

Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for a conditional use permit for the LPC Lomondi Well, a culinary

well and associated pump house, as an expansion of the Liberty Pipeline Company culinary

water system.

Type of Decision: Administrative

Agenda Date: Tuesday, October 06, 2015

Applicant: Mount Ogden State of the Church of Jesus Christ of Latter Day Saints in agreement with

Liberty Pipeline Company

Authorized Agent: Mike Durtschi, project engineer (Gardner Engineering)

File Number: CUP# 2015-08

Property Information

Approximate Address: 6649 N. North Fork Road, Liberty, UT

Project Area: 23,682 sq ft (0.5436 acres)

Zoning: Forest Zone (F-5)
Existing Land Use: Private campground

Proposed Land Use: Culinary Well and Pump House

Parcel ID: 16-001-0005

Township, Range, Section: Township 7 North, Range 1 West, Section 1

Adjacent Land Use

North:Forest ResidentialSouth:ForestEast:Forest ResidentialWest:Forest

Staff Information

Report Presenter: Ronda Kippen

rkippen@co.weber.ut.us

801-399-8768

Report Reviewer: JG

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 9 Forest Zones (F-5)
- Title 104, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 104, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 10 Public Buildings and Public Utility Substations and Structures

Summary and Background

The applicant is requesting approval for a conditional use permit for a culinary well and associated pump house to be located at approximately 6649 N. North Fork Road, Liberty, UT. The property lies in the Forest 5 Zone (F-5) which allows "Water pumping plants and reservoirs" as well as "Public utility substations and transmission lines" only when authorized by a conditional use permit. Liberty Pipeline Company has identified the need to increase their culinary water system and has conducted a hydro-geologic study to identify a location for a new well (see Exhibit A). The proposed location has been deemed the most favorable for the well considering the layout and needs of Liberty Pipeline Company for the expansion of the culinary water system. The proposed site is located along the northern property line of "Camp Lomondi" in the North Park area on property owned by the Mount Ogden Stake of the Church of Jesus Christ of Latter Day Saints.

The property is used as a private campground during the summer months with multiple outbuildings on site that are considered accessory structures to the private campground. Liberty Pipeline Company will need to secure the applicable easements from the property owners to utilize approximately 23,682 sq. ft. (0.5436 acres) including an access easement, a perpetual easement, source protection easement, and construction easement in order to create and maintain legal access

to the site. The proposal is not anticipated to negatively impact the adjacent property owners due to the remoteness of the site and the small scale of the project. The proposed use will be beneficial to the residents of the Liberty area by providing adequate culinary water services to the property owners within the Liberty Pipeline Company servicing district.

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

Analysis

<u>General Plan:</u> The Ogden Valley General Plan identifies the need for new water sources to meet the demands of future growth while balancing the concern regarding the number of private wells and the cumulative impacts on water availability and water quality. The proposal supports the long-term goal to improve and expand the Valley's existing water systems throughout developing areas. (see the 1998 Ogden Valley General Plan §9.03 Water System & 9.04 Private Wells).

<u>Zoning:</u> The subject property is located within the F-5 Zone which is categorized as a "Forest Zone". The intent of the forest zones can be further described per LUC §104-9-1 as follows:

- a. 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.
- b. The objectives in establishing the forest zones are:
 - 1. To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions;
 - 2. To reduce the hazards of flood and fire;
 - 3. To prevent sanitation and pollution problems and protect the watershed;
 - 4. To provide areas for private and public recreation and recreation resorts; and
 - 5. To provide areas for homes, summer homes, and summer camp sites.

The F-5 Zone has specific standards identified in the LUC §104-9-4 that shall be met as part of the development process. The applicable standards are as follows:

- Minimum yard setbacks:
 - Front: 30'Side: 20'Rear: 30'
- Minimum lot area: 5 acresMinimum lot width: 300'Main Building height:
- Maximum: 35'
 - Accessory building height:
 - Maximum: 25', unless meeting requirements of LUC §108-7-16, Large accessory buildings

The proposed use is conditionally allowed in the F-5 zone and has been reviewed as a "Water pumping plants and reservoirs" as well as "Public utility substations and transmission lines". The location and arrangement of public utility substations and structures must be in accordance with construction plans submitted to and approved by the planning commission. The minimum lot area for all public utility substations per LUC §108-10-2 is waived and the rear yard requirements may be reduced in the Forest Zones to 20' per LUC §108-10-3.

