



## WEBER COUNTY PLANNING DIVISION

### Administrative Review Meeting Agenda

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March 20, 2019  
4:00 to 5:00 p.m.

1. **AAE 2019-01:** Consideration and action on an alternative access application for a private access easement to provide access to a second lot in the Merrill's Mountain Estate Subdivision located at 5500 E HWY 39, Huntsville UT in the FV-3 Zone. (Robert Merrill, Applicant) Steve Burton, Presenter
2. **LVF121818:** Consideration and action on a request for approval of a proposal to create an 11.8-acre residential lot by the name of Franke Estates Subdivision located at 595 S 3600 W, Ogden UT in the A-1 Zone. (Allen Franke, Owner/Applicant) Felix Lleverino, Presenter
3. **LVG010819:** Consideration and action on Glen Shannon Subdivision, a one lot subdivision located at 3100 S 5100 W, Ogden UT in the A-2 Zone. (Dwayne Hansen, Applicant; Kerry Egbert, Agent) Tammy Aydelotte, Presenter
4. **UVB020719:** Consideration and action on final approval of Bailey's Back Five First Amendment, a one lot subdivision located at 8037 E 100 S, Huntsville UT in the AV-3 Zone. (Lonny & Nancy Bailey, Applicant; Sheryll Vanderhooft, Agent) Tammy Aydelotte, Presenter
5. **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 Approval

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on an alternative access application for a private access easement to provide access to a second lot in the Merrill's Mountain Estate subdivision.

**Agenda Date:** Wednesday, March 20, 2019

**Applicant:** Robert Merrill

**File Number:** AAE 2019-01

#### Property Information

**Approximate Address:** 5500 E Hwy 39, Huntsville

**Project Area:** 21.72 acres

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

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**Parcel ID:** 20-015-0012

**Township, Range, Section:** T6N, R1E, Section 14

#### Adjacent Land Use

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

#### Staff Information

**Report Presenter:** Steve Burton  
sburton@co.weber.ut.us  
801-399-8766

**Report Reviewer:** RG

### Applicable Land Use Codes

- Title 104 (Zones) Chapter 14 (Forest Valley Zone)
- 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 applicant is requesting approval of a private access easement to access a future lot in Merrill's Mountain Estates Subdivision. The existing subdivision consists of one lot accessed by a 30 ft wide access easement. The applicant is proposing that an additional lot gain access and width by the existing access easement. This will require an amended plat to the Merrill's Mountain Estates Subdivision.

### Analysis

LUC §108-7-31 outlines the following criteria that must be met for an alternative access approval:

*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.*

A contour map of the property (Exhibit B) indicates that the terrain of the area contains slopes of 40% or more. A street view image (Exhibit C) of the existing access easement shows the steepness of the slope on either side of the easement. Considering the approval criteria for alternative access, the applicant has demonstrated that topographic conditions on site warrant an alternative access.

LUC §108-7-31 outlines the following condition that must be met as part of alternative access approval:

*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.*

The access easement must meet the design standards outlined LUC §108-7-29(1), (2), and (3) prior to issuance of a certificate of occupancy on any home that will gain access from the access easement.

Approval of an access to an additional lot in this area will mean that five dwellings will gain access through the existing easement. Section 108-7-29(1)c indicates that the improved travel surface of the access easement shall be a minimum of 20 feet wide if the access serves five or more dwellings. The applicant will be required to ensure that this standard is met prior to issuance of a certificate of occupancy of a dwelling on the additional lot.

**Review Agencies:** The applicant will be required to comply with all review agency requirements prior to issuance of a certificate of occupancy on any home that will gain access from the access easement. To date the Weber Fire District and Weber County Engineering Division have conditionally approved of the proposal.

### Staff Recommendation

Staff recommends approval of AAE 2019-01, to provide access by private access easement to one additional lot in a future amended subdivision, as shown on the concept plan included as exhibit A. The recommendation for approval is subject to review agency requirements and the following conditions:

1. The access easement shall comply with the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29.
2. The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, prior to the recording of the future subdivision.
3. The improved travel surface of the access easement shall be a minimum of 20 feet wide because the access will serve five dwellings.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to five lots is not feasible or practical due to topography.

### Administrative Approval

Administrative approval of Merrill Alternative Access (AAE 2019-01) is hereby granted based upon the conditions and findings listed in this staff report.

Date of Administrative Approval: \_\_\_\_\_

\_\_\_\_\_  
Rick Grover  
Planning Director

### Exhibits

- A. Concept Plan
- B. Contour map
- C. Street view image

## Property Map





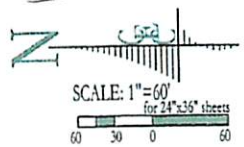
# RRILL'S MOUNTAIN ESTATE - PRELIMINARY AMENDED PLAT

## CLUSTER SUBDIVISION

PART OF THE WEST HALF OF SECTION 14,  
TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN  
BER COUNTY, UTAH

January 2007

Contour / TOPO  
MAP only  
Ignore lot layout



### DESIGN SPECIFICATIONS

Total Acres:	21.72 acres
40% or greater grade (undevelopable area):	-2.64 acres
Gross Acreage:	19.08 acres
Open Space Requirement (60%):	multiply 60%
	11.448 acres

