



# 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 Liberty Meadows Subdivision 2nd Amendment  
**Agenda Date:** Wednesday, May 06, 2015  
**Applicant:** Lynn C. and Melanie C. Satterthwaite  
**Authorized Agent:** Cecil Satterthwaite  
**File Number:** UVL121814

### Property Information

**Approximate Address:** 3500 East 3600 North Eden, UT  
**Project Area:** 3.2 Acres  
**Zoning:** AV-3  
**Existing Land Use:** Residential/Agricultural  
**Proposed Land Use:** Residential/Agricultural  
**Parcel ID:** 22-066-0011  
**Township, Range, Section:** Township 7 North, Range 1 East, Section 20

### Adjacent Land Use

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

### 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 6, Agricultural Valley (AV-3) Zone
- Title 104, Zones, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- 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 Liberty Meadows Subdivision 2<sup>nd</sup> Amendment, a small subdivision consisting of one lot. The proposed subdivision is located at approximately 3500 East 3600 North, Eden, UT and is in the AV-3 zone. The original Liberty Meadows Subdivision was recorded in 1972 (see Exhibit A). In December of 1976, it was brought to the attention of the Weber County Surveyor/Engineer that a 40' easement was erroneously located on the recorded plat map and needed to be corrected (see Exhibit B). It appears that the recommended easement vacation and the corrected drainage easement dedication have not taken place; however, deeds have been exchanged modifying the configuration of the originally platted Lot 13 outside of the required subdivision amendment process. The applicant would now like to construct a new accessory building and it has been determined during the review of the accessory building land use permit, that not only is there an inaccurate easement running directly over the existing single family home but the desired location of the accessory building would straddle the original eastern lot line.

The applicant has submitted a request to vacate a portion of the Liberty Meadows Subdivision due to a small portion of the original Lot 13 being excluded from the new lot configuration (see Exhibit C). Once the applicant receives the required approvals for the lot vacation, the vacating ordinance will be recorded along with the proposed subdivision. The proposed subdivision and lot configuration conforms to both the zoning and subdivision requirements including adequate frontage and access along a dedicated County road, adequate lot width, lot area and adequate setbacks for the existing structures located on the future Lot 24, as required in the Uniform Land Use Code of Weber County (LUC).

## Analysis

**General Plan:** The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing community areas and maintaining the Valley's Rural Character and natural setting.

**Zoning:** The subject property is located in an Agricultural Zone more particularly described as the AV-3 zone. The purpose and intent of the Agricultural Valley AV-3 zone is identified in the LUC §104-6-1 as:

*"The purpose of the AV-3 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."*

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 AV-3 zone in LUC §104-6. 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 §104-6-6, the AV-3 zone requires a minimum lot area of 3 acres and a minimum lot width of 150'. The proposed subdivision will gain access along a dedicated County road known as 3600 North. 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 AV-3 zone as found in LUC §104-6-6.

**Flood Plain:** The proposed subdivision is located in a Zone "X" as determined by FEMA to be an area of minimal flood hazards. Part of the requested plat amendment was to identify a drainage easement in the correct location on the property. The drainage channel has not been identified on the Ogden Valley Stream Corridor map as a year-round or ephemeral stream per LUC §104-28-2; therefore, the Weber County Engineering Division has required the high water mark to be surveyed and a 15' easement on both sides of the high water mark to be dedicated to grant ingress and egress for maintenance of the drainage channel.

**Culinary water and sanitary sewage disposal:** Culinary and secondary water is currently provided by a private well. Wastewater treatment is currently provided by a private septic system. Additional information and approvals were deemed unnecessary at this time due to the existence of the onsite improvements. If additional documentation is necessary, a condition of approval will need to be added.

**Review Agencies:** The Weber County Engineering Division and Weber County Surveyor's Office have reviewed the proposal; however, a re-review of the most recent submittal is still outstanding. It is anticipated that all outstanding comments have been addressed. A condition of approval has been added to ensure that all conditions of the Engineering Division and Surveyor's Office will be met prior to recording. The Weber Fire District has reviewed and approved the proposed subdivision.

**Additional design standards and requirements:** The proposed subdivision is relatively flat. There may be additional site preparation in conjunction with an approved building permit for the accessory structure. 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 Liberty Meadows Subdivision 2<sup>nd</sup> Amendment, 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. Requirements of the Weber County Engineering Division.
2. Requirements of the Weber-Morgan Health Department.
3. Requirements of the Weber Fire District.
4. Requirements of the Weber County Surveyor's Office.
5. Requirements of the Weber County Recorder.

