

MAIL TO: **PAYSON CITY**  
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**PAYSON, UT 84651**

## ***Depot Annexation Specific Plan and Annexation Agreement***

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RECORDED FOR PAYSON CITY CORPORATION

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#### **Attachments:**

- Attachment A: Legal Description and Annexation Plat Map**
- Attachment B: Land Use Map for Property included in the Depot Annexation**
- Attachment C: Specific Plan Land Use Map**
- Attachment D: Design Criteria Imposed by the City Council Specific to the Depot Annexation**

## ***Depot Annexation Specific Plan and Annexation Agreement***

### ***Chapter 1 – Executive Summary***

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The Depot Annexation is located north of Interstate 15, west of Main Street. More specifically, the annexation is located south of 900 North (9600 South, Utah County coordinate system) and east of 500 West (3550 West, Utah County coordinate system) forming a rectangle that encompasses private property and property owned by the Federal Highway Commission and the Utah Transit Authority. The proposed annexation contains 27.218 acres and includes two parcels of private property, the Interstate 15 right-of-way, the railroad right-of-way (recently purchased by the Utah Transit Authority), and a portion of the 500 West (3550 West, Utah County coordinate system) right-of-way. The Specific Plan is a collaborative effort between Payson City and the proponents for annexation. 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 while taking into consideration the desired land uses of the non-petitioner in the annexation.

It is anticipated that the annexation, when developed, will include structures which accommodate commercial businesses together with the necessary public works facilities to provide municipal and other utility services to the businesses. The area will be carefully planned to take advantage of the exposure offered by the frontage along Interstate 15 and the circulation provided by the location near a freeway interchange. The area will incorporate landscaping and other methods of transition to increase the level of compatibility of surrounding uses and beautification of the freeway corridor. Because this area is highly visible and will influence the impression of the entire community, a design theme will be established to increase the continuity of the development pattern and create interest in the built environment.

#### **Section 1.1 Legislative Authority**

Under the authority of 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 Depot Annexation and extend the municipal boundaries of Payson City as indicated in Attachment A. Furthermore, as set forth in Title 19, Zoning 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 Annexation Agreement and the attached land use map (Attachment B) shall represent the allowable land uses in the Depot Annexation. If an applicant for development approval chooses not to follow the regulations and design guidelines of the Specific Plan and Annexation Agreement, the applicant is eligible to apply for a zone change. However, it is the responsibility of the applicant to provide information indicating that developing the property under the guidelines of the new zone will not inhibit the development goals for the entire Specific Plan and the land use pattern indicated on the Land Use Map of the Payson City General Plan. 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 Depot 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 Specific Plan and Annexation Agreement process enacted in the adopted Zoning Ordinance allows the City Council to be involved in the development process at the appropriate time, in the beginning. When land use objectives and specific features of future 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 needs in the entire area of the community rather than installing inadequate facilities through a piecemeal approach that often leads to unnecessary replacement of facilities.

As the area is transformed from agricultural uses to a more intensive development pattern, 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 occupants 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.

**Section 1.4 Connection of Existing Homes to Utilities**

As part of development approval, the existing home and qualified structures of the non-petitioner must be connected to Payson City utility services including drinking water, pressurized irrigation, sewer, and electrical. The costs involved in completing these connections including the payment of all impact and connection fees, as well as the physical connection, are the responsibility of the petitioners for annexation. The connection shall be completed prior to any development approval for the property in the annexation by the City Council, unless such development approval is granted to the non-petitioner in which case all costs associated with connection shall be borne by the non-petitioner. It shall further be the responsibility of the developer to properly address the protection of all individual wells, if necessary, and elimination of all septic tanks.

**Section 1.5 Existing Uses and Non-Conforming Uses**

Prior to recordation of the Annexation Plat prepared for annexation, the existing uses of property were identified. Unless expressly permitted by this Specific Plan and Annexation Agreement, continuation of any use that is not consistent with the regulations and requirements of the underlying zone is not permitted. For the purposes of this Specific Plan and Annexation Agreement, the following uses are permitted to continue until the time of development approval by the Payson City Council for the parcel:

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. No additional permanent structures may be erected on the property except in accordance with the regulations of the underlying S-1, Special Highway Service Zone. For the purposes of this agreement, the present agricultural uses of the property include farming of typical field crops. The introduction of large amounts of farm animals, feedlots or other uses that significantly change the present agricultural uses are not allowed.
2. Typical residential uses for the Zeeman property, indicated in Attachment B, consistent with Chapter 19.14 of the Payson City Zoning Ordinance.
3. In order to clarify subsection 2 above, Ms. Zeeman can continue to use her property as a non-conforming use until she decides to sell her property. At that time, pursuant to Section 19.14.7 of the Payson City Zoning Ordinance, the City Council finds that Ms. Zeeman's investment in her property has been satisfied and therefore, the non-conforming use will terminate when she sells her property. Once the property sells, any use of the property must conform with the underlying S-1 Zone.

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### ***Chapter 2 – Introduction***

The Depot Annexation includes 27.218 acres located generally south of 900 North (9600 South, Utah County coordinate system) and east of 500 West (3550 West, Utah County coordinate system), north and west of Interstate 15. There is one (1) single family residence in the annexation and the remainder of the property has traditionally been used for pasture and intermittent farming.

