

ORDINANCE NO. 695

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A LONG TERM PLAN FOR WATER AND GROWTH AND PROVIDING FOR ITS IMPLEMENTATION.

WHEREAS, the Town of Payson desires to allow for the orderly build out of vacant lands within the Town; and

WHEREAS, in addition to its residents, hundreds of thousands of visitors travel to the Town of Payson each year expecting to utilize the Town's water resources; and

WHEREAS, the Town is committed to managing its available resources in the most optimum manner; and

WHEREAS, in the past, the Town has commissioned multiple studies and has used such studies to protect and manage its available water resources; and

WHEREAS, additional studies are now necessary to determine Payson's water supply and the number of persons who can be served by such supply; and

WHEREAS, in order to provide for strategic and orderly growth, the Town is in the process of amending the Town's subdivision ordinance, rezoning ordinance, Section 50.03 of the Town Code, and the Town's General Plan, some of which are outdated and/or unworkable; and

WHEREAS, the Town desires to foster an open dialogue with and among its citizens relative to water resource management and growth; and

WHEREAS, on September 1, 2006, in the *Payson Roundup*, the Town published a notice of a public hearing to be held on the Long Term Plan for Water and Growth (the "Plan") for October 5, 2006 at 5:30 p.m. in the Town Council Chambers; and

WHEREAS, such a public hearing was held,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. The Mayor and Common Council make the following findings:

**Prepared by Town of Payson Legal Department**

SIS:drs September 28, 2006 (10:59AM)

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1st Reading & Public Hrg OCT 05 2006 G.3

- a. The Town of Payson relies solely upon groundwater for its municipal water supply to serve its residents and visitors.
- b. The citizens of Payson have become increasingly concerned about the availability of groundwater for current and future residents of and visitors to the Town. Citizens are concerned about the long term supply of the Town's wells that are within its corporate boundaries as well as the use and long term supply of the Town's Tower Well located outside the Town's corporate boundaries.
- c. A study of the safe yield for the area surrounding the Tower Well and a study determining the long term supply of the wells within the corporate boundaries of the Town is necessary to determine if the current and future residents of Payson have and will continue to have a sufficient water supply.
- d. A safe yield study for the area surrounding the Tower Well has been commissioned and should be completed in early 2007; a current study determining the long term water supply of the wells within the corporate boundaries of the Town has not been undertaken but is envisioned to be commissioned and would likely be completed by the middle of 2008.
- e. Prior to the completion of the aforesaid studies and the receipt of the information they can provide, the Town cannot assure current or future residents or visitors of a sufficient water supply.
- f. It would be inappropriate and even reckless for the Town of Payson to continue its current development policies in the absence of the firm assurance of a sufficient water supply.
- g. The Town's residents have the right to expect openness from the Town on water issues and to have a sufficient water supply now and into the future for the existing and future population of the Town.
- h. The Town is currently in the process of implementing substantial amendments to its subdivision ordinance, its rezoning process ordinance, Section 50.03 of the Town Code (water supply and storage requirements), and its General Plan to assure that essential public facilities remain available for the Town's current residents and for all new land development within the Town. Those amendments are scheduled for implementation by June 30, 2007.
- i. The Town's current storm water drainage system is deficient. The Town desires to take steps to assure that new land development within the Town does not exacerbate the current deficiency.
- j. The Town's Community Development Department is preparing an orderly growth to build out plan to assure that all new development has the necessary essential public facilities to ensure a reasonable quality of life for all of the Town's current and future residents.
- k. In order to accommodate the economic development needs of the Town, those projects contained in the dynamic catalog of development adopted by the Town Council on September 7, 2006, as may be amended (the "Dynamic Catalog") should be exempt from Section 2 of this Ordinance.

1. In order to accommodate the housing needs of the Town, up to 250 new building units per twelve month period should be exempt from Section 3 of this Ordinance.

Section 2. The Town of Payson shall not accept any applications for rezonings or subdivision plats relating to projects not contained in the Dynamic Catalog until the expiration of this Ordinance Number 695.

Section 3. In any twelve (12) month period, the Town shall not issue new residential building permits that would allow more than two hundred fifty (250) new residential units (single family and multifamily). The Community Development Department shall develop a system to allocate such permits for both single family and multifamily units. For the purposes of this Ordinance, "new residential building permits" shall not include any remodel, reconstruction, or replacement of any existing site built home, multifamily building, mobile home, or manufactured home.

Section 4. The provisions of this Ordinance Number 695 shall become effective December 1, 2006, and shall expire on November 30, 2007, unless renewed by the Mayor and Common Council. Upon completion of the studies referred to in Section 1.d above, the Mayor and Common Council shall endeavor to review the results of the same to determine the propriety of continuing the provisions in this Ordinance in effect or of taking any other actions which may then be appropriate or prudent.

Section 5. Any individual land owner may apply for a waiver of the provisions of Section 2 or 3 by showing that the property owner (1) has rights pursuant to a development agreement entered into pursuant to A.R.S. § 9-500.05; (2) has a protected development right granted according to Chapter 11 of Title 9 of the Arizona Revised Statutes; (3) has a legally vested right as defined in A.R.S. § 9-463.06(I)(6); or (4) provides the public facilities that are the subject of this Ordinance.

Section 6. That the Town of Payson be and is hereby authorized to take and perform such other and further actions as are necessary or appropriate to carrying out the terms of this Ordinance Number 695.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 695 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance Number 695. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 695 and each section, subsection, sentence, clause, phrase, or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

Section 8. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 9. The Mayor and Common Council finds and declares that the provisions in this Ordinance Number 695 and the time and manner of its adoption are in conformity and compliance with the provisions of A.R.S. § 9-463.06.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

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Samuel I. Streichman, Town Attorney