



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action for final approval of Pole Patch Phase 3, a three lot subdivision, including the concurrent consideration and action of an alternative access application to provide access via private right-of-way easement for Lots 1, 2, and 3.
Application Type:	Administrative
Agenda Date:	Wednesday, February 05, 2020
Applicant:	David Wadman/Spencer Bradley (Authorized Representative)
Subdivision File Number:	LVP110119
Alternative Access File #:	AAE 2019-08

Property Information

Approximate Address:	5080 Jessie Creek Dr.
Project Area:	29.82 Acres
Zoning:	A-1
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	16-004-0005
Township, Range, Section:	Township 7 North, Range 1 West, Section 7

Adjacent Land Use

North:	Box Elder County, Undeveloped	South:	Pleasant View City, Residential
East:	A-1 Undeveloped	West:	Box Elder County, Undeveloped

Staff Information

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

Applicable Ordinances

- Title 101 (General Provisions) Section 7 (Definitions)
- Title 102 (Administration) Chapter 1 (General Provisions) Section 2 (Planning Director Authority)
- Title 104 (Zones) Chapter 5 (Agricultural (A-1) Zone)
- Title 106 (Subdivisions) Chapters 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 31 (Access to a lot/parcel using a private right-of-way or access easement)

Background and Summary

The applicant has submitted a request for final approval of Pole Patch Phase 3 Subdivision (**see Exhibit A**), a small subdivision consisting of three lots. The proposed subdivision will divide a 29.28 acre parcel and create three residential lots that are currently vacant. The proposed subdivision conforms to both the zoning and subdivision requirements including adequate lot width and area.

The application for a three lot subdivision includes the concurrent consideration and action on an application for access to all three lots by way of a private right-of-way easement (**see Exhibit B**). At present, a 60'-wide access and utility easement provides access through the parcel from Jessie Creek Drive to a Pleasant View City water tank located across the northern boundary line of the subject property. Submitted plans (**see Exhibit C**) indicate that the proposed alternative access easement would take advantage of this existing 60'-wide access and utility easement to provide access to all three lots in the subdivision.

The owner has provided reasoning for approval of an alternative access, in that it is impractical to extend a public street to the proposed Lots 1, 2, and 3 of the subdivision. Analysis of this reasoning is provided below.

Analysis

General Plan: The proposed subdivision conforms to the Western Weber General Plan by creating large lots (5+ acres) which will preserve the low density rural residential setting.

Zoning: The subject property is located in the Agricultural (A-1) Zone. The purpose and intent of the A-1 Zone is found in LUC §104-5-1:

"The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment."

Small Subdivision: LUC § 101 defines a "Small Subdivision" as "*A subdivision consisting of three or fewer lots and for which no streets will be created or realigned*". This proposed subdivision consists of three lots and no new streets are being created or realigned. Based on these provisions, the proposed subdivision qualifies for administrative approval as a small subdivision.

Lot area, width and yard regulations: Lot 1 will contain 5.5 acres and will be 279.28 ft. wide. Lot 2 will contain 5.37 acres and will be 453 ft. wide. Lot 3 will contain 18.06 acres and will be 575 ft. wide.

The site development standards for the A-1 Zone are as follows:

Minimum Lot Area: 40,000 sq. ft.

Minimum Lot Width: 150 Feet

The Yard Regulations for a single family dwelling in the A-1 zone are as follows:

Front: 30 feet

Sides: A minimum of 10 feet with a total of two side yards not less than 24 feet

Rear: 30 feet

There are no existing structures within Lots 1, 2, or 3. All three lots meet the minimum area and width requirements of the A-1 Zone.

Culinary water and sanitary sewage disposal: Culinary water will be supplied by Pleasant View City. Per the Pleasant View City Engineer and the Utah State Division of Environmental Quality, individual booster pumps will be required for each of the three lots in order to provide adequate water pressure (see plat note #4). Additionally, see **Exhibit D** for a letter from the Utah State Division of Environmental Quality. As a condition related to this requirement, the Utah State Department of Environmental Quality has imposed the following condition of approval:

1. Per the Utah State Department of Environmental Quality, legal notice shall be recorded on each lot at the time of final subdivision plat recording to alert the presence of individual home booster pumps. This notice shall reference the applicable Pleasant View City ordinances.

