

## WEBER COUNTY PLANNING DIVISION

### Administrative Review Meeting Agenda

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**June 30, 2021**  
**4:00 to 5:00 p.m.**

Join Zoom Meeting

<https://us02web.zoom.us/j/84066912035>

Meeting ID: 840 6691 2035

One tap mobile

+13462487799,,84066912035# US (Houston)

+16699006833,,84066912035# US (San Jose)

1. **UVN052020:** Consideration and action for final approval of Neilson Hermitage Subdivision, consisting of one lot at approximately 305 Ogden Canyon, with the request to defer asphalt, curb, and sidewalk.  
Applicant: Doug Neilson; Presenter: Scott Perkes
2. **UVO 052121:** Consideration and action on a request for approval of Eagle Ridge Cluster Subdivision Phase 7, a one-lot subdivision with a 7, 731 area for open space.  
Applicant: Orluff Opheikens; Presenter: Felix Lleverino
3. **AAE 2021-06:** Consideration and action on an alternative access request to use a private access easement for a future two lot subdivision, located at approximately 500 N 4300 W, Ogden.  
Applicant: Scott and Dave Gourley; Presenter: Steve Burton

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*The meeting will be held in Public Works Conference Room, in the Weber Center, 2<sup>nd</sup> Floor Suite 240, 2380 Washington Blvd, Ogden Utah 84401*



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

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# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Reconsideration and action on preliminary and final approval of the Neilson Hermitage Subdivision consisting of 1 lot in the FR-1 Zone at approximately 303 Ogden Canyon.

**Agenda Date:** Wednesday, June 30, 2021

**Applicant:** Doug Neilson, Owner

**File Number:** UVN052020

### Property Information

**Approximate Address:** 303 Ogden CYN, Ogden, Utah 84401

**Project Area:** 20,847 sq. ft. / 0.478 acres

**Zoning:** Forest Residential Zone (FR-1)

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**Parcel ID:** 20-030-0012, 20-030-0011, 20-030-0010, 20-030-0009, 20-030-0013

**Township, Range, Section:** T6N, R1E, SW ¼ Section 18

### Adjacent Land Use

<b>North:</b> Ogden River	<b>South:</b> USFS
<b>East:</b> Residential	<b>West:</b> Ogden River

### Staff Information

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

**Report Reviewer:** RG

## Applicable Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 13 (Forest Residential FR-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 12 (Noncomplying Structures, Nonconforming Uses, And Nonconforming Lots)

## Background

The applicant is the current owner of parcel IDs 20-030-0009, -0010, & -0011 which comprise of lots 4, 5, & 6 of the Hermitage Block 10 Subdivision, respectively. The applicant also owns parcel 20-030-0012, which is an unplatted parcel that lies immediately west of lot 6 of the Hermitage Block 10 Subdivision. The applicant has submitted an application (see **Exhibit A**) to replat and reorganize each of these four parcels into a new subdivision boundary that would create one single-family residential lot.

This subdivision application originally approved to reorganize the properties to create three residential lots (see **Exhibit E** for the original OVPC staff report dated 06/23/2020). However, in coordinating with the Weber/Morgan Health Department, it was determined that the unique size, configuration, and location of the land could only accommodate a single septic system. As such, the applicant has revised their proposed plat to create a single residential lot (see **Exhibit B** for the revised subdivision plat).

## Analysis

**General Plan:** This proposal is in conformity with Ogden Valley General Plan (OVGP) by “encouraging and promoting a voluntary reduction in overall development units in the Ogden Valley planning area by such measures as conservation easements, donations of development rights, etc...” (See page 15 of the OVGP). The proposal effectively reduces two development rights by creating 1 residential lot out of the existing lots 4, 5, & 6 of the Hermitage Block 10 subdivision.

**Zoning:** The property is located in the FR-1 Zone. The purpose of this zone is stated in the LUC §104-13-1.

*“The purpose of the forest residential zone is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”*

Each of the existing lots in the Hermitage Block 10 subdivision (Lots 4, 5, & 6), together with the additional parcel (20-030-0012) being incorporated into the subdivision boundary, meet the definition of a “Nonconforming Lot” (per LUC 101-1-7) as follows:

*Lot, nonconforming. The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot standards. Applicable standards include lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.*

Due to the nonconforming nature of these lots, modifications are subject to Section 108-12-12 of the LUC as follows:

**Sec 108-12-12 Reconfiguring Nonconforming Lots**

*Nonconforming lots may be reconfigured in a manner that complies with the standards of the zone in effect at the time of the lot's creation if the reconfiguration does not create any more lots than currently exist. The reconfiguration shall not cause any other lot to become nonconforming or more nonconforming. If the nonconforming lot is part of a platted subdivision an amended subdivision plat is required.*

Following review of this section, staff found that the proposed reconfiguration is not creating any more lots than currently exist, and is causing the one resulting lot to be less nonconforming with current zoning requirements for the FR-1 zone. Thereby satisfying the zoning requirements.

**Small Subdivision:** Per Section 101-1-7, this proposal qualifies as a “small subdivision” consisting of three or fewer lots for which no new streets are being created or realigned. As such, this subdivision may be approved administratively by the Planning Director.

**Flood Zone:** As depicted in the image below, this project has a small portion of area that falls within the FEMA Flood Zone AE. Accordingly, the applicant has been required to depict the Base Flood Elevation (BFE) on the plat. Additionally, the Weber County Engineering Department has requested that a note be placed on the plat indicating that all finished floors must be at least one foot above the BFE.



**Culinary Water:** Culinary and secondary water will be provided by Ogden City through an existing water line. See **Exhibit C** for the associated culinary will-serve letter. Staff reached out to Ogden City engineering and verified that this culinary water source may be used for secondary purposes. Additionally, Ogden City does not require that a secondary water source be connected to the property as a condition to their culinary water service.

Sanitary System: Weber-Morgan Health Department has provided a reissued septic feasibility letter stating that the groundwater tables fall within a range of acceptability for the placement of wastewater disposal systems, and that the proposed one-lot subdivision could be approved (see **Exhibit D**).

Review Agencies: The Weber County Fire District has approved this proposal. Reviews from Engineering, Surveying, and Planning have all been submitted with additional requirements prior to recording. As a condition of approval, all review agency requirements will need to be satisfied prior to the final mylar being recorded.

Tax Clearance: The 2020 property taxes have been paid in full. The 2021 property taxes are due in full as of November 30, 2021.

Public Notice: Noticing has been re-issued to all property owners of record within 500 feet of the subject property.

## Staff Recommendation

Staff recommends preliminary and final approval of Neilson Hermitage Subdivision, consisting of 1 lot. This recommendation for approval is subject to the following conditions:

1. All review agency requirements shall be satisfied prior to the recording of the final subdivision plat.
2. A Deferring Public Improvements Agreement for curb, gutter, and sidewalk will need to be executed and recorded simultaneously with the final plat.
3. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction will need to be executed and recorded simultaneously with the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes, including Sec. 108-12-12 regulating the reconfiguration of nonconforming lots.

## Exhibits

- A. Subdivision Application
- B. Subdivision Plat
- C. Culinary Will-Serve Letter
- D. Re-issued Weber-Morgan Health Department Letter of Septic Feasibility
- E. Original OVPC staff report dated 06/23/2020

## Location Map



UVN  
11-2020

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 05/11/2020	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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#### Subdivision and Property Information

Subdivision Name <b>Neilson Hermitage</b>		Number of Lots <b>3</b>
Approximate Address <b>305 Ogden Cyn</b>		Land Serial Number(s) 200300012 200300011 200300010 200300009
Current Zoning <b>FR1</b>	Total Acreage <b>.48</b>	
Culinary Water Provider <b>Ogden City</b>	Secondary Water Provider <b>N/A</b>	Wastewater Treatment Septic - Pack bed media

#### Property Owner Contact Information

Name of Property Owner(s) <b>Doug Neilson</b>		Mailing Address of Property Owner(s) <b>3744 Van Buren Ave. Ogden, Utah 84403</b>
Phone <b>801-624-9077</b>	Fax <b>N/A</b>	
Email Address <b>Douglasray15@gmail.com</b>	Preferred Method of Written Correspondence Email    Fax    Mail <b>Email</b>	

#### Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <b>(SAME)</b>		Mailing Address of Authorized Person
Phone	Fax	
Email Address	Preferred Method of Written Correspondence Email    Fax    Mail	

#### Surveyor/Engineer Contact Information

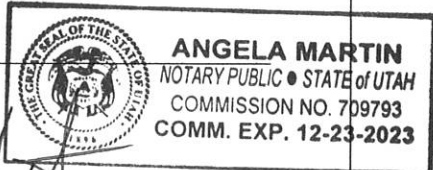
Name or Company of Surveyor/Engineer <b>Klint Whitney - Gardner Engineering</b>		Mailing Address of Surveyor/Engineer <b>5150 S 375 E Washington Terrace, UT 84405</b>
Phone <b>801-476-0202</b>	Fax <b>801-476-0066</b>	
Email Address <b>Klint@gecivil.com</b>	Preferred Method of Written Correspondence Email    Fax    Mail <b>Email</b>	

#### Property Owner Affidavit

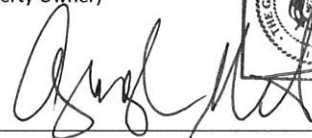
I (We), Doug Neilson, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) 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)



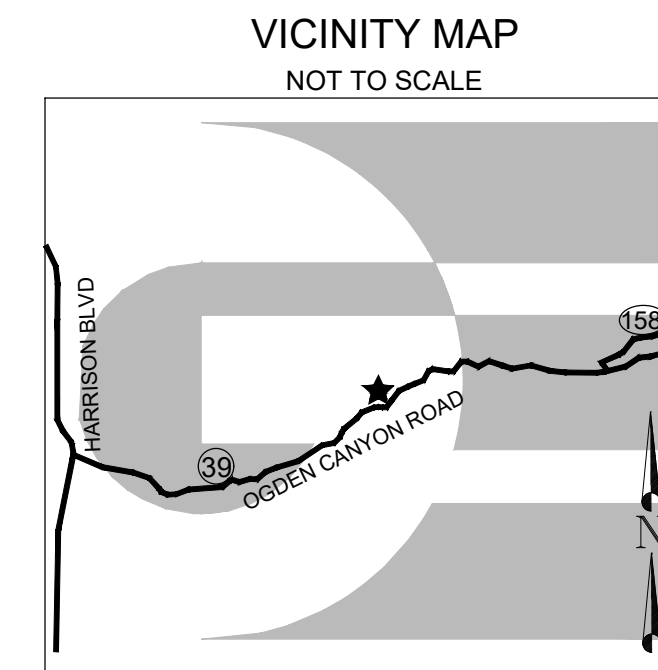
Subscribed and sworn to me this 11 day of May, 2020



NOTARY

# Exhibit B

## NEILSON HERMITAGE SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH MAY 2021



### BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF OGDEN CANYON ROAD BEING LOCATED NORTH 83°27'09" EAST 1165.16 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND NORTH 0°00'00" EAST 40.77 FEET; RUNNING THENCE NORTH 23°02'55" EAST 42.53 FEET; THENCE NORTH 28°45'04" EAST 75.33 FEET; THENCE NORTH 45°50'13" EAST 12.68 FEET; THENCE NORTH 51°37'45" EAST 23.76 FEET; THENCE NORTH 51°37'45" EAST 8.91 FEET; THENCE NORTH 59°21'50" EAST 59.40 FEET; THENCE NORTH 89°49'22" EAST 38.69 FEET; THENCE NORTH 69°25'13" EAST 8.40 FEET; THENCE NORTH 86°30'55" EAST 42.76 FEET TO THE EAST LOT LINE OF LOT 4 OF SUBDIVISION OF BLOCK 10 OF THE HERMITAGE; THENCE ALONG SAID EAST LOT LINE SOUTH 18°03'18" EAST 101.01 FEET TO SAID NORTHERLY RIGHT OF WAY LINE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOLLOWING TWO(2) COURSES (1) ALONG THE ARC OF A 707.97 FOOT RADIUS CURVE TO THE LEFT 226.44 FEET, HAVING A CENTRAL ANGLE OF 18°19'31" WITH A CHORD BEARING SOUTH 72°38'23" WEST 225.47 FEET; (2) SOUTH 63°28'25" WEST 42.80 FEET TO THE POINT OF BEGINNING. CONTAINING 20,848 SQUARE FEET OR 0.479 ACRES MORE OR LESS.

