

## WEBER COUNTY PLANNING DIVISION

### Administrative Review Meeting Agenda

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August 29, 2018  
10:00-11:00 a.m.

1. Consideration and action on an administrative application for the final approval of the Hale Subdivision, a two lot subdivision consisting of 21.027 acres.
  2. Consideration and action on an alternative access request to extend the driveway in order to reduce its slope. This will result in accessing the parcel (all of lot 53R in the Summit at Ski Lake No. 13 Subdivision) from the front lot line of the adjacent parcel (lot 52R of the same subdivision).
  3. Request for final approval of the John Price Subdivision and a concurrent request for approval for an alternative access request to use an existing easement as the primary access for the John Price Subdivision.
  4. Consideration and action on an alternative access request to use a private right-of-way as the primary access for the rear lot of a future two lot subdivision.
1. *Adjournment*

*The meeting will be held in the Weber County, Breakout Room, in the Weber Center, 1st 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 for final approval of the Hale Subdivision, a two lot subdivision consisting of 21.027 acres

**Type of Decision:** Administrative

**Agenda Date:** Wednesday, August 29, 2018

**Applicant:** Phillip N. Hale Trust & Barbara B Hale Trust

**File Number:** UVH051718

### Property Information

**Approximate Address:** 9215 E 500 S, Huntsville, UT, 84317

**Project Area:** 21.027 acres

**Zoning:** Forest Valley (FV-3) Zone

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**Parcel ID:** 21-023-0036

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

### Adjacent Land Use

<b>North:</b> 500 S St	<b>South:</b> Agricultural
<b>East:</b> Residential	<b>West:</b> Agricultural

### Staff Information

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

**Report Reviewer:** SB

## Applicable Ordinances

- Title 101 General Provisions, Section 7, Definitions
- Weber County Land Use Code Title 104 (Zones) Chapter 14 (FV-3 Zone)
- Title 104, Zones, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Weber County Land Use Code Title 106 (Subdivisions)
- Title 108, Natural Hazards Areas

## Background and Summary

The applicant is requesting approval of the Hale Subdivision, a two lot subdivision. The proposed subdivision consists of 21.027 acres and is located at approximately 9215 E 500 S, Huntsville, UT, 84317, in the FV-3 Zone.

The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements of the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with the LUC.

## Analysis

**General Plan:** The General Plan for Ogden Valley is intended to preserve private property rights while also preserving the rural characteristics of the Valley. This proposal conforms to the Ogden Valley General Plan.

**Zoning:** The subject property is located in the Forest Valley Zone more particularly described as the FV-3 zone. The purpose and intent of the FV-3 zone is identified in the LUC §104-14-1 as:

*“The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”*

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC Title 106, and the standards in the FV-3 zone in LUC Title 104 Chapter 14. Small subdivisions as defined in LUC §101-7 can be administratively approved per LUC §106-1-5(b)(1). The proposal has been reviewed against the adopted zoning and subdivision ordinances to ensure that the regulations and standards have been adhered to. The proposed subdivision is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: The FV-3 Zone has a minimum lot area (3 acres) and a minimum lot width requirement (150') per LUC §104-14-5 for a single family residential dwelling. Lot 2 has an existing residential dwelling, therefore the following development standards will be reviewed upon submittal for a building permit for Lot 1 as well as Lot 2 (accessory use – small accessory buildings):

- Front yard setback: 30 feet
- Side yard setback: 20
- Rear yard setback: 30 feet (10' for accessory use buildings)
- Maximum main building height: 35 feet (25' for accessory use buildings)

The proposed lot configuration meets the width standards in the FV-3 Zone. The lot has adequate area for the FV-3 zone.

Ogden Valley Sensitive Lands Overlay Districts: The North Branch of the South Fork of the Ogden River runs along the rear of the property. Per LUC §104-28-1, A 100' setback must be shown on the subdivision plat to ensure that future development does not encroach into the area.

Culinary water and sanitary sewage disposal: Culinary water is provided by a private well, and sanitary sewer is provided by an onsite septic system.

Natural Hazards: The proposed subdivision is located in a Zone "AE" as determined by FEMA to be 100-year floodplain. This flood zone overlays the river that runs across the rear of the proposed subdivision.

Per LUC §108-22-2 (7) (a), (b)

*"a. The floodplain standards are written to minimize the loss of life and property when floods do occur, not to ban development outright from the floodplain. In the event the following provisions conflict with those in title 22 of the Weber County Code, the most restrictive shall apply. The Federal Emergency Management Agency (FEMA) has produced official floodplain maps, depicting areas of potential stream flooding for major drainages in Weber County.*

*b. FEMA recommends that no new development be permitted in the 100-year floodplain unless:*

*1. Detailed engineering study and reports, as required by section 108-22-3, prepared by a state-licensed engineer, show that the proposed development will not increase the flood hazard to other property in the area. Recommendations shall be made for flood proofing or other mitigation techniques for development within flood hazard areas. (Site investigations for proposed development in lake-flooding areas near Great Salt Lake need only indicate the site elevation. Development proposals in areas with elevations less than 4,218 feet will be reviewed with respect to lake-flooding potential and compatibility of proposed use.)*

*2. The proposed development is elevated above the 100-year flood base elevation."*

Review Agencies: To date, the proposed subdivision has been reviewed by the County Engineer, County Surveyor, County Treasurer's Office, and the Weber Fire District. Weber County Engineering and Weber County Surveyor have not yet approved the Hale two lot Subdivision. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Additional Design Standards: Additional standards and requirements from reviewing agencies, including the Weber County Engineering Division must be fulfilled before the recording of the final plat.

Tax Clearance: 2017 property taxes have been paid in full. 2018 property taxes aren't due until November 30, 2018.

Public Notice: A notice has been mailed not less than seven calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed small subdivision per noticing requirements outlined in LUC §106-1-6.

