

## WEBER COUNTY PLANNING DIVISION

### Administrative Review Meeting Agenda

---

**October 6, 2021  
4:00 to 5:00 p.m.**

**Minutes:** January 6, 2021; March 10, 2021; June 16, 2021; June 30, 2021; July 7, 2021; July 21, 2021; August 4, 2021; August 11, 2021; September 29, 2021

1. **AAE2021-10** Consideration and action on an alternative access request to use a private right-of-way as the primary access for two lots within a four-lot subdivision. **Presenter Felix Lleverino , Applicant Scott Hale**

**Adjourn**

---

*The meeting will be held in Public Works Conference Room, in the Weber Center, 2<sup>nd</sup> Floor Suite240,  
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*

---

Minutes of January 6, 2021, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT and via Zoom Video Conferencing, commencing at 4:00 p.m.

**Staff Present: Steve Burton, Principle Planner; Scott Perkes Planner III; Tammy Aydelotte, Planner II**

Steve Burton states that Director Grover was unable to attend and has asked him to take his place in this meeting.

**1. UVL120220: Consideration and action on final approval of Long Meadow Subdivision consisting of 2 lots at approximately 3248 E 3350 N, Eden. Applicant: Brian & Susan Savitt, Staff Presenter: Scott Perkes**

Scott Perkes states that the applicant was recently approved for alternative access which provides access to the rear lot. Lot 1 which is adjacent to 3350 S will be able to get access off of that road. This was recently approved as file number AAE 2020-04 the lots do meet the zoning requirements. They will both be 4.8 acres located in the AV-3 zone which has a minimum of 3 acres. They exceed the 150 ft. width both of which are exceeding 300 ft in width. Sanitary sewer will be provided by a septic system. The health department has provided a feasibility letter. Culinary water will be provided by a private well. The applicants have submitted an order on a petition that has been signed in addition to water shares. They need to pull the well permit as a condition of approval. They will need to continue to work with the state and the Health Department and get that process finalized before they can finalize and record the plat. This is the condition that will need to be satisfied. All reviewing agencies have reviewed these and any remaining conditions will need to be satisfied and staff recommends approval subject to the conditions in the staff report and the conditions of the alternative access exemption that was recently approved. They will need to improve that access.

Steve Burton asks if there are any questions. There are none.

Steve Burton states that this item stands approved based on the following conditions: 1) A deferral agreement will need to be signed and recorded simultaneously with the final plat for the curb, gutter, and sidewalks along the frontage with 3350 North Street. See the attached agreement for your reference. 2) The conditions of approval associated with the recently approved alternative access exemption remain in effect as follows: a. The access easement shall comply with the design, safety, and parcel/lot standards, as outlined in LUC §108- 7-29. Improvements will be required prior to the issuance of a building permit. b. The applicant shall agree to file the required alternative access agreement, as outlined in LUC §108-7-31, prior to the recording of the future subdivision. See the attached agreement for your reference. c. The improved travel surface of the access easement shall be a minimum of 12 feet wide and shall be capable of supporting 75,000 lbs. In addition, and Per LUC Sec. 108-7-29(a)(5), a turnout measuring 10'x40' will be required at the midpoint of the access easement. 3) The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. This is the developer's responsibility. 4) Per LUC Sec. 106-4-2, at least one well permit is required to be obtained prior to the recording of the plat. 5) A Private Well Deed Covenant and Restriction is required to be recorded simultaneously with the plat. See the attached covenant for your reference. 6) An Onsite Wastewater Disposal Systems Deed Covenant and Restriction is required to be recorded simultaneously with the plat. See the attached covenant for your reference. This recommendation is based on the following findings: 1. The proposed subdivision amendment conforms to the Ogden Valley General Plan. 2. With the recommended conditions, the proposed subdivision amendment complies with all previous approvals and the applicable County ordinances. And the conditions that were imposed during the approval of the file number AAE 2020-04.

**2. AAE 2020-11: Request for approval of an alternative access exemption request to use a private access easement to provide primary access to a future one-lot subdivision at approximately Old Snow Basin Road and Toliver Lane in Huntsville. Staff Presenter Scott Perkes**

Scott Perkes states that this is a request for an alternative access exception for a future one-lot subdivision off of Old Snow Basin Rd. the applicants are proposing to use the existing Toliver lane as their primary access for this future one lot subdivision. Toliver Lane was approved in 2017 as an alternative access for lot 1 of the BWN subdivision this is the lot that was created at the end of Toliver Lane. As part of that approval, the Fire Marshall and County Engineer approved the building of Toliver Lane. which included slopes that exceeded 10 percent however the applicant of that subdivision had the lane engineer to meet their satisfaction it does meet the standards of the alternative access. For the code. Staff recommends approval of this alternative access for the future one lot subdivision subject to the conditions in the staff report and that Toliver lane is maintained to that standard for alternative access and that the applicant enters into an alternative access agreement which states that if at any point in the future were to need to be converted into a public road it could become so with the owners providing a proportional share of the cost. The area as argued

successfully by the previous applicant can prove that it is unfeasible at this time to build a public road in the area. Toliver Lane follows a steeper mountain drop and there is not much room at the end of Toliver Lane for future development. The Fire District did review this request and approved it as long as it met the standards of the alternative access design requirements. They also reviewed this and approved it in 2017 as part of the original alternative access. It has been reviewed twice by the Fire Marshall. There is a section of Toliver Lane that exceeds 10 percent of those instances that have been reviewed and approved by the Fire Marshall.

Mr. Burton asks if at this point it is unfeasible because of the location of the lot in relation to the surrounding area slope. Mr. Perkes states that this is located in a mountainous area Toliver lane follows a mountain draw uphill, most likely it is impractical for the County to maintain it as a public road. An access easement makes more sense. Mr. Burton asks if the Engineers have had a chance to review. Mr. Perkes states that they reviewed it in 2017. Any review comments that they have at this time would have to adhere to this is one of the conditions in the staff report.

Mr. Burton asks if any properties would be left off because of this. Mr. Perkes states that there is one parcel up the road that is landlocked before Toliver Lane. The property owned by Sunrise Oaks is landlocked and was landlocked prior to Toliver Lanes constructions. Further to the South is Snowbasin Resort that takes access off of Trappers Loop. The Sunrise Oaks parcel will continue to be landlocked but it does not change the situation through the approval of the alternative access as it did when Toliver Lane was originally approved.

Steve Burton asks if the owner is present and if they would like to speak to the item. Mr. Perkes states that the applicant was not able to be present.

Mr. Burton asks if there is any comment from the public. There are none.

Steve Burton states that item AAE 2020-11: Request for approval of an alternative access exemption request to use a private access easement to provide primary access to a future one-lot subdivision at approximately Old Snow Basin Road and Toliver Lane in Huntsville to provide access by private access easement to a future 1-lot subdivision stands approved. 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 1 future lot is not practical due to the mountainous location and associated topography.

