

WEBER COUNTY PLANNING DIVISION

Administrative Review Meeting Agenda

**April 20, 2022
12:00 p.m.**

1. Minutes: March 9, 2022; April 6, 2020

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 Lieferino.**

Adjourn

The meeting will be held in Public Works Conference Room, in the Weber Center, 2nd 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 for these meetings should call the Weber County Planning Commission at 801-399-8374

Link for Packet: http://www.webercountyutah.gov/planning/meeting.php?meeting_id=828

Minutes of March 9, 2022, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT, commencing at 4:00 p.m.

Staff Present: Rick Grover, Planning Director; Steve Burton, Principal Planner; Tammy Aydelotte, Planner; Felix Lleverino, Planner; June Nelson, Secretary

1. Minutes approved from: February 16, 2022

2. Administrative Items

2.1 LVD012722 - Consideration and action on a request for final approval of Doug Harbertson Subdivision, consisting of one lot. **Presenter Felix Lleverino.**

The applicant is requesting approval of a subdivision that proposes to divide off one 40,095 square foot lot from a 46.87-acre parcel. The Doug Harbertson Subdivision fronts on an existing public right-of-way and fully built road called 6700 West Street. The Weber County Transportation Plan indicates that the 6700 West ROW will be widened to 100 feet. A 50' ROW dedication is required, and the County Commission shall sign the plat.

This proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the A-2 Zone found in LUC §104-2. The following section is a brief analysis of this project against current land use regulations.

Staff recommends the final approval of Doug Harbertson Subdivision. Approval is based on completing all county review agency requirements and completion of the following conditions:

1. West Warren Water District conditions are fulfilled before the home construction begins.
2. The owner shall enter into an irrigation water covenant that requires the appropriate shares remain with the subdivided building lot.
3. The subdivision plat displays the appropriate area to be dedicated to 6700 West Street. This requirement is under the direction of the Weber County Engineering Department
4. The owner enters into a Deferral Agreement for the curb, gutter, and sidewalk.
5. The County Commission shall sign the dedication plat accepting the area dedicated to 6700 West

Street. This recommendation is based on the following findings:

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

Administrative final approval of the Doug Harbertson Subdivision is hereby granted after displaying conformity with applicable zoning and subdivision standards. This approval is subject to all Weber County review agency requirements and the conditions of approval stated within this planning staff report.

Date of Administrative Approval: 3/9/2022

Rick Grover

Rick Grover

Weber County Planning Director

2.2 LVS010522: Consideration and action on a request for final approval of Shadow Oaks Subdivision No. 3, First Amendment, located at approximately 6508 S 2800 E, Ogden. **Presenter Steve Burton.**

The applicant has submitted a request for final approval of Shadow Oaks Subdivision No. 3, 1st Amendment. The purpose of the amendment is to adjust a boundary between two lots (originally lots 18 and 19). The proposal does not create any more lots than currently exist.

The proposed subdivision conforms to both the zoning and final subdivision requirements of the Uniform Land Use Code of Weber County, Utah (LUC). The application has been reviewed against certain standards of the Land Use Code and the following is staff's evaluation of the request.

Approved based on the following:

Staff recommends final approval of Shadow Oaks Subdivision No. 3, First Amendment. This recommendation is based on the following findings:

- 1. The proposed subdivision conforms to the General Plan.
- 2. The proposed subdivision complies with applicable County ordinances.

Staff Recommendation

- 1. All service providers comments shall be addressed.

Shadow Oaks Subdivision No. 3, First Amendment was approved on March 9, 2022

Date of Administrative Approval: 3/9/2022

Rick Grover

Rick Grover
Weber County Planning Director

2.3 File No: LVH02072022 – Request for final Approval of Henry Flats Cluster Subdivision 1st Amendment, located at 325 S4350 W, Ogden, UT, 84404. **Presenter Tammy Aydelotte.**

The Planning Division recommends final approval of Henry Flats Cluster Subdivision 1st Amendment, removing the designated building envelope on lot 6. The applicant would like additional space to for an outbuilding on the northeast side of the lot.

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 and the Zoning Development Agreement Master Plan as well as the applicable subdivision requirements as required in the LUC.

Staff recommends final approval of Henry Flats Cluster Subdivision 1st Amendment, removing the designated building envelope. This recommendation for approval is subject to all applicable review agency requirements and is based on the following condition:

- 1. Engineering will need to review and approve prior to printing of the final plat.

