

calculations including, but not limited to, to the following:

- a. Impact on traffic: One ERU = 10 vehicle trips per day.
- b. Impact on drinking water: One ERU = the gallons of water that can be obtained through a three quarter ( $\frac{3}{4}$ ) inch service lateral.
- c. Impact on irrigation water: One ERU = the gallons of water that can be obtained through a one (1) inch service lateral.
- d. Impact on power: One ERU = 4 Kw peak demand. (2-7-07)

#### **20.6.4 Severability**

If any part or provision of these regulations or application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

### ***20.7 Saving Provision, Relationship to Previous Ordinance***

These regulations shall not be construed as abating any action under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

The procedures set forth in this Title are intended to supersede any inconsistent procedural provisions in the previous development ordinances. The substantive requirements of the application form and the review process shall remain unchanged, but all final actions under any previous ordinance are subject to the appeal processes set forth herein. All applications for subdivision approval are subject to termination as set forth herein. (8-7-02)

## ***20.8 Amendments to this Title***

- 20.8.1 Amendments
- 20.8.2 Petition for Amendment
- 20.8.3 Hearing before Planning Commission
- 20.8.4 Action by Planning Commission
- 20.8.5 ~~Hearing before Action by~~ City Council (7-19-17)

#### **20.8.6 Joint Hearings**

#### **20.8.7 Notice Requirements**

For the purpose of protecting the public health, safety, and general welfare, the City Council may from time to time amend the provisions imposed by the development standards and subdivision regulations. ~~A public hearings~~ on all proposed amendments shall be held by the Planning Commission ~~and City Council~~ in accordance with §10-9a-503 Utah Code Annotated, 1953, as amended. The following amendment process is intended to be consistent with those provisions. ~~(4-18-06) (7-19-17)~~

This Title should be constantly reviewed and improved upon to stay viable and useful to the City. Any amendment to this Title or the zone map should be consistent with the direction of the General Plan. All amendments will be completed in the following manner:

#### **20.8.1 Amendments**

Amendments to the provisions of this Title may be initiated by the Planning Commission, City Council, an applicant for development approval, member of the general public, or City staff. Amendments to this Title may require an amendment to the General Plan as well. If a petition would require changes to the General Plan, it should be so noted on the petition and the changes should be made concurrently.

#### **20.8.2 Petition for Amendment**

A petition to amend this Title shall be filed with the Development Services Department in a letter or on a form prescribed for that purpose. The form or letter shall contain a statement of the petitioner's interest in the amendment. The petition shall indicate the proposed amendment and indicate the reasoning for the change. A fee will be established for acting on a petition for an amendment that will be included in the Payson City Fee Resolution in effect at the time.

#### **20.8.3 Hearing before Planning Commission**

The Planning Commission shall hold a public hearing on all petitions for an amendment to this Title and receive comments from citizens or property owners affected by the change. Notice of all amendment hearings before the Planning Commission shall be given as set forth in Section 20.8.7 of this Title. The notice shall state generally the nature of the proposed amendment, the Section of the Title affected, and the time, place, and date of the public hearing. The notice shall also state that more detailed information is available for public inspection at the Development Services Department. All information shall be available prior to publication of the notice of public hearing.

**20.8.4 Action by Planning Commission**

Following a public hearing, the Planning Commission shall prepare a formal recommendation to be presented to the City Council regarding the petition. The recommendation shall be to approve, deny, or modify and approve the petition. The Planning Commission shall act on the petition at the time of the hearing or at its next regularly scheduled meeting following the hearing, unless the proponent or petitioner has requested the matter be tabled for further consideration, or the petition is withdrawn. If the Planning Commission fails to act within two (2) regularly scheduled meetings on the petition, the petition shall be deemed as a recommendation for denial by the Planning Commission and the petition shall be forwarded to the City Council for their consideration with that recommendation.

**20.8.5 Hearing before Action by City Council**

~~The City Council shall hold a public hearing on the recommendation of the Planning Commission for all petitions for an amendment to this Title. Notice of all amendment hearings before the City Council shall be given as set forth in Section 20.8.7 of this Title. Following the public hearing a review of the proposed amendments, and in consideration of the Planning Commission recommendation, the City Council shall approve, deny, or modify and approve the recommendation of the Planning Commission the proposed amendment. The public hearing may be continued, if necessary, without republication of the notice. The recommendations of the Planning Commission are advisory only and the City Council may or may not adopt accept the recommendations of the Planning Commission. City Council action on an amendment to this Title requires the affirmative vote of three or more City Council members. The Council may act on the petition at the time of the hearing or at subsequently scheduled meetings. (7-19-17)~~

**20.8.6 Joint Hearings**

At the option of the City Council, hearings before the Planning Commission and City Council may be consolidated into a single hearing, provided that separate votes are taken. The Planning Commission vote shall occur first followed by a vote of the City Council on the recommendation of the Planning Commission. Notice for any joint hearing shall comply with the notice requirements set forth in Section 20.8.7 of this Title. The City Council shall approve, deny, or modify and approve the recommendation of the Planning Commission.