## Staff Recommendations

Staff recommends final approval of the Hale 2 lot Subdivision. This recommendation is subject to the following conditions and all review agency requirements, including the following:

1. A 100' setback must be shown on the subdivision plat from the high water mark along the North Branch of the South Fork of the Ogden River per LUC §104-28-2.
2. The plat shall show the floodplain boundaries and when available the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain per LUC §106-2-7(c)(6).
3. Any future development within the existing flood hazard area will need to follow all federal, state and local floodplain development requirements.



This recommendation is based on the following findings: The proposed subdivision conforms to the Ogden Valley General Plan.

1. With the recommended conditions, the proposed subdivision complies with applicable county ordinances.
2. The proposed subdivision will not be detrimental to public health, safety, or welfare.
3. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Administrative Approval

Administrative final approval of the Hale Subdivision 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:

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Rick Grover  
Weber County Planning Director

## Exhibits

- A. Subdivision Application
- B. Plat Map

## Area Map





**Exhibit A-Subdivision Application**

**Weber County Subdivision Application**

All subdivisions 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)
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**Subdivision and Property Information**

Subdivision Name <b>Hale Subdivision</b>		Number of Lots <b>2</b>
Approximate Address <b>9215 E. 500 S. Huntsville, UT 84317</b>		Land Serial Number(s) <b>21-023-0036</b>
Current Zoning <b>FV3 zone</b>	Total Acreage <b>21.027</b>	
Culinary Water Provider <b>private well</b>	Secondary Water Provider <b>N/A</b>	Wastewater Treatment <b>conventional septic system</b>

**Property Owner Contact Information**

Name of Property Owner(s) <b>Phillip and Barbara Hale</b>		Mailing Address of Property Owner(s) <b>9215 E. 500 S. Huntsville, UT 84317</b>
Phone <b>801-745-2290</b>	Fax <b>N/A</b>	
Email Address <b>eyepill@earthlink.net</b>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

**Authorized Representative Contact Information**

Name of Person Authorized to Represent the Property Owner(s) <b>Joseph and Katie Hale</b>		Mailing Address of Authorized Person <b>9215 E. 500 S. Huntsville, UT 84317</b>
Phone <b>410-400 5152</b>	Fax <b>N/A</b>	
Email Address <b>Katiesonger@yahoo.com</b>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

**Surveyor/Engineer Contact Information**

Name or Company of Surveyor/Engineer <b>Ensign Engineering (Mike Herbst)</b>		Mailing Address of Surveyor/Engineer <b>1485 W Hill Field Road Layton, UT 84041</b>
Phone <b>801-547-1100</b>	Fax	
Email Address <b>mherbst@ensignutah.com</b>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail


**Property Owner Affidavit**

I (We), \_\_\_\_\_, 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) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.

 \_\_\_\_\_ (Property Owner)  
 \_\_\_\_\_ (Property Owner)

Subscribed and sworn to me this 11 day of May 2018



  
 \_\_\_\_\_ (Notary)

f Authorized Representative Affidavit

I We, Barbara the owner(s) of the real property described in the attached application, do authorize as my (our) representative(s) Joseph & Katie Hill 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)

Barbara B Hale  
(Property Owner)

Dated this 11 day of May, 2018, personally appeared before me Barbara B. Hale the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

[Signature]  
(Notary)









## Staff Report for Administrative Approval

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on an alternative access request to extend the driveway in order to reduce its slope. This will result in accessing the subject parcel (all of lot 53R in the Summit at Ski Lake No. 13 subdivision) from the front lot line of the adjacent parcel (lot 52R of the same subdivision).

**Agenda Date:** Wednesday, August 29, 2018

**Applicant:** Thomas & Michele Kenyon

**File Number:** AAE 2018-08

#### Property Information

**Approximate Address:** 6695 E Clairetina Ct., Huntsville, UT, 84317

**Project Area:** 1.31 Acres

**Zoning:** Forest Valley Zone (FV-3)

**Existing Land Use:** Vacant

**Proposed Land Use:** Vacant/Residential

**Parcel ID:** 20-151-0004

**Township, Range, Section:** T6N, R1E, Section 24 NW

#### Adjacent Land Use

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

#### Staff Information

**Report Presenter:** Tammy Aydelotte  
[taydelotte@co.weber.ut.us](mailto:taydelotte@co.weber.ut.us)  
801-399-8794

**Report Reviewer:** RG

### Applicable Land Use Codes

- Title 101 General Provisions, Section 7, Definitions
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 104 (Zones) Chapter 14 (Forest Valley FV-3 Zone)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 Flag lot access strip, private right-of-way, and access easement standards
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 31 Access to a lot/parcel using a private right-of-way or access easement

### Background

The planning Division recommends approval of an alternative access request to extend the driveway at 6695 E Clairetina Ct., Huntsville. The purpose of this request is to reduce the slope of the driveway. The lot will have access from lot 52-R of the same subdivision. An access easement has been recorded on lot 52-R (entry # 2929970). The proposal meets the criteria for consideration of access by a private right of way, and the lot has adequate width, area, and setbacks, as required in the Uniform Land Use Code of Weber County (LUC). The request for an alternative access has been thoroughly vetted and has received comments and/or approvals from all the applicable review agencies.

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 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

**General Plan:** The General Plan for Ogden Valley is intended to preserve private property rights while also preserving the rural characteristics of the area. This proposal conforms to the Ogden Valley General Plan.

**Zoning:** The subject property is located in the Forest Valley Zone more particularly described as the FV-3 zone. The purpose and intent of the FV-3 zone is identified in the LUC §104-14-1 as:

*“The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”*

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.

