

SECTION 1: AMENDMENT “14.04.005 Title And Authority” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.04.005 Title And Authority

This ordinance shall be known and referred to as the "Subdivision Ordinance of the City of Ballard, Utah" or the "Subdivision Ordinance." The City Council of Ballard, Utah, adopted this subdivision ordinance pursuant to the Municipal Land Use Development and Management Act. §10-9a, of Utah State Code (as amended) and such other authorities and provisions of Utah statutory and common laws that are relevant and appropriate.

AFTER AMENDMENT

14.04.005 Title And Authority

1. This ordinance shall be known and referred to as the "Subdivision Ordinance of the City of Ballard, Utah" or the "Subdivision Ordinance:" and can be cited and pleaded with this name.
2. The City Council of Ballard, Utah, adopted this subdivision ordinance pursuant to the Municipal Land Use Development and Management Act, §10-~~9a~~20, of Utah State Code (as amended) and such other authorities and provisions of Utah statutory and common laws that are relevant and appropriate.

SECTION 2: AMENDMENT “14.04.010 Intent And Purpose” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.04.010 Intent And Purpose

The purpose and intent of this title is to regulate the platting and recording of subdivisions of land within the incorporated boundaries of Ballard City. This title is designed to inform the applicant or subdivider and the general public of the requirements and conditions necessary to obtain approval of a subdivision within the City.

AFTER AMENDMENT

14.04.010 Intent And Purpose

The purpose and intent of this title is to regulate the platting and recording of subdivisions of

land within the incorporated boundaries of the Ballard City. This title is designed to inform the applicant or subdivider and the general public of the requirements and conditions necessary to obtain approval of a subdivision within the City.

SECTION 3: AMENDMENT “14.04.020 Enactment Of Ordinances, Resolutions, And Development Agreements; Interpretation” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.04.020 Enactment Of Ordinances, Resolutions, And Development Agreements; Interpretation

To accomplish the purposes of this title, the City may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the City considers necessary or appropriate for the use and development of land within the City including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: uses; density; open spaces; structures; buildings; energy efficiency; light and air; transportation and public or alternative transportation; infrastructure; street and building orientation; width requirements; public facilities; fundamental fairness in land use regulation; and considerations of surrounding land uses to balance the forgoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

The interpretation and application, of the provisions of this title shall be considered as minimum requirements for the purposes set forth. Where the provisions of this title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

AFTER AMENDMENT

14.04.020 Enactment Of Ordinances, Resolutions, And Development Agreements; Interpretation

1. To accomplish the purposes of this title, the City may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the City considers necessary or appropriate for the use and development of land within the City including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: uses; density; open spaces; structures; buildings; energy efficiency; light and air; transportation and public or alternative transportation; infrastructure; street and building orientation; width requirements; public facilities; fundamental fairness in land use regulation; and considerations of surrounding land uses to balance the foregoing purposes with a

landowner's private property interests and associated statutory and constitutional protections.

2. The interpretation and application of the provisions of this title shall be considered as minimum requirements for the purposes set forth. Where the provisions of this title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

SECTION 4: AMENDMENT “14.04.030 Guidelines And Checklists” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.04.030 Guidelines And Checklists

The City is hereby authorized and empowered to promulgate certain guidelines and/or checklists relative to this title. These materials shall be provided to any interested person upon request and upon payment of a fee if specified by the City's fee schedule. These materials shall be for instructional purposes only and represent an attempt to aid those seeking to comply with the requirements of this title. In the event any conflict arises between such guidelines and this title or other regulations, resolutions, or policies of the City, said ordinances, resolutions, regulations or policies shall be deemed controlling and all questions shall be resolved in their favor. Failure of an applicant or subdivider to follow guidelines or checklists may be cause for delay and approval.

AFTER AMENDMENT

14.04.030 Guidelines And Checklists

1. The City is hereby authorized and empowered to promulgate certain guidelines and/or checklists relative to this Title.
2. These materials shall be provided to any interested person upon request and upon payment of a fee if specified by the City's fee schedule.
3. These materials shall be for instructional purposes only and represent an attempt to aid those seeking to comply with the requirements of this Title. In the event any conflict arises between such guidelines and this Title or other regulations, resolutions, or policies of the City, said ordinances, resolutions, regulations or policies shall be deemed controlling and all questions shall be resolved in their favor.
4. Failure of an applicant(s) or subdivider(s) to follow guidelines or checklists may be cause for delay and approval.

SECTION 5: AMENDMENT “14.04.040 Erroneous Approval Not A Waiver Of Requirements” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.04.040 Erroneous Approval Not A Waiver Of Requirements

1. Should a plat, by inadvertence, be approved which shows on its face, or in any documents attached thereto or which are deemed to be a part thereof, that the subdivision does not comply in one (1) or more respects with the requirements of this title or with the requirements of approved subdivision standards and specifications relating to the quality, size, type, grade, distance, or dimension, and no variation or exception thereto has been approved by the Land Use Authority, such plat approval shall not be deemed a waiver of such requirements, but on the contrary such requirements shall remain in full force and effect. Any discrepancy between the preliminary plat and the final plat which may not be noticed in inspection of the final plat and which is not approved by City Staff and Land Use Authority shall be the responsibility of the subdivider, and approval of the final plat in such case shall not be deemed a waiver of the requirements of this title or any standards or specifications approved in connection herewith.
2. The failure of any preliminary or final plat to meet any and all of the requirements enumerated in this title or as imposed by the Land Use Authority, shall, as provided herein, cause any approval by the Land Use Authority to be suspended. Such a suspension shall be issued by the Zoning Administrator immediately upon discovery of an applicable error or omission. The matter shall then be referred to the Land Use Authority as soon as is practicable, unless otherwise correctable within thirty (30) days from the date of the suspension. The Land Use Authority shall review the matter and either issue a correcting requirement or refer it to the appropriate body for action.

AFTER AMENDMENT

14.04.040 Erroneous Approval Not A Waiver Of Requirements

1. Should a plat, by inadvertence, be approved which shows on its face, or in any documents attached thereto or which are deemed to be a part thereof, that the subdivision does not comply in one (1) or more respects with the requirements of this title or with the requirements of approved subdivision standards and specifications relating to the quality, size, type, grade, distance, or dimension, and no variation or exception thereto has been approved by the Land Use Authority, such plat approval shall not be deemed a waiver of such requirements, but on the contrary such requirements shall remain in full force and effect. Any discrepancy between the preliminary ~~plat~~ and the final plat which may not be noticed in inspection of the final plat and which is not approved by City Staff and the City's Land Use Authority shall be the responsibility of the subdivider, and approval of the final plat in such case shall

not be deemed a waiver of the requirements of this title or any standards or specifications approved in connection herewith.

2. The failure of any preliminary or final plat to meet any and all of the requirements enumerated in this title or as imposed by the Land Use Authority, shall, as provided herein, cause any approval by the Land Use Authority to be suspended. Such a suspension shall be issued by the Zoning Administrator immediately upon discovery of an applicable error or omission. The matter shall then be referred to the Land Use Authority as soon as is practicable, unless otherwise correctable within thirty ~~(30)~~ days from the date of the suspension. The Land Use Authority shall review the matter and either issue a correcting requirement or refer it to the appropriate body for action.

SECTION 6: **AMENDMENT** “14.04.050 Penalties For Violations” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.04.050 Penalties For Violations

1. A violation of any of the provisions of this ordinance, or any of the City’s other land use ordinances is punishable as a Class C misdemeanor upon conviction either as a a Class C misdemeanor or by imposing the appropriate civil penalty adopted under the authority of §10-9a of Utah State Code (as amended).

AFTER AMENDMENT

14.04.050 Penalties For Violations; Violations A Misdemeanor

1. A violation of any of the provisions of this ordinance, or any of the City’s other land use ordinances is punishable as a Class C misdemeanor upon conviction either as a a Class C misdemeanor or by imposing the appropriate civil penalty adopted under the authority of §10-~~209a~~ of Utah State Code (as amended).
2. Where punishment for specific provisions is not specified in this ordinance, any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating, causing or permitting the violation of any of the provisions of the ordinance shall be guilty of a Class C misdemeanor.
3. Where punishment for the violated provision is specified, the violator shall be subject only to the fine or criminal charge set forth (and shall not necessarily be found guilty of a Class C misdemeanor). Upon conviction thereof, the guilty party shall be punishable under the applicable provisions of State law.
4. Such person, firm, or corporation shall be deemed guilty of a separate offence for each and every day during which any portion of any violation of this ordinance is committed, maintained, continued, or permitted by such person, firm, or corporation, and shall be punishable as provided herein.

SECTION 7: AMENDMENT “14.06.010 Definitions” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.06.010 Definitions

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

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

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

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

Affected Entity: A county, municipality, local district, special service district, specified public utility, property owner, property owner’s association, or the Utah Department of Transportation (UDOT) if the entity’s services or facilities are likely to require expansion or significant modification because of an intended use of land; the entity has filed with the City a copy of the entity’s general or long-range plan; or the entity has filed with the City a request for notice during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed by this title.

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

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

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

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

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

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

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

City: The City of Ballard, Utah

City Council: The City Council of Ballard, Utah

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hookup Fee: A fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, stormwater, power, or other utility system.

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

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

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

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

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

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

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

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

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

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

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

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

Legislative Body: The City Council.

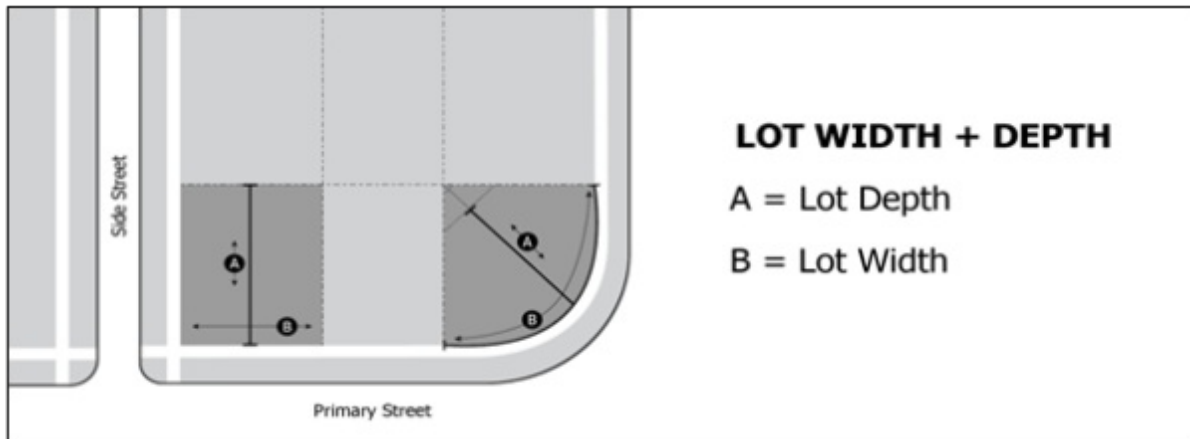
Local District: An entity under Limited Purpose Local Government Entities - Local Districts, §17B of Utah State Code (as amended) and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

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

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

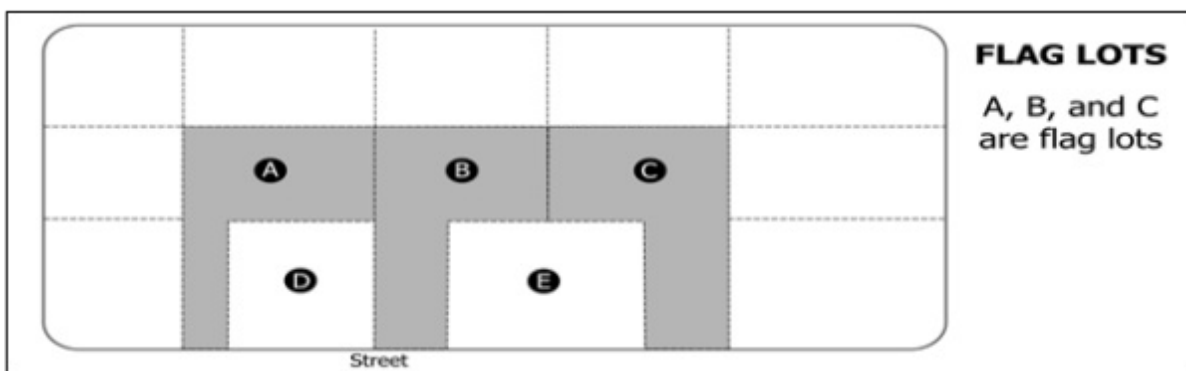


Lot Depth: The horizontal distance between the front and rear lot lines, measured in the main direction of the side lot line.



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

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



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

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

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

Master Street Plan: That portion of the general plan which defines the future alignments of major streets and their right of way, including maps or reports or both, which have been approved by the planning and zoning commission and City Council.

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

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

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

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

Code (as amended) by a specified public utility.

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

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

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

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

Parcel: Any real property that is not a lot.

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

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

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

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

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

Potential Geologic Hazard Area: An area that is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because

the area has characteristics similar to those of a designated geologic hazard area. For the purposes of this title may also be referred to as “sensitive lands”.

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

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

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

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

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

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

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

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

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

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

ordinances, and standards.

Review Cycle: The occurrence of:

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

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

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

Sanitary Sewer Authority: The Ballard City Engineer.

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

Sensitive Lands: Means the same as "geologic hazards" and "potential geologic hazard areas" definitions. Sensitive lands shall also mean and include those parcels as identified on any official City or county map as sensitive lands.

Streets:

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

through traffic load.

5. **Private:** A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with an approved street cross section and maintained by the subdivider or other private agency.

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

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

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

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

Subdivision:

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

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

Subdivision does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
2. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-

- 524 of Utah State Code (as amended if no new parcel is created);
3. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one (1) legal description encompassing all such parcels or joining a lot to parcel;
 4. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;
 5. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels does not confer any land use approvals, and has not been approved by the land use authority;
 6. A parcel boundary adjustment;
 7. A lot line adjustment;
 8. A road, street, or highway dedication plat;
 9. A deed or easement for a road, street, or highway purpose; or
 10. Any other division of land authorized by law.

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

Subdivision Application: A land use application for the subdivision of land.

Subdivision Improvement Plans: The civil engineering plans, grading and landscaping plans, drawings, details, specifications, and other technical or engineered plans or designs associated with required infrastructure, City controlled utilities, and other public landscaping required for a subdivision.

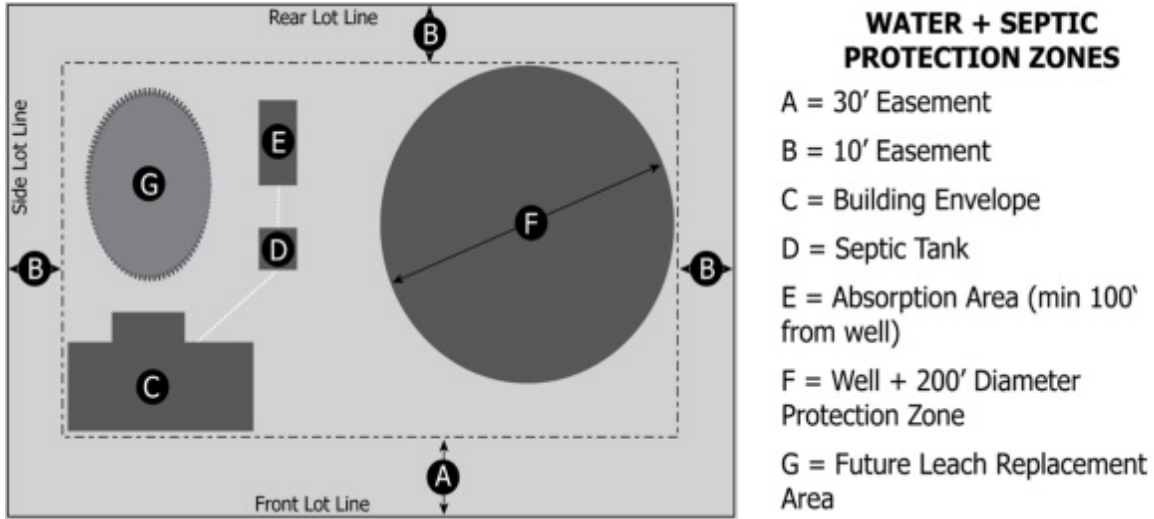
Subdivision Ordinance Review: A review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify the application complies with the City's ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

Subdivision Requirements: Those requirements that are adopted by the City and including applicable county or state entities for the necessary and proper development of a proposed subdivision. Includes all applicable zoning regulations, governing laws, land use regulations, applicable land use decisions, ordinances, standards, designs and specifications.

Suspect Soil: Soil that has a high susceptibility for volumetric change, typically clay-rich, having more than a three percent (3%) swell potential, bedrock units with high shrink or swell susceptibility, or gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

Water Interest: Any right to the beneficial use of water including each of the rights listed in §73-1-11 of Utah State Code (as amended) and an ownership interest in the right to the beneficial use of water represented by a contract or a share in a water company as defined in §73-3-3.5 of Utah State Code (as amended).

Water Source Protection Zone: Minimum distances required by the County Health Department.



HISTORY Adopted by Ord. 20150407-001 on 4/7/2015

1. Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, other divisions 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, lease, map, plat, or other recorded instrument; and
 - b. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

AFTER AMENDMENT

14.06.010 Definitions

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

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

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

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

Affected Entity: A county, municipality, local district, special service district, specified public utility, property owner, property owner's association, or the Utah Department of Transportation (UDOT) if the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; the entity has filed with the City a copy of the entity's general or long-range plan; or the entity has filed with the City a request for notice during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed by this title.

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

Alley: A public way which affords a secondary means of access to abutting property and not intended for general traffic circulation, typically less than twenty six feet (26') wide.

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

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

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

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

Boundary Adjustment: An agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots or parcels. Boundary adjustment does not mean a modification of a lot or parcel boundary that creates an additional lot or parcel, or is made by the Utah Department of Transportation (UDOT).

Boundary Establishment: An agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary. Boundary establishment does not mean a modification of a lot or parcel boundary that creates an additional lot or parcel

or is made by the Utah Department of Transportation (UDOT).

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

City: The City of Ballard, Utah

City Council: The City Council of Ballard, Utah

City Engineer: The individual duly appointed by the City Council and acting as the City's Engineer. **City Staff:** For the purposes of this title, shall mean the duly appointed and acting City Administrator, City Attorney, City Engineer, Zoning Administrator or their authorized designees including third-parties agencies or entities which have been contracted by the City to perform such services.

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

Construction Standard Specifications and Plans: The Manual of Standard Specifications and Plans as adopted by the City or the Utah Chapter of the American Public Works Association (APWA), latest addition in the instance no such Manual of Standard Specifications and Plans has been specifically adopted by the City.

Conveyance Document: An instrument that meets the definition of "document" in §57-1-1 of Utah State Code (as amended) or meets the requirements of §57-1-45.5 of Utah State Code (as amended).

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

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

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

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

Document: Means the same as the term is defined in §57-1-1 of Utah State Code (as amended).

Easement: The quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public. A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose.

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

Establishment Document: An instrument that meets the definition of “document” in §57-1-1 of Utah State Code (as amended) and meets the requirements of §57-1-45 of Utah State Code (as amended).

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

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

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

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

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

Floodplain 100-Year: That area adjacent to a drainage channel which may be inundated by a 100-year flood as designated on the most recent flood insurance rate map prepared by the ~~f~~Federal ~~e~~Emergency ~~m~~Management ~~a~~Agency (FEMA). This floodplain may also be determined following a physical survey by an individual qualified and licensed to do so. Such determination shall be approved by FEMA.

Full Boundary Adjustment: A boundary adjustment that is not a simple boundary adjustment.

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

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

Hookup Fee: A fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, stormwater, power, or other utility system.

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

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

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

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

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

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

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

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

Land Use Authority: A person, board, commission, agency or other body, including the City Council, designated by the City Council to act upon a land use application; or if the City

Council has not designated a person, board, commission, agency, or body, the City Council.

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

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

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

Legislative Body: The City Council.

