

WEBER COUNTY PLANNING DIVISION

Administrative Review Meeting Agenda

March 10, 2021
4:00 to 5:00 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/87081518463>

Meeting ID: 870 8151 8463

1. UVF011221: Review and consideration of final approval for Hillside Haven Subdivision (formally known as then Family Fields Subdivision) consisting of 3 lots at approximately 3196 E 3350 N, Liberty, UT. *Presenter Scott Perkes*
2. UVF01082021: Request for final approval of FTF Estates Subdivision, a one-lot subdivision located at approximately 3740 North River Drive, in the AV-3 zone. *Presenter Tammy Aydelotte*

The regular meeting will be held VIRTUALLY via Zoom Video Conference. Please access this VIRTUAL meeting by navigating to the following web/ink in a web browser:

Meeting ID: Meeting ID: 870 8151 8463

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791





Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on the application for final approval of Hillside Haven Subdivision, consisting of 3 lots, located at approximately 3196 E 3350 N, Liberty.

Agenda Date: Wednesday, March 10, 2021

Applicant: Robert Marker

File Number: UVH012121

Property Information

Approximate Address: 3196 E 3350 N, Liberty

Project Area: 9.63

Zoning: AV-3

Existing Land Use: Agriculture

Proposed Land Use: Residential

Parcel ID: 22-354-0001

Township, Range, Section: T7N, R1E, Section 29, NW 1/4

Adjacent Land Use

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

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 6 Agricultural Valley (AV-3) Zone
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 (Flag lot access strip, private right-of-way, and access easement standards)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 31 (Access to a lot/parcel using a private right-of-way or access easement)

Background and Summary

This proposed subdivision (see **Exhibits A & B**) was recently granted an Alternative Access Exemption through File # AAE 2020-06 (see **Exhibit C**). This alternative access exemption allowed for primary access to be provided to a three-lot subdivision where the proposed configuration would not allow the two rear lots to be accessible from a county dedicated road.

The Weber County Land Use Code (LUC) §101-1-7 identifies a subdivision of three or fewer lots, for which no new streets are being created or realigned, as a "Small Subdivision". A Small Subdivision can be administratively approved by the Planning Director. The proposed subdivision and lot configuration are in conformance with the current zoning as well as the applicable subdivision requirements as required in the LUC.

Analysis

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

Zoning: The subject property is located in the Agriculture Valley (AV-3) Zone. The purpose and intent of the AV-3 zone is identified in the LUC §104-6-1 as:

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

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

All three of the proposed lots maintain the minimum acreage of at least three acres and the minimum lot width of at least 150 feet. Lot 1 will be accessible from both 3350 North Street as well as the access easement (to become 3200 East Street). Lots 2 and 3 will gain access from the access easement.

Future Road Right-of-Way Easement: The subdivision code references a requirement to provide access to adjacent parcels, as deemed necessary by the land use authority. In order to facilitate the desired future extension of 3200 East Street along the parcel's western boundary, the Planning Division has requested that the applicant grant a Future Road Right-Of-Way Easement to the County. This easement has been depicted on the plat and is secured with dedication language and plat notes. The Planning Division has also required that the applicant record a "Building on a Private Right-Of-Way/Access Easement Equitable Servitude and Covenant" immediately prior to recording the subdivision mylar. Lastly, the applicant will be required to enter into a recorded Subdivision Improvements Deferral Agreement for curb, gutter, sidewalk, and roadway improvements (asphalt) within the depicted right-of-way for the future 3200 East Street.

These measures have been required to ensure that this Future Road Right-of-Way Easement will be deeded over to the county as public right-of-way at a time of the County's choosing, without compensation for the underlying land to the owners or assigns. The Access Exemption Covenant along with the Subdivision Improvements Deferral Agreement ensure the owner will pay a proportionate share of the roadway improvements for 3200 East Street at a time in which the County deems appropriate.

This Future Road Right-Of-Way Easement scenario was crafted in an effort to honor the previously granted Alternative Access Exemption for three lots, while still allowing the county to acquire the land and ensure the installation of an extended 3200 East Street at no cost to the County.

As an additional requirement under this scenario, staff recommends that the land encumbered by the Future Road Right-of-Way Easement be deeded over to the County immediately following the recording of the subdivision mylar. This will ensure ownership of all lots remain under single ownership at the time of deed transfer, and that the County is able to acquire the right-of-way with minimal administrative time or effort.

Sensitive Lands: A review of the Ogden Valley Sensitive Lands Overlay Districts has found the proposed subdivision free of any applicable restrictions.

Culinary water and sanitary sewage disposal: Culinary water will be provided by a private well and sanitary sewage disposal will be provided by an on-site septic system. A feasibility letter has been provided by the health department for the septic system (see **Exhibit D**). The applicant has submitted a Well Permit as approved through the Weber-Morgan Health Department (see **Exhibit E**). The applicant has also submitted an Order of the State Engineer for the exchange of 3 acre-feet of water for the irrigation and domestic use of one domestic unit (see **Exhibit F**).

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office, the Weber-Morgan Health Dept., and Weber Fire District have reviewed the proposal. Prior to the subdivision being released for Mylar, all review agencies comments will need to be addressed.

Public Notice: The required noticing for the final subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

Staff Recommendation

Staff recommends final approval of the Hillside Haven Subdivision. This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. The access lane providing access to the two rear lots must be installed per the standards outlined in LUP Sec. 108-7-29 prior the recording of the final mylar. Alternatively, the estimated cost of the improvements (as approved by the County Engineer) may be escrowed for prior to the recording of the final mylar.
2. All required agreements, as outlined by staff reviews, must be recorded immediately prior to, or immediately after the final plat mylar.

This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all applicable County ordinances.

Administrative Approval

Administrative final approval of Hillside Haven Subdivision is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed throughout this staff report.

Date of Administrative Approval: _____

Weber County Planning Director

Exhibits

- A. Proposed Subdivision Plat
- B. Notice of Decision – AAE 2020-06
- C. Weber-Morgan Health Department Septic Feasibility Letter
- D. Well Permit
- E. Order of the State Engineer (culinary and secondary water)

Location Map 1



FAMILY FIELDS SUBDIVISION

AMENDING LOT 2 OF CIRCLE N SUBDIVISION

PART OF THE NW 1/4 OF SECTION 29 TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
UNINCORPORATED WEBER COUNTY, UTAH - MARCH 2021

Exhibit A

OWNER'S DEDICATION

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets as shown hereon and name said tract FAMILY FIELDS SUBDIVISION:

We hereby dedicate a public Future Road Right-of-Way Easement as shown hereon, to the Weber County for public street purposes. This Easement shall be deemed by the land owner or their successors and assigns, to Weber County, without compensation, at a time of the County's choosing.

We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility, storm water detention pond(s), drainage easement(s), and canal maintenance easement(s), the same to be used for the installation maintenance and operation of public utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetual preservation of water channels in their natural state whichever is applicable to the governing entity and as may be authorized by the governing entity, with no buildings or structures being erected within such easements.

We, the herein signers, grantor(s), hereby grant a well protection easement(s) to Weber/Morgan Health Department, 477 23rd St., Ogden, Utah, 84401, grantee, the terms of this easement are to comply with the regulatory laws, requirements, ordinances, and policies administered by the Weber/Morgan Health Department for the protection of drinking water related to culinary water wells in the State of Utah, and to provide a separation from a culinary water well from concentrated sources of pollution. The sources of pollution are described as but not limited to septic tanks, septic drain fields, garbage dumps, livestock corrals, feed lots, hazardous waste storage, or other sources of pollutants deemed inappropriate under the regulatory authority of the Weber/Morgan Health Department. The easement as granted is a perpetual easement and shall run with the land and is binding on any and all successors and assigns. The easement is as shown and noted hereon as Well Protection Area(s) having a 100 foot radius. The center of which shall be the physical location of the well as constructed.

Individual Acknowledgement

IN WITNESS WHEREOF, the hand of said Grantor(s), this ____ day of _____, 20____.

ROBERT MARKER

STATE OF UTAH)
) SS
COUNTY OF)

On the date first above written personally appeared before me the above signer(s) of the within instrument, who duly acknowledged to me that they executed the same.
WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public

Residing in:

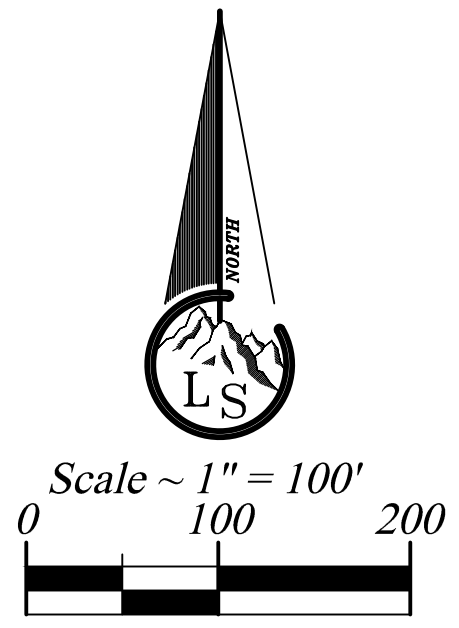
My Commission Expires:

BOUNDARY DESCRIPTION

A part of the Northwest Quarter of Section 29, Township 7 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey described as follows:
Beginning at a point on the North line of said Quarter Section South 89°31'08" East 825.34 feet from the Northwest Corner of said Quarter of Section; running thence South 89°31'08" East along said North Section line 323.56 feet; thence South 15°18'17" West 1272.07 feet to the North right-of-way line of County Road 3350 North Street; thence along said North line of road North 83°23'08" West 359.84 feet; thence North 17°16'52" East 1244.40 feet to the point of beginning.

Contains 418,969 s.f. or 9.62 acres

PERC TABLE		
HOLE #	DEPTH, in.	SOILS EVALUATION WEBER COUNTY HEALTH DEPT. #14602
1	0-20"	Gravelly sandy loam, granular structure, 15% gravel
	20-55"	Gravelly sandy loam, blocky structure, 30% gravel
	55-96"	Gravelly sandy loam, massive structure, 30% gravel
2	0-26"	Very gravelly sandy loam, massive structure, 50% gravel
	26-77"	Gravelly sandy loam, massive structure, 30% gravel
3	77-115"	Very gravelly coarse sandy loam, massive structure, 50% gravel
	0-24"	Gravelly sandy loam, granular structure, 25% gravel
	24-73"	Gravelly coarse sandy loam, massive structure, 60% gravel
	73-98"	Gravelly sandy loam, massive structure, 30% gravel, cmn red mottling
98-118"	Very gravelly coarse sandy loam, massive structure, 60% gravel	



- Legend**
- EXISTING FENCE
 - EASEMENTS
 - STREET CENTERLINE
 - FND SECTION CORNER
 - FND REBAR AND CAP
 - SET #5x24" REBAR AND CAP STAMPED LANDMARK
 - FUTURE ROAD AREA

NOTE:

- Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no other agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision. [Amd. Ord. Sec. 106-1-8(c)(5)]
- Each lot may be subject to the Easement as contained in the Entry #567768 in Book 694 at Page 91 & 92 of Official Records. This recorded easement does not contain a width for the easement and cannot be shown on this plat.
- Due to the topography and the location of this subdivision all owners will accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed.
- Area identified as "Future Road Right-of-Way" is subject to "Building on a Private Right of Way/Access Easement Equitable Servitude and Covenant", as Record Entry # _____ recorded on _____ in the Weber County Recorder's Office, which is an agreement between the Developer/Property Owner and Weber County requiring this area to be deeded free and clear of any encumbrances to the County, without compensation, at the time deemed appropriate by the County.
- Building set-backs will be measured from the County right-of-way line rather than the Property Line.
- Lots are located in Zone 4 of a public drinking water source protection area and are subject to the limitations found in Section 108-18 of the Weber County Land Use Code.
- All development in this subdivision is subject to the outdoor lighting requirements found in Section 108-16 of the Weber County Land Use Code.

NOTE:

The recording of this Amended plat in the office of the County Recorder acts as a statutory vacation, superseding, and replacement of any contrary provision is a previously recorded plat of the same land as described hereon in accordance with UCA 10-9a-609 and/or UCA 17-27a-609.

WEBER-MORGAN HEALTH DEPARTMENT

I hereby certify that the soils, percolation rates, and site conditions for this subdivision have been investigated by this office and are approved for on site wastewater disposal systems. Signed this ____ day of _____, 20____.

Director, Weber-Morgan Health Department

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the ____ day of _____, 20____.

Chairman, Weber County Planning Commission

WEBER COUNTY ATTORNEY

I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect. Signed this ____ day of _____, 20____.

Signature

WEBER COUNTY SURVEYOR

I hereby certify that the Weber County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monuments on record in county offices. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith. Signed this ____ day of _____, 20____.

Signature

WEBER COUNTY COMMISSION ACCEPTANCE

This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision hereon are hereby approved and accepted by the Commissioners of Weber County, Utah this ____ day of _____, 20____.

