

WEBER COUNTY PLANNING DIVISION

Administrative Review Meeting Agenda

September 6, 2022

2:00 p.m.

- 1. Minutes: August 10, 2022**
- 2. Administrative Items**

2.1 UVB040422 - Consideration and action on final approval of Bright Acres Subdivision, consisting of four lots. **Planner: Tammy Aydelotte**

2.2 UVH080822 Consideration, and action on a request for approval of Hale Kinderfarm Subdivision 1st Amendment, consisting of two residential lot. Together with a request to gain access at a location other than across the front lot line. **Planner Felix Lleverino**

Adjourn

The meeting will be held in Public Works Conference Room, in the Weber Center, 2nd Floor Suite240, 2380 Washington Blvd, Ogden Utah 84401

****Public comment may not be heard during administrative items. Please contact***

thePlanningDivision Project Manager at 801-399-8374 before the meeting if you have questions or comments regarding an item*

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8374

August 10, 2022

Minutes of August 10, 2022, Administrative Review Hearing, held in the Weber County Planning Division Office, 2380 Washington Blvd., Suite 240, Ogden UT, commencing at 4:00 p.m.

Staff Present: Steve Burton, Principal Planner; Tammy Aydelotte, Planner; June Nelson, Secretary

1. Minutes: July 20, 2022, August 3, 2022 APPROVED

2. Administrative Items

2.1 AAE 2022-03: Consideration and action on an alternative access request to use a private right-of-way as the primary access for three lots within the Evergreen Park subdivision, in the F-40 zone. **Presenter Tammy Aydelotte**

The applicant is requesting approval of a private access easement for three lots in Evergreen Park Subdivision. The narrative in Exhibit A describes how the alternative access is applicable in this situation. The qualifying criteria posed by the applicant is listed below:

1. The property boundary conditions make it impractical to extend a street to serve this one lot.
2. There does not appear to be a path for a new connection to North Fork Road due to the presence of established residential lots.

After reviewing the proposal, the Planning Division concurs that these circumstances warrant a private access easement for a private road.

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.*

Staff recommends approval of AAE 2022-03, to provide access by private access easement to two lots within a future four- lot subdivision. The recommendation for approval is subject to review agency requirements and the following conditions:

1. **The private access shall comply with the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29.**
2. **The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, before the recording of the future subdivision.**
3. **The development plan display connectivity via a public road stub or public pathway stub.**
4. **The improved travel surface of the access easement shall be a minimum of 12 feet wide and shall be capable of supporting 75,000 lbs. Also, and Per LUC Sec. 108-7-29(a)(5), a turnout measuring 10'x40' will be required at the midpoint of the access easement.**

Approval is based on the following findings:

1. **The applicant has demonstrated that extending a fully improved road to one lot is not practical due to the parcel's property boundary conditions.**

This item was approved with the conditions and findings in this staff report.

2.2 LVR062222: Consideration and action on a request for final approval of Rauzi Subdivision, consisting of one lot, located in the A-1 zone at approximately 4700 West 1100 South, Ogden, UT, 84401. **Presenter Tammy Aydelotte**

The applicant is requesting approval of a subdivision that proposes to divide off one 5.50 acre lot from a 10.99-acre parcel. The proposed Rauzi 2 Subdivision fronts on an existing public right-of-way and fully built road called 1150 South Street. The applicant is proposing a future right-of-way along the northern boundary of lot 1 of Rauzi 2 subdivision. The current R.O.W width conforms to the Weber County Transportation Plan. Thereby, the plat is not required to

August 10, 2022

dedicate additional area to the 1150 S R.O.W.

This proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the A-1 Zone found in LUC §104-2. The following section is a brief analysis of this project against current land use regulations.

Staff recommends the final approval of Rauzi 2 Subdivision. Approval is based on completing all county review agency requirements and completion of the following conditions :

1. **The owner enters into a Deferral Agreement for the curb, gutter, and sidewalk. This recommendation is based on the following findings:**

1. **The proposed subdivision conforms to the Western Weber General Plan.**
2. **The proposed subdivision complies with the applicable County codes.**

Administrative final approval of the Rauzi 2 Subdivision is hereby granted after displaying conformity with applicable zoning and subdivision standards. This approval is subject to all Weber County review agency requirements and the conditions of approval stated within this planning staff report.

2.3 UVH050322: Request for final approval of Hadlock Subdivision 1st Amendment, a lot averaged subdivision, consisting of three lots, and three remainder parcels. This request includes dedication of a new County right-of-way, 2950 East Street. Located in the AV-3 zone at approximately 2950 East 5100 North, Liberty, UT, 84310. **Presenter Tammy Aydelotte**

The applicant is requesting a recommendation of final approval of Hadlock Subdivision 1st Amendment, a small, lot-averaged subdivision, consisting of three residential lots and three remainder parcels, in the AV-3 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Staff recommends final approval of Hadlock Subdivision 1st Amendment, a lot averaged subdivision, consisting of three lots, and three remainder parcels, located at approximately 2950 E 5100 N, Liberty, UT 84310. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. **A substandard road agreement, along with a deferral agreement will need to be signed prior to recording the final plat.**
2. **A table of lot averages, regarding lot width and lot area, shall be shown on the final plat.**
3. **A 66' wide right-of-way shall be shown on the final plat.**
4. **Shaw Drive shall be improved to County Standard, or escrowed, prior to recording the final plat.**

This recommendation is based on the following findings:

1. **The proposed subdivision conforms to the Ogden Valley General Plan**
2. **The proposed subdivision complies with applicable county ordinances**

This item was approved with the conditions and findings in this staff report.

Respectfully Submitted,
June Nelson
 Lead Office Specialist



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of Bright Acres Subdivision, consisting of four lots.
Type of Decision: Administrative
Agenda Date: Tuesday, September 6, 2022
Applicant: Scott Hale, Owner
File Number: UVB040422

Property Information

Approximate Address: 5638 N 3100 E, Liberty, UT, 84310
Project Area: 14.06 acres
Zoning: Agricultural Valley (AV-3)
Existing Land Use: Agriculture
Proposed Land Use: Residential
Parcel ID: 22-280-0001, 22-004-0173, 22-004-0174
Township, Range, Section: T7N, R1E, Section 07 NE

Adjacent Land Use

North: Park Rd./5750 North St.	South: Residential/Vacant
East: Residential/3100 East St.	West: Residential

Staff Information

Report Presenter: Tammy Aydelotte
 taydelotte@webercountyutah.gov
Report Reviewer: SB

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Stream corridors, wetlands, shorelines)
- Weber County Land Use Code Title 104 (Zones) Chapter 2 (AV-3 Zone)

Background and Summary

9/6/2021 – Alternative Access request was approved.

