



## Staff Report for Administrative Approval

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action for final plat approval of the Miller's Flats Subdivision, a 1-lot subdivision at approximately 1831 N 6700 W, Ogden

**Type of Decision:** Administrative

**Agenda Date:** Wednesday, September 29, 2021

**Applicant:** Gilbert Miller (Owner), Jim Miller (Representative)

**File Number:** LVM052021

#### Property Information

**Approximate Address:** 1831 N 6700 W, Ogden

**Project Area:** 2 acres

**Zoning:** Agricultural (A-2)

**Existing Land Use:** Vacant/Agriculture

**Proposed Land Use:** Residential

**Parcel ID:** 10-029-0001

**Township, Range, Section:** T6N, R3W, Section 2, NE 1/4

#### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Residential
<b>East:</b> Agriculture	<b>West:</b> Vacant

#### Staff Information

**Report Presenter:** Scott Perkes  
[isperkes@co.weber.ut.us](mailto:isperkes@co.weber.ut.us)  
801-399-8772

**Report Reviewer:** RG

### Applicable Ordinances

- Title 104, Chapter 7 - Agricultural (A-2)
- Title 106 - Subdivisions
- Title 108, Chapter 7, Section 19 – Building on Dedicated Substandard Streets or Public by Right of Use Roads

### Background and Summary

The applicant is requesting final administrative approval of a one lot subdivision known as Miller's Flats Subdivision located at approximately 1831 N 6700 W, Ogden (see **Exhibit A**). The Uniform Land Use Code of Weber County (LUC) §101-2-20 indicates that a "Small Subdivision" can be administratively approved by the Planning Director as long as the subdivision consists of three or fewer lots and for which no streets will be created or realigned.

The proposed subdivision is conformance with the current zoning and the applicable subdivision requirements as required in the LUC. Staff analysis of the proposed subdivision is provided below.

### Analysis

**General Plan:** The proposal conforms to the Western Weber General Plan by creating lots for the continuation of rural single family residential development in the area (2003 West Central Weber County General Plan, Residential Uses, Page 1-4).

**Zoning:** The subject property is located in the Agricultural (A-2) Zone. Single-family dwellings are a permitted use in the A-2 Zone.

**Lot area, frontage/width and yard regulations:** In the LUC §104-7-6 the A-2 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150'. The proposed lot within the subdivision meets the zoning requirements for both area (2 acres) and width (167 feet).

**Access:** The proposed lot will gain access across the front lot line from the existing 6700 West street. This street's right-of-way is currently 66 feet wide, but is planned to be 100-feet wide. The road is also unpaved beginning at the intersection of 1900 North and 6700 West and extending southward along the full frontage of the proposed lot. As such, the road is currently considered substandard in both right-of-way width and surface improvements. However, the road is not considered to be terminal as it does connect further south to 700 North and to the north at the intersection of 1900 North. Per LUC Sec. 108-7-19 (Building on Dedicated Substandard Streets of Public by Right of Use Roads):

- (a) An applicant for a land use and building permit for property which abuts and has access from a substandard dedicated street or public by right of use road, shall, as a condition of issuance of such permits, be required:
  - (1) To sign a substandard road agreement provided by the county.
  - (2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county road standards or as recommended by the county engineer in situations that warrant an alternative width such as unusual topographic or boundary conditions.

The proposed plat dedicates a 17-foot deep, by 167-foot long piece of land for the widening of 6700 West right-of-way to a full 50-foot half width on the west side of the centerline. This dedication brings the portion of 6700 West right-of-way along the lot's frontage up to width standard and satisfies condition number two as listed in LUC Sec. 108-7-19(a)(2).

As a condition of subdivision approval, the applicant will need to sign a substandard road agreement, as provided by the county, to satisfy condition number one as listed in LUC Sec. 108-7-19(a)(1).

**Culinary water:** Culinary water will be provided by West Warren-Warren Water Improvement District (see **Exhibit B**).

