



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an access exception to use a private right-of-way (R.O.W.) as the primary access for 4 lots in the Mountains Edge Subdivision.

Agenda Date: Tuesday, February 09, 2016

Applicant: Brock Loomis, agent

File Number: Access Exception (AE 2015-06)

Property Information

Approximate Address: 2060 E Ryan Circle

Project Area: 1.55 Acres

Zoning: Two-Family Residential Zone (R-2) and Single-Family Residential Zone (R-1-10)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 07-086-0039 and 07-086-0040

Township, Range, Section: T5N, R1W, Sections 23

Adjacent Land Use

North:	Residential	South:	Residential
East:	Residential	West:	Residential

Staff Information

Report Presenter: Ben Hatfield
bhatfield@co.weber.ut.us
801-399-8766

Report Reviewer: JG

Applicable Land Use Codes

- 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)

Background

The applicant is requesting administrative approval to use a 20 foot private right-of-way (R.O.W) as the primary access for 4 lots in the proposed Mountains Edge Subdivision. The property is located in the Two-Family Residential Zone (R-2) and the Single-Family Residential Zone (R-1-10) at approximately 2060 E Ryan Circle. The proposed subdivision is 1.55 acres. The R-1-10 Zone requires single family dwellings to be on 10,000 square feet. The 4 lots will be accessed by a 16 foot wide asphalt driveway with curb and gutter on each side for a length of 140 feet.

The location of the proposed subdivision and access is a corner property adjacent to two main roads (Skyline Drive and Combe Road) which is expanding due to a county construction project. The intersection of these two roads will have a round-about, which will limit the appropriate locations for driveway points of access. The proposed joint access is approximately 150 feet from the intersection. Due to the topography north of Combe Road, the grade of Skyline Drive will be altered to get up the hill. This has caused the intersection also to be elevated above the proposed lots. A slope easement will be reserved on the lots next to Combe Road with a no access line placed on the lots due to the designed change in grade.

Currently the roads in this area have created concerns with land owners adjacent to the site. Staff has met with those owners and is aware of their concerns. With the infrastructure designed with the road project, additional catch basins with curb and gutter along Combe Road will be installed to address the runoff from the hill.

Typically access exceptions such as this has been reviewed and approved administratively by Planning Division staff. However, as the subdivision has 4 lots and must be reviewed by the Planning Commission, we have included the access exception for Planning Commission approval as well which reduces time, cost, and confusion.

The private R.O.W. 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. The R.O.W. will be maintained by all property owners using the access. In addition to these standards, the R.O.W. is required to comply with the criteria and conditions listed in Section 31, which is specific to access by a private R.O.W. These standards are listed below under "Summary of Planning Division Considerations." Approval of the private R.O.W. as the primary access does not act as approval of the separate subdivision plat.

Summary of Planning Division Considerations

Review Criteria:

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.

Analysis:

Staff has reviewed and analyzed the request for access by a private R.O.W 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:

- Property boundary conditions are such that the parcel to be subdivided has frontage where two main roads intersect in a unique way which will provide slope and access limitations that do not typically occur and is undesirable. As the remaining property surrounding the site has been developed and has existing access, it is impractical for a full street or cul-de-sac to be required at this location.
- Due to the unique design, topography, steepness, and construction of the County Road project extending Skyline Drive; it is impractical to require a separate access for each of the 4 lots in the subdivision.

