



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 Evergreen Park Subdivision #1 3rd Amendment, a one lot amended subdivision.
Type of Decision:	Administrative
Agenda Date:	Wednesday, October 26, 2016
Applicant:	Steve Coffey
File Number:	UVW072816

Property Information

Approximate Address:	3057 N. Evergreen Park Drive
Project Area:	4.82 Acres
Zoning:	F-40 Zone
Existing Land Use:	Residential
Proposed Land Use:	Residential
Parcel ID:	23-031-0001
Township, Range, Section:	Township 7 North, Range 3 East, Section 30

Adjacent Land Use

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

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 Evergreen Park Subdivision #1 3rd Amendment, a subdivision amendment consisting of one lot, located at 3057 N. Evergreen Park Drive. The property currently exists in the size and configuration of the lot on the proposed plat. The property is a result of lot line adjustments that occurred after the original lot configuration of the Evergreen Park Subdivision #1 between lots 270, 271, and 272. Those other lots are not being addressed with this plat amendment. Only the subject lot is. Those other lots will likely require this same process in the future. The current configuration essentially combines land from adjacent lots into the subject lot, thereby increasing the original lot size. There is currently a single family dwelling on the property, which was built in or around 1988.

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 nonconforming lot, which, if legally platted, would be considered a legal nonconforming lot.

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.

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, the original configuration of this parcel had pre-existing rights that run with the land which pre-dates the adoption of the F-40 zone, and therefore the lot need not comply with development standards of the F-40 zone. To the extent that the proposal can comply with the purposes of the zone it can be observed that the resulting subdivision lot is in 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

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 to the standards in effect at the time of the lot's creation.¹ This amendment increases the subject lot's size from 3.81 acres to a proposed 4.83 acres. The increase in size of this lot means that there is an unknown decrease in the two adjacent lots. Because the LUC §108-12-12 allows for the adjustment of this and other lots to occur in compliance with the standards in effect at the time of the lot's creation, and because there were no zoning standards in effect at the time of this lot or either of the adjacent subdivision lots, it can be construed that the decreased lot size of the other affected lots could potentially still be held in compliance despite their greater-nonconformity.

The setbacks on the subject lot were established when the existing single family dwelling was established, in or around 1988.

Access. The lot is accessed by means of Evergreen Park Drive, a dedicated public road.

Easements. There is a five foot public utility easement that runs along the northern lot line of the original lot. This lot line adjustment does not move that easement, despite the fact that the northern lot line is moving. That five foot utility easement, if the plat is approved, will not longer follow the lot boundary.

There is a platted drainage easement running through the middle of the property. There is an existing building (the residential dwelling) in that easement. The Weber County Engineering division is working with the applicant to either get better information on the actual location of the buildings onsite, or an amended easement that avoids the building.

Fire control. The Weber County Fire Marshal has reviewed the proposal and has no concerns.

Sanitary sewer. There are no proposed changes to the existing sanitary sewer provisions onsite.

Culinary water. There are no proposed changes to the existing culinary water provisions onsite.

Natural hazards. Considering that the plat amendment does not change the status of any of the existing buildings onsite, no geologic hazards assessment is necessary.

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

Sensitive land. The subject property is in proximity to what the “Ogden Valley Sensitive Lands Stream Corridors” map delineates as an “intermittent stream.” Pursuant to LUC §104-28-2(b)(1) the setback from an “ephemeral stream” (ephemeral being defined by Merriam Webster’s Dictionary as “a stream that flows only briefly during and following a period of rainfall in the immediate locality”) should be 50 feet. However, the existing single family dwelling predates the 50 foot setback standard, and is allowed to continue to exist.

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 10 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 Evergreen Park Subdivision #1 3rd Amendment, a subdivision amendment consisting of one lot. This recommendation for approval is subject to following conditions:

1. That all outstanding comments from the applicable review agencies are addressed and/or amended on the final plat prior to plat recordation.

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 amendment can comply with applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.

