

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: <u>\$350.00</u>	Receipt Number <i>(Office Use)</i>	File Number <i>(Office Use)</i>
---------------------------	--	------------------------------------	---------------------------------

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) Evergreen Ranch, LC/ Ritter Ranch Subdivision		Mailing Address of Property Owner(s) 1090 N 5900 E Eden, UT 84310	
Phone 801 791-7736	Fax		
Email Address (required) rob@fullerattorney.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) Robert J. Fuller, manager/atty		Mailing Address of Authorized Person	
Phone 801 791-7736	Fax		
Email Address (required) rob@fullerattorney.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name Ritter Ranch Subdivision	Total Acreage 5.5	Current Zoning S1
Approximate Address 950 N 5900 E Eden	Land Serial Number(s) Parts of 20-008-0017 and 0018	
Proposed Use Single Lot Subdivision		

Project Narrative Ritter Ranch Subdivision, <i>see attached letter, p. 2.</i>
--

EVERGREEN RANCH, LC
A UTAH LIMITED LIABILITY COMPANY
1090 NORTH 5900 EAST
POST BOX 835

ROBERT J. FULLER, MGR.
M. LANCE QUINN, MBR.

Eden, Utah 84310

TELEPHONE: (801) 791-7736

April 17, 2017

Mr. Scott Perkes, Planner
Weber County Planning Div.
Ogden, Utah
801 399-8772

Via Hand Delivery

RE: Ritter Ranch Subdivision
Alternative Access Application/Flag Lot

Dear Mr. Perkes:

This statement is made in reference to the Alternative Access Application, "Basis for Issuance of Flag lot access strip," which invites "information to support your request for a flag lot access strip . . ." Alt. Access Apl., p. 2.

The flag lot request is both feasible, meaning there are no geographic barriers, and desirable in order to accommodate the unique issues surrounding the proposed parcel. A number of development issues were created as a result of Weber County adopting a Well Protection Zone ordinance. There was no express notice and no meaningful opportunity to be heard before the ordinance was imposed. Further, there was no courtesy notice of the overlay in order to prevent a number of estate planning problems that were created by the imposition of the zones. The subdivision is an attempt to accommodate the Zone Two issues within the restraints of existing landowner agreements.

As noted in the Weber-Morgan Health Department letter dated November 14, 2019, it would be difficult to accommodate a septic system on the parcel as it currently exists, "unless property lines are adjusted to include this area [Exploration Pit #2] on the above parcel." *Id.* This situation led to the current subdivision request to adjust the property lines. However, due to a number of

agreements between stakeholders of the LLC landowner, the need to adjust property lines has created a variety of problems. As noted in the earlier Weber-Morgan Health Department letters, the current proposed building lot is not the first choice of the owners to develop. In order to accommodate the Weber County and WMHD requirements to move to the east, and to realign property lot boundaries within the constraints of membership agreements, the only practical solution is to create a flag lot as configured in the plat associated with this application.

The flag lot would access only the single proposed lot, meaning less than "ten acres" referenced in Sec. 108-7-30. The lot area, exclusive of the access strip, does exceed three acres and the entire lot, including the access area, is held in fee title. The length and maximum lot numbers are satisfied. This application is not a re-subdivision application.

Because all aspects of the proposed single flag lot can satisfy the criteria listed in the attached application, the owner respectfully requests that the application be granted.

DATED this 13th day of October, 2020

Evergreen Ranch, LC



By Robert J. Fuller, its manager

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.

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

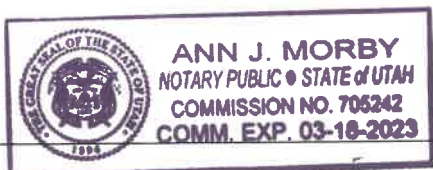
Authorized Representative Affidavit

I (We), Evergreen Ranch, LC, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Robert Fuller, manager/atty, 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.

Robert J. Fuller for ER LLC
Evergreen Ranch, LC Property Owner _____ Property Owner
By Robert J. Fuller, mgr/attorney

Dated this 14 day of October, 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





Weber County Corporation

Weber County Planning
2380 Washington Blvd, Ste 240

Customer Receipt	
Receipt Number	145495

Receipt Date
10/15/20

Received From:
Evergreen Ranch LLC

Time: 08:24:0
Clerk: amorby

Description	Comment	Amount
ZONING FEES	Flaglot subdivision	\$350.00

Payment Type	Quantity	Ref	Amount
CHECK		248	

AMT TENDERED:	\$350.00
AMT APPLIED:	\$350.00
CHANGE:	\$0.00