

31
MAIL TO
PAYSON CITY
439 W. Utah Ave
Payson Ut 84651

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RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2003 Jan 13 9:49 am FEE 0.00 BY SFS
RECORDED FOR PAYSON CITY

ORDINANCE NUMBER 4-3-02

AN ORDINANCE EXTENDING THE MUNICIPAL BOUNDARIES OF THE PAYSON CITY CORPORATION SPECIFICALLY UTAH COUNTY PARCEL NUMBERS 30-068-0001, 30-068-0003, 30-068-0004, 30-085-0012, 30-085-0013, 30-068-0017, 30-068-0018, 30-068-0020, 30-068-0025, 30-068-0026, 30-068-0028, 30-068-0030, 30-068-0031, 30-068-0042, 30-068-0043, 30-071-0024, 30-071-0025, 30-084-0015, 56-004-0003, 56-004-0004, 56-007-0001, AND 56-007-0002, AND PROVIDING AN EFFECTIVE DATE.

Preamble

WHEREAS, the Payson City Council received a petition for annexation on November 20, 2000, pursuant to Section 10-2-403, Utah Code Annotated, 1953, as amended, and the petition met the requirements of the above-stated section; and

WHEREAS, the petition for annexation was certified by the Payson City Recorder; and

WHEREAS, after certification, notice was published and mailed pursuant to the requirements of section 10-2-406, Utah Code Annotated, 1953, as amended; and

WHEREAS, no qualified protests were filed within 60 days of certification pursuant to section 10-2-407, Utah Code Annotated, 1953, as amended; and

WHEREAS, a public hearing was held on December 5, 2001, pursuant to section 10-2-407(3)(b)(ii), Utah Code Annotated, 1953, as amended; and

WHEREAS, the requested petition for annexation is an unincorporated area that is contiguous to Payson City, and all the requirements of the Utah annexation law have been met;

NOW THEREFORE, be it ordained by the City Council of Payson, Utah, that the Mower Addition Annexation be annexed into the corporate boundaries of Payson City. The annexed area is more fully described as follows:

Legal Description:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 20, TOWNSHIP 9 SOUTH RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE AS FOLLOWS: SOUTH 89°12'08" WEST 1281.34 FEET; THENCE SOUTH 88°37'48" WEST 48.10 FEET; THENCE SOUTH 12°59'10" WEST 132.88 FEET; THENCE SOUTH 89°00'07" WEST 333.52 FEET; THENCE NORTH 13°55'42" EAST 130.37 FEET; THENCE NORTH 14°07'30" EAST 204.97 FEET; THENCE NORTH 13°50'11" EAST 552.11 FEET; THENCE NORTH 14°35'33" EAST 313.39 FEET; THENCE SOUTH 75°32'36" EAST 407.11 FEET; THENCE SOUTH 14°05'58" WEST 214.02 FEET; THENCE SOUTH 75°32'08" EAST 45.43 FEET; THENCE SOUTH 1°49'47"

WEST 178.21 FEET; THENCE SOUTH 77°28'13" EAST 161.70 FEET; THENCE SOUTH 75°26'13" EAST 350.03 FEET; THENCE SOUTH 1°22'43" WEST 500.48 FEET; THENCE SOUTH 1°43'34" WEST 228.80 FEET; THENCE NORTH 89°32'43" EAST 1428.73 FEET; THENCE NORTH 89°34'38" EAST 493.37 FEET; THENCE NORTH 82°44'20" EAST 3.76 FEET; THENCE SOUTH 5°10'18" WEST 721.43 FEET; THENCE SOUTHEASTERLY 138.38 FEET ALONG THE ARC OF A 447.29 FOOT RADIUS TANGENT CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 3°41'28" EAST 137.83 FEET; THENCE SOUTH 12°33'14" EAST 327.00 FEET; THENCE SOUTHWESTERLY 65.27 FEET ALONG THE ARC OF A 134.59 FOOT RADIUS TANGENT CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 1°20'16" WEST 64.63 FEET; THENCE SOUTH 15°13'51" WEST 487.15 FEET; THENCE SOUTH 89°08'47" WEST 180.86 FEET; THENCE NORTH 0°41'39" WEST 369.85 FEET; THENCE SOUTH 88°48'53" WEST 1394.81 FEET; THENCE NORTH 2° 56'23" EAST 559.83 FEET TO THE POINT OF BEGINNING.

Approximately 108.212 Acres

This Ordinance shall take effect immediately upon its passage by the Payson City Council and subsequent publication in the Payson Chronicle, a newspaper published in Payson City, and shall be recorded in the Ordinance book of Payson City, together with proof of publication thereof.

Passed and adopted this 3rd day of April, 2002.

By Bernell C. Evans
Bernell C. Evans
Mayor of Payson City

ATTEST:

Jeanette Curtis
Jeanette Curtis
City Recorder



Mower Addition Annexation Specific Plan and Annexation Agreement

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Mower Addition Annexation Specific Plan and Annexation Agreement

Chapter 1 – Executive Summary

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The Mower Addition Annexation includes 109.31 acres located at the base of Mower Mountain which is situated east of the annexation. The annexation is generally located between 1700 South and 2000 South and is bordered by State Route 198 on the west and the Strawberry High Line Canal on the east. The Specific Plan is a collaborative effort between Payson City and the proponents for annexation namely Jerry and Lynette Bradford, Ted and Cathy Hone, Mary Miller, Jim and Shin Ja Mower, Darrell and Janet Smith, and Darrell and Helena Zeeman. Working together, the City and the proponents for annexation have created a land use pattern that will allow the landowners to develop their property in an orderly and efficient manner.

It is anticipated that the annexation, when developed, will include a variety of housing opportunities, limited neighborhood commercial, churches, governmental buildings, parks and trails, and storm water facilities. The housing is designed to be compatible with surrounding uses and will be required to be attractive, functional, and constructed of materials that will assure future residents stability in their investment. The neighborhood commercial will focus primarily on the needs of the future residents of the annexation and be limited in scope to ensure a residential appearance and feel to the planned community. Churches and governmental buildings will be included to serve the residents and to provide adequate public safety. Ample parks and trails for recreational use are an important element to the area. Linkages to existing parks and trails will allow residents to interact with other neighborhoods. It is anticipated that the trails in the development will be grade separated from collector and arterial streets and other vehicular traffic where possible. An effective trail system will allow students to walk safely to the new Spring Lake Elementary School located immediately north of the annexation.

Section 1.1 Legislative Authority

By authority of the Utah Code Annotated, 1953, as amended, § 10-2-401 et. seq. known as Annexation, and § 10-9-101 et. seq. known as The Municipal Land Use Development and Management Act, the Payson City Council has determined that it would be in the best interests of the citizens of Payson City to approve the petition for the Mower Addition Annexation and extend the municipal boundaries of Payson City. Furthermore, as set forth in Title 19, Zoning Ordinance and Title 20, Subdivision Ordinance duly adopted by the Payson City Council, the City Council finds it in the best interest of the citizens of Payson City to approve this Specific Plan and Annexation Agreement consistent with Chapter 19.12 of the Payson City Zoning Ordinance. If any part of this Specific Plan and Annexation Agreement is found to be improper or illegal by a court of competent jurisdiction, that specific part shall be appropriately altered with all remaining language to remain in full force and effect.

This Specific Plan and the attached land use map shall represent the allowable land use density whether consistent with the underlying zone or not. If an applicant for development approval chooses not to follow the regulations and density guidelines of the Specific Plan and Annexation Agreement, the applicant is eligible to develop the property under the regulations of the underlying zone. However, it is the responsibility of the applicant to provide information indicating that developing the property under the guidelines of the underlying zone will not inhibit the development goals for the Specific Plan of the annexation. Furthermore, the applicant will be responsible to satisfy any and all financial obligations for the proportionate share of the annexation including, but not limited to, special improvement assessments, impact fee reimbursement, or special assessment district payments.

Section 1.2 Amendments and Alterations

Only by a majority vote of the Payson City Council may any part, chapter, or section of this Specific Plan and Annexation Agreement be amended or altered. An amendment or alteration may be presented by any landowner in the Mower Addition Annexation, applicant for development approval, the Payson City Planning Commission, staff or members of the City Council. If any part, chapter, or section of this Specific Plan and Annexation Agreement is

amended or altered, all other parts, chapters, or sections shall remain unchanged and in full effect. Prior to any amendment or alteration, all landowners shall be notified in writing and may submit written comment to the City Council.

