



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for final approval of Sleepy Hollow Subdivision 1st Amendment (1 Lot), and the vacation of Sleepy Hollow Subdivision, Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, and any interest that the public may have obtained to the private roads which are within Sleepy Hollow Subdivision 1st Amendment

Agenda Date: Tuesday, April 23, 2013

Applicant: Keith and Belinda Rounkles

File Number: UVS 091911

Property Information

Approximate Address: 546 Ogden Canyon

Project Area: 1.32 Acres

Zoning: Forest Residential 1 Zone (FR-1)

Existing Land Use: Residential/Cell Tower Site

Proposed Land Use: Residential/Cell Tower Site

Parcel ID: 20-133-0001, 20-031-0014

Township, Range, Section: T6N, R1E, Section 18

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 12 (FR-1 Zone)
- Weber County Zoning Ordinance Chapter 28 (Nonconforming Buildings, Uses, and Parcels)

Background

Sleepy Hollow Subdivision was recorded on July 6, 2010. The owners have purchased property adjacent to the subdivision and have submitted an application to combine this new property with Sleepy Hollow Subdivision. The additional property is part of Lots 17 and 18 of Block 11 of The Hermitage of Ogden Canyon and contains approximately 0.24 acres. The resulting amended subdivision, known as Sleepy Hollow Subdivision 1st Amendment, contains 1.32 acres and has a lot width of more than 150 feet on Highway 39, both of which meet the requirements of the FR-1 Zone. A "no access" line has been placed on the subdivision boundary with Highway 39 and access to the subdivision is on an existing dedicated 14.5 foot wide road in the Hermitage Subdivision. The road in the Hermitage was dedicated in 1919 and is considered legal access, despite not meeting current zoning requirements. Culinary water is provided by Ogden City and wastewater treatment is provided by an individual septic tank. A Hillside Review has already been approved for Sleepy Hollow Subdivision and that approval applies to the amended subdivision as well unless the approved plan is changed.

As part of the subdivision amendment, the original Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon and Sleepy Hollow Subdivision must be vacated. In addition the applicant is requesting that any interest that the public may have obtained to the private roads which are within Sleepy Hollow Subdivision 1st Amendment be vacated. The purpose of vacating these subdivision lots is to eliminate the potential for future title mistakes involving the vacated lots.

Summary of County Commission Considerations

- Do the amended subdivision and the proposed subdivision vacations meet the requirements of applicable County ordinances?

Conformance to the General Plan

The amended subdivision and proposed lot vacations meet the requirements of applicable Weber County ordinances and conform to the General Plan.

Planning Commission Recommendation

On October 25, 2011 the Ogden Valley Township Planning Commission made a unanimous recommendation to the Weber County Commission for final approval of Sleepy Hollow Subdivision 1st Amendment and the vacation of Sleepy Hollow Subdivision, Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, and the private roads within Sleepy Hollow Subdivision 1st Amendment.

Staff Recommendation

Staff recommends final approval of Sleepy Hollow Subdivision 1st Amendment based on its compliance with applicable County Ordinances and the Ogden Valley General Plan. Staff also recommends that Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, Sleepy Hollow Subdivision, and any interest that the public may have obtained to the private roads which are within Sleepy Hollow Subdivision 1st Amendment be vacated.

Exhibits

- A. Sleepy Hollow Subdivision plat
- B. Sleepy Hollow Subdivision 1st Amendment plat
- C. Subdivision access map
- D. Applicant's vacation request
- E. Planning Commission Minutes (October 25, 2011)
- F. Draft Vacation Ordinance

