

Lleverino,Felix

From: Dave Hansen <dave.hansen41@gmail.com>
Sent: Wednesday, April 19, 2023 11:28 AM
To: Lleverino,Felix
Subject: [EXTERNAL] Re: Burdock Point Sub

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Sent from my iPhone

On Apr 18, 2023, at 8:19 PM, Rochelle Hansen <rochelle.hansen@kljeng.com> wrote:

Hi Felix,

Sounds like our "Written Response to County Comments" document we uploaded 4/3/2023 has gone un-noticed by all except survey. I've copied that document into this email, I have realized I didn't respond correctly to a couple of them though. The original responses along with the correct responses are below.

We have reviewed the comments made by Weber County Planning, Engineering and Surveyor and have the following response:

Engineering Review:

1. We have received a can and will serve letter from the Sewer and Water District and paid for the water and sewer connections, therefore, we believe annexing into the Water and Sewer district has either already been done or is not necessary. **Updated response to comment: We will get a letter from them stating annexation is not necessary.**
2. Being as the rest of Via Monaco Drive doesn't have curb & gutter, rather a rock swale, we opt for the deferral option and will sign the necessary documentation.
3. The previously submitted preliminary plan shows the culvert in the swale at the existing access to the property from Via Monaco Drive, it is labeled as proposed but does currently exist. **I missed that engineering is calling it a ditch. It is not a ditch; it is a rock swale with the flowline 1' below the edge of asphalt with check dams every so often to slow the flow of storm water and we currently have a culvert under our access. Being as this is not a typical roadside ditch which is found all**

over the county and considered a hazard to the traveling public and it is a 1' deep rock swale that was designed and installed with the construction of Via Monoca Drive and is not the danger to the traveling public that typical roadside ditches are, I ask for this review comment to be reconsidered, maybe even come look at it. If I were to remove the existing rock swale and install a pipe for my entire frontage as engineering is asking, it would 100% negate the purpose of the rock swale with check dams and cause erosion which would end up in silt and sediment running down the roadway, which is a less desirable situation. The road was designed and constructed in 2013 the way it is for many reasons; Do you really want me to undo it all?

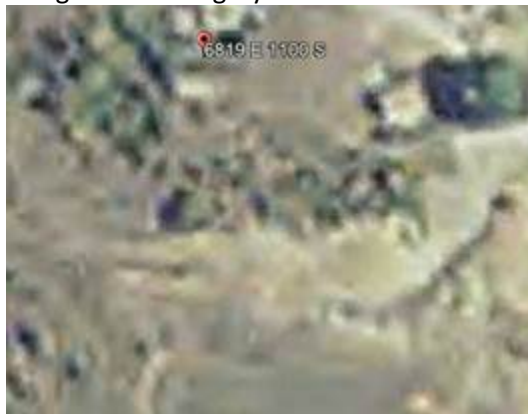
4. Note has been added to the plat stating, "Due to the topography and the location of this subdivision all owners accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed".
5. Correct, the road we have been using to access the property is private. Schlaff Subdivision also accesses the same road and was not required to ask permission for use, setting a precedence.

Since we purchased the property in 1995, we've accessed the future road with our horses & vehicles. At the time of purchase, Ron Cantanzaro required us to allow use of our property for a public temporary turn-around. In 2013 Via Monaco Drive was dedicated and became part of the Summit at Ski Lake HOA, our gate and access remained in place and when they graded and paved the Via Monaco Drive, we installed a culvert in the gravel swale, at our access location which is still in-place today, that location is shown on the preliminary plan as well as the existing culvert as previously mentioned in item No. 3. Per Utah's Prescriptive Road Statute 72-5-104 of the Utah Code which provides that a road crossing private property (which was the case when we purchased our property and began using the "road") becomes a public right-of-way if it is used by the public continuously for at least 10 years. See below for imagery showing a well-traveled path through our property onto what is currently Via Monoco Drive since 1995. We have been using that road for 28 years, therefore a letter from the current owners of the private road approving our use and access to our lot is not necessary. **Copying and pasting my letter into this email has messed up my proof of continual access, please refer to the pdf uploaded on April 3, 2023**