Section 1.3 Background

The Mower Addition Annexation began as an annexation with less property than what has been approved. The Bradford, Hone and Zeeman parcels, along with several non-petitioners along State Route 198, were added to the annexation during the annexation process. The addition of these parcels will allow proper layout of infrastructure and road design for the entire area. Combined, the properties in the annexation form a logical extension of the Payson City municipal boundaries.

The Mower Addition Annexation represents the approval of the first Specific Plan in Payson City. This new process enacted in the adoption of the Zoning Ordinance amendment of December 19, 2001 allows the City Council to be involved in the development process at the appropriate time, in the beginning. Now that densities, land use objectives, and specific features of the development have been identified, each party involved can move forward with confidence and predictability. The process will help eliminate future tension between developers of the project and Payson City. Early identification of infrastructure needs will also allow developers to install utility facilities that will accommodate the entire project rather than installing inadequate facilities through a piecemeal approach that often leads to unnecessary replacement of facilities prematurely.

As the area is transformed from agricultural uses to primarily residential development, Payson City and the future developers should be sensitive to the needs of those who choose to continue to use property within and surrounding the annexation for agriculture. Proper communication and development layout can minimize the conflict between new development and traditional land uses. Irrigation facilities, hours of operation, odors, dust, and noise are associated with agricultural uses and residents of the development should be notified in advance of the potential impacts. Payson City supports agricultural uses for all those desiring to continue such use of the land.

Property owned by Mr. Lyle Smart and Nebo School District, included in the Nebo-Smart Annexation, have been included in the Specific Plan for the purposes of land use density calculations and the overall development pattern. These properties are currently zoned R-1-A, Residential Agricultural which would allow approximately one unit per acre. These landowners may choose to develop consistent with the underlying zone, R-1-A, or in accordance with this Specific Plan.

Section 1.4 Connection of Existing Homes to Utilities

As part of development approval, all existing homes and qualified structures of non-petitioners must be connected to Payson City utility services including drinking water, pressurized irrigation, sewer, and electrical. Each developer of property shall contribute the proportionate share of the cost of physical connection, payment of connection fees, and payment of impact fees prior to development approval on any parcel in the Mower Addition Annexation. It shall further be the responsibility of the developer to properly address the elimination of all individual wells, if necessary, and septic tanks. After the total cost of the connection of existing homes and qualified structures of non-petitioners has been calculated the following percentage shall be paid by the developer:

Jerry and Lynette Bradford	4.8%
Ted and Cathy Hone	4.6%
Mary Miller	11.2%
Jim and Shin Ja Mower	53.2%
Darrell and Janet Smith	8.2%
Darrell and Helena Zeeman	8.3%

* (Calculated as: Total acres owned by petitioner divided by total acres in annexation)

Section 1.5 Existing Businesses and Uses, and Non-Conforming Uses

Prior to recordation of the Annexation Plat prepared for the Mower Addition Annexation, the existing businesses and uses of property were identified. Unless expressly permitted by this Specific Plan and Annexation Agreement, continuation of businesses or uses that are not consistent with the regulations and requirements of the underlying zone are not permitted. The City Council has deemed some of the existing businesses and uses as legal non-conforming uses in accordance with Chapter 19.14 of the Payson City Zoning Ordinance.

For the purposes of this Specific Plan and Annexation Agreement, the following businesses and uses are permitted to continue until the time of development approval for the parcel. Following development approval each of these uses must conform to the regulations and requirements of this Specific Plan and Annexation Agreement or the regulations and requirements of the underlying zone:

1. Agricultural uses including farming, ranching and pasturing, including existing animal rights for each legal parcel in the annexation, until the time of development approval for the parcel proposed to be developed.
2. The storage of construction machinery by Ted Hone.
3. The storage for the current business operated by Jerry and Lynette Bradford.

For the purposes of this Specific Plan and Annexation Agreement, the following businesses and uses are deemed by the City Council to be legal non-conforming uses and are permitted to continue operation in accordance with Chapter 19.14 of the Payson City Zoning Ordinance:

1. The wood working shop of Darrell Zeeman.
2. The welding shop of Randy Pfaff.

Mower Addition Annexation Specific Plan and Annexation Agreement

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Chapter 2 – Introduction

The Mower Addition Annexation is a 109.31 acre annexation located in the southeast portion of the City located between State Route 198 and the Strawberry High Line Canal, and 1800 South and 2000 South. The primarily residential annexation together with the property included from the Nebo-Smart Annexation includes 105.05 acres of residential development, 4.92 acres of property set aside for ecclesiastical purposes, 1.33 acres will be utilized for governmental buildings, neighborhood commercial will consume 1.98 acres, and 10.59 acres will be developed as parks and trails. The annexation is a relatively flat area with a gradual slope from west to east. East of the annexation is Mower Mountain a more steep hill that would present significant development obstacles. The High Line Canal, a primary delivery facility of Strawberry Valley Project water, is located along the east boundary of the annexation. Existing residential development is located north of the proposed annexation, State Route 198 provides the west boundary, and undeveloped mostly agricultural land heading toward Spring Lake is located south of the annexation. There are no significant landmarks or characteristics in the annexation, although it should be noted that the new Spring Lake Elementary School is located immediately north of the annexation.

Section 2.1 Purpose and Intent

The purpose and intent of this Specific Plan and Annexation Agreement is to allow petitioners of the annexation and Payson City to agree on issues such as land use density, streetscape, amenities, and other development objectives prior to development of the area in the annexation. This process will lead to an attractive community that functions in a way that will add quality of life to future residents while allowing Payson City to provide municipal services in a cost effective and efficient manner. The Specific Plan and Annexation Agreement clarifies the requirements of future development proposals and the types of development that will be acceptable in specific areas.

Section 2.2 Approval History

On December 19, 2001, the Payson City Council granted approval of the Mower Addition Annexation contingent upon the completion and approval of a Specific Plan and Annexation Agreement prior to the recordation of the annexation. Approval of the Specific Plan and Annexation Agreement constitutes an identification of approved densities and land use categories and other required features of development within the Mower Addition Annexation and the undeveloped properties owned by Mr. Lyle Smart and Nebo School District included in the Nebo-Smart Annexation. Approval of the Specific Plan and Annexation Agreement does not grant subdivision approval, site plan approval, or approval of any building permit, sign permit or other land use activity regulated by Titles 3, Building and Construction; 19, Zoning Ordinance; 20, Subdivision Ordinance; or 21, Sensitive Lands Ordinance of the Payson City Municipal Code. Following the approval of this Specific Plan and Annexation Agreement, the Mower Addition Annexation Plat was recorded in the Office of the Utah County Recorder together with this Specific Plan and Annexation Agreement. This Specific Plan and Annexation Agreement shall be binding to the present and all future owners of property within the Mower Addition Annexation.

Section 2.3 Timing and Sequencing

In order for the City, Nebo School District and private utility companies to provide adequate and responsive service, it is important that the land in the annexation develop in an orderly manner and that appropriate timing and sequencing measures be included in this Specific Plan and Annexation Agreement. No more than one hundred (100) units may be constructed in any calendar year on property contained in the Mower Addition Annexation. Since there are multiple landowners, no single applicant may construct more than fifty (50) units in any calendar year, unless agreed upon by all petitioners of the annexation.

Mower Addition Annexation Specific Plan and Annexation Agreement

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Chapter 3 – Land Use Density and Permitted Uses

In accordance with Section 19.12.11 of the Payson City Zoning Ordinance, when land is annexed into the City, the City Council will determine the appropriate zoning designation or the City Council may approve land use densities through the approval of a Specific Plan. The City Council may adopt, as part of an Annexation Agreement, a Specific Plan for any area proposed for annexation. If the City Council adopts a Specific Plan as part of an Annexation Agreement, the density approved in the Specific Plan together with any other specific requirements of the City Council must be followed as the area develops. Refer to Attachment A – Specific Plan Map for graphic representation of the Mower Addition Annexation Specific Plan.

