



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 strip as the primary access for a flag lot in a three-lot subdivision.
Agenda Date:	Wednesday, February 24, 2021
Applicant:	Robert Favero, Owner
File Number:	AAE 2020-03

Property Information

Approximate Address:	2267 S 3500 W, Ogden, UT, 84401
Project Area:	3.339 Acres
Zoning:	Agricultural Zone (A-1)
Existing Land Use:	Vacant
Proposed Land Use:	Vacant/Residential
Parcel ID:	15-078-0046, 15-078-0163
Township, Range, Section:	T6N, R2W, Section 28SE

Adjacent Land Use

North: Residential	South: Residential
East: 3500 East St.	West: Vacant/Agricultural

Staff Information

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

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 15 (Agricultural A-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 Flag lot access strip, private right-of-way, and access easement standards
- Weber County Land Use Code 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
- Weber County Land Use Code Title 106 (Subdivisions) Chapter 2 (Standards) Section 3 (Blocks)

Background

The Planning Division is recommending approval of the request for an access easement as primary access to the rear lot (flag lot) in a three-lot subdivision. The recommendation for approval of this request is based on substantial evidence that it is impractical to extend a right of way improved to the county standard to serve one lot. The existing residential development within the subdivision, that limits any potential connection to the west, serves as substantial evidence that requiring an improved right of way would be impractical. An image of the proposed plat for this subdivision, showing frontage along 3500 West St. is included as Exhibit C.

In addition to the staff recommendation, it is important to note the ambiguity of the section of code that allows for 'access easements' to be used as access instead of an improved street. When approving such requests the following criteria must be met, "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" (LUC 108-7-31(1)c). Other than financial adversity, the code is vague in what can be considered acceptable as evidence to allow for an alternative access.

The property is in the Agricultural A-1 Zone located at approximately 2267 S 3500 W, and is 3.339 acres. The proposed access easement is located just off 3500 West, of Section 28 of Township 6 North, Range 2 West.

Alternative access applications such as this are reviewed and approved administratively by the Weber County Planning Director. Under LUC 102-1-2(b), at the discretion of the planning director, the planning commission can hear the request for approval of an alternative access application. It is essential to note that this request is an administrative application and is not a variance or an exception to the standards and criteria outlined in the Uniform Land Use Code of Weber County (LUC). The request conceptually meets the standards as outline in LUC §108-7-29 and meets the criteria for the request as required

Analysis

General Plan: The General Plan for Western Weber is intended to preserve private property rights while also preserving the rural characteristics of the area. This proposal conforms to the Western Weber General Plan.

Zoning: The subject property is located in the Agricultural Zone more particularly described as the A-1 zone. The purpose and intent of the A-1 zone is identified in the LUC §104-5-1 as:

“The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.”

The application has been forwarded to the applicable review agencies and based on the limited criteria and conditions that govern alternative access application and after a thorough review of the applicant’s proposal, staff feels that the applicant has provided adequate evidence to show that it is unfeasible or impractical to extend a street to serve such parcel due to topographic, or property boundary conditions. This determination is based on the review and analysis of the information provided by the applicant.

Review Agencies: *To date, the proposed alternative access has been given conditional approval by the Weber Fire District. Weber County Engineering has stated they will review the access with the subdivision file. All review agency requirements must be addressed and completed prior to this alternative access being recorded.*

Summary of Administrative Considerations

- Property boundary conditions that show an impracticality or infeasibility of a road installation include the lack of potential road connection; due to existing residences/buildings on either side of the canal, and along 3500 West St, road connectivity is not possible.
- The Land Use Code does not require a concurrent approval of an access exception with a subdivision proposal, however, this application is running concurrently with a subdivision application. LUC 108-7-29(4) state that access easements are valid from 18 months from the date of approval.

Staff Recommendation

Staff recommends approval of the request for an alternative access for a private access easement as the primary access for the rear flag lot of a future three-lot subdivision, subject to the following conditions:

1. That approval is based on the concept layout list as Exhibit C of this staff report.
2. That this approval offers no explicit or implicit rights of access along any connected private streets, roads or rights of way serving access to the property.

This recommendation is based on the following findings:

1. Based on substantial evidence, it has been found that it is impractical to require installation of a county standard right of way to serve such lot/parcel property boundary conditions which limits typical access requirements in a unique way. Due to the existing development, to the east of the proposed subdivision, and along 3500 West St., road connectivity is not feasible. Per 106-2-1, *“The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) ...”* Planning feels there is substantial evidence, and reason for the recommendation for approval.

