Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on an appeal of the Planning Commission's (land use authority) decision regarding an access exception application to use a private right-of-way (R.O.W.) as the primary access for 6 lots in the Hidden Oaks Subdivision.
Agenda Date:	Thursday, July 28, 2016
Applicant:	Donald Fulton and Sharon Clark, agents; Somerset Lands LLC, owner
File Number:	BOA 2016-04 and Access Exception (AE 2016-01)

Property Information

Approximate Address:	6260 South 2125 East (Jared Circle)
Project Area:	3.28 Acres
Zoning:	Residential Estates Zone (RE-15)
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	07-665-0001
Township, Range, Section:	T5N, R1W, Sections 23

Adjacent Land Use

North:	Residential	**South:**	Residential
East:	Residential	**West:**	Residential

Staff Information

Report Presenter:	Ben Hatfield bhatfield@co.weber.ut.us 801-399-8766
Report Reviewer:	RK

Applicable Land Use Codes

- Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Weber County Land Use Code Title 104 (Zones) Chapter 3 (Residential Estates RE-15 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations)

Background

The applicant is requesting an appeal of a land use decision made by the Western Weber Planning Commission on May 10, 2016 regarding application AE 2016-01; which is a request to use a 25 foot private right-of-way (R.O.W) as the primary access for the future consideration of 6 lots in a development. The proposal would re-subdivide Lot 1R in the Hidden Oak Cove Subdivision into multiple lots. The property is located in the Residential Estates RE-15 Zone at approximately 6260 South 2125 East (Jared Circle). The site is 3.28 acres. The RE-15 Zone requires single family dwellings to be on lots no less than 15,000 square feet.

During the Planning Commission meeting, staff presented the report (Exhibit A) explaining 1) the history of previous reviews of the property, 2) information regarding the process for such applications, 3) the review criteria for lots using a private R.O.W., 4) staff's analysis of the limited ability for access, 5) suggested conditions of approval listing future required reviews and approvals, and 6) staff recommendation for approval based on the properties limited ability for access. Discussion and questions from the Planning Commission were asked of staff, and the applicant as well as public comment was received during the meeting as viewed by the minutes (Exhibit B).

A Notice of Decision was prepared (Exhibit C) and an application to the Board requesting an appeal was submitted (Exhibit D). As stated in the appeal, the request is to remove the condition listed as line 2 of the Notice of Decision. This required that the R.O.W. be used as the primary access for a subdivision of only one lot.

Summary of Board of Adjustment Considerations

Title 102 Chapter 3 of the Weber County Land Use Code states that one of the duties and powers of the Board of Adjustment is to act as the appeal authority from decisions applying and interpreting this Land Use Code. The decision criteria and standards used by the Board of Adjustment in reviewing appeals from decisions of the land use authority in applying and interpreting the Land Use Code are:

(1) The board of adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Land Use Code and Zoning Maps.
(2) The board of adjustment may hear only those decisions in which the land use authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel.
(3) The appellant has the burden of proof that the land use authority erred.
(4) All appeals to the board of adjustment shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority.
(5) Appeals to the board of adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.

Staff's analysis and findings are discussed below:

In reviewing the requested appeal, staff's findings are that (4) the applicant did file a request within the 15 days of the Notice of Decision. The Planning Commission acting as the land use authority did make a decision (2) for application AE 2016-01 applying the criteria of the Land Use Code and applicable conditions. Copies of the record have been provided to be review (5) by the Board of Adjustment consisting of minutes of the meeting, the application, staff report, and exhibits.

The appellant does need to provide the burden of proof (3) displaying that the Planning Commission had erred in its basis of limiting the private access to one lot. As stated in the staff report in 2004 the Board of Adjustment originally approved the access with a limit of two lots. Through the development review of the site in 2005 concerns as to the soils and slopes at the site were raised in Geologic and Geotechnical reports. Resulting in review comments from the Engineering Division and Utah Geologic Survey that with a review of the house plans the property would support one residence.

With the appeal request (1) the Board of Adjustment shall determine the correctness of the decision in the interpretation and application of the Land Use Code.

Finally, if the Board of Adjustment finds that the Planning Commission had erred in the decision and chooses to remove the limit of one lot to use the R.O.W.; then staff requests that all other conditions listed below continue to stand as conditions of the Board's approval.

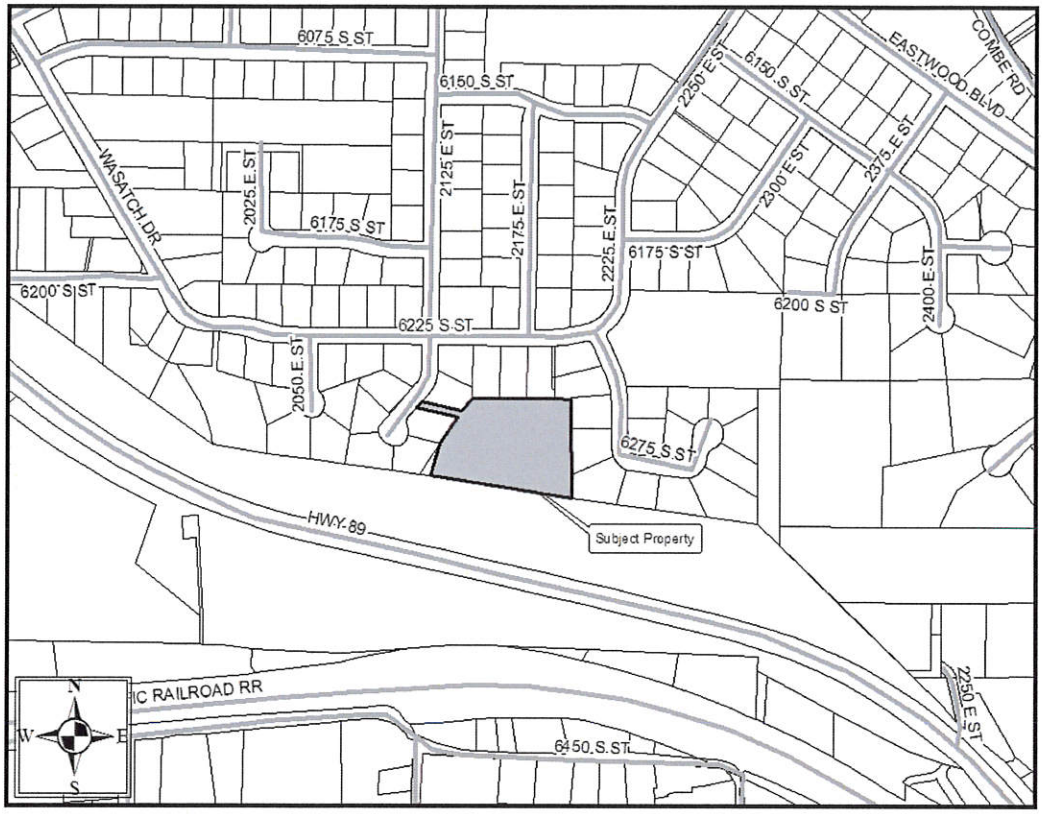
Conditions of Approval

- That no parking be allowed along the private R.O.W.
- The approval does not act as approval of the future consideration of a subdivision plat.
- Prior to final subdivision approval, the applicants must also sign an agreement 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 R.O.W. with a street that would serve as a required access to additional lots.
- Meeting applicable review agency requirements such as:
    - Requirements of the Weber County Engineering Division
    - A Natural Hazards and Hillside Review approval
    - Installation of the proposed improvements
    - Requirements of the Weber Fire District
    - Completing and recording the subdivision
    - Meeting the design criteria listed in Sec. 108-7-29 Access Easement Standards
    - A cost and maintenance plan put in place for the approved care of private R.O.W.

Exhibits

A. Staff report and exhibits presented
B. Minutes of the Western Weber Planning Commission meeting of May 10, 2016
C. Notice of Decision
D. Application of the appeal

Map 1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2300 E ST
2375 E ST
6175 S ST
6175 S ST
6200 S ST
2400 E ST
6200 S ST
6225 S ST
2050 E ST
6275 S ST
HWY 89
Subject Property
IC RAILROAD RR
6450 S ST
2250 E ST
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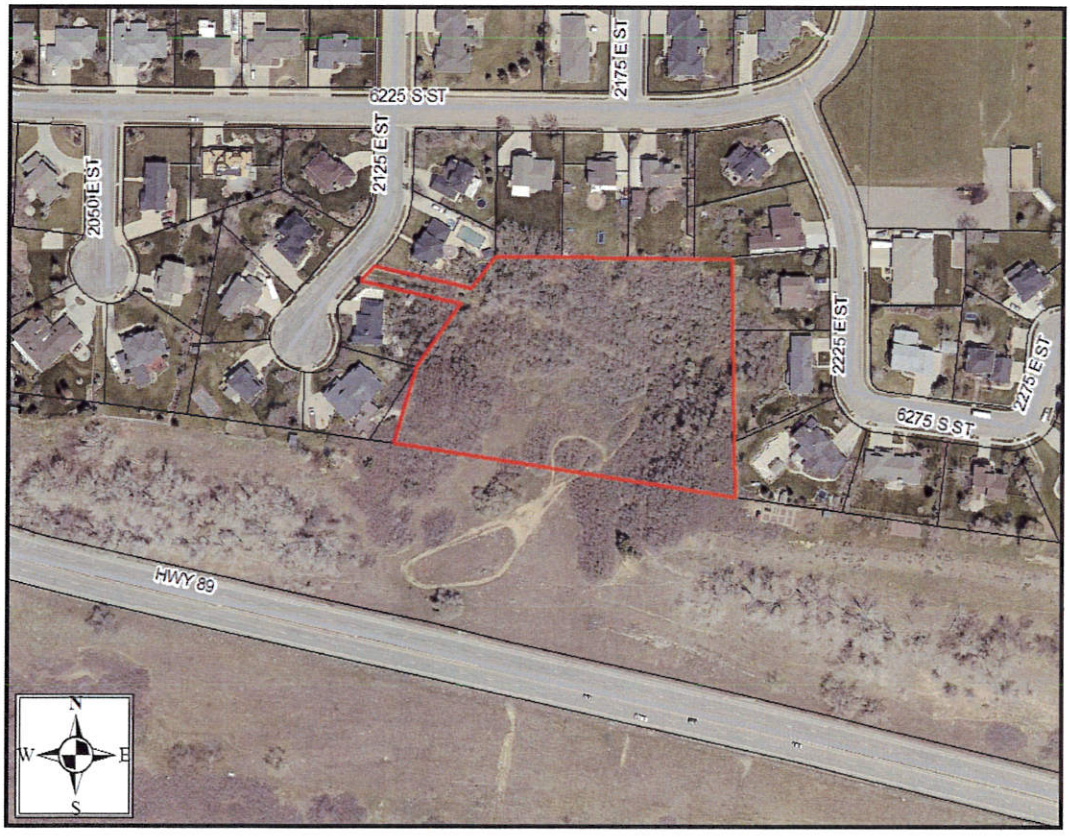
Map 2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WEBER COUNTY

WESTERN WEBER PLANNING COMMISSION

AMENDED MEETING AGENDA

May 10, 2016
5:00 p.m.

- *Pledge of Allegiance*
- *Roll Call:*

1. Administrative Items
   - 1.1. CUP 2016-08: Consideration and action for a conditional use permit for an Agri-Tourism operation identified as the Cold Springs Trout Farm located at 2284 Fruitland Drive, in the Agriculture (A-1) Zone. (Neal Ward and Carrie L. Barker, Applicants; Tarah Michelle Barker, Authorized Representative)
   - 1.2. SPE 2016-02: Discussion and action on a conceptual sketch plan endorsement request for the Favero's Legacy Cluster Subdivision located at 3790 W 2200 S in the Agricultural (A-1) Zone. (Robert Favero, Applicant)
   - 1.3. AE 2016-01: Consideration and action on an access exception to use a private right-of-way (ROW) as the primary access for 6 Lots in the Hidden Oaks Subdivision located at 6260 S 2125 E (Jared Circle) in the Residential Estates (RE-15) Zone. (Somerset Land LLC, Applicant; Sharon Clark, Authorized Representative)
   - 1.4. DISCUSSION: PRUD Code related to Bonus Density – Scott Mendoza
2. Public Comment for Items not on the Agenda
3. Remarks from Planning Commissioners
4. Planning Director Report
5. Remarks from Legal Counsel
6. Adjourn

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

A Pre-Meeting will be held at 4:30 p.m. in the Commission Break Out Room. No decisions are made in the pre-meeting.

