

WEBER COUNTY PLANNING DIVISION

Administrative Review Meeting Agenda Amended

**June 28, 2017
4:00-5:00 p.m.**

- 1. Consideration and action on an administrative application, final approval of Combe Subdivision No. 3. Applicant; Brent and Carol Hadley.**
- 2. Consideration and action on an alternative access request to use a private right-of-way as the primary access for two parcels considered to be legal Lots of Record. Applicant; Eric Householder.**
- 3. *Adjournment***

The meeting will be held in the Weber County Planning Division Conference Room, Suite 240, in the Weber Center, 2nd Floor, 2380 Washington Blvd., Ogden, Utah unless otherwise posted



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



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an administrative application, final approval of Combe Subdivision No 3.
Type of Decision: Administrative
Agenda Date: Wednesday, June 28, 2017
Applicant: Brent and Carol Hadley, owner
File Number: LVC 040417

Property Information

Approximate Address: 2247 Combe Road, Uintah, UT
Project Area: .85 acres
Zoning: Residential Estates (RE-15) Zone
Existing Land Use: Residential
Proposed Land Use: Residential
Parcel ID: 07-353-0004, 07-086-0063
Township, Range, Section: T5N, R1W, Section 23

Adjacent Land Use

| | | | |
|---------------|-------------|---------------|-------------|
| North: | Residential | South: | Residential |
| East: | Residential | West: | Residential |

Staff Information

Report Presenter: Felix Lleverino
fleverino@co.weber.ut.us
801-399-8767
Report Reviewer: RK

Applicable Ordinances

- Title 101 (General Provisions) Section 7 (Definitions)
- Title 104 (Zones) Chapter 3 (RE- 15 Zone)
- Title 106 (Subdivisions)
- Title 108 (Drinking Water Source Protection)

Background and Summary

The applicant has submitted a proposal for a two lot subdivision. The proposed subdivision includes an unsubdivided parcel identified as 07-086-0063 and all of Lot 2 of the Combe South Estate No. 1 Subdivision (see Exhibit A, B and C). This proposal is located in the Uintah Highlands and is in the Residential Estates (RE-15) zone. The proposed Lot 1 has access and frontage along Combe Road, a public right of way and Lot 2 has frontage and access from Jared Way, a public right of way.

The proposed subdivision and lot configuration are in conformance with the applicable zone and subdivision requirements as required in the LUC. The following is a brief synopsis of the review criteria and conformance with the LUC.

Analysis

General Plan: The Combe Subdivision No. 3 is in harmony with the Western Weber General Plan by implementing residential development within the RE-15 Zone that allows for increased density.

Zoning: The property is located in the RE-15 Zone. The purpose of this zone is stated in the LUC §104-3-1 as follows:

"The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone."

This proposal meets the purpose and intent of the Weber County Land Use Code.”

Lot Area, Frontage Width and Yard Regulations: Lot 1 will contain 18,733 sq. ft. and is 147 ft. wide, lot 2 will contain 18,641 sq. ft. and is 137 ft. wide.

The site development standards for the RE-15 Zone are as follows:

Minimum Lot Area: 15,000 sq. ft.

Minimum Lot Width: 100 Feet

The Yard Regulations for the RE-15 zone are as follows:

Front: 20 feet

Sides: 8 feet

Rear: 20 feet

Small Subdivision: The Weber County Land Use Code (Title 101) defines a “small subdivision” as “An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned.” This subdivision consists of two lots and no new streets are being created or realigned. Based on these provisions, this subdivision qualifies for administrative approval as a small subdivision.

Culinary Water and Sanitary Water: A “Will Serve” letter from Uintah Highlands Improvement District has been submitted stating that culinary water and wastewater services are available for Lots 1 and 2 (see Exhibit D).

Additional design standards and requirements: There is an existing house on the proposed Lot 2. The proposed subdivision does not require the realignment of or the creation of a new street system.

This proposal lies within a Drinking Water Source Protection Zone 3. Due to the potential for ground water contamination Weber County land use code lists specific restrictions for this zone. The current residential uses do not violate the Drinking Water Source Protection Regulations.

