



# Staff Report to the Weber County Planning Division

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for approval of a proposal to create an 11.8-acre residential lot by the name of Franke Estates.

**Agenda Date:** Wednesday, March 20, 2019

**Applicant:** Allen Franke, Owner

**File Number:** LVF 121818

### Property Information

**Approximate Address:** 595 S 3600 West

**Project Area:** 11.8 Acres

**Zoning:** Agricultural (A-1)

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 15-045-0072

**Township, Range, Section:** T6N, R2W, Section 16

### Adjacent Land Use

<b>North:</b> Residential/Agricultural	<b>South:</b> Residential/Agricultural
<b>East:</b> Residential/Agricultural	<b>West:</b> Residential/Agricultural

### Staff Information

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

**Report Reviewer:** RG

## Applicable Land Use Codes

- Title 101 (General Provisions) Chapter 1 (Definitions)
- Title 104 (Zones) Chapter 5 (Agricultural A-1)
- Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 8 (Final Plat Requirements)

## Development History

Alternative access approval (AAE 2018-2) to create a private right-of-way was granted on May 31, 2018, with the conditions that:

1. The private road shall comply with the design, safety, and parcel/lot standards of the alternative access.
2. The applicant will enter into an alternative access agreement that shall be recorded, including the dedication of a half-width that will be a gift to the County at the time of the County's choosing. The language of the agreement shall be mutually decided between the applicant and County.

Condition number 2 has been met by the owner. The Alternative Access Agreement has been created and agreed upon by the owner and the County agencies (see Exhibit E).

## Background and Summary

The applicant is requesting approval of an 11.8-acre residential lot. Access to the property will be via a private road that accesses from 3600 West Street, a public right-of-way.

As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the A-1 Zone found in LUC §104-5. The following section is a brief analysis of this project against current land use regulations.

## Analysis

**General Plan:** This proposal conforms to the Western Weber General Plan by encouraging residential properties that may also pursue agriculturally related uses.

**Zoning:** The property is located in the A-1 Zone. The purpose of this zone is stated in the 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."*

**Site Development Standards:** Lots created in the A-1 Zone are required to comply with site development standards for the A-1 Zone. This proposal exceeds the minimum standards with regard to lot area and width.

**Small Subdivision:** "The Planning Director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission LUC §106-1-8 (f)." This proposal qualifies as a small subdivision consisting of three or fewer lots for which no new streets are being created or realigned.

**Road Dedication:** Following approval from the Planning Director, this proposal will be presented before the County Commission for approval of the area being dedicated to the public right-of-way 3600 West Street.

**Flood Zone:** This parcel is within an area of minimal flood hazard and determined to be outside the 500-year flood level.

**Culinary Water:** Taylor West Weber Water Improvement District has provided a letter stating that it will serve the needs for domestic use only and that proof of secondary water must be provided prior to applying for a residential connection.

**Irrigation Water:** The owners will provide proof that they possess sufficient water shares. As a condition of a culinary water connection, Taylor West Weber Water Improvement District requires a ½ share transferred to the Districts name.

**Sewer Services:** Weber-Morgan Health Department has provided a feasibility letter stating that water table monitoring and soil evaluations have been completed.

**Review Agencies:** The Weber County Fire District has approved this proposal. Weber County Planning, Engineering, and Surveying have submitted comments that will be addressed by a revised subdivision plat and a written response to a series of questions.

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

## Staff Recommendation

Staff recommends preliminary and final plat approval of Franke Estates, a proposal to create an 11.8-acre residential lot. This recommendation is based on the following conditions:

1. The area dedicated to the public right of way shall be approved by the County Commission.
2. The final Mylar must be signed by the County Commission prior to recording.
3. A deferral agreement must be entered into by the owner and recorded with the final Mylar.
4. The Alternative Access Agreement must be signed and recorded with the final Mylar.
5. The owner must enter into a Declaration of Deed Covenant to Run with the Land Concerning the Provision of Irrigation Water

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. The proposed subdivision complies with the applicable County codes.

