



LDWA-2023-74

Hatchineha Road Access Waiver

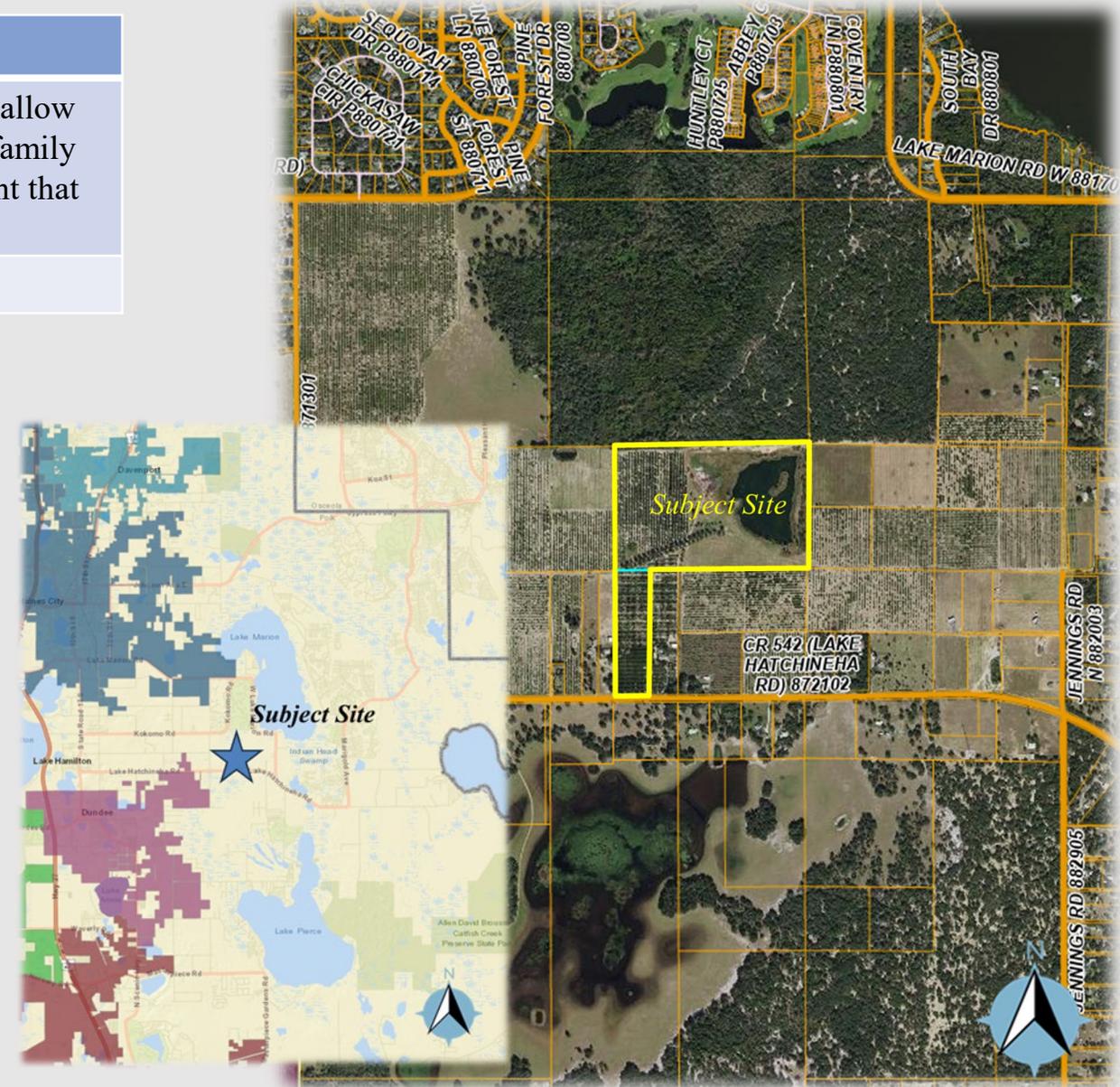
Agenda Item 2

DRC Recommendation: Approval

Subject Property: +/- 72.16 Acres

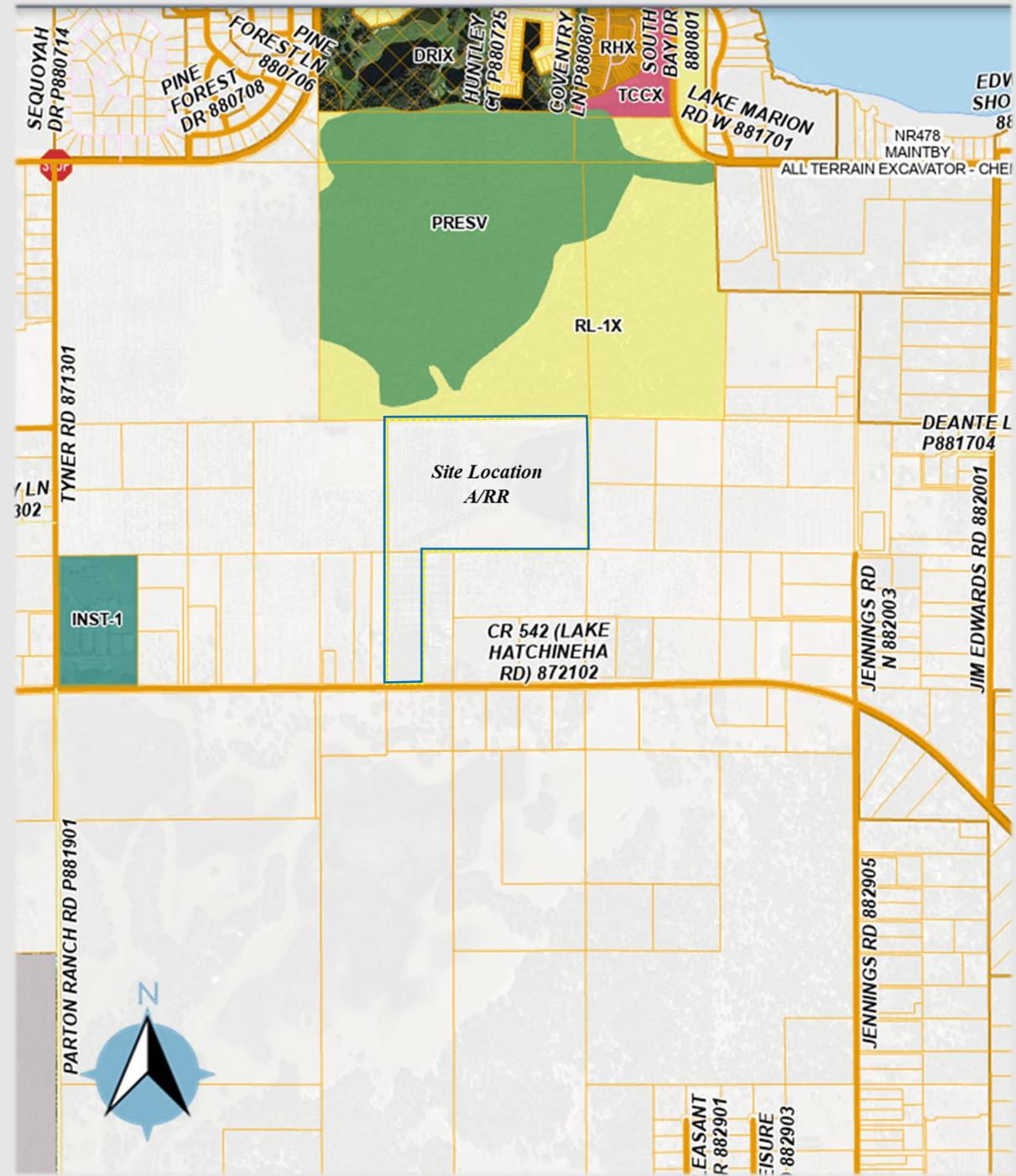
Request	Approval of a waiver to LDC Section 705.B necessary to allow the issuance of building permits for up to four (4) single-family homes on property that gains access solely via an easement that exceeds ¼ mile.
Land Use District	Agricultural/Residential Rural (A/RR)

- Request to allow up to four single-family lots on an easement that exceeds ¼ mile in length.
- Property is approximately 72.16 acres.
- Lots will meet A/RR standards (min. 5 acres).
- Easement established on existing dirt road.
- Easement is sufficient for access by fire safety.
- Meets Section 932 Waiver Criteria.
- Staff finds the request is compatible with surrounding land uses.
- BoCC Hearing set for April 16, 2024.