As a condition of subdivision approval, the applicant will need to provide an unconditional final approval letter from West Warren-Warren Water Improvement District prior to the final mylar being recorded.

**Secondary water:** Per the West Warren-Warren Water Improvement District (WWWWID) Will-Serve Letter, pressurized secondary water is only required should a second lot be subdivided in the future.

Although pressurized secondary water isn't currently available and WWWID water is allowed to be used for secondary purposes, the applicant has indicated that an on-site retention pond is filled by an existing well on the parent parcel. The applicant has generated a signed letter/certificate granting Jim Miller (future owner of the subdivided lot, and brother to the applicant) two hours per week of transferable pumping rights from the detention pond to be used as an additional secondary water source for the new lot (see **Exhibit C**).

**Sanitary sewage disposal:** Sanitary sewage disposal will be handled by an on-site waste water treatment system. A septic feasibility letter has been provided by Weber Morgan Health Department (see **Exhibit D**).

**Public Wellhead Protection Zones:** The proposed subdivision is not located within any mapped public wellhead protection zones.

**Review Agencies:** The Weber County Engineering Division, the Weber County Surveyor's Office and Weber Fire District, Weber-Morgan Health, and Addressing have reviewed the proposal. Prior to the subdivision being released for Mylar, all remaining review agencies comments will need to be addressed.

## Staff Recommendation

Staff recommends final approval of Miller's Flats Subdivision (LVM052021). This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. The applicant will need to sign a substandard road agreement, as provided by the county.
2. A deferral agreement for curb, gutter, sidewalk, and asphalt will be required prior to recording the subdivision plat.
3. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction will be recorded simultaneously with the final plat.

The recommendation for approval is based on the following findings:

1. The proposed subdivision amendment conforms to the West Central Weber General Plan.
2. With the recommended conditions, the proposed subdivision amendment complies with the Weber County Land Use Code.

## Administrative Approval

Administrative final approval of Miller's Flats Subdivision (LVM052021) 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: 9/29/21

  
Rick Grover  
Weber County Planning Director

## Exhibits

- A. Miller's Flats Final Subdivision Plat
- B. West Warren-Warren Water Improvement District Will-Serve Letter
- C. Secondary Water Pumping Rights Letter
- D. Weber-Morgan Health Department Septic Feasibility Letter

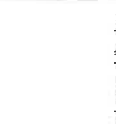
## Location Map



**SURVEYORS CERTIFICATE**  
I hereby certify that the above described plat, including the lot numbers, contains the whole of the land shown and that a survey of the described tract of land has been made and the measurements shown on the plat are true. I have verified all measurements, have placed monuments on shown corners, and have caused the plat to be prepared in accordance with the provisions of the Utah Surveyors License Act and the rules and regulations of the Board of Surveyors. In witness whereof, I have hereunto set my hand and the seal of the Utah Surveyors Association at the City of Salt Lake City, Utah, this \_\_\_\_\_ day of February, 2021.  
\_\_\_\_\_ of \_\_\_\_\_ Utah Surveyors Association  
\_\_\_\_\_  
Surveyor No. 19832

**BOUNDARY DESCRIPTION**  
A parcel of land lying and situated in the Northeast Quarter of Section 2, Township 8 North, Range 5 West, Salt Lake Base, and Meridian. This parcel is bounded on the north by the north-south line of the West Warren, Weber County, Utah Subdivision, Entry 1283248, Book 1804, Page 308, at this subdivision, however, the boundary between the West Warren plat and the north-south line of the subdivision is not shown on the plat. The boundary between the West Warren plat and the north-south line of the subdivision is shown on the plat as a dashed line. The boundary between the West Warren plat and the north-south line of the subdivision is shown on the plat as a dashed line. The boundary between the West Warren plat and the north-south line of the subdivision is shown on the plat as a dashed line.

**OWNERS DEDICATION**  
Known all men by these presents that the undersigned owners of the above described tract of land having caused the same to be subdivided into lots, public roads, streets, alleys, and easements, have hereby granted and do hereby grant and do hereby dedicate to the county of Weber the following portions of said tract of land designated as public roads, streets, alleys, and easements for public utility and drainage purposes as shown hereon, with no buildings or structures being erected within such easements.



Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
Gilbert C. Miller, husband  
Mado B. Miller, wife

**ACKNOWLEDGMENT**  
STATE OF UTAH  
COUNTY OF WEBER } S.S.  
On the \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared before me, the undersigned Notary Public in and for said County of Weber, in said State of Utah, the above named parties, who are duly qualified to execute the foregoing instrument, and acknowledged to me that they signed it freely and voluntarily for the purposes therein mentioned.

**WEBER COUNTY RECORDS**  
I hereby certify that the sale, perfection rates and title insurance are approved for an on-line state motor system. This \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
Director, Weber-Morgan Health Department

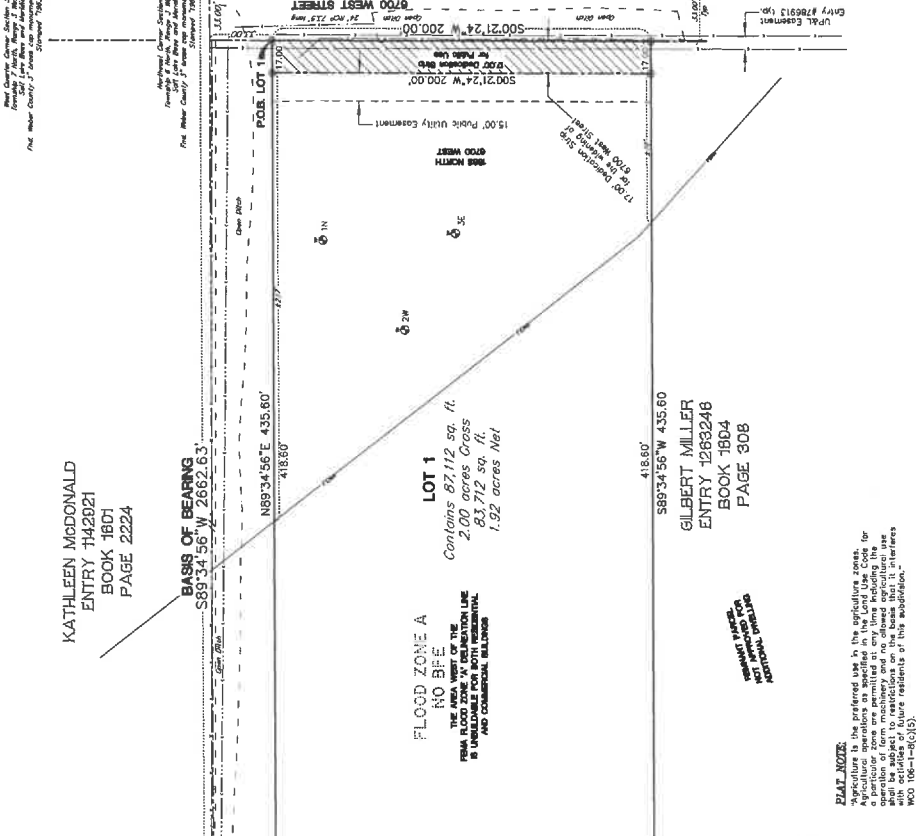
**WEBER COUNTY RECORDS**  
ENTRY NUMBER \_\_\_\_\_  
FILE AND \_\_\_\_\_  
FILED FOR RECORD AND RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ OF THE \_\_\_\_\_ PLAT RECORDS.  
DEPUTY COUNTY RECORDER

**MILLER'S FLATS SUBDIVISION**  
WEST WARREN, WEBER COUNTY, UTAH  
TOWNSHIP 8 NORTH, RANGE 5 WEST, SALT LAKE BASE, AND MERIDIAN  
SURVEY PERFORMED: FEBRUARY 2021

