

WEBER COUNTY PLANNING DIVISION

Administrative Review Meeting Agenda

**October 26, 2016
4:00-5:00 p.m.**

1. Consideration and action on an administrative application for approval of Wilson Estates Subdivision 2nd Amendment Lots 6 and 7 located at approximately 5612 N North Fork Road.
2. Consideration and action on an administrative application for final plat approval of Evergreen Park Subdivision # 1 3rd Amendment, a one lot amended subdivision.
3. Adjournment

The meeting will be held in the Weber County Planning Division Conference Room, Suite 240, in the Weber Center, 2nd Floor, 2380 Washington Blvd., Ogden, Utah unless otherwise posted



In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an administrative application for approval of Wilson Estates Subdivision 2nd Amendment Lots 6 and 7 located at approximately 5612 N North Fork Road.

Type of Decision: Administrative

Agenda Date: Wednesday, October 26, 2016

Applicant: Brad Willson

File Number: UVW 072216

Property Information

Approximate Address: 5612 N North Fork Road Liberty, Utah 84310

Project Area: 8.26 acres

Zoning: Agricultural Valley (AV-3) Zone

Existing Land Use: Single Family Dwelling

Proposed Land Use: Residential

Parcel ID: 22-322-0001, 22-322-0002

Township, Range, Section: 7 North 1 East Section 7

Adjacent Land Use

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

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 6 (AV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

Background and Summary

The applicant, Brad Willson, who has proposed an amendment to re-establish property corners to a lot 4 and 5 of Willson Estates Subdivision 1st Amendment (see Exhibit B). The second amendment to the Willson Estates Subdivision (see Exhibit A) shows an increased is area granted to lot 7 making it 5.26 acres which does would qualify this lot as an agricultural exempt parcel containing 5.25 acres or more. A lot of this size would allow for a home to be built on lot seven while maintaining the status of an agricultural parcel. This boundary line adjustment will bring the size of lot 6 down to 3 acres, which maintains the legal area and width required for the Agricultural Valley 3 acre zone (AV-3).

Analysis

General Plan: The General Plan for Ogden Valley is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

Zoning: The property is located in the AV-3 Zone. The purpose of this zone is stated in the LUC §104-6-1

"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."

Lot Area, Frontage Width and Yard Regulations: The proposed lots within this subdivision meet the minimum lot area of 3 acres. The minimum lot width for the AV-3 zone is 150 feet. It has been shown that this proposal exceeds the minimum by containing the width of 433.58 feet for lot 6 and 420.55 feet for lot 7.

The proposed Subdivision plat amendment will maintain minimum structure set-backs stated in the LUC § 104-6-6. The proposed lot line adjustment does not negatively affect any of the structures within the subdivision area.

The Weber County Land Use Code Title 101 defines "small subdivision" as "An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned." This amended subdivision consists of only two lots and no new 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, this subdivision qualifies for administrative approval as a small subdivision.

Culinary Water and Sanitary Sewage Disposal: The proposed subdivision will be served by a private culinary water well and a private septic system. The owner has also been granted 1 share of secondary water for livestock and irrigation see exhibits C, D, and E.

Review Agencies: The proposed subdivision has been approved by all County reviewing agencies.

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

Public Notice: The required notice for the subdivision plat approval has been mailed 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(c).

Staff Recommendations

Staff recommends final plat approval of Willson Estates Subdivision 2nd Amendment consisting of two lots. This recommendation is based on the following conditions:

1. Prior to recording the final Mylar, all conditions required by Weber County reviewing agencies shall be met.

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.
3. Will not be detrimental to the public health, safety, or welfare.
4. Will not deteriorate the environment of the natural landscape within the subdivision or the surrounding properties.