With the exception of the recommended conditions identified in this staff report additional standards and requirements are unnecessary at this time.

Review Agencies: Applicable Weber County review agencies have approved this proposal.

Tax Clearance: There is no record of past delinquent tax history and no outstanding tax bills on these parcels.

Public Notice: Noticing requirements, according to LUC 106-1-6(c), have been met by mailing notices out to all property owners of record within 500 feet of the subject property.

Staff Recommendations

Staff recommends final plat approval of Combe Subdivision No. 3 consisting of 2 lots. This recommendation is based on the following conditions:

1. Prior to recording the final Mylar, all requirements of the Weber County reviewing agencies shall be met.

This recommendation is based on the following findings:

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

Administrative Approval

Administrative final approval of Combe Subdivision No. 3 is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: _____

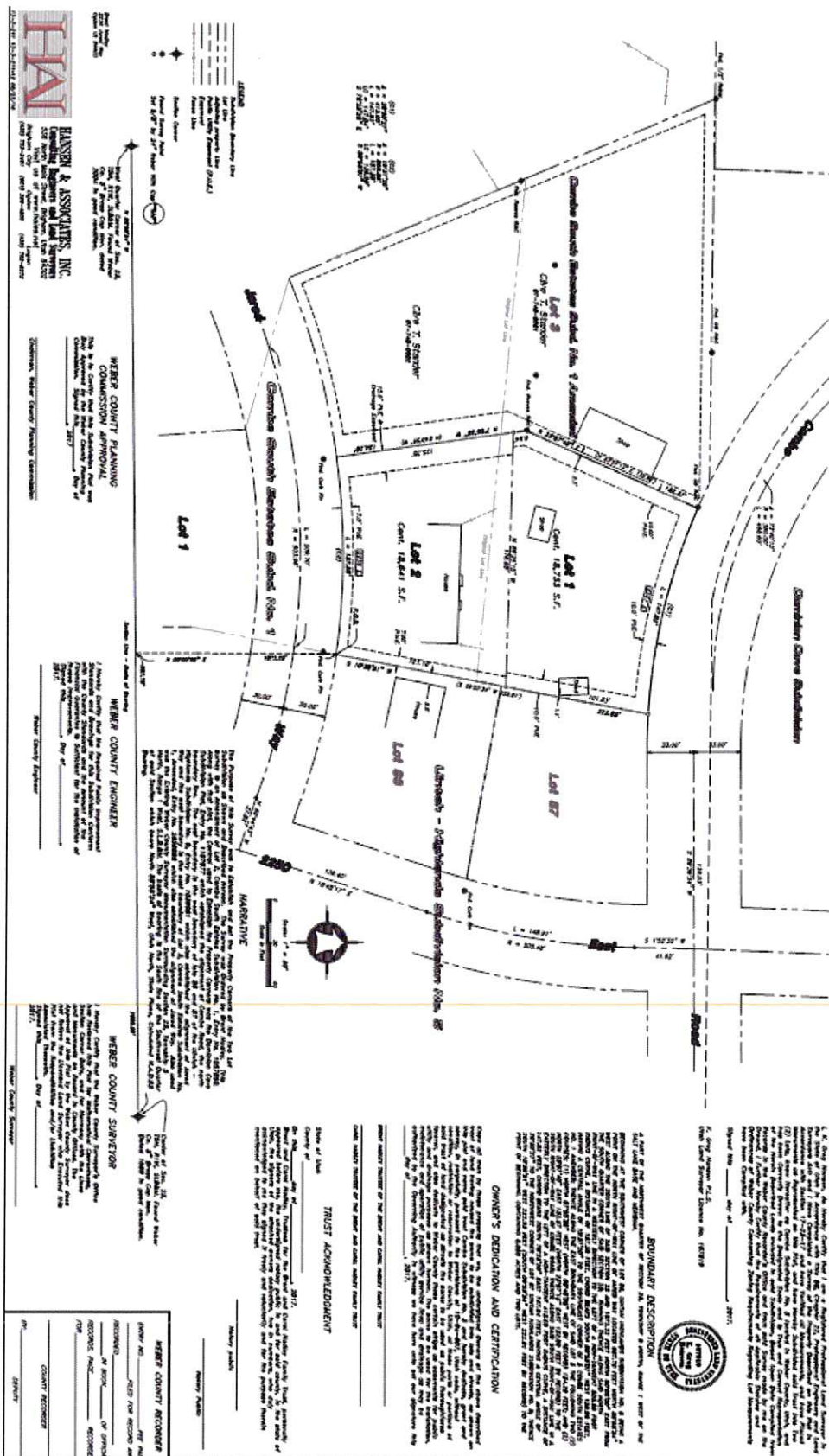
Rick Grover
Weber County Planning Director

