



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an administrative application, final approval of Hazy Acres Subdivision 1st Amendment, a two lot subdivision.

Type of Decision: Administrative

Agenda Date: Wednesday, August 16, 2017

Applicant: Craig and Shae Bitten, owner

File Number: LVH 060517

Property Information

Approximate Address: 4088 W 2200 S

Project Area: 2.91 acres combined

Zoning: Agricultural (A-1) Zone

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 15-357-0001, 15-357-0002

Township, Range, Section: T6N, R2W, Section 28

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Agricultural

Staff Information

Report Presenter: Felix Lleverino
 flleverino@co.weber.ut.us
 801-399-8767

Report Reviewer: RK

Applicable Ordinances

- Title 101 (General Provisions) Section 7 (Definitions)
- Title 104 (Zones) Chapter 5 (A-1 Zone)
- Title 106 (Subdivisions)
- Utah State Code 17-27a-608 (2),(a),(iii)

Background and Summary

The applicant has submitted a proposal to move a lot line within a recorded subdivision. This lot line adjustment will take place between Lots 1 and 2, and will result in expanding the size of Lot 2 from .92 acres to 1.25 acres and reducing the size of Lot 1 from 2 acres to 1.66 acres (See Exhibits A, B, and C). Both Lots 1 and 2 are owned by the Bittens. After the amendment is complete the Bittens plan to sell Lot 1 and build a new home on Lot 2.

There is a 10 foot public utility easement (PUE) located on each side of the shared lot line of Lots 1 and 2, which will be relocated to the new shared lot line 70.11 feet to the south. The applicant has provided approval letters from Dominion Energy (formerly known as Questar Gas), Rocky Mountain Power, and Taylor West Weber Water (See Exhibit D through D-3). This proposal is located in Taylor on the corner of 2100 South and 4075 West. The existing Lots 1 and 2 are both corner lots and will have frontage along public rights of way known as 2100 South, 2200 South and 4075 West Streets.

The Uniform Land Use Code of Weber County (LUC) §101-1-7 identifies a subdivision amendment as a “Small Subdivision” and can be administratively approved by the Planning Director as long as the amendment consists of five or fewer lots. The proposed subdivision amendment and lot configuration are in conformance with the applicable zone and subdivision requirements as required in the LUC. The following is a brief synopsis of the review criteria and conformance with the LUC.

Analysis

General Plan: The Hazy Acres Subdivision 1st Amendment is in harmony with the Western Weber General Plan by creating one acre lots and preserving agricultural uses.

Zoning: The property is located in the A-1 Zone. The purpose of this zone is stated in the LUC §104-5-1 as follows:

"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."

This proposal meets the purpose and intent of the Agricultural (A-1) Zone.

Lot Area, Frontage Width and Yard Regulations: Lot 1 will contain 1.66 acres and is 206.88 ft. wide. Lot 2 will contain 1.25 acres and is 207 ft. wide.

The site development standards for the A-1 Zone are as follows:

Minimum Lot Area: 40,000 sq. ft. or .918 acres

Minimum Lot Width: 150 Feet

The Yard Regulations for the A-1 zone are as follows:

Front: 30 feet

Sides: On a corner lot, 20 on the side facing the street and a minimum of 10 feet on the other.

Rear: 30 feet

The proposed amended lot line will maintain the required yard set-backs for all existing structures on Lot 1. Each lot conforms to the Agricultural (A-1) zoning requirements.

Small Subdivision: LUC§ 101 defines a subdivision amendment as a "small subdivision" as long as the subdivision amendment consists of five (5) or fewer lots and for which no streets will be created or realigned." This subdivision consists of two lots and no new streets are being created or realigned. Based on these provisions, this subdivision qualifies for administrative approval as a small subdivision. A public hearing does not apply to this application and the land use authority may consider the petition to adjust the lot lines of adjoining lots.

Culinary Water and Sanitary Water: The lots within this subdivision possess previous approval from Taylor West Weber Water Improvement District, and Hooper Irrigation. Lot 1 is currently being served with an individual septic system. Weber County Engineering requires that both lots be connected to the Central Weber Sewer Improvement District. A condition of approval has been added to ensure an adequate "Will Serve" letter is provided prior to recording the final Mylar.

