

WEBER COUNTY PLANNING DIVISION

Amended Administrative Review Meeting Agenda

February 24, 2021
4:00 to 5:00 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/85699160548>

Meeting ID. 85699160548

1. **LVS07302020:** Request for final approval of Summerset Farms Subdivision Phase 4, consisting of 3 lots. *Presenter Tammy Aydelotte*
2. **LVF06012020:** Consideration and action on final approval of Fenster Farms Phase 4 Subdivision, a three-lot subdivision. *Presenter Tammy Aydelotte*
3. **AAE 2020-03:** Consideration and action on an alternative access request to use a strip as the primary access for a flag lot in a three-lot subdivision. *Presenter Tammy Aydelotte*

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: 85699160548

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 Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Request for final approval of Summerset Farms Subdivision Phase 4, consisting of 3 lots.
Agenda Date: Wednesday, February 17, 2021
Applicant: Bob Favero, owner
File Number: LVS07302020

Property Information

Approximate Address: 2267 S 3500 W, Ogden, UT, 84401
Project Area: 4.838 acres
Zoning: Agricultural (A-1) Zone
Existing Land Use: Agriculture/Residential
Proposed Land Use: Residential
Parcel ID: 15-078-0046, 15-078-0163, 15-078-0164, 15-078-0040
Township, Range, Section: T6N, R2W, Section 28 SE

Adjacent Land Use

North: Residential/Agricultural	South: Agricultural
East: 3500 West St	West: Residential

Staff Information

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

Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-1 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations)

Background

The applicant is requesting approval of Summerset Farms Phase 4 Subdivision consisting of three lots, located at approximately 2267 S 3500 W, Ogden, UT, 84401, in the A-1 Zone. The proposed 4.838 acre lot within this subdivision meets the lot area and lot width requirements of this zone, of 40,000 square feet in area and 150 feet in width. Access for the lot will be from 3500 West St. The purpose of this subdivision is to further separate agricultural lands from a new lot.

Culinary water service will provided by Taylor West Weber Water. Sewer services will be provided by Central Weber Sewer. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating large lots to maintain the country feel with land that has agricultural and livestock related uses.

Zoning: The subject property is located in an Agricultural Zone A-1 zone. The land use requirements for this zone are stated in the LUC§ 104-5 as follows:

“The purpose of the 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.”*

Small Subdivision: As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC 106 chapter 1, and the standards in A-1 zone (LUC 104-5). The proposed subdivision will not create any new public streets. The proposal meets the criteria for a “Small Subdivisions”, as defined in LUC 101-7, and can be administratively approved per LUC 106-1-5(b)(1).

Lot area, frontage/width and yard regulations: In the LUC §104-5-7, the A-1 zone requires a minimum lot area of 40,000 square feet and a minimum lot width of 150’. The proposed subdivision is a one lot subdivision that fronts a county road identified as 3500 West Street. Lot 400, is a flag lot, consisting of 3.185 acres, meeting the minimum of 3.00 acre requirement, exclusive of the exclusive access strip. Per 108-7-30, no access strip may exceed 800’ in length. The flag lot access strip shall have a minimum width of 20 feet and a maximum width of 30 feet. No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-subdivided, or changed in order to meet the requirements of this section.

Culinary water and sanitary sewage disposal: A letter from Taylor West Weber Water Improvement District has been provided granting final approval. Secondary Water will be required from Hooper Irrigation. Sanitary sewage disposal will be handled by Central Weber Sewer.

Review Agencies: The proposed subdivision has been reviewed, but not yet approved by Engineering, County Surveyor, and Weber Fire District. Tax Clearance: There are no outstanding tax payments related to this parcel.

Public Notice: Noticing requirements, according to LUC 106-1-6(c), have been met by mailing notices out to all property owners of record within 500 feet of the subject property.

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan. This subdivision addresses water, wastewater, pathways, and other issues which are discussed in the General Plan.

Staff Recommendations

Staff recommends final approval of Summerset Farms Phase 4 Subdivision, consisting of three lots. This recommendation is subject to all review agency requirements and based on the following conditions:

1. An updated title report will need to be submitted prior to recording this subdivision.
2. A pathway easement, that shows connection to a future pathway in Phase 3, must be shown on the final plat.
3. A signed deferral agreement for curb, gutter, and sidewalk, must be recorded with the final plat.
4. A signed deferral agreement for the pathway, must be recorded with the final plat.

