



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on both an alternative access exemption and final approval of the Stoker Subdivision 1st Amendment, a two-lot subdivision.

Type of Decision: Administrative

Agenda Date: Wednesday, December 09, 2020

Applicant: Kyle & Julayne Stoker, owners

File Number: AAE2020-05 & LVS082420

Property Information

Approximate Address: 4271 W 3600 N, Ogden UT

Project Area: 6.637 acres

Zoning: Agriculture (A-2) Zone

Existing Land Use: Residential/Agriculture

Proposed Land Use: Residential, Residential

Parcel ID: 19-173-0001 & 19-009-0072

Township, Range, Section: T7N, R2W, Section 21, SW 1/4

Adjacent Land Use

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

Staff Information

Report Presenter: Scott Perkes
sperkes@co.weber.ut.us
801-399-8772

Report Reviewer: RG

Applicable Ordinances

- Title 104 (Zones) Chapter 7 (A-1 Zone)
- Title 106 (Subdivisions)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 (Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards)
- 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 and Summary

The applicant is requesting final approval of an alternative access exemption to provide an access easement to one of the lots being created by also requested final approval of Stoker Subdivision 1st Amendment, a two-lot subdivision located at approximately 4271 W 3600 N, Ogden in the A-2 zone (see **Exhibits A & B**).

The proposed final subdivision plat (see **Exhibit C**) depicts a 33' X 973.50' or 32,867 square foot area being dedicated to the public right-of-way for the future extension of 2800 West Street. This ROW dedication area will also serve as the alternative access for Lot 3 until such a time in which 2800 West Street is connected and fully improved.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by preserving the rural character of Western Weber County by creating large lots.

Zoning: The subject property is located in an Agricultural Zone A-2 zone. That land use requirements for this zone are stated in the LUC§ 104-7 as follows:

The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC Title 106 (Subdivisions), and the A-2 Zone standards listed in LUC 104-7-6. Small Subdivisions, as defined in LUC 101-7, can be administratively approved per LUC 106-1-5(b)(1).

Lot area, frontage/width, and yard regulations: In the LUC §104-7-6, the A-2 zone requires a minimum lot area of 40,000 sq. ft. and a minimum lot width of 150'.

Each lot within the proposed Stoker Subdivision 1st Amendment meets the minimum acreage and width requirements of the A-2 zone.

Alternative Access Exemption: The applicant is requesting approval of an alternative access exemption to provide access to Lot 3 of the proposed Stoker Subdivision 1st Amendment. As indicated above, the proposed final subdivision plat depicts a 33' X 973.50' or 32,867 square foot area being dedicated to the public right-of-way for the future extension of 2800 West Street. This ROW dedication area will also serve as the alternative access for Lot 3 until such a time in which 2800 West Street is connected and fully improved.

In order for an alternative access exemption to be granted, the applicant must meet one of the criteria listed under Sec. 108-7-31(a) of the Land Use Code. In this instance, the applicant is arguing that it is currently *"impractical to extend a street to serve such lot/parcel"* given the fact that only 1 lot is needing access at this time, and that the location and configuration of the parcel being subdivided is far removed from other adjacent property requiring access to be stubbed.

As a condition of approval for an alternative access exemption, and per Sec. 108-7-31(b)(2), the applicant will be required to enter into a Building on a Private Right-of-Way/Access Easement Equitable Servitude and Covenant at the time of subdivision plat recording.

Culinary water and sanitary sewage disposal: Bona Vista Water Improvement District will provide culinary water to each lot (see **Exhibit D**). The Weber-Morgan Health Department has provided a Septic Feasibility letter for Lot 3 of the proposed Stoker Subdivision 1st Amendment (see **Exhibit E**). Lot 2 is already developed with a single-family home and will not require additional water or waste water connections.

Secondary water: The applicant owns 100 shares in the Plain City Irrigation Canal Company. Plain City Irrigation Canal Company has also provided a will-serve letter (see **Exhibit F**).

Review Agencies: Planning, Engineering, Surveying, Addressing, Weber Fire, and the Weber-Morgan Health Departments have reviewed the proposed subdivision. Minor revisions to the dedication plat will be required prior to recording the plat in order to satisfy all agency review comments.

