

STATE OF UTAH

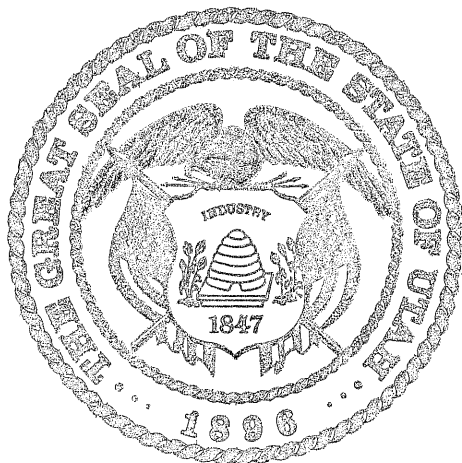


OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, SPENCER J. COX, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from the CITY OF SARATOGA SPRINGS, dated October 17<sup>th</sup>, 2017, complying with Section 10-2-425, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the CITY OF SARATOGA SPRINGS, located in Utah County, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 3<sup>rd</sup> day of November, 2017 at Salt Lake City, Utah.

SPENCER J. COX  
Lieutenant Governor



CITY OF  
SARATOGA SPRINGS

**NOTICE OF IMPENDING BOUNDARY ACTION**

October 30, 2017

The Honorable Spencer J. Cox  
Lieutenant Governor of the State of Utah  
Utah State Capitol Complex  
PO Box 142325  
Salt Lake City, Utah 84114-2325

RE: Notice of Impending Boundary Action – Annexation of 42.46 Acres of Land

Dear Lieutenant Governor Cox,

On October 24, 2017, the City Council of the City of Saratoga Springs, Utah adopted Ordinance 17-32 (10-17-2017) to annex 42.46 acres of undeveloped land situated outside of the current boundaries of the City of Saratoga Springs, Utah within portions of unincorporated Utah County, which property is contiguous to the boundaries of the City and identified in the City's Annexation Policy Plan. A copy of the Ordinance and supporting documents are provided with this Notice setting forth the revised boundaries of the City of Saratoga Springs, Utah. Also provided with this Notice is an Approved Final Local Entity Plat, as defined in Utah Code § 67-1a-6.5(1)(b) certified by the Utah County Surveyor.

In accordance with Utah Code § 67-1a-6.5(3)(e), I hereby certify that all requirements applicable to this annexation have been met. I also respectfully request that your office issue a Certificate of Annexation to the City of Saratoga Springs in accordance with Utah Code § 10-2-425.

If you have any questions or need additional information from me, please do not hesitate to contact me at any time.

Respectfully,

A handwritten signature in black ink, appearing to read "Jim Miller".

Jim Miller, Mayor

**ORDINANCE NO. 17-32 (10-17-2017)**

**AN ORDINANCE ADOPTED PURSUANT TO SECTION 10-2-408(1)(b) OF THE UTAH CODE, APPROVING THE PERELLE MEADOWS ANNEXATION OF APPROXIMATELY 42.43 ACRES OF LAND; ANNEXING SUCH LAND INTO THE CITY; AND RELATED MATTERS.**

**WHEREAS**, John and Marsha Perelle, S-5 Ranches, LLC, Clay and Loretta Christensen, and Larry and Marilyn Allen filed a consolidated Annexation Petition ("Petition") under the name of Perelle Meadows consisting of approximately 42.46 Acres of undeveloped land situated outside of the current boundaries of the City of Saratoga Springs, Utah (the "City") within portions of unincorporated Utah County, which property is contiguous to the boundaries of the City, and which is more particularly described in Exhibit A ("Perelle Meadows"); and

**WHEREAS**, the Perelle Meadows Property is situated within the portion of unincorporated Utah County included in the Annexation Policy Plan Map adopted by the City Council of the City of Saratoga Springs on June 19, 2012 as part of Ordinance No. 12-7 (6-19-12) and amended in 2016 and 2017; and

**WHEREAS**, on June 20, 2017 the City Council accepted the Petition for further consideration; and

**WHEREAS**, on July 20, 2017 the City Recorder (i) with the assistance of the City Attorney and Utah County Assessor, Clerk, Surveyor, and Recorder, certified the Petition, and (ii) mailed or delivered written notification of such certification to the City Council, contact sponsor, and the Utah County Commission, in satisfaction of Section 10-2-405(2)(c) of the Utah Code, a copy of which certification is attached hereto as Exhibit B; and

**WHEREAS**, following receipt of notice of such certification from the City Recorder on July 20, 2017, the City Council caused notice of the proposed annexation to be published (a) for three consecutive weeks, on July 27, 2017, on August 3, 2017, and August 10, 2017, in the Daily Herald, a newspaper of general circulation within (i) the area circumscribed by the Perelle Meadows, and (ii) the unincorporated area within ½ mile of the Perelle Meadows Property, and (b) at least three weeks starting on July 26, 2017 on the website established pursuant to Section 45-1-101 of the Utah Code, which notices, together with affidavits of publication thereof, are attached hereto as Exhibit C; and

**WHEREAS**, following receipt of notice of such certification from the City Recorder on July 20, 2017, the City Council caused a notice thereof to be mailed on July 27, 2017 to affected entities, copies of which notices are attached hereto as Exhibit D; and

**WHEREAS**, the notices attached as Exhibits C and D identified the deadline of August 19, 2017 (the "Protest Deadline"), for the filing of protests under Section 10-2-407 of the Utah Code; and

**WHEREAS**, a protest was filed by Lehi City on August 15, 2017 requiring review, a public hearing, and action by the Utah County Boundary Commission; and

**WHEREAS**, the Utah County Boundary Commission convened on September 13, 2017, heard testimony regarding the matter, admitted evidence submitted by the parties, held a public hearing, and denied the protest as demonstrated by the official written decision received by the City on October 10, 2017, a copy of which is attached as Exhibit E; and

**WHEREAS**, Utah State Code Section 10-2-408 allows the City Council, after receipt of the Utah County Boundary Commission's written decision, to deny the Petition or approve the Petition consistent with the Boundary Commission's decision; and

**WHEREAS**, the City Council, at a regular meeting on October 17, 2017, carefully reviewed and considered the Petition and all materials submitted by the petition sponsors in connection therewith and in support thereof, including materials required to be submitted pursuant to the City's Annexation Policy Plan; and

**WHEREAS**, in its October 17, 2017 meeting, the City Council discussed the required local road cross section for the proposed Perelle Meadows and voted to allow a reduced park strip in order to provide a wider road surface consistent with the Fire Code, as more fully specified in Section 4 below; and

**WHEREAS**, in light of the foregoing, and after due deliberation, the City Council desires to approve the Petition and proceed with the proposed annexation and other related matters.

**NOW THEREFORE**, it is hereby ordained by the City Council of the City of Saratoga Springs, Utah, as follows:

**SECTION 1.**        Findings. The City Council does hereby find and determine that the annexation of the Perelle Meadows Property, as proposed in the Petition, furthers the health, safety, and general welfare of the City and its residents. The City Council also adopts herein by reference the findings and conditions contained in the staff reports attached hereto as Exhibit F.

