



## WEBER COUNTY PLANNING DIVISION

### Administrative Review Meeting Agenda Amended

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**June 02, 2017  
4:00-5:00 p.m.**

- 1. Consideration and action on an administrative application for final approval of the Benstog Subdivision, a small subdivision consisting of three lots and an alternative access by private right of way.**
- 2. Consideration and action on final plat approval of Freedom Knoll, removing the southern ½ of lot 1 and combining it with the adjacent parcel 20-001-0033 to be re-platted as Lot 1, Fox Farm Subdivision.**
- 3. *Adjournment***

*The meeting will be held in the Weber County Planning Division Conference Room, Suite 240, in the Weber Center, 2nd Floor, 2380 Washington Blvd., Ogden, Utah unless otherwise posted*



*In compliance with the American 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 Subdivision Approval

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on an administrative application for final approval of the Benstog Subdivision, a small subdivision consisting of three lots and an alternative access by private right of way.

**Type of Decision:** Administrative

**Agenda Date:** Friday, June 02, 2017

**Applicant:** Patrick Benstog

**File Number:** UVB031617 and AAE 2017-02

#### Property Information

**Approximate Address:** 9282 East 500 South, Huntsville, UT 83417

**Project Area:** 12 acres

**Zoning:** Agriculture Valley (AV-3) Zone

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**Parcel ID:** 21-023-0005

**Township, Range, Section:** T6N, R2E, Section 16

#### Adjacent Land Use

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

#### Staff Information

**Report Presenter:** Steve Burton  
sburton@co.weber.ut.us  
801-399-8766

**Report Reviewer:** RK

### Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 6 (AV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 108 Chapter 7 (Flag lot access strip, private right-of-way, and access easement standards)

### Background and Summary

The applicant is requesting approval of Benstog Subdivision, including an alternative access by private right of way, located at approximately 9282 East 500 South, Huntsville. The subdivision will consist of 3 lots, 2 of which will have adequate frontage along 500 South. Lot 3 is proposed to have access by a 25' wide private right of way located on lot 2. The application states that an irrigation pond and ditch are located on the proposed lot 3, making it impractical and to extend a road through the subdivision to serve one lot.

The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required in the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with the LUC.

### Analysis

**General Plan:** The General Plan for Ogden Valley is intended to preserve private property rights while also preserving the rural characteristics of the Valley. Both requests are in conformance with the General Plan.

**Zoning:** The subject property is located in the Agricultural Valley (AV-3) zone. Single-family dwellings are a permitted use in the AV-3 zone.

**Lot area, frontage/width and yard regulations:** In the LUC §104-6-6, the AV-3 zone requires a minimum lot area of 3 acres and a minimum lot width of 150'. All lots within the proposed subdivision have an area of at least 3 acres and Lots 1 and 2 maintain the 150' width requirement. Lot 3 is proposed to gain access from 500 South by a

private right of way. The proposed private right of way will be 25' wide, 257' long, and will need to meet the design standards in LUC §108-7-29 as outlined below:

*Design standards.*

- a. *The private right-of-way/ access easement shall be designed and built to a standard approved by the county engineer. The improved road surface does not require hard-surface paving, i.e., concrete or asphalt, but the improvements shall meet the following standards.*
- b. *The A private right-of-way /access easement shall have a minimum width of 16 feet and a maximum width of 50 feet. The private right-of-way and access easement width standards may be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case basis.*
- c. *The improved travel surface of the private right-of-way /access easement shall be a minimum of 12 feet wide if the access serves fewer than five dwellings, and a minimum of 20 feet wide if the access serves five or more dwellings.*
- d. *The improved road surface of the private right-of-way /access easement shall be capable of supporting a minimum weight of 75,000 pounds.*
- e. *A turnout measuring at least ten feet by 40 feet shall be provided adjacent to the traveled surface of the a private right-of-way/ access easement (private access) if the private access is greater than 200 feet in length. The turnout shall be located at the approximate midpoint of the private access if its length is between 200 and 800 feet. If the private access length is greater than 800 feet, turnouts shall be provided at least every 400 feet thereafter. These standards may be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case basis.*
- f. *The private right-of-way/ access easement shall have a maximum grade of ten percent. This standard may be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case basis; however, the maximum grade shall not exceed 15 percent.*
- g. *The private right-of-way/ access easement shall have a minimum vertical clearance of 14.5 feet.*
- h. *No buildings, structures, or parking areas are allowed within the private right-of-way, or access easement.*
- i. *New bridges, including decking and culverts shall be capable of supporting a minimum weight of 75,000 pounds. For existing bridges, a current certified engineer statement of load bearing capabilities must be submitted to the county engineer and the Weber Fire District for review.*
- j. *The private right-of-way/ access easement shall have a minimum inside travel-way radius of 26 feet, outside travel-way radius of 45 feet, and outside clear zone radius of 50 feet on all curves, particularly switchbacks. The width of the access may need to be increased to accommodate these standards.*
- k. *Water and sewer lines located within the private right-of-way/access easement require written notification from the agencies providing such services.*

