

Staff Report to the Western Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for approval of an Alternative Access Exception and

preliminary approval of Warren Estates Subdivision consisting of 7 lots.

Type of Decision: Administrative

Agenda Date: Tuesday, November 16, 2021
Applicant: Derrick Oman, Owner
File Number/s: AAE 2021-12 & LVW090821

Property Information

Approximate Address: 550 N. 5500 W. Unincorporated Weber County

Project Area: 10.131 acres

Zoning: Agricultural (A-2)

Existing Land Use: Agriculture

Proposed Land Use: Residential

Parcel ID: 15-024-0004

Township, Range, Section: T6N, R2W, Section 7 SE

Adjacent Land Use

North: Residential South: Weber River Spillway/Agriculture

East: Weber River/Agriculture West: Agriculture

Staff Information

Report Presenter: Scott Perkes

sperkes@co.weber.ut.us

Report Reviewer: SB

Applicable Land Use Codes

Title 106 (Subdivisions)

- Title 104 (Zones) Chapter 2 (Agricultural Zones)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 (Flag lot access strip, private rightof-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 is requesting both an approval of an Alternative Access Exception and a preliminary approval for Warren Estates Subdivision consisting of 7 lots in the A-2 zone.

The proposed lot-averaged subdivision (see **Exhibit A**) and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

<u>General Plan:</u> The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single-family residential development that is currently dominant in the area.

<u>Zoning:</u> The subject property is located in the A-2 Zone, and is a lot averaged subdivision (LUC 106-2-4.20). Single-family dwellings are a permitted use in the A-2 Zone.

<u>Lot area, frontage/width and yard regulations:</u> In the LUC § 104-2, the A-2 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. However, in a lot-averaged subdivision, the minimum requirements are as follows: Lot area in the A-2 zone – 20,000 square feet. Lot width in the A-2 zone: 80 feet. The average area and width of lots within the subdivision shall equal or exceed the minimum requirements for the zone.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the A-2 zone standards in LUC § 104-2. The proposed subdivision will be accessed by a private access easement due to the limited depth available to provide a county-standard right-of-way.

<u>Alternative Access Exemption:</u> 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 applicant has submitted a narrative (see **Exhibit B**) along with this application explaining their arguments as to why it would not be practical or feasible to extend a public street to serve the proposed subdivision. This narrative reads as follows:

"Due to the proximity of the flood control canal and the access to said canal and the width of the lot is not practical or feasible to provide a 60' right of way to provide access to the subdivision and have lots that meet Weber County lot standards. We request the access exemption to be considered to provide access to the proposed subdivision with a 20' wide private access easement maintained by the HOA."

In reviewing the alternative access exception application, the Fire Marshal requested that the access easement be widened to 26 feet and be engineered to support 75,000 lbs. of weight. This configuration has been accommodated on the proposed subdivision plat.

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) prior to issuance of a certificate of occupancy on any home that will gain access from the access easement.

As a condition of final approval, staff recommends that an HOA be established and registered with the state and proposed CC&Rs be reviewed by County staff to verify long-term maintenance of the access easement.

<u>Culinary and Secondary Water</u>: West Warren-Warren Water Improvement District has provided a preliminary culinary water will-serve letter for 7-lots (see **Exhibit C**). Mountain View Irrigation has provided a will-serve letter for pressurized secondary water to the subdivision (see **Exhibit D**).

As a condition of approval, unconditional final approval letters for a 7-lot subdivision will need to be provided by both West Warren-Warren Water Improvement District and Mountain View Irrigation.

<u>Sanitary Sewage Disposal:</u> Sanitary sewage will be accommodated by on-site waste water disposal systems (septic). The property underwent wastewater site and soils evaluation back in 1997 (see **Exhibit E**). Prior to final approval, the applicant will need to provide a current Feasibility Letter from the health department that references each of the 7 lots.

<u>Review Agencies:</u> To date, the Planning Division, Engineering Division, and Weber Fire District have reviewed the proposed subdivision. All review agency requirements including the surveyor's office must be addressed and completed prior to this subdivision being forwarded for final approval.

As a condition of final approval, the Engineering Division have requested to have the southern boundary of the subdivision fenced with a no-climb fence to protect the adjacent Weber River flood channel. This fence line is shown on the proposed plat document.

As a condition of final approval, the Fire Marshal has asked that there be no parking along at least one side of the access easement. Planning staff recommend that no-parking signs be installed along the no-climb fence that will be installed along the southern boundary line. The fire marshal has also indicated that fire hydrants will need to be installed at a spacing of no more than 500' apart. These hydrants will need to be installed or escrowed for prior the recording of the final plat mylar.

