

## **Title 20 Development Standards and Subdivision Ordinance**

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### **20.1 Title**

These standards and regulations may be known, cited and referred to as the Development Standards and Subdivision

Regulations, or the Subdivision Ordinance of Payson City, Utah.

## **20.2 Introduction and General Provisions**

- 20.2.1 Burden of Proof
- 20.2.2 Assumption of Validity
- 20.2.3 Licensed Contractors, Surveyors, Engineers

Developments in Payson shall be designed for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace. Land shall not be subdivided, ~~or~~ developed, or annexed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or cannot be provided, the development will not be allowed. (12-19-18)

Proposed public improvements shall conform to the General Plan, Streets Master Plan, Official Zoning Map, Development Guidelines, and the capital improvement program of Payson City. It is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes adopted by the State of Utah and Payson City, the Zoning Ordinance and other development ordinances of the City, the General Plan, Official Zoning Map, and capital improvement program as they are adopted and may be amended. (12-19-18)

### **20.2.1 Burden of Proof**

For all proceedings in regard to development approval under this Title or amendments to this Title, the burden of proof showing satisfaction of all requirements shall rest with the applicant or authorized agent of the proposed development or amendment. The requirements and standards set forth herein are the minimum acceptable standards for development within Payson. (12-19-18)

### **20.2.2 Assumption of Validity**

The City will assume that all information provided is accurate and valid. If any information provided to the City is found to be outdated, false, or in any way misleading, the application for development approval may be denied or revoked by the city council regardless of previous approvals. If it can be shown that the applicant or authorized agent knowingly submitted false or misleading information during the approval process, the city council may charge the applicant or authorized agent with a Class C misdemeanor offense.

the City Council; and the approved plat is filed and recorded in the office of the Utah County Recorder, if applicable. (12-19-18)

No building permit or certificate of occupancy will be issued for any lot or parcel that was created by subdivision after the effective date of, and not in conformity with, the provisions of these regulations or approved under a prior subdivision ordinance adopted by the city council. No excavation of land or construction of any public or private improvements shall occur except in conformity with the applicable Payson City regulations. (12-19-18)

No owner, or agent, of any lot or parcel of land located in a subdivision shall transfer or sell any lot or parcel before a Final Plat has been approved by the land use authority in accordance with the provisions of these regulations, and filed in the office of the Utah County Recorder. The subdivision of any lot or parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted and shall be considered null and void. The City may approve metes and bounds descriptions for purposes of boundary line adjustments and resolving conflicting boundary descriptions. (12-19-18)

Any person, firm, or corporation who fails to comply with, or violates, any of these provisions shall be guilty of a Class C misdemeanor. Appropriate actions and proceedings may be taken in law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct, or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to a Class C misdemeanor.

#### 20.5.1 Private Property Disputes

Payson City does not have jurisdiction to resolve the following private property issues during the development review process:

1. Property line location, property overlaps and gaps, or other survey or property line irregularities.
2. Negotiations or arrangements between non-City utility providers and developers. (8-7-02)
- ~~2.3. Any and all other land or utility disputes not involving City owned right-of-way or utilities.~~

### 20.6 Interpretation, Conflict, and Severability

- 20.6.1 Interpretation
- 20.6.2 Conflict with Other Provisions
- 20.6.3 Equivalent Residential Units Defined
- 20.6.4 Severability

#### 20.6.1 Interpretation

These regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. The burden of proof shall, in all proceedings pursuant to this Title, rest with the proponent of an application for development approval. Any dispute arising from the administration of this Title shall be forwarded to the city council for resolution.

#### 20.6.2 Conflict with Other Provisions

This Title is intended to be consistent with all other laws, ordinances and resolutions of Payson City, specifically including the following:

1. The Payson City General Plan and General Plan Map.
2. Title 19 of the Payson City Code, also known as the Zoning Ordinance.
3. Title 21 of the Payson City Code, also known as the Sensitive Lands Ordinance.
4. The Payson City Development Guidelines. (12-19-18)

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or imposes higher standards shall control. Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of an easement, covenant, or private agreement or restriction impose duties and obligations more restrictive than these regulations, then the private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided, however, that the City is under no obligation to enforce private restrictive covenants and conditions.

#### 20.6.3 Equivalent Residential Units Defined

1. Equivalent Residential Unit (ERU) – A calculation to determine the impact of a development in comparison with single-family residential units. An ERU is equal to one (1) single-family unit. Each Payson City utility will have unique ERU 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

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- quarter (¾) 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 and development 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. (12-19-18)

The procedures set forth in this Title are intended to supersede any inconsistent procedural provisions in previous 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 land use applications are subject to termination as set forth herein. (12-19-18)

### 20.8 Amendments to this Title

- 20.8.1 Amendments
- 20.8.2 Petition for Amendment
- 20.8.3 Public Hearing before Planning Commission
- 20.8.4 Action by Planning Commission
- 20.8.5 Action by City Council (7-19-17)
- 20.8.6 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 hearing on all proposed amendments shall be held by the planning commission in accordance with §10-9a-~~503-502~~ Utah Code Annotated, 1953, as amended. The following amendment process is intended to be consistent with those provisions. ~~(7-19-17)~~ (5-18-2022)

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 Public 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-residents~~ or property owners affected by the change. Notice of the hearing shall be given as set forth in Section ~~20.8.7~~ 20.8.6 of this Title. ~~The notice shall generally state 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. (12-19-18) (5-18-2022)~~

