



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final plat approval of Shanghai Canyon Subdivision
Type of Decision: Administrative
Agenda Date: Wednesday, October 14, 2015
Applicant: David Clapier
File Number: UVS081414

Property Information

Approximate Address: 156 North Hwy 158 Eden, UT
Project Area: 3.392 Acres
Zoning: FR-1 Zone
Existing Land Use: Forest
Proposed Land Use: Residential
Parcel ID: 20-017-0003
Township, Range, Section: Township 6 North, Range 1 East, Section 16

Adjacent Land Use

North: Forest	South: Residential/Pineview Reservoir
East: Forest	West: Forest

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768
Report Reviewer: SW

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 13, Forest Residential Zone (FR-1)
- Title 104, Zones, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable and amended by Title 26, Filing of Preliminary and Final Plans (amended by Ordinance 2012-14)
- Title 108, Standards, Chapter 7 Supplementary and Qualifying Regulations, Section 29 Flag lot access strip

Background

The applicant has submitted a request for final plat approval of Shanghai Canyon Subdivision, a small subdivision consisting of one residential lot (see Exhibit A). The proposed subdivision is located at approximately 156 North Highway 158, and is in the FR-1 zone. The applicant received approval of a rezone in April 2014 changing the zone from F-40 to FR-1 and has received administrative approval for a flag lot access exception in August 2014. The proposed subdivision and lot configuration are in conformance with current zoning and the applicable subdivision requirements as required in the Uniform Land Use Code of Weber County (LUC).

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan in a manner that does not detract from the Valley's rural character and natural setting.

Zoning: The subject property is located in the Forest Residential Zone more particularly described as the FR-1 zone. The purpose and intent of the FR-1 zone is identified in the LUC §104-13-1 as:

"The purpose of the forest residential zone is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development."

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106 as amended by Ordinance 2012-14 (Title 26, Filing of Preliminary and Final Plans). Small subdivisions can be administratively approved per LUC §26-1-9(E) and the proposal has been reviewed against the adopted zoning and subdivision ordinances to ensure that the regulations and standards have been adhered to. It appears that the proposed subdivision is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: In the LUC §104-13-5, the FR1 zone requires a minimum lot area of 1 acre and a minimum lot width of 150'; however, the applicant has opted to gain access through an approved flag lot access exception which mandates a minimum lot size of 3 acres per LUC §108-7-30(a). The proposed subdivision is a one lot subdivision that fronts a State road identified as Highway 158. The access to the current parcel and future Lot 1 falls within an ephemeral stream corridor. This access has been in existence prior to the adoption of Ordinance No. 2005-19; therefore, as long as the driveway is not widened, the current access is exempt from the Ogden Valley Sensitive Lands Stream Corridors per LUC §104-28-2(b)(2).

Based on the proposed lot configuration, the subdivision meets the minimum lot area requirement per LUC §104-13-5. The proposal is in conformance with previous approvals with the exception of providing proof of an access permit issued by UDOT that was made part of the conditions of approval for the flag lot access exception. A condition of approval will be added to ensure an access permit is issued by UDOT prior to the recordation of the subdivision Mylar.

Flood Plain: The proposed subdivision is located in a Zone "D" as determined by FEMA to be an area of undetermined flood hazards. Areas designated as Zone "D" are typically areas in which no analysis of flood hazards has been conducted.

Culinary water and sanitary sewage disposal: A feasibility letter has been provided for the culinary and wastewater systems for the proposed subdivision (see Exhibit B). The culinary water for the proposed subdivision will be provided by a private well. A private well and onsite wastewater systems agreements will need to be executed and recorded in conjunction with the Mylar to ensure adequate notice is given to future property owners of the required improvements prior to receiving a building permit through Weber County.

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office, and the Weber Fire District have reviewed and approved the proposal. All review agency comments have been attached as Exhibit C.

Additional design standards and requirements: The proposed lot has significant slopes; however, a buildable area has been identified on the lot. A note has been placed on the plat as "Notice to Purchasers of Lots with Designated Buildable areas" as required by LUC §106-1-8(b)(4)(b). There may be additional site preparation in conjunction with an approved building permit. The proposed subdivision does not require the realignment of or the creation of a new street system. With the exception of the recommended conditions identified in this staff report additional standards and requirements are unnecessary at this time.

Tax clearance: The 2011-2014 property taxes are currently delinquent. The 2015 property taxes will be due in full on November 1, 2015. Prior to recording the Mylar, the applicant may need to resolve the delinquent tax issue with the Weber County Treasurer's Office. A condition of approval has been added to staff's recommendation of approval to ensure that any delinquency is addressed prior to the recordation of the final Mylar.

Public Notice: The required noticing for the final subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed small subdivision per noticing requirements outlined in LUC §26-1-7.