5/24/2022 – Preliminary approval granted by Ogden Valley Planning Commission.

8/2/2022 – Recommendation of final approval by Ogden Valley Planning Commission.

The applicant is requesting a recommendation of final approval of Bright Acres Subdivision, a single-phase subdivision consisting of four lots, in the AV-3 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Final Conditions of Approval

1. All improvements shall either be installed or escrowed for prior to appearing on a County Commission agenda for final approval. – Per LUC 101-2-20, 'the term "small subdivision" means: (a) A subdivision that has nine of fewer lots.' As such, administrative approval is being sought from the land use authority for small subdivisions.
2. A 12-foot wide public trail easement shall be shown on the final plat along the southern boundary of lots 3 and 4, per the approval of the application for AAE2021-10. – This is shown on the proposed final plat.
3. The proposed access shall comply with safety, design, and parcel/lot standards as outlined in LUC, and will be verified prior to issuing certificate of occupancy for the first residence within this subdivision. – Engineering has verified the access meets minimum standards.
4. An alternative access covenant, per the approval for an alternative access dated 10/28/2020, shall be recorded with the final plat. – Record with the final plat.
5. An onsite wastewater disposal covenant shall be recorded with the final plat. – Record with the final plat.
6. A private well covenant shall be recorded with the final plat. – Record with the final plat.

7. A covenant, specifying the allowed amount of non-drought tolerant landscaping, shall be recorded with the final plat. – Record with the final plat.

Staff Recommendation

Staff recommends final approval of Bright Acres Subdivision, consisting of four lots located at approximately 5638 N 3100 E, Liberty. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and based on the following findings:

This recommendation is based on the following findings:

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

Exhibits

- A. Subdivision Plat

Area Map



Exhibit A- Subdivision Plat

BRIGHT ACRES SUBDIVISION

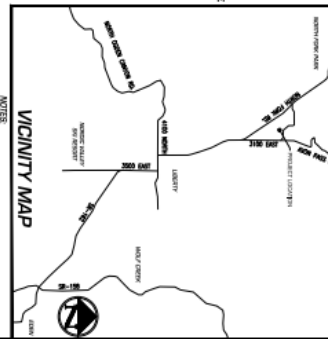
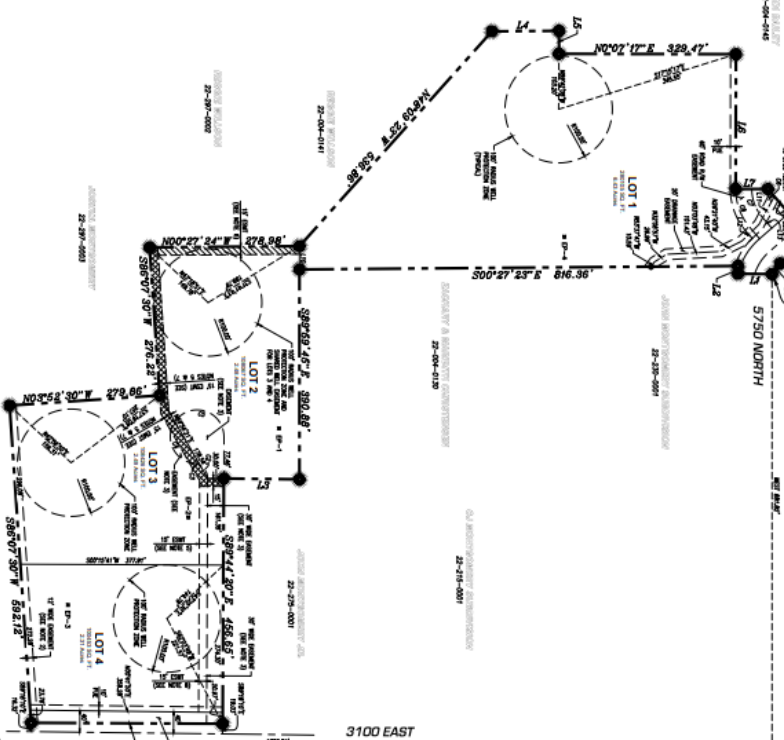
A LOT-AVERAGED SUBDIVISION
 LOCATED IN THE EAST QUARTER OF SECTION 7,
 TOWNSHIP 7 NORTH RANGE 1 EAST,
 LIBERTY, WEBER COUNTY, UTAH

CURVE DATA

STATION	LENGTH	CHORD BEARING	CHORD DISTANCE	CHORD BEARING
C1	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C2	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C3	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C4	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C5	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C6	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C7	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C8	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C9	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C10	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C11	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C12	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C13	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C14	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C15	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C16	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C17	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C18	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C19	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W
C20	20.00	S45° 00' 00" W	12.50	S45° 00' 00" W

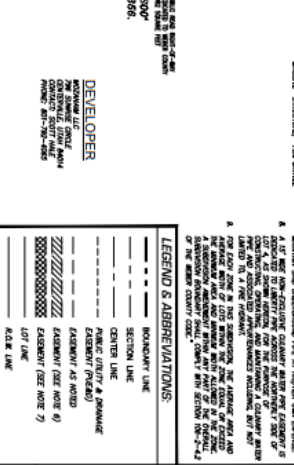
LINE TABLE

LINE	LENGTH	DIRECTION
L1	632.89	S89° 57' 32" W
L2	632.89	S89° 57' 32" W
L3	632.89	S89° 57' 32" W
L4	632.89	S89° 57' 32" W
L5	632.89	S89° 57' 32" W
L6	632.89	S89° 57' 32" W
L7	632.89	S89° 57' 32" W
L8	632.89	S89° 57' 32" W
L9	632.89	S89° 57' 32" W
L10	632.89	S89° 57' 32" W
L11	632.89	S89° 57' 32" W
L12	632.89	S89° 57' 32" W
L13	632.89	S89° 57' 32" W
L14	632.89	S89° 57' 32" W
L15	632.89	S89° 57' 32" W
L16	632.89	S89° 57' 32" W
L17	632.89	S89° 57' 32" W
L18	632.89	S89° 57' 32" W
L19	632.89	S89° 57' 32" W
L20	632.89	S89° 57' 32" W



