SCC.
- (3) Final Minor Residential Subdivision Plan Approval Procedure. The final plan for a minor residential subdivision shall combine all requirements for both preliminary and final plan approval found in this title into one application.

(E) The Planning Commission and the City Council shall process the proposed minor residential subdivision and consider it for approval in accordance with SMC 8.30.030. All required signatures and conditions provided in that section apply to minor residential subdivisions.

### **8.30.040 Severability.**

If any provision of this chapter or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this chapter which can be given independent effect. To this end, the provisions of this chapter are severable.



## **Trail's Edge Subdivision Phase 1 Amended**

3353 West 625 South

Engineer Plat Amendment Review

*Completed by Brian Bloemen on September 14, 2016*

1. Add a note to the plat that the volume of the existing detention basin must remain the same.
2. The distance of the westerly boundary does not match the current recorded plat.
3. Show half street widths.

If you have any further comments or questions, please feel free to contact me at 801-614-9630.

Sincerely,

Brian Bloemen, P.E.  
City Engineer



TO: Community Development, Attention: Royce Davies  
FROM: Jo Hamblin, Fire Marshal  
RE: Trail's Edge phase 1 amendment

DATE: September 7, 2016

I have reviewed the plan submitted for the above referenced project. The Fire Prevention Division of this department does not have any concerns at this time.

These plans have been reviewed for Fire Department requirements only. Other departments must review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Syracuse City.

Sincerely,

Jo Hamblin  
Deputy Chief/ Fire Marshal  
Syracuse City Fire Department

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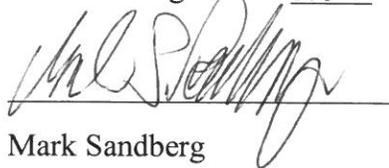
1869 South 3000 West, Syracuse, Utah 84075  
801-614-9614 (Station)  
801-776-1976 (Fax)

**AFFIDAVIT OF AUTHORITY OF TRAILS EDGE, LLC AND  
TRAILS EDGE HOME OWNERS ASSOCIATION**

I, Mark Sandberg, declare under penalty of perjury as follows:

1. I am over age 18 and I am competent to make this affidavit.
2. Trails Edge, LLC is a Utah limited liability company with its principal place of business in Davis County, Utah.
3. I am the principal of Reddsand Enterprises, LLC, which is an owner of Trails Edge, LLC.
4. Trails Edge, LLC is the owner/developer of certain real property located in Syracuse, Utah.
5. As part of the development of the real property, Trails Edge, LLC filed with the Davis County Recorder's Office a certain "DECLARATION OF PROTECTIVE COVENANTS TRAILS EDGE SUBDIVISION" on August 4, 2015 recorded at Entry 2884553, Book 6322, Pages 389-416.
6. Greg Higley, Duncan Barlow, and Aaron Eliason signed the DECLARATION OF PROTECTIVE COVENANTS TRAILS EDGE SUBDIVISION as Managers of Trails Edge, LLC.
7. As part of the DECLARATION OF PROTECTIVE COVENANTS TRAILS EDGE SUBDIVISION, the Declaration purported to establish a Home Owners Association for the property.
8. I have been duly authorized by Trails Edge, LLC and its Managers, Greg Higley, Duncan Barlow, and Aaron Eliason, to act on behalf of it as an authorized agent in resolving issues relative to the Trails Edge Home Owners Association with full authority to act on behalf of Trails Edge, LLC and the associated Home Owners Association.

Dated and signed this 28<sup>th</sup> day of September 2016.



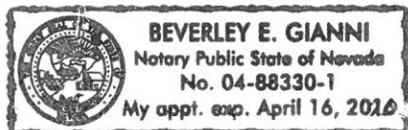
Mark Sandberg

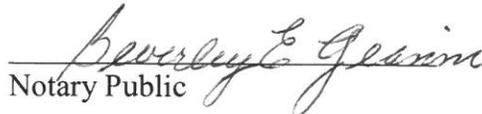
STATE OF Nevada )

) :ss

COUNTY OF Clark )

Dated this 28<sup>th</sup> day of September 2016, personally appeared before me Mark Sandberg, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.



  
Notary Public



# PLANNING COMMISSION WORK MEETING AGENDA

October 4, 2016

## **Agenda Item #2a                      Code Discussion - Water Wise Landscaping Ordinance**

### ***Factual Summation***

City Council would like to encourage water wise landscaping such as 'xeriscaping' and other methods to save water. Xeriscaping is a common landscaping method that uses 'xeric' plants which are plants that use little to no supplemental water once established. This type of landscaping can be very attractive, but it can also be hot and barren if not designed properly. The Council is requesting the Commission to look at this item more closely and make a recommendation for either an ordinance revision or the creation of a new chapter. Specifically, it is desired that we examine the possibilities of putting this type of landscaping in the 'park strip'. The park strip is the area of land between the sidewalk and back of curb on the side of the road.

Fortunatley there has been a lot of work in this area. Many other cities have adopted water efficiency measures in landscape ordinances including South Jordan, West Valley, Sandy, and Salt Lake City. A wealth of information about model landscape ordinances as well as water conservation information can be found on the Weber Basin Water Conservancy District's website at [www.weberbasin.com](http://www.weberbasin.com)

### ***Attachments:***

- Existing Ordinance for maintenance of park strips - allows xeriscaping, just prohibits weeds, junk and dead trees. No requirement for what we want, but only what we don't want. This is just a code enforcement tool
- Sandy City Landscape Standards

## Existing Syracuse City Ordinance Concerning Park Strip Maintenance:

### **6.10.010 Property maintenance responsibilities – Sidewalks and park strips.**

B It shall be the duty of the owner, agent, occupant, and or lessee of real property abutting and bordering on any public street in the City to keep the area between their property line and the curb or edge of the roadway free of conditions which violate the provisions of this chapter. Such area shall include sidewalks, park strips between streets and sidewalks, or other adjacent landscaped or open areas within a dedicated public right of way.