Tax Clearance: There are no outstanding tax payments related to the subject parcel.

Staff Recommendation

Staff recommends approval of the requested Alternative Access Exception and preliminary approval of Warren Estates Subdivision. This recommendation is subject to all review agency requirements, and the following conditions:

- 1. Prior to final approval, the applicant will need to provide a current Feasibility Letter from the health department that references each of the 7 lots.
- 2. An HOA will need to be registered with the state and proposed CC&Rs will need to reviewed by County staff to verify long-term maintenance of the access easement has been addressed prior to the recording of a final plat mylar.
- 3. No-parking signs shall be installed along the no-climb fence along the southern boundary line.
- 4. Fire hydrants will need to be installed at a spacing of no more than 500' apart. These hydrants will need to be installed or escrowed for prior the recording of the final plat mylar.
- 5. The proposed 26-foot wide access easement will need to be improved to the access standards of LUC Sec. 108-7-29 or escrowed for prior to the recording of the final plat mylar.
- 6. The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, prior to the recording of the subdivision.
- 7. An improvement deferral agreement will need to be signed and recorded concurrently with the final plat mylar for curb, gutter, sidewalk, and asphalt for the subdivision's frontage with 5500 West.
- 8. Unconditional final approval letters will need to be provided by both West Warren-Warren Water Improvement District and Mountain View Irrigation for a 7-lot subdivision prior to recording the final plat mylar.
- 9. A no-climb fence along the southern boundary of the subdivision to protect the adjacent Weber River flood channel will need to be installed or escrowed for prior to recording the final plat mylar.

This recommendation is based on the following findings:

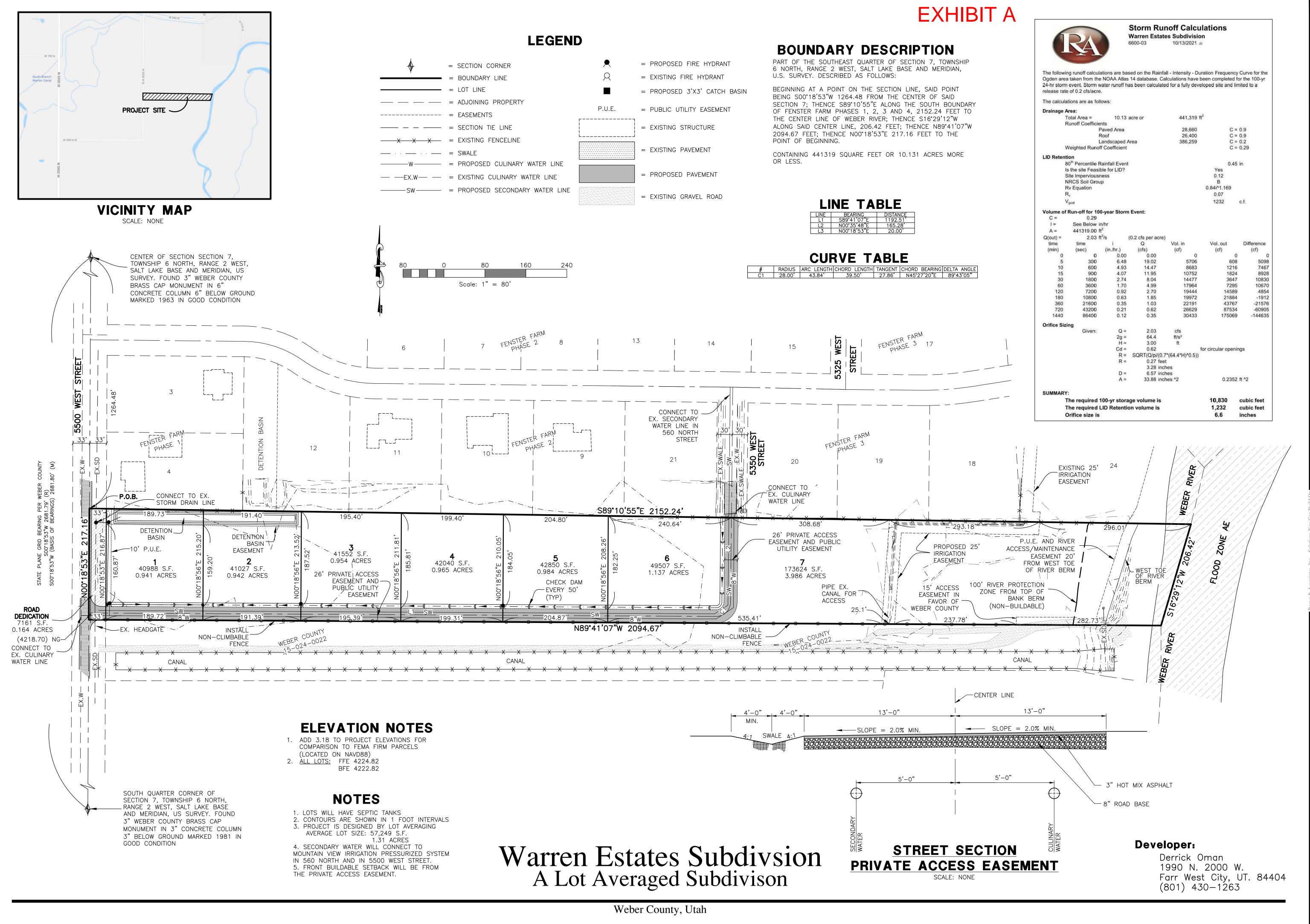
- 1. The proposed subdivision conforms to the Western Weber General Plan
- 2. The proposed subdivision complies with applicable county ordinances

