



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on an alternative access request to extend the driveway in order to reduce its slope. This will result in accessing the subject parcel (all of lot 23 in the Ogden Canyon Wildwood Estates subdivision) through the adjacent, front parcel (lot 15 of the same subdivision).
Agenda Date:	Wednesday, November 21, 2018
Applicant:	Rick & Dylan Kearn
File Number:	AAE 2018-09

Property Information

Approximate Address:	699 Ogden Canyon, Ogden, UT, 84401
Project Area:	4.66 Acres
Zoning:	Forest Residential Zone (FR-1)
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	20-048-0009
Township, Range, Section:	T6N, R1E, Section 17 SW

Adjacent Land Use

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

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@co.weber.ut.us 801-399-8794
Report Reviewer:	RG

Applicable Land Use Codes

- Title 101 General Provisions, Section 7, Definitions
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 104 (Zones) Chapter 13 (Forest Residential FR-1 Zone)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 Flag lot access strip, private right-of-way, and access easement standards
- 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 planning Division recommends approval of an alternative access request to extend the driveway at 699 Ogden Canyon, Ogden. The purpose of this request is to reduce the slope of the driveway, by access the lot through the adjacent, front lot (parcel # 20-048-0001). The lot will have access from lot 15 of the same subdivision. An access easement will be recorded on lot 23. The proposal meets the criteria for consideration of access by a private right of way, and the lot has adequate width, area, and setbacks, as required in the Uniform Land Use Code of Weber County (LUC). The request for an alternative access has been thoroughly vetted and has received comments and/or approvals from all the applicable review agencies.

Alternative access applications such as this are reviewed and approved administratively by the Weber County Planning Director. It is essential to note that this request is an administrative application and is not a variance or an exception to the standards and criteria outlined in the Uniform Land Use Code of Weber County (LUC). The request conceptually meets the standards as outline in LUC §108-7-29 and meets the criteria for the request as required in LUC §108-7-31.

Alternative access applications should be approved as long as the design standards can be implemented during the development 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.”

Analysis

General Plan: The General Plan for Ogden Valley is intended to preserve private property rights while also preserving the rural characteristics of the area. This proposal conforms to the Ogden Valley General Plan.

Zoning: The subject property is located in the Forest Residential Zone more particularly described as the FR-1 zone. The purpose and intent of the FR-1 zone is identified in the LUC §104-13-1 as:

“The purpose of the forest residential zone is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”

The application has been forwarded to the applicable review agencies and based on the limited criteria and conditions that govern alternative access application 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 parcel due to topographic, or property boundary conditions. This determination is based on the review and analysis of the information provided by the applicant.

Prior to any further development considerations on this site, the applicant will have to provide a complete application that adheres to all Federal, State and County ordinances.

Review Agencies: *To date, the proposed alternative access has been approved by the Weber Fire District. The Weber County Engineer has made the request for a site plan with additional information, such as the dimensions of the proposed access. All review agency requirements must be addressed and completed prior to this alternative access being approved.*

Tax Clearance: *The 2017 property taxes have been paid in full. The 2018 taxes are will be due in full November 30, 2018.*

Public Notice: *A notice has been mailed not less than seven calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed small subdivision per noticing requirements outlined in LUC §106-1-6.*

Staff Recommendation

Staff recommends final approval of an alternative access request to extend the driveway at 699 Ogden Canyon, Ogden. The purpose of this request is to reduce the slope of the driveway. This recommendation for approval is subject to all review agency requirements and the following conditions:

1. An access easement must be recorded on the adjacent, front lot (lot 15 of the Ogden Canyon Wildwood Estates, parcel # 20-048-0009).
2. The County Engineer has required that a hillside review be performed prior to further development on the subject lot.
3. 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 standards in 108-7-29.

This recommendation is based on the following findings:

1. Based on substantial evidence, it has been found that it is unfeasible or impractical to extend a street to serve such lot/parcel at this time, based on topographic, and property boundary conditions which limits typical access requirements in a unique way.

Administrative Approval

Administrative final approval of the Kearl Alternative Access, a proposal with the intent of lengthening the access through the adjacent, front lot in order to reduce the slope of the driveway.

Date of Administrative Approval: _____

Rick Grover
Weber County Planning Director

Exhibits

- A. Map of Location and Current Parcel Arrangement
- B. Site Plan
- C. Alternative Access Application and Narrative
- D. Recorded Access Easement