The Ogden Valley Sensitive Lands Overlay Districts Zone has specific standards identified in the LUC §104-28-2 that shall be met as part of the development process. The applicable standards are as follows:

Development standards.

(1) Setbacks. No structure, accessory structure, road, or parking area shall be built within the required setback from a river or stream as measured from the high water mark of the river or stream. The high water mark shall be determined by the Weber County engineer. The areas within the setback shall be maintained in a manner that protects the quality of water in the river or stream and the habitat of native vegetation and wildlife along the river or stream.

- a. Structures, accessory structures, roads, or parking areas shall not be developed or located within 100 feet on both sides of the North Fork, South Fork, and Middle Fork of the Ogden River, from the high water mark of the river.
- b. Structures, accessory structures, roads, or parking areas shall not be developed or located within 75 feet on both sides of year-round streams, as determined from the high water mark of the stream.
- c. Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark of a natural ephemeral stream.

According to the proposal, it appears that a portion of the improvements will fall within the required 100' setback for the North Fork River running along the east side of the identified easement area. The proposed improvements in this area will be underground and the applicant has provided adequate reclamation plans to ensure that the stream corridor is maintained in a manner that protects the intent of this code. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met. With the recommended conditions of approval, the proposal appears to meet all of the standards identified.

<u>Conditional Use Review</u>: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The property is currently owned by the Mount Ogden Stake of the Church of Jesus Christ of Latter Day Saints. The well protection area will encroach on the neighboring property to the north which is owned by the Lewis Swain Family Trust. A draft of the necessary easements has been provided to the Planning Division; however, a final signed copy of all easements and/or lease agreement for the access, location and affiliated construction for the proposed culinary well and pump house will need to be provided to the Planning Division prior to the issuance of the conditional use permit.

The applicant has provided proof of water and a copy of the "Project Notification Form" that has been submitted to the State of Utah Division of Drinking Water for approval. Prior to commencing work, Liberty Pipeline Company will need to receive approval from the applicable agencies for the new culinary well and pump house. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.

<u>Design Review</u>: The forest zone and the proposed conditional use, mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. Certain areas of the design review are only applicable due to the nature of the request. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- Considerations relating to traffic safety and traffic congestion. As part of this consideration, the applicant has provided detailed a site plan (see Exhibit B). The proposal is not considered large scale construction; therefore considerable traffic congestion or delay is not anticipated. Per the County Engineering Division, the contractor will be responsible to guarantee site materials are not tracked onto the County roadways. A condition of approval has been added to the Planning Division's recommendation to ensure the contractor cleans all equipment prior to exiting the site and sweeps the County roadway as needed, removing any material tracked from the site onto the asphalt, in order to provide safe vehicular traffic along North Fork Road. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.
- Considerations relating to landscaping. The area of disturbance is very minimal. The proposal has been
 designed in a manor to maintain all mature trees in the area. It is anticipated that some trimming of the mature
 trees will be necessary and all trees that are removed during construction will be replanted with the same
 species conifer tree. The disturbed area will be reseeded after construction with native grasses (see Exhibit C).
- Considerations relating to buildings and site layout. The proposed pump house is 12' x 16' (see Exhibit C). The external surface of the structure is proposed to be constructed of grey concrete masonry units with a forest green non-reflective metal roof. The Ogden Valley Architectural, Landscaping and Screening Design Standards as outlined in LUC §108-2-4(2) does not allow for "CMUs" for "exposed fronts and street sides of buildings" unless it is specially colored and textured. The applicant has proposed the grey CMU design in order to remain consistent with the existing structures onsite. Due to the structure not being visible from the public street, it appears that the proposal meets the minimum requirements of the applicable areas of the Uniform Land Use Code of Weber County.