Chairman, Weber County Commission

Attest:
Title: Weber County Clerk

WEBER COUNTY ENGINEER

I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements. Signed this ____ day of _____, 20____.

Signature

NARRATIVE

The purpose of this survey is to amend Lot 3 of Circle N Subdivision into three parcels as shown.

Documents used or reviewed in this survey are, but not limited to, the following:

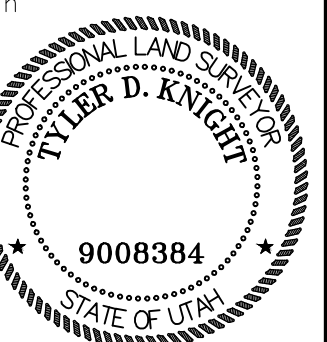
- Weber County Tax Plat 22-023 & 22-014.
- Deeds of record as found in the Weber County Recorder's office for parcels 22-023-0028, 22-023-0029, 22-023-0030, 22-023-0032, 22-023-0033, 22-023-0054, 22-023-0158, 22-023-0159, 22-025-0003
- Subdivision Plats for Circle N Subdivision, Spring Creek Ranches and Kodel Subdivision as found in the Weber County Recorder's office.
- Unrecorded Subdivision Spring Mountain Subdivision No. 1, by Great Basin Mapping & Surveying Co., dated April 1987.
- Boundary Line Agreement Entry Nos. 1512680, 1512683 & 151264 of Weber County Records.
- Record of Survey Nos. 1878, 2066, 2736 & 4588 as found in the Weber County Surveyor's Office.

Boundary is established from record documents.

The basis of bearing of bearing is State Plane Grid Bearing as shown.

SURVEYOR'S CERTIFICATE

I, Tyler D. Knight do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 9008384-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as may be noted hereon or contained in the project files of Landmark Surveying, Inc. Any warranties, express or implied, are hereby limited to the current owner(s) of the properties surveyed. No certification or warranties are extended to successor(s), assign(s), or heir(s) of said owner(s) nor to adjacent owner(s) of the properties of which may or may not share a common boundary with the property(s) surveyed. In accordance with Weber County Ordinance, I further certify that, to the best of my knowledge and belief, all lots meet the current requirements of the Land Use Ordinance of Weber County as indicated by their approval hereon.



<p>Landmark Surveying, Inc. A Complete Land Surveying Service www.LandmarkSurveyUtah.com</p>		<p>4646 South 3500 West - #A-3 West Haven, UT 84401 801-731-4075</p>		<p>Weber County Recorder</p>	
<p>DEVELOPER: Robert Marker Address: 3119 N. 825 W. Pleasant View, UT 84414</p>		<p>1</p>		<p>Entry no. _____</p>	
<p>NW 1/4 of Section 29, Township 7 North, Range 1 East, Salt Lake Base and Meridian.</p>		<p>Subdivision</p>		<p>Filed for record and recorded ____ day of _____, 20____ at _____ in book _____ of official records, on page _____</p>	
<p>Revisions</p>		<p>DRAWN BY: TK</p>		<p>County Recorder: Leann H Kiltz</p>	
<p>CHECKED BY: TK</p>		<p>DATE:</p>		<p>By Deputy:</p>	
<p>PROJ: 4114</p>		<p>Fee paid</p>		<p>Fee paid</p>	

This plat and associated documents are "PRELIMINARY NOT FINAL" and subject to change without a revised signature and stamp across the Professional Land Surveyor's seal in accordance with R158-22-001 of the Utah Administrative Code of the Utah Department of Commerce, Division of Occupational and Professional Licensing. If this document is unsigned it is a Preliminary document(s) and is not intended for and shall not be used in construction, nor to be recorded or filed, nor implemented or used as a final product.



Weber County Planning Division
www.co.weber.ut.us/planning_commission
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8371
Fax: (801) 399-8862

Weber County Planning Division
NOTICE OF DECISION

October 21, 2020

Robert Marker
3196 E 3350 N
Liberty, UT 84310

You are hereby notified that your application for an Alternative Access Exemption, located on Parcel ID 22-354-0001 was heard and conditionally approved by the Weber County Planning Division in a public meeting held on Wednesday October 14, 2020. Conditional approval was granted upon meeting all requirements from county reviewing agencies and the following conditions:

1. The access easement shall comply with the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29.
2. The easement must be at least 33 feet wide and traverse the full length of the subject parcel (approximately 1,278 feet) to facilitate potential future conversion of the easement to a public right-of-way.
3. The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, prior to the recording of the future subdivision.

Approval is based on the following findings:

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

The next step in the process is to ensure complete compliance with the above listed conditions of approval. If all conditions have been met, the proposed three-lot subdivision application may proceed through the County review and approval process. This letter is intended as a courtesy to document the status of your project. If you have further questions, please contact me at spertes@co.weber.ut.us or 801-399-8772.

Sincerely,

Scott Perkes
Planner II
Weber County

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



November 12, 2020

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

RE: Robert Marker
3196 E 3350 N, Huntsville UT
Parcel #22-354-0001
Soil log #15096

Gentlemen:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on November 4, 2020. The exploration pits are located at the referenced GPS coordinates and datum. The soil texture and structure, as classified using the USDA system, are as follows:

Exploration Pit #1 (UTM Zone 12T, Nad 83, 427120 E 4574667 N)
0-20" Gravelly Sandy Loam, Granular Structure, 15% Gravel
20-55" Gravelly Sandy Loam, Blocky Structure, 30% Gravel
55-96" Gravelly Sandy Loam, Massive Structure, 30% Gravel
96-108" Very Gravelly Sandy Loam, Massive Structure, 50% Gravel

Exploration Pit #2 (UTM Zone 12T, Nad 83, 427157 E 4574792 N)
0-26" Gravelly Sandy Loam, Granular/Blocky Structure, 15% Gravel
26-77" Gravelly Sandy Loam, Massive Structure, 30% Gravel
77-115" Very Gravelly Coarse Sandy Loam, Massive Structure, 50% Gravel

Exploration Pit #3 (UTM Zone 12T, Nad 83, 427187 E 4574893 N)
0-24" Gravelly Sandy Loam, Granular Structure, 25% Gravel
24-73" Very Gravelly Coarse Sandy Loam, Massive Structure, 60% Gravel
73-98" Gravelly Sandy Loam, Massive Structure, 30% Gravel, Common Red Mottling
98-118" Very Gravelly Coarse Sandy Loam, Massive Structure, 60% Gravel

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

DESIGN REQUIREMENTS

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.

Lots 1-3: Anticipated ground water tables not to exceed 60 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 18 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/ft²/day as required for the gravelly-very gravelly sandy loam, massive structure soil horizons.

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

EDUCATE | ENGAGE | EMPOWER

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

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,



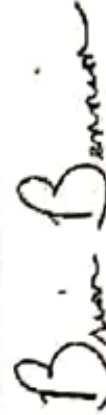
Ryan Klinge
Environmental Health Division
801-399-7160

Weber-Morgan Health Department
Environmental Health Division
477 23rd Street
Ogden, UT 84401

Well/Spring Permit

ROBERT MARKER
3196 E 3350 N
LIBERTY, UT 84310

MIKE ZIMMERMAN #527



Brian W. Bennion, MPA, LEHS, Health Officer

OCTOBER 26, 2020

Permit Date

Keep on drilling site



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

BRIAN C. STEED
Executive Director

TERESA WILHELMSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-13711 (E6035)

Exchange Application Number 35-13711 (E6035) in the name of Robert Marker was filed on June 12, 2020, to exchange 3.00 acre-feet of water as evidenced by Water Right Number 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 56133 associated with Tax I.D. Number 22-354-0001) for its use with Weber Basin Water Conservancy District (WBWCD). The 3.00 acre-feet of water is to be released from Pineview Reservoir and, in lieu thereof, 3.00 acre-feet of water will be diverted from: (1) Well - South 214 feet and East 908 feet from the NW Corner of Section 29, T7N, R1E, SLB&M (6-inch well, 100-500 feet deep). The water is to be used for the irrigation of 0.8043 acre from April 1 to October 31; year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (EDU); and year-round stockwatering of 4.9 equivalent livestock units (ELUs), in cattle, horses, or equivalent species. The water is to be used in all or portion(s) of Section 29, T7N, R1E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on June 25 and July 2, 2020. No protests were received.

This Exchange Application seeks to replace a portion of Exchange Application Number 35-6715 (E1276) contract number 56034 for 9.0 acre-feet. A 3.0 acre-feet portion of the original contract supporting Exchange Application Number 35-6715 (E1276) in the name of the Nelson Children Trust has been transferred to the applicants. Administrative action will be handled in a separate Notice of Lapsing for Exchange Application Number 35-6715 (E1276), which will need to be replaced because the contract no longer reflects the amount of water described under the exchange.

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 35-13711 (E6035) 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 WBWCD. 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 3.00 acre-feet of water per year for the irrigation of 0.8043 acre (2.413 acre-feet) from April 1

to October 31; year-round, indoor, domestic requirements of 1.00 EDU (0.45 acre-foot); and year-round stockwatering of 4.9 ELUs (0.137 acre-foot).

- 3) The applicant shall maintain controlling works and a metering device as required by Section 73-5-4 of the Utah Code.
- 4) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.

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 September 3, 2025, 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.

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.

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


ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13711 (E6035)
Page 3

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 4 day of September, 2020.


Tofesh Wilhelmsen, P.E., State Engineer

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13711 (E6035)
Page 4

Mailed a copy of the foregoing Order this 4 day of September 2020 to:

Robert Marker
3972 North 550 West
Pleasant View UT 84414

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

DRILLER (START) CARD for EXCHANGE: E6035(35-13711)

IMPORTANT: THIS CARD MUST BE RECEIVED BY THE DIVISION OF WATER RIGHTS PRIOR TO THE BEGINNING OF WELL CONSTRUCTION. PROOF DUE/EXPIRATION DATE: September 30, 2025
START CARDS CAN BE SUBMITTED ONLINE WITH THE WATER RIGHT NUMBER OR NON-PRODUCTION WELL NUMBER AND THE PIN.
ONLINE SUBMISSION EXCHANGE: E6035 ONLINE SUBMISSION PIN: 489721
ONLINE SUBMISSION URL: <https://waterrights.utah.gov/startcard/>

OWNER/APPLICANT NAME: Robert Marker
MAILING ADDRESS: 3972 North 550 West, Pleasant View UT 84414,
PHONE NUMBER: _____
WELL LOCATION: S 214' E 908' from NW Cor, S29, T7N, R1E, SLB&M.
WELL UTM COORDINATES: Northing: 4574873 Easting: 427170
WELL ACTIVITY: NEW(X) REPLACE() REPAIR() DEEPEN()
PROPOSED START DATE: _____
PROJECTED COMPLETION DATE: _____
LICENSE #: _____ LICENSEE/COMPANY: _____

Licensee Signature Date

NOTICE TO APPLICANT: THIS CARD IS TO BE GIVEN TO A UTAH-LICENSED WATER WELL DRILLER FOR SUBMITTAL TO THE DIVISION OF WATER RIGHTS PRIOR TO WELL CONSTRUCTION
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: _____

START CARDS MAY ALSO BE SUBMITTED BY PHONE*, FAX, OR EMAIL.
PHONE: 801-538-7416 * FAX: 801-538-7467 * EMAIL: waterrights_wells@utah.gov
*IF THE START CARD IS PHONED IN, THEN THE COMPLETED AND SIGNED START CARD MUST BE RETURNED TO THE DIVISION OF WATER RIGHTS BY FAX, EMAIL, OR MAIL.

APPLICANT CARD for EXCHANGE: E6035(35-13711)

IMPORTANT: THIS CARD MUST BE COMPLETED, SIGNED AND RETURNED BY THE WELL OWNER/APPLICANT AS SOON AS THE WELL IS DRILLED BY A LICENSED UTAH WATER WELL DRILLER. PROOF DUE/EXPIRATION DATE: September 30, 2025

OWNER/APPLICANT NAME: Robert Marker

MAILING ADDRESS: 3972 North 550 West, Pleasant View UT 84414,

PHONE NUMBER: _____

WELL LOCATION: S 214' E 908' from NW Cor, S29, T7N, R1E, SLB&M.

WELL UTM COORDINATES: Northing: 4574873 Easting: 427170

WELL ACTIVITY: NEW() REPLACE() REPAIR() DEEPEN()

WELL COMPLETION DATE: _____

NAME OF DRILLING COMPANY/LICENSEE: _____

Owner/Applicant Signature

Date

NOTICE TO APPLICANT: COMPLETE AND RETURN THIS PORTION UPON FINAL WELL COMPLETION.
DO NOT GIVE THIS CARD TO LICENSED WELL DRILLER - YOU MUST RETURN IT.
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 • FAX No. 801-538-7467

COMMENTS: _____

START/APPLICANT CARD INSTRUCTIONS: First, for each well, you must give a Driller (Start) Card to the licensed driller with whom you contract to construct the well. Second, it is your responsibility to sign and return this Applicant Card to this office immediately after completion of the well. CAUTION: There may be local health requirements for the actual siting of your well. Please check with the proper local authority before construction begins. See the enclosed sheet addressing construction information.



