



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on Final approval of Twin Acres Subdivision consisting of 2 lots in addition to consideration and action on a request for an Alternative Access Exception to access the rear-most lot by a private access easement.

Type of Decision: Administrative

Agenda Date: Wednesday, October 20th 2021

Approximate Address: 4820 W 1600 S, Ogden, UT 84401

Project Area: 2.47 acres

Zoning: Agricultural (A-1)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 15-056-0051

Township, Range, Section: T6N, R2W, Section 20 SW

Adjacent Land Use

North: Agricultural	South: Agricultural
East: Residential/Agricultural	West: Agricultural

Staff Information

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

Report Reviewer: RG

Applicable Land Use Codes

- Title 106 (Subdivisions)
- Title 104 (Zones) Chapter 2 (Agricultural Zones A-1)
- 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 Twin Acres Subdivision consisting of two residential lots (See **Exhibit A**). This subdivision is proposed as a connectivity-incentivized subdivision with lot areas ranging from 0.79 acres to 1.127 acres. As part of the connectivity incentive, staff requested that a half-width right-of-way be dedicated to extend a future 4825 West Street northwards to facilitate access to undeveloped land to the north and west. This half-width ROW will serve as a private access for the rearmost lot of the subdivision until such a time as the surrounding area is developed and the other half of the road is dedicated. Additionally, the applicant will need to enter into a deferral agreement for the proportionate cost of installing future roadway improvements within the half-width ROW.

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.

Alternative Access Exception Analysis

The alternative access option was created as a means for landowners to provide access over, and across areas that restrict the construction of a standard County 66-foot right-of-way. Alternative access applications may be approved as long as the design standards can be implemented during the subdivision process, and the application meets the criteria in LUC §108-7-31(1)(c) which states:

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.

Given the parcel's location and surrounding parcel configurations, the applicant believes there to be "substantial evidence" that it would be impractical to extend a public road to serve this future subdivision.

Section 108-7-31 of the Land Use Code 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, safety, and parcel/lot standards outlined LUC §108-7-29(a) (b), and (c) prior to issuance of a certificate of occupancy on any home that will gain access from the access easement.

Subdivision Analysis

General Plan: The proposal conforms to the West Central Weber County General Plan by maintaining the existing density provided by the current zoning.

Zoning: The subject property is located in the A-1 Zone. Single-family dwellings are a permitted use in the A-1 Zone.

Lot area, frontage/width and yard regulations: LUC § 104-2 (A-1 Zone) requires a minimum lot area of 40,000 sq. ft. for a single family dwelling and a minimum lot width of 150 feet.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106, and the A-1 zone standards found in LUC § 104-2. With exception to Lot 1, the proposed subdivision utilizes traditional subdivision requirements to create 40,000 sq. ft. lots as required in A-1 zone. County staff have agreed to allow Lot 1, consisting of 0.79 acres (34,412 sq. ft.), to be substandard to the 40,000 sq. ft. lot minimum in order to incentivize the half-width ROW dedication of 4825 West Street. Newly adopted language in the subdivision ordinance (Sec. 106-2-4.30) allows for lots in the A-1 zone to be reduced by up to 50% of the zone's minimum lot size in order to allow desired connectivity to occur. At the request of County Planning staff, the applicant has agreed to dedicate the half-width ROW of 4825 West Street at the time of subdivision, with an improvement deferral agreement, thereby allowing the applicant to utilize the Flexible Lot Standards of Sec. 106-2-4.30.

Culinary water and Secondary Water: The applicant has received a preliminary water will-serve letter from Taylor West Weber Water District for culinary and secondary water services for 2 lots (see **Exhibit B**). This letter allows the two lots to use their water for secondary purposes until pressurized secondary water is made available to the area. As a condition of water approval through Taylor West Weber Water District, the owner will need to transfer 1 share of Hooper Irrigation or Wilson Irrigation water into the Taylor West Weber Water System to be held until pressurized water is available.

