



# Staff Report for Administrative Subdivision Approval

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on both an alternative access exemption and final approval of the Stoker Subdivision 1st Amendment, a two-lot subdivision.

**Type of Decision:** Administrative

**Agenda Date:** Wednesday, December 09, 2020

**Applicant:** Kyle & Julayne Stoker, owners

**File Number:** AAE2020-05 & LVS082420

### Property Information

**Approximate Address:** 4271 W 3600 N, Ogden UT

**Project Area:** 6.637 acres

**Zoning:** Agriculture (A-2) Zone

**Existing Land Use:** Residential/Agriculture

**Proposed Land Use:** Residential, Residential

**Parcel ID:** 19-173-0001 & 19-009-0072

**Township, Range, Section:** T7N, R2W, Section 21, SW 1/4

### Adjacent Land Use

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

### Staff Information

**Report Presenter:** Scott Perkes  
sperkes@co.weber.ut.us  
801-399-8772

**Report Reviewer:** RG

## Applicable Ordinances

- Title 104 (Zones) Chapter 7 (A-1 Zone)
- Title 106 (Subdivisions)
- 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 and Summary

The applicant is requesting final approval of an alternative access exemption to provide an access easement to one of the lots being created by also requested final approval of Stoker Subdivision 1<sup>st</sup> Amendment, a two-lot subdivision located at approximately 4271 W 3600 N, Ogden in the A-2 zone (see **Exhibits A & B**).

The proposed final subdivision plat (see **Exhibit C**) depicts a 33' X 973.50' or 32,867 square foot area being dedicated to the public right-of-way for the future extension of 2800 West Street. This ROW dedication area will also serve as the alternative access for Lot 3 until such a time in which 2800 West Street is connected and fully improved.

## Analysis

**General Plan:** The proposal conforms to the Western Weber General Plan by preserving the rural character of Western Weber County by creating large lots.

Zoning: The subject property is located in an Agricultural Zone A-2 zone. That land use requirements for this zone are stated in the LUC§ 104-7 as follows:

*The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.*

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC Title 106 (Subdivisions), and the A-2 Zone standards listed in LUC 104-7-6. Small Subdivisions, as defined in LUC 101-7, can be administratively approved per LUC 106-1-5(b)(1).

Lot area, frontage/width, and yard regulations: In the LUC §104-7-6, the A-2 zone requires a minimum lot area of 40,000 sq. ft. and a minimum lot width of 150’.

Each lot within the proposed Stoker Subdivision 1<sup>st</sup> Amendment meets the minimum acreage and width requirements of the A-2 zone.

Alternative Access Exemption: The applicant is requesting approval of an alternative access exemption to provide access to Lot 3 of the proposed Stoker Subdivision 1<sup>st</sup> Amendment. As indicated above, the proposed final subdivision plat depicts a 33’ X 973.50’ or 32,867 square foot area being dedicated to the public right-of-way for the future extension of 2800 West Street. This ROW dedication area will also serve as the alternative access for Lot 3 until such a time in which 2800 West Street is connected and fully improved.

In order for an alternative access exemption to be granted, the applicant must meet one of the criteria listed under Sec. 108-7-31(a) of the Land Use Code. In this instance, the applicant is arguing that it is currently “*impractical to extend a street to serve such lot/parcel*” given the fact that only 1 lot is needing access at this time, and that the location and configuration of the parcel being subdivided is far removed from other adjacent property requiring access to be stubbed.

As a condition of approval for an alternative access exemption, and per Sec. 108-7-31(b)(2), the applicant will be required to enter into a Building on a Private Right-of-Way/Access Easement Equitable Servitude and Covenant at the time of subdivision plat recording.

Culinary water and sanitary sewage disposal: Bona Vista Water Improvement District will provide culinary water to each lot (see **Exhibit D**). The Weber-Morgan Health Department has provided a Septic Feasibility letter for Lot 3 of the proposed Stoker Subdivision 1<sup>st</sup> Amendment (see **Exhibit E**). Lot 2 is already developed with a single-family home and will not require additional water or waste water connections.

Secondary water: The applicant owns 100 shares in the Plain City Irrigation Canal Company. Plain City Irrigation Canal Company has also provided a will-serve letter (see **Exhibit F**).

