



# Staff Report for Administrative Approval

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for final approval of Meadow Haven Subdivision, consisting of three lots, including a request for an alternative access approval.

**Type of Decision:** Administrative

**Agenda Date:** July 20, 2022

**Applicant:** Alex Cheung

**File Number:** UVM030322  
AAE2022-05

### Property Information

**Approximate Address:** 3477 E 5100 N, Liberty

**Project Area:** 10 acres

**Zoning:** AV-3

**Existing Land Use:** Vacant/Residential

**Proposed Land Use:** Residential

**Parcel ID:** 22-007-0082, -0083

### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Residential
<b>East:</b>	Residential	<b>West:</b>	Residential

### Staff Information

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

**Report Reviewer:** RG

## Applicable Ordinances

- Title 104, Zones, Chapter 2, Agricultural (AV-3) Zone
- Title 106, Subdivisions
- Title 108, Standards, Chapter 7, Supplementary and Qualifying Regulations

## Background & Summary

The applicant is requesting final subdivision approval of Meadow Haven subdivision and a request for alternative access approval. Each lot contains at least three acres and is at least 150 feet wide. The proposed alternative access is to use a 30 foot wide access easement to access lots 2 and 3.

The proposed subdivision conforms to both the zoning and final subdivision requirements of the Uniform Land Use Code of Weber County, Utah (LUC). The application has been reviewed against certain standards of the Land Use Code and the following is staff's evaluation of the request.

## Analysis

**General Plan:** The proposal conforms to the Ogden Valley General Plan by maintaining the density allowed by the existing zoning in the area (2016 Ogden Valley General Plan, Land Use Principal 1.1, pg. 15).

**Zoning:** The subject property is located in the Agricultural Valley (AV-3) Zone. The purpose of the AV-3 zone is identified in the LUC §104-2 as:

The AV-3 Zone and A-1 Zone are both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone and A-1 Zone is to:

1. Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
2. Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
3. Direct orderly low-density residential development in a continuing rural environment.

The AV-3 zone requires a minimum of 3 acres per lot and 150 feet of lot width per lot. All three lots meet this minimum requirement.

Culinary water and sanitary sewage disposal: Culinary water will be provided by a private well on each lot. The owner has supplied well permits for each of the three wells, which each have 1.00 acre feet of water. The wells will need to be drilled, tested, and approved by the health department before the subdivision plat can record. Secondary water will be provided by the private wells. Each lot owner will be allowed to irrigate 0.1833 of an acre (7,984 square feet). A covenant will be recorded with the subdivision that informs the future owners of this restriction.

Sewage disposal will be done through individual septic systems. The Weber-Morgan Health Department has issued a feasibility letter for all three lots and have approved the proposal on the county's review website.

Ogden Valley Sensitive Lands: There are no mapped streams on this property and the property is not located in a geologic hazards area.

Public Right of Way opportunities: The subdivision and alternative access as proposed do not interfere with any planned public rights of way in this area. The county Planning Division and Engineering Division project managers have reviewed the proposal and feel that an alternative access, if approved, would provide enough of a public right of way opportunity on these parcels in the future.

Alternative Access: A developer is not entitled to an alternative access approval. However, the county land use code, 108-7-31, allows an owner to request access by a private access easement if the owner can meet the following criteria as outlined in the code:

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.

If the owner demonstrates the impracticality or infeasibility of installing a public street, the following conditions apply:

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 instrument 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.

The owner has submitted a narrative (Exhibit B), citing lot configuration, existing road layout, and the streams on the adjacent properties as the impracticalities for granting an alternative access.

Review Agencies: The proposed subdivision has been reviewed and approved by the Surveyor's Office, Engineering Division, and the Fire District. All review agency requirements must be met before the subdivision records.

## **Staff Recommendation**

Staff recommends final approval of Meadow Haven Subdivision, consisting of 3 lots and the proposed alternative access by private access easement. The recommendation is based on the following conditions:

1. An irrigation covenant will be recorded, specifying the amount of area allowed to be irrigated on each lot.
2. The alternative access covenant will be required to be recorded with the final plat.
3. The well on each lot must be drilled, tested, and approved by the health department before the subdivision plat records.