This recommendation is based on the following findings:

- 2. The proposed subdivision amendment conforms to the Western Weber General Plan.
- 3. With the recommended conditions, the proposed subdivision amendment complies with all previous approvals and the applicable County ordinances.

Administrative final approval of Henry Flats Cluster Subdivision 1st 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: 3/9/2022

Rick Grover

Rick Grover
Weber County Planning Director

Adjourn

Respectfully Submitted,
June Nelson
Lead Office Specialist

April 6, 2022

Minutes of April 6, 2022, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT, commencing at 4:00 p.m.

Staff Present: Steve Burton, Principal Planner; Scott Perkes Planner; Felix Lleverino, Planner; June Nelson, Secretary

1. **Minutes from March 9, 2022 were not approved. They will wait for the Planning Director (Rick Grover) to approve.**
2. **Administrative Items**
 - 2.1 **LVP030722** - Consideration and action on a request for administrative approval of Peacock Hollow Subdivision, consisting of 2 lots. **Presenter Felix Lleverino**

The applicant is requesting approval of a two-lot subdivision that occupies an area of 2-acres for residential lots. The remainder agricultural parcel contains 21.04 acres. The appropriate right of way dedication to 950 North Street is complete. Access to both lots will be from 950 North Street, which is built to a rural county standard.

This proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the A-1 Zone found in LUC §104-2. The following section is a brief analysis of this project against current land use regulations. Gregg Allen a representative was there. He stated that they have been working with Tucker Weight-an Engineer for the County. Things are going good.

Staff recommends final approval of the Peacock Hollow Subdivision. Administrative approval from the Planning Division is based on the following conditions:

1. The owner shall enter into a Deferral Agreement for the curb, gutter, and sidewalk.
2. The Taylor West Weber Water District shall give final approval before recording the plat.

This recommendation is based on the following findings:

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

Administrative final approval of the Peacock Hollow Subdivision, consisting of 2 lots, is hereby granted based on the conditions and finding stated in this planning division staff report

Date of Administrative Approval: April 6, 2022

Steve Burton

Steve Burton
Weber County Principal Planner

- 2.2 **LVT021722:** Consideration and action on a request for final approval of Taylor Landing Phase 1A 1st Amendment, to create an additional open space parcel to be conveyed to the Western Weber Parks District. **Presenter: Scott Perkes.**

Taylor Landing Phase 1A was originally recorded on May 18, 2021. Phase 1A consisted of 28 clustered residential lots along with the dedication of 12.81 acres of open space. Since this time, the applicant has worked with local residents and the Western Weber Parks District to identify 9.5 acres of land within the previously dedicated 12.81 acre open space parcel that could be donated to the Western Weber Parks District.

This proposed minor amendment to Phase 1A (see **Exhibit A**) serves as an instrument to create the 9.5 acre park parcel. It will also serve as an amendment to the original Open Space Preservation Plan and Preliminary Plan for the 5-phase, 156- lot Taylor Landing Cluster Subdivision as a whole.

April 6, 2022

Scott Perkes stated that the County Attorney said that this item was ok to do at an Administrative Review meeting. There is no change to lots or density.

Planning staff recommends final approval of the Taylor Landing Cluster Subdivision Phase 1A 1st Amendment. This recommendation for approval is subject to all review agency requirements.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. The proposed amendment adheres to the open space requirements the Cluster Subdivision Ordinance
3. The proposed subdivision complies with applicable County ordinances.

Administrative final approval of Taylor Landing Phase 1A 1st Amendment, to create an additional open space parcel to be conveyed to the Western Weber Parks is hereby granted based on the conditions and finding stated in this planning division staff report.

Date of Administrative Approval: April 6, 2022

Steve Burton

Steve Burton
Weber County Principal Planner

Adjourn

Respectfully Submitted,

June Nelson

Lead Office Specialist



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on an alternative access request to use a private right-of-way as the primary access to a parcel.
Agenda Date:	Wednesday, April 20, 2022
Applicant:	Paul Coles (Owner)
File Number:	AAE 2022-02

Property Information

Approximate Address:	1662 S Toliver Lane, Huntsville
Project Area:	8.6 acres
Zoning:	Forest Valley 3 Zone (FV-3)
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	20-035-0020
Township, Range, Section:	T6N, R1E, Section 23, SE

Adjacent Land Use

North:	Vacant	South:	Vacant
East:	Vacant	West:	Vacant

Staff Information

Report Presenter:	Felix Lleverino flleverino@webercountyutah.gov 801-399-8767
Report Reviewer:	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 8.6-acre 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.