Administrative Approval

Administrative final approval of Willson Estates Subdivision 2nd 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: October 26, 2016

Rick Grover
Weber County Planning Director

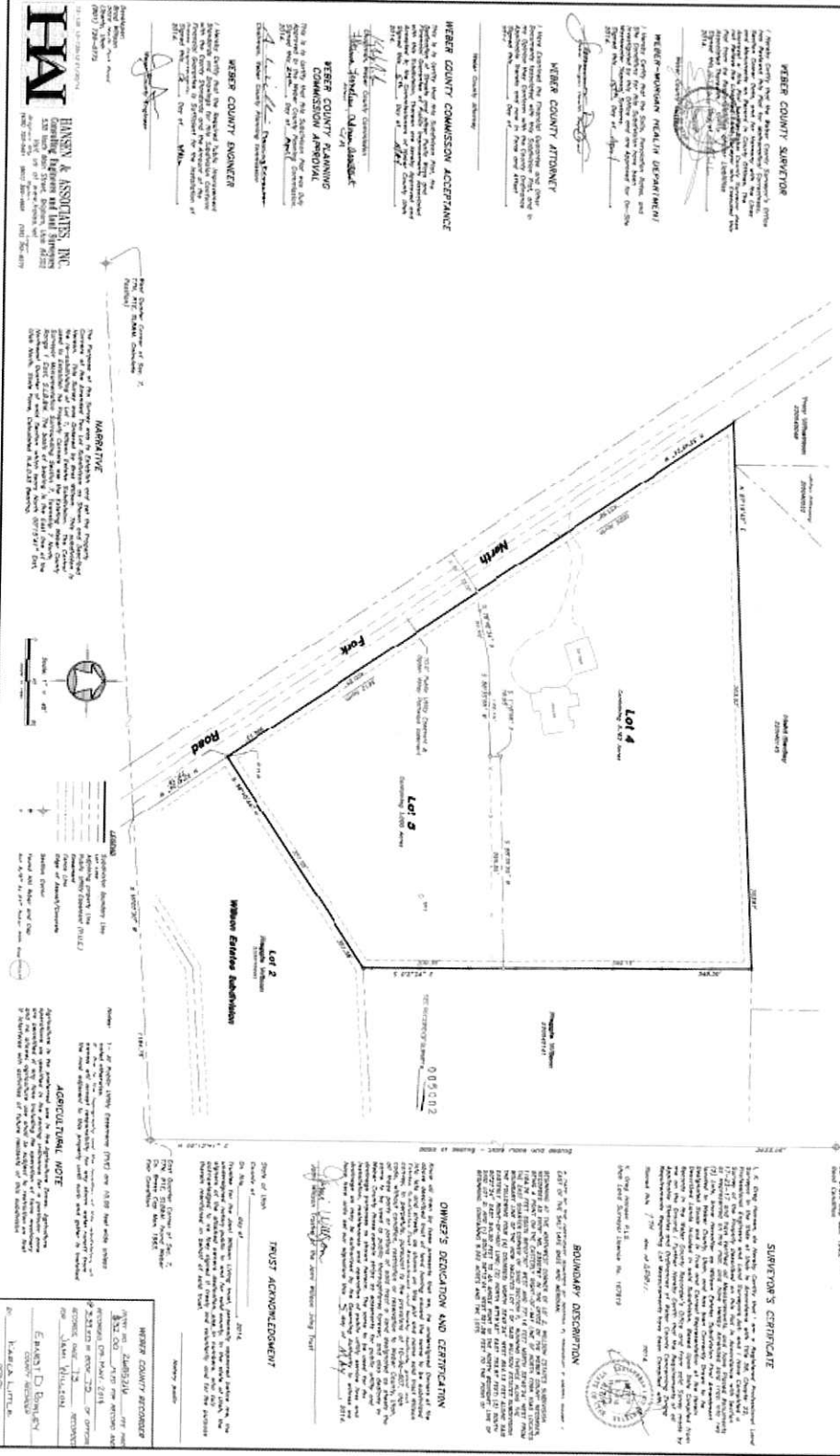
Exhibits

- A. Amended Subdivision Plat
- B. Willson Estates Subdivision 1st Amendment



21-51

Wilson Estates Subdivision
First Amendment
 Weber County, Utah
 Township 7 North, Range 1 East, Salt Lake Base & Meridian
 April 2014



WEBER COUNTY SURVEYOR
 I, _____, Surveyor of Weber County, Utah, do hereby certify that the above described plat is a true and correct copy of the original plat on file in my office, and that the same has been duly recorded in the public records of said county.



WEBER-MOUNTAIN HEALTH DEPARTMENT
 I, _____, Health Officer of Weber County, Utah, do hereby certify that the above described plat is a true and correct copy of the original plat on file in my office, and that the same has been duly recorded in the public records of said county.

