



Staff Report to the Weber County Planning Division

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for an approval of an alternative access by private right of way to access a parcel that is located at approximately 6045 East Old Snowbasin Road.

Agenda Date: Wednesday, March 08, 2017

Applicant: Matthew Eric Toliver, owner

File Number: AAE 2017-01

Property Information

Approximate Address: 6045 East Old Snowbasin Road

Project Area: 10.20 Acres

Zoning: Forest Valley 3 (FV-3)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 20-035-0039

Township, Range, Section: T6N, R1E, Sections 23

Adjacent Land Use

North: Forest	South: Forest
East: Residential	West: Forest

Staff Information

Report Presenter: Felix Lleverino
 flleverino@co.weber.ut.us
 801-399-8767

Report Reviewer: SM

Applicable Land Use Codes

- Title 104 (Zones) Chapter 14 (Forest Valley Zone, FV-3)
- Title 104 (Zones) Chapter 28 (Ogden Valley Sensitive Lands Overlay District)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations)
- Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

Background and Summary

The applicant is requesting approval to use a 50 foot private right-of-way as the primary access to a future one lot subdivision on a 10.20 acre parcel. The applicant would like to improve an existing dirt road by bringing it up to County Standards and widening it to a 12 foot travel surface. The length of the proposed access road will be approximately 1,166 feet. The property is located in the Forest Valley FV-3 Zone at approximately 6045 East Old Snowbasin Road. See Exhibit A for application. Construction drawings for the private right of way have been included in this report as Exhibits B.

As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the FV-3 zone found in LUC §104-14, and the criteria for an access to a lot/parcel using a private right-of-way or access easement found in LUC §108-7-31.

Analysis

General Plan: This Alternative Access by private right of way is in harmony with the Ogden Valley General Plan. An alternative access at the width of 12 feet has reduced negative impacts to the surroundings.

Zoning: The property is located in the FV-3 Zone. The purpose of this zone is stated in the LUC §104-14-1.

“The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”

Alternative Access Criteria: This proposal has also been reviewed to determine if it meets the criteria stated in LUC §108-7-31(c), which states the it in order to approve an alternative access application it shall be shown that it is impractical to extend a public street to serve the parcel/lot due to any of the following conditions: unusual soil, topographic conditions, or property boundary conditions. This application meets those criteria based on: the mountainous terrain, the soil conditions, the right-of-way will cross at least two ephemeral streams, and that this parcel does not have access on a public road.

Natural Hazards: Much of this area is located within a Geologic Study Area. At the time of subdivision application, a geologic reconnaissance study is required. This requirement is supported by LUC §108-22-3 (Studies and Reports Required).

Sensitive Lands: There are two natural ephemeral streams that will be crossed during the construction of this private access road. A Stream Alteration permit will have to be obtained from the Division of Drinking Water prior to construction. Bridges and stream alterations, approved by the Army Corps of Engineers are allowed within a stream corridor LUC §104-28-2 (b)(2)(a).

Private Right of Way Access: In order to provide for safe and consistent year round access there are specific design and road construction standards that shall be met and they are as follows:

1. The private right of way shall be designed and built to a standard approved by the County Engineer.
2. The minimum width of the travel surface is 12 feet wide if the access is serving less than five dwellings.
3. The improved surface shall be capable of supporting a minimum weight of 75,000 pounds.
4. This access road is greater than 800 feet; therefore, turnouts shall be place at least every 400 feet. Turnouts are shown on the road construction plans which are required to be a minimum of ten feet wide and 40 feet in length.
5. The LUC states that a private right of way shall have a maximum grade of 10 percent; However, Weber County Fire Department and the County Engineer have approved that the maximum grade shall not exceed 15 percent.
6. The flag private right-of-way shall have a minimum vertical clearance of 14.5 feet.
7. No buildings structures or parking areas are allowed within the private right-of-way.
8. There will be several culverts placed where the road crosses the stream. The culverts must be capable of supporting 75,000 pounds.

