



# Staff Report to the Weber County Planning Division

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for approval of Montgomery Acres, a three lot subdivision.  
**Agenda Date:** Wednesday, May 01, 2019  
**Applicant:** Jared Montgomery, owner  
**File Number:** UVM 031419

### Property Information

**Approximate Address:** 3300 East 4500 North, Liberty  
**Project Area:** 19.3 Acres  
**Zoning:** Agricultural Valley 3 (AV-3)  
**Existing Land Use:** Vacant  
**Proposed Land Use:** Residential  
**Parcel ID:** 22-007-0013  
**Township, Range, Section:** T7N, R1E, Section 17

### Adjacent Land Use

<b>North:</b> Agricultural	<b>South:</b> Residential/Agricultural
<b>East:</b> Residential	<b>West:</b> Residential/Agricultural

### Staff Information

**Report Presenter:** Felix Lleverino  
fleverino@co.weber.ut.us  
801-399-8767  
**Report Reviewer:** RG

## Applicable Land Use Codes

- Title 101 (General Provisions) Chapter 1 (Definitions)
- Title 104 (Zones) Chapter 6 (Agricultural Valley Zone, AV-3)
- Title 104 (Zones) Chapter 28 (Ogden Valley Sensitive Lands Overlay District)
- Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 8 (Final Plat Requirements)
- Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

## Background and Summary

The applicant is requesting approval of a three-lot subdivision that fronts directly on 3300 East Street, which is a county public right-of-way. This 19.3-acre lot is currently vacant with a mix of grassland and a small cluster of trees.

A Geologic Reconnaissance prepared by GCS Geoscience has been prepared due to the geologic interactive map showing a fault bisecting the property. "Page 5 of the report states that the nearest active fault is 3.5 miles west of the site, thus fault rupture hazards are not considered present on the site."

As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the FV-3 zone found in LUC §104-14. The following section is a brief analysis of this project against current land use regulations.

## Analysis

General Plan: This proposal is in conformity with the Ogden Valley General Plan (OVGP) by encouraging low-density development that preserves open space (see page 21 of the OVGP).

Zoning: The property is located in the AV-3 Zone. The purpose of this zone is stated in the LUC §104-6-1.

*"The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment."*

Small Subdivision: "The planning director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission LUC §106-1-8 (f)." This proposal qualifies as a small subdivision consisting of three or fewer and one that no new streets are being created or realigned."

Natural Hazards: A Geologic Reconnaissance has been prepared by GCS Geoscience dated January 29, 2019, File No. 2019.02. The County Interactive geologic map indicates the presence of the Ogden Valley North Fork fault bisecting the property. Page five of the geologic reconnaissance states that the Ogden Valley North Fork fault is not considered an active risk to the site. Page 9 of the geologic reconnaissance recommends that; 1) A site-specific geotechnical engineering and groundwater study for the home-site design and construction and 2) minimally we recommend that a licensed geotechnical Engineer observe the foundation excavations prior to setting the footings of the proposed structure.

Flood Zone: This parcel is within an area of minimal flood hazard and determined to be outside the 500-year flood level.

Culinary Water: The owner has obtained water allotments from Weber Basin Water District, and has applied to the State for a Well Permit. Each lot will have permission to drill wells and use the water for domestic, livestock, and irrigation use after obtaining well permits.

Sanitary System: Weber-Morgan Health Department has provided a feasibility letter stating that the site and soils evaluation is complete, and a wastewater disposal system is permissible.

Review Agencies: The Weber County Fire District has posted a request for information regarding fire hydrants and has included development requirements. Weber County Engineering has required that the developer enters into a deferral agreement and that owners accept responsibility for stormwater runoff. Weber County Planning Division and Surveyors Office have posted reviews that will be addressed by a revised plat.

Public Notice: All property owners of record within 500 feet of the subject property received notice by mail.

## Staff Recommendation

Staff recommends final plat approval of Montgomery Acres, consisting of three lots. The following conditions are included with the Planning Staff's recommendation:

1. The subdivision plan shall meet all Weber County reviewing agency requirements prior to recording the final Mylar.
2. The owner will provide a well permit from the State for one of the lots within the development.
3. The recommendations of the Geologic hazard report.
4. The owner enters into a deferral agreement.

The following findings are the basis for the planning staff's recommendation:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes.

## Administrative Approval

Administrative final approval of Montgomery Acres, consisting of 3 lots, 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.