Sanitary sewer services will be provided by Central Weber Sewer Improvement District. At present, the applicant has submitted an annexation petition to Central Weber Sewer Improvement District. While this application is currently being processed, both the Pleasant View City Engineer and the General Manager of the Central Weber Sewer Improvement District have indicated that the proposed subdivision may be reviewed, approved, and recorded. However, both of these review agencies have also indicated that no building permits may be approved until such time that the proposed subdivision has completed the annexation process. Additionally, no building permits shall be issued until the ownership, operation, and maintenance of the current non-conforming sewer system is transferred from the Pole Patch HOA to Pleasant View City.

Alternative Access: LUC §108-7-31 outlines the following criteria that must be met for an alternative access approval:

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.

Contours of the subject property indicate that the existing terrain leading from Jessie Creek Dr. northward to the end of the proposed access easement turnaround represents a slope of 13.7%. Per LUC § 106-2-2 (i) *Street Grades*, a grade of 13.7% exceeds the minor street maximum of 12%. However, 13.7% is still under the maximum grade for a private street (15%).

In addition to the topographic limitations of the site, the subject property boundaries are uniquely located within a small strip of unincorporated Weber County that finds itself sandwiched between the Box Elder County line (which defines the northern boundary of the subject property) and the municipal boundary line for Pleasant View City (which defines the majority of the southern boundary of the subject property). Due to this sandwiched nature, it would be impractical to require the developer to install and dedicate a public road that would be connected to Jessie Creek Drive (a private roadway within Pleasant View City) to the south. See **Map 1** below depicting the unique location of the subject property as it relates to Box Elder County and Pleasant View City.

Considering the approval criteria for alternative access, the applicant has demonstrated that topographic conditions on site and the unique property boundaries create an impractical scenario that warrants an alternative access.

To protect any future development that would require access through the subject property, LUC §108-7-31 outlines the following condition that must be met as part of alternative access approval:

"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."

The applicant plans to utilize a gravel travel surface for the private access road. The plans for a gravel road have shown compliance with requirements stated in LUC § 108-7-29 (Private Right-of-Way Standards).

Review Agencies: The proposed subdivision and alternative access have been reviewed by the appropriate review agencies. With exception to the sewer connection requirements laid out by the Pleasant View City Engineer and General Manager of the Central Weber Sewer Improvement District, all remaining review agency items must be addressed prior to recording the final plat.

Tax Clearance: Property taxes have been paid in full. There are no records of past delinquent tax history for this parcel.

Public Notice: Per LUC §106-1-6(c), notices have been sent out to all property owners of record within 500 feet of the subject property within not less than seven calendar days prior to the Administrative Review Meeting.

Staff Recommendation

Staff recommends approval of Pole Patch Phase 3 Subdivision, a three lot subdivision, including the concurrent consideration and action of the Pole Patch Phase 3 alternative access via a private right-of-way for Lots 1, 2, and 3. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A condition of approval that the required agreements will be recorded with the final Mylar to ensure that if the county deems it necessary to have the landowner replace the private right-of-way/easement with a public right-of-way, the owner will pay a proportionate cost.
2. Per the Utah State Department of Environmental Quality, legal notice shall be recorded on each lot at the time of final subdivision plat recording to alert the presence of individual home booster pumps. This notice shall reference the applicable Pleasant View City ordinances.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.

