

# WEBER COUNTY PLANNING DIVISION

## Administrative Review Meeting Agenda

April 27, 2022 12:00 p.m.

- 1. Minutes: April 20, 2022
- 2. Administrative Items

**2.1 UVB032922** - Consideration and action on administrative approval of Brown's Subdivision 1<sup>st</sup> Amendment, a one-lot subdivision with a 16-acre remainder parcel not approved for development. **Presenter Felix Lleverino** 

Adjourn

The meeting will be held in Public Works Conference Room, in the Weber Center, 2<sup>nd</sup> Floor Suite240, 2380 Washington Blvd, Ogden Utah 84401

\*Public comment may not be heard during administrative items. Please contact

thePlanningDivision Project Manager at 801-399-8374 before the meeting if you have questions or comments regarding an item\*

In compliance with the Americans with Disabilities Act, persons needing auxiliary services fort these meetings should call the Weber County Planning Commission at 801-399-8374

Link for Packet: <u>http://www.webercountyutah.gov/planning/meeting.php?meeting\_id=828</u>

#### April 20, 2022

Minutes of April 20, 2022, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT, commencing at 12:00 p.m.

#### Staff Present: Rick Grover, Planning Director; Felix Lleverino, Planner; June Nelson, Secretary

- 1. Minutes from March 9, 2022, April 6, 2022 Approved
- 2. Administrative Items
  - 2.1 AAE 2022-02 Consideration and action on an alternative access request to use a private right-of-way called Toliver Lane as the primary access to a parcel. Presenter Felix Lleverino.

The applicant is requesting approval to use an existing 50-foot wide private access easement to provide access to a 8.6acre parcel (see **Exhibits A**). This vacant parcel is set approximately 700' from Old Snow Basin Road along the existing Toliver Lane. The applicant would like to build a home on the parcel and utilize Toliver Lane as primary access. Toliver Lane was created via warranty deed, Entry # 2737593 (see **Exhibit B**) 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 C** for the engineered plans associated with Toliver Lane.

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 pubic road to serve this future subdivision. Additionally, there are portions of Toliver Lane that exceed a 10% grade (see Exhibit C).

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) before 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.

<u>Review Agencies</u>: The Fire District previously approved the professionally engineering road improvements made to Toliver Lane. The Fire Marshall has requested more details for the Coles driveway construction. The County Engineering Department requires the driveway to be constructed to meet the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29.

Director Grover asked if the Fire Department had approved to road. Felix Lleverino said that they did approve the road,

#### April 20, 2022

but would like to look at widening the road to a minimum of 20 feet in the future. The owner is required to have sprinklers in the cabin.

Staff recommends approval of AAE 2022-02, to provide access by private access easement to a parcel. The recommendation for approval is subject to the 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, before administrative review approval.
- 3. The Fire Marshal shall review and approve the Coles

driveway. 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 final approval of AAE 2022-02 to utilize an existing private access road (Toliver Lane) that would serve as an access to an 8.6-acre parcel. Approved with staff recommendations and findings in this report.

Date of Administrative Approval: April 20, 2022

**Rick Grover** 

Rick Grover Planning Director

Adjourn

Respectfully Submitted, June Nelson Lead Office Specialist



## Staff Report to the Weber County Planning Division

Weber County Planning Division

**Synopsis** 

<b>Application Information</b>			
Application Request: Agenda Date: Applicant: File Number:	Consideration and action on administration one-lot subdivision with a 16-acre rem Wednesday, April 27, 2022 Taylor Lewis UVB032922		oval of Brown's Subdivision 1 <sup>st</sup> Amendment, a cel not approved for development.
<b>Property Information</b>			
Approximate Address: Project Area: Zoning: Existing Land Use: Proposed Land Use: Parcel ID: Township, Range, Section:	5242 E 2500 N, Eden 19.8 acres AV-3 Residential Residential 22-190-0002, 22-190-0002, 22-190-0 T7N, R1E, Section 34	0003	
Adjacent Land Use			
North: Residential East: Residential		South: West:	Residential Residential
Staff Information			
Report Presenter: Report Reviewer:	Felix Lleverino <u>flleverino@co.weber.ut.us</u> 801-399-8767 SB		

**Applicable Ordinances** 

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 2, Agricultural Zones
- Title 106, Subdivisions, Chapter 1-8 as applicable

#### **Development History**

Brown's Subdivision was recorded on March 7<sup>th</sup>, 2002 as a three-lot subdivision.

On April 27, 2022, Brown's Subdivision 1<sup>st</sup> Amendment was considered for final approval from the Planning Director.

