WEBER COUNTY

WESTERN WEBER PLANNING COMMISSION

AMENDED MEETING AGENDA

May 10, 2016 5:00 p.m.

- Pledge of Allegiance
- Roll Call:
- 1. Administrative Items
 - 1.1. CUP 2016-08: Consideration and action for a conditional use permit for an Agri-Tourism operation identified as the Cold Springs Trout Farm located at 2284 Fruitland Drive, in the Agriculture (A-1) Zone. (Neal Ward and Carrie L. Barker, Applicants; Tarah Michelle Barker, Authorized Representative)
 - 1.2. SPE 2016-02: Discussion and action on a conceptual sketch plan endorsement request for the Favero's Legacy Cluster Subdivision located at 3790 W 2200 S in the Agricultural (A-1) Zone. (Robert Favero, Applicant)
 - 1.3. AE 2016-01: Consideration and action on an access exception to use a private right-of-way (ROW) as the primary access for 6 Lots in the Hidden Oaks Subdivision located at 6260 S 2125 E (Jared Circle) in the Residential Estates (RE-15) Zone. (Somerset Land LLC, Applicant; Sharon Clark, Authorized Representative)
 - 1.4. DISCUSSION: PRUD Code related to Bonus Density Scott Mendoza
- 2. Public Comment for Items not on the Agenda
- 3. Remarks from Planning Commissioners
- 4. Planning Director Report
- 5. Remarks from Legal Counsel
- 6. Adjourn

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center,1st Floor, 2380 Washington Blvd., Ogden, Utah.

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

A Pre-Meeting will be held at 4:30 p.m. in the Commission Break Out Room. No decisions are made in the pre-meeting.

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 to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an access exception to use a private right-of-way (R.O.W.) as

the primary access for 6 lots in the Hidden Oaks Subdivision.

Agenda Date: Tuesday, May 10, 2016

Applicant: Sharon Clark, agent; Somerset Lands LLC, owner

File Number: Access Exception (AE 2016-01)

Property Information

Approximate Address: 6260 South 2125 East (Jared Circle)

Project Area: 3.28 Acres

Zoning: Residential Estates Zone (RE-15)

Existing Land Use: Vacant
Proposed Land Use: Residential
Parcel ID: 07-665-0001

Township, Range, Section: T5N, R1W, Sections 23

Adjacent Land Use

North:ResidentialSouth:ResidentialEast:ResidentialWest:Residential

Staff Information

Report Presenter: Ben Hatfield

bhatfield@co.weber.ut.us

801-399-8766

Report Reviewer: RK

Applicable Land Use Codes

Weber County Land Use Code Title 104 (Zones) Chapter 3 (Residential Estates RE-15 Zone)

Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations)

Background

The applicant is requesting approval to use a 25 foot private right-of-way (R.O.W) as the primary access for the future consideration of 6 lots in a development that would re-subdivide Lot 1R in the Hidden Oak Cove Subdivision. The property is located in the Residential Estates RE-15 Zone at approximately 6260 South 2125 East (Jared Circle). The site is 3.28 acres. The RE-15 Zone requires single family dwellings to be on lots no less than 15,000 square feet. The applicant has provided a narrative (Exhibit A) and concepts (Exhibit B) of the project.

The location of the proposed private R.O.W. is from a 29 foot gap that was left available for access when the subdivision (Exhibit D) creating Jared Circle was platted in 1992. In 2004 this property received a variance (BOA 2004-09) from the Board of Adjustment to allow for a R.O.W. access for two lots. This approval was based the unique boundary conditions of the property which is surrounded by developed lots with only this 25 foot gap and frontage on Highway 89. As Highway 89 is a divided state highway the Utah Department of Transportation (UDOT) would not grant access due to traffic safety concerns. The approval was conditioned upon the private R.O.W. meeting, at the time of subdivision, the design standards that were in place at the time.

In 2005 the property platted as Lot 1R (Exhibit C) in the Hidden Oaks Subdivision (LVH 010605) as only one restricted lot. A Geologic and Geotechnical report was submitted and reviewed by the county and the Utah Geologic Survey citing some concerns as to the slope and soils, but that with a review of the house plans the property would support one residence.

Typically access exceptions such as this have been reviewed and approved administratively by Planning Division staff. However, as this access exception is for the future consideration of 6 lots, and has Hillside and Natural Hazards concerns it is suggested that the application be reviewed by the Planning Commission.

At the time of subdivision, the private R.O.W. will be required to meet:

- 1. All design, safety, and lot/parcel standards listed in Title 108 Chapter 7 Section 29 of the Weber County Land Use Code.
- 2. All recommendations made by applicable review agencies, approved plans, and reports.
- 3. A maintenance plan for the private R.O.W. must be put in place.

In addition to these standards, the request is required to comply with the criteria and conditions listed in Section 31, which is specific to access by a private R.O.W. These standards are listed below under "Summary of Planning Division Considerations." Approval of the private R.O.W. as the primary access does not act as approval of the future consideration of a subdivision plat.

Summary of Planning Division Considerations

Review Criteria:

108-7-31. Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval 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. 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.

