



## Staff Report for Administrative Subdivision Approval

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on an administrative application for final plat approval of Ortberg Subdivision  
**Agenda Date:** Wednesday, May 06, 2015  
**Applicant:** James and Jeannine K. Ortberg  
**File Number:** LVO032415

#### Property Information

**Approximate Address:** 3936 North 2975 West  
**Project Area:** 4.874 Acres  
**Zoning:** A-1  
**Existing Land Use:** Residential/Agricultural  
**Proposed Land Use:** Residential  
**Parcel ID:** 19-010-0043  
**Township, Range, Section:** Township 7 North, Range 2 West, Section 22

#### Adjacent Land Use

<b>North:</b>	Residential/Agricultural	<b>South:</b>	Residential/Agricultural
<b>East:</b>	Residential/Agricultural	<b>West:</b>	Residential/Agricultural

#### Staff Information

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

### Applicable Ordinances

- Title 101, General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 5, Agricultural (A-1) Zone
- Title 106, Subdivisions, Chapter 1-8 as applicable and amended by Title 26, Filing of Preliminary and Final Plans (amended by Ordinance 2012-14)

### Type of Decision

*Administrative Decisions:* When the Planning Director is acting as the land use authority, he is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Director if the application demonstrates compliance with the approval criteria.

### Background

The applicant has submitted a request for final plat approval of Ortberg Subdivision, a small subdivision consisting of one lot in Bay View Ranchettes. The proposed subdivision is located at approximately 3936 North 2975 West, Ogden, UT and is in the A-1 zone. The proposed subdivision conforms to both the zoning and subdivision requirements including adequate frontage and access along a dedicated private road, adequate lot width, lot area and adequate setbacks for the existing structure located on the future Lot 1, as required in the Uniform Land Use Code of Weber County (LUC).

## Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating larger lots which will preserve the openness of the area and maintain the rural atmosphere.

Zoning: The subject property is located in an Agricultural Zone more particularly described as the A-1 zone. The purpose and intent of the Agricultural (A-1) zone is identified in the LUC §104-5-1 as:

*"The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment."*

The existing structure located on the property was constructed on an agricultural qualifying five acre parcel in December 2014 as an agricultural exempt building. The applicant is desirous to now subdivide the property to allow for the construction of a new home. The proposed subdivision will consist of one lot and will not create or realign any streets; therefore meeting the definition of a "Small Subdivision" per LUC §26-1-4 (see Exhibit A). Upon recording the final subdivision plat, approximately 0.225 acres will be dedicated as a private road. When 80 percent of the original 32 lots are approved for development the owners of the lots in the Bay View Ranchettes will be required to bring the gravel roads up to county standards. Until such time, a substandard road agreement and a deferral agreement for sidewalk, curb and gutter improvements are required to be recorded along with the final subdivision plat. A condition of approval has been added to ensure that all agreements are in place and recorded in conjunction with the final subdivision plat.

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), and the standards in the A-1 zone in LUC §104-5. 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 §104-5-7, the A-1 zone requires a minimum lot area of 40,000 sq. ft. and a minimum lot width of 150'. The proposed subdivision will gain access through a private road easement that has been recorded with the Weber County Recorder's Office as entry# 1776347 book 54 page 02-07 and will front along the private road identified as 2975 West. The current configuration of the subject property is primarily residential with an accessory use of agriculture. The proposed lot conforms to the lot area, frontage/width and yard setback regulations of the A-1 zone as found in LUC §104-5-7.

Flood Plain: The proposed subdivision is located in a Zone "X" as determined by FEMA to be an area of minimal flood hazards. The site elevation is above the building moratorium of 4,215' as well as above the 4,218' elevation which would require approval by the Planning Commission prior to the issuance of a land use or building permit.

Culinary water and sanitary sewage disposal: Will serve and feasibility letters have been provided for the culinary water and the sanitary sewer for the proposed subdivision (see Exhibit B). The culinary water for the proposed subdivision will be provided by Bona Vista Water Improvement District. Adequate proof of secondary water will need to be provided to Bona Vista Water Improvement District prior to receiving a culinary connection to ensure that all landscaping and outside water usage will be done by alternative sources other than the culinary water. The applicant will need to meet the requirements of the Weber-Morgan Health Department for all onsite septic system improvements.