Additional design standards and requirements: The applicant has agreed to enter into a deferral agreement for the required public infrastructure. There is an existing single family dwelling on Lot 1. 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.

Review Agencies: Weber County Fire District has approved this proposal. Other applicable Weber County review agencies have posted further requirements for this proposal to which the applicant will need address prior to the final Mylar being released for signatures. A condition of approval has been added to staff's recommendation to ensure that all review agencies requirements are met prior to recording.

Tax Clearance: There is no record of past delinquent tax history and no outstanding tax bills on these parcels.

Public Notice: Noticing requirements, according to LUC 106-1-6(c), have been met by mailing notices out to all property owners of record within 500 feet of the subject property.

Staff Recommendations

Staff recommends final plat approval of Hazy Acres Subdivision 1st Amendment, a two lot subdivision. This recommendation is based on the following conditions:

1. Prior to recording the final Mylar, all requirements of the Weber County reviewing agencies shall be met.
2. A deferral for curb gutter and sidewalk shall be recorded with the final Mylar.
3. The applicant must provide a will-serve letter and be annexed into Central Weber Sewer Improvement prior to recording the final Mylar.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. The proposed subdivision complies with the applicable County codes.

Administrative Approval

Administrative final approval of Hazy Acres Subdivision 1st Amendment 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.

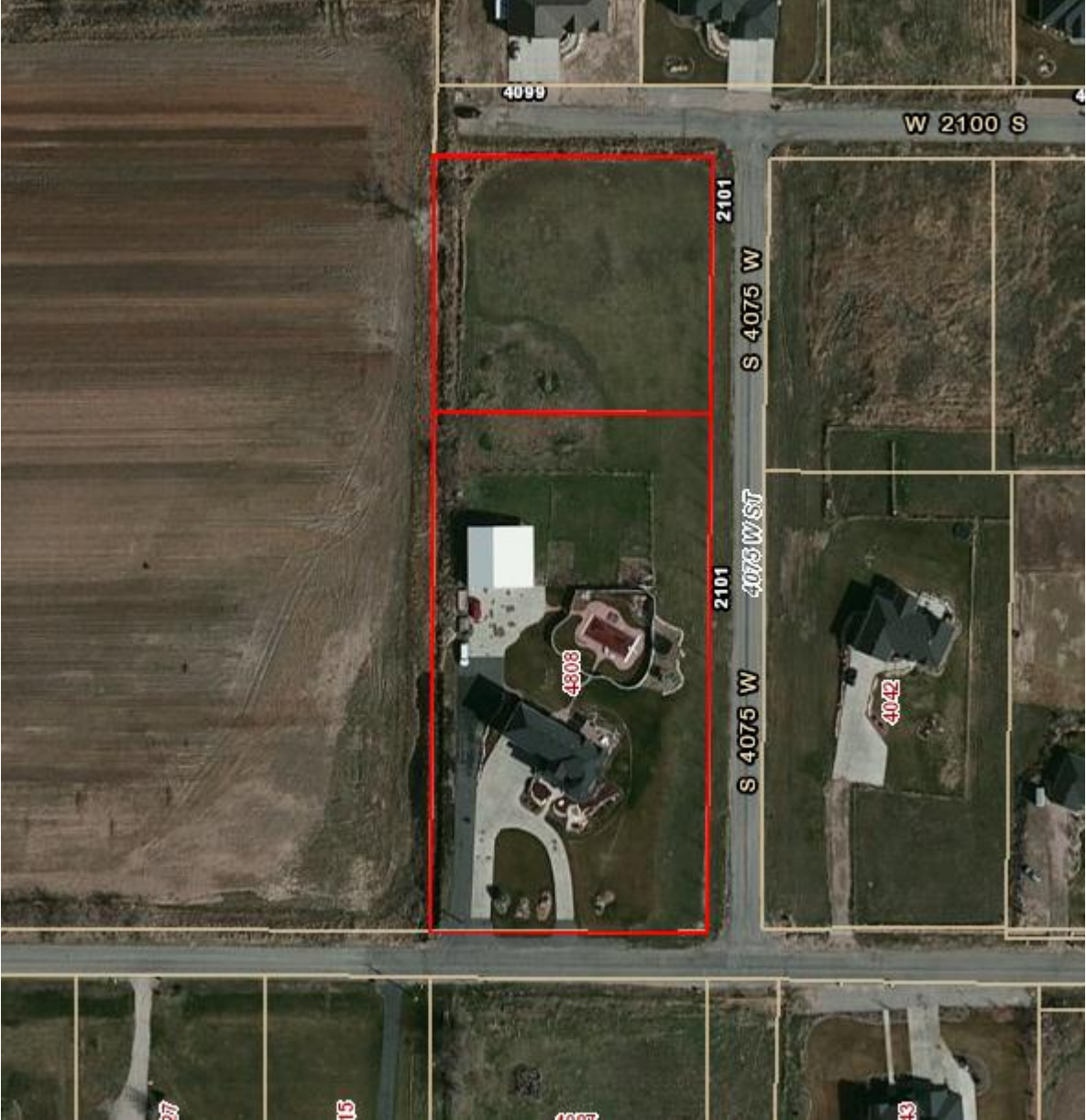
Date of Administrative Approval: 8/16/17