WEBER COUNTY ATTORNEY
 I, _____, Attorney for Weber County, Utah, do hereby certify that the above described plat is a true and correct copy of the original plat on file in my office, and that the same has been duly recorded in the public records of said county.

WEBER COUNTY ENGINEER
 I, _____, Engineer for Weber County, Utah, do hereby certify that the above described plat is a true and correct copy of the original plat on file in my office, and that the same has been duly recorded in the public records of said county.

WEBER COUNTY COMMISSION ACCEPTANCE
 This is to certify that the above described plat is a true and correct copy of the original plat on file in my office, and that the same has been duly recorded in the public records of said county.

WEBER COUNTY PLANNING COMMISSION APPROVAL
 I, _____, Planning Commissioner for Weber County, Utah, do hereby certify that the above described plat is a true and correct copy of the original plat on file in my office, and that the same has been duly recorded in the public records of said county.

WEBER COUNTY ENGINEER
 I, _____, Engineer for Weber County, Utah, do hereby certify that the above described plat is a true and correct copy of the original plat on file in my office, and that the same has been duly recorded in the public records of said county.



HANSEN & ASSOCIATES, INC.
 Surveying Engineers and Land Surveyors
 525 West 1000 South, Suite 100
 Salt Lake City, Utah 84143
 Phone: (801) 466-1111
 Fax: (801) 466-1112
 Email: info@hansencorp.com

75-73



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 Evergreen Park Subdivision #1 3rd Amendment, a one lot amended subdivision.

Type of Decision: Administrative

Agenda Date: Wednesday, October 26, 2016

Applicant: Steve Coffey

File Number: UVW072816

Property Information

Approximate Address: 3057 N. Evergreen Park Drive

Project Area: 4.82 Acres

Zoning: F-40 Zone

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 23-031-0001

Township, Range, Section: Township 7 North, Range 3 East, Section 30

Adjacent Land Use

North:	Recreation/Residential	South:	Recreation/Residential
East:	Recreation/Residential	West:	Forest

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
801-399-8763

Report Reviewer: RG

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 102, Chapter 3, Board of adjustment, Section 4, Decision Criteria and Standards (Variances)
- Title 104, Zones, Chapter 27 Natural Hazards Overlay Zone
- Title 104, Zones, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 104, Chapter 29 Ogden Valley Destination and Recreation Resort Zone (DRR-1)
- Title 106, Subdivisions, Chapter 1-8 as applicable

Background and Summary

The applicant has submitted a request for final plat approval for the Evergreen Park Subdivision #1 3rd Amendment, a subdivision amendment consisting of one lot, located at 3057 N. Evergreen Park Drive. The property currently exists in the size and configuration of the lot on the proposed plat. The property is a result of lot line adjustments that occurred after the original lot configuration of the Evergreen Park Subdivision #1 between lots 270, 271, and 272. Those other lots are not being addressed with this plat amendment. Only the subject lot is. Those other lots will likely require this same process in the future. The current configuration essentially combines land from adjacent lots into the subject lot, thereby increasing the original lot size. There is currently a single family dwelling on the property, which was built in or around 1988.

The property is located in the F-40 zone. The F-40 zone requires 40 acres per lot. Because the lot was created prior to the adoption of zoning it is considered a nonconforming lot, which, if legally platted, would be considered a legal nonconforming lot.

Analysis

General Plan. As an existing legal nonconforming lot, there is not significant consideration for this type of request in the 2016 Ogden Valley General Plan.

Zoning. The subject property is in the F-40 zone. The purposes of the F-40 zone are:

- (a) *The intent of the forest zones is to protect and preserve the natural environment of those areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.*
- (b) *The objectives in establishing the forest zones are:*
 - (1) *To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions;*
 - (2) *To reduce the hazards of flood and fire;*
 - (3) *To prevent sanitation and pollution problems and protect the watershed;*
 - (4) *To provide areas for private and public recreation and recreation resorts; and*
 - (5) *To provide areas for homes, summer homes, and summer camp sites.*

As a nonconforming lot, the original configuration of this parcel had pre-existing rights that run with the land which pre-dates the adoption of the F-40 zone, and therefore the lot need not comply with development standards of the F-40 zone. To the extent that the proposal can comply with the purposes of the zone it can be observed that the resulting subdivision lot is intended to be for a home as specified in (b)(5) (the home already exists).

