

**Minutes of May 15, 2026, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT, commencing at 1:00 p.m.**

**Staff Present: Charlie Ewert, Acting for Planning Director; Felix Lleverino; Planner II, Marta Borchert, Secretary**

## **1. Administrative Items**

**1.1 LVL022526:** Consideration and action on a request for final approval of the Little Mountain Industrial Park Subdivision, consisting of six manufacturing lots located at approximately 9175 W 900 S.

**Staff Presenter: Felix Lleverino**

Charlie Ewert noted that this is a continuation of last weeks AR meeting concerning LVL022526 – Consideration and action on a request for final approval of the Little Mountain Industrial Park Subdivision, consisting of six manufacturing lots located at approximately 9175 W 900 S. He asked Felix Lleverino, if he had any additional information to present concerning this item. Felix Lleverino stated that he did not.

Charlie stated that staff intended to approve the development with conditions. He explained that after additional review with the County Attorney’s Office, staff had reconsidered how state code provisions related to subdivision review cycles and waivers should be interpreted. He stated that if the applicant preferred, the matter could still be tabled to allow additional revisions, or denied to allow for appeal. Charlie noted that approval with conditions would still preserve the applicant’s appeal rights. He explained the appeal process and stated that the appeal authority would review the full record, including staff reports, correspondence, and applicable state code provisions.

Charlie discussed the interpretation of Utah State Code Sections 17-79-705 and 706 regarding subdivision application review and subdivision improvement plan review. He explained that staff and legal counsel determined that subdivision application review and subdivision improvement plan review are distinct processes under state code, and that waiver provisions appear to apply specifically to subdivision improvement plan review items. He stated that some requirements may have been waived because they were not identified during earlier review cycles, while other requirements could still be imposed.

Charlie stated that approval would be conditioned upon dedication of an east-west street right-of-way. He explained that staff would not require full roadway improvements because those requirements may have been waived under state code, but the right-of-way itself, along with minimum and maximum block length standards and terminal street standards, would still apply. He noted that staff would require a minimum 50-foot-wide right-of-way, consistent with the County’s adopted street standards.

Scott Carlson stated that the drainage easement area had already been reserved and asked whether the right-of-way could follow the existing drainage alignment. Charlie agreed that the drainage alignment was acceptable and discussed the possibility of either immediate dedication or deferred dedication of the right-of-way. Charlie explained that the County wanted to ensure future dedication could occur without cost to taxpayers.

Felix Lleverino displayed the exhibit map and reviewed the proposed alignment. Scott Carlson stated that updated aerial imagery could be added to better reflect the current conditions. Charlie stated that he was comfortable with the proposed alignment following the drainage corridor and acknowledged that the existing landowner arrangements should not be disrupted unnecessarily.

Charlie stated that staff would allow the applicant the option to either dedicate or defer dedication of the east-west right-of-way. He explained that if the right-of-way followed the drainage alignment, additional block length concerns would likely be satisfied. Charlie also discussed the General Plan pathway requirements and stated that a pathway easement along the drainage canal or within the east-west right-of-way alignment would be acceptable.

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Scott Carlson stated that the property owners preferred not to impact existing parcel configurations by placing pathways through the middle of properties. Charlie agreed that a pathway easement along the drainage corridor would be the least burdensome option and noted that future pathway improvements could connect regionally toward the lake.

Charlie discussed the wetland delineation requirement and asked whether the wetland review had been completed. Scott Carlson stated that a wetlands expert had visited the site and indicated there were no wetlands present, only a drainage ditch. Charlie stated that staff would retain the wetland delineation verification condition pending final documentation.

Charlie then discussed land use code violations associated with Parcel 10-041-0030, referred to during the meeting as the Janison property. He stated that the parcel had been subdivided in approximately June 2022 in a manner inconsistent with state code requirements. Charlie explained that the subdivision could not be recorded until the parcel was brought into compliance through one of several possible methods, including compliance with plat exemptions, subdivision exemptions, inclusion within the current subdivision, or submission of a separate subdivision application.

Scott Carlson explained that the Janison property owner had previously attempted to pursue a separate one-lot subdivision approval and had worked toward obtaining access improvements. Speaker 3 recalled that staff and the property owner had previously discussed improving access through the proposed roadway alignment rather than direct access onto 900 South. Scott Carlson stated that the owner had already improved portions of the road base to Fire Department standards and that disagreements regarding shared improvement costs had contributed to delays.

Charlie explained that the issue stemmed from the original creation of the parcel without satisfying state subdivision requirements or recording the appropriate agricultural or future development notices. He noted that the County's goal was not punitive, but rather to ensure compliance with state code and avoid appearing to support noncompliant land divisions. Charlie reviewed applicable state code provisions related to agricultural partitions and future development notices.

