



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: A request for approval of Gibson Hill Subdivision 1st Amendment that would remove the depiction of a 60' access and utility easement located in the south west corner of Lot 1.

Agenda Date: Wednesday January 25, 2017

Applicant: Richard Gibson

File Number: LVG092016

Property Information

Approximate Address: 2698 South 4550 W

Project Area: 5.49 Acres

Zoning: Agricultural Zone (A-1)

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 15-416-0001

Township, Range, Section: T6N, R2W, Section 32

Adjacent Land Use

North: Agricultural	South: Residential
East: Agricultural	West: Agricultural

Staff Information

Report Presenter: Felix Lleverino
fileverino@co.weber.ut.us
 801-399-8767

Report Reviewer: SM

Applicable Ordinances

- Title 101 (General Provisions) Section 101-1-7 (Definitions)
- Title 104 (Zones) Chapter 5
- Title 106 (Subdivisions)

Background and Summary

The applicant has submitted a request to vacate the 60 foot access and public utility easement (PUE) located in the south west corner of Lot 1 of the Gibson Hill Subdivision so that he may use that space for agricultural purposes. The area of lot 1 is 5.48 acres. This subdivision has frontage on a public road called 4550 West Street, where the road terminates at a cul-de sac. See Exhibit A for proposed plat. On October 11, 2016 approval was granted from the County Commission to vacate this easement. See Exhibit C for County Commission public hearing minutes.

Due to the topography of the south west corner of the Gibson Hill Subdivision, it has been recommended by the utility providers to allow for a PUE that is wider than the typical 10 feet. It is has been agreed by Richard Gibson, that Questar Gas complete the gas line installation. It is from the location of the new gas line, that a new width of the PUE be established. To provide for maintenance and access, Richard Gibson has agreed to an additional five foot utility access easement. See Exhibit E for a street view photo of the topography.

Analysis

General Plan: This subdivision plat amendment is not contrary to the West Weber General Plan. The current agricultural land will be maintained as an agricultural parcel exceeding the required 5.25 acres.

Small Subdivision: The Weber County Land Use Code (Title 101) defines a "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 one lot and no new streets are being created or realigned. The Land Use Code (LUC § 106) also states "With the exception of small subdivisions, the preliminary plan/plat including the phasing plan shall be presented to the Land Use Authority who, for the purposes of this section, shall be the Planning Commission, for their review and decision based in compliance with applicable ordinances." Based on these provisions, this subdivision qualifies for administrative approval as a small subdivision.

Public utility, drainage and canal maintenance easements: It is required that area be dedicated as a perpetual right over and under land for the use as public utility where installations such as, public utility service lines, storm drainage facilities, and irrigation canals may be placed to service owners within the subdivision.

Culinary Water Provider: In Exhibit F, Taylor West Weber Water has provided a letter stating that they approve of the vacation of the 60' Public Utility Easement (PUE) excepting that a 15' PUE be reserved in its place.

Questar Gas: In Exhibit G, Questar gas has provided a letter stating that the new line has been placed at a distance of 16'2" from the fence on the southerly lot line, which has been rounded up to 17'. There will also be an additional five foot utility access strip placed parallel to the PUE.

Review Agencies: County reviewing agencies have posted comments for this proposal. The Surveying and Planning Departments have stated specific requirements that must be addressed prior to the final Mylar being recorded. The review agencies comments can be adequately address prior to approval and recording.

Utah State Code: Bellow is a section of Utah State Code that is pertinent to this subdivision amendment. These subsections are taken from Title 54, Chapter 3, Section 27, (Public Utility Easement).