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

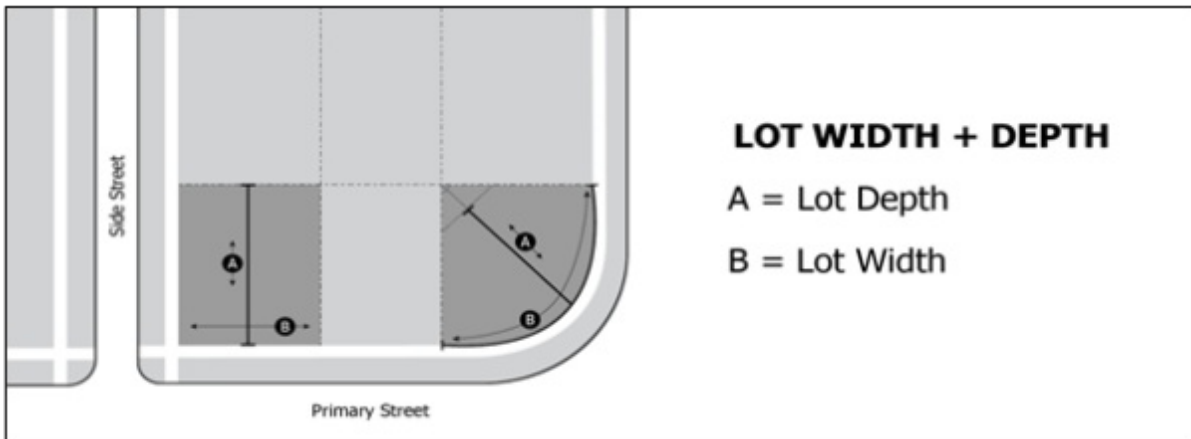
Lot: A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the Office of the County Recorder. Lot includes a parcel of land occupied or to be occupied by a building or group of buildings, together with yards, open spaces, lot width and lot areas as are required by the City's applicable ordinances, having a frontage upon a street or upon a right-of-way not less than sixteen feet (16') wide. Except for group dwellings and guesthouses and dwellings associated with agricultural uses and lands, not more than one (1) dwelling structure will occupy any one (1) lot.

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



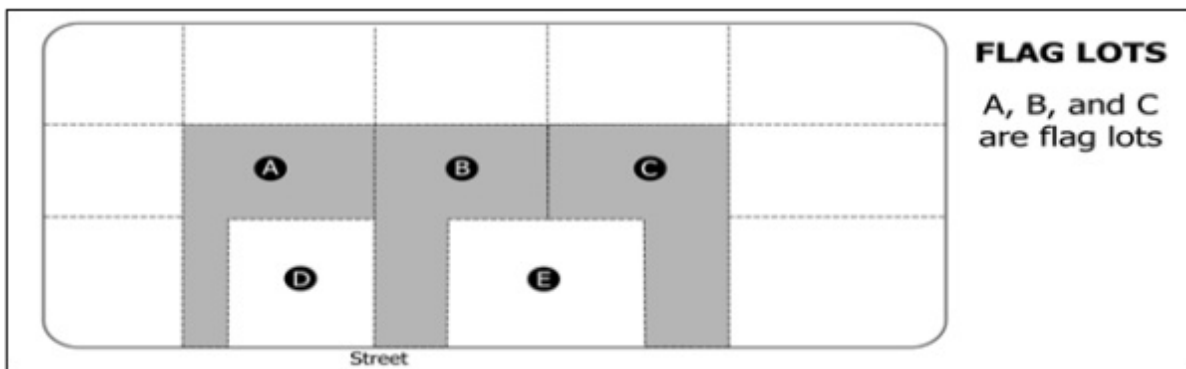
Lot Depth: The horizontal distance between the front and rear lot lines, measured in the main direction of the side lot line.

-For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel with and at a maximum distance from the front lot line having a length of not less than ten (10) feet.



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

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



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

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

~~**Lot Width:** The width of the lot measured along the minimum building setback line. The lot width is measured by finding the distance between the two side lot lines. The measured line will be parallel to the street which the lot fronts. For lots that are on a curved street the width is determined by calculating the average width of the lot measured parallel to the chord of the arc over the depth of the lot., or the first one hundred fifty feet (150), whichever is less. ~~**Master Street Plan:** That portion of the general plan which defines the future alignments of major streets and their right of way, including maps or reports or both, which have been approved by the planning and zoning commission and City Council.~~~~

Master Street Plan: That portion of the general plan which defines the future alignments of major streets and their right of way, including maps or reports or both, which have been ~~approved~~ recommended by the ~~P~~planning and ~~Z~~zoning ~~C~~ommission and approved by the City Council.

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

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

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

Municipal Utility Easement: An easement that is created or depicted on a plat recorded in the Office of the County Recorder and is described as a municipal utility easement granted for public use; is not a protected utility easement or a public utility easement as defined in §54-3-27 of Utah State Code (as amended); the City or the City’s affiliated governmental entity uses

and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, stormwater, or communications or data lines; is used or occupied with the consent of the City in accordance with an authorized franchise or other agreement; is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement and is located in a utility easement granted for public use; or is described in §10-9a-529~~20-615~~ of Utah State Code (as amended) by a specified public utility.

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

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

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

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

Parcel: Any real property that is not a lot.

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

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

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

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

Plat: An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in

accordance with §~~10-9a-603~~ 20-803 or §57-8-13 of Utah State Code (as amended).

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

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

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

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

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

Public Improvements: Work objectives, devices, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, secondary irrigation system, streets, trees, street signs, streetlights, traffic control or safety devices, fire hydrants and such other facilities or construction required by this ordinance. Any publicly owned and maintained drainage ditch, roadway, street, parkway, sidewalk, pedestrian way, landscaping, off-street parking area or other facility or amenity.

Public Meeting: A meeting that is required to be open to the public under §52-4, Open and Public Meetings Act of Utah State Code (as amended).

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

Record of Survey Map: Means a map of a survey of land, prepared in accordance with ~~§10-9a-603 or §57-8-13 of Utah State Code (as amended), which establishes a boundary, monument, or record of corner changes.~~ 17-73-504 of Utah State Code (as amended).

Reasonable Notice: Means posted notice of the hearing or meeting in at least three public places within the jurisdiction and published notice of the hearing or meeting in a newspaper of

general circulation in the jurisdiction, if one is available or actual notice of the hearing or meeting.

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

Review Cycle: The occurrence of:

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

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

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

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

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

Sensitive Lands: Means the same as "geologic hazards" and "potential geologic hazard areas" definitions. Sensitive lands shall also mean and include those parcels as identified on any official City or county map as sensitive lands.

Simple Boundary Adjustment: Means a boundary adjustment that does not:

1. Affect a public right-of-way, municipal utility easement, or other public property;
2. Affect an existing easement, onsite wastewater system, or an internal lot restriction; or
3. Result in a lot or parcel out of conformity with the City's land use regulations.

Streets: A thoroughfare(s) which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare which has been made public by right of use and which affords the principal means of access to abutting property.

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

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

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

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

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

Subdivision:

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

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

Subdivision does not include:

1. A bona fide division or partition of land used for agricultural ~~land for the purposes of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance; as provided in §10-20-808(2) of Utah State Code (as amended);~~
2. ~~A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended if no new parcel is created);~~ A recorded conveyance document consolidating multiple lots or parcels into one (1) legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or joining a lot to a parcel;
3. ~~A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one (1) legal description encompassing all such parcels or joining a lot to parcel;~~
4. ~~A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with §10-9a-524 and §10-9a-608 of Utah State Code (as amended) if no new dwelling lot or housing unit will result from the adjustment and the adjustment will not violate any applicable land use ordinance;~~
5. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels does not confer any land use approvals, and has not been approved by the land use authority;
6. A ~~parcel~~ boundary adjustment;
7. A ~~lot line adjustment;~~ boundary establishment;
8. A road, street, or highway dedication plat;
9. A deed or easement for a road, street, or highway purpose; or
10. Any other division of land authorized by law.

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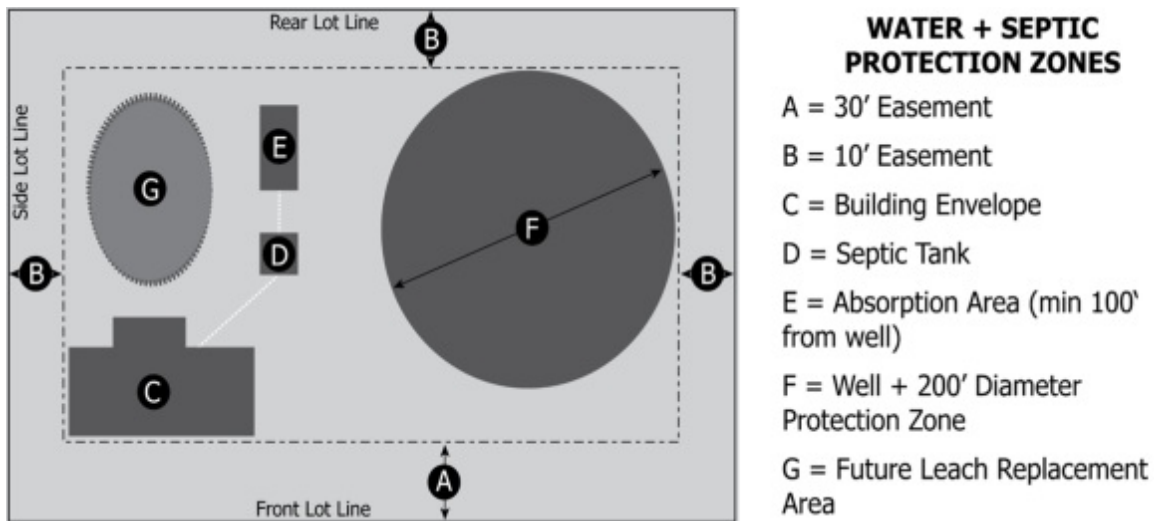
Subdivision Ordinance Review: A review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify the application complies with the City's ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

Subdivision Requirements: Those requirements that are adopted by the City and including applicable county or state entities for the necessary and proper development of a proposed subdivision. Includes all applicable zoning regulations, governing laws, land use regulations, applicable land use decisions, ordinances, standards, designs and specifications.

Suspect Soil: Soil that has a high susceptibility for volumetric change, typically clay-rich, having more than a three percent (3%) swell potential, bedrock units with high shrink or swell susceptibility, or gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

Water Interest: Any right to the beneficial use of water including each of the rights listed in §73-1-11 of Utah State Code (as amended) and an ownership interest in the right to the beneficial use of water represented by a contract or a share in a water company as defined in §73-3-3.5 of Utah State Code (as amended).

Water Source Protection Zone: Minimum distances required by the County Health Department.



HISTORY Adopted by Ord. 20150407-001 on 4/7/2015

~~1. Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, other divisions 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, lease, map, plat, or other recorded instrument; and~~
- ~~b. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.~~

SECTION 8:**AMENDMENT** “14.06.005 Generally” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.06.005 Generally

1. Definitions outlined in Title 15, Land Use, of the City’s Code (as amended) are hereby adopted by reference and shall be construed to apply herein.
2. The words “shall”, “must”, or “will” are mandatory. The words “should” and “may” are permissive.
3. Words used or defined in one (1) tense or form shall include other tenses or derivative forms.
4. Words used in the singular shall include the plural and words used in the plural shall include the singular.
5. Words referencing a gender shall extend and be applied to the other gender and shall be considered gender neutral.
6. The word “includes” shall not limit a term to the specified examples, but is intended to provide guidance to be illustrative on
7. The word “and” indicates that all connected items, conditions, provisions, or events shall apply.
8. The word “or” indicates that one (1) or more of the connected items, conditions, provisions or events shall apply.
9. The words “either or” indicates that the connected terms, conditions, provisions or events shall apply singly but not in combination.

AFTER AMENDMENT

14.06.005 Generally

1. Definitions outlined in Title 15, Land Use Ordinances, of the City’s Code (as amended) are hereby adopted by reference and shall be construed to apply herein.
2. The words “shall”, “must”, or “will” are mandatory. The words “should” and “may” are permissive.
3. Words used or defined in one (1) tense or form shall include other tenses or derivative forms.

4. Words used in the singular shall include the plural and words used in the plural shall include the singular.
5. Words referencing a gender shall extend and be applied to the other gender and shall be considered gender neutral.
6. The word “includes” shall not limit a term to the specified examples, but is intended to provide guidance to be illustrative on.
7. The word “and” indicates that all connected items, conditions, provisions, or events shall apply.
8. The word “or” indicates that one (1) or more of the connected items, conditions, provisions or events shall apply.
9. The words “either or” indicates that the connected terms, conditions, provisions or events shall apply singly but not in combination.

SECTION 9: AMENDMENT “14.08.010 Designation Of Land Use Authority (Reserved)” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.010 Designation Of Land Use Authority (Reserved)

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

| Type Of Land Use Application | Reviewing Body | Recommending Body | Land Use Authority | Appeal Authority |
|---|-----------------------|--------------------------|---------------------------|----------------------------|
| Annexation | City Staff | City Staff | City Council | County Boundary Commission |
| Subdivision Ordinance Amendments | City Staff | Planning Commission | City Council | District Court |
| Development Agreement (Including Those Which Modify An Adopted Standard / Specification / Regulation) | City Staff | Planning Commission | City Council | District Court |
| Subdivision Amendment / | | | | |

| | | | | |
|--|------------|---------------------|----------------------|---------------------|
| Vacation Of Public Right-Of-Way | City Staff | Planning Commission | City Council | District Court |
| Parcel Boundary Adjustment / Lot Line Adjustment | N/A | N/A | Zoning Administrator | District Court |
| Variance / Appeals | N/A | N/A | | District Court |
| Residential Single Family, Two Family Or Townhome Subdivision Application | | | | |
| Pre-Application Meeting / Concept | N/A | N/A | City Staff | Planning Commission |
| Preliminary Plan | City Staff | City Staff | Planning Commission | District Court |
| Final Plat / Minor Subdivisions | City Staff | City Staff | City Staff | District Court |
| Sensitive Lands (Preliminary Plan / Final Plat) | City Staff | Planning Commission | City Council | District Court |
| All Other Subdivision Applications : | | | | |
| Pre-Application Meeting | N/A | N/A | Zoning Administrator | District Court |
| Concept Plan | N/A | N/A | Planning Commission | District Court |
| Preliminary Plan / Final Plat | City Staff | Planning Commission | City Council | District Court |
| Sensitive Lands (Preliminary Plan / Final Plat) | City Staff | Planning Commission | City Council | District Court |

AFTER AMENDMENT

14.08.010 Designation Of Land Use Authority (Reserved)

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

| Type Of Land Use Application | Reviewing Body | Recommending Body | Land Use Authority | Appeal Authority |
|--|-------------------------------------|---|---|---|
| Annexation | City Staff | City Staff | City Council | County Boundary Commission |
| <u>Temporary Land Use Regulations</u> | <u>N/A</u> | <u>N/A</u> | <u>City Council</u> | <u>District</u> |
| Subdivision Ordinance Amendments | City Staff | Planning Commission | City Council | District Court |
| Development Agreement: <u>Administrative</u> (Including <u>ie.,</u> Those Which <u>Require Implementation of Existing Regulations</u>) Modify An Adopted Standard / Specification / Regulation <u>Legislative (ie., Those Which Modify an Adopted Standard / Specification / Regulation)</u> | City Staff <u>City Staff</u> | Planning Commission <u>Planning Commission</u> | City Council <u>City Council</u> | District Court <u>District Court</u> |
| Subdivision Amendment / Vacation Of Public Right-Of-Way / <u>Full Boundary</u> | City Staff | Planning Commission | City Council | District Court |

| | | | | |
|--|-------------------|---------------------|--|-----------------------|
| <u>Adjustment (with Subdivision Amendment)</u> | | | | |
| <u>Simple Parcel Boundary Adjustment / Full Boundary Adjustment (Without Subdivision Amendments)</u> Lot Line Adjustment | N/A | N/A | <u>City Staff</u> Zoning Administrator | District Court |
| Variance / Appeals | N/A | N/A | <u>City Council</u> | District Court |
| Residential Single Family, Two Family Or Townhome Subdivision Application | | | | |
| Pre-Application Meeting / Concept | N/A | N/A | City Staff | Planning Commission |
| Preliminary Plan | City Staff | City Staff | Planning Commission | District Court |
| Final Plat / Minor Subdivisions | City Staff | City Staff | City Staff | District Court |
| Sensitive Lands (Preliminary Plan / Final Plat) | City Staff | Planning Commission | City Council | District Court |
| All Other Subdivision Applications : | | | | |
| <u>Agricultural Lands</u> | <u>City Staff</u> | <u>City Staff</u> | <u>Planning Commission</u> | <u>District Court</u> |
| <u>Pre-Application Meeting</u> | <u>N/A</u> | <u>N/A</u> | <u>City Staff</u> | <u>District Court</u> |
| Concept Plan | N/A | N/A | Planning | District Court |

| | | | | |
|---|------------|---------------------|--------------|----------------|
| | | | Commission | |
| Preliminary Plan / Final Plat | City Staff | Planning Commission | City Council | District Court |
| Sensitive Lands (Preliminary Plan / Final Plat) | City Staff | Planning Commission | City Council | District Court |

SECTION 10: AMENDMENT “14.08.020 Plain Language” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.020 Plain Language

Pursuant to §10-9a-306 of Utah State Code (as amended), the Land Use Authority shall apply the plain language of land use regulations. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application. A land use decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the City Council.

AFTER AMENDMENT

14.08.020 Plain Language

Pursuant to §10-~~20-901~~~~9a-306~~ of Utah State Code (as amended), the Land Use Authority shall apply the plain language of land use regulations. If a land use regulation does not plainly restrict a land use application, the Land Use Authority shall interpret and apply the land use regulation to favor the land use application. A land use decision of a Land Use Authority shall be considered an administrative act, even if the Land Use Authority is the City Council.

SECTION 11: AMENDMENT “14.08.050 Applicant Notice Required; Waiver Of Requirements” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.050 Applicant Notice Required; Waiver Of Requirements

When required, for each subdivision application, the City shall:

1. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
2. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting; and
3. Notify the applicant of any final action on a pending application.

If the City fails to comply with the requirements of this section, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements has been met.

AFTER AMENDMENT

14.08.050 Applicant Notice Required; Waiver Of Requirements

When required, by § 10-20 of Utah State Code (as amended) or this title, for each subdivision application, the City shall:

1. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
2. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business days before the public hearing or public meeting; and
3. Notify the applicant of any final action on a pending application.
4. If the City fails to comply with the requirements of this section, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements has been met. ~~Notify the applicant of any final action on a pending application.~~

If the City fails to comply with the requirements of this section, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements has been met.

SECTION 12: **AMENDMENT** “14.08.055 Temporary Land Use Regulations” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.055 Temporary Land Use Regulations

1. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the City if:
 - a. The City Council makes a finding of compelling, countervailing public

- interest; or
 - b. The area is unregulated
2. A temporary land use regulation under this section shall be in conformance with §10-9a-504 of Utah State Code (as amended) and may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
 3. A temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
 4. A temporary land use regulation may not impose an impact fee or other financial requirement on building or development.
 5. Unless otherwise provided by §10-9a-504 of Utah State Code (as amended), a temporary land use regulation shall not exceed a period of one-hundred eight (180) days, but:
 - a. May be renewed, if requested by the State of Utah's Transportation Commission for up to two (2) additional periods of one-hundred eight (180) days by ordinance enacted before the expiration of the previous regulation. , the renewal is effective only as long as the environmental impact statement or major investment study is in progress.