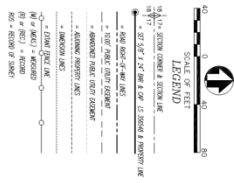
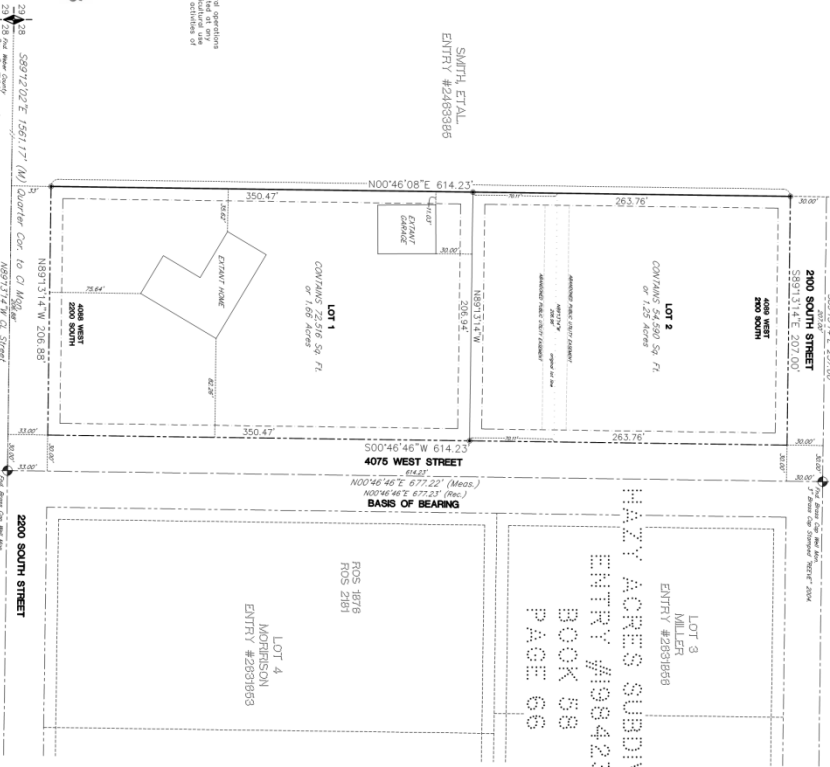
Rick Grover
Weber County Planning Director

Exhibits

- A. Hazy Acres Subdivision 1st Amendment
- B. Original Hazy Acres Subdivision Plat
- C. Current Recorders Plat
- D. Utility Provider Letters



HAZY ACRES LOTS 1 AND 2 AMENDED
A RE-SUBDIVISION OF LOTS 1 AND 2 HAZY ACRES SUBDIVISION
LIVING AND SITING IN THE NORTHWEST QUARTER OF SECTION 28
TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN
5897174 421231



BORDERED BY:
Boundary Consultants
2289 North 1700 West Park West, Utah
Salt Lake City, UT 84119
Phone: (801) 486-9910
Fax: (801) 486-9911
www.boundaryconsultants.biz
dave@boundaryconsultants.biz

MEMBER COUNTY ATTORNEY
MEMBER COUNTY ENGINEER
MEMBER COUNTY PLANNING COMMISSION APPROVAL
MEMBER COUNTY COMMISSION ACCEPTANCE

SURETYORS CERTIFICATE
I, the undersigned, certify that I am a resident of this State of Utah and have a sufficient amount of surety on file with the State of Utah to cover the performance of this contract and to pay any and all claims for the performance of this contract in accordance with the provisions of the Utah State Code.