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an administrative application, final approval of FTF Estates Subdivision, consisting of one lot.

Agenda Date: Wednesday, March 10, 2021

Applicant: Lee & Lauri Fortin, owners

Authorized Rep: Ronda Kippen

File Number: UVF 01082021

Property Information

Approximate Address: 3740 North River Drive, Eden, UT, 84310

Project Area: 2.07 acres

Zoning: Agricultural Valley (AV-3) Zone

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 22-015-0066

Township, Range, Section: T7N, R1E, Section 21 SW

Adjacent Land Use

North: Residential	South: Nordic Valley Drive
East: Residential	West: North River Drive

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
801-399-8794

Report Reviewer: RG

Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7
- Weber County Land Use Code Title 104 (Zones) Chapter 6 (AV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

Background

The applicant is requesting approval of administrative application, final approval of FTF Estates Subdivision, consisting of one lot, located at approximately 3740 North River Drive in the AV-3 Zone. The proposed subdivision does not meet the lot area and lot width requirements of the AV-3 zone, however, a rebuild letter has been recorded (see exhibit C). Access for this lot will be North River Drive. The purpose of this application is to create a one-lot subdivision.

A hazard study may be required prior to approval of any future development or issuance of further building permits.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by creating large lots to maintain the country feel with land that has agricultural and livestock related uses.

Zoning: The subject property is located in the AV-3 zone. The land use requirements for these zones are stated in the LUC§ 104-16, respectively, as follows:

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

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

Small Subdivision: As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC 106 chapter 1, and the standards in the AV-3 zone (LUC 104-6). The proposed subdivision will not create any new public streets. The proposal meets the criteria for a “Small Subdivisions”, as defined in LUC 101-7, and can be administratively approved per LUC 106-1-5(b)(1).

Lot area, frontage/width and yard regulations: The AV-3 zone requires a minimum lot area of 3 acres and a minimum lot width of 150’, however, this parcel already has a designation of a legal, buildable lot (see exhibit C). The proposed subdivision is a one-lot subdivision that will be accessed from North River Drive, which is considered to be up to county standards.

The proposed subdivision will create a one-lot subdivision.

Improvements Required: Wells. The applicant will need to update their well approval from the state and submit the updated documents prior to recording this subdivision, per LUC 106-4-2 (a)(3).

Review Agencies: The proposed subdivision has been reviewed by all applicable reviewing agencies. Weber County Engineering has required, at minimum, a deferral agreement for curb, gutter, and sidewalk. This will be signed by the property owner and recorded with the final plat. Weber Fire has issued approval of this project, pending further review at building permit. The County Surveyor has not yet issued approval. Planning is recommending approval conditioned upon meeting all review agency requirements.

Tax Clearance: There are no outstanding tax payments related to this parcel.

Public Notice: Noticing requirements, according to LUC 106-1-6(c), have been met by mailing notices out to all property owners of record within 500 feet of the subject property.

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan.

Staff Recommendations

Staff recommends final approval of the FTF Estates Subdivision a one-lot subdivision. This recommendation is subject to all review agency requirements and based on the following condition:

1. A deferral agreement must be recorded with the final plat.
2. A current well permit, from the State of Utah, be obtained prior to recording this subdivision.
3. A geologic hazard study may be required at building permit.

This recommendation is based on the following findings:

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

Administrative Approval

Administrative final approval of FTF Estates Subdivision is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: **Wednesday, March 10, 2021.**

Rick Grover
Weber County Planning Director

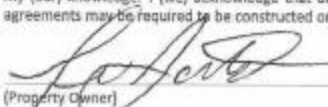

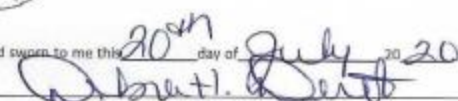
Exhibits

- A. Application
- B. Proposed Plat
- C. Well/Septic Info
- D. Rebuild Letter

Area Map



Exhibit A - Application

Weber County Subdivision Application			
<small>All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401</small>			
<small>Date Submitted / Completed</small>	<small>Fees (Office Use)</small>	<small>Receipt Number (Office Use)</small>	<small>File Number (Office Use)</small>
Subdivision and Property Information			
<small>Subdivision Name</small> FDF Estates		<small>Number of Lots</small> 1	
<small>Approximate Address</small> 3740 North River Drive		<small>Land Serial Number(s)</small> 22-015-0066	
<small>Current Zoning</small> AV-3	<small>Total Acreage</small> 2.013		
<small>Culinary Water Provider</small> Well	<small>Secondary Water Provider</small>	<small>Wastewater Treatment</small> Septic	
Property Owner Contact Information			
<small>Name of Property Owner(s)</small> Lee A & Laurie A Fortin		<small>Mailing Address of Property Owner(s)</small> 3694 N Foothill Lane Eden, UT 84310	
<small>Phone</small> 801-430-4680	<small>Fax</small>		
<small>Email Address</small> leeafortin1@gmail.com		<small>Preferred Method of Written Correspondence</small> Email Fax Mail email	
Authorized Representative Contact Information			
<small>Name of Person Authorized to Represent the Property Owner(s)</small> Ronda Kippen		<small>Mailing Address of Authorized Person</small> PO Box 789 Morgan, UT 84050	
<small>Phone</small> 801-710-8303	<small>Fax</small>		
<small>Email Address</small> rondakippen@gmail.com		<small>Preferred Method of Written Correspondence</small> Email Fax Mail email	
Surveyor/Engineer Contact Information			
<small>Name or Company of Surveyor/Engineer</small> Reeves & Assoc.		<small>Mailing Address of Surveyor/Engineer</small> 5160 S 1500 W Riverdale, UT 84405	
<small>Phone</small> 801-621-3100	<small>Fax</small>		
<small>Email Address</small> thatch@reeve-assoc.com		<small>Preferred Method of Written Correspondence</small> Email Fax Mail email	
Property Owner Affidavit			
<p>I (We), <u>Lee A and Laurie A Fortin</u>, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.</p>			
 (Property Owner)		 (Property Owner)	
Subscribed and sworn to me this <u>20th</u> day of <u>July</u> , 20 <u>20</u> 		DEBRA H. DENETTE Notary Public My Commission Expires September 30, 2023	

Authorized Representative Affidavit

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

[Signature]
(Property Owner)

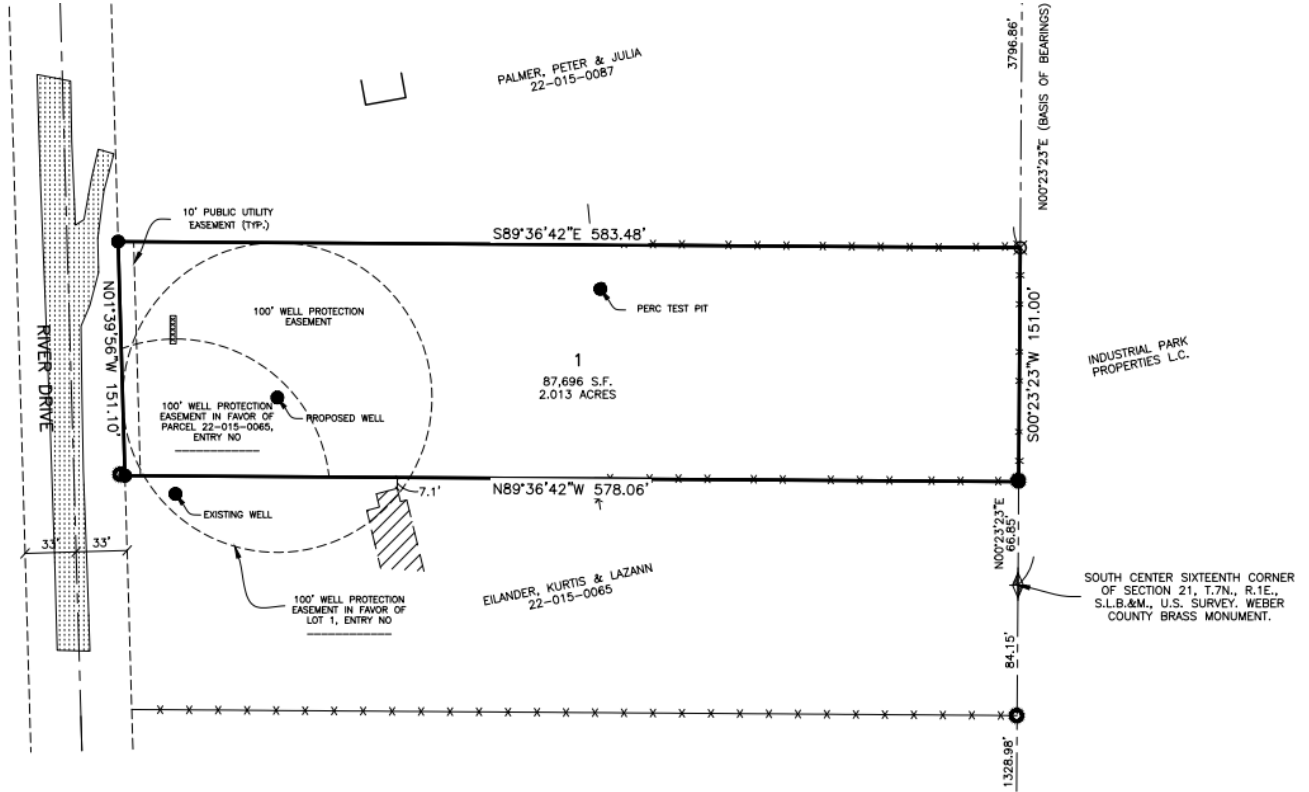
[Signature]
(Property Owner)

Dated this 20 day of July, 2022, personally appeared before me signer(s) of the Representative Affidavit who duly acknowledged to me that they executed the same.

[Signature]
Notary

DEBRA H. DENETTE
Notary Public
My Commission Expires
September 30, 2023

Exhibit B - Proposed Plat





GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director State Engineer/Division Director

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-12668 (E5259)

Exchange Application Number 35-12668 (E5259) in the names of Lee A. and Laurie A. Fortin, was filed on August 14, 2012, to exchange 2.00 acre-feet (af) of water as evidenced by Water Right Numbers 35-7397 (A10989) and 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 22822 for 1.0 af and Number 22823 for 1.0 af for a total of 2.0 af, associated with Tax I.D. Number 22-015-0066) for its use with Weber Basin Water Conservancy District. The 2.00 acre-feet of water is to be released from Pineview Reservoir and, in lieu thereof, 2.00 acre-feet of water will be diverted from a well to be located North 1470 feet and West 500 feet from the S¼ Corner of Section 21, T7N, R1E, SLB&M (8-inch well, 100-250 feet deep). The water is to be used for the irrigation of 0.5167 acre (sole supply of 0.5167 acre) from April 1 to October 31, and the indoor domestic requirements of one equivalent domestic unit from January 1 to December 31. The water is to be used in all or portion(s) of Section 21, T7N, R1E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on August 30 and September 6, 2012, and a protest was received from Weber Basin Water Conservancy District on September 25, 2012, and later withdrawn on October 11, 2012. A hearing was not held.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicants are put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as proposed in the exchange application.

It is, therefore, **ORDERED** and Exchange Application Number 35-12668 (E5259) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicants and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn under this application if a contract is not in effect.
- 2) Total diversion under this exchange application is limited to 2.00 acre-feet (af) of water per year for the irrigation of 0.5167 acre (1.55 af) and the indoor domestic requirements of one equivalent domestic unit (0.45 af).
- 3) Section 73-5-4 of the Utah Code provides that "...a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at: (a) each location where water is diverted from a source; and (b) any other location required by

the State Engineer." In the event that the State Engineer or an authorized representative is required to administer and/or distribute your water right, you will be notified in writing. At that time, if you have not already installed an adequate measuring device, you will be required to do so by a specific deadline. Instruction will also be given concerning any monitoring of your water diversion. Failure to comply could result in an order to cease the use of water and/or the revocation of this approval.

- 4) This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicants.
- 5) As noted, this approval is granted subject to prior rights. The applicants shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.
- 6) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.

The applicants are strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicants to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **October 31, 2017**, or a request for extension of time must be acceptably filed; otherwise the application will be lapsed.

If historical resources such as human remains (skeletons), prehistoric arrowheads/spear points, waste flakes from stone tool production, pottery, ancient fire pits, historical building foundations/remains, artifacts (glass, ceramic, metal, etc.) are found during construction, call the Utah Division of State History at 801-533-3555.

Under the authority of Section 73-3-20 of the Utah Code, the applicants are required to submit a proof of diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-12668 (E5259)

Page 3

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicants must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

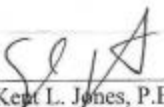
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

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 an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal 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 17th day of October, 2012.