- ### NOTES
1. BOUNDARY CORNER SHALL BE SET WITH A PERMANENT AND SUBSTANTIAL MARK.
 2. A LOT-AVERAGED SUBDIVISION IS THE ONLY METHOD OF DIVISION OF LAND WHICH IS PERMITTED BY THE UTAH SUBDIVISION ACT.
 3. THE USE OF THIS PLAT FOR ANY PURPOSE IS LIMITED TO THE PURPOSES SPECIFIED HEREIN.
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 10. THE USE OF THIS PLAT FOR ANY PURPOSE IS LIMITED TO THE PURPOSES SPECIFIED HEREIN.

- ### LEGEND & ABBREVIATIONS
- BOUNDARY LINE: DASHED LINE
 - SECTION LINE: DASHED LINE
 - PUBLIC UTILITY EASEMENT: HATCHED AREA
 - EASEMENT (SEE NOTE 1): HATCHED AREA
 - EASEMENT (SEE NOTE 2): HATCHED AREA
 - EASEMENT (SEE NOTE 3): HATCHED AREA
 - EASEMENT (SEE NOTE 4): HATCHED AREA
 - EASEMENT (SEE NOTE 5): HATCHED AREA
 - EASEMENT (SEE NOTE 6): HATCHED AREA
 - EASEMENT (SEE NOTE 7): HATCHED AREA
 - EASEMENT (SEE NOTE 8): HATCHED AREA
 - EASEMENT (SEE NOTE 9): HATCHED AREA
 - EASEMENT (SEE NOTE 10): HATCHED AREA
 - EASEMENT (SEE NOTE 11): HATCHED AREA
 - EASEMENT (SEE NOTE 12): HATCHED AREA
 - EASEMENT (SEE NOTE 13): HATCHED AREA
 - EASEMENT (SEE NOTE 14): HATCHED AREA
 - EASEMENT (SEE NOTE 15): HATCHED AREA
 - EASEMENT (SEE NOTE 16): HATCHED AREA
 - EASEMENT (SEE NOTE 17): HATCHED AREA
 - EASEMENT (SEE NOTE 18): HATCHED AREA
 - EASEMENT (SEE NOTE 19): HATCHED AREA
 - EASEMENT (SEE NOTE 20): HATCHED AREA



BASIS OF BEARINGS

THE EAST LINE OF THE ADJACENT QUARTER OF SECTION 7, TOWNSHIP 7 NORTH, RANGE 1 EAST, LIBERTY, WEBER COUNTY, UTAH, BEING THE EAST LINE OF SAID QUARTER, IS THE BASIS OF BEARINGS FOR THE LINES OF THIS SUBDIVISION.

SURETY'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY CLERK OF WEBER COUNTY, UTAH, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED SUBDIVISION IS A LOT-AVERAGED SUBDIVISION AS DEFINED IN SECTION 2, TOWNSHIP 7 NORTH, RANGE 1 EAST OF THE SALT LAKE MERIDIAN, AND THAT THE SAME IS IN ACCORDANCE WITH THE PROVISIONS OF THE UTAH SUBDIVISION ACT, CHAPTER 2, SECTIONS 2-1-1 THROUGH 2-1-10, AS AMENDED.

BOUNDARY DESCRIPTION

THE BRIGHT ACRES SUBDIVISION IS A LOT-AVERAGED SUBDIVISION AS DEFINED IN SECTION 2, TOWNSHIP 7 NORTH, RANGE 1 EAST OF THE SALT LAKE MERIDIAN, AND IS BOUNDARY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF BEGINNING OF SAID QUARTER, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 1, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 2, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 3, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 4, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF SAID QUARTER, BEING THE EAST LINE OF SAID QUARTER, BEING THE BASIS OF BEARINGS FOR THE LINES OF THIS SUBDIVISION.

OWNERS DEDICATION

I, THE UNDERSIGNED, COUNTY CLERK OF WEBER COUNTY, UTAH, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED SUBDIVISION IS A LOT-AVERAGED SUBDIVISION AS DEFINED IN SECTION 2, TOWNSHIP 7 NORTH, RANGE 1 EAST OF THE SALT LAKE MERIDIAN, AND IS BOUNDARY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF BEGINNING OF SAID QUARTER, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 1, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 2, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 3, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 4, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF SAID QUARTER, BEING THE EAST LINE OF SAID QUARTER, BEING THE BASIS OF BEARINGS FOR THE LINES OF THIS SUBDIVISION.

NOTARY ACKNOWLEDGEMENT

I, THE UNDERSIGNED, COUNTY CLERK OF WEBER COUNTY, UTAH, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED SUBDIVISION IS A LOT-AVERAGED SUBDIVISION AS DEFINED IN SECTION 2, TOWNSHIP 7 NORTH, RANGE 1 EAST OF THE SALT LAKE MERIDIAN, AND IS BOUNDARY DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF BEGINNING OF SAID QUARTER, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 1, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 2, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 3, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF LOT 4, THENCE S89° 57' 32" W 632.89 FEET TO THE POINT OF BEGINNING OF SAID QUARTER, BEING THE EAST LINE OF SAID QUARTER, BEING THE BASIS OF BEARINGS FOR THE LINES OF THIS SUBDIVISION.

