

## OGDEN VALLEY PLANNING COMMISSION

### MEETING AGENDA

**June 29, 2021**

**5:00 p.m.**

Join Zoom Meeting

<https://us02web.zoom.us/j/82079929422>

Meeting ID: 820 7992 9422

One tap mobile

+12532158782,,82079929422# US (Tacoma)

+13462487799,,82079929422# US (Houston)

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

**1. Minutes: Approval of minutes for April 27,2021.**

**2. Petitions, Applications, and Public Hearings:  
Administrative items**

**2.1 CUP 2021-09:** Consideration and action on a conditional use permit amendment for the Pointe at Wolf Creek Condominiums PRUD, located at Approximately 3835 North Wolf Creek Drive

**Staff Presenter: Steve Burton; Representative: Eric Householder**

**2.2 DR:2021-09:** Consideration and action on a request for design review approval to permit a temporary (two - four weeks) rock crushing operation for improvements within the Eden Escape Plat A and B subdivisions.

**Staff Presenter: Tammy Aydelotte; Representative: Rick Everson**

**2.3 UVL05222021:** Request for preliminary and final approval for Legacy Estates PRUD Subdivision, consisting of 48 lots and three open space parcels, located at approximately 6068 East Night Hawk Lane, Huntsville, UT, 84317, in the FV-3 zone.

**Staff Presenter: Tammy Aydelotte; Applicant: Legacy Mountain Estates, LLC**

**2.4 UVC052021:** Consideration and action on a request for preliminary approval of Charly's Acres Subdivision, consisting of four residential lots.

**Staff Presenter: Felix Lleverino; Applicant: Wade Tolman**

**3. Public Comment for Items not on the agenda:**

**4. Remarks from Planning Commissioners:**

**5. Planning Director Report:**

**6. Remarks from Legal Counsel:**

**Adjourn**

***The regular meeting will be held in person at the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah.***

***&***

***Via Zoom Video Conferencing at the link listed above.***

**A Pre-Meeting will be held at 4:30 p.m.** 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 801-399-8761***

## 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.

Minutes of the Ogden Valley Planning Commission Meeting for April 27, 2021. To join the meeting, please navigate to the following weblink at <https://us02web.zoom.us/j/87594802803> the time of the meeting, commencing at 5:00 p.m.

**Ogden Valley Planning Commissioners Present:** John Lewis, Chair; Shanna Francis, Vice Chair; Commissioners, Chris Hogge, John (Jack) Howell, Ron Lackey, Steve Waldrip.

**Absent/Excused:** Commissioner Jeff Burton.

**Staff Present:** Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:** Chair Lewis conducted roll call and indicated Vice Chair Francis and Commissioner Burton have been excused from the meeting.

Chair Lewis asked if anyone had any ex parte communication or conflict of interest to declare. No disclosures were made.

Chair Lewis then reported that item 2.5 has been removed from the agenda for tonight's meeting and will be heard at a later date.

### 1. Approval of Minutes for April 6, 2021.

Commissioner \_\_\_\_\_ moved to approve the minutes of the April 6, 2021 meeting as presented. Commissioner \_\_\_\_\_ seconded the motion. Commissioners Lewis, Francis, Hogge, Howell, Lackey, and Waldrip all voted aye. (Motion carried 6-0).

### 2. Petitions, Applications, and Public Hearings.

#### 2.1 Public hearing and possible action on an applicant driven request to rezone approximately 5 acres at 947 E Old Snowbasin Road, (unincorporated Huntsville area) from the CVR-1 zone to the FR-3 zone. *Staff presenter: Charlie Ewert; Applicant: CW Land, Todd Meyers (rep)*

Principal Planner Ewert reported this is a request to rezone approximately 3.22 acres from the CVR-1 zone to the FR-3 zone. Upon an evaluation of the zoning in the area, staff recommends also rezoning the adjacent property (to the east across Old Snowbasin Road) from the CV-2 zone to the FR-3 zone. This will preserve zoning consistency in the area. The two properties together comprise about 5 acres. The County has received consent from the other landowner for this rezone.

The CVR-1 zone and the FR-3 zone have almost identical lot development standards, meaning the overall density of the area will not be increased with this rezone, which is a critical recommendation found in the Ogden Valley General Plan.

The subject properties are located in a village area, as depicted in the general plan. A village area is noted as being a primary receiving area for residential uses. Between the residential uses allowed by the CVR-1 zone and the village areas of the plan, residential uses of the applicant's property appears to be a foregone conclusion. The future of commercial in this village, however, may not be as certain, or even recommended.

Despite the property to the north of the subject parcel also being zoned CVR-1, very little if any commercial uses have been established. The commercial uses approved within that development are likely to be the result of the minimum requirement of the CVR-1 zone to provide 10 percent commercial space. The location of the intersection in proximity to existing residential properties, the reservoir, and federal land may render this location a poor choice for a commercial village. Even if a market existed to establish commercial uses in this village, the additional supply of commercial land will reduce the demand for commercial space at the intersection of Trappers Loop and Highway 39 – which is only a little over three quarters of a mile to the east of this intersection. The Trappers Loop intersection provides for a better location for commercial opportunities, and is already pre-planned in the Snowbasin Masterplan.

For these reasons, staff feel it may be prudent to consider this village more residential in nature. Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2021-01, a proposal to rezone approximately 5.0 acres from the CVR-1 zone to the FR-3 zone. This recommendation comes with the following findings:

1. The Ogden Valley General Plan provides for a greater residential density on this property – as long as no new density is created. The proposal creates no new residential density than already entitled.
2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning.
3. The proposed zone is more harmonious with surround land uses than the property's current zone.

Chair Lewis invited input from the applicant.

Todd Meyers, C.W. Land, stated he is the applicant for the rezone and subsequent development of the land. He noted the current zoning of the property is commercial in nature, but the comprehensive plan for calls for clustering of commercial developments and to consider existing build-out of the area. In looking at how the area has developed, the subject property is not the right location for commercial as all surrounding properties have been developed for residential uses. He indicated he is happy that County staff reached out to the owner of the property across the street from the subject property because it makes sense for that property to also be developed for a residential use. He cited some of the uses allowed in the CVR-1 zone and indicated many of them are night-time uses that could be disruptive to residents in the area. That is why he feels that a development consisting of single-family homes will blend best with the existing development of the area. He then stated the only access to the property is from the old Snowbasin Road, which means that traffic associated with this project should not be too disruptive or impactful to existing residential developments. Both the current and proposed zone allow up to 20 units per acre, but there is an existing development agreement associated with the property that caps the density at 13 units per acre; this is based upon limited access to water and sewer infrastructure. He concluded by noting he is happy to answer any questions the Commission may have.

Commissioner Howell asked if the owner of the property across the street has submitted an application for rezoning his property. Mr. Ewart answered no, but the County Commission can consider a zone change for that property along with the application before them. That property has consented to the zone change.

Mr. Meyers then stated that his application does not include a request for nightly rentals in the development; however, this will not preclude future property owners from submitting an application for a nightly rental. Chair Lewis stated that means that the Commission must consider the worst-case scenario, which is that nightly rentals may be pursued within the project. He stated there is limited space for parking to accommodate visitors to the development and he is also concerned about the proximity of the rear yards of the homes and the nearby highway. Mr. Meyers stated there will be four parking spots for each unit: two in the driveway and two in the garage; he is happy to include a restrictive covenant indicating the garage must be available for parking two vehicles rather than being used as a storage space. He then noted that the rear yard setbacks will comply with the County's land use ordinance. Adjustments to the depth of the rear yard can be discussed in greater detail at the subdivision plat phase of the application process. Chair Lewis asked if the rear yard will be fenced. Mr. Meyers indicated one of the covenants for the project is that each property must be fenced, and owners would need to use a material similar to trex rather than common white vinyl. Chair Lewis noted no other property in the area is fenced so this project may not be harmonious with its surroundings for that reason.

Commissioner Howell inquired as to the property size, to which Mr. Ewart answered five-acres.

Commissioner Waldrip asked if the roads will be public or private. Mr. Ewart stated the applicant has requested that they be private, and the County is working on a code text amendment that addresses private road regulations. He indicated the Fire Marshall will review the proposed street layout to ensure it is appropriate and will accommodate emergency vehicle response.

There was high level discussion about matters such as fence heights on individual properties in the project area and efforts to preserve a clear sight triangle, after which Mr. Meyers indicated he is aware of requirements for preserving the sight triangle and this will be addressed in the engineering of the project. He will also adjust the street plan responsive to feedback received from the Fire Marshall.

Chair Lewis opened the public hearing.

Alan Houser, 6162 E. Quail Lane, stated he has two questions. The first relates to preservation of the sight triangle and he asked if the project may have an effect on the speed limit on the highway, perhaps by slowing the speed on the road. He then asked for more information about the pending adjustments to the site plan responsive to feedback from the Fire Marshall.

James Bird stated he resides in The Chalets in Huntsville and he recommends the Commission deny the zone change; the request to change the zoning to build 13 homes that are about 3,000 square feet in size on a three-acre – not five acre – parcel is inappropriate. The purpose of the zoning designation is to provide for medium density housing, but the proposal is high density. He referenced an existing development near the subject property and indicated that it has seven homes on a property that is about two-thirds the size of the subject property. This means this proposal is about twice the density and he believes the future owners of the homes will request permission to operate a short-term rental. The homes are large enough to accommodate 10 people and the homeowners could legally add a long-term apartment unit. The vehicles associated with the number of people that could live or stay at the homes will lead to great problems. The proposed density is the antithesis of the General Plan; 13 homes on three acres is not in keeping with the integrity of the mountain environment. A trex fencing is much different than any other development on the road and the project will tax the water and sewer systems that would serve it. Utah is the second driest state in the union and increasing density seems inappropriate when such action requires a zone change. Additionally, the sewer lagoons are already an eye sore, and they smell; increasing density will worsen this problem rather than improve it. He has been told repeatedly that the property could be developed as a gas station if the CVR-1 zoning is maintained, but he has reviewed the land use code and found that a gas station is not a permitted use in that zone. The County would have far less impact on traffic, noise, light, water, sewer, litter, and crime if the commercial zoning is maintained rather than allowing a density housing project. Finally, the request for a zoning change is being made by a developer who will build 13 homes to maximize his profits; he cannot blame him for pursuing that endeavor, but he is concerned about the impact that the project will have on existing residents. Maximizing the profits of one business at the expense of current property owners does not seem to be appropriate.

Alar Elkin, 6171 Quail Lane, stated that he bikes on old Snowbasin Road and onto Highway 39 very frequently and when heading westbound there is a great deal of traffic that is travelling at a high rate of speed. Several times he has had near-misses with those driving on the shoulder of the road to avoid a vehicle making a left-hand turn and an increase in housing units in the area will only make that problem worse. From a safety perspective, a left-hand turn lane on Highway 39 would greatly improve the area. Additionally, he has heard a rumor of extending the bike path from old Snowbasin Road to Winter's Grove and he would like for that project to come to fruition as it will be a great benefit for bikers living in the area. He concluded by inquiring as to the height limitations for homes to be built in the project area.

Gwendolyn Smith, 926 S. Meadowlark Lane, stated she shares many of the concerns that have been expressed. She understands that residences may be preferred over a gas station use; however, the high-density nature of the proposal is not preferred over other commercial uses allowed in the CVR-1 zone. If the housing were medium density rather than high density, she feels there would be support for it. The idea of a fence is also concerning as it will differ from the look of the entire area. Additionally, the other developments in the area are not zoned to allow short term rentals and allowing that use in this new project would be very concerning for existing residents. Her property directly abuts the subject property, and she is very concerned about the proposal and the impact it will have on her property values.

Gladden Combs stated he is building a home in The Chalets and he also has concerns about the density of the proposed project. He is also concerned about including the property across the street in this rezone action as doing so would result in an additional project with higher density residential use. This will increase traffic counts in the area and the homes will block the view of existing residents in the area. He does not feel that the proposed project fits with its surroundings and with the plan for the entire valley.

Mike Etringer, 938 Meadowlark Lane, stated his home directly abuts the subject property and he agrees with all of the comments that have been made by those who spoke before him. Additionally, he commented on the increase in heavy vehicle traffic as residents and visitors are bringing recreational vehicles to the area; this increase in traffic will dramatically worsen if the higher density developments are allowed.

Roger Dutson stated he lives on old Snowbasin Road; he was the third homeowner on the road and now there are more than 50 homes on the road. He stated that the developer has indicated that the ultimate development of the property could be worse than what he is proposing, but he does not feel that should be the standard upon which decisions like these are based. He stated the County needs to consider the impact the project will have on the environment of the area and he agrees with those who have commented on the problematic nature of the project. He stated the Commission should require applicants to come forward with a plan that is totally compatible without substantial impact on its surroundings. He stated he has been asked to speak in opposition on behalf of many of the property owners on old Snowbasin Road; this is not part of a recreational area, though it could be argued that it is part of the general recreational area that is Ogden Valley. However, the specific area is not recreational in nature and he feels the primary concern should be that this project will have a negative impact on property values for surrounding properties. The project will be high density in nature and future owners will surely pursue short term rentals and the impact of this type of

use should be considered. He feels it would be terrible to allow this project to move forward as it will totally change the environment of the area.

Commissioner Howell asked if it is possible for the Commission to impose a restriction or condition that would prohibit short term rentals on the property. Mr. Ewert stated that is not something that can be considered at the time of the rezone; but if a development agreement is considered for the project, there could be a restriction placed on short term rentals. If short term rentals are to be allowed in the future, each property owner would need to secure a conditional use permit, which could be denied if certain conditions can not be mitigated. He then added that if the CVR-1 zoning of the property were maintained, the property owner could pursue a project that would contain 13 buildings that could be residential or commercial in nature. He acknowledged the concerns expressed regarding the development that would be allowed under the residential zoning, but noted it is important to keep in mind that type of density is allowed in the commercial zone as well. He then addressed the questions asked during the public comment period. He noted there are plans for a bike path along Highway 39 and it will extend from Winter's Grove throughout Huntsville on surface streets. The project has sufficient funding to complete a compacted road base path, with plans to asphalt it in the future. He then addressed the questions regarding building heights, noting the FR-3 zone has a maximum building height of 35 feet and the CVR-1 zone does not have a maximum building height; however, if a building will be taller than 25 feet, the applicant must secure a conditional use permit, but there are no standards required to receive approval of a taller building height. He stated this is due to outdated land use code and he feels that if an applicant came forward with a request for taller building heights, it would be difficult to deny that request based upon valid findings. Staff is working on a code text amendment to correct that issue. He then noted that there were statements made indicating that a gas station would not be allowed in the CVR-1 zone, but he clarified that the zone does actually allow for a service station and the County's land use code considers a gas station to be a service station.

Chair Lewis referenced a Google Earth image of the subject property; he noted that he likes the idea of a FR-3 zone for the property, but he is concerned about density and the potential to allow nightly rentals. He stated that he feels a project with reduced density and no fencing would be the best type of project from a planning perspective. He stated that the corridor has been planned purposefully and a higher density project that is fenced will appear to be 'jammed' onto the property and along that corridor. Mr. Ewert agreed and stated that the Google Earth image of the property provides a different perspective; however, when he evaluated the application, he was considering the highest and best use for the property under the current CVR-1 zoning designation and that is why he felt a residential use was more appropriate for the property. Chair Lewis reiterated he is not opposed to a residential use of the property, but he feels the proposed density of the project requires it to be placed in what appears to be a middle of an existing development line and that is incongruent with the General Plan. Mr. Ewert agreed, but noted there is a nearby area that has been approved for commercial space, which will result in development of commercial flats in the 'clear line' referenced by Chair Lewis.

Commissioner Howell asked if the County has dialogued with the Utah Department of Transportation (UDOT) regarding turn lanes being developed on the Highway. Mr. Ewert stated there has not been dialogue yet between the County and UDOT, but the County has been contacted by developers and residents interested in seeing a turn lane in the area; that consideration is solely UDOT's responsibility, and they seem to be more reactive than proactive as those types of improvements or adjustments are based upon need or a warrant study.

Commissioner Waldrip asked if the current zoning designation for the subject property was determined by the adoption of the Valley General Plan. Mr. Ewert answered no and indicated the current zoning designation predates the adoption of that Plan document. There is a development agreement currently governing the property and that agreement calls for a hotel to be built on the property; that agreement has expired, and the applicant will need to either renegotiate the agreement with the County Commission or secure approval of the zone change. Commissioner Waldrip asked if the proposed density is consistent with the density allowed in the CVR-1 zone, to which Mr. Ewert answered yes, but noted that one difference is that the applicant would be required to develop at least 10 percent of the property for a commercial use.

Chair Lewis then indicated he will abstain from voting on the application given that he is an applicant for a project located near the subject property.

Commissioner Howell moved to forward recommendation of approval to the County Commission for application CMA 2021-01 rezone approximately five acres at 947 E. Old Snowbasin Road (unincorporated Huntsville area) from the CVR-1 and CVR-2 zone to FR-3 zone, based upon the findings and subject to the conditions listed in the staff report, and based upon an additional condition that no short-term rentals be allowed according to a building agreement for the subject property.

Commissioner Waldrip asked for a friendly amendment; he asked that the term ‘building agreement’ be changed to ‘development agreement’ in the motion. Commissioner Howell accepted the friendly amendment. Commissioner Waldrip seconded the motion.

Commissioner Waldrip then asked if the additional condition to prohibit short term rentals based upon a development agreement for the project is allowed under the County’s land use code. Mr. Ewert stated the Commission can vote to recommend that condition of approval to the County Commission, but it will ultimately be a joint decision of the County Commission and the applicant to pursue a development agreement. Commissioner Waldrip asked Chair Lewis to invite the applicant to respond to the motion and indicate whether he is willing to entertain a development agreement that would prohibit nightly rentals.