Administrative Approval

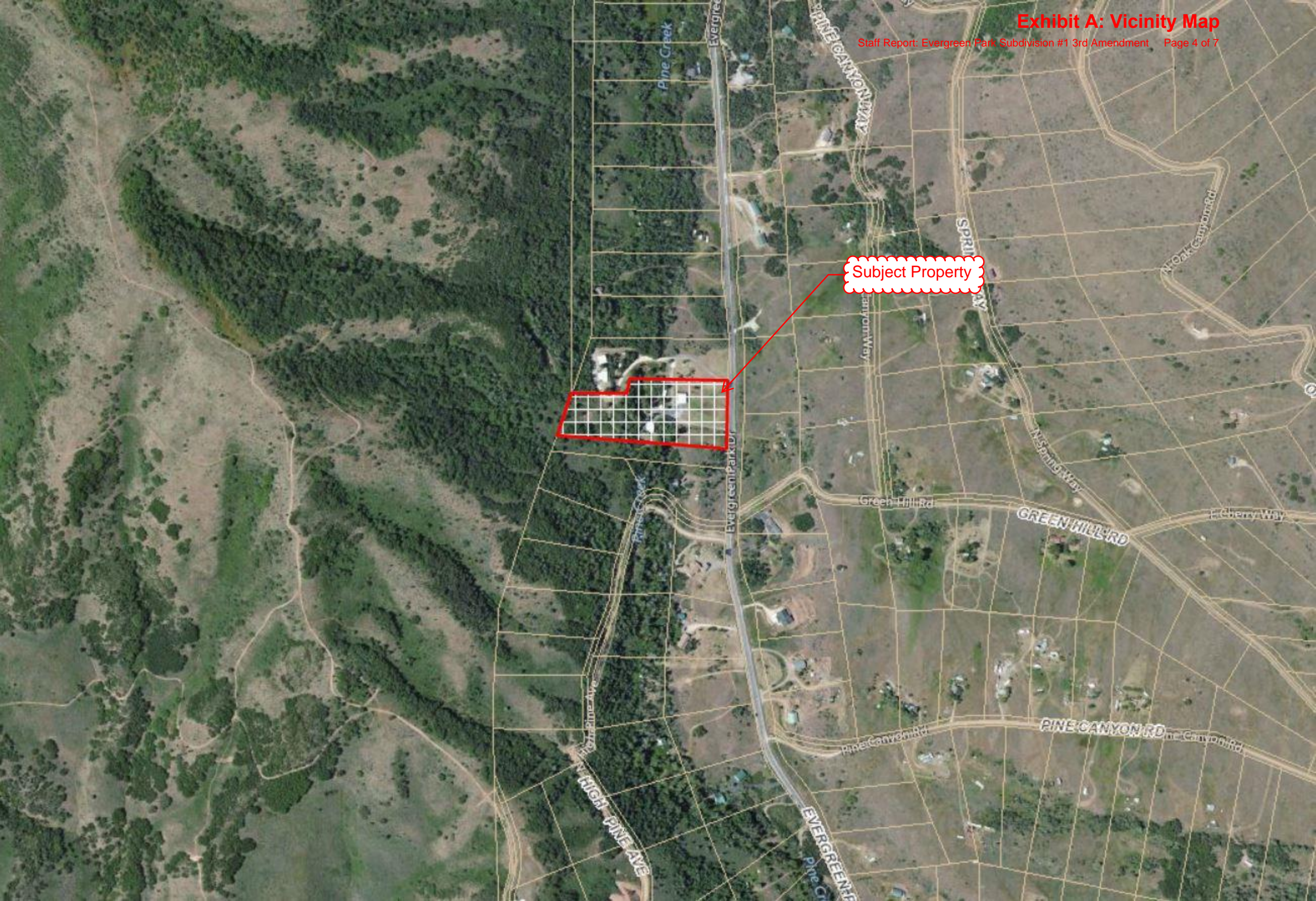
Administrative final approval of Evergreen Park Subdivision #1 3rd Amendment, a subdivision amendment consisting of one lot, is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: _____

Rick Grover
Weber County Planning Director

Exhibits

- A. Vicinity map.
- B. Proposed plat.
- C. Current recorder’s reference plat.
- D. Evergreen Park Subdivision #1.



