



WEBER COUNTY PLANNING DIVISION

Administrative Review Meeting Agenda

January 19, 2017
4:00-5:00 p.m.

1. Consideration and action for final approval of Rackliff Subdivision, consisting of one lot, with the request to defer asphalt, curb, gutter, and sidewalk.
2. Consideration and action on an amendment to the Robins Roost Subdivision to execute a lot line adjustment between the original Lot 13 and Lot 14.
3. Consideration and action on an alternative access request to use a private right-of-way as the primary access for one parcel (23-007-0003).
4. *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 Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for final approval of Rackliff Subdivision, consisting of one lot, with the request to defer asphalt, curb, gutter, and sidewalk.

Application Type: Administrative

Agenda Date: Friday, January 19, 2018

Applicant: Daniel and Remedios Rackliff

Subdivision File Number: LVR071417

Property Information

Approximate Address: 4409 West 1800 South, Taylor

Project Area: 2.441 Acres

Zoning: A-1

Existing Land Use: Residential/Agriculture

Proposed Land Use: Residential

Parcel ID: 15-080-0055

Township, Range, Section: Township 6 North, Range 2 West, Section 29

Adjacent Land Use

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

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

- Title 101 (General Provisions) Section 7 (Definitions)
- Title 102 (Administration) Chapter 1 (General Provisions) Section 2 (Planning Director Authority)
- Title 104 (Zones) Chapter 5 (Agricultural (A-1) Zone)
- Title 106 (Subdivisions) Chapter 1-8 as applicable

Development History

A Planning Administrative Approval meeting was held on December 6, 2017. During that meeting it was brought to our attention that Marjory Day (the owner of Day's End Subdivision) did not want to be included in this proposal. It was decided by the Planning Director to table the approval to a later date when the matter can be resolved and a revised plat is submitted. Shortly thereafter, the applicant submitted a revised plat that only includes Mr. and Mrs. Rackliff land.

Background and Summary

The applicants have submitted a request for final approval of Rackliff Subdivision, a small subdivision consisting of one lot that fronts directly on 1800 S Street, located at approximately 4435 West 1800 South, Taylor, Utah. There is a boundary line agreement between Mr. and Mrs. Rackliff and the property owners to the west (entry # 2859448). The proposed subdivision will establish a subdivision boundary and create a legal residential lot where the Rackliff's plan to build a home. The lot contains 2.441 acres that is currently vacant. The proposed subdivision conforms to both the zoning and subdivision requirements including adequate area and frontage. This proposal comes with a request to defer asphalt, curb, gutter and sidewalk. At this time it is impractical to widen 1800 South Street and construct curb, gutter and sidewalk due to those improvements not being present in the surrounding area.

Analysis

General Plan: This proposal conforms to the Western Weber General Plan by creating residential lots which will preserve the low density rural residential setting (see page 2-5 of the Western Weber General Plan).

Zoning: The subject property is located in the Agricultural (A-1) Zone. The purpose and intent of the A-1 Zone is found in LUC §104-5-1:

"The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment."

Small Subdivision: The Uniform Land Use Code of Weber County (LUC) §101 defines a "small subdivision" as "A subdivision consisting of three 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. Based on these provisions, this subdivision qualifies for administrative approval as a small subdivision.

Lot area, width and yard regulations: The lot contains 2.441 acres (106,329.96 sq ft) and will be 170 ft. wide.

The site development standards for the A-1 Zone are as follows:

- Minimum Lot Area: 40,000 sq. ft.
- Minimum Lot Width: 150 Feet

Culinary water and sanitary sewage disposal: Culinary water will be supplied by Taylor West Weber Water. Sanitary sewer services will be handled by an approved septic system that has received water table monitoring and septic system feasibility letters from the Health Department.

Secondary Water: Daniel and Remedios Rackliff possess 2 ½ Class A secondary water shares as shown in exhibit C on page 7 of this report.

Review Agencies: Weber County Fire Marshal and Weber County Engineering have approved this proposal. Weber County Surveying previously approved of the subdivision plat, although the recently submitted revised plat that omits Day's End Subdivision will need to be re-reviewed to insure compliance with County Surveyor requirements.

Tax clearance: The 2016 property taxes have been paid in full. The 2017 property taxes are due in full as of November 30, 2017.

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 §106-1-6(c).

Staff Recommendation

Staff recommends approval of Rackliff Subdivision, a one lot subdivision, including a request to defer asphalt, curb, gutter and sidewalk. This recommendation for approval is subject to all review agency requirements and based on the following conditions

1. A Deferral Agreement for asphalt, curb, gutter and sidewalk shall be entered into by the owner and recorded with the final Mylar.
2. Any requirement for secondary water be executed per Taylor West Weber Water District satisfaction.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.

