



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 Shannon Bee Estates 1st Amendment comprising of a lot line adjustment between two existing subdivided lots of record.

Type of Decision: Administrative

Agenda Date: Wednesday, September 29, 2021

Applicant: Don White & Tony Rocco (Owners)

File Number: UVS072221

Property Information

Approximate Address: 3799 Nordic Valley Dr., Eden, Utah 84310

Project Area: 2.453 Acres

Zoning: Forest Valley (FV-3) Zone

Existing Land Use: Residential/Vacant

Proposed Land Use: Residential

Parcel ID: 22-088-0012, 22-088-0011

Township, Range, Section: T7N, R1E, SE Quarter of Section 29

Adjacent Land Use

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

Staff Information

Report Presenter: Scott Perkes
 sperkes@co.weber.ut.us
 801-399-8772

Report Reviewer: RG

Applicable Ordinances

- Title 104 (Zones) Chapter 14 (FV-3 Zone)
- Title 106 (Subdivisions)
- Title 101 (General Provisions) Section 7 (Definitions)
- Title 108 (Standards) Section 12 (Noncomplying Structures, Nonconforming Uses, And Nonconforming Lots)

Background and Summary

The owners of the two lots associated with this application (see **Exhibit A**) wish to perform a boundary line adjustment to reconfigure their shared side property line in a way that would leave both lots with unadjusted areas but improved street frontages with Nordic Valley Drive.

Both lots (#7 & 8) were considered to be legally non-conforming "Lots of Record" as they were created by the 1983 Shannon Bee Estates Subdivision (see **Exhibit B**), but do not meet the current FV-3 zoning minimum area of 3 acres. Per LUC Sec.

The owners previously exchanged quit claim deeds to effectuate the desired lot line adjustment. However this action unintentionally created two illegal lots because such a change is required to go through the subdivision amendment process (rather than quit claim deeds) in order to preserve the legal nonconforming status of the lots. This requirement is found in LUC Sec. 108-12-11(b) which reads as follows:

(b) Any lot legally platted within the bounds of a subdivision that was created pursuant to the standards of the zoning code and subdivision code in effect at the time of its creation, but no longer complies due to subsequent changes to these codes, may be amended pursuant to the minimum standards in effect at the time of its creation. The amendment shall not create any new lots. An amended plat shall be required.

Analysis

General Plan: This lot line adjustment between two lots of record is in harmony with the Ogden Valley General Plan by implementing creative designs that preserve natural, agricultural and open spaces within the valley.

Lot Line Adjustment:

County's definition of a "Lot Line Adjustment" is as follows:

"The term "lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record. An amended plat is required to do a lot line adjustment."

Zoning: The property is located in the FV-3 Zone. The purpose of this zone is stated in the LUC §104-14-1

"The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development."

While both of these lots are nonconforming to the current FV-3 site development standards, LUC Sec. 12-11(b), as provided in the section above, allows for amendments to be made pursuant to the minimum standards in effect at the time of its creation as long as the amendment does not create any new lots. The zoning that was applicable to this area when originally created in 1983 was Forest Residential (FR-1). FR-1 zoning required a minimum lot width of 150 feet and a minimum area of 1 acre. The amended lots, as proposed, exceed both these minimum standards.

Small Subdivision: The Weber County Land Use Code (§101-1-7) defines "small subdivision" as "A subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned." This subdivision consists of two existing lots and no new streets are being created or realigned. Based on these requirements, this subdivision qualifies for administrative approval as a small subdivision.

Culinary Water, Secondary Water, and Sewer Services: Eden Water Works and Eden Irrigation Co. have provided connections and service to the two exiting lots. This service will continue following the plat amendment. Waste water is served by on-site waste water treatment systems.

Review Agencies: With exception to the Weber-Morgan Health Department, the proposed subdivision has been reviewed by all County Reviewing agencies. Various agencies have remaining review comments that will need to be addressed prior to recording of the final plat mylar.

Staff recommends that a formal review of the proposed subdivision will need to be conducted by the Weber-Morgan Health Department to verify that the proposed lot line adjustment does not result in the encroachment of existing septic system components on adjacent property.

Clearance: There is no record of past delinquent tax history and no outstanding tax bills on these parcels.

Staff Recommendations

Staff recommends final plat approval of the Shannon Bee Estates Subdivision 1st Amendment consisting of two lots. This recommendation is subject to all applicable review agency requirements and is based on the following condition:

1. A formal review of the proposed subdivision will need to be conducted by the Weber-Morgan Health Department to verify that the proposed lot line adjustment does not result in the encroachment of existing septic system components on adjacent property.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County ordinances.

Administrative Approval

Administrative final approval of Shannon Bee Estates 1st Amendment, 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: 9/29/21


Rick Grover
Weber County Planning Director

Exhibits

- A. Shannon Bee Estates Subdivision 1st Amendment Plat
- B. Original Shannon Bee Estates Subdivision Plat (1983)

Area Map



