

WEBER COUNTY PLANNING DIVISION

Administrative Review Meeting Agenda

April 7, 2021
4:00 to 5:00 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/82570026623>

Meeting ID: 825 7002 6623

1. 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. *Presenter Tammy Aydelotte*
2. LVW 10272020: Consideration and action for final approval of Wayment Farms Subdivision, consisting of three lots, with the request to defer asphalt, curb, gutter, and sidewalk. *Presenter Tammy Aydelotte*
3. AAE2021-02 - 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 four-lot subdivision. *Presenter Felix Lleverino*

The regular meeting will be held VIRTUALLY via Zoom Video Conference. Please access this VIRTUAL meeting by navigating to the following web/ink in a web browser:

Meeting ID: Meeting ID: 825 7002 6623

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791





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.

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: _____

Rick Grover
Planning Director

Exhibits

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

Property Map



Application

[+ Add Building](#)

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](#)



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

Re: Wayment Farms Subdivision Application

To whom it may concern:

In reference to the Alternate Access Agreement application that has been requested I offer the following:

The access that adjoins this property at the SW corner is jointly owned by three parties. All three have used this access to the respective properties has been 1. Well monumented by fences, building, 2. Used mutually, without objection of any of the parties, 3. For at least 50 years without any restriction, and (4) been used by all adjoining landowners in common. These 4 criteria are commonly used in Utah to define right of acquiescence. Since the access to this right of way is basically controlled at the West end at the Wayment driveway, and there is nothing done to permanently restrict the use by other parties, this access will remain available to all.

This right of way is 28.34 feet wide at the West end (see attached plat with aerial shown). If you have any questions, please call me.

Sincerely,

A handwritten signature in black ink that reads 'Robert D. Kunz'.

Robert D. Kunz, PE, PLS
Owner, Kunz Engineering



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action for final approval of Wayment Farms Subdivision, consisting of three lots, with the request to defer asphalt, curb, gutter, and sidewalk.		
Application Type:	Administrative		
Agenda Date:	Wednesday, April 07, 2021		
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@co.weber.ut.us 801-399-8794
Report Reviewer:	RG

Applicable Ordinances

- Title 101 (General Provisions) Section 7 (Definitions)
- Title 102 (Administration) Chapter 1 (General Provisions) Section 2 (Planning Director Authority)
- Title 104 (Zones) Chapter 2 (Agricultural Zones)
- Title 106 (Subdivisions) Chapter 1-8 as applicable

Background and Summary

The applicants have submitted a request for final approval of the Wayment Farms Subdivision, a small subdivision consisting of three lots that fronts directly on 5900 W Street, located at approximately 1782 North 5900 West, Ogden, Utah. The proposed subdivision will establish a subdivision boundary and create two legal residential lots, and realign the boundary of a third legal lot. The lots contain 10.106 acres that currently include two single-family residences. The proposed subdivision conforms to both the zoning and subdivision requirements including adequate area and frontage, for lots 1 and 2, and has an access exception request for lot 3, which shows an access easement along the southern boundary of lot 3. This proposal comes with a request to defer asphalt, curb, gutter and sidewalk. At this time it is impractical to construct curb, gutter and sidewalk due to those improvements not being present in the surrounding area.

Analysis

General Plan: This proposal conforms to the Western Weber General Plan by creating residential lots which will preserve the low density rural residential setting (see page 2-5 of the Western Weber General Plan).

Zoning: The subject property is located in an Agricultural (A-1, and A-2) Zone. The purpose and intent of the A-1 Zone is found in LUC §104-2-1:

"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 purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible."

Small Subdivision: The Uniform Land Use Code of Weber County (LUC) §101 defines a "small subdivision" as "A subdivision consisting of three or fewer lots and for which no streets will be created or realigned". This subdivision consists of two lots and no new streets are being created or realigned. Based on these provisions, this subdivision qualifies for administrative approval as a small subdivision.

Lot area, width and yard regulations: The lots contain 10.106 total acres and will be 150' wide (lots 1 and 2). Lot 3 will have a private access easement, that will be shown on the final plat, along the southern boundary of lot 3 (See alternative Access Exception application).

The site development standards for the A-1 and A-2 Zones are as follows:

- Minimum Lot Area: 40,000 sq. ft. for a single-family dwelling.
- Minimum Lot Width: 150 Feet

Culinary water and sanitary sewage disposal: Culinary water will be supplied by West Warren-Warren Water. Secondary water will be provided by [REDACTED]. Sanitary sewer services will be handled by an approved septic system that has received water table monitoring and septic system. A feasibility letter from the Health Department has been submitted as part of this application (see Exhibit B).