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 (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.

Review Agencies: 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.

Staff Recommendation

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 Approval

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.

Date of Administrative Approval: April 20th 2022

Rick Grover - Planning Director

Exhibits

- A. Site plan
- B. Toliver Lane Warranty Deed
- C. Engineered Plans for Toliver Lane

Property Map

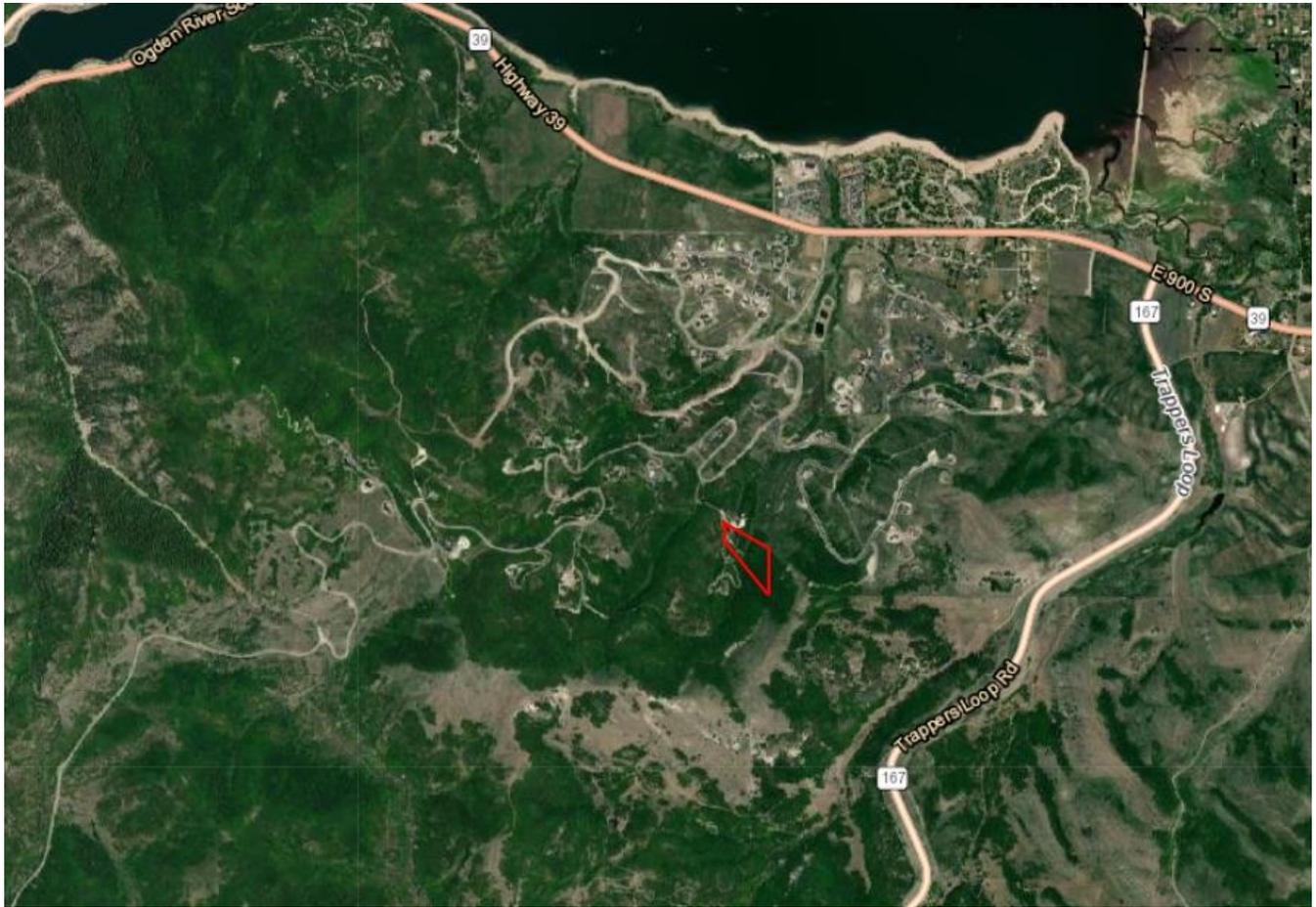
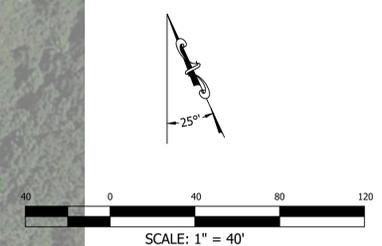


