



# 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 parcel.  
**Agenda Date:** Wednesday, April 20, 2022  
**Applicant:** Paul Coles (Owner)  
**File Number:** AAE 2022-02

### Property Information

**Approximate Address:** 1662 S Toliver Lane, Huntsville  
**Project Area:** 8.6 acres  
**Zoning:** Forest Valley 3 Zone (FV-3)  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Residential  
**Parcel ID:** 20-035-0020  
**Township, Range, Section:** T6N, R1E, Section 23, SE

### Adjacent Land Use

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

### Staff Information

**Report Presenter:** Felix Lleverino  
fleverino@webercountyutah.gov  
801-399-8767  
**Report Reviewer:** RG

## Applicable Land Use Codes

- 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 to use an existing 50-foot wide private access easement to provide access to a 8.6-acre parcel (see **Exhibits A**). This vacant parcel is set approximately 700' from Old Snow Basin Road along the existing Toliver Lane. The applicant would like to build a home on the parcel and utilize Toliver Lane as primary access. Toliver Lane was created via warranty deed, Entry # 2737593 (see **Exhibit B**) and is currently being used as a private access easement (approved as file # AAE 2017-01) for the one-lot MWT Subdivision as recorded in August of 2018. See **Exhibit C** for the engineered plans associated with Toliver Lane.

## 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.*

Given the parcel's location within a mountain draw and its associated topography, in addition to the existing private lane, the applicant believes there to be "substantial evidence" that it would be impractical to extend a public road to serve this future subdivision. Additionally, there are portions of Toliver Lane that exceed a 10% grade (see Exhibit C).

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 Fire District previously approved the professionally engineering road improvements made to Toliver Lane. The Fire Marshall has requested more details for the Coles driveway construction. The County Engineering Department requires the driveway to be constructed to meet the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29.

## Staff Recommendation

Staff recommends approval of AAE 2022-02, to provide access by private access easement to a parcel. 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, before administrative review approval.
3. The Fire Marshal shall review and approve the Coles driveway.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to 1 future lot is not practical due to the mountainous location and associated topography.

## Administrative Approval

Administrative final approval of AAE 2022-02 to create a private access that would serve as an access to an 8.6-acre parcel.

