



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an administrative application, final approval of Ferguson Legacy Subdivision, consisting of 2 lots.

Agenda Date: Wednesday, August 12, 2020

Applicant: Robert & Jill Ferguson, owners

File Number: UVMH 2020-0123

Property Information

Approximate Address: 5597 E Hwy 39, Huntsville, UT

Project Area: 21.084 acres

Zoning: Forest Valley (FV-3) Zone

Existing Land Use: Vacant Residential

Proposed Land Use: Residential

Parcel ID: 20-015-0013, 20-015-0015

Township, Range, Section: T6N, R1E, Section 18 SW

Adjacent Land Use

North: Hwy 39	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
801-399-8794

Report Reviewer: RG

Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7
- Weber County Land Use Code Title 104 (Zones) Chapter 14 (FV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

Background

The applicant is requesting approval of administrative application, final approval of Ferguson Legacy Subdivision, consisting of 2 lots, located at approximately 5597 East Hwy 39 in the FV-3 Zone. The proposed subdivision meets the lot area and lot width requirements of this Zone, of 3.00 acres in area and 150 feet in width. Access for this lot will be from a previously approved access exception (file# AAE 2019-07, approved 10/2/19). The purpose of this application is to create a two lot subdivision.

Culinary water will provided by an existing private well, pending water test results as required by Weber-Morgan Environmental Health. A private septic system will be used for waste water. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by creating large lots to maintain the country feel with land that has agricultural and livestock related uses.

Zoning: The subject property is located in the FV-3 zone. The land use requirements for these zones are stated in the LUCS 104-16, respectively, as follows:

“The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”

Small Subdivision: As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC 106 chapter 1, and the standards in the FV-3 zone (LUC 104-14). The proposed subdivision will not create any new public streets. The proposal meets the criteria for a "Small Subdivisions", as defined in LUC 101-7, and can be administratively approved per LUC 106-1-5(b)(1).

Lot area, frontage/width and yard regulations: The FV-3 zone, requires a minimum lot area of 3 acres and a minimum lot width of 150'. The proposed subdivision is a two-lot subdivision amendment that will be accessed off a previously approved alternative access easement.

The proposed subdivision will create a two-lot subdivision from two parcels. Improvement of the access, in order to widen the drivable surface to 20', will need to occur when a permit application is submitted for a 5th residence, per approval of the alternative access dated October 2, 2019.

Culinary water and sanitary sewage disposal: The office of the State Engineer has issued approval of a well permit, which will need to go through final approval with Weber-Morgan Health Department. Sanitary sewage disposal will be handled by an individual waste water treatment system; specifications are stated in the feasibility letter issued by the Weber County Health Department (See exhibit B).

Review Agencies: The proposed subdivision has been reviewed by all applicable reviewing agencies. Weber Fire has issued conditional approval of this project, pending further review at building permit. Planning is recommending conditional approval. Engineering and Surveyor have issued approvals.

Tax Clearance: There are no outstanding tax payments related to this parcel.

Public Notice: Noticing requirements, according to LUC 106-1-6(c), have been met by mailing notices out to all property owners of record within 500 feet of the subject property.

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan. This subdivision addresses water, wastewater, and other issues which are discussed in the General Plan.

Staff Recommendations

Staff recommends final approval of the Ferguson Legacy Subdivision a two lot subdivision. This recommendation is subject to all review agency requirements and based on the following conditions:

1. The drivable surface of the access road be widened to 20', to accommodate a 5th dwelling, per approval of AAE 2019-01.
2. A Private Well Deed Covenant and Restriction shall be recorded with the final plat.
3. An Onsite Wastewater Disposal System Deed Covenant and Restriction shall be recorded with the final plat.

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 applicable county ordinances.

Administrative Approval

Administrative final approval of Ferguson Legacy 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: **Wednesday, August 12, 2020.**


Rick Grover
Weber County Planning Director

Exhibits

- A. Application
- B. Proposed Plat
- C. Water/Sewer Feasibility, Approved Well Permit from the State, Well Share Maintenance Agreement

Area Map



Exhibit A - Application

Weber County Subdivision Application

All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Subdivision and Property Information

Subdivision Name <i>Ferguson Legacy Subdivision</i>		Number of Lots <i>2</i>
Approximate Address <i>5597 E. Hwy 39 Huntsville</i>		Land Serial Number(s) <i>20-015-0015</i> <i>20-015-0013</i>
Current Zoning	Total Acreage <i>21.084 Acres</i>	
Culinary Water Provider <i>Well (Private)</i>	Secondary Water Provider <i>N/A</i>	Wastewater Treatment <i>Septic System</i>

