



## WEBER COUNTY PLANNING DIVISION

### Administrative Review Meeting Agenda

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**March 24, 2021**  
**4:00 to 5:00 p.m.**

Join Zoom Meeting

<https://us02web.zoom.us/j/83097320622>

Meeting ID: 83097320622

1. UVD022421-Consideration and action on a request for final approval of Durfee Creek Estates No 2C 2nd Amendment, a combination of lots 63 and 64 to create one lot. *Presenter Felix Lleverino*

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*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:*

Meeting ID: Meeting ID: 83097320622

*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 to the Weber County Planning Division

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for final approval of Durfee Creek Estates No 2C 2nd Amendment, a combination of lots 63 and 64 to create one lot.

**Agenda Date:** Wednesday, March 24, 2021

**Applicant:** Todd and Kristin Oliver, owners

**File Number:** UVD022421

### Property Information

**Approximate Address:** 2275 E 6745 N, Liberty

**Project Area:** 2.98 Acres

**Zoning:** Forest (F-5)

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 17-307-0004, 17-307-0005

**Township, Range, Section:** T8N, R1W, Section 36

### Adjacent Land Use

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

### Staff Information

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

**Report Reviewer:** RG

## Applicable Land Use Codes

- Title 101 (General Provisions) Chapter 1 (Definitions)
- Title 104 (Zones) Chapter 9 (Forest F-5)
- Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 8 (Final Plat Requirements)

## Development History

Durfee Creek Estates No 2C Cluster Subdivision was recorded on April 26, 2005.

## Background and Summary

The applicant is requesting approval of a request to combine lots 63 and 64 of Durfee Creek Estates Number 2C. Both lots front on a publicly dedicated completed road called Allen Circle. This 2.98-acre lot is currently vacant.

The owner plans to build a single-family dwelling on the lot following the recording of the subdivision plat. The vacant land contains 10' public utility easements separating the lots. The easement is scheduled to be vacated in a public hearing on March 23<sup>rd</sup>, 2021.

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 F-5 zone found in LUC §104-9. The following section is a brief analysis of this project against current land use regulations.

## Analysis

General Plan: This proposal conforms with the Ogden Valley General Plan (OVGP) by encouraging low-density development that preserves open space (see page 21 of the OVGP).

Zoning: The property is located in the F-5 Zone. The purpose of this zone is stated in the LUC §104-9-1.

*"The intent of the forest zones is to protect and preserve the natural environment of those areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.."*

Small Subdivision: "The planning director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission LUC §106-1-8 (f)." This proposal qualifies as a small subdivision consisting of three or fewer and one that no new streets are being created or realigned."

Easement Vacation: Utah State Code public noticing procedure and the acceptance by the County Commission in a public hearing is necessary to vacate the 10' public utility easements located along the boundary of lots 63 and 64. The County Commission will sign the vacating ordinance.

Flood Zone: This parcel is within an area of minimal flood hazard and determined to be outside the 500-year flood level.

Culinary Water, Irrigation Water: Water for this residential lot was already established with the development of the Durfee Creek Estates No. 2C Cluster subdivision. The service provider for culinary and irrigation needs is the Durfee Creek Water System.

Sanitary System: The sanitary sewer needs are provided for by the Durfee Creek community septic system.

Review Agencies: The Weber County Fire District has posted approval of the request. Weber County Engineering has required that the mandated procedures for vacating a public utility easement are followed. Weber County Planning Division and Surveyors Office have posted reviews that will be addressed by a revised plat.

Public Notice: All property owners of record within 500 feet of the subject property received notice by mail.

## Staff Recommendation

Staff recommends final approval of Durfee Creek Estates No 2C 2<sup>nd</sup> Amendment, consisting of one lot. The following conditions are included with the Planning Staff's recommendation:

1. The subdivision plat shall meet all Weber County reviewing agency requirements before recording the final Mylar.
2. The owner enters into a deferral agreement.
3. The County Commission shall approve the easement vacating ordinance.

The following findings are the basis for the planning staff's recommendation:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes.