AFTER AMENDMENT

14.08.055 Temporary Land Use Regulations

1. The City Council may, without prior consideration of or recommendation from the Planning Commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the City if:
 - a. The City Council makes a finding of compelling, countervailing public interest; or
 - b. The area is unregulated
2. A temporary land use regulation under this section shall be in conformance with §10-~~20-504~~~~9a-504~~ of Utah State Code (as amended) and may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
3. A temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
4. A temporary land use regulation may not impose an impact fee or other financial requirement on building or development.
5. Unless otherwise provided by §10-~~20-504~~~~9a-504~~ of Utah State Code (as amended), a temporary land use regulation shall not exceed a period of one-hundred eight (180) days, ~~but:~~
 - a. ~~May be renewed, if requested by the State of Utah's Transportation Commission for up to two (2) additional periods of one-hundred eight (180) days by ordinance enacted before the expiration of the previous regulation. , the renewal is effective only as long as the environmental impact statement or major investment study is in progress.~~

SECTION 13: AMENDMENT “14.08.060 Subdivision Ordinance Amendments” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.060 Subdivision Ordinance Amendments

1. **Purpose.** This section sets forth the procedures for amending the provisions of this title.
2. **Authority.** The City Council may, from time to time, amend the text of this title. The provisions set forth in this section shall not apply to temporary land use regulations that the City Council may enact without a public hearing in accordance with §10-9a-504 of Utah State Code (as amended).
3. **Initiation.** Anyone may propose amendments to the text of this title as provided in this section.
4. **Procedure.** The City shall process and consider amendments to the text of this title as provided in this section.
 - a. **Application.** An application shall be submitted to the Zoning Administrator along with the fees as outlined in the City’s fee schedule. The application shall include:
 - i. Name and address of every person or company the applicant represents;
 - ii. Explanation of the proposed amendment and reasons supporting the request; and
 - iii. Title, chapter, and section references of the affected sections, including a draft of the proposed text.
 - b. **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application, the Zoning Administrator shall transmit the application to the Planning Commission for its review.
 - c. **Notice.** Class B notice shall be provided pursuant to §10-9a-205 of Utah State Code (as amended).
 - d. **Planning Commission Hearing.** The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-9a-502 of Utah State Code (as amended) and shall recommend approval, approval with modifications, or denial of the proposed amendment to the City Council.
 - e. **Land Use Authority Adoption.** The Land Use Authority as outlined in 14.08.010 of this title shall review the proposed amendment and the recommendation of the Planning Commission. The Land Use Authority may either approve, approve with modifications, or reject the proposed amendment. The Land Use Authority may also table the matter for further information or future consideration or action.
 - f. **Approval Standards.** A decision to amend the text of this title shall be consistent with Utah State Code (as amended) and, when applicable, in

harmony with the City's current General Plan.

- g. **Appeals.** Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the District Court as provided in §10-9a-801 of Utah State Code (as amended).
- h. **Effect Of Approval.** No person shall deem approval of an application to amend the provisions of this title as an approval of a subdivision application or other permit. Obtaining approval of such application or permit shall be in accordance with the applicable provisions of this title.
- i. **Effect Of Disapproval.** The Land Use Authority's denial of an application to amend the text of this title shall preclude another person from filing another application covering substantially the same subject for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application. This section shall not limit the City Council, Planning Commission, Zoning Administrator, or other authorized City staff from initiating an amendment to the text of this title at any time.

AFTER AMENDMENT

14.08.060 Subdivision Ordinance Amendments

- 1. **Purpose.** This section sets forth the procedures for amending the provisions of this title.
- 2. **Authority.** The City Council may, from time to time, amend the text of this title. The provisions set forth in this section shall not apply to temporary land use regulations that the City Council may enact without a public hearing in accordance with §10-~~20-9a-~~504 of Utah State Code (as amended).
- 3. **Initiation.** Anyone may propose amendments to the text of this title as provided in this section.
- 4. **Procedure.** The City shall process and consider amendments to the text of this title as provided in this section.
 - a. **Application.** An application shall be submitted to the Zoning Administrator along with the fees as outlined in the City's fee schedule. The application shall include:
 - i. Name and address of every person or company the applicant represents;
 - ii. Explanation of the proposed amendment and reasons supporting the request; and
 - iii. Title, chapter, and section references of the affected sections, including a draft of the proposed text.
 - b. **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application, the Zoning Administrator shall transmit the application to the Planning Commission for its review.
 - c. **Notice.** ~~Class B-n~~Notice shall be provided pursuant to §10-~~20~~9a-205 of Utah State Code (as amended).

- d. **Planning Commission Hearing.** The Planning Commission shall hold a public hearing on the proposed amendment in accordance with §10-~~209a~~-502 of Utah State Code (as amended) and shall recommend approval, approval with modifications, or denial of the proposed amendment to the City Council.
- e. **Land Use Authority Adoption.** The Land Use Authority as outlined in 14.08.010 of this title shall review the proposed amendment and the recommendation of the Planning Commission. The Land Use Authority may either approve, approve with modifications, or reject the proposed amendment. The Land Use Authority may also table the matter for further information or future consideration or action.
- f. **Approval Standards.** A decision to amend the text of this title shall be consistent with Utah State Code (as amended) and, when applicable, in harmony with the City’s current General Plan.
- g. **Appeals.** Any person adversely affected by the final decision of the Land Use Authority may appeal that decision to the District Court as provided in §10-~~20-11099a-801~~ of Utah State Code (as amended).
- h. **Effect Of Approval.** No person shall deem approval of an application to amend the provisions of this title as an approval of a subdivision application or other permit. Obtaining approval of such application or permit shall be in accordance with the applicable provisions of this title.
- i. **Effect Of Disapproval.** The Land Use Authority’s denial of an application to amend the text of this title shall preclude another person from filing another application covering substantially the same subject for one (1) year from the date of the disapproval unless the Zoning Administrator determines a substantial change in circumstances occurred to merit consideration of the application. This section shall not limit the City Council, Planning Commission, Zoning Administrator, or other authorized City staff from initiating an amendment to the text of this title at any time.

SECTION 14: AMENDMENT “14.08.070 Development Agreements” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.070 Development Agreements

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

and §10-9a of Utah State Code (as amended), including terms related to a master planned development, a planned unit development, an annexation, affordable or moderate income housing with development incentives, a public-private partnership, or a density transfer or bonus within a development project or between development projects.

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

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

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

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

- a. Limit the City's authority in the future to enact a land use regulation or take any action allowed under §10-8-84 of Utah State Code (as amended);
- b. Require the City to change the zoning designation of an area of land within the City in the future; or
- c. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation under §10-9a-502 of Utah State Code (as amended), including a review and recommendation from the Planning Commission and the conducting of a public hearing.

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

AFTER AMENDMENT

14.08.070 Development Agreements

- 1. **Purpose.** A development agreement may be negotiated between a developer and the City to set forth the specific requirements, elements, and aspects of a proposed development prior to receiving approval from the Land Use Authority on a land use application.
- 2. **Applicability.** Pursuant to §10-~~9a-532~~20-508 of Utah State Code (as amended) the City may enter into a development agreement containing any term the City considers necessary or appropriate to accomplish the purposes of this title and §10-20 of Utah State Code (as amended).:
 - a. ~~The City may enter into a development agreement containing any term the City considers necessary or appropriate to accomplish the purposes of this title and §10-9a of Utah State Code (as amended), including terms related to a master planned development, a planned unit development, an annexation,~~

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

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

3. **Procedure.** Development agreements, and their subsequent amendments, shall be subject to the Land Use Authority as outlined in 14.08.010 of this title. All development agreements, upon proper execution, shall be recorded with the County Recorder's Office, and shall run with the land and be binding on all successors in the ownership of the affected property(ies). A development agreement shall contain, at a minimum, the following:
- a. A legal description of the land subject to the development agreement.
 - b. The restrictions or conditions to be attached to the property .
 - c. The configuration of the project as shown on the project's master plan.
 - d. A statement of the benefits and value the development agreement will have for the City as a whole, including but not limited to: assurances of design standards, dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-way, or utilities.
 - e. The time frame for performance by parties.
 - f. A description of the various City approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement.
 - g. Provisions for enforcement of the terms and conditions of the development agreement.
 - h. Provisions for making amendments to the development agreement.
 - i. The time limitation of the agreement.
 - j. Such other terms ~~and limitations~~ which may be proposed and agreed to between the City and the developer.
4. **Limitations and Prohibitions.** A development agreement under this section may not:
- a. Limit the City's authority in the future to enact a land use regulation or take any action allowed under §10-8-84 of Utah State Code (as amended);
 - b. Require the City to change the zoning designation of an area of land within the City in the future; or
 - c. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the City Council approves the development agreement in accordance with the same procedures for enacting a land use regulation under §10-~~9a-502~~-20-502 of Utah State Code (as amended), including a review and recommendation from the Planning Commission and the conducting of a public hearing. A development agreement that requires only the implementation of existing land use regulations as an administrative act shall not require the City Council's approval under §10-20-502 of Utah

State Code (as amended).

- d. The City shall not require a development agreement as a condition for developing land within the City if the proposed development otherwise complies with the City's applicable ordinances and provisions contained within Utah State Code (as amended), the proposed development is an allowed or permitted use, or the City's land use regulations otherwise establish all applicable standards for development on the land.
 - e. The City may not require a development agreement as the only option for developing land within the City.
 - f. The City may not restrict the type of crop that may be grown in an area that is zoned agricultural or assessed under §59-2-5 of Utah State Code (as amended).
 - g. To the extent that a development agreement does not specifically address a matter of concern related to land use or development, the matter of concern shall be governed by §10-~~9a~~20 of Utah State Code (as amended) and the applicable land use regulations in this code.
 - h. The City may submit to the County Recorder for recording a fully executed agreement or a document related to code enforcement, a special assessment area, a local historic district boundary or the memorializing or enforcement of an agreed upon restriction, incentive, or covenant. The City shall not cause to be recorded against private real property a document that imposes development requirements, development regulations, or development controls on the property~~restricts~~.
5. **Expiration.** A development agreement shall be signed and notarized by all parties and recorded in the County Recorder's Office within one (1) year from the date of Land Use Authority approval or it shall be considered null and void. Prior to the expiration of the one (1) year period an applicant may submit a written request to the Zoning Administrator for an extension of up to six (6) months. Approval of this extension may only be granted by the Land Use Authority.

SECTION 15: AMENDMENT "14.08.080 General Responsibilities And Considerations" of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.080 General Responsibilities And Considerations

- 1. An applicant shall prepare a concept plan, preliminary plan, and final plat consistent with the standards contained herein and shall pay for the design, review, construction, and inspection of the improvements required.
- 2. The applicant shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the applicant has obtained the necessary approvals as described in this title.

3. Trees, native land cover, natural watercourses and topography shall be preserved where possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape. The design of new subdivisions shall consider and relate to existing street widths, alignments and names unless otherwise determined by the City.
4. Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in accordance with this title, and other applicable ordinances, and shall be evaluated against the standards outlined in the City's General Plan. This title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the design and development of subdivisions. In order to facilitate the acquisition of land areas required for community facilities, the applicant or subdivider may be required to provide for, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements and other public purposes.
5. The applicant or subdivider shall be responsible to obtain and be familiar with all applicable subdivision ordinances, construction regulations, and all other rules and related standards of the City.
6. The City shall process said plans and plats in accordance with the regulations set forth herein.
7. The City's Engineer and Public Works Department shall be responsible for reviewing the engineering plans and specifications for required improvements and providing recommendations to the Reviewing Body and Land Use Authority as outlined in 14.08.010 on whether the proposed improvements are consistent with this title and other applicable ordinances. The City's Engineer and Public Works Department shall be responsible for inspecting required improvements.
8. The City's Attorney shall be responsible for verifying the security provided by the applicant or subdivider is acceptable to the City, that the applicant or subdivider dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, including the review of matters of title such as easements and restrictive covenants.
9. The Land Use Authority shall review submitted plans and plats for design, conformity to the applicable requirements of the General Plan, land use and other adopted ordinances, and shall process the plans and plats as provided for in this title.
10. Plans and/or plats of proposed subdivisions may be referred by the Zoning Administrator or Land Use Authority to the City's various departments and staff, special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comments. The Zoning Administrator shall be responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plans and plats to.
11. Unless designated as the Land Use Authority, the Planning Commission shall act as an advisory agency to the Land Use Authority. The Planning Commission shall be charged with making investigations, reports, and recommendations on proposed

subdivisions as to their conformance with the City's General Plan, the land use ordinance, and other pertinent rules, regulations, and standards of the City. After determining that a referred plan or plat complies with applicable requirements, the Planning Commission shall recommend approval, approval with conditions, or denial of the plan or plat to the Land Use Authority. Failure of the Planning Commission to render an official recommendation shall be deemed a recommendation of approval.

12. The Land Use Authority as outlined in 14.08.010 of this title shall have final jurisdiction in the approval of subdivision plans and plats.

AFTER AMENDMENT

14.08.080 General Responsibilities And Considerations

1. An applicant shall prepare a concept plan, preliminary plan, and final plat consistent with the standards contained herein and shall pay all costs incurred for the design, review, construction, and inspection of the improvements required including those costs incurred by the City or by third parties contracted by the City during the review and construction phases of the project for the rendering of such services.
2. The applicant shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the applicant has obtained the necessary approvals as described in this title.
3. Trees, native land cover, natural watercourses and topography shall be preserved where possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape. The design of new subdivisions shall consider and relate to existing street widths, alignments and names unless otherwise determined by the City.
4. Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in accordance with this title, and other applicable ordinances, and shall be evaluated against the standards outlined in the City's General Plan. This title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the design and development of subdivisions. In order to facilitate the acquisition of land areas required for community facilities, the applicant or subdivider may be required to provide for, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements and other public purposes.
5. The applicant or subdivider shall be responsible to obtain and be familiar with all applicable subdivision ordinances, construction regulations, and all other rules and related standards of the City.
6. The City shall process said plans and plats in accordance with the regulations set forth herein.
7. The City's Engineer and/or Public Works Department including third parties the City may contract with for such services shall be responsible for reviewing the engineering plans and specifications for required improvements and providing recommendations to the Reviewing Body and Land Use Authority as outlined in 14.08.010 on whether the

proposed improvements are consistent with this title and other applicable ordinances. The City's Engineer and/or Public Works Department including third parties the City may contract with for such services shall be responsible for inspecting required improvements.

8. The City's Attorney including third parties the City may contract with for such services shall be responsible for verifying the security provided by the applicant or subdivider is acceptable to the City, that the applicant or subdivider dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, including the review of matters of title such as easements and restrictive covenants.
9. The Land Use Authority shall review submitted plans and plats for design, conformity to the applicable requirements of the General Plan, land use and other adopted ordinances, and shall process the plans and plats as provided for in this title.
10. When required by this title, § 10-20 of Utah State Code (as amended), or when deemed by the Zoning Administrator to be in the best interest of the general health, safety, and welfare of the City's residents, Plans and/or plats of proposed subdivisions may be referred by the Zoning Administrator or Land Use Authority to the City's various departments and staff, special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comments. The Zoning Administrator shall be responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plans and plats to.
11. Unless designated as the Land Use Authority, the Planning Commission shall act as an advisory ~~body~~agency to the Land Use Authority. The Planning Commission shall be charged with making investigations, reports, and recommendations on proposed subdivisions as to their conformance with the City's General Plan, the land use ordinance, and other pertinent rules, regulations, and standards of the City. After determining that a referred plan or plat complies with applicable requirements, the Planning Commission shall recommend approval, approval with conditions, or denial of the plan or plat to the Land Use Authority. Failure of the Planning Commission to render an official recommendation of a land use application required by this title may be deemed by the City Council to be a ~~shall be deemed a~~ recommendation of approval.
12. The Land Use Authority as outlined in 14.08.010 of this title shall have final jurisdiction in the approval of subdivision plans and plats.

SECTION 16: AMENDMENT "14.08.100 Fees" of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.100 Fees

Any and all persons requesting approval of a concept plan, preliminary plan, final plat, minor subdivision or other application outlined in this title shall first pay all applicable fees according to the most current prevailing fee schedule adopted by resolution of the City. Said fees shall be made payable to the City at the time of application. Engineering fees shall be payable to the City's engineering firm. In the event the original submittal is not approved and a second, third, etc., submittal is required, a fee shall be paid to the City on an hourly basis for time incurred in checking and approving said submittal.

In addition to the above, a retainer fee for construction inspection, based on the most current prevailing fee schedule adopted by resolution of the City shall be made payable to the City prior to commencement of any construction of subdivision improvements. Costs for any necessary testing, shall be paid by the applicant, subdivider or developer. Cost for any required materials testing shall be paid directly by the applicant, subdivider or developer. Failure to make timely payment as required shall be grounds for a stop work order to be issued by the City.

AFTER AMENDMENT

14.08.100 Fees

- A. notify the City Council as to the need to place the issue on the City Council's agenda. The City Council shall consider the payment dispute in a regularly scheduled meeting. Notice of the time, date, and place of the meeting where the disputed statement will be considered by the City Council will be mailed to the applicant(s) or entities not less than five (5) days before the date of the meeting. Applicant(s) or entities, or their duly authorized representatives may present any statement or evidence supporting their position with respect to the dispute. The City Council shall vote on each disputed charge by the applicant(s) or entities to determine whether or not to reduce or eliminate the disputed charges. The decision of the City Council shall be final. Any and all persons requesting approval of a concept plan, preliminary plan, final plat, minor subdivision or other application outlined in this Title or the City's land use ordinances shall first pay all applicable fees according to the most current prevailing fee schedule adopted by resolution of the City.
- B. Said fees shall be made payable to the City at the time of application.
- C. ~~Engineering fees shall be payable to the City's engineering firm.~~ In the event an applicant'sthe original land use application submittal is not approved and subsequent revised ~~a second, third, etc.,~~ submittals areis required, ~~a~~ fees shall be paid to the City ~~on an hourly basis~~ for time incurred in rechecking and approving said submittal.
- D. In addition to the above stipulated fees, an Out-Of-Pocket Account for the applicable fee(s) associated with third party reviews including inspection of constructed improvements, based on the most current prevailing fee schedule adopted by resolution of the City shall be made payable to the City. Costs for any necessary inspections (including required materials or other similar testing when applicable), shall be paid by the applicant, subdivider or developer through the Out-Of-Pocket Account established in this section. Failure to make timely payment, or timely replenishment of an Out-Of-Pocket Account for the continued timely payment of fees

as required by this section shall be ground for a stop work order to be issued by the City.

E. Additional Fees. If services provided by the City require more resources than anticipated in the original land use application fee by City Staff or are services typically contracted by the City and rendered by an outside professional or other third party service, the applicant(s) shall be responsible to reimburse the City for such charges plus ten percent (10%) to cover the City's administrative costs, which shall include extraordinary attorneys' fees. Such fees and charges shall accrue to, and are payable by, the applicant(s) or entities which receives the service (i.e., executes with the City an land use application, enters into a development agreement, or requests the service, etc.)

F. Billing Statements. The City shall bill an applicant(s) or entities for excess reimbursable fees accruing under this section and all other charges on a regular basis within forty-five (45) days of services rendered. The billing by the City shall be in reasonable detail to permit the applicant(s) or entities to determine the reason for the expenditure, and fees or charges incurred, along with the rate or other basis for the charge. Billings for reimbursable fees are due upon receipt and if the balance due is not paid within thirty (30) days of mailing, the applicant(s) or entities shall be considered delinquent and in default to the City. The City's billing statements to applicant(s) or entities shall be deemed correct, accurate, undisputed and due in full unless the City receives in writing from the applicant(s) or entities a disputed bill in reasonable detail to ascertain the exact question or matter in dispute within thirty (30) days of the postmarked date on the mailed statement or the date of hand-delivery if the statement is not delivered though the U.S. Mail.

G. Conference With Applicant(s) Or Entities. The applicant(s) or entities, or their duly authorized representatives, may informally confer with City Staff to obtain further information, ask questions, and receive clarification of charges included on billings. An informal conference may result in changes to the invoice from the City to the applicant(s) or entities. If the invoice is corrected or changed, applicant(s) or entities shall pay the corrected invoice within fifteen (15) days of receipt of the corrected invoice.

H. Disputed Amount To City Council. Any disputed amount after the applicant(s) or entities have conferred with City Staff may be disputed to the City Council. Applicant(s) or entities shall notify the City again in writing regarding the contested amount(s). The City Recorder shall notify the City Council as to the need to place the issue on the City Council's agenda. The City Council shall consider the payment dispute in a regularly scheduled meeting. Notice of the time, date, and place of the meeting where the disputed statement will be considered by the City Council will be mailed to the applicant(s) or entities not less than five (5) days before the date of the meeting. Applicant(s) or entities, or their duly authorized representatives may present any statement or evidence supporting their position with respect to the dispute. The City Council shall vote on each disputed charge by the applicant(s) or entities to determine whether or not to reduce or eliminate the disputed charges. The decision of the City Council shall be final.

I. Applicant(s) Or Entities In Default. Applicant(s) or entities must remain in good

standing with all amounts due and payable to the City paid as such amounts become due. Applicant(s) or entities who are delinquent in payment of reimbursable fees and charges to the City shall be deemed to be in default and future requests for services shall be delayed until the applicant(s) or entities have remedied the default.

J. Establishment Of Out-Of-Pocket Account. The City may require a land use applicant(s) to establish an maintain an out-of-pocket account with the City as outlined in the City's current fee schedule for the sole purpose of ensuring timely and efficient payment of invoices which result from fees, i.e., inspection fees and additional fees, as outlined in this section. If required by the City, a land use applicant(s) shall complete the relevant account information form established by the City and deposit the required funds as outlined in the City's fee schedule after a land use application has been deemed complete by the Zoning Administrator. The City shall provide quarterly statements of the account to the account holder as outlined in this section, along with copies of paid invoices, and shall notify the account holder of any balance dues to reimburse the account back to the original required amount. Applicants shall be required to maintain the balance of the Out-Of-Pocket Account through the duration of the project. Remaining account balances shall be refunded back to the account holder within forty five (45) days after all invoices have been paid and applicable land use application processes are complete, including final approval of required/constructed infrastructure improvements, or certificate of occupancy requirements met.

