

WEBER COUNTY PLANNING DIVISION

Administrative Review Meeting Agenda

October 14, 2015

4:00 - 5:00 p.m.

1. Consideration and action on a request to use a private Right-of-Way (ROW) as the primary access for Lot 1 of what will be the Cope Subdivision that does not have frontage on a street. The proposed subdivision is located in the Manufacturing (M-1) Zone at approximately 7713 W 900 S. John Cope, Applicant
2. Consideration and action on an administrative application that will take place during for final approval of Shanghai Canyon Subdivision. The proposed subdivision is considered a small subdivision, consisting of one lot for which no streets will be created or realigned located at 156 N. Hwy 158, Eden. David Clapier, Applicant
3. Consideration and action on an administrative application for final approval of Middle Fork Ranches, 1st Amendment (2 Lots) located at 1477 N 7425 E, Huntsville, in the Agricultural Valley (AV-3) Zone. Access for the lots will be from 7425 East. The purpose of this subdivision is to reconfigure the lot-line between Lots 6 and Lot 7. Troy Green, Applicant
4. Consideration and action on an administrative application for final approval of Green Hills County Estates, Phase 7, 1st Amendment located at 8850 Pineview Drive, Huntsville, in the Forest (F-5) and (F-40) Zones. The subdivision amendment is to include two areas into the HOA's common areas. The amendment included the two lots of the final phase for platting purposes and no dimensional changes are to occur with Lots 116 and Lots 117. Brian See, Agent
5. Consideration and action on an administrative application for final approval of KEO Homestead Subdivision (1 Lot) located at approximately 5550 East Hwy 39 in the Forest Valley (FV-5) Zone. The proposed subdivision consisting of one lot is to be accessed from an existing Private Right-of-Way that comes up the hill from Highway 39. Andy Hubbard, Agent
6. Consideration and action on an administrative application on a request to use a private right-of-way as the primary access for Lot 1 of what will be the KEO Homestead Subdivision that does not have frontage on a street. Andy Hubbard, Applicant
7. Adjournment

The meeting will be held in the Weber County Planning Division Conference Room, Suite 240, in the Weber Center, 2nd Floor, 2380 Washington Blvd., Ogden, Utah unless otherwise posted



In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791



Staff Report for Administrative Approval – Access Exception for a Private Right-of-Way

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request to use a private right-of-way (R.O.W) as the primary access for lot 1 of what will be the Cope Subdivision that does not have frontage on a street.

Agenda Date: Wednesday, October 14, 2015

Applicant: John Cope

File Number: Access Exception (AE 2015-04)

Property Information

Approximate Address: 7713 West 900 South

Project Area: 5.89 Acres

Zoning: Manufacturing (M-1)

Existing Land Use: Agriculture

Proposed Land Use: Residential Lot

Parcel ID: 10-043-0084

Township, Range, Section: T6N, R3W, Sections 22

Adjacent Land Use

North: Agriculture	South: Agriculture/Residential
East: Agriculture	West: Agriculture

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8767

Report Reviewer: SW

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 22 (Manufacturing M-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations)

Background

The applicant is requesting administrative approval to use a right-of-way (R.O.W) as the primary access for Lot 1 of the proposed Cope Subdivision. The property is located in the Manufacturing M-1 Zone at approximately 7713 West 900 South. The proposed lot has 5.89 acres. The manufacturing zone requires single family dwellings to be on 5 acres. The new lot will be accessed by a 26 foot wide and 1197 foot long easement to the property. The easement as shown of the recorders plat is 20 feet wide and serves two additional homes. There is a 6 inch water line in the R.O.W. and a fire hydrant located on the south corner of the property.

The existing R.O.W is required to meet the design, safety, and lot/parcel standards listed in Title 108 Chapter 7 Section 29 of the Weber County Land Use Code. The R.O.W. is maintained by the property owner to the south of the proposed lot. In addition to these standards, the ROW is required to comply with the criteria and conditions listed in Section 31, which is specific to access by a private R.O.W. These standards are listed below under "Summary of Planning Division Considerations." Approval of the private R.O.W as the primary access does not act as approval of the subsequent subdivision plat.

Summary of Planning Division Considerations

108-7-31. Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

1. Criteria

- a. The lot/parcel is a bona-fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
- b. Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

2. Conditions

- a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and
- b. The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

Staff has reviewed and analyzed the request for access by a private R.O.W using the criteria in Section 31. Based on review and analysis of staff's research and the information provided, staff has made the following determinations:

- Property boundary conditions are such that the parcel to be subdivided does not have access from a street and the applicants do not own additional property adjacent to a street that could be used to create a flag lot or build a road. If a road was required, other property owners adjacent to this property would have to agree to participate in its construction on their land. A multiple lot subdivision is located to the north of this property with no road stubs at this location. The property to the east has homes already developed on their frontage along 2550 West.
- Construction of a road to serve this lot from 900 South is impractical because the property where the road would be located has several existing structures including a dwelling. A road located in this area would be disruptive to the existing dwelling and agricultural operation. Due to these circumstances, construction of a road to serve one lot is impractical.
- The applicant has provided a copy of the recorders plat that shows the easement along his property which serves other family members to the south of this property.
- Prior to receiving final occupancy on the new dwelling, the applicants must also sign an agreement to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private R.O.W with a street that would serve as a required access to additional lots.

Conditions of Approval

- Prior to final subdivision approval, the applicants must also sign an agreement to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private R.O.W with a street that would serve as a required access to additional lots.
- Meeting applicable review agency requirements.

Staff Administrative Approval

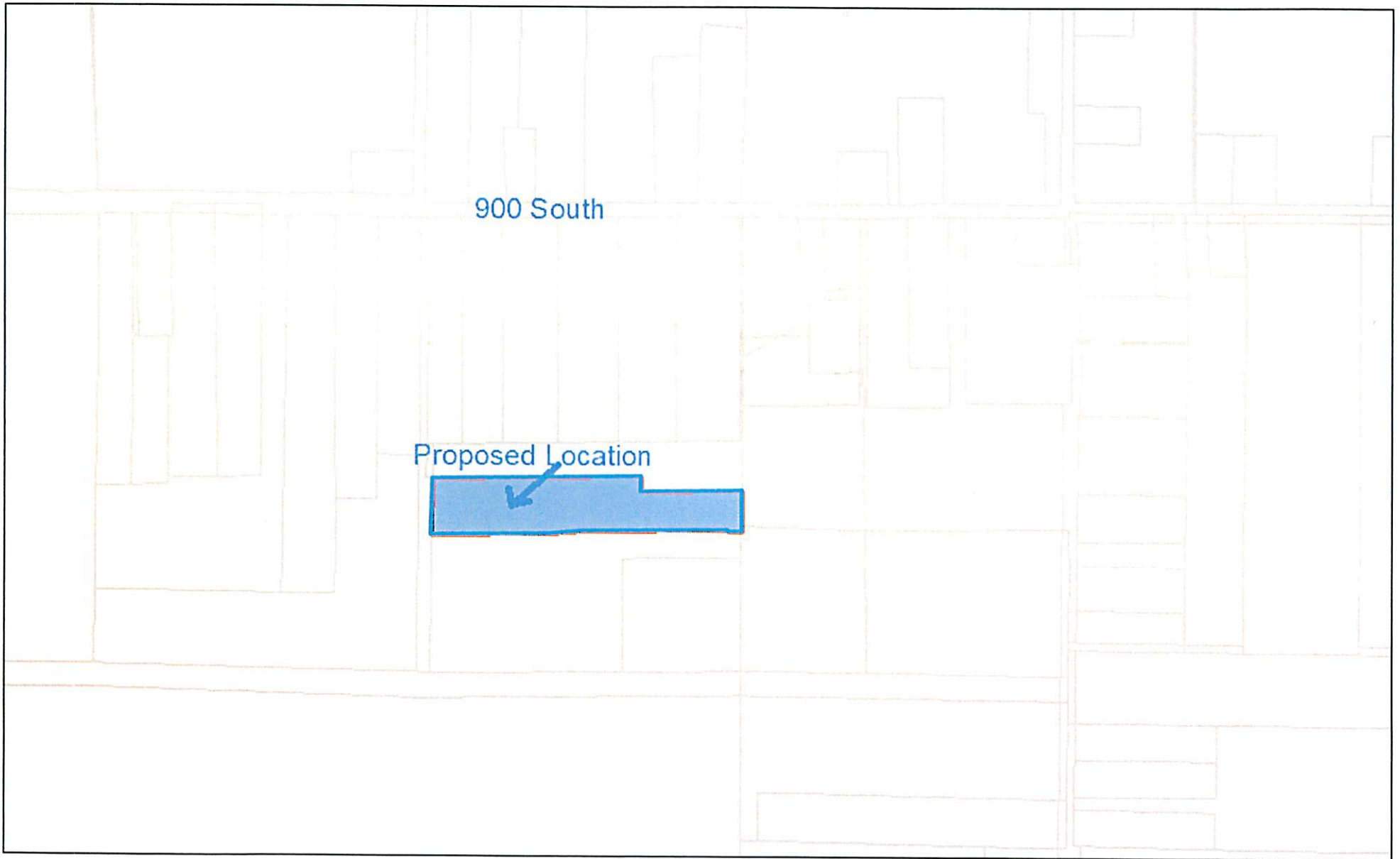
Based upon the findings listed above, administrative approval for use of a private right-of-way as the primary access for a lot without street frontage (Lot 1 of the proposed Cope Subdivision) is hereby approved this 14th day of October, 2015.