A condition of approval has been included to ensure the private right of way design standards are met.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in LUC §106-1, and the AV-3 zone standards in LUC §104-6-6. The proposed subdivision will not create any new public streets. The proposal meets the criteria for "Small Subdivisions", as defined in LUC §101-7, and can be administratively approved per LUC §106-1-5(b)(1).

*Culinary water and sanitary sewage disposal:* Feasibility letters have been provided for the culinary water and the sanitary sewer for the proposed subdivision. The culinary water for the proposed subdivision will be provided by a private well. The sanitary sewage disposal will be an individual waste water treatment system. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

*Review Agencies:* To date, the proposed subdivision has been reviewed by the Engineering Division, Weber Fire District, and the Surveyor's Office. The applicant will need to submit a revised plat with all agencies conditions met prior to recording the final Mylar

*Additional Design Standards:*

According to LUC §108-7-31, approval of a request for alternative access is subject to the applicant demonstrating compliance with the following criteria and conditions:

*(1) 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.

(2) 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.

The applicant has stated on the alternative access application that, due to the irrigation pond located on lot 3, it would be impractical to extend a road through the subdivision. The applicant has also stated that if 150' of frontage were given to lot 3, the lot would be very narrow and would limit the area where a home could be placed.

Tax Clearance: There are no outstanding tax payments related to this parcel.

Public Notice: A notice has been mailed not less than seven calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed small subdivision per noticing requirements outlined in LUC §106-1-6(b).

## Staff Recommendations

Staff recommends final approval of Benstog Subdivision, consisting of three lots and a private right of way access to Lot 3. This recommendation is subject to all review agency requirements and based on the following conditions:

1. The private right of way design standards must be met as outlined in LUC §108-7-29.
2. A covenant to run with the land, concerning provisions of irrigation water, will be required to be recorded in conjunction with the final Mylar.
3. A covenant to run with the land concerning onsite wastewater disposal systems will be required to be recorded in conjunction with the final Mylar.
4. A covenant to run with the land concerning alternative access requirements, as outlined in LUC §108-7-31, will be required to be recorded in conjunction with the final Mylar.
5. A deferral agreement for curb, gutter, and sidewalk will be required as outlined in LUC §106-4-2 (e) and (f).
6. One of the existing homes shown on Lot 1 must be labeled as an accessory structure prior to recording the final Mylar.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable county ordinances.

## Administrative Approval

Administrative final approval of Benstog Subdivision, consisting of three lots and a private right of way access 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: Friday, June 2, 2017.

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Rick Grover  
Weber County Planning Director



