



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Reconsideration and action on preliminary and final approval of the Neilson Hermitage Subdivision consisting of 1 lot in the FR-1 Zone at approximately 303 Ogden Canyon.
<b>Agenda Date:</b>	Wednesday, June 30, 2021
<b>Applicant:</b>	Doug Neilson, Owner
<b>File Number:</b>	UVN052020

#### Property Information

<b>Approximate Address:</b>	303 Ogden CYN, Ogden, Utah 84401
<b>Project Area:</b>	20,847 sq. ft. / 0.478 acres
<b>Zoning:</b>	Forest Residential Zone (FR-1)
<b>Existing Land Use:</b>	Residential
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	20-030-0012, 20-030-0011, 20-030-0010, 20-030-0009, 20-030-0013
<b>Township, Range, Section:</b>	T6N, R1E, SW ¼ Section 18

#### Adjacent Land Use

<b>North:</b>	Ogden River	<b>South:</b>	USFS
<b>East:</b>	Residential	<b>West:</b>	Ogden River

#### Staff Information

<b>Report Presenter:</b>	Scott Perkes sperkes@co.weber.ut.us 801-399-8772
<b>Report Reviewer:</b>	RG

### Applicable Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 13 (Forest Residential FR-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 12 (Noncomplying Structures, Nonconforming Uses, And Nonconforming Lots)

### Background

The applicant is the current owner of parcel IDs 20-030-0009, -0010, & -0011 which comprise of lots 4, 5, & 6 of the Hermitage Block 10 Subdivision, respectively. The applicant also owns parcel 20-030-0012, which is an unplatted parcel that lies immediately west of lot 6 of the Hermitage Block 10 Subdivision. The applicant has submitted an application (see **Exhibit A**) to replat and reorganize each of these four parcels into a new subdivision boundary that would create one single-family residential lot.

This subdivision application originally approved to reorganize the properties to create three residential lots (see **Exhibit E** for the original OVPC staff report dated 06/23/2020). However, in coordinating with the Weber/Morgan Health Department, it was determined that the unique size, configuration, and location of the land could only accommodate a single septic system. As such, the applicant has revised their proposed plat to create a single residential lot (see **Exhibit B** for the revised subdivision plat).

### Analysis

**General Plan:** This proposal is in conformity with Ogden Valley General Plan (OVGP) by “encouraging and promoting a voluntary reduction in overall development units in the Ogden Valley planning area by such measures as conservation easements, donations of development rights, etc...” (See page 15 of the OVGP). The proposal effectively reduces two development rights by creating 1 residential lot out of the existing lots 4, 5, & 6 of the Hermitage Block 10 subdivision.

**Zoning:** The property is located in the FR-1 Zone. The purpose of this zone is stated in the LUC §104-13-1.

*“The purpose of the forest residential zone 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.”*

Each of the existing lots in the Hermitage Block 10 subdivision (Lots 4, 5, & 6), together with the additional parcel (20-030-0012) being incorporated into the subdivision boundary, meet the definition of a “Nonconforming Lot” (per LUC 101-1-7) as follows:

*Lot, nonconforming. The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot standards. Applicable standards include lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.*

Due to the nonconforming nature of these lots, modifications are subject to Section 108-12-12 of the LUC as follows:

**Sec 108-12-12 Reconfiguring Nonconforming Lots**

*Nonconforming lots may be reconfigured in a manner that complies with the standards of the zone in effect at the time of the lot's creation if the reconfiguration does not create any more lots than currently exist. The reconfiguration shall not cause any other lot to become nonconforming or more nonconforming. If the nonconforming lot is part of a platted subdivision an amended subdivision plat is required.*

Following review of this section, staff found that the proposed reconfiguration is not creating any more lots than currently exist, and is causing the one resulting lot to be less nonconforming with current zoning requirements for the FR-1 zone. Thereby satisfying the zoning requirements.

**Small Subdivision:** Per Section 101-1-7, this proposal qualifies as a “small subdivision” consisting of three or fewer lots for which no new streets are being created or realigned. As such, this subdivision may be approved administratively by the Planning Director.

**Flood Zone:** As depicted in the image below, this project has a small portion of area that falls within the FEMA Flood Zone AE. Accordingly, the applicant has been required to depict the Base Flood Elevation (BFE) on the plat. Additionally, the Weber County Engineering Department has requested that a note be placed on the plat indicating that all finished floors must be at least one foot above the BFE.



**Culinary Water:** Culinary and secondary water will be provided by Ogden City through an existing water line. See **Exhibit C** for the associated culinary will-serve letter. Staff reached out to Ogden City engineering and verified that this culinary water source may be used for secondary purposes. Additionally, Ogden City does not require that a secondary water source be connected to the property as a condition to their culinary water service.

Sanitary System: Weber-Morgan Health Department has provided a reissued septic feasibility letter stating that the groundwater tables fall within a range of acceptability for the placement of wastewater disposal systems, and that the proposed one-lot subdivision could be approved (see **Exhibit D**).

Review Agencies: The Weber County Fire District has approved this proposal. Reviews from Engineering, Surveying, and Planning have all been submitted with additional requirements prior to recording. As a condition of approval, all review agency requirements will need to be satisfied prior to the final mylar being recorded.

Tax Clearance: The 2020 property taxes have been paid in full. The 2021 property taxes are due in full as of November 30, 2021.

Public Notice: Noticing has been re-issued to all property owners of record within 500 feet of the subject property.

## Staff Recommendation

Staff recommends preliminary and final approval of Neilson Hermitage Subdivision, consisting of 1 lot. This recommendation for approval is subject to the following conditions:

1. All review agency requirements shall be satisfied prior to the recording of the final subdivision plat.
2. A Deferring Public Improvements Agreement for curb, gutter, and sidewalk will need to be executed and recorded simultaneously with the final plat.
3. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction will need to be executed and recorded simultaneously with the final plat.

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 the applicable County codes, including Sec. 108-12-12 regulating the reconfiguration of nonconforming lots.