Analysis:

Staff has reviewed and analyzed the request for access by a private R.O.W using the criteria in Section 31. Based on review and analysis of staff's research and the information provided, staff has made the following determinations:

- Property boundary conditions are such that access is limited in a unique way due to previous development and UDOT's lack of access from Highway 89. It is impractical for a full street or cul-de-sac to be required at this location.
- Due to the unique topography, steepness, and width construction of a county road it is impractical to provide a county road.

Conditions of Approval

- Prior to final subdivision approval, the applicants must also sign an agreement 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 R.O.W. with a street that would serve as a required access to additional lots.
- Meeting applicable review agency requirements such as:
 - Requirements of the Weber County Engineering Division
 - A Natural Hazards and Hillside Review approval
 - Installation of the proposed improvements

- Requirements of the Weber Fire District
- Completing and recording the subdivision
- Meeting the design criteria listed in Sec. 108-7-29 Access Easement Standards
- A cost and maintenance plan put in place for the approved care of private R.O.W.

Staff Recommendation

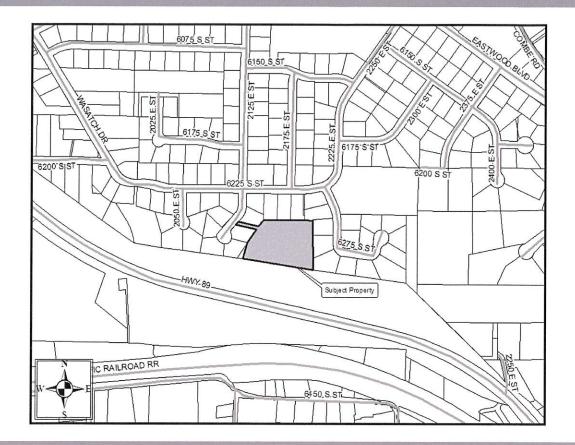
Staff recommends approval of a private R.O.W. as the primary access for the proposed 6 lots (AE 2016-01). The recommendation is subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- This property has boundary conditions which limits typical access requirements in a unique way and is undesirable as the other property surrounding the site has been developed and access from Highway 89 is not approved from UDOT. It is therefore impractical for a full street or cul-de-sac to be required at this location.
- Due to the unique topography, steepness, and width construction of a county road it is impractical to provide a county road.

Exhibits

- A. Application with narrative
- B. Proposed site plans
- C. Hidden Oak Cove Subdivision plat
- D. Highlands Bluff Estates Subdivision phase 3

Map 1



Map 2



Weber County Access Exception Permit Application						
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401						
Date Submitted /Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)			
319 March 2016	225.00	8059				
Application Type						
Access by Private Right of	Way	Access at a location other than across the front lot line				
Property Owner Contact I	nformation					
Name of Property Owner(s)	1	Mailing Address of Property Owner	·(s)			
Sharon Jean C	lark	P.O. Box 6599	79			
801-580-8931	Fax	SLC, UT 84165				
Email Address (required)		Preferred Method of Written Corre	spondence			
bluemhomes@gn	rail. Com	Email Fax Mail				
Authorized Representative	Contact Information		× 5 1			
Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person				
Phone	Fax					
Thone	I da					
Email Address (required)		Preferred Method of Written Corre	spondence			
		Email Fax Mail				
Property Information						
Project Name	1 1	Total Acreage	Current Zoning			
Hidden Oak Su	bdivision	3.28	RE 15			
Approximate Address	WII	Land Serial Number(s)				
6260 S. Jares	d Way	07-665-0001				
	ubdivision					
Project Narrative						
Owner requests Access Exception to parcel other						
than by frontage with the intent to provide private						
access to residents of a proposed 6 lot subdivision.						
Thank you for your consideration.						

Basis for Issua	ance of Acces	by Private	Right of Way
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Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

- 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. 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. Please explain the substantial evidence:

Owner requests Access Exception to parcel other than by frontage with the intent to provide access to residents of a proposed 6 lot subdivision.

Access from Hwy. 89 was denied by UDOT.

Attach proof to this application 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.

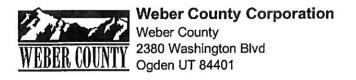


The landowner of record or authorized representative agrees to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required 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.

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:	
The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line as follows:	
See property boundary conditions on plat map. Access through frontage on highway 89 is unavailable.	
plat map. Access through frontage on highway	
19 15 Whavarlable.	
Attach proof that appropriate and legal access exists 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.	

