

July 6, 2010

State of Utah Public Service Commission

UTAH PUBLIC  
SERVICE COMMISSION

Judge Ruben H. Arredondo

2010 JUL 14 A 7:18

276919

Ted Boyer, Chairman

Rick Cambell Commissioner

RECEIVED

Heber Wells Bldg.

160 E. 300 S.

Salt Lake City, Utah 84145

Mr. and Mrs. Paul Barron

3 S. Meadow Dr.

Springville, Utah 84663

**Re: case 09-2440-01**

Dear Sirs,

I appreciate this opportunity to write you this note in regards to the hearing that was held today. I hope that we truly have this occasion to offer our opinion as homeowners at The Cottages at Hobble Creek. Yesterday Dion raised the question that as homeowners we are now placed with the burden of supporting the Hidden Creek Water Company a *for-profit* business. A misleading response was made by Tracy Tanner owner of the water company also the developer. Our Covenants of our PUD states that this project has Project Phasing stating "that the Project will be developed in a series of phases...without the prior consent of the Owners or the Association." Tanner responded that this was standard language in any Covenants that her attorney essentially boiler-plated. The actual situation is the Tanners own land across the street from this development and it is platted "Future Development Five Star Development". This is owned by the same people who own the water company. The current proposal asks us to support the water company by raising rates, placing tariffs on water, and putting money in reserve fund. The developers still own over ¼ of the lots in the Cottage development and have raised the price from \$60,000 (this was a price that a buyer remembers being originally offered to them) to today asking over \$300,000 for the same lot. This is a huge rise in price! They still have the other land that states "Future Development". As homeowners we are now being asked to support the developers' water supply. Because the "future development" response was not acknowledging this other possibility

of development we feel it is necessary to write this letter. **Our position is that we will put money in the reserve fund as required by the state but it should be returned to the homeowners when the developers sell lots at this higher price and when/if they develop additional land. We should not be required to support this for-profit water company that is owned by the developers while they continue to develop additional property that will use this same water source.**

A second very important point that needs clarification is that it was stated that 5 people support this proposed water plan offered by Mark Long. This is no longer the case. Only 3 people support. Barron and Thompson withdrew their support when additional information came to light.

The County required our lots to be accompanied with minimum water. "Ordinance No. 1996-02 Part I: Water Supply a. **Water Rights**" Under this heading it states the amount of water that was given to each lot at The Cottages at Hobble Creek. It is 960,000 gallons annually. We are being charged a tariff for using this water and essentially penalizes us by charging over 700% increase for irrigation water used. This is not what the county had intended. They used water engineers to decide the amount of water necessary to support our homes and lots at the Cottages and now the State's analysts says his mode of deciding is "an art rather than a science". (This was stated in the hearing by Mark Long.) Science is what we bought and art is what we are now being given that is taking away a valuable resource that we purchased with our land.

**We support the plan of \$80.00 for homeowners and \$40.00 for unimproved lots flat fee per month to build the state required fund. When/if the developers add to their property and their water company the accumulated fund money will be returned to those who paid into it.**

Three points included:

- \*Enclosed is the plat map regarding point #1 – "Future Development"
- \*Thompson and Barron do NOT support plan leaving on 3 supports
- \*Water Rights ordinance from County

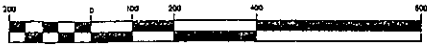
Thank you for this opportunity for addressing you.