## Exhibits

- A. Subdivision Application
- B. Subdivision Plat
- C. Culinary Will-Serve Letter
- D. Re-issued Weber-Morgan Health Department Letter of Septic Feasibility
- E. Original OVPC staff report dated 06/23/2020

## Location Map





UVN  
11-2020

Exhibit A

### 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 05/11/2020	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
--	-------------------	-----------------------------	--------------------------

#### Subdivision and Property Information

Subdivision Name <b>Neilson Hermitage</b>		Number of Lots <b>3</b>
Approximate Address <b>305 Ogden Cyn</b>		Land Serial Number(s) 200300012 200300011 200300010 200300009
Current Zoning <b>FR1</b>	Total Acreage <b>.48</b>	
Culinary Water Provider <b>Ogden City</b>	Secondary Water Provider <b>N/A</b>	Wastewater Treatment Septic - Pack bed media

#### Property Owner Contact Information

Name of Property Owner(s) <b>Doug Neilson</b>		Mailing Address of Property Owner(s) <b>3744 Van Buren Ave. Ogden, Utah 84403</b>	
Phone <b>801-624-9077</b>	Fax <b>N/A</b>	Preferred Method of Written Correspondence Email    Fax    Mail <b>Email</b>	
Email Address <b>Douglasray15@gmail.com</b>			

#### Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <b>(SAME)</b>		Mailing Address of Authorized Person	
Phone	Fax	Preferred Method of Written Correspondence Email    Fax    Mail	
Email Address			

#### Surveyor/Engineer Contact Information

Name or Company of Surveyor/Engineer <b>Klint Whitney - Gardner Engineering</b>		Mailing Address of Surveyor/Engineer <b>5150 S 375 E Washington Terrace, UT 84405</b>	
Phone <b>801-476-0202</b>	Fax <b>801-476-0066</b>	Preferred Method of Written Correspondence Email    Fax    Mail <b>Email</b>	
Email Address <b>Klint@gecivil.com</b>			

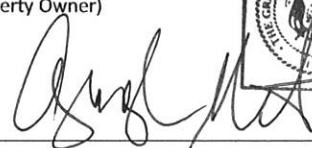
#### Property Owner Affidavit

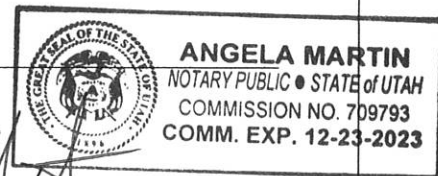
I (We), Doug Neilson, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) 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, 2020



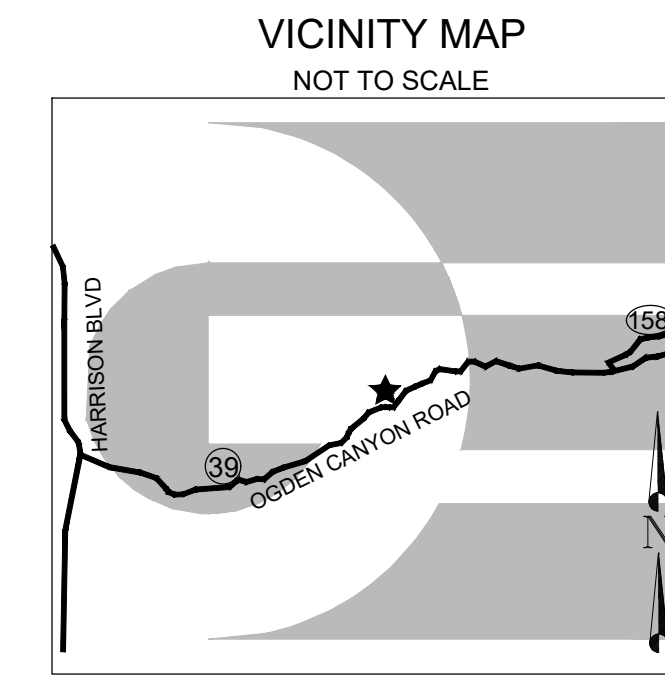


NOTARY



# Exhibit B

## NEILSON HERMITAGE SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH MAY 2021



### BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF OGDEN CANYON ROAD BEING LOCATED NORTH 83°27'09" EAST 1165.16 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND NORTH 0°00'00" EAST 40.77 FEET; RUNNING THENCE NORTH 23°02'55" EAST 42.53 FEET; THENCE NORTH 28°45'04" EAST 75.33 FEET; THENCE NORTH 45°50'13" EAST 12.68 FEET; THENCE NORTH 51°37'45" EAST 23.76 FEET; THENCE NORTH 51°37'45" EAST 8.91 FEET; THENCE NORTH 59°21'50" EAST 59.40 FEET; THENCE NORTH 89°49'22" EAST 38.69 FEET; THENCE NORTH 69°25'13" EAST 8.40 FEET; THENCE NORTH 86°30'55" EAST 42.76 FEET TO THE EAST LOT LINE OF LOT 4 OF SUBDIVISION OF BLOCK 10 OF THE HERMITAGE; THENCE ALONG SAID EAST LOT LINE SOUTH 18°03'18" EAST 101.01 FEET TO SAID NORTHERLY RIGHT OF WAY LINE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOLLOWING TWO(2) COURSES (1) ALONG THE ARC OF A 707.97 FOOT RADIUS CURVE TO THE LEFT 226.44 FEET, HAVING A CENTRAL ANGLE OF 18°19'31" WITH A CHORD BEARING SOUTH 72°38'23" WEST 225.47 FEET; (2) SOUTH 63°28'25" WEST 42.80 FEET TO THE POINT OF BEGINNING. CONTAINING 20,848 SQUARE FEET OR 0.479 ACRES MORE OR LESS.

### SURVEYOR'S CERTIFICATE

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED ON THIS PLAT, AND HAVE SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS NEILSON HERMITAGE SUBDIVISION IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN HEREON ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; THAT ALL LOTS MEET THE REQUIREMENTS OF THE LAND USE CODE; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.



