



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Reconsideration and action on preliminary and final approval of the Neilson Hermitage Subdivision consisting of 1 lot in the FR-1 Zone at approximately 303 Ogden Canyon.

Agenda Date: Wednesday, June 30, 2021

Applicant: Doug Neilson, Owner

File Number: UVN052020

Property Information

Approximate Address: 303 Ogden CYN, Ogden, Utah 84401

Project Area: 20,847 sq. ft. / 0.478 acres

Zoning: Forest Residential Zone (FR-1)

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 20-030-0012, 20-030-0011, 20-030-0010, 20-030-0009, 20-030-0013

Township, Range, Section: T6N, R1E, SW ¼ Section 18

Adjacent Land Use

North:	Ogden River	South:	USFS
East:	Residential	West:	Ogden River

Staff Information

Report Presenter: Scott Perkes
sperkes@co.weber.ut.us
801-399-8772

Report Reviewer: RG

Applicable Codes

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

Background

The applicant is the current owner of parcel IDs 20-030-0009, -0010, & -0011 which comprise of lots 4, 5, & 6 of the Hermitage Block 10 Subdivision, respectively. The applicant also owns parcel 20-030-0012, which is an unplatted parcel that lies immediately west of lot 6 of the Hermitage Block 10 Subdivision. The applicant has submitted an application (see **Exhibit A**) to replat and reorganize each of these four parcels into a new subdivision boundary that would create one single-family residential lot.

This subdivision application originally approved to reorganize the properties to create three residential lots (see **Exhibit E** for the original OVPC staff report dated 06/23/2020). However, in coordinating with the Weber/Morgan Health Department, it was determined that the unique size, configuration, and location of the land could only accommodate a single septic system. As such, the applicant has revised their proposed plat to create a single residential lot (see **Exhibit B** for the revised subdivision plat).

Analysis

General Plan: This proposal is in conformity with Ogden Valley General Plan (OVGP) by “*encouraging and promoting a voluntary reduction in overall development units in the Ogden Valley planning area by such measures as conservation easements, donations of development rights, etc...*” (See page 15 of the OVGP). The proposal effectively reduces two development rights by creating 1 residential lot out of the existing lots 4, 5, & 6 of the Hermitage Block 10 subdivision.

Zoning: The property is located in the FR-1 Zone. The purpose of this zone is stated in the LUC §104-13-1.

“The purpose of the forest residential zone is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”

Each of the existing lots in the Hermitage Block 10 subdivision (Lots 4, 5, & 6), together with the additional parcel (20-030-0012) being incorporated into the subdivision boundary, meet the definition of a “Nonconforming Lot” (per LUC 101-1-7) as follows:

Lot, nonconforming. 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.

Due to the nonconforming nature of these lots, modifications are subject to Section 108-12-12 of the LUC as follows:

Sec 108-12-12 Reconfiguring Nonconforming Lots

Nonconforming lots may be reconfigured in a manner that complies with the standards of the zone in effect at the time of the lot’s creation if the reconfiguration does not create any more lots than currently exist. The reconfiguration shall not cause any other lot to become nonconforming or more nonconforming. If the nonconforming lot is part of a platted subdivision an amended subdivision plat is required.

Following review of this section, staff found that the proposed reconfiguration is not creating any more lots than currently exist, and is causing the one resulting lot to be less nonconforming with current zoning requirements for the FR-1 zone. Thereby satisfying the zoning requirements.

Small Subdivision: Per Section 101-1-7, this proposal qualifies as a “small subdivision” consisting of three or fewer lots for which no new streets are being created or realigned. As such, this subdivision may be approved administratively by the Planning Director.

Flood Zone: As depicted in the image below, this project has a small portion of area that falls within the FEMA Flood Zone AE. Accordingly, the applicant has been required to depict the Base Flood Elevation (BFE) on the plat. Additionally, the Weber County Engineering Department has requested that a note be placed on the plat indicating that all finished floors must be at least one foot above the BFE.