Property Owner Contact Information

Name of Property Owner(s) <i>Robert E & Jill B Ferguson</i>		Mailing Address of Property Owner(s) <i>5597 E Hwy 39 Huntsville UT 84317</i>
Phone <i>801-898-7384</i>	Fax	
Email Address <i>Rob.Ferguson@GBSBENEFITS.COM</i>	Preferred Method of Written Correspondence <input checked="" type="radio"/> Email Fax Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <i>Andy Hubbard</i>		Mailing Address of Authorized Person <i>5746 So. 1475 E. Ste 200 Ogden UT, 84403</i>
Phone <i>801-394-4515</i>	Fax	
Email Address <i>AndyH@GREATBASINENG.COM</i>	Preferred Method of Written Correspondence <input checked="" type="radio"/> Email Fax Mail	

Surveyor/Engineer Contact Information

Name or Company of Surveyor/Engineer <i>Andy Hubbard</i>		Mailing Address of Surveyor/Engineer <i>5746 S. 1475 E Ste 200 Ogden UT 84403</i>
Phone <i>801-394-4515</i>	Fax	
Email Address <i>Andy.H@GREATBASINENG.COM</i>	Preferred Method of Written Correspondence <input checked="" type="radio"/> Email Fax Mail	

Property Owner Affidavit

I (We), Robert Ferguson, 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. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.

Robert E Ferguson (Property Owner) _____ (Property Owner)

Subscribed and sworn to me this 21st day of January, 2020.

Authorized Representative Affidavit

I (We), Robert Ferguson, the owner(s) of the real property described in the attached application, do authorize as my (our) representative(s), Amy Hubbard, 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 out agent in matters pertaining to the attached application.

Robert Ferguson

(Property Owner)

(Property Owner)

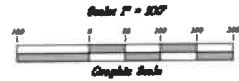
Dated this 2 day of Jan, 2020, personally appeared before me signer(s) of the Representative Affidavit who duly acknowledged to me that they executed the same.



Laura Hall
Notary

Ferguson Legacy Subdivision

A part of the West Half of Section 14, T8N, R1E, S1B&M, U.S. Survey
Weber County, Utah
May 2020



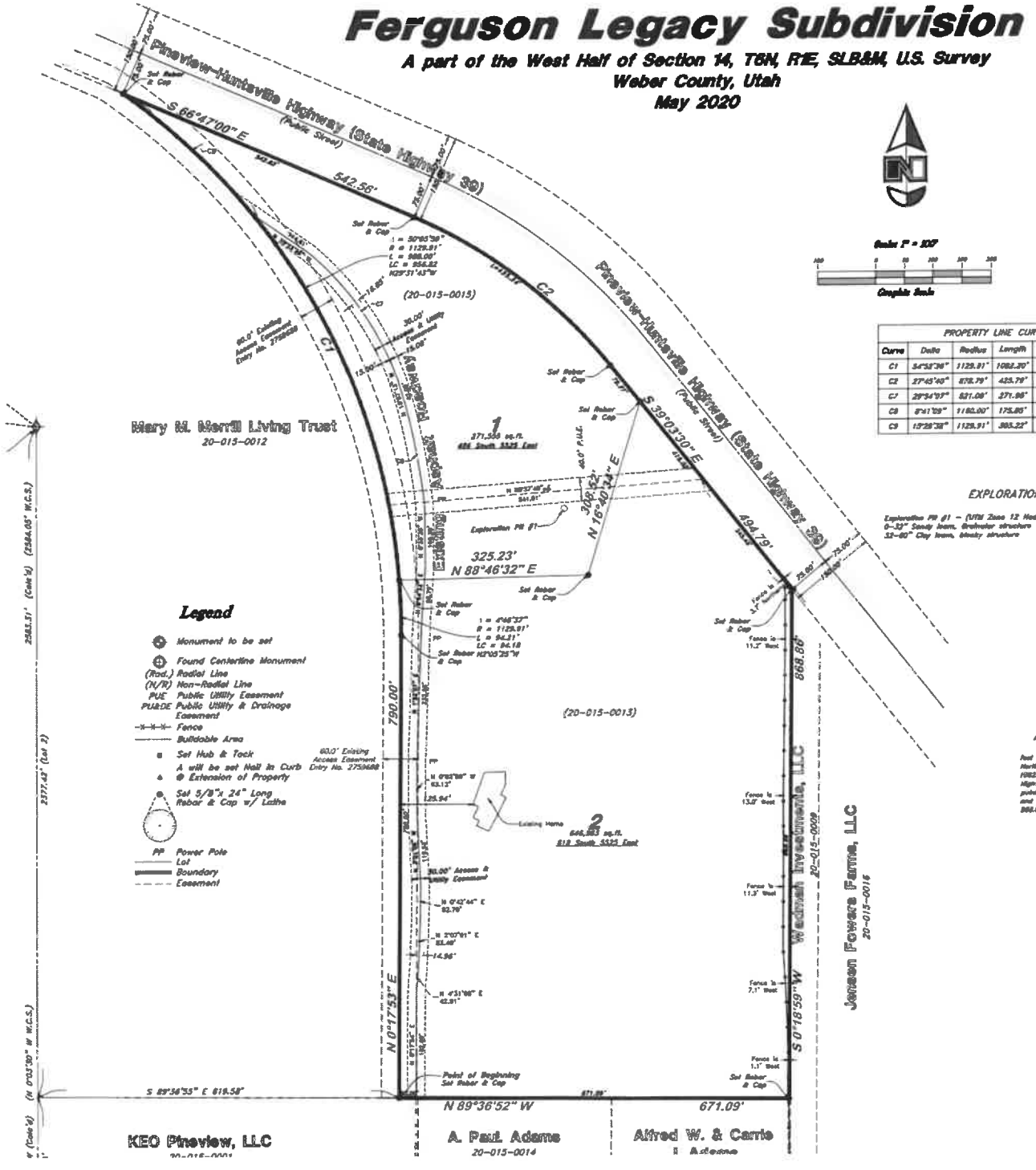
PROPERTY LINE CURVE			
Curve	Delta	Radius	Length
C1	34°53'36"	1128.91'	1082.20'
C2	27°45'40"	878.79'	428.79'
C3	29°34'17"	821.08'	271.96'
C4	8°41'59"	1185.00'	175.80'
C5	10°28'38"	1128.91'	388.22'

