



Staff Review 2nd Transmittal

Weber County Planning Division

Application Information

Application Request: Shanghai Canyon Subdivision, a one lot subdivision
Applicant: David Clapier
File Number: UVS 081414

Property Information

Approximate Address: 156 North Highway 158 Eden, UT 84310
Project Area: 3.64 acres
Zoning: FR-1
Parcel ID: 20-017-0003

Staff Information

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

Summary of Staff Review:

ATTACHED ITEMS:

X Plans

X Written Comments

Attached are review comments and redlined plans regarding your application for the Shanghai Canyon Subdivision as well as additional comments from Weber County reviewers to date. The items herein need to be addressed prior to the subdivision being forwarded for approval by the land use authority. Detailed written comments regarding the project's compliance with the applicable Weber County Land Use Code (LUC) are attached. Please refer to <https://miradi.co.weber.ut.us/> to ensure that all comments and reviews from the applicable departments on your project have been addressed. Please provide all corrections in both hard copy and digital (PDF) formats.

The following is a checklist synopsis of items of concern. Each are explained better in relationship to their County Code requirements in the subsequent pages.

Planning Division Comments:

1. Please provide a preliminary title report with a legal description that matches the boundary description that has been provided for review and approval to ensure that all applicable easements are shown on the plat map.
2. According to the title report, there are multiple property owners however Ogden River Water Users Association is not listed as an owner. Please verify all property owners and easements that are listed in the title report are identified on the plat and provide signature areas with the correct vesting and adequate acknowledgements for all signers of the final plat map.
3. Please place a note on the plat regarding water supply/wells requirements per LUC §106-4-2(a)(3).
4. Please provide the house number that will be assigned to the recorded lot on the plat map.

Engineering Division Comments:

1. The proposed subdivision will need to have curb, gutter and sidewalk as per the county commission. As a bare minimum there will need to be a deferral on the curb, gutter and sidewalk, which has been signed by the developer prior to final approval.
2. A Right of Way Permit and approval letter from UDOT will be required.
3. Test pit locations and associated data must be shown on the plat.
4. Due to the slopes on this lot, it will need to be labeled as a R (Restricted) Lot on the plat unless a building envelope, with a minimum size of 75'x100' can be shown in an area which is 25% slope or less.
5. Due to the potential for rock fall and debris flow a geo technical report will be required
6. Shanghai Creek is an intermittent stream, therefore a 50' stream setback will be required.
7. A Stream Alteration permit will be required from the State in order to construct a well in the stream as shown on the plat.

Treasurer's Office Comments:

1. Property taxes for parcel 20-017-0003 are Delinquent for the years of 2011, 2012, & 2013. And the current taxes of 2014 are not paid.

Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7 (Definitions: Lot-Flag, Lot-Frontage, Lot-Irregular Shaped, Lot-Lot Line, Lot Line-Front for Flag Lot, Lot Line-Rear, Lot Line-For Interior Lots, Lot-Restricted, Lot-Unrestricted, Minor Subdivision, Non-buildable Area, Non-developable area, Subdivision).
- Weber County Land Use Code Title 104 (Zones) Chapter 13 (FR-1 Zone)
- Weber County Land Use Code Title 106 (Subdivisions) Chapter 1-8 as applicable.
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary & Qualifying Regulations) Section 29-31 (Flag Lots)

Once the corrections have been submitted the departments will be able to commence with the review process. These departments may make additional comments on the project once they have been able to complete the re-review process. Please review the attached items and make any requested additions or modifications.

Should you have any questions, please feel free to call me at 801-399-8768.

Thank you,

Ronda Kippen

Planner II

This information relates Staff review comments to relevant County Codes.

Adopted-Uncodified Section 26-1-6(13):

A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:

- a. All easements.
- b. Reference (the entry number and or book and page number) to all deeds in chain of title.
- c. All boundary line agreements.
- d. All rights of way whether the parcel is subject to or has reserve rights.
- e. All current owners.
- f. All outstanding liens, taxes, etc.

- In order to correctly identify the property, ownership and easements that has been researched, the title report legal description needs to match the legal description of the proposed subdivision. Please provide an updated title report with a legal description that matches the boundary description of the proposed subdivision to ensure correct ownership/vesting and easements are shown on the plat.