**3. UVE111920: Request for approval for England Subdivision, a one-lot subdivision located at approximately 3960 E. Nordic Valley Drive, in the AV-3 zone.**

Tammy Aydelotte states that she has had a few calls on this. This proposal involves combining 2 parcels into one 23 acre parcel. This is located off of Nordic Valley Dr. This parcel straddles a couple of different zones which given the similar requirements likely won't be more restrictive if there is any further development at a later date. Engineering has required a deferral agreement minimum for curb gutter and sidewalk to possibly be installed at a later date along Nordic Valley Dr. She adds that nothing is outstanding from any of the review agencies. The recommendation for approval is conditioned on meeting all review agency requirements as well as recording the deferral agreement. There is an existing residence on the lot the requirement for feasibility has been waived because they are creating any new lots.

Steve Burton asks if the owner is present and if they would like to speak to the item.

Mr. Burton asks if there are any comments from the public.

Dan England states that he just purchased this property in August. He states that he does not understand why there are two parcels. He adds that they are looking at taking down the old house. He adds that they have no intent on building other homes or structures.

Mr. Burton asks if there is anyone from the public that wishes to speak to this item.

Jeff Lowe states that it was good to hear that they are not planning on subdividing or adding more homes. He adds that he would like to welcome Mr. England to the neighborhood.

Keith Stratford states he is a neighbor and he supports this.

Mr. Burton thanks the public for their comments and closes the public comments section.

Steve Burton states that item UVE111920: Request for approval for England Subdivision, a one-lot subdivision located at approximately 3960 E. Nordic Valley Drive, in the AV-3 zone stands approved this recommendation is subject to all review agency requirements and based on the following condition: 1. A deferral agreement must be recorded with the final plat. This recommendation is based on the following findings: 1. The proposed subdivision conforms to the Ogden Valley General Plan. 2. With the recommended conditions, the proposed subdivision complies with applicable county ordinances.

**4. UVS121319: Request for approval for Summit at Ski Lake No. 3 1st Amendment, an amendment to move a lot line, located at approximately 1216 Cortina Point, Huntsville, UT, 84317**

Tammy Aydelotte states this is a boundary line adjustment motivated by encroachment by a neighbor on a sewer line easement. The applicants have had to relocate the sewer easement but also the sewer line. This is located in the FV3 zone which requires a minimum of 3 acres lots. When this was originally recorded it was located in the FR-1 zone they still meet the lot area sizes in the FR-1 zone and the boundary line has been shifted to be able to accommodate the existing residences as well as the sewer line that was relocated. Engineering received approval from the sewer district for the relocation. This is included in the staff report as an exhibit. Staff recommends approval of this subject to all review agency requirements, she notes that there are no additional conditions to add at this time.

Mr. Burton asks if the owner is present and would like to speak. The applicant is not present.

Mr. Burton asks if there is anyone from the public that would like to speak. There is no one.

Steve Burton states that item UVS121319: Request for approval for Summit at Ski Lake No. 3 1st Amendment, an amendment to move a lot line, located at approximately 1216 Cortina Point, Huntsville, UT, 84317 stands approved This recommendation is subject to all review agency requirements and based on the following findings: 1. The proposed subdivision conforms to the Ogden Valley General Plan. 2. With the recommended conditions, the proposed subdivision complies with applicable county ordinances.

Adjourn

4:26 PM

*Marta Borchert*

*Weber County Planning Division*

**Minutes of March 10, 2021, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT and via Zoom Video Conferencing, commencing at 4:00 p.m.**

**Staff Present: Rick Grover, Planning Director; Scott Perkes, Planner III; Tammy Aydelotte, Planner II; Marta Borchert, Secretary, Robert Marker, Ronda Kippen, Brett Satterthwaite;**

**1. UVF011221: Review and consideration of final approval for Hillside Haven Subdivision (formally known as then Family Fields Subdivision) consisting of 3 lots at approximately 3196 E 3350 N, Liberty, UT. Presenter Scott Perkes**

Scott Perkes states that they needed to change the name of the subdivision, it was known originally known as Family Fields Subdivision but that name has already been taken so notices had the Family Field name. This is a 3 lot subdivision in the liberty area. The applicant and owner is Rob Marker. The current zoning is AV-3. The piece that is being subdivided is 9.63 acres. This applicant was approved for an alternative access exception to provide access to the rear two lots during a previous meeting. That file was AAE 2020-06. This subdivision does meet the zoning minimums for area and width. One unique aspect is access easement. County staff has requested that the access easement be converted to a future right of way easement. He notes that they have chosen a different language for that because they want to make sure that the road can convert from an easement to a right of way quickly after the subdivisions are approved. When the alternative access exception was granted, they weren't sure where the particular right of way would be going. Whether it would be on the Western boundary or Eastern boundary. After the alternative access exception was granted another developer to the South of the property subdivide and indicated that they would be taking access directly to South West corner of the subdivision. This is helped clarify where the roadway would be going concerning the alignment. The staff has asked that the subdivision indicate this to be a future road right of way easement and that the easement be converted to the County in the form of a deed, shortly after the subdivision is recorded. The culinary water will be provided by a private well. The applicant has already secured a good permit. It was already submitted for the State Engineer to exchange the water right. Each lot will be serviced by septic systems. Septic feasibility letters have been submitted by the Weber-Morgan Health Department. Staff recommends approval subject to recommendations and findings in the staff report. He states that he would like to add one additional recommendation of approval is that a deed is transferred to the County for the future road right of way following the subdivision being recorded that way they can make sure that it be transferred to the county and that the ownership remains in singular ownership. This would facilitate the transfer. He asks if there are any questions. There are none

Director Grover asks if the applicant would like to speak. Robert Marker states that he does not have any comments at this time.

Director Grover asks if there is any question from the public.

Brett Satterthwaite 3774 N 2900 E, owns the property North of this. He states that he has spoken to Mr. Perkes and he does not have any major concerns. His one concern is that there is a piece of property that is directly North which is landlocked. The Clarks who own the parcel to the West, he does foresee them developing. He states that he prefers 60 ft. road. He adds that he has no plans to develop but he likes the idea of the value it could add to the property. He asks since they were originally granted alternative access, he asks if he would be granted the same if he dedicated a 60 ft. He asks what do they have for runoff?

Mr. Perkes states that concerning alt access exception when Robert Marker first approached the County to develop the property. He submitted for an alternative access exception at that time the County application in or the development for the property to the South. The County was not sure where the roads would be going they went ahead and granted the alternative access because of the configuration. Robert Marker submitted his application and the application for Harmony Ranch to the south was received. This clarified where the North-South connectivity would be. The application

has not yet been approved but there were some vested rights because the access exception had already been granted. Instead of requiring Mr. Marker to dedicate a full width right of way through the property to stub into the adjacent property. They took a hybrid asking for the access easement to be deeded to the County after the subdivision is approved. It would continue to act as an alternative access easement. The County would not have considered this a full-width right of way. Until the Clarks or the Markers were to dedicate additional. They would allow the plat to be recorded and each of the 3 lots would be lots of records to be developed. At a later date if the Clarks were to dedicate the other half-width or Mr. Satterthwaite to the North wanted to develop they would need to work with the Clarks or the Markers. Concerning the run-off, each lot will be required to maintain its run-off on site. There is a note on the plat that speaks to that. Runoff water would need to be contained on each property. He notes states Mr. Marker has gone above and beyond in satisfying the request from the County to provide a full width right of way, along the first couple hundred feet of the Western Boundary to get around the existing 1-acre lot. That has already been developed to the West where there hasn't been an opportunity to get a half-width on the other side of the Boundary.

