

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

June 11, 2019

5:00 p.m.

- *Pledge of Allegiance*
- *Roll Call:*

Petitions, Applications, and Public Hearings

1. Administrative items

1.1 LVH 040419: Consideration and action on a request for preliminary approval of Halcyon Lake Estates Subdivision, consisting of 28 lots located at approximately 4100 W 1800 S, Ogden.

Applicant: *Tyler Brenchley*; **Staff Presenter:** *Steve Burton*

1.2 LVF101718 : Consideration and action on final approval of Fenster Farms Phase 3 Subdivision, a nine lot subdivision.

Applicant: *Kenny Palmer*; **Staff Presenter:** *Tammy Aydelotte*

2. Legislative Items

a. New Business

2.1 ZTA 2019-04: Public hearing to consider and take action on a proposal to amend Titles 101, 106, and 108 of the Land Use Code to update provisions related to culinary and secondary water requirements for subdivision lots, and other administrative edits to support the same.

Applicant: *Hooper Irrigation Company*. **Agent:** *Greg Seegmiller*. **Staff presenter:** *Charlie Ewert*.

2.2 ZTA 2019-05: Public hearing to consider and take action on a proposal to amend Title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's and master planned developments.

Applicant: *B&H Investment Properties*. **Agent:** *Steven Fenton and Kevin Deppe*. **Staff presenter:** *Charlie Ewert*.

2.3 ZMA 2019-03: A public hearing and consideration regarding a proposal to rezone approximately 87 acres located at approximately 2650 W 1200 S from the A-2 zone to the C-2 zone; and to amend the West Central Weber County General Plan to provide for commercial uses in that area.

Applicant: *Bay Entertainment Group*. **Agent:** *Matthew Bartlett*. **Staff Presenter:** *Charlie Ewert*

2.4 ZTA 2019-01: Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: §101-1-7 and §108-7 to add a definition of agricultural building, amend the definition of agricultural parcel, and include provisions for agricultural building exemptions.

Staff Presenter: *Steve Burton*

2.5 ZTA 2019-07: Public hearing to consider and take action on a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code and to add junk and refuse standards.

Applicant: *Weber County*. **Staff presenter:** *Charlie Ewert and Iris Hennon*.

3. Public Comment for Items not on the Agenda

4. Remarks from Planning Commissioners

5. Planning Director Report

6. Remarks from Legal Counsel

7. Adjourn to Work Session

WS1: Discussion regarding subdivision code amendments.

Presenter: Charlie Ewert

WS2: Discussion regarding creating standards for appearance and location of storage units.

Presenter: Charlie Ewert

WS3: Discussion regarding the land use table and supplemental standards.

Presenter: Charlie Ewert

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

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

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
 - ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.
-



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for preliminary approval of Halcyon Lake Estates Subdivision, consisting of 28 lots located at approximately 4100 W 1800 S, Ogden.

Type of Decision: Administrative

Agenda Date: Tuesday, June 11, 2019

Applicant: Tyler Brenchley, Keith Ward

File Number: LVH 040419

Property Information

Approximate Address: 4100 W 1800 S

Project Area: Approximately 40 acres

Zoning: Agricultural (A-1) Zone

Existing Land Use: Agricultural

Proposed Land Use: Residential

Parcel ID: 15-057-0011, -0039

Township, Range, Section: T6N, R2W, Section 21

Adjacent Land Use

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

Staff Information

Report Presenter: Steve Burton
sburton@co.weber.ut.us
801-399-8766

Report Reviewer: RG

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 5, Agricultural (A-1) Zone
- Weber County Land Use Code Title 106 (Subdivisions)

Background and Summary

The applicant is requesting preliminary approval of Halcyon Lake Estates Subdivision, consisting of 28 lots, located at approximately 4100 W 1800 S, Ogden. The proposal includes a recreation lake in the middle of the development which will be surrounded by residential lots. The proposed subdivision, if the recommended conditions are imposed, is in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with the LUC.

On May 14, 2019 the Western Weber Planning Commission tabled this item and requested that the developer provide information from a similar subdivision, specifically regarding how a ski lake subdivision has affected surrounding soils. They wanted to know how seepage has affected surrounding soils adjacent to a similar development. There was also some discussion regarding noise concerns. The developer has provided written responses to the planning commission's concerns and has also provided a response from a registered professional engineer.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of one acre single family residential development in the area (2003 West Central Weber County General Plan, Residential Uses, Page 1-4).

Zoning: The subject property is located in the Agricultural (A-1) Zone. Single-family dwellings are a permitted use in the A-1 Zone.

Lot area, frontage/width and yard regulations: In the LUC §104-5-7 the A-1 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150'. All lots within the proposed subdivision meet the zoning requirements for area and width.

The A-1 zoning allows for lot averaging subdivisions, provided that the proposal does not include more lots than are otherwise allowed by zoning, and that the average lot width and area for lots within the subdivision conforms to the zoning standard of 150

feet of lot frontage and 40,000 square feet of area. The average lot width in this subdivision is 150 feet and the average lot area is approximately 41,000 square feet. The applicant has shown a lot summary table on the preliminary plan, indicating the widths and area of each lot.

As part of the subdivision process, the proposal has also been reviewed for compliance with the current subdivision ordinance in LUC §106-1. This proposal contains a remainder parcel boundary which is not currently shown on the preliminary plan. According to the final plat requirements (106-1-8(c)(3)) the remaining boundary and area must be shown on the plat. If the remainder parcel has an area of 5 acres or greater the final plat shall indicate that the parcel is not approved for development. Prior to receiving final subdivision approval from the planning commission the applicant is required to demonstrate compliance with all final subdivision requirements.

Culinary water and sanitary sewage disposal: Feasibility letters have been provided for the culinary water and the sanitary sewer for the proposed subdivision. The culinary water will be provided by Taylor West Weber Water Improvement District. The sanitary sewage disposal will be provided by Central Weber Sewer Improvement District. A condition of the will serve letter from Central Weber Sewer is that the property be annexed into the Central Weber Sewer Improvement District prior to any connections to the system. This requirement has been made a condition of preliminary approval.

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

Additional Design Standards: The applicant is proposing that lots 15 through 27 gain access through a private road known as Ski Lake Drive. The applicant has shown that access will be provided to undeveloped properties to the north of this development. The applicant is proposing sidewalk, curb and gutter, along Ski Lake Drive as well as 1800 S. The applicant is requesting to enter into a deferral agreement for curb, gutter, and sidewalk along 1700 S and 4075 West streets.

Public Notice: A notice has been mailed not less than seven calendar days before preliminary approval 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.

Staff Recommendations

Staff recommends preliminary approval of Halcyon Lake Estates Subdivision consisting of 28 lots. This recommendation is subject to all review agency requirements and the following conditions:

1. That the property be annexed into the Central Weber Sewer Improvement District prior to recording the final subdivision plat.
2. The boundary and area of the remainder parcel must be shown on the final plat, as required by LUC 106-1-8(c)(3).
3. A note shall be placed on the final subdivision plat that reads "for each zone in this subdivision, the average area and average width of lots within the zone equal or exceed the minimum area and minimum width allowed in the zone. An amendment to any part of this subdivision shall comply with Section 106-2-4(b) of the Weber County Code."

The recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber General Plan.
2. The proposed subdivision complies with applicable county ordinances.

Exhibits

- A. Preliminary subdivision plat
- B. Developer's response to Planning Commission concerns
- C. Developer's response from a registered professional engineer.

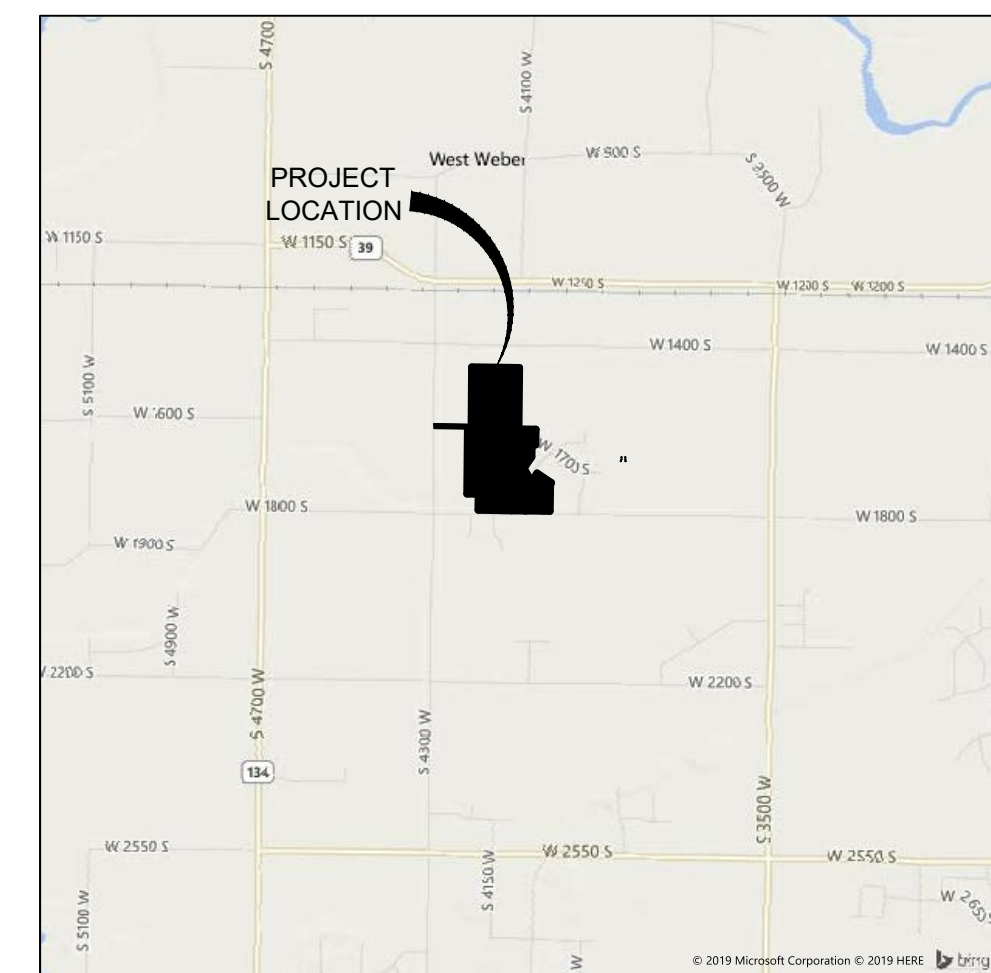
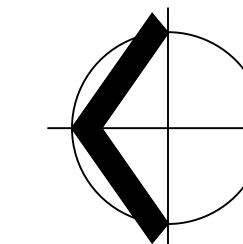
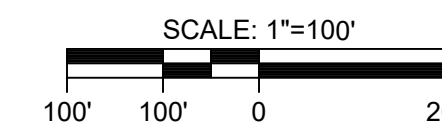
Area Map



HALCYON LAKE ESTATES

"A LOT-AVERAGED SUBDIVISION"

LOCATED IN THE SW 1/4 OF SECTION 21, T.6N R.2W
SALT LAKE BASE & MERIDIAN
WEBER COUNTY, UT
APRIL, 2019



VICINITY MAP
N.T.S.

LEGEND

PROPERTY

- BOUNDARY LINE
- CENTERLINE
- - - RIGHT-OF-WAY LINE
- LOT LINE
- - - SECTION LINE
- - - EASEMENT LINE
- - - SETBACK LINE

UTILITIES

- SD — STORM DRAINAGE LINE
- SS — SANITARY SEWER LINE
- W — WATER LINE
- E — ELECTRIC LINE
- G — NATURAL GAS LINE
- IRR — IRRIGATION LINE

SYMBOLS

- ⊙ FIRE HYDRANT
- ⊕ SANITARY SEWER MANHOLE
- ⊖ STORM DRAIN MANHOLE
- ⊗ WATER VALVE
- IRRIGATION STRUCTURE

MARTINI FAMILY TRUST
PT OF 15-057-0009

TRESORELLE LLC
PT OF 15-057-0039

JOAN DEGIORGIO TRUSTEE 1/2 ETAL
PT OF 15-057-0011

LAND HOLDINGS LLC
DEAN & KATHY MARTINI
PT OF 15-057-0035

DESIGN DATA

TOTAL AREA: 47.97 AC
LOT AREA: 26.74 AC
R.O.W AREA: 4.83 AC
ZONE: A1 (28 LOTS > 100' WIDTH)
AVG LOT WIDTH: 150.19'
AVG LOT SIZE: 41,593.88'

LOT SUMMARY TABLE

LOT #	WIDTH	AREA (SF)
1	148.97'	34562.87'
2	148.97'	35603.09'
3	149.93'	33933.11'
4	154.82'	37474.67'
5	97.69'	42951.98'
6	99.72'	34873.08'
7	124.42'	28519.67'
8	120.00'	25566.78'
9	120.00'	25557.88'
10	125.00'	26874.63'
11	125.00'	26875.00'
12	174.16'	43075.10'
13	177.50'	42804.12'
14	110.00'	27500.75'
15	140.00'	29362.74'
16	303.71'	42270.49'
17	168.94'	41941.05'
18	150.00'	42675.00'
19	150.00'	42675.00'
20	150.00'	42675.00'
21	150.00'	42675.00'
22	150.00'	42675.00'
23	150.00'	42675.00'
24	150.00'	42675.00'
25	150.00'	42675.00'
26	150.00'	42675.00'
27	150.00'	42675.00'
28	216.62'	160131.75'

LINE TABLE

NO.	BEARING	LENGTH
L1	S34°01'02"W	27.01'
L2	S34°01'02"W	130.43'
L3	N55°58'58"W	60.00'
L4	S89°02'21"E	53.00'
L5	S89°02'25"E	57.93'
L6	S89°07'25"E	56.01'
L7	S36°23'21"E	13.08'
L8	N00°30'47"E	80.19'
L9	N89°07'58"W	50.10'

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH
C1	21°26'08"	268.82'	100.57'
C2	11°42'46"	268.82'	54.95'
C3	13°58'36"	328.80'	80.21'
C4	13°58'33"	328.80'	80.20'
C5	5°11'54"	328.80'	29.83'
C6	91°54'37"	144.13'	231.20'
C7	34°17'20"	144.13'	86.25'
C8	53°03'18"	144.13'	133.46'
C9	180°19'13"	149.04'	469.06'
C10	119°57'03"	40.00'	83.74'
C12	30°00'00"	120.00'	62.83'
C13	59°38'45"	120.00'	124.92'
C14	89°38'45"	30.00'	46.94'
C15	41°24'33"	30.00'	21.68'
C16	131°24'29"	50.00'	114.68'
C17	131°09'17"	50.00'	114.45'
C18	41°24'35"	30.00'	21.68'

PREPARED BY
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521 West 1050 South
PO Box 1117
Salem, UT 84653
(801) 360-6297
bruceward007@live.com

CONSULTANTS
C. L. S., Inc.
Construction & Land Surveyor's
810 CANYON ROAD
COPPER, UTAH 84404
PH. (801) 599-1610 csls@clsiurvey.com

PRELIMINARY
NOT FOR
CONSTRUCTION

PROJECT INFO
HALCYON LAKE ESTATES
A PORTION OF THE SW 1/4 OF SECTION 21, T.6N R.2W SALT LAKE BASE & MERIDIAN WEBER COUNTY, UTAH
"A LOT-AVERAGED SUBDIVISION"

OWNER
WAKELESS HOLDINGS LLC
TYLER BRENCHLEY
1064 SPYGLASS HILL
SYRACUSE, UT 84075
(801) 644-3148
tylorbrenchley@gmail.com
and
KEITH WARD
1978 CAMERON DRIVE
WEST HAVEN, UT 84401
(801) 540-9399
wardk1@msn.com

REVISIONS/SUBMISSIONS

PRE	DATE	DESCRIPTION
5/3/19	PRELIMINARY PLAT	

MARK	DATE	DESCRIPTION
PROJECT #	201901	
CAD DWG FILE:	201901-C-SP.dwg	
DRAWN BY:	MAC	
CHECKED BY:	DSS	
DESIGNED BY:	BW	

PRELIMINARY PLAT
UTILITY PLAN

SHEET NAME
PP-01
SHEET 1 OF 2

REMAINDER PARCEL NOT APPROVED FOR DEVELOPMENT
TRESORELLE LLC
PT OF 15-057-0040

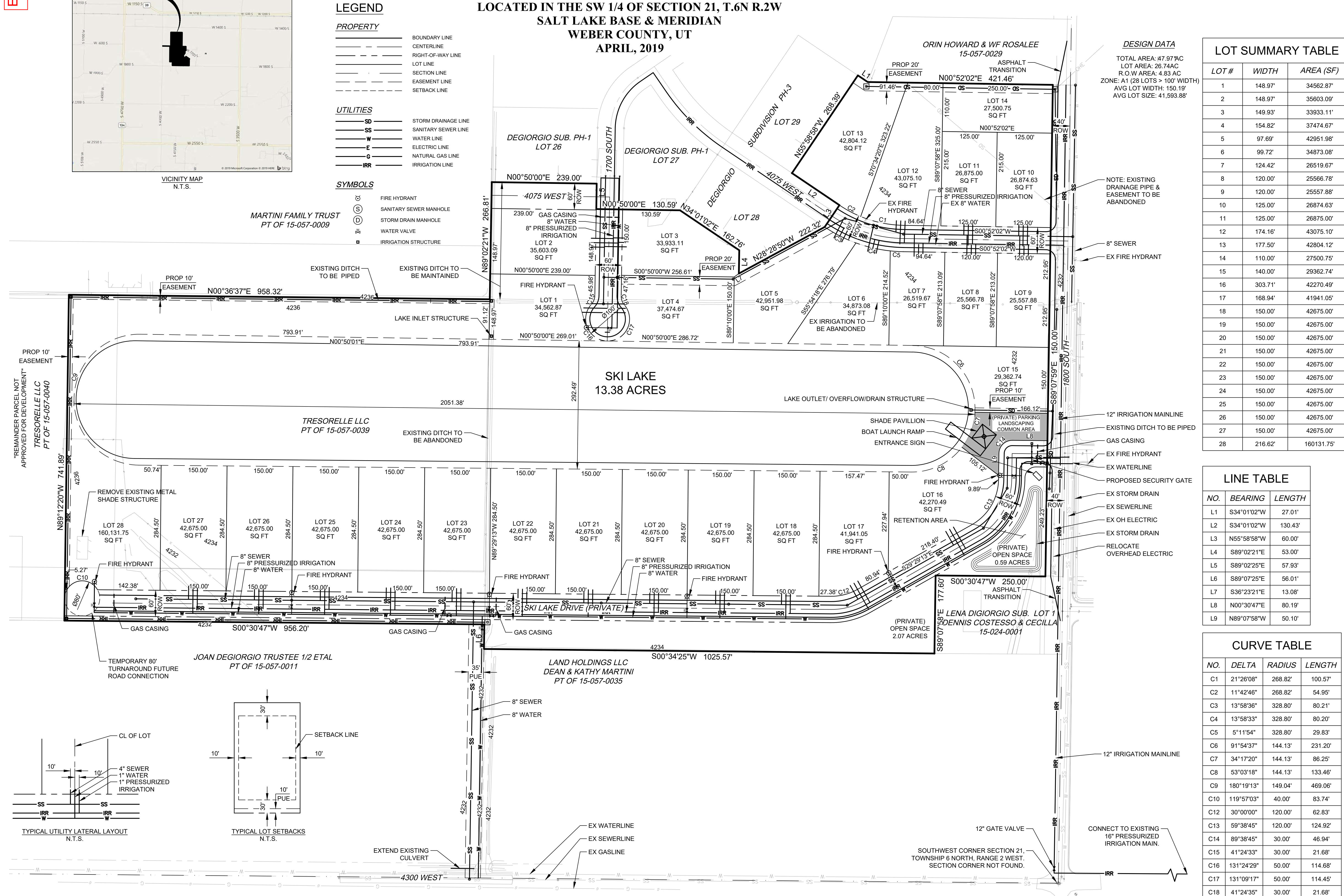
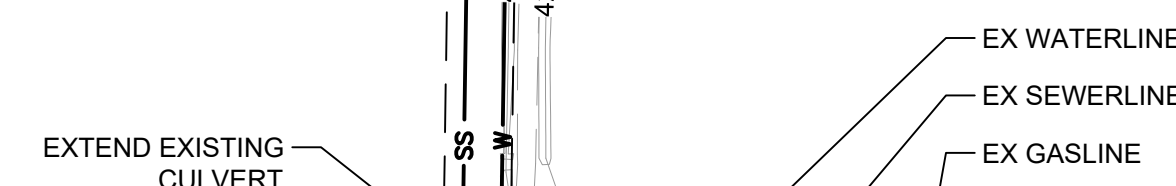
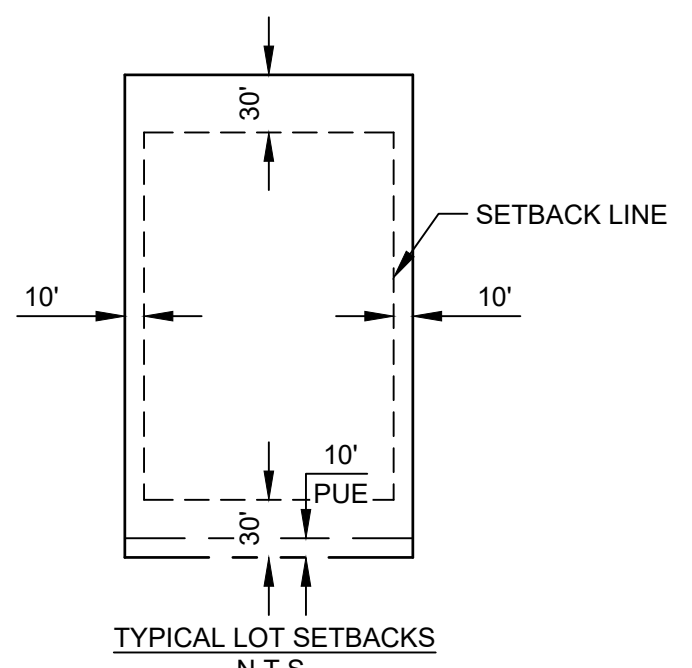
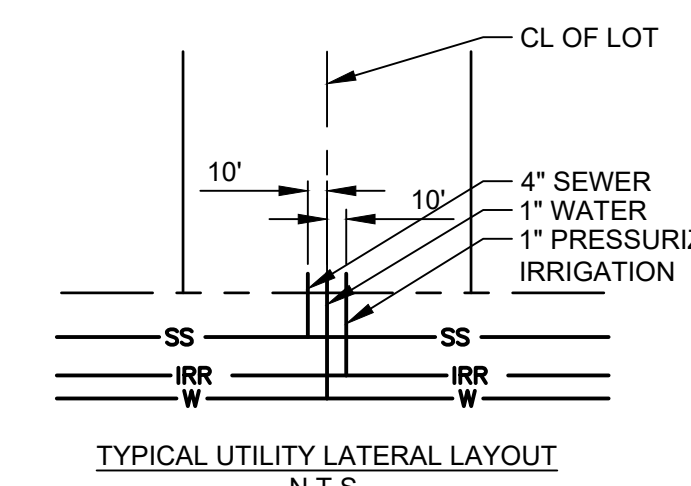
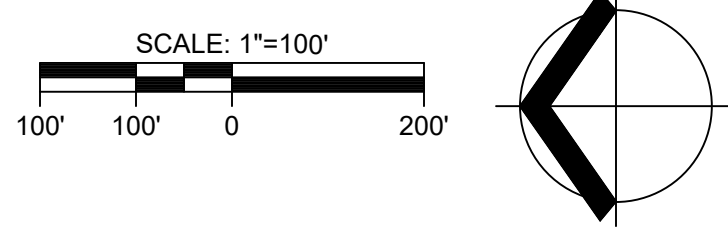
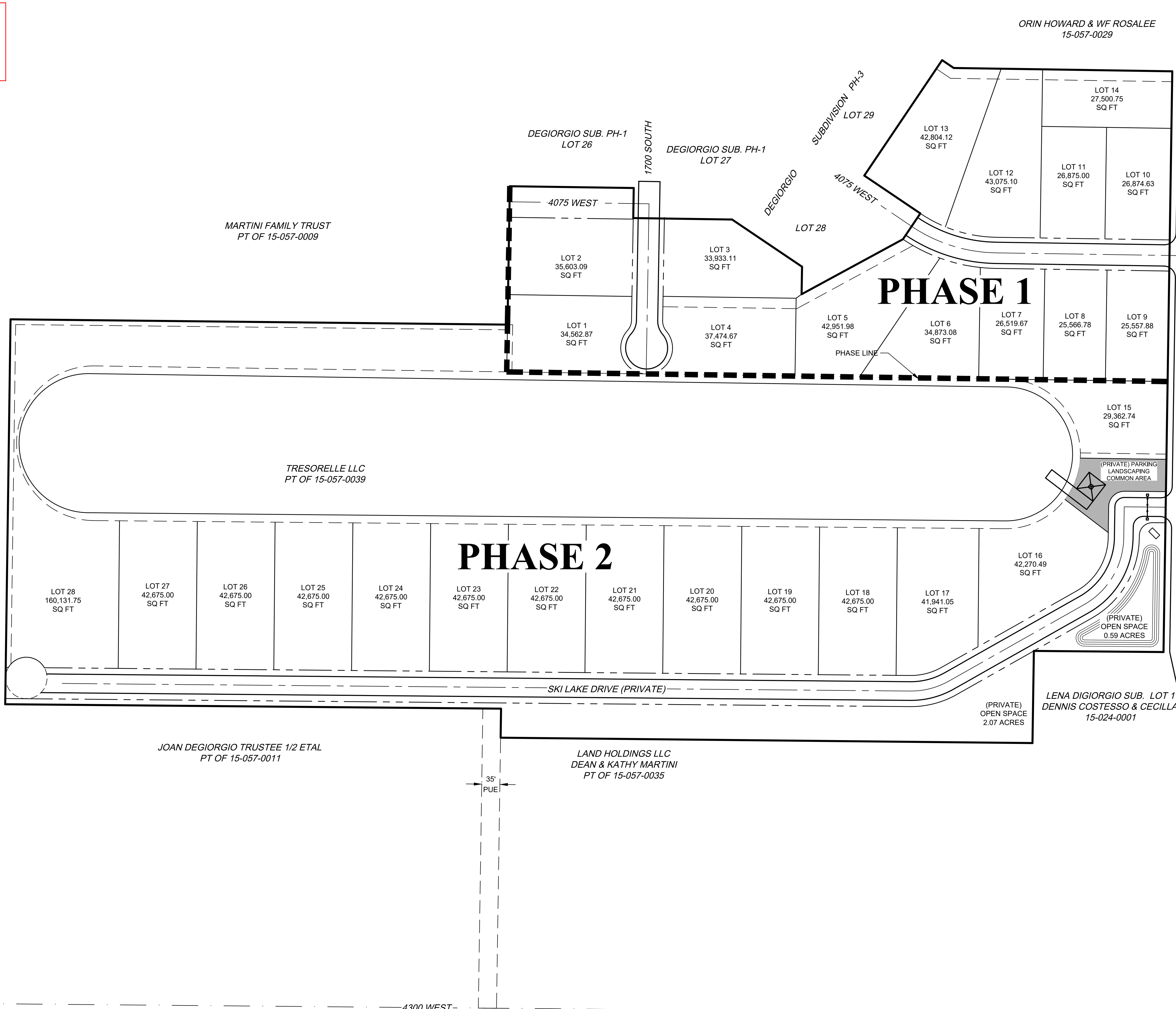


Exhibit A



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PRELIMINARY NOT FOR CONSTRUCTION

PROJECT INFO
HALCYON LAKE ESTATES
 A PORTION OF THE SW 1/4 OF SECTION 21, T.6N R.2W SALT LAKE BASE & MERIDIAN WEBER COUNTY, UTAH
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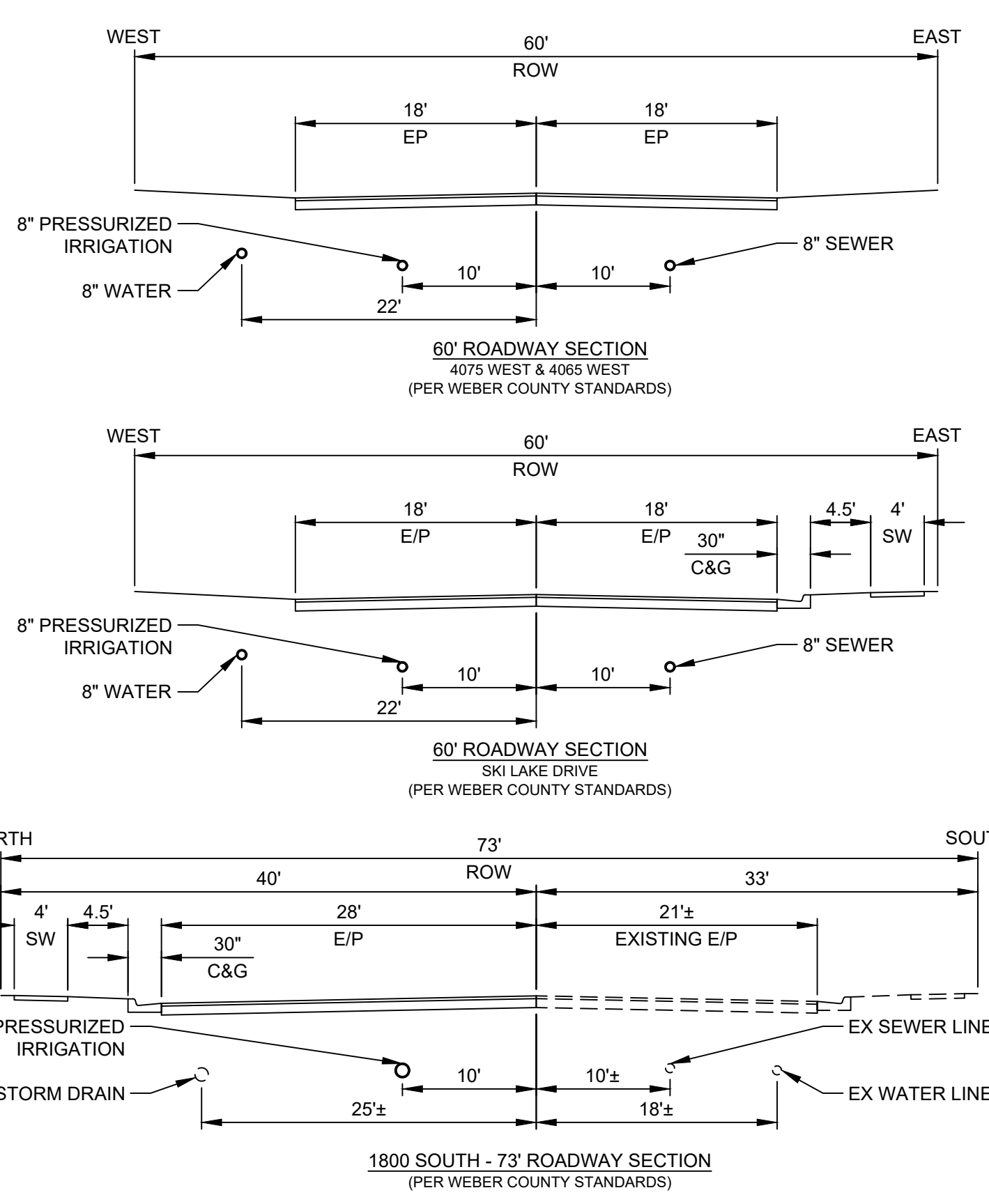
OWNER
WAKELESS HOLDINGS LLC

TYLER BRENCHELLEY
 1064 SPYGLASS HILL
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 tylorbrenchley@gmail.com
 and
 KEITH WARD
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 (801) 540-9399
 wardkr1@msn.com

REVISIONS/SUBMISSIONS	PRE	5/3/19	PRELIMINARY PLAT

MARK	DATE	DESCRIPTION
PROJECT #	201901	
CAD DWG FILE:	201901-C-SP.dwg	
DRAWN BY:	MAC	
CHECKED BY:	DSS	
DESIGNED BY:	BW	

PRELIMINARY PLAT PHASING PLAN
 SHEET NAME
PP-02
 SHEET 2 OF 2



Burton,Steven

From: KEITH WARD <WARDKR1@msn.com>
Sent: Thursday, May 16, 2019 4:31 PM
To: Burton,Steven; tylorbrenchley@gmail.com
Cc: Grover,Rick
Subject: [EXTERNAL]RE: Planning Commission meeting

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Steve,

I had some additional conversation with Greg and Rick before they went into the working session. What you typed below is precisely why I asked the commission for specific details on what they feel like they want to understand. Currently there is not a defined list of items they want addressed, rather it is best effort for you and I to understand what they are thinking which could go on and on.

Here are my comments about the major issues I understand for your review. We will submit a formal response that can be uploaded to miradi to document the responses to the concerns.

Seepage and soil impact

- After talking with the developer from Stillwater in Syracuse, he has confirmed there has been no identifiable impact to surrounding/adjacent property due to the engineering design and lining of the lake to mitigate water seepage. Contact is Mike Thayne.
- Our licensed engineer did respond to the questions/concerns and we will have him type up his response to the water seepage concern.
- My experience in subdivision development along with all other excavation companies I have worked with suggest the water table will actually get lower from the lake and subdivision development thus improving the water table issue farmers are currently facing.
- Interestingly enough I have noticed how many homes (my own home included) sit several feet (many cases 8-10 feet) below a major canal. Look on Google earth just north of 1978 S Cameron drive (my home) and you will see a major cement lined canal just a few feet from homes with full basements 7 feet in the ground. If you cannot minimize seepage from a body of water per comments from the public...how is my home and all my neighbors not constantly flooding?

Noise

- Unless the county is prepared to enforce a noise ordinance for all vehicles, motorcycles, ATVs, farming equipment, and etc...this is a complicated issue with no end in sight. We will have CCR's that will address the noise from watersports activities and our HOA will require compliance.

Safety

- The property is private property and will be posted and marked accordingly. We cannot control the actions of the public and while we desire to put in a fence to help minimize risk, if the county decides to enforce a specific type of fencing/barrier, then the county is saying they have done the research and that specific type of fencing will guarantee a child or person from entering our property being harmed.
- Yes, we plan on fencing the property and restricting access with a private gated road. No, we haven't determined exactly what that fence will or won't be. The public needs to be responsible for themselves and their children. That isn't a burden that can be placed on a developer.

Lastly, after doing plenty of homework and some brief discussion with legal counsel on the outcome of the meeting, “lack of personal understanding” by the commission is not cause for declining or even deferring approval when an applicant is in compliance with all county ordinances and has addressed questions. What is perhaps most interesting from the recorded meeting is that the commission approved a subdivision that clearly was not in compliance with county ordinances and several stated items that were still being “worked out” just before our case.