Access Easement: The applicant will be utilizing an established 50 foot access easement that was recorded in the Weber County Recorder's Office on May 27, 2015. See Exhibit E for the Special Warranty Deed.

Safety Standards:

1. The lot address shall be placed in a prominently visible location at the entrance to the private right of way.
2. Turn outs measuring 10 feet by 40 feet shall be provided adjacent to the travel surface of the private right-of-way, and placed at least every 400 feet.
3. "A turn-around area shall be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet)."

Review Agencies: The Weber County Fire District and Weber County Engineering Department have approved the road construction plans, while making it clear that there will be additional requirements with regard to fire suppression measures, and private maintenance. See Exhibit C for Weber County Fire District's review.

Public Notice: Noticing was provided to all property owners of record within 500 feet of the subject property.

Staff Recommendation

Staff recommends approval of the Matt Toliver Alternative Access for a future one lot subdivision. This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. A Stream Alteration permit must be obtained from the Division of Drinking Water prior to construction.
2. The lot address shall be placed in a prominently visible location at the entrance to the private right of way.
3. Turn outs measuring 10 feet by 40 feet shall be shown on the construction drawings
4. The improvements shall be constructed prior to issuance of a Land Use permit and Building Permit.
5. On the road construction drawings, show a turn around that meets County Safety Standards.

This recommendation is based on the following findings:

1. It is not practical to extend or construct a public right-of-way due to surrounding topography, soil conditions, and property boundary conditions.
2. The proposed alternative access conforms to the Ogden Valley General Plan.
3. The proposed alternative access complies with the applicable County ordinances.

Administrative Approval

Administrative final approval of Matt Toliver Alternative Access 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: 3/8/17