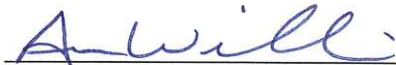
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley 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 Liberty Meadows Subdivision 2<sup>nd</sup> Amendment, 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

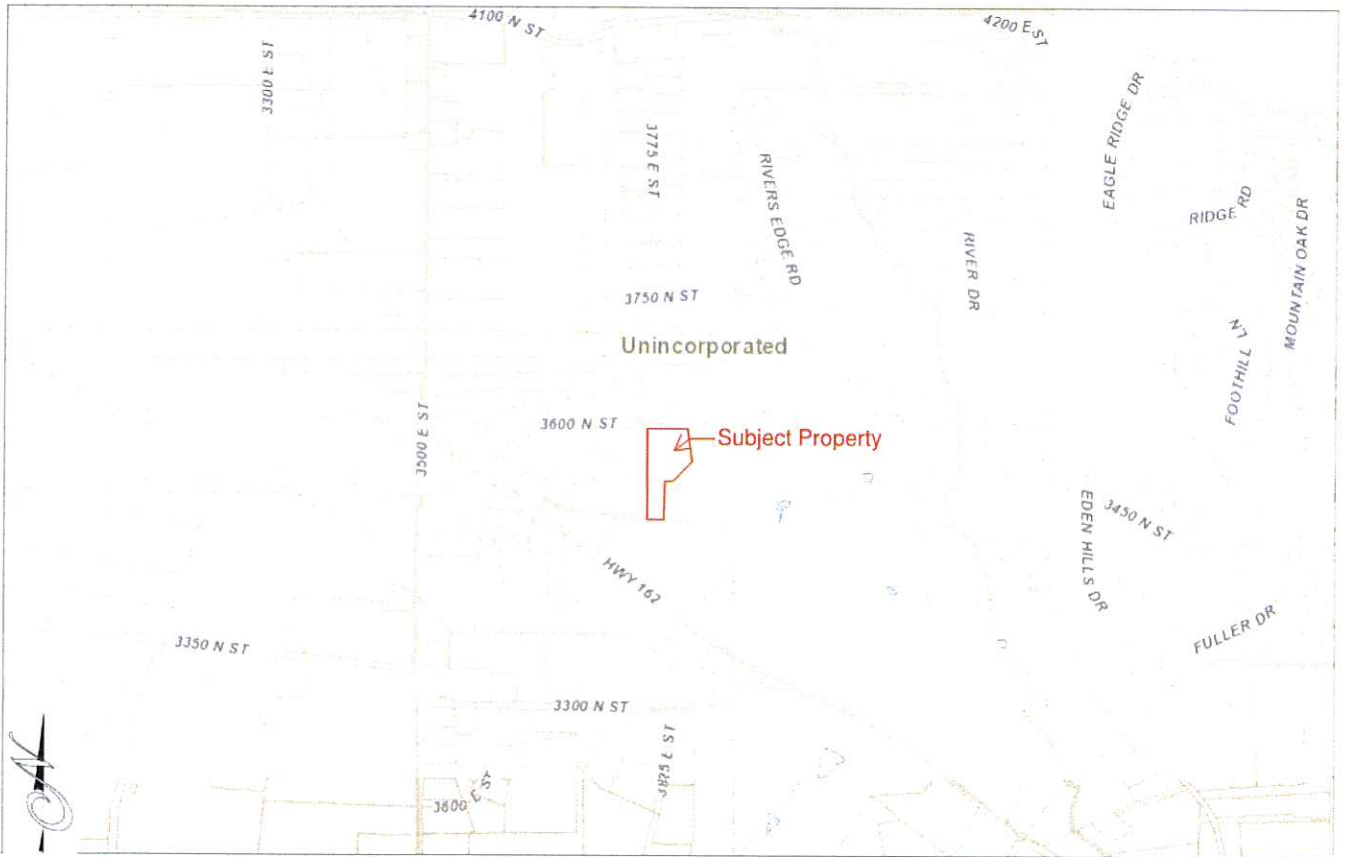
- A. Liberty Meadows Subdivision-Original plat
- B. 1976 Easement Letters
- C. Liberty Meadows Subdivision 2<sup>nd</sup> Amendment-Proposed plat



Map 1



Map 2



# LIBERTY MEADOWS SUBDIVISION

PART OF THE SE. 1/4 OF SECTION 20 AND THE NE. 1/4 OF SECTION 29, T.7N., R.1E., S.1.B.M.

