

**SECTION 1:            AMENDMENT** “14.04.015 Effect Of Adopted Master And General Plans” of the Ballard Subdivision Code is hereby *amended* as follows:

A M E N D M E N T

14.04.015 Effect Of Adopted Master And General Plans

All master or general plans adopted by the City or for an area within the incorporated boundaries of the City shall serve as an advisory guide for land use decisions and may also serve as substantive regulations governing land use decision where expressly required by this title and state law. Amendments to the text of this subdivision ordinance should generally be consistent with the purposes, goals, objectives, and policies of the applicable adopted master plans or general plans of the City.

**SECTION 2:            AMENDMENT** “14.06.010 Definitions” of the Ballard Subdivision Code is hereby *amended* as follows:

A M E N D M E N T

14.06.010 Definitions

The following terms used in this title shall have the respective meanings set forth in this section:

**Adjacent Landowner:** Any property owner of record, according to the records of the county recorder, whose property meets or touches at some point, or across a street, alley or other public or private right-of-way, property proposed for subdivision, or any portion thereof.

**Administrative Land Use Authority:** An individual, board, or commission, appointed or employed by the City, including City staff or the City’s Planning Commission. Administrative land use authority does not include the City Council or a member of the City Council.

**Adversely Affected Party:** A person other than a land use applicant who owns real property adjoining the property that is the subject of a land use application or land use decision or will suffer damage different in kind than, or an injury distinct from, that of the general community as a result of a land use decision.

**Affected Entity:** A county, municipality, local district, special service district, specified public utility, property owner, property owner’s association, or the Utah Department of Transportation (UDOT) if the entity’s services or facilities are likely to require expansion or significant modification because of an intended use of land; the entity has filed with the City a copy of the entity’s general or long-range plan; or the entity has filed with the City a request for notice

during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed by this title.

**Affected Owner:** The owner of real property that is a single project; the subject of a land use approval that sponsors of a referendum timely challenged in accordance with §20A-7-601(6) of Utah State Code (as amended); and determined to be legally referable under §20A-7-602.58 of Utah State Code (as amended).

**Alley:** A public way which affords a secondary means of access to abutting property and not intended for general traffic circulation.

**Appeal Authority:** The person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

**Applicant:** The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written authorization from the owner.

**Bench Mark:** A mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.

**Block:** The land surrounded by streets and other rights of way other than an alley or land which is designated as a block on any recorded subdivision plat.

**Building Line:** A line parallel to the property line beyond which no exposed portion of a building extends, other than the roof overhang.

**City:** The City of Ballard, Utah

**City Council:** The City Council of Ballard, Utah

**Concept Plan:** A sketch or concept drawing submitted prior to the preliminary plat to enable the subdivider to reach a general understanding with the City's Land Use Authority regarding the subdivision of property and to review guidelines pertaining to subdivision requirements of the City.

**Construction Standard Specifications and Plans:** The Manual of Standard Specifications and Plans as adopted by the Utah Chapter of the American Public Works Association (APWA), latest addition.

**Culinary Water Authority:** The Department, agency, or public entity with responsibility to review and approve the feasibility of the City's culinary water system and sources for the subject property. For the purposes of this title, means the City.

**Development Activity:** Any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities; any change in use of a building or structure that creates additional demand and need for public facilities; or any change in the use of land that creates additional demand and need for public facilities.

**Development Agreement:** A written agreement or amendment to a written agreement between the City and one (1) or more parties that regulates or controls the use or development of a specific area of land. The development agreement does not include an improvement completion assurance.

**Developer:** As the case may be, either: a) an applicant for subdivision approval, or b) the owner of any right, title, or interest in real property for which subdivision approval is sought, may be used interchangeably with "subdivider".

**Easement:** The quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

**Established Right-of-way:** A right-of-way that has been established by either deed, conveyance, or court order.

**Fee Schedule:** The schedule of application processing fees adopted by the Council.

**Final Plat:** A map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified and which can be placed on record in the Office of the County Recorder.

**Fire Authority:** The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property. For the purposes of this title, means the Uintah Fire Suppression Special Service District.

**Flood 100-Year:** A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Flood 10-Year:** A flood having a ten percent (10%) chance of being equaled or exceeded in any given year.

**Floodplain 100-Year:** That area adjacent to a drainage channel which may be inundated by a 100-year flood as designated on the most recent flood insurance rate map prepared by the federal emergency management agency (FEMA). This floodplain may also be determined following a physical survey by an individual qualified and licensed to do so. Such determination shall be approved by FEMA.

**General Plan:** The comprehensive, long range general plan of proposed future development of land in the City.

**Geologic Hazard:** A surface fault rupture, shallow groundwater, liquefaction, a landslide, a debris flow, unstable soil, a rock fall, or any other geologic condition that presents a risk to life or of substantial loss of or damage to real property. For the purposes of this title may also be referred to as "sensitive lands".

**Hookup Fee:** A fee for the installation and inspection of any pipe, line, meter, or appurtenance

that connects to a municipal water, sewer, stormwater, power, or other utility system.

**Impact Fee:** A payment of money imposed under the Impact Fees Act, §11-36a, of Utah State Code (as amended).

**Improvement Completion Assurance:** A surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by the City to guarantee the proper completion of landscaping or any infrastructure improvement required as a condition precedent to recording a subdivision plat or development of a commercial, industrial, mixed-use, or multifamily project.

**Improvement Warranty:** An applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement complies with the City's written standards for design, materials, and workmanship; and will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

**Improvement Warranty Period:** A period of no later than one (1) year after the City's acceptance of required landscaping; or no later than one (1) year after the City's acceptance of required infrastructure, unless the City determines for good cause that a one (1) year period would be inadequate to protect the public health, safety, and welfare; and has substantial evidence on record or prior poor performance by the applicant or that the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspect soil.

**Infrastructure Improvement:** Permanent infrastructure that is essential for the public health and safety or that is required for human occupation; and an applicant must install in accordance with public installation and inspection specifications for public improvements and whether the improvement is public or private, as a condition of recording a subdivision plat, obtaining a building permit, or development of a commercial, industrial, mixed-use, condominium, or multi-family project

**Internal Lot Restriction:** A platted note, platted demarcation, or platted designation that runs with the land and creates a restriction that is enclosed within the perimeter of a lot described on the plat; or designates a development condition that is enclosed within the perimeter of a lot described on the plat.

**Land Use Applicant:** A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

**Land Use Application:** An application that is required by the City and submitted by a land use applicant to obtain a land use decision, and does not mean an application to enact, amend, or repeal a land use regulation.

**Land Use Authority:** A person, board, commission, agency or other body, including the City Council, designated by the City Council to act upon a land use application; or if the City Council has not designated a person, board, commission, agency, or body, the City Council.

**Land Use Decision:** An administrative decision of a land use authority or appeal authority regarding a land use permit or a land use application.

