



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an administrative application for final subdivision approval of the Wilcox Camping and Boating Resort 1st Amendment

Agenda Date: Wednesday, January 21, 2015

Applicant: Michael Sherman

File Number: UVW090914

Property Information

Approximate Address: 960 Ogden Canyon, Ogden, UT

Project Area: 0.53 acres

Zoning: F-40

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 20-019-0006 & 20-019-0016

Township, Range, Section: Township 6 North, Range 1 East, Section 16

Adjacent Land Use

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

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: JG

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 9, Forest (F-40) Zone
- Title 106, Subdivisions (Title 26, Filing of Preliminary and Final Plans)
- Title 108, Standards, Chapter 12, Noncomplying Structures and Nonconforming Uses/Parcels

Background

The applicant has submitted a request to amend the "Wilcox Camping and Boating Resort" subdivision plat, combining lots 7, 8 & 9 (Parcels D, E, & F). The amendment will create one 0.53 acre residential lot. Approval of this request will satisfy a condition of approval for a variance granted by the Weber County Board of Adjustments. The subject property does not meet the zoning requirements of the F-40 Zone; however, the Uniform Land Use Code of Weber County, Utah (LUC) §108-12-12 allows for parcels that were legally created and do not meet the current zoning as to area and frontage/width, to be combined or enlarged.

Analysis

Zoning: The subject property is located in a Forest Zone more particularly described as the F-40 zone. The purpose of the Forest Zone in the LUC §104-9-1 is:

- 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.

The (LUC) §101-1-7 has identified a small subdivision as:

The term "Small Subdivision" means:

...

- (2) An amended subdivision consisting of five or fewer lots and for which no streets will be created or realigned;

The proposed amendment will combine three previously subdivided lots into one lot (see Exhibit "A") and will not create or realign any streets, therefore, meeting the definition of a "Small Subdivision".

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106 (Title 26, Filing of Preliminary and Final Plans) and with the recommended conditions (see Exhibit "B"), is in conformance with county code.

The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area regulations: In the LUC §104-9-4, the F-40 zone requires a minimum lot area of 40 acres. The Wilcox Camping and Boating Resort Subdivision was platted in 1910 and predates the zoning ordinances that were adopted by Weber County in 1966 (see Exhibit "B"). The proposed amendment does not meet the area requirements of the F-40 zone; however, the parcel was created legally and is considered a legal nonconforming parcel. Combination of nonconforming parcels per LUC §108-12-12 is allowed provided that:

- (1) The combination is achieved by submitting a subdivision if any of the parcels were part of a recorded subdivision or by combining parcels if they have metes and bounds descriptions;
- (2) All adjoining parcels under common ownership, or brought under common ownership after the date of the adoption of this section are merged to create the largest lot possible;
- (3) The combination does not result in any illegal divisions of land; and
- (4) Structures built on the newly created lot shall resemble the architectural style, height, size and mass of existing noncommercial structures on parcels within 500 feet of the newly created lot, and meet all current setback and height requirements of the zone in which the combination is made.

Width, yard and height regulations: The minimum frontage and lot width in the F-40 zone is 660'. The combination of the parcels will create a new lot width of 181.12', which will bring the subject property nearer to conforming to the current zone requirements. Based on the legal existence of the subject property, additional requirements for frontage and lot width are unnecessary at this time.

An existing home and garage foundation have been identified on the plat map. It appears that the structures were legally created; however, they are located inside the 75' front yard and stream corridor setbacks. Standards to establish reduced side yard setbacks have been identified in LUC §108-12-13 for small lots that have been created legally prior to the adoption of zoning. Based on this allowance a minimum side yard setback of 10.97' has been considered acceptable for this proposal. The applicant is desirous to expand the garage and has received a variance from the rear yard setback requirement of 30' to 27.92' from the Weber County Board of Adjustments on February 27, 2014. The proposal does not create additional nonconformities; therefore meeting the minimum area regulations of the Code.