EXPLORATION

Exploration PB #1 - [UTB] Zone 12 Hole
6-25' Sandy loam, gravelly structure
12-60" Clay loam, blocky structure

Legend

- ⊕ Monument to be set
- ⊙ Found Centerline Monument
- (Rad.) Radial Line
- (N/R) Non-Radial Line
- PUC Public Utility Easement
- PU&DE Public Utility & Drainage Easement
- - - Fence
- Buildable Area
- ⊠ Set Hub & Tack
- ⊙ A will be set Nail in Curb
- ⊙ Extension of Property
- ⊙ Set 5/8" x 24" Long Rebar & Cap w/ Lath
- PP Power Pole
- Lot
- Boundary
- Easement



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

December 31, 2019



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

RE: Preliminary Subdivision **Determination**
Ferguson Legacy Subdivision, 1 lots
Parcel #20-015-0013 & 20-015-0015
Soil log #14583

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. 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.** The well will need to be dug, tested and the water supply approved prior to issuance of a wastewater disposal permit.

DESIGN REQUIREMENTS

Lot 1: Anticipated ground water tables not to exceed 48 inches, fall within the range of acceptability for the utilization of a Packed Bed Media Treatment System followed by a conventional absorption field as a means of wastewater disposal. Maximum trench depth is limited to 30 inches. The absorption system is to be designed using a maximum loading rate of 0.35 gal/sq. ft. /day as required for a clay loam, blocky structure soil horizon with a documented percolation rate of 107 minutes per inch.

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,

Summer Day, LEHS
Environmental Health Division
801-399-7160



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

BRIAN C. STEED
Executive Director

THERESA WILHELMSSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-13673 (E6007)

JUN 25 2020

Exchange Application Number 35-13673 (E6007) in the names of Robert and Jill Ferguson was filed on April 20, 2020, to exchange 1.00 acre-foot of water as evidenced by Water Right Number and 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 21525 associated with Tax I.D. Number 20-015-0015) for its use with Weber Basin Water Conservancy District (WBWCD). The 1.00 acre-foot of water is to be released from Pineview Reservoir and, in lieu thereof, 1.00 acre-foot of water will be diverted from: (1) Well - North 28 feet and East 764 feet from the W¼ Corner of Section 14, T6N, R1E, SLB&M (6-inch well, 100-500 feet deep). The water is to be used for the irrigation of 0.1833 acre from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (EDU). The water is to be used in all or portion(s) of Section 14, T6N, R1E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on April 30 and May 7, 2020. No protests were received.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicants are put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as proposed in the exchange application.

It is, therefore, **ORDERED** and Exchange Application Number 35-13673 (E6007) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicants and WBWCD. This contract must be maintained for this exchange to remain valid. No water may be withdrawn under this application if a contract is not in effect.
- 2) Total diversion under this exchange application is limited to 1.00 acre-foot of water per year for the irrigation of 0.1833 acre (0.55 acre-foot) from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 EDU (0.45 acre-foot).
- 3) The applicant shall maintain controlling works and a metering device as required by Section 73-5-4 of the Utah Code.
- 4) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.

The applicants are strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicants to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **June 30, 2025**, or a request for extension of time must be acceptably filed; otherwise, the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicants.

