



**Landmark Surveying, Inc.**

A Complete Land Surveying Service  
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August 9, 2021

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

RE: Vue de Valhalla subdivision department reviews.

To whom it may concern:

This response is in connection with the meeting that was held with county staff, the developer and myself as well as responses to department review comments.

The following is the required written response to the review items noted as obtained from Frontier for the Planning comments posted 06/18/2021, for the Engineering comments posted 06/01/2021, and for the Surveying comments posted 06/21/2021. If you have any questions please let me know.

Respectfully,

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

Principle Owner - *Landmark Surveying, Inc.*  
ernest@LandmarkSurveyUtah.com

3498 5th review written response letter 06-24-2021.docx

**SURVEY REVIEW RESPONSE:**

20210616\_5<sup>th</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. Per your response #1 explain in narrative E#2209661 you reasoning for valid document in narrative "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." you also reference this document in the boundary description.

**RESPONSE:**

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 the "Subject to" language. I have not found another document that created this easement prior to this reference. If you have other information on its creation please provide.

Because this document did not properly create the easement and name a grantee there is no dominant estate to exercise control over the easement, therefore, the easement would be invalid. For a 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 to be shown on the plat.

Additionally, the fact that the document is being cited in the boundary description is immaterial to the easement question. This document is the vesting document of the property in question and the only portion of the document that is being questioned as to the legality is the 50 foot easement not the conveyance of the fee to the property.

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 (within 30') to the tract of land to be subdivided WCO 106-1-5(a)(6). Per response #2 Dimensions of the centerline of the creek running through lot 1 has never been identified in this area for 50' stream maintenance easement. Then the area around the new culvert in the stream is identified.

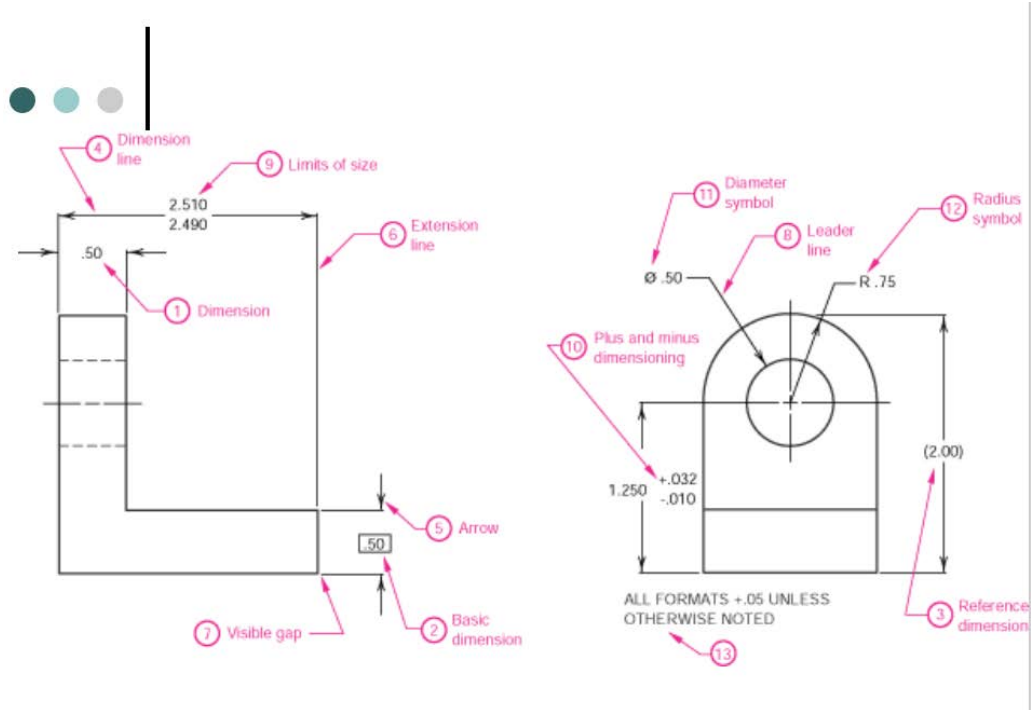
**RESPONSE:**

The approximate center line of the stream is shown and the 50 foot stream setback from highwater line is also shown. The Highwater line is "dimensioned" in the same manner as the 25' stream maintenance easement. It seems to me that there is some confusion related to the meaning of the term "dimension", so with that in mind please accept the following as a brief explanation of the term.

