



## WEBER COUNTY PLANNING DIVISION

### Administrative Review Meeting Agenda

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**September 2, 2020  
4:00 to 5:00 p.m.**

<https://us02web.zoom.us/j/87220995513>

- 1) UVM071120 – Consideration and action on final plat approval of Middle Fork Ranches 3<sup>rd</sup> Amendment, a one lot subdivision located at 7522 E 1400 N, Huntsville, UT. **Applicant: Troy Green. Presenter: Scott Perkes**
- 2) AAE 2020-04 – Consideration and action on an alternative access request to use a private right-of-way as the primary access for one lot in a future 2-lot subdivision on parcel 22-354-0002. **Applicant: Brian & Susan Savitt. Presenter: Scott Perkes**

**Adjourn**

*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/87220995513>

*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 for final plat approval of Middle Fork Ranches 3rd Amendment
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Wednesday, September 02, 2020
<b>Applicant:</b>	Troy Green
<b>File Number:</b>	UVM071120

### Property Information

<b>Approximate Address:</b>	7522 E 1400 N
<b>Project Area:</b>	5.87 total acres, 0.6 acres ROW dedication
<b>Zoning:</b>	Forest Valley 3 (FV-3), Agricultural Valley 3 (AV-3)
<b>Existing Land Use:</b>	Residential
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	21-048-0008, 21-005-0036
<b>Township, Range, Section:</b>	T6N, R2E, Section 6, SW

### Adjacent Land Use

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

### Staff Information

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

## Applicable Ordinances

- Title 104 Chapter 6, Agricultural Valley Zone
- Title 104, Chapter 14, Forest Valley Zone
- Title 104, Zones, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Natural Hazards Areas
- Title 108, Drinking Water Source Protection

## Background and Summary

The applicants are requesting final approval of Middle Fork Ranches 3<sup>rd</sup> Amendment, consisting of one lot. The proposed Lot 25 was originally Lot 8 of the Middle Fork Ranches Subdivision. The proposed amendment adds Parcel 21-005-0036 into the subdivision boundary to widen the resulting lot. Additionally, this amendment serves to dedicate a full half-width right-of-way along the eastern property line for future roadway connectivity.

The Uniform Land Use Code of Weber County (LUC) §101-1-7 identifies a subdivision amendment as a “Small Subdivision” and can be administratively approved by the Planning Director as long as the amendment consists of five or fewer lots. The proposed subdivision amendment and lot configuration is in conformance with the current zoning requirements as well as the applicable subdivision requirements as required in the LUC.

## Analysis

**General Plan:** The request is in conformance with the Ogden Valley General Plan as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

**Zoning:** The northern third of the subject property is located in the Forest Valley Zone (FV-3). The southern two-thirds of the subject property are located in the Agricultural Valley 3 Zone (AV-3). The purpose and intent of these zones is described in LUC §104-6-1 & §104-14-1 as follows:

*AV-3 Zone:*

*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:*

- (a) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;*
- (b) 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.*

*FV-3 Zone:*

*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.*

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance standards for both the AV-3 and FV-3 zones in LUC §104-6 & §104-14 respectively. The proposed subdivision is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

*Lot area, frontage/width and yard regulations:*

Both the AV-3 and FV-3 zones require a 3-acre minimum lot area and a minimum lot width of 150 feet. The amended lot will result in 5.914 acres in area and will have 311 feet of frontage on 1400 North Street.

*Access:* Access to this lot is provided by a 15-foot wide access easement across the northern boundary of Lot 21 as depicted on the Middle Fork Ranches First Amendment mylar. The current owner of Lot 21 has indicated that this easement hugs the fence line from west to east along its northern property line from 7425 East Street. This alignment has been disputed in the past between the owner of Lot 21 and the applicant which has resulted in a court ruling to clarify that this access easement is immediately adjacent to the existing fence line. This court ruling has been recorded as Entry #: 3065929.