### **6.10.020 Waste materials or junk prohibited on premises.**

C Prohibition on Park Strips, Sidewalks, etc. It is unlawful for any owner, occupant, agent, and or lessee of real property abutting and bordering on any public street in the City, for the distance such real property abuts and borders such street, to allow, cause, or permit litter, or junk or salvage material, to be in or upon the area from the property line to the curb line of the street or edge of the roadway.

### **6.10.030 Weed control.**

B Park Strips. It is unlawful for any owner, occupant, agent, and or lessee of real property in the City abutting and bordering on any public street, for the distance such property abuts and borders the street, to fail to maintain the height of the weeds and grasses, in the manner provided herein, in the area from the property line to curb line of the street, or to fail to remove from such area any cuttings from such weeds or grasses.

#### **C Weed Control Specifications.**

Except as otherwise provided in subsection C of this section, weeds and grasses shall be maintained at a height of not more than six inches at all times, and the cuttings shall be promptly cleared and removed from the premises provided, however, that this subsection shall not be applicable to any ornamental grass so long as it is used and maintained solely, or in combination with any other ornamental grass or grasses, as a supplement to an overall landscaping plan.

### **6.10.050 Vegetation interfering with public ways or property.**

It shall be unlawful for the owner or occupant of any real property to allow vegetation on the owner's or occupant's real property to grow to such an extent or in such a manner that, because of its proximity to public property or a public right of way, it interferes with the safe or lawful use of public property or the public right of way, or obstructs the vision of any posted uniform traffic control device.

# Chapter 15A-25 - LANDSCAPING STANDARDS

- 15A-25-01 General Landscaping Standards . . . . . 1**
  - A. Preservation of Natural Features
  - B. Parking in Landscaped Areas
  - C. Parkstrip Maintenance
  - D. Parkstrip Hard Surface Materials and Streetscape Materials
  
- 15A-25-02 Commercial and Industrial Landscaping Requirements . . . . . 1**
  - A. Front Yard
  - B. Side and Rear Yards
  - C. Landscaping Within Parking Areas
  - D. Undeveloped Areas
  - E. Adjacent to Residential Districts
  - F. Installation
  - G. Maintenance
  - H. Vegetation Removal
  - I. Minimum Tree Size
  - J. Tree Mix
  - K. Existing Trees
  - L. Minimum Number of Trees
  - M. Xeriscape
  
- 15A-25-03 Tree Stewardship . . . . . 5**
  - A. Purpose
  - B. Urban Forester
  - C. Citizen Responsibilities
  - D. City Responsibilities
  - E. Responsibility for Correcting Private Hazard Trees
  - F. Protection of City Trees
  - G. Trees Planted in Parkstrips
  - H. Interference with Service
  - I. Historic Tree Preservation
  - J. Preservation of Trees During Development
  - K. Violation and Penalty
  
- 15A-25-04 Water Efficient Landscaping . . . . . 9**
  - A. Purpose
  - B. Definitions Applicable to Water Efficient Landscaping Section
  - C. Commercial, Industrial, and Multi-Family Development
  - D. Residential (Single Family) Development
  - E. Prohibited Water Practices
  - F. Enforcement, Penalty for Violations



## Chapter 15A-25 - LANDSCAPING STANDARDS

### 15A-25-01 General Landscaping Standards

The following standards shall apply to all districts:

- A. **Preservation of Natural Features.** The preservation of natural features that enhance the development and will benefit the community including trees, scenic points, view corridors, historic buildings or locations, unique geological formations, and other community assets shall be preserved and incorporated into the overall landscape plan.
- B. **Parking in Landscaped Areas.** Parking is prohibited upon any front, side, rear, or interior landscaped areas.
- C. **Parkstrip Maintenance.** Parkstrip maintenance shall be the responsibility of the adjacent property owner. Proper maintenance shall include the removal of all weeds (regardless of height) and debris. Adjacent property owners are required to landscape and beautify the parkstrip with approved streetscape materials. Unless otherwise approved by the Public Works, Public Utilities, and Parks and Recreation Departments, placement of concrete slabs or other impenetrable material, other than approved hard surface materials, as set forth below, within the parkstrip is prohibited. It is prohibited to install either permanent or temporary recreational equipment, such as a basketball standard, anywhere within the public right-of-way.
- D. **Parkstrip Hard Surface and Streetscape Materials.** Parkstrip hard surface material includes material that is not plant material, does not need watering, and is a permanent surface. Examples would include colored concrete, stamped concrete (e.g. Bomanite), concrete pavers.

In general, it is preferable to have no more than 50 percent of the parkstrip area covered in hard surface material. Hard surface sections should alternate with planted sections and be complimentary to the surrounding landscape. The property owner is required to obtain a road cut permit from the Public Works Department prior to adding or changing any hard surface materials within the parkstrip. All hard surface material must be installed according to the specifications within the Sandy City Standard Specifications and Details for Municipal Construction. (Ord 11-14, Amended 9-2-2011)

Landscaped sections used in conjunction with hard surface sections should not include trees if the parkstrip is less than 8 feet wide. If parkstrip is 8 feet wide, planting may include trees (planted equidistant from the sidewalk and curb and gutter in a planter bed no smaller than 8 feet wide by 8 feet long), sod, ground cover, drought tolerant shrubs, bark, or colored mulch not to exceed 3 feet in height. Planting within 15 feet of the driveway should not exceed 3 feet in height. Drip irrigation systems are highly encouraged and landscaping should comply with Water Efficient Landscape Ordinance.