**Review Agencies:** *To date, the proposed alternative access has been approved by the Weber County Engineer. All review agency requirements must be addressed and completed prior to this alternative access being approved.*

**Tax Clearance:** *The 2017 property taxes have been paid in full. The 2018 taxes are will be due in full November 30, 2018.*

**Public Notice:** *A notice has been mailed not less than seven calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed small subdivision per noticing requirements outlined in LUC §106-1-6.*

## Staff Recommendation

Staff recommends final approval of an alternative access request to extend the driveway at 6695 E Clairetina Ct., Huntsville. The purpose of this request is to reduce the slope of the driveway. This recommendation for approval is subject to all review agency requirement.

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 at this time, 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. Alternative Access Application and Narrative
- C. Recorded Access Easement

Exhibit A-Location map and Current Parcel Arrangement





Exhibit B-Alternative Access Application

<b>Weber County Alternative Access Application</b>			
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted /Completed	Application Fee: <b>\$350.00</b>	Receipt Number (Office Use)	File Number (Office Use)
<b>Application Type</b>			
<input type="checkbox"/> Flag lot access strip <input type="checkbox"/> Access by Private Right of Way <input checked="" type="checkbox"/> Access at a location other than across the front lot line			
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) <b>THOMAS &amp; MICHELE KENYON</b>		Mailing Address of Property Owner(s) <b>1210 N 3150 E LAYTON, UT 84040</b>	
Phone <b>8015930823</b>	Fax		
Email Address (required) <b>thomas.kenyon@comcast.net</b>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
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 <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Information</b>			
Project Name <b>KENYON RESIDENCE ACCESS</b>		Total Acreage <b>1.31</b>	Current Zoning <b>FV-3</b>
Approximate Address <b>HUNTSVILLE, UT 84317 6645 E. CLAIRETINA CT</b>		Land Serial Number(s) <b>PARCEL # 201510004</b>	
Proposed Use <b>DRIVEWAY ACCESS</b>			
Project Narrative <b>Permit # 17F109 Had to redo site plan which resulted in steep sloped driveway. Need alternative access to extend driveway &amp; reduce slope.</b>			

**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), Thomas & Michèle Kenyon, 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.

Thomas Kenyon Property Owner      Michèle Kenyon Property Owner

Subscribed and sworn to me this 10 day of July, 2018.

Angela Martin 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



**Exhibit C- Recorded Easement**

Recording requested by:  
Thomas & Michele Kenyon  
1210 N 3150 E  
Layton, UT 84040-3017



\*W2929970\*

EB 2929970 PG 1 OF 12  
LEANN H KILTS, WEBER COUNTY RECORDER  
10-JUL-18 138 PM FEE \$32.00 DEP D  
REC FOR: THOMAS & MICHELE KENYON

For recorder's use only

**DRIVEWAY EASEMENT AGREEMENT**

THIS DRIVEWAY EASEMENT AGREEMENT ("Agreement") is made and entered into by and between Valley Enterprise Investment Company, LLC, a Utah limited liability company ("Grantor") and Thomas & Michele Kenyon (collectively, the "Grantees"). Grantor and Grantees may be individually referred to in this Agreement as a "Party" and collectively referred to as the "Parties."

A. Grantor is the owner of that certain real property located in Weber County, Utah identified as Weber County Parcel No. 20-151-0003 ("Grantor's Parcel"). A legal description of Grantor's Parcel is attached to and made part of this Agreement as Exhibit "A". The Grantor's Parcel is also depicted in that certain diagram that is attached to and made part of this Agreement as Exhibit "D" (the "Driveway Easement Diagram").

B. Grantees are the owners of that certain real property located in Weber County, Utah identified as Weber County Parcel No. 200-151-0004 (the "Grantees' Parcel"). A legal description of Grantees' Parcel is attached to and made part of this Agreement as Exhibit "B". The Grantees' Parcel is also depicted on the Driveway Easement Diagram.

C. The Grantor's Parcel and Grantees' Parcel are located within that certain community known as The Summit at Ski Lake, which is governed by The Summit at Ski Lake Owners Association (the "Association") pursuant to certain governing documents including, without limitation, that certain "Amended and Restated Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for The Summit at Ski Lake No. 9" which was recorded in the Weber County Recorder's Office on February 1, 2012, as Entry No. 2560722 (the "Declaration").

D. Grantees desire to acquire, for the benefit of the Grantees' Parcel, an easement across a portion of Grantor's Parcel for the purpose of constructing a portion of a driveway providing access between the Grantees' Parcel and the street commonly known as Clairetina Drive (the "Street") as shown on that certain plat map labeled "The Summit at Ski Lake No. 13" which was recorded in the Weber County Recorder's Office on December 18, 2015 in Book 78 at Page 57 as Entry No. 2770168 (the "Plat Map").

NOW, THEREFORE, in exchange for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties acknowledge and agree as follows:

## A. Grant of Easement

1. Driveway Easement. Grantor hereby grants to Grantees, for the benefit of the Grantees' Parcel, a permanent, irrevocable and exclusive ingress and egress easement on, over and across that portion of Grantor's Parcel that is identified on the Driveway Easement Diagram as the "Driveway Easement Area" and is further described by the metes and bounds description attached to and made part of this Agreement as Exhibit "C." The easement granted by this Agreement shall perpetually be appurtenant to, and shall forever run with, the Grantees' Parcel as the dominant tenement with the Grantor's Parcel functioning as the servient tenement.

2. Parties With Right to Use. The Driveway Easement Area may be used by the Grantees and their family members, licensees, invitees, guests, agents and contractors, as well as any future owners or tenants of the Grantees' Parcel and their respective family members, licensees, invitees, guests, agents, employees and contractors (individually, a "Grantee Party" and, collectively, the "Grantees' Parties").

