



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 Wheeler Hollow Subdivision, a one lot subdivision
Type of Decision:	Administrative
Agenda Date:	Wednesday, October 19, 2016
Applicant:	Fredrick Golde
File Number:	UVW071816

Property Information

Approximate Address:	962 Ogden Canyon, Ogden, UT 84401
Project Area:	0.18 Acres
Zoning:	F-40 Zone
Existing Land Use:	Residential
Proposed Land Use:	Residential
Parcel ID:	20-019-0009
Township, Range, Section:	Township 6 North, Range 1 East, Section 16

Adjacent Land Use

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

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 Wheeler Hollow Subdivision, a small subdivision consisting of one lot, located at 962 Ogden Canyon Road (in the Wheeler Creek area). The property currently exists in the size and configuration of the lot on the proposed plat. The property is a result of old lot line adjustments from the original lot configuration of the Wilcox Camping and Boating Subdivision of 1910. The current configuration essentially combines most of two of the old Wilcox lots into one, thereby increasing the original lot size and reducing the overall number of lots in the area. There is currently a single family dwelling on the property, which was built in or around 1952.

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 legal nonconforming lot.

In February 2016 the lot was granted a variance from rear setback standards. The rear setback was reduced from 30 feet to five feet. One condition of the variance was that the lot is platted in its reconfigured shape.

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. However, it can be noted that one fundamental vision of the general is to reduce the

potential intensity of overall development in the Ogden Valley. This proposal will memorial by means of a formal subdivision plat the consolidation of two original (pre-zoning) nonconforming lots in the area, thereby reducing development potential in the Ogden Valley.

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 this parcel has pre-existing rights that run with the land that pre-dates the adoption of the F-40 zone, and therefore need not comply. To the extent that the proposal can comply with the purposes of the zone 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

For the purpose of applying these standards to the subject property it is important to note that the front of the lot is considered to be on the western side of the property, and abuts Wheeler Creek. The section about access below offers more details.

Variance. The subject property received a variance from the BOA in February of 2016 for reduced rear setbacks. The setbacks were reduced from the F-40 zone's required 30 feet to approximately five feet. The plat notes should indicate this reduced setback.

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.¹ The boundary changes being considered here are the modifications to the lot boundaries from the original Wilcox Camping and Boating Subdivision.

The side setbacks of a nonconforming lot can be reduced, in this case, to eight feet on one side and five feet on the other. The plat notes should indicate this reduced side setback.

The front setback was established when the existing single family dwelling was established, in or around 1952. The current setback is a nonconforming setback. The plat memorializes the nonconforming setback.

Access. When the original Wilcox Camping and Boating Subdivision was platted it established a 16 foot wide right of way for access to the front (western side) of this lot. Since the Wilcox platting the creek has shifted and now fully encompasses the old right of way, forcing the owners to access the lot via a private right of way on the rear of the lot. This newer right of way is a recorded 12 foot wide right of way, and noted on the plat. Section 108-7-29 allows the primary access to a lot to be by a means other than across the front lot line, provided certain standards are applied. After collaboration with the fire official regarding the existing dwellings in the area and the existing access, it has been determined that the existing recorded right of way width of 12 feet is sufficient for access to the lots with existing dwellings.²

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

² LUC §108-7-29(1)b. allows the fire official to modify the required 16 foot minimum right of way width.

LUC §108-7-29 indicates that there should be a 30 foot setback from the private right of way. The variance for the rear setback did not address the need for a variance from the right of way setback standard – but this is likely because it was not known at that time that this right of way overlapped the property. The land use authority may choose to determine that the variance for the rear setback was intended to address all setbacks at the rear of the property, including the setback for the right of way. This determination would give the lot a five foot setback from the right of way and the rear lot line. The plat notes should indicate this setback.

Fire control. The Weber County Fire Marshal has reviewed the proposal and offers the following comments:

August 3, 2016 Miradi review:

1. This review is for a new detached garage and the remodel of an existing home within the Wheeler Hollow Subdivision.
2. Fire Flow: Fire flow for the subdivision shall be 1000 GPM.
3. Fire Suppression Systems: *Weber Fire District strongly encourages the builder/owner to provide a fire suppression system to protect the lives and property of the occupants. These systems have been proven to provide effective lifesaving functions. This is not a requirement but a recommendation.*
4. Provide a temporary address marker at the building site during construction.

