



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for final plat approval of the John and Vicki Subdivision
Type of Decision: Administrative
Agenda Date: Wednesday, March 06, 2019
Applicant: John W. McFarland Revocable Trust
Authorized Representative: Brett McFarland/Cecil Satterthwaite
File Number: UVJ012419

Property Information

Approximate Address: 4146 North 3800 West Liberty, Ut
Project Area: 5.05 acres
Zoning: AV-3
Existing Land Use: Agriculture
Proposed Land Use: Residential/Agriculture
Parcel ID: 22-010-0021, 22-010-0023
Township, Range, Section: T7N, R1E, Section 21

Adjacent Land Use

| | |
|---------------------------------------|---------------------------------------|
| North: Residential/Agriculture | South: Residential/Agriculture |
| East: Residential/Agriculture | West: Residential/Agriculture |

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: RG

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 6 Agricultural Valley Zone (AV-3)
- Title 104, Zones, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 108, Natural Hazards Areas

Background and Summary

The Planning Division recommends final approval of the John and Vicki Subdivision, a one lot subdivision. The applicant is combining two parcels that have been deemed not to be lots of record (see location map); therefore, neither lot met the area requirement for the current zoning. The applicant has gone through the subdivision process to combine the parcels into one 5.05 acre lot which meets both the lot width and area requirement of the Agricultural Valley (AV-3) Zone (see Exhibit A).

The Uniform Land Use Code of Weber County (LUC) §101-1-7 identifies a subdivision with three or less lots as a "Small Subdivision" and can be administratively approved by the Planning Director as long no streets will be created or realigned. The proposed small subdivision and lot configuration is in conformance with the current zoning as well as the applicable subdivision requirements as required in the LUC.

Analysis

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

Zoning: The subject property is located in the Agricultural Valley Zone more particularly described as the AV-3 zone. The purpose and intent of the AV-3 zone is identified in the LUC §104-6-1 is:

“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.”

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the standards in the AV-3 zone in LUC §104-6 to ensure that the regulations and standards have been adhered to. The proposed subdivision is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations:

The AV-3 Zone minimum lot area is three acres with a minimum lot width of 150 feet. The zone allows for some permitted uses with three acres per LUC §104-6-3 with additional permitted uses for lots that exceed five acres per LUC §104-6-4. However in order to be able to utilize these additional uses the minimum lot area is five acres with a minimum lot width of 300 feet. The proposed subdivision has a lot area of 5.05 acres with a lot width of 218.08 feet. Based on the lot configuration, this lot will not qualify for the additional uses that are permitted in LUC §104-6-4 however this lot will have all entitlements of a three acre lot in the AV-3 zone including the permitted use for a single family residence. The following development standards will be reviewed upon submittal for land use approval for a residential building:

- Front yard setback: 30 feet
- Side yard setback: 10 feet with total width of 2 side yards not less than 24 feet
- Rear yard setback: 30 feet
- Maximum building height: 35 feet

Based on the proposed lot configuration, the proposed lot meets the minimum lot area and minimum lot width requirement per LUC §104-6-6.

Natural Hazards Areas: The majority of the proposed subdivision is located in a Zone “X” as determined by FEMA to be within the 500 year floodplain. Areas designated as Zone “X” are typically areas in which no analysis of flood hazards have been conducted. An additional FEMA AE Zone is identified on the plat map (see Exhibit A) however, this area is completely located within the Counties required 100-foot stream corridor setback; therefore, no structure will be located within this area noted on the plat with both the AE Zone and the 100 Foot setback line (see Exhibit A).

Culinary water and sanitary sewage disposal: Adequate proof has been provided to Weber County that a well with water rights currently provides the culinary water for the proposed subdivision (see Exhibit B). A feasibility letter from the Weber Morgan Health Department regarding the wastewater system for the proposed subdivision has been submitted as part of the application (see Exhibit C). An onsite wastewater systems agreement will need to be executed and recorded in conjunction with the Mylar to ensure adequate notice is given to future property owners of the required improvements prior to receiving a building permit through Weber County.

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

Tax clearance: The 2018 property taxes have been paid in full. The 2019 property taxes will be due in full on November 30, 2019.

Public Notice: The required noticing for the final subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

Staff Recommendation

Staff recommends final approval of the John and Vicki Subdivision, a one lot subdivision. This recommendation for approval is subject to all applicable review agency requirements and is based on the following condition:

1. An onsite wastewater systems agreement will need to be executed and recorded in conjunction with the Mylar to ensure adequate notice is given to future property owners of the required improvements prior to receiving a building permit through Weber County.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.

