



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for the preliminary approval of Old Snow Basin Ranch Subdivision including the concurrent consideration and action of the Old Snow Basin Ranch Subdivision access via a private right of way requests for Lots 2-5.

Application Type: Administrative

Agenda Date: Tuesday, February 27, 2018

Applicant: Sunrise Oaks Capital Funds, LLC

Authorized Representative: Douglas Dance

Subdivision File Number: UVO013018

Alternative Access File Number: AAE 2018-01

Property Information

Approximate Address: 5700 Snowbasin Road, Huntsville

Project Area: 136.64 Acres

Zoning: FV-3, F-5

Existing Land Use: Forest

Proposed Land Use: Residential

Parcel ID: 20-035-0021, 20-035-0059, 20-040-0005, 20-040-0006

Township, Range, Section: Township 6 North, Range 1 East, Section 23 & 26

Adjacent Land Use

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

Staff Information

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

Report Reviewer: SB

Applicable Ordinances

- Title 101 General Provisions, Section 7, Definitions
- Title 104 Zones, Chapter 9 Forest Zones (F-5) Zone
- Title 104 Zones, Chapter 14 Forest Valley Zone (FV-3)
- Title 104, Zones, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Standards, Chapter 7 Supplementary and Qualifying Regulations, Section 29 Flag lot access strip, private right-of-way, and access easement standards
- Title 108, Natural Hazards Areas

Background and Summary

The Planning Division recommends preliminary approval of Old Snow Basin Ranch Subdivision, a five lot subdivision including the concurrent consideration and action of the Old Snow Basin Ranch Subdivision access via a private right of way requests for Lots 2-5. The proposed subdivision is located at approximately 5700 Snowbasin Road Huntsville, UT and is in the FV-3 and F-5 zones (see Exhibit A). The lots are currently four metes and bounds parcels consisting of approximately 136.64 acres. Lot 1 will gain frontage and access off of Old Snowbasin Road. The proposed subdivision conforms to both the zoning and subdivision requirements including adequate frontage and access along a dedicated public road for Lot 1, with Lots 2 through 5 gaining access and frontage from an 18' private right of way that crosses Lot 1. The proposal meets the criteria for consideration of access by a private right of way for Lots 2, 3, 4 and 5; and all lots have adequate lot width, lot area and adequate setbacks, as required in the Uniform Land Use Code of Weber County (LUC).

The requests for an alternative access and the preliminary subdivision process have been thoroughly vetted and have received comments and/or approvals from all the applicable review agencies.

Analysis

General Plan: The proposed subdivision adheres to the general plan by utilizing “subdivision tools that provide design regulations that decrease the required subdivision infrastructure, such as a decreased right-of-way or road cross section, in exchange for meaningful voluntary reductions of development units. Such decreased infrastructure should be privately owned”. (See page 15 in the 2016 Ogden Valley General Plan)

Zoning: The subject property is located in two separate zones. The majority of the development is located within the Forest Zones more particularly described as the F-5 zone. The purpose of the forest zones in the LUC §104-9-1 is:

“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”

The remaining area of the development is located within the Forest Valley Zone more particularly described as the FV-3 zone. The purpose of the Forest Valley Zone in the LUC §104-14-1 is:

The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.

Lot area, width and yard regulations: The site development standards for the F-5 zone require a minimum lot area of 5 acres and a minimum lot width of 300 feet. The proposal meets the minimum area and width per LUC §104-9-4. The property is currently vacant; upon construction of the future single family dwelling, the following minimum yard setbacks will be required:

Front Yard: 30’
Side Yard: 20’
Rear Yard: 30’

The site development standards for the FV-3 zone require a minimum lot area of 3 acres and a minimum lot width of 150 feet. The proposal meets the minimum area and width per LUC §104-14-5. The property is currently vacant; upon construction of the future single family dwelling, the following minimum yard setbacks will be required:

Front Yard: 30’
Side Yard: 20’
Rear Yard: 30’

Ogden Valley Sensitive Lands Overlay Districts: Two natural ephemeral streams are located along the northern boundary of the proposed subdivision (see Exhibit B). Due to the location of the streams it is not expected that the development will impact the streams however, the streams will need to be shown on the subdivision plat per LUC §106-1-5(a)(6). The stream corridor is considered an ephemeral stream and requires a 50’ setback from the high-water mark per LUC §108-7-23. A condition of approval has been added to staff’s recommendation for approval.