### 15A-25-02 Commercial and Industrial Landscaping Requirements

- A. **Front Yard.** Front yard landscaping is measured from the front property line(s) after any required street dedication. This standard shall apply to all street frontages.

1. **Commercial and Industrial Zones.** In all commercial and industrial zones, a minimum of 15 feet of front yard landscaping shall be required. (Ord 14-24, Amended 9-4-2014)
2. **Berming.** The use of berms (random sculptured mounds), 12 to 18 inches high above the curb level, are required in all front landscape areas where found to be practical by the Community Development and Public Utilities staff.
3. **Street Trees.** Two inch minimum caliper street trees shall be planted in the front parkstrip area (centered between the sidewalk and the curb to minimize tree conflicts and to maximize tree root zone) where the parkstrip is a minimum of 8 feet in width, according to the varieties and spacing specified in the Sandy City Streetscape Plan. Where the parkstrip is less than 8 feet in width or the sidewalk has been placed against the curb, street trees shall be planted 4 feet behind the sidewalk.
4. **Front Landscape.** Front landscape areas shall include a combination of sod as well as areas of trees, shrubs, ground covers, and mulch.
5. **Elimination of Parkstrip.** The Planning Commission may approve the elimination of the parkstrip in a commercial district allowing the sidewalk to be placed against the curb. If the elimination of the parkstrip is approved by the Planning Commission, the sidewalk against the curb shall be increased in width to 6 feet or wider as per AASHTO standards. In these instances, the front landscape area shall not be less than 20 feet in depth.
6. **Non-Existent Parkstrips.** Where a sidewalk exists directly adjacent to a public right of way, the front landscaping shall be a minimum of 20 feet in depth.

#### B. Side and Rear Yards.

1. There shall be a minimum of 5 feet of landscaping between parking areas and side or rear property lines (except between commercial uses where said landscaping is not visible from areas of public access, or where structures are allowed to have a zero setback) and a minimum of 5 feet of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot. (Ord 14-24, Amended 9-4-2014)
2. Areas not visible from the street shall have one landscape area in the amount of 100 square feet for every 75 lineal feet of property line not visible from the public right-of-way.

#### C. Landscaping Within Parking Areas.

1. Landscaping within all parking and driveway areas shall comprise a minimum 5 percent of the total square footage of those areas. In addition, the required front, side, and rear landscaping (parking area shall be defined to include all asphalt areas with parking spaces and driveways). The placement of this landscaping shall be within parking areas to break up the mass of asphalt as well as adjacent to the building for foundation landscaping. Such landscaping shall be composed of natural elements including ground cover, shrubs, trees (evergreen and deciduous), and combinations of mulch.
2. All traffic islands shall be fully landscaped and be considered as a portion of the required 5 percent parking lot landscaping and shall be a minimum of 5 feet in width.

3. Landscape planters and/or raised barrier sidewalks shall be installed along buildings (except where not visible from public access areas or loading areas) and any paved areas where visible from the street to provide safety to pedestrians, to protect the structure, and to provide foundation landscaping to soften a structure's appearance.
4. All landscaped areas abutting any paved area shall include a 6 inch high concrete curb. Concrete bumper stops are not acceptable.
5. At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than 3 feet above street level within the area required for minimum sight distances for local roads and streets.

**D. Undeveloped Areas.**

1. All undeveloped areas shall be maintained free of weeds and trash.
2. All expansion areas or pad sites shall be maintained with drought tolerant sod, mulch, or other materials as approved by the Director until such time as construction is started on that building pad.

**E. Adjacent to Residential Districts.** A minimum 10 foot width of landscaping shall be provided on an applicant's property, including a combination of trees and shrubs (evergreen and deciduous), and ground covers shall be provided to create a buffer for the adjacent residential district.

**F. Installation.**

1. It shall be the responsibility of the developer to grade, place topsoil, seed or sod, install automatic sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
2. All trees planted on site less than 2 inch caliper shall be double staked.
3. All landscaping shall be completed in accordance with the plans submitted and approved by staff.
  - a. All landscape work must be installed prior to a Certificate of Occupancy of the building being issued or as otherwise approved by the Community Development Department as seasonal conditions may dictate.
  - b. The developer shall bond for such landscape improvements if not installed prior to occupancy to ensure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the City for street improvements.

**G. Maintenance.**

1. It shall be the responsibility of the property owner to properly maintain landscaped areas in accordance with the approved site plan and landscape plan, which includes watering, mowing, proper pruning, fertilizing, the removal and replacement of dead plant materials in a timely manner, and the maintenance of irrigation systems to eliminate waste of water.
2. All pruning shall be accomplished according to good horticultural standards. Trees shall be pruned

only as necessary to promote healthy growth.

3. Unless approval is otherwise provided by the Director, trees shall be allowed to attain their normal size and shall not be severely pruned up from the ground or "hat racked" in order to permanently maintain growth at a reduced height. Pruning trees solely for the purpose of exposure is prohibited.
4. Pruning trees for traffic safety reasons shall be reviewed and approved by the City Transportation Engineer.