**20.8.7 Notice Requirements**

Notice of hearings before the Planning Commission ~~and City Council~~ concerning amendments to this Title shall be provided in accordance with this Section. Notice of

amendments to this Title shall be given at least fourteen (14) days before the date set for the hearing in accordance with state law. All notice required under this Section shall be given as follows:

**20.8.7.1 Posted Notice**

~~The sStaff or Planning Commission Chair~~ shall post, or cause to be posted, notice of the proposed amendments to this Title in at least two public places within the City. At least one posted notice shall be located at a public place other than the City building, such as the Post Office. The notice shall state that an application for an amendment to Title 20, Subdivision Ordinance has been filed, give general information about the proposed amendment, and indicate that detailed information concerning the proposed amendment is available from the City. The notice shall state the time, place and date set for a public hearing. (7-19-17)

**20.8.7.2 Published Notice**

Published notice, at the applicant's expense, shall be given by publication in a newspaper having general circulation in Payson City. Published notice shall state that an application has been filed to amend Title 20, Subdivision Ordinance, give general information about the proposed amendment, and indicate that detailed information about the proposed amendment is available from the City. The notice shall state the time, place and date set for a public hearing. The published date of the notice, not the date of submittal to the newspaper, must satisfy the fourteen (14) day notification requirement of this Section.

**20.8.7.3 Proof of Notice**

Proof that notice was given pursuant to either Section 20.8.7.1 or 20.8.7.2 above is prima facie evidence that notice was properly given. If notice given under authority of this Section is not challenged, as provided for under State law, within thirty (30) days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper.

**20.9 Vacation, Alteration or Amendment of Subdivision Plats and Other Parcel Modifications (5-16-12)**

20.9.1 Vacation, Alteration or Amendment of Subdivision Plat

20.9.2 Lot Line Adjustment and Lot Combination

In some instances, it becomes necessary to vacate, alter or otherwise modify the dimensions of existing lot lines.

**20.11.2.2 Investigative Process**

Prior to the submission of a Concept Plan, an applicant may choose to meet with the Planning Commission and/or the City Council to obtain guidance in relation to the potential development proposal. The investigative process is voluntary and is not required for development approval. Rather, the process is intended to allow the applicant to present development concepts prior to the expenditure of significant monies preparing Preliminary Plans and Construction Drawings.

The discussion will occur in an informal setting (work session) where no approvals or agreements will be provided to the applicant. The open exchange of ideas will allow the Planning Commission and City Council to express the land use objectives of the City early in the process. It is the intention to streamline the development review process so that processes such as subdivision approval, zone changes, etc. can be coordinated and processed concurrently when appropriate.

In order for an applicant to initiate the process, the applicant will need to submit the following information:

1. A comprehensive explanation of the proposal with accompanying maps, reference materials, drawings and other graphic representation of the development idea.
2. Ownership information and acknowledgement from owner to review development idea.
3. Submission of the investigative review fee.

The investigative process does not take the place of Preliminary Plan or Final Plat approval and is not intended to vary or modify any development requirement or regulation. The process is not intended to be indefinite and following the initial discussion, the applicant is expected to either file a development application or abandon the project. (5-2-07)

**20.11.3 Preliminary Plan & Construction Plans**

Following review of the Concept Plan and after receiving staff comments, the applicant may prepare a Preliminary Plan and Construction Plans in accordance with Chapter 20.28 herein. The Planning Commission and City Council will hold a public hearing to receive input about regarding the Preliminary Plan. Notice of the public hearing will be in accordance with Section 20.12.1 herein. Following a public hearing the Planning Commission will forward a recommendation to approve, approve with conditions, or deny approval of the Preliminary Plan. (7-19-17)

After receiving a recommendation from the Planning Commission, the City Council will hold a public hearing to receive input in relation to the Preliminary Plan.