In general, the land use indicated on the Specific Plan Map for the Mower Addition Annexation is consistent with surrounding zoning and allows uses similar to those already in existence prior to the annexation. The Specific Plan was found to be consistent with the Payson City General Plan by the City Council. The General Plan indicates medium density residential land use for the area comprised by the Mower Addition Annexation. Unless expressly indicated in this Specific Plan and Annexation Agreement, development of the area must satisfy all requirements of the development ordinances of Payson City including, but not limited to, the Zoning Ordinance, Subdivision Ordinance, Sensitive Lands Ordinance, and the Design Guidelines and Standard Specifications of Payson City in effect at the time of development review of the proposed development.

Section 3.1 Underlying Zoning

It is anticipated that the property in the Mower Addition Annexation will develop in accordance with the land use designations and densities listed in this Specific Plan and Annexation Agreement. However, if an applicant chooses to develop any parcel or a portion of any parcel that does not conform to this Specific Plan and Annexation Agreement, the applicant may develop the property in accordance with the requirements of the underlying zone. The underlying zone for all properties in the Mower Addition Annexation shall hereby be designated as R-1-A, Residential Agriculture Zone through the approval and adoption of this Specific Plan and Annexation Agreement by the City Council. If an applicant chooses to develop any property in the Mower Addition Annexation in accordance with this Specific Plan and Annexation Agreement, the applicant must satisfy all requirements of this Specific Plan and Annexation Agreement together with the applicable sections of the development ordinances of Payson City including, but not limited to, the Zoning Ordinance, Subdivision Ordinance, Sensitive Lands Ordinance, and the Design Guidelines and Standard Specifications of Payson City.

The Official Zoning Map of Payson City shall indicate the Mower Addition Annexation as Specific Plan #2002-1 (Underlying Zone R-1-A). The Zoning Map will be kept in the Development Services Department for public reference and review.

Section 3.2 Development Concept

Development of the Mower Addition Annexation is anticipated to be primarily single family homes with a variety of lot sizes and a limited number of multi-family residential units. A small commercial area is located at the major intersection of 2000 South and State Route 198. The development will include churches and governmental buildings needed to serve the residents of the planned community together with parks and trails that will be provided for use by residents and the general public. The development is intended to be a sustainable community with housing for many income levels, ages, and family structures. It will be the responsibility of the various applicants for development approval to provide appropriate transition between the different land use designations.

Section 3.3 Specific Plan Land Use Designation

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The Specific Plan Map for the Mower Addition Annexation includes various land use designations. The designations include the type of land use and the allowable density range. The density is calculated on a gross acreage basis, not to include roads, ecclesiastical uses, areas identified as parks and trails, or areas set aside for community services and governmental buildings. Refer to Attachment A – Specific Plan Map for a graphic representation of the Specific Plan Map. Each land use designation listed in the Specific Plan Map is further described below:

- *Neighborhood Commercial* – The Specific Plan Map anticipates a limited amount of neighborhood commercial to serve the residents of the annexation. Prior to approval of any commercial structure, the City Council will need to adopt a new NC-1, Neighborhood Commercial Zone. However, the new zone will not be exclusive to the Mower Addition Annexation.

- *Very Low Density Residential* - The very low density residential designation has been assigned to some existing one acre lots located in the north end of the annexation along State Route 198. The existing lots are one acre or greater in size and have very little development potential. The very low density residential designation allows one to two units per acre. Since it is unlikely that any additional very low density development will occur in the project, a discussion regarding density bonus is unnecessary.

- *Low Density Residential* - For the purposes of the Mower Addition Annexation, low density residential development is defined as two to three units per acre. The low density residential designation has been assigned to properties along State Route 198 and properties in the southeast portion of the annexation above Main Street. The low density residential area is characterized by single family homes on large lots with no multi-family housing or commercial uses. It is anticipated that the housing prices in the low density residential, especially those located east of Main Street will be in a higher price range. Starter homes and moderately priced homes should be located elsewhere in the Specific Plan.

- *Medium Density Residential* - The medium density residential designation in the Mower Addition Annexation Specific Plan allows residential housing with a density of between three and four units per acre. Housing in the medium density residential areas is characterized by primarily single family housing, although limited twinhome and duplex units may be allowed by the City Council if efforts are made to preserve the single family appearance of the units. Individual ownership of the units is encouraged in an effort to increase stability and longevity in the medium density residential designation areas. Lots should be arranged to allow for off-street parking of recreational vehicles and other items that tend to be left in the public right-of-way. The medium density residential designation should include a wide range of housing prices rather than a concentration of any single market segment.

- *Medium/High Density Residential* - The medium/high density residential designation is characterized by a majority of single family homes although well designed and attractive multi-family housing limited to no more than four units per structure may be allowed by the City Council. Allowable density ranges between four and five units per acre. Although individual ownership is encouraged, rental units may be acceptable under appropriate conditions. Housing prices should accommodate a variety of income levels including starter homes and moderately priced housing. Areas for parking and storage of recreational vehicles, and other items that tend to be left in the public right-of-way should be provided by applicants for development approval in the medium/high density designated areas. Due to limited areas of private ownership, common areas of park space and amenities for use by residents should be provided in the medium/high density residential designated areas, especially those areas with multi-family housing.

- *High Density Residential* - The high density residential designation is characterized by single family homes and attractive multi-family housing. An applicant for development approval may be granted up to twelve units per acre depending on design and functionality of the proposed development. Overcrowding of the land is a primary concern for the City Council in the high density designation area, and will be reviewed carefully during the development review process. Individual ownership is encouraged, but rental units are acceptable with adequate controls for long term maintenance of structures and amenities. Housing prices should accommodate a variety of income levels concentrating on starter homes and moderately priced housing. Areas for parking and storage of recreational

vehicles, and other items that tend to be left in the public right-of-way should be provided by applicants for development approval in the high density designated areas. Due to limited areas of private ownership, common areas of park space and amenities for use by residents should be plentiful in the high density residential designated areas.

- *Open Space and Trails* - It is anticipated that the areas indicated on the Specific Plan Map as open space and trails will be owned, maintained, and operated by Payson City. These areas will be open to the public and link to other public facilities in the City where possible. Typical amenities such as playgrounds, picnic areas and pavilions will be located in the park areas. The designated trails shall conform to the trail standard adopted by the City Council and attached hereto as Attachment B – Street Cross Section and Trail Standards. Private parks and common areas in a proposed development should be designed in a manner that clearly delineates private ownership and access.

- *Wetlands/Sensitive Lands* - To the extent possible, wetlands and other sensitive lands should be left undisturbed in the development process. Furthermore, following the correct procedure, wetlands and other sensitive areas may be enhanced by applicants and the City Council may consider such enhancements as an amenity used for a requested density bonus in accordance with Section 3.5 herein. It is the responsibility of the applicant for development approval to obtain all necessary and required permits to enhance a wetland or sensitive area.

Section 3.4 Specific Plan Map Interpretation

The Specific Plan Map for the Mower Addition Annexation was prepared as an entire land mass without the limitations of property lines. Therefore, as subdivisions are presented for approval by the City Council, the delineation of land use designations may or may not conform with the boundaries of the various subdivision proposals. It shall be the burden of the applicant for development approval to indicate that the density designations shown on the Specific Plan Map have been satisfied.

If it becomes necessary for the City to interpret the boundaries of the land use designation of the Specific Plan Map, staff will provide an interpretation using the following criteria:

1. Staff interpretation shall follow to the extent possible the physical features of the Specific Plan Map including, but not limited to, roads, and existing property lines where it is clear that property lines were meant to divide land use designations.
2. If it is not possible to provide an interpretation using physical features, staff will follow, to the extent possible, the map to scale.
3. Trails and parks are amenities to the subdivision and may be modified to produce a more effective and efficient use of property.
4. Staff may propose a transition from one land use designation to another.

Any decision regarding the interpretation of density for the Specific Plan Map may be appealed to the City Council whose decision shall be final.

Section 3.5 Identification of Actual Density

Staff will determine the base density for each proposed development. The base density will be determined by identification of the lowest density designated for the area proposed for development as indicated in Attachment A – Specific Plan Map. An applicant may request increased density by employing the density incentives listed in this Chapter or provision of density bonus amenities found in Chapter 20.10 of the Payson City Subdivision Ordinance. An applicant may not exceed the upper density limits indicated for each land use designation on Attachment A – Specific Plan Map.