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-5/FV-3 zones. The proposal has been reviewed against the adopted zoning and subdivision ordinances 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.

Culinary water and sanitary sewage disposal: A feasibility letter from Weber Morgan Health Department has been provided for the wastewater disposal systems and a Water Allotment has been granted by Weber Basin for the proposed subdivision. Test pits are shown on Lots 1-3 (Phase 1), a condition of approval is recommended by staff that when the applicant moves forward with Lots 4 and 5 (Phase 2), the test pits will be shown on the final drawings as well as all soil test requirements set forth by the Weber Morgan Health Department. The feasibility letter regarding the wastewater disposal systems is dated December 2015; this letter has an 18 month expiration date from the date it was issued. A new letter will need to be provided as part of the final subdivision submittal. Both of these items have been made a condition of staff’s recommendation for approval.

Natural Hazards: The proposed subdivision is located in a Zone “X” as determined by FEMA to be an area of minimal flood hazards and in a Zone “D” as determined by FEMA to be an area of undetermined flood hazards. Areas designated as Zone “D” are typically areas in which no analysis of flood hazards has been conducted.

A geologic reconnaissance has been performed by GCS dated September 12, 2016, identified as File# 2016.11 Prop. Based on the findings in the report, it is recommended by the geologic engineer that a geologic and geotechnical study should be conducted before structural improvements are made. All lots within the development will need to be identified with an "N"; a note shall be added to the plat to notify the future property owners of the geologic reconnaissance on file with the Weber County Planning Division as well as the requirement of further geologic and geotechnical investigation prior to submitting for a building permit from Weber County.

Upon recording the final subdivision Mylar a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners. A condition of approval has been added to staff's recommendations to ensure that adequate notification is provided for future property owners regarding further development is noted on the subdivision Mylar.

Review Agencies: The proposed preliminary subdivision including the concurrent consideration and action of the access via a private right of way requests for Lots 2 through 5 has been reviewed and approved with conditions by the Weber Fire District. The Weber County Engineering Division and Weber County Surveyor's Office has reviewed the proposal and have made comments that will be addressed with the final subdivision submittal. A condition of approval has been added to ensure that all conditions of the review agencies have been met prior to recording.

Additional design standards and requirements: The proposed subdivision does have major slopes; however, the slopes do not exceed the allowable average 25% that would require additional slope stability analysis. Grading has been proposed for the access to the proposed Lots 2 through 5, as part of the request for access to a lot using a private right-of-way or access easement after demonstrating compliance with the criteria and conditions outlined in LUC §108-7-31(1)(c) which state:

"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."

The future Lots 2 through 5 will gain access across Lot 1 which fronts and gains access from Old Snowbasin Road by a 18' private right of way (see Exhibit A). As part of the considerations for granting access by a private right of way or access easement per LUC §108-7-31(2) the applicant will need to demonstrate that the *"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 requires that *"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."*

A condition of approval that the required agreements will be recorded with the final Mylar to ensure that 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 Lots 2 through 5 has been added to the staff's recommendations for approval. With the exception of the recommended conditions identified in this staff report, additional standards and requirements are unnecessary at this time.

Tax clearance: The 2017 property taxes have been paid in full. The 2018 property taxes will be due in full on November 30, 2018.

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 preliminary subdivision per noticing requirements outlined in LUC §106-1-6(c).

Staff Recommendation

Staff recommends preliminary plan approval of Old Snow Basin Ranch Subdivision, a five lot subdivision including the concurrent consideration and action of the Old Snow Basin Ranch Subdivision access via a private right of way requests for Lots 2-5. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Test pits as well as all soil test requirements set forth by the Weber Morgan Health Department must be shown on the final plat for Lots 4 and 5 when the applicant moves forward with the second phase of the development.
2. The feasibility letter regarding the wastewater disposal systems is dated December 2015; this letter will need to be updated as part of the final subdivision submittal.
3. All lots within the development will need to be identified with an "N" on the final subdivision plat.
4. A note shall be added to the plat to notify the future property owners of the geologic reconnaissance on file with the Weber County Planning Division as well as the requirement of further geologic and geotechnical investigation prior to submitting for a building permit from Weber County.
5. Upon recording the final subdivision Mylar a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners.
6. All required agreements will be recorded with the final Mylar to ensure that if, at any time in the future, the County deems it necessary to have the landowner replace the 18' private right-of-way/easement with a street that would serve the additional Lots 2 through 5.

