



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:	Residential	South:	Residential
East:	Residential	West:	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

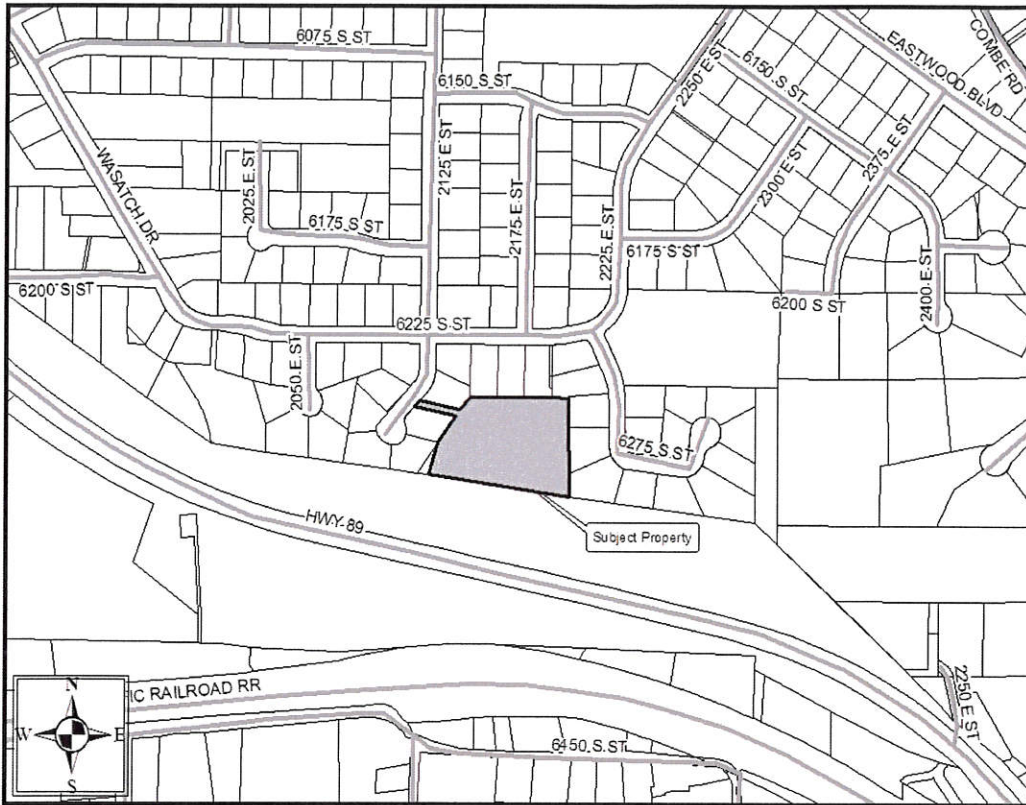
Staff recommends approval of a private R.O.W. as the primary access for the proposed 6 lots (AE 2016-01). The recommendation is subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on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