#### H. **Vegetation Removal.**

1. Once the required landscaping has been installed, it shall not be removed without the approval of the Community Development Department.
2. Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees that are necessarily removed shall be replaced with comparable original landscape plan caliper in compliance with the Sandy City Streetscape Plan, unless otherwise approved by the Community Development Department.
3. When utility connections or other disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the Director.

#### I. **Minimum Tree Size.** The minimum size of all trees planted on a development site shall be as follows:

1. Street trees - 2 inch caliper minimum as measured 18 inches above grade.
2. All other trees on site - 1½ inch caliper minimum as measured 18 inches above grade.
3. Evergreen trees - 6 foot minimum height above grade.

#### J. **Tree Mix.** There shall be a mix of evergreen and deciduous trees on all development sites to allow for a green winterscape. A minimum of 40 percent of all trees on the proposed site shall be evergreens, where found to be practical by the Community Development Department.

#### K. **Existing Trees.**

1. The retention of existing healthy, desirable tree species on site is strongly encouraged. Buildings and parking areas should be designed around existing trees wherever possible.
2. A tree survey on an existing site may be required as determined by the Community Development Department.

#### L. **Minimum Number of Trees.** A minimum ratio of one tree per every 500 square feet of on-site landscaping shall be provided on the overall site plan.

#### M. **Xeriscape.**

1. Xeriscape is encouraged in required landscape areas. A true xeriscape may include a combination of drought resistant trees, shrubs, ground covers, organic mulches as well as some dry landscape materials.
2. All xeriscape design and installation shall be completed by a professional landscape designer and installer certified in the design and installation of xeriscape.

### 15A-25-03 Tree Stewardship

- A. **Purpose.** Sandy City prides itself on its many areas of public and private landscapes, both natural and enhanced, and recognizes the importance of trees within the community.

The City Council declares it to be a policy of the City that:

1. Specified City properties be landscaped to enhance the natural beauty of the City.
2. Responsibilities of City departments be coordinated to encourage quality landscaping.
3. Landscaped City properties be effectively managed.
4. The City plant species of trees that are aesthetically pleasing, require less maintenance, (so as to prevent damage to sidewalks and streets and reduce risks to pedestrians and motorists), work with utilities, and conserve natural resources.
5. The street environment be made hospitable through landscaping.
6. Residents of Sandy City be encouraged to participate in beautification efforts through installing and maintaining quality trees and landscaping on private property.

To fulfill this policy, this section is enacted and intended to establish a tree stewardship ordinance. This section may be referred to as the Tree Stewardship Ordinance.

- B. **Urban Forester.** The Urban Forester shall be the supervisor of the Tree Stewardship Ordinance and administrator of the provisions of this Chapter. The Urban Forester shall:

1. Be responsible for the long term management, health, maintenance, inventory, planting, and design of City trees in cooperation with the Community Development Department, Parks & Recreation Department, Public Utilities Department, and the Public Works Department.
2. Foster and maintain partnerships between public and private parties for the benefit of trees.
3. Facilitate communication, coordination, cooperation, and education for the stewardship of City and private trees.
4. Keep abreast of new information and research in arboriculture.
5. Provide a written annual report to the Parks & Recreation Department Director highlighting the fiscal year activities of the tree stewardship program.
6. Train and supervise City crews so the best methods of tree care are practiced in the community.
7. Work with engineers, architects, and the Community Development Department during the design

phase of development.

8. Periodically review this section, the Tree Stewardship Ordinance, the Streetscape Plan and Streetscape Specifications to evaluate the effectiveness of each and make recommendations for improvement and/or change.

**C. Citizen Responsibilities.** Citizens/property owners, occupants, and their agents shall have the following responsibilities for the protection of trees in parkstrips abutting their real property except in those parkstrips that are maintained by the City.

1. Periodic watering and fertilization of City trees as necessary to maintain good health and vigor.
2. Protect City trees in parkstrips from damage caused by lawn mowers, weed trimmers, snow blowers, and similar equipment.
3. Protect City trees in parkstrips from damage caused by attachment of any items such as signs, nails, wires, ropes, and chains.
4. The species of trees planted in the parkstrips should comply with the list contained in the Streetscape Plan unless otherwise approved by the Urban Forester. They should also be planted as set forth in the Streetscape Plan and Sandy City Standard Specifications.
5. Remove private trees or limbs that have fallen upon a City street, property, or sidewalk.
6. Maintain ground covers except in those parkstrips maintained by the City.
7. Notify the Urban Forester of any hazard tree.
8. Rake, clean up, and properly disposing of leaves that fall from City and private trees so leaf fall does not impede the storm water system.
9. Sandy City shall have no liability for the failure of any tree or landscaping installed by private parties on other than City-maintained property.

**D. City Responsibilities.** The City shall assume responsibility for:

1. Tree care in City owned and operated parks, on the grounds of City buildings, and in parkstrips that the City administration has designated will be maintained by the City in this Chapter.
2. Pruning of City trees, as necessary, after appropriate notification to property owners.
3. Pruning of trees in the public rights-of-way and utility easements.
4. Removal of diseased or dying City trees that are beyond reclamation.
5. Removal of City trees and/or limbs that the Urban Forester or Transportation Engineer determines to be a hazard after appropriate notification.
6. Maintenance of planted areas on City property and specifically designated City rights-of-way.

E. **Responsibility for Correcting Private Hazard Trees.** Where a hazard tree exists upon private property, the property owner and all other persons having control of the property on which such hazard tree exists shall be responsible to mitigate, abate, remove, or correct the hazard. Any tree that is a hazard tree is a public nuisance.