Staff Recommendation

Staff recommends final plat approval of Shanghai Canyon Subdivision, a small subdivision consisting of one residential lot. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Provide adequate proof of an access permit issued by UDOT.
2. Requirements of the Weber County Treasurer's Office.
3. Requirements of the Weber County Engineering Division.
4. Requirements of the Weber-Morgan Health Department.
5. Requirements of the Weber Fire District.

6. Requirements of the Weber County Surveyor's Office.
7. Requirements of the Weber County Recorder.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Administrative Approval

Administrative final approval of Shanghai Canyon Subdivision, a small subdivision consisting of one residential lot, is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: 10/14/15

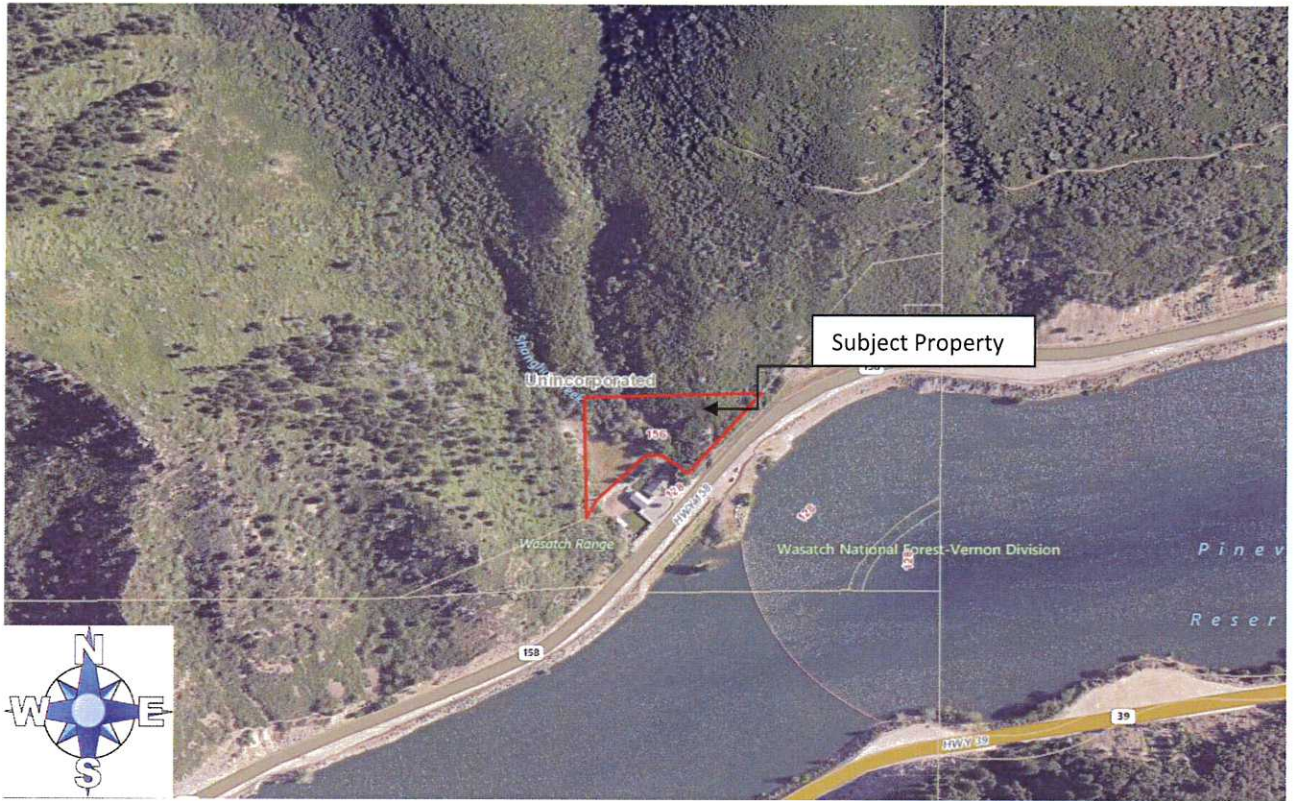


Sean Wilkinson
Weber County Planning Director

Exhibits

- A. Shanghai Canyon Subdivision
- B. Will Serve and Feasibility Letters
- C. Review Agency Comments

Map 1





WEBER-MORGAN HEALTH DEPARTMENT

GARY M. HOUSE, M.P.H.
Health Officer / Director

March 11, 2014

Division Directors
KAY LARRISON, Administration
CLAUDIA PRICE, Nursing & Health Promotion
LOUIS K. COOPER, Environmental Health
COLLEEN JENSON, WIC

Weber County Planning Commission
2380 Washington Blvd.
Ogden, UT 84401

RE: Barton Clapier Property, 1 Lot
-902 Hwy-162 156 N Hwy 158 EOE, UT 84310
Parcel #20-017-0003

Gentlemen:

The plans and supporting information for the above-referenced subdivision have been reviewed.