Subject Property



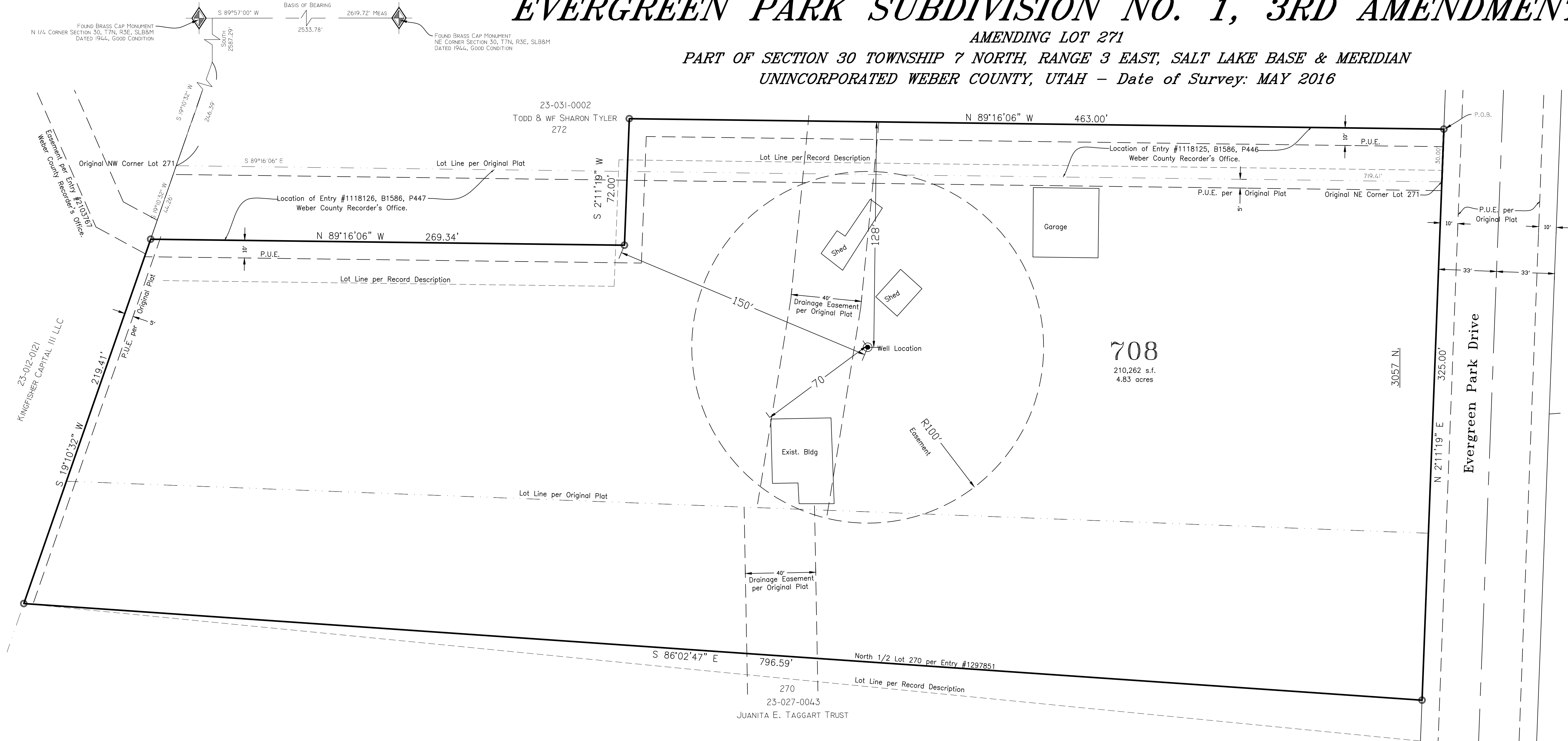
EVERGREEN PARK SUBDIVISION NO. 1, 3RD AMENDMENT

AMENDING LOT 271

PART OF SECTION 30 TOWNSHIP 7 NORTH, RANGE 3 EAST, SALT LAKE BASE & MERIDIAN
 UNINCORPORATED WEBER COUNTY, UTAH - Date of Survey: MAY 2016

Legend

- EXISTING FENCE
- EASEMENTS
- STREET CENTERLINE
- FND SECTION CORNER
- FND STREET MONUMENT
- FND CURB NAIL
- FND REBAR AND CAP
- SET #5x24" REBAR AND CAP STAMPED LANDMARK



Note:
 Due to the topography and the location of this subdivision all owners will accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed.