1. It is unlawful for any person, firm, or corporation, either as owner, agent, or occupant, to create, aid in creating, or maintain a hazard tree.
2. If the City determines that a particular tree is a hazard tree, the City may give a written notice to the owner, occupant, or agent of any lot, building, or premises in or upon which a hazard tree is found, or to the person who may be the cause of such hazard tree to remove, mitigate, abate, or correct the hazard, including its recommendation as to the most effective method of doing so.
3. Notice under this Section may be served by personal service or by mailing the notice to the person, firm, or corporation by certified mail (return receipt requested), and posting a copy on the property a minimum of 28 calendar days in advance of further action.
4. If the hazard tree is not mitigated, abated, removed, or corrected within 28 additional calendar days after the notice is complete, the City may mitigate, abate, correct, or remove the hazard tree at the expense of such person, firm, or corporation or may take further action as determined.
5. The City may recover the costs and expenses incurred in mitigating, abating, correcting, or removing the hazard tree, serving notice, and the costs of a lawsuit, if any.
6. If the person, firm, or corporation disputes or denies the City's determination that the tree is a hazard tree or refuses to remove or permit removal, the City may bring an action to abate the hazard tree as a public nuisance. If the City is granted a judgment, the City may recover the costs of having the public nuisance abated.
7. The City, its agents, or employees, if acting in good faith, incur no liability for causing removal of a hazard tree.
8. Notice of appeal of the City's determination that a tree is a hazard tree may be filed with the Urban Forester or Transportation Engineer within 10 working days of service of the notice to abate. Appeals from the Urban Forester's or Transportation Engineer's decision shall be heard by the City's Parks & Recreation Director or Public Works Director within 15 calendar days of receipt of the appeal, which decision is final.

F. **Protection of City Trees**

1. It shall be unlawful for any person to do any of the following:
  - a. Construct a concrete, asphalt, brick or gravel sidewalk within 18 inches of a City tree that damages any part (roots, crown, trunk) of the tree so as to cause injury or death to the tree.
  - b. Fill up the ground area around any City tree so as to shut off air, light, or water from its roots.
  - c. Pile building material, equipment, or other substance on or near a City tree so as to cause injury

to the tree.

- d. Pour or spray any injurious matter on or around a City tree.
  - e. Injure any City tree, tree stake or guard with any vehicle or animal, or in any other manner causing injury to any City tree, shrub, groundcover, or lawn .
  - f. Post any sign, tree stake, or guard, or by fastening any guy wire, cable, or rope to any City tree, tree stake, or guard.
  - g. Prune trees for commercial exposure.
2. Any person doing construction, excavation, or demolition work in the near vicinity of a City tree shall protect the tree from injury or damage with a substantial protective barrier. Said barrier shall not be less than 4 feet high and have a 2 foot radius or to a distance in feet from the tree equal to the diameter of the tree trunk in inches measured 4½ feet above ground, whichever is greater. All building materials, extra dirt, or other debris shall be kept outside the barrier. The Urban Forester and the City Transportation Engineer must be consulted about any deviation to this standard.
3. No person shall use a City tree for any unauthorized purpose.
- G. **Trees Planted in Parkstrips.** Trees planted in parkstrips or other public rights-of-way should be in conformance with the Streetscape Plan.
- H. **Interference with Service.** It shall be unlawful for any person to interfere with City personnel or contractors under the direction of the Urban Forester in the performance of their duties.
- I. **Historic Tree Preservation.** The Urban Forester, in conjunction with the City's Parks & Recreation Department, the Community Development Department, and property owners may identify, mark, publicize, and preserve historic and notable trees on public or private property in conjunction with the Utah Heritage Tree Act. The Urban Forester may help locate and record healthy trees that qualify as candidates for the Utah Heritage Tree Register.
- J. **Preservation of Trees During Development.** Tree surveys may be required as part of the development review and approval process. Said surveys shall be reviewed by the Community Development Department and the Urban Forester. Tree surveys must identify both City and private trees, or groves of trees, of at least 2 inch caliper and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation. Clear cutting an area of trees on a site will not be allowed unless determined appropriate by the Community Development Department and the Urban Forester.
- K. **Violation and Penalty.** Any person who violates any provision of this Chapter shall be guilty of a Class C Misdemeanor. In addition to other remedies provided for herein or otherwise provided by law, if the violation of any provision of this Chapter causes the injury, mutilation, or death of a tree, shrub, or other plant located on City owned or maintained property, the violating party shall pay the cost of repair or replacement of such tree, shrub, or other plant. The replacement value of trees and/or shrubs shall be determined in accordance with the latest edition of the "Guide For Plant Appraisal" as published by the International Society of Arboriculture. The City may pursue criminal or civil actions against any person

or entity who violates this Chapter as is deemed appropriate, including abatement or injunctive relief.

#### 15A-25-04 Water Efficient Landscaping

A. **Purpose.** The City Council has found that:

1. Water is an increasingly scarce resource.
2. Nearly two-thirds of the City's culinary water resources are used for outdoor use including watering landscapes.
3. The City desires to promote the design, installation, and maintenance of landscapes that are both attractive and water efficient.

Furthermore, the City Council has determined that it is in the public's interest to conserve public water resources and promote water efficient landscaping. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste, and establish a structure for designing, installing, and maintaining water efficient landscapes throughout the City.

