

WEBER COUNTY PLANNING DIVISION

Administrative Review Meeting Agenda

**October 4, 2023
4:00 p.m.**

1. Minutes: August 30, 2023

2. Administrative Items

2.1 UVS072723 – Request for final approval of Sunshine Valley Estates, a four-lot subdivision located in the FV-3 zone, Forest Valley-3 acres, at approximately 575 S 9500 E, Huntsville, UT, 84317. This proposal includes road dedication along 9500 East Street. **Planner: Tammy Aydelotte**

2.2 UVG052223 - Consideration and action on final approval of Gateway Estates Subdivision Phase 1a, consisting of five lots, public road dedication, and shared access easements from Hwy 39 to lots 103, 104, and 105. **Planner: Tammy Aydelotte**

2.3 UVG1B8223 - Consideration and action on final approval of Gateway Estates Subdivision Phase 1b, consisting of two lots, additional road dedication along Highway 39, and shared access easements from Hwy 39 to lots 106, and 107. **Planner: Tammy Aydelotte**

2.4 UVG1C8223 - Consideration and action on final approval of Gateway Estates Subdivision Phase 1c, consisting of one lot, additional road dedication along Highway 39, and a shared access easement from Hwy 39 to lots 107 (Phase 1b) and 108. **Planner: Tammy Aydelotte**

2.5 UVG1D8223 - Consideration and action on final approval of Gateway Estates Subdivision Phase 1d, consisting of two lots, additional road dedication along Highway 39, and a shared access easement from Hwy 39 to lots 109 and 110. **Planner: Tammy Aydelotte**

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 30, 2023

Minutes of August 30, 2023, 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: Rick Grover, Director; Tammy Aydelotte Planner; June Nelson, Secretary

1. Minutes: August 16, 2023 Approved
2. Administrative Items

2.1 UVM063023 – Request for final approval of Monument at Powder Mountain Phase 1, an 8-lot subdivision in the DRR-1 zone at approximately 8021 Summit Pass Rd, Eden, UT, 84310. This proposal includes private roadways. **Planner: Tammy Aydelotte**

The applicant is requesting preliminary approval of Monument at Powder Mountain Subdivision. This proposal is located at approximately 8050 Summit Pass Road, Eden, UT, in the Mid-Mountain Master Plan area of the Summit Development agreement, recorded 1/14/2015. The proposed subdivision and lot configuration are in conformance with the applicable zoning (DRR-1 zone), subdivision, and development agreement requirements, and consist of multi-family (duplexes) buildings, as per the recorded development agreement. The following is a brief synopsis of the review criteria and conformance with LUC.

Staff recommends final approval of Monument at Powder Mountain Subdivision, consisting of eight lots, located at approximately 8050 Summit Pass Road, Eden, UT, 84310. This recommendation is subject to all review agency requirements and based on the following findings:

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

Director Grover approved this item with the conditions and findings in this staff report.

Adjourned 4:11

Respectfully Submitted,

June Nelson



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of Sunshine Valley Estates Phase 4 Subdivision, consisting of four lots, in the FV-3 zone, located at approximately 575 S 9500 E, Huntsville, UT, 84317.

Type of Decision: Administrative

Agenda Date: Wednesday, October 4, 2023

Applicant: **Low Properties, LC**

File Number: UVS072723

Property Information

Approximate Address: 575 S 9500 E, Huntsville, UT, 84317

Project Area: 12.618 acres

Zoning: Forest Valley (FV-3)

Existing Land Use: Agricultural/Residential

Proposed Land Use: Residential

Parcel ID: 21-023-0016

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

Adjacent Land Use

North: Residential	South: South Fork River
East: 9500 East St	West: Residential/Agricultural

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov

Report Reviewer: RG

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 14 (FV-3 Zone)

Background and Summary

The applicant is requesting final approval of Sunshine Valley Estates Phase 4 Subdivision, consisting of four lots. There is a river and associated setback that runs through Lot 401. Access to the buildable area for this lot will be through a shared access easement from 9500 East through Lot 402. Lot 404 has an existing residence that will remain for now. Structures to be removed are noted on the proposed plat. The applicant has met County Engineering's requirements regarding lot access across the Southfork River. This proposed subdivision is located in the FV-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.

Analysis

General Plan: The request is in conformance with the Ogden Valley General Plan as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

Zoning: The subject property is located in the FV-3 Zone. Single-family dwellings are a permitted use in the FV-3 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-14-5, the FV-3 zone requires a minimum lot area of 3 acres for a single family dwelling and a minimum lot width of 150 feet. All lots in this proposed subdivision meet this requirement, and take their frontage off of 9500 East St.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the FV-3 zone standards in LUC § 104-14. The proposed subdivision will create a new public street that will be reviewed to ensure it meets the County standards during the final subdivision process.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback regarding on-site wells, as well as recommendations for design requirements for on-site septic systems for each lot. Proof of water shares have also been provided for secondary water.

The Utah Division of Water Rights has approved a contract with Mr. Lowe for 3 acre feet of water (1-acre foot per lot). Each acre foot of water assigned to every lot will be used for both culinary and secondary water purposes, per Weber Basin. As there will be less than a half acre-foot of water allocated for irrigation purposes, which won't be sufficient to irrigate the minimum requirement of 30 percent of the proposed lot, the following applies to this subdivision:

Per LUC § 106-4-2.1(b)2b. "A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable..."

Natural hazards/wetlands: Per LUC § 104-28-2, a seasonal stream runs through the proposed subdivision area.

Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark from the existing ephemeral streams located within the proposed subdivision, unless a stream alteration is approved by the Army Corps of Engineers and State Department of Natural Resources

The proposed subdivision lies within designated wetlands areas. It has been determined that a wetlands delineation report is not necessary, as setbacks from the river have already been shown on the plat which will protect and preserve the wetland areas and stream corridors.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Weber-Morgan Health Department, and Surveyor's Office along with the Weber Fire District. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2023 property taxes are not considered due at this time, but will become due in full on November 30, 2023.

Staff Recommendation

Staff recommends final approval of Sunshine Valley Estates Phase 4 Subdivision, consisting of four lots located at approximately 575 S 9500 E, Huntsville. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. All wells shall be drilled and pump-tested, with final approval of the well given from Weber-Morgan Health Department, prior to recording the final plat.
2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;
3. An onsite wastewater covenant shall be recorded with the final plat.

This recommendation is based on the following findings:

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

Exhibits

- A. Subdivision Plat
- B. Application
- C. Septic Feasibility and Orders from the State Engineer

Area Map



Exhibit A - Preliminary Subdivision Plat



VICINITY MAP
Scale: None

BOUNDARY DESCRIPTION

NAME OF THE JURISDICTION COVERED BY SECTION IS CORNER A BEING THE POINT OF BEGINNING OF THE SECTION. THE SECTION IS BOUNDARY DESCRIPTION AS FOLLOWS:

SECTION OF A ROAD AND OTHER ADJACENT AREAS ARE NOT TO BE CONSIDERED AS PART OF THIS SECTION. THE BOUNDARY OF THIS SECTION IS THE CENTER LINE OF THE ROAD AND OTHER ADJACENT AREAS ARE NOT TO BE CONSIDERED AS PART OF THIS SECTION. THE BOUNDARY OF THIS SECTION IS THE CENTER LINE OF THE ROAD AND OTHER ADJACENT AREAS ARE NOT TO BE CONSIDERED AS PART OF THIS SECTION.

CONTAINING THEREIN BEING PART OF THE ADJACENT AREAS ARE NOT TO BE CONSIDERED AS PART OF THIS SECTION.



SOIL TEST PIT INFORMATION

EXPLANATION NO. 01 LOT 404 EXPLANATION #1225 LOT 404 TO 1400 12 AND 13
 01-12' SANDY LOAM, UNSATURATED STRUCTURE
 01-13' SANDY LOAM, UNSATURATED STRUCTURE, 10-15" SANDY LOAM, UNSATURATED STRUCTURE

EXPLANATION NO. 02 LOT 405 EXPLANATION #1225 LOT 405 TO 1400 12 AND 13
 02-12' SANDY LOAM, UNSATURATED STRUCTURE
 02-13' SANDY LOAM, UNSATURATED STRUCTURE, 10-15" SANDY LOAM, UNSATURATED STRUCTURE, 10-15" SANDY LOAM, UNSATURATED STRUCTURE, 10-15" SANDY LOAM, UNSATURATED STRUCTURE

EXPLANATION NO. 03 LOT 406 EXPLANATION #1225 LOT 406 TO 1400 12 AND 13
 03-12' SANDY LOAM, UNSATURATED STRUCTURE
 03-13' SANDY LOAM, UNSATURATED STRUCTURE, 10-15" SANDY LOAM, UNSATURATED STRUCTURE, 10-15" SANDY LOAM, UNSATURATED STRUCTURE, 10-15" SANDY LOAM, UNSATURATED STRUCTURE

EXPLANATION NO. 04 LOT 407 EXPLANATION #1225 LOT 407 TO 1400 12 AND 13
 04-12' SANDY LOAM, UNSATURATED STRUCTURE
 04-13' SANDY LOAM, UNSATURATED STRUCTURE, 10-15" SANDY LOAM, UNSATURATED STRUCTURE, 10-15" SANDY LOAM, UNSATURATED STRUCTURE, 10-15" SANDY LOAM, UNSATURATED STRUCTURE

LEGEND

- SECTION CORNER
- EXPLANATION PIT
- BOUNDARY LINE
- LOT LINE
- EASEMENT PROPERTY
- CENTERLINE
- SECTION TO LINE
- LOT AREA BOUNDARY (SHOWN AS STRUCTURE, ROAD)
- CENTER OF ROAD
- 10' ROAD SETBACK FOR ASPHALT ROAD
- DRIVEWAY & DRIVEWAY
- 10' ROAD SETBACK
- 20' ROAD ACCESS DRIVEWAY
- EXISTING STRUCTURE
- PROPOSED DRIVEWAY



SECTION CORNER OF SECTION IS CORNER A BEING THE POINT OF BEGINNING OF THE SECTION. THE SECTION IS BOUNDARY DESCRIPTION AS FOLLOWS:

SECTION OF A ROAD AND OTHER ADJACENT AREAS ARE NOT TO BE CONSIDERED AS PART OF THIS SECTION. THE BOUNDARY OF THIS SECTION IS THE CENTER LINE OF THE ROAD AND OTHER ADJACENT AREAS ARE NOT TO BE CONSIDERED AS PART OF THIS SECTION.

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CONTAINING THEREIN BEING PART OF THE ADJACENT AREAS ARE NOT TO BE CONSIDERED AS PART OF THIS SECTION.