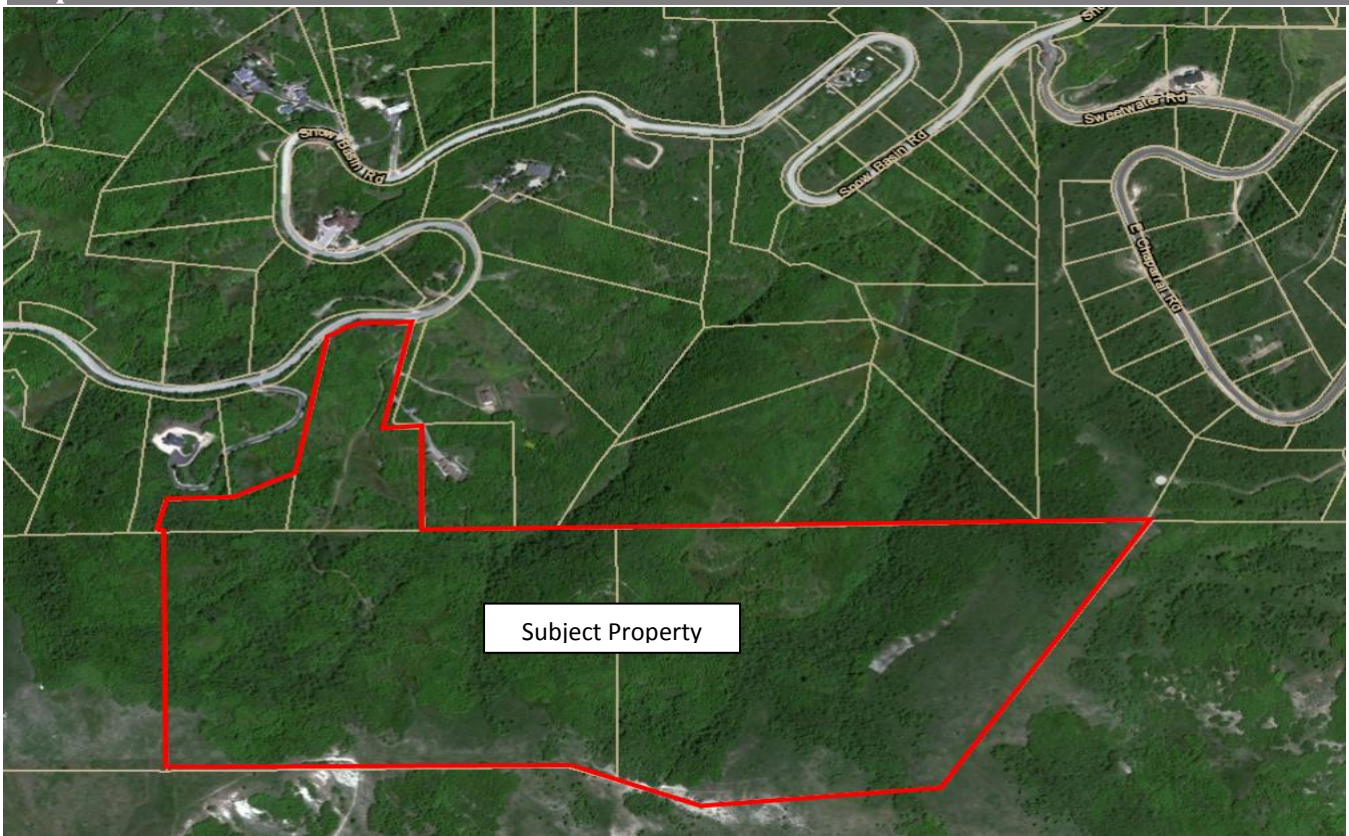
This recommendation is based on the following findings:

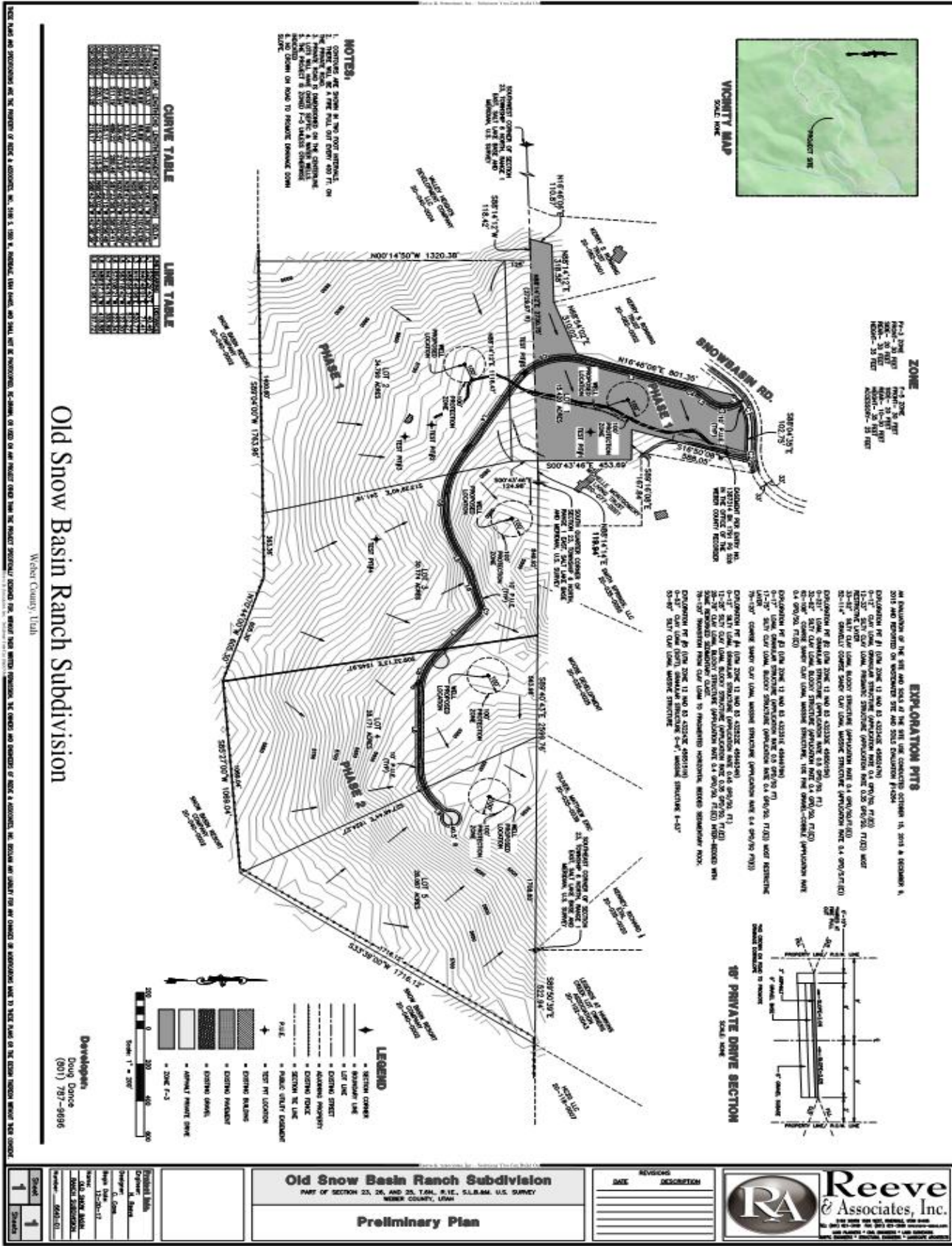
1. The proposed subdivision conforms to the 2016 Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies the applicable County ordinances.

Exhibits

- A. Proposed Subdivision
- B. Ogden Valley Stream Corridor Map

Map 1





Old Snow Basin Ranch Subdivision

Water County Utah

RECEIVED AND APPROVED FOR THE PROPERTY OF REEVE & ASSOCIATES, INC., 1200 N. UNIVERSITY BLVD., SUITE 200, SALT LAKE CITY, UT 84143, BY THE PROJECT ENGINEER, AS SHOWN ON THIS PLAN. THE ENGINEER'S SIGNATURE AND SEAL ARE REQUIRED BY THE STATE OF UTAH. THE ENGINEER'S SIGNATURE AND SEAL ARE REQUIRED BY THE STATE OF UTAH. THE ENGINEER'S SIGNATURE AND SEAL ARE REQUIRED BY THE STATE OF UTAH.

NO.	DATE	DESCRIPTION
1		
2		

Old Snow Basin Ranch Subdivision
PART OF SECTION 23, 24, AND 25, T4N, R1E, S1R, M. U.S. SURVEY
WATER COUNTY, UTAH

Preliminary Plan

Prepared by: [Name]
Checked by: [Name]
Designed by: [Name]
Drawn by: [Name]

Project No.	0000000000
Client	Old Snow Basin Ranch
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Exhibit B-Ogden Valley Stream Corridor Map