SUBDIVISION AVERAGES TABLE

LOT	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA	PERCENTAGE OF TOTAL AREA
1	158,222	24.8	24.8
2	158,222	24.8	24.8
3	158,222	24.8	24.8
4	158,222	24.8	24.8
Average	158,222	24.8	24.8

BRIGHT ACRES SUBDIVISION
 A LOT-AVERAGED SUBDIVISION
 LOCATED IN THE EAST QUARTER OF SECTION 7,
 TOWNSHIP 7 NORTH RANGE 1 EAST,
 SALT LAKE MERIDIAN, LIBERTY, WEBER COUNTY, UTAH

SUBDIVISION AVERAGES TABLE

LOT No.	AREA (SQ. FT.)	AREA (ACRES)	LOT WIDTH	DESCRIPTION OF WIDTH MEASUREMENT
1	280,105	6.43	394.2	MEASURED FROM THE NORTHWEST CORNER OF THE LOT PERPENDUCULARLY TO THE EAST SIDE OF THE LOT.
2	108,067	2.48	260.3	MEASURED FROM THE ANGLE POINT AT THE EAST END OF THE SOUTH LINE OF THE LOT (MEASURING 276.22 FEET) PERPENDICULARLY TO THE NORTH SIDE OF THE LOT.
3	108,426	2.49	296.0	MEASURED ALONG SOUTH LINE OF THE LOT
4	100,453	2.31	295.3	MEASURED ACROSS THE MIDDLE OF THE LOT, EAST TO WEST
SUBDIVISION AVERAGE	149,263	3.43	311.5	

BRIAN COWAN, MPH, LEHS
Health Officer/Executive Director



April 1, 2022

Mozanaim LLC
983 E Bella Vista Dr
Fruit Hieghts, UT 84037

RE: **Private Well Approval at:**
5638 N 3100 E Lot 2
Liberty, UT 84310
Parcel #22-004-0142

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:

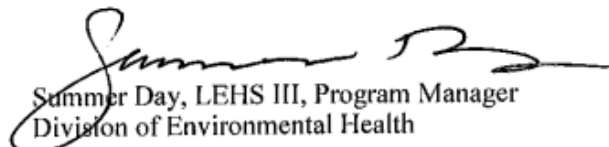
1. The Water Right Number: E6120 (35-13832)
2. Well driller license #920
3. The well is 205 feet deep with a "Bentonite Chip 3/8"" seal to a depth of 30 feet.
4. The well yields 40 GPM with a 0-foot drawdown in 6.5 hrs.
5. The water samples for the partial inorganic analysis were submitted to Chemtech-Ford Laboratories on September 29, 2021. The water analysis was satisfactory.
6. A bacteriological water sample was collected by staff of this department on September 29, 2021. September 29, 2021 The water analysis was satisfactory.
7. This is a shared well. It has been approved to provide culinary water to lot 2, 3, & 4 of the Bright Acres Subdivision.

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,



Summer Day, LEHS III, Program Manager
Division of Environmental Health



October 7, 2021

Mozanaim LLC
983 E Bella Vista Dr
Fruit Hieghts, UT 84037

RE: **Private Well Approval at:**
5750 N 2955 E Lot 1
Liberty, UT 84310
Parcel #22-280-0001

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: E6121 (35-13833)
2. Well driller license #920
3. The well is 205 feet deep with a "Bentonite Chip 3/8"" seal to a depth of 30 feet.
4. The well yields 40 GPM with a 0-foot drawdown in 6.5 hrs.
5. The water samples for the partial inorganic analysis were submitted to Chemtech-Ford Laboratories on September 29, 2021. The water analysis was satisfactory.
6. A bacteriological water sample was collected by staff of this department on September 29, 2021. September 29, 2021 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,

Summer Day, LEHS III, Program Manager
Division of Environmental Health

Memo

Bright Acres Subdivision culinary and secondary water

Date: April 1, 2022

Regarding: Summary of culinary and secondary water obtained for use on Lots 1, 2, 3 and 4 of the Bright Acres Subdivision

Applicant: Scott and Rachel Hale, 796 Sunrise Circle Centerville, Utah 84014, 801-792-4065, Scottchale@gmail.com

To: Weber County Planning Department, 2380 Washington Boulevard, Suite 240, Ogden Utah, 84410

The Bright Acres Subdivision is a proposed 4 Lot subdivision on three adjoining parcels of land in Liberty, Utah totaling 14 acres.

The culinary and secondary water for the four lots in the subdivision will be provided via two private wells. The Well located on proposed Lot 1 will provide culinary and secondary water for Lot 1. The Shared Well located on Lot 2 will provide culinary and secondary water for Lots 2, 3, and 4. The wells have been approved by the state of Utah, have been drilled, and are both good producing wells. Both wells have been tested and approved by Weber-Morgan Health Department (refer to [Morgan Health Department Well Approval](#) for approval for the Well on Lot 1 and [Morgan Health Department Private Shared Well Approval for Lots 2, 3 and 4.pdf](#) for approval for the Shared Well on Lot 2 under the Well Approval Section in Frontier). Water allocations from Weber Basis Water Conservancy District sufficient to water 30 percent of each lot in the subdivision have been secured in accordance with **Sec 106-4-2.1 - Water Supply.**



Staff Report to the Weber County Planning Division

Weber County Planning Division

Synopsis

Application Information

Application Request: UVH080822, Consideration, and action on a request for approval of Hale Kinderfarm Subdivision 1st Amendment, consisting of two residential lot. Together with a request to gain access at a location other than across the front lot line.

Agenda Date: Wednesday, Sept. 6, 2022

Applicant: Jenny Hale Pulsipher (Owners)

File Number: UVH080822

Property Information

Approximate Address: 9215 E 500 S, Huntsville, Utah, 84317

Project Area: 17.54 Acres

Zoning: Forest Valley (AV-3)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 21-151-0002

Township, Range, Section: T6N, R2E, Sections 16

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Felix Lleverino
 flleverino@co.weber.ut.us
 801-399-8767

Report Reviewer: RG

Applicable Land Use Codes

- Title 101 (General Provisions) Chapter 1 (Definitions)
- Title 104 (Zones) Chapter 14 (Forest Valley, FV-3)
- 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 will access from a public road called 500 South. The County Transportation Plan indicates that 500 South Street requires a 66' right of way. The Hale Kinderfarm Subdivision plat indicates that 500 South possesses the appropriate ROW width.

The owner intends to use the land for residential and related uses, which conforms with the purpose of the FV-3 zoning.

The Hale Kinderfarm Subdivision will be served with an individual well and septic system.

As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the FV-3 zone found in LUC §104-14. The following section is a brief analysis of this project against current land use regulations.

Analysis

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

Zoning: The property is within the AV-3 Zone. The purpose of this zone is stated in the LUC §104-2-1.

"The AV-3 Zone and A-1 Zone are both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone and A-1 Zone is to:

- 1. Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;*
- 2. Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and*
- 3. Direct orderly low-density residential development in a continuing rural environment."*

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 lots for which no new streets are being created or realigned.