- (5) *A subdivision plat that includes a public utility easement may not be approved by a county or municipality unless the subdivider has provided the county or municipality proof that the subdivider has, as a courtesy, previously notified each public utility that is anticipated to provide service to the subdivision.*
- (6) *A person may not acquire, whether by adverse possession, prescription, acquiescence, or otherwise, any right, title, or interest in a public utility easement or protected utility easement that is adverse to or interferes with a public utility's full use of the easement for the purposes for which the easement was created.*
- (7) *A gas corporation's, electric corporation's, or telephone corporation's failure to possess, occupy, or use a protected utility easement does not diminish or extinguish any right that the gas corporation, electric corporation, or telephone corporation has under the easement.*
- (8) *Nothing in this section may be construed to affect the right of a condemner to condemn a public utility easement as provided by law.*

Tax Clearance: There is no outstanding tax payments currently related to this parcel.

Public Notice: Noticing requirements, according to LUC 106-1-6(c), have been met by mailing notices out to all property owners of record within 500 feet of the subject property, and posting the agenda to the state website. This proposal was heard and tabled on December 14 in order to gain a definite PUE width that can be agreed on by all parties.

Staff Recommendation

Staff recommends approval of the Gibson Hill Subdivision 1st Amendment. This recommendation for approval is subject to all review agency requirements and is based on the following condition:

1. Reserve a 17' minimum PUE with an additional 5' utility access strip to be shown on the plat.

The recommendation is based on the following findings:

1. Amending the subdivision will not have a negative effect on the Western Weber General Plan.
2. The public interest or any person will not be materially injured by the proposed vacation and subdivision amendment.
3. The proposed subdivision amendment meets applicable codes.

Administrative Approval

Administrative final approval of Gibson Hill Subdivision 1st Amendment is hereby granted based upon its compliance with the Weber County Land Use Code and Utah State 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, January 25, 2017.