October 12, 2016 letter:

1. This is an existing subdivision with existing roads. At such time that additional residences are built (past the number of existing residences), then the roadway will need to be improved to meet current standards. The follow is for reference:
 - a. Fire Access via Driveways: Driveways serving no more than 5 residences shall have a minimum clear width of 16 feet with a minimum of 12 feet of drive-able surface (measured from face of curb to face of curb) and a vertical clearance of 13 foot 6 inches and shall be capable of supporting a 75,000 pound load. Driveways in excess of 150 feet shall be provided with turn-arounds. Driveways exceeding 200 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds. (See driveways- 2006 Wildland Urban Interface Code used as a reference for residential driveway requirements exceeding 150 feet in length). Roads and driveways shall also comply with City/County standards as applicable. *In cases of differing requirements, contact the Fire Marshal for clarification.*

Sanitary sewer. The subject parcel and existing single family dwelling is currently being served by a septic system. The applicant intends to upgrade the septic system. In June of 2016 he received approval from the Weber-Morgan Health department for a new septic design.

Culinary water. The subject parcel is currently being served by a small shared culinary water system. He shares the system with other owners in the area. The Weber-Morgan Health Department has indicated that the current system is an approved system.

Natural hazards. The subject property is in a natural hazards study area. This application does not necessarily require a geologic hazards study, however, the applicant submitted one in anticipation for a new building permit. The study suggests that there is rock fall potential in the area. The applicant has proposed mitigation measure to the County Engineer's office. Those will be implemented during the building permit process.

Sensitive land. The subject property is in proximity to a year-round stream. Pursuant to LUC §104-28-2(b)(1) the setback from the stream should be 75 feet. However, the existing single family dwelling predates the 75 foot setback standard, and is allowed to continue to exist. The existing placement of the home

Plat corrections. There are corrections that need to be made to the final plat prior to final recording. Please see redlines in the attached Exhibit B.

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 seven 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 Wheeler Hollow Subdivision, a small subdivision consisting of one lot. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

- 1. A covenant be recorded in a form, as approved by the County Attorney, that specifies that the land owner shall agree to pay a proportionate amount of the costs associated with developing a street if the County deems it necessary at some point in the future, as specified in LUC §108-7-31(2).
- 2. Plat corrections being provided in a manner that addresses the redlines in the attached Exhibit B, and conforms to the Land Use Code.

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 complies 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 Wheeler Hollow Subdivision, a small subdivision 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, with redlines.
- C. Current recorder’s reference plat.
- D. Original Wilcox Camping and Boating Subdivision.



PART OF S.E. 1/4. SEC. 16, T.6N., R.1E., S.L.B. & M.
WILCOX CAMPING & BOATING RESORT

IN WEBER COUNTY

SCALE 1" = 60'

