



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on an alternative access request to use a private right-of-way as the primary access for three future lots.
Agenda Date:	Wednesday, August 12, 2020
Applicant:	Kevin Glasman, Blaine Glasman, & Michael Glasman (Owners)
File Number:	AAE 2020-02

Property Information

Approximate Address:	9161 East 100 South, Huntsville, UT 84317
Project Area:	52.15 Acres
Zoning:	Forest Zone (F-5)
Existing Land Use:	Vacant
Proposed Land Use:	Vacant/Residential
Parcel ID:	23-007-0003
Township, Range, Section:	T6N, R3E, Section 4

Adjacent Land Use

North:	North Fork River/Residential	South:	Vacant
East:	U.S. Forest Service	West:	Vacant

Staff Information

Report Presenter:	Scott Perkes sperkes@co.weber.ut.us 801-399-8772
Report Reviewer:	RG

Applicable Land Use Codes

- Title 104 (Zones) Chapter 9 (Forest (F-5) 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 and Summary

The applicant has resubmitted a request for alternative access exception to provide access to 52.15 acres of property located in the F-5 zone at approximately 9161 East 100 South. This request was originally approved on June 28, 2017. Following the approval in 2017, the applicant experienced delays to submitting a subdivision application due to work required to complete a geotechnical analysis and septic feasibility testing with the health department. These delays eventually caused the approval to expire due to 18 months passing without the submittal and acceptance of a subdivision application.

The applicant has since completed the subdivision application requirements and is now requesting the re-approval of the alternative access exception. No changes to the original application and approval are being requested as part of this re-approval request.

Analysis & Summary of Administrative Considerations

Following review of the 2017 staff report (see Exhibit A), staff's analysis of the request remains unchanged.

Staff Recommendation

With exception to the added condition below, staff's recommendation remains unchanged from the 2017 recommendations as follows:

Staff recommends approval of the request for an alternative access for a 150-foot private right-of-way as the primary access for parcel 23-007-0003.

As a condition of approval, and Per LUC Sec. 108-7-31:

- 1) *“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.”*

To satisfy this condition, the applicant will be required to sign and record an “Alternative Access Agreement” at the time in which an associated subdivision plat is recorded.

This recommendation is based on the following finding:

1. Based on substantial evidence, it has been found that it is unfeasible or impractical to extend a street to serve such lot/parcel based on topographic, and property boundary conditions which limit typical access requirements in a unique way.

Administrative Approval

Administrative final approval of AAE 2020-02 to create a private road that would serve as an access to three future residential lots.

Date of Administrative Approval: _____

Rick Grover
Planning Director

Exhibits

- A. Application and Re-Submittal Letter
- B. June 28, 2017 Staff Report

Property Map



Exhibit A: Application and Submittal Letter

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	Application Fee: \$350.00	Receipt Number (Office Use)	File Number (Office Use)
Application Type			
<input type="checkbox"/> Flag lot access strip <input checked="" type="checkbox"/> Access by Private Right of Way <input type="checkbox"/> Access at a location other than across the front lot line			
Property Owner Contact Information			
Name of Property Owner(s) Kevin Glasmann Michael Glasmann Blaine Glasmann		Mailing Address of Property Owner(s) Kevin Glasmann 5925 S. 2450 E. Ogden, UT 84403	
Phone 801-500-0142	Fax		
Email Address (required) Keving5925@msn.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Kevin V. Glasmann		Mailing Address of Authorized Person 5925 S. 2450 E. Ogden, UT 84403	
Phone 801-500-0142	Fax		
Email Address (required) Keving5925@msn.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name Red Rock		Total Acreage 52+	Current Zoning F5
Approximate Address Tax Unit 520 13580 E. 1900 N. Huntsville, UT		Land Serial Number(s) 230070003	
Proposed Use Establish three building lots for cabins/homes			
Project Narrative Intention is to establish three (3) building lots on our 52 acres. Alternative access is necessary as only one road, U.S. Forest Service, serves this property on the west. This USFS road currently serves Camp Redcliffe and homes/cabins located near the South Fork River (i.e. Parcel # 230080016). Alternative access for this parcel was granted in 2017 for the same purpose described above but expired due to our process to gain approval from Health Dept. for septic systems, which has been granted. See attached letter from 10/6/17 providing more information.			

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), _____, 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.