## Administrative Approval

Administrative final approval of Durfee Creek Estates No 2C 2<sup>nd</sup> Amendment, consisting of 1 lot, 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: \_\_\_\_\_

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

## Exhibits

- A. Durfee Creek Estates No 2C 2<sup>nd</sup> Amendment Plat
- B. Durfee Creek Estates No 2C
- C. Current Recorders Plat
- D. Easement Release Letters

# Area Map





69-19

NARRATIVE

This plot was requested by Mr. Allen L. Carter in order to subdivide six (6) residential lots. A line bearing N 0°46'10" E between the Southeast corner and East 1/4 corner of Section 36, T8N, R1W, was used as the basis of bearings. Lot corners were monumented as depicted on this drawing.

Durfee Creek Estates No. 2C

A Cluster Type Subdivision A part of the East half of Section 36, T8N, R1W, SLB&M, U.S. Survey Weber County, Utah

SURVEYOR'S CERTIFICATE I, Mark E. Bobbitt, a Registered Professional Land Surveyor in the State of Utah, do hereby certify that this plot of Durfee Creek Estates No. 2C, in Weber County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision based on data compiled from records in the Weber County Recorder's Office, and of a survey made on the ground and that I further certify that all correct lot widths and areas meet the requirements of the Weber County Zoning Ordinance.

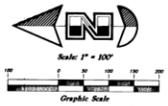
Signed this 5th day of April, 2005. 166484 Mark E. Bobbitt

PROPERTY LINE CURVE DATA

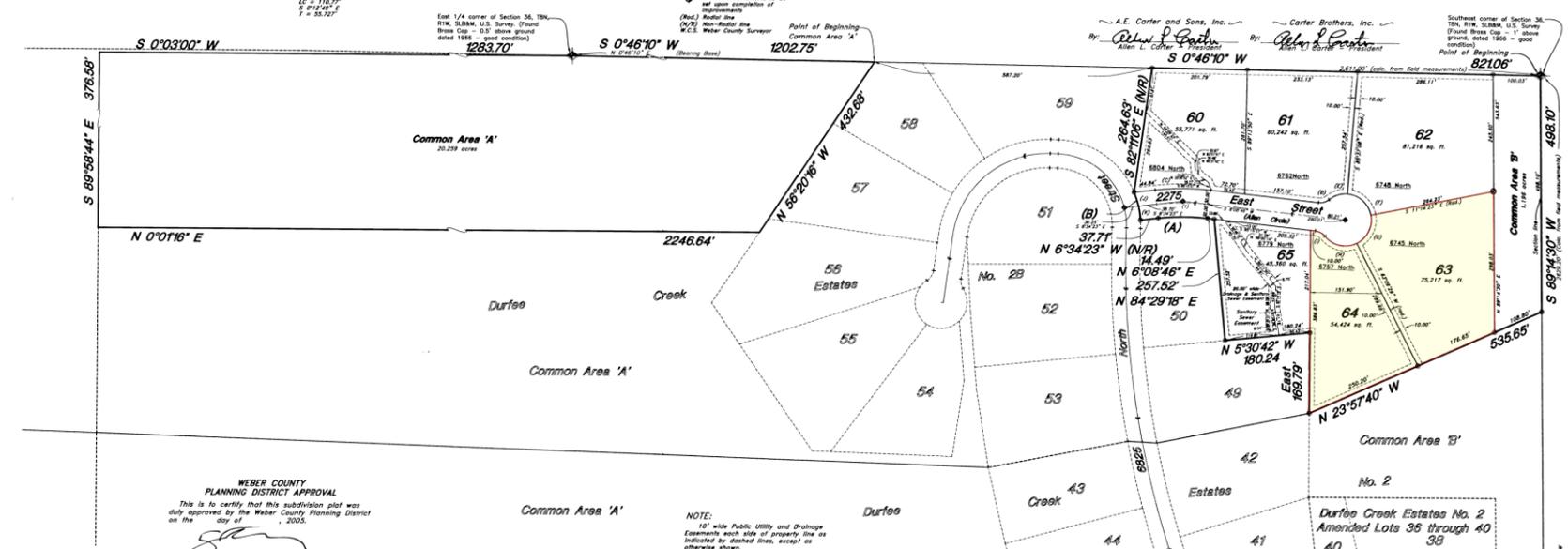
Table with 3 columns of curve data including bearings, distances, and curve parameters for various points.