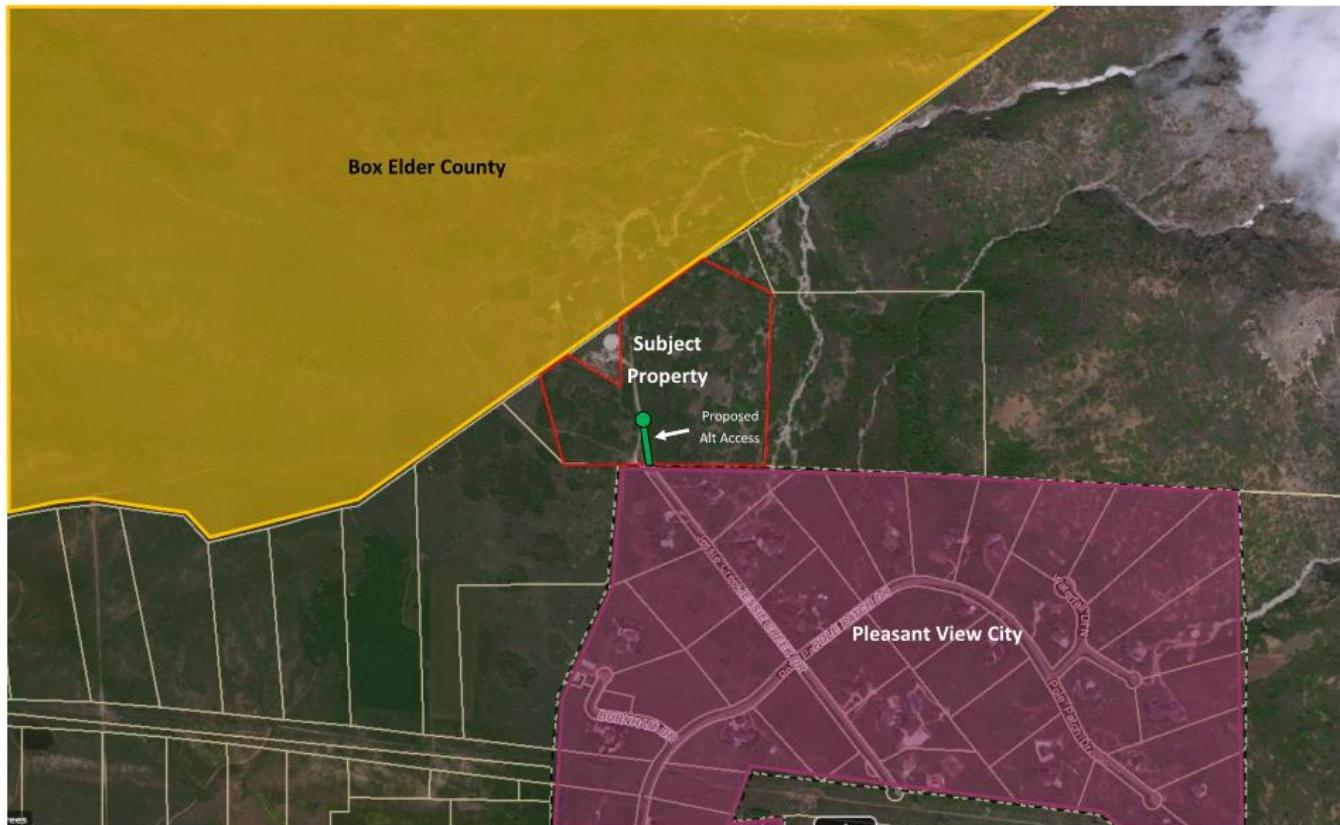
Administrative Approval

Administrative final approval of Pole Patch Phase 3 Subdivision, a three lot subdivision, including the concurrent consideration and action of the Pole Patch Phase 3 alternative access via private right-of-way for Lots 1, 2, and 3, 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: _____

Rick Grover
Weber County Planning Director

Map 1



Exhibits

- A. Subdivision Application
- B. Alternative Access Easement Application
- C. Subdivision Plat and Access Easement Profile Plans
- D. Will-Serve Letters, HOA Annexation Resolution, and Utah State Division of Environmental Quality Letter

Weber County Subdivision Application

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

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

Subdivision Name Pole Patch Phase 3		Number of Lots 3
Approximate Address 5080 Jessie Creek Dr, Ogden, UT		Land Serial Number(s) 16-004-0005
Current Zoning A-1	Total Acreage 29.82	
Culinary Water Provider Pleasant View	Secondary Water Provider N/A	Wastewater Treatment Pleasant View