Mower Addition Annexation Specific Plan Density Incentives

1. Any density bonus amenity listed in Section 20.10 of the Payson City Subdivision Ordinance except:
 - a. Two-car garage for single family dwellings (required as part of development approval)
 - b. Covered parking for all multi-family dwellings (required as part of development approval)
 - c. Theme lighting (required as part of development approval)

2. Wetland or sensitive lands enhancement or special preservation methods.
3. Participation in construction of a satellite public safety building.
4. Participation in the installation of grade separated pedestrian facilities underneath Main Street and underneath State Route 198.
5. Participation in the installation and improvement of the roundabout located at the intersection of 2000 South and 500 West.
6. Improvement of the public parks located near the grade separated pedestrian facilities underneath Main Street, and the park south of the community services facility on 500 West.
7. Any other improvements that the City Council finds warranted for an increase in density.

The City Council is under no obligation to approve any request for increased density. Upon review of the proposed density incentives, the City Council may allow an increase in the number of residential units for a particular subdivision or development. The City Council shall provide findings indicating calculations for increased density and the justification for the increase in density.

Section 3.6 Acceptable Density Transfer and Transfer of Density Provisions

The transfer of density must be approved by staff, and if deemed necessary, the City Council. Payson City is under no obligation to approval a density transfer and it must be shown that the transfer will not inhibit the ability of Payson City to provide adequate infrastructure capacity to the remainder of the area included in this Specific Plan. It will be the burden of the applicant requesting a transfer of density to complete the studies necessary to assure the remaining developers that infrastructure capacity will not be inhibited. An applicant for transfer of density shall provide, at a minimum, the following information:

1. The base density of the area from which the density will be transferred, the base density and upper density of the area to which the density will be sent, and the number of units proposed to be transferred.
2. Written approval from the landowner from which the transfer of density will occur indicating the reduced number of units.
3. The new base density of the area from which the density was transferred and the new base density of the area where the density was sent.
4. Submission of an administrative fee for processing of the application and alteration to the Specific Plan Map.
5. The transfer is consistent with and will not alter the intention of the Specific Plan land use map.

Mower Addition Annexation Specific Plan and Annexation Agreement

Chapter 4 – Roadways and Streetscape

An advantage to an area with a Specific Plan is an organized roadway and circulation system that serves the entire area in a safe and efficient manner. Roads need to be designed with safety in mind and in a way that vehicular traffic is circulated in an efficient manner. Poor road design can lead to increased traffic on local neighborhood streets or congestion throughout the community. Although roads and streets are constructed primarily to move vehicular traffic, properly designed roads and streets can be aesthetically pleasing facilities that improve safety and add a sense of place to the basic grid transportation pattern. Although roads are indicated on the Specific Plan Map, the road locations are subject to change due to topography, property lines, development proposals, etc.

The roads and streets in all proposed developments shall be constructed in accordance with the design guidelines and standard specifications of City, unless otherwise approved by the Payson City Engineer. If temporary dead end roads are necessary for development of a subdivision, the applicant will provide a temporary turn around with not less than a sixty (60) foot radius of asphalt.

Section 4.1 Use of the Roundabout

A roundabout will be a significant feature in the roadway pattern in the Mower Addition Annexation. The roundabout will be located at the intersection of 2000 South and 500 West. The transportation and circulation pattern of the annexation has been designed to funnel traffic to this location. Therefore, it is anticipated that traffic volume will be higher in this location than at other intersections in the annexation. The use of a roundabout will accomplish two tasks:

1. The roundabout will allow for safe and efficient movement of vehicular traffic at a high volume intersection.
2. The roundabout will provide a focal area in the annexation that can become an aesthetic and identifying feature of the roadway system in the community. The roundabout should include a monument of historical or community emphasis.

The roundabout will have planter areas, and possibly a water feature or other monument that is appropriate for the design theme of the developments within the annexation. It has been suggested that the City could organize a method to determine the type of feature or monument to be placed in the roundabout, possibly a contest of school children.

Section 4.2 Access and Circulation

In order to move a majority of the traffic in an efficient manner and separate neighborhoods and pedestrian use from the more heavily used roadways, access control will be vigorously enforced along Main Street, 2000 South and to the extent possible, State Route 198. The only private access to State Route 198 will be the existing access points for the existing residential dwellings. It is anticipated that most of the existing residential dwellings will eliminate direct access onto State Route 198 when alternative access is provided. During the development review process, the circulation pattern will be reviewed to encourage the traffic accessing Spring Lake Elementary School to utilize 500 West south of the school.

Applicants will need to carefully plan access to the arterial and collector streets that will limit access while providing at least two points of ingress and egress for more than ten residential units. This may require developers to work together to provide proper ingress and egress while maintaining access control.

Section 4.3 Landscaping and Streetscape

Roadways, especially the primary arterials and collector streets, should be aesthetically pleasing and add to the beauty of the development pattern. The appropriate use of fencing, landscaping, landscaped center medians, and access control can turn streets into parkways that enhance not only safety, but also property values. Streetscape for Main Street and 2000 South shall be consistent with Attachment B – Street Cross Section and Trail Standards together with the Design Guidelines and Standard Specifications of Payson City. Payson City will provide information regarding acceptable planting materials, trees, and shrubs along Main Street and 2000 South. Developments should have landscaping requirements for the planter areas for all interior local roads.

Mower Addition Annexation Specific Plan and Annexation Agreement

Chapter 5 – Zoning Consideration and Permitted Uses

This Specific Plan and Annexation Agreement will provide acceptable densities and specific design guidelines for the Mower Addition Annexation. Any regulation or requirement of any Payson City development ordinance including, but not limited to, the Zoning Ordinance, Subdivision Ordinance, Sensitive Lands Ordinance, the Design Guidelines and Standard Specifications shall be satisfied prior to development approval unless specifically allowed herein.

Section 5.1 Underlying Zone Requirements and Relationship to Specific Plan

The underlying zoning designation of the area included in the Mower Addition Annexation shall be R-1-A, Residential Agriculture Zone. If an applicant chooses to develop a parcel of property in a manner that is not consistent with the regulations and requirements of this Specific Plan and Annexation Agreement, the applicant is eligible to develop the property in accordance with the regulations and requirements of the development ordinances of Payson City as they pertain to the R-1-A, Residential Agriculture Zone. However, it is the responsibility of the applicant to provide information indicating that developing the property under the guidelines of the underlying zone will not inhibit the development goals for the Specific Plan of the annexation. Furthermore, the applicant will be responsible to satisfy any and all financial obligations for the proportionate share of the annexation including, but not limited to, special improvement assessments, impact fee reimbursement, or special assessment district payments.

If an applicant chooses to develop a parcel of property consistent with the regulations and requirements of this Specific Plan and Annexation Agreement, the applicant is eligible to develop the parcel consistent with the base, or lowest, density indicated on the map of the Specific Plan shown in Attachment A – Specific Plan Map. An applicant may be eligible for a density bonus to increase the number of dwelling units in accordance with Section 3.5 herein.

Section 5.2 Permitted Uses in Each Land Use Designation

The following uses, and no others are permitted in each land use designation listed below. If the use is listed as a conditional use, the applicant must obtain approval of a conditional use permit in accordance with Chapter 19.13 of the Payson City Zoning Ordinance.

