



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on the application for an alternative access exemption and final approval of Ritter Ranch Subdivision, consisting of 1 flag lot, located at approximately 800 North 5900 East, Eden.
Agenda Date:	Wednesday, May 05, 2021
Applicant:	Robert Fuller (Owners)
File Number:	UVR092520

Property Information

Approximate Address:	800 North 5900 East, Eden.
Project Area:	6.5401 acres
Zoning:	AV-3, S-1
Existing Land Use:	Agricultural
Proposed Land Use:	Residential
Parcel ID:	20-008-0018, 20-008-0017
Township, Range, Section:	T6N, R1E, Section 11 NE

Adjacent Land Use

North:	Agricultural	South:	Pineview Reservoir
East:	Pineview Reservoir	West:	Agricultural

Staff Information

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

Applicable Ordinances

- Title 104, Chapter 6 Agricultural Valley (AV-3) Zone
- Title 104, Chapter 10 Shoreline Zone (S-1)
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 (Flag lot access strip, private right-of-way, and access easement standards)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 30 (Flag Lots)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 31 (Access to a lot/parcel using a private right-of-way or access easement)
- Title 108 (Standards) Chapter 18 (Drinking Water Source Protection)

Background and Summary

The proposed subdivision consists of one flag lot and is located in both the AV-3 and S-1 zones (see **Exhibit A** – Subdivision Application). The subdivision proposes to take primary access off of the existing 5900 East Street and use a private lane along the flag lot stem for Lot 1 (see **Exhibit B** – Alternative Access Exemption Application). The Weber County Land Use Code (LUC) §101-1-7 identifies a new subdivision of three or fewer lots for which no streets will be created or realigned as a “Small Subdivision” which can be administratively approved by the Planning Director. With recommended conditions, this subdivision meets the applicable land use standards.

Alternative Access Exemption Analysis

Per LUC 108-7-30, *the land use authority shall determine whether or not it is feasible or desirable to extend a street to serve a lot(s)/parcel(s) at the current time, rather than approving a flag lot. Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of... ten acres or more in the Ogden Valley for development.*

As such, to provide access to the proposed flag lot, an alternative access exemption must be granted based on the criteria and conditions listed in LUC Sec. 108-7-31. The applicant has submitted a written narrative to argue their points to satisfy the criteria listed in LUC Sec. 108-7-31(a)(3) that *“it shall be shown that it is unfeasible or impractical to extend a street to serve such lot or parcel.”* See **Exhibit C** for this narrative. The primary argument made by the applicant includes the following, as paraphrased by planning staff:

- Due to the adoption of the Source Water Protection ordinance and its associated protection zones, the applicant’s property was encumbered by a large area of Zone 2 protection zone. This has required a flag lot be created to allow a home site to be established to the far east of the applicant’s property where enough area within the Zone 3 protection zone could be utilized to accommodate a single-family residential septic system. This encumbrance makes it impractical to extend a public road to provide access to the proposed subdivided lot.

Planning staff have also found that the proposed subdivided lot would not open an area of ten or more acres in the Ogden Valley for development (see LUC Sec. 108-7-30). Therefore it is not practical at this time to require this lot be accessed by a publicly dedicated road.

Should an alternative access exemption be granted, the applicant would be bound by the conditions of approval listed in LUC Sec. 108-7-30(b)(2) as follows:

(2) The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the county deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

Subdivision Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by maintaining the existing density provided by the current zoning and existing approvals (2016 Ogden Valley General Plan, Land Use Principle 1.1).

Zoning: The proposed subdivision is located in both the Agriculture Valley (AV-3) Zone and Shoreline Zone (S-1). A single-family home is an allowed use in both the SV-3 and S-1 zones.

Lot 1 meets the 300 foot minimum width and five acre minimum area requirements of the more restrictive S-1 zone. Lot 1 = 300’ wide at the end of the flag stem and is 6.5401 acres in area (see **Exhibit D** – Proposed Final Subdivision Plat).

Culinary water, secondary water, and sanitary sewage disposal: Culinary water will be provided by Eden Water Works (see **Exhibit E**), secondary water will be provided by Eden Irrigation Company (see **Exhibit F**), and sanitary sewage disposal will be provided by an on-site septic system. A feasibility letter has been provided by the health department for the septic system (see **Exhibit G**).

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor’s Office, Weber-Morgan Health Department, 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.

