Notice is hereby given that the
WILLARD CITY PLANNING COMMISSION
Will meet in a regular session on
Thursday, November 21, 2024 – 6:30 p.m.
Willard City Hall, 80 West 50 South
Willard, Utah, 84340

AGENDA

(Agenda items may or may not be discussed in the order they are listed and may be tabled or continued as appropriate.) Public comment may or may not be taken.

1. Prayer
2. Pledge of Allegiance
3. General Public Comments (Input for items not on the agenda. Individuals have three minutes for open comments)
4. Report from City Council
5. Discussion/Action Items
   a. Public hearing to receive public input regarding a revision of the subdivision regulations found in Chapter 12-400 of the Willard City Zoning Ordinance
   b. Consideration and recommendation to the City Council regarding a revision of the subdivision regulations found in Chapter 12-400 of the Willard City Zoning Ordinance
   c. Consideration and recommendation to the City Council regarding a petition from Heritage Land Development to rezone approximately 48.19 acres located at approximately 300 South 300 West from R1/2 to MPC (Master Planned Community) (Parcel Nos. 02-051-0004, 02-051-0062, 02-051-0085, 02-051-0264, 02-054-0005, 02-054-0007, 02-054-0009, 02-054-0011, 02-054-0012, and 02-054-0013) (Continued from February 1, May 30, June 20, and August 15, 2024)
   d. Review of a conditional use permit review issued to Scott and Dustin Gilbert on April 5, 2016, for an accessory building located at 747 South Main (Parcel No. 02-053-005)
6. Consideration and approval of the November 7, 2024, regular Planning Commission minutes
7. Commissioner/Staff Comments
8. Adjourn

I, the undersigned duly appointed and acting Deputy City Recorder for Willard City Corporation, hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall, on the State of Utah Public Meeting Notice website https://www.utah.gov/pmn/index.html, on the Willard City website www.willardcity.com, and sent to the Box Elder News Journal this 18th day of November, 2024.

/s/ Michelle Drago

Deputy City Recorder

NOTICE OF SPECIAL ACCOMMODDTION DURING PUBLIC MEETINGS - In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah 84340, phone number (435) 734-9881, at least three working days prior to the meeting.

ITEM 5A

Willard City Corporation

80 West 50 South
Box 593

Willard, Utah 84340
(435)734-9881

NOTICE OF PUBLIC HEARING
WILLARD CITY PLANNING COMMISSION

Notice is hereby given that the Willard City Planning Commission will hold a public hearing to receive public comment regarding a proposal to amend the Subdivision Ordinance - Chapter 12-400 - of the Willard City Zoning Ordinance.

The public hearing will be held on Thursday, November 21, 2024, at 6:30 p.m. in the Willard City Council Chambers, 80 West 50 South, Willard, Utah, during a regular Planning Commission meeting.

Information regarding this matter is available during business hours by contacting the Willard City Planner at 435-734-9881. Business hours are 8:00 a.m. to 5:00 p.m. Monday through Thursday and 8:00 a.m. to 12:00 p.m. on Friday.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communications, aids, and services) during this meeting should notify the City Office at 80 West 50 South, Willard, Utah, phone number (435) 734-9881, at least three working days prior to the meeting.

I, the undersigned duly appointed Deputy City Recorder for Willard City Corporation hereby certify that a copy of the foregoing notice and agenda was posted at the Willard City Hall; two other places in the community; on the State of Utah Public Meeting Notice website http://www.utah.gov/pmn/index.html; on the Willard City website www.willardcity.com; and sent to the Box Elder News Journal this 7th day of November, 2024.

/s/Michelle Drago
Deputy City Recorder

ITEM 5B

Willard

24.01.010 Short Title

This title shall be known as the "Willard Zoning Code" or "WZC" and may be so cited and pleaded.

24.01.020 Purpose

This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Willard City including among other things, the lessening of congestion in the streets, or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the agricultural and other industries, and to ng streamline procedures for subdivision application review and determination, and to comply with Utah Code §10-9a-6 .

24.01.030 Interpretation

In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

24.01.040 Conflict

This ordinance shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

24.01.050 Effect On Previous Ordinances And Maps

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein, provided, however, that this ordinance, including the attached map, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances are included in this ordinance, whether in the same or in different language; and this ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming use and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

24.01.070 Building Permit Required

The construction, alteration, repair, or removal of any building, structure, or part thereof as provided or as restricted in this ordinance shall not be commenced or continued except after the issuance of a zoning permit by the City Planner and a written building permit from the building inspector. The zoning permit will be approved by the City Planner if the planned project is in

compliance with the requirements of this ordinance. Work not started within one year will revoke the previously issued permit and will require a new permit.

24.01.080 Occupancy Permit Required

Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued by the City Planner to the effect that the use, building or premises will conform to provisions of this and related ordinances prior to occupancy, for any building erected, enlarged or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this amendment, including nonconforming buildings and uses.

24.01.090 Site Plans Required

A. A detailed site plan, with scale and sheet size determined by the City Planner, shall be filed as part of any application, prior to request for a zoning permit. It shall show the following where pertinent:
    1. Scale of plan, and direction of north point;
    2. Lot lines, adjacent streets, roads, rights-of-way;
    3. Location of all existing structures on subject property and adjoining properties, with utility lines, poles, etc., fully dimensioned;
    4. Location of proposed construction and improvements, with location and dimension of all new utilities, utility connection points, street lights, and signs;
    5. Motor vehicle access, circulation patterns, with individual parking stalls, and curb, gutter, and sidewalk location;
    6. Necessary explanatory notes;
    7. Name, address, telephone number of builder and owner; and
    8. All other information required as determined by the City Planner.

24.01.100 Inspection

The City Planner is authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect all uses to determine compliance with zoning ordinance provisions. The City Planner or any authorized employee of the local jurisdiction shall use the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with the said ordinance, provided that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any unoccupied building in the absence of an owner or tenant thereof, or without written permission of an owner, or written order of a court of competent jurisdiction.

24.01.110 Enforcement

The City Planner is authorized as the enforcing officer for this ordinance, and shall enforce all provisions, entering actions in court if necessary, and their failure to do so shall not legalize any violations of such provisions. The governing body may, by resolution or ordinance, from time to time entrust administration of this ordinance, in whole or in part, to another officer of the local jurisdiction, without amendment to this ordinance.

24.01.120 Nuisance And Abatement

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this ordinance, and any use of land, building or premise established, conducted or maintained contrary to provisions of this ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the local attorney shall, upon request of the governing body, at once commence action or proceedings for abatement and removal or enjoinment thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such buildings or structure, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this ordinance. The remedies provided for herein shall be cumulative and not exclusive.

24.01.130 Penalties

Any person, firm or corporation (as principal, agent, employee or otherwise) violating, causing, or permitting violation of the provisions of this ordinance shall be guilty of a misdemeanor, and punishable as provided by law. Such person, firm, or corporation intentionally violating this ordinance shall be deemed to be guilty of separate offense for each day during which any portion of any violation of this ordinance is permitted or continued by such person, firm, or corporation, shall be punishable as herein provided.

24.01.140 Amendments

The local governing body may from time to time amend the number, shape, boundaries or areas of any district, or regulation, or other provision of the zoning ordinance, but any such amendment shall be made and become effective only after complying with WZC 24.40, the Short-Term Zoning plan (See General Plan), and any requirement of Utah Law.

24.01.150 Hearing And Publication And Notice Before Amendment

Before finally adopting any such amendment, pursuant to Utah Code §10-9a-205, the governing body shall hold a public hearing thereon, at least ten days notice of the time and place of which shall be given by publication on the Utah Public Notice Website, the city's official website, and post physical notice in the local jurisdiction or posted in three places within the City.

24.01.160 Licensing

All departments, officials and public employees of the local jurisdiction which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in

conflict with the provisions of this ordinance and any such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

24.01.170 Fees

Fees may be charged applicants for building, occupancy, conditional use permits, design review, subdivision and master planned community zone approval, planning commission and hearing officer hearings, and such other services as are required by this ordinance to be performed by public officers or agencies. Such fees shall be established by the legislative body and be in amounts reasonably needed to defray costs to the public.

24.01.180 Severability

It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or without effect by any final judgement or decree of a court of competent jurisdiction, such judgement or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

24.04.010 Planning Commission

This section addresses the duties and responsibilities of a planning commission, hereafter referred to as "the commission," and other officials and agencies, with respect to the administration of the Willard City Zoning Code. The commission shall act as the Administrative Land Use Authority, referred to as "the ALUA," that conducts the preliminary subdivision application review and determination arising from a subdivision application for single-family dwellings, two-family dwellings, or townhomes.

A. The establishment of the commission shall be in accordance with the policies and procedures as set forth in state law. The commission shall have and perform such duties as are assigned to it by law or ordinance relating to planning and zoning and land use administration. The commission shall consist of six (6) members, including the chairperson. Two (2) alternate members may be appointed to act as voting members of the commission in the absence of any regular voting member(s). If only one (1) alternate member of the commission is needed for any meeting, the commission Chairperson should select the alternate on a rotating basis.

B. Terms For Members. The terms of office for the members shall be three (3) years. Members may serve consecutive terms. Term of office begins on February 1, and expires January 31 of the particular year. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the legislative body of the jurisdiction, if such a hearing is requested.

Table 1

POSITION	BEGINS FEB 1	ENDS JAN 31
A and B	2024/2027/2030	2027/2030/2033
C and D	2025/2028/2031	2028/2031/2034
E and F (Chairperson)	2026/2029/2032	2029/2032/2035

C. Selection Of Members. All members shall be appointed by the mayor and approved by the legislative body of the jurisdiction served. The terms of office for the commission members shall be staggered at intervals so as to provide continuity in policy and personnel. Members of the commission shall be residents of the jurisdiction served. Compensation of members shall be set by the legislative body of the jurisdiction. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed by the mayor and approved by the legislative body of the jurisdiction. Members appointed to fill vacancies shall serve for the remaining period of the position being filled.

D. Chairperson Election and Rules Adoption. The chairperson shall be appointed by the mayor and approved by the legislative body of the jurisdiction. The commission shall establish and adopt rules for its organization and transaction of business and shall keep a public record of its proceedings.

E. Commission Secretary. A secretary to assist the commission shall be appointed by the mayor. The secretary shall keep minutes of the commission meetings for public record and conduct all correspondence including the notification of decisions. The secretary shall also certify records. The secretary shall prepare and submit the minutes of commission meetings to the chairperson and the commission.

F. Duties And Powers.

1. General Plan. It shall be the duty of the commission, after a holding public hearing, to create and recommend to the legislative body a general plan for the physical development of property within the jurisdiction, which shall be permitted to include areas outside its boundaries that bear consideration to the planning of the jurisdiction. The general plan shall include at least the following elements:

    a. Official maps

    b. Growth and land use.

    c. Commercial/industrial uses

d. Transportation and utilities

e. Community facilities

f. Housing

g. Environmental

h. Geologic/natural hazards

The commission shall be permitted also to recommend amendments to the general plan regarding the administration or maintenance of the Zoning Code.

2. Zoning Code. It shall be the duty of the commission to develop and recommend to the legislative body a zoning code, in accordance with the guidelines of the general plan, establishing zones within the jurisdiction. Such a code shall be made in regard to the character of each district and the most appropriate use of land within the jurisdiction. The commission shall make periodic reports and recommendations to the legislative body.

3. Division Of Land Regulations. It shall be the duty of the commission to develop and certify regulations governing the division of land. All division of land shall be in accordance with the adopted regulations.

4. Conditional-Use Permits. In conjunction with Willard City Code 24-20, the commission shall review, hear, and decide conditional use permit applications after receiving a recommendation from the Conditional Use Review Committee.

5. Official Zoning Map. The legislative body shall adopt an official zoning map for all areas included within the jurisdiction

6. Appeals and Hearing. Any person withstanding who desires to appeal any land use decision of the commission shall follow and comply with the requirements as set forth in Willard City Code and submit any such appeal to the designated Hearing Officer for Willard City.

HISTORY
Amended by Ord. 2023-9 on 8/24/2023

24.04.020 Hearing Officer

A. Willard City hereby establishes an appeal authority to hear and decide requests for variances from the terms of land use ordinances; appeals from land use decisions applying land use ordinances; and appeals from a fee charged by Willard City under Utah Code Annotated §10-9a-510. The appeal authority shall be an appointed Appeals Hearing Officer (hereinafter "Hearing Officer"). The Hearing Officer shall be appointed by the Mayor with the approval of the City Council. Any previously ordained or appointed Board of Adjustments is dissolved effective upon passage of this ordinance.

B. Term. The Hearing Officer shall be appointed for a period of three (3) years, may be removed by a majority vote of the City Council at any time, and may serve until a replacement is appointed. A vacancy shall be filled in the same manner as the original appointment for the unexpired term.

C. Organization. The Hearing Officer may adopt such rules for its own proceedings as are deemed necessary. The Hearing Officer shall keep minutes of all proceedings, showing the decision of the Hearing Officer upon each question, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the City Recorder, and shall be a public record. Decisions of the Hearing Officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

D. Powers and Duties. The Hearing Officer shall have such powers and duties as provided by Utah Code Annotated §10-9a-702 et seq.

E. Appealing Land Use Authority's Decision. An applicant, a board or officer of the City, or any person adversely affected by the land use authority's decision applying a land use ordinance may, within ten (10) business days of the issuance of the written decision applying the land use ordinance, appeal that decision to the Hearing Officer by alleging there is an error in any order, requirement, decision, or determination made by the land use authority in applying the land use ordinance. When an appeal is taken from a decision of the land use authority, the City Recorder shall immediately transmit to the Hearing Officer all papers, if any, constituting the record upon which the action appealed from was taken.

    1. Time to Appeal and Filing Fee. Any appeal, pursuant to this section, must be in writing, with the City Recorder within ten (10) business days of the issuance of the written decision applying the land use ordinance. Upon the filing of any appeal with the City Recorder, the appellant shall pay to the City Recorder the fee proscribed in the fee schedule of the City. The City Recorder may not transmit papers or records to the Hearing Officer and the Hearing Officer may not consider any appeal unless and until such fee has been paid.

    2. Time for Hearing Appeal. The Hearing Officer shall hear the appeal within thirty (30) business days of the date the appeal was filed.

    3. Written Statement Setting Forth Theories of Relief Requested. The appellant shall deliver to the Hearing Officer and all other participants, five (5) business days prior to the hearing, a written statement setting forth each and every theory of relief the appellant intends to raise at the hearing, along with a brief statement of facts in support thereof.

    4. Conditions Precedent to Judicial Review. No person, entity, board, or officer of the City may seek judicial review of any decision applying the land use ordinance

until after challenging the land use authority's decision in accordance with this part. No theory or relief may be raised in the District Court unless it was timely and specifically presented to the Hearing Officer and all administrative remedies have been exhausted.