- Considerations relating to utility easements, drainage, and other engineering questions. The applicant will need to
 adhere to all conditions of the Engineering Division including but not limited to storm water and surface water
 drainage, retention facilities, and site clean-up of the property. A condition has been made part of the Planning
 Division's recommendations to ensure that this standard is met.
- Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval. The proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

<u>Review Agencies:</u> Prior to the commencement of work, the applicant will need to receive the approval from all applicable agencies for the water system improvements. A condition has been made part of the Planning Division's recommendations to ensure that all conditions of the review agencies will be met.

Conformance to the General Plan

The proposed use conforms to the Ogden Valley General Plan by providing additional water sources to meet the demands of the Valley's existing water systems throughout developing areas.

Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the requirements listed in LUC §108-4-4, under "Criteria for Issuance of Conditional Use Permit", which states:

Conditional Uses shall be approved on a case-by case basis. The planning commission shall not authorize a conditional use permit unless evidence is present to establish:

- Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke or noise.
- That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards of use.

The Planning Commission will need to determine if the request for a culinary well and associated pump house has met the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the Uniform Land Use Code of Weber County? If no, then what conditions could be added in order to comply?
- Have the "Criteria for Issuance of Conditional Use Permit" and other applicable ordinances been met?

Staff Recommendation

The Planning Division recommends approval of file# CUP 2015-08, a conditional use permit for the LPC Lomondi Well, a culinary well and associated pump house, to be located at approximately 6649 N. North Fork Road, Liberty, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

- 1. Prior to the issuance of the conditional use permit, a final signed copy of all easements and/or lease agreement for the access, location and affiliated construction for the proposed culinary well and pump house will need to be provided to the Planning Division.
- 2. The site will be restored per the attached site plan to ensure the stream corridor is maintained in a manner that protects the intent of this code.
- 3. Prior to commencing work, Liberty Pipeline Company will need to receive the approval from the applicable agencies for the new culinary well and pump house.
- 4. All equipment leaving the site will be cleaned prior to entering the County right-of-way and the contractor will be responsible for sweeping the County roadway, as needed, removing any material tracked from the site onto the asphalt, in order to provide safe vehicular traffic along North Fork Road.
- 5. Requirements of the Weber County Building Inspection Division.

- 6. Requirements and recommendations of the Weber Fire District.
- 7. Requirements of the Weber County Engineering Division.
- 8. Requirements of the Weber County Health Department.

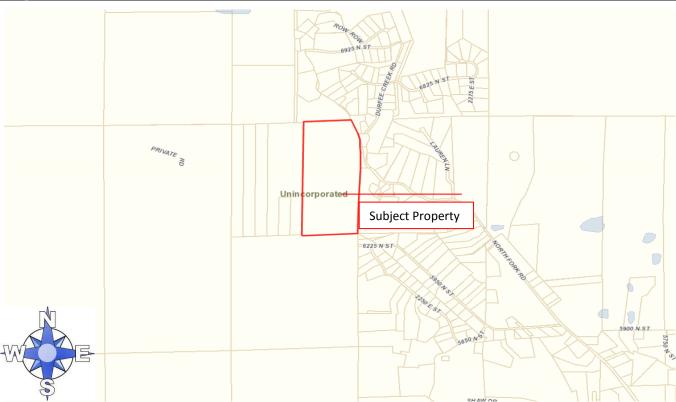
This recommendation is based on the following findings:

- 1. The proposed use conforms to the Ogden Valley General Plan.
- 2. The proposed use will provide the needed water sources to meet the demands the Ogden Valley.
- 3. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
- 4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
- 5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