Exhibits

- A. Combe Subdivision No. 3
- B. Original Combe South Estates No. 2
- C. Current Recorders Plat
- D. Feasibility Letters

Area Map

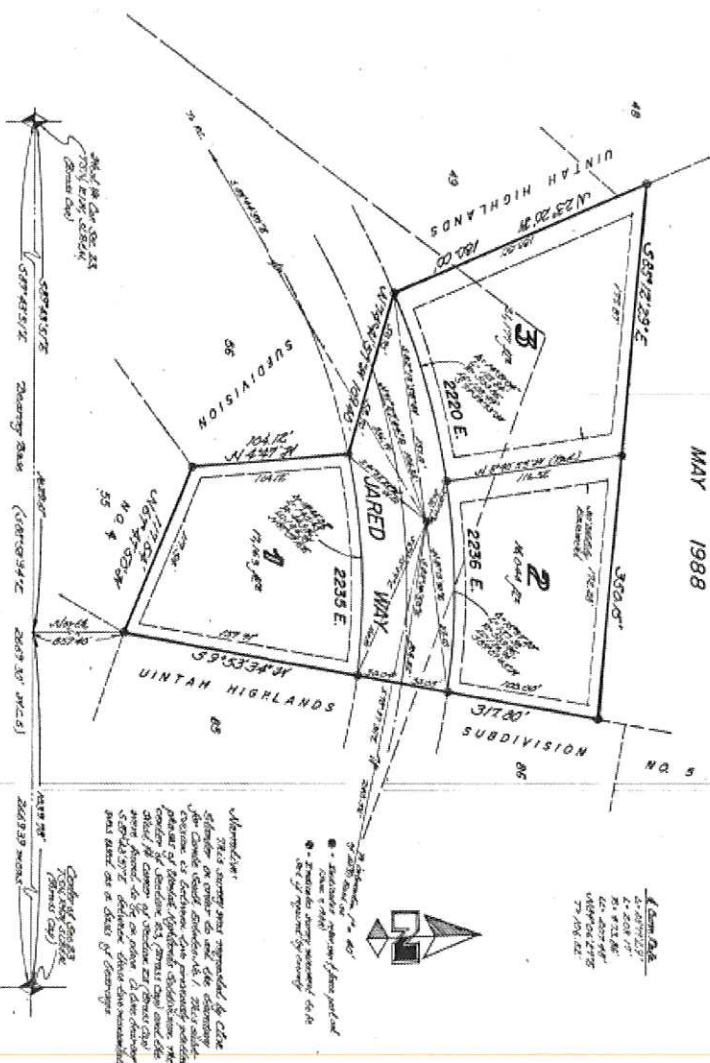




06-02

COMBE SOUTH ESTATES NO. 1

A PART OF THE NW 1/4 OF SECTION 23, T5N, R1W, S1B3M U.S. SURVEY
WEBER COUNTY, UTAH
MAY 1988



WEBER COUNTY ATTORNEY
I have examined the foregoing plat and find it conforms to the laws of the State of Utah and the rules of the Board of Survey and Mapping, and I am satisfied that the same is correct and true to the original survey and map on file in the office of the County Engineer.
Signed this 11th day of July, 1988.
Paul W. [Signature]
Attorney

