



## Staff Report to the Weber County Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	A public hearing to consider and take action on a request to vacate 5 feet of a 10 foot public utility easement, located along parcel D6, Summit Eden Phase 1D, Amendment 1
<b>Agenda Date:</b>	Tuesday, May 11, 2021
<b>Applicant:</b>	SMHG Village Development LLC
<b>File Number:</b>	EV 2021-05

#### Property Information

<b>Approximate Address:</b>	5788 N Daybreak Ridge
<b>Project Area:</b>	3.21 acres
<b>Zoning:</b>	DRR-1 Zone
<b>Existing Land Use:</b>	Vacant Resort
<b>Proposed Land Use:</b>	Resort Use
<b>Parcel ID:</b>	23-138-0003
<b>Township, Range, Section:</b>	T7N, R2E, Section 8

#### Adjacent Land Use

<b>North:</b>	Powder Mountain Resort	<b>South:</b>	Powder Mountain Resort
<b>East:</b>	Powder Mountain Resort	<b>West:</b>	Powder Mountain Resort

#### Staff Information

<b>Report Presenter:</b>	Steve Burton sburton@webercountyutah.gov 801-399-8766
<b>Report Reviewer:</b>	RG

### Background and Summary

The applicant has proposed to vacate 5 feet of a 10 foot public utility easement located along the front and side property line of parcel D6 of the Summit Eden Phase 1D Amendment 1 subdivision. The applicant indicates that all existing utilities that are adjacent to this parcel are located in the private street right of way. Given that the front yard setback is zero, and that the side yard setback is 5 feet in this zone, the proposed vacation will allow more area for the future mixed use development to use. The proposed vacation will still leave a 5 foot utility easement along the front and side property lines.

### Summary of County Commission Considerations

The County Commission will need to determine if there will be any detrimental impacts caused by vacating the proposed public utility easements. Utah Code §17-27a-609.5 states that *"The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:*

- (a) good cause exists for the vacation; and*
- (b) the public interest or any person will not be materially injured by the proposed vacation.*

### Conformance to the General Plan

Vacating the identified easement is not anticipated to have a negative effect the Ogden Valley General Plan.

### Staff Recommendation

Staff recommends approval of the request to vacate 5 feet of the 10 foot public utility easement described in this report. This recommendation for approval is subject to all review agency requirements.

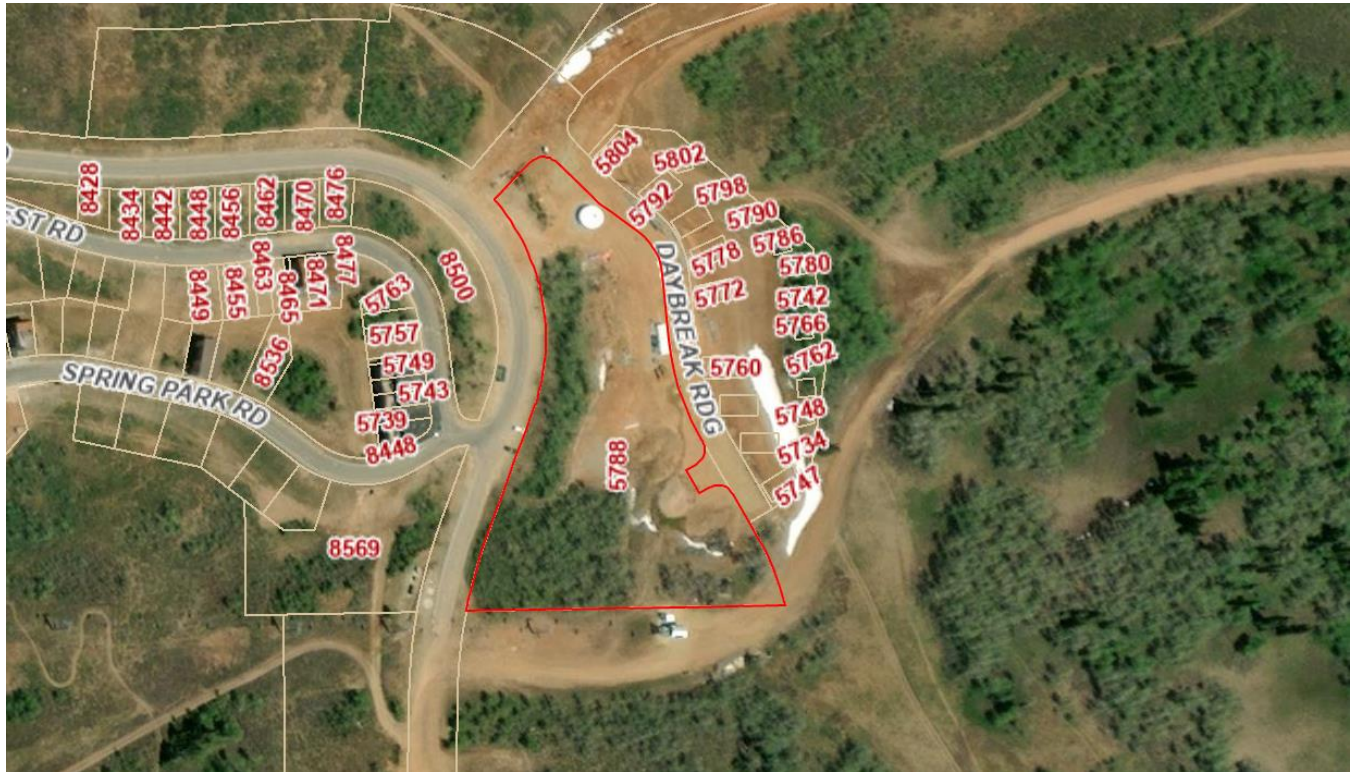
The recommendation is based on the following findings:

1. Vacating the proposed public utility easement will not have a negative effect on the Ogden Valley General Plan.
2. Based on the proposed subdivision amendment, good cause exists to vacate the easement.
3. The public interest or any person will not be materially injured by the proposed vacation.

## Exhibits

- A. Easement Vacation Application with Narrative
- B. Proposed Vacation Ordinance

## Location Map



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF WEBER COUNTY VACATING A PORTION OF  
A PUBLIC UTILITY EASEMENT IN THE SUMMIT EDEN PHASE 1D SUBDIVISION,  
AMENDMENT 1**

**WHEREAS**, the Owner has filed a petition to vacate five feet of a ten foot public utility easement along the front and side property lines of parcel D6, adjacent to private streets in the Summit Eden Phase 1D Subdivision, Amendment 1, as described in Exhibit A of this ordinance; and

**WHEREAS**, after providing proper public notice, a public hearing was held before the Weber County Commission on \_\_\_\_\_, 2021, regarding the vacation of the public utility easement; and

**WHEREAS**, Weber County's Engineering Department has been notified and has provided written approval of the vacation of the portion of the public utility easement; and

**WHEREAS**, the Commission finds that good cause exists to vacate the portion of public utility easement, and that it will not substantially affect the Ogden Valley General Plan, and that neither the public interest nor any person will be materially injured;

**NOW THEREFORE**, the Board of County Commissioners of Weber County vacates the portion of public utility easement, as described in Exhibit A of this ordinance.

Adopted and ordered published this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Weber County Commission

By \_\_\_\_\_  
James H. Harvey, Chair

Commissioner Froerer	Voted	_____
Commissioner Harvey	Voted	_____
Commissioner Jenkins	Voted	_____

ATTEST:

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk

## Exhibit A

Five feet of the public utility easement located along the front and side property lines of Parcel D6, Summit Eden Phase 1D, Amendment 1