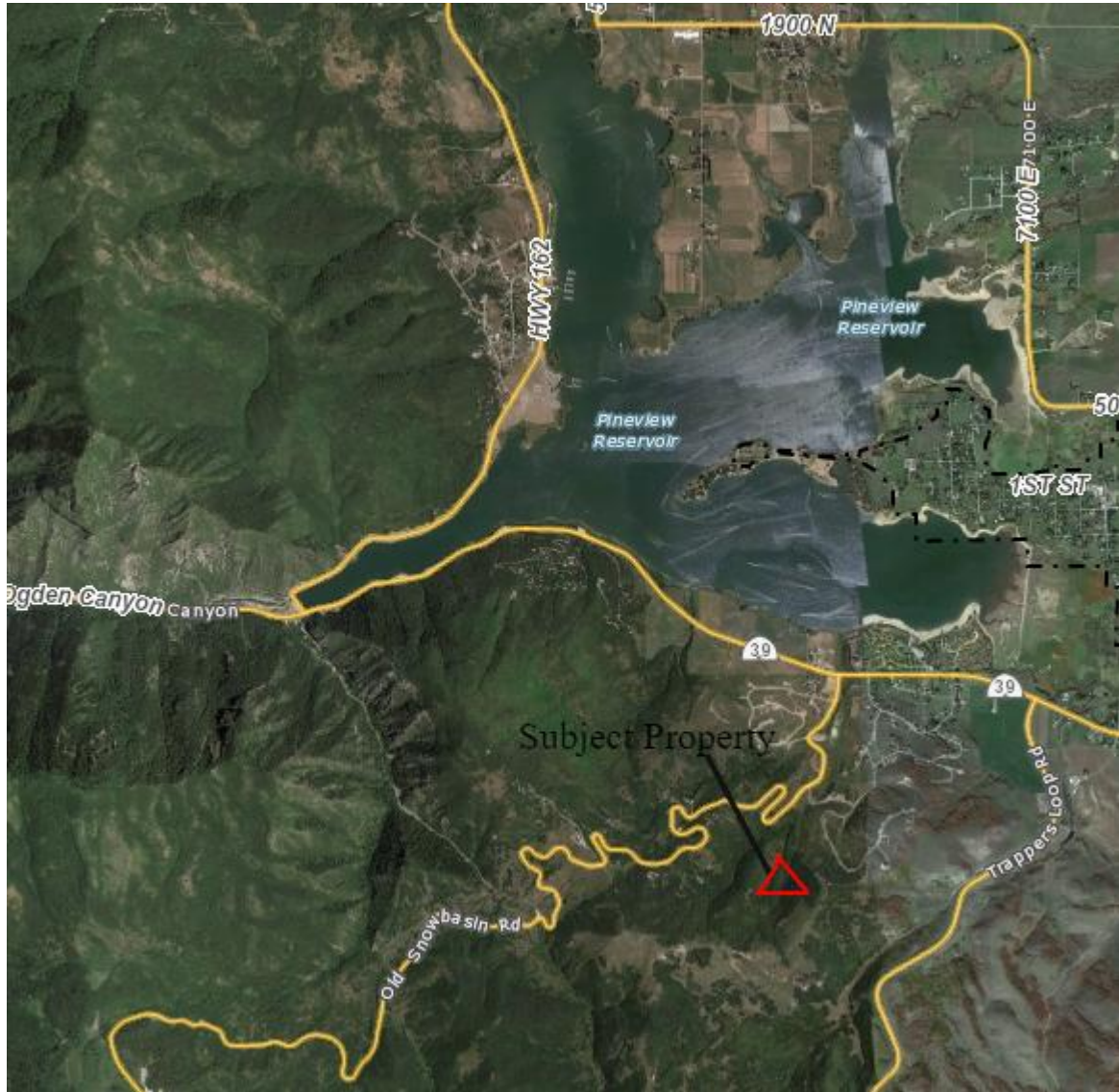


Rick Grover
Weber County Planning Director

Exhibits

- A. Application with Narrative
- B. Private Right of Way Construction Drawings
- C. Weber County Fire District's Review
- D. Current Recorder's Plat
- E. Special Warranty Deed

Area 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: \$225.00	Receipt Number (Office Use)	File Number (Office Use)
Application Type			
<input type="checkbox"/> Flag lot access strip <input type="checkbox"/> Access by Private Right of Way <input checked="" type="checkbox"/> Access at a location other than across the front lot line			
Property Owner Contact Information			
Name of Property Owner(s) <i>Matthew Eric Toliver</i>		Mailing Address of Property Owner(s) <i>4960 E. 2775 N. Eden UT 84310</i>	
Phone <i>801-430-1024</i>	Fax <i>801-394-9219</i>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required) <i>toliver23@aol.com</i>			
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) <i>Matthew E. Toliver</i>		Mailing Address of Authorized Person <i>Same as above</i>	
Phone <i>same as above</i>	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required)			
Property Information			
Project Name <i>Single lot Subdivision</i>		Total Acreage <i>10.00 acres</i>	Current Zoning <i>FU-3</i>
Approximate Address <i>5800 old snow basin Road Humboldt 84317</i>		Land Serial Number(s) <i>20-035-0039</i>	
Proposed Use <i>I would like to access a single lot subdivision</i>			
Project Narrative <i>I'm trying to begin the process to get my lot approved as a single lot subdivision. I would like to bring the access road in on the 50' easement that the property has off of old snowbasin road.</i>			

Date: February 4, 2017

Project Name: Toliver Alternative Access

Project Address: 5300 Old Snowbasin Road Huntsville 84317

Contractor/Contact: Matthew Toliver toliver73@aol.com 801-430-1024

Fees: See attached PDF

FEE NOTICE:

Weber Fire District has various fees associated with plan reviews, and inspections. Please be prepared to make payments at the time of inspections or when you pick up your approved plans. Impact Fees are due prior to taking out a building permit. Make checks payable to: **Weber Fire District**.