Boyd Clayton Fox
Kent L. Jones, P.E., State Engineer

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-12668 (E5259)
Page 4

Mailed a copy of the foregoing Order this 17th day of October, 2012 to:

Lee A. and Laurie A. Fortin
1363 31st Street
Ogden, UT 84403

Weber Basin Water Conservancy District
c/o Tage I. Flint, PE, General Manager/CEO
2837 East Highway 193
Layton, UT 84040

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

Jim Wells, River Commissioner
1627 East 1350 South
Ogden, UT 84404

BY:



Sonia R. Nava, Applications/Records Secretary

Exchange Details for E5259

Utah Division of Water Rights

1/4/2021 4:58 PM

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

Exchange: E5259 (35-12668)

Base Water Right Number: 35-827

General:		
Status: Lapsed	Stock/Contract #: 22822/3	County Tax ID:
Right Evidenced By: U.S. Bureau of Reclamation and Contract with Weber Basin Water Conservancy District under 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: Lee A. & Laurie A. Fortin Address: 1363 31st Street Ogden, Utah 84403		Interest:
Remarks:		
Dates:		
Filing: Filed: 08/14/2012		Priority: 08/14/2012
Advertising: Publication Began: 08/30/2012 Publication End: 09/06/2012 Newspaper: Standard Examiner Protest End Date: 09/26/2012 Protested: Protested and Hearing Held:		
Approval: State Eng. Action: Approved Action Date: 10/17/2012 Recon. Req. Date: Recon. Req Action:		
Certification: Proof Due Date: 10/31/2017 Extension Filed Date: Election or Proof: Election/Proof Date: Certificate Date: Lapsed, Etc. Date: 10/31/2017 Lapsed Letter 11/15/2017		
Wells: Prov. Well Date: Well Renov. Date:		
--- Current Right ---		
Current General:		
Quantity of Water: 2 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: Pineview Reservoir	Source: Ogden River
Elevation:	UTM: 429438.517, 4567331.171

Current Water Uses:	
Other:	Period of Use: 01/01 - 12/31
Comment: Irrigation, domestic, municipal, industrial, power & stockwatering. Supplemtl.	

--- Proposed Exchange ---

Proposed General:	
Quantity of Water - CFS: 0 And/Or: Acre Feet: 2	
From: 01/01 To: 12/31	
Source: Underground Water Well	
County: Weber	
Common Description: Eden	

Proposed Points of Exchange:	
Points of Exchange - Underground:	
(1) N 1470 ft. W 500 ft. from S4 corner, Sec 21 T 7N R 1E SLBM	
Well Diameter: 8 in.	Depth: 100 to 250 ft. Year Drilled: Well Log: Well Id#:
Elevation:	UTM: 429162.655, 4575350.798 (NAD83)
Source/Cmnt:	

Proposed Points of Release:	
Quantity of water: 0 cfs And/Or: 2 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: 633399	
Water Use Types:	
Irrigation-Beneficial Use Amount: 0.5167 acres	Group Total: 0.5167 Period of Use: 04/01 to 10/31
Domestic-Beneficial Use Amount: 1 EDUs	Group Total: 1 Period of Use: 01/01 to 12/31
Place Of Use:	North West North East South West South East Section
	NW NE SW SE NW NE SW SE NW NE SW SE NW NE SW SE Totals
Sec 21 T 7N R 1E SLBM	
Group Acreage Total :	
0.5167	

Proposed Use Totals:	
Irrigation sole-supply total: 0.5167 acres	for a group total of: 0.5167 acres
Domestic sole-supply total: 1 EDUs	for a group total of: 1 EDUs

Proposed General Comments:	
The two acre-feet are covered separately under 1 acre-foot contracts 22822 and 22823, both dated Nov 18, 2011.	

Protestants:

Application Protestants:	
Received: 09/26/2012 (Withdrawn)	Type: Application
Name: Weber Basin Water Conservancy District	
Address: c/o Tage I. Flint, PE, General Manager/CEO	
2837 East Highway 193	
Layton, UT 84040	
Comments:	



July 28, 2020

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

RE: Lee Fortin Property
Located at Approximately 3736 N River Dr, Eden
Parcel #22-015-0066
Soil log #13008

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. An easement for any property impacted by the 100 foot protection zone of the well should be obtained, and a copy should be provided to the Weber-Morgan Health Department for review. If an easement cannot be obtained extending the well grout depth may be considered.

DESIGN REQUIREMENTS

Anticipated ground water tables not to exceed 60 inches, fall within the range of acceptability for the utilization of a Conventional Treatment System as a means of wastewater disposal. Maximum trench depth is limited to 18 inches. The absorption field is to be designed using a maximum loading rate of 0.45 gal/sq. ft./day as required for the gravelly clay loam, massive structure soil horizon with a documented percolation rate of 40 minutes per inch.

Regulatory requirements specific to parcel 22-015-0066

This parcel does not meet the Weber-Morgan Health Department On-site Wastewater Treatment System Regulation Section 4.17

Where the culinary water supply is to be a nonpublic water system, the lot shall meet the minimum lot size requirements and be so shaped and sized to allow for a 100 foot radius protection zone to protect the well from concentrated sources

However a process for lot recorded before May 21, 1984 which cannot meet the minimum lot standard or the so sized and shaped portion of the rule has been outlined in the Weber-Morgan Health Department On-site Wastewater Treatment System Regulation Section 4.20. Evidence of the date of record of this lot has been provided to our office and retained on file. The date of record for this lot is July 29, 1982. The pertinent portion of the regulation has been included for reference.

Weber-Morgan Health Department On-site Wastewater Treatment System Regulation Section 4.20, UAC R317-4.4.1 to read;

D. Lots utilizing non-public water system recorded prior to May 21, 1984. The department may issue a construction permit for new construction or a letter of approval for an expansion of use of an existing structure on lots recorded prior to May 21st, 1984 that do not meet the minimum lots size requirements of Table 1 under the following conditions;

1. The department has a soils evaluation on record
2. The department has a passing percolation test on record (if required)
3. The department has received a set of plans detailing existing structures and use, and proposed structures and use

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4. The department has received a minimum of two copies of an Onsite Wastewater Treatment System plan prepared by a Certified Onsite Wastewater System Designer
5. The plan demonstrates adequate room available for placement of the onsite wastewater treatment system components including the 100% replacement absorption system and the location of an alternating valve
6. The original absorption system and replacement absorption system must be installed prior to approval being given. Appropriate valving between absorption systems must be installed to allow for alternating flows between absorption systems on an annual basis
7. All required separation distances are met
8. Property owners may be able to use an existing absorption system when the department can verify the tank size and location, absorption system type, size and location, that separation distance requirements are met, and the system is functioning effectively. The property owner shall install the replacement absorption system prior to final approval for occupancy being granted for expansion
9. Absorption systems without permit records are unable to be verified and will require replacement of the original absorption system and the replacement absorption system for approval.
10. Unapproved nonpublic water systems will require sampling and must demonstrate adequate conditions before approvals will be issued

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



Weber County



W2384851

Rebuild Notice

December 23, 2008

EN 2384851 PG 1 OF 3
ERNEST D ROWLEY, WEBER COUNTY RECORDER
14-JAN-09 1232 PM FEE \$.00 DEP SPY
REC FOR: WEBER COUNTY PLANNING

To Whom It May Concern,

Re: Land Serial # 22-015-0066 (Containing approximately 2.0 acres)

Description: PART OF THE SOUTHWEST QUARTER SECTION 21, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT NORTH 0D07' EAST 1388.50 FEET FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER SECTION; RUNNING THENCE NORTH 0D07' EAST 151.00 FEET ALONG THE QUARTER SECTION LINE; THENCE NORTH 89D53' WEST 591.0 FEET, MORE OR LESS, TO THE EASTERLY LINE OF COUNTY ROAD; THENCE SOUTHERLY ALONG COUNTY ROAD TO A POINT NORTH 89D53' WEST OF THE POINT OF BEGINNING; THENCE SOUTH 89D53' EAST TO THE POINT OF BEGINNING.

The parcel of land with the above description lies within an Agricultural Valley-3 (AV-3) Zone which requires a minimum lot area of three (3) acres and a minimum lot width of 150 feet on a dedicated roadway. This parcel does not meet the current area requirement but does appear to have sufficient area to conform to the area requirements that were in place during the time period that the parcel was created. The parcel also appears to have sufficient width and road frontage.

The Weber County Planning Division could not issue a Land Use Permit for a structure to be built on this parcel as it is currently described above and represented on the attached Exhibit A, however, Chapter 28-14.3 of the Weber County Zoning Ordinance does provide a possible way to make this parcel a legal building lot. It states:

Parcels nonconforming as to area and frontage requirements which:

- a. Were created and recorded prior to July 1992 changes to the Utah State Code, Subdivision Law; and
- b. Met area and frontage requirements for the zone in which they were created at the time they were created;

May submit an application for subdivision approval provided they meet all other requirements of the Subdivision and Zoning Ordinances.

This parcel was created prior to July 1992 and met area and frontage requirements for the A-1 Zone in which it was located at the time it was created. Therefore, it could become a legal building lot provided that it meets all other requirements of the Subdivision and Zoning Ordinances.

If you have any further questions please Weber County Planning Division at (801) 399-8791.

Sincerely,


Scott Mendoza, Planner
Weber County Planning Division

Weber County Planning Division | www.co.weber.ut.us/planning_commission
2380 Washington Blvd., Suite 240 Ogden, Utah 84401-1473 | Voice: (801) 399-8791 | Fax: (801) 399-8862



Weber County

STATE OF UTAH }
 }:ss
COUNTY OF WEBER }

On the 14 day of January, 2009 personally appeared before me Scott
Mendoza the signer of the foregoing instrument, who duly acknowledge to me that he executed the
same.

Notary Public
Residing at:



EXHIBIT A

TAXING UNIT: 36

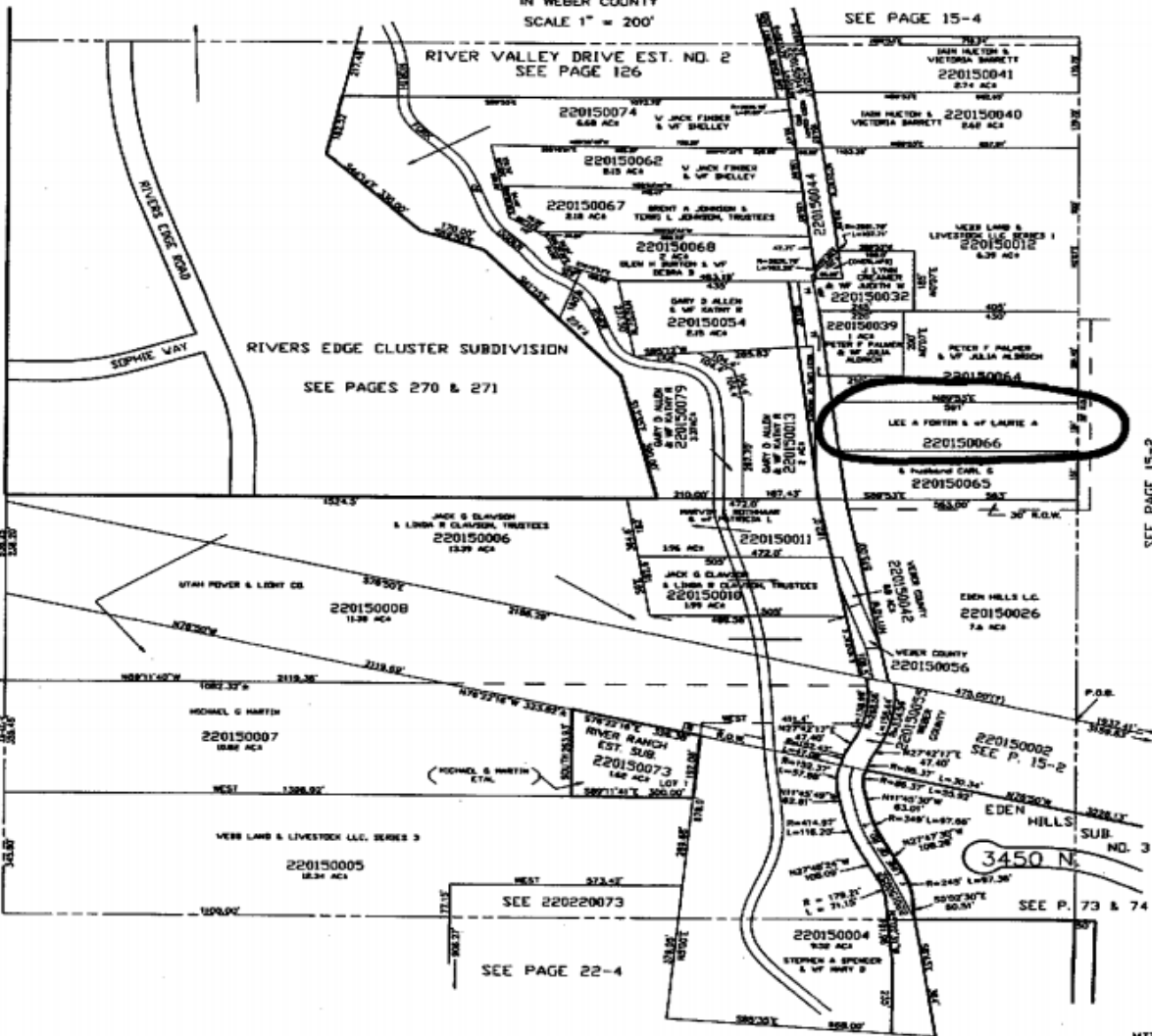
S.W. 1/4 OF SECTION 21, T.7N., R.1E., S.L.B. & M.