WEBER COUNTY, UTAH

AUGUST, 1971

## BOUNDARY DESCRIPTION

A part of the SE. 1/4 of Sec. 20 and a part of the NE. 1/4 of Sec. 29, T.7N., R.1E., S.1.B.M. are hereby described as follows: ...

## OWNERS DEDICATION

The undersigned owners of the foregoing ...

## ENGINEERS CERTIFICATION

I, the undersigned, a duly licensed Professional Engineer ...

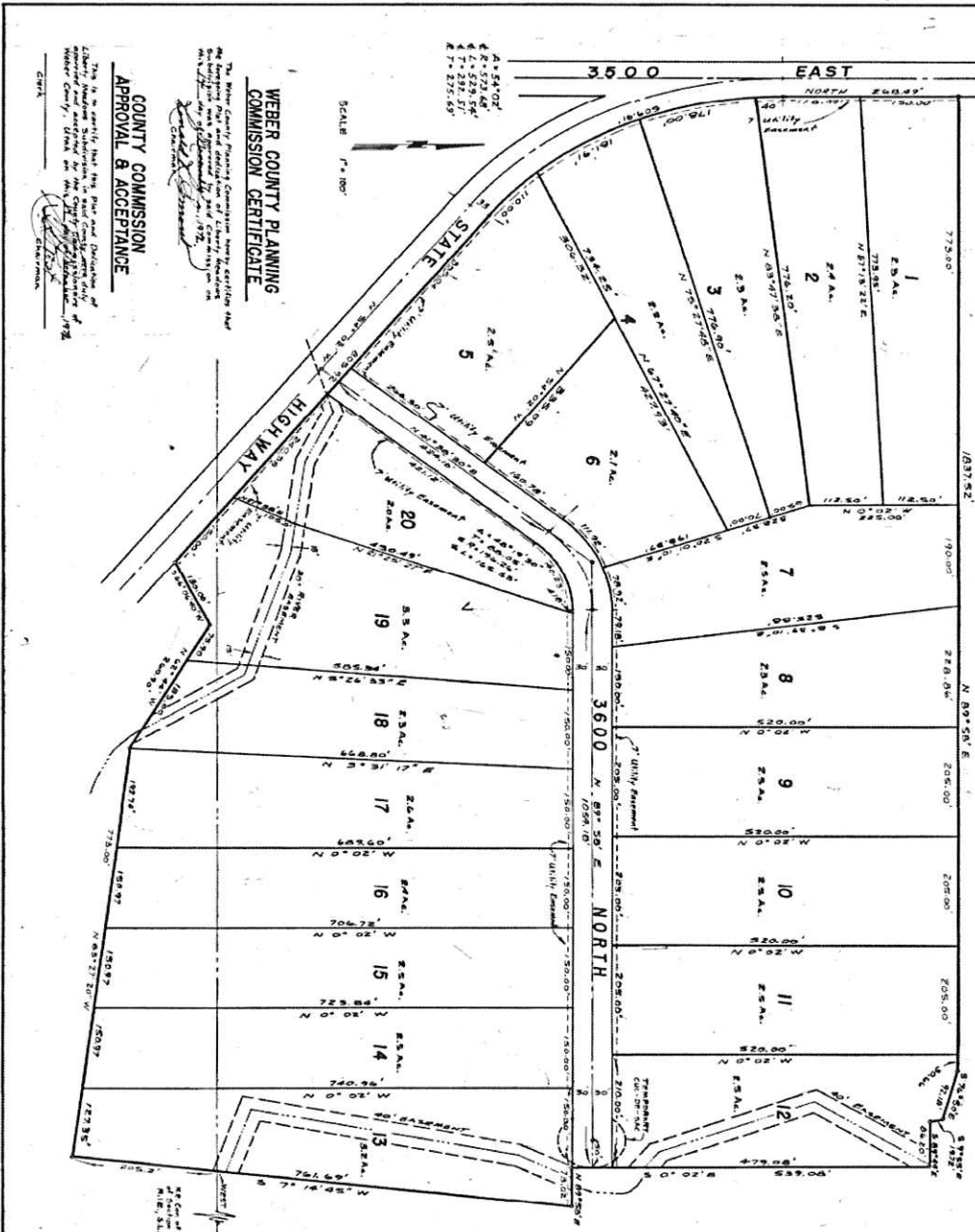
## COUNTY SURVEYOR'S CERTIFICATE OF APPROVAL

I, the undersigned, County Surveyor of Weber County, Utah ...