#### 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 may 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 or staff~~ has requested the matter be tabled for further consideration, or the petition is withdrawn. If the planning commission fails to ~~make a timely recommendation, 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. ~~(5-18-2022)~~

#### 20.8.5 Action by City Council

Following 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 proposed amendment. The recommendations of the planning commission are advisory only and the city council may or may not 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. (7-19-17) (5-18-2022)~~

#### 20.8.6 Notice Requirements

~~Notice of hearings before the planning commission concerning amendments to this Title shall be provided in accordance with Utah Code §10-9a-205. 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:~~

##### 20.8.6.1 Posted Notice

~~Staff 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)~~

##### 20.8.6.2 Published Notice

~~Published notice, at the applicant's expense, shall be given by publication in a newspaper having general circulation in Payson. 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. (12-19-18)~~

#### 20.8.6.3 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 Boundary Line Adjustment and Lot Combination

In some instances, it becomes necessary to vacate, alter or otherwise modify the dimensions of existing lot lines. When such alterations involve several lots or parcels, a plat amendment is appropriate; when easements or right-of-ways are involved, a vacation process is necessary; and in circumstances that only involve adjacent owners, a lot line adjustment is adequate. The purpose of this Chapter is to clarify these processes.

#### 20.9.1 Vacation, Alteration or Amendment of Subdivision Plat

The city council may, on its own motion, a recommendation of the planning commission, or pursuant to a petition, consider any proposed vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in §10-9a-608 and §10-9a-609 of Utah Code, Annotated, 1953, as amended. If the city council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment and there is good cause for such action, the city council may vacate, alter, or amend the plat, any portion of the plat, or any street or lot. (2-20-13)

The planning commission may act as the land use authority when the vacation, alteration, or plat amendment does not require the vacation, alteration or amendment of a street, right-of-way, or easement. (12-19-18)

20.10.4.1 Open Space

20.10.4.2 Attractive Elevations – Variety

20.10.4.3 Exterior Materials

~~20.10.4.3~~ 20.10.4.4 Setback Requirements

**20.10.4.1 Open Space**

Each Planned Residential Development is required to contain at least ten (10) percent open space that may contain recreation activity areas, picnic pavilions, gazebos, water features, playgrounds, or landscaped areas. However, land used to provide storm retention basins shall not be used to satisfy the ten (10) percent open space requirement.

The open space may be held in common, administered by a homeowner's association, dedicated to the City upon acceptance by the city council, or used to provide amenities in the development. Maintenance of the open space is the responsibility of the owner of the development, if held in single ownership, or a homeowner's association, if the dwelling units are sold separately, unless dedicated to the City and accepted by the city council.

Each applicant for a Planned Residential Development shall, as part of the application, submit a detailed improvement plan indicating the landscaping, trails, facilities, and other amenities proposed in the development. Furthermore, if any open space area is anticipated to be dedicated to Payson City, the landscaping materials, sprinkling system and other improvements shall be completed in accordance with any design or improvement standards adopted by Payson City.

**20.10.4.1.1 Open Space Transfer**

The city council may consider an alternate open space plan for the development. For example, the open space requirement may be satisfied outside the development in exchange for payment by the applicant equal to the fair market value of the property and associated improvement costs to be used in the purchase or complete improvements of a larger regional open space facility.

**20.10.4.2 Attractive Elevations – Variety**

Each residential structure will include, at a minimum the following design elements:

1. A variety of elevations, roof types (i.e. mansard, hip, gabled, traditional), colors, materials, and other architectural features will be incorporated into the housing units eliminating or greatly reducing the impression of tract housing.
2. Garage doors will not be the most prominent feature of the structure. Side entry garages that do

not face public streets, garage doors that are recessed from the front of the structure, or other creative solutions are highly encouraged.

3. Dwellings with the same or similar elevations will not be placed adjacent to each other or across the street from dwellings with the same or similar elevations except when the applicant is approved to have limited variation by the city council in a Planned Residential Development

Failure to incorporate these minimum design standards into the proposed structures in the development may result in denial of the request for a Planned Residential Development.

**20.10.4.3 Exterior Materials**

The materials used to construct the structures in a Planned Residential Development will represent an upgrade from typical construction practices. At a minimum, all residential structures within a Planned Residential Development will include at least eighty (80) percent hard surface exterior materials defined as brick, stucco, stone, cementitious siding or approved equal products.

Notwithstanding the provisions above, and by their legislative authority, the city council may allow exterior materials other than those listed above (i.e. vinyl siding, engineered simulated wood siding) to be used in the Planned Residential Development. It shall be the applicant's responsibility to demonstrate that the use of alternative products will complement and enhance the architectural style and overall character of the development. The following criteria will be used to determine if the exterior materials will enhance and complement the development.

- The use of other materials should serve to increase the variety of housing options and reduce monotony of housing design.
- The amount of information provided by the applicant such as detailed renditions indicating colors, building materials, elevations and other architectural features.
- A percentage of dwellings that will be constructed in the project using specific elevations, colors and building materials.
- The anticipated durability and maintenance aspects of the proposed materials and any methods incorporated to ensure on-going maintenance.

**20.10.4.4 Setback Requirements**

The setbacks for each lot in a Planned Residential Development must be consistent with the requirements outlined in the underlying zone, unless

the applicant can demonstrate the following:

1. The alternate setbacks will provide for a development pattern and placement of structures that improve streetscape design, pedestrian connections, and front entry design; and
2. The required off-street parking spaces meet the minimum setback requirements of the underlying zone; and
3. All buildings, structures, and off-street parking shall be designed to maintain required clear view area, recorded easements, and unobstructed pedestrian facilities.

