



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for approval of a Building Parcel Designation for Lots 2 and 3 of Uncle Daurel's Subdivision

Agenda Date: Tuesday, November 09, 2010

Applicant: Carl and Lynette Cook

File Number: BPD 2010-01

Property Information

Approximate Address: 6259 N North Fork Road

Project Area: 6.004 Acres

Zoning: Forest Valley 3 Zone (FV-3)

Existing Land Use: Residential/Agriculture

Proposed Land Use: Residential/Agriculture

Parcel ID: 16-295-0002 & 16-295-0003

Township, Range, Section: T7N, R1W, Section 1 & T7N, R1E, Section 6

Adjacent Land Use

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

Staff Information

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

Report Reviewer: SW

Applicable Ordinances

- Weber County Subdivision Ordinance
- Weber County Zoning Ordinance Chapter 12B (FV-3 Zone)
- Weber County Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations)

Background

Uncle Daurel's Subdivision was recorded on April 19, 2010. The subdivision consists of three lots which each contain approximately 3 acres. Lots 1 and 2 have existing homes. The owners of Lots 2 and 3 now desire to combine these lots for building purposes by creating a Building Parcel Designation. The Weber County Subdivision Ordinance states that a "Building Parcel Designation recognizes two (2) or more lots within an approved subdivision as one (1) lot for building purposes. This does not allow for the creation of additional lots, and the original lot lines as recorded do not change. The Planning Director can administratively approve Building Parcel Designation."

The purpose of this request is to allow for construction of a small (225 square foot) hay barn/animal shelter on Lot 3. Without combining these lots for building purposes, the structure could not be built on Lot 3 because it is an accessory building, and there is no main building on Lot 3. By combining the lots, the home on Lot 2 becomes the main building for both of the lots and the proposed structure can be built on Lot 3. The structure will be placed at least 100 feet from the front property line adjacent to North Fork Road and at least 25 feet from all other lot lines (see Exhibit B). These setbacks comply with the requirements of the FV-3 Zone and the setbacks for animals and fowl found in Chapter 23.

The structure is proposed to be built using the agricultural exemption from building permit requirements allowed by State Code and County Ordinance. The Weber County Zoning Ordinance allows the agricultural exemption on an agricultural parcel which is defined as "A single parcel of land, at least 5.0 acres in area if vacant, or 5.25 acres with a residential dwelling unit. This definition needs to be fulfilled in order to qualify for the agricultural building exemption." The Building Parcel Designation will recognize Lots 2 and 3 as one for building purposes, the combined lots will contain approximately 6

acres, and no lot lines will change. Therefore combining these lots by a Building Parcel Designation will allow for use of the agricultural exemption.

If the Building Parcel Designation is approved and the structure is built, the combination cannot be undone unless all of the structures meet proper setbacks and a building permit for a dwelling on lot 3 has been applied for.

Summary of Considerations

- Does the request meet the requirements of applicable ordinances?
- Should a Building Parcel Designation be allowed for these lots?
- Should the agricultural exemption apply to lots combined by a Building Parcel Designation?

Conformance to the General Plan

N/A

Conditions of Approval

- A land use permit is required.