Public Notice: Public notice was sent by mail to all property owners within 500 feet of the subject property.

Staff Recommendations

Staff recommends final approval of the Stoker Subdivision 1st Amendment, a two-lot subdivision. This recommendation is subject to all review agency requirements and based on the following conditions:

1. The owner is required to enter into a deferral agreement for curb, gutter, and sidewalk for frontages along 3600 North and the future 2800 West.
2. The owner is required to enter into a Building on a Private Right-of-Way/Access Easement Equitable Servitude and Covenant pursuant to Title 108-7-31(b)(2).
3. The alternative access road and turn-around shall be designed to meet the Fire Marshall's requirements as well as those listed in Title 108-7-29.
4. A Declaration of Deed Covenant Concerning Provision of Irrigation Water will be required for Lot 3 at the time of recording.

5. An Onsite Wastewater Disposal Systems Deed Covenant & Restriction will be required for Lot 3 at the time of recording.

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 Stoker Subdivision 1st Amendment is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: _____.

Rick Grover
Weber County Planning Director

Exhibits

- A. Alternative Access Exemption Application
- B. Subdivision Application
- C. Subdivision plat
- D. Bona Vista Water Will-Serve Letter
- E. Septic Feasibility Letter
- F. Plain City Irrigation Canal Company Will-Serve Letter

