



# Staff Report for Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for preliminary approval of Reflections Subdivision (6 lots), and approval of an alternative access by private right of way (AE 04-2016) at approximately 5650 East 1900 North.

**Agenda Date:** Wednesday, June 29, 2016

**Applicant:** Cortney Valentine, agent

**File Number:** UVR 060116 and AE 04-2016

### Property Information

**Approximate Address:** 5650 East 1900 North, Eden UT

**Project Area:** 25.673 acres

**Zoning:** Agricultural Valley AV-3 and Shoreline S-1

**Existing Land Use:** Agricultural

**Proposed Land Use:** Residential and agriculture

**Parcel ID:** 20-002-0081

**Township, Range, Section:** T6N, R1E, Section 2

### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Pineview Res.
<b>East:</b> School	<b>West:</b> Agriculture

### Staff Information

**Report Presenter:** Ben Hatfield  
bhatfield@co.weber.ut.us  
801-399-8766

**Report Reviewer:** RK

## Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 6 Agricultural Valley (AV-3 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 10 Shoreline (S-1 Zone)
- Weber County Land Use Code Title 106 (Subdivision)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 Supplementary and Qualifying Regulations

## Background

The applicant is requesting preliminary plat approval of Reflections Subdivision (6 lots), and approval of an alternative access by private right of way (AE 04-2016) at approximately 5650 East 1900 North in the AV-3 and S-1 Zones.

## Analysis

**General Plan:** The proposal conforms to the Ogden Valley General Plan in a manner that does not detract from the Valley's rural character and natural setting. Subdivisions that meet the requirements of applicable Land Use Codes conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.



Land Use Code Standards: As part of the subdivision process, the proposal has been reviewed against the adopted current zoning and subdivision code (LUC §106) to ensure that the regulations and standards have been adhered to. It appears that the proposed subdivision is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Zoning:

Parcels Split by Zoning Boundaries: LUC §104-1-4 explains that when a proposed lot is split by a zoning boundary the standards for area requirements depends on which of the zones has the more restrictive (or larger) area requirement. This is based upon a two-thirds rule.

- If two-thirds of the lot's area is contained in less restrictive zone, the lot may develop based upon the minimum standards of that zone. However the home must be built in that less restrictive zone.
- If this is not the case then the home can be built in the larger zone, but the lot must meet the lot standards of that zone. The area within the less restrictive zone may be applied to lot to meet the larger standard.

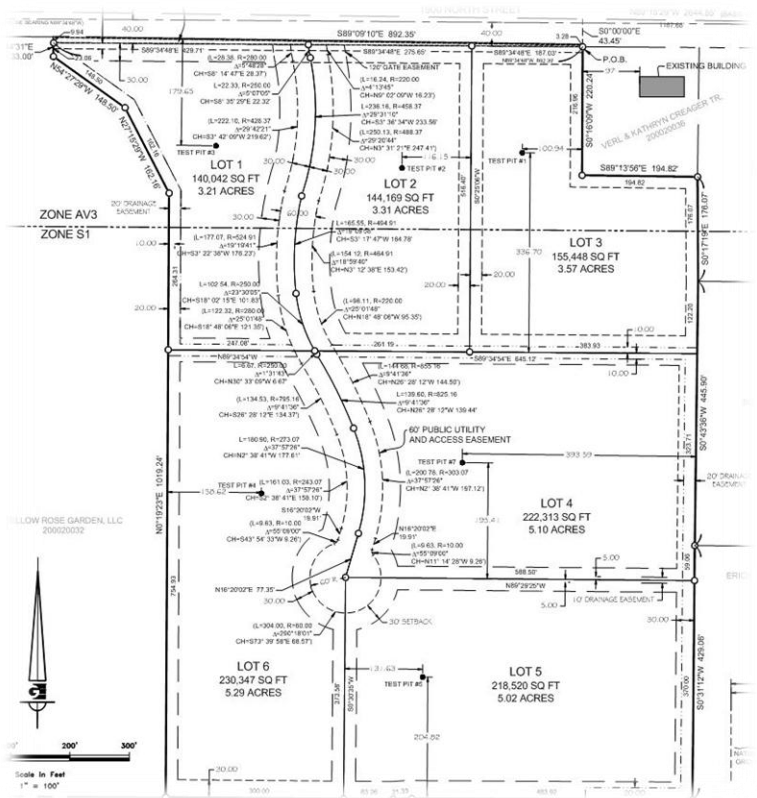
Lot area, frontage/width and yard regulations: The proposed 25 acre subdivision is proposed as three lots (5-7) meeting the minimum 5 acre lot area and 300 foot lot width requirements of the S-1 Zone, and three lots (1-3) which are split by a zoning boundary. These three lots (1-3) meet the minimum 3 acre lot area and 150 lot width requirements of the AV-3 Zone, as more than 2/3rds of the lot area is in the less restrictive AV-3 Zone. The homes on Lots 1, 2, and 3 will be required to be built in the AV-3 zone, which is 350 feet south of 1900 North.