~~Notice of the public hearing will be in accordance with Section 20.12.1 herein. Following the public hearing the City Council may approve, amend and approve, approve with conditions, remand the subdivision back to the Planning Commission for further review, or deny the application for Preliminary Plan approval. The City Council, at their discretion, may approve the Preliminary Plan and the Final Plat concurrently. (7-19-17)~~

**20.11.4 Final Plat**

Following approval of the Preliminary Plan by the City Council, the applicant may prepare the Final Plat in accordance with Chapter 20.29 herein. A copy of the Final Plat will be included in the Planning Commission packet for their review prior to final review by the City Council. After their review, the City Council may approve, amend and approve, approve with conditions, remand the subdivision back to the Planning Commission for further review, or deny the application for Final Plat approval. The City Council, at their discretion, may approve the Preliminary Plan and the Final Plat concurrently.

**20.11.5 Traditional Subdivisions of Three Lots or Less Along an Existing Public Street (2-7-07)**

Following an initial review and a finding by staff that a traditional subdivision which does not require any legislative action, is consistent with the land use objectives of Payson City, and is likely to have minimal impact on surrounding properties, the Planning Commission is hereby authorized to take final administrative action on the application. The traditional subdivision must consist of three lots or less along an existing street and satisfy all regulations of this Title and all other applicable requirements of the development ordinances of Payson City. The Planning Commission may grant Preliminary Plan and Final Plat approval and further approval from the City Council is not necessary. Prior to consideration of the project the applicant shall provide notice as required by this Title and the Planning Commission shall hold a public hearing consistent with the procedures included herein.

If the Planning Commission determines that the subdivision could have a detrimental impact on surrounding properties or would impede the land use goals of Payson City, the Planning Commission may forward a recommendation to the City Council for final action on the application. ~~If an application is forwarded to the City Council, the applicant shall provide additional notice as required by this Title and the City Council shall hold a public hearing consistent with the procedures included herein. (2-7-07) (7-19-17)~~

Mayor, City Engineer, and the applicant's engineer and surveyor. (7-19-00)

#### **20.28.4.2 Submission and Presentation**

The Construction Plans shall be presented to the Planning Department prior to the scheduled meeting of the Planning Commission for review of the Preliminary Plan. Preliminary Plans will be reviewed on a first come, first serve basis. Depending on the workload, preliminary plans may take several weeks to review. The Planning Commission may hold work sessions to review any recommendations or reports.

#### **20.28.5 Planning Commission Public Hearing**

The Planning Commission shall hold a public hearing on the Preliminary Plan to inform the public about the project and receive comment. The hearing shall be advertised in accordance with the requirements of Section 20.12.1 herein.

#### **20.28.6 Planning Commission Recommendation of Preliminary and Construction Plans**

After the Planning Commission has reviewed the Preliminary Plan, staff report, and any recommendations together with any testimony or exhibits submitted at the public hearing, the applicant shall be advised of any required conditions, changes or additions to gain a positive recommendation of the Preliminary Plan. One copy of the proposed Preliminary Plan shall be returned to the developer with the date of recommendation for approval, conditional approval, or disapproval and the findings of the Planning Commission in writing. Before the Planning Commission recommends approval of a Preliminary Plan showing land for public use (other than proposed public streets) proposed to be dedicated to the City, the Planning Commission shall obtain preliminary approval of the park or land reservation from the City Council. If the project involves a conservation easement, the Planning Commission must receive approval or comments from an approved Land Trust involved in the transaction.

The Planning Commission shall not recommend approval of any Preliminary Plan until all review fees have been paid in full according to the fee schedule found in Title 19 of the Payson City Code. A recommendation of approval of the Preliminary Plan by the Planning Commission is in no way meant to be final approval. Until the Final Plat of a subdivision has been approved by the City Council, the Council, Planning Commission, and staff may continue to review the subdivision for compliance with this Title. After the Planning Commission has recommended approval, conditional approval, or disapproval of the Preliminary Plan and Construction Plans, their recommendation shall be

forwarded to the City Council by the Development Services Director.