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 Summerset Farms Subdivision Phase 4 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: **Wednesday, February 17, 2021.**

Rick Grover
Weber County Planning Director

Exhibits

- A. Application
- B. Subdivision Plat
- C. Water/Septic Feasibility

Area Map



Exhibit A - Application


Weber County Subdivision Application			
All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Subdivision and Property Information			
Subdivision Name <i>Summerset Farms Phase 4</i>		Number of Lots <i>3</i>	
Approximate Address <i>3967 So 3500 W</i>		Land Serial Number(s) <i>15-078-0046</i>	
Current Zoning <i>A-1</i>	Total Acreage		
Culinary Water Provider <i>Taylor West Weber</i>	Secondary Water Provider <i>Hooper/Wilson</i>	Wastewater Treatment <i>Weber central/sewer</i>	
Property Owner Contact Information			
Name of Property Owner(s) <i>Robert Favero</i>		Mailing Address of Property Owner(s) <i>8049 Bluff Ridge Dr. Syracuse, UT 84075</i>	
Phone <i>801 644 3706</i>	Fax —		
Email Address <i>robert1favero@hotmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) <i>Robert Favero</i>		Mailing Address of Authorized Person	
Phone <i>801 644 3706</i>	Fax		
Email Address <i>robert1favero@hotmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Surveyor/Engineer Contact Information			
Name or Company of Surveyor/Engineer <i>Andy Hubbard Great Basin Engineering</i>		Mailing Address of Surveyor/Engineer	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence Email Fax Mail	
Property Owner Affidavit			
I (We) <u><i>Robert Favero</i></u> depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.			
<i>Robert L. Favero</i> (Property Owner)			
Subscribed and sworn to me this <u><i>29th</i></u> day of <u><i>July</i></u> , 20 <u><i>20</i></u>			

Exhibit B - Proposed Plat

Summerset Farms - Phase 4

A Lot Averaging Subdivision

A part of the Southeast Quarter of Section 28, T8N, R2W, S168M, U.S. Survey

Weber County, Utah

January 2020

2200 South Street

East Quarter Corner of Section 28, T8N, R2W, S168M, U.S. Survey (Found 1" Brass Cap Measured in the Intersection of 2200 South Street and 2202 West Street approximately 41' 2" from ground corner 1992 to 41' 2" from monument the above point measured and replaced in 2014)



Center of Section 28, T8N, R2W, S168M, U.S. Survey (Found Nail & Washer)

S 89°13'14" E

Scale 1" = 20'



Graphic Scale



VICINITY MAP
(Not to scale)