15-3

IN WEBER COUNTY
SCALE 1" = 200'

SEE PAGE 15-4

RIVER VALLEY DRIVE EST. NO. 2
SEE PAGE 126



22

MTT 09-96



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on the application for final approval of Hillside Haven Subdivision, consisting of 3 lots, located at approximately 3196 E 3350 N, Liberty.

Agenda Date: Wednesday, March 10, 2021

Applicant: Robert Marker

File Number: UVH012121

Property Information

Approximate Address: 3196 E 3350 N, Liberty

Project Area: 9.63

Zoning: AV-3

Existing Land Use: Agriculture

Proposed Land Use: Residential

Parcel ID: 22-354-0001

Township, Range, Section: T7N, R1E, Section 29, NW 1/4

Adjacent Land Use

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

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 6 Agricultural Valley (AV-3) Zone
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 (Flag lot access strip, private right-of-way, and access easement standards)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 31 (Access to a lot/parcel using a private right-of-way or access easement)

Background and Summary

This proposed subdivision (see **Exhibits A & B**) was recently granted an Alternative Access Exemption through File # AAE 2020-06 (see **Exhibit C**). This alternative access exemption allowed for primary access to be provided to a three-lot subdivision where the proposed configuration would not allow the two rear lots to be accessible from a county dedicated road.

The Weber County Land Use Code (LUC) §101-1-7 identifies a subdivision of three or fewer lots, for which no new streets are being created or realigned, as a "Small Subdivision". A Small Subdivision can be administratively approved by the Planning Director. The proposed subdivision and lot configuration are in conformance with the current zoning as well as the applicable subdivision requirements as required in the LUC.

Analysis

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

Zoning: The subject property is located in the Agriculture Valley (AV-3) Zone. The purpose and intent of the AV-3 zone is identified in the LUC §104-6-1 as:

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

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

All three of the proposed lots maintain the minimum acreage of at least three acres and the minimum lot width of at least 150 feet. Lot 1 will be accessible from both 3350 North Street as well as the access easement (to become 3200 East Street). Lots 2 and 3 will gain access from the access easement.

Future Road Right-of-Way Easement: The subdivision code references a requirement to provide access to adjacent parcels, as deemed necessary by the land use authority. In order to facilitate the desired future extension of 3200 East Street along the parcel's western boundary, the Planning Division has requested that the applicant grant a Future Road Right-Of-Way Easement to the County. This easement has been depicted on the plat and is secured with dedication language and plat notes. The Planning Division has also required that the applicant record a "Building on a Private Right-Of-Way/Access Easement Equitable Servitude and Covenant" immediately prior to recording the subdivision mylar. Lastly, the applicant will be required to enter into a recorded Subdivision Improvements Deferral Agreement for curb, gutter, sidewalk, and roadway improvements (asphalt) within the depicted right-of-way for the future 3200 East Street.

These measures have been required to ensure that this Future Road Right-of-Way Easement will be deeded over to the county as public right-of-way at a time of the County's choosing, without compensation for the underlying land to the owners or assigns. The Access Exemption Covenant along with the Subdivision Improvements Deferral Agreement ensure the owner will pay a proportionate share of the roadway improvements for 3200 East Street at a time in which the County deems appropriate.

This Future Road Right-Of-Way Easement scenario was crafted in an effort to honor the previously granted Alternative Access Exemption for three lots, while still allowing the county to acquire the land and ensure the installation of an extended 3200 East Street at no cost to the County.

As an additional requirement under this scenario, staff recommends that the land encumbered by the Future Road Right-of-Way Easement be deeded over to the County immediately following the recording of the subdivision mylar. This will ensure ownership of all lots remain under single ownership at the time of deed transfer, and that the County is able to acquire the right-of-way with minimal administrative time or effort.

Sensitive Lands: A review of the Ogden Valley Sensitive Lands Overlay Districts has found the proposed subdivision free of any applicable restrictions.

Culinary water and sanitary sewage disposal: Culinary water will be provided by a private well and sanitary sewage disposal will be provided by an on-site septic system. A feasibility letter has been provided by the health department for the septic system (see **Exhibit D**). The applicant has submitted a Well Permit as approved through the Weber-Morgan Health Department (see **Exhibit E**). The applicant has also submitted an Order of the State Engineer for the exchange of 3 acre-feet of water for the irrigation and domestic use of one domestic unit (see **Exhibit F**).

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office, the Weber-Morgan Health Dept., and Weber Fire District have reviewed the proposal. Prior to the subdivision being released for Mylar, all review agencies comments will need to be addressed.

Public Notice: The required noticing for the final subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

Staff Recommendation

Staff recommends final approval of the Hillside Haven Subdivision. This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. The access lane providing access to the two rear lots must be installed per the standards outlined in LUP Sec. 108-7-29 prior the recording of the final mylar. Alternatively, the estimated cost of the improvements (as approved by the County Engineer) may be escrowed for prior to the recording of the final mylar.
2. All required agreements, as outlined by staff reviews, must be recorded immediately prior to, or immediately after the final plat mylar.

This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all applicable County ordinances.

Administrative Approval

Administrative final approval of Hillside Haven Subdivision is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed throughout this staff report.

Date of Administrative Approval: _____

Weber County Planning Director

Exhibits

- A. Proposed Subdivision Plat
- B. Notice of Decision – AAE 2020-06
- C. Weber-Morgan Health Department Septic Feasibility Letter
- D. Well Permit
- E. Order of the State Engineer (culinary and secondary water)

Location Map 1

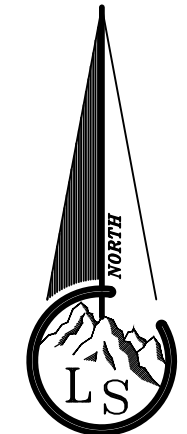


FAMILY FIELDS SUBDIVISION

AMENDING LOT 2 OF CIRCLE N SUBDIVISION

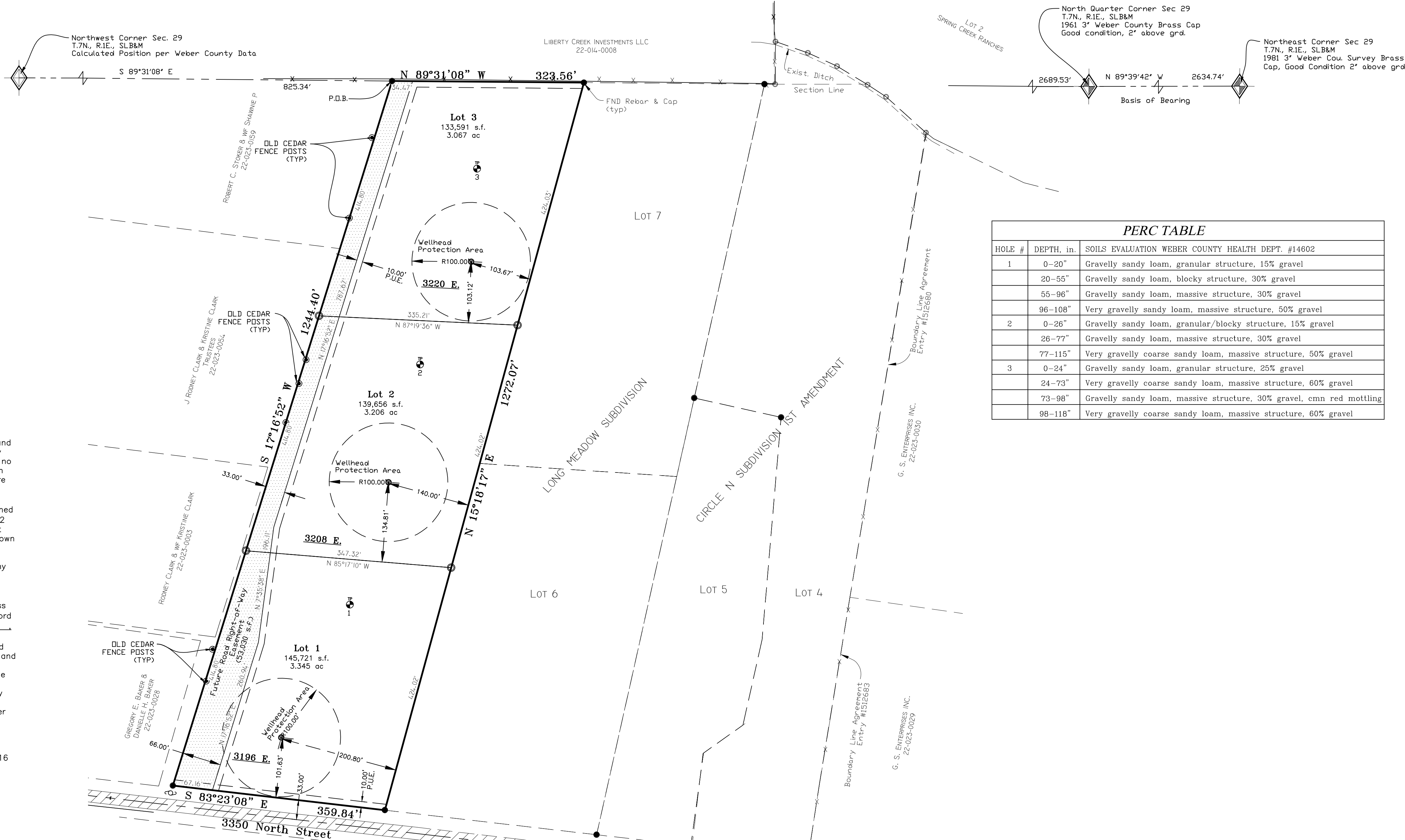
PART OF THE NW 1/4 OF SECTION 29 TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
UNINCORPORATED WEBER COUNTY, UTAH - MARCH 2021

Exhibit A



Scale ~ 1" = 100'
0 100 200

- Legend**
- x---x--- EXISTING FENCE
 - - - - - EASEMENTS
 - STREET CENTERLINE
 - ◆ FND SECTION CORNER
 - FND REBAR AND CAP
 - SET #5x24" REBAR AND CAP STAMPED LANDMARK
 - ▨ FUTURE ROAD AREA



PERC TABLE		
HOLE #	DEPTH, in.	SOILS EVALUATION WEBER COUNTY HEALTH DEPT. #14602
1	0-20"	Gravelly sandy loam, granular structure, 15% gravel
	20-55"	Gravelly sandy loam, blocky structure, 30% gravel
	55-96"	Gravelly sandy loam, massive structure, 30% gravel
2	0-26"	Very gravelly sandy loam, granular/blocky structure, 15% gravel
	26-77"	Gravelly sandy loam, massive structure, 30% gravel
	77-115"	Very gravelly coarse sandy loam, massive structure, 50% gravel
3	0-24"	Gravelly sandy loam, granular structure, 25% gravel
	24-73"	Gravelly coarse sandy loam, massive structure, 60% gravel
	73-98"	Gravelly sandy loam, massive structure, 30% gravel, cmn red mottling
98-118"	Very gravelly coarse sandy loam, massive structure, 60% gravel	

NOTE:

- Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no other agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision. [Amd. Ord. Sec. 106-1-8(c)(5)]
- Each lot may be subject to the Easement as contained in the Entry #367768 in Book 694 at Page 91 & 92 of Official Records. This recorded easement does not contain a width for the easement and cannot be shown on this plot.
- Due to the topography and the location of this subdivision all owners will accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed.
- Area identified as "Future Road Right-of-Way" is subject to "Building on a Private Right of Way/Access Easement Equitable Servitude and Covenant", as Record Entry # _____ recorded on _____ in the Weber County Recorder's Office, which is an agreement between the Developer/Property Owner and Weber County requiring this area to be deeded free and clear of any encumbrances to the County, without compensation, at the time deemed appropriate by the County.
- Building set-backs will be measured from the County right-of-way line rather than the Property Line.
- Lots are located in Zone 4 of a public drinking water source protection area and are subject to the limitations found in Section 108-18 of the Weber County Land Use Code.
- All development in this subdivision is subject to the outdoor lighting requirements found in Section 108-16 of the Weber County Land Use Code.

NOTE:
The recording of this Amended plat in the office of the County Recorder acts as a statutory vacation, superseding, and replacement of any contrary provision in a previously recorded plat of the same land as described hereon in accordance with UCA 10-9a-609 and/or UCA 17-27a-609.

WEBER-MORGAN HEALTH DEPARTMENT
I hereby certify that the soils, percolation rates, and site conditions for this subdivision have been investigated by this office and are approved for on site wastewater disposal systems. Signed this _____ day of _____, 20__.

WEBER COUNTY PLANNING COMMISSION APPROVAL
This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the _____ day of _____, 20__.

WEBER COUNTY ATTORNEY
I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect. Signed this _____ day of _____, 20__.