Weber County Planning Director

Exhibits

- A. Proposed site plan
- B. Location map
- C. Recorders plat
- D. Application with narrative

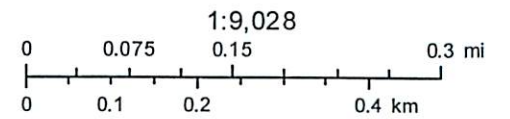
Location Map



September 22, 2015

Street Labels

City Labels



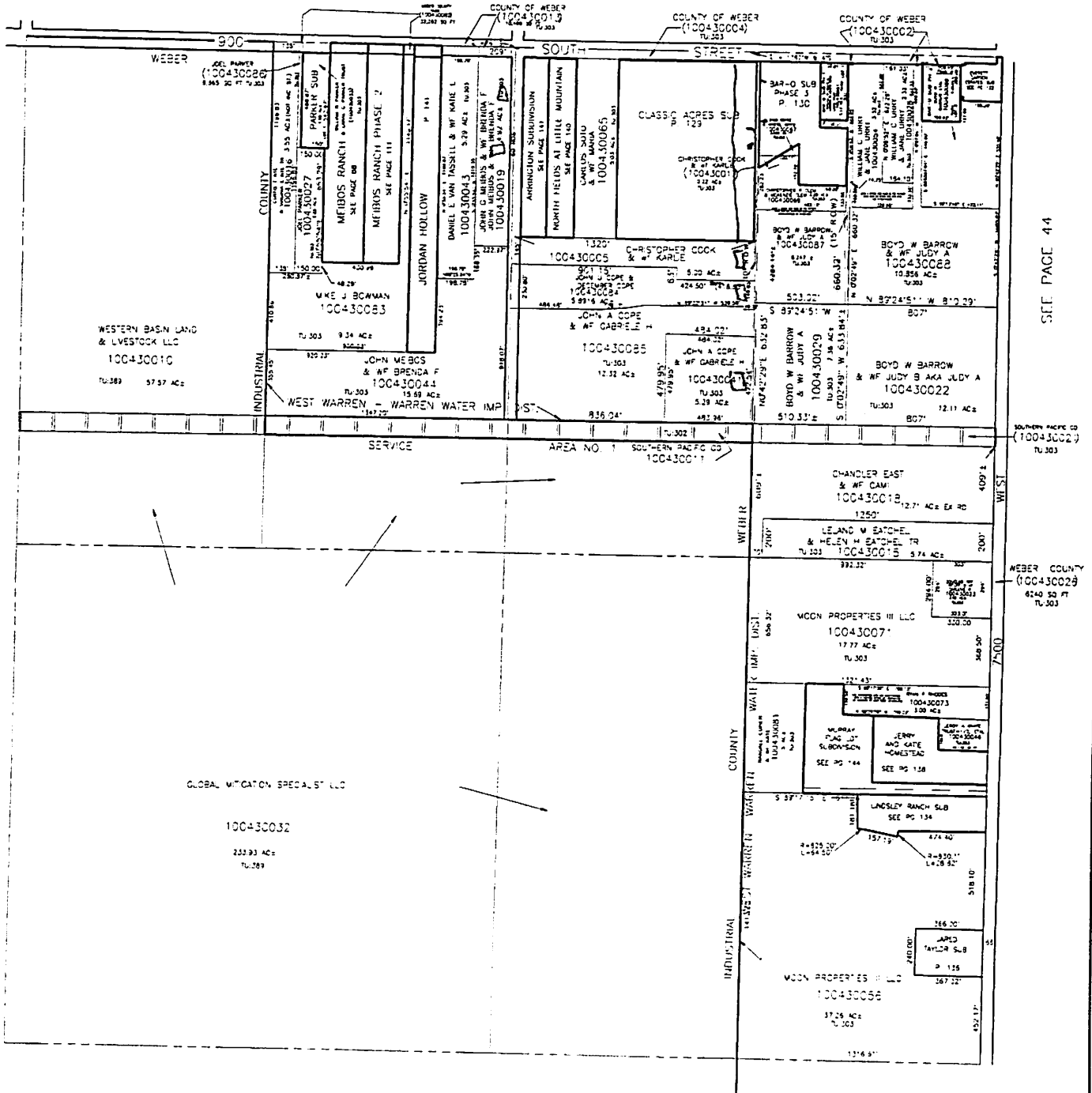
SECTION 22, T.6N., R.3W., S.L.B. & M.

IN WEBER COUNTY

SCALE 1" = 400'

TAXING UNITS: 302,303,323

SEE PAGE 37



SEE PAGE 42

SEE PAGE 44

SEE PAGE 45

Weber County Access Exception Permit Application

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

Date Submitted /Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Application Type

Access by Private Right of Way
 Access at a location other than across the front lot line

Property Owner Contact Information

Name of Property Owner(s) <i>Sohn/December Cope</i>		Mailing Address of Property Owner(s) <i>7715 W900S West Warren UT 84401</i>	
Phone <i>801-452-3437</i>	Fax		
Email Address (required) <i>copej@compassminerals.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address (required)		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name <i>Cope subdivision</i>	Total Acreage <i>5.78</i>	Current Zoning
Approximate Address <i>7713 W 900S West Warren UT 84401</i>	Land Serial Number(s)	

Proposed Use

Home

Project Narrative

my family and I would like to build in this western Weber County location, we have purchased land from my father and it has been a long time dream of my family and him.

- we have subdivided to have 150' of frontage on the right-of-way, we also have a letter saying Rocky Mountain power stating they will service the site.
- we have filed with health department for septic tank use. Soil sample is complete and filed. Ground water monitoring pipes will go in late September
- Culinary water has been run from 900S to 7715 & 7711, fire hydrant is located 100' from the property
- we believe it to be unfeasible to make this a County Rd to service 2 homes
- Elevation of home site is 4220 ft along east end of property.
- The right-of-way is currently being used for two other home sites



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on final plat approval of Shanghai Canyon Subdivision
Type of Decision:	Administrative
Agenda Date:	Wednesday, October 14, 2015
Applicant:	David Clapier
File Number:	UVS081414

Property Information

Approximate Address:	156 North Hwy 158 Eden, UT
Project Area:	3.392 Acres
Zoning:	FR-1 Zone
Existing Land Use:	Forest
Proposed Land Use:	Residential
Parcel ID:	20-017-0003
Township, Range, Section:	Township 6 North, Range 1 East, Section 16

Adjacent Land Use

North:	Forest	South:	Residential/Pineview Reservoir
East:	Forest	West:	Forest

Staff Information

Report Presenter:	Ronda Kippen rkippen@co.weber.ut.us 801-399-8768
Report Reviewer:	SW

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 13, Forest Residential Zone (FR-1)
- Title 104, Zones, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable and amended by Title 26, Filing of Preliminary and Final Plans (amended by Ordinance 2012-14)
- Title 108, Standards, Chapter 7 Supplementary and Qualifying Regulations, Section 29 Flag lot access strip

Background

The applicant has submitted a request for final plat approval of Shanghai Canyon Subdivision, a small subdivision consisting of one residential lot (see Exhibit A). The proposed subdivision is located at approximately 156 North Highway 158, and is in the FR-1 zone. The applicant received approval of a rezone in April 2014 changing the zone from F-40 to FR-1 and has received administrative approval for a flag lot access exception in August 2014. The proposed subdivision and lot configuration is in conformance with current zoning and the applicable subdivision requirements as required in the Uniform Land Use Code of Weber County (LUC).

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan in a manner that does not detract from the Valley's rural character and natural setting.

Zoning: The subject property is located in the Forest Residential Zone more particularly described as the FR-1 zone. The purpose and intent of the FR-1 zone is identified in the LUC §104-13-1 as:

"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."

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106 as amended by Ordinance 2012-14 (Title 26, Filing of Preliminary and Final Plans). Small subdivisions can be administratively approved per LUC §26-1-9(E) and the proposal has been reviewed against the adopted zoning and subdivision ordinances to ensure that the regulations and standards have been adhered to. It appears that the proposed subdivision is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: In the LUC §104-13-5, the FR1 zone requires a minimum lot area of 1 acre and a minimum lot width of 150'; however, the applicant has opted to gain access through an approved a flag lot access exception which mandates a minimum lot size of 3 acres per LUC §108-7-30(a). The proposed subdivision is a one lot subdivision that fronts a State road identified as Highway 158. The access to the current parcel and future Lot 1 falls within an ephemeral stream corridor. This access has been in existence prior to the adoption of Ordinance No. 2005-19; therefore, as long as the driveway is not widened, the current access is exempt from the Ogden Valley Sensitive Lands Stream Corridors per LUC §104-28-2(b)(2).

Based on the proposed lot configuration, the subdivision meets the minimum lot area requirement per LUC §104-13-5. The proposal is in conformance with previous approvals with the exception of providing proof of an access permit issued by UDOT that was made part of the conditions of approval for the flag lot access exception. A condition of approval will be added to ensure an access permit is issued by UDOT prior to the recordation of the subdivision Mylar.

Flood Plain: The proposed subdivision is located in a Zone "D" as determined by FEMA to be an area of undetermined flood hazards. Areas designated as Zone "D" are typically areas in which no analysis of flood hazards has been conducted.

Culinary water and sanitary sewage disposal: A feasibility letter has been provided for the culinary and wastewater systems for the proposed subdivision (see Exhibit B). The culinary water for the proposed subdivision will be provided by a private well. A private well and onsite wastewater systems agreements will need to be executed and recorded in conjunction with the Mylar to ensure adequate notice is given to future property owners of the required improvements prior to receiving a building permit through Weber County.