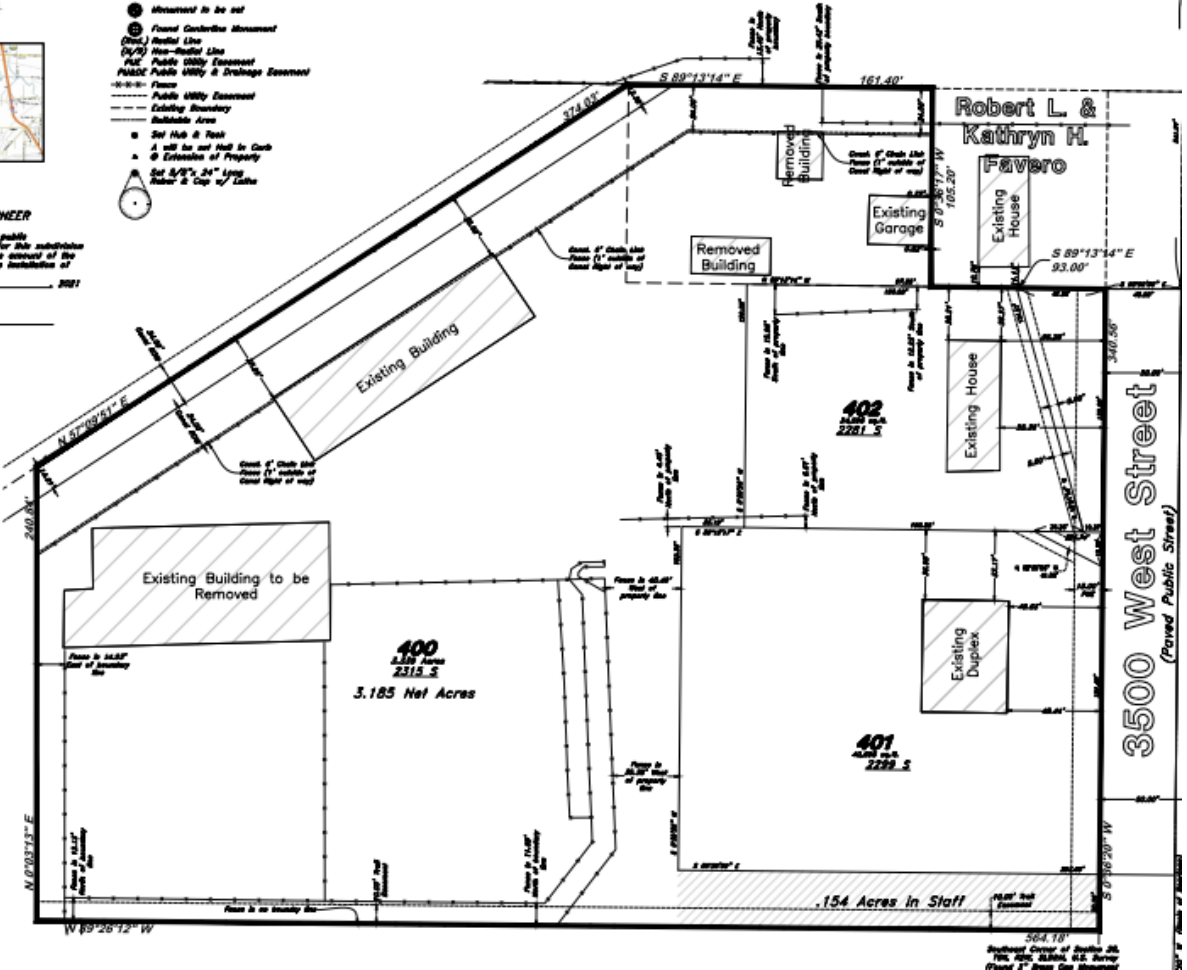
WEBER COUNTY ENGINEER

I hereby certify that the required public record documents and drawings for this subdivision plat with County records and the approval of the said engineer is sufficient for the submission of a Subdivision Plat.

Webber County Engineer

Legend

- Monument to be set
- Found Cornerstone Monument
- (Dashed) Redline Line
- (Dotted) Non-Redline Line
- PA: Public Utility Easement
- PA&D: Public Utility & Drainage Easement
- Public Utility Easement
- Existing Boundary
- Subdivide Area
- Set Hub & Post
- 1 with bar and Nail in Cap
- Extension of Property
- Set 5/8" x 24" Long
- Rebar & Cap w/ Lid



PLANNING APPROVAL
subdivision plat or County Planning

County Commission

ON ACCEPTANCE
subdivision plat, the site map and necessary associated locally approved and Weber County, Utah, 2021.

Commissioner

PREYOR
County Surveyor's certificate for this plat. The approval upon this plat is recorded. This plat has been recorded.

3500 West Street
(Proved Public Street)

TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT

2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401

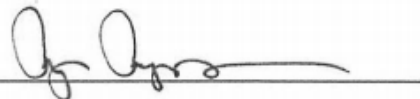
May 29, 2020

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that Final approval of the Summerset Farms subdivision is accepted by Taylor West Weber Water. The water lines have been installed and tested. The water services have been completed to a point that building permits may be issued. Blow off assemblies have also been completed to a point that building permits may be issued. Before meters are set the proper lids must be installed and the blow off assemblies must be completed to Taylor Weber Water Standards. The valves boxes must be raised and collared after asphalt is installed as well. **BEFORE ALL ESCROW FUNDS ARE RELEASED TAYLOR WEST WEBER WATER WILL DO A FINAL INSPECTION** and verify all items meet the district standards.

Sincerely,



TAYLOR WEST WEBER WATER IMP. DISTRICT
Ryan Rogers – Manager



Synopsis

Application Information

Application Request:	Consideration and action on final approval of Fenster Farms Phase 4 Subdivision, a three-lot subdivision.
Type of Decision:	Administrative
Agenda Date:	Wednesday, February 24, 2021
Applicant:	Kenny Palmer, Representative
File Number:	LVF06012020

Property Information

Approximate Address:	560 N 5500 W, West Warren, UT, 84404
Project Area:	7.846 acres
Zoning:	Agricultural (A-2)
Existing Land Use:	Residential
Proposed Land Use:	Residential
Parcel ID:	15-024-0015, 15-024-0016
Township, Range, Section:	T6N, R2W, Section 07 SE

Adjacent Land Use

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

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@co.weber.ut.us
Report Reviewer:	SB

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 7 (A-2 Zone)

Background and Summary

The applicant is requesting final approval of Fenster Farms Subdivision Phase 4, consisting of three lots, including continuation of a county, dedicated road (560 North St) located at approximately 560 N 5500 W in the A-2 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single-family residential development that is currently dominant in the area.

Zoning: The subject property is located in the A-2 Zone. Single-family dwellings are a permitted use in the A-2 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-2 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. All lots in this proposed phase of Fenster Farms meet this requirement.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the A-2 zone standards in LUC § 104-7. The proposed subdivision will create two new public streets, as well as continue a previously dedicated public street (dedicated in Phase 1).