Sanitary Sewage Disposal: Each of the 2 lots in the proposed subdivision will be served by on-site waste water systems (septic). The Weber-Morgan Health Department have issued a Septic Feasibility Letter detailing the feasibility of on-site water disposal systems (see **Exhibit C**).

Wellhead Protection Zones: The subject property is partially with Zone 4 area of an adjacent wellhead protection area. Zone 4 areas restrict heavy uses such as hazardous waste disposal or landfills.

Review Agencies: To-date, Planning, Engineering, Fire, Surveying, and the Weber-Morgan Health Department have reviewed this project. All review agency requirements must be addressed and completed prior to the final subdivision plat being recorded with the Weber County Recorder's Office.

Tax Clearance: There are no outstanding tax payments related to the parent parcel.

Staff Recommendation

Staff recommends final approval of Twin Acres Subdivision consisting of 2 lots, together with the associated Alternative Access Exception. This recommendation is subject to all review agency requirements, and the following conditions:

1. A deferral agreement for curb, gutter, sidewalks, and asphalt for the project's frontages along the existing 1600 South and future 4825 West Streets to be executed and recorded simultaneously with the final plat.

2. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction shall be recorded simultaneously with the final plat.
3. An unconditional final approval letter from Taylor West Weber Water District is required prior to the recording of the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber County General Plan
2. The proposed subdivision complies with applicable county ordinances

Administrative Approval

Administrative final approval of Twin Acres Subdivision and the associated Alternative Access Exception 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.

