



Oakley City City Council Staff Report

FINAL PLAT – Oakley 1886 Subdivision/Master Planned Development **Applicant(s): Wes Harwood and David Berger**

To: Oakley City Council
From: Stephanie Woolstenhulme, City Planner
Date of Meeting: February 26, 2025
Type of Item: Final Plat – Possible Action
Process: Administrative Review

Staff Report completed 2.24.2025. Subject to change prior to open meeting.

RECOMMENDATION: Staff recommends that the City Council hold a final plat review of Oakley 1886 Subdivision plat according to the findings of fact, conclusions of law and any condition set forth by the Commission.

PROJECT DESCRIPTION

Project Name: Oakley 1886 Subdivision
Applicant(s): Wes Harwood and David Berger
Property Owner(s): Wes Harwood and David Berger
Location: 266 E Weber Canyon Road
Parcel Number(s): OT-78, OTBV-256, OT-74, OTBV-248
Size: 62.47 acres
Zone District: 42.26 acres in Agricultural 5. 20.21 acres in Agricultural 40
Adjacent Land Uses: Residential/Agricultural
Existing Uses: Residential/Pasture
Public Hearing: 10.2.2024 Planning Commission - Prelim. 2.26.2025 City Council-final.

PROPOSAL:

The applicant(s) proposes to create the Oakley 1886 Subdivision on cumulative 62.47 acres. Subdivision consists of 13 lots, Lots 1-12 will be included in subdivision boundaries. Lot 13 created as affordable housing unit and not in subdivision boundaries. 10 lots from the parcel zoning (8 lots in A5 and 2 lots of record in A40), 2 lots from Quest Trail Agreement (Entry No. 01202284) and 1 lot (Lot 13 keeping existing home as an affordable housing unit.)

FINDINGS OF FACT

1. Located at 266 E. Weber Canyon Road.
2. Property is in AR-5 and AR-40 zoning.
3. Water – Oakley City water
4. Sewer – Septic

CONCLUSIONS OF LAW

1. This type of development is allowed in AR-5 and AR-40.

2. City Council must find that neither the public nor person are materially injured by the proposed subdivision.

CITY ENGINEER COMMENTS –

All addressed on plat or in the development agreement.

CITY PUBLIC WORKS COMMENTS –

Comments regarding water and hydrants have been addressed. Possible looped culinary line in future.

SOUTH SUMMIT FIRE –

Approved by South Summit Fire. Including possible gated entrance, width of road, and turnaround areas.

DEVELOPMENT AGREEMENT SUMMARY

1. Project Aesthetics
 - a. Architectural design
 - b. Building envelopes designated. Primary dwelling and accessory dwelling allowed in building envelope. Agricultural buildings allowed outside building envelope.
 - c. Fencing – style and height controlled
 - i. Current concrete fence at north end of property allowed to remain
2. Weber River Corridor Trail
 - a. Project subject to recorded trail easement and access agreement. In development agreement and on the plat.
3. Replant or replace any trees removed in project and warranty of trees for 1 year.
4. Protection of wetlands and sensitive land overlay. Plat also provide the delineation of both boundaries.
5. Private road. Further details below and to be recorded on plat.
6. Water
 - a. Transfer of sufficient water rights to cover residential development by deed.
 - b. Served by Oakley City water, 8" line with hydrants as necessary, and in-ground irrigation system.
7. Dark Sky compliance
8. Affordable housing obligation
 - a. Home on Lot 13 will be deed restricted to maintain affordable housing status.
 - b. ADU could be built on Lot 13 and rented at market rate.
9. Training and Ropes Course allowed UNTIL issuance of first building permit.
10. No further subdivision of property.

FURTHER INFORMATION

1. Access
 - a. Width. 50' wide private driveway and utility easement. 26' of asphalt
 - b. Lot 13 access will return to Weber Canyon Rd.
 - c. Gated road. At developer discretion but with permission of fire department and allowable with code.
2. Water infrastructure placed in access right-of-way.
 - a. Upgrade line to 8" for pressure and hydrants.
 - b. Looped line ideal.
3. Irrigation water plan

- a. Exchange of water shares
- b. Pressurized irrigation system.
 - i. Possible extension of system.
 - ii. Easements established on plat around pressurized system
- 4. Future Emergency Ingress/Egress between lots 8 and 9.
- 5. Public Utility Easements around all lots. Will allow for possible looped culinary line or irrigation line in future.
- 6. Affordable Obligation
 - a. Allowable Base Units proposed = 12 units – 8 unit exemption = 4 units x .15 = 0.6 AUE
 - b. Lot 13 with existing home to fulfill obligation. Per city code, it may be added as an additional lot.
 - c. Will be deed restricted. Including limits on qualifying and price.
- 7. Properties to be incorporated as an association with recorded Covenants, Conditions, and Restrictions. CC&Rs have been reviewed.

RELATED OAKLEY CITY CODE

13-4-7 Agricultural Residential-5 (AR-5)

Summary. 1 development right per 5 acres density. Lot size minimum is 1 acre. Applicable setbacks. 32' from natural grade height limit. Uses as determined by Oakley City Code.