Review Agencies: The proposed subdivision has been reviewed and approved by the Weber County Surveyor's Office. The Weber County Engineering Division has reviewed the proposal and has outstanding conditions that will need to be addressed prior to recording the final mylar; a condition of approval has been added to ensure that all conditions of the Engineering Division will be met prior to recording. To date, the Weber Fire District has not reviewed the proposed subdivision; a condition of approval has been added to ensure that all conditions of the Weber Fire District will be met prior to recording.

Additional design standards and requirements: The proposed subdivision is relatively flat. Minor grading has been proposed for the site improvements. 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 2014 property taxes have been paid in full. The 2015 property taxes will be due in full on November 1, 2015.

Public Notice: A notice has been mailed not less than seven calendar days before final approval 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 Ortberg Subdivision, a small subdivision consisting of one lot. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A substandard road agreement and a deferral agreement for sidewalk, curb and gutter improvements will be recorded along with the final subdivision plat.
2. Requirements of the Weber County Engineering Division.
3. Requirements of the Weber-Morgan Health Department.
4. Requirements of the Weber Fire District.
5. Requirements of the Weber County Surveyor's Office.
6. Requirements of the Weber County Recorder.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with 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 Ortberg Subdivision, a small subdivision consisting of one 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: Wednesday, May 6, 2015



Sean Wilkinson  
Weber County Planning Director

## Exhibits

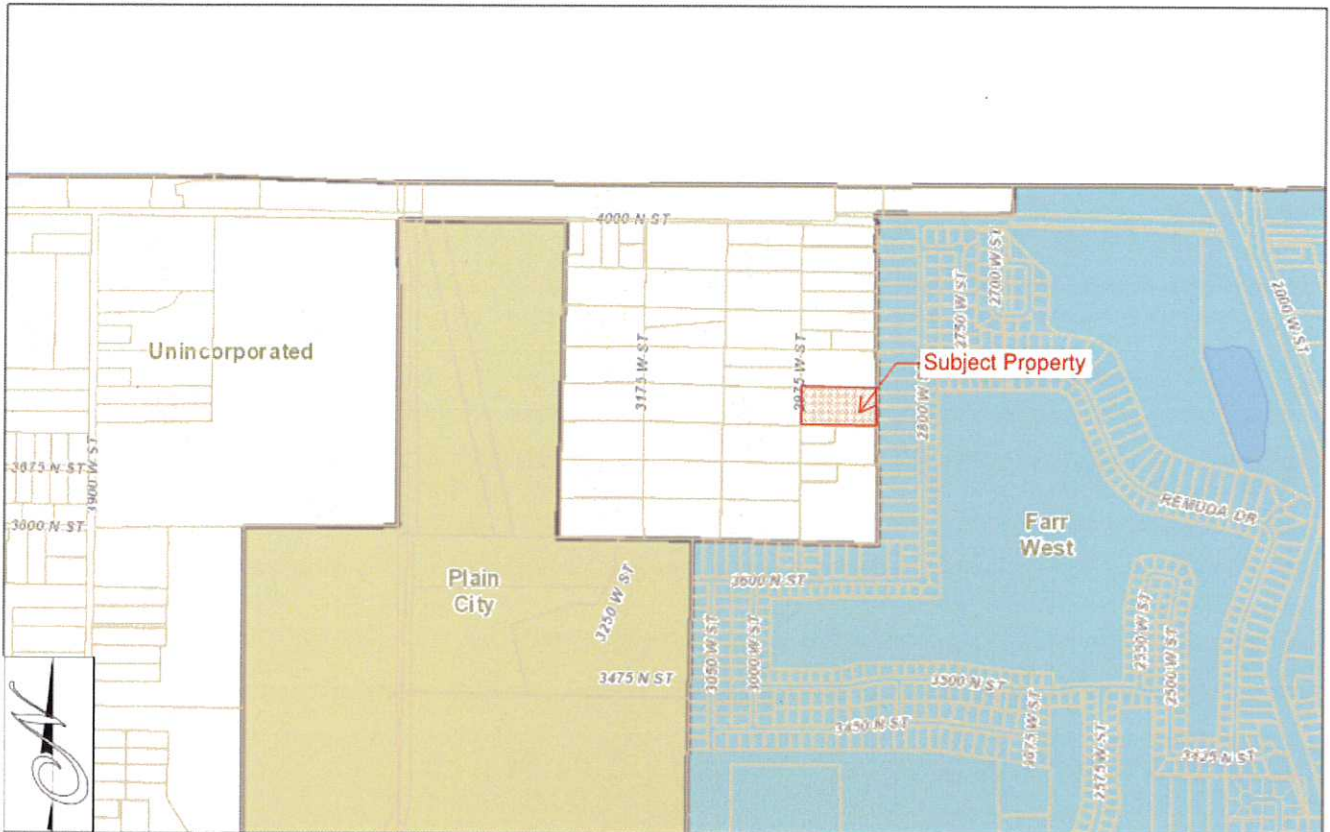
- A. Proposed Subdivision
- B. Will Serve/Feasibility Letters