5. Standard of Review and Burden of Proof on Appeal. The Hearing Officer shall, on appeal, presume that the decision applying the land use ordinance is valid and determine only whether or not the decision is arbitrary, capricious, or illegal. The appellant has the burden of proof on appeal.

6. Due Process Rights. An appeal filed in accordance with this section stays all proceedings in the appeal activity, unless the Hearing Officer from whom the appeal is taken certifies that by reason of facts stated in the certification that the stay would in their opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Hearing Officer in person or by the City Attorney.

7. Conditional Use Permit Appeals. The City Council shall continue to hear and decide appeals from the planning commission decisions regarding conditional use permits.

8. Direct Appeal to the District Court. Notwithstanding the foregoing, decisions of the City Council relative to adopting or amending the general plan or any other land use ordinance may only be appealed directly to the District Court.

9. Decision of Appeal. In exercising its authority, the Hearing Officer may affirm or reverse, wholly or in part, or may modify the order, requirement, decision, or determination of a land use authority.

F. Variances. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Hearing Officer for a variance from the terms of the ordinance.

    1. The Hearing Officer may grant a variance only if:

        a. Literal enforcement of the ordinance of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

        b. There are special circumstances attached to the property that do not generally apply to other properties in the same district;

        c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

e. The spirit of the land use ordinance is observed and substantial justice done.

2. In determining whether or not enforcement of the land use ordinance would cause an unreasonable hardship, the Hearing Officer may not find an unreasonable hardship unless the alleged hardship:

   a. Is located on or associated with the property for which the variance is sought; and

   b. Comes from circumstances peculiar to the property, not from actions of the current property owner or a previous property owner.

3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under this section, the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

4. In determining whether or not there are special circumstances attached to the property under this section, the Hearing Officer may find that special circumstances exist only if the special circumstances:

   a. relate to the hardship complained of; and

   b. deprives the property of privileges granted to other properties in the same zone.

5. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

6. Variances run with the land.

7. The Hearing Officer may not grant a use variance.

8. In granting a variance, the Hearing Officer may impose additional requirements on the applicant that will:

   a. Mitigate any harmful effects of the variance; or

   b. Serve the purpose of the standard or requirement that is waived or modified.

24.80.010 General Provisions

A. Short Title. This code shall be known and may be cited as the "Willard Subdivision Code " and may be identified within this document and other documents as "the WSC" code or "Subdivision code"

B. Purpose. This Subdivision Code is established to promote the purposes of Utah Code, Title 10, Chapter 9a, , the Municipal Land Use, Development, and Management Act (hereinafter the "Act" or "MLUDMA") and to provide for the orderly division of lands, to streamline procedures for certain subdivision applications and their review, to avoid incompatible land uses, and to secure the provision and long-term maintenance of necessary infrastructure, facilities, and services in an efficient and economical manner for present and future Willard City residents.

C. Final Plat Required Before Lots May be Sold. As provided and authorized by the Act, a Final Subdivision Plat shall be approved, as provided by section 24.80.050 herein, complying with all requirements of this Code, and the Act, before such Final Subdivision Plat may be filed or recorded in the Office of the Box Elder County Recorder and before lots may be sold.

D. Enactment. The Willard City Council (hereinafter "Council") adopts this Code pursuant to the Act and all other authorities and provisions of Utah and Federal statutory laws, and common law, as applicable. This Code constitutes a part of Willard City's land use ordinances, as authorized and identified by the Act.

E. Applicability and Authority. This Code shall govern and apply to the subdivision of all lands lying within the municipal boundaries of Willard City (hereinafter "the City"), except as specifically provided for preliminary and final subdivision applications to develop single-family residences, two-family residences, or townhomes in compliance with Utah Code Ann. §§ 10-9a-604.1 and 10 -9a-604.2.

F. Subdivision Defined. For the purposes of this Code and the Act, "Subdivision" shall be, and shall mean.

    1. Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, 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.

    2. Subdivision includes:

        a. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and

        b. All divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes, except as provided below.

G. Subdivision Not to Include. As provided by the Act, and for the purposes of this Code, "Subdivision" does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one (1) of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable Land Use Code of the City;
2. A recorded agreement between owners of adjoining un-subdivided properties adjusting their mutual boundary if:
    a. No new lot is created;
    b. The adjustment does not violate applicable land use ordinances of the City.
3. A recorded document, executed by the owner of record:
    a. Revising the legal description of more than one (1) contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property; or
    b. Joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate any applicable land use ordinance of the City.
4. A recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
    a. No new dwelling lot or housing unit will result from the adjustment; and
    b. The adjustment will not violate any applicable land use codes of the City.
5. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision as to the un-subdivided parcel of property or subject the un-subdivided parcel to this Code.

H. Fees and Charges. The Council, by Resolution, may establish a schedule of necessary fees and charges payable for subdivision application processing and review, inspection services, and other services provided by the City, or required by this Code. The Council by Resolution may amend such fees and charges from time to time, as considered necessary.

I. Prohibited Acts.

1. An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a Final Subdivision Plat has been approved and recorded in the Office of the Box Elder County Recorder, as required and provided by this Code, and the Act, is guilty of a violation of this code, and the Act, for each lot or parcel transferred or sold.

2. The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring lots does not exempt the transaction from being a violation of this Code, and the Act, or from the penalties or remedies provided by this Code, or the Act.

3. Notwithstanding the provisions of this section, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this Code, and the Act:

    a. Does not affect the validity of the instrument or other document; and

    b. Does not affect whether the property that is the subject of the instrument or other document complies with the land use codes of the City, including this Code, other land use codes, including the Willard City Zoning Code (hereinafter "Willard Zoning Code" or "WZC").

J. Enforcement.

1. The City may take all actions, allowed under the law, to insure compliance and enforcement of this Code. Failure of the City to enforce any provision or seek remedies to any violation of this Code shall not legalize any such violation.

2. The City, or any adversely affected owner of real property within the City, in which violations of this Code are occurring, or are about to occur may, in addition to other remedies provided by law, institute:

    a. Injunctions, mandamus, abatement, or any other appropriate actions; or

    b. Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

3. As provided by the Act, the City need only establish a violation of this ordinance to obtain the injunction.

4. The City may bring an action against a property owner to require that the property conform and comply with the provisions of this Code or the Act.

5. An action brought by the City against a property owner, and authorized by this section, and the Act, may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation of this Code.

K. Licenses and Permits.

1. No approval, including the issuance of any building permit for the construction, alteration, or modification of any building or structure, may be issued by the City unless such approval complies with the requirements of the land use and zoning ordinances , including a determination that the lot or parcel, proposed for the

approval or permit is a legal lot pursuant to the land use and zoning ordinance C or a legal lot of record. Any approval or permit issued in conflict with the requirements and subdivision ordinances shall be void and invalid.

2. To enforce this ordinance, the City may withhold or deny the approval or issuance of any required land use permit or building permit.

3. It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the City without approval of a building permit, unless such building is exempt.

4. The City Building Official may not approve or issue a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to all adopted land use ordinances of the City.

5. The City Building Official may not approve or issue a building permit in violation of the City's land use ordinances.

6. No City employee may approve and issue any permit or license that is a violation of the City's land use ordinances.

7. Any approval, permit, or license issued in conflict with any standard or requirement of the zoning ordinance or the City's other land use ordinances shall be void and invalid.

L. Penalties.

1. As provided by the Act, a violation of any provision of this Code is punishable:

   a. As a Class B misdemeanor; and

   b. By imposing an appropriate civil penalty adopted under the authority of the Act.

M. Applicant's entitlement to land use application approval. City's requirements and limitations. Vesting and exceptions – Applicant.

1. An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

   a. in effect on the date the application is complete; and

   b. applicable to the applicant or to the information shown on the application.

2. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:

a. the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

b. in the manner provided by lCity land use ordinances and before the applicant submits the application, the City formally initiates proceedings to amend the City's land use regulations in a manner that would prohibit approval of the application as submitted.

3. The City shall process an application without regard to proceedings the City initiated to amend the City's ordinances if:

    a. 180 days have passed since the City initiated the proceedings; and

    b. the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

    c. during the 12 months prior to the City processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation.

4. A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

5. Unless a phasing sequence is required in an executed development agreement, a City shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.

6. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

7. The City may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

    a. City ordinances in effect on the date that the applicant submits a complete application; or

    b. the City's specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

8. The City may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

    a. in a land use permit;

b. on the subdivision plat;

c. in a document on which the land use permit or subdivision plat is based;

d. in the written record evidencing approval of the land use permit or subdivision plat;

e. in Chapter 9a, Title 10, Utah Code;

f. in a City ordinance; or

g. in a City's specification for residential roadways in effect at the time a residential subdivision was approved.

9. The City may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

   a. in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or

   b. in Chapter 9a, Title 10, Utah Code or the City's ordinances.

10. The City may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

    a. the applicant and the City have agreed in a written document to the withholding of a certificate of occupancy; or

    b. the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.

11. A City may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the City that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

12. The City is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

13. The City may or may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

14. Upon a specified public agency's submission of a development plan and schedule as required in Utah Code Ann. Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the City's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

15. If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

    i. to the local clerk as defined in Section 20A-7-101; and

    ii. no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(5).

    b. upon delivery of a written notice described in Subsection (x)(x) the following are rescinded and are of no further force or effect:

        i. the relevant land use approval; and

        ii. any land use regulation enacted specifically in relation to the land use approval.

16. a. After issuance of a building permit, the City may not:

        i. change or add to the requirements expressed in the building permit, unless the change or addition is:

            1. requested by the building permit holder; or

            2. necessary to comply with an applicable state building code; or

        ii. revoke the building permit or take action that has the effect of revoking the building permit.

    b. Subsection (6)(a) does not prevent a City from issuing a building permit that contains an expiration date defined in the building permit.

N. City Imposed Requirements and Exactions on Application Approval. The City shall not impose any requirement or exaction on any approval required by this subdivision ordinance unless:

1. An essential link exists between a legitimate governmental interest and each requirement or exaction; and

2. Each requirement or exaction is roughly proportionate, in both nature and extent, to the impact of the proposed development.

O. Restrictions for Solar and other Energy Devices. The Willard City Planning Commission (hereinafter "Commission"), acting as the Administrative Land Use Authority, may deny any preliminary subdivision application for single-family residences, two-family residences, or townhomes, and the ALUA may refuse to approve a preliminary subdivision application, or the dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the preliminary subdivision application prohibit, or have the effect of prohibiting, reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the preliminary subdivision application. The City Planner, acting as the Administrative Land Use Authority for final subdivision applications, may refuse to approve the final subdivision application on the same grounds.

P. Validity. If any chapter, section, subsection, paragraph, sentence, standard, or requirement of this Code is held to be invalid, by a Court of competent jurisdiction, such holding shall not affect the validity of any other chapter, section, subsection, paragraph, sentence, standard, or requirement of this ordinance.

24.080.015. Initial Contact and Deadlines.

A. An applicant for a subdivision shall contact the City Planner to obtain the required application forms and summary of city requirements, including the criteria used to determine if the application is complete.

B. Within seven (7) business days of the applicant's application, the City Planner shall determine if the original application is complete.

C. Within fifteen (15) business days after the applicant requests a pre-application meeting, the City Planner shall schedule the meeting to review the proposed subdivision, concept plan if any, and provide initial feedback.

D. The timeline from original application submission and applicant's request for pre-application run consecutively .

24.80.020 Optional Pre-Application Meeting

A. Pre-Application Meeting. The applicant may request to participate in a pre-application meeting with the City Planner and designated city staff and others, acting as the Pre-Application Administrative Review Team or ("PART") for advice regarding general requirements affecting the proposed single-family dwelling, two-family dwelling, or townhome subdivision.

B. Intent and Purpose. The pre-application meeting is intended to allow sufficient time and procedures for the City to evaluate a proposed subdivision, its impact upon the City, and the applicant's ability to comply with City ordinances. The pre-application meeting allows the potential applicant to gain an understanding of the requirements of the land use laws and how they will apply to the individual circumstances of each proposed subdivision. Through the exchange of information and open discussion, the applicant and the City then each have a better understanding of what the applicant proposes and what the City requires before any expenditure of substantial investment by the applicant or substantial resources by the City.

C. The pre-application meeting is optional only to the applicant for single-family residential, two-family residential, and townhome subdivisions to inform the applicant of City's requirements including this Subdivision Code, and relevant streamlined subdivision application procedures and requirements. If the optional pre-application meeting under this section, is requested, the City must schedule the pre-application meeting within fifteen (15) business days of the request.

D. At the pre-application meeting, the City staff, shall provide or make available the list and on the city's website the items that comprise a complete preliminary subdivision use application, including the following:

    1. copies of applicable land use regulations and code provisions;

    2. a complete list of standards required for the project;

    3. preliminary and final application checklists; and

    4. feedback on the concept plan, if one has been prepared.

E. The applicant shall furnish to the PART the following information:

    1. the general description of existing conditions of the site, including data on land and soil characteristics, structures and ponds, covenants, availability of utilities and other public facilities, documentation of existing easements and wastewater disposal systems, including lateral fields;

    2. a general description of proposed uses;

    3. a concept plan of the proposed subdivision and a current USGS topographic survey map;

    4. a general location map of the proposed subdivision in relation to existing utilities, major streets, community facilities, and the surrounding developed and undeveloped land, if such information is considered necessary by the PART; and

    5. 5. the water rights available to be obtained for the project as required in 24.80.140.

F. In addition to the PART and designated city staff, participants in the pre-application meeting may include representatives of city and county departments, including engineering, police, fire, rural water districts, county health, county schools, and other persons and agencies as considered necessary by the PART.

G. Any comments made during the pre-application meeting are considered general direction only, may not be legally binding, and may not be considered by the applicant as any indication of a subdivision application approval or disapproval, either actual or implied.

24.80.040 Preliminary Subdivision Application

A. Intent and Purpose. Any preliminary subdivision application shall comply with all applicable provisions of the City land use and zoning ordinances and the procedural requirements for review as provided in Utah Code Ann. §§ 10-9a-604.1 and 10-9a-604.2. Acting as the ALUA for preliminary subdivision applications, the Planning Commission shall identify and address all items applicable to a preliminary subdivision plan prior to approving, approving with requirements, or denying the preliminary subdivision application.

B. The Planning Commission shall conduct a public hearing, complying with the notice requirements provided in Section 24.80.080.

C. Following the close of the public hearing, the Planning Commission shall transmit its decision to the City Planner to act as the ALUA on the final subdivision application. The Planning Commission shall comply with Utah Code § 10-9a-509, unless a phasing sequence is required in an executed development agreement. Otherwise, the City shall accept and process the complete land use application, without regard to any other separate and distinct land use application.