RECORD DESCRIPTION
 Part of Lots 270, 271 and 272, EVERGREEN PARK SUBDIVISION NO. 1, Weber County Utah, described as follows:
 Beginning at a point South 19°10'32" West 43 feet more or less, from the Northwest corner of Lot 271; running thence South 19°10'32" West 220.68 feet; thence South 84°22'38" East 800 feet, more or less to the road, thence North 2°11'19" East 325 feet, thence North 89°16'06" West 463 feet, thence South 2°11'19" West 72 feet, thence North 89°16'06" West 256.41 feet, more or less to the Westerly line of said Lot 271 and the point of beginning.

BOUNDARY DESCRIPTION
 Beginning at a point 30.00 feet North 2°11'19" East from the Northeast corner of the original Lot 271 EVERGREEN PARK SUBDIVISION NO. 1, said point being the Northeast corner of property described in Quit Claim Deed Entry #1118125 in Book 1596, Page 446 as found in the Weber County Recorder's Office; said point also being South 98°57'00" West 2533.87 feet, South 2587.29 feet, South 19°10'32" West 246.39 feet, South 89°16'06" East 719.41 feet and North 2°11'19" East 30.00 feet from the Northeast corner of Section 30, running thence North 89°16'06" West along said Deed 463.00 feet to the Northwest corner of said Deed, thence South 2°11'19" West along said Deed and deed line extended 72.00 feet, thence North 89°16'06" West 269.34 feet, thence South 19°10'32" West 219.41 feet, thence South 86°02'47" East 796.59 feet to the West line of Evergreen Park Drive, thence North 2°11'19" East along said Drive 325.00 feet to the point of beginning.

WEBER COUNTY ENGINEER
 I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements. Signed this ___ day of _____, 20__.

WEBER-MORGAN HEALTH DEPARTMENT
 I hereby certify that the soils, percolation rates, and site conditions for this subdivision have been investigated by this office and are approved for on site wastewater disposal systems. Signed this ___ day of _____, 20__.

WEBER COUNTY PLANNING COMMISSION APPROVAL
 This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the ___ day of _____, 20__.

WEBER COUNTY ATTORNEY
 I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect. Signed this ___ day of _____, 20__.

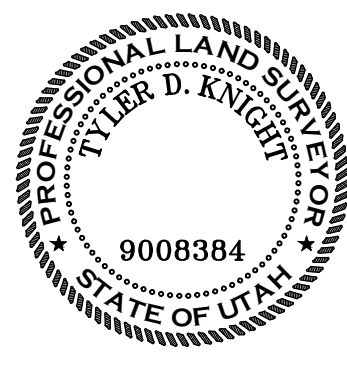
WEBER COUNTY COMMISSION ACCEPTANCE
 This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision hereon are hereby approved and accepted by the Commissioners of Weber County, Utah this ___ day of _____, 20__.

WEBER COUNTY SURVEYOR
 I hereby certify that the Weber County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monuments on record in county offices. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith. Signed this ___ day of _____, 20__.

WEBER COUNTY ENGINEER
 Signature: _____
 Title: Weber County Engineer

SURVEYOR'S CERTIFICATE

I, Tyler D. Knight, do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 9008384-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown herein in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as noted hereon. I further certify that, to the best of my knowledge and belief, all lots meet the current requirements of the Land Use Ordinance of Weber County.



NARRATIVE

The purpose of the survey is to amend Lot 271 of EVERGREEN PARK SUBDIVISION NO.1. The current recorded description for this parcel does not match prior deed descriptions. Therefore the description for this amended plat is written to correct these errors and to match the descriptions from prior deeds as described in this narrative. The South line was established by Entry #1297851 in which the North half of Lot 270 was deeded from Lot 270 to Lot 271. The North Line was established by the Deeds in Entry #'s 1118126 & 1118125.

Documents used or reviewed in this survey are, but not limited to, the following:
 Ownership records and Electronic Abstracts for the following Parcel no.'s: 23-031-0001, 23-031-0002, 23-027-0043.
 Deeds of record by Entry #: 2724201 (current deed description), 1297851 (North half of Lot 270), 1118126 & 1118125 (exchanges between Lots 271 & 272).
 Ownership Plats of Weber County Recorder by Book-Page: 23-027, 23-031.
 Recorded Subdivision Plat of Evergreen Park Subdivision No.1, Record of Survey by F. Lyle Page dated 1995, survey 1260 in the Weber County Surveyors Office.

The basis of bearing of bearing is State Plane Grid Bearing as shown.