Director Grover states that he recommends approval of. UVF011221: Review and consideration of final approval for Hillside Haven Subdivision (formally known as then Family Fields Subdivision) consisting of 3 lots at approximately 3196 E 3350 N, Liberty, UT. Subject to the following conditions: 1. The access lane providing access to the two rear lots must be installed per the standards outlined in LUP Sec. 108-7-29 before the recording of the final mylar. Alternatively, the estimated cost of the improvements (as approved by the County Engineer) may be escrowed before the recording of the final mylar. 2. All required agreements, as outlined by staff reviews, must be recorded immediately before, or immediately after the final plat mylar. Adding a 3<sup>rd</sup> condition that the deed for future roadway dedication is transferred before recording and following findings: 1. The proposed subdivision amendment conforms to the Ogden Valley General Plan. 2. With the recommended conditions, the proposed subdivision complies with all applicable County ordinances.

This item stands approved on March 10<sup>th</sup>.

**2. UVF01082021: Request for final approval of FTF Estates Subdivision, a one-lot subdivision located at approximately 3740 North River Drive, in the AV-3 zone. Presenter Tammy Aydelotte**

Tammy Aydelotte states that this a request for final approval of a one lot subdivision in the AV-3 zone. Located in the Av-3 zone. This is located in the AV-3 zone which requires a minimum of 3 acres and 150 ft of frontage. This lot consists of 2.07 acres. The reason that Planning is recommending approval for a lot that does not meet the current zoning minimums. It has been grandfathered in by the recording of a rebuild letter in January 2009. Some of the requirements would be that the development occurs along a County Standard road. It has been confirmed that River Drive is a county standard road. She notes that they typically require feasibility for septic and or sewer as well as a well permit when there is not a culinary water district to look into. A well permit has been provided with this application but has expired. They have requested that the applicant needs to submit an updated well permit from the state before recording the subdivision.

Staff recommends approval of the one lot subdivision subject to the conditions in the staff report. Based on the findings that it does confirm the Ogden Valley General Plan and complies with applicable County Ordinances. This is located in a

Geohazard study area the waiver that was provided is specific to an adjacent property to the East Eagle ridge phase 6. This specific lot was not included. The units may be similar but because it was not specific it may be required. There was a recommendation that a Geologic hazard study maybe be required this is typical for the parcels that are grandfathered in. It may be required based on Legal's opinion. There is no road dedication in this Engineering is simply requiring a deferral for curb gutter and sidewalk.

Director Grover asks if the applicant has any comments.

Ronda Kippen states that she does not have comments.

Director Grover asks if there are any public comments

Julia Aldridge 3754 N River Dr. Liberty, a property owner to the North, states that her concern is that she has well is 38 ft. across the property line halfway between the house and the property line. Their perc test hole is right on their property line. The perc test hole is quite possibly within 100 ft. of her well. She notes that she has not received any information on where they plan to place the leach field or the septic tank. Ms. Aldridge states that she wants to keep her well safe. The placement of their well is out of range of her well. She is concerned about the septic tank.

Director Grover closes the public comment.

Ms. Aydelotte states she spoke to Mr. Palmer concerning the placement of the well and looking at the abstract there is was a well easement that had been recorded. She notes that she encouraged Mr. Palmer and Ms. Aldridge to get in touch with the developer so that they can work out getting an easement recorded. She adds that she is not sure about where to put the septic. Director Grover health department? Ms. Aydelotte states they do not have any issues with what has been presented. They have not made mention of the neighboring well.

Ms. Kippen did speak to Mr. Palmer and she drew up what a potential easement would look like. Mr. Palmer stated that his well was 52 ft. instead of 38 ft. off of the applicant's property line. They are still encroaching on the property. There is nothing by law that requires her client to grant them an easement. She states that they can refer to the feasibility letter provided by the Health Department. They have received approval from the Health Department. The next step is getting a well permit. The client wants to be a good neighbor and work out with the neighbors and for the neighbors to have easements to protect the wells. She notes that they already have an easement drawn up with Eislanders and they would just need to add the Palmers and Aldridge if their well encroaches on to this property. The Health Department has acknowledged that the attainment of the accesses of the easement has held back the development of this lot for years. The Health Department added a feasibility letter that if an easement cannot be obtained extending the grout depth may be considered. Her client has an option based on the Health Department to grout 86 ft., to get the well protection area on this lot. There are a few ways to do without easements.

Director Grover states that he would like to get some clarification from Health Department and making sure that the well that is on the property to the North is protected and the septic system is not going to compromise that.

Director Grover recommends approval based on the following conditions: 1. A deferral agreement must be recorded with the final plat. 2. A current well permit, from the State of Utah, be obtained before recording this subdivision. 3. A geologic hazard study may be required at building permit and adds a condition 4.that septic tank that is being proposed and the well be approved by the Health Department and make sure that the property to the North's existing well be protected. This recommendation is based on the following findings: 1. The proposed subdivision conforms to the Ogden Valley General Plan. 2. With the recommended conditions, the proposed subdivision complies with applicable county ordinances.

Ms. Kippen states that she is working with the State would like the applicant to reverse where they located their well. It is contrary to where everybody should be locating septic down where the wells are. She notes that they are not going to put the septic where everyone's wells are they do not want to contaminate the wells and this is going against the States recommendation.

Ms. Aldridge states that there is no indication as to where the septic is planned. Ms. Kippen shows on the plat map where the septic will be located.

Adjournment 4:34

DRAFT



**Minutes of June 16, 2021, administrative review hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT and via Zoom Video Conferencing commencing at 4:00 p.m.**

Staff Present: Charlie Ewert, Assistant Planning Director; Steve Burton, Long Range Planner; Scott Perkes, Planner III; Marta Borchert, Secretary

Public Present: Alan Vause, Rick Everson

**1. DR 2021-06: Consideration and action on a design review for a proposed butcher shop utilizing an existing agricultural building at 2103 North 5500 East in Eden.**

Scott Perkes gives an overview of the proposal as listed in the staff report. He notes that concerning the zoning this is an allowed use as long as they do not slaughter on site. He also notes that they will need to come into compliance with the outdoor lighting code. The applicant will need to work with building inspection to get a building permit because it is going from agricultural to commercial. Staff recommends approval based on the conditions in the staff report.