#### **Section 2.1 Purpose and Intent**

The purpose and intent of this Specific Plan and Annexation Agreement is to allow Payson City and the petitioners of the annexation to agree on issues such as land use, 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 will clarify the additional requirements, beyond those in the development ordinances of Payson City, of future development proposals and the types of development that will be acceptable in specific areas.

#### **Section 2.2 Approval History**

On July 17, 2002, the Payson City Council accepted the annexation for further review and on September 1, 2004, granted approval of the Depot Annexation contingent upon the completion of the requirements of Chapter 19.12 of the Payson City Zoning Ordinance and approval of a Specific Plan and Annexation Agreement. Approval of this Specific Plan and Annexation Agreement constitutes an identification of approved land uses and other required features of development within the 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 Depot 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 Depot Annexation.

#### **Section 2.3 Non-Petitioner Obligations**

Although it is anticipated that portions of the annexation will remain undeveloped for a period of time, it is likely that over time all property in the annexation will be improved to accommodate commercial development. Therefore, the infrastructure, design elements and other development considerations for these areas are intended to be required for all property in the annexation, including the Zeeman property. When an applicant for development approval seeks to obtain development approval of these areas the applicant will be required to develop the property consistent with all applicable design elements and construction standards established herein.

## ***Depot Annexation Specific Plan and Annexation Agreement***

### ***Chapter 3 – Land Use Considerations***

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 through the approval of a Specific Plan included as Attachment B hereto. The Specific Plan was found to be consistent with the Payson City General Plan by the City Council. 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 Zoning Designation**

It is anticipated that the property in the Depot Annexation will develop in accordance with the land use designations listed in Chapter 5 herein. However, if an applicant desires to develop any parcel or a portion of any parcel that does not conform to this Specific Plan and Annexation Agreement, the applicant is eligible to request a zone change which must be approved by the City Council. Otherwise, an applicant for development approval must satisfy the regulations 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 area within the Depot Annexation as S-1. The Zoning Map is available from the Development Services Department for public reference and review.

#### **Section 3.2 Development Concept**

It is a typical and proper land use concept to encourage commercial development near the interchange of an Interstate freeway. These commercial areas are vital to bring balance to a community by providing sales tax revenues, employment opportunities, retail shopping options and a chance to promote the community to the traveling public. In consideration of the annexation petition of the Depot Annexation, the City Council recognized that if an appropriate zoning designation was assigned to the property, inclusion of the area included in the Depot Annexation would be a logical extension of the municipal boundaries. Due to the proximity of the property in relation to the Interstate 15 interchange, the City Council determined that the S-1 Zone is the most appropriate zoning for the property. This annexation will incorporate additional land in the S-1 zoning district to allow the City to further the balance the land use in the community while providing an opportunity to capture fiscal resources that will benefit the community. Given these considerations, rezoning of this property should be discouraged by future City Councils even if the development of the property does not occur as quickly as anticipated by the landowners or residents of the community.

The property in the annexation will be developed as a commercial project consistent with the uses allowed in the S-1, Special Highway Service Zone, except that the non-petitioner may continue, in accordance with Chapter 19.14 of the Payson City Zoning Ordinance, the use of the existing single family dwelling and associated residential uses. It will be the responsibility of the applicants for development approval to provide appropriate transition between different land use designations.

Payson City recognizes the value of proper land use planning. Therefore, an overall development plan will need to be created that establishes proper pedestrian and vehicular circulation, incorporates the design theme determined by the City Council, building locations and massing, and other global site planning issues. For example, the property borders the rail lines that have been designated for commuter rail provided by the Utah Transit Authority and the building locations and features should accommodate their efforts.

Perimeter development or development that leaves portions of the property vacant and difficult to develop is not acceptable. Furthermore, even though some of the property included in the annexation may not be developed immediately, accommodation of all property must be addressed in the overall development plan. Likewise, property that has already been improved must be a consideration in the overall development plan. Cross connection, design,

pedestrian and vehicular circulation and other features are necessary to create a commercial center or district in the greater interchange area rather than separate disjointed commercial developments.

**Section 3.3 Specific Plan**

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The Specific Plan for the Depot Annexation, included as Attachment C hereto, includes several properties that are outside the boundaries of the annexation to ensure that proper infrastructure planning, land use compatibility in a larger context, and the objectives of the General Plan are accomplished. Inclusion of the additional properties in the Specific Plan is not an indication of the desire of the City Council to annex all of the properties in the Specific Plan, but rather a long range view of the development potential of a larger area.

The Specific Plan Map indicates S-1, Special Highway Service Zone for the property in the Depot Annexation. The land use map, allowable uses, and other development related information is included in Chapter 5 of this Specific Plan and Annexation Agreement.

**Section 3.4 Specific Plan Map Interpretation**

The Specific Plan Map for the Depot Annexation was prepared as an entire landmass with only limited consideration of property lines. It shall be the burden of the applicant for development approval to indicate that the land use 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 roads and existing property lines where it is clear that roads and 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. In conjunction with the items listed above, staff may require a transition from one land use designation to another to appropriately transition between land uses.

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

## ***Depot Annexation Specific Plan and Annexation Agreement***

### ***Chapter 4 – Roadways***

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. The roads and streets in all proposed developments shall be constructed in accordance with the Design Guidelines and Standard Specifications of Payson City, unless otherwise approved by the City Council following a recommendation by the Payson City Engineer. If temporary dead end roads are necessary for development, the applicant will provide a temporary turn around with not less than a sixty (60) foot radius of asphalt, or consistent with the development ordinances at the time of development approval.