Date of Administrative Approval: April 20<sup>th</sup> 2022

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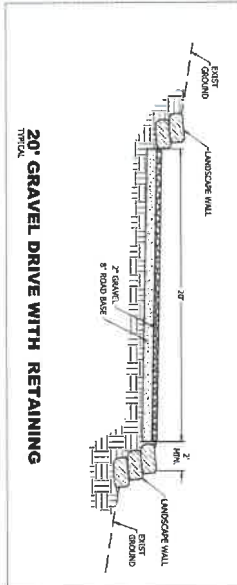
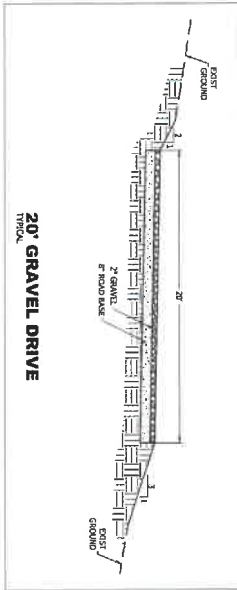
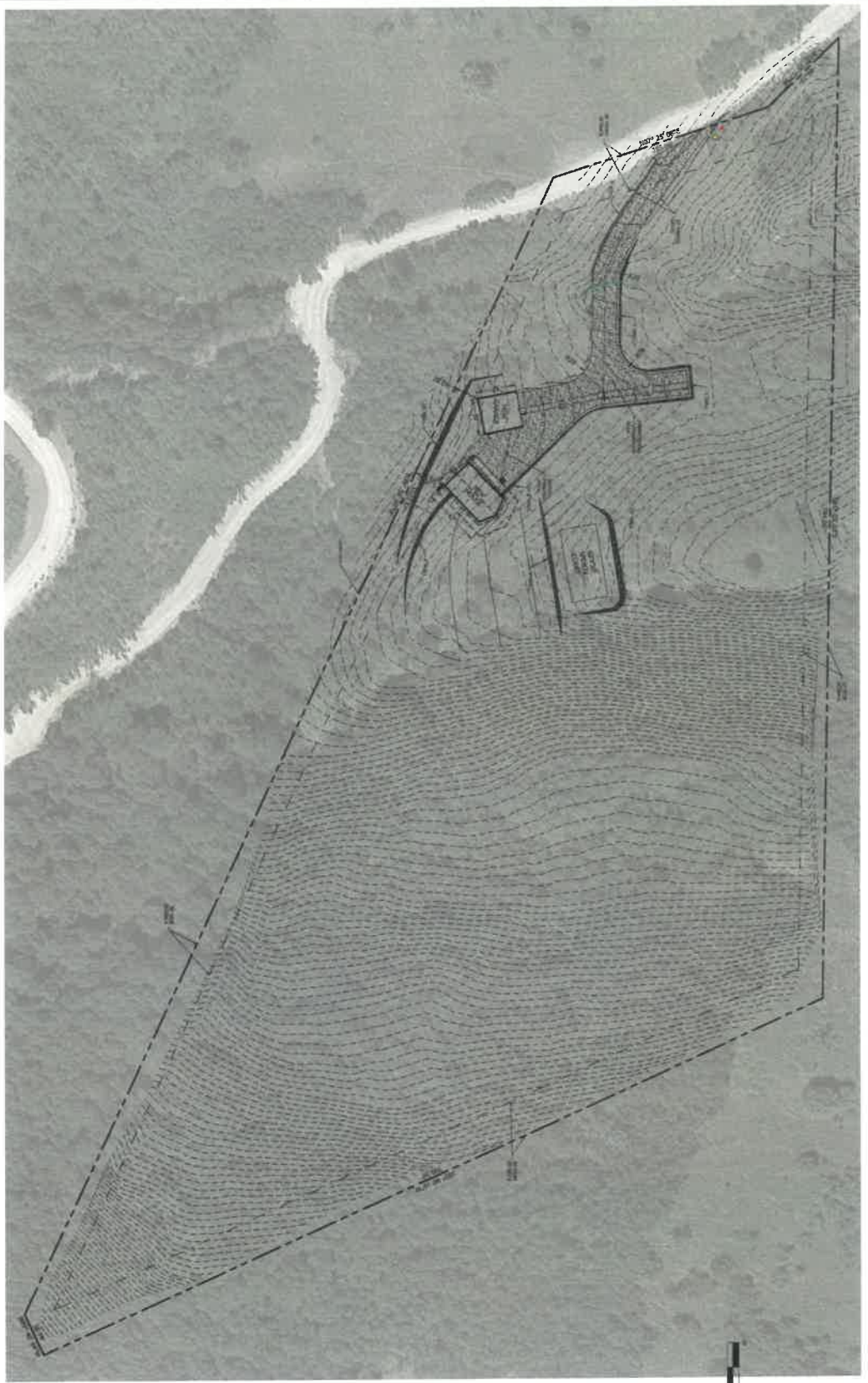
Rick Grover - Planning Director

## Exhibits

- A. Site plan
- B. Toliver Lane Warranty Deed
- C. Engineered Plans for Toliver Lane

