

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 Approved 10.6.2021

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 3rd 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 10th.

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