Chair Lewis invited input from the applicant regarding the motion. Mr. Meyers stated he will discuss the matter of a development agreement and prohibition of nightly rentals with his partners at C.W. Land, but they did want to preserve options for future landowners relative to utilizing their units for nightly rentals.

Commissioner Lackey asked if staff has talked to the sewer service provider regarding the size of the homes to be built on the subject property; there is the potential for each unit to place quite a demand on the sewer utility. Mr. Ewert stated he has talked with the service provider and communicated the details of this project to them; they have provided a will-serve letter to the applicant.

Chair Lewis again asked for clarification that the FR-3 zoning designation will allow for the same density that is allowed in the CVR-1 zone, but with no commercial component. Mr. Ewert stated that is correct. Chair Lewis then noted that the motion includes recommended condition of approval requiring a development agreement and prohibiting nightly rentals and these are matters for the County Commission to consider when they are taking final action on the application. Mr. Ewert stated that is correct.

Commissioner Waldrip addressed the public who have spoken about this application; it is important for them to understand what Chair Lewis indicated in regard to the density of the property. Under the current zoning designation, the applicant could build a project that is just as dense as the residential project he has proposed subject to the rezone application. However, the proposed project is actually less dense than would be allowed under the CVR-1 zone because it does not include a commercial component. If the applicant chose to pursue a CVR-1 project, the County would not have the ability to deny it because that zoning has already been assigned to the property.

Planning Director Grover then noted Legal Counsel Erickson has asked for the opportunity to speak privately with him and Mr. Ewert before the Commission takes a vote on the motion. Chair Lewis allowed the off-the-record communication between Mr. Erickson, Mr. Grover, and Mr. Ewert. Upon returning to the meeting, Mr. Erickson noted he wanted to discuss with Mr. Grover and Mr. Ewert the types of dwelling units that are allowed in the CVR-1 zone.

Chair Lewis called for a vote on the motion; Commissioners Francis, Hogge, Howell, Lackey, and Waldrip all voted aye. Chair Lewis abstained from voting on the motion. (Motion carried 5-0-1).

## **2.2 Public hearing and possible action on a county-initiated proposal to amend various sections of the County’s subdivision ordinance to ensure adequate culinary and secondary water for each new subdivision. *Staff presenter: Charlie Ewert***

Principal Planner Ewert reported this proposal is a culmination of several years’ worth of discussion between the Ogden Valley Planning Commission, the Western Weber Planning Commission, and the County Commission. It pertains to improving culinary and secondary water requirements applicable during subdivision review and approval process. The Ogden Valley Planning Commission reviewed a previous version of the attached proposed ordinance in their last work session meeting. The requirements between the two are very similar. Other than clerical edits, the primary difference is that both the culinary water and the secondary water requirements are merged into one section. The two are so closely related that keeping them in separate sections resulted in a great deal of duplication of language. For administrative, interpretive, and implementation purposes, combining these similarities will assist in review efficiencies and help reduce interpretation errors. Given the level of attention this proposal has received, in collaboration with multiple agencies and concerned citizens, the attached should be fairly self-explanatory. Staff recommends that the Planning Commission give a positive recommendation to the County Commission for file ZTA2019-04, a proposal to amend the culinary and secondary water provisions of the County’s subdivision ordinance, with the following findings:

1. That the proposal will help protect culinary water resources for the general public.
2. That the proposal will promote and encourage the merger of multiple different water systems.
3. That the proposal will enhance the collaboration amongst various water service providers and county/agency reviewers during the review subdivision process.
4. That the proposal will discourage the proliferation of private wells.
5. That the proposal will encourage water-wise landscaping.
6. That the proposal does not run contrary to the general plan and will promote the health, safety, and welfare of the public.

Mr. Ewert then facilitated review and discussion of the text amendments included in the proposed ordinance; discussion centered on several different types of hypothetical situations that could occur between a property owner and a culinary or secondary water service provider, with a focus on the types of situations in which the County would intervene. Mr. Ewert indicated the purpose of the proposed ordinance is to protect property owners and culinary service providers in situations where developers may indicate they are creating or connecting to a secondary water system, but that commitment is not upheld. Culinary service providers need to have some ability to prohibit the use of culinary water for secondary purposes and this ordinance preserves that authority.

Chair Lewis opened the public hearing.

Paul Joyce stated that one thing the proposed ordinance fails to address is the type of situation wherein Weber Basin Water Conservancy District writes an exchange contract in the case a property owner or developer is drilling a culinary or secondary water well; Weber Basin will not identify themselves as a culinary authority or provider. There is a major section of the code that indicates plat approval is determinant on a culinary provider, but if Weber Basin refuses to be identified as a culinary provider, the County may need to step forward and be identified as a culinary provider. He then referenced irrigation ditches and indicated that if a developer builds a project on top of land that was historically served by a ditch, they will want to continue to irrigate the land with water out of that ditch instead of drilling a well. He feels the ordinance does not clearly identify whether a developer who has access to a ditch is required to provide it to the subdivision and whether the ditch authority can be considered a willing and/or able service provider. He feels it would be appropriate for the County's land use code to force a developer to build a pressurized system or create a secondary water system from the ditch water. He stated he lives in a location that is about 2,000 feet away from the source of ditch water that was provided as part of the contract to his home; the entire development was left with shares in a water company, but they cannot access the water. The developer essentially left the subdivision behind and the owners with a \$150,000 bill to install a pressurized system. He feels the County's land use code should address that type of situation and force a developer to install a pressurized system in the event they are utilizing irrigation water that has historically been used on the property. The pressurized system should be stubbed to each lot and must be operational before a developer is no longer responsible for the project. He stated that water issues are very complicated, but the County should be focused on ensuring the valley survives imminent growth; while he thinks the proposed ordinance is an improvement over what is currently in place, he feels that there is still much work to be done to ensure developer are providing culinary and secondary water.

Miranda Menses, 3807 N. Elk Ridge Trail, thanked Mr. Ewert for his efforts in developing an ordinance intended to address very complicated issues. While she respects Mr. Joyce's comments, she feels that the proposed ordinance actually goes a long way in providing clear direction regarding the provision of culinary and secondary water to each lot in a recorded plat. She feels that the 300-foot distance in the ordinance should be expanded to either 500 or 700 feet in order give greater options to property owners in the event there is a service provider that is willing to serve the property, but their infrastructure may be greater than 300 feet away. An additional change she has asked Mr. Ewert to consider is water quality and water quantity in the pump test; if the quality of the water is not sufficient for culinary use, the quantity does not matter. She suggests the proposed ordinance be forwarded to the County Commission for action with the knowledge that it is a living document that can be adjusted as necessary in the future.

Dan Mabey, 1715 Canyon Circle, Farmington, stated that he has a couple concerns as a potential developer of a small property in the Eden area; while he understands it is the County's prerogative to establish parameters for development, the ordinance is too restrictive in its requirement for all developments to have a secondary water system. The ordinance also requires a sufficient amount of secondary water to cover all lots in a development. The particular property he is interested in developing is zoned FV-3 and there is no water on the property at the present time; he has not been able to secure secondary water for the property and there is no service provider nearby, so this ordinance will effectively preclude him from developing the property. All water is owned by the State of Utah, though there are many different service providers; on some properties that are natural forest properties, it is difficult to secure water in the event they are to be developed. For the water shares that he has come across, the



price is so high that it would cost him an additional half-million to develop the property. That should not be required given that the property has been dry forever and it is not necessary to irrigate it even if it is developed.

There were no additional persons appearing to be heard and the public hearing was closed.

Vice Chair Francis stated the County has seen petitions for development on top of Monte Cristo and other areas and, similar to Mr. Mabey, she wondered if it is necessary to provide secondary water to those properties. Mr. Ewert stated that he feels the ordinance addresses those types of situations; the developer would need to connect to an existing service, drill a well, or create a service provider. Properties in the woods may be able to get a culinary service company to provide service without that service being contingent on securing secondary water. However, it is possible to adjust the ordinance to provide for an exception for properties that do not or will not have a well; one option would be to allow the developer to keep the property in a natural state and that could be addressed based on topography or elevation of a property.

Vice Chair Francis then addressed Ms. Menses comments and agreed that it is important to determine quality of the water in addition to quantity. Mr. Ewert agreed.

Chair Lewis suggested that the ordinance be tabled in order for Mr. Ewert to make the adjustments that have been discussed tonight and come back to the Commission at the next meeting for further consideration.

Commissioner Francis moved to table County initiated proposal to amend the subdivision ordinance to better address culinary and secondary water provisions. Commissioner Waldrip seconded the motion. Chair Lewis called for a vote on the motion; Commissioners Lewis, Francis, Hogge, Howell, Lackey, and Waldrip all voted aye. (Motion carried 6-1).

### **2.3 Public hearing and possible action on a county-initiated proposal to amend various sections of the County's subdivision ordinance to allow private streets in certain subdivisions and provide for future public street conversion and connectivity, if needed. Staff presenter: Charlie Ewert**

Principal Planner Ewert reported there are a number of applicants proposing private streets in subdivisions. One specifically, is on hold until and unless a private street ordinance is adopted.

The County Commission has put a lot of effort and thought into streets over the last year or two. An emerging theme in their considerations is that the natural evolution of streets. From wagon trails a century+ ago to pavement today, it is clear that street improvements are not being made as new development is occurring. This is leaving many streets throughout the unincorporated areas substandard and disconnected. As the population grows along one of these streets there becomes a tipping point in which the county is compelled to use eminent domain to ensure adequacy of street widths and connections.

Yet still, despite advancements in transportation methods, it seems that the beginning stages in the evolution of a street is not much different than it was a century ago for local landowners desiring to create a lot or two. These individuals find that if they have to build a full standard street to access their lot, the cost to do so may easily overwhelm any economic benefit of the subdivision.

Yet at the same time, due to an economy of scale, a developer dividing a large amount of lots at one time can realize an economy of scale in which street building does not negate the return on investment. In addition, the economy of scale enables the County to negotiate with the developer where streets should be placed, where stub streets can go, and other street configuration concerns – both current and future, because planning efficient infrastructure within the larger-scale of the development is in the developer's best interest. Yet when working with a landowner doing a subdivision with small number of lots, the limited acreage involved often times proves too challenging to ensure streets are created across parcels in multiple different ownerships in a manner that enables a quality configuration of current and future streets.

And last, public streets are expensive to maintain, yet they provide an overwhelming public good. The property tax revenue generated along residential streets with primary single-family homes does not pay for the maintenance costs of the streets. Second homes don't do much better either, but can break into a positive tax revenue when built closer together densities (less street to maintain between them). Balancing the expense of public streets with the public benefit is challenging when a more robust interconnected street network has not yet been created. The cost to operate and maintain dead-ends, stub-streets, and

cul-de-sacs that don't provide any good to the general public currently may be unnecessarily wasteful. Yet, if we do not require new public street segments to extend toward other public street segments as new development occurs, the public street network will never become interconnected. In a rural community this may not seem like a problem today, but the population is and will continue to grow, and development rights are plentiful in both the Ogden Valley and Western Weber. This means that there is an almost certain future in which both communities will cease to be rural. Planning for public street interconnectivity now, as development is proposed will provide for a future in which more aggressive and more expensive means of street connectivity retrofitting, like use of eminent domain or the tearing down of homes, is necessary.

The attached proposal offers one potential solution that is intended to resolve this multi-faceted problem. It attempts to balance the allowance for the creation of private streets in rural areas in the short-term with the probable demand for those streets to be open to public use in the long-term. It offers landowners another tool in the planning toolbox to create the development of their general choosing, whilst also preserving opportunities for future public street connectivity by the conversion of private to public when population increases demand it.

Given the above context, the attached ordinance proposal is self-explanatory. There is a provision for not just a private street, but also a private lane. We discussed the private lane idea about a year ago.

Staff recommends that if the Planning Commission supports the allowance of private streets as a method of preserving future opportunities for public streets, that the Planning Commission recommend a positive recommendation to the County Commission for file ZTA2021-02, a proposal to allow private streets and shared private lanes in lieu of public streets in certain circumstances.

Chair Lewis opened the public hearing.

One commenter who was not identified indicated their support for the proposed ordinance.

There were no additional persons appearing to be heard and the public hearing was closed.

Commissioner Hogge moved to table County initiated proposal to amend the subdivision ordinance to allow private streets and private lanes in certain circumstances. Commissioner Lackey seconded the motion. Chair Lewis called for a vote on the motion; Commissioners Lewis, Francis, Hogge, Howell, Lackey, and Waldrip all voted aye. (Motion carried 6-1).

**2.4 Public hearing and possible action on a county-initiated proposal to amend various sections of the County's subdivision ordinance to allow private lanes in certain subdivisions and provide for future public street conversion and connectivity, if needed. *Staff presenter: Charlie Ewert***

This item was not heard.

**2.5 Public hearing and possible action on a county-initiated proposal to amend various sections of the County's subdivision ordinance to require public street connectivity in certain intervals. *Staff presenter: Charlie Ewert***

This item was not heard.

**3. Public Comment for Items not on the Agenda**

There were no additional public comments.

**4. Remarks from Planning Commissioners**

There were no additional remarks from Planning Commissioners.

**5. Planning Director Report**

Planning Director Grover indicated he had nothing additional to report.

**6. Remarks from Legal Counsel**

There were no additional comments from Legal Counsel.

**Meeting Adjourned: The meeting adjourned at 8:52 p.m.  
Respectfully Submitted,**

\_\_\_\_\_  
**Weber County Planning Commission**



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on a request for a conditional use permit amendment, to the Worldmark PRUD located at 3835 N Wolf Creek Drive, Eden
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Tuesday, June 29, 2021
<b>Applicant:</b>	The Pointe at Wolf Creek LLC
<b>Authorized Representative:</b>	Eric Householder
<b>File Number:</b>	CUP 2021-09

### Property Information

<b>Approximate Address:</b>	3835 North Wolf Creek Drive
<b>Project Area:</b>	3.25 acres
<b>Zoning:</b>	FR-3
<b>Existing Land Use:</b>	Vacant Residential
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	22-016-0034
<b>Township, Range, Section:</b>	T7N, R1E, Section 22

### Adjacent Land Use

<b>North:</b>	Wolf Creek Golf Course	<b>South:</b>	Wolf Creek Golf Course
<b>East:</b>	Residential	<b>West:</b>	Wolf Creek Golf Course

### Staff Information

<b>Report Presenter:</b>	Steve Burton sburton@webercountyutah.gov 801-399-8766
<b>Report Reviewer:</b>	RG

## Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 17 Forest Residential Zone
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 5 Planned Residential Unit Development

## Summary and Background

The applicant is requesting approval of a conditional use permit amendment to the Worldmark PRUD located at 3835 N Wolf Creek Drive, Eden. The proposed conditional use permit amendment does not include any new density. A rezone of 0.57 acres (ZMA 2021-02) was approved by the County Commission on May 25, 2021.

Under the recently adopted PRUD ordinance, a PRUD may be amended without establishing an overlay zone. The following section of land use code references amendments to nonconforming PRUDs:

“104-27-2(c). A nonconforming PRUD may be amended from time to time under the same rules that governed its creation, provided that the amendment is a de minimis change that is routine and uncontested. The Planning Director or the Planning Commission has independent authority to determine what constitutes a routine and uncontested de minimis decision. If it is determined to not be routine or uncontested, then the applicant shall pursue the creation and approval of a master planned development overlay zone pursuant to this chapter.” The Planning Commission may grant the proposed amendment, if it determines the changes is routine or uncontested and considered to be de minimis.

The rezone allowed for the expansion of project area to provide more room for the three condominium buildings with 16 units each (48 units total). The three condominium buildings were previously approved under the original PRUD (CUP#32-98). The following is an analysis of the project against the county’s land use codes.

## Analysis

**General Plan:** The proposal conforms to the Ogden Valley General Plan by proposing no new density, and platting out the number of units previously approved under CUP 32-98.

**Zoning:** The subject property is located in the FR-3 Zone.

The purpose and intent of the FR-3 zone is identified in the LUC §104-17 as:

*The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.*

**Lot area, frontage/width and yard regulations:** The purpose and intent of a Planned Residential Unit Development (PRUD) is to “allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas.”