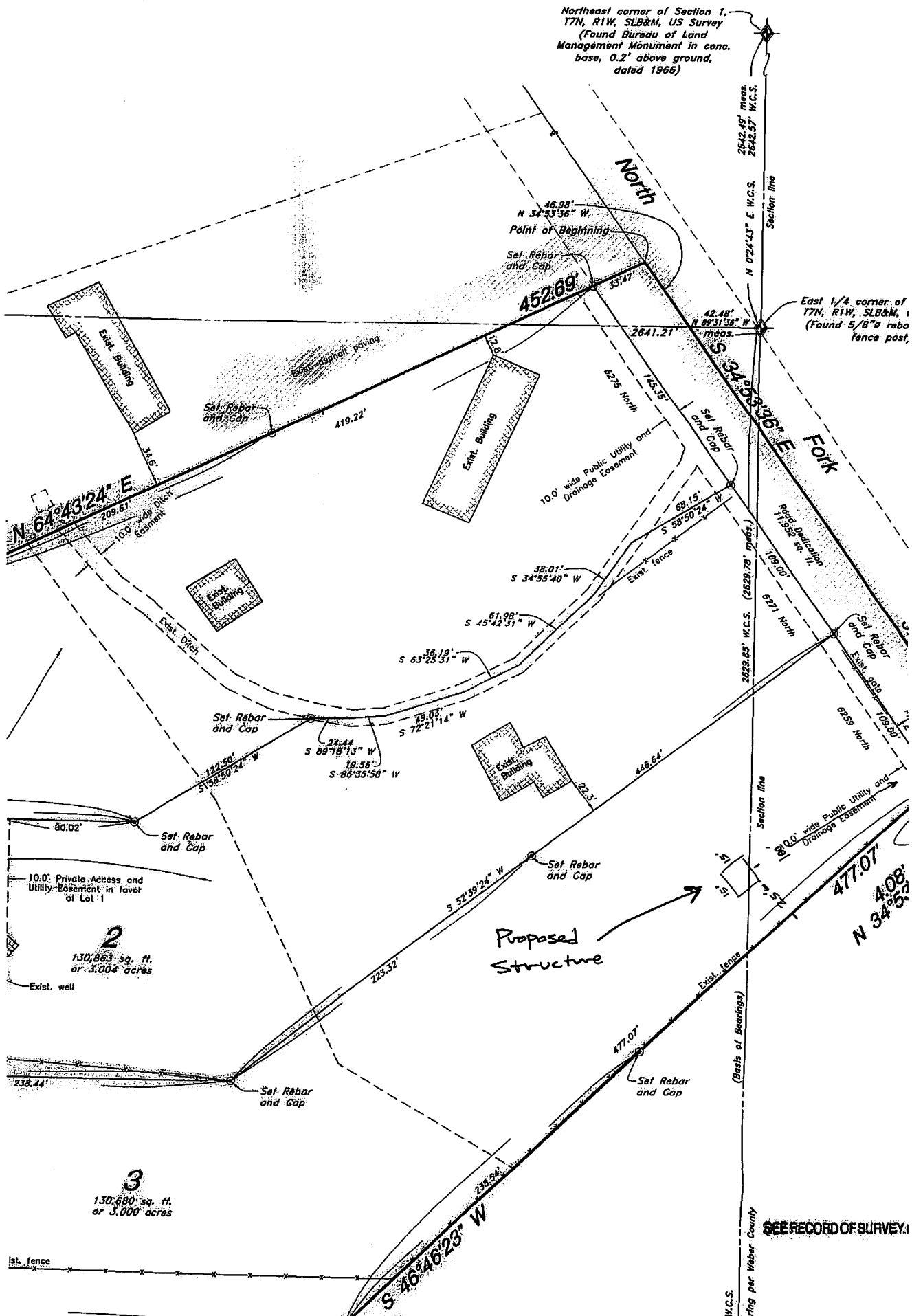
Staff Recommendation

Staff recommends approval of this Building Parcel Designation and the agricultural exemption based on the following reasons:

- The lots meet the area requirement of the FV-3 Zone.
- No new lots are being created and the existing lot lines are not being changed.
- The structure meets the setback requirements of the FV-3 Zone and the animal and fowl setback requirements.
- The combined lots meet the requirements to be considered an agricultural parcel.
- The structure will be used for hay storage and shelter for animals.
- The proposed location of the structure will not affect placement of a future dwelling on Lot 3.

Exhibits

- A. Uncle Daurel's Subdivision plat
- B. Site plan
- C. Building Parcel Designation, Agricultural Exemption, and Land Use Permit applications



Weber County Lot Combination Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed

November 5, 2001

Fees (Office Use)

Receipt Number (Office Use)

Property Owner Contact Information

Name

CARL B. COOK

Mailing Address

6244 NORTH FORK ROAD
Liberty Utah 84310

Phone

801-698-4670

Fax

801-393-2402

Email Address

carlbcook@gmail.com

Preferred Method of Written Correspondence



Email



Fax



Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)

Mailing Address of Authorized Person

Phone

Fax

Email Address

Preferred Method of Written Correspondence



Email



Fax



Mail

Property Information

Address

6271 NORTH FORK ROAD
6265 NORTH FORK ROAD

Land Serial Number(s)

Subdivision Name

Uncle Laurel's Subdivision

Lot Numbers

2 & 3

Current Zoning

FV-3

Project Narrative

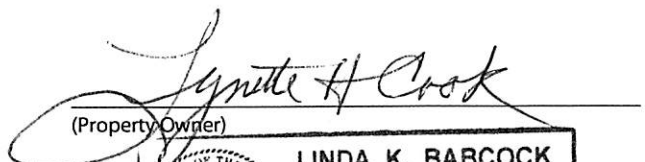
The above described lots (2 & 3) each contain 3 acres. There is a home on lot 2 (6271 North Fork Road). It is desired to combine these two lots for a total of 6 acres. The 5+ acres will be used for agricultural purposes. A shelter/barn is desired to be built on the property.