Review Agencies: Weber Fire District Marshal and Weber-Morgan Health have approved this proposal. Weber County Engineering and Weber County Surveyor have items to be addressed prior recording the final plat.

Tax clearance: The 2020 property taxes have been paid in full. The 2021 property taxes are due in full as of November 30, 2021.

Public Notice: The required noticing for the final subdivision plat approval has been mailed 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(c).

Staff Recommendation

Staff recommends approval of Wayment Farms Subdivision, a three-lot subdivision that includes an alternative access request for lot 3, as well as a request to defer asphalt, curb, gutter and sidewalk along 5900 West St. This recommendation for approval is subject to all review agency requirements and based on the following conditions

1. A Deferral Agreement for asphalt, curb, gutter and sidewalk shall be entered into by the owner and recorded with the final Mylar.
2. An alternative access agreement shall be recorded with the final mylar.
3. An onsite wastewater covenant shall be recorded with the final mylar.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.

Administrative Approval

Administrative final approval of Wayment Farms Subdivision, a three-lot subdivision that includes an alternative access request for lot 3, as well as a request to defer asphalt, curb, gutter and sidewalk along 5900 West St., is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

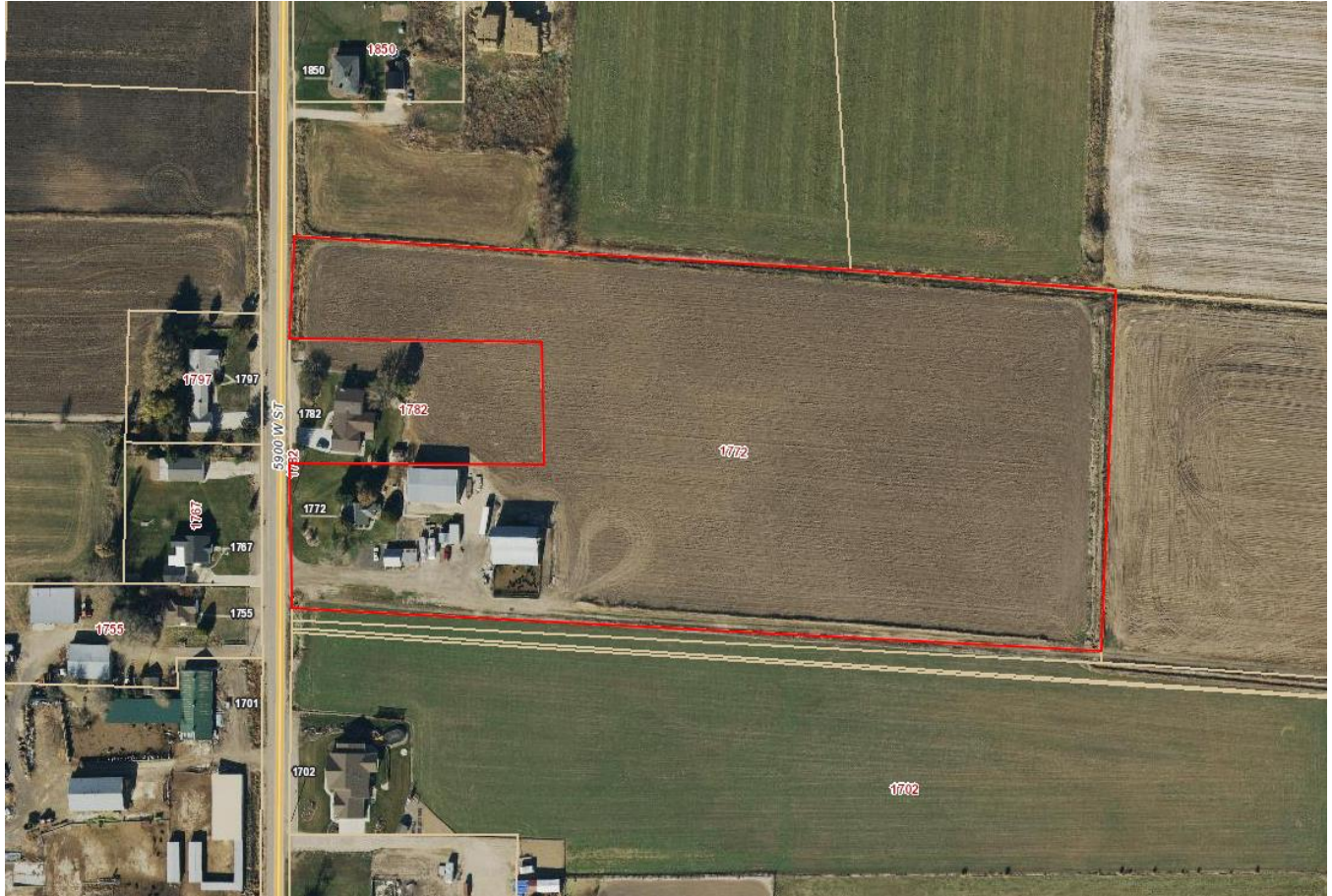
Date of Administrative Approval: _____

Rick Grover
Weber County Planning Director

Exhibits

- A. Application
- B. Feasibility Letters – Water/Septic
- C. Proposed Final Plat

Map 1



Application

Project Description

Property Address	1782 N 5900 W Ogden, UT, 84401
Property Owner	Kayla Wayment 801-458-5808 kattlewomank@hotmail.com
Representative	Robert Kunz 801-830-9896 robertdkunz@gmail.com

Accessory Dwelling Unit	False
Current Zoning	A-1
Subdivision Name	Wayment Farms
Number of Lots	2
Lot Number	
Lot Size	
Frontage	
Culinary Water Authority	West Warren-Warren Water and Sewer
Secondary Water Provider	Warren Irrigation Company
Sanitary Sewer Authority	Health Department (Septic)
Nearest Hydrant Address	
Signed By	Owner,

Parcel Number

[✕ Remove](#) 150220017 - [County Map](#)

Exhibit B – Feasibility Letters – Water/Septic

West Warren-Warren Water Improvement District
