



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 for a future 1 lot subdivision.

Agenda Date: Wednesday, September 13, 2017

Applicant: Kevin Proctor

File Number: AE 2017-04

Property Information

Approximate Address: 6130 S 2025 E, Ogden

Project Area: 0.39 acres

Zoning: Residential Estates Zone (RE-15)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 07-083-0078

Township, Range, Section: T5N, R1W, Section 22, 23

Adjacent Land Use

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

Staff Information

Report Presenter: Steve Burton
sburton@co.weber.ut.us
801-399-8766

Report Reviewer: RK

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 3 (Residential Estates RE-15 Zone)
- Weber County Land Use Code 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

Development History

- An illegal division took place by deed which altered the original configuration of the parcel. The illegal division took place sometime between 2013 and 2014. Several options were given to the owner, one, to return the parcel back to its original shape, or to secure an approval for an alternative access from the Weber County Planning Division and undergo the Weber County Subdivision process.

Background

The applicant is requesting approval of an alternative access application for a future one lot subdivision located at approximately 6130 S 2025 E, Ogden in the RE-15 zone. The applicant is proposing to use an existing private right of way easement to access the future subdivision. The private right of way has a length of 179.08' and a width of 30'. Approval of the alternative access application will allow the future subdivision to meet the access and width requirements of the Uniform Land Use Code of Weber County (LUC).

Alternative access applications should be approved as long as the design standards can be implemented during the subdivision process. The application meets the criteria in LUC §108-7-31(1)(b) 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.

The alternative access will only access one lot and staff feels that it would be impractical to extend an improved street to serve the one lot subdivision. The alternative access is located west of a stubbed street known as 2025 E. The street is stubbed for future development to the North because the area to the west has already been developed.

Analysis

The application has been forwarded to the applicable review agencies and after a thorough review of the applicant's proposal, staff feels that the applicant has provided adequate evidence to show that it is unfeasible or impractical to extend a street to serve such lot/parcel due to the proposal of a future subdivision consisting of only 1 lot. This determination is based on the review and analysis of the information provided by the applicant. The applicant has provided proof of the legal access in the form of a recorded easement, included in this staff report as Exhibit B.

The applicant will be required to ensure that the following design standards are met for the private right of way, as outlined in LUC §108-7-29(1):

(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 ten 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 ten percent. 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 percent.
- 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.

The applicant will be required to demonstrate compliance with the above design standards as part of subdivision approval. Compliance with the design and safety standards has been added as a condition of approval to ensure the standards are met.

In addition to demonstrating compliance with the applicable design and safety standards, the applicant will also be required to file an agreement with the County, in which the applicant 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 land owner replace the private right of way/easement with a street that would serve as a required access to additional lots, as outlined in LUC §108-7-31(2)(b).

Staff Recommendation

Staff recommends approval of the request for an alternative access for a private right-of-way easement, having a length of 179.08' and a width of 30', as the primary access for the future 1 lot subdivision located at approximately 6130 S 2025 E, Ogden, parcel 07-083-0078. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. 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.
2. The alternative access design standards outlined in LUC §108-7-29(1) shall be met as part of subdivision approval for the future subdivision.

