



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on an alternative access application for a private access easement to provide access to four lots in a future subdivision.
Agenda Date:	Wednesday, November 21, 2018
Applicant:	Jeff Shepherd
File Number:	AAE 2018-10

Property Information

Approximate Address:	1075 N 7800 E, Huntsville
Project Area:	28 acres
Zoning:	Agricultural Valley (AV-3) Zone
Existing Land Use:	Agriculture
Proposed Land Use:	Residential/Agriculture
Parcel ID:	21-006-0011, 21-006-0013, 21-006-0030, 21-006-0031, 21-006-0032
Township, Range, Section:	T6N, R2E, Section 7

Adjacent Land Use

North:	Residential	South:	Agricultural/Residential
East:	Agricultural/Residential	West:	Agricultural/Residential

Staff Information

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

Applicable Land Use Codes

- Title 104 (Zones) Chapter 6 (Agricultural Valley Zone)
- 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)

Background

The applicant is requesting approval for a private access easement to access four lots in a future subdivision. The applicant has cited unusual soil conditions as reasons why it is unfeasible and impractical to extend a fully improved road to serve the future lots. The applicant is proposing to dedicate and improve a road that goes west as a future connection to 7100 East. The proposed access easement would extend to the north, off of the new public road, to provide access to the four lots. The following is staff's analysis of the proposal.

Analysis

LUC §108-7-31 outlines the following criteria that must be met for an alternative access approval:

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 applicant has included a narrative (Exhibit A) explaining how the property meets the described criteria. The narrative describes soil conditions such as a high water table on the south 10 acres of the property that prohibits septic systems in that area, requiring the applicant to have the building lots located to the north. Due to the described conditions and lot configurations, staff considers the requirement to extend a road to serve the four lots to be unfeasible at this time.

Although the applicant has proposed approval of the access easement to access four lots, it is recommended that approval only be granted for two lots. This is because lots 4 and 5 (north end) both have adequate frontage along 1075 N Street.

LUC §108-7-31 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 standards outlined LUC §108-7-29(1), (2), and (3) prior to issuance of a certificate of occupancy on any home that will gain access from the access easement.

Review Agencies: The applicant will be required to comply with all review agency requirements prior to issuance of a certificate of occupancy on any home that will gain access from the access easement. To date the Weber Fire District has approved of the proposal. The requirements of the Engineering Division must also be met, as a condition of approval.

Staff Recommendation

Staff recommends approval of AAE 2018-10, to provide access by private access easement to lots 2 and 3 in a future subdivision, as shown on the concept plan included as exhibit B. The recommendation for approval is subject to 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, prior to the recording of the future subdivision.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to serve two lots is not feasible or practical due to soil conditions.

Administrative Approval

Administrative approval of Shepherd Alternative Access (AAE 2018-10) is hereby granted based upon the conditions and findings listed in this staff report.

Date of Administrative Approval: _____

Rick Grover
Planning Director

Exhibits

- A. Narrative
- B. Concept Plan

Property Map



10/19/18

To Whom It May Concern:

We have recently purchased a 28.33 acre piece of property in the Middle Fork area of Ogden Valley and hope to subdivide it into four 5.25 + acre building lots for our personal residence as well as the homes of three of our children, and a final parcel that is not approved for building due to a high ground water table. We are hoping to create a somewhat private community with large acreage lots with an easement that will only access our properties (will not be a through road).

We completed water table monitoring, percolation and soil testing and geothermal testing over last winter/spring and it was determined at that time that we have a high water table on roughly the south 10 acres that prohibits septic systems in that area. The remaining 18 acres gradually slopes up with the water table going deeper the further north you go on the property. The further North the four homes can be built on the property the lower the risks of having issues with ground water both for the homes themselves and the septic systems that will need to be put in.

We originally submitted a proposed layout with a different road design that was requesting approval for 7 smaller lots, but with the ground water issues we have since decided we would like to keep the number of homes to a minimum and keep the density low thus maintaining the open country feel of the area and avoid the high ground water area. This required the access layout that we are currently proposing.

By using an alternative access road verses a private or public road, we will be able to move both the homes and the septic systems further to the north away from the high water table on the south end. If we have to dedicate property for a private or public road, it will push the two south lots further south. Plus the setbacks for the homes on a private or public road with a turnabout would again push the homes/septic systems even further into the wet zone.

Our access to the property is at the far south end thus requiring a fairly long road through the wet south end to access the buildable portion of the property. Again, we hope to use a smaller road through that area with fire department approved turn arounds and bump outs to have minimal impact through that high water table area and property.

We greatly appreciate your consideration of our request and look forward to hearing back from you soon.

Thank you.