Sec. 106-1-5. Preliminary plan requirements and approval procedure.

- (a) The preliminary plan shall be prepared in conformance with the requirements of this chapter and all other county codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch and shall show:

...

(9) The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.

- Please provide a current title report with a legal description that matches the proposed subdivision boundary for the proposed subdivision to ensure the correct easements are shown on the proposed subdivision plat.

(11) Lots classified as "restricted" by placing the letter "R" immediately to the right of the lot number of said lot.

- Per the Engineering Divisions comments-please identify a buildable area on the plat for approval or place an "R" immediately to the right of the lot number along with the required "Notice of Purchase of Restricted Lots" as required by LUC §106-1-8(b)(4).

(12) The location of percolation test holes on each lot.

- Please provide per the Engineering Divisions comments.

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Sec. 106-1-8. Final plat requirements and approval procedure.

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Final plat requirements.

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h. The standard forms approved by the planning commission for all subdivision plats lettered for the following:

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3. Owner's dedication certificate;

4. Notary public's acknowledgment;

- According to the title report that has been submitted multiple owners have been identified that differ from what is on the proposed subdivision. Please confirm that the correct owners as vested on title are listed on the plat map including the proper acknowledgements based on a new title report that matches the boundary description on the proposed subdivision.

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(4) For subdivisions that include lots of a "restricted" category or lots with "buildable areas" as defined in this title, the following shall be required on the final plat:

a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the said lot and by including the following notification on the final plat: "Notice of Purchases of Restricted "R" Lots. Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions of the Land Use Code. Approval of a restricted lot does not guarantee the lot is buildable. A Hillside Review as outlined in the Hillside Development Review Procedures and Standards chapter of the Land Use Code shall be done to determine if a lot is buildable.

b. For lots approved with "building areas" such building areas shall be designated on the final plat by short dashed lines with dimensions and with distances to at least two lot lines to accurately indicate the location of such building area and by placing the words "building area" within the dashed lines and by including the following notification on the plat: "Notice to Purchasers of Lots with Designated Building Areas. Lots with designated "building areas" have been approved subject to the condition that building development shall take place only within such designated areas."

- Please provide either a buildable area on the plat map or add the required information for a Restricted Lot per the Engineering Divisions comments.

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(g) *Additional documents.* Unusual conditions of development or other restrictions to the use of a lot or lots resulting from topography, geologic or environmental conditions or potential hazards, location or zoning regulations, etc., shall be identified in the actual location of the condition or restriction on the subdivision drawing if applicable, and/or shall be recorded as a protective covenant attached to the lot or lots so affected rather than being described as notes on the plat.

- Please provide a geotechnical report per the Engineering Divisions comments.

(h) *Tax clearance.* The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.

- It appears the property taxes for the 2011-2014 years are delinquent. Prior to recordation, all past due taxes, interest and penalties will need to be paid in full.

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Sec. 106-2-4. Lots.

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- (i) Natural drainage and other easements. The planning commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission.

- Per the Engineering Divisions comments-please provide a 50' setback area along the stream corridor as measured from the high water mark of "Shanghai Creek".

- (j) Lots meeting the criteria established for a "restricted lot" shall be designated on the preliminary and final plat by the letter "R" and shall be subject to the provisions of the Land Use Code prior to any construction or building being undertaken upon such lot.

- Please provide if a buildable area with a minimum size of 75'x100x cannot be illustrated on the plat.

- (k) A lot with an average slope of 25 percent or more over a major portion of its area, but with a "building area" as defined herein, within a buildable portion of the lot, may be classified as an unrestricted lot provided that the "building area" is approved by the planning commission as a suitable site for building and designated on the final plat as prescribed in section 106-5-1 and further provided that no building or construction or major cutting or filling of the natural terrain shall be made outside of such designated "building area".

- A minimum buildable area of 75'x100' will need to be illustrated on the plat. Please provide or identify the lot as a restricted lot.

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Sec. 106-4-2. Improvements required.