Culinary water and sanitary sewage disposal: Feasibility letters have been provided for both culinary (West Warren-Warren Water) and secondary (Mt. View Irrigation). Weber-Morgan Health Department has performed the necessary testing to recommend design requirements for on-site septic systems for each lot.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and Surveyor's Office along with the Weber Fire District. All review agency requirements must be addressed and completed prior to this subdivision being forwarded for preliminary approval.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2021 property taxes are not considered due at this time, but will become due in full on November 30, 2021.

Public Notice: A notice has been mailed not less than seven calendar days before preliminary approval to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC § 106-1-6.

Staff Recommendation

Staff recommends final approval of Fenster Farms Subdivision Phase 4, a three-lot subdivision located at approximately 560 North 5500 West. This recommendation is subject to all review agency requirements, and the following conditions:

1. An escrow established for improvements to be installed, prior to recording the subdivision.
2. A fence must be installed along the irrigation ditch to the west and south of the proposed subdivision.
3. Final approval from West Warren-Warren Improvement District must be obtained prior recording the subdivision plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber General Plan
2. The proposed subdivision complies with applicable county ordinances

Exhibits

- A. Subdivision plat
- B. Approval from Water

Area Map

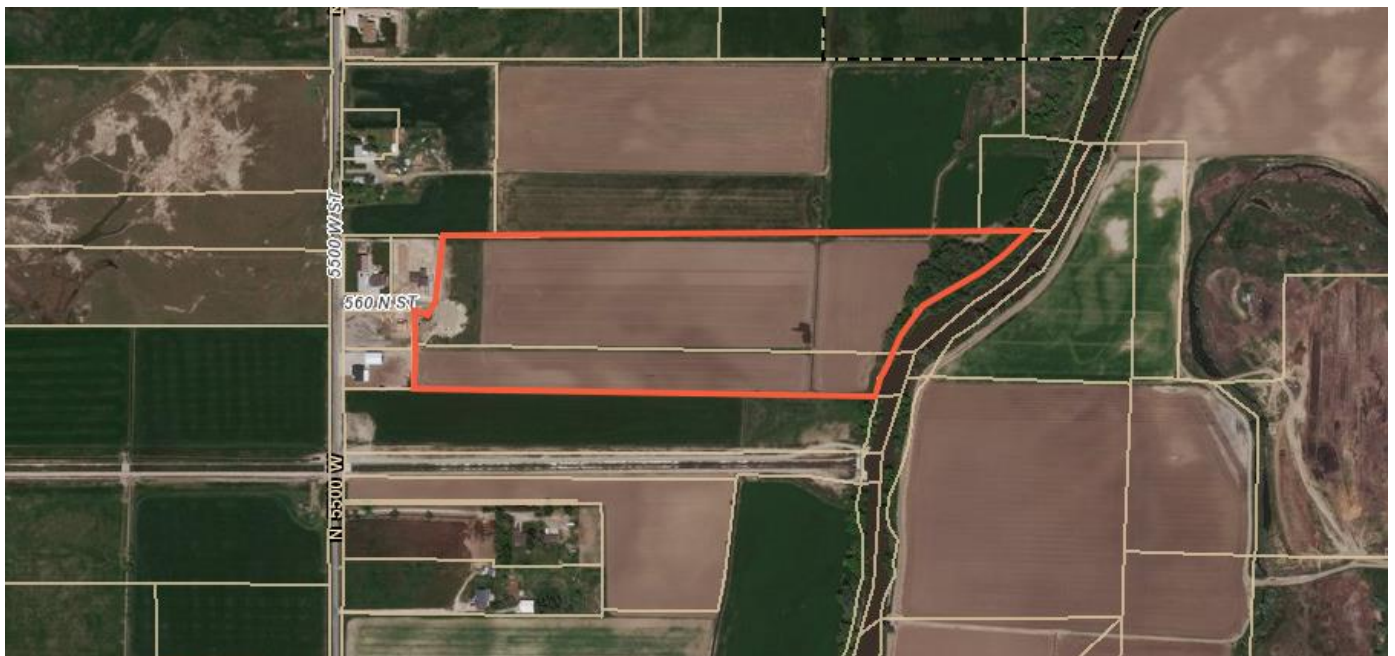
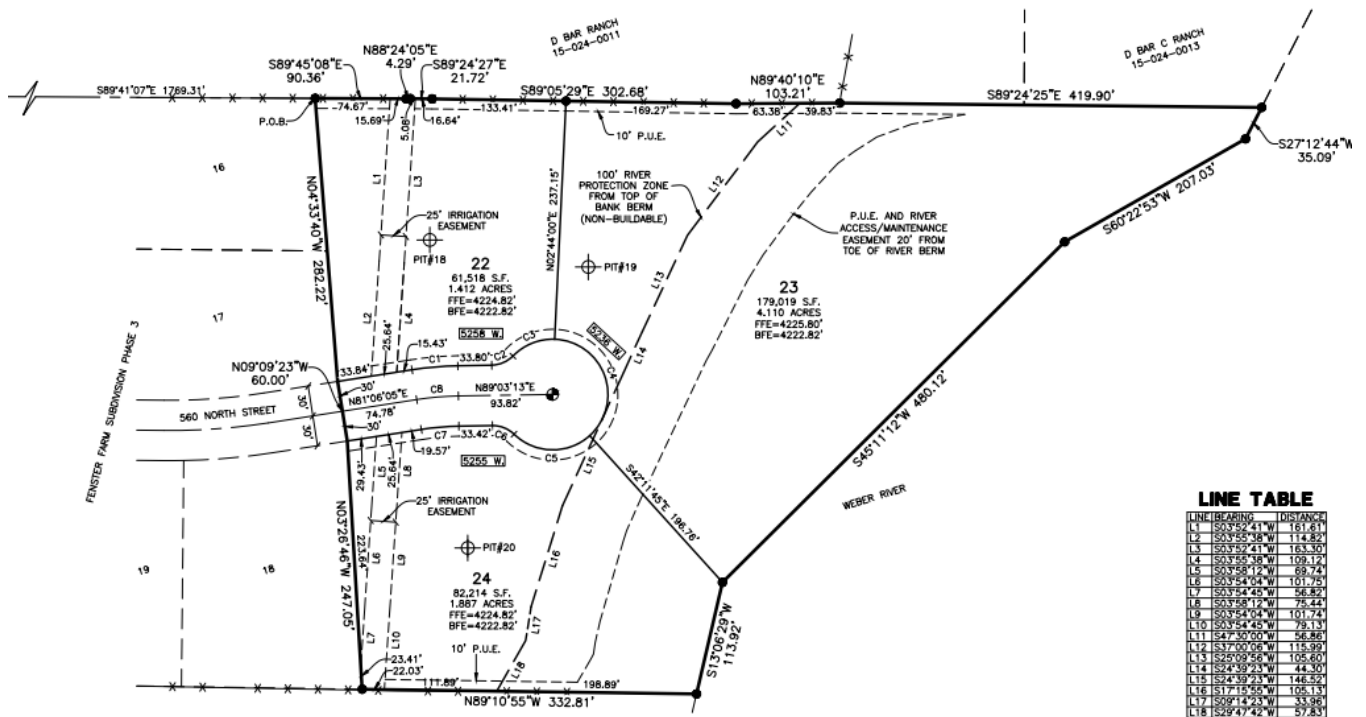