Culinary Water: Culinary and secondary water will be provided by Ogden City through an existing water line. See **Exhibit C** for the associated culinary will-serve letter. Staff reached out to Ogden City engineering and verified that this culinary water source may be used for secondary purposes. Additionally, Ogden City does not require that a secondary water source be connected to the property as a condition to their culinary water service.

Sanitary System: Weber-Morgan Health Department has provided a reissued septic feasibility letter stating that the groundwater tables fall within a range of acceptability for the placement of wastewater disposal systems, and that the proposed one-lot subdivision could be approved (see **Exhibit D**).

Review Agencies: The Weber County Fire District has approved this proposal. Reviews from Engineering, Surveying, and Planning have all been submitted with additional requirements prior to recording. As a condition of approval, all review agency requirements will need to be satisfied prior to the final mylar being recorded.

Tax Clearance: The 2020 property taxes have been paid in full. The 2021 property taxes are due in full as of November 30, 2021.

Public Notice: Noticing has been re-issued to all property owners of record within 500 feet of the subject property.

Staff Recommendation

Staff recommends preliminary and final approval of Neilson Hermitage Subdivision, consisting of 1 lot. This recommendation for approval is subject to the following conditions:

1. All review agency requirements shall be satisfied prior to the recording of the final subdivision plat.
2. A Deferring Public Improvements Agreement for curb, gutter, and sidewalk will need to be executed and recorded simultaneously with the final plat.
3. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction will need to be executed and recorded simultaneously with the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes, including Sec. 108-12-12 regulating the reconfiguration of nonconforming lots.

Administrative Approval

Administrative final approval of Nielson Hermitage Subdivision 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 recommended conditions of approval listed in this staff report.

Date of Administrative Approval: 6/30/2021



Weber County Planning Director
Principal Planner

Exhibits

- A. Subdivision Application
- B. Subdivision Plat
- C. Culinary Will-Serve Letter
- D. Re-issued Weber-Morgan Health Department Letter of Septic Feasibility
- E. Original OVPC staff report dated 06/23/2020

Location Map



UVN
11-2020

Exhibit A

Weber County Subdivision Application

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

Date Submitted / Completed 05/11/2020	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Subdivision and Property Information

Subdivision Name Neilson Hermitage		Number of Lots 3
Approximate Address 305 Ogden Cyn		Land Serial Number(s) 200300012 200300011 200300010 200300009
Current Zoning FR1	Total Acreage .48	
Culinary Water Provider Ogden City	Secondary Water Provider N/A	

Property Owner Contact Information

Name of Property Owner(s) Doug Neilson		Mailing Address of Property Owner(s) 3744 Van Buren Ave. Ogden, Utah 84403	
Phone 801-624-9077	Fax N/A	Preferred Method of Written Correspondence Email Fax Mail Email	
Email Address Douglasray15@gmail.com			

Authorized Representative Contact Information

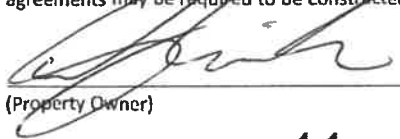
Name of Person Authorized to Represent the Property Owner(s) (SAME)		Mailing Address of Authorized Person	
Phone	Fax	Preferred Method of Written Correspondence Email Fax Mail	
Email Address			

Surveyor/Engineer Contact Information

Name or Company of Surveyor/Engineer Klint Whitney - Gardner Engineering		Mailing Address of Surveyor/Engineer 5150 S 375 E Washington Terrace, UT 84405	
Phone 801-476-0202	Fax 801-476-0066	Preferred Method of Written Correspondence Email Fax Mail Email	
Email Address Klint@gecivil.com			

Property Owner Affidavit

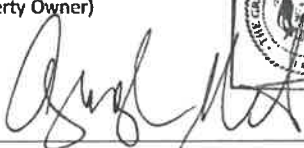
I (We), **Doug Neilson**, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.



