

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

10/15/18

Application Fee:

\$350.00

Receipt Number (Office Use)

File Number (Office Use)

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)

JEFF AND MARIE SHEPHERD

Mailing Address of Property Owner(s)

1519 EAST 6225 S.
OGDEN UT 84405

Phone

801 - 725 - 5143

Fax

801 - 476 - 1403

Email Address (required)

jeffreydshepherd@me.com

Preferred Method of Written Correspondence

Email Fax Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)

Mailing Address of Authorized Person

Phone

Fax

Email Address (required)

Preferred Method of Written Correspondence

Email Fax Mail

Property Information

Project Name

SHEPHERD FAMILY ESTATES

Total Acreage

28.33

Current Zoning

AV3

Approximate Address

1075 N. 7800 E HUNTSVILLE UT

Land Serial Number(s)

21-006-0030
21-006-0011
21-006-0013

21-006-0031
21-006-0032

Proposed Use

RESIDENTIAL / FARM

Project Narrative

See attached sheet

Basis for Issuance of Access to a lot/parcel at a location other than across the front lot line

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

Sec. 108-7-32. - Access to a lot/parcel at a location other than across the front lot line.

(1) The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line.

(2) It shall be demonstrated that appropriate and legal access exists 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.

Please provide the following information to support your request for Access to a lot/parcel at a location other than across the front lot line:

- Attach proof that appropriate and legal access exists 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.

Property Owner Affidavit

I (We), J+M Shepherd Family Trust
JEFF + MARIE Shepherd, 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) understand that an approval of an alternative access application does not grant a legal right to access property that I(we) currently do not own.

JEFF Trustee Property Owner

Marie Shepherd Property Owner

Subscribed and sworn to me this 10 day of Oct., 2018.

[Signature] Notary



Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

_____ Property Owner

_____ Property Owner

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

_____ Notary

Basis for Issuance of Flag lot access strip

The land use authority shall determine whether or not it is feasible or desirable to extend a street to serve a parcel(s) or lot(s) at the current time, rather than approving a flag lot.

Sec. 108-7-30. - Flag lots

- (a) 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.

Please provide information to support your request for a flag lot access strip outlining how the request meets the criteria listed above.

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:

Sec. 108-7-31. - Access to a lot/parcel using a private right-of-way or access easement:

Criteria.

- 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. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use and is the subject parcel of an approved agri-tourism operation; or
- c. 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.

Conditions.

- ✓ a. It shall be demonstrated 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; and
- b. 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.

Please provide the following information to support your request for access to a lot/parcel using a private right-of-way or access easement:

- 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.

10/19/18

To Whom It May Concern:

We have recently purchased a 28.33 acre piece of property in the Middle Fork area of Ogden Valley and hope to subdivide it into four 5.25 + acre building lots for our personal residence as well as the homes of three of our children, and a final parcel that is not approved for building due to a high ground water table. We are hoping to create a somewhat private community with large acreage lots with an easement that will only access our properties (will not be a through road).

We completed water table monitoring, percolation and soil testing and geothermal testing over last winter/spring and it was determined at that time that we have a high water table on roughly the south 10 acres that prohibits septic systems in that area. The remaining 18 acres gradually slopes up with the water table going deeper the further north you go on the property. The further North the four homes can be built on the property the lower the risks of having issues with ground water both for the homes themselves and the septic systems that will need to be put in.

We originally submitted a proposed layout with a different road design that was requesting approval for 7 smaller lots, but with the ground water issues we have since decided we would like to keep the number of homes to a minimum and keep the density low thus maintaining the open country feel of the area and avoid the high ground water area. This required the access layout that we are currently proposing.

By using an alternative access road verses a private or public road, we will be able to move both the homes and the septic systems further to the north away from the high water table on the south end. If we have to dedicate property for a private or public road, it will push the two south lots further south. Plus the setbacks for the homes on a private or public road with a turnabout would again push the homes/septic systems even further into the wet zone.

Our access to the property is at the far south end thus requiring a fairly long road through the wet south end to access the buildable portion of the property. Again, we hope to use a smaller road through that area with fire department approved turn arounds and bump outs to have minimal impact through that high water table area and property.

We greatly appreciate your consideration of our request and look forward to hearing back from you soon.

Thank you.



Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

Customer Receipt	
Receipt Number	90966

Receipt Date
10/19/18

Received From:
Jeffrey Shepherd

Time: 16:06
Clerk: amorby

Description	Comment	Amount
Alternative Acc	Alt Access Applicati	\$350.00
Payment Type	Quantity	Ref
CHECK		1482

AMT TENDERED: \$350.00

AMT APPLIED: \$350.00

CHANGE: \$0.00