Conditions of Approval

- Prior to final subdivision approval, 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 R.O.W. with a street that would serve as a required access to additional lots.
- Meeting applicable review agency requirements such as:
 - 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 in Sec. 108-7-29 Access Easement Standards

Staff Recommendation

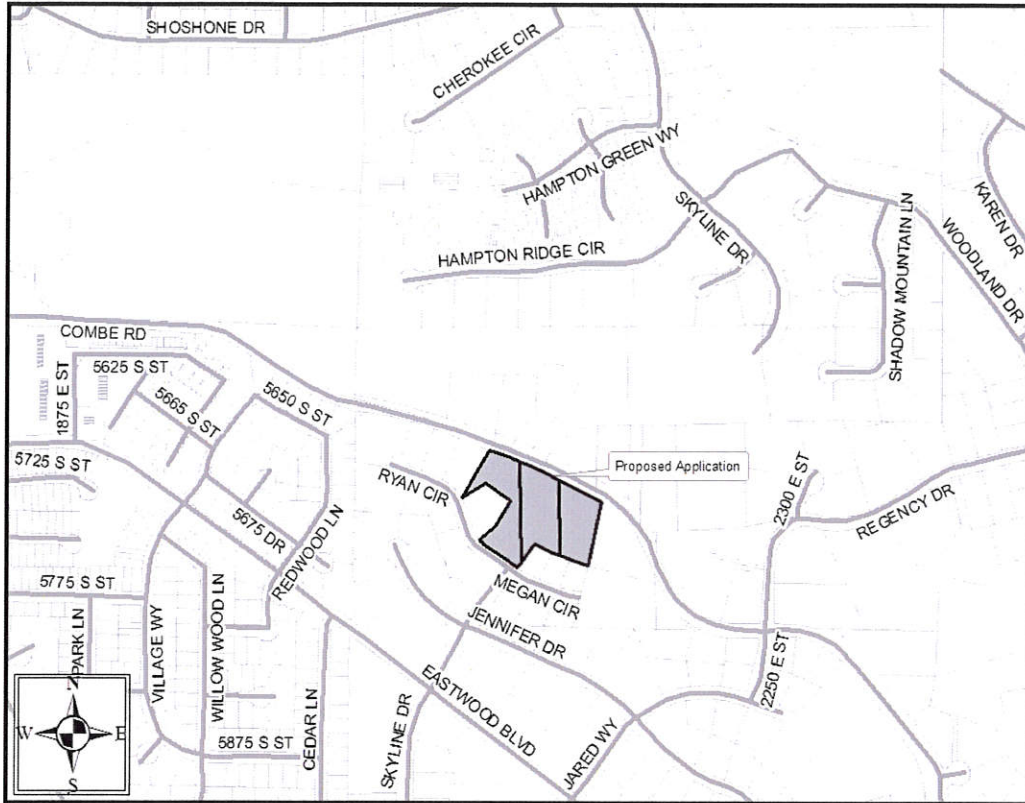
Staff recommends approval of a private right-of-way as the primary access for the proposed 4 lots (Mountains Edge Subdivision). The recommendation is subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- Property boundary conditions are such that the parcel to be subdivided has frontage where two main roads intersect in a unique way which will provide slope and access limitations that do not typically occur and is undesirable. As the remaining property surrounding the site has been developed and has existing access, it is impractical for a full street or cul-de-sac to be required at this location.
- Due to the unique design, topography, steepness, and construction of the County Road project extending Skyline Drive; it is impractical to require a separate access for each of the 4 lots in the subdivision.