When the work is complete, an Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- The water use is for a quarter acre of irrigation or less.
- The water use is for the watering of ten head of livestock (or equivalent) or less.
- The water use does not include any uses in addition to the three listed above.

As noted, this approval is granted subject to prior rights. The applicants shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

Under the authority of Section 73-3-20 of the Utah Code, the applicants are required to submit a proof of diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicants must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.

SCANNED RC

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13673 (E6007)
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Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right please contact the Division at the phone number below.

Your contact with this office, should you need it, is with the Weber River/Western Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 25 day of June, 2020.



Teresa Wilhelmsen, P.E., State Engineer

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13673 (E6007)
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Mailed a copy of the foregoing Order this 25 day of June, 2020 to:

Robert and Jill Ferguson
5597 East HWY 39
Huntsville UT 84317

Weber Basin Water Conservancy District
2837 East Highway 193
Layton UT 84040

Cole Panter, River Commissioner
PO Box 741
OGDEN UT 84402

Division of Water Rights
Distribution Section
c/o Susan Odekirk
OGDEN RIVER

BY: 
Doralee Cannon, Applications/Records Secretary

APPLICANT CARD for EXCHANGE: E6007(35-13673)

IMPORTANT: THIS CARD MUST BE COMPLETED, SIGNED AND RETURNED BY THE WELL OWNER/APPLICANT AS SOON AS THE WELL IS DRILLED BY A LICENSED UTAH WATER WELL DRILLER. PROOF DUE/EXPIRATION DATE: June 30, 2025

OWNER/APPLICANT NAME: Robert and Jill Ferguson

MAILING ADDRESS: 5597 East HWY 39, Huntsville UT 84317,

PHONE NUMBER: _____

WELL LOCATION: N 28' E 764' from W4 Cor, S14, T6N, R1E, SLB&M.

WELL UTM COORDINATES: Northing: 4567588 Easting: 431878

WELL ACTIVITY: NEW REPLACE REPAIR DEEPEN

WELL COMPLETION DATE: _____

NAME OF DRILLING COMPANY/LICENSEE: _____

Owner/Applicant Signature

Date

NOTICE TO APPLICANT: COMPLETE AND RETURN THIS PORTION UPON FINAL WELL COMPLETION.
DO NOT GIVE THIS CARD TO LICENSED WELL DRILLER - YOU MUST RETURN IT.
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: _____

START/APPLICANT CARD INSTRUCTIONS: First, for each well, you must give a Driller (Start) Card to the licensed driller with whom you contract to construct the well. Second, it is your responsibility to sign and return this Applicant Card to this office immediately after completion of the well. CAUTION: There may be local health requirements for the actual siting of your well. Please check with the proper local authority before construction begins. See the enclosed sheet addressing construction information.

DRILLER (START) CARD for EXCHANGE: E6007(35-13673)

IMPORTANT: THIS CARD MUST BE RECEIVED BY THE DIVISION OF WATER RIGHTS PRIOR TO THE BEGINNING OF WELL CONSTRUCTION. PROOF DUE/EXPIRATION DATE: June 30, 2025
START CARDS CAN BE SUBMITTED ONLINE WITH THE WATER RIGHT NUMBER OR NON-PRODUCTION WELL NUMBER AND THE PIN.
ONLINE SUBMISSION EXCHANGE: E6007 ONLINE SUBMISSION PIN: 487499
ONLINE SUBMISSION URL: <https://waterrights.utah.gov/startcard/>

OWNER/APPLICANT NAME: Robert and Jill Ferguson

MAILING ADDRESS: 5597 East HWY 39, Huntsville UT 84317,

PHONE NUMBER: _____

WELL LOCATION: N 28' E 764' from W4 Cor, S14, T6N, R1E, SLB&M.

WELL UTM COORDINATES: Northing: 4567588 Easting: 431878

WELL ACTIVITY: NEW() REPLACE() REPAIR() DEEPEN()

PROPOSED START DATE: _____

PROJECTED COMPLETION DATE: _____

LICENSE #: _____ LICENSEE/COMPANY: _____

Licensee Signature Date

NOTICE TO APPLICANT: THIS CARD IS TO BE GIVEN TO A UTAH-LICENSED WATER WELL DRILLER FOR SUBMITTAL TO THE DIVISION OF WATER RIGHTS PRIOR TO WELL CONSTRUCTION
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: _____

START CARDS MAY ALSO BE SUBMITTED BY PHONE*, FAX, OR EMAIL.
PHONE: 801-538-7416 - FAX: 801-538-7467 - EMAIL: waterrights_wells@utah.gov
*IF THE START CARD IS PHONED IN, THEN THE COMPLETED AND SIGNED START CARD MUST BE RETURNED TO THE DIVISION OF WATER RIGHTS BY FAX, EMAIL, OR MAIL.