WEBER COUNTY SURVEYOR
I hereby certify that the Weber County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monuments on record in county offices. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith. Signed this _____ day of _____, 20__.

WEBER COUNTY COMMISSION ACCEPTANCE
This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision hereon are hereby approved and accepted by the Commissioners of Weber County, Utah this _____ day of _____, 20__.

WEBER COUNTY ENGINEER
I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements. Signed this _____ day of _____, 20__.

NARRATIVE
The purpose of this survey is to amend Lot 3 of Circle N Subdivision into three parcels as shown.
Documents used or reviewed in this survey are, but not limited to, the following:
1. Weber County Tax Plat 22-023 & 22-014.
2. Deeds of record as found in the Weber County Recorder's office for parcels 22-023-0028, 22-023-0029, 22-023-0030, 22-023-0032, 22-023-0033, 22-023-0054, 22-023-0158, 22-023-0159, 22-025-0003
3. Subdivision Plats for Circle N Subdivision, Spring Creek Ranches and Kodel Subdivision as found in the Weber County Recorder's office.
4. Unrecorded Subdivision Spring Mountain Subdivision No. 1, by Great Basin Mapping & Surveying Co., dated April 1987.
5. Boundary Line Agreement Entry Nos. 1512680, 1512683 & 151264 of Weber County Records.
6. Record of Survey Nos. 1878, 2066, 2736 & 4588 as found in the Weber County Surveyor's Office.
Boundary is established from record documents.
The basis of bearing of bearing is State Plane Grid Bearing as shown.

SURVEYOR'S CERTIFICATE
I, Tyler D. Knight do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 9008384-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as may be noted hereon or contained in the project files of Landmark Surveying, Inc. Any warranties, express or implied, are hereby limited to the current owner(s) of the properties surveyed. No certification or warranties are extended to successor(s), assign(s), or heir(s) of said owner(s) nor to adjacent owner(s) of the properties of which may or may not share a common boundary with the property(s) surveyed. In accordance with Weber County Ordinance, I further certify that, to the best of my knowledge and belief, all lots meet the current requirements of the Land Use Ordinance of Weber County as indicated by their approval hereon.

WEBER COUNTY RECORDER
Entry no. _____
Filed for record and recorded _____ day of _____, 20__.
at _____
in book _____ of official records,
on page _____
County Recorder: Leann H Kitts

DEVELOPER: Robert Marker
Address: 3119 N. 825 W., Pleasant View, UT 84414

CHECKED BY: TK
DATE: _____
PROJ: 4114

Revisions
DRAWN BY: TK
CHECKED BY: TK
DATE: _____
PROJ: 4114

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

Professional Land Surveyor
TYLER D. KNIGHT
9008384
STATE OF UTAH



Weber County Planning Division
www.co.weber.ut.us/planning_commission
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8371
Fax: (801) 399-8862

Weber County Planning Division
NOTICE OF DECISION

October 21, 2020

Robert Marker
3196 E 3350 N
Liberty, UT 84310

You are hereby notified that your application for an Alternative Access Exemption, located on Parcel ID 22-354-0001 was heard and conditionally approved by the Weber County Planning Division in a public meeting held on Wednesday October 14, 2020. Conditional approval was granted upon meeting all requirements from county reviewing agencies and the following conditions:

1. The access easement shall comply with the design, safety, and parcel/lot standards, as outlined in LUC §108-7-29.
2. The easement must be at least 33 feet wide and traverse the full length of the subject parcel (approximately 1,278 feet) to facilitate potential future conversion of the easement to a public right-of-way.
3. The applicant shall agree to file the required alternative access covenant, as outlined in LUC §108-7-31, prior to the recording of the future subdivision.

Approval is based on the following findings:

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

The next step in the process is to ensure complete compliance with the above listed conditions of approval. If all conditions have been met, the proposed three-lot subdivision application may proceed through the County review and approval process. This letter is intended as a courtesy to document the status of your project. If you have further questions, please contact me at spertes@co.weber.ut.us or 801-399-8772.

Sincerely,

Scott Perkes
Planner II
Weber County

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



November 12, 2020

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

RE: Robert Marker
3196 E 3350 N, Huntsville UT
Parcel #22-354-0001
Soil log #15096

Gentlemen:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on November 4, 2020. The exploration pits are located at the referenced GPS coordinates and datum. The soil texture and structure, as classified using the USDA system, are as follows:

Exploration Pit #1 (UTM Zone 12T, Nad 83, 427120 E 4574667 N)
0-20" Gravelly Sandy Loam, Granular Structure, 15% Gravel
20-55" Gravelly Sandy Loam, Blocky Structure, 30% Gravel
55-96" Gravelly Sandy Loam, Massive Structure, 30% Gravel
96-108" Very Gravelly Sandy Loam, Massive Structure, 50% Gravel

Exploration Pit #2 (UTM Zone 12T, Nad 83, 427157 E 4574792 N)
0-26" Gravelly Sandy Loam, Granular/Blocky Structure, 15% Gravel
26-77" Gravelly Sandy Loam, Massive Structure, 30% Gravel
77-115" Very Gravelly Coarse Sandy Loam, Massive Structure, 50% Gravel

Exploration Pit #3 (UTM Zone 12T, Nad 83, 427187 E 4574893 N)
0-24" Gravelly Sandy Loam, Granular Structure, 25% Gravel
24-73" Very Gravelly Coarse Sandy Loam, Massive Structure, 60% Gravel
73-98" Gravelly Sandy Loam, Massive Structure, 30% Gravel, Common Red Mottling
98-118" Very Gravelly Coarse Sandy Loam, Massive Structure, 60% Gravel

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

DESIGN REQUIREMENTS

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.

Lots 1-3: Anticipated ground water tables not to exceed 60 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 18 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/ft²/day as required for the gravelly-very gravelly sandy loam, massive structure soil horizons.

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

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

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,



Ryan Klinge
Environmental Health Division
801-399-7160

Weber-Morgan Health Department
Environmental Health Division
477 23rd Street
Ogden, UT 84401

Well/Spring Permit

ROBERT MARKER
3196 E 3350 N
LIBERTY, UT 84310

MIKE ZIMMERMAN #527



Brian W. Bennion, MPA, LEHS, Health Officer

OCTOBER 26, 2020

Permit Date

Keep on drilling site



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

BRIAN C. STEED
Executive Director

TERESA WILHELMSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-13711 (E6035)

Exchange Application Number 35-13711 (E6035) in the name of Robert Marker was filed on June 12, 2020, to exchange 3.00 acre-feet of water as evidenced by Water Right Number 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 56133 associated with Tax I.D. Number 22-354-0001) for its use with Weber Basin Water Conservancy District (WBWCD). The 3.00 acre-feet of water is to be released from Pineview Reservoir and, in lieu thereof, 3.00 acre-feet of water will be diverted from: (1) Well - South 214 feet and East 908 feet from the NW Corner of Section 29, T7N, R1E, SLB&M (6-inch well, 100-500 feet deep). The water is to be used for the irrigation of 0.8043 acre from April 1 to October 31; year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (EDU); and year-round stockwatering of 4.9 equivalent livestock units (ELUs), in cattle, horses, or equivalent species. The water is to be used in all or portion(s) of Section 29, T7N, R1E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on June 25 and July 2, 2020. No protests were received.

This Exchange Application seeks to replace a portion of Exchange Application Number 35-6715 (E1276) contract number 56034 for 9.0 acre-feet. A 3.0 acre-feet portion of the original contract supporting Exchange Application Number 35-6715 (E1276) in the name of the Nelson Children Trust has been transferred to the applicants. Administrative action will be handled in a separate Notice of Lapsing for Exchange Application Number 35-6715 (E1276), which will need to be replaced because the contract no longer reflects the amount of water described under the exchange.

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 35-13711 (E6035) 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 WBWCD. 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 3.00 acre-feet of water per year for the irrigation of 0.8043 acre (2.413 acre-feet) from April 1

to October 31; year-round, indoor, domestic requirements of 1.00 EDU (0.45 acre-foot); and year-round stockwatering of 4.9 ELUs (0.137 acre-foot).

- 3) The applicant shall maintain controlling works and a metering device as required by Section 73-5-4 of the Utah Code.
- 4) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.

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 September 3, 2025, 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.

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.

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


ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13711 (E6035)
Page 3

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 4 day of September, 2020.


Tofesh Wilhelmson, P.E., State Engineer

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13711 (E6035)
Page 4

Mailed a copy of the foregoing Order this 4 day of September 2020 to:

Robert Marker
3972 North 550 West
Pleasant View UT 84414

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

DRILLER (START) CARD for EXCHANGE: E6035(35-13711)

IMPORTANT: THIS CARD MUST BE RECEIVED BY THE DIVISION OF WATER RIGHTS PRIOR TO THE BEGINNING OF WELL CONSTRUCTION. PROOF DUE/EXPIRATION DATE: September 30, 2025
START CARDS CAN BE SUBMITTED ONLINE WITH THE WATER RIGHT NUMBER OR NON-PRODUCTION WELL NUMBER AND THE PIN.
ONLINE SUBMISSION EXCHANGE: E6035 ONLINE SUBMISSION PIN: 489721
ONLINE SUBMISSION URL: <https://waterrights.utah.gov/startcard/>

OWNER/APPLICANT NAME: Robert Marker
MAILING ADDRESS: 3972 North 550 West, Pleasant View UT 84414,
PHONE NUMBER: _____
WELL LOCATION: S 214' E 908' from NW Cor, S29, T7N, R1E, SLB&M.
WELL UTM COORDINATES: Northing: 4574873 Easting: 427170
WELL ACTIVITY: NEW(X) REPLACE() REPAIR() DEEPEN()
PROPOSED START DATE: _____
PROJECTED COMPLETION DATE: _____
LICENSE #: _____ LICENSEE/COMPANY: _____

Licensee Signature Date

NOTICE TO APPLICANT: THIS CARD IS TO BE GIVEN TO A UTAH-LICENSED WATER WELL DRILLER FOR SUBMITTAL TO THE DIVISION OF WATER RIGHTS PRIOR TO WELL CONSTRUCTION
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: _____

START CARDS MAY ALSO BE SUBMITTED BY PHONE*, FAX, OR EMAIL.
PHONE: 801-538-7416 * FAX: 801-538-7467 * EMAIL: waterrights_wells@utah.gov
*IF THE START CARD IS PHONED IN, THEN THE COMPLETED AND SIGNED START CARD MUST BE RETURNED TO THE DIVISION OF WATER RIGHTS BY FAX, EMAIL, OR MAIL.

APPLICANT CARD for EXCHANGE: E6035(35-13711)

IMPORTANT: THIS CARD MUST BE COMPLETED, SIGNED AND RETURNED BY THE WELL OWNER/APPLICANT AS SOON AS THE WELL IS DRILLED BY A LICENSED UTAH WATER WELL DRILLER. PROOF DUE/EXPIRATION DATE: September 30, 2025

OWNER/APPLICANT NAME: Robert Marker

MAILING ADDRESS: 3972 North 550 West, Pleasant View UT 84414,

PHONE NUMBER: _____

WELL LOCATION: S 214' E 908' from NW Cor, S29, T7N, R1E, SLB&M.

WELL UTM COORDINATES: Northing: 4574873 Easting: 427170

WELL ACTIVITY: NEW() REPLACE() REPAIR() DEEPEN()

WELL COMPLETION DATE: _____

NAME OF DRILLING COMPANY/LICENSEE: _____

Owner/Applicant Signature

Date

NOTICE TO APPLICANT: COMPLETE AND RETURN THIS PORTION UPON FINAL WELL COMPLETION.
DO NOT GIVE THIS CARD TO LICENSED WELL DRILLER - YOU MUST RETURN IT.
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 • FAX No. 801-538-7467

COMMENTS: _____

START/APPLICANT CARD INSTRUCTIONS: First, for each well, you must give a Driller (Start) Card to the licensed driller with whom you contract to construct the well. Second, it is your responsibility to sign and return this Applicant Card to this office immediately after completion of the well. CAUTION: There may be local health requirements for the actual siting of your well. Please check with the proper local authority before construction begins. See the enclosed sheet addressing construction information.



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on an administrative application, final approval of FTF Estates Subdivision, consisting of one lot.
Agenda Date:	Wednesday, March 10, 2021
Applicant:	Lee & Lauri Fortin, owners
Authorized Rep:	Ronda Kippen
File Number:	UVF 01082021

Property Information

Approximate Address:	3740 North River Drive, Eden, UT, 84310
Project Area:	2.07 acres
Zoning:	Agricultural Valley (AV-3) Zone
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	22-015-0066
Township, Range, Section:	T7N, R1E, Section 21 SW

Adjacent Land Use

North:	Residential	South:	Nordic Valley Drive
East:	Residential	West:	North River Drive

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@co.weber.ut.us 801-399-8794
Report Reviewer:	RG

Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7
- Weber County Land Use Code Title 104 (Zones) Chapter 6 (AV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

Background

The applicant is requesting approval of administrative application, final approval of FTF Estates Subdivision, consisting of one lot, located at approximately 3740 North River Drive in the AV-3 Zone. The proposed subdivision does not meet the lot area and lot width requirements of the AV-3 zone, however, a rebuild letter has been recorded (see exhibit C). Access for this lot will be North River Drive. The purpose of this application is to create a one-lot subdivision.