Culinary water and sanitary sewage disposal: In 2013, the Weber Morgan Health Department approved a non-public well that provides the culinary water for this property. A letter of approval has been submitted for the onsite sanitary system which predates the 1945 Weber Morgan Health Department Onsite Wastewater Regulations.

Additional design standards and requirements: The proposed combination of parcels does not significantly alter the original platted design that was legally established prior to the adoption of subdivision standards (see Exhibit "C"). With the exception of the recommended conditions identified in this staff report, additional standards and requirements are unnecessary at this time.

Review Agencies: The proposed subdivision amendment has been reviewed and approved by the Weber County Engineering Division and approved with conditions by the Weber Fire District (see Exhibit "D"). The Weber County Surveyor's Office has identified areas of the proposal that need to be addressed or corrected (see Exhibit "E").

Tax clearance: The 2014 property taxes have been paid in full. The 2015 property taxes will be due in full on November 1, 2015.

Public Notice: A notice has been mailed not less than ten calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed subdivision amendment.

Conformance to the General Plan

The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing community areas.

Staff Recommendation

Staff recommends final plat approval of the Wilcox Camping and Boating Resort 1st Amendment. This recommendation for approval is subject to all review agency requirements and based on the findings and conditions of approval as listed below:

1. The proposed use conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed use complies with applicable County ordinances.
3. The proposed use will not be detrimental to the public health, safety, or welfare.
4. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Conditions of Approval

- The final plat must indicate the "house number" for each lot as assigned by the County Surveyor
- The final plat must indicate the correct lot number as assigned by the County Surveyor
- The final plat must reflect the current zoning as F-40
- All preliminary information must be removed prior to recording the final Mylar
- Requirements of the Weber County Engineering Division
- Requirements of the Weber-Morgan Health Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Surveyor's Office
- Requirements of the Weber County Recorder

Administrative Approval

Administrative final approval of the Wilcox Camping and Boating Resort 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: Wednesday, January 21, 2015



Sean Wilkinson
Weber County Planning Director

Exhibits

- A. Proposed Subdivision Amendment
- B. Planning Division Bluelines
- C. Original Subdivision Plat
- D. Weber Fire District Comments
- E. Surveyor's Comments and Redlines