*Right-Of-Way Dedication:* The eastern property line of this amended lot represents a regional connectivity corridor along a quarter section line. As such, the applicant has been required to dedicate a half-width right-of-way (33 feet) for a future county road. This dedication area is depicted on the final plat.

*Natural Hazards Areas:* The proposed subdivision is located in both a geologic hazard area and a FEME Flood Zone "AE". This AE Zone is determined by FEMA to be a High Risk Area and has been depicted on the plat along with base flood elevations.

As the existing lot already has a single-family home built, a geologic hazard assessment was not required for subdivision review. However, as a condition of approval, a "Natural Hazards Disclosure" document will be required to be recorded with the plat to provide adequate notice for future property owners that the lot is located within a geologic hazard area.

*Stream Corridors:* Per the Ogden Valley Sensitive Lands map, the subject property has a natural ephemeral stream that traverses through the already identified flood zone. Evidence of this stream is not readily visible on-site. As such, the determination of any high-water marks will need to be reviewed by the County engineer and 50-foot setbacks will need to be determined prior to the issuance of building permits on this lot.

*Culinary water and sanitary sewage disposal:* Feasibility letters were not required with the proposal as this lot has been previously platted.

*Public Well-Head Protection Zones:* The subject property is located within Zone 4 of a public well head protection zone. As such, any development on the lot is subject to LUC §108-18 (Drinking Water Source Protection)

*Review Agencies:* Prior to the subdivision being released for Mylar, all remaining review agencies comments will need to be addressed.

*Tax clearance:* The 2019 property taxes have been paid in full. The 2020 property taxes will be due in full on November 1, 2020.

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

## Staff Recommendation

Staff recommends final approval of Middle Fork Ranches Third Amendment. This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.

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 Middle Fork Ranches 3<sup>rd</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: \_\_\_\_\_

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

## Exhibits

- A. Subdivision Application
- B. Middle For Ranches 3<sup>rd</sup> Amendment Plat

## Location Map 1



**Exhibit A**

<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 <u>MIDDLE FORK RANCHES</u>			Number of Lots
Approximate Address <u>7522E 1400N HUNTSVILLE UT 84317</u>		Land Serial Number(s) <u>21-048-0008</u>	
Current Zoning	Total Acreage	<u>21-005-0036</u>	
Culinary Water Provider <u>BOZEN WATER</u>	Secondary Water Provider <u>MOUNTAIN CANYON</u>	Wastewater Treatment	
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) <u>TROY GREEN</u>		Mailing Address of Property Owner(s) <u>7522E 1400N HUNTSVILLE UT 84317</u>	
Phone <u>801-644-3196</u>	Fax		
Email Address <u>TROY@FROEGER.NET</u>		Preferred Method of Written Correspondence <input checked="" type="radio"/> Email <input type="radio"/> Fax <input type="radio"/> Mail	
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s) <u>TROY GREEN</u>		Mailing Address of Authorized Person <u>7522 E 1400N HUNTSVILLE, UT 84317</u>	
Phone <u>801-644-3196</u>	Fax		
Email Address <u>TROY@FROEGER.NET</u>		Preferred Method of Written Correspondence <input checked="" type="radio"/> Email <input type="radio"/> Fax <input type="radio"/> Mail	
<b>Surveyor/Engineer Contact Information</b>			
Name or Company of Surveyor/Engineer <u>HANSEN ASSOCIATES</u>		Mailing Address of Surveyor/Engineer <u>538 NORTH MAIN STREET BRIHAM, UT 84302</u>	
Phone <u>435-723-3491</u>	Fax		
Email Address <u>ROGERS@HAJES.NET</u>		Preferred Method of Written Correspondence <input checked="" type="radio"/> Email <input type="radio"/> Fax <input type="radio"/> Mail	
<b>Property Owner Affidavit</b>			
<p>I (We) <u>TROY GREEN ; VICTORIA GREEN</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. 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>			
 (Property Owner)		 (Property Owner)	
Subscribed and sworn to me this <u>9</u> day of <u>July</u> , 20 <u>20</u> .			

