
WEBER COUNTY PLANNING DIVISION

KN & LN LLC,
Applicant.

DECISION ON ADMINISTRATIVE
APPLICATION FOR FINAL
APPROVAL OF SHANNON
NIELSON SUBDIVISION

LVS 061716

Applicant KN & LN LLC (“Applicant”) submitted an application for a one lot subdivision. The Planning Division held an administrative meeting to consider final approval of the proposed subdivision on September 14, 2016. Based on evidence submitted during the meeting by neighboring landowners, the matter was taken under advisement. Having now considered that evidence, along with the staff report, the Planning Director finds as follows:

FINDINGS OF FACT

1. The proposed Shannon Nielson Subdivision is a one lot subdivision in western Weber County at 4391 West 400 South. Staff Report, Exhibit A.
2. The proposed subdivision is located within the A-1 zone. The minimum lot area requirement in this zone is 40,000 square feet. Lots must also have a minimum width of 150 feet. LUC § 104-5-7.
3. Applicant states the total area of the proposed lot in the subdivision will be 43,560 square feet and that it will satisfy the width requirement. Staff Report, Exhibit A.
4. Notice of the administrative meeting to consider final approval of the proposed subdivision was sent to neighboring landowners living within 500 feet pursuant to LUC § 106-1-6.

property rights, the Planning Division does not have the time and resources to investigate the historical use of this property over the past 40 years and identify the intent of the individual parties that actually erected the fence. Applicant and the Wests, however, are in a position to do just that. They can resolve the dispute themselves, or, if necessary, request the help of the courts to quiet title.

CONCLUSION

Based on the factual representations by the Applicant, the Shannon Nielson Subdivision (LVS 061716) is given final approval. Approval is conditioned upon Applicant actually owning the entire parcel as represented to the Planning Division. If it is subsequently determined that ownership of the 60 feet of frontage actually belongs to the Wests, approval is void. Approval is also subject to Applicant meeting the requirements of all applicable review agencies and the conditions of approval listed in the staff report.

DATED this _____ of October 2016.

Rick Grover
Weber County Planning
Director

Any person adversely affected by this final decision may file an appeal with the Weber County Board of Adjustment within 15 days. LUC § 102-1-7.



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an administrative approval of the Shannon Nielson Subdivision, a one lot subdivision

Application Type: Administrative

Agenda Date: Wednesday, September 14, 2016

Applicant: KN & LN LLC

Authorized Representative: Phil Hancock

File Number: LVS 061716

Property Information

Approximate Address: 4391 West 400 S

Project Area: 7.66 acres

Zoning: Agricultural (A-1)

Existing Land Use: Agricultural

Proposed Land Use: Residential

Parcel ID: 15-049-0053

Township, Range, Section: T6N, R2W, Section 17

Adjacent Land Use

North: Residential	South: School and residential
East: Agricultural	West: Agricultural

Staff Information

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

Report Reviewer: RK

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions) Chapter 2 (Subdivision Standards), (Improvements Required)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-1 Zone)

Background

The Shannon Subdivision, a one lot subdivision, is located in Western Weber County with the address of 4371 West 400 South (see Exhibit A). Weber County reviewing agencies have completed their reviews and have granted approval.

Analysis

General Plan: It has been expressed by the residents of West Weber that open space, and maintaining agricultural and farming space is highly valued. The Shannon Subdivision conforms to that ideal.

Zoning: The purpose and main use of property located in the A-1 zone are identified in the LUC 104-5-1.

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.

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in the LUC 106-1 and the standards in A-1 zone LUC 104-5. The proposed subdivision will not create any new public streets. The proposal meets the criteria for a "Small Subdivision", as defined in the LUC 101-7, and can be administratively approved per LUC 106-1-5(b)(1). The Following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: The minimum lot area in the A-1 zone is 40,000 sq ft and the width of 150 feet. The proposed subdivision is 43,560 sq ft and will maintain 150 feet in width. The Hooper Irrigation Company has an

easement that runs from the northeast side yard line through the northwesterly area of the front lot line (see Exhibit A). All permanent structures will need to be built outside of the easement. A 10 foot public utility easement will be dedicated along the front and side yards and upon recording the property owner will dedicate a portion of the frontage to the County to ensure adequate right of way width along 400 south.

The proposed subdivision will create a remainder parcel which has been deemed to be a “bona fide agricultural division” and is allowed per LUC §106-1-8(3) which states:

“When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: “Remaining Agricultural Parcel, Not Approved For Development.” The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the remainder parcel required. Remaining parcels are not part of the subdivision”.

The remainder parcel will be 6.64 acres and the plat note #5 identifies the remaining agricultural parcel; however a condition of approval has been added to have the remainder parcel state “Remaining Agricultural Parcel, Not Approved for Development”. A condition of approval has been added to ensure this modification has been made prior to recording the final plat.