Exhibit C

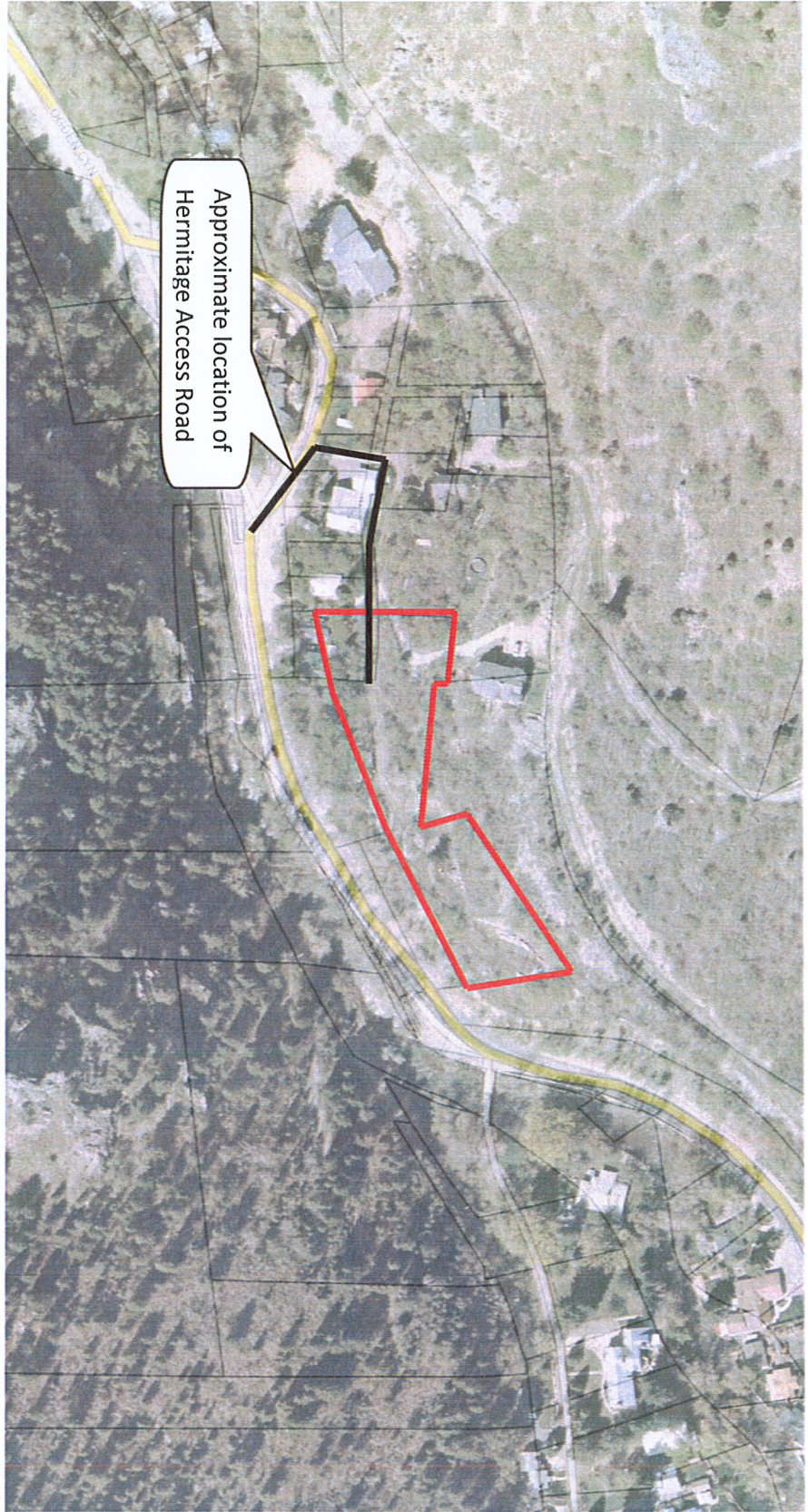


Exhibit D

Weber County Vacation Application

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

Date Submitted / Completed <p style="text-align: center;">9-8-11</p>	Fees (Office Use)	Receipt Number (Office Use) <p style="text-align: center;">Subvac 2011-05</p>
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Requesters Contact Information

Name <p style="text-align: center;">Keith & Belinda Rounkles</p>		Mailing Address <p style="text-align: center;">546 Ogden Canyon Ogden UT 84401</p>
Phone <p style="text-align: center;">801 668 8844</p>	Fax	
Email Address <p style="text-align: center;">Keithrounkles@comcast.net</p>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail

Property Information

Address <p style="text-align: center;">546 Ogden Canyon</p>	Land Serial Number(s) <p style="text-align: center;">201330001 ; 200310014</p>
Vacation Request <input type="checkbox"/> Easement <input checked="" type="checkbox"/> Road <input type="checkbox"/> Subdivision <input type="checkbox"/> Subdivision Lot	Current Zoning
Subdivision Name	Lot Number(s)

Project Narrative

vacate Lot 17 & Lot 18 & adjoining road to North of the "Hermitage of Ogden Canyon Subdivision" & vacate Steeply Hollow Subdivision & all parcels being vacated will be combined into one sub-division

Property Owner Affidavit

I (We), Keith & Belinda Rounkles do hereby 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.