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

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on an access exception to use a private right-of-way (R.O.W.) as the primary access for 6 lots in the Hidden Oaks Subdivision.
Agenda Date:	Tuesday, May 10, 2016
Applicant:	Sharon Clark, agent; Somerset Lands LLC, owner
File Number:	Access Exception (AE 2016-01)

Property Information

Approximate Address:	6260 South 2125 East (Jared Circle)
Project Area:	3.28 Acres
Zoning:	Residential Estates Zone (RE-15)
Existing Land Use:	Vacant
Proposed Land Use:	Residential
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Township, Range, Section:	T5N, R1W, Sections 23

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East:	Residential	**West:**	Residential

Staff Information

Report Presenter:	Ben Hatfield bhatfield@co.weber.ut.us 801-399-8766
Report Reviewer:	RK

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 3 (Residential Estates RE-15 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations)

Background

The applicant is requesting approval to use a 25 foot private right-of-way (R.O.W) as the primary access for the future consideration of 6 lots in a development that would re-subdivide Lot 1R in the Hidden Oak Cove Subdivision. The property is located in the Residential Estates RE-15 Zone at approximately 6260 South 2125 East (Jared Circle). The site is 3.28 acres. The RE-15 Zone requires single family dwellings to be on lots no less than 15,000 square feet. The applicant has provided a narrative (Exhibit A) and concepts (Exhibit B) of the project.

The location of the proposed private R.O.W. is from a 29 foot gap that was left available for access when the subdivision (Exhibit D) creating Jared Circle was platted in 1992. In 2004 this property received a variance (BOA 2004-09) from the Board of Adjustment to allow for a R.O.W. access for two lots. This approval was based the unique boundary conditions of the property which is surrounded by developed lots with only this 25 foot gap and frontage on Highway 89. As Highway 89 is a divided state highway the Utah Department of Transportation (UDOT) would not grant access due to traffic safety concerns. The approval was conditioned upon the private R.O.W. meeting, at the time of subdivision, the design standards that were in place at the time.

In 2005 the property platted as Lot 1R (Exhibit C) in the Hidden Oaks Subdivision (LVH 010605) as only one restricted lot. A Geologic and Geotechnical report was submitted and reviewed by the county and the Utah Geologic Survey citing some concerns as to the slope and soils, but that with a review of the house plans the property would support one residence.

Typically access exceptions such as this have been reviewed and approved administratively by Planning Division staff. However, as this access exception is for the future consideration of 6 lots, and has Hillside and Natural Hazards concerns it is suggested that the application be reviewed by the Planning Commission.

At the time of subdivision, the private R.O.W. will be required to meet:

1. All design, safety, and lot/parcel standards listed in Title 108 Chapter 7 Section 29 of the Weber County Land Use Code.
2. All recommendations made by applicable review agencies, approved plans, and reports.
3. A maintenance plan for the private R.O.W. must be put in place.

In addition to these standards, the request is required to comply with the criteria and conditions listed in Section 31, which is specific to access by a private R.O.W. These standards are listed below under "Summary of Planning Division Considerations." Approval of the private R.O.W. as the primary access does not act as approval of the future consideration of a subdivision plat.

Summary of Planning Division Considerations

Review Criteria:

108-7-31. 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. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

1. Criteria
    a. The lot/parcel is a bona-fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
    b. 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.
2. Conditions
    a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and
    b. 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.

Analysis:

Staff has reviewed and analyzed the request for access by a private R.O.W using the criteria in Section 31. Based on review and analysis of staff's research and the information provided, staff has made the following determinations:

- Property boundary conditions are such that access is limited in a unique way due to previous development and UDOT's lack of access from Highway 89. It is impractical for a full street or cul-de-sac to be required at this location.
- Due to the unique topography, steepness, and width construction of a county road it is impractical to provide a county road.

Conditions of Approval

- Prior to final subdivision approval, the applicants must also sign an agreement 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 R.O.W. with a street that would serve as a required access to additional lots.
- Meeting applicable review agency requirements such as:
    - Requirements of the Weber County Engineering Division
    - A Natural Hazards and Hillside Review approval
    - Installation of the proposed improvements

- Requirements of the Weber Fire District
- Completing and recording the subdivision
- Meeting the design criteria listed in Sec. 108-7-29 Access Easement Standards
- A cost and maintenance plan put in place for the approved care of private R.O.W.

Staff Recommendation

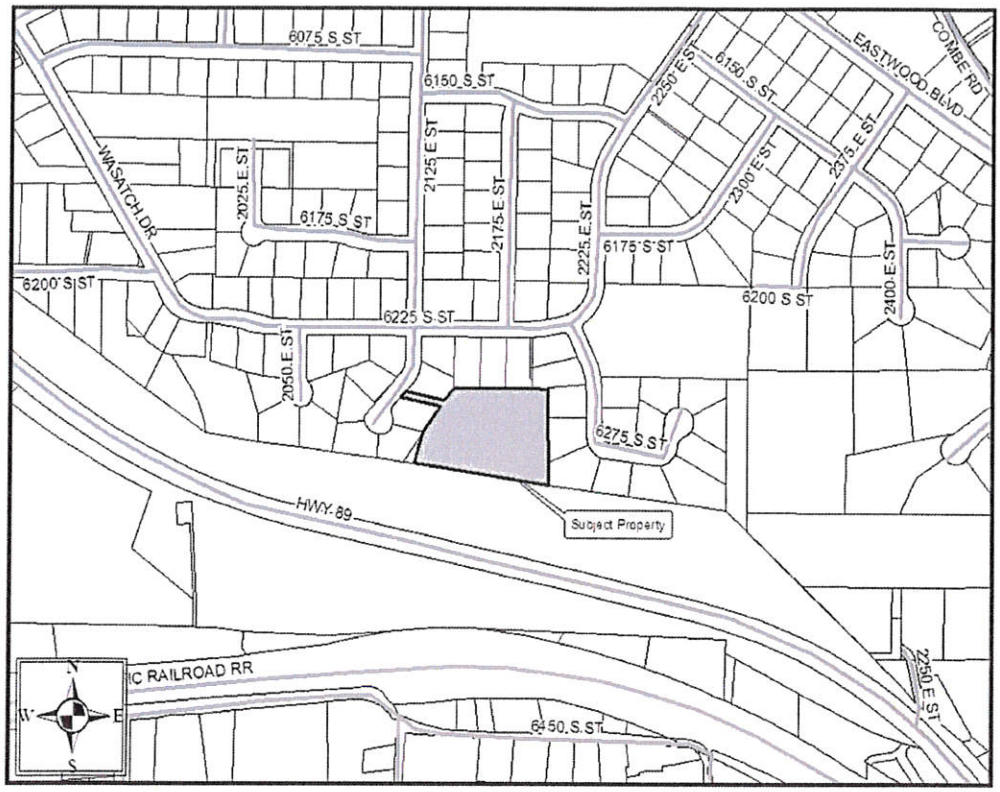
Staff recommends approval of a private R.O.W. as the primary access for the proposed 6 lots (AE 2016-01). The recommendation is subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- This property has boundary conditions which limits typical access requirements in a unique way and is undesirable as the other property surrounding the site has been developed and access from Highway 89 is not approved from UDOT. It is therefore impractical for a full street or cul-de-sac to be required at this location.
- Due to the unique topography, steepness, and width construction of a county road it is impractical to provide a county road.

Exhibits

A. Application with narrative
B. Proposed site plans
C. Hidden Oak Cove Subdivision plat
D. Highlands Bluff Estates Subdivision phase 3

Map 1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6275 S ST
HWY 89
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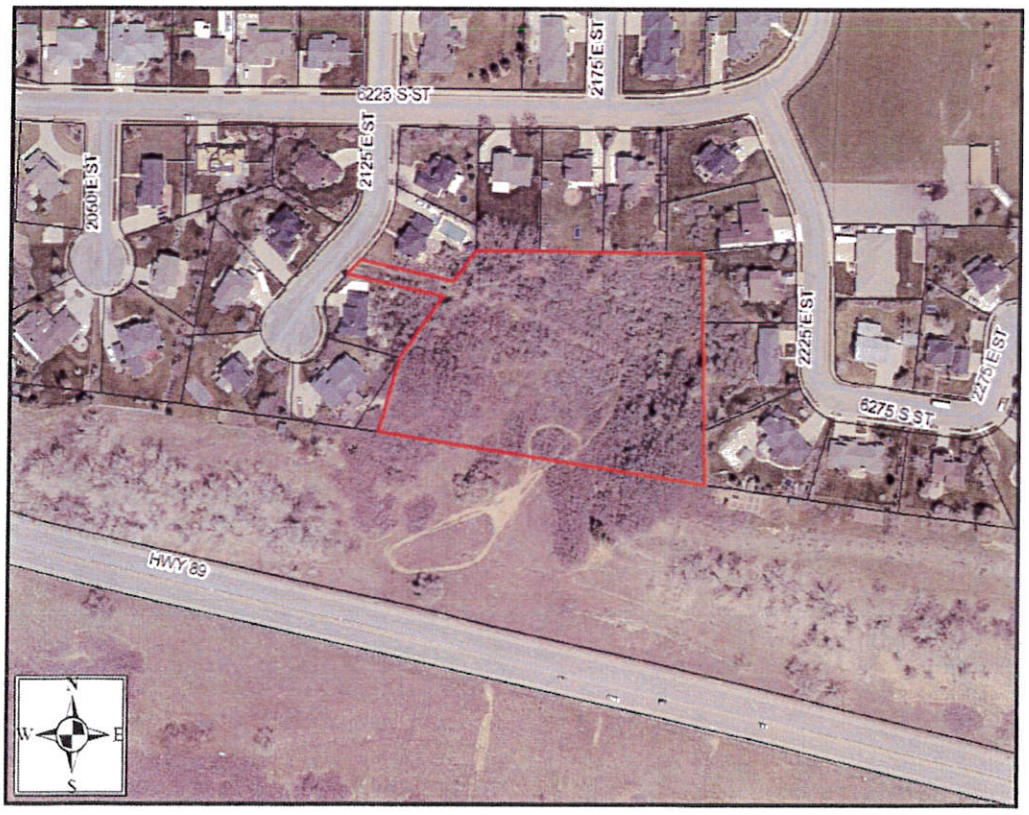
Map 2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HWY 89
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Weber County Access Exception Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted /Completed	Fees *(Office Use)*	Receipt Number *(Office Use)*	File Number *(Office Use)*
29 March 2016	225.00	8659	

Application Type

☐ Access by Private Right of Way

☒ Access at a location other than across the front lot line

Property Owner Contact Information

Name of Property Owner(s)	Mailing Address of Property Owner(s)
Sharon Jean Clark	P.O. Box 65999 SLC, UT 84165
Phone: 801-580-8931 / Fax:	
Email Address (required): bluemhomes@gmail.com	Preferred Method of Written Correspondence: ☒ Email ☐ Fax ☐ Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)	Mailing Address of Authorized Person
Phone / Fax	
Email Address (required)	Preferred Method of Written Correspondence: ☐ Email ☐ Fax ☐ Mail

Property Information

Project Name	Total Acreage	Current Zoning
Hidden Oak Subdivision	3.28	RE15
Approximate Address: 6260 S. Jared Way	Land Serial Number(s): 07-665-0001	

Proposed Use: 6 lot subdivision

Project Narrative

Owner requests Access Exception to parcel other than by frontage with the intent to provide private access to residents of a proposed 6 lot subdivision. Thank you for your consideration.

Basis for Issuance of Access by Private Right of Way

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. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

a. The lot/parcel is a bona-fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
b. 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. Please explain the substantial evidence:

Owner requests Access Exception to parcel other than by frontage with the intent to provide access to residents of a proposed 6 lot subdivision.

Access from Hwy. 89 was denied by UDOT.

☐ Attach proof to this application that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

☒ The landowner of record or authorized representative agrees 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.

Basis for Issuance of Access at a location other than across the front lot line

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line as follows:

See property boundary conditions on plat map. Access through frontage on highway 89 is unavailable.