KLINT H. WHITNEY, PLS NO. 8227228

### OWNER'S DEDICATION

I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND PRIVATE RIGHTS-OF-WAY AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

### NEILSON HERMITAGE 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.

SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_ 2021.

BY: DOUGLAS NEILSON

### ACKNOWLEDGEMENT

STATE OF UTAH )  
COUNTY OF WEBER )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me \_\_\_\_\_, A Notary Public, personally appeared DOUG NEILSON, Proved on the basis of satisfactory evidence 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.

STAMP NOTARY PUBLIC

### LEGEND

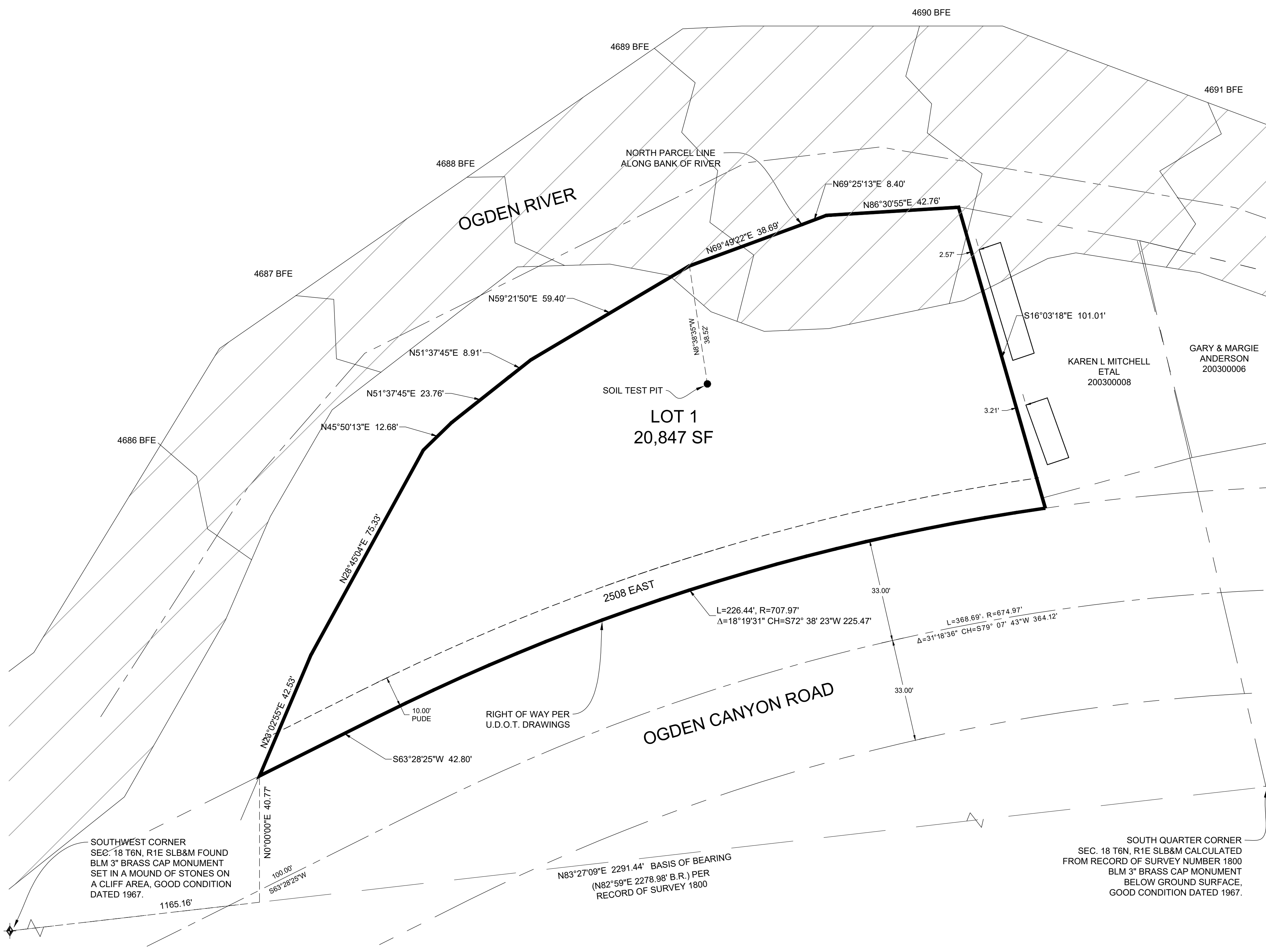
- ◆ WEBER COUNTY MONUMENT AS NOTED
- SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
- SUBDIVISION BOUNDARY
- LOT LINE
- - - ADJACENT PARCEL
- - - SECTION LINE
- - - EASEMENT
- ▨ AE FLOODWAY
- ▨ SHARED ACCESS EASEMENT

### NOTES

- ZONE (FR-1) CURRENT YARD SETBACKS: UNIQUE SETBACKS FOR LOT DUE TO NON-CONFORMING LOT FOR FURTHER INFORMATION ON THE SETBACKS CONTACT THE WEBER COUNTY PLANNING DEPARTMENT.
- SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND ZONE AE WITH BASE FLOOD ELEVATIONS (BFE) SHOWN HEREON. PER FEMA MAP NO. 49057C0432E WITH AN EFFECTIVE DATE OF DECEMBER 16, 2005.
- THE LOWEST HABITABLE FLOOR SHALL BE EQUAL TO OR HIGHER THAN THE BFE.
- SMALL PORTIONS OF THE SUBDIVISION ARE LOCATED IN ZONE AE FLOOD ZONE AS DEPICTED IN THE DRAWING AND LEGEND.

### NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE A ONE LOT SUBDIVISION ON THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY DOUGLAS NEILSON. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON. THE BASIS OF BEARING IS THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS NORTH 83°27'09" EAST WEBER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING. THE BOUNDARY WAS ALSO DETERMINED BY WARRANTY DEED WITH AN ENTRY NUMBER RECORDED AS 2933000 AND DEEDS OF ADJACENT PROPERTIES.



