



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on preliminary approval of Asgard Heights Subdivision consisting of 6 lots.

Type of Decision: Administrative

Agenda Date: Tuesday, July 27, 2021

Applicant: Dan Mabey, Owner

File Number: UVA070821

Property Information

Approximate Address: 3460 Nordic Valley Rd., Liberty, UT

Project Area: 18.96 acres

Zoning: Forest Valley 3 (FV-3) & Agricultural Valley 3 (AV-3)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 22-023-0016

Township, Range, Section: T5N, R1E, Section 29 SE

Adjacent Land Use

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

Staff Information

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

Report Reviewer: SB

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 2 (Agricultural Zones AV-3)
- Weber County Land Use Code Title 104 (Zones) Chapter 14 (Forest Valley Zone FV-3)

Background and Summary

The applicant is requesting preliminary approval of Asgard Heights Subdivision consisting of six residential lots (See **Exhibit A**). This subdivision is proposed as a traditional subdivision with 3-acre minimum lot areas and dedicated roadway to extend Nordic Meadows Drive eastwards to connect with Carrol St. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The proposal conforms to the 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 primarily located in the FV-3 Zone with a small portion of the northern tip in the AV-3 Zone. Single-family dwellings are a permitted use in both the FV-3 and AV-3 Zones.

Lot area, frontage/width and yard regulations: LUC § 104-2 (AV-3 Zone) & 104-14 (FV-3 Zone), require a minimum lot area of 3 acres for a single family dwelling and a minimum lot width of 150 feet (see **Exhibit B**).

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106, and the AV-3 and FV-3 zone standards found in LUC § 104-2 and 104-14. With exception to Lot 1, the proposed subdivision utilizes traditional subdivision requirements to create 3-acre lots as required in both the FV-3 and AV-3 zones. The applicant has agreed to allow Lot 1, consisting of 2.84 acres, to be substandard to the 3-acre lot minimum in order to allow the dedication and connection of Nordic Meadows Drive to Carrol Street. Newly adopted language in the subdivision ordinance (Sec. 106-2-4.30) allows for lots in the FV-3 and AV-3 zones to be reduced up to 50% of the

zone's minimum lot size in order to allow desired connectivity to occur. At the request of County Planning staff, the applicant has agreed to dedicate and improve the Nordic Meadows Dr. extension at the time of subdivision, thereby allowing the applicant to utilize the Flexible Lot Standards of Sec. 106-2-4.30.

Culinary water and Secondary Water: The applicant has entered into a Water Service Agreement with Nordic Mountain Water Inc. for culinary water services for 6 lots (See **Exhibit C**). This letter indicates that each lot may utilize their culinary water for up to 5,000 sq. ft. of landscape watering until such time as secondary water may become available.

Per LUC. Sec. 106-4-2.1(b)(2)c. (Secondary Water Exemption), *"A subdivision lot that is completely covered by pre-existing native wildland vegetation, and will remain so, is exempt from the secondary water requirements of this section as long as the pre-existing native wildland vegetation remains undisturbed in perpetuity, and is well-established in a manner that makes it relatively unlikely for noxious weed propagation."* Per this section, the applicant may utilize this secondary water exemption so long as the lot areas outside of the home sites and 5,000 sq. ft. landscaped areas served by Nordic Mountain Water's culinary service remain as native wildland vegetation.

Sanitary Sewage Disposal: Each of the 6 lots in the proposed subdivision will be served by on-site waste water systems (septic). The Weber-Morgan Health Department have issued a Septic Feasibility Letter for parent Parcel #: 22-023-0016 (see **Exhibit D**).

Prior to final subdivision approval, an updated septic feasibility letter will need to be submitted verifying each of the proposed 6 lots have undergone soils and percolation testing and are able to accommodate on-site waste water systems.

Floodplain: The subject property contains a seasonal stream corridor that traverses from the Northeast towards the Southwest. This corridor requires that base flood elevations (BFEs) be calculated and depicted on a final plat in order to determine safe finished floor elevations for future homes. These BFEs will need to be submitted, reviewed, and approved by the County Engineering Department prior to final approval.

This stream corridor is depicted as a seasonal stream on the Ogden Valley Sensitive Lands Map. Per LUC Sec. 104-28-2(b)(1)c. (Ogden Valley Sensitive Lands Overlay Zone) the corridor requires a minimum 50-foot setback from high water mark for any future buildings. This setback will need to be depicted on the final plat.

Additionally, the applicant is currently working through FEMA's Letter of Map Amendment (LOMA) to more accurately delineate the floodplain areas that encumber the property. This process is anticipated to be completed following the subdivision's recording and will help future lot owners to reduce their flood insurance requirements.

Review Agencies: Due to the preliminary approval status of this project, no agency reviews have been conducted to-date aside from the Planning Division. Following preliminary approval, all review agency requirements must be addressed and completed prior to a final subdivision plat being forwarded for final approval.

Tax Clearance: There are no outstanding tax payments related to the parent parcel. The 2021 property taxes are not considered due at this time.

Public Notice: Public notice has been mailed not less than seven calendar days before preliminary approval to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC § 106-1-6.