Charlie Ewert approves item DR 2021-06: Consideration and action on a design review for a proposed butcher shop utilizing an existing agricultural building at 2103 North 5500 East in Eden this recommendation for approval is subject to all review agency requirements and the following conditions as laid out in this staff report: 1. The proposed 4x12' vinyl banner signs are not permitted. If temporary signage is to be employed, the applicant will need to utilize the Temporary Sign Uses listed in LUC Sec. 110-2-11 to allow for temporary short-term vendor signs and follow the requirements listed in LUC Sec. 110-2-11(c). 2. The applicant shall submit a landscaping plan for review and approval that incorporates at least a 20-foot wide planting area along the front property line in addition to the native vegetation area already provided. 3. The applicant shall submit a compliant outdoor lighting plan for review and approval. 4. The applicant shall work with the Building Official to ensure the existing structure meets the applicable building code requirements required to convert the existing structure into a retail butcher shop, including the application and approval for a building permit. 5. Trash dumpsters shall be completely screened from the street or public view either by being located to the rear of the building or screened by a six-foot screening device on four sides if visible from a public right-of-way. 6. All Weber-Morgan Health Department requirements must be met, including the provision of a septic permit and department review approval for the proposed use. 7. A final will-serve letter shall be provided by Eden Water Works verifying the availability and service of culinary water for the proposed use. 8. The Applicant shall obtain a valid Weber County Business License for the proposed operation. 9. On-site slaughtering shall be prohibited. With the added condition that all conditions are met before land use permit issuance. Approval is based on the following findings: 1. The proposed conversion of the existing agricultural building to a commercial building conforms to the Ogden Valley General Plan and CV-2 zoning. 2. After displaying compliance with Weber County Building Inspection requirements the proposed modification will not be detrimental to the public health, safety, or welfare. 3. The proposed modification will comply with applicable County ordinances once all listed conditions have been satisfied.

**2. UVB010521: Consideration and action on the application for final approval of Maple Meadows, consisting of three lots including a request for alternative access approval, located at approximately 6769 E 1900 N, Eden**

Steve Burton gives an overview of the project. He states that this is a request for alternative access it is a 30 ft. wide shared access easement. It will provide access to the back two lots. Each lot has at least 3 acres. This is the zoning minimum. It has 150 ft. of the lot width. This is the width minimum. The applicant has expressed that they do not

believe it would be practical to extend a public street because there is federal land. Staff recommends approval based on the condition listed in the staff report.

Charlie Ewert approves the Maple Meadows Subdivision and alternative access. This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions: 1. All required agreements, including the on-site wastewater covenant and alternative access covenant, must be recorded with the final plat. 2. The alternative access must be developed to the standards outline in 108-7-29. This recommendation is based on the following findings: 1. The proposed subdivision amendment conforms to the Ogden Valley General Plan. 2. With the recommended conditions, the proposed subdivision complies with all applicable County ordinances. 3. The applicant has demonstrated that extending a public street through this subdivision is not practical.

Adjournment: 4:38pm

Respectfully Submitted,

Marta Borchert

**Minutes of June 30, 2021, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT and via Zoom Video Conferencing, commencing at 4:00 p.m.**

**Staff Present: Steve Burton, Principle Planner; Scott Perkes, Planner III; Felix Lleverino, Planner II; Orloff Ophenikens, applicant.**  
Steve Burton states that Director Grover asked that he take his place for this meeting.

**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.**

This item was heard last year as a 3 lot subdivision. The owner Doug Nelson owns 4,5, and 6 of the hermitage block subdivision which was platted in 1910. The owner Doug Nelson wants to reconfigure it. It has been reconfigured to a single lot to meet the current septic. It is a little over 20,000 sq ft. with all of the building lots combined. The Health Department has reviewed this and issued an updated septic feasibility letter indicating that a single lot at 20,000 sq. ft. would be acceptable to them and Ogden City has issued a will serve to provide culinary water to the property as well as secondary water. Based on the nonconforming nature of these lots they can re plat this as long as no new lots are being created and the substandard lot that would result at 20,000 sq is permissible by the code. Planning recommends approval of this modified 1 lot subdivision and there are a couple of conditions in the staff report.

Steve Burton asks if this is being made into one lot because it would not fit multiple homes. Mr. Perkes states that there is a septic system limitation there are not enough square feet to accommodate more than one home.

Mr. Burton asks if there are any comments or questions. There are none.

Steve Burton states that item 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 stands approved

**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.**

Felix Lleverino states that is a continuation of the Eagle Ridge subdivision. Part of this proposal is to create 1 residential lot with an associated piece of open space that 7731 sq ft. the lot is 35,000 sq ft and the zoning for this parcel is AV-3. With this cluster-type development, it is permitted to go smaller than the 3-acre zoning minimum because open space is being preserved. Proper services are being provided to this property particularly the sewer, irrigation, and culinary water these are all coming from the Wolf Creek District to serve this property the owner Mr. Ophikens has some rights to this property and moved them to Eagle Ridge. This agreement has been completed. That agreement is included with this report. Staff recommends final approval of Eagle Ridge subdivision phase 7. This is recommendation is based on the staff report. He notes that a condition to highlight is that considering that a new lot and open space is being added to the development and to the HOA the open space plan would need to be amended to include this. He adds that this property falls within the geologic study area, when the owner comes in for building permits it is good to make the owner aware that a geologic reconnaissance is site-specific and is included with the application.

Mr. Burton asks what the size of the open space is. Mr. Lleverino state that in this case, it is 7731 sq. ft. Mr. Burton asks if this is part of a Master Plan and how it ties into the rest of the open space. He asks if it is currently all unplatted. Mr. Lleverino states that with this open space there are some remainder parcels. If they wish to continue plating more lots they are going to need to show that the lot design and the open space design conform.

Mr. Burton states that because this is part of a Master Planned area there may not be a need for an amendment to the open space plan is necessary. He adds that they can look at the previous subdivisions and dedicate their open space. He asks if this common area will have any amenities on it. Mr. Lleverino states that the applicant has not indicated any amenities. Mr. Burton states that there were some trails with the Eagle Ridge and they might want to consider this.

Mr. Burton asks if there are any questions or comments.

Orloff Opheikens states that concerning the common area it will follow the same plan as the other phases. There may be some trails. It is all following the same plan.

Steve Burton states that 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 stands approved 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. With the condition that any required amenities be shown on a site plan if they are required. If there are amenities the County would need to receive a financial guarantee for whatever the amenities would be. If there are no amenities according to the Master Plan then this is not necessary. Concerning condition number 2 the preservation plan does not need to be amended as long as what is proposed complies with the Master Plan.

**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.**

This application was pushed to July 7, 2021, Administrative Review meeting.

Adjourn

4:26 PM

*Marta Borchert*

*Weber County Planning Division*

**Minutes of July 7, 2021, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT and via Zoom Video Conferencing, commencing at 4:00 p.m.**

**Staff Present: Charlie Ewert, Long Range Planner/ Principle Planner; Steve Burton, Principle Planner; Marta Borchert, Secretary**

Charlie Ewert states that Director Grover was unable to attend and has asked him to take his place in this meeting.

**1. 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.**

Steve Burton states that the application is along 4300 W. there have been several discussions with Dan Baugh the current owner about development potential. The applicants are brothers Scott and Dave Gourley applied for alternative access to be able to use an access easement to access two lots in a future subdivision. The proposal right now is to not install a street. They state that because they do not have control of the easement and there aren't any current development plans and there aren't any current plans of development property in this location. East of the property it is infeasible or impractical to extend the street to serve the land. He notes that one thing that was considered by staff, the County Engineer and the Fire District. If this is a location where a future street can go. A street connection will likely connect to 3600 which is an important connection. Part of the conversation with the current owner is Dan Baugh was that there will be a right of way dedicated for the connection to be made. The right-of-way connection will need to be made at the time the subdivision application is submitted. Staff recommends that the proposal be approved based on the findings and conditions in the staff report.