Property Map





REV #	COMMENT	DATE

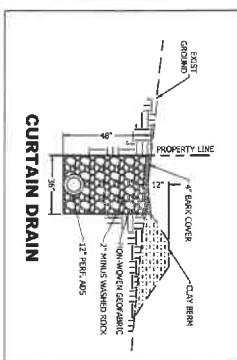
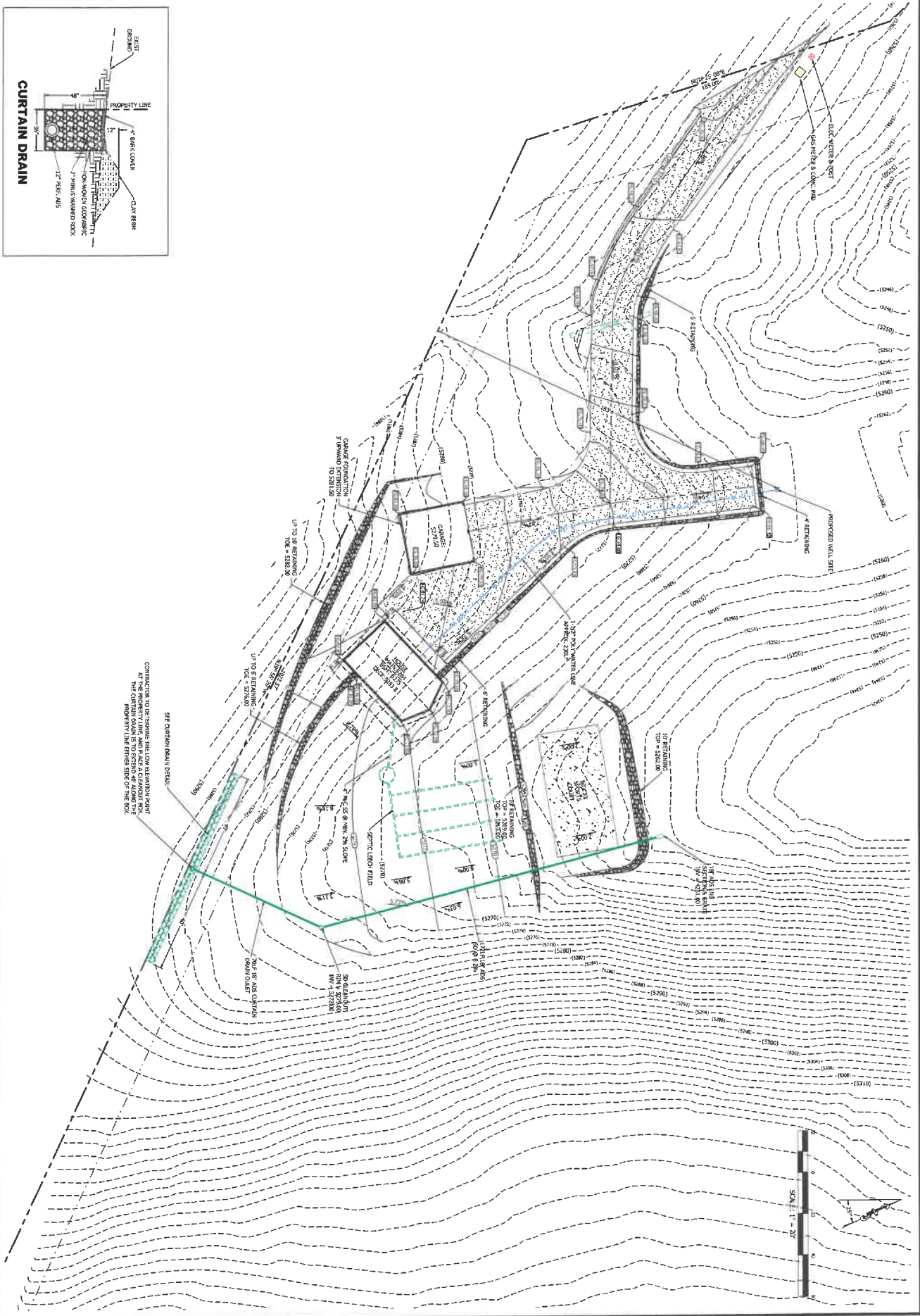
DRAWN BY: LAM  
 PROJECT NO: 20-435-0020  
 DATE: 03/18/2020  
 PROJECT: TOLLIVER LANE CABIN  
 SHEET: C400  
 SITE PLAN

**TOLLIVER LANE CABIN**  
 ±1650 SOUTH TOLLIVER LANE  
 20-435-0020  
 LOCATED IN THE SE 1/4 OF SECTION 23, T.6N., R.1E., S.1 & 2. AM.  
 HUNTSVILLE CITY, WEBER COUNTY, UTAH



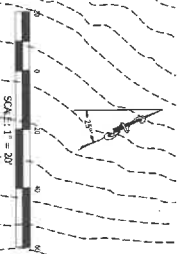
1470 South 600 West  
 Woods Cross, UT 84010  
 Phone: 801.298.2236  
 www.Entellus.com





CONNECT TO DETERMINE THE LOW ELEVATION POINT AT THE PROPERTY LINE AND PLACE A GRADUATED ROD. THE CURTAIN DRAIN SHALL BE INSTALLED ON THE PROPERTY LINE EITHER SIDE OF THE ROD.