Exhibits

- A. Proposed plat
- B. Application with narrative

Map 1



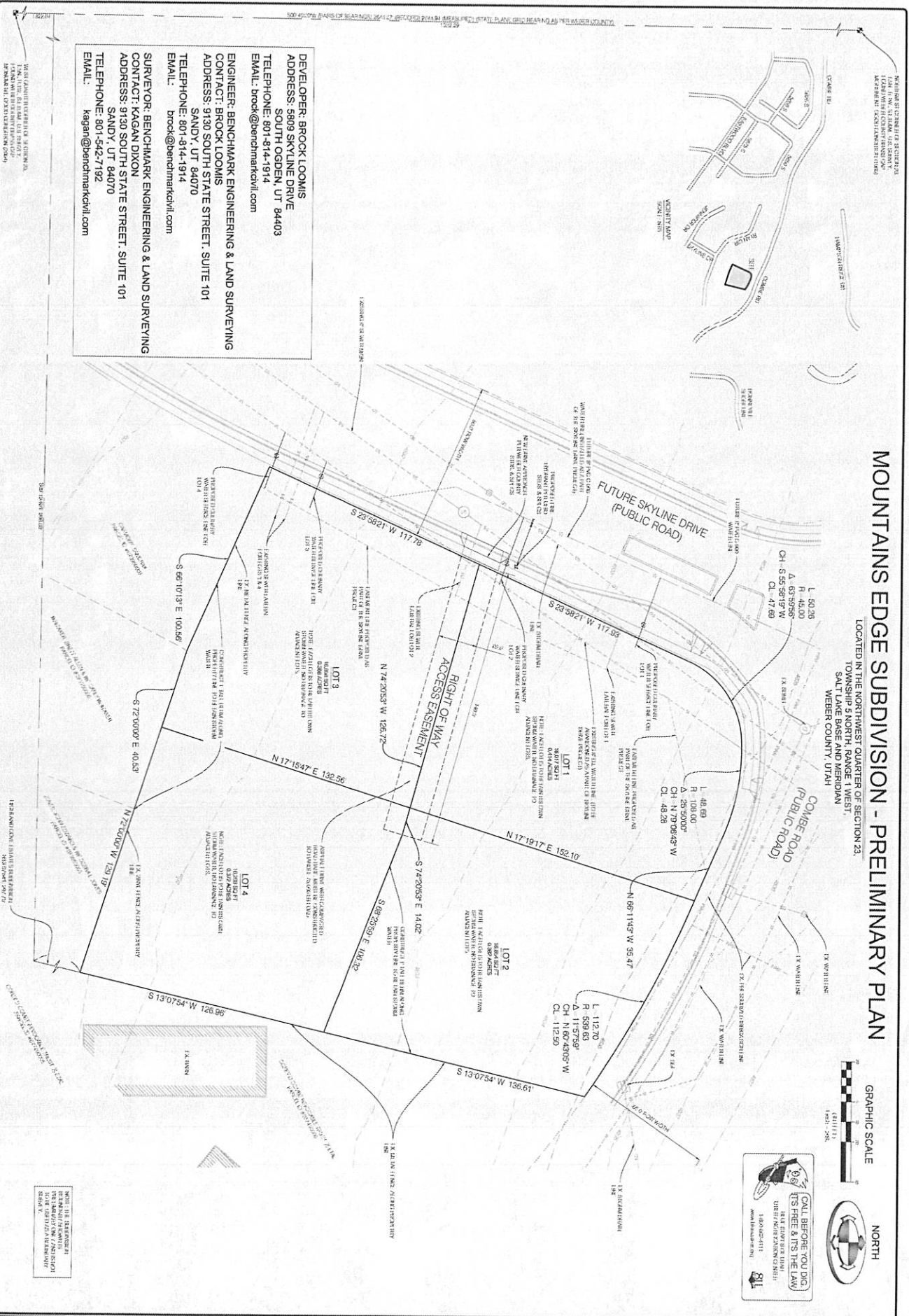
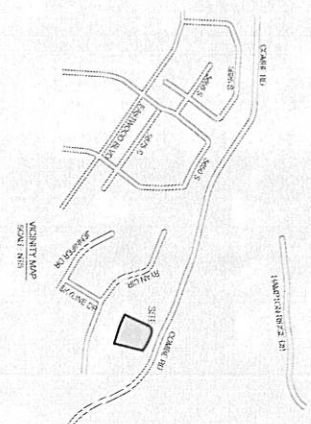
Map 2



NOTHING SHOWN IS TO BE CONSIDERED AS A GUARANTEE OF ACCURACY. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND NO OBVIOUS ERRORS. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT.