**Land Use Permit:** A permit issued by the land use authority.

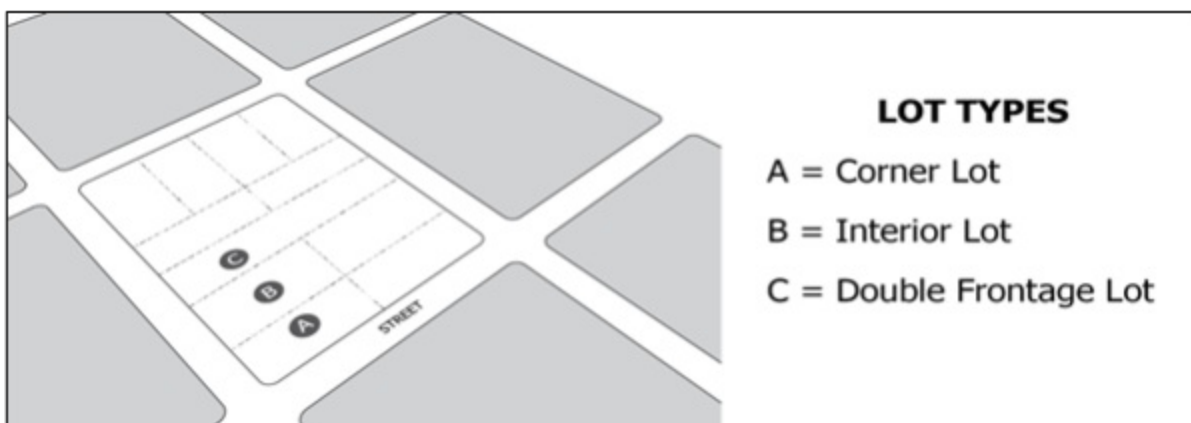
**Land Use Regulation:** A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land. Includes the adoption or amendment of a zoning map or the text of the zoning code and does not include a land use decision of the City Council acting as the land use authority even if the decision is expressed in a resolution or ordinance; or a temporary revision to an engineering specification that does not materially increase a land use applicant's cost of development compared to the existing specification or impact land use applicant's use of land.

**Legislative Body:** The City Council.

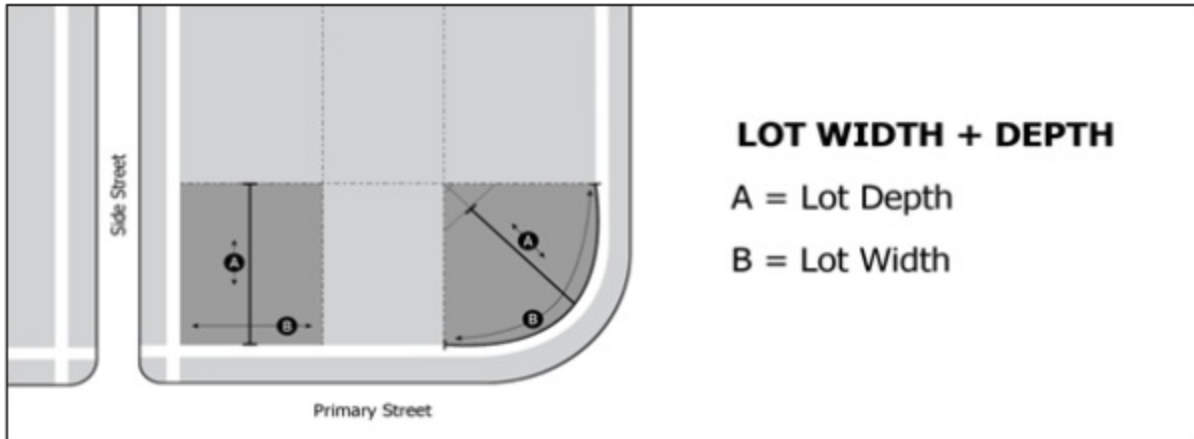
**Local District:** An entity under Limited Purpose Local Government Entities - Local Districts, §17B of Utah State Code (as amended) and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

**Lot:** A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the Office of the County Recorder.

**Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

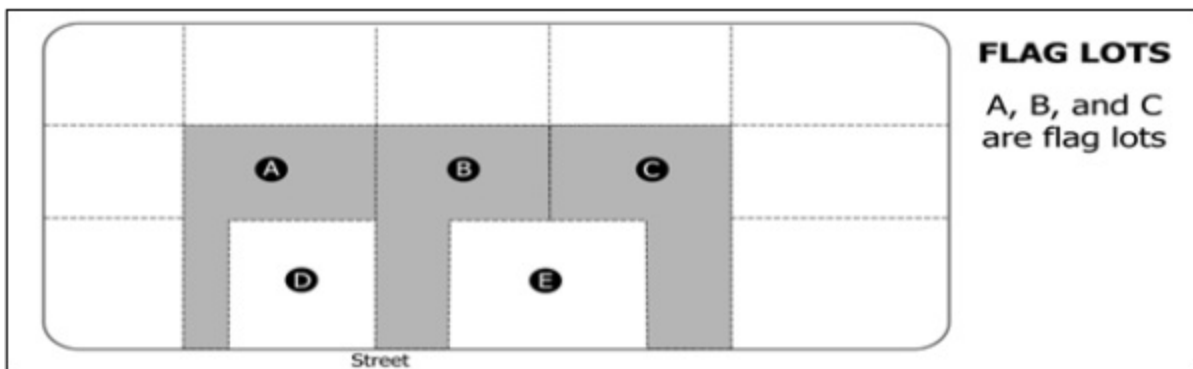


**Lot Depth:** The horizontal distance between the front and rear lot lines, measured in the main direction of the side lot line.



**Lot, Double Frontage:** A lot where the front and rear lot lines both front on a street. See figure provided for “LOT, CORNER”.

**Lot, Flag:** A lot of irregular configuration in which an access strip (a strip of land of a width less than the required lot width) connects the main body of the lot to the street frontage.



**Lot, Interior:** A lot other than a corner lot. See figure provided for “LOT, CORNER”.

**Lot Line Adjustment:** A relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with §10-9a-608 of Utah State Code (as amended) whether or not the lots are located in the same subdivision and with the consent of the owners of record. Lot line adjustment does not mean a new boundary line that creates an additional lot or constitutes a subdivision. Lot line adjustment does not include a boundary line adjustment made by the Utah Department of Transportation (UDOT).

**Lot Width:** The width of the lot measured along the minimum building setback line. Master Street Plan: That portion of the general plan which defines the future alignments of major streets and their right of way, including maps or reports or both, which have been approved by the planning and zoning commission and City Council.

**Master Street Plan:** That portion of the general plan which defines the future alignments of major streets and their right of way, including maps or reports or both, which have been

approved by the planning and zoning commission and City Council.

**Minor Subdivision:** A division of land into four (4) or fewer parcels.

**Major Subdivision:** The typical subdivision process requiring the preparation of a plat, or a division of land for the purpose of accommodating more than four (4) buildable lots.

**Monument:** A permanent survey marker established by a licensed surveyor in the State of Utah and shown on a final plat with State plane coordinates, and/or a survey marker set in accordance with engineering specifications.

**Municipal Utility Easement:** An easement that is created or depicted on a plat recorded in the Office of the County Recorder and is described as a municipal utility easement granted for public use; is not a protected utility easement or a public utility easement as defined in §54-3-27 of Utah State Code (as amended); the City or the City's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, stormwater, or communications or data lines; is used or occupied with the consent of the City in accordance with an authorized franchise or other agreement; is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use; or is described in §10-9a-529 of Utah State Code (as amended) by a specified public utility.

**Natural Drainage Course:** Any natural watercourse which is open for the continuous or potential flow of water in a definite direction or course.

**Official Map:** A map drawn by City authorities and recorded in the Office of the County Recorder that shows actual and proposed rights-of-way, centerline alignments, and setbacks for highway and other transportation facilities; provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and has been adopted an element of the City's General Plan.