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office and the Weber Fire District have reviewed and approved the proposal. All review agencies comments have been attached as Exhibit C.

Additional design standards and requirements: The proposed lot has significant slopes; however, a buildable area has been identified on the lot. A note has been placed on the plat as "Notice to Purchasers of Lots with Designated Buildable areas" as required by LUC §106-1-8(b)(4)(b). There may be additional site preparation in conjunction with an approved building permit. The proposed subdivision does not require the realignment of or the creation of a new street system. With the exception of the recommended conditions identified in this staff report additional standards and requirements are unnecessary at this time.

Tax clearance: The 2011-2014 property taxes are currently delinquent. The 2015 property taxes will be due in full on November 1, 2015. Prior to recording the Mylar, the applicant may need to resolve the delinquent tax issue with the Weber County Treasurer's Office. A condition of approval has been added to staff's recommendation of approval to ensure that any delinquency is addressed prior to the recordation of the final Mylar.

Public Notice: The required noticing for the final subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed small subdivision per noticing requirements outlined in LUC §26-1-7.

Staff Recommendation

Staff recommends final plat approval of Shanghai Canyon Subdivision, a small subdivision consisting of one residential lot. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Provide adequate proof of an access permit issued by UDOT.
2. Requirements of the Weber County Treasurer's Office.
3. Requirements of the Weber County Engineering Division.
4. Requirements of the Weber-Morgan Health Department.

5. Requirements of the Weber Fire District.
6. Requirements of the Weber County Surveyor's Office.
7. Requirements of the Weber County Recorder.

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 all previous approvals and the applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Administrative Approval

Administrative final approval of Shanghai Canyon Subdivision, a small subdivision consisting of one residential 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.

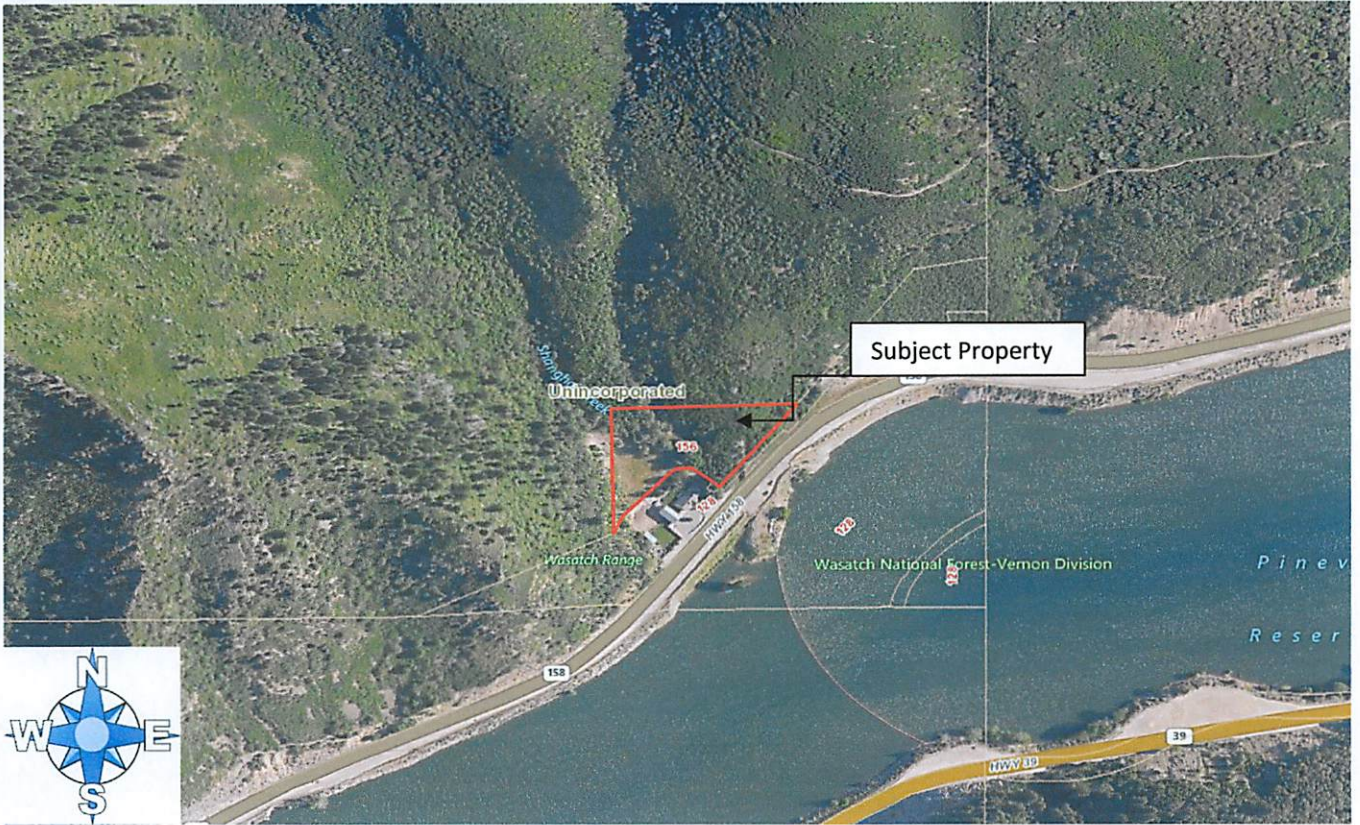
Date of Administrative Approval: _____

Sean Wilkinson
Weber County Planning Director

Exhibits

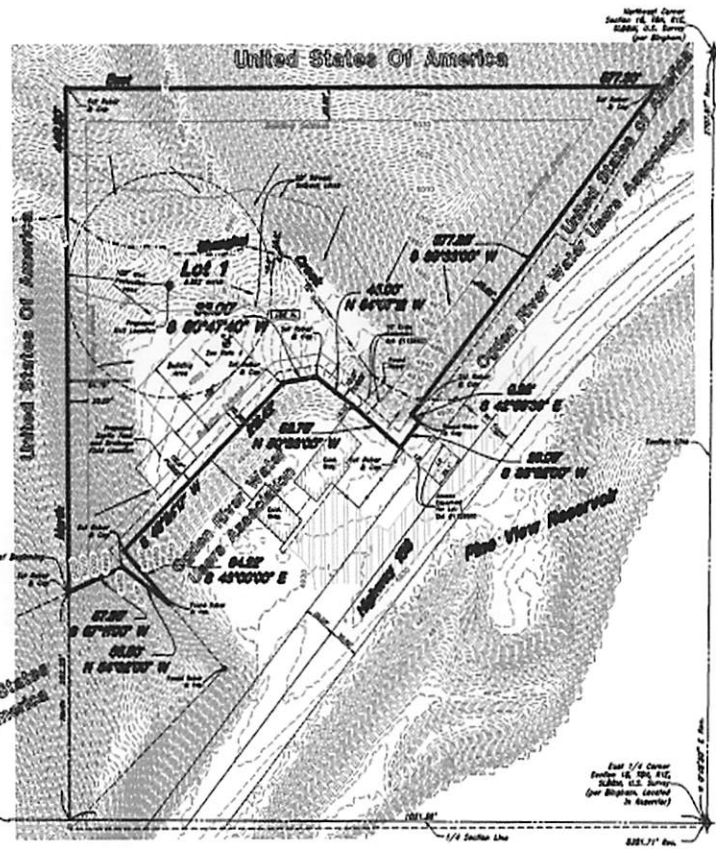
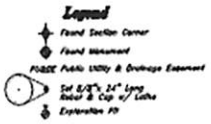
- A. Shanghai Canyon Subdivision
- B. Will Serve and Feasibility Letters
- C. Review Agencies Comments

Map 1



Shanghai Canyon Subdivision

A part of the Northwest 1/4 of Section 16, T6N, R1E, S18M, U.S. Survey
Weber County, Utah
September 2015



EASEMENT LINE DATA	
Line	Bearing
L1	41.88° N 49°27'00" W
L2	28.61° N 49°33'00" E
L3	43.88° S 49°27'00" E

- NOTES:**
- Due to the topography and the location of this subdivision, all corners will be covered by the ground surface. The surveyor will be responsible for any errors or omissions from the ground surface in this property until such and better is notified.
 - Rights for the 10' wide Driveway Easement and the Right of way Easement were obtained by a Deed from the State of Utah, recorded with the Office of the County Recorder on January 8, 1991 as City No. 1120000.
 - Notice to Purchasers of Lots with Designated Building areas. Lots with designated "building areas" have been approved subject to the condition that building development shall take place only within such designated areas.
 - If individual well permits are issued by the Utah State Division of Water Rights, the well permit must be obtained along with a letter of feasibility from the Division of Water Rights and the Water Rights Board which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. The owner of record of the proposed subdivision property shall request a request in writing with the land which entitles the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include but not be limited to:
 - a. that a well permit must be obtained;
 - b. the flow it may take to obtain the permit;
 - c. the well must be drilled;
 - d. water quality to be satisfactory; and
 - e. water quality to be sufficient as required by the Weber County Health Department, before a building permit can be obtained.
 If well permits cannot be obtained, the lot will no longer be deemed a buildable lot.
 - If it is determined that no Stream Alteration Permit will be required for the identified project as long as a 10-foot setback is honored, any construction or permanent crossing within the existing channel, and the footprint of the proposed project crosses road/streams, including the 10-foot stream setback, is the same as the existing access.
 - Area of the property that is equal to or less than 25% slope is 28,178 square feet.
 - Expansion PD #1
 - 0-2" gravel fill base, granular structure, 30% gravel
 - 6"-8" gravel fill base, granular structure, 30% gravel
 - Required permeability: 0.0012"
 - W-1 is being proposed which the 60 feet stream setback, therefore, a re-evaluation may need to be submitted with the well permit and re-evaluation shall be performed upon completion of well construction.