Keith Rounkles

 (Property Owner)

Belinda Rounkles

 (Property Owner)

Subscribed and sworn to me this _____ day of _____, 20____

(Notary)

Exhibit E

Minutes of the Ogden Valley Township Planning Commission meeting held October 25, 2011, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Kevin Parson, Chair; Greg Graves, John Howell, Laura Warburton, Pen Hollist, Dennis Montgomery, Ann Miller

Staff Present: Rob Scott, Director; Sean Wilkinson, Planner; Ben Hatfield, Planner; Chris Allred, Legal Counsel; Sherri Sillitoe, Secretary

Pledge of Allegiance

Roll Call

1. Minutes:

- 1.1. Approval of the September 27, 2011 regular meeting and work session minutes

Commissioner Hollist indicated that he should be listed as present instead of Jim Banks

Commissioner Warburton would like it noted that they appreciated the neighbors design on the northwest boundary.

Commissioner Pen indicated that on the Last portion of the second part of paragraph 2.1 the sentence did not flow and staff should review that portion.

Chair Parson declared the September 27, 2011 meeting minutes approved as presented.

2. Consent Agenda Items:

- 2.1. UVS 082807 Consideration and action on a request for a one-year time extension of The Sanctuary, located east of Green Hill Country Estates Phase 6 past the end of Maple Drive, 6 Lots (Timothy Charlwood, Applicant)

MOTION: Commissioner Warburton moved to approve Consent Agenda Item 2.1 subject to all staff and agency reviews based on the finding that it meets all the requirements of the subdivision ordinance 26-1.7b.

A vote was taken and Chair Parson said the motion carried with all members present voting aye.

3. Regular Agenda Items:

- 3.1. UVS091911 Consideration and action on a request for final approval of Sleepy Hollow Subdivision 1st Amendment, 1 Lot, and a recommendation to vacate the following: Sleepy Hollow Subdivision Lots 17, 18, and the 14.5-foot wide un-named road on the north side of Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon

Sean Wilkinson presented a staff report and indicated that this request is for an amendment and a recommendation to vacate Lots 17, 17 and the 14.5-foot wide un-named road on the north side of Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon. . A "no access" line has been placed on the subdivision boundary with Highway 39 and access to the subdivision is on an existing dedicated 14.5-foot wide road in the Hermitage Subdivision. The road in the Hermitage was dedicated in 1919 and is considered legal access, despite not meeting current zoning requirements. Staff has reviewed the application and found it complete. Staff recommends final approval of Sleepy Hollow Subdivision 1st Amendment based on its compliance with applicable County ordinances and the Ogden Valley General Plan. Staff also recommends that Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, the 14.5-foot wide un-named road on the north side of Lots 17 and 18, and Sleepy Hollow Subdivision be vacated. Both recommendations are to the County Commission.

Chair Parson asked if there was consideration for a turnabout. Mr. Wilkinson indicated yes, it discussed in the previous approval.

Commissioner Graves asked if the road to Sleepy Hollow would be affected and Mr. Wilkinson replied no.

Sean Wilkinson indicated that this property is in an FR-1 Zone not an FV-3 Zone as was listed once in the staff report.

Keith Rounkles, 750 Ogden Canyon, indicated they purchased two lots from his neighbor and they would like build a home on the property. The road that will be vacated served his property and the two lots that they now own. There were many little roads going through the area in 1919 when the Hermitage Subdivision was developed.

Commissioner Hollist asked if there would be one home on this property, and Mr. Rounkles replied yes.

Boyd Bindrup asked why it was a subdivision. Sean Wilkinson said there is technically no division of land, but they go through the same platting process that property being divided goes through. It is considered a one-lot subdivision.

MOTION: Commissioner Hollist moved to recommend to the County Commission that final approval of Sleepy Hollow Subdivision 1st Amendment, 1 Lot, and a recommendation to vacate the Sleepy Hollow Subdivision Lots 17, 18, and the 14.5-foot wide un-named road on the north side of Lots 1 and 18 of Block 11 of the Hermitage of Ogden Canyon. Commissioner Miller seconded the motion. A vote was taken and Chair Parson said the motion carried (7-0).

