



Staff Report for Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on Holly Subdivision; a 4-lot cluster subdivision that is using a private right of way for two lots and a access easement for two lots at approximately 800 North 7800 East.

Type of Decision: Administrative

Agenda Date: Tuesday, January 26, 2016

Applicant: MaryAnn Holley

File Number: UVH1204-2015

Property Information

Approximate Address: 800 North 7800 East

Project Area: 17.50 acres

Zoning: Agricultural Valley AV-3

Existing Land Use: Agricultural

Proposed Land Use: 4 Lot Cluster Subdivision

Parcel ID: 21-006-0036

Township, Range, Section: T6N, R2E, Section 7

Adjacent Land Use

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

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8767

Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 6 Agricultural Valley (AV-3 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 3 (Cluster Subdivision)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Sections 23-29. (Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards) and Section 108-7-31 (Access to a lot/parcel using a private right-of-way or access easement).

Background

The applicant is proposing to develop a 4-lot cluster subdivision with each of the lots being at least 1.75 acres in size. Two of the four lots are being accessed by a private right-of-way through land owned by the applicant. The other two lots will be accessed by an easement through one of the new subdivision lots. The property is located at approximately 800 North 7800 East in the Huntsville area of the Ogden Valley. The property is zoned Agricultural Valley AV-3, which requires 3-acres per lot, but the proposal is for a cluster subdivision to reduce the lot sizes. The Cluster subdivision requires 60 percent open space in the Agricultural AV-3 zone. The overall farm is 77 acres in size. The subdivision will have 17.50 acres, 10.49 of which will be open space. The open space will be owned and be used by the rest of Holy's farm. The farm currently grows alfalfa and grains. The access to the lots will be from 7800 East which is a County Road. There is an existing 33 foot right-of-way and drainage easement, which will have fire truck turn around areas. The access exception was approved administratively in August. By doing a cluster subdivision the applicant is avoiding much of the wetlands on the property.

The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.

The Weber County Health Department has approved the use of septic systems as means of waste water disposal and a well will provide culinary water.

Summary of Considerations

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

- The subdivision meets the requirements for a cluster subdivision.

Conformance to the General Plan

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.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Showing the turnouts and turn a rounds on the subdivision plat
- Meeting the design criteria listed as part of the approval for the Access Exception
- The landowner shall record an agreement agreeing 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