Drinking Water Source Protection Zones: The proposed subdivision is located within both a protection Zone 2 and Zone 3 of an adjacent public drinking water source. Per LUC §108-18-6(d), development may not include any of the following within Zone 2 and Zone 3 respectively (See LUC Sec 108-18-6(b) & (c):

1. Zone Two.
 1. Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
 2. Sanitary landfills.
 3. Hazardous waste or material disposal sites.
 4. **Septic tanks/drain field systems.**
 5. Sanitary sewer lines within 150 feet of a wellhead or spring collection area.

6. Underground storage tanks.
 7. Stormwater infiltration structures.
 8. Any pollution source as defined herein or in Rule 309-113-101, as amended, of the division of drinking water's drinking water source protection regulations.
 9. Agriculture industries including, but not limited to, intensive feeding operations such as feedlots, dairies, fur breeding operations, poultry farms, etc.
2. Zone Three.
1. Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
 2. Sanitary landfills.
 3. Hazardous waste or material disposal sites.
 4. Agriculture industries including, but not limited to, intensive feeding operation such as feedlots, dairies, fur breeding operations, poultry farms, etc.

Since Zone 2 does not allow septic tanks or drain field systems, the applicant has worked with the Weber-Morgan Health Department to ensure that the proposed subdivision lot includes enough acreage within the Zone 3 protection area to accommodate an approved septic system, drain field, and replacement drain field for a pre-approved home size. Following review, the Weber-Morgan Health Department has indicated that: *"the reviewed subdivision plat was found to comply with all State and Local Onsite Wastewater Rules and regulation."*

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).

Tax Clearance: Property taxes for 2020 have been paid in full.

Staff Recommendation

Staff recommends final approval of the Ritter Ranch Subdivision and associated alternative access exemption. This recommendation for approval is subject to all applicable review agency requirements and the on the following conditions:

- 1) The access easement shall comply with the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29. Improvements will be required prior to the issuance of a building permit.
- 2) The applicant shall agree to file the required alternative access agreement, as outlined in LUC §108-7-31, prior to the recording of the subdivision mylar.
- 3) The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat.
- 4) Per LUC Sec. 106-4-2, at least one well permit is required to be obtained prior to the recording of the plat.
- 5) An Onsite Wastewater Disposal Systems Deed Covenant and Restriction is required to be recorded simultaneously with the plat.
- 6) A Declaration of Deed Covenant Concerning the Provision of Irrigation Water is required to be recorded simultaneously with the 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 all previous approvals and the applicable County ordinances.

Administrative Approval

Administrative final approval of Ritter Ranch Subdivision and its associated alternative access exemption 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: _____

Weber County Planning Director

Exhibits

- A. Subdivision Application
- B. Alternative Access Exemption Application
- C. Alternative Access Exemption Letter
- D. Proposed final plat
- E. Culinary Water Will-Serve Letter
- F. Secondary Water Will-Serve Letter
- G. Septic Feasibility Letter

Location Map



Exhibit A - Subdivision 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 09/25/2020	Fees (Office Use) \$1,225	Receipt Number (Office Use) 144374	File Number (Office Use)
Subdivision and Property Information			
Subdivision Name RITTER RANCH SUBDIVISION			Number of Lots 1
Approximate Address 800 N 5900 E Eden, UT 84310		Land Serial Number(s) 20-008-0017 and 0018	
Current Zoning AV-3/S-1	Total Acreage 5.5		
Culinary Water Provider Eden Water Works	Secondary Water Provider Eden Irrigation Company	Wastewater Treatment Septic	
Property Owner Contact Information			
Name of Property Owner(s) <small>Evergreen Ranch, LLC, owner of Ritter Ranch Company, LLC (Developer)</small>		Mailing Address of Property Owner(s) 1090 N 5900 E Eden, UT 84310	
Phone 801 791-7736	Fax		
Email Address rob@fullerattorney.com		Preferred Method of Written Correspondence Email Fax Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence Email Fax Mail	
Surveyor/Engineer Contact Information			
Name or Company of Surveyor/Engineer		Mailing Address of Surveyor/Engineer	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence Email Fax Mail	
Property Owner Affidavit			
<p>I (We), <u>Robert Fuller for Evergreen Ranch, LLC</u> do hereby declare 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>			
<p><u>Robert Fuller</u> Evergreen Ranch, LLC By Robert J. Fuller, Manager, IPOA [Property Owner]</p>		<p><u>Robert J. Fuller</u> Ritter Ranch Company, LLC, Developer, By Robert J. Fuller, Mgr. IPOA [Property Owner]</p>	
<p>Subscribed and sworn to me this <u>25</u> day of <u>9</u>, 20<u>20</u></p>			
			