Culinary water and sewage disposal: A will serve letter from Taylor Water has been provided, and a feasibility letter has been submitted by the Weber County Health Department for the installation of a septic system (see Exhibit B). The plat map shows the location of the onsite perc tests. The Health Department will have to approve all final designs for the private septic system as part of a building permit submittal.

Reviewing Agencies: The proposed subdivision has been reviewed and approved by the Engineering and Surveying Departments as well as the Weber Fire District. A feasibility letter has been provided by the Weber Morgan Health Department; however a review has not been entered into Miradi. The Mylar will have to be approved and signed by the Health Department prior to recording.

Additional Design Standards: There may be additional site preparation in conjunction with an approved building permit due to the close proximity to an irrigation easement that is located on the north portion of the lot. 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: There are no outstanding tax payments related to this parcel.

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 §106-1-6.

Staff Recommendation

Staff recommends final approval of Shannon Subdivision, a one lot subdivision. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. The remainder parcel shall state “Remaining Agricultural Parcel, Not Approved for Development”.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. The proposed subdivision, with the recommended conditions of approval, 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 or negatively impact the surrounding properties and uses.

Administrative Approval

Administrative final approval of the Shannon Subdivision is recommended based on the project meeting all land use requirements stated in 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, September 14, 2016.

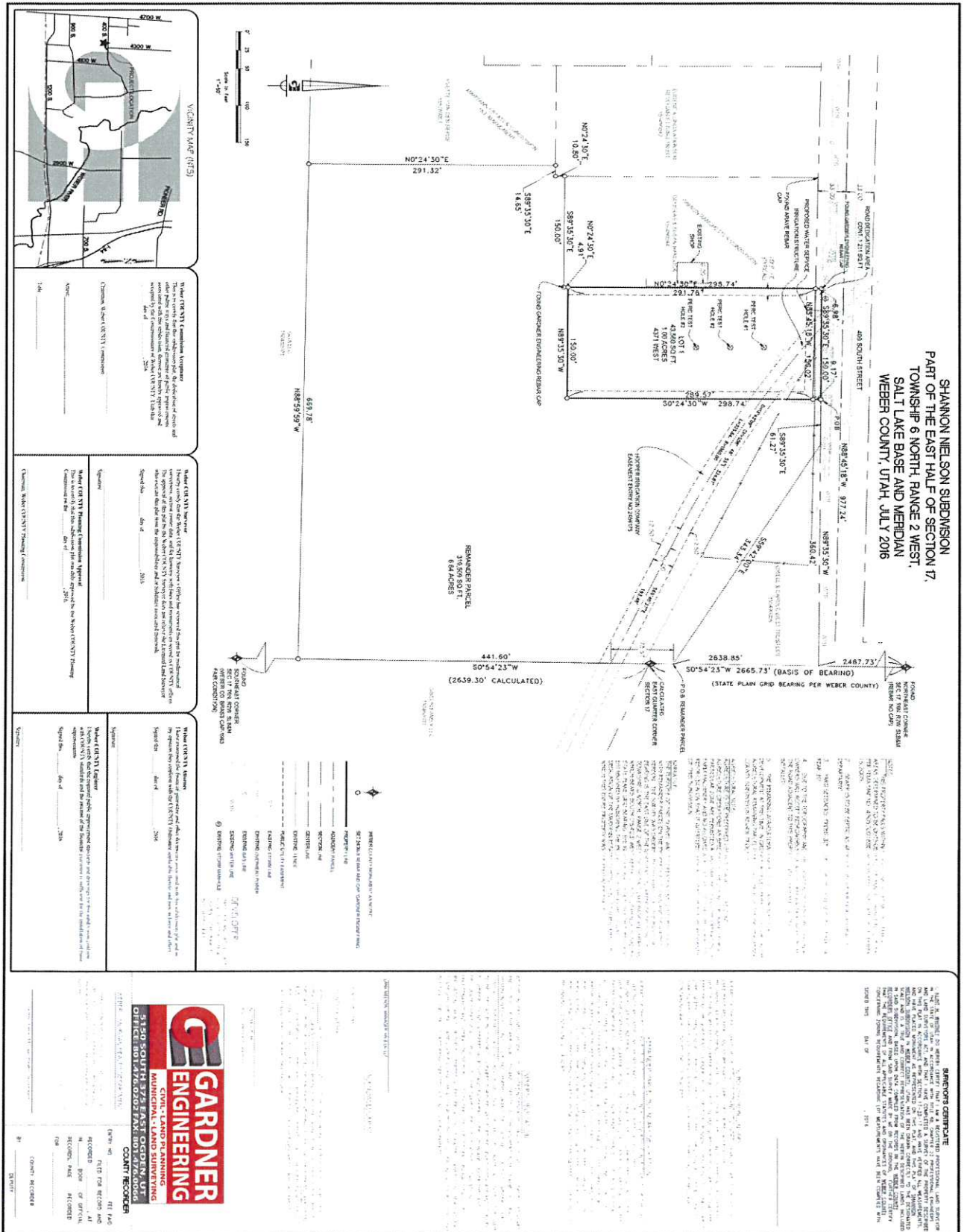

Rick Grover
Weber County Planning Director

Exhibits

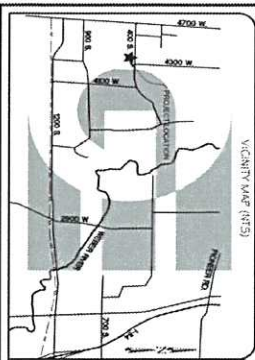
- A. Subdivision Plat
- B. Feasibility Letters

Map





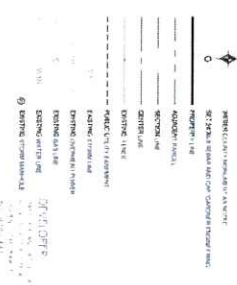
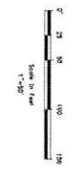
SHANNAN NIELSON SUEDMISSION
 PART OF THE EAST HALF OF SECTION 17,
 TOWNSHIP 6 NORTH, RANGE 2 WEST,
 SALT LAKE BASE AND MERIDIAN
 WEBER COUNTY, UTAH, JULY 2016



What is the City or County Commission Approval
 Authority: _____
 Date: _____

What is the City or County Planning Commission Approval
 Authority: _____
 Date: _____

What is the City or County Engineer Approval
 Authority: _____
 Date: _____



SECTION 17
 TOWNSHIP 6 NORTH, RANGE 2 WEST,
 SALT LAKE BASE AND MERIDIAN
 WEBER COUNTY, UTAH

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GARDNER ENGINEERING
 CIVIL-LAND PLANNING
 MUNICIPAL-LAND SURVEYING
 OFFICE: 801-243-0207 FAX: 801-243-0208
 5150 SOUTH 375 EAST OGDEN, UT 84202

DATE: _____
