

Hidden Creek Estates Private right-of-way code references and staff interpretation

Planning has the made the following interpretation regarding what classifies a private road and right-of-way per the Weber County Land Use and Subdivision Code. Listed below are the code references and a brief explanation of how Hidden Creek Estates could satisfy the code.

Title 101-1-7. - Definitions

Street, private. The term "private street" means a thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the county and maintained by the developer or other private agency.

The road and right-of-way within the Hidden Creek Development will be required to be in compliance with the adopted street cross section for a private road. The access point including 2050 North will be required to be in compliance with the adopted street cross section for a private road.

Weber County Code specifically describes when a private road is appropriate.

Sec. 106-2-2. - Street and alley widths, cul-de-sacs, easements.

Street dedication. Streets in year-round subdivisions shall be dedicated to the county as public streets except that private streets improved to county public street standards may be permitted in planned residential unit developments or condominiums. Mountain land subdivisions in high mountain areas of the county for seasonal recreation and summer homes shall have private streets built to county private street standards for such subdivisions except that the county may require public dedication for major or loop road access purposes.

Standard residential streets shall have a minimum width of 60 feet, except that minor terminal streets and loop streets or minor private streets and private access rights-of-way in summer home subdivisions may have widths of not less than 50 feet.

The Hidden Creek development is considered a Mountain land Subdivision that is characterized by the forest canopy and the terrain. Big Sky Estates No. 2 is considered a Summer Home Subdivision.

Sec. 106-4-1. - General requirements.

New subdivisions with sole access from a substandard street shall not be approved until the substandard street is fully improved to county public work standards and adopted right-of-way width.

Big Sky Drive meets the definition of a standard private street within a summer home subdivision. Improvements within Hidden Creek Development will extend to the intersection of 2050 North and Big Sky Drive and shall be constructed to the standard.

Sec. 106-7-1. - Subdivision dedication.

Private streets, access, rights-of-way. Dedicate and reserve unto themselves, their heirs, their grantees and assigns, a right-of-way to be used in common with all others within said subdivision (and those adjoining subdivisions that may be subdivided by the undersigned owners, their successors, or assigns) on, over and across all those portions or parts of said tract of land designated on said plat as private streets (private rights-of-way) as access to the individual lots, to be maintained by a lot (unit) owners' association whose membership consists of said owners, their grantees, successors, or assigns.

The Hidden Creek Development will require legal access granted from the Big Sky's HOA. Further, it is required to form an HOA set-up to maintain the private roads.