- (a) *Water supply.*

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(3) *Wells.* If individual well permits are issued by the Utah State Division of Water Rights, one well permit must be obtained along with a letter of feasibility from the Division of Water Rights and the Weber Morgan Health Department, which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include but not be limited to:

- a. that a well permit must be obtained;
- b. the time it may take to obtain the permit;
- c. the well must be drilled;
- d. water quality to be satisfactory; and
- e. water quantity to be sufficient as required by the Weber County Health Department, before a building permit can be obtained.

If well permits cannot be obtained, the lot will no longer be deemed a buildable lot.

- A note is recommended on the plat to ensure adequate notifications to the future property owners pertaining to water requirements.

(b) *Sewage disposal.*

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(1) Where a public sanitary sewer is not accessible, the applicant shall obtain approval from the county health officer for individual sewage disposal for each of the lots. Written approval from the county health officer shall be submitted to the planning division at the time the subdivision application is submitted. Where a sewer treatment facility is being approved by the State of Utah Department of Environmental Quality Division of Water Quality, a letter of feasibility is required for preliminary approval and a construct permit from the state is required before final approval can be granted by the planning commission.

- Per the feasibility letter from Weber Morgan Health Department “All subdivision plats submitted for review are to show the location of exploration pits and percolation tests. Key number or letter designations will be provided by this office along with logs of soil horizons and final percolations rates. My lars submitted for signature without this information will be returned.” Please provide per the Engineering Divisions comments.

(e) *Curbs and gutters.* Curbs and gutters shall be installed on existing and proposed streets by the applicant. Deferrals for curb and gutter will be required for lots in the Ogden Valley. Curb and gutter shall be installed by the applicant in subdivisions along the abutting Utah State Highways, if required by Utah State Department of Transportation.

- A deferral agreement will be required prior to recording the final plat per the Engineering Division comments.

(f) *Sidewalks.* Sidewalks shall be required by the planning commission for reasons of safety and public welfare, and where the proposed subdivision is located within the walking distance as established by the School District. Deferrals for sidewalk will be required for lots in the Ogden Valley. Weber County will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the county commission. Approved walking paths may be substituted for sidewalks.

- A deferral agreement will be required prior to recording the final plat per the Engineering Division comments.

Shanghai Canyon Subdivision

A part of the Northwest 1/4 of Section 16, T6N, R1E, SLB&M, U.S. Survey

Weber County, Utah

November 2014

SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that I have completed a survey of the property described hereon in accordance with Section 17-23-17 and that I have verified all measurements shown hereon this plat of Shanghai Canyon Subdivision in Weber County, Utah and that it has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Weber County Recorder's Office. Monuments have been found or placed as represented on this plat.

Signed this _____ day of _____, 2014.

6242920
License No.

Andy Hubbard

Legend

- ⊕ Monument to be set
- (Rad.) Radial Line
- (N/R) Non-Radial Line
- PUE Public Utility Easement
- PU&DE Public Utility & Drainage Easement
- Fence
- ⊙ Test Pit
- ⊠ Set Hub & Tack
- ▲ Set Nail & Washer
- ⊠ Set 5/8" x 24" Long Rebar & Cap w/ Lathe

The legal description in the title report needs match the boundary description on the plat map.

EASEMENT LINE DATA		
Line	Length	Bearing
L1	41.98'	N 49°27'00" W
L2	29.07'	N 40°33'00" E
L3	40.96'	S 49°27'00" E

Per LUC §106-1-8(f) a house number indicating the street address for each lot in the subdivision shall be marked on each lot

The title report does not identify Ogden River Water Users Association as a vested owner. Please have the title report updated to include Ogden River Association as an owner or remove from the plat map

The title report has identified multiple owners on title. Please provide signature lines for the individual owners as vested to sign the plat map

NOTES:

- 1- Due to the topography and the location of this subdivision, all owners will accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed.
- 2- Rights for the 10' wide Drain Easement and the Right of way Easement were defined by a Quit Claim Deed recorded with the Office of Weber County Recorder on January 8, 1991 as Entry No. 1128660
3. Place a note on the plat as per LUC §106-4-2(a)(3) Water supply/wells

DEVELOPER INFORMATION

David Clapier
7310 S. 950 W.
Willard, UT 843470
(801) 510-3568

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission.
Signed this _____ day of _____, 2014.