**Owner(s):** Includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, Private Corporation, public or Quasi-public Corporation or any combination thereof.

**Outlot:** A lot or lots representing the remaining aggregate of un-subdivided land in those instances where large parcels of land are subject to existing uses or development, and may be subject to future subdivision as part of a phased development.

**Parcel:** Any real property that is not a lot.

**Parcel Boundary Adjustment:** A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with §10-9a-524 of Utah State Code (as amended), if no additional parcel is created and none of the property identified in the agreement is a lot or the adjustment is to the boundaries of a single person's parcels. Parcel boundary adjustment does not mean an adjustment of a parcel

boundary line that creates an additional parcel or constitutes a subdivision. Parcel boundary adjustment does not include a boundary line adjustment made by UDOT.

**Park Strip:** The strip of land located within the public right of way between the sidewalk and the curb and gutter.

**Person:** An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

**Planning Commission:** Ballard City's Planning and Zoning Commission, unless another planning commission is specifically named.

**Plat:** An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

**Potential Geologic Hazard Area:** An area that is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area. For the purposes of this title may also be referred to as "sensitive lands".

**Preliminary Approval:** An approval, with or without alterations, given to a preliminary plat by the City's Land Use Authority and provides the necessary authority to proceed with the preparation and presentation of the final plat.

**Preliminary Plat:** A map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with this chapter, to permit the evaluation of the proposal prior to detailed engineering and design.

**Protection Strip:** A strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required street improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.

**Public Hearing:** A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

**Public Improvements:** Work objectives, devices, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, secondary irrigation system, streets, trees, street signs, streetlights, traffic control or safety devices, fire hydrants and such other facilities or construction required by this ordinance.

**Public Meeting:** A meeting that is required to be open to the public.



**Public Street:** A public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

**Record of Survey Map:** Means a map of a survey of land, prepared in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended), which establishes a boundary, monument, or record of corner changes.

**Reasonable Notice:** Means posted notice of the hearing or meeting in at least three public places within the jurisdiction and published notice of the hearing or meeting in a newspaper of general circulation in the jurisdiction, if one is available or actual notice of the hearing or meeting.

**Review Comments:** Requests issued to an applicant by the City as part of the review cycle process, including requests for modifications to plats, plans, designs, reports, and studies submitted with the application, requests to supplement any incomplete information, document, or material submitted with or that was required to have been submitted with the application, and requests to correct any other deficiency with an application to ensure compliance with this Title and all other governing laws, land use regulations, applicable land use decisions, ordinances, and standards.

**Review Cycle: The occurrence of:**

1. The applicant(s) submittal of a complete subdivision land use application;
2. The City's review of that complete subdivision land use application;
3. The City's response to that complete subdivision land use application in accordance with §10-9a of Utah State Code (as amended); and
4. The applicant(s) reply to the City's response that addresses each of the City's required modification or requests for additional information.

**Review Response:** The applicant's response to the City's review comments, including a written response addressing each review comment and the submission of revised, modified, or corrected plats, plans, and other information, documents, and materials.

**Sanitary Sewer Authority:** The department, agency, or public entity with the responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems. For the purpose of this title means the City.

**Sanitary Sewer Authority:** The Ballard City Engineer.

**Secondary Water System:** Any system which is designed and intended to provide, transport, store, distribute, divert, clean, filter and measure water from a stream or other source for watering of crops, lawns, shrubberies, flowers and other nonculinary uses.

**Sensitive Lands:** Means the same as "geologic hazards" and "potential geologic hazard areas" definitions. Sensitive lands shall also mean and include those parcels as identified on any

official City or county map as sensitive lands.

**Streets:**

1. **Arterial:** A major street in the street hierarchy, which has high traffic volume and is not intended to be a residential street. An arterial provides connections with or is a major State or Interstate roadway and is often the location of significant community facilities as well as retail, commercial, and industrial facilities.
2. **Collector:** A street whose function is to conduct traffic between major arterial streets and/ or activity centers. It is a principal traffic artery within residential areas and carries relatively high volume. A collector can sustain minor retail or other commercial establishments along its route, which will influence the traffic flow. Cul-De-Sac: A minor street of limited length which terminates in a turnaround of a minimum radius. Provides minimum access to abutting properties only.
3. **Local:** A street whose primary purpose is to conduct traffic to and from dwelling units to other streets within the hierarchy. Occasionally a local street will connect with two (2) or three (3) small places or other local streets. Usually, there is no through traffic between two (2) streets of a higher classification.
4. **Major Collector:** A street, similar to a collector street except it carries a greater through traffic load.
5. **Private:** A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with an approved street cross section and maintained by the subdivider or other private agency.

**Specified Public Utility:** An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in §Section 54-2-1 of the Utah State Code (as amended).

**State:** Includes any department, division, or agency of the State of Utah.

**Storm Water Drainage System:** A system designed to carry off and minimize the effects of run-off water. It may consist of surface grading or subsurface piping or other components as required.

**Subdivider:** Any person who: a) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who b) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or, who c) engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development of a subdivision, or who d) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing, and may be used interchangeably with the developer.

**Subdivision:**

Any land that is divided, subdivided, or proposed to be divided into two (2) or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
2. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

**Subdivision does not include:**

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
2. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended if no new parcel is created);
3. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one (1) legal description encompassing all such parcels or joining a lot to parcel;
4. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;
5. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels does not confer any land use approvals, and has not been approved by the land use authority;
6. A parcel boundary adjustment;
7. A lot line adjustment;
8. A road, street, or highway dedication plat;
9. A deed or easement for a road, street, or highway purpose; or
10. Any other division of land authorized by law.

**Subdivision Amendment:** An amendment to a recorded subdivision in accordance with §10-9a-608 of Utah State Code (as amended) that vacates all or a portion of the subdivision; alters the outside boundary of the subdivision; changes the number of lots within the subdivision; alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or alters a common area or other common amenity within the subdivision.

[Subdivision Application: A land use application for the subdivision of land.](#)



future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms, and conditions.

2. Subdivision includes:

- a. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
- b. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

**SECTION 3: AMENDMENT** “14.08.010 Designation Of Land Use Authority (Reserved)” of the Ballard Subdivision Code is hereby *amended* as follows:

AMENDMENT

14.08.010 Designation Of Land Use Authority (Reserved)

The following chart designates the Land Use Authority for subdivision approvals within the City.

