

## WEBER COUNTY PLANNING DIVISION

### Administrative Review Meeting Agenda

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**July 7, 2021**  
**4:00 to 5:00 p.m.**

Join Zoom Meeting  
<https://us02web.zoom.us/j/85079729074>

Meeting ID: 850 7972 9074

One tap mobile

+16699006833,,85079729074# US (San Jose)

+12532158782,,85079729074# US (Tacoma)

1. **AAE 2021-06:** Consideration and action on an alternative access request to use a private access easement for a future two lot subdivision, located at approximately 500 N 4300 W, Ogden. Applicant: Scott and Dave Gourley; Presenter: Steve Burton

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*The meeting will be held in Public Works Conference Room, in the Weber Center, 2<sup>nd</sup> Floor Suite 240, 2380 Washington Blvd, Ogden Utah 84401*



*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*

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# Staff Report for Administrative Approval

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on an alternative access request to use a private access easement for a future two lot subdivision, located at approximately 500 N 4300 W, Ogden.
<b>Agenda Date:</b>	Wednesday, July 07, 2021
<b>Applicant:</b>	Scott and Dave Gourley
<b>File Number:</b>	AAE 2021-06

### Property Information

<b>Approximate Address:</b>	500 N 4300 W, Ogden
<b>Project Area:</b>	5 acres
<b>Zoning:</b>	Agricultural (A-2)
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	15-028-0052
<b>Township, Range, Section:</b>	T6N, R2W, Section 9

### Adjacent Land Use

<b>North:</b>	Vacant/ Agricultural	<b>South:</b>	Vacant/Agricultural
<b>East:</b>	Vacant/ Agricultural	<b>West:</b>	Vacant/ Agricultural

### Staff Information

<b>Report Presenter:</b>	Steve Burton sburton@webercountyutah.gov 801-399-8766
<b>Report Reviewer:</b>	RG

## Applicable Land Use Codes

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

## Background

The applicant is requesting approval of a 30 foot wide private access easement to provide access to a future two lot subdivision. The future subdivision lots will both be 2.5 acres and will be surrounded by vacant agricultural land. The applicant has provided a narrative, indicating that it is not feasible to extend a full width (66 feet wide) county road to the property because they do not own the area that will be used for the public right of way. The concept layout of the future subdivision is included as part of Exhibit A.

## 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 may be approved if the alternative access criteria are met. The alternative access criteria are found in LUC 108-7-31(a) which states:

*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.*

In their narrative the applicant makes the following statement, describing why they feel the alternative access is warranted:

“Being that we don’t have control over the right of way / easement and there aren’t any current plans for development of property at this location or east of our property, it is unfeasible or impractical to extend a street to serve our land.”

Section 108-7-31 of the Land Use Code 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) prior to issuance of a certificate of occupancy on any home that will gain access from the access easement. The width of the improved surface will need to be at least 12 feet wide, or more if required by the fire district. The location of the access easement does not inhibit the creation of future roads, nor does it inhibit the continuation of existing roads in this area. In the future, if more lots are proposed to gain access by the proposed easement, the feasibility and practicality of a public road will be assessed.

A record of survey has been submitted that shows the legal access to the project area. At the time a subdivision plat is submitted, the developer may be required to provide proof that the access easement can be accessed by an additional lot.

Review Agencies: The Engineering Division and the Fire District have reviewed and conditionally approved this proposal, on the condition that the easement be constructed to the standards outlined in 108-7-29.

### **Staff Recommendation**

Staff recommends approval of AAE 2021-06, to provide access by private access easement to a future two lot subdivision, as shown on the concept plan included as Exhibit B. The recommendation for approval is subject to review agency requirements and the following conditions:

1. The access easement 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, prior to the recording of the future subdivision.

Approval is based on the following findings:

1. The applicant has demonstrated that extending a fully improved road to four lots is not feasible at this time, because the applicant does not own the full area for a 66 ft wide public right of way.

### **Administrative Approval**

Administrative final approval of AAE 2021-06 to use an access easement that would serve as an access to two future residential lots.