WEBER COUNTY SURVEYOR: I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR 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. SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2021.

WEBER COUNTY ATTORNEY: I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT. SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2021.

WEBER COUNTY ENGINEER: I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS. SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2021.

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 THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH. SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2021.

WEBER COUNTY PLANNING COMMISSION APPROVAL: THIS IS TO CERTIFY THAT THIS SUBDIVISION WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION. SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2021.

WEBER - MORGAN HEALTH DEPARTMENT: I DO HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITION FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS. SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2021.

R:\2021 - MISC SURVEYS\1990 - DOUG NEILSON\SURVEY\DOUG NEILSON - PLAT UPDATE 5\_28\_2021.DWG

DEVELOPER: DOUG NEILSON, 3744 VAN BUREN AVE., OGDEN, UT 84403

S1 1

COUNTY RECORDER: ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_ FILED FOR AND RECORDED \_\_\_\_\_ AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS, PAGE \_\_\_\_\_ RECORDED FOR \_\_\_\_\_ COUNTY RECORDER BY: \_\_\_\_\_

GARDNER ENGINEERING CIVIL • LAND PLANNING MUNICIPAL LAND SURVEYING 5150 SOUTH 875 EAST OGDEN, UT OFFICE: 801.476.0202 FAX: 801.476.0666



---

## Service Letter for 301, 303 ,and 305 Ogden Canyon

2 messages

---

**Anderson, Justin** <JustinAnderson@ogdencity.com>

Fri, May 3, 2019 at 9:37 AM

To: "douglasray15@gmail.com" <douglasray15@gmail.com>

Cc: "Moffett, Kenton" <KentonMoffett@ogdencity.com>, "Nielsen, Taylor" <TaylorNielsen@ogdencity.com>, "Stratford, Mark" <MarkStratford@ogdencity.com>, "Daniels, David" <DavidDaniels@ogdencity.com>

Mr. Douglas Neilson,

The property in the Hermitage Subdivision listed as lot 301, 303, and 305 does have a distribution service along the frontage. The distribution service belongs to Ogden City and is available for connection at the property location. Mainline connections must be installed in accordance to the ordinance and standards approved by Ogden City. All applicable plan and permit requirements from Ogden City, Weber County, and UDOT must be adhered to for installation of the service. Each connection may be made to the 8" mainline and must have an engineered plan submitted for approval to the City prior to connection. No connections will be allowed on the 24" transmission line.

These parcels are outside of Ogden City's service area and are subject to different rules and regulations than customers that are within Ogden's Service area. Acceptance of these terms is required in order for water to actually be supplied to the property.

Please contact me with any further questions.

Justin Anderson, P.E.

Ogden City Public Services

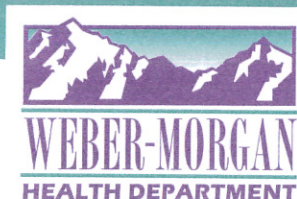
Deputy Director / City Engineer

**2549 Washington Blvd**

**Ogden, UT 84401**

**Office: (801) 629-8982**

BRIAN COWAN, MPH, LEHS  
Health Officer/Executive Director



May 19, 2021

Doug Nelson  
3744 Van Buren Ave.  
Ogden, UT 84403

RE: Weber-Morgan Health Department Subdivision Review  
Neilson Hermitage Subdivision, 2 lots  
Parcel #20-030-0009, 20-030-0010, 20-030-0011, & 20-030-0012  
Soil Log#14608

Members of the administration from the Weber-Morgan Health Department have met to review the proposed **Neilson Hermitage Subdivision** concept plan. The current subdivision proposal is a two-lot subdivision. The square footage of the proposed lots are 8,283 ft<sup>2</sup> for LOT1 and 12,564 ft<sup>2</sup> for LOT2. The following outlines the determination of the review performed.

Determination 1:

The current proposal does not meet the minimum lot size standards for approval as outlined in the Utah Administrative Code R317-4 nor the requirements of the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation. Therefore, the subdivision cannot be approved by our office.

**UAC R317-4-13. Tables.1.1** Minimum Lot Size (a) by Soil Type and Culinary Water Source

Soil Type	Public Water Supply	Non-public Water Supply (b)
1	12,000 sq. ft.	1 Acre
2	15,000 sq. ft.	1.25 Acres
3	18,000 sq. ft.	1.5 Acres
4	20,000 sq. ft.	1.75 Acres
5 (c)	20,000 sq. ft. (c)	1.75 Acres (c)

Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation Section 4.38 Minimum Lot Size (a) by Soil Type and Culinary Water Source

Soil Type	Public Water Supply(g)	Non-public Water Supply (b)
1	20,000 sq. ft.	1 Acre
2	20,000 sq. ft.	1.25 Acres
3	20,000 sq. ft.	1.5 Acres
4	20,000 sq. ft.	1.75 Acres
5 (c)	20,000 sq. ft. (c)	1.75 Acres



Determination 2:

The development as a new subdivision does not meet the criteria for consideration of a Variance Request as outlined in the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation Section 4.19.2. The intent of the variance process is create a systematic process for the consideration of a variance for those lots of record, legally created predating the inception of the 20,000 square foot minimum lot size requirement. A variance cannot be considered for the creation of a new lot or subdivision.

4.19 Add new Subsection D. to Section 4.1. to read:

D. Variance to Section 4.1.D lot size. The Board of Health may grant a variance to the 20,000 square foot lot size requirement when the following requirements are met:

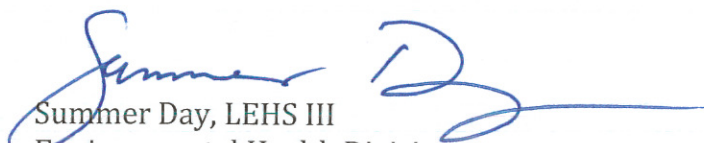
2. A variance may only be considered on lots recorded prior to November 27, 2006. Nothing in this variance is intended to preclude from consideration those lots recorded prior to (the adoption date of this provision), which have been properly combined, at any time after the original recording, in accordance with all relevant Weber or Morgan County land use ordinances.