### SURVEYOR'S CERTIFICATE

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED ON THIS PLAT, AND HAVE SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS NEILSON HERMITAGE SUBDIVISION IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN HEREON ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; THAT ALL LOTS MEET THE REQUIREMENTS OF THE LAND USE CODE; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.



KLINT H. WHITNEY, PLS NO. 8227228

### OWNER'S DEDICATION

I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND PRIVATE RIGHTS-OF-WAY AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

### NEILSON HERMITAGE SUBDIVISION

AND HEREBY DEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY WEBER COUNTY, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.

SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_ 2021.

BY: DOUGLAS NEILSON

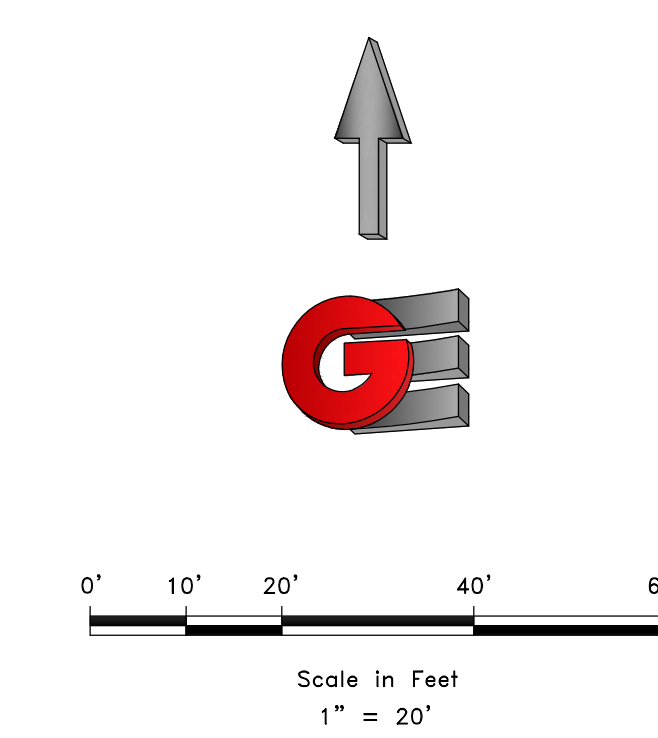
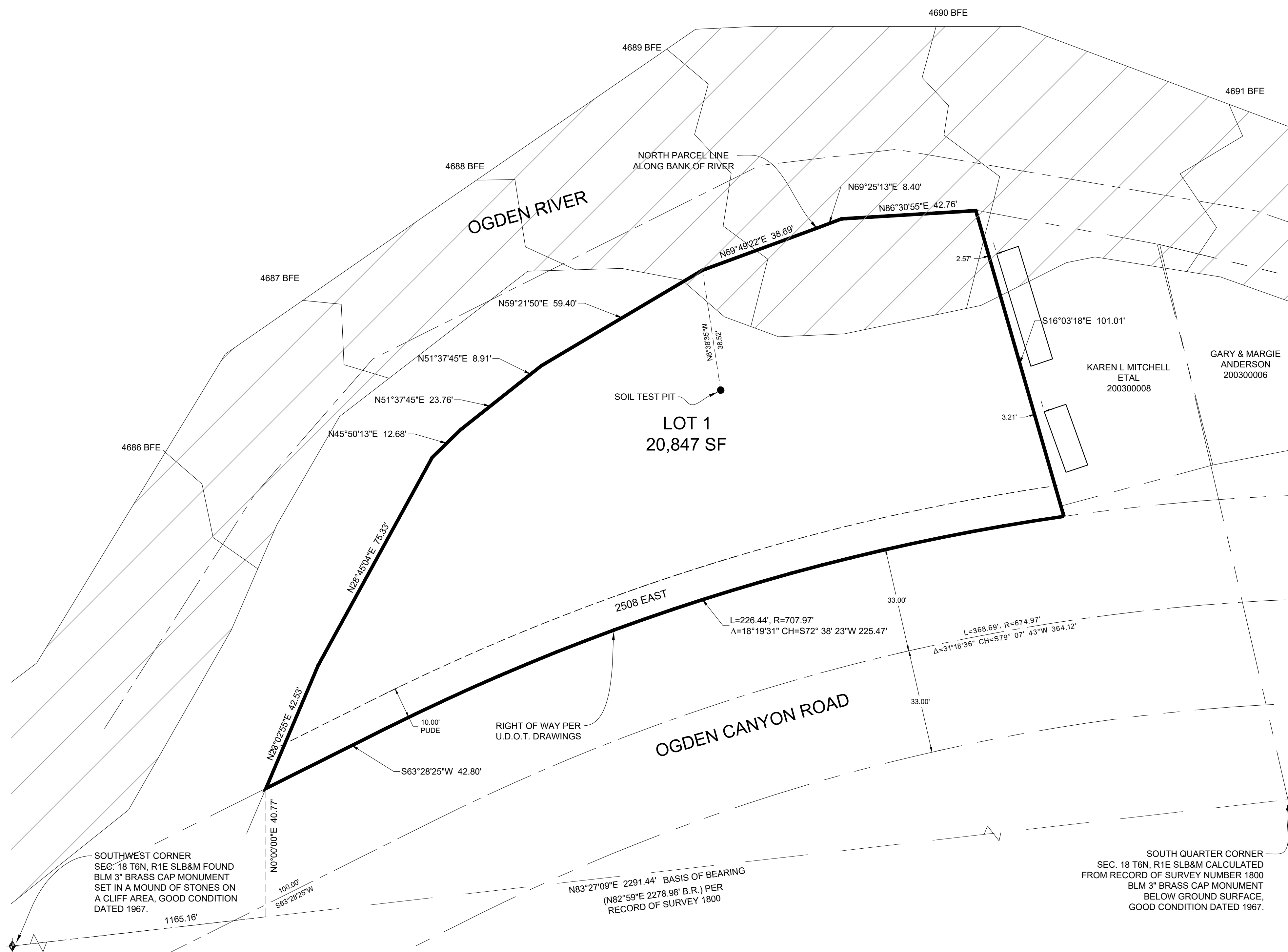
### ACKNOWLEDGEMENT

STATE OF UTAH )  
COUNTY OF WEBER )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me \_\_\_\_\_, A Notary Public, personally appeared DOUG NEILSON, Proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same. Witness my hand and official seal.

STAMP

NOTARY PUBLIC



- ### LEGEND
- ◆ WEBER COUNTY MONUMENT AS NOTED
  - SET 24\"/>

### NOTES

- ZONE (FR-1) CURRENT YARD SETBACKS: UNIQUE SETBACKS FOR LOT DUE TO NON-CONFORMING LOT FOR FURTHER INFORMATION ON THE SETBACKS CONTACT THE WEBER COUNTY PLANNING DEPARTMENT.
- SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND ZONE AE WITH BASE FLOOD ELEVATIONS (BFE) SHOWN HEREON. PER FEMA MAP NO. 49057C0432E WITH AN EFFECTIVE DATE OF DECEMBER 16, 2005.
- THE LOWEST HABITABLE FLOOR SHALL BE EQUAL TO OR HIGHER THAN THE BFE.
- SMALL PORTIONS OF THE SUBDIVISION ARE LOCATED IN ZONE AE FLOOD ZONE AS DEPICTED IN THE DRAWING AND LEGEND.

### NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE A ONE LOT SUBDIVISION ON THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY DOUGLAS NEILSON. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON. THE BASIS OF BEARING IS THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS NORTH 83°27'09" EAST WEBER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING. THE BOUNDARY WAS ALSO DETERMINED BY WARRANTY DEED WITH AN ENTRY NUMBER RECORDED AS 2933000 AND DEEDS OF ADJACENT PROPERTIES.

<p><b>WEBER COUNTY SURVEYOR</b></p> <p>I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR 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.</p> <p>SIGNED THIS _____ DAY OF _____, 2021.</p> <p>_____ COUNTY SURVEYOR</p>	<p><b>WEBER COUNTY ATTORNEY</b></p> <p>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 EFFECT.</p> <p>SIGNED THIS _____ DAY OF _____, 2021.</p> <p>_____ COUNTY ATTORNEY</p>	<p><b>WEBER COUNTY ENGINEER</b></p> <p>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.</p> <p>SIGNED THIS _____ DAY OF _____, 2021.</p> <p>_____ COUNTY ENGINEER</p>	<p><b>WEBER COUNTY COMMISSION ACCEPTANCE</b></p> <p>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.</p> <p>SIGNED THIS _____ DAY OF _____, 2021.</p> <p>_____ CHAIRMAN, WEBER COUNTY COMMISSION</p>	<p><b>WEBER COUNTY PLANNING COMMISSION APPROVAL</b></p> <p>THIS IS TO CERTIFY THAT THIS SUBDIVISION WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION.</p> <p>SIGNED THIS _____ DAY OF _____, 2021.</p> <p>_____ CHAIRMAN, WEBER COUNTY PLANNING COMMISSION</p>	<p><b>WEBER - MORGAN HEALTH DEPARTMENT</b></p> <p>I DO HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITION FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.</p> <p>SIGNED THIS _____ DAY OF _____, 2021.</p> <p>_____ DIRECTOR WEBER-MORGAN HEALTH DEPT.</p>
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DEVELOPER: DOUG NEILSON 3744 VAN BUREN AVE. OGDEN, UT 84403	<b>S1</b>  <b>1</b>	<b>COUNTY RECORDER</b> ENTRY NO. _____ FEE PAID _____ FILED FOR AND RECORDED _____ AT _____ IN BOOK _____ OF OFFICIAL _____ RECORDS, PAGE _____ RECORDED _____ FOR _____ COUNTY RECORDER _____ BY: _____
 5150 SOUTH 875 EAST OGDEN, UT OFFICE: 801.476.0202 FAX: 801.476.0666		

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## Service Letter for 301, 303 ,and 305 Ogden Canyon

2 messages

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**Anderson, Justin** <JustinAnderson@ogdencity.com>

Fri, May 3, 2019 at 9:37 AM

To: "douglasray15@gmail.com" <douglasray15@gmail.com>

Cc: "Moffett, Kenton" <KentonMoffett@ogdencity.com>, "Nielsen, Taylor" <TaylorNielsen@ogdencity.com>, "Stratford, Mark" <MarkStratford@ogdencity.com>, "Daniels, David" <DavidDaniels@ogdencity.com>

Mr. Douglas Neilson,

The property in the Hermitage Subdivision listed as lot 301, 303, and 305 does have a distribution service along the frontage. The distribution service belongs to Ogden City and is available for connection at the property location. Mainline connections must be installed in accordance to the ordinance and standards approved by Ogden City. All applicable plan and permit requirements from Ogden City, Weber County, and UDOT must be adhered to for installation of the service. Each connection may be made to the 8" mainline and must have an engineered plan submitted for approval to the City prior to connection. No connections will be allowed on the 24" transmission line.