_____ Property Owner _____ Property Owner

Subscribed and sworn to me this ____ day of _____, 20__.

_____ Notary

Authorized Representative Affidavit

I (We), Kevin V. Glasmann, 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.

Kevin V. Glasmann Property Owner _____ Property Owner

Dated this 10 day of Aug, 2020, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Ann J. Morby Notary



Mr. Felix Lieferino
Weber County Planning Dept.
2380 Washington Blvd. Suite 240
Ogden, UT 84401

October 16, 2020

Felix:

I have enclosed the "Alternative Access Application" for your review. I have also included a copy of the letter submitted in 2017 for the previously granted Alternative Access (now expired) for this parcel #23 007 0003.

Hopefully the information submitted in 2017 for the approved alternative access is still available to for applying to this AA application. Other than our passing Health Dept. septic requirements and having necessary geotech analysis performed, nothing has changed for this parcel. The same access limitations apply as described in 2017 letter (attached).

Please let me know if you need more information to facilitate Alternative Access approval for this property. You are welcome to call or text me at 801-500-0142 or email keving5925@msn.com.

We appreciate your help in working through this process.

Sincerely,



Kevin V. Glasmann
Keving5925@msn.com



Synopsis

Application Information

Application Request: Consideration and action on an alternative access request to use a private right-of-way as the primary access for one parcel considered to be a legal Lot of Record.
Agenda Date: Wednesday, June 28, 2017
Applicant: Blaine Glasmann, Michael Glasmann, and Kevin Glasmann
Authorized Representative: Michael Glasmann
File Number: AAE 2017-10

Property Information

Approximate Address: 9161 East 100 South, Huntsville, UT 84317
Project Area: 52.15 Acres
Zoning: Forest Zone (F-5)
Existing Land Use: Vacant
Proposed Land Use: Vacant/Residential
Parcel ID: 23-007-0003
Township, Range, Section: T6N, R3E, Section 4

Adjacent Land Use

North:	North Fork River/Residential	South:	Vacant
East:	U.S Forest Service	West:	Vacant

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
 801-399-8794
Report Reviewer: RK

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 9 (Forest F-5 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 Flag lot access strip, private right-of-way, and access easement standards
- Weber County Land Use Code 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 Planning Division is recommending approval of the request for an alternative access for the subject parcel.

The property is in the Forest F-5 Zone located at approximately 9161 East 100 South and is 52.15 acres. The private right-of-way is located along the existing 191 Rd, owned by the U.S Department of Agriculture Forest Service, just off Hwy 39, of Section 16 of Township 6 North, Range 3 East.

Alternative access applications such as this are reviewed and approved administratively by the Weber County Planning Director. It is essential to note that this request is an administrative application and is not a variance or an exception to the standards and criteria outlined in the Uniform Land Use Code of Weber County (LUC). The request conceptually meets the standards as outline in LUC §108-7-29 and meets the criteria for the request as required in LUC §108-7-31.

Alternative access applications should be approved as long as the design standards can be implemented during the development process. The application meets the criteria in LUC §108-7-31(1)(b) 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.”

General Plan: The General Plan for Ogden Valley is intended to preserve private property rights while also preserving the rural characteristics of the Valley. This proposal conforms to the Ogden Valley General Plan.

Zoning: The subject property is located in the Forest Zone more particularly described as the F-5 zone. The purpose and intent of the F-5 zone is identified in the LUC §104-9-1 as:

“The intent of the forest zones is to protect and preserve the natural environment of those areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.”

The application has been forwarded to the applicable review agencies and based on the limited criteria and conditions that govern alternative access application and after a thorough review of the applicant’s proposal, staff feels that the applicant has provided adequate evidence to show that it is unfeasible or impractical to extend a street to serve such parcel due to topographic, or property boundary conditions. This determination is based on the review and analysis of the information provided by the applicant.

Prior to any further development considerations on this site, the applicant will have to provide a complete application that adheres to all Federal, State and County ordinances.

Review Agencies: To date, the proposed subdivision has been approved by the Weber County Engineer as well as Weber Fire District. All review agency requirements must be addressed and completed prior to this alternative access being recorded.

Tax Clearance: The 2017 property taxes have been paid in full. The 2018 taxes are will be due in full November 30, 2018.

Public Notice: A notice has been mailed not less than seven calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed small subdivision per noticing requirements outlined in LUC §106-1-6.