#### **20.28.7 City Council Public Hearing**

~~The City Council shall hold a Public Hearing on the Preliminary Plan to inform the public about the project and receive comment. The hearing shall be advertised in accordance with the requirements of Section 20.12.1 herein.~~

#### **20.28.8 Council Approval of Preliminary Plan and Construction Plans**

The recommendation for approval, approval with conditions or denial of a Preliminary Plan and Construction Plans shall be placed on the agenda of the City Council. ~~The City Council shall hold a Public Hearing to receive public input.~~ Following review the recommendation of the Planning Commission, ~~and the City Council~~ may approve, amend and approve, approve with conditions, remand the application back to the Planning Commission for further discussion, or deny approval of the Preliminary Plan. The City Council may review the minutes of the Planning Commission public hearing, if necessary, in order to become informed about any public comment. If the City Council approves, or approves with conditions, the recommendation of the Planning Commission, the applicant may prepare a Final Plat containing all the requirements found herein and any requirements of the City Council, Planning Commission, or staff. (7-19-17)

#### **20.28.9 Effective Period of Preliminary Approval**

The approval of a Preliminary Plan and Construction Plans shall be effective for a period of one (1) year. Any plat not receiving final approval within one (1) year shall be null and void, and the developer shall be required to resubmit a new application and Preliminary Plan subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect.

#### **20.28.10 Zoning Regulations**

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of final approval, except that any Preliminary Plan which has received approval shall be exempt from any subsequent amendments to this Title rendering the plan non-conforming as to bulk or use, provided the final approval is obtained within the one-year period. Planned Residential Developments may vary from certain zoning requirements if approved by the City Council.

#### **20.29 Final Plat**

- 20.29.1 Revisions
- 20.29.2 Features to be Shown on Final Plat
- 20.29.3 Planning Commission Review of Final Plat
- 20.29.4 City Council Approval of Final Plat
- 20.29.5 Dedications
- 20.29.6 Proof of Utility Service
- 20.29.7 Outstanding Obligations
- 20.29.8 Signing and Recording of Final Plat

Following the approval of the Preliminary Plan, the applicant may proceed in the approval process by filing an application for a Final Plat. The Final Plat shall be prepared by a registered land surveyor or engineer licensed by the State of Utah and certified on the plat. The Final Plat shall be prepared in india ink on tracing cloth or reproducible Mylar at the same scale and contain the same information as the Preliminary Plan, except for any conditions, changes or additions indicated in the approval of the Preliminary Plan. The Preliminary Plan may be used as the Final Plat if it satisfies these requirements and is revised in accordance with the Preliminary Plan approval. These are minimum requirements and other information may be required by the City Council, Planning Commission, or staff as the need dictates. The applicant shall provide the City with three (3) full size copies of the Final Plat with one of the copies being produced on tracing cloth or reproducible Mylar. The applicant shall also supply the City with sufficient reduced eleven by seventeen (11 x 17) copies of the Final Plat for each City Council member, Planning Commissioner and relevant City staff members. If the applicant is required to revise and resubmit a Final Plat, a determination of the necessary copies of the revised Final Plat will be made by the Development Services Director. Additionally, the City desires to have a disk copy of any Final Plat prepared in a computer in a format approved by the City Engineer. (7-19-00)

#### **20.29.1 Revisions**

Any revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the Final Plat that was not present on the Preliminary Plan or a requirement of approval by the City Council, it is the applicant's responsibility to inform the Planning Commission and City Council of the changes. Failure to inform the Planning Commission or City Council of revisions not present on the Preliminary Plan or a requirement of approval may result in revocation of any or all approvals.

#### **20.29.2 Features to be Shown on Final Plat**

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Title, the Planning Commission, City Council or staff on the Final Plat whether included in this list or not. Failure to show any feature required by this Title, the Planning

Commission, City Council or staff may result in denial of the plat.

The Final Plat shall comply in all respects with the Preliminary Plan, as approved. The Final Plat shall be submitted to the Development Services Director at least four (4) weeks prior to the regular meeting of the City Council at which the project will be addressed.

Following submission of a complete Final Plat application and payment of applicable review fees, staff shall review the plat for consistency with the provisions of this Chapter. The Final Plat shall, at a minimum, indicate the following:

1. All the requirements of the Preliminary Plan as approved or amended and approved. If approved by the City Engineer, or required by the County Recorder, certain details placed on the Preliminary Plat for review purposes may be eliminated from the Final Plat.
2. Any explanatory notes, special considerations, or other unique requirements applicable to the proposed development. (2-7-07)
3. Indication of the use of all lots or parcels. (2-7-07)
4. The number of culinary and irrigation water shares transferred into the name of Payson City for the proposed development. The Final Plat will not be recorded until sufficient water for the proposed project has been transferred into the name of Payson City. (2-7-07)
5. All monuments erected, corners, and other points established in the field in their proper places. The monuments shall be made of brass and the legend shall indicate the diameter, length, and weight of the monuments.
6. A summary statement of the proposed subdivision including total project acreage, total area of each lot or parcel, the total number of units, acreage of open space, sizes and lengths of utility piping, and lane miles of road.
7. Owners dedication and consent to record as required by applicable State law. (3-21-01)
8. Signature blocks for endorsement by the Mayor, Planning Commission Chair, City Attorney, City Engineer, City Recorder, Fire Chief and County Recorder. ~~(3-5-03)~~ (7-19-17)
9. Signature blocks for endorsement by any private utility provider, special district, or other entity having statutory authority acknowledging their interest in the development and agreement with the information included on the plat. (2-7-07)