**SECTION 2.**        Approval of Annexation: Effective Date. The City Council approves the Petition, approves the annexation of the Perelle Meadows Property as described in the Petition, and does hereby annex the Perelle Meadows Property into the City. The effective date of such annexation shall be the date of issuance by the Utah Lieutenant Governor of the Certificate of Annexation, under Section 10-2-425 of the Utah Code.

**SECTION 3.**        Zoning. The Perelle Meadows Property shall be assigned the zoning of Low Density Residential, R1-9 by the City Council at the time of Annexation.

**SECTION 4.**        Local Road Cross Section. The park strips for the Perelle Meadows Property are allowed to be reduced to 6.5-foot in width in order to provide a wider road surface consistent with the Fire Code. The approved modified road cross section is attached as Exhibit G. This Section 4 allowing the modified cross section will expire 2 years after the effective date of the annexation of the Property under Section 2 above, regardless of whether a complete preliminary or final plat application has been filed. At the conclusion of the 2-year period, any

plat that is not recorded with the Utah County Recorder shall meet all City engineering and design standards in place, regardless of whether a complete application has been filed.


**SECTION 5.** Authorized Actions. The Mayor, City Recorder, City Manager, and all other officers and employees of the City are hereby authorized and directed to take, in a timely manner, any and all actions required to be taken to give effect to the annexation hereby approved; including, without limitation, the giving of all notices and the filing of all items required pursuant to Sections 10-2-401 et seq. of the Utah Code.


**SECTION 6.** Publication of Ordinance. A copy of this Ordinance shall be delivered to the City Recorder immediately upon execution by the Mayor, and the City Recorder is hereby authorized and directed to cause a summary thereof to be published on the earliest possible date in the Daily Herald. This Ordinance shall become effective immediately upon such publication.

**SECTION 7.** Amendment of Conflicting Ordinances. If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

**SECTION 8.** Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**ADOPTED AND PASSED** by the City Council of the City of Saratoga Springs, Utah, this 17 day of October 2017.

Signed:   
Jim Miller, Mayor

Attest:   
Deputy City Recorder

Oct. 17, 2017  
Date

- Shellie Baertsch
- Chris Porter
- Michael McOmber
- Stephen Willden
- Ryan Poduska

VOTE  
Aye  
Aye  
Aye  
Aye  
Aye



I hereby certify that the foregoing document is a true copy of the document filed in the custody of the City of Saratoga Springs, Utah.


 10-30-17  
City Recorder Date

EXHIBIT A

Map of Unincorporated Perelle Meadows Property



1712001  
1"=120'  
05-05-17

**PERELLE MEADOWS ANNEXATION INTO THE TOWN OF SARATOGA SPRINGS, UTAH COUNTY, UTAH**  
LYING AND SITUED IN THE WEST HALF OF SECTION 19,  
TOWNSHIP 5 SOUTH, RANGE 1 EAST,  
SALT LAKE BASIN AND MERIDIAN, UTAH COUNTY, UTAH

**Boundary Consultants**  
1285 North 1700 West, Salt Lake City, Utah  
801-782-1808 B01-690-7188 FAX

DEPT. OF HERITAGE  
DEPT. OF HERITAGE  
DEPT. OF HERITAGE

**SURVAYOR'S CERTIFICATE**

I, the undersigned, being duly sworn, do hereby certify that the foregoing plat is a true and correct representation of the land described therein, and that the same has been surveyed and measured in accordance with the provisions of the laws of the State of Utah.

**DESCRIPTION**

Corner of Section 19, Township 5 South, Range 1 East, Salt Lake Basin and Meridian, Utah County, Utah. The land described herein is the West Half of Section 19, Township 5 South, Range 1 East, Salt Lake Basin and Meridian, Utah County, Utah. The land is divided into lots and blocks as shown on the plat. The area of the land is 128,776 square feet, or 2.93 acres.

**OWNER'S AFFIDAVIT**

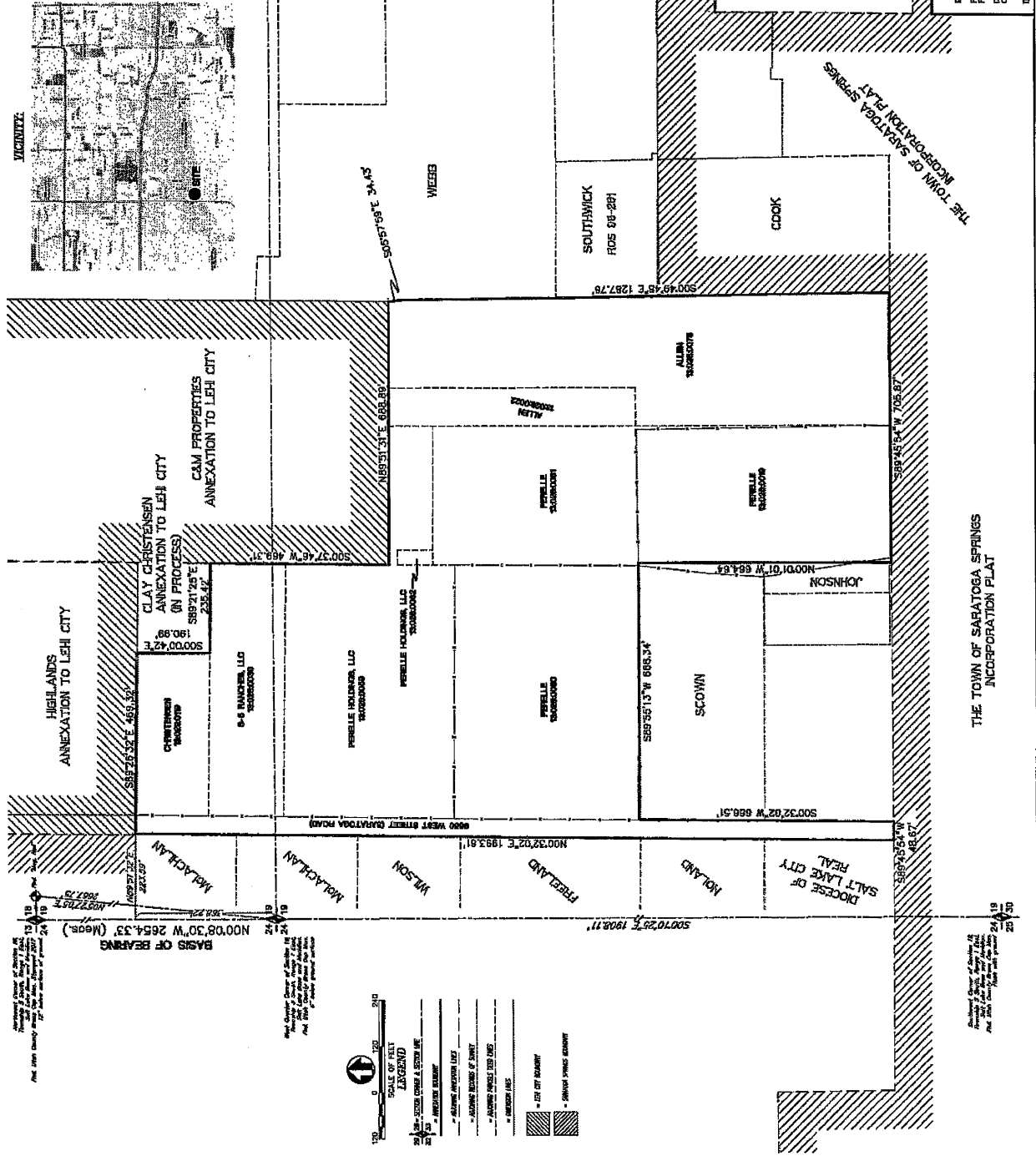
I, the undersigned, being duly sworn, do hereby certify that I am the owner of the land described herein, and that the same is being annexed into the Town of Saratoga Springs, Utah County, Utah.