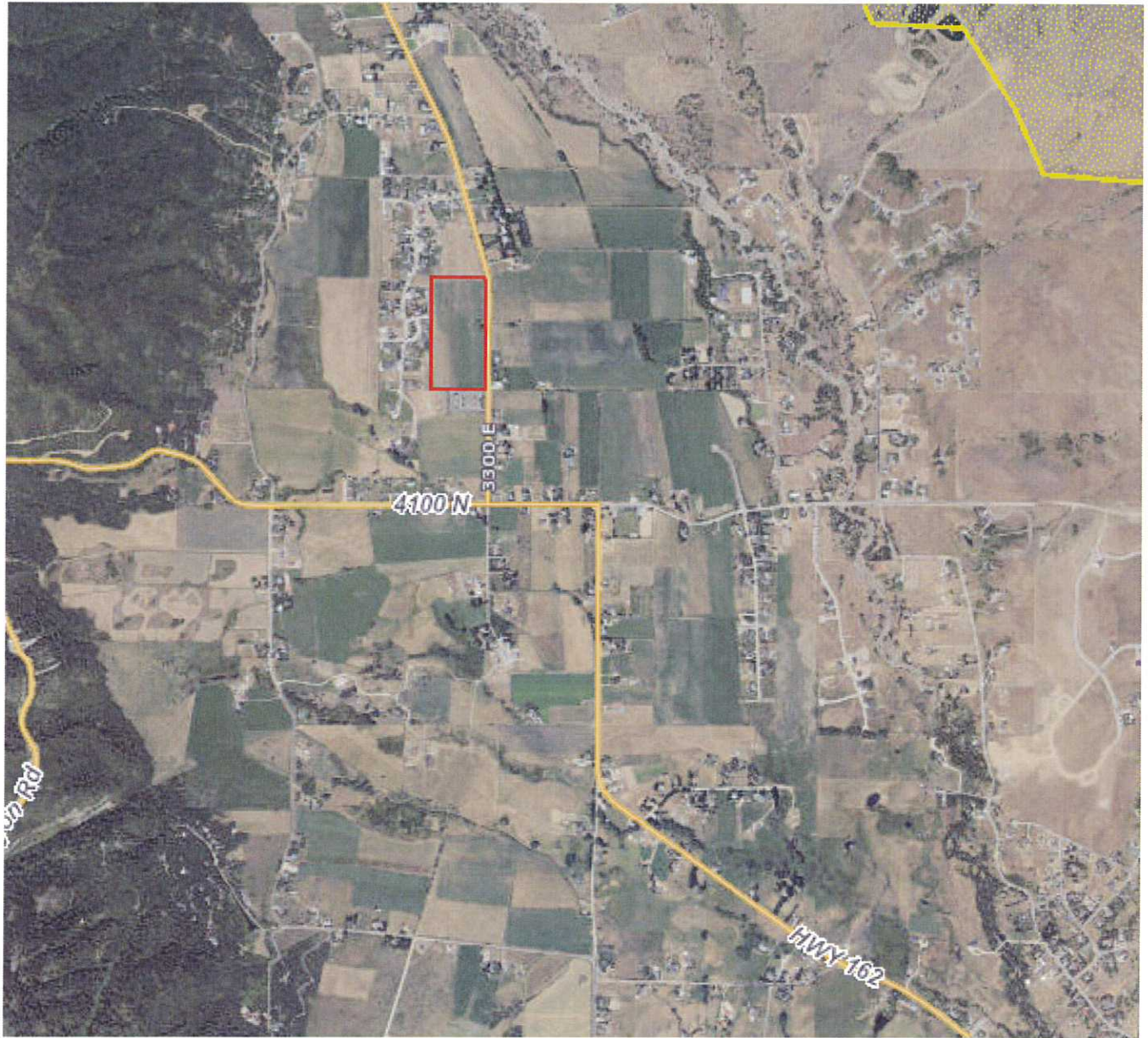
Date of Administrative Approval: 5/11/19

  
\_\_\_\_\_  
Rick Grover  
Weber County Planning Director

## Exhibits

- A. Montgomery Acres Plat
- B. Current Recorders Plat
- C. Health Department feasibility letter
- D. State of Utah Applications for Exchange of Water

Area Map





S.W. 1/4  
SECTION 17, T.7N., R.1E., S.L.B. & M.