1993
1995

Google Earth Imagery
Google Earth Imagery



2003 Google Earth
Image
Image

2006 Google Earth



2009 Google Earth Image
Google Earth Image

2011



2014 Google Earth Image
Google Earth Image

2017



2018 Google Earth
Image

2020 Google Earth Image



2021 Google Earth
Image

2022 Google Earth Image



Current Geo Gizmo Image

Planning Review #1:

1. Final plat with the required final subdivision elements as shown in Weber County Land Use Code Title 106-1-8.20 have been added.
2. A note has been added referencing the existing geologic study prepared by CMT Engineering Laboratories Project Number 19413 dated January 9, 2023 is available for review at Weber County Planning Office.

Planning Review #2:

Analysis Section of the Report Reviewer:

Access and Frontage: This entire property fronts on a private road called Via Monaco Drive. The owner of this property is responsible to become part of the homeowners association and be subject to responsibilities of the Summit at Ski Lake HOA. No ROW dedication is needed for this development.

1. Schlaff Subdivision also has its entire frontage along the private road and has not been required to become part of the HOA, therefore setting a precedence.
2. Our subdivision is independent of The Summit at Ski Lake, not an amendment of such, as is Schlaff Subdivision.
3. The Summit at Ski Lake, per www.summitatskilake.com, consists of 32 homesites with a minimum of one acre each. Each property has a view corridor of the lake, valley, and surrounding mountains. Currently the neighborhood has 23 homes and 9 unimproved lots. No improved community facilities exist such as a pool or clubhouse. The neighborhood has common property at the gated entrance to the community and has private roads within the neighborhood. The gate, roads, and common property are maintained by the homeowners' association. The gate is above our proposed subdivision, Weber County Roads Department plows the road to the gate, we installed our own culvert, our subdivision is over 2 acres as our request for 2 – 1 acre lots was denied.
4. We have had continuous access to the road since 1995 (as explained & demonstrated in the engineering review) giving us a prescriptive right to the now private road.

The above four reasons are why we should not be required to join the Summit at Ski Lake HOA.

Surveyor Review #1:

1. Address has been added to the plat.

Surveyor Review #2:

1. The subdivision name has been changed from Hansen Subdivision to Burdock Point Subdivision.
2. The Owners Dedication has been revised as redlined.
3. The Owners Dedication Signature block has been revised From Dave Pete Hansen to David P. Hansen and Chris M. Hansen.
4. The bearing in the description has been changed to match the bearing along the east section line.
5. Square footage of lot has been changed from 92,782.8 to 92,960.1
6. The existing location, widths, and other dimensions of all existing or platted streets has been added to the plat.
7. Surveyor's Certificate subdivision name has been changed to Burdock Point Subdivision in two places.

Please review the updated subdivision plat.

Sincerely,

Dave & Chris Hansen

Dave & Chris Hansen

From: "Lleverino,Felix" <flleverino@webercountyutah.gov>

Date: April 17, 2023 at 3:42:15 PM MDT

To: dave.hansen41@gmail.com

Subject: Burdock Point Sub

Hello Dave,

It looks like you are nearly ready to print the final plat.

There are a few comments from Engineering that you could respond to in writing, several of which are not applicable or have already been addressed by the subdivision plat.

1. Do you need to Annex into the Sewer and Water District?
 1. You should get something from Mountain Sewer indicating that annexation is not necessary.
2. The proposed subdivision will need to have 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 prior to final approval.

1. This is not applicable because Via Monaco is a private road.
3. The ditch in the front of the property will need to be piped with. If the curb, gutter and sidewalk are deferred, then the grade will need to be brought up to a foot below the edge of asphalt.
 1. A written response addressing this comment will be helpful
4. A note will need to be added to the plat stating: "Due to the topography and the location of this subdivision all owners will accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed."
 1. This comment is addressed by the plat.
5. The road that you will be using to access your lot and for your frontage is a private road. Please provide a letter from the owners of the private road approving your use and access to your lot.
 1. A written response addressing this comment will be helpful

Feel free to give me a call for final steps in the process.

Thank you

Felix Lleverino

Planner II

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