- Ray E. Christensen
- Loretta M. Christensen
- John J. Pivetti
- Kristina E. Pivetti
- Larry L. Allen
- George E. Allen

**TOWN OF SARATOGA SPRINGS ACKNOWLEDGMENT**  
I, the undersigned, being duly sworn, do hereby certify that the Town of Saratoga Springs, Utah County, Utah, has accepted the annexation of the land described herein into the Town of Saratoga Springs, Utah County, Utah.

**STATE OF UTAH COUNTY OF**  
ACKNOWLEDGMENT  
I, the undersigned, being duly sworn, do hereby certify that I am the Surveyor of the County of Utah, and that the foregoing plat is a true and correct representation of the land described therein.

UTAH COUNTY RECORDER  
ENTRY NUMBER  
FEE PAID FOR RECORD AND REQUIRED THE  
DAY OF \_\_\_\_\_, 2018, IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ OF THE  
UTAH COUNTY RECORDS



2018  
2018  
2018

EXHIBIT B

Notice of Certification





CITY OF  
SARATOGA SPRINGS

**CITY OF SARATOGA SPRINGS**

**NOTICE OF CERTIFICATION OF CONSOLIDATED  
ANNEXATION PETITIONS**

Pursuant to UTAH CODE ANN. § 10-2-405, I, Cindy LoPiccolo, City Recorder for the City of Saratoga Springs ("Saratoga Springs") give the following notice:

1. Petitions for "Perelle Meadows", "Larry and Marilyn Allen", "S-5 Ranches", and "Christensen Development", ("Petitions") proposing annexation of an area have been filed with Saratoga Springs.
2. On June 20, 2017, the Saratoga Springs City Council accepted the Consolidated Petitions for further consideration.
3. The total area proposed for annexation in the Petitions consists of approximately 39 acres of real property that is located in the vicinity east of 2300 West and north of 145 North.
4. The complete annexation petitions and annexation map are available for inspection and copying at the office of the Saratoga Springs City Recorder, 1307 N. Commerce Drive, Suite 200, Saratoga Springs, Utah 84045.
5. I have reviewed the Petition and hereby certify that the Petition meets the requirements of Utah Code Subsections 10-2-403(3), (4), and (5).

Dated: July 20, 2017

Cindy LoPiccolo, City Recorder  
City of Saratoga Springs, Utah

EXHIBIT C

Published Notice of Proposed Annexation

AFFP

11416-Notice of Annexation

### Affidavit of Publication

STATE OF UTAH }  
COUNTY OF UTAH } SS

Carlie Peterson, being duly sworn, says:

That she is Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, printed and published in Provo, Utah County, Utah; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

July 27, 2017, August 03, 2017, August 10, 2017

That said newspaper was regularly issued and circulated on those dates. Same was also published online at utahlegals.com, according to Section 45-1-101 - Utah Code Annotated, beginning on the first date of publication, for at least 30 days thereafter and a minimum of 30 days prior to the date of scheduled sale.

SIGNED: Carlie Peterson  
Legal Billing Clerk

Subscribed to and sworn to me this 10th day of August 2017.

Willy Shaw  
Willy Shaw, Notary Public, Utah County, Utah

My commission expires: September 24, 2017

00001102 00011416

City of Saratoga Springs - leg  
City of Saratoga Springs - legal  
1307 N. Commerce Dr.  
Saratoga Springs, UT 84045

Notice of Annexation Petition

A Petition for annexation has been filed in the office of the City Recorder of the City of Saratoga Springs, Utah for the purpose of requesting annexation of portions of a certain parcels of land owned by Christensen, S-5 Ranches LLC, Perelle Holdings LLC, Perelle, and Allen and located approximately East of 2300 West and north of 145 North (Parcel #s 13:028:0119, 13:028:0059, 13:028:0030, 13:028:0062, 13:028:0019, 13:028:0060, 13:028:0061, 13:028:0022, 13:028:0076, and N. 9550 W. St. Roadway). which are more specifically described as follows:

Commencing at the West Quarter Corner of Section 19, Township 5 South, Range 1 East, Salt Lake Base and Meridian, thence North 00°08'30" West 368.22 feet coincident with the west line of the Northwest Quarter of said Section 19, Thence North 89°51'32" East 223.59 feet to a point on the south line of the Highlands Annexation to Lehi City and the TRUE POINT OF BEGINNING; Thence South 89°28'32" East 469.32 feet coincident with said south line; Thence departing said annexation line South 00°00'42" East 190.99 feet; Thence South 89°21'25" East 235.42 feet to a point on the west line of the C&M Properties Annexation to Lehi City. Thence the following two (2) courses coincident with said annexation 1) South 00°37'46" West 469.31 feet; 2) North 89°51'31" East 688.89 feet to the Southeast Corner thereof; Thence the following two (2) courses along a fence line, an agreement line and the prolongation thereof 1) South 05°57'59" East 34.43 feet; 2) South 00°49'48" East 1287.76 feet to a point on the north line of the Town of Saratoga Springs according to the Incorporation Plat thereof; Thence South 89°45'54" West 705.87 feet coincident with said incorporation line; Thence North 00°01'01" West 664.64 feet; Thence South 89°55'13" West 688.34 feet to the east right of way line of 9550 West Street (Saratoga Road), Thence South 00°32'02" West 686.51 coincident with said east right of way line to a point on the north line of the Town of Saratoga Springs according to the Incorporation Plat thereof; Thence South 89°45'54" West 48.67 feet, coincident with said incorporation line to the west right of way line of 9550 West Street (Saratoga Road); Thence North 00°32'02" East 1993.61 feet to the point of beginning.

The City of Saratoga Springs City Council received a Notice of Certification from the City Recorder of the City of Saratoga Springs on July 20, 2017. This notice as well as the complete annexation petition is available for inspection and copying at the office of the City Recorder.

The City of Saratoga Springs may grant the petition and annex the area described in the petition unless a written protest to the annexation is filed with the Boundary Commission at 100 East Center, Provo, Utah 84604, and a copy of the protest is delivered to the City Recorder of the City of Saratoga Springs City Recorder by August 19, 2017.

The City of Saratoga Springs City Council will hold a public hearing on the proposed annexation on August 22, 2017 at 7 pm at City Council Chambers located at 1307 N. Commerce Drive, Suite 200, Saratoga Springs, Utah 84045.  
Legal Notice 11416 Published in The Daily Herald July 27; August 3, 10, 2017.

