



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action to extend alternative access that would serve three residential lots.

Agenda Date: Wednesday, August 18, 2021

Applicant: Allen Franke

File Number: AAE 2021-07

Property Information

Approximate Address: 585 S 3600 W, Ogden

Project Area: 9.63 acres

Zoning: Agricultural Zone (A-1)

Existing Land Use: Agriculture

Proposed Land Use: Residential/Agriculture

Parcel ID: 15-712-0001

Township, Range, Section: T6N, R2W, Section 16

Adjacent Land Use

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

Staff Information

Report Presenter: Felix Lleverino
flleverino@co.weber.ut.us
801-399-8767

Report Reviewer: RG

Applicable Land Use Codes

- Title 104 (Zones) Chapter 5 (Agricultural, A-1)
- Title 106 (Subdivisions)
- 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

- Hipwell Alternative Access (AAE 2018-02), approved on May 31, 2018, for one residential lot.
- Franke Estates Subdivision, to create one 11.8 acre lot was recorded on April 19, 2019. See dedication plat number 85-036.
- Franke Alternative Access (AAE 2019-06) was approved on September 4, 2019, for a second residential lot
- Franke Estates Subdivision 1st Amendment, to create two 1-acre lots was recorded on February 21, 2020. See dedication plat number 87-024.
- Franke Alternative Access (AAE 2021-07) applied for approval of alternative access for a third lot.

Background

The applicant is requesting approval to extend a private access road that would serve a total of three lots at approximately 585 S 3600 W. The existing private access road that is 20' wide and roughly 618' long is asphalt and built to the Alternative Access Design Standards found in section 108-7-29 (a). The private access road had been designated a street number of 600 South. If this application for alternative access by private right-of-way is approved, the owner will subdivide Parcel A (see Exhibit A) to create a one-acre lot. This division of land would leave a remainder parcel of farmland that is approximately 8.6 acres. The appropriate roadway dedication is complete since Franke Estates was recorded on April 19, 2019. After a discussion with Planning and Engineering, it is determined that at this time it is not feasible or practical to require the owner to dedicate nor construct a 66-foot right-of-way. Mr. Franke has entered into a Deferral Agreement to Convey (E#2975536) which would

be initiated when the landowner to the south chooses to develop their land. The County will require that a sixty-six foot right of way be dedicated and a county standard road is built.

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.

Analysis

Following approval from applicable review agencies and after a thorough review by the Planning Division, staff feels that a private right-of-way that will provide access to an 8.6-acre farm ground and three residential lots is an appropriate use of the alternative access option. As stated by the applicant, "The Franke's will sign an agreement to provide their portion of (33 feet) of the 66' ROW (see page Exhibit B)."

If this proposal is approved, 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 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 currently 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 turnaround 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.

(3) *Lot/parcel standards.*

- a. The lot/parcel shall meet all minimum yard and area requirements of the zone in which it is located.
- b. Buildings shall be set back a minimum of 30 feet from the end of the flag lot access strip, private right-of-way, or access easement.
- c. The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is located at the end of the access strip.
- d. The lot/parcel shall have a flag lot access strip, private right-of-way, or access easement constructed in conformance with subsections (1), (2), and (3) of this section prior to the issuance of land use permits or building permits.

The Qualifying Criteria and Conditions (108-7-31) listed below, specifically; the property boundary conditions, would make the placement of a 66' right-of-way unfeasible:

(a) *Criteria.*

- (3) 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 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.

(b) *Conditions.*

- (1) It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instruments capable of conveying or granting such right; and
- (2) 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.

Review Agencies: Weber County Engineering has approved the proposal to extend the private drive and access easement to serve a total of three lots. The County Planning Division has included conditions of approval that will be satisfied after granting alternative access approval and in unison with the Franke Estates subdivision amendment.

If approved, compliance with the design, safety standards, and lot/parcel 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 landowner replace the private right of way/easement with a street that would serve as required access to additional lots, as outlined in LUC §108-7-31(2)(b).