SURVEYOR'S CERTIFICATE

I, Andy Holburn, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah, and that I have conducted this survey in accordance with Title 66, Chapter 22, of the Professional Engineering and Land Surveying Licensing Act. I also certify that I have completed a survey of the property, established herein in accordance with Sections 17-24-17 and that a true and correct copy of the measurements shown herein this plat of Shanghai Canyon Subdivision in Weber County, Utah and that it has been correctly drawn to the delineated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Weber County Recorder's Office. Measurements have been found or shown as represented on this plat.

Signed this ____ day of _____, 2015.

Andy Holburn
Licenses No. _____

BOUNDARY DESCRIPTION

A Part of the Northwest Quarter of Section 16, Township 6 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, Weber County Utah

Beginning of a public utility is 1657.88 feet North 89°17'58" West along the Quarter Section line and 202.28 feet due North from the East Quarter Corner of said Section 16, and running thence due North 443.28 feet, thence due East 877.50 feet, thence South 89°27'00" West 577.83 feet, thence South 42°30'30" East 8.88 feet, thence South 89°27'00" West 28.09 feet, thence North 89°27'00" West 88.79 feet, thence North 89°27'00" West 48.00 feet, thence South 89°27'00" West 43.88 feet, thence South 49°27'00" West 216.42 feet, thence South 43°00'00" East 64.22 feet, thence North 89°27'00" West 55.80 feet, thence South 87°11'50" West 87.50 feet to the point of beginning.

Curvature: 3.882 curve

OWNER'S DEDICATION

By, the undersigned owners of the herein described tract of land, hereby set apart and dedicate the same into public use as shown on this plat, and name said tract Shanghai Canyon Subdivision and hereby dedicate, grant and convey to Weber County, Utah, these certain rights as necessary for public utility and drainage purposes as shown herein, the same to be used for the installation, maintenance, and operation of public utility service lines and drainage, as may be authorized by Weber County.

Signed this ____ day of _____, 2015.

David H. Copley Keith Bradley Copley
Barton J. Copley Kurt H. Copley

ACKNOWLEDGMENT

State of Utah County of Weber I am

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____

Building #1: _____ A Policy Public representation in Utah
Commission Number: _____
Commission Expires: _____

ACKNOWLEDGMENT

State of Utah County of Weber I am

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____

Building #1: _____ A Policy Public representation in Utah
Commission Number: _____
Commission Expires: _____

NARRATIVE

This survey and subdivision plat were requested by David Copley for the purpose of clarifying and establishing the boundaries of the herein described property.

Several other surveys were reviewed which were set by a previous survey of the property by Brigham Engineering dated April 8, 2014 and were reviewed.

The Highland Corner, East Quarter Corner, and West Quarter Corner were not occupied as part of this survey, but were taken from the found return set by Brigham Engineering and reviewed by this survey.

A line bearing North 89°10'22" East between USGS B.O.A. Benchmark 1996B, Weber County Benchmark 81-36 as shown herein, was used as a basis of bearings for this survey.

WEBER COUNTY ENGINEER

I hereby certify that the required public improvement standards and drawings for this subdivision adhere with County standards and the intent of the Public Purpose is sufficient for the installation of these improvements.

Weber County Engineer

WEBER COUNTY COMMISSION ACCEPTANCE

This is to certify that this subdivision plat, the location of streets and other public uses and financial purposes of public improvements associated with this subdivision, have been approved and accepted by the representatives of Weber County Utah.

Signed this ____ day of _____, 2015.

Chairman, Weber County 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 compliance with laws and regulations as required by County Ordinance. The approval of this plat by the Weber County Surveyor does not release the Registered Land Surveyor who executed this plat from the responsibility and/or liabilities established therein.

Signed this ____ day of _____, 2015.

Weber County Surveyor

WEBER COUNTY ATTORNEY

I have examined the Chancery guarantee and other documents associated with this subdivision plat, and do not believe they contain any fraud or other defects applicable thereto and see no force and effect.

Signed this ____ day of _____, 2015.

Weber County Attorney

WEBER-MORGAN HEALTH DEPARTMENT

I hereby certify that the plat, parcelation, rates, and site conditions for this subdivision have been reviewed by this office and are approved for on-site wastewater disposal systems.

Signed this ____ day of _____, 2015.

Weber County Surveyor

WEBER COUNTY RECORDER

ENTRY NO. _____

RECORDED _____

INDEXED _____

FILED _____

RECORDER





WEBER-MORGAN HEALTH DEPARTMENT

GARY M. HOUSE, M.P.H.
Health Officer / Director

March 11, 2014

Division Directors
KAY LARRISON, Administration
CLAUDIA PRICE, Nursing & Health Promotion
LOUIS K. COOPER, Environmental Health
COLLEEN JENSON, WIC

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

RE: Barton Clapier Property, 1 Lot
~~902 Hwy 162~~ 15671 Hwy 158 EOEEL, UT 84310
Parcel #20-017-0003

Gentlemen:

The plans and supporting information for the above-referenced subdivision have been reviewed.

Culinary water will be provided by a private well. The placement of the well is critical so as to provide the required 100 foot protection zone around the well. The well will need to be dug, tested and the water supply approved prior to issuance of a wastewater disposal permit.

Soil characteristics, percolation rates of 30 MPI, and anticipated ground water tables not to exceed 48 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System. A maximum hydraulic loading rate of 0.45gal/sq.ft./day with a trench depth limited to 18 inches shall be used for system design.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

All subdivision plats submitted for review are to show the location of exploration pits and percolation tests. Key number or letter designation will be provided by this office along with logs of soil horizons and final percolation rates. Mylars submitted for signature without this information will be returned.

Each on-site individual wastewater disposal system must be installed in accordance with R317-501 through R317-513, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,

Michela Gladwell, LEHS
Wastewater Program Office



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director *State Engineer/Division Director*

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-12850 (E5383)

Exchange Application Number 35-12850 (E5383) in the name of David Clapier, was filed on May 2, 2014, to exchange 1.00 acre-foot (af) of water as evidenced by Water Right Numbers 35-7397 (A10989) and 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 11581 associated with Tax I.D. Number 200170003) for its use with Weber Basin Water Conservancy District. The 1.00 acre-foot of water is to be released from Pineview Reservoir and, in lieu thereof, 1.00 acre-foot of water will be diverted from a well located South 2380 feet and West 851 feet from the NE Corner of Section 16, T6N, R1E, SLB&M (6-inch well, 100-500 feet deep). The water is to be used for the irrigation of 0.1646 acre from April 1 to October 31; year-round, indoor, domestic requirements of 1.00 equivalent domestic unit; and year-round stockwatering of 2.00 equivalent livestock units (in cattle, horses, or equivalent species). The water is to be used in all or portion(s) of Section 16, T6N, R1E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on May 22 and 29, 2014. No protests were received.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicant is put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as proposed in the exchange application.

It is, therefore, **ORDERED** and Exchange Application Number 35-12850 (E5383) is hereby **APPROVED** subject to prior rights and the following conditions:

1. The basis for this exchange right is a contract between the applicant and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn under this application if a contract is not in effect.
2. Total diversion under this exchange application is limited to 1.00 acre-foot (af) of water per year for the irrigation of 0.1646 acre (0.494 af) from April 1 to October 31; year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (0.45 af); and year-round stockwatering of 2.00 equivalent livestock units (in cattle, horses, or equivalent species for 0.056 af).
3. Section 73-5-4 of the Utah Code provides that "...a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at: (a) each location where water is diverted from a source; and (b) any other location required by the State Engineer."

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-12850 (E5383)

Page 2

In the event that the State Engineer or an authorized representative is required to administer and/or distribute your water right, you will be notified in writing. At that time, if you have not already installed an adequate measuring device, you will be required to do so by a specific deadline. Instruction will also be given concerning any monitoring of your water diversion. Failure to comply could result in an order to cease the use of water and/or the revocation of this approval.

4. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.
5. As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.
6. The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **July 31, 2019**, or a request for extension of time must be acceptably filed; otherwise the application will be lapsed.

When the work is complete, an Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- The water use is for a quarter acre of irrigation or less.
- The water use is for the watering of ten head of livestock (or equivalent) or less.
- The water use does not include any uses in addition to the three listed above.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-12850 (E5383)

Page 3

Under the authority of Section 73-3-20 of the Utah Code, the applicant is required to submit a proof of diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

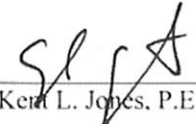
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

Your contact with this office, should you need it, is with the Weber River/Western Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 9th day of July, 2014.


Kent L. Jones, P.E., State Engineer

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-12850 (E5383)
Page 4

Mailed a copy of the foregoing Order this 9th day of July, 2014 to:

David Clapier
7310 South 950 West
Willard, UT 84340

Weber Basin Water Conservancy District
2837 East Highway 193
Layton, UT 84040

Reed Cozens, River Commissioner
PO Box 151
Layton, UT 84041

BY: 
Sonia R. Nava, Applications/Records Secretary

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-12850 (E5383)

Page 5

DAVID CLAPIER

7310 SOUTH 950 WEST

WILLARD UT 84340

- - - - -



1438 West 2550 South
Ogden, Utah 84401

September 16, 2014

Dave Clapier
7310 S 950 W
Willard, UT 84340

RE: Request none

Dear Mr. Clapier:

Rocky Mountain Power will supply power to property located at or near 156 N Highway 158, Eden, UT.