Administrative Approval

Administrative final approval of Favero Alternative Access for private right of way access to a flag lot in a future three-lot subdivision is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: **Wednesday, February 24, 2021.**

Exhibits

- A. Map of Location
- B. Application and Narrative
- C. Site Plan

Exhibit A-Location map



Exhibit B-Application & Narrative

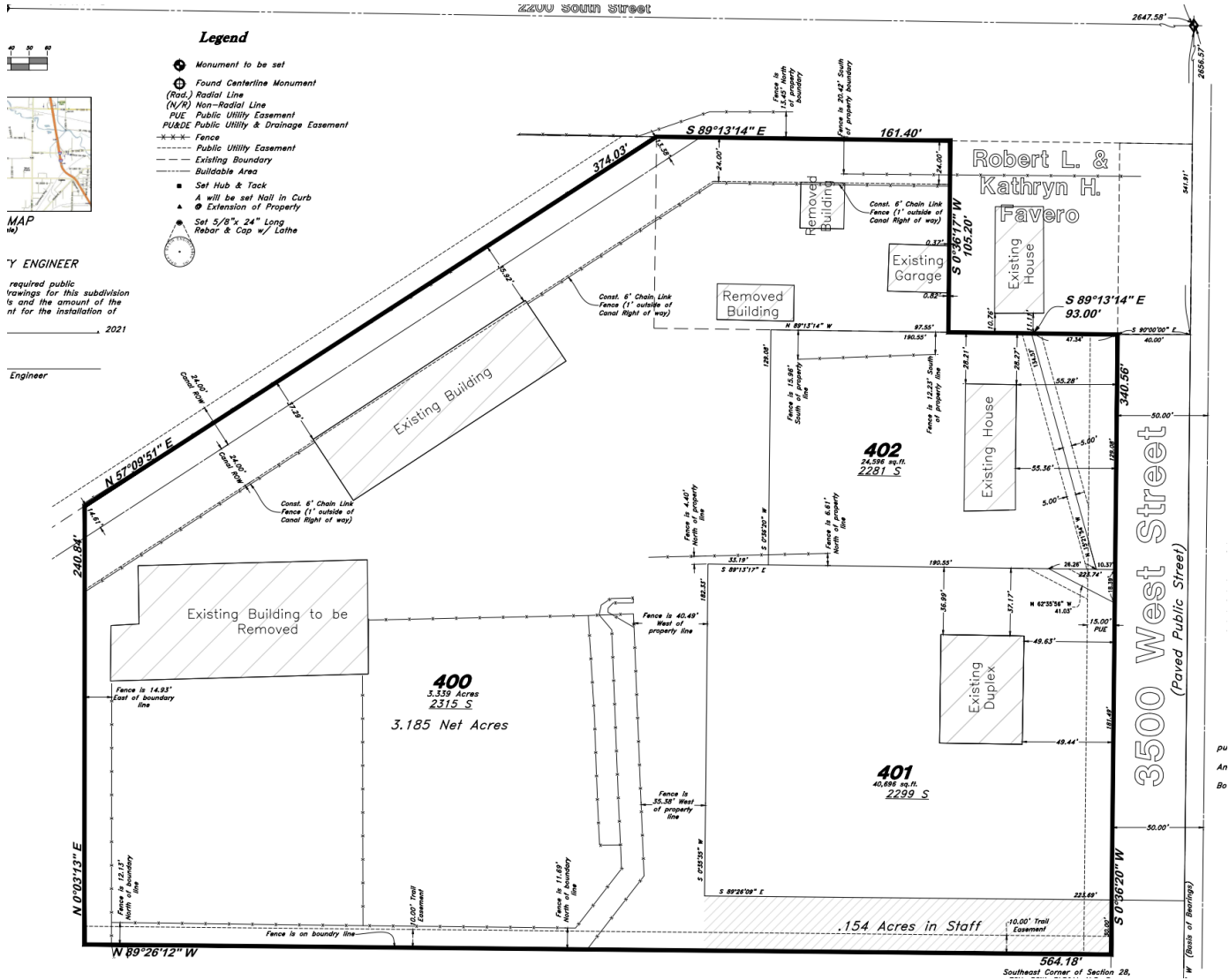
Weber County Alternative Access Application			
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted /Completed July 29th 2020	Application Fee: \$350.00	Receipt Number (Office Use)	File Number (Office Use)
Application Type			
<input checked="" 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) Robert Favero		Mailing Address of Property Owner(s) 2049 Bluff Ridge Syracuse, Utah 84075	
Phone 801 644-3706	Fax		
Email Address (required) robertlfavero@hotmail.com		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) Robert Fabero		Mailing Address of Authorized Person See above	
Phone 801 644-3706	Fax		
Email Address (required) see above		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name Phase 4 Summerset Farms 2267 S. 3500		Total Acreage 4.74	Current Zoning A-1
Approximate Address 2267 S. 3500 W Ogden, Utah		Land Serial Number(s) 15-078-0064	
Proposed Use Residential			
Project Narrative Request to access a parcel for residential purposes that is larger than 3 acres by a private driveway.			

Summerset Phase 4 Narrative

This parcel, for which we are requesting a Private Right-Of-Way, or Access Easement be granted, has traditionally been used a feed lot and shop parcel for a larger agriculture parcel and operation that has now been sold some time ago and is no longer being used for that purpose. The parcel that would be served by the granting of a private right of way, is one large three-acre parcel. It is bordered by a large irrigation canal on the north and west. It is behind existing houses on the east where there is potential access to a street and utilities through a private right of way. No other land to the west or south would be served by the extension of a street beyond this one large parcel. The cost to maintain a public street and utilities for just this one parcel would not be cost effective. The purpose for this request, is so a family member of the owner can construct a home and the remainder of the parcel will be used for hobby farming, storage, gardens and orchards.

We respectfully request that this Private Right-of-Way, or Access Easement be granted.

Exhibit C-Site Plan



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 required public
 drawings for this subdivision
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