

**Minutes of May 6, 2026, 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: Charlie Ewert, acting for Planning Director; Felix Lleverino, Planner II; Tammy Aydelotte, Planner III; Courtlan Erikson, Legal Counsel; Marta Borchert, Secretary**

## 1. Administrative Items

**1.1UVC030426:** Request for final subdivision approval of Chalets at Powder Mountain Phase 2, consisting of four lots and private road dedication. This proposed subdivision is located in the DRR-1 Zone and located at approximately 8700 Shelter Hill Road, Eden, UT, 84310.

**Staff Presenter: Tammy Aydelotte**

Tammy Aydelotte presented the request for final subdivision approval of Chalets at Powder Mountain Phase 2. She explained that the proposal is a four-lot subdivision representing the first phase of the Chalets at Powder Mountain development, recorded earlier in 2026. The subdivision is located adjacent to the Shelter Hill subdivision at the end of Summit Pass Road. The proposal consists of approximately 2.3 acres in the DRR-1 Zone. Ms. Aydelotte stated that the DRR-1 Zone does not require minimum lot area or width standards. The proposed lots range from approximately 17,000 square feet to more than 31,000 square feet in size.

Ms. Aydelotte stated that, as of the date of the staff report, approximately 245 lots had been recorded under the Powder Mountain Development Agreement. She noted that the Development Agreement allows for up to 2,800 total units and that additional development standards may be triggered as development approaches thresholds established within the agreement.

Staff confirmed that a capacity assessment letter had been provided for culinary water and sanitary sewer services through Powder Mountain Water and Sewer. Ms. Aydelotte also discussed the trail requirements contained in the Development Agreement. She explained that the agreement requires certain trails to remain open and accessible to the public and stated that several subdivision applications had resulted in the relocation of existing trail areas. Staff requested that Powder Mountain provide an updated trail master plan showing relocated trail alignments and continued public accessibility. She stated that Powder Mountain had agreed to provide updated trail information with future subdivision applications.

Ms. Aydelotte further explained that all subdivision improvements, including the cul-de-sac improvements associated with this phase, had already been escrowed through Phase 1. Engineering staff had indicated that additional escrow funds would likely not be required for this phase, although staff recommended retaining the escrow condition to allow Engineering to verify that no additional funds were necessary prior to recording the plat.

Staff also noted that there had been ongoing discussion regarding the number of terminal roads within the Powder Mountain development. Ms. Aydelotte stated that an additional condition regarding legal analysis of the dead-end road standards would likely be added during the meeting.

Regarding geologic hazards, Ms. Aydelotte stated that geotechnical reports had been prepared for the area and that a natural hazards disclosure document would be required to be recorded with the final plat. She explained that identified hazards generally related to standing water conditions rather than slope stability.

Discussion followed regarding avalanche hazards and slope conditions within the Powder Mountain development area. Erik Anderson stated that Powder Mountain implements avalanche mitigation measures, including avalanche control operations conducted by ski patrol on slopes exceeding 30 percent. He further stated that most residential lots are located on terrain with slopes less than 30 percent.

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Discussion also occurred regarding recreation easements associated with the subdivision. Charlie requested clarification regarding the legal mechanism creating the recreation easements and whether the easements were intended for public or private use. Erik Anderson explained that the recreation easements are identified in the master declaration and are intended to facilitate recreational access, including ski access, hiking, biking, and other recreational uses associated with Powder Mountain.

Ms. Aydelotte explained that the Development Agreement identifies certain recreational facilities and public trails but does not establish precise survey-level locations for all recreation areas. She stated that the Planning Division reviews proposed recreational facilities and trail relocations for consistency with the Development Agreement and public access requirements.

Charlie discussed concerns regarding the legal creation and dedication of easements through subdivision plats versus separate recorded instruments. He explained that private easements and homeowners association property are sometimes improperly created through plat notation alone and stated that staff wished to verify that any proposed recreation easements were legally established and properly dedicated.

Charlie approved the subdivision subject to the following conditions:

1. The conditions contained within the staff report, including the requirement that a natural hazards disclosure document be recorded with the final plat and verification of any required escrow amounts prior to recording.
2. Approval is conditioned upon the developer providing evidence, including legal analysis placed into the record, demonstrating that the County's dead-end road standards do not apply to the extension of the proposed roads. If such evidence does not exist, the application shall be brought back for review and reconsideration of approval.
3. Verification shall be provided regarding whether the recreation easements are intended to be dedicated for public use or to a private entity. If the easements are private, appropriate easement instruments shall be recorded and dedication language shall accurately reflect the intended transfer of rights.