~~In addition to the above, a retainer fee for construction inspection, based on the most current prevailing fee schedule adopted by resolution of the City shall be made payable to the City prior to commencement of any construction of subdivision improvements. Costs for any necessary testing, shall be paid by the applicant, subdivider or developer. Cost for any required materials testing shall be paid directly by the applicant, subdivider or developer. Failure to make timely payment as required shall be grounds for a stop work order to be issued by the City.~~

SECTION 17: AMENDMENT “14.08.090 Compliance Required” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.090 Compliance Required

1. It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the City except in compliance with this title. No final plat of any subdivision shall be recorded with the County until it has been submitted and approved as herein. A plat shall not be approved if such plat is in conflict with any

provision of State law, the City’s adopted General Plan, master street plans, land use ordinances, this title, or any other City ordinance.

2. Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat or drawing of a subdivision shall have been recorded in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.
3. All lots, plots or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the applicant or subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.

AFTER AMENDMENT

14.08.090 Compliance Required

1. It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the City except in compliance with this title. No final plat of any subdivision shall be recorded with the County until it has been submitted and approved as herein. A plat shall not be approved if such plat is in conflict with any provision of State law, the City’s adopted General Plan, master street plans, land use ordinances, this title, or any other applicable City ordinance.
2. Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for the construction or modification of a structure thereon, until a final plat or drawing of a subdivision shall have been recorded in accordance with this title, including ~~and~~ any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.
3. All lots, plots or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the applicant or subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.

SECTION 18: AMENDMENT “14.08.110 Review Cycle Process For Subdivision Plat Applications” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.08.110 Review Cycle Process For Subdivision Plat Applications

1. For each complete subdivision application, the City shall review the submitted plat, plans, and other application materials through the review cycle established by this section and §10-9a-604.2 of Utah State Code (as amended) to ensure compliance with all requirements of this title and all other governing laws including but not limited to: land use regulations, applicable land use decisions, ordinances, and standards.
2. A review cycle shall begin with the City's receipt of either a complete application for a new subdivision or a complete review response submitted as part of a prior review cycle.
3. The City may issue review comments with each review cycle to correct any deficiencies on the submitted plat, subdivision improvement plans, and related information, documents, and materials.
4. The City shall complete its review and shall issue review comments within the following timeframes:
 - a. Residential Single Family, Two Family, or Townhome Subdivision Applications:
 - i. Preliminary Plans — Subdivision Improvement Plan Review.
 - (1) Except for properties containing sensitive lands, the City shall have forty (40) business days after the receipt of a complete application to complete the initial subdivision improvement plan review and issue review comments to the applicant.
 - (2) The City shall not require more than four (4) subdivision improvement plan review cycles.
 - (3) The City may require additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements, and/or modifications to plans that do not meet current ordinances, applicable standards or specifications, or which contain incomplete information. The City's request for additional information or modification to plans shall be specific and shall include citations to ordinances, standards, or specifications that require the modifications to the proposed subdivision improvement plans, which shall be logged in an index of requested modifications or additions.
 - (4) In addition to revised subdivision improvement plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of request revisions or additions for each required correction. If an applicant fails to address a review comment in their response, the review cycle is not complete and a subsequent review cycle may not begin until all review comments are

addressed.

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

ii. Preliminary Plans — Subdivision Ordinance Review

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

appeal the determination to the City's designated appeal authority as outlined in 14.08.010.

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

- 5.
 - a.
 - b.
 - c.
 - d.
- 6.
 - a.
 - b.
- 7.

AFTER AMENDMENT

14.08.110 Review Cycle Process For Subdivision Plat Applications

1. For each complete subdivision application, the City shall review the submitted plat, plans, and other application materials through the review cycle established by this section and §10-~~20-806~~~~9a-604.2~~ of Utah State Code (as amended) to ensure compliance with all requirements of this title and all other governing laws including but not limited to: land use regulations, applicable land use decisions, ordinances, and standards.
2. A review cycle shall begin with the City's receipt of either a complete application for a new subdivision or a complete review response submitted as part of a prior review cycle.
3. The City may issue review comments with each review cycle to correct any deficiencies on the submitted plat, subdivision improvement plans, and related information, documents, and materials.
4. The City shall complete its review and shall issue review comments within the following timeframes:
 - a. **Residential Single Family, Two Family, or Townhome Subdivision Applications:**
 - i. **Preliminary Plans — Subdivision Improvement Plan Review.**
 - (1) Except for properties containing sensitive lands, the City shall have forty (40) business days after the receipt of a complete application to complete the initial subdivision improvement plan review and issue review comments to the applicant.
 - (2) The City shall not require more than four (4) subdivision improvement plan review cycles.
 - (3) The City may require additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of

public improvements, and/or modifications to plans that do not meet current ordinances, applicable standards or specifications, or which contain incomplete information. The City's request for additional information or modification to plans shall be specific and shall include citations to ordinances, standards, or specifications that require the modifications to the proposed subdivision improvement plans, which shall be logged in an index of requested modifications or additions.

- (4) In addition to revised subdivision improvement plans, an applicant shall provide a written explanation in response to the City's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of request revisions or additions for each required correction. If an applicant fails to address a review comment in their response, the review cycle is not complete and a subsequent review cycle may not begin until all review comments are addressed.
- (5) If an applicant makes a material change to a subdivision improvement plan, the City shall have the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantially affects. Unless a change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in the City's subdivision improvement plan review is waived, unless a modification or correction is necessary to protect the public health and safety or to enforce state or federal law.
- (6) If an applicant does not submit a revised subdivision improvement plan within forty (40) business days after the City requires a modification or correction to the subdivision improvement plan the City shall have an additional twenty (20) business days to respond to a revised subdivision improvement plan.
- (7) After the applicant has responded to the final review cycle and the applicant has complied with each modification request in the City's previous review cycle, the City may not require additional revisions if the applicant has not materially changed the subdivision improvement plan, other than

changes that were in response to requested modifications or corrections.

- (8) If, on the fourth or final review, the City fails to respond within twenty (20) business days, the City shall, upon the request of the property owner and within (10) business days after the day on which the request is received, assemble an appeal panel in accordance with §10-9a-508(5)(d) of Utah State Code (as amended) to review and approve or deny the final revised set of subdivision improvement plans.

ii. Preliminary Plans — Subdivision Ordinance Review

- (1) Except for properties containing sensitive ~~land, plans~~ **improvement** the City shall have thirty (30) business days after the receipt of a complete application to complete the initial subdivision ordinance review and issue review comments to the applicant.

- (2) If, on final review, the City fails to respond within twenty (20) business days, the City shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the City's designated appeal authority as outlined in 14.08.010.

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

SECTION 19: AMENDMENT “14.10.010 Pre-Application Meeting Required; Determination By Zoning Administrator If Concept Plan Required” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.010 Pre-Application Meeting Required; Determination By Zoning Administrator If Concept Plan Required

1. Pre-application Meeting Required. Before submitting a subdivision application to the City for review, applicant(s) shall attend a pre-application meeting with the Zoning Administrator to discuss development plans on an informal basis.
 - a. The Zoning Administrator may choose to waive the requirement of a pre-application meeting or subsequent concept plan review at the applicant’s request.
 - b. If the proposed development is a residential single family, two family, or

townhome development, applicant(s) shall not be required to attend a pre-application meeting. However, an applicant(s) may request a pre-application meeting / concept plan review to be conducted by the City pursuant to §10-9a-604.1 of Utah State Code (as amended). The applicant(s) request shall be submitted to the City along with any applicable applications or materials that are ordinarily required by this title along with any applicable fees as outlined in the City's fee schedule.

- c. The Zoning Administrator may provide any helpful suggestions or cautions, including relevant specifications and regulations, to help the applicant understand what must be done to have the subdivision application accepted by the Land Use Authority.
 - d. The Zoning Administrator shall determine whether the proposed subdivision shall require the submission of a concept plan.
2. The applicant must be the property owner, or an official representative of the property owner and shall provide the City with complete and accurate information about the size and scope of the proposed project.

AFTER AMENDMENT

14.10.010 Pre-Application Meeting Required; Determination By Zoning Administrator If Concept Plan Required

1. **Pre-application Meeting Required.** Before submitting a subdivision application to the City for review, applicant(s) shall attend a pre-application meeting with the Zoning Administrator to discuss development plans on an informal basis.
 - a. The Zoning Administrator may ~~choose to~~ waive the requirement of a pre-application meeting or subsequent concept plan review at the applicant's request.
 - b. If the proposed development is a residential single family, two family, or townhome development, applicant(s) shall not be required to attend a pre-application meeting. However, an applicant(s) may request a pre-application meeting / concept plan review to be conducted by the City pursuant to §10-~~20-805~~~~9a-604.1~~ of Utah State Code (as amended). The applicant(s) request shall be submitted to the City along with any applicable applications or materials that are ordinarily required by this title along with any applicable fees as outlined in the City's fee schedule.
 - c. The Zoning Administrator may involve other members of the City's Staff to provide any helpful suggestions or cautions, including relevant specifications and regulations, to help the applicant understand what must be done to have the subdivision application accepted by the Land Use Authority.
 - d. The Zoning Administrator shall determine whether the proposed subdivision shall require the submission of a concept plan.
2. The applicant must be the property owner, or an official representative of the property owner and shall provide the City with complete and accurate information about the size and scope of the proposed project.

SECTION 20: AMENDMENT “14.10.020 Concept Plan Process Generally”
of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.020 Concept Plan Process Generally

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

AFTER AMENDMENT

14.10.020 Concept Plan Process Generally

- A. Unless exempted by §10-20 of Utah State Code (as amended) or waived by the Zoning Administrator, applicants shall make an application for concept plan review with the City and pay the required fee as outlined in the City’s fee schedule. The concept plan application shall be submitted to the Zoning Administrator for review by City staff prior to the submission of a preliminary plan application.

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

SECTION 21: AMENDMENT “14.10.030 Submittals” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.030 Submittals

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

1. The proposed name of the subdivision, which name must be unique from any subdivision currently recorded with the County Recorder's Office;
2. Map of the proposed subdivision with property boundaries, including all adjacent properties within the same ownership or development conglomerate;
3. Approximate acreage of the proposed subdivision;
4. Current zoning designation of properties included in the proposed subdivision;
5. A proposed layout of the subdivision indicating the general dimensions, areas, and number of lots, access points and street configurations, including right-of-way widths, etc.;
6. Topographic contours and the location of sensitive lands (i.e., geologic, flood plain

- hazards, etc.) which are located within the tract;
7. Approximate location of nearest utilities and those proposed to service the subdivision including:
 - a. A description of the type of water system proposed including documentation of water rights, and of historic water use.
 - b. A description of the type of sanitary waste system proposed;
 - i. When private wells and on-site septic systems are proposed, a description of how each proposed lot will conform to the standard protection radius around the wellhead.
 8. A written statement of sufficient detail so that the intent of the applicant(s) is made clear to those persons who review the proposals including information on phased development and associated timelines, methods of financing improvements, maintenance and ownership of non-buildable lands or common open spaces; and
 9. Other materials or documents as identified or required by the Zoning Administrator during the pre-application meeting with the applicant(s).

AFTER AMENDMENT

14.10.030 Submittals

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

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

- I. Other materials or documents as identified or required by the Zoning Administrator or other relevant members of City's Staff during the pre-application meeting with the applicant(s).

SECTION 22: AMENDMENT “14.10.040 Review Procedure” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.040 Review Procedure

1. The Zoning Administrator shall, upon receipt of a complete concept plan submission, distribute copies of the plan to City staff and other agencies or affected entities as in the opinion of the Zoning Administrator may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the public.
2. City staff shall review the submitted concept plan and check compliance of applicable sections of the City’s General Plan, adopted master plans, subdivision and land use ordinances, and other appropriate regulations and standards. City staff shall make findings regarding the submitted concept plan, specifying any inadequacy in the information submitted or noncompliance with City regulations. City staff may also request additional information or studies to be provided for the overall development which may assist them to evaluate the proposed subdivision.
3. The Zoning Administrator shall notify the applicant(s) in writing of review findings including any questionable design or engineering feasibility issues, inadequacy of submittals, noncompliance with local regulations, and/or the need for other information which may assist the City to evaluate the proposed conceptual plan. Recommendations regarding the concept plan by City staff shall not constitute an approval or disapproval of the proposed subdivision but rather shall operate in such a manner as to give the applicant guidance as to the requirements and constraints for the applicant’s proposed subdivision.
4. Once concept plan recommendations have been received from the City as provided herein, the applicant(s) may request to meet with City staff in person to review received comments or may apply for preliminary plan approval consistent with the concept plan. If preliminary plan approval for any portion of a reviewed concept plan has not been obtained within one (1) year from the date on which comments were provided to the applicant for the conceptual plan, a resubmittal of the concept plan shall be required. One (1) extension may be granted by the Zoning Administrator if the City’s ordinances regulating subdivisions have not changed, and if the applicant(s) request the extension in writing prior to the original expiration date.

AFTER AMENDMENT

14.10.040 Review Procedure

1. The Zoning Administrator shall, upon receipt of a complete concept plan submission, distribute copies of the plan to City ~~S~~staff and other agencies or affected entities as in the opinion of the Zoning Administrator may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the health, safety, and general welfare of the City's residents. ~~public~~.
2. City ~~S~~staff shall review the submitted concept plan and check compliance of applicable sections of the City's General Plan, adopted master plans, subdivision and land use ordinances, and other appropriate regulations and standards. City ~~S~~staff shall make findings regarding the submitted concept plan, specifying any inadequacy in the information submitted or noncompliance with City regulations. City ~~S~~staff may also request additional information or studies specified within this Title or other City ordinances to be provided for the overall development which may assist them to evaluate the proposed subdivision.
3. The Zoning Administrator shall notify the applicant(s) in writing of review findings including any questionable design or engineering feasibility issues, inadequacy of submittals, noncompliance with local regulations, and/or the need for other information which may assist the City to evaluate the proposed conceptual plan. Recommendations regarding the concept plan by City ~~S~~staff shall not constitute an approval or disapproval of the proposed subdivision but rather shall operate in such a manner as to give the applicant guidance as to the requirements and constraints for the applicant's proposed subdivision.
4. Once concept plan recommendations have been received from the City as provided herein, the applicant(s) may request to meet with City ~~S~~staff in person to review received comments or may apply for preliminary plan approval consistent with the concept plan. If preliminary plan approval for any portion of a reviewed concept plan has not been obtained within one (1) year from the date on which comments were provided to the applicant for the conceptual plan, a resubmittal of the concept plan shall be required. One (1) extension may be granted by the Zoning Administrator if the City's ordinances regulating subdivisions have not changed, and if the applicant(s) request the extension in writing prior to the original expiration date.

SECTION 23: **AMENDMENT** "14.11.010 Minor Subdivisions" of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.11.010 Minor Subdivisions

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

this chapter is to provide for a more expedient approval process for minor residential subdivisions.

2. Required Conditions:

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

3. Procedure:

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

title.

4. Approval of the Minor Subdivision:

- a. To obtain approval of a minor subdivision the developer shall cause a “record survey” to be prepared by a land surveyor, licensed in the State of Utah. This record survey shall clearly show the division of the proposed lots and shall include all dimensions, square footage, and metes and bounds descriptions. The “record survey” shall be prepared in accordance with the standards established by the City and/or the County surveyor.
- b. The Land Use Authority outlined in 14.08.010 shall either approve with modifications, or reject the record survey.

5. Required Improvements:

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

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

AFTER AMENDMENT

14.11.010 Minor Subdivisions

- 1. **General Purpose.** In an effort to reduce the expense and time of development, minor subdivisions may be considered and approved as outlined under this chapter and §10-20-808~~9a-605~~ of Utah State Code (as amended). This chapter shall not be construed to modify or reduce the requirements for standards for lots, infrastructure, subdivisions, or any other requirement or standard outlined in the City’s code. The sole purpose of this chapter is to provide for a more expedient approval process for minor residential subdivisions.
- 2. **Required Conditions:**

- a. In the case of a minor residential subdivision, conceptual and preliminary plan approval is not required. However, the applicable review cycle requirements noted in 14.08.110 and §10-20-806~~9a-604.2~~ of Utah State Code (as amended) shall apply during the final plat process.
- b. To be considered as a minor residential subdivision and exempt from platting requirements, the proposed subdivision shall meet the following requirements:
 - i. The proposed subdivision shall contain four (4) lots or less;
 - ii. The proposed subdivision ~~shall be~~ located in a zoned area;
 - iii. The proposed subdivision ~~shall~~ not be part of an existing, previously platted subdivision;
 - iv. The proposed subdivision ~~shall~~ not ~~be~~ traversed by the mapped lines of a proposed street as shown in the City's General Plan or master transportation plan, unless the City has previously approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes that the City's ordinances require;
 - v. Each of the lots in the proposed subdivision shall meet all applicable land use requirements including the required frontage, width, and area requirements, unless they or has been granted a variance from such requirements.
 - vi. The minor subdivision shall not contain any sensitive lands.

3. Procedure:

- a. An application for a minor subdivision is required to be filed with the City.
- b. **Pre-Application Meeting.**
 - i. Prior to submitting an application to the City, a pre-application meeting with the Zoning Administrator shall be required to determine whether the proposed subdivision meets the requirements of a minor subdivision as outlined in this section.
 - ii. If the proposed minor subdivision is a residential single family, two family or townhouse project, the applicant(s) shall not be required to attend a pre-application meeting. However, the applicant(s) may request the City conduct a pre-application meeting and review a conceptual plan pursuant to §10-20-806~~9a-604.1~~ of Utah State Code (as amended). The applicant's request shall be submitted to the City along with any applicable applications and fees as outlined in the City's consolidated fee schedule.
- c. **Application.** A minor subdivision application shall be completed and signed by the owner(s) as identified on the property assessment rolls of the County, or by an authorized agent of the owner(s), of the land proposed to be subdivided. The minor subdivision application shall be accompanied by the fee as outlined in the City's fee schedule.
- d. The Zoning Administrator shall determine and find that the minor subdivision application is complete and contains all of the information required by this title.

4. Approval of the Minor Subdivision:

- a. To obtain approval of a minor subdivision the developer shall cause a “record survey” to be prepared by a land surveyor, licensed in the State of Utah. This record survey shall clearly show the division of the proposed lots and shall include all dimensions, square footage, and metes and bounds descriptions. The “record survey” shall be prepared in accordance with the standards established by the City and/or the County surveyor.
- b. The Land Use Authority outlined in 14.08.010 shall either approve with modifications, or reject the record survey.

5. Required Improvements:

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

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

SECTION 24: AMENDMENT “14.12.010 Submittal Requirements” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.12.010 Submittal Requirements

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

- a. **Application.** A preliminary plan application shall be completed and signed by the owner(s) as identified on the property assessment rolls of the County, or by an authorized agent of the owner(s), of the land proposed to be subdivided. The preliminary plan application shall be accompanied by the fee as outlined in the City's fee schedule.
- b. **Preliminary Subdivision Plat.** A preliminary subdivision plat shall be prepared by a registered land surveyor licensed to do such work in the State of Utah. A poorly drawn or illegible plat shall be sufficient cause for its rejection by the City. One (1) electronic (PDF) copy, one (1) twenty-four inch by thirty-six inch (24"x36") and (13) eleven inch by seventeen inch (11"x17") paper copies of the preliminary subdivision plat shall be presented to the Zoning Administrator with the preliminary plan application. The preliminary subdivision plat shall show the following.
 - i. A layout of the proposed subdivision, at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Zoning Administrator and/or city Engineer.
 - ii. Located at the top and center of the preliminary plat, the proposed name of the subdivision is distinct from any other plat already recorded with the County Recorder's Office.
 - iii. The boundaries, course, areas, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the applicant proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose.
 - (1) Lot lines shall show dimensions in feet and hundredths.
 - (2) The area of each lot shall be shown in square feet or acres.
 - (3) All boundary, lot and other geometries (bearings, distances, curve data, etc.) on the plat shall close with an accuracy of not less than one part in five thousand (1/5,000).
 - (4) Note: or other such iron markers, with the appropriate surveyor's tag, shall be placed at each lot corner prior to approval of the final plat;
 - iv. The lot or unit reference, block or building reference, street or site address, the street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale. streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the City.
 - v. Every existing right-of-way and easement grant or record for underground utility facilities.
 - vi. A title block, placed on the lower right-hand corner of the plat showing:
 - (1) Name and address of the owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
 - (2) Date of preparation of the preliminary subdivision plat, and all

revision dates.

