



Staff Report to the Weber County Planning Division

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an administrative application for final plat approval of Liberty Park Estates, consisting of two lots with a request to defer curb, gutter, and sidewalk.

Agenda Date: Wednesday, August 12, 2020

Applicant: Dave Wadman (owner) & Nick Froerer (parks district representative)

File Number: UVL061520

Property Information

Approximate Address: 3623 E 4100 N, Eden

Project Area: 41.22 Acres (~26 Acres in Remainder Parcel)

Zoning: Agricultural Valley 3 (AV-3)

Existing Land Use: Park/Vacant

Proposed Land Use: Park/Residential

Parcel ID: 22-359-0002, 22-010-0010, 22-010-0035, 22-010-0065, 22-010-0064, 22-359-0001, 22-010-0071

Township, Range, Section: T7N, R1E, NE Quarter of Section 20

Adjacent Land Use

North: Residential	South: Agricultural
East: Agricultural	West: Residential/Agricultural

Staff Information

Report Presenter: Scott Perkes
sperkes@co.weber.ut.us
801-399-8772

Report Reviewer: RG

Applicable Land Use Codes

- Title 101 (General Provisions) Chapter 1 (Definitions)
- Title 104 (Zones) Chapter 6 (Agricultural Valley Zone, AV-3)
- Title 104 (Zones) Chapter 28 (Ogden Valley Sensitive Lands Overlay District)
- Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 8 (Final Plat Requirements)

Background and Summary

The applicant is requesting approval of a two-lot subdivision that fronts on both 4100 North Street and 3500 East Street, which are county public rights-of-way (see Exhibit A). This 41.22-acre property comprises of one vacant single-family residential lot (Liberty Acres Subdivision), multiple park parcels, and a large remainder parcel to the south (see Exhibit B).

The joint applicants, David Wadman (Parcels 22-359-0002 & 22-010-0071), and the Ogden Valley Parks Service District (Parcels 220100035, 220100065, 220100064, 220100010, & 223590001) are requesting to amend the existing Liberty Acres Subdivision by reconfiguring some land currently within the SFD residential Lot 1, reconfiguring the remainder parcel to have 66'-wide access stems (prepping for future ROW and residential development), and merging all of the independent park parcels into a single non-developable lot.

When meeting with staff on this project, the Ogden Valley Parks Service District acknowledged that their resulting/merged lot would be non-developable unless they submitted the following information:

- 1) A written statement of feasibility from the Weber/Morgan Health Department regarding sanitary sewage/septic disposal.
- 2) A will-serve letter from a culinary water provider or a well permit from the Weber/Morgan Health Department.
- 3) A geologic site reconnaissance report to document any potential geologic hazards associated with the property.

The Ogden Valley Parks Service District opted to forego the submittal of these above listed items as part of this subdivision amendment application and have submitted a letter verifying they understand that their resulting lot will remain undevelopable until such a time that these items have been submitted and reviewed by the County (see Exhibit C).

Analysis

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

Zoning: The property is located in the AV-3 Zone. The purpose of this zone is stated in the LUC §104-6-1.

“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.”

The resulting Lots 1 and 2 meet the site development standards for a single-family residential lot or a public park in the AV-3 zone (3 acres of area and 150 feet of width)

Small Subdivision: “The planning director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission LUC §106-1-8 (f).” This proposal qualifies as a small subdivision consisting of three or fewer and one that no new streets are being created or realigned.”

Geologic Hazards: The Weber County Geologic Map indicates that the Ogden Valley North Fork Fault line runs through a portion of Lot 2 and a large amount of the remainder parcel. However this fault line does not encumber Lot 1 which is slated for single-family residential use. As indicated prior, a geologic site reconnaissance has been deferred by the Ogden Valley Parks Service District at this time. Planning and Engineering have allowed Lot 1 to be created without geologic analysis as no part of this lot is shown within a hazards area (see Exhibit D).

Well-Head Protection Zones: No part of the subdivision boundary is found within a well-head protection zone.

Flood Zone: This subdivision boundary is entirely within Zone X with minimal flood hazard.

Culinary Water: The owner has obtained a will-serve letter from Liberty Pipeline (see Exhibit E).

Irrigation Water: Staff has verified with Liberty Pipeline that their water may be used for secondary purposes for this project.