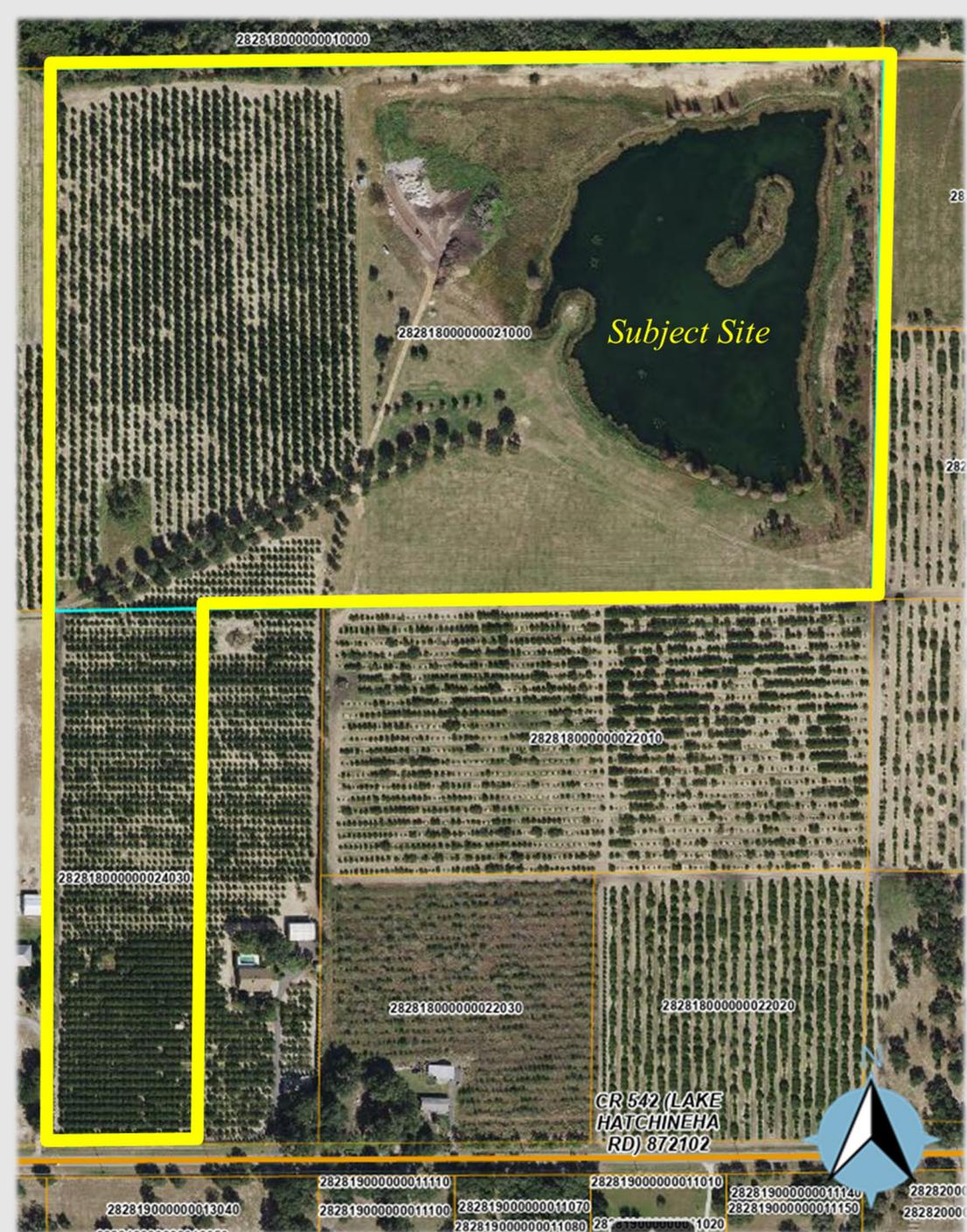
Site Location & FLUM

- Unplatted parcels adjacent south of Grenelefe
- In A/RR land use district
 - Minimum lot sizes of Five Acres



Polk County Access Options

- LDC Section 705 Requires Frontage Along a Paved County Road.
- Lake Hatchineha Road is a Rural Major Collector requiring **210 feet of frontage**.
- Subject site has approximately **362 feet of frontage**.
- Other option in 705.B allows for access via easement through Administrative Approval under the following conditions:
 - *Easement Provides access to no more than Four Lots*
 - Be at least 20 feet wide
 - *Be no longer than ¼-mile (0.35 miles total)*
 - Provide for sufficient access for emergency services
 - Must demonstrate legal access to the easement
 - *Bold can be overcome with BoCC Waiver*



What's Under Review?

- Needs Level 4 Approval for exceeding ¼ mile
 - Easement is approximately 0.40 miles
- Proposed 50-foot-wide stabilized surface
 - Minimum of 20 feet required
- Approved by DRC & Fire Marshal

**Each lot will be reviewed through a Level 1 to ensure integrity of easement before being issued Building Permit*





LDCU-2023-74

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DRC Recommendation: **Approval**

- *The Request is consistent with the LDC & Comprehensive Plan.*
- *Staff finds the Request is compatible with surrounding uses.*
- *Four lots will not overburden easement.*
- *Meets Section 932 Waiver standards.*

Table 5

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	<i>Yes, this request is consistent with the LDC, specifically Sections 705.B and 932 which permit this Waiver upon completion of a Level 4 Review. These can be found in the Findings of Fact on Pages 3-4 of the staff report.</i>
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	<i>Yes, this request is consistent with the Comprehensive Plan, as reviewed above.</i>
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Page 6 of this staff report for data and analysis on surrounding uses and compatibility.</i>
How the concurrency requirements will be met if the development were built.	<i>This request will not require concurrency determinations from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Page 7 of the staff report.</i>

The assurance of safe access is one of the key issues for the Planning Commission and Board to consider when evaluating requests for access via easement. Another issue is whether the easement is becoming overburdened, which is why these decisions are required to have a public hearing. In this instance, the easement will be overlaid upon an existing path used for agriculture. It will be 50 feet wide and have a compacted, stabilized surface. The Fire Marshal will examine the easement again during the Building Permit review process.