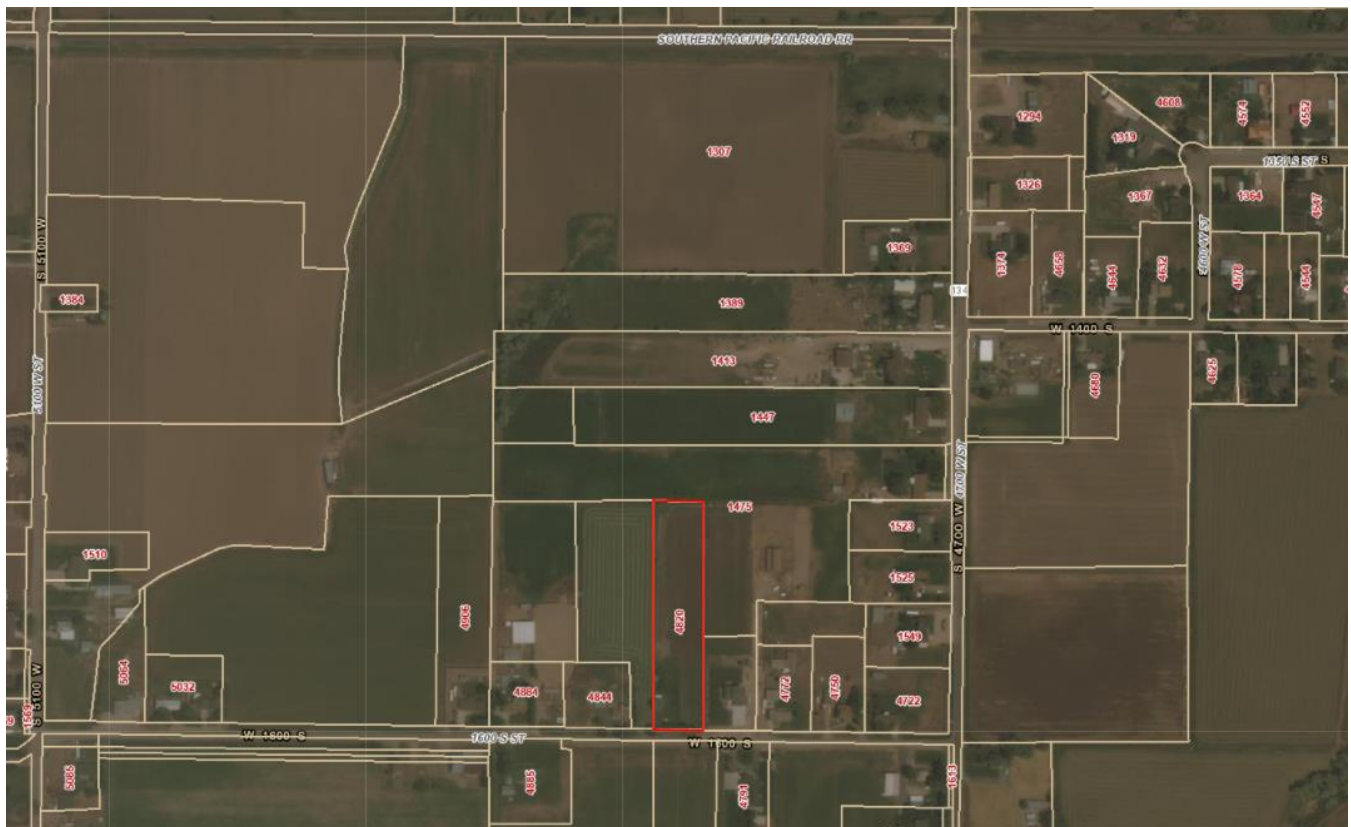
Date of Administrative Approval: _____

Weber County Planning Director

Exhibits

- A. Proposed Final Plat
- B. Culinary and Secondary Water Will-Serve Letter
- C. Septic Feasibility letter

Area Map



SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold License No. 6242920 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that I have completed a survey of the property described hereon in accordance with Section 17-23-17 and that I have verified all measurements shown hereon this plat of Twin Acres Subdivision in Weber County, Utah and that it has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Weber County Recorder's Office. Monuments have been found or placed as represented on this plat. I furthermore certify that all lots within this Subdivision hereby meet all current lot width and area requirements of the Weber County Zoning Ordinance.

Signed this _____ day of _____, 2021.

6242920 License No. Andy Hubbard

OWNERS DEDICATION

I the undersigned owner of the herein described tract of land, do hereby set apart and subdivide the same into Lots, and Public Streets as shown on the plat and name said tract Twin Acres Subdivision and also do grant and dedicate to Weber County a perpetual right and easement over, upon and under the lands designated hereon as public utility easements, the same to be used for the maintenance and operation of public utility service line and storm drainage facilities, whichever is applicable as may be authorized by the governing authority, with no buildings or structures being erected within such easements. I also hereby dedicate and grant to Weber County all those parts or portions of said parcel designated as Streets, the same to be used as public thoroughfares forever as may be authorized by Weber County

Signed this _____ Day of _____, 2021.

- Lync Construction, LLC -

Pat Burns - Owner

ACKNOWLEDGMENT

State of Utah } ss County of _____

The foregoing instrument was acknowledged before me this _____ day of _____ 2021 by _____ Pat Burns - Owner _____

Residing At: _____ A Notary Public commissioned in Utah Commission Number: _____ Commission Expires: _____ Print Name

BOUNDARY DESCRIPTION

All of Lot 5, Joe Peterson Subdivision No.2, being part of the Southwest Quarter of Section 20, Township 6 North, Range 2 West, Salt Lake Base & Meridian.

Beginning at the Northwest corner of March Homestead Phase 1, said point being 734.00 feet North 88°43'57" West and 939.28 feet South 01°16'03" West From the Center of Section 20, Township 6 North Range to East Salt Lake Base and Meridian. Running thence North 01°16'03" East 401.28 feet; thence North 88°43'57" West 157.00 feet; thence South 01°16'03" West 673.53 feet to the North ROW Line of 1600 South Street; thence South 88°43'57" East 157.00 feet along said North ROW line to the Southwest corner of said March Homestead; thence North 01°16'03" East 272.25 feet along the West line of said Marsh Homestead to the Point of Beginning.