Regards,
Keith

From: Burton,Steven <sburton@co.weber.ut.us>
Sent: Thursday, May 16, 2019 3:09 PM
To: KEITH WARD <WARDKR1@msn.com>; tylorbrenchley@gmail.com
Cc: Grover,Rick <rgrover@co.weber.ut.us>
Subject: Planning Commission meeting

Keith and Tylor,

I was able to listen through the recording from the meeting on Tuesday night and have written down a few things that the planning commission would like addressed before the meeting on June 11.

I gather that they wanted some information from a similar subdivision, specifically regarding how a ski lake subdivision has affected surrounding soils. They wanted to know how seepage has affected surrounding soils adjacent to a similar development. There was also some discussion regarding noise concerns.

Is this enough for you to be able to respond to the planning commission’s concerns? If there were other things you picked up on that might help the planning commission make a decision, information addressing that would be helpful as well. If possible I’d like to get that information from you a week before the June meeting. Let me know if you have any questions.

Best,

Steve Burton

Planner III

[Weber County Planning Division](#)

2380 Washington Blvd., Suite 240

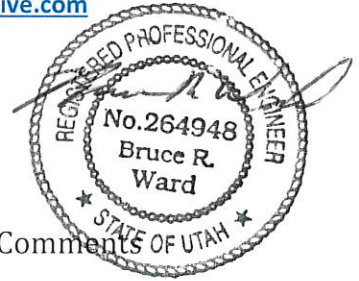
Ogden, Utah, 84401

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Memo:

Date: 6-1-2019
To: Weber County Planning Commission & Staff
Subject: Halcyon Lakes Estates Subdivision – P&Z Commission Meeting Comments

We appreciate the opportunity we were given in the Planning Commission Meeting on May 14, 2019, to present the Halcyon Lake Estates Project. During the meeting, there were several questions that were raised by neighboring citizens as well as commissioners. Many of those were addressed that evening, but there were a few concerns that the commission asked for additional information.

Below we have provided additional information that will be helpful to address those concerns.

Seepage and soil impact on surrounding properties:

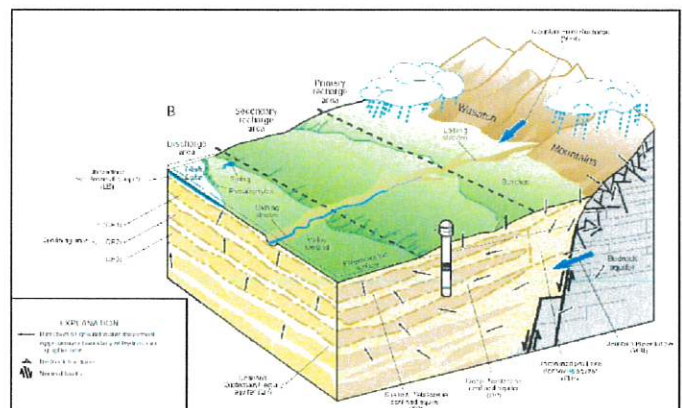
The concern from the commission meeting was that water from the lake would seep into surrounding properties there by making the ground water level higher to the point that the current and future use of the property would be negatively impacted.

When reviewing the question of water seepage into surrounding properties from a natural or manmade open body of water there are a few factors that must be considered. These include, ground water characteristics, historical flood irrigation practices, natural ground water levels in the soil, the proposed operating water level of the new lake, lake level control (inflow, and outflow), and evaporation.

Ground water characteristics:

The level of ground water in any soil strata is a function of the soil column makeup. Gravels allow water to move fairly free while clays confine water movement. In general, water migrates through the ground and fills the void space between soil particles. The diagram below illustrates the typical ground water system in Utah.

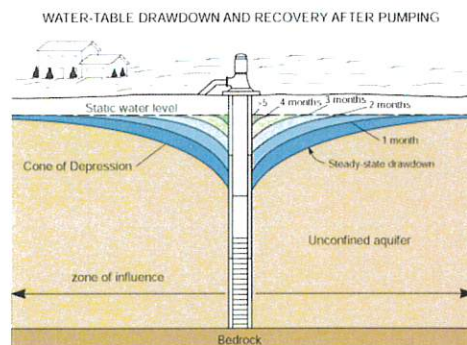
Ground water typically recharges in the mountains and flows downhill into various confining layers as shown. As shown the natural lakes in the lower valleys are a result of this natural downhill progression. Depending on the amount of rain/snow recharge each year the valley lakes will naturally go up or down in elevation.



As humans divert water into canals for irrigation, we can have a small local impact on ground water levels. That being said, the lower in the valleys we go, i.e. near the Great Salt Lake or Utah Lake, the less impact we have on the water level because of the sheer volume of water below us.

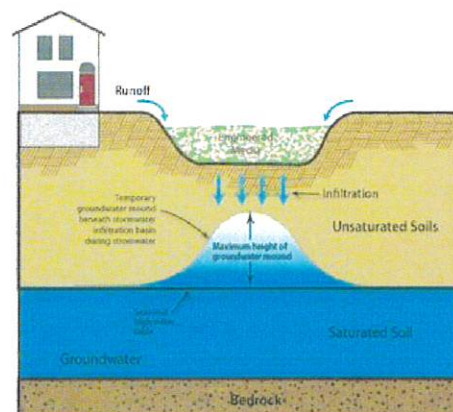
Ground water levels can be significantly reduced by large municipal, industrial, or agricultural wells. However, even these impact a relatively small area. This is called the Zone Of Influence. This is illustrated in the diagram to the right.

In this diagram you can see a very large well can have an impact on an area, but on a larger scale the area is relatively small and the water level maintains its natural state outside of this zone.

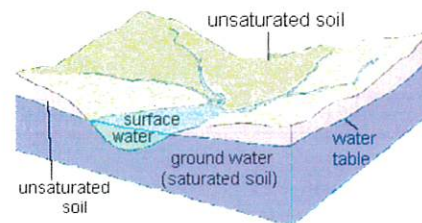


On the other side of the scale, we are able to artificially increase the water table by injecting water into the ground or by allowing water to seep into a recharge basin as shown to the right.

This is sometimes called Ground Water Mounding and it will also have a relatively small zone of influence, but it can locally raise the ground water level



As stated in the meeting and in the information below, the proposed lake is planned to be excavated below natural ground water and be operated at or very near the natural ground water level. Because of the characteristics of ground water, we know the impact of the lake on the neighboring properties and soil will be miniscule or zero. This is illustrated in the diagram to the right.



Historical flood irrigation practices & Natural Ground Water Level in the Soil:

The property proposed for the subdivision is approximately 48 acres. The Ski Lake and Phase 2 of the subdivision are approximately 34 acres. This property has been historically flood

irrigated from a supply ditch on the east side and the irrigation water flows from east to west. The property includes 48 Shares of Hooper Irrigation Water.

It was mentioned, that ground water is already too high and that the properties are difficult to dry out enough to farm. This is because the clay content in the soil and not the ground water levels. The fact that the soil properties in this area required flood irrigation is proof that ground water is not near enough to the surface to support crops without significant flood irrigation.

Test pits excavated at the site show that ground water levels are approximately 4 feet (+/-) below natural ground. This is reasonable given that the property must be irrigated to grow crops.

Hooper Irrigation is requiring approximately 13 to 15 shares of the water to be turned back to the company for pressurized irrigation water. This water will be applied by sprinkler to the lawns and gardens on the subdivision lots. This is a much more efficient method of irrigating and uses significantly less water. The irrigable land will also be reduced significantly by the homes, accessory buildings, driveways, concrete areas, streets, and sidewalks. These areas will not be irrigate at all.

The future irrigation of the property as a subdivision will apply significantly less water to the ground than the historical flood irrigation practices. This will tend to lower groundwater levels in the surrounding.

Ski Lake Operating Level and Level Control:

The Ski Lake is planned to have an operating level that will mirror natural groundwater elevations. In other words, the operating level of the lake is being designed to be at the natural ground water elevation, i.e. 4 foot +/- below natural ground. The Lake will be 100% excavated into the ground.

From a soils engineering perspective, the water in the lake will not raise the natural ground water elevation in the area. It is not physically possible as long as the lake is maintained at or near natural ground water elevation. In fact, as long as the lake is operated within about 12 inches above or below the natural ground water levels, the measurable impact to the ground water in the area would be difficult to even measure.

The water level in the lake will be controlled by a couple of methods. The influent flow will either be from the existing ditch on the east of the lake or from a pressured pipe from Hooper Irrigation. Either way the water will be on a schedule. When water is allowed into the lake, this water will be used to replace evaporation and to “freshen” the water in the lake. The lake will also have an adjustable outfall structure so that the lake and be raised or lowered if needed.

With the ability to control the influent flow and the effluent flow the lake will be maintained well within the 12 inches discussed above.

Evaporation:

Evaporation is other natural process that will work to lower the water level. Utah State University has been monitoring evaporation at their Farmington Field Station since 1948. The evaporation in this area is 39.15 inches per year on average. In the month of July alone, the Lake will evaporate approximately 9.25 inches. Depending on how fast water can enter the lake based on the final approval of Hooper Irrigation, the increased evaporation of an open water body will have a small lowering effect on the ground water in the area.

Conclusion:

Because of the characteristics of ground water, we know the impact of the lake on the neighboring properties will be minimal.

The future irrigation practices of the property as a subdivision will apply significantly less water to the ground than the historical flood irrigation practices. This will tend to lower the ground water levels.

The lake level will be able to be controlled within +/- 12 inches of the natural ground water, thereby not creating the mounding effect.

The increased evaporation (39.15 inches) will also tend to lower the ground water level.

With these facts in mind, we can state that the lake will not negatively impact the ability of the neighboring farmers or home owners to use their land as they have historically done. In addition, if or when the neighboring farms become subdivisions the lake development will not preclude them from subdividing their property and creating housing developments similar to those in the immediate area.

Irrigation Ditch Ownership and Maintenance:

The responsibility of the maintenance of the irrigation ditch to the east of the property will continue to be the owners of the water in the ditch. If the ditch is in need of repair the owners of the water will be responsible to join together and devise a plan to improve the ditch. The fact that the ditch may be feeding a lake will not have any negative impact on this situation. It may have a positive impact because the lake can be filled when it is convenient rather than at a specific time. Either way the users of the water have had and will continue to have the responsibility to maintain the supply ditch.

Protect adjacent Farming Operations:

There was a concern about protecting adjacent farming operations. We agree completely. We recommend that a note be placed on the plat that informs the buyers of this land that active farming operations will continue in the area and that the associated smells and noises should be expected. We will work with your legal and engineering staff to come up with the appropriate wording.

Distance from Lake to Properties:

There was a concern about distance from the lake or water level to the various lots. For the same reasons discuss above, the lake will not impact the ability to have homes, accessory buildings and normal landscaping of the properties.

Lake Shoreline Erosion:

There was a concern about protecting shoreline erosion. At this point in the approval process we have not made a final decision on the most desirable method to protect the shoreline, but we agree that this will be an important element that we will have to address. The lake will be designed with erosion control to protect the shoreline.

MEMO END

Burton,Steven

From: Royce Davies <rdavies@syracuseut.com>
Sent: Tuesday, June 4, 2019 3:50 PM
To: Burton,Steven
Subject: [EXTERNAL]RE: Still water
Attachments: Final and Recorded Development Agreement-Stillwater.pdf

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Hi Steve,

Thanks for reaching out. I hope I can be of some help. I wasn't with the City when that project was approved, but I am familiar with the history. It was approved in connection with what is now the Woodside Homes Stillwater development. It was in our R-1 Zone which allowed for 2.3 units per acre at the time. The developer wanted to put in some higher density housing (the current Woodside Homes product) and utilized the R-1 Cluster Conditional Use Permit which allowed for smaller lots with a 50% designated open space requirement. This was intended to keep the overall density at 2.3 units per acre by allowing the developed area to be 4.6 units per acre while requiring 50% open/common space. A large portion of the open/common space was in the ski lakes which were touted as an amenity for the entire development. The small lots were highly controversial, so creating the ski lakes as a unique amenity was attractive to the City Council.

At the time the project was approved, the West Davis Corridor alignment had not been decided, so there were many that felt the developer's argument that "high density" needed to be clustered next to the highway was invalid. This drove a stronger desire to ensure open spaces and amenities were available to all residents in the development. Terms were negotiated for access to the ski lakes, trail construction, and other open spaces to ensure that all residents had access. Unfortunately, these negotiations were more handshake deals than anything else. Zoning and entitlements were granted and the developer of the ski lakes changed their plat to state that the ski lakes were private and only to be accessed by residents living within the ski lake part of the development. The City Council was angry because they had granted such "high density" largely on the basis that all residents would have access to the lakes. The developer pointed out that "access" could be interpreted many different ways and that they would ensure all residents had "visual access" to the lakes. This was not what the City Council was told when they approved the plan.

The political backlash set the city back significantly in terms of the approach to housing density. The R-1 Cluster Code and other zones which allowed for similar development outside the standard large-lot single family home were gutted and modified to restrict development. It's only been in the last year or so that we've been able to recover these zones, but they aren't what they were. Fear of a developer performing a "bait and switch" is a common thing when the City Council considers developments outside the large-lot single family standard.

The Still Water Lakes have now been surrounded by development and the homeowner's association has approached the city to request that the road bisecting the lakes be privatized so they can install a gate and control access. Apparently there are quite a few people driving the road as new development surrounds the lakes. The residents and property owners have expressed a strong desire to keep the surrounding neighbors out of their development.

The lakes were also pitched to the City Council as being a high-end development filled with million-dollar homes. The reality is that there are 6 homes now built in the subdivision with the rest being only landscaped properties with docks, reducing what we hoped would be impact fees associated with house construction. The lots sold somewhere in the \$350,000 range, making home construction fairly cost-prohibitive for the Syracuse market. People would buy the lots

and landscape them, only visiting periodically to ski from out of town. Given the land required for the lakes and open space within the development, the number of vacant lots in this development makes the overall per-acre property values relatively low when compared to other housing developments in the city. However, there is a possibility that the road will be owned and maintained by an HOA which offsets some of the increased economic burden to the City.

The lakes are available to the City for events on a limited basis. We have firefighter trainings on the ice in the winter and there is usually a triathlon race that uses the legs for a portion of the track. There are "No Trespassing" signs that have been posted by the HOA and the residents are very sensitive to lake and road access. The lakes are fed by Davis County canal water and maintained with a chemical that kills marine flora and some fauna, I believe. There has been concern from down water users such as the Nature Conservancy that these chemicals would flush into the wetlands during a flood event and kill wetland vegetation. However the lakes are at the end of the line and the City Council has determined Gentile Street to be the current annexation boundary so we don't have to worry about flooding out other residents should the lakes drain for some reason.

The residents and property owners use the lake regularly. The lakes also provide a nice visual amenity for regional trail users which can walk along the ridge on the south side of the property. They attract a lot of attention which we tends to become complaints from the property owners and residents.

So, it's been a bit of a mixed bag. All the development in that area went in at roughly the same time, so we didn't have existing property owners concerned about the impacts on the area. The property was largely managed through a development agreement which I've attached to this email. The City Council wanted to maintain close control of the development so, rather than create conditions of approval, they created the development agreement as a separate item which allowed for negotiation with the developer and fine-tuned regulation beyond the requirements of the Code to keep the City Council happy. The City Council has since moved to requiring a development agreement prior to granting zoning so they can use legislative power to control what goes into the agreement.

I hope that answers your questions. Some of it likely isn't relevant, but I thought it would be helpful to understand the density issue if you speak with anyone else in Syracuse about the lakes. If I can help in any other way, please let me know.

Thanks,

Royce Davies
City Planner
Syracuse City
801-614-9632
rdavies@syracuseut.com

From: Burton,Steven <sburton@co.weber.ut.us>
Sent: Tuesday, June 4, 2019 11:44 AM
To: Royce Davies <rdavies@syracuseut.com>
Cc: Grover,Rick <rgrover@co.weber.ut.us>
Subject: Still water

Hello Royce,

My name is Steve Burton, I am a planner with Weber County and I am reaching out to you regarding the Still water Lake estates subdivision. The reason I am reaching out is because we have a similar development, with a water ski lake and homes around it, being proposed in Weber County. Our planning commission has tabled preliminary approval because they do not know how this subdivision will impact the surrounding area. I am reaching out to you in hopes of getting the conditions of approval for Still water when this development was approved. Any additional information you can provide regarding this development would also be helpful. I appreciate your time.

Best,

Steve Burton

Planner III

Weber County Planning Division

2380 Washington Blvd., Suite 240

Ogden, Utah, 84401

P: 801-399-8766

Email: sburton@co.weber.ut.us



WEBER COUNTY

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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
07/03/2014 12:51 PM
FEE \$128.00 Page 59
DEP. REC'D FOR BRIGHTON BENCHMARK DEVELOPMENT

AGREEMENT FOR DEVELOPMENT OF LAND BETWEEN SYRACUSE CITY, BRIGHTON BENCHMARK DEVELOPMENT, LLC, IRBEN DEVELOPMENT, LLC, AND SWLW 1 LLC

THIS AGREEMENT for the development of land (hereinafter referred to as this "Agreement") is made and entered into this 3 day of July, 2014, between SYRACUSE CITY, a municipal corporation of the State of Utah (hereinafter referred to as "City"); and Brighton Benchmark Development, LLC, a Utah limited liability company; and Irben Development, LLC; a Utah limited liability company; and SWLW 1 LLC, a Utah limited liability company; (hereinafter referred to as "Owner"), with City and Owner collectively referred to as the "Parties" and separately as "Party".

RETURNED
JUL 03 2014

RECITALS

WHEREAS, in furtherance of the objectives of the Syracuse City General Plan, City has approved an application for a zone change from Agricultural to R-1 with cluster, of certain property located at approximately 1500 West and Gentile Street in Syracuse City; and

WHEREAS, the subject property consists of approximately 86.55 acres and is depicted on Exhibit A attached hereto (hereinafter "Subject Area"); and

WHEREAS, Owner is the owner of the Subject Area and has presented a proposal for development of the Subject Area to City, which provides for development of a "Residential Cluster Subdivision as a conditional use" in a manner consistent with the overall objectives of Syracuse City's General Plan, and is depicted in more detail on Exhibit B attached hereto (hereinafter "Exhibit B"); and

WHEREAS, Parties desire to enter into this Agreement to provide for the development of the Subject Area, in a manner consistent with City's General Plan and the intent reflected in that General Plan.

NOW, THEREFORE, each of the Parties hereto, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree as follows:

**ARTICLE I
DEFINITIONS**

The following terms have the meaning and content set forth in this Article I, wherever used in this Agreement:

- 1.1 "City" shall mean Syracuse City, a body corporate and politic of the State of Utah. The principal office of City is located at 1979 W. 1900 S., Syracuse, Utah, 84075.
- 1.2 "Owner" shall mean Brighton Benchmark Development, LLC, and Irben Development, LLC, and SWLW 1 LLC. The principal office for Owner is 1768 N. 4850 W. Ogden, UT 84404.
- 1.3 "Owner's Undertakings" shall have the meaning set forth in Article IV.
- 1.4 "Subject Area" shall have the meaning set forth in the Recitals hereto.

- 1.5 “Exhibit A” shall mean depiction and legal description of Subject Area.
- 1.6 “Exhibit B” shall mean the overall site plan for proposed development.
- 1.7 “Exhibit C” shall mean Landscape Plan for the proposed development.
- 1.8 “Exhibit D” shall mean Development Plan and shall include the Architectural Design Standards for the proposed development.
- 1.9 “Exhibit E” shall mean Dam Safety Permit.
- 1.10 “Exhibit F” shall mean depiction of Water Line Improvements in Gentile Street.
- 1.11 “Exhibit G” shall be a table of bid amounts and responsibilities for payment

**ARTICLE II
CONDITIONS PRECEDENT**

- 2.1 This Agreement shall not take effect until City has approved this Agreement pursuant to a resolution of the Syracuse City Council.
- 2.2 Owner agrees to follow the design review requirements established by Syracuse City Ordinance unless altered herein. .

**ARTICLE III
CITY’S UNDERTAKINGS**

- 3.1 Subject to the satisfaction of the conditions set forth in Article IV, City shall grant final site plan approval of the Subject Area. This approval shall occur upon a finding by the City Council that Owner has complied with applicable city ordinances.

**ARTICLE IV
OWNER’S UNDERTAKINGS**

Conditioned upon City’s performance of its undertakings set forth in Article III with regard to site plan approval of the Subject Property and provided Owner has not terminated this Agreement pursuant to Section 7.8. Owner agrees to the following:

- 4.1 Owner agrees to restrict development of the Subject Area by agreeing that the primary use of the Subject Area will be as depicted on Exhibit B. If other uses are desired, that are not specifically enumerated in Exhibit B, which is attached hereto and incorporated herein by this reference, Owner agrees to obtain approval by the City Council to amend this Agreement before pursuing the development of those uses. Minor variations in the interpretations of the uses that may be allowed pursuant to the terms of this Agreement, may be made administratively by the Community Development Director.
- 4.2 Development on the Subject Area shall be limited to the construction of a “R-1 Cluster Subdivision” that is restricted to the uses, general layout and density demonstrated in Exhibit B. In accordance with the R-1 Cluster Zone the base density of the development allowed shall be 2.9 dwelling units per net acre.
- 4.3 In addition to the requirements of the R-1 Cluster zone, Owner and City agree that the development will consist of 195 single-family residential lots or less.

- 4.4 Master Declaration. Owner shall cause to be recorded against all phases of the development a Master Declaration of Covenants, Conditions, Restrictions, and Easements for the Still Water Lake Estates ("Master Declaration"). The Master Declaration shall provide for the creation of two Neighborhood sub-associations ("Sub-Associations"). Each Sub-Association shall be required to maintain, manage and operate its respective common areas, parks, trail landscaping and other features found within its specified neighborhood. The Master Declaration will have enforcement rights against each Sub-Association, including the right of assessment, for purposes of requiring that the maintenance obligations herein be fulfilled. Each Sub-Association will be a self-sufficient entity having authority restricted to its neighborhood area. During any period that Owner owns more than forty (40%) percent of the developable Lots within the Subject Area, Owner shall contribute such amounts to the Sub-Associations as may be necessary for the Sub-Associations to meet its respective maintenance obligations under this Agreement. From and after the date that Owner no longer owns forty (40%) percent of the developable Lots within the Subject Area, Owner shall only be required to pay to the Sub-Associations such amounts as are assessed by the Sub-Associations. In no event shall City be responsible or liable for the enforcement of the covenants created for the Sub-Associations.
- 4.5 Open Space. Owner agrees to provide a minimum of twenty five percent (25%) open space with site amenities, building location and landscape buffers and improvements substantially similar to those depicted on Exhibit C.
- 4.5.1 Parks shall be privately owned and maintained as specified in Section 4.4 Master Declaration. Parks shall be fully improved in accordance with Exhibit C. Parks shall have a public easement upon each for the use and enjoyment of the community, excluding parks marked as private parks within the ski lake portion of the development as depicted on Exhibit B.
- 4.5.2 Ski lakes shall be privately owned and maintained pursuant to the Master Declaration and the Sub-Association as specified in Section 4.4. Access and use of Ski Lakes shall be governed by the applicable Sub-Association, consistent with the Master Declaration.
- 4.5.3 Trails shall be provided by Owner and shall be ten (10) feet wide asphalt to be dedicated for public use to and maintained by the City. City shall indemnify Owner of any liability for public use of the trails once trail system is installed and in use. City's indemnification shall not apply to acts of negligence by owner, it's successors or assigns. Maintenance of the trail includes, but is not limited to all maintenance, repair, replacement, upkeep, snow/ice removal etc. as deemed necessary by City as with other public trails in City's trail system. Any damage to surrounding landscape or watering systems caused by the maintenance of said trail shall be repaired by City. The landscape surrounding the trail shall be maintained by the applicable Sub-Association in which the trail is located as specified in the Master Declaration.
- 4.5.4 Common Areas shall be provided and maintained by the applicable Sub-Association in which common area is located as specified in the Master Declaration.
- 4.6 Owner agrees to install fencing as specified in the landscape plan, Exhibit C, along the north and east boundaries of the Subject Area in accordance with Buffer Table A of the Syracuse City Zoning Ordinance, Section 10.30.080.

- 4.7 As part of the phase review process, Owner shall submit landscape plans to City in accordance with the approved landscape plan as attached Exhibit C, including the common areas, parks, trails, and park strips.
- 4.8 The architectural plans, building elevations, and building materials shall include exterior construction materials such as brick, rock, stucco, and hardy board similar to those depicted in the rendering on Exhibit D. Vinyl siding will not be allowed. Colors used shall be those as approved as part of the approved development plan, Exhibit D, and in accordance to Section 10.30.020 of the Syracuse City Municipal Code.
- 4.9 Double Frontage Lots. Residential lots located along Gentile Street, shall be buffered from the street by a minimum landscaped area of 5'-0" between the trail and the rear property line. Said area shall be landscaped in accordance with the Master Landscape Plan, Exhibit "C". Fencing along the open space shall be provided and maintained by the HOA and shall be of materials and construction type as approved in the Landscape Plan, Exhibit C. Neighborhood HOA Declarations shall prohibit specific uses in the rear yards of Double Frontage Lots to maintain a standard of aesthetics, such prohibited uses shall be at a minimum restriction of accessory structures greater than one hundred and fifty (150) square feet, placement, materials, architectural style and colors used which are identical to the main dwelling.
- 4.10 Construction Access shall be provided via an easement from UDOT from Bluff Road to the Northern Boundary of the Cottage Neighborhood.
- 4.11 Lot Setbacks. The required setbacks shall be as follows:
- | | |
|---------------------------|---------|
| Front Porch/Living Spaces | 20 Feet |
| Side | 8 Feet |
| Side Street | 20 Feet |
| Rear | 15 Feet |
- 4.12 Phasing: It is anticipated that final plat approval will happen in phases. The anticipated phasing plan has been included in Exhibit B. Owner shall have the flexibility to adjust phase sizes and the order in which phases are developed as long as the phases are approved by the City Engineer and Planning Commission, which approval shall not be unreasonably withheld. Phasing and construction access for each phase shall be approved by the City Engineer and occur in a manner in which infrastructure in completed phases is not damaged or unduly impacted by heavy construction equipment and traffic.
- 4.13 Water Lines Installation. Owner will install culinary and secondary water lines from Bluff Road, down Gentile Street, to the east property line of the Property, as depicted in Exhibit F, rather than extending water lines from Bluff Road through an easement provided by the property north of the development as depicted in Exhibit B. City will reimburse Owner for the additional costs associated with installing the water lines in Gentile Street, including but not limited to, additional length of piping, increased size of piping and valves, changes in piping material, compaction adequate for curb and gutter, additional traffic control, and asphalt repairs, that otherwise would not have been required had the lines been installed north of the development. City's reimbursement to Owner will be reduced by the bid amount of piping the existing ditch on the east side of 2000 West directly adjacent to the subdivision thus having Owner pay for that portion of the water lines on Gentile street equivalent to the bid value of piping the existing ditch described above. Said ditch will be piped under direction of the City within 1 year of this agreement. (See exhibit G)

City will have the opportunity to review pricing for the waterline installation and re-bid if City believes the costs are excessive. City will reimburse Owner for the installation of the water lines within thirty (30) days of completion of the installation. In the event City re-bids their portion of the waterline, Owner will still be required to install their portion of the main as depicted in Exhibit F.

On 2000 West, Owner shall be required to Connect Culinary and Secondary water lines from the anticipated Ski Lake road to the existing mains on 2000 West, but shall not be required to increase the size of the existing main lines in 2000 West.

2000 West Existing Ditch. City shall pipe the existing ditch on 2000 West directly adjacent to subdivision in exchange for running the secondary main down Gentile Street to Bluff Road.

- 4.14 Looping of Culinary Water Lines. Looping of culinary water lines from Gentile Street to 2000 West shall be required within 2 years of the first certificate of occupancy granted in the project. If Owner is unable to complete the looping of the water lines in the required time frame, Owner may install a water line loop through the UDOT parcel easement to the north of the property and tie in to Bluff Road. Installing the loop through the UDOT parcel does not remove the responsibility to provide a loop to 2000 West. If Owner does not complete the looping of the water lines within required timeframe, City may suspend the issuance of additional building permits until the looping is completed.
- 4.15 Curb Design: For interior Ski Lake Neighborhood Roads only as shown at Exhibit B, City agrees to allow Owner to utilize a mountable curb (reference UDOT Type D curb). Owner shall designate a temporary access for each lot.
- 4.16 Geotechnical. The surcharge of the roads in the Ski Lake phases shall be reviewed and approved by a Geotechnical Engineer and approved by City Engineer prior to any construction of the roads. Ski lake lots shall be inspected by a licensed geotechnical engineer, to insure that the compaction on these lots, to be determined at the time that the footings are excavated is adequate to support the residential structure proposed.
- 4.17 Dam Safety. Owner shall be required to obtain a Dam Safety permit from the State of Utah prior to construction of the ski lakes. Owner and the applicable Sub-Association shall further indemnify City from any damage caused as a result of dam failure, including to city infrastructure in the event of dam failure. Maintenance of the lakes and dam shall be provided pursuant to the Master Declaration and in accordance with the Dam Safety permit. Exhibit E.
- 4.18 Mosquito Abatement: The Master Declaration and the applicable Sub-Association shall address mosquito abatement. This section of the Sub-Association CCR's shall be approved by the Davis County Mosquito Abatement District.
- 4.19 Open Space Maintenance and Secondary Water. Owner shall be required to purchase connections to the secondary water system and pay the requisite impact fee. Secondary water service shall be billed to the applicable Sub-Association.
- 4.20 Private street option: On the ski lake portion of the Subject Area, Owner shall have the option to convert to a private street designation in the future with approval from City Engineer and Planning Commission, which approval shall not be unreasonably withheld. Notwithstanding the above option, Owner will meet all City Standards for streets and infrastructure as approved.

- 4.21 Boat Docks: A boat dock will be allowed for each ski lake lot and may be built prior to home construction. Any boat docks shall be built according to the standards established in the Master Declaration and applicable Sub-Association. Any boat dock shall be constructed within the common area of the lake subdivision.
- 4.22 Phase 4 improvements: Owner shall not be required to complete the improvements listed below for final inspection of phase 4a and phase 4b. Completion of these improvements will be required prior to Final City Plat approval of phase 2.
- Improvements on the North side of the North Lake between the North West corner of Lot 404 and 2000 West. (Landscape and Fence)
- Improvements on the South side of the South Lake between the South West corner of Lot 405 and 2000 West to include curb/gutter, trail, asphalt & landscape
- 4.23 Canal Crossing: Prior to recordation of the final plat for phase 9, the owner shall cause to be created an escrow or other surety document in the amount of fifty (50 %) percent of the estimated construction costs to cross the Davis County Canal at the west end of Phase 9. Said estimate shall be complete and include all street improvements including culinary and secondary water, sanitary and storm sewer, street lights, curb, gutter, sidewalk and asphalt, culvert, etc. meeting the City design standards in affect at the time of recordation of phase 9.

Said escrow or surety shall be held for a period of five (5) years from the date of Phase 9 recordation, payable to Syracuse City or designee. If right of way improvements are not commenced within the five (5) year period, the escrow or surety shall be released to the developer or future assignee, as specified in the escrow agreement. In the event the City determines that the right of way improvements are no longer necessary or otherwise deemed appropriate, the City may release the developer from the commitment to enter into the escrow agreement or may terminate the escrow agreement prior to the expiration of the five (5) year period.

ARTICLE V GENERAL REQUIREMENTS AND RIGHTS OF CITY

- 5.1 Issuance of Permits - Owner. Owner, or its assignee, shall have the sole responsibility for obtaining all necessary building permits in connection with Owner's Undertakings and shall make application for such permits directly to the Syracuse City Community and Economic Development Department and other appropriate departments and agencies having authority to issue such permits in connection with the performance of Owner's Undertakings. City shall not unreasonably withhold or delay the issuance of its permits.
- 5.2 Commencement Date. Owner shall commence construction within 18 months of the Final Plat approval of the first phase of development, and in good faith, diligently pursue completion of the development.
- 5.3 Access to the Subject Area. For the purpose of assuring compliance with this Agreement, so long as they comply with all safety rules of Owner and its contractor, representatives of City shall have the right of access to the Subject Area without charges or fees during the period of performance of Owner's Undertakings. City shall indemnify, defend and hold Owner harmless from and against all liability, loss, damage, costs or expenses (including attorneys' fees and court costs) arising from or as a result of the death of a person or any accident, injury, loss or damage caused to any person, property or

improvements on the Subject Area arising from the negligence or omissions of City, or its agents or employees, in connection with City's exercise of its rights granted herein.

ARTICLE VI REMEDIES

- 6.1 Remedies for Breach. In the event of any default or breach of this Agreement or any of its terms or conditions, the defaulting Party or any permitted successor to such Party shall, upon written notice from the other, proceed immediately to cure or remedy such default or breach, and in any event cure or remedy the breach within thirty (30) days after receipt of such notice. In the event that such default or breach cannot reasonably be cured within said thirty (30) day period, the Party receiving such notice shall, within such thirty (30) day period, take reasonable steps to commence the cure or remedy of such default or breach, and shall continue diligently thereafter to cure or remedy such default or breach in a timely manner. In case such action is not taken or diligently pursued, the aggrieved Party may institute such proceedings as may be necessary or desirable in its opinion to:
- 6.1.1 Cure or remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the Party in default or breach of its obligations.
- 6.2 Enforced Delay Beyond Parties' Control. For the purpose of any other provisions of this Agreement, neither City nor Owner, as the case may be, nor any successor in interest, shall be considered in breach or default of its obligations with respect to its construction obligations pursuant to this Agreement, in the event the delay in the performance of such obligations is due to unforeseeable causes beyond its fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of the government, acts of the other Party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes or unusually severe weather, or delays of contractors or subcontractors due to such causes or defaults of contractors or subcontractors. Unforeseeable causes shall not include the financial inability of the Parties to perform under the terms of this Agreement.
- 6.3 Extensions. Either Party may extend, in writing, the time for the other Party's performance of any term, covenant or condition of this Agreement or permit the curing of any default or breach upon such terms and conditions as may be mutually agreeable to the Parties; provided, however, that any such extension or permissive curing of any particular default shall not eliminate any other obligations and shall not constitute a waiver with respect to any other term, covenant or condition of this Agreement nor any other default or breach of this Agreement.
- 6.4 Rights of Owner. In the event of a default by Owner's assignee, Owner may elect, in its discretion, to cure the default of such assignee; provided, Owner's cure period shall be extended by thirty (30) days.
- 6.5 Appeals. If Owner desires to appeal a determination made hereunder by Staff, said appeal shall be to the Planning Commission, whose decision shall be final. If the appeal is regarding the interpretation of this Agreement the appeal shall be to the City Council with a recommendation from the Planning Commission and Staff.