Staff Recommendation

Staff recommends approval of the application to create a private right-of-way that will provide access to farm ground and three residential lots based on the following conditions:

1. All County reviewing agency requirements shall be met.
2. The private road shall comply with the design, safety, and parcel/lot standards of the alternative access.
3. The applicant will enter into an alternative access agreement that shall be recorded, including the dedication of a half-width that will be a gift to the County at the time of the County's choosing.
4. At the time of recording the Franke Estates 2nd Amendment, the owner shall enter into a deferral agreement for curb, gutter, sidewalk, and asphalt.

The following findings are the basis for the staff's recommendation:

1. At this time, it is not feasible to extend a county right-of-way due to the access strip not having sufficient width.
2. The Franke's are willing to agree to provide their portion of the area and are willing to pay the proportionate costs associated with a public right-of-way and gift to the County what would otherwise be required at the time the dedication plat is recorded.
3. Following approval of Alternative Access, the subdivision of Parcel A will be initiated. At which time the owner will enter into a deferral agreement for curb, gutter, sidewalk, and asphalt.

Administrative Approval

Administrative final approval of Franke Alternative Access to create a private road that would serve as an access to farm ground and three residential lots.

Date of Administrative Approval: Aug./18/21



Rick Grover
Principal Planner

Exhibits

- A. Franke Estates 1st Amendment plat (snippet)
- B. Narrative
- C. Concept Plan