Contains 2.43 Acres ±

EXPLORATION PIT DATA

Exploration Pit #1 (UTM Zone 12 Nad 83 _____ E _____ N)

Groundwater encountered at _____

Exploration Pit #2 (UTM Zone 12 Nad 83 _____ E _____ N)

Groundwater encountered at _____

NOTES:

- 1. Agriculture is the preferred use in the agricultural 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 subjected to restriction on the basis that it interferes with activities of future residents of this subdivision.
2. This subdivision was allowed flexible lot area and width in exchange for superior street connectivity. A subdivision amendment within any part of the overall subdivision boundary shall comply with Section 106-2-4.3 of the Weber Count Code.

Twin Acres Subdivision

Connectivity and Incentivised Subdivision Plat

Amending Lot 5, Joe Peterson Subdivision No.2 A part of the Southwest Quarter of Section 20, T6N, R2W, SLB&M, U.S. Survey Weber County, Utah October 2021

Robert George Marsh Revocable Trust 1/2 ETAL Weber County State Plane Bearing



VICINITY MAP Not to Scale

NARRATIVE

This survey and Subdivision Plat were request by Pat Burns for the purpose of subdividing said property into 2 (two) lots. Basis of Bearing is N 89°33'38" W between found monuments at the Center and West quarter corners of Section 20, T6N, R2W. The original Joe Peterson Subdivision No.2 was used to determine the boundaries of this parcel and rotated clockwise 1°16'03" to match the Basis of Barring. Property Corners were set as depicted on this drawing.

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 has been satisfied. The approval for 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 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, thereon are hereby approved and accepted by the Commissioners of Weber County, Utah this _____ day of _____, 2021.

Chairman, Weber County Commission

Attest: _____

Title: _____

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 Engineer

WEBER-MORGAN 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 on-site wastewater disposal systems.

Signed this _____ day of _____, 2021.

Director, Weber-Morgan Health Department

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission. Signed this _____ day of _____, 2021.

Chairman, Weber County Planning Comission

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 _____, 2021.

Weber County Attorney

West 1/4 Corner of Section 20, T6N, R2W, SLB&M, U.S. Survey (Found Weber County Brass Cap Monument Dated 1963 under 4" Asphalt good condition)

2640.87' Meas. (2640.85" W.C.S.)

33.00' Half Roadway Dedication

673.53'