## Administrative Approval

Administrative final approval of Franke Estates, consisting of 1 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: 3/20/19

  
Rick Grover  
Weber County Planning Director

## Exhibits

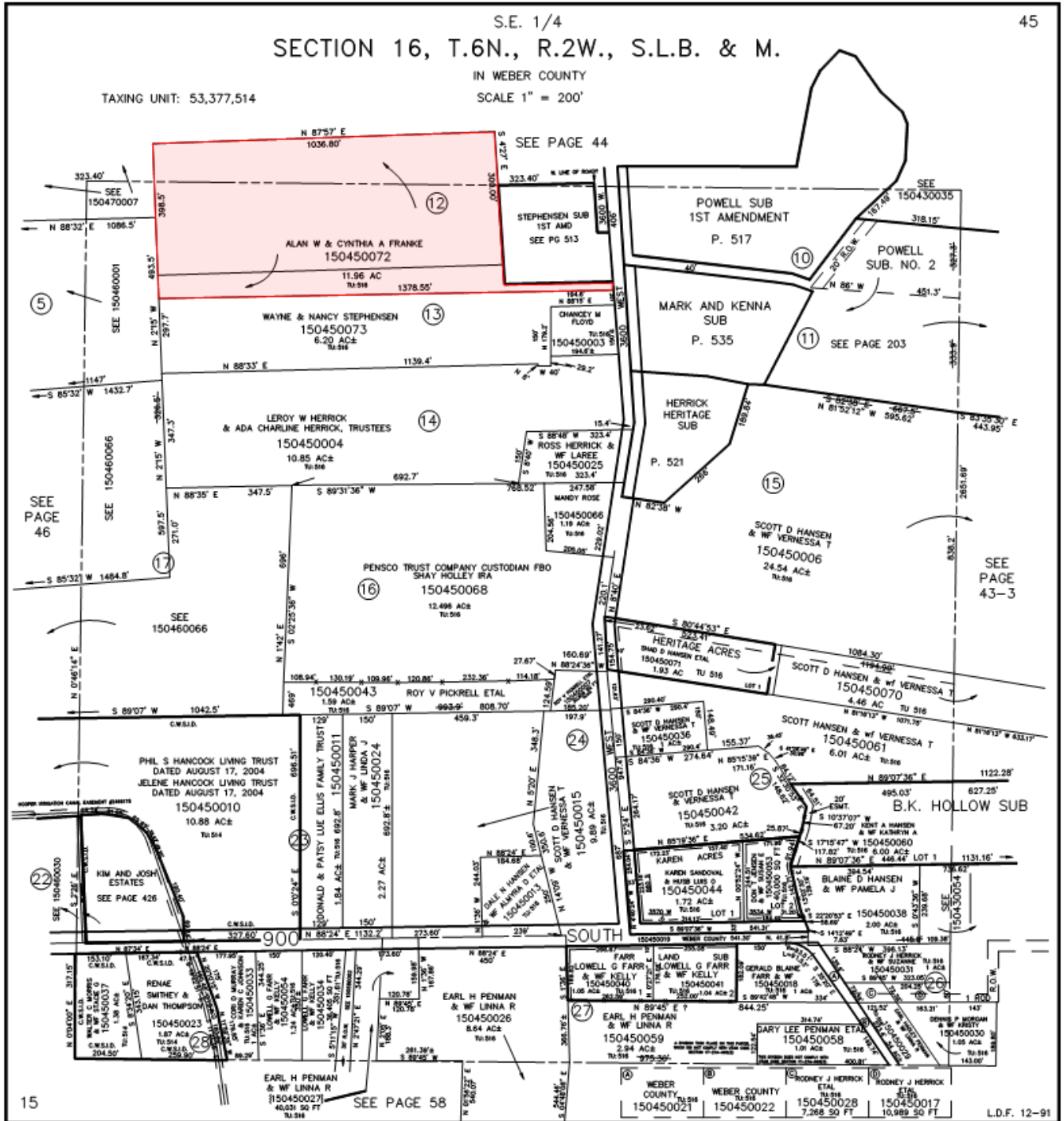
- A. Franke Estates Dedication plat
- B. Current Recorders Plat
- C. Taylor West Weber Water Will-serve Letter
- D. Health Department Feasibility Letter
- E. Alternative Access Agreement

## Area Map









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

December 14, 2018

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 lot for Alan Franke at the approximate address of 585 South 36000 West in West Weber, Utah.