Map 1



Map 2







BRIAN W. BENNION, M.P.A., L.E.H.S.  
Health Officer/Executive Director



November 6, 2014

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

RE: James Ortberg/ Nelay Adams property  
3936 N 2975 W, Ogden  
Parcel #19-010-0043  
Soil log #14118

Gentlemen:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on November 5, 2014. The exploration pit (s) is located at the referenced GPS coordinate and datum. The soil texture and structure, as classified using the USDA system, are as follows:

Exploration Pit #1 (UTM Zone 12T, Nad 83, 412081E 4576124N)  
0-61" Silty loam, granular structure  
61-87" silty loam, massive structure  
87-108" loamy sand, massive structure (wet)  
Ground water observed at 108 inches

Exploration pits should be backfilled immediately upon completion to prevent a hazardous environment that may cause death or injury to people or animals.

DESIGN REQUIREMENTS

Culinary water will be provided by Bona Vista Water Improvement District, an extension of an existing approved non-community water system. **A letter from the water supplier is required prior to issuance of a permit.**

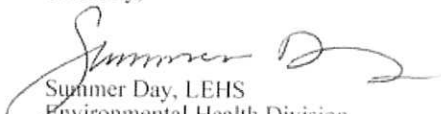
Anticipated ground water tables not to exceed 24 inches, fall within the range of acceptability for the utilization of an At-Grade Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/sq. ft./day as required for the silty loam, granular structure soil horizon.

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.

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,

  
Summer Day, LEHS  
Environmental Health Division  
801-399-7160

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phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | www.webermorganhealth.org

## *Bona Vista Water Improvement District*

2020 West 1300 North, Farr West, Utah 84404

Phone (801) 621-0474 Fax (801) 621-0475

### Directors

Z. Lee Dickmore  
Farr West

Bruce Richins  
Harrisville

Keith Butler  
Marriott/Slaterville

Bruce Higley  
Plain City

Ronald Stratford  
Unincorporated Area

### Management

Jerry Allen  
General Manager

Monette Panter  
Office Manager

Blake Carlin  
Supervisor

October 31, 2014

Weber County Planning Commission  
2380 Washington Blvd  
Ogden, Utah 84401

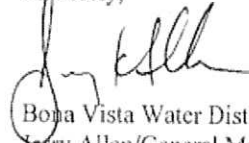
RE: James Ortberg  
3936 North 2975 West

This parcel is within the boundaries of the Bona Vista Water District and we can supply them with water for domestic use only.

All landscaping and outside use must be done from a supply other than the culinary water. Proof of secondary water for each lot is required. NO irrigation or sprinkling systems are allowed to be connected to the culinary water service lines servicing these lots.

At the present time a 3/4" connection is \$1992.00. On this parcel there is a \$1,000 annexation fee due. All fees must be paid before a connection can be made.

Sincerely,



Bona Vista Water District  
Jerry Allen/General Manager