

Minutes of the Administrative Review Meeting for September 2, 2020, To join meeting please navigate to the following web link at the time of the meeting; <https://us02web.zoom.us/j/87220995513> commencing at 4:00 p.m.

**Staff Present: Director Rick Grover, Scott Perkes, Planner and Angela Martin, Lead Office Specialist**

***Administrative Items:***

1. UVM071120 – Consideration and action on final plat approval of Middle Fork Ranches 3<sup>rd</sup> Amendment, a one-lot subdivision located at 7522 E 1400 N, Huntsville, UT. **Applicant: Troy Green. Presenter: Scott Perkes**

Director Grover asked Mr. Perkes that on the proposed plat amendment we talked about eliminating a reference to the access easement that goes into the Green's property from the neighboring lot because it is already included in the Middle Fork Ranches 1<sup>st</sup> Amendment plat. Director Grover said he still sees an easement depicted. Has that easement been removed? Mr. Perkes stated yes it has been removed. Exhibit B in the Staff report shows the purposed plat and the applicant's engineer removed the reference to the 15-foot private access easement across the neighboring lot, but what is remaining is a 20 foot wide mountain canal irrigation easement. The proposed plat also shows the fence line along the neighboring lot to the west for a reference. Mr. Perkes indicated that we had the applicant's engineer remove the depiction of the access easement from the plat amendment because it is formally depicted and recorded on the Middle Fork Ranches 1<sup>st</sup> amendment plat. This was done at the request of the neighboring property owner (Ms. Brown) who was concerned about the easement being incorrectly referenced on the proposed plat.

Troy Green asked why that easement was not referenced at all. He stated that the easement should be noted on the plat so he has that easement.

Mr. Perkes stated that the property owners to the west (the Browns) had concerns about the easement being depicted incorrectly on this proposed 3<sup>rd</sup> plat amendment. As such, staff allowed reference to the easement to be removed from the proposed plat amendment due to it being physically located across the Browns property, and is correctly depicted on the Middle Fork Ranches 1<sup>st</sup> Amendment plat. Due to the subdivision boundary of this proposed 3<sup>rd</sup> Amendment being limited to Mr. Green's property, depiction of the access easement would only serve as external reference due to the easement location being formally set by the Middle Fork Ranches 1<sup>st</sup> Amendment plat.

Mr. Green asked if there was any reason why the easement couldn't be added to the plat. Mr. Perkes indicated that there is no harm in referencing the easement on the 3<sup>rd</sup> amendment plat as long as it is correctly depicted.

Director Grover asked staff if the legal department had any issues with that? Mr. Perkes said that legal has not reviewed the plat from this aspect, but we could have the legal department take a look at this as a condition of approval.

Director Grover said that the neighbors to the west (the Browns) came and met with Mr. Perkes and Director Grover regarding their concerns of the access easement potentially being incorrectly depicted on the proposed 3<sup>rd</sup> amendment plat. During this meeting the Browns indicated that this easement has been contested in the past and they have a court determination that shows that the easement should follow the existing fence line along their northern property boundary.

Mr. Perkes said that in the staff report we did reference that court order number which was record as Entry #3065929, and in that order it's explained that there was a quit claim deed that was executed between Christine and Fred Brown and the McKay family when the McKay family quit claimed a sliver of land along the north property line of the Brown's property. This sliver of land was then incorporated into the Middle Fork 1<sup>st</sup> Amendment boundary and added to the Brown's subdivision lot. The Browns indicated that the 1<sup>st</sup> amendment plat shows the correct alignment of the access easement along the fence line to the Green's property. Their concern is that the 3<sup>rd</sup> amendment plat may not correctly reflect this easement alignment.

Mr. Green requested that the easement be noted on the plat.

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Director Grover asked Mr. Green if he would mind if we talk to our legal department about that? Mr. Green said that would be fine. Director Grover said it would protect your rights. Mr. Green said the boundary survey markers for the 1<sup>st</sup> Amendment plat are not aligned with the current fence since the neighbor has since torn down the original fence and rebuilt it in a slightly different location. Mr. Green indicated that the Browns refused to let the surveyor survey that particular portion of the property.

Mrs. Brown, showed a 1980s aerial photo that shows where the original fence line was. Mrs. Brown indicated that the original fence location has not moved. The Green's paved their driveway while the original fence was in place.

Fred Brooks indicated that the correct easement alignment has been verified by the court order.

Mr. Perkes asked if the applicant would be more comfortable adding a plat note that references the easement. Mr. Green indicated that a note would make him more comfortable.

Mr. Grover asked if the applicant had any concerns with approving the plat, as configured, with the added condition of having the County Legal department review the added plat note referencing the access easement. Mr. Green indicated that he would be fine with this approach.

Ms. Brown asked that any added plat note reference the fact that the access easement should hug the fence line.

Director Grover asked if the fence had been moved. Mrs. Brooks said the fence has not been moved.

Ms. Brown indicated that a full-width ROW should be dedicated as part of this plat. Ms. Brown indicated that the applicant owns additional land to the east of the subdivision boundary and should be required to dedicate a full-width road with that additional land.

Mr. Grover asked Mr. Perkes about how wide the right-of-way dedication along the eastern subdivision boundary. Does the applicant own the property further to the East of the subdivision?, Mr. Perkes indicated that the dedicated right-of way is 33 feet as depicted and represents a half width county right-of-way. Should additional development be requested from property owners to the east, the other half width of right-of-way would be required to be dedicated to complete a full width 66-foot county road. Mr. Perkes indicated that the applicant does not own the land that is east of the subdivision boundary.

Director Grover recommended approval for UVM071120 – Consideration and action on final plat approval of Middle Fork Ranches 3<sup>rd</sup> Amendment, a one-lot subdivision located at 7522 E 1400 N, Huntsville, UT., subject to staff's findings and conditions as depicted in the staff report in addition to the following added condition:

1. The County legal department must review the addition of a plat note referencing the access easement as the primary access for this Lot 8 of the Middle Fork Ranches 3<sup>rd</sup> Amendment and that this note protects the applicant's access rights without violating any court actions that have happened in the past.

2. AAE 2020-04 – Consideration and action on an alternative access request to use a private right-of-way as the primary access for one lot in a future 2-lot subdivision on parcel 22-354-0002. **Applicant: Brian & Susan Savitt. Presenter: Scott Perkes**

Director Grover recommended approval of AAE 2020-04. Subject to staff requirements and findings in the staff report.

**Adjourn**

**Meeting Adjourned: The meeting adjourned at 4:30 pm**

**Respectfully Submitted,**

*Angela Martin*

**Angela Martin, Lead Office Specialist  
Weber County Planning Commission**