Map 1



Map 2

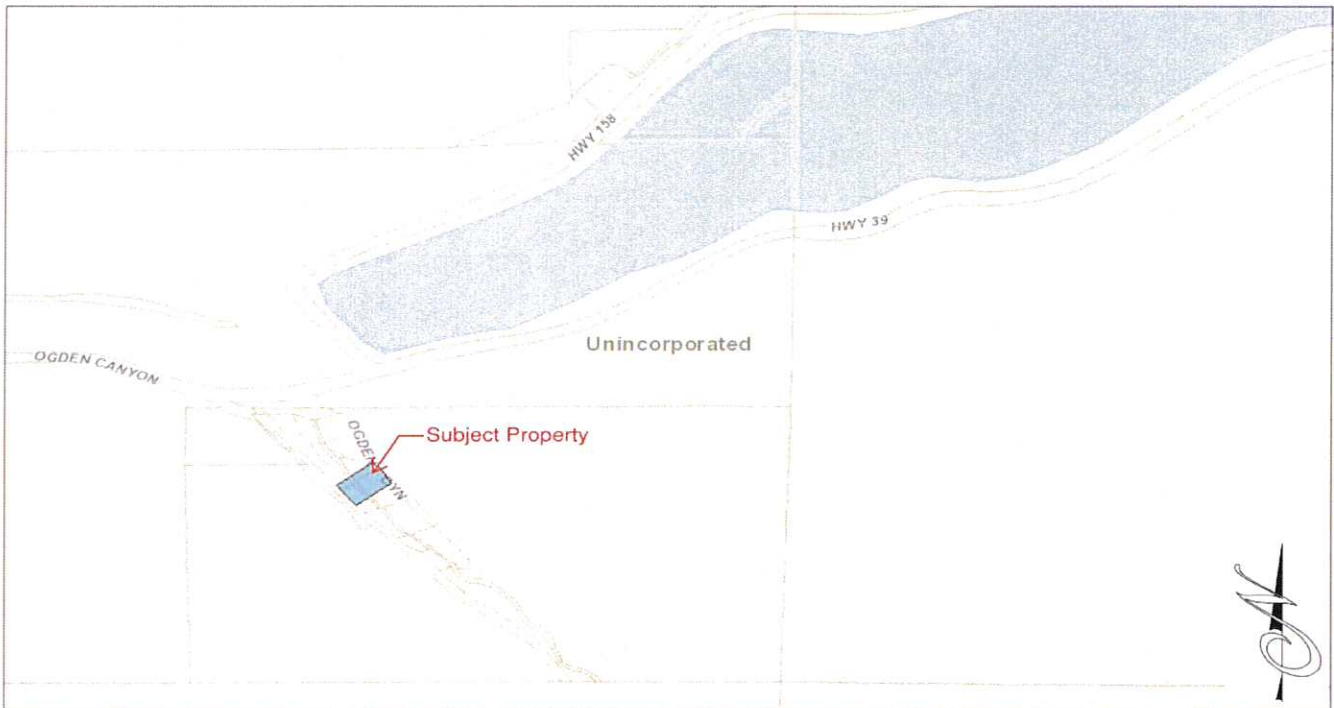


Exhibit B-Planning Division Bluelines

Staff Bluelines 1-14-15

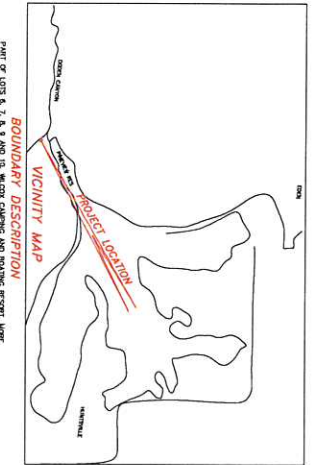
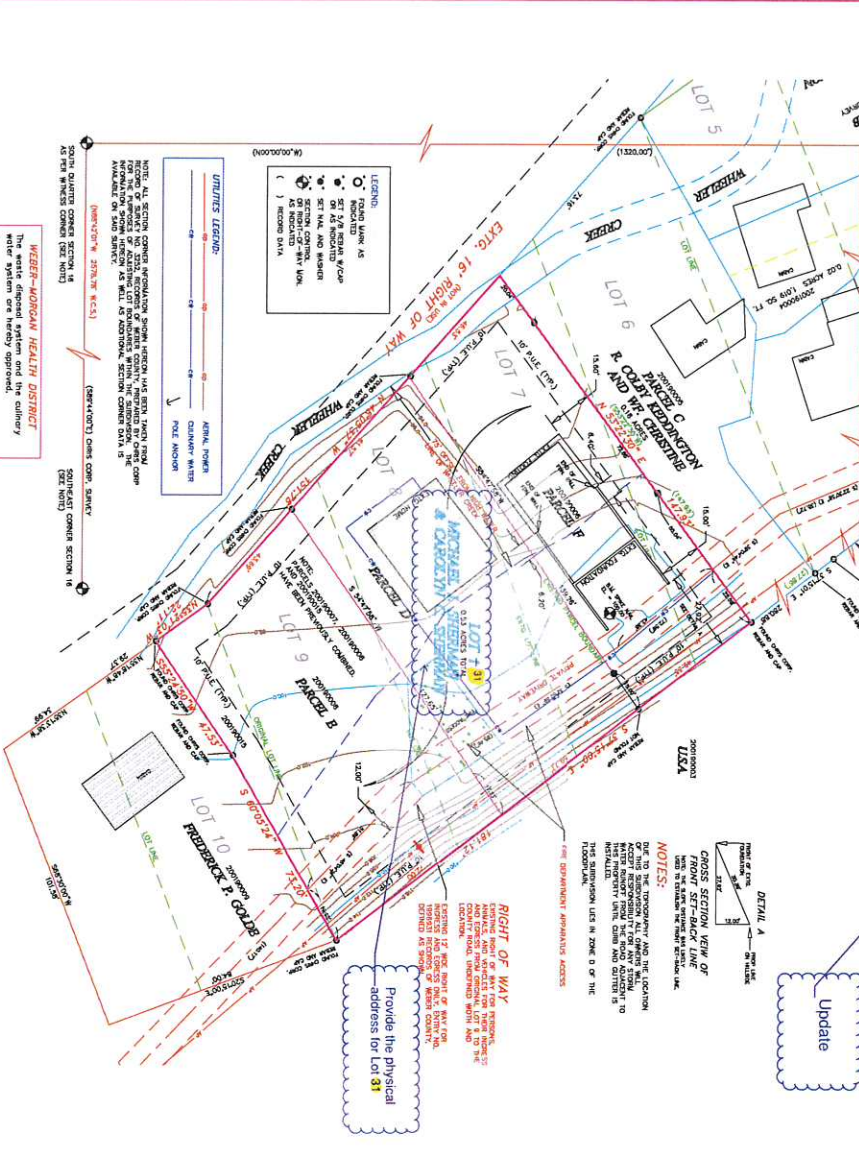
*** Please remove all preliminary information (topography, contours, structures, original lot lines etc...) on the final plat for recording.