In accordance with Chapter 19.12 of the Payson City Zoning Ordinance, the City Council required the petitioners to provide information about the existing condition of roadways adjacent to the proposed annexation. The petitioners completed the necessary testing and it was determined that the roads did not satisfy the minimum requirements of the Payson City Design Guidelines and Standard Specifications.

The two existing roads adjacent to the property in the Depot Annexation will need to be improved in order to satisfy the improvement standards of Payson City. Because the annexation does not include property on each side of 900 North (9600 South Utah County coordinate system) and 500 West (3600 West Utah County coordinate system), Utah County has decided to retain ownership and maintenance responsibilities for the existing roads in the annexation. Although Utah County will retain the maintenance and ownership responsibilities of the roads for the time being, it is likely that these roads will be owned and maintained by Payson City in the future. Therefore, ownership and maintenance by Utah County will not release the applicant for annexation, or a future applicant for development approval from the obligation to improve the roads to satisfy the Payson City Design Guidelines and Standards Specifications. The petitioners for annexation and all subsequent applicants for development approval hereby understand and agree to the following:

1. The existing potholes will be filled with asphalt and a typical chip and seal treatment will be completed for 900 North and 500 West where the road borders the annexation within six (6) months of the effective date of this Specific Plan and Annexation Agreement.
2. Prior to issuance of a building permit for any structure in the area included in the Depot Annexation, 900 North and 500 West will satisfy all requirements of the Payson City Design Guidelines and Standard Specifications. The minimum requirements for these improvements include, but are not limited to, no less than one half ( $\frac{1}{2}$ ) plus ten (10) feet of the required width of 900 North and 500 West including the installation of asphalt at the required thickness, storm drainage facilities, curb, gutter, and sidewalk. Applicant agrees that reconstruction of the roads may be necessary to satisfy the Payson City Design Guidelines and Standard Specifications.

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 900 North. The pedestrian facilities will be designed to provide appropriate separation from the vehicular traffic on 900 North which is an arterial status street.

Applicants for development approval will need to carefully plan access to the arterial street that will limit access while providing at least two points of ingress and egress in the project for more than ten equivalent residential units. Access directly from businesses is strongly discouraged.

## ***Depot Annexation Specific Plan and Annexation Agreement***

### ***Chapter 5 – Zoning Considerations and Permitted Uses***

This Specific Plan and Annexation Agreement indicates acceptable land uses and specific design guidelines for the Depot 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. The petitioners have provided information indicating that there are high water areas, well-head protection zones, and other considerations that will require special attention. 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 through the development process. It is the responsibility of the applicant for development approval to obtain all necessary and required permits to construct within or enhance a wetland or sensitive area.

#### **Section 5.1 Zoning Requirements and Relationship to Specific Plan**

The zoning designation of the area included in the Depot Annexation shall be S-1, Special Highway Service Zone. Failure to develop the property in accordance with the regulations of the S-1 Zone and this Specific Plan and Annexation Agreement will require a zone change, and potentially a General Plan Amendment. It is an intention of this agreement to clearly indicate the desire of the City Council to ensure that the property in the annexation is developed consistent with the General Plan which indicates commercial land uses for this area.

#### **Section 5.2 Permitted Uses in the S-1, Special Highway Service Zone, Subject to Change**

Uses of property in the annexation shall be consistent with the uses identified in Title 19, Zoning Ordinance and more specifically the allowed uses in the S-1, Special Highway Service Zone, which are subject to change from time to time, in effect at the time of application for development approval. Vesting of development rights shall not occur by way of this Specific Plan and Annexation Agreement except to the extent that the applicant is vested with the right to develop the property in the annexation consistent with the uses allowed in the S-1, Special Highway Service Zone in effect at the time of application for development approval provided all applicable regulations of the Payson City development ordinances have satisfied. Nothing in this Specific Plan and Annexation Agreement shall inhibit the ability of the Payson City Council to modify the uses allowed in the S-1, Special Highway Service Zone or any other Payson City development ordinance in accordance with State statute and City ordinance.

#### **Section 5.3 Design Guidelines and Other Zoning Requirements**

Development proposals shall satisfy all applicable requirements of Chapter 19.8 of the Payson City Zoning Ordinance and any specific design guideline criteria established by the City Council in terms of building colors, materials, and other architectural features identified in Chapter 6 herein.

#### **Section 5.4 Commencement of Excavation and Issuance of Building Permits**

Prior to any development of the site, the applicant shall obtain Site Plan approval in accordance with Title 19, Zoning Ordinance of the Payson City Municipal Code. Nothing in this Specific Plan and Annexation Agreement is intended to grant any type of Site Plan or other development approval. Prior to any excavation or other site improvement, the applicant shall schedule a pre-construction meeting with the Payson City Engineer to discuss project details and timeframes. Prior to issuance of any building permit, all required infrastructure must be installed, inspected, and approved including the placement of asphalt, curb, gutter, sidewalk and installation of private utilities.