 (Property Owner)

(Property Owner)





 NOTARY

Subscribed and sworn to me this **11** day of **May**, 20**20**

Service Letter for 301, 303 ,and 305 Ogden Canyon

3 messages

Anderson, Justin <JustinAnderson@ogdencity.com> Fri, May 3, 2019 at 9:37 A
To: "douglasray15@gmail.com" <douglasray15@gmail.com>
Cc: "Moffett, Kenton" <KentonMoffett@ogdencity.com>, "Nielsen, Taylor" <TaylorNielsen@ogdencity.com>, "Stratford, Mark" <MarkStratford@ogdencity.com>, "Daniels, David" <DavidDaniels@ogdencity.com>

Mr. Douglas Neilson,

The property in the Hermitage Subdivision listed as lot 301, 303, and 305 does have a distribution service along the frontage. The distribution service belongs to Ogden City and is available for connection at the property location. Mainline connections must be installed in accordance to the ordinance and standards approved by Ogden City. All applicable plan and permit requirements from Ogden City, Weber County, and UDOT must be adhered to for installation of the service. Each connection may be made to the 8" mainline and must have an engineered plan submitted for approval to the City prior to connection. No connections will be allowed on the 24" transmission line.

These parcels are outside of Ogden City's service area and are subject to different rules and regulations than customers that are within Ogden's Service area. Acceptance of these terms is required in order for water to actually be supplied to the property.

Please contact me with any further questions.

Justin Anderson, P.E.

Ogden City Public Services

Deputy Director / City Engineer

2549 Washington Blvd

Ogden, UT 84401

Office: (801) 629-8982

BRIAN COWAN, MPH, LEHS
Health Officer/Executive Director



May 19, 2021

Doug Nelson
3744 Van Buren Ave.
Ogden, UT 84403

RE: Weber-Morgan Health Department Subdivision Review
Neilson Hermitage Subdivision, 2 lots
Parcel #20-030-0009, 20-030-0010, 20-030-0011, & 20-030-0012
Soil Log#14608

Members of the administration from the Weber-Morgan Health Department have met to review the proposed **Neilson Hermitage Subdivision** concept plan. The current subdivision proposal is a two-lot subdivision. The square footage of the proposed lots are 8,283 ft² for LOT1 and 12,564 ft² for LOT2. The following outlines the determination of the review performed.

Determination 1:

The current proposal does not meet the minimum lot size standards for approval as outlined in the Utah Administrative Code R317-4 nor the requirements of the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation. Therefore, the subdivision cannot be approved by our office.

UAC R317-4-13. Tables.1.1 Minimum Lot Size (a) by Soil Type and Culinary Water Source

Soil Type	Public Water Supply	Non-public Water Supply (b)
1	12,000 sq. ft.	1 Acre
2	15,000 sq. ft.	1.25 Acres
3	18,000 sq. ft.	1.5 Acres
4	20,000 sq. ft.	1.75 Acres
5 (c)	20,000 sq. ft. (c)	1.75 Acres (c)

Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation Section 4.38 Minimum Lot Size (a) by Soil Type and Culinary Water Source

Soil Type	Public Water Supply(g)	Non-public Water Supply (b)
1	20,000 sq. ft	1 Acre
2	20,000 sq. ft	1.25 Acres
3	20,000 sq. ft	1.5 Acres
4	20,000 sq. ft	1.75 Acres
5 (c)	20,000 sq. ft (c)	1.75 Acres

Determination 2:

The development as a new subdivision does not meet the criteria for consideration of a Variance Request as outlined in the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation Section 4.19.2. The intent of the variance process is create a systematic process for the consideration of a variance for those lots of record, legally created predating the inception of the 20,000 square foot minimum lot size requirement. A variance cannot be considered for the creation of a new lot or subdivision.

4.19 Add new Subsection D. to Section 4.1. to read:

D. Variance to Section 4.1.D lot size. The Board of Health may grant a variance to the 20,000 square foot lot size requirement when the following requirements are met:

2. A variance may only be considered on lots recorded prior to November 27, 2006. Nothing in this variance is intended to preclude from consideration those lots recorded prior to (the adoption date of this provision), which have been properly combined, at any time after the original recording, in accordance with all relevant Weber or Morgan County land use ordinances.