Exhibits

- A. Warren Estates Subdivision plat
- B. Alternative Access Exception Narrative
- C. Culinary Water Will-Serve Letter
- D. Secondary Water Will-Serve Letter
- E. Septic Feasibility Documentation

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division S.L.B & M., U.S. ΔĦ Subc States Neraged Ш⋖ en Lot Ø

Project Info.

J. Nate Reeve Planner: Chris J. Cave Emilee Roche

Begin Date: 08/26/2021

WARREN ESTATES Number: <u>6600-03</u>

1 Total Sheets

Exhibit B - Alternative Exception Narrative



10-19-21

Due to the proximately of the flood control canal and the access to said canal and the width of the lot is not practical or feasible to provide a 60' right of way to provide access to the subdivision and have lots that meet Weber County lot standards. We request the access exemption to be considered to provide access to the proposed subdivision with a 20' wide private access easement maintained by the HOA.

West Warren-Warren Water Improvement District 1561 S. 7500 W. Ogden, UT 84404 801-259-7614 westwarrentwtr@gmail.com

9/8/2021

To Whom it May Concern:

RE: WATER AVAILABILITY LETTER FOR Warren Estates, Derek Oman

This proposed development is located at approx.. 510 N. 5500 W. in Warren, UT, Weber County Parcel # 150240004 and consists of 7 lots. The West Warren-Warren Water Improvement District (hereafter the District) does have culinary water available for this proposed development.

This letter is only to state that the above-mentioned project is in the boundaries of the District and water will only be made available if the following conditions are met. This letter is the first of two letters that will be issued for this development. When these and any necessary additional conditions are met, the District will issue the Will-Serve Letter.

Conditions for a Will-Serve Letter to be issued:

- A letter from the Fire District stating that a flow test is not required, will need to be provided to the District as soon as possible.
- A plan for installation of a functioning, pressurized, secondary water delivery system for any subdivision over 2 lots, to be inspected and approved by the WWWID board chairman, prior to the delivery of any culinary water, including water for construction use. Pressure requirements are a minimum of 50 to a maximum of 80 lbsp.
- The owner or contractor will need to furnish all materials and labor to run the service line. The
 District will furnish and place the water meter. All materials and workmanship must be in
 compliance with and approved by the District.
- The Weber Basin Water Rights Impact Fee of \$4363.00 per proposed unit of service, must be paid prior to receiving a Will-Serve Letter and prior to the commencement of any development or construction.
- All remaining fees must be paid to the District before culinary water services will be made available. The District's fees are currently set at the following rates:
 - Capital Facilities Impact Fee \$4588
 - Weber Basin Water Rights Impact Fee \$4363
 - Connection Fee Without Existing Service Lateral \$2800
 - Connection fee with Existing service Lateral \$350

Should you have clerical questions or comments, please contact the district clerk. Please direct questions regarding water systems, materials, etc., to (801-791-7368) Randy Giordano, Chairman of the WWWID Board. This letter expires 1 year from the day it is issued.

Sincerely.

Melesse Muy Melissa Murray, Clerk Mt. View Irrigation 5238 W 150 N Ogden, Utah 84404

9-1-2021

To: Whom It May Concern

Re: Pressurized Secondary Water to Warren Estates

remi Marriett

Dear Sirs,

This is to confirm that Mt. View Irrigation has the capacity to serve secondary water to the proposed 7 lot Warren Estates Subdivision located at 5500 W and approximately 500 N in Western Weber County providing the owner of the subdivision completes a development agreement with the company which will include providing the applicable water shares sufficient to provide water to the project, completion and approval of the pipelines, service laterals and payment of applicable connection fees. No building permits are to be issued until the agreements have been completed. Upon completion of these items, Mt. View Irrigation will deliver pressurized secondary water to the project. Each lot owner will become a shareholder in the company and be bound by its by-laws.

