



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 to a future four lot subdivision.

Agenda Date: Wednesday, October 28, 2020

Applicant: Mike Westwood (Owner)

File Number: AAE 2020-08

Property Information

Approximate Address: 1900 N 7900 E, Eden

Project Area: 196 acres

Zoning: Agricultural Valley 3 Zone (AV-3), Forest Valley 3 Zone (FV-3)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 21-005-0030

Township, Range, Section: T6N, R2E, Section 6

Adjacent Land Use

North: Vacant	South: Vacant
East: Vacant	West: Vacant

Staff Information

Report Presenter: Steve Burton
sburton@webercountyutah.gov
801-399-8766

Report Reviewer: RG

Applicable Land Use Codes

- Title 104 (Zones) Chapter 6 (Agricultural Valley 3 (AV-3) Zone)
- Title 104 (Zones) Chapter 14 (Forest Valley 3 (FV-3) 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

The applicant is requesting approval of a 20 foot wide private access easement to provide access to a future four lot subdivision. The applicant currently owns 196 vacant acres located in the AV-3 and FV-3 zones. The site is located in the floodplain and there are multiple streams that run through this property. The location of streams can be seen on the county's stream map included as exhibit c. The applicant has provided a conceptual layout of the future subdivision that indicates three of the four lots will not have frontage along a public street. The concept layout is included as part of exhibit b.

Analysis

The alternative access option was created as a means for landowners to provide access over, and across areas that restrict the construction of a standard County 66-foot right-of-way. Alternative access applications should be approved as long as the design standards can be implemented during the subdivision process, and the application meets the criteria in LUC §108-7-31(1)(c) which states:

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.

The various streams that are on this property may be considered "substantial evidence" that it is unfeasible or impractical to extend a public road to serve this future subdivision. The county's stream map shows 5 streams that affect this property.

While bridges are permitted to be installed to access across streams, the Ogden Valley General Plan cites the importance of preserving the quality and function of streams. The land use authority may find that, in order to preserve the quality and function of several streams on this property, an alternative access is warranted.

Section 108-7-31 of the Land Use Code 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, safety, and parcel/lot standards outlined LUC §108-7-29(a) (b), and (c) prior to issuance of a certificate of occupancy on any home that will gain access from the access easement. The location of the access easement does not inhibit the creation of future roads, nor does it inhibit the continuation of existing roads in this area. In the future, if more lots are proposed to gain access by the proposed easement, a new alternative access application will be required, and the feasibility and practicality of a public road will be assessed.

Review Agencies: The Engineering Division and the Fire District have reviewed and conditionally approved this proposal, on the condition that the easement be constructed to the standards outlined in 108-7-29.

Staff Recommendation

Staff recommends approval of AAE 2020-08, to provide access by private access easement to a future four lot subdivision, as shown on the concept plan included as Exhibit B. 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.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to four lots is not practical due to the location of several streams on this property.

Administrative Approval

Administrative final approval of AAE 2020-08 to create a private access that would serve as an access to four future residential lots.

Date of Administrative Approval: 10/29/20


Rick Grover - Planning Director

Exhibits

- A. Alternative Access Exception Application
- B. Concept Plan
- C. Stream Corridor Map

Property 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: \$350.00	Receipt Number (Office Use)	File Number (Office Use)
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Application Type

- Flag lot access strip
- Access by Private Right of Way
- Access at a location other than across the front lot line

Property Owner Contact Information

Name of Property Owner(s) <i>Westwood Eden LLC</i>		Mailing Address of Property Owner(s) <i>3130 W. 3600 S. West Haven, UT 84401</i>	
Phone <i>801-643-2340</i>	Fax		
Email Address (required) <i>westwood450@MSN.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <i>Mike Westwood</i>		Mailing Address of Authorized Person <i>3130 W. 3600 S. West Haven, UT 84401</i>	
Phone <i>801-643-2340</i>	Fax		
Email Address (required) <i>westwood450@MSN.com</i>		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name <i>DW Ranch</i>	Total Acreage <i>196</i>	Current Zoning <i>AV3 / F43</i>
Approximate Address <i>1400 N. 7900E Eden, UT</i>	Land Serial Number(s) <i>210050030</i>	

Proposed Use
Ranch, Residential

Project Narrative
 We are moving our family Farming operation from West Haven to Eden. We would like to build 4 homes on individual lots of 5+ acres. We would like to construct a road for access to these homes. The road would be 1100' long and 20' wide. It will be constructed with 6" of pit run and 8" of road base to accommodate 75,000 lbs as required by the Fire Dept. We met with WC planning, engineers, Fire and Health, on Sept 23 and they agreed with this proposal.



Weber County Geo-Gizmo

Find address or place



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E 1900 N

E 1900 N

N 7900 E

7100 E ST

N 7100 E

7900 E ST

N 7900 E



