

## WEBER COUNTY PLANNING DIVISION

### Administrative Review Meeting Agenda

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**January 6, 2021  
4:00 to 5:00 p.m.**

Join Zoom Meeting:

<https://us02web.zoom.us/j/88140650062>

1. **UVL120220:** Consideration and action on final approval of Long Meadow Subdivision consisting of 2 lots at approximately 3248 E 3350 N, Eden. **Applicant: Brian & Susan Savitt, Staff Presenter: Scott Perkes**
2. **AAE 2020-11:** Request for approval of an alternative access exemption request to use a private access easement to provide primary access to a future one-lot subdivision at approximately Old Snow Basin Road and Toliver Lane in Huntsville. **Staff Presenter Scott Perkes**
3. **UVE111920:** Request for approval for England Subdivision, a one-lot subdivision located at approximately 3960 E. Nordic Valley Drive, in the AV-3 zone. **Staff Presenter Tammy Aydelotte**
4. **UVS121319:** Request for approval for Summit at Ski Lake No. 3 1<sup>st</sup> Amendment, an amendment to move a lot line, located at approximately 1216 Cortina Point, Huntsville, in the FV-3 zone. **Staff Presenter Tammy Aydelotte**

*The regular meeting will be held VIRTUALLY via Zoom Video Conference. Please access this VIRTUAL meeting by navigating to the following web/ink in a web browser:*

<https://us02web.zoom.us/j/88140650062>

*In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791*





## Staff Report for Administrative Approval

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Consideration and action on the application for final approval of Long Meadow Subdivision, consisting of 2 lots, located at approximately 3248 E 3350 N, Liberty.
<b>Agenda Date:</b>	Wednesday, January 06, 2021
<b>Applicant:</b>	Brian & Susan Savitt (Owners)
<b>File Number:</b>	UVL120220

#### Property Information

<b>Approximate Address:</b>	3248 E 3350 N, Liberty
<b>Project Area:</b>	9.62 acres
<b>Zoning:</b>	AV-3
<b>Existing Land Use:</b>	Agricultural
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	22-354-0002
<b>Township, Range, Section:</b>	T7N, R1E, Section 29 NW

#### Adjacent Land Use

<b>North:</b>	Agricultural	<b>South:</b>	Residential
<b>East:</b>	Agricultural	<b>West:</b>	Agricultural

#### Staff Information

<b>Report Presenter:</b>	Scott Perkes <a href="mailto:sperkse@co.weber.ut.us">sperkse@co.weber.ut.us</a> 801-399-8772
<b>Report Reviewer:</b>	RG

### Applicable Ordinances

- Title 104, Chapter 6 Agricultural Valley (AV-3) Zone
- Title 106, Subdivisions, Chapter 1-8 as applicable
- 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 proposed subdivision consists of two lots and is located in the AV-3 zone (see **Exhibit A**). Lot 1 has frontage and access off of the existing 3350 North Street. Lot 2 will be accessed by a private access easement that was recently approved under file #: AAE 2020-04. With recommended conditions, this subdivision meets the applicable land use standards. The Weber County Land Use Code (LUC) §101-1-7 identifies a new subdivision of three or fewer lots for which no streets will be created or realigned as a "Small Subdivision" which can be administratively approved by the Planning Director.

### Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by maintaining the existing density provided by the current zoning and existing approvals (2016 Ogden Valley General Plan, Land Use Principle 1.1).

Zoning: The proposed subdivision is located in the Agriculture Valley (AV-3) Zone.

The purpose and intent of the AV-3 zone is identified in the LUC 104-6-1 as:

*The AV-3 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone is to:*

- Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;*
- Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and*

*c) Direct orderly low-density residential development in a continuing rural environment.*

Both lots meet the 150 foot minimum width requirement of the AV-3 zone (Lot 1 = 359.43', Lot 2 = 332.85'). Lots 1 and 2 are both 4.809 acres in area and thereby exceed the 3 acre minimum for residential lots in the AV-3 zone (see **Exhibit B**).

**Culinary water and sanitary sewage disposal:** Culinary water will be provided by private wells and sanitary sewage disposal will be provided by on-site septic systems. A feasibility letter has been provided by the health department for the septic systems (see **Exhibit C**). The applicant has also submitted a Water Replacement Contract with Weber Basin Water Conservancy District for 3.00 acre-feet of water for both culinary and irrigation use (see **Exhibit D**). Additionally, the applicant has provided a certificate verifying ownership of 12 shares of water in the Pine Canyon Ditch Co., Inc. (see **Exhibit E**). However, per LUC §106-4-2(a)(3), **at least one well permit must be obtained by the Utah State Division of Water Rights prior to recording the final plat.**

**Review Agencies:** The Weber County Engineering Division, the Weber County Surveyor's Office, Weber-Morgan Health Department, and Weber Fire District have reviewed the proposal. Prior to the subdivision being released for Mylar, all review agencies comments will need to be addressed.

**Drinking Water Source Protection Zones:** The proposed subdivision is located within Zone 4 of an adjacent drinking water source. Per LUC §108-18-6(d), development may not include any of the following:

- (1) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
- (2) Sanitary landfills.
- (3) Hazardous waste or material disposal sites.

**Public Notice:** The required noticing for the final subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

**Tax Clearance:** Property taxes for 2019 have been paid in full. Taxes for 2020 have also been paid in full.

## **Staff Recommendation**

Staff recommends final approval of the Long Meadow Subdivision. This recommendation for approval is subject to all applicable review agency requirements and the on the following conditions:

- 1) A deferral agreement will need to be signed and recorded simultaneously with the final plat for curb, gutter, and sidewalks along the frontage with 3350 North Street. See the attached agreement for your reference.
- 2) The conditions of approval associated with the recently approved alternative access exemption remain in effect as follows:
  - a. The access easement shall comply with the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29. Improvements will be required prior to the issuance of a building permit.
  - b. The applicant shall agree to file the required alternative access agreement, as outlined in LUC §108-7-31, prior to the recording of the future subdivision. See the attached agreement for your reference.
  - c. The improved travel surface of the access easement shall be a minimum of 12 feet wide and shall be capable of supporting 75,000 lbs. In addition, and Per LUC Sec. 108-7-29(a)(5), a turnout measuring 10'x40' will be required at the midpoint of the access easement.
- 3) The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. This is the developer's responsibility.
- 4) Per LUC Sec. 106-4-2, at least one well permit is required to be obtained prior to the recording of the plat.
- 5) A Private Well Deed Covenant and Restriction is required to be recorded simultaneously with the plat. See the attached covenant for your reference.
- 6) An Onsite Wastewater Disposal Systems Deed Covenant and Restriction is required to be recorded simultaneously with the plat. See the attached covenant for your reference.

This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision amendment complies with all previous approvals and the applicable County ordinances.

## Administrative Approval

Administrative final approval of Long Meadow Subdivision 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. Subdivision Application
- B. Proposed final plat
- C. Septic Feasibility Letter
- D. Water Replacement Contract with Weber Basin Water Conservancy District
- E. Certificate of Water Shares in Pine Canyon Ditch Co., Inc.

## Location Map





# Weber County Subdivision Application

All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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## Subdivision and Property Information

Subdivision Name	Number of Lots
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Approximate Address	Land Serial Number(s)
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Current Zoning	Total Acreage
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Culinary Water Provider	Secondary Water Provider	Wastewater Treatment
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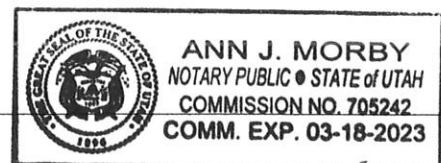
Culinary Water Provider	Secondary Water Provider	Wastewater Treatment
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I (We), \_\_\_\_\_, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.

Brian Jay and Susan Savitt 2 Dec 2020  
(Property Owner)

Susan Savitt 12/2/20  
(Property Owner)

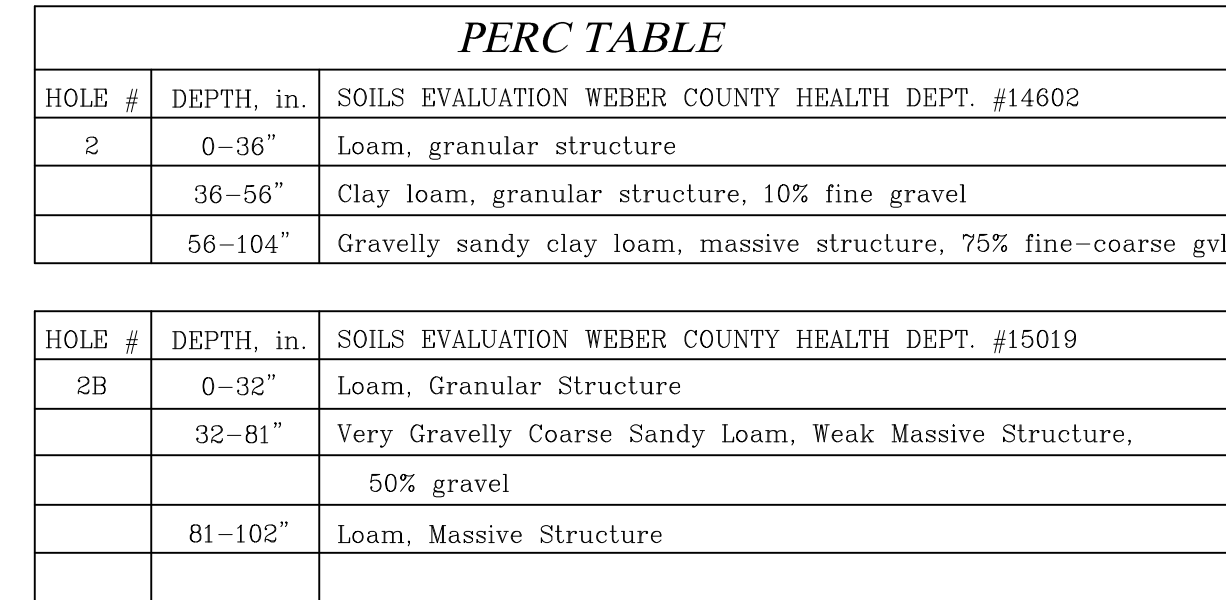
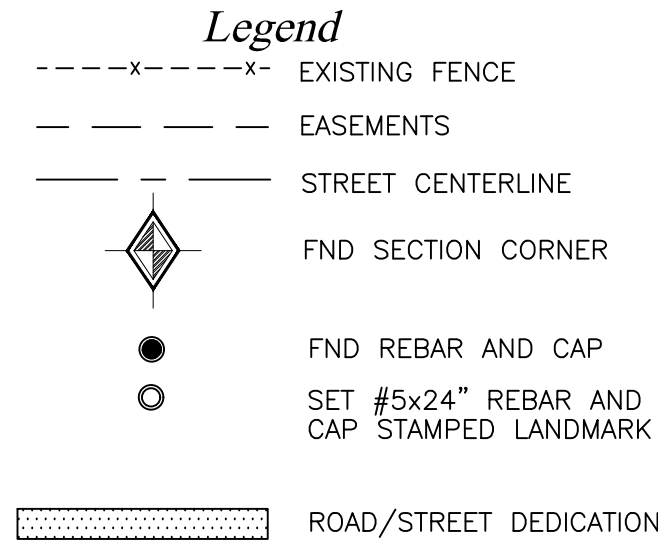
Subscribed and sworn to me this 2 day of Dec., 2020





AMENDING LOT 2 OF CIRCLE N SUBDIVISION

## Exhibit B



NOTE:  
The recording of this Amended plat in the office of the County Recorder acts as a statutory vacation, superceding, and replacement of any contrary provision is a previously recorded plat of the same land as described herein in accordance with UCA 10-9a-609 and/or UCA 17-27a-609.

Signature \_\_\_\_\_

Chairman, Weber County Commission

Signature \_\_\_\_\_


I, Tyler D. Knight, do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 9008384-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as noted hereon. I further certify that, to the best of my knowledge and belief, all lots meet the current requirements of the Land Use Ordinance of Weber county.



## My Commission Expires:

Contains 418,980 s.f. or 9.618 acres

The basis of bearing of bearing is State Plane Grid Bearing as shown.

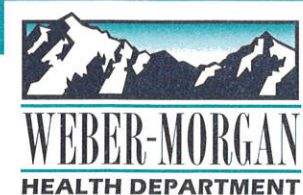
 <p><b>Landmark Surveying, Inc.</b>          A Complete Land Surveying Service  <a href="http://www.LandmarkSurveyUtah.com">www.LandmarkSurveyUtah.com</a></p>	<p>4646 South 3800 West - #A-3          West Haven, UT 84401          801-731-4075</p>
<p><b>DEVELOPER:</b> <i>Susan Savitt</i></p> <p><i>Address: 2745 Nordic Way          Eden UT 84310</i></p>	<p><i>1</i></p>
<p>NW 1/4 of Section 29, Township 7 North,          Range 1 East, Salt Lake Base and Meridian.</p>	<p><i>Subdivision</i></p>
<p>Revisions</p>	<p>DRAWN BY: TK</p> <p>CHECKED BY: TK</p> <p>DATE:</p> <p>FILE #: 3785v1</p>



BRIAN W. BENNION, M.P.A., L.E.H.S.  
Health Officer/Executive Director

Exhibit C

June 5, 2020



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

RE: Brian Jay & Susan Savitt  
3248 E 3350 N Eden, UT 84310  
Parcel #22-354-0002  
Soil log #15019

Gentlemen:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on July 29, 2020. The exploration pit (s) is located at the referenced GPS coordinate and datum. The soil texture and structure, as classified using the USDA system, are as follows:

Exploration Pit #2B (UTM Zone 12T, Nad 83, 427260 E 4574832 N)  
0-32" Loam, Granular Structure  
32-81" Very Gravelly Coarse Sandy Loam, Weak Massive Structure, 50% Gravel  
81-102" Loam, Massive Structure

Exploration pits should be backfilled immediately upon completion to prevent a hazardous environment that may cause death or injury to people or animals.

#### DESIGN REQUIREMENTS

Culinary water will be provided by a private well. **The placement of the well is critical so as to provide the required 100 foot protection zone.** The well will need to be dug, tested and the water supply approved prior to issuance of a wastewater disposal permit.