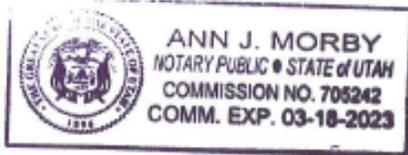
Authorized Representative Affidavit

I (We), Troy & Victoria Green, the owner(s) of the real property described in the attached application, do authorize as my (our) representative(s), Troy Green, 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 out agent in matters pertaining to the attached application.

Troy Green  
(Property Owner)

Victoria Green  
(Property Owner)

Dated this 9 day of July, 2020, personally appeared before me signer(s) of the Representative Affidavit who duly acknowledged to me that they executed the same.



Ann J. Morby  
Notary

# FINAL MIDDLE FORK RANCHES THIRD AMENDMENT

AMENDING LOT 8, MIDDLE FORK RANCHES SUBDIVISION  
WEBER COUNTY, UTAH  
A PART OF THE SOUTHWEST QUARTER OF SECTION 6,  
TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN  
JUNE 2020

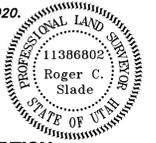
Exhibit B

### SURVEYOR'S CERTIFICATE

I, ROGER C. SLADE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT; AND I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND HAVE HEREBY AMENDED AND SUBDIVIDED SAID TRACT INTO ONE (1) LOT, KNOWN HEREAFTER AS MIDDLE FORK RANCHES THIRD AMENDMENT IN WEBER COUNTY, UTAH, AND HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND, I FURTHER HEREBY CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF WEBER COUNTY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

ROGER C. SLADE, P.L.S.  
UTAH LAND SURVEYOR LICENCE NO. 11386802



### SUBDIVISION BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE NORTHEAST CORNER OF LOT 21, MIDDLE FORK RANCHES FIRST AMENDMENT, RECORDED AS ENTRY NO. 2785086 IN THE WEBER COUNTY RECORDER'S OFFICE ALSO BEING THE NORTHWEST CORNER OF LOT 8 MIDDLE FORK RANCHES, RECORDED AS ENTRY NO. 614116 LOCATED 2518.96 FEET NORTH 89°03'22" EAST ALONG THE EAST / WEST CENTER SECTION LINE AND 2.61 FEET SOUTH 0°05'00" WEST TO AN OLD 1/2" REBAR MARKING THE CENTER OF SAID SECTION 6 PER SAID MIDDLE FORK RANCHES AND 81.20 FEET NORTH 89°33'30" EAST FROM THE WEST QUARTER CORNER OF SAID SECTION 6;

RUNNING THENCE NORTH 89°33'30" EAST 281.40 FEET ALONG THE NORTH LINE OF SAID LOT 8 TO THE NORTHEAST CORNER OF TROY AND VICTORIA GREEN PROPERTY, TAX ID NO. 21-005-0036; THENCE ALONG THE BOUNDARY OF SAID GREEN PROPERTY THE FOLLOWING TWO (2) COURSES: (1) SOUTH 01°38'00" WEST 800.00 FEET; AND (2) NORTH 90°00'00" WEST 41.01 FEET TO THE EAST LINE OF SAID LOT 8; THENCE ALONG THE BOUNDARY OF SAID LOT 8 THE FOLLOWING FOUR (4) COURSES (1) SOUTH 00°22'27" WEST 22.69 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 1400 NORTH STREET; (2) NORTH 89°38'00" WEST 177.00 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; (3) WESTERLY TO THE RIGHT ALONG THE ARC OF A 337.86 FOOT RADIUS CURVE, A DISTANCE OF 134.99 FEET, CHORD BEARS NORTH 78°11'15" WEST 134.09 FEET, HAVING A CENTRAL ANGLE OF 22°53'30" ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE SOUTHEAST CORNER OF SAID LOT 21; AND (4) NORTH 06°32'42" EAST 796.81 FEET ALONG THE EAST LINE OF SAID LOT 21 TO THE POINT OF BEGINNING. CONTAINING 257,630 SQUARE FEET OR 5.914 ACRES.