Administrative Approval

Administrative final approval of the John and Vicki Subdivision, a one lot subdivision 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: 3/6/19


Rick Grover
Weber County Planning Director

Exhibits

- A. Proposed John and Vicki Subdivision
- B. Proof of Culinary Water
- C. Feasibility Letter for Wastewater

Location Map



Exhibit B- Water Rights and Proof of Culinary Well

Exchange Details for E526

Utah Division of Water Rights

2/27/2019 9:43 AM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Exchange: E526 (35-6169)

Base Water Right Number: -

| | | |
|---|-------------------------|----------------|
| General: | | |
| Status: Approved | Stock/Contract #: 44353 | County Tax ID: |
| Right Evidenced By: U.S. Bureau of Reclamation and Contract with Weber Basin Water Conservancy District, under 35-88 (A10990), Weber River Decree | | |
| Proposed Det. Book: 35- | Map: | Pub. Date: |

| |
|---|
| Water Company: |
| Water Company/District associated with this Exchange: Weber Basin Water Conservancy District |

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| Owners: |
| Name: Russell T. and Helen F. McFarland Address: 2080 Fillmore Street Ogden UT 84407 |
| Interest: |
| Remarks: |

| | | |
|--|---|-----------------------------|
| Dates: | | |
| Filing: Filed: 04/24/1972 Priority: 04/24/1972 | | |
| Advertising: Publication Began: 06/22/1972 Protest End Date: | Publication End: Protested: Not Protested | Newspaper: Hearing Held: |
| Approval: State Eng. Action: Approved Recon. Req. Date: | Action Date: 08/23/1972 Recon. Req Action: | |
| Certification: Proof Due Date: Election or Proof: Certificate Date: | Extension Filed Date: Election/Proof Date: Lapsed, Etc. Date: | Lapsed Letter |
| Wells: Prov. Well Date: | Well Renov. Date: | |

--- Current Right ---

| |
|--|
| Current General: |
| Quantity of Water: 2 ACFT Source: Causey Reservoir County: Weber |

Current Points of Diversion:

Points of Diversion - Surface:
 Stream Alteration Required:
 (1) S 560 ft. W 1040 ft. from E4 corner, Sec 34 T 7N R 3E SLBM
 Diverting Works: Source:
 Elevation: UTM: 450815.039, 450815.039 (NAD83)

Current Water Uses:

Supplemental to Other Water Rights
 Miscellaneous: Irrigation and domestic Period of Use: 01/01 - 12/31

--- Proposed Exchange ---

Proposed General:

Quantity of Water - CFS: 0 And/Or: Acre Feet: 2
 From: 01/01 To: 12/31
 Source: Underground Water Well
 County: Weber
 Common Description:

Proposed Points of Exchange:

Points of Exchange - Underground:
 (1) S 1210 ft. W 245 ft. from NE corner, Sec 20 T 7N R 1E SLBM
 Well Diameter: 6 in. Depth: 93 to ft. Year Drilled: 1972 Well Log: Yes Well Id#:
 Elevation: UTM: 428458.844, 4576173.641 (NAD83)
 Source/Cmnt:

Proposed Points of Release:

Quantity of water: 0 cfs And/Or: 2 acft
 Period of Use: 01/01 To 12/31
 *** Location of Release Point(s) is the SAME as Point(s) of Diversion in CURRENT RIGHT above ***

Proposed Water Uses:

Proposed Water Uses - Group Number: 206953
 Water Rights Appurtenant to the following use(s):
 E526(APP),

Water Use Types:

| | | |
|--|-------------------|-------------------------------|
| Irrigation-Beneficial Use Amount: 0.25 acres | Group Total: 0.25 | Period of Use: 04/01 to 10/31 |
| Comments: | | |
| Stock Water-Beneficial Use Amount: 2 ELUs | Group Total: 2 | Period of Use: 01/01 to 12/31 |
| Comments: | | |
| Domestic-Beneficial Use Amount: 1 EDUs | Group Total: 1 | Period of Use: 01/01 to 12/31 |
| Comments: | | |

| Place Of Use: | North West | | | | North East | | | | South West | | | | South East | | | | Section Totals |
|------------------------------|------------|----|----|----|------------|----|----|----|------------|----|----|----|------------|----|----|----|----------------|
| | NW | NE | SW | SE | NW | NE | SW | SE | NW | NE | SW | SE | NW | NE | SW | SE | |
| Sec 20 T 7N R 1E SLBM | | | | | | X | | | | | | | | | | | |
| Group Acreage Total : | | | | | | | | | | | | | | | | | |