(3) Signature blocks for the dated signatures of the Commission Chair, Mayor, City Engineer, City Attorney, and required private or public utility/service providers.

- vii. North arrow, graphic and written scale, and basis of bearings used.
- viii. A vicinity map of the site at a minimum scale of one inch equals one thousand feet (1" = 1,000'), or as recommended by the Zoning Administrator and/or City's Engineer.
- ix. Surveyed boundary of the proposed subdivision, accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. location of the property with respect to surrounding property and roads and the names of all adjoining property owners of record shall be shown.
- x. The legal description of the entire subdivision site boundary.
- xi. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any of the dedication or reservation. of common areas shall be required on all condominium and planned unit development plats.
- xii. If the area within the plat is intended to be part of a community association subject to Title 57, Chapter 8a, Community Association Act, the plat must include language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.
- xiii. If the application is for a "condominium," requirement that the plat contain the additional elements of Utah State Code §57-8-13.

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

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

power lines and power poles, bridges, culverts, drainage channels, rights-of-way and easements, field drawings, and well or spring protection areas.

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

- v. Traffic or parking studies;
- vi. Landscape maintenance; and
- vii. Wildlife habitat preservation.

AFTER AMENDMENT

14.12.010 Submittal Requirements

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

1. **Application.** A preliminary plan application shall be completed and signed by the owner(s) as identified on the property assessment rolls of the County, or by an authorized agent of the owner(s), of the land proposed to be subdivided. The preliminary plan application shall be accompanied by the fee as outlined in the City's fee schedule.
2. **Preliminary Subdivision Plat.** A preliminary subdivision plat shall be prepared by a registered land surveyor licensed to do such work in the State of Utah. A poorly drawn or illegible plat shall be sufficient cause for its rejection by the City. One (1) electronic (PDF) copy, one (1) twenty-four inch by thirty-six inch (24"x36") and (13) eleven inch by seventeen inch (11"x17") paper copies of the preliminary subdivision plat shall be presented to the Zoning Administrator with the preliminary plan application. The preliminary subdivision plat shall show the following.
 - a. A layout of the proposed subdivision, at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Zoning Administrator and/or city Engineer.
 - b. Located at the top and center of the preliminary plat, the proposed name of the subdivision is distinct from any other plat already recorded with the County Recorder's Office.
 - c. The boundaries, course, areas, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the applicant proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose.
 - (1) Lot lines shall show dimensions in feet and hundredths.
 - (2) The area of each lot shall be shown in square feet or acres.
 - (3) All boundary, lot and other geometries (bearings, distances, curve data, etc.) on the plat shall close with an accuracy of not less than one part in five thousand (1/5,000).
 - (4) Note: Survey monuments or other such iron markers, with the appropriate surveyor's tag, shall be placed at each lot corner prior to approval of the final plat;
 - (5) The lot or unit reference, block or building reference, street or site address, the street name or coordinate address, acreage or square

footage for all parcels, units, or lots and length and width of the blocks and lots intended for sale, streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the City.

(6) Every existing right-of-way and easement grant or record for underground utility facilities.

- d. ~~The lot or unit reference, block or building reference, street or site address, the street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale, streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system adopted by the City.~~
- e. ~~Every existing right-of-way and easement grant or record for underground utility facilities.~~
- f. A title block, placed on the lower right-hand corner of the plat showing:
 - (1) Name and address of the owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
 - (2) Date of preparation of the preliminary subdivision plat, and all revision dates.
 - (3) Signature blocks for the dated signatures of the Commission Chair, Mayor, City Engineer, City Attorney, and required private or public utility/service providers.
- g. North arrow, graphic and written scale, and basis of bearings used.
- h. A vicinity map of the site at a minimum scale of one inch equals one thousand feet (1" = 1,000'), or as recommended by the Zoning Administrator and/or City's Engineer.
- i. Surveyed boundary of the proposed subdivision, accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument. Including the location of the property with respect to surrounding property and roads and the names of all adjoining property owners of record shall be shown.
- j. The legal description of the entire subdivision site boundary.
- k. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any of the dedication or reservation. ~~of e~~Common areas shall be required on all condominium and planned unit development plats.
- l. If the area within the plat is intended to be part of a community association subject to ~~Title 57, Chapter 8a, §57-8a.~~ Community Association Act, of Utah State Code (as amended) the plat must include language conveying to the association, as that term is defined in Section §57-8a-102 of Utah State Code (as amended), all common areas, ~~as that term is defined in Section 57-8a-102.~~
- m. If the application is for a "condominium," requirement that the plat contain the additional elements of Utah State Code §57-8-13.

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

- a. The identification of known natural features including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, areas of slope exceeding thirty percent (30%) grade, flood channels as identified by any federal or state agency, all water bodies and drainage ways, and any other natural features as required by the City's ~~DRC~~ Staff, ~~DRC~~, or Land Use Authority for the entire subdivision site, including the total acres in each.
- b. Existing site contours, at intervals of no greater than two feet (2'), unless otherwise approved by City ~~DRC~~ Staff, ~~DRC~~, or Land Use Authority, overlaid with the proposed subdivision layout.
- c. The location of any known human-made features on, or contiguous to the subdivision site, including existing platted lots, all utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, rights-of-way and easements, field drawings, and well or spring protection areas.
- d. The location and dimensions of all existing buildings, fence lines, and property lines, are overlaid with the proposed subdivision layout.
- e. The layout of existing power and the source and connection to the existing power supply.
- f. All existing and proposed roadway locations and dimensions, with cross sections of all new roads proposed to be dedicated to the City, showing the grades, proposed cuts and fills exceeding three feet (3'). The proposed radius of all center line curves shall be shown.
 - (1) Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the plat in a form approved by the City Attorney.
- g. The location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells and springs, and the location of all secondary water locations, as required by City ~~DRC~~ Staff, ~~DRC~~, or the Land Use Authority as applicable, overlaid with the proposed subdivision layout plan.
- h. The proposed storm drainage system, including 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 fire hydrants.
- j. Each proposed lot shall identify required setback lines including front, side and rear as required by the zoning district in which the proposed subdivision is

- located.
- k. The location of all existing and proposed street lights identifying the location, type, and light output of all street lights.
 - l. The location of all existing and proposed street trees, shrubs and other landscape materials and plantings.
 - m. The location of cluster mailbox units.
 - n. Engineer's cost estimate(s) of required improvements.
4. **Title Report.** A preliminary title report for the property proposed to be subdivided, provided by a title company within thirty (30) days of the date of the preliminary plan application.
 5. **Tax Clearance.** tax clearance from the County Treasurer indicating that all taxes, interest, and penalties owing for the property have been paid.
 6. **Letter Of Soil Suitability: Soils Report Site Specific Soils Test.**
 - a. A letter from the Soil Conservation District (Natural Resources Conservation Service) or other capable agency regarding soil suitability for the proposed subdivision; or
 - b. A soils report including, but not limited to, slope analysis, general soils classification, suitability for development, erosion potential, recommendations for proposed methods of mitigating any constraints determined to be present as part of the development plan, any adverse impact on the natural environment, and anything else required by the adopted standards or specifications of the City when deemed applicable or prudent by City Staff, Planning Commission, or Land Use Authority shall be provided.
 - c. Whenever it is determined by the City that a soils analysis or report is required for a particular site, the applicant(s) may also be required to perform a site specific soils test prior to the issuance of a building permit.
 7. **Documentation of Water Rights.** Relevant documentation from the Utah Division of Water Rights shall be provided including a change order applied for or actual water rights for the property proposed for development.
 8. **Letter of Feasibility For Sewage Disposal.** A letter of feasibility for sewage disposal from the Tri-County Health Department shall be provided whenever an on-site septic system is being proposed.
 9. **Letter Of Feasibility For Utilities.** A letter from each utility company involved, addressed to the City or the relevant Land Use Authority, shall be provided stating that it has reviewed the applicant's plan(s) and is setting forth its comments concerning the extent of services, the design of the utility easements to every lot within the subdivision. If such a letter cannot be provided by the relevant utility, a copy of the applicant's preliminary design plan approved by the utility company shall be returned, signed by the relevant utility, to the City.
 10. **Additional Information And Materials When Necessary.** When City ~~S~~staff, ~~the DRC,~~ or Land Use Authority deem necessary, the applicant(s) may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including but not limited to:
 - a.

The substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings and structures;

- b. Adequacy or availability of water and groundwater protection;
- c. Adequacy or availability of public safety and fire protection;
- d. Geological issues or flood hazards;
- ~~e. Erosion control and any other physical or environmental matters;~~
- f. Traffic or parking studies;
- g. Landscape maintenance; and
- h. Wildlife habitat preservation.

SECTION 25: AMENDMENT “14.12.020 Review Procedure” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.12.020 Review Procedure

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

available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modifications only those preliminary plans which it finds to be developed in accordance with the intent, standards, and criteria specified in this title. If the preliminary plan does not conform to all applicable requirements and conditions or modifications cannot be imposed that correct such nonconformance, the Land Use Authority shall deny and reject the preliminary plan.

AFTER AMENDMENT

14.12.020 Review Procedure

1. The Zoning Administrator shall, upon receipt of a complete preliminary plan submission, distribute copies of the plan to Reviewing Body outlined in 14.08.010 and other agencies or affected entities as in the opinion of the Zoning Administrator may contribute comments or suggestions on the proposed subdivision which are deemed to be in the best interest of the ~~health, safety, and welfare of the City's residents~~public.
2. The Reviewing Body shall review and require revisions of the submitted preliminary plan in accordance with the review cycle process described in 14.08.110 of this title and §10-9a-604.220-806 of Utah State Code (as amended).
3. After completing the review cycle process, the preliminary plan shall receive a final recommendation from the applicable Recommending Body as outlined in 14.08.010.
4. When identified as the Recommending Body, the Planning Commission at their next regularly scheduled meeting, shall, in a public meeting, recommend approval, approval with modifications or denial of the submitted preliminary plan application to the Land Use Authority.
5. All Recommending Bodies, when rendering their recommendation shall base their recommendation on the determination of compliance with the standards and criteria set forth by the City, including but not limited to: this title and other land use ordinances, the City's General Plan and other applicable master plans, other adopted City standards, specifications, and design criteria. If the Recommending Body finds the preliminary plan to be inadequate, deficient, or defective with respect to such standards and criteria, the Recommending Body shall specify in writing the inadequacy in the application, noncompliance with City regulations, questionable or undesirable design or engineering practices, and/or the need for additional information as part of its recommendation.
6. The Land Use Authority shall then consider the application for preliminary plan approval, including the recommendations of the Recommending Body, at its next available regularly scheduled public meeting. The Land Use Authority shall approve, or approve with modifications only those preliminary plans which it finds to be developed in accordance with the intent, standards, and criteria specified in this title. If the preliminary plan does not conform to all applicable requirements and conditions or modifications cannot be imposed that correct such nonconformance, the Land Use Authority shall deny and reject the preliminary plan.

SECTION 26: AMENDMENT “14.12.120 Agricultural Exemption From Plat Necessity” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.12.120 Agricultural Exemption From Plat Necessity

1. Applications to subdivide agricultural land are exempt from the preliminary and final plat requirements (but not the other application requirements) of Sections 14.12 and 14.14 if the resulting parcels:
 - a. Qualify as land in agricultural use under Utah Code §59-2-502;
 - b. Meet the minimum size requirement of applicable City land use ordinances; and
 - c. Are not used and will not be used for any nonagricultural purpose.
2. For subdivision applications for which this exception applies, an applicant may submit to the City, in place of a plat, a record of survey map that illustrates the boundaries of the parcels.
3. If the City approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the City, with the County Recorder's Office. This shall be done in the same manner as is done for a plat
4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall become invalid. The City may, in its discretion, impose the penalty in Section 14.04.050 and/ or require a subdivision amendment before issuing a building permit.

AFTER AMENDMENT

14.12.120 Agricultural Lands: Exemption From ~~Plat Necessity~~ Platting Requirements

1. Applications to subdivide agricultural land are exempt from the preliminary and final plat requirements (but not the other application requirements) of Sections 14.12 and 14.14 if the resulting parcels:
 - a. Qualify as land in agricultural use under ~~Utah Code~~ §59-2-502 of Utah State Code (as amended);
 - b. Meet the minimum size requirement of applicable City land use ordinances; and
 - c. Are not used and will not be used for any nonagricultural purpose.
2. For subdivision applications for which this exception applies, an applicant may submit to the ~~City~~, Land Use Authority in 14.08.010, in place of a plat, a ~~R~~record of ~~S~~survey ~~map~~ that illustrates the boundaries of the parcels.
3. If the ~~City~~ Land Use Authority approves a subdivision application based on a ~~R~~record of ~~S~~survey ~~map~~, the applicant shall record the Record of Survey map, signed by the City, with the County Recorder's Office. ~~This shall be done in the same manner as is done for a plat~~

4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agricultural purposes, the subdivision shall become invalid. The City may, in its discretion, impose the penalty in Section 14.04.050 and/or require a subdivision amendment plat before issuing a building permit.

SECTION 27: AMENDMENT “14.14.020 Submittal Requirements” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.14.020 Submittal Requirements

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

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

all improvements shall be replaced by the applicant under the direction of the County Surveyor. The following required monuments shall be shown on the final plat:

- i. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;
 - ii. All right-of-way monuments at angle points and intersections as approved by the County Surveyor.
- e. The final plat shall contain the name, stamp, and signature of a professional land surveyor licensed in the State of Utah, who prepared the plat, together with the date of the survey, the scale of the map, and the number of sheets. The following certificates, acknowledgments, and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
- i. Professional Land Surveyor's "Certificate of Survey":

SURVEYOR'S CERTIFICATE

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

- ii. Owners dedication certificate in the following form:

OWNERS DEDICATION

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

(Add appropriate acknowledgment.)

- iii. Notary public's acknowledgment for each signature on the plat;
- iv. A correct metes and bounds description of all property included within the subdivision;
- v. Signature lines for the City's Attorney, City's Engineer, Culinary Water / Sanitary Sewer / Fire Authority (if applicable), Planning Commission Chair, Mayor with an attestation by the City Recorder. A block, one and one half inch by five inches (1 1/2" x 5") for the County Recorder provided in the lower right-hand corner of the final

- plat; and
- vi. Such other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law, this title, the County Attorney, and/or County Surveyor.
- f. Title Report. Prior to the recordation of the final plat, the applicant shall submit a current title report for review. The current title report shall disclose all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. The title report shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses such encumbrances, than at the option of the City's Attorney, the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Land Use Authority.
- g. When a subdivision contains lands that are reserved in private ownership for community use, including common areas, the applicant shall submit with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required by the County.
- h. Final Plans Subdivision Improvement Plans (i.e., Construction/Improvement Plans). Final plans or construction drawings addressing required improvements as required by this title.
- i. Final plans shall conform in all applicable City Standard Drawings and Specifications.
 - ii. Final plans shall indicate the layout, profile, and detailed design of the following:
 - (1) Grading/Drainage Plan. The proposed grading and drainage plan shall be indicated by solid- line contours superimposed on dashed-line contours of existing topography for the area of the final plat. Such contours shall be at two foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade, and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. In case of predominantly level topography throughout a subdivision, one foot (1') contour intervals may be required.
 - (2) Street Plan. The proposed street plan shall include street profiles and typical cross-section drawings of proposed roads, bridges, culverts, sewers, and other drainage structures.
 - (A) The street plan shall show proposed grades including centerline grades of existing streets in adjacent properties.

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

AFTER AMENDMENT

14.14.020 Submittal Requirements

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

1. **Application.** A final plat application shall be completed and signed by the owner(s) as identified on the property assessment rolls of the County, or by an authorized agent of the owner(s), of the land proposed to be subdivided. The final plat application shall be accompanied by the fee as outlined in the City's fee schedule.
2. **Final Subdivision Plat.**
 - a. NOTE: The mylar copy of the final plat shall be submitted to the Zoning Administrator at the request of the Zoning Administrator. Until then submission of one (1) electronic (PDF) copy, one (1) twenty-four inch by thirty-six inch (24" x 36") and thirteen (13) eleven inch by seventeen inch (11" x 17") paper copies of the final plat shall be sufficient for review purposes
 - b. The final plat shall consist of a mylar with the outside or trim line dimensions of twenty-four inches by thirty-six inches (24" x 36"). The borderline of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches (1 ½") on the left side and at least one-half inch (½") margin on the

other sides. The plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on a mylar with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case shall not be smaller than one inch equals one hundred feet (1" = 100'). Workmanship on the finished drawing shall be neat, clean cut and readable.

- c. The final plat shall conform in all respects to the preliminary plat as previously reviewed and approved by the Land Use Authority and shall have incorporated all modifications required in its review.
- d. The plat shall fully and clearly show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or benchmark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the applicant under the direction of the County Surveyor. The following required monuments shall be shown on the final plat:
 - i. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;
 - ii. All right-of-way monuments at angle points and intersections as approved by the County Surveyor.
- e. The final plat shall contain the name, stamp, and signature of a professional land surveyor licensed in the State of Utah, who prepared the plat, together with the date of the survey, the scale of the map, and the number of sheets. The following certificates, acknowledgments, and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
 - i. Professional Land Surveyor's "Certificate of Survey":

SURVEYOR'S CERTIFICATE

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

- ii. Owners dedication certificate in the following form:

OWNERS DEDICATION

Known all men by these presents that we, the undersigned owner(s) of the above-described tract of land, having caused said tract to be subdivided into lots and streets to be hereafter known as [name of

subdivision] do hereby dedicate for perpetual use of the public all parcels of land, other utilities, or easements shown on this plat as intended for public use. In witness whereof, we have hereunto set out hands this _____ day of _____, 20_____.

(Add appropriate acknowledgment.

- iii. Notary public's acknowledgment for each signature on the plat;
 - iv. A correct metes and bounds description of all property included within the subdivision;
 - v. Signature lines as required by the City for the City's Attorney, City's Engineer, Culinary Water / Sanitary Sewer / Fire Authority (if applicable), Planning Commission Chair, Mayor with an attestation by the City Recorder. A block, one and one half inch by five inches (1 ½" x 5") for the County Recorder provided in the lower right-hand corner of the final plat; and
 - vi. Such other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law, this title, the County Attorney, and/or County Surveyor.
- f. **Title Report.** Prior to the recordation of the final plat, the applicant shall submit a current title report for review. The current title report shall disclose all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. The title report shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses such encumbrances, than at the option of the City's Attorney, the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Land Use Authority.
- g. **Covenants, Deed Restrictions, Etc.** When a subdivision contains lands that are reserved in private ownership for community use, including common areas, the applicant shall submit with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required by the County.
- h. **Final Plans Subdivision Improvement Plans (i.e., Construction/Improvement Plans Including Engineer's Cost Estimate(s)).** Final plans or construction drawings addressing required improvements as required by this title including engineer's cost estimate(s) for required improvements.
- i. Final plans shall conform in all applicable City Standard Drawings and Specifications.
 - ii. Final plans shall indicate the layout, profile, and detailed design of the following:

- (1) **Grading/Drainage Plan.** The proposed grading and drainage plan shall be indicated by solid- line contours superimposed on dashed-line contours of existing topography for the area of the final plat. Such contours shall be at two foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade, and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. In case of predominantly level topography throughout a subdivision, one foot (1') contour intervals may be required.
- (2) **Street Plan.** The proposed street plan shall include street profiles and typical cross-section drawings of proposed roads, bridges, culverts, sewers, and other drainage structures.
 - (A) The street plan shall show proposed grades including centerline grades of existing streets in adjacent properties.
 - (B) Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the City must be submitted.
 - (C) When a new street will intersect with a State Highway, a copy of the State Highway permit shall be submitted to the City.
- (3) **Stormwater Drainage/Management Plan.** A stormwater drainage/management plan shall include water courses, and proposed storm drainage systems including culverts, water areas, streams, and flood plain areas. Approximate boundaries of areas subject to inundation or storm water overflows shall also be included.
- (4) **Stormwater Pollution Prevention Plan (SWPPP).** A SWPPP shall be required to be submitted in its final form for all proposed subdivisions, unless specifically exempted by the City Engineer or State [of Utah](#).
- (5) **Utility Plan.** A utility plan shall include the location and profiles of proposed sewer, water, pressurized irrigation, storm drain lines, and any other proposed utility. Plans shall include the location, size, and proposed use of all easements. All utilities shall be constructed within approved easements.