1561 S. 7500 W.
Ogden, UT 84404
801-259-7614
westwarrenwtr@gmail.com

December 22, 2020

To Whom It May Concern:

RE: CULINARY WATER WILL-SERVE LETTER FOR Jim and Kayla Wayment

This proposed building/residence is located at approx. 1792 N 5900 W in Warren, UT. Parcel #15-022-0017 and will consist of one lot. The West Warren-Warren Water Improvement District (hereafter the District) will supply culinary water to this proposed building/residence.

Jim and Kayla Wayment have provided proof of secondary water and are currently set up for delivery of secondary water. All water rights, connection and impact fees have previously been paid. The board has voted and approved CULINARY WATER WILL-SERVE LETTER for the future use on said property, contingent upon the following conditions:

- All water lines, materials and installations must be done to the specification of the WWWID board, and must be inspected by the board chairman, or his designee, along with any necessary bacterial testing required by the state.
- A deposit of \$100.00 for metered water to be used during construction, must be paid prior to the commencement of construction.

Should you have clerical questions or comments, please contact the district clerk. Please direct questions regarding water systems, materials, etc., to (801-791-7368) Randy Giordano, Chairman of the WWWID Board. This letter expires 1 year from the day it is issued.

Sincerely,



Melissa Murray, Clerk
West Warren-Warren Water Improvement District

BRIAN W. BENNION, M.P.A., L.E.H.S.
Health Officer/Executive Director



October 14, 2020

Weber County Planning Commission
2380 Washington Blvd.
Ogden, UT 84401

RE: Kayla Wayment
1772 N 5900 W Ogden, UT
Parcel #15-022-0017
Soil log #15060

Gentlemen:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on October 13, 2020. The exploration pit is located at the referenced GPS coordinate and datum. The soil texture and structure, as classified using the USDA system, are as follows:

Exploration Pit #1 (UTM Zone 12T, Nad 83, 406067 E 4571674 N)
0-21" Very Fine Sandy Loam, Granular Structure
21-44" Very Fine Sandy Loam, Blocky Structure
44-50" Loamy Very Fine Sand, Weakly Massive Structure, Many Red Mottles
Groundwater Encountered At 50"

Exploration pits should be backfilled immediately upon completion to prevent a hazardous environment that may cause death or injury to people or animals.

