

Minutes of September 29, 2021, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT and via Zoom Video Conferencing, commencing at 3:30 p.m.

Staff Present: Rick Grover, Planning Director; Scott Perkes, Planner III; June Nelson, Secretary

1. Minutes approved from 9/22/2021

2.1 UVS072221: Final approval of the Shannon Bee Estates Subdivision 1st Amendment consisting of a lot line amendment between two existing lots at approximately 3799 Nordic Valley Dr. in Eden. Applicant: Don White, Staff Presenter: Scott Perkes

Consideration and action on an administrative application for final plat approval Shannon Bee Estates 1st Amendment comprising of a lot line adjustment between two existing subdivided lots of record. The owners of the two lots associated with this application (see **Exhibit A**) wish to perform a boundary line adjustment to reconfigure their shared side property line in a way that would leave both lots with unadjusted areas but improved street frontages with Nordic Valley Drive. Both lots (#7 & 8) were considered to be legally non-conforming "Lots of Record" as they were created by the 1983 Shannon Bee Estates Subdivision (see **Exhibit B**), but do not meet the current FV-3 zoning minimum area of 3 acres. Per LUC Sec. The owners previously exchanged quit claim deeds to effectuate the desired lot line adjustment. However this action unintentionally created two illegal lots because such a change is required to go through the subdivision amendment process (rather than quit claim deeds) in order to preserve the legal nonconforming status of the lots. This requirement is found in LUC Sec. 108-12-11(b) which reads as follows:

(b) Any lot legally platted within the bounds of a subdivision that was created pursuant to the standards of the zoning code and subdivision code in effect at the time of its creation, but no longer complies due to subsequent changes to these codes, may be amended pursuant to the minimum standards in effect at the time of its creation. The amendment shall not create any new lots. An amended plat shall be required.

Review Agencies: With exception to the Weber-Morgan Health Department, the proposed subdivision has been reviewed by all County Reviewing agencies. Various agencies have remaining review comments that will need to be addressed prior to recording of the final plat mylar.

Staff recommends that a formal review of the proposed subdivision will need to be conducted by the Weber-Morgan Health Department to verify that the proposed lot line adjustment does not result in the encroachment of existing septic system components on adjacent property.

Staff recommends final plat approval of the Shannon Bee Estates Subdivision 1st Amendment consisting of two lots. This recommendation is subject to all applicable review agency requirements and is based on the following condition:

1. A formal review of the proposed subdivision will need to be conducted by the Weber-Morgan Health Department to verify that the proposed lot line adjustment does not result in the encroachment of existing septic system components on adjacent property. This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County ordinances.

Administrative final approval of Shannon Bee Estates 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: **9/29/2021 APPROVED**

Rick Grover
Weber County Planning Director

2.2 UVM071120: Reconsideration for final approval of the Middle Fork Ranches 3rd Amendment consisting of one lot at 7522 East 1400 North in Huntsville. Applicant: Troy Green, Staff Presenter: Scott Perkes

The applicant is requesting final approval of Middle Fork Ranches 3rd Amendment, consisting of one lot. The proposed Lot 25 was originally Lot 8 of the Middle Fork Ranches Subdivision. The proposed amendment adds Parcel 21-005-0036 into the subdivision boundary to widen the resulting lot. When first submitted, Planning Staff requested that this amendment be used to dedicate a full half-width right-of-way along the eastern property line for future roadway connectivity. This plat configuration was originally approved during September 2nd, 2020 Administrative Review Meeting. However, the applicant appealed the decision to dedicate the half-width right-of-way, and requested that the decision be reviewed by the Utah Office of The Property Rights Ombudsman. In response, the Ombudsman issued an advisory opinion (dated July 16th, 2021), the summary of this opinion reads as follows:

"The County's requirement to dedicate a 33-foot wide strip of land for a future right-of-way to serve future development does not solve a problem created by the Green's development proposal. The Greens' amended plat simply merges two parcels without changing the use of the land or increasing the use's density. Requiring the dedication would force the Greens' to offset impacts beyond their own. The requirement therefore fails the applicable rough proportionality test, and is unlawful. Accordingly, the County may not impose the requirement as a condition of amended plat approval."

In reviewing the Ombudsman's opinion with the Weber County Attorney's Office, planning staff recommended that the applicant resubmit a subdivision plat that removes the originally requested ROW dedication. This revised plat could then be rescheduled for Administrative Review.

Staff recommends final approval of Middle Fork Ranches Third Amendment. This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.

This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision amendment complies with all previous approvals and the applicable County ordinances.

Administrative final approval of Middle Fork Ranches 3rd 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: **9/29/2021 APPROVED**

Rick Grover
Weber County Planning Director

2.3 LVM052021: Final approval of the Miller's Flats Subdivision consisting of one lot at approximately 1831 North 6700 West in Ogden. Applicant: Gilbert Miller, Staff Presenter: Scott Perkes

The applicant is requesting final administrative approval of a one lot subdivision known as Miller's Flats Subdivision located at approximately 1831 N 6700 W, Ogden (see **Exhibit A**). The Uniform Land Use Code of Weber County (LUC) §101-2-20 indicates that a "Small Subdivision" can be administratively approved by the Planning Director as long as the subdivision consists of three or fewer lots and for which no streets will be created or realigned. The proposed subdivision is in conformance with the current zoning and the applicable subdivision requirements as required in the LUC. Staff analysis of the proposed subdivision is provided below.

Access: The proposed lot will gain access across the front lot line from the existing 6700 West street. This street's right-of-way is currently 66 feet wide, but is planned to be 100-feet wide. The road is also unpaved beginning at the intersection of 1900 North and 6700 West and extending southward along the full frontage of the proposed lot. As such, the road is currently considered substandard in both right-of-way width and surface improvements. However, the road is not considered to be terminal as it does

Approved 10/06/2021

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connect further south to 700 North and to the north at the intersection of 1900 North. Per LUC Sec. 108-7-19 (Building on Dedicated Substandard Streets of Public by Right of Use Roads):

(a) An applicant for a land use and building permit for property which abuts and has access from a substandard dedicated street or public by right of use road, shall, as a condition of issuance of such permits, be required:

(1) To sign a substandard road agreement provided by the county.

(2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county road standards or as recommended by the county engineer in situations that warrant an alternative width such as unusual topographic or boundary conditions. The proposed plat dedicates a 17-foot deep, by 167-foot long piece of land for the widening of 6700 West right-of-way to a full 50-foot half width on the west side of the centerline. This dedication brings the portion of 6700 West right-of-way along the lot's frontage up to width standard and satisfies condition number two as listed in LUC Sec. 108-7-19(a)(2). As a condition of subdivision approval, the applicant will need to sign a substandard road agreement, as provided by the county, to satisfy condition number one as listed in LUC Sec. 108-7-19(a)(1).

Staff recommends final approval of Miller's Flats Subdivision (LVM052021). This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. The applicant will need to sign a substandard road agreement, as provided by the county.
2. A deferral agreement for curb, gutter, sidewalk, and asphalt will be required prior to recording the subdivision plat.
3. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction will be recorded simultaneously with the final plat.

The recommendation for approval is based on the following findings:

1. The proposed subdivision amendment conforms to the West Central Weber General Plan.
2. With the recommended conditions, the proposed subdivision amendment complies with the Weber County Land Use Code.

Administrative final approval of Miller's Flats Subdivision (LVM052021) 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: **9/29/2021 APPROVED**

Rick Grover
Weber County Planning Director

Adjourn

**Respectfully Submitted,
June Nelson
Lead Office Specialist**

Approved 10/06/2021

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