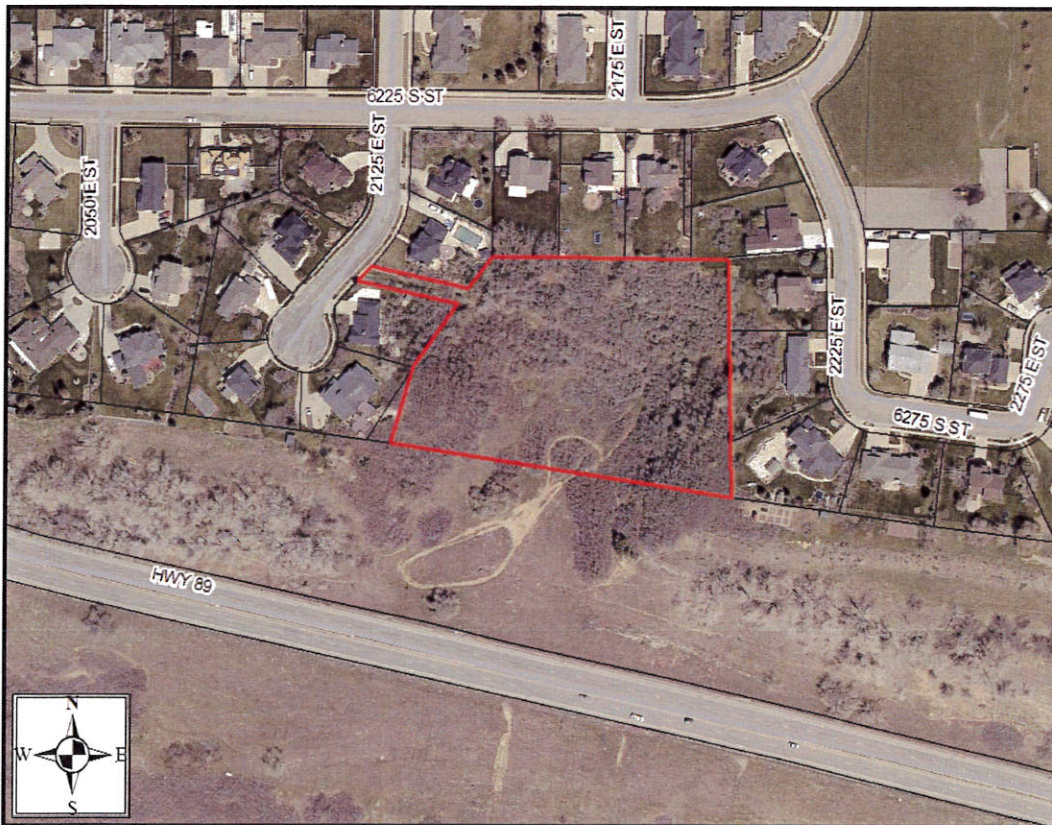
Exhibits

- 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 29 March 2010	Fees (Office Use) 225.00	Receipt Number (Office Use) 8059	File Number (Office Use)
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Application Type

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) Sharon Jean Clark	Mailing Address of Property Owner(s) P.O. Box 65999 SLC, UT 84165
Phone 801-580-8931	Fax

Email Address (required) bluemhomes@gmail.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
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Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)	Mailing Address of Authorized Person
Phone	Fax
Email Address (required)	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name Hidden Oak Subdivision	Total Acreage 3.28	Current Zoning RE15
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Approximate Address 6260 S. Jared Way	Land Serial Number(s) 07-665-0001
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Proposed Use
6 lot subdivision

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 Issuance of Access by Private Right of Way

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.

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

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.

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.

Property Owner Affidavit

I (We), Sharon Jean 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.

Sharon Jean Clark Property Owner _____ Property Owner

Subscribed and sworn to me this 29 day of March, 2016

Sherril Sillitoe Notary



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



Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

Customer Receipt	
Receipt Number	8659

Receipt Date
03/29/16

Received From:
Blue Mountain Homes,

Time: 17:06
Clerk: ssillitoe

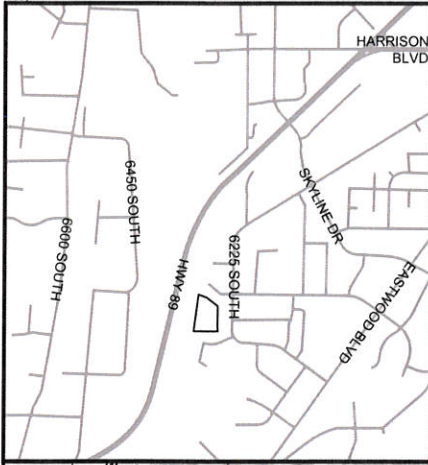
Description	Comment	Amount
Access Exceptio	Access Exception Per	\$225.00