DESIGN REQUIREMENTS

Culinary water will be provided by West Warren-Warren Water Improvement District, an existing approved community water system. **A letter from the water supplier is required prior to issuance of a permit.**

Documented ground water tables not to exceed 24 inches, fall within the range of acceptability for the utilization of an At-Grade Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.5 gal/ft²/day as required for the very fine sandy loam, blocky structure soil horizon.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following items are required for a formal **subdivision review**; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,

Ryan Klinge
Environmental Health Division
801-399-7160

EDUCATE | ENGAGE | EMPOWER

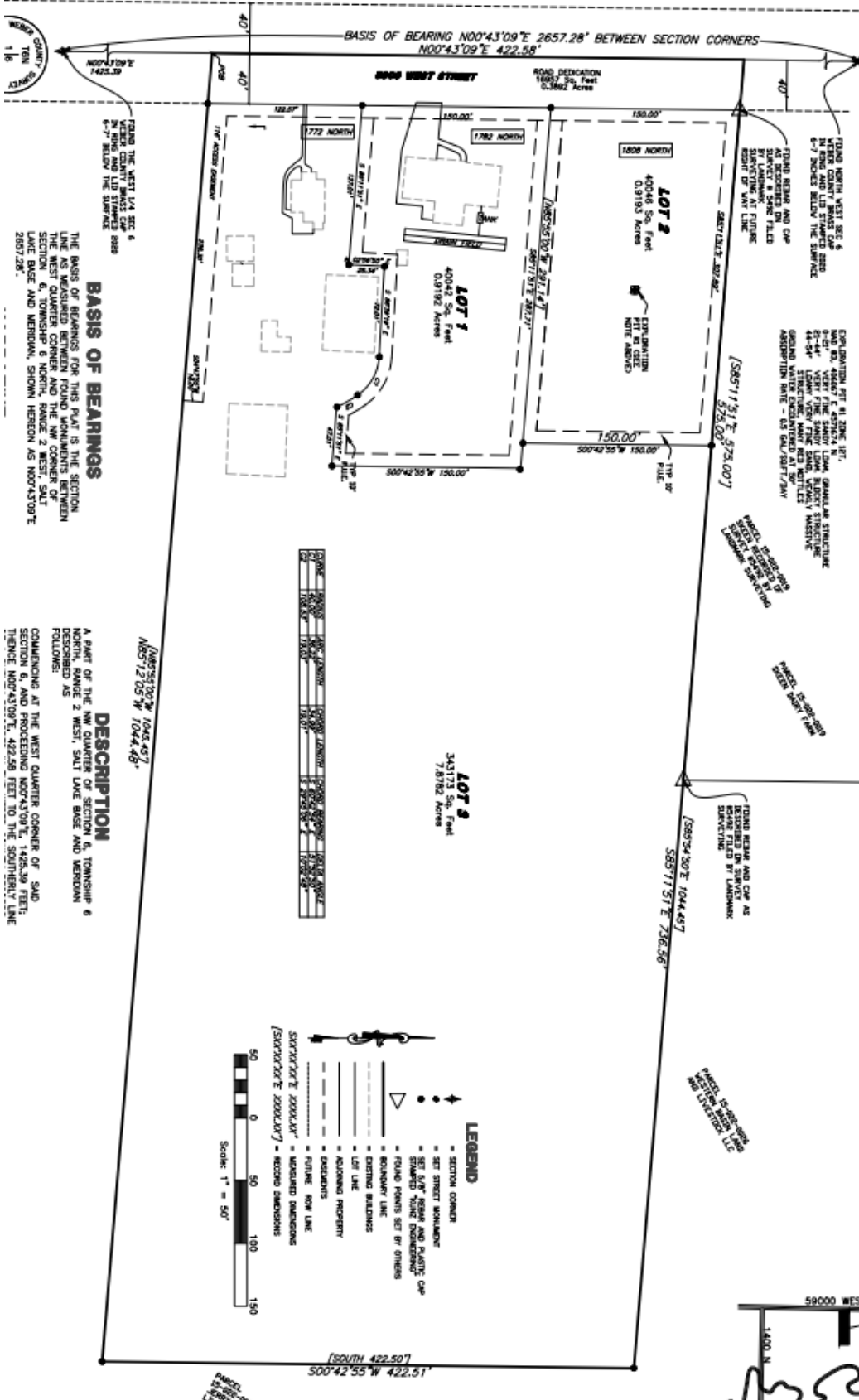
phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | www.webermorganhealth.org

