



# Staff Report for Administrative Approval

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on an administrative application access exception for a flag lot at approximately 156 North Highway 158.  
**Agenda Date:** Wednesday, August 06, 2014  
**Applicant:** David Clapier  
**File Number:** AE 2014-02

### Property Information

**Approximate Address:** 156 North Highway 158  
**Project Area:** 3.3 acres  
**Zoning:** Forest Valley FR-1  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Residential  
**Parcel ID:** 20-017-0003  
**Township, Range, Section:** T6N, R1E, Section 16

### Adjacent Land Use

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

### Staff Information

**Report Presenter:** Jim Gentry  
jgentry@co.weber.ut.us  
801-399-8767  
**Report Reviewer:** BH

## Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 13 Forest Residential (FR-1 Zone).
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Sections 23-29. (Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards) and 23-3 (Flag Lot).

## Type of Decision

**Administrative Decisions:** When the Planning Director is acting as the land use authority, he is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Director if the application demonstrates compliance with the approval criteria.

## Background

The Applicant is proposing to have the lot be accessed by a Flag Lot located at approximately 156 North Highway 158. The property is zoned Forest Residential FR-1, which requires 1-acre, but because this is being proposed as a flag lot the lot needs to be 3-acres excluding the area in the flag lot stem. The lot is 3.3 acres in size. The Flag Lot stem for the lot will be 10 feet long and 29 feet wide.

The property has 29 feet of frontage on Highway 158. There is a 10 foot strip of Forest Service ground between the road and the petitioner's property, which is the reason for the flag lot. The proposed lot has a flat area where a home can be built. The north part of the lot is steep as it goes up the mountain. The buildable area and the slopes will be reviewed as part of the subdivision application.

## Review Criteria

### 23-29. Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards

- A. Design standards.
  - 1. The flag lot access strip, private right-of-way, or access easement shall be built to a standard approved by the County Engineer. The improved road surface does not require hard-surface paving, i.e., concrete or asphalt, but the improvements shall meet the following standards.
  - 2. The flag lot access strip, private right-of-way, or access easement shall have a minimum width of 20 feet and a maximum width of 30 feet.
  - 3. The improved area of the flag lot access strip, private right-of-way, or access easement shall be a minimum of 12 feet wide if the access is under 150 feet in length, and a minimum of 20 feet wide if the access is 150 feet or greater in length.
  - 4. The improved road surface of the flag lot access strip, private right-of-way, or access easement shall be capable of supporting a minimum weight of 75,000 pounds.
  - 5. A minimum turnout measuring at least 8 feet by 30 feet shall be provided adjacent to the traveled surface of the flag lot access strip, private right-of-way, or access easement at a maximum distance of 200 feet from the public street.
  - 6. The flag lot access strip, private right-of-way, or access easement shall have a maximum grade of 15%. However, Fire District approval is required for any access that exceeds a grade of 10%.
  - 7. The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical clearance of 14.5 feet.
  - 8. No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-of-way, or access easement.
  - 9. Bridges, including decking and culverts shall be capable of supporting a minimum weight of 75,000 pounds.
  - 10. Switchback turns in sloped areas shall have a minimum 75-foot radius.
  - 11. Water and sewer lines located within the flag lot access strip, private right-of-way, or access easement require written notification from the agencies providing such services.
- B. Safety standards.
  - 1. The lot address shall be displayed in a prominently visible location at the street entrance to the flag lot access strip, private right-of-way, or access easement.
  - 2. A turn-around area shall be provided at the home location to allow firefighting equipment to turnaround. This area shall be a year round surface capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)
  - 3. A fire hydrant or other suppression method may be required by the Fire District.
  - 4. The home location shall be shown on a plan submitted to the Fire District.
  - 5. Conditions may be imposed by the Land Use Authority to ensure safety, accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.
- C. Lot/parcel standards
  - 1. The lot/parcel shall meet all minimum yard and area requirements of the zone in which it is located.
  - 2. Buildings shall be set back a minimum of 30 feet from the end of the flag lot access strip, private right-of-way, or access easement.
  - 3. The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is located at the end of the access strip.
  - 4. The lot/parcel shall have a flag lot access strip, private right-of-way, or access easement constructed in conformance with Section 23-28 prior to the issuance of Land Use Permits or Building Permits.
- D. Expiration
  - 1. Flag lot access strips, private rights-of-way, and access easements which have been approved by the Land Use Authority are valid for 18 months from the date of approval.