| | |
|--|----------------------------------|
| Proposed Use Totals: | |
| Irrigation sole-supply total: 0.25 acres | for a group total of: 0.25 acres |
| Stock Water sole-supply total: 2 ELUs | for a group total of: 2 ELUs |
| Domestic sole-supply total: 1 EDUs | for a group total of: 1 EDUs |

| | | | | | | | | | | | | | | | |
|----------------------------|----|----|----|------------|----|----|----|------------|----|----|----|------------|----|----|----|
| Place of Use Stock: | | | | | | | | | | | | | | | |
| North West | | | | North East | | | | South West | | | | South East | | | |
| NW | NE | SW | SE | NW | NE | SW | SE | NW | NE | SW | SE | NW | NE | SW | SE |
| Sec 20 T 7N R 1E SLBM | | | | X | | | | | | | | | | | |

--- Common Right ---

| | | | | | | | | | | |
|--------------------------------------|-------------|--------------|-----------------------|-------------------|--------------|---------------------|-----------|--------|-------|-------|
| Segregation History: | | | | | | | | | | |
| This Right was Segregated from: none | | | | | | | | | | |
| as originally filed: | Flow in CFS | AND/OR/BLANK | Quantity in Acre-Feet | Water Uses | | | | | | |
| | | | | Irrigated Acreage | Stock (ELUs) | Domestic (Families) | Acre-Feet | | | |
| | | | | | | | Municipal | Mining | Power | Other |
| | | 2.0 | 0.25 | 2.0 | 1.0 | | | | | |
| This Right as currently calculated: | Flow in CFS | | Quantity in Acre-Feet | Water Uses | | | | | | |
| | | | | Irrigate Acreage | Stock (ELUs) | Domestic (Families) | Acre-Feet | | | |
| | | | | | | | Municipal | Mining | Power | Other |
| | | 2.0 | 0.25 | 2.0 | 1.0 | | | | | |



December 19, 2018

John Mcfarland
3800 N 3900 E
Liberty, UT 84310

RE: **Private Well Approval at:**
4160 N 3800 E, Liberty UT
Parcel #22-010-0023

Dear Mr. Mcfarland:

The application for approval of the above referenced well has been submitted for review to determine conformance to the Weber-Morgan District Health Department Regulations for Installation and Approval of Nonpublic Water System Serving 1-14 Connections.

The following have been submitted:

1. The Water Right Number: E3360 (35-9941).
2. Well driller license #654, Sutton Drilling Inc.
3. The well is 110 feet deep with a "Bentonite Chip" seal to a depth of 18 feet and was constructed in 1995.
4. At the time of construction, the well yielded 20 GPM with a 55-foot drawdown in 1 hr.
5. The water samples for the partial inorganic analysis were submitted to Chemtech-Ford Laboratories on November 26, 2018. The water analysis was satisfactory.
6. A bacteriological water sample was collected by staff of this department on November 26, 2018. The resulting bacteriological test was found to be present for total coliform. The well was re-chlorinated and then resampled on December 13, 2018. The water analysis was satisfactory.
7. This is not a shared well.

The required 100-foot protection zone around the well must be kept free from any septic tank absorption systems, garbage dumps, hazardous and toxic material storage or disposal sites, feedlots and other concentrated sources of pollution. We would recommend that a bacteriological sample be collected and submitted for analysis on an annual basis.

Based on compliance with the above requirements, the Health Department considers this an approved well for culinary purposes.

Please contact our office at (801) 399-7160 if you have further questions.

Sincerely,

Brett Bunderson, LEHS
Division of Environmental Health

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phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | www.webermorganhealth.org

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

August 10, 2018



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

RE: Justin McFarland
4160 N 3800 E Liberty, UT 84310
Parcel # 22-010-0023
Soil log # 14671

Gentlemen:

Culinary water will be provided by a private well. The placement of the well is critical so as to provide the required 100 foot protection zone around the well. The well will need to be dug, tested and the water supply approved prior to issuance of a wastewater disposal permit.

DESIGN REQUIREMENTS

Anticipated ground water tables are not expected to exceed 48 inches. Due to the gravelly loamy sand, single grain structure soil horizon beginning at 22 inches below grade with a percolation rate of 1.2 minutes per inch the property falls within the range of acceptability for the utilization of a Packed Bed Media System as a means of wastewater disposal. As defined in the Utah Administrative Code R317-4 Table 6 the absorption area is to be designed using a maximum loading rate of 0.65 gal/sq. ft./day as required for the sandy loam, granular structure soil horizon. Maximum absorption area depth is limited to 18 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,

Brett Bunderson, LEHS
Environmental Health Division
801-399-7160

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phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | www.webermorganhealth.org