Neighborhood Commercial Permitted Uses

All Commercial Uses are Conditional

Neighborhood Commercial Conditional Uses

1. Gas Stations and Convenience Stores
2. Personal Services
3. Professional Services

Low Density Residential Permitted Uses

1. Single Family Detached Dwellings
2. Home Occupations pursuant to Title 19
3. Utility Rights-Of-Way
4. Parks and Recreational Facilities
5. Subdivisions in accordance with Title 20

Low Density Residential Conditional Uses

1. Religious Buildings and Structures
2. Governmental Building and Structures
3. Utility Maintenance Facilities

Medium Density Residential Permitted Uses

1. Single Family Detached Dwellings
2. Home Occupations pursuant to Title 19

Medium Density Residential Conditional Uses

1. Religious Buildings and Structures
2. Governmental Building and Structures

- 3. Utility Rights-Of-Way
- 4. Parks and Recreational Facilities
- 5. Subdivisions in accordance with Title 20
- 6. Two-Family Dwellings if approved by City Council

- 3. Utility Maintenance Facilities

Medium/High Density Residential Permitted Uses

Medium/High Density Residential Conditional Uses

- 1. Single Family Detached Dwellings
- 2. Subdivisions in accordance with Title 20
- 3. Utility Rights-Of-Way
- 4. Two-Family Dwellings if approved by City Council
- 5. Three and Four Plex Residential Structures if approved by City Council
- 6. Parks and Recreational Facilities
- 7. Home Occupations pursuant to Title 19

- 1. Religious Buildings and Structures
- 2. Governmental Building and Structures
- 3. Utility Maintenance Facilities

High Density Residential Permitted Uses

High Density Conditional Uses

- 1. Single Family Detached Dwellings
- 2. Twinhome or Duplex Residential Dwellings
- 3. Three and Four Plex Residential Structures
- 4. Multi-Family Residential Structures
- 5. Home Occupations pursuant to Title 19
- 6. Utility Rights-Of-Way
- 7. Parks and Recreational Facilities
- 8. Subdivisions in accordance with Title 20

- 1. Religious Buildings and Structures
- 2. Governmental Building and Structures
- 3. Utility Maintenance Facilities

Community Services Permitted Uses

- 1. Governmental Buildings and Structures
- 2. Public Safety Buildings and Structures
- 3. Other appropriate Public Use as Determined by City Council

Section 5.3 Setbacks, Frontage, Width, Height and Other Zoning Requirements

Development proposals shall satisfy all setback, frontage, width, height and other zoning requirements of Title 19, Zoning Ordinance and Title 20, Subdivision Ordinance for the zoning designation listed below, unless otherwise approved by the City Council during the development review process. Applicants for development approval are eligible to seek approval of a Planned Residential Development in accordance with Chapter 20.10 of Title 20, Subdivision Ordinance.

Very Low Density	R-1-A
Low Density	R-1-12
Medium Density	R-1-10 or R-1-9
Medium/High Density	R-1-75 and R-2-75
High Density	R-MF

Section 5.4 Commencement of Excavation and Issuance of Building Permits

In accordance with Title 20, Subdivision Ordinance and prior to commencement of excavation, including any earthwork and installation of subdivision improvements the applicant must obtain City Council approval and the Final Plat of each subdivision shall be recorded at the office of the Utah County Recorder. Prior to issuance of any building permit, all required infrastructure must be installed, inspected, and approved including the placement of asphalt and installation of private utilities.

Mower Addition Annexation Specific Plan and Annexation Agreement

Chapter 6 – Specific Design Criteria

The Mower Addition Annexation will incorporate specific design criteria that will apply to all proposed development within the annexation. Landscaping, streetscape and other non-residential features can also add to the feel or ambiance of the community.

Section 6.1 Housing Styles, Colors, Materials and Characteristics

An advantage to a planned community is that forethought can be given to compatibility of the built environment. Housing styles, color, the use of materials, and detailed characteristics can lead to the creation of a community rather than simply a collection of houses. In an effort to create a well planned development pattern, the City Council has imposed the following minimum design standards for the dwelling units in the Mower Addition Annexation and portions of the Nebo-Smart Annexation.

Housing Styles

The Mower Addition Annexation is primarily designed for residential housing. Because housing is the primary feature, at a minimum, all proposed developments shall satisfy the following standards. The standards are a minimum requirement. An applicant for development approval may suggest additional upgrades to housing styles and materials in order to obtain additional density.

1. Each single family dwelling will include, at a minimum, a two-car garage no less than twenty (20) feet by twenty (20) feet.
2. Each multi-family development will include, at a minimum, one covered parking stall per residential unit. Provision of garages may be proposed in exchange for an increase in density.
3. Each applicant will be required to submit for review and receive approval of housing elevations, materials, colors, and sizes of dwelling units. The units will be designed to satisfy the housing ranges indicated in Section 3.3 herein. This is not an attempt to completely dictate housing prices, but rather to require a balance of housing styles and prices within the annexation. It will be the burden of the applicant to indicate that the proposed housing styles and prices satisfy Section 3.3 herein by providing supporting real estate documentation.
4. In an effort to encourage safety and provide an aesthetic element, each single family dwelling in the development shall install a carriage light in front of the house behind the sidewalk. The carriage shall be proposed by each applicant and approved through the development process. This requirement does not remove the requirement for streetlights in appropriate locations along the roadways. Furthermore, the address of the dwelling unit shall be displayed on the carriage light as well as on the residential unit. Multi-family developments will be reviewed on a case by case basis at the time of development review to ensure ample lighting for safety and lighting design.
5. The address for every dwelling unit in each development shall be either backlit or lighted with a photocell light to allow public safety vehicles to identify each dwelling unit.

Section 6.2 Landscaping Standards

Landscaping will be an important element in the development of the Mower Addition Annexation. Each single family home, twinhome, and duplex will need to landscape the front yard and any side yard facing a street prior to issuance of a Certificate of Occupancy according the development ordinances of Payson City. In addition to the minimum requirements of City ordinance, each dwelling unit will be required to place at least one tree in the front yard or side yard in front of any fence enclosing the backyard. Deciduous trees shall be at least a one and one half (1 ½) inch caliper and evergreen trees shall be no less than six (6) feet in height.

Each three or four plex structure and all other multi-family housing with more than four units will be required to landscape the entire parcel not used for structures or parking in accordance with City ordinance.

Section 6.3 Streetscape

Roads and streets are an important part of any community. Although the movement of vehicular traffic is the primary purpose for roadways, they can serve other functions. In many instances, the aesthetic design of roadways can leave lasting impressions that serve to increase property values and the quality of life in the development. It is the intention of Payson City to create parkways along the arterial and collector roads in the Mower Addition Annexation in order to add beauty and interest to the project and remove some of the harshness created by concrete and asphalt.

Roadways in the Mower Addition Annexation shall be design consistent with Attachment B – Street Cross Section and Trail Standards. The roadways and center median shall be attractively landscaped, but sensitive to water conservation and ease of maintenance. Native and drought tolerant trees, shrubs, turf and other planting materials will be used.

Lighting is another critical aesthetic element of streetscape. All lighting along the arterial and collector roads shall be consistent with the lighting standards of Payson City. Lighting should be designed to create safe intersections and provide enough light to adequately protect pedestrians while being sensitive to light pollution impacting adjacent residential dwellings.

Section 6.4 Connection with Utility Investigation

One of the most important elements of creating a Specific Plan and Annexation Agreement is to encourage a development pattern that is sustainable and attractive, but another, sometimes overlooked feature, is the installation of infrastructure capable of serving the development in a proper manner without unnecessary or premature upgrades. In connection with this Specific Plan and Annexation Agreement, an infrastructure plan has been prepared indicating the anticipated types and sizes of infrastructure services. The infrastructure study is available in the Development Services Department of Payson City. However, the infrastructure plan completed to indicate the anticipated types and sizes of infrastructure services is not intended to replace specific project engineering. Staff will review the proposed infrastructure in each development to ensure that the facilities are capable of providing adequate service to the entire area, not just the area proposed for development.

Mower Addition Annexation Specific Plan and Annexation Agreement

Chapter 7 – Parks and Trails, and Other Public Uses

Important aspects to any community are areas set aside for public use and enjoyment. Parks and trails should be incorporated into the development pattern that are accessible and appropriate for the number of residents and contain the types of amenities that improve the quality of life for the residents of the community. These public facilities are designed to link to one another as well as other public facilities in the City. Other areas set aside for public use include public safety facilities and facilities used to provide utilities to residents of the community. It is likely that development of the park and trail facilities will be completed by applicants for development approval. Improvements to the parks and trails may be used as a density bonus enabling an applicant to increase the number of units above the base density.