TOGETHER WITH A 15' WIDE RIGHT-OF-WAY ACROSS LOT 21, MIDDLE FORK RANCHES FIRST AMENDMENT, RECORDED AS ENTRY NO. 2785086.

### OWNER'S DEDICATION AND CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART, AMEND AND SUBDIVIDE THE SAME INTO LOTS AS SHOWN HEREON AND NAME SAID TRACT MIDDLE FORK RANCHES THIRD AMENDMENT, AND DO HEREBY GRANT AND DEDICATE IN PERPETUITY, PURSUANT TO THE PROVISIONS OF 17-27A-607, UTAH CODE, WITHOUT CONDITION, RESTRICTION OR RESERVATION TO WEBER COUNTY, UTAH, ALL THOSE CERTAIN STRIPS OF SAID TRACT OF LAND UPON AND UNDER THE LANDS DESIGNATED HEREOF AS PUBLIC UTILITY EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS. WE ALSO 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. WE HEREBY DECLARE THE PLAT NOTES SHOWN HEREON TO BE EFFECTIVE AND BINDING.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

TROY GREEN

VICTORIA GREEN

### ACKNOWLEDGMENT

STATE OF UTAH )  
                                  §  
COUNTY OF WEBER )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, TROY GREEN AND VICTORIA GREEN, HUSBAND AND WIFE AS JOINT TENANTS, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF WEBER, IN THE STATE OF UTAH, THE SIGNERS OF THE ATTACHED OWNERS DEDICATION, TWO IN NUMBERS, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSE THEREIN MENTIONED.

\_\_\_\_\_  
NOTARY PUBLIC

### WEBER COUNTY RECORDER

ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_  
FILED FOR RECORD AND  
RECORDED \_\_\_\_\_  
IN BOOK \_\_\_\_\_ OF OFFICIAL  
RECORDS, PAGE \_\_\_\_\_, RECORDED  
FOR \_\_\_\_\_  
COUNTY RECORDER  
BY: \_\_\_\_\_ DEPUTY

FOUND WEBER COUNTY BRASS CAP  
WITNESS CORNER MONUMENT  
1980 GOOD CONDITION 3" ABOVE GROUND

EAST QUARTER CORNER OF SEC. 6,  
T. 6 N., R. 2 E., S.L.B.&M  
CALCULATED POSITION

### WEBER COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION.  
SIGNED THIS \_\_\_\_\_, DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
CHAIRMAN, WEBER COUNTY PLANNING COMMISSION

### WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH THE COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.  
SIGNED THIS \_\_\_\_\_, DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
WEBER COUNTY ENGINEER

### WEBER COUNTY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT, AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND AFFECT  
SIGNED THIS \_\_\_\_\_, DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
WEBER COUNTY ATTORNEY

### WEBER COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY UTAH  
SIGNED THIS \_\_\_\_\_, DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
CHAIRMAN, WEBER COUNTY COMMISSION

ATTEST

### WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR APPROVAL BY THIS OFFICE HAVE BEEN SATISFIED. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THERewith.  
SIGNED THIS \_\_\_\_\_, DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
WEBER COUNTY SURVEYOR

### NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO AMEND LOT 8, MIDDLE FORK RANCHES AND PROPERTY TAX ID NO. 21-005-0036 AND TO ESTABLISH AND SET THE PROPERTY CORNERS AS SHOWN AND DESCRIBED HEREON. THIS SURVEY WAS ORDERED BY TROY GREEN. THE CONTROL USED TO ESTABLISH THE PROPERTY CORNERS WAS MIDDLE FORK RANCHES (ENTRY NO. 614116), MIDDLE FORK RANCHES FIRST AMENDMENT (ENTRY NO. 2785086) AND ROS# 4581 ALONG WITH THE EXISTING WEBER COUNTY SURVEYOR MONUMENTATION SURROUNDING SECTION 6, TOWNSHIP 6 NORTH, RANGE 2 EAST, S.L.B.&M.