#### North (New Test Pit #2B Listed Above) and South (Previous Circle N Subdivision Test Pit #2) Test Pit Locations:

Anticipated ground water tables not to exceed 60 inches, fall within the range of acceptability for the utilization of Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 18 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/ft<sup>2</sup>/day as required for the very gravelly coarse sandy loam, weak massive 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.

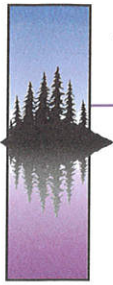
The following items are required for a formal **subdivision review**; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision 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



# WEBER BASIN WATER CONSERVANCY DISTRICT

Exhibit D

2837 EAST HIGHWAY 193 • LAYTON, UTAH • PHONE (801)771-1677 • SLC (801) 359-4494 • FAX (801) 544-0103

Tage I. Flint  
General Manager/CEO

Board of Trustees:

Dee Alan Waldron  
President  
Morgan County

Kym O. Buttschardt  
Weber County

Randy B. Elliott  
Davis County

Scott K. Jenkins  
Weber County

Marlin K. Jensen  
Weber County

P. Bret Millburn  
Davis County

Angie Osguthorpe  
Weber County

Paul C. Summers  
Davis County

Dave Ure  
Summit County

November 3, 2020

Brian & Susan Savitt  
2745 Nordic Valley Way #932  
Eden, UT 84310

Dear Mr. & Mrs. Savitt:

Enclosed for your records, please find a copy of your fully executed replacement water contract with Weber Basin Water Conservancy District.

If you have any questions, please contact our office.

Sincerely,

Sherrie A. Mobley  
Administration Manager

SAM/KS/dh

Enclosure

R-10

## Exhibit D

Account No. 66110

Replacement Contract/Project Untreated

**PETITION TO WEBER BASIN WATER CONSERVANCY DISTRICT  
FOR THE ALLOTMENT OF WATER**

Brian & Susan Savitt (herein "Petitioner") hereby applies to the Weber Basin Water Conservancy District (herein "District") for the allotment of the beneficial use of 3.00 acre-feet of untreated replacement water annually, for irrigation and domestic purposes, on land situated in Weber County, Utah, legally described as follows:

Section 29, Township 7N, Range 1E, Acres 9.62Tax I.D. No.(s): 22-354-0002

Description of Lands:

ALL OF LOT 2, CIRCLE N SUBDIVISION, WEBER COUNTY, UTAH.

1. APPROVAL BY DISTRICT. In the event that the District grants this petition by executing the Order on Petition, attached hereto, this instrument shall be a contract between the Petitioner and the District (sometimes referred to herein as the "Contract"), which Contract shall be effective on the date upon which the District enters the Order on Petition.

2. OBLIGATION TO PAY. In consideration of such allotment and upon condition that this Petition is granted by the District, Petitioner agrees:

(a) To pay for the right to use the allotted water an amount annually, which amount initially shall be \$377.19. A portion of the above payment amount is to be applied to the extent required on the District's obligations under bonds or other government-District contracts or capital expenditures, and is to be fixed from time to time by the District's Board of Trustees. The remainder of the above payment amount is to apply to the District's general operation, maintenance, and repair and replacement expenses, and other special expenses and costs incurred in operating, maintaining, repairing and replacing the separate facilities of the District used or required in servicing this Contract, hereinafter referred to as "OM&R". Such fair OM&R amounts shall be estimated each year by the Board of Trustees of the District, and any such determination shall be final and conclusive and binding on all parties. If such estimate is more than the actual cost thereof, an appropriate adjustment will be made in the annual OM&R amount for the year following the year



for which the estimate was made.

(b) The amount so fixed shall be paid whether or not the Petitioner actually takes or uses the water allotted.

(c) The first payment of the amounts so fixed shall be a tax lien upon the above-described land and the Petitioner shall be bound by the rules and regulations of the District's Board of Trustees. Nothing contained herein shall be construed to exempt the Petitioner from paying the taxes levied.

(d) Notwithstanding any of the forgoing, the District shall be entitled to change the charging structure of this Contract, including the amounts charged under this Contract, as determined from time to time by the District's Board of Trustees. The District may, in its sole and absolute discretion, change the billing structure outlined herein, including but not limited to changing that billing structure so that the Petitioner is billed based on the amounts of water used ("bill for use"), such that the District may choose to charge by the unit or gallon delivered or used, and may institute tiers that provide for increasing charges for each such unit based on the total use. As outlined in this Contract, Petitioner is obligated to install appropriate metering and measuring devices. Petitioner agrees that any such meter will satisfy all requirements of the District and will properly measure water usage, which measurement may be used by the District in determining any overuse, as outlined below, and in determining the appropriate charge under any bill for use payment structure adopted by the District under this paragraph.

(e) Petitioner recognizes that in addition to the tax lien referred to in paragraph 2 above, the above-described land is presently encumbered by a lien created by District Contract No. 49044 in the name of Jeffery Nelson, hereinafter the "contract lien." There is presently an outstanding balance owed the District of \$0.00, which petitioner hereby assumes and agrees to discharge. The unpaid balance of the contract lien shall be assessed simple interest at the rate of 18 % per annum. Petitioner recognizes that the unpaid balance of the contract lien together with the accrued interest shall remain a lien upon the land until discharged. The parties agree further that in the event the indebtedness represented by the contract lien and accrued interest is not fully discharged on or before n/a, District may cancel this contract, retain both its contract lien and tax lien and inform the State Engineer of the cancellation and request that the corresponding exchange application be invalidated. The District may also elect to foreclose its contract lien against the land.

3. PENALTY FOR DELINQUENCY: Every installment or charge required to be paid to the District under this Contract, which shall remain unpaid after its due date, shall bear interest from date of delinquency at a rate of 18% APR.

4. REMEDIES IN CASE OF DEFAULT: If the Petitioner shall fail to make any payment due hereunder on or before the due date, or in the event that the petitioner shall violate any of the terms of this Contract, the District may refuse the delivery of water, or upon written notice to Petitioner, cancel this Contract in its entirety, but either or both of these remedies are not exclusive. The District may exercise any other remedy given by this Contract or by law to enforce collection of any payment due hereunder.

5. USE OF WATER. The use of the water allotted hereby shall be solely for the



replacement of underground water diverted, withdrawn or to be diverted or withdrawn by means of a well for irrigation and domestic purposes at a point located on the land hereinabove described, and for no other use or purpose.

6. OVERUSE. The amount of water to which the Petitioner is entitled annually shall not exceed the allotted amount as described above. In the event that Petitioner receives water in excess of the allotted amount in any given year, whether intentionally or unintentionally, the Petitioner will be billed for the excess water at a rate or rates fixed from time to time by the Board of Trustees of the District. Payment for use of water in excess of the allotted amount shall be paid within 30 days from notification by the District. Failure to make payment in full by the due date will result in the total amount being levied as a tax lien in future years, and, at the District's sole discretion, in the discontinuation of service until payment in full is received by the District.

7. UTAH STATE ENGINEER. Petitioner's use of the water hereby allotted as replacement water shall be subject to such rules and regulations as the Utah State Engineer may from time to time prescribe. The Petitioner shall not use the allotted water in any way, and the District will not be obligated to deliver water to the Petitioner as herein provided, until Petitioner first receives an approved exchange application from the Utah State Engineer. It is the responsibility of the Petitioner to obtain such approved exchange application.

8. DELIVERY OF WATER. Delivery of the water hereby allotted by the District shall be as directed by the Utah State Engineer or his representative at the outlet works of Pineview Reservoir. The District shall have no obligation to provide works or facilities of any type to conduct the water hereby allotted from its point of delivery to its ultimate place of use.

9. WATER SHORTAGE. In the event there is a shortage of water caused by drought, inaccuracies in distribution not resulting from negligence, hostile diversion, prior or superior claims or other causes not within the control of the District, no liability shall arise against the District or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom to Petitioner and the payments to the District provided for herein shall not be abated or reduced because of any such shortage or damage. During periods of water shortage, allocations of drinking water for municipal and domestic use and treated and untreated water for industrial use shall have first priority.

10. WATER CONSERVATION. The Petitioner shall, at a minimum, take the following actions to conserve and protect water: (i) keep water use within the District's conservation goals (ii) follow all applicable water use restrictions for landscape watering; (iii) follow all applicable landscape ordinances.

11. FACILITIES. The Petitioner shall construct, operate and maintain, without cost to the district, the well and appurtenant facilities necessary to secure and accurately measure Petitioner's water supply. The metering or other measuring device installed by Petitioner shall be satisfactory to the Utah State Engineer. The District has no responsibility for the quality or quantity of water that Petitioner is able to secure through the source of Petitioner's well.

12. BENEFICIAL USE. The basis, the measure and the limit of the right of the Petitioner in the use of water shall rest perpetually in the beneficial application thereof, and the Petitioner agrees to put the water allotted Petitioner hereby to beneficial use in accordance with



law. The Petitioner shall have no right to hold over or accumulate water from year to year, nor to sell or rent the water.

13. ACCOUNTING AND WATER SUPPLY RECORDS. The Petitioner shall maintain a set of books and records, satisfactory to the District, which shall keep and furnish suitable records of water supply and the disposition thereof. The Petitioner agrees to provide the above information and documentation to the District upon request, and within 30 days of any such request.

14. COMPLIANCE WITH LAW. The Petitioner agrees to fully comply with all applicable federal laws, orders and regulations and the laws of the State of Utah, all as administered by appropriate authorities, concerning the pollution of streams, reservoirs, ground water or water courses with respect to thermal pollution or the discharge of refuse, garbage, sewage effluent, industrial waste, oil, mine tailings, mineral salts, or other pollutants.

15. INDEMNIFICATION. Petitioner agrees to indemnify, protect, and save and hold the District harmless against and in respect of any and all claims, losses, liabilities, damages, costs, deficiencies or expenses (including attorney's fees) resulting from any claim for any rights under the Contract or from the non-fulfillment of any covenant or agreement on the part of Petitioner under or relating to this instrument, and any and all actions, suits, proceedings, demands, assessments, judgments, costs, legal and accounting fees and other expenses incident to any of the foregoing.

16. NUMBER AND JOINT LIABILITY. In this instrument, the singular number includes the plural and the plural number includes the singular. If this instrument is executed by more than one person, firm, partnership or corporation, the obligations of each such person, firm, partnership or corporation hereunder shall be joint and several.

17. NO THIRD-PARTY BENEFICIARIES. Nothing herein shall be interpreted or construed to confer any right or remedy upon, or any duty, standard of care, liability or inference of liability to or with reference to, any person other than the District and the Petitioner and their respective successors and permitted assigns.

18. GOVERNING LAW; JURISDICTION. This instrument shall be governed by and construed in accordance with the domestic laws of the State of Utah without giving effect to any choice or conflict of law provision or rule (whether of the State of Utah or any other jurisdiction) that would cause the application of the laws of any jurisdiction other than the State of Utah. Petitioner submits to the jurisdiction of the Second Judicial District Court of the State of Utah in any action or proceeding arising out of or relating to this instrument and agrees that all claims in respect of the action or proceeding may be heard and determined in any such court. Petitioner waives any defense of inconvenient forum to the maintenance of any action or proceeding so brought and waives any bond, surety, or other security that might be required of the District with respect thereto.

19. INTERPRETATION. In the event an ambiguity or question of intent or interpretation arises, no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this instrument. The paragraph headings contained herein are for purposes of reference only and shall not limit, expand, or otherwise affect the interpretation of any provision hereof. Whenever the context requires, the singular shall include the plural, the plural shall include the singular, the whole shall include any



part thereof, any gender shall include the masculine, feminine and neuter gender, and the term "person" shall include any individual, firm, partnership (general or limited), joint venture, corporation, limited liability company, trust, association, or other entity or association or any combination thereof. If any provision of this instrument or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this instrument and the application of such provision to other persons or circumstances shall not be affected thereby and shall be enforced to the extent permitted by applicable law.

20. WAIVER. No failure or delay in exercising any right, power or privilege under this instrument, whether intentional or not, shall operate or be construed as a waiver thereof, nor shall any single or partial exercise of a right, power or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, power or privilege hereunder.

21. SUCCESSION AND ASSIGNMENT. The Contract shall be binding upon and inure to the benefit of the parties named herein and their respective successors and permitted assigns. Petitioner may not assign the Contract or any of its rights, interests, or obligations thereunder without the prior written approval of the District.

22. FURTHER ACTS. The parties hereby agree for themselves, and for their successors and assigns, to execute any instruments and to perform any act which may be necessary or proper to carry out the purposes of the Contract.

23. INCORPORATION OF RECITALS. The recitals set forth in this instrument are incorporated herein by reference and made a part hereof.

24. INTEGRATION. This instrument sets forth the entire understanding of the parties with respect to the subject matter hereof, and all prior negotiations, correspondence, proposals, discussions, understandings, representations, inducements and agreements, whether oral or written and whether made by a party hereto or by any one acting on behalf of a party, shall be deemed to be merged in and superseded by this instrument and shall be of no further force or effect. There are no representations, warranties, or agreements, whether express or implied, or oral or written, with respect to the subject matter hereof, except as set forth herein, and no party has relied upon any representation, promise, assurance, covenant, omission or agreement not included in the terms hereof in making the decision to enter into this instrument. This instrument may not be contradicted by evidence of prior, contemporaneous or subsequent oral agreements among or between the parties.

25. AMENDMENTS. This instrument may not be modified, amended or changed by any oral agreement, either express or implied. No amendment, modification or change in this instrument shall be valid or binding unless reduced to writing and signed by both the District and the Petitioner. The provisions of this and the immediately preceding sentence themselves may not be amended or modified, either orally or by conduct, either express or implied, and it is the declared intention of the parties that no provisions of this instrument, including said two sentences, shall be modifiable in any way or manner whatsoever other than through a written document signed by both the District and the Petitioner.