Sanitary System: Weber-Morgan Health Department issued approval of a functioning septic system dated September 16, 2004 (see Exhibit F).

Review Agencies: To date, the proposed subdivision has been approved by the Engineering Division, and Fire Marshal. All review agency requirements must be addressed and completed prior to this subdivision amendment being recorded.

Public Notice: All property owners of record within 500 feet of the subject property received notice by mail.

Staff Recommendation

Staff recommends final plat approval of Liberty Park Estates, consisting of two lot. The following conditions are included with the Planning Staff’s recommendation:

1. The subdivision plat shall meet all Weber County reviewing agency requirements prior to recording the final Mylar.
2. The owners shall enter into an updated deferral agreement for curb, gutter, and sidewalk.
3. Deeds associated with the various land transfers required to effectuate the proposed reconfiguration will need to be recorded at the same time of the final plat.

The following findings are the basis for the planning staff’s recommendation:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes.

Administrative Approval

Administrative final approval of Liberty Park Estates, consisting of 2 lots, 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: 6/12/20





Rick Grover
Weber County Planning Director

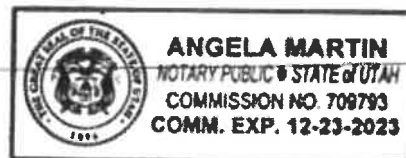
Exhibits

- A. Subdivision Amendment Application
- B. Liberty View Estates Plat
- C. Ogden Valley Parks Service Area Subdivision Requirements Defferal Letter
- D. Weber County Geologic Map
- E. Libery Pipeline Will-Serve Letter
- F. Weber/Morgan Health Department – Septic Feasibility Letter (Lot 1)