Basis for Issuance of Access at a location other than across the front lot line

Property Owner Affidavit								
I (We), Show Jeen Clark, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.								
Subscribed and sworn to me this 29 day of March, 2016	Property Owner							
Muri Sillite Notary	SHERRI L. SILLITOE NOTARY PUBLIC © STATE OF UTAH COMMISSION NO. 676679 COMM. EXP. 04-17-2018							
Authorized Representative Affidavit								
I (We),, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s),, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.								
Property Owner	Property Owner							
Dated this day of, 20, personally appeared before me, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.								
Notary								



Customer Receipt
Receipt 8659

Receipt Date

03/29/16

Received From:

Blue Mountain Homes,

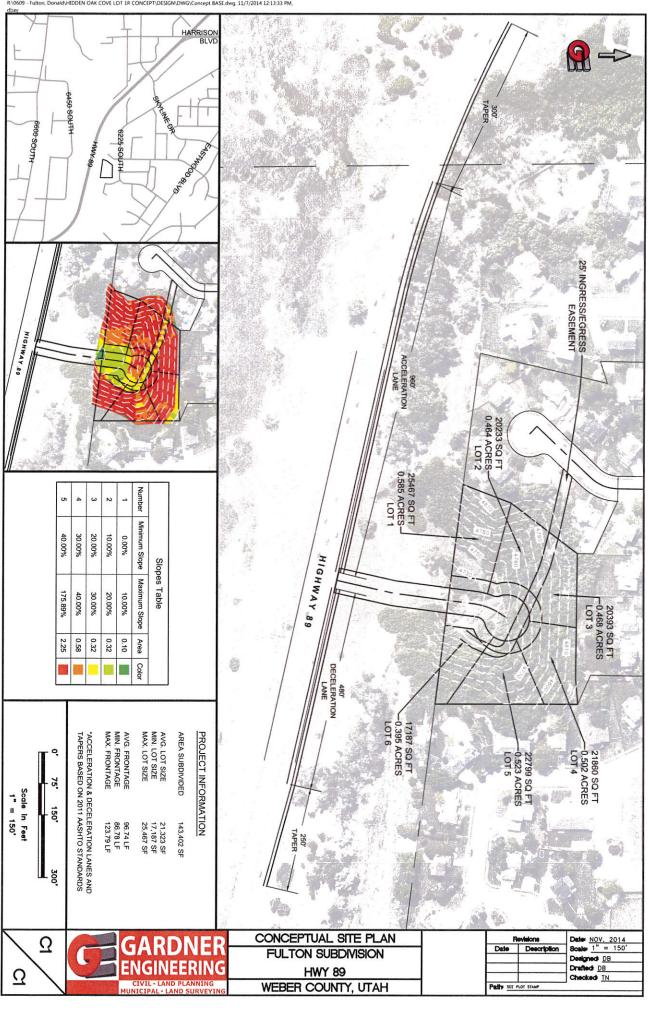
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Clerk:

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WEBER COUNTY, UTAH APRIL, 2008

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U.S. HIGHWAY 89 (30-S)

NOTE: PADS SHOWN ARE 25'-0" BY 40'-0".

PEVISIONS

HIDDEN OAKS SUBDIVISION 6160 S. 2125 E OGDEN, UTAH

CHENT
DONALD S. FULTON
653 S. CONWAY CT.
SALT LAKE CITY, UTAH 84111

PROPOSED SITE PLAN

SCALE:

CHECKED BY: DRAWN BY:

APRIL, 21 2008

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SITE

DAVID FULTON
DRAFTING CONSULTANT
BOISE, IDAHO 83706
(208)891-8798

WEBER COUNTY, UTAH APRIL, 2008 SUBDIN

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NOTE: PADS SHOWN ARE 25'-0" BY 40'-0".

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HIDDEN OAKS SUBDIVISION 6160 S. 2125 E OGDEN, UTAH

DONALD S. FULTON 653 S. CONWAY CT. SALT LAKE CITY, UTAH 84111

PROPOSED SITE PLAN

SITE

DRAWN BY: CHECKED BY:

묶 DF DAVID FULTON
DRAFTING CONSULTANT
BOISE, IDAHO 83706
(208)891-8798

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I HAVE EXAMPLED THE SUBDIVISION DOCUMENTS SUBRITIED VITH THIS PLAT AND FIND THEY ARE IN COMPROMISE THIS HOLD THE DEDINANCE REQUIREMENTS NOW IN FORCE AND EFFECT.

VEBER COUNTY ATTORNEY

WEBER COUNTY ENGINEER

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WEBER COUNTY APPROVAL

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Brenda Hotston

PLANNING COMMISSION

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THE SUBDIVISION BOUNDARY COMERS HAVE BEEN SET WITH

I HERENY CERTIFY THAT I HAVE INVESTIGATED THE LLNES OF SURVEY OF THE FORECOING PLAT AND LEGAL DESCRIPTION OF THE LAWN DEBANCED THEREIN AND THE LINES AND HORSENTS ON RECORD. IN THIS OFFICE.

WEBER COUNTY SURVEYOR

SIGNED THIS ZID DAY OF FERROARY, 199

IN TOWN OWN

- 6 - NDICATE SURVEY MONEMENT (s).

UTILIT ELIBERTIS ME ROCATID IN DIARRO LACE, ALL
ESAUGITS TO RE USED FOR REACTION WATER LEAS, DIAMANG,
AND OTHER MEAN UTILITIES, ALL EAGURITS SMALL RE IN FRET
PALES OTHERWISE ROCATID.

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PORT M. LIGHT ME MEDIA ME MEDIA ME MEDIA ME MEDIA ME MEDIA ME MENUA MENU COUNTY RECORDER

DESCRIPTION OF SELECTION OF SEL

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