Access: Lots 1, 2, and 3 in the proposed subdivision all front and can have access from 1900 North, although access for Lots 1 and 2 could also access from the private right of way as they function as corner lots. Road dedication is required for 1900 North with a road width of 80 feet as identify by the Ogden Valley Transportation Element Map adopted into the General Plan.

Alternative Access: The applicant is requesting approval of access to Lots 4, 5 and 6 by way of a private right of way. The right of way, which may be gated in the future, shall be constructed to meet the requirements provided in LUC §108-7-29, the Weber Fire District, and the Weber County Engineering Division.

LUC §108-7-31 states: *Approval (of the alternative access) is subject to the applicant demonstrating compliance with the following criteria and conditions:*

- 1) *Criteria.*
  - a) *The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or*
  - b) *The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use and is the subject parcel of an approved agri-tourism operation; or*
  - c) *Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.*



2) *Conditions.*

- a) *It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and*
- b) The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the county deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

As the proposed subdivision is bounded on the East side by the elementary school and some residential flag lots, on the North side by 1900 North, on the South side by Pineview Reservoir, and on the West by a 16 acre agricultural parcel (see Map 1 for site location). Staff has been in discussion with the owners of the adjacent parcel to the West regarding a three lot subdivision. Based on the boundary conditions and the required minimum lot acreage of the S-1 Zone, the Planning Division agrees that it is impractical to extend a street to serve the proposed three lots that do not have frontage on 1900 North.

Culinary water and sanitary sewage disposal: A feasibility letter has been provided for the culinary and wastewater systems for the proposed subdivision. The culinary water for the proposed subdivision will be provided by Eden Water Works and wastewater is controlled by individual septic systems. An onsite wastewater systems agreement will need to be executed and recorded in conjunction with the Mylar to ensure adequate notice is given to future property owners of the required improvements prior to receiving a building permit through Weber County.

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office, and the Weber Fire District have reviewed and approved the proposal. All review agency comments have been attached as Exhibit B.

Additional design standards and requirements: As this is a rural subdivision in an agricultural area of the Ogden Valley the applicant is requesting that a recommendation be made to the Weber County Commission to defer the street improvements of curb, gutter, and sidewalk along 1900 North even though the property is near the school. A trail currently exists on this property next to the roadway.

As the lot lines of the subdivision follow the center line of the right of way easement, it has been suggested that an additional front setback be required to 60 feet in lieu of the standard 30 feet. This would allow for the homes to align in a normal fashion along the private access.

Tax clearance: The 2015 property taxes have been paid.

Public Notice: The required noticing for the preliminary subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6b.

## Summary of Considerations

Does the subdivision meet the requirements of the Land Use Code?

- The subdivision meets the requirements for a subdivision and the zones it is located in.