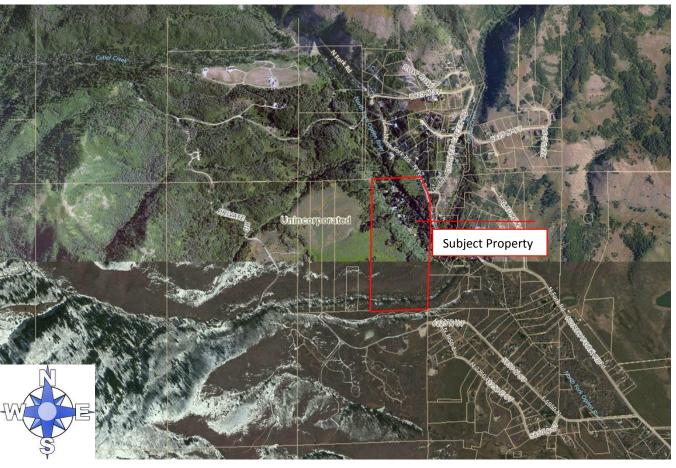
Exhibits

- A. Application
- B. Site Plan
- C. Building & Landscape Plan

Map 1



Map 2



Weber County Conditional Use Permit Application Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401					
Property Owner Contact In	nformation				
Name of Property Owner(s) MOUNT OGDEN STAKE OF THE CHURCH OF JESUS CHRIST OF LDS Lewis Swain		Mailing Address of Property Owner(s) 50 EAST NORTH TEMPLE, 12 FLOOR 1688 Canyon Cir			
Phone 801-240-1010	Fax	SALT LAKE CITY, UTAH 84150-0012 Farmington, UT 84025			
Email Address MARCHESCHI@LDSCHURCH.ORG hlswain@gmail.com		Preferred Method of Written Correspondence Email Fax Mail			
Authorized Representativ	e Contact Information				
Name of Person Authorized to Represent the Property Owner(s) MIKE DURTSCHI		Mailing Address of Authorized Person 5150 S 475 E			
Phone 801-476-0202	Fax	OGDEN, UT 84405			
Email Address MIKED@GARDNERENGINEERING.NI	ET	Preferred Method of Written Correspondence Email Fax Mail			
Property Information					
Project Name LPC LOMONDI WELL		Total Acreage 69.24	Current Zoning F-5		
Approximate Address 6649 N NORTH FORK ROAD LIBERTY, UTAH		Land Serial Number(s) 160-01-0005			
Proposed Use WELL - CULINARY WATER - 104-9-30 Project Narrative Liberty Pipeline Company in agreer capacity of culinary water system.		oposing to install a well with a 12' x 16' pur	np house. This project will increase		

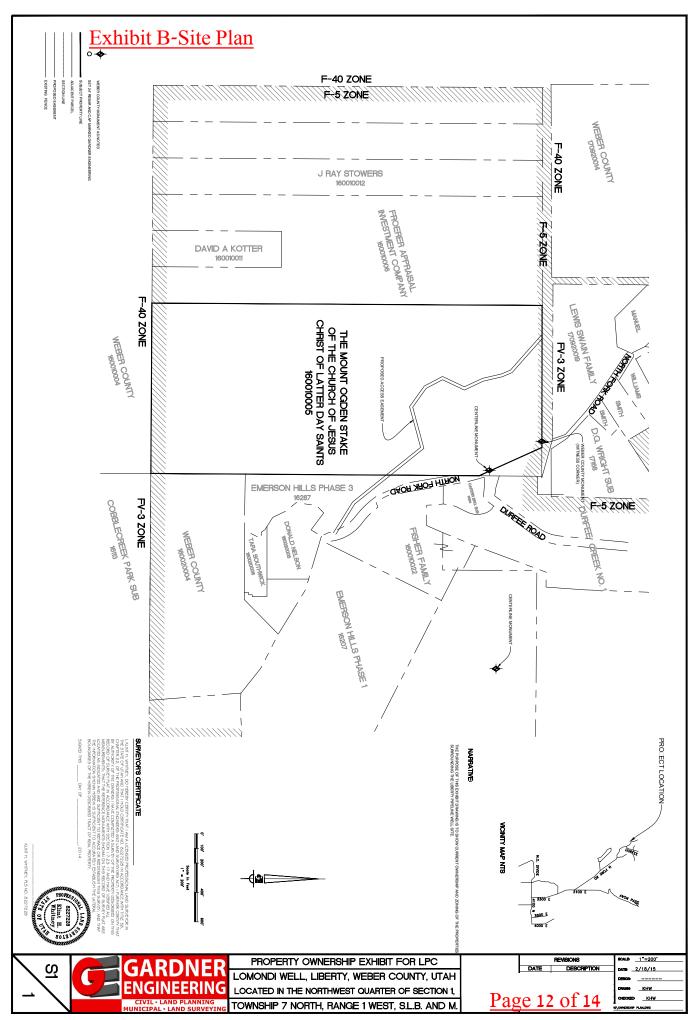
Basis for Issuance of Conditional Use Permit			
That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:			
Hydro-geologic study was conducted to site the proposed well. This location is currently the most favorable location for a well considering the layout and needs of Liberty Pipeline Company.			
That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:			
Construction of the project will take place when camp occupants are not present. Use of the facility will only generate infrequent and minimal maintenance traffic. As such no appreciable safety issues are foreseen.			