EXHIBIT D

Notice to Affected Entities

### Notice of Annexation Petition

A Petition for annexation has been filed in the office of the City Recorder of the City of Saratoga Springs, Utah for the purpose of requesting annexation of portions of a certain parcels of land owned by Christensen, S-5 Ranches LLC, Perelle Holdings LLC, Perelle, and Allen and located approximately East of 2300 West and north of 145 North (Parcel #s 13:029:0119, 13:028:0059, 13:028:0030, 13:028:0062, 13:028:0019, 13:028:0060, 13:028:0061, 13:028:0022, 13:028:0076, and N. 9550 W. St. Roadway).which are more specifically described as follows:

Commencing at the West Quarter Corner of Section 19, Township 5 South, Range 1 East, Salt Lake Base and Meridian, thence North 00°08'30" West 368.22 feet coincident with the west line of the Northwest Quarter of said Section 19, Thence North 89°51'32" East 223.59 feet to a point on the south line of the Highlands Annexation to Lehi City and the TRUE POINT OF BEGINNING; Thence South 89°26'32" East 469.32 feet coincident with said south line; Thence departing said annexation line South 00°00'42" East 190.99 feet; Thence South 89°21'25" East 235.42 feet to a point on the west line of the C&M Properties Annexation to Lehi City. Thence the following two (2) courses coincident with said annexation 1) South 00°37'46" West 469.31 feet; 2) North 89°51'31" East 688.89 feet to the Southeast Corner thereof; Thence the following two (2) courses along a fence line, an agreement line and the prolongation thereof 1) South 05°57'59" East 34.43 feet; 2) South 00°49'48" East 1287.76 feet to a point on the north line of the Town of Saratoga Springs according to the Incorporation Plat thereof; Thence South 89°45'54" West 705.87 feet coincident with said incorporation line; Thence North 00°01'01" West 664.64 feet; Thence South 89°55'13" West 668.34 feet to the east right of way line of 9550 West Street (Saratoga Road), Thence South 00°32'02" West 666.51 coincident with said east right of way line to a point on the north line of the Town of Saratoga Springs according to the Incorporation Plat thereof; Thence South 89°45'54" West 48.67 feet ,coincident with said incorporation line to the west right of way line of 9550 West Street (Saratoga Road); Thence North 00°32'02" East 1993.61 feet to the point of beginning.

The City of Saratoga Springs City Council received a Notice of Certification from the City Recorder of the City of Saratoga Springs on July 20, 2017. This notice as well as the complete annexation petition is available for inspection and copying at the office of the City Recorder.

The City of Saratoga Springs may grant the petition and annex the area described in the petition unless a written protest to the annexation is filed with the Boundary Commission at 100 East Center, Provo, Utah 84604, and a copy of the protest is delivered to the City Recorder of the City of Saratoga Springs City Recorder by August 19, 2017.

The City of Saratoga Springs City Council will hold a public hearing on the proposed annexation on August 22, 2017 at 7 pm at City Council Chambers located at 1307 N. Commerce Drive, Suite 200, Saratoga Springs, Utah 84045.

EXHIBIT E

Utah County Boundary Commission Decision

---

**BEFORE THE BOUNDARY COMMISSION IN AND FOR  
UTAH COUNTY, STATE OF UTAH**

---

*In re: Lehi City's Protest of a Petition of Annexation Filed with the City of Saratoga Springs and Commonly Referred to as the Perelle Meadows which is Located Approximately East of 2300 West and North of 145 North.*

**FINDINGS, CONCLUSIONS, AND  
ORDER**

This matter came before the Utah County Boundary Commission ("Commission") for a public hearing on Lehi City's ("Lehi") Protest of a Petition of Annexation ("Protest") filed with the City of Saratoga Springs ("Saratoga Springs"). This Petition of Annexation ("Petition") is commonly referred to as the Perelle Meadows Annexation which is located approximately East of 2300 West and North of 145 North. A copy of the Notice of Annexation Petition particularly describing the Perelle Meadows Annexation is attached hereto as Exhibit "A" and incorporated herein by this reference. Lehi made a presentation before the Commission. Saratoga Springs made a presentation before the Commission. A representative of the property owner also spoke in favor of the Perelle Meadows Annexation into Saratoga Springs.

The Commission having received the documents and presentations of both Lehi and Saratoga Springs, having heard from a representative of the property owner, having held a public hearing, having reviewed the file and submitted materials, and upon being advised in the premises, now makes the following Findings, Conclusions, and Order.

## FINDINGS

The Commission having reviewed the evidence presented both before and during the public hearing now makes the following findings:

1. According to the Petition, Saratoga Springs received a Notice of Certification from their City Recorder for the Perelle Meadows Annexation on July 20, 2017. See Exhibit "A" attached.
2. That on August 15, 2017, Lehi filed the Protest to the Perelle Meadows Annexation.
3. That on August 29, 2017, Saratoga Springs filed a letter in response to Lehi's Protest of the Perelle Meadows Annexation.
4. That on September 13, 2017, the Commission held a duly noticed public hearing to consider Lehi's Protest of the Perelle Meadows Annexation.
5. That both Saratoga Springs and Lehi have included the real properties within the Perelle Meadows Annexation within their respective annexation policy plans.
6. That both Saratoga Springs and Lehi have been currently providing at least some level of municipal type services to the real properties within the Perelle Meadows Annexation.
7. That both Saratoga Springs and Lehi can provide municipal type services to the real properties in the Perelle Meadows Annexation on an ongoing basis.
8. That a representative of the real property owners in the Perelle Meadows Annexation spoke at the public hearing in favor of annexation of the Perelle Meadows Annexation into Saratoga Springs.



9. That since both Saratoga Springs and Lehi have included the real properties within the Perelle Meadows Annexation within their respective annexation policy plans, that both Saratoga Springs and Lehi have been currently providing at least some level of municipal type services to the real properties within the Perelle Meadows Annexation, and that a representative of the real property owners in the Perelle Meadows Annexation spoke at the public hearing in favor of annexation of the Perelle Meadows Annexation into Saratoga Springs; then this matter should be resolved in favor of the rights of the real property owners in the Perelle Meadows Annexation.
10. That the Perelle Meadows Annexation may leave or create an unincorporated island or unincorporated peninsula potentially in violation of Utah Code § 10-2-402(1)(b)(iii), but the Perelle Meadows annexation would not be in violation of that statutory provision if both Utah County and Saratoga Springs have otherwise agreed.
11. That the Commission may approve the Perelle Meadows Annexation with the condition that Saratoga Springs and Utah County have otherwise agreed to the Perelle Meadows Annexation before it can proceed, pursuant to Utah Code § 10-2-416(1)(a).
12. That the Commission considered the criteria found in Utah Code §§ 10-2-401.5, 10-2-402, 10-2-403, 10-2-407, 10-2-415 and 10-2-416 in making their decision regarding the Perelle Meadows Annexation.
13. That the Commission having duly considered the evidence presented both before and during the public hearing decided by a 5-0 vote to deny Lehi's Protest to the Perelle Meadows Annexation and to approve with conditions the annexation of the Perelle

Meadows Annexation into Saratoga Springs. This decision was made subject to the condition that Saratoga Springs and Utah County have otherwise agreed in writing to the Perelle Meadows Annexation and Saratoga Springs may not move forward on the Perelle Meadows Annexation until receipt of that document. This decision was also made subject to the condition that the attorney for the Commission prepare a written decision which is supported by findings and is to be circulated amongst the Commission participants for the public hearing and then signed by the Commission Chair.