Charlie Ewert states that they have had applications in the past from Mr. Baugh who is or was the previous owner. He has mentioned his willingness and the need to dedicate the right of way to the County for the future road purpose to facilitate the development of the land. In taking the applicants assertion because they don't have control of the adjacent property beginning a right of way or road located there is impractical or unfeasible. Mr. Ewert states that he is not sure if he is comfortable making that assertion or agreeing with this, however, he believes that they can make this work for the applicant as well as Mr. Baugh and the County by making some slightly different findings.

Charlie Ewert states that 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 stands approved with the following conditions 1. That approval of alternative access does not constitute a review of or approval of any particular development plan. The applicant will need to comply with whatever rules exist. This is because the way that it is the layout with lot 1 and lot 2 they are only showing alternative access running through Mr. Baugh's property the owner of lot 2 will need alternative access running through the owner of lot 1's property otherwise they are landlocked as part of approval he will also be approving alternative access through lot 1 to lot 2 if they follow this configuration. Concerning the feasibility, it is challenging to dedicate a right of way with all of the asphalt for a 2 and 2 half acre lot but as the area fills in with more lots than the 40,000 square foot minimum lot zone. The economy of scale will be a lot easier to realize the building of a street that connects 4300 through this property and eventually to 3600 West for this reason one of the conditions of approval is that the applicant work with the adjacent landowner who is selling them the property to get conveyance of the area that they are showing proposed as alternative access to the County through the subdivision plat. Their subdivision plan is not going to show just lot 1 and lot 2 it is going to be the area of the lot 33 ft. wide from their lots along with the northern property back to 4300 W. it could be there or it could be on the southern property and that continue to work with property owner Mr. Dan Baugh to reserve and dedicate a 66ft wide street right of way from the Western Boundary of their proposed property lots 1 and lots 2 Eastward through running along the northern border of lot 1 where 33 ft. is on lot 1 and the other 33 ft. is on Mr. Baugh's property to make a total of 66 ft. running east and west along with the entire parcel that is shown as lot 1. When the other landowner that is not part of this decides to develop the will convey the other 33 ft. for the full amount. The alternative access is conditioned on the conveyance. One they have conveyed that through their subdivision the alternative access will be the alternative to a street. It is not that they will be using a private right of way to get their lots. There will be a dedicated area that the County will own and there will be an agreement that states that improvements of the street will come at a different time. Operations and maintenance of the driveway in the street right of way area will be their responsibility and at some point time in the future when the person to the east decides to develop or Dan Baugh sells the rest of the property and the new landowners decide to develop the right of way space will be used to build a road. The alternative access that runs through lot one to lot 2 is something to keep that configuration and will stay in effect this will just be private alternative access for a public easement, not a public driveway. Mr. Burton adds that one of the conditions of the report is the alternative access and this would not put the burden of installing on the taxpayers but the owners. Mr. Ewert asks if the owners are comfortable with this language. Mr. Burton states the report has been

## ADMINISTRATIVE REVIEW MEETING

July 7, 2021

sent to them and they were informed that this covenant is required. Mr. Ewert states that one of his findings is that he has several discussions with Dan Baugh regarding the development of this property. He did not want to be the developer he wanted to sell the property in smaller pieces to people who develop the property. He notes that one of the concerns is that if multiple landowners come in to propose development on Mr. Baugh's property they might not realize the economy of scale that would come if Mr. Baugh had proposed development and in doing so could potentially circumnavigate the ordinance for street connectivity in the area. He states that he wants to avoid this by providing a metric or a trigger in the future for this area.

Adjourn

4:14 PM

*Marta Borchert*

*Weber County Planning Division*

Minutes of July 21, 2021, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT and via Zoom Video Conferencing, commencing at 4:00 p.m.

Staff Present: Rick Grover, Planning Director; Tammy Aydelotte, Planner II; Marta Borchert, Secretary

**1. UVE062321: Consideration and action on a request for approval of Eagle Ridge Cluster Subdivision Phase 8, a one-lot subdivision.**

Tammy Aydelotte states this is a 1 lot subdivision located in the Av-3 zone off of Eagle Ridge Dr. this is a continuation of the Eagle Ridge Cluster subdivision phase 6 was recorded in 2018. She adds that under the current zoning standards the minimum lot size is 3 acres the master plan map includes plans for additional lots which were added with subsequent phases. As part of the approval process, it has been reviewed against the current land-use code and the standards of the AV-3 zone. This is located within a geologic study area and the owner will need to obtain a geologic reconnaissance or a statement from a licensed geologist that would relieve the requirement for this report if a geologic report is necessary and notes shall be added to the plat stating that the geologic report is available for review in the Planning Office. It is within an area of minimal flood hazard and determined to be outside the minimum flood level. Culinary water and sanitary services will be provided by Wolf Creek. Water, sewer, and irrigation water will be provided by wolf creek. Fire District and Engineering have approved this proposal. The surveyor has posted comments that will be addressed with a revised plat. Staff recommends approval of the request of Eagle Ridge Cluster Subdivision Phase 8 consisting of 1 44,510 ft. sq. residential lot subject to approval of all review agency requirements and based on the conditions outlined in the staff report.

Tyler with Gardner Engineering states that the requirement for the geologic hazards has been waived over the years for Eagle Ridge. He notes that phase 7 was just completed which is a single lot and that requirement was waived. Director Grover states that they can work with Engineering to see if it is required or if it can be waived. Tyler states that he reached out to a geologist and they are 2 months out.

Director Grover states that he recommends approval of UVE062321: Consideration and action on a request for approval of Eagle Ridge Cluster Subdivision Phase 8, a one-lot subdivision subject to conditions 1. The owner enters into a deferral agreement for the curb, gutter, and sidewalk for the area fronting the public ROW. 2. Owner will work with Engineering Department to see if a geologic Reconnaissance. 3 All Wolf Creek water and sewer conditions of service are satisfied 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.

Adjourn

4:06 PM

*Marta Borchert*

*Weber County Planning Division*

Minutes of August 4, 2021, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT and via Zoom Video Conferencing, commencing at 4:00 p.m.

Staff Present: Rick Grover, Planning Director; Tammy Aydelotte, Planner II; Marta Borchert, Secretary; June Nelson, Secretary

**1. LVG12212020: Request for final approval of Weber Industrial Park Plat "A" 2nd Amendment, consisting of 2 lots**

Tammy Aydelotte states that this is an application for parcels located in the manufacturing at 2458 Rulon White Blvd. in the Weber industrial park. The purpose of this subdivision is to combine some parcels with existing legal lots of records so that GVH can expand its warehouse operations. She notes that this is located in the M-1 zone, the proposed lots seen on the plat do meet the minimum for width and area. It has been reviewed by all review agencies the County Surveyor is waiting to approve this. One of the issues was that the southern boundary of lot 3 changed and there was some additional review with the surveyor's office. They approved those deeds. One of the conditions that planning has is that all existing structures and infrastructures are shown on the final plat. The County has some utilities that are a bit South of the Southern Boundary over to the Eastside. Other than there are no outstanding issues with this. Staff recommends approval of this from conditions and findings outlined in the staff report. This applicant has received conditional approval of a design review for this expansion. The approval indicated that no approval would be issued until the subdivision has been recorded. She notes that signage and traffic have been addressed through the design review application.