Chairman, Weber County Planning Commission

WEBER COUNTY ATTORNEY

I have examined the financial guarantee and other documents associated with this subdivision plat, and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect.
Signed this _____ day of _____, 2014.

Weber County Attorney

WEBER-MORGAN HEALTH DEPARTMENT

I hereby certify that the soils, percolation rates, and site conditions for this subdivision have been investigated by this office and are approved for on-site wastewater disposal systems.
Signed this _____ day of _____, 2014.

Weber County Surveyor

WEBER COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____

RECORDED _____ FILED FOR RECORD AND AT _____

IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____, RECORDED FOR _____

WEBER COUNTY RECORDER

BY: _____ DEPUTY

BOUNDARY DESCRIPTION

A Part of the Northwest Quarter of Section 16, Township 6 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, Weber County Utah

Beginning at a point which is 1031.36 feet North 89°31'46" West along the Quarter Section line and 202.25 feet North from the East Quarter Corner of said Section 16, and running thence due North 449.20 feet; thence due East 577.30 feet; thence South 39°33'00" West 377.83 feet; thence South 42°59'39" East 9.98 feet; thence South 38°32'00" West 29.09 feet; thence North 50°33'00" West 58.75 feet; thence North 54°07'12" West 45.00 feet; thence South 80°47'40" West 33.00 feet; thence South 46°24'17" West 216.42 feet; thence South 43°00'00" East 64.22 feet; thence North 54°32'00" West 55.50 feet; thence South 67°11'00" West 57.35 feet to the point of beginning.

Contains: 3.392 acres

OWNER'S DEDICATION

We, the undersigned owners of the hereon described tract of land, hereby set apart and subdivide the same into Lots as shown on this plat, and name said Shanghai Canyon Subdivision and hereby dedicate, grant and convey to Weber County, Utah, those certain strips as easements for public utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance, and operation of public utility service lines and drainage, as may be authorized by Weber County,
Signed this _____ day of _____, 2014.

David M. Clapier ETAL

David M. Clapier

Ogden River Water Users Association

ACKNOWLEDGMENT

State of Utah } ss
County of Weber }

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____.

Residing At: _____ A Notary Public commissioned in Utah

Commission Number: _____

Commission Expires: _____

ACKNOWLEDGMENT FOR ALL VESTED PROPERTY OWNERSHIP AS IDENTIFIED IN THE TITLE REPORT

NARRATIVE

This survey and subdivision plat were requested by David Clapier for the purpose of clarifying and establishing the boundaries of the hereon described property.

Several rebar were recovered which were set by a previous survey of the property by Bingham Engineering dated April 6, 2004 and were honored.

The Northeast Corner, East Quarter Corner, and West Quarter Corner were not occupied as part of this survey, but were tied from the found rebars set by Bingham Engineering and recovered by this survey.

A line bearing North 41°04'28" East between two recovered Rebar as shown hereon, was used as Basis of Bearings for this survey.

The title report has identified multiple owners on title. Please provide adequate acknowledgements for the individual owners as vested