| Type Of Land Use Application                                                                          | Reviewing Body      | Recommending Body   | Land Use Authority   | Appeal Authority           |
|-------------------------------------------------------------------------------------------------------|---------------------|---------------------|----------------------|----------------------------|
| Annexation                                                                                            | City Staff          | City Staff          | City Council         | County Boundary Commission |
| Subdivision Ordinance Amendments                                                                      | City Staff          | Planning Commission | City Council         | District Court             |
| Development Agreement (Including Those Which Modify An Adopted Standard / Specification / Regulation) | City Staff          | Planning Commission | City Council         | District Court             |
| Subdivision Amendment / Vacation Of Public Right-Of-Way                                               | City Staff          | Planning Commission | City Council         | District Court             |
| Parcel Boundary Adjustment / Lot Line Adjustment                                                      | N/A                 | N/A                 | Zoning Administrator | District Court             |
| Variance / Appeals                                                                                    | N/A                 | N/A                 |                      | District Court             |
| Residential Single Family, Two Family Or <u>Townhome</u>                                              | <del>Townhome</del> |                     |                      |                            |

|                                                  |                  |                     |                      |                     |
|--------------------------------------------------|------------------|---------------------|----------------------|---------------------|
| <b><u>Subdivision Application</u></b>            | <b>Projects:</b> |                     |                      |                     |
| Pre-Application Meeting / Concept                | N/A              | N/A                 | City Staff           | Planning Commission |
| Preliminary Plan                                 | City Staff       | City Staff          | Planning Commission  | District Court      |
| Final Plat / Minor Subdivisions                  | City Staff       | City Staff          | City Staff           | District Court      |
| Sensitive Lands (Preliminary Plan / Final Plat)  | City Staff       | Planning Commission | City Council         | District Court      |
| <b><u>All Other Subdivision Applications</u></b> |                  |                     |                      |                     |
| Pre-Application Meeting                          | N/A              | N/A                 | Zoning Administrator | District Court      |
| Concept Plan                                     | N/A              | N/A                 | Planning Commission  | District Court      |
| Preliminary Plan / Final Plat                    | City Staff       | Planning Commission | City Council         | District Court      |
| Sensitive Lands (Preliminary Plan / Final Plat)  | City Staff       | Planning Commission | City Council         | District Court      |

**SECTION 4:** **AMENDMENT** “14.08.070 Development Agreements” of the Ballard Subdivision Code is hereby *amended* as follows:

#### AMENDMENT

##### 14.08.070 Development Agreements

1. **Purpose.** A development agreement may be negotiated between a developer and the City to set forth the specific requirements, elements, and aspects of a proposed development prior to receiving approval from the Land Use Authority on a land use application.
2. **Applicability.** Pursuant to §10-9a-532 of Utah State Code (as amended):
  - a. **The City may enter into a development agreement containing any term the City considers necessary or appropriate to accomplish the purposes of this title and §10-9a of Utah State Code (as amended), including terms related to a master planned development, a planned unit development, an annexation,**

affordable or moderate income housing with development incentives, a public-private partnership, or a density transfer or bonus within a development project or between development projects.

b. The City may require a development agreement for developing land within the City if the applicant has applied for a legislative or discretionary approval, including an approval related to the height of a structure, a parking setback exception, a density transfer or a bonus, a development incentive, a zone change, or an amendment to a prior development agreement.

3. **Procedure.** Development agreements, and their subsequent amendments, shall be subject to the Land Use Authority as outlined in 14.08.010 of this title. All development agreements, upon proper execution, shall be recorded with the County Recorder's Office, and shall run with the land and be binding on all successors in the ownership of the affected property(ies). A development agreement shall contain, at a minimum, the following:

- a. A legal description of the land subject to the development agreement.
- b. The restrictions or conditions to be attached to the property ~~including development standards and the provision of public facilities.~~
- c. The configuration of the project as shown on the project's master plan.
- d. A statement of the benefits and value the development agreement will have for the ~~town~~City as a whole, including but not limited to: assurances of design standards, dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-way, or utilities.
- e. The time frame for performance by parties.
- f. A description of the various ~~town~~City approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement.
- g. Provisions for enforcement of the terms and conditions of the development agreement.
- h. Provisions for making amendments to the development agreement.
- i. The time limitation of the agreement.
- j. Such other terms and limitations which may be proposed and agreed to between the ~~town~~City and the developer.

4. **Limitations and Prohibitions.** A development agreement under this section may not:

- a. Limit the City's authority in the future to enact a land use regulation or take any action allowed under §10-8-84 of Utah State Code (as amended);
- b. Require the City to change the zoning designation of an area of land within the City in the future; or
- c. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation under §10-9a-502 of Utah State Code (as amended), including a review and recommendation from the Planning Commission and the conducting of a public hearing.
- d. The City may not require a development agreement as the only option for

developing land within the City.

- e. The City shall not require a development agreement as a condition for developing land within the City if the proposed development otherwise complies with the City's applicable ordinances and provisions contained within Utah State Code (as amended), the proposed development is an allowed or permitted use, or the City's land use regulations otherwise establish all applicable standards for development on the land.
  - f. The City may not restrict the type of crop that may be grown in an area that is zoned agricultural or assessed under §59-2-5 of Utah State Code (as amended).
  - g. To the extent that a development agreement does not specifically address a matter of concern related to land use or development, the matter of concern shall be governed by §10-9a of Utah State Code (as amended) and the applicable land use regulations in this code.
  - h. The City ~~shall disclose in writing to the applicant those rights of the applicant that the development agreement restricts~~may submit to the County Recorder for recording a fully executed agreement or a document related to code enforcement, a special assessment area, a local historic district boundary or the memorializing or enforcement of an agreed upon restriction, incentive, or covenant. The City shall not cause to be recorded against private real property a document that imposes development requirements, development regulations, or development controls on the property.
5. **Expiration.** A development agreement shall be signed and notarized by all parties and recorded in the County Recorder's Office within one (1) year from the date of Land Use Authority approval or it shall be considered null and void. Prior to the expiration of the one (1) year period an applicant may submit a written request to the Zoning Administrator for an extension of up to six (6) months. Approval of this extension may only be granted by the Land Use Authority.

**SECTION 5:            AMENDMENT** "14.08.110 Review Cycle Process For Subdivision Plat Applications" of the Ballard Subdivision Code is hereby *amended* as follows:

#### AMENDMENT

##### 14.08.110 Review Cycle Process For Subdivision Plat Applications

1. For each complete subdivision application, the City shall review the submitted plat, plans, and other application materials through the review cycle established by this section and §10-9a-604.2 of Utah State Code (as amended) to ensure compliance with all requirements of this title and all other governing laws including but not limited to: land use regulations, applicable land use decisions, ordinances, and standards.
2. A review cycle shall begin with the City's receipt of either a complete application for a new subdivision or a complete review response submitted as part of a prior review



cycle.

3. The City may issue review comments with each review cycle to correct any deficiencies on the submitted plat, subdivision improvement plans, and related information, documents, and materials.
4. The City shall complete its review and shall issue review comments within the following timeframes:

a. Residential Single Family, Two Family, or Townhome Subdivision

Applications:

- ~~b. Preliminary Plats And Preliminary Subdivision Improvement Plans. For single family, two family, and townhome subdivisions that do not involve property containing sensitive lands, the City shall have fifteen (15) business days after the receipt of the complete application or complete review response to perform its review and issue comments.~~
- ~~c. Final Plats And Final Subdivision Improvement Plans. For single family, two family, and townhome subdivisions that do not involve property containing sensitive lands, the City shall have twenty (20) business days after receipt to complete its review and to issue review comments.~~

i. Preliminary Plans — Subdivision Improvement Plan Review.

- (1) Except for properties containing sensitive lands, the City shall have forty (40) business days after the receipt of a complete application to complete the initial subdivision improvement plan review and issue review comments to the applicant.
- (2) The City shall not require more than four (4) subdivision improvement plan review cycles.
- (3) The City may require additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements, and/or modifications to plans that do not meet current ordinances, applicable standards or specifications, or which contain incomplete information. The City's request for additional information or modification to plans shall be specific and shall include citations to ordinances, standards, or specifications that require the modifications to the proposed subdivision improvement plans, which shall be logged in an index of requested modifications or additions.
- (4) In addition to revised subdivision improvement plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of request revisions or additions for each required correction. If an applicant fails to address a review comment in their

response, the review cycle is not complete and a subsequent review cycle may not begin until all review comments are addressed.