Administrative Approval

Administrative final approval of Rackliff Subdivision, a one lot subdivision, including a request to defer asphalt, curb, gutter and sidewalk, 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: _____

Rick Grover
Weber County Planning Director

Exhibits

- A. Proposed Subdivision
- B. Taylor West Weber Water Will Serve Letter
- C. Hooper Irrigation Certificate
- D. Health Department Feasibility Letter
- E. Health Department Water Table Monitoring

Map 1



TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT
2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401

May 10, 2017

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that *preliminary* approval has been given to provide culinary water only for one home for the approximate address of ~~4415~~ West 1800 South in Taylor, Utah.
4465 VS

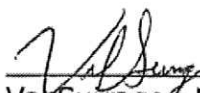
Requirements:

- *Water rights fee = 1/4 share of Hooper or Wilson Irrigation (in District's name) or a Weber Basin contract (\$2,902 or current cost when paid)
- *Secondary water = 1/2 share of Hooper or Wilson Irrigation (in District's name) to be held by District for a pressurized system
- *Hookup/Impact fee = \$6,824 (or current cost when paid)

Final approval will be subject to meeting all of the requirements of the District and all fees/shares being paid and received.

Sincerely,

TAYLOR WEST WEBER WATER IMP. DIST.



Val Surrage Manager

VS/sph

Expires 10/10/17

transferred 6/11/17

AL Preston

INCORPORATED UNDER THE LAWS OF THE STATE OF UTAH

No. 7238



2 1/2 Shares

HOOPER IRRIGATION COMPANY

Capital Stock 10,000 Shares

THIS CERTIFICATE REPRESENTS THAT Quinton Sanders is the owner of two and one-half Class A Shares of the Capital Stock of HOOPER IRRIGATION COMPANY

transferred only on the books of the Corporation by the latter having in possession by its attorney upon surrender of this Certificate heretofore submitted.

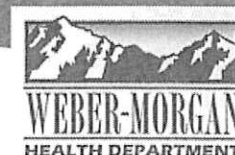
IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 12th day of January, 2017

Michelle Fruston
SECRETARY

Harold A
PRESIDENT

Par Value \$10.00

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



August 27, 2015

Renee Sanders
153 7th St
Ogden, UT 84404

RE: Wastewater Site and Soils Evaluation #14234
Approx. 4405 W 1800 S
Parcel # 15-080-0055

Dear Ms Sanders:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on August 27, 2015. The exploration pit is located on the enclosed plat developed during the site evaluation along with the assigned numerical code for each exploration pit. The soil horizons, required percolation depths, actual and anticipated maximum ground water tables have been logged as follows:

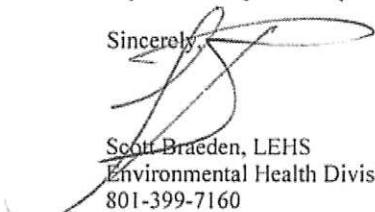
Exploration Pit #1 (UTM Zone 12 Nad 83 408992 E 4565315 N)
0-13" Sandy loam, granular structure
13-42" Fine sandy loam, massive structure
42-51" Fine silt loam, massive structure
Ground water encountered at 51" below grade.

Exploration pits should be backfilled immediately upon completion of percolation testing to prevent a hazardous environment that may cause death or injury to people or animals.

Monitoring of the maximum ground water table is required in the location of the above listed exploration pits. Please complete the enclosed application of maximum ground water table monitoring and return it along with the appropriate fees. The wells should be constructed in accordance with the enclosed diagram in order to provide the most accurate water table readings possible. Each group of monitoring wells can be for an area not exceeding 600 feet or approximately a 3 acre area.

If you have any further questions, contact this office at your convenience.

Sincerely,

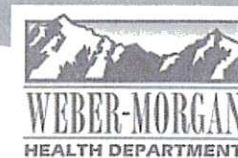


Scott Braeden, LEHS
Environmental Health Division
801-399-7160
SB/nm

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

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



March 22, 2016

Renee Sanders
153 7th Street
Ogden, UT 84404

**Subject: Water Table Monitoring located at approximately 4405 W. 1800 S. in Ogden, UT.
Land serial #15-080-0055**

Dear Mrs. Sanders:

This letter is to notify you of the results for water table monitoring that was conducted on your property. Monitoring was performed from January 12, 2016 through March 4, 2016. The peak ground water level was observed on February 26, 2016.

The water table for the subject property remained below 24 inches throughout the monitoring period. Therefore, an **At-Grade Wastewater Disposal System** would be suitable for the property with respect to water table.

The Weber-Morgan Health Department does not assert that this property meets zoning, subdivision or any other development feasibility requirements.