KATHLEEN McDONALD  
ENTRY 1442921  
BOOK 1801  
PAGE 2224

**LOT 1**  
Contains 87,112 sq. ft.  
2.00 acres Gross  
83,712 sq. ft.  
1.92 acres Net

GILBERT MILLER  
ENTRY 1283248  
BOOK 1804  
PAGE 308



**PLAT NOTES:**  
Agriculture is the preferred use in the outcroppings zones. Agricultural operations as specified in the Land Use Code or other applicable laws are permitted in the outcroppings zones, provided that the use of farm machinery and no other agricultural use operations are consistent with the objectives of the outcroppings zones with the exception of farm machinery and other agricultural operations which are prohibited in the outcroppings zones. The use of farm machinery and other agricultural operations is prohibited in the outcroppings zones.

**WEBER COUNTY ENGINEER**  
I hereby certify that the attached plat, instrument standards and drawings for this subdivision conform with the standards and drawings for this subdivision, and I have approved the same for recording in the public records of the County of Weber, Utah. This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
\_\_\_\_\_  
Chairman, Weber County Planning Commission

**WEBER COUNTY COMMISSION APPROVAL**  
This is to certify that the subdivision plat was duly approved by the Weber County Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
\_\_\_\_\_  
Chairman, Weber County Planning Commission

**WEBER COUNTY ENGINEER**  
I hereby certify that the attached plat, instrument standards and drawings for this subdivision conform with the standards and drawings for this subdivision, and I have approved the same for recording in the public records of the County of Weber, Utah. This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
\_\_\_\_\_  
Chairman, Weber County Planning Commission

**COUNTY SURVEYORS CERTIFICATE**  
I hereby certify that the Weber County Surveyors Office has reviewed the above described plat, including the lot numbers, and that the same contains the whole of the land shown and that a survey of the described tract of land has been made and the measurements shown on the plat are true. I have verified all measurements, have placed monuments on shown corners, and have caused the plat to be prepared in accordance with the provisions of the Utah Surveyors License Act and the rules and regulations of the Board of Surveyors. In witness whereof, I have hereunto set my hand and the seal of the Utah Surveyors Association at the City of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
\_\_\_\_\_  
Surveyor No. \_\_\_\_\_

**WEBER COUNTY ATTORNEY**  
I have examined the financial statements and other documents associated with this subdivision plat and in my opinion the same conform to the provisions of the Utah Subdivision Plat Act and the rules and regulations of the Board of Surveyors. This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
\_\_\_\_\_  
Attorney

**Boundary Consultants**  
3554 West 2425 North, Hooper, Utah  
801-782-1569  
dave@boundaryconsultants.biz

**BOUNDARY CONSULTANTS**  
WEBER COUNTY ENGINEER  
GILBERT MILLER  
ENTRY 1283248  
BOOK 1804  
PAGE 308

West Warren-Warren Water Improvement District  
1561 S. 7500 W.  
Ogden, UT 84404  
801-259-7614  
westwarrenwtr@gmail.com

4/27/21

To Whom It May Concern:

RE: CULINARY WATER WILL-SERVE LETTER FOR Jim Miller

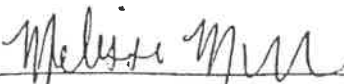
This proposed building/residence is located at approx. 1889 N. 6700 W. unincorporated Weber County. The property has not yet been assigned a parcel number, but it will consist of one residence. The West Warren-Warren Water Improvement District (hereafter the District) will supply culinary water to this proposed building/residence.

Jim Miller has provided the board with proof of secondary water and will deliver secondary water by means of a retention pond and irrigation ditch. The board has voted and approved CULINARY WATER WILL-SERVE LETTER for the future use on said property, contingent upon the following conditions:

- The Weber Basin Water Rights Impact Fee must be paid for each unit of service prior to issuance of this will-serve letter and prior to commencement of construction, to enable the purchase of sufficient water to service the district. Failure to pay said fee will result in measures halting construction. PAID as of 4/23/21.
- The Capital Facilities Impact Fee and Connection fee Without Existing Service Lateral or Connection Fee With Existing Service Lateral, must be paid prior to installation of a meter and water connection lines and materials. Per the water district's contract with Weber Basin, no water can be delivered until all fees have been paid.
- The installation of a functioning, pressurized, secondary water delivery system for any subdivision over 2 lots, inspected and approved by the WWWWID board chairman, prior to final inspection of the home. Pressure requirements are a minimum of 50 to a maximum of 80 lbsp.
- Any amendments to the original plat or the plan for the secondary water system will need a new approval by the water board at a monthly meeting.
- All water lines, materials and installations must be done to the specification of the WWWWID board, and must be inspected by the board chairman, or his designee, along with any necessary bacterial testing required by the state.
- A deposit of \$100.00 for metered water to be used during construction, must be paid prior to the commencement of construction.

Should you have clerical questions or comments, please contact the district clerk. Please direct questions regarding water systems, materials, etc., to (801-791-7368) Randy Giordano, Chairman of the WWWWID Board. This letter expires 1 year from the day it is issued.

Sincerely,



Melissa Murray, Clerk

West Warren-Warren Water Improvement District

To Whom It May Concern,

Exhibit C

I, Gilbert C. Miller give Jim T. Miller 2 hours per week of pumping rights from my retention pond located on my property at 1831 N. 6700 W. Warren UT 84404 to be used as secondary water that can be transferable to upon the sale of properties.

If you have any questions, concerns, or if I can be of further assistance, I can be reached at 801-389-4083.

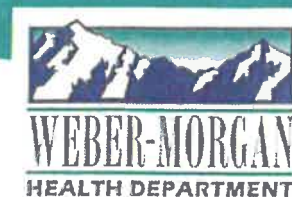
Regards,



Gilbert C. Miller



BRIAN COWAN, MPH, LEHS  
Health Officer/Executive Director



April 22, 2021

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

RE: Gilbert Miller  
1831 N 6700 W Warren, UT  
Parcel #10-029-0001  
Soil log #14913

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by West Warren-Warren Water Improvement District, an approved community water system. **A letter from the water supplier is required prior to issuance of a permit.**

#### DESIGN REQUIREMENTS

Anticipated ground water tables not to exceed 12 inches, fall within the range of acceptability for the utilization of a Wisconsin Mound Treatment System or a Packed Bed Media Treatment System followed by an At-Grade absorption area as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption field is to be designed using a maximum loading rate of 0.22 gal/ft<sup>2</sup>/day for a Wisconsin Mound absorption area, or 0.4 gal/ft<sup>2</sup>/day for the At-Grade absorption area as required for the clay loam, granular structure soil horizon.

#### ENGINEERING CONSIDERATION

This property is adjacent to a canal to the north and a pond created by overflow runoff from a well in the center. The proposed wastewater disposal system absorption and replacement areas must maintain a minimum setback of 100 feet from all ditches, canals, bodies of surface water, etc. This setback can be reduced to 50 feet for Packed Bed Media Systems.

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,

Ryan Klinge  
Environmental Health Division  
801-399-7160

EDUCATE | ENGAGE | EMPOWER

BRIAN COWAN, MPH, LEHS  
Health Officer/Executive Director



April 22, 2021

Jim Miller  
2189 N 4425 W  
Plain City, Utah 84404

**Subject: Water Table Monitoring, Located at 1831 N 6700 W in Ogden, Utah. Parcel #10-029-0001.**

This letter is to notify you of the results for water table monitoring conducted on your property. Monitoring was performed from January 14, 2021 through March 18, 2021.

The high water table for the subject property was measured at 25 inches below ground surface throughout the monitoring period. In years where the precipitation falls below seasonal averages, Utah Administrative Code R317-4 allows for an adjusted maximum water table based on one or more of the following:

i. Regular monitoring of the ground water table, or ground water table, perched, in an observation well for a period of one year, or for the period of the maximum groundwater table

(1) Previous ground water records and climatological or other information may be consulted for each site proposed for an onsite wastewater system and may be used to adjust the observed maximum ground water table elevation.

ii. Direct visual observation of the maximum ground water table in a soil exploration pit for:

(1) Evidence of crystals of salt left by the maximum ground water table; or

(2) Chemically reduced iron in the soil, reflected by redoximorphic features, i.e. a mottled coloring.

