



# Staff Report for Administrative Approval – Access Exception for a Flag Lot

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request to use a flag lot as the primary access for Lot 2 of Verhaal/Granath Subdivision

**Agenda Date:** Thursday, January 02, 2014

**Applicant:** Cassidy and Loni Verhaal, Christina Granath

**File Number:** Access Exception (AE 2013-05)

### Property Information

**Approximate Address:** 9035 East 100 South (Approximate)

**Project Area:** 3.1 Acres (Approximate size of Lot 2 Verhaal/Granath Subdivision)

**Zoning:** Agricultural Valley AV-3 Zone

**Existing Land Use:** Agriculture

**Proposed Land Use:** Residential Subdivision

**Parcel ID:** 21-025-0027, 21-025-0036 (ROW and Subdivision Location)

**Township, Range, Section:** T6N, R2E, Section 16

### Adjacent Land Use

<b>North:</b> Agriculture	<b>South:</b> Agriculture
<b>East:</b> Residential/School (Waypoint Academy)	<b>West:</b> Residential/Agriculture

### Staff Information

**Report Presenter:** Sean Wilkinson  
swilkinson@co.weber.ut.us  
801-399-8765

**Report Reviewer:** JG

## Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 6 (Agricultural Valley AV-3 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations)

## Background

The applicants are requesting administrative approval to use a flag lot as the primary access for Lot 2 of Verhaal/Granath Subdivision which has access to Highway 39 via a 20 foot wide strip of property. Lot 2 is located at approximately 9035 East 100 South in the East Huntsville area and contains approximately 3.1 acres. The proposed access strip runs adjacent to the west boundary of Lot 1 for approximately 322 feet from Highway 39 to the buildable area of Lot 2. It provides the minimum 20 foot width and is the only flag lot access strip, though, Lot 3 uses this same access strip as a private right-of-way (ROW).

The proposed flag lot is required to meet the design, safety, and lot/parcel standards listed in Title 108 Chapter 7 Section 29 of the Weber County Land Use Code. In addition to these standards, the flag lot is required to comply with the criteria and standards listed in Section 30, which is specific to flag lots. These standards are listed below under “Summary of Planning Division Considerations.” Approval of the flag lot as the primary access does not act as approval of the subsequent subdivision plat.

## Summary of Planning Division Considerations

Sec. 108-7-30. Flag lots.

- (a) The land use authority shall determine whether or not it is feasible or desirable to extend a street to serve a lot(s)/parcel(s) or lots at the current time, rather than approving a flag lot. Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of five acres or more in Western Weber County and ten acres or more in the Ogden Valley for development.
- (b) The lot area exclusive of the access strip shall be a minimum of three acres.

- (c) Each lot shall access a street by means of its own fee title access strip. Successive stacking of lots on the same access strip is not permitted.
- (d) No access strip shall exceed 800 feet in length.
- (e) A maximum of two flag lot access strips may be located adjacent to each other.
- (f) 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.

Staff has reviewed and analyzed the request for a flag lot using the criteria in Section 30. Based on review and analysis of staff's research and the information provided, staff has made the following determinations:

- (a) Property boundary conditions are such that Lot 2 has a lot width of only 20 feet, which meets the minimum flag lot standard. Constructing a road to serve this lot and provide the required frontage would not be practical or feasible due to lot area requirements and existing structures (barns and a single-family dwelling) that would be disrupted by a new 60 foot wide road. Lot 1 is required to have two acres as a non-conforming lot, Lot 2 is required to have three acres in addition to the area located within the flag lot stem, and Lot 3 is required to have three acres. A new 60 foot wide road through Lots 1 and 2 would reduce the overall developable area and eliminate one of the lots from the subdivision. Therefore, it is impractical to require a road which will serve a maximum of two lots and will not provide a stub to adjoining property or open an area of at least 10 acres for development (see Exhibit B).
- (b) Lot 2 shows a total lot area of 3.151 acres. The actual lot area has 3.01 acres while the flag stem has .15 acres.
- (c) Lot 2 is the only flag lot in this subdivision, however, a private ROW for Lot 3 has been granted over the flag stem and through Lot 2. Although multiple flag lots using the same access strip are not permitted, the land use code does not prohibit the granting of a private ROW over a flag stem. The property boundary conditions in the subdivision make this option the most practical as there are few locations where an additional ROW access is practical due to existing structures, fences, wells, and other objects on the property. In addition, a 16 foot wide ROW was already in place prior to the subdivision application submittal, though it has been released and will be replaced by the new 20 foot wide ROW. The Utah Department of Transportation (UDOT) also limits access from state roads and encourages shared access points. For these reasons which are specific to this application, the most practical location for the ROW is over the flag stem and through Lot 2 as shown on the subdivision plat.
- (d) The access strip is 322.47 feet long.
- (e) Lot 2 is the only flag lot in the subdivision.
- (f) The property involved in this subdivision is not located within an existing subdivision boundary.

### Conditions of Approval

- Meeting applicable review agency requirements.

### Staff Administrative Approval

Based upon the findings listed above, administrative approval for use of a flag lot as the primary access for Lot 2 of Verhaal/Granath Subdivision is hereby approved this 2<sup>nd</sup> day of January, 2014.



Sean Wilkinson  
Weber County Planning Director



**Exhibits**

A. Verhaal/Granath Subdivision Plat

**Map**







# Exhibit B