Property Owner Affidavit

I (We), Carl & Lynette Cook, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

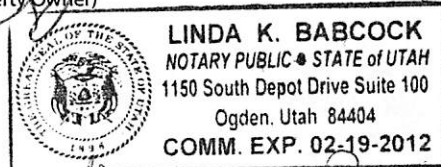
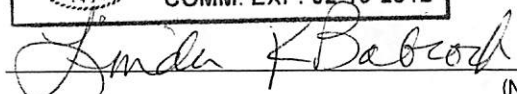


(Property Owner)



(Property Owner)

Subscribed and sworn to me this 8th day of November, 2010

(Notary)

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20 _____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

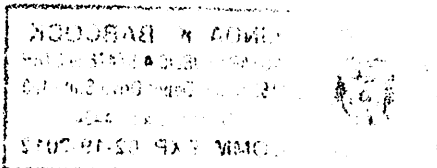
(Notary)

Planning Director's Approval

Approved this 15 day of November, 20 10.



Planning Director, Weber County Planning Division



**WEBER COUNTY
AGRICULTURAL BUILDING
PERMIT EXEMPTION REQUEST**

Name CARL B. COOK
 Address 6244 North Fork Road
 City Liberty State Utah Zip Code 84310
 Phone 801-698-4670
 Building Address 6265 North Fork Road
 Tax ID # _____

I CERTIFY THAT THE PROPOSED BUILDING, LOCATED AT THE ADDRESS LISTED ABOVE, WILL BE USED SOLELY IN CONJUNCTION WITH AGRICULTURAL USE AND WILL NOT BE USED FOR HUMAN OCCUPANCY. I ALSO UNDERSTAND THAT ANY PLUMBING, ELECTRICAL OR MECHANICAL WORK IN CONJUNCTION WITH THIS BUILDING IS NOT EXEMPTED FROM PERMIT REQUIREMENTS.

I ACKNOWLEDGE RECEIVING A COPY OF UTAH CODE TITLE 58-56-4 CONCERNING PERMIT EXEMPTION OF AGRICULTURAL BUILDINGS.

CARL B. COOK Carl B. Cook
 Print Name Signature
November 8, 2010
 Date

1 copy Planning & Zoning File
 1 Copy Building Inspection File
 1 Copy Assessors Office

58-56-4. Definitions -- Adoption of building codes -- Amendments -- Exemptions.

(1) As used in this section:

(a) *"agricultural use" means a use that relates to the tilling of soil and raising of crops, or keeping or raising domestic animals*

(b) *"not for human occupancy" means use of a structure for purposes other than protection or comfort of human beings, but allows people to enter the structure for:*

(i) *maintenance and repair; and*

(ii) *the care of livestock, crops, or equipment intended for agricultural use which are kept there; and*

(c) "residential area" means land that is not used for an agricultural use and is:

(i) (A) within the boundaries of a city or town; and

(B) less than five contiguous acres;

(ii) (A) within a subdivision for which the county has approved a subdivision plat under Title 17, Chapter 27, Part 8, Subdivision; and

(B) less than two contiguous acres; or

(iii) not located in whole or in part in an agricultural protection area created under Title 17, Chapter 41, Agricultural Protection Area.

(2) Subject to the provisions of Subsections (4) and (5), the following are adopted as the construction standards to which the state and each political subdivision of this state shall adhere in building construction, alteration, remodeling and repair, and in the regulation of building construction, alteration, remodeling and repair:

(a) a building code promulgated by a nationally recognized code authority;

(b) the National Electrical Code promulgated by the National Fire Protection Association;

(c) a plumbing code adopted by a nationally recognized code authority; and

(d) a mechanical code promulgated by a nationally recognized code authority.

(3) The division, in collaboration with the commission, shall adopt by rule the edition of the NEC or code and specific edition of the codes described in Subsections (2)(a), (c), and (d) to be used as the standard and may adopt by rule successor editions of any adopted code.

(4) The division, in collaboration with the commission, may adopt amendments to the adopted codes to be applicable to the entire state or within a political subdivision only in accordance with Section 58-56-7.

(5) (a) *Except in a residential area, a structure used solely in conjunction with agriculture use, and not for human occupancy, is exempted from the permit requirements of any building code adopted by the division.*

(b) *Notwithstanding Subsection (5)(a), unless otherwise exempted, plumbing, electrical, and mechanical permits may be required when that work is included in the structure.*