BOUNDARY DESCRIPTION
A parcel of land lying and situated in the Northwest Quarter of Section 28, Township 6 North, Range 2 West, Salt Lake Base and Meridian, containing an area of 2.91 acres more or less, was conveyed to the undersigned by the State of Utah, under the authority of the Utah State Code, and the undersigned, in order to facilitate the subdivision of said parcel, has caused the same to be surveyed and the boundaries thereof to be shown on this map. The boundaries of said parcel as shown on this map are the true and correct boundaries of said parcel, and the undersigned hereby certifies that the same are correct and true. The area of said parcel as shown on this map is 2.91 acres more or less. The boundaries of said parcel as shown on this map are the true and correct boundaries of said parcel, and the undersigned hereby certifies that the same are correct and true. The area of said parcel as shown on this map is 2.91 acres more or less.

OWNERS DEDICATION
I, the undersigned, do hereby certify that the undersigned owners of the above described parcel have dedicated the same to the State of Utah, for the use and benefit of the public. The dedication is made for the purpose of creating a public street, and the undersigned hereby certifies that the same is correct and true. The area of said parcel as shown on this map is 2.91 acres more or less.

ACKNOWLEDGEMENT
STATE OF UTAH)
COUNTY OF WEBER) S.S.
On this _____ day of _____, 2017, personally appeared before me, the undersigned, _____, one of the said County of Weber, in said State of Utah, the undersigned, _____, who being duly sworn, depose and say that the above described parcel, together with the interest therein, was lawfully and lawfully owned by the undersigned at the time they signed a deed and voluntarily for the purposes indicated herein.

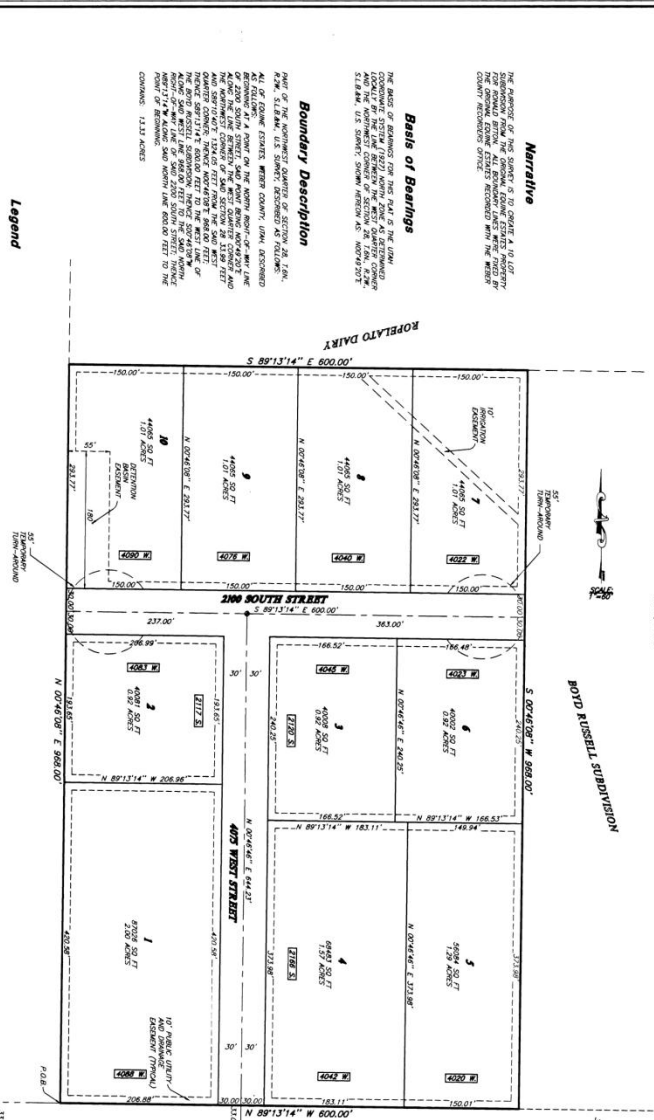
MEMBER COUNTY RECORDER
ENTER NUMBER _____
FILE # _____ RECORDED THIS _____
DAY OF _____ 2017, IN BOOK _____ OF THE

