

20.17.1 Plats Near or Straddling Municipal Boundaries, Annexations

When a subdivision is proposed that is adjacent to or includes property under the jurisdiction of another entity, ~~the Planning Commission staff~~ may recommend annexation of the property involved or recommend a utility service agreement for provision of utility services in coordination with the adjoining municipality. ~~(4-23-08)~~ (9-18-13)

If the area in the County or another municipality is not annexed, the City and the other entity ~~shall may~~ work together in a cooperative arrangement or through an interlocal agreement, if necessary, to insure that the portion of the development located in the County or other municipality is as compatible as possible with the Payson City development regulations and General Plan. (9-18-13)

Utility services for individual lots of record within the municipal boundaries may be provided by another entity, provided a utility service agreement or interlocal agreement is approved by the City Council. (9-18-13)

Because of the high standard established by Payson City for the provision of municipal services to its residents, ~~the Payson City Council~~ is under no obligation to grant development approval of any proposal that requires municipal services from another jurisdiction. Approval of a development proposed to the services of another jurisdiction is at the sole discretion of the Payson City Council who shall not need any reason to deny such a request. In making a determination of whether to allow another entity to provide municipal services, the City Council will consider the following:

- ~~1. The property should be immediately adjacent to and share a common boundary with Payson City.~~
2. The use of an outside entity shall not be used to negotiate lower utility rates or service charges.
3. The use of an outside entity will not be allowed to provide service to properties within Payson City that are proposed for development that is not consistent with all adopted Payson City development ordinances including the General Plan, Annexation Agreements, Specific Plans, Development Agreements, the Zoning Ordinance, the Subdivision Ordinance and the Sensitive Lands Ordinance.
4. Because it is likely that the services will be assumed by Payson City at a future date, the services must be constructed in a manner that is consistent with the Design Guidelines and Standard Specifications of Payson City. The utility service agreement or interlocal agreement must include procedures to complete the transfer of utilities to Payson City once

the services are available. (9-18-13)

5. Payson City reserves the right to assess utility charges, franchise fees, and other assessments consistent with the adopted fee schedule of Payson City.

All issues relating to the provision of municipal utility services by an entity other than Payson City shall be encompassed in a Utility Service Agreement with the entity providing the service. (1-23-08)

20.17.2 Monuments

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the City Engineer. Monuments shall be installed in accordance with the Payson City Design Guidelines and Standard Specifications, construction specifications and standard drawings. The monuments shall be located on street right-of-way lines, at street intersections, and angle points of curve within the subdivision. They shall be spaced to be within sight of each other, with the sight lines being contained wholly within the street limits.

All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning Commission recommends approval of the Final Plat unless a performance guarantee is established in accordance with the provisions of this Title.

20.17.3 Unsuitability

If the Planning Commission or City Council finds that a portion or all of the land proposed for subdivision or development unsuitable due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridge lines and hilltops, which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or surrounding areas, the land shall not be subdivided or developed.

The development may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approval of the City Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses that do not involve such a danger or severe