The city council is not obligated to approve a request for alternate setbacks. Any approved reductions must be ratified in an agreement approved by the city council.

1. The frontage and lot area requirements may be allowed to be modified for all lots or parcels within the Planned Residential Development except those located directly across a public street from a development that satisfies the frontage requirements of Title 19, Zoning Ordinance.  
Each single-family lot shall have a minimum lot frontage of sixty-five (65) feet. Under no circumstances shall a single-family lot be smaller than 6,500 square feet.
2. The density of the development shall be equal to the total project density in accordance with Section 20.10.7 whether consistent with Title 19, Zoning Ordinance or not.

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#### **20.10.12 Coordination of PRD Application with Subdivision Approval**

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It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Planned Residential Developments. Any project falling under the jurisdiction of Title 21, also known as the Sensitive Lands Ordinance, may be subject to additional requirements and regulations as outlined in that Title.

The city council may, upon finding that it is in the best interest of Payson City, require any subdivision or residential project that contains ten (10) or more lots or residential units be processed as a Planned Residential Development. PRD applications which permit uses of land, and density of buildings and structures different from those which are allowed as a right within the zone district in which the land is situated, or the application entails the division of the land, vacant or improved, into two (2) or more lots or parcels for the purpose of sale, lease, or development whether residential or nonresidential, subdivision approval of the application shall be required by the city council. In such a case, at the time of final approval, the property within the PRD will be assigned the appropriate zone. If approved by the city council, a PRD with mixed uses will not be considered a spot zoning.

##### **20.10.12.1 PRD Submission and Approval Requirements**

An application shall be submitted to the Development Services Department for any Planned Residential Development on forms available from the Development Services Department. Additionally, all Planned Residential Development projects will be required to submit applications and provide all information required by the Concept Plan, Preliminary Plan and Final Plat as set forth herein. After a meeting with the staff or, if deemed appropriate, the planning commission, the applicant may prepare and submit an application for Preliminary Plan approval.

#### **20.10.9 Total Project Density**

Total project density shall not exceed the base densities outlined in Section 20.10.3. However, individual lots may be smaller than those typically permitted in the underlying zone, provided the average density of the total number of lots in the PRD does not exceed the base density of the corresponding zone.

#### **20.10.10 Types of Units Allowed in Zoning Districts**

Although Planned Residential Developments (PRD) are allowed in most agricultural and residential zones of the City, the types of units are restricted in the following zones.

- A-5 Single family detached dwellings only
- R-1-A Single family detached dwellings only
- R-1-20 Single family detached dwellings only (3-5-14)
- R-1-15 Single family detached dwellings only (3-5-14)
- R-1-12 Single family detached and twin home dwellings only
- R-1-10 Single family detached dwellings, twin home and townhome (separate ownership, not apartments) dwelling units only
- R-1-9 Single family detached, twin home, duplex and townhome (separate ownership, not apartments) dwellings only
- R-1-75 Single-family detached, twin home, duplex, townhome, and apartment (rental) dwellings only
- R-2-75 All standard residential dwelling types

#### **20.10.11 Relationship of PRD to This Title and Other Development Ordinances of Payson City**

This Section is intended to be supplementary to the other provisions of this Title. Unless specifically indicated in this Section, all requirements of this Title and any and all other development ordinances of Payson City must be satisfied with the following exceptions:



expire. The exercise of development rights shall be evidenced by:

- a. issuance of a building permit, or
  - b. recordation of a plat, conditional use permit, or all required documents.
4. Once an application has been approved, the applicant shall meet all conditions of approval. An applicant's failure to complete said conditions shall constitute a knowing and willful waiver of the development rights that were authorized by the approval.
5. The City may extend the expiration date of an inactive application or approval for ninety (90) days beyond the original expiration date provided that:
- a. the applicant provides a written request detailing an action plan with a timetable for completion,
  - b. the planning commission or its designee finds, based on substantial evidence placed in the record:
    - i. substantial progress is being made toward obtaining approval of the application, or the exercise of development rights authorized by an approved application, as the case may be;
    - ii. in the case of an unapproved application, no changes to this Title or Title 20, Payson City Code, have occurred or are being considered that may affect the application; and
    - iii. in the case of an approved application, any conditions of approval are still viable based on currently applicable requirements of the Payson City Code.
    - iv. Time extensions for an application considered inactive shall not combine to more than twelve (12) additional months from the original expiration date.