(3) Previous ground water records and climatological or other information may be consulted for each site proposed for an onsite wastewater system and may be used to adjust the observed maximum ground water table elevation in determining the anticipated maximum ground water table elevation.

The water table for the subject property remained below 12 inches throughout the monitoring period. Therefore, a **Wisconsin Mound Wastewater Disposal System or Packed Bed Media Wastewater Disposal System with an At-Grade Absorption Area** would be suitable for the property with respect to water table.



The Weber-Morgan Health Department does not assert that this property meets zoning, subdivision or any other development feasibility requirements.

If not already accomplished, the following requirements must be satisfied in accordance with Utah Administrative code R317-4 and Weber-Morgan Health Department Onsite Wastewater Treatment System regulation, before the Weber-Morgan Health Department is able to issue a letter of feasibility for residential development on the property:

1. Approval of onsite systems in western Weber County is made in accordance with the Ground Water Management Plan for Western Weber County, (adopted by the Weber-Morgan Board of Health 27 August 2001). The plan addresses replacement systems and density requirements.
2. **Drinking water.** Indicate the source. If a private well is used to supply drinking water, the well must be installed and approved.
3. **Soils Evaluation and Percolation Testing.** Soil exploration pits shall be made at the minimum rate of one exploration pit per lot proposed. Application and guidance for soils evaluation are available at the health department or online at [www.webermorganhealth.org](http://www.webermorganhealth.org). Percolation tests may be required based on soil types and must be performed by a certified individual. A list of certified individuals is available at the health department.

After the requirements above are satisfied, the health department will issue a letter of feasibility for the placement of an onsite wastewater disposal system on the subject property.

Once feasibility has been demonstrated, and the following requirements have been satisfied, the health department will then be able to issue an Onsite Wastewater Disposal Permit:

1. **System design.** Alternative systems must be designed by a Certified, level 3 onsite systems professional or other qualified professional. The system must be designed in accordance with Utah State Rule, R317-4, Onsite Wastewater Systems and Weber-Morgan Health Department Rules for Individual Wastewater Systems.
2. **Building plans.** Plans must include the property's dimensions, topographical features, easements, a floor plan (indicating the number of bedrooms and basement, if applicable), driveways and outbuildings and lot dimensions, placement of the onsite system and the location of system replacement area (must accommodate 100% replacement of the original system).
3. **Subdivision plans.** The location of all exploration pits and percolation test holes shall be clearly identified on the subdivision final plat and identified by a key number or letter designation. The results of such soil test, including stratified depths of soils and final percolation rates for each lot shall be recorded on or with the final plat.

Attached is a copy of all water table measurements and observations. Please contact this office or the undersigned at 801-399-7160 if you have questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Klinge", with a long horizontal flourish extending to the right.

Ryan Klinge  
Environmental Health Division  
Weber-Morgan Health Department

# 2021 WATER TABLE DATA

Name: Jim Miller  
 Address: 1831 N 6700 W  
 Land serial: 100290001

number of wells	3
number of sites	1
total readings	0

Table Key
exceed 36"
exceed 24"
exceed 12"

DATE	1/14/21	1/21/21	1/28/21	2/4/21	2/10/21	2/18/21	2/24/21	3/3/21	3/11/21	3/18/21
READING #	1	2	3	4	5	6	7	8	9	10
WELL #	1	2	3	4	5	6	7	8	9	10
	1N	2W	3E	1N	2W	3E	1N	2W	3E	1N
	35.5	36	34	30.5	30	25	27	29.5	30.5	32
	39.5	39	37.5	37	36	34.5	33.5	33.5	33.5	33
	31.5	33	32.5	32	31.5	28.5	28	27.5	27.5	27.5