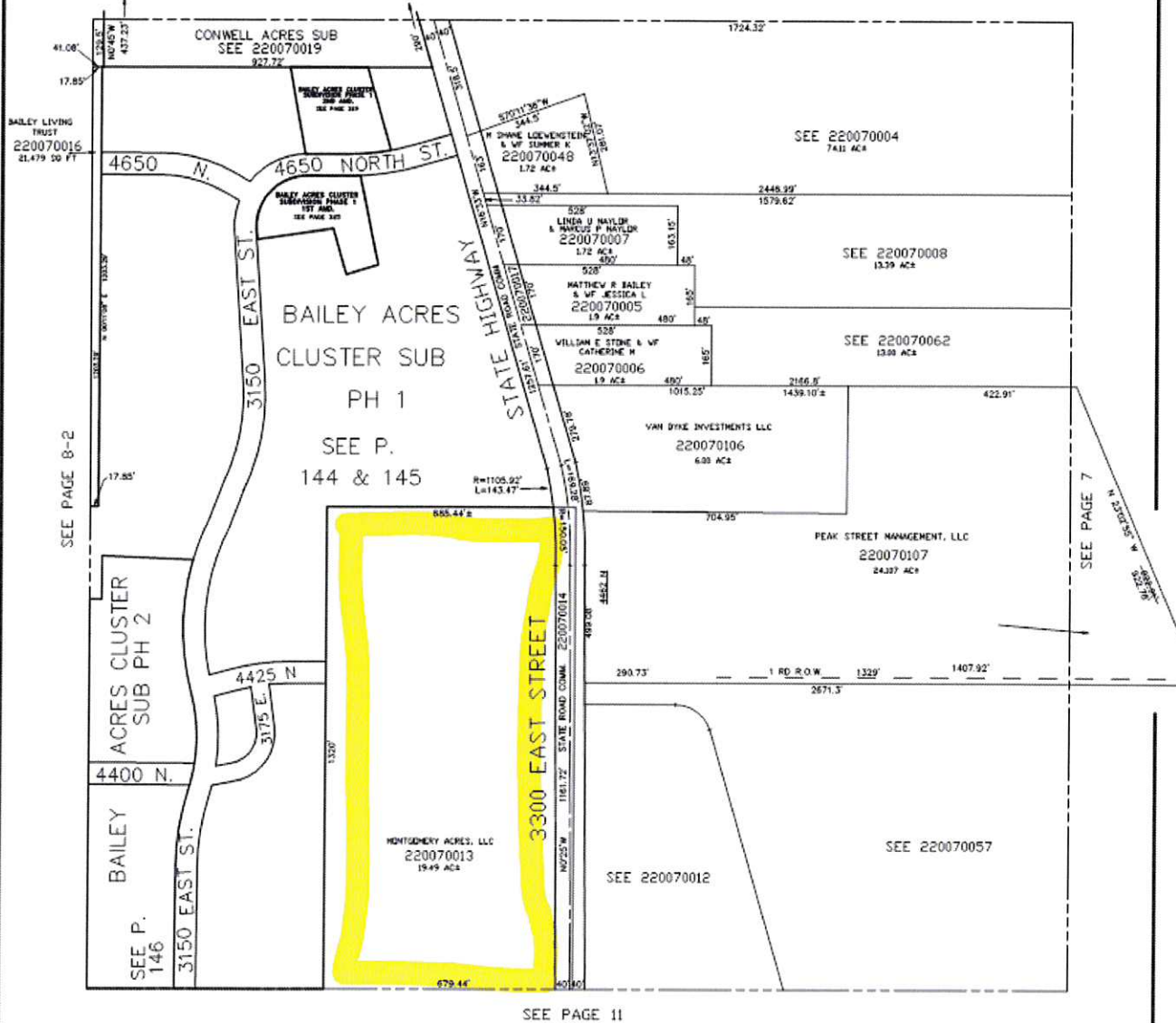
7-2

IN WEBER COUNTY

SCALE 1" = 200'

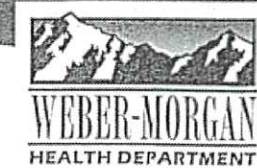
SEE PAGE 7-1

TAXING UNIT: 36



BRIAN W. BENNION, M.P.A., L.E.H.S.  
Health Officer/Executive Director

September 24, 2018



Weber County Planning Commission  
2380 Washington Blvd.  
Ogden, UT 84401

RE: Jared Montgomery  
4500 N 3300 E  
Liberty, UT 84310  
Parcel #22-007-0013  
Soil log #14738

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Liberty Pipeline Company, an extension of an existing approved non-community water system. A letter from the water supplier is required prior to issuance of a permit.