Exhibit B – Alternative Access Exemption Application

Weber County Alternative Access Application			
Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted /Completed	Application Fee: <b style="font-size: 1.2em;">\$350.00	Receipt Number <i>(Office Use)</i>	File Number <i>(Office Use)</i>
Application Type			
<input checked="" type="checkbox"/> Flag lot access strip <input type="checkbox"/> Access by Private Right of Way <input type="checkbox"/> Access at a location other than across the front lot line			
Property Owner Contact Information			
Name of Property Owner(s) Evergreen Ranch, LC/ Ritter Ranch Subdivision		Mailing Address of Property Owner(s) 1090 N 5900 E Eden, UT 84310	
Phone 801 791-7736	Fax		
Email Address (required) rob@fullerattorney.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Robert J. Fuller, manager/atty		Mailing Address of Authorized Person	
Phone 801 791-7736	Fax		
Email Address (required) rob@fullerattorney.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name Ritter Ranch Subdivision		Total Acreage 5.5	Current Zoning S1
Approximate Address 950 N 5900 E Eden		Land Serial Number(s) Parts of 20-008-0017 and 0018	
Proposed Use Single Lot Subdivision			
Project Narrative Ritter Ranch Subdivision, <i>see attached letter, p. 2.</i>			

Basis for Issuance of Flag lot access strip

The land use authority shall determine whether or not it is feasible or desirable to extend a street to serve a parcel(s) or lot(s) at the current time, rather than approving a flag lot.

Sec. 108-7-30. - Flag lots

- (a) Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of five acres or more in Western Weber County and ten acres or more in the Ogden Valley for development.
- (b) The lot area exclusive of the access strip shall be a minimum of three acres.
- (c) Each lot shall access a street by means of its own fee title access strip. Successive stacking of lots on the same access strip is not permitted.
- (d) No access strip shall exceed 800 feet in length.
- (e) A maximum of two flag lot access strips may be located adjacent to each other.
- (f) No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-subdivided, or changed in order to meet the requirements of this section.

Please provide information to support your request for a flag lot access strip outlining how the request meets the criteria listed above.

Basis for Issuance of Access by Private Right of Way

Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

Sec. 108-7-31. - Access to a lot/parcel using a private right-of-way or access easement:

Criteria.

- a. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
- b. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use and is the subject parcel of an approved agri-tourism operation; or
- c. Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

Conditions.

- a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and
- b. The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the county deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

Please provide the following information to support your request for access to a lot/parcel using a private right-of-way or access easement:

- Attach proof to this application that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.
- The landowner of record or authorized representative agrees to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

Basis for Issuance of Access to a lot/parcel at a location other than across the front lot line

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

Sec. 108-7-32. - Access to a lot/parcel at a location other than across the front lot line.

- (1) The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line.
- (2) It shall be demonstrated that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

Please provide the following information to support your request for Access to a lot/parcel at a location other than across the front lot line:

- Attach proof that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.
- The landowner of record or authorized representative agrees to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

Property Owner Affidavit

I (We), _____, 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) understand that an approval of an alternative access application does not grant a legal right to access property that I(we) currently do not own.

_____ Property Owner _____ Property Owner

Subscribed and sworn to me this ____ day of _____, 20 ____.

_____ Notary

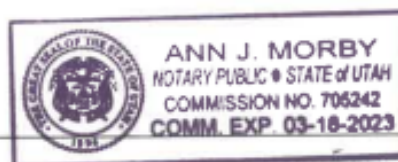
Authorized Representative Affidavit

I (We), Evergreen Ranch, LC, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Robert Fuller, manager/atty, 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.

Robert J. Fuller for ER LLC
Evergreen Ranch, LC _____ Property Owner _____ Property Owner
By Robert J. Fuller, mgr/attorney

Dated this 14 day of October, 2020, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Ann J. Morby Notary



EVERGREEN RANCH, LC
A UTAH LIMITED LIABILITY COMPANY
1090 NORTH 5900 EAST
POST BOX 835

ROBERT J. FULLER, MGR.
M. LANCE QUINN, MBR.