Director Grover asks the GVH's representative if they have any questions.

Matthew Brian from GVH states that he does not.

Director Grover asks if the existing structures meet the existing setbacks and zoning requirements. Mr. Brian states that the existing building was there, he adds that there are no outbuildings. He believes it is just the warehouse. Ms. Aydelotte states that this is correct GVH's structures meet the setbacks and will meet the setbacks of the new buildings. The County has a couple of structures that will be removed other than that there is just utility infrastructure that is located within the setback.

Director Grover opens for public comment. There are none.

Director Grover recommends approval LVG12212020: Request for final approval of Weber Industrial Park Plat "A" 2nd Amendment, consisting of 2 lots subject to the following conditions 1. Before recording the final Mylar, all applicable Weber County reviewing agency requirements shall be met. All existing structures on both lots must be shown on the final plat and they need to meet zoning requirements. 2. The well shall be drilled and tested before the final plat recording. 3. The owner shall enter into a deferral agreement for the curb, gutter, and sidewalk. 4. A "Natural Hazard Disclosure" shall be recorded with the final plat. The following findings are the basis for the staff's recommendation: 1. The proposed subdivision conforms to the Western Weber General Plan. 2. The proposed subdivision complies with the applicable County codes. This item stands approved.

Adjourn  
4:07 PM

*Marta Borchert*  
*Weber County Planning Division*



**Minutes of August 11, 2021, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT and via Zoom Video Conferencing, commencing at 4:00 p.m.**

**Staff Present: Steve Burton, Principle Planner; Felix Lleverino, Planner II; Marta Borchert, Secretary**

Steve Burton states that the Planning Director Rick Grover has asked that he attend the Chair in his stead.

**1. UVG062921: Consideration and action on a request for final approval of GVD Subdivision, a one-lot subdivision.**

Felix Lleverino states that this is a 1 lot subdivision in the Forest Valley 3 zone it is located off of Old Snow Basin Rd. this is a public County road that is built to County standards. This property directly fronts on Old Snow Basin Rd. It is 11.30 acres and the applicant is requesting to plat this parcel as a residential building lot. The plan is to use this as a building lot. There are a couple of things that exist on this property that is unique the slopes and the need for a geologic study. The owner will be utilizing a well for culinary and irrigation water. They will also be using a septic system. He notes that they do have the appropriate approvals. The natural hazards study recommends site-specific geotechnical soil and groundwater study. This is could be a recommendation a requirement at the time of building permit and there will be suggested buildable areas which will be shown on the dedication plat as well as notices to the future buyers that the study is available and also that there are some restrictions and requirements. After a review and making sure that it complies with zoning standards, staff found that this proposal does conform and Staff recommends approval based on the conditions and findings listed in the staff report.

Palmer DePaulis states that he has met with the surveyors and taken all of the recommendations and requirements from staff review and they will update the plat. It will confirm and respond to all of the issues. Concerning the good protection zone, the new plat will show all of that. The good protection zone will be on the property it will not overlap onto the other property. The current plat shows overlap and this is because they did not have the specific site. The well has not been drilled yet, all it had was the point of diversion. He just drew the protection zone around the point of diversion. The State has said that they can drill the well within 150 ft. of the point of diversion and the protection zone can be moved. He notes that the well has not been drilled. All of the responses will be solved on the new plat. The new plat will be uploaded onto Frontier.

Steve Burton states that since there is no public online and there is no one present in person he will close the public comments.

Mr. Burton asks if there is any road dedication. Mr. Lleverino states that there is not. Mr. Burton states that he thought Old Snow Basin Road was planned to be wider. Mr. Lleverino states that Engineering did not ask for more but he is happy to follow up on it. Mr. Burton asks if there is a stream that runs through the property. Mr. Lleverino states that there is a drainage easement. Mr. Burton asks if Engineering has signed off on this. Mr. Lleverino shows the Engineering review as it is shown on Frontier. The Review states that the project is no approved and lists the following questions and comments: 1. The Professional Geologist Site Reconnaissance and Review shows suggested building areas. Do we need to show this on the plat? 2. Is the well existing? Can we have the well shifted more towards the middle of the property so that the 100' well protection zone is completely on the property? 3. Please show the location of percolation test holes on each lot. 4. The proposed subdivision will need to have a curb, gutter, and sidewalk as per the county commission. As a bare minimum, there will need to be a deferral on the curb, gutter, and sidewalk, which has been signed by the developer before final approval. Mr. Burton states that concerning the secondary water and the culinary water the subdivision ordinances that updated the subdivision requirements for water. There was a subdivision ordinance that update the ordinance for water this happened in May. He adds that he believes that this will apply to this lot. The requirement is that there needs to be some kind of covenant filed with the property that explains how much none drought-resistant area there is and landscaping this lot can have. This is based on the acre-feet. He adds that this covenant will need to be recorded. It will need to explain how much none drought resistant. Mr. Burton asks Mr. DePaulis if he plans to live on the property. Mr. DePaulis states he will sell the property. They will not be the ones developing this. Mr. Burton states that the intent behind this covenant is to restrict how much grass is on the property. The ordinance applies to anyone who is on a well. They want to make sure that someone is not overwatering and they are willing to have a covenant that states that this is the amount of square footage that can be watered, this is based on the number of acre-feet. He adds that the well would need to be drilled, test and approved before the subdivision plat can be recorded. Mr. Burton states that they have a very specific requirement concerning the buildable areas and they may be different than what the geologist pointed out. He states that it has to meet 5 criteria. It cannot have any geologic hazards, slopes over 25 percent, building setbacks.

## ADMINISTRATIVE REVIEW MEETING

August 11, 2021

Steve Burton states that he will approve UVG062921: Consideration and action on a request for final approval of GVD Subdivision, a one-lot subdivision. This is based on the following conditions: 1. before recording the final Mylar, all applicable Weber County reviewing agency requirements shall be met. 2. The well shall be drilled and tested before the final plat recording. 3. The owner shall enter into a deferral agreement for the curb, gutter, and sidewalk. 4. A "Natural Hazard Disclosure" shall be recorded with the final plat. 5. A buildable area is created in conjunction with the county's buildable area requirements and the recommendations of the geologist. 6. Secondary or irrigation water follows the requirements and covenants in the subdivision ordinance. 7. The well protection area must be entirely on the owner's property and the following findings: 1. the proposed subdivision conforms to the Ogden Valley General Plan. 2. The proposed subdivision complies with the applicable County codes. This item stands approved.