REVIEW STATUS: APPROVED WITH CONDITIONS

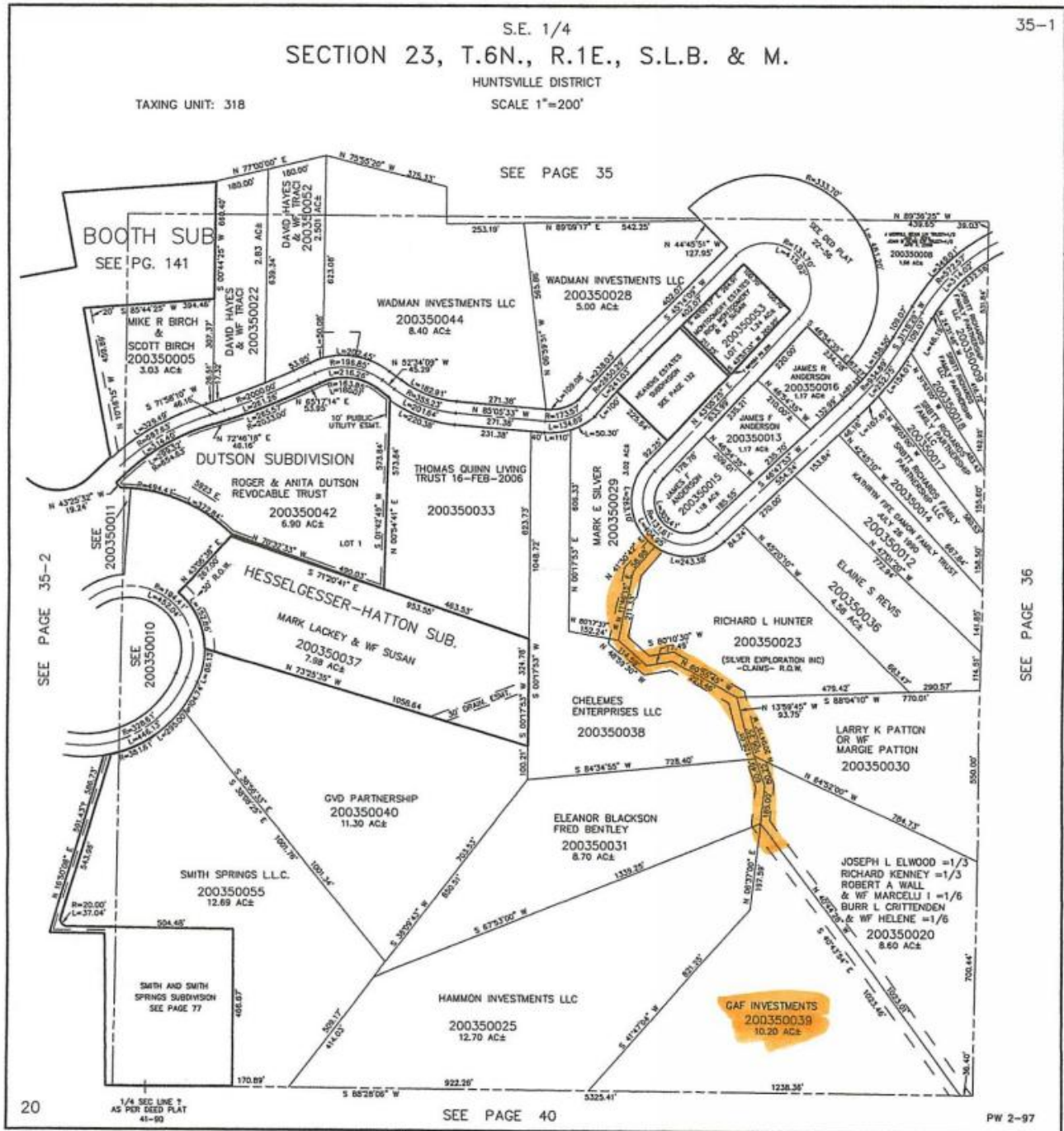
SPECIFIC COMMENTS:

1. The access drawings indicating the roadway (driveway to home) were submitted. The road appears to meet the requirements of the county ordinance and fire code. There are sections of the roadway in which the grade exceeds 10%. The engineer had met with me previously concerning this and the request to exceed the 10% grade in the limit areas indicated on the drawings is approved.
2. Due to the allowance of the grade greater than 10%, and the home being in the Wildland Urban Interface area, the home shall be provided with a fire suppression system as allowed to be required by Utah State law.
3. The property location and structure is within the Wildland Urban Interface and is therefore subject to the requirements of the 2006 Utah Wildland-Urban Interface Code. Provide the following documentation:
 - Completed "Fire Hazard Severity Form" (Appendix C).
 - Statement of conformance signed by the architect.
 - Any applicable alterations to comply the WUI code.
1. All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
2. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
3. All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible construction.
4. If the building is equipped with an fire suppression system, there shall be a weather proof horn/strobe device located on the street side of the building as approved by the Fire Prevention Division (coordinate with fire inspector regarding location).

Every effort has been made to provide a complete and thorough review of these plans. This review does not relieve the owner, contractor and/or developer from compliance with any and all applicable codes and standards. Any change or revision of this plan will render this review void and will require submittal of the new or revised layout for fire department review.

Reviewed by: Brandon Thueson

Fire Marshal





Recording Requested by:
First American Title Company, LLC
585 West 500 South, Suite 100
Bountiful, UT 84010
(801)298-2400

E# 2737593 PG 1 OF 2
Leann H. Kilts, WEBER COUNTY RECORDER
27-May-15 11:04 AM FEE \$13.00 DEP SY
REC FOR: FIRST AMERICAN - BOUNTIFUL
ELECTRONICALLY RECORDED

AFTER RECORDING RETURN TO:
Matthew Eric Toliver
4960 East 2775 North
Eden, UT 84310

SPACE ABOVE THIS LINE (3 1/4" X 5") FOR RECORDER'S USE

SPECIAL WARRANTY DEED

Escrow No: **331-5711847 (ER)**
A.P.N.: **20-035-0039**

GAF Investments LLC, Grantor, of **Ogden**, **Weber County**, State of **Utah**, hereby CONVEYS AND WARRANTS only as against all claiming by, through or under it to

Matthew Eric Toliver, Grantee, of **Huntsville**, **Weber County**, State of **UT**, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in **Weber County**, State of **Utah**:

PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 2628.99 FEET SOUTH ALONG THE SECTION LINE AND 36.40 FEET SOUTH 88°28'06" WEST FROM THE EAST QUARTER CORNER OF SAID SECTION; RUNNING THENCE SOUTH 88°28'06" WEST 1238.26 FEET, NORTH 41°47'04" EAST 821.25 FEET, NORTH 6°37' EAST 197.59 FEET; THENCE SOUTH 40°43'54" EAST 1023.46 FEET TO THE POINT OF BEGINNING.

ALSO A 50 FOOT RIGHT OF WAY ACROSS A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY: SAID RIGHT OF WAY BEING 25 FEET ON EITHER SIDE OF AND PARALLEL TO THE FOLLOWING DESCRIBED ROAD CENTER LINE: BEGINNING AT A POINT WHICH IS SOUTH 2628.99 FEET ALONG THE EAST SECTION LINE, SOUTH 88°28'06" WEST 36.40 FEET ALONG THE SOUTH SECTION LINE AND NORTH 40°43'54" WEST 1023.46 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 23, RUNNING THENCE NORTH 6°37' EAST 185.00 FEET, THENCE NORTH 20°04'15" WEST 186.50 FEET, THENCE NORTH 13°59'45" WEST 93.75 FEET, THENCE NORTH 60°55'45" WEST 223.46 FEET, THENCE SOUTH 80°10'30" WEST 77.49 FEET, NORTH 48°59'30" WEST 114.59 FEET, THENCE NORTH 11°46'15" EAST 211.33 FEET, THENCE NORTH 41°30'42" EAST 58.98 FEET TO THE SOUTH LINE OF THE SNOW BASIN ROAD.

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity and general property taxes for the year **2014** and thereafter.