D. Requirements. Any preliminary subdivision application, filed with the City Planner, shall provide the following information to determine if the application is complete:

1. The application form shall be signed by the owner of the subject property, or authorized agent or agents of the owner, accompanied by an affidavit identifying the owner or agent as being duly authorized to represent the owner in all matters related to the preliminary subdivision application. Any person with a fee interest in the subject property shall be required to join in and sign the preliminary subdivision application.

2. The applicant shall pay the preliminary subdivision application fees, including the review fees, as established the Council's Schedule of Fees, or breakdown of fees, and any total amount, or deposit amount, required to provide the services of the City Engineer, as provided and required herein.

3. Legal description. A complete and accurate legal description of the Subject Property.
4. An electronic copy of all plans in PDF format.
5. A Subdivision Improvement Plan
6.
7. The preliminary subdivision plat drawings, prepared by a licensed land surveyor, as required by the Act, and drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as recommended by the City Planner or City Engineer. The Preliminary Subdivision Plat shall be prepared in pen and all sheets shall be numbered. A digital copy of the Preliminary Subdivision Plat, in a format acceptable to the City's Geographic Information System, standards shall also be provided. The Preliminary Subdivision Plat shall show the following:
    a. A vicinity map, at a minimum scale of one (1) inch = one-thousand (1,000) feet, clearly identifying the boundaries of the entire Subject Property, property accesses, adjoining subdivision outlines and names, as applicable, and relevant features located within one-half (½) mile of the boundary of the Subject Property. The location of the Subject property with respect to surrounding property and roads and streets, and the names of all adjoining property owners of record (within 300 feet of the property) shall be shown.
        i. The basis of bearings used, graphic and written scale, true north point, township, range, section, quarter section, lot number, and total area of the Subject Property.
        ii. Proposed road and street layout. All existing and proposed road and street names shall be shown.
        iii. The boundaries, course, and dimensions of all lots and parcels created, by their boundaries, course, and extent, whether the Applicant proposes that any lot or parcel is intended to be used as a road or street or for any other public use and whether any such area is reserved or proposed for dedication for a public purpose.
        iv. 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 such set asides, and conditions, if any, of the dedication or reservation.

v. The lot or unit reference, or building reference, road, street or site address, the road and street name or coordinate address, acreage or square footage for all parcels, units, or lots proposed to be created. All parcels, units, or lots created shall be numbered consecutively.

vi. All existing and proposed rights-of-way and easements, including but not limited to grants of record for underground facilities, as defined by Utah Code § 54-8a-2, as amended, and for all other utility facilities, and all proposed road and street rights-of-way and easements including but not limited to trails, irrigation, streets, and access points.

vii. Each lot or parcel proposed to be created shall identify the required setback lines identifying the required front, side, and rear yard areas, as required by the zoning district in which the subject property is located.

b. A title block, placed on the right side of the Preliminary Subdivision Plat showing:

i. Proposed Name or Designation of the Subdivision that is distinct from any other Willard City Subdivision already recorded in the Office of the Box Elder County Recorder.

ii. Name and address of the owner(s) of record and the name, address and license number of the licensed surveyor responsible for preparing the Preliminary Subdivision Plat.

iii. Date of preparation of the Preliminary Subdivision Plat, and all revision dates, as applicable.

8. Required Subject Property Information. The following information is required and shall be provided on separate sheets at the same scale as the Preliminary Subdivision Plat:

a. The identification of known natural features including, but not limited to, jurisdictional wetlands, as identified by the United States Army Corps of Engineers, areas of slope exceeding five percent (5%) grade, flood plains, flood channels, and drainage way, identified as required by a local, state, or federal agency, with authority, all water courses, areas where ground water is located within three (3) feet of the ground surface, water bodies, marshy or swampy areas, hydrous water, and any other natural features, as required by the City Planner or City Engineer for the Subject Property, including the total area of each.

b. All trees over six (6) inches in diameter, measuring four (4) feet above the ground. In cases of heavily wooded areas, indication of the outline of the wooded area and location of trees which are to remain.

c. Existing contours, at intervals of no greater than two (2) feet, overlaid with the proposed subdivision layout. Elevations shall be based on national Geodetic Survey Sea level data. In cases of predominately-level topography, one (1) foot interval contours may be required.

d. The location of any known man-made features on, or contiguous to, the subject property, including existing parcels and lots, all utility easements, railroads, power lines and power poles, telephone and other telecommunication and cable communication lines and facilities, bridges, culverts, drainage channels, all rights-of-way and easements, field drains, and well or spring protection areas.

e. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.

f. All existing and proposed road and street locations and dimensions, with cross sections and vertical and horizontal profiles of all new roads and streets proposed to be dedicated to the City, showing the grades of all proposed roads and streets and identifying all proposed cuts and fills exceeding three (3) feet from the existing natural grade. The proposed radius of all centerline curves shall be shown.

g. The location and size of existing and proposed culinary water and sanitary sewer lines and the location of all wells and springs, if any, and the location of all existing and proposed secondary water locations, as required by the Willard City Engineer.

h. Existing and proposed storm drainage and flood control system including existing and proposed pipe sizes, inlets, detention areas, and drainage arrows.

i. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.

j. The location of all existing and proposed streetlights identifying the location, type, height, and light output of all existing and proposed streetlights.

k. The location of all existing and proposed street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings.

l. The location of all existing and proposed trails.

9. Geotechnical Report. A report providing geologic maps, soil type maps, and tables of soil type interpretations based on the National Cooperative Soils Survey, United States Department of Agriculture, and Soil Conservation Service. The location and height of all subsurface ground water areas shall be shown.

10. Preliminary Grading Plan. For subject properties of one (1) acre or larger, a Preliminary Grading Plan shall be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed-line contours, also using two (2) foot intervals, of the existing topography for the entire subject property. For subject properties that have predominately level topography, one (1) foot contour intervals may be required by the City Planner or City Engineer. The Preliminary Grading Plan shall identify the proposed grading for each proposed lot or parcel to be created.

11. Preliminary Erosion Control Plan. When required by the City Planner or City Engineer, a Preliminary Erosion Control Plan for the subject property shall be provided and included with the preliminary subdivision application. The Preliminary Erosion Control Plan shall identify the proposed drainage and erosion control techniques and methods for each proposed lot or parcel to be created.

12. Preliminary Easement Plan. A Preliminary Easement Plan, identifying the location, size, and use of all existing and proposed easements.

13. Title Report. A Title Report for the entire subject property, provided by a Title Company, within thirty (30) business days from the date of filing the preliminary subdivision application in the Office of the City Planner.

14. Tax Clearance. A tax clearance from the Box Elder County Treasurer shall be provided as part of the preliminary subdivision application.

15. Evidence of Availability of Necessary Services. The following information is required to be presented as part of the preliminary subdivision application, necessary to establish the availability of required services to the subject property.

    a. Culinary Water Requirements. As required and provided by the Act, the Willard City Public Works Director is hereby designated as the Culinary Water Authority for the City. It shall be the responsibility of the applicant to provide all information and materials, as required by the Public Works Director, necessary to review the proposed culinary water system and culinary water sources.

b. Sanitary Sewer Requirements. As required and provided by the Act, the Public Works Director is hereby designated as the Sanitary Sewer Authority for the City. In certain conditions, the Public Works Director may choose to refer the applicant to the Bear River Health Department for further feedback and information. It shall be the responsibility of the applicant to provide all information and materials, as required by the Public Works Director, necessary to review the proposed sanitary sewer system.

c. Subdivision Roads and Streets. The preliminary subdivision application shall identify the proposed road and street layout. Proposed subdivision roads and streets shall make provision for the continuation of existing roads and streets. All subdivision roads and streets shall be designed as required by the Public Works Standards. It shall be the responsibility of the applicant to provide all information and materials, as required by the City Engineer, necessary to review the proposed road and street system and road and street designs.

d. Storm Drainage and Flood Control Facilities. The preliminary subdivision application shall identify the storm drainage and flood control system. The proposed subdivision storm drainage and flood control system shall make provision for the continuation of existing storm drainage and flood control facilities. All subdivision storm drainage and flood control system facilities shall be designed as required by the Public Works Standards and, if applicable, the Willard City Flood Control District Standards, as adopted. It shall be the responsibility of the applicant to provide all information and materials, as required by the City Engineer, and, if applicable, the Willard City Flood Control District Engineer, necessary to review the proposed storm drainage and flood control system.

e. Fire Protection, Suppression, and Access Facilities. The preliminary subdivision application shall identify the proposed fire protection, fire suppression, and fire access facilities. Proposed subdivision fire protection, fire suppression, and fire access facilities shall make provision for the continuation of existing facilities. All subdivision fire protection, fire suppression, and fire access facilities shall be designed as required by the Public Works Standards. It shall be the responsibility of the applicant to provide all information and materials, as required by the City Fire Chief, necessary to review the proposed fire protection, fire suppression, and fire access facilities.

16. Special District or Special Service Area. If the subject property is located within the boundaries of a Special District or a Special Service Area, a written recommendation from the governing board of such District or Area

shall be provided with the preliminary subdivision application materials, which recommendation may identify any potential impacts resulting from the proposed subdivision.

17. Additional Information and Materials. When the City Staff, Commission, or City Planner deem necessary, the applicant may be required to provide other information, materials, letters of feasibility, conduct studies, and provide other evidence indicating the suitability of the subject property for the proposed subdivision, including, but not limited to, compliance with the City's Transportation Plan including access management plans, adequacy of infrastructure and utilities, public safety and fire protection, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, wildlife habitat preservation, and any other infrastructure, physical, environmental, or cultural matters.

E. Preliminary Subdivision Application - Engineering and Legal Review Fees. The applicant for preliminary subdivision application approval shall pay all costs incurred by the City for the provision of City engineering and legal services, provided by a licensed engineer, and attorney selected by the City, and necessary to review the preliminary subdivision application materials for conformity to the requirements of this Code, other applicable land use codes and requirements, and accepted civil engineering practice. Willard City may elect to adopt a schedule of fees to approximate the costs to the City for engineering and legal review in lieu of actual costs.

F. City Planner to Determine a Complete Preliminary Subdivision Application.

No later than thrity (30) business days of the preliminary subdivision application being filed in the Office of the City Planner, and prior to preliminary subdivision application review by the Planning Commission, acting as the ALUA, the City Planner shall complete the initial review of a complete subdivision application submitted for ordinance review to determine that the preliminary subdivision application is complete and contains all the information and material required in Subsection D. The City Planner shall notify the applicant, in writing, of the result of such determination. The City Planner shall schedule the preliminary subdivision application for a public hearing with the Planning Commission, acting as the ALUA, with notice as required by 24.08.080, to review the application, hear any public comments, and make a determination.

G. Determination of an Incomplete Preliminary subdivision application.

1. If the City Planner determines the preliminary subdivision application is incomplete, the City Planner may not schedule the required public hearing with the Planning Commission.

2. The City Planner shall notify the applicant, in writing, of the incomplete preliminary subdivision application and allow 14 business days, from the date

of notification for the applicant to provide the required information. If the preliminary subdivision application remains incomplete after14 business days from date of notification, the City Planner shall return the entire incomplete application to the applicant, including any preliminary subdivision application fees paid.

3. The applicant may not consider any preliminary subdivision application discussion to indicate a land use application approval or disapproval, either actual or implied. The applicant's failure to submit a complete preliminary subdivision application and obtain a written notice from the City Planner of completeness within one (1) calendar year from date of the initial submittal shall result in the expiration of the application.

H. Appeal of Completeness Determination. Any person aggrieved by a decision of the City Planner related to a determination of application completeness may appeal the decision to the Hearing Officer, acting as the Appeal Authority for determinations of application completeness.

I. Review of Preliminary Subdivision Applications.

1. Review Cycle as defined herein, means the applicant's submittal of a complete subdivision land use application; the City's review of that subdivision application no later than thirty (30) business days after the complete preliminary subdivision application is submitted; the City's response to the subdivision land use application, in compliance with Utah Code Ann. §10-9a-604.2; and the applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.

2. The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

3. The City may require a subdivision improvement plan to be submitted with the preliminary subdivision application.

4. The City may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a municipally controlled utility.

5. No later than thirty (30) business days after the complete preliminary subdivision application, the City shall complete the initial review of a complete preliminary subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes.

6. A City shall maintain and publish a list of the items comprising the complete preliminary subdivision application, including:

    a. the application;
    b. the owner's affidavit;
    c. an electronic copy of all plans in PDF format;
    d. the preliminary subdivision plat drawings; and
    e. a breakdown of fees due upon approval of the application.

J. Necessary Approvals and Recommendations. In lieu of a subdivision improvement plan, City Planner shall require the following approvals and recommendations to be included with the information and materials provided to the Commission, with the preliminary subdivision application, acting as the ALUA:

    a. Written approval of the feasibility of the proposed culinary water system and culinary water sources, provided by the Public Works Director.

    b. Written approval of the feasibility of the proposed sanitary sewer system, provided by the Public Works Director.

    c. A written recommendation of the proposed street and road layout and street and road designs, provided by the City Engineer.

    d. If the proposed subdivision will be accessed from a State Highway, an appropriate access permit, as required by the State of Utah Department of Transportation, shall be provided. If the subdivision will be accessed from a County Road, authorization from Box Elder County to allow the subdivision access from a County Road shall be provided.

    e. A written recommendation of the proposed storm water management and storm drainage and flood control facilities, provided by the City Engineer, and Willard City Flood Control, as applicable.

    f. A written recommendation of the proposed fire protection, fire suppression, and fire access facilities, provided by the City Fire Chief.

    g. All necessary approvals and permits from Federal, State, and Local agencies, as may be applicable.

    h. If applicable, the approved re-zone request in writing, signed by the Willard City Mayor.

K. Staff Comments. All staff review meeting comments, necessary approvals, and recommendations provided to the Planning Commission for consideration related to a preliminary subdivision application shall also be provided to the applicant no less than

three (3) business days, before any public hearing or public meeting at which the preliminary subdivision application is considered by the Commission.

L. Planning Commission Public Hearing Required. Prior to the Planning Commission making a determination as the ALUA on the preliminary subdivision application, the Planning Commission shall conduct a public hearing in compliance with the notice requirements herein.

    a. Mailed to each "affected entity" as defined herein and by section 10-9a-103(1) of the Act;

    b. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City;

    c. Mailed and addressed to the record owner of each land parcel located within three hundred (300) feet of the boundary of the Subject Property; or

    d. Posting the Subject property with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by; and

    e. Posting on the Utah Public Notice Website.

    f. Notify each applicant of the date, time, and place of each public hearing, at least three (3) business days before the public hearing.

    g. Provide to each applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the public hearing.