Determination 3

The submitted surveyed plat for the two-lot subdivision proposal includes an accumulative area of 20,847 ft<sup>2</sup>. If the subdivision proposal was reduced to a single lot of this size, or of a size of 20,000 ft<sup>2</sup> or greater, our office could then approve the subdivision. Site and soil work as well as water table monitoring have been completed on these lots. The work is sufficient for our office to issue a letter of feasibility for the lots to be combined into a single lot of 20,000 ft<sup>2</sup> or greater. Proof of water service would be required during the subdivision review before formal approval would be given. At this time, a formal subdivision application has not been submitted to our office for this project. If the applicant would like to resubmit the single lot proposal for review a formal subdivision application, the required fee, and a new subdivision plat proposal should be submitted to our office.

You may appeal this Notice. You have ten calendar days from the date of this notice was received, to request in writing, a conference before the Weber- Morgan Health Department. The written request for a conference shall be made on a form provided by the department. The conference shall take place within ten calendar days, or other time mutually agreed upon, after the request is received. A written notice of the Department's final determination shall be given within ten calendar days after adjournment of the conference. The Department may sustain, modify, or reverse the action or order, but shall not require less than the minimum requirements of the Regulation and other applicable law.

Sincerely,

  
Summer Day, LEHS III  
Environmental Health Division

CC Scott Perkes, Weber County Planning





four parcels, the proposal effectively eliminates a development right, thereby reducing the density that otherwise could be permitted.

**Zoning:** The property is located in the FR-1 Zone. The purpose of this zone is stated in the LUC §104-13-1.

*“The purpose of the forest residential zone 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.”*

Each of the existing lots in the Hermitage Block 10 subdivision (Lots 4, 5, & 6), in addition to the additional parcel (20-030-0012) being incorporated into the subdivision boundary, meets the definition of a “Nonconforming Lot” (per LUC 101-1-7) as follows:

***Lot, nonconforming.** The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot standards. Applicable standards include lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.*

Due to the nonconforming nature of these lots, modifications are subject to Section 108-12-12 of the LUC as follows:

**Sec 108-12-12 Reconfiguring Nonconforming Lots**

*Nonconforming lots may be reconfigured in a manner that complies with the standards of the zone in effect at the time of the lot's creation if the reconfiguration does not create any more lots than currently exist. The reconfiguration shall not cause any other lot to become nonconforming or more nonconforming. If the nonconforming lot is part of a platted subdivision, an amended subdivision plat is required.*

Following review of this section, staff found that the proposed reconfiguration is not creating any more lots than currently exist, and is causing each of the resulting lots to be less nonconforming with current zoning requirements for the FR-1 zone. Thereby satisfying the zoning requirements.

**Small Subdivision:** Per Section 101-1-7, this proposal qualifies as a “small subdivision” consisting of three or fewer lots for which no new streets are being created or realigned. As such, this subdivision may be approved administratively by the Planning Director. However, while staff does not believe that there are specific conditions that warrant the project’s submittal to the planning commission, staff has brought this application to the OVPC to explain the variances granted by the Board of Adjustment, and to demonstrate this project as an example of a reduced development right in support of the Ogden Valley General Plan.

**Flood Zone:** As depicted in the image below, this project has a small portion of area that falls within the FEMA Flood Zone AE. Accordingly, the applicant has been required to depict the Base Flood Elevation (BFE) on the plat. Additionally, the Weber County Engineering Department has requested that a note be placed on the plat indicating that all finished floors must be at least one foot above the BFE.





Culinary Water: Culinary and secondary water will be provided by Ogden City through an existing water line. See **Exhibit C** for the associated culinary will-serve letter. Staff reached out to Ogden City engineering and verified that this culinary water source may be used for secondary purposes. Additionally, Ogden City does not require that a secondary water source be connected to the property as a condition to their culinary water service.

Sanitary System: Weber-Morgan Health Department has provided a letter stating that the groundwater tables fall within a range of acceptability for the placement of wastewater disposal systems (see **Exhibit D**).

Review Agencies: The Weber County Fire District has approved this proposal. Reviews from Engineering, Surveying, and Planning have all been submitted with additional requirements prior to recording. As a condition of approval, all review agency requirements will need to be satisfied prior to the final mylar being recorded.

Tax Clearance: The 2019 property taxes have been paid in full. The 2020 property taxes are due in full as of November 30, 2020.

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 approval of Doug Neilson Subdivision, consisting of 3 lots. This recommendation for approval is subject to the following conditions:

1. All review agency requirements shall be satisfied prior to the recording of the final subdivision plat.
2. A Deferring Public Improvements Agreement for curb, gutter, and sidewalk will need to be executed and recorded simultaneously with the final plat.
3. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction will need to be executed and recorded simultaneously with the final plat.

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 the applicable County codes, including Sec. 108-12-12 regulating the reconfiguration of nonconforming lots.