Map

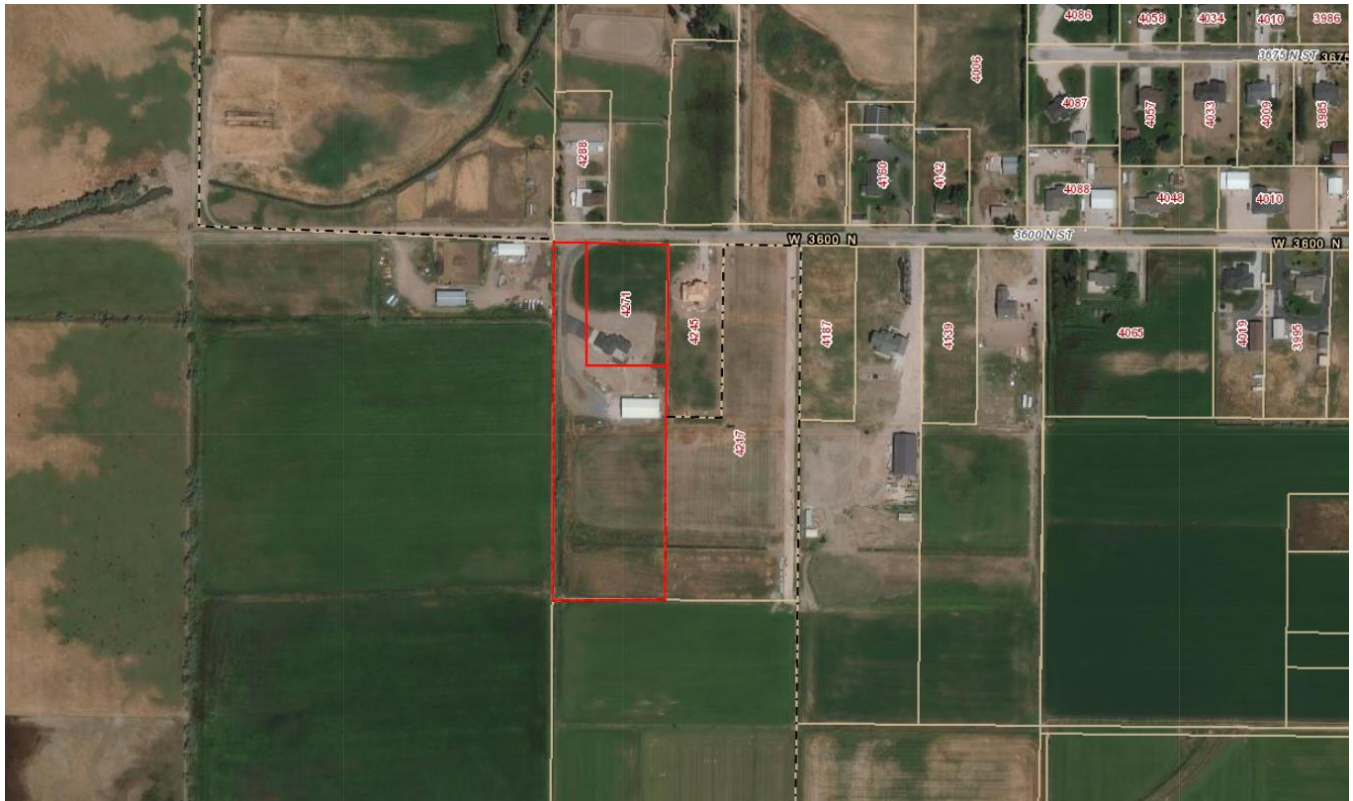


Exhibit A





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	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Subdivision and Property Information			
Subdivision Name <i>Stoker Subdivision</i>		Number of Lots <i>2</i>	
Approximate Address <i>4271 W. 3600 N.</i>		Land/Serial Number(s) <i>19-173-0001</i> <i>19-009-0072</i>	
Current Zoning	Total Acreage <i>6.09</i>		
Culinary Water Provider <i>Buena Vista Water</i>	Secondary Water Provider <i>Plain City Irrigation</i>	Wastewater Treatment <i>Septic Tank</i>	
Property Owner Contact Information			
Name of Property Owner(s) <i>Kyle S. and Julayne M. Stoker</i>		Mailing Address of Property Owner(s) <i>4271 W. 3600 No</i> <i>Plain City Ut. 84404</i>	
Phone <i>801-916-9155</i>	Fax <i>801-731-6607</i>		
Email Address <i>julstoker@gmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address		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>Andy Hubbard</i> <i>Great Basin Engineering</i>		Mailing Address of Surveyor/Engineer	
Phone <i>801-394-4515</i>	Fax		
Email Address <i>andyh@greatbasineng.com</i>		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Owner Affidavit			
I (We) <u><i>Kyle S and Julayne M. Stoker</i></u> 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.			
 (Property Owner)		 (Property Owner)	
Subscribed and sworn to me this <u><i>4th</i></u> day of <u><i>Jan</i></u> , 20 <u><i>18</i></u>			
		 (Notary)	
LYNETTE SINGLETON Notary Public • State of Utah Commission # 689468 My Commission Expires May 11, 2020			

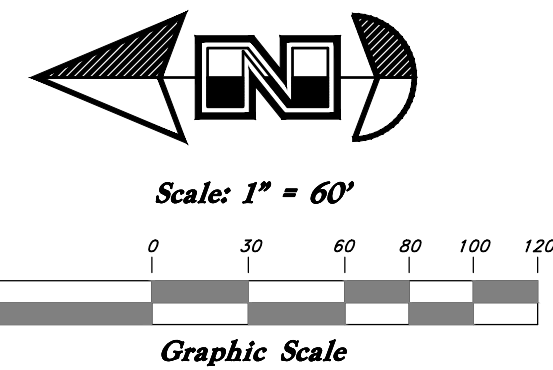
Exhibit B

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 1/4/2018	Application Fee: \$350.00	Receipt Number (Office Use)	File Number (Office Use)
Application Type			
<input type="checkbox"/> Flag lot access strip <input 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) Kyle S and Julayne M. Stoker		Mailing Address of Property Owner(s) 4271 W. 3600 No. Plain City, Ut. 84404	
Phone 801-916-9135	Fax 801-731-6607	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required) julstoker@gmail.com.			
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required)			
Property Information			
Project Name Stoker Subdivision		Total Acreage 6.09	Current Zoning
Approximate Address 4271 W. 3600 N.		Land Serial Number(s) 19-173-0001, 19-009-0012	
Proposed Use Flag lot with aq building and building lot.			
Project Narrative			