Summary of Administrative Considerations

- Based on substantial evidence, has it been 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

Staff Recommendation

Staff recommends approval of the request for an alternative access for a 150 foot private right-of-way as the primary access for parcel 23-007-0003.

This recommendation is based on the following findings:

1. Based on substantial evidence, it has been found that it is unfeasible or impractical to extend a street to serve such lot/parcel based on topographic, and property boundary conditions which limits typical access requirements in a unique way.

Administrative Approval

Administrative final approval of an alternative access as the primary access for parcel # 23-007-0003 is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: Friday, January 19, 2018

Rick Grover
Weber County Planning Director

- A. Map of Location
- B. Application and Narrative
- C. Agreement with US Forest Service
- D. Site Plan

Exhibit A-Location map



Weber County Alternative Access Application			
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Date Submitted /Completed	Application Fee: \$350.00	Receipt Number (Office Use)	File Number (Office Use)
Application Type			
<input type="checkbox"/> Flag lot access strip <input checked="" type="checkbox"/> Access by Private Right of Way <input type="checkbox"/> Access at a location other than across the front lot line			
Property Owner Contact Information			
Name of Property Owner(s) Blaine, Michael; Kevin Glasmann ^{of town} and Glasmann		Mailing Address of Property Owner(s) Michael Glasmann 1560 E. 33rd Street Ogden, UT 84403	
Phone 801-540-3460	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required) Michael0707@me.com			
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Michael Glasmann		Mailing Address of Authorized Person see above	
Phone 801-540-3460	Fax N/A.	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required) Michael0707@me.com			
Property Information			
Project Name Glasmann Cabins	Total Acreage 52 acres (approx)	Current Zoning	
Approximate Address Highway State Road 39 at meadows Campground (South Fork area)	Land Serial Number(s) 23007-0003		
Proposed Use Develop 3 cabins			
Project Narrative Develop 3 cabins for se (1 each for Blaine, Mike, Kevin) along the South Fork River			

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Property Owner Affidavit

I (We), Michael J. Glasmann ^{Kevin Glasmann}, 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.

[Signature] Property Owner [Signature] Property Owner

Subscribed and sworn to me this 5th day of October, 2017.

[Signature] Notary



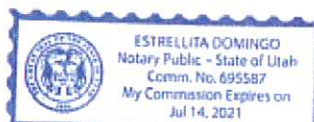
Authorized Representative Affidavit

I (We), Michael J. Glasmann ^{Kevin Glasmann}, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Michael Glasmann, 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.

[Signature] Property Owner [Signature] Property Owner

Dated this 5th day of October, 2017, personally appeared before me Michael J. Glasmann & Kevin V. Glasmann, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

[Signature] Notary



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.

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Property Owner Affidavit

I (We), BLAINE V. GLASMANN, 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.

Blaine V. Glasmann Property Owner _____ Property Owner

Subscribed and sworn to me this 2 day of October, 2019.

[Signature] Notary



Authorized Representative Affidavit

I (We), BLAINE V. GLASMANN, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), MICHAEL GLASMAN, 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.

Blaine V. Glasmann Property Owner _____ Property Owner

Dated this 2 day of October, 2019, personally appeared before me Blaine V. Glasmann, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

[Signature] Notary



Kevin Glasmann 5925 South 2450 East, Ogden, Utah 84403 801-500-0142

Mr. Steve Burton
Weber County Planning Dept.
2380 Washington Blvd. Suite 240
Ogden, UT 84401

October 6, 2017

Steve:

I have enclosed the "Alternative Access Application" for your review. I have also included a copy of the road permit we have with the United States Forest Service to access our 52 acre parcel #23 007 0003.

Alternative access is necessary for this "Green Belt" parcel because it is land locked excepting our road/access permit with the US Forest Service. On our northern boundary the property abuts the South Fork River. The property north of the river is owned by other private entities that are currently served by their own private road off of SR 39. Consequently, even bridging the South Fork River is not an option. All property abutting our parcel on the East and South is owned by other private entities and no access or road exits through those properties. Finally, to the West, the abutting property is owned by the U.S. Forest Service which has a road from SR 39 to the newly constructed permit road that enters our parcel.