☐ Attach proof that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

Property Owner Affidavit

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

Sharon Jean Clark Property Owner _____ Property Owner

Subscribed and sworn to me this 29 day of March, 2016

Sherri L. Sillitoe Notary

SHERRI L. SILLITOE
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO. 676679
COMM. EXP. 04-17-2018

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

_____ Property Owner _____ Property Owner

Dated this _____ day of _____, 20 ___, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

_____ Notary

Weber County Corporation
Weber County
2380 Washington Blvd
Ogden UT 84401

Customer Receipt

Receipt Number: 8659

Receipt Date

03/29/16

Received From:

Blue Mountain Homes,

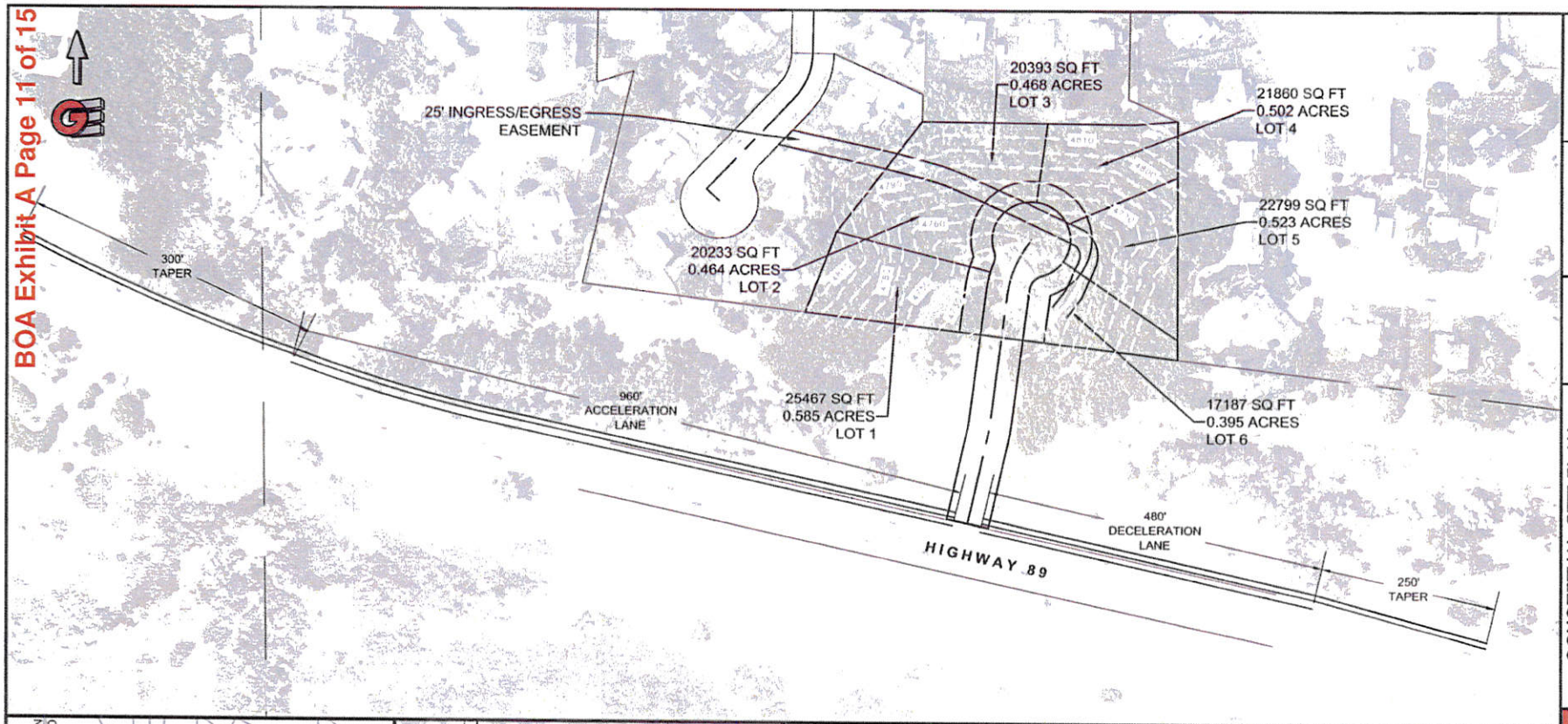
Time: 17:06
Clerk: ssillitoe

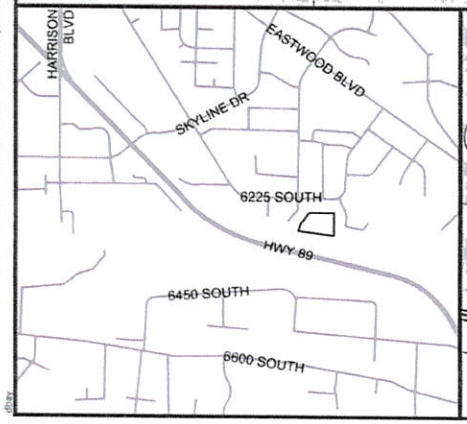
Description	Comment	Amount
Access Exceptio	Access Exception Per	$225.00

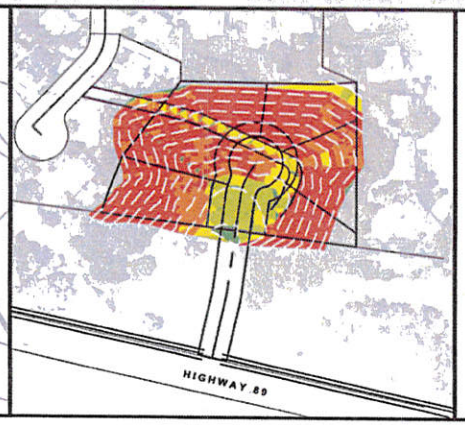
Payment Type	Quantity	Ref	Amount
CHECK		1070	

AMT TENDERED:	$225.00
AMT APPLIED:	$225.00
CHANGE:	$0.00

BOA Exhibit A Page 11 of 15







Slopes Table				
Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	10.00%	0.10	
2	10.00%	20.00%	0.32	
3	20.00%	30.00%	0.32	
4	30.00%	40.00%	0.58	
5	40.00%	175.89%	2.25	

PROJECT INFORMATION

AREA SUBDIVIDED	143,402 SF
AVG. LOT SIZE	21,323 SF
MIN. LOT SIZE	17,187 SF
MAX. LOT SIZE	25,467 SF
AVG. FRONTAGE	96.74 LF
MIN. FRONTAGE	86.78 LF
MAX. FRONTAGE	123.79 LF

*ACCELERATION & DECELERATION LANES AND TAPERS BASED ON 2011 AASHTO STANDARDS

0' 75' 150' 300'

Scale in Feet
1" = 150'

Revisions

Date	Description

Date NOV. 2014
Scale 1" = 150'
Designed DB
Drafted DB
Checked TN
Path 35 FOOT STUB

CONCEPTUAL SITE PLAN
FULTON SUBDIVISION
HWY 89
WEBER COUNTY, UTAH

GARDNER ENGINEERING
CIVIL • LAND PLANNING
MUNICIPAL • LAND SURVEYING

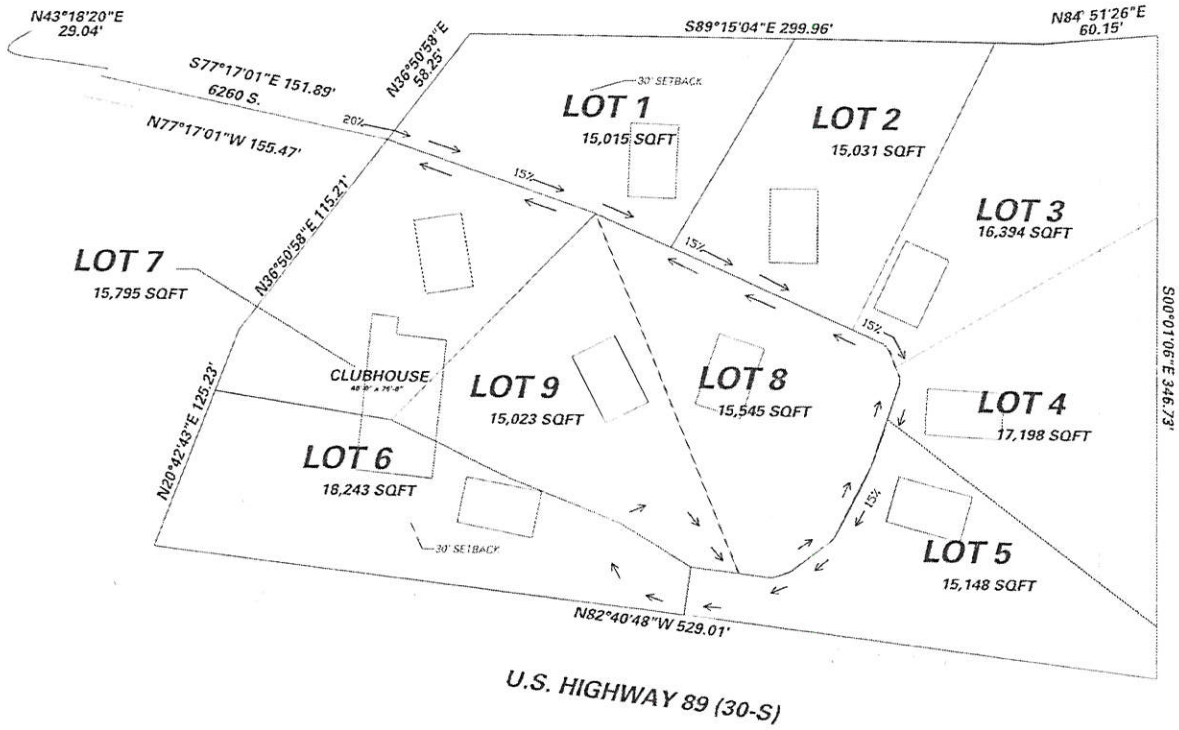
C1
C1

R:\0609 - Fulton, Donald\HIDDEN OAK COVE LOT 19\CONCEPT\DESIGN\DWG\Concept BASE.dwg, 11/7/2014 12:13:33 PM, dbutt

HIDDEN OAKS SUBDIVISION

WEBER COUNTY, UTAH
APRIL, 2008

DAVID FULTON
DRAFTING CONSULTANT
BOISE, IDAHO 83706
(208)891-8798



NOTE:
PADS SHOWN ARE 25'-0" BY 40'-0".

HIDDEN OAKS SUBDIVISION
6160 S. 2125 E
OGDEN, UTAH

DONALD S. FULTON
653 S. CONWAY CT.
SALT LAKE CITY, UTAH 84111

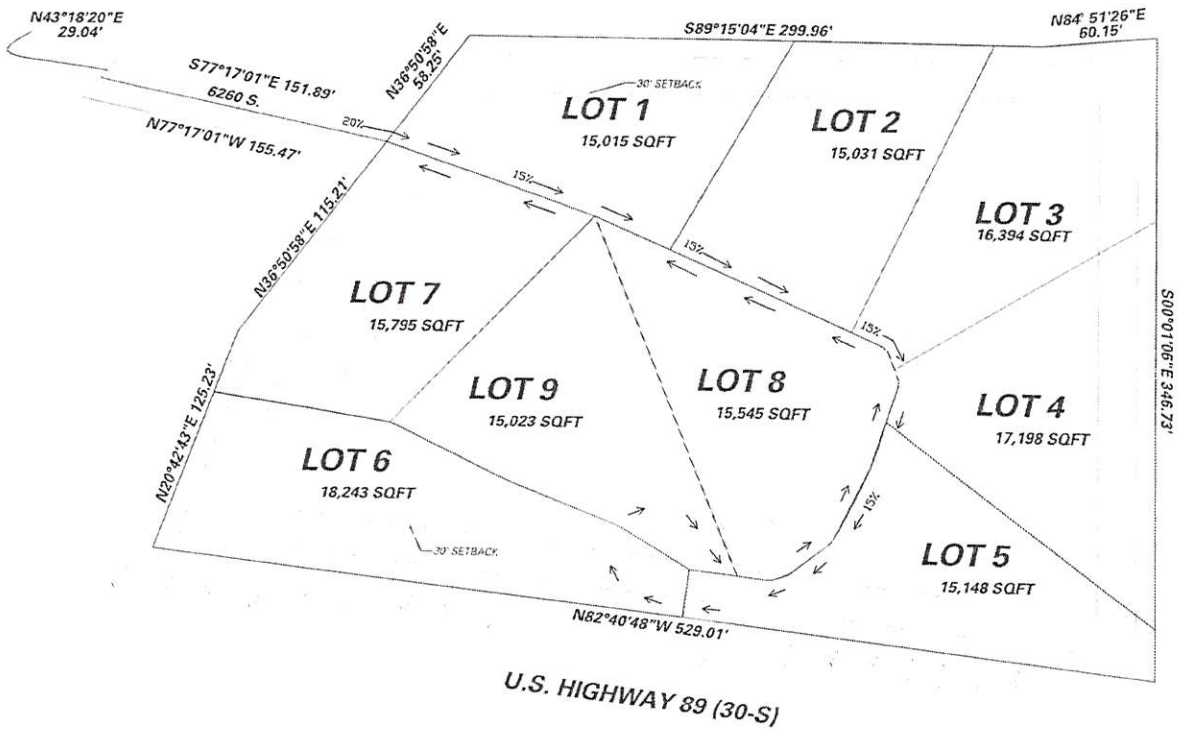
PROPOSED SITE PLAN

DF
DF
APRIL 21 2008

SITE

HIDDEN OAKS SUBDIVISION

WEBER COUNTY, UTAH
APRIL, 2008



NOTE:
PADS SHOWN ARE 25'-0" BY 40'-0".