26. EXPENSES OF ENFORCEMENT. In any proceeding to enforce, interpret, rescind or terminate this instrument or in pursuing any remedy provided hereunder or by applicable

law, the prevailing party shall be entitled to recover from the other party all costs and expenses, including a reasonable attorney's fee, whether such proceeding or remedy is pursued by filing suit or otherwise, and regardless of whether such costs, fees and/or expenses are incurred in connection with any bankruptcy proceeding. For purposes of hereof, the term "prevailing party" shall include, without limitation, a party who agrees to dismiss an action or proceeding upon the other's payment of the sums allegedly due or performance of the covenants allegedly breached, or who obtains substantially the relief sought. The provisions set forth in this paragraph shall survive the merger of these provisions into any judgment.

27. EFFECTIVE DATE. This Contract shall become effective upon approval hereof by the District, as indicated by its endorsement herein below.



28. REUSE. The reuse of water delivered pursuant to this contract shall not be allowed without permission of the District. The waste, seepage, or return flow from water delivered pursuant to this contract shall belong to the United States or the District for the use and benefit of the District.

29. NOTICE. Any notice herein required to be given to the Petitioner shall be sufficiently given if sent by mail addressed to the Petitioner at the address listed below, or if sent by electronic mail addressed to the Petitioner at the email address listed below, if any such email address is listed, or through public notice, and to the District office if delivered to 2837 East Highway 193, Layton, Utah 84040.

30. AUTHORIZED EXECUTION. The individuals signing below each represent and warrant (i) that they are authorized to execute this instrument for and on behalf of the party for whom they are signing; (ii) that such party shall be bound in all respects hereby; and (iii) that such execution presents no conflict with any other agreement of such party.

31. CONTRACT ASSESSMENTS: This Petition is governed by the provisions of Utah Code Section 17B-2a-1007, titled "Contract Assessments," together with the rules and regulations of the District's board of trustees relating to contract assessments.



SIGN HERE   
SIGN HERE   
Petitioners and Owners of Land above-described

Brian & Susan Savitt

2745 Nordic Valley Way #932

Eden, UT 84310

Address

savitt77@gmail.com

Email Address

801-309-6939

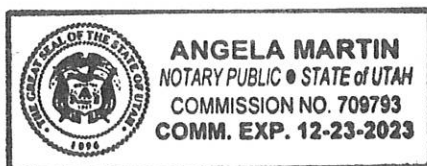
Phone Number

STATE OF UTAH )  
COUNTY OF WEBER : ss.

On the 1 day of Sept, 2020, before me, Angela Martin a notary  
date month year notary public name  
public, personally appeared Brian & Susan Savitt, proved on the basis of  
name of document signer(s)

satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and  
acknowledged (he/she/they) executed the same.

(SEAL)



  
NOTARY PUBLIC SIGNATURE

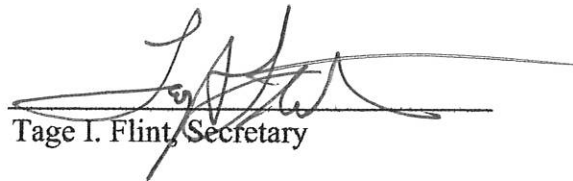
ORDER ON PETITION

DUE NOTICE having been given and hearing had, IT IS ORDERED that the foregoing petition of Brian & Susan Savitt be granted and an allotment of 3.00 acre-feet of water is hereby made to the lands therein described, upon the terms, at the rates, and payable in the manner as in said petition set forth.

DATED this 24 day of September, 2020.

WEBER BASIN WATER CONSERVANCY DISTRICT

BY

  
Tage I. Flint, Secretary

(SEAL)





No. [ ]

INCORPORATED UNDER THE LAWS OF

UTAH

12 Shares

# Pine Canyon Ditch Co., Inc.

THIS IS TO CERTIFY  
THAT

Brian & Susan Savitt  
Twelve

is the owner of  
Shares of the Capital Stock of

PINE CANYON DITCH CO., INC.

transferred only on the Books of the Corporation on surrender  
of this Certificate properly endorsed

In Witness Whereof the said Corporation has caused this Certificate to be  
signed by its duly authorized officers and its Corporate Seal to be hereunto  
affixed

this Thirtieth day of August A.D. 1922  
Pomie Chambers  
President

Rose Chambers  
Secretary

SHARES Par Value \$100.00 EACH



## Staff Report for Administrative Approval

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Consideration and action on an alternative access request to use a private right-of-way as the primary access to a future one lot subdivision.
<b>Agenda Date:</b>	Wednesday, January 20, 2021
<b>Applicant:</b>	Mark & Karianne Banner (Owners)
<b>File Number:</b>	AAE 2020-11

#### Property Information

<b>Approximate Address:</b>	Old Snow Basin Rd. & Toliver Lane, Huntsville
<b>Project Area:</b>	5.568 acres
<b>Zoning:</b>	Forest Valley 3 Zone (FV-3)
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	20-035-0030
<b>Township, Range, Section:</b>	T6N, R1E, Section 23, SE

#### Adjacent Land Use

<b>North:</b>	Vacant	<b>South:</b>	Vacant
<b>East:</b>	Vacant	<b>West:</b>	Vacant

#### Staff Information

<b>Report Presenter:</b>	Scott Perkes sperkes@webercountyutah.gov 801-399-8772
<b>Report Reviewer:</b>	RG

### Applicable Land Use Codes

- Title 104 (Zones) Chapter 14 (Forest Valley 3 (FV-3) Zone)
- 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

The applicant is requesting approval to use an existing 50-foot wide private access easement to provide access to a future one lot subdivision (see **Exhibits A and B**). The applicant currently owns 5.568 vacant acres located in the FV-3 zone (Parcel ID: 20-035-0030). This vacant land is set approximately 700' off of Old Snow Basin Road along the existing Toliver Lane. The applicant would like to subdivide the 5.568 acre parcel to create a buildable lot and use the existing Toliver Lane as primary access. Toliver Lane was created via warranty deed, Entry # 2737593 (see **Exhibit C**) and is currently being used as a private access easement (approved as file # AAE 2017-01) for the one-lot MWT Subdivision as recorded in August of 2018. See **Exhibit D** for the staff report associated with the approved access exemption AAE 2017-01. See **Exhibit E** for the engineered plans associated with Toliver Lane.

### 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 should 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 within a mountain draw and its associated topography, in addition to the existing private lane, the applicant believes there to be "substantial evidence" that it would be impractical to extend a public road to serve this future subdivision. Additionally, there are portions of Toliver Lane that exceed a 10% grade. These grades were reviewed and approved by the Fire Marshal and County Engineer as part of File AAE 2017-1 (see **Exhibit D**).

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. The location of the access easement does not inhibit the creation of future roads, nor does it inhibit the continuation of existing roads in this area. In the future, if more lots are proposed to gain access by the proposed easement, a new alternative access application will be required, and the feasibility and practicality of a public road will be assessed.

Review Agencies: The Fire District has reviewed and conditionally approved this proposal, on the condition that the easement be constructed to the standards outlined in 108-7-29. Any other reviewing agency requirements will be conditions of approval.

## Staff Recommendation

Staff recommends approval of AAE 2020-11, to provide access by private access easement to a future 1-lot subdivision. The recommendation for approval is subject to review agency requirements and the following conditions:

1. The access easement shall comply with the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29.
2. The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, prior to the recording of the future subdivision.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to 1 future lot is not practical due to the mountainous location and associated topography.

## Administrative Approval

Administrative final approval of AAE 2020-11 to create a private access that would serve as an access to four future residential lots.

Date of Administrative Approval: \_\_\_\_\_

\_\_\_\_\_  
Rick Grover - Planning Director

## Exhibits

- A. Alternative Access Exception Application
- B. Recorders Plat & Concept Plan
- C. Toliver Lane Warranty Deed
- D. AAE 2017-01 Staff Report
- E. Engineered Plans for Toliver Lane

## Property Map



# Weber County Alternative Access Application

Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted /Completed

12/18/20

Application Fee:

**\$350.00**

Receipt Number (Office Use)

File Number (Office Use)

## Application Type

- ☐ Flag lot access strip  
☒ Access by Private Right of Way  
☐ Access at a location other than across the front lot line

## Property Owner Contact Information

Name of Property Owner(s)

Mark + Karianne Banner

Mailing Address of Property Owner(s)

3688 W. Elk Valley Ln  
South Jordan, UT 84009

Phone

385-237-6760

Fax

Email Address (required)

mbanner2@gmail.com

Preferred Method of Written Correspondence

☒ Email
 ☐ Fax
 ☐ Mail

## Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)

Mailing Address of Authorized Person

Phone

Fax

Email Address (required)

Preferred Method of Written Correspondence

☐ Email
 ☐ Fax
 ☐ Mail

## Property Information

Project Name

Banner

Total Acreage

5.7 - 6.2

Current Zoning

FV-3

Approximate Address

Old Snow Basin Rd / Toliver Ln. <sup>Huntsville</sup> <sup>UT</sup> 84317

Land Serial Number(s)

20-035-0030

Proposed Use

Primary Residence

Project Narrative

Take undeveloped lot and add: a

- primary residence
- Driveway
- Well
- Septic

~~Parcel~~ Parcel to be accessed by Toliver Ln. A private road already deemed to meet Alternative Access Standards.



### Basis for Issuance of Flag lot access strip

The land use authority shall determine whether or not it is feasible or desirable to extend a street to serve a parcel(s) or lot(s) at the current time, rather than approving a flag lot.

Sec. 108-7-30. - Flag lots

- (a) Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of five acres or more in Western Weber County and ten acres or more in the Ogden Valley for development.
- (b) The lot area exclusive of the access strip shall be a minimum of three acres.
- (c) Each lot shall access a street by means of its own fee title access strip. Successive stacking of lots on the same access strip is not permitted.
- (d) No access strip shall exceed 800 feet in length.
- (e) A maximum of two flag lot access strips may be located adjacent to each other.
- (f) No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-subdivided, or changed in order to meet the requirements of this section.

**Please provide information to support your request for a flag lot access strip outlining how the request meets the criteria listed above.**

### Basis for Issuance of Access by Private Right of Way

Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

Sec. 108-7-31. - Access to a lot/parcel using a private right-of-way or access easement:

**Criteria.**

- a. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
- b. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use and is the subject parcel of an approved agri-tourism operation; or
- c. 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.

**Conditions.**

- a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and
- b. 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.

**Please provide the following information to support your request for access to a lot/parcel using a private right-of-way or access easement:**

- ☐ Attach proof to this application that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.
- ☐ The landowner of record or authorized representative agrees 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.



**Basis for Issuance of Access to a lot/parcel at a location other than across the front lot line**

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

Sec. 108-7-32. - Access to a lot/parcel at a location other than across the front lot line.

- (1) The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line.
- (2) It shall be demonstrated that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

**Please provide the following information to support your request for Access to a lot/parcel at a location other than across the front lot line:**

- ☐ Attach proof that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.
- ☐ The landowner of record or authorized representative agrees 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.

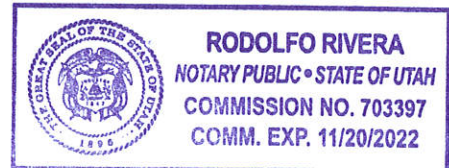
**Property Owner Affidavit**

I (We), Mark & Karianne, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) understand that an approval of an alternative access application does not grant a legal right to access property that I(we) currently do not own.

Mark B. ASL Property Owner Karrie Zane Property Owner

Subscribed and sworn to me this 18 day of December, 2020.

Rodolfo Rivera Notary

**Authorized Representative Affidavit**

I (We), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), \_\_\_\_\_, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

\_\_\_\_\_ Property Owner \_\_\_\_\_ Property Owner

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

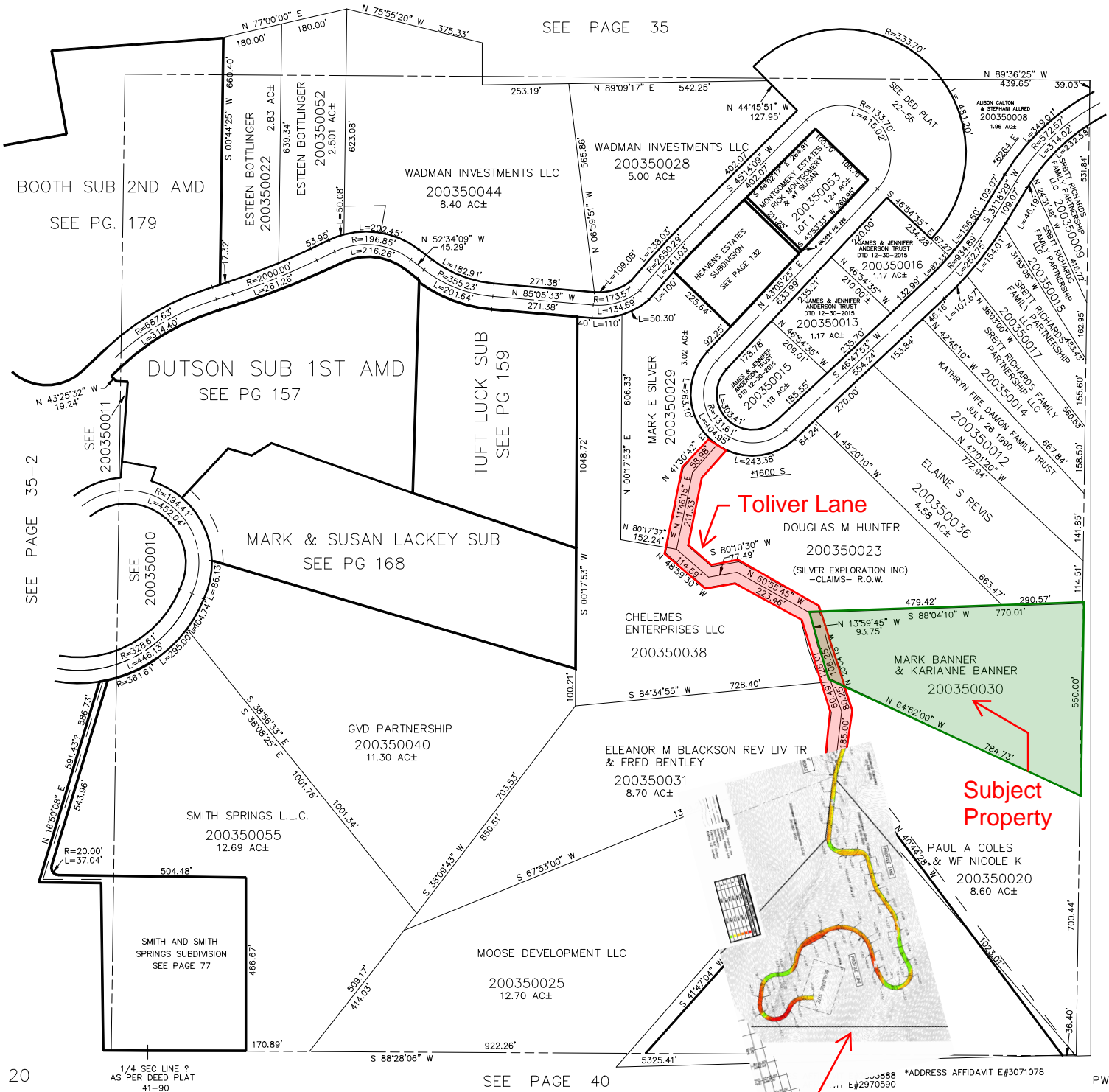
\_\_\_\_\_ Notary

S.E. 1/4  
SECTION 23, T.6N., R.1E., S.L.B. & M.