Signed

Kami Marriott

Secretary

WEBER-MORGAN DISTRICT HEALTH DEPARTMENT DIVISION OF ENVIRONMENTAL HEALTH 2570 Grant Ave., Ogden, Utah 84401 399-8381

APPLICATION FOR INDIVIDUAL WASTEWATER SITE AND SOILS EVALUATION

	Date of Soil Log No. 1406						
	ast Side						
Site Address Approx 550 N 55000	Land Serial No						
Subdivision	Lot No						
Owner Dax Kelson	H 294-40/2 Phone w 364 407/						
Mailing Address 116 N Main North	Salt City 84054						
Water Supply Taylor wish weigh	Proposed No. Bedrooms3						
Completed evaluation is to be [] mailed [] held f	for pick-up [X] left on site.						
A \$25 fee is required for each on-site evaluation additional test pit evaluation per site visit is \$10. Hop Pully Challes Signature	n and includes one one test pit evaluation. Each Hale due on oct 12 (Sunday) Lon oct 13 32 14 MAP on but 14 Date Oct 3, 97						
SOIL PROFILE	SITE EVALUATION						
	DateBy						
	Date						
	Depth of Test Hole						
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Perk at 36"	
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Roger Wilde 2396 West 5650 South Roy, Utah 84067 (801)773-2257

Randy Wilde 227 South 500 West Brigham City, Utah 84302 (435)723-0891

Percolation Test and Soil Exploration Results

Name of	Developer	/ Develop	ment Do	rothy Mit	chel/ K	elson	Date 1016-97
Develope	rs Addres	s302	S. 590	W. War	ren		Phone Number 731-6655
ocation o	of Propert	y Appro	x 550 N	. 5500 W.	(road	north of sl	ugh)
Name of I	Person(s)	Performin	g Test(s)	Roger Wil	.de		
est Hale	¥1 1	Total Depth 4	2" р		hrs Dep	th to Water 6 ' +	
INITIAL DEPTH TO WATER	TIME BEGAN	FINAL DEPTH TO WATER	TIME ENDED	DISTANCE WATER DROPPED	ELAPSED TIME IN MINUTES	PERCOLATION RATE IN MINUTES/INCH	COMMENTS
81"	2:05pm	104"	2:15	1 3/4"	10		Test pit and perc
81"	2:15	9 7/8"	2:25	1 3/8"	10		located at rear of property, approx
8 <u>1</u> "	2:25	9 3/4"	2:35	1 1/4"	10		700 feet from road (5500 W.).
8½"	2:35	9½"	2:45	1"	10		No water in test pit, 6' deep.
8½" 8½"	2:45 2:55	9½" 9½"	2:55 3:05	1"	10 10	10 MPI	Soil damp below 32"
est Hole a.		Total Depth		riod of Time	Depth Table	to Water	on sidewalls.
INITIAL DEPTH TO WATER	TIME BEGAN	FINAL OEPTH TO WÄTER	TIME	DISTANCE WATER DROPPED	ELAPSED TIME IN MINUTES	PERCOLATION RATES IN MINUTES/INCH	7
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the above	property in	eve been conduct accordance v	with			5754 CER OCEOD	er 16, 1997
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NAME	ADDRESS	3		2/20	2/22	2/23	2/27	1215		1
M.PARKER	400 N 6700 W		1	41"	12"	10"	8"	13"	3/11	3/14
GAGE/GFA				2"	1"	2"	2"	1"	2"	0"
	2			5"	10"	12"	13"	15"	18"	
	3	(15"	15"	14"	17"	21"	28"	11"
	4	-,		36*	19.5	16"	16"	21"	27"	17"
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MIVAS	300 S 6700 W						15"	19"	21"	18.5"
PILARCZK.	700 S 7500 W						>42"	39"	39"	40"
HANSEN	1010 S 7500 W						1/2"	3/7 20"	3"	0"
D.MITCHL	3,00 N 5555 W						3/5	3/7	13"	1
Florits (350 N 5555 W					0	3	6.5" 3"	11"	
PENMAN	800 N 4700W (E)			44"			37"	>40"	>39"	
	(W			45"			36"	39"	43"	
M. TOREY	1000 N 4500W (E)					>61"	>71"	3/5 >56"	>59"	
*	(Ĉ)		 1			>60"	>66"	3/5 >64"	>64"	
	(W)					>60"	>63"	>60"	>50#	
	780 N 4400 W			42"		24"		17"	22"	
CQUENN	800 N 4400 W						34"	19"	22"	-