These parcels are outside of Ogden City's service area and are subject to different rules and regulations than customers that are within Ogden's Service area. Acceptance of these terms is required in order for water to actually be supplied to the property.

Please contact me with any further questions.

Justin Anderson, P.E.

Ogden City Public Services

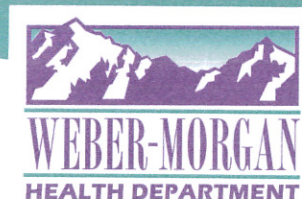
Deputy Director / City Engineer

**2549 Washington Blvd**

**Ogden, UT 84401**

**Office: (801) 629-8982**

BRIAN COWAN, MPH, LEHS  
Health Officer/Executive Director



May 19, 2021

Doug Nelson  
3744 Van Buren Ave.  
Ogden, UT 84403

RE: Weber-Morgan Health Department Subdivision Review  
Neilson Hermitage Subdivision, 2 lots  
Parcel #20-030-0009, 20-030-0010, 20-030-0011, & 20-030-0012  
Soil Log#14608

Members of the administration from the Weber-Morgan Health Department have met to review the proposed **Neilson Hermitage Subdivision** concept plan. The current subdivision proposal is a two-lot subdivision. The square footage of the proposed lots are 8,283 ft<sup>2</sup> for LOT1 and 12,564 ft<sup>2</sup> for LOT2. The following outlines the determination of the review performed.

Determination 1:

The current proposal does not meet the minimum lot size standards for approval as outlined in the Utah Administrative Code R317-4 nor the requirements of the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation. Therefore, the subdivision cannot be approved by our office.

**UAC R317-4-13. Tables.1.1** Minimum Lot Size (a) by Soil Type and Culinary Water Source

Soil Type	Public Water Supply	Non-public Water Supply (b)
1	12,000 sq. ft.	1 Acre
2	15,000 sq. ft.	1.25 Acres
3	18,000 sq. ft.	1.5 Acres
4	20,000 sq. ft.	1.75 Acres
5 (c)	20,000 sq. ft. (c)	1.75 Acres (c)

Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation Section 4.38 Minimum Lot Size (a) by Soil Type and Culinary Water Source

Soil Type	Public Water Supply(g)	Non-public Water Supply (b)
1	20,000 sq. ft	1 Acre
2	20,000 sq. ft	1.25 Acres
3	20,000 sq. ft	1.5 Acres
4	20,000 sq. ft	1.75 Acres
5 (c)	20,000 sq. ft (c)	1.75 Acres



Determination 2:

The development as a new subdivision does not meet the criteria for consideration of a Variance Request as outlined in the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation Section 4.19.2. The intent of the variance process is create a systematic process for the consideration of a variance for those lots of record, legally created predating the inception of the 20,000 square foot minimum lot size requirement. A variance cannot be considered for the creation of a new lot or subdivision.

4.19 Add new Subsection D. to Section 4.1. to read:

D. Variance to Section 4.1.D lot size. The Board of Health may grant a variance to the 20,000 square foot lot size requirement when the following requirements are met:

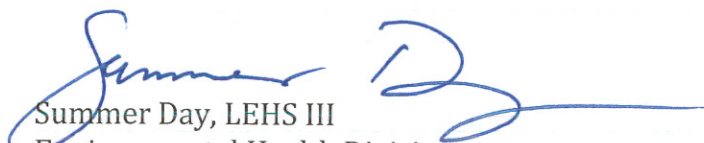
2. A variance may only be considered on lots recorded prior to November 27, 2006. Nothing in this variance is intended to preclude from consideration those lots recorded prior to (the adoption date of this provision), which have been properly combined, at any time after the original recording, in accordance with all relevant Weber or Morgan County land use ordinances.

Determination 3

The submitted surveyed plat for the two-lot subdivision proposal includes an accumulative area of 20,847 ft<sup>2</sup>. If the subdivision proposal was reduced to a single lot of this size, or of a size of 20,000 ft<sup>2</sup> or greater, our office could then approve the subdivision. Site and soil work as well as water table monitoring have been completed on these lots. The work is sufficient for our office to issue a letter of feasibility for the lots to be combined into a single lot of 20,000 ft<sup>2</sup> or greater. Proof of water service would be required during the subdivision review before formal approval would be given. At this time, a formal subdivision application has not been submitted to our office for this project. If the applicant would like to resubmit the single lot proposal for review a formal subdivision application, the required fee, and a new subdivision plat proposal should be submitted to our office.

You may appeal this Notice. You have ten calendar days from the date of this notice was received, to request in writing, a conference before the Weber- Morgan Health Department. The written request for a conference shall be made on a form provided by the department. The conference shall take place within ten calendar days, or other time mutually agreed upon, after the request is received. A written notice of the Department's final determination shall be given within ten calendar days after adjournment of the conference. The Department may sustain, modify, or reverse the action or order, but shall not require less than the minimum requirements of the Regulation and other applicable law.

Sincerely,

  
Summer Day, LEHS III  
Environmental Health Division

CC Scott Perkes, Weber County Planning



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on preliminary and final approval of the Doug Neilson Subdivision consisting of 3 lots in the FR-1 Zone at approximately 301-305 Ogden Canyon.

**Agenda Date:** Tuesday, June 23, 2020

**Applicant:** Doug Neilson, Owner

**File Number:** UVN052020

### Property Information

**Approximate Address:** 301 Ogden CYN, Ogden, Utah 84401

**Project Area:** 0.82 acres

**Zoning:** Forest Residential Zone (FR-1)

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**Parcel ID:** 20-030-0012, 20-030-0011, 20-030-0010, 20-030-0009, 20-030-0013

**Township, Range, Section:** T6N, R1E, SW ¼ Section 18

### Adjacent Land Use

<b>North:</b> Ogden River	<b>South:</b> US Forest Service
<b>East:</b> Residential	<b>West:</b> Ogden River

### Staff Information

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

**Report Reviewer:** SB

## Applicable Codes

- Weber County Land Use Code Title 104 (Zoning) Chapter 13 (Forest Residential FR-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 12 (Noncomplying Structures, Nonconforming Uses, And Nonconforming Lots)

## Background

The applicant is the current owner of parcel IDs 20-030-0009, -0010, & -0011 which comprise of lots 4, 5, & 6 of the Hermitage Block 10 Subdivision, respectively. The applicant also owns parcel 20-030-0012, which is an unplatted parcel that lies immediately west of lot 6 of the Hermitage Block 10 Subdivision. The applicant has submitted an application (see **Exhibit A**) to replat each of these four parcels into a new subdivision boundary that would create three single-family residential lots.

In tandem with this subdivision application, the applicant submitted two variance requests to better accommodate a reasonable single-family dwelling footprint on Lot 3 of the proposed subdivision. The first request was for an 11-foot variance from the side yard setback of 20-feet to allow for a 9-foot side setback. The second request was for a 19-foot variance from the rear yard setback of 30-feet to allow for an 11-foot rear setback. Both these variances were granted by the Weber County Board of Adjustment during their June 11, 2020 meeting. The granting of these variances was conditioned on the associated subdivision being configured as reviewed by the Board of Adjustment (see **Exhibit E** for the Notice of Decision).

The overall intent of these two applications is to create residential lots that are less nonconforming with current zoning standards and improve the overall spacing and configuration of the developable areas (see **Exhibit B** for the proposed subdivision plat).

## Analysis

**General Plan:** This proposal is in conformity with Ogden Valley General Plan (OVGP) by “encouraging and promoting a voluntary reduction in overall development units in the Ogden Valley planning area by such measures as conservation easements, donations of development rights, etc...” (See page 15 of the OVGP). By creating three residential lots out of the

four parcels, the proposal effectively eliminates a development right, thereby reducing the density that otherwise could be permitted.

**Zoning:** The property is located in the FR-1 Zone. The purpose of this zone is stated in the LUC §104-13-1.

*“The purpose of the forest residential zone is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”*

Each of the existing lots in the Hermitage Block 10 subdivision (Lots 4, 5, & 6), in addition to the additional parcel (20-030-0012) being incorporated into the subdivision boundary, meets the definition of a “Nonconforming Lot” (per LUC 101-1-7) as follows:

***Lot, nonconforming.** The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot standards. Applicable standards include lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.*

Due to the nonconforming nature of these lots, modifications are subject to Section 108-12-12 of the LUC as follows:

**Sec 108-12-12 Reconfiguring Nonconforming Lots**

*Nonconforming lots may be reconfigured in a manner that complies with the standards of the zone in effect at the time of the lot's creation if the reconfiguration does not create any more lots than currently exist. The reconfiguration shall not cause any other lot to become nonconforming or more nonconforming. If the nonconforming lot is part of a platted subdivision, an amended subdivision plat is required.*

Following review of this section, staff found that the proposed reconfiguration is not creating any more lots than currently exist, and is causing each of the resulting lots to be less nonconforming with current zoning requirements for the FR-1 zone. Thereby satisfying the zoning requirements.

**Small Subdivision:** Per Section 101-1-7, this proposal qualifies as a “small subdivision” consisting of three or fewer lots for which no new streets are being created or realigned. As such, this subdivision may be approved administratively by the Planning Director. However, while staff does not believe that there are specific conditions that warrant the project’s submittal to the planning commission, staff has brought this application to the OVPC to explain the variances granted by the Board of Adjustment, and to demonstrate this project as an example of a reduced development right in support of the Ogden Valley General Plan.

**Flood Zone:** As depicted in the image below, this project has a small portion of area that falls within the FEMA Flood Zone AE. Accordingly, the applicant has been required to depict the Base Flood Elevation (BFE) on the plat. Additionally, the Weber County Engineering Department has requested that a note be placed on the plat indicating that all finished floors must be at least one foot above the BFE.



Culinary Water: Culinary and secondary water will be provided by Ogden City through an existing water line. See **Exhibit C** for the associated culinary will-serve letter. Staff reached out to Ogden City engineering and verified that this culinary water source may be used for secondary purposes. Additionally, Ogden City does not require that a secondary water source be connected to the property as a condition to their culinary water service.

Sanitary System: Weber-Morgan Health Department has provided a letter stating that the groundwater tables fall within a range of acceptability for the placement of wastewater disposal systems (see **Exhibit D**).

Review Agencies: The Weber County Fire District has approved this proposal. Reviews from Engineering, Surveying, and Planning have all been submitted with additional requirements prior to recording. As a condition of approval, all review agency requirements will need to be satisfied prior to the final mylar being recorded.