NOTE: I hereby certify and declare that the foregoing plat and map are correct and true to the original survey and map on file in the office of the County Engineer.
GREAT BASIN ENGINEERING, INC.
COUNTY ENGINEER
CORPORATE OFFICE
CORPORATE OFFICE
CORPORATE OFFICE

WEBER COUNTY ENGINEER
I hereby certify that I have examined the foregoing plat and map and find it conforms to the laws of the State of Utah and the rules of the Board of Survey and Mapping, and I am satisfied that the same is correct and true to the original survey and map on file in the office of the County Engineer.
Signed this 15th day of July, 1988.
Paul W. [Signature]
County Engineer

WEBER COUNTY COMMISSIONER APPROVAL
This is to certify that the foregoing plat and map are correct and true to the original survey and map on file in the office of the County Engineer.
Signed this 15th day of July, 1988.
Paul W. [Signature]
County Commissioner

WEBER COUNTY COMMISSIONER ACCEPTANCE
This is to certify that the foregoing plat and map are correct and true to the original survey and map on file in the office of the County Engineer.
Signed this 15th day of July, 1988.
Paul W. [Signature]
County Commissioner

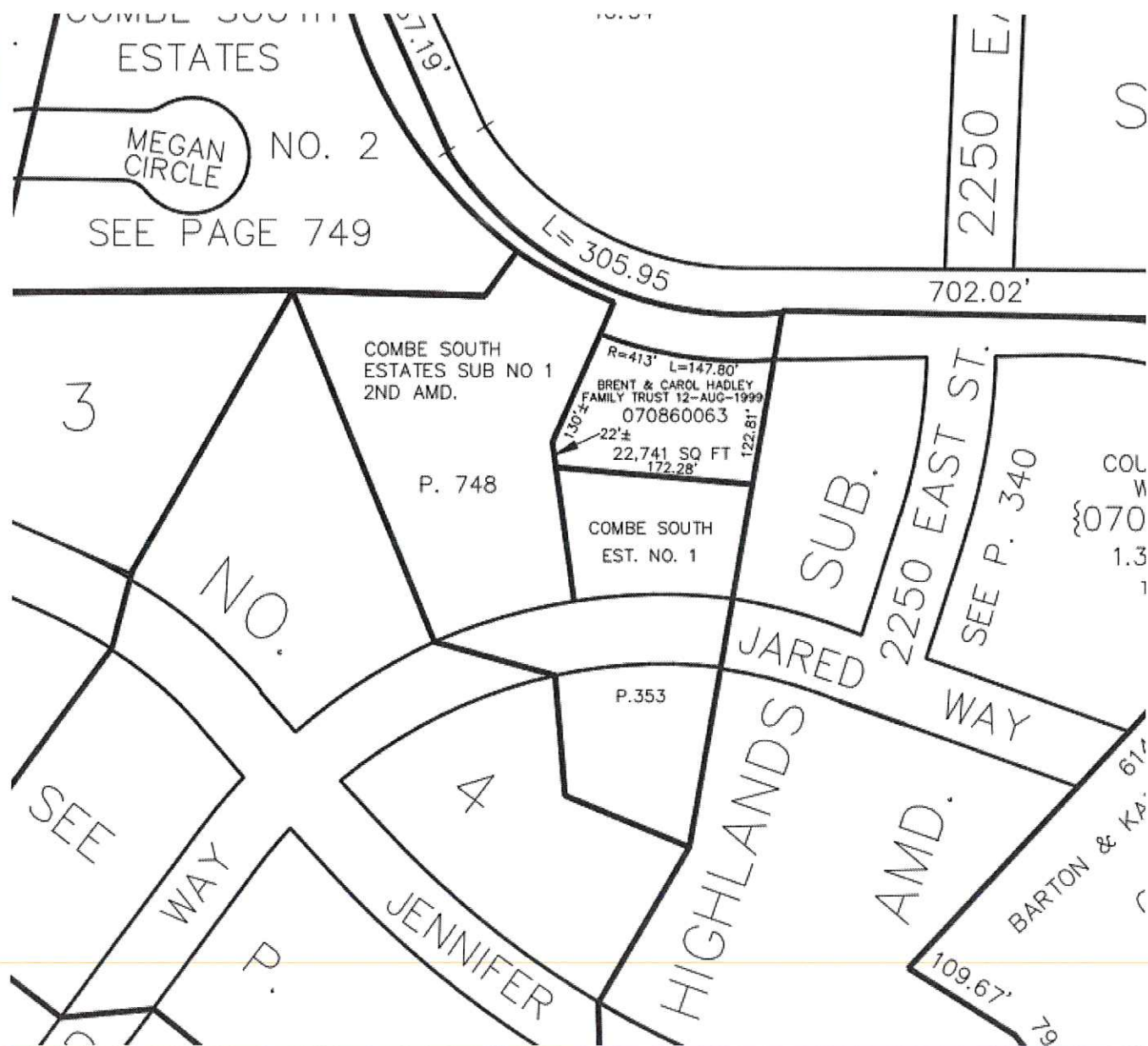
SURVEYOR'S CERTIFICATE
I, Gary L. Shumaker, a registered land surveyor in the State of Utah, do hereby certify that this plat of Combe South Estates No. 1, as shown on the foregoing map, is a true and correct representation of the original survey and map on file in the office of the County Engineer, and that the same is correct and true to the original survey and map on file in the office of the County Engineer.
Signed this 15th day of July, 1988.
Gary L. Shumaker
Surveyor