## 20.12 Appearance Before Boards, Commissions and Councils

### 20.12.1 Public Notice

All persons speaking before any City agency, department, committee, commission, board or the city council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the representative is associated with the architect or engineer whose name appears on the plans or if the owner is present. The land use authority or staff may request an agent to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions or representations concerning the project. (12-19-18)

### 20.12.1 Public Hearing and Public Notice

Notice of ~~public hearings and public meetings~~ before the planning commission ~~and city council~~ concerning ~~amendments to this Title, subdivision plat approval, conditional use permits,~~ Planned Residential Development approvals, appeals, variances and other requests of actions of the Board of Adjustment, and any other notice required by these regulations shall be provided in accordance with ~~Utah Code, this Section. Notice shall be given at least fourteen (14) days before the date set for the hearing. Notice of amendments or vacation of subdivision plats, when required, shall be given in accordance with state law. All notice required under this Section shall be given as follows:~~

#### 20.12.1.1 Posted Notice

~~The staff shall post notice in at least two public places within the City, stating that an application has been filed, a brief summary of the application, and that more detailed information concerning the application is available from the Development Services Department. At least one posted notice shall be located at a public place other than the City building, such as the Post Office.~~

#### 20.12.1.2 Published Notice

~~Published notice, at the applicant's expense, shall be given by publication in a newspaper having general circulation in Payson. Published notice shall state that an application has been filed, the nature of the application or action, and the time, place and date set for a public hearing on the matter. The published date of the notice, not the date of submittal to the newspaper, must satisfy any notification timing requirements designated in this Title.~~

#### 20.12.1.3 Courtesy Notice

##### 20.12.1.3.1 Exception

~~As a courtesy to property owners, the applicant shall provide the City with stamped and pre-addressed envelopes city staff will send notice to for each owner of record of each parcel located entirely or partly within five hundred (500) feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County, together with a mailing list for those owners. The addresses shall be as shown on the most recently available Utah County tax assessment rolls. The courtesy notice may include shall state that an application has been filed, the nature of the application or action, and the time, place and date set for a public hearing on the matter. Courtesy notice is not a legal~~

requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the city council or any board or commission. ~~(12-7-16)~~ (5-18-2022)

~~If, at the request of the applicant, the planning commission, or city council, the public hearing is tabled, struck from the agenda, or otherwise canceled, the applicant may be required to provide the City with an additional set of stamped and pre-addressed envelopes to notify each owner of record of a rescheduled public hearing. (12-7-16)~~

#### 20.12.1.3.1 Exceptions

~~A subdivision of three (3) lots or less, situated along an existing, improved right of way, shall only be required to provide courtesy notice to the owners of property within two hundred fifty (250) feet of the proposed subdivision. Furthermore, when a project is proposed within three hundred (300) feet of another municipality, the applicant shall provide notice to property owners within three hundred (300) feet of the proposed development. The applicant must satisfy all other notice requirements of this Title. (1-23-08)~~

### **20.13 Vesting of Zoning Rights**

#### **20.13.1 Exceptions**

Upon payment of the required application fees and submission of a completed application, that includes all information requested by the city council, planning commission and staff in order to complete a reasonable review of the project, an applicant shall be entitled to have the application reviewed and acted upon pursuant to the terms of this Title. Vesting is usually indicated by approval of the Preliminary Plan by the city council and is subject to the exceptions set forth below. The applicant may take advantage of amendments to this Title that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and require the payment of additional planning review fees and loss of vesting.

For the purposes of this Title and in particular this Chapter, vesting of zoning rights entitles an applicant to only the use, density and general configuration of the Preliminary Plan approved by the city council. ~~(5-5-04)~~

For the purposes of this Title, a complete application includes all documentation required by this Title, other relevant laws and ordinances of Payson City, relevant state and federal laws, and any other information deemed necessary by the planning commission, and city council to complete a thorough review of the proposed project and

make a well-informed decision. Following review of the Concept Plan, staff will inform the applicant of any additional information required by the staff for their review. The planning commission and city council will complete a review of the Preliminary Plan to determine if any additional information is required in order to properly review the Preliminary Plan. The planning commission will review the Preliminary Plan and recommend approval, approval with conditions, or denial of the Preliminary Plan. The city council will review the Preliminary Plan and make a finding of whether or not the applicant has completed the application process. If the city council determines that an applicant has completed the application process, the applicant will be deemed vested under the development ordinances in effect on that date. ~~(12-19-18)~~

An applicant may not appeal the need to provide information required by this Title or any other City ordinance, or any state or federal law. ~~(12-19-18)~~

Non-subdivision related matters, including, but not limited to, site development standards, procedural requirements and building code requirements will not vest until complete building permit applications have been filed and required fees have been paid. Water and sewer connection availability, costs of water and sewer connection and water development fees, applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit.

#### **20.13.1 Exceptions**

Applicants shall not be entitled to project review and approval of applications pursuant to the terms of this Title, when revisions to this Title are pending that would prohibit or further condition the approval sought, or when there is a compelling reason for applying a new standard or requirement retroactively to the time of application.

### **20.14 Plat Approval**

- 20.14.1 Owner's Execution
- 20.14.2 Contents of Plat
- 20.14.3 Submission
- 20.14.4 Recording
- 20.14.5 Effect of Approval

All projects requiring the recording of a subdivision plat or recording of a survey map under applicable City and State law shall conform to the following standards before approval will be granted by the City:

#### **20.14.1 Owner's Execution**

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service standards shall be measured in accordance with the adopted level of service standards set forth herein as may be amended from time to time. The staff, planning commission, or city council may request additional information from the applicant to address the adequacy and availability of public facilities.