Eden, Utah 84310

TELEPHONE: (801) 791-7736

April 17, 2017

Mr. Scott Perkes, Planner
Weber County Planning Div.
Ogden, Utah
801 399-8772

Via Hand Delivery

RE: Ritter Ranch Subdivision
Alternative Access Application/Flag Lot

Dear Mr. Perkes:

This statement is made in reference to the Alternative Access Application, "Basis for Issuance of Flag lot access strip," which invites "information to support your request for a flag lot access strip . . ." Alt. Access Apl., p. 2.

The flag lot request is both feasible, meaning there are no geographic barriers, and desirable in order to accommodate the unique issues surrounding the proposed parcel. A number of development issues were created as a result of Weber County adopting a Well Protection Zone ordinance. There was no express notice and no meaningful opportunity to be heard before the ordinance was imposed. Further, there was no courtesy notice of the overlay in order to prevent a number of estate planning problems that were created by the imposition of the zones. The subdivision is an attempt to accommodate the Zone Two issues within the restraints of existing landowner agreements.

As noted in the Weber-Morgan Health Department letter dated November 14, 2019, it would be difficult to accommodate a septic system on the parcel as it currently exists, "unless property lines are adjusted to include this area [Exploration Pit #2] on the above parcel." *Id.* This situation led to the current subdivision request to adjust the property lines. However, due to a number of

agreements between stakeholders of the LLC landowner, the need to adjust property lines has created a variety of problems. As noted in the earlier Weber-Morgan Health Department letters, the current proposed building lot is not the first choice of the owners to develop. In order to accommodate the Weber County and WMHD requirements to move to the east, and to realign property lot boundaries within the constraints of membership agreements, the only practical solution is to create a flag lot as configured in the plat associated with this application.

The flag lot would access only the single proposed lot, meaning less than "ten acres" referenced in Sec. 108-7-30. The lot area, exclusive of the access strip, does exceed three acres and the entire lot, including the access area, is held in fee title. The length and maximum lot numbers are satisfied. This application is not a re-subdivision application.

Because all aspects of the proposed single flag lot can satisfy the criteria listed in the attached application, the owner respectfully requests that the application be granted.

DATED this 13th day of October, 2020

Evergreen Ranch, LC



By Robert J. Fuller, its manager

Ritter Ranch Subdivision

PART OF THE NE 1/4 OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
UNINCORPORATED WEBER COUNTY, UTAH - Date of Survey: July 2020

Exhibit D

OWNER'S DEDICATION

We the undersigned owner(s) of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets as shown or noted hereon and name said tract RITTER RANCH SUBDIVISION: (As used herein the term Local Entity is the same as defined in UCA 67-1a-6.5) We hereby dedicate a right-of-way to the Local Entity for the purpose of public use all those parts or portions of said tract of land designated as street(s) and/or road(s), the same to be used as public thoroughfares. And further dedicate grant and convey an easement over, upon and under said street(s) and/or road(s) as public utility corridors as may be authorized by the Local Entity.

We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility (PUE), storm water detention/retention ponds, and drainage easement(s), the same to be used for the installation maintenance and operation of public utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetual preservation of water channels in their natural state whichever is applicable to the Local Entity, and other uses as may be authorized by the Local Entity, with no buildings or structures being erected within such easements without written authorization of the Local Entity.

We hereby grant a perpetual right and easement over and upon the lands designated hereon as "Emergency turn-a-round easement" for the use of, and Emergency Services, to the Local Entity, their successors and/or assigns, for the limited purpose of emergency access and emergency vehicle turn-a-round as may be authorized by the Local Entity. This easement is deemed a no parking zone. This easement is intended to be situated on a driveway as constructed.

Limited Liability Company Acknowledgement

IN WITNESS WHEREOF, said Limited Liability Company herinafter named has caused this instrument to be executed by its proper officers hereunto duly authorized, this ____ day of _____, 20____.

RITTER RANCH COMPANY, LC, a Utah Limited Liability Company

By: _____ State of Utah)
COUNTY OF WEBER) SS
On the date first above written personally appeared before me the above named signer(s), who, being by me duly sworn said that [he/she/they] is/are the Manager of said Limited Liability Company, and that the within and foregoing instrument was signed in behalf of said company by authority of its Articles of Organization, and the said signer(s) acknowledged to me that said company executed the same.