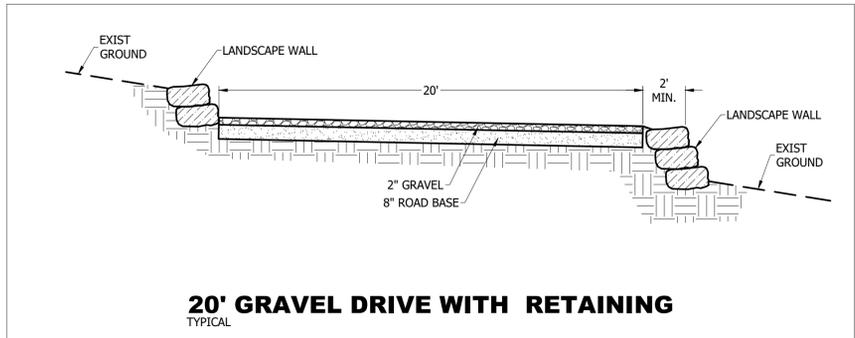
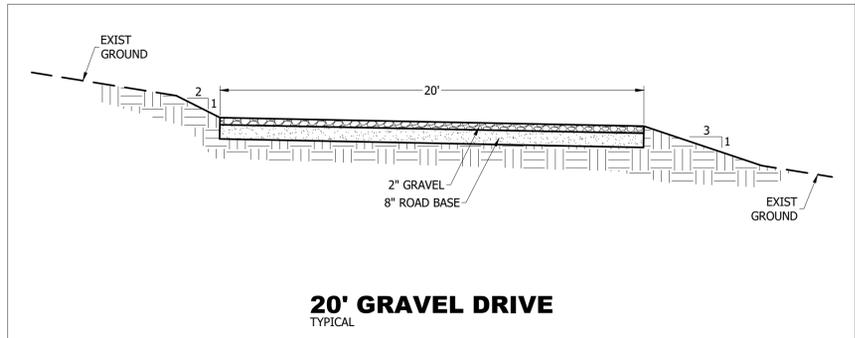
Exhibit A