CENTERLINE CURVE DATA

Table with 2 columns of centerline curve data including bearings, distances, and curve parameters.



OWNER'S DEDICATION I, the undersigned owner of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets as shown on the plat and name said tract Durfee Creek Estates No. 2C, and do hereby dedicate to public use all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares, also grant and convey to the subdivision Lot Owners Association, of those parts or portions of said tract of land designated as Common Areas to be used for recreational and open space purposes for the benefit of each Lot Owner's Association member in common with all others in the subdivision and grant and dedicate to Weber County a perpetual Open Space Right and Easement on and over the Common Areas to the guarantee to Weber County that the Common Areas remain forever open and undeveloped except for approved recreational, parking and open space purposes; also grant and dedicate a perpetual right and easement over, upon and under the lands designated on the operation of public utility service lines, storm drainage facilities, or for the perpetual preservation of water drainage channels in their natural state wherever it is applicable as may be authorized by the Governing Authority, with no buildings or structures being erected or otherwise dependent upon such land drains, an easement over such land drains for the purpose of perpetual maintenance and operation.



WEBER COUNTY PLANNING DISTRICT APPROVAL This is to certify that this subdivision plot was duly approved by the Weber County Planning District on the day of April, 2005.

WEBER-MORGAN HEALTH DEPARTMENT I hereby certify that the soils, percolation rates, and site conditions for this subdivision have been investigated by this office and are approved for on-site wastewater disposal systems.

ACKNOWLEDGMENT State of Utah, County of Weber. On the 5th day of April, 2005, personally appeared before me, Allen L. Carter who being by me duly sworn did say that he is President of A.E. Carter and Sons, Inc. and that said instrument was signed in behalf of said Corporation by a resolution of its Board of Directors and Allen L. Carter acknowledged to me that said Corporation executed the same.

ACKNOWLEDGMENT State of Utah, County of Weber. On the 5th day of April, 2005, personally appeared before me, James Hall who being by me duly sworn did say that he is President of Carter Brothers, Inc. and that said instrument was signed in behalf of said Corporation by a resolution of its Board of Directors and James Hall acknowledged to me that said Corporation executed the same.

BOUNDARY DESCRIPTION A part of the East half of Section 36, Township 8 North, Range 1 West, SLB&M, U.S. Survey; Beginning at the Southeast corner of said Section 36; and running thence South 89°14'30" West 498.10 feet to the Eastern boundary line of Durfee Creek Estates No. 2, a cluster type subdivision in Weber County, Utah; thence North 23°52'18" East 257.52 feet along the Eastern boundary of said Durfee Creek Estates No. 2 to the Southwest corner of Lot 48, Durfee Creek Estates No. 2b, a cluster type subdivision in Weber County, Utah; thence North 6°08'46" East 14.49 feet to a point of curvature; Northwesterly along the arc of a 470.00 foot radius curve to the left a distance of 104.34 feet (Central Angle equals 12°43'09" Survey Round 1/16" minimum over or up from wire); thence North 6°34'23" West 37.71 feet; Northwesterly along the arc of a 180.00 foot radius curve to the left a distance of 60.71 feet (Central Angle equals 10°19'27" and Long Chord bears North 76°39'26" East 60.42 feet) and South 82°11'06" East 264.63 feet; thence South 0°46'10" West 821.06 feet along said Section line to the point of beginning. Contains 10,485 acres.