If not already accomplished, the following requirements must be satisfied in accordance with Utah Administrative code R317-4 and Weber-Morgan Health Department Onsite Wastewater Treatment System regulation, before the Weber-Morgan Health Department is able to issue a letter of feasibility for residential development on the property:

1. Approval of onsite systems in western Weber County is made in accordance with the AGround Water Management Plan for Western Weber County, (adopted by the Weber-Morgan Board of Health 27 August 2001). The plan addresses replacement systems and density requirements.
2. **Drinking water.** Culinary drinking water must be provided by an approved public water system or an approved private well. **Properties to be served by a public water system must provide our office with a letter from the utility company, documenting that the system is capable of provided water to the property.** If a private well is to be used, the well must be permitted and approved by a member of this office.

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

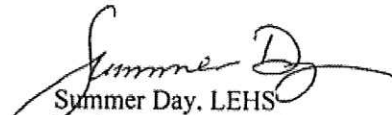
3. **Soils Evaluation and Percolation Testing.** Soil exploration pits shall be made at the minimum rate of one exploration pit per lot proposed. Application and guidance for soils evaluation are available at the health department or online at webermorganhealth.org. Percolation tests may be required based on soil types and must be performed by a certified individual. A list of certified individual is available at the health department

Once feasibility has been demonstrated, and the following requirements have been satisfied, the health department will then be able to issue an Onsite Wastewater Disposal Permit:

1. **System design.** Alternative systems must be designed by a Certified, level 3 onsite systems professional or other qualified professional. The system must be designed in accordance with Utah State Rule, R317-4, Onsite Wastewater Systems and Weber-Morgan Health Department Rules for Individual Wastewater Systems.
2. **Building plans.** Plans must include the property's dimensions, topographical features, easements, a floor plan (indicating the number of bedrooms and basement, if applicable), driveways and outbuildings and lot dimensions, placement of the onsite system and the location of system replacement area (must accommodate 100% replacement of the original system).
3. **Subdivision plans.** The location of all exploration pits and percolation test holes shall be clearly identified on the subdivision final plat and identified by a key number or letter designation. The results of such soil test, including stratified depths of soils and final percolation rates for each lot shall be recorded on or with the final plat.

Attached is a copy of all water table measurements and observations. Please contact this office or the undersigned at 801-399-7160 if you have questions.

Sincerely,


Summer Day, LEHS
Environmental Health Division



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an amendment to the Robins Roost Subdivision to execute a lot line adjustment between the original Lot 13 and Lot 14

Type of Decision: Administrative

Agenda Date: January 19, 2018 4:00pm

Applicant: James Swearingen, Thomas Halliday – Owners, and M. Darin Hammond – Authorized Representative

File Number: UVR060517

Property Information

Approximate Address: 5185 East 2275 North, Eden, UT, 84310

Project Area: 1.107 and .959 Acres

Zoning: AV-3 Zone

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 22-075-0006, 22-075-0008

Township, Range, Section: Township 7 North, Range 1 East, Section 34

Adjacent Land Use

North: 2275 N	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
801-399-8794

Report Reviewer: RK

Applicable Ordinances

- Title 106, Chapter 2, Subdivision Standards.
- Title 106, Subdivisions, Chapter 1-8 as applicable

Development History

- 11/8/1977: Received application for Robins Roost Subdivision Phase 1, creating 12 legal lots.
- 6/5/2017: Received application for Robins Roost Subdivision 1st Amendment, to adjust the lot line between the original lot 5 and Lot 8, in o

Background and Summary

The Planning Division recommends final approval of the Robins Roost Subdivision 1st Amendment, a small subdivision consisting of two residential lots (see Exhibit A). The proposed subdivision is located at approximately 5185 East 2275 North, Eden, and is in the AV-3 zone.

The proposed amendment will consist of 2.09 acres. The proposed subdivision amendment is the result of a more recent survey. The subdivision and lot configurations were established at a time that the zoning in the Ogden Valley was a minimum of 40,000 square feet for a residential lot; consequently, the lots are considered legal nonconforming lots. The proposed subdivision meets all other applicable subdivision requirements as required in the Uniform Land Use Code of Weber County, Utah (LUC).

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing residential areas.

Zoning: The subject property is located in the Ogden Valley Agricultural Valley Zone more particularly described as the AV-3 zone. The purpose and intent of the AV-3 zone is identified in the LUC §104-6-1 as:

“The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.”