Exhibit C-Proposed Final Plat

WAYMENT FARMS SUBDIVISION

PART OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
 WEBER COUNTY, UTAH
 MARCH 4, 2021

MONUMENT
 DETAIL 1



BASIS OF BEARINGS

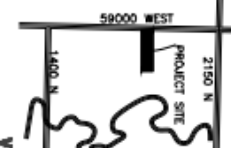
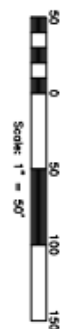
THE BASIS OF BEARINGS FOR THIS PLAT IS THE SECTION LINE AS MARKED BETWEEN FOUND MONUMENTS BETWEEN THE WEST QUARTER CORNER AND THE NW CORNER OF SECTION 6, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, SPOHN HEREON AS N00°43'09"E 2607.28'.

DESCRIPTION

A PART OF THE NW QUARTER OF SECTION 6, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN DESCRIBED AS FOLLOWS:
 COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6, AND PROCEEDING N00°43'09"E, 1425.39 FEET; THENCE N00°43'09"E, 422.58 FEET TO THE SOUTHERLY LINE

LEGEND

- SECTION CORNER
- SET STREET MONUMENT
- SET N/W CORNER AND PLATING CAP
- STAMPED POINT ENGINEERING
- FOUND POINTS SET BY OTHERS
- BOUNDARY LINE
- EXISTING BALDING
- LOT LINE
- ADJACENT PROPERTY
- EXHIBITS
- FOURNE ROW LINE
- STAKE/POST MARKER - MARKED DIMENSIONS
- STAKE/POST MARKER - RECORD DIMENSIONS





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 four-lot subdivision.
Agenda Date:	Wednesday, April 07, 2021
Applicant:	Scott Hale (Owner)
File Number:	AAE 2021-02

Property Information

Approximate Address:	5638 N 3100 E, Liberty, UT 84310
Project Area:	2.98 Acres
Zoning:	Agricultural Valley 3 Zone (AV-3)
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	22-004-0142
Township, Range, Section:	T7N, R1E, Section 7

Adjacent Land Use

North:	Vacant	South:	Vacant
East:	Residential	West:	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 6 (Agricultural Valley 3 (AV-3) 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)

Summary

The applicant is requesting approval of a private access easement for one lot in a future four-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.
2. There does not appear to be a path for a new connection to North Fork Road due to the presence of established residential lots.

After reviewing the proposal, the Planning Division concurs that these circumstances warrant a private access easement for a private road.

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. At the termination point of the driveway, there will need to be an approved turn-around.
2. At the time of building, the Fire District will review for the potential placement of a fire hydrant.

Staff Recommendation

Staff recommends approval of AAE 2021-02, to provide access by private access easement to one lot within a future one-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 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), a turnout measuring 10'x40' will be required at the midpoint of the access easement.

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.

Administrative Approval

Administrative final approval of AAE 2021-02 to create a private road that would serve as access to one future residential lot.