#### 20.15.1.3 Level of Service (LOS) Standards

The level of service (LOS) standards by which the adequate public facilities requirement shall be measured are as follows:

1. **Culinary Water System.** Source, treatment, storage, transmission and distribution capacity and sizing to accommodate peak instantaneous flows with a minimum of twenty (20) pounds per square inch (psi) pressure existing in the system at all points.
2. **Secondary Water (Pressurized Irrigation).** Source, storage, transmission and distribution capacity, and sizing to accommodate peak instantaneous flows with a minimum of forty-five (45) pounds per square inch (psi) dynamic pressure.
3. **Sanitary Sewer System.** No surcharge shall result in the lines servicing the proposed development by the increased flows anticipated to be generated by the proposed new development.
4. **Storm Drainage and Flood Control Facilities.** Compliance with design standards for storm drainage, including surface and subsurface, and flood control facilities as required by the Development Guidelines. (12-19-18)
5. **Transportation Facilities.** All existing roads adjacent to, or impacted by, the proposed development shall be capable of accommodating the anticipated traffic loads generated by the proposed development for a twenty (20) year design period. The City has adopted a Level of Service "C" for all City roads and streets.
6. **Parks and Related Recreational Facilities.** Parks and related recreational facilities shall be available at the adopted level of service.

#### 20.15.1.4 Non-Compliance with Adequate Public Facilities Requirement

If it is determined that Adequate Public Facilities will not be available at the specified level of service (LOS) within a reasonable period of time of potential development approval, the city council may:

1. Deny development approval.
2. Defer final development approval and the issuance of building permits until all necessary public facilities are adequate and available.
3. Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities.

4. Allow the applicant to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and satisfy applicable level of service (LOS) standards by entering into an appropriate form of agreement, which may include, as appropriate, provisions for credits or reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.

#### 20.15.2 Infrastructure Review

Although the City endeavors to provide infrastructure that will adequately service subdivisions, developments and structures because of size, type of construction, or lot characteristics may present peculiar or excessive demands on City infrastructure. For these reasons, the developer is responsible to perform an impact analysis in a form and methodology acceptable to the City to determine the possible impacts on infrastructure.

In order for the City to determine whether existing infrastructure is adequate or what additional infrastructure is needed to satisfy the particular needs of certain developments, sizes of buildings and structures that are permitted uses in the zone, the following proposed developments, buildings and structures are subject to the review process for impact on existing infrastructure:

1. Commercial or multifamily buildings or structures previously classified under the International Building Code as Class III, IV or V construction, greater than 10,000 square feet.
2. Buildings or structures that are required to have fire-sprinkling systems under City ordinance or resolution.
3. Buildings or structures located on lots with an average slope of more than fifteen (15) percent.
4. Industrial or manufacturing facilities that deal with products or processing materials that are or could become explosive, flammable or toxic according to the adopted Fire Code.
5. Subdivision or Planned Residential Development projects with ten (10) or more dwelling units, or parcels.
6. Development projects that require the extension of any public infrastructure for a distance of one thousand (1000) feet.

#### 20.15.2.1 Scope of Review

For proposed developments, buildings, structures or uses that are permitted or conditional uses in the zone in which the building or structure is proposed, the review shall include the determination of the ability of existing City infrastructure to provide adequate water

for culinary, irrigation and fire flow purposes, the proper handling of storm drainage, slope preservation, mitigation of impact on roads by construction and permanent traffic, impact on electrical facilities and ensuring safe access for users and emergency vehicles in accordance with City codes, standards, and all other adopted ordinances. For conditional uses or Planned Residential Developments in the zone in which the development, building, structure or use is proposed, the infrastructure review is a part of the regular conditional use or Planned Residential Development review process specified below and may involve additional regulations.

In addition to the developments listed in Section 20.15.2 above, developments, buildings and structures that are permitted or conditional uses in the zone proposed and not subject to zoning or use review, are subject to review for impact on existing infrastructure according to the standards described in this Section. The following review procedure shall be followed:

1. Upon making an application for development approval or a building permit, the applicant shall supply the City with plans and specifications sufficiently detailed to determine whether the proposed project, building(s), or structure(s) are subject to further infrastructure review. If, according to the standards found in this Section, any proposed development, building or structure triggers infrastructure impact review, then development approval or approval of a building permit shall not be issued until the impact of the proposed development, building or structure on existing City infrastructure is determined and what, if any, additional infrastructure is necessary.
2. For any application for a building permit that requires infrastructure impact review, the City may request from the applicant any additional studies, plans, surveys, specifications and information necessary to review the infrastructure impacts. Refer to the Payson City Development Guidelines for the information required to accompany an application. The following types of information may be requested by staff to the extent relevant:

#### **20.15.2.1.1 Impact on Drainage:**

1. ~~A map of the site showing the existing conditions prior to the demolition of any existing structures, any grading, and any known geologic or natural hazards.~~
2. ~~Topography with contours shown at intervals of not more than two (2) feet of the site and as the site adjoins contiguous properties.~~
3. ~~Vegetation type and location, and soil type and load carrying capacity information.~~
4. ~~One Hundred (100)-year flood plain and high~~

~~ground water areas, known spring and seep areas and ditches or canals.~~

5. ~~All existing roads and proposed road locations and other circulation features, fences, irrigation ditches, and drainage facilities.~~
6. ~~Location and size of the nearest storm drain facilities the site could drain to, water lines and sewer lines, where the developer proposes to connect to the existing drains, and proposed drainage, drainage works, detention ponds, retaining walls, and erosion control plans.~~
7. ~~Site plan of the proposed buildings and structures showing building locations and finished grades.~~

#### **20.15.2.1.2 Impact on Water, Fire Flows and Sewage:**

1. ~~Location and size of the nearest water main and sanitary sewer lines to the project to which the project can drain or be supplied and how the applicant proposes to connect to the systems.~~
2. ~~Site plan and floor elevations (including building height) of all proposed buildings and structures showing building locations, construction type and materials.~~
3. ~~Proposed easements for new utility services or relocated utility services.~~
4. ~~Fire hydrant locations, building sprinkling plans and water demand for fire flows. Estimated peak culinary and irrigation water demands.~~
5. ~~Other specific information and technical data and opinions that, in the opinion of staff, are necessary for the meaningful review of the project.~~