4. The alternative access will be built to the standards outlined in LUC 108-7-29.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with applicable County ordinances.
3. The applicant has demonstrated that, due to nearby streams and existing public road layout, it is infeasible at this time to require a full public street to be extended through this subdivision.

## Administrative approval

UVM030322 and AAE2022-05 were approved during administrative approval held on July 20, 2022.

  
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Weber County Planning Director

## Exhibits

- A. Subdivision Plat
- B. Alternative Access Narrative

## Map 1



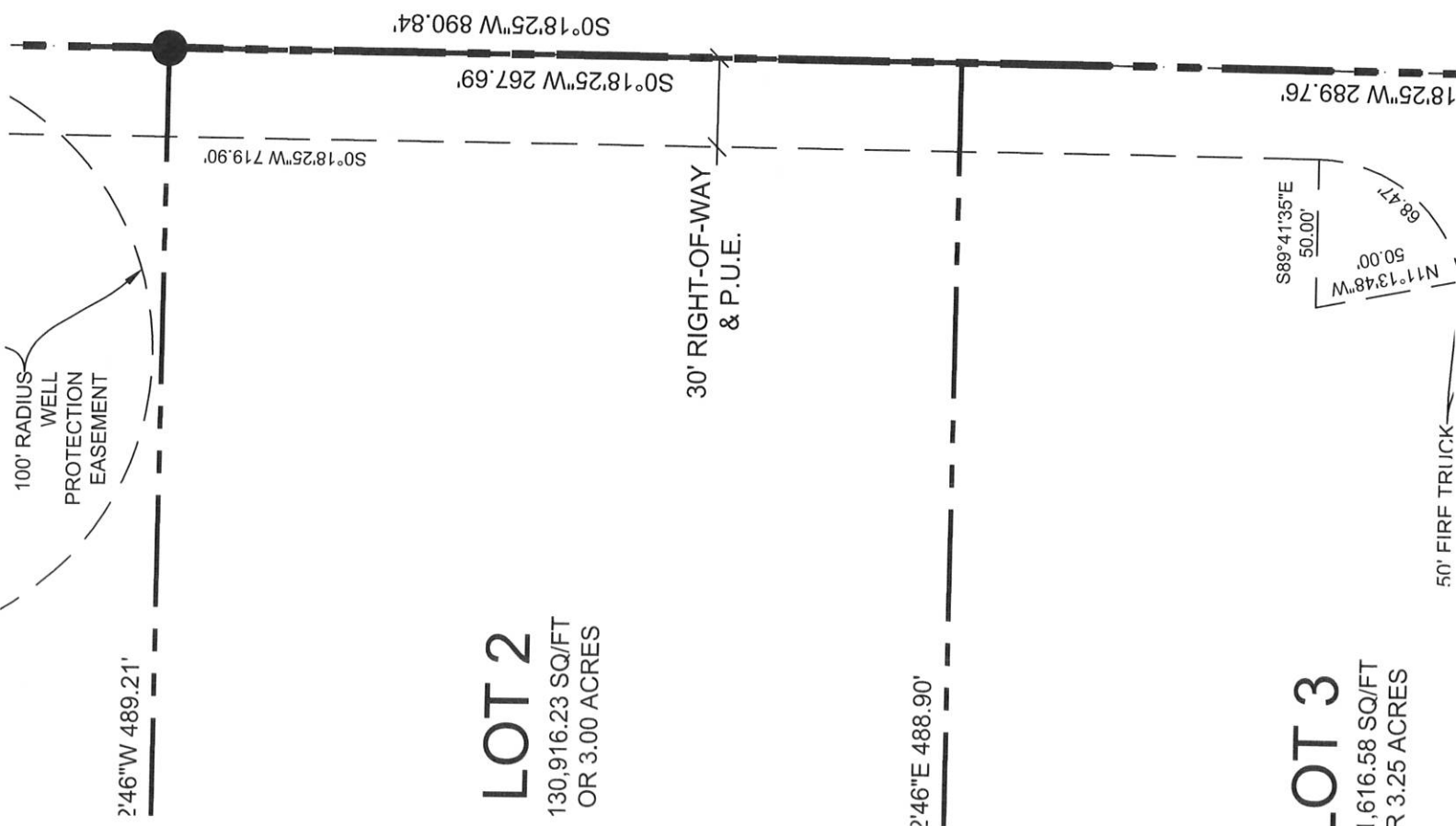
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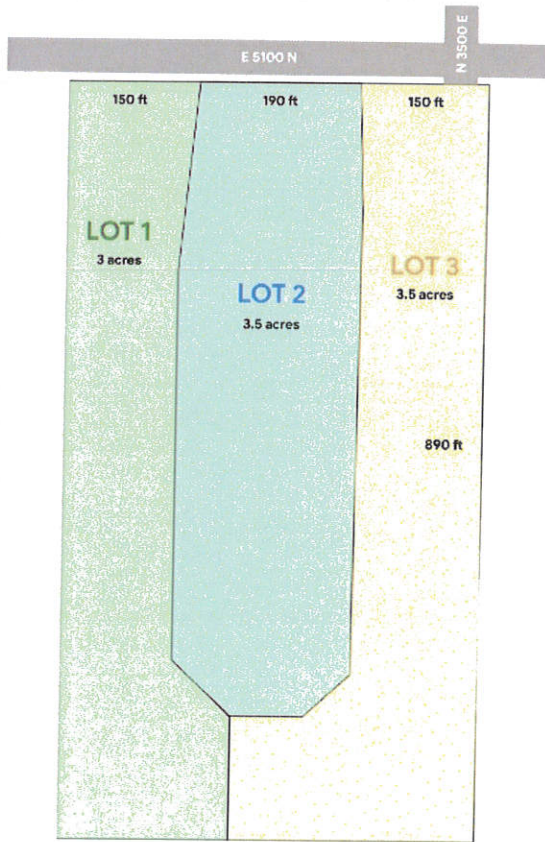
**LOT 3**  
1,616.58 SQ/FT  
OR 3.25 ACRES