Public Right of Way Opportunities: County Planning and Engineering have explored opportunities for a public road extending southward. However, due to the proximity to the Ogden River, and the rural setting, a public road in this location is not practical and the area should remain unencumbered by a public road.

Access by a Shared Driveway: The existing driveway is currently being used for access to the homes located on parcels 21-023-0010 and 21-151-0002. The applicant is requesting approval to gain access at a location other than across the front lot line. Review comments from the Fire District on this matter are included under the reviews section.

Irrigation and Domestic Water: The owner intends to drill a private well to provide for the lot's culinary and irrigation water needs. The Order of the State Engineer states that a maximum of .18 acres (7,984.54 sq ft) of land may be irrigated. The remaining portion of their water allotment will be used for culinary needs. An amendment to the improvements required for all subdivisions codified on 5-25-2021, states that the private well must be drilled, tested for a minimum of 48 hrs., and analyzed by the Weber-Morgan Health Department before final plat recording. This requirement is included as a condition of approval.

Sanitary System: Weber-Morgan Health Department has provided feasibility letters stating that the percolation rates of the Hale property fall within the range of acceptability for the placement of a packed bed media system with non-chemical disinfection followed by a conventional trench, with a maximum trench depth limited to 12 inches. (see Exhibit C).

Review Agencies: The Weber County Fire District requires the following:

1. A home fire suppression system,
2. the shared driveway be classified as an access road,
3. the road shall be widened to at least 20',
4. the access road is constructed to support at least 75,000 lbs., and
5. the owner constructs an approved turn-around at the point where the access road terminates.

Review comments from Weber County Planning, Engineering, and Surveying are submitted and will be addressed by a revised subdivision plat. The Weber-Morgan Health Department is ready to approve this proposal after the final plat shows the test pit location, soil horizon, and the desired well location, and the owner pays the review fee.

Staff Recommendation

Staff recommends final plat approval of Hale Kinderfarm Subdivision, consisting of 2 lots. Including a request to gain access at a location other than across the front lot line. This recommendation is based on the following conditions:

1. The requirements listed in the Weber Fire District's review are satisfied.
2. The owner shall enter into a deferral agreement for the curb, gutter, and sidewalk.
3. The owner shall enter into a restricted landscape covenant.
4. A subdivision plat note is added that generally describes the irrigation limitations.
5. The private well is complete before the subdivision plat may record.

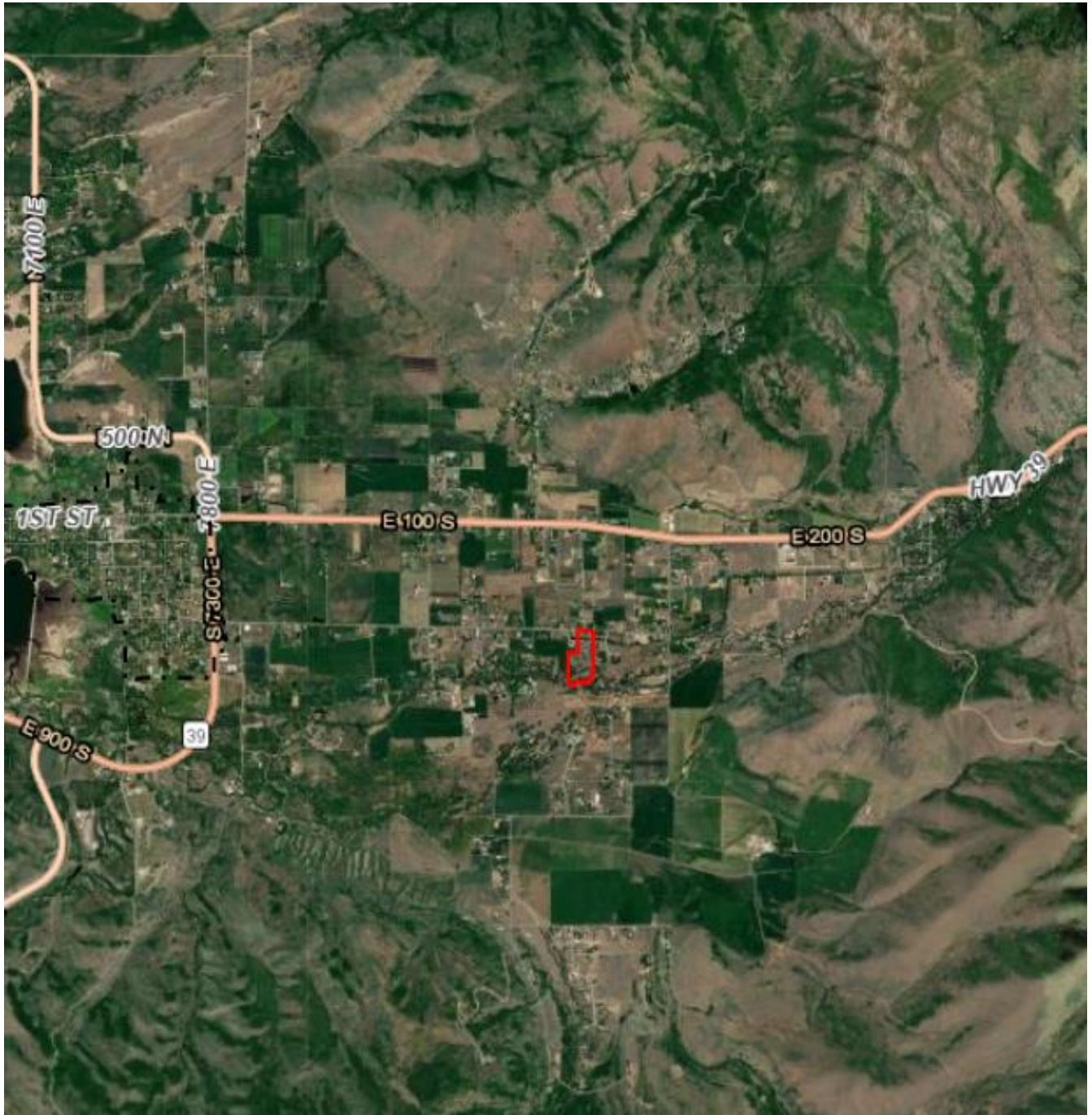
The following findings are the basis for the staff's recommendation:

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

Exhibits

- A. Hale Kinderfarm 1st Amendment Subdivision Plat
- B. Current Recorders Plat
- C. Septic Feasibility Letter
- D. Private well documents

Area Map



HALE KINDERFARM 1ST AMENDMENT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN,
WEBER COUNTY, UTAH
JUNE 2022

VICINITY MAP
NOT TO SCALE



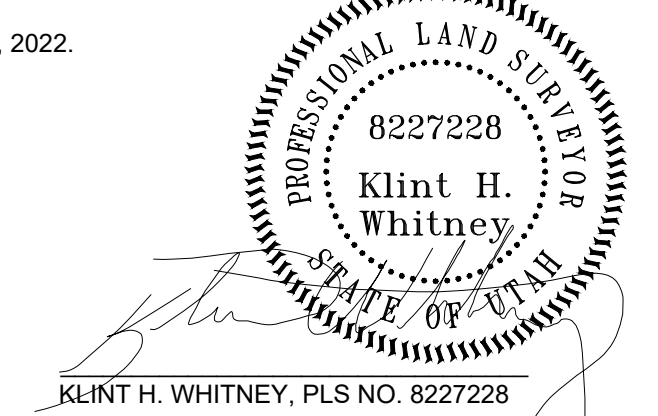
BOUNDARY DESCRIPTION

ALL OF LOT 2 HALE KINDERFARM SUBDIVISION MORE PARTICULARLY DESCRIBED AS FOLLOWS:
A PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 2 EAST, OF THE SALT
LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON SOUTH RIGHT-OF-WAY LINE OF 500 SOUTH STREET
BEING LOCATED SOUTH 00°03'49" WEST 804.98 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER
AND NORTH 90°00'00" WEST 1857.64 FEET FROM THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;
RUNNING THENCE SOUTH 00°27'10" EAST 582.63 FEET; THENCE SOUTH 45°27'10" EAST 42.43 FEET; THENCE
SOUTH 00°27'10" EAST 442.72 FEET; THENCE NORTH 89°32'50" EAST 250.00 FEET; THENCE SOUTH 00°27'10"
EAST 337.13 FEET; THENCE NORTH 81°01'33" WEST 888.94 FEET; THENCE NORTH 01°06'18" WEST 751.98 FEET;
THENCE NORTH 89°32'50" EAST 248.53 FEET; THENCE NORTH 00°27'10" WEST 517.76 FEET TO SAID SOUTH
RIGHT-OF-WAY LINE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE SOUTH 86°47'49" EAST 357.69 FEET TO
THE POINT OF BEGINNING, CONTAINING 17.526 ACRES.

SURVEYOR'S CERTIFICATE

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE
OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE
PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE
OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED ON THIS PLAT, AND HAVE
SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREINAFTER TO BE KNOWN
AS PULSIPHER SUBDIVISION IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS;
THAT THE REFERENCE MONUMENTS SHOWN HEREON ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO
RETRACE OR REESTABLISH THIS SURVEY; THAT ALL LOTS MEET THE REQUIREMENTS OF THE LAND USE CODE;
AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL
BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS DAY OF 2022.



OWNER'S DEDICATION

I THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND
SUBDIVIDE THE SAME INTO LOTS, PARCELS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

PULSIPHER SUBDIVISION

AND HEREBY DEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF
SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES
FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS
DESIGNATED ON THE PLAT AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE
AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL
PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS
MAY BE AUTHORIZED BY WEBER COUNTY, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED
WITHIN SUCH EASEMENTS.

SIGNED THIS DAY OF 2022.

THE PHILLIP N. HALE REVOCABLE TRUST ESTABLISHED BY DECLARATION OF TRUST DATED JANUARY 14, 1998

BY: PHILLIP N. HALE / TRUSTEE

THE BARBARA B. HALE REVOCABLE TRUST ESTABLISHED BY DECLARATION OF TRUST DATED JANUARY 14, 1998

BY: BARBARA B. HALE / TRUSTEE

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF WEBER)

On this day of 2022, personally appeared before me PHILLIP N. HALE, whose identity is
personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that
he/she is the TRUSTEE OF THE PHILLIP N. HALE REVOCABLE TRUST ESTABLISHED BY DECLARATION OF TRUST
DATED JANUARY 14, 1998, and that said document was signed by him/her in behalf of said Corporation by Authority of
its Bylaws, or (Resolution of its Board of Directors), and said PHILLIP N. HALE acknowledged to me that said
Corporation executed the same.

STAMP

NOTARY PUBLIC

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF WEBER)

On this day of 2022, personally appeared before me BARBARA B. HALE, whose identity is
personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that
he/she is the TRUSTEE OF THE BARBARA B. HALE REVOCABLE TRUST ESTABLISHED BY DECLARATION OF
TRUST DATED JANUARY 14, 1998, and that said document was signed by him/her in behalf of said Corporation by
Authority of its Bylaws, or (Resolution of its Board of Directors), and said BARBARA B. HALE acknowledged to me that
said Corporation executed the same.