Property Owner Contact Information

Name of Property Owner(s) David Wadman	Mailing Address of Property Owner(s) 2920 S 925 W Ogden, UT 84401
Phone 801-621-4185	Fax 801-621-7232
EmailAddress dlwadman@wadman.com	Preferred Method of Written Correspondence Email Email Fax Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Spencer Bradley	Mailing Address of Authorized Person 2920 S 925 W Ogden, UT 84401
Phone 801-791-6187	Fax 801-621-7232
EmailAddress sbradley@wadman.com	Preferred Method of Written Correspondence Email Email Fax Mail

Surveyor/Engineer Contact Information

Name or Company of Surveyor/Engineer Gardner Engineering	Mailing Address of Surveyor/Engineer 5150 South 375 East Suite 3 Ogden, Utah 84405
Phone 801-476-0202	Fax
EmailAddress klint@gecivil.com	Preferred Method of Written Correspondence Email Email Fax Mail

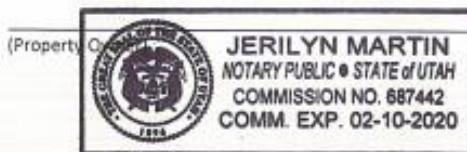
Property Owner Affidavit

David Wadman

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) 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.

(Property Owner)

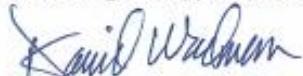
Subscribed and sworn to me this 31 day of October, 2019.



Authorized Representative Affidavit

David Wadman

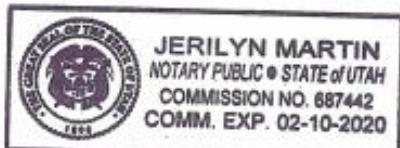
I (We), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) representative(s), Spencer Bradley _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.



(Property Owner)

(Property Owner)

Dated this 31 day of October, 2019 personally appeared before me signer(s) of the Representative Affidavit who duly acknowledged to me that they executed the same.



Notary

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: \$350.00	Receipt Number (Office Use)	File Number (Office Use)
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Application Type

- Flag lot access strip
- Access by Private Right of Way
- Access at a location other than across the front lot line

Property Owner Contact Information

Name of Property Owner(s) Wadman Investments		Mailing Address of Property Owner(s) 2920 S 925 W Ogden, UT 84401
Phone 801-621-4185	Fax	
Email Address (required) sbradley@wadman.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) Spencer Bradley		Mailing Address of Authorized Person 2920 S 925 W Ogden, UT 84401
Phone 801-791-6187	Fax	
Email Address (required) sbradley@wadman.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name Pole Patch Phase 3		Total Acreage 29	Current Zoning A-1
Approximate Address 5122 N Jessie Creek Drive - Ogden, UT 84414		Land Serial Number(s) 160040005	
Proposed Use New three lot residential subdivision			

Project Narrative

This development is located in unincorporated Weber County on the North boundary of Pleasant View City. The development is accessed through the private Roadway know as Jessie Creek Drive in the Gated Pole Patch Development within Pleasant View City. The topography of the Development North of the Turnaround shown on the proposed subdivision plat exceed the maximum 12% slope for a public road in Weber County. This development extends to the Weber County – Box Elder County line ellminating any further development within Weber County. Due to the elevation of this development no lots beyond the 3 lots in this proposed development will have the ability to access a public culinary water system. This development has received a will serve letter from Pleasant View City to serve drinking water to the 3 lots in this development on the condition that no additional lots will be allowed on the Pleasant View City system.

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.

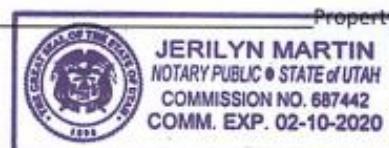
Please provide the following information to support your request for Access to a lot/parcel at a location other than across the front lot line:

- 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), David Wadman, 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.

David Wadman _____ Property Owner
Subscribed and sworn to me this 26 day of November, 20 19.



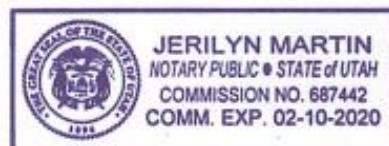
Jerilyn Martin _____ Notary

Authorized Representative Affidavit

I (We), David Wadman, the owner(s) of the real property described in the attached application, do authorize as my (our) representative(s), Spencer Bradley, 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.