Sunshine Valley Estates Subdivision Phase 4

Developer:
 Mark Lamm
 6228 S. Ridgeline Dr.
 Suite 200
 Ogden, UT, 84405
 (801) 648-8229

Exhibit B – Application

Sunshine Valley Estates Subdivision Phase 4

[+ Add Follower](#) [Change Status](#) [Edit Project](#)

Address: 575 S. 9500 E., Huntsville, UT, 84317	Project Status: Accepted
Maps: County Map , Google Maps	Status Date: 7/27/2023
Project Type: Subdivisions	File Number: UVS072723
Sub Type: Subdivisions	Project Manager: Tammy Aydelotte
Created By: Emilee Roche	
Created On: 6/21/2023	

- Application
- Documents 19
- Comments 2
- Reviews 3
- Followers 19
- History
- Reminder 0
- Payments 1
- Area Fees

Application

[+ Add Building](#) [+ Add Parcel](#) [+ Add a Contractor](#) [Edit Application](#) [Print](#)

Project Description Phase 4 of Sunshine Valley Estates Subdivision. This phase has 4 lots

Property Address 575 S. 9500 E.
Huntsville, UT, 84317

Property Owner Matt Lowe
801-648-8229
matt@lowecompanies.com

Representative Emilee Roche
801-621-3100
emilee@reeve.co

Accessory Dwelling Unit	False
Current Zoning	FV-3
Subdivision Name	Sunshine Valley Estates Subdivision Phase 4
Number of new lots being created	4
Number of lots affected	0
Number of lots approved	0
Lot Number	4
Lot Size	3 acres
Frontage	150
Culinary Water Authority	Not Applicable
Secondary Water Provider	Not Applicable
Sanitary Sewer Authority	Health Department (Septic)
Nearest Hydrant Address	1537 S. 8900 E.
Signed By	Representative, Emilee Roche

BRIAN COWAN, MPH, LEHS
Health Officer/Executive Director

May 25, 2022



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

RE: Preliminary Subdivision **Determination**
Sunshine Valley Estates Subdivision Phase 4, 4 lots
Parcel #21-023-0016 & 21-023-0041
Soil log #14658 & 15273

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by a private well. **The placement of the well is critical so as to provide the required 100 foot protection zone.** The well will need to be dug, tested and the water supply approved prior to issuance of a wastewater disposal permit.

DESIGN REQUIREMENTS

Lot 401, 402, 403 & 404: Anticipated ground water tables not to exceed 36 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 or drip irrigation with a maximum trench depth limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.9gal/sq. ft. /day as required for a coarse loamy sand, single grained structure with high gravel content soil horizon.

ENGINEERING CONSIDERATIONS Lots 401 & 402:

The proposed lot sizes for lot 401 and 402 are very restrictive for placement of an onsite wastewater treatment system. The Health Department cannot warrant or guarantee the size, shape, or square footage of a structure per individual lot. The structure size, shape and number of bedrooms will need to be determined in conjunction with an appropriate wastewater treatment system design. As part of the subdivision review the developer was required to show that the lots were sized to allow for the installation of an original and replacement drainfield sufficiently sized for a four bedroom residence. Designing the wastewater system utilizing a drip irrigation drainfield may aid in increasing the number of bedroom of the potential residence.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following items are required for a formal **subdivision review**; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,


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

EDUCATE | ENGAGE | EMPOWER

Exchange Details for E1521

Utah Division of Water Rights

3/7/2019 4:32 PM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Exchange: E1521 (35-6910)

Base Water Right Number: 35-827

General:		
Status: Approved	Stock/Contract #: 42514	County Tax ID:
Right Evidenced By: U.S. Bureau of Reclamation and Contract with Weber Basin Water Conservancy District, under 35-87 (A10989) and 35-827 (A27608)		
Proposed Det. Book: 35-	Map:	Pub. Date:
Water Company:		
Water Company/District associated with this Exchange: Weber Basin Water Conservancy District		
Owners:		
Name: John E. and Nancy S. Lowe Address: 2752 E 5900 N Liberty, UT 84310-9891		
Remarks:	Interest:	
Dates:		
Filing:	Filed: 06/20/1979	Priority: 06/20/1979
Advertising:	Publication Began:	Publication End:
	Protest End Date:	Protested: Not Protested
		Newspaper:
		Hearing Held:
Approval:	State Eng. Action:	Action Date: 10/26/1979
	Recon. Req. Date:	Recon. Req Action:
Certification:	Proof Due Date:	Extension Filed Date:
	Election or Proof:	Election/Proof Date:
	Certificate Date:	Lapsed, Etc. Date:
		Lapsed Letter
Wells:	Prov. Well Date:	Well Renov. Date:
--- Current Right ---		
Current General:		
Quantity of Water: 1 ACFT Source: Pineview Reservoir County: Weber		

Current Points of Diversion:

Points of Diversion - Surface:
 Stream Alteration Required:
 (1) N 1699 ft. E 603 ft. from S4 corner, Sec 16 T 6N R 1E SLBM
 Diverting Works: Source:
 Elevation: UTM: 429438.517, 429438.517 (NAD83)

Current Water Uses:

Supplemental to Other Water Rights
 Miscellaneous: Irrigation, domestic, municipal, industrial, power, and Period of Use: 01/01 - 12/31

--- Proposed Exchange ---

Proposed General:

Quantity of Water - CFS: 0 And/Or: Acre Feet: 1
 From: 01/01 To: 12/31
 Source: Underground Water Well
 County: Weber
 Common Description: 3 mi. South of Huntsville

Proposed Points of Exchange:

Points of Exchange - Underground:
 (1) S 761 ft. W 1020 ft. from NE corner, Sec 21 T 6N R 2E SLBM
 Well Diameter: 6 in. Depth: 50 to 400 ft. Year Drilled: Well Log: Well Id#: Elevation: UTM: 439301.207, 4566488.833 (NAD83)
 Source/Cmnt:

Proposed Points of Release:

Quantity of water: 0 cfs And/Or: 1 acft
 Period of Use: 01/01 To 12/31
 *** Location of Release Point(s) is the SAME as Point(s) of Diversion in CURRENT RIGHT above ***

Proposed Water Uses:

Proposed Water Uses - Group Number: 207770
 Water Rights Appurtenant to the following use(s):
 E1521(APP).

Water Use Types:		
Irrigation-Beneficial Use Amount: 0.25 acres	Group Total: 0.25	Period of Use: 04/01 to 10/31
Comments:		
Stock Water-Beneficial Use Amount: 2 ELUs	Group Total: 2	Period of Use: 01/01 to 12/31
Comments:		
Domestic-Beneficial Use Amount: 1 EDUs	Group Total: 1	Period of Use: 01/01 to 12/31
Comments:		

Place Of Use:	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE													
Sec 21 T 6N R 2E SLBM						x											
Group Acreage Total :																	

Proposed Use Totals:	
Irrigation sole-supply total: 0.25 acres	for a group total of: 0.25 acres
Stock Water sole-supply total: 2 ELUs	for a group total of: 2 ELUs
Domestic sole-supply total: 1 EDUs	for a group total of: 1 EDUs

Place of Use Stock:																			
				North West				North East				South West				South East			
				NW	NE	SW	SE												
Sec 21 T 6N R 2E SLBM								X											

- - - Common Right - - -

Segregation History:										
This Right was Segregated from: none										
as originally filed:	Flow in CFS	AND/OR/BLANK	Quantity in Acre-Feet	Irrigated Acreage	Stock (ELUs)	Domestic (Families)	Water Uses Acre-Feet			
							Municipal	Mining	Power	Other
			1.0	0.25	2.0	1.0				
This Right as currently calculated:	Flow in CFS		Quantity in Acre-Feet	Irrigate Acreage	Stock (ELUs)	Domestic (Families)	Water Uses Acre-Feet			
							Municipal	Mining	Power	Other
			1.0	0.25	2.0	1.0				

Exchange Details for E1522

Utah Division of Water Rights

3/7/2019 4:33 PM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Exchange: E1522 (35-6911)

Base Water Right Number: 35-827

General:		
Status: Approved	Stock/Contract #: 42514	County Tax ID:
Right Evidenced By: U.S. Bureau of Reclamation and Contract with Weber Basin Water Conservancy District, under 35-87 (A10989) and 35-827 (A27608)		
Proposed Det. Book: 35-	Map:	Pub. Date:
Water Company:		
Water Company/District associated with this Exchange: Weber Basin Water Conservancy District		
Owners:		
Name: John E. and Nancy S. Lowe Address: 2752 E 5900 N Liberty, UT 84310-9891		
Remarks:	Interest:	
Dates:		
Filing:	Filed: 06/20/1979	Priority: 06/20/1979
Advertising:	Publication Began:	Publication End:
	Protest End Date:	Protested: Not Protested
		Newspaper: Hearing Held:
Approval:	State Eng. Action:	Action Date: 10/01/1979
	Recon. Req. Date:	Recon. Req Action:
Certification:	Proof Due Date:	Extension Filed Date:
	Election or Proof:	Election/Proof Date:
	Certificate Date:	Lapsed, Etc. Date: Lapsed Letter
Wells:	Prov. Well Date:	Well Renov. Date:
--- Current Right ---		
Current General:		
Quantity of Water: 1 ACFT Source: Pineview Reservoir County: Weber		

Current Points of Diversion:

Points of Diversion - Surface:
 Stream Alteration Required:
 (1) N 1699 ft. E 603 ft. from S4 corner, Sec 16 T 6N R 1E SLBM
 Diverting Works: Source:
 Elevation: UTM: 429438.517, 429438.517 (NAD83)

Current Water Uses:

Supplemental to Other Water Rights
 Miscellaneous: Irrigation, domestic, municipal, industrial, power, and Period of Use: 01/01 - 12/31

--- Proposed Exchange ---

Proposed General:

Quantity of Water - CFS: 0 And/Or: Acre Feet: 1
 From: 01/01 To: 12/31
 Source: Underground Water Well
 County: Weber
 Common Description: 3 mile So. Huntsville

Proposed Points of Exchange:

Points of Exchange - Underground:
 (1) S 611 ft. W 1020 ft. from NE corner, Sec 21 T 6N R 2E SLBM
 Well Diameter: 6 in. Depth: 50 to 400 ft. Year Drilled: Well Log: Well Id#: UTM: 439301.207, 4566534.553 (NAD83)
 Elevation:
 Source/Cmnt:

Proposed Points of Release:

Quantity of water: 0 cfs And/Or: 1 acft
 Period of Use: 01/01 To 12/31
 *** Location of Release Point(s) is the SAME as Point(s) of Diversion in CURRENT RIGHT above ***

Proposed Water Uses:

Proposed Water Uses - Group Number: 207771
 Water Rights Appurtenant to the following use(s):

E1522(APP),

Water Use Types:

Irrigation-Beneficial Use Amount: 0.25 acres Group Total: 0.25 Period of Use: 04/01 to 10/31
 Comments:

Stock Water-Beneficial Use Amount: 2 ELUs Group Total: 2 Period of Use: 01/01 to 12/31
 Comments:

Domestic-Beneficial Use Amount: 1 EDUs Group Total: 1 Period of Use: 01/01 to 12/31
 Comments:

Place Of Use:	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE													
Sec 21 T 6N R 2E SLBM						x											
Group Acreage Total :																	

Proposed Use Totals:

Irrigation sole-supply total: 0.25 acres	for a group total of: 0.25 acres
Stock Water sole-supply total: 2 ELUs	for a group total of: 2 ELUs
Domestic sole-supply total: 1 EDUs	for a group total of: 1 EDUs

Place of Use Stock:

	North West				North East				South West				South East			
	NW	NE	SW	SE												
Sec 21 T 6N R 2E SLBM					X											

--- Common Right ---

Segregation History:

This Right was Segregated from: none										
as originally filed:	Flow in CFS	AND/OR/BLANK	Quantity in Acre-Feet	Water Uses						
				Irrigated Acreage	Stock (ELUs)	Domestic (Families)	Acre-Feet			
			1.0	0.25	2.0	1.0				
This Right as currently calculated:	Flow in CFS		Quantity in Acre-Feet	Water Uses						
				Irrigate Acreage	Stock (ELUs)	Domestic (Families)	Acre-Feet			
			1.0	0.25	2.0	1.0				

Exchange Details for E1523

Utah Division of Water Rights

3/7/2019 4:33 PM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Exchange: E1523 (35-6912)