#### **Background and Summary**

This is a proposal to amend Brown's Subdivision. The amendment would effectively create a one-lot subdivision, with a 16acre remainder parcel not approved for development. The landowner intends to reserve the remainder parcel for farm ground at present and potential future development. No Public Utility easement will need to be vacated or realigned with the amendment. Both the building lot and the remainder parcel possess access from 2500 North Street, a public county road.

The Lance Roylance Subdivision abuts this development on the west. There is potential for a future neighborhood on the land abutting to the east. The County Planning Division recommends that Brown's Subdivision Amendment preserve a public ROW easement that connects to the existing ROW easement within the Lance Roylance Subdivision. However, at this time the Planning Division will not require right-of-way dedication because the remainder parcel is not a building lot.

#### Analysis

<u>General Plan</u>: The proposal conforms to the Ogden Valley General Plan by encouraging residential development for a mix of housing types, sizes, and incomes (2016 Ogden Valley General Plan, Land Use Principle 1.4).

<u>Zoning</u>: The subject property is located in the Agricultural Valley (AV-3) Zone. The purpose and intent of the Agricultural Valley zone are identified in the LUC §104-12-1 as:

The AV-3 Zone and A-1 Zone are both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone and A-1 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.

The minimum lot size in the AV-3 zone is three acres and the minimum lot width is 150 feet. Both lots within this development comply with the zoning site development standards.

<u>Mandatory Services</u>: The building lot does not require a will-serve or feasibility letter due to it containing a built home and sufficient existing services.

<u>Review Agencies</u>: The County Engineering Department has posted conditional approval. Final subdivision approval will be granted from Planning and Engineering after several minor subdivision plat revisions are completed. The Weber Fire District has posted approval.

#### **Staff Recommendation**

Staff recommends approval of Brown's Subdivision 1<sup>st</sup> Amendment, a one-lot subdivision with a 16-acre remainder parcel not approved for development.

Administrative approval from the Planning Division is subject to the following conditions:

- 1. The County Commission will accept the area dedicated to the public ROW 2500 South Street and sign the final plat.
- 2. The owner shall enter into a deferral agreement for curb gutter and sidewalk.

The recommendation is based on the following findings:

- 1. This subdivision amendment is not in conflict with the Ogden Valley General Plan.
- 2. The public interest or any person will not be materially injured by the proposed subdivision amendment.
- 3. The amended subdivision plat complies with all local and state ordinances.

#### Administrative Approval

Administrative final approval of Brown's Subdivision 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.

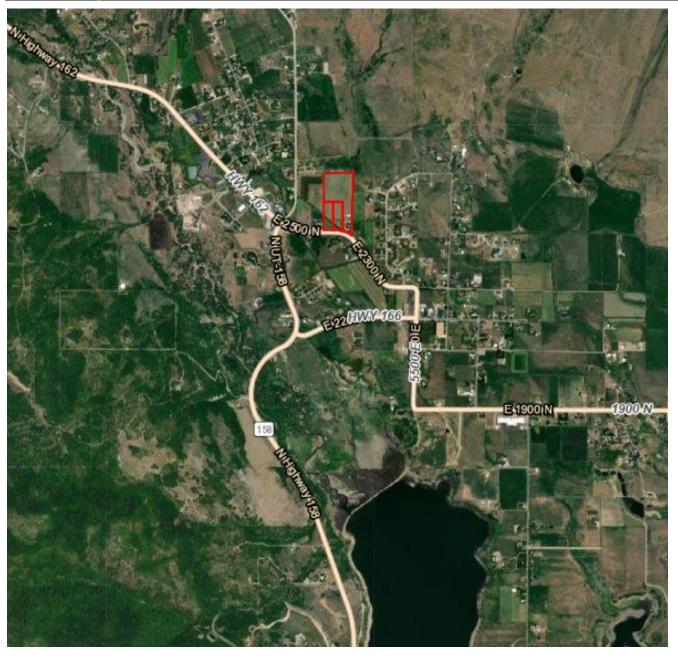
Date of Administrative Approval: April 27th, 2022