M. Public Meetings. The City shall provide notice of the public meetings before the Planning Commission, acting as the ALUA, to consider a preliminary subdivision application as follows:

    a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:

        a. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City.

    b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.

    c. Provide to each Applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the meeting.

N. Planning Commission Decision Required. The Planning Commission, acting as the ALUA, shall consider all information and materials received. The Planning Commission

shall make a determination to approve, approve with modifications, or deny the preliminary subdivision application. The findings may include compliance or non-compliance with the subdivision ordinance public works standards, and the City's other land use ordinances and all other requirements, as applicable. The Planning Commission may recommend onsite and offsite improvements, facilities, services, and amenities, provided one hundred percent (100%) by the applicant for preliminary subdivision application approval. Such improvements, facilities, services, and amenities being determined to be consistent with the requirements of section [8.] herein, including:

a. Road and street improvements, including layout, design, grading and surfacing.

b. Flood control facilities.

c. Culinary Water facilities.

d. Sanitary Sewer facilities.

e. Storm Drainage facilities.

f. Erosion Control facilities.

g. Traffic Circulation and Access Management facilities.

h. Lot, Parcel, and/or Site drainage.

i. Park and open space areas and facilities.

j. Fire protection and suppression facilities, including fire hydrants, fire access, and water storage facilities.

k. Fencing and buffering treatments.

l. Street lighting facilities;

m. Dry lines for secondary water system;

n. Fiber optic infrastructure

o. Streetscape enhancements, including street trees and park strip improvements;' and

p. Trails

O. O. Administrative Land Use Authority Action. Following the consideration of the preliminary subdivision application, the decision by the Planning Commission, and all information and materials presented, the ALUA may approve the preliminary

subdivision application, as presented, approve the preliminary subdivision application with requirements, or deny the preliminary subdivision application with findings of compliance or non-compliance with this Code and other land use codes and requirements, as applicable.

P. Effect of Approval. Effective Period. The approval of a preliminary subdivision application, with or without requirements, by the ALUA shall not constitute a final approval of the subdivision by the City. A preliminary subdivision application approval may not authorize the division or development of the subject property, but allows the applicant to proceed with the final subdivision application process. The continuing validity of a preliminary subdivision application approval is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence. The approval of a preliminary subdivision application shall be effective for a period of one (1) year from the date of approval by the ALUA, at the end of which time the applicant must have submitted a final subdivision application to the City Planner.

Q. Effective Time Limitation. If a final subdivision application is not received by City Planner within one (1) year from the date of approval, the preliminary subdivision application approval Subject property shall be rendered void and invalid.

R. Site Preparation Work Prohibited. No excavation, and no grading or re-grading, shall take place on any subject property, except to meet percolation, geological, or other tests as required by Willard City or other governmental entities. No building permits shall be issued by the City, until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Box Elder County Recorder.

S. Appeal of Preliminary Subdivision Application Decisions. Any person aggrieved by a decision of the ALUA related to a preliminary subdivision application may appeal the decision to the Hearing Officer, acting as the Appeal Authority for preliminary subdivision application decisions by the ALUA.

T. Appeal of Preliminary Subdivision Application Decisions.

   a. In any appeal exercised as provided in this subdivision ordinance, the decision of the Hearing Officer acting as the Appeal Authority shall be limited to whether the decision of the ALUA complied with the requirements of this subdivision ordinance.

   b. The Hearing Officer's review of a decision by the ALUA shall be strictly limited to the facts, materials, statements, and matters made available on the record to the ALUA, prior to the decision from which the appeal is made.

U. Standard of Review for Appeals.

   a. In reviewing the decisions rendered by the ALUA upon any appeal taken, review is limited by a preponderance of the evidence whether the decision was

made in compliance with the requirements of Utah Code and this subdivision code .

b. The review may not include any consideration of issues, materials, facts or other matters where the same were not made available to the ALUA, of record, prior to the decision appealed.

24.80.045. Subdivision Improvement Plan Review by Planning Commission.

A. The Planning Commission, acting as the ALUA, shall complete the preliminary subdivision plan review, including the subdivision improvement plan, within forty (40) business days of submission of the subdivision improvement plan for a residential subdivision for single-family dwellings, two-family dwellings, and town homes. The City may not engage in any other substantive review of the subdivision improvement plan after the preliminary plan approval stage.

B. In reviewing a subdivision application, the Planning Commission may require:

1. Additional information or modifications to plans to ensure compliance with city ordinances and approved standards and specifications for construction of public improvements; and

2. Modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

3. The request for additional information shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans and logged in an index.

4. The Planning Commission is limited to four (4) review cycles.

5. If a change or correction is necessitated and identified in the subdivision improvement plan, the applicant shall make the adjustment to the subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure. If the change or correction is not addressed or referenced, it is waived except if necessary to protect public health and safety or to enforce state of federal law.

6. If an applicant makes a material change to a subdivision improvement plan, the Planning Commission has the discretion to restart the review process at a first review regarding only the portion of the subdivision improvement plan that the material change substantively affects.

7. If an applicant does not submit a revised subdivision improvement plan within forty (40) business after the modification or correction is required, the Planning Commission has an additional twenty (20) business days to respond to the revised subdivision improvement plan.

8. In addition to revised subdivision improvement plans, the applicant shall provide a written explanation, that is comprehensive, specific, including citations to applicable standards and ordinances for the design, and indexed, that identifies and explains each of the applicant's revisions or declined revisions.

9. If an applicant fails or refuses to address a review comment in the response, the review cycle is considered incomplete and the subsequent review cycle may not begin until all comments are addressed.

10. After the applicant has responded to the final review cycle and complied with each requested modification of the City's previous review cycle, the Planning Commission may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

11. If on the fourth and final review, the Planning Commission fails to respond within twenty (20) business days, and the applicant requests a review, the City shall within ten (10) days of the request:

12.

    a. assemble an appeal panel for a dispute arising from the subdivision improvement plans to review and approve or deny the final revised set of plans; or

    b. advise the applicant in writing of the deficiency of the application upon subdivision ordinance review and the applicant's right to appeal the determination to the designated appeal authority.

C. The action of the Planning Commission, acting as the ALUA, shall be written on the face of two (2) copies of the plan, one of which shall be retained in the files of the Planning Commission, and one of which shall be returned to the applicant. If the plan

is disapproved, the Planning Commission shall express its reasons therefore to the applicant.

D. Upon approval of the preliminary plan, the Planning Commission shall be committed to grant final approval of the final plat, subject to full compliance with any conditions attached, unless, in the opinion of the Planning Commission, the preliminary approval was granted based on inaccurate or incomplete representations or that changes have occurred in conditions relating to the property which were not known or present at the time concept approval was given, and which would result in a significant detrimental effect to the public if the project were carried out as initially presented. Approval of the preliminary plan shall remain valid for a period of one (1) year. Said approval may be extended or reaffirmed by the Planning Commission, for a period not to exceed one (1) year, upon receipt of a written request from the owner.

24.80.050 Final Subdivision Application.

A. A decision by the ALUA related to a Final Subdivision Application shall be accompanied by findings of fact. For the purposes of this code, the procedures and requirements for the consideration of Final Subdivision Application are provided to promote the full consideration of all items related to the proposed subdivision. It is the intent of this ordinance that the ALUA has full opportunity to address items identified through the application processes prior to approving, approving with requirements, or denying a Final Subdivision Application.

B. Final Subdivision Application – The ALUA for a Final Subdivision Application shall be Identified as the City Planner - City Staff Recommendation Required. Prior to the City Planner, acting as the ALUA, considering a Final Subdivision Application, the City Engineer and City Attorney shall transmit a recommendation to the ALUA for consideration.

C. Final Subdivision Application - Preliminary Subdivision Approval Required Application. As a condition precedent to the filing of a Final Subdivision Application in the Office of the City Planner, a preliminary subdivision application for the subject property, with or without requirements, shall have been approved by the Planning Commission, acting as the ALUA.

D. Final Subdivision Application - Requirements. All Final Subdivision Applications, filed in the Office of the City Planner, shall provide the following information to be determined complete by the City Planner. t:

1. Application Form. A Final Subdivision Application Form shall be completed and signed by the owner(s) of the subject property, or authorized agent of the owner. If the Final Subdivision Application Form is signed by an authorized agent of the owner, the Form shall be accompanied by an affidavit identifying the agent as being duly authorized to represent the owner in all matters related thereto. Any person with a fee interest in the subject property shall be required to join in and sign the Final Subdivision Application Form.

2. Final Subdivision Application Fees. The Final Subdivision Application shall include the payment of all Final Subdivision Application fees and Review fees, as established by the City Council, and any total amount, or deposit amount, required to provide the services of the City Engineer.

3. Legal Description. The Final Subdivision Application shall include a complete and accurate legal description for the entire Subject Property.

4. Final Subdivision Plat. A Final Subdivision Plat shall be prepared by a licensed land surveyor, as required by the Act, drawn at a scale of not less than one inch equals one-hundred feet (1" = 100'), or as recommended by the City Planner, and in a form acceptable to the Box Elder County Recorder for recordation. The Final Subdivision Plat shall be prepared in pen on Mylar and all sheets shall be numbered. All required certificates shall appear on a single sheet (along with the index and vicinity maps). One (1) original mylar copy of the Final Subdivision Plat and two (2) original mylar copies of the Final Subdivision Plan profiles shall be included with the Final Subdivision Application and a minimum of twelve (12) 11 inch x 17 inch size and seven (7) 24 inch x 36 inch paper copies shall be provided and accompany the Final Subdivision Application Form. The Final Subdivision Plat shall contain the same information as required by Section [ ] herein, and shall include any revisions or additions, as required by the ALUA as part of the preliminary subdivision application approval. In addition, the Final Subdivision Plat shall show the following:

    a. The notation of any self-imposed restrictions, including proposed restrictive covenants, signed by all owners of interest, and bearing the acknowledgment of a public notary, and all other restrictions as required by the SLUA.

    b. The accurate survey of the perimeter of the subject property and all parcels, units, or lots, created, accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. Bearings shall be shown to the nearest second; lengths to the nearest hundredth (100th) foot; areas to the nearest hundredth (100th) acre. All parcels, units, or lots created shall be numbered consecutively. All lands within the boundaries of the Subject property and the Final Subdivision

Plat shall be accounted for as parcels, lots, roads, streets, alleys, walkways, or other designation.

c. Endorsements of every person having a security interest in the Subject property subordinating their liens to all covenants, servitudes, and easements imposed on the property.

d. The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted.

e. All existing and proposed grid street numbers and street names shall be shown and the street address and coordinate address of all parcels, units, or lots, created shall be shown, as required by the addressing system of the City.

f. All existing and proposed rights-of-way and easement grants of record for underground facilities, as defined by Utah Code § 54-8a-2, as amended, and for all other utility facilities, and all proposed road and street rights-of-way and easement grants of record.

g. 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 such set asides, and conditions, if any, of the dedication or reservation.

h. The name and address of the surveyor responsible for preparing the Final Subdivision Plat. The surveyor making the Final Plat shall certify that the surveyor:

    i. Holds a license in accordance with Utah Code, Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

    ii. Has completed a map of boundary survey of the property described on the Final Plat in accordance with Utah Code § 17-23-17and has verified all measurements; and

    iii. Has placed monuments as represented on the Final Subdivision Plat.

i. Located at the top-center and right-hand side of the Final Subdivision Plat, the name of the subdivision, as approved by the Box Elder County Recorder's Office. The basis of bearings used, graphic and written scale, true north point, township, range, section, quarter section, block, and lot number, and total area of the Subject property shall be shown.

j. A title block showing:

i. Date of preparation of the Final Subdivision Plat; and

ii. Signature blocks for the dated signatures of the Chair of the Planning Commission or City Planner, as applicable, City Engineer, and City Attorney.

5. All documents establishing any required agreements, guarantees, or any bonds and the payment of any required guarantees or bonds.

6. Dedications and Grants of Easements. When the applicant is proposing, or is required, to provide dedications for any infrastructure, utilities, improvements, or services, the owner or operator of the infrastructure, utilities, improvements, or services shall approve the: (i) boundary, course, dimensions, and intended use of the right-of-way and easement grants of record; (ii) location of existing underground and utility facilities; and (iii) conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision. Such approval shall be provided in writing with the Final Subdivision Application.

7. Purchase Agreements. When any parcel, unit, or lot is proposed to be purchased by a public or quasi-public agency, a letter of intention to purchase shall be provided with the Final Subdivision Application.

8. Owner's Dedications. The owner's certificate of dedication(s) including a legal description of the subject property boundaries and the dedication of all public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the Box Elder County Recorder may enter the book and page number of their recording.

9. Required Local, State, and Federal Permits. When required all necessary approvals, licenses, and permits, as required, shall be provided by such local state, and federal departments and agencies and included with the Final Subdivision Application.

10. Covenants, Conditions, and Restrictions. Copies of all protective covenants, conditions and restriction (CC&R's), trust agreements, Home Owner's Association articles and bylaws, and all other required documents, including those required by the ALUA governing the future use of property, infrastructure, utility and service systems, re-subdivision, and other provisions required to maintain the integrity of the subdivision.

11. Final Construction Drawings. Final design and construction drawings for all proposed, or required infrastructure, utilities, improvements, or services prepared

by a licensed civil engineer, and in a form and as required by the Public Works Standards and the City Engineer, including, but not limited to, all culinary water facilities, all sanitary sewer facilities, all storm drainage and flood control facilities, bridges and culverts, the profiles and cross sections of all proposed roads and streets, all secondary water facilities, all fire hydrants and fire protection and suppression facilities and systems, all electrical power facilities, all telecommunications facilities, all street lights, all street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings, and all other infrastructure, utilities, improvements, or services.

12. Improvement Construction Costs. Estimated construction costs of all proposed, or required infrastructure, utilities, improvements, or services prepared by a licensed civil engineer, and as required by the Public Works Standards and the City Engineer.

13. Final Grading Plan. For Subject property of one (1) acre or larger, a final grading plan shall be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed line contours, also using two (2) foot intervals, of the existing topography for the entire Subject Property. For Subject Properties that have predominately-level topography one (1) foot contour intervals may be required by the City Planner or City Engineer. The Final Grading Plan shall identify the proposed final grades for each proposed lot or parcel to be created.

14. Final Erosion Control Plan. When required by the City Planner or City Engineer, a final erosion control plan for the Subject property shall be provided and included with the Final Subdivision Application. The Final Erosion Control Plan shall identify the proposed lot drainage and erosion control techniques and methods for each proposed lot or parcel to be created.

15. Final Easement Plan. A final easement plan, identifying the location, size, and use of all existing and proposed easements.