Base Water Right Number: 35-827

General:		
Status: Approved	Stock/Contract #: 42514	County Tax ID:
Right Evidenced By: U.S. Bureau of Reclamation and Contract with Weber Basin Water Conservancy District, under 35-87 (A10989) and 35-827 (A27608)		
Proposed Det. Book: 35-	Map:	Pub. Date:
Water Company:		
Water Company/District associated with this Exchange: Weber Basin Water Conservancy District		
Owners:		
Name: John E. and Nancy S. Lowe Address: 2752 E 5900 N Liberty, UT 84310-9891		
Remarks:	Interest:	
Dates:		
Filing:	Filed: 06/20/1979	Priority: 06/20/1979
Advertising:	Publication Began:	Publication End:
Protest End Date:	Protested: Not Protested	Newspaper:
Approval:	State Eng. Action:	Hearing Held:
Recon. Req. Date:	Action Date: 10/26/1979	
Certification:	Recon. Req Action:	
Proof Due Date:	Extension Filed Date:	
Election or Proof:	Election/Proof Date:	
Certificate Date:	Lapsed, Etc. Date:	Lapsed Letter
Wells:	Prov. Well Date:	Well Renov. Date:
--- Current Right ---		
Current General:		
Quantity of Water: 1 ACFT Source: Pineview Reservoir County: Weber		

Current Points of Diversion:

Points of Diversion - Surface:
 Stream Alteration Required:
 (1) N 1699 ft. E 603 ft. from S4 corner, Sec 16 T 6N R 1E SLBM
 Diverting Works: Source:
 Elevation: UTM: 429438.517, 429438.517 (NAD83)

Current Water Uses:

Supplemental to Other Water Rights
 Miscellaneous: Irrigation, domestic, municipal, industrial, power, and Period of Use: 01/01 - 12/31

--- Proposed Exchange ---

Proposed General:

Quantity of Water - CFS: 0 And/Or: Acre Feet: 1
 From: 01/01 To: 12/31
 Source: Underground Water Well
 County: Weber
 Common Description: 3 Miles South of Huntsville

Proposed Points of Exchange:

Points of Exchange - Underground:
 (1) S 461 ft. W 1020 ft. from NE corner, Sec 21 T 6N R 2E SLBM
 Well Diameter: 3 in. Depth: 50 to 400 ft. Year Drilled: Well Log: Well Id#: UTM: 439301.207, 4566580.273 (NAD83)
 Elevation:
 Source/Cmnt:

Proposed Points of Release:

Quantity of water: 0 cfs And/Or: 1 acft
 Period of Use: 01/01 To 12/31
 *** Location of Release Point(s) is the SAME as Point(s) of Diversion in CURRENT RIGHT above ***

Proposed Water Uses:

Proposed Water Uses - Group Number: 207772
 Water Rights Appurtenant to the following use(s):

E1523(APP).

Water Use Types:

Irrigation-Beneficial Use Amount: 0.25 acres	Group Total: 0.25	Period of Use: 04/01 to 10/31
Comments:		
Stock Water-Beneficial Use Amount: 2 ELUs	Group Total: 2	Period of Use: 01/01 to 12/31
Comments:		
Domestic-Beneficial Use Amount: 1 EDUs	Group Total: 1	Period of Use: 01/01 to 12/31
Comments:		

Place Of Use:	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE													
Sec 21 T 6N R 2E SLBM						X											
Group Acreage Total :																	

Proposed Use Totals:	
Irrigation sole-supply total: 0.25 acres	for a group total of: 0.25 acres
Stock Water sole-supply total: 2 ELUs	for a group total of: 2 ELUs
Domestic sole-supply total: 1 EDUs	for a group total of: 1 EDUs

Place of Use Stock:																			
				North West				North East				South West				South East			
				NW	NE	SW	SE												
Sec 21 T 6N R 2E SLBM								X											

- - - Common Right - - -

Segregation History:										
This Right was Segregated from: none										
as originally filed:	Flow in CFS	AND/OR/BLANK	Quantity in Acre-Feet	Irrigated Acreage	Stock (ELUs)	Domestic (Families)	Water Uses Acre-Feet			
							Municipal	Mining	Power	Other
			1.0	0.25	2.0	1.0				
This Right as currently calculated:	Flow in CFS		Quantity in Acre-Feet	Irrigate Acreage	Stock (ELUs)	Domestic (Families)	Water Uses Acre-Feet			
							Municipal	Mining	Power	Other
			1.0	0.25	2.0	1.0				



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of Gateway Estates Subdivision Phase 1a, consisting of five lots, public road dedication, and shared access easements from Hwy 39 to lots 103, 104, and 105.

Type of Decision: Administrative

Agenda Date: Wednesday, October 4, 2023

Applicant: OVB Investments, LLC

Representative: Nate Reeve

File Number: UVG052223

Property Information

Approximate Address: 748 E Hwy 39, Huntsville, UT, 84317

Project Area: 14.1702 acres

Zoning: Forest (F-5)

Existing Land Use: vacant

Proposed Land Use: Residential

Parcel ID: 21-013-0007, 21-013-0009, 21-013-0001

Township, Range, Section: T6N, R2E, Section 11 S

Adjacent Land Use

North: Vacant	South: Highway 39
East: Vacant	West: Vacant

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov

Report Reviewer: RG

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 9 (F-5 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

Background and Summary

The applicant is requesting final approval of Gateway Estates Subdivision Phase 1a, consisting of five lots, in the F-5 zone. Lots 101 and 102 shall have their access from a dedicated private right-of-way off of Highway 39. Lots 103, 104, and 105 shall have shared access from Highway 39, to minimize the number of access points from this highway, per UDOT and County Engineering recommendations. 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). Dedication of a new private road, as well as additional dedication along Highway 39 are included with this proposal. The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The request is in conformance with the Ogden Valley General Plan as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

Zoning: The subject property is located in the F-5 Zone. Single-family dwellings are a permitted use in the F-5 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-9-4, the F-5 zone requires a minimum lot area of 5 acres for a single family dwelling and a minimum lot width of 300 feet. The width of all five lots in this proposed subdivision meet this requirement. The area for the lots ranges between 5.008 acres and 5.414 acres. Dedication of a new private road, located between lots 101 and 102, is included as part of this proposal.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the F-5 zone standards in LUC § 104-9.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback and recommendations regarding wastewater disposal systems, and the placement of private wells.

Though there are well protection areas shown on each lot, the developer is proposing shared wells (2) for this phase. A 48-hour pump test, indicated through documentation from Weber-Morgan Health department is required as part of this final plat recordation requirement.

“Improvements required for private well.

1. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours, and a sample of water analyzed according to applicable agency requirements. A copy of pump-test results shall be submitted to the County and the local health department. The pump test results shall demonstrate that adequate flow and quality exists to serve all intended uses of the well. An inadequate pump-test shall result in that subdivision's approval being void unless another lawfully approved water source can be provided.
2. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.”

Secondary water requirements: LUC 106-4-2.1 (b):

“Required water quantity. Each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.

1. **Culinary water quantity and quality.** The quantity and quality of culinary water shall meet the minimum standards required by the culinary water authority, applicable agency, or applicable service provider.
2. **Secondary water quantity.** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.
 1. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part. As a baseline, each secondary water provider is encouraged to adopt water-wise landscaping requirements as provided in Subsection (b)(2)b. of this Section 106-4-2.1.
 2. **Secondary water by private well.** If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:
 1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;
 2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;
 3. A note is placed on the final recorded plat as required in Section 106-1-8.20; and
 4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.”

If there will be landscaping and watering restrictions on any of the lots, a note will need to be added to the final plat that generally explains the watering and landscaping restrictions, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.

Natural hazards/wetlands: Per LUC § 104-28-2, the proposed subdivision area has intermittent streams that run through this phase.

Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark from the existing ephemeral streams located within the proposed subdivision, unless a stream alteration is approved by the Army Corps of Engineers and State Department of Natural Resources

The proposed subdivision is located within a ridgeline area. Per LUC § 104-28-4,

All structures located within the ridge line area shall not exceed 35 feet in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure. All ridge line developments shall be designed to minimize visual impact. All buildings constructed shall make use of neutral, natural colors (white may be used only as an accent color) that blend in to the surrounding area, non-reflective glass, metal and roofing materials, and varied roof lines. A landscape plan shall also be required and shall make use of trees designed to reduce visual impacts.

The proposed subdivision lies within a geologic hazard study area. Further reports have been required, and obtained. All recommendations contained within the submitted reports (AGEC project no. 1210067) shall be followed throughout the development process. Additional, site-specific, geotechnical reports will be required with each building permit submitted, per the recommendations outlined in the report. All recommendations contained in the submitted reports shall be followed, and a note shall be recorded on the plat indicating the need for further reports.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and the Weber Fire District. The County Surveyor's Office will review a proposed final plat, once one has been submitted. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2022 property taxes are not considered due at this time, but will become due in full on November 30, 2023.

Staff Recommendation

Staff recommends final approval of Gateway Estates Subdivision Phase 1a, consisting of five lots, dedication of new private road, dedication of additional roadway along Hwy 39, and shared accesses for lots 103, 104, and 105, located at approximately 748 E Hwy 39, Huntsville. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. All proposed accesses shall comply with safety, design, and parcel/lot standards as outlined in LUC
2. An onsite wastewater disposal covenant shall be recorded with the final plat
3. A private well covenant shall be recorded with the final plat.
4. All required improvements shall be either installed, escrowed for, or a combination of both, prior to recording the final plat.
5. A restricted-landscape covenant shall be recorded with the final plat, to the lots that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable.

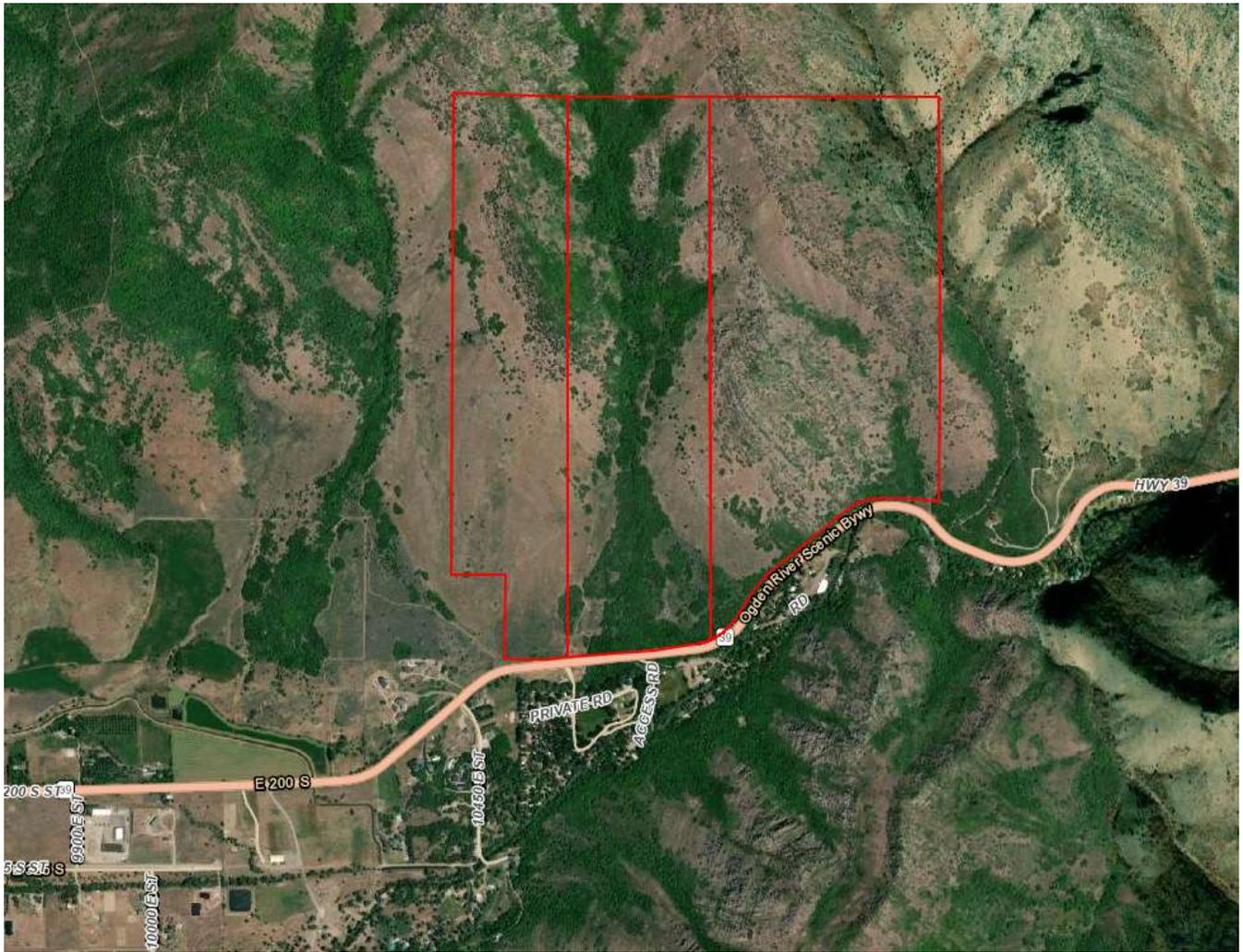
This recommendation is based on the following findings:

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

Exhibits

- A. Application
- B. Subdivision Plat
- C. Septic Feasibility and Approved Start Cards from State of Utah

Area Map



Gateway Estates Phases 1A Subdivisions

Address:	Approx. 748 E. Hwy 39, Huntsville, UT, 84317	Project Status:	Accepted
Maps:	County Map , Google Maps	Status Date:	5/22/2023
Project Type:	Subdivisions	File Number:	UVG052223
Sub Type:	Subdivisions	Project Manager:	Tammy Aydelotte
Created By:	Emilee Roche		
Created On:	5/9/2023		

Application Documents **39** Reviews **9**

Application

Project Description Gateway Estates Phases 1A

Property Address Approx. 748 E. Hwy 39
Huntsville, UT, 84317

Property Owner Matt Lowe
801-648-8229
matt@lowecompanies.com

Representative Nate Reeve
801-621-3100
nate@reeve.co

Accessory Dwelling Unit False
Current Zoning F-5
Subdivision Name Gateway Estates
Number of new lots being created 5
Number of lots affected 0
Number of lots approved 0
Lot Number 101
Lot Size 5 acres
Frontage 300 ft.
Culinary Water Authority Weber Basin Water Conservancy District
Secondary Water Provider Pineview Water
Sanitary Sewer Authority Health Department (Septic)

Signed By Representative, Nate Reeve

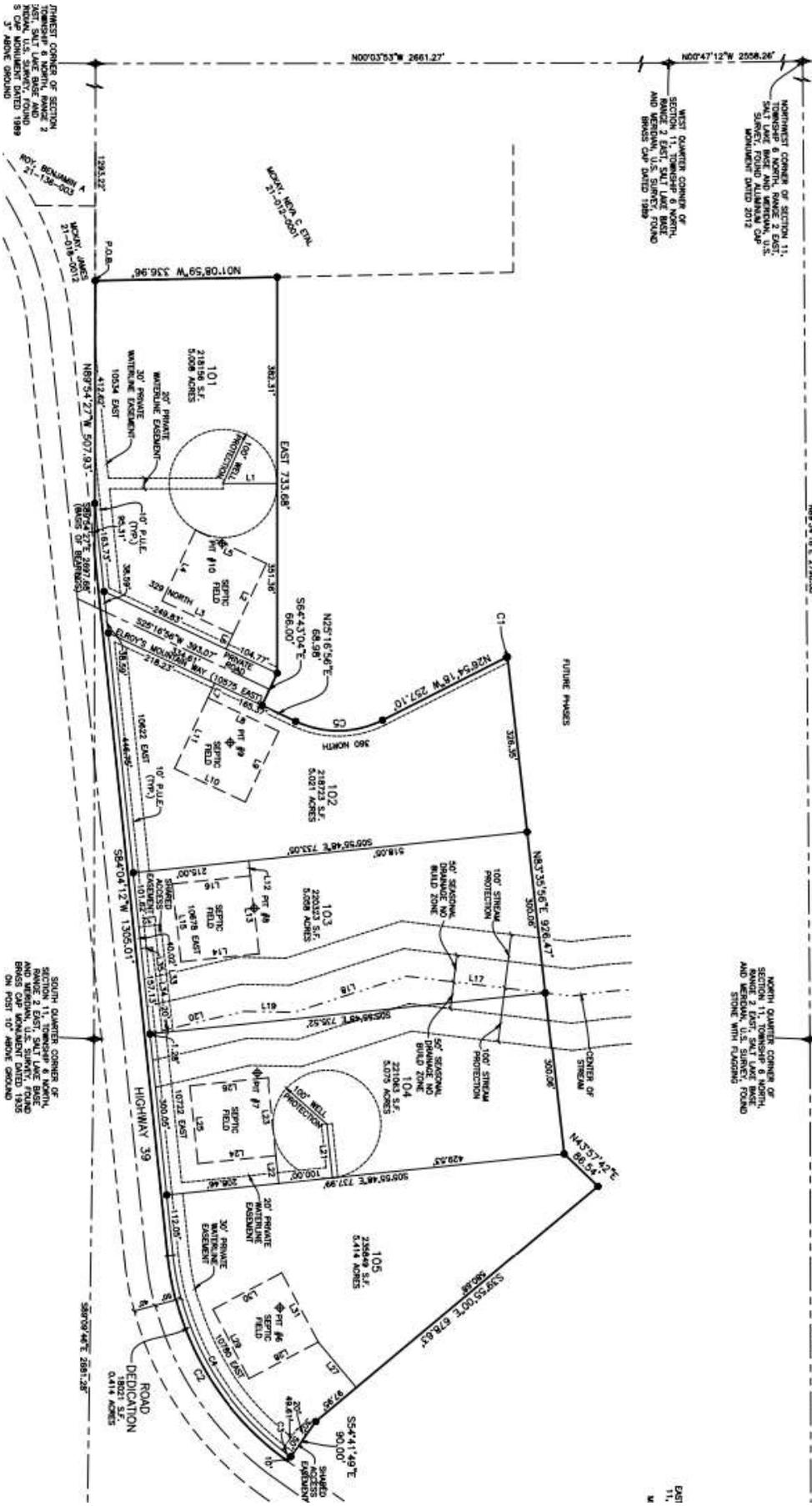
Parcel Number

210130009 - [County Map](#)

210130001 - [County Map](#)

GATEWAY ESTATES SUBDIVISION PHASE 1A

PART OF THE SOUTH HALF OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
WEBER COUNTY, UTAH
SEPTEMBER, 2023



BRIAN COWAN, MPH, LEHS
Health Officer/Executive Director



July 7, 2023

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

RE: Preliminary Subdivision **Determination**
Gateway Estates Phase 1A, 5 lots
Parcel #21-013-0001, 21-013-0009, & 21-013-0007
Soil log #15128

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by a private well. **The placement of the well is critical so as to provide the required 100 foot protection zone.** The well will need to be dug, tested and the water supply approved prior to issuance of a wastewater disposal permit.

DESIGN REQUIREMENTS

Lot 101 & 103: Anticipated ground water tables not to exceed 75 inches, fall within the range of acceptability for the utilization of a Packed Bed Media Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.4 gal/sq. ft. /day as required for a sandy clay loam, massive structure soil horizon with a documented percolation rate between 60-80 minutes per inch.

Lot 102, 104 & 105: Anticipated ground water tables not to exceed 75 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/sq. ft. /day as required for a sandy clay loam, blocky structure soil horizon with a documented percolation rate of less than 60 minutes per inch.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following items are required for a formal **subdivision review**; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,


Summer Day, LEHS III, Program Manager
Environmental Health Division
801-399-7160



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

THERESA WILHELMSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

For Exchange Application Number 35-13959 (E6224)

Exchange Application Number 35-13959 (E6224) in the name of OVB Investments LLC was filed on July 14, 2021, 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 52010 associated with Tax I.D. Number 21-013-0001, and others) 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 967 feet and East 1245 feet from the S $\frac{1}{4}$ Corner of Section 11, 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 11, T6N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on August 5 and 12, 2021. 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 applicant is 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 35-13959 (E6224) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant 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.
- 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 applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant 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 **November 30, 2028**, 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 applicant.

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 applicant 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 applicant is 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 applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13959 (E6224)

Page 3

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 applicant's 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 19 day of November, 2021.


Terese Wilhelmson, P.E., State Engineer

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13959 (E6224)

Page 4

Mailed a copy of the foregoing Order this 19 day of November, 2021 to:

OVB Investments LLC
6028 South Ridgeline Dr, Suite 203
Ogden UT 84405

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

Cole Panter, River Commissioner
PO Box 741
OGDEN UT 84402

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

BY: Doralee Cannon
Doralee Cannon, Applications/Records Secretary



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 WILHELMESEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-13960 (E6225)

NOV 19 2021

Exchange Application Number 35-13960 (E6225) in the name of OVB Investments LLC was filed on July 14, 2021, 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 52010 associated with Tax I.D. Number 21-013-0001 and others) 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 774 feet and East 916 feet from the S $\frac{1}{4}$ Corner of Section 11, 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 11, T6N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on August 5 and 12, 2021. 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 applicant is 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 35-13960 (E6225) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant 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.
- 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.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13960 (E6225)

Page 2

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant 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 **November 30, 2028**, 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 applicant.

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 applicant 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 applicant is 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 applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13960 (E6225)

Page 3

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 applicant's 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 19 day of November, 2021.


Teresa Wilhelmson, P.E., State Engineer

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13960 (E6225)
Page 4

Mailed a copy of the foregoing Order this 19 day of November, 2021 to:

OVB Investments LLC
6028 South Ridgeline Dr, Suite 203
Ogden UT 84405

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

Cole Panter, River Commissioner
PO Box 741
OGDEN UT 84402

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

BY: Doralee Cannon
Doralee Cannon, Applications/Records Secretary



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of Gateway Estates Subdivision Phase 1b, consisting of two lots, additional road dedication along Highway 39, and shared access easements from Hwy 39 to lots 106, and 107.