- Applicant will apply for power by calling 1-888-221-7070
- Applicant or Developer will supply a signed, approved recorded property plat map with lot numbers, addresses, and section corners identified if applicable.
- Residential and Commercial Developer will supply an electronic copy of the subdivision by e-mail, (Auto-cad version 2006), to shawn.stanton@pacifiCorp.com.
- Residential Subdivision Developer will pay all costs which are non-refundable above the \$750.00 per lot allowance according to line extension tariff, regulation 12.
- All single lot applicants will be subject to the line extension rules and regulation 12.
- Applicant is responsible to sign a contract after job is approved by Rocky Mountain Power management, and pay any associated costs before work can be scheduled or materials ordered.
- Rocky Mountain Power engineering review may be required and may be subject to additional charges according to our filed line extension tariff, regulation 12.

If you have any questions regarding these provisions, please feel free to call me at 801-629-4310.

Respectfully,

A handwritten signature in black ink, appearing to read "K. Sewell".

Karl Sewell
Operations-Manager
Rocky Mountain Power
Ogden Operations

Exhibit C-Review Agencies Comments

Engineering Review 5

Project: Shanghai Canyon Subdivision

User: Rochelle Pfeaster

Department: Weber County Engineering Division

Created: 2015-09-15 10:23:36

Approved: Approved

Notes: I have had a chance to review the plan(s) and have the following comment(s):

1. The engineering Division has no concerns with this project.

I have tried to address all items of concern from the Engineering Department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this review, feel free to contact me.

Shanghai Canyon Subdivision 3rd Review

Project: Shanghai Canyon Subdivision

User: Daniel Milligan

Department: Weber County Surveyor's Office

Created: 2015-05-15 12:44:40

Modified: 2015-06-08 11:51:06

Approved: Approved

Notes: Thank you for addressing the redlines from the previous review. The survey office releases this project pending any concerns from any other review agencies.

Delinquent Property Taxes

Project: Shanghai Canyon Subdivision

User: Shirley Robinson

Department: Weber County Treasurer's Office

Created: 2015-03-18 09:31:11

Approved: Not Approved

Notes: Property Taxes for parcel 20-017-0003 are Delinquent for 4 years= 2011-2014.

Environmental Health Septic

Project: Shanghai Canyon Subdivision

User: Michela Gladwell

Department: Weber-Morgan Health Department-Waste Water Division

Created: 2015-09-09 08:32:46

Approved: Approved

Notes: The latest site plan has been reviewed and health department requirements for feasibility have been addressed. Ok for mylar signature.

Exhibit C-Review Agencies Comments continued...

Weber Fire District Review

Project: Shanghai Canyon Subdivision

User: Brandon Thueson

Department: Weber County Special Events, Weber Fire District

Created: 2014-09-08 09:09:46

Modified: 2014-09-08 09:11:49

Approved: Yes

Notes

Date: September 8, 2014

Project Name: Shanghai Canyon Subdivision

Project Address: 156 North Hwy 158, Eden Utah

Contractor/Contact: David Clapier 801-510-3568 Nessmuck4473@msn.com

Fees: See attached pdf

FEE NOTICE:

Weber Fire District has various fees associated with plan reviews, and inspections. Please be prepared to make payments at the time of inspections or when you pick up your approved plans. Impact Fees are due prior to taking out a building permit. Make checks payable to: Weber Fire District.

REVIEW STATUS: SUBDIVISION APPROVED

SPECIFIC COMMENTS:

1. This review is for the subdivision application only and is not for any new construction. Prior to construction a site plan and building plans must be submitted for review.
2. The subdivision of the property is approved however, the following comments are provided for your information regarding future development of Lot 1 and 2.
 - a. If there is to be any new construction on either lot 1 or 2:
3. Fire Hydrant(s): If there is an available permanent water supply system, at least one new fire hydrant must be provided within 250 feet of the building lots.
4. Fire Flow: All structures over 5000 sq. ft. which do not meet the fire flow requirements, shall be equipped with an NFPA 13D compliant fire sprinkler system. For more information regarding fire flow, please contact Fire Marshal Thueson at 801-782-3580.
5. Fire Access roads to any property shall meet the requirements of the International Fire Code and Weber County ordinances. Roads shall be capable of supporting a 75,000 pound load.
6. Roads shall have a maximum grade of 10% unless specifically approved as outlined by the International Fire Code.
7. Radius on all corners shall be a minimum of 28'-0".
8. Dead end fire apparatus access roads in excess of 150 feet in length shall be provide with an approved area for turning around fire apparatus constructed with the same requirements as the roads.
9. All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
10. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
11. All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible construction.

A written response for this review is required.

Every effort has been made to provide a complete and thorough review of these plans. This review does not relieve the owner, contractor and/or developer from compliance with any and all applicable codes and standards. Any change or revision of this plan will render this review void and will require submittal of the new or revised layout for fire department review.

Reviewed by: Brandon Thueson

Fire Marshal



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on an administrative application, final approval of Middle Fork Ranches 1st Amendment (2 lots).
Type of Decision:	Administrative
Agenda Date:	Wednesday, October 14, 2015
Applicant:	Troy Green, agent
File Number:	UVM 081415

Property Information

Approximate Address:	1477 N 7425 E, Huntsville UT
Project Area:	10.788 acres
Zoning:	Forest Valley (FV-3) Zone
Existing Land Use:	Residential
Proposed Land Use:	Residential
Parcel ID:	21-048-0022 and 21-048-0024
Township, Range, Section:	T6N, R1E, Section 6

Adjacent Land Use

North:	Agriculture	South:	Residential
East:	Residential	West:	Residential

Staff Information

Report Presenter:	Ben Hatfield bhatfield@co.weber.ut.us 801-399-8766
Report Reviewer:	JG

Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7
- Weber County Land Use Code Title 104 (Zones) Chapter 14 (FV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

Background

The applicant is requesting approval of Middle Fork Ranches 1st Amendment (2 lots), located at approximately 1477 N 7425 E in the FV-3 Zone. The proposed 10.788 acre lot within this subdivision meets the lot area and lot width requirements of this Zone, of 3.00 acres in area and 150 feet in width. Access for the lots will be from 7425 East. The purpose of this subdivision is to reconfigure the lot line between Lots 6 and 7. By doing this it will leave both new lots to be considered as agricultural parcels greater than 5.25 acres.

Culinary water service is provided by Eden Water Works. Private septic systems have been used for waste water. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Summary of Administrative Considerations

- Does this subdivision meet the requirements of the Weber County Land Use Code?

The Weber County Land Use Code Title 101 defines "small subdivision" as "An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned." This subdivision consists of only two (2) lots and no new streets are being created or realigned. The Land Use Code (Subdivisions) also states "The planning director is delegated administrative authority to approve minor subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission." Based on these requirements, this subdivision qualifies for administrative approval as a small subdivision.

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber-Morgan Health Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Surveyors Department

Administrative Approval

Administrative final approval of Middle Fork Ranches 1st Amendment 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.

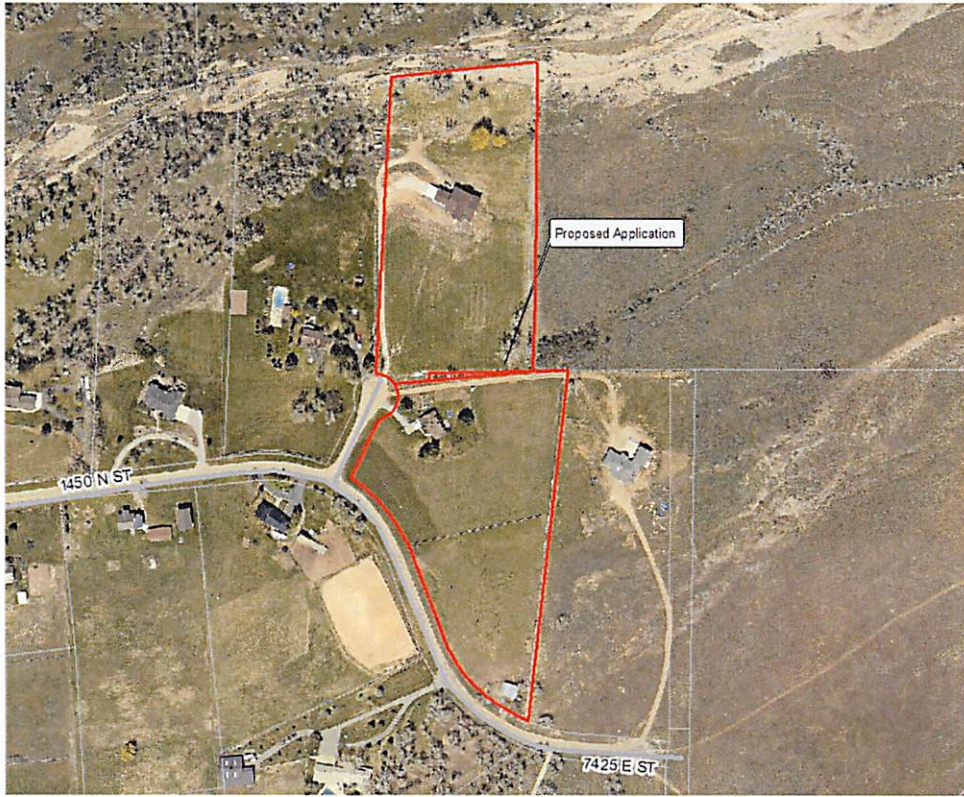
Date of Administrative Approval: Wednesday, October 14, 2015.