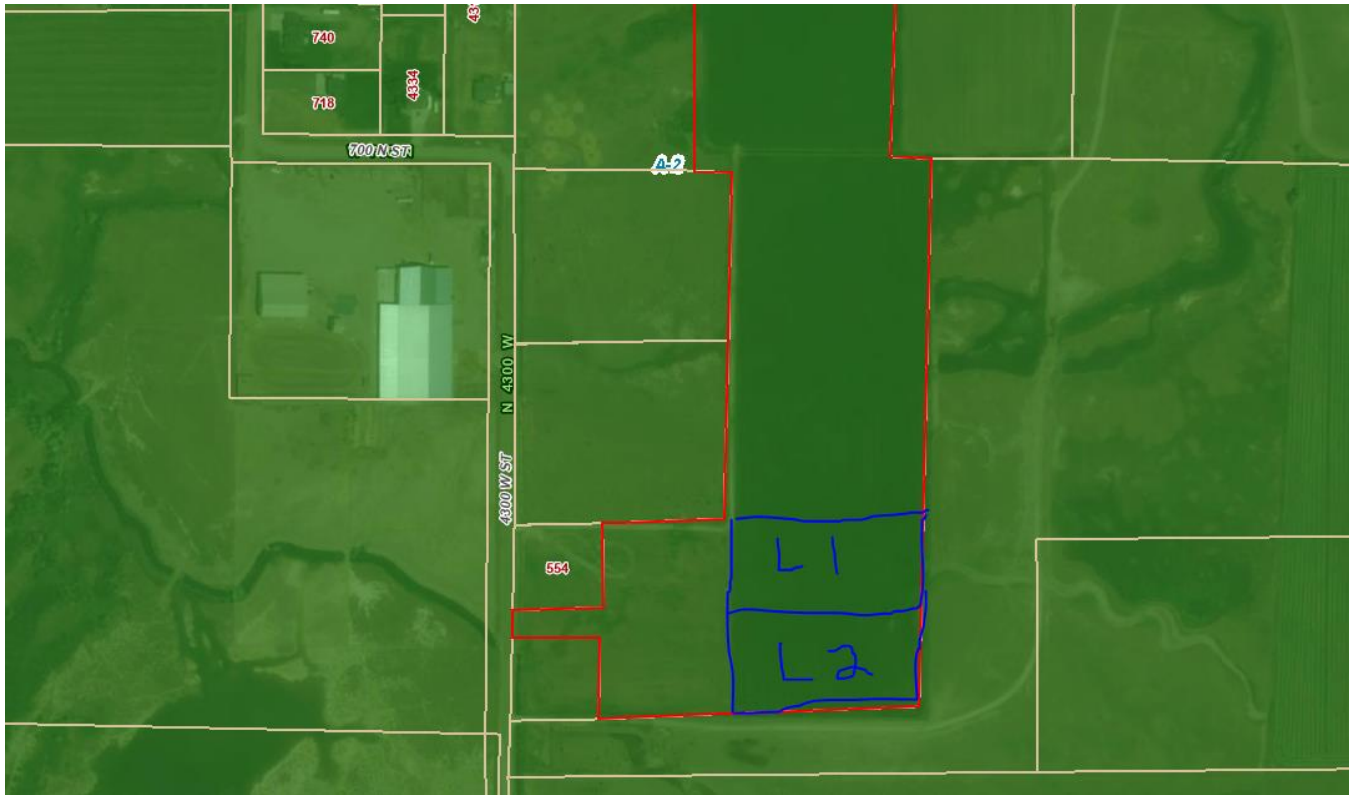
Date of Administrative Approval: \_\_\_\_\_

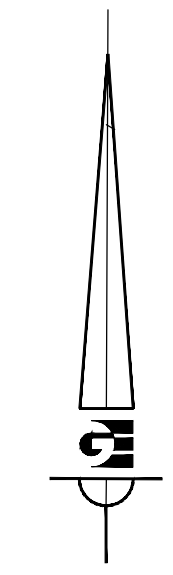
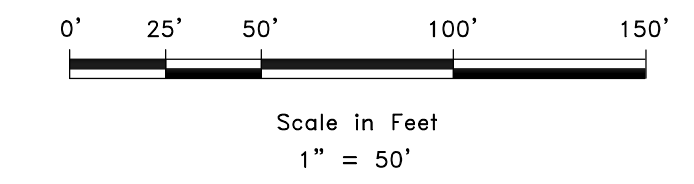
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Rick Grover - Planning Director

### **Exhibits**







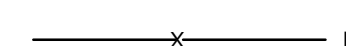

- A. Concept Plan
- B. Narrative

# Property Map





LEGEND

-  WEBER COUNTY MONUMENT AS NOTED
-  SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
-  SUBJECT PROPERTY BOUNDARY
-  LOT LINE
-  ADJACENT PARCEL
-  SECTION LINE
-  EASEMENT
-  EXISTING FENCE LINE

REVISIONS	
DATE	DESCRIPTION

SCALE: 1:50\_XREF  
 DATE: 7/1/20  
 DESIGN: \_\_\_\_\_  
 DRAWN: KHW  
 CHECKED: KHW  
 DWG.: R:\2001 - MISC SURVEY\2018-DAN BAUGH SURVEY\DWG\SCOTT GOURLEY.DWG

EXHIBIT FOR SCOTT GOURLEY  
 OGDEN, UTAH WEBER COUNTY  
 LOCATED IN THE EAST HALF OF SECTION 9,  
 TOWNSHIP 6 NORTH, RANGE 2 WEST, S.L.B. AND M.

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**GARDNER ENGINEERING**  
 CIVIL - LAND PLANNING  
 MUNICIPAL - LAND SURVEYING  
 5150 SOUTH 375 EAST OGDEN, UT  
 OFFICE: 801.476.0202 FAX: 801.476.0066

To Whom It May Concern:

We would like to have alternate access granted to access our land described in the boundary description attached. There is currently a recorded right of way easement to the Northwest corner of our property coming from 4300 W.

We are planning on and would like to have shared driveway access from that point along the western property boundary of our five-acre parcel which would allow access to two future family homes.

We are currently working on getting water monitoring and perc tests done on the property and are working through the requirements to gain approval of two approximate 2.5 lots for our homes. (See attached map). We are also in the process of gathering information to bring utilities to the property as necessary and with the guidance of Ogden County.

Being that we don't have control over the right of way / easement and there aren't any current plans for development of property at this location or east of our property, it is unfeasible or impractical to extend a street to serve our land.

Please let us know if you have any additional questions about our desired use of the land by reaching out to us with our contact information provided.

Sincerely,

Scott Gourley  
801-898-5379

Or

Dave Gourley  
801-808-8222