



*Landmark Surveying, Inc.*

A Complete Land Surveying Service  
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May 26, 2021

Weber County Planning  
2380 Washington Blvd.  
Ogden, Utah 84401 Suite 240

RE: Vue de Valhalla subdivision department reviews.

To whom it may concern:

The following is the required written response to the review items noted as obtained from Frontier. If you have any questions please let me know.

Respectfully,

***Ernest D. Rowley, PLS, CFedS***

*Principle Owner - Landmark Surveying, Inc.*  
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3498 1st review written response letter 09-29-2020.docx

**SURVEY REVIEW RESPONSE:**

20201109\_3<sup>rd</sup> Redline\_Vue de Valhalla Subdivision\_7N1E29SE.pdf

1. The existing location, widths, and other dimensions of all existing or platted easements within and immediately adjacent (within 30') to the tract of land to be subdivided. Location of stream maintenance easement and See entry #2531444 Subject to right of way for future road over South 50'. Per your survey response #5 I did put the wrong entry # is should be Entry # 2209661 where it does describe the south 50' right of way. Grantor being Carol Lee Storey Pilcher, Grantee being Carol Lee Pilcher or her successor, as trustee of The Carol Lee Pilcher Revocable Trust established By Declaration of Trust Dated September 20, 2006 Grantee, of Liberty, Weber County.

RESPONSE: In my previous responses to this 50 foot easement issue I have tried to explain why this easement is invalid, so let me try again.

This easement appears to have originated by this document (E#2209661). This transaction is where Carol is deeding to her own trust the property described (which by the way has a 50 foot closing error). The language "Subject to" does not create the easement. To use such language the easement must already exist and is being cited by this "Subject to" language. I have not found another document that created this easement prior to this reference.

Because this document did not properly create the easement and name a grantee there is no dominant estate to exercise control over the easement and the easement is invalid. For the more detailed explanation of transactions requiring a grantee see my response in item 5 of the 2<sup>nd</sup> review letter.

Again, this easement, being invalid, is not needed on the plat.

2. The existing location, widths, and other dimensions of all existing or platted land drains, culverts, watercourses, wetlands, streams corridor setbacks, flood plain within and immediately adjacent (within30') to the tract of land to be subdivided location of c/l of stream to determine 50ft set back and maintenance easement WCO 106-1-5(a)(6) this was never answered in the responses.

RESPONSE: I guess I'm not understanding what you are looking for. The list of things in this statement is large and simply adding it to the redlines is vague and indeterminate.

That said, I can only assume the note is being included because of the creek on the property and the note is being included for "streams corridor setbacks ... [and] c/l of stream to determine 50ft set back". These are on the second review plat, the center line is shown and the 50 foot stream setback from highwater line is also show.

If this is not what the note is about please be more specific.

3. 4. Subdivisions that include lots that are partially or completely in the flood plain shall show the floodplain/floodway boundaries. And base flood elevations in 1ft increments in the flood area OR in lieu of providing base flood elevations designate areas as "non-buildable for residential or commercial structures: WCO 106-1-8 (c)(6) WCO 106-1-8 (c)(1). [Note: this statement is included twice on the plat.] The existing location ,widths and other dimensions of all existing or platted land drains, culverts, watercourses, wetlands, streams, corridor setbacks, flood plain with and immediately adjacent )within 30;) to the tract of land to be subdivided.

RESPONSE: As noted in my 2<sup>nd</sup> response letter, the FEMA FIRM panel 228 of 600 Map Number 49057C0228F revised June 2, 2015 was used to identify the flood zones as shown and noted. The map does not have BFE's for this stream so I'm assuming that the "OR" provision in the ordinance is what this keeps

being included on the map for. That being the case here is my response to showing “non-buildable” areas on the plat.

The county ordinance prevents construction in the 50’ Stream Corridor which is shown and creates a non-buildable line by ordinance. The health department has their own regulations for building in or near the 100 foot Well protection zone. The county setback lines are shown.

## **ENGINEERING REVIEW RESPONSE:**

Review #2 dated 10-6-2020

1. Per the County subdivision ordinance, a preliminary plan is required to be submitted with the subdivision application.
  1. The preliminary plan shall be prepared in conformance with the requirements of this ordinance and all other County codes and regulations regulating the subdivision of land.
    1. The location, widths and other dimensions of all existing or platted streets and other important features such as water courses, exceptional topography, easements and buildings within or immediately adjacent to the tract to be subdivided.