OWNER'S DECLARATION
We, the undersigned owners of the above described tract of land, do hereby declare that the foregoing plat and map are correct and true to the original survey and map on file in the office of the County Engineer, and that the same is correct and true to the original survey and map on file in the office of the County Engineer.
Signed this 15th day of July, 1988.
Paul W. [Signature]
Owner

ACKNOWLEDGEMENT
I, Gary L. Shumaker, a registered land surveyor in the State of Utah, do hereby certify that the foregoing plat and map are correct and true to the original survey and map on file in the office of the County Engineer, and that the same is correct and true to the original survey and map on file in the office of the County Engineer.
Signed this 15th day of July, 1988.
Gary L. Shumaker
Surveyor

BOUNDARY DESCRIPTION
The boundary of the above described tract of land is as follows: Beginning at the NW corner of the NW 1/4 of Section 23, T5N, R1W, S1B3M U.S. Survey, and running S 85° 12' 29\"/>

COMMENTS
The boundary of the above described tract of land is as follows: Beginning at the NW corner of the NW 1/4 of Section 23, T5N, R1W, S1B3M U.S. Survey, and running S 85° 12' 29\"/>



Uintah Highlands Improvement District

2401 East 6175 South
Ogden, UT 84403-5344
Phone: 801-476-0945
Fax: 801-476-2012
uhid1@qwestoffice.net

March 21, 2017

Subdivision Planner
Weber County Planning Commission
2380 Washington Blvd.
Ogden, Utah 84401

Re: Availability of services for Water and Sanitary Sewer by Uintah Highlands Improvement District for the: Proposed Subdivision for Brent Hadley

Officials of the Uintah Highlands Improvement District, have been contacted about the proposed subdivision of the property owned by Brent Hadley for (Parcel No. 07-061-0063 & 07-353-0004), which is located inside of the boundaries of the Uintah Highlands Improvement District. Based upon the information from the owner of the property and under existing conditions, the District hereby states that municipal water services and sanitary sewer would be available for the proposed subdivision. The Developer would be responsible to make the water and sewer connection to the existing services of the District, at the expense of the developer. The lines may be considered private from the connection at the main, which would then be the sole responsibility of the owner. Detailed plans must be submitted and approved and all fees must be paid before a commitment to serve is granted and before construction begins.