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC Title 106, and the standards in the AV-3 zone in LUC Title 104 Chapter 6. Small subdivisions as defined in LUC §101-7 can be administratively approved per LUC §106-1-5(b)(1). The proposal has been reviewed against the adopted zoning and subdivision ordinances to ensure that the regulations and standards have been adhered to. 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: The AV-3 Zone has a minimum lot area or a minimum lot width requirement per LUC §104-6-6(h) for a single family residential dwelling. Both lots have an existing residential dwelling, therefore the following development standards will be reviewed upon submittal for a building permit (accessory use – small accessory buildings):

- Front yard setback: 30 feet
- Side yard setback: 10 feet except 1 foot if located at least 6 feet in rear of main building
- Rear yard setback: 1 ft. except 10 ft. where accessory building on a corner lot rears on side yard of an adjacent lot
- Accessory building height: 25 feet

The proposed lot configuration meets the width standards in the AV-3 Zone. The lots do not have adequate area for the AV-3 zone; however, per LUC §108-12-11(2):

“Any lot legally platted within the bounds of a subdivision that was created pursuant to the standards of the zoning code and subdivision code in effect at the time of its creation, but no longer complies due to subsequent changes to these codes, may be amended pursuant to the minimum standards in effect at the time of its creation. The amendment shall not create any new lots. An amended plat shall be required.”

The proposed lots meet this requirement and are considered and are considered legal nonconforming lots.

Review Agencies: The Weber Fire District and Weber County Engineering Division have reviewed and approved the proposed subdivision amendment. The Weber County Surveyor’s office has reviewed the proposal and provided the applicant with the needed corrections that will be necessary prior to approving the proposal.

Additional design standards and requirements: 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 2016 property taxes have been paid in full. The 2017 property taxes will be due in full on November 30, 2017.

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 §106-1-6(c).

Staff Recommendation

Staff recommends final plat approval of Robins Roost Amendment #1, adjusting the lot line between the existing lots 13 and 14. This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. A Deferral Agreement will be recorded with the final Mylar.

This recommendation is based on the following findings:

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

Administrative Approval

Administrative final plat approval of Robins Roost Amendment #1, adjusting the lot line between the existing lots 13 and 14, Robins Roost Subdivision Amendment #1, 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 is based on the findings listed in this staff report.