David Wadman _____ Property Owner
Dated this 26 day of November, 20 19 personally appeared before me David Wadman, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

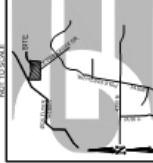
Jerilyn Martin _____ Notary



POLY PATCH PHASE 3

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7
TOWNSHIP 7 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN,
WEBER COUNTY, UTAH, JANUARY 2020

VICINITY MAP



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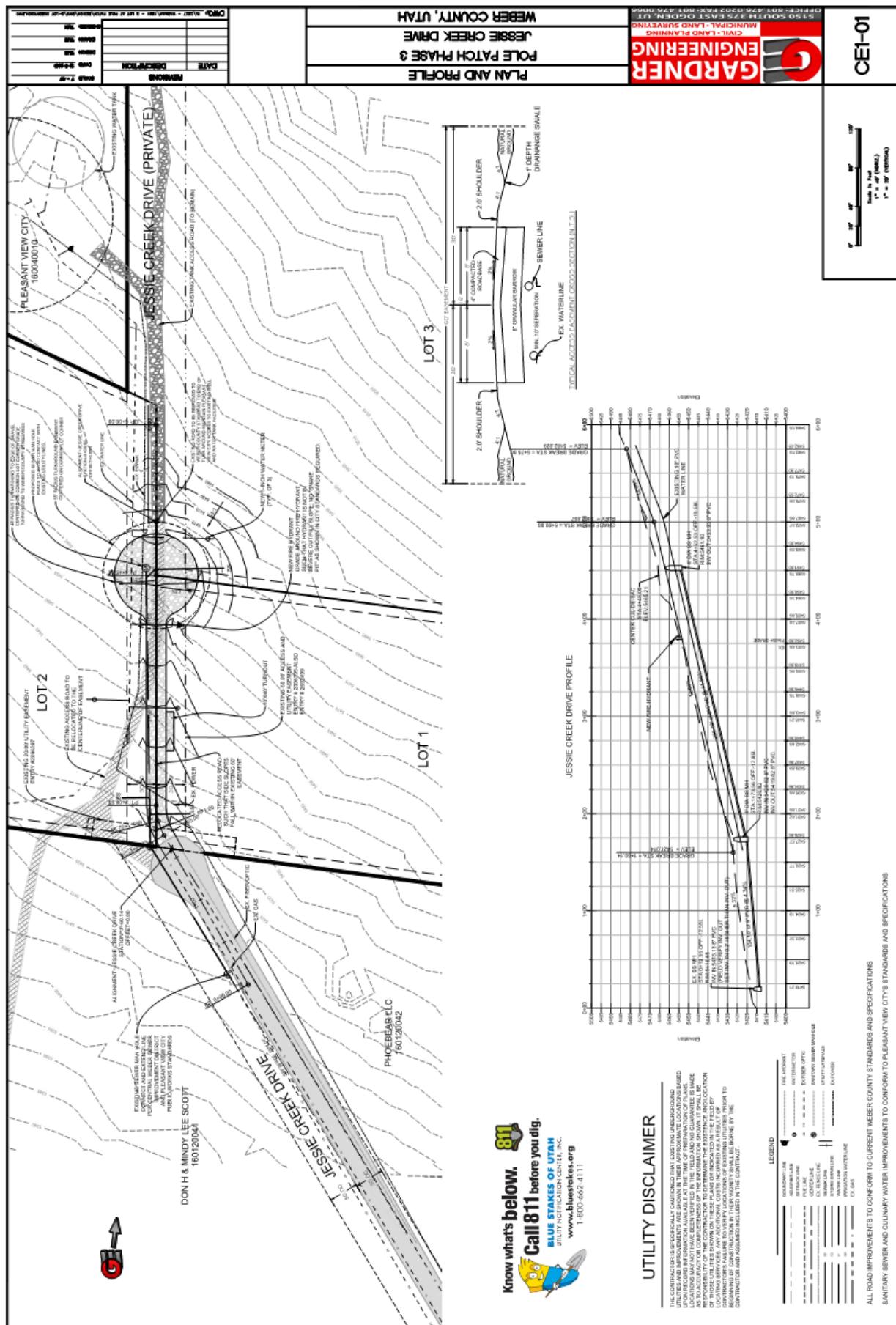
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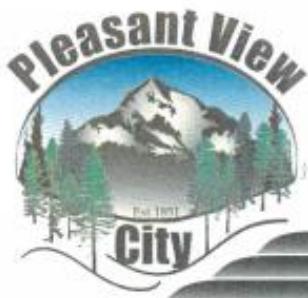
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520 W. Elberta Dr.
Pleasant View, Ut 84414
Main Office (801) 782-8529
Police Dept. (801) 782-6736