**ARTICLE VII
GENERAL PROVISIONS**

- 7.1 Successors and Assigns of Owner. This Agreement shall be binding upon Owner and its successors and assigns, and where the term "Owner" is used in this Agreement it shall mean and include the successors and assigns of Owner. Owner shall not have the right to assign this Agreement, in whole or in part, unless City has consented in writing to the Assignment, which consent shall not be unreasonably withheld. Upon approval of any assignment by City, or in the event Owner assigns all or part of this Agreement to an assignee, Owner shall be relieved from further obligation under that portion of the Agreement for which the assignment was made and approved by City.
- 7.2 Notices. All notices, demands and requests required or permitted to be given under this Agreement (collectively the "Notices") must be in writing and must be delivered personally or by nationally recognized overnight courier or sent by United States certified mail, return receipt requested, postage prepaid and addressed to the Parties at their respective addresses set forth below, and the same shall be effective upon receipt if delivered personally or on the next business day if sent by overnight courier, or three (3) business days after deposit in the mail if mailed. The initial addresses of the Parties shall be:

To Owner:	Irben Development, LLC Attn: Mike Thayne 1768 N. 4850 W. Plain City, UT 84404
With a Copy to:	Benchmark Development, LLC Attn: Neil Wall 1188 Sportsplex Dr. Ste 203 Kaysville UT 84037
With a Copy to:	Brighton Homes Utah LLC Attn: Nate Pugsley, President 215 N. Redwood Road North Salt Lake, UT 84054
With a Copy to:	SWLW 1 LLC Attn: Mark Thayne 1188 Sportsplex Dr. Ste 203 Kaysville UT 84037
To City:	SYRACUSE CITY CORPORATION 1979 W 1900 S Syracuse, Utah 84075 Attn: Brody Bovero, City Manager 801/825-1477

Upon at least ten (10) days' prior written notice to the other Party, either Party shall have the right to change its address to any other address within the United States of America.

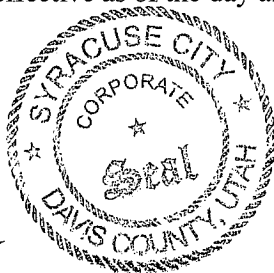
If any Notice is transmitted by facsimile or similar means, the same shall be deemed served or delivered upon confirmation of transmission thereof, provided a copy of such Notice is deposited in regular mail on the same day of such transmission.

- 7.3 Third Party Beneficiaries. Any claims of third party benefits under this Agreement are expressly denied, except with respect to permitted assignees and successors of Owner.
- 7.4 Governing Law. It is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Utah, both as to interpretation and performance. Any action at law, suit in equity, or other judicial proceeding for the enforcement of this Agreement or any provision thereof shall be instituted only in the courts of the State of Utah.
- 7.5 Integration Clause. This document constitutes the entire agreement between the Parties and may not be amended except in writing, signed by the Parties.
- 7.6 Exhibits Incorporated. Each Exhibit attached to and referred to in this Agreement is hereby incorporated by reference as though set forth in full where referred to herein.
- 7.7 Attorneys' Fees. In the event of any action or suit by a Party against the other Party for reason of any breach of any of the covenants, conditions, agreements or provisions on the part of the other Party arising out of this Agreement, the prevailing Party in such action or suit shall be entitled to have and recover from the other Party all costs and expenses incurred therein, including reasonable attorneys' fees.
- 7.8 Termination. Except as otherwise expressly provided herein, the obligation of the Parties shall terminate upon the satisfaction of the following conditions:
 - 7.8.1 With regard to Owner's Undertakings, performance by Owner of Owner's Undertakings as set forth herein.
 - 7.8.2 With regard to City's Undertakings, performance by City of City's Undertakings as set forth herein.

Upon either Party's request (or the request of Owner's assignee), the other Party agrees to enter into a written acknowledgment of the termination of this Agreement, or part thereof, so long as such termination (or partial termination) has occurred.

- 7.9 Recordation. This Agreement shall not be recorded without the prior written consent of both Parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.



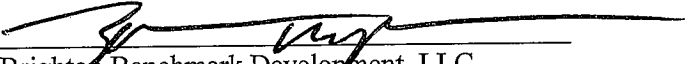
SYRACUSE CITY CORPORATION

By: T. Palmer
TERRY PALMER, Mayor

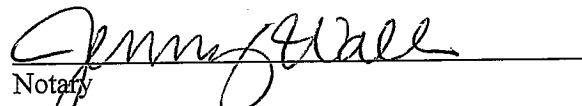
ATTEST:

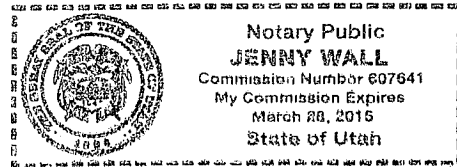
By: CBrown
CASSIE BROWN, City Recorder

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.

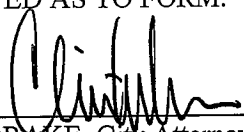

Brighton Benchmark Development, LLC

Subscribed and sworn to me this 25 day of June, 2014.


Notary



APPROVED AS TO FORM:


CLINT DRAKE, City Attorney

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.

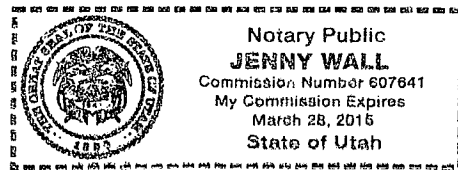
Michael J. Hayes
Irben Development, LLC

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.

Michael J. Hayes
SWLW 1 LLC

Subscribed and sworn to me this 24 day of June, 2014.

Jenny Wall
Notary



APPROVED AS TO FORM:

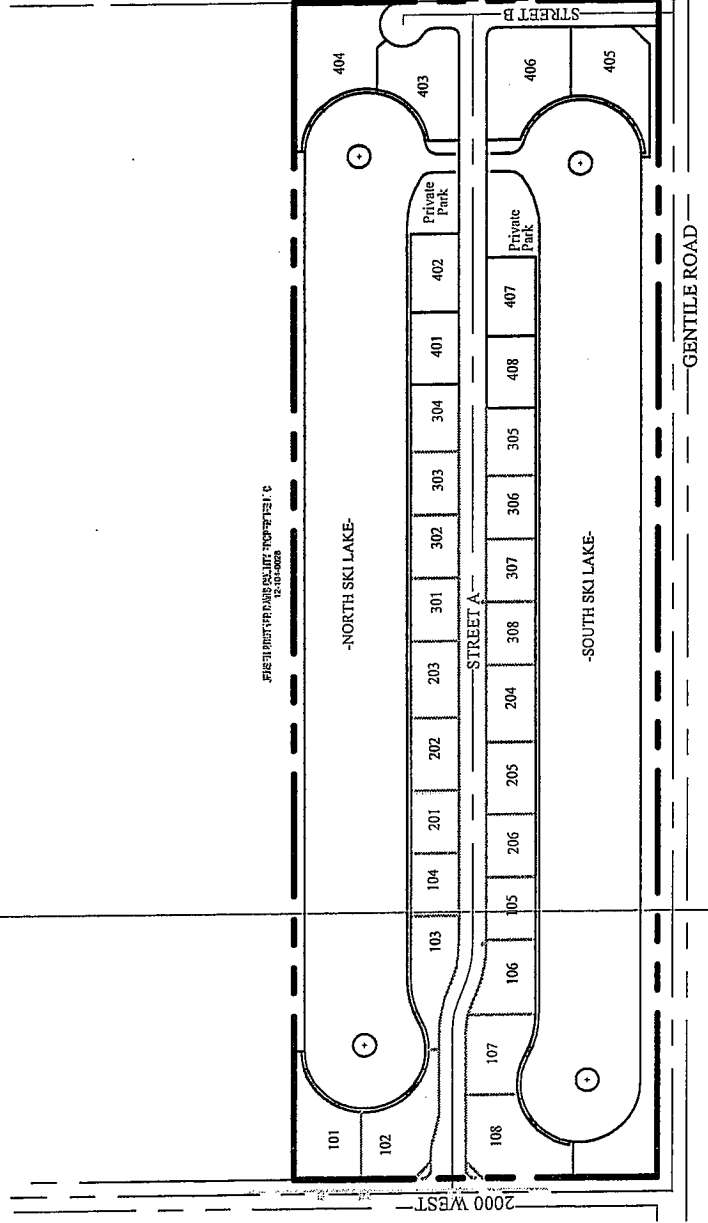
Clint Drake
CLINT DRAKE, City Attorney

BOUNDARY DESCRIPTION A

PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, BEGINNING AT A POINT WHICH IS NORTH 00°11'53" EAST 33.00 FEET ALONG THE QUARTER SECTION LINE FROM THE SOUTH QUARTER CORNER OF SAID SECTION 22; AND RUNNING THENCE NORTH 89°59'02" WEST PARALLEL WITH SECTION LINE 2620.72 FEET TO A POINT WHICH IS 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION; THENCE NORTH 00°11'27" EAST (NORTH 00°11'36" EAST BY RECORD) 792.00 FEET PARALLEL TO THE WEST LINE OF SAID SECTION; THENCE SOUTH 89°59'02" EAST PARALLEL WITH SECTION LINE 2620.83 FEET TO QUARTER SECTION LINE; THENCE SOUTH 00°11'53" WEST ALONG QUARTER SECTION LINE 792.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 2,075,644 SQ.FT. (47.65 ACRES)

12-704-0049 +
0050



BOUNDARY DESCRIPTION B

PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, BEGINNING AT A POINT WHICH IS SOUTH 89°59'22" EAST 100.00 FEET ALONG SECTION LINE AND NORTH 00°11'53" EAST 33.00 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 22, AND RUNNING THENCE NORTH 00°11'53" EAST PARALLEL WITH QUARTER SECTION LINE 1403.41 FEET ALONG THE EAST LINE OF THE DAVIS COUNTY PROPERTY RECORDED AS BOOK 1212, PAGE 717 OF THE DAVIS COUNTY RECORDS OFFICE TO THE SOUTH LINE OF THE UTAH DEPARTMENT OF TRANSPORTATION PARCEL; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF SAID PARCEL (2) COURSES AS FOLLOWS: (1) SOUTHEASTERLY 488.92 FEET ALONG THE ARC OF A 11,125.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 02°31'05" (CHORD BEARS SOUTH 69°18'52" EAST 488.88 FEET) TO A POINT OF TANGENCY, AND (2) SOUTH 70°34'24" EAST 1104.66 FEET TO THE WEST LINE OF THE JENSEN BROTHERS DAVIS COUNTY PROPERTIES LLC PARCEL AS PER ENTRY 2184690, BOOK 4077, PAGE 102; THENCE SOUTH 00°11'53" WEST 863.58 FEET ALONG SAID WEST LINE PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22 TO THE NORTH RIGHT OF WAY LINE OF GENTILE STREET (3700 SOUTH STREET); THENCE NORTH 89°59'22" WEST ALONG THE NORTH LINE OF SAID STREET 1501.00 FEET TO THE SOUTHEAST CORNER OF SAID DAVIS COUNTY PROPERTY AND THE POINT OF BEGINNING.

CONTAINING 1,694,564 SQ. FT. (38.90 ACRES)

12-106-0050

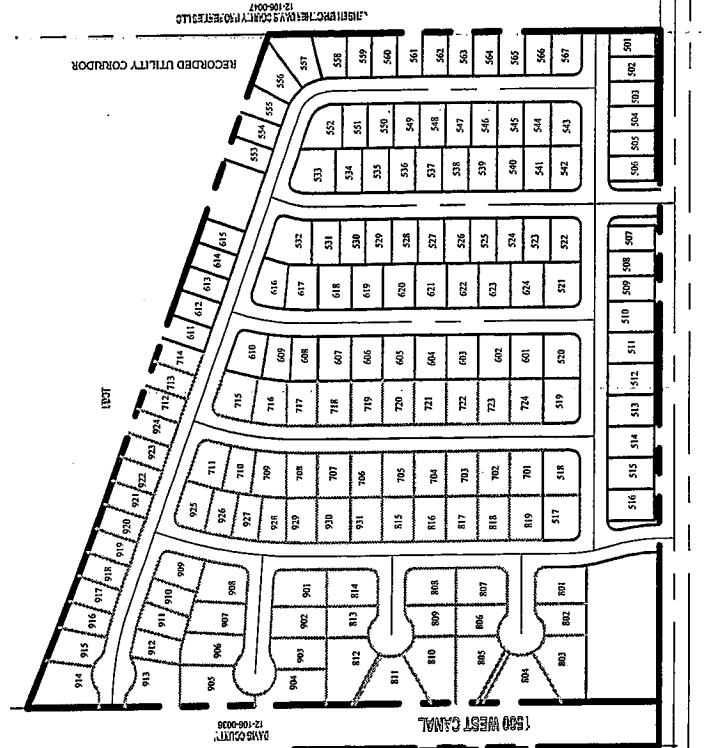


EXHIBIT B
Overall Site Plan

Exhibit B

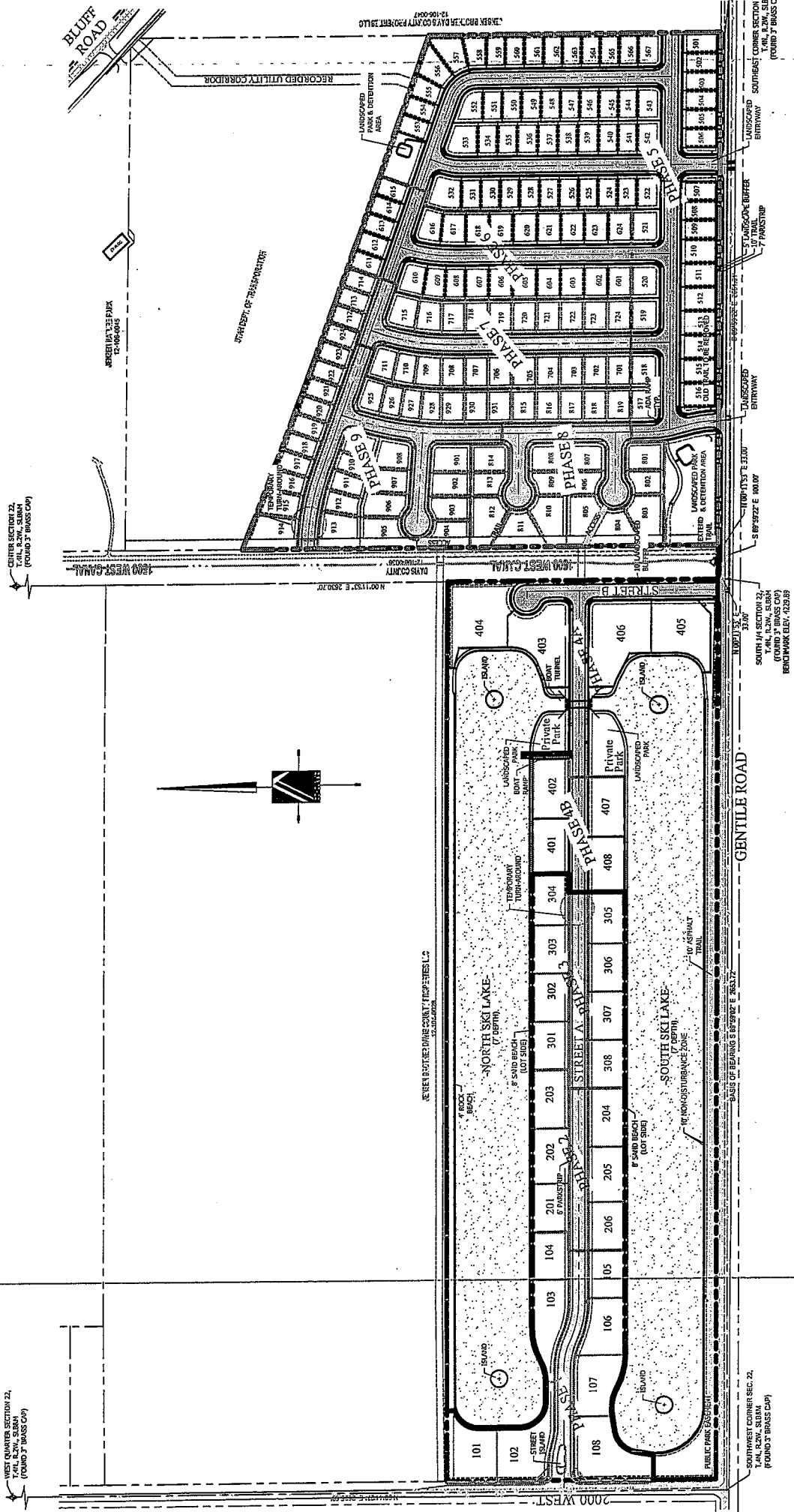
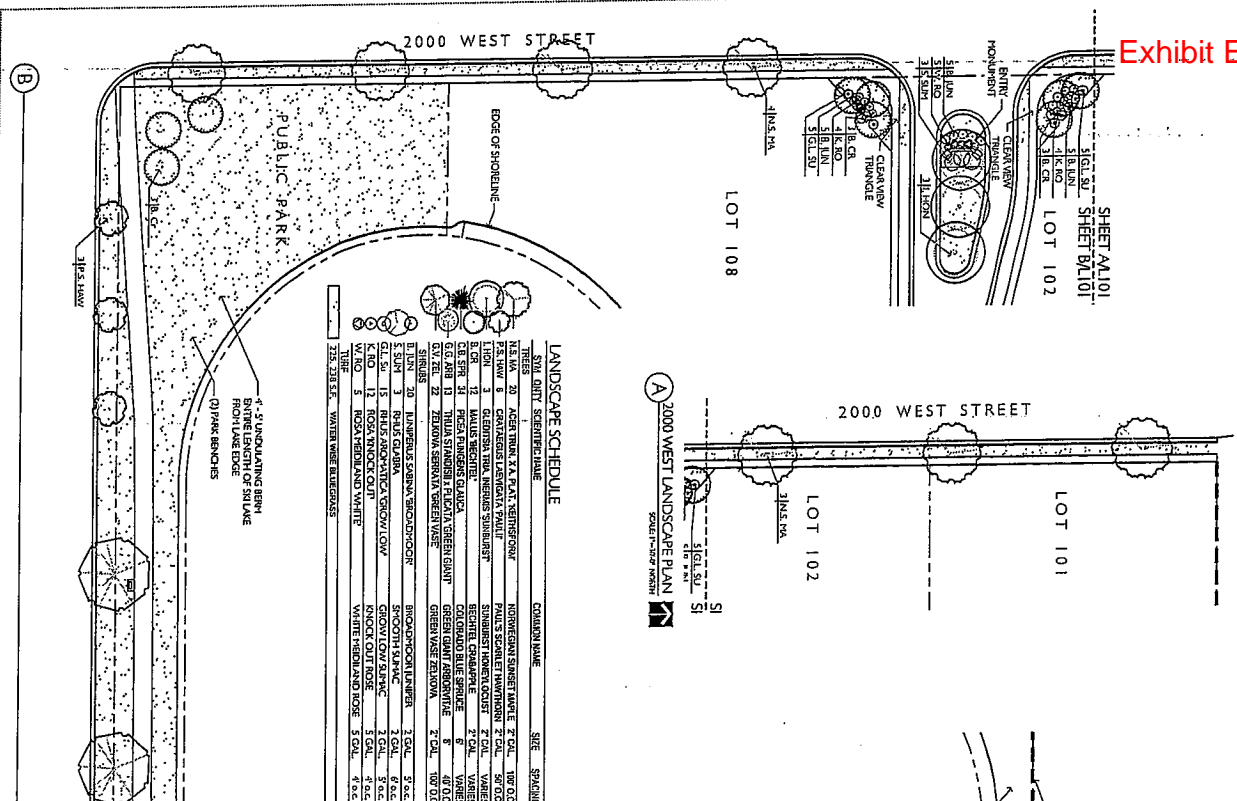


Exhibit E

EXHIBIT C

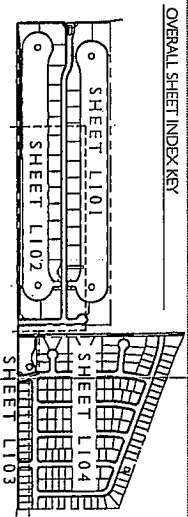
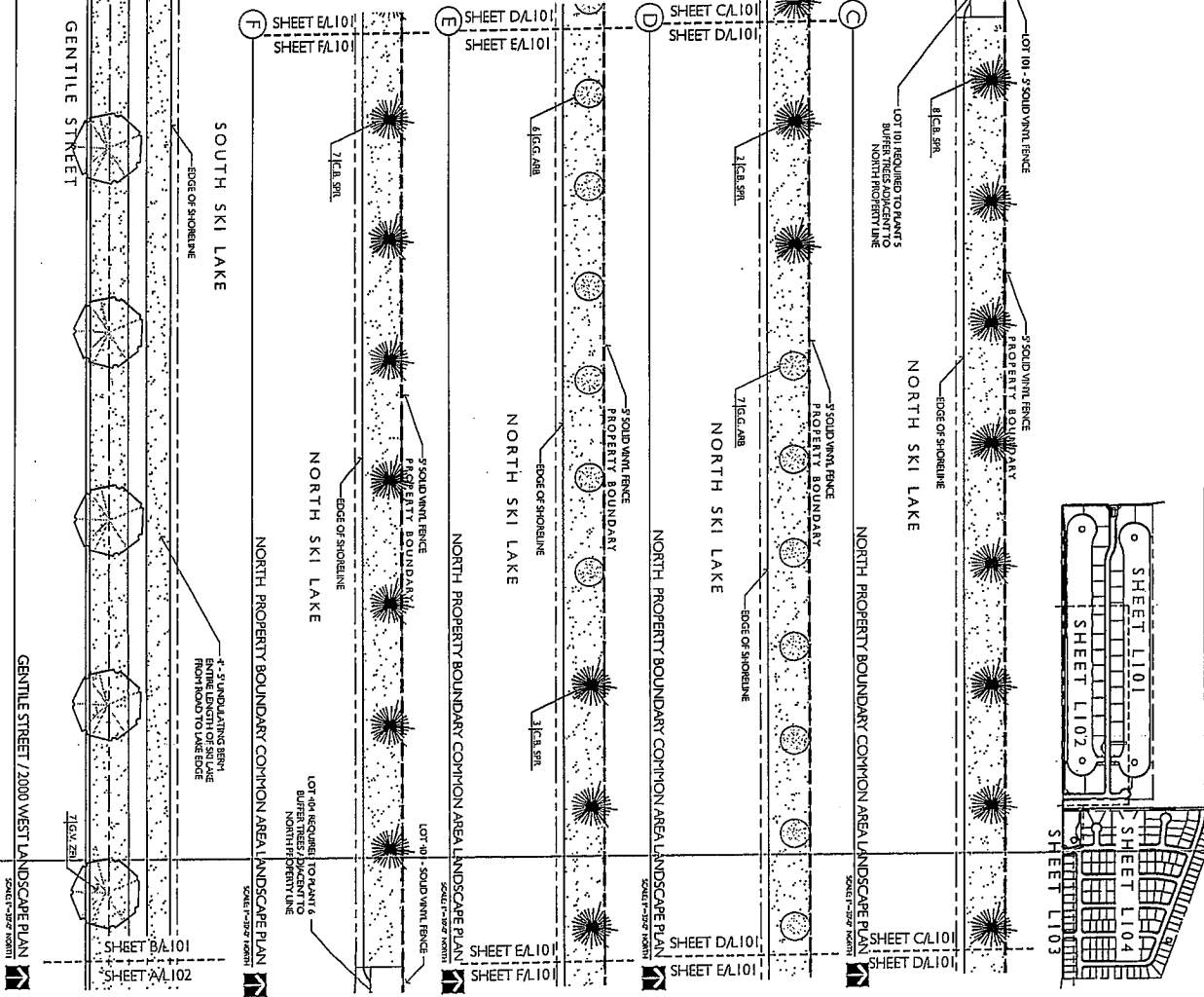
Landscape Plan (Attached on separate page)



LANDSCAPE SCHEDULE

PLANT	QUANTITY	SIZE	SPACING
1. ASPEN TREES	24	2.0 GAL	100' O.C.
2. CEDAR TREES	24	2.0 GAL	100' O.C.
3. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
4. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
5. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
6. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
7. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
8. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
9. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
10. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
11. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
12. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
13. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
14. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
15. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
16. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
17. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
18. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
19. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
20. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
21. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
22. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
23. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
24. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
25. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
26. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
27. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
28. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
29. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
30. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
31. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
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38. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
39. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
40. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
41. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
42. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
43. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
44. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
45. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
46. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
47. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
48. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
49. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.
50. QUERCUS LAEVOGATA TREES	24	2.0 GAL	50' O.C.

Exhibit C



STILL WATER LAKE ESTATES
2000 WEST / GENTILE ROAD
SYRACUSE, UTAH

NICO DEVELOPMENT

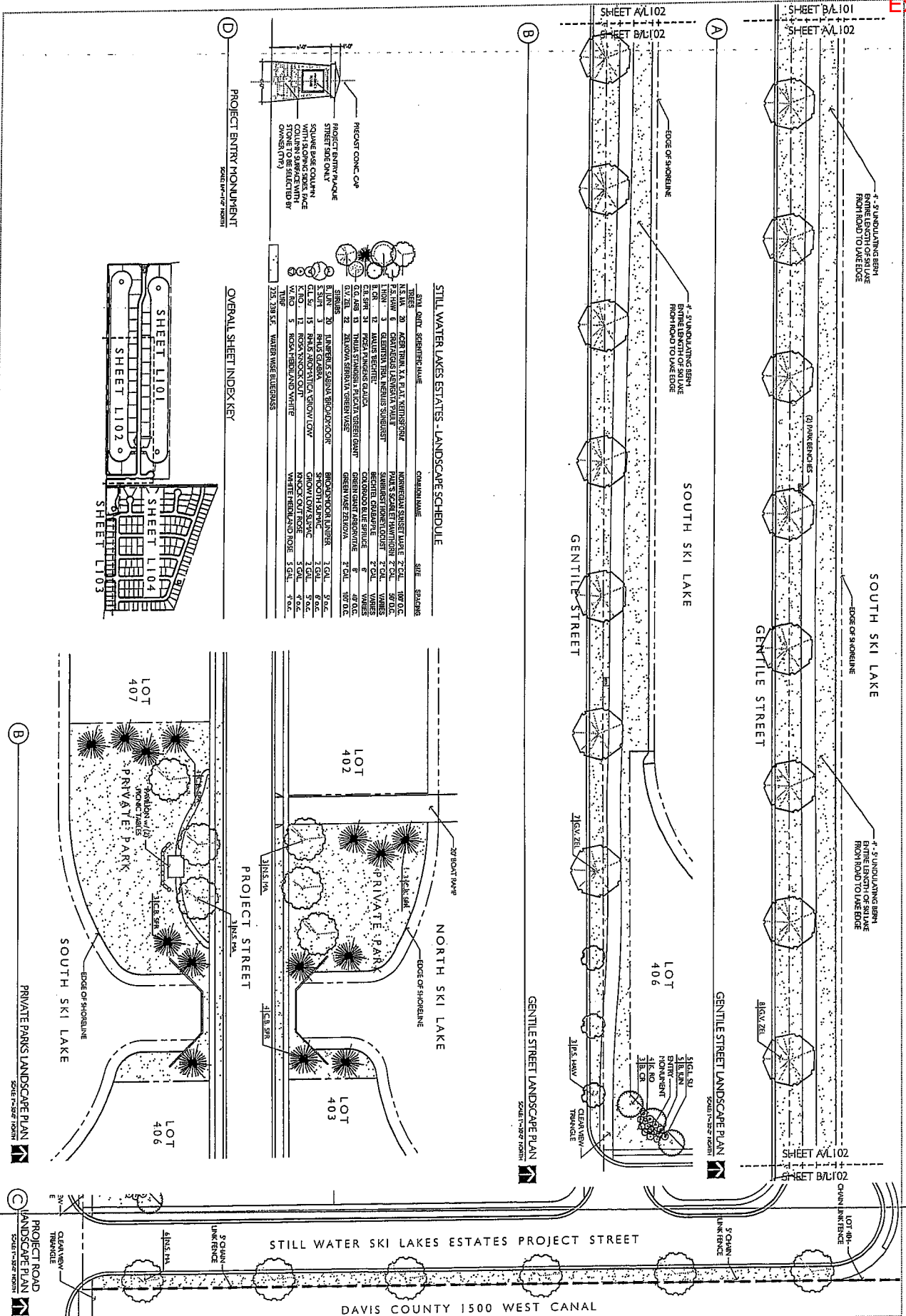
CSB DESIGN

LANDSCAPE ARCHITECTURE
LAND PLANNING

1173 SOUTH 1100 EAST
SUITE 100
SALT LAKE CITY, UTAH 84115
801-555-4114
STDESIGN@CSB.COM

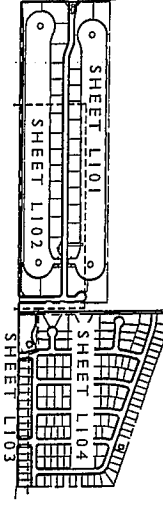
DATE: _____
SCALE: _____

DATE: _____
SCALE: _____



STILL WATER LAKES ESTATES - LANDSCAPE SCHEDULE

THRES	PLANT	SCHEMATIC	COMMON NAME	SIZE	QUANTITY
N. 1/2" W. 20	ACER TRIN. X.A. PLAT. KENTUCKY		NORFOLK ISLET LAKE	2' CIL.	100 O.C.
P. 1/2" W. 8	CORNUS ALBA		PAUL'S QUART HAWTHORN	2' CIL.	50 O.C.
L. 1/2" W. 3	QUERCUS LAEVIFLORA		SWANSON'S HAWTHORN	2' CIL.	VARIES
C. 1/2" W. 31	FRAXINUS VIRGINICA		CONSPICUOUS SPICE	2' CIL.	VARIES
C. 1/2" W. 12	TRILLIS SPANISH		GREEN GEM FERN	2' CIL.	40 O.C.
G. 1/2" W. 22	ZELKOVIA SPANISH		GREEN WAVE ZELKOVIA	2' CIL.	100 O.C.
S. 1/2" W. 30	LUNARIA		BROOKWOOD LUNARIA	1' CIL.	80 O.C.
S. 1/2" W. 3	IRIS		SIROTTI'S IRIS	1' CIL.	80 O.C.
C. 1/2" W. 15	IRIS		IRIS	2' CIL.	50 O.C.
C. 1/2" W. 12	ROSE		ROSE	3' CIL.	40 O.C.
V. 1/2" W. 5	ROSE		ROSE	5' CIL.	40 O.C.
W. 1/2" W. 5	ROSE		ROSE	5' CIL.	40 O.C.
W. 1/2" W. 5	ROSE		ROSE	5' CIL.	40 O.C.