16. Title Report. If the Final Subdivision Application is filed in the Office of the City Planner after one hundred eighty (180) calendar days from the date the preliminary subdivision application is approved, or if any changes or corrections have been made to the Title of the subject property since the preliminary subdivision application was approved, a Title Report shall be submitted for the subject property, provided by a Title Company, within thirty (30) business days from the date of filing the Final Subdivision Application in the Office of the City Planner.

17. Tax Clearance. A tax clearance from the Box Elder County Treasurer shall be provided as part of the Final Subdivision Application. The City Planner, acting as the ALUA, may withhold an otherwise valid Final Subdivision Application

approval until the owner of the subject property provides the ALUA with a tax clearance indicating that all taxes, interest, and penalties owing for the subject property have been paid.

E. Final Subdivision Application--Engineering Review Fees. The applicant for Final Subdivision Application approval shall pay all costs incurred by the City for the provision of city engineering and legal services, necessary to review the Final Subdivision Application materials for conformity to the requirements of this Code, other applicable land use codes and requirements, and accepted civil engineering practice. Willard City may elect to adopt a schedule of fees to approximate the costs to the city for engineering review in lieu of actual costs.

24.80.070. Complete Final Subdivision Application.

A. Except if a subdivision improvement plan is submitted as provided in 24.80.060, , the City Planner shall determine and find that the Final Subdivision Application is complete and contains all the information and material required for a complete Final Subdivision Application within 30 business days of submission. The City Planner, acting as the ALUA, shall determine if the final subdivision application is approved.

1. The City shall maintain and publish a list of the items that comprise a complete final subdivision application.

2. In reviewing any subdivision land use application, the city planner may require additional information to ensure compliance with City code and approved standards and specification for construction of public improvements and may request modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

3. The City's request for additional information or modifications to the subdivision land use application shall be specific, including citations to ordinances, standards, or specification that required modifications to plans, and shall be logged in an index for requested modifications or additions.

4. Unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjust the infrastructure needed for the specific development, a change or correction not addressed or referenced in the City's plan review is waived. Any modification of correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

5. If the applicant does not submit a revised plan within twenty (20) business days after the municipality requires a modification or correction, the municipality shall have an additional twenty (20) business days to respond to the plans.

6. After the applicant has responded to the final review cycle, and complied with each modification requested in the City's previous review cycle, the City may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to the requested modifications or corrections.

7. If the final subdivision application complies with the requirements of Utah Code § 10-9a-604.1, the applicable City ordinances, and the preliminary subdivision approval was granted, the City Planner shall approve the final subdivision application.

If the Final Subdivision Application remains incomplete after 40 business days from date of notification of the required information, the City Planner shall return the entire incomplete Final Subdivision Application to the applicant, including any Final Subdivision Application review fees paid. No Final Subdivision Application discussion shall be considered by the Applicant as any indication of a land use application approval or disapproval, either actual or implied. Failure to submit a complete Final Subdivision Application and obtain a written notice from the City Planner that the Final Subdivision application is complete within one calendar year from the date of the initial submittal of the Final Subdivision Application shall result in the expiration of the application.

B. Final Subdivision Application Review Procedures.

1. The City Planner is the ALUA for Final Subdivision Applications.

2. City Engineer and City Attorney Recommendation. Prior to the ALUA considering a Final Subdivision Application, the City Engineer and City Attorney shall review the Final Subdivision Application and shall transmit a recommendation to the ALUA for consideration.

3. Necessary Approvals and Recommendations. Any necessary approvals and recommendations provided to the ALUA for consideration related to a Final Subdivision Application, including any comments and recommendations provided by the City Engineer and City Attorney, shall also be provided to the applicant, a minimum of three (3) business days, before the Final Subdivision Application is considered by the ALUA.

4. Acknowledgement and Necessary Signatures Required. The owner of the subject property shall acknowledge the Final Subdivision Plat before the ALUA authorized to take the acknowledgement of conveyances of real estate and shall obtain the signatures of required City Officials.

5. ALUA Review. Following the receipt of all recommendations, including the recommendations of the City Engineer and City Attorney, the ALUA shall consider the Final Subdivision Application. Except as provided for final subdivision applications for single-family or two-family residences, or townhomes, the ALUA may approve the Final Subdivision Application, as presented, approve the Final Subdivision Application with requirements, or deny the Final Subdivision Application with findings of compliance or noncompliance with this code, and other Land Use codes and requirements, as applicable.
    a. The ALUA may require onsite and offsite improvements, facilities, services, and amenities, provided one hundred percent (100%) by the Applicant for Final Subdivision Application approval, such improvements, facilities, services, and amenities including, but not limited to:
        i. Road and street improvements, including layout, design, grading and surfacing.
        ii. Flood control facilities.
        iii. Culinary Water facilities.
        iv. Sanitary Sewer facilities.
        v. Storm Drainage facilities.
        vi. Erosion Control facilities.
        vii. Traffic Circulation and Access Management facilities.
        viii. Lot, Parcel, and/or Site drainage.
        ix. Park and open space areas and facilities.
        x. Fire protection and suppression facilities, including fire hydrants, fire access, and water storage facilities.
        xi. Electrical power and telecommunications facilities.
        xii. Fencing and buffering treatments.
        xiii. Street lighting facilities; and
        xiv. Streetscape enhancements including street trees and park strip improvements.
        xv. Trails.
6. Effect of Approval of a Final Subdivision Application and Effective Period.

a. The approval of a Final Subdivision Application, with or without requirements, by the City Planner, acting as the ALUA, shall constitute a final approval of the subdivision by the City.

b. After the approved Final Subdivision Plat has been acknowledged and certified, the owner of the subject property shall, within one (1) year of the date of approval of the Final Subdivision Application, record the approved Final Plat in the Office of the Box Elder County Recorder. The Applicant(s) shall pay all fees, including copies, for the recording of the Final Plat and all Final Subdivision documents.

c. The applicant shall provide one (1) Mylar copy of the recorded Final Plat to the City Planner for inclusion in the files of the City.

d. After the Final Plat has been recorded, the Applicant may apply for necessary permits required for the construction and installation of subdivision improvements and building permits consistent with the approved and recorded Final Plat and the City requirements for such permits.

e. As provided by the Act, the continuing validity of a Final Subdivision Application approval is conditioned upon the applicant's proceeding after approval to implement the approval with reasonable diligence. For the purposes of this Code, and this requirement, the approval of a Final Subdivision Application shall be effective for a period of one (1) year from the date of approval by the ALUA at the end of which time the applicant shall have presented the Final Subdivision Plat for recording in the Office of the Box Elder County Recorder. If the Final Subdivision Plat is not recorded within one (1) year of approval, the Final Subdivision Application shall be rendered void and invalid.

7. Dedication of Streets and other Public Places.

a. Final Subdivision Plats, when made, acknowledged, and recorded in the Office of the Box Elder County Recorder, according to the procedures and requirements of this Code, operate as a dedication of all roads, streets and other public places, and vest the fee of those parcels of land with the City for the use of the public for the uses named or intended by those Final Subdivision Plats.

    a. The dedication established by this section does not impose liability upon the City for roads, streets and other public places that are dedicated in this manner but are unimproved.

8. Common Area Parcels on a Final Subdivision Plat - No Separate Ownership - Ownership Interest Equally Divided among other Parcels on the Final Subdivision Plat and Included in Description of other Parcels.

    a. A parcel designated as common area on a Final Subdivision Plat and recorded in the Office of the Box Elder County Recorder shall not be separately owned or conveyed independent of the other parcels created by the Final Subdivision Plat.

    b. The ownership interest in a common area parcel shall:

        i. For purposes of assessment, be divided equally among all parcels created by the Final Subdivision Plat, unless a different division of interest for assessment purposes is indicated on the Final Subdivision Plat or an accompanying recorded document; and

        ii. Be considered to be included in the description of each instrument describing a parcel on the Final Subdivision Plat by its identifying plat number, even if the common area interest is not explicitly stated in the instrument.

9. Site Preparation Work Prohibited. No excavation, and no grading or re-grading, shall take place on any Subject property except as required by the City or other governmental entities to meet percolation, geological, or other tests, and no building permits shall be issued by the City, until a Final Subdivision Application has been approved and the Final Subdivision Plat has been recorded in the Office of the Box Elder County Recorder, and a Preconstruction Meeting has been held with the City Engineer to identify the requirements for the construction and installation of all required subdivision improvements, facilities, services, and amenities.

24.80.080. Appeal of a Decision by the City Planner.

Any person aggrieved by a decision of the City Planner related to a determination of application completeness may appeal the decision to the Hearing Officer.

A. Appeal of Final Subdivision Application Decisions. Any person aggrieved by a decision of the ALUA related to a Final Subdivision Application may appeal the decision to the Hearing Officer as the Appeal Authority for Final Subdivision Application decisions by the ALUA.

B. Appeal of Final Subdivision Application Decisions (Scope of Review).

C. In any appeal from any Final Subdivision Application decision, the review by the hearing officer shall be limited to whether the decision of the ALUA complied with the requirements of this Code.

D. The hearing officer's review of a decision by the ALUA shall be strictly limited to the facts, materials, statements, and matters made available on the record to the ALUA, prior to the decision from which the appeal is made.

E. Standard of Review for Appeals.

1. In reviewing the decisions rendered by the ALUA upon any appeal taken, review is limited to whether the decision was made in compliance with the requirements of the Act and this Code.

2. The review may not include any consideration of issues, materials, facts or other matters where the same were not made available to the ALUA of record, prior to the decision appealed.

24.80.080 Vacating Or Amending A Recorded Final Subdivision Plat, Street Or Alley Final

A. Amendment to a Recorded Final Subdivision Plat. The ALUA may vacate or amend a recorded Final Subdivision Plat or any portion of a recorded Final Subdivision Plat by following and complying with all requirements for vacating or changing a Subdivision Plat, as identified by Utah Code §§ 10-9a-608 and 10-9a-609, as amended.

B. Vacating or Altering a Street or Alley. The ALUA may vacate or alter a street or alley by following and complying with all requirements for vacating or altering a street or alley, as identified at Utah Code § 10-9a-609.5.

C. Appeal of Subdivision Amendment Decisions. Any person aggrieved by a decision of the Council concerning a vacation or amendment of a recorded Final Subdivision Plat, or any portion of a recorded Final Subdivision Plat, or the decision of the Council concerning the vacation or alteration of a street or alley may appeal such decision to District Court, the Court acting as the Appeal Authority.

24.80.100 Subdivision Ordinance Amendments

A. Intent and Purpose. Any decision related to a Subdivision Code Amendment Application is a discretionary action by the Council, shall be accompanied by findings of fact, following the receipt of a commission recommendation and such recommendation also being accompanied by findings of fact. The procedures and requirements for the consideration of a Subdivision Code Amendment Application are provided to promote the full consideration of all items related to the proposed Subdivision Code Amendment Application. The Commission shall identify and address any item applicable to a Subdivision code Amendment Application prior to providing a recommendation to the Council. The Council shall identify and address all items applicable to a Subdivision code Amendment Application prior to approving, approving with requirements, or denying the Subdivision code Amendment Application.

B. Subdivision Code Amendment Application - Council identified as the Legislative Land Use Authority - Commission Recommendation Required.

1. The Council is hereby identified as the legislative land use authority for Subdivision Code Amendment Applications.

2. Prior to the Council considering a Subdivision Code Amendment Application, and as required by the Act, the Commission shall conduct a public hearing, complying with the notice requirements of section [ ] herein. Following the close of the public hearing, the Commission shall transmit a recommendation to the Council.

C. Subdivision Code Amendment Applications - Application Requirements. All Subdivision Code Amendment Applications, filed in the Office of the City Planner, shall provide the following information, necessary for the City Planner to determine the Application complete:

1. Application Form. A Subdivision Code Amendment Application Form completed and signed by the Applicant (s) for the proposed Subdivision code Amendment.

2. Subdivision Code Amendment Application Fees. The Subdivision Code Amendment Application shall include the payment of all Subdivision Code Amendment Application fees and Review fees, as established the Council, and any total amount, or deposit amount, required to provide the services of the City Engineer.

3. The identification of the chapter and section Number of the Subdivision Code proposed to be amended.

4. A detailed statement of the objective of the proposed Subdivision Code Amendment, clearly identifying the weakness and deficiencies of the existing chapter and section proposed to be amended, and citing any Goals and Policies of the City, including those contained within the Willard City General Plan, that supports the proposed Subdivision Code Amendment.

5. Any other information and materials, considered by the Applicant(s), necessary to support the proposed Subdivision Code Amendment.

D. Subdivision Code Amendment Application - Engineering Review Fees. The Applicant(s) for Subdivision Code Amendment Application approval shall pay all costs incurred by the City for the provision of City Engineering services, provided by a licensed engineer, selected by the City, and necessary to review the Subdivision Code Amendment Application materials, as necessary, for conformity to the requirements of this Code, other applicable Land Use Codes and requirements, and accepted engineering practice. Willard City may elect to adopt a schedule of fees to approximate the costs to the city for engineering review in lieu of actual costs.

E. City Planner to Determine a Complete Subdivision Code Amendment Application.

1. Within thirty (30) business days of the Subdivision Code Amendment Application being filed in the Office of the City Planner, and prior to the Subdivision Code

Amendment Application being scheduled with the Commission, the City Planner shall determine and find that the Subdivision Code Amendment Application is complete and contains all the Subdivision Code Amendment Application information and material required for a complete Subdivision Code Amendment Application, as required herein. As provided for by the Act, the City Planner shall determine a Subdivision Code Amendment Application submitted and complete when the Application is provided in a form that complies with the requirements herein, and all applicable Subdivision Code Amendment Application fees have been paid. The City Planner shall notify the Applicant, in writing, of the result of such determination. Following a determination of a complete Subdivision Code Amendment Application, the City Planner shall schedule the Subdivision Code Amendment Application for public hearing with the Commission, such hearing complying with all notice requirements for a public hearing to consider a Subdivision Code Amendment Application.

2. A Subdivision Code Amendment Application lacking any of the Subdivision Code Amendment Application information and materials, as required herein shall be cause for the City Planner to determine the Subdivision Code Amendment Application as incomplete.

F. Determination of an Incomplete Subdivision Code Amendment Application.

1. A determination of an incomplete Subdivision Code Amendment Application by the City Planner shall prohibit the City Planner from scheduling the required Planning Commission public hearing and shall prohibit the Planning Commission or Council from considering any information or material related to the proposed Amendment.