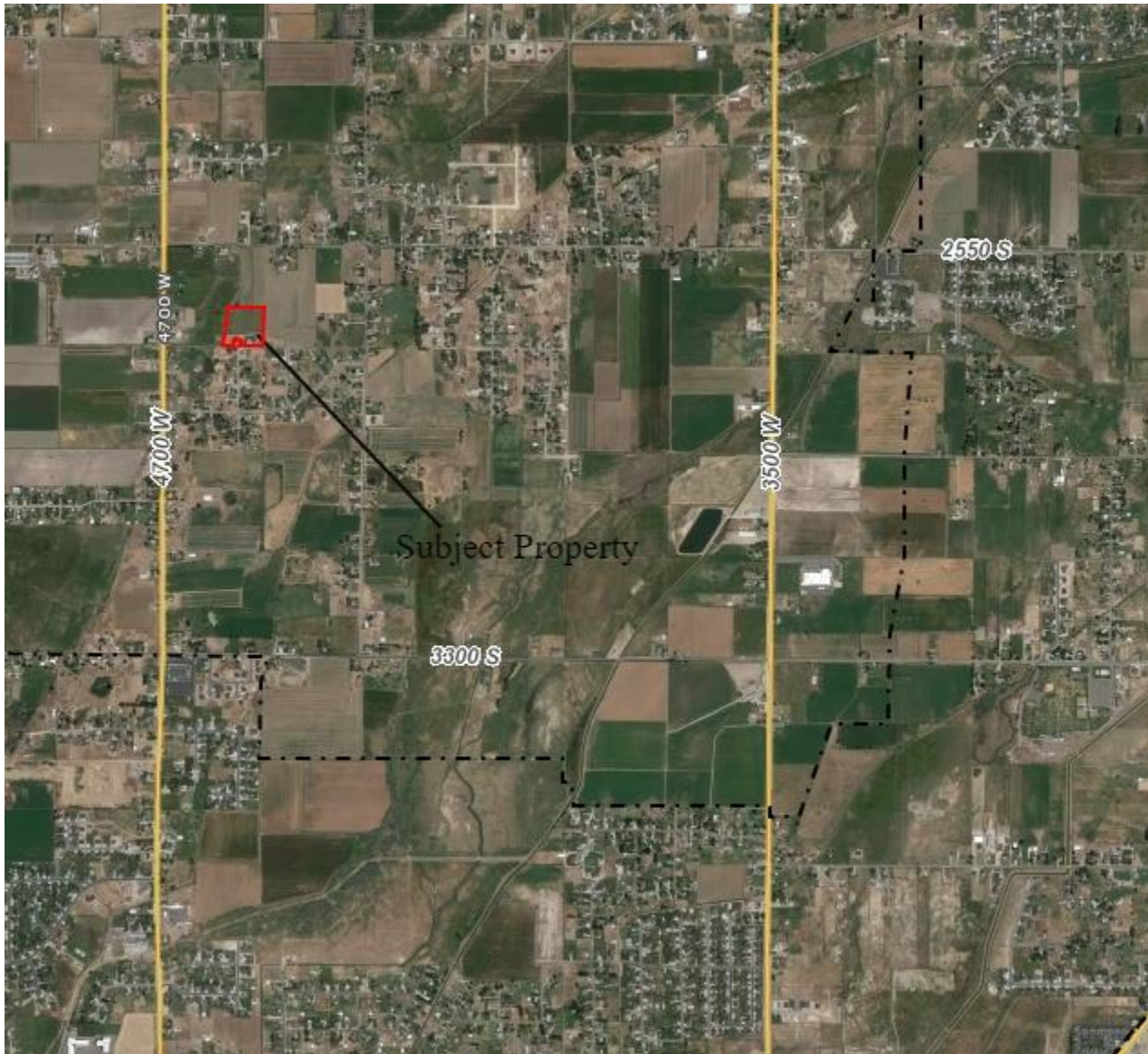


Rick Grover
Weber County Planning Director

Exhibits

- A. Proposed Gibson Hill Subdivision 1st Amendment
- B. Original Gibson Hill Subdivision Plat
- C. October 11 Commission Public Hearing Minutes
- D. Subdivision Application
- E. Site Image Showing topography

Area Map



52-13

Gibson Hill Subdivision

PART OF THE NORTHEAST QUARTER OF SECTION 32, 16N., R.2W., S.16R.0M.,
WHEELER COUNTY, UTAH
NOVEMBER, 2005

Basis Of Bearings

The basis of bearings for this plat is the western county line between the north quarter corner and the northeast corner of section 32, 16N., R.2W., S.16R.0M., shown herein as 5997737'.

Narrative

The purpose of this subdivision is to create the subdivision and create a plat for the subdivision of the north quarter corner and the northeast corner of the section 32, 16N., R.2W., S.16R.0M., shown herein as 5997737'.

4-1 ZONE NOTE

PLAT 221232Z FOR THE DIVISION OF THE NORTH QUARTER CORNER AND THE NORTHEAST CORNER OF SECTION 32, 16N., R.2W., S.16R.0M., SHOWN HEREIN AS 5997737'. THIS PLAT IS SUBJECT TO RESTRICTIONS ON THE NORTH QUARTER CORNER AND THE NORTHEAST CORNER OF SECTION 32, 16N., R.2W., S.16R.0M., SHOWN HEREIN AS 5997737'.

Boundary Description

PLAT 221232Z FOR THE DIVISION OF THE NORTH QUARTER CORNER AND THE NORTHEAST CORNER OF SECTION 32, 16N., R.2W., S.16R.0M., SHOWN HEREIN AS 5997737'. THE BOUNDARY DESCRIPTION OF THE NORTH QUARTER CORNER AND THE NORTHEAST CORNER OF SECTION 32, 16N., R.2W., S.16R.0M., SHOWN HEREIN AS 5997737' IS AS FOLLOWS: ...

Curve Table

CURVE #	BEARING	LENGTH	CHORD BEARING	CHORD LENGTH	PERCENTAGE
C1	48°11'37"	15.00	12.69	82.23	53.23%
C2	272°22'38"	50.00	27.49	90.23	18.77%
C3	48°11'37"	15.00	12.69	82.23	53.23%

RAJESH S. & GORDON E. COLEMAN

RAJESH S. & GORDON E. COLEMAN

HADLEY FARM SUBDIVISION

RONALD CHARLES GIBSON & WIFE NANCIET REHLEN SORENSON

LOT 1 GIBSON SUBDIVISION

NEERA S. WATKINS

WEST HILLS SUBDIVISION

450 WEST STREET

4700 WEST STREET

Water County Planning Commission Approval
This is to certify that the subdivision plat, map and data prepared by RA REVE & ASSOCIATES, INC. has been reviewed and approved by the Water County Planning Commission on the 12th day of November, 2005.