13-4-1 Agricultural Residential – 40 (AR-40)

Summary. 1 development right per 40 acres density. Lot size minimum is 1 acre. Applicable setbacks. 32' from natural grade height limit. Uses as determined by Oakley City Code.

13.5.5.C Subdivisions Consisting of Four or More Lots.

13.6 Affordable Housing

13.9.8.C Road Standards: Public and private roads in subdivisions shall meet the following minimum right of way, surface, shoulder width, and other standards. Road surfaces shall be capable of providing all weather, year around access as approved by the Fire District and the City:

1. Width of Surface:

	DESIGN VOLUME						
DESIGN SPEED	<25	25- 250	251- 699	700- 999	1,000- 2,499	2,500- 5,000	5,001+
20 mph	14	16	20	22	22	24	24
30 mph	16	18	20	22	22	24	24
40 mph	18	20	22	22	22	24	24
50 mph	-	20	22	22	22	24	

2. Roads designed to carry a large traffic volume per day at higher speeds may be required to be wider than described. This will be based on a determination of the specific design volume, speed, terrain and other characteristics to be calculated at the time of development application. Public roads, to be owned and maintained by the City, shall be a minimum of twenty-four feet (24') of paved surface width. In special circumstances, providing safety standards are met, the City Engineer and Planning Commission may reduce this width standard on a case-by-case basis to protect sensitive lands, hill sides, reduce visibility, or minimize maintenance.
3. ShoulderWidth:

	DESIGN VOLUME						
DESIGN SPEED	<25	25-250	251-699	700-999	1,000-2,499	2,500-5,000	5,001+
All Speeds	1'- 2'	1'- 4'	2' - 4'	2' - 6'	2' - 6'	2' - 6'	

Applicable fire code for hydrant locations and Y/hammerhead determination.

POSSIBLE REQUIREMENTS

Plat notes:

"Further subdivision of such lands, whether by deed, bequest, divorce, decree, or other recorded instrument, shall not result in a buildable lot until the same has been approved in accordance with the Oakley City Land Management and Development Code."

"The owners of property within Oakley City recognize the importance of agricultural lands and operations and small rural business enterprises. It is recognized that agricultural lands and operations and rural business enterprises have unique operating characteristics that must be respected. Owners of each lot platted in this subdivision/the owner of the residence constructed upon this Lot have/has been given notice and recognizes that there are active agriculture lands and operations and rural business enterprises within Oakley City and acknowledge(s) and accept(s) that, so long as such lands and operations exist, there may be dust, noise, odor, prolonged work hours, use of roadways for the purposes of herding/moving animals, and other attributes associated with normal agricultural operations and rural businesses."

This subdivision includes formerly irrigated properties. As such, any non-agricultural development constructed over or added to this subdivision in the future, including possible re-subdividing action, must deed to Oakley City water rights or agricultural irrigation shares in an acceptable quantity that can fully service the residential units and/or commercial development(s) in its final form. Permission from any relevant irrigation company will also be provided to enable the City to better file change or exchange application(s) to convert the water rights or agricultural water shares to municipal type uses within it established service boundaries and as withdrawn from any or all approved points of diversion of Oakley City. Water rights and irrigation company shares must be properly deeded to the City before building permits or development approvals can be finalized.

“Oakley City has committed to providing water service to the lots included in this plat.”

“All lot owners served by Oakley City (the City) within this plat agree to abide by all of the Water and Wastewater (if applicable) Rules, Regulations, and other Construction related Standards and Specifications of the City, including payment of all necessary fees prior to the issuance of a building permit. Lot owners also recognize that the City’s service area spans a large mountainous area with extreme vertical relief resulting in numerous pressure regulation facilities. As such, the owners recognize that fluctuations (albeit infrequent) in water pressure may pose a risk to properties served by said system. Owners agree to install and be responsible for the proper operation of any necessary pressure regulation and backflow devices to protect any plumbing facilities and fire sprinkling systems. Further, the City shall have the right to install, repair, maintain, replace, enlarge, extend, and operate their equipment above and below ground and all other related facilities within any easements identified on this plat as may be necessary or desirable in providing water services within and without the lots identified herein, including the rights of access to such facilities and the right to require the removal of any obstruction including structures and trees, that may have been placed within the easements. The City may require the lot owner to remove all structures and vegetation within the easement at the lot owner’s expense. At no time may any permanent structures, including trees and retaining walls, be placed within the easements or any other obstruction which interferes with the access and use of the easements without the prior written approval of the City. The City is further granted rights of access to any and all non-exclusive easements, including emergency or non-emergency access roads contained within this plat to enlarge and/or extend its services to any adjoining properties and plats.”

ATTACHMENTS TO THIS REPORT

1. Final Plat.

The City Council is empowered to require additional and reasonable improvements to mitigate any detrimental effects to surrounding property and residents and to safeguard the general welfare of the future inhabitants of the subdivision.