



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an access exception for one lot to use a private access easement from a private street (Eagle Way) as access at approximately 8888 East Eagle Way.

Type of Decision: Administrative

Agenda Date: Wednesday, February 10, 2016

Applicant: John Rhees

File Number: AE 2015-07

Property Information

Approximate Address: 8888 East Eagle Way

Project Area: 6.52 acres

Zoning: Forest Valley FV-3

Existing Land Use: Dwellings

Proposed Land Use: Residential

Parcel ID: 21-098-0007

Township, Range, Section: T6N, R2E, Section 16 and 21

Adjacent Land Use

| | |
|--------------------------|---------------------------|
| North: River | South: Residential |
| East: Residential | West: Vacant |

Staff Information

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

Report Reviewer: BH

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 14 Forest Valley (FV-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 split Lot 8 of River Ranch in to two 6 acres lots. The new Lot 10 will have access from Eagle Way and the new Lot 11 will use an easement as access to the lot that crosses Lot 10. The property is zoned Forest Valley FV-3, which requires 3-acres per lot and 150 feet of frontage. The access easement is shown to be 40 feet wide.

The proposed ROW is required to meet the design, safety, and lot/parcel standards listed in Title 108 Chapter 7 Section 29 of the Weber County Land Use Code. In addition to these standards, the ROW is required to comply with the criteria and conditions listed in Section 31, which is specific to access by a private ROW. These standards are listed below under "Summary of Planning Division Considerations." Approval of the private ROW as the primary access does not act as approval of the subsequent subdivision plat.

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.

Summary of Considerations

108-7-31. 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. 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.

Staff has reviewed and analyzed the request for access by a private ROW using the criteria in Section 31. Based on review and analysis of staff's research and the information provided, staff has made the following determinations:

Based on Criteria C in Section 108-7-31 Access to a lot/parcel using a private right-of-way or access easement is unfeasible or impractical to extend a street to serve such lot/parcel because the lot has a branch of the South Fork of the Ogden River to the North; a residential home to the East and South; and undeveloped property to the West, not own by the applicant. The roads in this development are private and it would be unfeasible to build a new private road for one home.

- The applicant owns the 12 acres where the two lots are located and is granting an easement as part of the subdivision. This satisfies the condition for demonstrating legal and appropriate access.
- The applicants must also sign an agreement 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 ROW with a street that would serve as a required access to additional lots.

Conformance to the General Plan

Access Easements are not included as part of the General Plan

Conditions of Approval

- Requirements of the Weber County Engineering Division
 - Installation of the proposed improvements
- Requirements of the Weber Fire District
- Completing and recording the subdivision
- Meeting the design criteria listed above
- The address for the lot is to be located at the entrance on Eagle Way

Administrative Approval

Administrative approval of AE2015-07 for access to a one lot using a private right-of-way easement is hereby approved based upon its compliance with the Weber County Land Use Code.

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: February 10, 2016

Rick Grover
Weber County Planning Director

Exhibits

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

Weber County Access Exception Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted /Completed

12/16/15

Fees (Office Use)

Receipt Number (Office Use)

File Number (Office Use)

Application Type

Access by Private Right of Way

Access at a location other than across the front lot line

Property Owner Contact Information

Name of Property Owner(s)

John Rhees

Mailing Address of Property Owner(s)

8940 Eagle Way
Huntsville UT 84317

Phone 801

557 6813

Fax

Email Address (required)

Johnrhees@gmail.com

Preferred Method of Written Correspondence

Email Fax Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)

SAME

Mailing Address of Authorized Person

Phone

Fax

Email Address (required)

Preferred Method of Written Correspondence

Email Fax Mail

Property Information

Project Name

River Ranch Subdivision
1st Amendment

Total Acreage

12.5

Current Zoning

FV3

Approximate Address

8888 E. Eagle Way
Huntsville UT

Land Serial Number(s)