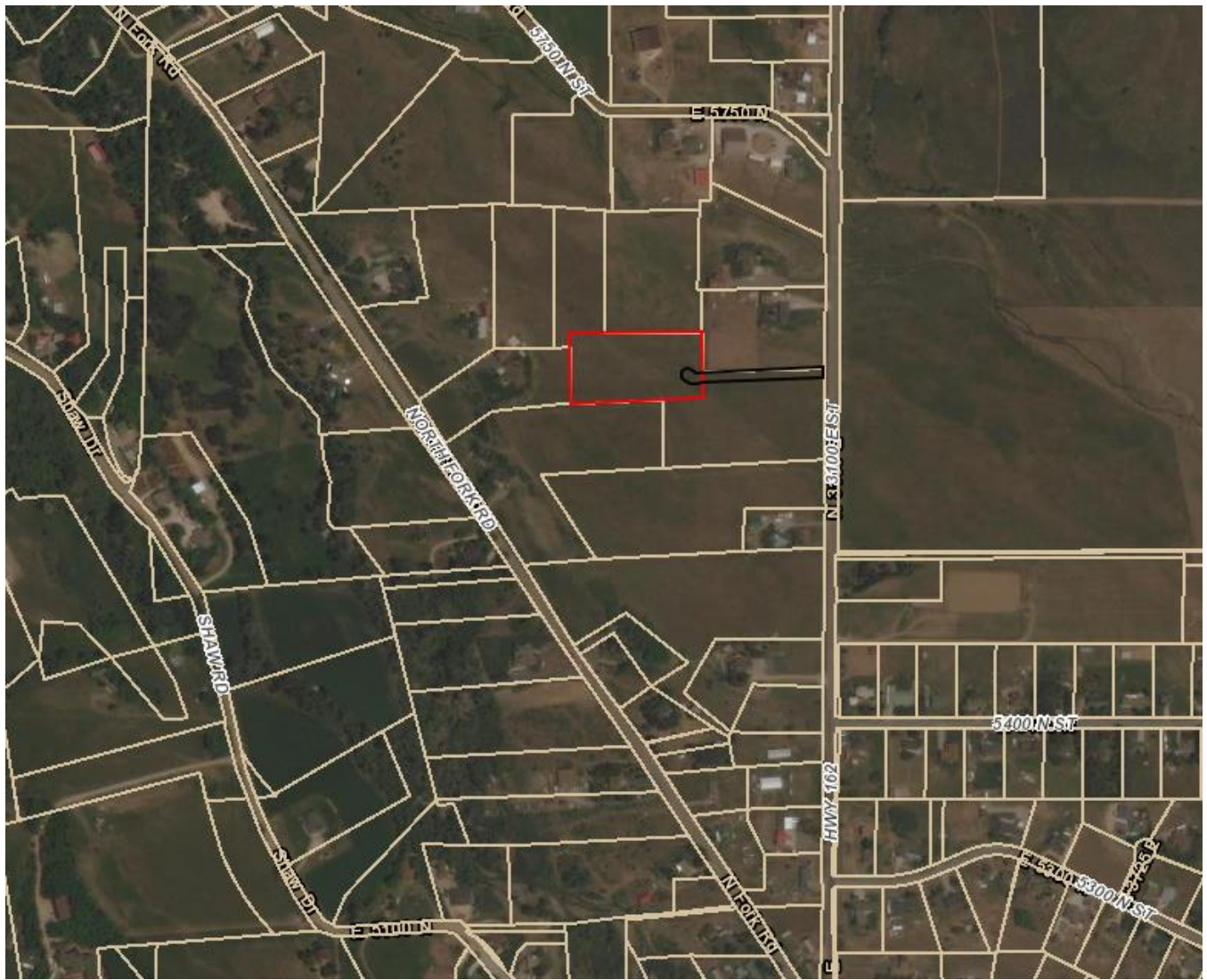
Date of Administrative Approval: _____

Rick Grover
Planning Director

Exhibits

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

Property Map



Memo

Bright Acres Subdivision alternative access

Date: February 15, 2021

Regarding: Request for alternative access to one parcel in a proposed 4 lot subdivision at approximately 5638 N 3100 E Liberty, Utah 84310

Applicant: Scott and Rachel Hale, 983 E Bella Vista Dr Fruit Heights, Utah 84307, 801-792-4065, Scottchale@gmail.com

To: Weber County Planning Department, 2380 Washington Boulevard, Suite 240, Ogden Utah, 84410

Request

Mr. and Mrs. Hale would like approval from Weber County for a private driveway access to one residential lot in a proposed four residential lot subdivision on an approximately 14 acre parcel in Liberty. Access to this lot would be accomplished by using an alternative private driveway connecting to 3100 East. The intent is to allow construction of a single family home to be built on this lot in the future. A formal application for the four lot residential subdivision will be submitted this spring. The private access is planned to be a 15 to 20 ft wide all weather surface driveway for fire truck (up to 75,000 pounds) and vehicular access, centered in a 20 to 30 ft easement, terminating in a fire truck turnaround.

Reason for the Request

Sec §108-7-31 of the Weber County Code notes that Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access, subject to approval based on certain conditions being met including:

(a)(3) 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.

The property boundary conditions around the proposed lot we are seeking alternative access for make it impractical to extend a street to serve this one lot. The lot sits in the middle of a triangle of land between 5750 N to the North, 3100 E to the East, and North Fork Road to the West. There does **not** appear to be a path for a new road through this triangle of land that would not cut through a developed property enroute to another connecting road and/or that would be beneficial for providing convenient access to owners of surrounding properties.

We own the property to the East of this lot with frontage on 3100 E and therefore have the ability to provide the access easement needed for the private drive. Refer to the included concept plan map that shows the access easement and private drive has been designed to provide safe and consistent access to this lot in accordance with the requirements of Sec 108-7-29.

Exhibit B