DAVID FULTON
DRAFTING CONSULTANT
BOISE, IDAHO 83706
(208)891-8798

REVISIONS

PROJECT INFO
HIDDEN OAKS SUBDIVISION
6160 S. 2125 E
OGDEN, UTAH

CLIENT
DONALD S. FULTON
653 S. CONWAY CT.
SALT LAKE CITY, UTAH 84111

CONTENT
PROPOSED SITE PLAN

DRAWN BY DF
CHECKED BY DF
DATE APRIL 21 2008

SHEET NO. SITE

96-19

HIDDEN OAK COVE SUBDIVISION

PART OF THE SOUTHWEST QUARTER OF SECTION 23, T.5N., R.1W., S.L.B.&M., U.S. SURVEY
WEBER COUNTY, UTAH
JUNE, 2005

WEST QUARTER CORNER OF SECTION 23, T.5N., R.1W., S.L.B.&M., U.S. SURVEY, FOUND WEBER COUNTY MONUMENT 3" BRASS CAP FLUSH WITH GROUND (1963)

Narrative

THE PURPOSE OF THIS PLAT IS TO CREATE A ONE LOT SUBDIVISION OF THIS PROPERTY FOR NICHOLAS CROOKSTON. THE WEST LINES WERE FIXED BY THE BOUNDARY OF HIGHLANDS BLUFF ESTATES SUBDIVISION – PHASE 3. THE NORTH LINE WAS FIXED BY THE BOUNDARY OF HIGHLANDS BLUFF ESTATES SUBDIVISION – PHASE 2. THE EAST LINE WAS FIXED BY THE BOUNDARY OF HIGHLANDS BLUFF ESTATES SUBDIVISION – PHASE 1. THE SOUTH LINE WAS FIXED BY THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 89 (30-S). ALL OTHER LINES WERE DETERMINED BY DEED. ALL BOUNDARY AND REAR LOT CORNERS WERE SET WITH A 5/8" REBAR AND RED CAP STAMPED "REEVE & ASSOCIATES". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG AND TACK IN THE TOP BACK OF CURB AT THE EXTENSION OF LOT SIDELINES.
WEBER COUNTY BOARD OF ADJUSTMENT CASE NO.: 9-04 – THIS PROPERTY WAS APPROVED FOR ACCESS OTHER THAN FRONTAGE FOR ONE LOT

Boundary Description

PART OF THE SOUTHWEST QUARTER OF SECTION 23, T.5N., R.1W., S.L.B.&M., U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 26, HIGHLANDS BLUFF ESTATES SUBDIVISION – PHASE 3, SAID POINT BEING N00°37'11"W ALONG THE WEST SECTION LINE OF SAID SECTION 23 915.16 FEET AND N89°22'49"E 748.71 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 23, THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING TWO (2) COURSES: (1) S77°17'01"E 151.89 FEET, AND (2) N36°50'58"E 58.25 FEET TO THE BOUNDARY OF HIGHLANDS BLUFF ESTATES SUBDIVISION – PHASE 2; THENCE S89°15'04"E ALONG SAID BOUNDARY 299.96 FEET, THENCE N84°51'26"E 60.15 FEET TO THE BOUNDARY OF HIGHLANDS BLUFF ESTATES SUBDIVISION – PHASE 1; THENCE S00°01'06"E ALONG SAID BOUNDARY 346.73 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 89 (30-S); THENCE N82°40'48"W ALONG SAID NORTHERLY LINE 529.01 FEET; THENCE N20°42'43"E 125.23 FEET TO SAID BOUNDARY OF HIGHLANDS BLUFF ESTATES SUBDIVISION – PHASE 3; THENCE ALONG SAID BOUNDARY THE FOLLOWING THREE (3) COURSES: (1) N36°50'58"E 115.21 FEET, (2) N77°17'01"W 155.47 FEET, AND (3) N43°18'20"E 29.04 FEET TO THE POINT OF BEGINNING.

CONTAINS: 3.38 ACRES

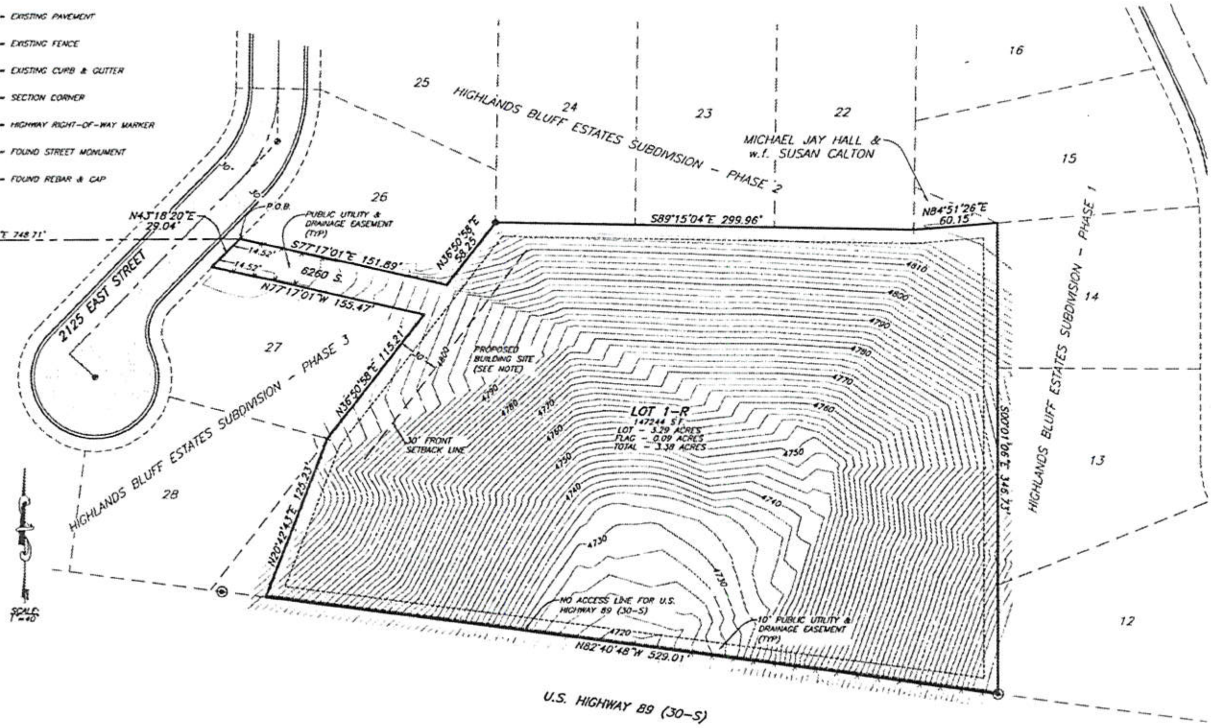
Basis of Bearings

THE BASIS OF BEARINGS FOR THIS PLAT IS THE UTAH COORDINATE SYSTEM, DETERMINED LOCALLY BY THE WEBER COUNTY RECORDS ALONG THE SECTION LINE BETWEEN THE SOUTHWEST CORNER AND THE WEST QUARTER CORNER OF SECTION 23, T.5N., R.1W., S.L.B.&M., U.S. SURVEY, SHOWN HEREON AS: N00°37'11"W

Legend

- EXISTING BUILDING
- EXISTING PAVEMENT
- EXISTING FENCE
- EXISTING CURB & GUTTER
- SECTION CORNER
- HIGHWAY RIGHT-OF-WAY MARKER
- FOUND STREET MONUMENT
- FOUND REBAR & CAP

NOTE:
NOTICE OF PURCHASES OF RESTRICTED "R" LOTS. LOTS DESIGNATED BY THE LETTER "R" AFTER THE LOT NUMBER ARE RESTRICTED LOTS AND BUILDING DEVELOPMENT ON SUCH LOTS IS SUBJECT TO THE PROVISIONS OF THE HILLSIDE DEVELOPMENT ORDINANCE OF WEBER COUNTY. APPROVAL OF A RESTRICTED LOT DOES NOT GUARANTEE THE LOT IS BUILDABLE. A HILLSIDE REVIEW AS OUTLINED IN THE HILLSIDE ORDINANCE SHALL BE DONE TO DETERMINE IF THE LOT IS BUILDABLE.



SOUTHWEST CORNER OF SECTION 23, T.5N., R.1W., S.L.B.&M., U.S. SURVEY, FOUND WEBER COUNTY MONUMENT 3" BRASS CAP SET IN CONCRETE FLUSH WITH GROUND (1960)

SURVEYOR'S CERTIFICATE

I, DARYL N. PENROD, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT THIS PLAT OF HIDDEN OAK COVE SUBDIVISION IN WEBER COUNTY, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDER'S OFFICE AND FROM A SURVEY MADE BY ME ON THE GROUND, I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF WEBER COUNTY CONCERNING SURVEY REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH, AND THE LOTS MEET THE SITE DEVELOPMENT STANDARDS FOR THE ZONE IN WHICH THEY ARE LOCATED.

SIGNED THIS 7th DAY OF June, 2005

5331527
UTAH LICENSE NUMBER

SIGNATURE

PROFESSIONAL LAND SURVEYOR DARYL NEIGH PENROD No. 5331527 STATE OF UTAH

OWNERS DEDICATION AND CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THE PLAT AND NAME SAID TRACT HIDDEN OAK COVE SUBDIVISION, AND DO HEREBY DEDICATE, GRANT, AND CONVEY TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS THE SAME TO BE USED AS PUBLIC THOUROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, STORM WATER DETENTION PONDS, DRAINAGE AND CANAL MAINTENANCE EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLICE UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS.

SIGNED THIS 28 DAY OF JUNE, 2005

Mark B. Crookston
MARK B. CROOKSTON

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF Weber } ss.

ON THE 28TH DAY OF June, 2005, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, Mark B. Crookston (AND) ______ SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO, BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME ______ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

11-24-2007
COMMISSION EXPIRES

NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF ______ } ss.

ON THE ______ DAY OF ______, 20__, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, ______ AND ______ BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE ______ AND ______ OF SAID CORPORATION AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES

NOTARY PUBLIC

REEVE & ASSOCIATES, INC.
Civil Engineering * Structural Engineering
Surveying * Land Planning * Landscape Architecture
EXECUTIVE BLDG., 4155 S. HARRISON BLD., #310
OGDEN, UTAH 84403
(801) 621-3100 FAX (801) 621-2666

JOB #: 3007-01 SURVEYOR: D. PENROD
DATE: 01-04-2005 DRAFTED: N. JOHNSON
SCALE: 1"=40' CHECKED: DP
REVISION: 06-07-2005 NSJ (NSJ#)

WEBER COUNTY PLANNING COMMISSION APPROVAL

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

SIGNED THIS 23rd DAY OF JUNE, 2005

CHAIRMAN, WEBER COUNTY PLANNING COMMISSION

WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH THE COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.

SIGNATURE

WEBER COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH.

SIGNED THIS 28 DAY OF June, 2005.

Kenneth A. Bischoff
CHAIRMAN, WEBER COUNTY COMMISSION

TITLE Admin. Assistant
ATTEST Fatima Blodgett

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA, AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

SIGNED THIS __ DAY OF June, 2005.

WEBER COUNTY SURVEYOR STATE OF UTAH

WEBER COUNTY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT, AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.

SIGNED THIS 22nd DAY OF June, 2005

SIGNATURE

WEBER-MORGAN HEALTH DEPARTMENT

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

SIGNED THIS ____ DAY OF ______, 20____.

DIRECTOR, WEBER-MORGAN HEALTH DEPARTMENT

WEBER COUNTY RECORDER

ENTRY NO. 2112454 FEE PAID $20.00
FILED FOR RECORD AND RECORDED, 28-JUN-2005 AT 3:51pm
IN BOOK 61 OF THE OFFICIAL RECORDS, PAGE 96
RECORDED FOR:
MARK B. CROOKSTON
DOUG CROFTS
WEBER COUNTY RECORDER
BY: [signature] DEPUTY.

61-96

33-84

HIGHLANDS BLUFF ESTATES SUBDIVISION - PHASE 3

PART OF THE SOUTHWEST QUARTER OF SECTION 23, T. 5 N., R. 1 W., S. L. B. & M.

WEBER COUNTY, UTAH

FEBRUARY 1992

℄ AND BOUNDARY

NO.	BEARING	DIST.
(a)	S 46° 41' 40" E	25.00
(b)	N 77° 17' 01" W	151.89
(c)	S 43° 18' 20" W	29.04
(d)	S 77° 17' 01" E	155.47

LOT

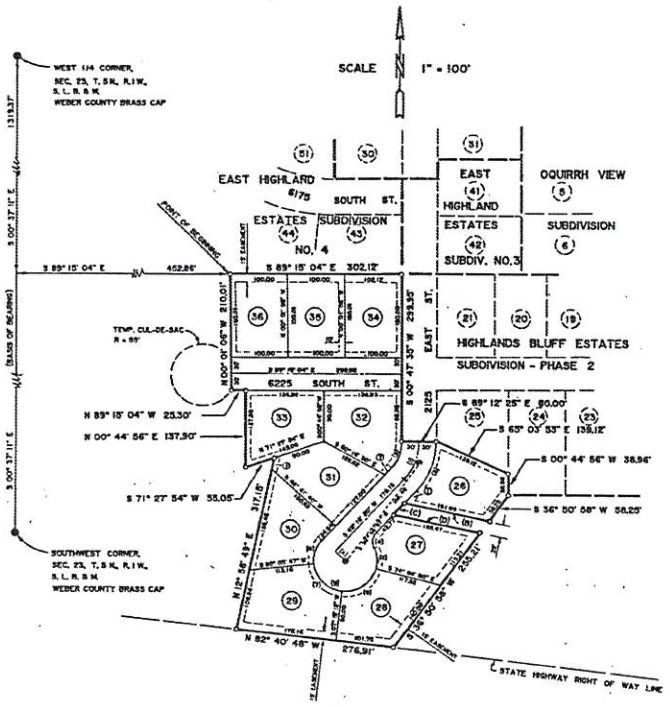
LOT	NO.	BEARING	DIST.
(29)	(2)	S 43° 18' 20" W	32.18
(31)	(1)	N 12° 56' 49" E	21.85
(30)	(3)	S 43° 18' 20" W	16.81

