

WEBER COUNTY PLANNING DIVISION

Administrative Review Meeting Agenda

October 28, 2020 4:00 to 5:00 p.m.

https://us02web.zoom.us/j/82618054574

- 1. AAE 2020-08: Consideration and action on an alternative 1.access request to use a private right-of-way as the primary access to a future four-lot subdivision. *Presenter Steve Burton*
- 2. LVC 092620 Consideration and action on final approval of the Cash Cow Subdivision, a two-lot subdivision. *Presenter Felix Lleverino*

Adjourn

The regular meeting will be held VIRTUALLY via Zoom Video Conference. Please access this VIRTUAL meeting by navigating to the following web/ink in a web browser: https://us02web.zoom.us/j/82618054574

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791





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 future four lot subdivision.

Agenda Date: Wednesday, October 28, 2020 **Applicant:** Mike Westwood (Owner)

File Number: AAE 2020-08

Property Information

Approximate Address: 1900 N 7900 E, Eden

Project Area: 196 acres

Zoning: Agricultural Valley 3 Zone (AV-3), Forest Valley 3 Zone (FV-3)

Existing Land Use:VacantProposed Land Use:ResidentialParcel ID:21-005-0030Township, Range, Section:T6N, R2E, Section 6

Adjacent Land Use

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

Staff Information

Report Presenter: Steve Burton

sburton@webercountyutah.gov

801-399-8766

Report Reviewer: RG

Applicable Land Use Codes

- Title 104 (Zones) Chapter 6 (Agricultural Valley 3 (AV-3) Zone)
- 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 of a 20 foot wide private access easement to provide access to a future four lot subdivision. The applicant currently owns 196 vacant acres located in the AV-3 and FV-3 zones. The site is located in the floodplain and there are multiple streams that run through this property. The location of streams can be seen on the county's stream map included as exhibit c. The applicant has provided a conceptual layout of the future subdivision that indicates three of the four lots will not have frontage along a public street. The concept layout is included as part of exhibit b.

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.

The various streams that are on this property may be considered "substantial evidence" that it is unfeasible or impractical to extend a public road to serve this future subdivision. The county's stream map shows 5 streams that affect this property.

While bridges are permitted to be installed to access across streams, the Ogden Valley General Plan cites the importance of preserving the quality and function of streams. The land use authority may find that, in order to preserve the quality and function of several streams on this property, an alternative access is warranted.

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) prior to 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.

<u>Review Agencies</u>: The Engineeirng Division and the Fire District have reviewed and conditionally approved this proposal, on the condition that the easement be constructed to the standards outlined in 108-7-29.

Staff Recommendation

Staff recommends approval of AAE 2020-08, to provide access by private access easement to a future four lot subdivision, as shown on the concept plan included as Exhibit B. The recommendation for approval is subject to 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, prior to the recording of the future subdivision.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to four lots is not practical due to the location of several streams on this property.

Administrative Approval

Administrative final approval of AAE 2020-08 to create a private access that would serve as an access to four future residential
lots.
Date of Administrative Approval:

Rick Grover - Planning Director

Exhibits

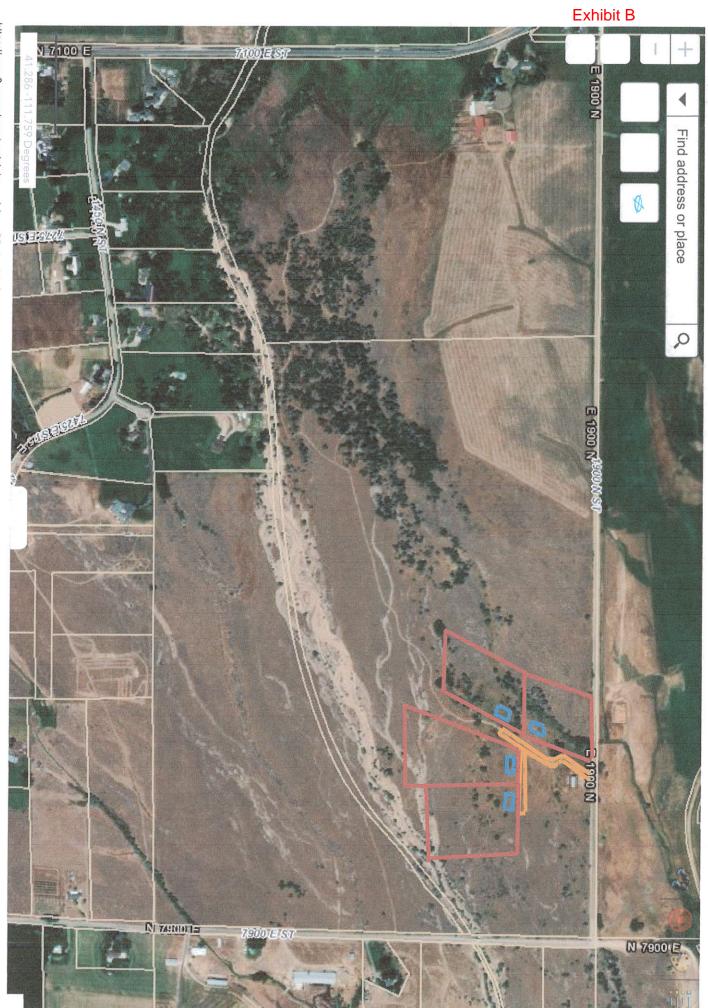
- A. Alternative Access Exception Application
- B. Concept Plan
- C. Stream Corridor Map

Property Map

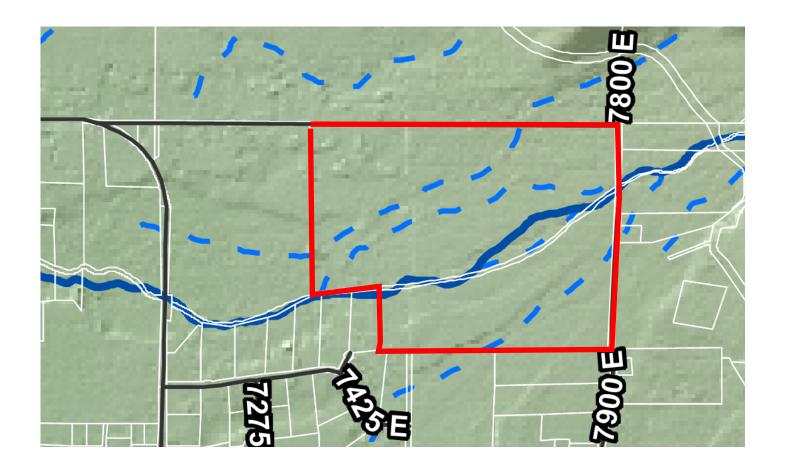


Weber County Alternative Access Application				
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401				
Date Submitted /Completed	Application Fee: \$350.00	Receipt Number (Office Use)	File Number (Office Use)	
Application Type				
☐ 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)		Mailing Address of Property Owner(s)		
		3130 W. 36		
801-643-2340		West Haven, Ut 84401		
Email Address (required) Westwood 4502 MSN.com		Preferred Method of Written Correspondence Email Fax Mail		
Authorized Representative				
Name of Person Authorized to Represent the Property Owner(s) Mailing Address of Authorized Person				
Mike Wistwood Phone Fax		3170 W. 36005.		
801-643-2340	Fax	West Haven, Ut 84401		
Email Address (required)	× 1.1 e - 1	Preferred Method of Written Correspondence		
Westwood 450	WOOD 4502 MSN.com Email - Fax - Mail			
Property Information				
Project Name DW Ranch		Total Acreage	Current Zoning AV3 / FV3	
Approximate Address		Land Serial Number(s)	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
1900 N. 7900E	900 N. 7900E Eden, Ut 2100 F0030			
Proposed Use Ranch, Residential				
Project Narrative				
We are moving our family Farming operation from West Haven				
to Eden. We would like to build 4 homes on individual lots				
of 5+ acres. We would like to construct a road for access				
to these homes. The road would be 1100' long and 20' wide.				
It will be constructed with 6" of pit run and 8" of				
road base to accomadate 75,000 163 as required by the				
Fire Dept. We met with WC planning, engineers, Fire and Health				
on Sept 23 and they agreed with this proposal.				