Stoker Subdivision 1st Amendment

All of Lot 1, Stoker Subdivision together with a part of the Southwest 1/4 of Section 21, T7N, R2W, SLB&M, U.S. Survey Weber County, Utah

November 2020



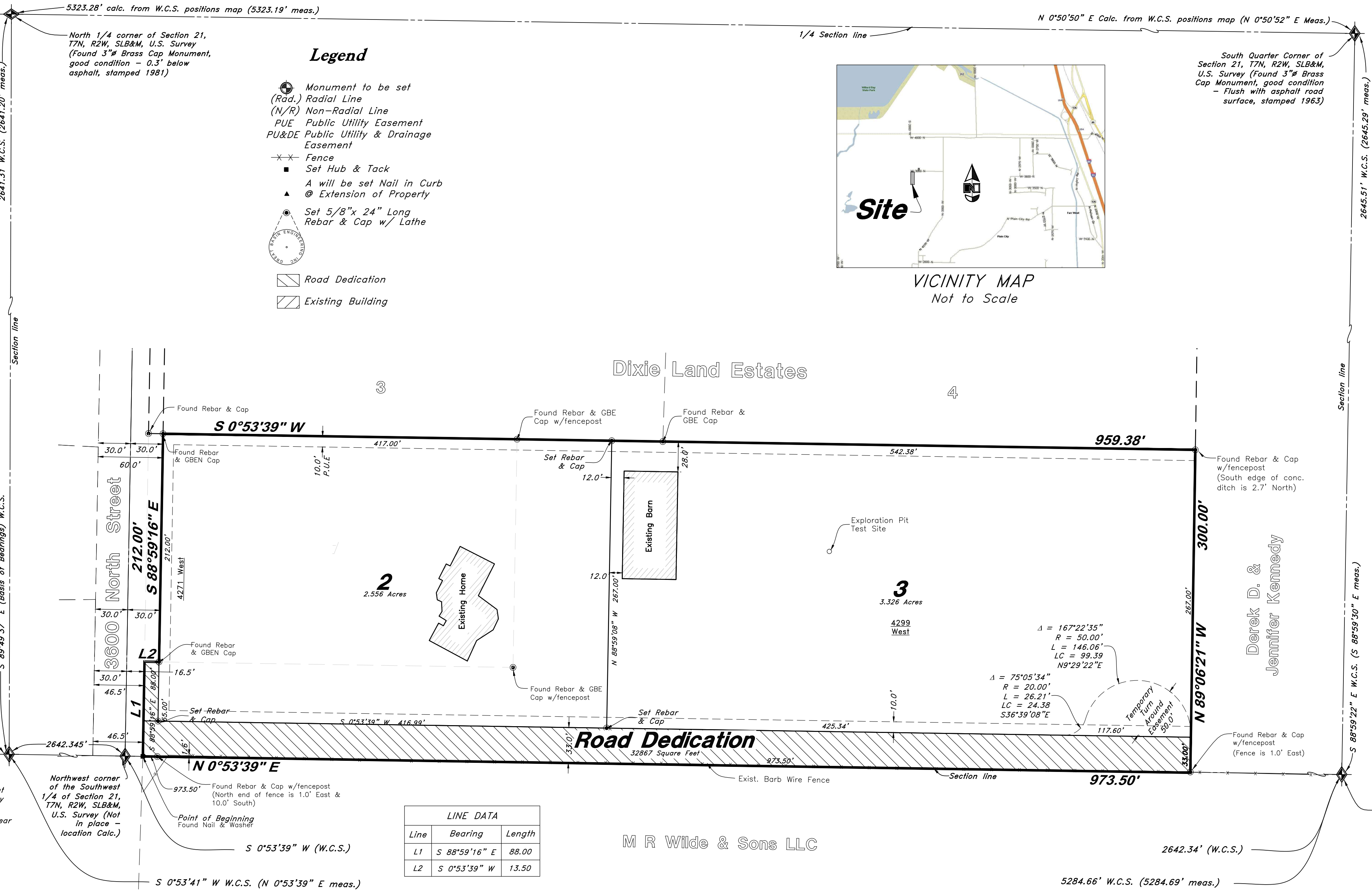
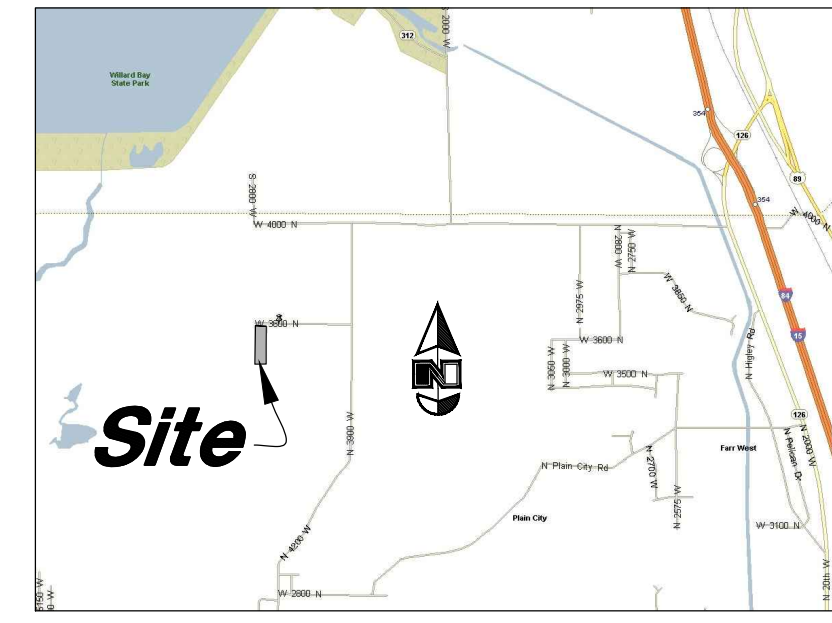
SURVEYOR'S CERTIFICATE
I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that I have completed a survey of the property described herein in accordance with Section 17-23-17 and that I have verified all measurements shown hereon this plat of Stoker Subdivision 1st Amendment in Weber County, Utah and that it has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Weber County Recorder's Office. Monuments have been found or placed as represented on this plat. I furthermore certify that all lots within this Subdivision hereby meet all current lot width and area requirements of the Weber County Zoning Ordinance.