WEBER COUNTY ATTORNEY I have examined the financial guarantees and other documents associated with this subdivision plot and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect. Signed this 6th day of April, 2005. M. Scott

WEBER COUNTY ENGINEER I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantees is sufficient for the installation of these improvements. Signed this 6th day of April, 2005. Curtis

WEBER COUNTY SURVEYOR I hereby certify that the Weber County Surveyor's office has reviewed this plat for mathematical correctness, section corner data, and for harmony with line monuments on record in county offices. The approval of this Weber County Surveyor does not relieve the Licensee of his/her liability for the responsibilities and obligations undertaken therefrom. Signed this 5th day of April, 2005. John

WEBER COUNTY COMMISSION ACCEPTANCE This is to certify that this subdivision plot, the dedication of streets and other public ways and financial guarantees of public improvements associated with this subdivision, thereon are hereby approved and created by the Commissioners of Weber County, Utah this 5th day of April, 2005. The Admin. Director, James Hall, and the County Clerk, John

WEBER COUNTY RECORDER I have recorded this instrument in accordance with the provisions of the Utah Recording Act. Signed this 5th day of April, 2005. Allen L. Carter

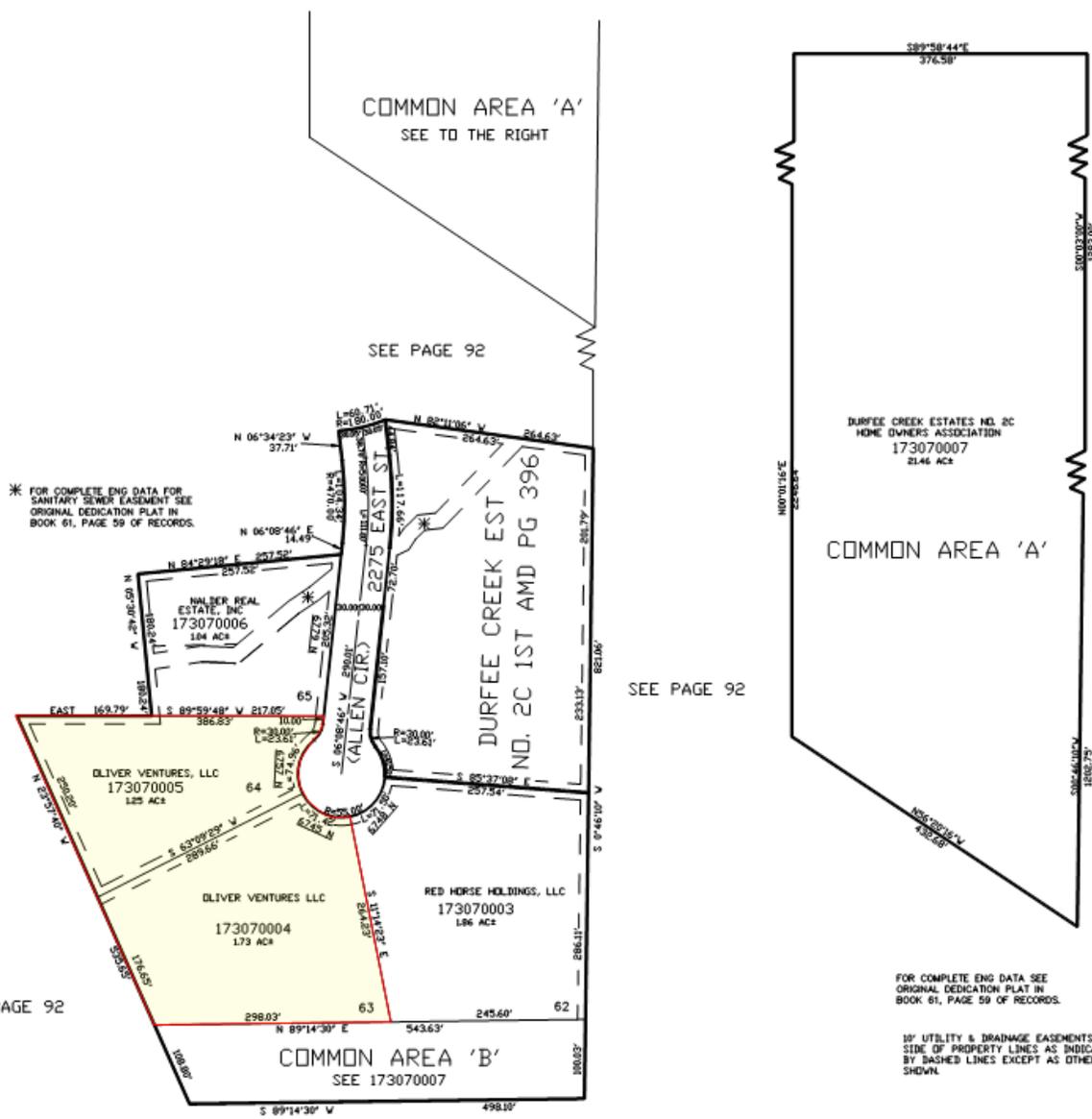


PART OF THE E.1/2, OF SECTION 36, T.8N., R.1W., S.L.B. & M.  
DURFEE CREEK ESTATES NO. 2C

307

IN WEBER COUNTY  
SCALE 1" = 100'

TAXING UNIT: 411



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SEE PAGE 92

KBL 06-2005



12840 Pony Express Road  
Draper, Utah 84020

01/12/2021

Dear To Whom It May Concern:

By this letter, Rocky Mountain Power notifies you that they accept the proposal to abandon and vacate the existing Public Utility Easement (PUE) running between lots 63 & 64 of the Durfee Creek Estates No. 2C Subdivision, so long as the amended plat is reviewed and signed by Rocky Mountain Power. Upon authorized Rocky Mountain Power employee signature, the amended plat must be recorded.

**Rocky Mountain Power maintains its rights to locate its facilities within or upon all other existing utility easements located upon this property, other than those specifically mentioned above.**

If there are any additional questions, or if you need any further assistance, you can contact Spencer Turner at 801-629-4318.