### DENSITY CALCULATIONS

Adjusted Gross Acreage:	19.08 acres
Area of Right of Way:	-1.39 acres
Density allowed (zone=3 acres):	divide by 3
	5.896 lots allowed
Cluster Bonus (maximum allowed=30%):	multiply 30%
Lots allowed:	7.665 lots allowed

Proposed Open Space:	12.08 acres
Developable Area (25% or less grade):	6.032 acres
Number of Proposed Lots:	7 lots
Forest Valley Zone:	FV-3

### BONUS POINTS

Development of a Cluster Subdiv  
Public Access to Open Space & T  
5% Excess of Open Space:  
Preservation of wildlife habitat in  
Providing road stubs (east & sout  
Open Space is contiguous to perr  
open space on an adjoining prope  
Total Possible Cluster Bonus Poi

### NOTE:

Lots 3 through 6 do not contain a

### LEGEND:

- Lot lines
- Boundary Line
- Right of way line
- Setbacks (30' front & rear /
- Existing Contours
- 75'x100' Building Envelope
- Terrain grade less than 25%
- Terrain grade more than 40%
- Asphalt Roadway / Trail

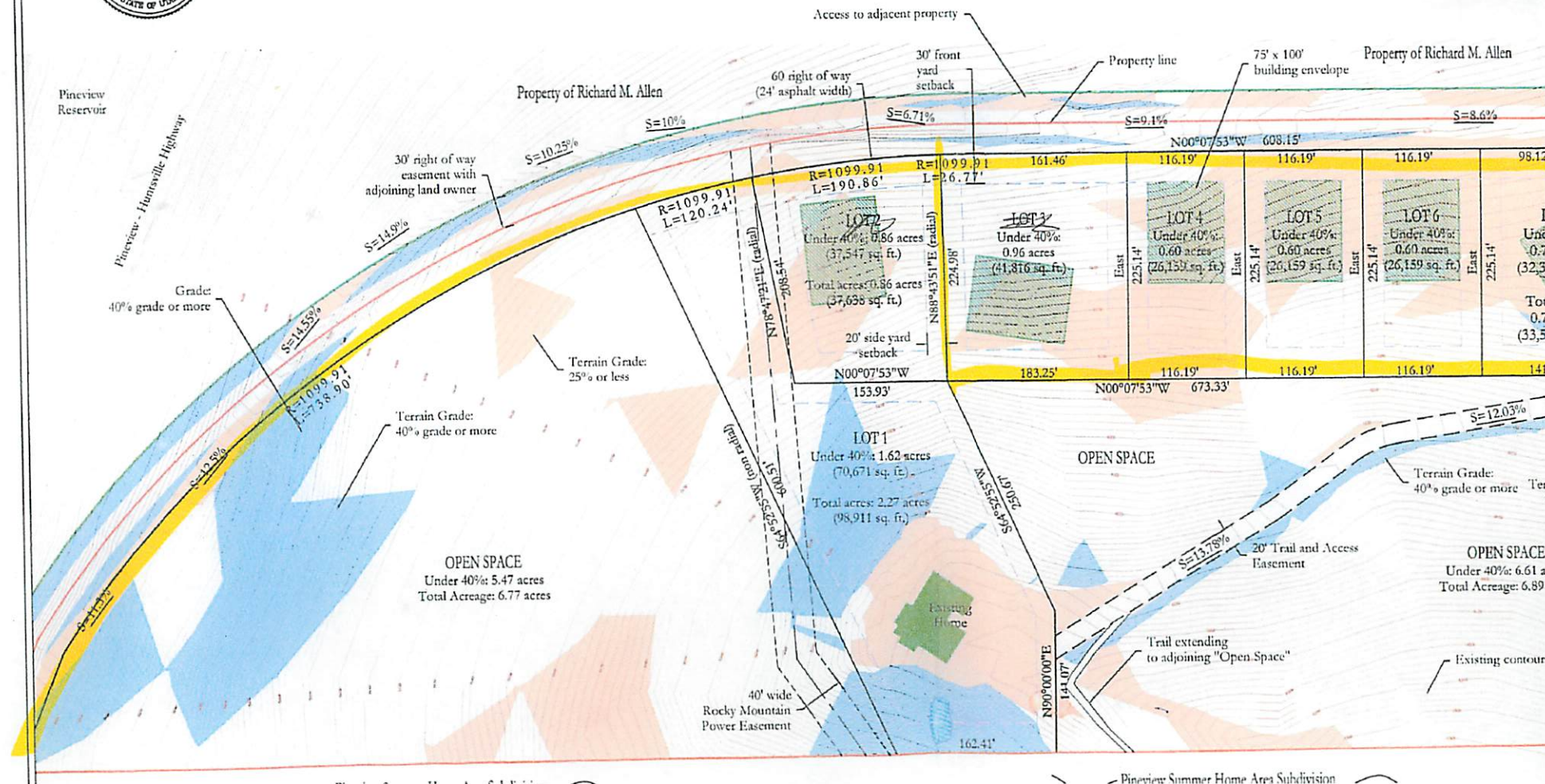


Exhibit C  
Street view  
image





## Staff Report to the Weber County Planning Division

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a request for approval of a proposal to create an 11.8-acre residential lot by the name of Franke Estates,  
**Agenda Date:** Wednesday, March 20, 2019  
**Applicant:** Allen Franke, Owner  
**File Number:** LVF 121818

#### Property Information

**Approximate Address:** 595 S 3600 West  
**Project Area:** 11.8 Acres  
**Zoning:** Agricultural (A-1)  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Residential  
**Parcel ID:** 15-045-0072  
**Township, Range, Section:** T6N, R2W, Section 16

#### Adjacent Land Use

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

#### Staff Information

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

### Applicable Land Use Codes

- Title 101 (General Provisions) Chapter 1 (Definitions)
- Title 104 (Zones) Chapter 5 (Agricultural A-1)
- Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 8 (Final Plat Requirements)

### Development History

Alternative access approval (AAE 2018-2) to create a private right-of-way was granted on May 31, 2018, with the conditions that:

1. The private road shall comply with the design, safety, and parcel/lot standards of the alternative access.
2. The applicant will enter into an alternative access agreement that shall be recorded, including the dedication of a half-width that will be a gift to the County at the time of the County's choosing. The language of the agreement shall be mutually decided between the applicant and County.