Signed this _____ day of _____, 2020.
TENTATIVE FINAL

6242920
License No. _____
Andy Hubbard

NARRATIVE
This Survey and Subdivision plat was requested by Ms. Julayne Stoker for the purpose of platting one residential lot.
Brass Cap Monuments were found at the Northwest and Southwest corners, North and South 1/4 corners of Section 21, T7N, R2W. A line bearing South 89°49'37" East between the Northwest corner and the North 1/4 corner of Section 21 was used as the basis of bearings.
The East Line was established along Dixie Land Estates Subdivision. The West Line was established along the Section Line. The North Line was established along the South Line of 3600 North Street.
Property corners were monumented as depicted on drawing. See Weber County Surveyor Record of Survey Filing #3298.

- Legend**
- Monument to be set (Rad.) Radial Line (N/R) Non-Radial Line
 - PUE Public Utility Easement
 - PU&DE Public Utility & Drainage Easement
 - Fence
 - Set Hub & Tack
 - A will be set Nail in Curb @ Extension of Property
 - Set 5/8"x 24" Long Rebar & Cap w/ Lathe
 - Road Dedication
 - Existing Building



Line	Bearing	Length
L1	S 88°59'16" E	88.00
L2	S 0°53'39" W	13.50

OWNER'S DEDICATION
We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets as shown hereon and name said tract Stoker Subdivision 1st Amendment and do hereby: dedicate, to public use all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares, and also grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility, storm water detention ponds, drainage easements and canal maintenance easement, the same to be used for the installation, maintenance and operation of public utility service lines, storm drainage facilities, irrigation canals, or for the perpetual preservation of water drainage channels in their natural state, whichever is applicable as may be authorized by the governing authority, with no buildings or structures being erected within such easements.
Signed this _____ day of _____, 2020.

and w/ - _____
Kyle S. Stoker JuLayne M. Stoker

ACKNOWLEDGMENT
State of Utah } ss
County of _____
The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by Kyle S. Stoker and Julayne M. Stoker.

