



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a 12 month time extension for Blue Acre Subdivision phase 4 (9 lots).
Type of Decision: Administrative
Agenda Date: Monday, February 22, 2016
Applicant: Romney Buck
File Number: LVB100114

Property Information

Approximate Address: 4000 West 2200 South
Project Area: 10 acres
Zoning: A-1
Existing Land Use: Agricultural
Proposed Land Use: Residential
Parcel ID: 15-078-0131
Township, Range, Section: 6N, 2W Sec 33

Adjacent Land Use

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

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8767
Report Reviewer: BH

Applicable Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-1 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

Background

Blue Acres Subdivision Phase 4 (9 lots) was recommended for final approval on March 15, 2015 by the Western Weber Planning Commission. The subdivision would divide a vacant 10 acre parcel and create 9 new building lots located near 4000 West and 2200 South. This subdivision is located in the A-1 Zone which requires a minimum of 40,000 square feet in area and a lot width of 150 feet per dwelling. The lots meet these requirements.

The applicant is requesting a one year time extension due to delays caused by The Hooper Irrigation Company withdrawing their approval for a fence along the canal to wanting the canal to be piped. (The significant cost difference between a fence and piping of the canal has caused the developer to seek legal counsel. This applicant is the only one that has been required to pipe the canal.) The applicant has also had trouble obtaining the additional irrigation water shares that are being required by the culinary water company.

Weber County Land Use Code Title 106 (Subdivision) Chapter 1 (General Provisions) further states: "Time Limitation for Final Approval. A final subdivision plat or a phase of a subdivision that receives a recommendation for final approval from the Planning Commission shall be offered to the County Commission for final approval and recording within one (1) year from the date of the Planning Commission's recommendation for final approval. After one (1) year from that date, the plat shall have no validity. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat shall have no validity. The Planning Director may grant a onetime extension for final subdivision approval for a maximum of one (1) year. A multiple phase subdivision may receive only one time extension, not one time extension per phase."

With the Planning Director granting a one (1) year time extension the applicant will have one year to record this subdivision. This is the fourth phase of Blue Acres and no other time extensions have previously been requested. No other time extensions can be granted.

Summary of Planning Director Considerations

- Does the subdivision meet the requirements of the Weber County Land Use Code?

Conformance to the General Plan

The granting of a time extension will not affect the Ogden Valley General Plan.

Conditions of Approval

- Same as with the subdivision approval

Staff Recommendation

Based upon the findings listed above, administrative approval for a one year time extension of Blue Acre Subdivision Phase 4 (9 Lots) is hereby approved this 22 day of February, 2016.



Rick V. Grover
Weber County Planning Director

Exhibits

- A. Applicants narrative
- B. Location Map
- C. Notice of Decision
- D. Proposed plat for Blue Acres Subdivision Phase 4

February 10, 2016

Weber County Planning Commission
2380 Washington Blvd. Ste 240
Ogden, Utah 84401-1473

To whom it may concern:

This letter is to request an extension on the one year granted me to get approval for the ***Blue Acres Subdivision***. I wasn't aware that there was a time limit on getting approval, but I apologize that I haven't been more on top of things as this should have been approved several months ago.

Although there have been several so called "setbacks" with this project, the main problems I have encountered have been with the Hooper Irrigation Co.

Mr. Doug Hamilton had agreed to trade me Wilson Irrigation shares for Hooper Irrigation shares. I tried to get him several times by telephone, but later found out that he was on an extended trip. After a few weeks, he returned and told me that he had decided that he had changed his mind about trading shares and told me that I would have to purchase them elsewhere. Inasmuch as I am not in the land development business and have no operating capital, I had not planned to "buy" shares of water. It was not easy to get the money for this purchase and took me several more weeks to buy the shares.