- (5) If an applicant makes a material change to a subdivision improvement plan, the City shall have the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantially affects. Unless a change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the City's subdivision improvement plan review is waived, unless a modification or correction is necessary to protect the public health and safety or to enforce state or federal law.
- (6) If an applicant does not submit a revised subdivision improvement plan within forty (40) business days after the City requires a modification or correction to the subdivision improvement plan the City shall have an additional twenty (20) business days to respond to a revised subdivision improvement plan.
- (7) After the applicant has responded to the final review cycle and the applicant has complied with each modification request in the City's previous review cycle, the City may not require additional revisions if the applicant has not materially changed the subdivision improvement plan, other than changes that were in response to requested modifications or corrections.
- (8) If, on the fourth or final review, the City fails to respond within twenty (20) business days, the City shall, upon the request of the property owner and within (10) business days after the day on which the request is received, assemble an appeal panel in accordance with §10-9a-508(5)(d) of Utah State Code (as amended) to review and approve or deny the final revised set of subdivision improvement plans.

ii. Preliminary Plans — Subdivision Ordinance Review

- (1) Except for properties containing sensitive land, the City shall have thirty (30) business days after the receipt of a complete application to complete the initial subdivision ordinance review and issue review comments to the applicant.
- (2) If, on final review, the City fails to respond within twenty (20) business days, the City shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received, advise the applicant, in

writing, of the deficiency in the application and of the right to appeal the determination to the City's designated appeal authority as outlined in 14.08.010.

d. c. All Other Plats And Subdivision Improvement Plans. For all other plats and subdivision improvement plans the City shall have a reasonable timeframe to complete its preliminary plan and final plat reviews and to issue review comments.

- ~~5. Review comments issued by the City shall be specific, include citations to the applicable law, ordinance, regulation, decision, standard, or specification justifying the review comment and shall be compiled and logged into a single index of requested modifications for the application.~~
- ~~6. The City's failure to issue a review comment regarding a specified deficiency or defect of the preliminary plat, subdivision improvement plans, or related information, documents, and materials submitted by the applicant shall waive the City's right to require that the deficiency or defect be corrected, unless:~~
  - ~~a. The modification or correction required by the review comment is necessary to protect the public's health and safety or to enforce a state or federal law;~~
  - ~~b. The modification or correction required by the review comment is necessitated by the applicant's review response or other adjustment to the proposed subdivision plat, plans, or related materials;~~
  - ~~c. The modification or correction required by the review comment is necessitated by the applicant's update to the proposed phasing of the development that adjusts the needed infrastructure; or~~
  - ~~d. The applicant does not submit a revised plan in response to the City's review comments within twenty (20) business days after the City issued its review comments.~~
- ~~7. Applicants shall provide a complete review response to the City's review comments, consisting of revised plats, plans, information, documents, or materials together with a written explanation identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any:~~
  - ~~a. The applicant's written explanation shall be comprehensive and specific, including citations to the relevant law, ordinance, regulation, decision, standard, or specification and include an index of requested revisions or additions for each required correction.~~
  - ~~b. The applicant's failure to address a review comment shall render their review response incomplete. A subsequent review cycle or action shall not begin until all review comments are addressed and the applicant submits a complete review response.~~
- ~~8. The City may not require more than four (4) review cycles, provided that the City may restart the review cycle process at the first review cycle if the applicant makes a material change to a submitted application. Such restarted review cycle processes shall apply only to the portion of the submitted application that the material change substantially affects.~~

**SECTION 6:            AMENDMENT “14.10.020 Concept Plan Process Generally”**  
of the Ballard Subdivision Code is hereby *amended* as follows:

A M E N D M E N T

14.10.020 Concept Plan Process Generally

1. Unless exempted by Utah State Code (as amended) or waived by the Zoning Administrator, applicants shall make an application for concept plan review with the City and pay the required fee as outlined in the City’s fee schedule. The concept plan application shall be submitted to the Zoning Administrator for review by City staff prior to the submission of a preliminary plan application.
2. The concept plan is intended to promote efficiency in the subdivision review and approval processes and enable the applicant and relevant City staff to have an informal review of the site plan with the general scope of the proposed development and site or development conditions which might affect the proposed plan and subsequent plats. It is designed to allow for the identification of City policies, issues, application procedures, standards, and other items that may need to be considered during the subdivision review process once a formal application is received.
3. The concept plan submittal shall not constitute an application for subdivision approval, as provided and required by this title, and in no way shall be binding on the City or the applicant(s). Any discussion that occurs at the conceptual plan review shall not be considered any indication of subdivision approval or disapproval, either actual or implied.
4. If applicable, once concept plan recommendations have been provided to the applicant by the Zoning Administrator, the applicant(s) may apply for preliminary plan approval consistent with the submitted concept plan and recommendations received. In the event a conceptual plan is substantially modified by the applicant(s) (as evidenced by the submission of a preliminary plan) the Zoning Administrator may deny the acceptance of the preliminary plan application and require the developer to resubmit for concept plan review.
5. If preliminary plan approval for any portion of a reviewed concept plan has not been obtained within one (1) year from the date on which the concept plan was reviewed, the resubmittal of the concept plan may be required by the Zoning Administrator.

**SECTION 7:            AMENDMENT “14.10.030 Submittals” of the Ballard**  
Subdivision Code is hereby *amended* as follows:

A M E N D M E N T

14.10.030 Submittals

The concept plan shall include, but not be limited to, the following items

1. The proposed name of the subdivision, which name must be unique from any subdivision currently recorded with the County Recorder's Office;
2. Map of the proposed subdivision with property boundaries, including all adjacent properties within the same ownership or development conglomerate;
3. Approximate acreage of the proposed subdivision;
4. Current zoning designation of properties included in the proposed subdivision;
5. A proposed layout of the subdivision indicating the general dimensions, areas, and number of lots, access points and street configurations, including right-of-way widths, etc.;
6. Topographic contours and the location of sensitive lands (i.e., geologic, flood plain hazards, etc.) which are located within the tract;
7. Approximate location of nearest utilities and those proposed to service the subdivision including:
  - a. A description of the type of water system proposed including documentation of water rights, and of historic water use.
  - b. A description of the type of sanitary waste system proposed;
    - i. When private wells and on-site septic systems are proposed, a description of how each proposed lot will conform to the standard protection radius around the wellhead.
8. A written statement of sufficient detail so that the intent of the applicant(s) is made clear to those persons who review the proposals including information on phased development and associated timelines, methods of financing improvements, maintenance and ownership of non-buildable lands or common open spaces; and
9. Other materials or documents as identified or required by the Zoning Administrator during the pre-application meeting with the applicant(s).