Under the previous PRUD approval (1998), the following lot layout was approved for this site:



The proposed amendment will change the location of the buildings as shown below:



The proposed reconfiguration will allow more room for the buildings to meet the setbacks of the FR-3 zone.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The standards for consideration for conditional use permits include:

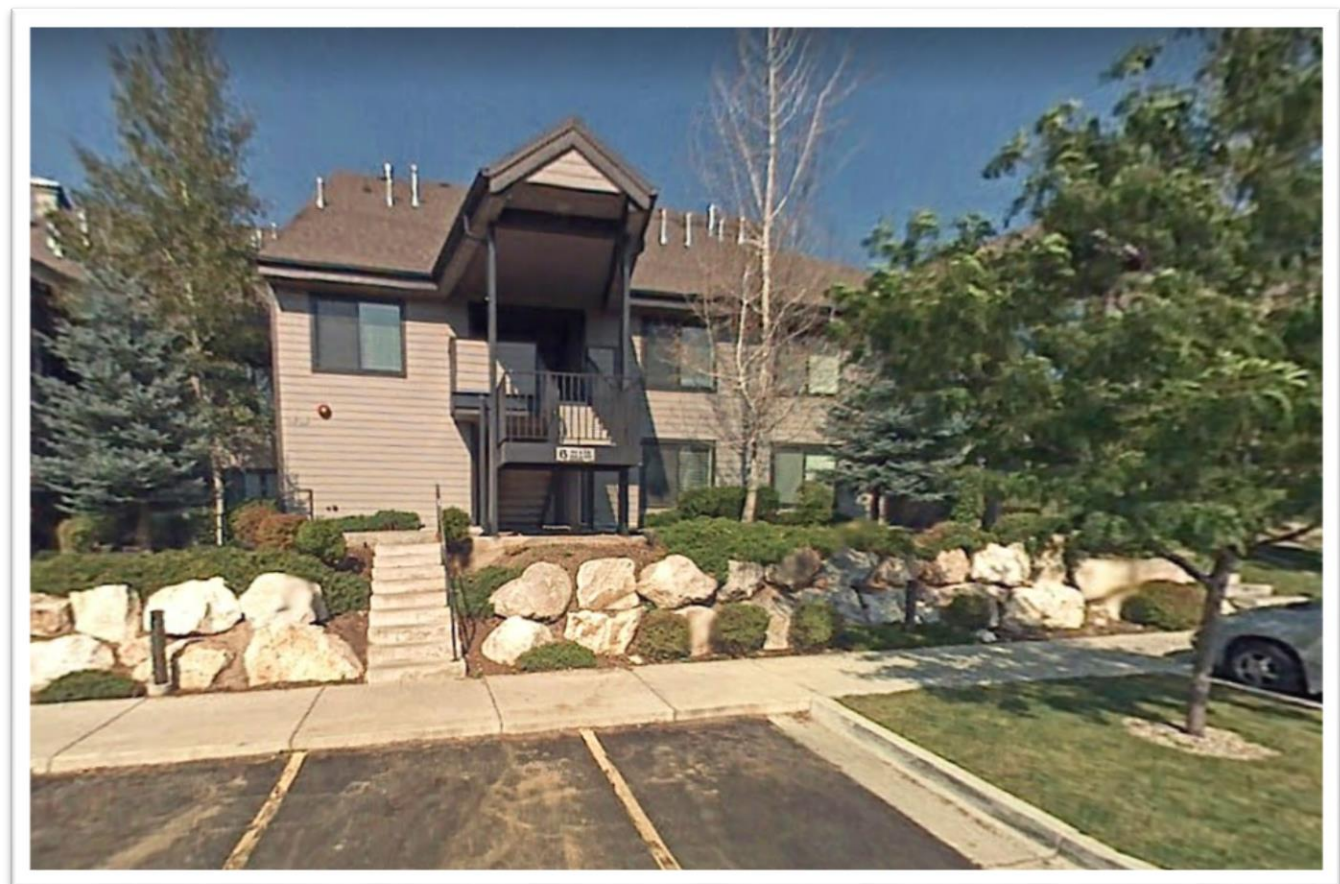
- Standards relating to safety for persons and property
- Standards relating to infrastructure, amenities, and services
- Standards relating to the environment
- Standards relating to performance
- Standards generally
- Voluntary contributions providing satisfactory compliance with applicable standards

The above standards were considered as part of the original conditional use permit review. The proposed changes to the layout are not anticipated to cause any harmful, or detrimental effect to the surrounding area or the Ogden Valley in general. A standard that the Planning Commission may want to consider, is the standard relating to the architectural design of the buildings. The proposed design of the three buildings will be similar to the existing buildings in color, material, and architecture. The concept images of the new buildings are included as **Exhibit B**. The main difference is the new buildings will have wood siding instead of vinyl siding on the existing buildings.

The following is an example of the new building design, and is part of exhibit B.



The following is an image of the existing condominium buildings:



An additional standard that the Planning Commission may want to consider is the standard relating to parking. Under the previous approval, this site was approved with 82 parking spaces. The proposed change includes 86 parking spaces, as well as eight spaces for temporary recreational vehicle parking.

**Review Agencies:** The Weber Fire District and the County Engineering Division have approved the proposed conditional use permit amendment, with no conditions.

**Public Notice:** Public notice is not required for conditional use applications.

### Summary of Planning Commission Considerations

- Does this proposal comply with the applicable PRUD and the Conditional Use Permit ordinances?
- In considering the proposed planned residential unit development, the County Commission shall review and consider the following, as applicable:
  - *The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.*
  - *Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.*
  - *The landscaping and screening as related to the proposed uses within the development and their integration into the surrounding area.*
  - *The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.*

### Staff Recommendations

The Planning Division recommends that the Planning Commission approve the proposed changes as a de minimis revision to the previous PRUD site plan approval, CUP# 32-98. The recommendation is based on the following finding:

1. The proposed changes are considered routine and uncontested.

### Exhibits

- A. Proposed site layout.
- B. Townhome plans and architecture.

### Location Map

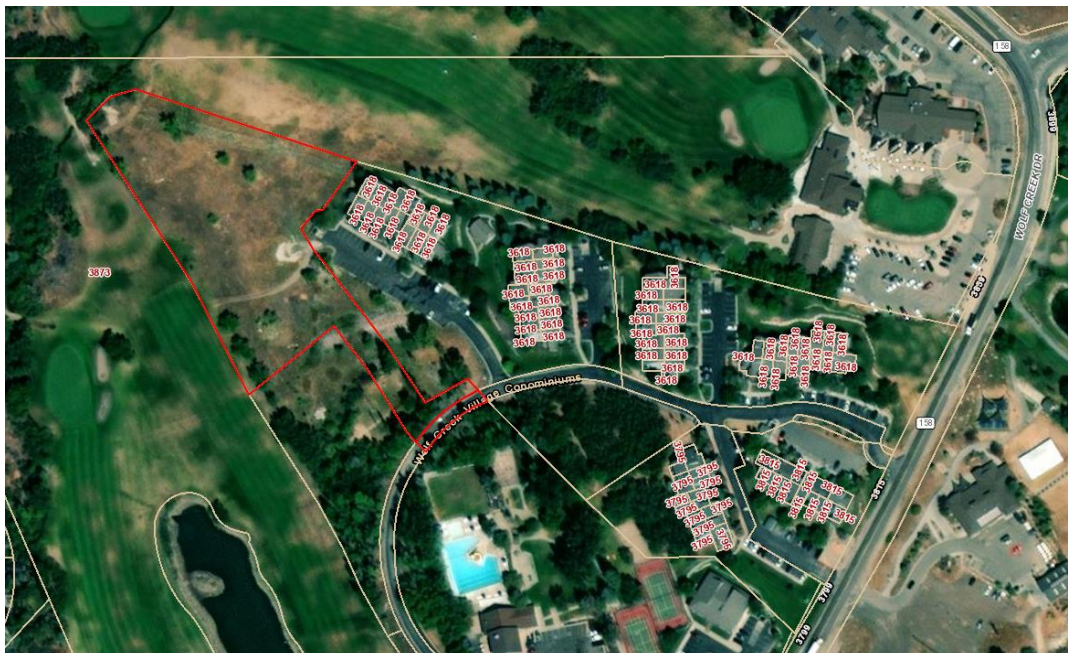




Exhibit A



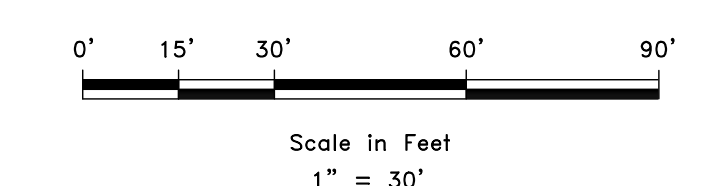
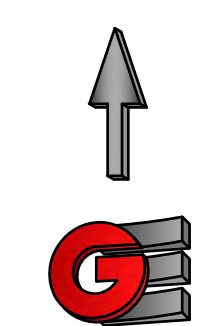
**KEY NOTES:**

- ① 24" STANDARD CURB AND GUTTER (SEE DETAIL ON SHEET C5)
- ② PROPOSED ASPHALT PAVING (3" ASPHALT / 8" BASE COURSE)
- ③ TYPICAL PARKING STRIPING TO BE 4" WHITE
- ④ TYPICAL "NO PARKING" STRIPING
- ⑤ ADA PARKING SYMBOL
- ⑥ EXISTING 30" STANDARD CURB AND GUTTER
- ⑦ PROPOSED SIDEWALK/CONCRETE
- ⑧ RETAINING WALL
- ⑨ EXISTING BOUNDARY
- ⑩ PROPOSED BOUNDARY
- ⑪ BOAT/TRAILER PARKING
- ⑫ TRASH ENCLOSURE (SEE ARCHITECTURAL PLANS)
- ⑬ SAW CUT
- ⑭ EXISTING TRASH ENCLOSURE
- ⑮ TRAIL
- ⑯ MONUMENT

**SITE INFORMATION**

BUILDING	24,260 SF	17.13%
ASPHALT/CONCRETE	55,924 SF	39.48%
LANDSCAPING/GRAVEL	46,654 SF	32.93%
STAIRS/PATIOS/OTHER	14,823 SF	10.46%
<b>TOTAL SITE AREA:</b>	<b>141,661</b>	<b>100.0%</b>
	<b>3.25 ACRES</b>	
<b>PARKING STALLS PROVIDED:</b>	<b>103 SPACES</b>	
(INCLUDES 6 HANDICAP STALLS)		
(INCLUDES 8 BOAT/TRAILER PARKING)		

	BUILDING
	SIDEWALK
	TBC
	ASPHALT
	PARKING STRIP
	EX. SIDEWALK
	EX. TBC
	EX. ASPHALT
	SETBACK LINE
	ADJOINER
	EASEMENT
	PARKING EASEMENT
	BOUNDARY LINE
	BOUNDARY LINE ADDITION
	ZONING EXCHANGE 22,885 SF
	NEW ASPHALT 40,445 SF
	NEW CONCRETE 8,433 SF
	LANDSCAPING 44,874 SF
	ASPHALT PATCH
	PROPOSED TREES



REVISIONS	
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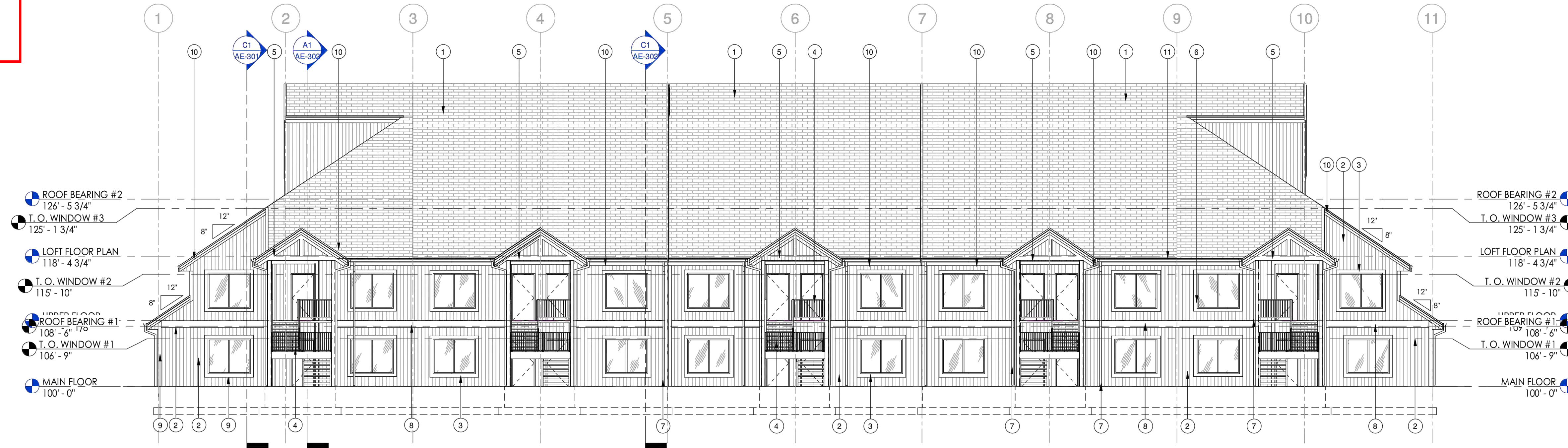
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PRELIMINARY SITE PLAN  
 THE POINTE  
 3718 WOLF CREEK DR  
 WEBER COUNTY, UTAH

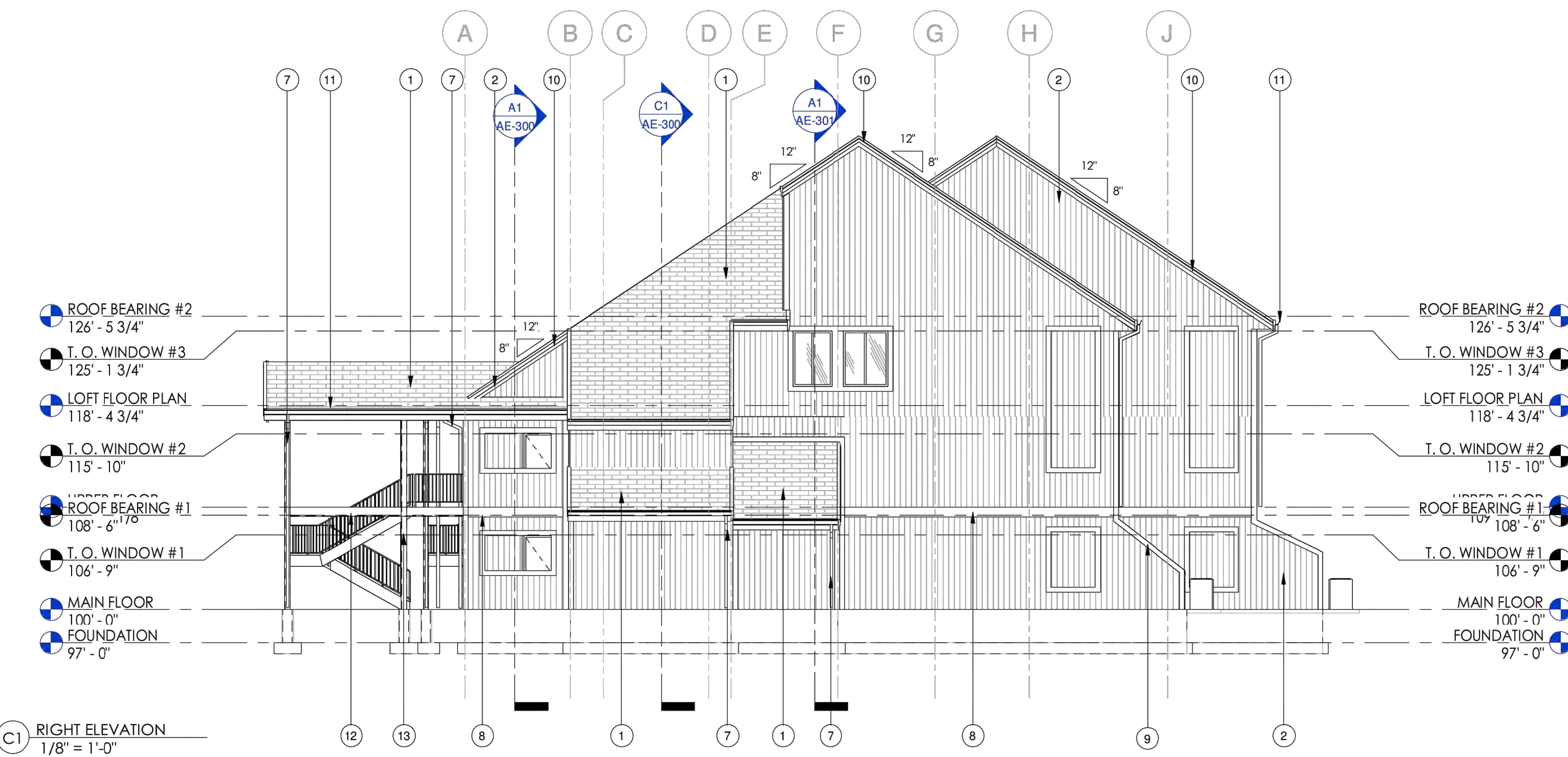
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CE1-01

Exhibit B



D1 FRONT ELEVATION  
1/8" = 1'-0"



C1 RIGHT ELEVATION  
1/8" = 1'-0"

### GENERAL NOTES

- A. REFER TO STRUCTURAL DRAWINGS FOR FOOTING AND FOUNDATION SIZES.
- B. PROVIDE FLASHING AND COUNTERFLASHING FOR ALL WINDOWS, DOORS, AND PENETRATIONS TO ROOF AND WALLS.
- C. FIELD VERIFY ALL WINDOW AND DOOR OPENINGS.
- D. PROVIDE FOUNDATION WATERPROOFING AT ALL CONCRETE BELOW GRADE.
- E. REFER TO OPENING SCHEDULE ON UNIT TYPE PLANS FOR DOOR AND WINDOW REQUIREMENTS.
- F. REFER TO GRADING PLAN FOR FINISH GRADE ELEVATION.
- G. PROVIDE MOCK-UP OF ALL EXTERIOR FINISHES PRIOR TO INSTALLATIONS FOR ARCHITECTS APPROVAL. FINISHES ARE NOT TO BE INSTALLED WITHOUT APPROVAL.