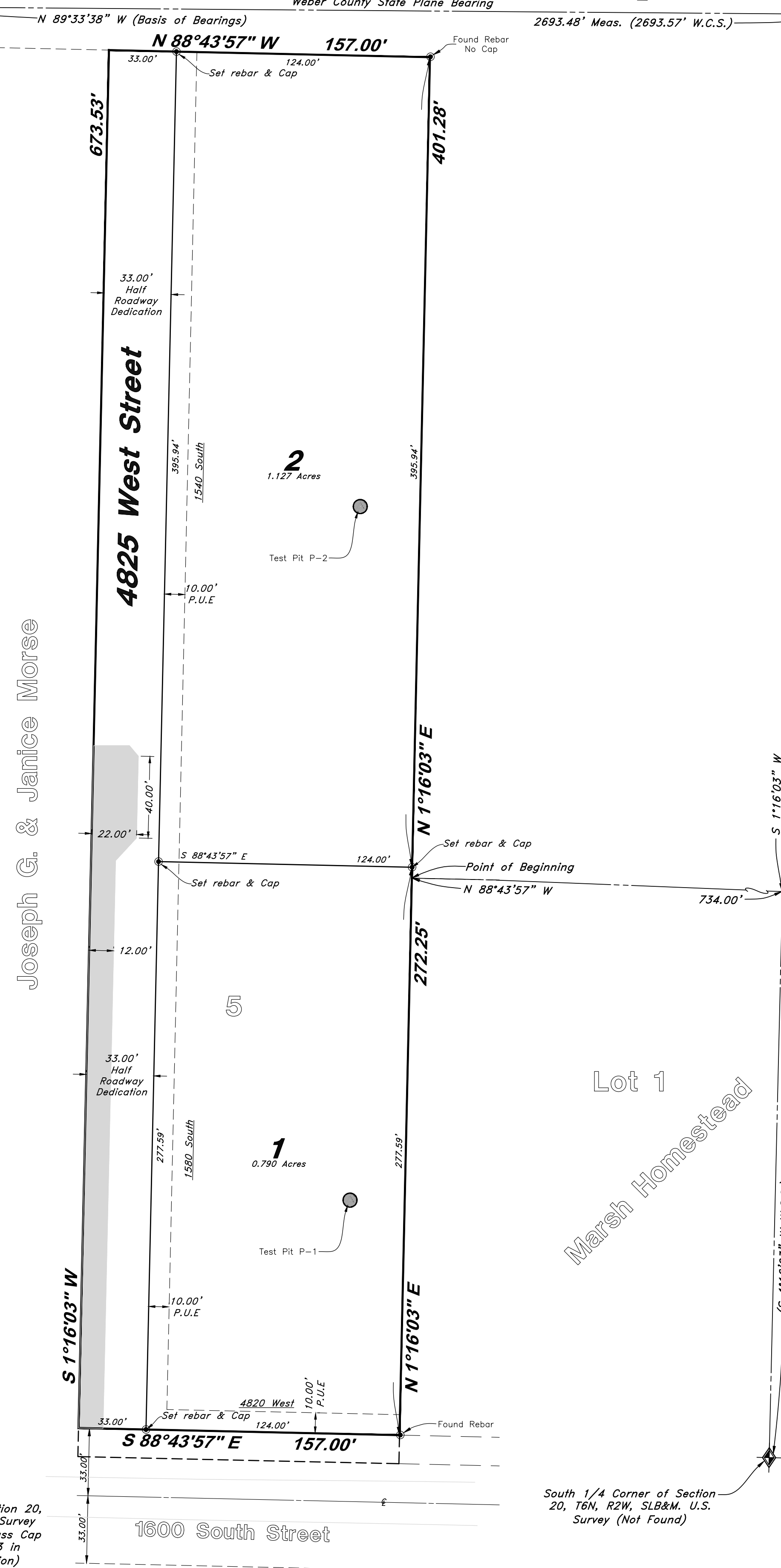
33.00' Half Roadway Dedication

12.00'

33.00' Half Roadway Dedication

33.00'

Southwest Corner of Section 20, T6N, R2W, SLB&M, U.S. Survey (Found Weber County Brass Cap Monument Dated 1963 in Concrete good Condition)



2691.65' Meas. (2691.50" W.C.S.) S 04°45'16" W Meas. (S 04°45'16" W.C.S.) (South)

North 1/4 Corner of Section 20, T6N, R2W, SLB&M, U.S. Survey (Found Weber County Brass Cap Monument dated 1965 multiple marks in top under 4" asphalt in roadway)

Center of Section 20, T6N, R2W, SLB&M, U.S. Survey (Found Weber County Brass Cap Monument dated 1963, flush with road)

939.28' (2652.93" W.C.S.)

2693.48' Meas. (2693.57" W.C.S.)

157.00'

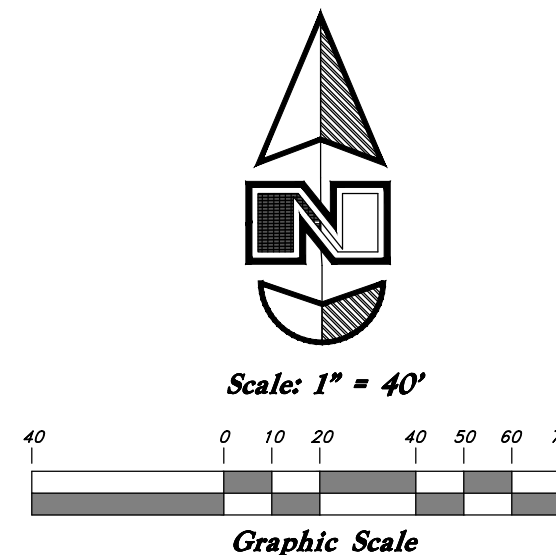
401.28'