3. Use by Grantor Prohibited. The Driveway Easement Area shall not be used by the Grantor for any purpose whatsoever unless the Grantor has first obtained the Grantees' prior written permission, which permission may be granted or denied in the Grantees' reasonable discretion. Likewise, the Driveway Easement Area shall not be used, for any purpose whatsoever, by any future owners or tenants of the Grantor's Parcel (or their respective family members, licensees, invitees, guests, agents, employees or contractors) unless such parties have first obtained the Grantees' prior written permission, which permission may be granted or denied in the Grantees' reasonable discretion.

## B. Permitted and Prohibited Uses

1. Driveway. The Driveway Easement Area shall be used for the sole purpose of installing and constructing a portion of a paved driveway ("Driveway") providing access between the Street and the Grantees' Parcel (including any residential dwelling or other structure that may be built on the Grantees' Parcel). The Driveway may include certain related improvements such a retaining wall. The remaining portion of the Driveway is to be installed and constructed on the Grantees' Parcel. The entire Driveway may be used for both vehicular and pedestrian traffic.

2. Prohibited Uses. Grantee Parties are prohibited from using the Driveway Easement Area in any manner other than as specifically permitted under this Agreement. Without in any way limiting the previous sentence, Grantees are prohibited from (a) parking or storing any vehicles or trailers of any kind whatsoever on the Driveway Easement Area, or (b) temporarily or permanently constructing, installing or erecting upon the Driveway Easement Area any improvements other than the Driveway and related improvements (*i.e.* retaining wall) that are necessary for proper construction of the Driveway.

3. Fencing Prohibited. Grantees are also prohibited from constructing, installing or erecting any temporary or permanent fencing, or any similar temporary or permanent improvements, around or upon any portion of the Driveway Easement Area.

4. No Expanded Use. Grantees are prohibited from expanding the size or use of the Driveway beyond the boundaries of the Driveway Easement Area. If it is determined that any portion of the Driveway Easement Area, as identified on the Driveway Easement Diagram, extends into the Street, the boundaries of Driveway Easement Area shall be deemed to terminate at the boundaries of the Street as depicted on the Plat Map.



5. No Erosion or Damage to Grantor's Parcel. Grantees are prohibited from utilizing the Driveway Easement Area in any manner that directly or indirectly causes, promotes or exacerbates any erosion of, or any damage to any portion of the Grantor's Parcel. Grantees shall be solely responsible for the cost of remediating, repairing or replacing any such erosion or damage, regardless of whether such remediation, repair or replacement is performed by Grantor or Grantees or any agent thereof. Grantees shall not, however, perform or cause to be performed any such remediation, repair or replacement of the Grantor's Parcel without obtaining Grantor's prior written approval.

### C. Driveway Construction and Maintenance

1. Approval of Location, Design and Construction. Grantees acknowledge, understand and agree that the location, design, installation and construction of the Driveway (including the materials used) may be subject to approval by Weber County and/or the Association's Architectural Control Committee as more particularly set forth in the Declaration. Likewise, any relocation, redesign, alteration or modification of the Driveway may also be subject to approval by Weber County and/or the Association's Architectural Control Committee.

2. Materials. The Driveway must be constructed using asphalt, concrete or similar suitable construction material as approved by Weber County and/or the Association's Architectural Control Committee. The same material must be used to construct the entire Driveway (*i.e.*, the materials used to construct that portion of the Driveway located on the Grantor's Parcel must match the materials used to construct the remaining portion of the Driveway located on the Grantees' Parcel).

3. Maintenance, Repair and Replacement. The Grantees and their successors and assigns, shall be solely responsible for paying any and all costs and expenses associated with the design, installation, construction, use, maintenance, repair, relocation, redesign, alteration or modification of the Driveway including, without limitation, any portion of the Driveway, or any related improvements, located on any portion of the Grantor's Parcel. The Driveway shall be maintained and/or repaired as determined by the Grantees and/or the Association's Architectural Control Committee to the extent such authority is granted under the Declaration or any other governing documents of the Association.

4. Plat Map Easements. The Parties acknowledge and agree that the Grantor's Parcel and the Grantees' Parcel are subject to certain easements that are identified and depicted on the Plat Map as "Slope and PUE/Drainage Easement" or "PUE/Drainage Easement" (collectively, the "**Plat Map Easements**"). As noted in the Plat Map Legend, the acronym "PUE" stands for "Public Utility Easement." Grantees acknowledge, understand and agree that (A) certain portions of the Driveway will cross over such Plat Map Easements, and (B) the design, installation and construction of the Driveway must not interfere with the purposes for which the Plat Map Easements have been established. As such, the Driveway must be designed and constructed to accommodate the purposes for which the Plat Map Easements have been established (*e.g.* drainage pipes to accommodate drainage easements, pipes/conduits to accommodate water, sewage, electrical or other utility easements, etc.). Grantees are solely responsible for determining and obtaining any approvals that may be required by Weber County or any utility companies/districts prior to constructing the Driveway over any Plat Map Easements.

**D. Miscellaneous**

1. Indemnification. Grantees shall indemnify, defend, save and hold Grantor harmless from any and all liability, damages, costs, expenses, causes of action, claims, losses, settlements, fines, penalties and/or reasonable attorneys' fees (collectively, "Claims/Damages") related to any personal injury or property damage that may directly or indirectly result from any use or activity on, around or related to use of the Driveway Easement Area by any Grantee Party. Grantees shall not be liable or responsible for any such Claims/Damages that may be alleged or suffered by any party other than a Grantee Party.

2. Successors and Assigns. Each and every one of the benefits and burdens of this Agreement, including the easement granted herein, shall inure to and be binding upon the respective legal representatives, heirs, executors, administrators, successors and assigns of the Grantor and Grantees. Upon either Party's conveyance of his or her or its interest in the Grantor's Parcel or the Grantees' Parcel, such Party shall no longer have any obligations, liabilities or responsibilities whatsoever in connection with this Agreement or the easement granted herein, and all such obligations, liabilities or responsibilities shall be assumed by the individual or entity to whom the Party has conveyed his or her or its interest.