## ***Depot Annexation Specific Plan and Annexation Agreement***

### ***Chapter 6 – Specific Design Criteria***

The Depot Annexation is so named due to its location in between two sets of railroad tracks. The petitioners for annexation have suggested that it would be appropriate to incorporate design elements consistent with the traditional architecture of a train depot. By approving this Specific Plan and Annexation Agreement, the City Council accepts the design motif for the property. Examples of acceptable architectural features have been included in this Specific Plan and Annexation Agreement as Attachment D. Landscaping, streetscape and other non-residential features will also add to the feel or ambiance of the area. Adjacent projects will also be required to incorporate the design theme creating a unique and identifiable portion of the community.

#### **Section 6.1 Colors, Materials and Characteristics**

The color, materials, and architectural characteristics will be reviewed by staff for compliance with the design criteria established by the City Council for the Depot Annexation which is included as Attachment D hereto together with the adopted design guidelines for the Main Street/Interstate 15 commercial area. In an effort to create a well-planned development pattern, the City Council has imposed the following minimum design standards for each structure in the Depot Annexation.

1. Each structure shall be constructed of masonry materials including brick, stone, or hardiplank. The use of stucco and other materials may be acceptable as an accent features, but should not be dominant features of the building.
2. Adequate parking in accordance with Chapter 19.4 of the Zoning Ordinance will be provided for each structure. The parking areas shall include landscaped islands with shade trees and other appropriate planting materials.
3. Accessory structures, solid waste enclosures, and other development features shall incorporate the colors and architectural features of the primary building and use similar materials where practicable.
4. All colors, materials, and architectural characteristics of each structure shall be consistent with those approved in the design guidelines for the Depot Annexation and the Main Street/Interstate 15 commercial area.
5. Because the structure will be located in a very visible commercial area, architectural features will be employed around the entire structure. As the area develops, it is likely that all sides of the building will be visible from other properties in the vicinity.
6. 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 unit.
7. Signage shall satisfy the requirements of Chapter 19.15 of the Payson City Zoning Ordinance and any design criteria imposed by the City Council included as Attachment D hereto.

#### **Section 6.2 Landscaping Standards**

Landscaping will be an important element in the development of the property in the annexation. The commercial development in the annexation will incorporate a significant landscape feature that will carry through all of the property in the annexation. The feature may be a green belt, waterway, or other landmark creating a sense of place. The project will satisfy the landscaping requirements of Chapter 19.8 of the Payson City Zoning Ordinance.

Applicants for development approval along Interstate 15 will be required to landscape the Interstate 15 right-of-way. The applicant will submit a landscaping plan that will require approval from the Utah Department of Transportation and Payson City and install the landscaping in accordance with Chapter 19.8 of the Payson City Zoning Ordinance and any regulations of the Utah Department of Transportation.

#### **Section 6.3 Streetscape**

Although the movement of vehicular traffic is the primary purpose for roadways, they can serve other functions. Roadways, especially the primary arterials such as 900 North, 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 900 North shall be consistent with the corridor enhancement plan of Payson City, if the plan has been adopted prior to

development approval. Otherwise, the landscaping standards of Chapter 19.8 of the Payson City Zoning Ordinance together with any other applicable landscaping requirements shall be satisfied by the applicant. Payson City will provide information regarding acceptable planting materials, trees, and shrubs.

Lighting is another critical aesthetic element of streetscape. All lighting along arterial 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 properties, specifically 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 preliminary and 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.

#### **Section 6.5 Extension of Infrastructure**

All infrastructure for the development will be required to be extended along the entire frontage of the development along both 900 North and 500 West. The extension shall be completed prior to the issuance of any building permit for any structure in the development. The infrastructure layout will be designed to eliminate all dead end lines.

#### **Section 6.6 Transition Areas**

As part of the development review process, each development that borders a different type of land use or Interstate 15 shall provide a transition area to eliminate future concerns in relation to incompatible uses. Recognizing that the land uses adjacent to the property in the annexation are likely to change in the future, the transition plan must be created in a manner that will provide an effective transition for the existing residential uses as well as the anticipated future industrial and commercial uses.

The transition areas will be at least thirty (30) feet in width and included on both sides of the different types of land use creating at least a sixty (60) foot transition area. The transition area shall be consistent with the regulations of Chapter 19.8 of the Payson City Zoning Ordinance and improved by completing attractive landscaping or other means acceptable to staff to create a separation of non-compatible land uses.

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### *Chapter 7 - Development Review Issues*

If subdivision of land or other type of development request is proposed or necessary, a complete plan shall be prepared for review and approval. 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 annexation:

1. The applicant has provided a letter from the Strawberry Electric Service District indicating that there are no District facilities in the proposed annexation, but there are facilities adjacent to the annexation. The applicant will need to satisfy all of the requirements of the agreement reached between Payson City and the Strawberry Electric Service District on March 25, 1998. The applicant shall provide a signed consent to serve agreement between Payson City and Strawberry Electric Special Service District. The consent agreement must hold harmless Payson City from any future payment of fees or reimbursement.
2. The applicant has provided a letter from the High Line Canal Company indicating that they do not presently provide irrigation water to the property in the annexation, but may provide the irrigation water in the future if an agreement is reached between the Old Field Water Company, the High Line Canal Company and Payson City. At the present time, the property is served by the Old Field Water Company and the applicant will need to provide a letter from the Company indicating that the proposed annexation will not inhibit their ability to provide irrigation water to their users. Additionally, the applicant will need to provide information in relation to all other water courses, the potential high water table and any wetlands in the area proposed for annexation. Because this information has not been provided by the applicant, it will be necessary to include appropriate protections in the Specific Plan and Annexation Agreement for the annexation.
3. Each applicant will be required to retain the twenty four (24) hour, twenty five (25) year storm event on site.
4. The applicant agrees to satisfy the water transfer requirements of Chapter 19.12 of the Payson City Zoning Ordinance and Title 10, Water Ordinance of Payson City. The applicant will 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 approval of any Site Plan or recordation of any Final Plat.
5. A demolition permit shall be obtained 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.
6. 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.
7. Each spring, watercourse, wetland and water facility on the parcels included in the annexation shall be identified and properly addressed in the development review process. The applicant has indicated the location of a water well that serves the Zeeman property. The Specific Plan will need to include any well-head protection measures necessary to protect the well that is used for drinking water purposes, such as distance and use requirements. The location of all jurisdictional wetlands as defined by the Army Corps of Engineers and proposed mitigation measures, if any. The applicant has provided information from Utah County, but all wetlands are under the jurisdiction of the Army Corps of Engineers.
8. 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 in accordance with the Payson City development ordinances. The City Council shall determine the duration of the financial assurance. Additionally, the applicant agrees to submit payment of a public works inspection fee in accordance with the fee schedule of Payson City.
9. The applicant has provided information about the existing condition of roadways within and adjacent to the proposed annexation. Generally, upon annexation of property, Utah County relinquishes maintenance and often ownership of the roadways to the annexing municipality. In this instance, Utah County has indicated that they intend to retain ownership and maintenance responsibilities for the roads in the proposed annexation. However, assuming responsibility for roadways in poor condition can be a significant financial impact on the City whether

at the time of annexation or at some point in the future. Staff would suggest that although the County appears to be willing to maintain the roads at the present time, the most effective time to requirement roadway improvements is during the development process. Therefore, the improvements listed in Chapter 4 herein will need to be completed by the applicant in order ensure that the City does not assume substandard roads now or in the future.

## ***Depot Annexation Specific Plan and Annexation Agreement***

### ***Chapter 8 – Legal Considerations***

#### **Section 8.1 Reserved Legislative Powers**

Payson City recognizes that the Depot 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 8.2 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 the petitioners or future applicants for development approval from the obligation to comply with all applicable requirements of Payson City necessary for approval of development plans for the project, including the payment of fees and compliance with all other applicable ordinances, resolutions, regulations, policies and procedures of Payson City.

#### **Section 8.3 Agreement to Run With the Land**

This Specific Plan and Annexation Agreement shall be recorded against the property included in the Depot 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 annexation in the ownership or development of any portion or phase of the property.

#### **Section 8.4 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 8.5 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 8.6 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 8.7 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.

## ***Depot Annexation Specific Plan and Annexation Agreement***

### ***Chapter 9 – 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:

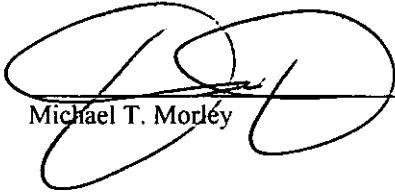
1. **Annexation** – Inclusion of property within the municipal corporate limits of Payson City.
2. **Annexation Agreement** – An agreement reached between the proponents for annexation and Payson City indicating conditions of annexation and future allowable land use.
3. **Corporate Limits or Municipal 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. **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.
5. **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.
6. **Petitioner** – A proponent of annexation as evidenced by a signature on the annexation petition presented to the Payson City Council.

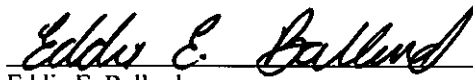
Depot Annexation Specific Plan and Annexation Agreement

DATED this 8<sup>th</sup> day of Feb. 2005


By:

Petitioners


  
Michael T. Morley

  
Eddie E. Ballard

Payson City

  
Bernell C. Evans  
Mayor, Payson City

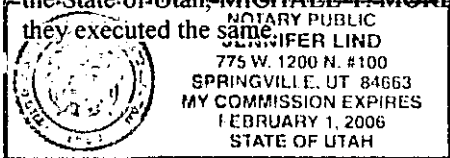
Attest:

  
Jeanette Curtis  
Payson City Recorder



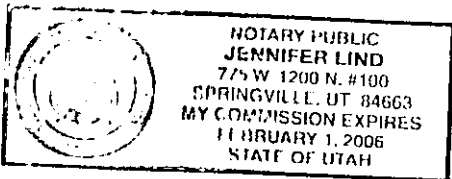
STATE OF UTAH )  
  : ss.  
COUNTY OF UTAH )

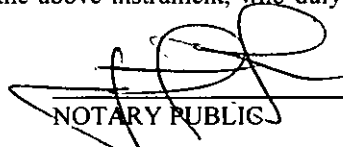
On this 8<sup>th</sup> day of February, 2005, personally appeared before me, a Notary Public in and for the State of Utah, MICHAEL T. MORLEY, the signers of the above instrument, who duly acknowledged to me that they executed the same.



  
NOTARY PUBLIC

On this 8<sup>th</sup> day of Feb., 2005 personally appeared before me, a Notary Public in and for the State of Utah, EDDIE E. BALLARD, the signer of the above instrument, who duly acknowledged to me that they executed the same.