The biggest problem, however, came a few months ago. In the beginning, Hooper irrigation approved a fence along the north side of the canal in order for me to maintain safety for the people building next to the canal. They had emailed you and me as to the approval of the plan for a fence; however, a letter stating that they now wanted me to pipe the canal came as a huge problem and a big disappointment. As far as money, a fence would cost approximately \$38,000.00, but the covered canal would cost me approximately \$250,000.00. No one along the canal next to me on either side has a covered canal. In fact, Staker's subdivision just west of my property doesn't even have an eight-foot fence. At any rate, I was furious that they had changed plans right in the middle of my getting approval for this subdivision. I only have a few lots, providing they get approval, and I do not plan on sub-dividing my property across the canal. I'm going to farm that ground 'till I die or go broke, and either one may happen sooner than I plan. The canal has leaked and subs water into my property and desperately needs repair. The Hooper Irrigation Co. also put the cement that they did tear up on my property and I had to move that at my expense. I thought, "why should I fix their canal?" "They should fix their own canal." If I were dividing more of my land, I could possibly absorb the extra expense, but given the few lots I have, this was just not feasible on my part. I'm a "poor old geezer" who actually just wanted some extra money to help my trucking business out in which my employee, Leah Burnell, stole several thousands of dollars and was found guilty on five second-degree felonies. By the way, she only spent a couple of months in jail but left my business financially in shambles. She is paying me back at the tune of

\$100.00 per month. I will be dead and buried before she even comes close to this debt being paid.

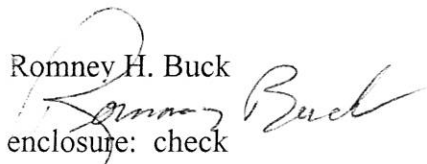
I hired an attorney to help me out with the problem with Hooper Irrigation. I have spent a lot of money thus far, and I didn't want to lose what I have already spent on this subdivision. I gave him a \$1,500.00 retainer, but he hasn't done "diddly squat". I was informed that I may just have to sue Hooper Irrigation Co. and I could demand that everyone else that is sub-dividing must also cover their land next to the canal. I could also sue them for money spent on a project that they previously gave me permission to build a fence and now rescinded that agreement. My lawyer was sick for two full weeks and didn't come in to the office. I didn't hurry with this matter because I honestly didn't know that I had a time limit. I know that ignorance is no excuse, but I am learning several things the "hard" way on this subdivision. I apologize to you. Believe me when I say that I wished I had just sold the ground to a developer instead of trying to do it myself.

I have since been in contact with Hooper Irrigation president, Theo Cox, and it looks like, hopefully, we are going to work out some kind of an agreement.

Would you, therefore, please grant me an extension on the Blue Acres subdivision?
Enclosed is my check in the amount you told me to send.

Thank you again for everything,

Romney H. Buck


enclosure: check

Blue Acres Phase 4



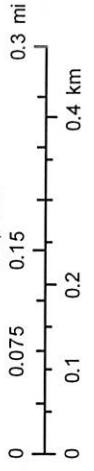
December 23, 2014

□ Parcels

Street Labels

City Labels

1:9,028





Weber County Planning Division
www.co.weber.ut.us/planning_commission
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

Western Weber County Township Planning Commission
NOTICE OF DECISION

March 11, 2015

Romney Buck
4115 West 2550 South
Ogden UT, 84401

You are hereby notified that final approval of Blue Acres Subdivision Phase 4 (9 lots) subdivision was granted on March 10, 2015, by the Western Weber County Township Planning Commission subject to the following conditions:

1. Requirements of the Weber County Engineering Division
2. Requirements of the Center Weber Sewer District
 - o Annexation into the sewer district
 - o District impact fees
3. Requirements of Taylor West Weber Water
 - o Final approval letter
 - o Connect to Hooper Irrigation
 - Irrigation plans need to be approved by Hooper Irrigation
 - o Impact fees
4. Requirements of the Weber Fire District
 - o Fire District Impact fees
5. Fencing of the irrigation ditch
6. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines
7. All improvements need to be either installed or escrowed for prior to recording of the subdivision
8. Installation of curb, gutter, and sidewalk

If you have any questions, feel free to call me at 801-399-8767.

Sincerely,

Jim Gentry, Planner
Weber County Planning Commission

26-I-7 Subdivision Time Limitations.

(A) Time Limitation for Preliminary Approval. ...Subdivisions receiving preliminary plan approval shall have eighteen (18) months from the date of the approval to receive a recommendation for final approval of the subdivision or the first phase thereof, from the Planning Commission. An extension of preliminary approval for an additional time period of up to eighteen (18) months may be granted by the Planning Director upon repayment of the subdivision application fees and the plan being brought into compliance with County, State and Federal ordinances current at the time of the extension. The extension request shall be submitted and approved prior to the expiration of the original approval period.