OWNER'S DEDICATION

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots as shown hereon and name said tract EVERGREEN PARK SUBDIVISION NO. 1, 3RD AMENDMENT. We hereby recognize and accept the original dedication of Evergreen Park Drive as a public thoroughfare and other Private Right(s)-of-way and easements as dedicated, granted, and/or reserved by the Owner's Dedication as recorded Plat Book 13 page 51 of Evergreen Park Subdivision No. 1 as recorded on Feb. 13, 1964. Said dedication and reservation recognizes and incorporates herein the Public and Private Right(s)-of-way and easement reservation along with the maintenance requirements as originally signed and acknowledged as part of the Evergreen Park Subdivision No.1 recorded as Plat Book 13 Page 51 of the records of Weber County Recorder, the Owner's Dedication of said plat being incorporated and made a part hereof.

We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility, storm water detention pond(s), drainage easement(s), and canal maintenance easement(s), the same to be used for the installation maintenance and operation of public utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetual preservation of water channels in their natural state whichever is applicable and as may be authorized by the governing authority, with no buildings or structures being erected within such easements. We, the herein signers, grantor(s), hereby grant a well protection easement(s) to Weber/Morgan Health Department, 477 23rd St., Ogden, Utah, 84401, grantee, the terms of this easement are to comply with the regulatory laws, requirements, ordinances, and policies administered by the Weber/Morgan Health Department for the protection of drinking water related to culinary water wells in the State of Utah, and to provide a separation from a culinary water well from concentrated sources of pollution. The sources of pollution are described as but not limited to septic tanks, septic drain fields, garbage dumps, livestock corrals, feed lots, hazardous waste storage, or other sources of pollutants deemed inappropriate under the regulatory authority of the Weber/Morgan Health Department. The easement as granted is a perpetual easement and shall run with the land and is binding on any and all successors and assigns. The easement is as shown and noted hereon as New Well Protection Easement(s) having a 100 foot radius. The center of which shall be the physical location of the well as constructed. Also, the Existing Well Protection Easement as shown hereon is hereby granted to said Weber/Morgan Health Department in accordance with the same terms and conditions as herein granted for New Well Protection Easement(s) excepting, however, that at such time that the Existing Well should be abandoned and taken out of service the easement granted for such Existing Well shall be relinquished once said Health Department approves the use of a new well for Lot 708. The relinquishment shall take effect at said time without further written document(s). This relinquishment is acknowledged and agreed to as evidenced by the signature as executed hereon of the Weber/Morgan Health Department approving authority.

Individual Acknowledgement

IN WITNESS WHEREOF, the hand of said Grantor(s), this ___ day of _____, 20__.

STEPHEN COFFEY
 DIANA COFFEY

STATE OF UTAH)
) SS
 COUNTY OF WEBER)

On the date first above written personally appeared before me the above signer(s) of the within instrument, who duly acknowledged to me that they executed the same. WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public
 Residing in:

My Commission Expires:

<p>Landmark Surveying, Inc. A Complete Land Surveying Service www.LandmarkSurveyUtah.com</p>		4646 South 3500 West - #A-3 West Haven, UT 84401 801-731-4075	
DEVELOPER: Stephen Coffey Address: 791 E. 600 S. Kaysville UT, 84037		1	
A part of Section 30, Township 7 North, Range 3 East, Salt Lake Base and Meridian.		Subdivision	
Revisions	DRAWN BY: TDK		
	CHECKED BY: EDR		
	DATE: 5-12-2016		
	FILE: 3623V2		

Weber County Recorder

Entry no. _____
 Fee paid _____
 Filed for record and recorded
 ___ day of _____, 2016.
 at _____
 in book _____ of official records,
 on page _____
 County Recorder: Leann H Kiltz
 By Deputy: _____