Exhibit A – Subdivision Plat



LINE TABLE

LINE	BEARING	DISTANCE
L1	S03°52'41"W	187.61'
L2	S03°55'38"W	114.82'
L3	S03°59'41"W	163.30'
L4	S03°58'38"W	109.12'
L5	S03°58'12"W	69.74'
L6	S03°54'04"W	101.75'
L7	S03°54'45"W	56.82'
L8	S03°58'12"W	75.44'
L9	S03°52'04"W	101.74'
L10	S03°54'45"W	79.13'
L11	S47°30'00"W	56.86'
L12	S17°02'00"W	115.99'
L13	S26°09'56"W	105.60'
L14	S24°39'23"W	44.30'
L15	S24°39'23"W	146.52'
L16	S17°19'56"W	105.13'
L17	S09°14'23"W	33.98'
L18	S29°47'42"W	57.83'

SOUTH QUARTER CORNER OF SECTION 7, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, US SURVEY, FOUND
 3" WEBER COUNTY BRASS CAP MONUMENT IN 3" CONCRETE COLUMN 1" BELOW GROUND MARKED 1981 IN GOOD CONDITION (SEE PLATMENT PAGES 2)

KELSON TRUST 15-024-0004

Exhibit B – Plan Approval from Water

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

September 2, 2020

To Whom It May Concern:

RE: CULINARY WATER WILL-SERVE LETTER FOR Fenster Farms Phase 4, Kenny Palmer

This proposed development is located at approx. 560 N 5500 W. in Warren, UT and consists 3 lots. The West Warren-Warren Water Improvement District (hereafter the District) will supply culinary water to this proposed development. Each building lot will still be required to obtain individual will-serve letters for building permits once parcel numbers are assigned.