HUNTSVILLE DISTRICT

TAXING UNIT: 520

SCALE 1"=200'





\*W2737593\*

Recording Requested by:  
First American Title Company, LLC  
585 West 500 South, Suite 100  
Bountiful, UT 84010  
(801)298-2400



E# 2737593 PG 1 OF 2  
Leann H. Kilts, WEBER COUNTY RECORDER  
27-May-15 1104 AM FEE \$13.00 DEP SY  
REC FOR: FIRST AMERICAN - BOUNTIFUL  
ELECTRONICALLY RECORDED

AFTER RECORDING RETURN TO:  
Matthew Eric Toliver  
4960 East 2775 North  
Eden, UT 84310

SPACE ABOVE THIS LINE (3 1/2" X 5") FOR RECORDER'S USE

## SPECIAL WARRANTY DEED

Escrow No: 331-5711847 (ER)

A.P.N.: 20-035-0039  

**GAF Investments LLC**, Grantor, of **Ogden**, **Weber** County, State of **Utah**, hereby CONVEYS AND WARRANTS only as against all claiming by, through or under it to

**Matthew Eric Toliver**, Grantee, of **Huntsville**, **Weber** County, State of **UT**, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in **Weber** County, State of **Utah**:

**PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 2628.99 FEET SOUTH ALONG THE SECTION LINE AND 36.40 FEET SOUTH 88°28'06" WEST FROM THE EAST QUARTER CORNER OF SAID SECTION; RUNNING THENCE SOUTH 88°28'06" WEST 1238.26 FEET, NORTH 41°47'04" EAST 821.25 FEET, NORTH 6°37' EAST 197.59 FEET; THENCE SOUTH 40°43'54" EAST 1023.46 FEET TO THE POINT OF BEGINNING.**

**ALSO A 50 FOOT RIGHT OF WAY ACROSS A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY: SAID RIGHT OF WAY BEING 25 FEET ON EITHER SIDE OF AND PARALLEL TO THE FOLLOWING DESCRIBED ROAD CENTER LINE: BEGINNING AT A POINT WHICH IS SOUTH 2628.99 FEET ALONG THE EAST SECTION LINE, SOUTH 88°28'06" WEST 36.40 FEET ALONG THE SOUTH SECTION LINE AND NORTH 40°43'54" WEST 1023.46 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 23, RUNNING THENCE NORTH 6°37' EAST 185.00 FEET, THENCE NORTH 20°04'15" WEST 186.50 FEET, THENCE NORTH 13°59'45" WEST 93.75 FEET, THENCE NORTH 60°55'45" WEST 223.46 FEET, THENCE SOUTH 80°10'30" WEST 77.49 FEET, NORTH 48°59'30" WEST 114.59 FEET, THENCE NORTH 11°46'15" EAST 211.33 FEET, THENCE NORTH 41°30'42" EAST 58.98 FEET TO THE SOUTH LINE OF THE SNOW BASIN ROAD.**

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity and general property taxes for the year 2014 and thereafter.

Exhibit C

Witness, the hand(s) of said Grantor(s), this **May 26, 2015**.

GAF Investments LLC

  
 By: Greg Furch, Managing Member

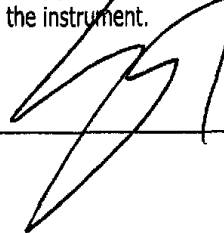
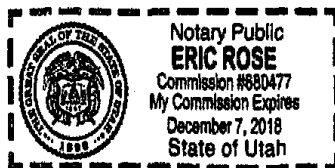
STATE OF Utah )  
 ) ss.  
 County of Weber )

On May 26, 2015, before me, the undersigned Notary Public, personally appeared **Greg Furch, Managing Member of GAF Investments LLC**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires: 12/7/18

Notary Public



## Staff Report to the Weber County Planning Division

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a request for an approval of an alternative access by private right of way to access a parcel that is located at approximately 6045 East Old Snowbasin Road.

**Agenda Date:** Wednesday, March 08, 2017

**Applicant:** Matthew Eric Toliver, owner

**File Number:** AAE 2017-01

#### Property Information

**Approximate Address:** 6045 East Old Snowbasin Road

**Project Area:** 10.20 Acres

**Zoning:** Forest Valley 3 (FV-3)

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 20-035-0039

**Township, Range, Section:** T6N, R1E, Sections 23

#### Adjacent Land Use

<b>North:</b>	Forest	<b>South:</b>	Forest
<b>East:</b>	Residential	<b>West:</b>	Forest

#### Staff Information

**Report Presenter:** Felix Lleverino  
fllleverino@co.weber.ut.us  
801-399-8767

**Report Reviewer:** SM

### Applicable Land Use Codes

- Title 104 (Zones) Chapter 14 (Forest Valley Zone, FV-3)
- Title 104 (Zones) Chapter 28 (Ogden Valley Sensitive Lands Overlay District)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations)
- Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

### Background and Summary

The applicant is requesting approval to use a 50 foot private right-of-way as the primary access to a future one lot subdivision on a 10.20 acre parcel. The applicant would like to improve an existing dirt road by bringing it up to County Standards and widening it to a 12 foot travel surface. The length of the proposed access road will be approximately 1,166 feet. The property is located in the Forest Valley FV-3 Zone at approximately 6045 East Old Snowbasin Road. See Exhibit A for application. Construction drawings for the private right of way have been included in this report as Exhibits B.

As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the FV-3 zone found in LUC §104-14, and the criteria for an access to a lot/parcel using a private right-of-way or access easement found in LUC §108-7-31.

### Analysis

**General Plan:** This Alternative Access by private right of way is in harmony with the Ogden Valley General Plan. An alternative access at the width of 12 feet has reduced negative impacts to the surroundings.

**Zoning:** The property is located in the FV-3 Zone. The purpose of this zone is stated in the LUC §104-14-1.

*"The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development."*



Alternative Access Criteria: This proposal has also been reviewed to determine if it meets the criteria stated in LUC §108-7-31(c), which states the it in order to approve an alternative access application it shall be shown that it is impractical to extend a public street to serve the parcel/lot due to any of the following conditions: unusual soil, topographic conditions, or property boundary conditions. This application meets those criteria based on: the mountainous terrain, the soil conditions, the right-of-way will cross at least two ephemeral streams, and that this parcel does not have access on a public road.

Natural Hazards: Much of this area is located within a Geologic Study Area. At the time of subdivision application, a geologic reconnaissance study is required. This requirement is supported by LUC §108-22-3 (Studies and Reports Required).

Sensitive Lands: There are two natural ephemeral streams that will be crossed during the construction of this private access road. A Stream Alteration permit will have to be obtained from the Division of Drinking Water prior to construction. Bridges and stream alterations, approved by the Army Corps of Engineers are allowed within a stream corridor LUC §104-28-2 (b)(2)(a).

Private Right of Way Access: In order to provide for safe and consistent year round access there are specific design and road construction standards that shall be met and they are as follows:

1. The private right of way shall be designed and built to a standard approved by the County Engineer.
2. The minimum width of the travel surface is 12 feet wide if the access is serving less than five dwellings.
3. The improved surface shall be capable of supporting a minimum weight of 75,000 pounds.
4. This access road is greater than 800 feet; therefore, turnouts shall be place at least every 400 feet. Turnouts are shown on the road construction plans which are required to be a minimum of ten feet wide and 40 feet in length.
5. The LUC states that a private right of way shall have a maximum grade of 10 percent; However, Weber County Fire Department and the County Engineer have approved that the maximum grade shall not exceed 15 percent.
6. The flag private right-of-way shall have a minimum vertical clearance of 14.5 feet.
7. No buildings structures or parking areas are allowed within the private right-of-way.
8. There will be several culverts placed where the road crosses the stream. The culverts must be capable of supporting 75,000 pounds.

Access Easement: The applicant will be utilizing an established 50 foot access easement that was recorded in the Weber County Recorder's Office on May 27, 2015. See Exhibit E for the Special Warranty Deed.

Safety Standards:

1. The lot address shall be placed in a prominently visible location at the entrance to the private right of way.
2. Turn outs measuring 10 feet by 40 feet shall be provided adjacent to the travel surface of the private right-of-way, and placed at least every 400 feet.
3. "A turn-around area shall be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet)."

Review Agencies: The Weber County Fire District and Weber County Engineering Department have approved the road construction plans, while making it clear that there will be additional requirements with regard to fire suppression measures, and private maintenance. See Exhibit C for Weber County Fire District's review.

Public Notice: Noticing was provided to all property owners of record within 500 feet of the subject property.

## Staff Recommendation

Staff recommends approval of the Matt Toliver Alternative Access for a future one lot subdivision. This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. A Stream Alteration permit must be obtained from the Division of Drinking Water prior to construction.
2. The lot address shall be placed in a prominently visible location at the entrance to the private right of way.
3. Turn outs measuring 10 feet by 40 feet shall be shown on the construction drawings
4. The improvements shall be constructed prior to issuance of a Land Use permit and Building Permit.
5. On the road construction drawings, show a turn around that meets County Safety Standards.

This recommendation is based on the following findings:



1. It is not practical to extend or construct a public right-of-way due to surrounding topography, soil conditions, and property boundary conditions.
2. The proposed alternative access conforms to the Ogden Valley General Plan.
3. The proposed alternative access complies with the applicable County ordinances.

### Administrative Approval

Administrative final approval of Matt Toliver Alternative Access 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.

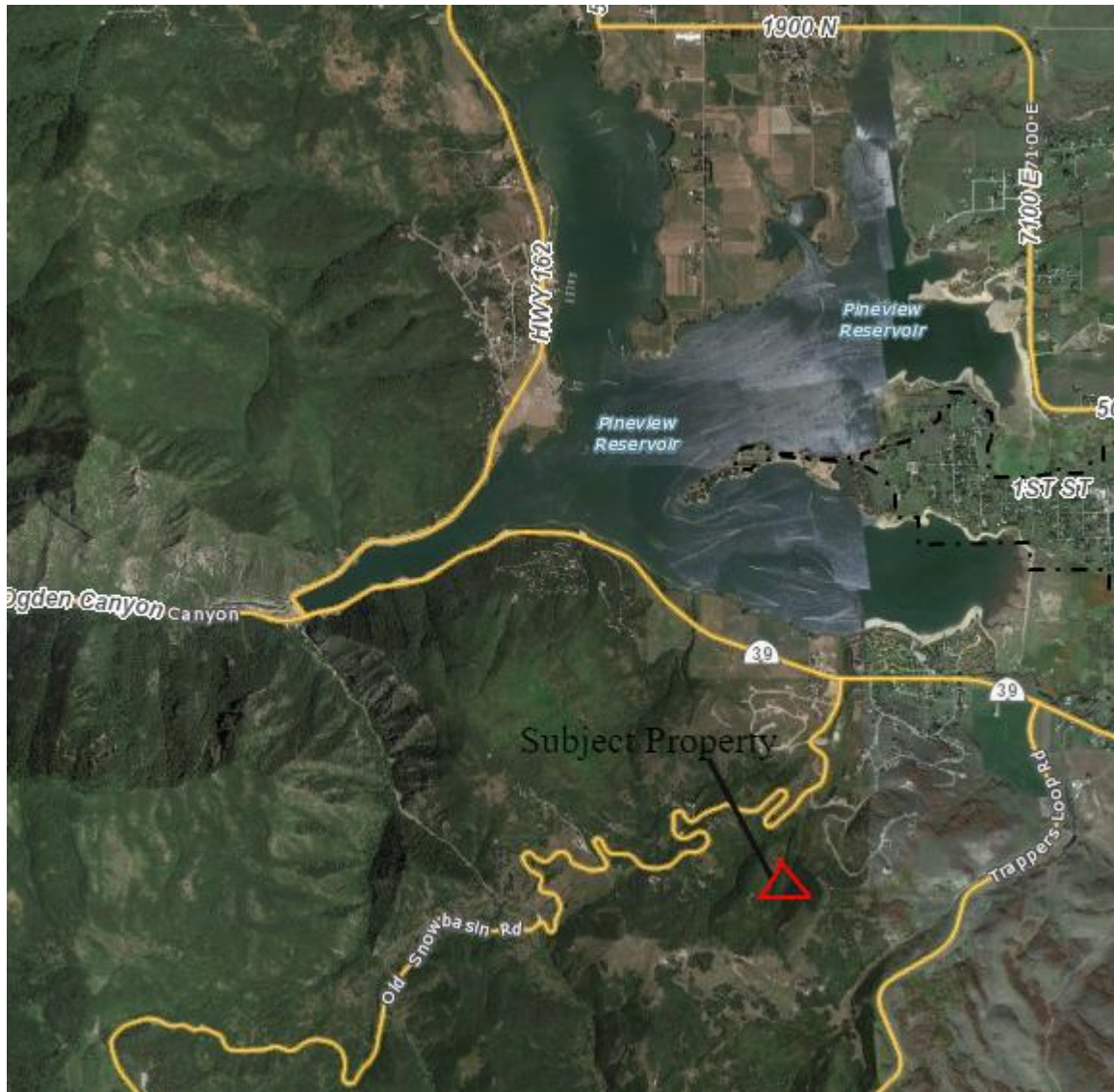
Date of Administrative Approval: 3/8/17

  
\_\_\_\_\_  
Rick Grover  
Weber County Planning Director

### Exhibits

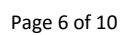
- A. Application with Narrative
- B. Private Right of Way Construction Drawings
- C. Weber County Fire District's Review
- D. Current Recorder's Plat
- E. Special Warranty Deed