Steve Wilson
CHAIRMAN, WATER COUNTY PLANNING COMMISSION

Water County Engineer
I HEREBY CERTIFY THAT THE REQUIRED PUBLIC UTILITY RECORDS HAVE BEEN SUBMITTED TO THE WATER COUNTY ENGINEER AND APPROVED BY HIM AND THE PUBLIC UTILITY RECORDS HAVE BEEN SUBMITTED TO THE PUBLIC UTILITY RECORDS DIVISION OF THE WATER COUNTY ENGINEER AND APPROVED BY HIM.

Steve Wilson

Water County Commissioner
THIS IS TO CERTIFY THAT THE SUBDIVISION PLAT, MAP AND DATA PREPARED BY RA REVE & ASSOCIATES, INC. HAS BEEN REVIEWED AND APPROVED BY ME AS A MEMBER OF THE WATER COUNTY COMMISSION ON THE 12TH DAY OF NOVEMBER, 2005.

Steve Wilson
WATER COUNTY COMMISSIONER

Water County Surveyor
I HEREBY CERTIFY THAT THE MEASURED BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE CORRECT AND ACCURATE AND THAT THE MEASURED BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE CORRECT AND ACCURATE AND THAT THE MEASURED BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE CORRECT AND ACCURATE.

Steve Wilson
WATER COUNTY SURVEYOR

Water County Auditor
I HAVE EXAMINED THE FINANCIAL STATEMENT AND OTHER RECORDS REQUIRED TO BE FILED WITH THIS SUBDIVISION PLAT, MAP AND DATA AND I CERTIFY THAT THE RECORDS ARE CORRECT AND ACCURATE AND THAT THE MEASURED BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE CORRECT AND ACCURATE.

Steve Wilson
WATER COUNTY AUDITOR

Water County Health Department
I HEREBY CERTIFY THAT THE SOILS, PROXIMITY TO PUBLIC UTILITIES, AND PROXIMITY TO PUBLIC UTILITIES SHOWN ON THIS PLAT ARE CORRECT AND ACCURATE AND THAT THE MEASURED BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE CORRECT AND ACCURATE.

Steve Wilson
WATER COUNTY HEALTH DEPARTMENT

Water County Recorder
I HEREBY CERTIFY THAT THE SOILS, PROXIMITY TO PUBLIC UTILITIES, AND PROXIMITY TO PUBLIC UTILITIES SHOWN ON THIS PLAT ARE CORRECT AND ACCURATE AND THAT THE MEASURED BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE CORRECT AND ACCURATE.

Steve Wilson
WATER COUNTY RECORDER

RA Reve & Associates, Inc.

Surveyors & Engineers

1000 N. 1000 W., SUITE 100, OGDEN, UTAH 84403

PHONE: 468-3636 FAX: 468-3637

WWW.RAREVE.COM

Attestation
I, *Steve Wilson*, Surveyor for the State of Utah, do hereby certify that the foregoing plat, map and data were prepared by RA REVE & ASSOCIATES, INC., a duly licensed professional surveyor in the State of Utah, and that the same are correct and accurate and that the measured bearings and distances shown on this plat are correct and accurate.

Rajesh S. & Gordon E. Coleman
RAJESH S. & GORDON E. COLEMAN

Owner's Declaration and Certification
WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, DO HEREBY CERTIFY THAT WE ARE THE SOLE AND SEVERAL OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND AND THAT WE HAVE A RIGHT AND A POWER OF ATTORNEY TO MAKE THE SAME TO BE USED AS PUBLIC UTILITY RECORDS AND ALSO GRANT AND CONVEY THE SAME TO ANY PERSON OR PERSONS WE MAY CHOOSE AND WE HAVE THE RIGHT TO MAKE SUCH GRANT AND CONVEYANCE AND WE HAVE THE RIGHT TO MAKE SUCH GRANT AND CONVEYANCE AND WE HAVE THE RIGHT TO MAKE SUCH GRANT AND CONVEYANCE.