Condition number 2 has been met by the owner. The Alternative Access Agreement has been created and agreed upon by the owner and the County agencies (see Exhibit E).

### Background and Summary

The applicant is requesting approval of an 11.8-acre residential lot. Access to the property will be via a private road that accesses from 3600 West Street, a public right-of-way.

As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the A-1 Zone found in LUC §104-5. The following section is a brief analysis of this project against current land use regulations.

## Analysis

**General Plan:** This proposal conforms to the Western Weber General Plan by encouraging residential properties that may also pursue agriculturally related uses.

**Zoning:** The property is located in the A-1 Zone. The purpose of this zone is stated in the LUC §104-5-1.

*"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."*

**Site Development Standards:** Lots created in the A-1 Zone are required to comply with site development standards for the A-1 Zone. This proposal exceeds the minimum standards with regard to lot area and width.

**Small Subdivision:** "The Planning Director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission LUC §106-1-8 (f)." This proposal qualifies as a small subdivision consisting of three or fewer lots for which no new streets are being created or realigned.

**Road Dedication:** Following approval from the Planning Director, this proposal will be presented before the County Commission for approval of the area being dedicated to the public right-of-way 3600 West Street.

**Flood Zone:** This parcel is within an area of minimal flood hazard and determined to be outside the 500-year flood level.

**Culinary Water:** Taylor West Weber Water Improvement District has provided a letter stating that it will serve the needs for domestic use only and that proof of secondary water must be provided prior to applying for a residential connection.

**Irrigation Water:** The owners will provide proof that they possess sufficient water shares. As a condition of a culinary water connection, Taylor West Weber Water Improvement District requires a ½ share transferred to the District's name.

**Sewer Services:** Weber-Morgan Health Department has provided a feasibility letter stating that water table monitoring and soil evaluations have been completed.

**Review Agencies:** The Weber County Fire District has approved this proposal. Weber County Planning, Engineering, and Surveying have submitted comments that will be addressed by a revised subdivision plat and a written response to a series of questions.

**Public Notice:** Noticing was provided to all property owners of record within 500 feet of the subject property.

## Staff Recommendation

Staff recommends preliminary and final plat approval of Franke Estates, a proposal to create an 11.8-acre residential lot. This recommendation is based on the following conditions:

1. The area dedicated to the public right of way shall be approved by the County Commission.
2. The final Mylar must be signed by the County Commission prior to recording.
3. A deferral agreement must be entered into by the owner and recorded with the final Mylar.
4. The Alternative Access Agreement must be signed and recorded with the final Mylar.
5. The owner must enter into a Declaration of Deed Covenant to Run with the Land Concerning the Provision of Irrigation Water

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.

## Exhibits

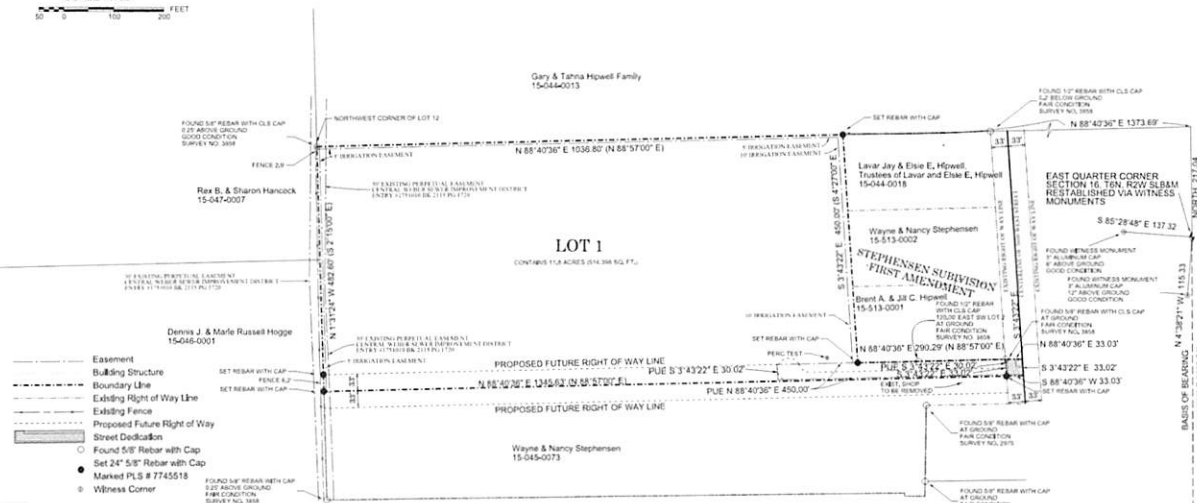
- A. Franke Estates Dedication plat
- B. Current Recorders Plat
- C. Taylor West Weber Water Will-serve Letter
- D. Health Department Feasibility Letter
- E. Alternative Access Agreement

## Area Map



**FRANKE ESTATES**  
**A PART OF THE SOUTHEAST QUARTER OF SECTION 16**  
**T. 6 N., R. 2 W., S.L.B.M.**  
**WEBER COUNTY, UTAH**  
**OCTOBER 2018**

SCALE 1:100  
 50 0 100 200 FEET



**NOTE:**  
 Agriculture is the preferred use in the agriculture zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restrictions on the basis that it interferes with activities of future residents of this subdivision.