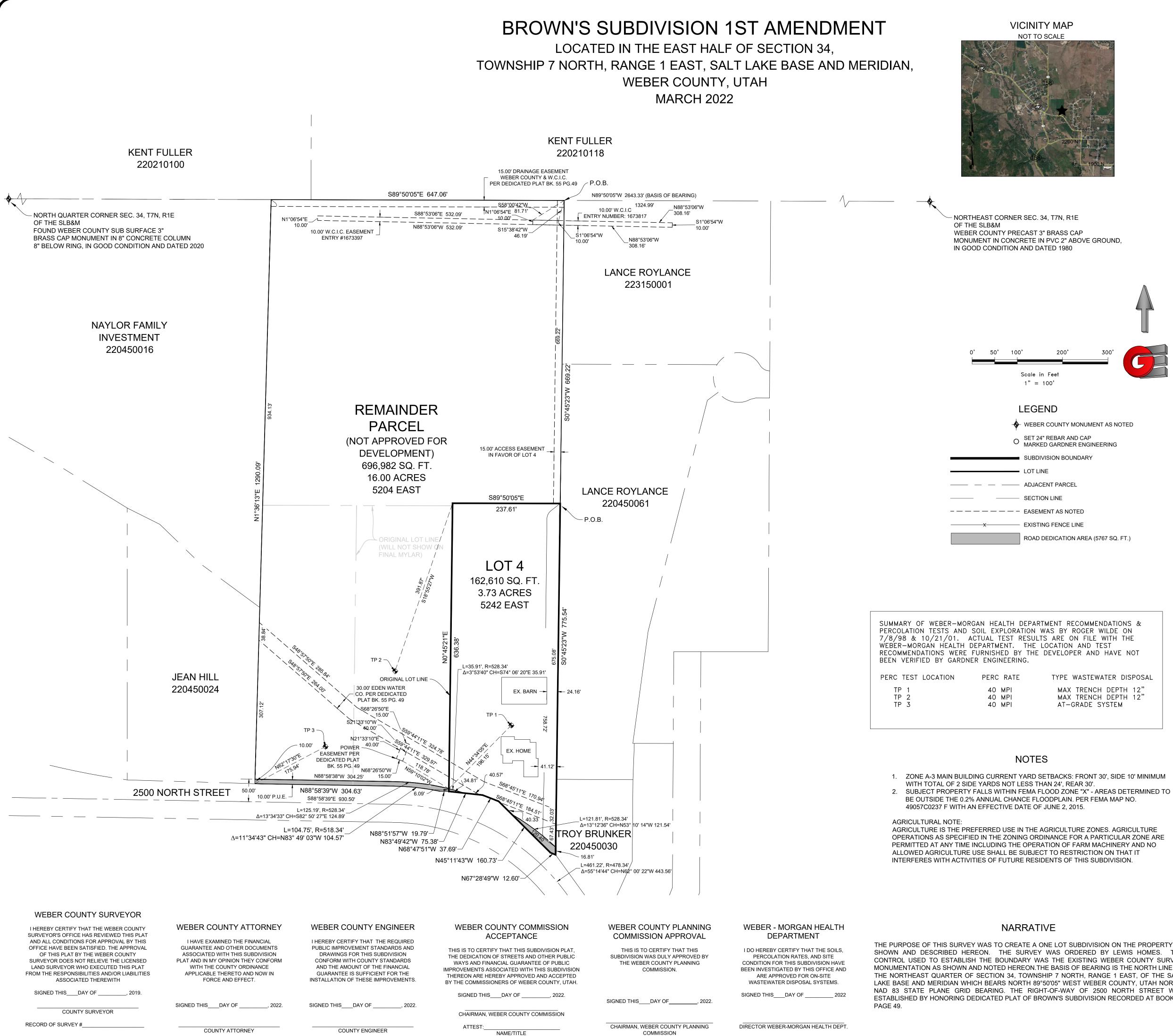
Rick Grover Weber County Planning Director

Exhibits

A. Brown's Subdivision 1<sup>st</sup> Amendment

### **Location Map 1**





# Exhibit A

DMMENDATIONS &
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FILE WITH THE
ND TEST
AND HAVE NOT

RONT 30', SIDE 10' MINIMUM
R 30'.
'X" - AREAS DETERMINED TO
ER FEMA MAP NO.

# BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 1 EAST OF THE SALT

LAKE BASE AND MERIDIAN. BEGINNING AT THE NORTHWEST CORNER OF THE LANCE ROYLANCE SUBDIVISION 1ST AMENDMENT BEING LOCATED NORTH 89°50'05" WEST 1324.99 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER AND ALONG THE WEST LINE OF SAID LANCE ROYLANCE SUBDIVISION 1ST AMENDMENT SOUTH 00°45'23" WEST 669.22 FEET FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; RUNNING THENCE ALONG SAID WEST LINE SOUTH 0°45'23" WEST 775.54 FEET; THENCE NORTH 67°28'49" WEST 12.60 FEET; THENCE NORTH 45°11'43" WEST 160.73 FEET; THENCE NORTH 68°47'51" WEST 37.69 FEET; THENCE NORTH 83°49'42" WEST 75.38 FEET; THENCE NORTH 0°45'21" EAST 636.38 FEET; THENCE SOUTH 89°50'05" EAST 237.61 FEET TC THE POINT OF BEGINNING. CONTAINING 162,260 SQUARE FEET OR 3.73 ACRES MORE OR LESS.