STILL WATER LAKE ESTATES
 2000 WEST / GENTILE ROAD
 SYRACUSE, UTAH

NUCO DEVELOPMENT

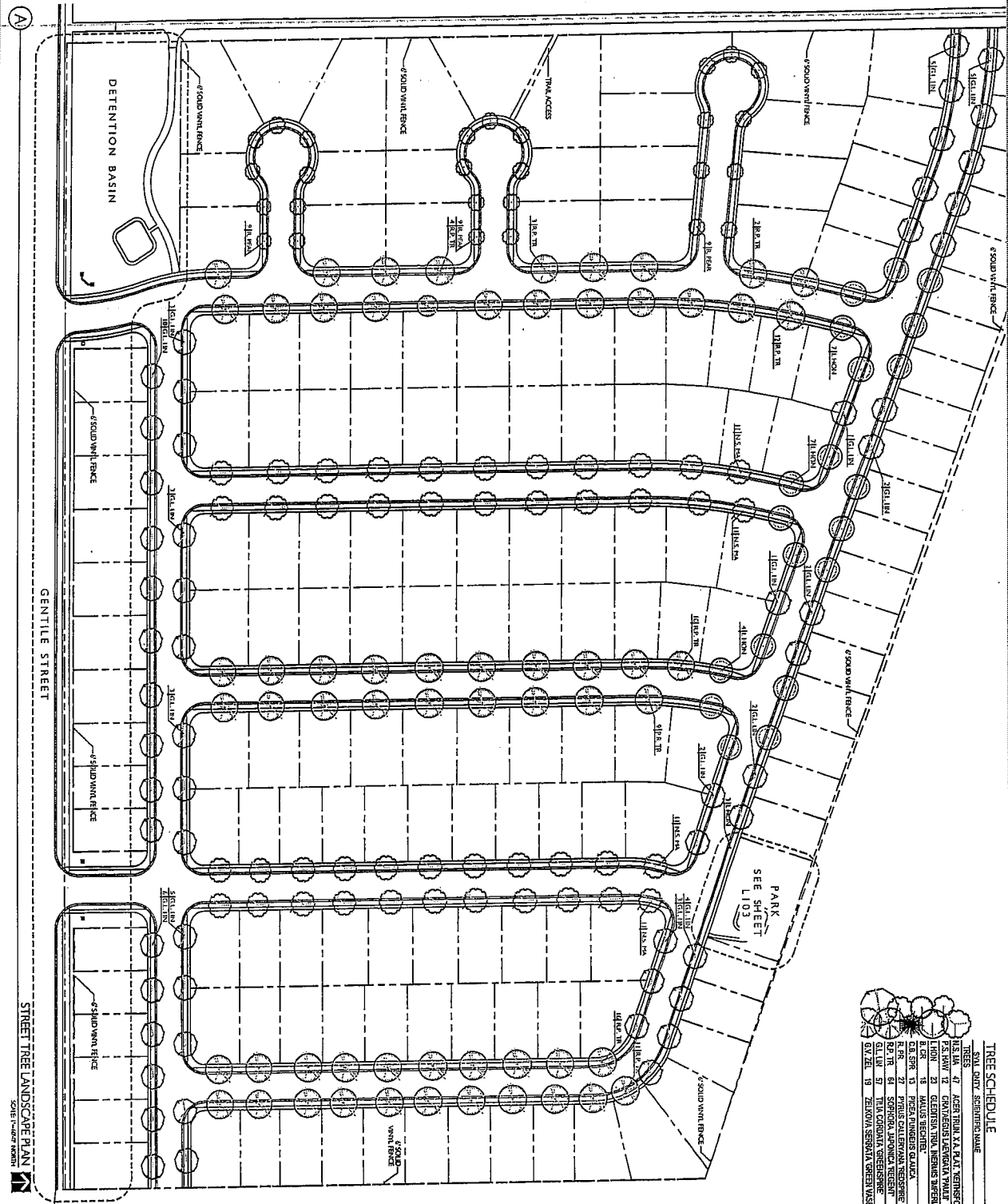
LANDSCAPE PLAN

L102

CDP DESIGN
 LANDSCAPE ARCHITECTURE & LAND PLANNING

117 SOUTH 1100 EAST
 SUITE 100
 SALT LAKE CITY, UTAH 84115
 801.531.1100
 801.531.1101

DATE: 11/10/07
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]



GENTILE STREET
 STREET TREE LANDSCAPE PLAN
 SCALE: 1"=20' (AS SHOWN)

TREE SCHEDULE

NO.	SYMBOL	COMMON NAME	SIZE	SPACING
1	(Symbol)	ALBANY	2" CAL.	VARIABLE
2	(Symbol)	ALBANY	2" CAL.	VARIABLE
3	(Symbol)	ALBANY	2" CAL.	VARIABLE
4	(Symbol)	ALBANY	2" CAL.	VARIABLE
5	(Symbol)	ALBANY	2" CAL.	VARIABLE
6	(Symbol)	ALBANY	2" CAL.	VARIABLE
7	(Symbol)	ALBANY	2" CAL.	VARIABLE
8	(Symbol)	ALBANY	2" CAL.	VARIABLE
9	(Symbol)	ALBANY	2" CAL.	VARIABLE
10	(Symbol)	ALBANY	2" CAL.	VARIABLE
11	(Symbol)	ALBANY	2" CAL.	VARIABLE
12	(Symbol)	ALBANY	2" CAL.	VARIABLE
13	(Symbol)	ALBANY	2" CAL.	VARIABLE
14	(Symbol)	ALBANY	2" CAL.	VARIABLE
15	(Symbol)	ALBANY	2" CAL.	VARIABLE
16	(Symbol)	ALBANY	2" CAL.	VARIABLE
17	(Symbol)	ALBANY	2" CAL.	VARIABLE
18	(Symbol)	ALBANY	2" CAL.	VARIABLE
19	(Symbol)	ALBANY	2" CAL.	VARIABLE

L104
 LANDSCAPE PLAN

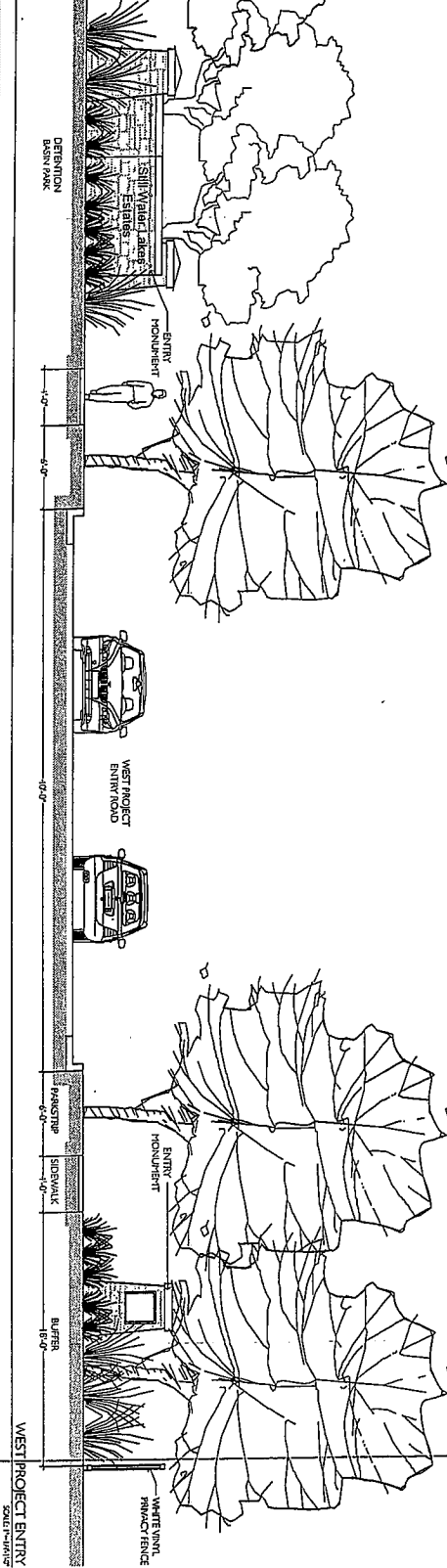
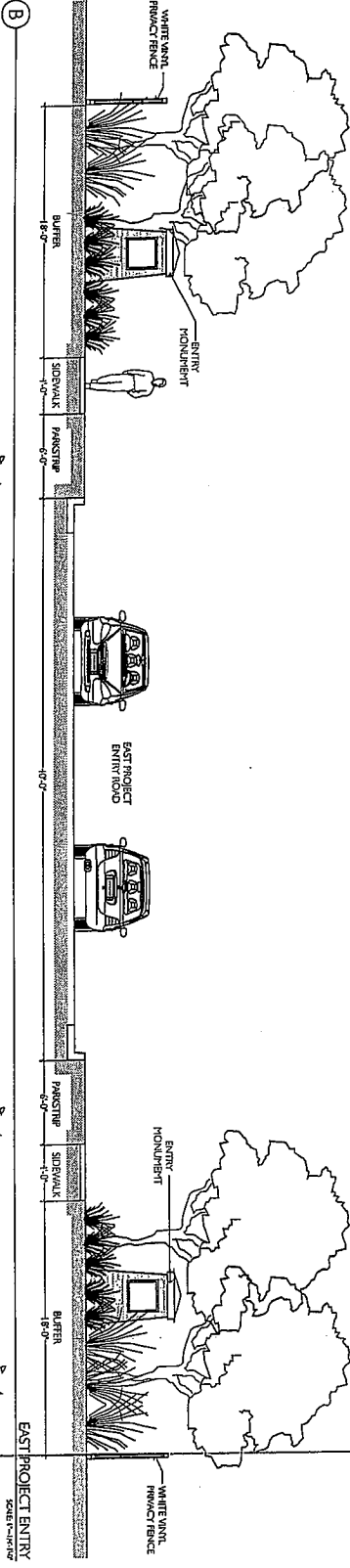
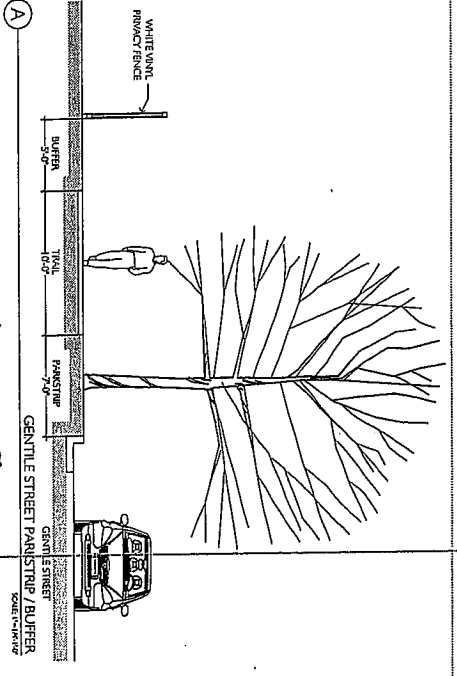
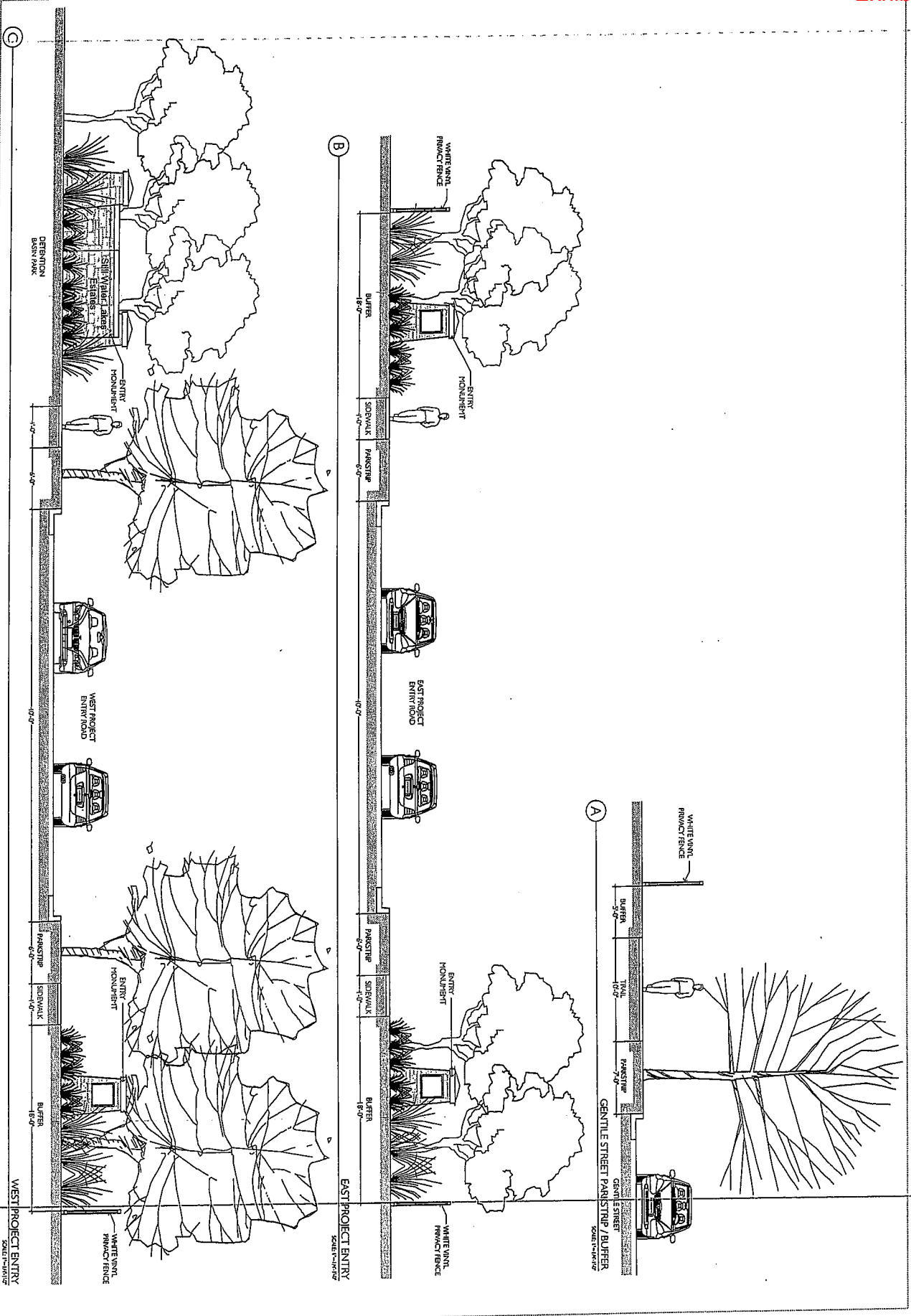
STILL WATER LAKE ESTATES
 GENTILE ROAD
 SYRACUSE, UTAH
 BRIGHTON HOMES UTAH
 500 WEST 500 SOUTH, SUITE 210
 BOONVILLE, UTAH 84010

DATE:	11/11/2011
BY:	DAVID M. HARRIS
PROJECT:	STILL WATER LAKE ESTATES
SCALE:	AS SHOWN
REVISIONS:	



STB DESIGN
 LANDSCAPE ARCHITECTURE & LAND PLANNING
 1473 SOUTH 1100 EAST
 SALT LAKE CITY, UTAH 84119
 801.534.1200
 WWW.STBDDESIGN.COM

This plan is a preliminary design and is not to be used for construction. It is subject to change without notice. The client is responsible for obtaining all necessary permits and approvals. The design is based on the information provided by the client and is not to be used for any other purpose.



STB DESIGN
 LANDSCAPE ARCHITECTURE
 & LANDSCAPE MAINTENANCE

14733 SOUTH 1100 EAST
 SUITE 100
 SALT LAKE CITY, UTAH 84115
 801.488.1100
 STBDESIGN@GMAIL.COM

DATE: 11/11/17
 DRAWN BY: M. SMITH
 CHECKED BY: M. SMITH
 PROJECT NO.: 17-001

SCALE: 1/8" = 1'-0"

STILL WATER LAKE ESTATES
 GENTILE ROAD
 SYRACUSE, UTAH

BRIGHTON HOMES, UTAH
 370 WEST 500 SOUTH, SUITE 210
 BOUNTIFUL, UTAH 84010

L105
 STREET
 ELEVATIONS

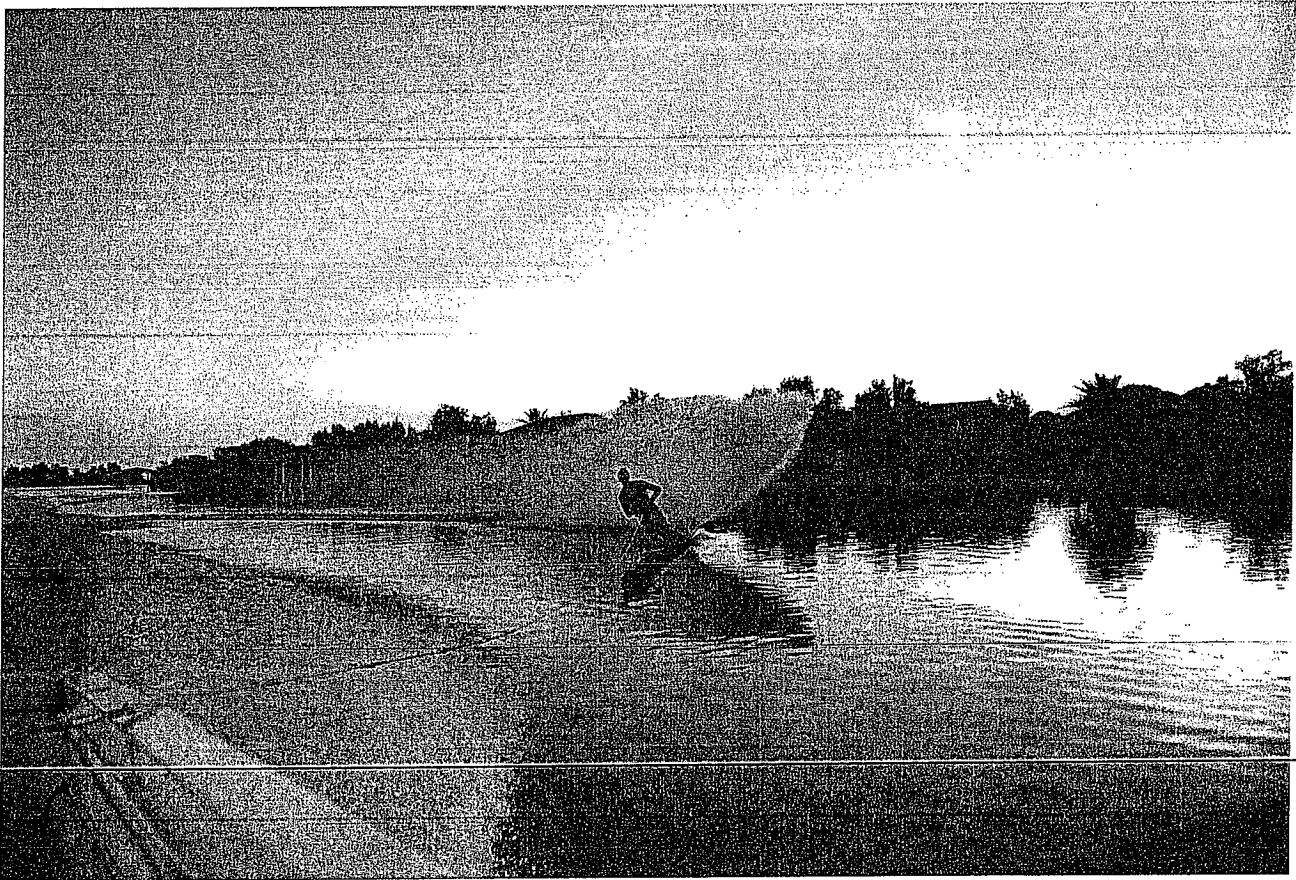
EXHIBIT D
Development Plan

EXHIBIT D

Still Water

LAKE ESTATES

Syracuse City, Utah



Introduction

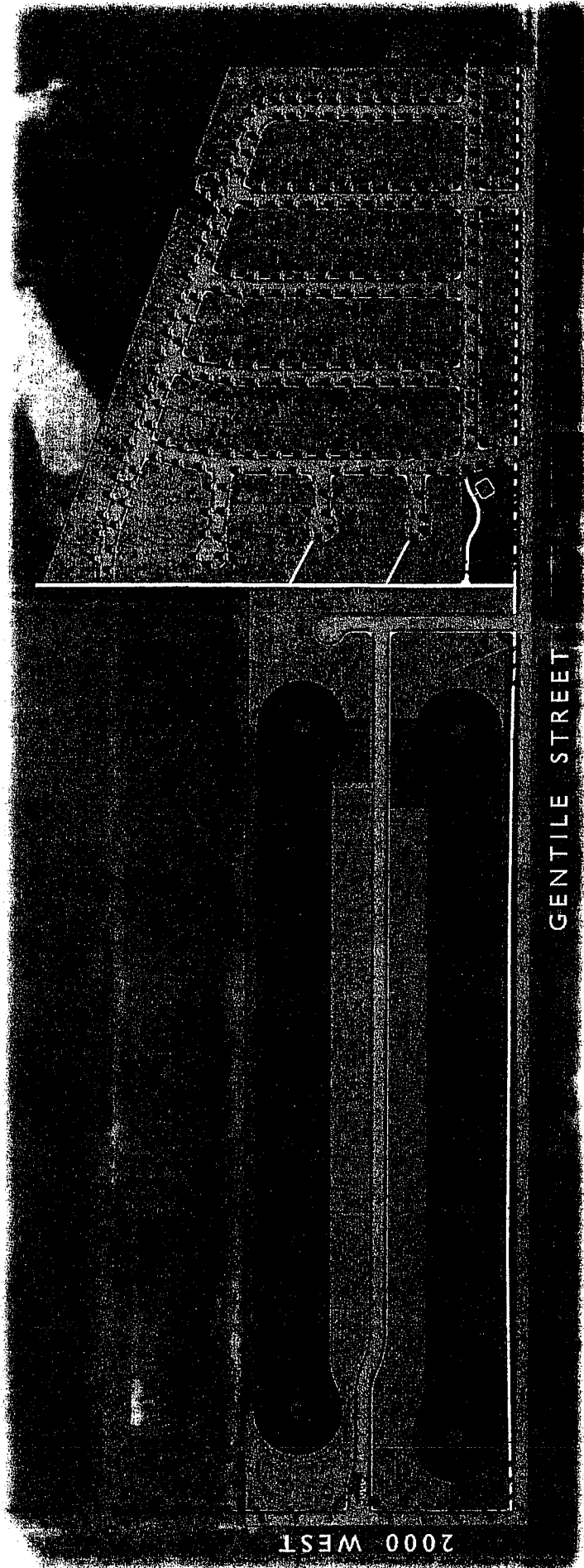
Still Water Lake Estates is an R-1 Cluster Subdivision development in Syracuse City Utah. It consists of two neighborhoods that cater to outdoor oriented families who love the water – a Cottage Neighborhood and a private Ski Lake Neighborhood. This is a very unique and attractive development located along Gentile street at about 1500 West in Syracuse.

A trail system will provide easy access for all residents to the south shoreline of the lake, 3 public parks, Jensen Nature Park and miles of the city trail system. The ski lakes, private to lake neighborhood lot owners, provide vast open space and an attractive, “next door”, aesthetic and visual amenity for the cottage neighborhood and the general public.

There are currently two private ski lakes in Utah that provide a desirable combination of a lake and a home on the same property. They are beautiful and successful developments that have been attractive to the water sports enthusiast. The proposed Still Water development adds a third element of being in an urban environment with easy access to all the conveniences of the “city”. The lake neighborhood lot owners will enjoy a lake in their own back yard and the cottage neighborhood residents will appreciate and enjoy the close proximity and visual amenity the lake provides. This is not a weekend getaway; it is home. And Syracuse is the perfect location with its vibrant, outdoor and active environment with citizens that value a high quality of life.

Indeed this is a great development that will be great for the residents and great for Syracuse City.

The following pages give an overview of what and why we are bringing
Still Water Lake Estates to Syracuse City



2000 WEST

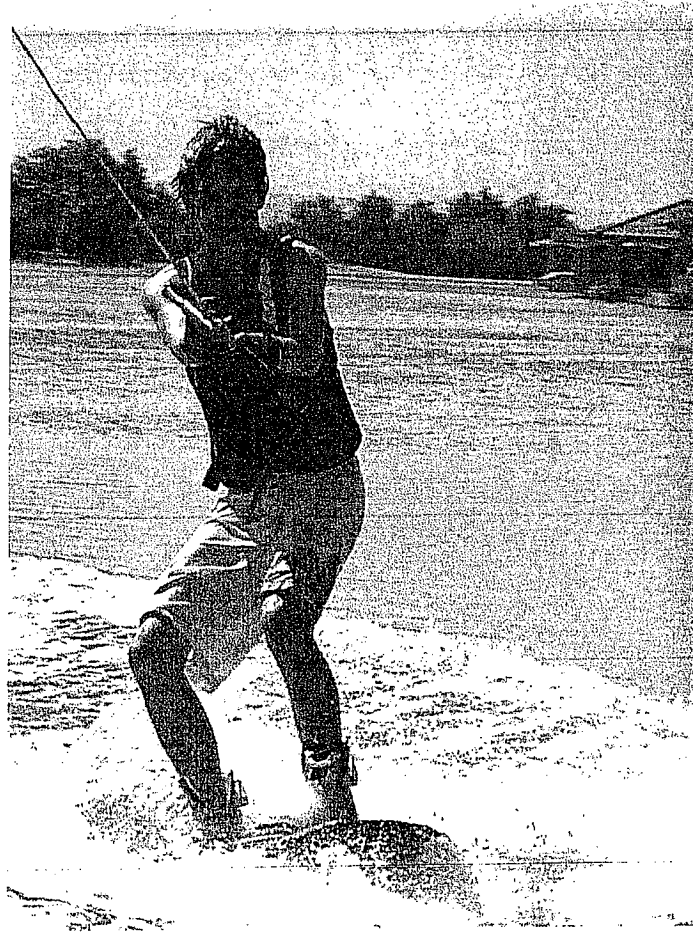
GENTILE STREET

STILL WATER LAKE ESTATES
SYRACUSE, UTAH

Still Water

LAKE ESTATES

Ski Lake Neighborhood



Ski Lake Vision and Development Objectives

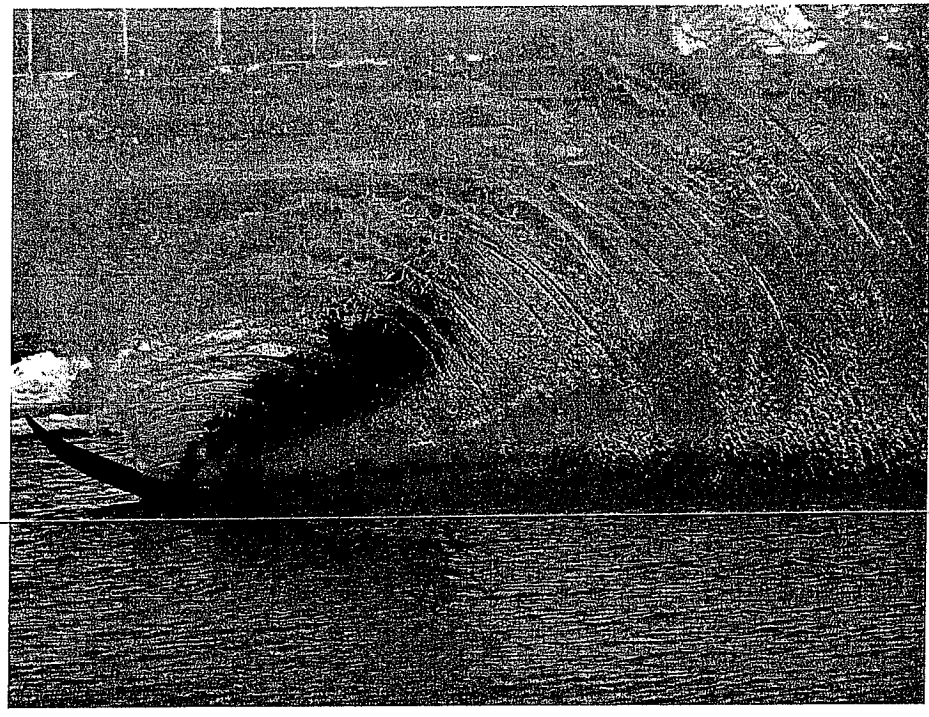
Still Water Lake Estates will provide a residential neighborhood for active fun-loving families who enjoy being close to the water. This vibrant Neighborhood within an urban setting at the heart of the Wasatch Front provides easy access to excellent schools, shopping, restaurants, entertainment and community services. Each lot backs up to a beautifully designed Ski lake.

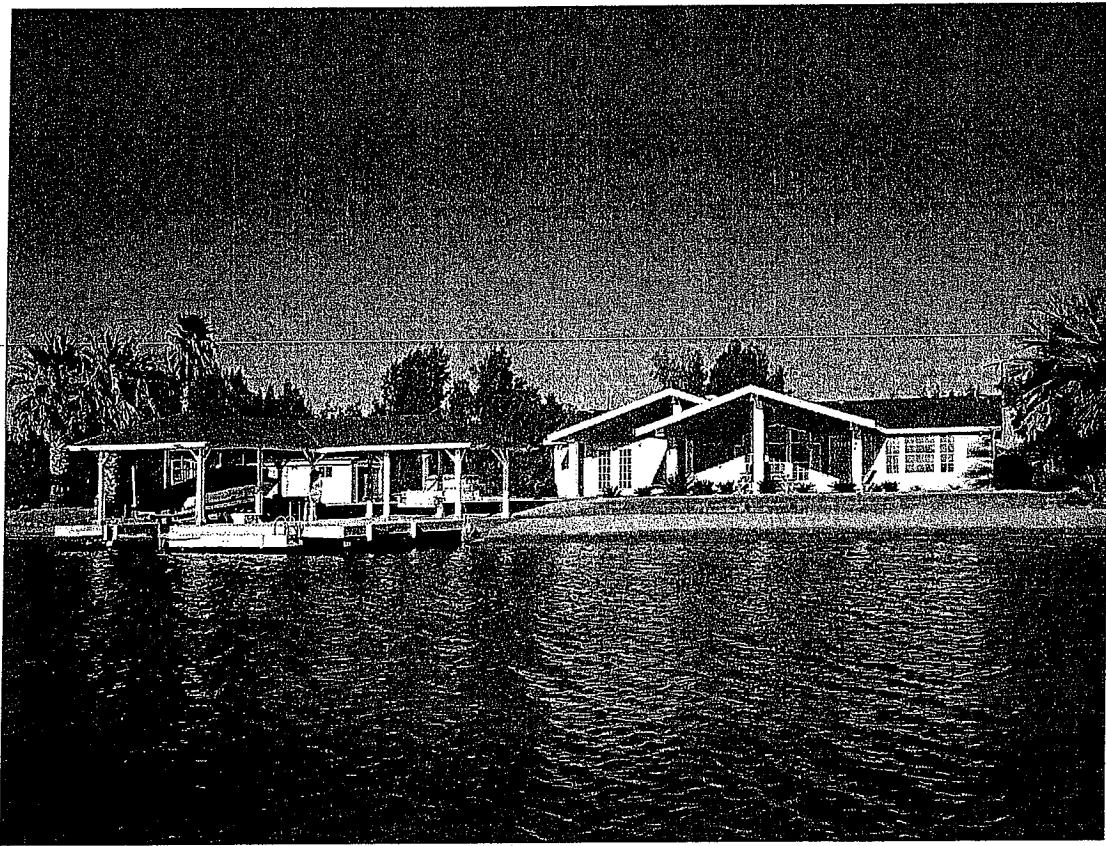
47 Acres – 2 Private Lakes - 15 homes per lake - 2 Private Parks

Each lay lot may have its own covered dock with automatic boat lift allowing the owner to leave his boat in the dock the entire season. Within minutes one can walk to the dock, lower the boat into the water and be skiing, wake-boarding or just going for a ride. Many owners will use the lake daily because of the convenience. Others will simply enjoy having the view and the scenery of this amenity.

Owners who desire to use the lake simply hang a flag visible to all from their dock and take their turn in a clockwise rotation around the lake. When finished the owner simply removes his flag. There will only be one boat using the lake at a time. The lakes and shorelines are engineered to dissipate boat wakes completely after each pass eliminating the need to wait for the water to calm down. The small islands at the end of each lake prevent boat wake from traveling back down the lake. The most common use of the lake will be slalom-course water skiing. The slalom course consists of a boat path defined by buoys and 6 floating balls to ski around. The boat speed is fixed and when the skier makes it around all 6 balls, the ski rope is shortened and he makes another attempt.

Boating has long been a family sport. This unique development brings the lake to the family.





Family Amenities:

Private parks with covered pavilion and picnic tables.

Walking trail along lake connected to Jensen Nature Park and the Syracuse City trail systems.

Fishing at Jensen Nature Park less than 1/2 mile away on walking trails.

Public schools, grocery stores, restaurants, public library, community and recreation center, golf course, theaters, bowling alley, gas stations and banks only a few miles away.

CC&R's specify an open view corridor at the back of each lot providing visibility up and down the lake from each lot.

The Lakes:

Lakes are approximately 2,300 feet long, 220 feet wide, and 7 feet deep.

Lakes are connected with a channel allowing either lake to be used by any owner.

Many water sports allowed such as skiing, wake-boarding, tubing, etc.

Allowed boats must be under 21 ft. 8" long, inboard only.



Lots

Number of Lots – 30 (15 per lake) .37 to 1 acre

Ownership of Lots - One owner per lot

Use of Lots – Single Family Residential

Home Construction and Architectural Design Guidelines

Home Size (living area excluding basement): Minimum allowed: Single level - 1800 sq. ft., two story – 2400 sq. ft.

3-car Garage min. Roof: 6/12 pitch, 50 yr. architectural shingle, 6 inch fascia.

Exterior materials allowed: Brick, rock, stucco (accent only), timber accents allowed. Fiber cement siding allowed as an accent. Aluminum or Vinyl siding not allowed. HOA Architectural Review Committee may consider other products.

HOA Architectural Review Committee must approve the color of exterior materials.

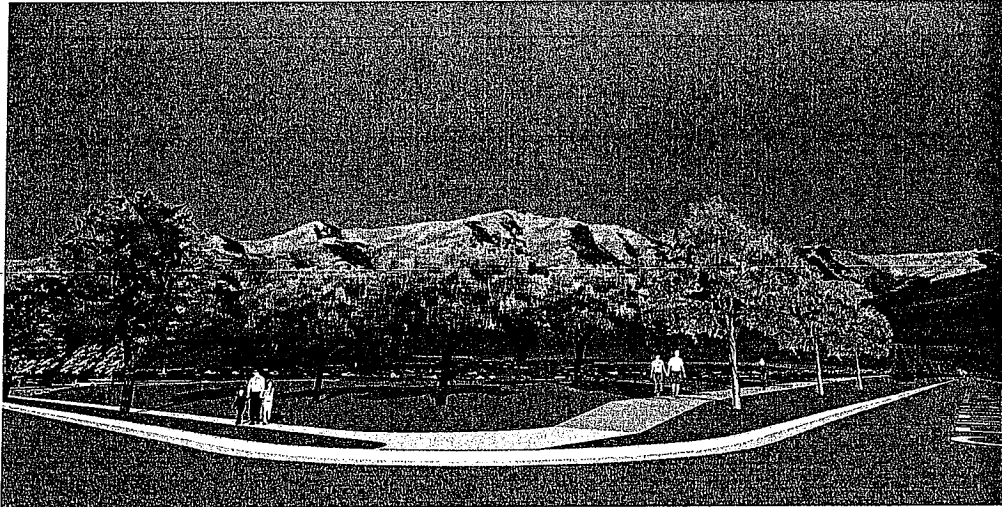
Accessory Buildings must conform to same standards as home.

Basements: Lots will accommodate basements per geotechnical reports.

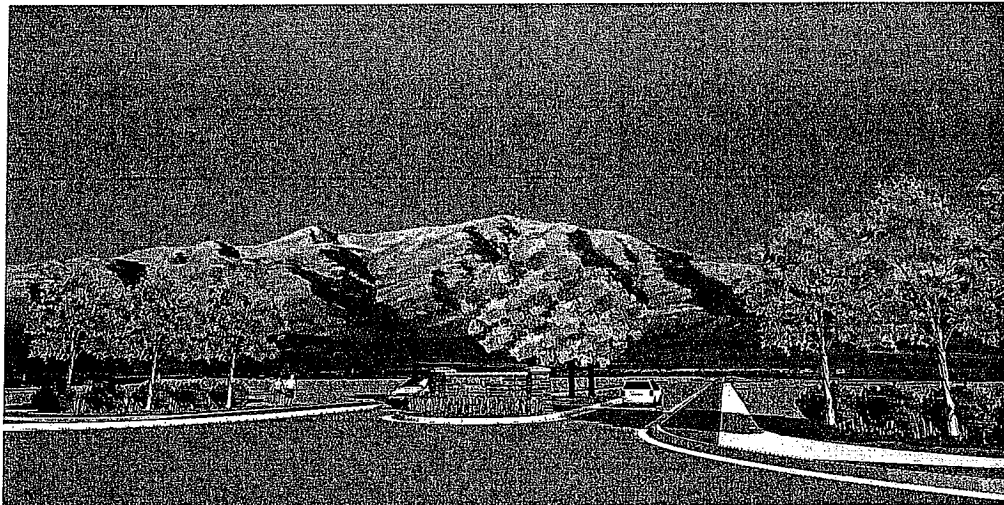
Fencing on Lots: Welded steel ornamental fencing. No fencing allowed within view corridor, which is 20 feet from shoreline.