Following the approval, Erik Anderson requested additional discussion regarding trail requirements and terminal road conditions. Mr. Anderson stated that no existing public trails were located within the boundaries of the proposed subdivision and questioned whether trail-related conditions should apply to this application. He also referenced the 2014 Powder Mountain master plan trail system.

Ms. Aydelotte responded that existing public trails, including the Brim Trail and White Pine Trail, had been identified as public amenities in the Development Agreement and that portions of those trails had been impacted by prior subdivision approvals. She stated that staff would continue requesting updated trail alignment information with future subdivision applications to ensure continued public access.

Additional discussion occurred regarding public perception of trail accessibility at Powder Mountain, the relationship between the Development Agreement and County ordinances governing terminal roads, and the challenges associated with roadway connectivity in steep mountain terrain. Erik Anderson stated that roadway configurations within Powder Mountain were reviewed with the Weber Fire District and designed to comply with approved fire access and turnaround standards.

Courtlan Erikson stated that if the proposed roadway system complies with the previously approved Development Agreement, that fact would be important in evaluating consistency with County requirements. Charlie stated that the County desired legal analysis confirming that the Development Agreement appropriately governs roadway standards where potential conflicts with County ordinances may exist.

**1.2 LVL022526:** Consideration and action on a request for final approval of the Little Mountain Industrial Park Subdivision, consisting of six manufacturing lots.

**Staff Presenter: Felix Lleverino**

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Felix Lleverino presented a request for final approval of the Little Mountain Industrial Park Subdivision, located in the Western M-3 Zone near 900 South and approximately 9175 West. The proposal consisted of a six-lot industrial subdivision intended to accommodate various manufacturing and industrial business uses. Planner explained that the subject property had previously been divided through agricultural land divisions and that multiple property owners were now seeking subdivision approval in order to construct industrial buildings on the lots. Mr. Lleverino stated that each proposed lot met the M-3 Zone requirements for lot area and width. The proposal included construction of a new public road intersecting with 900 South and extending southward as 9175 West Street. The applicant had provided will-serve letters for culinary water and sewer service, a geotechnical report addressing public road construction, and a traffic study.

Mr. Lleverino stated that because the subdivision contained fewer than nine lots, it qualified as a small subdivision and could be processed administratively. Mr. Lleverino explained that staff had identified several concerns during review. Staff observed that a remainder parcel located at the northwest corner of the property had not been included in the subdivision boundaries and stated that, in the County's view, the parcel should be included because it was not considered an agricultural parcel. Mr. Lleverino further stated that the proposed cul-de-sac street length was approximately 745 feet and that staff believed the subdivision design did not fully satisfy code provisions related to block length requirements.

Mr. Lleverino also discussed right-of-way concerns associated with 900 South, noting that the road was planned to expand from a 100-foot right-of-way to a future 132-foot right-of-way. Mr. Lleverino stated that Planning Division staff was requesting future right-of-way dedication, but the subdivision plat did not depict the dedication. Mr. Lleverino further explained that the General Plan identified a future east-west frontage road parallel to 900 South intended to reduce direct access points onto the arterial roadway. Mr. Lleverino stated that the current subdivision proposal did not include easements or right-of-way dedication for the future east-west roadway connection.

Mr. Lleverino reviewed comments received from Weber Fire District and County Engineering. Mr. Lleverino stated that most engineering comments had either been addressed or satisfied. Mr. Lleverino noted that Weber Fire District requested 32 feet of asphalt width on 9175 West Street and that the current civil plans did not depict the requested width. Mr. Lleverino also stated that the National Wetlands Inventory mapping indicated possible wetlands within the project area, and County Engineering had requested that the applicant provide a wetlands study to determine whether wetlands existed that would require preservation or mitigation. Mr. Lleverino explained that West Warren Water District had agreed to provide culinary water service on the condition that no outdoor irrigation water would be provided. Mr. Lleverino stated that the County would require a landscape restriction covenant to enforce the outdoor water limitation.

Mr. Lleverino stated that staff's recommendation was to table the request for Little Mountain Industrial Park Subdivision approval. Mr. Lleverino noted that the staff report included ten conditions and findings supporting the recommendation, as well as exhibits and correspondence between the developer and County review agencies documenting ongoing discussions regarding outstanding review comments.

Charlie Ewert requested clarification regarding the subdivision review process and review cycles associated with the application. Discussion occurred regarding the number of review cycles that had occurred and whether the County's review process complied with state subdivision review statutes. Applicant Representative Scott Carlson stated that the project had undergone multiple review cycles extending back to a prior application period between 2022 and 2024 and argued that the County had issued comments from different departments at different times, resulting in inconsistent and conflicting reviews. Mr. Carlson stated that the applicant had responded fully to each set of comments and had subsequently received new comments unrelated to prior submittals or public health and safety concerns.

