



## Staff Report for Administrative Approval

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on an alternative access request to use a private right-of-way as the primary access for three future lots.  
**Agenda Date:** Wednesday, August 12, 2020  
**Applicant:** Kevin Glasmann, Blaine Glasmann, & Michael Glasmann (Owners)  
**File Number:** AAE 2020-02

#### Property Information

**Approximate Address:** 9161 East 100 South, Huntsville, UT 84317  
**Project Area:** 52.15 Acres  
**Zoning:** Forest Zone (F-5)  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Vacant/Residential  
**Parcel ID:** 23-007-0003  
**Township, Range, Section:** T6N, R3E, Section 4

#### Adjacent Land Use

<b>North:</b>	North Fork River/Residential	<b>South:</b>	Vacant
<b>East:</b>	U.S. Forest Service	<b>West:</b>	Vacant

#### Staff Information

**Report Presenter:** Scott Perkes  
sperkes@co.weber.ut.us  
801-399-8772  
**Report Reviewer:** RG

### Applicable Land Use Codes

- Title 104 (Zones) Chapter 9 (Forest (F-5) Zone)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 (Flag lot access strip, private right-of-way, and access easement standards)
- 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 and Summary

The applicant has resubmitted a request for alternative access exception to provide access to 52.15 acres of property located in the F-5 zone at approximately 9161 East 100 South. This request was originally approved on June 28, 2017. Following the approval in 2017, the applicant experienced delays to submitting a subdivision application due to work required to complete a geotechnical analysis and septic feasibility testing with the health department. These delays eventually caused the approval to expire due to 18 months passing without the submittal and acceptance of a subdivision application.

The applicant has since completed the subdivision application requirements and is now requesting the re-approval of the alternative access exception. No changes to the original application and approval are being requested as part of this re-approval request.

### Analysis & Summary of Administrative Considerations

Following review of the 2017 staff report (see Exhibit A), staff's analysis of the request remains unchanged.

### Staff Recommendation

With exception to the added condition below, staff's recommendation remains unchanged from the 2017 recommendations as follows:

Staff recommends approval of the request for an alternative access for a 150-foot private right-of-way as the primary access for parcel 23-007-0003.

As a condition of approval, and Per LUC Sec. 108-7-31:

- 1) *"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."*

To satisfy this condition, the applicant will be required to sign and record an "Alternative Access Agreement" at the time in which an associated subdivision plat is recorded.

This recommendation is based on the following finding:

1. Based on substantial evidence, it has been found that it is unfeasible or impractical to extend a street to serve such lot/parcel based on topographic, and property boundary conditions which limit typical access requirements in a unique way.

### Administrative Approval

Administrative final approval of AAE 2020-02 to create a private road that would serve as an access to three future residential lots.

Date of Administrative Approval: 6/12/20

  
Rick Grover  
Planning Director

### Exhibits

- A. Application and Re-Submittal Letter
- B. June 28, 2017 Staff Report

### Property Map



**Exhibit A: Application and Submittal Letter**

<b>Weber County Alternative Access Application</b>			
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Application Fee: <b>\$350.00</b>	Receipt Number (Office Use)	File Number (Office Use)
<b>Application Type</b>			
<input type="checkbox"/> Flag lot access strip <input checked="" type="checkbox"/> Access by Private Right of Way <input type="checkbox"/> Access at a location other than across the front lot line			
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) <i>Kevin Glasmann Michael Glasmann Blaine Glasmann</i>		Mailing Address of Property Owner(s) <i>Kevin Glasmann 5925 S. 2450 E. Ogden, UT 84403</i>	
Phone <i>801-500-0142</i>	Fax		
Email Address (required) <i>Kevin5925@msn.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s) <i>Kevin V. Glasmann</i>		Mailing Address of Authorized Person <i>5925 S 2450 E Ogden, UT 84403</i>	
Phone <i>801-500-0142</i>	Fax		
Email Address (required) <i>Kevin5925@msn.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Information</b>			
Project Name <i>Red Rock</i>		Total Acreage <i>52+</i>	Current Zoning <i>F5</i>
Approximate Address <i>3550 E. 1900 N Huntsville UT</i>		Land Serial Number(s) <i>230070003</i>	
Proposed Use <i>Establish three building lots for cabins/homes</i>			
Project Narrative <i>intention is to establish three (3) building lots on our 52 acres. Alternative access is necessary as the main road, US Forest Service, crosses this property on the west. This USFS road currently serves Camp Rock? Ho and names Robin's located near the South Fork River (ie headwaters). Alternative access to this parcel was granted in 2017 for the same purpose described above but expired due to a process to gain approval from the Utah Dept. for repleat systems which has been vacated. See attached letter from 10/6/17 providing more information.</i>			

**Basis for Issuance of Access to a lot/parcel 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:

Sec. 102-7-12 - Access to a lot/parcel at a location other than across the front lot line.

(1) 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.

(2) It shall be demonstrated 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.

**Please provide the following information to support your request for Access to a lot/parcel at a location other than across the front lot line:**

- 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.
- 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.

**Property Owner Affidavit**

I (we), \_\_\_\_\_, 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. I (We) understand that an approval of an alternative access application does not grant a legal right to access property that I (we) currently do not own.

\_\_\_\_\_  
Property Owner \_\_\_\_\_ Property Owner

Subscribed and sworn to me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary

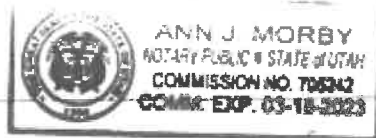
**Authorized Representative Affidavit**

I (we), Kevin V Glasman, the owner(s) of the real property described in the attached application, do authorize 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.

Kevin V Glasman \_\_\_\_\_  
Property Owner \_\_\_\_\_ Property Owner

Dated this 10 day of Aug, 2020, personally appeared before me \_\_\_\_\_ the signers of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Ann J Morby \_\_\_\_\_  
Notary



Mr. Felix Lleverino  
Weber County Planning Dept.  
2380 Washington Blvd. Suite 240  
Ogden, UT 84401

October 16, 2020

Felix:

I have enclosed the "Alternative Access Application" for your review. I have also included a copy of the letter submitted in 2017 for the previously granted Alternative Access (now expired) for this parcel #23 007 0003.

Hopefully the information submitted in 2017 for the approved alternative access is still available to for applying to this AA application. Other than our passing Health Dept. septic requirements and having necessary geotech analysis performed, nothing has changed for this parcel. The same access limitations apply as described in 2017 letter (attached).

Please let me know if you need more information to facilitate Alternative Access approval for this property. You are welcome to call or text me at 801-500-0142 or email keving5925@msn.com.

We appreciate your help in working through this process.

Sincerely,



Kevin V. Glasmann  
keving5925@msn.com