Date of Administrative Approval: _____

Rick Grover
Weber County Planning Director

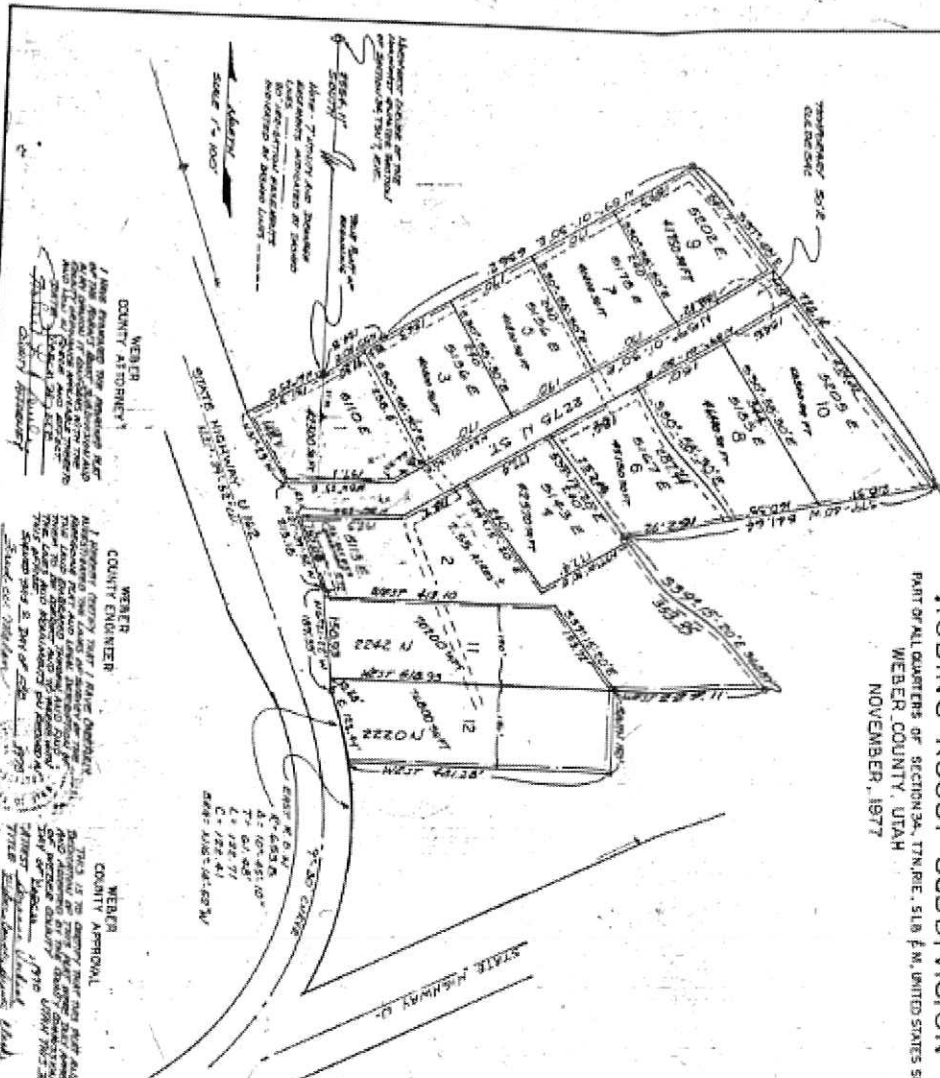
Exhibits

- A. Original Subdivision Plat
- B. Proposed Subdivision Plat

Map 1



ROBINS ROOST SUBDIVISION
 PART OF ALL QUARTERS OF SECTION 24, T.9N.R.1E, S.18 & 19 N., UNITED STATES SURVEY
 WEBER COUNTY, UTAH
 NOVEMBER, 1977



ENGINEER'S CERTIFICATE

I, G. M. ANDERSON, a Registered Professional Engineer in the State of Utah, do hereby certify that the plat of Robins Roost Subdivision, Weber County, Utah, is a true and correct representation of the actual conditions on the ground as shown on the attached plat. I have examined the plat and the field notes and find that the same are correct and conform to the requirements of the Utah Subdivision Law. I have also examined the original survey records and find that the same are correct and conform to the requirements of the Utah Subdivision Law. I have also examined the original survey records and find that the same are correct and conform to the requirements of the Utah Subdivision Law. I have also examined the original survey records and find that the same are correct and conform to the requirements of the Utah Subdivision Law.

OWNERS' DECLARATION

WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED SUBDIVISION, do hereby declare that the above described subdivision is a true and correct representation of the actual conditions on the ground as shown on the attached plat. We have examined the plat and the field notes and find that the same are correct and conform to the requirements of the Utah Subdivision Law. We have also examined the original survey records and find that the same are correct and conform to the requirements of the Utah Subdivision Law. We have also examined the original survey records and find that the same are correct and conform to the requirements of the Utah Subdivision Law.

UNIT L. ROBINS
 ROBERT B. ROBINS

EDIE M. DENT, Co. Sec.
 GAIL L. ROBERTS

ACKNOWLEDGEMENT

I, G. M. ANDERSON, a Registered Professional Engineer in the State of Utah, do hereby certify that the above described subdivision is a true and correct representation of the actual conditions on the ground as shown on the attached plat. I have examined the plat and the field notes and find that the same are correct and conform to the requirements of the Utah Subdivision Law. I have also examined the original survey records and find that the same are correct and conform to the requirements of the Utah Subdivision Law. I have also examined the original survey records and find that the same are correct and conform to the requirements of the Utah Subdivision Law.

BOUNDARY DESCRIPTION

A plat of the Robins Roost Subdivision, Weber County, Utah, is hereby filed for record. The subdivision is a true and correct representation of the actual conditions on the ground as shown on the attached plat. The subdivision is a true and correct representation of the actual conditions on the ground as shown on the attached plat. The subdivision is a true and correct representation of the actual conditions on the ground as shown on the attached plat. The subdivision is a true and correct representation of the actual conditions on the ground as shown on the attached plat. The subdivision is a true and correct representation of the actual conditions on the ground as shown on the attached plat.

WEBER COUNTY PLANNING COMMISSION

APPROVED BY THE WEBER COUNTY PLANNING COMMISSION on this 11th day of November, 1977. I, [Name], Secretary of the Commission.

WEBER COUNTY ATTORNEY
 I have examined the plat and find that the same are correct and conform to the requirements of the Utah Subdivision Law.

WEBER COUNTY ENGINEER
 I have examined the plat and find that the same are correct and conform to the requirements of the Utah Subdivision Law.

WEBER COUNTY APPROVAL
 I have examined the plat and find that the same are correct and conform to the requirements of the Utah Subdivision Law.



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an alternative access request to use a private right-of-way as the primary access for one parcel considered to be a legal Lot of Record.

Agenda Date: Wednesday, June 28, 2017

Applicant: Blaine Glasmann, Michael Glasmann, and Kevin Glasmann

Authorized Representative: Michael Glasmann

File Number: AAE 2017-10

Property Information

Approximate Address: 9161 East 100 South, Huntsville, UT 84317

Project Area: 52.15 Acres

Zoning: Forest Zone (F-5)

Existing Land Use: Vacant

Proposed Land Use: Vacant/Residential

Parcel ID: 23-007-0003

Township, Range, Section: T6N, R3E, Section 4

Adjacent Land Use

North:	North Fork River/Residential	South:	Vacant
East:	U.S Forest Service	West:	Vacant

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
801-399-8794

Report Reviewer: RK

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 9 (Forest F-5 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 Flag lot access strip, private right-of-way, and access easement standards
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 31 Access to a lot/parcel using a private right-of-way or access easement

Background

The Planning Division is recommending approval of the request for an alternative access for the subject parcel.