A hazard study may be required prior to approval of any future development or issuance of further building permits.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by creating large lots to maintain the country feel with land that has agricultural and livestock related uses.

Zoning: The subject property is located in the AV-3 zone. The land use requirements for these zones are stated in the LUC§ 104-16, respectively, as follows:

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

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

Small Subdivision: As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC 106 chapter 1, and the standards in the AV-3 zone (LUC 104-6). The proposed subdivision will not create any new public streets. The proposal meets the criteria for a “Small Subdivisions”, as defined in LUC 101-7, and can be administratively approved per LUC 106-1-5(b)(1).

Lot area, frontage/width and yard regulations: The AV-3 zone requires a minimum lot area of 3 acres and a minimum lot width of 150’, however, this parcel already has a designation of a legal, buildable lot (see exhibit C). The proposed subdivision is a one-lot subdivision that will be accessed from North River Drive, which is considered to be up to county standards.

The proposed subdivision will create a one-lot subdivision.

Improvements Required: Wells. The applicant will need to update their well approval from the state and submit the updated documents prior to recording this subdivision, per LUC 106-4-2 (a)(3).

Review Agencies: The proposed subdivision has been reviewed by all applicable reviewing agencies. Weber County Engineering has required, at minimum, a deferral agreement for curb, gutter, and sidewalk. This will be signed by the property owner and recorded with the final plat. Weber Fire has issued approval of this project, pending further review at building permit. The County Surveyor has not yet issued approval. Planning is recommending approval conditioned upon meeting all review agency requirements.

Tax Clearance: There are no outstanding tax payments related to this parcel.

Public Notice: Noticing requirements, according to LUC 106-1-6(c), have been met by mailing notices out to all property owners of record within 500 feet of the subject property.

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan.

Staff Recommendations

Staff recommends final approval of the FTF Estates Subdivision a one-lot subdivision. This recommendation is subject to all review agency requirements and based on the following condition:

1. A deferral agreement must be recorded with the final plat.
2. A current well permit, from the State of Utah, be obtained prior to recording this subdivision.
3. A geologic hazard study may be required at building permit.

This recommendation is based on the following findings:

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

Administrative Approval

Administrative final approval of FTF Estates Subdivision is hereby granted based upon its compliance with the Weber County Land Use Code. This approval is subject to the requirements of applicable review agencies and the conditions of approval listed in this staff report.

Date of Administrative Approval: **Wednesday, March 10, 2021.**

Rick Grover
Weber County Planning Director

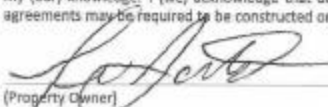
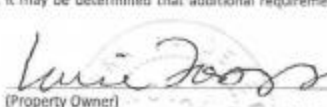
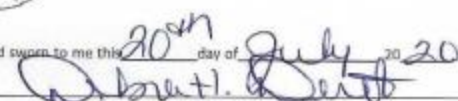
Exhibits

- A. Application
- B. Proposed Plat
- C. Well/Septic Info
- D. Rebuild Letter

Area Map



Exhibit A - Application

Weber County Subdivision Application			
<small>All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401</small>			
<small>Date Submitted / Completed</small>	<small>Fees (Office Use)</small>	<small>Receipt Number (Office Use)</small>	<small>File Number (Office Use)</small>
Subdivision and Property Information			
<small>Subdivision Name</small> FDF Estates		<small>Number of Lots</small> 1	
<small>Approximate Address</small> 3740 North River Drive		<small>Land Serial Number(s)</small> 22-015-0066	
<small>Current Zoning</small> AV-3	<small>Total Acreage</small> 2.013		
<small>Culinary Water Provider</small> Well	<small>Secondary Water Provider</small>	<small>Wastewater Treatment</small> Septic	
Property Owner Contact Information			
<small>Name of Property Owner(s)</small> Lee A & Laurie A Fortin		<small>Mailing Address of Property Owner(s)</small> 3694 N Foothill Lane Eden, UT 84310	
<small>Phone</small> 801-430-4680	<small>Fax</small>		
<small>Email Address</small> leeafortin1@gmail.com		<small>Preferred Method of Written Correspondence</small> Email Fax Mail email	
Authorized Representative Contact Information			
<small>Name of Person Authorized to Represent the Property Owner(s)</small> Ronda Kippen		<small>Mailing Address of Authorized Person</small> PO Box 789 Morgan, UT 84050	
<small>Phone</small> 801-710-8303	<small>Fax</small>		
<small>Email Address</small> rondakippen@gmail.com		<small>Preferred Method of Written Correspondence</small> Email Fax Mail email	
Surveyor/Engineer Contact Information			
<small>Name or Company of Surveyor/Engineer</small> Reeves & Assoc.		<small>Mailing Address of Surveyor/Engineer</small> 5160 S 1500 W Riverdale, UT 84405	
<small>Phone</small> 801-621-3100	<small>Fax</small>		
<small>Email Address</small> thatch@reeve-assoc.com		<small>Preferred Method of Written Correspondence</small> Email Fax Mail email	
Property Owner Affidavit			
<p>I (We), <u>Lee A and Laurie A Fortin</u>, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.</p>			
 (Property Owner)		 (Property Owner)	
Subscribed and sworn to me this <u>20th</u> day of <u>July</u> , 20 <u>20</u> 		DEBRA H. DENETTE Notary Public My Commission Expires September 30, 2023	

Authorized Representative Affidavit

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

[Signature]
(Property Owner)

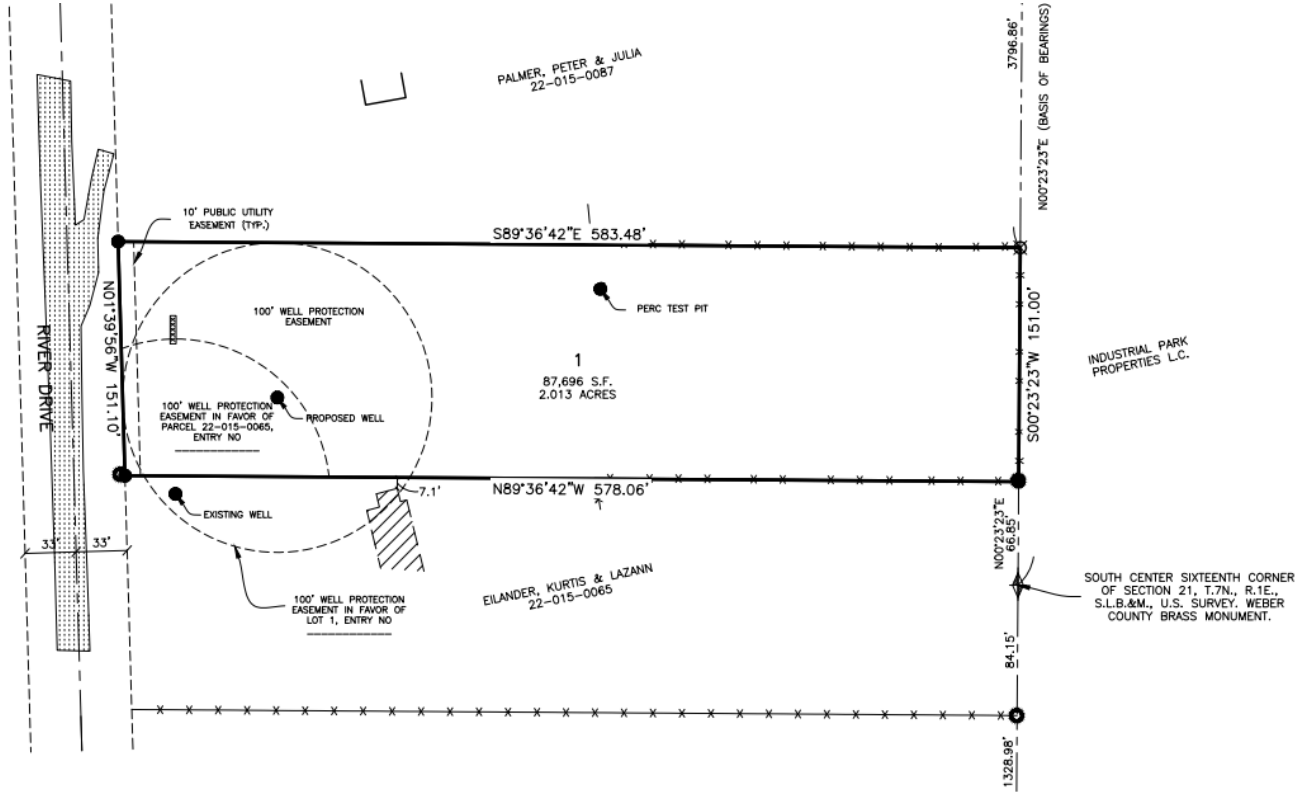
[Signature]
(Property Owner)

Dated this 20 day of July, 2022, personally appeared before me signer(s) of the Representative Affidavit who duly acknowledged to me that they executed the same.

[Signature]
Notary

DEBRA H. DENETTE
Notary Public
My Commission Expires
September 30, 2023

Exhibit B - Proposed Plat





GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director State Engineer/Division Director

ORDER OF THE STATE ENGINEER
For Exchange Application Number 35-12668 (E5259)

Exchange Application Number 35-12668 (E5259) in the names of Lee A. and Laurie A. Fortin, was filed on August 14, 2012, to exchange 2.00 acre-feet (af) of water as evidenced by Water Right Numbers 35-7397 (A10989) and 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 22822 for 1.0 af and Number 22823 for 1.0 af for a total of 2.0 af, associated with Tax I.D. Number 22-015-0066) for its use with Weber Basin Water Conservancy District. The 2.00 acre-feet of water is to be released from Pineview Reservoir and, in lieu thereof, 2.00 acre-feet of water will be diverted from a well to be located North 1470 feet and West 500 feet from the S¼ Corner of Section 21, T7N, R1E, SLB&M (8-inch well, 100-250 feet deep). The water is to be used for the irrigation of 0.5167 acre (sole supply of 0.5167 acre) from April 1 to October 31, and the indoor domestic requirements of one equivalent domestic unit from January 1 to December 31. The water is to be used in all or portion(s) of Section 21, T7N, R1E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on August 30 and September 6, 2012, and a protest was received from Weber Basin Water Conservancy District on September 25, 2012, and later withdrawn on October 11, 2012. A hearing was not held.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicants are put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as proposed in the exchange application.

It is, therefore, **ORDERED** and Exchange Application Number 35-12668 (E5259) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicants and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn under this application if a contract is not in effect.
- 2) Total diversion under this exchange application is limited to 2.00 acre-feet (af) of water per year for the irrigation of 0.5167 acre (1.55 af) and the indoor domestic requirements of one equivalent domestic unit (0.45 af).
- 3) Section 73-5-4 of the Utah Code provides that "...a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain controlling works and a measuring device at: (a) each location where water is diverted from a source; and (b) any other location required by

the State Engineer." In the event that the State Engineer or an authorized representative is required to administer and/or distribute your water right, you will be notified in writing. At that time, if you have not already installed an adequate measuring device, you will be required to do so by a specific deadline. Instruction will also be given concerning any monitoring of your water diversion. Failure to comply could result in an order to cease the use of water and/or the revocation of this approval.

- 4) This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicants.
- 5) As noted, this approval is granted subject to prior rights. The applicants shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.
- 6) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.

The applicants are strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicants to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **October 31, 2017**, or a request for extension of time must be acceptably filed; otherwise the application will be lapsed.

If historical resources such as human remains (skeletons), prehistoric arrowheads/spear points, waste flakes from stone tool production, pottery, ancient fire pits, historical building foundations/remains, artifacts (glass, ceramic, metal, etc.) are found during construction, call the Utah Division of State History at 801-533-3555.

Under the authority of Section 73-3-20 of the Utah Code, the applicants are required to submit a proof of diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-12668 (E5259)

Page 3

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicants must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

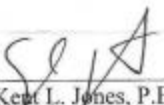
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

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 an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal 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 17th day of October, 2012.


