



Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473

Planning Division Administrative Review
NOTICE OF DECISION

April 18, 2016

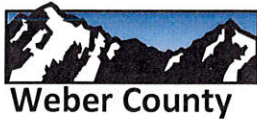
Matt & Laura Rasmussen
2927 Melanie Lane
Ogden, Utah 84403

Case Number: Access Exception (AE #2013-03)

You are hereby notified that your request for approval of an Access Exception related to a proposed subdivision project located at approximately 6050 South and 2900 East is approved. The decision considered relevant Weber County codes, information provided by you (the applicants), information provided by the public, including those involved in a Second Judicial District Court Order (Civil No. 140904054) dated January 27th, 2016, and an analysis prepared by the Weber County Planning Division. This approval is based on the findings listed below and is subject to the following conditions:

FINDINGS:

1. An application was submitted and determined to be complete after supplementary verbal discussion which addressed the applicants' need to demonstrate that it is unfeasible or impractical to extend a street to two future lots within a proposed subdivision. The results of the discussion, where feasibility and practicality were explained, are provided under the Planning Staff's analysis and findings section of the Planning Division Staff Report (pg. 2 of 4).
2. Pursuant to § 102-1-2(a) of the Weber County Land Use Code, the Weber County Planning Director is authorized to act as the land use authority and approve or deny applications for "access to a lot/parcel using a private right-of-way or access easement."
3. The Planning Division, on August 9, 2013 and March 31, 2016, held administrative meetings that satisfied public notice and comment requirements.
4. The subject property is shown on a Utah Geologic Survey Map (representing strong or "substantial evidence" as required by § 108-7-31(1)(c)) as being (potentially) situated in between the Wasatch Fault and another fault. Due to the property's proximity to potential faults, the Planning Division finds that it is impractical to require the construction of a public road (and other infrastructure) that would intentionally cross a fault line. The alignment of the proposed access easement (and private driveway improvements) does not cross fault lines as shown on the Utah Geologic Survey Map. See Exhibit F, attached to the related Planning Division Staff Report, or <http://geology.utah.gov/apps/intgeomap/> for the UGS Map.
5. Property boundary conditions are such that the lots to be subdivided do not have access from a street. Although the applicants do own adjacent property with frontage on Melanie Lane, access to the proposed lots at this location would not be practical due to steep slopes (the existing lot [Lot 1 of Calais Subdivision] is a restricted lot which indicates that the land exceeds 25% slopes), the location of an existing dwelling, and a stream with a dedicated drainage easement. Further, a road intersecting Melanie Lane, in this area, would intersect Melanie Lane at an unsafe location (limited sight distance due to horizontal curve), be disruptive to the existing dwelling, and dangerous due to steep slopes and other geological considerations i.e., surface rupture faults and landslides. It is unsafe and impractical for a road, serving only two lots, to be constructed in this area. See Exhibit G, attached to the related Planning Division Staff Report, for the original Calais Subdivision Plat.
6. The applicants have received an approval for an access easement from Weber County. The easement location is shown on the proposed preliminary (Pas De Calais) subdivision plat that has been submitted to the Planning Division. See Exhibit B, attached to the related Planning Division Staff Report, for



Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473

representation of the easement. See Exhibits D and E, attached to the related Planning Division Staff Report, for County Commission meeting minutes where easement approval was discussed and granted.

7. A dedicated road that meets County standards, if constructed in the same location of the proposed shared access, would create a situation where neighboring lots (Lots 81 through 85 of the Eastwood Subdivision No. 6) would become "double frontage lots." Double frontage lots are prohibited by the Weber County Land Use Code, § 106-2-4(c).
8. An alternative access idea, offered through public comment, which involves the purchase and use of a vacant lot (Lot 84 of the Eastwood Subdivision No. 6) for a roadway, would remove the taxable value of a residential building lot and would replace it with a County road that would have no taxable value. To remove the existing taxable value that Lot 84 provides is not ideal or practical. Further, Lot 84, if converted to a roadway, would force Lots 83 and 85 to become "corner lots," which would increase their sideyard setbacks. To burden Lots 83 and 85 with greater sideyard setbacks, now that these lots have been developed, is also not ideal or practical.
9. Financial adversity and/or financial gains have not been considered in this decision.
10. Prior to approval of a subdivision application, the applicants will 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 access easement with a dedicated street that would serve as the access to the proposed lots or any other additional lots. See Weber County Land Use Code § 108-7-31(b).

CONDITIONS:

1. The access easement granted by Weber County shall be recorded at the same time the proposed Pas De Calais Subdivision is recorded.
2. An access easement, across (the proposed) Lot 3, providing access to (the proposed) Lot 2 shall be reserved/recorded in an appropriate manner and shown on the final subdivision plat.
3. 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 access easement with a street that would serve as a required access to the lots.
4. Any other conditions imposed by applicable review agencies.

Meetings minutes are made available approximately four weeks from the date of the meeting. To obtain minutes, please contact Kary Serano at 801-399-8791 in the Weber County Planning Division Office.

Sincerely,

Rick V. Grover
Planning Director
Weber County Planning Division

Appeals from administrative decisions shall be submitted to the Planning Division in accordance with § 102-1-7 of the Weber County Land Use Code.