



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an application for final approval of Drasel Condominiums, a condominium plat consisting of 6 units.

Type of Decision: Administrative

Agenda Date: Tuesday, September 26, 2017

Applicant: James Fawson

File Number: UVD070317

Property Information

Approximate Address: 306 Ogden Canyon, Ogden

Project Area: 29.18 acres

Zoning: Forest Residential (FR-1) Zone

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 20-023-0005, 20-030-0005

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

Adjacent Land Use

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

Staff Information

Report Presenter: Steve Burton
sburton@co.weber.ut.us
801-399-8766

Report Reviewer: RK

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 13 (FR-1 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 108 (Standards) Chapter 12 (Noncomplying Structures, Nonconforming Uses, and Nonconforming Lots)

Background and Summary

The applicant is requesting approval of Drasel Condominiums, consisting of six units, located at approximately 306 Ogden Canyon Road. The property currently consists of two parcels. Parcel 20-030-0005 is approximately 0.61 acres and contains six existing residential buildings. This parcel contains five legal lots of record (buildable lots) that were originally "Lots 5 through 9 of Block 6 of the Hermitage". Parcel 20-023-0005 is approximately 28.42 acres and is also considered a legal lot of record that was originally "Lot 4, Section 18, T6N, R1E". The 28.42 acre parcel will be labeled as common area on the final subdivision plat and the applicant has proposed that it's development right be included as a unit of the condominium plat, which has a total of six existing buildings. The applicant is proposing each existing building to be considered a unit. Each of the units will be rented out as long term rentals.

The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required in the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with the LUC.

Analysis

General Plan: The General Plan for Ogden Valley is intended to preserve private property rights while also preserving the rural characteristics of the Valley. The applicant's request is in conformance with the General Plan.

Zoning: The subject property is located in the Forest Residential (FR-1) zone. Single-family dwellings are a permitted use in the FR-1 zone.

Lot area, frontage/width and yard regulations: All six existing structures are considered noncomplying structures. Noncomplying structure is defined in LUC §101-1-7 as follows:

The term "noncomplying structure" means a structure that legally existed before its current land use designation and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

Noncomplying structures are considered legal, despite not meeting the current requirements of the zone in which they are located. LUC §108-12-3 gives the following requirements for additions and enlargements to noncomplying structures:

A noncomplying structure (main or accessory) shall not be added to or enlarged in any manner, unless such addition or enlargement conforms to all the regulations of the zone in which it is located, or conforms to the reduced yard setbacks as allowed in section 108-12-13.

Upon final approval and recording of the condominium plat, the noncomplying structures will also be located on non-conforming lots. The term 'Lot, nonconforming' is defined in LUC §101-1-7 as follows:

The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot standards. Applicable standards include lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.

The northern half of parcel 20-023-0005 (28.42 acres) is located within the F-40 Zone. Parcel 20-023-0005 will be considered common area and labeled as such on the final subdivision plat. A condition of approval has been added to the staff recommendation to ensure that this requirement is met.

Culinary water and sanitary sewage disposal: Culinary water is currently being provided to the property by Ogden City. As a review agency for this proposal, the Weber Morgan Health Department has stated that condominiums are able to have multiple dwelling units under individual ownership, serviced by a single onsite wastewater system without the sponsorship of a body politic. The proposal complies with the onsite wastewater system requirements.

Review Agencies: The project will be required to comply with all review agency requirements prior to receiving final approval from the County Commission.

Additional Design Standards: Unit 301 encroaches into a 16.50' wide parcel owned by Ogden City that abuts the common area. The applicant is working with Ogden City to provide an encroachment agreement and easement that will be referenced on the final plat. An existing 15' trail easement and a 12' waterline easement are shown on the subdivision plat (Exhibit A). A six-stall carport and a garage located on Lot 4 (28.42 acres) provide off street parking for each of the units.

Tax Clearance: The 2016 property taxes have been paid in full. The 2017 property taxes will be due in full on November 1, 2017.