Lot area, frontage/width and setbacks. The minimum lot size in the F-40 zone is 40 acres. The minimum width is 660 feet. The setbacks are:

Front yard: 75 Feet

Side yard: 40 Feet

Rear yard: 30 Feet

Nonconforming lot. Pursuant to LUC §108-12, there are additional and more flexible standards for nonconforming lots than offered by the F-40 zone. The use of a nonconforming lot is permitted to be continued despite lot boundary changes provided that the changes make no other lot nonconforming or more nonconforming to the standards in effect at the time of the lot's creation.¹ This amendment increases the subject lot's size from 3.81 acres to a proposed 4.83 acres. The increase in size of this lot means that there is an unknown decrease in the two adjacent lots. Because the LUC §108-12-12 allows for the adjustment of this and other lots to occur in compliance with the standards in effect at the time of the lot's creation, and because there were no zoning standards in effect at the time of this lot or either of the adjacent subdivision lots, it can be construed that the decreased lot size of the other affected lots could potentially still be held in compliance despite their greater-nonconformity.

The setbacks on the subject lot were established when the existing single family dwelling was established, in or around 1988.

Access. The lot is accessed by means of Evergreen Park Drive, a dedicated public road.

Easements. There is a five foot public utility easement that runs along the northern lot line of the original lot. This lot line adjustment does not move that easement, despite the fact that the northern lot line is moving. That five foot utility easement, if the plat is approved, will not longer follow the lot boundary.

There is a platted drainage easement running through the middle of the property. There is an existing building (the residential dwelling) in that easement. The Weber County Engineering division is working with the applicant to either get better information on the actual location of the buildings onsite, or an amended easement that avoids the building.

Fire control. The Weber County Fire Marshal has reviewed the proposal and has no concerns.

Sanitary sewer. There are no proposed changes to the existing sanitary sewer provisions onsite.

Culinary water. There are no proposed changes to the existing culinary water provisions onsite.

Natural hazards. Considering that the plat amendment does not change the status of any of the existing buildings onsite, no geologic hazards assessment is necessary.

¹ See LUC §108-12-9 and LUC §108-12-12.

Sensitive land. The subject property is in proximity to what the "Ogden Valley Sensitive Lands Stream Corridors" map delineates as an "intermittent stream." Pursuant to LUC §104-28-2(b)(1) the setback from an "ephemeral stream" (ephemeral being defined by Merriam Webster's Dictionary as "a stream that flows only briefly during and following a period of rainfall in the immediate locality") should be 50 feet. However, the existing single family dwelling predates the 50 foot setback standard, and is allowed to continue to exist.

Subdivision process. As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106 and the standards in the F-40 zone in LUC §104-9. Small subdivisions as defined in LUC §101-7 can be administratively approved per LUC §106-1-5(b)(1).

Tax clearance. The 2015 property taxes have been paid in full. The 2016 property taxes will be due in full on November 1, 2016.

Public Notice. A notice has been mailed not less than 10 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 plat approval of Evergreen Park Subdivision #1 3rd Amendment, a subdivision amendment consisting of one lot. This recommendation for approval is subject to following conditions:

1. That all outstanding comments from the applicable review agencies are addressed and/or amended on the final plat prior to plat recordation.

This recommendation is based on the following findings:

1. The proposed subdivision is not detrimental to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision amendment can comply with applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.