#### **CONCLUSIONS**

The Commission having reviewed the evidence presented both before and during the public hearing hereby makes the following Conclusions relying in whole or in part upon the foregoing Findings:

1. That Lehi did not protest the form of the Petition for the Perelle Meadows Annexation.
2. That since both Saratoga Springs and Lehi have included the real properties within the Perelle Meadows Annexation within their respective annexation policy plans, that both Saratoga Springs and Lehi have been currently providing at least some level of municipal type services to the real properties within the Perelle Meadows Annexation, and that a representative of the real property owners in the Perelle Meadows Annexation spoke at the public hearing in favor of annexation of the Perelle Meadows Annexation into Saratoga Springs; then this matter should be resolved in favor of the rights of the real property owners in the Perelle Meadows Annexation.

3. That the Perelle Meadows Annexation may leave or create an unincorporated island or unincorporated peninsula potentially in violation of Utah Code § 10-2-402(1)(b)(iii), but the Perelle Meadows annexation would not be in violation of that statutory provision if both Utah County and Saratoga Springs have otherwise agreed.
4. That the Commission may approve the Perelle Meadows Annexation with the condition that Saratoga Springs and Utah County have otherwise agreed to the Perelle Meadows Annexation before it can proceed, pursuant to Utah Code § 10-2-416(1)(a).
5. That the Perelle Meadows Annexation complies with Utah Code §§ 10-2-402 and 10-2-403 and the annexation policy plan of Saratoga Springs if the conditions stated herein are met.
6. That the Perelle Meadows Annexation conflicts with the annexation policy plan of Lehi, but the Commission resolves that conflict in favor of the rights of the real property owners in the Perelle Meadows Annexation.
7. That the Commission considered the criteria found in Utah Code §§ 10-2-401.5, 10-2-402, 10-2-403, 10-2-407, 10-2-415 and 10-2-416 in making their decision regarding the Perelle Meadows Annexation
8. That the Perelle Meadows Annexation meets the requirements of Utah Code §§ 10-2-401.5, 10-2-402, 10-2-403, 10-2-407, 10-2-415 and 10-2-416 with conditions.
9. That the Commission having duly considered the evidence presented both before and during the public hearing decided by a 5-0 vote to deny Lehi's Protest to the Perelle Meadows Annexation and to approve with conditions the annexation of the Perelle

Meadows Annexation into Saratoga Springs. This decision was made subject to the condition that Saratoga Springs and Utah County have otherwise agreed in writing to the Perelle Meadows Annexation and Saratoga Springs may not move forward on the Perelle Meadows Annexation until receipt of that document. This decision was also made subject to the condition that the attorney for the Commission prepare a written decision which is supported by findings and is to be circulated amongst the Commission participants for the public hearing and then signed by the Commission Chair.

10. That the annexation of the Perelle Meadows Annexation is, at a minimum, supported by substantial evidence.

#### **ORDER**

Based on the foregoing Findings and Conclusions, it is hereby ordered, adjudged, and decreed as follows:

1. That the Lehi's protest to the Perelle Meadows Annexation is hereby **DENIED**.
2. That the Perelle Meadows Annexation into Saratoga Springs is hereby **APPROVED WITH CONDITIONS**. This approval is subject to the condition that Saratoga Springs and Utah County have otherwise agreed in writing to the Perelle Meadows Annexation and Saratoga Springs may not move forward on the Perelle Meadows Annexation until receipt of that document.

DATED this 6<sup>th</sup> day of ~~September~~<sup>October</sup>, 2017.

UTAH COUNTY BOUNDARY COMMISSION

  
GARY RATCLIFFE, CHAIR

CERTIFICATE OF SERVICE

I hereby certify that I mailed and a true and correct copy of this **FINDINGS, CONCLUSIONS, AND ORDER**, postage prepaid, on this 10 day of ~~September~~<sup>October</sup>, 2017, to the following:

William C. Lee, Chair  
Utah County Commission  
100 East Center Street, Ste. 2300  
Provo, Utah 84606

Jim Miller, Mayor  
City of Saratoga Springs  
1307 N. Commerce Dr. #200  
Saratoga Springs, Utah 84045

S. Scott Carlson, PE, PLS  
2264 North 1450 East  
Lehi, UT 84043

Larry Jacobsen  
Silver Sage Financial  
9533 East 700 South, #103  
Sandy, UT 84070

Bert Wilson, Mayor  
Lehi City  
153 North 100 East  
Lehi, Utah 84043

Kim Struthers, AICP  
Community Development Director  
Lehi City  
153 North 100 East  
Lehi, Utah 84043

  
AILEEN COUDER

EXHIBIT F

October 17, 2017 City Council Staff Report



---

**ANNEXATION –PERELLE MEADOWS CONSOLIDATED ANNEXATION**  
**October 17, 2017**

Report Date: October 12, 2017  
Applicant: Scott Carlson, Twin Peaks Engineering and Land Surveying  
Larry Jacobson, Silver Sage Financial  
Owner: John and Marsha Perelle, S-5 Ranches, Christensen and Allen  
Location: Approximately 7350 North 9440 West, Utah County  
Major Street Access: Saratoga Road  
Parcel Number(s) & Size: Christensen Parcel 1 - 13:029:0119 - 1.85 acres  
S-5 Ranches LLC Parcel 2 – 13:028:0030 – 3.12  
acres Perelle Parcel 3 – 13:028:0059 – 7.97 acres  
Perelle Parcel 4 – 13:028:0062 – 0.23 acres  
Perelle Parcel 5 – 13:028:0060 – 16.70 acres (Parcels 5, 6 and 7 combined)  
Perelle Parcel 6 – 13:028:0061  
Perelle Parcel 7 – 13:028:0019  
Allen Parcel 8 – 13:028:0022 – 10.5 acres (Parcels 8 and 9 combined)  
Allen Parcel 9 – 3:028:0076 Total  
Acreage: 42.46 Acres  
Parcel Zoning: Residential Agriculture 5 (County Zoning)  
Proposed Zoning: R1-9  
General Plan: Low Density Residential  
Adjacent Zoning: Agriculture (Utah County)  
Current Use of Parcels: Agriculture Adjacent  
Uses: Agriculture  
Type of Action: LEGISLATIVE  
Land Use Authority: CITY COUNCIL  
Author: Nora Shepard, AICP, Senior Planner

---

**A. Executive Summary:**

A Consolidated Annexation Petition and Concept Plan were submitted to the City for Perelle Meadows in March 2017. At the time, several adjacent properties also petitioned for Annexation. At the request of Saratoga Springs, a revised consolidated Perelle Meadows concept was submitted to include all the properties. The request is to annex 42.46 acres to the City and zone the area R1-9. The petition was accepted by the City Council on June 20, 2017, and conditionally certified by the City Recorder on July 29, 2017. The annexation was protested by the City of Lehi within the 30-day protest period (after certification). The Utah County

Boundary Commission heard the matter on September 13, 2017 and denied the protest. The written decision was received by Saratoga Springs on October 10, 2017. Pursuant to Utah State Code 10-2-408, the City Council can approve the annexation consistent with the Boundary Commission decision. The written decision is attach as Exhibit 1. The City Council is being asked to take action on the Annexation on October 17, 2017.