STAMP

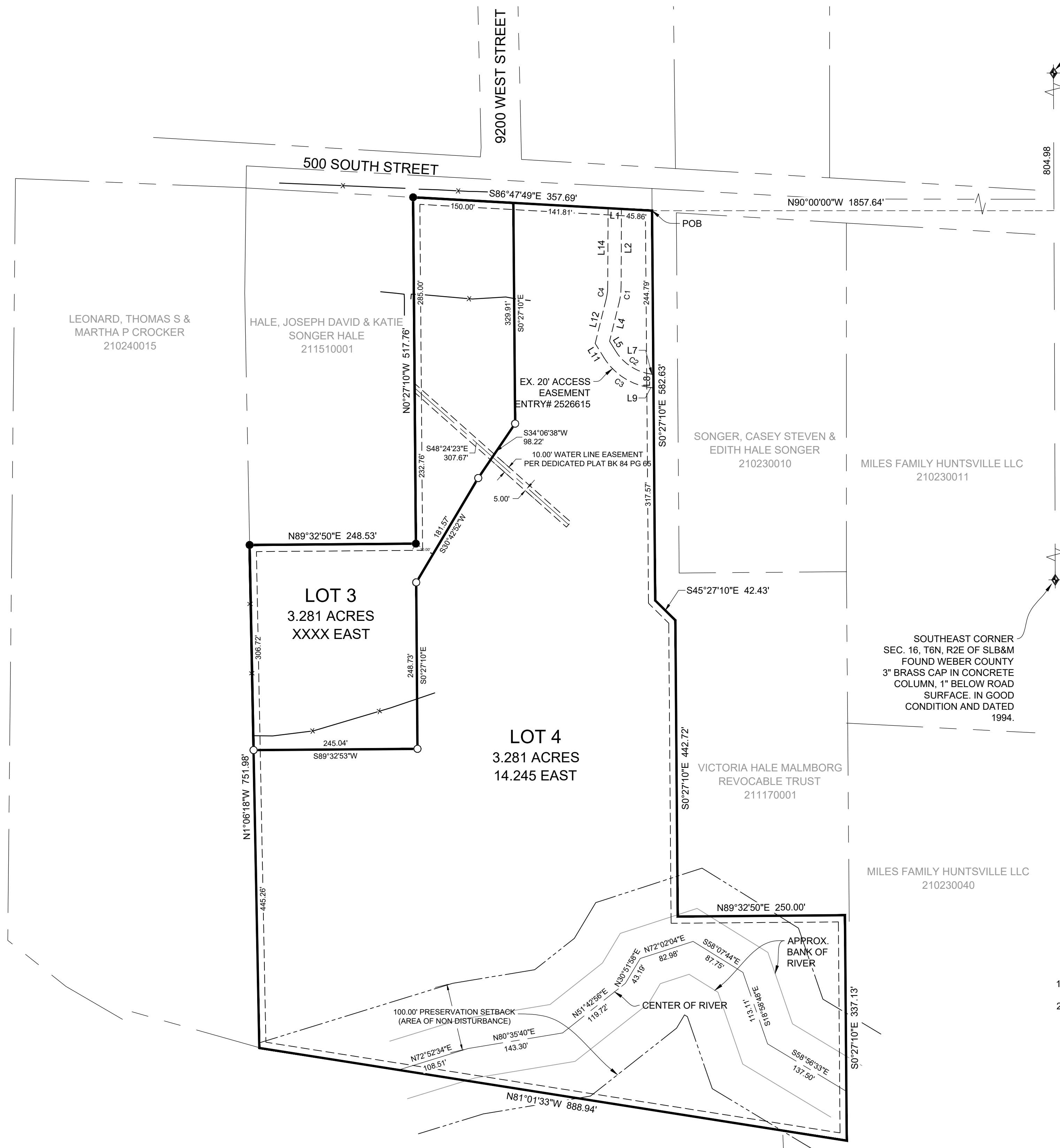
NOTARY PUBLIC

DEVELOPER:
JENNIFER PULSIFER

S1
1

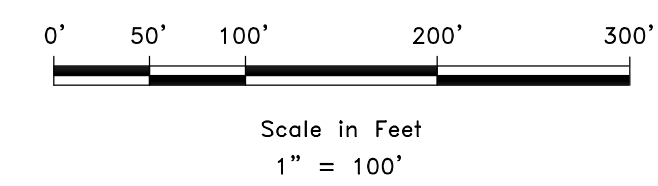
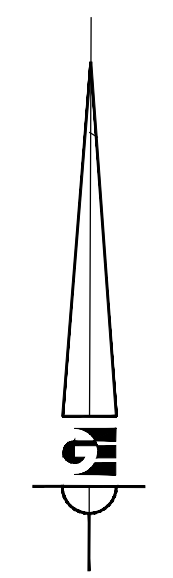
COUNTY RECORDER

ENTRY NO. FEE PAID
FILED FOR AND RECORDED
AT IN BOOK OF OFFICIAL
RECORDS, PAGE RECORDED
FOR
COUNTY RECORDER



EAST QUARTER CORNER
SEC. 16, T6N, R2E OF SLB&M
FOUND WEBER COUNTY
3" BRASS CAP IN CONCRETE
COLUMN, 6" BELOW RING
AND LID, IN GOOD
CONDITION, DATED 2021.

804.98
S0°03'49"W 2641.30' (BASIS OF BEARING)



LEGEND

- WEBER COUNTY MONUMENT AS NOTED
SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
SUBDIVISION BOUNDARY
LOT LINE
ADJACENT PARCEL
SECTION LINE
EASEMENT
EXISTING FENCE LINE

NOTES

- 1. ZONE (FV-3) CURRENT YARD SETBACKS: FRONT: 30 FEET; SIDE: 20 FEET EXCEPT 30 FEET FOR SIDE FACING STREET; REAR: 30 FEET
2. SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FEMA MAP NO. 49057C0263F WITH AN EFFECTIVE DATE OF JUNE 2, 2015.

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE A ONE LOT SUBDIVISION ON THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY JENNIFER PULSIFER. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON THE BASIS OF BEARING IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 2 EAST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS SOUTH 0°03'49" WEST WEBER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING.

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S 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 2022.

COUNTY SURVEYOR

WEBER COUNTY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.

SIGNED THIS DAY OF 2022.

COUNTY ATTORNEY

WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS 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 2022.

COUNTY ENGINEER

WEBER COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH.

SIGNED THIS DAY OF 2022.

CHAIRMAN, WEBER COUNTY COMMISSION

ATTEST: NAME/TITLE

WEBER COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION.

SIGNED THIS DAY OF 2022.

CHAIRMAN, WEBER COUNTY PLANNING COMMISSION

WEBER - MORGAN HEALTH DEPARTMENT

I DO HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITION FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.

SIGNED THIS DAY OF 2022.

DIRECTOR WEBER-MORGAN HEALTH DEPT.