Sincerely,

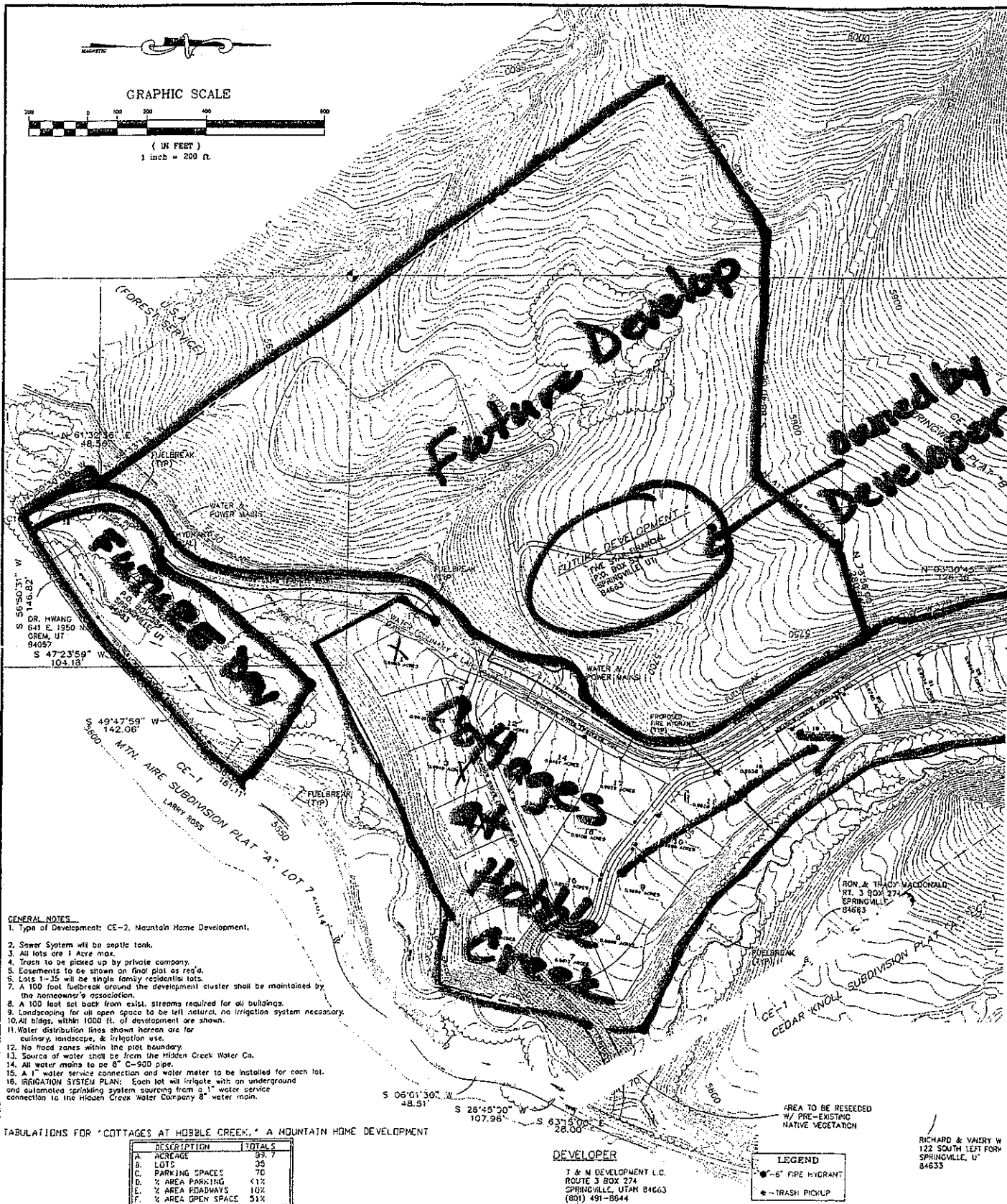
Paul and Dion Barron



GRAPHIC SCALE



( IN FEET )  
1 inch = 200 ft.



**GENERAL NOTES**

1. Type of Development: CE-2, Mountain Home Development.
2. Sewer System will be septic tank.
3. All lots are 1 Acre max.
4. Trash to be picked up by private company.
5. Easements to be shown on final plat as req'd.
6. Lots 1-25 will be single family residential lots.
7. A 100 foot fuelbreak around the development cluster shall be maintained by the homeowners' association.
8. A 100 foot set back from exist. streams required for all buildings.
9. Landscaping for all open space to be tall natural, no irrigation system necessary.
10. All bldgs. within 1000 ft. of development are shown.
11. Water distribution lines shown herein are for culinary, landscape, & irrigation use.
12. No flood zones within the plot boundary.
13. Source of water shall be from the Hidden Creek Water Co.
14. All water mains to be 8" C-90D pipe.
15. A 1" water service connection and water meter to be installed for each lot.
16. IRRIGATION SYSTEM PLAN: Each lot will irrigate with an underground and automated sprinkling system sourcing from a 1" water service connection to the Hidden Creek Water Company 8" water main.

**TABULATIONS FOR 'COTTAGES AT HUBBLE CREEK,' A MOUNTAIN HOME DEVELOPMENT**

DESCRIPTION	TOTALS
A. ACREAGE	99.7
B. LOTS	35
C. PARKING SPACES	70
D. % AREA PARKING	<1%
E. % AREA ROADWAYS	10%
F. % AREA OPEN SPACE	51%

**DEVELOPER**

T & M DEVELOPMENT L.C.  
ROUTE 3 BOX 274  
SPRINGVILLE, UTAH 84663  
(801) 491-8644

**LEGEND**

●-6" FIRE HYDRANT
*-TRASH PICKUP

RICHARD & VALERY W  
122 SOUTH LEFT FORK  
SPRINGVILLE, U  
84633

REVISIONS	DATE	BY



327 EAST 1200 SOUTH #7  
OREM, UTAH 84058  
(801)223-9241  
FAX (801)223-9245

**COTTAGES A**  
**DEVELOPERS SCHEMA**  
UTAH COUNTY



Community Development Department  
Jeffery R. Mendenhall, Director  
Dennis C. Barker, Fire Marshal  
Steve Kitchen, Building Official