Tax Clearance: The 2019 property taxes have been paid in full. The 2020 property taxes are due in full as of November 30, 2020.

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 approval of Doug Neilson Subdivision, consisting of 3 lots. This recommendation for approval is subject to the following conditions:

1. All review agency requirements shall be satisfied prior to the recording of the final subdivision plat.
2. A Deferring Public Improvements Agreement for curb, gutter, and sidewalk will need to be executed and recorded simultaneously with the final plat.
3. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction will need to be executed and recorded simultaneously with the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes, including Sec. 108-12-12 regulating the reconfiguration of nonconforming lots.

## Exhibits

- A. Subdivision Application
- B. Subdivision Plat
- C. Culinary Will-Serve Letter
- D. Weber-Morgan Health Department Letter of Feasibility
- E. Notice of Decision – Granted Variance Requests

## Location Map



UVN  
11-2020

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 05/11/2020	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
--	-------------------	-----------------------------	--------------------------

#### Subdivision and Property Information

Subdivision Name <b>Neilson Hermitage</b>		Number of Lots <b>3</b>
Approximate Address <b>305 Ogden Cyn</b>		Land Serial Number(s) 200300012 200300011 200300010 200300009
Current Zoning <b>FR1</b>	Total Acreage <b>.48</b>	
Culinary Water Provider <b>Ogden City</b>	Secondary Water Provider <b>N/A</b>	Wastewater Treatment <b>Septic - Pack bed media</b>

#### Property Owner Contact Information

Name of Property Owner(s) <b>Doug Neilson</b>		Mailing Address of Property Owner(s) <b>3744 Van Buren Ave. Ogden, Utah 84403</b>
Phone <b>801-624-9077</b>	Fax <b>N/A</b>	
Email Address <b>Douglasray15@gmail.com</b>		Preferred Method of Written Correspondence Email    Fax    Mail <b>Email</b>

#### Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <b>(SAME)</b>		Mailing Address of Authorized Person
Phone	Fax	
Email Address		Preferred Method of Written Correspondence Email    Fax    Mail

#### Surveyor/Engineer Contact Information

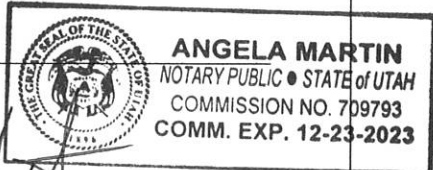
Name or Company of Surveyor/Engineer <b>Klint Whitney - Gardner Engineering</b>		Mailing Address of Surveyor/Engineer <b>5150 S 375 E Washington Terrace, UT 84405</b>
Phone <b>801-476-0202</b>	Fax <b>801-476-0066</b>	
Email Address <b>Klint@gecivil.com</b>		Preferred Method of Written Correspondence Email    Fax    Mail <b>Email</b>

#### Property Owner Affidavit

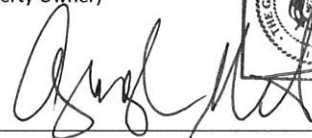
I (We), Doug Neilson, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) 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)



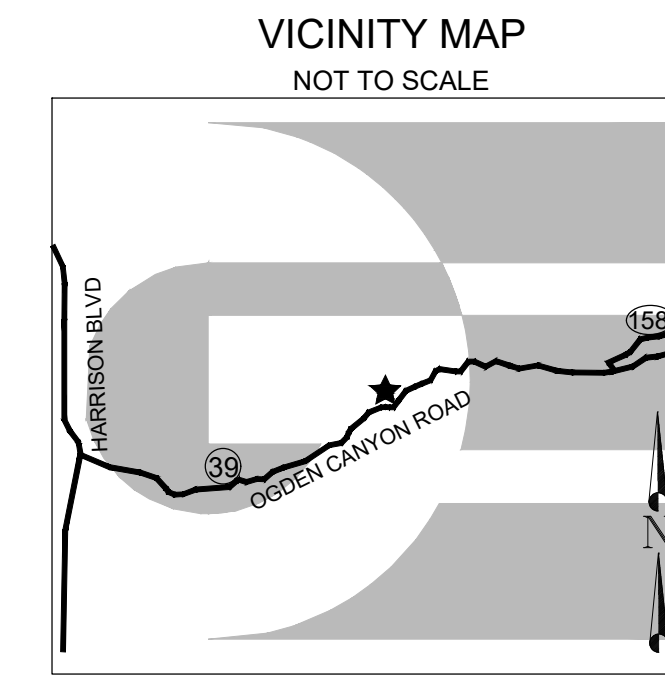
Subscribed and sworn to me this 11 day of May, 2020



NOTARY

# Exhibit B

## DOUG NEILSON SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH MAY 2020



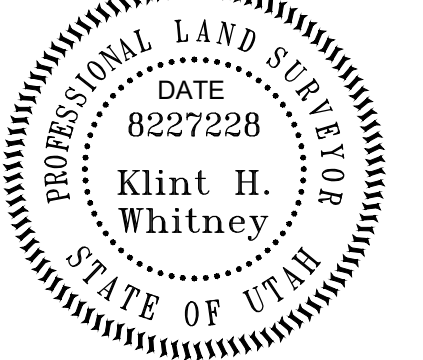
### BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF OGDEN CANYON ROAD BEING LOCATED NORTH 83°27'09" EAST 1513.72 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND NORTH 0°00'00" EAST 40.77 FEET; RUNNING THENCE NORTH 23°02'55" EAST 42.53 FEET; THENCE NORTH 28°45'04" EAST 75.33 FEET; THENCE 45°50'13" EAST 12.68 FEET; THENCE NORTH 51°37'45" EAST 23.76 FEET; THENCE NORTH 51°37'45" EAST 8.91 FEET; THENCE NORTH 59°21'50" EAST 59.40 FEET; THENCE NORTH 69°49'22" EAST 38.69 FEET; THENCE NORTH 69°29'13" EAST 8.40 FEET; THENCE NORTH 86°30'55" EAST 42.76 FEET; THENCE SOUTH 16°03'18" EAST 101.01 FEET TO SAID NORTHERLY RIGHT OF WAY LINE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOLLOWING TWO(2) COURSES (1) ALONG THE ARC OF A 707.87 FOOT RADIUS CURVE TO THE LEFT 226.44 FEET, HAVING A CENTRAL ANGLE OF 18°19'31" WITH A CHORD BEARING SOUTH 72°38'23" WEST 225.47 FEET; (2) SOUTH 63°28'25" WEST 42.80 FEET TO THE POINT OF BEGINNING. CONTAINING 20,848 SQUARE FEET OR 0.479 ACRES MORE OR LESS.

### SURVEYOR'S CERTIFICATE

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED ON THIS PLAT, AND HAVE SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS DOUG NEILSON SUBDIVISION IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN HEREON ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; THAT ALL LOTS MEET THE REQUIREMENTS OF THE LAND USE CODE; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.



KLINT H. WHITNEY, PLS NO. 8227228

### OWNER'S DEDICATION

I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

### DOUG NEILSON SUBDIVISION

AND HEREBY DEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY WEBER COUNTY, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.

SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2020.

BY: \_\_\_\_\_

### ACKNOWLEDGEMENT

STATE OF UTAH )  
COUNTY OF WEBER )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me \_\_\_\_\_, A Notary Public, personally appeared DOUG NEILSON, Proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same. Witness my hand and official seal.

STAMP

NOTARY PUBLIC

### NOTES

1. ZONE (R-1) CURRENT YARD SETBACKS: FRONT: 20', SIDE: 8', REAR: 20'
2. SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND ZONE AE WITH BASE FLOOD ELEVATIONS (BFE) SHOWN HEREON. PER FEMA MAP NO. 49057C0432E WITH AN EFFECTIVE DATE OF DECEMBER 16, 2005.

### NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE A THREE LOT SUBDIVISION ON THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY DOUGLAS NEILSON. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON. THE BASIS OF BEARING IS THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS NORTH 83°27'09" EAST WEBER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING. THE BOUNDARY WAS ALSO DETERMINED BY WARRANTY DEED WITH AN ENTRY NUMBER RECORDED AS 2933000 AND DEEDS OF ADJACENT PROPERTIES.



Exhibit E

#### WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR 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.

COUNTY SURVEYOR

#### 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 EFFECT.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

COUNTY ATTORNEY

#### 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

COUNTY ENGINEER

#### 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: \_\_\_\_\_ NAME/TITLE

#### WEBER COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHAIRMAN, WEBER COUNTY PLANNING COMMISSION

#### WEBER - MORGAN HEALTH DEPARTMENT

I DO HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITION FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

DIRECTOR WEBER-MORGAN HEALTH DEPT.

DEVELOPER: DOUG NEILSON	S1 1	COUNTY RECORDER ENTRY NO. _____ FEE PAID _____ FILED FOR AND RECORDED _____ AT _____ IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____ RECORDED FOR _____ COUNTY RECORDER BY: _____
<b>GARDNER ENGINEERING</b> CIVIL • LAND PLANNING MUNICIPAL • LAND SURVEYING 5150 SOUTH 875 EAST OGDEN, UT OFFICE: 801.476.0202 FAX: 801.476.0066		

**Service Letter for 301, 303 ,and 305 Ogden Canyon**

2 messages

**Anderson, Justin** <JustinAnderson@ogdencity.com>

Fri, May 3, 2019 at 9:37 AM

To: "douglasray15@gmail.com" <douglasray15@gmail.com>

Cc: "Moffett, Kenton" <KentonMoffett@ogdencity.com>, "Nielsen, Taylor" <TaylorNielsen@ogdencity.com>, "Stratford, Mark" <MarkStratford@ogdencity.com>, "Daniels, David" <DavidDaniels@ogdencity.com>

Mr. Douglas Neilson,

The property in the Hermitage Subdivision listed as lot 301, 303, and 305 does have a distribution service along the frontage. The distribution service belongs to Ogden City and is available for connection at the property location. Mainline connections must be installed in accordance to the ordinance and standards approved by Ogden City. All applicable plan and permit requirements from Ogden City, Weber County, and UDOT must be adhered to for installation of the service. Each connection may be made to the 8" mainline and must have an engineered plan submitted for approval to the City prior to connection. No connections will be allowed on the 24" transmission line.

These parcels are outside of Ogden City's service area and are subject to different rules and regulations than customers that are within Ogden's Service area. Acceptance of these terms is required in order for water to actually be supplied to the property.

Please contact me with any further questions.

Justin Anderson, P.E.

Ogden City Public Services

Deputy Director / City Engineer

2549 Washington Blvd

Ogden, UT 84401

Office: (801) 629-8982

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



April 30, 2020

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

RE: Doug Neilson properties  
Properties 301, 303 & 305 Ogden Canyon  
Parcel # 20-030-0009, 20-030-0010, 20-030-011, and 20-030-0012  
Soil log #14608

A formal review of the onsite wastewater treatment systems plans, lot line adjustment and lot combination, of the three lot development including parcel numbers 20-030-0009, 20-030-0010, 20-030-011, and 20-030-0012 has been complete by this office. The plan submitted on February 29, 2020 for the aforementioned lots has been found to comply with all state and local onsite wastewater treatment system regulation.