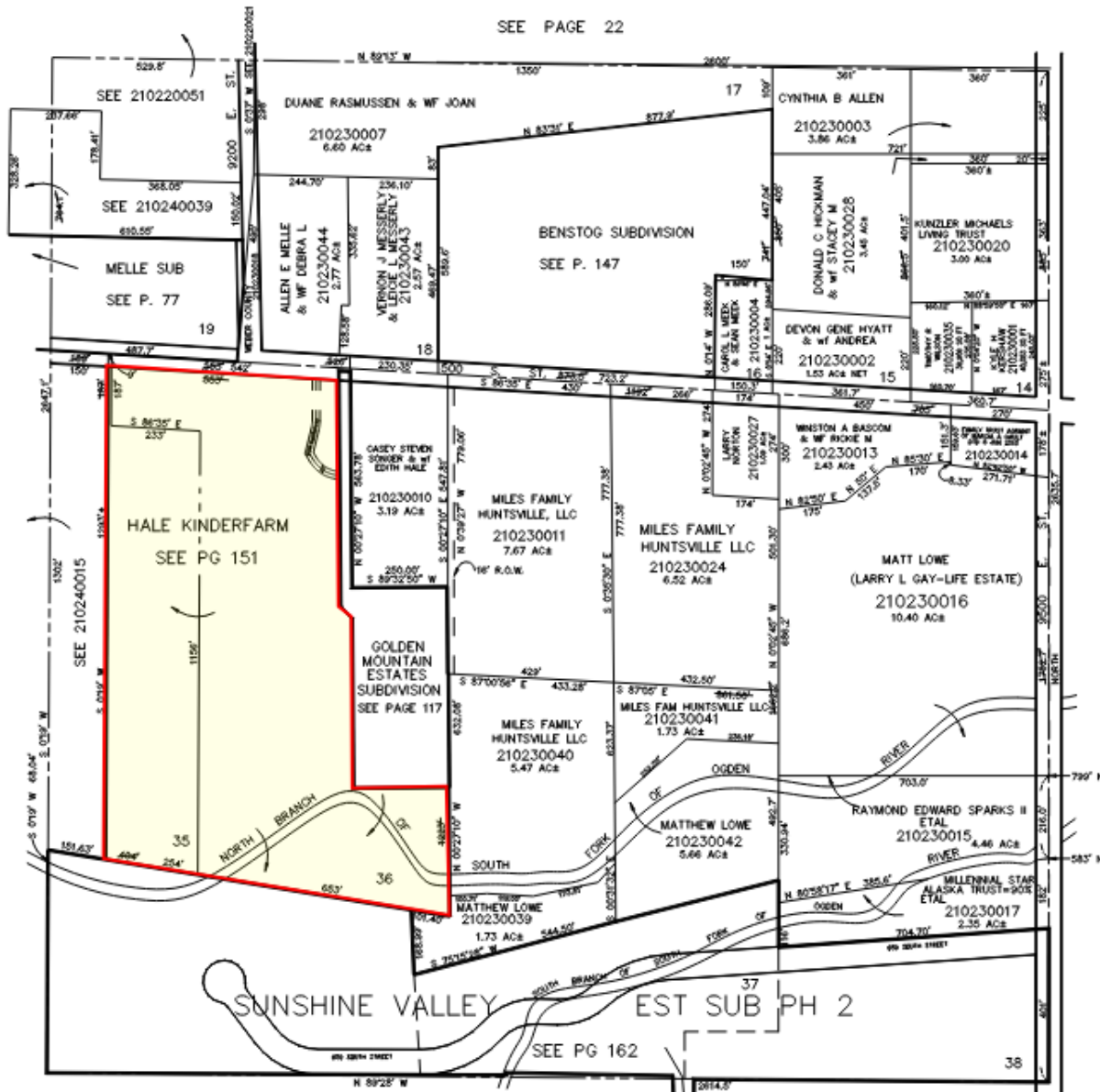
S.E. 1/4
SECTION 16, T.6N., R.2E., S.L.B. & M.
IN WEBER COUNTY
SCALE 1" = 200'

TAXING UNIT: 520

SEE PAGE 22

SEE PAGE 24

SEE PAGE 21



SEE PAGE 35

NOTE: SEE ORIGINAL PLAT IN BOOK 6, PAGE 64.
APPROXIMATE LOCATION OF RIVERS FROM
1970 AERIAL PHOTOS.

FOR TAX PURPOSES ONLY

BDB 4-96

BRIAN COWAN, MPH, LEHS
Health Officer/Executive Director



July 7, 2022

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

RE: Michael and Jenny Pulsipher
9215 E 500 S, Huntsville UT
Parcel #21-151-0002
Soil log #15385

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

Anticipated ground water tables not to exceed 48 inches, and soil classified as Type 1, fall within the range of acceptability for a Packed Bed Media Treatment System with non-chemical disinfection followed by a conventional trench with a maximum trench depth limited to 12 inches. The absorption system is to be designed using a maximum loading rate of 0.65 gal/sq. ft. /day as required for a sandy loam, granular. This is for the area of exploration pit located at UTM Zone 12 Nad 83 0438914 E 4567126 N.

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,

Craig Jorgensen, LEHS
Environmental Health Division
801-399-7160

EDUCATE | ENGAGE | EMPOWER

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



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

BRIAN C. STEED
Executive Director

TERESA WILHELMSSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-14097 (E6328)

7,984.54
sq ft

Exchange Application Number 35-14097 (E6328) in the names of Michael and Jenny Pulsipher was filed on February 9, 2022, to exchange 1.00 acre-foot of water, as evidenced by Water Right Number 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 59513 associated with Tax I.D. Number 21-151-0002) for its use with Weber Basin Water Conservancy District. 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 a well to be located North 1043 feet and East 292 feet from the S $\frac{1}{4}$ Corner of Section 16, T6N, R2E, 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. The water is to be used in all or portion(s) of Section 16, T6N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on March 3 and 10, 2022. 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 35-14097 (E6328) 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 Weber Basin Water Conservancy District. 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 equivalent domestic unit (0.45 acre-foot).
- 3) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-14097 (E6328)

Page 2

- 4) The applicant shall construct or install and maintain controlling works and a measuring device as required by Section 73-5-4 of Utah Code.

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, 2029, 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

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-14097 (E6328)

Page 3

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.

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 3 day of June, 2022.


Teresa Wilhelmsen, P.E., State Engineer
By: *Blake W. Bingham, Deputy*

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-14097 (E6328)
Page 4

Mailed a copy of the foregoing Order this 3 day of June, 2022 to:

Michael and Jenny Pulsipher
245 North Vine Street Apt 804
Salt Lake City UT 84103

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

Kent Wilkerson, River Commissioner
5833 Cascade Drive
Mountain Green UT 84050

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

BY: Doralee Cannon
Doralee Cannon, Applications/Records Secretary