#### **20.15.2.1.3 Impact on Slope Retention:**

1. ~~Topography existing before construction and proposed finished grades, both on the site and as they relate to adjoining property.~~
2. ~~Proposed drainage, drainage works, retaining walls, and erosion control plans including proposed landscaping.~~
3. ~~Detailed construction drawings and supporting documentation of any and all structures sufficient to demonstrate compliance with applicable standards, codes and ordinances; or general architectural concept drawings of proposed buildings showing cuts and fills.~~
4. ~~Other specific information and scientific data that in the opinion of the staff is necessary for the meaningful review of the project.~~

#### **20.15.2.1.4 Impact on Streets and Pedestrian**

**Facilities:**

- ~~1. A site plan that coordinates pedestrian connections, sidewalks, and bike paths if any such pedestrian facilities are shown on the Trails Master Plan or the Streets Master Plan as they are currently adopted.~~
- ~~2. Estimated truck traffic trip numbers for construction traffic.~~
- ~~3. If requested by the city engineer, the project applicant shall submit reproducible measurable pavement quality testing analyses for each street that will be utilized by any traffic generated by or relating to the proposed project, including but not limited to construction traffic. Such analyses will be submitted both before permit issuance and before building occupancy and shall use a nationally recognized pavement quality testing machine as approved by the city engineer. Such analyses will be used to determine construction impacts on existing streets at the end of construction so that repairs can be made at the expense of the project proponents to return the pavement to its original quality prior to dedication to the City.~~

**20.15.2.1.5 Impact on Electrical Facilities:**

- ~~1. A site plan indicating the location of existing distribution lines both underground and overhead.~~
- ~~2. Capacities of current power facilities that will serve the proposed development. The applicant should indicate both line size and present utilization of the power facilities.~~
- ~~3. A site plan indicating all power line easements to and within the proposed development.~~
- ~~4. An estimate of the amount of electrical power needed for each proposed unit.~~

**20.15.2.2 Department Action**

Within thirty (30) working days from the receipt of the complete application including all requested information for infrastructure impact review, the staff shall review the project and determine whether existing infrastructure is sufficient to adequately serve proposed buildings or structures. If the data is sent to an engineer or other consultant for determination of impacts, the applicant shall pay the costs associated with the professional review.

If the existing infrastructure is adequate to serve the proposed buildings or structures, then development approval or a building permit shall be issued in accordance with the building code in effect at the time of such issuance and City ordinances. If upon review,

existing infrastructure is found to be inadequate to serve any proposed developments, buildings or structures, development approval or the building permit shall be withheld. At the option of the City, the applicant may either:

1. Change the type, scale or location of any proposed buildings or structures in such a manner that existing infrastructure may adequately serve the proposed development, buildings or structures.
2. Provide, at applicant's expense, the additional infrastructure necessary to adequately serve the proposed buildings or structures according to designs and specifications approved by the City.
3. Pay a proportionate share of a City project that would mitigate the impact as detailed by the city council or staff.
4. Upon submission of plans changing the type, scale or location of any or all proposed buildings or structures in such a manner that existing infrastructure is adequate to serve all proposed buildings or structures; or upon submitting plans for additional infrastructure and a letter of credit or escrow agreement to the City for the full cost of the additional infrastructure required as estimated by the city engineer, development approval or a building permit shall be issued in accordance with City codes and ordinances.

**20.15.2.3 Appeal and Review**

If the applicant does not agree with the determination of staff that existing infrastructure is inadequate or with the requirement for additional infrastructure, the applicant may request city council review. The city council is empowered to affirm, reverse or modify the determination of staff. All actions regarding infrastructure impacts and requirements of the planning commission or staff may be appealed to the city council.

If the staff has not acted on an application or has not indicated to the applicant what existing infrastructure is inadequate within thirty (30) working days after complete information submission, the application shall be forwarded to the planning commission for determination of adequacy of existing infrastructure.

**20.15.2.4 Transferability**

The infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site.

**20.15.2.5 Expiration**

If a building permit is not obtained within one (1) year from the date of approval, then the infrastructure

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Guidelines document. All plans shall be designed in accordance with current City, State and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the development. Off site improvements necessary to satisfy impacts imposed by the development on the City Sewer Facilities are the responsibility of the applicant. (12-19-18)

Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the Development Guidelines. Individual disposal systems or treatment plants (private or group disposal systems) shall not be permitted in an area of the City serviced by the sewer system and within one thousand (1000) feet or less of that system as measured from the development property line closest to the system lines. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the Development Guidelines. All sewer laterals shall include clean outs. (12-19-18)

In order to properly maintain sewer lines, all sewer lines shall be installed at a five (5) percent slope or less. (3-21-01)

Where a development includes existing structures that are connected to City services, the applicant shall be required to upgrade the existing connections to satisfy current standards. (12-19-18)

#### 20.22.1 Extension of Infrastructure

All sewer facilities shall be extended to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions, or unless the city council determines that the extension is not necessary or desirable for the coordination of the layout of the development with the existing layout or the most advantageous future development of adjacent tracts. (12-19-18)