B. **Definitions Applicable to Water Efficient Landscaping Section.** The following definitions shall apply to this Chapter:

**Administrative Standards** - The set of rules, procedures, and requirements set forth in a landscape ordinance associated with making permit application, assembling materials for public review, meeting the requirements of the landscape ordinance, seeking approvals, enforcement, conducting site inspections, and filing reports.

**Bubbler** - An irrigation head that delivers water to the root zone by flooding the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella, or short stream pattern.

**Drip Emitter** - A drip irrigation fitting that delivers water slowly at the root zone of the plant, usually measured in gallons per hour.

**Evapotranspiration (ET)** - The quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month, or year (see also Reference Evapotranspiration Rate).

**Extra-Drought Tolerant Plant** - A plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.

**Ground Cover** - Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than 12 inches.

**Hardscape** - Patios, decks, and paths; does not include driveways, parking lots, and sidewalks.

**Irrigation Audit** - An on-site survey of the irrigation system, conduct a catch-can test to measure system efficiency, and the generation of an irrigation schedule and recommendations to improve irrigation efficiency.

**Irrigated Landscaped Area** - All portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the irrigated landscaped area.

**Irrigation Efficiency** - The measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

**Irrigation Contractor** - A person who has been certified by The Irrigation Association to install irrigation systems or as otherwise approved by the Public Utilities Department.

**Irrigation Designer** - A person who has been certified by The Irrigation Association to prepare irrigation system designs, or a landscape architect, or as otherwise approved by the Public Utilities Department.

**Irrigation Plan** - The plan that shows the components of the irrigation system with water meter size, backflow prevention, rain shut-off device, precipitation rates, flow rate and operating pressure for each irrigation zone, and identification of all irrigation equipment.

**Landscape Architect** - A person who holds a certificate to practice landscape architecture in the State of Utah.

**Landscape Designer** - A person who has been certified by the Utah Nursery and Landscape Association to prepare landscape plans or as otherwise approved by the Public Utilities Department.

**Landscape Education Package** - A package of documents that is intended to inform and educate water users in the City about water efficient landscapes. The package includes the principles of water efficient landscape design, a listing of water conserving plants, a listing of certified landscape designers, landscape architects, certified irrigation designers, certified irrigation contractors, an information packet about various area demonstration projects, City's water rates, billing format for water use, and the economics of installing and maintaining a water efficient landscape.

**Landscape Irrigation Auditor** - A person who has been certified by The Irrigation Association to conduct a landscape irrigation audit or as otherwise approved by the Public Utilities Department.

**Landscape Plan Documentation Package** - The preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a planting plan, an irrigation plan, a grading plan, a soils report, a landscape water allowance, and an irrigation schedule.

**Landscape Water Allowance** - For design purposes, the upper limit of annual applied water for the established landscaped area. It is based upon the local Reference Evapotranspiration Rate, the ET adjustment factor, and the size of the landscaped area.

**Landscaped Zone** - A portion of the landscaped area having plants with similar water needs, areas with similar microclimate, i.e., slope, exposure, wind, etc., and soil conditions and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve or a set of valves with the same schedule.

**Landscaping** - Any combination of living plants such as trees, shrubs, vines, ground covers, flowers, turf or ornamental grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to fountains, reflecting pools, outdoor art work, screen walls, fences, or benches.

**Mulch** - Any material such as bark, wood chips, rocks/stones, or other similar materials left loose and applied to the soil.

**Non-Drought Tolerant Plant** - A plant that will require regular irrigation for adequate appearance, growth, and disease resistance.

**Planting Plan** - A plan which clearly and accurately identifies and locates new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

**Precipitation Rate** - The rate at which water is applied per unit of time, usually measured in inches per hour.

**Rain Shut-Off Device** - A device wired to an automatic controller that shuts off the irrigation system when it rains.

**Reconstructed Landscaping** - Any existing approved landscaping and irrigation that is removed and replaced as part of new construction.

**Reference Evapotranspiration Rate or  $ET_0$**  - A standard measurement of environmental parameters that affect the water use of plants.  $ET_0$  is expressed in inches per day, month or year and is an estimate of the evapotranspiration of a large field of four to five inch tall, cool season grass that is well watered. The average growing season  $ET_0$  for the Sandy City area is 31.18 inches. [See also Evapotranspiration]

**Runoff** - Irrigation water that is not absorbed by the soil or landscape area to which it is applied and that flows onto other areas.

**Soils Report** - A report by a soils laboratory indicating soil type(s), soil depth, uniformity, composition, bulk density, infiltration rates, and pH for the top soil and subsoil for a given site. The soils report also includes recommendations for soil amendments.

**Spray Sprinkler** - An irrigation head that sprays water through a nozzle.

**Stream Sprinkler** - An irrigation head that projects water through a gear rotor in single or multiple streams.

**Turf** - A surface layer of earth containing mowed grass with its roots.

**Waste of Water** - shall include, but not be limited to:

1. The use of water for any purpose, including landscape irrigation, that consumes or for which is applied substantial amounts of excess water beyond the reasonable amount required by the use, whether such excess water remains on the site, evaporates, percolates underground, goes into the sewer system, or is allowed to run into the gutter or street. Every water consumer is deemed to have under his control at all times the water lines and facilities, other than water utility facilities, through which water is being supplied and used to his premises, and to know the manner and extent of his water use and excess runoff.
2. The excessive use, loss, or escape of water through breaks, leaks, or malfunctions in the water user's plumbing for any period of time after such escape of water should reasonably have been discovered and corrected. It shall be presumed that a period of 48 hours after the water user discovers such break, leak, or malfunction or receives notice from the City of such condition, whichever occurs first, is a reasonable time to correct such condition.
3. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate fire, health, or safety hazards.