## Staff Recommendation

Staff recommends preliminary plat approval of Reflections Subdivision (6 lots), and approval of an alternative access by private right of way (AE 04-2016). This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Requirements of the Weber County Engineering Division.
2. Requirements of the Weber-Morgan Health Department.
3. Requirements of the Weber Fire District.
4. Requirements of the Weber County Surveyor's Office.
5. Requirements of the Weber County Recorder.
6. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

This recommendation is based on the following findings:

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

## Exhibits

- A. Subdivision Plat
- B. Agency review comments

## Photo of the proposed subdivision







## Exhibit B-Review Agencies Comments

### Engineering Review 2

**Project:** Reflections Subdivision

**User:** Blane Frandsen

**Department:** Weber County Engineering Division

**Created:** 2016-06-22

**Approved:** Not Approved

**Notes:** I have had a chance to review the plan(s) and have the following comment(s): **Written responses to the following comments are required.**

1. Per the County subdivision ordinance, a preliminary plan is required to be submitted with the subdivision application:
  1. The determination of the access amendment needs to be resolved first to see **if the concept of an access easement is approved.**
  2. **The right of way dedication for 1900 N by the general plan would be for a 40 foot half street.**
2. The proposed subdivision will need to have curb, gutter and sidewalk **along 1900 North similar to that provided easterly along 1900 North in the vicinity of the school. Regarding the improvements along the proposed access easement as a bare minimum there will need to be a deferred by the planning commission to be signed by the developer prior to final approval.**
3. A note will need to be added to the plat stating: "Due to the topography and the location of this subdivision all owners will accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed."
4. Because soil conditions vary throughout the county, it is now necessary to provide an engineered pavement design showing required sub-base, road-base, fabric, and asphalt thickness as needed for soil type. Asphalt thickness shall not be less than 3 inches. The county engineer is now requiring a minimum of 8" of 4" minus sub-base and 6" road-base. Compaction tests on both will be required
5. An excavation permit is required for all work done within the existing right-of-way.
6. All improvements need to be either installed or escrowed for prior to recording of the subdivision.
7. A Storm Water Construction Activity Permit is required for any construction that:
  1. disturbs more than 5000 square feet of land surface area, or
  2. consist of the excavation and/or fill of more than 200cubic yards of material, or
  3. Requires a building permit for which excavation or fill is a part of the construction, and less than five acres shall apply for a county permit.
8. A Storm Water Pollution Prevention Plan (SWPPP) is now required to be submitted for all new development where construction is required. The State now requires that a Utah Discharge Pollution Elimination Systems (UPDES) permit be acquired for all new development. A copy of the permit needs to be submitted to the county before final approval. Permits can now be obtained online thru the Utah State Department of Environmental Quality at the following web site: <https://secure.utah.gov/swp/client>. **Please see Engineering Review 2 regarding the SWPPP review.**
9. After all items have been addressed a wet stamped copy of the improvement drawings will be required.

I have tried to address all items of concern from the Engineering Department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this review, feel free to contact me.

### Weber County Surveyor's 1st Review

**Project:** Reflections Subdivision

**User:** Bahy Rahimzadegan

**Department:** Weber County Surveyor's Office

**Created:** 2016-06-22

**Approved:** Not Approved

**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) 399-8075. Thank you.

### Weber Fire District Review

**Project:** Reflections Subdivision

**User:** Brandon Thueson

**Department:** Weber County Special Events, Weber Fire District

**Created:** 2016-06-06

**Approved:** Yes

**Notes:** 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. Fire Hydrant(s): If water lines are available to connect to which can support fire hydrants, then hydrants must be installed that meet spacing requirements. The maximum spacing between hydrants in a residential area is 500 ft. One new fire hydrant must be provided within 400 feet of the furthest most portion of a building or facility (see IFC 507.5.1). **3 New hydrants have been proposed.**
2. Fire Flow: All dwellings structures over 5000 sq. ft. which do not meet the fire flow requirements, shall be equipped with an NFPA 13D compliant fire sprinkler system or be provided with area separations compliant with the IBC/IRC. For more information regarding fire flow, please contact Fire Marshal Thueson at 801-782-3580.
3. Provide a temporary address marker at the building site during construction.
4. Roads and bridges shall be designed, constructed and maintained to support an imposed load of 75,000 lbs.
5. All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
6. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
7. All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible construction.

**A written response for this review is required.**

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.