Dock overall design will be specified by HOA agreement and uniform for all lots

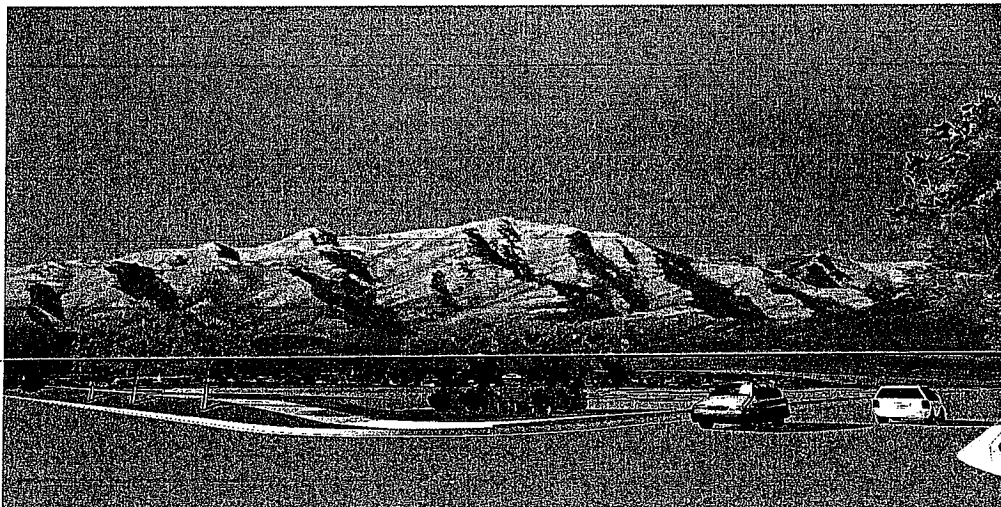
Proposed Landscape Renderings



South West Corner Looking North East

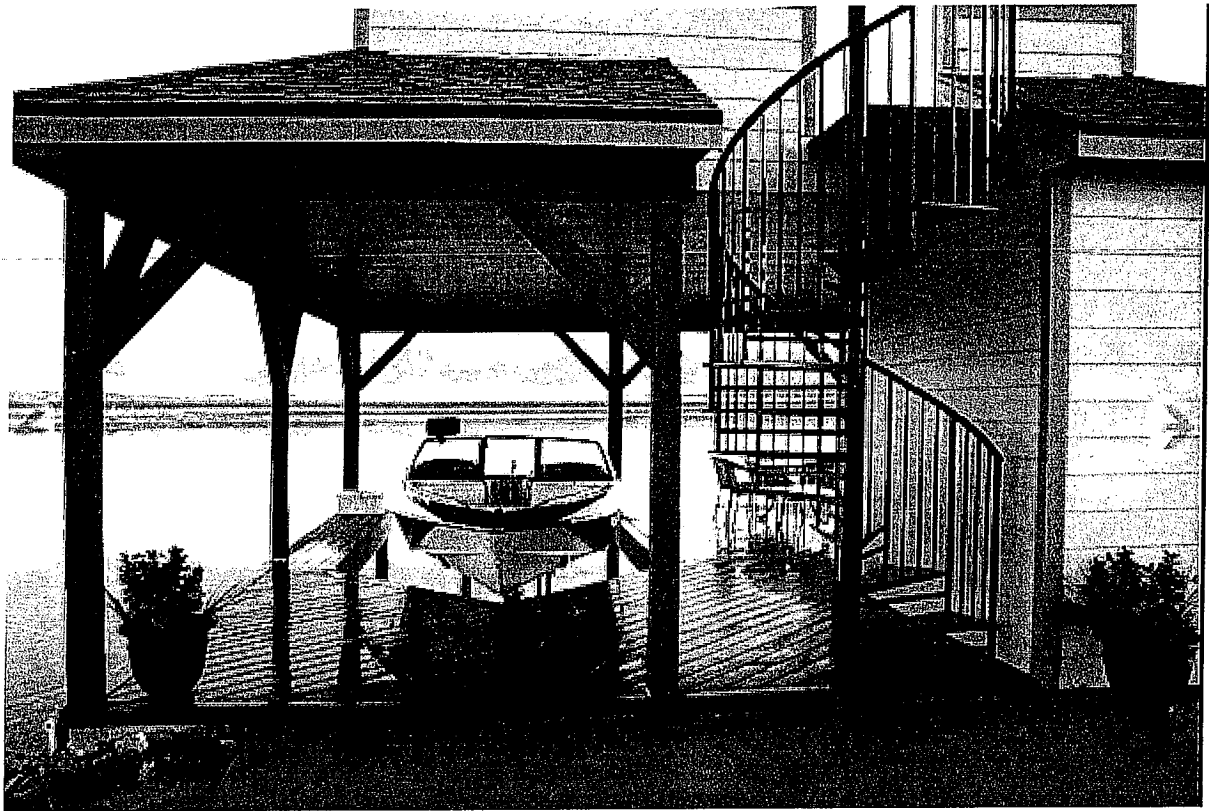


2000 West Entrance



Gentile Entrance

Boat Dock Examples



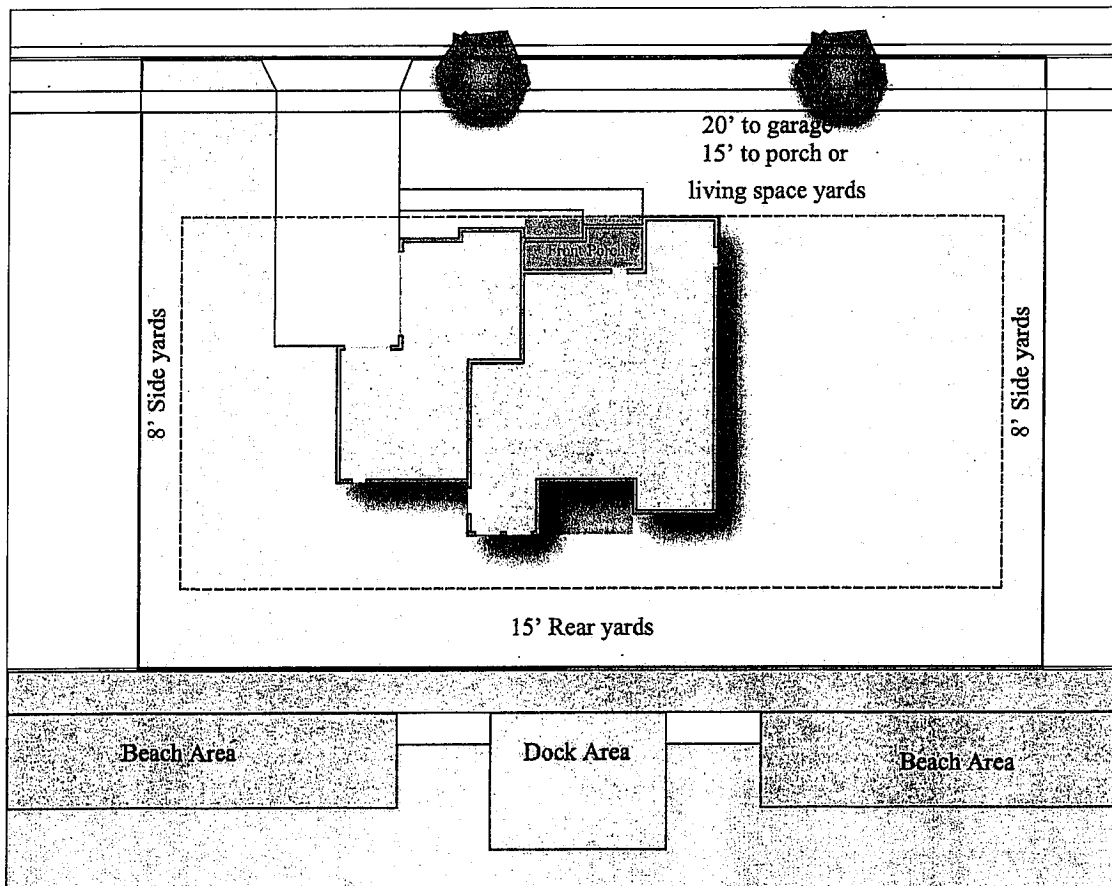
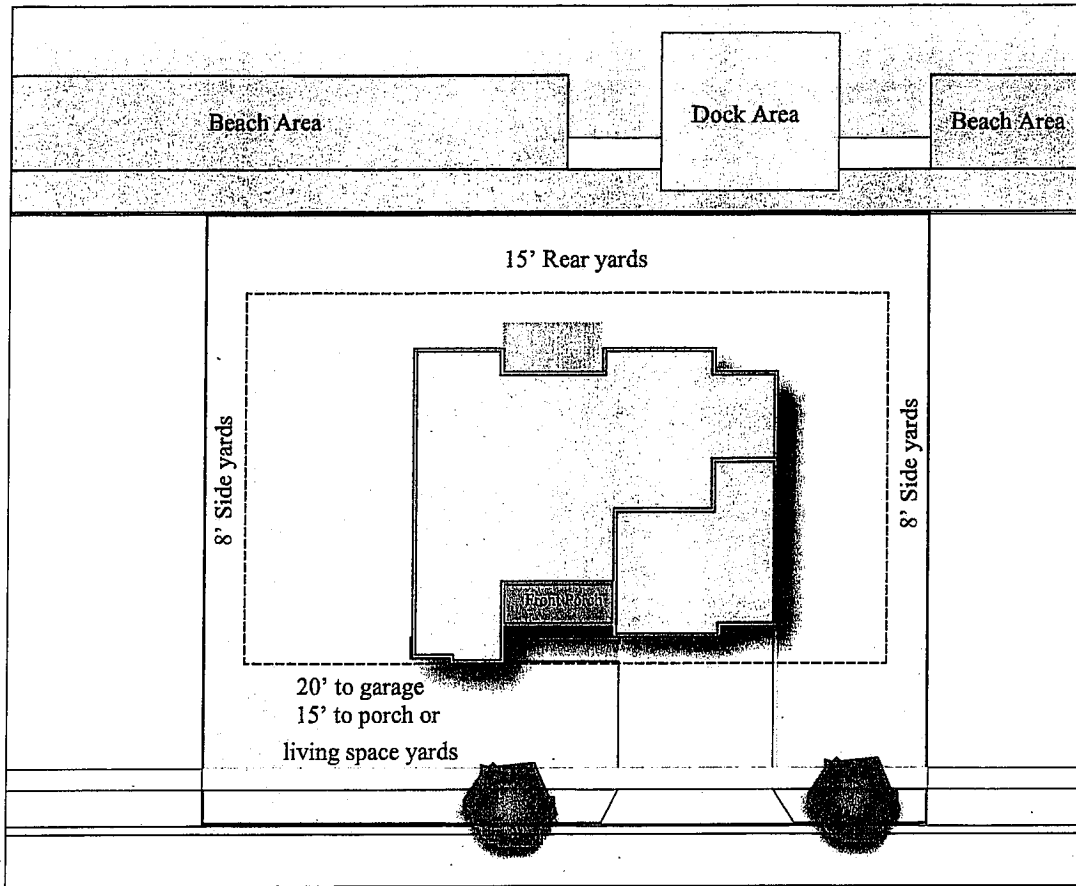
Sample of dock on a ski lake only. Design may vary

Architectural Style

Homes located in the Ski Lake Neighborhood will maintain a similar style of home as in the Cottage Neighborhood, or the craftsman style home. These homes however will have much more strict requirement on the use of materials. Additional masonry requirements will be placed on these homes, fiber cement board and stucco will be used as accents to the masonry facades. These requirements while not jeopardizing a unifying theme of the development as a whole will provide an estate like feeling to homes located along the ski lake Neighborhood, and provide flexibility in the homes design and use of materials. As in all cases each home will be required to meet city design standards found in the Syracuse City Code



All images are a representation and will meet all city design guidelines. These are representations only, homes may vary

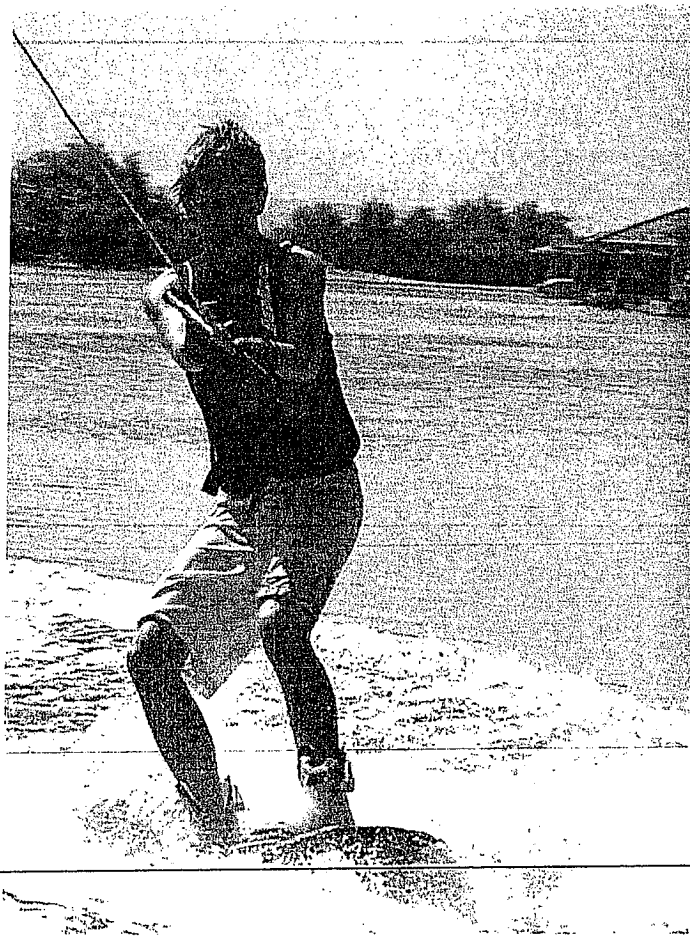


All images are a representation and will meet all city design guidelines. These are representations only, homes may vary

Still Water

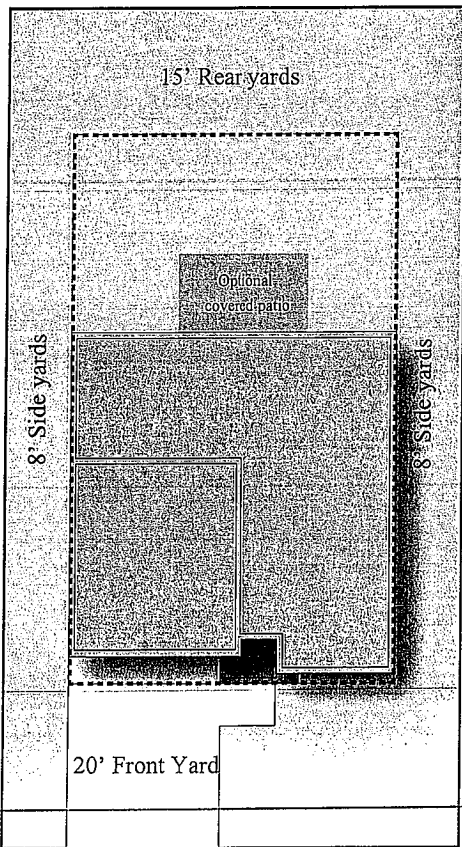
LAKE ESTATES

Cottage Neighborhood

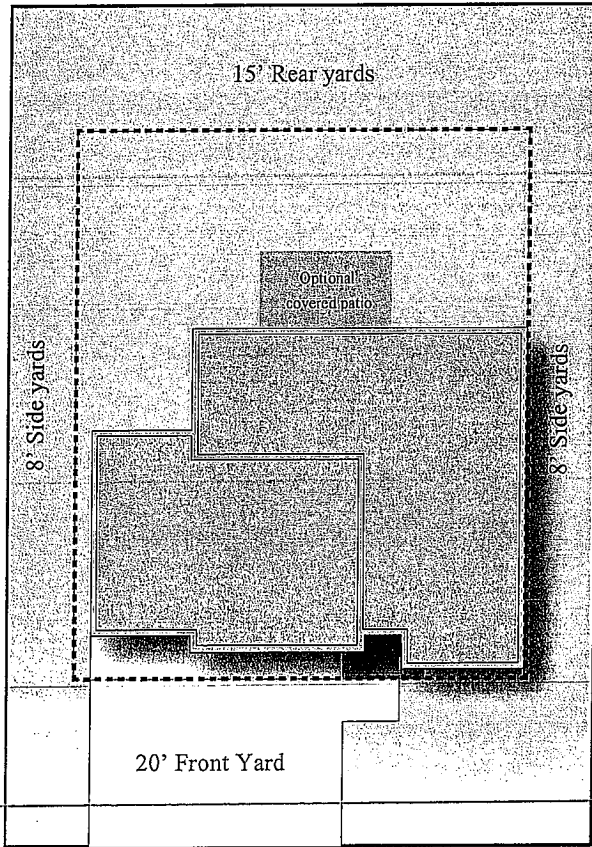


Architectural Style

The Cottages Neighborhood, in creating a uniformed aesthetic community, will consist of homes in the Craftsman Style. The front elevations of the home will be either a combination of brick or stone, and composite cement board, or stucco with brick or stone. Any home that has a front elevation with stucco shall meet the city's minimum design standard found in Syracuse City Code. The side and rear elevations will be of cement board or stucco. Homes placed on corners will require the side of the home that faces the street to be consistent with materials found on the front elevation of the home, and/or per the design standards found in Syracuse City Code.

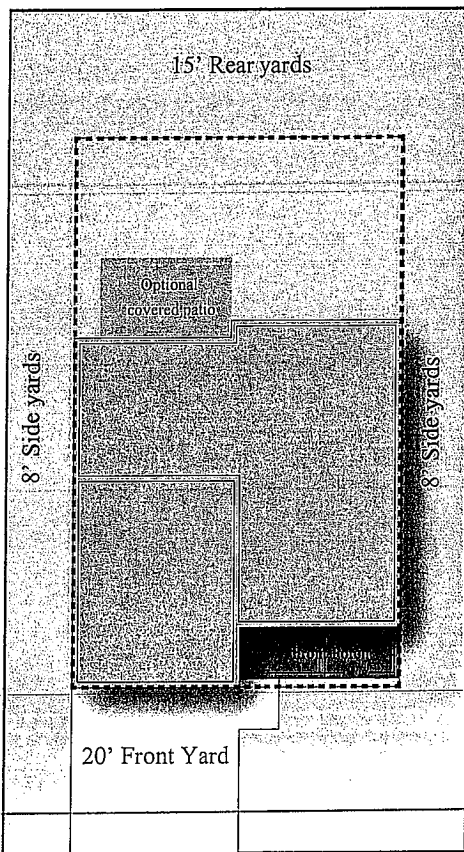


56' Wide Typical Lot



70' Wide Typical Lot

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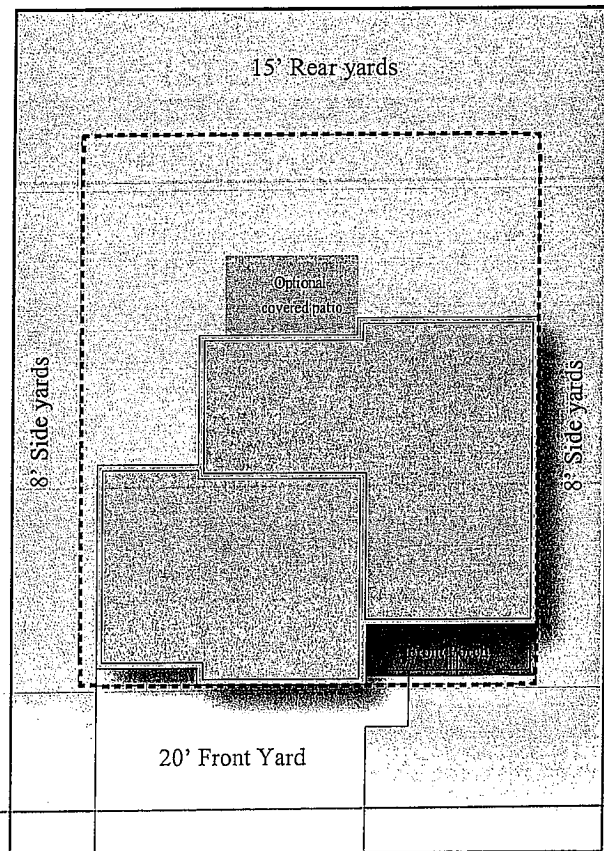
15' Rear yards

Optional covered patio

8' Side yards

8' Side yards

20' Front Yard



15' Rear yards

Optional covered patio

8' Side yards

8' Side yards

20' Front Yard

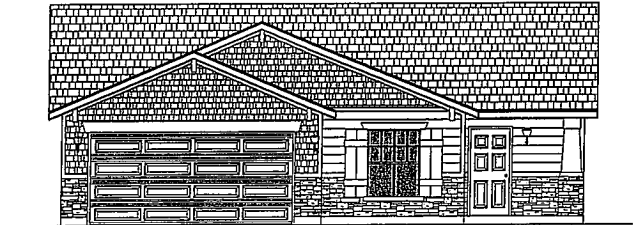
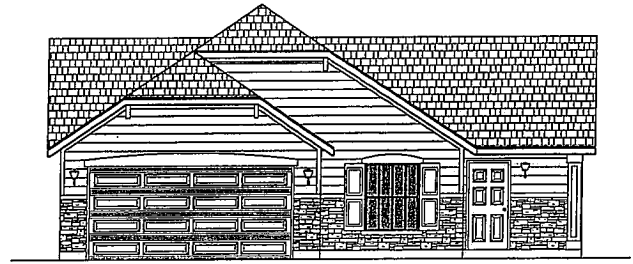
56' Wide Typical Lot

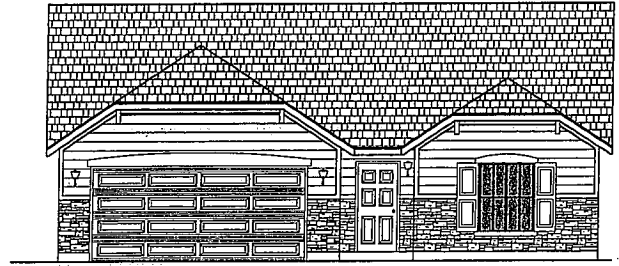
70' Wide Typical Lot

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All images are a representation and will meet all city design guidelines. These are representations only, homes may vary



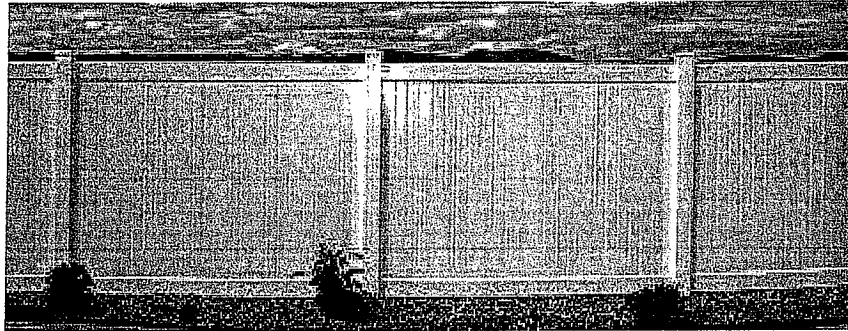


Utility installation and Site Work

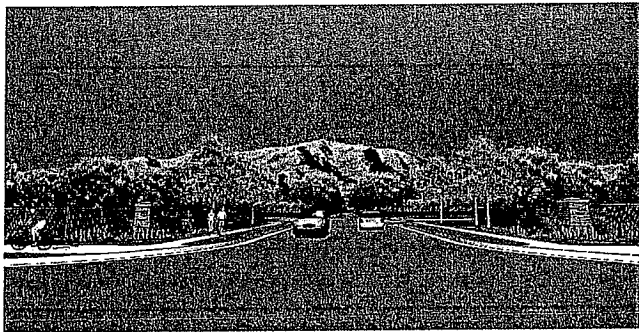
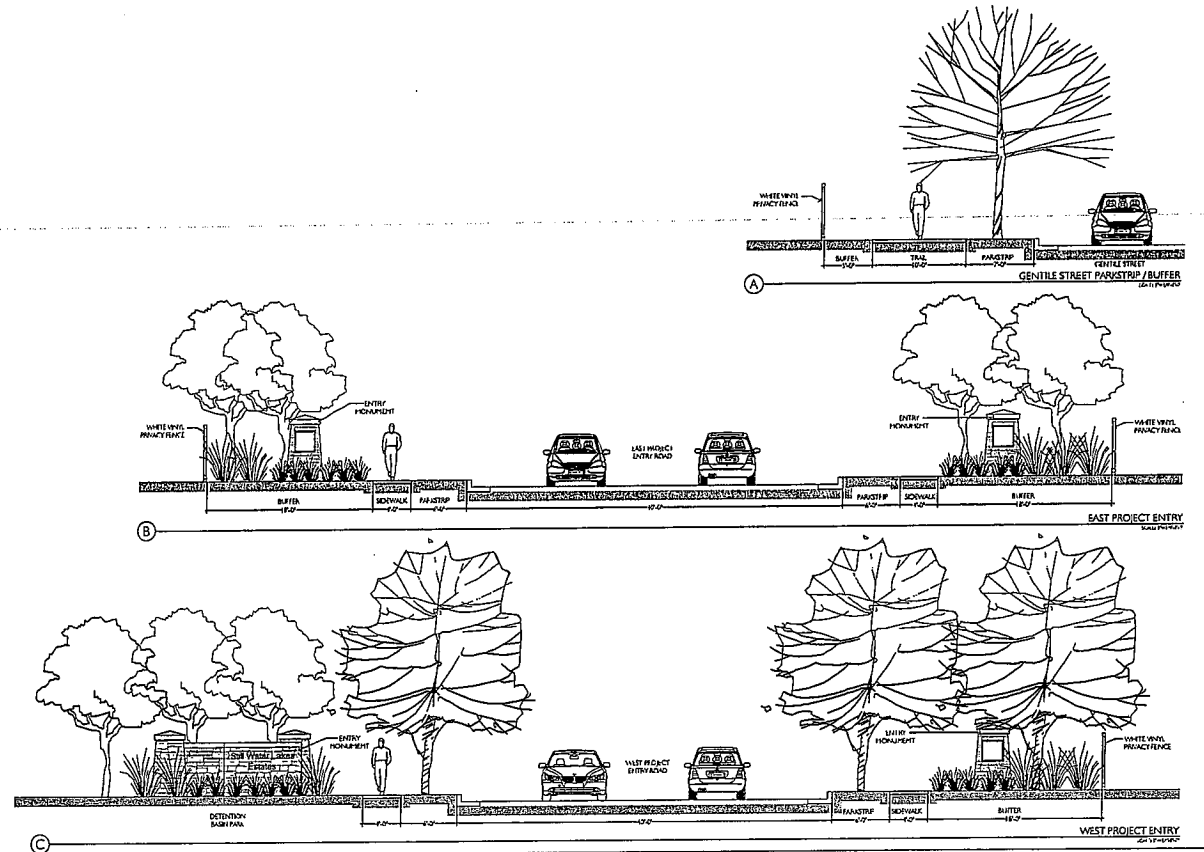
Site grading and utility installation will begin immediately following plat approval. We anticipate this will take three to five months for the first phase. The utility construction and installation will be done by a qualified excavation firm.

Perimeter Security Fencing

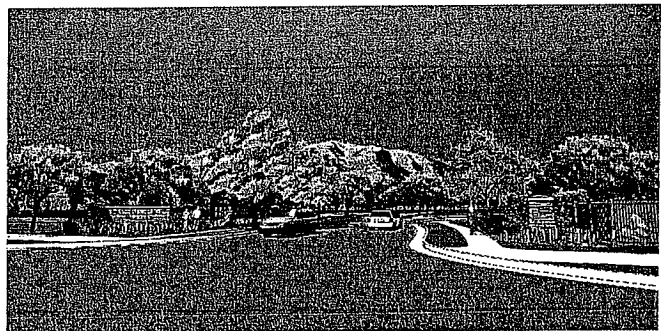
The development will provide a perimeter fencing along the east, west and northern boundary of the Cottage Neighborhood, this fence will be 6'-0" vinyl privacy fence. The project will also provide a similar fence along the property that fronts Gentile Road. Gentile Road will be lined with trees to buffer the fence from the trail, park strip and street



Landscape Plan



East Entrance



West Entrance with Park

The project will include tree lined streets along Gentile as well as throughout the development. Entry monuments will be located at both entrances to the development to create uniformity to the development. These areas will be landscaped to provide additional visual appeal. The two parks will be landscaped with trees, grass and will include a tot lot. The development will provide to access points from the development to the city trail system that runs along the canal on the west side of the development. Refer to the landscape plan submitted for described information.

Description of Amenities

Parks:

The Cottages Neighborhood will consist of two pocket parks. The park on the northern property line is a total of 13,926 Sqft or .32 acres. It will be maintained by the HOA, and the developer will provide a public easement over the park to allow access for individuals not living within the development. The park will be landscaped with trees and grass, and a small tot lot will be provided.

At the southwest corner of the Cottages Neighborhood a second park is provided. This park will be maintained by the HOA, and the developer will provide a public easement over the park to allow access for individuals not living within the development. The park is a total of 50,423 Sq ft or 1.16 acres. It will be landscaped with trees and grass, and a tot lot will be provided.

Trails:

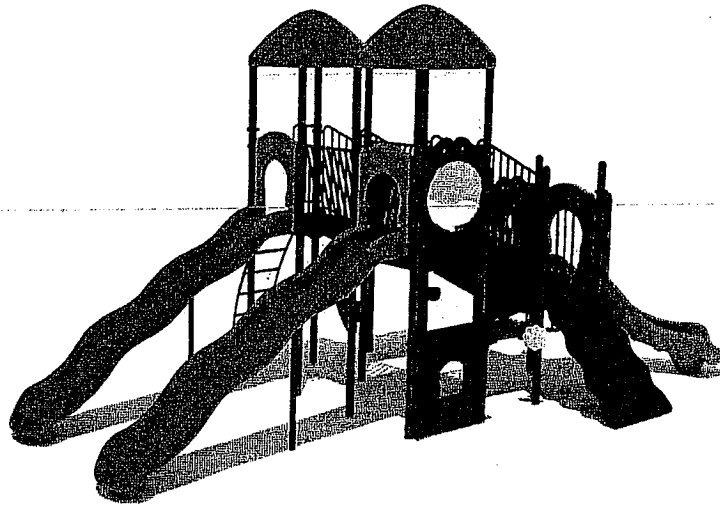
The trail that currently runs along Gentile Road will be removed and repaved in asphalt. It will continue along Gentile Road, past the west property line of the Cottages Neighborhood, continue along the lakes by the Ski Lake Neighborhood portion of the community, terminating into a public park on the western end of the project.

Along the western border of the Cottages Neighborhood exists a canal. Along the canal is a trail that will connect to the trail system that runs from east to west along Gentile Road. The developer will provide two separate access points through the Cottages Neighborhood, that will connect the community more fully to the trail system of the community and the city wide trail system.



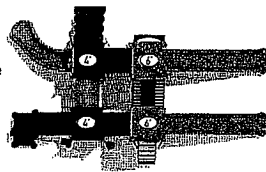
South West Corner Looking North East (Park Along Gentile)

Proposed Tot Lot Structures



Technical Information

For Ages: 5-12
Use Zone: 44'7" x 40'3"
Deck Height: 4' & 6'
Capacity: 35-45
Deck: 13 Gauge, 36 3/4" Square
Connection: Clamp
Color Options: Primary
Mounting Option: Inground

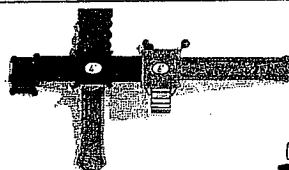


Tot-Lot in park fronting Gentile

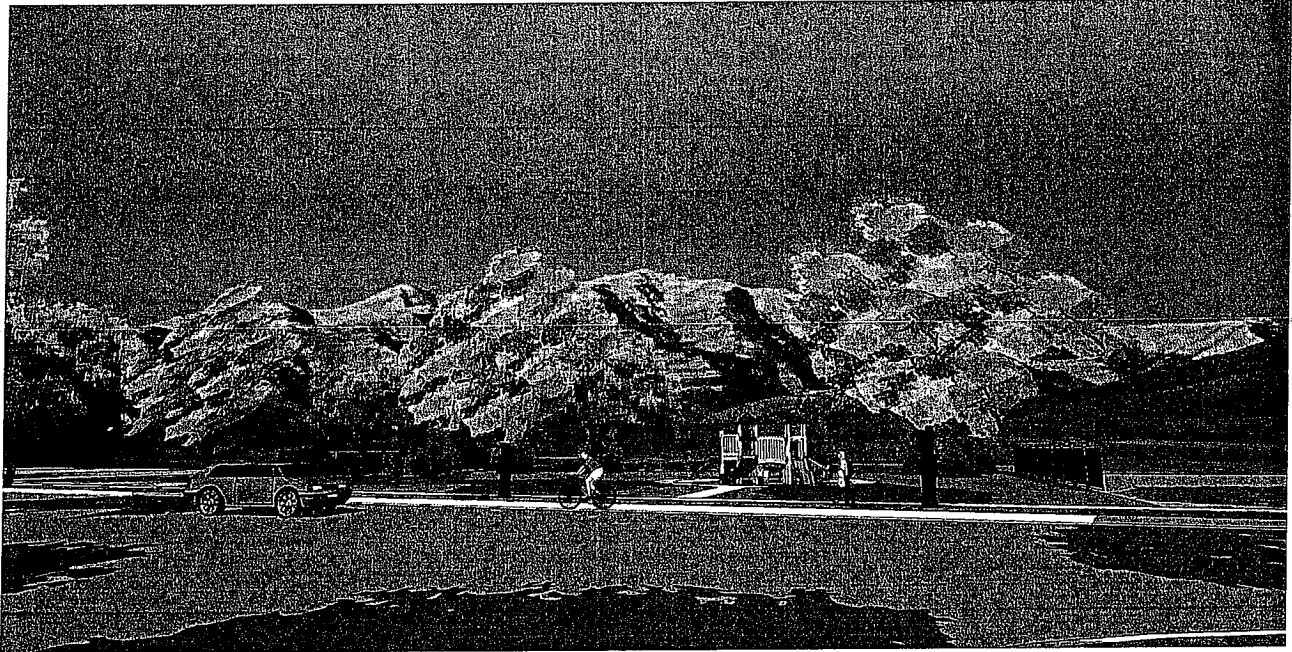


Technical Information

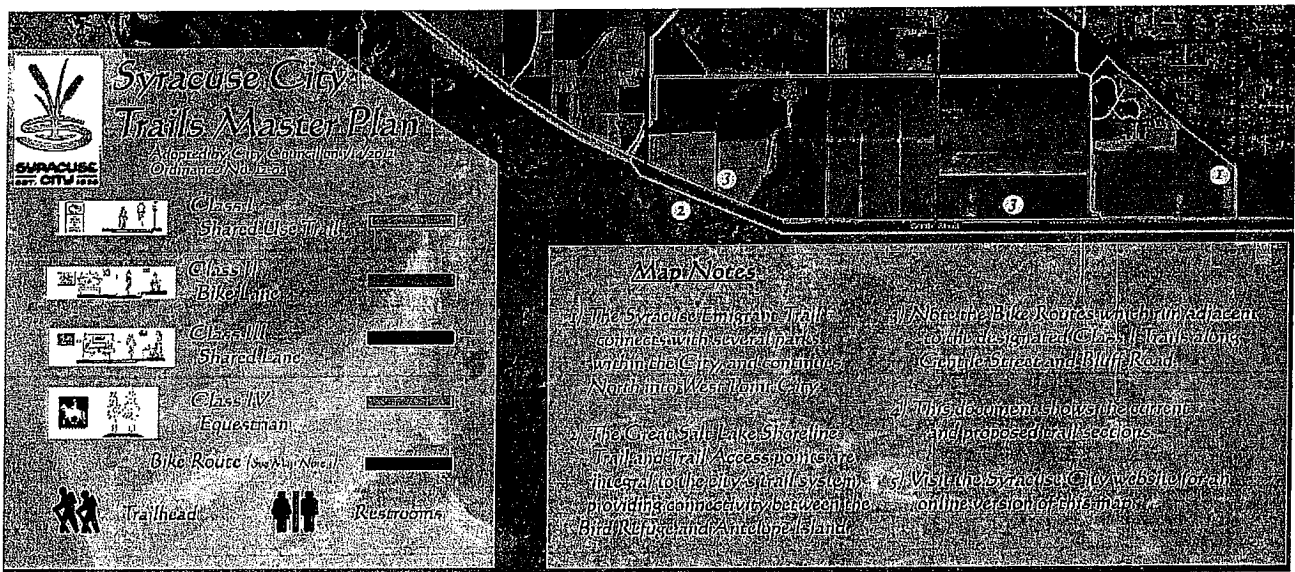
For Ages: 3-12
Use Zone: 29' x 37'
Deck Height: 4' & 6'
Activities: 7 Events
Capacity: 10-15
Critical Fall Height: 72"
Deck: 13 Gauge, 36 3/4" Square
Connection: Clamp
Color Options: Primary
Mounting Options: Inground



Tot-Lot in park at North end of Cottage Neighborhood



South of North Park Looking North (North Park)



Trail Master Plan (Development will tie into this system in several locations, refer to Landscape Plan)

EXHIBIT E
Dam Safety Permit



GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

Kent L. Jones, P.E.
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

ORDER GRANTING PERMIT TO CONSTRUCT, ENLARGE, REPAIR, ALTER, REMOVE OR ABANDON A DAM

Application No. UT53669, submitted in the name of Irben Development LLC, applicant, to construct a dam, without submission of formal plans is hereby approved.