#### DESIGN REQUIREMENTS

Soil characteristics and anticipated ground water tables not to exceed 48 inches, fall within the range of acceptability for the utilization of a Wisconsin Mound Treatment System as a means of wastewater disposal in the areas of exploration pit #1 and #2. As defined in the Utah Administrative Code R317-4 Table 6 the absorption area is to be designed using a maximum loading rate of 0.32 gal/ft<sup>2</sup>/day for a Wisconsin Mound absorption area. Maximum trench depth is limited to 0 inches.

Soil characteristics and anticipated ground water tables not to exceed 48 inches, fall within the range of acceptability for the utilization of an At-Grade Wastewater Disposal System in the area of exploration pit #3. A maximum hydraulic loading rate of 0.65 gal/ft<sup>2</sup>/day shall be used to design the drainfield with a trench depth limited to 0 inches.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following items are required for a formal subdivision review; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned.

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,

Craig Jorgensen, LEHS  
Environmental Health Division  
801-399-7160

EDUCATE | ENGAGE | EMPOWER

phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | [www.webermorganhealth.org](http://www.webermorganhealth.org)

# APPLICATION FOR EXCHANGE OF WATER

## STATE OF UTAH

Rec. by ck # 3243 <sup>UP</sup>

Fee Reqd \$ 150.00

Receipt # 19-00

For the purpose of obtaining permission to make an exchange of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Laws of Utah (Sec. 73-3-20, Utah Code Annotated, 1953).

EXCHANGE: E889  
(X9095NAVA)

BASE: 35-7397 CONTRACT/STOCK#: 46635  
COUNTY TAX ID: 22-007-0013

35-13518

\*\*\*\*\*

1. NAME: Montgomery Acres LLC  
ADDRESS: 1618 N 750 W  
Harrisville UT  
84404

2. Filed: 3-6-2019

Priority: 3-6-2019

\*\*\*\*\* CURRENT RIGHT \*\*\*\*\*

3. RIGHT EVIDENCED BY:

U.S. Bureau of Recl. & Contract with Weber Basin Water Conservancy District under 35-7397 (A10989)

4. FLOW: 1.0 acre-feet  
SOURCE: Pineview Reservoir  
COUNTY: Weber

5. POINT OF DIVERSION -- SURFACE:

(1) N 1,699 ft. E 603 ft. from S¼ corner, Section 16, T 6N, R 1E, SLBM  
Diverting Works: Pineview Reservoir  
Source: Ogden River

6. NATURE OF USE:

OTHER: Irrigation, domestic, municipal, industrial, power & stockwatering. Supplementl.

PERIOD OF USE:

Jan 1 to Dec 31

\*\*\*\*\* PROPOSED EXCHANGE \*\*\*\*\*

7. FLOW: 1.0 acre-feet  
SOURCE: Underground Water Well  
COUNTY: Weber

PERIOD OF USE: Jan 1 to Dec 31

COMMON DESCRIPTION: Liberty

8. POINT OF EXCHANGE -- UNDERGROUND:

(1) N 1,284 ft. E 1,127 ft. from SW corner, Section 17, T 7N, R 1E, SLBM  
Diameter of Well: 8 ins. Depth of Well: 100 to 500 feet

Continued on Next Page

RECEIVED

MAR 06 2019

WATER RIGHTS  
SALT LAKE

Exchange



9. POINT(S) OF RELEASE:

FLOW: 1.0 acre-feet

PERIOD OF USE: Jan 1 to Dec 31

\*\*\*Location of Release Point(s) is the SAME as Point(s) of Diversion in CURRENT RIGHT above

10. WATER USE INFORMATION:

IRRIGATION: from Apr 1 to Oct 31. SOLE SUPPLY: 0.0900 acres

STOCKWATER: from Jan 1 to Dec 31. SOLE SUPPLY: 10.0000 units

DOMESTIC: from Jan 1 to Dec 31. SOLE SUPPLY: 1.0000 families

PLACE OF USE: (which includes all or part of the following legal subdivisions:)

Northwest Quarter				Northeast Quarter				Southwest Quarter				Southeast Quarter				Section
BS	TOW	RANG	SEC	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
SL	7N	1E	17			*				*		0.0900	*			0.0900
															Group Total:	0.0900

EXPLANATORY

Contract Date: Mar 6, 2019

Applicant is planning on sub-dividing the parcel into three lots.