1470 South 600 West
Woods Cross, UT 84010
Phone 801.298.2236
www.Entellus.com



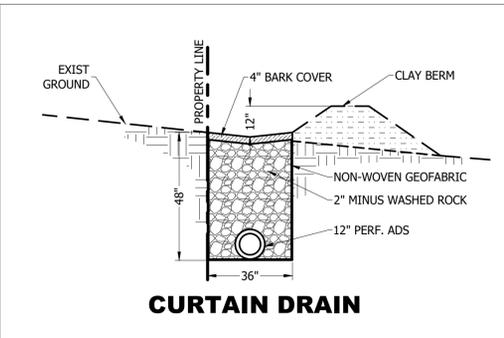
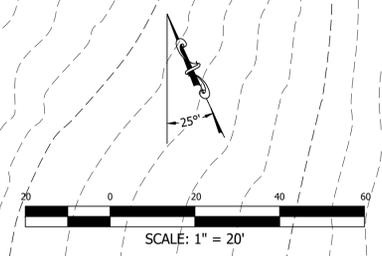
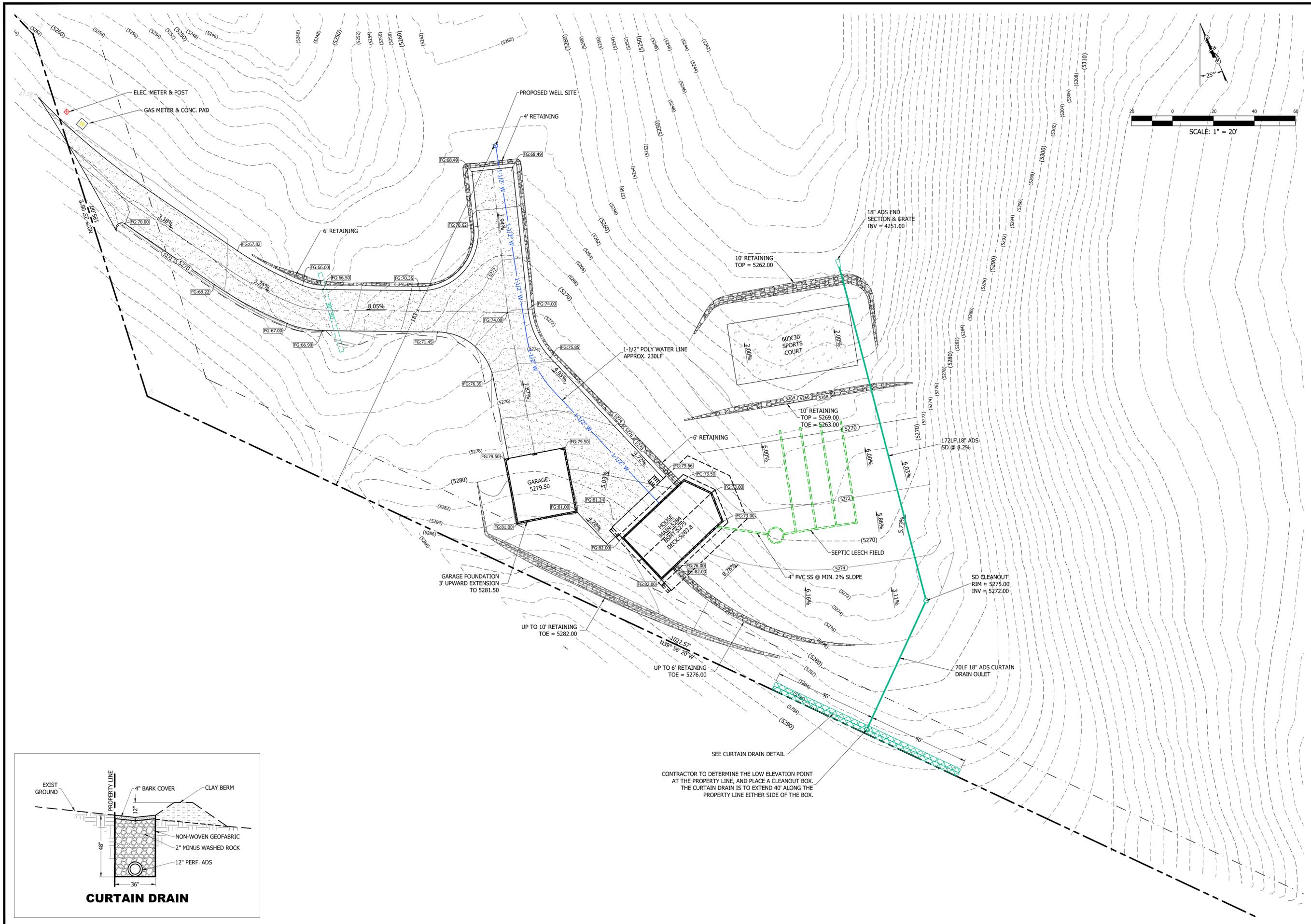
TOLLIVER LANE CABIN
±1650 SOUTH TOLLIVER LANE
20-035-0020
LOCATED IN THE SE 1/4 OF SECTION 23, T.6N., R.1E., S.1.B.&M.
HUNTSVILLE CITY, WEBER COUNTY, UTAH



REV #	DATE	COMMENT

DRAWN: LKM
APPROVED: LKM
PROJECT #: 1921001
1921001 SITE 2021-06-24.dwg

C400
SITE PLAN



CURTAIN DRAIN

CONTRACTOR TO DETERMINE THE LOW ELEVATION POINT AT THE PROPERTY LINE, AND PLACE A CLEANOUT BOX. THE CURTAIN DRAIN IS TO EXTEND 40' ALONG THE PROPERTY LINE EITHER SIDE OF THE BOX.