Residing At: _____ A Notary Public commissioned in Utah
Commission Number: _____
Commission Expires: _____
Print Name _____

DESCRIPTION
All of Lot 1, Stoker Subdivision, Weber County Utah, according to the Official Plat thereof (Weber County Recorder's Office Book 56 page 027), together with a part of the Southwest Quarter of Section 21, Township 7 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, Weber County, Utah:
Beginning at a point on the Southerly Right of Way Line of 3600 North Street, said point being 16.50 feet South 0°53'39" West (Weber County Survey) along the Section Line; and running thence along said Southerly and Westerly Right of Way Lines the following three (3) courses: (1) South 88°59'16" East 88.00 feet, (2) South 0°53'39" West 13.50 feet and (3) South 88°59'16" East 212.00 feet to the Westerly Line of Dixie Land Estates, Weber County, Utah; thence along said Westerly Line South 0°53'39" West 959.38 feet to the Northerly Line of the Derek D. & Jennifer Kennedy Property; thence along said Northerly Line North 89°06'21" West 300.00 feet to a point on an Existing Fence Line and the Easterly Line of the M R Wilde & Sons LLC Property; thence along said Fence Line and Easterly Line North 0°53'39" East 973.50 feet to the said Southerly Right of Way Line and the Point of Beginning.
Contains 6.637 Acres

NOTE:
10' Public Utility and Drainage Easement each side of property lines as indicated by dashed lines, unless otherwise shown.
Exploration Pit: 0-22" Fine Sandy Loam (near fine loamy sand), Granular/weak massive Structure.
22-46" Fine Sandy Loam, Massive Structure, many Rod Motles Below 22".

AGRICULTURAL NOTE
Agriculture is the preferred use in the agriculture zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restrictions on the basis that it interferes with activities of future residents of this subdivision.

WEBER COUNTY ENGINEER
I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements.
Signed this _____ of _____, 2020

WEBER-MORGAN HEALTH DEPARTMENT
I hereby certify that the soils, percolation rates, and site conditions for this subdivision have been investigated by this office and are approved for on site wastewater disposal systems.
Signed this _____ day of _____, 2020.

WEBER COUNTY COMMISSION ACCEPTANCE
This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision, thereon are hereby approved and accepted by the commissioners of Weber County, Utah.
Signed this _____ day of _____, 2020.

Chairman, Weber County Commission
Attest: _____
Title: _____

WEBER COUNTY ATTORNEY
I have examined the financial guarantee and other documents associated with this subdivision plat, and in my opinion they conform with the County Ordinance applicable thereto and now in force and affect.
Signed this _____ day of _____, 2020.

Weber County Attorney

ENGINEER/SURVEYOR
Great Basin Engineering Inc.
5746 South 1475 East Suite 200
Ogden, Utah 84403
(801) 394-4515

DEVELOPER
Kyle S. Stoker
4271 West 3600 North
Ogden 84404

Weber County Engineer

Director Weber-Morgan Health Department

WEBER COUNTY PLANNING COMMISSION APPROVAL
This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission.
Signed this _____ day of _____, 2020.

Chairman, Weber County Planning Commission

WEBER COUNTY SURVEYOR
I hereby certify that the Weber County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monument on record in County Offices. The approval of this plat by the Weber County Surveyor does not relieve the licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith.
Signed this _____ day of _____, 2020.

Weber County Surveyor

WEBER COUNTY RECORDER
ENTRY NO. _____ FILED FOR RECORD AND RECORDED _____
IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____ RECORDED FOR _____

WEBER COUNTY RECORDER
BY: _____ DEPUTY

GREAT BASIN ENGINEERING
5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801)394-4515 S.L.C (801)521-0222 FAX (801)392-7544
WWW.GREATBASINENGINEERING.COM



Bona Vista Water Improvement District

2020 West 1300 North, Farr West, Utah 84404

Phone (801) 621-0474 Fax (801) 621-0475

August 24, 2020

To Whom it May Concern:

RE: **AVAILABILITY LETTER** – 2973 North 4200 West

The development is located at approximately 2973 North 4200 West in unincorporated Weber County consisting of 1 lots.

