



# Staff Report for Administrative Subdivision Approval

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on final approval of Brandy Malan Subdivision  
**Agenda Date:** Friday, July 26, 2013  
**Applicant:** Debra Bernkopf  
**File Number:** UVB 071013

### Property Information

**Approximate Address:** 2873 North Highway 162  
**Project Area:** 1.09 Acres  
**Zoning:** Agricultural Valley-3 Zone (AV-3)  
**Existing Land Use:** Agriculture  
**Proposed Land Use:** Residential  
**Parcel ID:** 22-022-0014  
**Township, Range, Section:** T7N, R1E, Section 28

### Adjacent Land Use

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

### Staff Information

**Report Presenter:** Sean Wilkinson  
 swilkinson@co.weber.ut.us  
 801-399-8765  
**Report Reviewer:** JG

## Applicable Ordinances

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 6 (AV-3 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 12 (Noncomplying Structures and Nonconforming Uses/Parcels)

## Background

The applicant is requesting final approval of Brandy Malan Subdivision consisting of one lot. This subdivision is not actually dividing any property, but it is correcting a prior division of land that should have gone through the subdivision process at the time it was divided. The subdivision is located at 2873 North Highway 162 in Eden. Although the subdivision does not meet the three acre area requirement of the AV-3 Zone, it meets the standards of the Weber County Land Use Code Title 108 Chapter 12 Section 11. These standards allow lots with existing dwellings that were created prior to a change in zoning and met the requirements of the zone in which they were created at the time they were created, to become nonconforming subdivision lots. This lot has an existing dwelling, contains 1.09 acres, and has a lot width of 209.46 feet.

Utility services are existing with culinary water provided by the Eden Waterworks Company and waste water treatment provided by a septic system. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

## Summary of Administrative Considerations

- Does this subdivision meet the requirements of the Weber County Subdivision and Zoning Ordinances?

The Weber County Land Use Code Title 106 (Subdivisions) defines "small subdivision" as "A subdivision consisting of three (3) or fewer lots and for which no streets will be created or realigned." This amended subdivision consists of only one lot and no streets are being created or realigned. The Land Use Code (Subdivisions) also states "With the exception of small subdivisions, the preliminary plan/plat including the phasing plan shall be presented to the Land Use Authority, in this

section Planning Commission, for their determination, based upon compliance with applicable ordinances. Based on these requirements, Brandy Malan Subdivision qualifies for administrative approval as a small subdivision.

### Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

### Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber-Morgan Health Department
- Requirements of the Weber Fire District

### Administrative Approval

Administrative final approval of Brandy Malan Subdivision 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.

### Exhibits

- A. Brandy Malan Subdivision Plat

### Location Map