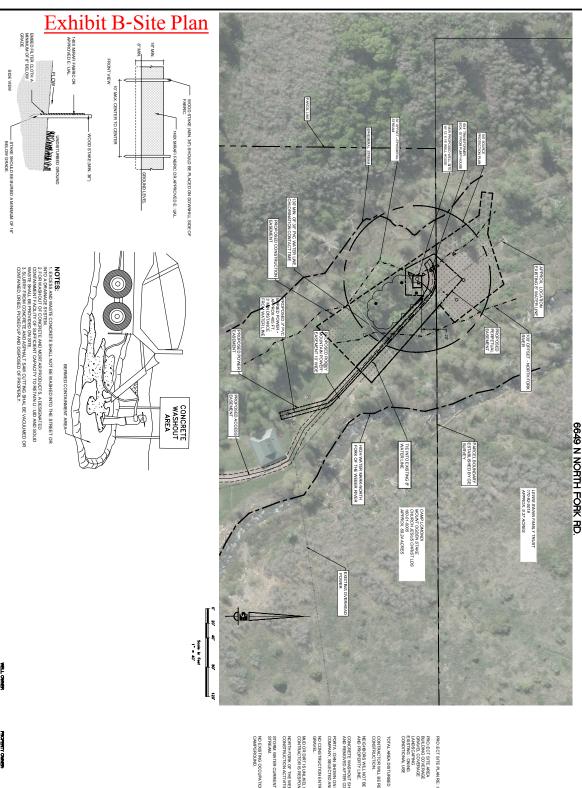
That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:				
Land Use Ordinance Section 104-9-3(14).				
That the proposed use conforms to the goals, policies and governing principles and lar	d use of the General Plan for Weber County:			
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Exhibit A-Application	
That the proposed use will not lead to the deterioration of the environment or ecolor a type or of such a quantity so as to detrimentally effect, to any appreciable degree, thereon, in the immediate vicinity of the community or area as a whole:	ogy of the general area, nor will produce conditions or emit pollutants of such public and private properties including the operation of existing uses
SWPP Plan and BMP's will be implemented on site during construction. It is anticipal constructed project.	ated that no appreciable environmental impact will come from the
Property Owner Affidavit	
I (We), A Security Servan depose and say the	nat 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 attache my (our) knowledge.	d plans and other exhibits are in all respects true and correct to the best of
(Property Owner) Child June	(Property Owner)
31 Lucius -	
Subscribed and sworn to me this 3 day of LUGIU 7, 20 15	
NOTARY PUBLIC • STATE OF UTAH COMMISSION NO. 684035 COMM. EXP. 07/28/2019	Jude Shupe
COMM. EXP. 07/28/2019	(Notary)
Authorized Representative Affidavit	
I (We), H Lewis Swain, the owner(s) of the	e real property described in the attached application, do authorized as my
(our) representative(s), <u>Gardner Engineering - Mike Durtschi</u> , t my (our) behalf before any administrative or legislative body in the County cons pertaining to the attached application.	o represent me (us) regarding the attached application and to appear on idering this application and to act in all respects as our agent in matters
(Property Owner) Junaen	(Property Owner)
(porty owici)	(Hoperty Owner)
Dated this 31 day of August, 2015, personally appears signer(s) of the Repr <u>esentative Authorization Affidavit who duly acknowle</u> dged to r	ed before me H Lews Swain, the
JUDY SHUPE	The trial triey executed the same.
NOTARY PUBLIC • STATE OF UTAH COMMISSION NO. 684035	Jul. Shere
COMM. EXP. 07/28/2019	(Notary)