SEE CURTAIN DRAIN DETAIL.



REV #	COMMENT	DATE

**TOLLIVER LANE CABIN**  
 ±1650 SOUTH TOLLIVER LANE  
 39-015-0020  
 LOCATED IN THE SE 1/4 OF SECTION 23, T.6N., R.1E., S.13B.4M.  
 HUNTSVILLE CITY, WEBER COUNTY, UTAH



1470 South 600 West  
 Woods Cross, UT 84010  
 Phone 801.298.2336  
[www.Entellus.com](http://www.Entellus.com)



\*W2737593\*

Recording Requested by:  
First American Title Company, LLC  
585 West 500 South, Suite 100  
Bountiful, UT 84010  
(801)298-2400

E# 2737593 PG 1 OF 2  
Leann H. Kilts, WEBER COUNTY RECORDER  
27-May-15 11:04 AM FEE \$13.00 DEP SY  
REC FOR: FIRST AMERICAN - BOUNTIFUL  
ELECTRONICALLY RECORDED

AFTER RECORDING RETURN TO:  
Matthew Eric Toliver  
4960 East 2775 North  
Eden, UT 84310

SPACE ABOVE THIS LINE (3 1/2" X 5") FOR RECORDER'S USE

### SPECIAL WARRANTY DEED

Escrow No: **331-5711847 (ER)**  
A.P.N.: **20-035-0039** *SGM*

**GAF Investments LLC**, Grantor, of **Ogden**, **Weber** County, State of **Utah**, hereby CONVEYS AND WARRANTS only as against all claiming by, through or under it to

**Matthew Eric Toliver**, Grantee, of **Huntsville**, **Weber** County, State of **UT**, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in **Weber** County, State of **Utah**:

**PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 2628.99 FEET SOUTH ALONG THE SECTION LINE AND 36.40 FEET SOUTH 88°28'06" WEST FROM THE EAST QUARTER CORNER OF SAID SECTION; RUNNING THENCE SOUTH 88°28'06" WEST 1238.26 FEET, NORTH 41°47'04" EAST 821.25 FEET, NORTH 6°37' EAST 197.59 FEET; THENCE SOUTH 40°43'54" EAST 1023.46 FEET TO THE POINT OF BEGINNING.**

**ALSO A 50 FOOT RIGHT OF WAY ACROSS A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY: SAID RIGHT OF WAY BEING 25 FEET ON EITHER SIDE OF AND PARALLEL TO THE FOLLOWING DESCRIBED ROAD CENTER LINE: BEGINNING AT A POINT WHICH IS SOUTH 2628.99 FEET ALONG THE EAST SECTION LINE, SOUTH 88°28'06" WEST 36.40 FEET ALONG THE SOUTH SECTION LINE AND NORTH 40°43'54" WEST 1023.46 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 23, RUNNING THENCE NORTH 6°37' EAST 185.00 FEET, THENCE NORTH 20°04'15" WEST 186.50 FEET, THENCE NORTH 13°59'45" WEST 93.75 FEET, THENCE NORTH 60°55'45" WEST 223.46 FEET, THENCE SOUTH 80°10'30" WEST 77.49 FEET, NORTH 48°59'30" WEST 114.59 FEET, THENCE NORTH 11°46'15" EAST 211.33 FEET, THENCE NORTH 41°30'42" EAST 58.98 FEET TO THE SOUTH LINE OF THE SNOW BASIN ROAD.**

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity and general property taxes for the year **2014** and thereafter.

Witness, the hand(s) of said Grantor(s), this **May 26, 2015** .

GAF Investments LLC


  
By: Greg Furch, Managing Member

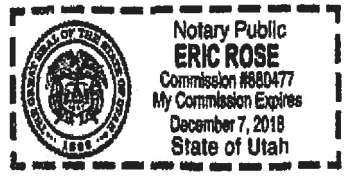
STATE OF Utah )  
County of Wasatch )ss.