A copy of the improvement plans for the gravel road we constructed in accord with said permit is enclosed. The road improvement plans were drafted in compliance with The Weber County Fire Marshal, Ted Black (at that time), to ensure inclines, turn radii and base material would be sufficient for our desired cabin access. A "hammer head" was included to accommodate fire truck turn around.

I have included a photo of the newly constructed road as it enters our property so you can see the quality of access that exists. The completed road was approved by the Forest Service.

We appreciate your help in working through this process. Please feel welcome to contact me with any input or questions you might have.

Sincerely,



Kevin V. Glasmann
Keving5925@msn.com

Auth ID: OGD544101 Contact ID: KEVINGLASMANN Expiration Date: 12/31/2029 Use Code: 753	FS-2700-4c (03/06) OMB No. 0596-0082
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**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE**

**PRIVATE ROAD SPECIAL USE PERMIT
AUTHORITY:**

FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976

Kevin Glasmann, 5925 South 2450 East, OGDEN, UT 84403 (hereafter called the Holder) is hereby authorized to use National Forest lands for the construction, reconstruction, maintenance, and use of a road within the Uinta-Wasatch-Cache National Forest for the following purposes:

Construction, Operating and Maintenance of a road to private property adjacent to Camp Red Cliff Organization Camp.

The lands covered by this permit are located in the County of Weber, State of Utah and are described as follows: 630 feet by 12 feet gravel surface road located at the east side of Camp Red Cliff Organizational Camp near Huntsville, Utah, NE1/4 of the NE1/4 of Section 5, T6N, R3E, SLB&M.

This permit covers a right-of-way 0.1 miles in length, 12 feet in width, containing approximately 0.17 acres, and is located upon the ground according to the survey line, figures, measurements, widths, and other references shown on the map or plat attached hereto as exhibit(s) A and made a part hereof.

This permit is made subject to the following terms, provisions, and conditions:

1. This permit is subject to all existing easements and valid rights existing on this date.
2. The Holder in exercising the privileges granted by this permit shall comply with all applicable State and Federal laws, Executive Orders, and Federal rules and regulations, and shall comply with all State standards for public health and safety, environmental protection, and siting construction, operation, maintenance of or for rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards.
3. The Holder shall cut no timber except as authorized by construction stipulations or maintenance agreements.
4. The Holder shall provide maintenance so that no damage occurs on adjacent National Forest land. The Holder shall construct and maintain lead-off drainage and water barriers as necessary to prevent erosion.
5. Holder shall pay the United States for all injury, loss, or damage, including fire suppression costs, in accordance with Federal and State laws.
6. Holder shall indemnify the United States for any and all injury, loss, or damage, including fire suppression costs the United States may suffer as a result of claims, demands, losses, or judgments caused by the Holder's use or occupancy under this permit.
7. Holder shall pay annually in advance a sum determined by the Forest Service to be the fair market value of the use authorized by this permit. The initial payment is set at \$45 or the remainder of the calendar year. Payments for each subsequent calendar year shall be the amount of \$45 adjusted using the Implicit Price Deflator-Gross National Product index (IPD-GNP), or other factor selected by the Forest Service, to reflect more nearly the current fair market value of the use. At intervals to be determined by certain changes in the indexes used to establish the linear rights-of-way fee schedule, the fee shall be reviewed and adjusted as necessary to assure that it is commensurate with the value of the rights and privileges authorized. Failure of the Holder to pay the annual payment, late charges, or other fees or charges shall cause the permit to terminate.

8. Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

Liquidate any security or collateral provided by the authorization.

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, et seq.)

9. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations approved by the Forest Service prior to beginning such construction or reconstruction.

10. The Holder shall repair fully all damage to National Forest roads and trails caused by the exercise of the privileges granted by this permit.

11. The United States may use the roads without cost for all purposes deemed necessary or desirable in connection with the protection and administration of the lands or resources of the United States, provided that it will use the road for commercial hauling purposes, other than the removal of timber cut in construction or maintenance of the road or other occasional incidental use, only after arranging to pay or perform its pro rata share of road maintenance.

12. The Forest Service alone may extend rights and privileges for use of the road constructed on the premises to other non-Federal users provided that such users shall pay a fair share of the current replacement cost less depreciation of the road to the holder, and reconstruct the road as necessary to accommodate their use.

13. The Forest Service retains the right to occupy and use the right-of-way and to issue or grant rights-of-way for land uses, for other than road purposes, upon, over, under, and through the permit area provided that the occupancy and use do not interfere unreasonably with the rights granted herein.