This commitment is made expressly subject to the condition that the Developer of the Subdivision shall be required to comply with all applicable development procedures of the District, including, without limitation, the Developer shall agree to construct all water and sewer system improvements (*where applicable*) within the Subdivision in strict conformance with and subject to the Uintah Highlands Improvement District current 'Public Works Standards', and to abide by all applicable rules and regulations of the District, as the same currently exist, or as they may be amended from time-to-time.

Dated this 21st day of March, 2017.

UINTAH HIGHLANDS IMPROVEMENT DISTRICT

By:


Jerilyn J. Call, District Administrator



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an alternative access request to use a private right-of-way as the primary access for two parcels considered to be legal Lots of Record.

Agenda Date: Wednesday, June 28, 2017

Applicant: Yellowstone Pioneer Enterprises, LLC

Authorized Representative: Eric Householder

File Number: AAE 2017-03

Property Information

Approximate Address: 9161 East 100 South, Huntsville, UT 84317

Project Area: 11.18 Acres

Zoning: Agricultural Valley Zone (AV-3)

Existing Land Use: Vacant

Proposed Land Use: Vacant/Residential

Parcel ID: 21-025-0007, 21-022-0008

Township, Range, Section: T6N, R2E, Section 16NE

Adjacent Land Use

| | | | |
|---------------|-----------------------|---------------|--------|
| North: | East 100 South/Vacant | South: | Vacant |
| East: | Residential | West: | Vacant |

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
801-399-8794

Report Reviewer: RK

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 6 (Agricultural Valley AV-3 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 Flag lot access strip, private right-of-way, and access easement standards
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) **Section 31** Access to a lot/parcel using a private right-of-way or access easement

Background

Currently, Planning is working on assisting the applicant with documents necessary to record a boundary line adjustment involving three parcels, including the two subject parcels.

The Planning Division is recommending approval of the request for an alternative access for two parcels. The future boundary adjustments would maintain three parcels, however, configured differently, and through an approval process different than subdivision. The subject parcels are being reviewed for approval of the boundary line adjustment by the Land Use Authority per the requirements outlined in the Utah State Code §17-27a-608-(5)(a) which govern boundary line adjustments by metes and bounds descriptions. The proposal is to use a 165 foot private right-of-way as the primary access for two of the three parcels.

The property is in the Agricultural Valley AV-3 Zone located at approximately 9161 East 100 South and is a combined 11.18 acres. The private right-of-way is located along the existing parcel# 21-025-0008, of Section 16 of Township 6 North, Range 2 East. The applicant has provided a narrative (see Exhibit A) of the proposed project.

Alternative access applications such as this are reviewed and approved administratively by the Weber County Planning Director. It is essential to note that this request is an administrative application and is not a variance or an exception to the standards and criteria outlined in the Uniform Land Use Code of Weber County (LUC). The request conceptually meets the standards as outline in LUC §108-7-29 and meets the criteria for the request as required in LUC §108-7-31. Alternative access applications have specific standards and criteria that must be met at the time of either subdivision or, in this case, a parcel boundary line adjustment.

Alternative access applications should be approved as long as the design standards can be implemented during the development process. The application meets the criteria in LUC §108-7-31(1)(b) which states:

Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

Analysis

The application has been forwarded to the applicable review agencies and based on the limited criteria and conditions that govern alternative access application and after a thorough review of the applicant's proposal, staff feels that the applicant has provided adequate evidence to show that it is unfeasible or impractical to extend a street to serve such parcel due to topographic, or property boundary conditions. This determination is based on the review and analysis of the information provided by the applicant.

Prior to any further development considerations on this site, the applicant will have to provide a complete application that adheres to all Federal, State and County ordinances. If the alternative access request for two parcels is approved, the applicant will be required to provide Weber County with the following documents and reports:

- Engineered improvement drawings for the infrastructure including the private right-of-way

The parcel boundary line adjustment review process will include the County Engineer, the County Surveyor, the Weber County Fire District and the Weber County Planning Division.