Payment Type	Quantity	Ref	Amount
CHECK		1070	

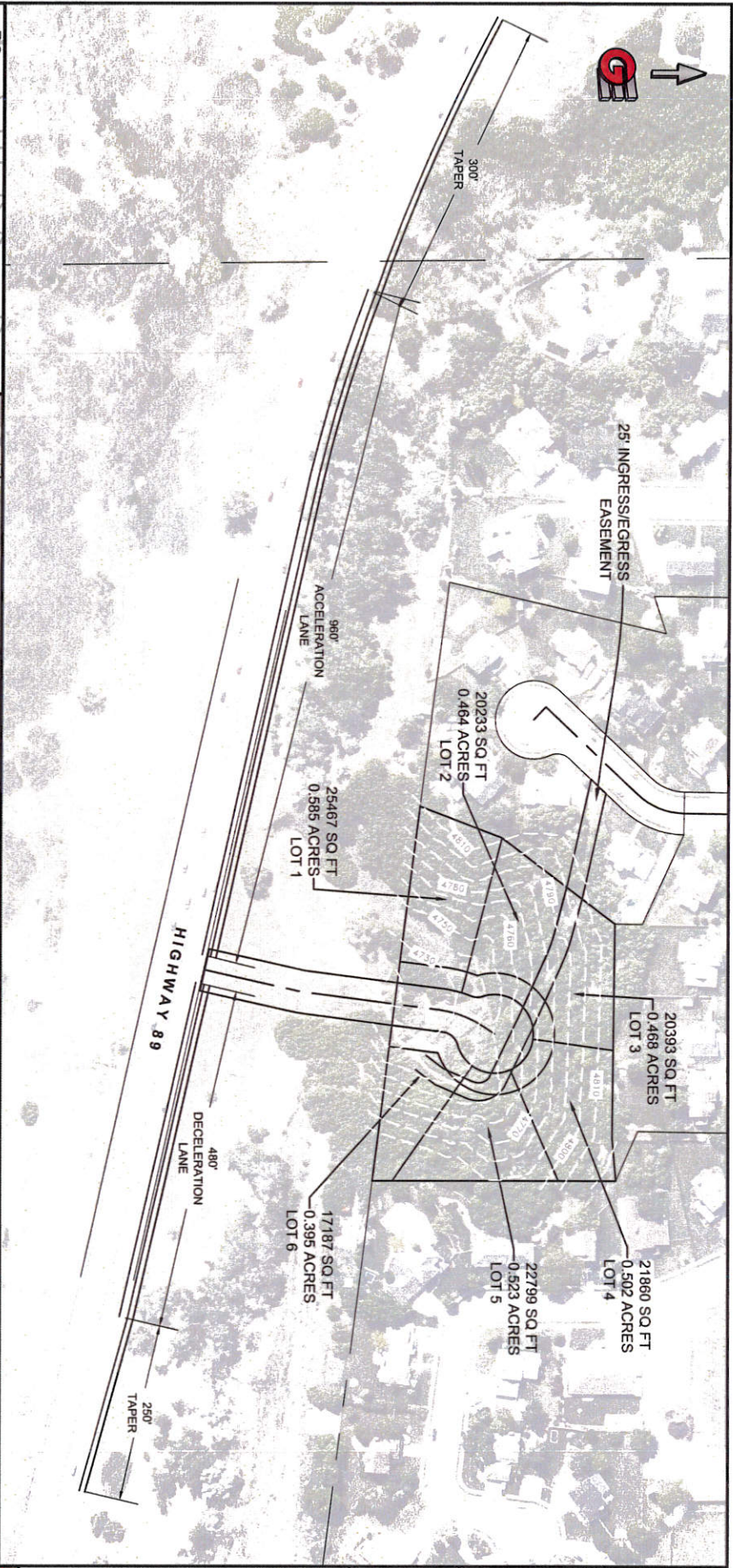
AMT TENDERED: \$225.00

AMT APPLIED: \$225.00

CHANGE: \$0.00



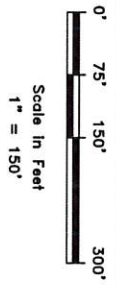
Slopes Table				
Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	10.00%	0.10	Green
2	10.00%	20.00%	0.32	Yellow-Green
3	20.00%	30.00%	0.32	Yellow
4	30.00%	40.00%	0.58	Orange
5	40.00%	175.89%	2.25	Red