Adjourn

4:26 PM

*Marta Borchert*

*Weber County Planning Division*

**Minutes of September 29, 2021, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT and via Zoom Video Conferencing, commencing at 3:30 p.m.**

**Staff Present: Rick Grover, Planning Director; Scott Perkes, Planner III; June Nelson, Secretary**

**1. Minutes approved from 9/22/2021**

**2.1 UVS072221:** Final approval of the Shannon Bee Estates Subdivision 1st Amendment consisting of a lot line amendment between two existing lots at approximately 3799 Nordic Valley Dr. in Eden. Applicant: Don White, Staff Presenter: Scott Perkes

Consideration and action on an administrative application for final plat approval Shannon Bee Estates 1st Amendment comprising of a lot line adjustment between two existing subdivided lots of record. The owners of the two lots associated with this application (see **Exhibit A**) wish to perform a boundary line adjustment to reconfigure their shared side property line in a way that would leave both lots with unadjusted areas but improved street frontages with Nordic Valley Drive. Both lots (#7 & 8) were considered to be legally non-conforming "Lots of Record" as they were created by the 1983 Shannon Bee Estates Subdivision (see **Exhibit B**), but do not meet the current FV-3 zoning minimum area of 3 acres. Per LUC Sec. The owners previously exchanged quit claim deeds to effectuate the desired lot line adjustment. However this action unintentionally created two illegal lots because such a change is required to go through the subdivision amendment process (rather than quit claim deeds) in order to preserve the legal nonconforming status of the lots. This requirement is found in LUC Sec. 108-12-11(b) which reads as follows:

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

**Review Agencies:** With exception to the Weber-Morgan Health Department, the proposed subdivision has been reviewed by all County Reviewing agencies. Various agencies have remaining review comments that will need to be addressed prior to recording of the final plat mylar.

Staff recommends that a formal review of the proposed subdivision will need to be conducted by the Weber-Morgan Health Department to verify that the proposed lot line adjustment does not result in the encroachment of existing septic system components on adjacent property.

Staff recommends final plat approval of the Shannon Bee Estates Subdivision 1st Amendment consisting of two lots. This recommendation is subject to all applicable review agency requirements and is based on the following condition:

1. A formal review of the proposed subdivision will need to be conducted by the Weber-Morgan Health Department to verify that the proposed lot line adjustment does not result in the encroachment of existing septic system components on adjacent property. 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 ordinances.

Administrative final approval of Shannon Bee Estates 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: **9/29/2021 APPROVED**

---

Rick Grover  
Weber County Planning Director

**2.2 UVM071120:** Reconsideration for final approval of the Middle Fork Ranches 3rd Amendment consisting of one lot at 7522 East 1400 North in Huntsville. Applicant: Troy Green, Staff Presenter: Scott Perkes

The applicant is requesting final approval of Middle Fork Ranches 3rd Amendment, consisting of one lot. The proposed Lot 25 was originally Lot 8 of the Middle Fork Ranches Subdivision. The proposed amendment adds Parcel 21-005-0036 into the subdivision boundary to widen the resulting lot. When first submitted, Planning Staff requested that this amendment be used to dedicate a full half-width right-of-way along the eastern property line for future roadway connectivity. This plat configuration was originally approved during September 2nd, 2020 Administrative Review Meeting. However, the applicant appealed the decision to dedicate the half-width right-of-way, and requested that the decision be reviewed by the Utah Office of The Property Rights Ombudsman. In response, the Ombudsman issued an advisory opinion (dated July 16th, 2021), the summary of this opinion reads as follows:

*“The County’s requirement to dedicate a 33-foot wide strip of land for a future right-of-way to serve future development does not solve a problem created by the Green’s development proposal. The Greens’ amended plat simply merges two parcels without changing the use of the land or increasing the use’s density. Requiring the dedication would force the Greens’ to offset impacts beyond their own. The requirement therefore fails the applicable rough proportionality test, and is unlawful. Accordingly, the County may not impose the requirement as a condition of amended plat approval.”*

In reviewing the Ombudsman’s opinion with the Weber County Attorney’s Office, planning staff recommended that the applicant resubmit a subdivision plat that removes the originally requested ROW dedication. This revised plat could then be rescheduled for Administrative Review.

Staff recommends final approval of Middle Fork Ranches Third Amendment. This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. A “Natural Hazards Disclosure” document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.

This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision amendment complies with all previous approvals and the applicable County ordinances.

Administrative final approval of Middle Fork Ranches 3rd 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: **9/29/2021 APPROVED**

---

Rick Grover  
Weber County Planning Director

**2.3 LVM052021:** Final approval of the Miller’s Flats Subdivision consisting of one lot at approximately 1831 North 6700 West in Ogden. Applicant: Gilbert Miller, Staff Presenter: Scott Perkes

The applicant is requesting final administrative approval of a one lot subdivision known as Miller’s Flats Subdivision located at approximately 1831 N 6700 W, Ogden (see **Exhibit A**). The Uniform Land Use Code of Weber County (LUC) §101-2-20 indicates that a “Small Subdivision” can be administratively approved by the Planning Director as long as the subdivision consists of three or fewer lots and for which no streets will be created or realigned. The proposed subdivision is in conformance with the current zoning and the applicable subdivision requirements as required in the LUC. Staff analysis of the proposed subdivision is provided below.

**Access:** The proposed lot will gain access across the front lot line from the existing 6700 West street. This street’s right-of-way is currently 66 feet wide, but is planned to be 100-feet wide. The road is also unpaved beginning at the intersection of 1900 North and

6700 West and extending southward along the full frontage of the proposed lot. As such, the road is currently considered substandard in both right-of-way width and surface improvements. However, the road is not considered to be terminal as it does connect further south to 700 North and to the north at the intersection of 1900 North. Per LUC Sec. 108-7-19 (Building on Dedicated Substandard Streets of Public by Right of Use Roads):

(a) An applicant for a land use and building permit for property which abuts and has access from a substandard dedicated street or public by right of use road, shall, as a condition of issuance of such permits, be required:

(1) To sign a substandard road agreement provided by the county.

(2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county road standards or as recommended by the county engineer in situations that warrant an alternative width such as unusual topographic or boundary conditions. The proposed plat dedicates a 17-foot deep, by 167-foot long piece of land for the widening of 6700 West right-of-way to a full 50-foot half width on the west side of the centerline. This dedication brings the portion of 6700 West right-of-way along the lot's frontage up to width standard and satisfies condition number two as listed in LUC Sec. 108-7-19(a)(2). As a condition of subdivision approval, the applicant will need to sign a substandard road agreement, as provided by the county, to satisfy condition number one as listed in LUC Sec. 108-7-19(a)(1).

Staff recommends final approval of Miller's Flats Subdivision (LVM052021). This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. The applicant will need to sign a substandard road agreement, as provided by the county.
2. A deferral agreement for curb, gutter, sidewalk, and asphalt will be required prior to recording the subdivision plat.
3. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction will be recorded simultaneously with the final plat.

The recommendation for approval is based on the following findings:

1. The proposed subdivision amendment conforms to the West Central Weber General Plan.
2. With the recommended conditions, the proposed subdivision amendment complies with the Weber County Land Use Code.

Administrative final approval of Miller's Flats Subdivision (LVM052021) 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: **9/29/2021 APPROVED**

---

Rick Grover  
Weber County Planning Director

**Adjourn**

**Respectfully Submitted,  
June Nelson  
Lead Office Specialist**



## 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 right-of-way as the primary access for two lots within a four-lot subdivision.
<b>Agenda Date:</b>	Wednesday, October 06, 2021
<b>Applicant:</b>	Scott Hale (Owner)
<b>File Number:</b>	AAE 2021-10

#### Property Information

<b>Approximate Address:</b>	5638 N 3100 E, Liberty, UT 84310
<b>Project Area:</b>	2.98 Acres
<b>Zoning:</b>	Agricultural Valley 3 Zone (AV-3)
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	22-004-0142
<b>Township, Range, Section:</b>	T7N, R1E, Section 7

#### Adjacent Land Use

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

#### Staff Information

<b>Report Presenter:</b>	Felix Lleverino flleverino@co.weber.ut.us 801-399-8767
<b>Report Reviewer:</b>	RG

### Applicable Land Use Codes

- Title 104 (Zones) Chapter 6 (Agricultural Valley 3 (AV-3) 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)

### Development History

Alternative Access Approval for file number AAR 2021-02 was granted in a public meeting held on April 7<sup>th</sup>, 2021. Following approval it was discovered that the Weber Morgan Health Department required that the lots be reconfigured to accommodate for the placement of wells and septic systems. A development re-design now requires an alternative access for two lots.