1470 South 600 West
Woods Cross, UT 84010
Phone 801.298.2236
www.Entellus.com



TOLLIVER LANE CABIN

±1650 SOUTH TOLLIVER LANE
20-055-0020
LOCATED IN THE SE 1/4 OF SECTION 23, T.6N., R.1E., S.1.B.&M.
HUNTSVILLE CITY, WEBER COUNTY, UTAH

REV #	DATE	COMMENT

DRAWN: LKM
APPROVED: LKM
PROJECT #: 1921001
1921001 SITE 2021-06-24.dwg

Exhibit B



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 11:04 AM FEE \$13.00 DEP SY
REC FOR: FIRST AMERICAN - BOUNTIFUL
ELECTRONICALLY RECORDED

AFTER RECORDING RETURN TO:
Matthew Eric Tolliver
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 Tolliver, 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 B

E# 2737593 PG 2 OF 2

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

Special Warranty Deed - continued

File No.: 331-5711847 (ER)

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

GAF Investments LLC

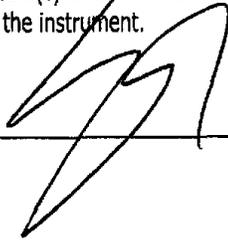

By: Greg Furch, Managing Member

STATE OF Utah)
County of Wasatch)ss.

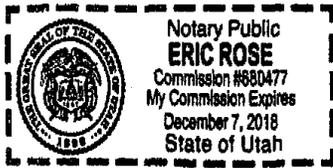
On May 26, 2015, before me, the undersigned Notary Public, personally appeared **Greg Furch, Managing Member of GAF Investments LLC**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged 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.