Public Notice: A notice has been mailed not less than seven calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

Staff Recommendations

Staff recommends final approval of Drasel Condominiums, consisting of six units. This recommendation is subject to all review agency requirements and based on the following conditions:

1. The 28.42 acre parcel shall be labeled and dedicated as common area on the final subdivision plat, prior to receiving final approval from the County Commission.
2. The encroachment agreement between Ogden City and the applicant must be submitted to the County for review and referenced on the final plat prior to the recording of the final plat.

This recommendation is based on the following findings:

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

Exhibits

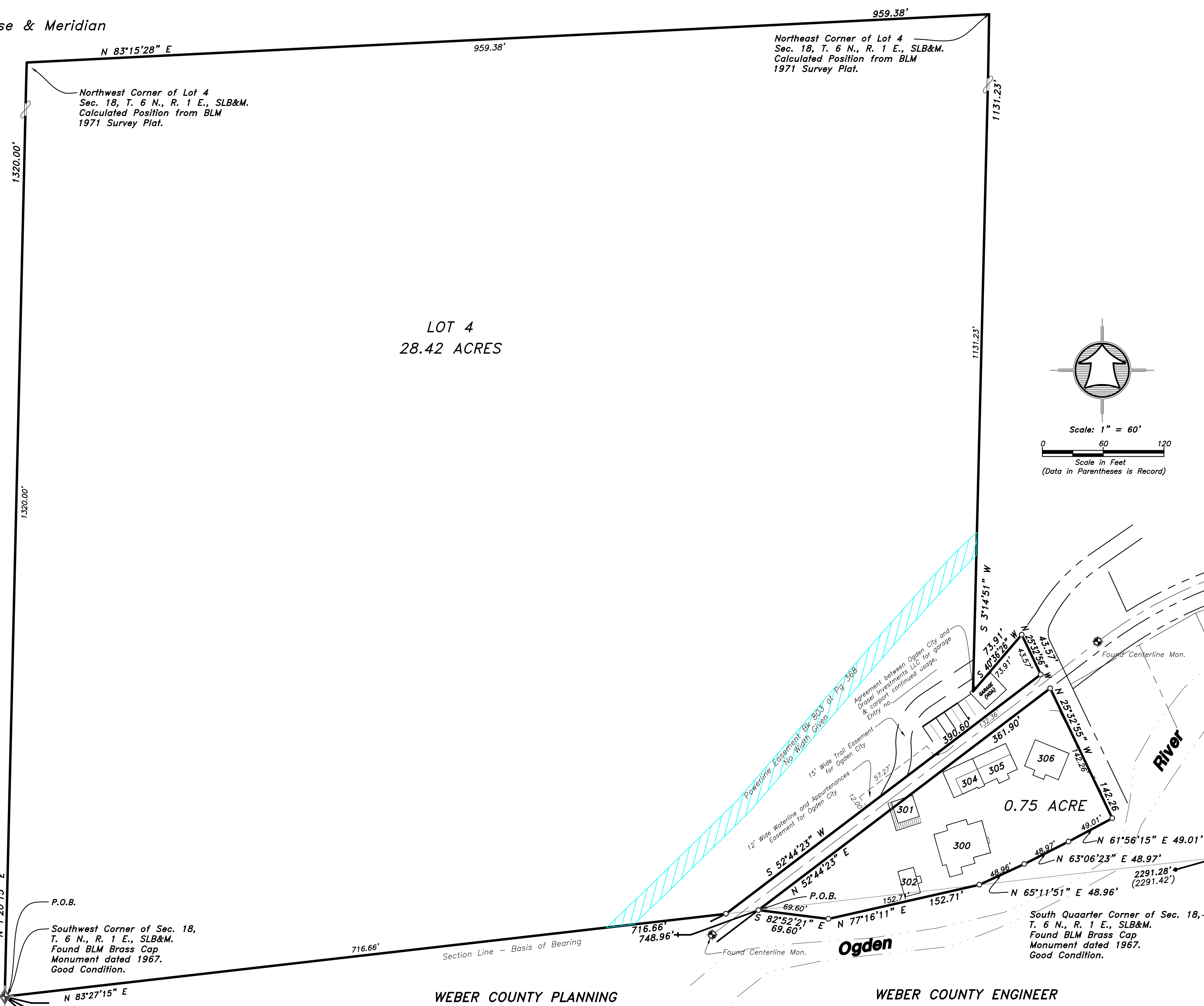
- A. Plat Map

Area Map 1



Drasel Condominiums

Lots 5 - 9, Block 6, The Hermitage and Lot 4, being situated in the Southwest Quarter of Section 18, Township 6 North, Range 1 East, Salt Lake Base & Meridian Weber County, Utah



LOT 4
28.42 ACRES

NOTES:
DISTANCES SHOWN FROM STREETS AND BOUNDARY LINES TO BUILDING CORNERS ARE PERPENDICULAR AND RADIAL TO STREETS AND/OR BOUNDARY LINES.

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CA = COMMON AREA - FOR COMMON USE OF ALL OWNERS OF ALL UNITS IN DRASEL CONDOMINIUM AS SPECIFIED IN THE COMPANION DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND IN THE BYLAWS OF THE PROPERTY OWNERS ASSOCIATION, FURTHERMORE THE COMMON AREA IS DEDICATED AS PERPETUAL OPEN AREA AND AS EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES.

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- LEGEND**
- Subject Property Line
- Interior Lot Lines
- Adjoining Property Line
- Building Footprint
- Centerline
- Public Utility Easement (PUE)
- Stream Bed
- Fence Line (Wire)
- Centerline Monument
- Found rebar set by others
- Set 5/8"x24" Rebar With Cap
- Section Corner

NARRATIVE