**SECTION 8:**            **AMENDMENT** “14.11.010 Minor Subdivisions” of the Ballard Subdivision Code is hereby *amended* as follows:

#### AMENDMENT

##### 14.11.010 Minor Subdivisions

1. **General Purpose.** In an effort to reduce the expense and time of development, minor subdivisions may be considered and approved as outlined under this chapter and §10-9a-605 of Utah State Code (as amended). This chapter shall not be construed to modify or reduce the requirements for standards for lots, infrastructure, subdivisions, or any other requirement or standard outlined in the City's code. The sole purpose of this chapter is to provide for a more expedient approval process for minor residential subdivisions.
2. **Required Conditions:**

- a. In the case of a minor residential subdivision, conceptual and preliminary plan approval is not required. However, the applicable review cycle requirements note4d in 14.08.110 and §10-9a-604.2 of Utah State Code (as amended) shall apply during the final plat process.
- b. To be considered as a minor residential subdivision and exempt from platting requirements, the proposed subdivision shall meet the following requirements:
  - i. The proposed subdivision shall contain four (4) lots or less;
  - ii. The proposed subdivision is located in a zoned area;
  - iii. The proposed subdivision is not part of an existing, previously platted subdivision;
  - iv. The proposed subdivision is not traversed by the mapped lines of a proposed street as shown in the City's General Plan or master transportation plan, unless the City has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes that the City's ordinances require;
  - v. Each of the lots in the proposed subdivision meet all applicable land use requirements including the required frontage, width, and area requirements, or has been granted a variance from such requirements.
  - vi. The minor subdivision shall not contain any sensitive lands.

### **3. Procedure:**

- a. An application for a minor subdivision is required to be filed with the City.
- b. Pre-Application Meeting.
  - i. Prior to submitting an application to the City, a pre-application meeting with the Zoning Administrator shall be required to determine whether the proposed subdivision meets the requirements of a minor subdivision.
  - ii. If the proposed minor subdivision is a residential single family, two family or townhouse project, the applicant(s) shall not be required to attend a pre-application meeting. However, the applicant(s) may request the City conduct a pre-application meeting and review a conceptual plan pursuant to §10-9a-604.1 of Utah State Code (as amended). The applicant's request shall be submitted to the City along with any applicable applications and fees as outlined in the City's consolidated fee schedule.
- c. Application. A minor subdivision application shall be completed and signed by the owner(s) as identified on the property assessment rolls of the County, or by an authorized agent of the owner(s), of the land proposed to be subdivided. The minor subdivision application shall be accompanied by the fee as outlined in the City's fee schedule.
- d. The Zoning Administrator shall determine and find that the minor subdivision application is complete and contains all of the information required by this title.

### **4. Approval of the Minor Subdivision:**

- a. To obtain approval of a minor subdivision the developer shall cause a "record

survey” to be prepared by a land surveyor, licensed in the State of Utah. This record survey shall clearly show the division of the proposed lots and shall include all dimensions, square footage, and metes and bounds descriptions. The “record survey” shall be prepared in accordance with the standards established by the City and/or the County surveyor.

- b. The Land Use Authority outlined in 14.08.010 shall either approve with modifications, or reject the record survey.

**5. Required Improvements:**

- a. Developers of minor subdivisions shall be required to provide improvements as detailed in this title. Prior to minor subdivision approval by the Land Use Authority a determination of the adequacy of existing improvements to meet the needs of the development shall be made by the City’s Engineer. In the event the City’s Engineer determines the existing facilities are inadequate, the developer shall be responsible to make the improvements necessary to accommodate the minor subdivision.
- b. If required by the City’s Engineer, the developer shall cause construction plans to be prepared by a licensed professional engineer. Such plans must reflect the improvements necessary to meet the needs of the minor subdivision.
- c. The City’s Engineer shall not recommend approval of the record survey until such required construction plans have been submitted and approved.

- 6. Recording of Plat or Filing of Record Survey.** After receiving approval and, completion of the required public improvements or establishment of security to ensure funds to construct said improvements, the record survey shall be presented to the Office of the Uintah County Surveyor for filing. The filing of a Record of Survey for the purpose of creating new parcels for sale without submitting said plat for approval by Ballard City will constitute an illegal subdivision and may result in disciplinary or legal action against those responsible. No parcel created without the approval of Ballard City will be considered a legally subdivided buildable "lot" and no building permit will be issued as such.

**SECTION 9:            AMENDMENT** “14.12.010 Submittal Requirements” of the Ballard Subdivision Code is hereby *amended* as follows:

A M E N D M E N T

14.12.010 Submittal Requirements

All preliminary plan applications filed with the City are required to provide the following information:

- a. **Application.** A preliminary plan application shall be completed and signed by the owner(s) as identified on the property assessment rolls of the County, or by an authorized agent of the owner(s), of the land proposed to be subdivided. The

preliminary plan application shall be accompanied by the fee as outlined in the City's fee schedule.

b. **Preliminary Subdivision Plat.** A preliminary subdivision plat shall be prepared by a registered land surveyor licensed to do such work in the State of Utah. A poorly drawn or illegible plat shall be sufficient cause for its rejection by the City. One (1) electronic (PDF) copy, one (1) twenty-four inch by thirty-six inch (24"x36") and (13) eleven inch by seventeen inch (11"x17") paper copies of the preliminary subdivision plat shall be presented to the Zoning Administrator with the preliminary plan application. The preliminary subdivision plat shall show the following.

- i. A layout of the proposed subdivision, at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Zoning Administrator and/or town Engineer.
- ii. Located at the top and center of the preliminary plat, the proposed name of the subdivision is distinct from any other plat already recorded with the County Recorder's Office.
- iii. The boundaries, course, areas, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the applicant proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose.
  - (1) Lot lines shall show dimensions in feet and hundredths.
  - (2) The area of each lot shall be shown in square feet or acres.
  - (3) All boundary, lot and other geometries (bearings, distances, curve data, etc.) on the plat shall close with an accuracy of not less than one part in five thousand (1/5,000).
  - (4) Note: or other such iron markers, with the appropriate surveyor's tag, shall be placed at each lot corner prior to approval of the final plat;
- iv. The lot or unit reference, block or building reference, street or site address, the street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale. streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the City.
- v. Every existing right-of-way and easement grant or record for underground utility facilities.
- vi. A title block, placed on the lower right-hand corner of the plat showing:
  - (1) Name and address of the owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
  - (2) Date of preparation of the preliminary subdivision plat, and all revision dates.
  - (3) Signature blocks for the dated signatures of the Commission Chair, Mayor, ~~town~~City Engineer, ~~town~~City Attorney, and required private or public utility/service providers.
- vii. North arrow, graphic and written scale, and basis of bearings used.
- viii. A vicinity map of the site at a minimum scale of one inch equals one thousand



feet (1" = 1,000'), or as recommended by the Zoning Administrator and/or City's Engineer.

- ix. Surveyed boundary of the proposed subdivision, accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. location of the property with respect to surrounding property and roads and the names of all adjoining property owners of record shall be shown.
- x. The legal description of the entire subdivision site boundary.
- xi. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any of the dedication or reservation. of common areas shall be required on all condominium and planned unit development plats.
- xii. If the area within the plat is intended to be part of a community association subject to Title 57, Chapter 8a, Community Association Act, the plat must include language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.
- xiii. If the application is for a "condominium," requirement that the plat contain the additional elements of Utah State Code §57-8-13.

c. **Required Preliminary Subdivision Improvement Plans (i.e., Construction/Improvement Plans).** The following information is required and shall be provided at the same scale as the preliminary subdivision plat, or on separate sheets as necessary: Note: Subdivision applications which are residential single-family, two family, or townhome developments and which are not located within sensitive lands shall, in addition to the requirements noted in this section, address the requirements for subdivision improvement plans found in 14.14 of this title. Subdivision improvement plans shall conform to all applicable City Standard Drawings and Specifications.