Rajesh S. & Gordon E. Coleman
RAJESH S. & GORDON E. COLEMAN

Attorney's Confirmation
I, *Steve Wilson*, Attorney at Law, do hereby certify that the foregoing plat, map and data were prepared by RA REVE & ASSOCIATES, INC., a duly licensed professional surveyor in the State of Utah, and that the same are correct and accurate and that the measured bearings and distances shown on this plat are correct and accurate.

Steve Wilson
ATTORNEY AT LAW

63-25

**MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

Tuesday, October 11, 2016 - 10:00 a.m.
Commission Chambers, 2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-203, the County Clerk records in the minutes the names of all persons who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

COMMISSIONERS: James Ebert and Kerry W. Gibson. Matthew G Bell was excused.

OTHER STAFF PRESENT: Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; and Fátima Fernelius, of the Clerk/Auditor's Office, who took minutes.

A. WELCOME – Commissioner Ebert

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Felix Lleverino

D. THOUGHT OF THE DAY – Commissioner Gibson

E. CONSENT ITEMS:

1. Warrants #409895 - #410062 in the amount of \$927,236.89
 2. Purchase orders in the amount of \$77,033.48
 3. Minutes for the meeting held on October 4, 2016
 4. Request from Weber County Tax Review Committee to refund \$1,309.85 to Liberty Pipe Line Company, parcel 20-260-0001
 5. Request from Weber County Tax Review Committee to refund \$236.05 to Brian Monson, parcel 17-187-0012
 6. Request from the Weber County Animal Services Department to surplus a Toro 21" commercial mower
- Commissioner Gibson moved to approve the consent items; Commissioner Ebert seconded.
Commissioner Gibson – aye; Commissioner Ebert – aye

F. ACTION ITEMS:

1. TRAINING REIMBURSEMENT AGREEMENTS WITH THE FOLLOWING INDIVIDUALS:

Trista Speicher	Jacob Stanger
Kirk Fisher	Austin Pifer
Brexton Winterbottom	

Steffani Ebert, of the County Sheriff's Office, presented these agreements with individuals hired to attend the Fred House Training Academy. The agreement requires them to remain in the county's employment for two years after completing the training.

Commissioner Gibson moved to approve the Training Reimbursement Agreements with the above listed individuals; Commissioner Ebert seconded.

Commissioner Gibson – aye; Commissioner Ebert – aye

2. MEMORANDUM OF UNDERSTANDING WITH THE HILL AIR FORCE BASE 75TH AIR BASE WING TO PROVIDE HOUSING OF MILITARY MALE AND FEMALE DETAINEES IN THE WEBER COUNTY CORRECTIONAL FACILITY

Steffani Ebert, with the County Sheriff's Office, noted that this agreement is to provide housing of military male and female detainees in the county's facility. This agreement was signed in April, however, there has been a change in commander and they are updating all of their agreements.

Commissioner Gibson moved to approve the Memorandum of Understanding with the Hill Air Force Base 75th Air Base Wing to provide housing of military male and female detainees in the Weber County Correctional Facility; Commissioner Ebert seconded.

Commissioner Gibson – aye; Commissioner Ebert – aye

G. PUBLIC HEARING:

1. Commissioner Gibson moved to adjourn the public meeting and convene the public hearing; Commissioner Ebert seconded.
Commissioner Gibson – aye; Commissioner Ebert – aye

2. **PUBLIC HEARING TO CONSIDER AND TAKE ACTION ON A REQUEST TO VACATE A ROAD EASEMENT FOR A FUTURE RIGHT OF WAY IN THE GIBSON HILL SUBDIVISION. THE 60’ PUBLIC UTILITY (PUE) EASEMENT IS LOCATED IN THE SOUTHWEST CORNER OF LOT**