Kenny Palmer has presented the board with a plat for the property. He has provided proof of secondary water and will provide a system plan for delivery of secondary water. The board has voted and approved the plans & approved CULINARY WATER WILL-SERVE LETTER for the future use on said property, contingent upon the following conditions:

- The Weber Basin Water Rights Impact Fee must be paid for each unit of service prior to issuance of this will-serve letter and prior to commencement of construction, to enable the purchase of sufficient water to service the district. Failure to pay said fee will result in measures halting construction.
- The Capital Facilities Impact Fee and Connection fee Without Existing Service Lateral or Connection Fee With Existing Service Lateral, must be paid prior to installation of a meter and water connection lines and materials. Per the water district's contract with Weber Basin, no water can be delivered until all fees have been paid.
- The installation of a functioning, pressurized, secondary water delivery system for any subdivision over 2 lots, inspected and approved by the WWWWID board chairman, prior to final inspection of the home. Pressure requirements are a minimum of 50 to a maximum of 80 lbsp.
- Any amendments to the original plat or the plan for the secondary water system will need a new approval by the water board at a monthly meeting.
- All water lines, materials and installations must be done to the specification of the WWWWID 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 WWWWID Board. This letter expires 1 year from the day it is issued.

Sincerely,



Melissa Murray, Clerk
West Warren-Warren Water Improvement District

Mt. View Irrigation
5238 W 150 N
Ogden, Utah 84404

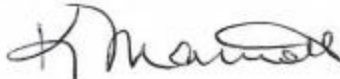
4-14-2020

To: Whom it May Concern

Dear Sirs,

This is to confirm that Mt. View Irrigation has approved the plans for the secondary water to the 3 Lots in Fenster Farms Subdivision Phase 4. The owner of the subdivision will be required to complete a development agreement with the company and the pipeline installation will need inspection and approval. Payment of applicable connection fees will need to be made and accepted prior to delivery of pressurized secondary water to each individual lot in the project. Each lot owner will become a shareholder in the company and be bound by its by-laws. A final acceptance letter will be issued once the improvements have been completed and approved.

Signed

A handwritten signature in black ink, appearing to read 'Kami Marriott', written in a cursive style.

Kami Marriott
Secretary



May 4, 2020

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

RE: Preliminary Subdivision **Determination**
Fenster Farm, Phase 4, Lots 13-21
Parcel #15-024-0016
Soil log #14572

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Warren-West Warren Water Improvement District, an extension of an existing approved non-community water system. **A letter from the water supplier is required prior to issuance of a permit**

DESIGN REQUIREMENTS

Lots 22-24: Documented ground water tables not to exceeding 12 inches, fall within the range of acceptability for the utilization of a Packed Bed Media System followed by an At-Grade absorption or Drip Irrigation absorption area, as a means of wastewater disposal. Maximum absorption area depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.35 gal/sq. ft. /day as required for a clay loam blocky structure with a documented percolation rate of between 96-120 minutes per inch.

ENGINEERING CONSIDERATION:

There are multiple setbacks on these lots which need to be considered during the onsite wastewater plan development. They include; the open ditch north of lot 22 and 23, the 100 foot setback to the river (shown on preliminary plat), and the lined ditch running north to south and the associated easement. All of which need to be included on the onsite wastewater plan. The lots will likely require drip irrigation absorption system to fit the lot constraints. Outbuildings and swimming pool may be restricted due to lack of buildable area.

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,


Summer Day, LEHS III, Program Manager
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



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 strip as the primary access for a flag lot in a three-lot subdivision.

Agenda Date: Wednesday, February 24, 2021

Applicant: Robert Favero, Owner

File Number: AAE 2020-03

Property Information

Approximate Address: 2267 S 3500 W, Ogden, UT, 84401

Project Area: 3.339 Acres

Zoning: Agricultural Zone (A-1)

Existing Land Use: Vacant

Proposed Land Use: Vacant/Residential

Parcel ID: 15-078-0046, 15-078-0163

Township, Range, Section: T6N, R2W, Section 28SE

Adjacent Land Use

North: Residential	South: Residential
East: 3500 East St.	West: Vacant/Agricultural

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
 801-399-8794

Report Reviewer: RG

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 15 (Agricultural A-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 Flag lot access strip, private right-of-way, and access easement standards
- Weber County Land Use Code 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
- Weber County Land Use Code Title 106 (Subdivisions) Chapter 2 (Standards) Section 3 (Blocks)

Background

The Planning Division is recommending approval of the request for an access easement as primary access to the rear lot (flag lot) in a three-lot subdivision. The recommendation for approval of this request is based on substantial evidence that it is impractical to extend a right of way improved to the county standard to serve one lot. The existing residential development within the subdivision, that limits any potential connection to the west, serves as substantial evidence that requiring an improved right of way would be impractical. An image of the proposed plat for this subdivision, showing frontage along 3500 West St. is included as Exhibit C.