3. No Waiver. The waiver by either Party of the performance of any covenant, condition, or promise hereunder shall not invalidate this Agreement nor shall it be considered a waiver by such Party of any other covenant, condition, or promise. The waiver by either or both Parties of the time for performing any act shall not constitute a waiver of the time for performing any other act or an identical act required to be performed at the later time. The exercise of any remedy shall not exclude the exercise of any other remedy.

4. Governing Law/Venue. This Agreement shall be construed in accordance with and governed by the substantive and procedural laws of the State of Utah. Venue for any and all claims or disputes shall be Weber County, Utah.

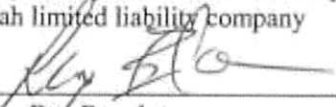
5. Attorney Fees. If any controversy, claim or dispute between the Parties arising out of or relating to this Agreement results in arbitration or litigation, the prevailing Party in such proceedings shall be entitled to recover from the other Party reasonable legal expenses, including attorney fees and costs.

6. Effective Upon Recording. This Agreement, and the easement granted herein, shall become effective and enforceable immediately upon the recording of this Agreement in the Weber County Recorder's Office.

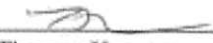
IN WITNESS WHEREOF, the Grantor and Grantees have executed this Agreement as of the date indicated and verified by the notary who shall notarize each Party's signature.

**GRANTOR:**

Valley Enterprise Investment Company, LLC,  
a Utah limited liability company

By:   
Name: Ray Bowden  
Title: President

**GRANTEES:**

  
Thomas Kenyon

  
Michele Kenyon



**ACKNOWLEDGEMENT**

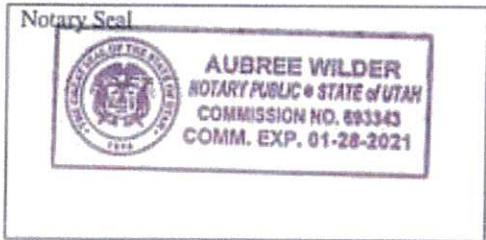
(Grantor's Signature – Valley Enterprise Investment Company, LLC)

STATE OF UTAH )  
 )ss.  
COUNTY OF Weber )

On this 10 day of July, in the year 2018, before me  
Aubree Wilder, a notary public, personally appeared  
Notary Public Name

Ray Bowden, proved on the basis of satisfactory evidence  
Name of Document Signer

to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged  
(he/she/they) executed the same. Witness my hand and official seal



Aubree Wilder  
(Signature of Notary)

My Commission Expires: 01-28-2021





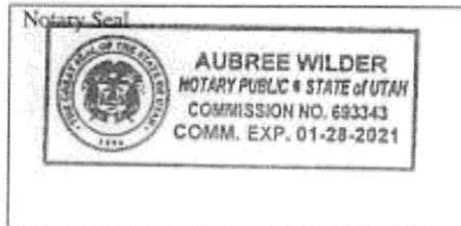
**ACKNOWLEDGEMENT**  
(Grantee Signature – Michele Kenyon)

STATE OF UTAH )  
 )ss.  
COUNTY OF Weber )

On this 10 day of July, in the year 2018, before me  
Aubree Wilder, a notary public, personally appeared  
Notary Public Name

Michele Kenyon, proved on the basis of satisfactory evidence  
Name of Document Signer

to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged  
(he/she/they) executed the same. Witness my hand and official seal



Aubree Wilder  
(Signature of Notary)

My Commission Expires: 01/28/2021

Exhibit "A"  
to  
Driveway Easement Agreement

Legal Description of Grantor's Parcel

Lot 52-R, The Summit at Ski Lake No. 13, Weber County, Utah  
(Weber County Parcel No. 20-151-0003)

Exhibit "B"  
to  
Driveway Easement Agreement

Legal Description of Grantees' Parcel

Lot 53-R, The Summit at Ski Lake No. 13, Weber County, Utah  
(Weber County Parcel No. 20-151-0004)

Exhibit "C"  
to  
Driveway Easement Agreement

Metes and Bounds Description of Driveway Easement Area

Beginning at the Southwest corner of lot 52-R The Summit at Ski Lake No. 13 a part of the North half of Section 24, T6N, R1E, SLB&M, Weber County, Utah and running thence N1°36'17"W 58.96 feet along the West line of said lot 52-R, thence S28°45'29"E 69.31, to the North line of Clairetina Court, thence S88°23'43"W 20.31 feet along said street to a point of curvature to a 25 foot radius curve to the right, thence westerly along the arc of said curve for a distance of 11.74 feet, central angle=26°54'56" chord bearing and distance = N78°08'49"W 11.64 feet to the point of beginning containing 965 square feet.



# 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 the rear lot of a future two lot subdivision.

**Agenda Date:** Wednesday, June 28, 2017

**Applicant:** Kevin Schildhauer

**File Number:** AEE 2018-04

### Property Information

**Approximate Address:** 4186 N 3175 W, Ogden, UT, 84404

**Project Area:** 2.58 Acres

**Zoning:** Agricultural Zone (A-1)

**Existing Land Use:** Vacant

**Proposed Land Use:** Vacant/Residential

**Parcel ID:** 19-010-0086

**Township, Range, Section:** T7N, R2W, Section 22

### Adjacent Land Use

**North:** Residential **South:** Residential

**East:** Residential **West:** Vacant/Agricultural

### Staff Information

**Report Presenter:** Tammy Aydelotte  
[taydelotte@co.weber.ut.us](mailto:taydelotte@co.weber.ut.us)  
 801-399-8794

**Report Reviewer:** RG

## Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 15 (Agricultural A-1 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

The Planning Division is recommending approval of the request for an alternative access for the rear lot of a future two lot subdivision.

The property is in the Agricultural A-1 Zone located at approximately 4186 N 3175 W and is 2.58 acres. The private right-of-way is located just off 3175 West, of Section 16 of Township 7 North, Range 2 West.