Type of Decision: Administrative

Agenda Date: Wednesday, October 4, 2023

Applicant: OVB Investments, LLC

Representative: Nate Reeve

File Number: UVG1B8223

Property Information

Approximate Address: 748 E Hwy 39, Huntsville, UT, 84317

Project Area: 14.1702 acres

Zoning: Forest (F-5)

Existing Land Use: vacant

Proposed Land Use: Residential

Parcel ID: 21-013-0007, 21-013-0009, 21-013-0001

Township, Range, Section: T6N, R2E, Section 11 S

Adjacent Land Use

North: Vacant	South: Highway 39
East: Vacant	West: Vacant

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov

Report Reviewer: RG

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 9 (F-5 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

Background and Summary

The applicant is requesting final approval of Gateway Estates Subdivision Phase 1b, consisting of two lots, in the F-5 zone. Lots 106 and 107 shall have a shared access from Hwy 39, in order to minimize the number of access points from this highway, per UDOT and County Engineering recommendations. 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). Dedication of a new private road, as well as additional dedication along Highway 39 are included with this proposal. The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The request is in conformance with the Ogden Valley General Plan as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

Zoning: The subject property is located in the F-5 Zone. Single-family dwellings are a permitted use in the F-5 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-9-4, the F-5 zone requires a minimum lot area of 5 acres for a single family dwelling and a minimum lot width of 300 feet. The width of both lots in this proposed subdivision meet the minimum width requirement. The area of each lot is 5.646 acres. Additional dedication of right-of-way along Highway 39, located along the front of lots 106 and 107, is included as part of this proposal.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the F-5 zone standards in LUC § 104-9.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback and recommendations regarding wastewater disposal systems, and the placement of private wells. Though there are well protection areas shown on each lot, the developer is proposing a shared well for this phase. A 48-hour pump test, indicated through documentation from Weber-Morgan Health department is required as part of this final plat recordation requirement.

“Improvements required for private well.

1. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours, and a sample of water analyzed according to applicable agency requirements. A copy of pump-test results shall be submitted to the County and the local health department. The pump test results shall demonstrate that adequate flow and quality exists to serve all intended uses of the well. An inadequate pump-test shall result in that subdivision's approval being void unless another lawfully approved water source can be provided.
2. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.”

Secondary water requirements: LUC 106-4-2.1 (b):

“Required water quantity. Each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.

1. **Culinary water quantity and quality.** The quantity and quality of culinary water shall meet the minimum standards required by the culinary water authority, applicable agency, or applicable service provider.
2. **Secondary water quantity.** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.
 1. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part. As a baseline, each secondary water provider is encouraged to adopt water-wise landscaping requirements as provided in Subsection (b)(2)b. of this Section 106-4-2.1.
 2. **Secondary water by private well.** If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:
 1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;
 2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;
 3. A note is placed on the final recorded plat as required in Section 106-1-8.20; and
 4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.”

If there will be landscaping and watering restrictions on any of the lots, a note will need to be added to the final plat that generally explains the watering and landscaping restrictions, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.

Natural hazards/wetlands: Per LUC § 104-28-2, the proposed subdivision area has intermittent streams that run through this phase.

Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark from the existing ephemeral streams located within the proposed subdivision, unless a stream alteration is approved by the Army Corps of Engineers and State Department of Natural Resources

The proposed subdivision is located within a ridgeline area. Per LUC § 104-28-4,

All structures located within the ridge line area shall not exceed 35 feet in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure. All ridge line developments shall be designed to minimize visual impact. All buildings constructed shall make use of neutral, natural colors (white may be used only as an accent color) that blend in to the surrounding area, non-reflective glass, metal and roofing materials, and varied roof lines. A landscape plan shall also be required and shall make use of trees designed to reduce visual impacts.

The proposed subdivision lies within a geologic hazard study area. Further reports have been required, and obtained. All recommendations contained within the submitted reports (AGEC project no. 1210067) shall be followed throughout the development process. Additional, site-specific, geotechnical reports will be required with each building permit submitted, per the recommendations outlined in the report. All recommendations contained in the submitted reports shall be followed, and a note shall be recorded on the plat indicating the need for further reports.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and the Weber Fire District. The County Surveyor's Office will review a proposed final plat, once one has been submitted. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2022 property taxes are not considered due at this time, but will become due in full on November 30, 2023.

Staff Recommendation

Staff recommends final approval of Gateway Estates Subdivision Phase 1b, consisting of two lots, dedication of additional roadway along Hwy 39, and shared accesses for lots 106, and 107, located at approximately 748 E Hwy 39, Huntsville. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. All proposed accesses shall comply with safety, design, and parcel/lot standards as outlined in LUC
2. An onsite wastewater disposal covenant shall be recorded with the final plat
3. A private well covenant shall be recorded with the final plat.
4. All required improvements shall be either installed, escrowed for, or a combination of both, prior to recording the final plat.
5. A restricted-landscape covenant shall be recorded with the final plat, to the lots that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable.

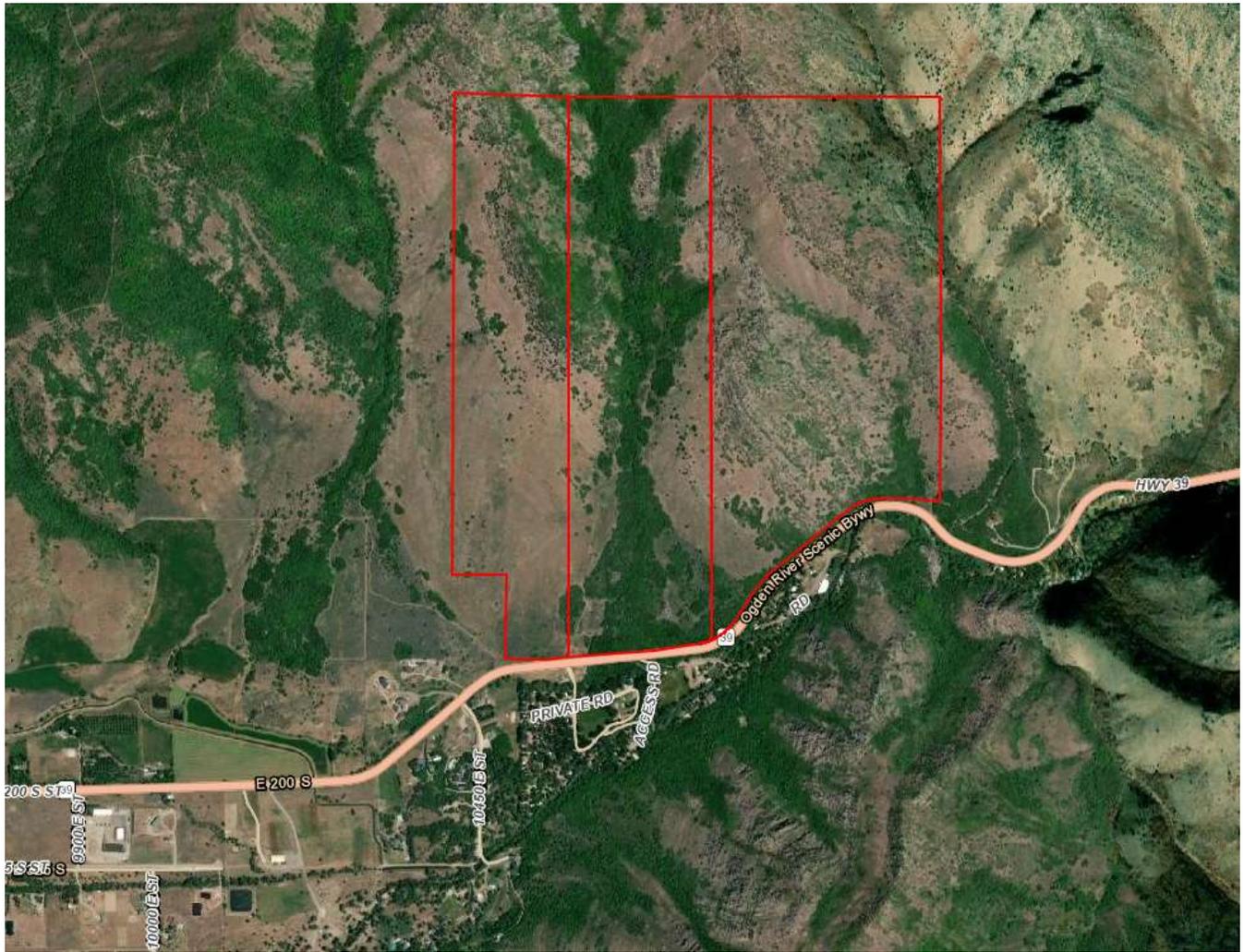
This recommendation is based on the following findings:

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

Exhibits

- A. Application
- B. Subdivision Plat
- C. Septic Feasibility and Approved Start Card from State of Utah

Area Map



Gateway Estates Phase 1B-Subdivisions

Address:	Approx. 748 E. Hwy 39, Huntsville, UT, 84317	Project Status:	Accepted
Maps:	County Map , Google Maps	Status Date:	8/2/2023
Project Type:	Subdivisions	File Number:	UVG1B8223
Sub Type:	Subdivisions	Project Manager:	Tammy Aydelotte
Created By:	Emilee Roche		
Created On:	6/29/2023		

Application Documents **22** Reviews **4**

Application

Project Description Gateway Estates Phase 1B.

Property Address Approx. 748 E. Hwy 39
Huntsville, UT, 84317

Property Owner Matt Lowe
801-648-8229
matt@lowecompanies.com

Representative Nate Reeve
801-621-3100
nate@reeve.co

Accessory Dwelling Unit False
Current Zoning F-5
Subdivision Name Gateway Estates Phase 1B
Number of new lots being created 2
Number of lots affected 0
Number of lots approved 0
Lot Number 106, 107
Lot Size 5 acres
Frontage 340 ft
Culinary Water Authority Health Department (Well)
Secondary Water Provider Not Applicable
Sanitary Sewer Authority Health Department (Septic)
Nearest Hydrant Address
Signed By Representative, Reeve & Associates

Parcel Number

210130009 - [County Map](#)

BRIAN COWAN, MPH, LEHS
Health Officer/Executive Director

June 21, 2021



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

RE: Preliminary Subdivision **Determination**
Gateway Estates Phase I, 10 lots
Parcel #01-004-133
Soil log #14414

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by a private well. **The placement of the well is critical so as to provide the required 100 foot protection zone.** The well will need to be dug, tested and the water supply approved prior to issuance of a wastewater disposal permit.

DESIGN REQUIREMENTS

Lot 1, 2, 5, 6, 7, 9: Anticipated ground water tables not to exceed 75 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/sq. ft. /day as required for a sandy clay loam, blocky structure soil horizon with a documented percolation rate of less than 60 minutes per inch.

Lot 3, 4, 8, 9, & 10: Anticipated ground water tables not to exceed 75 inches, fall within the range of acceptability for the utilization of a Packed Bed Media Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.4 gal/sq. ft. /day as required for a sandy clay loam, massive structure soil horizon with a documented percolation rate between 60-80 minutes per inch.

Proof of 20,000 square feet of contiguous buildable area with 25% slope or less for each lot within this phase of the development, was provided by a licensed engineering firm.

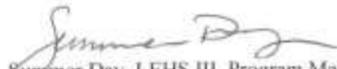
Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following items are required for a formal **subdivision review**: application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,


Summer Day, LEHS III, Program Manger
Environmental Health Division
801-399-7160



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 35-13961 (E6226)

Exchange Application Number 35-13961 (E6226) in the name of OVB Investments LLC was filed on July 14, 2021, 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 52010 associated with Tax I.D. Number 21-013-0001 and others) 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 South 929 feet and West 376 feet from the E $\frac{1}{4}$ Corner of Section 11, 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 11, T6N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on August 5 and 12, 2021. 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 applicant is 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 35-13961 (E6226) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant 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.
- 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.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13961 (E6226)

Page 2

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant 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 **November 30, 2028**, 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 applicant.

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 applicant 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 applicant is 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 applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13961 (E6226)

Page 3

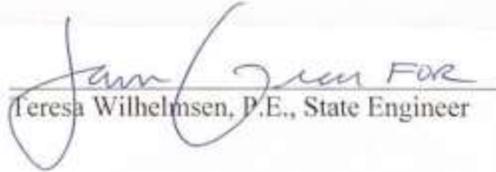
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

It is the applicant's 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 18 day of November, 2021.