Charlie stated that if the Janison property owner submitted and diligently pursued a separate subdivision application, staff would consider that sufficient intent to comply and would allow the current subdivision to proceed. Scott Carlson stated that he would contact the property owner to encourage movement toward compliance.

Charlie reviewed the remaining conditions of approval, including pathway or sidewalk requirements, wetland delineation verification, subdivision compliance issues, and utility requirements. Scott Carlson asked whether alternative pedestrian improvements could be considered instead of concrete sidewalks, noting that the area currently lacked development and pedestrian demand. Charlie discussed the County Code provisions related to sidewalks, pathways, and deferral agreements, explaining that pathways could potentially be substituted for sidewalks subject to County Engineer approval.

Scott Carlson stated that gravel or asphalt pathway improvements might be more appropriate for the area than concrete sidewalks at this time. Charlie acknowledged the operational and maintenance concerns associated with sidewalks in undeveloped industrial areas and stated that staff wanted to preserve the ability for future pedestrian infrastructure without unnecessarily burdening the current property owners.

Charlie modified the condition language to allow for either a sidewalk deferral agreement or an approved pathway alternative subject to County Engineer approval.

Charlie discussed the restrictive landscape covenant required by the culinary water provider and noted that the covenant was intended to limit landscaping and culinary water usage. Scott Carlson explained that revisions had already been made to the covenant language to reflect the water district's requirements, including drip irrigation and limits on turf.

The discussion then shifted to Fire District concerns regarding roadway width and parking. Scott Carlson stated that the proposed roadway included 30 feet of asphalt with two-foot roll curbs on each side. Speaker 3 stated that the Fire Marshal later expressed concerns regarding parked semi-trucks restricting emergency access and referenced a preference for additional roadway width. Scott Carlson stated that the applicant preferred to eliminate no-parking signs and allow trucks to utilize the gravel shoulder areas instead.

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Charlie stated that because additional roadway width requirements had not been raised during the initial review cycle, the County's ability to impose those requirements may have been limited under state code. Staff agreed to revise the condition language to generally require compliance with applicable County Engineer and Fire District improvement requirements while allowing the parties to continue working through the specific roadway and parking details administratively.

Charlie reviewed the remaining conditions, including proof of completed water and sewer connections with building permit applications and receipt of will-serve letters. Scott Carlson stated that he believed the conditions could be resolved and that he would meet with the property owners to discuss the revisions. Charlie stated that staff appreciated the applicant's flexibility and willingness to work through the issues collaboratively.

Charlie Ewert states that approval is conditioned on the following conditions and findings:

1. A street right-of-way shall be dedicated to Weber County for a street that runs from the east side of the subject property to the west.
  - a. The width of the dedicated East/west dedicated ROW shall be no less than 50 feet pursuant to the county's adopted street right-of-way standards adopted in County Code Section 106-4-5, using the minor street cross section of a standard urban roadway section (Sheet 3).
  - b. Actual dedication may be deferred at the option of the applicant to a later time, as long as it results in the dedication to the county at a time the county chooses and the dedication is at no cost to the county.
  - c. The east/west right-of-way dedication shall be positioned in a manner that complies with minimum and maximum block lengths, pursuant to County Code Section 106-2-3, and maximum terminal street lengths pursuant to Section 106-2-2.040.
2. Pathway easement along drainage canal (or within the selected alignment of the east/west ROW).
3. Verification of wetland delineation and any necessary mitigation to the satisfaction of the county engineer.
4. County ordinance Sec 102-4-2 prohibits land use code approval for any property that contains or is subject to a land use code violation. Any land use code violation on or related to the property shall be remediated prior to plat recordation, including but not limited to:
  - a. Removal or ceasing of all unapproved uses of land on the subject property.
  - b. Parcel 10-041-0030 was subdivided from the subject property in or around June 2022 in a manner that is not lawful in accordance with Utah Code. The subject subdivision cannot be recorded until and unless that parcel is made to comply in some manner with the state code and, if applicable, county code. Compliance options include but might not necessarily be limited to:
    - i. Correcting the parcel to comply with the specific plat exemptions in Utah Code 17-79-708;
    - ii. Correcting the parcel to comply with one of the circumstances not definable as a "subdivision" pursuant to Utah Code 17-79-102(c);
    - iii. Be a part of its own subdivision: Rather than delaying this subdivision's recordation, county will consider intent to comply when a subdivision application is submitted and diligently pursued for this parcel.
    - iv. Be included within the bounds of the subject subdivision as a lawful subdivision lot.
      1. If included within the bounds of the subject subdivision, this approval is void and the revised plat and any applicable subdivision improvements plans shall be reviewed pursuant to state and county code.
      2. A re-review fee shall be paid pursuant to the adopted fee schedule.
5. Unless installing sidewalk as part of the 9175 W street improvements, or other allowed pedestrian improvements allowed by county code, the applicant shall provide a deferral agreement, to be recorded to each property prior to plat recordation, and which equitably distributes the cost to install future pedestrian facilities.
6. All applicable requirements of the County Engineer and Fire Official to be satisfied pursuant to required improvements not otherwise waived by state code.
7. A will-serve letter is required prior to plat recordation.
8. Proof of completed water and sewer connections must be included with building permit applications.
9. A restrictive landscape covenant shall be recorded with the final plat pursuant to any requirements of the culinary water district.