In addition to the staff recommendation, it is important to note the ambiguity of the section of code that allows for 'access easements' to be used as access instead of an improved street. When approving such requests the following criteria must be met, "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" (LUC 108-7-31(1)c). Other than financial adversity, the code is vague in what can be considered acceptable as evidence to allow for an alternative access.

The property is in the Agricultural A-1 Zone located at approximately 2267 S 3500 W, and is 3.339 acres. The proposed access easement is located just off 3500 West, of Section 28 of Township 6 North, Range 2 West.

Alternative access applications such as this are reviewed and approved administratively by the Weber County Planning Director. Under LUC 102-1-2(b), at the discretion of the planning director, the planning commission can hear the request for approval of an alternative access application. It is essential to note that this request is an administrative application and is not a variance or an exception to the standards and criteria outlined in the Uniform Land Use Code of Weber County (LUC). The request conceptually meets the standards as outline in LUC §108-7-29 and meets the criteria for the request as required

Analysis

General Plan: The General Plan for Western Weber is intended to preserve private property rights while also preserving the rural characteristics of the area. This proposal conforms to the Western Weber General Plan.

Zoning: The subject property is located in the Agricultural Zone more particularly described as the A-1 zone. The purpose and intent of the A-1 zone is identified in the LUC §104-5-1 as:

“The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.”

The application has been forwarded to the applicable review agencies and based on the limited criteria and conditions that govern alternative access application and after a thorough review of the applicant’s proposal, staff feels that the applicant has provided adequate evidence to show that it is unfeasible or impractical to extend a street to serve such parcel due to topographic, or property boundary conditions. This determination is based on the review and analysis of the information provided by the applicant.

Review Agencies: *To date, the proposed alternative access has been given conditional approval by the Weber Fire District. Weber County Engineering has stated they will review the access with the subdivision file. All review agency requirements must be addressed and completed prior to this alternative access being recorded.*

Summary of Administrative Considerations

- Property boundary conditions that show an impracticality or infeasibility of a road installation include the lack of potential road connection; due to existing residences/buildings on either side of the canal, and along 3500 West St, road connectivity is not possible.
- The Land Use Code does not require a concurrent approval of an access exception with a subdivision proposal, however, this application is running concurrently with a subdivision application. LUC 108-7-29(4) state that access easements are valid from 18 months from the date of approval.

Staff Recommendation

Staff recommends approval of the request for an alternative access for a private access easement as the primary access for the rear flag lot of a future three-lot subdivision, subject to the following conditions:

1. That approval is based on the concept layout list as Exhibit C of this staff report.
2. That this approval offers no explicit or implicit rights of access along any connected private streets, roads or rights of way serving access to the property.

This recommendation is based on the following findings:

1. Based on substantial evidence, it has been found that it is impractical to require installation of a county standard right of way to serve such lot/parcel property boundary conditions which limits typical access requirements in a unique way. Due to the existing development, to the east of the proposed subdivision, and along 3500 West St., road connectivity is not feasible. Per 106-2-1, *“The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) ...”* Planning feels there is substantial evidence, and reason for the recommendation for approval.

..

Exhibits

- A. Map of Location
- B. Application and Narrative
- C. Site Plan

Exhibit A-Location map



Exhibit B-Application & Narrative

Weber County Alternative Access Application

Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted /Completed July 29th 2020	Application Fee: \$350.00	Receipt Number (Office Use)	File Number (Office Use)
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Application Type

- Flag lot access strip
- Access by Private Right of Way
- Access at a location other than across the front lot line

Property Owner Contact Information

Name of Property Owner(s) Robert Favero		Mailing Address of Property Owner(s) 2049 Bluff Ridge Syracuse, Utah 84075	
Phone 801 644-3706	Fax		
Email Address (required) robertlfavero@hotmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Robert Fabero		Mailing Address of Authorized Person See above	
Phone 801 644-3706	Fax		
Email Address (required) see above		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name Phase 4 Summerset Farms 2267 S. 3500	Total Acreage 4.74	Current Zoning A-1
Approximate Address 2267 S. 3500 W Ogden, Utah	Land Serial Number(s) 15-078-0064	