**SURVEYOR'S CERTIFICATE**

I, DEREK C. PETERSON, DO HEREBY CERTIFY THAT I AM REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS ACT, AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HEREBY SUBDIVIDED SAID TRACT INTO ONE (1) LOT, KNOWN AS FRANK ESTATES, SUBDIVISION IN WEBER COUNTY, UTAH, AND HAS CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED ON DATA COMPILED FROM RECORDS ON THE WEBER COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND. I FURTHER HEREBY CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF WEBER COUNTY, UTAH CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED.

**ALAN W. AND CYNTHIA A. FRANK**  
 3392 N. 2575 S. OGDEN, UT 84404

**DEVELOPER**

WEBER COUNTY HEALTH DEPARTMENT  
 I hereby certify that the soils, percolation rates, and site conditions for this subdivision have been investigated by this office and are approved for onsite wastewater disposal systems. Signed this \_\_\_\_ day of \_\_\_\_, 20\_\_.  
 Director, Weber-Morgan Health Department

Signature

WEBER COUNTY PLANNING COMMISSION APPROVAL  
 This is to certify that this subdivision plat was duly approved by Weber County Planning Commission on the \_\_\_\_ day of \_\_\_\_, 20\_\_.  
 Chairman, Weber County Planning Commission

Chairman, Weber County Planning Commission

WEBER COUNTY ATTORNEY  
 I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect. Signed this \_\_\_\_ day of \_\_\_\_, 20\_\_.

Signature

WEBER COUNTY SURVEYOR  
 I hereby certify that the Weber County Surveyor's Office has reviewed this plat and all conditions for approval by this office have been satisfied. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith.

Signature

County Surveyor

WEBER COUNTY COMMISSION ACCEPTANCE  
 This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision are hereby approved and accepted by the Commissioners of Weber County, Utah this \_\_\_\_ day of \_\_\_\_, 20\_\_.

Chairman, Weber County Commission

Deputy Chairman, Weber County Commission

**OWNER'S DEDICATION**

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN HEREON AND NAME SAID TRACT FRANK ESTATES SUBDIVISION.

AND HEREBY DEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY WEBER COUNTY, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.

ALAN W. FRANK

CYNTHIA A. FRANK

ENTRY #

DEFERRAL AGREEMENT TO CONVEY

**BOUNDARY DESCRIPTION**

PART OF THE LOT 12 AND LOT 13, SECTION 16, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 12, THENCE NORTH 88°40'36" EAST (NORTH 87°57'00" EAST) 1036.80 FEET, THENCE SOUTH 3°43'22" EAST (SOUTH 4°27'24" EAST) 450.00 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF THE STEPHENSON SUBDIVISION FIRST AMENDMENT, THENCE NORTH 88°40'36" EAST (NORTH 87°57'00" EAST) 290.29 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, THENCE SOUTH 3°43'22" EAST 33.02 FEET, THENCE SOUTH 88°40'36" WEST (SOUTH 88°57'00" WEST) 1345.63 FEET TO THE WEST BOUNDARY OF SAID LOT 13, THENCE NORTH 1°11'24" WEST (NORTH 2°15'00" WEST) 40 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 11.8 ACRES OR 514,398 SQ. FT. IN AREA.

**INDIVIDUAL ACKNOWLEDGEMENT**

STATE OF UTAH

55

COUNTY OF WEBER  
 ON THE DATE FIRST ABOVE WRITTEN PERSONALLY APPEARED BEFORE ME THE ABOVE SIGNER(S) OF THE WITHIN INSTRUMENT, WHO DULY ACKNOWLEDGED TO THAT THEY EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL STAMP THE DATE IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC

RESIDING IN:

MY COMMISSION EXPIRES

**NARRATIVE**

THE PURPOSE OF THE SURVEY WAS TO ESTABLISH SET CORNERS AND CREATE A 1 LOT SUBDIVISION FROM PARCEL WITH TAX ID NUMBER 15-045-072 AS SHOWN AND DESCRIBED HEREON. THE SAID SURVEY WAS ORDERED BY ALLEN W. AND CYNTHIA A. FRANK, WHOM HAVE TAKEN TITLE OF THE REAL PROPERTY WITH A CERTAIN WARRANTY DEED, ENTRY NUMBER 2918044, ON FILE AT THE WEBER COUNTY RECORDER'S OFFICE.

THE BASIS OF BEARING OF THIS SURVEY IS THE SOUTHEAST CORNER OF SECTION 16, T. 6 N., R. 2 W., S.L.B.M. AND THE REESTABLISHED EAST QUARTER OF SAID SECTION 16. FOUND REBAR WITH C.L.S. CAPS AS DEPICTED OF SURVEY 3853 FILED AT THE WEBER COUNTY SURVEYOR'S OFFICE. THE FOUND LOCATIONS OF SAID SURVEY 3853 CONSIDERED WITH LOCATIONS DEPICTED ON THE PLAT AND HELD.