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 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

**General Plan:** The General Plan for Western Weber is intended to preserve private property rights while also preserving the rural characteristics of the area. This proposal conforms to the Western Weber General Plan.

**Zoning:** The subject property is located in the Agricultural Zone more particularly described as the A-1 zone. The purpose and intent of the A-1 zone is identified in the LUC §104-5-1 as:

*“The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.”*

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.

**Review Agencies:** *To date, the proposed alternative access has been approved by the Weber County Engineer as well as Weber Fire District. All review agency requirements must be addressed and completed prior to this alternative access being recorded.*

**Tax Clearance:** *The 2017 property taxes have been paid in full. The 2018 taxes are will be due in full November 30, 2018.*

**Public Notice:** *A notice has been mailed not less than seven calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed small subdivision per noticing requirements outlined in LUC §106-1-6.*

## 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 12' x 269' private right-of-way as the primary access for the rear lot of a future two lot subdivision.

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.

## Administrative Approval

Administrative final approval of an alternative access as the primary access for parcel # 23-007-0003 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: Wednesday, August 29, 2018

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Rick Grover  
Weber County Planning Director

## Exhibits

- A. Map of Location
- B. Application and Narrative
- C. Site Plan

### Exhibit A-Location map



**Exhibit B-Application & Narrative**

<b>Weber County Alternative Access Application</b>			
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted /Completed	Application Fee:	Receipt Number (Office Use)	File Number (Office Use)
29 May 2018	<b>\$350.00</b>		
<b>Application Type</b>			
<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			
<b>Property Owner Contact Information</b>			
Name of Property Owner(s)		Mailing Address of Property Owner(s)	
Kevin Schildhauer		2567 N 2575 W Farr West UT, 84404	
Phone	Fax		
208-286-8974			
Email Address (required)		Preferred Method of Written Correspondence	
krschildhauer@yahoo.com		<input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
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	
		<input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Information</b>			
Project Name		Total Acreage	Current Zoning
Schildhauer Ranch Subdivision		2.58	A1
Approximate Address		Land Serial Number(s)	
4186 N 3175 W Ogden UT, 84404		190100086	
Proposed Use			
Residential			
Project Narrative			
<p>I currently have a lot that is 2.58ac in size. I would like to subdivide that lot into two lots. One lot would be 1ac and the other would be 1.58ac. The larger of the two lots would be located behind the other with no way to access it. I would like to get approved for an access by private right of way before I submit the subdivision application to ensure there wont be any issues accessing the larger lot. <i>Also, There is a 20ft x 14ft deep irrigation ditch to the East of my property that prevents access and Two other Houses on the property that is backed up to mine that borders my lot to the East.</i></p>			



**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.

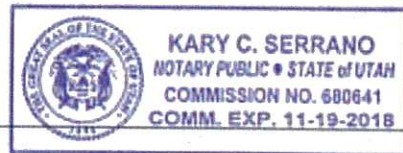
**Property Owner Affidavit**

I (We), Kevin Schildhauer, 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.

Kevin Schildhauer Property Owner \_\_\_\_\_ Property Owner

Subscribed and sworn to me this 29<sup>th</sup> day of May, 2018.

Kary C. Serrano 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

Exhibit C-Site Plan



↑  
14 ft deep  
water canal





## Staff Report for Administrative Approval

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action for final subdivision approval of the John Price Subdivision, consisting of 1 lot, and an alternative access request to use an existing easement as the primary access for the John Price Subdivision.

**Agenda Date:** Wednesday, August 29, 2018

**Applicant:** John Price

**File Number:** LVJ053118 and AAE 2017-06-18

#### Property Information

**Approximate Address:** 650 S 7900 W, West Warren, UT 84404

**Project Area:** 5.00 Acres

**Zoning:** Manufacturing (M-1)

**Existing Land Use:** Residential/Agricultural

**Proposed Land Use:** Residential

**Parcel ID:** 10-037-0038

**Township, Range, Section:** T6N, R3W, Section 15 SE

#### Adjacent Land Use

**North:** Agricultural

**East:** Agricultural

**South:** Agricultural

**West:** Agricultural

#### Staff Information

**Report Presenter:** Tammy Aydelotte  
[taydelotte@co.weber.ut.us](mailto:taydelotte@co.weber.ut.us)  
801-399-8794

**Report Reviewer:** RG

### Applicable Land Use Codes

- Title 101 General Provisions, Section 7, Definitions
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 104 (Zones) Chapter 22 (Manufacturing M-1 Zone)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 Flag lot access strip, private right-of-way, and access easement standards
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 31 Access to a lot/parcel using a private right-of-way or access easement

### Background

The Planning Division recommends approval of John Price Subdivision, a one lot subdivision consisting of 5.00 acres and including the concurrent consideration and action of the John Price Subdivision access via an alternative access request for Lot 1. The proposed subdivision is located at approximately 650 S 7900 W, West Warren, UT and is in the M-1 zone. Access to the John Price subdivision will be from 7900 West, along a 16.5' easement (see description located in warranty deed dated 3/25/2009 – entry #2400201, for the adjacent parcel # 10-037-0009). The alternative access will provide primary access for the subdivision. The proposal meets the criteria for consideration of access by an access easement (minimum 16', as per LUC §108-7-29(1)b. , and the lot has adequate width (see LUC 104-22-4) area, and setbacks, as required in the Uniform Land Use Code of Weber County (LUC). The requests for an alternative access and the preliminary subdivision process have been thoroughly vetted and have received comments and/or approvals from all the applicable review agencies.



## Analysis

General Plan: The proposed subdivision adheres to the general plan by *protecting "large agricultural fields that change with the seasons, farmsteads and sparsely spaced homes..."* (See page 1-6 in the 2003 West Weber General Plan).

