

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:

*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) 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**

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Rick Grover  
Planning Director

Adjourn

Respectfully Submitted,  
*June Nelson*  
Lead Office Specialist