As a Notary Public commissioned in Utah, WITNESS my hand and official stamp the date in this certificate first above written:

Notary Signature: _____ My Commission Expires: _____
(print name below signature):

BOUNDARY DESCRIPTION

A tract of land located in the Northeast Quarter of Section 11, Township 6 North, Range 1 East, Salt Lake Base and Meridian, being all of that certain parcel of land described in Special Warranty Deed recorded as Entry No. 2783749 on March 21, 2016 and a portion of that certain parcel of land described in Warranty Deed recorded as Entry No. 2787461 on April 11, 2016, said tract of land having a basis of bearing of North 00°35'58" East, by RTK GPS observations, between the monumented North Quarter corner of said Section 11 (having RTK GPS NAD83 Utah North Zone coordinates of N=3625457.029 E=1556239.204 U.S.F.) and the monumented North Quarter corner of Section 2 said Township and Range (having RTK GPS NAD83 Utah North Zone coordinates of N=3630708.193 E=1556293.624 U.S.F.), described by survey as follows:

COMMENCING at a point located 1159.59 feet South 00°25'50" West, along the center line of 5900 East Street (Stringtown Road) and the Quarter Section line, FROM said North Quarter corner of Section 11, RUNNING thence East 1676.23 feet, to the boundary of U.S.A. property as monumented by U.S. Forest Service aluminum cap;

Thence the following Three (3) courses along said monumented U.S.A. property boundary, 1) South 45°14'19" West (S 45°14'19" W) by said Special Warranty Deed) 507.14 feet, to a U.S. Forest Service Aluminum cap, 2) South 88°25'21" West 379.63 feet (S 88°25'21" W 379.63 feet by said Special Warranty Deed), to a U.S. Forest Service Aluminum cap, 3) North 76°29'37" West 203.63 feet (N 76°29'37" W by said Special Warranty Deed), Thence leaving said U.S.A. property boundary North 300.00 feet;

Thence South 78°41'24" West 50.99 feet;

Thence West 40.00 feet;

Thence North 78°41'24" West 50.99 feet;

Thence West 282.72 feet, along a line being parallel to and 20 feet perpendicularly distant southerly of the north line of this subdivision;

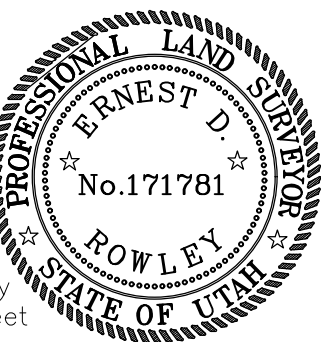
Thence South 00°25'50" West 585.72 feet, to said U.S.A. property boundary;

Thence South 89°23'24" West 33.00 feet (N 89°54'11" W by said Special Warranty Deed, should be South 89°54'11" West), to the center of 5900 East Street (Stringtown Road), being the evidenced quarter section line of said Section 11; Thence North 00°25'50" East 606.08 feet, along said center line and the evidenced Quarter Section line of said Section 11, to the point of beginning.

Containing 6.9989 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Ernest D. Rowley, do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 171781-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as noted hereon. I further certify that, to the best of my knowledge and belief, all lots meet the current requirements of the Land Use Ordinance of Weber County.



Weber County Recorder

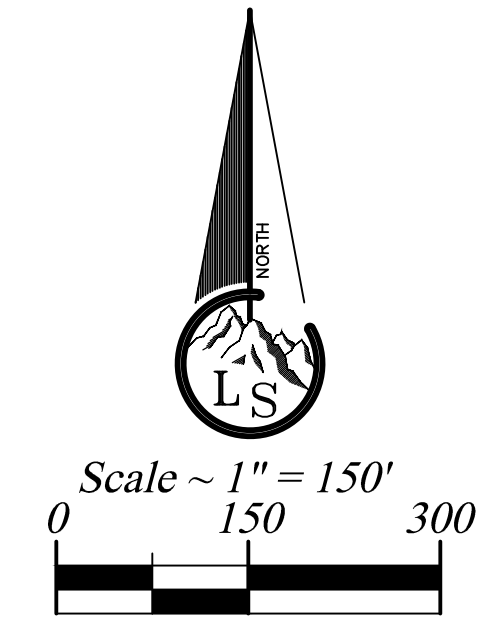
Entry no. _____
Filed for record and recorded _____ day of _____, 20____.
at _____ of official records,
in book _____ on page _____.
County Recorder: Leann H Kitts
By Deputy: _____
Fee paid _____