THE RIGHT OF WAY OF 3600 WEST STREET WAS DETERMINED WITH SAID SURVEY 3853 AND INCLUDING SURVEY 2975 ON THE WESTERN HALF AND VARIOUS SURVEYS ON THE EASTERLY HALF. ALSO DEDICATIONS OF THE MARK AND KENNA SUBDIVISION AND THE STEPHENSON SUBDIVISION FIRST AMENDMENT WERE ALSO USED TO DETERMINE THE RIGHT OF WAY.

PARCEL EVIDENCE RECEIVED FROM THE HIPWELL FAMILY THAT THE INTENT OF THE CONVEYANCES OF THE ORIGINAL SAID PARENT PARCEL, WITH TAX ID NUMBER 15-045-018 AS GRANTED BY LAVAR JAY HIPWELL, WITH FULL RIGHTS OF SUBDIVISION, CREATING PARCEL WITH TAX ID NUMBER 15-045-073 AND SAID PARCEL WITH TAX ID NUMBER 15-045-072 WAS TO DIVIDE THE TWO CREATED PARCELS BY A LINE PARALLEL 13.00 FEET OFFSET SOUTH OF THE SOUTH LINE OF LOT 2 OF THE SAID STEPHENSON SUBDIVISION FIRST AMENDMENT.



**DEREK C. PETERSON**  
 1905 EAST LAWN DR.  
 OGDEN, UTAH 84404  
 407-468-8117  
 P.L.C. 114519

**WEBER COUNTY RECORDER**

Entry Number: \_\_\_\_ Fee Paid: \_\_\_\_

Filed for Record and Recorded this \_\_\_\_ day of \_\_\_\_, 20\_\_.

Day of \_\_\_\_, 2017, in Book \_\_\_\_ Page \_\_\_\_  
 of the Office of Official Records

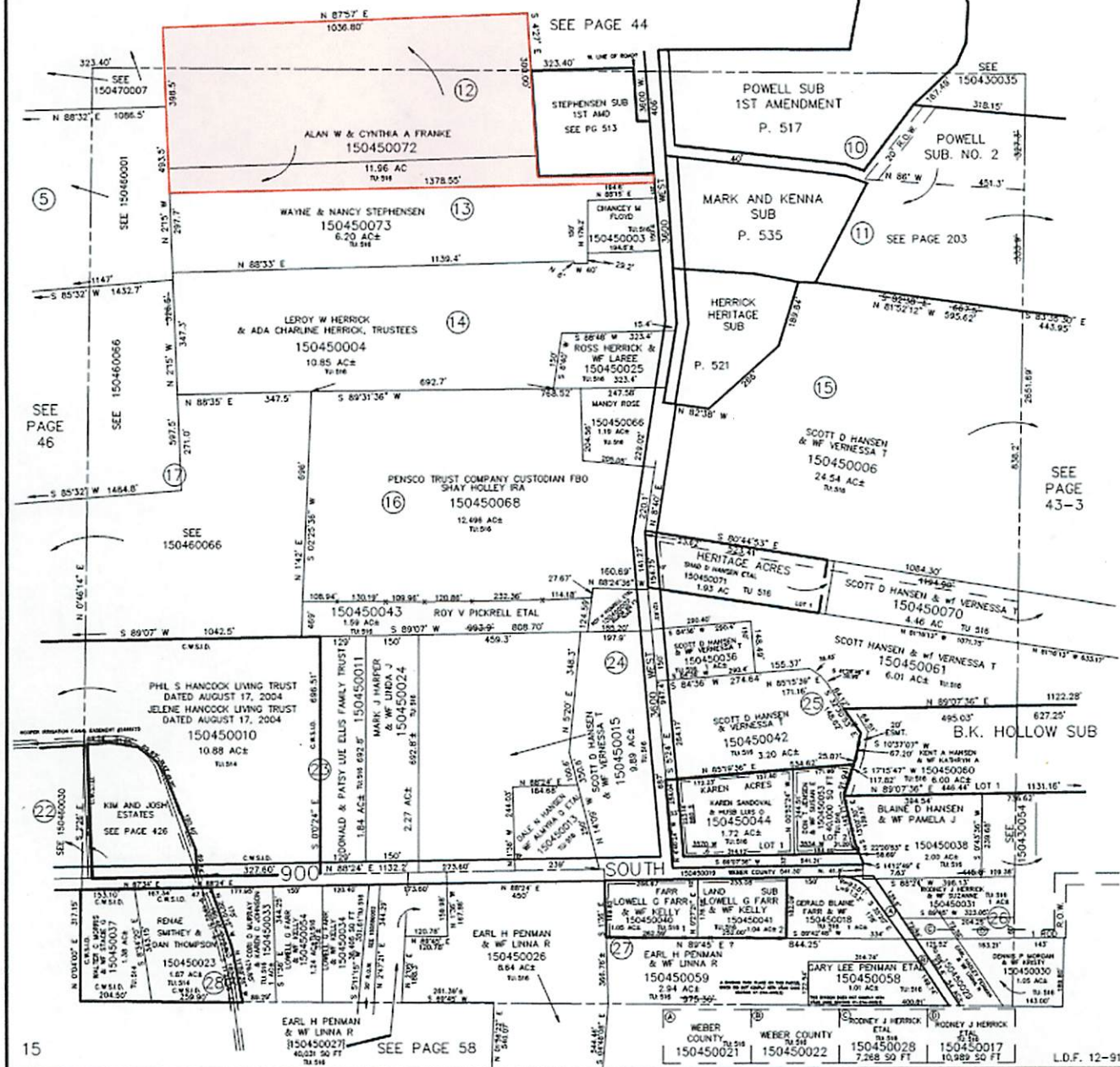
Deputy County Recorder

S.E. 1/4  
SECTION 16, T.6N., R.2W., S.L.B. & M.