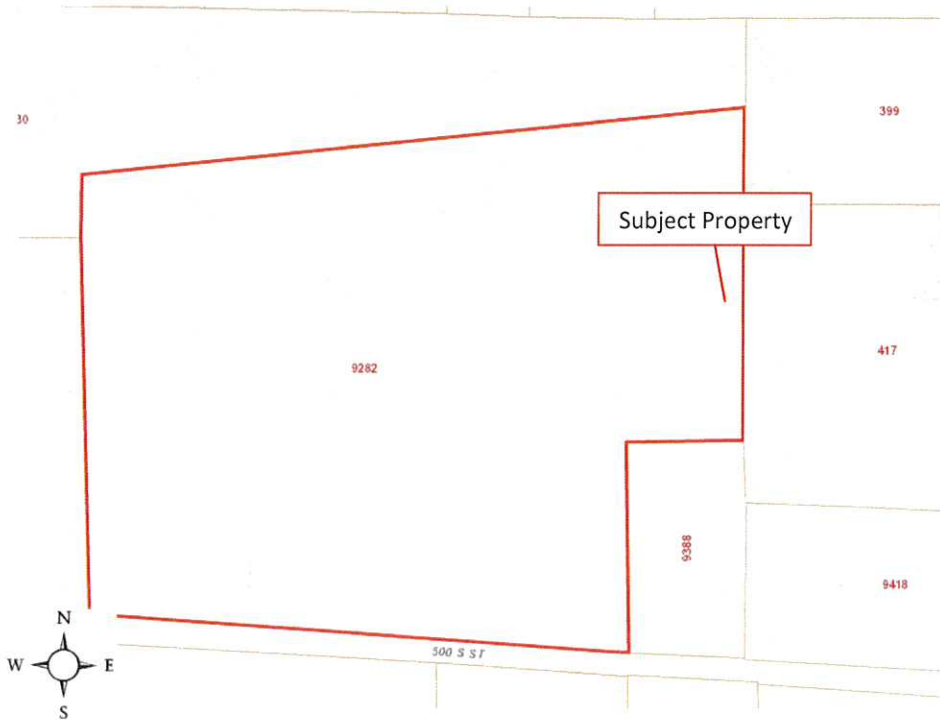
## Exhibits

- A. Plat Map
- B. Alternative Access Application

## Area Map 1



## Area Map 2





## Weber County Alternative Access Application

Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted /Completed <b>3/10/17</b>	Application Fee: <b>\$225.00</b>	Receipt Number (Office Use)	File Number (Office Use)
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**Application Type**

Flag lot access strip  
 Access by Private Right of Way  
 Access at a location other than across the front lot line

**Property Owner Contact Information**

Name of Property Owner(s) <b>PATRICK, PAUL, JOHN, LILA BEUSTOIS</b>		Mailing Address of Property Owner(s) <b>PLANSIST VIEW, 8416</b>	
Phone <b>801-391-7495</b>	Fax	1460 W. PLANSIST VIEW DR	
Email Address (required) <b>PAT@L-LECTORCONSTRUCTION.COM</b>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

**Authorized Representative Contact Information**

Name of Person Authorized to Represent the Property Owner(s) <b>PATRICK BEUSTOIS</b>		Mailing Address of Authorized Person <b>same</b>	
Phone <b>801-391-7495</b>	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required) <b>PAT@L-LECTORCONSTRUCTION.COM</b>			

**Property Information**

Project Name <b>BEUSTOIS SUBDIVISION</b>	Total Acreage <b>12.24 AC</b>	Current Zoning <b>AV 3</b>
Approximate Address <b>500 So 9282 E</b>	Land Serial Number(s)	

Proposed Use  
**ACCESS TO LOT IN SUBDIVISION**

**Project Narrative**

IT CAN BE SHOWN THAT IT WOULD BE IMPRACTICAL TO EXTEND THE ROAD. THE LOT HAS AN IRRIGATION POND AND IF THE 150' FRONTAGE REQUIREMENT WERE APPLIED, IT WOULD NARROW THE LOT SO THAT IT WOULD BE IMPRACTICAL FOR A HOME TO FIT ON REMAINING AREA.





# Staff Report for Administrative Subdivision Approval

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on an administrative application for final approval of the Fox Farm Subdivision, a one lot subdivision consisting of 6.68 acres.

**Type of Decision:** Administrative

**Agenda Date:** Friday, June 02, 2017

**Applicant:** B. Scott Best, Owner

**File Number:** UVF 041017

### Property Information

**Approximate Address:** 6491 E 1900 N, Eden

**Project Area:** 6.68 acres

**Zoning:** Agricultural Valley (AV-3) Zone

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 20-035-0033

**Township, Range, Section:** T6N, R1E, Section 01

### Adjacent Land Use

**North:** 1900 N

**East:** Vacant Agricultural

**South:** Vacant Agricultural

**West:** Residential

### Staff Information

**Report Presenter:** Tammy Aydelotte  
taydelotte@co.weber.ut.us  
801-399-8766

**Report Reviewer:** RK

## Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 6 (AV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

## Background and Summary

The applicant is requesting approval of the Fox Farm Subdivision, a one lot subdivision consisting of 6.68 acres located at approximately 6491 E 1900 N, Eden, in the AV-3 Zone. A deferral agreement has been submitted regarding culinary and wastewater.

The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements of the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with the LUC.

## Analysis

**General Plan:** The General Plan for Ogden Valley is intended to preserve private property rights while also preserving the rural characteristics of the Valley. This proposal conforms to the Ogden Valley General Plan.

**Zoning:** The subject property is located in the Agricultural Valley (AV-3) Zone. Single-family dwellings are a permitted use in the AV-3 Zone.