WILCOX CAMPING AND BOATING RESORT 1ST AMENDMENT

A PART OF ORIGINAL LOTS 6, 7, 8, 9 AND 10
ALSO BEING ALL OF ADJUSTED PARCELS D, E AND F
WILCOX CAMPING & BOATING RESORT
A PART OF THE SOUTHEAST QUARTER OF SECTION 16, 16N, 11E

NOVEMBER, 2014

Update



OWNERS DEDICATION AND CERTIFICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT, DO HEREBY SET APART AND DEDICATE TO THE PUBLIC THE TRACT HEREIN DESCRIBED TO BE USED AS A BOATING AND CAMPING RESORT. WE HEREBY CERTIFY THAT WE ARE THE LEGAL AND SOLE OWNERS OF THE TRACT HEREIN DESCRIBED AND THAT WE HAVE THE FULL AND COMPLETE POWER TO MAKE THIS DEDICATION AND CERTIFICATION. WE HEREBY CERTIFY THAT WE HAVE THE FULL AND COMPLETE POWER TO MAKE THIS DEDICATION AND CERTIFICATION. WE HEREBY CERTIFY THAT WE HAVE THE FULL AND COMPLETE POWER TO MAKE THIS DEDICATION AND CERTIFICATION.

ACKNOWLEDGEMENT

BEFORE ME, the undersigned authority, on this _____ day of _____, 2014, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

ZONING

THE PROPERTY ZONED FOR THIS MAP IS IN LOT 31 - F-40

SURVEY ANNOTATIONS

ALL DIMENSIONS SHOWN ON THIS SURVEY HAVE BEEN ESTABLISHED BY THE SURVEYOR'S FIELD MEASUREMENTS AND CALCULATIONS. ALL DIMENSIONS SHOWN ON THIS SURVEY HAVE BEEN ESTABLISHED BY THE SURVEYOR'S FIELD MEASUREMENTS AND CALCULATIONS.