091-06

HAZY ACRES SUBDIVISION

PART OF THE NORTHWEST QUARTER OF SECTION 28, T8N., R24W., S14&4W., U.S. SURVEY
WESTERN COUNTY, IOWA
JUNE, 2003

BOYD RUSSELL SUBDIVISION



Narrative

THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY. THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY. THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY.

State of Bearings

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Boundary Description

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Legend

SECTION CORNER
STREET CORNER TO BE SET FROM COMPLETION OF IMPROVEMENTS

DANIEL PAVERO & CAROL E PAVERO TR
A-1 ZONE NOTE:
RESERVED FOR USE IN THE AGRICULTURAL ZONE. AGRICULTURAL ZONING AS SPECIFIED IN THE ZONING ORDINANCE FOR WESTERN COUNTY, IOWA. THIS ZONING IS SUBJECT TO RESTRICTIONS ON THE BASIS THAT IT INTERFERES WITH THE USE OF THE LAND FOR THE PURPOSES OF THE ZONING ORDINANCE. (IOWA CODE CHAPTER 201, SECTION 201.20)

<p>WESTERN COUNTY ATTORNEY</p> <p>THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY. THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY.</p> <p>_____ WESTERN COUNTY ATTORNEY</p>	<p>WESTERN COUNTY ENGINEER</p> <p>THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY. THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY.</p> <p>_____ WESTERN COUNTY ENGINEER</p>	<p>WESTERN COUNTY CLERK</p> <p>THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY. THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY.</p> <p>_____ WESTERN COUNTY CLERK</p>	<p>WESTERN COUNTY RECORDER</p> <p>THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY. THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY.</p> <p>_____ WESTERN COUNTY RECORDER</p>
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OWNER DEDICATION AND CERTIFICATION

WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED LAND, DO HEREBY DEDICATE AND CERTIFY TO THE PUBLIC THAT THE ABOVE DESCRIBED LAND IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY. THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY.

OWNER DEDICATION AND CERTIFICATION

ACKNOWLEDGMENT

ON THIS 12th DAY OF JUNE, 2003, PERSONALLY APPEARED BEFORE ME DANIEL PAVERO & CAROL E PAVERO TR, KNOWN TO ME TO BE THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY. THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY.

ACKNOWLEDGMENT

RENEE & ASSOCIATES, INC.

Surveying & Land Planning • Landmark Architects

RENEE & ASSOCIATES, INC.

WESTERN COUNTY RECORDER

THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY. THE PART OF THIS SURVEY IS TO BE SET IN 10' LOT FRONTAGE WITHIN ALL RESUBDIVISIONS BEING MADE BY THIS SURVEY.