The Purpose of this Survey was to Establish and set the Property Corners of the Condominium project as Shown and Described Hereon. This survey was ordered by James Fawson. This plat is the subdivision of Lot 4, Section 18, T. 6 N., R. 1 E., SLB&M and Lots 5 through 9, block 6 of The Hermitage Subdivision. Lot 4 was based on the BLM resurvey of T. 6 N., R. 1 E., dated June 22, 1971 using the south line of the southwest quarter of said section 18 as the basis of bearing. Because of the terrain and difficult access, the north line of lot 4 was not surveyed on the ground. No points found and not points set. The lots and block within The Hermitage Subdivision plat were calculated based on current occupation and the two centerline monuments set by Ogden City along the 16.5' R-O-W as shown hereon. The basis of bearing is the South line of the Southwest Quarter of said Section which bears North 83°27'15" East, Utah North, State Plane, Calculated N.A.D.83 Bearing.

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, Thereon are Hereby Approved and Accepted by the Commissioners of Weber County Utah
Signed this _____, Day of _____, 2017.

Chairman, Weber County Commission
Attest

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to Certify that this Subdivision Plat was Duly Approved by the Weber County Planning Commission.
Signed this _____, Day of _____, 2017.

Chairman, Weber County Planning Commission

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 the 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 _____, 2017.

Weber County Surveyor

WEBER COUNTY ENGINEER

I Hereby Certify that the Required Public Improvement Standards and Drawings for this Subdivision Conform with the County Standards and the Amount of the Financial Guarantee is Sufficient for the Installation of these Improvements.
Signed this _____, Day of _____, 2017.

Weber County Engineer

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 Affect
Signed this _____, Day of _____, 2017.

Weber County Attorney

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 _____, 2017.