14. The Forest Service shall have the right to cross and re-cross the premises and road at any place by any reasonable

means and for any purpose in such manner as does not interfere unreasonably with use of the road.

15. The Holder shall maintain the right-of-way clearing by means of chemicals only after the Forest Supervisor has given specific written approval. Application for such approval must be in writing and must specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.

16. Unless sooner terminated, or revoked by the Regional Forester, this permit shall expire and terminate on 12/31/2029. At that time, if the holder still needs the road for the purposes for which this permit is granted, the permit will be reissued for a period of 10 years (or the estimated remaining life of the project, whichever is less). At the time of reissuance, the terms and conditions may be modified and new conditions or stipulations added at the discretion of the Forest Service.

17. This permit may be terminated or suspended upon breach of any of the conditions herein, or revoked at the discretion of the Issuing Officer.

18. Upon termination or revocation of this special-use authorization, the Holder shall remove within a reasonable time the structures and improvements and shall restore the site to a condition satisfactory to the authorized officer, unless otherwise waived in writing or in the authorization. If the Holder fails to remove the structures or improvements within a reasonable period, as determined by the authorized officer, they shall become the property of the United States, but this does not relieve the Holder from liability for the removal and site restoration costs.

19. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

20. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

21. Liability. For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

D. In the event of any breach of the conditions of this authorization by the holder, the Authorized Officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest

Service does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.


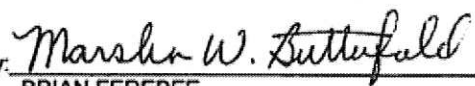
22. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

23. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

24. Assignability. This authorization is not assignable or transferable. If Holder, through death, voluntary transfer, enforcement of contract, foreclosure, or other valid legal proceeding shall cease to be owner of the above-described real property accessed by the authorized road, this authorization will terminate.

25. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

In Witness Whereof, the parties hereto have caused this authorization to be duly executed on this 16th day of September, 2009.

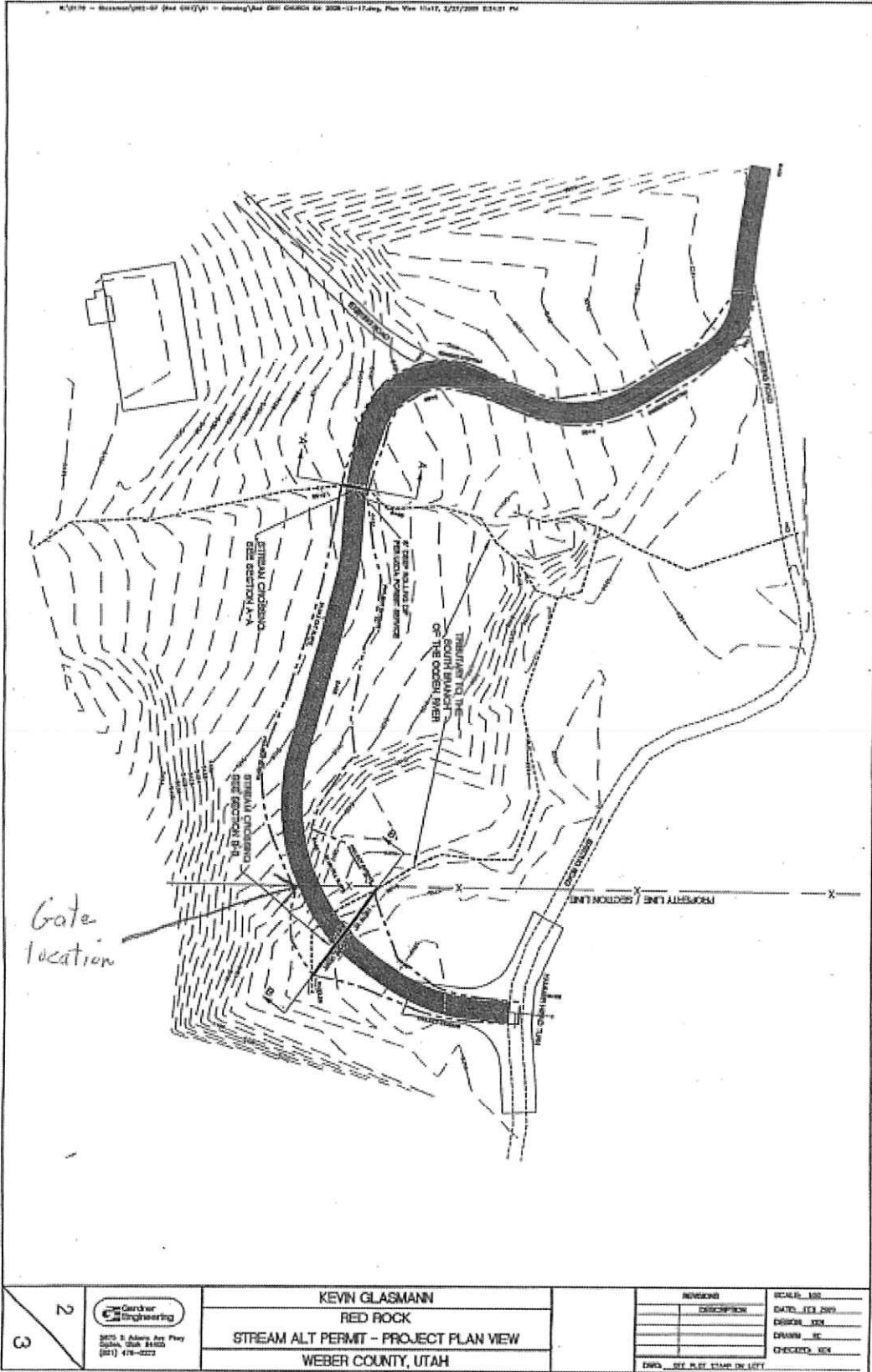
<p>Holder</p> <p>By:  KEVIN GLASMANN</p>	<p>USDA - Forest Service</p> <p>By:  for BRIAN FEREBEE Forest Supervisor Uinta-Wasatch-Cache National Forest</p>
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According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