<p>WEBER COUNTY ATTORNEY</p> <p>I have examined the provided plat and other documents associated with this plat and find that the same comply with the provisions of the Utah Subdivision Map Act and the provisions of the Utah Platting Act and that the same are in full compliance with the provisions of the Utah Subdivision Map Act and the provisions of the Utah Platting Act.</p> <p>Signed this _____ day of _____, 20____.</p> <p>Signature _____</p>	<p>WEBER COUNTY SUPERVISOR</p> <p>I have reviewed the plat and find that the same comply with the provisions of the Utah Subdivision Map Act and the provisions of the Utah Platting Act and that the same are in full compliance with the provisions of the Utah Subdivision Map Act and the provisions of the Utah Platting Act.</p> <p>Signed this _____ day of _____, 20____.</p> <p>Signature _____</p>	<p>WEBER COUNTY PLANNING COMMISSION</p> <p>This is to certify that this application was reviewed by the Planning Commission on this _____ day of _____, 20____.</p> <p>Chairman, Weber County Planning Commission</p> <p>Signature _____</p>	<p>WEBER COUNTY ENGINEER</p> <p>I hereby certify that the required public notice has been given and that the plat is in full compliance with the provisions of the Utah Subdivision Map Act and the provisions of the Utah Platting Act.</p> <p>Signed this _____ day of _____, 20____.</p> <p>Chairman, Weber County Commission</p> <p>Signature _____</p>	<p>WEBER COUNTY RECORDER</p> <p>ENTRANCE RECORD AND THE PLAT AT _____ OF THE ORIGINAL RECORDS.</p> <p>RECORDED FILE _____</p> <p>WEBER COUNTY RECORDER _____</p>
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WILCOX CAMPING AND BOATING RESORT, 1ST AMENDMENT, A PART OF ORIGINAL LOTS 6, 7, 8, 9 AND 10 ALSO BEING ALL OF ADJUSTED PARCELS D, E AND F WILCOX CAMPING & BOATING RESORT A PART OF THE SOUTHEAST QUARTER OF SECTION 16, 16N, 11E, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY WEBER COUNTY, UTAH