The property is in the Forest F-5 Zone located at approximately 9161 East 100 South and is 52.15 acres. The private right-of-way is located along the existing 191 Rd, owned by the U.S Department of Agriculture Forest Service, just off Hwy 39, of Section 16 of Township 6 North, Range 3 East.

Alternative access applications such as this are reviewed and approved administratively by the Weber County Planning Director. It is essential to note that this request is an administrative application and is not a variance or an exception to the standards and criteria outlined in the Uniform Land Use Code of Weber County (LUC). The request conceptually meets the standards as outline in LUC §108-7-29 and meets the criteria for the request as required in LUC §108-7-31.

Alternative access applications should be approved as long as the design standards can be implemented during the development process. The application meets the criteria in LUC §108-7-31(1)(b) which states:

"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."

Analysis

General Plan: The General Plan for Ogden Valley is intended to preserve private property rights while also preserving the rural characteristics of the Valley. This proposal conforms to the Ogden Valley General Plan.

Zoning: The subject property is located in the Forest Zone more particularly described as the F-5 zone. The purpose and intent of the F-5 zone is identified in the LUC §104-9-1 as:

“The intent of the forest zones is to protect and preserve the natural environment of those areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.”

The application has been forwarded to the applicable review agencies and based on the limited criteria and conditions that govern alternative access application and after a thorough review of the applicant’s proposal, staff feels that the applicant has provided adequate evidence to show that it is unfeasible or impractical to extend a street to serve such parcel due to topographic, or property boundary conditions. This determination is based on the review and analysis of the information provided by the applicant.

Prior to any further development considerations on this site, the applicant will have to provide a complete application that adheres to all Federal, State and County ordinances.

Review Agencies: To date, the proposed subdivision has been approved by the Weber County Engineer as well as Weber Fire District. All review agency requirements must be addressed and completed prior to this alternative access being recorded.

Tax Clearance: The 2017 property taxes have been paid in full. The 2018 taxes are will be due in full November 30, 2018.

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

Summary of Administrative Considerations

- Based on substantial evidence, has it been 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

Staff Recommendation

Staff recommends approval of the request for an alternative access for a 150 foot private right-of-way as the primary access for parcel 23-007-0003.

This recommendation is based on the following findings:

1. Based on substantial evidence, it has been found that it is unfeasible or impractical to extend a street to serve such lot/parcel based on topographic, and property boundary conditions which limits typical access requirements in a unique way.

Administrative Approval

Administrative final approval of an alternative access as the primary access for parcel # 23-007-0003 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: Friday, January 19, 2018

Rick Grover
Weber County Planning Director

Exhibits

- A. Map of Location
- B. Application and Narrative
- C. Agreement with US Forest Service
- D. Site Plan

Exhibit A-Location map



Exhibit B-Application & Narrative

Weber County Alternative Access Application			
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted /Completed	Application Fee: \$350.00	Receipt Number (Office Use)	File Number (Office Use)
Application Type			
<input type="checkbox"/> Flag lot access strip <input checked="" type="checkbox"/> Access by Private Right of Way <input type="checkbox"/> Access at a location other than across the front lot line			
Property Owner Contact Information			
Name of Property Owner(s) <i>Blaine, Michael; Kevin Glasmann ^{of town} and Glasmann</i>		Mailing Address of Property Owner(s) <i>Michael Glasmann</i> <i>1560 E. 33rd Street</i> <i>Ogden, UT 84403</i>	
Phone <i>801-540 3460</i>	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required) <i>Michael0707@me.com</i>			
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) <i>Michael Glasmann</i>		Mailing Address of Authorized Person <i>see above</i>	
Phone <i>801-540 3460</i>	Fax <i>N/A.</i>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required) <i>Michael0707@me.com</i>			
Property Information			
Project Name <i>Glasmann Cabins</i>		Total Acreage <i>52 acres (approx)</i>	Current Zoning
Approximate Address <i>State Road 39 at meadows</i> <i>Hwy 89 Campground (South Fork area)</i>		Land Serial Number(s) <i>23007-0003</i>	
Proposed Use <i>Develop 3 cabins</i>			
Project Narrative <i>Develop 3 cabins for se (1 each for Blaine, Mike, Kevin)</i> <i>along the South Fork River</i>			

Exhibit B-Application & Narrative

Basis for Issuance of Access to a lot/parcel at a location other than across the front lot line

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

Sec. 108-7-32. - Access to a lot/parcel at a location other than across the front lot line.

- (1) The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line.
- (2) It shall be demonstrated that appropriate and legal access exists 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.

Please provide the following information to support your request for Access to a lot/parcel at a location other than across the front lot line:

- Attach proof that appropriate and legal access exists 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.
- The landowner of record or authorized representative agrees 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.