#### **20.29.3 Planning Commission Review of Final Plat**

The Final Plat shall be included in the Planning Commission packet for review prior to the Final Plat

review by the City Council. No action is required by the Planning Commission. Planning Commissioners may review the Final Plat to ensure that all conditions of the staff, Planning Commission, and City Council have been satisfied, for compliance with the Preliminary Plan approval and conditions, if any, and all other requirements of this Title. Staff will also include information pertaining to the Final Plat review by the City Council. Although the City Council is not required to hold a public hearing, they may receive comment on the Final Plat ~~from any Planning Commission member~~ at their regularly scheduled meeting. (7-19-17)

#### **20.29.4 City Council Approval of Final Plat**

Following the preparation of a Final Plat, the City Council shall review the plat at a regular meeting within four (4) weeks of submission to the Development Services Department. The City Council shall review the Final Plat to ensure that all conditions of the staff, Planning Commission, and City Council have been satisfied, for compliance with the Preliminary Plan approval and conditions, if any, and all other requirements of this Title. After review of the Final Plat and consideration of any testimony or exhibits presented at the public hearing of the Preliminary Plan, the City Council shall approve, amend and approve, approve with conditions, remand the item back to the Planning Commission for further discussion, or deny approval of the Final Plat.

The City Council shall not approve any Final Plat until all review fees have been paid in full according to the fee schedule adopted by the City Council.

#### **20.29.5 Dedications**

At the time of Final Plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the City Attorney.

Any dedication of property shall be first accepted by a motion of the City Council at a regular meeting of the Council. The conveyance of the property shall be completed by Warranty Deed indicating all liens, encumbrances and other stipulations.

Prior to the dedication of any property to Payson City and acceptance of the dedication by the City Council, all assessments and taxes, including farmland assessments (also known as roll-back or greenbelt taxes), shall have been paid in full. This applies to the dedication of streets and other rights-of-way, parks and other open space, and any other dedication intended for use by the public. (9-1-04)

#### **20.29.6 Proof of Utility Service**

The Final Plat shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts, if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the City Council upon Preliminary Plan approval. In order to satisfy these provisions, a letter of recognition from the service provider on their letterhead shall be provided to the City. These utilities include, but are not limited to, Comcast, CenturyLink, Nebo School District, Questar, and the United States Post Office. Where appropriate, the applicant will be required to obtain letters of recognition from the Strawberry Water Users Association, the Strawberry Electric Service District, the High Line Canal Company, the Oldfield Irrigation Company, and the Salem Canal Company. (8-7-02)

#### **20.29.7 Outstanding Obligations**

At the time of Final Plat approval, the applicant shall provide evidence that all property taxes are current and that no other debts or obligations are outstanding and ~~no~~ all liens or encumbrances have been appropriately addressed. Each applicant shall provide a completed tax exempt form for any property intended to be dedicated to Payson City. Any property dedicated to Payson City shall be completed by Warranty Deed or other instrument acceptable to the City Attorney to ensure that all taxes, including Farm Land Assessment Act or "roll back" taxes have been paid and encumbrances satisfied on the property proposed for dedication. (2-7-07)

#### **20.29.8 Signing and Recording of Final Plat**

The Mayor, City Engineer, City Recorder, Fire Chief, Development Services Director and all owners of property within the subdivision shall endorse approval on the original reproducible Mylar after all improvement guarantees have been approved by the City Council, and all conditions of approval imposed by the City Council pertaining to the plat(s) have been satisfied. The plat shall also contain a signature block for the County Recorder and any private utility provider, special district, or other entity having statutory authority. (2-7-07)

The City shall be responsible for recordation of the original Mylar plat in the office of the Utah County Recorder within ten (10) days of the date of the signature of the Mayor. Simultaneous with the filing of the plat by the City, a licensed title company employed by the applicant shall record the agreement of