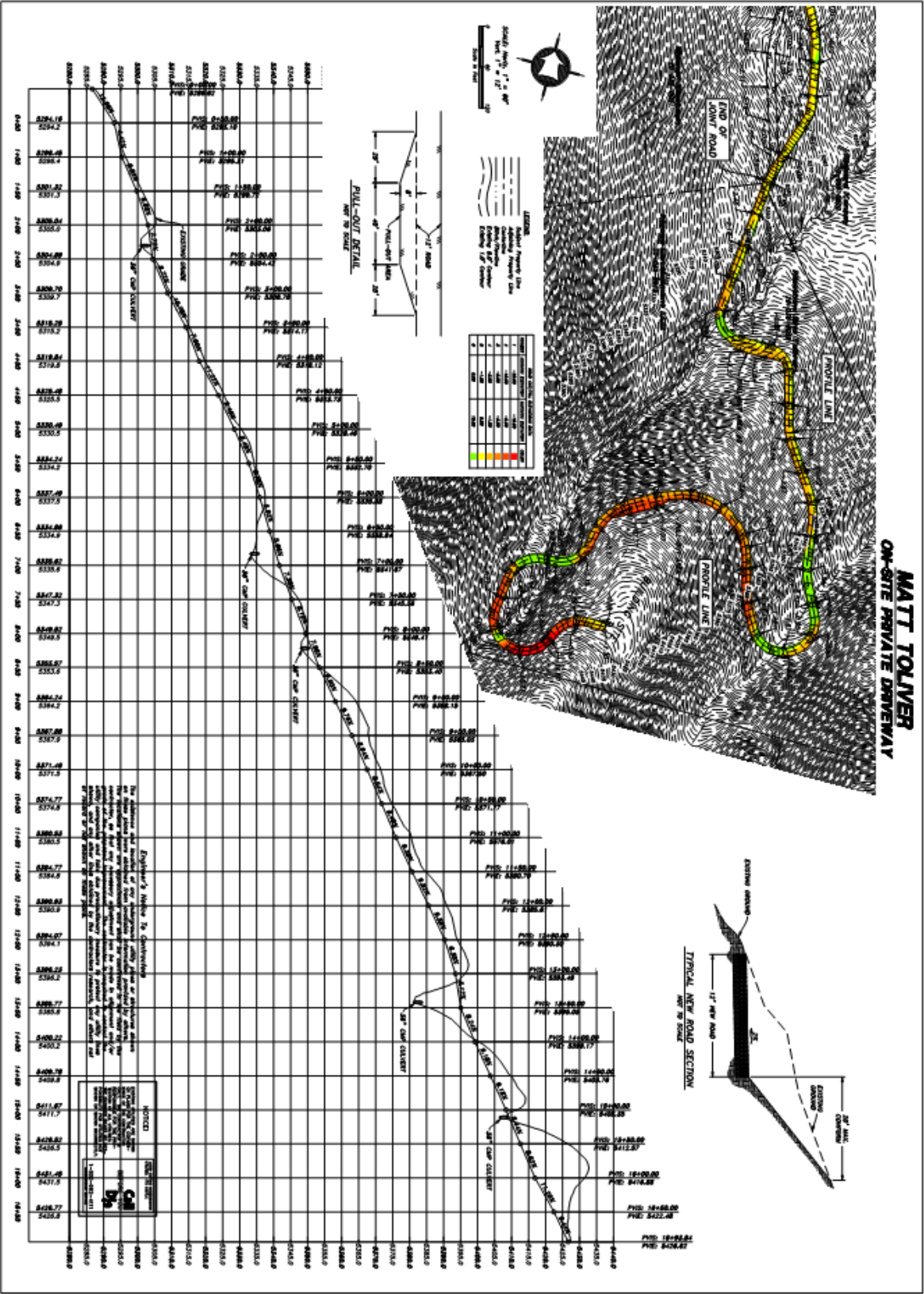
Area Map



Weber County Alternative Access Application			
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted /Completed	Application Fee: <b>\$225.00</b>	Receipt Number (Office Use)	File Number (Office Use)
<b>Application Type</b>			
<input type="checkbox"/> Flag lot access strip <input type="checkbox"/> Access by Private Right of Way <input checked="" type="checkbox"/> Access at a location other than across the front lot line			
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) <b>Matthew Eric Toliver</b>		Mailing Address of Property Owner(s) <b>4960 E. 2775 N. Eden UT 84310</b>	
Phone <b>801-430-1024</b>	Fax <b>801-394-9219</b>		
Email Address (required) <b>toliver23@aol.com</b>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s) <b>Matthew E. Toliver</b>		Mailing Address of Authorized Person <b>Same as above</b>	
Phone <b>same as above</b>	Fax		
Email Address (required)		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Information</b>			
Project Name <b>Single lot Subdivision</b>		Total Acreage <b>10.00 acres</b>	Current Zoning <b>FU-3</b>
Approximate Address <b>5800 old snow basin Road Hanksville 84317</b>		Land Serial Number(s) <b>20-035-0039</b>	
Proposed Use <b>I would like to access a single lot subdivision</b>			
Project Narrative <p>I'm trying to begin the process to get my lot approved as a single lot subdivision. I would like to bring the access road in on the 50' easement that the property has off of old snowbasin road.</p>			







**Date:** February 4, 2017

**Project Name:** Toliver Alternative Access

**Project Address:** 5300 Old Snowbasin Road Huntsville 84317

**Contractor/Contact:** Matthew Toliver [toliver73@aol.com](mailto:toliver73@aol.com) 801-430-1024

**Fees:** See attached PDF

**FEE NOTICE:**

Weber Fire District has various fees associated with plan reviews, and inspections. Please be prepared to make payments at the time of inspections or when you pick up your approved plans. Impact Fees are due prior to taking out a building permit. Make checks payable to: **Weber Fire District**.

**REVIEW STATUS: APPROVED WITH CONDITIONS**

**SPECIFIC COMMENTS:**

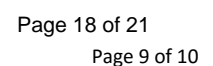
1. The access drawings indicating the roadway (driveway to home) were submitted. The road appears to meet the requirements of the county ordinance and fire code. There are sections of the roadway in which the grade exceeds 10%. The engineer had met with me previously concerning this and the request to exceed the 10% grade in the limit areas indicated on the drawings is approved.
2. Due to the allowance of the grade greater than 10%, and the home being in the Wildland Urban Interface area, the home shall be provided with a fire suppression system as allowed to be required by Utah State law.
3. The property location and structure is within the Wildland Urban Interface and is therefore subject to the requirements of the 2006 Utah Wildland-Urban Interface Code. Provide the following documentation:
  - Completed "Fire Hazard Severity Form" (Appendix C).
  - Statement of conformance signed by the architect.
  - Any applicable alterations to comply the WUI code.
1. All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
2. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
3. All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible construction.
4. If the building is equipped with an fire suppression system, there shall be a weather proof horn/strobe device located on the street side of the building as approved by the Fire Prevention Division (coordinate with fire inspector regarding location).

Every effort has been made to provide a complete and thorough review of these plans. This review does not relieve the owner, contractor and/or developer from compliance with any and all applicable codes and standards. Any change or revision of this plan will render this review void and will require submittal of the new or revised layout for fire department review.

Reviewed by: Brandon Thueson

Fire Marshal







\*W2737593\*

Recording Requested by:  
 First American Title Company, LLC  
 585 West 500 South, Suite 100  
 Bountiful, UT 84010  
 (801)298-2400

E# 2737593 PG 1 OF 2  
 Leann H. Kilts, WEBER COUNTY RECORDER  
 27-May-15 1104 AM FEE \$13.00 DEP SY  
 REC FOR: FIRST AMERICAN - BOUNTIFUL  
 ELECTRONICALLY RECORDED

AFTER RECORDING RETURN TO:  
 Matthew Eric Toliver  
 4960 East 2775 North  
 Eden, UT 84310

SPACE ABOVE THIS LINE (3 1/2" X 5") FOR RECORDER'S USE

## SPECIAL WARRANTY DEED

Escrow No: **331-5711847 (ER)**  
 A.P.N.: **20-035-0039**

**GAF Investments LLC**, Grantor, of **Ogden**, **Weber** County, State of **Utah**, hereby CONVEYS AND WARRANTS only as against all claiming by, through or under it to

**Matthew Eric Toliver**, Grantee, of **Huntsville**, **Weber** County, State of **UT**, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in **Weber** County, State of **Utah**:

**PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 2628.99 FEET SOUTH ALONG THE SECTION LINE AND 36.40 FEET SOUTH 88°28'06" WEST FROM THE EAST QUARTER CORNER OF SAID SECTION; RUNNING THENCE SOUTH 88°28'06" WEST 1238.26 FEET, NORTH 41°47'04" EAST 821.25 FEET, NORTH 6°37' EAST 197.59 FEET; THENCE SOUTH 40°43'54" EAST 1023.46 FEET TO THE POINT OF BEGINNING.**

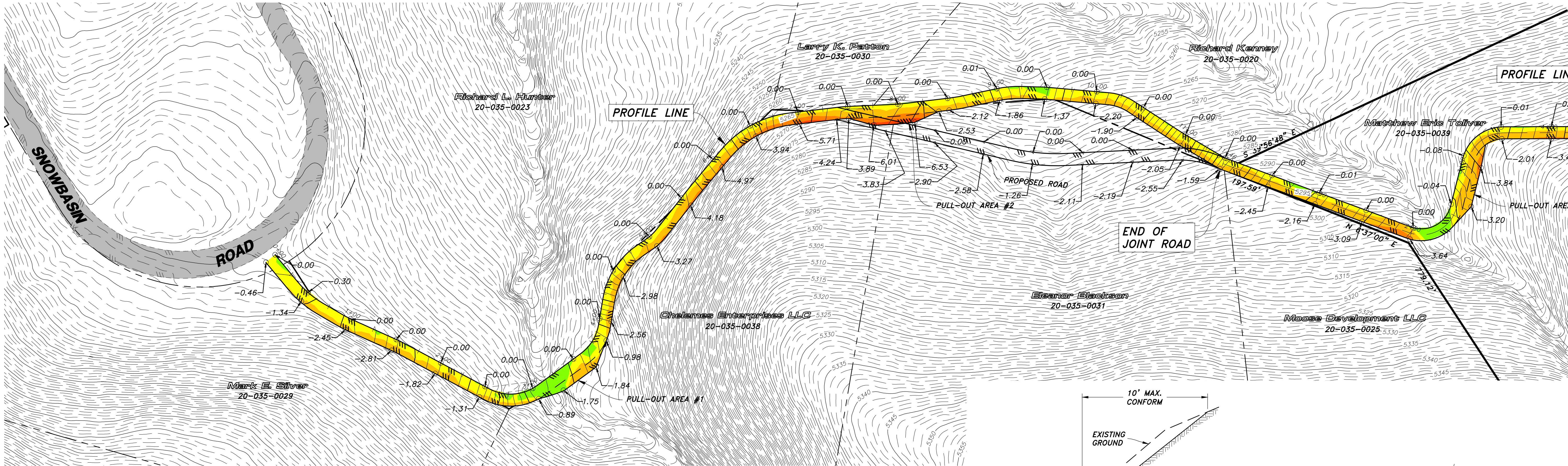
**ALSO A 50 FOOT RIGHT OF WAY ACROSS A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY: SAID RIGHT OF WAY BEING 25 FEET ON EITHER SIDE OF AND PARALLEL TO THE FOLLOWING DESCRIBED ROAD CENTER LINE: BEGINNING AT A POINT WHICH IS SOUTH 2628.99 FEET ALONG THE EAST SECTION LINE, SOUTH 88°28'06" WEST 36.40 FEET ALONG THE SOUTH SECTION LINE AND NORTH 40°43'54" WEST 1023.46 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 23, RUNNING THENCE NORTH 6°37' EAST 185.00 FEET, THENCE NORTH 20°04'15" WEST 186.50 FEET, THENCE NORTH 13°59'45" WEST 93.75 FEET, THENCE NORTH 60°55'45" WEST 223.46 FEET, THENCE SOUTH 80°10'30" WEST 77.49 FEET, NORTH 48°59'30" WEST 114.59 FEET, THENCE NORTH 11°46'15" EAST 211.33 FEET, THENCE NORTH 41°30'42" EAST 58.98 FEET TO THE SOUTH LINE OF THE SNOW BASIN ROAD.**

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity and general property taxes for the year **2014** and thereafter.