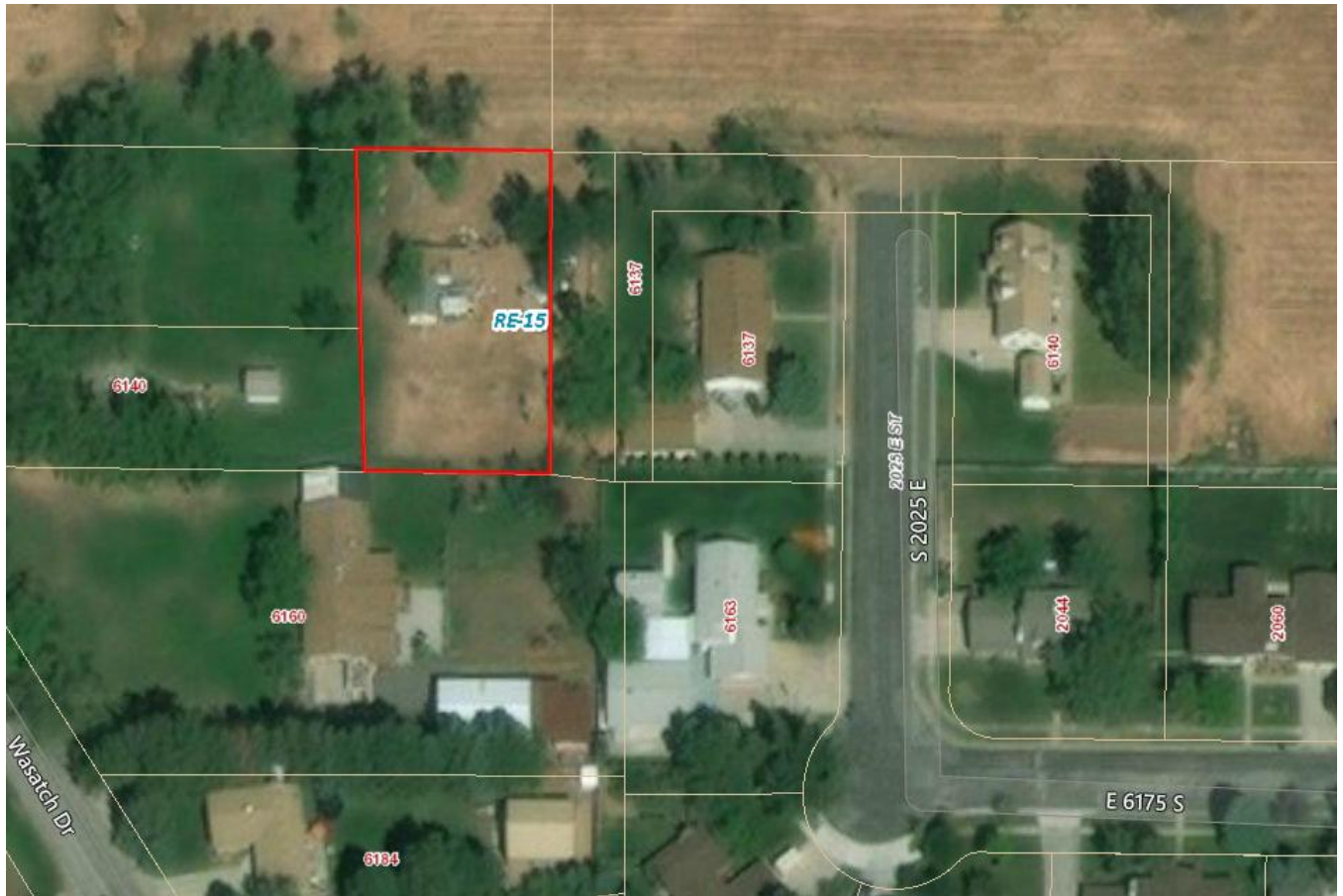
This recommendation is based on the following findings:

1. Based on substantial evidence, it has been shown that it is unfeasible or impractical to extend a street to serve a subdivision consisting of only one lot.

Exhibits

- A. Access easement.

Property Map





W2871305

Return to:
HOMER PROCTOR
MURIEL PROCTOR
6137 SOUTH 2025 EAST
OGDEN, UT. 84403

E# 2871305 PG 1 OF 3
LEANN H KILTS, WEBER COUNTY RECORDER
03-AUG-17 1046 AM FEE \$16.00 DEP JKC
REC FOR: KEVIN PROCTOR

RIGHT OF WAY AND UTILITY EASEMENT

For value received, **MURIEL PROCTOR AND HOMER PROCTOR**, (“Grantors”), hereby grants to **KEVIN PROCTOR**, (“Grantee”), a private Right-Of-Way and utility line easement 179 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of public utilities lines, structures and appurtenances thereto, including but not limited to: sanitary sewer lines, water lines, storm drain lines, power, and communication lines, on, over, or under the surface of the real property of Grantor in **Weber** County, State of **Utah** more particularly described as follows and as more particularly described and/or shown on Exhibit “A” attached hereto and by this reference made a part hereof:

Legal Description: A 30 FOOT WIDE PRIVATE RIGHT-OF-WAY EASEMENT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 23 BEING LOCATED SOUTH 0°37'11" EAST 818.41 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER CORNER OF SAID SECTION 23; RUNNING THENCE ALONG THE GRANTORS NORTH PROPERTY LINE SOUTH 89°12'25" EAST 179.08 FEET; THENCE SOUTH 00°53'16" WEST 30.00 FEET TO THE NORTH LINE OF 2025 EAST STREET; THENCE ALONG THE NORTH LINE OF SAID 2025 EAST STREET AND THE GRANTORS SOUTH PROPERTY LINE IN PART NORTH 89°06'45" WEST 178.27 FEET TO THE WEST LINE OF SOUTHWEST QUARTER OF SECTION 23 AND THE GRANTORS WEST PROPERTY LINE; THENCE ALONG THE WEST LINE OF SAID SECTION NORTH 00°37'11" EAST 29.70 FEET TO THE POINT OF TERMINATION.

Assessor Parcel No. GRANTOR 07-289-0001 **KL**
Assessor Parcel No. GRANTOR 07-097-0015 **KL**
Assessor Parcel No. GRANTEE 07-083-0078 **KL**

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and the future right to keep the right of way and adjacent

lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

Dated this 3 day of August, 2017.

HOMER PROCTOR AND MURIEL PROCTOR

Homer Proctor
HOMER PROCTOR

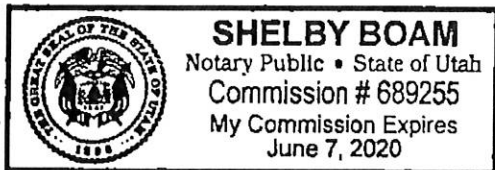
Muriel Proctor
MURIEL PROCTOR

STATE OF Utah)
County of Weber) ss.

On this 3 day of August, 2017, before me, the undersigned Notary Public in and for said State, personally appeared **HOMER PROCTOR AND MURIEL PROCTOR**, Joint Tenancy, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
(Notary signature)