Teresa Wilhelmsen, P.E., State Engineer

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13961 (E6226)

Page 4

Mailed a copy of the foregoing Order this 18 day of November, 2021 to:

OVB Investments LLC
6028 South Ridgeline Dr, Suite 203
Ogden UT 84405

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

Cole Panter, River Commissioner
PO Box 741
OGDEN UT 84402

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

BY: Doralee Cannon
Doralee Cannon, Applications/Records Secretary



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of Gateway Estates Subdivision Phase 1d, consisting of two lots, additional road dedication along Highway 39, and a shared access easement from Hwy 39 to lots 109 and 110.

Type of Decision: Administrative

Agenda Date: Wednesday, October 4, 2023

Applicant: OVB Investments, LLC

Representative: Nate Reeve

File Number: UVG1D8223

Property Information

Approximate Address: 748 E Hwy 39, Huntsville, UT, 84317

Project Area: 14.1702 acres

Zoning: Forest (F-5)

Existing Land Use: vacant

Proposed Land Use: Residential

Parcel ID: 21-013-0007, 21-013-0009, 21-013-0001

Township, Range, Section: T6N, R2E, Section 11 S

Adjacent Land Use

North: Vacant	South: Highway 39
East: Vacant	West: Vacant

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov

Report Reviewer: RG

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 9 (F-5 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

Background and Summary

The applicant is requesting final approval of Gateway Estates Subdivision Phase 1d, consisting of two lots, in the F-5 zone. Lots 109 and 110 shall have a shared access from Hwy 39, in order to minimize the number of access points from this highway, per UDOT and County Engineering recommendations. 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). Additional dedication along Highway 39, as well as a shared access from Highway 39 are included with this proposal. The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The request is in conformance with the Ogden Valley General Plan as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

Zoning: The subject property is located in the F-5 Zone. Single-family dwellings are a permitted use in the F-5 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-9-4, the F-5 zone requires a minimum lot area of 5 acres for a single family dwelling and a minimum lot width of 300 feet. The width of each lot in this proposed subdivision meets the minimum 300' requirement. Proposed lot areas range from 11.255-11.554 acres. Additional dedication of right-of-way along Highway 39, located along the front of Lots 109 and 110, is included as part of this proposal.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the F-5 zone standards in LUC § 104-9.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback and recommendations regarding wastewater disposal systems, and the placement of private wells. Though there are well protection areas shown on each lot, the developer is proposing a shared well for this phase. A 48-hour pump test, indicated through documentation from Weber-Morgan Health department is required as part of this final plat recordation requirement.

“Improvements required for private well.

1. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours, and a sample of water analyzed according to applicable agency requirements. A copy of pump-test results shall be submitted to the County and the local health department. The pump test results shall demonstrate that adequate flow and quality exists to serve all intended uses of the well. An inadequate pump-test shall result in that subdivision's approval being void unless another lawfully approved water source can be provided.
2. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.”

Secondary water requirements: LUC 106-4-2.1 (b):

“Required water quantity. Each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.

1. **Culinary water quantity and quality.** The quantity and quality of culinary water shall meet the minimum standards required by the culinary water authority, applicable agency, or applicable service provider.
2. **Secondary water quantity.** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.
 1. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part. As a baseline, each secondary water provider is encouraged to adopt water-wise landscaping requirements as provided in Subsection (b)(2)b. of this Section 106-4-2.1.
 2. **Secondary water by private well.** If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:
 1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;
 2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;
 3. A note is placed on the final recorded plat as required in Section 106-1-8.20; and
 4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.”

If there will be landscaping and watering restrictions on Lot 108, a note will need to be added to the final plat that generally explains the watering and landscaping restrictions, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.

Natural hazards/wetlands: Per LUC § 104-28-2, the proposed subdivision area has intermittent streams that run through this phase.

Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark from the existing ephemeral streams located within the proposed subdivision, unless a stream alteration is approved by the Army Corps of Engineers and State Department of Natural Resources

The proposed subdivision is located within a ridgeline area. Per LUC § 104-28-4,

All structures located within the ridge line area shall not exceed 35 feet in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure. All ridge line developments shall be designed to minimize visual impact. All buildings constructed shall make use of neutral, natural colors (white may be used only as an accent color) that blend in to the surrounding area, non-reflective glass, metal and roofing materials, and varied roof lines. A landscape plan shall also be required and shall make use of trees designed to reduce visual impacts.

The proposed subdivision lies within a geologic hazard study area. Further reports have been required, and obtained. All recommendations contained within the submitted reports (AGEC project no. 1210067) shall be followed throughout the development process. Additional, site-specific, geotechnical reports will be required with each building permit submitted, per the recommendations outlined in the report. All recommendations contained in the submitted reports shall be followed, and a note shall be recorded on the plat indicating the need for further reports.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and the Weber Fire District. The County Surveyor's Office will review a proposed final plat, once one has been submitted. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2022 property taxes are not considered due at this time, but will become due in full on November 30, 2023.

Staff Recommendation

Staff recommends final approval of Gateway Estates Subdivision Phase 1d, consisting of two lots, dedication of additional roadway along Hwy 39, and a shared access for lots 109 and 110, located at approximately 748 E Hwy 39, Huntsville. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. All proposed accesses shall comply with safety, design, and parcel/lot standards as outlined in LUC
2. An onsite wastewater disposal covenant shall be recorded with the final plat
3. A private well covenant shall be recorded with the final plat.
4. All required improvements shall be either installed, escrowed for, or a combination of both, prior to recording the final plat.
5. A restricted-landscape covenant shall be recorded with the final plat, to the lots that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable.

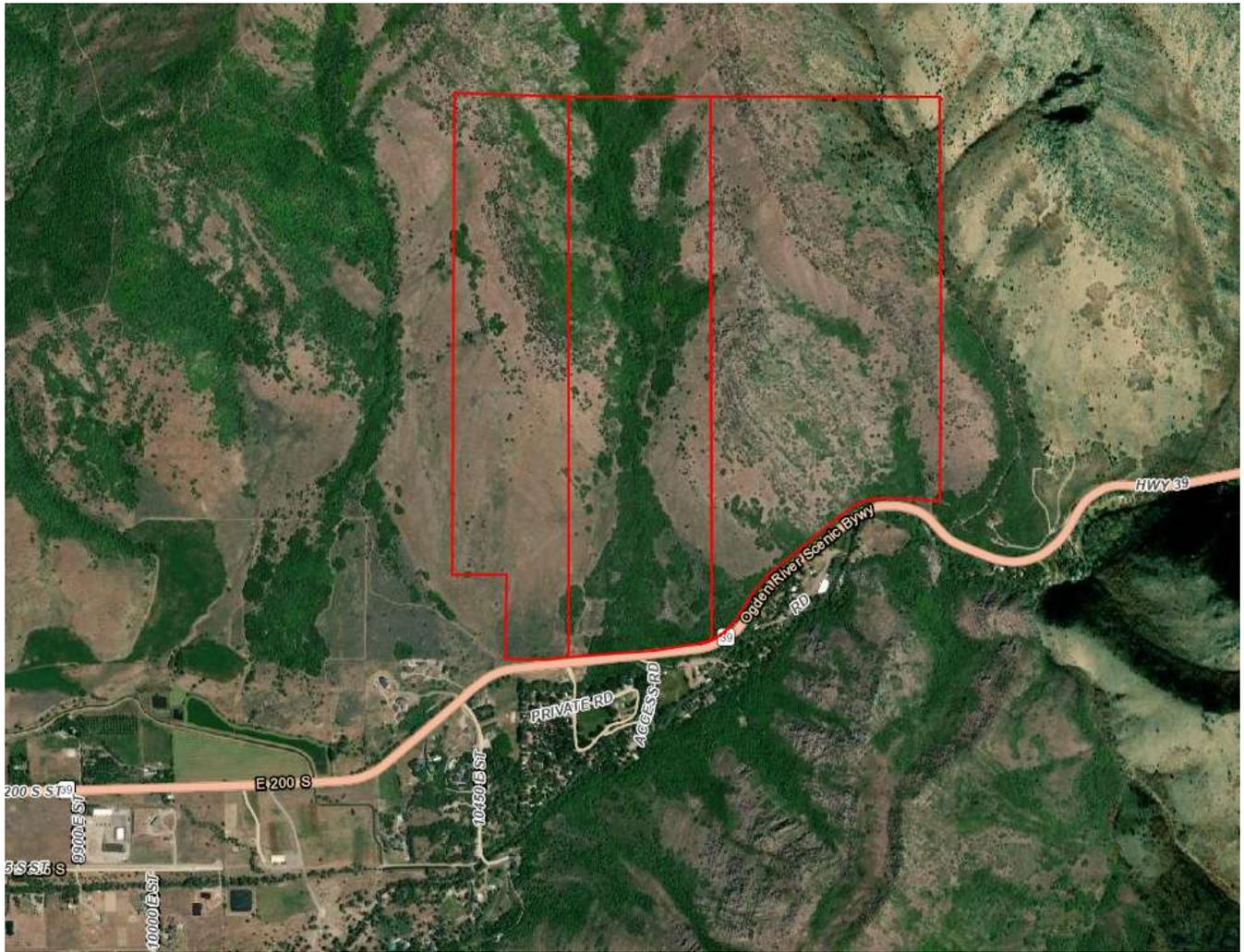
This recommendation is based on the following findings:

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

Exhibits

- A. Application
- B. Subdivision Plat
- C. Septic Feasibility and Approved Start Card from State of Utah

Area Map



Gateway Estates Phase 1D-Subdivisions

Address:	Approx. 748 E. Hwy 39, Huntsville, UT, 84317	Project Status:	Accepted
Maps:	County Map , Google Maps	Status Date:	8/2/2023
Project Type:	Subdivisions	File Number:	UVG1D8223
Sub Type:	Subdivisions	Project Manager:	Tammy Aydelotte
Created By:	Emilee Roche		
Created On:	6/29/2023		