Planning Division  
Bryce Armstrong, Assistant Director  
Peggy Kelsey, Planner/Business License  
Brandon Larsen, Planner

51 S. University Ave.  
Suite 117  
Provo, Utah 84601  
Phone 801-851-8343  
Fax 801-851-8340

June 28, 2010

Dion Barron  
3 South Meadow Dr.  
Springville, UT 84663

**RE: Water Quantity Requirements for the Cottages at Hobble Creek, Plat "A"**

Dear Ms. Barron:

You requested the water quantity requirements for mountain home developments, which were effective at time the Cottages at Hobble Creek, Mountain Home Development, Plat "A," was recorded. The subject plat was recorded November 29, 1999. Section 6-4-E-10 of the Utah County Zoning Ordinance, which section was effective at the time the subject plat was recorded, states the following:

**10. Water Supply**

**a. Water Rights**

The property within all plats shall be provided by the developer with perpetual water rights meeting the following standards:

- (1) *Culinary-quality water for use inside the dwelling shall be provided to each parcel at a flow rate of at least .015 cubic feet per second per dwelling unit and a quantity of at least .45 acre-feet per year per dwelling unit. Where the quantity of at least .45 acre-feet per year is not limited to dwelling use alone, culinary-quality water shall be provided for occupied structures other than dwellings in the amount determined by the County Commission after receiving an engineering study of water use from the developer and the advice of the planning commission.*
- (2) *Water for maintaining landscaping and fuel-breaks around dwellings and occupied structures shall be provided to each parcel at the rate of at least 1 acre-foot per year per dwelling or building site, which water shall be available between April 30 to October 1 annually.*
- (3) *Water for irrigation shall be provided at a rate of at least 1.5 acre-feet per acre per year for the area of each lot beyond the first 10,000 square feet, which quantity must be available from April 30 to October 1 annually. (The first 10,000 square feet are supplied by requirements of subsections (1) and (2) immediately above.)*  
*Exception to part (3) above: The County Commission may increase or decrease the required quantity of irrigation water from 1.5 acre-feet per acre per year based upon the findings of the engineering study conducted in the preparation of the irrigation plan if the County Commission finds that more (or less) water is needed to meet green plant needs. The engineering study shall determine the quantity of water needed to maintain lawn, alfalfa, or other specified green plant materials having a low flammability to be used on the site, and shall consider normal rainfall, soil percolation capacity, evaporation, plant transpiration, and other factors appurtenant to the site to make its conclusions.*

The subject development was approved with the understanding and requirement that each lot/parcel would be provided with the above mentioned water. You are aware of County Recorder Entry No. 124111; 1999, which is Hidden Creek Water Company Inc.'s commitment letter, in which it commits to provide a perpetual supply of required water (as listed above) to each dwelling unit and parcel within the Cottages at Hobble Creek, Plat "A." This document contains the following language: "The delivery of water shall be subject to the payment of all hookup fees, and all usual monthly water delivery charges."

If your present concerns are in regards to month charges and rates, please contact the Public Service Commission of Utah. The County has no control over usage rates.

**The following is a brief history of the water quantity requirements for mountain home developments:**

As near as Staff can tell, *most* of the above listed water quantity requirements for mountain home developments first appeared in the Utah County Zoning Ordinance in mid to late September 1995. By the end of January 1996 *all* of the above listed requirements were found in the Utah County Zoning Ordinance. Previous to these revisions to the Utah County Zoning Ordinance, mountain home developments were only required to have a perpetual supply of at least .89 acre feet per year of culinary water. Even with this minimal amount of required water, there was still an exception that would allow for an even smaller amount of .55 acre feet of water per year.

It appears the water quantity requirements for all large scale developments were changed in 1995-1996, at least in part, in effort to bring them into conformity with those required by the State Water Engineer. At least since late January 1996, and I believe until the present time, the County requires a lesser amount of irrigation water than is suggested by the State Water Engineer's Office (Utah Division of Water Rights). When the County was going through the process of establishing an irrigation water quantity requirement for large scale developments, County records suggest the opinion of qualified professionals and the general public were obtained. With the passage of Utah County Ordinance No. 1996-02, the Board of Utah County Commissioners approved the irrigation water quantity requirement, as listed above. This requirement is still currently effective, although there have been some minor changes to the language listed above and another exception has been included.

Please let me know if you should need additional information.

Sincerely,



Brandon Larsen  
Land Planner  
Utah County