On May 26, 2015 before me, the undersigned Notary Public, personally appeared **Greg Furch, Managing Member of GAF Investments LLC**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

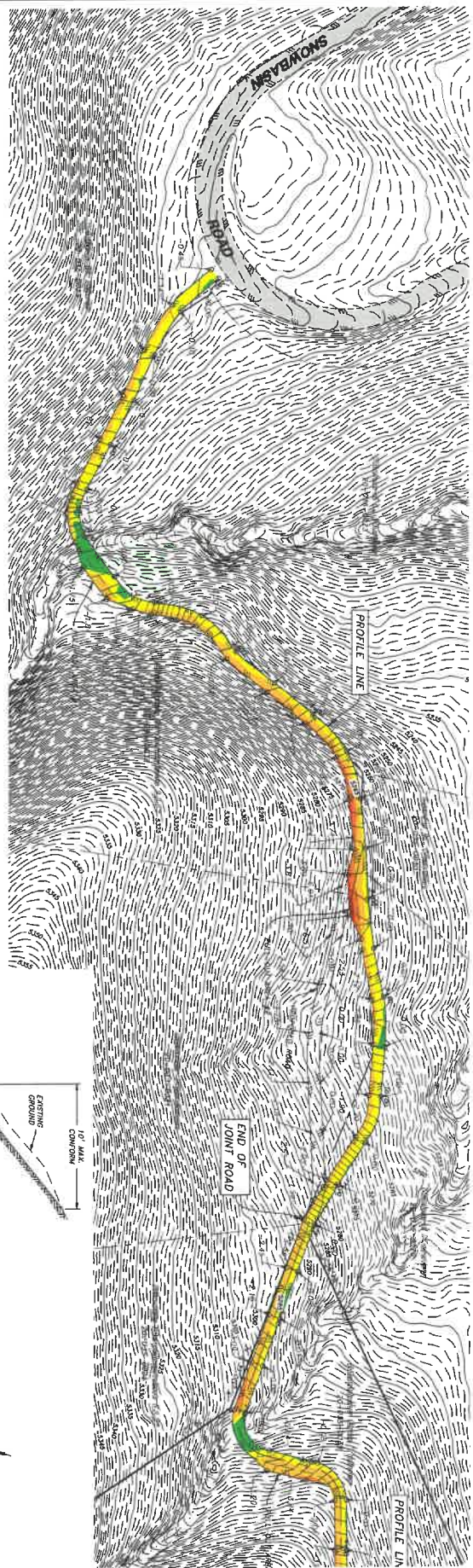
My Commission Expires: 12/7/18

  
\_\_\_\_\_  
Notary Public

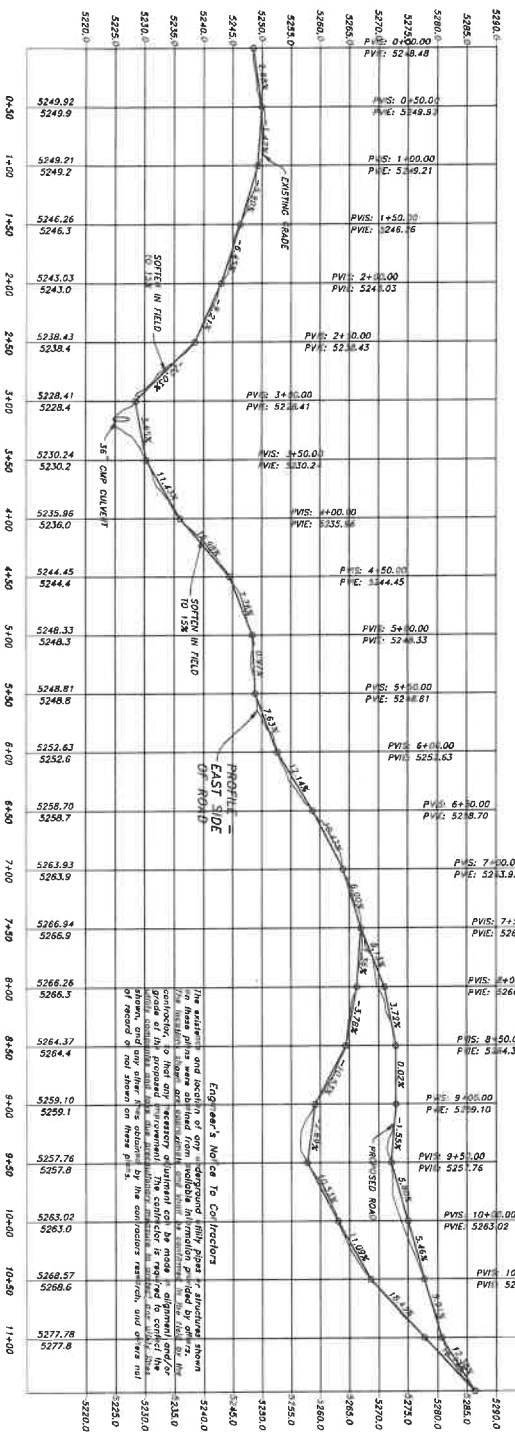
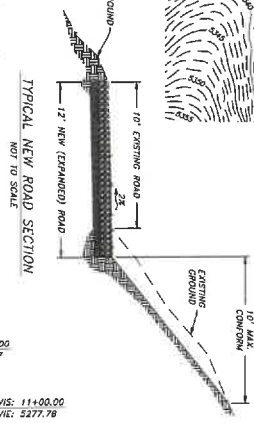
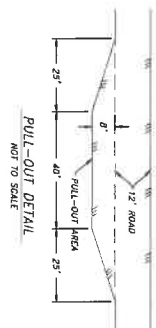




# MATT TOLIVER OFF-SITE COMMON ROAD



GRADE	PAVEMENT	FINISH	PROPOSED	EXISTING	DIFFERENCE
1	2.00	2.00	2.00	2.00	0.00
2	1.50	1.50	1.50	1.50	0.00
3	1.00	1.00	1.00	1.00	0.00
4	0.50	0.50	0.50	0.50	0.00
5	0.00	0.00	0.00	0.00	0.00



**ENGINEER'S NOTICE TO CONTRACTORS**

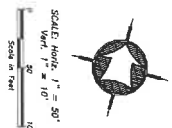
The location and location of any underground utility pipes or structures shown on these plans were obtained from records information provided by the utility companies. It is the responsibility of the contractor to verify the location, depth, and any other data obtained by the contractor, and to take all necessary precautions to avoid damage to any underground utility pipes or structures.

NOTICE: THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES.