**RESPONSE:** They are shown. If you see something specific that needs to be addressed please provide more detailed information.

2. ~~The linetype used on the drawing for the stream setback is the same as the street centerline.~~
3. ~~Plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed storm water drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots.~~

**RESPONSE:** The pavement structure is shown in conformance with the geotechnical report. Note 1 has been added to the Grading sheet to clarify the use of either pavement section that is recommended by the geotechnical engineer.

2. The proposed subdivision will need to have curb, gutter and sidewalk as per the county commission. As a bare minimum there will need to be a deferral on the curb, gutter and sidewalk, which has been signed by the developer prior to final approval.

**RESPONSE:** A deferral is being requested by the owner/developer.

3. ~~A note will need to be added to the plat stating: "Due to the topography and the location of this subdivision all owners will accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed."~~
4. The title report lists an easement agreement, Entry number 2531444, which needs to be shown on the plat or removed from the title report.

**RESPONSE:** This easement is within the area that is now being dedicated as a public road. There is no need to show an easement in favor of the county to construct this road when the road is now being formally dedicated and designed in compliance with the terms of the agreement, E#2531444. See not 7 on the subdivision plat.

5. A geotechnical report needs to be completed for the subdivision.

**RESPONSE:** Done.

6. The required stream setback is a 50-foot from the highwater mark each side of the stream that will need to be shown. *The current setback is from the stream centerline.*

**RESPONSE:** It seems that surveying and engineering have a difference of opinion on what this should be measured from. Surveying is telling me to show it from the centerline and engineering is requiring from the highwater line. I would like to have this clarified from both departments. Thank you.

7. The civil drawings show the roadway improvements encroaching on the stream. Approval of a stream alteration permit will need to be submitted to make the proposed improvements.

**RESPONSE:** The construction is not intended to encroach into the Mean High Water Line of the stream. The only thing that would be impacted would be the 50 foot setback.

Does this still require a permit from the county and if so to whom is the permit required to be obtained from and submitted to?

8. Because soil conditions vary throughout the county, it is now necessary to provide an engineered pavement design showing required sub-base, road-base, fabric, and asphalt thickness as needed for soil type. Asphalt thickness shall not be less than 3 inches. The county engineer is now requiring a minimum of 8" of 4" minus sub-base and 6" road-base. Compaction tests on both will be required. The cross-section of the roadway improvements is missing the depths of materials based on the geotechnical report.

**RESPONSE:** Shown and noted in compliance with the geotechnical report. See grading sheet for notes.

9. An excavation permit is required for all work done within the existing right-of-way.

**RESPONSE:** Acknowledged.

10. ~~The plat includes a stray line the length of the roadway half width that crosses the "E" in 3825 E.~~

11. All improvements need to be either installed or escrowed for prior to recording of the subdivision.

**RESPONSE:** Acknowledged.

12. The roadside swale will need to drain into a retention area or into the lots, but not into an irrigation ditch.

**RESPONSE:**

13. The profile of Carol Street will need to include the existing grade to the north to show how it lines up with the proposed grade.

**RESPONSE:** Still showing in the profile view.

14. A Storm Water Construction Activity Permit is required for any construction that:

1. disturbs more than 5000 square feet of land surface area, or
2. consist of the excavation and/or fill of more than 200 cubic yards of material, or
3. requires a building permit for which excavation or fill is a part of the construction, and less than five acres shall apply for a county permit.

**RESPONSE:** Acknowledged.

15. The State now requires that a Utah Discharge Pollution Elimination Systems (UPDES) permit be acquired for all new development. A copy of the permit needs to be submitted to the county before final approval. Permits can now be obtained online thru the Utah State Department of Environmental Quality at the following web site: <https://deq.utah.gov/water-quality/updes-ereporting#construction>. The contact information for the responsible person will need to be included on the plans.

**RESPONSE;**

16. After all items have been addressed a wet stamped copy of the improvement drawings will be required.

**RESPONSE;** *Lynn Wall uses a printed stamp on the drawings. We respectfully request continuing to use that stamp procedure.*