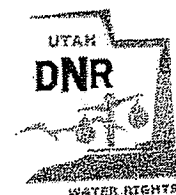
The statutory process and criteria for evaluation of this application are described at UTAH CODE ANN. § 73-5a-202 through -205. The State Engineer has determined that this application does meet the necessary legal criteria for approval based upon the following Findings of Fact and reasoning set forth in the Discussion. The applicant is hereby authorized to conduct the work detailed in the application and supporting documentation, as described in this Order. Any modification may require additional authorization and/or application resubmittal.

FINDINGS OF FACT

1. The dam will impound 30 acre-feet of water, with an additional 60 acre-feet of below ground storage.
2. The high water elevation will be no more than 2 feet above the natural ground at its maximum depth.

DISCUSSION

1. It is the opinion of the State Engineer that the proposed dam does not constitute a threat to human life if it fails.
2. It is the opinion of the State Engineer that the proposed dam may result in only minor property damage that would be limited to property held by the owner of the structure if it fails, provided the water depth is restricted to no greater than 2 feet above the natural ground level at its maximum depth.
3. The submission of plans is waived pursuant to Utah Code 73-5a-202.3.



Page 2
UT53669
March 27, 2012

ORDER

The applicant is ORDERED to abide by the terms and conditions of Application No. UT53669 as follows:

1. Authorization is hereby granted to construct, enlarge, repair, alter, remove or abandon the proposed dam as detailed in the application and supporting documents. However, operation of this facility also requires a valid water right approved by the State Engineer. It is the responsibility of the applicant to assure a valid water right is in place before diverting or impounding any water in association with this approval.
2. All design and construction activities undertaken shall be commensurate with state-of-the-art standards.
3. Identification of the inspector (if inspection services are being engaged) and the contractor for the project shall be submitted to this office prior to the beginning of any construction.
4. All inspectors' journals and results of material testing performed during construction shall be submitted to this office no later than the 15th of the month following the date of said records.
5. 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.
6. Approval will be voided if construction has not begun within 1 year of the date of this Order.
7. The maximum water elevation may not be more than 2 feet above the natural ground elevation at the reservoir maximum depth.

Your contact with this office, should you need it, is with the Dam Safety Office. The telephone number is 801-538-7373.

Page 3
UT53669
March 27, 2012

This Order is subject to the provisions of UTAH ADMIN. CODE R. 655-6-17 of the Division of Water Rights and to UTAH CODE ANN. §§ 63-46b-13 and 73-3-14, 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 within 20 days after the Request is filed.

Dated this 29 day of March, 2012.



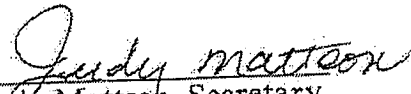
David K. Marble, P.E. / Assistant State Engineer

Mailed a copy of the foregoing Order this 29 day of March, 2012, to:

IRBEN DEVELOPMENT LLC
704 N 3500 W
WEST POINT UT 84015

Ross Hansen - Regional Engineer

By:



Judy Mattson, Secretary



GARY R. HERBERT
Governor
GREG BELL
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

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

Exhibit E

March 13, 2013

Michael J. Thayne
Irben Development, LLC
1768 North 4850 West
Ogden, UT 84404

RE: Syracuse Ski Pond / UT53669
Request for an Extension of the ORDER Granting Permit

The request for an extension of the **Order** granting permit to construct the Syracuse Ski Pond / UT53669 is hereby approved pursuant to the UTAH CODE ANN. § 73-5a-205.

The letter prepared by Irben Development LLC (dated March 5, 2013), satisfies the requirement set forth in UTAH CODE ANN. § 73-5a-205, which allows the State Engineer to extend an **Order** granting permit in a maximum of one-year increments. The approval for the extension of this **Order** will be voided if construction of the Syracuse Ski Pond has not begun prior to March 27, 2014.

Work performed under this permit is subject to the same terms and conditions of the original **Order** dated March 27, 2012.

This **Order** is subject to the provisions of UTAH ADMIN. CODE R. 655-6-17 of the Division of Water Rights and to UTAH CODE ANN. §§ 63G-4-302 and 73-3-14, 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 extension **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 extension **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 within 20 days after the Request is filed.

If you have any questions or comments, please feel free to contact me at (801) 538-7376.

Sincerely,

David K. Marble, P.E.
Assistant State Engineer

DKM/tg

Ross Hansen - Regional Engineer



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

Exhibit E

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

March 10, 2014

Michael J. Thayne
Irben Development, LLC
1768 North 4850 West
Ogden, UT 84404

RE: Syracuse Ski Pond / UT53669
Request for an Extension of the ORDER Granting Permit

The request for an extension of the **Order** granting permit to construct the Syracuse Ski Pond / UT53669 is hereby approved pursuant to the UTAH CODE ANN. § 73-5a-205.

The emailed letter prepared by Irben Development LLC (dated February 25, 2014), satisfies the requirement set forth in UTAH CODE ANN. § 73-5a-205, which allows the State Engineer to extend an **Order** granting permit in a maximum of one-year increments. The approval for the extension of this **Order** will be voided if construction of the Syracuse Ski Pond has not begun prior to March 27, 2015.

Work performed under this permit is subject to the same terms and conditions of the original **Order** dated March 27, 2012.

This **Order** is subject to the provisions of UTAH ADMIN. CODE R. 655-6-17 of the Division of Water Rights and to UTAH CODE ANN. §§ 63G-4-302 and 73-3-14, 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 extension **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 extension **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 within 20 days after the Request is filed.

If you have any questions or comments, please feel free to contact me at (801) 538-7376.

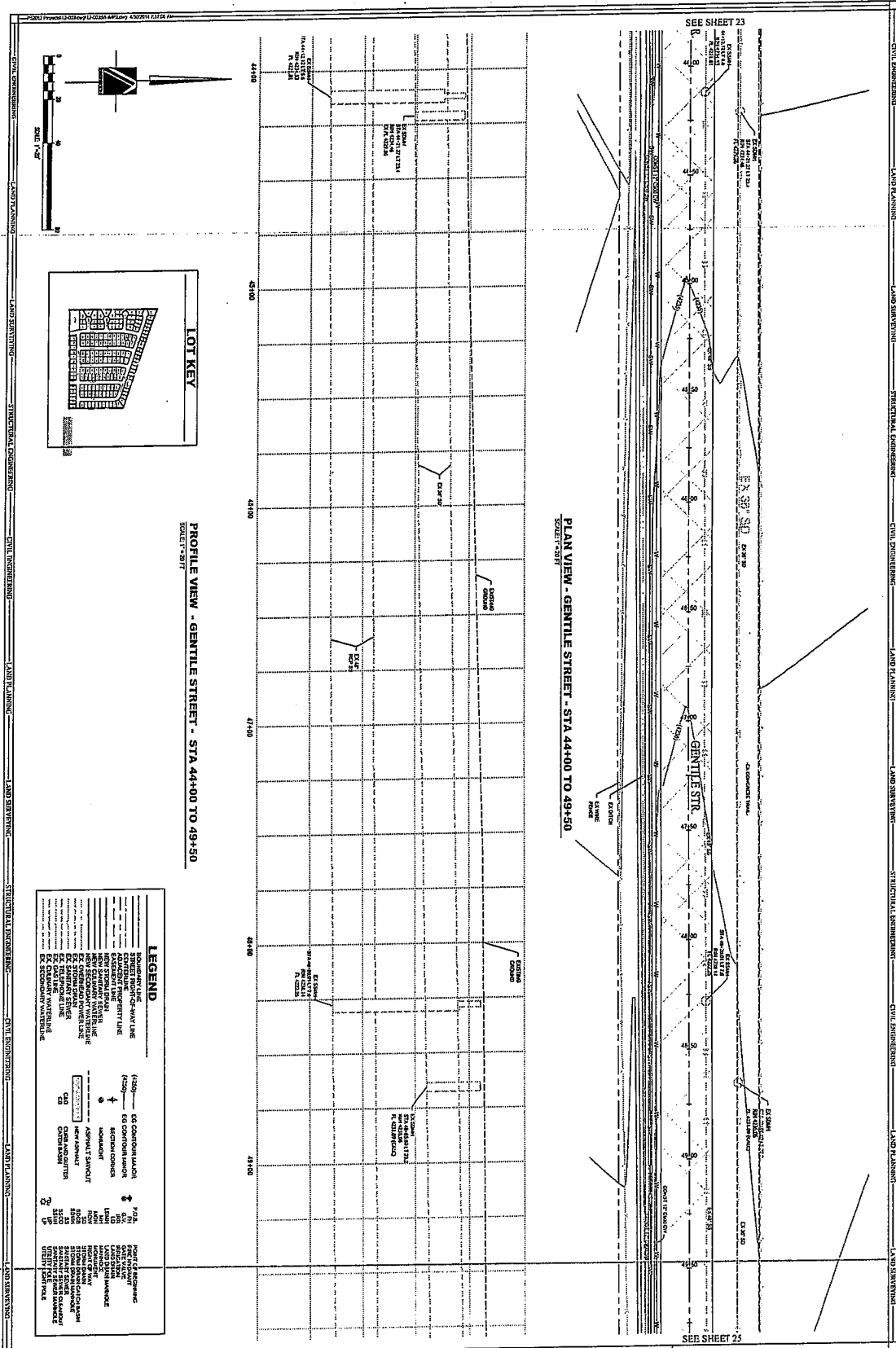
Sincerely,

David K. Marble, P.E.
Assistant State Engineer

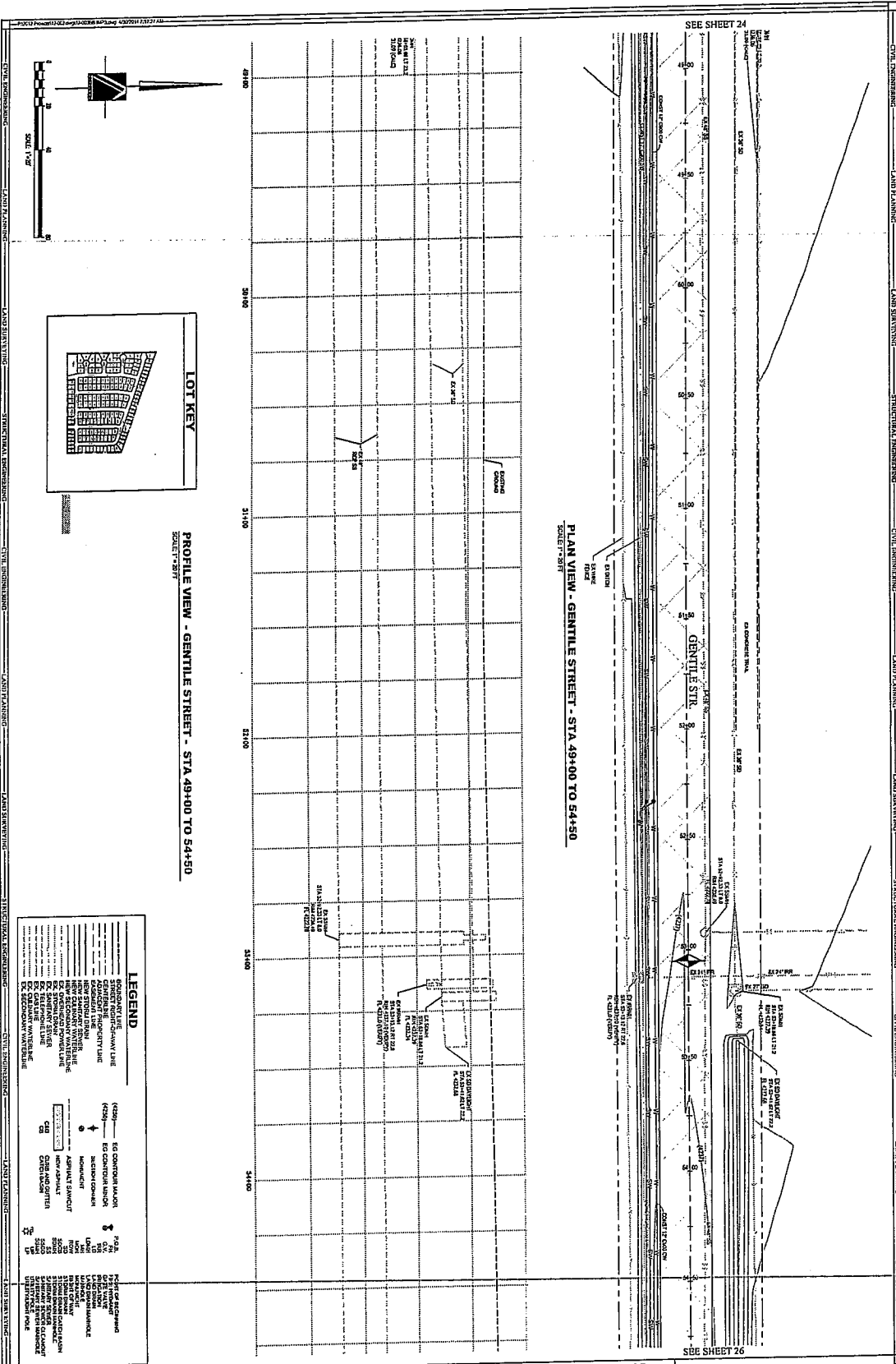
DKM/tg

Ross Hansen - Regional Engineer

EXHIBIT F
Depiction of Water Lines in Gentile Street



	REVISIONS NO. DATE BY 1 02/01/12 NP 2 04/03/14 SPB 3 04/29/14 SPB 4 5 6 7 8 9 10	SURVEYED BY: NP DESIGNED BY: SPB DRAWN BY: SPB APPROVED BY:		<p>STILL WATER LAKE ESTATES A CLUSTER SUBDIVISION PLAN & PROFILE GENTILE STREET SHEET 10 FOR: URBAN DEVELOPMENT 1500 WEST GENTILE STREET SYRACUSE, UTAH PROJECT #12-003</p>	<p>PINNACLE Engineering & Land Surveying, Inc. Layton • West Bountiful • Mount Pleasant • St. George 2720 North 350 West, Suite #108 Phone: (801) 773-1916 Layton, UT 84041 Fax: (801) 773-1925</p>
	ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF PINNACLE ENGINEERING & LAND SURVEYING, INC. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PINNACLE ENGINEERING & LAND SURVEYING, INC.				
	SHEET 24 OF 27				
	DATE: 02/01/12				

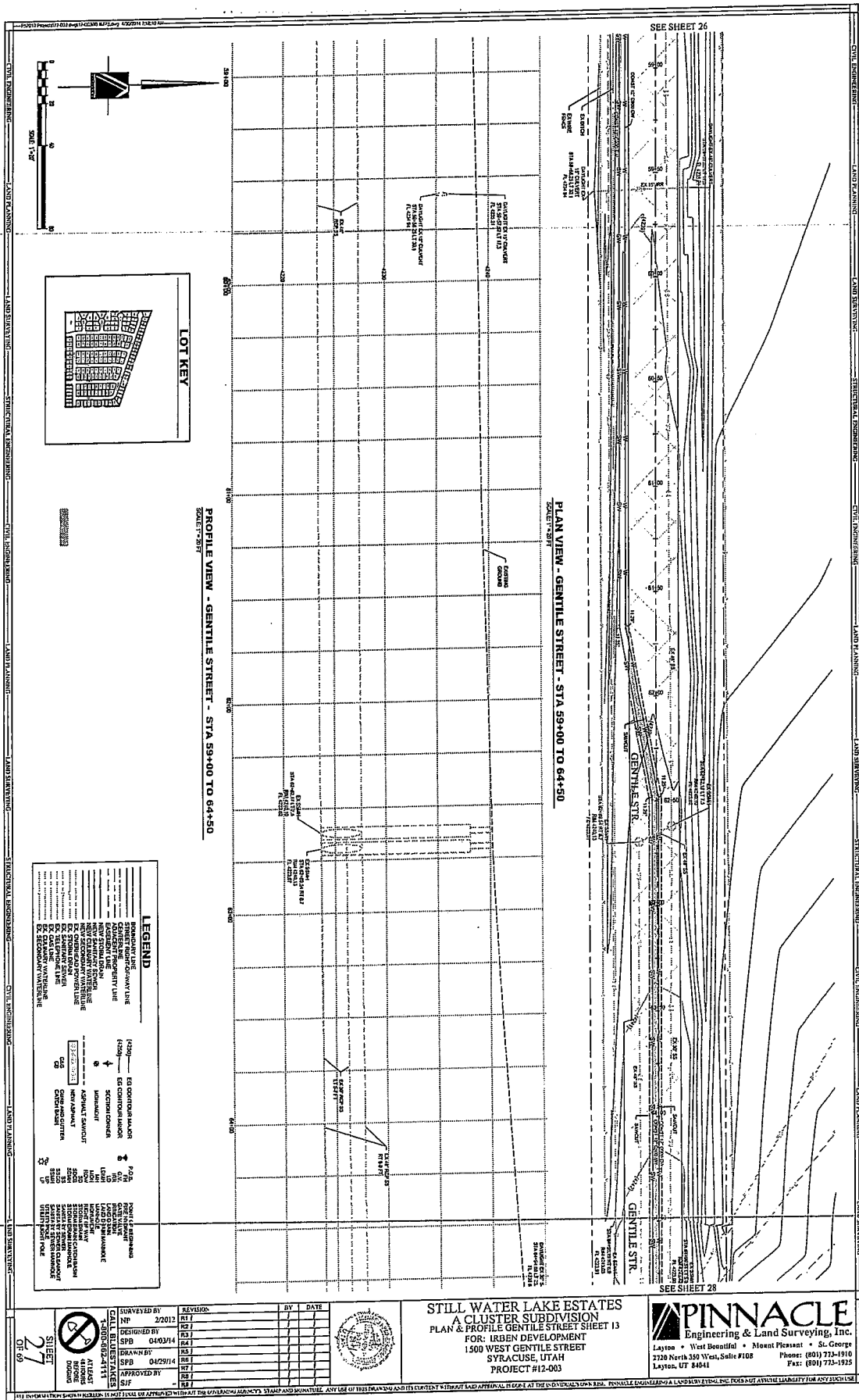


NO.	REVISION	DATE	BY
1	AS PER	01/03/17	SPD
2	AS PER	01/03/17	SPD
3	AS PER	01/03/17	SPD
4	AS PER	01/03/17	SPD
5	AS PER	01/03/17	SPD
6	AS PER	01/03/17	SPD
7	AS PER	01/03/17	SPD
8	AS PER	01/03/17	SPD
9	AS PER	01/03/17	SPD
10	AS PER	01/03/17	SPD

STILL WATER LAKE ESTATES
A CLUSTER SUBDIVISION
PLAN & PROFILE GENTILE STREET SHEET 11
FOR: IRBEN DEVELOPMENT
1500 WEST GENTILE STREET
SYRACUSE, UTAH
PROJECT #12-003

PINNACLE
Engineering & Land Surveying, Inc.
Layton • West Bountiful • Moen Pressant • St. George
7726 North 250 West, Suite #108 Phone: (801) 775-1510
Layton, UT 84041 Fax: (801) 775-1925

I, PINNACLE ENGINEERING & LAND SURVEYING, INC., A PROFESSIONAL CORPORATION, DO HEREBY CERTIFY THAT THE ENGINEERING AND SURVEYING WORK SHOWN ON THESE PLANS WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF UTAH. I AM NOT PROVIDING ANY PROFESSIONAL SERVICES TO ANY OTHER PARTY. I AM NOT PROVIDING ANY PROFESSIONAL SERVICES TO ANY OTHER PARTY. I AM NOT PROVIDING ANY PROFESSIONAL SERVICES TO ANY OTHER PARTY.

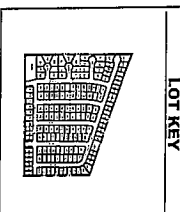
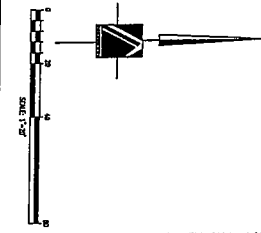
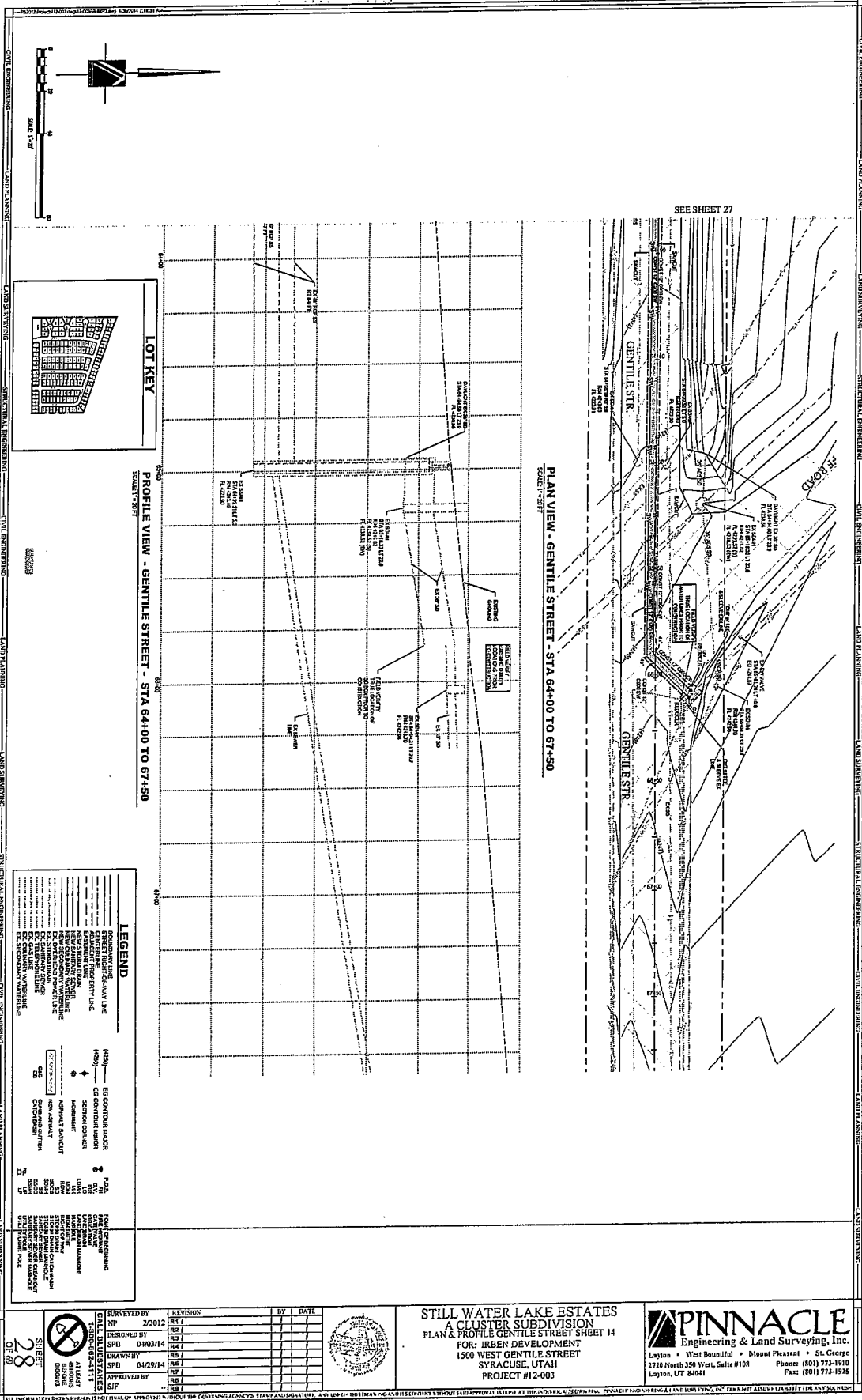


NO.	DATE	REVISION
1	04/02/14	DESIGNED BY
2	04/29/14	DRAWN BY
3		APPROVED BY
4		CHECKED BY
5		DATE

STILL WATER LAKE ESTATES
 A CLUSTER SUBDIVISION
 PLAN & PROFILE GENTILE STREET SHEET 13
 FOR: URBAN DEVELOPMENT
 1500 WEST GENTILE STREET
 SYRACUSE, UTAH
 PROJECT #12-003

PINNACLE
 Engineering & Land Surveying, Inc.
 Layton • West Bountiful • Mount Pleasant • St. George
 2700 North 550 West, Salt Lake #108 Phone: (801) 773-1910
 Layton, UT 84041 Fax: (801) 773-1925

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PROFILE VIEW - GENTILE STREET - STA 64+00 TO 67+50
SCALE 1"=20'

LEGEND

	BOUNDARY LINE
	EASEMENT LINE
	UTILITY LINE
	CENTERLINE
	RIGHT-OF-WAY LINE
	PROPOSED ROAD
	EXISTING ROAD
	PROPOSED DRIVEWAY
	EXISTING DRIVEWAY
	PROPOSED SIDEWALK
	EXISTING SIDEWALK
	PROPOSED CURB
	EXISTING CURB
	PROPOSED GUTTER
	EXISTING GUTTER
	PROPOSED DITCH
	EXISTING DITCH
	PROPOSED FENCE
	EXISTING FENCE
	PROPOSED WALL
	EXISTING WALL
	PROPOSED STRUCTURE
	EXISTING STRUCTURE
	PROPOSED WELL
	EXISTING WELL
	PROPOSED TANK
	EXISTING TANK
	PROPOSED MONUMENT
	EXISTING MONUMENT
	PROPOSED BENCHMARK
	EXISTING BENCHMARK
	PROPOSED SPOT ELEVATION
	EXISTING SPOT ELEVATION
	PROPOSED SPOT HEIGHT
	EXISTING SPOT HEIGHT
	PROPOSED SPOT WIDTH
	EXISTING SPOT WIDTH
	PROPOSED SPOT DEPTH
	EXISTING SPOT DEPTH

NO.	DESCRIPTION	DATE
1	AS SHOWN	04/29/14
2	REVISION	2/20/12
3	REVISION	04/03/14
4	REVISION	04/29/14
5	REVISION	04/29/14
6	REVISION	04/29/14
7	REVISION	04/29/14
8	REVISION	04/29/14
9	REVISION	04/29/14
10	REVISION	04/29/14

SURVEYED BY: DALL BLAIR/STAYERS
 DESIGNED BY: SPB
 DRAWN BY: DLS
 APPROVED BY: DLS
 DATE: 04/29/14
 SHEET NO. 28 OF 31

STILL WATER LAKE ESTATES
 A CLUSTER SUBDIVISION
 PLAN & PROFILE GENTILE STREET SHEET 14
 FOR: IRBEN DEVELOPMENT
 1500 WEST GENTILE STREET
 SYRACUSE, UTAH
 PROJECT #12-003

PINNACLE
 Engineering & Land Surveying, Inc.
 Layton • West Bountiful • Mount Pleasant • St. George
 2728 North 350 West, Suite #108 Phone: (801) 773-1916
 Layton, UT 84041 Fax: (801) 773-1915

EXHIBIT G

Payment Responsibility and bids

A	Bluff and Gentile to East Property Line, Culinary and Secondary Water Line bid	\$ 270,300.00
B	Culinary and Secondary Water Line bid thru UDOT Easement	\$ 74,578.00
C	2000 West 48" Storm Drain (ditch) bid	\$ 96,900.00

City has responsibility to reimburse A minus B minus C which equals an estimated total of
Agreed upon Change orders may impact this estimated total.

\$ 98,822.00



Synopsis

Application Information

Application Request:	Consideration and action on final approval of Fenster Farms Phase 3 Subdivision, a nine lot subdivision.
Type of Decision:	Administrative
Agenda Date:	Tuesday, June 11, 2019
Applicant:	Kenny Palmer, Representative
File Number:	LVF101718

Property Information

Approximate Address:	560 N 5500 W, West Warren, UT, 84404
Project Area:	10.48 acres
Zoning:	Agricultural (A-2)
Existing Land Use:	Residential
Proposed Land Use:	Residential
Parcel ID:	15-024-0015, 15-024-0016
Township, Range, Section:	T6N, R2W, Section 07 SE

Adjacent Land Use

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

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@co.weber.ut.us
Report Reviewer:	RK

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 7 (A-2 Zone)

Background and Summary

The applicant is requesting final approval of Fenster Farms Subdivision Phase 3, consisting of 9 lots, including continuation of a county, dedicated road (560 North St) located at approximately 560 N 5500 W in the A-2 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single-family residential development that is currently dominant in the area.

Zoning: The subject property is located in the A-2 Zone. Single-family dwellings are a permitted use in the A-2 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-2 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. All lots in this proposed phase of Fenster Farms meet this requirement.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the A-2 zone standards in LUC § 104-7. The proposed subdivision will create two new public streets, as well as continue a previously dedicated public street (dedicated in Phase 1).

Culinary water and sanitary sewage disposal: Feasibility letters have been provided for both culinary (West Warren-Warren Water) and secondary (Mt. View Irrigation). Weber-Morgan Health Department has performed the necessary testing to recommend design requirements for on-site septic systems for each lot.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and Surveyor's Office along with the Weber Fire District. All review agency requirements must be addressed and completed prior to this subdivision being forwarded for preliminary approval.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2018 property taxes are not considered due at this time, but will become due in full on November 30, 2019.

Public Notice: A notice has been mailed not less than seven calendar days before preliminary approval 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.

Staff Recommendation

Staff recommends final approval of Fenster Farms Subdivision Phase 3, a nine-lot subdivision located at approximately 560 North 5500 West. This recommendation is subject to all review agency requirements, and the following conditions:

1. An escrow established for improvements to be installed, prior to recording the subdivision.
2. A fence must be installed along the irrigation ditch to the east and south of the proposed subdivision.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber General Plan
2. The proposed subdivision complies with applicable county ordinances

Exhibits

- A. Subdivision plat
- B. Approval from Water

Area Map

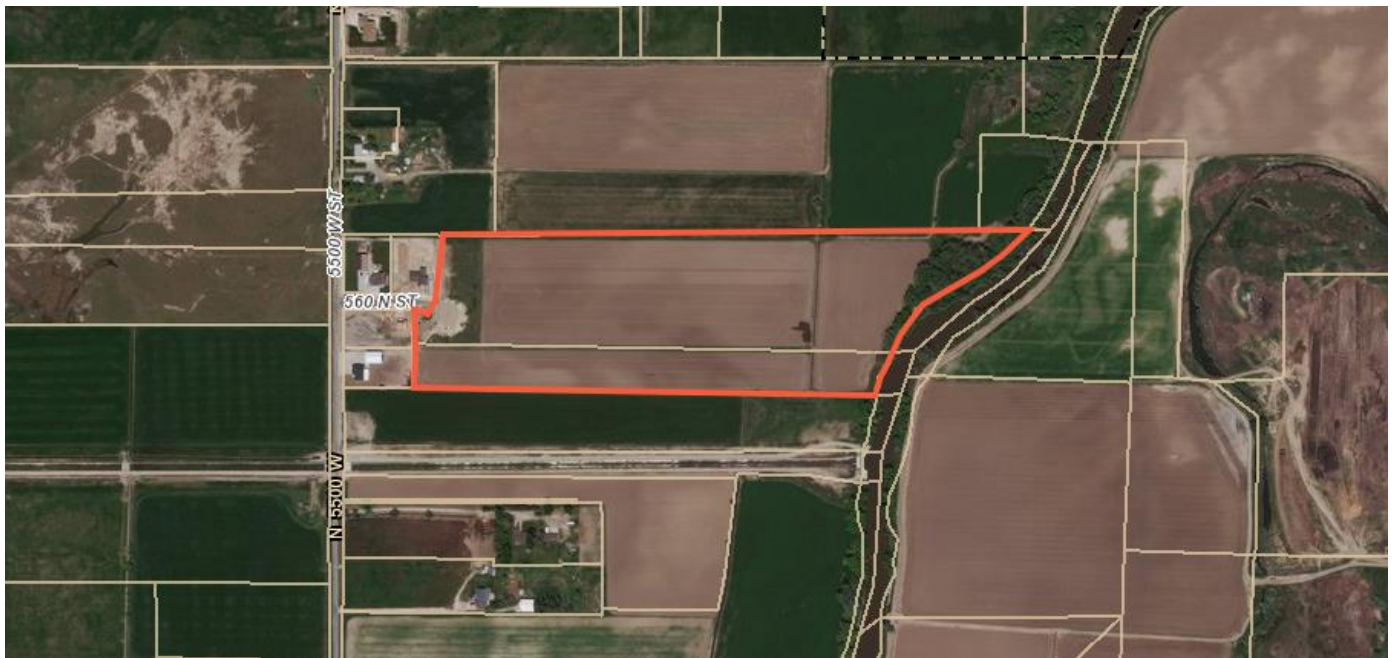
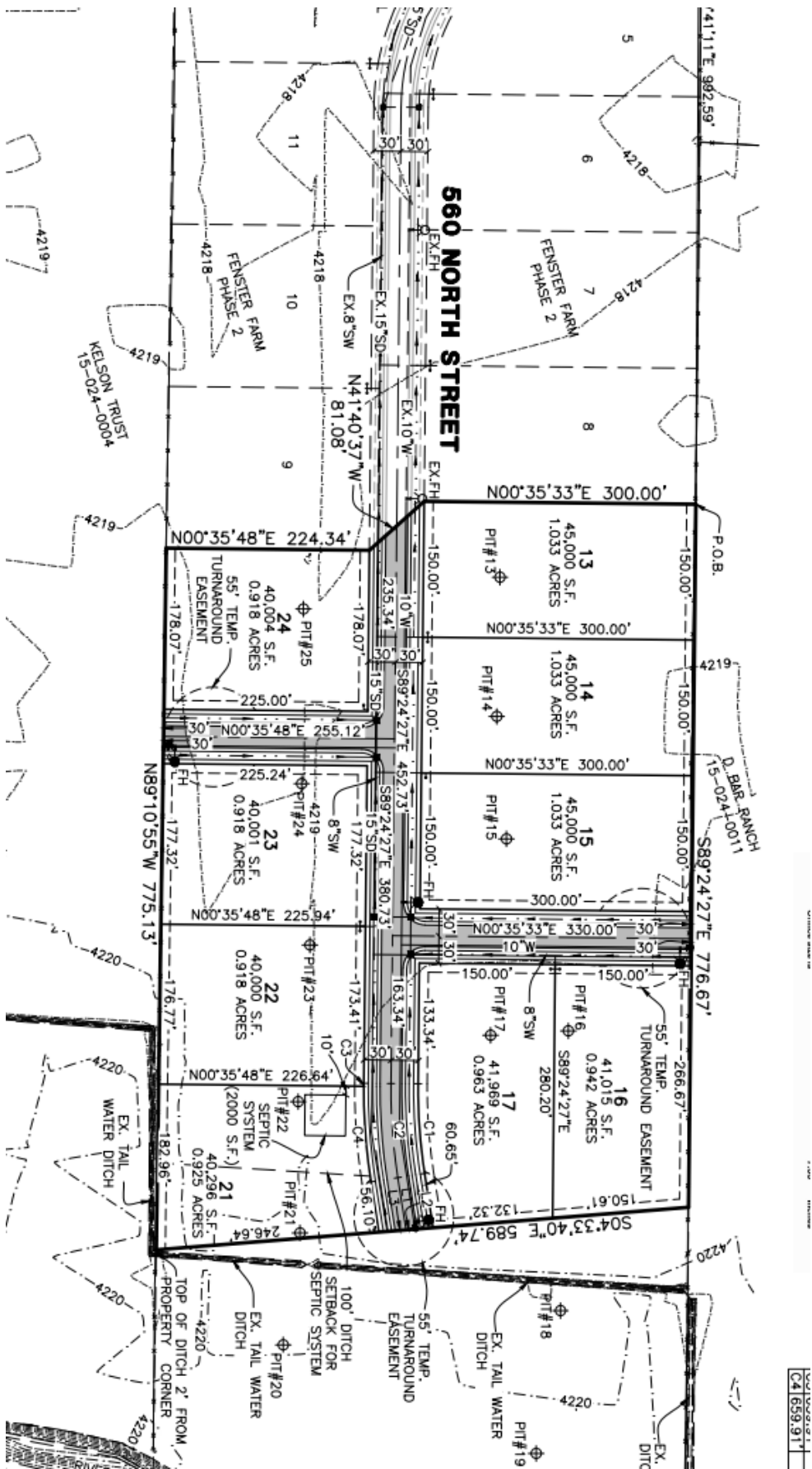


Exhibit A - Subdivision Plat



041659.91

Mt. View Irrigation
5238 W 2150 N
Ogden, Utah 84404

5-8-19

To: Weber County

Re: Fenster Farms Phase 3

Dear Sirs,

This is to confirm that Mt. View Irrigation has reviewed the plans for the secondary water to the lots in Fenster Farms Subdivision Phase 3 and approves the design of the system. Completion and approval of the pipelines, service laterals and payment of applicable connection fees will need to be made and accepted prior to delivery of pressurized secondary water to the project. Each lot owner will become a shareholder in the company and be bound by its by-laws.