**Recommendation:**

**Staff recommends the City Council and choose from the options in Section H of this report.** Options include approval, denial, or continuation of the proposed Annexation.

- B. **Specific Request:** The application is for the annexation and zone designation of the R1-9 zone to enable the platting of future single-family lots. The proposed annexation falls within the City's Annexation Declaration Area, and the Future Land Use Map identifies it as Low Density Residential. A concept plan has been submitted for single family lots meeting the R1-9 zone. The annexation plat is attached as Exhibit 2.
- C. **Process:** Utah Code Chapter 10-4, subsections 401 through 428, govern the process for considering annexations. The petition was accepted by the City Council on June 20, 2017, and was certified by the City Recorder on July 20, 2017. After certification, there is a 30-day protest period. A protest was filed by Lehi City. The Utah County Boundary Commission heard the protest on September 13, 2017. The protest was denied. Saratoga Springs received the official written decision on October 10, 2017. The City Council can now move forward and take action on the annexation request consistent with Utah State Code Section 10-2-408. No public hearing is necessary.

Chapter 19.22 of the City Code contains additional requirements that properties must meet before annexing into the City. An analysis of those provisions is provided in Section G, below.

- D. **Community Review:** A public hearing was held before the Boundary Commission. No public hearing is necessary for to approve the Annexation at this time.
- E. **Review:** This annexation has been provided to the County for comment. The County requested changes be made to the Annexation Plat and those changes have been made.

The concept plan, submitted in association with the Annexation (Exhibit 3), has been reviewed by Planning and Engineering and comments have been provided to the applicant. A portion of Dry Creek runs through this annexation area, but it is outside of the area covered by recent FEMA flood mapping. Staff has made the applicant aware that additional information will be required on sensitive lands (including wetlands and floodplain) at the time of Preliminary Plat.

- F. **General Plan:** While the property is outside of the City, the General Plan Land Use Map extends over property in the Annexation Declaration Area. This property is currently designated as Low Density Residential, which contemplates between 2-5 units per acre. The R1-9 zone anticipates single family development of a density that will not exceed this limit. The specific language is below:



*“Low Density Residential Single-family neighborhoods built on a highly connected street pattern and interspersed with schools, public facilities, walkable neighborhood amenities, parks and trails. The Low Density Residential designation is expected to be the City’s most prevalent land-use designation. 2 - 5 DU/Acre, half acre to 8,000 square foot lots”*

**Potential finding:** consistent. The proposed development is R1-9, and the project plan includes recreational features based upon a waterway through a central open space.

**G. Substantive Code Criteria:**

**Annexation Requirements**

Section 19.22.01 contains standards and guidelines for annexations:

1. Developers shall provide public improvements in accordance with City ordinances.  
*Complies. The concept plan has been reviewed and comments provided regarding the need for appropriate infrastructure and improvements to be provided at the time of plat approval and development. All improvements will be reviewed for compliance with City ordinances at time of plat and site plan approvals.*
2. Developers shall pay all applicable impact fees, service fees, and assessments in addition to the annexation fee.  
*Complies. Fees will be charged at time of plat, building permit, or site plan approval in accordance with City Code.*
3. Developers will be subject to all other appropriate and adopted fees to offset the costs to the City.  
*Complies. All appropriate impact and development fees will be required to offset the costs of development to the City.*
4. The applicant will be charged for all attorneys’ fees associated with review of the annexation and drafting of applicable documents.  
*Complies. The required City Attorney’s review costs are included with the fees for future development review.*
5. Piecemeal annexation of individual small parcels of property is discouraged if contiguous parcels, soon to be developed, are available in order to avoid repetitious annexations. *Complies. This annexation is not of a small piece, and other adjacent properties are in the process of annexation and development.*
6. Except as permitted in Utah Code § 10-2-401 et seq., no unincorporated islands or peninsulas will be left or created by the annexation.  
*Complies. The existing area is currently an island in the County. This annexation will decrease the size of that island. The County has reviewed the annexation and would prefer that the entire area be annexed, however State Code prohibits annexation of agriculturally zoned property (without owners consent? This property in the annexations is Ag).*  
*Complies. Boundaries follow existing property lines.*
7. Irregular boundaries should be minimized.  
*Complies.*
8. The Annexation should generally follow existing roads, property lines, easements, utilities and power lines in order to minimize the public expense for extension of main or service

lines and streets.

**Complies.** *The annexation follows existing property lines and roadways.*

9. In order to provide for the orderly growth and development in the City and avoid confusion and undue cost to the taxpayers, all utility and service hook-ups shall be limited to incorporated areas of the City and shall not be made available outside the City limits. The only exception shall be those extensions which are made pursuant to agreement with other units of government under the Interlocal Cooperation Act or by specific approval of the City Council.

**Complies.** *No hookups are proposed outside City boundaries. The annexation will fall within existing school districts. City special district boundaries will be amended along with future plat(s).*

10. Utilities shall be extended by the developer to annexed areas as soon as practicable after annexation. By approving an annexation, the City is not committing or obligating itself to provide utility services to newly annexed or undeveloped property.

**Complies.** *The applicants are aware of utility requirements and potential issues.*

11. Extensions of service lines and utilities shall be performed by the property owner for the annexed land and shall be planned and constructed in full compliance with City ordinances. **Complies.** *Will be installed at the future developer's cost.*

12. Each annexation shall require a disclosure by the developer of anticipated needs of utilities and street improvements and a timetable of completion of those improvements as well as developing the project.

**Complies.** *Sufficient general information has been provided to City Engineer with Concept Plan application, and more detailed information will be required with concept plan resubmittals, and preliminary plat applications.*

#### **19.22.6. Classification of Annexed Territory.**

1. In accordance with Utah Code § 10-9a-506, all property annexed to the City shall be assigned by the City Council at the time the property is annexed a land use zone that is defined in this Code and a designation listed in the Land Use Element of the General Plan.

*The property is identified as Low Density Residential in the General Plan, and the applicants request R1-9 zoning.*

2. If the City Council does not assign a zone or General Plan designation, the property shall be assigned the zone or General Plan designation of Agricultural, which is considered the least impactful to surrounding uses.

3. When determining what land use designations may be appropriate, the City Council may consider the land use of adjacent properties.