CURVE DATA

NO.	DELTA	RAD	ARC	TAN	CHORD	CHORD BRNG
(1)	42° 30' 45"	100.00	74.20	38.90	72.51	S 22° 02' 58" W
(2)	42° 30' 45"	70.00	51.94	27.23	50.76	S 22° 02' 58" W
(3)	42° 30' 45"	130.00	96.45	50.57	94.26	N 22° 02' 58" E
(4)	67° 58' 32"	25.00	29.66	16.86	27.95	N 09° 19' 04" E
(5)	39° 43' 22"	50.00	34.13	19.87	33.37	N 04° 48' 31" W
(6)	82° 18' 09"	50.00	71.97	48.04	72.36	N 56° 11' 11" E
(7)	77° 44' 36"	55.00	74.63	44.33	69.05	S 43° 48' 31" E
(8)	48° 14' 33"	55.00	46.31	24.63	44.95	S 19° 11' 04" W
(9)	247° 08' 32"	55.00	236.04	-	91.21	S 80° 40' 58" E

LOT INFORMATION

LOT	AREA (S.F.)	ADDRESS
(26)	15,164	6254 SOUTH 2125 EAST STREET
(27)	15,132	6266 SOUTH 2125 EAST STREET
(28)	16,409	6288 SOUTH 2125 EAST STREET
(29)	19,433	6280 SOUTH 2125 EAST STREET
(30)	19,220	6273 SOUTH 2125 EAST STREET
(31)	15,803	6261 SOUTH 2125 EAST STREET
(32)	16,700	6239 SOUTH 2125 EAST STREET
		2109 EAST 6225 SOUTH STREET
(33)	15,602	2049 EAST 6225 SOUTH STREET
(34)	15,158	6207 SOUTH 2125 EAST STREET
		2112 EAST 6225 SOUTH STREET
(35)	15,000	2096 EAST 6225 SOUTH STREET
(36)	15,000	2082 EAST 6225 SOUTH STREET



NOTES:

1 - UTILITY EASEMENTS ARE INDICATED BY DASHED LINES. ALL EASEMENTS TO BE USED FOR IRRIGATION WATER LINES, DRAINAGE, SANITARY AND STORM SEWERS, POWER LINES TELEPHONE LINES AND OTHER PUBLIC UTILITIES. ALL EASEMENTS SHALL BE 10 FEET UNLESS OTHERWISE INDICATED.

2 - ● - INDICATE SURVEY MONUMENT (X).

3 - THE HIGHWAY RIGHT OF WAY LINE WAS DETERMINED FROM EXISTING RIGHT OF WAY MARKERS.

4 - THE BEARING SYSTEM USED IS THE UTAH STATE PLANE GRID.

5 - THE SUBDIVISION BOUNDARY CORNERS HAVE BEEN SET WITH 5/8" REBARS WITH CAP STAMPED "ONESCO INC."

6 - (NR) - NON-RADIAL.

SURVEYOR'S CERTIFICATE

I, D. NEIL SMITH, A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT THIS PLAT OF HIGHLANDS BLUFF ESTATES SUBDIVISION-PHASE 3 IN WEBER COUNTY UTAH HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE FOLLOWING DESCRIPTION OF LANDS INCLUDED IN SAID SUBDIVISION BASED ON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDER'S OFFICE AND OF A SURVEY MADE ON THE GROUND.

SIGNED THIS 22 ND DAY OF JANUARY, 1992.

2337
LICENSE NO.

D. Neil Smith
SIGNATURE

OWNER'S DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT HIGHLANDS BLUFF ESTATES SUBDIVISION-PHASE 3 AND HEREBY DEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO DEDICATE TO WEBER COUNTY THOSE STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY WEBER COUNTY, SUCH DEDICATION SUBJECT TO ALL EXISTING EASEMENTS ON RECORD.

SIGNED THIS 7TH DAY OF February, 1992.
HIGHLANDS BLUFF DEVELOPMENT CO., INC.
A UTAH CORPORATION

BY: V. Kay Kendell
V. KAY KENDELL - PRESIDENT

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF WEBER

ON THE 7th DAY OF February, 1992, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF WEBER IN THE STATE OF UTAH, THE SIGNER (S) OF THE ABOVE OWNER'S DEDICATION ____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: April 2, 1994.

Craig Clark Bake
NOTARY PUBLIC

BOUNDARY DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 23, T. 5 N., R. 1 W., S.L. B. & M.

BEGINNING AT A POINT ON THE SOUTH LINE OF EAST HIGHLAND ESTATES SUBDIVISION NO. 4 WHICH IS LOCATED S 00° 37' 11" E 1319.37 FEET ALONG THE SECTION LINE AND S 89° 15' 04" E 452.86 FEET FROM THE WEST QUARTER CORNER OF SECTION 23, T. 5 N., R. 1 W., S. L. B. & M., RUNNING THENCE S 89° 15' 04" E 302.12 FEET ALONG SAID SOUTH LINE TO THE NORTHWEST CORNER OF HIGHLANDS BLUFF ESTATES SUBDIVISION - PHASE 2, THENCE ALONG THE BOUNDARY LINE OF SAID HIGHLANDS BLUFF ESTATES THE FOLLOWING FOUR COURSES: S 00° 47' 35" W 299.95 FEET, S 89° 12' 25" E 90.00 FEET, S 65° 03' 53" E 139.12 FEET, S 00° 44' 56" W 38.96 FEET, THENCE S 36° 50' 58" W 58.25 FEET, THENCE N 77° 17' 01" W 151.89 FEET, THENCE S 43° 18' 20" W 29.04 FEET, THENCE S 77° 17' 01" E 155.47 FEET, THENCE S 36° 50' 58" W 258.21 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE STATE HIGHWAY, THENCE N 82° 40' 48" W 276.91 FEET ALONG SAID RIGHT OF WAY LINE, THENCE N 12° 56' 49" E 317.15 FEET, THENCE S 71° 27' 54" W 55.05 FEET, THENCE N 00° 44' 56" E 137.30 FEET, THENCE N 89° 15' 04" W 253.30 FEET, THENCE N 00° 01' 06" W 210.01 FEET TO THE POINT OF BEGINNING, CONTAINS 4.928 ACRES.

BASIS OF BEARING IS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 23, T. 5 N., R. 1 W., S. L. B. & M., AS S 00° 37' 11" E MARKED BY WEBER COUNTY BRASS CAP MONUMENTS.

PREPARED BY:
ONESCO ENGINEERING, INC.
165 SKYLINE DRIVE
BRIGHAM CITY, UTAH 84302

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT I HAVE INVESTIGATED THE LINES OF SURVEY OF THE FOREGOING PLAT AND LEGAL DESCRIPTION OF THE LAND EMBRACED THEREIN, AND FIND THEM TO BE CORRECT AND TO AGREE WITH THE LINES AND MONUMENTS ON RECORD IN THIS OFFICE.

SIGNED THIS 7TH DAY OF FEBRUARY, 1992.

SIGNATURE

WEBER COUNTY SURVEYOR STATE OF UTAH

WEBER COUNTY PLANNING COMMISSION

APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THE 10 DAY OF Feb, 1992.

CHAIRMAN

WEBER COUNTY APPROVAL

THIS IS TO CERTIFY THAT THIS PLAT AND DEDICATION OF THIS PLAT WERE DULY APPROVED AND ACCEPTED BY WEBER COUNTY, UTAH THIS 12TH DAY OF FEBRUARY 1992.

ATTEST Brenda Hoskin
TITLE Deputy

SIGNATURE

WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT I APPROVE THE REQUIRED IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION AND THE AMOUNT OF FINANCIAL GUARANTEE FOR THESE IMPROVEMENTS.

SIGNED THIS 11 DAY OF February, 1992.

SIGNATURE

WEBER COUNTY ATTORNEY

I HAVE EXAMINED THE SUBDIVISION DOCUMENTS SUBMITTED WITH THIS PLAT AND FIND THEY ARE IN CONFORMANCE WITH THE ORDINANCE REQUIREMENTS NOW IN FORCE AND EFFECT.

2/11 1992.
DATE

SIGNATURE

CORPORATE ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF WEBER

ON THE 7th DAY OF February 1992 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY V. Kay Kendell AND AFTER BEING DULY SWORN ACKNOWLEDGED TO ME HE IS/ARE PRESIDENT OF SAID CORPORATION AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY, VOLUNTARILY AND IN BEHALF OF SAID CORPORATION AND FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: April 2, 1994

Craig Clark Bake
SIGNATURE

COUNTY RECORDER

ENTRY NO. 114750 FEE PAID $25.00 FILED FOR RECORD AND RECORDED Feb 12, 1992, AT 1:56 P.M. IN BOOK 33 OF OFFICIAL RECORDS, PAGE 84, FOR V. KAY KENDELL.

DOUG CROFTS
COUNTY RECORDER

BY: Joann Wills
DEPUTY

33-84 92-201

Minutes of the Western Weber County Planning Commission held on May 10, 2016, in the Weber County Commission Break out Room, 2380 Washington Blvd., Ogden UT

Members Present:	Mark Whaley, Chairman; Jannette Borklund, Wayne Andreotti, Lance Greenwell, Roger Heslop, John Parke
Member Excused:	Michael Slater
Staff Present:	Rick Grover, Planning Director; Scott Mendoza, Assistant Planning Director; Ronda Kippen, Principal Planner; Ben Hatfield, Planner; Chris Crockett, Legal Counsel; Sherri Sillitoe, Secretary

*Pledge of Allegiance
*Roll Call

Commissioner Borklund stated that she told her neighbor the zone of the property of the agenda item in her area, and that it could not have tiny lots. She also told him the time and place of the meeting. She then told him that she couldn't say anything else about the meeting. The members decided that she could participate in the meeting.

1. Administrative Items

1.1. CUP 2016-08 Consideration and action for a conditional use permit for an Agri-Tourism operation identified at the Cold Springs Trout Farm located at 2284 Fruitland Drive, in the Agriculture (A-1) Zone. (Neal Ward and Carrie L. Barker, Applicants; Tarah Michelle Barker, Authorized Representative)

Rick Grover indicated that notice was not required and was done as a courtesy.

Ronda Kippen indicated that this property is located in a little island in the North Ogden area but it is under Weber County's jurisdiction. It has been in existence since the early 1900's. It was purchased in 1907 by Lyman Barker. In 1924 they started implementing some of the cement ponds for the trout. Tarah Barker is the authorized agent on this application. This is a pre-existing operation that pre-dated the zoning ordinances so there was no reason for them to come to the county requesting approval of a trout farm. They have now come forward requesting some of the uses that are in the new Agri-Tourism Ordinance. Staff told them to dream big and think about the uses that they would like to have there in the future. It is a well-loved destination throughout Northern Utah; it is family-owned, family-loved and family-friendly. They would like to convert one of the existing structures into a gift shop.

The proposed use will be beneficial to the owner as well as the residents of Weber County by allowing the owner to continue utilizing the farm as it has been historically operated and allow for some additional commercial and education abilities to be implemented while promoting the preservation of agricultural property. They may produce vegetables in their garden to sell as well in the future. Last year they obtained a land use permit for a greenhouse and they grow vegetables, fruits, etc. They want to have a harvest market stand and sell their vegetables, etc. that they yield on site. They have a conditional use for a corn maze as well.

There is a single family dwelling and agriculture related buildings and areas. Their immediate plans are to transition the existing building to a gift shop, sell produce, tear down two structures and construct a conference center type building that could be used for educational classes and tours, food concessions, gift shop and other uses. It is an allowed use in the Agri-Tourism Zone. They have adequate paved parking. There is a single family dwelling on site as well as some outbuildings that are agriculturally related. They are promoting a working farm on this site.

The hours of operation are The Cold Water Trout Farm is open to the public during the hours of 9:00 am – 8:00 pm Monday through Saturday and there is not a proposed changed to the hours of use at the facility. The applicants will have to come into the office for a special permit when they would like to have a corn maze there.

The applicants will have to comply with the following:

The Planning Division recommends approval of file# CUP 2016-08, a conditional use permit for an agri-tourism operation identified as the Cold Water Trout Farm located at 2284 Fruitland Drive North Ogden, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

- A farm stay and a commercial development agreement will be executed and recorded prior to any construction of any structure intended for the purpose of accommodating non-agricultural uses, requirements of the Weber County Building Inspection Division, requirements and recommendations of the Weber Fire District, requirements of the Weber County Engineering Division, and requirements of the Weber County Health Department.

  This recommendation is based on the following findings:

  1. The proposed use conforms to the West Central Weber County.
  2. The proposed use will protect and preserve agricultural property in Weber County.
  3. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
  4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
  5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Commissioner Borklund asked if they want to identify the items as being approved in any motion. Ronda Kippen stated that in a motion they could list that they are approving the Agri-Tourism operations as identified in the staff report would be sufficient. Every single use with the exception of the Farm Open air market is recorded within the small farm stay development agreement. They do not need to do all the uses now, but the development agreement will include the uses and will be recorded against all three parcels.