### KEYED NOTES

- 1 ARCHITECTURAL 60 YEAR ASPHALT SHINGLES OVER 30# FELT. PROVIDE ICE & WATER SHIELD OVER ENTIRE ROOF.
- 2 PRE-FINISHED LP SIDING, COORDINATE COLOR WITH ARCHITECT
- 3 PRE-FINISHED LP TRIM AROUND WINDOWS & DOORS. COORDINATE COLOR WITH ARCHITECT
- 4 PRE-FINISHED METAL RAILING, TYP. REFER TO DETAIL D1/AE-111
- 5 6" X 10" STEEL TUBE TRUSS. REFER TO STRUCTURAL
- 6 POWDER COATED STEEL HANDRAIL. COORDINATE FINAL DESIGN WITH ARCHITECT
- 7 PRE-FINISHED METAL DOWNSPOUT, CONNECT TO LAND DRAIN SYSTEM, TYP.
- 8 PRE-FINISHED BELLY BAND TRIM, COORDINATE COLOR WITH ARCHITECT
- 9 PRE-FINISHED LP TRIM, COORDINATE COLOR WITH ARCHITECT
- 10 PRE-FINISHED LP TWO-TIER LP FASCIA, COORDINATE COLOR WITH ARCHITECT
- 11 PRE-FINISHED METAL GUTTER, TYP.
- 12 6" X 10" X 1/4" STEEL TUBE
- 13 6" X 6" X 1/4" STEEL TUBE COLUMN

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ARCHITECTURE • PLANNING • INTERIORS  
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**THE POINT CONDOMINIUMS**  
Project Address



**NOT FOR CONSTRUCTION**  
11/2019

REV.	DATE

PROJECT # 1913  
DATE: 09/04/19  
TITLE: EXTERIOR ELEVATIONS

ANY CHANGES OR MODIFICATIONS TO THE DESIGN OF THE PROJECT IS TO BE PRESENTED TO THE ARCHITECT FOR REVIEW AND APPROVAL. CONTRACTORS ARE TO BE FAMILIAR WITH ALL PORTIONS OF THE WORK. IT IS TO BE NOTED THAT SUBCONTRACTORS WORK IS NOT LIMITED TO SPECIFIC SHEETS AND THAT ALL OF THE DRAWINGS MAY BE PART OF THEIR SCOPE OF WORK AND/OR COORDINATION.

SHEET:  
**AE-200**  
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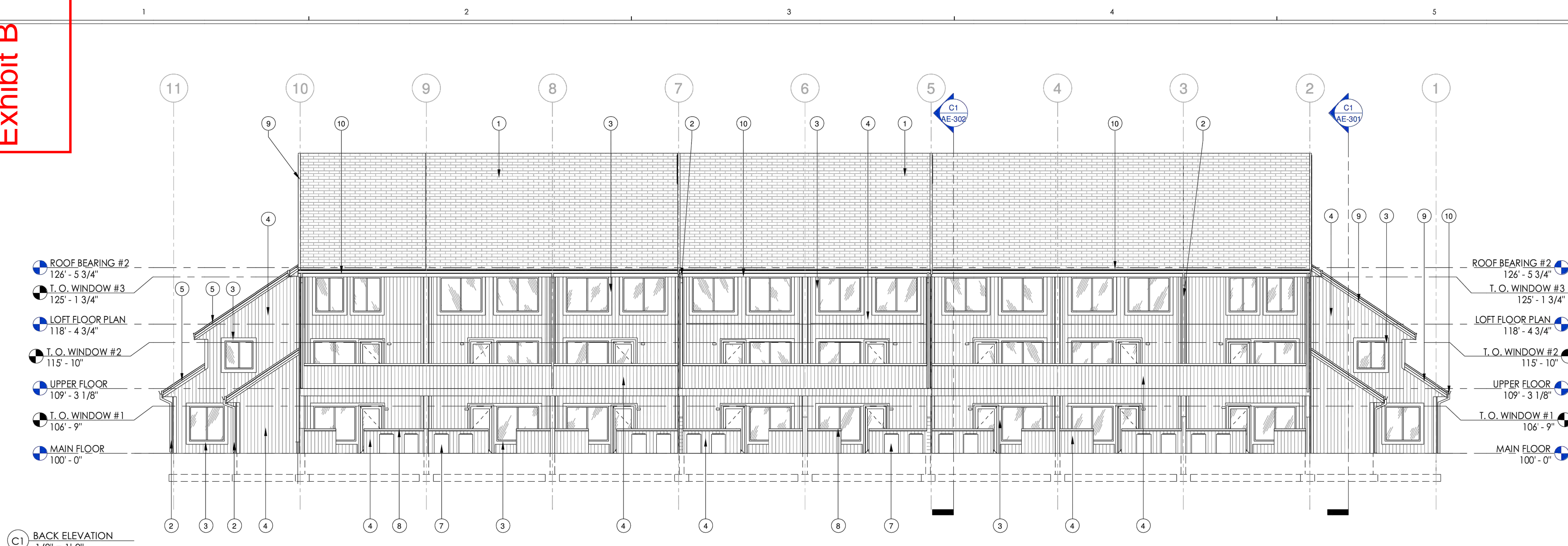
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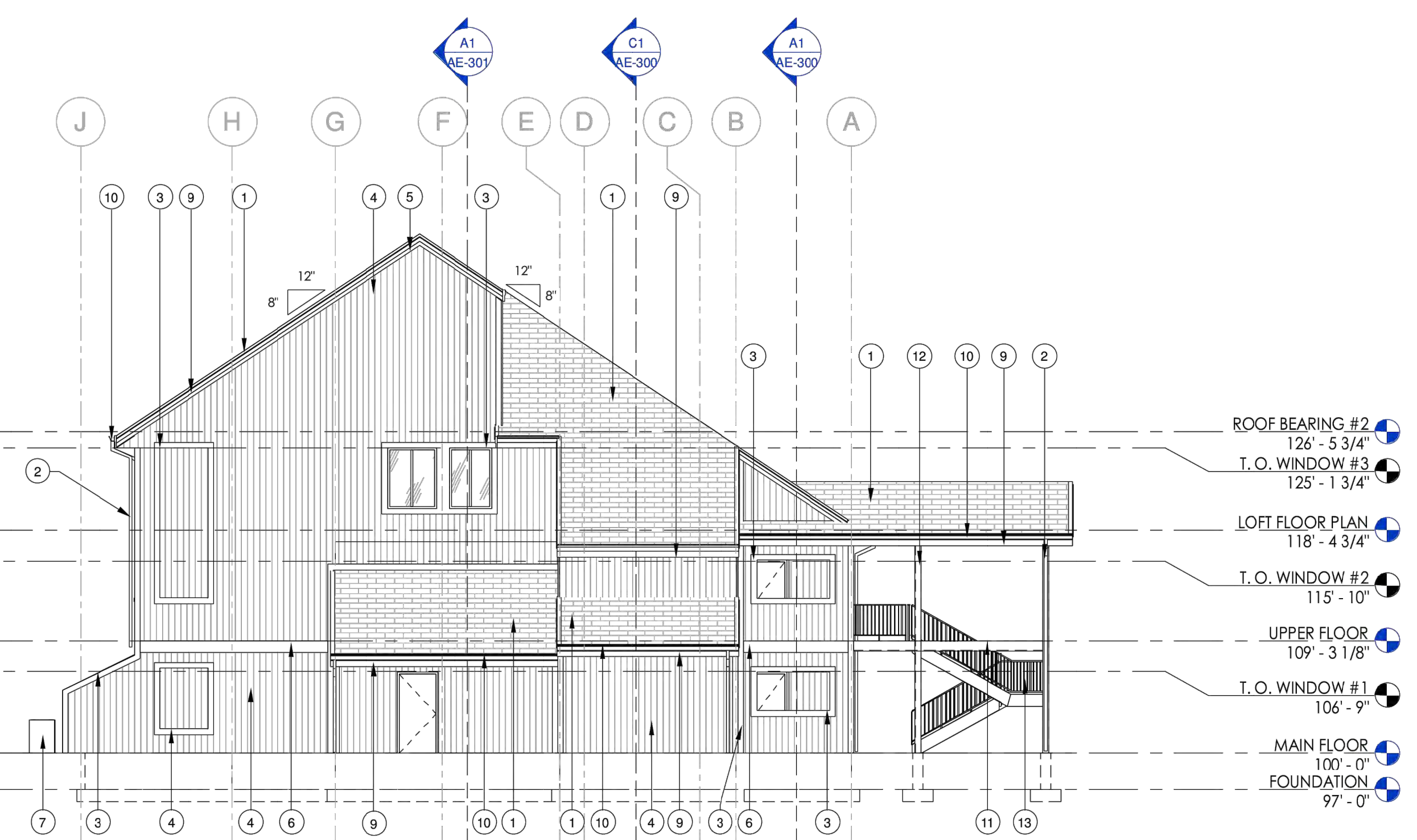
EXTERIOR ELEVATION  
THE POINTE  
3718 WOLF CREEK DR  
EDEN, WEBER, UTAH

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Exhibit B



C1 BACK ELEVATION  
1/8" = 1'-0"



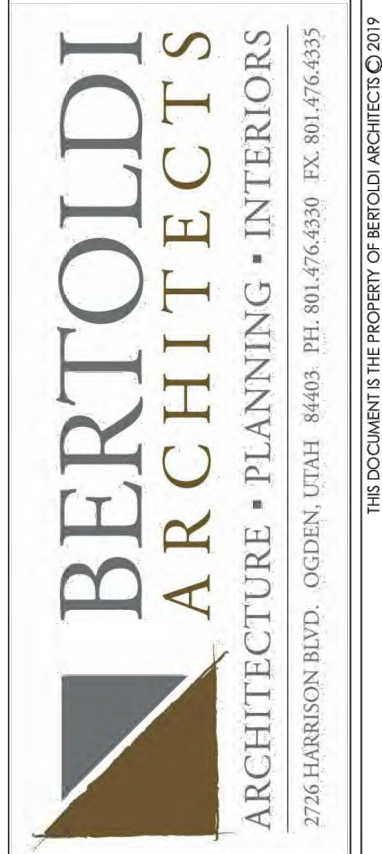
A1 LEFT ELEVATION  
1/8" = 1'-0"

GENERAL NOTES

- A. REFER TO STRUCTURAL DRAWINGS FOR FOOTING AND FOUNDATION SIZES.
- B. PROVIDE FLASHING AND COUNTERFLASHING FOR ALL WINDOWS, DOORS, AND PENETRATIONS TO ROOF AND WALLS.
- C. FIELD VERIFY ALL WINDOW AND DOOR OPENINGS.
- D. PROVIDE FOUNDATION WATERPROOFING AT ALL CONCRETE BELOW GRADE.
- E. REFER TO OPENING SCHEDULE ON UNIT TYPE PLANS FOR DOOR AND WINDOW REQUIREMENTS.
- F. REFER TO GRADING PLAN FOR FINISH GRADE ELEVATION.
- G. PROVIDE MOCK-UP OF ALL EXTERIOR FINISHES PRIOR TO INSTALLATIONS FOR ARCHITECT'S APPROVAL. FINISHES ARE NOT TO BE INSTALLED WITHOUT APPROVAL.

KEYED NOTES

- 1 ARCHITECTURAL 60 YEAR ASPHALT SHINGLES OVER 5/8" FELT. PROVIDE ICE & WATER SHIELD OVER ENTIRE ROOF.
- 2 PRE-FINISHED METAL DOWNSPOUT, CONNECT TO LAND DRAIN SYSTEM, TYP.
- 3 PRE-FINISHED LP TRIM, COORDINATE COLOR WITH ARCHITECT
- 4 PRE-FINISHED LP SIDING, COORDINATE COLOR WITH ARCHITECT
- 5 PRE-FINISHED METAL FASCIA, COORDINATE COLOR WITH ARCHITECT
- 6 PRE-FINISHED BELLY BAND TRIM, COORDINATE COLOR WITH ARCHITECT
- 7 CONDENSING UNITS
- 8 PRE-FINISHED METAL CAP
- 9 PRE-FINISHED LP TWO-TIER LP FASCIA, COORDINATE COLOR WITH ARCHITECT
- 10 PRE-FINISHED METAL GUTTER, TYP.
- 11 6" X 10" X 1/4" STEEL TUBE
- 12 6" X 6" X 1/4" STEEL TUBE COLUMN
- 13 PRE-FINISHED METAL RAILING, TYP. REFER TO DETAIL D1/AE-111



THE POINT CONDOMINIUMS

Project Address



NOT FOR CONSTRUCTION  
09/04/19

REV.	DATE

PROJECT # 1913  
DATE: 09/04/19  
TITLE: EXTERIOR ELEVATIONS

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SHEET: AE-201

REVISIONS	DESCRIPTION

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DATE: 5-5-21  
DESIGN: RC  
DRAWN: LZ  
CHECKED: RC

DWG: 191201 - LEWIS HOMES, 1902 - THE POINT, DESIGN AND THE POINT - SITE, CURRENT LAND USE

EXTERIOR ELEVATION  
THE POINTE  
3718 WOLF CREEK DR  
EDEN, WEBER, UTAH

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FRONT



SIDE



REAR



FRONT

DATE	REVISIONS	DESCRIPTION

SCALE: #/####  
 DATE: 5-5-21  
 DESIGN: RC  
 DRAWN: LZ  
 CHECKED: RC

RENDERINGS  
 THE POINTE  
 3718 WOLF CREEK DR  
 EDEN, WEBER, UTAH

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# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on a request for design review approval to permit a temporary (two - four weeks) rock crushing operation for improvements within the Eden Escape Plat A and B subdivisions.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	June 29, 2021
<b>Applicant:</b>	Fairways At Wolf Creek, LLC
<b>Authorized Agent:</b>	Rick Everson
<b>File Number:</b>	DR# 2021-09

### Property Information

<b>Approximate Address:</b>	4200 N Sunrise Dr, Eden
<b>Project Area:</b>	15.8
<b>Zoning:</b>	Forest Residential (FR-3) Zone
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Rock Crushing Site
<b>Parcel ID:</b>	22-017-0017
<b>Township, Range, Section:</b>	Township 7 North, Range 1 East, Section 22

### Adjacent Land Use

<b>North:</b>	Vacant	<b>South:</b>	Residential
<b>East:</b>	Residential	<b>West:</b>	Vacant

### Staff Information

<b>Report Presenter:</b>	Tammy Aydelotte taydelotte@webercountyutah.gov 801-399-8794
<b>Report Reviewer:</b>	SB

## Applicable Ordinances

- Weber County LUC Title 104, Chapter 17 Forest Residential (FR-3) Zone
- Weber County LUC Title 108, Chapter 1 - Design Review
- Weber County LUC Title 108, Chapter 2 - Ogden Valley Architectural, Landscape and Screening Design Standards

## Summary and Background

6/25/2018 – Design Review Approval was granted for this purpose. Previous design review approval was valid for 28 days from the approval date.

5/7/2021 - The applicant is requesting design review approval for a temporary rock crushing operation to produce material for the development of improvements within the Eden Escape Plat A and B subdivisions. The operation is proposed to exist for a maximum of 4 weeks. Staff has determined that a temporary rock crushing operation is a use which is customarily incidental to the construction of infrastructure in a subdivision, and is, therefore, a permitted use in the FR-3 Zone.

## Analysis

Design Review: LUC §108-1-2 requires a design review for manufacturing uses to ensure that the general design, layout, and appearance of the site is orderly and harmonious with the surrounding neighborhood. The project will impact an area larger than one acre and is required to receive approval from the Planning Commission prior to commencement.

As part of design review, the Planning Commission shall consider applicable codes and impose conditions that mitigate deficiencies if necessary. Consideration is given to the following:

- *Traffic safety and traffic congestion:*
  - The project site is located approximately 300 feet from the improved county road, and nearest residence (4700 East St). The rock crusher will be mobile and will follow the path of the proposed right of way in the Eden Escape plats A and B (See Exhibit B). The project narrative states that material from the site will not be sold or exported to other locations and will only remain within the project area. Traffic safety and congestion are not anticipated.
- *Outdoor advertising:*
  - The project will not include any outdoor advertising.
- *Landscaping:*
  - A temporary rock crushing operation is a use which is customarily incidental to the construction of infrastructure in a subdivision, and is considered residential, and therefore exempt from the landscaping requirement as outlined in LUC §108-2-3.
- *Building and site layout:*
  - There are no buildings being proposed as part of the project. The rock crushing machine will have water sprayers to mitigate dust where material exits the machine. The closest the crusher will be from the nearest residence is 300 feet and will not be in a single location for more than two days.
  - The proposed hours of operation are from 8AM to 6PM, Monday through Saturday; Staff recommends that the hours of operation be from 8AM to 6PM, Monday through Saturday.
- *Utility easements, drainage, and other engineering questions:*
  - The proposal must meet all review agency requirements, including the requirements outlined in the Engineering Division's review.
- *Prior development concept plan approvals associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval:*
  - The proposed project complies with the previously approved Fairways PRUD.

## Conformance to the General Plan

The proposal conforms to the Ogden Valley General Plan by providing improvements for residential development in the Forest Residential zones.

## Staff Recommendation

The Planning Division recommends approval of file# DR 2021-09, subject to all review agency requirements and with the following conditions:

1. Crushing will be allowed only for on-site material to be used for improvements within the Eden Escape Plat A and B subdivisions. No off-site material may be brought in for crushing and no on-site material may be crushed and then exported to other locations.
2. The site plan and mitigation controls must be followed as well as other conditions stated within this staff report.
3. The hours of operation shall be from 8AM to 6PM, Monday through Saturday.
4. The operation will end four weeks from the date approval is given by the Planning Commission.