PROJECT INFORMATION

AREA SUBDIVIDED 143,402 SF
 AVG. LOT SIZE 21,323 SF
 MIN. LOT SIZE 17,187 SF
 MAX. LOT SIZE 25,487 SF
 AVG. FRONTAGE 96.74 LF
 MIN. FRONTAGE 86.78 LF
 MAX. FRONTAGE 123.79 LF

*ACCELERATION & DECELERATION LANES AND TAPERS BASED ON 2011 AASHTO STANDARDS



C1
C1

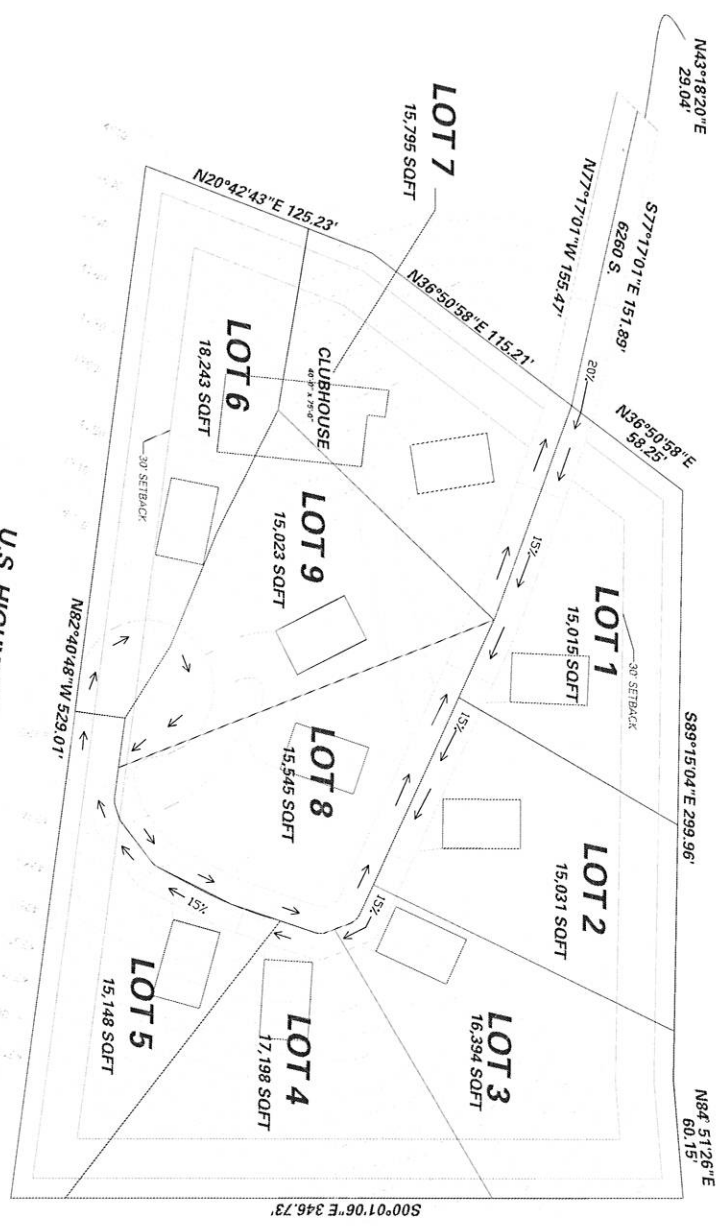
GARDNER ENGINEERING
 CIVIL - LAND PLANNING
 MUNICIPAL - LAND SURVEYING

CONCEPTUAL SITE PLAN
FULTON SUBDIVISION
HWY 89
WEBER COUNTY, UTAH

Revisions		Date	NOV. 2014
Date	Description	Scale	1" = 150'
		Designed	DB
		Drafted	DB
		Checked	IN
Path:		SEE PLOT STAMP	