Neal Barker indicated that staff gave a fantastic presentation and he appreciates the county for their support. Commissioner Andreotti indicated that he appreciates that Mr. Barker has decided to participate in the Agri-Tourism Ordinance and agri-tourism in Weber County. Mr. Barker indicated that he believes agri-tourism this is the key to keeping them around for many years to come.

Commissioner Heslop indicated that at the National APA Conference he saw a similar operation as this proposal and he could give him some additional ideas.

MOTION: Commissioner Heslop moved to approve the CUP 2016-08. Consideration and action for a conditional use permit for an Agri-Tourism operation identified at the Cold Springs Trout Farm located at 2284 Fruitland Drive, in the Agriculture (A-1) Zone. (Neal Ward and Carrie L. Barker, Applicants; Tarah Michelle Barker, Authorized Representative) subject to the staff report recommendations based on the findings listed in the staff report. Commissioner Borklund seconded the motion. The Motion carried by a unanimous vote with Commissioners Borklund, Andreotti, Greenwell, Heslop, Parke and Chair Whaley voting aye.

1.1. SPE 2016-02: Discussion and action on a conceptual sketch plan endorsement request for the Favero's Legacy Cluster Subdivision located at 3790 W. 2200 S in the Agricultural (A-1) Zone (Robert Favero, Applicant)

Ronda Kippen indicated that this was part of a larger sketch plan, but he has had to separate it and do a separate cluster. This cluster did not meet the previously approved cluster, and staff felt that they should bring it back for a sketch plan endorsement. The applicant has requested bonus density based on the following qualifying criteria: 10% bonus for meeting the purpose and intent of the cluster subdivision and a 15% bonus density based upon adding 0.055 acres of open space to be used as a community garden for an overall 25% bonus density.

Ronda Kippen stated that they have four open space parcels which are all over an acre so that they can be individually owned. There is a 25 x 95 community garden and it would need to be owned by the Home Owners Association and have CC&R's. Mr. Favero does not want an HOA so he will need an open space management plan for that community garden easement. The lot width and sizes all meet the design standards listed in the Cluster Subdivision Ordinance. One lot can be below the 15,000 sq. ft. because it is adjacent from agriculture property that has not been developed.

Commissioner Borklund asked if the size of the community garden would be adequate. Ronda Kippen indicated that the code states that the county may at its discretion allow a 15% bonus density for a community garden. It does not list any sizes of how big the garden has to be. Commissioner Borklund stated that if it is too big it could go to weeds unless properly managed and if it is too small, nobody would use it; they would have to find a balance. Ronda Kippen indicated that there has to be a good open space management plan.

Robert Favero indicated that some of the original plan might go forward in the future. He had purchased this property in order to have access to 2200 S. and he has held on to it, but now he wants to sell it. The original subject was a cluster subdivision and it had a one acre community garden as part of it. They want to keep the cluster idea and have the garden. They can enlarge the garden in the future. They plan to put grow boxes there so it just won't be open space. There is secondary water there and it will be easier to take care of. Almost half of the eight acres is in open space. If there are easements needed, they could provide them. The idea was that they could sell the lots at an affordable price and someone may want the extra ground.

MOTION: Commissioner Borklund moved to give conceptual approval based on the standards that it meets the cluster subdivision standards of the ordinance. Commissioner Greenwell seconded the motion. The Motion carried by a unanimous vote with Commissioners Borklund, Andreotti, Greenwell, Heslop, Parke and Chair Whaley voting aye. Motion Carried (6-0).

1.2. AE 2016-01: Consideration and action on an access exception to use a private right-of-way (ROW) as the primary access for 6 Lots in the Hidden Oaks Subdivision located at a 6260 S 2125 E (Jared Circle) in the Residential Estates (RE-15) Zone (Somerset Land LLC, Applicant; Sharon Clark, Authorized Representative)

Ben Hatfield indicated that the property is located in the Residential Estates RE-15 Zone and the site is 3.28 acres. The RE-15 Zone requires single family dwellings to be on lots no less than 15,000 square feet. The applicant has provided a narrative and concepts of the project.

The location of the proposed private R.O.W. is from a 29 foot gap that was left available for access when the subdivision creating Jared Circle was platted in 1992. In 2004, this property received a variance from the Board of Adjustment to allow for a right of way (R.O.W.) access for two lots. This approval was based the unique boundary conditions of the property which is surrounded by developed lots with only a 25 foot gap and frontage on Highway 89. As Highway 89 is a divided state highway, Utah Department of Transportation would not grant access due to traffic safety concerns. The approval was conditioned upon the private R.O.W. meeting at the time of subdivision, the design standards that were in place at the time.

Lot 1R in the Hidden Oaks Subdivision was a restricted lot and Utah Geological Survey cited that there were some steep slopes and soils but the review of the house plans would provide the support for one residence at the bottom where it was not so steep. A Geologic and Geotechnical report was submitted and reviewed by the county and the Utah Geologic Survey citing some concerns as to the slope and soils, but that with a review of the house plans the property would support one residence.

At the time of subdivision, the private R.O.W. will be required to meet:

1. All design, safety, and lot/parcel standards listed in Title 108 Chapter 7 Section 29 of the Weber County Land Use Code.
2. All recommendations made by applicable review agencies, approved plans, and reports.
3. A maintenance plan for the private R.O.W. must be put in place.

In addition to these standards, the request is required to comply with the criteria and conditions listed in Section 31, which is specific to access by a private R.O.W. These standards are listed below under "Summary of Planning Division Considerations." Approval of the private R.O.W. as the primary access does not act as approval of the future consideration of a subdivision plat.

Staff's recommendation is based on a number of conditions of approval. Prior to final subdivision approval, the applicants must also sign an agreement 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 R.O.W. with a street that would serve as a required access to additional lots.

Meeting applicable review agency requirements from the Weber County Engineering Division, A Natural Hazards and Hillside Review approval, installation of the proposed improvements, requirements of the Weber Fire District, completing and recording the subdivision, meeting the design criteria listed in Sec. 108-7-29 Access Easement Standards, and a cost and maintenance plan put in place for the approved care of private R.O.W.

Staff recommends approval of a private R.O.W. as the primary access for the proposed six lots. The recommendation is subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- This property has boundary conditions which limits typical access requirements in a unique way and is undesirable as the other property surrounding the site has been developed and access from Highway 89 is not approved from UDOT. It is therefore impractical for a full street or cul-de-sac to be required at this location.
- Due to the unique topography, steepness, and width construction of a county road it is impractical to provide a county road.

Commissioner Borklund asked if they should add that there will be no parking along the length of the right of way and that staff cannot approve the six lots. Ben Hatfield indicated that he believes that would be wise. Typically access exceptions can be approved administratively and approved by the Administrative staff however as this access exception is for consideration of six lots and has hillside review concerns, it was determined that the Planning Commission hear the proposal. It should be moved and stated that the Planning Commission reviewed the subdivision and the proposed improvements and feel that they can be adequately addressed. The design may not be a final improvement plan but at least a feasible design.

The members asked Ben Hatfield to review the applicable review criteria for the benefit of the audience. Mr. Hatfield reviewed the criteria at this time and indicated that the criteria are that they evaluate the lot that is being proposed and they would continue to support agricultural as a use of the property.

Commissioner Heslop asked if the ROW had been approved with prior plans that have come in, and Ben Hatfield replied yes and referred to the 2005 prior design. Those improvements did not go in. The width of the ROW was 29 ft. at the entrance which tapers down to 25 ft.

Donald Fulton indicated that he is partners with Sharon Jean-Clarke and they represent Somerset Lands which are the owners of record. Mr. Fulton indicated that he resides in Sandy.

Sarah Wichern, 6261 S 2125 E, stated that she lives across the street from the property in question. She has a Master's Degree in Civil Engineering and is a licensed Engineer in the State of California. Her concerns are the boundary conditions. The lots in her area are between 1/3 acres and ½ acre and the buildable part is very steep. There is at the very least one acre that is buildable. She doesn't believe that it is reasonable or feasible to sell the property with the feasibility of having six buildable lots.

Kimberly Fidler, 6266 S 2125 E, stated her home is adjacent to the passageway. Her biggest concern is that she moved into a cul-de-sac. She knew that the land behind them would be one building lot. By approving this, it would open it up to be a roadway with many cars and trips being made over that road way per day. Because her property is right up against that, she is concerned that it would encroach upon her property with the fire hydrant and she is concerned with the safety and privacy. She is concerned with development of that level.

Larry Garrett, 6254 S 2125 E, indicated that there are many children in the area along the road and cul-de-sac. The property is very steep. This is the third meeting he has been to with people trying to build on this property. He believes it is impractical to put six houses there.

Micah Kronmiller, who owns the lot on the east corner just above the applicant's property, stated that his concern is that the people on the east side of the ravine area; if land were to be taken away on that side of the ravine, he would be concerned that they would lose more land up above. They already have to replace soil that washes away from his land up above. If they have to cut the steep hill back even further, it would pose more problems to his land up on top of the ravine.

Brad Fidler, 6266 S 2125 E, stated that he pulled up a map and indicated that this property is in a landslide zone. He would be concerned that people would want to build a single-family home in a landslide zone.

Kevin Black, 6280 S 2125 E, stated that he lives two houses down from the easement. His concern is that to retain the hillside, they would have to dig out the hillside and then retain that. The costs involved in and to secure the hillside would be astronomical. He believes it goes down to 20-25 ft. The current road is more than the 25 ft. easement. Their children sled down the slope and it is a concern. The hillside, the slope and the road on the other side would have to be retained and maintained. It is a great concern to him. In fairness to the property owner, they would have to put in tremendous cost to retain and maintain the area.

Chair Whaley said that the role of the Planning Commission, generally speaking, is to follow their staff recommendations. This application is for an access exception. It is not a final approval of a subdivision.

Chris Crockett indicated that the question presented tonight is really quite narrow. Given the topography of the property, whatever happens tonight, the land will still have to go through the subdivision process, a hillside review, etc.

Chair Whaley stated as this proceeds, the process will continue to move forward when the subdivision process starts.

Kimberly Fidler sated that it was her understanding that the ROW was approved for one dwelling and tonight's decision is to allow more than one dwelling in the ROW. They all believe that right now they have the opportunity to stop what has happened for years. They are trying to show that it is not reasonable to allow more than one dwelling. She believes they are talking about the narrow scope. They all bought their homes when this private road had access for only one dwelling. To change that, she believes it is not reasonable to look at the property and envision more than one dwelling. She believes stopping it where it starts would be reasonable. There are concerns that it is not feasible.

Commissioner Greenwell indicated that it is yet to be determined whether it is right and feasible. He believes that what they are doing tonight would send it to the County Engineer to determine that. Commissioner Andreotti indicated that he believes it needs to follow the zoning rules and a subdivision application is not on the agenda tonight. The Planning Commission needs to follow the zoning rules and follow their process.

Brad Fidler asked if it would be feasible for someone to travel down the road where there is only one outlet. The roadway width is too narrow and is not wide enough to accommodate traffic to and from six homes. Chris Crockett believes that these are legitimate questions and he believes that information will come out after the experts review the information. As to whether to approve it tonight or not, it would have to be within the limits of the County Ordinance statute.

Commissioner Parke indicated that the approval isn't tied to a number. Right now, it is for access to one lot.

Rick Grover stated that this item could have been approved administratively because they wanted to notify the residents and make sure that they were aware. He has visited the site and also has concerns, but anyone has the right to make application and go through the process under the zoning rules to prove that the property can be developed with six lots. When the process gets to the subdivision level, the neighbors would all be notified. The access exception does not give any approval to any number of lots. They have approval for one restricted lot. UDOT will not give another access to that area, but there are more hoops that would have to be gone through, before it gets to subdivision approval.

Larry Garret asked if there is not access granted to the lot there. Rick Grover indicated that there is already access approved for one lot. If he meets the requirements, they can put one home there on a restricted lot. Ronda Kippen indicated that initially, it was approved for one flag lot. The code allows for the access exception with strict criteria. If it is fewer than five lots, the road has to be so much width. This is the first time they have been approved for an access exception.

Commissioner Borklund asked if the fire department had looked at it for being more than one lot. Ben Hatfield indicated that they were aware of the project and indicated that it would have to meet their standards, but they haven't seen an actual design to review yet. They would be concerned with the steepness, the clearance, the width of the road, the weight capacity, the length etc.

In answer to a question by Commissioner Parke, Commissioner Borklund stated that they would be giving false security to the owners saying that it could be developed into more than one lot when maybe it can't; they don't know that, they do not have enough information to say if it meets the standards. Chris Crockett indicated that they do not have the technical information right now to say what could happen right there.

Commissioner Borklund indicated that the ordinance they are looking at tonight would be based on whether it is impossible or impractical to extend any other access to that property. Chris Crockett read LUC 108-7-31 as shown in the meeting packets at this time.

Kimberly Fidler stated that her question would be is it practical or feasible to allow more than one homes worth of traffic into a cul-de-sac. Is there a way to make their motion so that it is contingent upon approving the questions that they have so that it is not falsely presented (an access that isn't really accessible)? Chair Whaley stated that this is a valid comment and they had the discussion earlier regarding parking. He wants to make sure they are focusing on what is on the table before them.