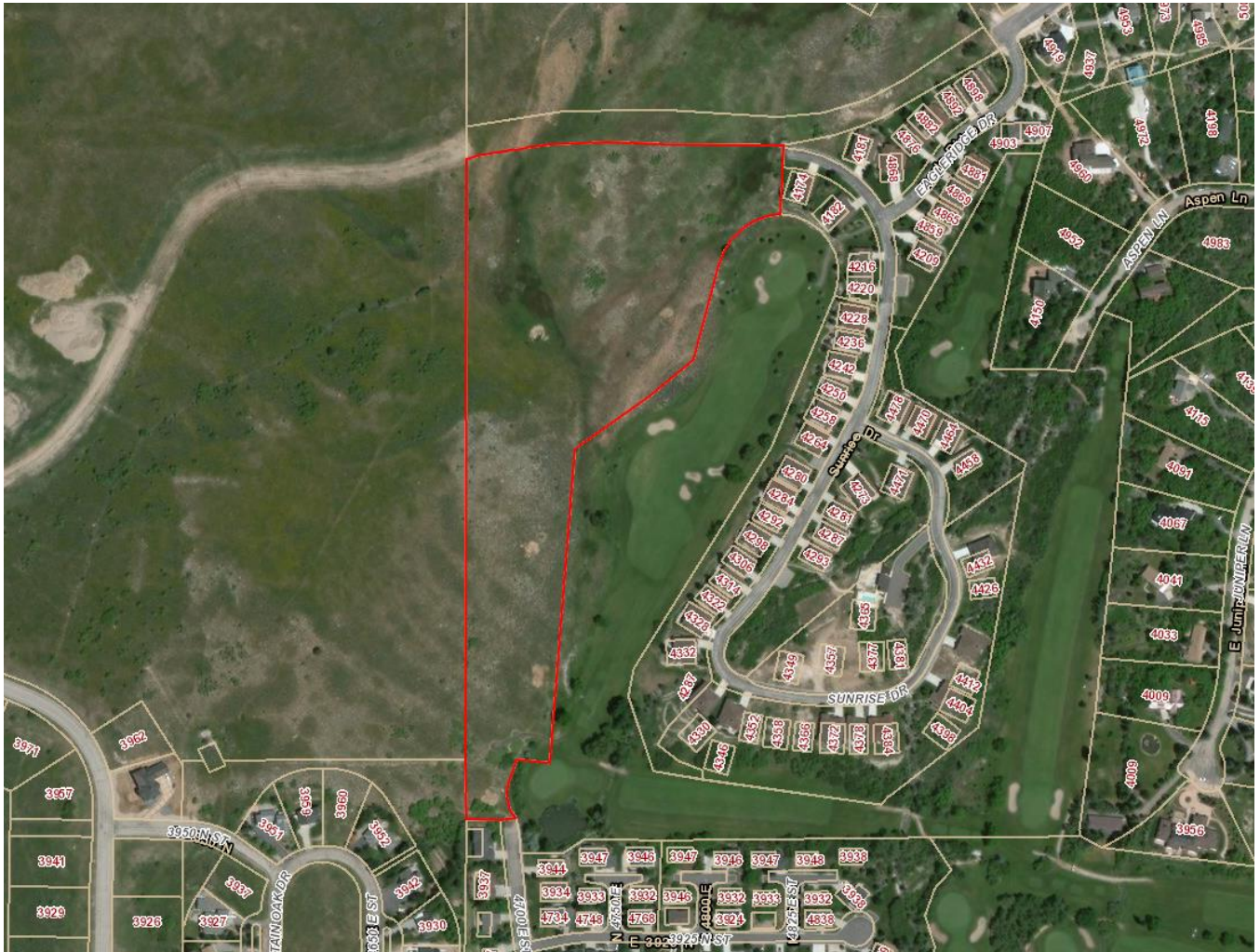
The recommendation based on the following findings:

1. The proposed project complies with applicable County codes.
2. The proposed project complies with the applicable Fairways PRUD.
3. The proposed project conforms to the Ogden Valley General Plan.
4. The proposed project will not negatively affect public health, safety, or welfare.
5. The proposed project will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Design review application and narrative
- B. Site Plan

## Vicinity Map



Application

Documents 4

Comments 0

Reviews 3

Followers 5

# Application

+ Add Building

## Project Description

Eden Escape Temporary Rock Crushing

## Property Address

4200 N Sunrise Drive  
Eden, UT, 84310

## Property Owner

Russ Watts  
801-673-5630  
russ@wattsliving.com

## Representative

Rick Everson  
801-897-4880  
rick@wattsliving.com

## Accessory Dwelling Unit

False

## Current Zoning

FR-3

## Subdivision Name

Eden Escape Plat A and Plat B

## Number of Lots

## Lot Number

(entire subdivision)

## Lot Size

15.8 ac

## Frontage

not applicable

## Culinary Water Authority

Wolfcreek Water Company

## Secondary Water Provider

Wolf Creek Irrigation Company

## Sanitary Sewer Authority

Wolfcreek Sewer Improvement District

## Nearest Hydrant Address

several hydrants throughout project

## Signed By

Representative, Rick Everson

## Parcel Number

✖ Remove 220170021 - [County Map](#)



April 23, 2021

Weber County Planning Department

RE: Project Narrative: Operation of a rock crusher on a temporary basis (Eden Escape Plats A/B)

Eden Escape Plat A has been recorded and all utility and roadway improvements installed. Two homes are completed, two homes are currently under construction, and several more are either in the permitting process or will be soon. The site has an enormous amount of boulders ranging from a few inches to several feet in diameter. There are so many boulders that we either need to start hauling them off site, or repurpose them. The largest ones will be saved for landscaping, but every foundation excavation brings up more boulders that need to be dealt with. Also, most of the lots require a significant amount of structural fill for footing and foundations. Our proposal would eliminate approximately 20-40 trucks importing structural fill per home and a similar amount of trucks hauling boulders offsite.

We are requesting to temporarily mobilize a rock crusher to the site to break down the smaller and medium sized boulders into “3-inch minus” granular borrow to be used for structural fill for home construction. We will utilize all the material produced within the project site and not export or sell the material made. The purpose is to eliminate the need to haul boulders off site, reducing truck traffic, and making the project more environmentally friendly.

The crusher will be at the site for a maximum of 4 weeks. This is an expensive piece of machinery to have at the site, so we want to be as efficient as possible while it is there and get the crushing completed quickly. We propose to operate the machinery from 8am-6pm Mon-Sat. The crusher will be equipped with water sprayers in the hopper and the belt where the material comes out to limit dust.

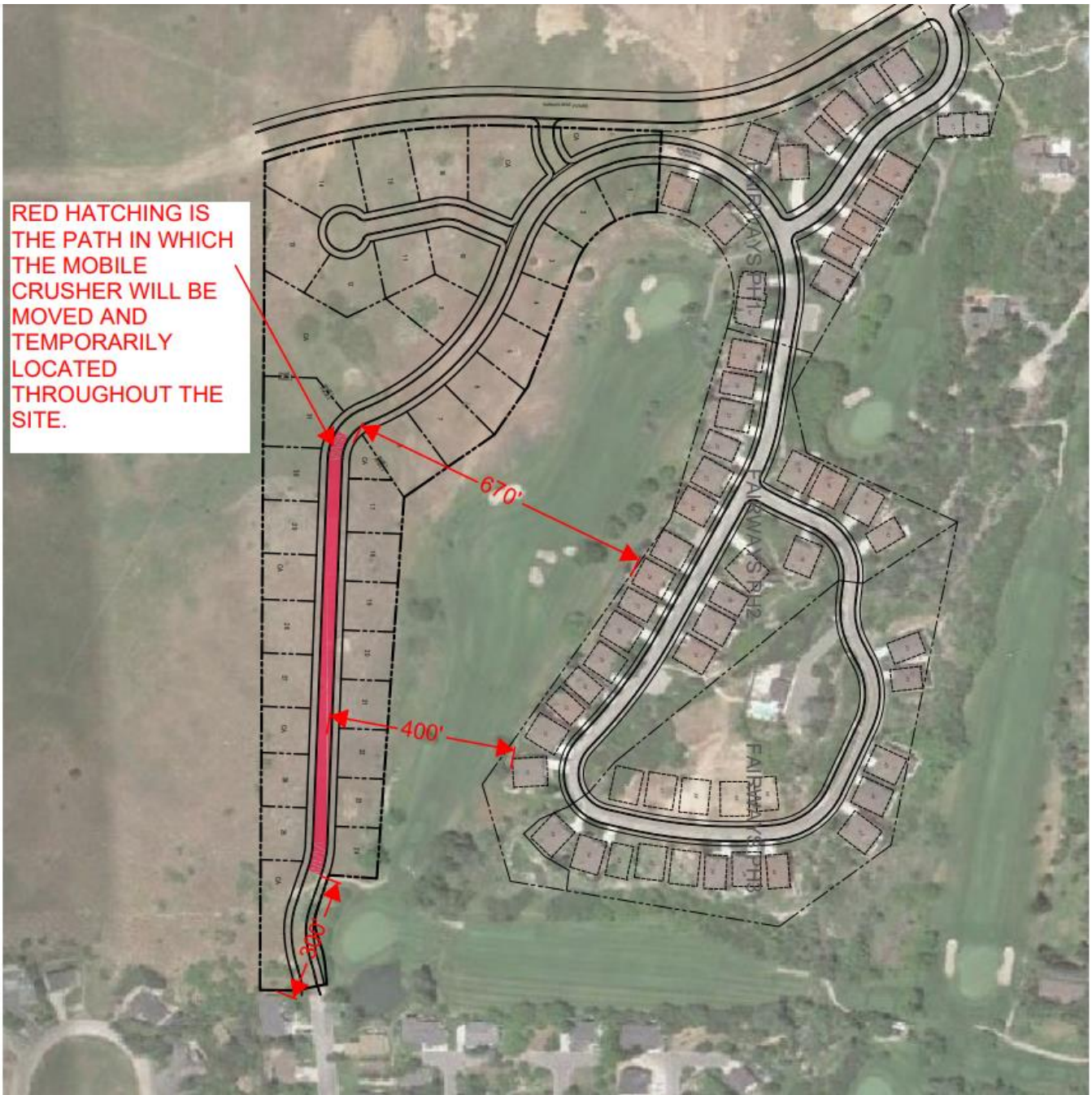
We did this same operation previously in June 2018 as the site improvements were being installed (see attached Planning Commission Notice of Decision). I don't recall any complaints about dust or noise during the operation. Also, for the small 4-week window of increased noise, it has helped keep the neighborhood and roads much quieter for the past 3 years.

I have attached example photographs of the boulders as well as the crusher we will be using. It is a track mounted crusher, meaning it is mobile and we will move the crusher along the road corridors as shown on the site plan. This helps not to inconvenience nearby residents with increased noise for long periods of time. For instance, when the crusher is at the south end of the site it will be about 300' from the closest resident, but when it is at the north end of the site it will be 1/4 of a mile away from that resident.



Rick Everson  
Project Manager  
Watts Enterprises

Exhibit B- Site Plan





Example photo of the type of crusher proposed to repurpose the boulders onsite into structural fill



Example photo of the excessive boulders that need to be removed or repurposed.



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Request for preliminary and final approval of Legacy Mountain Estates PRUD Subdivision, consisting of 48 lots and three open-space parcels.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Tuesday, June 29, 2021
<b>Applicant:</b>	Legacy Mountain Estates, LLC
<b>File Number:</b>	UVL052221

### Property Information

<b>Approximate Address:</b>	6068 East Nighthawk Lane, Huntsville, UT, 84317
<b>Project Area:</b>	288.37 acres
<b>Zoning:</b>	FV-3
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	See application for all parcel numbers
<b>Township, Range, Section:</b>	T6N, R1E, Section 23

### Adjacent Land Use

<b>North:</b>	Hwy 39	<b>South:</b>	Residential/Snow Basin Road
<b>East:</b>	Residential	<b>West:</b>	Vacant

### Staff Information

<b>Report Presenter:</b>	Tammy Aydelotte <a href="mailto:taydelotte@webercountyutah.gov">taydelotte@webercountyutah.gov</a> 801-399-8794
<b>Report Reviewer:</b>	SB

## Applicable Ordinances

- Title 104, Zones, Chapter 14 Forest Valley Zone (FV-3)
- Title 106, Subdivisions, Chapters 1-8 as applicable
- Title 108, Chapter 2 Ogden Valley Architectural, Landscape and Screening Design Standards
- Title 108, Chapter 5 Planned Residential Unit Development
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

## Background and Summary

6/8/2021 – CUP 2021-04 Conditional use request and site plan for Legacy Estates PRUD was approved by the Weber County Commission. The platting of the subdivision is the final step in the PRUD process.

This subdivision plat request consists of 48 lots, ranging in sizes from 2.00 acres to 30.16 acres. Lot widths vary from 85.5' to 874'. Applicant is citing development rights for up to 25 detached accessory dwelling units. This proposal consists of 288.37 acres. After taking into account 15.10 acres of roadway, 37.50 acres of slopes over 40%, and 14.79 acres of sensitive lands, there is 220.98 acres of net developable area, which translates to 73 entitlements. The applicant is proposing 54.35 acres of common area, and private roads are proposed throughout the development.

## Analysis

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

**Zoning:** The subject property is located in the Forest Valley (FV-3) zone. The purpose and intent of the FV-3 zone is identified in the LUC §104-14-1 as:

*“The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”*

Lot area, frontage/width and yard regulations: The site development standards for the FV-3 zone require a minimum lot area of 3 acres of net developable area. The FV-3 zone requires a minimum lot width of 150 feet. Prior approvals were granted based on the density of the FV-3 zoning standards and the flexibility of the Planned Residential Unit Development Standards.

The intent of a PRUD is defined in LUC §108-5-2 as follows:

- (a) *A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.*
- (b) *Substantial compliance with the zone regulations and other provisions of this chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large scale planning for residential and related purposes.*

Culinary water and sanitary sewage disposal: Mountain Sewer Corporation has issued approval to service Legacy Mountain Estates Subdivision with installation of an additional underground storage ground tank. The cost to upgrade existing infrastructure will be included in their impact fees. Inclusion within a sewer service area will need to be complete prior to going before the County Commission for final approval, and is a condition of approval in this staff report. Lakeview Water has issued a capacity assessment letter indicating requirements to service Legacy Mountain Estates with both culinary and secondary water. These requirements must be fulfilled prior to going before the County Commission for final approval.

Natural hazards/wetlands: This proposed subdivision lies within a geologic hazard study area. Per LUC § 104-22 a hazard study is required. All recommendations outlined in the submitted reports (Western Geologic dated 11/20/2020, and Christensen Geotechnical project No. 133-009) shall be followed throughout development of this subdivision, and subsequent construction of each lot.

The following are identified hazards/area of concern outlined in the above referenced reports, that are rated wither a medium or high likelihood to occur:

Earthquake ground rupture – High

Landslides and slope failures – High

Problem soil and rock – Medium

Mitigation recommendations are outlined in the geohazard and geotechnical reports submitted to the County.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, and the Weber Fire District. Weber County Engineering, and Surveyor’s Office have not yet reviewed this project. Typically, a minimum of a preliminary review is received prior to going before the planning commission. At minimum, all review agency requirements must be addressed and completed prior to this subdivision being recorded.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2020 property taxes are not considered due at this time, but will become due in full on November 30, 2021.

## Staff Recommendation

Staff recommends preliminary and final approval of Legacy Mountain Estates PRUD Subdivision, consisting of 48 lots and three open space parcels. This recommendation for approval is subject to **all review agency requirements** and is based on the following conditions:

1. All improvements shall be either installed or escrowed for prior to going before County Commission for final approval.
2. Final approval from Lakeview Water, approval of improvement plans related to water infrastructure shall be submitted prior to going before County Commission for final approval.
3. Inclusion into Mountain Sewer Corporation Sewer, or another district, shall be completed, and their approval of sewer infrastructure shall be submitted prior to going before County Commission for final approval.

4. All landscaping and signage shall comply with the conditional use approval (CUP 2021-04).
5. All signage must be compliant with Title 110, Chapter 12 Ogden Valley Signs, and shall be located such that no obstruction of sight visibility shall occur. A site plan showing location of all signs shall be submitted prior to scheduling County Commission approval.
6. All exterior lighting must comply with Title 108, Chapter 16 Outdoor Lighting.
7. A covenant shall be recorded with the final plat, reflecting Lakeview Water's limits on irrigated area for each lot (5,000 square feet maximum).

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with the applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Application
- B. Feasibility/Capacity Assessment Letters
- C. Proposed Plat

# Location Map





## Exhibit A - Application

Application

Documents 14

Comments 1

Reviews 1

### Application

#### Project Description

Legacy Mountain Estates Phase 1

#### Property Address

6068 E Nighthawk Lane  
Huntsville, UT, 84317

#### Property Owner

Legacy Mountain Estates LLC John Lew  
801-430-1507  
john@wolfcreekresort.com

#### Representative

The Householder Group Eric Household  
801-389-0040  
eric@thg-cs.com

#### Accessory Dwelling Unit

False

#### Current Zoning

FV-3

#### Subdivision Name

Legacy Mountain Estates Phase 1

#### Number of Lots

#### Lot Number

#### Lot Size

#### Frontage

#### Culinary Water Authority

Lakeview Water

#### Secondary Water Provider

Not Applicable

#### Sanitary Sewer Authority

Mountain Sewer

#### Nearest Hydrant Address

#### Signed By

Representative, Eric Householder

#### Parcel Number

[✕ Remove](#) 200150009 - [County Map](#)

[✕ Remove](#) 200350028 - [County Map](#)

[✕ Remove](#) 200350046 - [County Map](#)

[✕ Remove](#) 200350044 - [County Map](#)

[✕ Remove](#) 200350001 - [County Map](#)

[✕ Remove](#) 200350075 - [County Map](#)

April 7, 2021

John Lewis  
Legacy Mountain Estates  
3718 N Wolf Creek Drive  
Eden, Utah 84310

RE: MOUNTAIN SEWER CORPORATION  
LEGACY MOUNTAIN ESTATES -- APPROVAL LETTER

Dear John,

Mountain Sewer Corporation operates a sewage treatment facility serving the Ski Lake Resort area, which includes four units in Edgewater Beach Resort. A permanent sewer lift station has been installed as part of Edgewater Estates Phase 1 with an 8000-gallon underground reserve storage and 24KW backup generator. The lift station is capable of serving all of Edgewater Beach Resort, Edgewater Estates and 37 lots of The Chalets at Ski Lake. The permanent Sewage Lift Station provides a flow capacity of 42,800gpd, slightly more than Edgewater Estates and 37 lots of The Chalets at Ski Lake Phases 1 thru 5. There are 5 lots from Legacy Mountain Estates that will add 2000gpd flow into this lift station.