SECTION 28: **AMENDMENT** “14.16 Subdivision Amendments; Property Boundary Adjustments; Boundary Line Agreement” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.16 Subdivision Amendments; Property Boundary Adjustments; Boundary Line Agreement

AFTER AMENDMENT

14.16 Subdivision Amendments; ~~Property Boundary Adjustments; Boundary Line Agreement~~ Simple And Full Boundry Adjustments

SECTION 29: **AMENDMENT** “14.16.010 Amendments To Recorded Plats; Vacation Of Public Street” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.16.010 Amendments To Recorded Plats; Vacation Of Public Street

1. The Land Use Authority as outlined in 14.08.010 may, considered any proposed vacation, alteration, or amendment of a recorded subdivision plat, any portion of the recorded subdivision plat, or any road or lot contained in a recorded subdivision plat by following and complying with all of the requirements for amending a subdivision, or vacating a public street as identified in §10-9a-608, §10-9a-609, and §10-9a-609.5 of Utah State Code (as amended).
2. Applicant(s) shall submit a complete application, including the fee as required as indicated in the City’s fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.
3. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §10-9a-608, §10-9a-609, and §10-9a-609.5 of Utah State Code (as amended) shall be cause for the Zoning Administrator’s determination of an incomplete submittal and shall prohibit the Recommending Body and Land Use Authority as outlined in 14.08.010 from considering any material, items, or other information related to the proposed subdivision amendment or vacation of the public right-of-way. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
4. An aggrieved party may appeal the decision of the Land Use Authority concerning a subdivision plat amendment or vacation of public right-of-way to the Appeal Authority outlined in 14.08.010.

AFTER AMENDMENT

14.16.010 Amendments To Recorded Plats; Vacation Of Public Street

1. The Land Use Authority as outlined in 14.08.010 may, considered any proposed vacation, alteration, or amendment of a recorded subdivision plat, any portion of the recorded subdivision plat, or any road or lot contained in a recorded subdivision plat by following and complying with all of the requirements for amending a subdivision, or vacating a public street as identified in §10-20-811~~9a-608~~, §10-20-812~~9a-609~~, and §10-20-813~~9a-609.5~~ of Utah State Code (as amended).
2. Applicant(s) shall submit a complete application, including the fee as required as indicated in the City's fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.
3. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §10-20-811~~9a-608~~, §10-20-812~~9a-609~~, and §10-20-813~~9a-609.5~~ of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal and shall prohibit the Recommending Body and Land Use Authority as outlined in 14.08.010 from considering any material, items, or other information related to the proposed subdivision amendment or vacation of the public right-of-way. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
4. **Plat Requirements.** Applicant(s) shall prepare a plat that:
 - a. Depicts only the portion of the subdivision that is proposed to be amended;
 - b. Includes a plat name that distinguishes the amended plat from the original plat;
 - c. Describes the differences between the amended and original plat; and
 - d. Includes relevant references to the original plat.
 - e. A petition to vacate some or all of the public street or municipal utility easement shall also include:
 - i. The name, address, and signature of each owner of record of land that is adjacent to the public street or municipal utility easement between the two (2) nearest public street intersections or accesses exclusively by or within three hundred feet (300') of the public street or municipal utility easement who consents to the vacation; and
 - ii. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated.
 - f. **Affected Entities.** The City shall provide notice to affected entities as required by § 10-20-811 of Utah State Code (as amended).
 - g. **Public Hearing Required.**
 - i. Unless exempted from the public hearing requirements outlined in § 10-20-811 of Utah State Code (as amended), the Land Use Authority outlined in 14.08.010 shall hold a public hearing to consider the

approval, approval with modifications, or denial of a proposed subdivision amendment.

ii. For a proposed subdivision plat amendment that vacates some of all of a public street or municipal utility easement, the Land Use Authority shall hold a public hearing in accordance with § 10-20-208 of Utah State Code (as amended).

h. Approval Requirements.

i. The Land Use Authority may only approve the vacation or amendment of a plat by finding that there is good cause for the vacation or amendment and that no public street or municipal utility easement has been vacated or amended.

ii. For a proposed subdivision plat amendment that vacates some or all of a public street or municipal utility easement, the Land Use Authority may only approve the vacation or amendment of a plat by finding that there is good cause for the vacation and that neither the public interest nor any person will be materially injured by the vacation. The Land Use Authority may not approve a petition to vacate a public street unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

i. Appeals. An aggrieved party may appeal the decision of the Land Use Authority concerning a subdivision plat amendment or vacation of public right-of-way to the Appeal Authority outlined in 14.08.010:

SECTION 30: AMENDMENT “14.16.020 Property Boundary Adjustments; Boundary Line Agreements” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.16.020 Property Boundary Adjustments; Boundary Line Agreements

1. Property boundary adjustments including parcel boundary adjustments, lot line adjustments, and boundary line agreements shall follow the process identified in §10-9a-522 and §10-9a-523 of Utah State Code (as amended).
2. When subject to review by the Land Use Authority outlined in 14.08.010, applicant(s) shall submit a complete application including the fee as required in the City’s fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.
3. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §10-9a-522 and §10-9a-523 of Utah State Code (as amended) shall be cause for the Zoning Administrator’s determination of an incomplete submittal and shall prohibit the Land Use Authority from considering

any material, items, or other information related to the application. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.

4. The City may withhold approval of a subsequent land use application for property that is subject to a recorded boundary line agreement or other document used to adjust a mutual boundary line if the City determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the City's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.
5. An aggrieved party may appeal the decision of the Land Use Authority regarding property boundary adjustments to the Appeal Authority outlined in 14.08.010.

AFTER AMENDMENT

14.16.020 Property Boundary Adjustments; Boundary Line Agreements

1. **Purpose.** This section sets forth the procedures for simple and full boundary adjustments as provided by § 10-20 of Utah State Code (as amended). ~~Property boundary adjustments including parcel boundary adjustments, lot line adjustments, and boundary line agreements shall follow the process identified in §10-9a-522 and §10-9a-523 of Utah State Code (as amended).~~
2. **Authority.** The Land Use Authority as outlined in 14.08.010 shall be authorized to render decisions regarding simple and full boundary adjustments with the City. ~~When subject to review by the Land Use Authority outlined in 14.08.010, applicant(s) shall submit a complete application including the fee as required in the City's fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.~~
3. **Simple Boundary Adjustment.** A simple boundary adjustment shall include a conveyance document that complies with § 57-1-45.5 of Utah State Code (as amended) and shall describe all lots or parcels affected by the proposed boundary adjustment.
 - a. **Application.** When subject to review by the Land Use Authority outlined in 14.08.010, applicant(s) shall submit a complete application including the fee as required in the City's fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator, together with the number and size of plans indicated on the application form, including all digital submittals.
 - b. Poorly drawn or illegible plans shall be sufficient cause for rejection. The lack of any information required by this title or as outlined in §10-20-906~~9a-522~~ and §10-9a-523 ~~o~~of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal and shall prohibit the Land Use Authority from considering any material, items, or other information related to the application. The Zoning Administrator shall notify the applicant of the required information lacking from the application in

writing.

- c. **Determination of Complete Application.** After the Zoning Administrator determines the completeness of an application, the Zoning Administrator shall transmit the application to the Land Use Authority outlined in 14.08.010 for its review.
- d. **Approval Standards.** The Land Use Authority shall consent to the proposed simple boundary adjustment if the Land Use Authority verifies that the proposed simple boundary adjustment meets the requirements of § 10-20-906 of Utah State Code (as amended) and does not:
 - i. Affect a public right-of-way, municipal utility easement, or other public property.
 - ii. Affect an existing easement, onsite wastewater system, or an internal lot restriction; or
 - iii. Result in a lot or parcel out of conformity with the city's adopted land use regulations.
 - iv. If the Land Use Authority determines that a proposed simple boundary adjustment does not meet the requirements of § 10-20-906 of Utah State Code (as amended), an application for full boundary adjustment shall be required.

4. **Full Boundary Adjustment.** A full boundary adjustment shall include a conveyance document that complies with § 57-1-45.5 of Utah State Code (as amended), a survey that complies with § 57-1-4.5(3)(b) of Utah State Code (as amended) and if deemed necessary by the Land Use Authority, a proposed subdivision plat amended corresponding with the full boundary adjustment prepared in accordance with 14.16.010 of this title and § 10-20-811 of Utah State Code (as amended).

- a. **Application.** Applicant(s) seeking a full boundary adjustment shall submit a complete application including the fee as required in the City's fee schedule to the Zoning Administrator on a form prescribed by the Zoning Administrator together with the number and size of plans indicated on the application form, including digital submittals.
- b. **Poorly drawn or illegible plans shall be sufficient cause for rejection.** The lack of any information required by this title or as outlined in § 10-20-906 of Utah State Code (as amended) shall be cause for the Zoning Administrator's determination of an incomplete submittal and shall prohibit the Land Use Authority from considering any material, items, or other information related to the application. The Zoning Administrator shall notify the applicant of the required information lacking from the application in writing.
- c. **Determination Of Complete Application.** After the Zoning Administrator determines the completeness of an application, the Zoning Administrator shall transmit the application to the Land Use Authority outlined in 14.08.010 for its review.
- d. **Approval Standards.** The Land Use Authority outlined in 14.08.010 shall consent to a full boundary adjustment if the proposal submitted to the Land Use Authority includes:
 - i. All necessary information;

- ii. The survey shows no evidence of a violation of the City's land use regulations; and
 - iii. When deemed applicable by the Land Use Authority, the subdivision plat amendment corresponding with the proposed full boundary adjustment has been approved in accordance with 14.16.010 of this title and § 10-20-811 of Utah State Code (as amended).
 - e. The Land Use Authority's consent to the simple or full boundary adjustment shall be an administrative act. Notice of consent shall be provided by the Land Use Authority to the applicant(s) proposing the boundary adjustment in a format clear:
 - i. The Land Use Authority is not responsible for any error(s) related to the boundary adjustment; and
 - ii. The County Recorder may record the boundary adjustment.
 - f. A boundary adjustment shall be effective from the day on which the boundary adjustment was consented to by the Land Use Authority and is recorded by the County Recorder along with the relevant conveyance document.
 - g. The recording of a boundary adjustment shall not constitute a land use approval by the Land Use Authority.
 - h. The City may enforce its ordinances against, or withhold approval of a subsequent land use application for property that is subject to a ~~recorded boundary line agreement or other document used to adjust a mutual boundary line if~~ boundary adjustment if the City determines that the resulting lots or parcels, ~~as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line,~~ are not in compliance with the City's land use regulations in effect on the day on which the boundary ~~line agreement or other document used to adjust the mutual boundary line~~ adjustment is recorded.
 - i. Appeals. An aggrieved party may appeal the decision of the Land Use Authority regarding a simple or full boundary adjustment to the Appeal Authority outlined in 14.08.010.
- ~~5. An aggrieved party may appeal the decision of the Land Use Authority regarding property boundary adjustments to the Appeal Authority outlined in 14.08.010.~~

SECTION 31: AMENDMENT “14.18.010 General Requirements For All Subdivisions” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.18.010 General Requirements For All Subdivisions

1. General Layout Standards:

- a. The design of the subdivision shall preserve to the extent possible the natural terrain, drainage, existing topsoil and trees.

- b. Land subject to hazardous conditions such as landslides, mudflow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall be identified and shall not be developed until the hazards have been eliminated or will be eliminated by the proposed development and construction plans.
- c. Blocks shall not exceed one thousand six hundred feet (1,600') in length. Blocks shall be wide enough to adequately accommodate two (2) tiers of lots.
- d. Dedicated walkways through the block may be required where access is necessary to a point designated by the Land Use Authority as outlined in 14.08.010. Such walkways shall be a minimum of five feet (5') in width, but may be required to be wider where determined necessary. The subdivider shall surface the full width of the walkway with a concrete surface, install a chain-link fence or its equal four feet (4') high on each side and along the full length of each walkway and provide barriers at each walkway entrance to prevent the use of the walkway by any motor vehicle or by any other non motorized vehicle wider than four feet (4').
- e. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities as required in the City's land use ordinance.

2. Lot Layout Standards:

- a. No single lot shall be divided by a City or County boundary line.
- b. A lot shall not be divided by a road, alley, or other parcel or lot.
- c. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for building, and be properly related to topography, to the character of surrounding development and to existing requirements. A subdivision should not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, driveway grades or other physical conditions.
- d. All lots shown on the preliminary and final plats must conform to the minimum requirements of the City's code, if any, for the zone in which the subdivision is located. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Land Use Authority.
- e. All lots shall have the minimum required frontage on a dedicated street, improved to standards hereinafter specified, with a pavement width from gutter to gutter equal to at least forty-six feet (46'). Exceptions may be given to intrablock lots which have been approved subject to the applicable provisions of the City's code.
- f. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable or in cases where lots adjoin arterial or major collector streets. Double frontage lots or limited driveway access may be required when lots adjoin. The applicant or subdivider may be required to construct a fence meeting the requirements established by the Land Use Authority outlined in 14.08.010 along the rear lot lines of double frontage lots.
- g. Side lines of lots shall be approximately at right angles, or radial to the street

lines.

- h. In general, all remnants of lots below minimum size shall be added to adjacent lots, rather than allowed to remain as unusable parcels.
- i. Corner lots shall be provided in a sufficiently larger size than the minimum lot size required by the zoning district in which they are located to provide for the same quality and size of building area as interior lots to accommodate the increased setbacks and yard requirements that apply to corner lots.
- j. Flag Lots.: The Land Use Authority may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:
 - i. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff shall be twenty- five feet (25') and the maximum length shall be one hundred and seventy feet (170').
 - ii. No building or construction, except for driveways, shall be allowed on the staff portion of said flag lot.
 - iii. The front side of the flag portion of said lots shall be deemed to end, and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.
 - iv. All lot size and setback requirements shall be the same as may be required by the zone in which the lot is located. The staff portion of the lot shall not be used to calculate the minimum lot size. Setbacks shall be shown on the plat and approved by the Land Use Authority.
 - v. No more than two (2) flag lots or four (4) dwelling units may be served by one 25-foot wide staff.
 - vi. The maximum number of flag lots in the development shall not be more than ten percent (10%) of the total number of lots within the proposed development.

3. Street Layout Standards:

- a. Subdividers shall locate streets within the subdivision so that the streets connect with existing public streets and shall meet the provisions of the City's adopted master street plan and/or the transportation section of the General Plan. Those streets which have not been designated on the master street plan shall be as required by the Land Use Authority.
- b. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to un- subdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Land Use Authority.
- c. Streets shall intersect with each other with a right of way radius corner of at least thirteen feet (13').
- d. Minor streets shall approach the arterial or collector streets at an angle of not less than eighty five degrees (85°).
- e. Cul-de-sacs shall be allowed at the discretion of the Land Use Authority. In no case shall cul-de-sacs exceed a maximum length of five hundred feet (500') measured from the intersecting right of way line to the center of the cul-de-sac.

All cul-de-sacs shall have a minimum radius of one hundred feet (100'). However, the Land Use Authority may require upon the recommendation of the City's Engineer cul-de-sacs be constructed with a fifty four foot (54') diameter planted median and a one hundred twenty seven foot (127') diameter right of way to accommodate better snow removal.

- f. Where a street is designated to remain only temporarily as a dead end street and is at least two hundred fifty feet (250') in length, a satisfactory turnaround area and recordable easement may be required at the end thereof to remain and be available for public use so long as the dead end exists. The City may require improvements to be installed in temporary turnaround areas.
- g. All streets shall conform to the specifications of the Uintah County Street Code Book.
- h. All streets shall be paved with hot mix bituminous asphalt and shall meet all requirements of the geotechnical study and shall fully comply with the Construction Standard Specifications and Plans as adopted by Ballard City. (APWA Standards).
- i. A seven and one-half foot (7 1/2) utility easement shall be required across all lot frontages that are adjacent to public streets and other required easements for water, sewers, drainage, utility lines and other purposes.

AFTER AMENDMENT

14.18.010 General Requirements For All Subdivisions

1. General Layout Standards:

- a. All required improvements shall be designed and constructed according to the City's adopted master plans, and design standards and specifications.
- b. The design of the subdivision shall preserve to the extent possible the natural terrain, drainage, existing topsoil and trees.
- c. Sensitive lands, or ~~land~~ and subject to hazardous conditions such as landslides, mudflow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall be identified and shall not be developed until the hazards have been eliminated or will be eliminated by the proposed development and construction plans.
- d. No vegetation removal, improvements or construction shall commence on the subject project until the final plat has been approved by the Land Use Authority, the required guarantee for installation of the required subdivision improvements has been posted with the City, and the final plat has been properly recorded with the County Recorder. These requirements may be specifically waived by the Land Use Authority upon a showing of extraordinary circumstances.
- e. Blocks shall not exceed one thousand six hundred feet (1,600') in length. Blocks shall be wide enough to adequately accommodate two (2) tiers of lots.
- f. Dedicated walkways through the block may be required where access is

necessary to a point designated by the Land Use Authority as outlined in 14.08.010. Such walkways shall be a minimum of five feet (5') in width, but may be required to be wider where determined necessary. The subdivider shall surface the full width of the walkway with a concrete surface, install a chain-link fence or its equal four feet (4') high on each side and along the full length of each walkway and provide barriers at each walkway entrance to prevent the use of the walkway by any motor vehicle or by any other non motorized vehicle wider than four feet (4').

- g. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities as required in the City's land use ordinance.

2. Lot Layout Standards:

- a. No single lot shall be divided by a City or County boundary line.
- b. A lot shall not be divided by a road, alley, or other parcel or lot.
- c. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for building, and be properly related to topography, to the character of surrounding development and to existing requirements. A subdivision should not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, driveway grades or other physical conditions.
- d. All lots shown on ~~the~~ preliminary and final plats ~~shall~~**must** conform to the minimum requirements of the City's **C**eode, if any, for the zone in which the subdivision is located. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Land Use Authority.
- e. All lots shall have the minimum required frontage on a dedicated street, improved to standards hereinafter specified, with a pavement width from gutter to gutter equal to at least forty-six feet (46'). Exceptions may be given to intrablock lots which have been approved subject to the applicable provisions of the City's **C**eode.
- f. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable or in cases where lots adjoin arterial or major collector streets. Double frontage lots or limited driveway access may be required when lots adjoin. The applicant or subdivider may be required to construct a fence meeting the requirements established by the Land Use Authority outlined in 14.08.010 along the rear lot lines of double frontage lots.
- g. Side lines of lots shall be approximately at right angles, or radial to the street lines.
- h. In general, all remnants of lots below minimum size shall be added to adjacent lots, rather than allowed to remain as unusable parcels.
- i. Corner lots shall be provided in a sufficiently larger size than the minimum lot size required by the zoning district in which they are located to provide for the same quality and size of building area as interior lots to accommodate the increased setbacks and yard requirements that apply to corner lots.
- j. **Flag Lots**:-**Flag lots are discouraged in the City. However,** ~~the~~ Land Use

Authority may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:

- i. The property cannot be subdivided with typical public street frontage either at the present or in the foreseeable future.
- ii. The staff portion of said lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff shall be twenty-five feet (25') and the maximum length shall be one hundred and seventy feet (170'); or as may be required to give access to emergency vehicles including sufficient turnaround space, and shall be paved as required as outlined in the City's adopted standard specifications and plans.
- iii. No building or construction, except for driveways, shall be allowed on the staff portion of said flag lot.
- iv. The front side of the flag portion of said lots shall be deemed to end, and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.
- v. All lot size and setback requirements shall be the same as may be required by the zone in which the lot is located. The staff portion of the lot shall not be used to calculate the minimum lot size. Setbacks shall be shown on the plat and approved by the Land Use Authority.
- vi. No more than two (2) flag lots or four (4) dwelling units may be served by one (1) twenty-five foot (25')-foot wide staff portion of a flag lot.
- vii. The maximum number of flag lots in ~~the~~ a development shall not be more than ten percent (10%) of the total number of lots within the proposed development.
- viii. An easement may be required, giving the City access to the staff portion of the lot.