### 20.23 Sidewalks, Curbs, Trails, and Paths

- 20.23.1 Location
- 20.23.2 Improvements
- 20.23.3 Trails and Paths

#### 20.23.1 Location

Sidewalks shall be located within the public right-of-way unless an alternate location has been specifically approved by the city council. In many cases pedestrian paths separate from the road right of way may be preferable. Concrete curbs are required for all roads where sidewalks are required by these regulations and run along roads or where required in the discretion of the city council. (3-3-21)

#### 20.23.2 Improvements

Sidewalks shall be constructed of concrete at least ~~four~~ **six (46)** inches thick and not less than five (5) feet wide, and shall be designed to best facilitate their assumed use and serve the public interest and safety. If existing curb, gutter and/or sidewalk is determined by the city engineer to be a public hazard or is in poor repair, the applicant shall restore and/or repair the curb, gutter or sidewalk in a manner consistent with the Development Guidelines. (12-19-18)

#### 20.23.3 Trails and Paths

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with the Trails Master Plan and where otherwise necessary as determined by the city council. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Trails shall be built to City specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the city council determines otherwise, in which case cash deposits shall be required. Unless otherwise approved, all trails and paths shall be hard surfaced with either asphalt or concrete. (3-21-01)

### 20.24 Electric Facilities

#### 20.24.1 Strawberry Electric Service District Facilities

Developments in Payson will be serviced by the Payson City Power Department. The layout and design of the electric system will be completed by a licensed electrical engineer at the expense of the applicant. All requirements and regulations regarding the installation of electrical facilities can be found in Title 13 of the Payson City Code. (12-19-18)

Each electrical plan shall indicate the placement of an additional four (4) inch PVC conduit located adjacent to the conduit for the electrical system for future use by Payson City. (5-5-04)

Where a development includes existing structures that are connected to City services, the applicant shall be required to upgrade the existing connections to satisfy current standards. (12-19-18)

Following final approval, the applicant will be required to submit a twenty-four (24) inch by thirty-six (36) inch copy of the approved electrical layout. The applicant will need to submit an electronic copy of the electrical layout in a

format acceptable to the Power Superintendent. (12-19-18)

#### **20.24.1 Strawberry Electric Service District Facilities**

All applicants will be required to satisfy the obligations of an agreement reached between Payson City and the Strawberry Electric Service District dated March 25, 1998. Any costs associated with the satisfaction of the obligations in the agreement will be the responsibility of the applicant for development approval. (12-19-18)

### **20.25 Easements and Other Utilities**

#### **20.25.1 Easements**

Utility facilities anticipated to provide service to structures that are not located on the property where the facilities are located or are anticipated to traverse a parcel of private property shall be located in an easement dedicated for the purpose of providing utility service. The easement shall grant ample access for maintenance and necessary upgrades to the facility.

Payson City is not obligated to provide, secure, purchase or otherwise ensure that easements across private property are obtained by an applicant for development approval. When an easement is recorded in favor of Payson City, the easement shall be recorded in the office of the Utah County Recorder and include access for maintenance and necessary upgrades of the City utility. (12-19-18)

Utility facilities including but not limited to gas, telephone, and cable TV, shall be located underground when underground location does not violate safety standards of the particular utility, and underground location does not impose any potential additional maintenance burden on City streets and water or sewer personnel in the opinion of the city council. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the applicant and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the city engineer.

~~In accordance with State statute, a subdivision plat may not be recorded until the applicant provides evidence to Payson City that a courtesy notice has been given to all utility providers, at least fourteen (14) days prior to recordation, regarding the planned easements. (9-1-04)~~

#### **20.25.1 Easements**

Each lot or parcel shall include a ten (10) foot utility easement adjacent to any public road and maintain a five (5) foot utility easement around the remaining perimeter of the lot or parcel. Proper coordination shall be

established by the applicant between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties. Existing lots, previously subdivided or sold in metes and bounds, shall provide a ten (10) foot utility easement adjacent to any public road and maintain a five (5) foot utility easement around the remaining perimeter of the lot when applying for a building permit. (12-19-18)

The subdivision plat shall include any necessary easements, rights-of-way or other public access instrument to address the following:

1. Drainage easements
2. Public and private irrigation facilities
3. Public and private utilities
4. Trails and recreation areas or facilities
5. Streets and access (3-3-21)

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least ten (10) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.

Where necessary to ensure proper access and maintenance, easement widths shall be increased as required by the city engineer.

### **20.26 Parks, Playgrounds, Recreation Areas, Historic Locations and Other Public Uses**

- 20.26.1 Required Park Area
- 20.26.2 Minimum Size of Park and Playground Reservations
- 20.26.3 Recreation Sites
- 20.26.4 Open Space Created by Clustering Not Included in Calculations
- 20.26.5 Historic Locations (2-16-05)
- 20.26.6 Other Public Uses

The planning commission and city council, in its review of each development, shall ensure that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated in the General Plan Open Space Element, requirements of this Title, or other areas where such reservations would be appropriate and the park would benefit the residents. Each reservation shall be of suitable size, dimension, topography, and general character and have adequate access for the particular purposes of the City. These areas shall be shown on the Final Plat. The developer will also be required to install improvements to the recreation areas that directly benefit the development. These improvements will be

space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation complete with an acreage tabulation of all open space areas.