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Ogden City Water District, an approved water system. **A letter from the water supplier is required prior to issuance of a permit.**

**DESIGN REQUIREMENTS and RESTRICTIONS 303 & 305**

At current we believe the proposal is to remodel the existing homes located at 20-030-0010, 303 Ogden Canyon and parcel 20-030-00009, 305 Ogden Canyon. The homes located on these parcels are existing structure. The onsite wastewater plan submitted to our office shows that the homes will be improved to utilize packed bed media pretreatment onsite wastewater systems with drip irrigation lines installed at a maximum trench depth of 12 inches below grade, with a maximum application rate of 0.9 gpd/sq ft, documented ground water not to exceed 24 inches. Our office would approve the renovation of the two homes with no increase in the number of bedrooms or daily wastewater flow.

**303 & 305 lot line adjustment**

Multiple shared property line currently run through the existing homes. Thus causing issues meeting setback requirements and increasing the probability of civil suit between property owners. Our office would with the improvement of the properties, approve the adjustment of the property line located between 20-030-0010, 303 Ogden Canyon and parcel 20-030-00009, 305 Ogden Canyon a proposed adjustment of 7 feet to the west, and the property line located between 20-030-0011, and parcel 20-030-0010, 303 Ogden Canyon a proposed adjustment of 15 feet to the west. Thus reducing future hardship on the property owner.

**DESIGN REQUIREMENTS and RESTRICTIONS 301, New SFD**

A new single family dwelling is proposal to be located on parcel number 20-030-0012 and the remainder of parcel number 20-030-0011. The combination of the lots will form a new parcel with a minimum lot size of 20,000 square feet. Our office has reviewed it as such. Parcel number 20-030-0012 when previously review for minimum lot size was shown to have 0.5 acres which meet the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation. The onsite wastewater plan submitted to our office shows that the homes will utilize packed bed media pretreatment onsite wastewater systems with drip irrigation lines installed at a maximum trench depth of 12 inches below grade, with a maximum application rate of 0.9 gpd/sq ft, documented ground water not to exceed 24 inches. The reviewed plan meets the requirement to facilitate the wastewater disposal for a four bedroom residence.

EDUCATE | ENGAGE | EMPOWER

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





Exhibit F

Weber County Planning Division  
www.co.weber.ut.us/planning\_commission  
2380 Washington Blvd., Suite 240  
Ogden, Utah 84401-1473  
Voice: (801) 399-8791  
Fax: (801) 399-8862

Weber County Board of Adjustment  
**NOTICE OF DECISION**

June 12, 2020

Doug Neilson  
301 Ogden Canyon  
Ogden, UT 84401

Case No.: BOA 2020-04

You are hereby notified that your request for an 11-foot variance from the side yard setback and a request for a 19-foot variance from the rear yard setback in the FR-1 zone was approved by the Weber County Board of Adjustment in a public hearing held on June 12, 2020 after due notice to the general public and specifically to adjacent property owners.

The Boards decision was based on the following findings:

- a. Literal enforcement of the Land Use Code would require an undesirable result. Literal enforcement of the 30-foot front yard setback and the 19.4-foot reduced side yard setback would require a building footprint that would be inefficient and would produce a structure that does not match neighboring development.
- b. The special circumstances that apply in this instance are due to the unique wide and shallow shape of the parcel, that when standard zoning setbacks are applied, would create a hardship on the owner by preventing the placement a reasonable dwelling footprint on the property.
- c. Granting the variance would allow the owner of the parcel to improve the overall subdivision proportions and building separation while also improving the nonconformance of the existing lots to better match current zoning dimensions.
- d. The General Plan indicates that this area should be developed as is planned and zoned; thereby the variance and development is not contrary to any public interest.
- e. This variance request is not an attempt to avoid or circumvent the requirements of the County Land Use Code. The applicant has gone through the proper channels in applying for a variance. Granting this variance will improve the area through the reduction of one lot, additional lot and building separation, and consistent building setbacks.

This approval is subject to the following condition:

- a. Approval of the associated subdivision amendment to the Hermitage Block 10 subdivision.

Please feel free to reach out should you have any questions regarding this action.

Scott Perkes  
Planner II – Weber County Planning Division  
801-399-8772  
sperkes@webercountyutah.gov

The approval of a Board of Adjustment Case is issued to the owner of the land as signed on the application and is valid for a period of time **not longer than 18 months** from the date of the Board decision or until an ordinance amendment changes the conditions upon which the decision was made. The issuance of a building permit for development stated in the Board of Adjustment case application constitutes full use of the variance or other benefit applied for.



# 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 Eagle Ridge Cluster Subdivision Phase 7, a one-lot subdivision with a 7, 731 area for open space.

**Agenda Date:** Wednesday, June 30, 2021

**Applicant:** Orloff Opheikens, owner

**File Number:** UVO 052121

### Property Information

**Approximate Address:** 3700 North Eagle Ridge Drive, Eden

**Project Area:** 42,859 sq ft

**Zoning:** Agricultural Valley 3 (AV-3)

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 22-015-0092

**Township, Range, Section:** T7N, R1E, Sections 21

### Adjacent Land Use

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

### 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 6 (Agricultural Valley, AV-3)
- Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 8 (Final Plat Requirements)
- Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

## Development History

The Eagle Ridge Cluster Subdivision Phase 6 was recorded on May 18, 2018. This proposal is a continuation of the Eagle Ridge Cluster Subdivision, as shown in the master development plan, that was recorded on April 1, 1997, with the entry number 1463065. The associated open space will be owned and managed by the Eagle Ridge Cluster Subdivision HOA.

## Background and Summary

The applicant is requesting approval of a one-lot subdivision that will gain access from Eagle Ridge Drive, a public road. Lot 70 of Eagle Ridge Cluster Subdivision Phase 7 contains 35,128 sq ft. The associated common area is 7,731 sq ft. The percentage of open space associated with this parcel is 22%. Under normal cluster subdivision, open space requirements a minimum of 60% open space is required for the Ogden Valley, however, the master plan map within the development agreement Entry No. #1463065, includes plans for additional lots and open space to be added with subsequent phases.

Wolf Creek Water and Sewer District and the owner have entered into a joint agreement that extinguished water and sewer services from parcel #22-352-0005 and relocates the services to Lot 70 of Eagle Ridge Cluster Subdivision Phase 7.

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 FV-3 zone found in LUC §104-14. The following section is a brief analysis of this project against current land use regulations.

## Analysis

General Plan: This proposal conforms with Ogden Valley General Plan (OVGP) by encouraging low-density development that preserves open space (see page 21 of the OVGP).

Zoning: The property is located in the AV-3 Zone. The purpose of this zone is stated in the LUC §104-6-1.

*“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.”*

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.

Natural Hazards: This property is located within a Geologic Study Area (geologic unit Qadb). The owner will need to obtain a Geologic Reconnaissance or a statement from a licensed geologist that would relieve the requirement. If a geologic report is necessary, A note shall be added to the plat stating that the geologic report is available for review in the Weber County Planning Office.

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

Culinary Water and Sanitary Services: The Wolf Creek Water and sewer has provided a will-serve letter for culinary water and sanitary services for this development.

Irrigation Water: The Wolf Creek Irrigation Company will serve this lot with irrigation water.

Review Agencies: The Weber County Fire District and Engineering have approved this proposal. The County Surveyor’s department has posted comments that will be addressed by a revised plat.

Tax Clearance: The 2020 property taxes have been paid in full. The 2021 property taxes are due in full as of November 30, 2021.

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

## **Staff Recommendation**

Staff recommends final plat approval of Eagle Ridge Cluster Subdivision Phase 7, consisting of one 35,128 sq ft residential lot and one 7,731 sq ft open space parcel. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. The owner enters into a deferral agreement for the curb, gutter, and sidewalk for the area fronting the public ROW.
2. The Open Space Preservation Plan and HOA documents shall be amended to include Phase 7 and the Common Area “P”.
3. The owner shall submit a Geologic Reconnaissance or a statement from a licensed geologist that would relieve the geologic study requirement.
4. All of the Wolf Creek Water and Sewer District conditions of service are satisfied.

The following items are the basis for the staff’s recommendation:

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

## Administrative Approval

Administrative final approval of Eagle Ridge Cluster Subdivision Phase 7, 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.

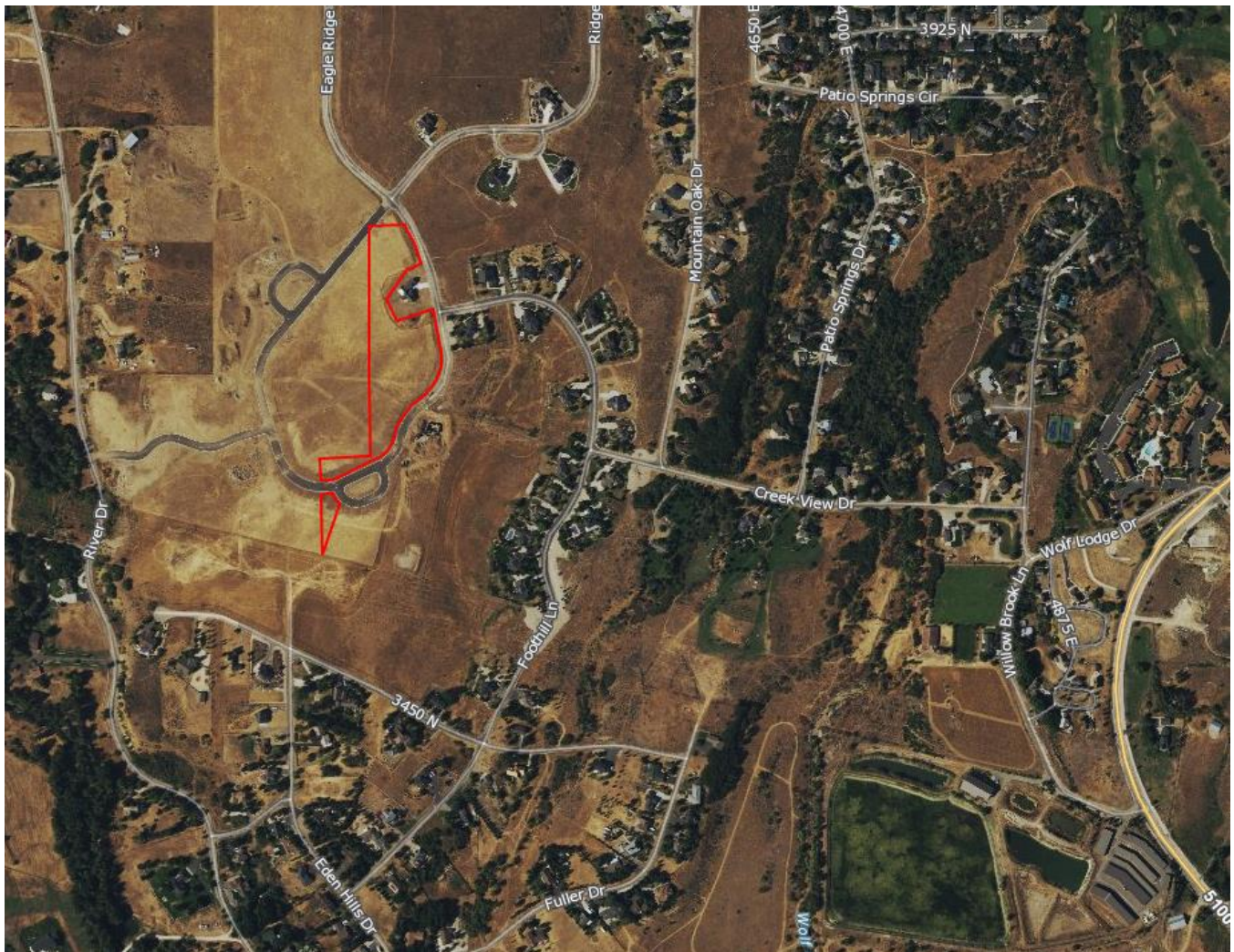
Date of Administrative Approval: \_\_\_\_\_