Section 7.1 Park Reservations

No less than 10.59 acres have been set aside for use as public parks in the Mower Addition Annexation primarily located near the trail underpasses along Main Street and south of the roundabout on 500 West south of an area set aside for community services. There is also a park planned for an area with a residential designation to the north that is included in the Specific Plan for the annexation even though the property was previously annexed into the Payson City municipal boundaries. Playground facilities will also be available at the new Spring Lake Elementary School.

In addition to the parks listed above, it is anticipated that developers will provide additional park areas in exchange for a density bonus that will allow the applicant to maximize the density potential of the property in accordance with Section 3.5 herein. An applicant may provide additional open space and amenities that benefit the development or provide public park areas.

Section 7.2 Public Trails

The installation of a public trail is planned along the east side of Main Street complete with two grade separated pedestrian crossings underneath Main Street. The grade separations will be installed underneath the road and will need to be installed at the time of road construction. The trail will be a ten foot pedestrian facility constructed consistent with the guidelines indicated in Attachment B – Street Cross Section and Trail Standards and the Payson City Design Guidelines and Standard Specifications.

A second trail will be constructed along the division of the medium/high and high density residential land use designation between Main Street and 500 West. The trail will be grade separated at Main Street, but there will be a street level crossing at 1800 South to provide access to the new Spring Lake Elementary School.

The third trail in the Specific Plan is located along 2000 South and will be grade separated underneath State Route 198 and continue to the west in the future. The trail will be a ten foot pedestrian facility constructed consistent with the guidelines indicated in Attachment B – Street Cross Section and Trail Standards and the Payson City Design Guidelines and Standard Specifications.

The areas adjacent to all trails should be appropriately landscaped, and incorporated into the development design to promote safety, access, and usability. The trails are meant to be more than a recreational facility, it is anticipated that the trails will be an integral part of the transportation and circulation system of the community. Grade separation from major roadways will promote safety for children using the trail to walk to school or to parks.

Section 7.3 Governmental Structures and Facilities

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Located on the southeast corner of the intersection of 2000 South and 500 West, a parcel has been identified as a location for community services. It is anticipated that Payson City will construct a satellite public safety building to house fire fighting equipment and other emergency response equipment. The addition of the public safety building will allow the City to respond to potential emergencies in an efficient and timely manner. Although it is anticipated that the City will bear the cost of the construction, an applicant may propose financial or construction assistance with the public safety building in exchange for increased density in accordance with Section 3.5 herein.

Mower Addition Annexation Specific Plan and Annexation Agreement

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Chapter 8 - Subdivision and Development Review Issues

As each proposed subdivision is prepared for review and approval by the City Council, staff will review the application for consistency with the development ordinances of Payson City including, but not limited to, Title 19, Zoning Ordinance, Title 20, Subdivision Ordinance, Title 21, Sensitive Lands Ordinance, and the Design Guidelines and Standard Specifications of Payson City. In particular, staff will concentrate on the following items, in no particular order, as unique concerns of proposed development in the Mower Addition Annexation:

1. Each applicant will be required to retain the twenty four (24) hour, twenty five (25) year storm event on site. Furthermore, each applicant will need to provide overflow facilities that will be collected south of the community services parcel south of the intersection of 2000 South and 500 West.
2. Each applicant for development approval will need to satisfy the conditions of agreement reached between Payson City and the Strawberry Electric Special District on March 25, 1998 regarding reimbursement for existing facilities and lost generation of electrical facilities. Applicants will also be required to submit payment for the proportionate share of the costs related to the relocation of the Strawberry Electric Special District transmission line to a location agreed upon by Payson City and the Strawberry Electric Special District. Payson City shall be held harmless for any cost related to reimbursement to the Strawberry Electric Service District.
3. Each development proposal will be reviewed for impact on the ability of the High Line Canal Company to provide irrigation service to down stream users. Each applicant for development approval must receive written approval from the High Line Canal Company, the Strawberry Water Users Association and the United States Bureau of Reclamation prior to any approval by the City Council. Furthermore, the applicant will need to provide information and written approval from any down stream user of a private irrigation facility.
4. Each applicant for development approval will be required to provide written comments from the Spring Lake Water Company indicating the impact on the water system of the company.
5. Each subdivision will be reviewed for the creative and effective use of varied frontages and staggered setbacks to provide variety and a mixture of homes in the subdivision.
6. Each subdivision will be reviewed to ensure that appropriate reservations have been made allowing residents to participate in the green waste recycling program of Payson City.
7. Each applicant for development approval shall be required to transfer an adequate amount of water shares into the name of Payson City, together with an approval of the transfer from the State Water Engineer and the approval of the change in point of diversion to a location approved by City. Further, each applicant will need to supply City with the water certificates in the name of Payson City prior to recordation of any Final Plat. The Final Plat of any subdivision or phase of any subdivision shall not be recorded until the transfer and diversion has been completed.
8. Each applicant for development approval with land adjacent to the right-of-way of the High Line Canal is required to satisfy the fencing requirement of the High Line Canal Company. Written approval of the type of fencing from the High Line Canal Company, Strawberry Water Users Association, and the United States Bureau of Reclamation shall be obtained by the applicant.
9. Each applicant shall obtain a demolition permit from Payson City prior to the demolition of any structure. All fees associated with the demolition of a structure shall be the responsibility of the applicant for development approval.
10. Each applicant proposing to install, or to participate in the installation or improvement of a new park facility shall meet with the Community/School representative of Payson City to determine the appropriate facilities to be placed in the park.
11. Prior to the approval of any commercial uses in the proposed NC-1, Neighborhood Commercial Zone, the City Council will need to adopt an amendment to the Zoning Ordinance implementing the new zone.
12. Each applicant will need to satisfy the adopted theme signage, streetlights, and trail signage for the Mower Addition Annexation.

13. Each applicant developing property adjacent to a proposed trail will be required to provide an adequate easement for access and maintenance of the trail.
14. Each proposed development will be reviewed for compliance with the intention of the land use designation of the Specific Plan.
15. Each proposed development will be reviewed to ensure that all appropriate steps have been taken in regards to environmental protection and protection of environmentally sensitive areas. Special attention will be given for protection of ridgelines, and appropriate massing of homes. Homes should compliment the natural environment not detract from the natural environment.
16. Each applicant for development approval will need to identify all springs, water courses, and water facilities on the parcel(s) proposed for development. Applicants are encouraged to use the existing surface water as an amenity.
17. Each development will be reviewed for energy efficiency and the proper placement of homes to take advantage of solar radiation.
18. Each applicant shall provide to Payson City a copy of the Conditions, Covenants, and Restrictions (CC&R's) for each proposed subdivision or development. The CC&R's shall be recorded in the office of the Utah County Recorder and deed restricted so that the CC&R's shall run with the land regardless of ownership. The CC&R's shall contain information about the homeowner's association organized to provide maintenance of all open space held in common ownership, acceptable building styles and standards for the project and other development standards, specific landscaping standards, and any other requirements deemed reasonably necessary by Payson City or the applicant.
19. Each applicant agrees to submit an engineer's estimate of the costs associated with completion of the improvements required for the development. The applicant agrees to provide City with financial assurance, in the form of a cash bond or irrevocable line of credit from a financial institution approved by Payson City, for the completion of the development improvements. The City Council shall determine the duration of the financial assurance.

Mower Addition Annexation Specific Plan and Annexation Agreement

Chapter 9 – Legal Considerations

Section 9.1 Reserved Legislative Powers

Payson City recognizes that the Mower Addition Annexation has been approved by the City Council and recorded in the office of the Utah County Recorder. Nothing in this Specific Plan and Annexation Agreement shall limit the future exercise of the police power by Payson City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land use plans, policies, ordinances and regulations after the date of this Agreement.

Section 9.2 Subdivision Plat Approval and Compliance with Payson City Design and Construction Standards

The petitioners expressly acknowledge and agree that nothing in this Specific Plan and Annexation Agreement shall be deemed to relieve Applicant from the obligation to comply with all applicable requirements of Payson City necessary for approval and recordation of subdivision plats for the project, including the payment of fees and compliance with all other applicable ordinances, resolutions, regulations, policies and procedures of Payson City.

Section 9.3 Agreement to Run With the Land

This Specific Plan and Annexation Agreement shall be recorded against the Mower Addition Annexation and shall be deemed to run with the land. The Specific Plan and Annexation Agreement shall be binding on all successors and assigns of any parcel in the Mower Addition Annexation in the ownership or development of any portion or phase of the property.