Administrative Approval

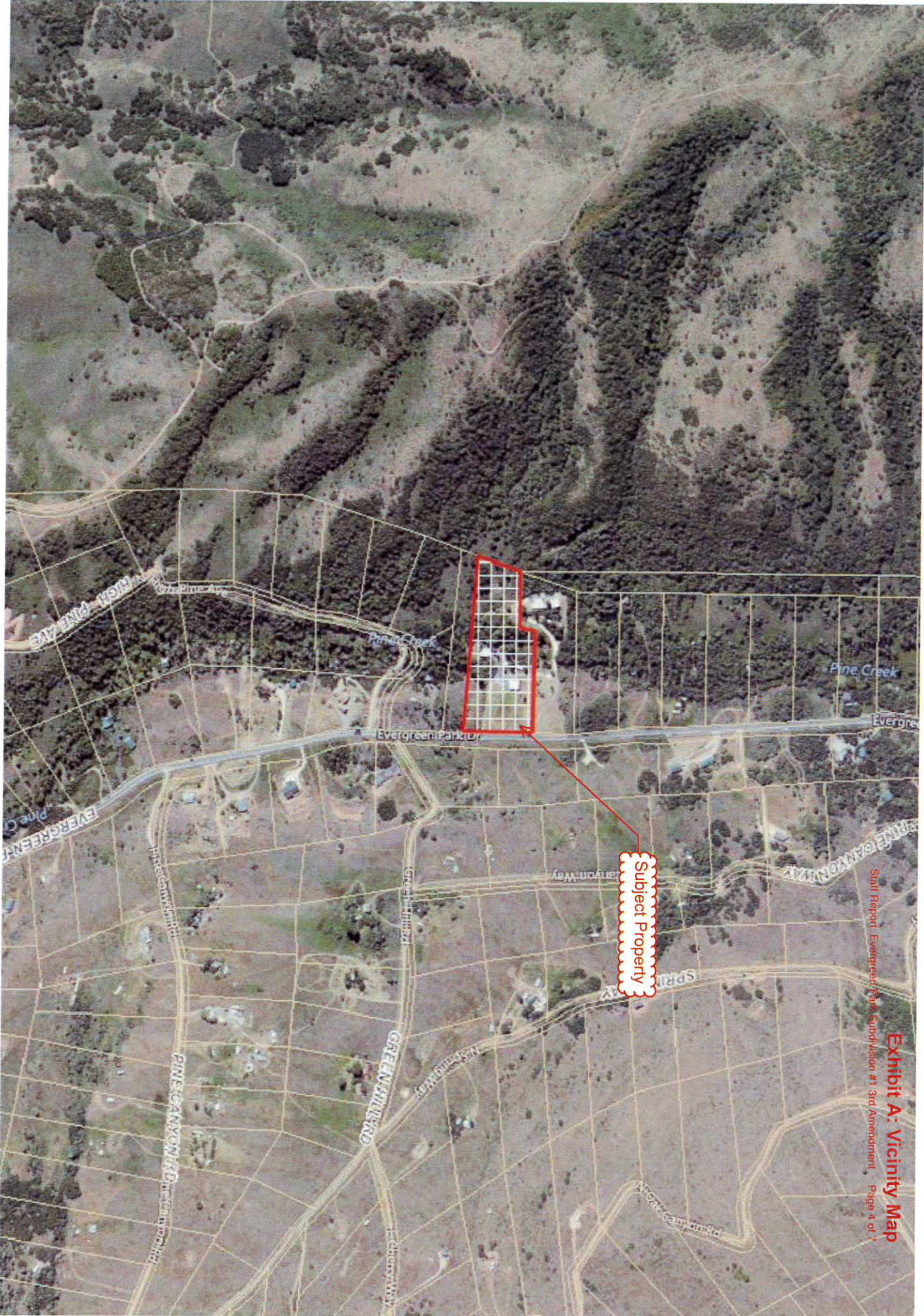
Administrative final approval of Evergreen Park Subdivision #1 3rd Amendment, a subdivision amendment consisting of one lot, is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: _____

Rick Grover
Weber County Planning Director

Exhibits

- A. Vicinity map.
- B. Proposed plat.
- C. Current recorder's reference plat.
- D. Evergreen Park Subdivision #1.