Ronda Kippen stated that access exceptions expire eighteen months after the date of approval of the Land Use authority. Land Use Code Title 108-7-29.4 states that the subdivision would have to be completed and recorded 18 months from the date of approval of the exception. Commissioner Heslop asked if that would mean the prior right of way has expired, and Ms. Kippen replied, no because it is recorded and platted. Chris Crockett stated that there is a difference between a right of way and an access exception.

Commissioner Borklund looked at the subdivision ordinance regarding street grades. Does the 15% percent requirement for a street apply to this? Ben Hatfield replied no; it is considered a private driveway. There is not a standard as far as the grade of a driveway. In this case, the access would have to be less than 15%. As Lot 1 is platted, they would have water and sewer provided from Uintah Highlands Water and Sewer District from the cul-de-sac and it would be a lift station that would pump the water up to the service main.

Commissioner Borklund asked staff to clarify that the applicants are asking for the width entire 25 ft. length. Ben Hatfield replied yes. Commissioner Borklund also asked staff to clarify that one of the conditions they are asking for is that there be no parking along the right of way. She believes this should be part of a motion.

Commissioner Parke asked staff to clarify that based on what they have heard tonight, there is no way they could deny the access exception tonight. Ben Hatfield indicated that the staff report lists all the criteria and standards that the application would have to meet.

Commissioner Borklund stated that the narrowness and the steepness is still a concern to her. Commissioner Parke agreed. She believes they can't say that they can have approval for more than one lot knowing what the property looks like. Rick Grover stated that is why they have to rely on the professionals to show that and while they all look at it and wonders how it is going to work, they still have the ability to hire a professional to show how it can and to prove to them how it can. Commissioner Parke indicated that what they are saying whether it is six or 20 lots, that they don't know that the road that could be constructed in there would be adequate or if it would meet the county's requirements for a street.

Rick Grover indicated that that is what would be addressed at the time of subdivision approval.

Commissioner Borklund stated that if Rick Grover did not feel comfortable approving it, why shouldn't they have to be concerned? Rick Grover stated that he wanted the residents to be able to voice their concerns before it reached the subdivision level. He didn't want anything to happen behind closed doors and he wanted everything out in the open.

Chair Whaley indicated that this is a useful and productive public hearing for them to be able to see what the concerns are. He understands that the owner has the right to develop his property within the county regulations. This access exception is a stepping stone that the applicant has to pass in order to get all the other issues discussed during a subdivision approval process. Chris Crockett indicated that there will be questions that will have to be answered.

Larry Garrett indicated that in his common mind it seems like to him they are putting the cart before the horse. It seems like they are granting access without knowing that the access could be feasible or practical.

Brad Fidler asked the minimum width that a multi-lot subdivision area would need to have for safety concerns. Ben Hatfield indicated that the minimum ROW width is 16 ft. with a travel surface of 12 ft. Once you exceed 5 lots or exceed a certain distance from the roadway, the Fire Marshal states that it be 20 ft. Ronda Kippen referred to LUC Title 108-7-29.1b and c. Ben Hatfield stated that a 50 ft. ROW would probably have 24 ft. width of asphalt and includes curb, gutter and sidewalk and sometimes it has been reduced to 20 ft. in PRUD's. This is more like a driveway that would serve five or more residences.

Chris Crockett stated that the ability to ask the question for subdivision preliminary approval, the code provides the criteria that a ROW has to meet. It could be a big financial burden to a developer to go through the entire subdivision process only to find out that it could not have adequate access. This is a question or way that can be answered before it gets to the subdivision level. Ronda Kippen replied that Mr. Crockett is correct. The subdivision code requires that they answer certain criteria and questions.

Donald Fulton stated that they are only asking for an access exception to the property. It doesn't entitle them to develop it or any subdivisions. In order to develop into a subdivision, it would have to meet the subdivision code and be reviewed by the reviewing agencies.

Commissioner Parke stated that it is their duty to support the code, not the staff's recommendation. Based on the criteria presented, they have to approve the access exception today even though it is contrary to what they want to see done. There really isn't a question to debate. Chair Whaley indicated that they want the community to be aware of the process which is why it was placed on the agenda. Commissioner Borklund stated that they don't know how steep the property is and how steep the road is going to be. Commissioner Heslop stated that the question is can they get to the property to determine that.

Sarah Wichern asked if there was anything in the code that prevents people from changing the intended use of the property or that protects the neighbors from so much traffic going through a cul-de-sac. Rick Grover indicated that if there are permitted uses in the zone in which a property is located and someone wanted to have a different use, then the new use as a permitted use in the zone in which their property is located it would be approved. Codes change all the time, so it would depend on the code regulations at the time of application.

Commissioner Borklund stated that they would have to meet setback requirements also, and she believes it will be tricky. If they approve the item the way it is listed on the agenda, it is confusing. Sarah Wichern stated that she believes that the reason they are asking for six lots is that they are asking for 29 feet, which puts them in the code requirement of if it is over five lots, it would require 20 ft. road width. In answer to Chair Whaley who asked that staff clarify the code regarding road width improvements, Ronda Kippen stated that with fewer than five lots, 16 ft. is allowed and for over five lots, 20 ft. is required. There is no limit on the number of lots.

Kimberly Fidler stated that it does not make sense to her that the planning commission has to approve an access exception. If you are asking for an exception, it is an exception; the rules have already been established. She appreciates the notice given so that they could be here. She feels like there was a reason why the planning commission wanted to hear their concerns, but she feels like they don't want to approve this so she is unclear as to why they have to approve it. Chris Crockett indicated that they have to answer the question based upon how it was asked; why their concerns exceed the narrow scope of that question. Commissioner Borklund indicated that they do not have to say it is for more than one lot. Chris Crockett indicated that legally they are not approving six lots no matter what they do; that question has not been asked of them.

MOTION: Commissioner Borklund moved that they recommend approval for the private right of way for primary access for a one-lot subdivision based upon the findings that there is a typical access requirement that only allows a unique way and is undesirable for other access to the property and limited to one lot with the criteria 1b and 2b. Commissioner Parke seconded the motion.

DISCUSSION:
Chair Whaley asked Legal Counsel if he had a question. Chris Crockett said the purpose for the question and for this application is so that they can ask the question to subdivide the property of six lots. They already have the access for one lot. He believed that it's platted and was approved, so they wouldn't be approving the subdivision; it's already there. Commissioner Parke said they would be approving a wider access, is that's what they are doing with one lot? Mr. Crockett said they have to ask if their motion is going to allow the applicant to proceed forward and present a subdivision application. Commissioner Borklund said that was her motion. Chair Whaley asked Commissioner Borklund to restate her motion with offset that she was going to talk about parking or does she want to add that in there or just leave it out. Commissioner Borklund replied yes, she would like to include that in the motion.

Commissioner Borklund clarified her motion and stated that they would recommend approval for the private right of way for primary access for a one-lot subdivision based on the findings that there is a typical access requirement that only allows a unique way and is undesirable for other access to the property and limited to one lot. It is subject to meeting all the recommendations of the County Engineering Department, Hillside Review approvals, installation of the required improvements, requirements of the Fire District, and that no parking would be allowed along the access road.

Chair Whaley asked the commissioners if they had a clear understanding of what the motion is. Commissioner Andreotti said that he had a clear understanding as well as Commissioners Heslop and Greenwell.

Chris Crockett indicated that they are not approving a one-lot subdivision; that is already platted.

Vote: A vote was taken with Commissioners Borklund, Andreotti, Greenwell, Parke, and Chair Whaley voting aye. Motion Carried (5-0).

2. Public Comment for Items not on the Agenda

Brent Fowers, 4393 W. 4300 S., Ogden UT 84401, stated that he has come before this Planning Commission. They do not have any parks in the area. They would like to set up a Park District in that area and then instead of having smaller parks there, then they could turn any money received into land that they could set aside for a larger park.

Rick Grover indicated that they are meeting with the West Warren Park District to begin discussions regarding increasing their Park District in the near future. They are starting a grass roots dialogue as has happened in the past but died or fizzled. Kathy Verniew stated that she and Brent Fowers would also like to attend the park district expansion meetings.

Brent Fowers asked if it was legal to transfer those rights from a smaller open space park area in a cluster subdivision to the district. Rick Grover stated that they first start with the General Plan to determine if and where they would like parks. Right now, they don't have a park district to implement that. They do have private businesses that donated to the West Warren Park District.

Commissioner Heslop indicated that in the General Plan, the only area designated for a park is in the West Weber, West Warren, Taylor area that is behind West Weber Elementary School.

Rick Grover indicated that t RMHP Plan will start the discussion but it will not be part of the General Plan yet. There have not been funds set aside yet for the General Plan update. Chair Whaley asked that they be apprised of any park expansion or designation meetings.

Commissioner Parke asked to be excused at 6:56 p.m.

1.4. DISCUSSION: PRUD Code related to Bonus Density – Scott Mendoza

Today the county may approve up to a 50% bonus. In the County's PRUD Code, Title 108 Chapter 5, it is rare that developers would present a PRUD to them because there is a lot of upfront cost. For a PRUD, an applicant would have to come before the Planning Commission with landscape plans, elevations for the housing types, the uses that are in a PRUD, open space, materials, Architectural styles, and colors, etc. The trade-off is a relaxation of the rules. The Planning Commission would be able to get a feel of the type of community the proposal would bring. The question he would like to ask tonight is if they would ever consider taking what is in the PRUD Code (a 10% bonus max potential) and increasing that bonus potential. If they like the development pattern in the PRUD, the 10% bonus is not much of an incentive. If the Planning Commission likes the development patterns that the Cluster Subdivision offers patterns and they like the preservation that it can provide, whether it is agriculture or just open space, the PRUD Code can also offer these types of things, but 10% is not much of an incentive. A PRUD development is more detailed.

In answer to a question by Chair Whaley, Mr. Mendoza stated that a cluster subdivision requires a financial guarantee. The conditional use permit acts like a conceptual approval. Brad Blanche is here tonight and staff sat down with him a little while ago and discussed this issue. He has a piece of property in the western county area that he would like to develop. Mr. Mendoza indicated that the minimum width open space in the cluster subdivision code is 75 ft. and requires that there be at least 3 lots in a cluster but no more than 20 lots. Mr. Blanche's PRUD concept shows larger, less chopped up, open spaces. The open spaces are larger and more useable.

Brad Blanche stated that when they looked at the cluster ordinance, they found it was restrictive and they were trying to figure out how they would get 20 lots surrounded by 75 ft. of open space and they also wondered what they would do with that space. They wanted to honor the agricultural environment in the area that this property is in, but with 75 ft. swathes, it almost makes it impossible to utilize the ground for the cluster concept. He believes the PRUD concept would allow them to provide a development with useful open space such as a park and it wouldn't be as restrictive as the cluster subdivision requirements. They drew up a proposal of what they wanted the PRUD to look like as far as large open space

parcels that allows useful open space. Their design is designed with 50% open space bonus density. Mr. Blanche indicated that the project would not be financially viable using only a 10% open space bonus density and he believes it would not be a design that anyone would want.

Commissioner Heslop visited the agri-topia area at the National Conference. There were (450 units, 2 restaurants, a retirement home and a private school, etc. in that development). He was excited about this project and revisited the area after the conference was over. He understood that they asked for an exemption so that they could set up some things within their community. Their property line starts at the curb, but the front yards are managed by a HOA so there is uniform maintenance. The sidewalks are on private property but have public access. He was very impressed. There was a range and variety of houses and sizes of house. There were no fences around the houses except around a swimming pool. Every house has to have a front porch with tree lined streets. Initially, when they started selling them they were in a housing boom, and then they went through a bust; now they are getting to where they have the people who want to be there. They are working on a community garden area where they have the year-round capability of growing vegetables with the climate that is there. He was impressed that the chickens ran through the orchards. They are going to put in a bunch of apartments and it is literally a lifetime community.

Scott Mendoza stated that a lot of their conversation was what lots could be marketed and it was really about aging in place. Instead of coming in to be exempt from the county's rules, they have the ability to come in as a PRUD and based on the concept of the information submitted to them, they have the ability to relax the rules and allow them to build something similar to agri-topia.

Brad Blanche stated that his concept would not take in anywhere near the density of what agri-topia has. He would love to do something a little different that is more agriculture oriented than what the current PRUD Ordinance allows them to do. The 50% bonus gets them closer, but today they couldn't do it. Scott Mendoza stated that they even spoke about neighborhood-scale commercial.

Ronda Kippen stated that the PRUD plans could be anywhere from the starter homes to the midlife home to the end of life residence.

Brad Blanche stated that on his property there is a significant amount of water available but they are trying to think environmentally also so that excess water could be used elsewhere.

Commissioner Andreotti indicated that in his mind he doesn't believe that the cluster subdivision is sustainable. He believes that there should be a certain element in landscaping to make it pleasing. He envisions a place where people want to come and that's the thing he likes about the PRUD because in his mind it is more sustainable especially if it has other amenities, but it is more expensive. He would like to see Mr. Blanche bring in the amenities and things that people would like to see there and so they would be able to stay in the area no matter what the stage of life someone is in.