Exhibit C: Current Recorder's Reference Plat

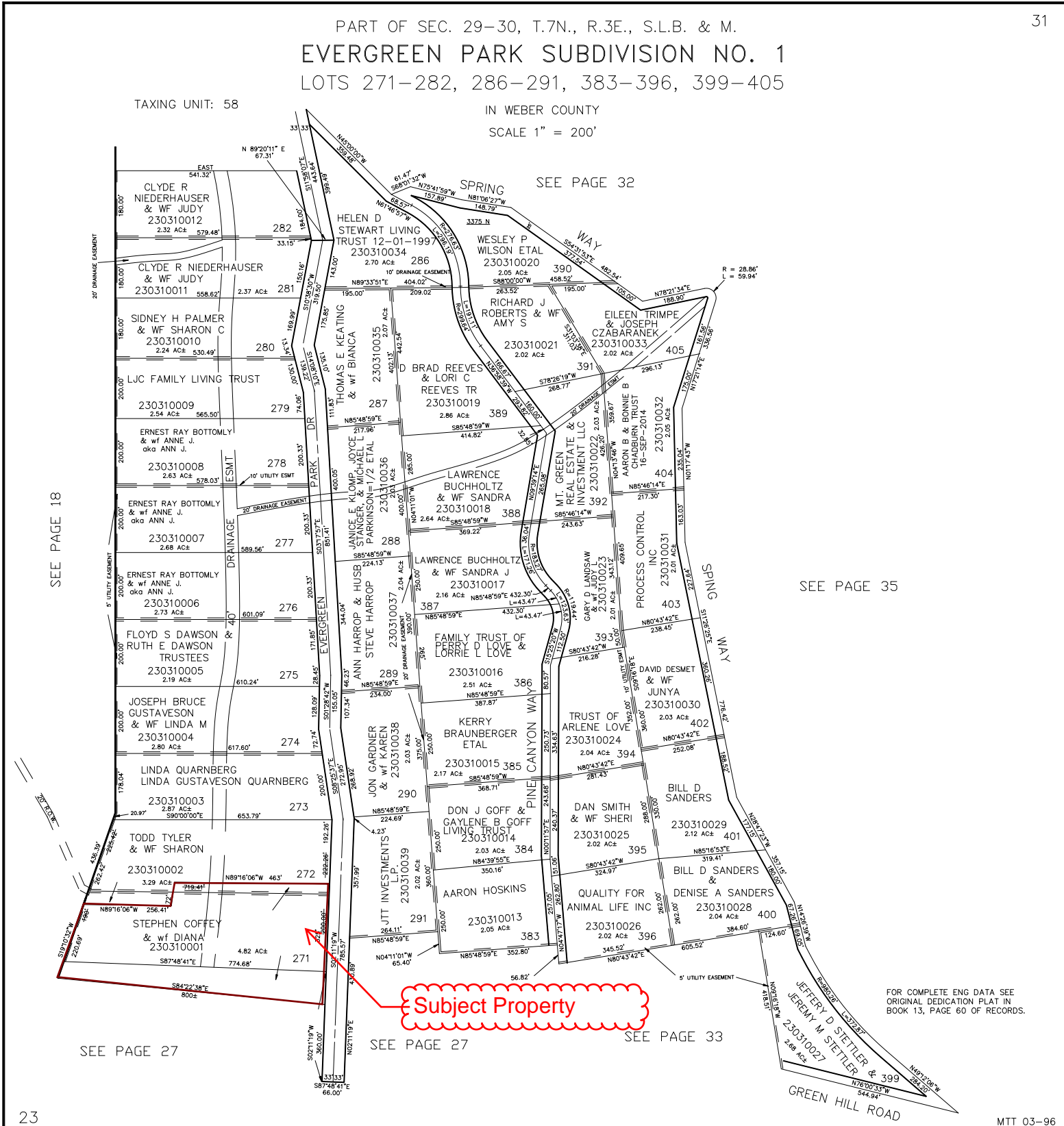
Staff Report: Evergreen Park Subdivision #1 3rd Amendment Page 6 of 7

PART OF SEC. 29-30, T.7N., R.3E., S.L.B. & M. EVERGREEN PARK SUBDIVISION NO. 1 LOTS 271-282, 286-291, 383-396, 399-405

TAXING UNIT: 58

IN WEBER COUNTY

SCALE 1" = 200'



Subject Property

FOR COMPLETE ENG DATA SEE ORIGINAL DEDICATION PLAT IN BOOK 13, PAGE 60 OF RECORDS.

