

## 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

**05/25/2021**

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)

**Scott Gourley**

Mailing Address of Property Owner(s)

**2309 S. 2205 W.  
Woods Cross, UT  
84087**

Phone

**801-898-5379**

Fax

Email Address (required)

**scotty.gourley@gmail.com**

Preferred Method of Written Correspondence

☒ Email   ☐ Fax   ☐ Mail

### Authorized Representative Contact Information

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

**Dave Gourley**

Mailing Address of Authorized Person

**1002 Viewcrest Ln.  
Kaysville, UT  
84037**

Phone

**801-808-8222**

Fax

Email Address (required)

**davegourley@gmail.com**

Preferred Method of Written Correspondence

☒ Email   ☐ Fax   ☐ Mail

### Property Information

Project Name

**Gourley Parcel**

Total Acreage

**5 Acres**

Current Zoning

Approximate Address

**550 N 4200 W.  
Ogden, Utah  
84404**

Land Serial Number(s)

**See Page 4**

Proposed Use

**Access to home without current frontage until future street comes through**

Project Narrative

**The plan for this project is to create a 20' alternate access road that runs along the West property line that would allow access to two lots via shared driveway**

### 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), Scott Gourley, 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.

DocuSigned by:

Scott Gourley

ABEFB88EF488485...

Property Owner

Property Owner

Subscribed and sworn to me this 25th day of May, 20 21.

Notary

## Authorized Representative Affidavit

I (We), Scott Gourley, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Dave Gourley, 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.

DocuSigned by:

Scott Gourley

ABEFB88EF488485...

Property Owner

Property Owner

Dated this 25th day of May, 20 21, personally appeared before me Dave Gourley, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Notary

**Land Serial Number and description (Serial number not assigned)**

**5 Acres (A part of the Southwest quarter of Section 9, Township 6 North Range 2 West, of the Salt Lake Base and Meridian. Beginning at a point on the East right-of-way line of 4300 West Street being located North 0°41'12" East 1307.55 and North 90°00'00" East 33.00 Feet and along said East Right-of-way line North 0°41'12" East 456.84 feet and South 89°18'34" East 478.5 feet; Thence South 0°41'26" West 452.13 feet; Thence North 89°18'34" East 478.50 feet; Thence South 0°41'26" West 452.13 feet; Thence North 89°05'23" West 478.50 feet; Thence North 0°41'26" East 450.29 feet to the point of beginning containing 4.956 Acres more or less**

**ACCESS EASEMENT DESCRIPTION**

**A PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 4300 WEST STREET BEING LOCATED NORTH 0°41'12" EAST 1307.55 AND NORTH 90°00'00" EAST 33.00 FEET AND ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 0°41'12" EAST 426.84 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 9; RUNNING THENCE ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 0°41'12" EAST 30.00 FEET; THENCE SOUTH 89°21'32" EAST 478.32 FEET; THENCE SOUTH 89°18'34" EAST 30.00 FEET; THENCE SOUTH 0°41'26" WEST 30.00 FEET; THENCE NORTH 89°18'34" WEST 30.00 FEET; THENCE NORTH 89°21'32" WEST 478.30 FEET TO THE POINT OF BEGINNING. CONTAINING 15,249.62 SQUARE FEET MORE OR LESS.**