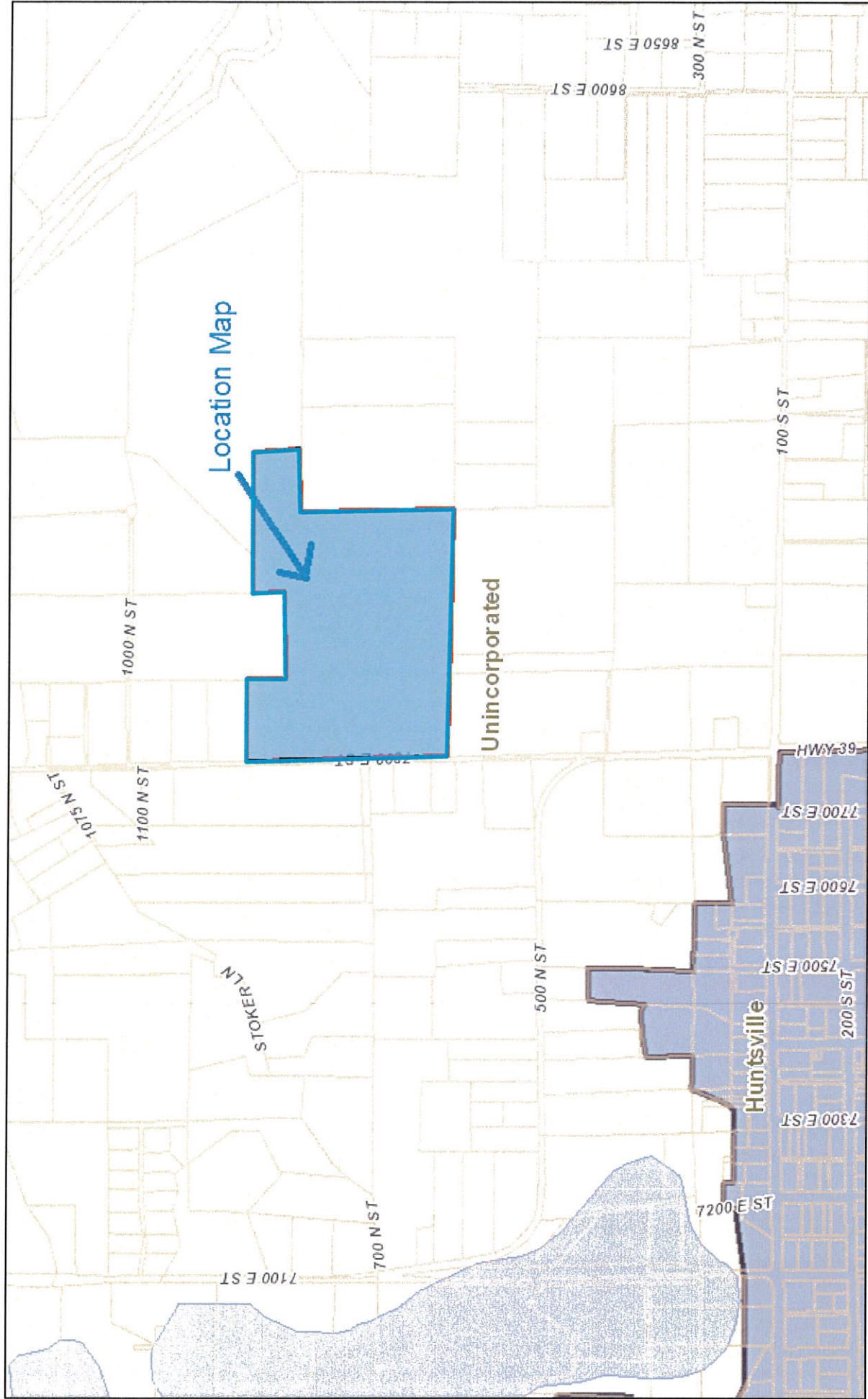
Staff Recommendation

Staff recommends final approval of Holly Farm Cluster Subdivision, 4-Lots, at 800 North 7800 East, subject to staff and other review agency requirements, based on its compliance with applicable Land Use Codes.

Exhibits

1. Plat Map
2. Location map
3. Minutes from the conceptual sketch plan approval

Location Map

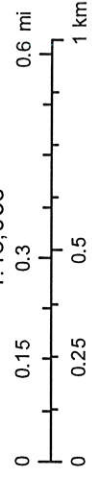


January 7, 2016

Street Labels

City Labels

1:18,056



Minutes of the Ogden Valley Planning Commission Regular & Work Session Meeting August 04, 2015 in the Weber County Commission Chambers commencing at 5:00 p.m.

Present: Laura Warburton, Chair; John Howell, Greg Graves, Will Haymond, Kevin Parson, Stephen Waldrip, Jami Taylor

Absent/Excused:

Staff Present: Sean Wilkinson, Planning Director; Scott Mendoza, Principal Planner, Ronda Kippen, Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

Roll Call:

1. Administrative Items

a. New Business

1. SPE2015-01: Discussion and action on a conceptual sketch plan endorsement request for the Holley Farm Cluster Subdivision located at 800 N 7800 E in the AV-3 Zone (Richard and MaryAnn Holley, Applicants)

Ronda Kippen said that the item up for discussion is a sketch plan for endorsement by the Ogden Valley Planning Commission of the Holley Farm Cluster Subdivision. The property is located off of 7800 E 800 N, and is currently used as agricultural property and there is an existing barn on the property. There is a water pond on the property the developer is in the process of digging a joint well for this subdivision. This property is part of the 77 acre parcel, is zoned AV-3, and the cluster subdivision will take in approximately 12 acres, on the proposed four residential building lots and a five acre open space parcel. They will be using a private septic system and joint culinary well, and as part of the subdivision, it will be require a joint well agreement for access to the well for maintenance, as well as easements to get the waterline to the property.

Ronda Kippen said that there is an overall conceptual plan that was submitted, and there are a few items that will need to be modified when the preliminary plan comes in. The first item will be that the word cluster needs to be in the title of the subdivision. The item that needs to be changed is they are seeking an access exception; they are seeking access for two of the lots by private right-of-way, and Lots 3 and 4 will be granted a private access exception. They will be modifying the frontage of the agricultural piece of property and then they will be doing an easement over Lot 2 and Lot 3 for the access exception on Lots 3 and 4. These are some points to be discussed with the Holley's: access, right of way, access exception if it is acceptable or not, access exception if it is feasible and desirable, the block length that currently is 2,600 feet, existing structures, lot sizes, open space, and wetlands. Staff is requesting a decision; for the Planning Commission to either approve this concept sketch plan, approve this concept sketch plan with recommendations, or deny this concept sketch plan with some findings so that the applicant can come back with something more feasible.