Regards,

Spencer Turner  
Estimator

Space above for County Recorder's use  
PARCEL I.D.# 17-307-0004, 17-307-0005

**DISCLAIMER OF UTILITY EASEMENT**

The undersigned, QUESTAR GAS COMPANY dba Dominion Energy Utah, Grantor, hereby disclaims and releases any rights, title or interest which it may have in and to the following-described real property in Weber County, Utah, to-wit:

All public utility easements, excepting the easement(s) or portion of easement(s) running adjacent and parallel to the street(s), located within Lot 63 & 64, Durfee Creek Estates No. 2C Subdivision, located in the Southeast quarter of Section 36, Township 8 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah; said Subdivision recorded in the Office of the County Recorder for Weber County, Utah.

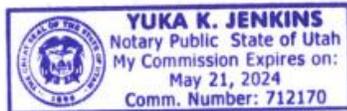
IN WITNESS WHEREOF, this disclaimer and release of any right, title or interest has been duly executed on January 7, 2021.

QUESTAR GAS COMPANY  
Dba Dominion Energy Utah

By: *Chris B. Bauman*  
Authorized Representative

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF SALT LAKE        )

On January 7, 2021, personally appeared before me *Yuka K. Jenkins*, who, being duly sworn, did say that (s)he is an Authorized Representative for QUESTAR GAS COMPANY dba Dominion Energy Utah, and that the foregoing instrument was signed on behalf of said corporation pursuant to a Delegation of Authority.



*Yuka K. Jenkins*  
Notary Public



# Durfee Creek Association, Inc.

6714 N Durfee Creek Rd, Liberty UT 84310 ~ [www.DurfeeCreek.com](http://www.DurfeeCreek.com)

February 23, 2021

Marta Borchert  
Planner Technician  
Weber County Planning Division  
2380 Washington Blvd. Suite 240

RE: Durfee Creek Estates No 2C Amended Plat No. 2

Dear Ms Borchert,

The Durfee Creek Association, Inc. Board of Directors has no objection to the relocation and consolidation of the 10 foot pedestrian easements on lot 63 and lot 64 to a 20 foot pedestrian easement along the north boundary of the combined lots as depicted on the attached pdf of Durfee Creek Estates No. 2C Amended Plat No. 2.

This letter is in response to a request by Ms. Kendra Richards of Habitations R.D.G. Please direct any follow up questions to her. Her contact information is:

Phone: (801) 476 1860

Email: [kendra@habitationsrdg.com](mailto:kendra@habitationsrdg.com)

Regards,

Durfee Creek Association, Inc. Board of Directors

cc. Kendra Richards, Habitations R.D.G,