*Adjacent properties are zoned Agricultural. There are adjacent annexation petitions that are in process that are also requesting R1-9 zoning.*

#### **H. Condition of Annexation:**

As discussed at a City Council work session on August 1, 2017, the applicant has requested consideration regarding road Right-of-Way (ROW) standards. Annexation is a legislative act and the City Council can negotiate specific items that would apply to this annexation only. The

Council gave direction that a provision be included in the annexation of this property that would allow the parkstrips to be reduced to 6.5-feet in width in order to provide a wider road surface that is consistent with Fire Code. This provision is proposed to expire 2-years after the date of the annexation approval by City Council. After that 2-year period, any future preliminary or final plat application will have to meet all the engineering and design standards in place at the time of application. This provision, and associated map, has been added to the ordinance approving the annexation.

**I. Recommendation and Alternatives:**

Staff recommends the City Council conduct a public hearing, take public input, discuss the annexation, and choose from the following options.

**Option 1 – Staff Recommendation: Approve the Consolidated Perelle Meadows Annexation into the City of Saratoga Springs with the specific provision regarding a reduction in the width of the park strip:**

"I move to approve the Annexation of the Consolidated Perelle Property, as outlined in Exhibit 1 with the following Findings and Conditions:

**Findings**

1. The application complies with the criteria in Chapter 19.22 of the Development Code, as articulated in Section G of the staff report, which section is incorporated by reference herein.
2. The application is consistent with the General Plan, as articulated in Section F of the staff report, which section is incorporated by reference herein.
3. The petition complies with the standards and requirements of Utah State Code, including acceptance, certification and all required notices to affected entities.

**Conditions:**

1. No specific densities or layouts are approved as part of this rezone. Future development shall be subject to the Code requirements in place at the time of development application, except as set forth in Condition 2.
  2. The ordinance approving the annexation allows for special consideration for this project only. The parkstrips are allowed to be reduced to 6.5-feet in width in order to provide a wider road surface consistent with the Fire Code. The approved road section is attached as Exhibit 3. This provision will expire 2-years after the date of the annexation approval by City Council. After that 2-year period, any future preliminary or final plat application will have to meet all the engineering and design standards in place at the time of application.
  3. Additional information and study on sensitive lands (including wetlands and floodplain) shall be addressed before future plats, site plans, or other approvals are given.
  4. All other Code requirements shall be met.
  5. Any other conditions or changes as articulated by the City Council: \_\_\_\_\_
-

**Option 2 – Rejection of the Annexation Petition:**

The City Council may choose to reject the Consolidated Perelle Meadows Annexation if it finds that it is inconsistent with Chapter 19.22 of the Saratoga Springs City Code.

"I move to reject the Consolidated Perelle Annexation due to the following inconsistencies with Chapter 19.22 of the Saratoga Springs City Code:

- 1.
- 2.

**Option 3 – Continue Action:**

If there is additional information needed to make a decision, the City Council can request that staff provide that information and vote to continue action on the petition.

**J. Exhibits:**

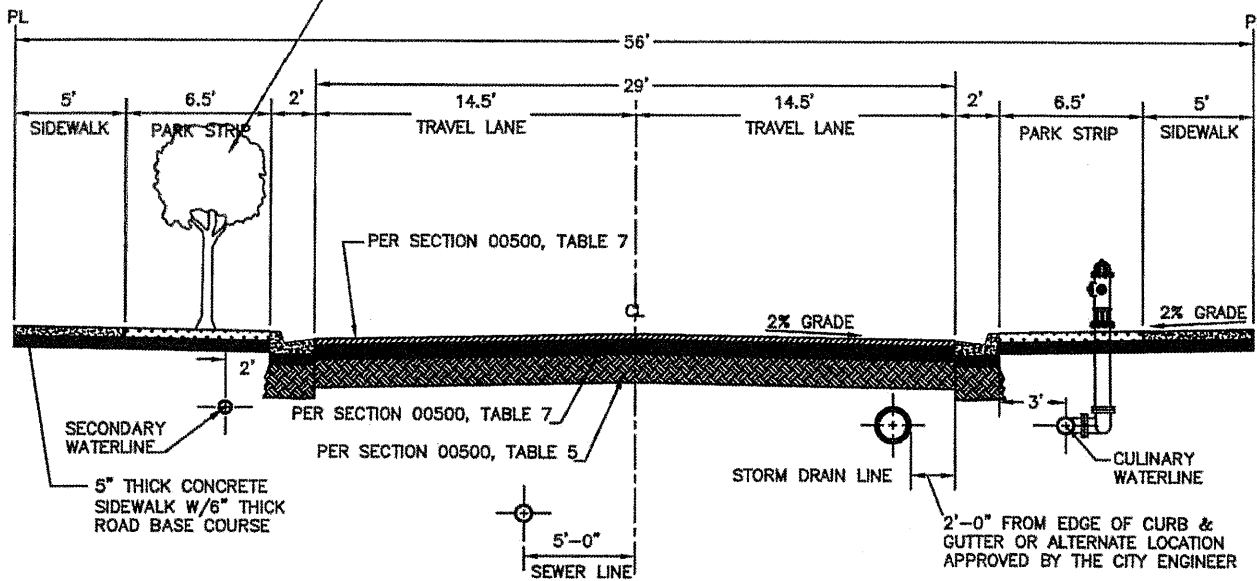
1. Annexation Plat
2. Concept Plan
3. Decision of Utah County Boundary Commission

EXHIBIT G

Modified Road Cross Section

# Exhibit G - Modified Road Cross Section Perelle Annexations

TREES SHALL MEET SPECIFICATIONS FOUND IN SECTION 02726. TREES ARE TO BE PLACED EVERY 50' ON BOTH SIDES OF THE ROAD. STAGGER LOCATIONS FROM ONE SIDE OF THE ROAD TO THE OTHER. GRADE "A" MINIMUM IN ALL APPLICATIONS.

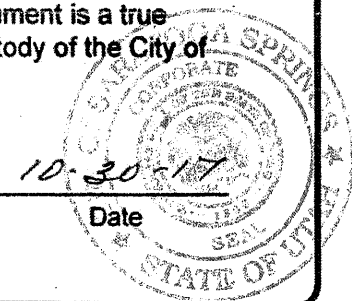


**NOTES:**

1. MAXIMUM DIFFERENCE IN ELEVATION BETWEEN CURB ON OPPOSITE SIDES OF STREET SHALL NOT EXCEED 1'-0"
2. PROVIDE A MINIMUM 6" THICKNESS OF 3/4" OR 1" CRUSHED GRAVEL BASE COURSE UNDER SIDEWALKS, DRIVEWAY APPROACHES, AND CURB & GUTTER.
3. INSTALL TYPE 2 SLURRY SEAL.
4. HOUSES MAY FRONT ON THESE STREETS.
5. THIS ROW CROSS SECTION SHALL BE PERMITTED FOR PRIVATE ROAD CROSS SECTIONS IN THE FOLLOWING ZONES: R-2, R-3 AND R-4.

I hereby certify that the foregoing document is a true copy of the document filed / in the custody of the City of Saratoga Springs, Utah.