3. Street Layout Standards:

- a. Subdividers shall locate streets within the subdivision so that the streets connect with existing public streets and shall meet the provisions of the City's adopted Master Street Plan and/or the Transportation Section of the General Plan. Those streets which have not been designated on the Master Street Plan shall be as required by the Land Use Authority.
- b. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to un-subdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Land Use Authority.
- c. Streets shall intersect with each other with a right of way radius corner of at least thirteen feet (13').
- d. Minor streets shall approach the arterial or collector streets at an angle of not less than eighty five degrees (85°).
- e. Cul-de-sacs shall be allowed at the discretion of the Land Use Authority. In no case shall cul-de-sacs exceed a maximum length of five hundred feet (500') measured from the intersecting right of way line to the center of the cul-de-sac.

All cul-de-sacs shall have a minimum radius of one hundred feet (100'). However, the Land Use Authority may require upon the recommendation of the City's Engineer cul-de-sacs be constructed with a fifty four foot (54') diameter planted median and a one hundred twenty seven foot (127') diameter right of way to accommodate better snow removal.

- f. Where a street is designated to remain only temporarily as a dead end street and is at least two hundred fifty feet (250') in length, a satisfactory turnaround area and recordable easement may be required at the end thereof to remain and be available for public use so long as the dead end exists. The City may require improvements to be installed in temporary turnaround areas.
- g. All streets shall conform to the specifications of the City, or in the event the City has not adopted such a standard, the Uintah County Street Code Book.
- h. All streets shall be paved with hot mix bituminous asphalt and shall meet all requirements of the geotechnical study and shall fully comply with the Construction Standard Specifications and Plans as adopted by Ballard City. (APWA Standards).
- i. A seven and one-half foot (7 ~~1/2~~^{1/2}) utility easement shall be required across all lot frontages that are adjacent to public streets and other required easements for water, sewers, drainage, utility lines and other purposes.

SECTION 32: AMENDMENT “14.18.020 Design And Construction Standards For Improvements” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.18.020 Design And Construction Standards For Improvements

- 1. **Department Standards:** Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, flood control facilities, water distribution, fire hydrants and sewage disposal shall be prepared by the applicant or developer's engineer and approved by the City's Engineer. All such standards shall be in conformance with the Construction Standard Specification and Plans as adopted by Ballard City. (APWA Standards).
- 2. **Subdivision Improvement Plans:**
 - a. Applicants and subdividers shall be required to provide public improvements to reduce impacts on current City services and budgets and to ensure a livable community.
 - b. All drawings shall be complete, clear and legible and shall conform to the standards of the profession.
 - c. The minimum information required on all drawings submitted for approval shall include:
 - i. Grades: Profiles indicating existing and finished grades on all construction and extending, as required, beyond the limits of the

- immediate project to existing improvements when new improvements are joining existing improvements;
- ii. Construction Details: Plans and profiles will include all construction details such as typical curb and gutter sections; sidewalks, street cross sections; cross drains; location and elevations of manholes; catch basins, storm sewers and their appurtenant works; elevation and location of fire hydrants, water and secondary water mains, type of pipe, valves and their appurtenant works; location, size and elevations of sewer mains with grades and type of pipe, manholes, cleanouts and other appurtenant works;
 - iii. Curves: Complete curve data must be shown for all horizontal and vertical curves. The minimum length of vertical curves shall be one hundred feet (100') unless otherwise approved.
 - iv. Street Lighting Plan: A Street lighting plan in conformance with the standards identified in, "Outdoor Lighting", of this code, shall be prepared for all major subdivisions. Street lighting plans shall indicate the location and height of luminaries, and luminaries style to be constructed. The style of luminaries and luminaire poles shall be as required by the city engineer. Street lighting shall be placed at all intersections, at the end of cul-de-sacs, and at spacing not to exceed five hundred feet (500') measured along the street right of way line.
 - v. All design, materials, plans and details shall fully conform to the Construction Standard Specifications and Plans as adopted by Ballard City. (APWA Standards, latest edition).

3. Sanitary Sewer:

- a. All subdivisions shall provide a sewer collection system. This collection system shall consist of street collection lines, manholes and lateral service lines that are in conformance with the City's sewer standards and other requirements set forth by the City. Subdivisions of three (3) lots or less which are located in a residential agricultural zone or agricultural zone with all lots situated in excess of three hundred feet (300') from an existing sewer collection system and outside the limits of the source protection, and which would require pumping of the sewage due to unavoidable topography or grade may utilize individual sewage septic systems as a means of sewage treatment.
- b. Collection lines and lateral service lines shall be installed according to construction plans duly prepared by a licensed engineer and approved by the City's Engineer. The collection lines shall be installed at the locations and depths necessary to serve all lots. The lateral service lines shall be connected to the collection line and extended to a point in the subdivision lot that is five feet (5') beyond the street property line at which point a cleanout shall be installed.
- c. Collection line manholes shall be placed at locations such that their spacing does not exceed four hundred feet (400').

4. Culinary Water:

- a. Such systems shall be in accordance with City standards and subject to the approval of the City's Engineer and Water Department.
- b. All culinary water service lines shall be stubbed into each subdivision lot five feet (5') beyond the street property line at which point the meter barrel, setter and other appurtenances are to be installed in accordance with water department standards. The water meter itself will be installed by the City's Water Department upon request of the owner or developer and upon payment of the required connection fee.
- c. Fire hydrants shall be installed in all subdivisions in locations designated by State standard.

5. Storm Drainage:

- a. A Storm water study shall be prepared by a Professional Engineer, licensed in the State of Utah. The study shall establish the pre- development and post-development flows for the proposed subdivision and shall develop plans and facilities to accommodate the storm water for the subdivision.
- b. Ditches and canals shall not be approved as a suitable means for storm drainage water disposal or conveyance without the written permission of the appropriate ditch or canal company. Ditches, canals or other waterways shall not be permitted within property dedicated or to be dedicated for public use. The subdivider shall remove such waterways from property to be so dedicated before the submission of the final plat.
- c. All subdivisions that contain or abut a canal, river, or stream shall dedicate to the City a permanent ten foot (10') right of way along the west or south bank of said waterway. The right of way, which shall be measured from the inside bank of the waterway, will be for the purpose of providing permanent public access to the waterway for maintenance and recreational purposes. In the event the proposed development borders the east and north banks and the west and south banks have already been developed, then the dedication shall be from the east and north banks. The right of way shall be made available to the City at fair market value based on a negotiated price or current property appraisal.
- d. In the event that standard type curb and gutter that is twenty- four inches (24") wide and six inches (6") deep cannot contain surface runoff water that is generated within the subdivision then an underground surface water drainage system shall be provided. An underground surface water drainage system shall also be provided if water generated from the subdivision cannot be contained in existing improvements beyond the subdivision boundaries. The underground surface water drainage system shall consist of adequately sized pipes, catch basins, manholes and discharge structures required to collect, convey and discharge the water to a location acceptable to the city. The system improvements shall conform to city requirements, be designed by a licensed engineer and be approved by the city engineer. Under no circumstances shall a surface drainage system be interconnected with a sanitary sewer system.
- e. On site detention of storm water may be required when in the opinion of the

City's Engineer adequate facilities for storm water disposal do not exist beyond the limits of the subdivision. Detention basins shall be sized to accommodate 2-, 10- and 100-year storms. Inlet and outlet structures shall be as required by the City's Engineer. Retention basin should be avoided and only allowed when, in the opinion of the City's Engineer, no other reasonable option is available. Retention basins shall be designed for a 1 DO- year storm. Subsurface drains or other mechanism shall be constructed in conjunction with the retention basin which will ensure half the retained water will dissipate within twenty four (24) hours.

- f. Conveyance of storm water to any drainage facility owned by the Utah Department of Transportation (UDOT) shall be acceptable only upon approval of that department.
- g. The storm water conveyance system, including pipes, inlet and outlet structures, junction boxes, etc., shall be designed to accommodate a 110-year storm event of proper duration for the drainage area being designed.

6. Street Improvements:

- a. Grades of streets shall not be in excess of eight percent (8%) on major collector streets, nor in excess of eight percent (8%) on other streets.
- b. All streets within the city limits need to have a sixty feet (60') right-of-way to include curbs, gutters, sidewalks, two way traffic and parallel parking.
- c. Pavements/asphalt shall be three inches (3") thick where the road connects to the gutter. Road cross section will include a minimum of 8" granular barrow or fill depending on the soil, six inch (6") road base and three inch (3") of asphalt mix. Compaction tests will need to be done every one hundred feet (100'), in accordance with the requirements of the standards, rules and regulations as now or hereafter adopted by the city council.
- d. Curbs and gutters on all urban streets shall be concrete of the standard six inch (6") high back curb and gutter to an overall width of two feet (2'), and not less than seven inches (7") thick where the curb abuts the street pavement with a minimum of twenty- four inches (24") from back top to the lip.
- e. Where required under the provisions of the Americans with disabilities act, curbs, gutters, and sidewalks shall be constructed so as to meet the minimum requirements of the act. Sidewalks shall be four inches (4") thick with four inches (4") road base or crushed gravel and five feet (5')wide.
- f. Subdivisions which include any part of an existing platted street which does not conform to the minimum right-of-way requirements of these regulations may be required to provide additional width necessary to meet the minimum right-of-way requirements of these regulations. No street shall be less than one-half of one percent (0.5%) or exceed the following maximum grade:
- g. All streets shall be paved with hot mix bituminous asphalt and shall meet all requirements of the Geotechnical study and shall fully comply with the Construction Standard Specifications and Plans as adopted by Ballard City. (APWA Standards).

| Street Classification | Minimum Right of Way | Minimum Pavement Width |
|-----------------------|----------------------|------------------------|
|-----------------------|----------------------|------------------------|

| | | |
|---|---------|---------|
| Arterial | 80 feet | 48 feet |
| Collector | 60 feet | 32 feet |
| Local — Parallel Parking, Sidewalk, Curb and Gutter | 60 feet | 46 feet |

| Street Classification | Maximum % Grade | Minimum Radius of Curve | Minimum Sight Distance |
|-----------------------|-----------------|-------------------------|------------------------|
| Arterial | 5% | 400 feet | 500 feet |
| Collector | 8% | 300 feet | 300 feet |
| Local | 8% | 100 feet | 100 feet |

**as measured between points four feet (4') above the center line of the street.

- h. A. Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the city engineer.
 - i. The subdivider shall install curbs, gutters and sidewalks on existing and proposed urban streets in all subdivisions, except on the rear of such lots.
 - j. All curb comers shall have a radius of not less than twenty five feet (25') and shall be constructed to accommodate handicap traffic.
 - k. Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:
 - i. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;
 - ii. The size of pipe and culverts required;
 - iii. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the city engineer.
 - l. The subdivider shall install a six foot (6'), nonclimbable fence, or its equivalent, in conformance with the standards and rules and regulations adopted as provided in this chapter, along nonaccess streets, open reservoirs, and railroad rights of way. Materials shall be as specified by the city engineer.
 - m. To assure conformity, the city shall furnish and install all required street signs and the cost thereof shall be charged to and paid for by the subdivider.
 - n. The subdivider shall be responsible for the installation of street lighting including poles, luminaries, and wiring in the locations indicated on the approved street lighting plan. Installation of the street lighting shall be done in conjunction with and under the direction of the local power utility company.
7. **Secondary Water:** A secondary irrigation system shall be constructed in all subdivisions where the City's owned secondary system is located within six hundred

feet (600') of the subdivision. In subdivisions where a secondary system is required, the system shall be constructed only in those areas of the development where a static water pressure of forty (40) psi is possible.

8. **Utilities:** All utilities including power and telephone shall be underground and shall be so placed prior to road improvements such as asphalt surfacing, curb and gutter, and sidewalk.

a. Extension of Improvements:

- i. In the event a developer should construct the basic services such as water, sanitary sewer and storm sewer, curb and gutter, pavement, bridges, sidewalk, etc., to and around their development and in doing so said improvements are made available or extended for the betterment of areas which previously had been unserved, they may receive consideration from developers of surrounding properties if, in the opinion of the City Council, the value of areas has been increased as a direct result of those improvements. Consideration may be in the following form:
 - (1) Hook up fee;
 - (2) Cost share based on percentage of benefiting acres;
 - (3) Cost share based on percentage of benefiting lots;
 - (4) Cost share based on percentage of benefiting developers.
- ii. It shall be at the option of the City Council to determine which of the methods listed in subsection 1 of this section shall be used in establishing the most equitable consideration. Prior to making a decision the City shall notify the benefiting property owner(s) or developers, and inform them of the pending action. In making this notification the estimated costs for the improvements shall be presented and the benefiting property owner(s) or developers shall have thirty (30) days from the date of notification in which to decide whether to participate in the initial construction costs or allow the City to determine the best method for compensation as listed in this section.
- iii. The estimated costs for the improvements as presented to the benefiting property shall be based on the lower of two (2) competitive bids secured by the developer installing the services. Actual compensation made shall be based on invoices for materials and labor which shall be documented and presented to the City.
- iv. Consideration shall be paid by the benefiting developer or property owner at such time that benefiting lots or property are developed. Payment shall be made directly to the developer which installed the improvements or his/her assigned heirs. Recording of the final plat of the benefiting property owner shall be withheld until such consideration has been paid.
- v. Full consideration shall be due as determined in this section for a period not to exceed five (5) years from the date said improvements are accepted by the City. For a period often (10) years immediately following the initial five (5) years, the consideration will be decreased

by an amount equal to one-tenth (1/10) annually until such time that fifteen (15) years has lapsed since the acceptance of the improvements by the City from which time the developer will not be entitled to consideration.

AFTER AMENDMENT

14.18.020 Design And Construction Standards For Improvements

1. **Department Standards:** Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, flood control facilities, water distribution, fire hydrants and sewage disposal shall be prepared by the applicant or developer's engineer and approved by the City's Engineer. All such standards shall be in conformance with the Construction Standard Specification and Plans as adopted by Ballard City. (APWA Standards).
2. **Subdivision Improvement Plans:**
 - a. Applicants and subdividers shall be required to provide public improvements to reduce impacts on current City services and budgets and to ensure a livable community.
 - b. All drawings shall be complete, clear and legible and shall conform to the standards of the profession.
 - c. The minimum information required on all drawings submitted for approval shall include:
 - i. **Grades:** Profiles indicating existing and finished grades on all construction and extending, as required, beyond the limits of the immediate project to existing improvements when new improvements are joining existing improvements;
 - ii. **Construction Details:** Plans and profiles will include all construction details such as typical curb and gutter sections; sidewalks, street cross sections; cross drains; location and elevations of manholes; catch basins, storm sewers and their appurtenant works; elevation and location of fire hydrants, water and secondary water mains, type of pipe, valves and their appurtenant works; location, size and elevations of sewer mains with grades and type of pipe, manholes, cleanouts and other appurtenant works;
 - iii. **Curves:** Complete curve data must be shown for all horizontal and vertical curves. The minimum length of vertical curves shall be one hundred feet (100') unless otherwise approved.
 - iv. **Street Lighting Plan:** A ~~s~~Street lighting plan in conformance with the standards identified in, ~~"Outdoor Lighting", of this code, the City's land use ordinances~~ shall be prepared for all ~~major~~ subdivisions.
 - (1) Street lighting plans shall indicate the location and height of luminaries, and luminaries style to be constructed. The style of luminaries and luminaire poles shall be as required by the ~~C~~City ~~E~~ngineer.

(2) Street lighting shall be placed at all intersections, at the end of cul-de-sacs, and at spacing not to exceed five hundred feet (500') measured along the street right of way line.

- v. All design, materials, plans and details shall fully conform to the Construction Standard Specifications and Plans as adopted by Ballard City. (APWA Standards, latest edition).

3. Sanitary Sewer:

- a. All subdivisions shall provide a sewer collection system. This collection system shall consist of street collection lines, manholes and lateral service lines that are in conformance with the City's sewer standards and other requirements set forth by the City. ~~Subdivisions of three (3) lots or less~~ Minor subdivisions which are located in ~~the R~~esidential Agricultural (RA) zone or Agricultural (A) zone with all lots situated in excess of three hundred feet (300') from an existing sewer collection system and outside the limits of the source protection, and which would require pumping of the sewage due to unavoidable topography or grade may utilize individual sewage septic systems as a means of sewage treatment.
- b. Collection lines and lateral service lines shall be installed according to construction plans duly prepared by a licensed engineer and approved by the City's Engineer. The collection lines shall be installed at the locations and depths necessary to serve all lots. The lateral service lines shall be connected to the collection line and extended to a point in the subdivision lot that is five feet (5') beyond the street property line at which point a cleanout shall be installed.
- c. Collection line manholes shall be placed at locations such that their spacing does not exceed four hundred feet (400').

4. Culinary Water:

- a. Such systems shall be in accordance with City standards and subject to the approval of the City's Engineer and Water Department.
- b. All culinary water service lines shall be stubbed into each subdivision lot five feet (5') beyond the street property line at which point the meter barrel, setter and other appurtenances are to be installed in accordance with the City's Water Department standards. The water meter itself will be installed by the City's Water Department upon request of the owner or developer and upon payment of the required connection fee.
- c. Fire hydrants shall be installed in all subdivisions in locations designated by the adopted fire code outlined in § 15A of Utah State Code (as amended) or as required by the Land Use Authority when the Land Use Authority deems such installation to be necessary to protect the general health, safety, and welfare of the City's residents. ~~State standard.~~

5. Storm Drainage:

- a. A sStorm water study shall be prepared by a pProfessional eEngineer, licensed in the State of Utah. The study shall establish the pre-development and post-development flows for the proposed subdivision and shall develop plans and facilities to accommodate the storm water for the subdivision.

- b. Ditches and canals shall not be approved as a suitable means for storm drainage water disposal or conveyance without the written permission of the appropriate ditch or canal company. Ditches, canals or other waterways shall not be permitted within property dedicated or to be dedicated for public use. The subdivider shall remove such waterways from property to be so dedicated before the submission of the final plat.
- c. All subdivisions that contain or which about a canal, river, or stream shall dedicate to the City a permanent ten foot (10') easement (i.e., right-of-way) along the west or south bank of said waterway. The easement (i.e., right-of-way), ~~which~~ shall be measured from the inside bank of the waterway, ~~will and shall~~ be for the purpose of providing permanent public access to the waterway for maintenance and recreational purposes. In the event the proposed development borders the east and north banks and the west and south banks have already been developed, then the dedication of such easement(s) shall be from the east and north banks. The easements (i.e., right-of-ways) shall be made available to the City at fair market value based on a negotiated price or current property appraisal.
- d. In the event that standard type curb and gutter that is twenty- four inches (24") wide and six inches (6") deep cannot contain surface runoff water that is generated within ~~a~~ the proposed subdivision then an underground surface water drainage system shall be provided by the applicant. An underground surface water drainage system shall also be provided by the applicant if water generated from the subdivision cannot be contained in existing improvements beyond the subdivision boundaries. The underground surface water drainage system shall consist of adequately sized pipes, catch basins, manholes and discharge structures required to collect, convey and discharge the water to a location acceptable to the City's Land Use Authority. The system improvements shall conform to City's adopted requirements, ~~be~~ designed by a licensed engineer and be approved by the City's engineer. Under no circumstances shall a surface drainage system be interconnected with a sanitary sewer system.
- e. On-~~site~~ detention of storm water may be required when in the opinion of the City's Engineer or Land Use Authority adequate facilities for storm water disposal do not exist beyond the limits of the subdivision. Detention basins shall be sized to accommodate 2-, 10- and 100-year storms. Inlet and outlet structures shall be as required by the City's Engineer. Retention basin's should be avoided and only allowed when, in the opinion of the City's Engineer or Land Use Authority, no other reasonable option is available. Retention basins shall be designed for a ~~100-DO~~ year storm. Subsurface drains or other mechanism shall be constructed in conjunction with the retention basin(s) which will ensure half the retained water will dissipate within twenty four (24) hours.
- f. Conveyance of storm water to any drainage facility owned by the Utah Department of Transportation (UDOT) shall be acceptable only upon written approval of ~~that department~~ the Utah Department of Transportation.

- g. The storm water conveyance system, including pipes, inlet and outlet structures, junction boxes, ~~etc and similar system components.~~ shall be designed to accommodate a 100~~0~~-year storm event of proper duration for the drainage area being designed.