2. Following a determination of an incomplete Subdivision Code Amendment Application by the City Planner, the City Planner shall notify the Applicant, in writing, of the information lacking from the Subdivision Code Amendment Application. The City Planner shall allow sixty (60) businessdays from the date of notification of an incomplete Subdivision Code Amendment Application, for the Applicant to provide the required information. If the Subdivision Code Amendment Application remains incomplete after sixty (60) business days from date of notification, the City Planner shall return the entire incomplete Subdivision Code Amendment Application to the Applicant(s), including any Subdivision Code Amendment Application Review fees paid. After an application for Subdivision Code Amendment has been returned by the City Planner or City Planner as incomplete the application shall expire and the applicant seeking to obtain the amendment must submit a new application.

G. Appeal of a Determination of Application Completeness Decision by the City Planner. Any person aggrieved by a decision of the City Planner related to a determination of

application completeness may appeal the decision to the Planning Commission, as the Appeal Authority for determinations of application completeness decisions.

H. Subdivision Code Amendment Application Review Procedures.

1. The City Council is designated as the Land Use Authority for all Subdivision Code Amendment Applications.

2. The review and approval procedures for a Subdivision Code Amendment Application is summarized in Figure [ ] herein.

3. Staff Review Meeting. Prior to the Commission considering the Subdivision Code Amendment Application at a public hearing, the City Staff shall review the Subdivision Code Amendment Application for compliance to the requirements of this Code and other Land Use Codes and requirements, as applicable: The results of the Staff Review Meeting, including all Staff review comments and recommendations shall be provided to the Commission and Council for consideration.

4. Staff Comments and Recommendations. All Staff Review comments and recommendations provided to the Commission and Council for consideration related to the Subdivision Code Amendment Application shall also be provided to the Applicant(s), a minimum of three (3) business days, before the Subdivision Code Amendment Application is considered by the Commission or Council, as applicable.

5. Commission Public Hearing Required. As required by the Act, and prior to the Council considering the Subdivision Code Amendment Application, the Commission shall conduct a public hearing, such hearing complying with all notice requirements for a public hearing to consider a Subdivision Code Amendment Application.

6. Commission Recommendation Required. Following the close of the Commission public hearing, the Commission shall consider all information and materials received. As required by the Act, the Commission shall formulate and transmit a recommendation to the Council on the Subdivision Code Amendment Application for consideration. The Commission may recommend approval of the Subdivision Code Amendment Application, as presented, recommend approval of the Subdivision Code Amendment Application with requirements, or recommend denial of the Subdivision Code Amendment Application, with findings.

7. Council Public Hearing Required. Prior to the Council considering the Subdivision Code Amendment Application, the Council shall conduct a public hearing, such hearing complying with all notice requirements for a public hearing to consider a Subdivision Code Amendment Application.

8. Council Review. Following the close of the public hearing and the receipt of the Commission recommendation, the Council shall consider the Subdivision Code Amendment Application. The Council shall consider a Subdivision Code Amendment Application at a regularly scheduled Council meeting.

9. Council Decision. The Council may adopt or reject the Subdivision Code Amendment Application as proposed or recommended by the Commission, or after making any revision(s) the Council considers appropriate, approve the Subdivision Code Amendment Application with revisions, or deny the Subdivision Code Amendment Application with findings. A decision by the Council to amend the Subdivision Code shall be by the Council's passage of an Code clearly identifying the chapter(s) and section(s) of the Subdivision Code to be amended, the nature of the amendments, and the effective date of such amendments.

I. Effect of Approval, with or without requirements, of a Subdivision Code Amendment Application - Adopting Code Required.

1. The passage of an Code by the Council, approving a Subdivision Code Amendment Application, with or without revisions, shall not constitute approval of any Subdivision Application, or any other Land Use Application by the Council. A Subdivision Code Amendment Application approval shall not authorize the division or development of land.

2. Passage of an Code by the Council approving a Subdivision Code Amendment Application, with or without revisions, shall amend the Subdivision Code on the effective date, as provided by the adopting Code.

J. Appeal of Subdivision Code Amendment Application Decisions. Any person aggrieved by a decision of the Council for a Subdivision Code Amendment Application may appeal the decision to District Court, the Court acting as the Appeal Authority for Subdivision Code Amendment Application decisions by the Council.

24.80.110 Noticing Requirements In General

A. Purpose. As required by the Act, the City shall provide notice of all public hearings and public meetings for adoption or modification of this Code and when a Land Use Application required by this Code is considered by the Commission, Council, or City Planner. The notice requirements for public hearings and public meetings, and required Applicant notice are provided by this section.

B. Notice required for Public Hearings and Public Meetings to consider the Adoption or any Modifications of this Code and Notice of Final Action.

1. Public Hearings. The City Planner for public hearings before the Commission, and the City Recorder for public hearings before the Council, shall provide notice of the public hearing to consider the adoption or any modification of this Code as follows:

    a. Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:

        i. Mailed to each "affected entity" as defined herein and by section 10-9a-103(1) of the Act; and

        ii. Posted in at least three (3) public locations within Willard City, or posted on the official website of Willard City; and

        iii. Published on the Utah Public Notice Website.

    b. Notify each Applicant of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing.

    c. Provide to each Applicant a copy of each Staff Report regarding the Subdivision Code Amendment Application at least three (3) business days before the public hearing.

2. Public Meetings. The City Planner for public meetings before the Planning Commission, and the City Recorder for public meetings before the Council, shall provide notice of the public meeting to consider the adoption or any modification of this Code as follows:

    a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:

        i. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City.

    b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.

    c. Provide to each Applicant a copy of each Staff Report regarding the Subdivision Code Amendment Application at least three (3) business days before the meeting.

3. Notice of Final Action. The City Recorder shall notify the Applicant of any final action taken by the Council for any Subdivision Code Amendment Application related to the adoption or any modification of this Code.

C. Notice required for Public Hearings and Public Meetings to consider a preliminary subdivision application and Notice of Final Action.

1. Public Hearings. The City Planner for public hearings by the Commission shall provide notice of the public hearing to consider a preliminary subdivision application as follows:

    a. Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:

        i. Mailed to each "affected entity" as defined herein and by section 10-9a-103(1) of the Act; and

        ii. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City; and

        iii. Mailed and addressed to the record owner of each land parcel located within three-hundred (300) feet of the boundary of the Subject Property; or

        iv. Posting the Subject property with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by; and

        v. Posting on the Utah Public Notice Website.

    b. Notify each Applicant of the date, time, and place of each public hearing, at least three (3) calendar days before the public hearing.

    c. Provide to each Applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the public hearing.

2. Public Meetings. The City Planner for public meetings before the Planning Commission and the City Recorder for public meetings before the ALUA, shall provide notice of the public meeting to consider a preliminary subdivision application as follows:

    a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:

        i. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City.

    b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.

    c. Provide to each Applicant a copy of each Staff Report regarding the preliminary subdivision application at least three (3) business days before the meeting.

3. Notice of Final Action. The City Recorder for Preliminary subdivision applications shall notify the Applicant of any final action taken by the SLUA for a Preliminary subdivision application.

D. Notice required by the Act for Public Meetings to consider a Final Subdivision Application and Notice of Final Action.

1. Public Meetings. The City Recorder for public meetings before the ALUA, shall provide notice of the public meeting to consider a Final Subdivision Application as follows:

    a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:

        i. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City.

    b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.

    c. Provide to each Applicant a copy of each Staff Report regarding the Final Subdivision Application at least three (3) business days before the meeting.

2. Notice of Final Action. The City Recorder for a Final Subdivision Application shall notify the Applicant of any final action taken by the ALUA for a Final Subdivision Application.

E. Notice required for Public Hearings and Public Meetings to consider an Amendment to a Final Subdivision Plat and Notice of Final Action.

1. Public Hearings. The City Planner for public hearings by the Commission shall provide notice of the public hearing to consider a Final Subdivision Plat Amendment Application as follows:

    a. Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:

        i. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City; and

        ii. Mailed and addressed to the record owner of each land parcel located within three-hundred (300) feet of the boundary of the Subject Property; or

        iii. Posting the Subject property with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

b. Notify each Applicant of the date, time, and place of each public hearing, at least three (3) calendar days before the public hearing.

c. Provide to each Applicant a copy of each Staff Report regarding the Final Subdivision Plat Amendment Application at least three (3) business days before the public hearing.

2. Public Meetings. The City Planner for public meetings before the Commission and the City Recorder for public meetings before the Council, shall provide notice of the public meeting to consider a Final Subdivision Plat Amendment Application as follows:

a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:

i. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City.

b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.

c. Provide to each Applicant a copy of each Staff Report regarding the Final Subdivision Plat Amendment Application at least three (3) business days before the meeting.

3. Notice of Final Action. The City Recorder shall notify the Applicant of any final action taken by the Council for any Final Subdivision Plat Amendment Application.

F. Notice Required for Public Hearings and Public Meetings to consider an Application to Vacate, Alter, or Amend a Public Street or Right-of-Way.

1. Public Hearings. The City Recorder, for the public hearing by the Council shall provide notice of the public hearing to consider an Application to Vacate, Alter, or Amend a Public Street or Right-of-Way as follows:

a. Notice of the date, time, and place of each public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:

i. Mailed to each "affected entity" as defined herein and by section 10-9a-103(1) of the Act; and

ii. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City; and

iii. Mailed and addressed to the record owner of each land parcel located within three-hundred (300) feet of the boundary of the Subject Property; or

iv. Posting the Subject property with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

b. Publishing notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in Willard City.

c. Notify each Applicant of the date, time, and place of each public hearing, at least three (3) calendar days before the public hearing.

d. Provide to each Applicant a copy of each Staff Report regarding the Application to Vacate, Alter, or Amend a Public Street or Right-of-Way at least three (3) business days before the public hearing.

2. Public Meetings. The City Planner for public meetings before the Planning Commission and the City Recorder for public meetings before the Council, shall provide notice of the public meeting to consider an Application to Vacate, Alter, or Amend a Public Street or Right-of-Way as follows:

a. Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:

i. Posted in at least three (3) public locations within Willard City; or posted on the official website of Willard City.

b. Notify each Applicant of the date, time, and place of each public meeting at least twenty-four (24) hours before the meeting.

c. Provide to each Applicant a copy of each Staff Report regarding the Application to Vacate, Alter, or Amend a Public Street or Right-of-Way Plat at least three (3) business days before the meeting.

3. Notice of Final Action. The City Recorder shall notify the Applicant of any final action taken by the Council for any Application to Vacate, Alter, or Amend a Public Street or Right-of-Way.

G. Notice Challenge. If notice given under authority of this section, and the authority of the Act, is not challenged, as provided by the Act, within thirty (30) calendar days after the hearing(s) or meeting(s), or action, for which notice is given, the notice is considered adequate and proper.

24.80.120 Appeals

A. Purpose. As required by the Act, this section is provided to allow the applicant, a Board, or Officer of the City, or any other person who believes they are adversely affected by a decision of a Land Use Authority to appeal such decision to an Appeal Authority, as identified by this section.

B. Appeal Authorities. As required by the Act, and to provide for appeals of decisions of a Land Use Authority administering or interpreting this Code, the following Appeal Authorities, with their respective appeal responsibilities, are hereby identified as follows:

1. Any person aggrieved by a decision of the Council in enacting or administering this Code may file a Petition with District Court, as provided by this section.

2. Any person aggrieved by a decision of the City Planner or ALUA in administering or interpreting this Code may file an Appeal Application with the hearing officer, including any person aggrieved by a decision of the City Planner related to a determination of Application Completeness.

C. Maximum Time Allowed to File Appeal.

1. Any person, including the Applicant(s) for any approval required by this Code, and any board or officer of the City, aggrieved by a decision of a Land Use Authority's decision administering or interpreting this Code may, within ten (10) calendardays of the decision, appeal such decision to the Appeal Authority except as may be further provided for by subsections C.2 and C.3 below.

2. Any person, including the Applicant(s) for any approval required by this Code, and any board or officer of the City, aggrieved by a decision of the ALUA, acting as a land use authority may file a petition for the review of the ALUA's decision with the District Court within thirty (30) calendar days after the decision is final.

3. Any person, including the Applicant(s) for any approval required by this Code, and any board or officer of the City, aggrieved by a decision of the Hearing Officer may file a petition for review of the decision with the District Court within thirty (30) calendar days after the decision is final.

D. Requirements for an Appeal Petition.

1. An Appeal Petition of a Land Use Authority's decision made under the authority of this section shall clearly identify the alleged error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of this Code.

2. Only those decisions in which a Land Use Authority has applied the requirements of this Code to a particular Application, person, lot, or parcel may be appealed to an Appeal Authority.

E. Condition Precedent to Judicial Review, Appeal Authority Duties.

1. As required by the Act, and as a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a Land Use Authority's decision, in accordance with the requirements of this section.

2. An Appeal Authority shall:

    a. Act in a quasi-judicial manner; and

    b. Serve as the final arbiter of issues involving the interpretation or application of this Code; and

    c. May not entertain an Appeal of a matter in which the Appeal Authority, or any participating member thereof, had first acted as the Land Use Authority.

3. As provided by the Act, an adversely affected party shall present every theory of relief to the Appeal Authority that it can raise in District Court.

4. As required by the Act, an Appeal Authority shall not require an adversely affected party to pursue duplicate or successive Appeals before it, or another Appeal Authority, as a condition of the adversely affected party's duty to exhaust administrative remedies.

F. Application Required. An Appeal Petition or Application for an Appeal, of a Land Use Authority's decision shall be made on the Appeal Application Form, available in the Office of the City Recorder.

G. Meetings, Records, and Action of an Appeal Authority.

1. Each Appeal Authority as identified by section [ ] herein shall:

    a. Notify each of its members of any meeting or hearing;

    b. Provide to each of its members the same information and access to City resources as any other member;

    c. Convene only if a quorum of its members is present; and

    d. Act only upon the vote of a majority of its convened members.

2. The City Recorder, in consultation with the City Attorney, shall coordinate with the Hearing Officer to schedule the hearing of the Appeal. The City Planner and City Recorder shall coordinate and transmit to the Appeal Authority all information and materials constituting the full and complete record of the matter and the decision of the Land Use Authority.

3. Following a written decision by the Appeal Authority, the City Recorder shall provide the Applicant a copy of the written decision.

4. A record of the final decision of the Appeal Authority shall be maintained in the Office of the City Recorder, which shall constitute the official record of the Appeal Authority.

H. Due Process.

1. Each Appeal Authority shall conduct each appeal as provided herein.
2. Each Appeal Authority shall respect the due process rights of each of the participants.

I. Burden of Proof. Any person bringing an Appeal and alleging an error of a Land Use Authority's decision administering or interpreting this Code has the burden of proof that the Land Use Authority erred.