Zoning: The subject property is located in the manufacturing (M-1) Zone. Single family dwellings are a permitted use in the M-1 zone.

Lot area, width, and yard regulations: The site development standards for the M-1 zone require a minimum lot area of 20,000 square feet, if not connected to a public sewer, and a minimum lot width of 100 feet. The proposal meets the minimum area and width per LUC § 104-22-4. The property currently has an issued building permit, for a new single family dwelling, and is considered a legal non-conforming lot of record. The property owner is subdividing the lot so as to separate the residence from the attached agricultural land.

Culinary and Sanitary sewage disposal: A feasibility letter from the West Warren Water Improvement District has been provided for the culinary water for the proposed subdivision. A test pit needs to be included on the final plat. The feasibility letter for the on-site septic system is dated April 25, 2018; this letter has an 18 month expiration date from the date it was issued.

Review Agencies: The proposed preliminary subdivision, including the concurrent consideration and action of the access via a private right of way, has received reviews, and/or comments from all applicable review agencies. A condition of approval has been added to ensure that all conditions of the review agencies have been met prior to recording.

Additional design standards and requirements:

*"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."*

An existing access easement (see entry #2400201 under parcel # 10-037-0009) is described as follows: "...1 rod along the south line for the right of way for pedestrians, vehicles, and animals for the benefit of lands lying East...". The applicant is increasing the value of his land by subjecting it to further development through both the subdivision process as well as construction of a new single family dwelling. This access easement comes in from 7900 West St to the property line of the proposed subdivision.

As part of the considerations for granting access by a private right of way or access easement per LUC §108-7-31(2) the applicant will need to demonstrate that the *"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 requires that *"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."*

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

Tax Clearance: The 2017 property taxes have been paid in full. The 2018 property taxes will be due in full November 30, 2018.

Public Notice: The required noticing for the final subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements as outlined in LUC §106-1-6(c).

## Staff Recommendation

Staff recommends final approval of the John Price Subdivision, a one lot subdivision including the concurrent consideration and action of the John Price Subdivision access via an access easement. This recommendation for approval is subject to all review agency requirements as well as the following conditions:

1. The test pit for the John Price subdivision as well as all soil test requirements set forth by the Weber Morgan Health Department must be shown on the final plat.
2. The setbacks listed on the submitted plat are stated for the A-3 zone. Subject property is located in the M-1 zone. Setbacks for an M-1 zone are the following: **Front:** 30', **Side:** none, **Rear:** 30' for single-family dwellings.
3. An access easement, from 7900 West St to the John Price Subdivision, shall be recorded prior to the recording of the final mylar.

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 at this time, based on topographic, and property boundary conditions which limits typical access requirements in a unique way.
2. The proposed subdivision conforms to the 2003 West Weber General Plan.
3. With the recommended conditions, the proposed subdivision complies the applicable County ordinances.

## Administrative Approval

Administrative final approval of the John Price Subdivision, a one lot subdivision consisting of 2.00 acres, including the concurrent consideration and action of the John Price Subdivision access via an access easement, 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

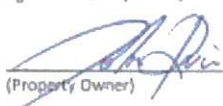
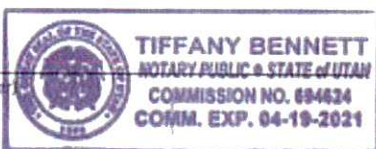

- A. Map of Location and Current Parcel Arrangement
- B. Application
- C. Proposed Revision of Parcel Boundaries and Location of Alternative Access
- D. Recorded Easement
- E. Feasibility Letter

Exhibit A-Location map and Current Parcel Arrangement





**Exhibit B - Subdivision Application**

<b>Weber County Subdivision Application</b>			
All subdivisions 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)
<b>Subdivision and Property Information</b>			
Subdivision Name <b>JOHN PRICE SUBDIVISION</b>		Number of Lots <b>1</b>	
Approximate Address <b>650 S 7900 W</b>		LandSerialNumber(s) <b>10-37-0038</b>	
Current Zoning <b>M-1</b>	Total Acreage <b>2, 20 Acre parent</b>		
Culinary Water Provider <b>West Warren Water</b>	Secondary Water Provider <b>WELL</b>	Wastewater Treatment <b>SEPTIC</b>	
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) <b>John Price</b>		Mailing Address of Property Owner(s)	
Phone <b>801-391-7169</b>	Fax		
Email Address <b>jprice-4@hotmail.com</b>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail		
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail		
<b>Surveyor/Engineer Contact Information</b>			
Name or Company of Surveyor/Engineer <b>GARDNER ENGINEERS</b>		Mailing Address of Surveyor/Engineer <b>5150 SOUTH 315 EAST OGDEN, UT</b>	
Phone <b>801-476-0202</b>	Fax		
Email Address <b>tkat@gecivil.com</b>	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail		
<b>Property Owner Affidavit</b>			
I (We), <u>John Price</u> 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) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into			
 (Property Owner)		 (Property Owner)	
Subscribed and sworn to me this <u>19</u> day of <u>May</u> 20 <u>18</u>			
			 (Notary)

## 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: <b>\$350.00</b>	Receipt Number (Office Use)	File Number (Office Use)
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### Application Type

- Flag lot access strip
- 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) <i>John Price</i>		Mailing Address of Property Owner(s) <i>405 6700 W West Warren UT 84404</i>	
Phone <i>801-391-7169</i>	Fax		
Email Address (required) <i>jprice-4@hotmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> 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 <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

### Property Information

Project Name <i>John Price Subdivision</i>	Total Acreage <i>2</i>	Current Zoning <i>M-1</i>
Approximate Address <i>650 S. 7900 W</i>	Land Serial Number(s)	
Proposed Use <i>1 Lot Subdivision</i>		

### Project Narrative

*Access easement that is currently being used.  
purpose of private right way is to access 1 home and 120 Acres of farm land*



**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), John Price, 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 \_\_\_\_\_ Property Owner

Subscribed and sworn to me this 15 day of June, 2019.