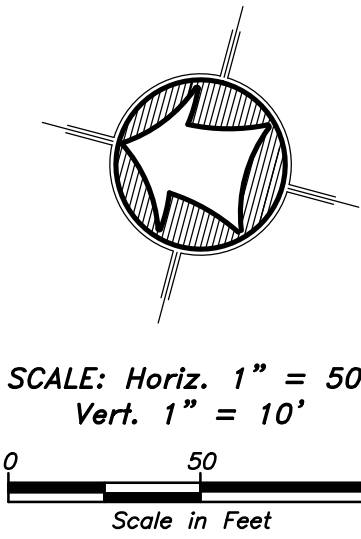
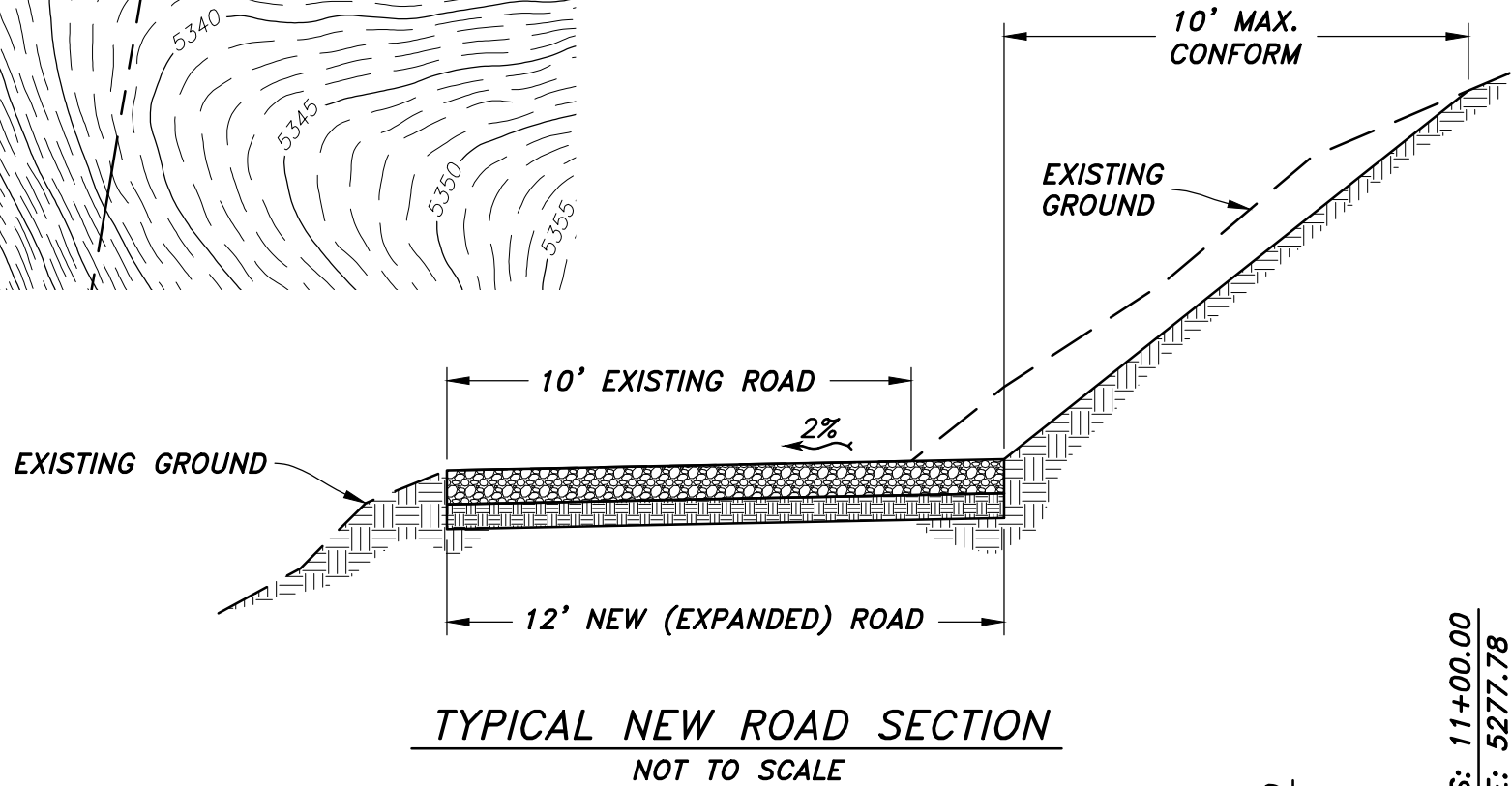
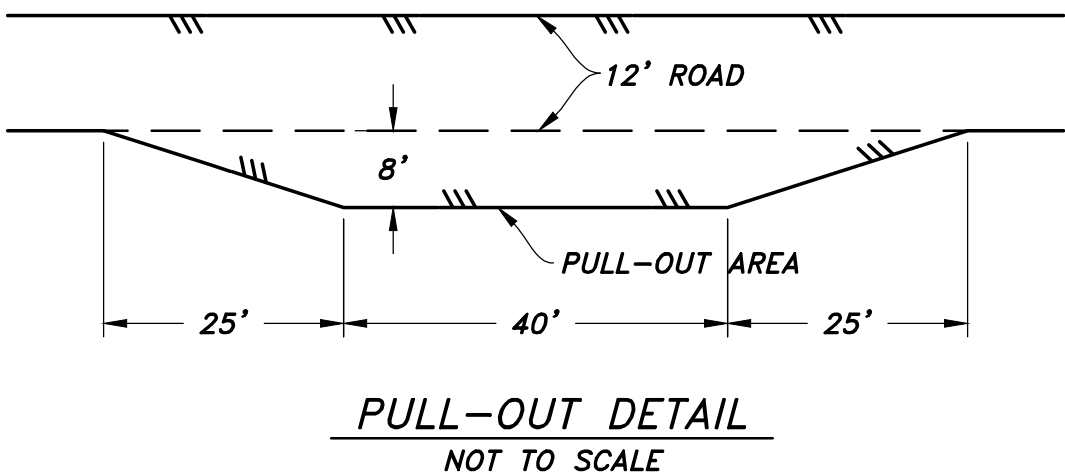


MATT TOLIVER  
OFF-SITE COMMON ROAD

Exhibit E



ROAD CUT/FILL ELEVATIONS DATA				
NUMBER	MINIMUM ELEVATION	MAXIMUM ELEVATION	COLOR	
1	-20.00	-10.00	■	Red
2	-10.00	-5.00		
3	-5.00	-3.00	■	Orange
4	-3.00	-1.00		
5	-1.00	0.00	■	Yellow
6	0.00	6.00		



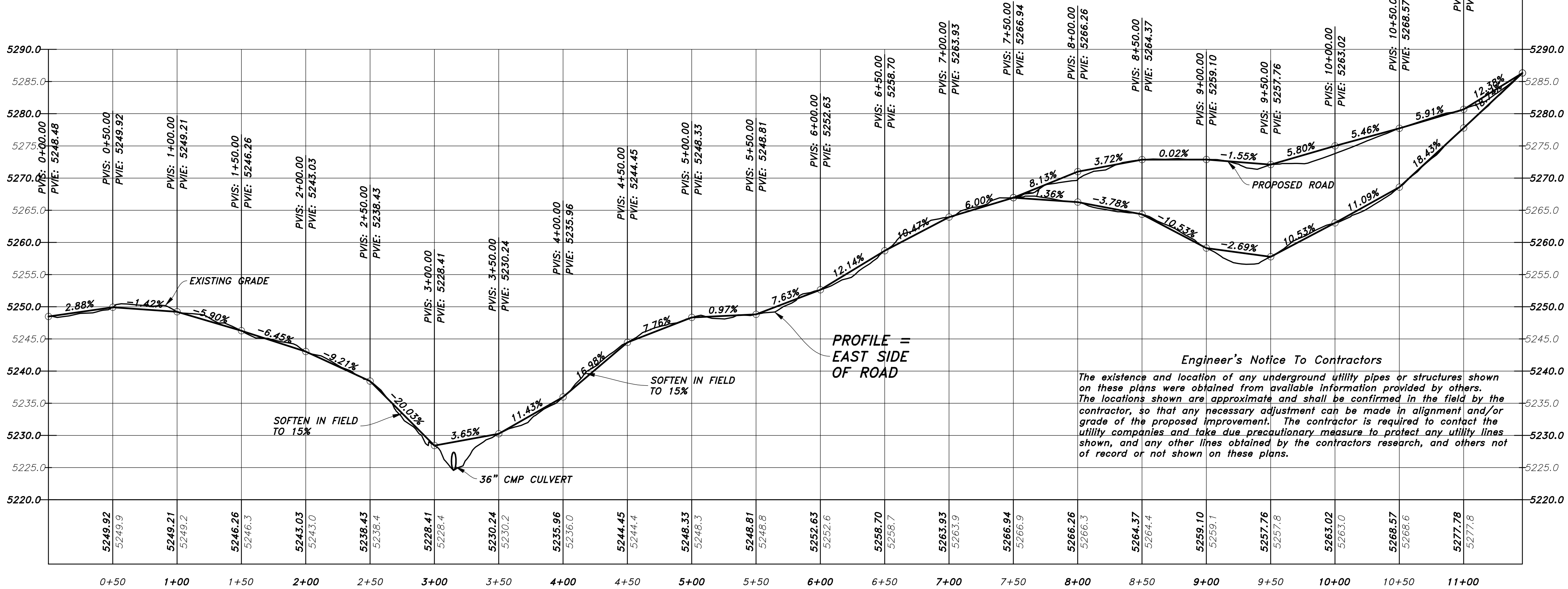
- LEGEND**
- Subject Property Line
  - Adjoining Property Line
  - Centerline
  - Ditch/Flowline
  - Existing 3.0' Contour
  - Existing 1.0' Contour

**NOTICE!**

EXISTING UTILITIES ARE SHOWN ON PLANS FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. THE ENGINEER BEARS NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR SHOWN INCORRECTLY.

**Call Before You Dig**

1-800-662-4111  
UNDERGROUND SERVICE



**Engineer's Notice To Contractors**

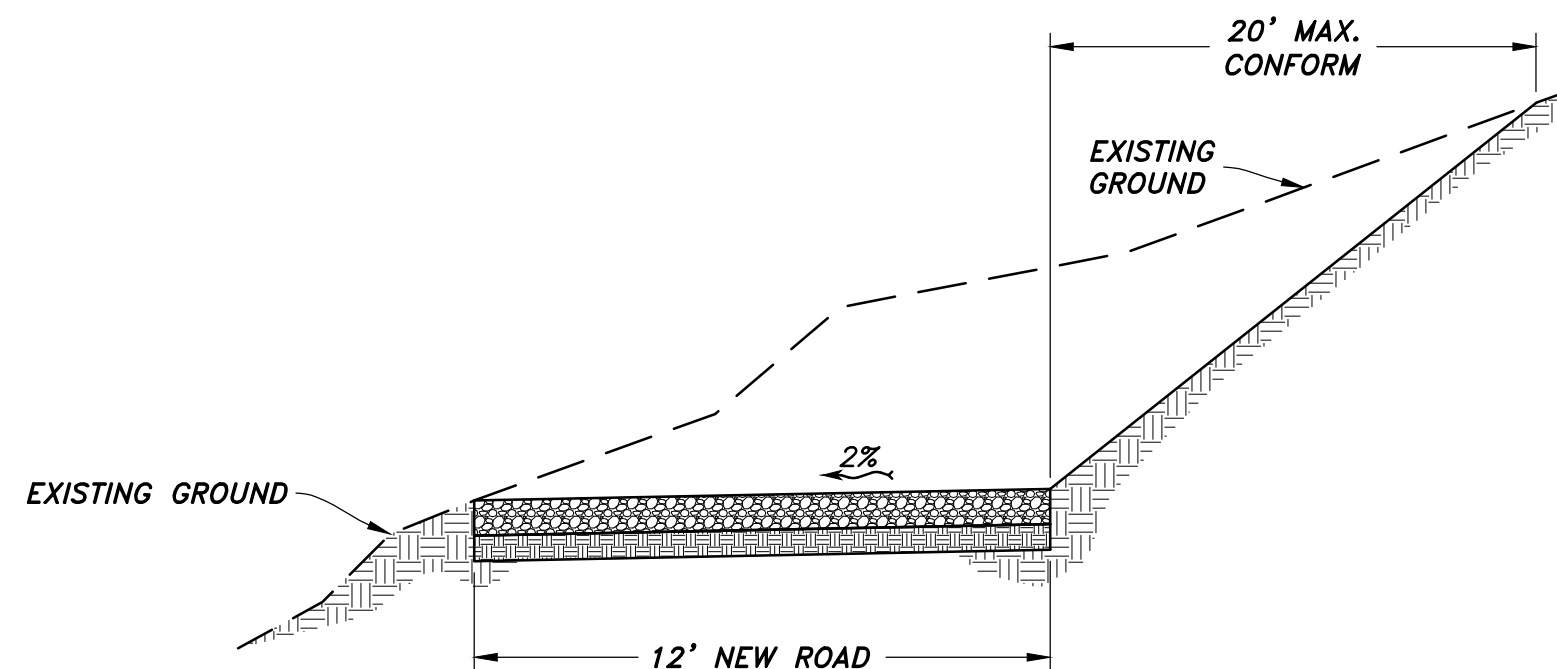
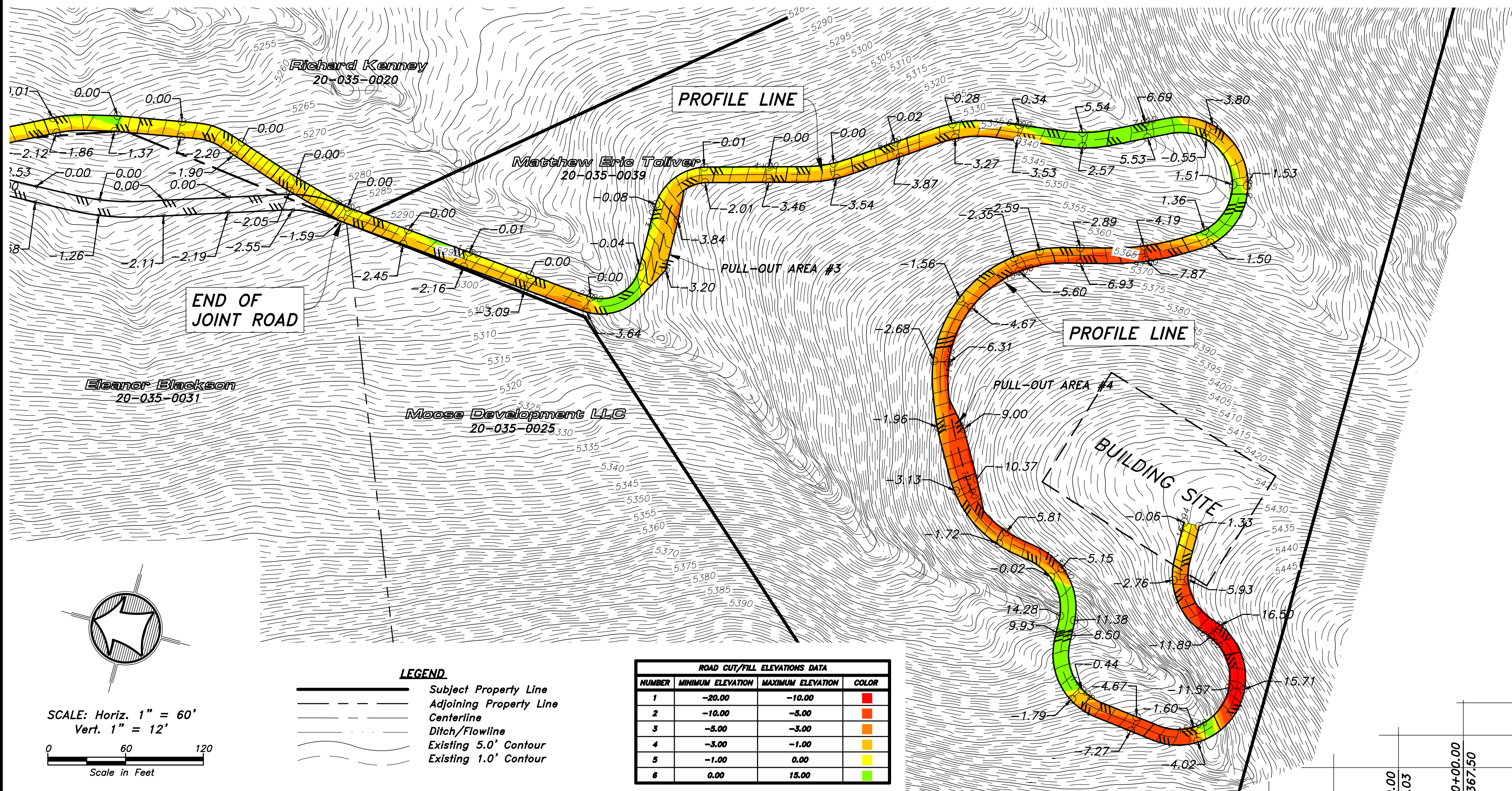
The existence and location of any underground utility pipes or structures shown on these plans were obtained from available information provided by others. The locations shown are approximate and shall be confirmed in the field by the contractor, so that any necessary adjustment can be made in alignment and/or grade of the proposed improvement. The contractor is required to contact the utility companies and take due precautionary measure to protect any utility lines shown, and any other lines obtained by the contractors research, and others not of record or not shown on these plans.