Landmark Surveying, Inc.
A Complete Land Surveying Service
www.LandmarkSurveyUtah.com
4646 South 3500 West - #A-3
West Haven, UT 84401
801-731-4075

DEVELOPER: Ritter Ranch Company, LC 1 of 1
Address: 1090 N 900 E, Eden, Utah 84310

NE 1/4 of Section 11, Township 6 North, Range 1 East, Salt Lake Base and Meridian.	Subdivision
Revisions	DRAWN BY: EDR
	CHECKED BY: ...
	DATE: March 26, 2021
	PROJ: 4018

This plat and associated documents are PRELIMINARY NOT FINAL, and subject to change without a valid signature and date across the Professional Land Surveyor's seal in accordance with R156-22-601 of the Utah Administrative Code of the Utah Department of Commerce, Division of Occupational and Professional Licensing. If this document is unsigned it is a Preliminary document(s) and is not intended for and shall not be used in Court, not to be Recorded or Filed, nor implemented or used as a Final Product.



- Legend
- EXISTING FENCE
- EASEMENTS (as labeled or granted)
- STREET CENTERLINE
- FND SECTION CORNER
- CALC SECTION CORNER
- FND STREET MONUMENT
- FND USFS AL Cap
- FND REBAR AND CAP
- SET PK Nail
- SET #5x24" REBAR AND CAP STAMPED LANDMARK
- ELEVATION BENCHMARK
- RIGHT OF WAY MONUMENT
- RECORD DATA
- MEASURED DATA
- ROAD/STREET DEDICATION

N 1/4 cor Sec 2, T6N, R1E, SLB&M, WCo BC 3" under asphalt
RTK GPS observed coordinates
N=3630708.193 E=1556293.624 U.S.F.
A BORM used as a ref. mon located N 12°08'49" W 36.56' md
RTK GPS observed coordinates
N=3630743.935 E=1556285.931 U.S.F.

N 1/4 cor Sec 11, T6N, R1E, SLB&M, Fnd Rebar unknown origin, 2" under asphalt, RTK GPS observed coordinates
N=3625457.029 E=1556239.204 U.S.F.

Ref. Mon. N 1/4 cor Sec 11, T6N, R1E, SLB&M, BLM BC on pipe, RTK GPS observed coordinates
N=3625430.314 E=1556211.946 U.S.F.

Ref. Mon. for N 1/4 cor Sec 11, T6N, R1E, SLB&M, BLM BC on pipe, RTK GPS observed coordinates
N=3625429.327 E=1556267.069 U.S.F.

NE cor Sec 11, T6N, R1E, SLB&M, 2007 USFS AL Cap on pipe, Record coordinates N=3625446.7 E=1558876.4 U.S.F.

S 89°46'35" E 2637.96' r calc, see narrative

2012 USFS AL CAP ON PIPE TYPICAL 7-PLACES, SEE NARRATIVE

N 77°54'2" W 628.86'

N 09°01'37" W 271.00'

N 45°14'19" E 507.14'

S 89°23'24" W 293.66'

S 88°25'21" W 379.63'

N 76°29'37" W 203.63'

N 78°41'24" W 50.99'

N 00°25'50" E 585.72'

N 00°25'50" W 33.00'

S 00°25'50" W 606.08'

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5402 E 2200 N
PO BOX 13
EDEN, UT 84310
801-791-1772

edenwaterworks@gmail.com

August 28, 2020

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

Re: Robert Fuller
Parcel # 20-008-0017

The Eden Water Works Company would like to inform you of the availability of water for the proposed property above. Shares of class "D" and "Commercial" stock in the Company are available for purchase.

It is mandatory that the following conditions be met:

1. Proof of secondary water rights assigned to property sent in to EWWC.
2. Purchase Eden Water Works Company share to include item #3.
3. Additional cost of replacement water from Weber Basin Water.
4. Pay applicable any additional fees.
5. **Prior to occupancy**, meter must be installed and tested. *Failure to do so will result in a \$50.00 fine for the first week and \$100.00/week thereafter. Jumpers are not allowed and fines will be imposed.*

Upon the purchase of stock and when these conditions are met and verified by a member of the Board of Trustees or its designated representative, the Board will be pleased to make the connection to the Company water system.

Sincerely,

Board of Trustees
Eden Water Works Company

EDEN IRRIGATION COMPANY

P.O. Box 56
Eden, UT 84310

October 14, 2020

To Whom It May Concern:

Subject: Evergreen Ranch LC Parcels 20-008-0017 and 20-008-0019

This letter certifies that Evergreen Ranch LC is the owner of 70.29 shares of Eden Irrigation Company (secondary water) stock on the Ritter Ditch. A water turn associated with those shares is available for use in accordance with Eden Irrigation Company procedures and policy.