Culinary water will be provided by a private well. The placement of the well is critical so as to provide the required 100 foot protection zone around the well. The well will need to be dug, tested and the water supply approved prior to issuance of a wastewater disposal permit.

Soil characteristics, percolation rates of 30 MPI, and anticipated ground water tables not to exceed 48 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System. A maximum hydraulic loading rate of 0.45gal/sq.ft./day with a trench depth limited to 18 inches shall be used for system design.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

All subdivision plats submitted for review are to show the location of exploration pits and percolation tests. Key number or letter designation will be provided by this office along with logs of soil horizons and final percolation rates. Mylars submitted for signature without this information will be returned.

Each on-site individual wastewater disposal system must be installed in accordance with R317-501 through R317-513, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,

Michela Gladwell, LEHS
Wastewater Program Office



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director *State Engineer/Division Director*

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-12850 (E5383)

Exchange Application Number 35-12850 (E5383) in the name of David Clapier, was filed on May 2, 2014, to exchange 1.00 acre-foot (af) of water as evidenced by Water Right Numbers 35-7397 (A10989) and 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 11581 associated with Tax I.D. Number 200170003) for its use with Weber Basin Water Conservancy District. The 1.00 acre-foot of water is to be released from Pineview Reservoir and, in lieu thereof, 1.00 acre-foot of water will be diverted from a well located South 2380 feet and West 851 feet from the NE Corner of Section 16, T6N, R1E, SLB&M (6-inch well, 100-500 feet deep). The water is to be used for the irrigation of 0.1646 acre from April 1 to October 31; year-round, indoor, domestic requirements of 1.00 equivalent domestic unit; and year-round stockwatering of 2.00 equivalent livestock units (in cattle, horses, or equivalent species). The water is to be used in all or portion(s) of Section 16, T6N, R1E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on May 22 and 29, 2014. No protests were received.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicant is put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as proposed in the exchange application.

It is, therefore, **ORDERED** and Exchange Application Number 35-12850 (E5383) is hereby **APPROVED** subject to prior rights and the following conditions:

1. The basis for this exchange right is a contract between the applicant and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn under this application if a contract is not in effect.
2. Total diversion under this exchange application is limited to 1.00 acre-foot (af) of water per year for the irrigation of 0.1646 acre (0.494 af) from April 1 to October 31; year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (0.45 af); and year-round stockwatering of 2.00 equivalent livestock units (in cattle, horses, or equivalent species for 0.056 af).
3. Section 73-5-4 of the Utah Code provides that "...a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at: (a) each location where water is diverted from a source; and (b) any other location required by the State Engineer."

ORDER OF THE STATE ENGINEER

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In the event that the State Engineer or an authorized representative is required to administer and/or distribute your water right, you will be notified in writing. At that time, if you have not already installed an adequate measuring device, you will be required to do so by a specific deadline. Instruction will also be given concerning any monitoring of your water diversion. Failure to comply could result in an order to cease the use of water and/or the revocation of this approval.

4. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.
5. As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.
6. The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **July 31, 2019**, or a request for extension of time must be acceptably filed; otherwise the application will be lapsed.

When the work is complete, an Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- The water use is for a quarter acre of irrigation or less.
- The water use is for the watering of ten head of livestock (or equivalent) or less.
- The water use does not include any uses in addition to the three listed above.

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Under the authority of Section 73-3-20 of the Utah Code, the applicant is required to submit a proof of diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

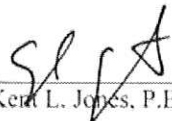
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

Your contact with this office, should you need it, is with the Weber River/Western Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 9th day of July, 2014.


Kent L. Jones, P.E., State Engineer

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Mailed a copy of the foregoing Order this 9th day of July, 2014 to:

David Clapier
7310 South 950 West
Willard, UT 84340

Weber Basin Water Conservancy District
2837 East Highway 193
Layton, UT 84040

Reed Cozens, River Commissioner
PO Box 151
Layton, UT 84041

BY: 
Sonia R. Nava, Applications/Records Secretary

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DAVID CLAPIER
7310 SOUTH 950 WEST
WILLARD UT 84340

- - - - -



1438 West 2550 South
Ogden, Utah 84401

September 16, 2014

Dave Clapier
7310 S 950 W
Willard, UT 84340

RE: Request none

Dear Mr. Clapier:

Rocky Mountain Power will supply power to property located at or near 156 N Highway 158, Eden, UT.