Hansen & Associates, Inc. Consulting Engineers and Land Surveyors 538 North Main Street, Brigham, Utah 84302 Visit us at www.haies.net Logan Brigham City (435) 723-3491 (801) 399-4905 (435) 752-8272	
Drawn By: MTH	Date: 12/13/16
Designed By:	
Checked By:	
Approved By:	
Scale: 1" = 50'	
Drawing File: 15-12415pp.DWG	
JOB NUMBER: 15-124	
PLAN AND PROFILE FOR <b>MATT TOLIVER</b> ADDRESS HUNTSVILLE DISTRICT A Part of the Southeast Quarter of Section 23 Township 6 North, Range 1 East, S.L.B.&M.	
Sheet	
1	
of	
2	
Sheets	

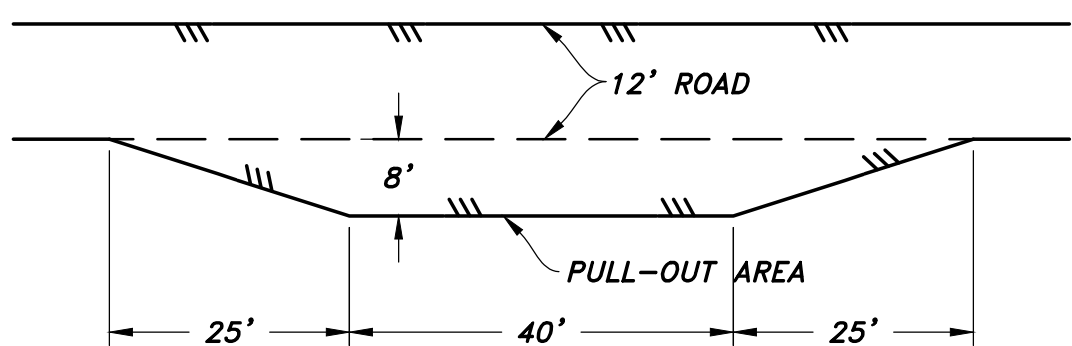


MATT TOLIVER  
ON-SITE PRIVATE DRIVEWAY

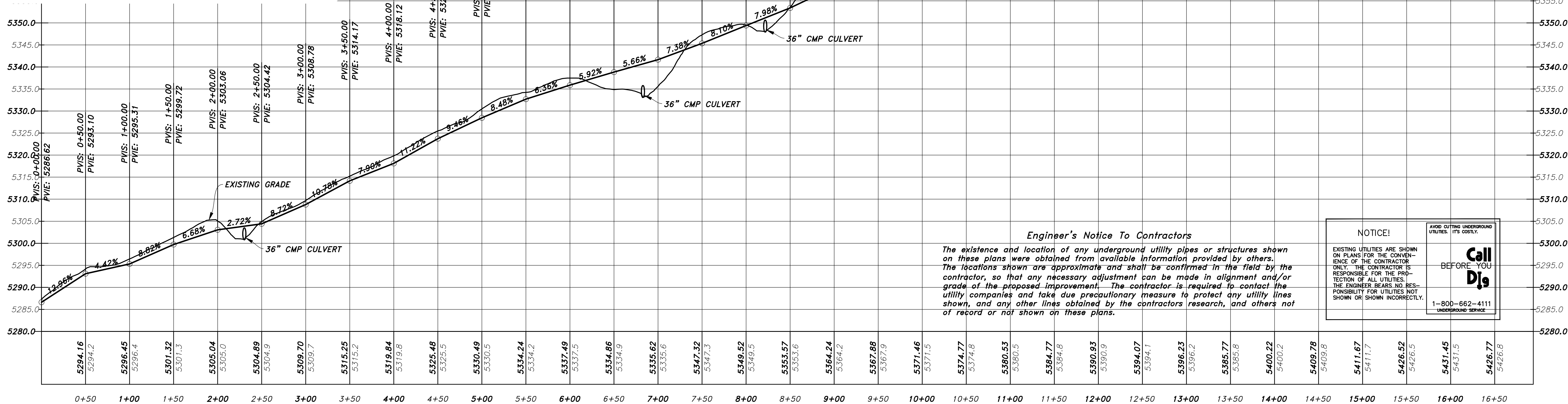
Exhibit E



TYPICAL NEW ROAD SECTION  
NOT TO SCALE



PULL-OUT DETAIL  
NOT TO SCALE



Engineer's Notice To Contractors

The existence and location of any underground utility pipes or structures shown on these plans were obtained from available information provided by others. The locations shown are approximate and shall be confirmed in the field by the contractor, so that any necessary adjustment can be made in alignment and/or grade of the proposed improvement. The contractor is required to contact the utility companies and take due precautionary measure to protect any utility lines shown, and any other lines obtained by the contractors research, and others not of record or not shown on these plans.

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HANSEN & ASSOCIATES, INC.  
Consulting Engineers and Land Surveyors  
538 North Main Street, Brigham, Utah 84302  
Visit us at www.haies.net  
Logan  
(435) 723-3491 (801) 399-4905 (435) 752-8272



Drawn By: MTH Date: 12/12/16  
Designed By:  
Checked By:  
Approved By:  
Scale: 1" = 60'  
Drawing File: 15-124v15pp.DWG  
JOB NUMBER: 15-124

PLAN AND PROFILE FOR  
**MATT TOLIVER**  
ADDRESS  
HUNTSVILLE DISTRICT  
A Part of the Southeast Quarter of Section 23  
Township 6 North, Range 1 East, S.L.B.&M.

Sheet  
**2**  
of  
**2**  
Sheets





## Staff Report for Administrative Subdivision Approval

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Consideration and action on an administrative application, final approval of England Subdivision, consisting of 1 lot.
<b>Agenda Date:</b>	Wednesday, January 06, 2021
<b>Applicant:</b>	Eugene K. England, owner
<b>File Number:</b>	UVE 11192020

#### Property Information

<b>Approximate Address:</b>	3960 E. Nordic Valley Way, Eden, UT, 84310
<b>Project Area:</b>	20.09 acres
<b>Zoning:</b>	Forest Valley (FV-3) Zone, Agricultural Valley (AV-3) Zone
<b>Existing Land Use:</b>	Residential
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	22-022-0150, 22-022-0034
<b>Township, Range, Section:</b>	T7N, R1E, Section 28 SW

#### Adjacent Land Use

<b>North:</b>	Vacant/Residential	<b>South:</b>	Nordic Valley Drive
<b>East:</b>	Residential	<b>West:</b>	Residential

#### Staff Information

<b>Report Presenter:</b>	Tammy Aydelotte taydelotte@co.weber.ut.us 801-399-8794
<b>Report Reviewer:</b>	SB

### Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7
- Weber County Land Use Code Title 104 (Zones) Chapter 6 (AV-3 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 14 (FV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

### Background

The applicant is requesting approval of administrative application, final approval of England Subdivision, consisting of 1 lot, located at approximately 3960 E. Nordic Valley Drive in the FV-3 and AV-3 Zone. The proposed subdivision meets the lot area and lot width requirements of these zones, of 3.00 acres in area and 150 feet in width. Access for this lot will be Nordic Valley Drive. The purpose of this application is to combine two parcels into a 1-lot subdivision. There is an existing residence located in this proposed subdivision.

This proposed subdivision is located in a geologic hazard study area. The requirement for a hazard study is waived due to the existence of a residence. A hazard study may be required prior to approval of any future development or issuance of further building permits.

### Analysis

**General Plan:** The proposal conforms to the Ogden Valley General Plan by creating large lots to maintain the country feel with land that has agricultural and livestock related uses.

**Zoning:** The subject property is located in both the FV-3 and the AV-3 zones. The land use requirements for these zones are stated in the LUC§ 104-16, respectively, as follows:

*"The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development."*

*"The AV-3 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone is to:*

- 1. Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;*
- 2. Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and*
- 3. Direct orderly low-density residential development in a continuing rural environment."*

Small Subdivision: As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC 106 chapter 1, and the standards in the FV-3 zone (LUC 104-14) and the AV-3 zone (LUC 104-6). The proposed subdivision will not create any new public streets. The proposal meets the criteria for a "Small Subdivisions", as defined in LUC 101-7, and can be administratively approved per LUC 106-1-5(b)(1).

Lot area, frontage/width and yard regulations: The FV-3 zone, which is the more restrictive of the two zones, and the zone in which the existing residence and all of the frontage is located, requires a minimum lot area of 3 acres and a minimum lot width of 150'. The proposed subdivision is a one-lot subdivision that will be accessed from Nordic Valley Drive.

The proposed subdivision will create a one-lot subdivision from two parcels.

Review Agencies: The proposed subdivision has been reviewed by all applicable reviewing agencies. Weber County Engineering has required, at minimum, a deferral agreement for curb, gutter, and sidewalk. This will be signed by the property owner and recorded with the final plat. Weber Fire has issued approval of this project, pending further review at building permit. The County Surveyor has issued conditional approval. Planning is recommending approval conditioned upon meeting all review agency requirements.

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

Public Notice: Noticing requirements, according to LUC 106-1-6(c), have been met by mailing notices out to all property owners of record within 500 feet of the subject property.

## Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan.

## Staff Recommendations

Staff recommends final approval of the England Subdivision a one-lot subdivision. This recommendation is subject to all review agency requirements and based on the following condition:

1. A deferral agreement must be recorded with the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable county ordinances.

## Administrative Approval

Administrative final approval of England Subdivision 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: **Wednesday, January 6, 2021.**

---

Rick Grover  
Weber County Planning Director




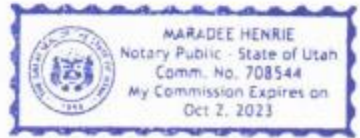
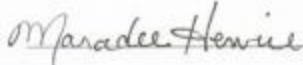
## Exhibits

- A. Application
- B. Proposed Plat

## Area Map



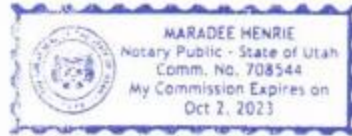
## Exhibit A - Application

<b>Weber County Subdivision Application</b>			
All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
<b>Subdivision and Property Information</b>			
Subdivision Name ENGLAND SUBDIVISION			Number of Lots 1
Approximate Address 3960 E. NORDIC VALLEY DRIVE		Land Serial Number(s) 22-022-0150 22-022-0034	
Current Zoning FV-3	Total Acreage 23		
Culinary Water Provider PMWSID	Secondary Water Provider N/A	Wastewater Treatment PMWSID	
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) THE EUGENE K. ENGLAND TRUST FBO DANIEL E. ENGLAND		Mailing Address of Property Owner(s) 10051 S. STONE MOUNTAIN CV SANDY, UT 84092	
Phone	Fax N/A		
Email Address DAN.ENGLAND@CRENLAND.COM		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s) RICK EVERSON		Mailing Address of Authorized Person 5200 HIGHLAND DR #101, SLC, UT 84117	
Phone 801-897-4880	Fax N/A		
Email Address RICK@WATTSENERPRISES.COM		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Surveyor/Engineer Contact Information</b>			
Name or Company of Surveyor/Engineer GARDNER ENGINEERING- KLINT WHITNEY		Mailing Address of Surveyor/Engineer 5150 SOUTH 375 EAST WASHINGTON TERRACE, UT 84405	
Phone 801-458-3820	Fax N/A		
Email Address KLINT@GECIVIL.COM		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Owner Affidavit</b>			
<p>I (We), <u>DAN ENGLAND</u>, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.</p> <p style="text-align: center;"> (Property Owner)</p> <p>Subscribed and sworn to me this <u>17</u> day of <u>Nov</u>, 20<u>20</u></p> <div style="text-align: right;">                 (Notary)         </div>			

## Authorized Representative Affidavit

I (We), DAN ENGLAND, the owner(s) of the real property described in the attached application, do authorize as my (our) representative(s), RICK EVERSON, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