Review Agencies: Planning, Engineering, Surveying, Addressing, Weber Fire, and the Weber-Morgan Health Departments have reviewed the proposed subdivision. Minor revisions to the dedication plat will be required prior to recording the plat in order to satisfy all agency review comments.

Public Notice: Public notice was sent by mail to all property owners within 500 feet of the subject property.

## Staff Recommendations

Staff recommends final approval of the Stoker Subdivision 1<sup>st</sup> Amendment, a two-lot subdivision. This recommendation is subject to all review agency requirements and based on the following conditions:

1. The owner is required to enter into a deferral agreement for curb, gutter, and sidewalk for frontages along 3600 North and the future 2800 West.
2. The owner is required to enter into a Building on a Private Right-of-Way/Access Easement Equitable Servitude and Covenant pursuant to Title 108-7-31(b)(2).
3. The alternative access road and turn-around shall be designed to meet the Fire Marshall’s requirements as well as those listed in Title 108-7-29.
4. A Declaration of Deed Covenant Concerning Provision of Irrigation Water will be required for Lot 3 at the time of recording.

5. An Onsite Wastewater Disposal Systems Deed Covenant & Restriction will be required for Lot 3 at the time of recording.

This recommendation is based on the following findings:

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

### Administrative Approval

Administrative final approval of Stoker Subdivision 1<sup>st</sup> Amendment 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: 12/9/20

  
Rick Grover  
Weber County Planning Director




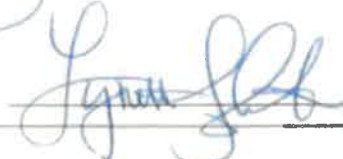
### Exhibits

- A. Alternative Access Exemption Application
- B. Subdivision Application
- C. Subdivision plat
- D. Bona Vista Water Will-Serve Letter
- E. Septic Feasibility Letter
- F. Plain City Irrigation Canal Company Will-Serve Letter

### Map



**Exhibit A**

<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 <i>Stoker Subdivision</i>		Number of Lots <i>2</i>	
Approximate Address <i>4271 W. 3600 N.</i>		Land Serial Number(s) <i>19-173-0001</i> <i>19-009-0072</i>	
Current Zoning	Total Acreage <i>6.09</i>		
Culinary Water Provider <i>Buena Vista Water</i>	Secondary Water Provider <i>Plain City Irrigation</i>	Wastewater Treatment <i>Septic Tank</i>	
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) <i>Kyle S. and Julieanne M. Stoker</i>		Mailing Address of Property Owner(s) <i>4271 W. 3600 No</i> <i>Plain City Ut. 84404</i>	
Phone <i>801-916-9155</i>	Fax <i>801-731-6607</i>		
Email Address <i>julstoker@gmail.com</i>		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 <i>Andy Hubbard</i> <i>Great Basin Engineering</i>		Mailing Address of Surveyor/Engineer	
Phone <i>801-394-4515</i>	Fax		
Email Address <i>andyh@greatbasineng.com</i>		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Owner Affidavit</b>			
I (We) <i>Kyle S and Julieanne M. Stoker</i> ... 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 <i>4th</i> day of <i>Jan</i> , 20 <i>18</i>			
		 (Notary)	
<b>LYNETTE SINGLETON</b> Notary Public • State of Utah Commission # 689468 My Commission Expires May 11, 2020			

**Exhibit B**

Weber County Alternative Access Application			
Application submittals will be accepted by appointment only. (801) 399-8791, 2390 Washington Blvd. Suite 240, Ogden, UT 84403			
Date Submitted /Completed <b>1/4/2018</b>	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 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>Kyle S and Juliana M. Stoker</b>		Mailing Address of Property Owner(s) <b>4271 W. 3600 No. Plain City, Ut. 84404</b>	
Phone <b>801-916-9855</b>	Fax <b>801-731-6607</b>		
Email Address (required) <b>julstokere@gmail.com</b>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input checked="" 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>Stoker Subdivision</b>		Total Acreage <b>6.09</b>	Current Zoning
Approximate Address <b>4271 W. 3600 N.</b>		Land Serial Number(s) <b>19-173-0001, 19-009-0002</b>	
Proposed Use <b>Flag lot with a building and building lot.</b>			
Project Narrative			







## Bona Vista Water Improvement District

2020 West 1300 North, Farr West, Utah 84404

Phone (801) 621-0474 Fax (801) 621-0475

August 24, 2020

To Whom it May Concern:

RE: **AVAILABILITY LETTER** – 2973 North 4200 West

The development is located at approximately 2973 North 4200 West in unincorporated Weber County consisting of 1 lots.