\_\_\_\_\_  
Rick Grover  
Weber County Planning Director

## Exhibits

- A. Eagle Ridge Cluster Subdivision Plat
- B. Current Recorders Plat
- C. Water and sewer will serve
- D. Wolf Creek Water Agreement

## Area Map



**EAGLE RIDGE CLUSTER SUBDIVISION PHASE 7**  
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21,  
 TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,  
 WEBER COUNTY, UTAH  
 MARCH 2021



**BOUNDARY DESCRIPTION**

A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 7 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF EAGLE RIDGE DRIVE, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 64, EAGLE RIDGE CLUSTER SUBDIVISION PHASE 7, BEING LOCATED SOUTH 0° 19' 10" WEST 112.28 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21 AND NORTH 90° 00' 00" WEST 186.36 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION, RUNNING THENCE ALONG SAID WEST RIGHT-OF-WAY SOUTH 17° 22' 41" EAST 178.89 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ALONG THE ARC OF A CURVE TO THE RIGHT 112.62 FEET, HAVING A RADIUS OF 186.11 FEET, A CENTRAL ANGLE OF 33° 00' 00" AND WHICH CHORD BEARS SOUTH 09° 02' 30" WEST 111.01 FEET; THENCE NORTH 64° 11' 33" WEST 244.09 FEET; THENCE NORTH 27° 00' 10" EAST 115.72 FEET; THENCE NORTH 45° 30' 10" WEST 52.27 FEET TO THE SOUTHWEST CORNER OF SAID LOT 64, THENCE ALONG THE SOUTH LINE OF SAID LOT NORTH 78° 10' 50" EAST 178.50 FEET TO THE POINT OF BEGINNING, CONTAINING 42.859 SQ. FT. OR 0.98 ACRES, MORE OR LESS.

**SURVEYOR'S CERTIFICATE**

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 96, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED ON THIS PLAN, AND HAVE SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS EAGLE RIDGE CLUSTER SUBDIVISION PHASE 7, IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL READABLE METERS, THAT THE REFERENCE MONUMENTS SHOWN HEREON ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; THAT ALL LOTS MEET THE REQUIREMENTS OF THE LAND USE CODE; AND THAT THE INFORMATION SHOWN HEREON IS SUFFICIENT TO ACCURATELY AND COMPLETELY DEFINE THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.



SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

**OWNER'S DEDICATION**

I, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND STREETS AS SHOWN ON THIS PLAN AND NAME SAID TRACT:

**EAGLE RIDGE CLUSTER SUBDIVISION PHASE 7**

AND HEREBY DEDICATE, GRANT AND DEDICATE TO WEBER COUNTY, UTAH A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAN AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY WEBER COUNTY, UTAH WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS, AND HEREBY GRANT AND CONVEY TO THE SUBDIVISION LOT OWNERS ASSOCIATION, ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS COMMON AREAS TO BE USED FOR RECREATION, AND OPEN SPACE PURPOSES FOR THE BENEFIT OF EACH LOT. I, THE UNDERSIGNED OWNER, HEREBY GRANT AND CONVEY TO THE SUBDIVISION AND GRANT AND DEDICATE TO WEBER COUNTY A PERPETUAL OPEN SPACE RIGHT AND EASEMENT ON AND OVER THE COMMON AREAS TO GUARANTEE TO WEBER COUNTY THAT THE COMMON AREAS REMAIN OPEN AND UNDEVELOPED EXCEPT FOR APPROVED RECREATIONAL, PARKING AND OPEN SPACE PURPOSES.

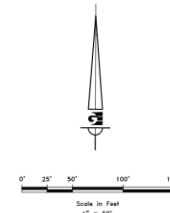
SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BY: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF UTAH )  
 COUNTY OF WEBER )  
 On this \_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared before me \_\_\_\_\_, whose identity is personally known to me (or upon the basis of satisfactory evidence) and who by me duly sworn, and who declares that he is the person whose name and address are set forth in the foregoing instrument and that he executed the same as the person whose name is subscribed to the same, and he acknowledged to me that said instrument was signed by him in behalf of said "Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said \_\_\_\_\_ acknowledged to me that said "Corporation executed the same.

WITNESSE MY HAND AND NOTARY PUBLIC SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.



- LEGEND**
- ◆ WEBER COUNTY MONUMENT AS NOTED
  - ◆ SET 2" REBAR AND CAP MARKED GARDNER ENGINEERING
  - ◆ FOUND CENTERLINE MONUMENT
  - SUBDIVISION BOUNDARY
  - LOT LINE
  - ADJACENT PARCEL
  - STREET CENTERLINE
  - SECTION LINE
  - - - EASEMENT
  - - - EXISTING FENCE LINE
  - - - EXISTING IRRIGATION LINE
  - - - EXISTING SANITARY SEWER
  - ⊕ EXISTING WATER METER
  - ⊕ EXISTING FIRE HYDRANT
  - ⊕ EXISTING SEWER MANHOLE

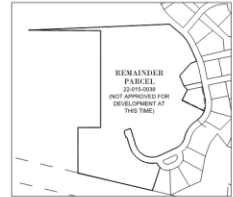
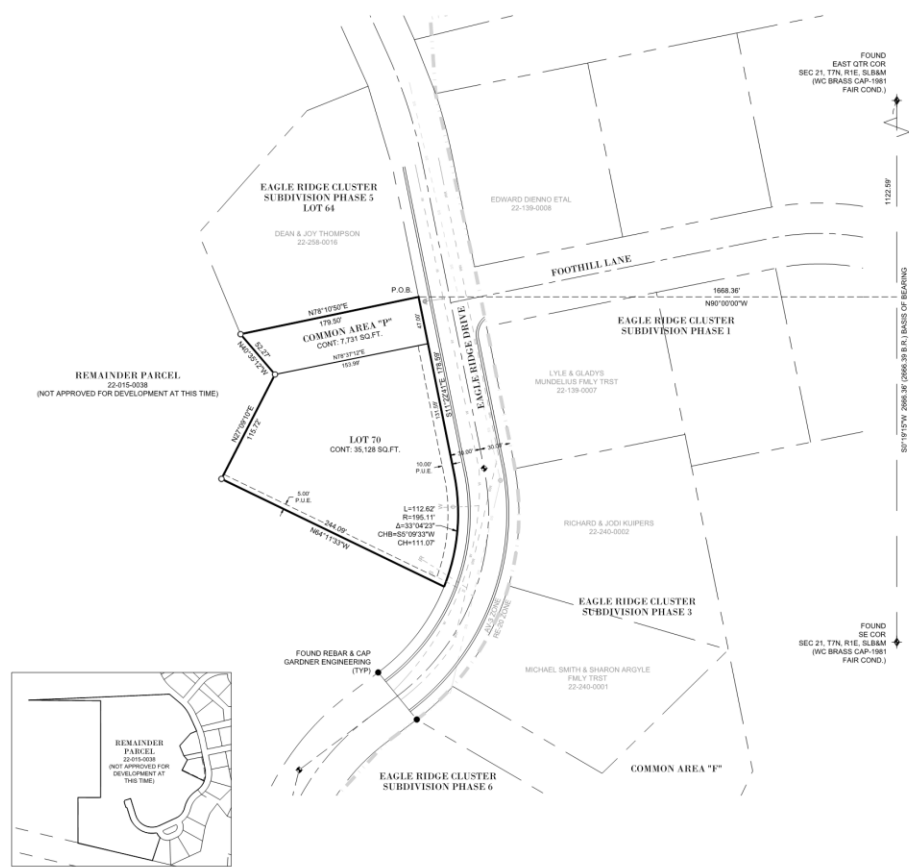
**NOTES**

1. ZONE RE-20(A)/3 CURRENT YARD SETBACKS: FRONT 30', SIDE 10', SIDE FACING STREET 20', REAR 30'
2. SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FEMA MAP NO. 480702020F WITH AN EFFECTIVE DATE OF JUNE 2, 2015.
3. BOUNDARY AND LOT CORNERS ARE SET AS REQUIRED BY STATE CODE AND COUNTY ORDINANCE. FRONT LOT CORNERS TO BE SET WITH NAIL AND WASHER IN CURB AT LOT LINE EXTENSION.
4. LOT SIZE, ZONING AND SETBACK REQUIREMENTS ARE DETERMINED BY THE DEVELOPMENT AGREEMENT WITH WEBER COUNTY.
5. LAND DRAIN SYSTEM OWNERSHIP AND MAINTENANCE IS TO BE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION.

**AGRICULTURAL NOTE:**  
 AGRICULTURE IS THE PREFERRED USE IN THE AGRICULTURE ZONES. AGRICULTURE OPERATIONS AS SPECIFIED IN THE ZONING ORDINANCE FOR A PARTICULAR ZONE ARE PERMITTED AT ANY TIME INCLUDING THE OPERATION OF FARM MACHINERY AND ALLOWED AGRICULTURE USE SHALL BE SUBJECT TO RESTRICTION ON THAT IT INTERFERES WITH ACTIVITIES OF FUTURE RESIDENTS OF THIS SUBDIVISION.

**NARRATIVE**

THE PURPOSE OF THIS SURVEY WAS TO CREATE A ONE LOT SUBDIVISION ON THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY ORLUF OPENKENS, THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND DESCRIBED HEREON. THE BASIS OF BEARING IS THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS SOUTH 07° 19' 10" WEST WEBER COUNTY, UTAH NORTH, AND 83 STATE PLANE GRID BEARING.