  
NOTARY PUBLIC

*Attachment A*  
*(Legal Description and Annexation Plat Map)*



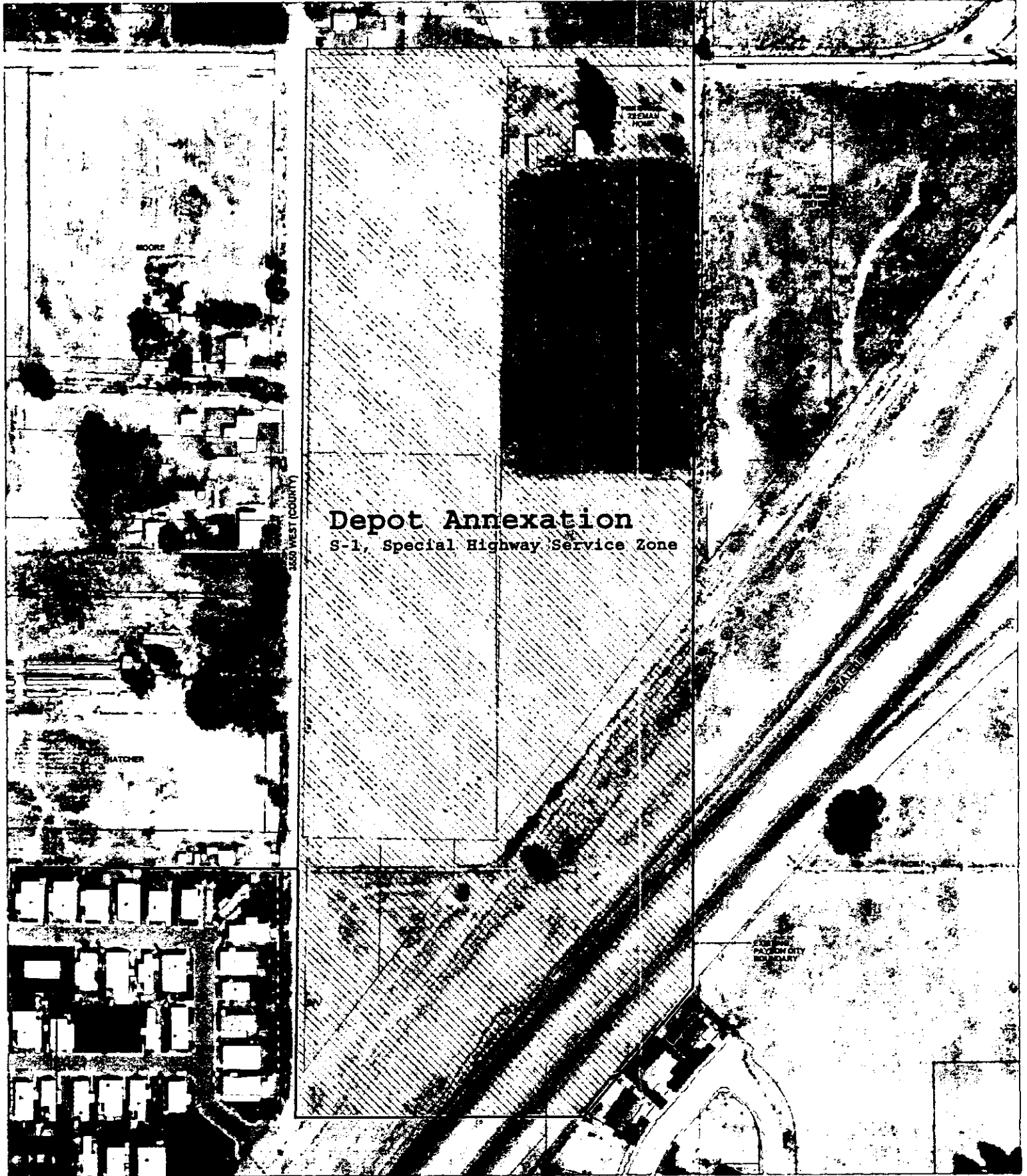




# *Attachment B*

*(Land Use Map for Property included in the Depot Annexation)*

EXISTING WELL  
W0001-2216



**Depot Annexation**  
 S-1, Special Highway Service Zone

EXISTING CITY  
BOUNDARY

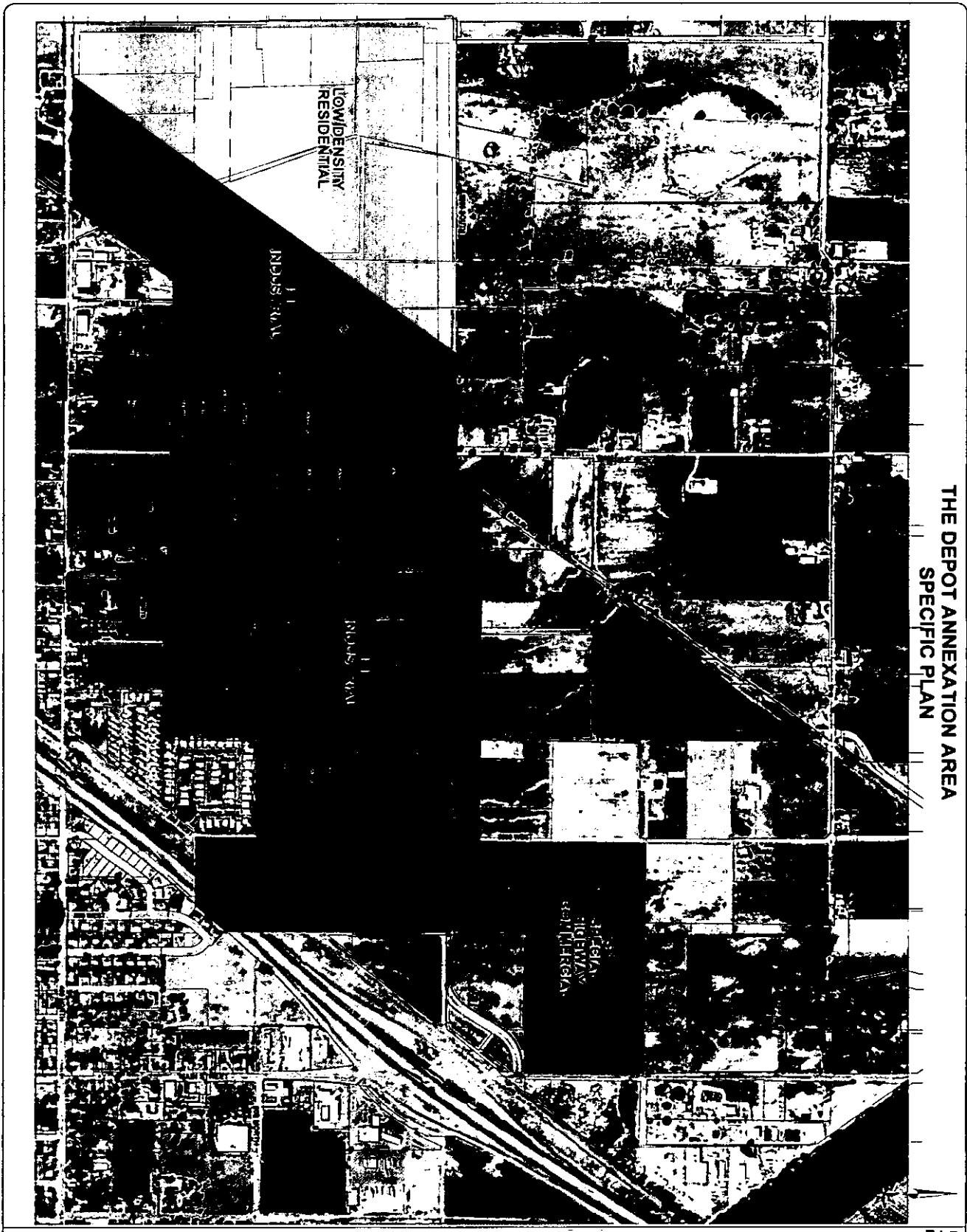
1550 WEST COUNTRY

MOORE

ATCHER


EXISTING WELL  
W0001-2216

*Attachment C*  
*(Specific Plan Land Use Map)*



THE DEPOT ANNEXATION AREA  
SPECIFIC PLAN

ENT 20434:2005 P6 22 of 26

DRAWN BY DATE SCALE	GDM 6/29/2004 TAS	PROJECT 2002-855 SHEET 1 OF 1	<b>THE DEPOT ANNEXATION - PAYSON, UTAH</b>  <b>SPECIFIC PLAN</b>	 3302 No. Main St. Spanish Fork, UT 84603 801-796-6636 Fax 801-796-6383 Consulting Engineers and Surveyors, Inc.	REVISION	DATE BY
	PAGE 1					

*Attachment D*  
*(Design Criteria Imposed by the City Council*  
*Specific to the Depot Annexation)*

## *Architectural Design Standards for the Depot Annexation*

The architectural design standards have been created to encourage an attractive, compatible and comprehensive development pattern that when combined with the architecture of other developments in the area will result in a memorable and interesting commercial area. It is the intention of these standards to provide information that will allow applicants to incorporate design elements consistent with the preferred railroad depot architectural theme for the Main Street/Interstate 15 interchange.

Staff is charged with completing a review of the color rendition for each structure in the Depot Annexation concurrent with review of the site plan application. For this purpose, the color rendition for each site plan application, building permit application, or other applicable request will be accompanied by a color and materials board that includes actual samples of the materials that will be used in the construction of each structure.

The City Council has adopted a traditional train depot theme for the area north of the interchange given the existing railroad facilities in the area and the traditional use by the Union Pacific and the Denver & Rio Grande Railroad companies. Recently, one set of the railroad tracks has been purchased by the Utah Transit Authority for use in the commuter rail system between Payson and Brigham City. Research was conducted including a review of photographs and the architectural history of several train depots. Several common features and design elements were identified that are common to traditional railroad structures. The buildings in the Depot Annexation will be some of the first commercial structures north of Interstate 15 and can therefore set a standard for future structures to follow. Furthermore, other development proposals in the area will be consistent with the train depot theme. Luckily, there are very few buildings constructed north of the interchange and if attention is given to detail, it will be possible for the existing buildings to incorporate the design elements into existing development.

Creativity and imagination are necessary to produce worthwhile design. It is possible for an applicant to review the list of elements contained in these guidelines, randomly place them within the design of a structure to satisfy the obligations of these guidelines without ever approaching the intention of the guidelines. These guidelines were not created to place administrative obstacles in the path of project approval but rather to ensure that all applicants participate in the creation of an interesting, and more importantly, economically viable destination for future patrons and business owners.