THE BASIS OF BEARING IS THE EAST / WEST CENTER SECTION LINE OF SAID SECTION WHICH BEARS NORTH 89°07'40" EAST, ROTATED TO MATCH THE BEARINGS SHOWN ON MIDDLE FORK RANCHES.

WEST QUARTER CORNER OF SEC. 6,  
T. 6 N., R. 2 E., S.L.B.&M  
FOUND BLM BRASS CAP MONUMENT  
1967 GOOD CONDITION 4" ABOVE GROUND

LOT 20  
BARRIE MCKAY  
21-142-0001

SIX H LIMITED PARTNERSHIP  
21-005-0030

CENTER CORNER OF SEC. 6, T6N, R2E, S.L.B.&M  
FOUND OLD 1/2" REBAR AT OLD FENCE CORNER  
ENTRY NO. 2785086 & ROS# 4581

- NOTES:
- 1 - ALL PUBLIC UTILITY EASEMENTS (P.U.E.) ARE 7.0 FOOT WIDE UNLESS OTHERWISE NOTED.
  - 2 - LOT 25 HAS A METERED CULINARY HOOKUP.
  - 3 - A PORTION OF THE SUBJECT PROPERTY FALLS WITHIN THE LIMITS OF FEMA ZONE AE PER FEMA FIRM MAP NO. 49057C0242F WITH AN EFFECTIVE DATE OF 06/02/2015.
  - 4 - ALL ELEVATIONS SHOWN ARE REFERENCED TO THE N.A.V.D. 88 DATUM.



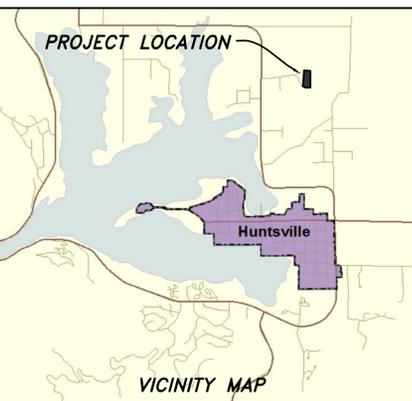
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0 50 100  
Scale in Feet  
(Data in Parentheses is Record)

#### LEGEND

- SUBJECT PROPERTY LINE
- - - SUBDIVISION BOUNDARY
- - - ADJOINING PROPERTY LINE
- - - PREVIOUS PROPERTY LINE
- - - CENTERLINE
- - - PUBLIC UTILITY EASEMENT (PUE)
- ▨ FEMA ZONE AE
- FENCE LINE
- WITNESS CORNER
- FOUND OLD 1/2" REBAR SET BY OTHERS
- SET 5/8"x24" REBAR WITH CAP
- SECTION CORNER

#### AGRICULTURAL NOTE

AGRICULTURE IS THE PREFERRED USE IN THE AGRICULTURE ZONES. AGRICULTURE OPERATIONS AS SPECIFIED IN THE ZONING ORDINANCE FOR A PARTICULAR ZONE ARE PERMITTED AT ANY TIME INCLUDING THE OPERATION OF FARM MACHINERY AND NO ALLOWED AGRICULTURE USE SHALL BE SUBJECT TO RESTRICTION ON THAT IT INTERFERES WITH ACTIVITIES OF FUTURE RESIDENTS OF THIS SUBDIVISION