Weber County Geo-Gizmo



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Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of the Cash Cow Subdivision, a two-lot

subdivision.

Type of Decision: Administrative

Agenda Date: Wednesday, October 28, 2020
Applicant: William F. and Jana Colvell, owner

File Number: LVC 092620

Property Information

Approximate Address: 3952 N 3175 W, Ogden UT

Project Area: 2.5 acres

Zoning: Agriculture (A-1) Zone

Existing Land Use: Agriculture

Proposed Land Use: Residential, Agriculture

Parcel ID: 19-010-0085

Township, Range, Section: T7N, R2W, Section 22

Adjacent Land Use

North: Agriculture South: Agricultural/Residential East: Agricultural/Residential West: Agricultural/Residential

Staff Information

Report Presenter: Felix Lleverino

flleverino@co.weber.ut.us

801-399-8767

Report Reviewer: SB

Applicable Ordinances

- Title 101 (General Provisions) Section 2 (Definitions)
- Title 104 (Zones) Chapter 5 (A-1 Zone)
- Title 106 (Subdivisions)

Development History

Alternative access approval to create a private drive was granted in a public meeting held on February 11, 2020.

Background and Summary

The applicant is requesting final approval of the Cash Cow Subdivision, a two-lot subdivision located at approximately 3952 North 3175 West in the A-1 Zone. This development plan includes a private drive on the south side of the parcel which will provide access to lot two of Cash Cow Subdivision.

The subdivision plat indicates a 30' by 162.5' or 4,875 square foot area dedicated to the public right-of-way called 3175 West Street.

Culinary water will be provided by Bona Vista Water Improvement District and each property will have an individual septic system.

Analysis

<u>General Plan</u>: The proposal conforms to the Western Weber General Plan by preserving the rural character of Wester Weber County by creating large lots that allow for the presence of animals.

<u>Zoning</u>: The subject property is located in an Agricultural Zone A-1 zone. That land use requirements for this zone are stated in the LUC§ 104-5 as follows:

The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.

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

<u>Lot area, frontage/width, and yard regulations</u>: In the LUC §104-7-6, the A-1 zone requires a minimum lot area of 40,000 sq. ft. and a minimum lot width of 150'.

Each lot within the Cash Cow subdivision meets the minimum acreage and width requirements of the A-1 zone.

<u>Culinary water and sanitary sewage disposal:</u> Bona Vista Water Improvement District will provide culinary water to each lot with six conditions of approval (see Exhibit B). The Weber-Morgan Health Department has provided a Septic Feasibility letter for lots 1 and 2 of Cash Cow Subdivision (see Exhibit C).

<u>Review Agencies</u>: Planning, Engineering, Surveying, Weber Fire, and the Weber-Morgan Health Departments have reviewed the proposed subdivision. Minor revisions to the dedication plat and proof of secondary water are requested by Planning and Engineering.

Public Notice: Public notice was sent by mail to all property owners within 500 feet of the subject property.

Staff Recommendations

Staff recommends final approval of the Cash Cow Subdivision, a two-lot subdivision. This recommendation is subject to all review agency requirements and based on the following conditions:

- 1. The owner proves that irrigation water is secured.
- 2. The owner enters into a deferral agreement for curb, gutter, and sidewalk.

This recommendation is based on the following findings:

- 1. The proposed subdivision conforms to the Western Weber 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 to negatively impact surrounding properties and uses.

Administrative Approval

Administrative final approval of Cash Cow 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.