<p><b>WEBER COUNTY SURVEYOR</b></p> <p>I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAN FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA, AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN THIS COUNTY OFFICE. THE APPROVAL OF THIS PLAN BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR FROM HIS OBLIGATION TO STAND BY THE RESPONSIBILITIES AND OBLIGATIONS ASSOCIATED THEREWITH.</p> <p>SIGNED THIS ____ DAY OF _____, 2021.</p> <p>COUNTY SURVEYOR</p>	<p><b>WEBER COUNTY ATTORNEY</b></p> <p>I HAVE EXAMINED THE FINANCIAL, GUARANTEED AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION, PLAN AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERE TO AND NOW IN FORCE AND EFFECT.</p> <p>SIGNED THIS ____ DAY OF _____, 2021.</p> <p>COUNTY ATTORNEY</p>	<p><b>WEBER COUNTY ENGINEER</b></p> <p>I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND CONDITIONS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.</p> <p>SIGNED THIS ____ DAY OF _____, 2021.</p> <p>COUNTY ENGINEER</p>	<p><b>WEBER COUNTY COMMISSION ACCEPTANCE</b></p> <p>THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAN, THE DEDICATION OF STREETS AND OTHER PUBLIC WORKS AND FINANCIAL GUARANTEES OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH.</p> <p>SIGNED THIS ____ DAY OF _____, 2021.</p> <p>CHAIRMAN, WEBER COUNTY COMMISSION</p> <p>ATTN: _____ NAME/TITLE _____</p>	<p><b>WEBER COUNTY PLANNING COMMISSION APPROVAL</b></p> <p>THIS IS TO CERTIFY THAT THIS SUBDIVISION WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION.</p> <p>SIGNED THIS ____ DAY OF _____, 2021.</p> <p>CHAIRMAN, WEBER COUNTY PLANNING COMMISSION</p>	<p><b>WEBER - MORGAN HEALTH DEPARTMENT</b></p> <p>I DO HEREBY CERTIFY THAT THE SOLS, PERCOLATION METERS, AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INSPECTED BY THIS OFFICE AND ARE APPROVED FOR ON SITE WASTEWATER DISPOSAL SYSTEMS.</p> <p>SIGNED THIS ____ DAY OF _____, 2021.</p> <p>DIRECTOR, WEBER-MORGAN HEALTH DEPT.</p>
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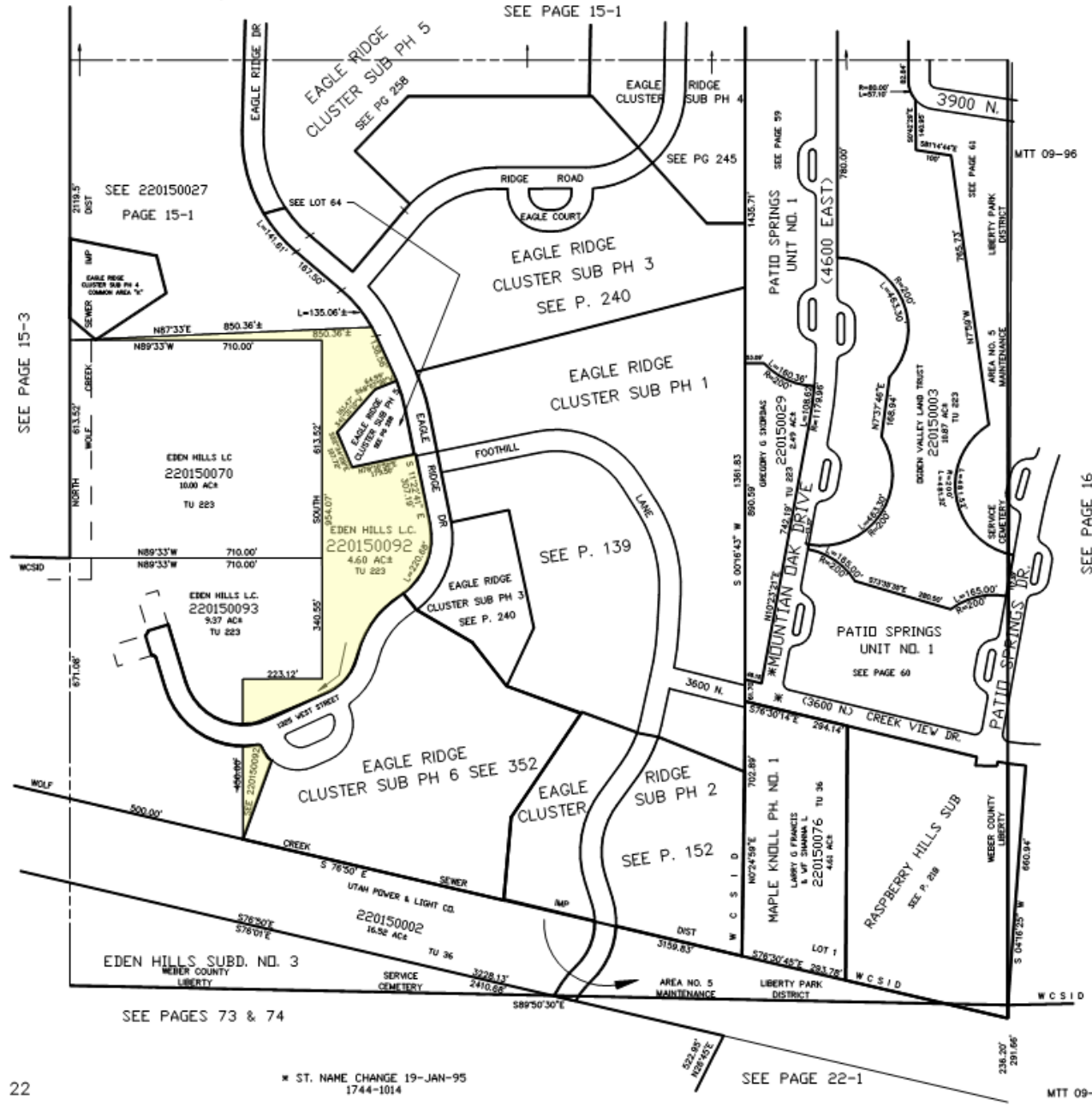
<p>DEVELOPER                  ORLUF OPENKENS                  833 WALL AVENUE,                  SODEN, UT 84404                  801-621-1839</p>	<p>S1                  1</p>	<p><b>COUNTY RECORDER</b></p> <p>ENTRY NO. _____ FEE PAID _____</p> <p>FILED FOR AND RECORDED _____</p> <p>AT _____ IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____ RECORDED _____</p> <p>FOR _____</p> <p>COUNTY RECORDER</p> <p>BY _____</p>
<p><b>GARDNER ENGINEERING</b>                  CIVIL - LAND PLANNING                  MUNICIPAL - LAND SURVEYING                  1155 3RD NORTH, SUITE 100, SALT LAKE CITY, UT 84103                  OFFICE: 801-476-0202 FAX: 801-476-0666</p>		

S.E. 1/4 OF SECTION 21, T.7N., R.1E., S.L.B. & M.

15-2

IN WEBER COUNTY  
SCALE 1" = 200'  
SEE PAGE 15-1

TAXING UNIT: 36, 223



SEE PAGE 15-3

SEE 220150027  
PAGE 15-1

EDEN HILLS L.C.  
220150070  
16.00 AC.  
TU 223

EDEN HILLS L.C.  
220150093  
9.37 AC.  
TU 223

EDEN HILLS L.C.  
220150092  
4.60 AC.  
TU 223

EAGLE RIDGE  
CLUSTER SUB PH 6  
SEE 352

SEE P. 139

EAGLE RIDGE  
CLUSTER SUB PH 3  
SEE P. 240

EAGLE RIDGE  
CLUSTER SUB PH 1

RIDGE  
SUB PH 2  
SEE P. 152

EDEN HILLS SUBD. NO. 3  
WEBER COUNTY  
LIBERTY

220150002  
16.92 AC.  
TU 36

MAPLE KNOLL PH. NO. 1  
LARRY & FRANCES  
& WIFE SHARON L.  
220150076  
4.63 AC.  
TU 36

RASPBERRY HILLS SUB  
SEE P. 208

PATIO SPRINGS  
UNIT NO. 1  
SEE PAGE 60

PATIO SPRINGS  
UNIT NO. 1  
SEE PAGE 59

SEE PAGES 73 & 74

\* ST. NAME CHANGE 19-JAN-95  
1744-1014

SEE PAGE 22-1

SEE PAGE 16



April 30, 2021

Weber County

RE: Wolf Creek Water and Sewer Improvement District services to Address(s):

The Eagle Ridge Subdivision Lot #70 Phase 7 Eden, UT

To whom it may concern,

This letter confirms that Wolf Creek Water and Sewer Improvement District has determined it will provide culinary water, irrigation water and sewer services to the above referenced address(s).

Except for scheduled maintenance and construction, power failures, natural disasters, and unforeseen circumstances, water and sewer services will be provided in accordance with applicable federal, state and local statutes, laws, rules, regulations, ordinances and standards.

Culinary water, Irrigation water and Sewer services to the above lot(s) are subject to and contingent on the following:

1. Compliance with the Wolf Creek Water and Sewer Improvement District policies and procedures as those policies and procedures may change from time to time;
2. Natural fluctuations in water supplies;
3. Subsequent decisions and regulation by local government, the Utah State Engineer, Utah Division of Water Resources, the United States Department of the Interior, or any other applicable governmental agency.
4. Payment of hook up costs and standard billings for service. Failure to pay these costs and billings will result in temporary suspension and/or permanent cessation of service.

As recipient of said service, you agree to the above terms and to the terms set forth in the Wolf Creek Water and Sewer Improvement District policies and procedures as those policies may change from time to time. If you have any questions regarding the contents of this letter, please contact Annette Ames (801) 745-3435.

**Wolf Creek Water and Sewer Improvement District**



Robert Thomas, General Manager

Date: 5/3/21

**WOLF CREEK WATER & SEWER IMPROVEMENT DISTRICT**

**NOTICE OF INTEREST AND UTILITY SERVICE RESTICTION TO RUN WITH THE LAND  
WATER AND SEWER SERVICES**

Notice is hereby given by Wolf Creek Water and Sewer Improvement District (“District”), that public culinary water, secondary water, and sewer service are no longer part of the following lot within the Eagle Ridge Cluster Subdivision Phase 6:

Lot 69, Eagle Ridge Cluster Subdivision Phase 6, Weber County, Utah. (Parcel #22-352-0005)

Can and Will serve commitments from the District previously issued on April 11, 2018, were withdrawn on \_\_\_\_\_, 2021. This lot is Non-Buildable at this time.

Commitments to water, sewer and secondary water services will be restored to this property at such time as the District has confirmed additional water supply capacity and *impact and connection fees are paid in full*, at which time the District will issue release of this of this Notice of Interest.

Opheikens & Company Inc. (“Developer”), the owner of the real property described above, understands these requirements, and so indicates by signature below.

---

*[Signatures on following pages]*



**WOLF CREEK WATER & SEWER IMPROVEMENT DISTRICT**

**NOTICE OF INTEREST AND UTILITY SERVICE RESTICTION TO RUN WITH THE LAND  
WATER AND SEWER SERVICES**

Notice is hereby given by Wolf Creek Water and Sewer Improvement District ("District"), that public culinary water, secondary water, and sewer services will be allotted on the following lot within the Eagle Ridge Cluster Subdivision Phase 7, as recorded on \_\_\_\_\_, 2021, as entry number \_\_\_\_\_ in the office of the Weber County Recorder:

Lot 70, Eagle Ridge Cluster Subdivision Phase 7, (parcel No. \_\_\_\_\_)

Can and Will serve commitments for water, sewer and secondary water services from the District will be issued to this property at such time that impact and connection fees are paid in full.

OPHIEKENS & COMPANY INC. ("Developer") the owner of the real property described above, understands these requirements, and so indicates by signature below.