DEVELOPER:  
TROY GREEN  
7522 EAST 1400 NORTH  
HUNTSVILLE, UTAH 84317  
(801) 644-3196



**HANSEN & ASSOCIATES, INC.**  
Consulting Engineers and Land Surveyors  
538 North Main Street, Brigham, Utah 84302  
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# 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 for one lot in a future two-lot subdivision.
<b>Agenda Date:</b>	Wednesday, September 02, 2020
<b>Applicant:</b>	Brian and Susan Savitt (Authorized Representatives)
<b>File Number:</b>	AAE 2020-04

### Property Information

<b>Approximate Address:</b>	3248 E 3350 N, Eden, UT 84310
<b>Project Area:</b>	9.62 Acres
<b>Zoning:</b>	Agricultural Valley 3 Zone (AV-3)
<b>Existing Land Use:</b>	Vacant
<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>	Vacant	<b>South:</b>	Residential
<b>East:</b>	Vacant	<b>West:</b>	Vacant

### Staff Information

<b>Report Presenter:</b>	Scott Perkes sperkes@co.weber.ut.us 801-399-8772
<b>Report Reviewer:</b>	RG

## Applicable Land Use Codes

- Title 104 (Zones) Chapter 6 (Agricultural Valley 3 (AV-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 of a private access easement to provide access to one lot in a future two lot subdivision (see **Exhibit A**). If this application for an alternative access by private right-of-way is approved, the owner will apply for a two-lot subdivision to split the subject property into two lots for single-family homes (see **Exhibit B**).

## 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**.*

The applicant has submitted a narrative (see **Exhibit A**) along with this application explaining their arguments as to why it would be impractical to extend a street to serve the proposed future subdivision. In this narrative the applicant explains that they intend to split the subject parcel in half through the width of the parcel rather than through the length of the parcel.

This is desired to create more block-shaped lots rather than long linear lots. While enough frontage exists along 3350 North Street to create two long and linear lots of at least 150 feet of width, the applicant would much prefer to create block-shaped lots by splitting the parcel through its width. This would facilitate the siting of buildings such as homes, accessory buildings, and ease on-site circulation. For this reason, the applicant believes that it is impractical for this parcel to require both future lots to take frontage off of 3350 North Street or dedicate a full county road to service the one northern-most lot.

LUC §108-7-31 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. Based on the submitted concept plat (see **Exhibit B**), the proposed access easement would be 20 feet wide and approximately 640 feet long.

Review Agencies: The applicant will be required to comply with all review agency requirements prior to issuance of a certificate of occupancy on any home that will gain access from the access easement.

### **Staff Recommendation**

Staff recommends approval of AAE 2020-04, to provide access by private access easement to a future two lot subdivision, as shown on the concept plan included as Exhibit B. 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.
3. 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.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to one lot is not practical due to the parcel's property boundary conditions.

### **Administrative Approval**

Administrative final approval of AAE 2020-04 to create a private road that would serve as an access to one future residential lot.

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

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

### **Exhibits**

- A. Alternative Access Exception Application
- B. Concept Plat



**Exhibit A: Application and Narrative**

<b>Weber County Alternative Access Application</b>			
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted /Completed <b>8/17/2020</b>	Application Fee: <b>\$350.00</b>	Receipt Number (Office Use)	File Number (Office Use)
<b>Application Type</b>			
<input type="checkbox"/> Flag lot access strip <input checked="" type="checkbox"/> Access by Private Right of Way <input 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>Brian Jay and Susan Savitt</b>		Mailing Address of Property Owner(s) <b>PO BOX 932 Eden, UT 84310</b>	
Phone <b>801-309-6939</b>	Fax <b>n/a</b>		
Email Address (required) <b>savitt77@gmail.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>Susan Savitt</b>		Mailing Address of Authorized Person <b>PO BOX 932 Eden, UT 84310</b>	
Phone <b>801-309-6939</b>	Fax		
Email Address (required) <b>savitt77@gmail.com</b>		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>Long Meadow Subdivision</b>		Total Acreage <b>9.6</b>	Current Zoning <b>AV3</b>
Approximate Address <b>3248 E. 3350 N. Eden, UT 84310</b>		Land Serial Number(s) <b>Tax ID 22-354-0002</b>	
Proposed Use <b>Residential / Agricultural</b>			
Project Narrative <p>Alternate access is requested although there is sufficient frontage to divide the property lengthwise (North to South)</p> <ul style="list-style-type: none"> <li>- Dividing property in a more block shape vs. less desirable long linear shape.</li> <li>- Gives a more diverse use for the property including: out buildings, farming/crops, circulation, animals, building locations &amp; size.</li> <li>- Value is significantly higher for properties that have a more open layout and less restrictive setbacks.</li> <li>- Well and septic locations will be further apart from neighboring properties with a block-like subdivision</li> </ul>			