## Exhibits

- A. Subdivision Application
- B. Subdivision Plat
- C. Culinary Will-Serve Letter
- D. Weber-Morgan Health Department Letter of Feasibility
- E. Notice of Decision – Granted Variance Requests

## Location Map



UVN  
11-2020

Exhibit A

### 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 05/11/2020	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
--	-------------------	-----------------------------	--------------------------

#### Subdivision and Property Information

Subdivision Name <b>Neilson Hermitage</b>		Number of Lots <b>3</b>
Approximate Address <b>305 Ogden Cyn</b>	Land Serial Number(s) 200300012 200300011 200300010 200300009	
Current Zoning <b>FR1</b>	Total Acreage <b>.48</b>	
Culinary Water Provider <b>Ogden City</b>	Secondary Water Provider <b>N/A</b>	Wastewater Treatment Septic - Pack bed media

#### Property Owner Contact Information

Name of Property Owner(s) <b>Doug Neilson</b>		Mailing Address of Property Owner(s) <b>3744 Van Buren Ave. Ogden, Utah 84403</b>
Phone <b>801-624-9077</b>	Fax <b>N/A</b>	
Email Address <b>Douglasray15@gmail.com</b>	Preferred Method of Written Correspondence Email    Fax    Mail <b>Email</b>	

#### Authorized Representative Contact Information

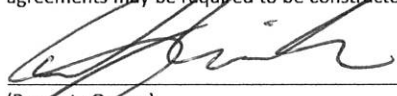
Name of Person Authorized to Represent the Property Owner(s) <b>(SAME)</b>		Mailing Address of Authorized Person
Phone	Fax	
Email Address	Preferred Method of Written Correspondence Email    Fax    Mail	

#### Surveyor/Engineer Contact Information

Name or Company of Surveyor/Engineer <b>Klint Whitney - Gardner Engineering</b>		Mailing Address of Surveyor/Engineer <b>5150 S 375 E Washington Terrace, UT 84405</b>
Phone <b>801-476-0202</b>	Fax <b>801-476-0066</b>	
Email Address <b>Klint@gecivil.com</b>	Preferred Method of Written Correspondence Email    Fax    Mail <b>Email</b>	

#### Property Owner Affidavit

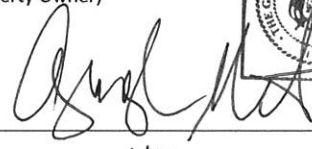
I (We), Doug Neilson, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) 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, 2020

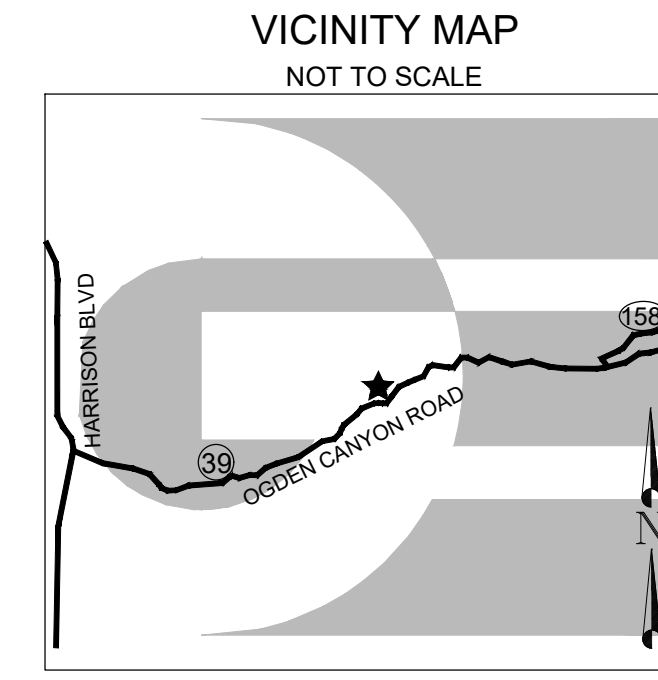


NOTARY



# Exhibit B

## DOUG NEILSON SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH MAY 2020



### BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF OGDEN CANYON ROAD BEING LOCATED NORTH 83°27'09" EAST 1513.72 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND NORTH 0°00'00" EAST 40.77 FEET; RUNNING THENCE NORTH 23°02'55" EAST 42.53 FEET; THENCE NORTH 28°45'04" EAST 75.33 FEET; THENCE 45°50'13" EAST 12.68 FEET; THENCE NORTH 51°37'45" EAST 23.76 FEET; THENCE NORTH 51°37'45" EAST 8.91 FEET; THENCE NORTH 59°21'50" EAST 59.40 FEET; THENCE NORTH 69°49'22" EAST 38.69 FEET; THENCE NORTH 69°29'13" EAST 8.40 FEET; THENCE NORTH 86°30'55" EAST 42.76 FEET; THENCE SOUTH 16°03'18" EAST 101.01 FEET TO SAID NORTHERLY RIGHT OF WAY LINE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOLLOWING TWO(2) COURSES (1) ALONG THE ARC OF A 707.87 FOOT RADIUS CURVE TO THE LEFT 226.44 FEET, HAVING A CENTRAL ANGLE OF 18°19'31" WITH A CHORD BEARING SOUTH 72°38'23" WEST 225.47 FEET, (2) SOUTH 63°28'25" WEST 42.80 FEET TO THE POINT OF BEGINNING. CONTAINING 20,848 SQUARE FEET OR 0.479 ACRES MORE OR LESS.

### SURVEYOR'S CERTIFICATE

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED ON THIS PLAT, AND HAVE SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS DOUG NEILSON SUBDIVISION IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN HEREON ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; THAT ALL LOTS MEET THE REQUIREMENTS OF THE LAND USE CODE; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.



KLINT H. WHITNEY, PLS NO. 8227228

### OWNER'S DEDICATION

I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

### DOUG NEILSON 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.

SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2020.

BY: \_\_\_\_\_

### ACKNOWLEDGEMENT

STATE OF UTAH )  
COUNTY OF WEBER )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me \_\_\_\_\_, A Notary Public, personally appeared DOUG NEILSON, Proved on the basis of satisfactory evidence 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.

STAMP \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

### NOTES

1. ZONE (R-1) CURRENT YARD SETBACKS: FRONT: 20', SIDE: 8', REAR: 20'
2. SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND ZONE AE WITH BASE FLOOD ELEVATIONS (BFE) SHOWN HEREON. PER FEMA MAP NO. 49057C0432E WITH AN EFFECTIVE DATE OF DECEMBER 16, 2005.

### NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE A THREE LOT SUBDIVISION ON THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY DOUGLAS NEILSON. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON. THE BASIS OF BEARING IS THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS NORTH 83°27'09" EAST WEBER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING. THE BOUNDARY WAS ALSO DETERMINED BY WARRANTY DEED WITH AN ENTRY NUMBER RECORDED AS 2933000 AND DEEDS OF ADJACENT PROPERTIES.

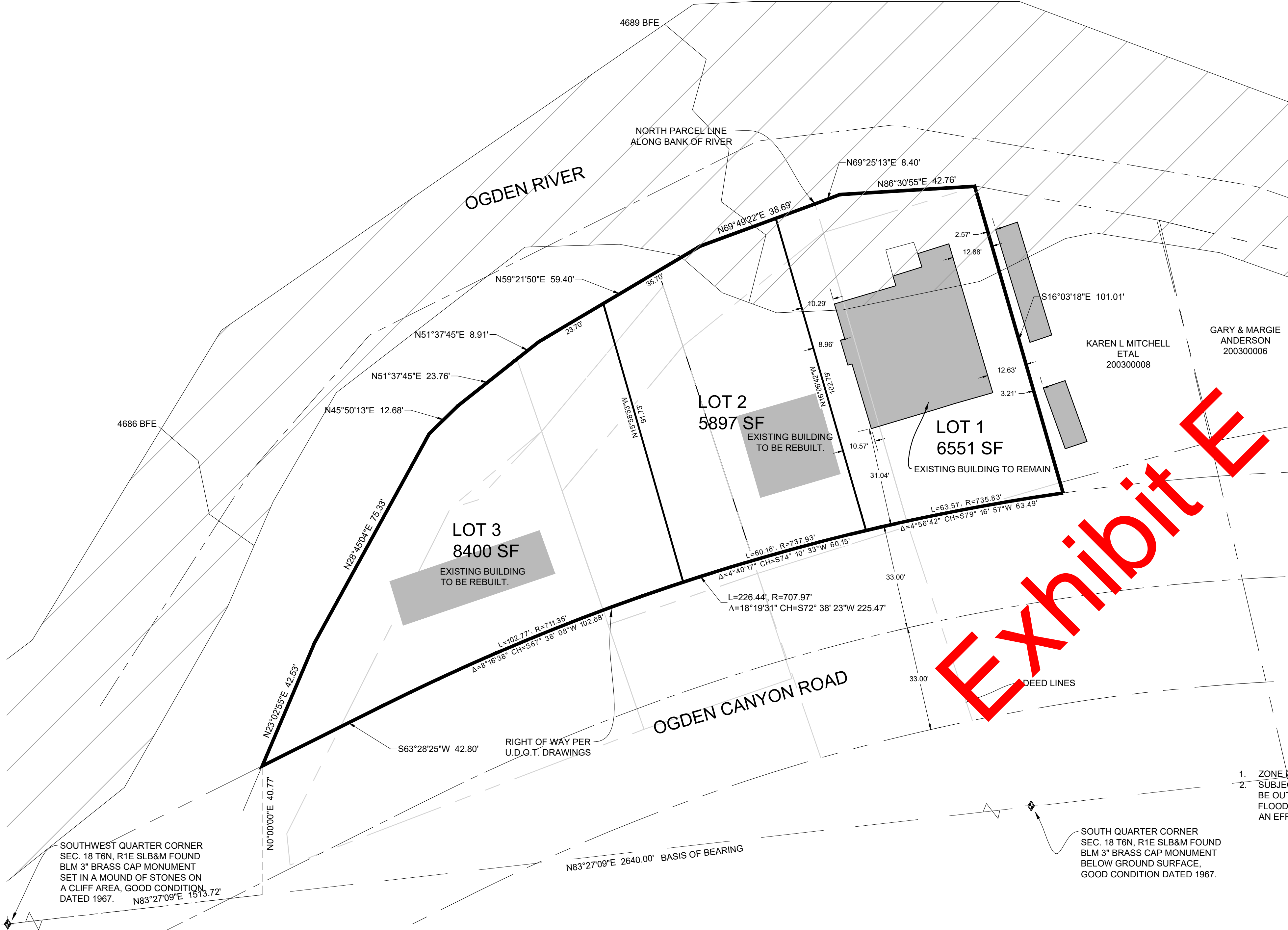


Exhibit E

#### WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR 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.  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
COUNTY SURVEYOR

#### 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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
COUNTY ATTORNEY

#### WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
COUNTY ENGINEER

#### 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 THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH.  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
CHAIRMAN, WEBER COUNTY COMMISSION

#### WEBER COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION.  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
CHAIRMAN, WEBER COUNTY PLANNING COMMISSION

#### WEBER - MORGAN HEALTH DEPARTMENT

I DO HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITION FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
DIRECTOR WEBER-MORGAN HEALTH DEPT.

PL2001 - MISC SURVEY 1980 - DOUG NEILSON SURVEYOR DOUG NEILSON PLAT DVG

DEVELOPER: DOUG NEILSON	S1 1	COUNTY RECORDER ENTRY NO. _____ FEE PAID _____ FILED FOR AND RECORDED _____ AT _____ IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____ RECORDED FOR _____ COUNTY RECORDER BY: _____
 <b>GARDNER ENGINEERING</b> CIVIL • LAND PLANNING MUNICIPAL • LAND SURVEYING 5150 SOUTH 875 EAST OGDEN, UT OFFICE: 801.476.0202 FAX: 801.476.0066		



**Service Letter for 301, 303 ,and 305 Ogden Canyon**

2 messages

**Anderson, Justin** <JustinAnderson@ogdencity.com>

Fri, May 3, 2019 at 9:37 AM

To: "douglasray15@gmail.com" <douglasray15@gmail.com>

Cc: "Moffett, Kenton" <KentonMoffett@ogdencity.com>, "Nielsen, Taylor" <TaylorNielsen@ogdencity.com>, "Stratford, Mark" <MarkStratford@ogdencity.com>, "Daniels, David" <DavidDaniels@ogdencity.com>

Mr. Douglas Neilson,

The property in the Hermitage Subdivision listed as lot 301, 303, and 305 does have a distribution service along the frontage. The distribution service belongs to Ogden City and is available for connection at the property location. Mainline connections must be installed in accordance to the ordinance and standards approved by Ogden City. All applicable plan and permit requirements from Ogden City, Weber County, and UDOT must be adhered to for installation of the service. Each connection may be made to the 8" mainline and must have an engineered plan submitted for approval to the City prior to connection. No connections will be allowed on the 24" transmission line.