**Water Use Efficiency Review** - An on-site survey and measurement of irrigation equipment and management efficiency and the generation of recommendations to improve efficiency.

**Water Check** [see Irrigation Audit]

**Water Conserving Plant** - A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desired during the growing season.

**Xeriscape** - A landscaping method developed especially for arid and semiarid climates that utilizes water-conserving techniques (as the use of drought tolerant plants, mulch, and efficient irrigation).

### C. Commercial, Industrial, and Multi-Family Development

1. **Applicability.** The provisions of this section shall apply to landscaping for all new and reconstructed landscaping for public agency projects, private commercial and industrial projects, developer-installed landscaping in multi-family residential projects, and developer-installed landscaping in single family projects that require project review and approval by the City. Such review includes site plan review, modified conditional use permit review, and building permits issued for exterior modifications to commercial and multi-family buildings.

This section does not apply to homeowner provided landscaping at single family projects nor registered historical sites.

2. **Documentation to be Submitted for Plan Approval.** A Landscape Plan Documentation Package shall be submitted to and approved by the Public Utilities Department prior to the issuance of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect or a landscape designer. The irrigation plan shall be prepared by an irrigation designer or a landscape architect. The Landscape Plan Documentation Package shall consist of the following items:

- a. **Project Data Sheet.** The Project Data Sheet shall contain the following:
  - (1) Project name and address;
  - (2) Applicant or applicant's agent's name, address, phone, and fax number;
  - (3) Landscape designer/landscape architect's name, address, phone, and fax number; and
  - (4) Landscape contractor's name, address, phone, and fax number.
- b. **Planting Plan.** A detailed planting plan shall be drawn at a scale that clearly identifies the following:
  - (1) Location of all plant materials, a legend with botanical and common names, and size of plant materials;
  - (2) Property lines and street names;
  - (3) Existing and proposed buildings, walls, fences, light poles, utilities, paved areas, and other site improvements;
  - (4) Existing trees and plant materials to be removed or retained; and
  - (5) Designation of landscape zones.
- c. **Irrigation Plan.** A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:
  - (1) Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
  - (2) Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply; and
  - (3) Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers.
- d. **Grading Plan.** A grading plan shall be drawn at the same scale as the planting plan and shall contain the following information:
  - (1) Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas, and other site improvements; and
  - (2) Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.
- e. **Soils Report.** A soils report will be required where irrigated landscaped areas consisting of grass or similar turf exceed 33 percent of the overall landscaped area. The soils report shall describe the depth, composition, and bulk density of the top soil and subsoil at the site and shall

include recommendations for soil amendments. The planting plan shall incorporate the recommendations of the soils report into the planting specifications.

- f. **Landscape Water Allowance.** The annual landscape water allowance shall be calculated using the following equation:

$$\text{Landscape Water Allowance} = ET_o \times 1.0 \times 0.62 \times A$$

Where landscape water allowance is in gallons per growing season:

- ET<sub>o</sub> = Reference Evapotranspiration in inches per growing season  
 1.0 = ET<sub>o</sub> adjustment factor, 100% of turf grass ET<sub>o</sub> (growing season adjustment factor)  
 0.62 = conversion factor  
 A = total irrigated landscape area in square feet

- g. **Irrigation Schedule.** A monthly irrigation schedule shall be prepared that covers the initial 90 day plant establishment period and the typical long term use period. This schedule shall consist of a table with the following information for each valve:

- (1) Plant type, e.g., turf, trees, low water use plants;
- (2) Irrigation type, e.g., sprinklers, drip, bubblers;
- (3) Flow rate in gallons per minute;
- (4) Precipitation rate in inches per hour (sprinklers only);
- (5) Run times in minutes per day;
- (6) Number of water days per week; and
- (7) Cycle time to avoid runoff.

### 3. Landscape Design Standards.

- a. **Plant Selection.** Plants selected for landscape zones shall consist of plants that are well suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible in landscape zones.

For projects located at the interface between urban areas and natural open space (non-irrigated), extra drought tolerant plants shall be selected that will blend with the native vegetation and are fire resistant or fire retardant. Plants with low fuel volume or high moisture content shall be emphasized. Plants that tend to accumulate excessive amounts of dead wood or debris shall be avoided.

Areas with slopes greater than 30 percent shall be landscaped with deep rooting water conserving plants for erosion control and soil stabilization. Irrigation devices are limited to drip emitters, bubblers, or sprinklers with a maximum precipitation rate not to exceed 0.85 inches per hour.

Parkstrips and other landscaped areas less than 8 feet wide shall be landscaped with water conserving plants and/or grass.

- b. **Mulch.** After completion of all plantings, all irrigated non-turf areas shall be covered with a minimum layer of 4 inches of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
- c. **Soil Preparation.** Soil preparation shall be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of 6 inches and amending the soil with organic material as per specific recommendations of the landscape designer/landscape architect based on the soils report.