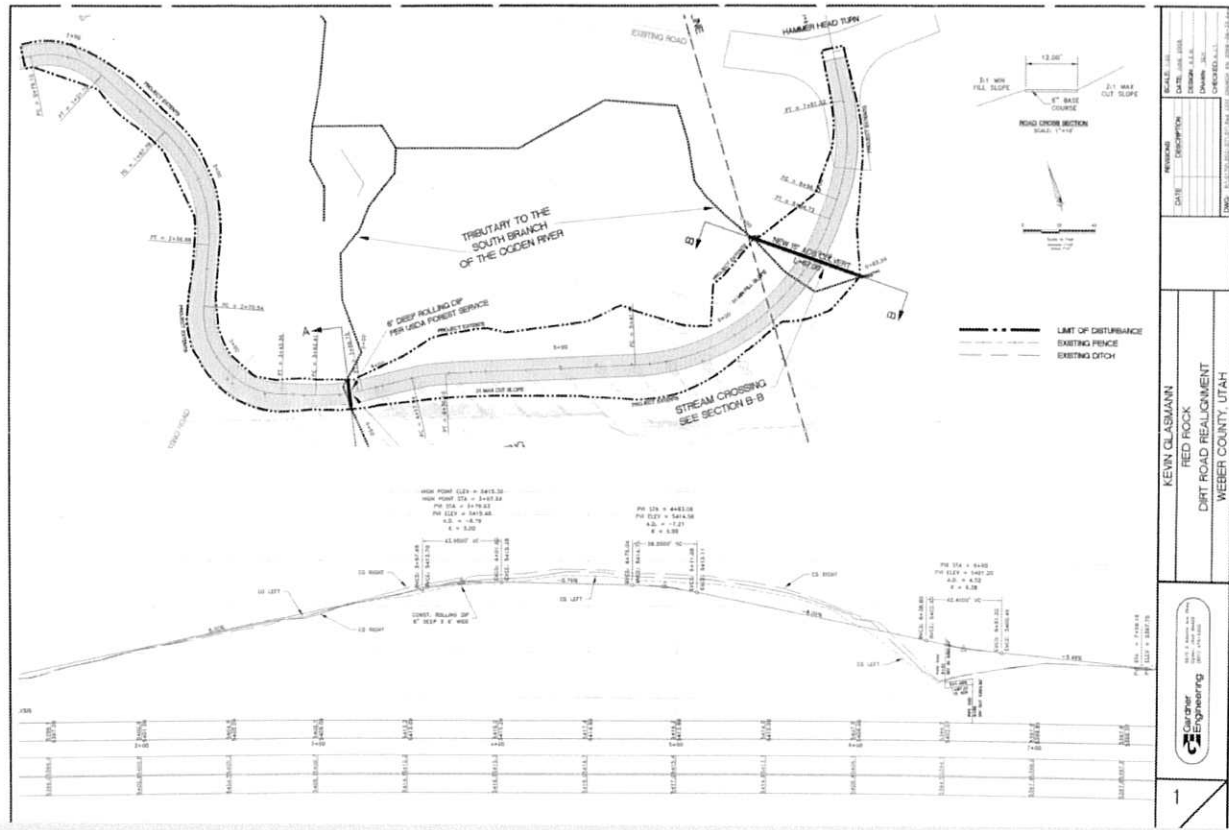
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USDA FOREST SERVICE BILL FOR COLLECTION		1. BILL DATE: 12/04/2009	PAGE: 1 OF 1
ENCLOSE A COPY OF THIS BILL WITH YOUR CHECK OR MONEY ORDER. DO NOT SEND CASH. PLEASE INCLUDE BILL NO. AND PAYER CODE NO. ON YOUR CHECK. MAKE YOUR CHECK PAYABLE TO:		MAIL PAYMENT TO: USDA FOREST SERVICE P.O. BOX 894183 LOS ANGELES CA 90189-4183	
USDA FOREST SERVICE			
TO: CLASMAN 5925 SOUTH 2450 EAST OGDEN, UT 84403		PAYER INDICATE AMOUNT ENCLOSED: \$ _____	
		2. NET AMOUNT DUE: \$45.00	
		3. DUE DATE: 01/01/2010	
		4. BILL NUMBER BF 041906L0021	
		5. PAYER CODE: MISC C	
6. AGREEMENT NO:	CONTRACT NO:	7. DESCRIPTION:	
B. REMARKS: FAILURE TO PAY FEES BY DUE DATE CONSTITUTES NON COMPLIANCE WITH AUTHORIZATION. PERMIT FEE FOR 2010 SEASON --THANK YOU FOR YOUR PROMPT PAYMENT! **PLEASE SEND WHITE COPY WITH YOUR PAYMENT AND RETAIN BLUE COPY FOR YOUR RECORDS.** ***WRITE BILL NUMBER ON CHECK OR MONEY ORDER***		9. PRINCIPAL: \$45.00 10. INTEREST: 11. ADMINISTRATIVE COSTS: 12. PENALTY: 13. AMOUNT DUE: \$45.00 14. ADJ. + CREDIT: \$.00 15. NET AMOUNT DUE: \$45.00	