Property Map

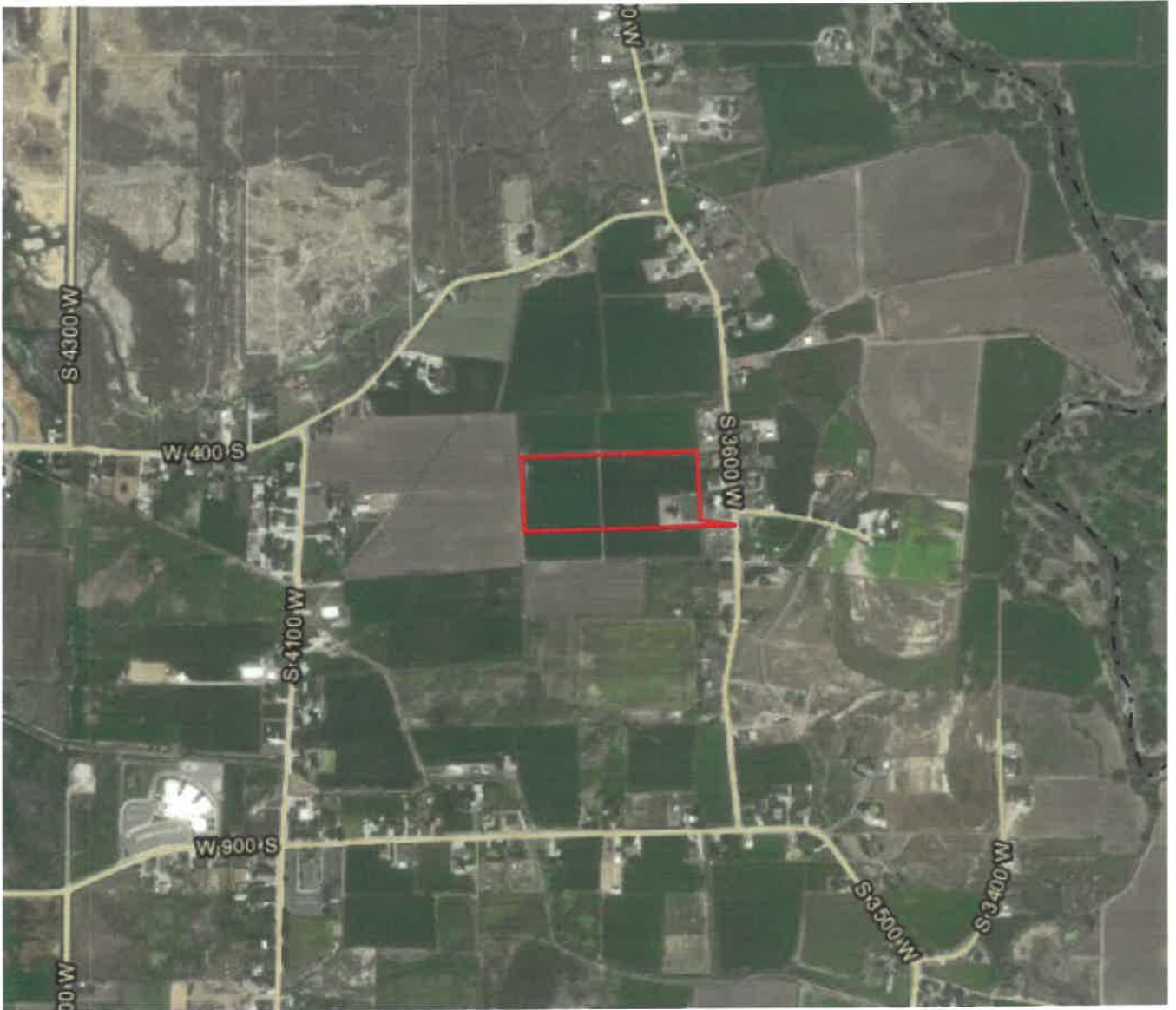
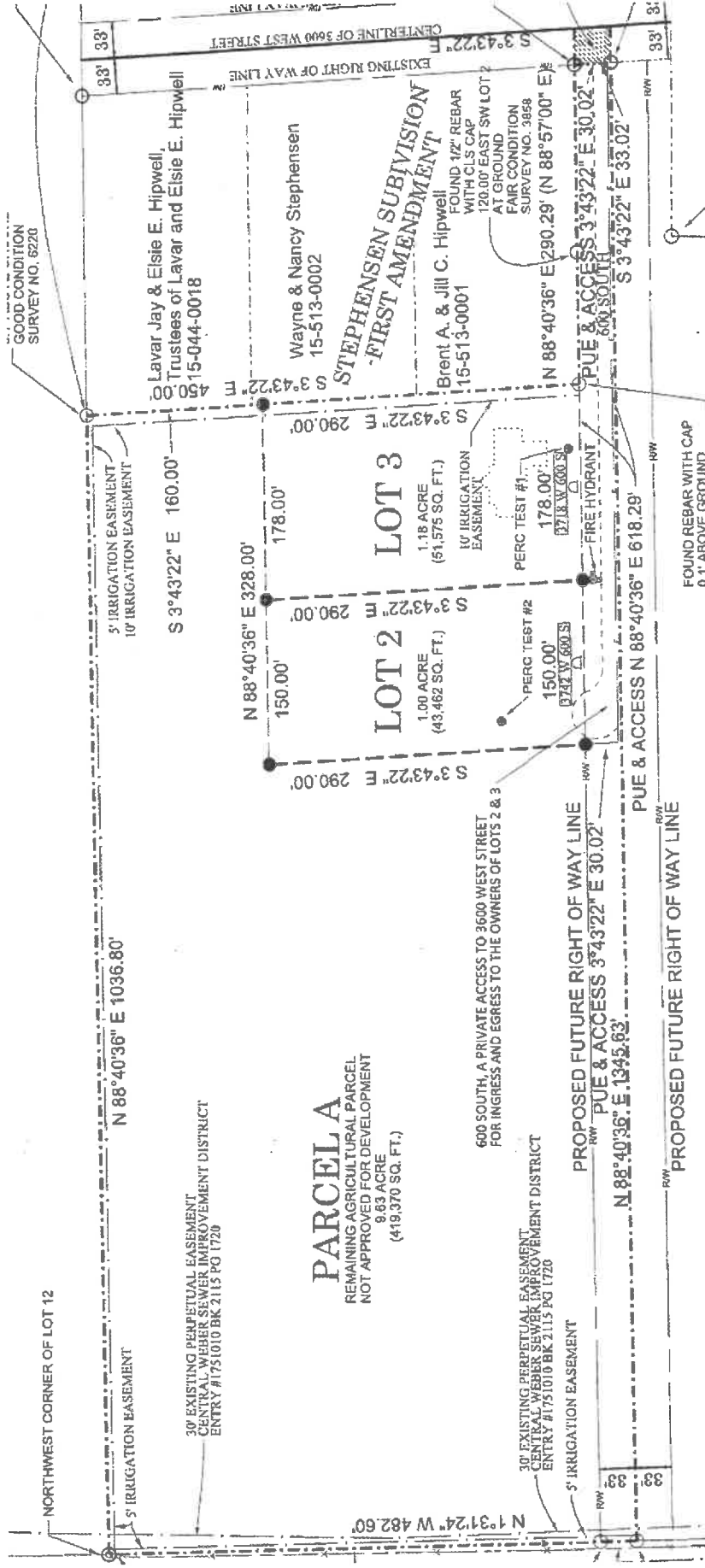