**Call**  
**dpa**

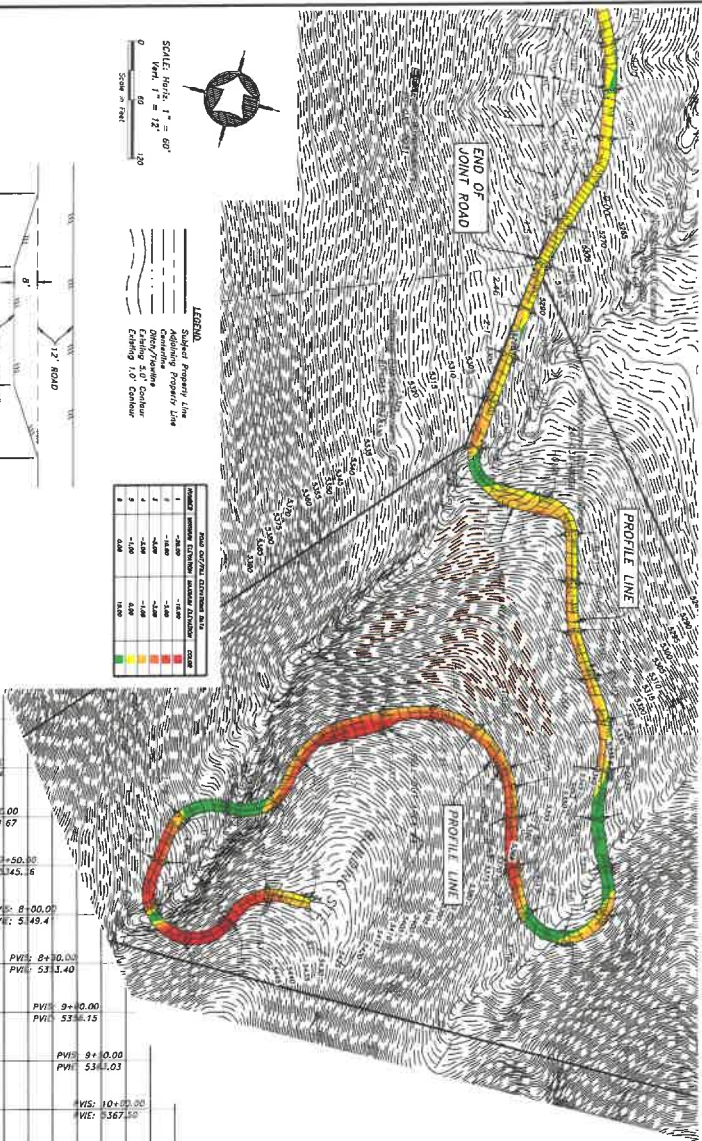
**LEGEND**

--- Proposed Property Line  
--- Existing Property Line  
--- Existing Road  
--- Existing 5.0' Center  
--- Existing 1.0' Center





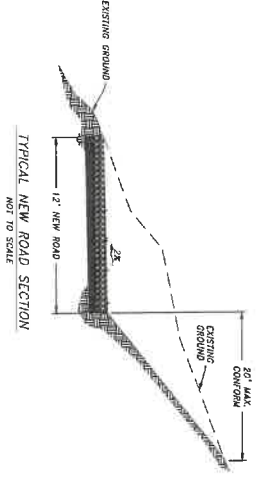
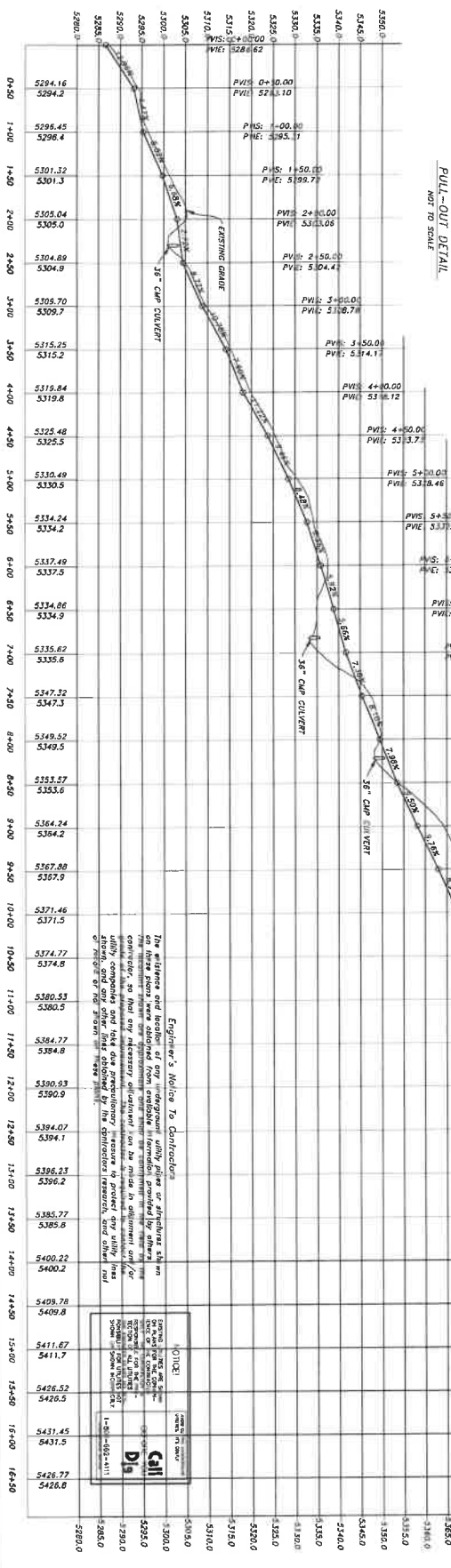
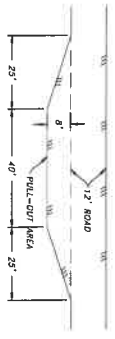
# MATT TOLIVER ON-SITE PRIVATE DRIVEWAY