IN WEBER COUNTY

SCALE 1" = 200'

TAXING UNIT: 53,377,514



**TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT**

2815 WEST 3300 SOUTH  
WEST HAVEN, UTAH 84401

December 14, 2018

Weber County Planning Commission  
2380 Washington Boulevard  
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that preliminary approval has been given to provide culinary water only for one lot for Alan Franke at the approximate address of 585 South 36000 West in West Weber, Utah.

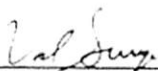
Requirements:

- \*Water rights fee = \$4,363 (or current cost when paid)
- \*Hookup/Impact fee = \$6,824 (or current cost when paid)
- \*Secondary water = 1/2 share of Hooper or Wilson Irrigation (transferred into the District's name) to be held by the District to be held for a pressurized system.

**BUILDING PERMIT SHOULD NOT BE ISSUED UNTIL FINAL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER.** Final approval is subject to meeting all of the requirements of the District and all fees/shares being paid and received.

Sincerely,

TAYLOR WEST WEBER WATER IMP. DIST.

  
\_\_\_\_\_  
Val Surrage - Manager

VS/sph

Expires 6/14/19

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

November 2, 2018



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

RE: Alan Franke  
(Approx) 550 S. 3600 W  
Parcel #15-045-0072  
Soil log #14755

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided Taylor-West Weber Water 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.**

#### DESIGN REQUIREMENTS

Anticipated ground water tables not to exceed 36 inches, fall within the range of acceptability for the utilization of a Conventional Treatment System as a means of wastewater disposal. Maximum trench depth is limited to 12 inches. The absorption field is to be designed using a maximum loading rate of 0.4 gal/sq. ft./day as required for the fine sandy clay loam, massive structure soil horizon.

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.

The following items are required for a formal **subdivision review**; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned.

**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,

Ryan Klinge, LEHS  
Environmental Health Division  
801-399-7160

RK/co

EDUCATE | ENGAGE | EMPOWER

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

## Deferral Agreement to Convey

This Covenant is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_ and \_\_\_\_\_

hereafter referred to as Grantors and Weber County, Grantee, hereafter referred to as County.

WHEREAS, Grantor has applied to County for an alternative access from that otherwise required by the Subdivision Code, which requires dedication and construction of a 66-foot public street or road that would serve as access to adjacent properties for future development, and

WHEREAS, due to the access strip that fronts on 3600 West, as shown on \_\_\_\_\_ subdivision plat, not containing enough width for a 66' foot public street or road, the County finds it unfeasible or impractical at the present time to require the extension of a public street to said lot or dwelling, and

WHEREAS, The Uniform Land Use Code of Weber County Utah 106-2-2 (g) restricts half-streets proposed along a subdivision boundary or within any part of a subdivision.

WHEREAS, access to the following described lot is only feasible and practical at this time by means of a private right-of-way of at least 20 ft. wide,

THEREFORE, in order to gain a County waiver and upon formal acceptance noted hereunder, Grantors hereby covenant and agree for themselves, their heirs and any and all successors in interest to the following described property that they hereby irrevocably agree to participate on the basis of cost allocation according to frontage to share in any cost of developing in the future, a public road to replace said private right-of-way or access strip at the time when the adjoining property to the south records a subdivision plat or a plan for development or at a time when the County finds it appropriate. In addition, Grantor and its heirs or successors in interest agree to quit claim without charge to County such private right-of-way or access strip, plus such additional land as required by county ordinance at the time the County calls upon this agreement, for a future public street, regardless of which properties will be benefitted by such street or road. In granting or receiving the alternative access, the County and the undersigned agree that neither the alternative access, nor this agreement constitutes a waiver of development requirements, but rather a deferral of them. The grantor also acknowledges that he/she is responsible for the upkeep and maintenance of the private drive and that when the County calls upon this agreement, the owner is responsible for the altering of the road as needed following development on adjoining properties.

Legal description of Grantor's subject property is as follows:

By \_\_\_\_\_

GRANTORS

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me \_\_\_\_\_

\_\_\_\_\_ and \_\_\_\_\_, Grantors and acknowledged that they had executed the above Covenant.

NOTARY PUBLIC  
Residing at \_\_\_\_\_, Utah



# Staff Report for Administrative Subdivision Approval

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on Glen Shannon Subdivision, a one lot subdivision.  
**Type of Decision:** Administrative  
**Agenda Date:** Wednesday, March 20, 2019  
**Applicant:** Dwayne Hansen  
**Authorized Rep:** Kerry Egbert  
**File Number:** LVG010819

### Property Information

**Approximate Address:** 3100 S 5100 W, Ogden, UT, 84401  
**Project Area:** Approximately 1.114 Acres  
**Zoning:** A-2 Zone  
**Existing Land Use:** Residential  
**Proposed Land Use:** Residential  
**Parcel ID:** 15-085-0006  
**Township, Range, Section:** Township 6 North, Range 2 West, Section 32 SW

### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Agricultural
<b>East:</b>	Residential	<b>West:</b>	5100 West St.