8. The name and address of the owner or owners of land to be developed, the name and address of the applicant if other than the owner, and the name of the land surveyor and project engineer. (12-19-18)
9. Sufficient data acceptable to the city engineer to determine readily the location, bearing, and length of all lines which would enable the city engineer to reproduce the lines upon the ground, and the location of all proposed monuments.
10. Names of all new streets.
11. Indication of the use of all lots or parcels whether single family, two-family, multi-family, agricultural, commercial, open space as well as all uses other than those specified that are proposed by the applicant.
12. All information required by the planning commission or staff after review of the Concept Plan.
13. Explanation of drainage and site easements, if any.
14. Explanation of reservations and conservation easements, if any.
15. All utility facilities existing and proposed throughout the subdivision and details for connection to City infrastructure.
16. A plan designating limits of disturbance or building pads and utilities corridors and connections for each parcel and for subdivision improvements, such as utilities and roads.
17. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the additional property.
18. Indication of the nearest location of all public and private utilities.
19. Appropriate contour lines and an indication of all slopes greater than twenty (20) percent. (12-19-01)
20. A vegetation or revegetation plan as required by this Title.
- ~~21. The names and addresses of the property owners within one thousand (1,000) feet as shown on the County Assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the Assessor's Office showing the subdivision imposed thereon.~~
- ~~22-21.~~ Complete construction plans containing the information required in Section 20.28.3 herein, and any other information required by the planning commission or staff.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for denial of a Preliminary Plan.

#### 20.28.4 Construction Plans

Construction plans following the requirements outlined in the Development Guidelines shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be the same size as the Preliminary Plan. ~~These~~ The Development Guidelines are minimum requirements and other information may be required as the need dictates.

~~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 in the construction plans whether included in this list or not. Failure to show any feature required may result in denial of the plan. (12-19-18)~~

The following features, at a minimum, shall be shown on the Construction Plan:

- ~~1. Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.~~
- ~~2. Typical cross-sections of all proposed streets. (12-19-18)~~
- ~~3. Plans and profiles showing the locations of sidewalks, drainage easements, irrigation ditches, rights-of-way, manholes, and catch basins, street trees, street lights and signs, the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, fire hydrants, connections to any existing or proposed utility systems, and exact location and size of all water, gas, or other underground utilities or structures. All street monuments shall be indicated on the Construction Plans.~~
- ~~4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, swamps, wetlands, buildings, features noted on the Official Zone Map, point of connection to proposed facilities and utilities within the development, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the city engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary~~



- high-water mark of such waterways. (12-19-18)
5. ~~Topography at the same scale as the Preliminary Plan with contour intervals of two (2) feet, referred to sea-level datum. All datum provided shall be the latest applicable U.S. Geodetic Survey datum and should be so noted on the plat.~~
6. ~~All other specifications, details, and references required by the Development Guidelines, Construction Specifications, and Standard Drawings, including a site grading plan for the entire development. (12-19-18)~~
7. ~~Notation of approval by the owner, city engineer and all utility providers.~~
8. ~~Title, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.~~
9. ~~A limits of disturbance and revegetation plan.~~

#### 20.28.4.1 Format

The Construction Plans shall be prepared on a similar medium and be the same size as the Preliminary Plan. The applicant will provide three (3) complete copies of the Construction Plans to the City. The applicant shall also provide two (2) additional copies of the electrical layout and one (1) additional copy of the fire hydrant layout. The Construction Plans should provide signature blocks for and be signed by ~~the mayor, city engineer, and the applicant's engineer, and surveyor, architect, and/or any other licensed professional responsible for design of the project. After Final Project Approval, the Construction Plans will be reviewed and stamped "Approved for Construction" by the City Engineer. Major design changes after approval has been obtained must be revised, stamped, and re-submitted for approval. (7-19-00) (5-18-2022)~~

#### 20.28.4.2 Submission and Presentation

The Construction Plans shall be presented to the Development Review Committee 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. (12-19-18)

#### 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. Before the planning commission recommends approval of a Preliminary Plan showing land for public use ~~(either 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. (12-19-18) (5-28-2022)

The planning commission shall not recommend approval of any Preliminary Plan until all review fees have been paid in full according to the adopted fee schedule. 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 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. (12-19-18)

#### 20.28.7 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 reviewed by the city council. The city council may approve, amend and approve, approve with conditions, remand the application back to staff and/or the planning commission for further discussion, or deny approval of the Preliminary Plan and Construction Plans. 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. (12-19-18)

#### 20.28.8 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.

Preliminary Plan approval and conditions, if any, and all other requirements of the land use and development ordinances. 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 staff and/or the planning commission for further discussion, or deny approval of the Final Plat. (12-19-18)

The city council shall not approve any Final Plat until all review fees have been paid in full according to the adopted fee schedule. (12-19-18)

#### 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, Dominion Energy, 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. (12-

19-18)

#### 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 dedication together with such legal documents as shall be required to be recorded by the city attorney. ~~(2-7-07)~~ (5-18-2022)

#### 20.30 Assurance for Completion and Maintenance of Improvements (12-19-18)

- 20.30.1 Completion of Improvements
- 20.30.2 Performance Guarantee
- 20.30.3 Completion of Improvements In-Lieu of Posting Performance Guarantee
- 20.30.4 Change in Condition
- 20.30.5 Timeframe for Construction of Required Improvements—Extensions Permitted
- 20.30.6 Deferral Agreement
- 20.30.7 Temporary Improvements
- 20.30.8 Costs of Improvements
- 20.30.9 Acceptance of Dedication Offers

#### 20.30.1 Completion of Improvements