Exhibit A-Location map and Current Parcel Arrangement

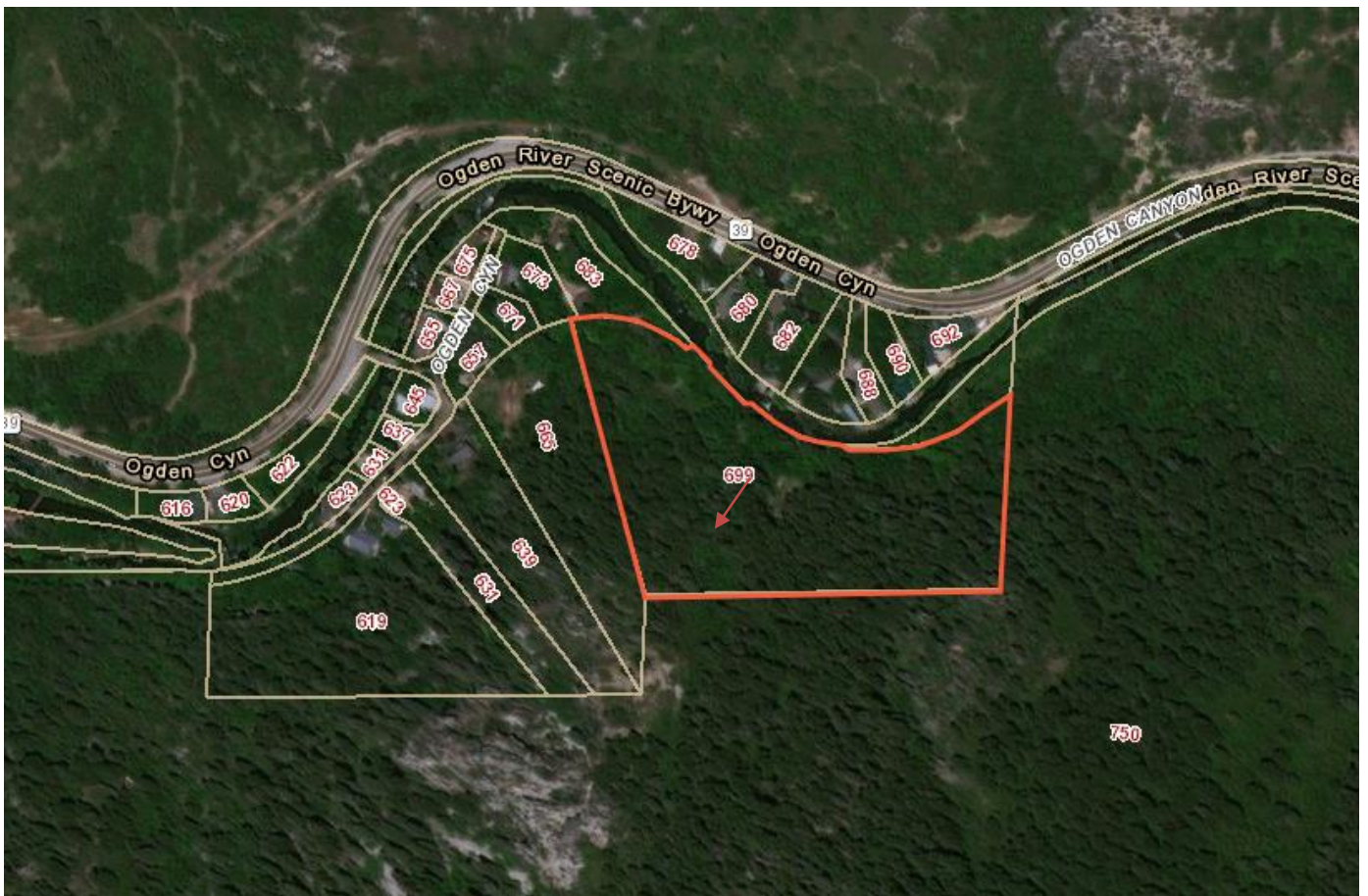


Exhibit C - Alternative Access Application

Weber County Alternative Access Application			
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted /Completed 10-1-2018	Application Fee: \$350.00	Receipt Number (Office Use)	File Number (Office Use)
Application Type			
<input type="checkbox"/> Flag lot access strip <input checked="" type="checkbox"/> Access by Private Right of Way <input type="checkbox"/> Access at a location other than across the front lot line			
Property Owner Contact Information			
Name of Property Owner(s) Rick + Dylan Kearl		Mailing Address of Property Owner(s) 699 Ogden Canyon Ogden, UT 84401	
Phone 801-628-8201	Fax N/A		
Email Address (required) rick@ospreyutah.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) N/A		Mailing Address of Authorized Person	
Phone	Fax		
Email Address (required)		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name Kearl Alternative Access	Total Acreage 4.66	Current Zoning FR-1	
Approximate Address 699 Ogden Canyon	Land Serial Number(s) 20-048-0009		
Proposed Use Single Family Home			
Project Narrative Cassowary LLC grants to Rick + Dylan Kearl an easement for egress and ingress to parcel #20-048-0009 aka 699 Ogden Canyon, Ogden. Topography of current frontage makes access impractical and unsafe. Alternative access allows for a lesser slope and wider turning width radius. The slope reduces from over 10% to under 7%. The turn reduces from 180° to 90° with a wider turning radius.			

Basis for Issuance of Access to a lot/parcel 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:

Sec. 108-7-32. - Access to a lot/parcel at a location other than across the front lot line.

- (1) 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.
- (2) It shall be demonstrated 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.

Please provide the following information to support your request for Access to a lot/parcel at a location other than across the front lot line:

- 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.
- 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.

Property Owner Affidavit

I (We), Berk and Dylan Kead, 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. I (We) understand that an approval of an alternative access application does not grant a legal right to access property that I(we) currently do not own.

[Signature] Property Owner [Signature] Property Owner

Subscribed and sworn to me this 1st day of October, 2018.

Kary C. Serrano Notary



Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, 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.

_____ Property Owner _____ Property Owner

Dated this ____ day of _____, 20____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

_____ Notary