WESTERN COUNTY RECORDER

59-66

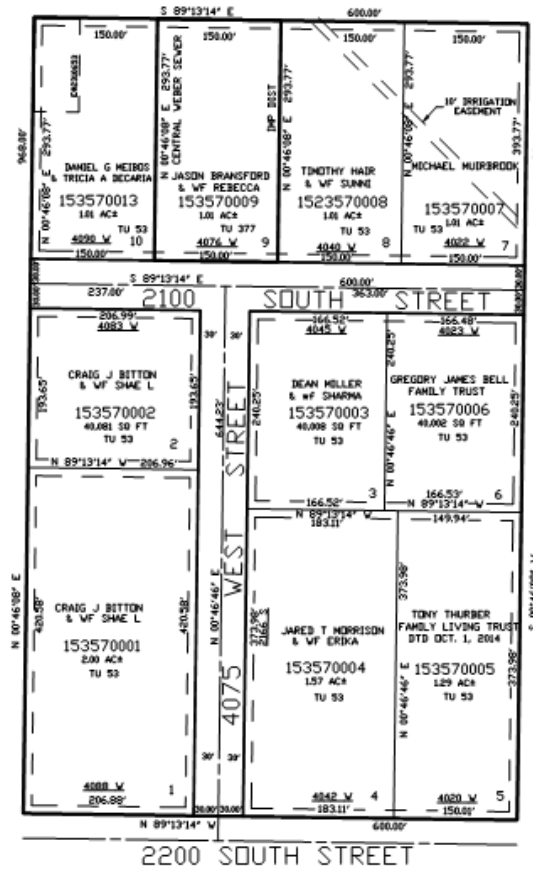
PART OF THE NW.1/4, OF SECTION 28, T.6N., R.2W., S.L.B. & M.
HAZY ACRES SUBDIVISION

357

IN WEBER COUNTY
SCALE 1" = 100'

TAXING UNIT: 53, 377

SEE PAGE 78-4



SEE PAGE 78-4

SEE PAGE 78-4

SEE PAGE 78-4

FOR COMPLETE ENG DATA SEE ORIGINAL DEDICATION PLAT IN BOOK 58, PAGE 60 OF RECORDS.

10' UTILITY & DRAINAGE EASEMENTS EACH SIDE OF PROPERTY LINES AS INDICATED BY DASHED LINES EXCEPT AS OTHERWISE SHOWN.

Space above for County Recorder's use
PARCEL I.D.#

DISCLAIMER OF UTILITY EASEMENT

The undersigned, QUESTAR GAS COMPANY, a corporation of the State of Utah, dba Dominion Energy Utah, Grantor, hereby disclaims and releases any rights, title or interest which it may have in and to the following-described real property in Weber County, Utah, to-wit:

All public utility easements, excepting the easement(s) or portion of easement(s) running adjacent and parallel to the street(s), located within Lot 1 & 2, Hazy Acres Subdivision, located in the Northwest quarter of Section 28, Township 6 North, Range 2 West, Salt Lake Base and Meridian, Weber County, Utah; said Subdivision recorded in the Office of the County Recorder for Weber County, Utah.

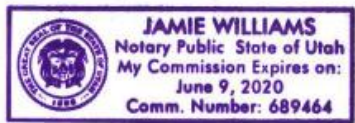
IN WITNESS WHEREOF, this disclaimer and release of any right, title or interest has been duly executed on June 26, 2017.

QUESTAR GAS COMPANY,
Dba Dominion Energy Utah

By: David C. Ingleby
Authorized Representative

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On June 26, 2017, personally appeared before me David Ingleby, who, being duly sworn, did say that he is an Authorized Representative for QUESTAR GAS COMPANY, dba Dominion Energy Utah, and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors.



Jamie Williams
Notary Public

TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT
2815 West 3300 South
West Haven Utah 84401

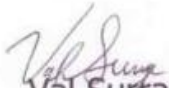
6/27/2017

To: Weber County Planning

Subject: vacating utility easement

Taylor West Weber Water District agrees to the vacating of utility easement between lot 1 and 2 of Hazy Acres.
Water District can't see a need for this easement to be retained.

Thanks


Val Surfrage
Manager



1438 West 2550 South
Ogden, Utah 84401

July 17, 2017

Craig Bitton
bittonautosales@msn.com

RE: Vacating Utility Easement
Request: 6376335

Dear Mr. Bitton:

As you requested, Rocky Mountain Power hereby consents to vacating the utility easement on the north side of property located at 4088 W 2200 S, Taylor, UT.

As consideration for the Power Company on vacating the above easement, it will be necessary for you to hold the Power Company harmless from any and all claims for personal injuries or damages to property when such injuries or damages, directly or indirectly, arise out of the existence, construction, installation maintenance, condition, use or presence of your structures upon said easement. Rocky Mountain Power shall not be responsible for any damages to structures or property located on said easement.

If I can be of assistance please feel free to call me at 629-4431.

Thank you,

A handwritten signature in blue ink that reads "S. Clingenpeel".

Steve Clingenpeel
Estimator
Rocky Mountain Power