This letter is **ONLY** to state that the above named project is in the boundaries of the Bona Vista Water Improvement District and water will **ONLY** be available under the following conditions:

- The property is annexed into the District, if necessary.
- The subdivision utility plan is reviewed and approved by the District.
- Review fees are paid to the District.
- Proof of Secondary Water is provided to the District.

The non-refundable fee for the plan review is \$450 plus \$75 per lot. We consider this fee to be minimal and is only to cover the cost of review by the District administration, inspectors, and the District Engineer. Only the phase in consideration is guaranteed service, and the plan review is good only for a period of one year from the date of the will serve letter, if not constructed.

Furthermore, the District's responsibility is to provide flow and pressure to the development. The Developer and his Engineer are responsible to provide proper flow and pressure throughout the development. This may require some over-sizing within the development, as determined by the District.

This letter is the first of two letters that will be issued for this development. Following the acceptance of the above conditions the District will issue the "Will Serve" letter.

This subdivision, like all other subdivisions, must have a secondary water system for all outside irrigation usage. Prior to the District accepting connection fees, the owner or developer must furnish proof of secondary. If you have any questions please call 801-621-0474, ext 207.

Sincerely,

Matt Fox
Assistant Manager

Board of Directors

Ronald Stratford, Chairman – Unincorporated Area
Scott VanLeeuwen, Co-Chairman – Marriott/Slaterville
Z. Lee Dickmore – Farr West
Michelle Tait – Harrisville
Jon Beesley – Plain City

Management

Blake Carlin, Manager
Matt Fox, Assistant Manager
Marci Doolan, Office Manager

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

August 17, 2020



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

RE: Kyle Stoker
4271 W 3600 N Plain City, UT
Parcel #19-009-0072
Soil log #15027

Gentlemen:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on August 17, 2020. The exploration pit is located at the referenced GPS coordinate and datum. The soil texture and structure, as classified using the USDA system, are as follows:

Exploration Pit #1 (UTM Zone 12T, Nad 83, 409412 N 4575629 E)
0-22" Fine Sandy Loam (Near Fine Loamy Sand), Granular/Weak Massive Structure
22-46" Fine Sandy Loam, Massive Structure, Many Red Mottles Below 22"

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

DESIGN REQUIREMENTS

Culinary water will be provided by Bona Vista Water District, an existing approved community water system. **A letter from the water supplier is required prior to issuance of a permit.**

Documented ground water tables not to exceed 24 inches, fall within the range of acceptability for the utilization of an At-Grade Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.4 gal/ft²/day as required for the fine sandy 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
Environmental Health Division
801-399-7160

EDUCATE | ENGAGE | EMPOWER

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

Exhibit F

Perkes, Scott

From: Jul Stoker <julstoker@gmail.com>
Sent: Tuesday, September 22, 2020 11:11 PM
To: Perkes, Scott; Matt Fox; Brady Boren
Subject: [EXTERNAL]Fwd: Fw: will - serve document

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Will-Serve letter from Plain City Irrigation to Bona Vista Water



Grandchildren rock my world!

Jul Stoker

----- Forwarded message -----

From: Jay Christensen <jayde4131.com@outlook.com>
Date: Tue, Sep 22, 2020 at 11:28 AM
Subject: Fw: will - serve document
To: julstoker@gmail.com <julstoker@gmail.com>

Sent from Windows Mail

From: chrij@Compassminerals.com
Sent: Tuesday, September 22, 2020 8:03 AM
To: jayde4131.com@outlook.com

September 22, 2020

Plain City irrigation Canal Company

To whom it may concern :

This letter is written as a will- serve document on behalf of Julayne and Kyle Stoker to verifying that they are a stockholder in the Canal Company and own water stock in the canal company, the Plain City Irrigation Canal Company will deliver their water stock to their private ditch from the companies canal on a regular scheduled basis for the duration of the irrigation season.

Jay Christensen

Plain City Irrigation Canal Company