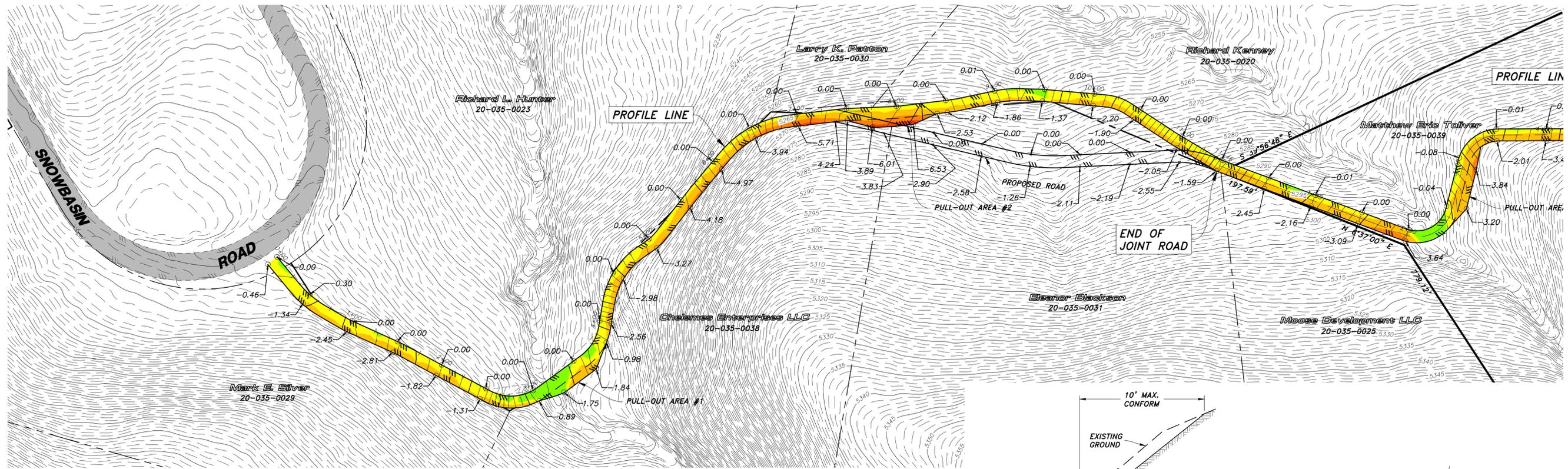
My Commission Expires: 12/7/18



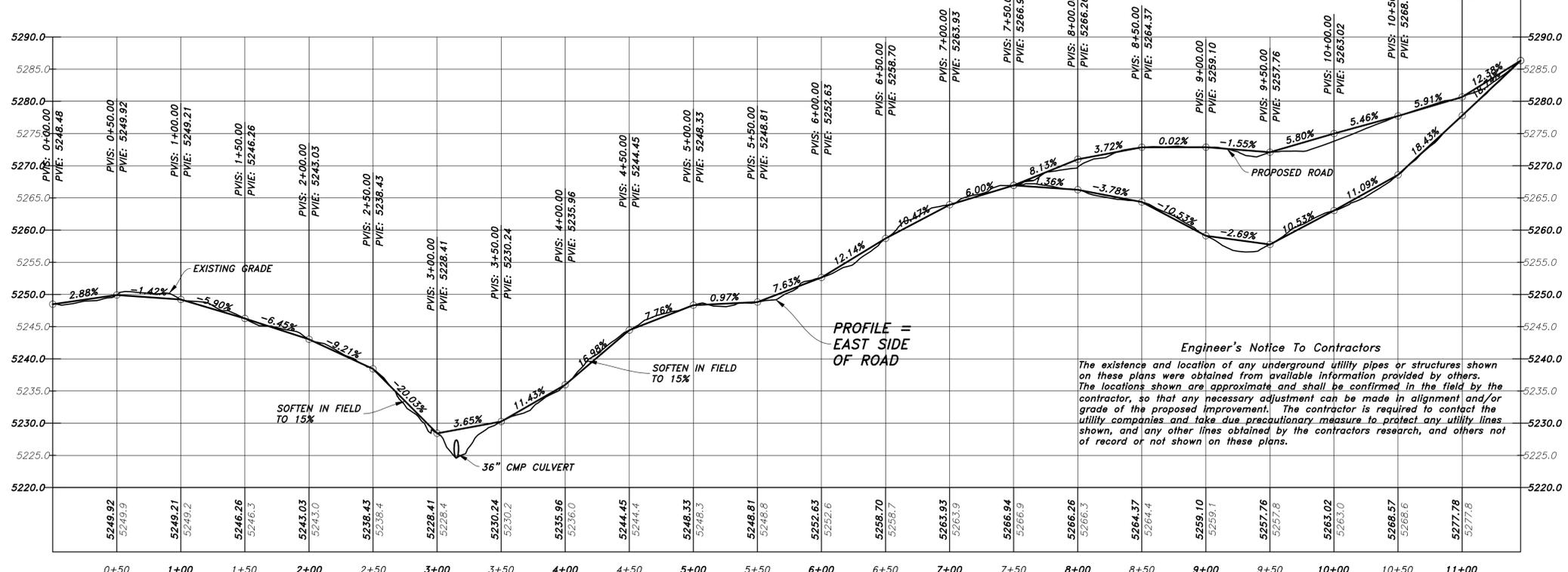
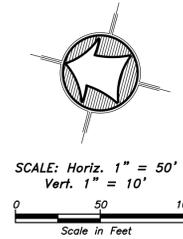
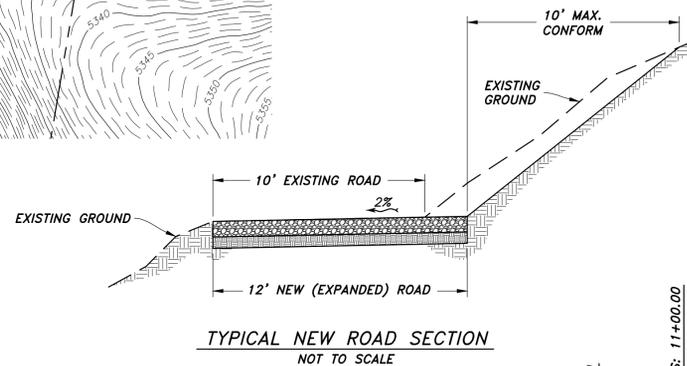
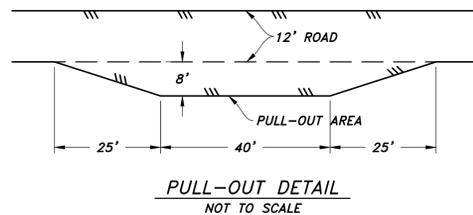
Notary Public



MATT TOLIVER OFF-SITE COMMON ROAD



NUMBER	MINIMUM ELEVATION	MAXIMUM ELEVATION	COLOR
1	-20.00	-10.00	Red
2	-10.00	-5.00	Orange
3	-5.00	-3.00	Yellow
4	-3.00	-1.00	Light Green
5	-1.00	0.00	Green
6	0.00	6.00	Dark Green



LEGEND

- Subject Property Line
- Adjoining Property Line
- Centerline
- Ditch/Flowline
- Existing 5.0' 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 Digs BEFORE YOU

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 contractor's research, and others not of record or not shown on these plans.

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	

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

HAI

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	1
of	2
Sheets	

