



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 one lot in a future three-lot subdivision.

Agenda Date: Wednesday, April 07, 2021

Applicant: Jim & Kayla Wayment (Owners)

File Number: AAE 2021-03

Property Information

Approximate Address: 1782 N 5900 W, Ogden, UT 84401

Project Area: 10.106 Acres

Zoning: A-1, A-2

Existing Land Use: Residential/Agriculture

Proposed Land Use: Residential/Agriculture

Parcel ID: 15-022-0017, 15022-0024

Township, Range, Section: Township 6 North, Range 2 West, Section 06 SE

Adjacent Land Use

North: Agriculture	South: Residential/Agriculture
East: Agriculture	West: 5900 West St

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov
801-399-8794

Report Reviewer: RG

Applicable Land Use Codes

- Title 104 (Zones) Chapter 2 (Agricultural (A-1, A-2) Zones)
- 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)

Summary

The applicant is requesting approval of a private access easement for one lot in a future three-lot subdivision. The narrative in Exhibit A describes how the alternative access is applicable in this situation. The qualifying criteria posed by the applicant is listed below:

1. The property boundary conditions make it impractical to extend a street to serve this one lot.

After reviewing the proposal, the Planning Division concurs that these circumstances warrant a private access easement for primary access to lot 3 in the proposed Wayment Farms Subdivision.

A concept development plan is included in this report as exhibit B.

Analysis

The alternative access option was created as a means for landowners to provide access over, and across areas that restrict the construction of a standard County 66-foot right-of-way. Alternative access applications should be approved as long as the design standards can be implemented during the subdivision process, and the application meets the criteria in LUC §108-7-31(1)(c) which states:

Based on substantial evidence, it shall be shown that it is infeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support 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.

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, safety, and parcel/lot standards outlined LUC §108-7-29(a) (b), and (c) before issuance of a certificate of occupancy on any home that will gain access from the access easement. Based on the submitted concept plat (see **Exhibit B**), the proposed access easement would be 30 feet wide and the private drive will be 20 ft. wide and approximately 520 feet long.

Review Agencies:

The Engineering Division approves of this proposal with the following condition:

1. The access road will need to follow the Alternative Access code described in sec 108-7-29 of the Weber County Code of Ordinances.

The Weber County Fire Marshall approves of this proposal with the following conditions:

1. The road/driveway will need to be 20' wide and there may need to be a hydrant installed down that lane.
2. There will also need to be a turn-around at lot 3.

Staff Recommendation

Staff recommends approval of AAE 2021-03, to provide access by private access easement to one lot within a future three-lot subdivision. The recommendation for approval is subject to review agency requirements and the following conditions:

1. The private access 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, before the recording of the future subdivision.
3. The improved travel surface of the 20' access easement shall be a minimum of 12 feet wide and shall be capable of supporting 75,000 lbs. Also, and Per LUC Sec. 108-7-29(a)(5).

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to one lot is not practical due to the parcel's property boundary conditions.
2. Weber County Engineering Requirements are met with not extending/creating a road in this area.

Administrative Approval

Administrative final approval of AAE 2021-03 to create a private road that would serve as access to one future residential lot.

Date of Administrative Approval: 4/7/21


Rick Grover
Planning Director

Exhibits

- A. Alternative Access Exception Application & Narrative
- B. Concept Plat

roperty Map



+ Add Building

Application

Project Description Alternative Access for a lot in a future three-lot subdivision

Property Address 1782 N 5900 W
Ogden, UT, 84404

Property Owner Jim and Kayla Wayment
801-458-5808
kattlewomank@hotmail.com

Representative --

Accessory Dwelling Unit False

Current Zoning A-1

Subdivision Name Wayment Farms Subdivision

Number of Lots

Lot Number

Lot Size

Frontage 5900 West Street

Culinary Water Authority West Warren-Warren Water and Sewer


Secondary Water Provider Wilson Irrigation Company

Sanitary Sewer Authority Health Department (Septic)

Nearest Hydrant Address 1782 N 5900 W, Ogden, UT

Signed By Owner, Kayla Wayment

Parcel Number

 Remove 150220017 - [County Map](#)

Wayment Access Exception Statement

The Wayment Subdivision contains three lots. Lots 1 & 2 will have the necessary 150-foot frontage. Lot 3 will have only 122. 576 feet. There is an agricultural access along the southerly boundary that is shared by four property owners, the Wayment parcel, the Rose Family Trust (15-022-0034), the Bommer Property (15-022-0016). And the Joseph Knight parcel (15-022-0015). Each owner has fee ownership over some part of the right of way. This situation has existed for more than 50 years with mutual acclimation to each party for their own particular uses. The most logical dedication of a public right of way should be along the existing shared access. For the Wayment parcel to dedicate a 66-foot right of way, it would require demolition of the existing home, at least one barn and would then leave the existing shared right of way outside of the future public right of way.