Subject Property

Exhibit C: Current Recorder's Reference Plat

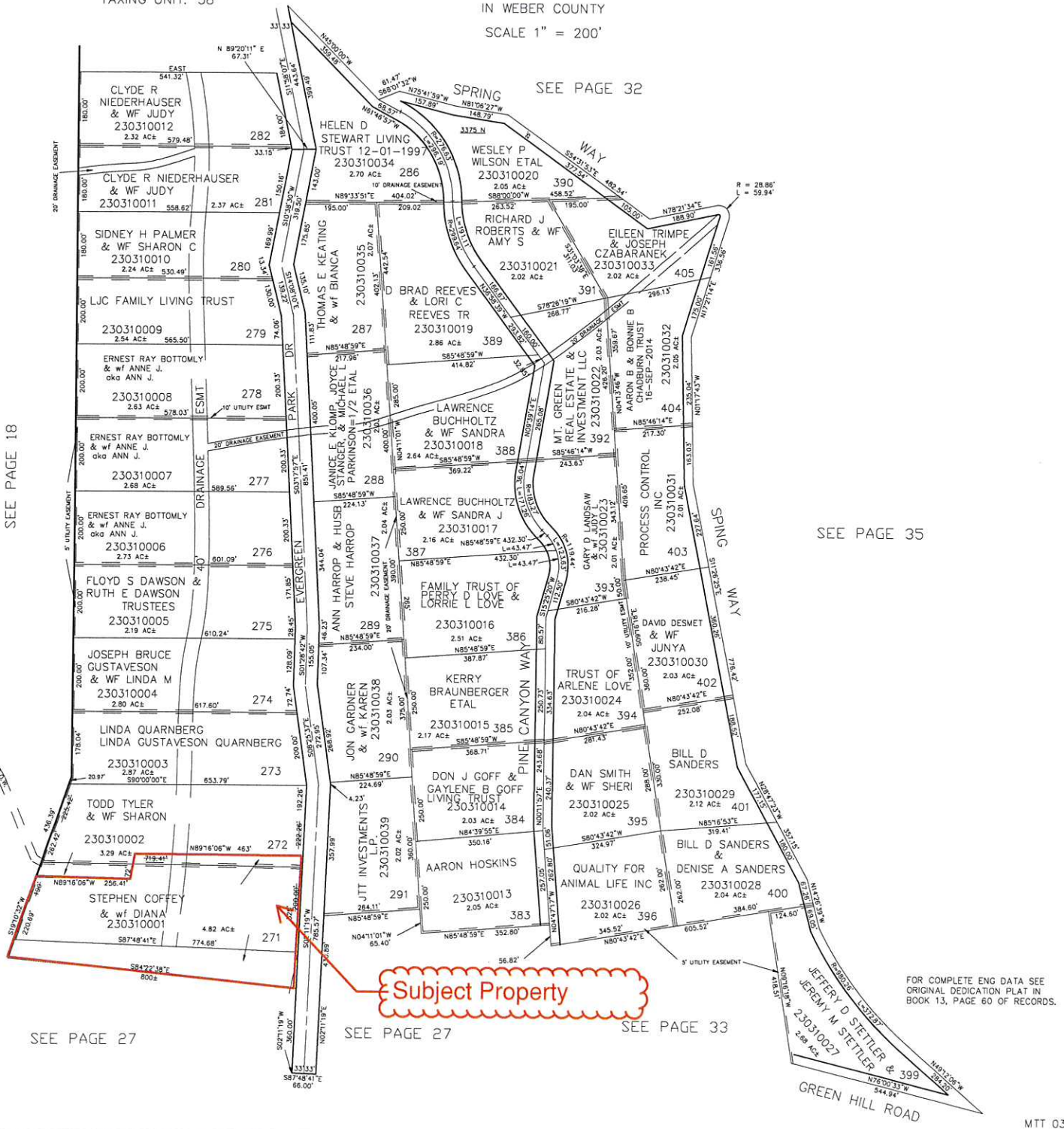
Staff Report: Evergreen Park Subdivision #1 3rd Amendment Page 6 of 7

PART OF SEC. 29-30, T.7N., R.3E., S.L.B. & M. EVERGREEN PARK SUBDIVISION NO. 1 LOTS 271-282, 286-291, 383-396, 399-405

TAXING UNIT: 58

IN WEBER COUNTY

SCALE 1" = 200'



SEE PAGE 18

SEE PAGE 27

SEE PAGE 27

SEE PAGE 33

SEE PAGE 35

FOR COMPLETE ENG DATA SEE ORIGINAL DEDICATION PLAT IN BOOK 13, PAGE 60 OF RECORDS.

