

September 11, 2025

**Minutes of the Board of Adjustments meeting of September 11, 2025, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1, Ogden UT at 4:30 pm.**

**Members Present**            **Rex Mumford, Chair**  
                                     **Marshall McGonegal, Vice Chair**  
                                     **Lewis Decker**  
                                     **Ben Petersen**

**Staff Present: Charlie Ewert, Principal Planner; Tammy Aydelotte, Planner; Felix Lleverino, Planner; Lauren Thomas, Legal Counsel; Tiffany Snider, Secretary**

- **Roll Call**
- **Pledge of Allegiance**

**1. Minutes: January 23, 2025; March 13, 2025; and March 27, 2025.**

Chair Mumford noted that on March 27, 2025, the Board had heard case BOA 2024-09 regarding an appeal of a conditional use permit, and on April 17, 2025, the Board had rendered a written decision affirming the Ogden Valley Planning Commission's decision.

The Board reviewed the minutes from three previous meetings. The Chair called for a motion to approve the minutes.

Motion to approve the minutes from January 23, March 13, and March 27, 2025 was made, seconded, and approved unanimously.

**2. BOA2025-03: Consideration of an appeal on a decision made by the Ogden Valley Planning Commission in a public meeting held on April 25, 2023 to approve the Osprey Ranch Phase 2 subdivision without a road easement between lots 43 and 46 and subject to the county engineer deciding if a connector road in this location is feasible. Staff Presenter: Felix Lleverino, Planner**

Felix Lleverino, County Planner, presented an overview of the appeal, showing slides that illustrated the location of the proposed access between lots 43 and 46 in the Osprey Ranch Phase 2 subdivision, which would provide access to the MCG Investment property to the east. Mr. Lleverino explained that the appeal focused on whether the Planning Commission had erred in their decision regarding this access point. Mr. Lleverino reviewed the criteria for appeals to the Board of Adjustment, noting that the Board's role is to determine if the land use authority had correctly applied the land use code and zoning maps. He explained that the burden of proof is on the appellant to show the land use authority erred, and that appeals must be filed within 15 calendar days of the decision.

The Board inquired about the nature of the proposed road connection. Mr. Lleverino clarified that it would have been an easement for a future road, not an immediately built connection.

Principal Planner Ewert explained that there were two different notices of decision at issue. The original notice from April 27, 2023, included a condition requiring an access point between lots 43 and 46, which was the language staff had recommended. A revised notice from June 19, 2025, removed this condition. Mr. Ewert explained that the revision was made after staff reviewed audio recordings of the Planning Commission meeting and found that the Planning Commission's verbal motion differed from what was recorded in the original written decision.

Robert Mansfield, legal counsel for MCG Investments (the appellant), argued that the Planning Commission erred by removing the access requirement in the June 2025 decision. He cited Weber County Code section 106-2-1.01, which requires subdivisions to provide for continuation of streets into adjoining undeveloped land. Mr. Mansfield contended that:

- The original April 2023 decision correctly followed county code by requiring access to the MCG property.
- The June 2025 revision improperly removed this requirement without determining feasibility.
- No engineering analysis had determined the access was unfeasible, as the code would require for removal.
- The parties initially agreed on the access point during Phase 1 discussions in 2022.
- The MCG property would be effectively landlocked without this access point due to steep terrain.

September 11, 2025

Mr. Mansfield then read from past meeting minutes to provide more context on Planning staff's recommendation. He highlighted that during the April 25, 2023 meeting, Planner Aydelotte recommended granting preliminary approval of the Osprey Ranch subdivision Phase 2 based on compliance with all review agency requirements. It was noted that access to the east of Lot 43 should be provided between Lots 43 and 46. The Planner articulated that the MCG property should be entitled to connect to a major connector road and stated that this connectivity was vital to comply with regulations, ensuring proper development and utility access to adjacent, undeveloped properties. It was also documented that prior agreements between parties supported the necessity of this access, emphasizing cooperation witnessed during Phase 1 in 2022, when the potential for access was discussed and seemingly agreed upon among constituents. Mr. Mansfield concluded by arguing that the Planning Commission erred when it removed the access requirement in the June 2025 decision. Citing Weber County Code section 106-2-1.01, he asserted that connector roads should provide access to undeveloped adjacent properties, which would be crucial in this case. Mr. Mansfield recommended that this access requirement be reinstated until such time as an engineering study could conclusively demonstrate that the connection is not feasible. He also emphasized that the Board's role was to assess for error, not to remand the case for further review.

Bruce Baird, legal counsel for Osprey Ranch, provided a detailed counterargument stating that the appeal was premature because an engineering feasibility study had not yet been performed to evaluate the proposed road access between lots 43 and 46. He emphasized that the absence of this study made it difficult to proceed. Mr. Baird also revealed that Osprey Ranch intended to refrain from recording lots 43 and 46 within their subdivision plans, thus rendering the access issue moot. Additionally, he pointed out that MCG Investment already possesses multiple existing access points to their property, implying that the additional access was unnecessary and would impose an undue hardship on Osprey Ranch. He urged the Board to consider remanding the case back to the Planning Commission to allow for a comprehensive review, inclusive of a completed engineering feasibility assessment. Mr. Baird asserted that returning the matter for further examination would enable a more thorough, fact-based resolution. He reiterated these points to stress the imperfection of proceeding without proper engineering input, proposing a remand as a strategic move towards resolving the procedural irregularities surrounding the case.

County Legal Counsel Thomas advised the Board that the complexities of the matter warranted a closed session for further deliberation. She recommended considering whether the Board should focus on determining if the Planning Commission erred, rather than remanding the case themselves, as this was within the Board's purview. Ms. Thomas emphasized the need for careful assessment to address the procedural nuances and complexities in the appeal process before moving forward with a decision.

Board Member McGonegal asked what will happen if the applicant does not record lots 43 and 46 in the subdivision. Mr. Baird stated that if his client chooses not to record those lots, they will not be a part of the current subdivision plans. Should there be a need, the applicant can opt to submit an application to subdivide this portion in the future, and the question of access could then be reconsidered.

The Board reviewed an aerial map to orient themselves to the location of the subject property and its surroundings.

Chair Mumford invited Mr. Mansfield to rebut Mr. Baird's comments. Mr. Mansfield objected to Mr. Baird's suggestions, arguing the Board's role was to determine if the Planning Commission had erred, not to remand the matter back to them.

Board Member Decker moved to convene in a closed session to discuss the appeal. Board Member Peterson seconded the motion; voting aye: Board Members Decker, Petersen, Vice Chair McGonegal, and Chair Mumford. Motion carried (4-0)

After reconvening, Board Member Decker moved to take the matter under advisement and render a decision at a future date. Board Member Peterson seconded the motion; voting aye: Board Members Decker, Petersen, Vice Chair McGonegal, and Chair Mumford. Motion carried (4-0)

**The meeting adjourned at 5:15 p.m.**

**Respectfully Submitted,  
Cassie Brown**