210980001

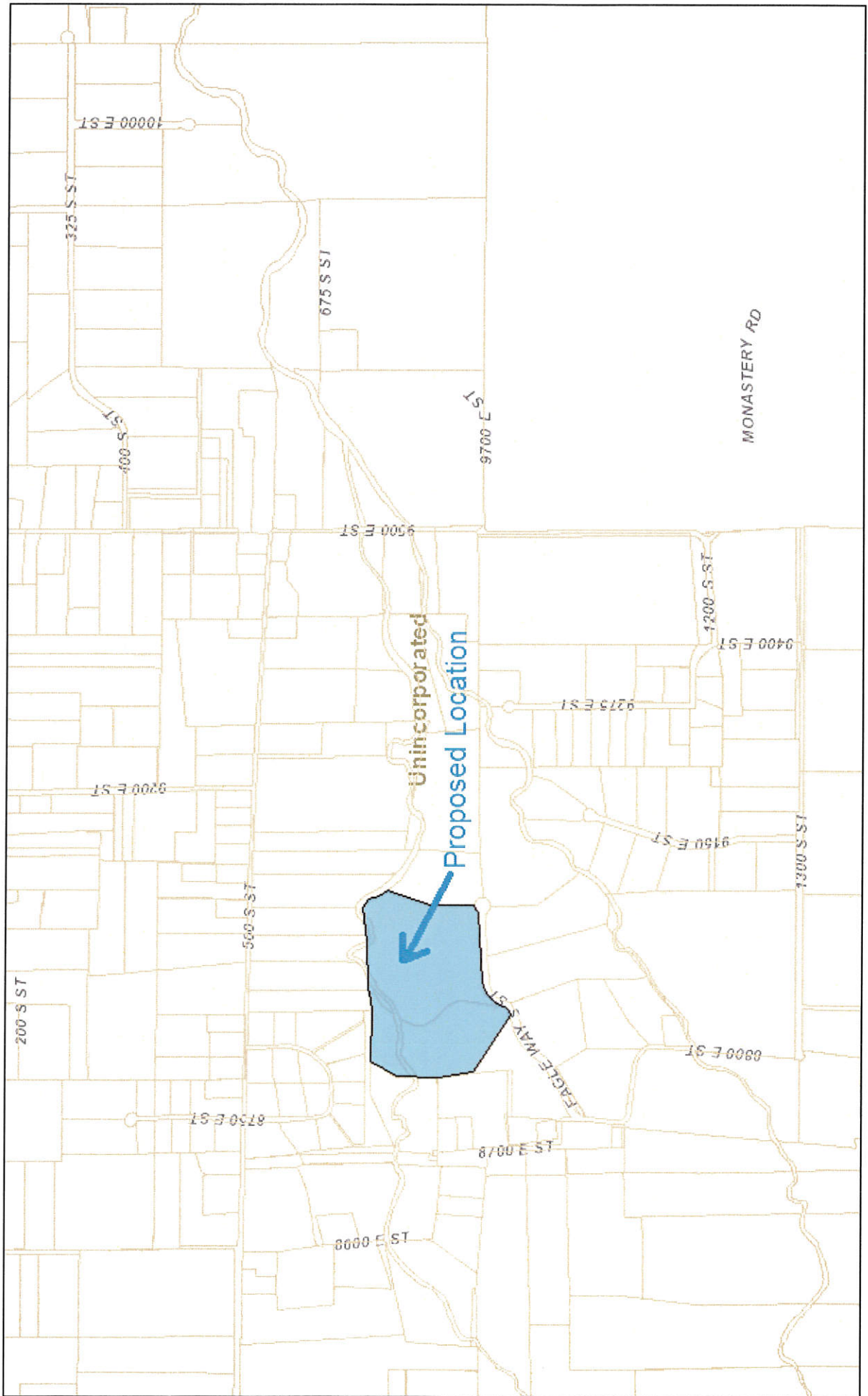
Proposed Use

Residential
Lot Access

Project Narrative

Proposing building one home or
right a way as access

Location Map



January 21, 2016

- Parcels
- Street Labels
- City Labels