The following elements have been identified to provide guidance to applicants in the design of projects that result in the intended motif anticipated by the City Council. It is not the intention of these guidelines to require a series of identical buildings. Rather, the intention is to identify a common theme that will unite the efforts of all applicants in the establishment of a sustainable commercial area with a unique atmosphere. The elements below should be used to guide project design, but not limit creativity. The design of the project must be found to be consistent with these guidelines using some or all of the elements listed herein or the incorporation of other elements common to the railroad motif. Staff will not review an application by simply counting the number of elements included, but rather in relation to the goal of creating a railroad theme. Nonetheless, if fewer elements are incorporated, the elements chosen must represent a more significant portion of the design. A final item of review for each project is the incorporation of a focal point of the development. The focal point can be created in any number of ways from a predominant building, to central feature, or a public gathering area.

1. Commercial zones are created to encourage residents and visitors to the community to frequent the businesses located in these areas. Commercial areas have a significant impact on the impression residents and visitors will have of the community. The City Council has determined that each structure shall incorporate a train depot theme in the design. It will be the responsibility of the applicant for development approval to convince staff that the architecture is appropriate and compatible. If staff has concerns with the proposed design, the design will be presented to the City Council for review, whose decision shall be final. Because these design guidelines are an attachment to a Specific Plan and Annexation Agreement, by signing the agreement, the petitioners agree to require the design standards established herein and those that may be adopted by the City Council. Furthermore, the petitioners for annexation agree to inform all future applicants for development approval, by way of providing a copy of the Specific Plan and Annexation Agreement, of the design requirements for structures in the Depot Annexation.



2. The structures in the Depot Annexation should be masonry buildings with masonry accents. Roofing materials should complement the buildings in terms of quality and color. Buildings and development plans will be produced that will result in an attractive project and leave a positive impression.
3. Some of the basic architectural elements common to many train stations that should be incorporated into the design of the structures in the Depot Annexation include:

- a. A prominent entrance feature. Nearly every train station researched by staff has an entrance feature that signifies the primary entrance to the structure in order to allow patrons to recognize where the preferred access to the business is located. Where possible, buildings should be designed to combine the feature with a necessary function for the building. For instance, a feature such as the one shown to the right can take the place of a parapet wall on the roof of a building to screen the mechanical roof-top units. One of the most identifiable features of railroad depots is a second story crow's nest or watch tower. Buildings should be designed with at least a parapet wall with false windows and architectural elements similar to the architecture shown on a classic railroad depot below.



- b. Windows, whether false or functional, are an important element in nearly every train depot. Typically, the windows are rounded at the top with a keystone at the top of the arch. Windows, even false windows if applicable, should be plentiful and reminiscent of the railroad depot motif.



- c. Masonry accents are a common feature of railroad depots. Additionally, there is often a color change accented by the use of different material texture. These color accents should be designed into each structure and separated by a change in texture or prominent banding.
- d. The placement of columns at regular intervals was often incorporated into the design of railroad depots. The columns should be prominent and appear to be structural necessities rather than architectural additions intended to satisfy design requirements. The columns should also incorporate

the arches and keystones that are predominant in many railroad structures.

- e. Colors are nearly as important as the materials and architecture. Most railroad depots are either red brick or a white masonry material. Therefore, the buildings should employ materials that reflect these traditional colors. A complete colors and materials board showing actual colors and samples of actual materials used in the construction of all buildings will need to be submitted for review by staff.
- f. Porches and awnings are part of the architecture on many railroad depots. However, the porch or awning should complement the architecture and not create a western or saloon theme in the development. However, suspended awnings are common and should be used to indicate main entrances similar to the photograph to the right.



4. Because the buildings in commercial areas are very visible, the architectural features will be employed around the entire structure.

In many instances all sides of the building will be visible from other properties in the vicinity and from major roadways traversing the city.

5. Appropriate development includes more than just building plans and elevations. Project details will help create the atmosphere anticipated in this area. Small building details such as rain gutters, address indicators, outdoor furniture, lighting, shopping cart storage, and other amenities and details should be consistent with the design elements of the building. For instance, signs typical of the era (suspended, old fashioned lettering, etc.) can augment the architectural intent. Attention should be paid to all details in the final design of the building and improvement of the site.

Payson City encourages applicants for development approval to contact the Union Pacific Railroad and other organizations dedicated to the historical significance of railroads in this area. The City can further participate by identifying appropriate street indicators, street lights, and other public improvements and placing them in the Payson City Design Guidelines and Standard Specifications to ensure that all developments in this area install appropriate improvements. It is a finding of the City Council that creating an area of interest will result in economic benefit for property owners over the long run although the developers may incur a few additional costs upfront. An identifiable theme can be a recruiting tool and if completed properly may increase the commercial value of property in the area. Likewise, a haphazard development pattern can be a hindrance to economic development and business recruitment. Therefore, the design guidelines are not only an attempt to encourage proper development, but for economic development and recruitment purposes also.

The design criteria included in these standards are purposely vague. This liberal approach provides an opportunity for flexibility and individual characteristics while providing some basic direction. The individual structures will be reviewed within a larger context to create a consistent design theme throughout the interchange area. While Payson City is supportive of individual creativity, there is also a need to require compatible and complementary building design. Finally, The intention of these suggestions is not to simply add cost to the buildings, but rather create a harmonious development pattern in the most visited and heavily traveled areas of the community.