October 31, 2019

Mr. Spencer Bradley and Mr. Bradon Martin
(sent via email)

RE: Will Serve Letter – Pleasant View City Sanitary Sewer

Dear Spencer and Bradon:

This letter is written to provide notice of capacity and ability to serve your development with sanitary sewer. This letter fulfills the City's obligation to provide sanitary sewer and is in accordance with the Development Agreement approved by the City Council and recorded at the Weber County Recorder's office, which is binding on the City as well as the property owners. The City reiterates the following points:

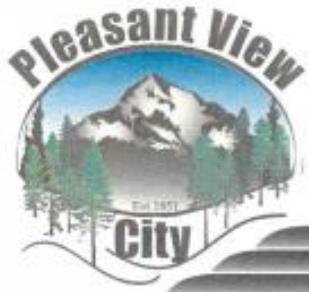
1. The property may only develop into three (3) residential lots. No further subdivision of the property is approved for culinary water connections.
2. It is the responsibility of the property owners to make application for and connection to City-owned services.
3. Any and all infrastructure to be dedicated to the City must be built to City standards. Engineering is to be done at the property owner's expense. All engineering is subject to review and approval by the City.
4. All impact fees and other associated development fees must be paid prior to issuance of a building permit.
5. All other current State and other regulations apply, including (but not limited to) all Division of Drinking Water requirements. Any exceptions to these requirements must be approved by the appropriate agency prior to approval of improvement plans.
6. Legal provision for disposal of sanitary sewerage must be provided prior to the City allowing any culinary water connections.

Should you have any questions, please feel free to contact me at 801-827-0468.

Sincerely,

Bill Cobabe
City Administrator
Pleasant View City

cc: Laurie Hellstrom, City Recorder
Leonard Call, Mayor



520 W. Elberta Dr.
Pleasant View, Ut 84414
Main Office (801) 782-8529
Police Dept. (801) 782-6736

October 31, 2019

Mr. Spencer Bradley and Mr. Bradon Martin
(sent via email)

RE: Will Serve Letter – Pleasant View City Culinary Water

Dear Spencer and Bradon:

This letter is written to provide notice of capacity and ability to serve your development with culinary water. This letter fulfills the City's obligation to provide culinary water and is in accordance with the Development Agreement approved by the City Council and recorded at the Weber County Recorder's office, which is binding on the City as well as the property owners. The City reiterates the following points:

1. The property may only develop into three (3) residential lots. No further subdivision of the property is approved for culinary water connections.
2. The property may not use any culinary water for landscaping or other excessive outdoor use. Incidental and other outdoor use may occur, provided the amount used does not exceed the amount noted in the agreement.
3. It is the responsibility of the property owners to make application for and connection to City-owned services.
4. Any and all infrastructure to be dedicated to the City must be built to City standards. Engineering is to be done at the property owner's expense. All engineering is subject to review and approval by the City.
5. All impact fees and other associated development fees must be paid prior to issuance of a building permit.
6. Due to the location of the property, unexpected drops in pressure and a lower than standard pressure may be expected.
7. Because this is a single-source line (that is, there is no looping or other water source for this line) there may be unexpected outages for extended periods of time. The City is looking to remedy this situation, but it may be some time before that can happen.
8. All other current State and other regulations apply, including (but not limited to) all Division of Drinking Water requirements. Any exceptions to these requirements must be approved by the appropriate agency prior to approval of improvement plans.
9. Legal provision for disposal of sanitary sewerage must be provided prior to the City allowing any culinary water connections.

Should you have any questions, please feel free to contact me at 801-827-0468.