NOTE: PLEASE SEND ALL CORRESPONDENCE, INQUIRIES, AND CHANGE OF ADDRESS TO: UINTA-WASATCH-CACHE NATIONAL FOREST 801 625-5112 OGDEN RANGER DISTRICT 507 25TH STREET, RM 103 OGDEN, UT 84401-2450 FAILURE TO MAKE PAYMENT BY DUE DATE WILL RESULT IN THE ASSESSMENT OF LATE PAYMENT CHARGES (INTEREST, ADMINISTRATIVE COST, AND/OR PENALTY CHARGES) IN ACCORDANCE WITH YOUR CONTRACT, PERMIT, OR THE DEBT COLLECTION ACT OF 1982, AS AMENDED. POSTMARKS ARE NOT HONORED.			
DATE/PERIOD	DESCRIPTION	AMOUNT	
01/01/2010 To 12/31/2010	2720 SPECIAL USES OGD544101 Ogden Ranger District 753 FEDERAL LAND POLICY & MGMT ACT PERMIT PERMIT ISSUED: 10/01/2009 COMMENTS: ROAD PERMIT FEE FOR CY 2010 SEASON	\$45.00	
16. ORG	17. JOB	18. AMOUNT	16. ORG 17. JOB 18. AMOUNT
0419	89810410	\$45.00	



SCALE: 1" = 40'	DATE: 04/14/2014	DESIGNER: J.S.L.	CHECKER: J.S.L.
PROJECT: RED ROCK DIRT ROAD REALIGNMENT	CLIENT: KEVIN GLASBANN	LOCATION: WEBER COUNTY, UTAH	PROJECT NO: 2013-001