# Alternative Access Application Narrative

## Meadow Haven Subdivision

We are proposing an alternative access gravel road running down the east side of the subdivision to provide adequate frontage for three vertically-stacked lots (see Exhibit A below). Having such a configuration allows all lots to be much more normally shaped (with more balanced aspect ratios around 3:5 vs. 3:18), making the land ultimately more useable.

### Former Proposal



### New Proposal

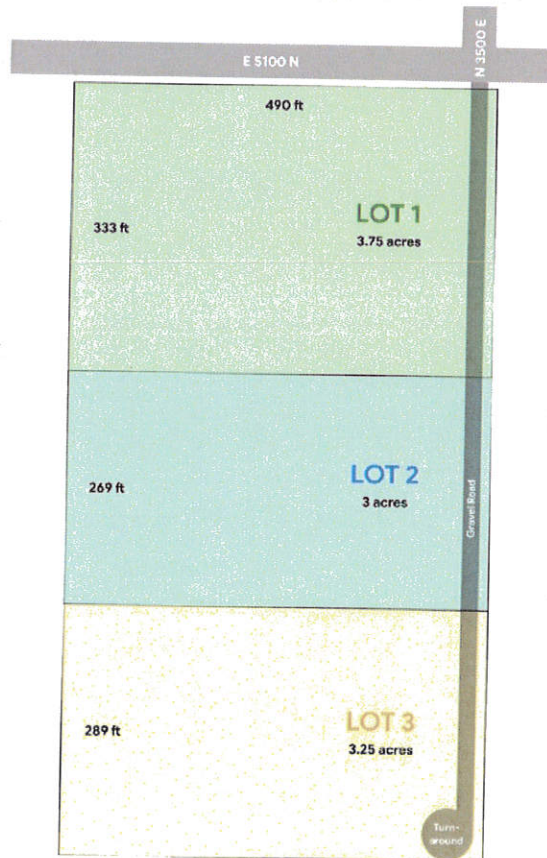


Exhibit A