MOUNTAINS EDGE SUBDIVISION - PRELIMINARY PLAN

LOCATED IN THE NORTHWEST QUARTER OF SECTION 23,
TOWNSHIP 5 NORTH, RANGE 1 WEST,
SALT WATERS CANYON
SALT WEEBER COUNTY, UTAH



DEVELOPER: BROCK LOOMIS
ADDRESS: 5809 SKYLINE DRIVE
SOUTH OGDEN, UT 84403
TELEPHONE: 801-814-1914
EMAIL: brock@benchmarkcivil.com

ENGINEER: BENCHMARK ENGINEERING & LAND SURVEYING
CONTRACT: BROCK LOOMIS
ADDRESS: 9130 SOUTH STATE STREET, SUITE 101
SANDY, UT 84070
TELEPHONE: 801-814-1914
EMAIL: brock@benchmarkcivil.com

SURVEYOR: BENCHMARK ENGINEERING & LAND SURVEYING
CONTACT: KAGAN DIXON
ADDRESS: 9130 SOUTH STATE STREET, SUITE 101
SANDY, UT 84070
TELEPHONE: 801-542-7192
EMAIL: kagan@benchmarkcivil.com

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PRELIMINARY PLAN 1 OF 1	MOUNTAINS EDGE SUBDIVISION 2060 EAST RYAN CIRCLE OGDEN, UT 84403		BENCHMARK ENGINEERING & LAND SURVEYING 500 SOUTH STATE STREET SUITE 101 SANDY, UT 84070 www.benchmarkcivil.com		<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>12/12/2015</td> <td>PRELIMINARY PLAN</td> </tr> <tr> <td>2</td> <td>12/12/2015</td> <td>PRELIMINARY PLAN</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1	12/12/2015	PRELIMINARY PLAN	2	12/12/2015	PRELIMINARY PLAN
	NO.	DATE	DESCRIPTION											
1	12/12/2015	PRELIMINARY PLAN												
2	12/12/2015	PRELIMINARY PLAN												
SCALE: 1" = 400' ALL DIMENSIONS AND DISTANCES ARE IN FEET AND DECIMALS THEREOF.														

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	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Application Type			
<input checked="" type="checkbox"/> Access by Private Right of Way		<input checked="" type="checkbox"/> Access at a location other than across the front lot line	
Property Owner Contact Information			
Name of Property Owner(s) SCOTT WATERFALL		Mailing Address of Property Owner(s) 2060 E RYAN CIRCLE SOUTH OGDEN UT 84403	
Phone 801-645-3060	Fax		
Email Address (required) SWATER-1 @ msn.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Brock Loomis		Mailing Address of Authorized Person 5001 SKYLINE DR. SOUTH OGDEN UT 84403	
Phone 801-814-1914	Fax		
Email Address (required) bbloomis@msn.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name MOUNTAINS EDGE SUBDIVISION	Total Acreage 1.55	Current Zoning R-2 $\frac{1}{2}$ R-1-10	
Approximate Address 2060 E RYAN CIRCLE, SOUTH OGDEN	Land Serial Number(s) 07086 0040 07086 0039		
Proposed Use RESIDENTIAL SUBDIVISION			
Project Narrative A residential subdivision at the south east corner of Combe Road & the proposed Skyline Drive. The subdivision will consist of four (4) lots. The lots will vary in size from approximately 0.38 to 0.41 acres. It is proposed that all 4 lots be accessed from a single 20' wide access easement.			

Basis for Issuance of Access by Private Right of Way

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:

- 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. Please explain the substantial evidence:

Please see the attached plan which shows the proposed layout of the subdivision. It is proposed that Lots 2 and 4 be accessed from a 20' wide access easement coming from Skyline Drive.

Lot 4 needs access via the proposed access easement because it cannot be accessed from Skyline Drive or Combe Road. Lot 2 does have access to Combe Road but due to vehicle speeds on Combe Road, grade differences between Lot 2 and Combe Road, and the overall flow and feel of the proposed subdivision, an access from Combe Road to lot 2 is not preferred.