### 23-30. Flag Lots

- 1. The Land Use Authority shall determine whether 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 (5) acres or more in Western Weber County and ten (10) acres or more in the Ogden Valley for development.

2. The lot area exclusive of the access strip shall be a minimum of 3 acres.
  3. 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.
  4. No access strip shall exceed 800 feet in length.
  5. A maximum of two flag lot access strips may be located adjacent to each other.
- 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.

## Summary of Considerations

Does the proposal meet the requirements of the Zoning Ordinance?

**Staff Findings:** As part of the application review and agency review process, staff has determined that the following requirements of the Weber County Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations) Sections 29 and the Weber County Subdivision Ordinance Chapter 2 Subdivision Standards have been complied with:

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 (5) acres or more in Western Weber County and ten (10) acres or more in the Ogden Valley for development.

The property has frontage along Highway 158, with the northern part of the property bound by a steep Mountain and Forest Service land. The lot will have 3.3 acres.

There are other requirements that have not been completed, but will be required as part of the subdivision and during the construction of the home.

## Conformance to the General Plan

Local streets are not included as part of General Plans

## Conditions of Approval


- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Access permit from UDOT
- Completing and recording the subdivision
- Meeting the design criteria listed above
- Paying the delinquent taxes

## Administrative Approval

Administrative approval of the access exception for a flag lots is hereby granted based upon its compliance with the Weber County Land Use Code. A road would not open up 10 acres or more in the Ogden Valley and the boundary conditions, and the steepness of the property to the north of the property make a new road unnecessary and unfeasible. This approval is subject to the requirements of the applicable review agencies and the conditions of approval listed in this staff report. The administrative hearing was held on August 6, 2014 with no public comment.

Flag lot access strips, private rights-of-way, and access easements which have been approved by the Land Use Authority are valid for 18 months from the date of approval.

Date of Administrative Approval: August 6, 2014



Sean Wilkinson  
Weber County Planning Director

## Exhibits

1. Applicant Narrative
2. Location map
3. Proposed flag lot stem



## Weber County Access Exception Permit Application

Application submittals will be accepted by appointment only. (301) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted /Completed <b>3/12/14</b>	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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### Application Type

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) <b>David M Clepner</b>		Mailing Address of Property Owner(s) <b>7310 S 950 W Willard, UT 84340</b>	
Phone <b>801-510-3568</b>	Fax		
Email Address (required) <b>Nessmuck 4473@msn.com</b>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail	

### Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <b>Same as above.</b>		Mailing Address of Authorized Person	
Phone	Fax		
Email Address (required)		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

### Property Information

Project Name <b>Shanghai subdivision</b>	Total Acreage <b>3.64</b>	Current Zoning <b>F-40</b>
Approximate Address <b>156 N Highway 150, Eden UT 84310</b>	Land Serial Number(s) <b>200170003</b>	

Proposed Use  
**Residential**

### Project Narrative

Applicant has less than the required frontage along Highway 150 to meet the County requirement to acquire a Land Use permit. Applicant does have existing private right-of-way or easements. Applicant requests access exception because applicant's parcel does not meet minimum requirement for frontage.

**Basis for Issuance of Access by Private Right of Way**

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. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

- a. The lot/parcel is a bona-fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
- b. 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. Please explain the substantial evidence:

Applicant has existing driveway from Highway 158 to parcel. Driveway is graded and sloped away to east for drainage. Driveway is relatively flat with an estimated slope angle of 1-2%. Substrate is gravel and has been maintained over the course of 50 yrs.

ORWA

Attach proof to this application 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.

The landowner of record or authorized representative agrees 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.

N.A. Parcel is surrounded by U.S. Forest Service land.