## COUNTY ATTORNEYS CERTIFICATE OF APPROVAL

I, the undersigned, County Attorneys of Weber County, Utah ...

FILED FOR RECORD IN PLATBOOK 16, PAGE 68  
 1971 AUG 11 AM 11:00  
 CLERK OF COUNTY RECORDS  
 WEBER COUNTY, UTAH



**WEBER COUNTY PLANNING COMMISSION CERTIFICATE**  
 The Weber County Planning Commission, hereby certifies that the subdivision map shown on this plat was prepared in accordance with the provisions of the Utah Subdivision Map Act, Chapter 67, Utah Code, 1971.  
 Approved: \_\_\_\_\_  
 Clerk

**COUNTY COMMISSION APPROVAL & ACCEPTANCE**  
 The Board of County Commissioners of Weber County, Utah, do hereby approve and accept the foregoing subdivision map and certify that it complies with the provisions of the Utah Subdivision Map Act, Chapter 67, Utah Code, 1971.  
 Approved: \_\_\_\_\_  
 Clerk

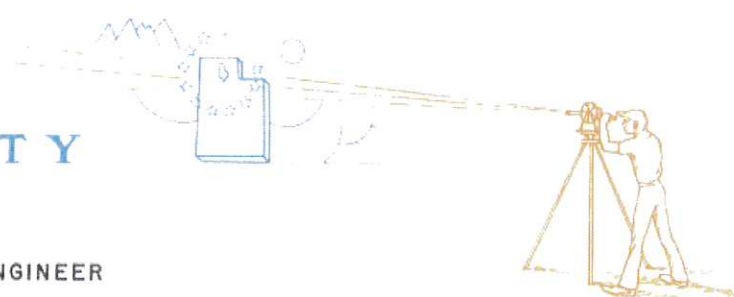
# WEBER COUNTY

OGDEN, UTAH

OFFICE OF COUNTY SURVEYOR & ENGINEER

FRED W. MALAN  
2568 Washington Blvd.  
Phone 399-8371

December 28, 1976



Weber County Planning Commission  
Graham F. Shirra, Director  
7th Floor Municipal Bldg.  
Ogden, Utah

Re: Liberty Meadows Subdivision - Vacation of 40' easement in lots  
12, and 13.

Dear Graham:

A field inspection has been completed on Liberty Meadows Subdivision, and the proposed vacation of the 40' easement on lots 12, and 13. We agree that the vacation would correct the present plat as submitted. However, at the present time a new Easterly boundary is being surveyed. This new survey does encompass the creek in question in the Northerly section of lot number 12.

It is our suggestion at this time to go ahead and vacate the present easement, but we will need a new easement in its correct location after the present survey has been completed. Due to the new survey and new easement we believe this whole problem should be corrected at one time.

If there are any further questions, please feel free to call.

Respectfully,

A handwritten signature in blue ink that reads "Fred W. Malan". The signature is written in a cursive, flowing style.

Fred W. Malan  
Weber County Surveyor & Engineer

*13 12/28/76*



"OVER 65 YEARS OF DEPENDABLE SERVICE"

BLACKBURN



COMPANY

905 - 24TH STREET • P.O. BOX 1479

OGDEN, UTAH 84402 • DIAL (801) 392-7516

December 7, 1976

To Whom it May Concern:

Re: Escrow contract Triple A Investment Co. Seller-Marsh Co., Inc. Buyer

There presently exists a recorded easement across Lot #13 Liberty Meadows Subdivision. This easement was platted in error. It was meant to describe the flow line of the creek running along the east boundary of the parcel as it now is described. The engineer made an error in preparing the subdivision plat.

Even though there is an easement shown, no one has any rights in the easement other than the owner of the property described. Mr. John Reeve of Bonneville Engineering and Surveying Co. is responsible for obtaining a release of said easement. We hope that this will be completed within the near future.

There presently exists a contract amount owing Triple A Investment Co., of approximately \$10,156. on Lot #14 and the portion of lot 13 called Parcel #2 and described by a metes and bounds description in the uniform real estate contract. If either Lot 14 or the lot called Parcel #2 in the Uniform Real Estate Contract is to be released in total, we would require one half of the existing balance to be paid in cash, which would amount to approximately \$5,078.

We trust that this will provide the information you desire.

Yours very truly,  
TRIPLE A INVESTMENT CO., A Partnership

392-4433

By: *Bruce H. Jones*  
Bruce H. Jones



INSURANCE

REAL ESTATE

CONSTRUCTION



