



Administrative Subdivision Extension for The Sanctuary

Weber County Planning Division

Synopsis

Application Information

Application Request: Approval of an additional one year time extension for The Sanctuary
Agenda Date: Tuesday, October 23, 2012
Applicant: Timothy Charlwood
File Number: UVS 082807

Property Information

Approximate Address: East of Green Hill Country Estates Phase 6 past the end of Maple Drive
Project Area: 517.41 Acres
Zoning: Forest 40 Zone (F-40)
Existing Land Use: Forest/Recreation
Proposed Land Use: 6 Lot Residential Subdivision
Parcel ID: 21-001-0008, 0009, 0010, 0011, 0012, and 23-012-0022
Township, Range, Section: T6N, R2E, Sections 3 & 4, and T7N, R2E, Section 34

Adjacent Land Use

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

Staff Information

Report Presenter: Sean Wilkinson
swilkinson@co.weber.ut.us
801-399-8765
Report Reviewer: RS

Applicable Ordinances

- Weber County Subdivision Ordinance

Background

The Sanctuary received a recommendation for final subdivision approval from the Ogden Valley Planning Commission on October 26, 2010 and a one year extension of final approval on October 25, 2011 which extended the final approval date until October 26, 2012. The Weber County Subdivision Ordinance (26-1-2) does not consider time extension requests to be variances and, therefore, these requests are handled administratively by the Planning Director, rather than by the County Commission. The Subdivision Ordinance (26-1-8) states that the Planning Director may grant a one-time extension for final subdivision approval for a maximum of one (1) year, but that an additional time extension may be granted if the hardship is determined to be a County caused delay. The applicant has worked diligently to complete the subdivision for the past year and most of the infrastructure has been completed. However, the applicant has been held up from recording the subdivision due to property boundary issues discovered by the Weber County Surveyor's Office. The Surveyor's Office conducted field work throughout the spring and summer in an attempt to retrace monuments and property boundaries (see Exhibit B), but only recently determined that they had exhausted the possibilities on the retracement project. Based on the findings, the applicant's surveyor is now preparing a final plat to submit to the County Surveyor's Office for a final review. The County Surveyor's Office is aware of the October 26th deadline and recommended to the Planning Division that an extension be granted due to the delays caused by the retracement project. All of the previous requirements and conditions of approval for the subdivision remain unchanged.

Conformance to the General Plan

The request meets the requirements of the Weber County Subdivision Ordinance (26-1-2 and 26-1-8) and does not affect the subdivision's compliance with the Ogden Valley General Plan.

Conditions of Approval

- All of the requirements and conditions for The Sanctuary remain unchanged.

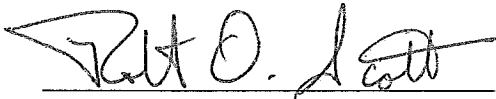
Administrative Approval

The applicant's request for an additional one year time extension, until October 26, 2013, is hereby approved for The Sanctuary based on the following criteria:

- The request complies with the Weber County Subdivision Ordinance (26-1-2 and 26-1-8).
- The Weber County Surveyor's Office is in favor of the extension due to delays caused by a boundary retracement project that prohibited the applicant from recording the subdivision by October 26, 2012.
- All of the previous requirements and conditions for The Sanctuary remain unchanged.

October 25, 2012

Administrative Approval Date



Robert O. Scott, AICP

Weber County Planning Director

Exhibits

- A. Applicant's Request Letter
- B. July 16, 2012 e-mail from Ernest Rowley (Weber County Recorder/Surveyor) to Greg Hansen

Exhibit A

Tim Charlwood
9793 N Basin Canyon Road, Park City, Utah 84098
Mail: PO Box 980400, Park City, Utah 84098-0400
Email: Timcharlwood@gmail.com. Tel: 435 901 2337

29th September 2012

Rob Scott,
Planning Director,
Weber County Planning
2380 Washington Boulevard,
Suite 240
Ogden, Utah 84401

Dear Scot, Sanctuary Preliminary Planning approval extension

As you might be aware by planning approval extension runs out on October 26th 2012.

I discussed the situation of delays being caused by the County surveyors department with Sean Wilkinson and Jim Gentry this past week and Sean suggested I write to you having consulted the ordinance rules.

Hansen Associates on my behalf first sent in a suggested plat in August of 2011. This spring I returned to the surveyors office and witnessed the envelope with plat gathering dust on office shelf. I explained I wanted to move ahead with the project with completion of the roads before the expiry of the extension. It was explained there were several issues outstanding with locations of marks or monuments missing or not where they thought.

Over the past four months extensive searches have made by the county surveyor, monuments were found that looked like they were false and which many surveyors have used in the past. Other marks were found that were not where they were recorded, this resulted in plat alterations, which my surveyors have adjusted many times. Over the past three months we had indications a decision was imminent but each time another delay and search has taken place. I obtained a quiet claim to help the County surveyor remove issues on one boundary which resolved some issues. It appears we are down to one last monument, every indication is a wedge of land of around 7 acres will be added to my property but first they have to either find

the missing rock or I believe the term is to exhaust all avenues of inspection for a decision to be made. They were crawling all over the land this past week. Again I was told this week a final decision is imminent, they want to be sure. My surveyors need time to re calculate the boundary line and apply changes to lot design, all small but significant in themselves as they affect future development decisions within the plat.