Attach proof to this application 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.

The landowner of record or authorized representative agrees 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.

Basis for Issuance of Access at a location other than across the front lot line

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line as follows:

Please see the attached plan which shows the proposed layout of the subdivision. It is proposed that a 20' wide access easement be used to access the 4 lots in the subdivision. All four lots would have a driveway coming off of said access easement and no lots would front Skyline Drive or Combe Road. Our goal when preparing the layout of this subdivision was to create a close knit neighborhood feel, and a safe environment for our children to run and play. Combe Road and Skyline Drive are fairly busy roads and people often travel at a quicker speed than they ought to on both of them. We also want to avoid having driveways that come out close to the proposed round-a-bout at the intersection of Skyline Drive and Combe Road. Allowing these four homes to front a common access be means of an access easement coming from Skyline Drive will create a safer and more desirable situation for the homeowners.

Attach proof that appropriate and legal access exists 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.

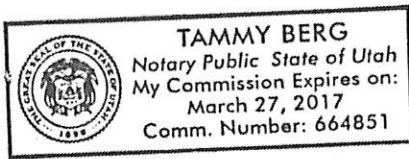
Property Owner Affidavit

I (We), R. SCOTT WATERFALL, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

R. Waterfall Property Owner _____ Property Owner

Subscribed and sworn to me this 11 day of December, 2015.

Tammy Berg Notary



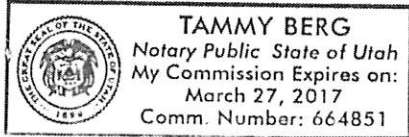
Authorized Representative Affidavit

I (We), R. SCOTT WATERFALL, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Brock Loomis, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

R. Waterfall Property Owner _____ Property Owner

Dated this 11 day of December, 2015, personally appeared before me TAMMY BERG, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Tammy Berg Notary





Benchmark Engineering & Land Surveying
9130 So. State Street
Sandy UT, 84070

This statement is written per requirement (13) from "Section 106-1-5 – Preliminary plan requirements and approval procedure" from the Weber County Land Use Code. This statement is written in conjunction with the preliminary plan for the Mountains Edge Subdivision, located at approximately 2060 East Ryan Circle in Uintah.

1. Asphalt Driveway:
 - a. An asphalt driveway will be constructed inside the proposed right of way access easement. Said driveway will be 20' wide, consisting of 16' of asphalt and a 2' curb and gutter on both sides. The driveway will be constructed to handle a 75,000 lb. load in order to accommodate fire trucks.
2. Sewer Laterals:
 - a. 6" sewer laterals have previously been stubbed to the property for each of the 4 lots. (see Mountains Edge Subdivision Preliminary Plan for location)
3. Culinary Water Service:
 - a. 1" culinary water laterals, with 1" water meters, will be stubbed to each lot. A plan has been submitted to Uintah Highlands Improvement District. It is proposed that said culinary water laterals be installed during the Skyline Drive road construction project.
4. Fire Hydrant:
 - a. A fire hydrant will be constructed near the entrance to the subdivision, along Skyline Drive. (see Mountains Edge Subdivision Preliminary Plan for location). A plan for the fire hydrant has been submitted to Uintah Highlands Improvement District. It is proposed that said fire hydrant be installed during the Skyline Drive road construction project. The fire hydrant location has been discussed with the Weber County Fire Marshall, Brandon Thueson.
5. Secondary Water:
 - a. An existing pressurized secondary water line runs along the north side of the property. This line will be used to provide secondary water to the subdivision.
6. Lot Grading:
 - a. Each lot will retain its own storm water. Berms will be constructed along the subdivision boundary as needed to retain storm water onsite and prevent drainage to adjacent parcels. Drainage swales will be constructed between the homes in the subdivision to direct water away from the homes and to retain storm water.

Brock D. Loomis, P.E.