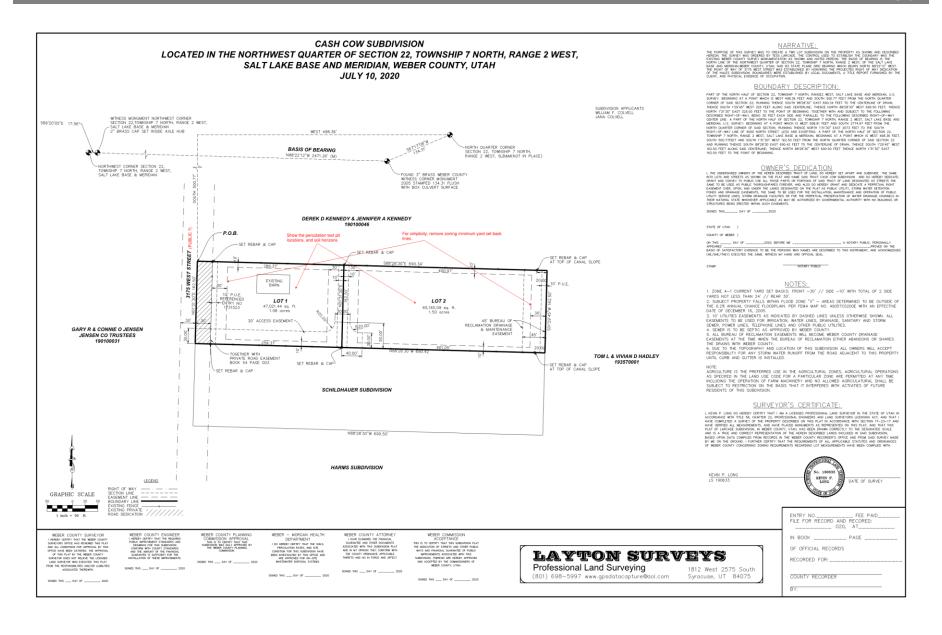
Date of Administrative Approval:	 •
Rick Grover	
Weber County Planning Director	

Exhibits

- A. Subdivision plat
- B. Bona Vista will-serve letter
- C. Septic Feasibility Letter

Map 1







Bona Vista Water Improvement District

2020 West 1300 North, Farr West, Utah 84404 Phone (801) 621-0474 Fax (801) 621-0475

February 18, 2020

To Whom it May Concern;

RE: AVAILABILITY LETTER FOR - FJ Subdivision

This development is located at approximately 3948 North 3175 West and consists of 1 lot. The Bona Vista Water District does have culinary water available for this development.

Please note:

- A letter from the Fire Department stating that a flow test is not required will need to be provided to the District as soon as possible.
- Proof of secondary water for outside use will need to be provided prior to requesting a
 connection.
- A culinary water connection for domestic purposes only is available. The fee at this time for a standard residential connection is \$2,433.60.
- The owner or contractor will need to furnish all materials and labor to run the service line.
 The District will furnish and set the water meter. All materials and workmanship must be in accordance with the Water District's specifications which are made available in our office.
- A residential water connection agreement form must be filled out, and all fees must be paid before culinary water service will be made available.
- · Annexation Fee's paid if applicable

If you have any questions or concerns, I can be reached at 801-621-0474 ext. 207.

Sincerely,

Matt Fox

Assistant Manager

BRIAN W. BENNION, M.P.A., L.E.H.S Health Officer/Executive Director WEBER-MORGAN HEALTH DEPARTMENT

August 24, 2020

Weber County Planning Commission 2380 Washington Blvd. Ogden, UT 84401

RE:

William Colvell 3952 N 3175 W Parcel #19-010-0085 Soil log #14905

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Bona Vista Water District, an approved community water system. A letter from the water supplier is required prior to issuance of a permit.

DESIGN REQUIREMENTS

Area of Test Pits 1 & 2:

Documented ground water tables not to exceed 12 inches, fall within the range of acceptability for the utilization of a Wisconsin Mound Treatment System or a Packed Bed Media Treatment System followed by an At-Grade or Drip Irrigation Absorption Area as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption field is to be designed using a maximum loading rate of 0.25 gal/ft²/day for a Wisconsin Mound absorption area, or 0.5 gal/ft²/day for an At-Grade or Drip Irrigation absorption area as required for the loam, granular structure soil horizons.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following items are required for a formal subdivision review; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned.

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time, the site will be re-evaluated in relation to rules in effect at that time.

Sincerely.

Ryan Klinge

Environmental Health Division

801-399-7160

EDUCATE | ENGAGE | EMPOWER

phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street. Ogden, UT 84401 | www.webermorganhealth.org