*Dan England*  
(Property Owner)

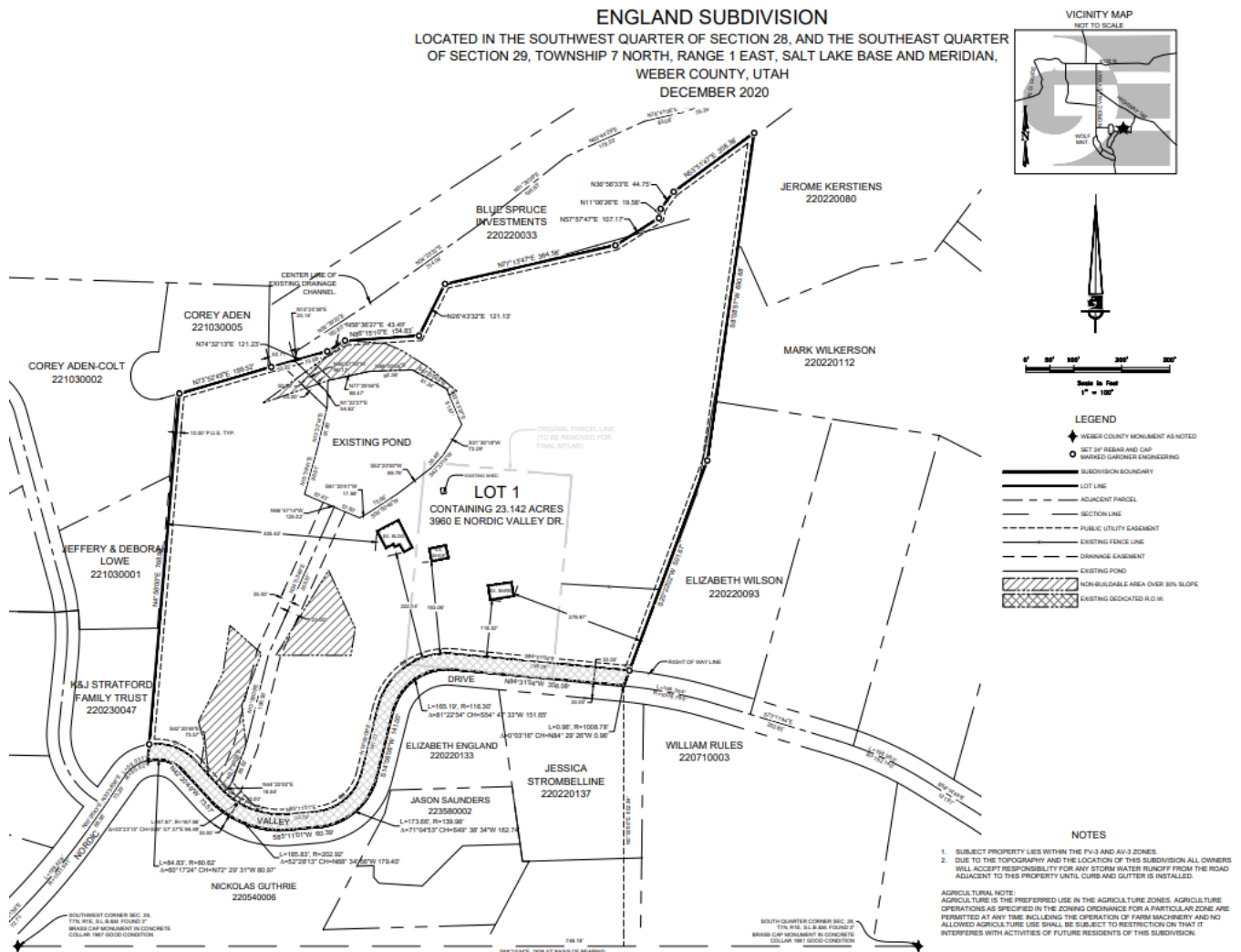


Dated this 17 day of Nov, 2020, personally appeared before me Maradee Henrie, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

*Maradee Henrie*  
(Notary)



# Exhibit B – Proposed Plat





## Staff Report for Administrative Subdivision Approval

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on an administrative application, final approval of Summit at Ski Lake No. 3 1st Amendment Subdivision, consisting of 2 lots.

**Agenda Date:** Wednesday, January 06, 2021

**Applicant:** Scott and Becky Adams, Craig L. Howell, owners

**File Number:** UVS121319

#### Property Information

**Approximate Address:** 1216 Cortina Point, Huntsville, UT, 84317

**Project Area:** 2.014 acres

**Zoning:** Forest Valley (FV-3) Zone

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**Parcel ID:** **20-070-0005, 20-070-0006**

**Township, Range, Section:** T6N, R1E, Section 24 NW

#### Adjacent Land Use

<b>North:</b>	Vacant Residential	<b>South:</b>	Cortina Point
<b>East:</b>	Residential	<b>West:</b>	Vacant Residential

#### Staff Information

**Report Presenter:** Tammy Aydelotte  
taydelotte@co.weber.ut.us  
801-399-8794

**Report Reviewer:** RG

### Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7
- Weber County Land Use Code Title 104 (Zones) Chapter 14 (FV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

### Background

Summit at Ski Lake No. 3 was recorded 4/14/2000, when the subdivision was located in the FR-1 zone. The lot standards in the FR-1 zone, at the time of recording, were as follows:

Minimum lot are: 1 acre

Minimum lot width: 150 feet

The applicant is requesting approval of administrative application, final approval of Summit at Ski Lake No.3 1<sup>st</sup> Amendment Subdivision, consisting of 2 lots, located at approximately 1216 Cortina Point, in Huntsville, in the FV-3 Zone. The purpose of this application is to adjust a lot boundary between lots 11 and 12 (now lots 58 and 57, respectively).

Culinary water will be provided by an existing private well, pending water test results as required by Weber-Morgan Environmental Health. A private septic system will be used for waste water. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

### Analysis

**General Plan:** The proposal conforms to the Ogden Valley General Plan by maintaining the existing density provided by the current zoning and existing approvals (2016 Ogden Valley General Plan, Land Use Principle 1.1).

**Zoning:** The subject property is currently located in the FV-3 zone, but was previously recorded, while located in the FR-1 zone, whose standards at the time, are stated above.

**Small Subdivision:** As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC 106 chapter 1. The proposed subdivision will not create any new public streets. The proposal meets the criteria for a “Small Subdivisions”, as defined in LUC 101-7, and can be administratively approved per LUC 106-1-5(b)(1).

The proposed subdivision will combine adjust a lot line to accommodate an encroachment into a previously platted sewer easement.

**Review Agencies:** The proposed subdivision has been reviewed by all applicable reviewing agencies. Weber Fire, Weber-Morgan Health Department, and Planning Division have all issued approval of this project. Engineering and Surveyor have yet to issue approvals.

**Tax Clearance:** There are no outstanding tax payments related to this parcel.

**Public Notice:** Noticing requirements, according to LUC 106-1-6(c), have been met by mailing notices out to all property owners of record within 500 feet of the subject property.

## Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan. This subdivision addresses water, wastewater, and other issues which are discussed in the General Plan.

## Staff Recommendations

Staff recommends final approval of the Summit at Ski Lake No. 3 1<sup>st</sup> Amendment, a two-lot subdivision amendment, in the FV-3 zone. This recommendation is subject to all review agency requirements and based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable county ordinances.

## Administrative Approval

Administrative final approval of Summit at Ski Lake No. 3 1<sup>st</sup> Amendment 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: **Wednesday, January 6, 2020.**

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Rick Grover  
Weber County Planning Director

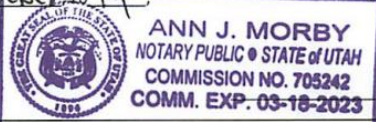
## Exhibits

- A. Application
- B. Subdivision Plat
- C. Sewer District Approval



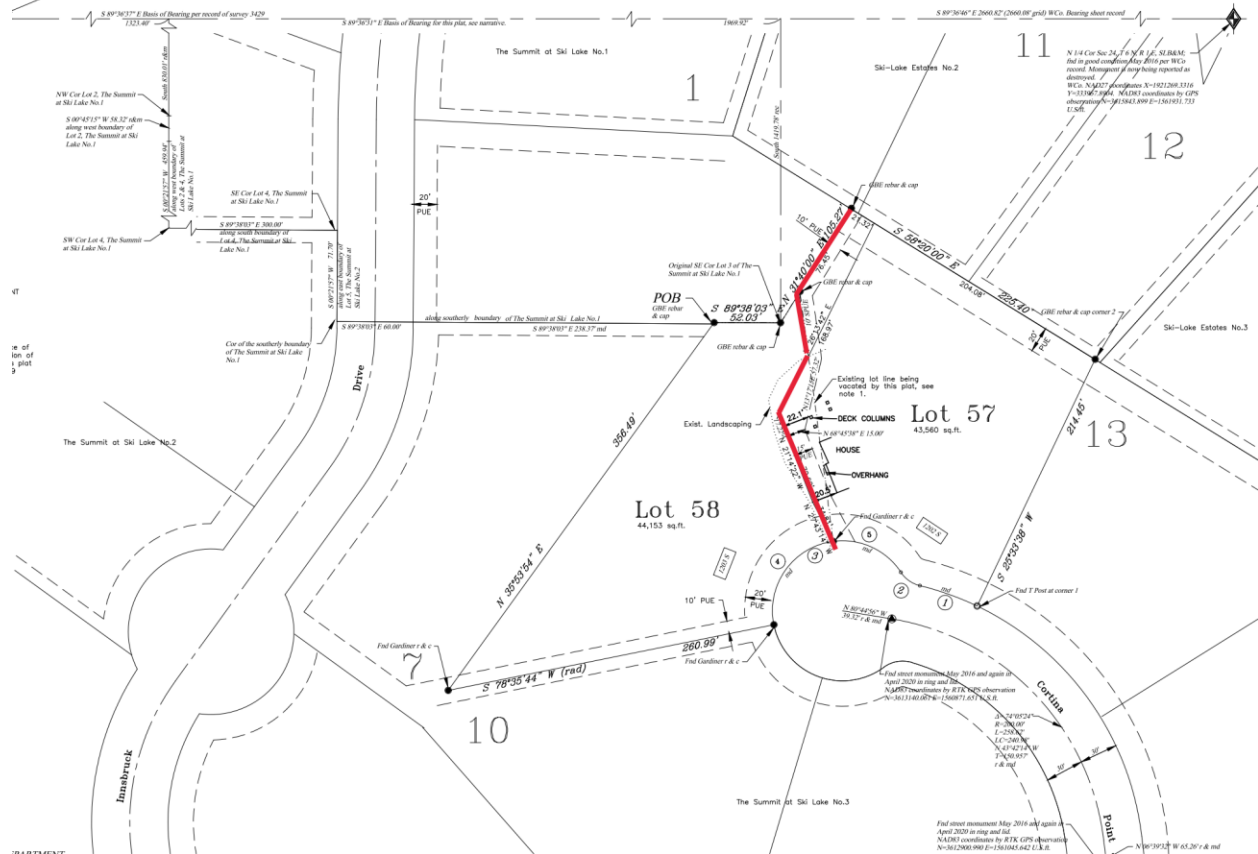
## Area Map



Weber County Subdivision Application			
All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed <u>12/13/2019</u>	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
<b>Subdivision and Property Information</b>			
Subdivision Name <u>Summit at Skelake #3 - 1st Amendment</u>			Number of Lots <u>2</u>
Approximate Address <u>1216 Cortina Pt, Huntsville</u>		Land Serial Number(s) <u>20-070-0006</u> <u>20-070-0005</u>	
Current Zoning <u>FV3</u>	Total Acreage <u>1</u>		
Culinary Water Provider <u>Lakeview</u>		Secondary Water Provider	Wastewater Treatment <u>Mountain</u>
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) <u>Scott Adams</u>		Mailing Address of Property Owner(s) <u>1216 Cortina Point</u> <u>Huntsville, UT 84317</u>	
Phone <u>925-699-3624</u>	Fax		
Email Address <u>adamsx8@gmail.com</u>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Surveyor/Engineer Contact Information</b>			
Name or Company of Surveyor/Engineer <u>Landmark Engineering</u>		Mailing Address of Surveyor/Engineer <u>4636 South 3500 West #A-3</u> <u>West Haven, UT 84401</u>	
Phone <u>801-731-4075</u>	Fax		
Email Address <u>landmarksurveyutah.com</u>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Owner Affidavit</b>			
<p>I (We), _____, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.</p>			
<u>Scott Adams</u> (Property Owner)		<u>Scott E Adams</u> (Property Owner)	
Subscribed and sworn to me this <u>6</u> day of <u>December</u> , 20 <u>19</u> .			
		<u>Ann J. Morby</u> (Notary)	

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PART OF THE NW 1/4 OF SEC. 24, T 6 N, R 1 E, SLB&M, Lots 11 & 12, The Summit At Ski Lake No.3  
UNINCORPORATED WEBER COUNTY, UTAH - Date of Survey: May 2016





## Exhibit C– Sewer District Approval

**From:** Spencer King <[spence@lakeviewwatercorp.com](mailto:spence@lakeviewwatercorp.com)>

**Sent:** Wednesday, December 2, 2020, 11:09 AM

**To:** Meyerhoffer, Chad L.

**Cc:** Weight, **Tucker**; Mark Babbitt; A1 Pumping

**Subject:** RE: Adams sewer repair. Cortina Point Ski Lake Huntsville

Hi Chad and **Tucker**,

The work of rerouting the sewer lateral for 1214 Cortina Pt eliminating the original lateral for said lot which was compromised by damage due to the construction of 1216 Cortina Pt has been completed. The lot located at 1212 Cortina Pt's lateral remains unaffected below said damage and although connection for lot 1216 was installed by builder it shows signs of separation, the homeowner should be aware of the issue that I will advise. Mountain Sewer can now place the main trunk running from the uphill manhole located in the intersection of Cortina Pt to the connection of the main running (approx) east to west can now be placed out of service.

I have copied Mr Babbitt incase he has any further comments or changes.

Thanks,

Spence King

Mountain Sewer