This letter is ONLY to state that the above named project is in the boundaries of the Bona Vista Water Improvement District and water will ONLY be available under the following conditions:

- The property is annexed into the District, if necessary.
- The subdivision utility plan is reviewed and approved by the District.
- Review fees are paid to the District.
- Proof of Secondary Water is provided to the District.

The non- refundable fee for the plan review is \$450 plus \$75 per lot. We consider this fee to be minimal and is only to cover the cost of review by the District administration, inspectors, and the District Engineer. Only the phase in consideration is guaranteed service, and the plan review is good only for a period of one year from the date of the will serve letter, if not constructed.

Furthermore, the District's responsibility is to provide flow and pressure to the development. The Developer and his Engineer are responsible to provide proper flow and pressure throughout the development. This may require some over-sizing within the development, as determined by the District.

This letter is the first of two letters that will be issued for this development. Following the acceptance of the above conditions the District will issue the "Will Serve" letter.

This subdivision, like all other subdivisions, must have a secondary water system for all outside irrigation usage. Prior to the District accepting connection fees, the owner or developer must furnish proof of secondary. If you have any questions please call 801-621-0474, ext 207.

Sincerely,

Matt Fox  
Assistant Manager

**Board of Directors**

Ronald Stanford, Chairman – Unincorporated Area  
Scott VanLeeuwen, Co-Chairman – Marmot/Slaterville  
Z. Lee Dickmore – Farr West  
Michelle Tait – Harrisville  
Jon Bousley – Plain City

**Management**

Blake Carlin, Manager  
Matt Fox, Assistant Manager  
Marc Doolan, Office Manager

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



August 17, 2020

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

RE: Kyle Stoker  
4271 W 3600 N Plain City, UT  
Parcel #19-009-0072  
Soil log #15027

Gentlemen:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on August 17, 2020. The exploration pit 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, 409412 N 4575629 E)  
0-22" Fine Sandy Loam (Near Fine Loamy Sand), Granular/Weak Massive Structure  
22-46" Fine Sandy Loam, Massive Structure, Many Red Mottles Below 22"

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 Bona Vista Water District, an existing approved community water system. A letter from the water supplier is required prior to issuance of a permit.

Documented ground water tables not to exceed 24 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 0.4 gal/ft<sup>2</sup>/day as required for the fine sandy 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  
Environmental Health Division  
801-399-7160

EDUCATE | ENGAGE | EMPOWER

phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | www.webermorganhealth.org



**Exhibit F**

**Perkes, Scott**

**From:** Jul Stoker <julstoker@gmail.com>  
**Sent:** Tuesday, September 22, 2020 11:11 PM  
**To:** Perkes, Scott; Matt Fox; Brady Boren  
**Subject:** [EXTERNAL]Fwd: Fw: will - serve document

**CAUTION:** This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Will-Serve letter from Plain City Irrigation to Bona Vista Water



Grandchildren rock my world!

Jul Stoker

----- Forwarded message -----

**From:** Jay Christensen <[jayde4131.com@outlook.com](mailto:jayde4131.com@outlook.com)>  
**Date:** Tue, Sep 22, 2020 at 11:28 AM  
**Subject:** Fw: will - serve document  
**To:** [julstoker@gmail.com](mailto:julstoker@gmail.com) <[julstoker@gmail.com](mailto:julstoker@gmail.com)>

Sent from Windows Mail

**From:** [chrij@Compassminerals.com](mailto:chrij@Compassminerals.com)  
**Sent:** Tuesday, September 22, 2020 8:03 AM  
**To:** [jayde4131.com@outlook.com](mailto:jayde4131.com@outlook.com)

September 22, 2020

Plain City irrigation Canal Company

To whom it may concern :

This letter is written as a will-serve document on behalf of Julayne and Kyle Stoker to verifying that they are a stockholder in the Canal Company and own water stock in the canal company, the Plain City Irrigation Canal Company will deliver their water stock to their private ditch from the companies canal on a regular scheduled basis for the duration of the Irrigation season.

Jay Christensen

Plain City Irrigation Canal Company