- Applicant will apply for power by calling 1-888-221-7070
- Applicant or Developer will supply a signed, approved recorded property plat map with lot numbers, addresses, and section corners identified if applicable.
- Residential and Commercial Developer will supply an electronic copy of the subdivision by e-mail, (Auto-cad version 2006), to shawn.stanton@pacificorp.com.
- Residential Subdivision Developer will pay all costs which are non-refundable above the \$750.00 per lot allowance according to line extension tariff, regulation 12.
- All single lot applicants will be subject to the line extension rules and regulation 12.
- Applicant is responsible to sign a contract after job is approved by Rocky Mountain Power management, and pay any associated costs before work can be scheduled or materials ordered.
- Rocky Mountain Power engineering review may be required and may be subject to additional charges according to our filed line extension tariff, regulation 12.

If you have any questions regarding these provisions, please feel free to call me at 801-629-4310.

Respectfully,

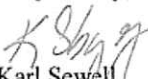

Karl Sewell
Operations-Manager
Rocky Mountain Power
Ogden Operations

Exhibit C-Review Agencies Comments

Engineering Review 5

Project: Shanghai Canyon Subdivision

User: Rochelle Pfeaster

Department: Weber County Engineering Division

Created: 2015-09-15 10:23:36

Approved: Approved

Notes: I have had a chance to review the plan(s) and have the following comment(s):

1. The engineering Division has no concerns with this project.

I have tried to address all items of concern from the Engineering Department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this review, feel free to contact me.

Shanghai Canyon Subdivision 3rd Review

Project: Shanghai Canyon Subdivision

User: Daniel Milligan

Department: Weber County Surveyor's Office

Created: 2015-05-15 12:44:40

Modified: 2015-06-08 11:51:06

Approved: Approved

Notes: Thank you for addressing the redlines from the previous review. The survey office releases this project pending any concerns from any other review agencies.

Delinquent Property Taxes

Project: Shanghai Canyon Subdivision

User: Shirley Robinson

Department: Weber County Treasurer's Office

Created: 2015-03-18 09:31:11

Approved: Not Approved

Notes: Property Taxes for parcel 20-017-0003 are Delinquent for 4 years= 2011-2014.

Environmental Health Septic

Project: Shanghai Canyon Subdivision

User: Michela Gladwell

Department: Weber-Morgan Health Department-Waste Water Division

Created: 2015-09-09 08:32:46

Approved: Approved

Notes: The latest site plan has been reviewed and health department requirements for feasibility have been addressed. Ok for mylar signature.

Exhibit C-Review Agencies Comments continued...

Weber Fire District Review

Project: Shanghai Canyon Subdivision

User: Brandon Thueson

Department: Weber County Special Events, Weber Fire District

Created: 2014-09-08 09:09:46

Modified: 2014-09-08 09:11:49

Approved: Yes

Notes

Date: September 8, 2014

Project Name: Shanghai Canyon Subdivision

Project Address: 156 North Hwy 158, Eden Utah

Contractor/Contact: David Clapier 801-510-3568 Nessmuck4473@msn.com

Fees: See attached pdf

FEE NOTICE:

Weber Fire District has various fees associated with plan reviews, and inspections. Please be prepared to make payments at the time of inspections or when you pick up your approved plans. Impact Fees are due prior to taking out a building permit. Make checks payable to: **Weber Fire District**.

REVIEW STATUS: SUBDIVISION APPROVED

SPECIFIC COMMENTS:

1. This review is for the subdivision application only and is not for any new construction. Prior to construction a site plan and building plans must be submitted for review.
2. The subdivision of the property is approved however, the following comments are provided for your information regarding future development of Lot 1 and 2.
 - a. If there is to be any new construction on either lot 1 or 2:
3. Fire Hydrant(s): If there is an available permanent water supply system, at least one new fire hydrant must be provided within 250 feet of the building lots.
4. Fire Flow: All structures over 5000 sq. ft. which do not meet the fire flow requirements, shall be equipped with an NFPA 13D compliant fire sprinkler system. For more information regarding fire flow, please contact Fire Marshal Thueson at 801-782-3580.
5. Fire Access roads to any property shall meet the requirements of the International Fire Code and Weber County ordinances. Roads shall be capable of supporting a 75,000 pound load.
6. Roads shall have a maximum grade of 10% unless specifically approved as outlined by the International Fire Code.
7. Radius on all corners shall be a minimum of 28'-0".
8. Dead end fire apparatus access roads in excess of 150 feet in length shall be provide with an approved area for turning around fire apparatus constructed with the same requirements as the roads.
9. All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
10. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
11. All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible construction.

A written response for this review is required.

Every effort has been made to provide a complete and thorough review of these plans. This review does not relieve the owner, contractor and/or developer from compliance with any and all applicable codes and standards. Any change or revision of this plan will render this review void and will require submittal of the new or revised layout for fire department review.

Reviewed by: Brandon Thueson

Fire Marshal