I expect to complete the road works and engineers requirements for detention ponds and numerous check dams within the next two weeks and there fore will look to have the roads approved.

The county surveyors delays which are still not fully resolved mean I cannot create a final plat and approval. This situation has been in the hands of the County for a very extended time and now threatens my ability to comply within the extension period.

Sean and Jim referred to the ordinance and it appears there is provision for an extension in these circumstances, I was advised to write with a request to extend and even with apologies from Jim I enclose a check for \$300 to cover the application, even though there is no mention of the fee Jim indicated it is implied as part of the extension charges which I accept.

Thank you

Yours truly,



Tim Charlwood.

Exhibit B

Wilkinson, Sean

From: Rowley, Ernest D.
Sent: Monday, July 16, 2012 11:28 AM
To: Greg Hansen
Cc: Allred, Christopher F.; Wilkinson, Sean; Haight, Jack; Slagowski, Larry L.
Subject: The Sanctuary

Dear Greg:

This is the long anticipated letter. The reason for the delay is that I have been in consultation with planning and our legal council on the issues associated with the Original Federal Survey and some of the title issues which the surveys bring to light. This letter is a result of those conversations.

I have been contacted by County Planning in regard to an e-mail which Tim Charlwood has sent to them apparently after he meet with you on the results of our conversation on June 20th. As best as I can tell from the conversation with Planning and the e-mail, the issue which you mentioned in that meeting regarding the common area being converted to a Remaining Parcel has been expanded beyond our discussion and now deals with 5 acre zoning and other possible issues which I trust will be addressed with Planning and Tim from your end.

My current understanding is that in addition to the common area being converted - there are two other parcels which Tim would also like to leave out of the subdivision and call remaining parcels. It appears that the northwesterly part of Lot 4 and the westerly portion of the Lot 5 are being looked at for designating as remaining parcels. This being the case it appears that these two parcels and the common area connect so that there is essentially one remainder. However, in doing this the subdivision becomes severed by the new remainder. This will necessitate having two separate descriptions on the plat to describe the two individual boundaries of the subdivision. These changes also create a planning concern with approvals, however, because planning approvals are not a survey issue I believe that Sean Wilkinson of County Planning will be addressing that issue with Tim.

Because the remainder parcels are not part of the subdivision, none of the dedications and grants of access roads or driveways nor utility rights which are included on the plat can affect the remainder parcel. Therefore, there is also a need to prepare documents that will grant access, utility and another rights that will be necessary for the full benefit of the subdivision across the remainder property. I believe that planning will be letting Tim know that this e-mail is being sent to you from me and refer him to you for clarification on how to proceed on the lot configurations and other survey matters.

One final item that you may choose to discuss with your client is the ownership issue of the wedge parcel which separates The Sanctuary property from the Green Hills subdivision easterly boundary which, as we discussed, has been discovered in our review because of the closing corner issue in the federal survey. As long as the existing boundary of Green Hills as it exists on the ground is held to with your work (which we can provide the retracement information we have on that) an agreement with Green Hills is not, technically, necessary for the southwesterly boundary of The Sanctuary. There may be the need for an agreement on the northerly boundary of Green Hills where The Sanctuary development extends into Section 4. However, for the area on the east of Green Hills where the wedge exists between Green Hills and The Sanctuary it appears that they are not technically, adjoining owners and therefore unable to make an agreement anyway.

The wedge that we have discussed is a title issue that would require one of two possible solutions. First, Mr. Charlwood could initiate proper action to resolve the title question with the title owner (which may to be the developer of Green Hills) so that the new lots are no longer encumbered by this ownership issue. My experience has shown that in similar circumstances where not all of a particular parcel or lot has clear title, title companies have been unwilling to issue a policy on such parcel or lot. How to proceed in this regard is a matter that I believe Tim should consult with his legal counsel. Second, if it is not possible to resolve the title issue as stated in option one, this wedge should be left out of the subdivision.

Generally, it is the policy of this office to not approve subdivisions that have active disputes over property boundaries, because we have no knowledge of any legal dispute in this case over this wedge we should be able to proceed with the development approval process as long as one of the options as stated above are meet.

★ As discussed in our meeting on the 20th, the county is still working on the PLSS monumentation and hope to have a resolution on this matter to you in a few weeks so that you can make the needed adjustments to the plat regarding the section and government lot boundaries. Larry and my crew are on the mountain working on the last issues as of the time of this e-mail. It appears that we have all the information that we need to finalize the project with the exception of the south line of sections 3 and 4. This is what Larry is concentrating on and he will be in contact with you as we bring this project to a close. Once we have exhausted our possibilities on this retracement project we will be communicating to you the details of monument locations which you can use in the redesign of the subdivision.

I understand that to your client it appears to be a lengthy time which we have been working on this issue, however, I'm sure as you know from experience retracement work is far from quick or simple. So far we have been fortunate in finding the control which we have and we are now at the difficult and unfortunately, time consuming part of the project.

Respectfully,



WEBER COUNTY

Ernest D. Rowley, PLS, CFedS

Weber County Recorder/Surveyor

Weber Center

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