



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an access exception for two lots to be accessed on a private right of way and for two lots to be access from easements at approximately 800 North 7800 East.

Type of Decision: Administrative

Agenda Date: Wednesday, August 12, 2015

Applicant: MaryAnn Holley

File Number: AE 2015-02

Property Information

Approximate Address: 800 North 7800 East

Project Area: 12.01 acres

Zoning: Agricultural Valley AV-3

Existing Land Use: Agricultural

Proposed Land Use: 4 Lot Cluster Subdivision

Parcel ID: 21-006-0036

Township, Range, Section: T6N, R2E, Section 7

Adjacent Land Use

North: Agricultural	South: Agricultural
East: Agricultural	West: Agricultural

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8767

Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 6 Agricultural Valley (AV-3 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Sections 23-29. (Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards) and Section 108-7-31 (Access to a lot/parcel using a private right-of-way or access easement).

Background

The applicant is proposing to develop a four-lot cluster subdivision with each of the lots being at least 1.75 acres in size. Two of the four lots are being accessed by a private right-of-way through land owned by the applicant. The other two lots will be accessed by an easement through one of the new subdivision lots. The property is located at approximately 800 North 7800 East in the Huntsville area of the Ogden Valley. The property is zoned Agricultural Valley AV-3, which requires 3-acres per lot, but the proposal is for a cluster subdivision to reduce the lot sizes in order to preserve as much of the 77 acre farm as possible. The farm currently grows alfalfa and grains. The access to the lots will be from 7800 East which is a County Road. There is an existing 33 foot right-of-way and drainage easement, which will have fire truck turn around areas. The right of way is owned by the applicant.

The Land Use Code requires the applicant to show through substantial evidence that it is unfeasible or impractical to extend a street to serve the proposed subdivision. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement include but are not limited to unusual soil, topographic, or property boundary conditions. The applicant states that she wants to keep as much of the 77 acre farm in agriculture as possible so farming can continue for their family. The applicant is also avoiding as much of the wetlands on the property as possible.

The purpose of the AV-3 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.

Review Criteria

Sec. 108-7-29 Flag lot access strip, private right-of-way, and access easement standards

In order to provide for safe and consistent access to lots/parcels using flag lot access strips, private rights-of-way, or access easements as the primary means of ingress and egress, the following standards shall be met, in addition to the individual requirements of sections 108-7-30—108-7-32:

- (1) Design standards.
 - a. The flag lot access strip, private right-of-way, or access easement shall be designed and built to a standard approved by the County Engineer. The improved road surface does not require hard-surface paving, i.e., concrete or asphalt, but the improvements shall meet the following standards.
 - b. The flag lot access strip shall have a minimum width of 20 feet and a maximum width of 30 feet. A private right-of-way or access easement shall have a minimum width of 16 feet and a maximum width of 50 feet. The private right-of-way and access easement width standards may be modified by the Weber Fire District in conjunction with the County Engineer on a case by case basis.
 - c. The improved travel surface of the flag lot access strip, private right-of-way, or access easement shall be a minimum of 12 feet wide if the access serves fewer than five dwellings, and a minimum of 20 feet wide if the access serves five or more dwellings.
 - d. The improved road surface of the flag lot access strip, private right-of-way, or access easement shall be capable of supporting a minimum weight of 75,000 pounds.
 - e. A turnout measuring at least 10 feet by 40 feet shall be provided adjacent to the traveled surface of the a flag lot access strip, private right-of-way, or access easement (private access) if the private access is greater than 200 feet in length. The turnout shall be located at the approximate midpoint of the private access if its length is between 200 and 800 feet. If the private access length is greater than 800 feet, turnouts shall be provided at least every 400 feet thereafter. These standards may be modified by the Weber Fire District in conjunction with the County Engineer on a case by case basis.
 - f. The flag lot access strip, private right-of-way, or access easement shall have a maximum grade of 10%. This standard may be modified by the Weber Fire District in conjunction with the County Engineer on a case by case basis; however, the maximum grade shall not exceed 15%.
 - g. The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical clearance of 14.5 feet.
 - h. No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-of-way, or access easement.
 - i. New bridges, including decking and culverts shall be capable of supporting a minimum weight of 75,000 pounds. For existing bridges, a current certified engineer statement of load bearing capabilities must be submitted to the County Engineer and the Weber Fire District for review.
 - j. The flag lot access strip, private right-of-way, or access easement shall have a minimum inside travel-way radius of 26 feet, outside travel-way radius of 45 feet, and outside clear zone radius of 50 feet on all curves, particularly switchbacks. The width of the access may need to be increased to accommodate these standards.
 - k. Water and sewer lines located within the flag lot access strip, private right-of-way, or access easement require written notification from the agencies providing such services.
- (2) Safety standards.
 - a. The lot address shall be displayed in a prominently visible location at the street entrance to the flag lot access strip, private right-of-way, or access easement.
 - b. A turn-around area shall be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)
 - c. A fire hydrant or other suppression method may be required by the Fire District.
 - d. A site plan showing the location of the home, any proposed access roads and driveways, along with the location of and distance to the nearest fire hydrant (if available) shall be submitted to the Fire District for review.
 - e. Conditions may be imposed by the Land Use Authority to ensure safety, accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.