### Staff Information

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

## Applicable Ordinances

- Title 106, Chapter 2, Subdivision Standards.
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 104, Chapter 7, Agricultural A-2 Zone

## Background and Summary

The Planning Division recommends final approval of Glen Shannon Subdivision, a small subdivision consisting of one residential lot (see Exhibit A). The proposed subdivision is located at approximately 3100 S 5100 W, Ogden, and is in the A-2 zone.

The proposed subdivision will consist of 1.114 acres. The purpose of the proposed subdivision is to subdivide a one-acre lot for the purpose of residential development. The subdivision and lot conform to current subdivision standards in the A-2 zone. The proposed subdivision meets all other applicable subdivision requirements as required in the Uniform Land Use Code of Weber County, Utah (LUC).

Road dedication is required by the County Engineer, along 5100 West St.

No PUE's or drainage easements will be vacated with this subdivision. A public utility easement will be recorded along all four boundary lines of lot 1 of the Glen Shannon Subdivision.

## Analysis

General Plan: The proposal conforms to the West Central Weber General Plan by encouraging development within the existing residential areas.

Zoning: The subject property is located in the West Central Weber Residential Zone more particularly described as the A-2 zone. The purpose and intent of the A-2 zone is identified in the LUC §104-7-1 as:

*"The purpose of the A-2 Zone is to designate farming areas where agricultural pursuits and the rural environment should be promoted and preserved."*

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 A-2 zone in LUC Title 104 Chapter 7. Small subdivisions as defined in LUC §101-1-7 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 A-2 Zone has a minimum lot area of 40,000 square feet and a minimum lot width of 150 feet (see LUC §104-7-6) for a single family residential dwelling. The proposed lot width is exactly 150'. When further development occurs in this subdivision, the following standards will need to be addressed upon submittal for a building permit (main building/accessory use – small accessory buildings):

- Front yard setback: 30 feet
- Side yard setback: 10 feet with a total of 2 side yards not less than 24 feet
- Rear yard setback: 30 feet
- Accessory building height: 35 feet

The proposed lot configuration meets the minimum width and area standards in the A-2 Zone.

**Review Agencies:** The following agencies have reviewed this subdivision: Weber County Surveying, Weber County Engineering, Weber Fire District, Weber County Planning, and the Weber County Treasurer. The County Engineer has issued approval conditioned upon receipt of a signed deferral agreement for sidewalk, curb, gutter, and asphalt to be recorded with the final mylar. The proposal is required to comply with all review agency requirements prior to recording the final mylar.

**Additional design standards and requirements:** There may be additional site preparation in conjunction with an approved building permit. The proposed subdivision does not require the realignment of or the creation of a new street system. With the exception of the recommended conditions identified in this staff report additional standards and requirements are unnecessary at this time.

**Tax clearance:** The 2018 property taxes have been paid in full. The 2019 property taxes will be due in full on November 30, 2019.

**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 small subdivision per noticing requirements outlined in LUC §106-1-6.

## Staff Recommendation

Staff recommends final plat approval of Glen Shannon Subdivision. This recommendation for approval is subject to all applicable review agency requirements, and the following conditions:

1. A deferral agreement, for sidewalk, must be executed upon recording of the final mylar (per the County Engineer).
2. Annexation into Central Weber Sewer must be complete and recorded prior to scheduling this subdivision for final approval

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable county ordinances.

## Administrative Approval

Administrative final plat approval of Glen Shannon 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 is based on the findings listed in this staff report.

Date of Administrative Approval: TBA

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Rick Grover  
Weber County Planning Director

## Exhibits

### A. Proposed Subdivision Plat

#### Map 1







## Staff Report for Administrative Subdivision Approval

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on final approval of Bailey's Back Five First Amendment, a one lot subdivision.

**Type of Decision:** Administrative

**Agenda Date:** Wednesday, March 20, 2019

**Applicant:** Lonny & Nancy Bailey

**Representative:** Sheryll Vanderhooft

**File Number:** UVB020719

#### Property Information

**Approximate Address:** 8037 E 100 S, Huntsville, UT, 84317

**Project Area:** 7.254 acres

**Zoning:** Agricultural Valley (AV-3)

**Existing Land Use:** Agricultural

**Proposed Land Use:** Residential

**Parcel ID:** 21-099-0001, 21-026-0046

**Township, Range, Section:** T6N, R2E, Section 17 NW

#### Adjacent Land Use

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

#### Staff Information

**Report Presenter:** Tammy Aydelotte  
taydelotte@co.weber.ut.us

**Report Reviewer:** RK

### Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 6 (AV-3 Zone)

### Background and Summary

8/29/2003 Bailey's Back Five Subdivision recorded.

There is an existing residence located on lot 1 of Bailey's Back Five. The purpose of this subdivision amendment, to increase acreage by 2 acres, is to help in maintaining greenbelt status on this lot.