Signed



Kami Marriott
Secretary

West Warren and Warren Water Improvement District

1561 S. 7500 W.
Ogden, UT 84404
801-259-7614

May 9, 2019

To Whom It May Concern:

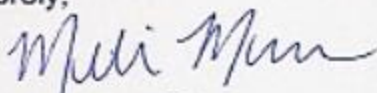
This letter is in reference to the development Fenster Farms. Mr. Kenny Palmer has supplied requested materials (except for connection and impact fees) to warrant approval of phase 3. The West Warren and Warren WID will supply the culinary water and there is adequate water to supply phase 3 of the subdivision.

Randy Giordano is satisfied with the drawings and design Mr. Kenny Palmer has provided, if the following conditions are met:

1. C900 PVC class 150 10' pipe.
2. Trace wire buried with pipe.
3. All valve fittings and fire hydrant fitting wrapped in plastic prior, and to be blocked properly.
4. All meter boxes will be installed 18 x 36 with yolks 5/8s x 3/4 yolks with backflow preventers, and 1'cts from main line to meter boxes poly class 200.
5. After installation prior to connecting to existing waterline, a 150lb pressure test verified by Randy Giordano. The duration of the test must be 2 hours.
6. After hookup 2 bacteria tests must be performed by contractor.
7. Randy Giordano must be notified before and during construction for inspection.

If you have questions or concerns, please contact Randy Giordano 801-791-7368.

Sincerely,



Melissa Murray, Clerk



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2019-04, a proposal to amend Titles 101, and 106 of the Land Use Code to update provisions related to culinary and secondary water requirements for subdivision lots, and other administrative edits to support the same.

Agenda Date: Tuesday, May 28, 2019

Staff Report Date: Tuesday, May 21, 2019

Applicant: Hooper Irrigation Company; Agent: Greg Seegmiller

File Number: ZTA 2019-04

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
 §106-1: Subdivision General Provisions
 §106-2: Subdivision Standards

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

The attached proposed ordinance amendment will address two inter-related issues. They are as follows:

- The current code provides very limited standards to which secondary water infrastructure should meet. Often, culinary water services from a local water system is conditioned on secondary water service to the property. Current code allows secondary water service to be by onsite shallow well or any other unspecified means. Some culinary water providers have expressed concerned that their condition of culinary service cannot be adequately enforced without better secondary water system standards. This amendment provides additional standards and oversight processes. However, it keeps the responsibility of verification of a functioning secondary system on the culinary provider that has conditioned their service. The county could get involved at the county engineer's discretion, but will not be required. This proposal also will require a connection to a local functioning secondary system if that system is within 300 feet multiplied by the number of lots from the subdivision boundary.
- Culinary water may be approved by means of a private well onsite. When a well is proposed, current code allows the approval and recordation of subdivision lots without proof of access to ground-water, and defers the responsibility of proving access to ground water onto the future owner/builder. There is inherent risk that the future owner/builder may not be able to access groundwater on the lot. This amendment will require a licensed engineer or geologist to assert that there is reasonable likelihood of accessing water by means of well onsite without an impact on others. It requires the engineer or geologist to review other wells in the area and local available hydrology and/or hydrogeology information.

Policy Analysis

Policy Considerations:

The proposed ordinance draft is attached as Exhibits A and B. The following is an analysis of the proposal based on the existing general plan and existing ordinances.

General plan.

The Ogden Valley General Plan offers this guidance regarding water availability:

Utilities and Public Services Principle 1.1: Although Weber County has no direct regulatory role, the County should support communication among water and sewer service providers to coordinate the planning for and delivery of culinary water and sewer services in a manner that pursues the possibility of an eventual valleywide sewer and water system plan.

Utilities and Public Services Principle 1.2: Weber County will require that adequate water and sewer services are available as a condition of approval of all future developments.

Utilities and Public Services Principle 1.3: Support conservation of water resources

Utilities and Public Services Implementation 1.3.3: Weber County will encourage the Weber Basin Conservancy District to verify that clear evidence exists that the impacts of an exchange application can be mitigated.

The West Central Weber County General Plan does not offer as specific guidance regarding the regulation of access to water, but between it and the Western Weber County Resource Management Plan it appears to indicate that an important role of Weber County Government is to assist in enhancing access to safe and clean drinking water.

Ordinance.

The current subdivision code contains a paragraph, Section 106-4-2(m), that is poorly written. Essentially, this paragraph is intended to require secondary water provisions to subdivisions lots when the culinary water provider requires a secondary system as a condition of their culinary service. The poor clarity of this section has resulted in multiple reasonable interpretations, which has generated conflict over its administration and application. It is incumbent on the county to provide ordinances that are clear and predictable. This proposal replaces the current standards with clearer requirements.

In addition to this conflict, the Hooper Irrigation Company is asking the county to add standards regarding secondary water service – when required by a culinary water provider. This includes expectations for how a system is constructed and operated. It also includes an expectation for a developer to connect to an existing local system, rather than gain secondary water by means of private well or the creation of a new secondary system, when the development is within 300 feet multiplied by the number of lots in the subdivision.

Another subject of this ordinance change is how the county should verify whether there is sufficient access to ground water when a lot is proposed to be served by a well. This subject was not specifically a part of the applicant’s request, however has ties to the request that should be addressed with the proposed changes.

The problem boils down to the following key discussion points:

- Several culinary water companies make their service dependent on access to other water for secondary water service. However, the culinary water companies often have little or no control over the functionality of the secondary system.
- Who is or should be responsible and accountable to verify that newly installed secondary water infrastructure can satisfy a culinary provider’s conditions of service?
- Who is or should be responsible when a secondary system fails or goes defunct, and what impact does that have on a culinary water providers ability to serve?
- If there is a requirement to hook into a nearby existing secondary system that is built to a specific standard, functions, and is appropriately managed, then conditioning culinary water service on a local secondary company becomes less risky.
- Should the county be allowing lots proposed to be served by a well if the well has not been dug and pump-tested? If so, how can the county better assure that future purchasers might have access to water and that the access will not negatively affect others in the area?

Public culinary water and secondary water.

When a culinary water company conditions access to culinary water on a developer's ability to access secondary water, there seems to be some confusion regarding who is accountable for ensuring the secondary system is installed and functioning.

First, a "culinary water authority" is defined by UCA § 17-27a-103 as:

"... the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property."

Then, UCA § 17-27a-603(2)(a), says:

"Subject to Subsections (3), (5), and (6), if the plat conforms to the county's ordinances and this part **and has been approved by the culinary water authority**, the sanitary sewer authority, and the local health department, as defined in Section 26A-1-102, if the local health department and the county consider the local health department's approval necessary, the county shall approve the plat." (Italics offered for emphasis.)

This section requires a final subdivision plat to be approved by a "culinary water authority" **before** the county can take action on approving the final plat. This provision essentially grants a culinary water authority at least equal authority as the county when it comes to approving a subdivision plat. When a culinary water authority conditions its service on a secondary system's performance, it makes the culinary service wholly dependent on the performance of the secondary system. If the culinary water service has no control over the secondary system, then the culinary authority has shifted their responsibility of providing culinary water onto an entity that is beyond their control. However, once the culinary service is established it cannot be shutoff, even if the secondary system fails to perform.

In order to verify they will not fail to perform, a few culinary service providers have requested that the county be the overseer of the functionality of the secondary systems, asserting that they do not have the administrative capacity to do so themselves. Because the county is not in the water rights/shares business, nor in the water distribution or service business, the county has limited control over whether a secondary system functions according to the needs of the culinary provider. To the extent the county can control the performance of the secondary system, it would not be advisable for the county to assume that responsibility since the county has no responsibility or accountability for the culinary water service. That accountability and responsibility should remain with the culinary water service provider, as they are best suited to understand their own needs and are the entity designated by state law to be the authority.

The proposed ordinance offers better standards to which a secondary system should be constructed and managed. It enables the county to verify adequacy of the secondary system as a public benefit and courtesy to the local water companies, but it does not require the county to accept responsibility for the system's construction or performance. Staff feel that this might strike a balance between the interests of the water company, the interests of the public, and the interest of the county without transferring liability and responsibility to the county for systems over which it has no authority.

Private wells.

The current code allows a subdivision with lots served by a private well to be recorded without ever requiring verification that there is access to groundwater from an onsite well. This creates a "dry subdivision." A purchaser of such a lot will have no way to verify that there is access to groundwater from the site without first drilling and testing a well. They take a risk when purchasing a dry lot. The code requires a notice to be recorded to the lot to notify a purchaser of this risk, but does little else to minimize the risk.

It might be in the best interest of the purchaser and the surrounding well owners for verified access to groundwater to exist prior to the plat being recorded. However, requiring the drilling of a well onsite prior to plat recordation poses a couple of challenges:

- A well is not necessary until an onsite use requires it – usually a residential dwelling. It is not uncommon for a subdivision lot to sit vacant for a number of years before the landowner decides to build. Letting a well sit without continuous circulation can risk the health of the well water.
- It is difficult to get a construction loan to drill a well and construct a house without the lot being transferred to the new owner so the banks have something to lien. The lot ownership cannot be transferred until the plat is recorded.

Other counties have combated these challenges by allowing “dry subdivisions” to be recorded, but only after each proposed well has been vetted by a professional engineer or geologist for feasibility. The proposed ordinance offers similar new requirements. Even though this might not offer complete risk avoidance for the future lot owner or the surrounding well owners, it offers a layer of protection by means of expert review. If after the lot has been recorded a new well ends up affecting access to other well owner’s entitled water, the state engineer has a protest process that neighbors may engage to seek reprieve. The planning commission might determine that this a sufficient compromise to a difficult problem.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County’s Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

If the planning commission is satisfied with the attached ordinance amendment, staff recommends the Planning Commission offer a favorable recommendation for them to the County Commission. This recommendation is based on the following findings:

1. The changes align with the directives of the Ogden Valley General Plan, West Central Weber County General Plan, and the Western Weber County Resource Management Plan.
2. The changes will provide additional clarity to the existing ordinance.
3. The changes will strengthen the administration of the ordinance.
4. The changes will better promote the health, safety, and general welfare of the public.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.
- C. Application

5/8/2019

1 **Title 101 - GENERAL PROVISIONS**

2 ...

3 **Sec. 101-1-7. - Definitions.**

4 ...

5 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the
6 dimensional regulations of the Land Use Code where such action will not be contrary to the public
7 interest and where, owing to conditions peculiar to the property and not the result of actions or
8 the situation of the applicant or previous owners, a literal enforcement of the Code would result in
9 unnecessary and undue hardship, other than an economic nature or self-imposed hardship. A
10 self-imposed hardship created by a previous owner is considered to run with the land.

11 *Water, secondary.* The term "secondary water" means water typically used for crop or
12 landscape irrigation and not usually treated for culinary drinking water purpose.

13 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and
14 unobstructed from the ground upward by permanently parked vehicles, buildings or structures
15 except as otherwise provided herein.

16 ...

17 **Title 106 - SUBDIVISIONS**

18 **CHAPTER 1. - GENERAL PROVISIONS**

19 ...

20 **Sec. 106-1-4. - Subdivision application requirements.**

21 (a) *Pre-application meeting required.* Each person who proposes to subdivide land shall confer
22 with the county planning staff before preparing any plats, charts, or plans in order to become
23 familiar with the county subdivision requirements and existing general plans and to discuss
24 the proposed development of the tract. Additional required submittal information will be
25 identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells,
26 taxes, state roads, and neighborhood circulation plan.

27 (b) *Subdivision application submittal.* Subdivision applications shall be submitted to the
28 planning division, by appointment, and shall include:

29 (1) *Application form.* A completely filled out subdivision application form, signed by the
30 property owners.

31 (2) *Copies of preliminary plan.* One 24-inch by 36-inch copy, one 11-inch by 17-inch copy,
32 and one 8½-inch by 11-inch copy of the proposed preliminary plan meeting the
33 requirements listed in this title. This shall also include one 24 inch by 36-inch copy of the
34 phasing plan, if applicable.

35 (3) *Electronic documents.* All documents required by this title shall be accompanied by a PDF
36 file of the respective document. All plans (including but not limited to subdivision plats,
37 improvement drawings, architectural drawings, phasing plans, etc.), and subsequent
38 submittals and revisions, shall be accompanied by a full-scale set of PDF files of the
39 respective plans.

5/8/2019

40 (4) *Statement of culinary water feasibility.* A written statement of feasibility, also known as a
41 “will-serve letter,” specifying culinary water provisions for each lot.

42 a. The statement shall come from the culinary water authority pursuant to UCA § 17-27a-
43 603 as follows:

- 44 1. The local health department for lots proposed to be served by a private well; or
45 2. An existing culinary water service provider; or
46 3. If the culinary water authority is being newly formed, the statement shall come from
47 the manager of the newly formed water corporation. The applicant shall also
48 submit a written notification from the Utah Department of Environmental Quality
49 indicating their acknowledgement of the new culinary water authority and the
50 proposed system, and offer any other relevant information necessary for
51 demonstrating system feasibility.

52 b. The statement from the culinary water authority shall provide:

- 53 1. An acknowledgment of the number of lots proposed to be served;
54 2. An acknowledgement of all intended uses of the culinary water including, but not
55 limited to, fire suppression appurtenances or applicable secondary water uses as
56 provided for in Section 106-4-2;
57 3. The method of culinary water delivery to each applicable proposed lot;
58 4. From where the water rights or shares necessary to serve the lots are proposed to
59 come;
60 5. Any other requirement expected or necessary to attain the culinary water
61 authority’s approval of the final subdivision plat.

62 (5) *Statement of sanitary sewer or septic system feasibility.* A written statement of feasibility,
63 also known as a “will-serve letter,” specifying wastewater provisions for each lot.

64 a. The statement shall come from the sanitary sewer authority pursuant to UCA § 17-
65 27a-603 as follows:

- 66 1. The local health department for lots proposed to be served by a septic system;
67
68 2. An existing sanitary sewer service provider; or
69 3. If the sanitary sewer authority is being newly formed, the statement shall come from
70 the body politic or manager of the system. The applicant shall also submit a written
71 notification from the Utah State Department of Environmental Quality indicating their
72 acknowledgement of the proposed system, and offer any other relevant information
73 necessary for demonstrating system feasibility.
74 b. The statement shall provide:
75 1. An acknowledgment of the number of lots proposed to be served;
2. The method of wastewater disposal for each applicable proposed lot;

5/8/2019

- 76 3. An assertion that there is sufficient capability for safe wastewater disposal using
77 the proposed method; and
- 78 4. Any other requirement expected or necessary to attain the sanitary sewer
79 authority's approval of the final subdivision plat.
- 80 (6) *Application fee.* Full payment of the application fee is required at the time of application
81 submittal. The payment of a partial application fee, or the submittal of plans for a pre-
82 submittal review, does not constitute a complete application.

83 ...

84 **Sec. 106-1-8. - Final plat requirements and approval procedure.**

- 85 (a) *Preliminary approval required.* Until all preliminary requirements outlined in the agencies'
86 review are met, the subdivision shall not proceed to final approval. Final plat submittal will not
87 be accepted until the conditions of preliminary approval are met.

88 ...

- 89 (c) *Final plat requirements.*

- 90 (1) Digital copies shall be submitted until the county engineer and surveyor give their
91 approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar
92 with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy
93 lines leaving a space of a minimum of one-half-inch or a maximum of 1½-inch margin on
94 all four sides of the sheet. The final plat shall be signed and stamped by a licensed land
95 surveyor licensed in the state. All lines, dimensions and markings shall be made on the
96 mylar with permanent ink meeting industry standards. The plat shall be made to a scale
97 large enough to clearly show all details in any case not smaller than 100 feet to the inch,
98 unless specified otherwise by the county surveyor, and the workmanship on the finished
99 drawing shall be legible having a text size of not less than 0.10 of an inch (approximately
100 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of
101 this section, duly authorized and required to sign and shall contain the following
102 information:

103 ...

- 104 h. A signature block conforming to state code and county ordinances shall be included
105 on the plat for the following:
- 106 1. Description of land included in subdivision;
 - 107 2. Private licensed land surveyor's "certificate of survey";
 - 108 3. Owner's dedication certificate;
 - 109 4. Notary public's acknowledgment;
 - 110 5. County planning commission's certificate of approval, to be signed by the planning
111 director for the chair;
 - 112 6. County engineer's certificate of approval;

5/8/2019

- 113 7. County attorney's certificate of approval;
- 114 8. Board of county commissioners' certificate of acceptance;
- 115 9. County clerk's certificate of attest;
- 116 10. County surveyor's certificate of approval;
- 117 11. Local health department certificate of approval if required by the local health
- 118 department;
- 119 12. Culinary water authority and sanitary sewer authority certificate of approval, if
- 120 required by the culinary water authority or sanitary sewer authority.

121 ...

122 **CHAPTER 4. - SUBDIVISION IMPROVEMENTS REQUIRED**

123 ...

124 **Sec. 106-4-2. - Improvements required.**

125 (a) *Culinary water supply.* (1) *Private well.* Unless required otherwise by part two (2) of

126 this subsection 106-4-2(a), culinary water may be provided by private well.

127 a. *Private well capacity assessment.* The applicant shall provide the following capacity

128 assessment verification prior to final plat approval.

129 1. Written verification from the Utah Division of Water Rights that a well permit has

130 been obtained for each lot proposed to be served by private well.

131 2. Written verification from Weber Basin Water Conservancy District that adequate

132 shares have been secured for each proposed well, or proof of sufficient culinary

133 water rights for each proposed well.

134 3. A signed, dated, and stamped written statement from a professional engineer or

135 professional geologist licensed by the State of Utah.

136 i. The statement shall attest that a thorough review has been conducted in

137 accordance with this part and that it is reasonably likely the proposed well will

138 offer adequate water flow and quality for all uses proposed.

139 ii. The statement shall offer an opinion that the proposed well location is unlikely

140 to offer unreasonable impact on other wells.

141 iii. The review shall include a study of logs of three or more wells which are closest

142 to the proposed well and which, wherever possible, are likely to be affected by

143 similar hydrogeologic conditions as the proposed well.

144 iv. If this statement cannot be made upon review of other wells, a well shall be drilled and

145 pump-tested from which this review and statement can be offered. Inability to provide

146 this statement shall result in a denial of the subdivision unless another lawfully

147 approved culinary water source can be provided. b. *Unapproved well notice.*

148 Except where an approved well exists on a lot at the time of plat recordation, together

149 with the recorded water rights or shares required, a notice shall be recorded to run

150 with each lot proposed to be served by a well. The notice shall, at a minimum, specify
151 that prior to the issuance of a building permit for a structure intended for human
152 occupancy, a well shall be dug, pump-tested, and approved by the local health
153 department for all water uses proposed in the subdivision approval including, but not
154 limited to, applicable secondary water uses and fire suppression appurtenances. If a
155 well cannot be approved, the building permit shall not be approved unless another
156 lawfully approved culinary water source can be provided.

157 (2) *Public culinary water service provider.*

158 a. *Existing public culinary water service provider.* A connection to an existing culinary
159 water system is required where a subdivision is situated within 300 feet, multiplied by
160 the number of lots in the subdivision, of any part of a currently operating culinary water
161 service provider's system, and the service provider is willing and able to serve the
162 subdivision. If multiple systems are available, connection to the system that will yield
163 the best organization of culinary water infrastructure in the area is required. If conflict
164 arises in making such a determination, the county engineer shall make the final
165 determination. Overlapping culinary water infrastructure should be avoided whenever
166 possible.

167 b. *New public culinary water service provider.* Where outside the connection distance of
168 an existing culinary water service provider and where a private well will not be
169 proposed or cannot be approved by the Health Department, a new culinary water
170 service provider may be created pursuant to state law to serve the needs of the
171 subdivision.

172 c. *Capacity assessment.* Prior to final plat approval, the applicant shall provide the
173 county with written capacity assessment. Capacity assessment shall include:

174 1. Written verification from the public culinary water service provider. The
175 assessment shall verify:

176 i. That the system is, or will be at the time the subdivision improvements are
177 complete, capable of serving the culinary water needs of each applicable
178 subdivision lot;

179 ii. That adequate culinary water flow and culinary water storage is or will be
180 available at the time the subdivision improvements are complete for all
181 intended or proposed uses of culinary water including, but not limited to,
182 applicable secondary water uses and fire suppression appurtenances; and

183 iii. The specific details regarding the requirements or conditions for the culinary
184 service of which the county should be aware during the approval or
185 construction process.

186 2. Evidence that a state construct permit has been secured from the Utah Department
187 of Environmental Quality's Division of Drinking Water.

188 d. *Culinary water improvements required.* The applicant shall submit to the county
189 written approval of new culinary water infrastructure from the public culinary water

190 service provider prior to final acceptance of the subdivision’s improvements by the
191 county.

192 1. Culinary water infrastructure shall be provided to the furthest extent of the
193 subdivision boundary within a public street right of way or a public utility
194 easement and laterals shall be stubbed to each lot and/or irrigable parcel.

195 2. Culinary infrastructure shall be designed with sufficient capacity for the system
196 service area as determined by the culinary water service provider, or as may
197 otherwise be required by the county engineer.

198 3. Unless authorized by the county engineer, culinary water system infrastructure
199 shall be located outside of the asphalt area of a public street.

200 4. Water lines and fire hydrants shall be operational before building permits are
201 issued for any structures.

202 5. Acceptance of the subdivision’s improvements shall not constitute an obligation
203 to the county for the ownership or operation of the water facilities.

204 (3) *Transfer of rights and penalty for removal.* All necessary culinary water rights or shares
205 required for each lot shall be transferred to the culinary water service provider, if required
206 by the culinary water service provider. Otherwise, the rights or shares required shall be
207 assigned to the lot or a governing homeowner’s association at the time of subdivision
208 recordation. Removal or reallocation of required rights or shares shall constitute a violation
209 of this land use code, with all associated enforcement measures being at the county’s
210 disposal. The county is also authorized to void the recorded plat or withhold any further
211 land use approvals for the affected lot or lots, as determined by the Planning Director.

212
213 ...

214 (m) *Secondary water.* When acting as the culinary water authority pursuant to UCA § 17-27a-603,
215 a culinary water service provider may require that a secondary water system serve some or
216 all lots within the subdivision as a condition of committing to serve culinary water. The culinary
217 water service provider shall be responsible for notifying the county, in writing, of this
218 requirement at the time it commits to serve, along with any other specific requirement applied
219 to secondary water provisions. Secondary water required under this provision shall comply
220 with the following:

221 (1) *Private well.* Unless required otherwise by part two (2) of this Section 106-4-2(m),
222 secondary water may be provided by private well.

223 a. *Capacity assessment.* Prior to final plat recording a signed, dated, and stamped written
224 statement from a professional engineer or professional geologist licensed by the State
225 of Utah shall be submitted.

226 1. The statement shall attest that a thorough review has been conducted in
227 accordance with this part and that it is reasonably likely the proposed well will offer
228 adequate water flow and quality for all uses proposed.

- 229 2. The statement shall offer an opinion that the proposed well location is unlikely to
230 offer unreasonable impact on other wells.
- 231 3. The review shall include a study of logs of three or more wells which are closest to
232 the proposed well and which, wherever possible, are likely to be affected by similar
233 hydrogeologic conditions as the proposed well.
- 234 4. If this statement cannot be made upon review of other wells, a well shall be drilled
235 and pump-tested from which this review and statement can be offered. Inability to
236 provide this statement shall result in a denial of the subdivision unless another
237 lawfully approved secondary water source can be provided.
- 238 b. *Unapproved well notice.* Except where an approved well exists on a lot at the time of
239 plat recordation, together with the recorded water rights or shares required, a notice
240 shall be recorded to run with each lot proposed to be served by a well. The notice
241 shall, at a minimum, specify that prior to the issuance of a building permit for a structure
242 intended for human occupancy, a well shall be dug, pump-tested, and approved by
243 the local health department for all water uses proposed in the subdivision approval
244 including, but not limited to, applicable secondary water uses and fire suppression
245 appurtenances. If a well cannot be approved, the building permit shall not be approved
246 unless another lawfully approved culinary water source can be provided.
- 247 (2) *Secondary water service provider.*
- 248 a. *Existing secondary water service provider.* A connection to an existing secondary
249 water system is required where a subdivision is situated within 300 feet, multiplied
250 by the number of lots in the subdivision, of any part of a currently operating
251 secondary water service provider's system, and the service provider is willing and
252 able to serve the subdivision. If multiple systems are available, connection to the
253 system that will yield the best organization of secondary water infrastructure in the
254 area is required, as determined by the county engineer.
- 255 b. *New secondary water service provider.* Where outside the connection distance of an
256 existing secondary water service provider and where a private well will not be
257 proposed or will not yield adequate flow as required by this subsection, a new
258 secondary water service provider may be created to serve the needs of the
259 subdivision.
- 260 c. *Improvements required.* Written approval of secondary water infrastructure shall be
261 submitted to the county from the secondary water service provider and the culinary
262 water service provider prior to final acceptance of the subdivision's improvements
263 by the county.
- 264 1. Secondary water infrastructure shall be provided to the furthest extent of the
265 subdivision and laterals shall be stubbed to each lot and/or irrigable parcel.
- 266 2. Infrastructure shall be designed with sufficient capacity for the system service
267 area as determined by the secondary water service provider, or as may
268 otherwise be required by the county engineer.

- 269 3. Unless authorized by the county engineer, secondary water system
270 infrastructure shall be located outside of the asphalt area of a public street.
- 271 d. *Verification of capability to serve.* The culinary water service provider requiring the
272 secondary system bears full responsibility for verifying a secondary water system's
273 capability to satisfy the conditions and requirements of offering the culinary service
274 to the subdivision.
- 275 1. Final plat approval by the culinary water authority indicates satisfaction of the
276 proposal for secondary water services.
- 277 2. The culinary water provider is encouraged to secure any financial guarantees
278 necessary to ensure satisfactory performance from a secondary water provider.
279 At the county engineer's discretion and when the culinary water provider
280 declines, the county may require secondary water infrastructure to be a part of
281 the county's financial guarantee for the subdivision, pursuant to Section 106-4-
282 3.
- 283 3. As a basis to establish capability to serve, the culinary water service provider or
284 the county may determine adequacy of a secondary water system's source,
285 storage, pumping, distribution, and administration.
- 286 i. Source considerations may include diversion structures, source flow
287 measurement, screening of the water, adequate shares or rights deeded to
288 the system provider or the county.
- 289 ii. Storage considerations may include adequate volume for daily demands
290 (which may a week of storage depending upon water turns), chemical
291 treatment capability for algae and mussels, accounting for evaporation, basin
292 capable to accommodate groundwater table fluctuations, barrier to minimize
293 infiltration or exfiltration, fencing for security, and maintenance of water
294 quality including separation from storm water.
- 295 iii. Pumping considerations may include adequate power, pump capacity and
296 variability for minimum flows to peak instantaneous flows of the future
297 system, above-ground shelter, wet well, and ventilation.
- 298 iv. Distribution considerations may include consistent pipe materials, locating
299 wires, sizing adequate for future peak day flows, service laterals including
300 meters, draining and filling appurtenances, valves and installation of pipes
301 only within public rights-of-way for accessibility.
- 302 v. Administration considerations may include ability to provide billing to users,
303 enforcement of any watering restriction, maintenance ability, contingency
304 funding for emergency repairs, annual reporting ability to the State Division
305 of Water Rights, and management of Bluestakes.
- 306 e. *Exactions and denials.* A culinary water service provider shall not use this part to
307 require an unlawful exaction or an unlawful subdivision denial, pursuant to state law.

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308 Requirements for secondary water shall be reasonable and in accordance with
309 industry best practices.

310 (3) *Transfer of rights and penalty for removal.* All necessary secondary or irrigation water
311 rights or shares required for each lot shall be transferred to the secondary water service
312 provider, if required by the secondary water service provider. Otherwise, the rights or
313 shares required shall be assigned to the lot or a governing homeowner's association at
314 or prior to subdivision recordation. Removal or reallocation of required rights or shares
315 shall constitute a violation of this land use code, with all associated enforcement
316 measures being at the county's disposal. The county is also authorized to void the
317 recorded plat or withhold any further land use approvals for the affected lot or lots, as
318 determined by the Planning Director.

319

320 (n) Reserved. ...

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1 **Title 101 - GENERAL PROVISIONS**

2 ...

3 **Sec. 101-1-7. - Definitions.**

4 ...

5 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the
6 dimensional regulations of the Land Use Code where such action will not be contrary to the public
7 interest and where, owing to conditions peculiar to the property and not the result of actions or
8 the situation of the applicant or previous owners, a literal enforcement of the Code would result in
9 unnecessary and undue hardship, other than an economic nature or self-imposed hardship. A
10 self-imposed hardship created by a previous owner is considered to run with the land.

11 *Water, secondary.* The term "secondary water" means water typically used for crop or
12 landscape irrigation and not usually treated for culinary drinking water purpose.

13 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and
14 unobstructed from the ground upward by permanently parked vehicles, buildings or structures
15 except as otherwise provided herein.

16 ...

17 **Title 106 - SUBDIVISIONS**

18 **CHAPTER 1. - GENERAL PROVISIONS**

19 ...

20 **Sec. 106-1-4. - Subdivision application requirements.**

21 (a) *Pre-application meeting required.* Each person who proposes to subdivide land shall confer
22 with the county planning staff before preparing any plats, charts, or plans in order to become
23 familiar with the county subdivision requirements and existing general plans and to discuss
24 the proposed development of the tract. Additional required submittal information will be
25 identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells,
26 taxes, state roads, and neighborhood circulation plan.

27 (b) *Subdivision application submittal.* Subdivision applications shall be submitted to the
28 planning division, by appointment, and shall include:

29 (1) *Application form.* A completely filled out subdivision application form, signed by the
30 property owners.

31 (2) *Copies of preliminary plan.* ~~Five full-size~~ One 24-inch by 36-inch ~~copies~~ copy, and one
32 ~~reduced size-11-inch~~ by 17-inch ~~copy~~, and one ~~reduced size-8½-inch~~ by 11-inch copy of
33 ~~a the proposed~~ preliminary plan meeting the requirements listed in this title. This shall also
34 ~~includes two one 24 inch by 36 36-inch copies-copy~~ of the phasing plan, if applicable. ~~Once~~
35 ~~all preliminary requirements have been met, two 24 by 36 copies and a one digital copy~~
36 ~~shall be submitted to the planning division. This requirement shall be met prior to the~~
37 ~~submittal for final approval.~~

38 (3) *Electronic documents.* All documents required by this title shall ~~submitted in the~~
39 ~~subdivision application shall~~ be accompanied by a PDF file of the respective document.

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40 All plans (including but not limited to subdivision plats, improvement drawings,
41 architectural drawings, phasing plans, etc.), and subsequent submittals and revisions,
42 shall be accompanied by a ~~full-scale~~full-scale set of PDF files of the respective plans.

43 (4) Statement of culinary water feasibility. A written statement of feasibility, also known as a
44 "will-serve letter," specifying culinary water provisions for each lot.

45 a. The statement shall come from the ~~county or state~~ culinary water authority pursuant to
46 UCA § 17-27a-603 as follows:

47 1. The local health department ~~which states~~ for lots proposed to be served by a private
48 well; or

49 2. An existing culinary water service provider; or

50 3. If the ~~recommendation of~~ culinary water authority is being newly formed, the
51 statement shall come from the manager of the newly formed water corporation.
52 The applicant shall also submit a ~~the~~ written notification from the Utah Department
53 of Environmental Quality indicating their acknowledgement of the new culinary
54 water authority and the proposed system, and offer any other relevant information
55 necessary for demonstrating system feasibility.

56 b. The statement from the culinary water authority shall provide:

57 1. An acknowledgment of the number of lots proposed to be served;

58 2. An acknowledgement of all intended uses of the culinary water including, but not
59 limited to, fire suppression appurtenances or applicable secondary water uses as
60 provided for in Section 106-4-2;

61 3. The method of culinary water delivery to each applicable proposed lot;

62 4. From where the water rights or shares necessary to serve the lots are proposed to
63 come;

64 5. Any other requirement expected or necessary to attain the culinary water
65 authority's approval of the final subdivision plat.

66 (5) Statement of sanitary sewer or septic system feasibility. A written statement of feasibility,
67 also known as a "will-serve letter," specifying wastewater provisions for each lot.