Section 9.4 Assignment

Neither this Specific Plan or Annexation Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Specific Plan and Annexation Agreement and without the prior written consent of Payson City, which shall not be unreasonably withheld.

Section 9.5 No Joint Venture, Partnership or Third Party Rights

This Specific Plan and Annexation Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor shall it confer any rights or benefits to third parties.

Section 9.6 Integration

This Specific Plan and Annexation Agreement contains the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind of nature and may only be modified by a subsequent writing duly executed by the parties hereto.

Section 9.7 Severability

If any part or provision of this Specific Plan and Annexation Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this agreement, except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

Mower Addition Annexation Specific Plan and Annexation Agreement

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Chapter 10 – Definitions

The definitions listed below are intended to provide clarification to this Specific Plan and Annexation Agreement. If a term or word is not defined below, the most common meaning of the phrase, term or word shall apply. For the purposes of this Specific Plan the terms listed below shall be defined as follows:

1. **Annexation** – Inclusion of property within the municipal corporate limits of Payson City.
2. **Annexation Agreement** – An agreement reached between the proponents for annexation and Payson City indicating conditions of annexation and future allowable land use.
3. **Corporate Limits or Municipal Boundaries** – The geographic area included as part of the Payson City Municipal Corporation for which Payson City provides municipal services to the residents therein.
4. **Density** – The number of dwelling units per acre in a given development.
5. **Non-Conforming Use** – A land use that is inconsistent with the uses allowed under Title 19, Zoning Ordinance of the Payson City Code that legally existed prior to annexation. Non-conforming uses shall be subject to the provisions of Chapter 19.14 of Title 19, Zoning Ordinance of the Payson City Code.
6. **Non-Petitioner** – An owner of property within the proposed annexation that is not a proponent of the annexation. A non-petitioner is not necessarily opposed to an annexation.
7. **Petitioner** – A proponent of annexation as evidenced by a signature on the annexation petition presented to the Payson City Council.

Mower Addition Annexation Specific Plan and Annexation Agreement

ENT 5195:2003 PG 25 of 31

DATED this ____ day of _____ 2002.

By:

Petitioners

Jerry R. Bradford
Jerry R. Bradford

Lynette Z. Bradford
Lynette Z. Bradford

Ted D. Hone

Catherine M. Hone

Mary Miller
Mary Miller

Jim B. Mower
Jim B. Mower

Shin Ja Mower
Shin Ja Mower

Darrell L. Smith
Darrell L. Smith

Janet M. Smith
Janet M. Smith

John D. Zeeman
John D. Zeeman

Helena V. Zeeman
Helena V. Zeeman

Payson City

Bernell C. Evans
Bernell C. Evans
Mayor, Payson City

Attest:

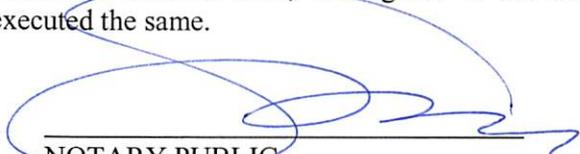
Jeanette Curtis
Jeanette Curtis
Payson City Recorder



STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

On this 23RD day of September, 2002, personally appeared before me, a Notary Public in and for the State of Utah, JERRY R. & LYNETTE Z. BRADFORD, the signers of the above instrument, who duly acknowledged to me that they executed the same.



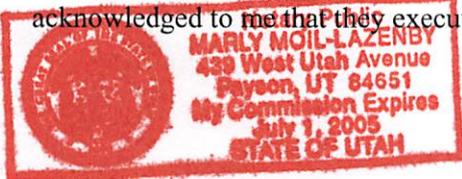


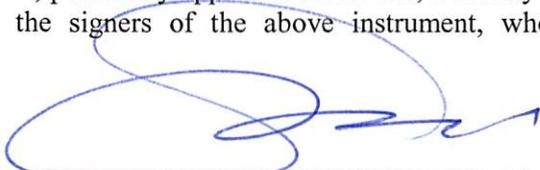
NOTARY PUBLIC

On this _____ day of _____, 2002, personally appeared before me, a Notary Public in and for the State of Utah, TED D. & CATHERINE M. HONE, the signers of the above instrument, who duly acknowledged to me that they executed the same.

NOTARY PUBLIC

On this 17 day of December, 2002, personally appeared before me, a Notary Public in and for the State of Utah, MARY MILLER, the signers of the above instrument, who duly acknowledged to me that they executed the same.

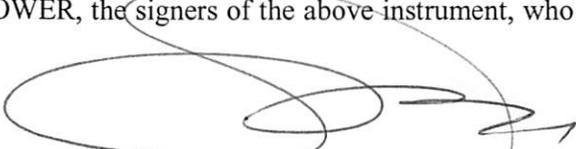




NOTARY PUBLIC

On this 26TH day of AUGUST, 2002, personally appeared before me, a Notary Public in and for the State of Utah, JIM B. & SHIN JA MOWER, the signers of the above instrument, who duly acknowledged to me that they executed the same.

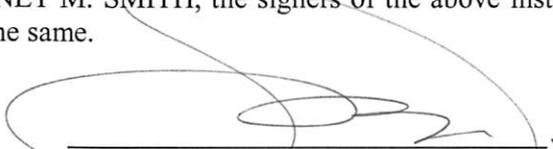




NOTARY PUBLIC

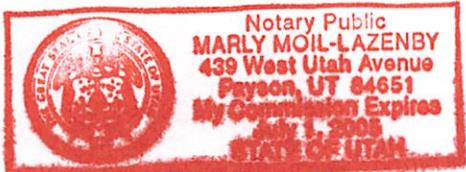
On this 23RD day of AUGUST, 2002, personally appeared before me, a Notary Public in and for the State of Utah, DARRELL L. & JANET M. SMITH, the signers of the above instrument, who duly acknowledged to me that they executed the same.

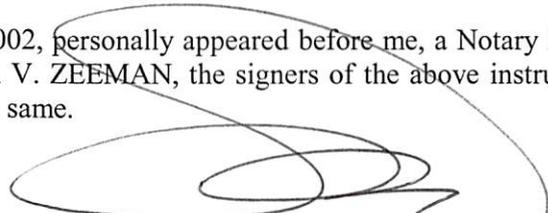




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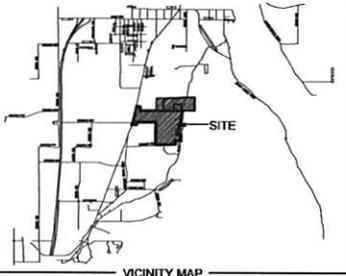
On this 26TH day of AUGUST, 2002, personally appeared before me, a Notary Public in and for the State of Utah, JOHN D. & HELENA V. ZEEMAN, the signers of the above instrument, who duly acknowledged to me that they executed the same.