"Dimension is the numerical value that defines the size or geometric characteristic of a feature." <sup>1</sup>

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<sup>1</sup> . quote and graphic from, TCNJ The College of New Jersey, Engineering department course material.



- The existing location, widths, and other dimensions of all existing or platted sanitary sewers, storm drains, water supply mains, fire hydrants, water wells within or immediately adjacent to the tract of land to be subdivided. WCO 106-1-5(a)(6).

RESPONSE: Please note that the code you are citing is in the Preliminary Plan/Plat Requirements and Approval Procedure section of the ordinances, it is not a requirement for a Final Plat. This is not a survey issue nor subdivision plat requirement, it is a design requirement for the engineering department.

### PLANNING REVIEW RESPONSE:

Planning Redline #3.pld

- Per Sec. 106-1-8(6), subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and when available the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of title 12, Flood Damage Prevention Ordinance. Lastly, a note will be required on the plat stating that elevations of the lowest habitable floor for any building or structure shall be equal to or higher than the base flood elevation.

RESPONSE: This item was discussed at length in a meeting with county staff. It was noted that the FEMA maps do not have Base Flood Elevations (FBE), therefore, they cannot be shown nor should a note referencing such be on the plat. The county code reads;

“Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and, when available, the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction

performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention Ordinance.”

The discussion in the meeting revolved around the need for a flood plain study and application to FEMA for a map change document. It was noted that the property to the west is in the process of being subdivided and that a study was done on that property and the developer would discuss with the west owner to see if the study could be used for this project. Since that meeting we have received a study done by Hansen Allen, Luce, Inc. which on Exhibit 4 of that report BFE’s are noted and a boundary designated as the Estimated 1% AC Floodplain. The BFE’s and floodplain boundary from that report have been digitized and shown on this plat.

2. We generally do not like to see setbacks called out on the plat. Please remove.

RESPONSE: I would like to point out that prior plats did not include the back lines, however, they were included per a request from surveying in connection with the discussions related to the 50 foot easement issue discussed in survey item 1 above.

Removed.

3. Please re-label this as a ”Well Protection Zone” instead of an easement.

RESPONSE: Changed.

4. Update note references.

RESPONSE: Updated.

#### **ENGINEERING REVIEW RESPONSE (conditional approval):**

Review #3 dated 6/1/2021

1. In regards to the proposed deferral on the curb, gutter and sidewalk, please submit the proposed lengths to be included in the agreement.

RESPONSE: The owner is making application for a deferral.

2. The required stream setback is a 50-foot from the highwater mark each side of the stream that will need to be shown. The Weber County Code 104-28-2-b-1-c specifies the setback is from the high water mark.

RESPONSE: It is noted on the plat as being from the highwater line. The location of the highwater line and the centerline of the stream are quite close to one another and not easily distinguishable on the plat, however, I have attempted to show when in a dotted line type.

3. The cross-section of the roadway improvements is missing the depths of materials based on the geotechnical report. It would be convenient to have the material depths on the plans.

RESPONSE: The report that I have is from CMT Engineering Laboratories dated May 17, 2021 and have been added to the notes on sheet 3 Grading.

4. All improvements need to be either installed or escrowed for prior to recording of the subdivision. The developer will need to submit an itemized list of costs for the subdivision improvements for review prior to recording a plat in order for the escrow to be setup.

RESPONSE: By others.

5. The roadside swale will need to drain into a retention area or into the lots, but not into an irrigation ditch. No response to this comment was provided.

RESPONSE: In the county meeting it was determined that the drainage can run into the borrow ditches where it will perc or evaporate. This is been indicated in note 4 sheet 2 Grading.