Please contact me at 801-745-9546 or e-mail raccasi@msn.com, if you have questions or need additional information.

Sincerely,


Ruby Raccasi
Secretary

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



November 14, 2019

Robert Fuller
1090 N 5900 E
Eden, Utah 84310

RE: Wastewater Site and Soils Evaluation #14891
Approx. 800 N 5900 E Huntsville, Utah 84317
Parcel # 20-008-0017

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on October 28, 2019. 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 #2 (UTM Zone 12 Nad 432866 E 4569660 N)
0-23" Loam, Granular Structure
23-53" Gravelly Sandy Loam, Granular/Angular Blocky Structure, 30% Gravel
53-70" Silt Loam, Blocky Structure
70-110" Silt Loam, Massive Structure, Many Red Mottles

Exploration pit #2 was located on Parcel#: 20-008-0018 and therefore cannot currently be considered as suitable for the above-referenced property unless property lines are adjusted to include this area on the above parcel (Parcel#: 20-008-0017). This will need to be demonstrated as recorded to the Weber-Morgan Health Department before a septic permit will be issued if this area is to be considered for a wastewater disposal system.

Exploration Pit #3 (UTM Zone 12 Nad 432871 E 4569595 N)
0-23" Loam, Granular Structure
23-60" Silt Loam, Blocky Structure
60-125" Silt Loam, Massive Structure, Many Red Mottles *Lenses of fine gravel and sand at lower depths*

If a conventional wastewater disposal system with a trench depth deeper than 12 inches is desired, a percolation test will need to be conducted in Exploration Pit #3 so that the bottom of the percolation test hole is at 72 inches deep from the original grade.

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.

If a percolation test is conducted, due to the soil types existing on this property, the final readings of the **percolation tests will need to be witnessed by a representative from the Health Department**. Please make the percolation tester aware of the requirement so that arrangements can be made. Test results will not be accepted if this requirement is not met.

Percolation tests may be completed by any individual on the enclosed list. The stabilized percolation test results are to be submitted to this office for review prior to the recommendation for further development to the appropriate planning agency or prior to the issuance of a wastewater disposal permit.

EDUCATE | ENGAGE | EMPOWER

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

DESIGN REQUIREMENTS

Area within 50 feet of Exploration Pit #3:

Anticipated ground water tables not to exceed 60 inches, fall within the range of acceptability for the utilization of a Conventional Treatment System as a means of wastewater disposal. Due to restrictive soils located at a depth of 60 inches, maximum trench depth is limited to 12 inches. The absorption field is to be designed using a maximum loading rate of 0.45 gal/sq. ft./day as required for the silt loam, blocky structure soil horizon. **If a conventional trench depth deeper than 12 inches is desired, a percolation test will need to be conducted in Exploration Pit #3 at a depth of 72 inches as referenced above.**

Considering the property lines as they are currently recorded with Weber County, this lot is very restrictive in that only a relatively small portion of the very east side of the lot is suitable for the placement of a wastewater disposal system. Major design restrictions include the Zone 2 source protection zones for public drinking water system wells owned and operated by Ogden City Water System and a 100 foot setback requirement from the high water line of Pineview Reservoir. The septic tank, drainfield area, and replacement area must be designed to be outside of the Zone 2 source protection zones of Ogden City Water System's wells, while the drainfield and replacement areas must also be designed to be at least 100 feet (minimum) away from the high water line of Pineview Reservoir.

It may be difficult or impossible to place a wastewater disposal system and replacement area on this property that can support a house of more than 1-2 bedrooms using a conventional wastewater disposal system. **A packed-bed media wastewater disposal system will likely be required to install a wastewater disposal system that can support a home that contains more than 1-2 bedrooms and the Weber-Morgan Health Department cannot guarantee that it will be possible to install a wastewater disposal system that can support a home larger than 1-2 bedrooms.**

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. It is imperative that these plans are engineered to clearly and accurately show the boundaries of the Zone 2 source protection zones of Ogden City Water System's wells, location and distances to the Pineview Reservoir high water line, and property lines (including any easements).

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.

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

Sincerely,



Ryan Klinge
Environmental Health Division
801-399-7160