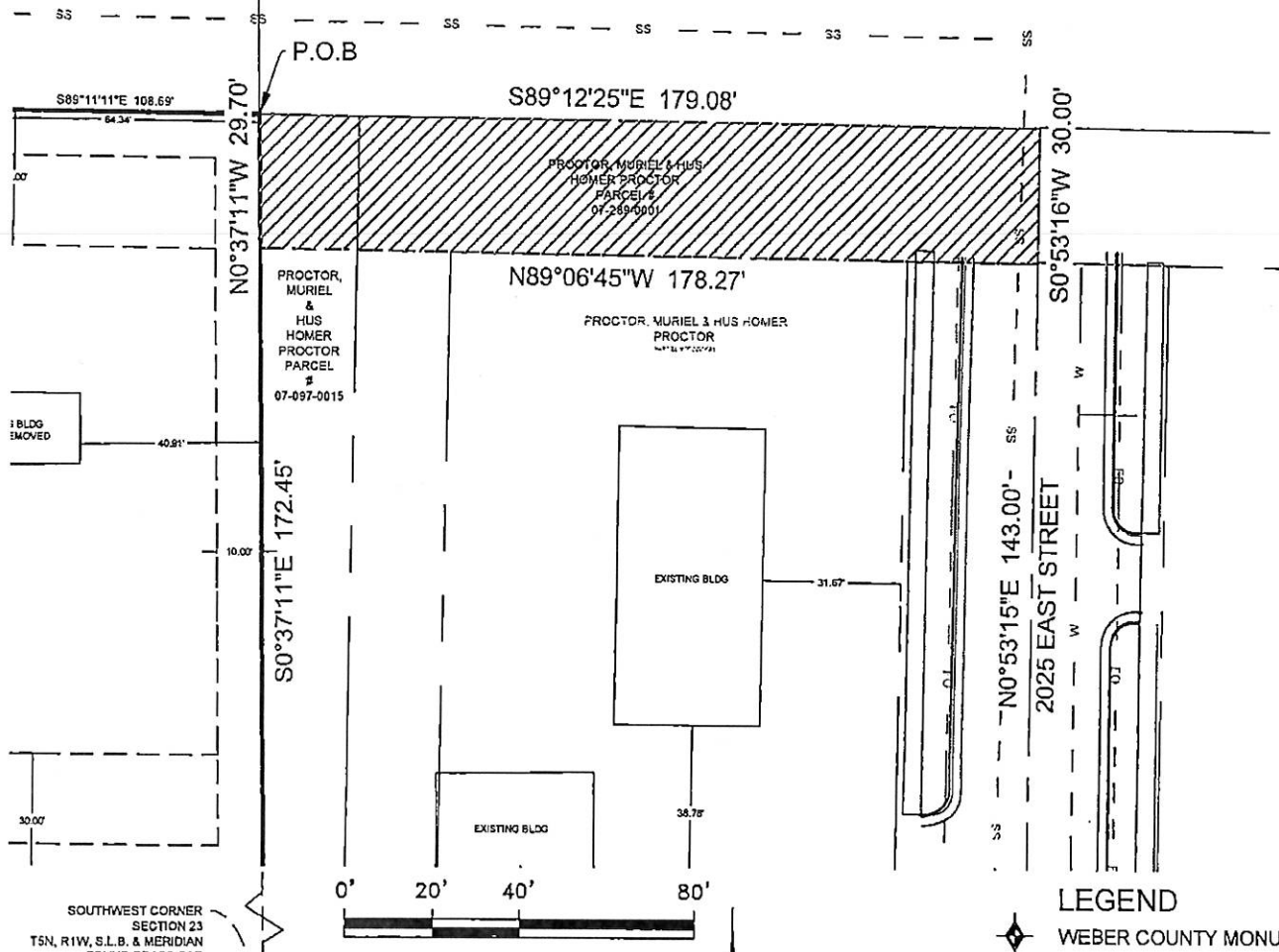


NOTARY PUBLIC FOR Utah (state)
Residing at: Weber county Ogden, UT (city, state)
My Commission Expires: 07/06/2020 (d/m/y)

EXHIBIT A
KEVIN PROCTOR SUBDIVISION
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 5
 NORTH, RANGE 1 EAST
 OF THE SALT LAKE BASE AND MERIDIAN

WEST QUARTER CORNER
 SECTION 23
 T5N, R1W, S.L.B. & MERIDIAN
 FOUND BRASS CAP

(BASIS OF BEARING) N0°37'11"W
 S0°37'11"E 816.41'



P.O.B

SOUTHWEST CORNER
 SECTION 23
 T5N, R1W, S.L.B. & MERIDIAN
 FOUND BRASS CAP

- LEGEND**
- WEBER COUNTY MONUMENT
 - SUBDIVISION BOUNDARY
 - LOT LINE
 - ADJACENT PARCEL
 - SECTION LINE
 - EASEMENT
 - SETBACK

GARDNER ENGINEERING
 CIVIL • LAND PLANNING
 MUNICIPAL • LAND SURVEYING
 5150 SOUTH 375 EAST OGDEN, UT
 OFFICE: 801.476.0202 FAX: 801.476.0066

ALL LINES SHOWN ON THIS SURVEY ARE BASED ON THE 1983 PROCTOR SUBDIVISION PLAT