Narrative continued

- view corridor down 3350 N. will be less crowded and will appear more rural by subdividing in a block like subdivision.
- Block-like subdivision will meet the needs of Weber County.

### 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), Brian Jay Savitt and Susan Savitt, 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.

[Signature] Property Owner      Susan Savitt Property Owner

Subscribed and sworn to me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_ Notary

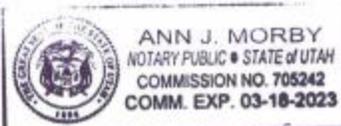
**Authorized Representative Affidavit**

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.

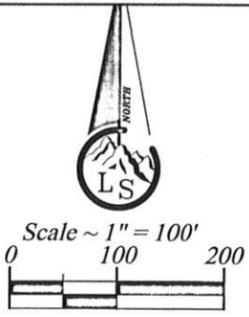
\_\_\_\_ Property Owner      \_\_\_\_\_ Property Owner

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

[Signature] Notary



PART OF THE NW 1/4 OF SECTION 29 TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN  
UNINCORPORATED WEBER COUNTY, UTAH - MAY 2018 **Exhibit B**



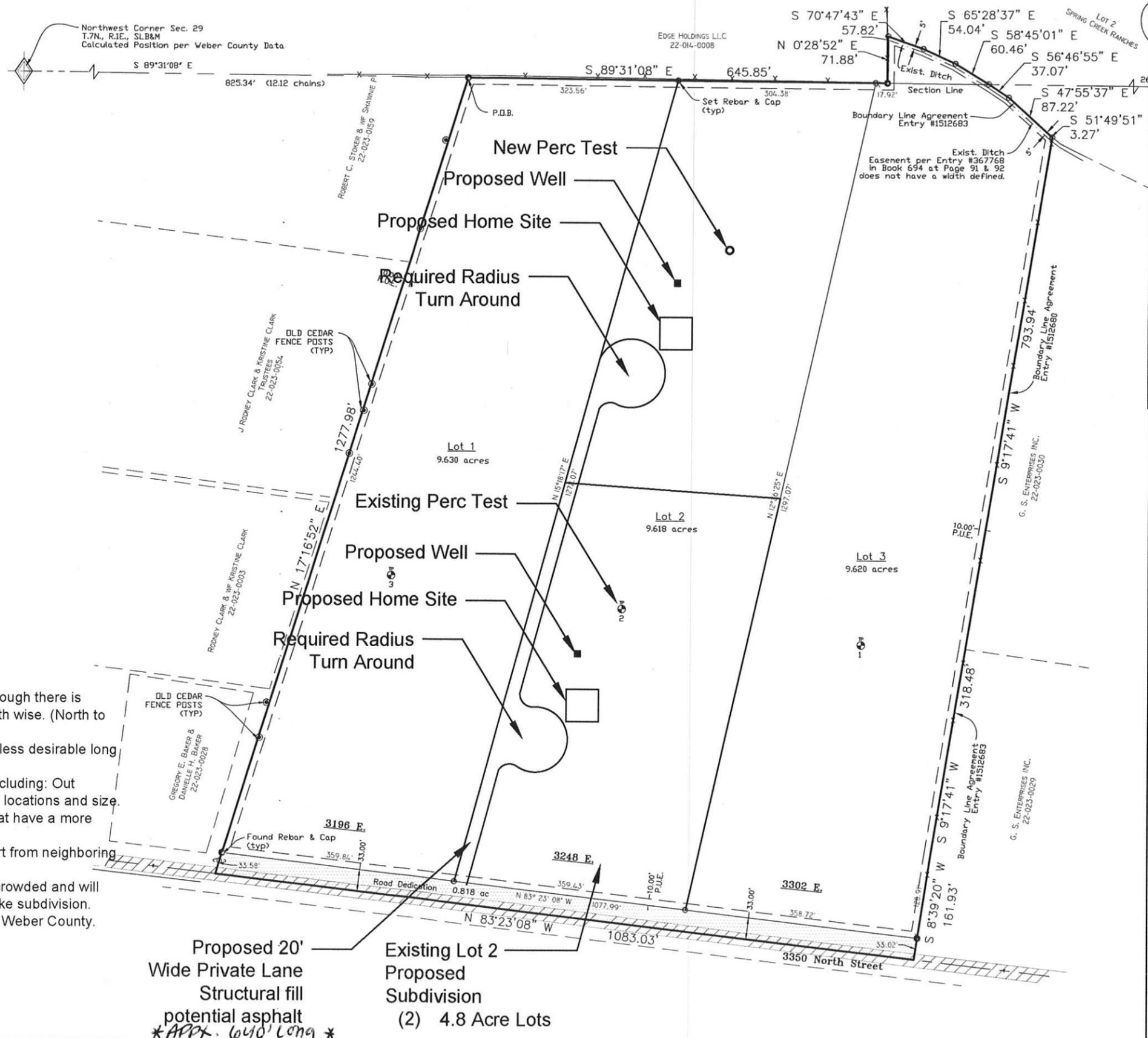
- Legend**
- - - - - EXISTING FENCE
  - - - - - EASEMENTS
  - - - - - STREET CENTERLINE
  - ◆ FND SECTION CORNER
  - FND REBAR AND CAP
  - SET #5x24" REBAR AND CAP STAMPED LANDMARK
  - ▨ ROAD/STREET DEDICATION

- NOTE:**
1. Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision. [Amd. Ord. Sec. 106-1-8(c)(5)]