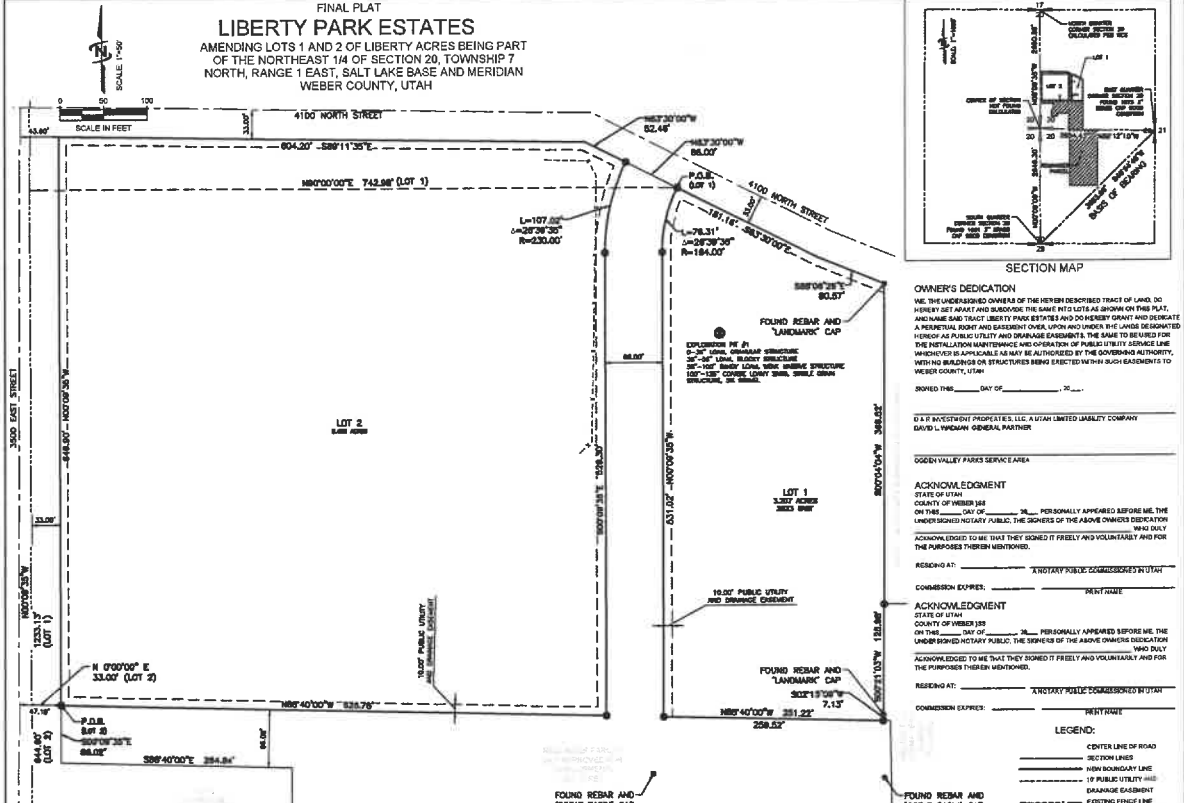
Area Map



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)
06/08/2020			
Subdivision and Property Information			
Subdivision Name Liberty Park Estates (Liberty Acres)			Number of Lots 3 Total
Approximate Address 3623 E 4100 N, Liberty UT 84310		Land/Serial Number(s) 22-359-0002 22-359-0001 22-010-0071	
Current Zoning	Total Acreage ~3.3		
Culinary Water Provider Liberty Pipeline	Secondary Water Provider Liberty Irrigation	Wastewater Treatment Septic	
Property Owner Contact Information			
Name of Property Owner(s) <small>David Wadman D&R Investments Properties, LLC & Ogden Valley Parks Service Area</small>		Mailing Address of Property Owner(s) 2920 S 925 W Ogden UT 84401 & PO BOX 34 Eden UT 84310	
Phone <small>(801) 226-1380 & (801) 226-1380</small>	Fax		
Email Address dlwadman@wadman.com & nfroerer@xmission.com		Preferred Method of Written Correspondence Email Fax Mail Email	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Dave Wadman (D&R Investments) and Nick Froerer (OV Parks)		Mailing Address of Authorized Person <i>see above</i>	
Phone See above	Fax		
Email Address See Above		Preferred Method of Written Correspondence Email Fax Mail email	
Surveyor/Engineer Contact Information			
Name or Company of Surveyor/Engineer JUB Engineers, Inc (David Strong)		Mailing Address of Surveyor/Engineer 466 N 900 W Kaysville, UT 84037	
Phone 801.547.0393	Fax		
Email Address dstrong@jub.com		Preferred Method of Written Correspondence Email Fax Mail Email	
Property Owner Affidavit			
<p>I (we) <u>David Wadman & Nick Froerer</u> 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.</p>			
Signed by:  (Property Owner)		 (Property Owner)	
Subscribed and sworn to me this <u>6/10/2020</u> day of _____, 20____			



FINAL PLAT
LIBERTY PARK ESTATES
 AMENDING LOTS 1 AND 2 OF LIBERTY ACRES BEING PART
 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 7
 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
 WEBER COUNTY, UTAH



SURVEYOR'S CERTIFICATE
 I, DAVID L. WALKER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HAVE BEEN LICENSED IN ACCORDANCE WITH TITLE 48, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE BOARD OF LAND SURVEYORS I HAVE UNDER MY DIRECTION OF THE FACT OF LAND SURVEY HEREON IN ACCORDANCE WITH SECTION 22-22-17, I HEREBY STATE THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF AND MY PROFESSIONAL OPINION.

SIGNED THIS ____ DAY OF _____, 20__.

DAVID L. WALKER, PLS

DESCRIPTIONS
LOT 1
 A TRACT OF LAND LOCATED IN NORTHEAST 1/4 OF SECTION 20, T.7N., R.1E., S.13.8M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF 4100 NORTH STREET BEING N40°00'00" E 122.13 FEET ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 20 AND N 89°59'59" W 72.88 FEET FROM THE CENTER OF SAID SECTION 20; THENCE ALONG SAID SOUTH LINE OF 4100 NORTH STREET THE FOLLOWING TWO COURSES: (1) S 42°00'00" E 18.14 FEET TO A POINT; (2) S 89°59'59" W 80.00 FEET TO A POINT; THENCE S 89°59'59" W 12.88 FEET; THENCE S 42°00'00" E 20.22 FEET; THENCE S 89°59'59" W 81.14 FEET; THENCE N 0°00'00" E 7.14 FEET ALONG A CURVE TO THE RIGHT WITH A 164.00 FOOT RADIUS THROUGH A CENTRAL ANGLE OF 26°39'57" TO THE CHORD OF SAID CURVE BEING 119.71 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 3.07 ACRES IN AREA, MORE OR LESS.