Determination 3

The submitted surveyed plat for the two-lot subdivision proposal includes an accumulative area of 20,847 ft². If the subdivision proposal was reduced to a single lot of this size, or of a size of 20,000 ft² or greater, our office could then approve the subdivision. Site and soil work as well as water table monitoring have been completed on these lots. The work is sufficient for our office to issue a letter of feasibility for the lots to be combined into a single lot of 20,000 ft² or greater. Proof of water service would be required during the subdivision review before formal approval would be given. At this time, a formal subdivision application has not been submitted to our office for this project. If the applicant would like to resubmit the single lot proposal for review a formal subdivision application, the required fee, and a new subdivision plat proposal should be submitted to our office.

You may appeal this Notice. You have ten calendar days from the date of this notice was received, to request in writing, a conference before the Weber- Morgan Health Department. The written request for a conference shall be made on a form provided by the department. The conference shall take place within ten calendar days, or other time mutually agreed upon, after the request is received. A written notice of the Department's final determination shall be given within ten calendar days after adjournment of the conference. The Department may sustain, modify, or reverse the action or order, but shall not require less than the minimum requirements of the Regulation and other applicable law.

Sincerely,


Summer Day, LEHS III
Environmental Health Division

CC Scott Perkes, Weber County Planning



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on preliminary and final approval of the Doug Neilson Subdivision consisting of 3 lots in the FR-1 Zone at approximately 301-305 Ogden Canyon.

Agenda Date: Tuesday, June 23, 2020

Applicant: Doug Neilson, Owner

File Number: UVN052020

Property Information

Approximate Address: 301 Ogden CYN, Ogden, Utah 84401

Project Area: 0.82 acres

Zoning: Forest Residential Zone (FR-1)

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 20-030-0012, 20-030-0011, 20-030-0010, 20-030-0009, 20-030-0013

Township, Range, Section: T6N, R1E, SW ¼ Section 18

Adjacent Land Use

North: Ogden River	South: USF
East: Residential	West: Ogden River

Staff Information

Report Presenter: Scott Perkes
 sperkes@co.weber.ut.us
 801-399-8772

Report Reviewer: SB

Applicable Codes

- Weber County Land Use Code Title 104 (Zoning) Chapter 13 (Forest Residential FR-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 12 (Noncomplying Structures, Nonconforming Uses, And Nonconforming Lots)

Background

The applicant is the current owner of parcel IDs 20-030-0009, -0010, & -0011 which comprise of lots 4, 5, & 6 of the Hermitage Block 10 Subdivision, respectively. The applicant also owns parcel 20-030-0012, which is an unplatted parcel that lies immediately west of lot 6 of the Hermitage Block 10 Subdivision. The applicant has submitted an application (see **Exhibit A**) to replat each of these four parcels into a new subdivision boundary that would create three single-family residential lots.

In tandem with this subdivision application, the applicant submitted two variance requests to better accommodate a reasonable single-family dwelling footprint on Lot 3 of the proposed subdivision. The first request was for an 11-foot variance from the side yard setback of 20-feet to allow for a 9-foot side setback. The second request was for a 19-foot variance from the rear yard setback of 30-feet to allow for an 11-foot rear setback. Both these variances were granted by the Weber County Board of Adjustment during their June 11, 2020 meeting. The granting of these variances was conditioned on the associated subdivision being configured as reviewed by the Board of Adjustment (see **Exhibit E** for the Notice of Decision).

The overall intent of these two applications is to create residential lots that are less nonconforming with current zoning standards and improve the overall spacing and configuration of the developable areas (see **Exhibit B** for the proposed subdivision plat).

Analysis

General Plan: This proposal is in conformity with Ogden Valley General Plan (OVGP) by “encouraging and promoting a voluntary reduction in overall development units in the Ogden Valley planning area by such measures as conservation easements, donations of development rights, etc...” (See page 15 of the OVGP). By creating three residential lots out of the

four parcels, the proposal effectively eliminates a development right, thereby reducing the density that otherwise could be permitted.