[Application](#) [Documents](#) **22** [Reviews](#) **4**

Application

Project Description Gateway Estates Phase 1D

Property Address Approx. 748 E. Hwy 39
Huntsville, UT, 84317

Property Owner Matt Lowe
801-648-8229
matt@lowecompanies.com

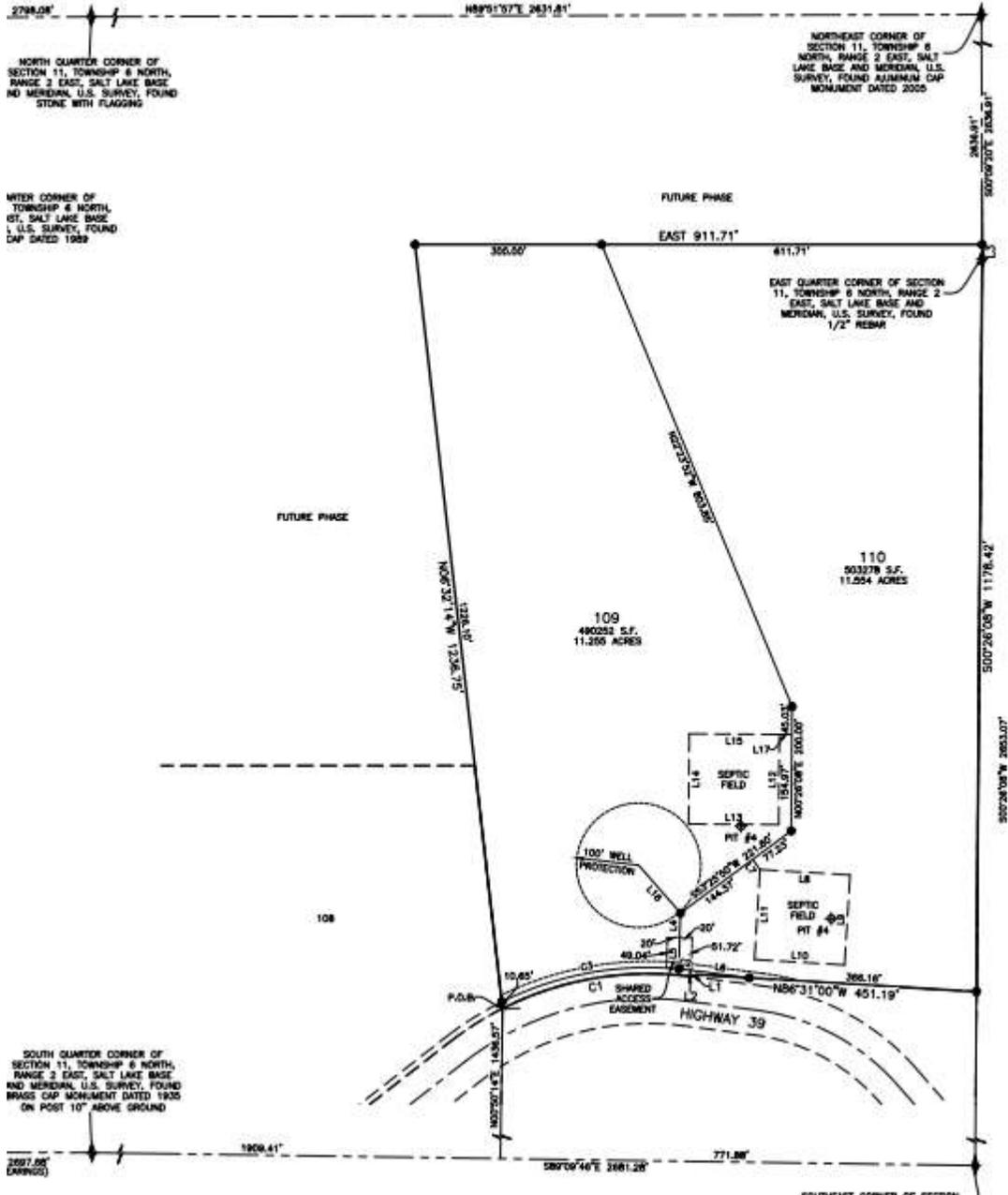
Representative Nate Reeve
801-621-3100
nate@reeve.co

Accessory Dwelling Unit False
Current Zoning F-5
Subdivision Name Gateway Estates Phase 1D
Number of new lots being created 2
Number of lots affected 0
Number of lots approved 0
Lot Number 109, 110
Lot Size 11.5 acres
Frontage 350
Culinary Water Authority Health Department (Well)
Secondary Water Provider Not Applicable
Sanitary Sewer Authority Health Department (Septic)
Nearest Hydrant Address
Signed By Representative, Nate Reeve

- Parcel Number**
- [21013007 - County Map](#)
 - [210130009 - County Map](#)
 - [210130001 - County Map](#)

GATEWAY ESTATES SUBDIVISION PHASE 1D

PART OF THE EAST HALF OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
WEBER COUNTY, UTAH
JUNE, 2025



BRIAN COWAN, MPH, LEHS
Health Officer/Executive Director

June 21, 2021



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

RE: Preliminary Subdivision **Determination**
Gateway Estates Phase I, 10 lots
Parcel #01-004-133
Soil log #14414

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by a private well. **The placement of the well is critical so as to provide the required 100 foot protection zone.** The well will need to be dug, tested and the water supply approved prior to issuance of a wastewater disposal permit.

DESIGN REQUIREMENTS

Lot 1, 2, 5, 6, 7, 9: Anticipated ground water tables not to exceed 75 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/sq. ft. /day as required for a sandy clay loam, blocky structure soil horizon with a documented percolation rate of less than 60 minutes per inch.

Lot 3, 4, 8, 9, & 10: Anticipated ground water tables not to exceed 75 inches, fall within the range of acceptability for the utilization of a Packed Bed Media Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.4 gal/sq. ft. /day as required for a sandy clay loam, massive structure soil horizon with a documented percolation rate between 60-80 minutes per inch.

Proof of 20,000 square feet of contiguous buildable area with 25% slope or less for each lot within this phase of the development, was provided by a licensed engineering firm.

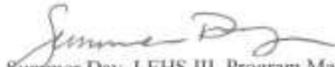
Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following items are required for a formal **subdivision review**: application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,


Summer Day, LEHS III, Program Manger
Environmental Health Division
801-399-7160



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 WILHELMESEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-13963 (E6228)

Exchange Application Number 35-13963 (E6228) in the name of OVB Investments LLC was filed on July 14, 2021, 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 52010 associated with Tax I.D. Number 21-013-0001 and others) 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 238 feet and West 621 feet from the S $\frac{1}{4}$ Corner of Section 11, 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 11, T6N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on August 5 and 12, 2021. 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 applicant is 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 35-13963 (E6228) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant 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.
- 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.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13963 (E6228)

Page 2

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant 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 **November 30, 2028**, 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 applicant.

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 applicant 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 applicant is 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 applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13963 (E6228)

Page 3

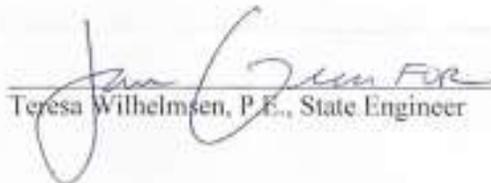
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

It is the applicant's 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 19 day of November, 2021.


Teresa Wilhelmsen, P.E., State Engineer

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13963 (E6228)

Page 4

Mailed a copy of the foregoing Order this 19 day of November, 2021 to:

OVB Investments LLC

6028 South Ridgeline Dr, Suite 203

Ogden UT 84405

Weber Basin Water Conservancy District

2837 East Highway 193

Layton UT 84040

Cole Panter, River Commissioner

PO Box 741

OGDEN UT 84402

Division of Water Rights

Distribution Section

c/o Susan Odekirk

OGDEN RIVER

BY: Doralee Cannon
Doralee Cannon, Applications/Records Secretary



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on final approval of Gateway Estates Subdivision Phase 1c, consisting of one lot, additional road dedication along Highway 39, and a shared access easement from Hwy 39 to lots 107 (Phase 1b) and 108.

Type of Decision: Administrative

Agenda Date: Wednesday, October 4, 2023

Applicant: OVB Investments, LLC

Representative: Nate Reeve

File Number: UVG1C8223

Property Information

Approximate Address: 748 E Hwy 39, Huntsville, UT, 84317

Project Area: 14.1702 acres

Zoning: Forest (F-5)

Existing Land Use: vacant

Proposed Land Use: Residential

Parcel ID: 21-013-0007, 21-013-0009, 21-013-0001

Township, Range, Section: T6N, R2E, Section 11 S

Adjacent Land Use

North: Vacant	South: Highway 39
East: Vacant	West: Vacant

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov

Report Reviewer: RG

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 9 (F-5 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

Background and Summary

The applicant is requesting final approval of Gateway Estates Subdivision Phase 1c, consisting of one lot, in the F-5 zone. Lots 107 (Phase 1b) and 108 shall have a shared access from Hwy 39, in order to minimize the number of access points from this highway, per UDOT and County Engineering recommendations. 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). Additional dedication along Highway 39, as well as a shared access from Highway 39 are included with this proposal. The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The request is in conformance with the Ogden Valley General Plan as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

Zoning: The subject property is located in the F-5 Zone. Single-family dwellings are a permitted use in the F-5 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-9-4, the F-5 zone requires a minimum lot area of 5 acres for a single family dwelling and a minimum lot width of 300 feet. The width of Lot 108 in this proposed subdivision meet the minimum width requirement. The area of Lot 108 is 14.760 acres. Additional dedication of right-of-way along Highway 39, located along the front of Lot 108, is included as part of this proposal.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the F-5 zone standards in LUC § 104-9.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback and recommendations regarding wastewater disposal systems, and the placement of private wells. Though there are well protection areas shown on each lot, the developer is proposing a shared well for this phase. A 48-hour pump test, indicated through documentation from Weber-Morgan Health department is required as part of this final plat recordation requirement.

“Improvements required for private well.

1. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours, and a sample of water analyzed according to applicable agency requirements. A copy of pump-test results shall be submitted to the County and the local health department. The pump test results shall demonstrate that adequate flow and quality exists to serve all intended uses of the well. An inadequate pump-test shall result in that subdivision's approval being void unless another lawfully approved water source can be provided.
2. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.”

Secondary water requirements: LUC 106-4-2.1 (b):

“Required water quantity. Each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.

1. **Culinary water quantity and quality.** The quantity and quality of culinary water shall meet the minimum standards required by the culinary water authority, applicable agency, or applicable service provider.
2. **Secondary water quantity.** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.
 1. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part. As a baseline, each secondary water provider is encouraged to adopt water-wise landscaping requirements as provided in Subsection (b)(2)b. of this Section 106-4-2.1.
 2. **Secondary water by private well.** If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:
 1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;
 2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;
 3. A note is placed on the final recorded plat as required in Section 106-1-8.20; and
 4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.”

If there will be landscaping and watering restrictions on Lot 108, a note will need to be added to the final plat that generally explains the watering and landscaping restrictions, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.

Natural hazards/wetlands: Per LUC § 104-28-2, the proposed subdivision area has intermittent streams that run through this phase.

Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark from the existing ephemeral streams located within the proposed subdivision, unless a stream alteration is approved by the Army Corps of Engineers and State Department of Natural Resources

The proposed subdivision is located within a ridgeline area. Per LUC § 104-28-4,

All structures located within the ridge line area shall not exceed 35 feet in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure. All ridge line developments shall be designed to minimize visual impact. All buildings constructed shall make use of neutral, natural colors (white may be used only as an accent color) that blend in to the surrounding area, non-reflective glass, metal and roofing materials, and varied roof lines. A landscape plan shall also be required and shall make use of trees designed to reduce visual impacts.

The proposed subdivision lies within a geologic hazard study area. Further reports have been required, and obtained. All recommendations contained within the submitted reports (AGEC project no. 1210067) shall be followed throughout the development process. Additional, site-specific, geotechnical reports will be required with each building permit submitted, per the recommendations outlined in the report. All recommendations contained in the submitted reports shall be followed, and a note shall be recorded on the plat indicating the need for further reports.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and the Weber Fire District. The County Surveyor's Office will review a proposed final plat, once one has been submitted. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2022 property taxes are not considered due at this time, but will become due in full on November 30, 2023.