Proposing to drill new well for the domestic, livestock and irrigation use.

\*\*\*\*\*

If applicant is a corporation or other organization, signature must be the name of such corporation or organization by its proper officer, or in the name of the partnership by one of the partners, and the names of the other partners shall be listed. If there is more than one applicant, a power of attorney, authorizing one to act for all should accompany the application.

\*\*\*\*\*

The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, including maps and other attached documents, at the time filing, rests with the applicant(s).

Montgomery Acres LLC

# APPLICATION FOR EXCHANGE OF WATER

STATE OF UTAH

Rec. by CA#3243

Fee Reqd \$ 150.00

Receipt # 19-00

For the purpose of obtaining permission to make an exchange of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Laws of Utah (Sec.73-3-20, Utah Code Annotated, 1953).

EXCHANGE: E5890 BASE: 35-7397 CONTRACT/STOCK#: 46633  
(X907SNAVA) COUNTY TAX ID: 22-007-0013

35-13579

1. NAME: Montgomery Acres LLC  
ADDRESS: 1618 N 750 W  
Harrisville UT  
84404-6103

2. Filed: 3-6-2019

Priority: 3-6-2019

\*\*\*\*\* CURRENT RIGHT \*\*\*\*\*

3. RIGHT EVIDENCED BY:

U.S. Bureau of Recl. & Contract with Weber Basin Water Conservancy District under 35-7397 (A10989)

4. FLOW: 3.0 acre-feet  
SOURCE: Pineview Reservoir  
COUNTY: Weber

5. POINT OF DIVERSION -- SURFACE:  
(1) N 1,699 ft. E 603 ft. from S $\frac{1}{4}$  corner, Section 16, T 6N, R 1E, SLBM  
Diverting Works: Pineview Reservoir  
Source: Ogden River

6. NATURE OF USE: OTHER: Irrigation, domestic, municipal, industrial, power & stockwatering. Supplementl. PERIOD OF USE: Jan 1 to Dec 31

\*\*\*\*\* PROPOSED EXCHANGE \*\*\*\*\*

7. FLOW: 3.0 acre-feet PERIOD OF USE: Jan 1 to Dec 31  
SOURCE: Underground Water Well  
COUNTY: Weber COMMON DESCRIPTION: In Liberty

8. POINT OF EXCHANGE -- UNDERGROUND:  
(1) N 1,284 ft. E 1,127 ft. from SW corner, Section 17, T 7N, R 1E, SLBM  
Diameter of Well: 6 ins. Depth of Well: 100 to 500 feet

Continued on Next Page

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SL	74	1E	17				*					*				0.0900
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Rec. by CL#3243 <sup>4p</sup>

Fee Reqd \$ 150.00

Receipt # 19-00

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EXCHANGE: E 5891 BASE: 35-7397 CONTRACT/STOCK#: 46634 35-13520  
(X908SNAVA) COUNTY TAX ID: 22-007-0013

1. NAME: Montgomery Acres LLC  
ADDRESS: 1618 N 750 W  
Harrisville UT  
84404

2. Filed: 3-6-2019 Priority: 3-6-2019

\*\*\*\*\* CURRENT RIGHT \*\*\*\*\*

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Source: Ogden River

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SL	7N	1E	17				*				*			0.0900	*	0.0900
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Montgomery Acres LLC

....



GARY R. HERBERT  
*Governor*  
 SPENCER J. COX  
*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES Division of Water Rights

MICHAEL R. STYLER  
*Executive Director*

KENT L. JONES  
*State Engineer Division Director*

**OFFICIAL RECEIPT No. 19-00951** **Date: March 6, 2019**

**RECEIVED FROM:**  
 MONTGOMERY ACRES LLC  
 1618 N 750 W  
 HARRISVILLE UT  
 84404

<b>NATURE OF SERVICE:</b>			
Exchange Application	35-13518 (E5889)	\$	150.00
Exchange Application	35-13519 (E5890)		150.00
Exchange Application	35-13520 (E5891)		<u>150.00</u>
<b>TOTAL:</b>		<b>\$</b>	<b>450.00</b>

**METHOD OF PAYMENT:** Check 3243

**RECEIVED BY:** EPAYNE