*Cindy K. Lewis*  
City Recorder



Date

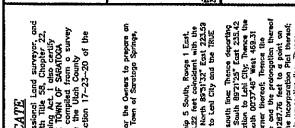
**RESIDENTIAL  
ROADWAY  
56' RIGHT-OF-WAY**

DATE: AUG 2017	REVISIONS
DRAWING NAME: ST-8 ALT	REV DATE BY COMMENTS
DRAWN BY: RFM	
CHECKED: APPROVED:	

SARATOGA SPRINGS CITY		<small>1207 FL COMMERCE DR. 200L SARATOGA SPRINGS, UT 84045 PHONE: 801-780-9703 FAX: 801-760-0794</small>



STANDARD DETAILS
STREET STANDARDS

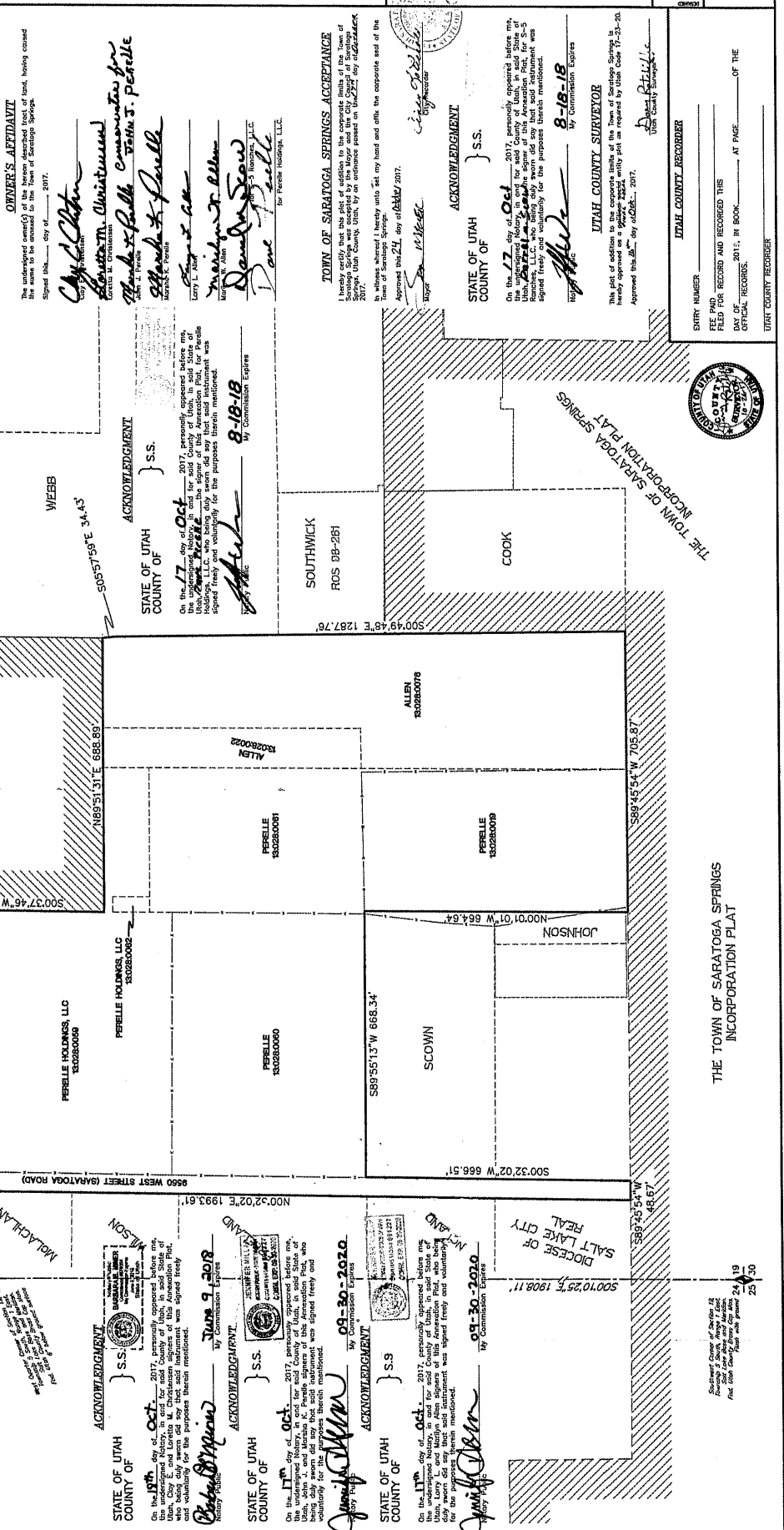


**SURVEYORS CERTIFICATE**  
 I, David E. Hawkins do hereby certify that I am a Professional Land Surveyor, and that I am duly licensed to practice my profession in the State of Utah. I have examined the above described plat and the records of this survey, and I find that the same comply with the provisions of the laws of the State of Utah relating to land surveying. I also find that the plat of PERELLE MEADOWS ANNEXATION TO THE TOWN OF SARATOGA SPRINGS, UTAH COUNTY, UTAH, and the records thereof, were made by Boundary Consultants, Inc. a duly licensed professional land surveying corporation, and were made in accordance with the provisions of the laws of the State of Utah relating to land surveying.

**ANNEALING DESCRIPTION:**  
 The following description is for the purpose of describing the boundaries of the town of Saratoga Springs, Utah, and is not intended to describe any individual parcel of land. The town of Saratoga Springs, Utah, is bounded on the north by the town of Cottonwood Canyon, Utah; on the east by the town of Sandy, Utah; on the south by the town of West Jordan, Utah; and on the west by the town of Draper, Utah. The town of Saratoga Springs, Utah, is bounded on the north by the town of Cottonwood Canyon, Utah; on the east by the town of Sandy, Utah; on the south by the town of West Jordan, Utah; and on the west by the town of Draper, Utah.

**OWNER'S AFFIDAVIT**  
 I, the undersigned owner(s) of the herein described tract of land, hereby certify that I am the owner of said tract, and that I have not acquired title to said tract by adverse possession or otherwise. I have not acquired title to said tract by adverse possession or otherwise. I have not acquired title to said tract by adverse possession or otherwise.

**ACKNOWLEDGMENT**  
 On this 17th day of Oct 2017, personally appeared before me, the undersigned Notary Public in and for said County of Utah, in said State of Utah, Lory L. Hall, as the undersigned, and she acknowledged to me that she executed the foregoing plat for the purposes therein mentioned.



**ACKNOWLEDGMENT**  
 On this 17th day of Oct 2017, personally appeared before me, the undersigned Notary Public in and for said County of Utah, in said State of Utah, Lory L. Hall, as the undersigned, and she acknowledged to me that she executed the foregoing plat for the purposes therein mentioned.

**BOUNDARY CONSULTANTS**  
 1295 North 1700 West, Part West, Utah  
 801-792-1569  
 801-690-7168 FAX

**UTAH COUNTY RECORDERS**  
 ENTRY NUMBER \_\_\_\_\_  
 FEE PAID \_\_\_\_\_  
 FILED FOR RECORD AND RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017, IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ OF THE OFFICIAL RECORDS.

**UTAH COUNTY SURVEYOR**  
 On this 17th day of Oct 2017, personally appeared before me, the undersigned Notary Public in and for said County of Utah, in said State of Utah, Lory L. Hall, as the undersigned, and she acknowledged to me that she executed the foregoing plat for the purposes therein mentioned.