



# 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 future 2 lot subdivision located at approximately 5597 E Hwy 39, Huntsville.

**Agenda Date:** Wednesday, October 2, 2019

**Applicant:** Robert Ferguson

**File Number:** AAE 2019-07

### Property Information

**Approximate Address:** 5597 E Hwy 39, Huntsville

**Project Area:** 21

**Zoning:** Forest Valley (FV-3) Zone

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**Parcel ID:** 20-015-0013; -0015

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

### Adjacent Land Use

<b>North:</b> Pineview Reservoir	<b>South:</b> Residential
<b>East:</b> Residential	<b>West:</b> Residential

### Staff Information

**Report Presenter:** Steve Burton  
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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 two lot subdivision. There is an existing 60 foot wide access easement that currently serves four dwellings. Approval of an access to an additional lot in this area will mean that at least 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 an additional lot.

## 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 A) indicates that the terrain of the area contains slopes of 20% or more. A street view image (Exhibit B) 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.

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 2019-07, to provide access by private access easement to a future two lot 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 2019-07) is hereby granted based upon the conditions and findings listed in this staff report.

Date of Administrative Approval: \_\_\_\_\_

10/2/19

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Rick Grover  
Planning Director

### Exhibits

- A. Concept Plan with contours
- B. Street view image

# Property Map