subdivision

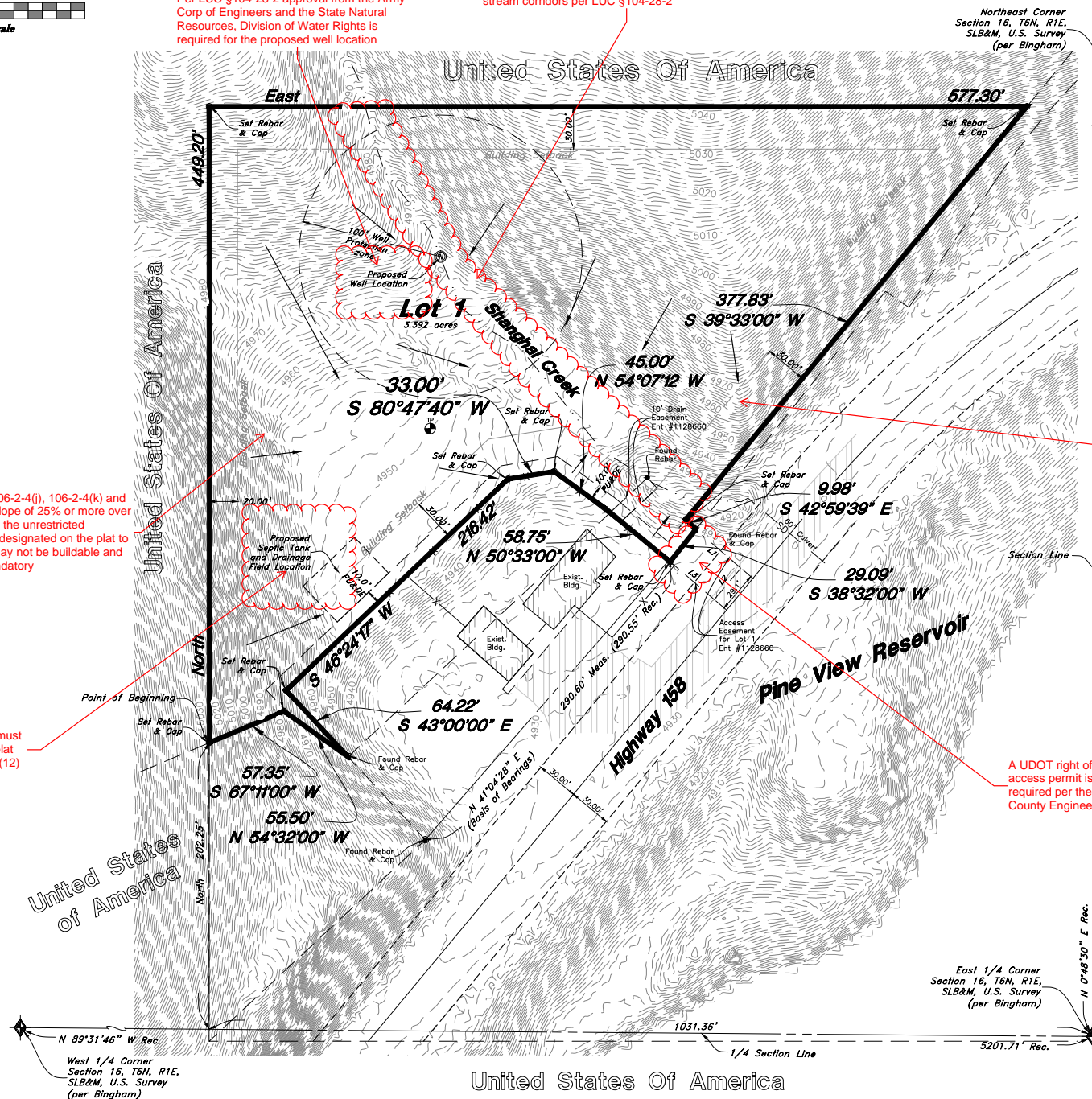
Per LUC §104-28-2 approval from the Army Corp of Engineers and the State Natural Resources, Division of Water Rights is required for the proposed well location

A 50' setback/no build line from the high water mark needs to be identified on the plat for all intermittent stream corridors per LUC §104-28-2

Per LUC §106-1-5(11) & LUC §106-2-4(j), 106-2-4(k) and 106-1-8(4) lots with an average slope of 25% or more over a portion of the area shall identify the unrestricted buildable area or an "R" must be designated on the plat to notify future owners that the lot may not be buildable and a "Hillside Review" would be mandatory

Test pit locations must be shown on the plat per LUC §106-1-5(12)

A UDOT right of way access permit is required per the County Engineer



WEBER COUNTY ENGINEER

I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements.

Weber County Engineer

WEBER COUNTY COMMISSION ACCEPTANCE

This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision, thereon are hereby approved and accepted by the commissioners of Weber County, Utah.
Signed this _____ day of _____, 2014.

Chairman, Weber County Commission

WEBER COUNTY SURVEYOR

I hereby certify that the Weber County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monument on record in County Offices. The approval of this plat by the Weber County Surveyor does not relieve the licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith.
Signed this _____ day of _____, 2014.

Weber County Surveyor