

Aug 3, 2022



2650 N Washington Blvd
Ogden UT 84404
(801) 644-6736

Weber County Planning Division,

On July 19, 2022 Heritage Land Development received an email from Steve Burton, stating that the conditional use permit for The Barn PH 2 subdivision located at approx. 900 S 4700 W, Ogden UT had expired. The explanation from Steve was as follows:

“After meeting with our attorney, we have determined that the conditional use permit (CUP 2017-02) has expired, and that phase 2 as proposed, does not meet today’s zoning, therefore it cannot be approved unless a rezoning occurs. This determination is based off of the county’s nonconforming use code (108-12-7) which says, “Wherever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformance with the current provisions of the Weber County Land Use Code.”

Heritage Land Development was also told in an email by Steve Burton on July 19, 2022 that both Heritage Land Development and Brad Blanch would need to be included on an appeal application.

Heritage Land Development hereby appeals the requirement to have Brad Blanch included on this appeal application. Heritage Land Development LLC is the sole owner of this property.

Heritage Land Development, also hereby appeals the decision regarding the expiration of the conditional use permit for phase 2 of The Barn and requests a hearing with the Board of Adjustment.

Permit number: CUP 2017-02, the approved conditional use permit for Terakee Village states the following as “The purpose of conditional use”,

“A conditional use for Terakee Village, a planned residential unit development consisting of 79 residential units, one lot for an assisted living center, and four accessory dwelling units for a total of 84 units”

In addition, line item 12 of the approved CUP states,

“This CUP is for parcel numbers 15-515-0001, 15-515-0002 and 15-048- 0037 and does not include Phase 2/the 14-acre parcel number 15-059-0026 that is not contiguous.”

As stated above, this CUP was approved for 79 residential units which ended up being platted over 2 phases, however both phases are located on the above listed parcel number, 15-048-0037. We have only developed 36 of the 79 approved units. The phase 2, 14 acre parcel that is mentioned above is NOT part of The Barn or the 79 approved units.

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We would also like to point out the following codes,

Weber county code section 108-4-8(b) states:

"Unless there is substantial action under a conditional use permit within a maximum period of one year of its approval from the land use authority, the conditional use permit shall expire."

Weber County Code Section 108-4-9 states:

"When an approved conditional use has been discontinued and/or abandoned for a period of one year, the conditional use permit becomes null and void."

According to the above codes, the one-year timeline only applies if there is no substantial action or if the conditional use has been abandoned for a period of one year. Heritage Land Development has taken substantial actions towards completing the improvements on the first 36 lots of the CUP and has been diligently working towards finalizing the construction edits on the remaining 43 lots. Heritage has been to numerous meetings with the county, reviewed plans, and worked with utility companies to make sure that this project continues to progress. Again, although the 79 lots have been constructed into two phases, our initial approved CUP has always and continues to be advancing in significant ways.

Thank you for your time and consideration. We look forward to completing this subdivision as it was originally approved. It is our pleasure to provide a beautiful subdivision for future and current residents of Weber County to call home.

Respectfully,

Jessica Prestwich
Assistant VP
Heritage Land Development

Jessica Prestwich

Jay Stocking
Owner
Heritage Land Development

Jay Stocking

[Jay Stocking \(Aug 3, 2022 15:51 MDT\)](#)

New APPEAL

Final Audit Report

2022-08-03

Created:	2022-08-03
By:	Jessica Prestwich (jessicap@sierrahomes.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAyv2CxxVeQWR7DPuaVe7WcepiHUdns6zu


New APPEAL History

 Document created by Jessica Prestwich (jessicap@sierrahomes.com)

2022-08-03 - 9:49:14 PM GMT- IP address: 67.177.8.149

 Document emailed to jay@sierrahomes.com for signature

2022-08-03 - 9:49:53 PM GMT

 Email viewed by jay@sierrahomes.com

2022-08-03 - 9:50:55 PM GMT- IP address: 74.125.215.71

 Signer jay@sierrahomes.com entered name at signing as Jay STocking

2022-08-03 - 9:51:24 PM GMT- IP address: 75.149.224.189

 Document e-signed by Jay STocking (jay@sierrahomes.com)

Signature Date: 2022-08-03 - 9:51:26 PM GMT - Time Source: server- IP address: 75.149.224.189

 Agreement completed.

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