



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an alternative access application for a private access easement to provide access to a second lot in the Merrill's Mountain Estate subdivision.

Agenda Date: Wednesday, March 20, 2019

Applicant: Robert Merrill

File Number: AAE 2019-01

Property Information

Approximate Address: 5500 E Hwy 39, Huntsville

Project Area: 21.72 acres

Zoning: Forest Valley (FV-3) Zone

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 20-015-0012

Township, Range, Section: T6N, R1E, Section 14

Adjacent Land Use

North: Pineview Reservoir	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Steve Burton
sburton@co.weber.ut.us
801-399-8766

Report Reviewer: RG

Applicable Land Use Codes

- Title 104 (Zones) Chapter 14 (Forest Valley Zone)
- 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 private access easement to access a future lot in Merrill's Mountain Estates Subdivision. The existing subdivision consists of one lot accessed by a 30 ft wide access easement. The applicant is proposing that an additional lot gain access and width by the existing access easement. This will require an amended plat to the Merrill's Mountain Estates Subdivision.

Analysis

LUC §108-7-31 outlines the following criteria that must be met for an alternative access approval:

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.

A contour map of the property (Exhibit B) indicates that the terrain of the area contains slopes of 40% or more. A street view image (Exhibit C) of the existing access easement shows the steepness of the slope on either side of the easement. Considering the approval criteria for alternative access, the applicant has demonstrated that topographic conditions on site warrant an alternative access.

LUC §108-7-31 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 standards outlined LUC §108-7-29(1), (2), and (3) prior to issuance of a certificate of occupancy on any home that will gain access from the access easement.

Approval of an access to an additional lot in this area will mean that five dwellings will gain access through the existing easement. Section 108-7-29(1)c indicates that the improved travel surface of the access easement shall be a minimum of 20 feet wide if the access serves five or more dwellings. The applicant will be required to ensure that this standard is met prior to issuance of a certificate of occupancy of a dwelling on the additional lot.

Review Agencies: The applicant will be required to comply with all review agency requirements prior to issuance of a certificate of occupancy on any home that will gain access from the access easement. To date the Weber Fire District and Weber County Engineering Division have conditionally approved of the proposal.

Staff Recommendation

Staff recommends approval of AAE 2019-01, to provide access by private access easement to one additional lot in a future amended subdivision, as shown on the concept plan included as exhibit A. 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.
3. The improved travel surface of the access easement shall be a minimum of 20 feet wide because the access will serve five dwellings.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to five lots is not feasible or practical due to topography.

Administrative Approval

Administrative approval of Merrill Alternative Access (AAE 2019-01) is hereby granted based upon the conditions and findings listed in this staff report.