09 - EI

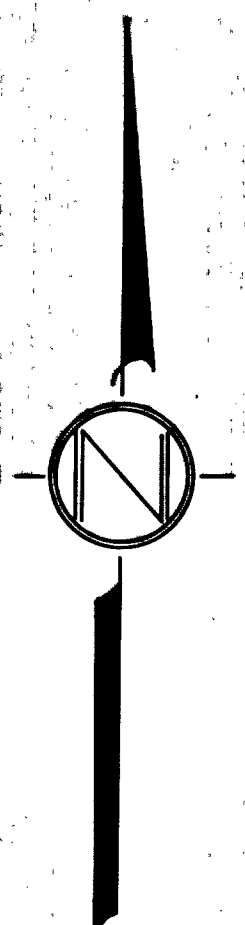
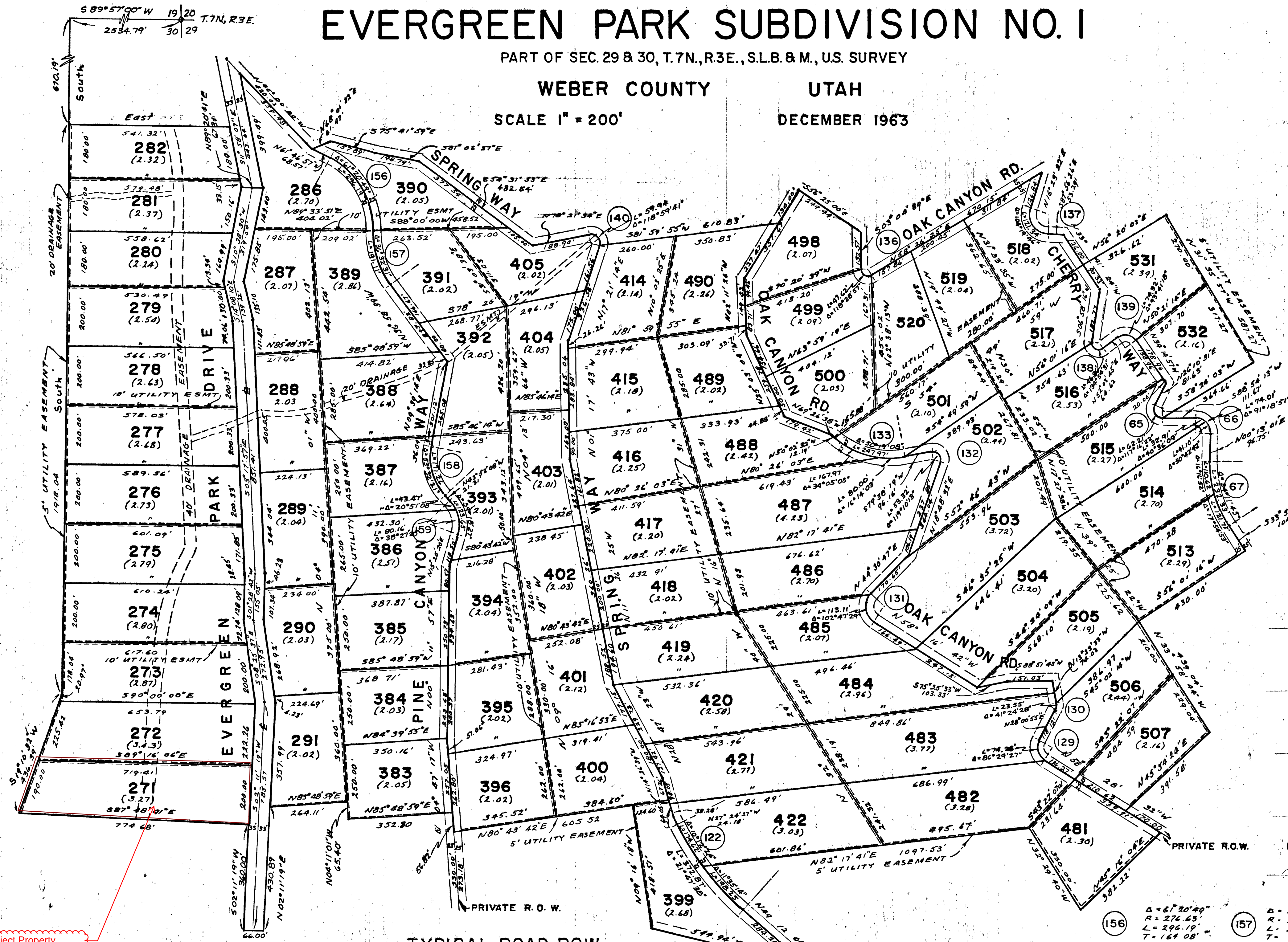
EVERGREEN PARK SUBDIVISION NO. I