Zoning: The property is located in the FR-1 Zone. The purpose of this zone is stated in the LUC §104-13-1.

“The purpose of the forest residential zone is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”

Each of the existing lots in the Hermitage Block 10 subdivision (Lots 4, 5, & 6), in addition to the additional parcel (20-030-0012) being incorporated into the subdivision boundary, meets the definition of a “Nonconforming Lot” (per LUC 101-1-7) as follows:

***Lot, nonconforming.** 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.*

Due to the nonconforming nature of these lots, modifications are subject to Section 108-12-12 of the LUC as follows:

Sec 108-12-12 Reconfiguring Nonconforming Lots

Nonconforming lots may be reconfigured in a manner that complies with the standards of the zone in effect at the time of the lot’s creation if the reconfiguration does not create any more lots than currently exist. The reconfiguration shall not cause any other lot to become nonconforming or more nonconforming. If the nonconforming lot is part of a platted subdivision, an amended subdivision plat is required.

Following review of this section, staff found that the proposed reconfiguration is not creating any more lots than currently exist, and is causing each of the resulting lots to be less nonconforming with current zoning requirements for the FR-1 zone. Thereby satisfying the zoning requirements.

Small Subdivision: Per Section 101-1-7, this proposal qualifies as a “small subdivision” consisting of three or fewer lots for which no new streets are being created or realigned. As such, this subdivision may be approved administratively by the Planning Director. However, while staff does not believe that there are specific conditions that warrant the project’s submittal to the planning commission, staff has brought this application to the OVPC to explain the variances granted by the Board of Adjustment, and to demonstrate this project as an example of a reduced development right in support of the Ogden Valley General Plan.

Flood Zone: As depicted in the image below, this project has a small portion of area that falls within the FEMA Flood Zone AE. Accordingly, the applicant has been required to depict the Base Flood Elevation (BFE) on the plat. Additionally, the Weber County Engineering Department has requested that a note be placed on the plat indicating that all finished floors must be at least one foot above the BFE.



Culinary Water: Culinary and secondary water will be provided by Ogden City through an existing water line. See **Exhibit C** for the associated culinary will-serve letter. Staff reached out to Ogden City engineering and verified that this culinary water source may be used for secondary purposes. Additionally, Ogden City does not require that a secondary water source be connected to the property as a condition to their culinary water service.

Sanitary System: Weber-Morgan Health Department has provided a letter stating that the groundwater tables fall within a range of acceptability for the placement of wastewater disposal systems (see **Exhibit D**).

Review Agencies: The Weber County Fire District has approved this proposal. Reviews from Engineering, Surveying, and Planning have all been submitted with additional requirements prior to recording. As a condition of approval, all review agency requirements will need to be satisfied prior to the final mylar being recorded.

Tax Clearance: The 2019 property taxes have been paid in full. The 2020 property taxes are due in full as of November 30, 2020.

Public Notice: Noticing was provided to all property owners of record within 500 feet of the subject property.

Staff Recommendation

Staff recommends preliminary and final approval of Doug Nelson Subdivision, consisting of 3 lots. This recommendation for approval is subject to the following conditions:

1. All review agency requirements shall be satisfied prior to the recording of the final subdivision plat.
2. A Deferring Public Improvements Agreement for curb, gutter, and sidewalk will need to be executed and recorded simultaneously with the final plat.
3. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction will need to be executed and recorded simultaneously with the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes, including Sec. 108-12-12 regulating the reconfiguration of nonconforming lots.

