



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 one lot in a future four-lot subdivision.

Agenda Date: Wednesday, April 07, 2021

Applicant: Scott Hale (Owner)

File Number: AAE 2021-02

Property Information

Approximate Address: 5638 N 3100 E, Liberty, UT 84310

Project Area: 2.98 Acres

Zoning: Agricultural Valley 3 Zone (AV-3)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 22-004-0142

Township, Range, Section: T7N, R1E, Section 7

Adjacent Land Use

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

Staff Information

Report Presenter: Felix Lleverino
fleverino@co.weber.ut.us
801-399-8767

Report Reviewer: RG

Applicable Land Use Codes

- Title 104 (Zones) Chapter 6 (Agricultural Valley 3 (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)

Summary

The applicant is requesting approval of a private access easement for one lot in a future four-lot subdivision. The narrative in Exhibit A describes how the alternative access is applicable in this situation. The qualifying criteria posed by the applicant is listed below:

1. The property boundary conditions make it impractical to extend a street to serve this one lot.
2. There does not appear to be a path for a new connection to North Fork Road due to the presence of established residential lots.

After reviewing the proposal, the Planning Division concurs that these circumstances warrant a private access easement for a private road.

A concept development plan is included in this report as 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 infeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support 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 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) before issuance of a certificate of occupancy on any home that will gain access from the access easement. Based on the submitted concept plat (see **Exhibit B**), the proposed access easement would be 30 feet wide and the private drive will be 20 ft. wide and approximately 520 feet long.

Review Agencies:

The Engineering Division approves of this proposal with the following condition:

1. The access road will need to follow the Alternative Access code described in sec 108-7-29 of the Weber County Code of Ordinances.

The Weber County Fire Marshall approves of this proposal with the following conditions:

1. At the termination point of the driveway, there will need to be an approved turn-around.
2. At the time of building, the Fire District will review for the potential placement of a fire hydrant.

Staff Recommendation

Staff recommends approval of AAE 2021-02, to provide access by private access easement to one lot within a future one-lot subdivision. The recommendation for approval is subject to review agency requirements and the following conditions:

1. The private access 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, before the recording of the future subdivision.
3. The improved travel surface of the access easement shall be a minimum of 12 feet wide and shall be capable of supporting 75,000 lbs. Also, and Per LUC Sec. 108-7-29(a)(5), a turnout measuring 10'x40' will be required at the midpoint of the access easement.

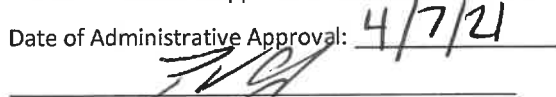
Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to one lot is not practical due to the parcel's property boundary conditions.

Administrative Approval

Administrative final approval of AAE 2021-02 to create a private road that would serve as access to one future residential lot.

Date of Administrative Approval: 4/7/21


Rick Grover
Planning Director

Exhibits

- A. Alternative Access Exception Application
- B. Concept Plat

Memo

Bright Acres Subdivision alternative access

Date: February 15, 2021

Regarding: Request for alternative access to one parcel in a proposed 4 lot subdivision at approximately 5638 N 3100 E Liberty, Utah 84310

Applicant: Scott and Rachel Hale, 983 E Bella Vista Dr Fruit Heights, Utah 84307, 801-792-4065, Scottchale@gmail.com

To: Weber County Planning Department, 2380 Washington Boulevard, Suite 240, Ogden Utah, 84410

Request

Mr. and Mrs. Hale would like approval from Weber County for a private driveway access to one residential lot in a proposed four residential lot subdivision on an approximately 14 acre parcel in Liberty. Access to this lot would be accomplished by using an alternative private driveway connecting to 3100 East. The intent is to allow construction of a single family home to be built on this lot in the future. A formal application for the four lot residential subdivision will be submitted this spring. The private access is planned to be a 15 to 20 ft wide all weather surface driveway for fire truck (up to 75,000 pounds) and vehicular access, centered in a 20 to 30 ft easement, terminating in a fire truck turnaround.

Reason for the Request

Sec §108-7-31 of the Weber County Code notes that Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access, subject to approval based on certain conditions being met including:

(a)(3) 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 property boundary conditions around the proposed lot we are seeking alternative access for make it impractical to extend a street to serve this one lot. The lot sits in the middle of a triangle of land between 5750 N to the North, 3100 E to the East, and North Fork Road to the West. There does **not** appear to be a path for a new road through this triangle of land that would not cut through a developed property enroute to another connecting road and/or that would be beneficial for providing convenient access to owners of surrounding properties.

We own the property to the East of this lot with frontage on 3100 E and therefore have the ability to provide the access easement needed for the private drive. Refer to the included concept plan map that shows the access easement and private drive has been designed to provide safe and consistent access to this lot in accordance with the requirements of Sec 108-7-29.

