

Planning Review for Verhaal / Granath Subdivision

I have put together the following comments that are required to be addressed prior to approval from the Planning Division.

- Please show the building adjacent to the subdivision, to ensure the feasibility of an access for the flag lot and ROW.
- Are there existing wells in the subdivision, particularly for Lot 1? Please show them. Check with the Health Department on the existence of the well and if a protection easement will be required around it.
- Hwy 39 in this area is typically 100 South not 300 South.
- Due to their size lot areas can be showed in acres not square feet. Since Lot 2 is a flag lot and has specific requirement, you could show the area with and without the flag stem.
- I have been told that some of the boundary lines have been re-adjusted based on Boundary Line Agreements. Surveying will likely ask that those be shown on how the boundaries were determined. Check both with the Weil property and the Wood property.
- It appears that Lot 1 is being shown at a smaller size than it currently is, why? This subdivision is in the AV-3 zone and requires a minimum area of 3 acres per lot. Being as this parcel can be deemed a legal nonconforming parcel and is two acres that area needs to be retained as the minimum area for Lot 1. Please reference the requirements on Nonconforming parcels in the Land Use Code 108-12-11. Since this is not yet available on line I will include it below the comments.
- There is an exception in 108-12-11-4 which addresses the area of a nonconforming parcel that is subject to road dedication. Please refer to it as that area may be reduced from the minimum lot area of a nonconforming parcel.
- I see that rebar and caps were found at approximately the rear of this nonconforming parcel. One of which disappeared from the plat with new revisions. Why? I would assume that those were put in by Reeve's Assoc. When they were preparing the previous application for subdivision. Do they mark the rear of the nonconforming parcel? If so then wouldn't Lot 1 continue to need to extend at least that far back?
- With the area need to remain within Lot 1, and since Lot 2 has only the minimum required the lot line between Lot 2 and Lot 3 may need to be altered slightly to account for this area. How far is up to the owner's discretion however the lot area minimums are to be maintained?
- The ROW easement and fire turn around does not need to be shown on beyond Lot 2. As there is a difference in the requirements between a plat and a plan, site improvements and construction plans should shown on separate documents.
- If a new 20 foot row will be created for Lot 3, is the existing 16 foot Row still needed? Please help the owners do what is needed to remove this 16 foot ROW. It will relieve confusion in the future.
- Is there an area for the remainder in the SW corner? Only remainder parcels of five acres are allowed. Has this area been appropriately dealt with and combined with the adjacent owner's other properties?
- There is a ditch that is being abandoned, or was recently abandoned. Is there still a need for an easement to be shown there at all?
- Huntsville Irrigation will not need to sign the plat. Please remove their signature block.
- You will want to show the front line of Lot 1 with the same solid lot line being used throughout the plat.
- Shouldn't the sum of the lot's areas plus the area in road dedication equal the area in the Boundary description? $1+2+3+ROW=$ Area of the subdivision. $1.87+3.15+3.58=8.60$ acres. Where is ROW area of 0.06 acres?

- What is the width of Lot 1 and Lot 2 at the Highway? $150+20=170$? not 150.01 feet.

Below I have provided the portion of the Land Use Code that addresses Nonconforming Parcels. If you have any questions please let me know or submit the missing information for review.

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Sec. 108-12-11. Parcels in areas subjected to change in zoning.

Where lot area and/or frontage/width requirements have increased as a result of a change in zoning, the following shall apply:

- (1) Parcels not meeting current zoning as to area and/or frontage/width requirements, but containing a single-family dwelling which:
 - a. Were built on and created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law and met area and frontage/width requirements for the zone in which they were created at the time they were created are considered nonconforming parcels; or

- b. Were created and recorded with an existing single-family dwelling after July 1992 changes to the Utah Code, Subdivision Law but prior to the change in zoning, and met area and frontage/width requirements for the zone in which they were created at the time they were created shall submit an application for subdivision approval;
 - c. Were part of a legal subdivision, but were further divided, and met the requirements of subsections (1)a or b of this section shall be subject to the note below.
- (2) Parcels not meeting current zoning as to area and/or frontage/width requirements, containing a single-family dwelling which:
- a. Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law;
 - b. Are able to obtain the additional area and frontage/width which would bring the lot into compliance with the area and frontage/width requirements for the zone in which they were created at the time they were created; and
 - c. Complied with all other county ordinances when built;
- may submit an application for subdivision approval provided they meet all other requirements of title 106, Subdivisions.
- (3) Parcels not meeting current zoning as to area and/or frontage/width requirements which:
- a. Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law; and
 - b. Met area and frontage/width requirements for the zone in which they were created at the time they were created;
- may submit an application for subdivision approval provided they meet all other requirements of title 106.
- (4) Lots/parcels which are subject to subsections (1), (2), or (3) of this section, and have boundary descriptions that fall within a roadway, shall be allowed to develop with the lot/parcel area that remains after dedicating land for the roadway, as required by the Weber County Land Use Code.
- (5) Parcels that have been combined by the county recorder's office for tax purposes shall be allowed to separate one or more of the combined parcels on an approved and recorded form provided:
- a. The parcels that are being separated were originally created prior to July 1992 changes to the Utah Code, and Subdivision Law;
 - b. The properties as configured prior to the combination met area and frontage/width requirements for the zone in which they were created, or were considered nonconforming parcels;
 - c. The combination was done by the current owner or same owner acting as trustee, and was done by a quit claim, combination form, or other instrument, which states the consolidation of parcels is for tax purposes;
 - d. No new lots are being created;
 - e. The separation of parcels results in a configuration consistent with the original parcels and conforms to the ordinance that was in place prior to the recording of the combination form; and
 - f. The separation of combined parcels authorized under this subsection does not authorize a change in the configuration of an approved and recorded subdivision or lots within such subdivision. A subdivision plat cannot be changed unless an amended subdivision plat is prepared and recorded in accordance with Utah Code and title 106 of the Land Use Code.
- (Ord. of 1956, § 28-11; Ord. No. 2003-17; Ord. No. 2008-7; Ord. No. 2008-19; Ord. No. 2010-22, § 1, 9-14-2010)