



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, December 09, 2020

Applicant: John Gally (Owner)

File Number: AAE 2020-09

Property Information

Approximate Address: 3280 Hwy 162, Eden, UT 84310

Project Area: 40.95 Acres

Zoning: Agricultural Valley (AV-3)

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 22-022-0047

Township, Range, Section: T7N, R1E, Section 28 NW

Adjacent Land Use

North: North Fork River/Residential

South: Hwy 162

East: Residential

West: Residential

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
801-399-8794

Report Reviewer: RG

Applicable Land Use Codes

- Title 104 (Zones) Chapter 6 (Agricultural Valley (AV-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 and Summary

The applicant has submitted a request for alternative access exception to provide access to a lot in a future three-lot subdivision. Feasibility for water and sewer/septic will be required with a subdivision application. This parcel is not located in a geohazard study area.

Analysis & Summary of Administrative Considerations

Applicant has indicated some unique boundary conditions that would make the agricultural use difficult with an alternative layout for a potential subdivision.

Staff Recommendation

Staff recommends approval of the request for an alternative access for a 769-foot access easement as the primary access for two lots in a future subdivision, subject to all review agency requirements and the following condition:

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, that includes language requiring dedication of, and installation of a county road stubbed to the northern boundary, should additional lots be created in addition to what is shown on the submitted site plan. The intent of this condition is to eventually extend Rivers Edge Road south to Hwy 162.

- 2) The access on the submitted plat with a subdivision application shows the width to be 50’, and labeled as ‘private access easement’.

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 2020-09 to create a private road that would serve as an access to three future residential lots.

Date of Administrative Approval: 12/9/20



Rick Grover
Planning Director

Exhibits

- A. Application and Narrative
- B. Site Plan

Property Map



Exhibit A: Application and Narrative

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)
Application Type			
<input type="checkbox"/> Flag lot access strip <input type="checkbox"/> Access by Private Right of Way <input type="checkbox"/> Access at a location other than across the front lot line			
Property Owner Contact Information			
Name of Property Owner(s) <i>John Gally</i>		Mailing Address of Property Owner(s) <i>P.O. Box 447</i>	
Phone <i>801-678-0159</i>	Fax <i>801-886-3477</i>	<i>Eden Ut 84310</i>	
Email Address (required) <i>Jgally@gstlogisticsinc.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)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address (required)		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name <i>John Gally Subdivision</i>		Total Acreage <i>40 +</i>	Current Zoning
Approximate Address <i>3280 Hwy 162</i>		Land Serial Number(s)	
Proposed Use <i>Housing</i>			
Project Narrative <i>We need to have a ^{Private} access point for the 2 lots</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. 108-7-32. - 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), John Galy, 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.

John Galy _____ Property Owner _____
 Subscribed and sworn to me this 14 day of Oct, 2020
Angela Martin _____ Notary _____



Authorized Representative Affidavit

Narrative: Access for Private Right of Way

John Gally Subdivision

Topography limitations for road advancement:

- Currently there is a flood plain limitation due to where the Irrigation water flows across the highway – this limitation will be eliminated as we will be tubing and moving the irrigation to a pond at the Northeast corner of lot 2.
- There are no other limitations that are known.
- Lot 3 has a current entrance that has been used for well over 50 years that will service the cattle operation and will be utilized for ranch access for lot 3.

Impact to Streams and Irrigation:

- The current stream flow for irrigation will be diverted to tubes that flow on the East side of Property 2, to a pond, thus moving toward a more efficient watering system that is sprinkled instead of ditch flows.
- The river that flows through the middle of the property has flowed for many years and feeds many downstream farms and ranches; we will add a boxed culvert for the private entrance to lot 3 thus not interrupting any of the river flow.
- There is a stream that flows to the East of lot 2 that supports the winter runoff and flood control for Weber County. This water way will not be impacted by development of either lot 2 or 3 and will remain as it currently exists.

Property Boundary Conditions:

- The current property is completely fenced and will be surveyed so that all boundaries will be clearly marked.
- The private property to the West is currently owned by myself and my wife thus the development of lots 1 and 2 will not have an effect on the proposed project.
- The property to the East and North of lots 1 and 2 is currently owned by myself and my wife and is registered as Green space with Weber County and is part of our ranch area.

In conclusion, lots 1 and 2 will have a private gated entrance that will egress from highway 162 and into lots 1 and 2 by nearly 45 feet and 30 feet wide, this we are doing for heightened safety for the 2 property owners. Both private driveways will be maintained by the residents. We respectfully request that the County approve our application so that we can proceed with the development.

Regards,

John Gally

Exhibit B: Site Plan