Page 10 of 14

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of suc a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:
SWPP Plan and BMP's will be implemented on site during construction. It is anticipated that no appreciable environmental impact will come from the constructed project.
Property Owner Affidavit
South Weber Stake of the Church of Jesus I (We), Chrof of Latter-day Saints , 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. SIGN HERE (Property Owner) Staven k Peterson in his capacity (Property Owner) as Resident of the Court Neber State of the Church of Jesus Christ of Latter-day Saints, and as the Incumbant Capacity of Latter-day Saints, snecessor by merger to the Mount Pyden Stake of the Church of Jesus Christ of Latter-day Saints, snecessor by merger to the Mount Pyden Stake of the Church of Jesus Christ of Latter-day Saints, snecessor by merger to the Mount Pyden Stake of the Church of Jesus Christ of Latter-day Saints, snecessor by merger to the Mount Pyden Stake of the Church of Jesus Christ of Latter-day Saints, snecessor by merger to the Mount Pyden Stake of the Church of Jesus Christ of Latter-day Saints, snecessor by merger to the Mount Pyden Stake of the Church of Jesus Christ of Latter-day Saints, snecessor by merger to the Mount Pyden Stake of the Church of Jesus Christ of Latter-day Saints, snecessor by merger to the Mount Pyden Stake of the Church of Jesus Christ of Latter-day Saints and saint latter to the Church of Jesus Christ of Latter-day Saints and saint latter to the Church of Jesus Christ of Latter-day Saints and saint latter to the Church of Jesus Christ of Latter-day Saints and saint latter to the Church of Jesus Christ of Latter day Saints and saint latter to the Church of Jesus Christ of Latter day Saints and saint latter to the Church of Jesus Christ of Latter day Saints and saint latter to the Church of Jesus Christ of Latter day Saints and saint latter to the Church of Jesus Christ of Latter day Saints and saint latter to the Church of Latter day Saints and saint latter to the Church of Latter day Saints and saint latter to the Church of Latter day Sa
Jesus Christ of Latter-day Saints 3RD day of Seatamber 2015
GORDON R. JESSEE NOTARY PUBLIC - STATE OF UTAH My Comm. Exp. 08/17/2016 Commission # 657118 (Notary)
Authorized Representative Affidavit
South Weber Stake of the Chwich of Jesus I (We), Christ of Latter-day Sounds the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Gardner Engineering - Mike Durtschi 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.
(Property Owner) Stevent Peterson, in his capacity as President of the South (Property Owner) event officer of south Weber Stake of the Church of Jesus Christ of Latter-day Spirits, and as the Incumbert Corporate Officer of south Weber Stake of the Church of Jesus Christ of Latter-day Spirits, successor by merger to the Mount ogden Stake of the Church of Jesus Christ of Latter-day Spirits, successor by merger to the Mount ogden Stake of the Church of Jesus Christ of Latter-day Spirits
Dated this
GORDON R. JESSEE NOTARY PUBLIC - STATE OF UTAH My Comm. Exp. 08/17/2016 Commission # 657118 (Notary)







EROSION CONTROL SILT FENCE DETAIL

PROPERTY OWNERS

THE CHARGE OF LEGAL CHARGE OF LUTTLE-BAY
SHAFES - CORP. OF RECEIVED BENEFOR
COMMUTE- MESHAL MARCHEDIS
BAY LACE CITY, UT BAIG-DOIS
BAY LACE CITY, UT BAY LAC

 Ω

NO EXISTING OCCUPATION DURING CONSTRUCTION. SITE IS A SEASONAL GIRLS CAMPGROUND. STORM WATER CURRENTLY RUNS TO THE SOUTH SOUTH EAST TO EPHEMERAL STREAM. ORTH FORK OF THE WEBER RIVER IS THE CLOSEST DRAINAGE, APPROX. 250 FT FROM ONSTRUCTION ACTIVITIES. IT WILL BE PROTECTED BY A SILT FENCE.