The proposed small subdivision complies with the site development standards of the AV-3 zone including minimum lot area of 3 acres and minimum lot width of 150 feet. The proposed lot is approximately 6.68 acres and has approximately 365.6 feet of frontage along 1900 N.



As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in LUC 106 chapter 1, and the AV-3 zone standards in LUC 104-06. The proposed subdivision will not create any new public streets. The proposal meets the criteria for "Small Subdivisions", as defined in LUC 101-1-7, and can be administratively approved per LUC 106-1-5(b)(1).

Culinary water and sanitary sewage disposal: Culinary water is provided by Eden Water Works Company, and sanitary sewer is provided by Pineview West Water Company. The applicant is not proposing a new building lot, feasibility letters regarding water and sewer are not necessary at this time.

Review Agencies: To date, the proposed subdivision has not yet been approved by the any of the other review agencies. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Additional Design Standards: Additional standards and requirements from reviewing agencies, including the Weber County Engineering Division must be fulfilled before the recording of the final plat.

Tax Clearance: There are no outstanding tax payments related to this parcel.

Public Notice: A notice has been mailed not less than seven calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed small subdivision per noticing requirements outlined in LUC §106-1-6.

### Staff Recommendations

Staff recommends final approval of the Fox Farm Subdivision, a one lot subdivision consisting of 6.68 acres. This recommendation is subject to all review agency requirements.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable county ordinances.
3. The proposed subdivision will not be detrimental to public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

### Administrative Approval

Administrative final approval of the Fox Farm Subdivision 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: Friday, June 2, 2017

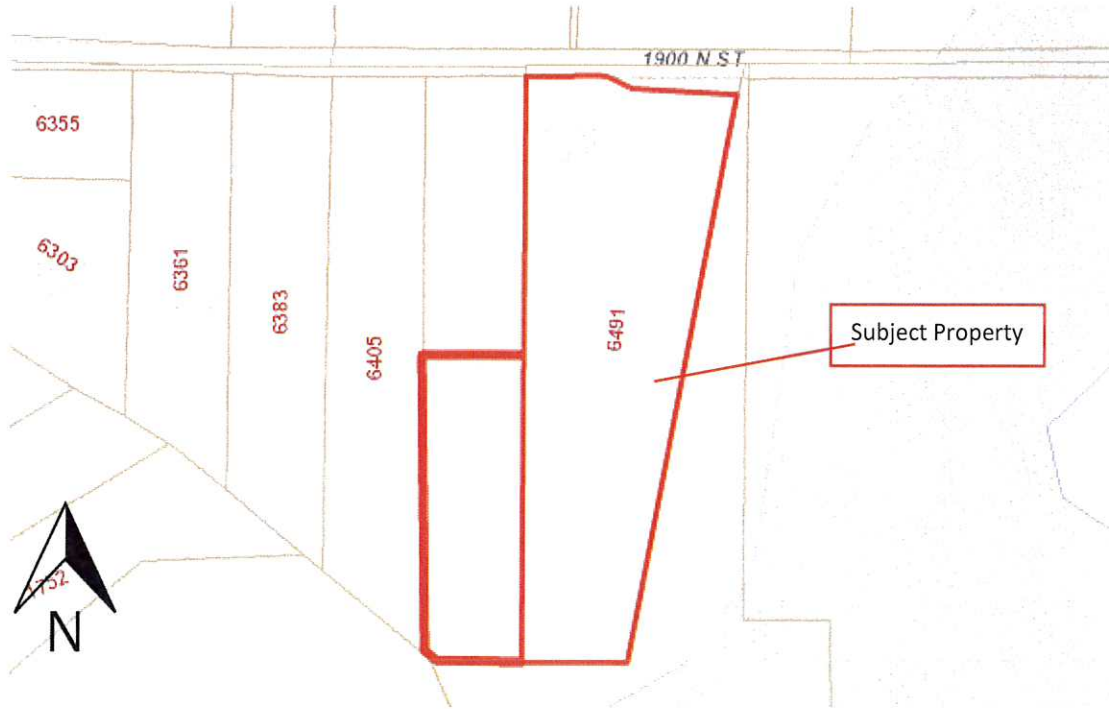
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Rick Grover  
Weber County Planning Director

### Exhibits

- A. Subdivision Application
- B. Plat Map
- C. Feasibility letters

Area Map 1



Area Map 2