The applicant is requesting final approval of Bailey's Back Five Subdivision, 1<sup>st</sup> Amendment, a one lot subdivision, to include an additional 2 acres with the previous lot 1 of Bailey's Back Five, located at approximately 8037 E 100 S, Huntsville in the AV-3 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

### Analysis

**General Plan:** The request is in conformance with the Ogden Valley General Plan as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

**Zoning:** The subject property is located in the AV-3 Zone.

**Lot area, frontage/width and yard regulations:** In the LUC § 104-6-5, the AV-3 zone requires a minimum lot area of 3 acres for a single family dwelling and a minimum lot width of 150 feet. The lot in this proposed subdivision amendment meets this requirement.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the AV-3 zone standards in LUC § 104-6. The proposed subdivision amendment will simply increase the acreage of the existing lot 1 from 5.254 to 7.254 acres.

Review Agencies: To date, the proposed subdivision has been approved by the Engineering Division, and Surveyor's Office along with the Weber Fire District. All review agency requirements must be addressed and completed prior to this subdivision amendment being recorded.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2019 property taxes are not considered due at this time, but will become due in full on November 30, 2019.

### Staff Recommendation

Staff recommends final approval of Bailey's Back Five Subdivision 1<sup>st</sup> Amendment, a one lot subdivision consisting of 7.254 acres located at approximately 8037 E 100 S, Huntsville, UT, 84317. This recommendation is subject to all review agency requirements prior to recording of the subdivision amendment.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan
2. The proposed subdivision complies with applicable county ordinances

### Administrative Approval

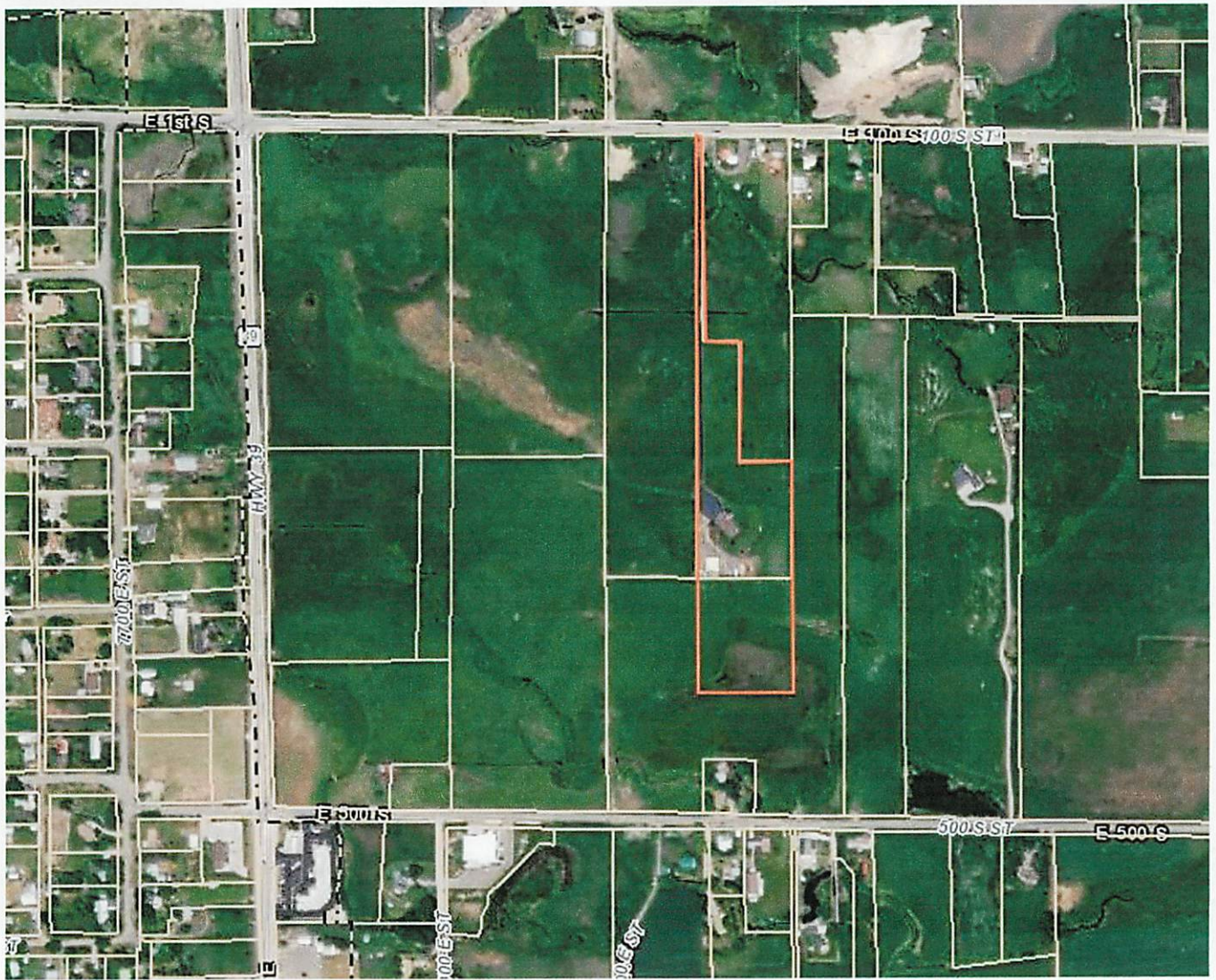
Administrative final approval of BPD2017-02 is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: March\_\_\_\_, 2019

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Rick Grover  
Weber County Planning Director

### Exhibits

- A. Subdivision Plat



**Attorney's Lot 1**

Wasco County, Utah