  2. Each lot may be subject to the Easement as contained in the Entry #367768 in Book 694 at Page 91 & 92 of Official Records. This recorded easement does not contain a width for the easement and cannot be shown on this plat.
  3. Due to the topography and the location of this subdivision all owners will accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed.

Alternate Access Narrative: is requested although there is sufficient frontage to divide the property length wise. (North to south)

\*Dividing property in a more block shape vs. less desirable long lineal shape.

- Gives a more diverse use for the property including: Out buildings, farming/ crops, circulation, building locations and size.
- Value is significantly higher for properties that have a more open layout and less restrictive setbacks.
- Well and Septic locations will be further apart from neighboring properties with a block like subdivision.
- View corridor down 3350 North will be less crowded and will appear more rural by subdividing in a block like subdivision.
- Block like subdivision will meet the needs of Weber County.



Proposed 20' Wide Private Lane  
Structural fill  
potential asphalt  
\*APPR. 640' Long \*

Existing Lot 2  
Proposed Subdivision  
(2) 4.8 Acre Lots

**L1.0**

**Concept Plan**

PROPERTY OF VALLEY DESIGN BUILD. ANY USE OF THIS PROPERTY WITHOUT WRITTEN CONSENT FOR BIDDING OR INSTALLATION PURPOSES, OUTSIDE OF VDB, IS PROHIBITED.

**VALLEY DESIGN BUILD**  
EDEN, UTAH 801-510-7142