Staff Recommendation

Staff recommends final approval of Gateway Estates Subdivision Phase 1c, consisting of one lot, dedication of additional roadway along Hwy 39, and a shared access for lots 107 (Phase 1b) and 108, located at approximately 748 E Hwy 39, Huntsville. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. All proposed accesses shall comply with safety, design, and parcel/lot standards as outlined in LUC
2. An onsite wastewater disposal covenant shall be recorded with the final plat
3. A private well covenant shall be recorded with the final plat.
4. All required improvements shall be either installed, escrowed for, or a combination of both, prior to recording the final plat.
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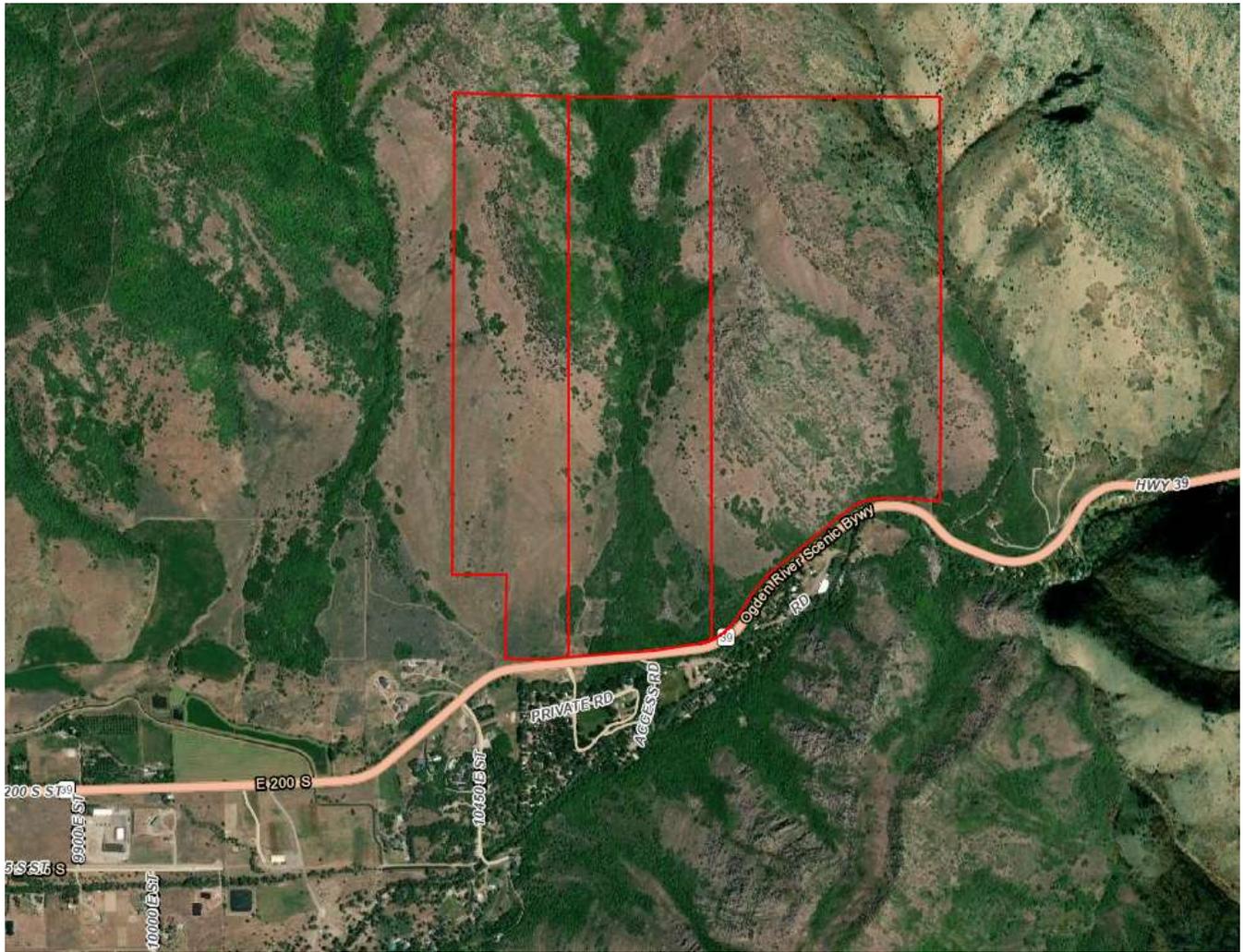
This recommendation is based on the following findings:

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

Exhibits

- A. Application
- B. Subdivision Plat
- C. Septic Feasibility and Approved Start Card from State of Utah

Area Map



Gateway Estates Phase 1C-Subdivisions

Address:	Approx. 748 E. Hwy 39, Huntsville, UT, 84317	Project Status:	Accepted
Maps:	County Map , Google Maps	Status Date:	8/2/2023
Project Type:	Subdivisions	File Number:	UVG1C8223
Sub Type:	Subdivisions	Project Manager:	Tammy Aydelotte
Created By:	Emilee Roche		
Created On:	6/29/2023		

- Application
- Documents 22
- Reviews 4

Application

Project Description Gateway Estates Phase 1C

Property Address Approx. 748 E. Hwy 39
Huntsville, UT, 84317

Property Owner Matt Lowe
801-648-8229
matt@lowecompanies.com

Representative Nate Reeve
801-621-3100
nate@reeve.co

Accessory Dwelling Unit False

Current Zoning F-5

Subdivision Name Gateway Estates PHase 1C

Number of new lots being created 1

Number of lots affected 0

Number of lots approved 0

Lot Number 108

Lot Size 14

Frontage 850 ft.

Culinary Water Authority Health Department (Well)

Secondary Water Provider Not Applicable

Sanitary Sewer Authority Health Department (Septic)

Nearest Hydrant Address

Signed By Representative, Nate Reeve

Parcel Number

210130001 - [County Map](#)

210130009 - [County Map](#)

Exhibit B- Subdivision Plat

GATEWAY ESTATES SUBDIVISION PHASE 1C

PART OF THE SOUTH HALF OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
WEBER COUNTY, UTAH
JUNE, 2023

11,
11,
.S.

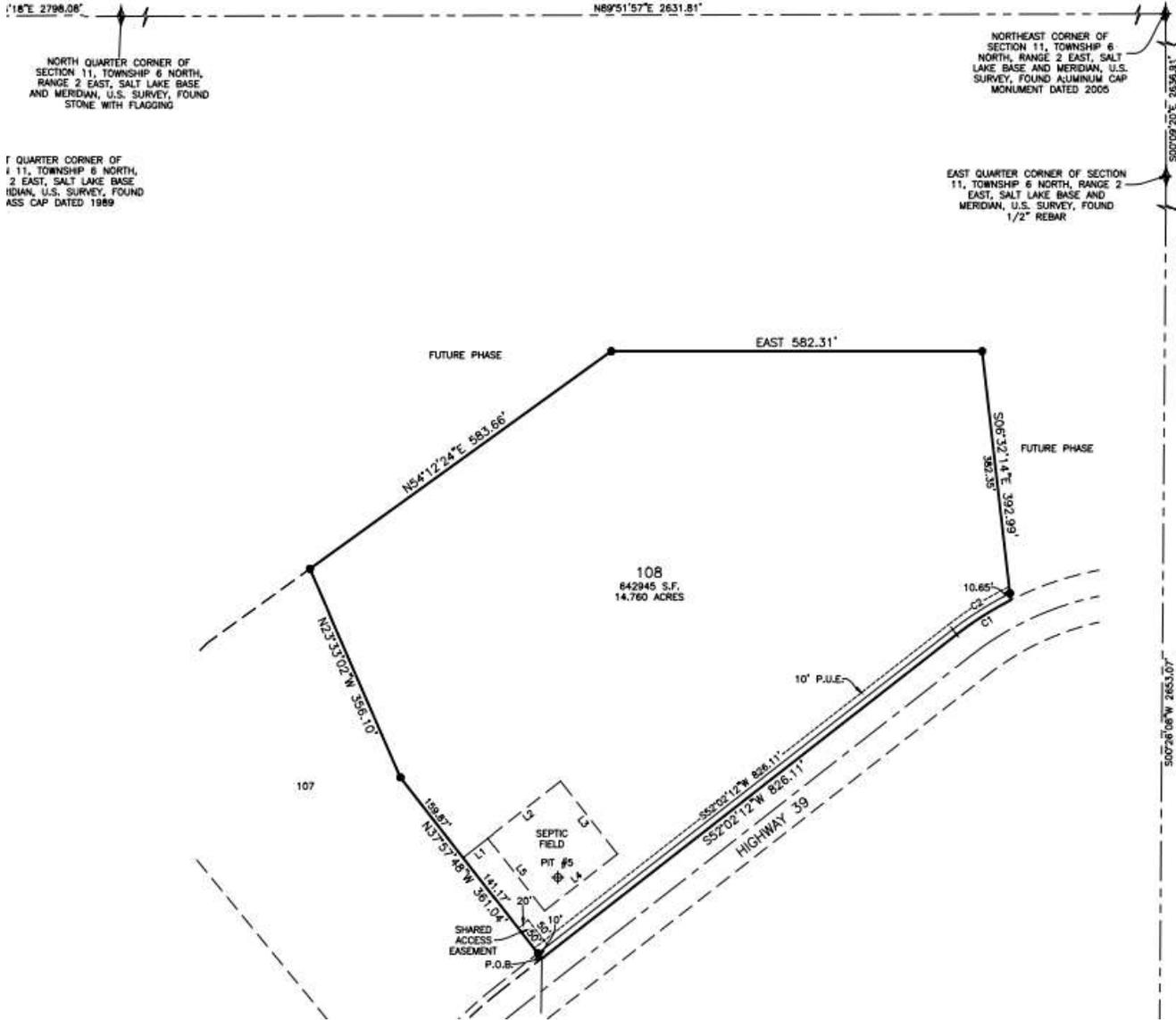


Exhibit C - Well Permits/Septic Feasibility



June 21, 2021

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

RE: Preliminary Subdivision **Determination**
Gateway Estates Phase 1, 10 lots
Parcel #01-004-133
Soil log #14414

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.

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Lot 1, 2, 5, 6, 7, 9: Anticipated ground water tables not to exceed 75 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/sq. ft. /day as required for a sandy clay loam, blocky structure soil horizon with a documented percolation rate of less than 60 minutes per inch.

Lot 3, 4, 8, 9, & 10: Anticipated ground water tables not to exceed 75 inches, fall within the range of acceptability for the utilization of a Packed Bed Media Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.4 gal/sq. ft. /day as required for a sandy clay loam, massive structure soil horizon with a documented percolation rate between 60-80 minutes per inch.

Proof of 20,000 square feet of contiguous buildable area with 25% slope or less for each lot within this phase of the development, was provided by a licensed engineering firm.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following items are required for a formal **subdivision review**: application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted, Mylars submitted for signature without this information will be returned

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,


Summer Day, LEHS III, Program Manger
Environmental Health Division
801-399-7160



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 WILHELMESEN
State Engineer, Division Director

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-13962 (E6227)

Exchange Application Number 35-13962 (E6227) in the name of OVB Investments LLC was filed on July 14, 2021, 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 52010 associated with Tax I.D. Number 21-013-0001 and others) 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 South 1083 feet and West 222 feet from the E $\frac{1}{4}$ Corner of Section 11, 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 11, T6N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on August 5 and 12, 2021. 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 applicant is 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 35-13962 (E6227) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant 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.
- 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.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13962 (E6227)

Page 2

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant 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 **November 30, 2028**, 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 applicant.

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 applicant 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 applicant is 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 applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13962 (E6227)

Page 3

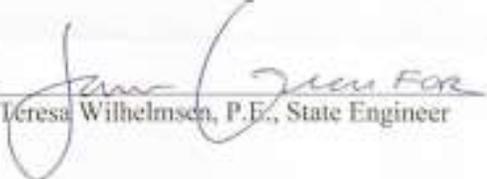
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

It is the applicant's 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 19 day of November, 2021.


Teresa Wilhelmson, P.E., State Engineer

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13962 (E6227)

Page 4

Mailed a copy of the foregoing Order this 19 day of November, 2021 to:

OVB Investments LLC
6028 South Ridgeline Dr, Suite 203
Ogden UT 84405

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

Cole Panter, River Commissioner
PO Box 741
OGDEN UT 84402

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

BY: Doralee Cannon
Doralee Cannon, Applications/Records Secretary