J. Standard of Review for Appeals.

1. Each Appeal Authority identified by this section shall hear and review all Appeal Application matters "on the record," including the review of all factual matters. Each Appeal Authority shall only consider that information and material presented and originally before the Land Use Authority in making the decision that is the subject of the Appeal.
2. The Appeal Authority shall determine the correctness of a decision of the Land Use Authority in its interpretation and application of the Land Use Codes.
3. Only those decisions in which a Land Use Authority has applied the requirements of this Code to a particular Application, person, lot, or parcel may be appealed to an Appeal Authority.
4. An Appeal Petition shall not be used to waive, modify, or amend any requirement, provision, or term of this Code.

K. Final Decision. A decision of an Appeal Authority shall take effect on the date when the Appeal Authority, as applicable, issues a written decision, which shall constitute a final decision by the City in the matter.

L. District Court Review.

1. Required Time for Filing.
    a. No person may challenge in District Court a decision of a Land Use Authority until that person has exhausted all administrative remedies as provided by this Code and received a final decision from the Appeal Authority.
    b. Any person adversely affected by a final decision made in the exercise of, or in violation of, the provisions of this Code may file a petition for review of the decision with the District Court within thirty (30) calendar days after the decision is final.

c. A petition is barred unless it is filed within thirty (30) calendar days after the Appeal Authority's decision is final.

2. Tolling of Time.

   a. The required time for filing for District Court review shall be tolled from the date the a person files a request for arbitration of a constitutional taking issue with the property rights ombudsman, as provided by Utah Code § 63-34-13, as amended, until thirty (30) calendar days after:

      i. The arbitrator issues a final award; or

      ii. The property rights ombudsman issues a written statement under Utah Code § 63-34-13(4)(b), as amended, declining to arbitrate or to appoint an arbitrator.

   b. A tolling under this section operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.

   c. A request for arbitration filed with the property rights ombudsman after the time allowed under subsection L,2,a to file a petition has expired does not affect the time to file a petition.

3. Standards Governing Court Review.

   a. The District Court shall:

      i. Presume that a decision, ordinance, or regulation made under the authority of the Land Use Code, and the Act, is valid; and

      ii. Determine only whether or not the decision, ordinance, or regulation is arbitrary, capricious, or illegal.

   b. A decision, ordinance, or regulation of the Council involving the exercise of legislative discretion is valid if the decision, ordinance, or regulation is reasonably debatable and not illegal.

   c. A decision of a Land Use Authority, or an Appeal Authority, involving the exercise of administrative discretion is valid if the decision is supported by substantial evidence on the record and is not arbitrary, capricious, or illegal.

   d. A determination of illegality requires a determination that the decision, ordinance, or regulation violates a law, statute, or ordinance in effect at the time the decision was made or the ordinance or regulation adopted.

e. The time requirements for the filing of a petition with District Court, as provided by this section, apply from the date on which the Land Use Authority takes action on an Application for any adversely affected third party, if the Land Use Authority conformed with the notice provisions of this Code, as applicable, or for any person who had actual notice of the pending decision.

f. If the City has complied with the notice requirements, as provided by section [ ] herein, a challenge to the enactment of this Code may not be filed with the District Court more than thirty (30) calendar days after the enactment.

4. Appeal Authority - Review on the Record.

   a. The Hearing Officer or Appeal Authority shall transmit to District Court the record of its proceedings, including its minutes, findings, orders, and, if available, a true and correct transcript of its proceedings.

   b. If the proceeding was tape-recorded, a transcript of that tape recording is a true and correct transcript for purposes of this section.

   c. If there is a record, the District Court's review is limited to the record provided by the Land Use Authority, or Appeal Authority, as the case may be.

   d. The court may not accept or consider any evidence outside the record of the Land Use Authority, or Appeal Authority, as the case may be, unless that evidence was offered to the Land Use Authority, or Appeal Authority, respectively, and the court determines that it was improperly excluded.

   e. If there is no record, the Court may call witnesses and take evidence.

   f. The filing of a petition does not stay the decision of the Land Use Authority, or Appeal Authority, as the case may be.

5. Staying of Decision.

   a. Before filing a petition under this section, or a request for mediation or arbitration of a constitutional taking issue under Utah Code § 63-34-13, as amended, the aggrieved party may petition the Appeal Authority to stay its decision.

   b. Upon receipt of a petition to stay, the Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds it to be in the best interest of the City.

c. After a petition is filed under this section, or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code § 63-34-13, as amended, the petitioner may seek an injunction staying the Appeal Authority's decision.

24.80.130 Design And Construction Standards

A. Design and Construction Standards Applicable to all Subdivision Applications.

1. The design and construction of all subdivisions shall be found by the ALUA to preserve and protect the existing natural terrain, drainage, topsoil and trees of the subject property, as practicable.

2. The design and construction of all subdivisions located within the City shall recognize any hazardous or potentially hazardous conditions, including, but not limited to, landslides, mud and debris flows, rock falls, avalanches, areas of existing and potential ground subsidence, areas of high ground water, flood plains, drainage ways, and areas subject to fire dangers existing on the Subject Property. No Preliminary or Final Subdivision Application may be approved by the ALUA, with responsibility for the Subdivision Application, until such hazard(s) have been removed, or the design and layout of the proposed subdivision eliminates, or minimizes, any hazardous or potentially hazardous conditions to the extent determined necessary by the SLUA.

3. The installation and construction of all required subdivision improvements, facilities, services, and amenities shall comply with all standards and requirements, as applicable, and as provided and required by the Willard City Public Works Standards Book.

B. Design and Configuration of Lots and Parcels.

1. A subdivision lot or parcel may not be divided by any municipal or county boundary line, or by any road, street, alley, or other lot.

2. A wedge-shaped or pie-shaped lot or parcel may not be less than thirty (30) feet in width measured at the front property line.

3. All side lot lines shall be located to be generally at right angles or radial to road and street rights-of-way lines.

4. All subdivision lots and parcels shall front on a public road or street.

5. A subdivision may include allowable features within the rear setback of a residential building lot or parcel, except any lot or parcel within the City's historic district.

C. Street Design Requirements.

1. Streets to Conform to Official Maps. The proposed subdivision road and street layout shall conform to all Willard City Official Plans and Maps.
2. Through Traffic. All Minor Streets located within a subdivision shall be located and designed to discourage through traffic.
3. Stub Streets. Necessary stub streets shall be provided where required by the Land Use Authority to connect to adjacent undeveloped land and new streets shall connect to existing stub streets located in adjacent subdivision areas.
4. Road and Street Right-of-Way Widths. All roads and streets shall comply and provide the minimum road and street right-of-way widths as required by the Willard City Public Works Standards.
5. Road and Street Pavement Widths. All roads and streets shall comply and provide the minimum road and street pavement widths as required by the Willard City Public Works Standards.
6. Road and Street Shoulders. Road and street shoulders, a minimum width often (6) feet, shall be provided on each side of all roads and streets when no curbs are provided.
7. Half-Streets. Half-streets shall not be permitted within any subdivision, unless approved as a Special Exception, as provided herein.
8. Dead-End Streets and Stub Streets. Dead-end streets and stub streets shall be approved, or required, to the extent necessary to provide future access to adjoining property.
9. Cul-de-sac Streets. Cul-de-sac Streets shall comply with the Willard City public works standards and shall provide for a maximum of ten lots per cul-de-sac.
10. Maximum Number of Roads and Streets at an Intersection. No more than four (4) roads and streets shall enter an intersection.
11. Angle of Road and Street Intersections. Roads and streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.
12. Centerlines of Intersecting Roads and Streets. Centerlines of Intersecting Roads and Streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.
13. A traffic impact study may be required on developments that generate 100 or more new peak hour trips or as determined by the City Engineer. The guidelines for all traffic impact studies conducted within Willard City shall comply and

provide the minimum specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.

D. Street Naming. All proposed subdivision roads and streets shall have the same road and street coordinate reference and name as existing roads and streets that are in alignment that are within the City. There shall be no duplication of any road or street coordinate reference or names. All road and street names shall be approved by the ALUA.

E. Road and Street Curvature and Alignment Requirements. Horizontal and Vertical Curves. Horizontal and Vertical Curves shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

F. Frontage on Freeways or Major Highways. Where a subdivision abuts a Freeway or Highway, a frontage road may be required by the ALUA.

G. Minimum Roadbed and Paving. The minimum roadbed grading and paving for Minor, Collector and Major Streets, Local Access Roads, Collectors and Arterials shall be provided as required by the Willard City Public Works Standards.

H. Maximum Cul-De-Sac Length. All cul-de-sacs shall be limited to a maximum length of six hundred (600) feet, measured from the radius point of the cul-de-sac to the centerline of the connecting road or street, and shall provide adequate easements for drainage, as required by the City Engineer.

I. Maximum Road and Street Grade. All subdivision roads and streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

J. Sidewalks, Curbs, and Gutters Required. All subdivisions shall include sidewalks, curbs, and gutters, meeting the requirements of the Willard City Public Works Standards, on both sides of all public streets.

K. Traffic Control Devices. All proposed traffic control devices shall conform to the standards of the Manual of Uniform Traffic Control Devices (MUTCD).

L. Pedestrian Cross-Walks. Where blocks exceed one thousand (1,000) feet in length, pedestrian rights-of-way not less than ten (10) feet wide may be required when determined necessary by the ALUA for adequate pedestrian circulation. Cross-walk improvements (paving) not less than five (5) feet wide shall be placed within the rights-of-way, as required by the ALUA.

M. Lot Size Standards. All lots and parcels shall meet the minimum area requirements, or maximum density requirements of the Zoning District in which the Subject property is located.

N. Easement Standards.

1. All required subdivision utility easements shall follow the rear and side lot lines, where practical, and shall be a minimum total width often (10) feet, apportioned equally between the adjoining lots, parcels, or property.

2. When front property line easements are required, a minimum often (10) feet shall be provided. If required, easements for the perimeter of the Subject property shall not be less than ten (10) feet in width.

3. All required subdivision easements shall be located and designed to provide efficient installation and maintenance of all utilities and subdivision features. Special guying easements at corners may be required. Public utility installations shall be so located to permit multiple installations within all easements. The subdivision's final grades shall be established prior to any public utility installations.

O. All Utilities to Be Underground. All power lines, telephone lines and other utility lines shall be provided underground, unless otherwise approved by the Land Use Authority, supported by the recommendation of the City Staff and Engineer.

P. Alleys. The Land Use Authority may approve service accesses to the interior of blocks. The location and dimensions of such service accesses (alleys) shall be identified on the Final Subdivision Plat. Alleys shall conform to the Willard City Public Development Standards and shall have a minimum width of twenty (20) feet.

Q. Required Infrastructure and Services.

1. Culinary Water Systems and Facilities. All preliminary subdivision application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all culinary water system and all culinary water facilities necessary to provide culinary water services to all lots and parcels, as required by the Public Works Director, acting as the City's Culinary Water Authority, and the SLUA, responsible for Subdivision Application approval. Culinary Water Systems and Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

2. Sanitary Sewer System and Facilities. All preliminary subdivision application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all sanitary sewer system and all sanitary sewer facilities necessary to provide sanitary sewer services to all lots and parcels, as required by the Public Works Director, acting as the City's Sanitary Sewer Authority, and the Land Use Authority, responsible for Subdivision Application approval. Sanitary Sewer System and Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

3. Subdivision Roads and Streets. All preliminary subdivision application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all roads and streets, and all transportation system facilities necessary to provide transportation and circulation facilities to all lots and parcels, as required by the City Engineer and City Planner, and the Land Use Authority, responsible for Subdivision Application approval. Subdivision Roads and Streets shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards and the Utah Department of Transportation, as applicable.

4. Storm Drainage and Flood Control Facilities. All preliminary subdivision application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all storm drainage and flood control facilities necessary to provide storm drainage and flood control facilities to all lots and parcels, as required by the City Engineer, the Willard City Flood Control District, and the Land Use Authority, responsible for Subdivision Application approval. Storm Drainage and Flood Control Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

5. Fire Protection, Suppression, and Access Facilities. All preliminary subdivision application approvals, and all Final Subdivision Application approvals, shall require that the subdivision, as approved, provide all fire protection, fire suppression, and access facilities necessary to provide fire protection, fire suppression, and access facilities to all lots and parcels, as required by the City Fire Chief, and the Land Use Authority, responsible for Subdivision Application approval. Fire Protection, Suppression, and Access Facilities shall comply with and provide at a minimum the specifications as required by the Willard City Public Works Standards.

24.80.140 Water Rights

A. Water Rights Acquisition Policy and Conveyance Requirements. It is intended that all applicants requesting annexation of land into Willard City for residential development, all applicants requesting that property already within the boundaries of the City rezone the property to a higher density or more intensive use which increases the need for water service from the City, and all applicants requesting development approval shall provide water rights in an amount sufficient to satisfy the anticipated future water needs of the respective proposed development to be served and supplied by the City water system as provided in this section. Satisfaction of this water rights acquisition policy and the accompanying conveyance requirements shall be considered as a condition to and requirement of approval for all such applications.

B. Water Rights Required-Determination of Amount.

1. Residential Uses. The amount of water rights to be conveyed in order to satisfy this policy and provide an adequate supply of water for future residents of the City based on the needs created by anticipated future development shall be consistent with the Willard City Culinary Water Capital Facilities Plan.. [1]

2. Non-Residential Uses. An amount sufficient to satisfy the projected needs of the proposed development shall be determined by the Land Use Authority in consultation with the City Planner, City Engineer and Public Works Director.

3. Annexation. Any annexation applicant seeking to develop shall be required to provide and dedicate to the City sufficient water rights to meet the reasonable needs of the proposed development.

4. The quantity of water credited to a development applicant upon the applicant's dedication of water rights shall be that portion of the water right which the Office of the State Engineer has approved for consumption, and that quantity shall not include any amounts which the Office of the State Engineer requires to be returned to the hydrologic system.

C. Type of Water Rights Acceptable for Conveyance.

1. Water rights proposed for conveyance to the City shall be municipal or municipal-type water rights. Prior to acceptance of such water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right which it determines to be insufficient in annual quantity or flow rate, unsuitable for municipal use, or not reasonably likely to be approved for change to municipal purposes within the City by the State Engineer. The City's refusal of such rights shall not constitute a waiver of, and shall not relieve an applicant from complying with, the requirements of this section. In determining the quantity of water available under the water rights, the City will evaluate the priority of the water rights, the historic average quantities of water associated with the water rights, and other relevant factors. The City may require an approved application for the change of use or change of point of diversion, as applicable, with the State Engineer in order to quantify and verify the water rights.

2. In the discretion of the City Council with advice from the City Public Works Director and City Engineer, in lieu of actual conveyance of water rights pursuant to this section, a single-lot development applicant or final subdivision plat applicant may pay to the City an amount, established by the City Council per acre foot of water rights, intended to be sufficient for the City to purchase the municipal water rights necessary to satisfy the anticipated future water needs of the proposed development to be served and supplied by the City water system.