EVERGREEN PARK SUBDIVISION NO. 1

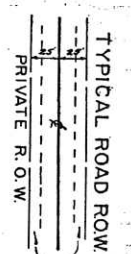
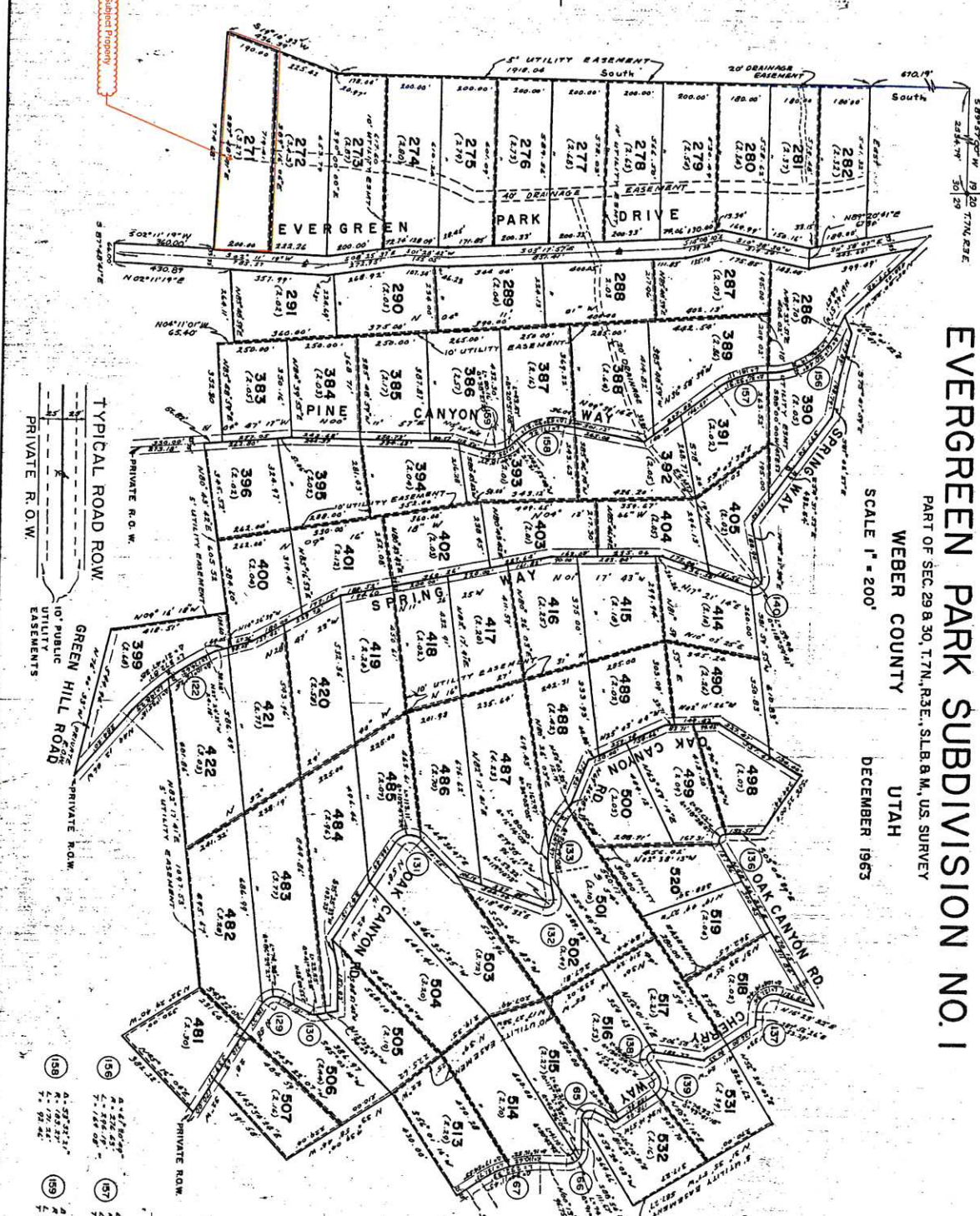
PART OF SEC. 29 & 30, T.7N., R.3E., S.L.B. & M., U.S. SURVEY

WEBER COUNTY

UTAH

SCALE 1" = 200'

DECEMBER 1963



NIELSEN & MAXWELL
CONSULTING ENGINEERS

SHEET 10 OF 11

*420001 \$364.00
 FIELD AND RECORDING
 SECURITY TITLE CO.
 164 FEB 15 PM 3:02
 m. Book 15 of Plat P. 40
 BIRTH EARN'S G.I. 511
 WEBER COUNTY RECORDS
 1963

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