Sean Wilkinson
Weber County Planning Director

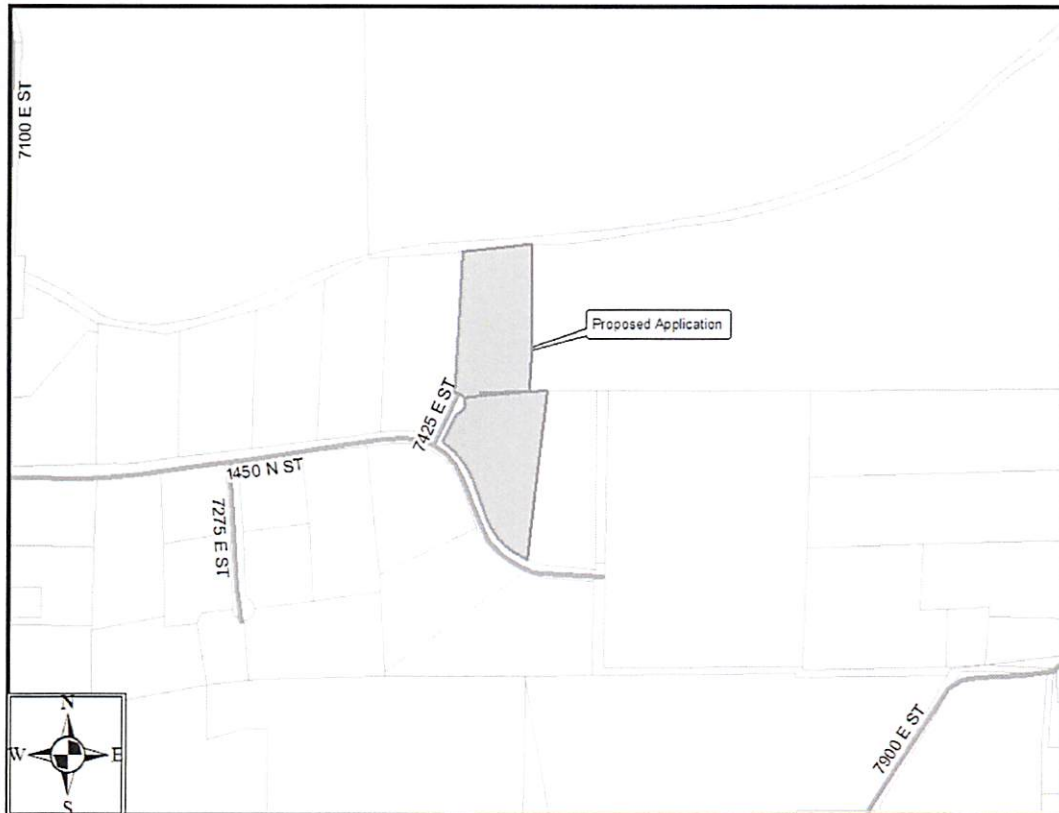
Exhibits

- A. Subdivision Plat

Map 1



Map 2





Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an administrative application, final approval of Green Hill County Estates Phase No. 7 – 1st Amendment (2 lots).

Type of Decision: Administrative

Agenda Date: Wednesday, October 14, 2015

Applicant: Brian See, agent

File Number: UVM 081815

Property Information

Approximate Address: 8850 Pineview Dr., Huntsville UT

Project Area: 387.93 acres

Zoning: Forest (F-5 and F-10) Zone

Existing Land Use: Forest

Proposed Land Use: Common Area

Parcel ID: 21-078-00021, 21-078-0001, 21-001-0007, 21-001-0006, and 21-001-0004

Township, Range, Section: T6N, R2E, Section 3, 4, 5, 8, and 9

Adjacent Land Use

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

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766

Report Reviewer: JG

Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7
- Weber County Land Use Code Title 104 (Zones) Chapter 9 (F-5 and F-40 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

Background

The applicant is requesting approval of Green Hill County Estates Phase No. 7 – 1st Amendment (2 lots), located at approximately 8850 Pineview Dr. in the F-5 and F-40 Zone. The proposed 387.93 acre subdivision amendment meets the lot area and lot width requirements of the F-5 Zone, of 5.00 acres in area and 300 feet in width. This subdivision amendment is to include two areas into the HOA’s common areas (M at 10.016 acres and N at 326.382 acres). These parcels were left over from the original developer and owned by the HOA. This amendment will change the development potential of those properties and reduces the assessed tax value for the HOA. The amendment included the two lots of the final phase for platting purposes and no dimensional changes are to occur with Lots 116 and 117.

Culinary water and sewer services will continue to be provided by the Green Hills Water and Sewer District. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Summary of Administrative Considerations

- Does this subdivision meet the requirements of the Weber County Land Use Code?

The Weber County Land Use Code Title 101 defines “small subdivision” as “An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned.” This subdivision consists of only two (2) lots and no new streets are being created or realigned. The Land Use Code (Subdivisions) also states “The planning director is delegated administrative authority to approve minor subdivisions if in his discretion there are no conditions which

warrant its submittal to the planning commission.” Based on these requirements, this subdivision qualifies for administrative approval as a small subdivision.

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber-Morgan Health Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Surveyors Department

Administrative Approval

Administrative final approval of Green Hill County Estates Phase No. 7 – 1st Amendment 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.

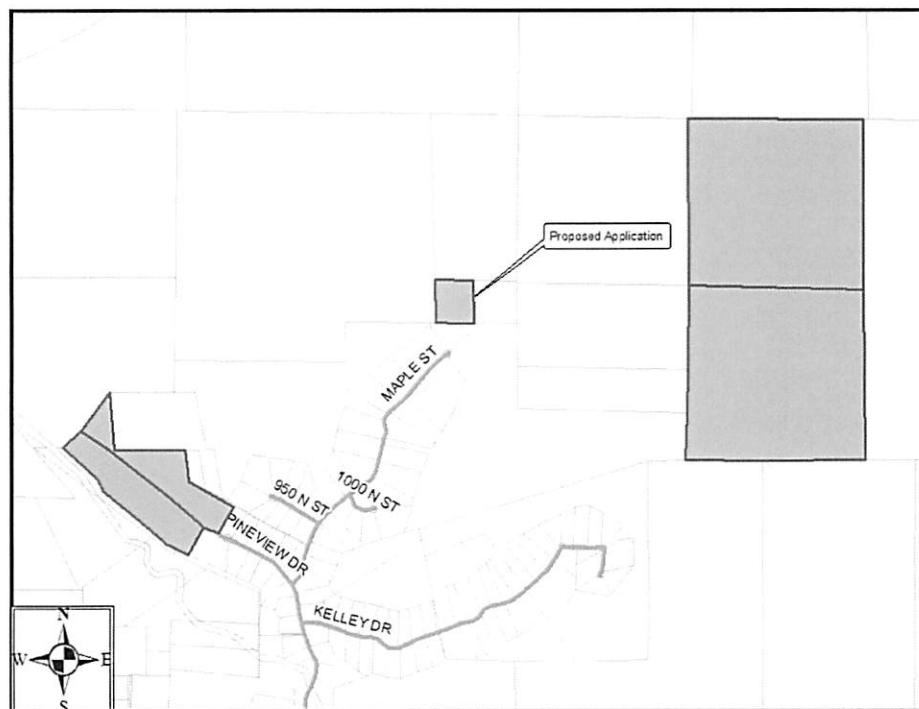
Date of Administrative Approval: Wednesday, October 14, 2015.

Sean Wilkinson
Weber County Planning Director

Exhibits

- A. Subdivision Plat

Map 1



Green Hill Country Estates Phase No. 7 - 1st Amendment

A part of the Southeast 1/4 of Section 5, the Northeast 1/4 of Section 8, the Northwest 1/4 of Section 9, the Southeast 1/4 of Section 4, and the East 1/2 of Section 3, T6N, R2E, SLB&M, U.S. Survey
Weber County, Utah
July 2015

That 1/4 Corner of Section 4, T6N, R2E, SLB&M, U.S. Survey (Not Found - Location call from Weber County Platbook map - 12/15/74)



Scale 1" = 200'



Legend

- ✦ Found Section Corner
- ⊕ Found Monument
- PUEDE Public Utility & Drainsage Easement
- ⊙ Set 3/8" x 24" Lysol Rubber & Cap w/ Lohs

Middlefork Ranch LLC

Middlefork Ranch LLC

Common Area "K"

Common Area "D"

Green Hill Country Estates Phase No. 7

Green Hill Country Estates Phase No. 8

Green Hill Country Estates Phase No. 9

Middlefork Ranch LLC

Common Area "M"
16.619 Acres

Green Hill Country Estates Phase No. 6

Common Area "G"

5.00'
N 41°46'00" E
34.20'
N 48°14'00" W
L = 10°33'00"
R = 540.00'
LC = 99.29'
N 42°57'30" W

119
23.78 Acres
888.0 L

120
23.78 Acres
888.0 L

87.45°
N 68°30'00" W
L = 147.54'
R = 814.43'
LC = 147.34'
N 83°18'36" W

GREAT BASIN ENGINEERING
3748 SOUTH 1450 EAST BOULDER, UTAH 84003
PHONE: 435-338-1111 FAX: 435-338-1112
WWW.GREATBASINENGINEERING.COM

SHEET 2 OF 3

WEBER COUNTY RECORDER
ENTRY NO. _____ FILED FOR RECORD AND
RECORDED BY BOOK _____ AT _____
RECORDED PAGE _____ OF OFFICIAL
RECORDS FOR _____
WEBER COUNTY RECORDER
BY _____ DEPUTY
8/10/15-07-1004