---

*[Signatures on following pages]*

PART OF THE SE. 1/4, OF SECTION 21, T.7N., R.1E., S.L.B. & M.  
**EAGLE RIDGE CLUSTER SUBDIVISION PHASE 6**

352

TAXING UNIT: 223

IN WEBER COUNTY  
 SCALE 1" = 100'







# Staff Report for Administrative Approval

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on an alternative access request to use a private access easement for a future two lot subdivision, located at approximately 500 N 4300 W, Ogden.
<b>Agenda Date:</b>	Wednesday, June 30, 2021
<b>Applicant:</b>	Scott and Dave Gourley
<b>File Number:</b>	AAE 2021-06

### Property Information

<b>Approximate Address:</b>	500 N 4300 W, Ogden
<b>Project Area:</b>	5 acres
<b>Zoning:</b>	Agricultural (A-2)
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	15-028-0052
<b>Township, Range, Section:</b>	T6N, R2W, Section 9

### Adjacent Land Use

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

### Staff Information

<b>Report Presenter:</b>	Steve Burton sburton@webercountyutah.gov 801-399-8766
<b>Report Reviewer:</b>	RG

## Applicable Land Use Codes

- Title 104 (Zones) Chapter 2 (Agricultural (A-2) Zone)
- 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

The applicant is requesting approval of a 30 foot wide private access easement to provide access to a future two lot subdivision. The future subdivision lots will both be 2.5 acres and will be surrounded by vacant agricultural land. The applicant has provided a narrative, indicating that it is not feasible to extend a full width (66 feet wide) county road to the property because they do not own the area that will be used for the public right of way. The concept layout of the future subdivision is included as part of Exhibit A.

## Analysis

The alternative access option was created as a means for landowners to provide access over, and across areas that restrict the construction of a standard County 66-foot right-of-way. Alternative access applications may be approved if the alternative access criteria are met. The alternative access criteria are found in LUC 108-7-31(a) 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.*

In their narrative the applicant makes the following statement, describing why they feel the alternative access is warranted:

“Being that we don’t have control over the right of way / easement and there aren’t any current plans for development of property at this location or east of our property, it is unfeasible or impractical to extend a street to serve our land.”

Section 108-7-31 of the Land Use Code outlines the following condition that must be met as part of alternative access approval:

*The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the county deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.*

The access easement must meet the design, safety, and parcel/lot standards outlined LUC §108-7-29(a) (b), and (c) prior to issuance of a certificate of occupancy on any home that will gain access from the access easement. The width of the improved surface will need to be at least 12 feet wide, or more if required by the fire district. The location of the access easement does not inhibit the creation of future roads, nor does it inhibit the continuation of existing roads in this area. In the future, if more lots are proposed to gain access by the proposed easement, the feasibility and practicality of a public road will be assessed.

A record of survey has been submitted that shows the legal access to the project area. At the time a subdivision plat is submitted, the developer may be required to provide proof that the access easement can be accessed by an additional lot.

Review Agencies: The Engineering Division and the Fire District have reviewed and conditionally approved this proposal, on the condition that the easement be constructed to the standards outlined in 108-7-29.

### **Staff Recommendation**

Staff recommends approval of AAE 2021-06, to provide access by private access easement to a future two lot subdivision, as shown on the concept plan included as Exhibit B. The recommendation for approval is subject to review agency requirements and the following conditions:

1. The access easement shall comply with the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29.
2. The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, prior to the recording of the future subdivision.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to four lots is not feasible at this time, because the applicant does not own the full area for a 66 ft wide public right of way.

### **Administrative Approval**

Administrative final approval of AAE 2021-06 to use an access easement that would serve as an access to two future residential lots.

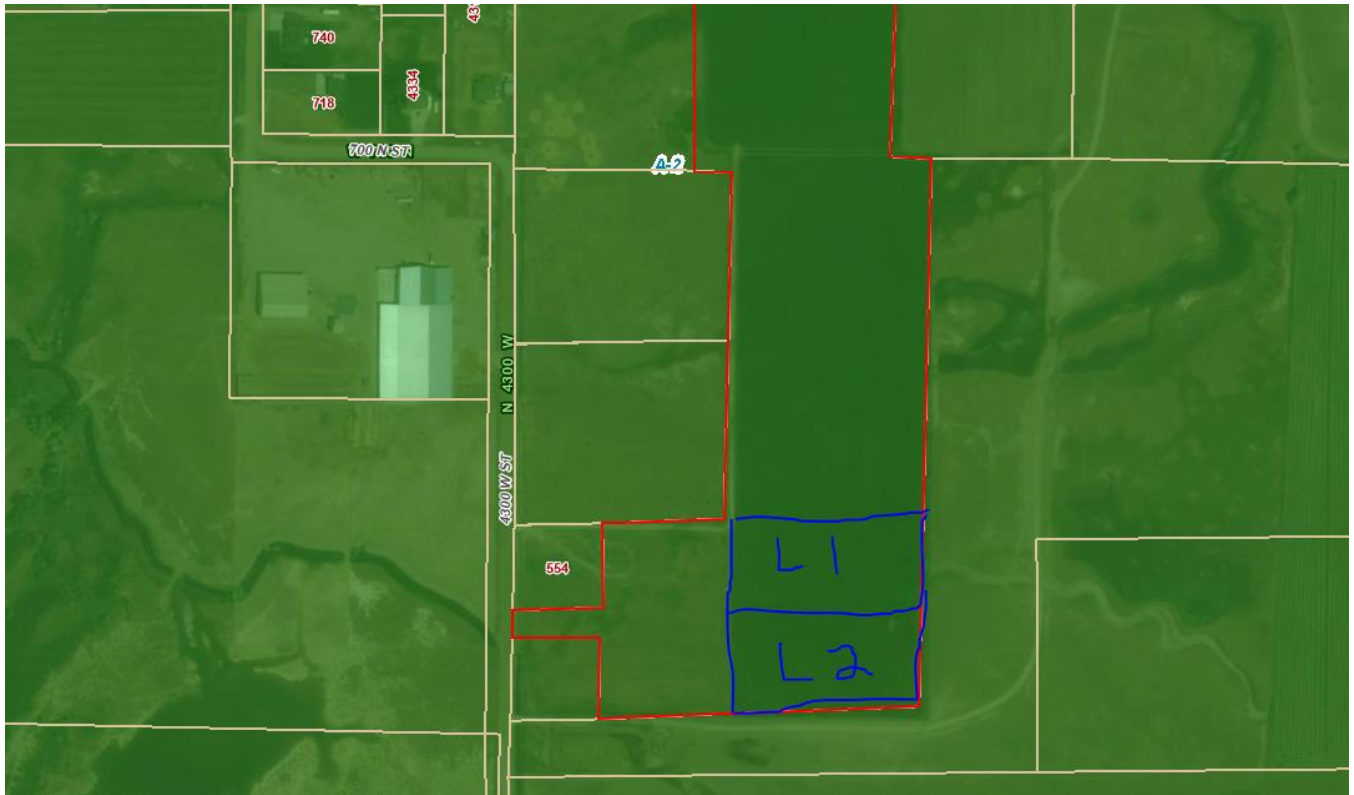
Date of Administrative Approval: \_\_\_\_\_

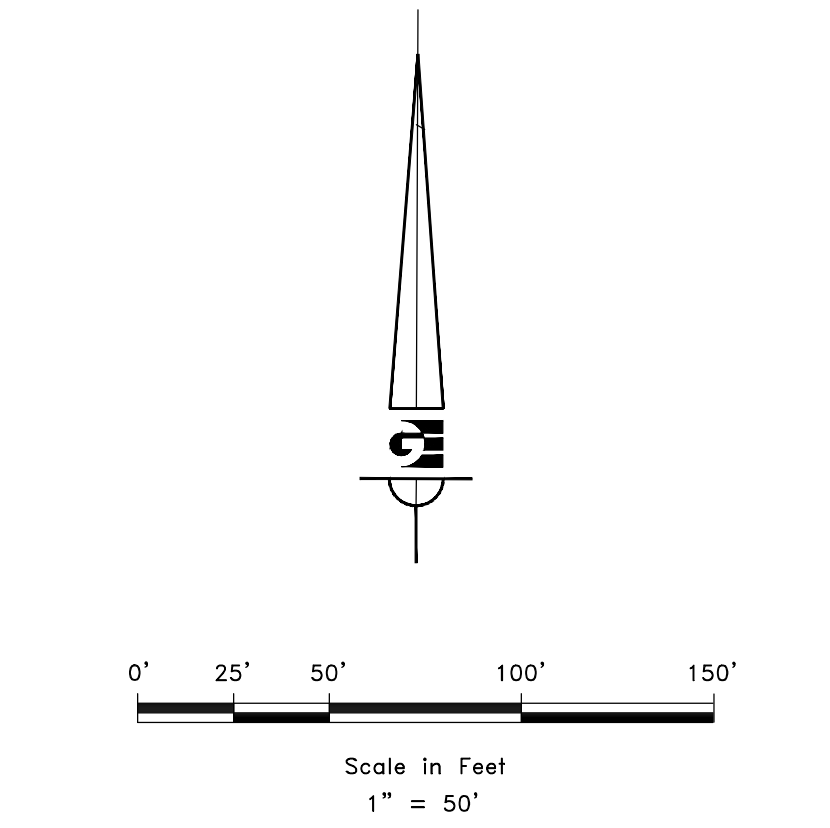
\_\_\_\_\_  
Rick Grover - Planning Director

### **Exhibits**

- A. Concept Plan
- B. Narrative

# Property Map





- LEGEND**
- ◆ WEBER COUNTY MONUMENT AS NOTED
  - SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
  - SUBJECT PROPERTY BOUNDARY
  - LOT LINE
  - - - ADJACENT PARCEL
  - - - SECTION LINE
  - - - EASEMENT
  - - - X - - - EXISTING FENCE LINE

DATE	REVISIONS DESCRIPTION

SCALE: 1:50\_XREF  
 DATE: 7/1/20  
 DESIGN: \_\_\_\_\_  
 DRAWN: KHW  
 CHECKED: KHW  
 DWG.: R:\2001 - MISC SURVEY\2018-DAN BAUGH SURVEY\DWG\SCOTT GOURLEY.DWG

EXHIBIT FOR SCOTT GOURLEY  
 OGDEN, UTAH WEBER COUNTY  
 LOCATED IN THE EAST HALF OF SECTION 9,  
 TOWNSHIP 6 NORTH, RANGE 2 WEST, S.L.B. AND M.

EXHIBIT FOR SCOTT GOURLEY  
 OGDEN, UTAH WEBER COUNTY  
 LOCATED IN THE EAST HALF OF SECTION 9,  
 TOWNSHIP 6 NORTH, RANGE 2 WEST, S.L.B. AND M.

**GARDNER ENGINEERING**  
 CIVIL • LAND PLANNING  
 MUNICIPAL • LAND SURVEYING  
 5150 SOUTH 375 EAST OGDEN, UT  
 OFFICE: 801.476.0202 FAX: 801.476.0066

To Whom It May Concern:

We would like to have alternate access granted to access our land described in the boundary description attached. There is currently a recorded right of way easement to the Northwest corner of our property coming from 4300 W.

We are planning on and would like to have shared driveway access from that point along the western property boundary of our five-acre parcel which would allow access to two future family homes.

We are currently working on getting water monitoring and perc tests done on the property and are working through the requirements to gain approval of two approximate 2.5 lots for our homes. (See attached map). We are also in the process of gathering information to bring utilities to the property as necessary and with the guidance of Ogden County.

Being that we don't have control over the right of way / easement and there aren't any current plans for development of property at this location or east of our property, it is unfeasible or impractical to extend a street to serve our land.

Please let us know if you have any additional questions about our desired use of the land by reaching out to us with our contact information provided.

Sincerely,

Scott Gourley  
801-898-5379

Or

Dave Gourley  
801-808-8222