HIDDEN OAKS SUBDIVISION
 WEBER COUNTY, UTAH
 APRIL, 2008

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



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

REVISIONS

NO.	REVISION	DATE

PROJECT NAME:
 HIDDEN OAKS SUBDIVISION
 6160 S. 2125 E
 OGDEN, UTAH

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

CONTENT:
 PROPOSED SITE PLAN

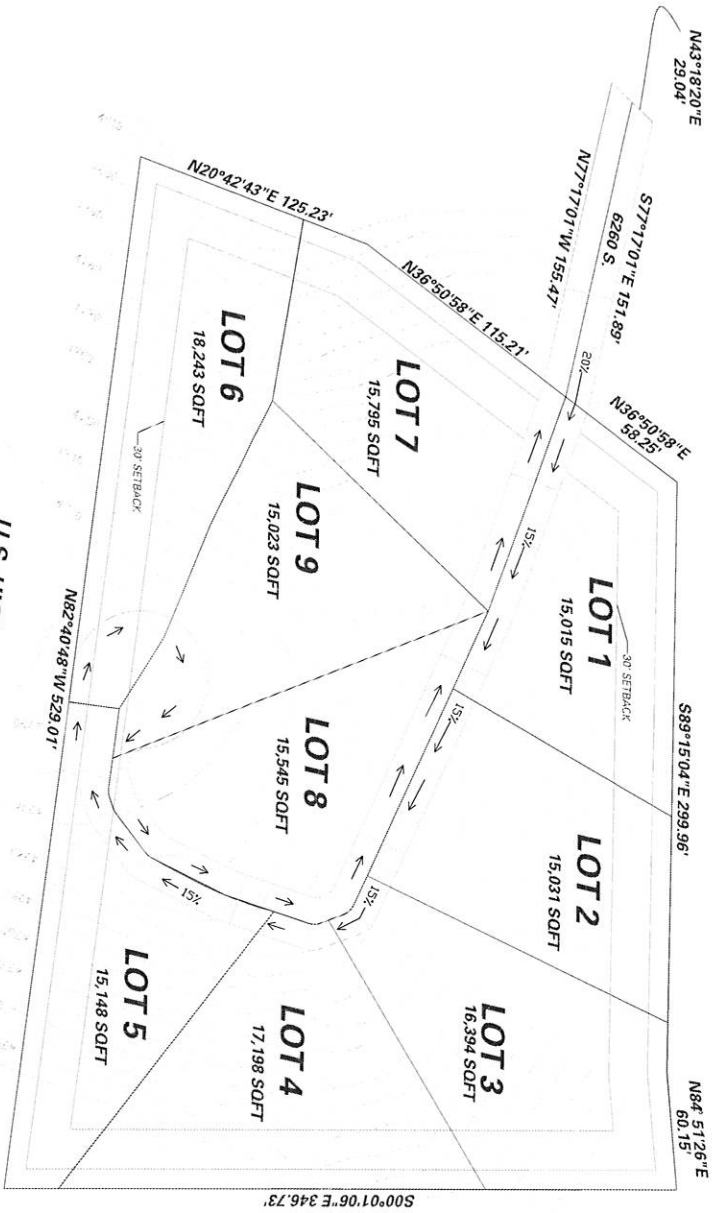
SCALE: 1" = 10'
 DRAWN BY: DF
 CHECKED BY: DF
 DATE: APRIL 21 2008
 SHEET NUMBER:

SITE

HIDDEN OAKS SUBDIVISION

WEBER COUNTY, UTAH
APRIL, 2008

DAVID FULTON
DRAFTING CONSULTANT
BOISE, IDAHO 83706
(208) 691-8796



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

REVISIONS

NO.	DESCRIPTION	DATE

PROJECT INFO
HIDDEN OAKS SUBDIVISION
6160 S. 2125 E
OGDEN, UTAH

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

CONTENT
PROPOSED SITE PLAN

SCALE: 1" = 30'
DRAWN BY: DF
CHECKED BY: CF
DATE: APRIL 21 2008
SHEET NUMBER:

SITE