## Findings:

1. There are a number of ways in which the subject subdivision does not comply with county development standards, including lacking complete street improvement requirements such as curb, gutter, sidewalk, and street trees, and including an entire completed east/west street. However, said improvements were not included in the first review of the proposed Subdivision Improvement Plans. Consequently, I find that the applicant's assertion that Utah Code 17-79-706 (8)(d) presumably waives the requirement for the missing items.
2. Utah Code 17-79-706 appears to only waive items that were not included as part of a prior review cycle of the "Subdivision Improvement Plans." I do not find in favor of that applicant's argument that said waiver shall be extended to all parts of the "Subdivision Application." These phrases are specifically defined in Utah Code 17-79-706 as distinctly separate things.
  - a. With this finding, while certain subdivision improvements may be required to be waived, I find that the east/west street right-of-way dedication requirement, the minimum and maximum block length standard, and the maximum terminal street standard are not required by the statute to be waived and shall be applied and complied with.
  - b. Additionally, Utah Code 17-79-706 (8)(d)(ii) does not waive any provision necessary to enforce state laws, such as the requirement to plat land when subdivided unless exempt from platting requirements or when not included in the definition of a subdivision.
3. I find that the exaction of the east/west right-of-way is roughly proportionate and essentially linked to the impact of the project on the greater community with the following findings:
  - a. Nexus:
    - i. The County has a legitimate governmental interest in promoting safe and efficient traffic circulation, reducing congestion, and ensuring adequate access for emergency services, consistent with *Nollan v. California Coastal Commission*.
    - ii. The County's General Plan specifically calls for a connected street network, including parallel east-west routes, to distribute traffic and reduce long-term reliance on single-access corridors such as 900 South.
    - iii. The County has adopted minimum and maximum block lengths and terminal street lengths in a concerted effort of planning for appropriate street connectivity applicable to all properties in the area.
  - b. Impact:
    - i. The proposed development is an industrial subdivision generating approximately 720 average daily trips, including substantial peak hour volumes and heavy truck traffic.
    - ii. The project is designed with a single point of access, resulting in a dead-end circulation pattern that concentrates all traffic movements at one location (900 S).
    - iii. A single-access industrial development:
      1. concentrates turning movements onto a single intersection;
      2. limits routing options for site traffic;
      3. constrains emergency access; and
      4. creates long-term operational inefficiencies.
  - c. Property-specific role in impact remediation: The required internal east-west street and stub connections:
    - i. establish the necessary framework for future connectivity,
    - ii. ensure that the development can transition from a dead-end to a connected network,
    - iii. and prevent the site from precluding or substantially increasing the cost of planned transportation improvements.
  - d. Rough Proportionality: The County finds that the required improvements are roughly proportional to the impacts of the development, consistent with *Dolan v. City of Tigard*, because:
    - i. The requirement is limited to on-site street construction and right-of-way dedication;
    - ii. No offsite improvements or through-connections are required of this applicant;
    - iii. The extent of the improvement is proportional to the size and configuration and traffic impact of the site;
    - iv. The condition mitigates the development's creation of a permanent single-access circulation pattern;
    - v. Similar connectivity requirements are being or will be imposed on adjacent properties as development occurs, ensuring equitable and proportional distribution of the overall network burden.
  - e. Timing Justification: Requiring the street segment and stubs at the time of development ensures that the planned connection can be achieved at the point when construction is most feasible and avoids future disruption or increased cost

associated with retrofitting a fully developed site – the retrofit of which would have to be born by taxpayers or other owners if not born by this applicant.

f. Conclusion: The County concludes that the required east-west street and stub connections are a proportionate and necessary condition to mitigate the circulation impacts of the development and to implement adopted transportation planning policies. When final buildout of the area is considered, only if each property owner bears their own burden for such street connections can an interconnected street network be realized without substantial financial burden on other taxpayers.

**Adjournment 2:57 pm**  
**Respectfully submitted,**  
**Marta Borchert**