PART OF SEC. 29 & 30, T.7N., R.3E., S.L.B. & M., U.S. SURVEY

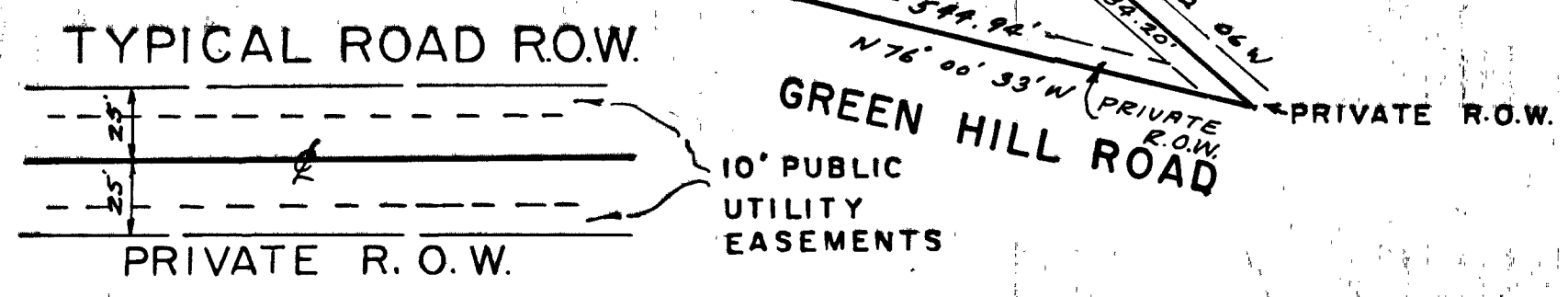
WEBER COUNTY UTAH

SCALE 1" = 200'

DECEMBER 1963



Subject Property



CURVE DATA

65	$\Delta = 117^{\circ}16'22''$ R = 30.39' L = 22.21' T = 51.90'	66	$\Delta = 91^{\circ}18'58''$ R = 46.44' L = 74.01' T = 47.51'
67	$\Delta = 34^{\circ}11'45''$ R = 389.27' L = 232.33' T = 119.74'	122	$\Delta = 21^{\circ}47'38''$ R = 980.26' L = 372.87' T = 188.72'
129	$\Delta = 82^{\circ}29'27''$ R = 49.19' L = 74.26' T = 46.27'	130	$\Delta = 41^{\circ}20'28''$ R = 32.59' L = 23.55' T = 12.32'
131	$\Delta = 102^{\circ}47'29''$ R = 63.05' L = 113.11' T = 78.97'	132	$\Delta = 119^{\circ}10'13''$ R = 25.63' L = 53.32' T = 43.67'
133	$\Delta = 50^{\circ}19'08''$ R = 282.35' L = 247.97' T = 132.62'	136	$\Delta = 118^{\circ}28'57''$ R = 23.03' L = 47.62' T = 38.70'
137	$\Delta = 104^{\circ}19'46''$ R = 66.39' L = 121.34' T = 85.80'	138	$\Delta = 134^{\circ}54'31''$ R = 19.90' L = 42.86' T = 47.93'
139	$\Delta = 98^{\circ}41'18''$ R = 45.45' L = 74.32' T = 48.48'	140	$\Delta = 118^{\circ}59'41''$ R = 28.86' L = 59.94' T = 48.99'

156	$\Delta = 61^{\circ}20'49''$ R = 276.45' L = 296.19' T = 164.08'	157	$\Delta = 36^{\circ}32'31''$ R = 299.64' L = 191.11' T = 98.93'
158	$\Delta = 53^{\circ}32'21''$ R = 83.27' L = 171.26' T = 92.46'	159	$\Delta = 59^{\circ}18'27''$ R = 119.44' L = 123.63' T = 68.00'

420001 \$364.00
 FILED AND RECORDED FOR
 SECURITY TITLE CO.
 1964 FEB 13 PM 3:06
 IN BOOK 15 OF PLAT PG 60
 RUTH EAMES OLSEN
 WEBER COUNTY RECORDER
 DEPUTY
Ruth Eames Olsen

NIELSEN & MAXWELL
 CONSULTING ENGINEERS

SHEET 10 OF 11

13 - 60