Mountain Sewer Corp is in the process of adding a second underground storage tank to accommodate the peak weekend and holiday flow to this lift station. We recommend increasing the size of the proposed 4000-gallon storage tank to 8000 gallons and the addition cost to be included in the sewer impact fee to Legacy Mountain Estates.

Estimated cost to upsize this storage tank is \$7500.

We have found that typical sewage generation rates from the existing homes and condominiums at 181.4 gpd are significantly lower than Utah State Division of Water Quality design requirements of 400 gpd per connection, however for sizing the lift station, use 400gpd for a residential connection and following Table 3 from Utah State Administrative Code R-317-4 for Onsite Wastewater Systems, for commercial uses. The Edgewater Estates Overall project will generate 25,200 gallons of wastewater while the 37 lots of The Chalets at Ski Lake will generate 14,800 gallons of effluent and the 5 lots from Legacy Mountain Estates will generate 2,000 gallons of effluent.

Legacy Mountain Estates will have 43 lots that will gravity flow to the existing sewer line in Quail Hollow Road and connect into the sewer line just before the line crosses Snow Basin Road. This sewer line has the capacity to handle the flows generated from these 43 lots.

Legacy Mountain Estates will be required to construct all of the sewer lines, manholes and laterals within their development boundaries and make the connections to the existing sewer lines in the Chalets at Ski Lake, according to Weber County Standards and standards of Mountain Sewer Corp. Legacy Mountain Estates will also need to participate in the completion of the winter storage pond, filtration station and land application system.

**Winter Storage Pond**

The process to complete the construction of the 19.9 Acre-foot winter storage pond, will require weed removal within in the pond area, installing a clay liner to seal the pond and rip-rap the side walls of the pond to minimize erosion due to wave action, installing effluent pumps in the existing blower building and installing a chlorine disinfection system. Completion of the winter storage facility is estimated to cost about \$400,000.

**Tree Farm, Filtration and Drip Irrigation System.**

The next phase of expansion of the sewer treatment plant, is the installation of a filtration station for drip irrigation system to be used to water a tree farm that harvests mature evergreen trees. The following phase would be to install a 7.35 acres tree farm with drip irrigation. The estimated cost for the filtration system, drip irrigation and tree farm is approximately \$275,000.

**Impact Fees**

Legacy Mountain Estates will add 48 lots to the Mountain Sewer Corporation System. Sewer connection fees will be paid to the sewer district upon Final Approval of Legacy Mountain Estates from the Weber County Commissioners. This connection fee is \$5,000.00 per equivalent connection. Monthly service fees will be charged to each unit upon recording of the final plat at the Weber County Recorder’s Office. These monthly fees are \$84.25 for active connections and \$25.25 for approved dormant connections.

Weber County has agreed to allocate 26 sewer connections to Legacy Mountain Estates, of the 100 sewer connections they received from the previous owner of the Mountain Sewer Corporation. This would leave 74 future connections to the sewer system available with Weber County.

The construction of the Winter Storage, Tree Farm, Filtration System and Tree Farm will be required to serve the 48 connections from Legacy Mountain and the remaining 74 connections that are under the control of Weber County, totaling 122 sewer connection. The total cost of the proposed Mountain Sewer Corporation improvements is \$675,000.00.

The Sewer Impact fee based on a proportional fee from each of the 122 proposed and future connections which equates to \$675,000 / 122 connections = \$5532.78 per connection.

48 connections at \$5532.78 per connection equals	\$265,573.44
Increased cost in Overflow Storage Tank for	
Sewer Lift Station located in Edgewater Estates is	<u>\$ 7,500.00</u>
Total impact fees	\$273,073.44

Please contact me if you have any questions or need further information.

Sincerely,

Mark E. Babbitt, PE / PLS  
GREAT BASIN ENGINEERING, INC.  
Sewer System Engineer

Ray Bowden, Pres.  
Mountain Sewer Corporation

Cc: Weber County Planning Department  
Legacy Mountain Estates – John Lewis

March 31, 2021

John Lewis  
Legacy Mountain Estates  
3718 N Wolf Creek Drive  
Eden, Utah 84310

RE: LAKE VIEW WATER SYSTEM REPORT  
LEGACY MOUNTAIN ESTATES – APPROVAL LETTER

Dear Mr. Lewis

The Lakeview Water Corporation operates a water system that serves the Ski Lake Resort Area, which includes Edgewater Beach Resort, as well as existing homes and condominiums in Valley Lake Estates, Ski Lake Estates, and The Summit at Ski Lake, Lakeside Village, a Catholic Church, The Chalets at Ski Lake and connects to the Langeland, Schlaf and Samarel properties. The current water system consists of the following:

- 449,000 gallon concrete reservoir (2003)
- 52,200 gallon concrete reservoir (1982 +/-)
- 52,200 gallon concrete reservoir (1966 +/- not in service - needs some repairs)
- 2 Culinary Water Wells (Well #1 – Mitchell -- approved at 245 gpm)  
(Well #2 – Bowden -- approved at 310 gpm)
- Distribution System including 4", 6", 8" and 10" PVC pipe, Fire Hydrants, Pressure Reducing Stations, Service Laterals and Meters.

Lakeview Water Company also has water rights to 303 acre-feet of water approved by The Utah State Engineer (Division of Water Rights) through Weber Basin Water Conservancy District.

Lakeview Water Company is currently serving 347.25 equivalent residential connections and providing irrigation to 26.214 acres of landscaping. Total Source available is two-thirds the approved test pump rates of the wells – 555gpm times 0.667 equals 370gpm and 501,200 gallons of active water storage.

**Source Requirement**

Legacy Mountain Estates has 48 single family lots, with each lot having a maximum irrigated landscape area of 5000 square feet per unit equaling 5.51 irrigatable acres. Each residential connect will require a residential use of 800 gallons per day (gpd) equaling 0.556 gallons per minute (gpm). The 48 lots at 0.556gpm, will require a source of 26.69gpm. The 5.51 acres of landscaped area requires a source of 3.39gpm per irrigatable acre or 18.68gpm. Utah State DEQ Division of Drinking Water, allows two-thirds of the developed source to be used in determining the number of connections the source can sustain. Total developed water source required for the 48 lots is 45.37gpm / 0.6667 equals 68.052gpm.

### **Storage Requirement**

Storage requirements for Legacy Mountain Estates is 400 gallons per lot and 2528 gallons per irrigatable acre. The 48 lots at 400 gallons equals 19,200 gallons and the 5.51 acres of irrigatable landscaping at 2528 gallons per acre equals 13,929 gallons. Additionally, 180,000 gallons of Fire protection storage is needed.

The existing reservoirs have adequate capacity to serve Legacy Mountain Estates, but because of the elevation difference with the existing water system, a new reservoir will be required to store the needed potable water, irrigation and provide fire protection to the lots and future homes.

However, a new enclosed, culinary water reservoir of a minimum size of 213,129 gallons is required. A new 250,000 gallon reservoir has been designed and has sufficient capacity to meet the design requirements.

### **Water Rights Requirement**

Additional Water Rights are required from Legacy Mountain Estate to cover their culinary and irrigation needs as this project is added to the Lakeview Water Company. The Culinary requirements from Utah DEQ Division of Water Rights is 146000 gallons of water per year which equates to 0.446 acre-feet per connection totaling 21.50 acre-feet. The irrigation requirements from the Utah DEQ Division of Drinking Water, are 1.66 acre-feet per irrigatable acre. At 5000 sq ft of irrigatable landscaping per lot equals 5.15 acres at 1.66 acre-feet per acre totals 6.81 acre-feet. However, the Utah State Division of Water Rights recommends 3.0 acre-feet per irrigatable acre in Area 35 – which includes the upper Ogden Valley. (5.15 acres at 3.0 acre-feet per acre is 15.45 acre-feet

Minimum water rights required to transfer to Lakeview Water company is 36.95 acre-feet of water. If addition irrigatable landscaping is needed, additional water rights will be required, based on the above-mentioned Division of Water Rights requirements.

### **Fees**

The water connection fees will be paid to the Lakeview Water Company upon Final Approval of Legacy Mountain Estates from the Weber County Commissioners. This connection fee is \$3500.00 per unit connection.

Monthly service fees will be charged to each unit upon recording of the final plat at the Weber County Recorder's Office. The base monthly fee is \$35.00 for 0 to 12,000 gallons of water per month, with an increasing rates for increased usage for active connections (See attached rate schedule) and \$10.00 per month for approved dormant connections. Connection Fees and monthly usage fees were established by the Utah Public Service Commission.

## **Memo of Understanding**

Based on the Memo of Understanding between Ray Bowden (L and M) and John Lewis (LME), Lakeview Water Company, is willing to provide usage of a the “Stoddard” well located in the Chalets at Ski Lake to meet the additional source demand generated by Legacy Mountain Estates. This well has been test pumped at 300gpm, but has arsenic levels higher than allowed by EPA and the Utah DEQ Division of Drinking Water and requires treatment for the partial removal of arsenic to meet Drinking Water Requirements. It is estimated that to equip this well with a submersible pump, control panel and piping at a minimum pump rate of 70gpm (require source is  $45.37\text{gpm} / 0.667 = 68.05\text{gpm}$ ) would cost about \$45,000. The Cost to treat the arsenic through the use Media Arsenic Adsorption Pressurized Tanks Systems for a 75gpm system is

W:\11N223 Lakeview Water\docs\Approvals\Lakeview Water - Legacy Mountain Estates- Approval Letter 3-16-2021.doc

## Legacy Mountain Estates

estimated at \$1250 per gpm treated or approximately \$94,000. A 12-foot by 16-foot Structure should be large enough to house the pressure tanks, pump and controls. Structure will need to be insulated, have heat and power. Estimated cost for structure is cost about \$11,000. Total estimate cost of equipping well, providing arsenic treatment and constructing a building is anticipate being about \$150,000. (\$3125 per lot based on 48 lots – which will need to be escrowed to ensure treatment system is constructed).

Also based on the Memo of Understanding Legacy Mountain Estates has agreed to give one-third (1/3) of its water shares to Lakeview Water Company. This equates to 44 shares of water will be transferred to Lakeview Water Company at the time the development is approved (verification needs to be made that 1 share of water equals 1.0 acre-feet of culinary water).

Legacy Mountain Estates PRUD will be responsible for the costs to supply and construct all of the water system piping, pressure reducing stations, booster pump station, storage reservoir and water system appurtenances within the boundaries of Legacy Mountain Estates, together with the connection into the existing Lakeview Water Company's water system in the Chalet of Ski Lake. These materials and installation will ne required to meet Weber County Standards and the Standards of Lakeview Water Company. After installation is complete and the water system has been tested and approved, the developer will provide a one-year guarantee on the water system within the boundaries of Legacy Mountain Estates. Lakeview Water Company will begin to maintain these water system improvements upon final acceptance of the water system.

Lakeview Water Company has adequate connections available to serve the 48 lots in Legacy Mountain Estates from the existing Lakeview Water Company System, which can allow Legacy Mountain to move forward with their development prior to development of an additional source of water.

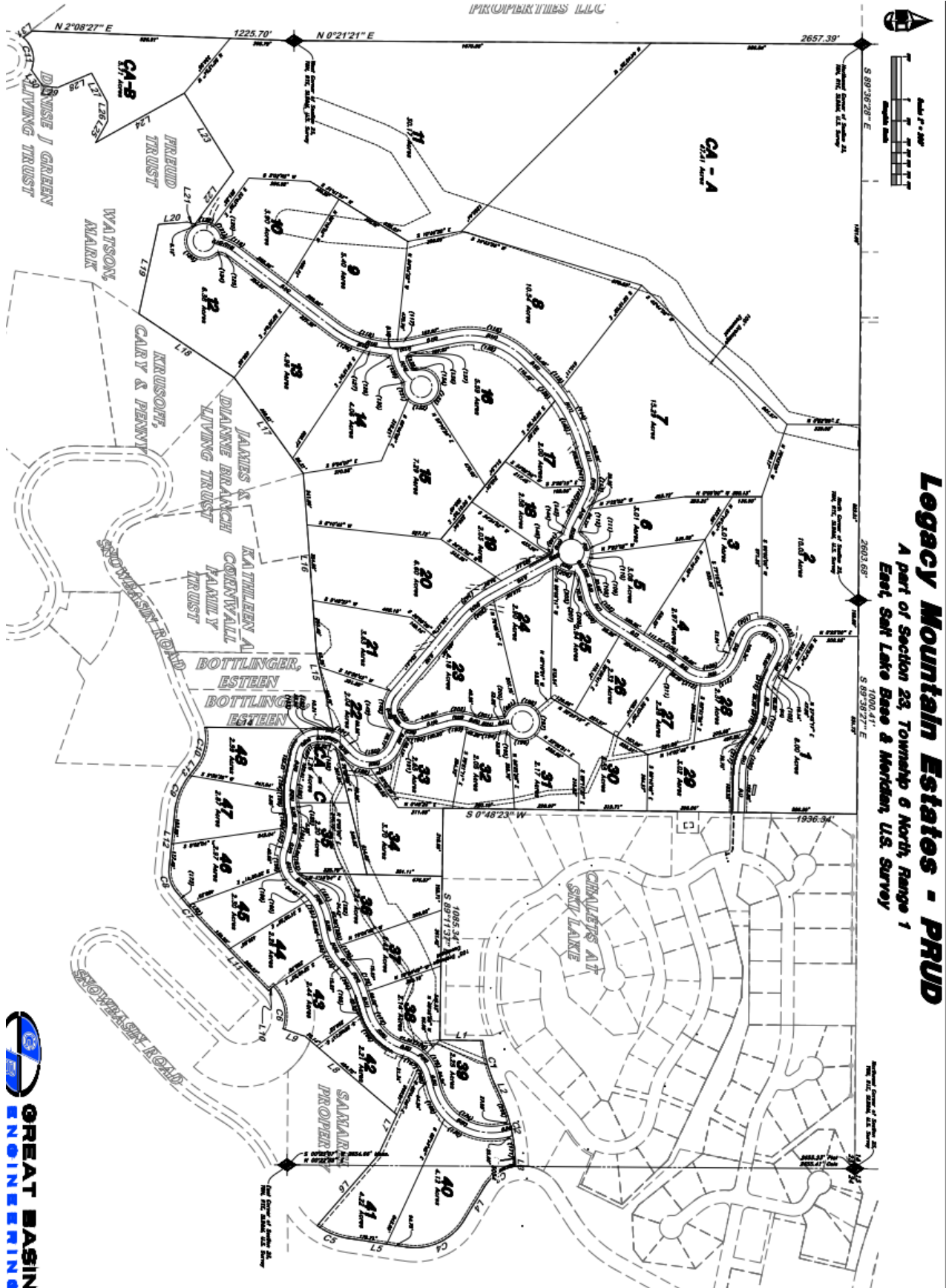
Please contact me if you have any questions or need further information.

Sincerely,

Mark E. Babbitt, PE / PLS  
Great Basin Engineering, Inc.  
Water System Engineer

Ray Bowden, Pres.  
Lakeview Water Company

Exhibit C - Proposed Plat



**Legacy Mountain Estates - PRUD**  
 A part of Section 23, Township 6 North, Range 1  
 East, Salt Lake Base & Meridian, U.S. Survey







# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on a request for preliminary approval of Charly's Acres Subdivision, consisting of four residential lots.
<b>Agenda Date:</b>	Tuesday, June 29, 2021
<b>Applicant:</b>	Wade Tolman, owner
<b>File Number:</b>	UVC052021

### Property Information

<b>Approximate Address:</b>	500 South 8400 East, Huntsville
<b>Project Area:</b>	38.23 Acres
<b>Zoning:</b>	Agricultural Valley (AV-3)
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	21-026-0050
<b>Township, Range, Section:</b>	T6N, R2E, Section 17

### Adjacent Land Use

<b>North:</b>	Residential/Agricultural	<b>South:</b>	Residential/Agricultural
<b>East:</b>	Agricultural	<b>West:</b>	Residential/Agricultural

### Staff Information

<b>Report Presenter:</b>	Felix Lleverino flleverino@co.weber.ut.us 801-399-8767
<b>Report Reviewer:</b>	SB

## Applicable Land Use Codes

- Title 101 (General Provisions) Chapter 1 (Definitions)
- Title 104 (Zones) Chapter 6 (Agricultural Valley Zone, AV-3)
- Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 8 (Final Plat Requirements)

## Background and Summary

The applicant is requesting preliminary approval of a four-lot subdivision that fronts directly on 500 South Streets, which is a county public right-of-way (ROW). This 38.23-acre lot is currently vacant farm ground. Approximately 1,228' north of 500 South Street lies the approximate mid-block. As a means to satisfy land-use code directing the creation of blocks and connectivity to future neighborhoods, the developer has proposed a "66' Future Public ROW Easement" 500' north of 500 South Street see Exhibit A. To provide for a continuation of the mid-block through-street, the plan shows a 33' future public ROW easement.

"The maximum length of blocks generally shall be 1,300 feet and the minimum length of blocks shall be 500 feet."

Section 106-1-5 (a) (8) describes key elements of a subdivision design to begin the establishment of roads for future neighborhoods.

This property is not located within a Geologic Study Area, however, The County Engineering Department will require a geotechnical report that will give specifications for road construction based on the site and soil conditions.