LOT 2
 A TRACT OF LAND LOCATED IN NORTHEAST 1/4 OF SECTION 20, T.7N., R.1E., S.13.8M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF 3600 EAST STREET SAID POINT BEING N 0°00'00" E 164.00 FEET ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 20 AND N 89°59'59" W 12.88 FEET FROM THE CENTER OF SAID SECTION 20; THENCE N 89°59'59" W 48.88 FEET ALONG SAID EAST RIGHT OF WAY LINE TO SOUTH RIGHT OF WAY LINE OF SAID 3600 EAST STREET; THENCE S 42°00'00" E 18.14 FEET; THENCE S 89°59'59" W 12.88 FEET; THENCE N 0°00'00" E 7.14 FEET ALONG A CURVE TO THE LEFT WITH A 164.00 FOOT RADIUS THROUGH A CENTRAL ANGLE OF 26°39'57" TO THE CHORD OF SAID CURVE BEING 119.71 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 3.09 ACRES IN AREA, MORE OR LESS.

REMAINDER PARCEL
 THIS DESCRIPTION IS FROM RECORD AND HAS NOT YET BEEN SURVEYED. A PARCEL OF LAND LOCATED IN NORTH 1/4 OF SECTION 20, T.7N., R.1E., S.13.8M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF 3600 EAST STREET SAID POINT BEING N 0°00'00" E 164.00 FEET ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 20 AND N 89°59'59" W 12.88 FEET FROM THE CENTER OF SAID SECTION 20; THENCE N 89°59'59" W 48.88 FEET ALONG SAID EAST RIGHT OF WAY LINE TO SOUTH RIGHT OF WAY LINE OF SAID 3600 EAST STREET; THENCE S 42°00'00" E 18.14 FEET; THENCE S 89°59'59" W 12.88 FEET; THENCE N 0°00'00" E 7.14 FEET ALONG A CURVE TO THE LEFT WITH A 164.00 FOOT RADIUS THROUGH A CENTRAL ANGLE OF 26°39'57" TO THE CHORD OF SAID CURVE BEING 119.71 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 3.11 ACRES IN AREA, MORE OR LESS.

FINAL PLAT
LIBERTY PARK ESTATES
 A PART OF THE NORTH 1/4 OF SECTION 20, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN
 WEBER COUNTY, UTAH

NOTE:
 AGRICULTURE IS THE PREFERRED USE IN THE AGRICULTURE ZONES. AGRICULTURAL OPERATIONS AS DESCRIBED IN THE LAND USE CODE FOR A PARTICULAR ZONE ARE PERMITTED IF ANY THAT INCLUDE THE OPERATION OF FARM MACHINERY AND NO ALLOWED AGRICULTURAL USE SHALL BE SUBJECT TO RESTRICTIONS ON THE BASIS THAT IT INTERFERES WITH ACTIVITIES OF FUTURE RESIDENTS OF THIS SUBDIVISION.

NARRATIVE:
 THIS SURVEY WAS REQUESTED BY DAVID WALKER TO LOCATE THE BOUNDARY AND CREATE A SUBDIVISION PLAT. THE PROPERTY IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, T.7N., R.1E., S.13.8M. BASED ON BEARINGS OF 80°00'00" WEST FROM THE EAST QUARTER CORNER OF SAID SECTION 20 TO THE SOUTH QUARTER CORNER OF SAID SECTION 20, POINTS NORMALLY AS SHOWN WERE MADE TO DETERMINE THE LOCATION OF THE PART LIBERTY ACRES SUBDIVISION BOUNDARY. THE REMAINDER PARCEL HAS NOT BEEN SURVEYED. THE CENTER LINES OF THE REMAINDER ARE FROM RECORD EXCEPT FOR THE AREA NORTH OF LOT 1 THAT COINCIDES WITH THE LIBERTY ACRES SUBDIVISION.

WEBER COUNTY SURVEYOR
 I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR APPROVAL BY THIS OFFICE HAVE BEEN SATISFIED. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.
 SIGNED THIS ____ DAY OF _____, 20__.

WEBER COUNTY PLANNING COMMISSION APPROVAL
 THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT HAS BEEN FULLY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THE ____ DAY OF _____, 20__.

WEBER COUNTY ENGINEER
 I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DIMENSIONS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.
 SIGNED THIS ____ DAY OF _____, 20__.