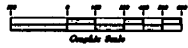
Green Hill Country Estates Phase No. 7 - 1st Amendment

A part of the Southeast 1/4 of Section 5, the Northeast 1/4 of Section 8, the Northwest 1/4 of Section 9, the Southeast 1/4 of Section 4, and the East 1/2 of Section 3, T6N, R2E, SLB&M, U.S. Survey

Weber County, Utah
July 2015



Scale 1" = 320'

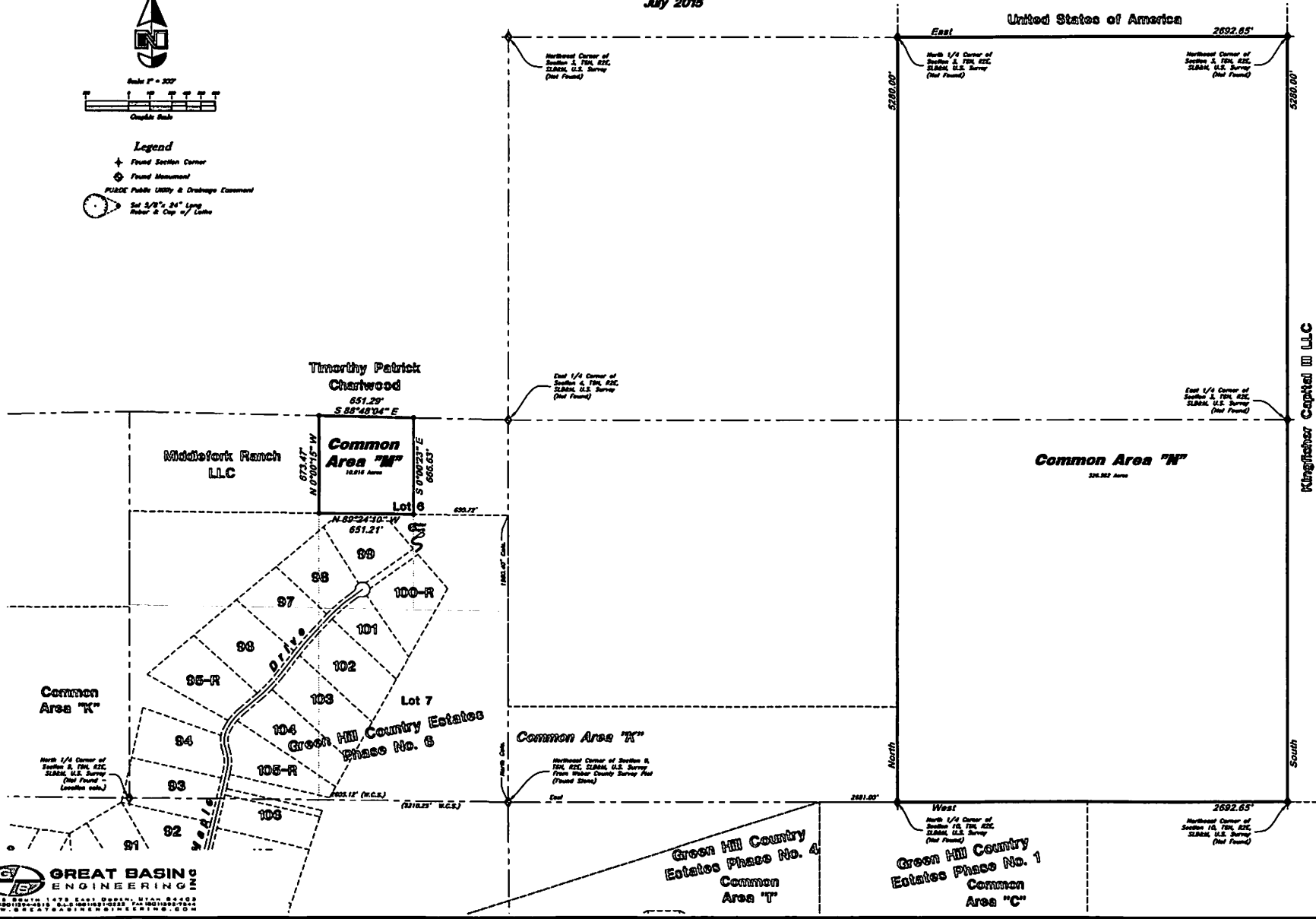
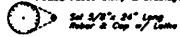


Legend

Found Section Corner

Found Monument

PLSDC Public Utility & Drainage Easement



GREAT BASIN ENGINEERING
 6745 SOUTH 1475 EAST, DORSET, UTAH 84403
 PHONE: (435) 688-1100 FAX: (435) 688-1101
 WWW.GREATBASINENGINEERING.COM

SHEET 3 OF 3

WEBER COUNTY RECORDER
 ENTRY NO. _____ FILED
 RECORDED IN BOOK _____ OF OFFICIAL RECORDS PAGE _____

WEBER COUNTY RECORDER
 BY _____ DEPUTY



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on an administrative application, final approval of KEO Homestead Subdivision (1 lot).
Type of Decision:	Administrative
Agenda Date:	Wednesday, October 14, 2015
Applicant:	Andy Hubbard, agent
File Number:	UVK 092215

Property Information

Approximate Address:	5550 East Hwy 39, Huntsville UT
Project Area:	21.273 acres
Zoning:	Forest Valley (FV-3) Zone
Existing Land Use:	Forest
Proposed Land Use:	Residential
Parcel ID:	20-015-0010
Township, Range, Section:	T6N, R1E, Section 14

Adjacent Land Use

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

Staff Information

Report Presenter:	Ben Hatfield bhatfield@co.weber.ut.us 801-399-8766
Report Reviewer:	JG

Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7
- Weber County Land Use Code Title 104 (Zones) Chapter 14 (FV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

Background

The applicant is requesting approval of KEO Homestead Subdivision (1 lot), located at approximately 5550 East Hwy 39 in the FV-3 Zone. The proposed 21.273 acre lot within this subdivision meets the lot area and lot width requirements of this Zone, of 3.00 acres in area and 150 feet in width. Access for the lot will be from an existing private right of way (AE 05-2015) that comes up the hill from Hwy 39. The purpose of this subdivision is to develop one building lot for a future home.

Culinary water service is provided by a private well. A private septic system has been proposed for waste water. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Summary of Administrative Considerations

- Does this subdivision meet the requirements of the Weber County Land Use Code?

The Weber County Land Use Code Title 101 defines "small subdivision" as "An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned." This subdivision consists of only one (1) lot and no new streets are being created or realigned. The Land Use Code (Subdivisions) also states "The planning director is delegated administrative authority to approve minor subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission." Based on these requirements, this subdivision qualifies for administrative approval as a small subdivision.

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber-Morgan Health Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Surveyors Department

Administrative Approval

Administrative final approval of KEO Homestead 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 conditions of approval listed in this staff report.

Date of Administrative Approval: Wednesday, October 14, 2015.

Sean Wilkinson
Weber County Planning Director

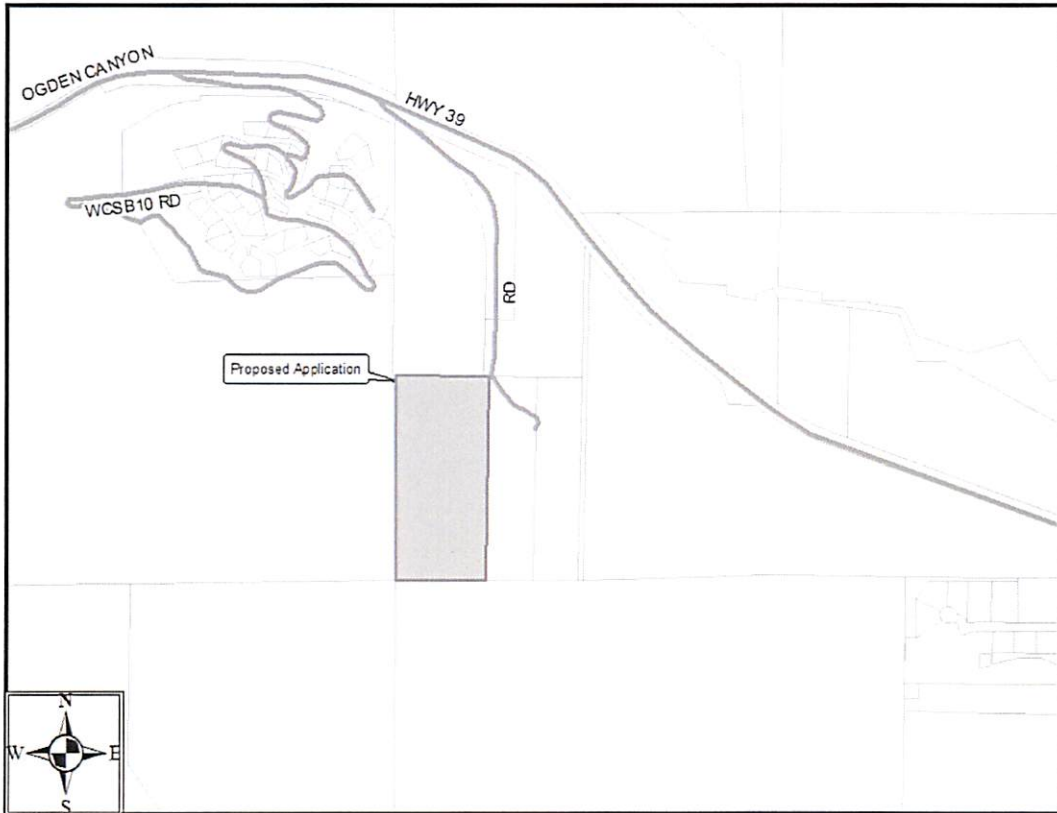
Exhibits

- A. Subdivision Plat

Map 1



Map 2





Staff Report for Administrative Approval – Access Exception for a Private Right-of-Way

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request to use a private right-of-way (R.O.W) as the primary access for lot 1 of what will be the KEO Homestead Subdivision that does not have frontage on a street.