6. Street Improvements:

- a. Grades of streets shall not be in excess of eight percent (8%) ~~on major collector streets, nor in excess of eight percent (8%) on other streets.~~
- b. ~~Unless exempted by Utah State Code (as amended), a~~ All streets within the ~~City limits need to shall~~ have a sixty ~~fooeet~~ (60') right-of-way ~~width~~ to include curbs, gutters, sidewalks, two-way traffic and parallel parking.
- c. Pavements/asphalt shall be three inches (3") thick where the road connects to the gutter. Road cross section ~~shall will~~ include a minimum of ~~eight inches (8")~~ granular barrow or fill depending on the soil, six inch (6") road base and three inches (3") of asphalt mix. Compaction tests ~~will need to shall be performed done~~ every one hundred feet (100'), in accordance with the requirements of the standards, rules and regulations as now or hereafter adopted by the ~~City~~ ~~C~~ouncil.
- d. ~~Unless otherwise approved by the Land Use Authority, c~~ Curbs and gutters on all ~~urban~~ streets shall be concrete of the standard six inch (6") high back curb and gutter to an overall width of two feet (2'), and not less than seven inches (7") thick where the curb abuts the street pavement with a minimum of twenty- four inches (24") from back top to the lip.
- e. Where required under the provisions of the Americans with ~~D~~isabilities ~~a~~ Act, curbs, gutters, and sidewalks shall be constructed so as to meet the minimum requirements of the ~~a~~ Act. Sidewalks shall be four inches (4") thick with four inches (4") road base or crushed gravel and five feet (5') wide.
- f. Subdivisions which include any part of an existing platted street which does not conform to the minimum right-of-way requirements of these regulations may be required to provide ~~the~~ additional width necessary to meet the minimum right-of-way requirements of these regulations. No street shall be less than one-half of one percent (0.5%) ~~minimum grade~~ or exceed the following maximum grade ~~as outlined in this section:~~
- g. All streets shall be paved with hot mix bituminous asphalt and shall meet all requirements of the ~~applicable g~~ Geotechnical studies ~~y~~ and shall fully comply with the Construction Standard Specifications and Plans as adopted by Ballard City. (APWA Standards).

| Street Classification | Minimum Right-of-Way | Minimum Pavement Width |
|-------------------------------------|----------------------|------------------------|
| Arterial | 80 feet | 48 feet |
| Collector | 60 feet | 32 feet |
| Local — Parallel Parking, Sidewalk, | 60 feet | 46 feet |

| | | |
|-----------------|--|--|
| Curb and Gutter | | |
|-----------------|--|--|

| Street Classification | Maximum % Grade | Minimum Radius of Curve | Minimum Sight Distance |
|-----------------------|-----------------|-------------------------|------------------------|
| Arterial | 5% | 400 feet | 500 feet |
| Collector | 8% | 300 feet | 300 feet |
| Local | 8% | 100 feet | 100 feet |

**as measured between points four feet (4') above the center line of the street.

- h. ~~A.~~ Storm water inlets and catch basins shall be provided within ~~the~~ roadway improvements at points specified by the city engineer.
 - i. The subdivider shall install curbs, gutters and sidewalks on existing and proposed urban streets in all subdivisions, except on the rear of such lots.
 - j. All curb corners shall have a radius of not less than twenty five feet (25') and shall be constructed to accommodate handicap traffic.
 - k. Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:
 - i. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;
 - ii. The size of pipe and culverts required;
 - iii. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts.
 - iv. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert ~~shall~~ **must** be approved by the ~~C~~city ~~E~~ngineer.
 - l. The subdivider shall install a six foot (6'), nonclimbable fence, or its equivalent, in conformance with the standards and rules and regulations adopted as provided in this chapter, along nonaccess streets, open reservoirs, and railroad rights of way. Materials shall be as specified by the ~~C~~city ~~E~~ngineer.
 - m. To assure conformity, the ~~C~~city shall furnish and install all required street signs and the cost thereof shall be charged to and paid for by the subdivider.
 - n. The subdivider shall be responsible for the installation of street lighting including poles, luminaries, and wiring in the locations indicated on the approved street lighting plan. Installation of the street lighting shall be done in conjunction with and under the direction of the local power utility company.
7. **Secondary Water:** A secondary irrigation system shall be constructed in all subdivisions where the City's owned secondary system is located within six hundred feet (600') of the subdivision. In subdivisions where a secondary system is required, the system shall be constructed only in those areas of the development where a static water pressure of forty pounds per square inch(40) psi) is possible.

8. **Utilities:** All utilities including power and telephone shall be underground and ~~shall be~~ ~~so~~ placed prior to road improvements such as asphalt surfacing, curb and gutter, and sidewalk.

a. **Extension of Improvements:**

- i. In the event a developer should construct the basic services such as water, sanitary sewer and storm sewer, curb and gutter, pavement, bridges, sidewalk, etc., to and around their development and in doing so said improvements are made available or extended for the betterment of areas which previously had been unserved, they may receive consideration from developers of surrounding properties if, in the opinion of the City Council, the value of areas has been increased as a direct result of those improvements. Consideration may be in the following form:
 - (1) Hook up fee;
 - (2) Cost share based on percentage of benefiting acres;
 - (3) Cost share based on percentage of benefiting lots;
 - (4) Cost share based on percentage of benefiting developers.
- ii. It shall be at the option of the City Council to determine which of the methods listed in ~~subsection 1 of~~ this section shall be used in establishing the most equitable consideration. Prior to making a decision the City shall notify the benefiting property owner(s) or developers, and inform them of the pending action. In making this notification the estimated costs for the improvements shall be presented and the benefiting property owner(s) or developers shall have thirty (30) days from the date of notification in which to decide whether to participate in the initial construction costs or allow the City to determine the best method for compensation as listed in this section.
- iii. The estimated costs for the improvements as presented to the benefiting property shall be based on the lower of two (2) competitive bids secured by the developer installing the services. Actual compensation made shall be based on invoices for materials and labor which shall be documented and presented to the City.
- iv. Consideration shall be paid by the benefiting developer or property owner at such time that benefiting lots or property are developed. Payment shall be made directly to the developer which installed the improvements or ~~his/her~~ their assigned heirs. Recording of the final plat of the benefiting property owner shall be withheld until such consideration has been paid.
- v. Full consideration shall be due as determined in this section for a period not to exceed five (5) years from the date said improvements are accepted by the City. For a period often (10) years immediately following the initial five (5) years, the consideration will be decreased by an amount equal to one-tenth (1/10) annually until such time that fifteen (15) years has lapsed since the acceptance of the improvements

by the City from which time the developer will not be entitled to consideration.

SECTION 33: AMENDMENT “14.20.010 Improvement Bonding And Warranty” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.20.010 Improvement Bonding And Warranty

1. Security for Subdivision Improvements:

- a. A final plat of a subdivision of land shall not be signed by the City without a certification by the City’s Engineer that the improvements described in the applicant's or subdivider's plans and specifications have been constructed and installed in conformance with City standards, or that adequate security has been posted in accordance with this section.
- b. In lieu of installing all required improvements prior to recording a final plat, the applicant or subdivider may enter into a security for performance agreement acceptable to the City as security to ensure completion of all required improvements. The security for performance agreement shall be in a form approved by the City council and may contain specific provisions approved by the City’s Attorney. The agreement shall include but not be limited to:
 - i. Subdivider's agreement to complete all improvements within a period of time not to exceed eighteen (18) months from the date the agreement is executed;
 - ii. The improvements shall be completed to the satisfaction of the City and in accordance with City’s standards as adopted by the City Council;
 - iii. The security for performance shall be equal to one hundred ten percent (110%) of the City Engineer's estimated cost of the improvements to be installed and shall be in effect for two (2) years from completion of subdivision.
 - iv. The City shall have immediate access to the security proceeds;
 - v. The security proceeds may be released at intervals determined by the City’s Engineer upon the request of the applicant or subdivider as improvements are completed. The amount of the release shall be determined by the City but in no case shall it be in excess of the amount estimated by the City’s Engineer plus ten percent (10%) at the time the original security amount for the proposed and now completed improvement was established. Such requests for release may be made only once every thirty (30) days and no release shall be authorized until such time as the City has inspected the improvements and found

them to be in compliance with the city's standards. The final ten percent (10%) of the security proceeds shall be released following completion of all required improvements provided no deficiencies are found. All releases shall be by written authorization by the City's Engineer.

- c. The security for performance agreement shall require the establishment of one of the following:
 - i. An escrow account, in any bank acceptable to both the City and applicant, subdivider or developer. The bank shall agree to hold and apply the proceeds in the escrow account only for the named improvements. The agreement shall give the City the right to withdraw those funds necessary to complete any improvements not installed within the eighteen (18) month time limit established;
 - ii. An irrevocable letter of credit which shall require the following specifications:
 - (1) Have an expiration date of not less than eighteen (18) months with the actual period being established by the Land Use Authority,
 - (2) Be obtained from a bank which meets the following standards:
 - (A) Have total assets of fifty million dollars (\$50,000,000.00) or more,
 - (B) Have an equity capital to total assets ratio of five percent (5%) or more,
 - (C) Have a minimum capitalization of fifty million dollars (\$50,000,000.00),
 - (D) Have a good profitability trend,
 - (3) Be approved by the Land Use Authority and City's Attorney;
 - iii. A cash bond agreement accompanied by a cashier's check payable only to Ballard City.
- d. This section applies to subdivision developments. Site plan development performances are governed by Section 14.20.020.

2. Warranty Period and Warranty Deposit:

- a. In addition to the security for performance agreement described in this chapter, the applicant, developer or subdivider shall present a warranty deposit to the City equal to fifteen percent (15%) of the total cost for all improvements.
- b. A warranty period shall commence upon the date that all improvements required by the City to be installed within the subdivision have been completed to the satisfaction of the City and a final inspection thereof has been made approving the same. The warranty period shall commence at that date and shall continue for a period of one (1) year thereafter unless otherwise determined by the Land Use Authority. If any deficiencies are found by the City during the warranty period in materials or workmanship, the applicant, developer or subdivider shall promptly resolve such defects or deficiencies and request the City's Engineer to re-inspect the improvements. At the end of

the two (2) year warranty period, the applicant, developer or subdivider shall request the City's Engineer to make a final warranty period inspection of all improvements. If the City's Engineer verifies that the improvements are acceptable, the City Engineer shall notify the City Recorder who shall refer the matter to the Land Use Authority. The Land Use Authority shall then review the matter and upon approval of the same shall release the warranty deposit posted by the subdivider. In the event deficiencies are found and not corrected within the two (2) year warranty period, the warranty deposit shall be forfeited to the City. The City shall then use the proceeds to correct the deficiencies. Any funds remaining shall be released to the subdivider upon approval of the City Council, and any costs incurred by the City to correct deficiencies shall be billed to and paid by the subdivider.

- c. The warranty deposit may be made separately or with the security for performance agreement. In any event, the warranty deposit shall be made prior to the signing of the final plat by the City.

AFTER AMENDMENT

14.20.010 Improvement Bonding And Warranty

1. Security for Subdivision Improvements:

- a. A final plat of a subdivision of land shall not be signed by the City without a certification by the City's Engineer that the improvements described in the applicant's or subdivider's plans and specifications have been constructed and installed in conformance with City standards, or that adequate security has been posted in accordance with this section.
- b. In lieu of installing all required improvements prior to recording a final plat, the applicant or subdivider may enter into a security for performance agreement acceptable to the City as security to ensure completion of all required improvements. The security for performance agreement shall be in a form approved by the City council and may contain specific provisions approved by the City's Attorney. The agreement shall include but not be limited to:
 - i. Subdivider's agreement to complete all improvements within a period of time not to exceed eighteen (18) months from the date the agreement is executed;
 - ii. The improvements shall be completed to the satisfaction of the City and in accordance with City's standards as adopted by the City Council;
 - iii. The security for performance shall be equal to one hundred ten percent (110%) of the City Engineer's estimated cost of the improvements to be installed and shall be in effect for ~~two~~one (21) years from completion of ~~subdivision~~improvements.
 - iv. The City shall have immediate access to the security proceeds;
 - v. The security proceeds may be released at intervals determined by the

City's Engineer upon the request of the applicant or subdivider as improvements are completed. The amount of the release shall be determined by the City but in no case shall it be in excess of the amount estimated by the City's Engineer plus ten percent (10%) at the time the original security amount for the proposed and now completed improvement was established. Such requests for release may be made only once every thirty (30) days and no release shall be authorized until such time as the City has inspected the improvements and found them to be in compliance with the city's standards. The final ten percent (10%) of the security proceeds shall be released following completion of all required improvements provided no deficiencies are found. All releases shall be by written authorization by the City's Engineer.

- c. The security for performance agreement shall require the establishment of one of the following:
 - i. An escrow account, in any bank acceptable to both the City and applicant, subdivider or developer. The bank shall agree to hold and apply the proceeds in the escrow account only for the named improvements. The agreement shall give the City the right to withdraw those funds necessary to complete any improvements not installed within the eighteen (18) month time limit established;
 - ii. An irrevocable letter of credit which shall require the following specifications:
 - (1) Have an expiration date of not less than eighteen (18) months with the actual period being established by the Land Use Authority,
 - (2) Be obtained from a bank which meets the following standards:
 - (A) Have total assets of fifty million dollars (\$50,000,000.00) or more,
 - (B) Have an equity capital to total assets ratio of five percent (5%) or more,
 - (C) Have a minimum capitalization of fifty million dollars (\$50,000,000.00),
 - (D) Have a good profitability trend,
 - (3) Be approved by the Land Use Authority and City's Attorney;
 - iii. A cash bond agreement accompanied by a cashier's check payable only to Ballard City.
- d. This section applies to subdivision developments. Site plan development performances are governed by Section 14.20.020.

2. **Warranty Period and Warranty Deposit:**

- a. In addition to the security for performance agreement described in this ~~chapter~~, section, the applicant, developer or subdivider shall present a warranty deposit to the City equal to fifteen percent (15%) of the total cost for all improvements.

- b. A warranty period shall commence upon the date that all improvements required by the City to be installed within the subdivision have been completed to the satisfaction of the City and a final inspection thereof has been made approving the same. The warranty period shall commence at that date and shall continue for a period of one (1) year thereafter unless otherwise determined by the Land Use Authority. If any deficiencies are found by the City during the warranty period in materials or workmanship, the applicant, developer or subdivider shall promptly resolve such defects or deficiencies and request the City’s Engineer to re-inspect the improvements. At the end of the ~~two (2)-year~~ warranty period, the applicant, developer or subdivider shall request the City’s Engineer to make a final warranty period inspection of all improvements. If the City’s Engineer verifies that the improvements are acceptable, the City Engineer shall notify the City Recorder who shall refer the matter to the Land Use Authority. The Land Use Authority shall then review the matter and upon approval of the same shall release the warranty deposit posted by the subdivider. In the event deficiencies are found and not corrected within the ~~two (2)-year~~ warranty period, the warranty deposit shall be forfeited to the City. The City shall then use the proceeds to correct the deficiencies. Any funds remaining shall be released to the subdivider upon approval of the City Council, and any costs incurred by the City to correct deficiencies shall be billed to and paid by the subdivider.
- c. The warranty deposit may be made separately or with the security for performance agreement. In any event, the warranty deposit shall be made prior to the signing of the final plat by the City.

SECTION 34: AMENDMENT “14.20.020 Site Plan Development Bonding” of the Ballard Subdivision Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.20.020 Site Plan Development Bonding

1. Scope and Application:

- a. This section applies to all site plan developments that require public infrastructure improvements or landscaping improvements that will be:
 - i. Dedicated to and maintained by the City; or
 - ii. Associated with and proximate to improvements that connect to planned or existing public infrastructure.
- b. This section does not apply to single-family residential subdivisions governed by Section 14.20.010.

2. Security Requirements for Site Plan Developments:

- a. **When City Takes Ownership:** If public infrastructure improvements or landscaping improvements will be dedicated to and maintained by the City,

the applicant shall either:

- i. Complete all required public infrastructure improvements and landscaping improvements prior to recording the site plan or obtaining a certificate of occupancy; or
- ii. Post an improvement completion assurance in accordance with subsection (3) below.

b. **When City Does Not Take Ownership:** If infrastructure improvements will remain private and will not be dedicated to the City, the applicant may obtain a certificate of occupancy upon completion of all improvements required for public health, safety, and welfare, without posting a bond.

3. Improvement Completion Assurance Requirements:

- a. If an applicant elects to post an improvement completion assurance, the assurance shall provide for:
 - i. Completion of 100% of the required public landscaping improvements or infrastructure improvements; or
 - ii. If the City has inspected and accepted a portion of the improvements, 100% of the incomplete or unaccepted improvements.
- b. The improvement completion assurance shall be in a form acceptable to the City, including but not limited to:
 - i. A surety bond with a surety company licensed to do business in Utah;
 - ii. An irrevocable letter of credit issued by a federally - or state - insured financial institution;
 - iii. A cash deposit, cashier's check, or money market certificate made payable to Ballard City; or
 - iv. An escrow account established in accordance with Section 14.20.010(1)(b)(3)(a).
- c. The amount of the improvement completion assurance shall not exceed:
 - i. 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
 - ii. 10% additional to cover administrative costs incurred by the City to complete the improvements, if necessary.

4. Release of Assurance:

- a. The improvement completion assurance may be released incrementally as improvements are completed and accepted by the City Engineer.
- b. No release shall be authorized until the City has inspected the improvements and found them to be in compliance with City standards.
- c. The final release shall occur only after all required improvements are completed and accepted by the City.

5. Compliance with State Code:

- a. This section implements the requirements of Utah Code Section 10-9a-604.5.
- b. The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

6. Building Permits; The City shall issue a building permit even if infrastructure

improvements are not complete, provided:

- a. The improvements are not essential for issuing a building permit under the building and fire codes; and
- b. The City has accepted a completion assurance for the improvements; and
- c. There is no other valid reason besides the incomplete improvement to deny the permit.

AFTER AMENDMENT

14.20.020 Site Plan Development Bonding

1. Scope ~~A~~ and Application:

- a. This section applies to all site plan developments that require public infrastructure improvements or landscaping improvements that will be:
 - i. Dedicated to and maintained by the City; or
 - ii. Associated with and proximate to improvements that connect to planned or existing public infrastructure.
- b. This section does not apply to ~~single-family residential~~ subdivisions governed by Section 14.20.010.

2. Security Requirements for Site Plan Developments:

- a. **When City Takes Ownership:** If public infrastructure improvements or landscaping improvements will be dedicated to and maintained by the City, the applicant shall either:
 - i. Complete all required public infrastructure improvements and landscaping improvements prior to recording the site plan or obtaining a certificate of occupancy; or
 - ii. Post an improvement completion assurance in accordance with subsection (3) below.
- b. **When City Does Not Take Ownership:** If infrastructure improvements will remain private and will not be dedicated to the City, the applicant may obtain a certificate of occupancy upon completion of all improvements required for public health, safety, and welfare, without posting a bond.

3. Improvement Completion Assurance Requirements:

- a. If an applicant elects to post an improvement completion assurance, the assurance shall provide for:
 - i. Completion of one hundred percent (100%) of the required public landscaping improvements or infrastructure improvements; or
 - ii. If the City has inspected and accepted a portion of the improvements, one hundred percent (100%) of the incomplete or unaccepted improvements.
- b. The improvement completion assurance shall be in a form acceptable to the City, including but not limited to:
 - i. A surety bond with a surety company licensed to do business in Utah;
 - ii. An irrevocable letter of credit issued by a federally ~~-(or state)-~~ insured financial institution;

- iii. A cash deposit, cashier's check, or money market certificate made payable to Ballard City; or
 - iv. An escrow account established in accordance with Section 14.20.010(1)(b)(3)(a).
 - c. The amount of the improvement completion assurance shall not exceed;
 - i. One hundred percent (100%) of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid which has been accepted by the City's Land Use Authority; and
 - ii. Ten percent (10%) additional to cover administrative costs incurred by the City to complete the improvements, if necessary.
- 4. **Release ~~O~~f Assurance:**
 - a. The improvement completion assurance may be released incrementally as improvements are completed and accepted by the City Engineer.
 - b. No release shall be authorized until the City has inspected the improvements and found them to be in compliance with City standards.
 - c. The final release shall occur only after all required improvements are completed and accepted by the City.
- 5. **Compliance ~~W~~ith State Code:**
 - a. This section implements the requirements of ~~Utah Code Section 10-9a-604.5~~ §10-20-807 of Utah State Code (as amended).
 - b. The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.
- 6. **Building Permits;** The City shall issue a building permit even if infrastructure improvements are not complete, provided:
 - a. The improvements are not essential for issuing a building permit under the adopted building and fire codes outlined in §15A of Utah State Code (as amended); and
 - b. The City has accepted a completion assurance for the improvements; and
 - c. There is no other valid reason besides the incomplete improvement to deny the permit.