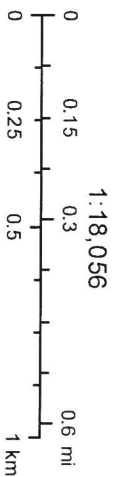




July 28, 2014

Street Labels

City Labels

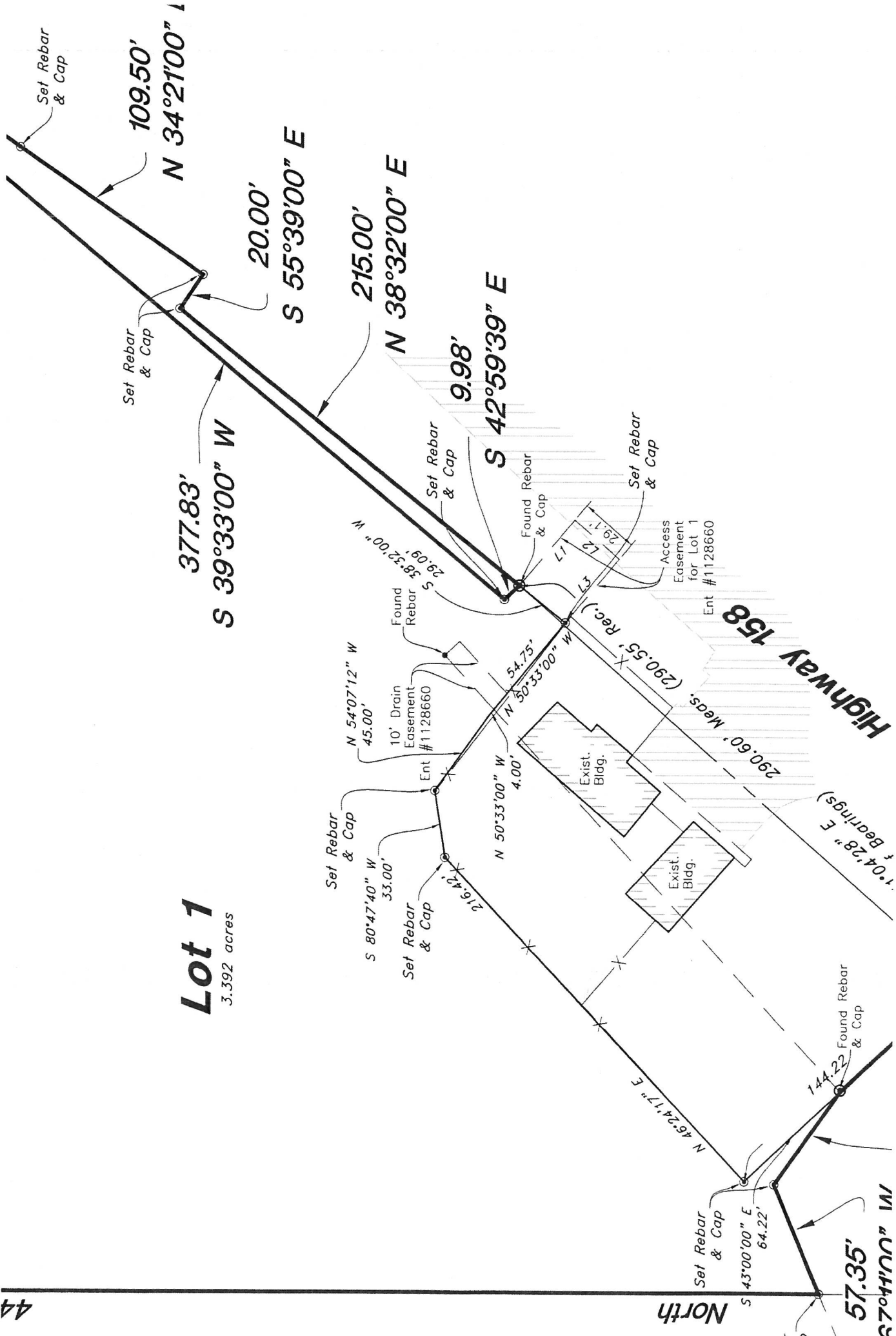






# Lot 1

3.392 acres



Highway 158

290.60' Meas. (290.55' Rec.)

Access Easement for Lot 1 Ent #1128660

Set Rebar & Cap

Found Rebar & Cap

Set Rebar & Cap

Found Rebar & Cap

Set Rebar & Cap

Set Rebar & Cap

Found Rebar & Cap

Set Rebar & Cap

Set Rebar & Cap

Set Rebar & Cap