3. Supply and Delivery Facilities May be Required. In addition to furnishing water rights, the applicant may be required to pay additional costs required to construct the facilities necessary to supply, store, and distribute the water.

D. Possible Adjustments or Revisions to Water Rights Conveyance Requirements.

1. Annexation. Deferral. Where an annexation contains property which is being annexed without the consent of the owner, or where water service will not immediately be provided by the City as a result of an annexation, the City may, in the exercise of the discretion of the City Planner, elect to waive the conveyance of water rights at the time of annexation if the annexation specifically identifies such parcels and provides either an alternative means to satisfy these water rights conveyance requirements or provides that any subsequent change in zoning classification or subsequent development approval which increases the need for water service by the City will require the conveyance of additional water rights to the extent necessary to provide adequate water to serve such future development. Such an election shall not constitute a waiver or exemption from complying with the requirements of this section.

2. Lands Which are Restricted Against Future Development. Where development of the property in question is restricted by unusual circumstances such as topographic features, environmentally sensitive or fragile conditions, or voluntary limitations on landscape and other activities which will reduce the amount of water to be provided by the City, the City Planner may reduce the amount of the water right required to be conveyed to an amount commensurate with the nature of the proposed restricted development. Any such restriction must be accompanied by enforceable provisions for securing compliance in a form to be approved by the Willard City Attorney.

E. Time of Conveyance. The conveyance of title to the water rights, free and clear of all liens, encumbrances, and claims of any nature not expressly approved in writing by Willard City, shall occur prior to, concurrent with, or as a condition to final annexation, rezoning, or development approval. An approved final plat shall not be signed or recorded prior to conveyance of the water rights.

F. Appeals and Requests for Adjustment, Modification, Exemption, or Waiver of Water Rights Conveyance Requirements.

1. Any applicant, person, or entity which is subject to this water rights acquisition policy and conveyance requirement may file, in writing, either prior to or concurrent with the application that triggers the water rights conveyance requirement, an appeal or a request for adjustment, modification, exemption, or waiver of the requirement with the Hearing Officer seeking relief from all or a portion of the water rights acquisition policy requirements as contained in this section.

2. Supporting Information to be Submitted. Any such appeal or request for relief shall be signed by the applicant and contain adequate information and documentation in support of the relief requested. The Hearing Officer may request additional information as reasonably necessary in order to make a decision on the application. The burden shall be upon the applicant in any such appeal or request for adjustment, modification, exemption, or waiver of this water rights conveyance requirement to demonstrate that the strict application of the policy under their particular facts and circumstances is inequitable, unreasonable, or unlawful.

3. Decision by Hearing Officer. Within thirty (30) days of the filing of the completed appeal or request, together with all supporting information and documentation required by the Hearing Officer, the Hearing Officer shall schedule a hearing with appropriate notice. At the hearing, the applicant shall be entitled to present information, documentation, and witnesses in support of or in opposition to the application. At the conclusion of the hearing, the Hearing Officer shall issue its decision or take the matter under advisement. .

[1] The above requirement is based on a combination of State of Utah Standard standards and Willard City historical usages of approximately .46 acre-feet of water for indoor use and .54 acre-feet of water for outdoor use assuming a 10,000 square-foot lot. The outdoor use requirement may be prorated according to the size of the lot or other outdoor area. This requirement is a reasonable average and is required despite a showing of variations above or below the average.

24.80.150 Guarantees For Subdivision Improvements, Facilities, And Amenities

A. Necessary Guarantees. As part of the Final Subdivision Application approval, and recording of the Final Subdivision Plat in the Office of the Box Elder County Recorder's Office, the ALUA shall require the necessary guarantees and securities sufficient to insure the installation and construction of all required subdivision improvements, facilities, services and amenities, as applicable, and as provided and required by the Willard City Public Works Standards, as adopted. An applicant for Final Subdivision Approval shall guarantee the installation of all required subdivision improvements, facilities, services, and amenities, as applicable, by one (1) of the following methods:

1. The Applicant(s) shall furnish and file with the City Recorder a bond with corporate surety in an amount equal to the cost of the required subdivision improvements, as estimated by the City Engineer, plus an additional fifteen percent (15%), to assure the installation of such subdivision improvements, facilities, services, and amenities within a two (2) year period, which bond shall be approved by the City Attorney and shall be filed with the City Recorder.

2. The Applicant(s) shall deposit in escrow with an escrow holder approved by the City Attorney an amount of money equal to the cost of the subdivision

improvements, as estimated by the City Engineer, plus an additional fifteen percent (15%), to assure the installation of such subdivision improvements within a two (2) year period from the approval of the Final Subdivision Application, which escrow agreement shall be approved by the City Attorney and shall be filed with the City Recorder.

3. The Applicant(s) shall furnish and file with the City Recorder a letter of credit in an amount equal to the cost of the subdivision improvements, estimated by the City Engineer, plus an additional fifteen percent (15%), to assure the installation of such subdivision improvements within a two (2) year period immediately following the approval of the Final Subdivision Application, which letter of credit shall be approved by the City Attorney and shall be filed with the City Recorder.

4. Phased Development: Whenever a subdivision is developed a portion at a time, such development shall be in an orderly manner and in such a way that each phase of the required subdivision improvements shall be made contiguous to completed development which has been approved and accepted by the city engineer and made available for the full protection of the health, welfare, and safety of all residents of the subdivision, and the City.

B. Inspection of Subdivision Improvements. The City or its agents shall inspect, or cause to be inspected, all required subdivision improvements in the course of construction, installation, or repair. The City may require the applicant or his agents uncover for inspection any installation or improvement covered or backfilled prior to inspection in order for such installation to be approved by the City Engineer. Notice to uncover shall be issued, in writing, to the Applicant(s) by the City Engineer.

C. Condition of Subdivision Improvements - Guarantee Period. The Applicant(s) shall warrant and guarantee the subdivision improvements provided for herein and every part thereof, will remain in good condition for a minimum period of two (2) years, after the City Engineer has accepted the subdivision improvements in writing, and the Applicant(s) agrees to make all repairs to and maintain the subdivision improvements and every part thereof in good working condition during the guarantee period at no cost to the City.

D. Default. In the event the Applicant(s) defaults, or fails or neglects to satisfactorily install the required subdivision improvements within two (2) years from the date of Final Subdivision Application approval, the Council may declare the guarantee to be in default, and may require the installation of all required subdivision improvements using the guarantee amounts for such installation of subdivision improvements.

24.80.160 Definitions - Subdivision Code

"Act" means Utah Code, Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, as amended.

"Administrative Land Use Authority" or "ALUA" means the planning commission acting as the review authority for preliminary subdivision applications and the city planner as the review authority for final subdivision applications. It is comprised of the City Planner, City Engineer, City Public Works Director, City Recorder, Deputy City Recorder, City Manager, Willard City Fire Chief, and City Attorney.

For applications for single-family residential, two-family residential, or townhome subdivisions, the planning commission shall be the ALUA that reviews and approves or denies any preliminary subdivision application, and the city planner shall be the ALUA that reviews and approves or denies the final subdivision application.

"Affected Entity" means a county, City, or independent special district under Utah Code, Title 17A, Chapter 2, Independent Special Districts; local district under Utah Code, Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Utah Code, Title 11, Chapter 13, Interlocal Cooperation Act; or any specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:

A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

B. The entity has filed with the City a copy of the entity's general or long-range plan; or

C. 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 under this chapter.

"Agent" means the person with written authorization to represent a property owner.

"Appeal Authority" means the hearing officer, board, commission, agency, or other body designated by this Code to decide an appeal of a decision of a land use application.

"Applicant" means any person or authorized representative in writing, presenting a land use application for any subdivision or for a single-family dwelling, two-family dwelling, or townhome subdivision for an approval required by this Code.

"Application" means an applicant's written request for a preliminary or final subdivision approval for any subdivisions or any single-family residential, two-family residential, or townhome subdivision in compliance with city Code and completed in a manner prescribed by Utah Code Ann. §§ 10-9a-604.1 and 10-9a-604.2, for streamlined review and decision by the administrative land use authority.

"Chief Executive Officer" means the:

A. Mayor in municipalities operating under all forms of municipal government except the Council-Manager form; or

B. City Manager in municipalities operating under the Council-Manager form of municipal government. For the purposes of this Code, the Willard City Mayor is identified as the Willard City Chief Executive Officer.

"City Attorney" means an attorney admitted to practice law in the State of Utah and so appointed by the City.

"City Engineer" means a registered civil engineer so appointed by the City, or designee.

"City Planner" means the administrative land use authority for final subdivision applications for single-family dwelling, two-family dwelling, and townhome subdivisons.

"City Recorder" means the person so appointed by the City.

"Commission" means the Planning Commission of Willard City.

"Complete application" means the land use application that is considered submitted and complete when the applicant provides the application in the form that complies with the requirements of applicable ordinances and pays all applicable fees. Both applications for preliminary and final subdivisions are complete if they comply with the City's Code, public work standards and specifications, any other applicable city, local or state regulations, Utah Code Ann. §§ 10-9a-604.1 and 10-9a-604.2, if applicable, the preliminary plan checklist, and the final plan checklist as determined at each stage by the acting ALUA.

"Constitutional Taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

A. Fifth or Fourteenth Amendment of the Constitution of the United States; or

B. Utah Constitution, Article I, Section 22.

"Council" means the duly elected City Council of Willard City.

"Culinary Water Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property. For the purposes of this Code, the Willard City Public Works Director is identified as the Willard City Culinary Water Authority.

"Dedication" means the setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.

"Density" means the ratio of the total number of dwelling units within a development divided by the total area.

"Development Agreement" means an agreement between the developer and the City that the City considers necessary or appropriate to accomplish the purposes of this title and in compliance with Utah Code Ann. § 10-9a-532.

"Easement" means that portion of a lot, parcel, or tract reserved for present or future use by a person or agency other than the fee owner(s) of the property. The easement may be for use under, on, or above said lot or land parcel.

"Exaction" means a requirement or condition imposed on a Subdivision Application if:

A. an essential link exists between a legitimate governmental interest and each exaction; and

B. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

"Final Subdivision Application" means . . . .

"General Plan" means the Willard City General Plan, such document setting forth general guidelines for proposed future development of the land within Willard City.

"Land Use Application" means an application required by a City's land use ordinance. For the purposes of this Code, a Concept Plan Application, a Preliminary subdivision application, and Final Subdivision Application are determined to be land use applications.

"Land Use Authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application. For the purposes of this Code, the City Planner and Council are both identified as a Land Use Authority, being designated as such by the passage of this Code by the Willard City Council.

"Land Use Code" means a planning, zoning, development, or subdivision ordinance of the City, but does not include the general plan. This Code is a Land Use Code of Willard City.

"Land Use Permit" means a permit issued by a Land Use Authority. For the purposes of this Code, a preliminary subdivision application approval and a Final Subdivision Application approval are identified as a Land Use Permit.

"Legislative Body" means the duly elected City Council of Willard City.

"Lot Line Adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

"Mayor" means the duly elected Mayor of Willard City.

"Monument" means a permanent survey marker established by the Box Elder County Surveyor or a survey marker set in accordance with the City Engineer's specifications and referenced to Box Elder County survey monuments.

"Noncomplying Structure" means a structure that:

A. legally existed before its current land use designation; and

B. because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

"Nonconforming Use" means a use of land that:

A. legally existed before its current land use designation;

B. has been maintained continuously since the time the land use ordinance governing the land changed; and

C. because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

"Official Map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

A. shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

B. 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

C. has been adopted as an element of the City's general plan.

"Owner" means any person who alone, jointly or severally with others, has a legal or equitable title to property.

"Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

"Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Utah Code §§ 10-9a-603, 17-23-17, or 57-8-13.

"Preapplication Administrative Review Team" or "PART" means . . . .

"Preliminary subdivision application" means . . .

"Public Hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

"Public Meeting" means a meeting that is required to be open to the public under Utah Code, Title 52, Chapter 4, Utah Open and Public Meetings Act.

"Public Works Director" means the person so appointed by the City.

"Public Works Standards" means the Willard City Public Works Standards, as adopted.

"Record of Survey Map" means a map of a survey of land prepared in accordance with Utah Code § 17-23-17.

"Review Cycle" means the applicant's submittal of a complete subdivision land use application; the City's review of that subdivision land use application; the City response to the subdivision land use application, in compliance with Utah Code Ann. §10-9a-604.2, if applicable; and the applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.

"Right-of-Way" means any area provided for conveying vehicle and pedestrian traffic.

"Sanitary Sewer Authority. Means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems. For the purposes of this Code, the Willard City Public Works Director is identified as the Willard City Sanitary Sewer Authority.

"Site Analysis Submittal" means an analysis in summary written form which indicates the existence and location on the property proposed for development any existing resources, structures, wetlands, streams, slopes (including approximate degrees), canals, trails, existing and proposed sewer and culinary water lines, and the location of proposed and existing utility services.

"Special District" means an entity established under the authority of Utah Code title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, City, school district, or unit of the state.

"Special Exception" means an adjustment to a subdivision development standard and authorized as an adjustment to the requirements of this Code, such adjustment requiring careful review.

"Specified Public Utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Utah Code § 54-2-1, as amended.

"Street" means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way.

"Subdivision" means the division of any tract or parcel of land into two or more lots for the purpose, whether immediate or future, of transfer of ownership, building development, or for street use, by means of a recorded plat.

"Subdivision Application" means the complete preliminary and final subdivision application for the subdivision of land.

"Subdivision Code" means the city ordinances that govern subdivisions.

"Subdivision Improvement Plans" means the civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.

"Subdivision ordinance review" means review by the City to verify that the subdivision application meets the criteria of the City's ordinances.

"Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with City ordinances, applicable installation standards, and inspection specifications for infrastructure improvements.

"Subject Property" means the land area, identified by the Parcel Identification Number, provided by the Box Elder County Recorder's Office or Box Elder County Assessor's Office, for which an approval is required to comply with this Code or the Act.

"Unincorporated. Means the area outside of the incorporated area of a city or town.

"Utah Code" means the Utah Code Ann. 1953, as amended

"Willard City's Development Standards, Engineering Requirements and Supplemental Specifications for Public Works Projects" means the adopted engineering standards which modify the American Public Works Association (APWA) Standard Specifications, also as adopted, to assist in engineering practices. This could also be referenced in this Code as "Standards Book," "Willard City's Standards Book," "Willard City Public Works Book," "Willard City Public Works Standards Book," "Public Works Standards Book," "Public Works Book," or "Willard City's Public Works Standards Book."

"City Planner" means the person so appointed by the City, or designee.

"Zoning Map" means a map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts of Willard City.