On September 22, 2021, this proposal was presented for administrative approval. The Planning division tabled the decision until the owner can display connectivity via a public road or public pathway.

### Summary

The applicant is requesting approval of a private access easement for two lots in a future four-lot subdivision. The narrative in Exhibit A describes how the alternative access is applicable in this situation. The qualifying criteria posed by the applicant is listed below:

1. The property boundary conditions make it impractical to extend a street to serve this one lot.
2. There does not appear to be a path for a new connection to North Fork Road due to the presence of established residential lots.

After reviewing the proposal, the Planning Division concurs that these circumstances warrant a private access easement for a private road.

A concept development plan is included in this report as Exhibit B.

## 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 should be approved as long as the design standards can be implemented during the subdivision process, and the application meets the criteria in LUC §108-7-31(1)(c) which states:

*Based on substantial evidence, it shall be shown that it is infeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support 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**.*

LUC §108-7-31 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) before issuance of a certificate of occupancy on any home that will gain access from the access easement. Based on the submitted concept plat (see **Exhibit B**), the proposed access easement would be 30 feet wide and the private drive will be 20 ft. wide and approximately 520 feet long.

### Review Agencies:

The Engineering Division approves of this proposal with the following condition:

1. The access road will need to follow the Alternative Access code described in sec 108-7-29 of the Weber County Code of Ordinances.

The Weber County Fire Marshall approves of this proposal with the following conditions:

1. At the termination point of the driveway, there will need to be an approved turn-around.
2. At the time of building, the Fire District will review for the potential placement of a fire hydrant.

## Staff Recommendation

Staff recommends approval of AAE 2021-10, to provide access by private access easement to two lots within a future four-lot subdivision. The recommendation for approval is subject to review agency requirements and the following conditions:

1. The private access 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, before the recording of the future subdivision.
3. The development plan display connectivity via a public road stub or public pathway stub.
4. The improved travel surface of the access easement shall be a minimum of 12 feet wide and shall be capable of supporting 75,000 lbs. Also, and Per LUC Sec. 108-7-29(a)(5), a turnout measuring 10'x40' will be required at the midpoint of the access easement.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to one lot is not practical due to the parcel's property boundary conditions.

## Administrative Approval

Administrative final approval of AAE 2021-10 to create a private road that would serve as access to two lots in a future residential subdivision.

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

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

## Exhibits

- A. Alternative Access Exception Application
- B. Concept Plat

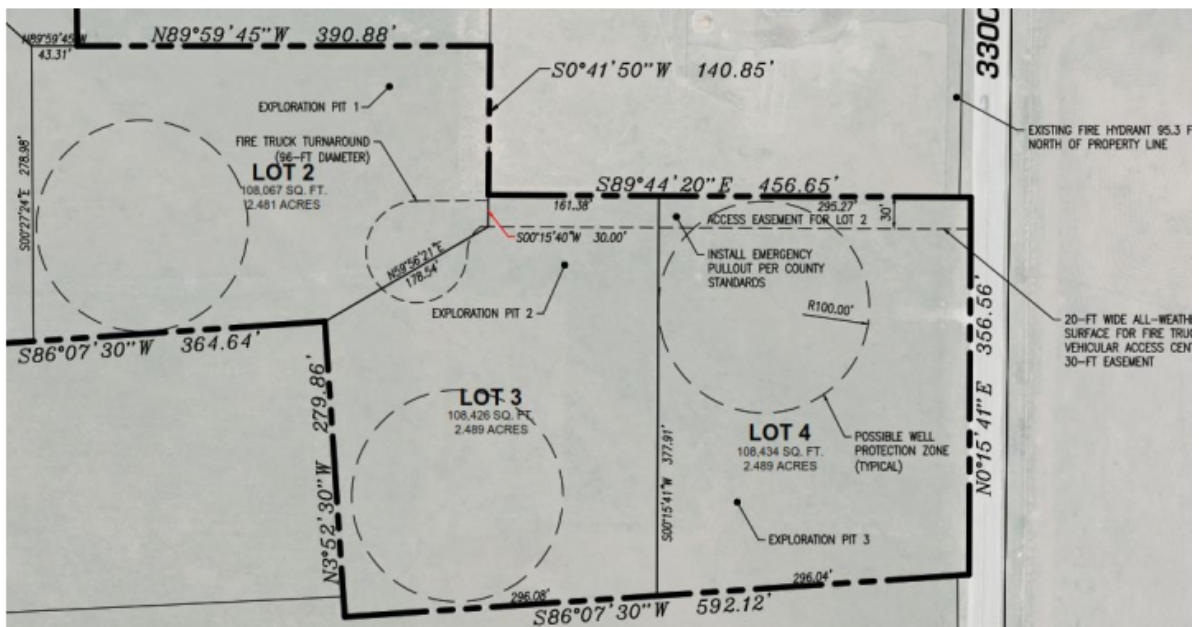
## Property Map







located on only one of the lots. Lots 3 and 4 were less than 200' wide at their widest point and therefore didn't meet this requirement, which is why the health department asked for the boundaries between these lots to be reconfigured. The updated subdivision plan changed the boundaries between lots 3 and 4 to run North and South rather than East and West, creating the need for lot 3 to obtain access to 3300 East via the same alternative private driveway approved for lot 2. As noted in the original alternative access application, the private access is planned to be a 15 to 20 ft wide all weather surface driveway for fire truck (up to 75,000 pounds) and vehicular access, centered in a 20 to 30 ft easement, with an emergency pull out at the mid point, terminating in a fire truck turnaround. Below is an image from the updated subdivision map that shows the proposed property boundaries for lots 3 and 4 and the private drive providing access for lots 2 and 3.



### Reason for the Request

Sec §108-7-31 of the Weber County Code notes that lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access, subject to approval based on certain conditions being met including:

(a)(3) *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.*

As also outlined in the original alternative access application, the property boundary conditions around the proposed lots we are seeking alternative access make it impractical to extend a street to serve these lots. The lots sit in the middle of a triangle of land between 5750 N to the North, 3300 E to the East, and North Fork Road to the West. There does **not** appear to be a path for a new road through this triangle of land that would not cut through a developed property enroute to another connecting road and/or that would be beneficial for providing convenient access to owners of surrounding properties.

We own the property on which the proposed private drive access to 3300 E will be built and therefore have the ability to provide the access easement needed for the private drive. Refer to the updated concept plan map that shows the access easement and private drive has been designed to provide safe and consistent access to these lots in accordance with the requirements of Sec 108-7-29.