TAXING UNIT: 28



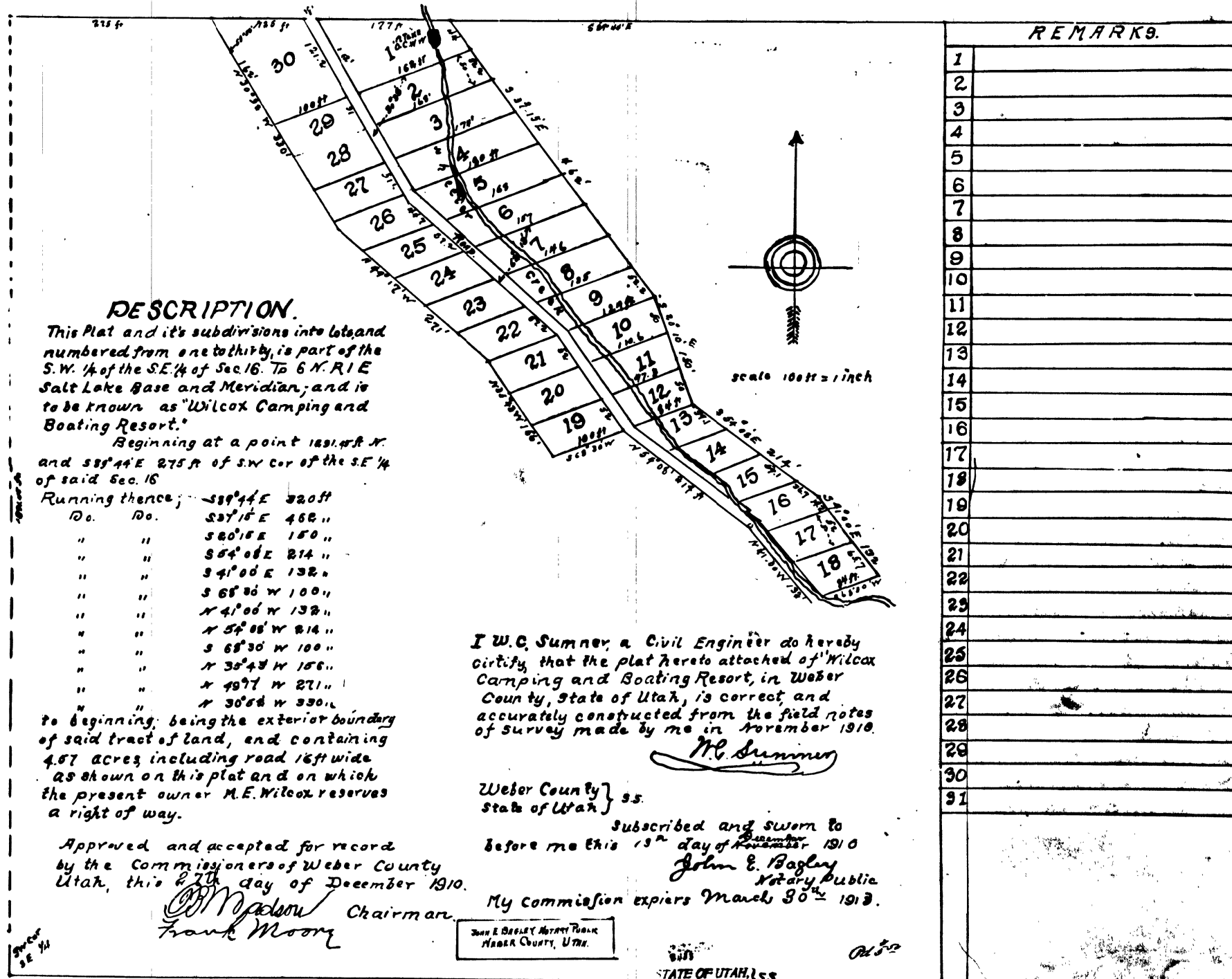
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WILCOX CAMPING AND BOATING RESORT.

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DESCRIPTION.

This Plat and its subdivisions into lots and numbered from one to thirty, is part of the S.W. 1/4 of the S.E. 1/4 of Sec. 16, T. 6 N., R. 1 E., Salt Lake Base and Meridian; and is to be known as "Wilcox Camping and Boating Resort."

Beginning at a point 189.48 ft. N. and 58°44'E 275 ft. of S.W. cor. of the S.E. 1/4 of said Sec. 16

Running thence;
 Do. Do. S89°44'E 320ft
 " " S37°15'E 462 "
 " " S80°15'E 150 "
 " " S64°08'E 214 "
 " " S41°00'E 132 "
 " " S 68°30' W 100 "
 " " N 41°00' W 132 "
 " " N 54°05' W 214 "
 " " S 68°30' W 100 "
 " " N 35°43' W 156 "
 " " N 49°27' W 271 "
 " " N 30°54' W 330 "

To beginning, being the exterior boundary of said tract of land, and containing 4.57 acres including road 16ft wide as shown on this plat and on which the present owner M.E. Wilcox reserves a right of way.

Approved and accepted for record by the Commissioners of Weber County Utah, this 27th day of December 1910.

Frank Moore Chairman

I, W.C. Sumner, a Civil Engineer do hereby certify that the plat hereto attached of "Wilcox Camping and Boating Resort, in Weber County, State of Utah, is correct, and accurately constructed from the field notes of survey made by me in November 1910.

W.C. Sumner

Weber County } ss.
 State of Utah }

Subscribed and sworn to before me this 19th day of December 1910
John E. Bagley
 Notary Public
 My Commission expires March 30th 1913.

JOHN E. BAGLEY Notary Public
 WEBER COUNTY, UTAH.

W. J. Levasen
 County Surveyor

REMARKS.

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STATE OF UTAH, ss.
 County of Weber
 Filed for record and recorded
December 27 A. D. 1910
 at 9:25 o'clock P. M. and recorded
W. J. Levasen
 County Recorder

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