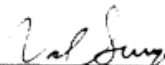
Requirements:

- \*Water rights fee = \$4,363 (or current cost when paid)
- \*Hookup/Impact fee = \$6,824 (or current cost when paid)
- \*Secondary water = 1/2 share of Hooper or Wilson Irrigation (transferred into the District's name) to be held by the District to be held for a pressurized system.

**BUILDING PERMIT SHOULD NOT BE ISSUED UNTIL FINAL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER.** Final approval is 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 6/14/19

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

November 2, 2018



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

RE: Alan Franke  
(Approx) 550 S. 3600 W  
Parcel #15-045-0072  
Soil log #14755

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided Taylor-West Weber Water District, an extension of an existing approved non-community water system. **A letter from the water supplier is required prior to issuance of a permit.**

#### DESIGN REQUIREMENTS

Anticipated ground water tables not to exceed 36 inches, fall within the range of acceptability for the utilization of a Conventional Treatment System as a means of wastewater disposal. Maximum trench depth is limited to 12 inches. The absorption field is to be designed using a maximum loading rate of 0.4 gal/sq. ft./day as required for the fine sandy clay loam, massive structure soil horizon.

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.

The following items are required for a formal **subdivision review**; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned.

**Each on-site individual wastewater disposal system must be installed in accordance with R317-4, 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,

Ryan Klinge, LEHS  
Environmental Health Division  
801-399-7160

RK/eo

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phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | [www.webermorganhealth.org](http://www.webermorganhealth.org)

Deferral Agreement to Convey

This Covenant is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_ and \_\_\_\_\_

hereafter referred to as Grantors and Weber County, Grantee, hereafter referred to as County.

WHEREAS, Grantor has applied to County for an alternative access from that otherwise required by the Subdivision Code, which requires dedication and construction of a 66-foot public street or road that would serve as access to adjacent properties for future development, and

WHEREAS, due to the access strip that fronts on 3600 West, as shown on \_\_\_\_\_ subdivision plat, not containing enough width for a 66' foot public street or road, the County finds it unfeasible or impractical at the present time to require the extension of a public street to said lot or dwelling, and

WHEREAS, The Uniform Land Use Code of Weber County Utah 106-2-2 (g) restricts half-streets proposed along a subdivision boundary or within any part of a subdivision.

WHEREAS, access to the following described lot is only feasible and practical at this time by means of a private right-of-way of at least 20 ft. wide,

THEREFORE, in order to gain a County waiver and upon formal acceptance noted hereunder, Grantors hereby covenant and agree for themselves, their heirs and any and all successors in interest to the following described property that they hereby irrevocably agree to participate on the basis of cost allocation according to frontage to share in any cost of developing in the future, a public road to replace said private right-of-way or access strip at the time when the adjoining property to the south records a subdivision plat or a plan for development or at a time when the County finds it appropriate. In addition, Grantor and its heirs or successors in interest agree to quit claim without charge to County such private right-of-way or access strip, plus such additional land as required by county ordinance at the time the County calls upon this agreement, for a future public street, regardless of which properties will be benefitted by such street or road. In granting or receiving the alternative access, the County and the undersigned agree that neither the alternative access, nor this agreement constitutes a waiver of development requirements, but rather a deferral of them. The grantor also acknowledges that he/she is responsible for the upkeep and maintenance of the private drive and that when the County calls upon this agreement, the owner is responsible for the altering of the road as needed following development on adjoining properties.

Legal description of Grantor's subject property is as follows:

By \_\_\_\_\_

GRANTORS

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me \_\_\_\_\_

\_\_\_\_\_ and \_\_\_\_\_, Grantors and acknowledged that they had executed the above Covenant.

NOTARY PUBLIC  
Residing at \_\_\_\_\_, Utah