Summary of Administrative Considerations

- Based on substantial evidence, has it been 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

Staff Recommendation

Staff recommends approval of the request for an alternative access for a 165 foot private right-of-way as the primary access for two parcels of the future three parcel boundary line adjustment. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. 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.

This recommendation is based on the following findings:

1. Based on substantial evidence, it has been found that it is unfeasible or impractical to extend a street to serve such lot/parcel based on topographic, and property boundary conditions which limits typical access requirements in a unique way.

Exhibits

- A. Map of Location and Current Parcel Arrangement
- B. Application and Narrative
- C. Proposed Revision of Parcel Boundaries and Location of Alternative Access

Exhibit A-Location map and Current Parcel Arrangement

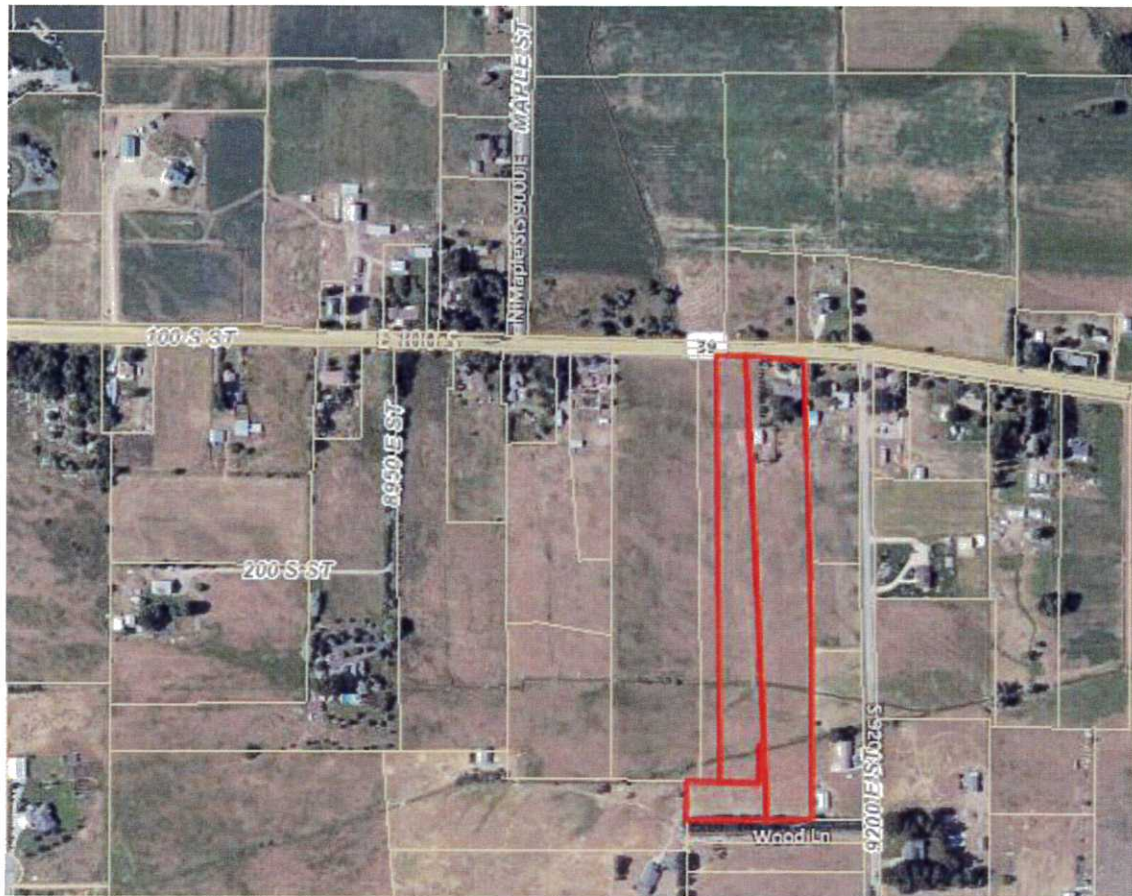


Exhibit B-Application & Narrative

| Weber County Alternative Access Application | | | |
|--|---|--|--------------------------|
| Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401 | | | |
| Date Submitted /Completed | Application Fee: \$225.00 | Receipt Number (Office Use) | File Number (Office Use) |
| Application Type | | | |
| <input type="checkbox"/> Flag lot access strip <input checked="" type="checkbox"/> Access by Private Right of Way <input type="checkbox"/> Access at a location other than across the front lot line | | | |
| Property Owner Contact Information | | | |
| Name of Property Owner(s) Yellowstone Pioneer Ent. - Series 6 | | Mailing Address of Property Owner(s) 8149 S MARION CIR. SANDY UT 84094 | |
| Phone 801.979.7989 | Fax | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |
| Email Address (required) SHANE@VME.AOL.COM | | | |
| Authorized Representative Contact Information | | | |
| Name of Person Authorized to Represent the Property Owner(s) ERIC HOUSEHOLDER | | Mailing Address of Authorized Person PO Box 412 EDEN UT 84310 | |
| Phone 801.389.0040 | Fax | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |
| Email Address (required) ERIC@THG-CS.COM | | | |
| Property Information | | | |
| Project Name YELLOWSTONE | Total Acreage 11.18 | Current Zoning AV-3 | |
| Approximate Address 9190 EAST 100 SOUTH HUNTSVILLE UT 84317 | Land Serial Number(s) 21-022- 21-025-0007 (1.97A), -0008 (9.24) | | |
| Proposed Use RESIDENTIAL | | | |
| Project Narrative ADD AN ACCESS TO THE PROPERTIES FROM 9200 EAST. | | | |

Exhibit B-Application & Narrative

Basis for Issuance of Flag lot access strip

The land use authority shall determine whether or not it is feasible or desirable to extend a street to serve a parcel(s) or lot(s) at the current time, rather than approving a flag lot.

Sec. 108-7-30. - Flag lots

- (a) Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of five acres or more in Western Weber County and ten acres or more in the Ogden Valley for development.