Weber-Morgan Health Department

SURVEYOR'S CERTIFICATE

I, K. Greg Hansen, do Hereby Certify that I am a Registered Professional Land Surveyor in the State of Utah in Accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Act; and I Have Completed a Survey of the Property Described on this Plat in Accordance with Section 17-23-17 and have Verified all Measurements, and have Placed Monuments as Represented on this Plat, and have Hereby Subdivided said Tract into six units and one garage, known Hereafter as Drasel Condominiums in Weber County, Utah, and has been Correctly Drawn to the Designated Scale and is True and Correct Representation of the Herein Described Lands Included in said Subdivision, Based Upon Data Compiled from Records in the Weber County Recorder's Office and from said Survey made by me on the Ground, I Further Hereby Certify that the Requirements of all Applicable Statutes and Ordinances of Weber County Concerning Zoning Requirements Regarding Lot Measurements and granted allowances have been Complied with.

Signed this _____ day of _____, 2017.

K. Greg Hansen P.L.S.
Utah Land Surveyor Licence No. 167819



BOUNDARY DESCRIPTION

LOT 4, SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 18 AND RUNNING THENCE NORTH 01°20'15" EAST 1320.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE NORTH 83°15'29" EAST 959.38 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 03°14'51" WEST 1131.23 FEET ALONG THE WEST BOUNDARY OF SAID LOT 4 TO A POINT ON THE NORTH BOUNDARY LINE OF THE HERMITAGE; THENCE ALONG THE HERMITAGE THE FOLLOWING TWO (2) COURSES; (1) NORTH 40°36'26" EAST 73.91 FEET; AND (2) SOUTH 25°32'56" EAST 43.57 FEET TO THE NORTHERLY BOUNDARY LINE OF A 16.50 FOOT WIDE RIGHT-OF-WAY; THENCE SOUTH 52°44'23" WEST 390.60 FEET ALONG SAID NORTHERLY BOUNDARY LINE TO THE SOUTH LINE OF SAID SECTION 18; THENCE SOUTH 83°27'15" WEST 716.66 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINING 28.43 ACRES.

ALSO LOTS 5, 6, 7, 8 AND 9, BLOCK 6, THE HERMITAGE AND OTHER LANDS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9 BEING A POINT ON THE SOUTHERLY BOUNDARY LINE OF A 16.50 FOOT WIDE RIGHT-OF-WAY LOCATED 748.96 FEET NORTH 83°27'15" EAST ALONG THE SOUTH LINE OF SAID SECTION 18 FROM THE SOUTHWEST CORNER OF SAID SECTION 18;

RUNNING THENCE NORTH 52°44'23" EAST 361.90 FEET ALONG THE NORTHERLY BOUNDARY LINE OF SAID LOT 9 AND THE SOUTHERLY BOUNDARY LINE OF A 16.5' WIDE RIGHT OF WAY AS SHOWN ON SAID THE HERMITAGE PLAT TO THE WESTERLY RIGHT-OF-WAY LINE OF A 20.0' WIDE ROADWAY AS SHOWN ON SAID THE HERMITAGE PLAT; THENCE SOUTH 25°32'55" EAST 142.26 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID BLOCK 6 THE FOLLOWING THREE (3) COURSES; (1) SOUTH 61°56'15" WEST 49.01 FEET; (2) SOUTH 63°06'23" WEST 48.97 FEET; AND (3) SOUTH 65°11'51" WEST 48.96 FEET TO THE SOUTH LINE OF SAID SECTION 18; THENCE SOUTH 77°16'11" WEST 152.71 FEET; THENCE NORTH 82°52'21" WEST 69.60 FEET TO THE POINT OF BEGINNING. CONTAINING 0.75 ACRES.
TOTAL ACREAGE OF BOTH PARCELS EQUALS 29.18 ACRES.