68 a. The statement shall come from the sanitary sewer authority pursuant to UCA § 17-
69 27a-603 as follows:

70 1. The local health department ~~regarding-~~ for lots proposed to be served by a septic
71 system;

72 ~~a. Sanitary sewage disposal;~~

73 ~~b. Culinary water availability; and~~

74 ~~c. A project notification form~~

75 2. An existing sanitary sewer service provider; or

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76 3. If the sanitary sewer authority is being newly formed, the statement shall come
77 from the body politic or manager of the system. The applicant shall also submit a
78 written notification from the Utah State Department of Environmental Quality,
79 ~~Division of Drinking Water,~~ indicating their acknowledgement of the proposed
80 system, and offer any other relevant information necessary for demonstrating
81 system feasibility.

82 b. The statement shall provide:

83 1. An acknowledgment of the number of lots proposed to be served;

84 2. The method of wastewater disposal for each applicable proposed lot;

85 3. An assertion that there is sufficient capability for safe wastewater disposal using
86 the proposed method; and

87 4. Any other requirement expected or necessary to attain the sanitary sewer
88 authority's approval of the final subdivision plat.

89 (6) ~~An~~ application fee. Full payment of the application fee is required at the time of
90 application submittal. The payment of a partial application fee, or the submittal of plans
91 for a pre-submittal review, does not constitute a complete application.

92 ...

93 **Sec. 106-1-8. - Final plat requirements and approval procedure.**

94 (a) ~~—[Preliminary approval required.—]~~ Until all preliminary requirements outlined in the
95 agencies' review are met, the subdivision shall not proceed to final approval. Final plat
96 submittal will not be accepted until the conditions of preliminary approval are met.

97 ...

98 (c) *Final plat requirements.*

99 (1) Digital copies shall be submitted until the county engineer and surveyor give their
100 approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar
101 with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy
102 lines leaving a space of a minimum of one-half-inch or a maximum of 1½-inch margin on
103 all four sides of the sheet. The final plat shall be signed and stamped by a licensed land
104 surveyor licensed in the state. All lines, dimensions and markings shall be made on the
105 mylar with permanent ink meeting industry standards. The plat shall be made to a scale
106 large enough to clearly show all details in any case not smaller than 100 feet to the inch,
107 unless specified otherwise by the county surveyor, and the workmanship on the finished
108 drawing shall be legible having a text size of not less than 0.10 of an inch (approximately
109 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of
110 this section, duly authorized and required to sign and shall contain the following
111 information:

112 ...

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- 113 h. A signature block conforming to state code and county ordinances shall be included
114 on the plat for the following:
- 115 1. Description of land included in subdivision;
 - 116 2. Private licensed land surveyor's "certificate of survey";
 - 117 3. Owner's dedication certificate;
 - 118 4. Notary public's acknowledgment;
 - 119 5. County planning commission's certificate of approval, to be signed by the planning
120 director for the chair;
 - 121 6. County engineer's certificate of approval;
 - 122 7. County attorney's certificate of approval;
 - 123 8. Board of county commissioners' certificate of acceptance;
 - 124 9. County clerk's certificate of attest;
 - 125 10. County surveyor's certificate of approval;
 - 126 11. ~~Weber-Morgan Local Health Department~~ health Department certificate of
127 approval if required by the local health department;
 - 128 12. Culinary water authority and sanitary sewer authority certificate of approval, if
129 required by the culinary water authority or sanitary sewer authority.

130 ...

131 **CHAPTER 4. - SUBDIVISION IMPROVEMENTS REQUIRED**

132 ...

133 **Sec. 106-4-2. - Improvements required.**

134 (a) ~~Culinary~~ Water supply.

135 (1) Private well. Unless required otherwise by part two (2) of this subsection 106-4-2(a),
136 culinary water may be provided by private well.

137 a. Private well capacity assessment. The applicant shall provide the following capacity
138 assessment verification prior to final plat approval.

139 1. Written verification from the Utah Division of Water Rights that a well permit has
140 been obtained for each lot proposed to be served by private well.

141 2. Written verification from Weber Basin Water Conservancy District that adequate
142 shares have been secured for each proposed well, or proof of sufficient culinary
143 water rights for each proposed well.

144 3. A signed, dated, and stamped written statement from a professional engineer or
145 professional geologist licensed by the State of Utah.

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146 i. The statement shall attest that a thorough review has been conducted in
147 accordance with this part and that it is reasonably likely the proposed well will
148 offer adequate water flow and quality for all uses proposed.

149 ii. The statement shall offer an opinion that the proposed well location is unlikely
150 to offer unreasonable impact on other wells.

151 iii. The review shall include a study of logs of three or more wells which are closest
152 to the proposed well and which, wherever possible, are likely to be affected by
153 similar hydrogeologic conditions as the proposed well.

154 iv. If this statement cannot be made upon review of other wells, a well shall be
155 drilled and pump-tested from which this review and statement can be offered.
156 Inability to provide this statement shall result in a denial of the subdivision
157 unless another lawfully approved culinary water source can be provided.

158 b. *Unapproved well notice.* Except where an approved well exists on a lot at the time of
159 plat recordation, together with the recorded water rights or shares required, a notice
160 shall be recorded to run with each lot proposed to be served by a well. The notice
161 shall, at a minimum, specify that prior to the issuance of a building permit for a structure
162 intended for human occupancy, a well shall be dug, pump-tested, and approved by
163 the local health department for all water uses proposed in the subdivision approval
164 including, but not limited to, applicable secondary water uses and fire suppression
165 appurtenances. If a well cannot be approved, the building permit shall not be approved
166 unless another lawfully approved culinary water source can be provided.

167 (2) *Public culinary water service provider.*

168 a. *Existing public culinary water service provider.* A connection to an existing culinary
169 water system is required where a subdivision is situated within 300 feet, multiplied by
170 the number of lots in the subdivision, of any part of a currently operating culinary water
171 service provider's system, and the service provider is willing and able to serve the
172 subdivision. If multiple systems are available, connection to the system that will yield
173 the best organization of culinary water infrastructure in the area is required. If conflict
174 arises in making such a determination, the county engineer shall make the final
175 determination. Overlapping culinary water infrastructure should be avoided whenever
176 possible.

177 b. *New public culinary water service provider.* Where outside the connection distance of
178 an existing culinary water service provider and where a private well will not be
179 proposed or cannot be approved by the Health Department, a new culinary water
180 service provider may be created pursuant to state law to serve the needs of the
181 subdivision.

182 c. *Capacity assessment.* Prior to final plat approval, the applicant shall provide the
183 county with written capacity assessment. Capacity assessment shall include:

184 1. *Written verification from the public culinary water service provider.* The
185 assessment shall verify:

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- 186 i. That the system is, or will be at the time the subdivision improvements are
187 complete, capable of serving the culinary water needs of each applicable
188 subdivision lot;
- 189 ii. That adequate culinary water flow and culinary water storage is or will be
190 available at the time the subdivision improvements are complete for all
191 intended or proposed uses of culinary water including, but not limited to,
192 applicable secondary water uses and fire suppression appurtenances; and
- 193 iii. The specific details regarding the requirements or conditions for the culinary
194 service of which the county should be aware during the approval or
195 construction process.
- 196 2. Evidence that a state construct permit has been secured from the Utah Department
197 of Environmental Quality's Division of Drinking Water.
- 198 d. Culinary water improvements required. The applicant shall submit to the county
199 written approval of new culinary water infrastructure from the public culinary water
200 service provider prior to final acceptance of the subdivision's improvements by the
201 county.
- 202 1. Culinary water infrastructure shall be provided to the furthest extent of the
203 subdivision boundary within a public street right of way or a public utility
204 easement and laterals shall be stubbed to each lot and/or irrigable parcel.
- 205 2. Culinary infrastructure shall be designed with sufficient capacity for the system
206 service area as determined by the culinary water service provider, or as may
207 otherwise be required by the county engineer.
- 208 3. Unless authorized by the county engineer, culinary water system infrastructure
209 shall be located outside of the asphalt area of a public street.
- 210 4. Water lines and fire hydrants shall be operational before building permits are
211 issued for any structures.
- 212 5. Acceptance of the subdivision's improvements shall not constitute an obligation
213 to the county for the ownership or operation of the water facilities.
- 214 (3) Transfer of rights and penalty for removal. All necessary culinary water rights or shares
215 required for each lot shall be transferred to the culinary water service provider, if required
216 by the culinary water service provider. Otherwise, the rights or shares required shall be
217 assigned to the lot or a governing homeowner's association at the time of subdivision
218 recordation. Removal or reallocation of required rights or shares shall constitute a violation
219 of this land use code, with all associated enforcement measures being at the county's
220 disposal. The county is also authorized to void the recorded plat or withhold any further
221 land use approvals for the affected lot or lots, as determined by the Planning Director.

222 ~~(1) Public system.~~

223 ~~a. Where an approved public water supply is reasonably accessible or procurable, the applicant~~
224 ~~shall install water lines, or shall contract with the local water distributing agency to make the~~

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225 water supply available to each lot within the subdivision, including laterals to the property line
226 of each lot. Water lines and fire hydrants shall be operational before building permits are
227 issued for any structures.

228 ~~b. Capacity assessment letter is required prior to final approval from the planning commission.
229 A construct permit from the Utah State Department of Environmental Quality Division of
230 Drinking Water for expansion of the water system and water lines serving the subdivision is
231 required prior to the subdivision receiving final approval from the county commission.~~

232 ~~(2) New system. Where an approved public water supply or system is not reasonably accessible
233 nor procurable, the applicant shall install a water distribution system and provide a water supply
234 to each lot from a source meeting the requirements of the Utah Division of Drinking Water and/or
235 the Weber Morgan Health Department.~~

236 ~~(3) Wells. If individual well permits are issued by the Utah State Division of Water Rights, one
237 well permit must be obtained along with a letter of feasibility from the Division of Water Rights and
238 the Weber Morgan Health Department, which states that well permits can be issued in the
239 proposed area by the Division of Water Rights for exchange purposes. The owner of record of
240 the proposed subdivision property shall record a covenant to run with the land which advises the
241 new lot owner of the requirements to be fulfilled before a building permit can be obtained. This
242 shall include but not be limited to:~~

243 ~~a. That a well permit must be obtained;~~

244 ~~b. The time it may take to obtain the permit;~~

245 ~~c. The well must be drilled;~~

246 ~~d. Water quality to be satisfactory; and~~

247 ~~e. Water quantity to be sufficient as required by the Weber County Health Department,
248 before a building permit can be obtained.~~

249 ~~If well permits cannot be obtained, the lot will no longer be deemed a buildable lot.~~

250 ...

251 (m) Secondary water. When acting as the culinary water authority pursuant to UCA § 17-27a-603,
252 a culinary water service provider may require that a secondary water system serve some or
253 all lots within the subdivision as a condition of committing to serve culinary water. The culinary
254 water service provider shall be responsible for notifying the county, in writing, of this
255 requirement at the time it commits to serve, along with any other specific requirement applied
256 to secondary water provisions. Secondary water required under this provision shall comply
257 with the following:

258 (1) Private well. Unless required otherwise by part two (2) of this Section 106-4-2(m),
259 secondary water may be provided by private well.

260 a. Capacity assessment. Prior to final plat recording a signed, dated, and stamped written
261 statement from a professional engineer or professional geologist licensed by the State
262 of Utah shall be submitted.

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- 263 1. The statement shall attest that a thorough review has been conducted in
264 accordance with this part and that it is reasonably likely the proposed well will offer
265 adequate water flow and quality for all uses proposed.
- 266 2. The statement shall offer an opinion that the proposed well location is unlikely to
267 offer unreasonable impact on other wells.
- 268 3. The review shall include a study of logs of three or more wells which are closest to
269 the proposed well and which, wherever possible, are likely to be affected by similar
270 hydrogeologic conditions as the proposed well.
- 271 4. If this statement cannot be made upon review of other wells, a well shall be drilled
272 and pump-tested from which this review and statement can be offered. Inability to
273 provide this statement shall result in a denial of the subdivision unless another
274 lawfully approved secondary water source can be provided.
- 275 b. *Unapproved well notice.* Except where an approved well exists on a lot at the time of
276 plat recordation, together with the recorded water rights or shares required, a notice
277 shall be recorded to run with each lot proposed to be served by a well. The notice
278 shall, at a minimum, specify that prior to the issuance of a building permit for a structure
279 intended for human occupancy, a well shall be dug, pump-tested, and approved by
280 the local health department for all water uses proposed in the subdivision approval
281 including, but not limited to, applicable secondary water uses and fire suppression
282 appurtenances. If a well cannot be approved, the building permit shall not be approved
283 unless another lawfully approved culinary water source can be provided.
- 284 (2) *Secondary water service provider.*
- 285 a. *Existing secondary water service provider.* A connection to an existing secondary
286 water system is required where a subdivision is situated within 300 feet, multiplied
287 by the number of lots in the subdivision, of any part of a currently operating
288 secondary water service provider's system, and the service provider is willing and
289 able to serve the subdivision. If multiple systems are available, connection to the
290 system that will yield the best organization of secondary water infrastructure in the
291 area is required, as determined by the county engineer.
- 292 b. *New secondary water service provider.* Where outside the connection distance of an
293 existing secondary water service provider and where a private well will not be
294 proposed or will not yield adequate flow as required by this subsection, a new
295 secondary water service provider may be created to serve the needs of the
296 subdivision.
- 297 c. *Improvements required.* Written approval of secondary water infrastructure shall be
298 submitted to the county from the secondary water service provider and the culinary
299 water service provider prior to final acceptance of the subdivision's improvements
300 by the county.
- 301 1. *Secondary water infrastructure shall be provided to the furthest extent of the*
302 *subdivision and laterals shall be stubbed to each lot and/or irrigable parcel.*

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- 303 2. Infrastructure shall be designed with sufficient capacity for the system service
304 area as determined by the secondary water service provider, or as may
305 otherwise be required by the county engineer.
- 306 3. Unless authorized by the county engineer, secondary water system
307 infrastructure shall be located outside of the asphalt area of a public street.
- 308 d. Verification of capability to serve. The culinary water service provider requiring the
309 secondary system bears full responsibility for verifying a secondary water system's
310 capability to satisfy the conditions and requirements of offering the culinary service
311 to the subdivision.
- 312 1. Final plat approval by the culinary water authority indicates satisfaction of the
313 proposal for secondary water services.
- 314 2. The culinary water provider is encouraged to secure any financial guarantees
315 necessary to ensure satisfactory performance from a secondary water provider.
316 At the county engineer's discretion and when the culinary water provider
317 declines, the county may require secondary water infrastructure to be a part of
318 the county's financial guarantee for the subdivision, pursuant to Section 106-4-
319 3.
- 320 3. As a basis to establish capability to serve, the culinary water service provider or
321 the county may determine adequacy of a secondary water system's source,
322 storage, pumping, distribution, and administration.
- 323 i. Source considerations may include diversion structures, source flow
324 measurement, screening of the water, adequate shares or rights deeded to
325 the system provider or the county.
- 326 ii. Storage considerations may include adequate volume for daily demands
327 (which may a week of storage depending upon water turns), chemical
328 treatment capability for algae and mussels, accounting for evaporation, basin
329 capable to accommodate groundwater table fluctuations, barrier to minimize
330 infiltration or exfiltration, fencing for security, and maintenance of water
331 quality including separation from storm water.
- 332 iii. Pumping considerations may include adequate power, pump capacity and
333 variability for minimum flows to peak instantaneous flows of the future
334 system, above-ground shelter, wet well, and ventilation.
- 335 iv. Distribution considerations may include consistent pipe materials, locating
336 wires, sizing adequate for future peak day flows, service laterals including
337 meters, draining and filling appurtenances, valves and installation of pipes
338 only within public rights-of-way for accessibility.
- 339 v. Administration considerations may include ability to provide billing to users,
340 enforcement of any watering restriction, maintenance ability, contingency
341 funding for emergency repairs, annual reporting ability to the State Division
342 of Water Rights, and management of Bluestakes.

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343 e. Exactions and denials. A culinary water service provider shall not use this part to
344 require an unlawful exaction or an unlawful subdivision denial, pursuant to state law.
345 Requirements for secondary water shall be reasonable and in accordance with
346 industry best practices.

347 (3) Transfer of rights and penalty for removal. All necessary secondary or irrigation water
348 rights or shares required for each lot shall be transferred to the secondary water service
349 provider, if required by the secondary water service provider. Otherwise, the rights or
350 shares required shall be assigned to the lot or a governing homeowner's association at
351 or prior to subdivision recordation. Removal or reallocation of required rights or shares
352 shall constitute a violation of this land use code, with all associated enforcement
353 measures being at the county's disposal. The county is also authorized to void the
354 recorded plat or withhold any further land use approvals for the affected lot or lots, as
355 determined by the Planning Director.

356 ~~The term "secondary water" shall mean water furnished for other than culinary purposes. Where~~
357 ~~a subdivision is proposed within an existing culinary water district or service area of an~~
358 ~~existing water corporation or within a water district or water corporation service area created~~
359 ~~to serve such subdivision, the planning commission shall, as part of the approval of the~~
360 ~~subdivision, require the applicant to furnish adequate secondary water and install a~~
361 ~~secondary water delivery system to the lots in the subdivision sufficient to conform to the~~
362 ~~public works standards, if such water district or company files or has filed a written statement~~
363 ~~with the Weber County Planning Division which specifies that the policy of such water district~~
364 ~~or company is to the effect that its water is not to be used for other than culinary purposes~~
365 ~~and will not permit culinary water connections unless secondary water is provided by the~~
366 ~~applicant. A certified copy of the minutes of the board of trustees of such water district or~~
367 ~~company showing the enactment of such policy must be furnished to the planning~~
368 ~~commission. If secondary water is to be by shallow well, then a copy of the approved well~~
369 ~~permit shall be submitted, and the shallow well shall be pump tested with a copy of the test~~
370 ~~results submitted for review prior to the subdivision being recorded. When subdivisions are~~
371 ~~within the service area of a secondary water provider company or district, the applicant shall~~
372 ~~install a secondary water system in accordance with the provider's requirements or~~
373 ~~standards.~~

Commented [E1]: Moved to definitions section.

374 (n) Reserved. ~~Transfer of irrigation water rights. Where the county, on behalf of a culinary~~
375 ~~water agency, requires irrigation water to be provided to each lot in a subdivision as part of~~
376 ~~the required improvements, the applicant shall provide for the transfer of irrigation water rights~~
377 ~~by either of the following methods as determined by the planning commission.~~

Commented [E2]: Moved to definitions section.

Commented [CE23]: These requirements simplified and moved to part (3) in the previous section.

378 ~~(1) The applicant shall form a lot owners association as a non-profit corporation for owning the~~
379 ~~irrigation water rights or stock for the lots in the subdivision. The applicant shall transfer to~~
380 ~~the association at the time of subdivision recording, sufficient rights or stock as required by~~
381 ~~the irrigation agency for the number of lots in the subdivision. The articles of incorporation of~~
382 ~~the association shall provide, in addition to the association owning the required water rights~~
383 ~~or shares on behalf of each and every lot owner, that each lot owner shall automatically be a~~
384 ~~member of the association, is entitled to a pro-rata share of irrigation water, is subject to a~~
385 ~~water distribution schedule and procedure established by the association, and is responsible~~

5/8/2019

386 ~~for his share of the costs of ditch and system maintenance and assessments as made by the~~
387 ~~association from time to time; or~~

388 ~~(2) The applicant shall provide the county with evidence that sufficient irrigation water~~
389 ~~rights or shares for all of the lots in the subdivision are held by the developer/property~~
390 ~~owner. At the time of recording the approved subdivision plat, the developer/property~~
391 ~~owner shall record a covenant to run with the land that these rights or shares will not be~~
392 ~~disposed of except to the lots in the subdivision and with the sale of each lot, a transfer~~
393 ~~at no cost, the required water rights or shares needed to properly irrigate the lot, to the~~
394 ~~lot purchaser who is to be responsible for the proper use of the water as outlined in the~~
395 ~~irrigation water district or company's distribution schedule and procedures.~~

396 ...

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Text Amendment

Weber County Zoning Map Amendment Application

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

Date Submitted	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) <i>Hooper Irrigation Co.</i>		Mailing Address of Property Owner(s)
Phone <i>801-985-8429</i>	Fax	
Email Address <i>Hooperirrigationco@msn.com</i>		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <i>Greg Seegwiler</i>		Mailing Address of Authorized Person
Phone <i>801-499-9977</i>	Fax	
Email Address <i>gseegwiler@job.com</i>		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name	Current Zoning	Proposed Zoning
Approximate Address	Land Serial Number(s)	
Total Acreage	Current Use	Proposed Use

Project Narrative

Describing the project vision.

*Text amendment to the Subdivision Code Sec 106*4-2.
 for secondary water systems within 300' or 300'x lot numbers
 from an existing system.*



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

MEMORANDUM

DATE: April 2, 2019
TO: Weber County Planning and Engineering
CC: Hooper Irrigation Company
FROM: Greg Seegmiller, PE
SUBJECT: Secondary Water Systems in Weber County; J-U-B Project 55-19-009-000

In reviewing the Weber County Ordinance and in meeting with Weber County Planning and Engineering, concerns were raised about developers installing substandard secondary water systems that compete with larger systems. There are some reasons we would like to have Weber County consider when approving developments that want to do their own irrigation system. These benefits include:

1. **Treatment** - A larger system has the ability to treat Algae and Mussels that get into the water. Smaller systems don't have the same means.
2. **Source Water** - The water comes to the properties every 7.5 days. Until there is a full stream of water needed for a system (3cfs), this means that someone will need to be up sometimes in the middle of the night to turn on the water. That equates to around 500 connections.
3. **HOA Management** – Smaller systems are typically ran by HOAs. HOAs are difficult to maintain for extended periods of time and often return to the Governing Jurisdiction. There is a critical mass to starting one up and keeping it running.
4. **Storage Requirements** - The water storage for the development must be equal to a full week of usage in the peak of the summer.
5. **Evaporation** – larger system are able to use deeper reservoirs and keep them fenced and safe from intrusion and minimize evaporation.
6. **Environmentally Conscious** - Hooper Irrigation has started discussion with some of the Cities/Communities (Hooper Water Improvement District, and Taylor West Weber Improvement District) to return their Water Rights back to the land. The State allows this to be done in an effort to maximize the resource of water. Due to the tertiary treatment cost, this can't be done if several small systems are involved. That resource will be wasted if smaller systems are allowed.
7. **Recent State Legislation** – The State is starting to push for meters on secondary water in an effort to conserve. A larger system has the ability to not only put into place the meter reading equipment but also make that information available to the users. As other legislation come, It makes sense to work with one system rather than multiple similar to Culinary Water systems.
8. **Master Planning**- Hooper Irrigation has sized water reservoirs, pumps, and distribution lines for a certain areas and capacities. If this area is significantly reduced then our sizing is wrong and our reservoirs, pumps and pipes are less efficient.

9. **Loan Repayment** – our loans with the State Board of Water Resources for building the system assume that our pre-defined service area will connect as the County grows. These connection fees are used to pay back the loans. If smaller systems are allowed, we run the risk of default.
10. **Blue Staking** – if two secondary systems are in the same area we run the risk of contractors feeling confident that blue stakes are done once they see purple in the area, and then hitting the other pipe.
11. **Confusion in Maintenance** - if a leak surfaces, which utility is it, Culinary, Roy Secondary, or Hooper Secondary? When drains are open in the fall, which drain belongs to which system? Which valve shuts off which main?
12. **System Courtesy** – Hooper Irrigation Company currently has or is working on Boundary Agreements with Weber Basin Water, Davis and Weber Canal Company, and Roy Water Conservancy District for the reasons stated above. These boundary agreements has worked well in the past for the reasons stated above. If smaller systems are allowed, we would request that the county determine where those systems would be permitted so we can plan accordingly.

We request that Weber County modify their ordinance to require subdivisions to connect to existing secondary water systems. Please contact me if you have any questions.

The Weber County ordinance currently reads as follows:

Sec. 106-4-2. - Improvements required.

(m) Secondary water. The term "secondary water" shall mean water furnished for other than culinary purposes. Where a subdivision is proposed within an existing culinary water district or service area of an existing water corporation or within a water district or water corporation service area created to serve such subdivision, the planning commission shall, as part of the approval of the subdivision, require the applicant to furnish adequate secondary water and install a secondary water delivery system to the lots in the subdivision sufficient to conform to the public works standards, if such water district or company files or has filed a written statement with the Weber County Planning Division which specifies that the policy of such water district or company is to the effect that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the applicant. A certified copy of the minutes of the board of trustees of such water district or company showing the enactment of such policy must be furnished to the planning commission. If secondary water is to be by shallow well, then a copy of the approved well permit shall be submitted, and the shallow well shall be pump tested with a copy of the test results submitted for review prior to the subdivision being recorded. When subdivisions are within the service area of a secondary water provider company or district, the applicant shall install a secondary water system in accordance with the provider's requirements or standards.

We propose that the following text be added to the above paragraph (m):

The provider's requirements and standards shall consider and provide for Source, Storage, Pumping, Distribution and Administration. Source considerations shall include: diversion structures, source flow measurement, screening of the water, adequate shares or rights deeded to the system provider or the county. Storage considerations shall include: adequate volume for daily demands (which may a week of storage depending upon water turns), chemical treatment capability for algae and mussels, accounting for evaporation, basin capable to accommodate groundwater table fluctuations, barrier to minimize infiltration or exfiltration, fencing for security, and maintenance of water quality including separation from storm water. Pumping considerations shall include: Adequate power, pump capacity and variability for minimum flows to peak instantaneous flows of the future system, above-ground shelter, wet well, and ventilation. Distribution considerations shall include: consistent pipe materials, locating wires, sizing adequate for future peak day flows, service laterals including meters, draining and filling appurtenances, valves and installation of pipes only within public rights-of-way for accessibility. Administration considerations shall include: ability to provide billing to users, enforcement of any watering restriction, maintenance ability, contingency funding for emergency repairs, annual reporting ability to the State Division of Water Rights, and management of Bluestakes.

Where any part of a Development situated within the unincorporated areas of the county is within 300 feet of any part of a Secondary Water System currently operating, or where the lot is close enough in the determination of the County Engineer to require a connection, or when the development is within the distance calculated by the number of lots in the development (including future phases) multiplied by 300 feet, the applicant shall connect to the Secondary Water System. Said system shall have a declared service area boundary incorporating the

development or ability to expand its boundaries. The development shall provide adequate pipe lines to the furthest extent of the frontages of the development and laterals to each lot and/or irrigable parcel. Secondary Water pipes and appurtenances shall be approved by the Secondary Water Company, and connections shall comply with the Standards of the company.

Where the construction of a Secondary water transmission line is required to serve the development, the applicant shall be required to construct transmission lines in accordance with plans and specifications approved by the county and secondary water company. The new transmission line shall be designed with sufficient capacity for the system service area as determined by the County Engineer and/or the secondary water company. The development shall be required to produce adequate shares/rights, and pay other connection or impact fees in accordance with the connection policy of the secondary water company. The applicant may be entitled to reimbursement for the extension and oversize costs through Oversize Agreements, Pioneering Agreements, Development Agreements or Impact Fees within the service area as applicable by the provider.



Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

Planning Commission Staff Report -- Culinary and Secondary Water Provisions Page 30 of 30
Exhibit C: Application and Applicant Narrative Page 6 of 6

Customer Receipt	
Receipt Number	104447

Receipt Date
04/10/19

Received From:
Hooper Irrigation Co

Time: 14:10
Clerk: amorby

Description	Comment	Amount
ZONING FEES	Zoning Map	\$600.00

Payment Type	Quantity	Ref	Amount
CHECK		6634	

AMT TENDERED: \$600.00
 AMT APPLIED: \$600.00
 CHANGE: \$0.00



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2019-05, a proposal to amend Title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's and master planned developments.

Agenda Date: Tuesday, May 28, 2019

Staff Report Date: Tuesday, May 22, 2019

Applicant: B&H Investment Properties. Agent: Steven Fenton and Kevin Deppe

File Number: ZTA 2019-05

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
 §106-1: Subdivision General Provisions
 §106-2: Subdivision Standards

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

When the cluster subdivision code was amended in early 2018 the county amended the method of density calculations. Formerly, density calculations, in part, excluded area with certain slopes. In contrast, a traditional subdivision in most zones had no such reduction. This de-incentivized the use of the cluster code, hence the 2018 policy shift.

In making those changes, we missed a section of code buried in the subdivision title of the land use code. This proposal is intended to correct the oversight.

Policy Analysis

Policy Considerations:

General Plan: For a complete review of the general plan analysis for the cluster code revisions, please review the planning commission and county commission staff reports and memos on Miradi. They can be found here: <https://miradi.co.weber.ut.us/projects/view/3504>

Ordinance: The attached changes are a simple deletion of antiquated language in the subdivision code. It also addresses the definition of "net developable acreage" to be more reflective of real-world street area constraints as opposed to an estimated average, as requested by the Ogden Valley Planning Commission in the May 7, 2019 work session.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

If the planning commission is satisfied with the attached ordinance amendments, staff recommends the Planning Commission offer a favorable recommendation for them to the County Commission. This recommendation is based on the following findings:

1. The changes are more reflective of the purpose of adopting the cluster subdivision ordinance amendments on May 8, 2018.
2. The changes reduce conflict in the ordinance.
3. The changes will strengthen the administration of the ordinance.
4. The changes are not detrimental to the health, safety, and general welfare of the public.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.
- C. Application.

Title 101 - GENERAL PROVISIONS

Sec. 101-1-7. - Definitions.

...

Acreage, net developable. The phrase "net developable acreage" means the total acreage within a project boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise provided in this Land Use Code. When calculating net developable acreage, the area encumbered by a street right-of-way or other required right-of-way providing primary access to a lot, is considered area unsuitable for development. The term "net developable area" shall have the same meaning, unless the context clearly indicates otherwise.

...

Title 106 - SUBDIVISIONS

CHAPTER 2. - SUBDIVISION STANDARDS

...

Sec. 106-2-8. – Reserved .

...

Title 101 - GENERAL PROVISIONS

Sec. 101-1-7. - Definitions.

...

Acreage, net developable. The phrase "net developable acreage" means the total acreage within a project boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise provided in this Land Use Code. When calculating net developable acreage, the area encumbered by a street right-of-way or other required right-of-way providing primary access to a lot, is considered area unsuitable for development. ~~ten percent of the total acreage within a project area shall be reduced to account for potential street rights-of-way. The portions of an existing street right-of-way located within the project boundaries may be included as part of the ten percent.~~ The term "net developable area" shall have the same meaning, unless the context clearly indicates otherwise.

...

Title 106 - SUBDIVISIONS

CHAPTER 2. - SUBDIVISION STANDARDS

...

Sec. 106-2-8. - Reserved ~~-General land development.~~

~~Cluster subdivision, master plan communities, or plan residential unit developments with slopes of 40 percent or more in the FR-1, FV-3, F-5, F-10, F-20 and F-40 zones and 30 percent or more in all other zones, shall not be classified as developable land. All other subdivisions shall meet the restricted lot requirement table, or show a buildable area as required by the Land Use Code.~~

...

Weber County Zoning Map Amendment Application

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

Date Submitted	Received By (Office Use)	Added to Map (Office Use)
----------------	--------------------------	---------------------------

Property Owner Contact Information

Name of Property Owner(s) <i>B+H Investment properties / Steven Fenton / Kevin Deppe</i>		Mailing Address of Property Owner(s) <i>110 W. 1700 N. Centerville, UT 84014</i>
Phone	Fax	
Email Address <i>Crimson Ridge Utah. Steven@gmail.com Crimson Ridge Utah. Kevin@gmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <i>Chris Cave, Reeve + Assoc.</i>		Mailing Address of Authorized Person <i>5160 S. 1500 W. Riverdale, UT 84405</i>
Phone <i>(801) 621-3100</i>	Fax	
Email Address <i>CCave@reeve-assoc.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name <i>Crimson Ridge Phase 2</i>	Current Zoning <i>FV-3</i>	Proposed Zoning <i>FV-3</i>
Approximate Address	Land Serial Number(s) <i>20-005-0021</i>	
Total Acreage <i>135</i>	Current Use <i>Agriculture</i>	Proposed Use <i>Cluster Subdivision</i>

Project Narrative

Describing the project vision.

Project Narrative

Crimson Ridge is a mountain luxury subdivision along the south western bench of Pineview Reservoir. It has been carefully designed to cluster the development away from Highway 158 and off of the highly visible hillside slope. Phase 1 had 35 lots and has already been completed. Phase 2 is designed to have approximately 45 lots on 135 acres. Since phase 1 was completed there has been a substantial revision to the cluster subdivision ordinance including a new definition for what constitutes developable land for the purpose of the open space calculation. This new definition renders the original Crimson Ridge cluster plan obsolete and discourages use of the cluster ordinance. Under this definition the number of lots possible is reduced from approximately 45 to 33. Under the standard subdivision ordinance we estimate that we would be able to plat nearly all of the 45 lots but with a much higher visual impact.

Specifically, the section of the new cluster subdivision ordinance which defines what land can be counted towards open space is in conflict with the definition of developable land used in the standard subdivision ordinance. For cluster subdivisions, section 106-2-8 defines undevelopable acreage as anything with a slope of 40% or greater. In contrast, the definition for the standard subdivision ordinance in section 101-7-7 provides that the developer must be able to prove that the property is developable under county, state and federal laws. This conflict creates a situation where it is more desirable to use the standard subdivision ordinance in the varied terrain of Ogden Valley to maximize the number of lots available rather than using the new ordinance clustering development.

We would propose deleting section 106-2-8 and allow the developer to count as open space anything that is not undevelopable under section 101-1-7, thus requiring the developer to show that under existing county, state and federal law the proposed open space would be developable. This would put the cluster subdivision ordinance and standard ordinance on equal footing and not tip the scales toward the standard subdivision ordinance thus fulfilling one of the main objectives of the General Plan.

This change is in compliance with the General Plan because one of the main objectives of the General Plan is to preserve open space by clustering development to reduce the development foot print and preserve natural green belts and minimize visual impacts. It would also keep control of those areas out of the hands of lot owners who could do damage to the hillsides which would be part of their lots and what would otherwise be open space.

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

Property Owner Affidavit

I (We), B+H Investment Properties LLC, 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.

[Signature]

(Property Owner)

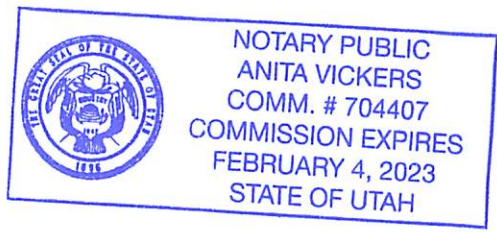
B+H INVESTMENT PROPERTIES

(Property Owner)

Subscribed and sworn to me this 18th day of April, 20 19.

[Signature]

(Notary)





Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

Planning Commission Staff Report -- Cluster/PRUD/Master Plan Subdivision Slopes
Exhibit C: Application and Narrative

Customer Receipt

Page 8 of 8
Page 4 of 4
Receipt Number **105780**

Receipt Date

04/25/19

Received From:

B & H Investment Pro

Time: 16:30
Clerk: amorby

Description	Comment	Amount
ZONING FEES	Text Amendment	\$1,052.00

Payment Type	Quantity	Ref	Amount
CHECK		210	

AMT TENDERED: \$1,052.00

AMT APPLIED: \$1,052.00

CHANGE: \$0.00