Exhibits

- A. Subdivision Application
- B. Subdivision Plat
- C. Culinary Will-Serve Letter
- D. Weber-Morgan Health Department Letter of Feasibility
- E. Notice of Decision – Granted Variance Requests

Location Map



UVN
11-2020

Exhibit A

Weber County Subdivision Application

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

Date Submitted / Completed 05/11/2020	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Subdivision and Property Information			
Subdivision Name Neilson Hermitage		Number of Lots 3	
Approximate Address 305 Ogden Cyn		Land Serial Number(s) 200300012 200300011 200300010 200300009	
Current Zoning FR1	Total Acreage .48		
Culinary Water Provider Ogden City	Secondary Water Provider N/A	Wastewater Treatment Septic - Pack bed media	

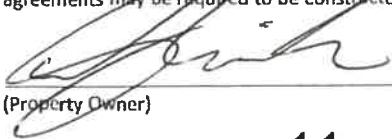
Property Owner Contact Information			
Name of Property Owner(s) Doug Neilson		Mailing Address of Property Owner(s) 3744 Van Buren Ave. Ogden, Utah 84403	
Phone 801-624-9077	Fax N/A		
Email Address Douglasray15@gmail.com		Preferred Method of Written Correspondence Email Fax Mail Email	

Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) (SAME)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence Email Fax Mail	


Surveyor/Engineer Contact Information			
Name or Company of Surveyor/Engineer Klint Whitney - Gardner Engineering		Mailing Address of Surveyor/Engineer 5150 S 375 E Washington Terrace, UT 84405	
Phone 801-476-0202	Fax 801-476-0066		
Email Address Klint@gecivil.com		Preferred Method of Written Correspondence Email Fax Mail Email	

Property Owner Affidavit

I (We), Doug Neilson, 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. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.


(Property Owner)

Subscribed and sworn to me this 11 day of May, 2020


(Property Owner)



Service Letter for 301, 303 ,and 305 Ogden Canyon

! messages

Anderson, Justin <JustinAnderson@ogdencity.com> Fri, May 3, 2019 at 9:37 A
To: "douglasray15@gmail.com" <douglasray15@gmail.com>
Cc: "Moffett, Kenton" <KentonMoffett@ogdencity.com>, "Nielsen, Taylor" <TaylorNielsen@ogdencity.com>, "Stratford, Mark" <MarkStratford@ogdencity.com>, "Daniels, David" <DavidDaniels@ogdencity.com>

Mr. Douglas Neilson,

The property in the Hermitage Subdivision listed as lot 301, 303, and 305 does have a distribution service along the frontage. The distribution service belongs to Ogden City and is available for connection at the property location. Mainline connections must be installed in accordance to the ordinance and standards approved by Ogden City. All applicable plan and permit requirements from Ogden City, Weber County, and UDOT must be adhered to for installation of the service. Each connection may be made to the 8" mainline and must have an engineered plan submitted for approval to the City prior to connection. No connections will be allowed on the 24" transmission line.

These parcels are outside of Ogden City's service area and are subject to different rules and regulations than customers that are within Ogden's Service area. Acceptance of these terms is required in order for water to actually be supplied to the property.

Please contact me with any further questions.

Justin Anderson, P.E.
Ogden City Public Services
Deputy Director / City Engineer

2549 Washington Blvd
Ogden, UT 84401
Office: (801) 629-8982

BRIAN W. BENNION, M.P.A., L.E.H.S.
Health Officer/Executive Director



April 30, 2020

Weber County Planning Commission
2380 Washington Blvd.
Ogden, UT 84401

RE: Doug Neilson properties
Properties 301, 303 & 305 Ogden Canyon
Parcel # 20-030-0009, 20-030-0010, 20-030-011, and 20-030-0012
Soil log #14608

A formal review of the onsite wastewater treatment systems plans, lot line adjustment and lot combination, of the three lot development including parcel numbers 20-030-0009, 20-030-0010, 20-030-011, and 20-030-0012 has been complete by this office. The plan submitted on February 29, 2020 for the aforementioned lots has been found to comply with all state and local onsite wastewater treatment system regulation.

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Ogden City Water District, an approved water system. A letter from the water supplier is required prior to issuance of a permit.