Exhibit A



Memo

Alternative Access Extension Application, Franke Estates Subdivision Amended

Date: June 29, 2021

Regarding: Amended Request for extension of an alternative access Franke Estates Amended Subdivision, 3718 West 600 South, Ogden, Utah 84404

Applicant: Alan Franke and Cynthia Franke, 3718 West 600 South, Ogden, Utah 84404

To: Weber County Planning Department, 2380 Washington Boulevard, Suite 240, Ogden Utah, 84401

Request

Mr. and Mrs. Franke would like approval from Weber County to extend an already approved a private driveway access to create an additional residential lot on an agricultural parcel which is approximately 10 acres. Access to a public Street is accomplished by the alternative access connecting to 3600 West. The intent is to allow construction of an additional single family home to be built in the future. The County has already approved 2 buildable lots on the private drive. A formal application for an amendment to the Franke Estates Subdivision Amended will be submitted when approval is granted for the access extension. The majority of the acreage (approximately 9 acres) will continue to be used as agriculture. The private access is 20 feet in width, with 3 inches of sub base and 8 inches of road base compacted with a cul-de-sac at its west terminus. It is built for a service vehicle of 75000 lbs to access the drive.

History

2018: The County denied a petition for an original application for the alternate access because of the County's requirement to have a dedicated 66 foot ROW to service any new development. The Franks demonstrated they did not have adequate ROW width to dedicate for the 66 foot ROW. The County allowed the Alternative access in lieu of the dedicated ROW with a Deferral agreement

2019: The County approved a single lot subdivision named Franke Estates to allow the construction of a single lot subdivision on a 12 acre parcel. This home has been constructed and is the primary residence of Mr. and Mrs Franke.

2020: The Frankes requested and the County approved an extension of the alternate access and subdivision to allow an additional residential lot and to further define the existing residential lot to include 1.18 acres instead of 12 acres. 10 acres was to be a left over parcel used for farming.

Project Narrative

The Frankes would request an extension of the private access so that another child of the Franke's may build a home on a one acre lot. It is the Franke's understanding that County ordinance allows up to five lots on an alternate access. This was reiterated by the County Staff to Mr. Franke in a telephone conversation with County Engineering and Planning staff in 2019.

The extension will not take the private access beyond the 800 foot maximum length of allowed by County ordinance. Further, the Frankes will sign a deferral agreement to dedicate and install their portion of the future 66' right of way in the future. It is also understood that an additional lot will bring an additional. The width of the private driveway will be 20 feet improved with sub and road base so it can support a large service vehicle. There will be a cul-de-sac at the end of the private driveway.

The Frankes also understand that approval of an additional lot will require connection to sanitary sewer as required by County health requirements. Engineering has been done for the required sewer line.

Franke Estates Amended alternate Access Extension