As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the AV-3 zone found in LUC §104-6. The following section is a brief analysis of this project against current land use regulations.

## Analysis

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

**Zoning:** The property is located in the AV-3 Zone. The purpose of this zone is stated in the LUC §104-6-1.

*“The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.”*

**Flood Zone:** This parcel is within an area of minimal flood hazard and determined to be outside the 500-year flood level.

**Roadway Dedication:** The subdivision plat has proposed to dedicate the new terminal street to the public. A new intersection from 500 South Street at approximately 8400 East is necessary to create frontage for each of the four lots. The new road planned will terminate at a cul de sac. The description of the property extends into 500 South Street by 33’ feet, for this reason, the plat shows an area dedicated to the 500 South public ROW.

**Future Public Right-of-Way Easement:** Two Future Public Right-of-Way Easements are depicted on the subdivision plat (see Exhibit A). One is a 66’ ROW that would provide a through-access from east to west where the cul de sac terminates. The other is a 33’ ROW that has the potential to facilitate the continuation of a mid-block through-street. The map in Exhibit C depicts the future public ROW’s, in green, and a new public road, in red, proposed with Charly’s Acres.

**Culinary Water:** Included with this report in Exhibit D is a petition to Weber Basin Water for the exchange of four-acre feet of water for irrigation and domestic purposes. One well must be drilled which satisfies 106-4-2 (a)(3) the code requirements to have at least one well permit per development. The section of code also requires that the owner record a covenant that advises the new lot owner that well permits must be obtained, a well must be drilled, the water quality is satisfactory, and that water quantity is sufficient.

**Secondary Water:** The fully executed replacement water contract between the owner and Weber Basin Water states that the water is available for irrigation and domestic purposes.

**Sanitary System:** The Weber-Morgan Health Department has provided a feasibility letter, dated May 3<sup>rd</sup> 2021, stating that the site and soil evaluation is complete, and a wastewater disposal system is permissible.

**Review Agencies:** The Weber County Fire District has posted approval of the development with the requirement that each home has a fire suppression system. Weber County Engineering states that all subdivision improvements planned in the public right-of-way shall be completed to a County standard. The Weber County Surveyors Office will post their review comments after preliminary approval from the Planning Commission and a final plat is submitted. The Planning Divisions review comments related to road connectivity at the mid-block a satisfied. The remaining planning review comments will be addressed by a revised subdivision plat.

**Public Notice:** All property owners of record within 500 feet of the subject property received notice by mail.

## Staff Recommendation

Staff recommends preliminary approval of Charly’s Acres Subdivision, consisting of four lots. The following conditions are included with the Planning Staff’s recommendation:

1. Charly’s Acres subdivision plat must be under final review from the County Surveyor’s office before returning for final approval from the Planning Commission.
2. The developer shall submit a geotechnical report.

The following findings are the basis for the planning staff’s recommendation:

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

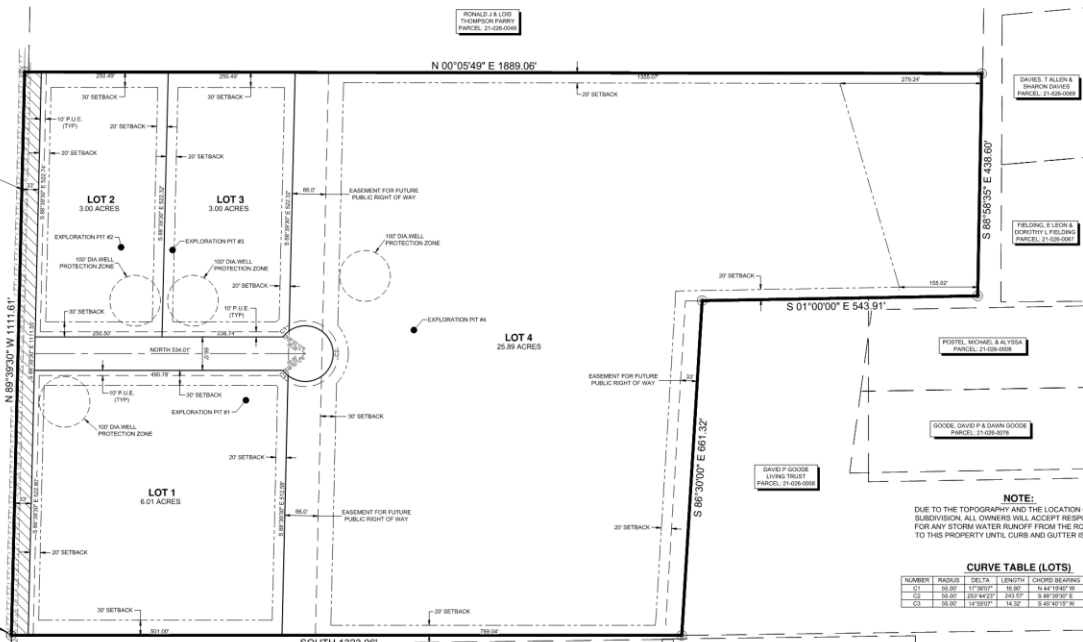
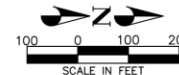
## Exhibits

- A. Charly's Acres Subdivision Plat
- B. Current Recorders Plat
- C. Future ROW map
- D. Health Department feasibility letter
- E. Water Allotment and Exchange Application



# CHARLY'S ACRES SUBDIVISION

LOCATED IN THE NE 1/4 OF THE SW 1/4 AND SE 1/4 OF THE NW 1/4 AND SW 1/4 OF THE NE 1/4 AND NW 1/4 OF THE SE 1/4 OF SECTION 17, T10N, R2E, S18&M, WEBER COUNTY, HUNTSVILLE TOWNSHIP, UTAH JUNE 2021



**CURVE TABLE (LOTS)**

NUMBER	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD LENGTH
C1	55.00	17°30'07"	10.00	N 84°12'42" W	10.00
C2	55.00	20°42'42"	20.00	S 89°20'02" E	40.00
C3	55.00	14°30'07"	14.32	S 20°42'12" W	14.32

- LEGEND**
- SUBJECT PROPERTY LINE
  - ADJACENT PARCEL LINE
  - SECTION LINE
  - EASEMENT LINE
  - SETBACK LINE
  - EXISTING EDGE OF ASPHALT
  - MEASURED DISTANCE
  - RECORD DISTANCE
  - SET 5/8\"/>
- EXPLORATION PIT #1** (UTM Zone 12 NAD 83 437278 E 4587489 N)  
 5'34" Loam, Granular/Blocky Structure  
 34'11" Sandy Loam, Massive Structure  
 71'80" Extremely Gravelly Loamy Coarse Sand, Single Grain Structure, 65% Gravel
- EXPLORATION PIT #2** (UTM Zone 12 NAD 83 437188 E 4567413 N)  
 0'32" Loam, Granular/Blocky Structure  
 32'60" Sandy Loam, Massive Structure  
 66.74' Extremely Gravelly Loamy Coarse Sand, Single Grain Structure, 65% Gravel
- EXPLORATION PIT #3** (UTM Zone 12 NAD 83 437190 E 4567444 N)  
 0'30" Loam, Granular/Blocky Structure  
 36.70" Sandy Loam, Massive Structure
- EXPLORATION PIT #4** (UTM Zone 12 NAD 83 437245 E 4567587 N)  
 0'30" Loam, Granular/Blocky Structure  
 35-61" Sandy Loam, Massive Structure  
 61'78" Loamy Sand, Weakly Massive Structure

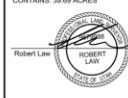
PREPARED BY:  
**PEPG CONSULTING LLC**  
 2075 SOUTH 300 WEST • SANDY, UT 84070  
 PHONE: (801) 562-2521 • FAX: (801) 562-5551  
 DATE: JUNE 2021 FAX: 0104030100000004

**SURVEYOR'S CERTIFICATE**  
 I, ROBERT LAW, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 907998 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH IN ACCORDANCE WITH TITLE 16, CHAPTER 22, PROFESSIONAL LAND SURVEYORS LICENSING ACT. FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-23-1 OF THE UTAH STATE CODE AND HAVE VERIFIED ALL MEASUREMENTS AND HAVE SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS I HEREBY KNOW AS CHARLY'S ACRES SUBDIVISION AND THAT THE SAME HAS BEEN SURVEYED AND MONUMENTS HAVE BEEN PLACED ON THE GROUND AS REPRESENTED ON THIS PLAN. FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF THE WEBER COUNTY LAND USE CODE HAVE BEEN COMPLIED WITH.

**BOUNDARY DESCRIPTION**  
 PART OF THE NORTHEAST QUARTER, SOUTHWEST QUARTER, SOUTHWEST QUARTER AND NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, BEGINNING AT A POINT 30.25 CHAINS WEST OF SOUTHEAST CORNER OF NORTHEAST QUARTER OF SECTION 17, RUNNING THENCE NORTH 89 CHAINS; THENCE NORTH 89°30' WEST 10.00 CHAINS; THENCE NORTH 87° CHAINS; THENCE NORTH 89° WEST 7.35 CHAINS; THENCE SOUTH 28.72 CHAINS; THENCE SOUTH 88°54' EAST 16.6 CHAINS; THENCE NORTH 9° WEST 10.88 CHAINS TO BEGINNING.

MORE CORRECTLY DESCRIBED BY SURVEY RECORDED #5602 AS FOLLOWS, BEGINNING AT A POINT LOCATED 662.50' SOUTH 07°04'48" EAST ALONG THE SECTION LINE AND 1902.16' WEST FROM THE EAST QUARTER CORNER OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 87°30' WEST 1111.61' ALONG THE CENTERLINE OF 500 SOUTH STREET TO THE EXTENDED EASTERLY LINE OF THE RONALD AND LOIS PARRY PROPERTY (WARRANTY DEED AS ENTRY NO. 210919), RECORDED SEPTEMBER 15, 2005; THENCE NORTH 07°00'49" EAST 1889.00' ALONG SAID EASTERLY LINE TO THE SOUTHERLY LINE AS LOCATED BY SURVEY OF THE ERIC FIELDS PROPERTY (DEED CLAIM DEED AS ENTRY NO. 276340, RECORDED NOVEMBER 3, 2015); THENCE SOUTH 88°58'32" EAST 436.89' ALONG SAID SOUTHERLY LINE TO THE WESTERLY LINE AS LOCATED BY SURVEY OF THE JEREMY AND TAMMY MCKAY PROPERTY (WARRANTY DEED AS ENTRY NO. 281902), RECORDED OCTOBER 11, 2016; THENCE SOUTH 1°00'07" EAST 543.91' ALONG SAID WESTERLY LINE AND TO; AND ALONG THE WESTERLY LINE AS DETERMINED BY SURVEY OF THE DAVID P. GOODE LIVING TRUST PROPERTY (SPECIAL WARRANTY DEED AS ENTRY NO. 238189), RECORDED AUGUST 16, 2007; TO THE SOUTHWEST CORNER OF SAID DAVID P. GOODE LIVING TRUST PROPERTY; THENCE SOUTH 89°20'07" EAST 661.32' ALONG THE SOUTHERLY LINE OF SAID DAVID P. GOODE LIVING TRUST PROPERTY TO THE EASTERLY LINE AS DETERMINED BY SURVEY OF THE CHATELAIN REVOCABLE INTER VIVOS TRUST PROPERTY (SPECIAL WARRANTY DEED AS ENTRY NO. 181860, RECORDED MARCH 1, 1999); THENCE SOUTH 1323.00' ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING.

CONTAINS: 39.69 ACRES



**OWNERS DEDICATION**  
 KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF TRACT OF LAND DESCRIBED ABOVE, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND A STREET TO BE HEREAFTER KNOWN AS CHARLY'S ACRES SUBDIVISION DO HEREBY DEDICATE, GRANT AND CONVEY TO HUNTSVILLE TOWNSHIP, UTAH, ALL THOSE PARTS OR PORTIONS OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED FOR PUBLIC THROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAN AS PUBLIC UTILITY, STORM WATER DETENTION POND AND DRAINAGE EASEMENTS, THEN SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE APPROPRIATE PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICH EVER IS APPLICABLE AS MAY BE AUTHORIZED BY HUNTSVILLE TOWNSHIP, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.

Jeremy Krause  
 Krause Development LLC

**NOTARY ACKNOWLEDGEMENT**  
 STATE OF UTAH }  
 COUNTY OF WEBER } S.S.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ IN THE YEAR 20\_\_\_\_ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNER OF THE ABOVE OWNERS DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT HE SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION NUMBER \_\_\_\_\_ NOTARY PUBLIC  
 MY COMMISSION EXPIRES \_\_\_\_\_

# CHARLY'S ACRES SUBDIVISION

LOCATED IN THE NE 1/4 OF THE SW 1/4 AND SE 1/4 OF THE NW 1/4 AND SW 1/4 OF THE NE 1/4 AND NW 1/4 OF THE SE 1/4 OF SECTION 17, T10N, R2E, S18&M, WEBER COUNTY, HUNTSVILLE TOWNSHIP, UTAH

<p><b>WEBER-MORGAN HEALTH DEPARTMENT</b></p> <p>I HEREBY CERTIFY THAT THE SOLS PERCOLATION RATES AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON SITE WASTEWATER DISPOSAL SYSTEMS. SIGNED THIS _____ DAY OF _____, 20____</p> <p>WEBER-MORGAN HEALTH DEPARTMENT</p>	<p><b>HUNTSVILLE TOWN ENGINEER</b></p> <p>I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH THE COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THE IMPROVEMENTS. SIGNED THIS _____ DAY OF _____, 20____</p> <p>HUNTSVILLE TOWN ENGINEER</p>	<p><b>HUNTSVILLE TOWN ATTORNEY</b></p> <p>I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAN AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT. SIGNED THIS _____ DAY OF _____, 20____</p> <p>CHAIR, HUNTSVILLE TOWN PLANNING COMMISSION</p>	<p><b>HUNTSVILLE TOWN PLANNING COMMISSION APPROVAL</b></p> <p>THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAN AND THE DEDICATION OF A STREET, PUBLIC UTILITY EASEMENTS AND FINANCIAL GUARANTEE OF THE PUBLIC IMPROVEMENTS THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE HUNTSVILLE TOWN PLANNING COMMISSION, WEBER COUNTY, UTAH. SIGNED THIS _____ DAY OF _____, 20____</p> <p>CHAIR, HUNTSVILLE TOWN PLANNING COMMISSION</p>	<p><b>HUNTSVILLE TOWN COUNCIL ACCEPTANCE</b></p> <p>THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAN, THE DEDICATION OF A STREET, PUBLIC UTILITY EASEMENTS AND THE FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE TOWN COUNCIL OF HUNTSVILLE, WEBER COUNTY, UTAH. SIGNED THIS _____ DAY OF _____, 20____</p> <p>MAYOR ATTEST</p>	<p><b>WEBER COUNTY RECORDER</b></p> <p>ENTRY NO. _____ FEE PAID _____</p> <p>FILED FOR RECORD &amp; RECORDED THIS _____ DAY OF _____, 20____ AT _____ IN BOOK _____ OF OFFICIAL RECORDS PAGE _____</p> <p>WEBER COUNTY RECORDER</p>
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SECTION 17, T.6N., R.2E., S.L.B. & M.  
IN WEBER COUNTY  
SCALE 1" = 400'