- i. The identification of known natural features including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, areas of slope exceeding thirty percent (30%) grade, flood channels as identified by any federal or state agency, all water bodies and drainage ways, and any other natural features as required by the City's staff, DRC, or Land Use Authority for the entire subdivision site, including the total acres in each.
- ii. Existing site contours, at intervals of no greater than two feet (2'), unless otherwise approved by City staff, DRC, or Land Use Authority, overlaid with the proposed subdivision layout.
- iii. The location of any known human-made features on, or contiguous to the subdivision site, including existing platted lots, all utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, rights-of-way and easements, field drawings, and well or spring protection areas.
- iv. The location and dimensions of all existing buildings, fence lines, and property lines, are overlaid with the proposed subdivision layout.
- v. The layout of existing power and the source and connection to the existing power supply.

- vi. All existing and proposed roadway locations and dimensions, with cross sections of all new roads proposed to be dedicated to the City, showing the grades, proposed cuts and fills exceeding three feet (3'). The proposed radius of all center line curves shall be shown.
  - (1) Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the plat in a form approved by the City Attorney.
- vii. The location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells and springs, and the location of all secondary water locations, as required by City staff, DRC, or the Land Use Authority as applicable, overlaid with the proposed subdivision layout plan.
- viii. The proposed storm drainage system, including proposed pipe sizes, inlets, detention areas, and drainage arrows.
- ix. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving fire hydrants.
- x. Each proposed lot shall identify required setback lines including front, side and rear as required by the zoning district in which the proposed subdivision is located.
- xi. The location of all existing and proposed street lights identifying the location, type, and light output of all street lights.
- xii. The location of all existing and proposed street trees, shrubs and other landscape materials and plantings.
- xiii. The location of cluster mailbox units.
- d. **Title Report.** A preliminary title report for the property proposed to be subdivided, provided by a title company within thirty (30) days of the date of the preliminary plan application.
- e. **Tax Clearance.** tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing for the property have been paid.
- f. **Additional Information And Materials When Necessary.** When City staff, the DRC, or Land Use Authority deem necessary, the applicant(s) may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including but not limited to:
  - i. Adequacy or availability of water and groundwater protection;
  - ii. Adequacy or availability of public safety and fire protection;
  - iii. Geological issues or flood hazards;
  - iv. Erosion control and any other physical or environmental matters;
  - v. Traffic or parking studies;
  - vi. Landscape maintenance; and
  - vii. Wildlife habitat preservation.

**SECTION 10:**            **AMENDMENT** “14.12.020 Review Procedure” of the Ballard Subdivision Code is hereby *amended* as follows:

A M E N D M E N T

14.12.020 Review Procedure

1. The Zoning Administrator shall, upon receipt of a complete preliminary plan submission, distribute copies of the plan to Reviewing Body outlined in 14.08.010 and other agencies or affected entities as in the opinion of the Zoning Administrator may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the public.
2. The Reviewing Body shall review and require revisions of the submitted preliminary plan in accordance with the review cycle process described in 14.08.110 of this title and §10-9a-604.2 of Utah State Code (as amended). ~~For residential single family, two family or townhome applications, which are not subject to geologic hazards, the City shall not require more than four (4) review cycles.~~
3. After completing the review cycle process, the preliminary plan shall receive a final recommendation from the applicable Recommending Body as outlined in 14.08.010.
4. When identified as the Recommending Body, the Planning Commission at their next regularly scheduled meeting, shall, in a public meeting, recommend approval, approval with modifications or denial of the submitted preliminary plan application to the Land Use Authority.
5. All Recommending Bodies, when rendering their recommendation shall base their recommendation on the determination of compliance with the standards and criteria set forth by the City, including but not limited to: this title and other land use ordinances, the City’s General Plan and other applicable master plans, other adopted City standards, specifications, and design criteria. If the Recommending Body finds the preliminary plan to be inadequate, deficient, or defective with respect to such standards and criteria, the Recommending Body shall specify in writing the inadequacy in the application, noncompliance with City regulations, questionable or undesirable design or engineering practices, and/or the need for additional information as part of its recommendation.
6. The Land Use Authority shall then consider the application for preliminary plan approval, including the recommendations of the Recommending Body, at its next available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modifications only those preliminary plans which it finds to be developed in accordance with the intent, standards, and criteria specified in this title. If the preliminary plan does not conform to all applicable requirements and conditions or modifications cannot be imposed that correct such nonconformance, the Land Use Authority shall deny and reject the preliminary plan.

**SECTION 11:**        **AMENDMENT** “14.14.020 Submittal Requirements” of the Ballard Subdivision Code is hereby *amended* as follows:

## AMENDMENT

### 14.14.020 Submittal Requirements

All final plat applications filed with the City are required to provide the following information:

1. **Application.** A final plat application shall be completed and signed by the owner(s) as identified on the property assessment rolls of the County, or by an authorized agent of the owner(s), of the land proposed to be subdivided. The final plat application shall be accompanied by the fee as outlined in the City’s fee schedule.
2. **Final Subdivision Plat.**
  - a. NOTE: The mylar copy of the final plat shall be submitted to the Zoning Administrator at the request of the Zoning Administrator. Until then submission of one (1) electronic (PDF) copy, one (1) twenty-four inch by thirty-six inch (24” x 36”) and thirteen (13) eleven inch by seventeen inch (11” x 17”) paper copies of the final plat shall be sufficient for review purposes
  - b. The final plat shall consist of a mylar with the outside or trim line dimensions of twenty-four inches by thirty-six inches (24” x 36”). The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 ½”) on the left side and at least one-half inch (½”) margin on the other sides. The plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on a mylar with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case shall not be smaller than one inch equals one hundred feet (1” = 100’). Workmanship on the finished drawing shall be neat, clean cut and readable.
  - c. The final plat shall conform in all respects to the preliminary plat as previously reviewed and approved by the Land Use Authority and shall have incorporated all modifications required in its review.
  - d. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the applicant under the direction of the County Surveyor. The following required monuments shall be shown on the final plat:
    - i. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;
    - ii. All right-of-way monuments at angle points and intersections as

- approved by the County Surveyor.
- e. The final plat shall contain the name, stamp, and signature of a professional land surveyor licensed in the State of Utah, who prepared the plat, together with the date of the survey, the scale of the map, and the number of sheets. The following certificates, acknowledgments, and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
- i. Professional Land Surveyor's "Certificate of Survey":

**SURVEYOR'S CERTIFICATE**

I, [NAME OF PROFESSIONAL LAND SURVEYOR], do hereby certify that I am a Professional Land Surveyor, and that I hold License No. \_\_\_\_\_, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as [NAME OF SUBDIVISION AND PHASE NUMBER IF APPLICABLE] and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

- ii. Owners dedication certificate in the following form:

**OWNERS DEDICATION**

Known all men by these presents that we, the undersigned owner(s) of the above-described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as [name of subdivision] do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(Add appropriate acknowledgment.

- iii. Notary public's acknowledgment for each signature on the plat;
- iv. A correct metes and bounds description of all property included within the subdivision;
- v. Signature lines for the City's Attorney, City's Engineer, Culinary Water / Sanitary Sewer / Fire Authority (if applicable), Planning Commission Chair, Mayor with an attestation by the City Recorder. A block, one and one half inch by five inches (1 ½" x 5") for the County Recorder provided in the lower right-hand corner of the final plat; and
- vi. Such other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law, this title, the County Attorney, and/or County Surveyor.
- f. Title Report. Prior to the recordation of the final plat, the applicant shall submit

a current title report for review. The current title report shall disclose all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. The title report shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses such encumbrances, than at the option of the City's Attorney, the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Land Use Authority.