Agenda Date: Wednesday, October 14, 2015

Applicant: Andy Hubbard, agent

File Number: Access Exception (AE 2015-05)

Property Information

Approximate Address: 5550 East Hwy 39

Project Area: 21.273 Acres

Zoning: Forest Valley (FV-3)

Existing Land Use: Forest

Proposed Land Use: Residential Lot

Parcel ID: 20-015-0010

Township, Range, Section: T6N, R2E, Sections 14

Adjacent Land Use

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

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766

Report Reviewer: JG

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 14 (Forest Valley FV-3 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations)

Background

The applicant is requesting administrative approval to use a right-of-way (R.O.W) as the primary access for Lot 1 of the proposed KEO Homestead Subdivision. The property is located in the Forest Valley FV-3 Zone at approximately 5550 East Hwy 39. The proposed lot has 21.273 acres. The FV-3 Zone requires single family dwellings to be on 3 acres. The new lot will be accessed by an existing 60 foot wide and 1,903 foot long right of way to the property. The right of way was created in 1974 when the parcel was first split up and serves four additional homes.

The existing R.O.W is required to meet the design, safety, and lot/parcel standards listed in Title 108 Chapter 7 Section 29 of the Weber County Land Use Code. The R.O.W. is maintained by all property owners using the access. In addition to these standards, the ROW is required to comply with the criteria and conditions listed in Section 31, which is specific to access by a private R.O.W. These standards are listed below under "Summary of Planning Division Considerations." Approval of the private R.O.W as the primary access does not act as approval of the seperate subdivision plat.

Summary of Planning Division Considerations

108-7-31. Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

1. Criteria
 - a. The lot/parcel is a bona-fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or

- b. Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

2. Conditions

- a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and
- b. The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

Staff has reviewed and analyzed the request for access by a private R.O.W using the criteria in Section 31. Based on review and analysis of staff's research and the information provided, staff has made the following determinations:

- Property boundary conditions are such that the parcel to be subdivided does not have access from a street and the applicants do not own additional property adjacent to a street that could be used to create a flag lot or build a road. Historically in 1974 a ROW was established at this location for four land owners. Some of them then built home on the ROW, this is the final lot to be developed. If a road was required, other property owners adjacent to this property would have to agree to participate in its construction on their land. A subdivision is located to the north of this property also used the ROW at this location.
- Construction of a road to serve this lot from Hwy 39 is impractical due to the topography and steepness of portions of the hill. Due to these circumstances, construction of a road to serve one lot is impractical at this time for the five homes proposed.
- The applicant has provided a copy of the recorded deeds regarding the property and the ROW.
- Prior to receiving final occupancy on the new dwelling, the applicants must also sign an agreement to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private R.O.W with a street that would serve as a required access to additional lots.

Conditions of Approval

- Prior to final subdivision approval, the applicants must also sign an agreement to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private R.O.W with a street that would serve as a required access to additional lots.
- Meeting applicable review agency requirements.

Staff Administrative Approval

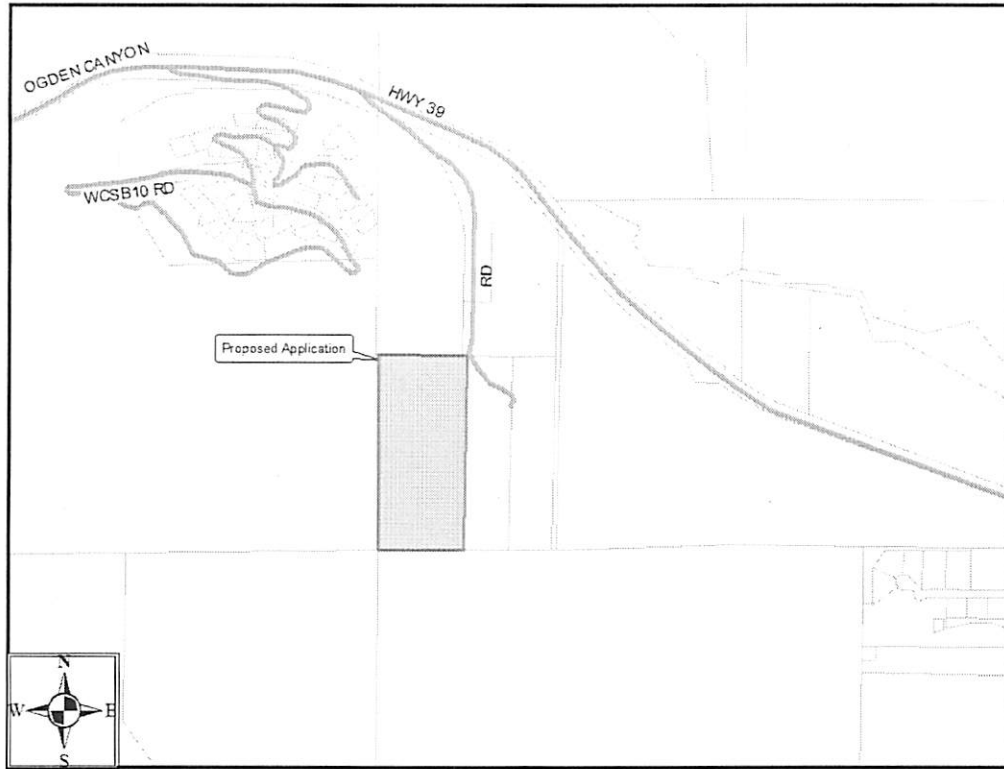
Based upon the findings listed above, administrative approval for use of a private right-of-way as the primary access for a lot without street frontage (Lot 1 of the proposed KEO Homestead Subdivision) is hereby approved this 14th day of October, 2015.

Weber County Planning Director

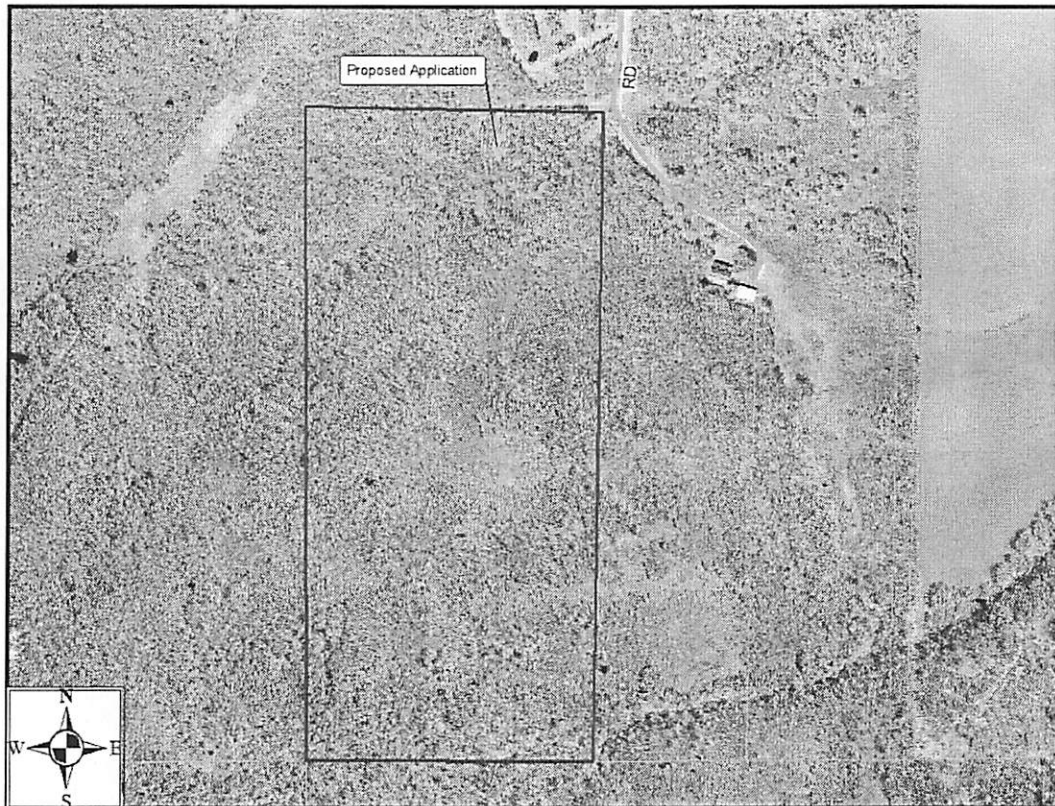
Exhibits

- A. Proposed plat
- B. Application with narrative

Map 1



Map 2



PROJECT NARRATIVE

KEO Pineview LLC is requesting to use an existing right of way to access the subdivided lot. We have attached a number of deeds dating back to 1974 which show the access right of way for this parcel being included as part of the transfer of property.

The owners are not proposing any additional improvements along the existing right of way and wish to maintain the rural and mountain feeling of the access and adjoining property through which the right of way passes. If granted this will be the fifth private access along this right of way which is allowed in the county ordinance.

The property owner has also received a Well permit and is in the process of finalizing the approval with Weber Morgan Health on the Septic System.