Commissioner Waldrip asked where the referenced 2,600 block length was located. Mrs. Kippen replied that basically it is found at about 100 South.

Commissioner Howell asked if the Fire District prefers to have a turn around. Mrs. Kippen replied that they would be required to have turnouts every 100 feet, so as part of the improvements that would go in for the subdivision; they would be required to do a hammerhead every 100 feet along that lane.

Commissioner Taylor said that if each lot needs to be 1.75 acres, but they also need 60% of open space, how would they rectify that? Mrs. Kippen replied that their open space would need to be 7.26 acres, which was 60%. There would need to be more acreage dedicated in addition to the 12 acres.

Chair Warburton asked staff to clarify as to why the Health Department is mandating that the lots stay where they are at. Ronda Kippen replied that on the plat there are multiple test pits. The first two tests failed; the Holley's initial design was to come in with a road that would separate the barn from the agricultural parcel; however they need to keep the barn an agricultural parcel. The Health Department wanted room on each lot for a conventional mound septic system, plus an area for an alternative septic system, and in the event the joint well failed, they need enough area for each lot to drill their own well.

Commissioner Waldrip asked on the roadway that is coming off of the highway, will that be a 30 foot right-of-way shown there? Mrs. Kippen replied that is a 33 foot egress/ingress. The private right-of-way, the improved surface can be as minimal as 12 feet depending on the number of homes but they can't serve more than five homes.

Commissioner Waldrip asked if the road would be extended to the east to serve additional property, or has this not been discussed? Mrs. Kippen replied that is what is being discussed tonight; whether this commission thinks there will be additional development needed to the east, or whether they should steer away from a wider private right-of-way access, so there won't be any problems with properties abutting the new road. Director Wilkinson replied that in this case, there are some pro's and some con's. There is a large area of land that could be developed to the east, but a large portion of that land is marginal at best. Wetlands are not good for development. This happens to be in the middle where a road should go through according to the block length, but the question is do they really anticipate much development?

Richard Holley, applicant, 1287 N 7000 E, Huntsville, said that it was their desire to subdivide four lots for their children on their property. He doesn't anticipate developing the other property; they plan to put that in a conservation easement on the remainder of the property so they can continue to farm it and have his four children live there. They met with the Fire Marshal that was given the information of what was required. They understand that there would be a pullout on the main road going from 7800 east back to the barn. He required a 10 foot by 40 foot pull out on the road, and the stubs off Lots 3 and 4, they gave us options of a Y, a hammerhead, or a cul-de-sac. They decided a hammerhead that would continue Lot 4, and the boundary of Lots 3 and 4, because it's wide open space and there is nothing encumbering a large turnaround, and the two homes on Lots 3 and 4 would access themselves. His children liked it because they have large trailers and would be able to pull in and turn around. In the beginning, he had envisioned much smaller lots because his children didn't want larger lots because it encumbered them by farming the open space that they didn't want to take care of. It was his understanding from the Health Department that, he needed to be willing to designate a huge area to replace the joint with four individual wells if the joint well failed, but it didn't make sense to him because to replace one well would cost them \$60,000 versus adding four new wells at a cost of \$200,000. In reference to that well, they have purchased from Weber Basin, 32 acre feet of water, the pond would irrigate the open space, and the other part would be for the homes. They are in good standing with the state as far as the well; they have plenty of shares designated to each lot with a well agreement. The Fire Marshal laid out the requirements needed to start improving the road and having it certified by an engineer and hold the 75,000 pounds. They have some work to do to finish the water system. They have to create frontage; the portion in front of Lot 2, the length of that entire road to where it reaches Lot 3, would be deeded to Lot 2. Then it would revert over all the back to Lot 4, then the frontage and the road would be dedicated to lots 3 and 4 to create frontage for those two lots. It would be part of the access exception that they are requesting.

Commissioner Waldrip asked the applicant if he was aware of the 1,300 foot road requirement. Mr. Holley replied that he met with staff and discussed the property on the south. There is an easement for the future, and staff suggested going further north to avoid opening that up to having future development crossing through their property. They have chosen to have a private right-of-way because they don't want any development further back to the east of their property. They did have the Army Corps of Engineers come to their property and they didn't see any problems other than with the drainage ditch that runs to the north of the road. It's not an irrigation ditch, but is drainage from surrounding properties.

Commissioner Howell asked how deep they had to go from their well before they got good water. Mr. Holley replied that they drilled down to 275 feet because they wanted to have ample water and that is when they applied for a pond permit to irrigate a portion of that land. He is not sure the distinction between good well drinking water and pond water.