CONTRACTOR WILL BE RESPONSIBLE FOR THE CONDITIONS OF THE SITE DURING CONSTRUCTION. PORTA (OHN SHOWN ON PLAN WILL BE PROVIDED AND MAINTAINED BY A PORTA (OHN COMPANY, SELECTED AND RETAINED BY CONTRACTOR. NE KHBORS WILL NOT BE AFFECTED BECAUSE OF THE DISTANCE BETWEEN THE HOME AND PROPERTY LINE. MUD OR DIRT IS UNLIKELY TO REACH THE ASPHALT ROAD LOCATED ½ MILE AWAY. CONTRACTOR IS RESPONSIBLE TO SWEEP ASPHALT AS NEEDED. CONCRETE WASHOUT SHOWN ON PLAN WILL BE MAINTAINED DURING CONSTRUCTION AND REMOVED AFTER CONSTRUCTION BY CONTRACTOR. CONSTRUCTION ENTRANCE IMPROVEMENTS ARE NEEDED, AS EXISTING ACCESS IS 23490 99 F-5 104-9-3(14) CULINARY WELL PERCENTAGE 100

	G	GARDNER ENGINEERING
		CIVIL • LAND PLANNING MUNICIPAL • LAND SURVEYING
V	5150 SOU	TH 375 EAST OGDEN, UT

SITE PLAN

LPC LOMONDI WELL 6649 N NORTH FORK RD LIBERTY, WEBER, UTAH





TOWNSHIP 7N, RANGE 1W,

PART OF SECTION 01,

LIBERTY, WEBER, UTAH

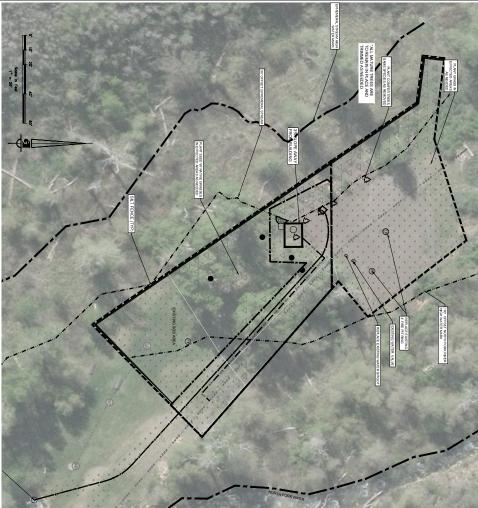
LPC LOMONDI WELL

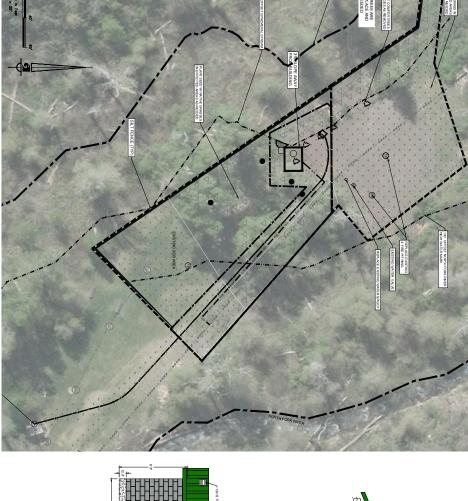
SITE PLAN

Exhibit C-Building and Landscape Plan

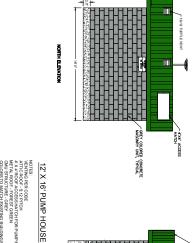
PLACE SCO. BIJLE GRASS W DROUGHT RESISTANT MX F DISTURBED BY WELL CONSTRUCTION

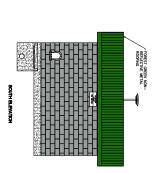


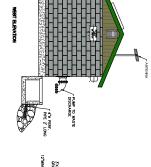


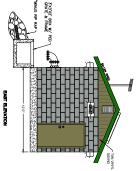












SALT LAKE BASE AND MERIDIAN TOWNSHIP 7N, RANGE 1W, LIBERTY, WEBER, UTAH PART OF SECTION 01,

LPC LOMONDI WELL LANDSCAPING PLAN

6649 N NORTH FORK RD.





LANDSCAPING PLAN

LPC LOMONDI WELL 6649 N NORTH FORK RD. LIBERTY, WEBER, UTAH