OWNER'S CERTIFICATE OF CONSENT TO RECORD

Know all men by these presents: James Fawson, President of Drasel Investment LLC., a Utah Corporation, which is the owner of the tract of land described hereon and the Drasel Condominium, a condominium project located on said tract of land, do hereby make this certificate for and on behalf of said Corporation by authority of a resolution of the Board of Directors of said Corporation, that said Corporation has caused a survey to be made, and this record of survey map, consisting of two (2) sheets to be prepared; that said Corporation has consented to and does hereby consent to the recordation of this Record of Survey Map in accordance with the Utah Condominium Ownership Act. Furthermore, we the undersigned owners of said tract of land do hereby dedicate, grant and convey unto Ogden City and Weber County and the respective private utility companies and public utility agencies providing the utility services in question, their successors and assigns, a perpetual non-exclusive easement in, through, along and under all common areas shown hereon which are not covered by buildings, for the construction and maintenance of overhead and subterranean electrical, telephone, natural gas, cable television, sewer, storm drainage, irrigation and water lines and appurtenances thereto serving the project, together with the right to access thereto and provide that Ogden City and Weber County and any other governmental or quasi governmental body having jurisdiction over the project shall have a right of access and rights of ingress and egress over and across the common areas for the purpose of providing police and fire protection, providing emergency medical services, and providing any other governmental or municipal service.

In witness whereof I have set my hand and affixed the Corporate Seal this _____ day of _____, 2017.

James Fawson for Drasel Investment LLC

CORPORATE ACKNOWLEDGMENT

State of Utah
County of _____
On the _____ day of _____, 2017, personally appeared before me, the undersigned notary public in and for said state and county, James Fawson, being duly sworn, acknowledged to me that he is the majority owner of DRASEL INVESTMENTS LLC and that he signed the above owner's dedication, who duly acknowledged to me that he signed it freely and voluntarily and for the uses and purposes therein mentioned.

Notary public

WEBER COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND
RECORDED _____
_____ IN BOOK _____ OF OFFICIAL
RECORDS, PAGE _____ RECORDED
FOR _____
COUNTY RECORDER
BY: _____ DEPUTY