734.00'

272.25'

277.59'

South 1/4 Corner of Section 20, T6N, R2W, SLB&M, U.S. Survey (Not Found)



- Legend: Monument to be set, Found Centerline Monument (Rad.) Radial Line (N/R) Non-Radial Line, PUE Public Utility Easement, PU&DE Public Utility & Drainage Easement, Fence, Buildable Area, Min Drivable Surface, Easement, Buildable area, Existing Boundary, Set Hub & Tack, A will be set Nail in Curb, Extension of Property, Set 5/8" x 24" Long Rebar & Cap w/ Lathe

Sheet 1 of 1

Table with columns for WEBER COUNTY RECORDER, ENTRY NO., FEE PAID, FILED FOR RECORD AND, RECORDED, AT, IN BOOK, OF OFFICIAL RECORDS, PAGE, RECORDED FOR, WEBER COUNTY RECORDER, BY, DEPUTY.

NOT RECORDED

ENGINEER: Great Basin Engineering North 1407 North Mountain Road Ogden, Utah 84405 (801) 394-4515

DEVELOPER: Lync Construction, LLC 1607 North Mountain Road Ogden, Utah (801) 710-2234



2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
801-731-1668

9/22/2021

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 and the district has the capacity to provide only culinary water for the Twin Acres Subdivision, a 2-lot subdivision. There is an existing water connection to lot-1. Lot 2 will need a separate connection. The proposed subdivision is at approx. 4820 West 1600 South, West Weber Utah. By means of a 6" water main on 1600 South. Taylor West Weber Water specifications and standards must be followed in all installation procedures.

Requirements:

- Plan review fee= \$100 per lot (\$200.00). Plans must be reviewed and okayed by the district engineer for final approval.
- Water rights impact fee= Must be paid before the subdivision is recorded and service is provided. \$1,078.00 Per lot. (\$1078.00) Based on current impact fee.
- Secondary Water= Must put 1 share of Hooper Irrigation or Wilson Irrigation water into Taylor West Weber Water's name. The share will be held until a pressurized secondary water system becomes available, once it is available the share will be used to help hook up the pressurized system.
- Impact fee=\$10,415.00 Per lot. (\$10,415.00) This fee will be collected at the time building permits are requested. This fee includes the cost of the meter.
- Recording fee=\$40 for secondary water covenant recorded at Weber County Recorder's office.
- Taylor West Weber Water District reserves the right to make or revise changes as needed or as advised by the district engineer or the district attorney.

FINAL APPROVAL AND SUBDIVISION APPROVAL MUST NOT BE ISSUED UNTIL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER. All fees must be paid before approval for construction of the water infrastructure is given. Final subdivision approval is subject to meeting all of the requirements of the district and all fees being paid and received. A **signature block** must be added to the recorded plat and signed by either a board member or the manager of Taylor West Weber Water. This letter expires six months from the date it is issued.

Expires 3/22/2022

Sincerely, 

Ryan Rogers – Manager

Taylor West Weber Water District

BRIAN COWAN, MPH, LEHS
Health Officer/Executive Director



May 19, 2021

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

RE: Jeffery Herrick
4820 W 1600 S
Parcel #15-56-0051
Soil log #15141

Gentlemen:

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

DESIGN REQUIREMENTS

Documented ground water tables not to exceed 24 inches, fall within the range of acceptability for the utilization of an At-Grade Treatment System as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption field is to be designed using a maximum loading rate of 0.5 gal/ft²/day as required for the fine sandy loam, blocky 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