Proposed Use
Residential

Project Narrative

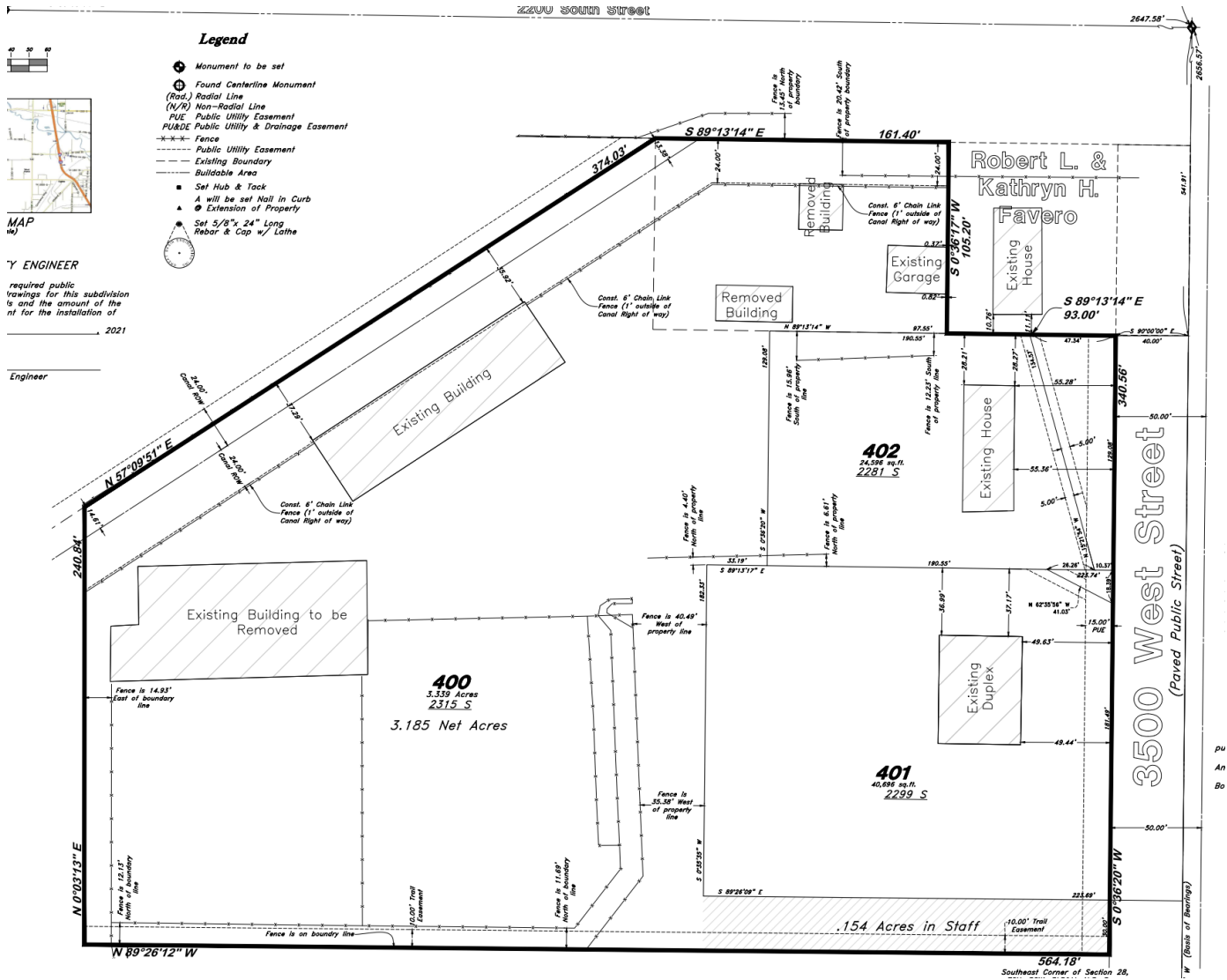
Request to access a parcel for residential purposes that is larger than 3 acres by a private driveway.

Summerset Phase 4 Narrative

This parcel, for which we are requesting a Private Right-Of-Way, or Access Easement be granted, has traditionally been used a feed lot and shop parcel for a larger agriculture parcel and operation that has now been sold some time ago and is no longer being used for that purpose. The parcel that would be served by the granting of a private right of way, is one large three-acre parcel. It is bordered by a large irrigation canal on the north and west. It is behind existing houses on the east where there is potential access to a street and utilities through a private right of way. No other land to the west or south would be served by the extension of a street beyond this one large parcel. The cost to maintain a public street and utilities for just this one parcel would not be cost effective. The purpose for this request, is so a family member of the owner can construct a home and the remainder of the parcel will be used for hobby farming, storage, gardens and orchards.

We respectfully request that this Private Right-of-Way, or Access Easement be granted.

Exhibit C-Site Plan



MAP (a)

ENGINEER

required public drawings for this subdivision is and the amount of the nt for the installation of

2021

Engineer