Commissioner Borklund stated that you could have a clubhouse, pools, etc. or other things as an amenity. Commissioner Andreotti stated that to him, they want to have places where people want to be to see if there is some way of making it a place where people want to gather.

Scott Mendoza stated that they have had CSA's, Community supported agriculture. There is a new thing called a, DSA Density Supported Agriculture. In a PRUD, they can create plaza areas where people could gather. If staff has the Planning Commission's blessing, they could move forward further addressing this.

Commissioner Heslop indicated that personally, he believes they need to proceed with it. He believes people want community and feel like they belong. In the Agri-topia project in Arizona, they produce more than the local people can purchase. They contribute harvested vegetables, and other product to community baskets. It was an interesting concept to witness on the 150-acre development. The majority of the housing has secondary housing or businesses but they will

not allow an automotive repair shop due to the noise generated. Almost any other business other than an automotive repair shop is allowed.

Commissioner Borklund stated that she would agree they should move forward exploring the idea.

Commissioner Greenwell asked if a coffee shop or bakery would be allowed on the open space or would they have to come in and take up one of the lots. Scott Mendoza indicated that they would be on parcels within the subdivision. They may even have work space below and living space above.

Ronda Kippen indicated that for the smaller PRUD's, it would not fit, but for Mr. Blanche's concept it would.

Brad Blanche indicated that with an organic farm, you wouldn't want a lot of property, probably a 10-12 acre parcel of property. The goal would be to have 10-30 acres of organic farming in his concept. It is a unique property but there are no old farm houses there; however, with the work that has been done on the Weber River, he believes it makes it a unique and a good candidate for this type of development. There is a large property where they don't have water. He would like to maximize the water available and be environmentally friendly. His brother in law is a landscape architect in Oregon and has turned him onto some ideas he would like to explore. If they got 50% bonus in clustering, what is wrong with having 50% in PRUD's? The Commissioners expressed that they believe they should start at 50%. They should see what qualifies for greenbelt and that may alleviate the smaller lots from this. Mr. Blanche indicated that he would like to begin dialogue with them.

Commissioner Heslop stated that in Agri-topia, they plant alfalfa under their citrus trees and they have a portable chicken coop so that the manure doesn't concentrate in one area. They move their water containers as well. Ronda Kippen stated that that would probably keep the bugs down and control the use of pesticides.

Brad Blanche indicated that there is the concept in Ohio (a 300 acre development) that is becoming a trendy thing right now.

3. Remarks from Planning Commissioners

Commissioner Heslop expressed his thanks for the county sending him to the National Conference. There were several work sessions that were excellent. He could present his findings at a meeting where there is a small agenda.

4. Planning Director Report

On the May 24th, there is a combined Training Session with Brent Bateman to begin at 5:00 p.m.

Rick Grover stated that he appreciated the members working with staff and being willing to meet in the break-out room with the County Commission meeting being held in the County Commission Chambers.

5. Remarks from Legal Counsel - None

6. Adjourn

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Sherri Sillitoe, Secretary
Weber County Planning Commission

Weber County

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

Western Weber Township Planning Commission
NOTICE OF DECISION

June 16, 2016

Sharon Jean Clark
Donald Fulton
P.O. Box 65999
SLC, Ut 84165

Case Number: Access Exception (AE 2016-01)

You are hereby notified that your Access Exception application for the Hidden Oak Subdivision, located at approximately 6260 South Jared Way, was approved by the Western Weber Township Planning Commission in a public meeting on May 10, 2016 after due notice to the general public. This approval is subject to the following conditions:

1. The requirements of staff and other applicable review agencies.
2. That the private right of way be used for primary access for a one lot subdivision.
3. Recommendations of the County Engineering Division.
4. Hillside Review approvals.
5. Installation of the required improvements.
6. Requirements of the Fire District.
7. That no parking would be allowed along the access road.

The minutes from the May 10, 2016 Western Weber Township Planning Commission meeting will be available from the Weber County Planning Division Office in approximately one month. To obtain the minutes please contact Sherri at 801-399-8794.

Sincerely,

Ben Hatfield
Weber County Planning Division

****

The decision of the Planning Commission may be appealed to the Board of Adjustment by filing such appeal within 15 days after the written decision.

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Board of Adjustment Review

The Board of Adjustment convenes as necessary to review applications for variances, deviations, interpretations, and appeals as outlined below.

A pre-application meeting is required prior to application submittal; please call (801) 399-8791 to make an appointment. Date of pre-application review meeting: 6/27/16 Time: 9:30 AM

- **Staff member assigned to process application:** Ben Hatfield

APPLICATION DEADLINE: Thirty (30) days prior to the applicable Planning Commission meeting

The Board of Adjustment meets on the 2nd and 4th Thursdays of the month as needed.

Application Submittal Checklist

The Planning Division will only accept complete applications with supporting documents as outlined below. Submitting an application does not guarantee that your application will be placed on the next Board of Adjustment agenda.

The following is required as part of the application form submittal:

- ☐ Complete Application Form
- ☐ A non-refundable fee made payable to Weber County (see *Fee Schedule* below)
- ☐ Obtain signature of the owner(s) on the application and any authorized representatives
- ☐ All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.
- ☐ A narrative explaining your request. If your request is for a variance please explain how the request meets the requirements for: (see *Review Criteria*).

Fee Schedule

Property Zoning RE 15 Fee Required _____

- Board of Adjustment Review $225

Duties and Powers of the Board of Adjustment

1. To act as the appeal authority from decisions applying and interpreting the Weber County Land Use Code and Zoning Maps.

2. To hear and decide variances from the requirements of the Weber County Land Use Code.

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Procedure

The Board of Adjustment shall adopt rules and regulations, consistent with Utah state code and Weber County ordinances, for conducting its business and may amend such rules from time to time. Such rules may include policies and procedures for the conduct of its meetings, the processing of applications, the handling of conflict of interest and any other purpose considered necessary for the functioning of the board.

1. Application and Notice.

    A. Any person or entity wishing to petition the Board of Adjustment for an appeal or interpretation of the Land Use Code or Zoning Maps, or for a variance from the requirements of the Land Use Code may commence such action by completing the proper application and submitting it to the Weber County Planning Division office. Applications must be submitted at least 30 days prior to the date of the meeting at which the application will be considered. The application must clearly explain the appeal, interpretation, or variance being requested, and must be accompanied by the required fee and applicable supporting information.

    B. After a complete application has been submitted and accepted, the Planning Division shall prepare a staff report to the Board of Adjustment, schedule a meeting of the Board, and send notice to property owners within 500 feet of the parcel on which the request has been made. Notice may be sent to other interested persons or organizations upon written request.

2. Meeting.

    A. The Board of Adjustment shall hold a public meeting to decide upon the appropriate action to be taken on an appeal, variance, or interpretation request. The concurring vote of at least three (3) of the five (5) Board members is required to decide in favor of the request.

3. Decision and Minutes.

    A. After the Board of Adjustment has made a decision, a notice of decision shall be prepared by the Planning Division, signed by the Board of Adjustment Chair or the Chair's designee, and sent to the appellant in accordance with Chapter 31 Section 4 of the Weber County Land Use Code. This notice acts as the Board's written decision for an appeal, variance, or interpretation request. Decisions of the Board of Adjustment shall be final at the time a notice of decision is issued.

    B. The minutes of all meetings of the Board of Adjustment shall be prepared and filed in the Weber County Planning Division office. The minutes shall be available for public review and access in accordance with the Government Records and Access Management Act.

4. Expiration.

    A. If the Board has decided in favor of a variance request, the approval is valid for a period of 18 months. If an approved variance request has not been acted upon within this time frame, the approval shall expire and become void.

    B. If the Board has made an interpretation to the Zoning Map or Land Use Code, the interpretation is valid until an amendment to the Zoning Map or Land Use Code is made which changes the conditions upon which the interpretation or decision was made.

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5. Appeal of Decision.

   A. Appeals from decisions of the Board of Adjustment are made directly to the District Court as designated in Utah state code.

Decision Criteria and Standards

1. Appeals from decisions applying and interpreting the Weber County Land Use Code and Zoning Maps

   A. The Board of Adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Weber County Land Use Code and Zoning Maps.

   B. The Board of Adjustment may hear only those decisions in which the land use authority has applied the Weber County Land Use Code or Zoning Maps to a particular application, person, or parcel.

   C. The appellant has the burden of proof that the land use authority erred.

   D. All appeals to the Board of Adjustment shall be filed with the Planning Division not more than 15 calendar days after the date of the written decision of the land use authority.

   E. Appeals to the Board of Adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.

2. Variances from the requirements of the Weber County Land Use Code

   A. Any person(s) or entity desiring a waiver or modification of the requirements of the Weber County Land Use Code as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Use Code.

   B. The Board of Adjustment may grant a variance only if the following 5 criteria are met:

      1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.

         a. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

         b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

      2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.

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a. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

5. The spirit of the land use ordinance is observed and substantial justice done.

C. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

D. Variances run with the land.

E. The appeal authority may not grant a use variance.

F. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:

1. Mitigate any harmful effects of the variance; or

2. Serve the purpose of the standard or requirement that is waived or modified.

For Your Information

This application can be found at the following Planning Division web site: www.co.weber.ut.us/planning. Copies of the applicable Weber County Land Use Code and other helpful information are also available at this web site.

Weber County Board of Adjustment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
6/24/16	$225.00		

Property Owner Contact Information

Name of Property Owner(s)	Mailing Address of Property Owner(s)
Somerset Lands LLC, Donald Fulton/Sharon Jean Clark	PO Box 65999 SLC, UT 84165
Phone: 3852424277 / **Fax:**	
Email Address: bluemohomes@gmail.com	**Preferred Method of Written Correspondence:** [X] Email [ ] Fax [ ] Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)	Mailing Address of Authorized Person
Donald Fulton	PO Box 65999 SLC, UT 84165
Phone: 3852424277 / **Fax:**	
Email Address: bluemohomes@gmail.com	**Preferred Method of Written Correspondence:** [X] Email [ ] Fax [ ] Mail

Appeal Request

[X] A hearing to decide appeal where it is alleged by appellant that there is an error in any order, requirement, decision or refusal in enforcing of the Zoning Ordinance

[ ] A variance request:

__ *Lot area* __ *Yard setback* __ *Frontage width* __ *Other:* _____

[X] A Special Exception to the Zoning Ordinance:

__ *Flag Lot* X *Access by Private Right-of-Way* X *Access at a location other than across the front lot line*

[ ] An Interpretation of the Zoning Ordinance

[ ] An Interpretation of the Zoning Map

[ ] Other: _____

Property Information

Approximate Address	Land Serial Number(s)
6260 So. Jared Way (2125 E.) Ogden, UT 84403	Parcel ID: 076650001
Current Zoning: RE 15	

Existing Measurements		Required Measurements (Office Use)	
Lot Area: 3.38 Acres	**Lot Frontage/Width:** 529.01	*Lot Size (Office Use)*	*Lot Frontage/Width (Office Use)*
Front Yard Setback: 30'	**Rear Yard Setback:** 30	*Front Yard Setback (Office Use)*	*Rear Yard Setback (Office Use)*
Side Yard Setback: 10	**Side Yard Setback:** 10	*Side Yard Setback (Office Use)*	*Side Yard Setback (Office Use)*

Applicant Narrative

Please explain your request.

Please review the Notice of Decision by the Planning Commission Dated June 16, 2016. Please review the minutes of the Planning Commision Meeting Dated May 10th, 2016.

We request an appeal of the language of the decision of the Planning Commision - Notice of Decision, line 2.

Grounds for request:
1) The zoning ordinance requires lots in this zone to have a minimum of 15000 square feet per lot. The recorded plat by Reeve and Associates shows a total area of 147244 square feet. The number of lots that may be placed on this land are to be determined during subdivision procedure and not at the acceptance of an Access Exception. The scope of the planning meeting and decision of the planning commission was very narrow as stated during the meeting by the county Attorney Chris Crockett.

2) The way the motion was worded and passed occurrs as a denial masked as an acceptance. It went against staff recommendations and was not relevant to the application presented. An application for an Access Exception - denying owner rights per Land Use Code and the Zoning Ordinance.

3) We request that line 2 of the Notice of Decision be stricken. It is irrelevant. ROW's are distinct from Access Exceptions as are the rules that govern them.

4) The planning commision errored in that it did not make a motion specific to the application. The application was for an Access Exception - typically an administrative decision based on planning and staff recommendations.

Variance Request

Explain how the variance will not substantially affect the comprehensive plan of zoning in the County and that adherence to the strict letter of the ordinance will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

Variance Request (continued...)

List the special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

Based upon the previously stated special circumstances, clearly describe how the property covered by this application is deprived of privileges possessed by other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same zone.

Variance Request (continued...)

Explain how the previously listed special circumstances are not considered to be economic or self-imposed hardships.

Property Owner Affidavit

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

_____ (Property Owner)

_____ (Property Owner)

Subscribed and sworn to me this _____day of _____, 20 _____,

_____ (Notary)

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

_____ (Property Owner)

_____ (Property Owner)

Dated this _____day of _____, 20 _____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

_____ (Notary)