MICHAEL SHERMAN, 965 OGDEN CANYON ROAD, OGDEN, UT, 84401

DATE: 10-14-14

REVISIONS: REVISED AS PER COUNTY REVIEW

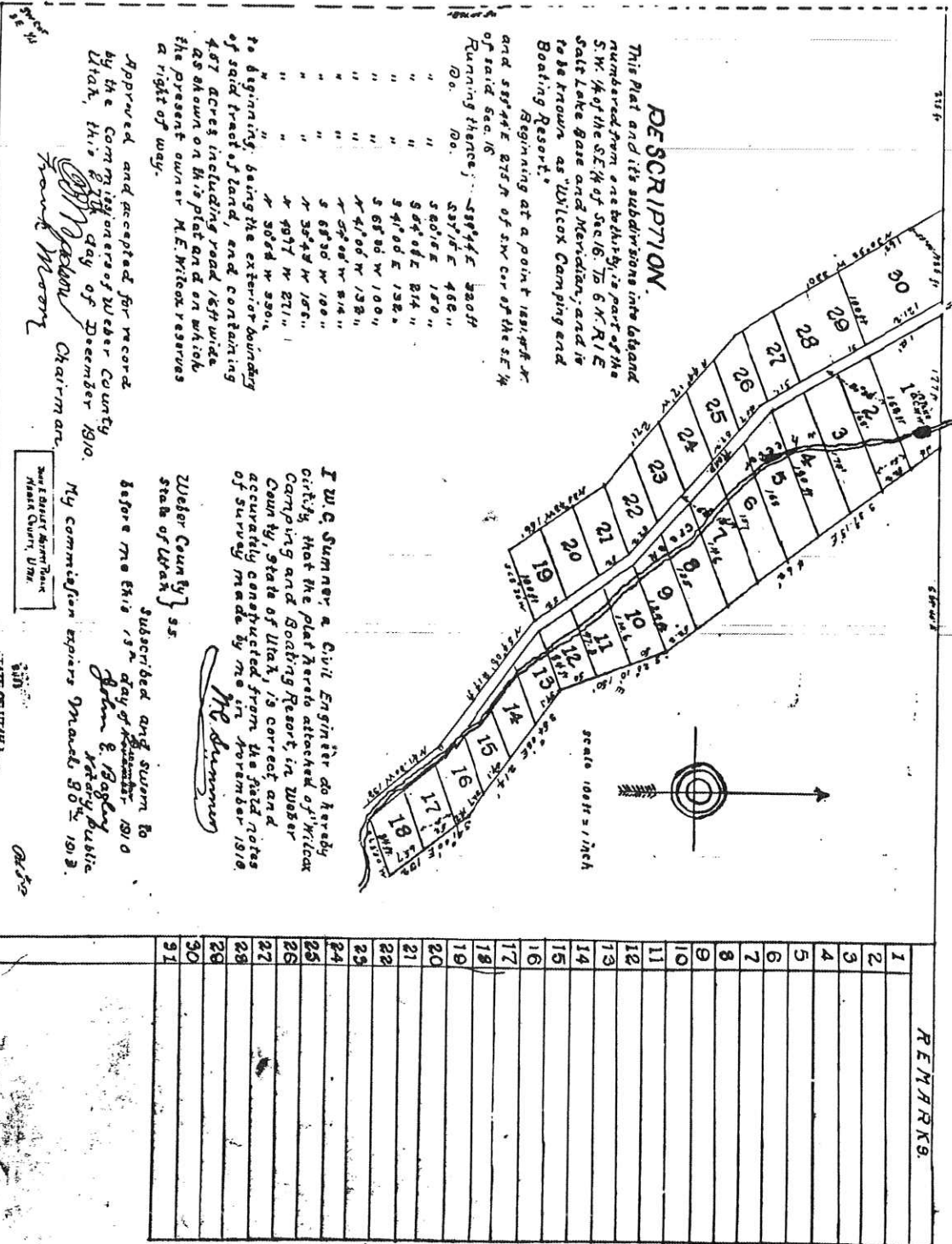
MOUNTAIN ENGINEERING

2250 W OLD HIGHWAY ROAD
MORGAN, UTAH 84050
TEL (801) 876-3978 FAX 876-3979

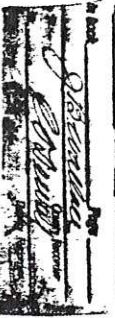
WILCOX CAMPING AND BOATING RESORT.

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Exhibit C-Original Subdivision Plat



OK J. J. Morrison
Lewis Morrison



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Weber Fire District Comments

Project: Wilcox Camping and Boating Resort 1st Amendment (Wheeler Creek Subdivision)
User: Brandon Thueson
Department: Weber Fire District
Created: 2014-09-29 08:20:31
Modified: 2014-09-29 08:20:31
Approved: Yes

Notes

Date: September 29, 2014

Project Name: Wheeler Creek Subdivision

Project Address: 960 Ogden Canyon, Weber County Ut

Contractor/Contact: Michael Sherman

FEE NOTICE:

Weber Fire District has various fees associated with plan reviews, and inspections. Please be prepared to make payments at the time of inspections or when you pick up your approved plans. Impact Fees are due prior to taking out a building permit. Make checks payable to: [Weber Fire District](#).

REVIEW STATUS: APPROVED WITH CONDITIONS

SPECIFIC COMMENTS:

1. Weber Fire District has no issues with the lot line adjustments and amendments to the subdivision plat.
2. Access: If any development occurs in the future on lots 9 and 10, the access roadway will need to be improved to meet fire access requirements.
3. Fire Flow: All structures over 5000 sq. ft. which do not meet the fire flow requirements, shall be equipped with an NFPA 13D compliant fire sprinkler system. For more information regarding fire flow, please contact Fire Marshal Thueson at 801-782-3580.
4. Fire department apparatus access is required for each lot.

Every effort has been made to provide a complete and thorough review of these plans. This review does not relieve the owner, contractor and/or developer from compliance with any and all applicable codes and standards. Any change or revision of this plan will render this review void and will require submittal of the new or revised layout for fire department review.

Reviewed by: Brandon Thueson

Fire Marshal

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Exhibit E-Surveyor Comments

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Survey Review 12-1-14

Project: Wilcox Camping and Boating Resort 1st Amendment (Wheeler Creek Subdivision)
User: Trevor Hatch
Department: Weber County Surveyor's Office
Created: 2014-12-01 16:31:02
Modified: 2014-12-01 16:31:02

Notes

In reviewing the above referenced plat, we have marked areas that still require attention. We have included a copy of the plat marked with these changes. If you have any questions or comments we are here to serve and help you in any possible way to expedite the approval process for this subdivision.

We can be reached at the Weber County Surveyors Office at (801) 399-8020. Thank you.

Files

Name	Size	Date Uploaded	Actions
Survey Review 11-18-14.pdf	626 KB	2014-12-01 16:31:23	Rename Delete

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