Boyd Clayton Fox
Kent L. Jones, P.E., State Engineer

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-12668 (E5259)
Page 4

Mailed a copy of the foregoing Order this 17th day of October, 2012 to:

Lee A. and Laurie A. Fortin
1363 31st Street
Ogden, UT 84403

Weber Basin Water Conservancy District
c/o Tage I. Flint, PE, General Manager/CEO
2837 East Highway 193
Layton, UT 84040

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

Jim Wells, River Commissioner
1627 East 1350 South
Ogden, UT 84404

BY:



Sonia R. Nava, Applications/Records Secretary

Exchange Details for E5259

Utah Division of Water Rights

1/4/2021 4:58 PM

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

Exchange: E5259 (35-12668)

Base Water Right Number: 35-827

General:		
Status: Lapsed	Stock/Contract #: 22822/3	County Tax ID:
Right Evidenced By: U.S. Bureau of Reclamation and Contract with Weber Basin Water Conservancy District under 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: Lee A. & Laurie A. Fortin Address: 1363 31st Street Ogden, Utah 84403		Interest:
Remarks:		
Dates:		
Filing: Filed: 08/14/2012		Priority: 08/14/2012
Advertising: Publication Began: 08/30/2012 Publication End: 09/06/2012 Newspaper: Standard Examiner Protest End Date: 09/26/2012 Protested: Protested and Hearing Held:		
Approval: State Eng. Action: Approved Action Date: 10/17/2012 Recon. Req. Date: Recon. Req Action:		
Certification: Proof Due Date: 10/31/2017 Extension Filed Date: Election or Proof: Election/Proof Date: Certificate Date: Lapsed, Etc. Date: 10/31/2017 Lapsed Letter 11/15/2017		
Wells: Prov. Well Date: Well Renov. Date:		
--- Current Right ---		
Current General:		
Quantity of Water: 2 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: Pineview Reservoir	Source: Ogden River
Elevation:	UTM: 429438.517, 4567331.171

Current Water Uses:	
Other:	Period of Use: 01/01 - 12/31
Comment: Irrigation, domestic, municipal, industrial, power & stockwatering. Supplemtl.	

--- Proposed Exchange ---

Proposed General:	
Quantity of Water - CFS: 0 And/Or: Acre Feet: 2	
From: 01/01 To: 12/31	
Source: Underground Water Well	
County: Weber	
Common Description: Eden	

Proposed Points of Exchange:	
Points of Exchange - Underground:	
(1) N 1470 ft. W 500 ft. from S4 corner, Sec 21 T 7N R 1E SLBM	
Well Diameter: 8 in.	Depth: 100 to 250 ft. Year Drilled: Well Log: Well Id#:
Elevation:	UTM: 429162.655, 4575350.798 (NAD83)
Source/Cmnt:	

Proposed Points of Release:	
Quantity of water: 0 cfs And/Or: 2 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: 633399	
Water Use Types:	
Irrigation-Beneficial Use Amount: 0.5167 acres	Group Total: 0.5167 Period of Use: 04/01 to 10/31
Domestic-Beneficial Use Amount: 1 EDUs	Group Total: 1 Period of Use: 01/01 to 12/31
Place Of Use:	North West North East South West South East Section
	NW NE SW SE NW NE SW SE NW NE SW SE NW NE SW SE Totals
Sec 21 T 7N R 1E SLBM	
Group Acreage Total :	
0.5167	

Proposed Use Totals:	
Irrigation sole-supply total: 0.5167 acres	for a group total of: 0.5167 acres
Domestic sole-supply total: 1 EDUs	for a group total of: 1 EDUs

Proposed General Comments:	
The two acre-feet are covered separately under 1 acre-foot contracts 22822 and 22823, both dated Nov 18, 2011.	

Protestants:

Application Protestants:	
Received: 09/26/2012 (Withdrawn)	Type: Application
Name: Weber Basin Water Conservancy District	
Address: c/o Tage I. Flint, PE, General Manager/CEO	
2837 East Highway 193	
Layton, UT 84040	
Comments:	



July 28, 2020

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

RE: Lee Fortin Property
Located at Approximately 3736 N River Dr, Eden
Parcel #22-015-0066
Soil log #13008

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. An easement for any property impacted by the 100 foot protection zone of the well should be obtained, and a copy should be provided to the Weber-Morgan Health Department for review. If an easement cannot be obtained extending the well grout depth may be considered.

DESIGN REQUIREMENTS

Anticipated ground water tables not to exceed 60 inches, fall within the range of acceptability for the utilization of a Conventional Treatment System as a means of wastewater disposal. Maximum trench depth is limited to 18 inches. The absorption field is to be designed using a maximum loading rate of 0.45 gal/sq. ft./day as required for the gravelly clay loam, massive structure soil horizon with a documented percolation rate of 40 minutes per inch.

Regulatory requirements specific to parcel 22-015-0066

This parcel does not meet the Weber-Morgan Health Department On-site Wastewater Treatment System Regulation Section 4.17

Where the culinary water supply is to be a nonpublic water system, the lot shall meet the minimum lot size requirements and be so shaped and sized to allow for a 100 foot radius protection zone to protect the well from concentrated sources

However a process for lot recorded before May 21, 1984 which cannot meet the minimum lot standard or the so sized and shaped portion of the rule has been outlined in the Weber-Morgan Health Department On-site Wastewater Treatment System Regulation Section 4.20. Evidence of the date of record of this lot has been provided to our office and retained on file. The date of record for this lot is July 29, 1982. The pertinent portion of the regulation has been included for reference.

Weber-Morgan Health Department On-site Wastewater Treatment System Regulation Section 4.20, UAC R317-4.4.1 to read;

D. Lots utilizing non-public water system recorded prior to May 21, 1984. The department may issue a construction permit for new construction or a letter of approval for an expansion of use of an existing structure on lots recorded prior to May 21st, 1984 that do not meet the minimum lots size requirements of Table 1 under the following conditions;

1. The department has a soils evaluation on record
2. The department has a passing percolation test on record (if required)
3. The department has received a set of plans detailing existing structures and use, and proposed structures and use

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4. The department has received a minimum of two copies of an Onsite Wastewater Treatment System plan prepared by a Certified Onsite Wastewater System Designer
5. The plan demonstrates adequate room available for placement of the onsite wastewater treatment system components including the 100% replacement absorption system and the location of an alternating valve
6. The original absorption system and replacement absorption system must be installed prior to approval being given. Appropriate valving between absorption systems must be installed to allow for alternating flows between absorption systems on an annual basis
7. All required separation distances are met
8. Property owners may be able to use an existing absorption system when the department can verify the tank size and location, absorption system type, size and location, that separation distance requirements are met, and the system is functioning effectively. The property owner shall install the replacement absorption system prior to final approval for occupancy being granted for expansion
9. Absorption systems without permit records are unable to be verified and will require replacement of the original absorption system and the replacement absorption system for approval.
10. Unapproved nonpublic water systems will require sampling and must demonstrate adequate conditions before approvals will be issued

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



Weber County



W2384851

Rebuild Notice

December 23, 2008

EN 2384851 PG 1 OF 3
ERNEST D ROWLEY, WEBER COUNTY RECORDER
14-JAN-09 1232 PM FEE \$.00 DEP SPY
REC FOR: WEBER COUNTY PLANNING

To Whom It May Concern,

Re: Land Serial # 22-015-0066 (Containing approximately 2.0 acres)

Description: PART OF THE SOUTHWEST QUARTER SECTION 21, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT NORTH 0D07' EAST 1388.50 FEET FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER SECTION; RUNNING THENCE NORTH 0D07' EAST 151.00 FEET ALONG THE QUARTER SECTION LINE; THENCE NORTH 89D53' WEST 591.0 FEET, MORE OR LESS, TO THE EASTERLY LINE OF COUNTY ROAD; THENCE SOUTHERLY ALONG COUNTY ROAD TO A POINT NORTH 89D53' WEST OF THE POINT OF BEGINNING; THENCE SOUTH 89D53' EAST TO THE POINT OF BEGINNING.

The parcel of land with the above description lies within an Agricultural Valley-3 (AV-3) Zone which requires a minimum lot area of three (3) acres and a minimum lot width of 150 feet on a dedicated roadway. This parcel does not meet the current area requirement but does appear to have sufficient area to conform to the area requirements that were in place during the time period that the parcel was created. The parcel also appears to have sufficient width and road frontage.

The Weber County Planning Division could not issue a Land Use Permit for a structure to be built on this parcel as it is currently described above and represented on the attached Exhibit A, however, Chapter 28-14.3 of the Weber County Zoning Ordinance does provide a possible way to make this parcel a legal building lot. It states:

Parcels nonconforming as to area and frontage requirements which:

- a. Were created and recorded prior to July 1992 changes to the Utah State Code, Subdivision Law; and
- b. Met area and frontage requirements for the zone in which they were created at the time they were created;

May submit an application for subdivision approval provided they meet all other requirements of the Subdivision and Zoning Ordinances.

This parcel was created prior to July 1992 and met area and frontage requirements for the A-1 Zone in which it was located at the time it was created. Therefore, it could become a legal building lot provided that it meets all other requirements of the Subdivision and Zoning Ordinances.

If you have any further questions please Weber County Planning Division at (801) 399-8791.

Sincerely,


Scott Mendoza, Planner
Weber County Planning Division

Weber County Planning Division | www.co.weber.ut.us/planning_commission
2380 Washington Blvd., Suite 240 Ogden, Utah 84401-1473 | Voice: (801) 399-8791 | Fax: (801) 399-8862



Weber County

STATE OF UTAH }
 }:ss
COUNTY OF WEBER }

On the 14 day of January, 2009 personally appeared before me Scott
Mendoza the signer of the foregoing instrument, who duly acknowledge to me that he executed the
same.

Notary Public
Residing at:



EXHIBIT A

TAXING UNIT: 36

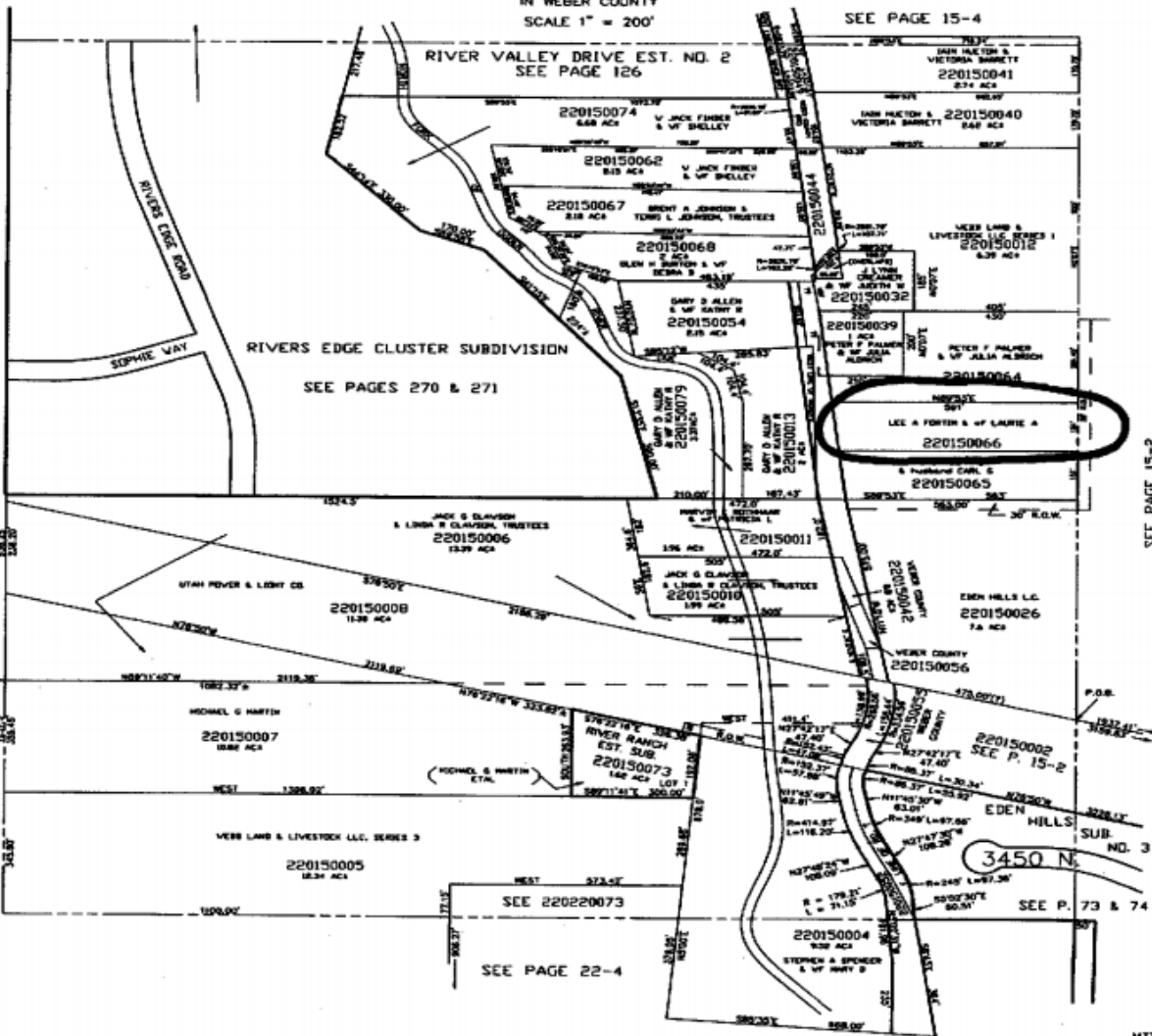
S.W. 1/4 OF SECTION 21, T.7N., R.1E., S.L.B. & M.

15-3

IN WEBER COUNTY
SCALE 1" = 200'

SEE PAGE 15-4

RIVER VALLEY DRIVE EST. NO. 2
SEE PAGE 126



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MTT 09-96