DESIGN REQUIREMENTS and RESTRICTIONS 303 & 305

At current we believe the proposal is to remodel the existing homes located at 20-030-0010, 303 Ogden Canyon and parcel 20-030-00009, 305 Ogden Canyon. The homes located on these parcels are existing structure. The onsite wastewater plan submitted to our office shows that the homes will be improved to utilize packed bed media pretreatment onsite wastewater systems with drip irrigation lines installed at a maximum trench depth of 12 inches below grade, with a maximum application rate of 0.9 gpd/sq ft, documented ground water not to exceed 24 inches. Our office would approve the renovation of the two homes with no increase in the number of bedrooms or daily wastewater flow.

303 & 305 lot line adjustment

Multiple shared property line currently run along with the existing homes. Thus causing issues meeting setback requirements and increasing the probability of civil suit between property owners. Our office would with the improvement of the properties, approve the adjustment of the property line located between 20-030-0010, 303 Ogden Canyon and parcel 20-030-00009, 305 Ogden Canyon a proposed adjustment of 7 feet to the west, and the property line located between 20-030-0011, and parcel 20-030-0010, 303 Ogden Canyon a proposed adjustment of 15 feet to the west. Thus reducing future hardship on the property owner.

DESIGN REQUIREMENTS and RESTRICTIONS 301, New SFD

A new single family dwelling is proposal to be located on parcel number 20-030-0012 and the remainder of parcel number 20-030-0011. The combination of the lots will form a new parcel with a minimum lot size of 20,000 square feet. Our office has reviewed it as such. Parcel number 20-030-0012 when previously review for minimum lot size was shown to have 0.5 acres which meet the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation. The onsite wastewater plan submitted to our office shows that the homes will utilize packed bed media pretreatment onsite wastewater systems with drip irrigation lines installed at a maximum trench depth of 12 inches below grade, with a maximum application rate of 0.9 gpd/sq ft, documented ground water not to exceed 24 inches. The reviewed plan meets the requirement to facilitate the wastewater disposal for a four bedroom residence.

EDUCATE | ENGAGE | EMPOWER

phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | www.webermorganhealth.org



Weber County Board of Adjustment
NOTICE OF DECISION

June 12, 2020

Doug Neilson
301 Ogden Canyon
Ogden, UT 84401

Case No.: BOA 2020-04

You are hereby notified that your request for an 11-foot variance from the side yard setback and a request for a 19-foot variance from the rear yard setback in the FR-1 zone was approved by the Weber County Board of Adjustment in a public hearing held on June 12, 2020 after due notice to the general public and specifically to adjacent property owners.

The Boards decision was based on the following findings:

- a. Literal enforcement of the Land Use Code would require an unfavorable result. Literal enforcement of the 30-foot front yard setback and the 19.4-foot reduced side yard setback would require a building footprint that would be inefficient and would produce a structure that does not match neighboring development.
- b. The special circumstances that apply in this instance are due to the unique wide and shallow shape of the parcel, that when standard zoning setbacks are applied, would create a hardship on the owner by preventing the placement a reasonable dwelling footprint on the property.
- c. Granting the variance would allow the owner of the parcel to improve the overall subdivision proportions and building separation while also improving the conformance of the existing lots to better match current zoning dimensions.
- d. The General Plan indicates that this area should be developed as is planned and zoned; thereby the variance and development is not contrary to any public interest.
- e. This variance request is not an attempt to avoid or circumvent the requirements of the County Land Use Code. The applicant has gone through the proper channels in applying for a variance. Granting this variance will improve the area through the reduction of one lot, additional lot and building separation, and consistent building setbacks.

This approval is subject to the following condition:

- a. Approval of the associated subdivision amendment to the Hermitage Block 10 subdivision.

Please feel free to reach out should you have any questions regarding this action.

Scott Perkes
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The approval of a Board of Adjustment Case is issued to the owner of the land as signed on the application and is valid for a period of time **not longer than 18 months** from the date of the Board decision or until an ordinance amendment changes the conditions upon which the decision was made. The issuance of a building permit for development stated in the Board of Adjustment case application constitutes full use of the variance or other benefit applied for.