- (3) Lot/parcel standards
 - a. The lot/parcel shall meet all minimum yard and area requirements of the zone in which it is located.
 - b. Buildings shall be set back a minimum of 30 feet from the end of the flag lot access strip, private right-of-way, or access easement.
 - c. The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is located at the end of the access strip.
 - d. The lot/parcel shall have a flag lot access strip, private right-of-way, or access easement constructed in conformance with 108-7-29 (1), (2), and (3) prior to the issuance of Land Use Permits or Building Permits.
- (4) Expiration
 - a. Flag lot access strips, private rights-of-way, and access easements which have been approved by the Land Use Authority are valid for 18 months from the date of approval.

Sec. 108-7-31. Access to a lot/parcel using a private right-of-way or access easement

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. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

- (1) Criteria.
 - a. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
 - b. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use and is the subject parcel of an approved agri-tourism operation; or
 - c. 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.
- (2) Conditions.
 - a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and
 - b. 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.

Summary of Considerations

Does the proposal meet the requirements of the Land Use Code?

Staff Findings: As part of the application review and agency review process, staff has determined that the following requirements of the Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Sections 29. (Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards) and Section 108-7-31 Access to a lot/parcel using a private right-of-way or access easement) have been complied with.

Criteria:

- The property is zoned Agricultural Valley AV-3, which requires 3-acres per lot, but the proposal is to do a cluster subdivision to reduce the lot size in order to preserve as much of the 77 acre farm. The farm currently grows alfalfa and grass that is used to feed the horses and cattle.
- There is an existing right of way on the applicant’s property that provides access to the existing barn and if a road is required to serve the four lots, then a road would separate the barn from the remaining farm and would be part of the 4-lot cluster subdivision.
- There are unusual soil and topographic concerns as the applicant is trying to disturb as little as possible of the wetlands on the property.

There are other requirements that have not been completed, but will be required as part of the subdivision and during the construction of the home.

Conformance to the General Plan

Access Easements are not included as part of General Plans, but preserving agricultural and the rural nature is a key component of the Ogden Valley General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Completing and recording the subdivision
- Meeting the design criteria listed above for the road and installing required improvements prior to the construction of the first home
- The landowner shall record an agreement agreeing 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.
- Recording of the subdivision

Administrative Approval

Administrative approval of the access exception (AE2015-2) is hereby granted based upon its compliance with the Weber County Land Use Code and the findings listed above and the following:

- There are unusual soil and topographic concerns as the applicant is trying to disturb as little as possible of the wetlands on the property.
- The concept plan for the cluster subdivision showing the right of way and access easements was approved by the Planning Commission.

Flag lot access strips, private rights-of-way, and access easements which have been approved by the Land Use Authority are valid for 18 months from the date of approval.

Date of Administrative Approval: August 13, 2015



Sean Wilkinson
Weber County Planning Director

Exhibits

1. Applicant narrative
2. Location map
3. Access Easement map