WEBER COUNTY COMMISSION ACCEPTANCE:
 THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC USES AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREAS ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH, THIS ____ DAY OF _____, 20__.

WEBER-MORGAN HEALTH DEPARTMENT
 I HEREBY CERTIFY THAT THE SOLID WASTE REGULATION PARTS AND CONDITIONS FOR THIS SUBDIVISION HAVE BEEN REVIEWED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.
 SIGNED THIS ____ DAY OF _____, 20__.

DEVELOPER
 DAVID L. WALKER, D & R INVESTMENT PROPERTIES, LLC
 3626 S 920 N, OGDEN, UT 84403

WEBER COUNTY RECORDER
 ENTRY NO. _____
 FILED FOR RECORD AND RECEIVED _____ AT _____ BOOK _____ PAGE _____ OF OFFICIAL RECORDS.
 RECORDED FOR: _____
 COUNTY RECORDER: _____
 FILED 45482620
 JAN 22 2022

Weber County Planning Division
2380 Washington Blvd., Suite 240, Ogden, Utah 84401
Phone: 801-399-8371


In an effort to provide clarity on our position we're attaching this letter along with this co-signed subdivision application.

We are electing to defer the developable lot requirements as detailed by the county for Parcel 22-359-0001. Those deferred requirements are:

- A written statement of feasibility from the Weber/Morgan Health Department which states the recommendation of the health department regarding sanitary sewage disposal.
- A will-serve from the culinary water provider will be required. If a well is required for culinary water, then a well permit from the health department will be required.
- A geologic site reconnaissance will be required to be submitted due to a potential fault line running through the parcel.

We understand that the county is allowing us to defer these requirements due to our non-profit status and will not result in a buildable lot at this time. We also understand that in order to change the status to a developable lot and be eligible for a building permit, these conditions will need to be met.

Sincerely,



Nick Froerer (Chairman)

OGDEN VALLEY PARKS SERVICE AREA
PO BOX 34
EDEN UT 84310
info@ogdenvalleyparks.com



LPC



Liberty Pipeline Company
PO Box 1200, Eden Ut 84310
801-745-2088

Jodi@LibertyPipelineCompany.com
www.LibertyPipelineCompany.com

May 21, 2020

Weber Planning Commission
2380 Washington Blvd.
Ogden Utah 84401

RE: Will serve

To whom it may concern:

This letter is to act as verification that culinary water is available from Liberty Pipeline Company for parcel ID 22-359-0002, 2623 E. 4100 N Eden, UT 84310, owned by D&B Investment Properties.

There is a Liberty Pipeline monthly usage base fee of \$30.00.

If further information or verification is needed, please call Jodi Davis at 801-745-2088.

Thank you.



Jodi Davis
Secretary

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



April 27, 2020

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

RE: James Adam Stuart
3623 E 4100 N
Parcel # 22-359-0002
Soil log #14959

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on April 24, 2020. The exploration pit is located on the enclosed plat developed during the site evaluation along with the assigned numerical code for each exploration pit. The soil horizons, required percolation depths, actual and anticipated maximum ground water tables have been logged as follows:

Exploration Pit #1 (UTM Zone 12 Nad 83 0427957 E 4576051 N)
0-36" Loam, Granular Structure
36-56" Loam, Blocky Structure
56-100" Sandy Loam, Weak Massive Structure
100-125" Coarse Loamy Sand, Single Grain Structure, 5% gravel

Exploration pits should be backfilled immediately upon completion of percolation testing to prevent a hazardous environment that may cause death or injury to people or animals.

DESIGN REQUIREMENTS

Culinary water will be provided by Liberty Pipeline Water Improvement District, an extension of an existing approved non-community water system. A letter from the water supplier is required prior to issuance of a permit.

Anticipated ground water tables not to exceed 48 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 18 inches. The absorption system is to be designed using a maximum loading rate of 0.5 gal/sq. ft. /day as required for the loam, granular structure soil horizon.

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 the time.

ENGAGE | EMPower

Phone: (801) 999-7100 | Fax: (801) 999-7100 | 427 23rd Street, Ogden, UT 84401 | www.webermorganhealth.org

If you have any further questions, contact this office at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Jorgensen', followed by a horizontal line.

Craig Jorgensen
Environmental Health Division
801-399-7160