Sincerely,



Bill Cobabe
City Administrator
Pleasant View City

cc: Laurie Hellstrom, City Recorder
Leonard Call, Mayor



Pole Patch Landowners Association



Pole Patch Landowners Association Resolution:

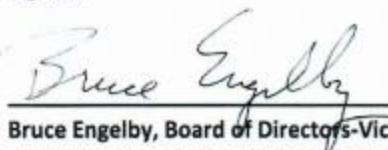
The Pole Patch Board of Directors, along with support from the members at the 2019 annual meeting, passed a Resolution to annex Parcel #160040005 – a 29 acre parcel into Pole Patch HOA. Hereto known as Pole Patch Phase 3. This resolution allows for no more than 5 lots to be developed. Phase 3 is granted access to connect to the Pole Patch sewer lines and roadways, etc. The cost of new infrastructure, roadways, etc... to be paid by phase 3 development.

These new lots will be bound by the Pole Patch CC&Rs and bylaws and as such construction, site plans, etc. will go through the same process for approval through the Pole Patch Board. Annual assessments will begin March 1, 2020, after the lots are subdivided and road/ infrastructure has been installed. IE: if this benchmark is completed in November of 2020- annual assessment will be due starting March 1st of 2021.

For reference, Pole Patch CC&Rs and bylaws can be found at this location & are recorded with the Weber County Recorder.

<http://www.polepatch.com/documents/>

Signed,



Bruce Engelby, Board of Directors-Vice President

Oct 30, 2019
Date



David Park, Board of Directors-Secretary

31-Oct-2019
Date



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

DIVISION OF DRINKING WATER
Marie E. Owens, P.E.
Director

December 13, 2019

Robert Tyson Jackson
Pleasant View City Water System
520 West Elberta Drive
Ogden, Utah 84414

Subject: **Exception to R309-540-5(4)(b)&(c) and R309-540-5(4)(b)**, Peak Instantaneous and Peak Day Pressures and Individual Home Booster Pumps, for 5122 North (Lot 1), 5135 North (Lot 2) and 5192 North (Lot 3) Jessie Creek Drive; Pleasant View City, System #29014, File #11262

Dear Mr. Jackson:

On November 26, 2019, the Division of Drinking Water (the Division) received your request for an exception to Rule *R309-540-5(4)(b)&(c)* and *R309-540-5(4)(b)* regarding peak instantaneous pressure, peak day pressure and individual home booster pumps, for three (3) new residential connections adjacent to Pleasant View City's Jessie Creek water storage tank. According to these rules, public drinking water systems shall be designed to meet minimum water pressure requirements at points of connection, 30 psi during peak instantaneous demand and 40 psi during peak day demand and individual home booster pumps shall not be allowed for individual service from the public water supply mains.

The land developer is requesting that three lots that are proposed to be adjacent to the City's 800,000-gallon Jessie Creek tank (identified as ST006 in the Division's database) have drinking water service from the City. The tank has a normal low water elevation of 5,515.5 feet and the service laterals for the proposed lots would connect to the transmission line between the tank and the distribution system at an elevation of 5,468 feet. As recently modeled by the City Engineer, the proposed connections would receive water at 20.4 psi during peak instantaneous demand and 20.5 psi during peak day demand.

With this property being partially located within the water system's service area and pressure zone, an individual home booster pump is necessary to provide the required minimum pressures to this residence. It is the City's opinion that granting these exception requests will not jeopardize the public health if installed as shown in the provided design.

195 North 1950 West • Salt Lake City, UT
Mailing Address: P.O. Box 144830 • Salt Lake City, UT 84114-4830
Telephone (801) 536-4200 • Fax (801) 536-4211 • T.D.D. (801) 905-3978
www.deq.utah.gov
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Robert Tyson Jackson
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December 13, 2019

The basis for your request for an exception to *R309-540-5(4)(b)&(c)* and *R309-540-5(4)(b)* is that minimum pressures cannot be met due to the close proximity of the Jesse Creek storage tank and the proposed connections. You propose the following measures to provide equivalent protection for public health to meet the intent of the rule:

1. Number and locations of the proposed individual booster pump stations:

The three (3) proposed lots to be served under the requested Rule Exception are located in the proposed Pole Patch Phase 3 subdivision, with addresses of 5122 North (Lot 1), 5135 North (Lot 2) and 5192 North (Lot 3) Jessie Creek Drive, in unincorporated Weber County, Utah.