Property Owner Affidavit

I (We), Michael J. Glasmann ^{Kevin Glasmann}, 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) understand that an approval of an alternative access application does not grant a legal right to access property that I(we) currently do not own.

[Signature] Property Owner [Signature] Property Owner

Subscribed and sworn to me this 5th day of October, 2017.

[Signature] Notary



Authorized Representative Affidavit

I (We), Michael J. Glasmann ^{Kevin Glasmann}, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Michael Glasmann, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

[Signature] Property Owner [Signature] Property Owner

Dated this 5th day of October, 2017, personally appeared before me Michael J. Glasmann & Kevin V. Glasmann, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

[Signature] Notary

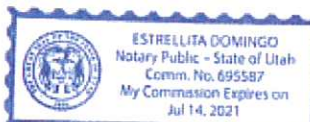


Exhibit B-Application & Narrative

Basis for Issuance of Access to a lot/parcel at a location other than across the front lot line

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

Sec. 108-7-32. - Access to a lot/parcel at a location other than across the front lot line.

- (1) The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line.
- (2) It shall be demonstrated that appropriate and legal access exists 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.

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Property Owner Affidavit

I (We), BLAINE V. GLASMAN, 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) understand that an approval of an alternative access application does not grant a legal right to access property that I (we) currently do not own.

Blaine V. Glasman Property Owner _____ Property Owner

Subscribed and sworn to me this 2 day of October, 2019.

[Signature] Notary



Authorized Representative Affidavit

I (We), BLAINE V. GLASMAN, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), MICHAEL GLASMAN, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Blaine V. Glasman Property Owner _____ Property Owner

Dated this 2 day of October, 2019, personally appeared before me Blaine V. Glasman, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

[Signature] Notary

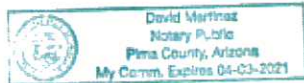


Exhibit B-Application & Narrative

Kevin Glasmann 5925 South 2450 East, Ogden, Utah 84403 801-500-0142

Mr. Steve Burton
Weber County Planning Dept.
2380 Washington Blvd. Suite 240
Ogden, UT 84401

October 6, 2017

Steve:

I have enclosed the "Alternative Access Application" for your review. I have also included a copy of the road permit we have with the United States Forest Service to access our 52 acre parcel #23 007 0003.

Alternative access is necessary for this "Green Belt" parcel because it is land locked excepting our road/access permit with the US Forest Service. On our northern boundary the property abuts the South Fork River. The property north of the river is owned by other private entities that are currently served by their own private road off of SR 39. Consequently, even bridging the South Fork River is not an option. All property abutting our parcel on the East and South is owned by other private entities and no access or road exits through those properties. Finally, to the West, the abutting property is owned by the U.S. Forest Service which has a road from SR 39 to the newly constructed permit road that enters our parcel.

A copy of the improvement plans for the gravel road we constructed in accord with said permit is enclosed. The road improvement plans were drafted in compliance with The Weber County Fire Marshal, Ted Black (at that time), to ensure inclines, turn radii and base material would be sufficient for our desired cabin access. A "hammer head" was included to accommodate fire truck turn around.

I have included a photo of the newly constructed road as it enters our property so you can see the quality of access that exists. The completed road was approved by the Forest Service.

We appreciate your help in working through this process. Please feel welcome to contact me with any input or questions you might have.

Sincerely,



Kevin V. Glasmann
Keving5925@msn.com

Exhibit D-Site Plan

Auth ID: OGD544101 Contact ID: KEVINGLASMANN Expiration Date: 12/31/2029 Use Code: 753	FS-2700-4c (03/06) OMB No. 0596-0082
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**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE**

**PRIVATE ROAD SPECIAL USE PERMIT
AUTHORITY:**

FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976

Kevin Glasmann, 5925 South 2450 East, OGDEN, UT 84403 (hereafter called the Holder) is hereby authorized to use National Forest lands for the construction, reconstruction, maintenance, and use of a road within the Uinta-Wasatch-Cache National Forest for the following purposes:

Construction, Operating and Maintenance of a road to private property adjacent to Camp Red Cliff Organization Camp.

The lands covered by this permit are located in the County of Weber, State of Utah and are described as follows: 630 feet by 12 feet gravel surface road located at the east side of Camp Red Cliff Organizational Camp near Huntsville, Utah, NE1/4 of the NE1/4 of Section 5, T6N, R3E, SLB&M.

This permit covers a right-of-way 0.1 miles in length, 12 feet in width, containing approximately 0.17 acres, and is located upon the ground according to the survey line, figures, measurements, widths, and other references shown on the map or plat attached hereto as exhibit(s) A and made a part hereof.