26

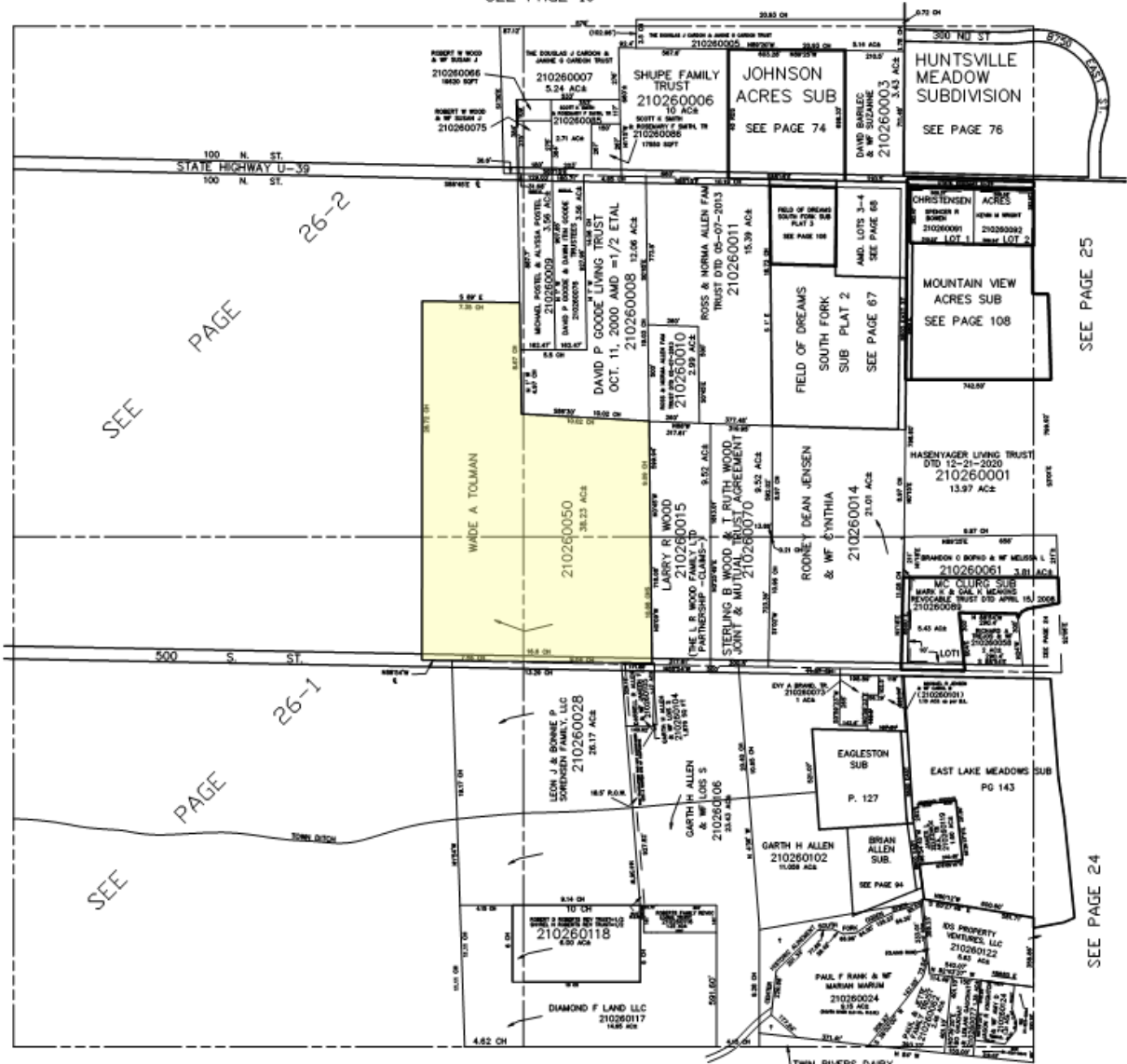
TAXING UNIT: 520

SEE PAGE 10

SEE BOOK 24, P. 20

SEE BOOK 24, P. 19

SEE BOOK 24, P. 18



SEE PAGE 26-2

SEE PAGE 26-1

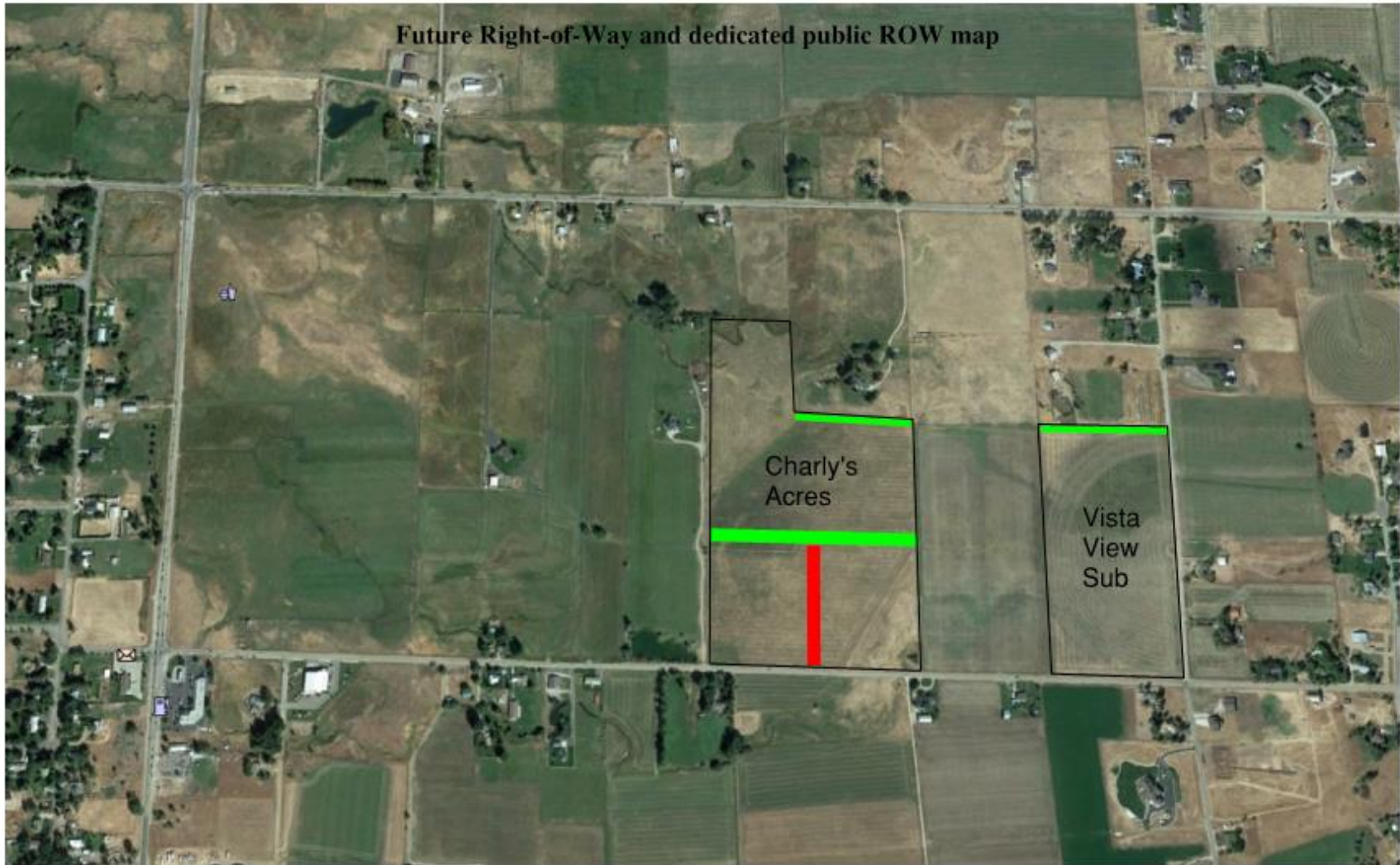
SEE PAGE 34

SEE PAGE 33

\* ADDRESS AFFIDAVIT E#2060538  
E#2964999, E#3015053, E#3037743,  
E#3060513, E#3060514

\*FOR TAX PURPOSES ONLY\*

MITT 04-96



BRIAN COWAN, MPH, LEHS  
Health Officer/Executive Director



May 3, 2021

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

RE: Preliminary Subdivision **Determination**  
Charly's Acres Subdivision, 4 lots  
Parcel #21-026-0050  
Soil log #15086

Gentlemen:

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

DESIGN REQUIREMENTS

Lot 1-4: Documented ground water tables not to exceed 60 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 18 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/sq. ft. /day as required for a sandy loam, massive structure soil horizon.

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

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

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

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

Sincerely,

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

EDUCATE | ENGAGE | EMPOWER

phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | [www.webermorganhealth.org](http://www.webermorganhealth.org)





April 29, 2021

Jeremy Krause  
2166 E Wild Pine Drive  
Ogden, UT 84403

**Subject: Water Table Monitoring, Located at approximately Approx. 8208 E 500 S in Huntsville, UT. Land Serial #21-026-0050**

Dear Mr. Krause,

This letter is to notify you of the results for water table monitoring conducted on your property. Monitoring was performed from January 8, 2021 through April 9, 2021.

The high water table for the subject property was measured at 64 inches below ground surface throughout the monitoring period. In years where the precipitation falls below season average, State rule allows for an adjusted maximum water table based on one or more of the following.

- (1) Previous ground water records and climatological or other information may be consulted for each site proposed for an onsite wastewater system and may be used to adjust the observed maximum ground water table elevation.
- ii. Direct visual observation of the maximum ground water table in a soil exploration pit for:
  - (1) evidence of crystals of salt left by the maximum ground water table; or
  - (2) chemically reduced iron in the soil, reflected by redoximorphic features, i.e. a mottled coloring.
  - (3) Previous ground water records and climatological or other information may be consulted for each site proposed for an onsite wastewater system and may be used to adjust the observed maximum ground water table elevation in determining the anticipated maximum ground water table elevation.

The subject property is suitable for design of an **Conventional Wastewater Disposal System** with respect to water table. The Weber-Morgan Health Department does not assert that this property meets zoning, subdivision or any other development feasibility requirements.

If not already accomplished, the following requirements must be satisfied in accordance with Utah Administrative code R317-4 and Weber-Morgan Health Department Onsite Wastewater Treatment System regulation, before the Weber-Morgan Health Department is able to issue a letter of feasibility for residential development on the property:

**EDUCATE | ENGAGE | EMPOWER**

1. **Drinking water.** Indicate the source. If a private well is used to supply drinking water, the well must be permitted, installed and approved.
2. **Soils Evaluation and Percolation Testing.** Soil exploration pits shall be made at the minimum rate of one exploration pit per lot proposed. Application and guidance for soils evaluation are available at the health department or online at [webermorganhealth.org](http://webermorganhealth.org). Percolation tests may be required based on soil types and must be performed by a certified individual. A list of certified individual is available at the health department
3. **Other required site information.** Other requirements may include proof of adequate square footage  $\leq 25\%$  slope, location to nearest sewer, statement of proposed use if other than a single-family dwelling, etc...

After the requirements above are satisfied, the health department will issue a letter of feasibility for the placement of an onsite wastewater disposal system. Once feasibility has been demonstrated, and the following requirements have been satisfied, the health department will then be able to issue an Onsite Wastewater Disposal Permit:

1. **System design.** Alternative systems must be designed by a certified, level 3 onsite systems professional or other qualified professional. The system must be designed in accordance with Utah State Rule, R317-4, Onsite Wastewater Systems and AWeber-Morgan Health Department Rules for Individual Wastewater Systems.
2. **Building plans.** Plans must include the property's dimensions, topographical features, easements, a floor plan (indicating the number of bedrooms and basement, if applicable), driveways and outbuildings and lot dimensions, placement of the onsite system and the location of system replacement area (must accommodate 100% replacement of the original system).

Attached is a copy of all water table measurements and observations. Please contact this office or the undersigned at 801-399-7160 if you have questions.

Sincerely,



Craig Jorgensen, LEHS  
Environmental Health Division



# WEBER BASIN WATER CONSERVANCY DISTRICT

2837 EAST HIGHWAY 193 • LAYTON, UTAH • PHONE (801)771-1677 • SLC (801) 359-4494 • FAX (801) 544-0103

Tage I. Flint  
General Manager/CEO

Board of Trustees:

Dee Alan Waldron  
President  
Morgan County

Kym O. Buttschardt  
Weber County

Randy B. Elliott  
Davis County

Scott K. Jenkins  
Weber County

Marlin K. Jensen  
Weber County

P. Bret Millburn  
Davis County

Angle Osguthorpe  
Weber County

Paul C. Summers  
Davis County

Dave Ure  
Summit County

December 16, 2020

Wade Tolman  
560 South 8600 East  
Huntsville, UT 84317

Dear Mr. Tolman:

Enclosed for your records, please find a copy of your fully executed replacement water contract with Weber Basin Water Conservancy District.

If you have any questions, please contact our office.

Sincerely,

For Sherrie A. Mobley  
Administration Manager

SAM/KS/dh

Enclosure

R-10

10/15/11  
pd Jan-65/5c

Account No. 72033

Replacement Contract/District 3

**PETITION TO WEBER BASIN WATER CONSERVANCY DISTRICT  
FOR THE ALLOTMENT OF WATER**

Wade Tolman (herein "Petitioner") hereby applies to the Weber Basin Water Conservancy District (herein "District") for the allotment of the beneficial use of 4.00 acre-feet of untreated replacement water annually, for irrigation and domestic purposes, on land situated in Weber County, Utah, legally described as follows:

Section 17, Township 6N, Range 2E, Acres 38.23

Tax I.D. No.(s): 21-026-0050

Description of Lands:

PART OF THE NORTHEAST QUARTER, SOUTHEAST QUARTER, SOUTHWESTQUARTER AND NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 6NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S.SURVEY. BEGINNING AT A POINT 30.25 CHAINS WEST OF SOUTHEASTCORNER OF NORTHEAST QUARTER OF SECTION 17, RUNNING THENCENORTH 9.09 CHAINS, THENCE NORTH 86D30' WEST 10.02 CHAINS, THENCE NORTH 8.67 CHAINS, THENCE NORTH 89D WEST 7.35 CHAINS, THENCE SOUTH 28.72 CHAINS, THENCE SOUTH 88D54' EAST 16.6CHAINS, THENCE NORTH 9' WEST 10.88 CHAINS TO BEGINNING

1. APPROVAL BY DISTRICT. In the event that the District grants this petition by executing the Order on Petition, attached hereto, this instrument shall be a contract between the Petitioner and the District (sometimes referred to herein as the "Contract"), which Contract shall be effective on the date upon which the District enters the Order on Petition.

2. OBLIGATION TO PAY. In consideration of such allotment and upon condition that this Petition is granted by the District, Petitioner agrees:

(a) To pay for the right to use the allotted water an amount annually, which amount initially shall be \$1,823.64. A portion of the above payment amount is to be applied to the extent required on the District's obligations under bonds or other government-District contracts or capital expenditures, and is to be fixed from time to time by the District's Board of Trustees. The remainder of the above payment amount is to apply to the District's general operation,

*MA*

SIGN HERE

SIGN HERE

Wade Tolman  
Petitioners and Owners of Land above-described

Wade Tolman

560 S 8600 E

Huntsville, UT 84317

Address

wade.tolman@gmail.com

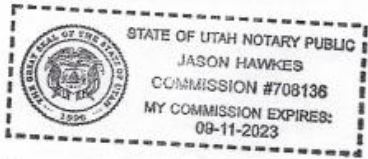
Email Address

(801) 719-7298

Phone Number

STATE OF Utah )  
 : ss.  
COUNTY OF Davis )

On the 19 day of October, 2020, before me, Jason Hawkes a notary  
public, personally appeared Wade Tolman, proved on the basis of  
satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and  
acknowledged (he/she/they) executed the same.



(SEAL)

Jason Hawkes  
NOTARY PUBLIC SIGNATURE

ORDER ON PETITION

DUE NOTICE having been given and hearing had, IT IS ORDERED that the foregoing petition of Wade Tolman be granted and an allotment of 4.00 acre-feet of water is hereby made to the lands therein described, upon the terms, at the rates, and payable in the manner as in said petition set forth.

DATED this 3 day of December, 2020.

WEBER BASIN WATER CONSERVANCY DISTRICT

BY Dee Alan Waldron  
Dee Alan Waldron, President

ATTEST:

Tage I. Flint  
Tage I. Flint, Secretary



# Exchange Details for E6127

Utah Division of Water Rights

5/17/2021 2:40 PM

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

Exchange: E6127 (35-13839)

Base Water Right Number: 35-7397

<b>General:</b>		
Status: Unapproved	Stock/Contract #: 72033	County Tax ID:
Right Evidenced By: U.S. Bureau of Recl. & Contract with Weber Basin Water Conservancy District under 35-7397 (A10989)		
Proposed Det. Book: 35-	Map:	Pub. Date:

<b>Water Company:</b>
Water Company/District associated with this Exchange: Weber Basin Water Conservancy District

<b>Owners:</b>
Name: Wade Tolman Address: 560 S 8600 E Huntsville, UT 84317
Interest:
Remarks:

<b>Dates:</b>
Filing: Filed: 02/22/2021 Priority: 02/22/2021
Advertising: Publication Began: 03/18/2021 Protest End Date: 04/14/2021 Publication End: 03/25/2021 Protested: Newspaper: Standard Examiner Hearing Held:
Approval: State Eng. Action: Recon. Req. Date: Action Date: Recon. Req Action:
Certification: Proof Due Date: Election or Proof: Certificate Date: Extension Filed Date: Election/Proof Date: Lapsed, Etc. Date: Lapsed Letter
Wells: Prov. Well Date: Most Recent Well Renovate/Replace Date:

**--- Current Right ---**

<b>Current General:</b>
Quantity of Water: 1 ACFT Source: Pineview Reservoir County: Weber

**Current Points of Diversion:**

Points of Diversion - Surface:  
 Stream Alteration Required:  
 (1) N 1699 ft. E 603 ft. from S4 corner, Sec 16 T 6N R 1E SLBM  
 Diverting Works: Pineview Reservoir Source: Ogden River  
 Elevation: UTM: 429438.517, 4567331.171

**Current Water Uses:**

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

**--- Proposed Exchange ---**

**Proposed General:**

Quantity of Water - CFS: 0 And/Or: Acre Feet: 1  
 From: 01/01 To: 12/31  
 Source: Underground Water Well  
 County: Weber  
 Common Description: 2 miles E of Huntsville

**Proposed Points of Exchange:**

Points of Exchange - Underground:  
 (1) S 2396 ft. W 101 ft. from N4 corner, Sec 17 T 6N R 2E SLBM  
 Well Diameter: 6 in. Depth: 100 to 500 ft. Year Drilled: Well Log: Well Id#:  
 Elevation: UTM: 437217.108, 4567640.259 (NAD83)  
 Source/Cmnt:

**Proposed Points of Release:**

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

**Proposed Water Uses:**

Proposed Water Uses - Group Number: 728492

Water Use Types:

<b>Irrigation-Beneficial Use Amount:</b> 0.1833 acres	<b>Group Total:</b> 0.1833	<b>Period of Use:</b> 04/01 to 10/31
<b>Domestic-Beneficial Use Amount:</b> 1 EDUs	<b>Group Total:</b> 1	<b>Period of Use:</b> 01/01 to 12/31

Place Of Use:	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
Sec 17 T 6N R 2E SLBM				X			X			X			X				
<b>Group Acreage Total :</b>																	

**Proposed Use Totals:**

Irrigation sole-supply total: 0.1833 acres for a group total of: 0.1833 acres  
 Domestic sole-supply total: 1 EDUs for a group total of: 1 EDUs



**Proposed General Comments:**

Contract Date: 2020/11/11

Description: 1 Mile East of Huntsville

This exchange will be used for one single family home.

Please reach out if you need more information,

Thanks,

Jeremy Krause

801-866-4809