#### 4. Irrigation Design Standards

- a. Irrigation design standards for this ordinance shall be as outlined in the latest version of the Minimum Standards for Efficient Landscape Irrigation System Design and Installation as specified in the Sandy City Standard Specifications and Details for Municipal Construction. In addition, the following portions of this Section shall also be applicable.
- b. **Landscape Water Meter.** A water meter and backflow prevention assembly for landscaping that are in compliance with State code shall be installed after the City meter and outside the City maintained meter box on the customer's service line. The size of the meter shall be determined based on irrigation demand.
- c. **Pressure Regulation.** A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure regulating valve shall be located between the landscape water meter and the first point of water use, or first point of division in the pipe and shall be set at the manufacturer's recommended pressure for sprinklers.
- d. **Automatic Controller.** All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shut-off device.
- e. On slopes exceeding 30 percent, the irrigation system shall consist of drip emitters, bubblers, or sprinklers with a maximum precipitation rate of 0.85 inches per hour and adjusted sprinkler cycle to eliminate runoff.
- f. Each valve shall irrigate a landscape zone with similar site, slope and soil conditions, and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valve(s).
- g. Drip emitters or a bubbler shall be provided for each tree, where practicable. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the Public Utilities Department due to the limited number of trees on the project site.
- h. Sprinklers shall have matched precipitation rates with each control valve circuit.

- i. Check valves shall be required where elevation differences will cause low head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
- j. Drip irrigation lines shall be placed underground or otherwise permanently covered, except for drip emitters and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.
- k. Irrigation zones with overhead spray or stream sprinklers shall be designed to operate between 6:00 p.m. and 10:00 a.m. to reduce water loss from wind and evaporation. Drip or bubbler zones are excluded.
- l. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly slopes and soils with slow infiltration rates.

#### **5. Plan Review, Construction Inspection, and Post-Construction Monitoring**

- a. As part of the site plan approval and building permit process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins. With the Landscape Plan Documentation Package, a copy of the Landscape Water Allowance Worksheet shall be completed by a landscape designer and submitted to the City.
- b. All Landscape Plan Documentation Packages submitted must be certified by a licensed landscape architect or an approved landscape designer. The irrigation plan must be prepared by an approved irrigation designer or a landscape architect.
- c. All landscape irrigation systems shall be installed by an irrigation contractor. The person representing the contracting firm shall be a full-time employee of the firm and shall be directly involved with the project including at least weekly site visits during construction.
- d. All installers, designers, and auditors shall meet state and local license, insurance, and bonding requirements and be able to show proof of such upon demand.
- e. During construction, site inspection of the landscaping may be performed by the City.
- f. Following construction and prior to the release of the secondary bond guarantee posted for the project, an inspection shall be scheduled with the Public Utilities Department to verify compliance with the approved landscape and irrigation plans. A Certificate of Substantial Completion as defined in the Sandy City Standard Specifications and Details of Municipal Construction manual shall be completed by the property owner, contractor, or landscape designer/landscape architect and submitted to the City.
- g. Following construction and prior to release of the secondary bond guarantee posted for the project, a water use efficiency review will be conducted by a landscape irrigation auditor. The auditor shall be independent of the contractor, design firm, and owner/developer of the project. The water performance audit will verify that the irrigation system complies with the minimum standards required by this ordinance. The minimum efficiency required for the irrigation system

is 60 percent for distribution efficiency for all fixed spray systems and 70 percent distribution efficiency for all rotor systems. The auditor shall furnish a certificate to the City, designer, installer, and owner/developer certifying compliance with the minimum distribution requirements, and an irrigation schedule. Compliance with this provision is required before the City will release the bond for the project.

#### D. Residential (Single Family) Development

1. The provisions of this Section apply to landscaping for all new and reconstructed landscaping for single family residential dwellings. This Section does not apply to residential developments with developer installed landscapes nor registered historical sites.
2. **Provisions for New or Reconstructed Landscapes.**
  - a. **Landscape Education Package.** A copy of the Landscape Education Package shall be given to all new single family homeowners by the City at the time of application for a building permit and all new or modified water account owners. The Landscape Education Package, prepared by the Public Utilities Department, shall consist of the following items:
    - (1) Principles of water efficient landscape design;
    - (2) List of water conserving plants;
    - (3) List of certified landscape designers, certified irrigation system designers and suppliers, and certified landscape irrigation contractors;
    - (4) Information packet about the various area demonstration gardens; and
    - (5) Information packet about the City's water rate schedule, billing format for water use, and the economics of installing and maintaining a water efficient landscape.
  - b. **Post Installation.** After the landscaping has been installed, the homeowner is encouraged to notify the Public Utilities Department of its completion and request a listing of landscape auditors who can perform a water use efficiency review also called a water check. The water check will determine the irrigation system efficiency, make recommendations for improvements, and provide the homeowner with an irrigation schedule. (Ord 09-17, Amended 7-31-2010)
3. Parkstrips and other landscaped areas less than 8 feet wide are encouraged to be landscaped with water conserving plants and/or grass. (Ord 10-04, Amended 2-19-2010)

#### E. Prohibited Watering Practices

1. **Waste of Water.** Regardless of the age of a development (commercial, industrial, office, or residential), water shall be properly used. Waste of water is prohibited.
2. **Restricted Watering Time.** Watering time is restricted as specified in Title 14, Chapter 2 of the Revised Ordinances of Sandy City.

#### F. Enforcement, Penalty for Violations

1. **Enforcement Authority.** The Public Utilities Director and other employees of the Public Utilities Department are authorized to enforce all provisions of this Chapter.
2. **Violation of this Chapter.** Any consumer who violates any provisions of this Chapter shall be issued a written notice of violation. The written notice shall be affixed to the property where the violation occurred and mailed to the consumer of record and to any other person known to the City who is responsible for the violation and its corrections. Such notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable under the circumstances. Failure to receive such notice shall not invalidate further actions by the City. If the order is not complied with, the City may terminate water service to the customer and/or issue a class "C" misdemeanor citation.