**LEGEND**

- Subject Property Line
- Existing Property Line
- Existing 1.0 Contour
- Existing 1.0 Contour

ROAD WIDTH	ROAD TYPE	ROAD COLOR
12'	NEW ROAD	RED
12'	EXISTING ROAD	YELLOW
12'	EXISTING ROAD	GREEN
12'	EXISTING ROAD	BLUE
12'	EXISTING ROAD	PURPLE
12'	EXISTING ROAD	BROWN
12'	EXISTING ROAD	BLACK



The witness and location of any underground utility pipes or structures shown on these plans were obtained from available information provided by other contractors, so that any necessary alterations can be made in alignment and/or utility, and any other lines shown are shown as provided by the utility. Plans shown, and any other lines shown, are shown as provided by the utility. Plans shown, and any other lines shown, are shown as provided by the utility.

**NOTICE**

ENGINEER'S NOTICE TO CONTRACTORS

THESE PLANS ARE THE PROPERTY OF HANSEN & ASSOCIATES, INC. AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF HANSEN & ASSOCIATES, INC.

**Call**

**DIA**

1-800-452-1111

April 20, 2022

**Minutes of April 20, 2022, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT, commencing at 12:00 p.m.**

**Staff Present:** Rick Grover, Planning Director; Felix Lleverino, Planner; June Nelson, Secretary

**1. Minutes from March 9, 2022, April 6, 2022 Approved**

**2. Administrative Items**

- 2.1 AAE 2022-02** - Consideration and action on an alternative access request to use a private right-of-way called Toliver Lane as the primary access to a parcel. **Presenter Felix Lleverino.**

The applicant is requesting approval to use an existing 50-foot wide private access easement to provide access to a 8.6-acre parcel (see **Exhibits A**). This vacant parcel is set approximately 700' from Old Snow Basin Road along the existing Toliver Lane. The applicant would like to build a home on the parcel and utilize Toliver Lane as primary access. Toliver Lane was created via warranty deed, Entry # 2737593 (see **Exhibit B**) and is currently being used as a private access easement (approved as file # AAE 2017-01) for the one-lot MWT Subdivision as recorded in August of 2018. See **Exhibit C** for the engineered plans associated with Toliver Lane.

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:

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Given the parcel's location within a mountain draw and its associated topography, in addition to the existing private lane, the applicant believes there to be "substantial evidence" that it would be impractical to extend a public road to serve this future subdivision. Additionally, there are portions of Toliver Lane that exceed a 10% grade (see Exhibit C).

Section 108-7-31 of the Land Use Code outlines the following condition that must be met as part of alternative access approval:

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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. 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 Fire District previously approved the professionally engineering road improvements made to Toliver Lane. The Fire Marshall has requested more details for the Coles driveway construction. The County Engineering Department requires the driveway to be constructed to meet the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29.

Director Grover asked if the Fire Department had approved to road. Felix Lleverino said that they did approve the road,

April 20, 2022

but would like to look at widening the road to a minimum of 20 feet in the future. The owner is required to have sprinklers in the cabin.

Staff recommends approval of AAE 2022-02, to provide access by private access easement to a parcel. The recommendation for approval is subject to the 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, before administrative review approval.
3. The Fire Marshal shall review and approve the Coles

driveway. Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to 1 future lot is not practical due to the mountainous location and associated topography.

**Administrative final approval of AAE 2022-02 to utilize an existing private access road (Toliver Lane) that would serve as an access to an 8.6-acre parcel. Approved with staff recommendations and findings in this report.**

Date of Administrative Approval: April 20, 2022

**Rick Grover**

Rick Grover  
Planning Director

Adjourn

Respectfully Submitted,  
*June Nelson*  
Lead Office Specialist