- g. When a subdivision contains lands that are reserved in private ownership for community use, including common areas, the applicant shall submit with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required by the County.
- h. Final Plans Subdivision Improvement Plans (i.e., Construction/Improvement Plans). Final plans or construction drawings addressing required improvements as required by this title.
  - i. Final plans shall conform in all applicable City Standard Drawings and Specifications.
  - ii. Final plans shall indicate the layout, profile, and detailed design of the following:
    - (1) Grading/Drainage Plan. The proposed grading and drainage plan shall be indicated by solid- line contours superimposed on dashed-line contours of existing topography for the area of the final plat. Such contours shall be at two foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade, and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. In case of predominantly level topography throughout a subdivision, one foot (1') contour intervals may be required.
    - (2) Street Plan. The proposed street plan shall include street profiles and typical cross-section drawings of proposed roads, bridges, culverts, sewers, and other drainage structures.
      - (A) The street plan shall show proposed grades including centerline grades of existing streets in adjacent properties.
      - (B) Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the City must be submitted.

- (C) When a new street will intersect with a State Highway, a copy of the State Highway permit shall be submitted to the City.
- (3) Stormwater Drainage/Management Plan. A stormwater drainage/management plan shall include water courses, and proposed storm drainage systems including culverts, water areas, streams, and flood plain areas. Approximate boundaries of areas subject to inundation or storm water overflows shall also be included.
- (4) Stormwater Pollution Prevention Plan (SWPPP). A SWPPP shall be required to be submitted in its final form for all proposed subdivisions, unless specifically exempted by the City Engineer or State.
- (5) Utility Plan. A utility plan shall include the location and profiles of proposed sewer, water, pressurized irrigation, storm drain lines, and any other proposed utility. Plans shall include the location, size, and proposed use of all easements. All utilities shall be constructed within approved easements.

**SECTION 12:**        **AMENDMENT** “14.14.030 Review Procedure” of the Ballard Subdivision Code is hereby *amended* as follows:

#### AMENDMENT

##### 14.14.030 Review Procedure

1. The Zoning Administrator shall, upon receipt of a complete final plat submission, distribute copies of the plan to the Reviewing Body as outlined in 14.08.010 and other agencies or affected entities as in the opinion of the Zoning Administrator may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the public.
2. The Reviewing Body shall review and require revisions of the submitted final plan in accordance with the review cycle process described in 14.08.110 of this title ~~and §10-9a-604.2 of Utah State Code (as amended). For residential single family, two family or townhome applications, which are not subject to geologic hazards, the City shall not require more than four (4) review cycles.~~
  - a. **Review by the City Engineer:** The City Engineer shall review the final plat and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in this title and all other applicable ordinances of the City and the State of Utah. As the culinary water and sanitary sewer authority, the City Engineer shall review the construction plans for compliance with the water and sewer master plans of the City and the

overall impact the development is expected to have on those systems.

- i. Unless otherwise outlined in this title, the City Engineer shall complete a review of the final plat and construction plans within thirty (30) days after being submitted for review to the engineer, unless a longer time is necessary for good cause. If the final plat and construction plans comply, the City Engineer shall sign the plat in the appropriate signature block. If the final plat or the construction plans do not comply, the City Engineer shall return the plat to the subdivider with comment.
    - ii. The City Engineer shall sign the final plat if the City Engineer finds that the subdivision and the construction plans fully comply with the improvement standards required by this title, that the survey description is correct, that the current water and sewer systems with any proposed improvements are adequate to meet the needs of the development, and that all easements are correctly described and located.
  - b. **Review by the City Attorney:** The City Attorney shall review the final plat, along with any development agreements, subdivision improvement agreements, and current title reports. The City Attorney may also review public easements, protective covenants and other documents where applicable. The City Attorney shall present any items missed or changes needed to the applicant or subdivider, Reviewing Body or Land Use Authority for correction or subsequent review.
3. After completing the review cycle process, the final plat shall receive a final recommendation from the applicable Recommending Body as outlined in 14.08.010.
  4. When identified as the Recommending Body, the Planning Commission at their next regularly scheduled meeting, shall review and recommend approval, approval with modifications or denial of the submitted final plan application to the Land Use Authority.
  5. All Recommending Bodies, when rendering their recommendation shall base their recommendation on the determination of compliance with the standards and criteria set forth by the City, including but not limited to: this title and other land use ordinances, the City's General Plan and other applicable master plans, other adopted City standards, specifications, and design criteria. If the Recommending Body finds the final plan to be inadequate, deficient, or defective with respect to such standards and criteria, the Recommending Body shall specify in writing the inadequacy in the application, noncompliance with City regulations, questionable or undesirable design or engineering practices, and/or the need for additional information as part of its recommendation.
  6. The Land Use Authority shall then consider the application for final plat approval, including the recommendations of the Recommending Body, at its next available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modifications only those final plats which it finds to be developed in accordance with the intent, standards, and criteria specified in this title. If the final plat does not conform to all applicable requirements and conditions or modifications cannot



be imposed that correct such nonconformance, the Land Use Authority shall deny and reject the final plat.

- a. When acting as the Land Use Authority the City Council shall not be bound by the recommendations of Reviewing or Recommending Bodies and may set its own conditions and requirements consistent with this title.
7. **Recording of the Final Plat:** Following Land Use Authority approval, the completion of the subdivision improvements as described in this title or the filing of the bond agreement, escrow, or letter of credit as described in this chapter, the filing of the warranty deposit, and the signing of the plat by the Mayor and City Recorder, and all other required officials along with other utilities including, Ballard Water Improvement District, Moon Lake Electric, Gas, Strata Networks, Uintah County Fire Marshall, Uintah County Health Department, the final plat shall be presented by the applicant or subdivider to the Uintah County Recorder for recording and a stamped/signed copy shall be given to the Ballard City Recorder.
8. Post-approval: The City shall submit, within thirty (30) days after approving a final plat, to the Utah Geospatial Resource Center (so the subdivision can be included in the 911 database) either:
  - a. An electronic copy of the approved final plat; or
  - b. Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

**SECTION 13:           ADOPTION** “F14.12.120 Agricultural Exemption From Plat Necessity” of the Ballard Subdivision Code is hereby *added* as follows:

#### ADOPTION

F14.12.120 Agricultural Exemption From Plat Necessity(*Added*)

1. Applications to subdivide agricultural land are exempt from the preliminary and final plat requirements (but not the other application requirements) of Sections 14.12 and 14.14 if the resulting parcels:
  - a. Qualify as land in agricultural use under Utah Code §59-2-502;
  - b. Meet the minimum size requirement of applicable City land use ordinances;  
and
  - c. Are not used and will not be used for any nonagricultural purpose.
2. For subdivision applications for which this exception applies, an applicant may submit to the City, in place of a plat, a record of survey map that illustrates the boundaries of the parcels.
3. If the City approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the City, with the County Recorder's Office. This shall be done in the same manner as is done for a plat
4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion,

impose the penalty in Section 14.04.050 and/ or require a subdivision amendment before issuing a building permit.