- (b) The lot area exclusive of the access strip shall be a minimum of three acres.
- (c) Each lot shall access a street by means of its own fee title access strip. Successive stacking of lots on the same access strip is not permitted.
- (d) No access strip shall exceed 800 feet in length.
- (e) A maximum of two flag lot access strips may be located adjacent to each other.
- (f) No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-subdivided, or changed in order to meet the requirements of this section.

Please provide information to support your request for a flag lot access strip outlining how the request meets the criteria listed above.

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:

Sec. 108-7-31. - Access to a lot/parcel using a private right-of-way or access easement:

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. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use and is the subject parcel of an approved agri-tourism operation; or
- c. 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.

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.

Please provide the following information to support your request for access to a lot/parcel using a private right-of-way or access easement:

- ☐ 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.

Exhibit B-Application & Narrative

Basis for Issuance of Access to a lot/parcel 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:

Sec. 108-7-32. - Access to a lot/parcel at a location other than across the front lot line.

- (1) 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.
- (2) It shall be demonstrated 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.

Please provide the following information to support your request for Access to a lot/parcel at a location other than across the front lot line:

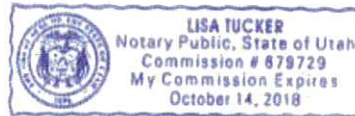
- ☐ Attach proof that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.
- ☐ The landowner of record or authorized representative agrees to pay a proportionate amount of 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.

Property Owner Affidavit

I (We), Yellowstone Pioneer Ent. LLC, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) understand that an approval of an alternative access application does not grant a legal right to access property that I (we) currently do not own.

[Signature] Property Owner N/A Property Owner
Senior VP
Subscribed and sworn to me this 5th day of October, 2016.

Lisa Tucker Notary



Authorized Representative Affidavit

I (We), Yellowstone Pioneer Ent. LLC, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), EPIL Houshtolder, 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.

[Signature] Property Owner N/A Property Owner
Senior VP
Dated this 5th day of October, 2016, personally appeared before me Shane Dunleavy, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Lisa Tucker Notary