## REMAINDER PARCEL BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 1 EAST OF THE SALT

LAKE BASE AND MERIDIAN. BEGINNING AT THE NORTHWEST CORNER OF THE LANCE ROYLANCE SUBDIVISION 1ST AMENDMENT BEING LOCATED NORTH 89°50'05" WEST 1324.99 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER: RUNNING THENCE ALONG THE WEST LINE OF SAID LANCE ROYLANCE SUBDIVISION 1ST AMENDMENT IN PART SOUTH 00°45'23" WEST 669.22 FEET: THENCE NORTH 89°50'05" WEST 237.61 FEET; THENCE SOUTH 0°45'21" WEST 635.38 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 2500 NORTH STREET; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE FOLLOWING THREE (3) COURSES; (1) NORTH 88°51'57" WEST 19.79 FEET; (6) ALONG THE ARC OF A 518.34 FOOT RADIUS CURVE TO THE LEFT 104.75 FEET, HAVING A CENTRAL ANGLE OF 11°34'43", CHORD BEARS NORTH 83°49'03" WEST 104.57 FEET; (7) NORTH 88°58'39" WEST 304.63 FEET; THENCE NORTH 01°36'13" EAST 1290.09 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE ALONG SAID NORTH LINE OF SAID NORTHEAST QUARTER SOUTH 89°50'05" EAST 647.06 FEET TO THE POINT OF BEGINNING. CONTAINING 16.10 ACRES MORE OR LESS.

## SURVEYOR'S CERTIFICATE

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STA OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF T PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF T OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED ON THIS PLAT, AND HA SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOW AS <u>BROWN'S SUBDIVISION 1ST AMENDMENT</u> IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED A MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN HEREON ARE LOCATED AS INDICATED AND A SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; THAT ALL LOTS MEET THE REQUIREMENTS OF T LAND USE CODE; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH T LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.	THE THE VE WN ALL RE THE
SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; THAT ALL LOTS MEET THE REQUIREMENTS OF T LAND USE CODE; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH T LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY. SIGNED THIS DAY OF, 2022.	
OWNER'S DEDICATION	
I THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT:	
BROWN'S SUBDIVISION 1ST AMENDMENT	
AND HEREBY DEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY WEBER COUNTY, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS, AND ALSO DEDICATE, GRANT AND CONVEY TO THE OWNERS OF LOT 4, THEIR SUCCESSORS AND ASSIGNS A PERPETUAL 15' ACCESS EASEMENT AS SHOWN HEREON, AND ALSO GRANT, DEDICATE AND CONVEY TO WEBER COUNTY LAND DESIGNATED AS PUBLIC RIGHT-OF-WAY EASEMENT A PUBLIC RIGHT-OF-WAY EASEMENT. SIGNED THIS DAY OF 2022.	
BY: WILLIAM DAVID BROWN	
BY: MARIA THERESA BROWN	
ACKNOWLEDGEMENT	
STATE OF UTAH       )         S       COUNTY OF WEBER         On this	۱d
STAMP NOTARY PUBLIC ACKNOWLEDGEMENT	
STATE OF UTAH ) §	
COUNTY OF WEBER ) On thisday of2019, before me, A Notary Public, personally appeared <u>MARIA THERESA BROWN</u> , Proved on the basis of satisfactory evidence to be the person(s) who name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same. Witness my hand official seal.	
STAMP NOTARY PUBLIC	
DEVELOPER: JOHN LEWIS COUNTY RECORDER	<u>.</u>
AS WOLF CREEK 3718 NORTH WOLF CREEK DRIVE EDEN, UTAH 84310 EILED FOR AND RECORDED	
AS         EDEN, 01AH 84310           801-430-1507         FILED FOR AND RECORDED           /EY         AT IN BOOK OF OFFICE	
OF ALT GARDNER RECORDS, PAGE RECORDE	
TH, (AS (55) ENGINEERING	
CIVIL - LAND PLANNING COUNTY RECORDER	
MUNICIPAL • LAND SURVEYING 5150 SOUTH 375 EAST OGDEN, UT BY:	
OFFICE: 801.476.0202 FAX: 801.476.0066	