Commissioner Waldrip referred to the wetlands delineation, when the Army Corp of Engineers came to the property, did they delineated both Lots 1 and 2 as wetlands? Mr. Holley replied that he was not aware of this. Mrs. Kippen said this is in the County GIS Map as wetlands delineation, but staff has not verified it. Commissioner Grave said most likely that came from an aerial photo.

Director Wilkinson said that there was an access to the south coming out to 7800 E. when Bison Creek Was proposed so the property that borders the Holley property is not landlocked. If the access exception were to be approved, it's not going to stop development to the other property; they have access from Highway 39 and from 7800 E. In the code for an access exception to be approved, it states, *"the landowner of record or authorized representative shall agree to pay a proportionate amount of the cost 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 or easement with the street that would serve as a required access to additional lots."* If there is a real

need in the future for a road to be developed, the county would work with the Holley’s, and they would be required to pay their proportionate share of the property that they have fronting on that street. It’s an agreement in the future. Commissioner Graves said that in order for that to kick in, there has to be a trigger such as adding a lot that will cause their private access to turn into a road. Director Wilkinson replied that is correct or the county could just say they need it and then they would work with the Holley’s to get a road there.

Ronda Kippen said the code states, *“that a private right-of-way or access easement shall have a minimum width of 16 feet and a maximum width of 50 feet”* that’s the standards for the road turn outs. The travel surface can go down to 12 feet, but the dedicated width has to be 14 feet. It further states, *“that the improved travel surface of the private right-of-way or access easement shall be a minimum of 12 feet, if the access serves fewer than five dwellings, and a minimum of 20 feet at the access serves five or more dwellings.”*

MOTION: Commissioner Parson moved for approval of SPE2015-01 with no recommendations needed for the request of the Holley Farms Cluster Subdivision for the endorsement of the sketch plan site located at 800 N 7800 E, in the AV-3 Zone. Commissioner Graves seconded.

DISCUSSION: Commissioner Waldrip asked if they needed to note the nonconforming road issue in the motion. Director Wilkinson replied that the applicant has submitted an access exception application, and what staff wanted from the commission is for them to say they like it the way it is. From what was heard today, based on the sketch plan showing the access exception, they are okay with that.

VOTE: A vote was taken with Commissioner’s Parson, Howell, Graves, Haymond, Taylor, Waldrip, and Chair Warburton voting aye. Motion passed unanimously (7-0).

- 2. **Public Comment for Items not on the Agenda:** None
- 3. **Remarks from Planning Commissioners:** None
- 4. **Planning Director Report:** None
- 5. **Remarks from Legal Counsel:** None
- 6. **Adjourn to Convene to a Work Session**

WS1. DISCUSSION: Regarding Agri-Tourism operating in cluster subdivision open space

Scott Mendoza referred to the Discussion/Question worksheet. Staff has had some discussions related to the current Agri-tourism Ordinance. When they created the Weber County Agri-Tourism Code; they basically said that Agri-Tourism is allowed in any zone where it’s listed as a use; that’s the AV-3, FV-3, and the F-5 Zones in the Ogden Valley. In those three zones someone can participate or come to this commission for approval of a conditional use permit for Agri-Tourism. These farms were categorized as small, medium, and large farms; and the small farm was categorized as three to five acres. In the Ogden Valley in the AV-3, FV-3, and the F-5 Zones, they can do Agri Tourism, as long as it’s not in a cluster subdivision, and on the common area or open space parcel. In the definition provided where it states, *“Agri-tourism businesses are permitted conditionally in designated zones, excepting those areas within residential subdivisions that are dedicated for the purpose of open space or common area”* is the exception. They could do it in all those zones except for a cluster subdivision open space. The discussion for tonight is if they would like to change that definition in a way that would allow Agri-Tourism in the cluster subdivision open space. Would it be appropriate to have Agri Tourism going on in that open space parcel, whether it’s dedicated as common area or possibly a private owned agricultural space parcel?

Chair Warburton asked for the sake of Commissioner Taylor, to further define cluster subdivision, or what this might look like. Mr. Mendoza said that this was solely about cluster subdivision, and the best way to describe that, is a large piece of property, where typically it would be divided into three acre lots, that front on a privately or dedicated road, a basic standard subdivision is what they would call it most of the time. A cluster subdivision in the Ogden Valley has to have a minimum of 60% of the overall area reserved as open space or common area. The lots can be reduced in size; if there is a sewer system in place they can go down to 6,000 sq. ft., when there is a large piece of property with smaller lots clustered most of the time in one area to reduce infrastructure costs and the rest of the property is open space, sometimes dedicated as common area, and sometimes dedicated as privately owned open space.