This permit is made subject to the following terms, provisions, and conditions:

1. This permit is subject to all existing easements and valid rights existing on this date.
2. The Holder in exercising the privileges granted by this permit shall comply with all applicable State and Federal laws, Executive Orders, and Federal rules and regulations, and shall comply with all State standards for public health and safety, environmental protection, and siting construction, operation, maintenance of or for rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards.
3. The Holder shall cut no timber except as authorized by construction stipulations or maintenance agreements.
4. The Holder shall provide maintenance so that no damage occurs on adjacent National Forest land. The Holder shall construct and maintain lead-off drainage and water barriers as necessary to prevent erosion.
5. Holder shall pay the United States for all injury, loss, or damage, including fire suppression costs, in accordance with Federal and State laws.
6. Holder shall indemnify the United States for any and all injury, loss, or damage, including fire suppression costs the United States may suffer as a result of claims, demands, losses, or judgments caused by the Holder's use or occupancy under this permit.
7. Holder shall pay annually in advance a sum determined by the Forest Service to be the fair market value of the use authorized by this permit. The initial payment is set at \$45 or the remainder of the calendar year. Payments for each subsequent calendar year shall be the amount of \$45 adjusted using the Implicit Price Deflator-Gross National Product index (IPD-GNP), or other factor selected by the Forest Service, to reflect more nearly the current fair market value of the use. At intervals to be determined by certain changes in the indexes used to establish the linear rights-of-way fee schedule, the fee shall be reviewed and adjusted as necessary to assure that it is commensurate with the value of the rights and privileges authorized. Failure of the Holder to pay the annual payment, late charges, or other fees or charges shall cause the permit to terminate.

Exhibit D-Site Plan

8. Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

Liquidate any security or collateral provided by the authorization.

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, et seq.)

9. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations approved by the Forest Service prior to beginning such construction or reconstruction.

10. The Holder shall repair fully all damage to National Forest roads and trails caused by the exercise of the privileges granted by this permit.

11. The United States may use the roads without cost for all purposes deemed necessary or desirable in connection with the protection and administration of the lands or resources of the United States, provided that it will use the road for commercial hauling purposes, other than the removal of timber cut in construction or maintenance of the road or other occasional incidental use, only after arranging to pay or perform its pro rata share of road maintenance.

12. The Forest Service alone may extend rights and privileges for use of the road constructed on the premises to other non-Federal users provided that such users shall pay a fair share of the current replacement cost less depreciation of the road to the holder, and reconstruct the road as necessary to accommodate their use.

13. The Forest Service retains the right to occupy and use the right-of-way and to issue or grant rights-of-way for land uses, for other than road purposes, upon, over, under, and through the permit area provided that the occupancy and use do not interfere unreasonably with the rights granted herein.

14. The Forest Service shall have the right to cross and re-cross the premises and road at any place by any reasonable

Exhibit D-Site Plan

means and for any purpose in such manner as does not interfere unreasonably with use of the road.

15. The Holder shall maintain the right-of-way clearing by means of chemicals only after the Forest Supervisor has given specific written approval. Application for such approval must be in writing and must specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.

16. Unless sooner terminated, or revoked by the Regional Forester, this permit shall expire and terminate on 12/31/2029. At that time, if the holder still needs the road for the purposes for which this permit is granted, the permit will be reissued for a period of 10 years (or the estimated remaining life of the project, whichever is less). At the time of reissuance, the terms and conditions may be modified and new conditions or stipulations added at the discretion of the Forest Service.

17. This permit may be terminated or suspended upon breach of any of the conditions herein, or revoked at the discretion of the Issuing Officer.

18. Upon termination or revocation of this special-use authorization, the Holder shall remove within a reasonable time the structures and improvements and shall restore the site to a condition satisfactory to the authorized officer, unless otherwise waived in writing or in the authorization. If the Holder fails to remove the structures or improvements within a reasonable period, as determined by the authorized officer, they shall become the property of the United States, but this does not relieve the Holder from liability for the removal and site restoration costs.

19. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

20. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

21. Liability. For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

D. In the event of any breach of the conditions of this authorization by the holder, the Authorized Officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest

Exhibit D-Site Plan

Service does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.


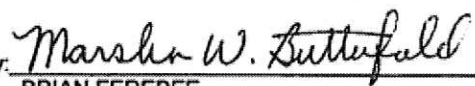
22. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

23. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

24. Assignability. This authorization is not assignable or transferable. If Holder, through death, voluntary transfer, enforcement of contract, foreclosure, or other valid legal proceeding shall cease to be owner of the above-described real property accessed by the authorized road, this authorization will terminate.

25. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

In Witness Whereof, the parties hereto have caused this authorization to be duly executed on this 16th day of September, 2009.

Holder By:  KEVIN GLASMANN	USDA - Forest Service By:  for BRIAN FEREBEE Forest Supervisor Uinta-Wasatch-Cache National Forest
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According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