 COUNTY RECORDS # _____

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TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT
2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401

June 15, 2016

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that preliminary approval has been given to provide culinary water only for one home for Shawn Storey at the approximate address of 4349 West 400 South in West Weber, Utah.

Requirements:

*Water rights fee = ¼ share of Hooper or Wilson Irrigation (in District's name) or a Weber Basin contract (\$2,902 or current cost when paid)


*Secondary water = ½ share of Hooper or Wilson Irrigation (in District's name) to be held by District for a pressurized system.

*Hookup/Impact fee = \$6,824 (or current cost when paid)

Final approval will be subject to meeting all of the requirements of the District and all fees/shares being paid and received.

Sincerely,

TAYLOR WEST WEBER WATER IMP. DIST.

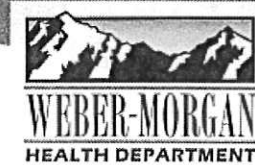


Val Surrage - Manager

VS/sph

Expires 12/15/16

BRIAN W. BENNION, M.P.A., L.E.H.S.
Health Officer/Executive Director



May 11, 2016

Weber County Planning Commission
2380 Washington Blvd.
Ogden, Utah 84401

RE: Shannon Nielsen Subdivision
4379 W 400 S, Ogden
Parcel #15-049-0053

Gentlemen:

The plans and supporting information on the above-referenced subdivision have been reviewed.

Culinary water will be provided by the Taylor-West Weber Water District, an extension of an approved existing public water supply. **A letter from the water supplier is required.**

DESIGN REQUIREMENTS

Soil characteristics and anticipated ground water tables not to exceed 12 inches, fall within the range of acceptability for the utilization of a Mound or Pack Bed Media Filter with an At-Grade absorption area as a means of wastewater treatment. The absorption system is to be designed using a maximum hydraulic loading rate of 0.45 gal/sq. ft./day as required for the silt loam, granular structure soil horizon.

Plans for the construction of any wastewater treatment system is to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a construction permit.

All subdivision plats submitted for review are to show the location of exploration pits and percolation tests. Key number or letter designation will be provided by this office along with logs of soil horizons and final percolation rates. Mylars submitted for signature without this information will be returned.

Each on-site individual wastewater treatment system must be installed in accordance with the Onsite Wastewater Systems R317-4, Utah Administrative Code, Individual Wastewater Treatment Systems and Weber-Morgan Health Department policies. Installation of Mound Systems is to be completed only by installers certified by this office. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time..

Sincerely,

Brian Cowan, LEHS
Environmental Health Division

BC/nm