3.2. ZTA 2011-02 Amendment to amend Chapter 28 (Nonconforming Buildings, Uses, and Parcels: Allowing boundaries within an approved subdivision not meeting current zoning to be able to realign lot lines within the subdivision (Rex Mumford, Applicant)

Jim Gentry presented a staff report and reported that this amendment would allow boundaries within an approved subdivision not meeting current zoning to be able to be realigned within the subdivision. It could potentially allow some lots more non-conforming to the current zoning but they would still meet the zoning in place at the time they were created. The change of zoning in the Ogden Valley occurred in 1998. This would be a recommendation to the County Commission.

Chair Parson indicated that it is important for the audience to know that it conforms to the zoning in place at the time of the property was subdivided.

Rex Mumford indicated that he grew up in the Ogden Valley on this parcel of land that was originally homesteaded in the 1860's. His Father passed away a couple of years ago and his Mother asked him to ask if one acre for the home could be divided and if he could use the remaining acreage. His Mother's lot would become more non-conforming, but the other lot would become less non-conforming. This would give his family a chance to keep the stewardship of that land within his family.

Commissioner Warburton indicated that when the Planning Commission considers making a decision on this they are not just considering the applicant, but they would be making the decision for others in the County. She believes that if approval were given, Mr. Mumford would be giving a gift to the valley.

MOTION: Commissioner Warburton moved to recommend approval of ZTA2011-02 to allow in according to staff's recommendations. Commissioner Howell seconded the motion. A vote was taken and Chair Parson said the motion carried (7-0).

3.3. DR 201-09 Consideration and action on a request for Design Review approval of the Eden Center located at 2612 N Hwy 162 (Wop Wom LLC, Applicant; Tyler Nelson, Agent)

Ben Hatfield presented a staff report and reviewed the criteria for Design Reviews.

To answer a question by Commissioner Hollist, Mr. Hatfield indicated that there was a temporary short-term vendor on the property for approximately six months.

Ben Hatfield indicated that staff is recommending changing their parking plan and adding the required number of parking stalls. Staff has asked the applicant to address lighting further. The applicant is looking for some direction tonight as to the storm water location proposed and the overall site plan. The signage plan was not submitted with this application. The landscaping plan was submitted.

Exhibit F

Ordinance _____

An ordinance of Weber County vacating Sleepy Hollow Subdivision, Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, and any interest that the public may have obtained to the private roads which are within Sleepy Hollow Subdivision 1st Amendment

Whereas, Sleepy Hollow Subdivision and Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon have been amended and incorporated as part of a new subdivision called Sleepy Hollow Subdivision 1st Amendment; and

Whereas, the vacation of Sleepy Hollow Subdivision and Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon are recommended by the Weber County Planning Division and Recorder/Surveyor's Office because it will reduce the potential for future mistakes in transfer of title; and

Whereas, the owners of Sleepy Hollow Subdivision have requested the vacation of Sleepy Hollow Subdivision, Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, and any interest that the public may have obtained to the private roads which are within Sleepy Hollow Subdivision 1st Amendment; and

Whereas, a public hearing was held by the Ogden Valley Planning Commission on October 25, 2011, after meeting applicable notice requirements; and

Whereas, the Ogden Valley Planning Commission unanimously recommended approval of the vacation of Sleepy Hollow Subdivision, Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, and any interest that the public may have obtained to the private roads which are within Sleepy Hollow Subdivision 1st Amendment; and

Whereas, no public comments were made during the public hearing held by the Ogden Valley Planning Commission on October 25, 2011; and

Whereas, the Weber County Commission considered the vacation of Sleepy Hollow Subdivision, Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, and any interest that the public may have obtained to the private roads which are within Sleepy Hollow Subdivision 1st Amendment on April 23, 2013; and

Whereas, the vacation of Sleepy Hollow Subdivision, Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, and any interest that the public may have obtained to the private roads which are within Sleepy Hollow Subdivision 1st Amendment will not adversely affect the public health, safety, or welfare;

Now Therefore, the Weber County Board of Commissioners ordains and vacates the following:

Sleepy Hollow Subdivision, Lots 17 and 18 of Block 11 of the Hermitage of Ogden Canyon, and any interest that the public may have obtained to the private roads which are within Sleepy Hollow Subdivision 1st Amendment

Adopted and ordered published this ____ day of _____, 2013 by the Weber County Board of Commissioners,

Commissioner Bell	Voting _____
Commissioner Gibson	Voting _____
Commissioner Zogmaister	Voting _____

Kerry W. Gibson, Chair

ATTEST:

Ricky D. Hatch, CPA Weber County Clerk/Auditor