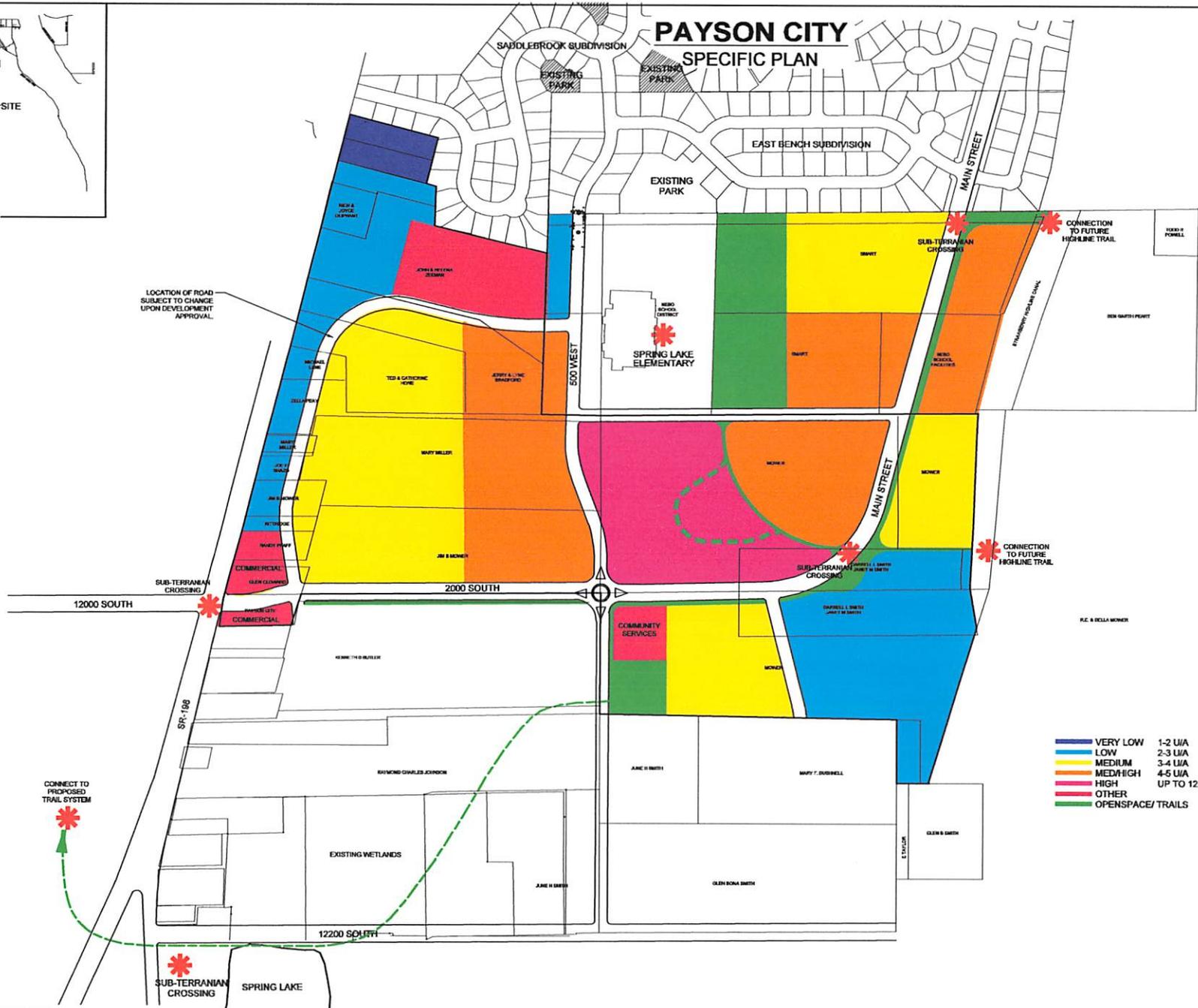
NOTARY PUBLIC

Attachment A
(Specific Plan Map)



VICINITY MAP

PAYSON CITY SPECIFIC PLAN



LOCATION OF ROAD SUBJECT TO CHANGE UPON DEVELOPMENT APPROVAL

CONNECT TO PROPOSED TRAIL SYSTEM

SUB-TERRANIAN CROSSING

DATE	BY	SCALE	SHEET
07/11/2002	TAS	1" = 200'	1 OF 1
PAYSON CITY SPECIFIC PLAN			
3322 No. Main St. Sandwich Fork, UT 84640 801-738-0058 Fax 801-738-5033			
CEI Consulting Engineers and Surveyors, Inc.			
PROJECT NO.	2001-663		
DATE	07/11/2002		
DRAWN BY	TAS		
GDM / BTG			
DATE	07/11/2002		
DRAWN BY	TAS		
PAGE 1			

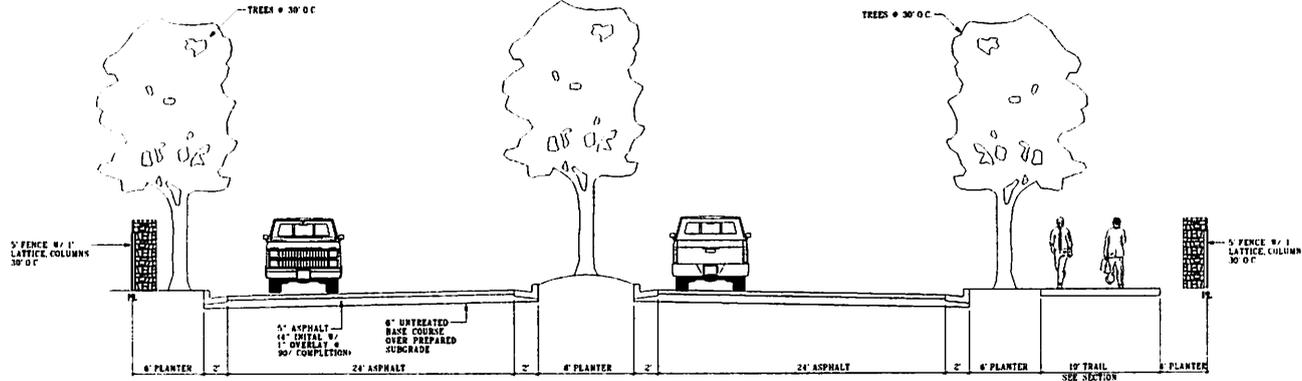
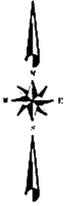
Mower Property, Payson Land Uses & Densities

Color	Land Use	Density Range		Area*	Percent of Project	Anticipated Units Range			
		Low	High			Low		High	
						# Units	% Uses	# Units	% Uses
Purple	Very Low Density Residential	1	2	2.00	1.6%	2	0.5%	4	0.8%
Cyan	Low Density Residential	2	3	23.38	18.9%	46	12.2%	70	13.5%
Yellow	Medium Density Residential	3	4	36.68	29.6%	110	29.1%	146	28.1%
Orange	Med. High Density Residential	4	5	30.66	24.8%	122	32.3%	153	29.4%
Magenta	High Density Residential	8	12	12.33	10.0%	98	25.9%	147	28.3%
Red	Commercial Property			1.98	1.6%				
Red	Community Services			1.33	1.1%				
Red	Church Site			4.92	4.0%				
Green	Open Space / Parks **			10.59	8.5%				
Totals				123.87	100.0%	378	100.0%	520	100.0%

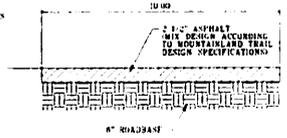
* Does not include areas of designated roadways.

** Does not include mandatory park space associated with the High Density Residential

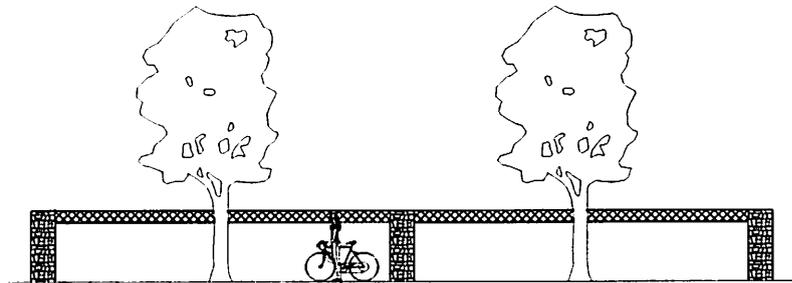
Attachment B
(Street Cross Section and Trail Standards)



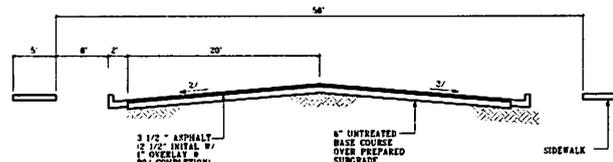
MAIN STREET AND 12000 SOUTH CROSS SECTION



TRAIL SECTION



MAIN STREET AND 12000 SOUTH - STREET SCENE



TYPICAL INTERIOR ROAD CROSS SECTION

REVISION	DATE	BY

3002 No. Main St.
 Spanish Fork, UT 84600
 Consulting Engineers
 801-798-0065 Fax 801-798-0330
CEI
 and Surveyors, Inc.

PROJECT NAME
 PRELIMINARY PLAN

DESIGNER GDM / BTG PROJECT# 2002-000
 DATE 01/2002 SCALE 1" = 40'
 DRAWN BY BTG SHEET 1 OF 1