Felix Lleverino, of the County Planning Division, stated that the applicant had requested to vacate this 60 foot easement. The 60 ft. access had been designated for a future roadway in 2005 on the southwest corner of the lot. After review, it has been found that there is no roadway dedicated for the property to the west or for a roadway to continue; it does not appear that there is a viable connection between the two main roads. The Planning Division recommends vacating the 60 foot access and utility easement for a future roadway in the southwest corner of Lot 1 of the Gibson Hill Subdivision. They also recommend that it be replaced with a 20 foot PUE and a 6 foot dedicated pedestrian access to provide connectivity for future development to the north/northwest. However, this item is only for the vacation of the road easement and the other two recommendations will be discussed as part of the subdivision. This item will go before the Western Weber Planning Commission tonight for their feedback.

3. Public comments: Commissioner Ebert invited public comments and none were offered.

4. Commissioner Gibson moved to adjourn the public hearing and reconvene the public meeting; Commissioner Ebert seconded.
Commissioner Gibson – aye; Commissioner Ebert – aye

5. **ACTION ON THE PUBLIC HEARING:**

G.2.-VACATE ROAD EASEMENT FOR A FUTURE RIGHT-OF-WAY IN THE GIBSON HILL SUBDIVISION – ORDINANCE 2016-14

Commissioner Gibson moved to adopt Ordinance 2016-14 vacating a road easement for a future right of way in the Gibson Hill Subdivision; Commissioner Ebert seconded.
Commissioner Gibson – aye; Commissioner Ebert – aye

H. PUBLIC COMMENTS: None

I. ADJOURN

Commissioner Gibson moved to adjourn at 10:14 a.m.; Commissioner Ebert seconded.
Commissioner Gibson – aye; Commissioner Ebert – aye; Chair Bell – aye

Attest:

James Ebert, Vice Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor

AMENDMENT

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 <i>July 18, 2016</i>	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Subdivision and Property Information

Subdivision Name <i>Gibson Hill subdivision 1st amendment</i>	Number of Lots <i>1</i>
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Approximate Address <i>2698 S. 4550 W</i>	Land Serial Number(s)
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Current Zoning <i>A-1</i>	Total Acreage <i>5.49 ac.</i>	<i>154160001</i>
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Culinary Water Provider <i>Taylor Wed Weber</i>	Secondary Water Provider <i>Hooper water improvement</i>	Wastewater Treatment
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Property Owner Contact Information

Name of Property Owner(s) <i>Richard B. Gibson</i>	Mailing Address of Property Owner(s)
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Phone Home <i>801 731 3453</i>	Fax	<i>2698 S. 4550 W Ogden (Taylor) Utah</i>
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Email Address	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
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Authorized Representative Contact Information

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

Surveyor/Engineer Contact Information

Name or Company of Surveyor/Engineer <i>Reeve</i>	Mailing Address of Surveyor/Engineer
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Phone <i>801-621-3100</i>	Fax
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Email Address	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
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Property Owner Affidavit

I (We) Richard Gibson, 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.

Richard B. Gibson
(Property Owner)

[Signature]
(Property Owner)

Subscribed and sworn to me this 18 day of July, 2016



[Signature]
(Notary)



TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT

2815 West 3300 South
West Haven Utah 84401

Dec.16 2016

To: Weber County Planning
Attn. Felix Lieverino

Subject: Easement Gibson Hill Subdivision lot 1

Taylor West Weber Water District has no problem with the 60'
road easement being vacated as long as the utility easement
Of 15 foot stays in place.



Val Surrage

Manager
Taylor West Weber Water District

Scott Slater (Questar) [Scott.Slater@questar.com]

1-17-2017 3:08 PM

Questar installed the gas line Friday and finishing up today. The furthest North point from the fence is 16.2', so as agreed a 17' PUE will need to be recorded along with the additional 5' access strip. If you need any more info let me know. Thanks

Scott Slater

Operations Engineering

Questar Gas Company