[Signature] 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.

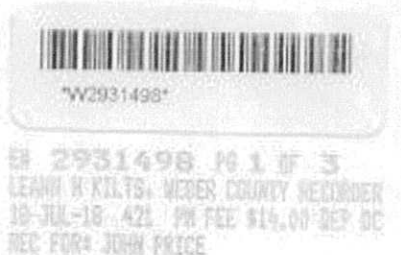
\_\_\_\_\_ Notary





**Exhibit D-Recorded Easement**

Return to:  
John Price  
650 S 7900 W  
Ogden, UT 84404  
801-391-7169



Grantor Parcel Number: 100370009  
Grantee Parcel Number: 100370038

**UTILITY & ACCESS EASEMENT**

For value received, Eldon D & Susan W, Davis, ("Grantors"), hereby grants to John Price Subdivision, to serve the one lot exclusively, and its successors and assigns, ("Grantee"), an easement for a right of way one rod in width and 643 feet in length, more or less, for the perpetual ingress and egress on the existing one rod along with the ability to maintain and repair said right-of-way surface and all necessary or desirable accessories and appurtenances thereto, along with the construction, reconstruction, operation, maintenance, repair, replacement, and removal of Dominion Energy and West Warren Warren Water utility lines and all necessary or desirable accessories including without limitation: on, over, or under the surface of the real property of Grantor in Weber County, State of Utah more particularly described as follows and as more particularly described as follows and shown on Exhibit "A" attached hereto and by this reference made a part hereof:

Legal Description: A PART OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED NORTH 0°29'13" EAST 1328.54 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 15 AND NORTH 90°00'00" EAST 643.08 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 15; RUNNING THENCE NORTH 89°12'48" WEST 643.07 FEET; THENCE NORTH 0°47'12" EAST 16.00 FEET; THENCE SOUTH 89°12'48" EAST 643.07 FEET; THENCE SOUTH 0°47'12" WEST 16.00 FEET TO THE POINT OF BEGINNING.

Assessor Parcel No. 100370009

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this 18 day of July, 2018.

Eldon D. Davis  
ELDON D. DAVIS

Susan W. Davis  
SUSAN W. DAVIS

STATE OF UTAH )  
County of WEBER ) ss

On this 18 day of JULY, 2018, before me, the undersigned Notary Public in and for said State, personally appeared ELDON D. DAVIS and SUSAN W. DAVIS (name), known or identified to me to be the person that executed the instrument and acknowledged to me that they executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written

Holley George  
(notary signature)

NOTARY PUBLIC FOR UTAH (state)  
Residing at: MARRIOTT SLATERVILLE (city, state)  
My Commission Expires: 08/16/2020 (d/m/y)



## Exhibit D - Feasibility Letters

BRIAN W. BENNION, M.P.A., L.E.H.S.  
Health Officer/Executive Director



April 25, 2018

Weber County Planning Commission  
2380 Washington Blvd.  
Ogden, UT 84401

RE: John Price  
650 S 7900 W, West Warren  
Parcel #10-037-0038  
Soil log #14661

Gentlemen:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on April 24, 2018. The exploration pit (s) is located at the referenced GPS coordinate and datum. The soil texture and structure, as classified using the USDA system, are as follows:

Exploration Pit #1 (UTM Zone 12T, Nad 83, 402124E 4567626N)  
0-8" Sandy loam, granular structure  
8-38" Loamy sand, weakly massive structure  
38" Ground water encountered

Exploration pits should be backfilled immediately upon completion to prevent a hazardous environment that may cause death or injury to people or animals.

#### DESIGN REQUIREMENTS

Culinary water will be provided by West-Warren Water Improvement District, an extension of an existing approved non-community water system. **A letter from the water supplier is required prior to issuance of a permit.**

Documented ground water tables not to exceed 30.5 inches, fall within the range of acceptability for the utilization of an At-Grade Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.65 gal/sq. ft. /day as required for the sandy loam, granular structure soil horizon.

#### ENGINEERING RESTRICTIONS

The location of the original and replacement drainfields are limited to the area of the GPS coordinate UTM Zone 12T, Nad 83, 402124E 4567626N. A map has been included for reference. The area in which the drainfield are to be located is multiple inches higher than other portions of the property. The permissibility of the At-Grade wastewater system has been based on this information and thus the drainfields must be located in an area of higher topography or a more conservative system type would be required for the permissibility of the property. Additionally the drainfield must maintain a minimum of 100 feet from all irrigation ditches, the artesian well located on the property, and the outfall location of the artesian well overflow

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

All subdivision plats submitted for review are to show the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. Mylars submitted for signature without this information will be returned.

EDUCATE | ENGAGE | EMPOWER

phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | [www.webermorganhealth.org](http://www.webermorganhealth.org)



Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,



Brett Bunderson, LEHS  
Environmental Health Division  
801-399-7160

WEST WARREN-WARREN WATER IMPROVEMENT DISTRICT

5783 W 950 N  
WARREN, UTAH 84404  
801-731-1702  
[www.westwarrenwtr@gmail.com](mailto:www.westwarrenwtr@gmail.com)

June 1, 2018

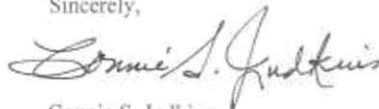
One Behalf of John Price

The West Warren and Warren Water Improvement District will supply culinary water to the address located at 650 South 7900 West in West Warren, Utah. .

The water is available upon payment of \$3,700.0 for impact and connection fees and must be paid prior to the beginning of construction.

Should you have questions or comments, please contact the district clerk at the phone or e-mail listed above.

Sincerely,



Connie S. Judkins  
District Clerk  
West Warren and Warren Water Improvement District.

RLG/csj