Mr. Carlson stated that the applicant had provided detailed written responses explaining why certain requested code provisions did not apply to the project. Mr. Ewert and Legal Counsel Courtlan Erikson discussed Utah State Code provisions governing subdivision review cycles, waiver of review comments, and the timing of County responses. Legal Counsel stated that his interpretation of state code was that changes or corrections requested by the County must generally be identified during the review process or they may be considered waived unless necessary to protect public health and safety or enforce state or federal law.

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Discussion continued regarding whether the County's departmental reviews constituted separate review cycles or whether all departmental comments collectively comprised a single review cycle. Applicant Representative Carlson argued that all County review comments received prior to the applicant's April 8 resubmittal should be considered part of the first review cycle because the applicant responded to all comments simultaneously. Legal Counsel stated that the County Code contemplated review input from multiple departments and that separate departmental responses could collectively comprise a single review cycle so long as they occurred within the applicable review timeframe.

Extensive discussion occurred regarding the proposed future east-west roadway connection. Applicant Representative Carlson stated that Planning staff's original comments required only that the future roadway corridor be shown conceptually on the project's connectivity plan, which the applicant had done. Mr. Carlson stated that later review comments requested a formal easement and plat dedication for the roadway, which he argued constituted a new requirement introduced after the initial review cycle. Mr. Carlson further stated that the proposed cul-de-sac configuration had existed throughout multiple iterations of the subdivision proposal and that the applicant believed the subdivision complied with applicable block length requirements for industrial developments.

Applicant Representative Carlson stated that the industrial subdivision design was appropriate for the proposed business uses and referenced code provisions stating that blocks intended for industrial or commercial purposes should be designed specifically for those uses. Mr. Carlson stated that requiring an east-west roadway easement would impose significant costs on the property owners without providing a direct benefit to the subdivision. He further stated that if the County desired the future roadway corridor, the County could acquire the necessary land through purchase.

Mr. Ewer discussed historical concerns regarding the original agricultural divisions of the property and stated that staff had previously expressed concern that parcels created through agricultural divisions could later require coordinated infrastructure improvements before development could occur. Mr. Carlson responded that the property owners had been aware subdivision approval would be necessary and had entered into cost-sharing agreements for road construction and subdivision improvements. Mr. Carlson further explained that a previous subdivision application for the project had expired after extended delays in the review process.

Discussion also occurred regarding the "remainder parcel" identified by staff. Applicant Representative Carlson argued that the adjacent Hampton parcel was not a remainder parcel associated with the current application because it was separately owned, subject to a separate subdivision application, and not included in the current owners' cost-sharing arrangement. Mr. Ewert reviewed Weber County Code provisions regarding remainder parcels and agricultural divisions and stated that the code anticipated future retroactive compliance for parcels created through agricultural divisions if those parcels later ceased to qualify for agricultural use exemptions.

Mr. Ewert stated that he appreciated the applicant's detailed explanations and indicated that he wished to ensure any decision complied with both County Code and state subdivision review requirements. Charlie stated that there appeared to be unresolved questions regarding procedural review requirements, waived comments, and the County's authority to impose additional conditions related to the future east-west roadway. Charlie stated that he wanted to avoid placing the applicant into an indefinite review cycle and acknowledged the applicant's concerns regarding prolonged delays.

Mr. Carlson stated that the applicant's preference remained approval of the subdivision rather than tabling or denial. Carlson stated that the applicant believed many issues identified in the staff report had already been addressed during prior reviews and that some newly raised issues had not been identified during earlier review cycles.

Mr. Ewert stated that additional analysis regarding the review process and applicable code provisions would be necessary before a final decision could be made. He noted that the County's subdivision code included requirements related to sidewalks, street trees, and complete street cross-sections, though those items had not been fully addressed during the review process. Mr. Ewert stated that additional time was needed to confer with legal counsel regarding procedural review timelines, right-of-way issues, remainder parcel questions, and obligations related to public trust responsibilities under state statute. He explained that, based on the discussion, the proposal appeared to have a greater likelihood of approval pending further legal review, though unresolved procedural and legal issues still needed to be evaluated. Mr. Ewert informed the applicant that he expected to provide an answer within approximately one week and stated that he would notify the applicant

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as soon as possible if issues arose that could prevent approval. Mr. Ewert then officially tabled the item and thanked the applicant and participants for their time and patience regarding the complex application review process.

**Adjourn 6:35pm**  
**Respectfully Submitted,**  
**Marta Borchert**