

City Council Staff Report July 20, 2022

**Project Name:**

Payson View Estates Phase 3

Applicant:

Ken Berg

Owner:

Various Owners

Location:

450 East 1500 South

Existing Zone:

R-1-10 Residential Zone and
R-1-12 Residential Zone

REQUEST

The applicant, Ken Berg is requesting a Preliminary Plan approval for a Planned Residential Development (PRD) of a 360 lot subdivision arranged on Utah County Parcels 30:072:0110, 30:072:0088, 30:072:0020, 30:085:0018, 30:071:0006, 30:071:0008, 30:072:0163, 30:071:0007, 30:071:0009, 30:072:0099, 30:072:0164, 30:072, 0091, 30:072:0110, 30:072:0081, 30:072:0095 located at approximately 450 East 1500 South.

BACKGROUND AND PROJECT DESCRIPTION

In accordance with Sections 20.10 and 20.11 of the Subdivision Ordinance the applicant, Ken Berg, is requesting a recommendation of approval from the planning commission for Preliminary Plan approval on the above stated Utah County parcels at approximately 450 East 1500 South. The project area encompasses several parcels totaling approximately 288.46 acres.

Previous Phases 1 and 2 (Plats A through H) of this development have been approved and built out over a number of years starting in (Phase 1 in 1999 and Phase 2 in 2006). Plat H of Phase 2 has obtained approvals, and lots are being sold and some homes are under construction. Some plats of Phase 3 had previously received preliminary plan approval however the approvals have since expired. The entire Phase 3 has been resubmitted for preliminary plan approval.

APPROVAL PROCESS

The applicant has submitted an application as outlined in Title 20 of Payson City Code. Staff have completed an initial review of the proposal and have determined that various issues need to be addressed (see analysis below).

The request of the applicant will require a recommendation from the planning commission and a legislative decision from the city council. The city council will also need to determine if the proposed open space area is acceptable. The city council is not obligated to accept any potential open space dedication.

A public hearing was conducted on May 25, 2022. The planning commission minutes have been provided in the packet so the city council can review the public comment.

ANALYSIS

Approval of a Planned Residential Development (PRD) is a legislative action of the city council, and the council is under no obligation to approve the preliminary plan. The council is encouraged to consider the public comment (planning commission minutes) and ask any necessary questions to staff or the applicant in order to make a fully informed decision on this request. The applicant is currently entitled to use the property consistent with the requirements of the underlying zones, R-1-10 Residential Zone and R-1-12, Residential Zone.

Staff Analysis

- Large multi-phase project (360 lots), 288.46 acres
- City approvals needed;
 - Planned Residential Development (PRD) in accordance with Chapter 20.10 of Payson City Subdivision Ordinance
 - Dedication of property for open space and trail system and dedication schedule
- Approvals by other agencies needed;
 - Rocky Mountain Power (power transmission lines)
 - Dominion Energy (high pressure gas lines)
 - Bureau of Reclamation (canal crossing)
 - Highline Canal Company (residential development adjacent to irrigation canal & canal crossing)
- Thorough review of annexation agreement needed (Payson Heights Annexation Agreement) to determine if all obligations have been met
- A clear understanding of developer and city obligations is needed
- Existing sensitive land issues;
 - Additional information needed to address fault lines, slopes, potential landslides etc.
 - Protection of the ridgeline view corridor
 - Slope stabilization (identify which lots will need full landscaping at Certificate of Occupancy)
 - Wildland Urban Interface Zone (internal fire sprinkling systems may be required on certain lots)
- Development agreement recommended (likely derived from previous phases)
- Open space requirements for a PRD would require applicant to dedicate property to the city and would need conditions of dedication
- Staff is still working with applicant on redlines

RECOMMENDATION

The applicant is seeking a recommendation for preliminary plan approval of a Planned Residential Development (PRD). Following consideration of the staff report, public comment, and the planning commission recommendation, the city council will need to determine if this request is complete enough to make a decision on the request.

- **Staff Recommendation:** Upon initial review of the proposal and seeing the scale of the proposal and the necessary issues to be addressed staff recommends Preliminary Layout Approval as per Chapter 20.28.2. This would enable the applicant to obtain Preliminary and Final Plan approval at a smaller scale that is more manageable instead of Preliminary Plan approval at this time.
- If appropriate the city council may grant approval of the request, contingent upon satisfaction of staff conditions.
- If not appropriate the city council may deny the request.
- Alternatively, the council may choose to remand this item back to staff for further review.

Any motion of the city council should include findings that indicate reasonable conclusions for the decision.

For reference Chapter 20.28.2 Preliminary Layout Approval is detailed below.

20.28.2 Preliminary Layout Approval At the discretion of the city council, typically for a large development with several phases and involving dozens of acres, an applicant may be granted Preliminary Layout approval prior to the submission of full construction drawings and engineering profiles. Because the city council is not obligated to consider or grant Preliminary Layout approval, the city council will determine what information must be submitted by the applicant and what project vesting, if any, will occur. These arrangements will be included in a Development Agreement between the City and the applicant in accordance with Chapter 20.30.2 of this Title.

In the agreement, the approval of the city council will be clarified. Issues such as density, development obligations and the effect of future information will be included. For instance, if the city council is inclined to provide Preliminary Layout approval without complete construction drawings and engineering profiles and following the preparation of these documents it is discovered that fewer parcels can be created due to unforeseen circumstances,

the city council is not obligated to allow the applicant to transfer or relocate density to other areas of the development to address the engineering constraints.

Denial of the request by an applicant for Preliminary Layout approval shall not result in a constitutional takings claim. If an applicant is not satisfied with the terms established by the city council in a Development Agreement, the applicant is eligible to satisfy the regulations of this Chapter for approval of a Preliminary Plan. Furthermore, denial of a request for Preliminary Layout approval shall not prejudice a request for Preliminary Plan approval in accordance with the regulations of this Title.

In order to offset the costs associated with the review of a Preliminary Layout, the applicant shall be required to submit fees in an amount equal to Preliminary Plan review in accordance with the adopted fee schedule. Because the information must be reviewed again by staff when complete construction drawings and engineering profiles are submitted, the applicant shall be subject to payment of an additional Preliminary Plan review fee as well as Final Plat review fees.