2. How drinking water quality and public health will be protected:

The meter setters for these services will be equipped with dual check valves to help reduce the potential for backflow into the system.

3. How cross connection hazards will be addressed:

Two (2) of the proposed lot owners (Lots 1 and 2) propose the installation of storage tanks in their homes to receive water from the City system, from which tanks the water will be boosted in their homes solely for domestic purposes. The booster pumps for the homes will be separated from the City system by the in-home storage tanks, which will prevent the potential for a vacuum in the service line due to the booster pump, and also create a pressure-break to prevent unintentional reverse flow into the system.

The third proposed lot owner (Lot 3) proposes installing a duplex booster pump immediately after the meter for its service, adjacent to the City's 10-inch transmission line and boosting into their home. It is undetermined at this time whether the booster system for Lot 3 will incorporate a bladder tank in the home or incorporate the use of variable frequency drives to maintain constant pressure. In addition to the dual check, each pump will be equipped with a non-return valve to prevent unintentional reverse flow into the City system.

4. How will Pleasant View enforce individual booster pumps meeting the requirements of the International Plumbing Code, Section 606.5:

As the plans described above are subject to change, each proposed water booster pump configuration will be reviewed for compliance with IPC 606.5 when the building plans are submitted.

5. Facilitating inspection of the individual home booster pumps by the local plumbing code official:

Robert Tyson Jackson
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December 13, 2019

In conjunction with the Weber County Building Official and Inspectors, the City water department will provide inspections to verify that the booster pump systems are designed and installed per IPC 606.5.

6. Incorporation of individual home booster pumps into Pleasant View's ongoing Cross Connection Control Plan:

By means of Pleasant View City Ordinance Chapter 13.13, all water services become incorporated in Pleasant View City water system's cross connection control (CCC) plan.

7. Access by Pleasant View to inspect the individual home booster pumps:

Pleasant View City Ordinance 13.12.220 states: "The water superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from municipal system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use."

8. Pleasant View standards of operation in place to conduct and scheduled inspections of the individual booster pumps and document the inspection date and results:

Pleasant View City Ordinance 13.13.310.F describes the customer's responsibilities for inspection and testing for all backflow prevention assemblies.

City staff is proposing to amend the above ordinance to read: "It shall be the responsibility of the customer at any premises where backflow prevention assemblies ***and/or individual booster pumps*** are installed to have certified surveys, inspections, and operational tests made at least once per year at the customer's expense...."

9. Legal notice attached to a title or deed of a property with an individual home booster pump stating that an individual home booster pump is present and Pleasant View City shall have access to inspect it:

A note will be required on the plat for approval of this subdivision. Such a note will satisfy the intent of this requirement, because the plat is the "safest" place to keep such a note.

Additionally, the City will file a notice on each lot upon recordation alerting to the presence of individual home booster pump with reference to the Pleasant View City Ordinances.

On this basis, ***R309-540-5(4)(b)&(c), and R309-540-5(4)(b), Peak Instantaneous and Peak Day Pressures and Individual Home Booster Pumps, is hereby granted for Lots 1, 2 and 3 near Jesse Creek storage tank (ST006).***

Please maintain a copy of this letter with your permanent records for future reference.

Robert Tyson Jackson
Page 4 of 4
December 13, 2019

If you have any questions regarding this letter, please contact Camron Harry, of this office, at (385) 270-7272, or Nathan Lunstad, Engineering Manager, at (385) 239-5974.

Sincerely,



Ying-Ying Macauley, M.S., P.E.
Assistant Director

CH/nl/mdb

cc: Michelle Cooke, Weber-Morgan Health Department, mcooke@co.weber.ut.us
Tyson Jackson, Pleasant View City, tjackson@pleasantviewcity.com
Dana Shuler, Jones & Associates, dana@jonescivil.com
Camron Harry, Division of Drinking Water, caharry@gmail.com
Nagendra Dev, Division of Drinking Water, ndev@utah.gov

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