

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



August 24, 2017

Ryan Moore  
6486 Hwy 39 #12  
Huntsville, UT 84317

RE: Weber-Morgan Health Department, Regulatory Review  
2230 N Panorama Circle, Liberty Utah  
Parcel #22-041-0007  
Soil log "13955"

Gentlemen:

A formal review of the aforementioned property has been completed by this office. The following items are items of concern which do not meet the requirements of the Utah Administrative Code R3127-4 and/or the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation at this time.

- 1) After review of the submitted topographic contour map and slope map for the lot, evidence **has not** been provided to show that the lot meets the minimum lot size of 20,000 contiguous feet with slope less than 25 percent as established in the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation. Section 4.39  
4.39 Add Table 1.1 and Table 1.2, footnote (g) to read:  
(g) Minimum lot size shall consist of 20,000 square feet of contiguous buildable area with a slope less than 25 percent.

A variance process to the 20,000 square foot lot size requirement has been established within the regulation. It has been included below for your reference

4.19 Add new Subsection D.(C) to Section 4.1. to read:

D. Variance to Section 4.1.D(C) lot size. The Board of Health may grant a variance to the 20,000 square foot lot size requirement when the following requirements are met:

1. The site must comply with R317-4 Utah Administrative Code, Onsite Wastewater System Rule.
2. A variance may only be considered on lots recorded prior to November 27, 2006. Nothing in this variance is intended to preclude from consideration those lots recorded prior to (the adoption date of this provision), which have been properly combined, at any time after the original recording, in accordance with all relevant Weber or Morgan County land use ordinances.
3. A site specific request is submitted identifying the specific criteria from which a variance is being requested. Requests are to include;
  - a. Technical justification by a Utah Registered Professional Engineer or Professional Geologist, that is currently certified as a Utah Level 2 Onsite Wastewater System Design Professional;

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- b. Justification shall include a statement of wastewater treatment technologies allowed by Utah Administrative Code R317-4 that have been considered for use, and that will provide the best available treatment to remove pollutants;
    - c. A statement of alternatives considered in lieu of the requested variance;
    - d. A statement of hardship, which creates the necessity for the variance. No variance will be allowed solely for economic gain.
  - 4. The applicant has the burden of proof that the variance is justified and will pose no greater risk to public health or the environment than a system meeting the standard being varied.
  - 5. A deed covenant and restriction is recorded with the land notifying owners of the following:
    - a. Only domestic wastewater is to be discharged to the septic system;
    - b. Representatives of the Department shall be allowed access to the land for the purpose of inspection of, or monitoring of, the wastewater treatment system;
    - c. The owner shall be responsible for all system maintenance and to correct, repair, or replace the system at the direction of the Department.
  - 6. A variance shall be received and reviewed by the Weber-Morgan Health Department Wastewater Advisory Committee and forwarded to the Weber-Morgan Board of Health with recommendations;
  - 7. The Board of Health retains the ability to impose requirements and conditions on any variance granted.
- 2) The area in which the soil evaluations were performed and determined to be permissible for a Packed Bed Media Treatment System are located within an area shown to have higher than a 25% slope. The Utah Administrative Code now includes a process for evaluating the ability to install an absorption system on slopes greater than 25% but not exceeding 35%, to ensure that public health is not compromised. The process and required documentation is included below.

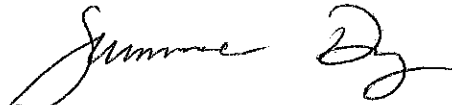
R317-4-4.5 Ground Slope. Absorption systems may not be placed on slopes where the addition of fluids is judged to create an unstable slope.

  - a. Absorption systems may be placed on slopes between 0% and 25%.
  - b. Absorption systems may be placed on slopes greater than 25% but not exceeding 35% if:
    - i. all other requirements of this rule can be met;
    - ii. effluent from the proposed system will not contaminate ground water or surface water, and will not surface or move off site before it is adequately treated to protect public health and the environment;
    - iii. no slope will fail, and there will be no other landslide or structural failure if the system is constructed and operated adequately, even if all properties in the vicinity are developed with onsite wastewater systems; and

- iv. a report is submitted by a professional engineer or professional geologist that is licensed to practice in Utah. The report shall be imprinted with the engineer's or geologist's registration seal and signature and shall include the following.
- (1) Predictions and supporting information of ground water transport from the proposed system and of expected areas of ground water mounding.
  - (2) A slope stability analysis that shall include information about the geology of the site and surrounding area, soil exploration and testing, and the effects of adding effluent.
  - (3) The cumulative effect on slope stability of added effluent if all properties in the vicinity were developed with onsite wastewater systems.
- c. Absorption systems may not be placed on slopes greater than 35%.

While a variance to minimum lot size can be requested at any time it is suggested that you initially address item two first, demonstrating the ability to install the absorption system on a slope in excess of 25% but not exceeding 35%, and also submit a complete engineered onsite wastewater treatment system design for reviewed by our office. As while not guaranteed, the approval of a variance in part must include evidence that the engineered system and site can comply with all other portions of the R317-4 Utah Administrative Code, Onsite Wastewater System Rule.

Sincerely,



Summer Day, LEHS III  
Environmental Health Division