Drasel Condominiums

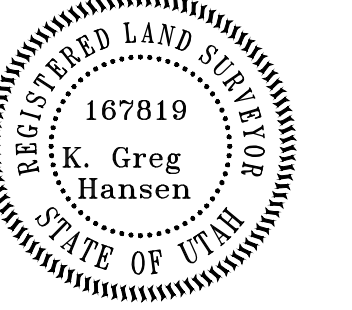
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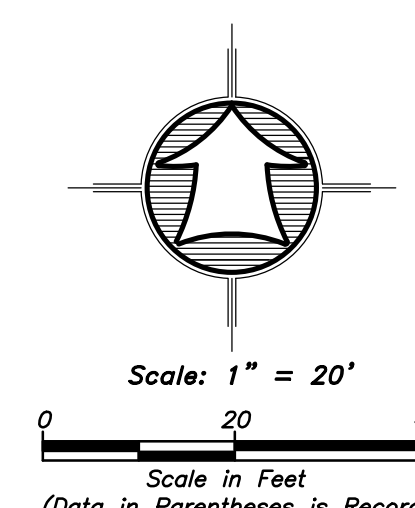
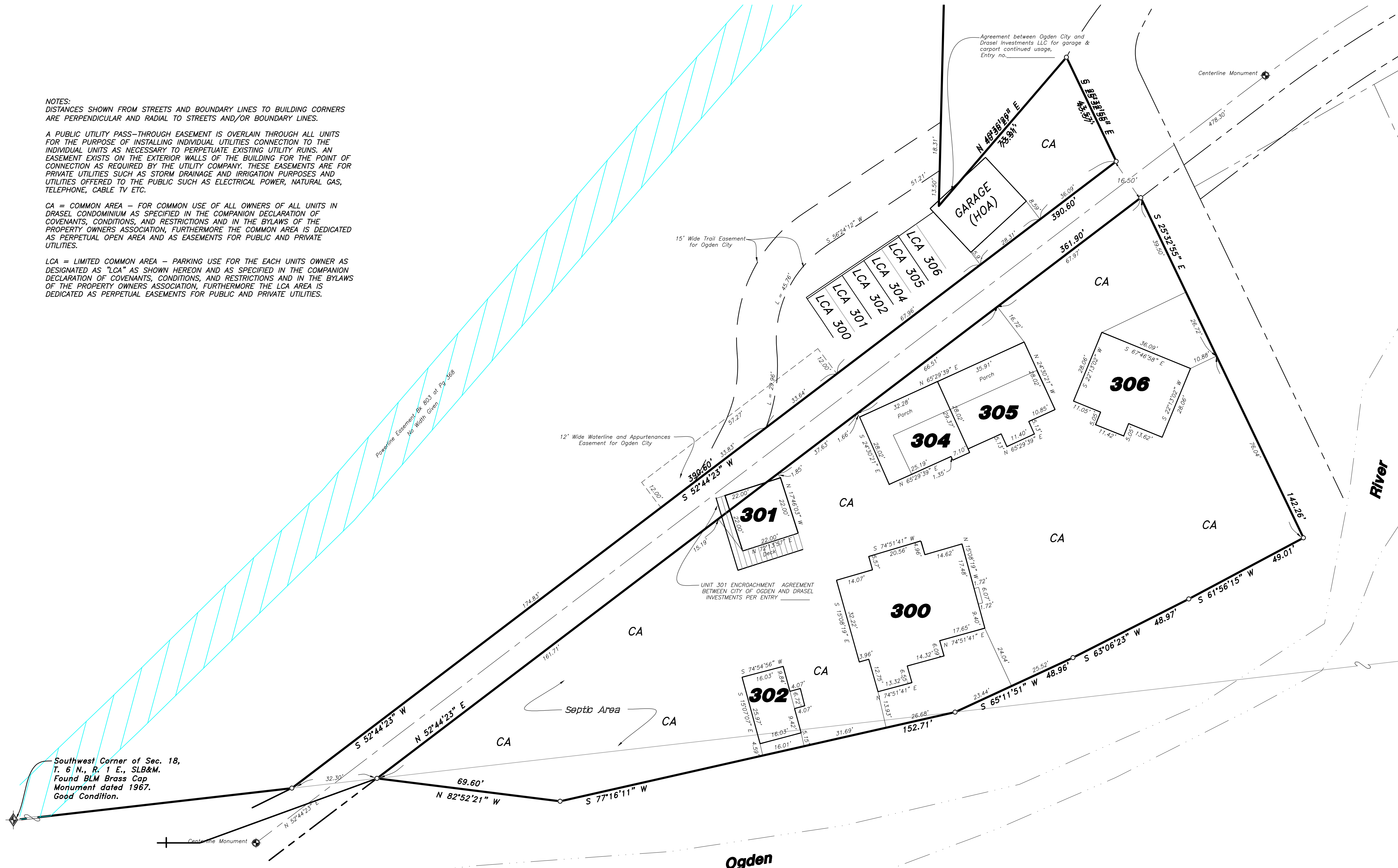
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Southwest Corner of Sec. 18, T. 6 N., R. 1 E., SLB&M. Found BLM Brass Cap Monument dated 1967. Good Condition.

South Quarter Corner of Sec. 18, T. 6 N., R. 1 E., SLB&M. Found BLM Brass Cap Monument dated 1967. Good Condition.

HAI HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302
Visit us at www.haies.net
Brigham City Ogdan Logan
(435) 723-3491 (801) 399-4905 (435) 752-8272

UNIT FOOTPRINT AREA	
300	1962 S.F.
301	484 S.F.
302	443 S.F.
304	913 S.F.
305	1064 S.F.
306	1070 S.F.

- LEGEND**
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Page 2 of 2

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ENTRY NO. _____ FEE PAID _____

FILED FOR RECORD AND

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IN BOOK _____ OF OFFICIAL

RECORDS, PAGE _____ RECORDED

FOR _____

COUNTY RECORDER

BY: _____ DEPUTY