These parcels are outside of Ogden City's service area and are subject to different rules and regulations than customers that are within Ogden's Service area. Acceptance of these terms is required in order for water to actually be supplied to the property.

Please contact me with any further questions.

Justin Anderson, P.E.

Ogden City Public Services

Deputy Director / City Engineer

2549 Washington Blvd

Ogden, UT 84401

Office: (801) 629-8982

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



April 30, 2020

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

RE: Doug Neilson properties  
Properties 301, 303 & 305 Ogden Canyon  
Parcel # 20-030-0009, 20-030-0010, 20-030-011, and 20-030-0012  
Soil log #14608

A formal review of the onsite wastewater treatment systems plans, lot line adjustment and lot combination, of the three lot development including parcel numbers 20-030-0009, 20-030-0010, 20-030-011, and 20-030-0012 has been complete by this office. The plan submitted on February 29,2020 for the aforementioned lots has been found to comply with all state and local onsite wastewater treatment system regulation.

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Ogden City Water District, an approved water system. **A letter from the water supplier is required prior to issuance of a permit.**

**DESIGN REQUIREMENTS and RESTRICTIONS 303 & 305**

At current we believe the proposal is to remodel the existing homes located at 20-030-0010, 303 Ogden Canyon and parcel 20-030-00009, 305 Ogden Canyon. The homes located on these parcels are existing structure. The onsite wastewater plan submitted to our office shows that the homes will be improved to utilize packed bed media pretreatment onsite wastewater systems with drip irrigation lines installed at a maximum trench depth of 12 inches below grade, with a maximum application rate of 0.9 gpd/sq ft, documented ground water not to exceed 24 inches. Our office would approve the renovation of the two homes with no increase in the number of bedrooms or daily wastewater flow.

**303 & 305 lot line adjustment**

Multiple shared property line currently run through the existing homes. Thus causing issues meeting setback requirements and increasing the probability of civil suit between property owners. Our office would with the improvement of the properties, approve the adjustment of the property line located between 20-030-0010, 303 Ogden Canyon and parcel 20-030-00009, 305 Ogden Canyon a proposed adjustment of 7 feet to the west, and the property line located between 20-030-0011, and parcel 20-030-0010, 303 Ogden Canyon a proposed adjustment of 15 feet to the west. Thus reducing future hardship on the property owner.

**DESIGN REQUIREMENTS and RESTRICTIONS 301, New SFD**

A new single family dwelling is proposal to be located on parcel number 20-030-0012 and the remainder of parcel number 20-030-0011. The combination of the lots will form a new parcel with a minimum lot size of 20,000 square feet. Our office has reviewed it as such. Parcel number 20-030-0012 when previously review for minimum lot size was shown to have 0.5 acres which meet the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation. The onsite wastewater plan submitted to our office shows that the homes will utilize packed bed media pretreatment onsite wastewater systems with drip irrigation lines installed at a maximum trench depth of 12 inches below grade, with a maximum application rate of 0.9 gpd/sq ft, documented ground water not to exceed 24 inches. The reviewed plan meets the requirement to facilitate the wastewater disposal for a four bedroom residence.

EDUCATE | ENGAGE | EMPOWER

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



Exhibit F

Weber County Planning Division  
www.co.weber.ut.us/planning\_commission  
2380 Washington Blvd., Suite 240  
Ogden, Utah 84401-1473  
Voice: (801) 399-8791  
Fax: (801) 399-8862

Weber County Board of Adjustment  
**NOTICE OF DECISION**

June 12, 2020

Doug Neilson  
301 Ogden Canyon  
Ogden, UT 84401

Case No.: BOA 2020-04

You are hereby notified that your request for an 11-foot variance from the side yard setback and a request for a 19-foot variance from the rear yard setback in the FR-1 zone was approved by the Weber County Board of Adjustment in a public hearing held on June 12, 2020 after due notice to the general public and specifically to adjacent property owners.

The Boards decision was based on the following findings:

- a. Literal enforcement of the Land Use Code would require an undesirable result. Literal enforcement of the 30-foot front yard setback and the 19.4-foot reduced side yard setback would require a building footprint that would be inefficient and would produce a structure that does not match neighboring development.
- b. The special circumstances that apply in this instance are due to the unique wide and shallow shape of the parcel, that when standard zoning setbacks are applied, would create a hardship on the owner by preventing the placement a reasonable dwelling footprint on the property.
- c. Granting the variance would allow the owner of the parcel to improve the overall subdivision proportions and building separation while also improving the nonconformance of the existing lots to better match current zoning dimensions.
- d. The General Plan indicates that this area should be developed as is planned and zoned; thereby the variance and development is not contrary to any public interest.
- e. This variance request is not an attempt to avoid or circumvent the requirements of the County Land Use Code. The applicant has gone through the proper channels in applying for a variance. Granting this variance will improve the area through the reduction of one lot, additional lot and building separation, and consistent building setbacks.

This approval is subject to the following condition:

- a. Approval of the associated subdivision amendment to the Hermitage Block 10 subdivision.

Please feel free to reach out should you have any questions regarding this action.

Scott Perkes  
Planner II – Weber County Planning Division  
801-399-8772  
sperkes@webercountyutah.gov

The approval of a Board of Adjustment Case is issued to the owner of the land as signed on the application and is valid for a period of time **not longer than 18 months** from the date of the Board decision or until an ordinance amendment changes the conditions upon which the decision was made. The issuance of a building permit for development stated in the Board of Adjustment case application constitutes full use of the variance or other benefit applied for.