Date of Administrative Approval: 3/20/19


Rick Grover
Planning Director

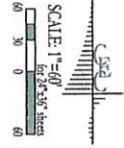
Exhibits

- A. Concept Plan
- B. Contour map
- C. Street view image

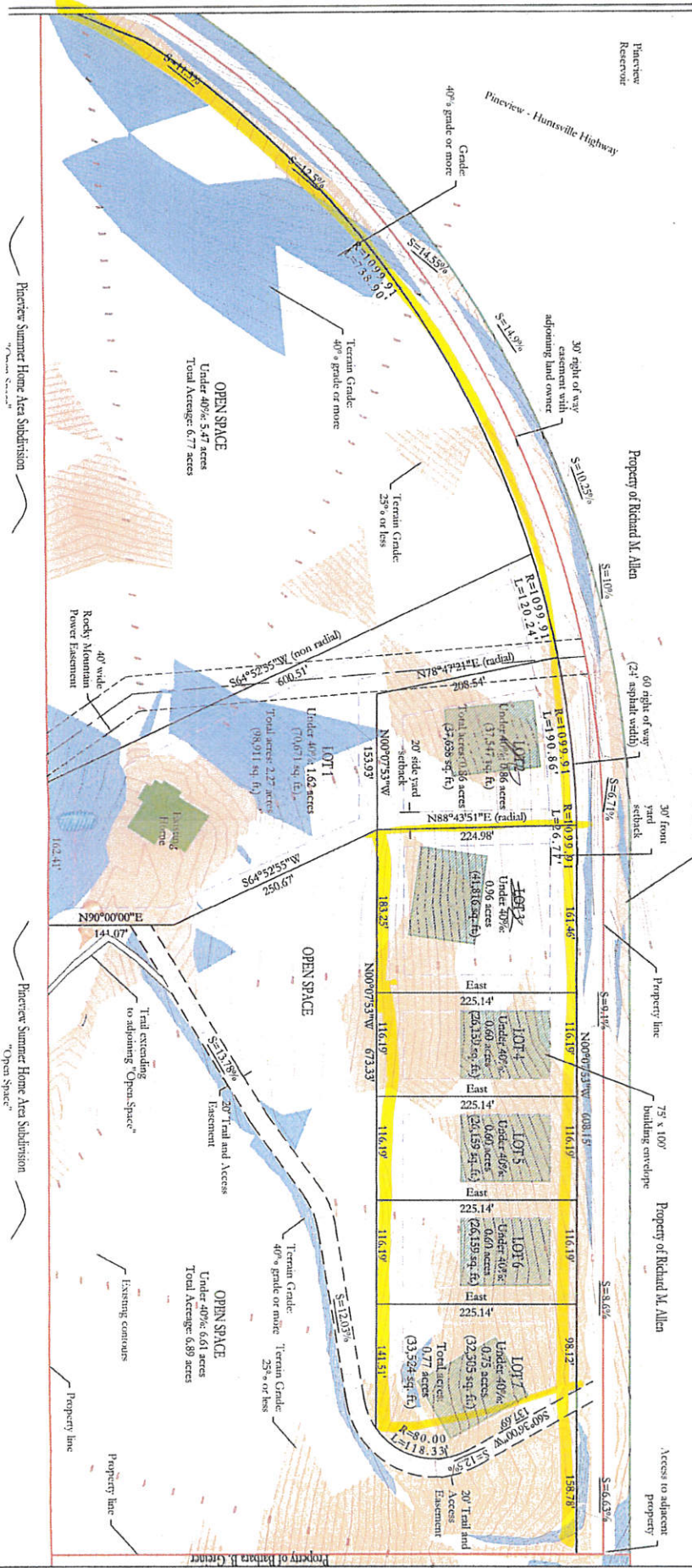
Property Map



PRELIMINARY PLAT
PART OF THE WEST HALF OF SECTION 14,
RANGE 6 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
BER COUNTY, UTAH
JANUARY 2007



*Contour / Topo
MAP only
Ignore lot layout*



DESIGN SPECIFICATIONS	
Total Acres:	21.72 acres
40% or greater grade (undevelopable area):	2.66 acres
Gross Acreage:	19.08 acres
Open Space Requirement (60%):	11.448 acres
DENSITY CALCULATIONS	
Adjusted Gross Acreage:	19.08 acres
Area of Right of Way:	1.37 acres
Density allowed (zone=3 acres):	5.896 lots allowed
Cluster Bonus (maximum allowed=30%):	multiple 30%
Lots allowed:	7.665 lots allowed
Proposed Open Space:	12.08 acres
Developable Area (25% or less grade):	6.032 acres
Number of Proposed Lots:	7 lots
Forest Valley Zone:	FV-3

BONUS POINTS	
Development of a Cluster Subdivision:	10%
Public Access to Open Space & Trail:	10%
5% Excess of Open Space:	5%
Preservation of wildlife habitat in open space:	10%
Providing road stubs (east & south):	5.20%
Open Space is contiguous to permanently preserved open space on an adjoining property (west):	5%
Total Possible Cluster Bonus Points:	45.60%

NOTE:
Lots 3 through 6 do not contain any terrain over 40% grade.

LEGEND:
 - Lot lines
 - Boundary Line
 - Right of way line
 - Setbacks (30' front & rear / 20' side/rear)
 - Existing Contours
 - 75x100' Building Envelope
 - Terrain grade less than 25%
 - Terrain grade more than 25%
 - Asphalt Roadway / Trail

<p>PROJECT / LOCATION MERRILL MOUNTAIN ESTATES CLUSTER SUBDIVISION</p> <p>PRELIMINARY PLAT</p>	<p>CLIENT: BOB MERRILL</p> <p>PROJECT NUMBER: bm16001</p> <p>FILE: bm16001 7loc-21.doc</p> <p>SHEET: 1 of 1</p>	<p>DATE: JANUARY 2007</p> <p>DRAWN: JUN</p> <p>DESIGNED: NSN</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>REVISIONS</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	BY	REVISIONS													<p>CIVIL ENGINEERING CONSULTANTS, PLLC 541 SOUTH 1300 WEST RIVERDALE, UT 84405 981.866.0550</p>
NO.	DATE	BY	REVISIONS																	

Exhibit C
Street view
image