Staff Recommendation

Staff recommends preliminary approval of Asgard Heights Subdivision consisting of 6 lots, located at approximately 3460 Nordic Valley Rd., Liberty. This recommendation is subject to all review agency requirements, and the following conditions:

1. A final plat meeting the requirements of LUC Sec. 106-1-8 must be submitted for agency review.
2. Prior to final subdivision approval, an updated septic feasibility letter will need to be submitted verifying each of the proposed 6 lots have undergone soils and percolation testing and are able to accommodate on-site waste water systems.
3. Base Flood Elevations within the floodplain areas will need to be calculated and submitted for County Engineering review and approval. Once approved, these BFEs will need to be depicted on the final plat prior to final subdivision approval.
4. A 50-foot setback from high water mark of the stream corridor will need to be depicted on the final plat.
5. Civil plans and cost estimates for the Nordic Meadows Dr. extension will need to be submitted and approved by the Engineering Division.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the 2016 Ogden Valley General Plan
2. The proposed subdivision complies with applicable county ordinances

Exhibits

- A. Subdivision Application
- B. Subdivision Preliminary Plan
- C. Culinary Water Service Agreement
- D. Septic Feasibility letter

Area Map



Exhibit A – Subdivision Application

Weber County Subdivision Application			
All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed 7-1-2021	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Subdivision and Property Information			
Subdivision Name Asgard			Number of Lots 6
Approximate Address 3460 Nordic Valley Road, Liberty UT 84310		Land Serial Number(s) 22-023-0016	
Current Zoning MV#	Total Acreage 19.56		
Culinary Water Provider Nordic Valley Water		Secondary Water Provider Weber Water	Wastewater Treatment Septic
Property Owner Contact Information			
Name of Property Owner(s) Liberty Land and Livestock		Mailing Address of Property Owner(s) 1715 Canyon Circle Farmington, UT 84025	
Phone 801-414-6163	Fax		
Email Address Goldrim@gmail.com,		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Dan Mabey		Mailing Address of Authorized Person 1715 Canyon Circle Farmington, UT 84025	
Phone 801-414-6163	Fax		
Email Address Goldrim@gmail.com		Preferred Method of Written Correspondence x <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Surveyor/Engineer Contact Information			
Name or Company of Surveyor/Engineer Gardner Engineering		Mailing Address of Surveyor/Engineer 968 Chambers Street Ogden, UT 84403	
Phone 801-476-0202	Fax		
Email Address logan@gecivil.com		Preferred Method of Written Correspondence x <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Owner Affidavit			
I (We), <u>Liberty Land and Livestock LLC</u> , depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.			
 (Property Owner)		 (Property Owner)	
Subscribed and sworn to me this <u>20th</u> day of <u>July</u> , 20 <u>21</u> .			
		 (Notary)	

Authorized Representative Affidavit

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

Dan Mabey
(Property Owner)

Dan Mabey
(Property Owner)

Dated this 2nd day of July, 2021, personally appeared before me Michael H Brown, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

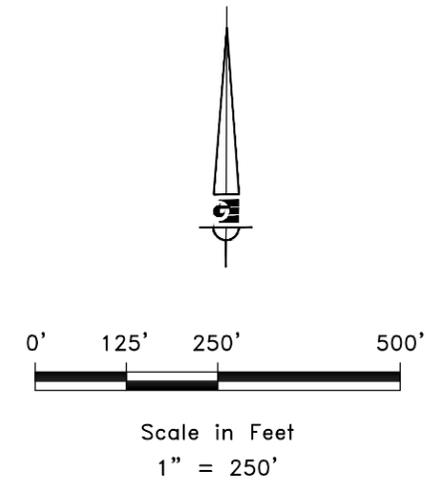


Michael H Brown
(Notary)

Exhibit B

NOTES:

ALL UTILITIES TO BE VERIFIED BEFORE CONSTRUCTION.



LEGEND

- SOIL # SOIL TESTING AREA
- FEMA FLOOD PLAIN
- CRS ENGINEERED 100-YR FLOOD PLANE
- CRS ENGINEERED 500-YR FLOOD PLANE
- SUBDIVISION BOUNDARY
- LOT LINE
- ADJACENT PARCEL
- SECTION LINE
- EASEMENT
- SETBACK LINE
- PROPOSED POWER
- PROPOSED WATER
- PROPOSED GAS

Date:	7-15-2021
Scale:	1" = 250'
Designed:	LZ
Drafted:	LZ
Checked:	RC
Path: R:\1343 - DAN MAYBE\SURVEY\DWG\DM - 6-7-2021.DWG	

PRELIMINARY SUBDIVISION
6 LOT SUBDIVISION
3685 E 3300 N
LIBERTY, WEBER COUNTY, UTAH

GARDNER ENGINEERING

CIVIL - LAND PLANNING
MUNICIPAL - LAND SURVEYING

Exhibit C – Culinary Water Service Agreement

Nordic Mountain Water Inc.

Mr. Dan Maybe
1715 Canyon Circle,
Farmington, Utah 84025
Asgard Subdivision-6 Single Family Home Sites, Liberty, Utah

Ref: Reservation of Service Agreement

July 2, 2021

Nordic Mountain Water Inc. (NMWI) agrees to provide culinary water service to the Asgard Subdivision, a subdivision containing 6 Single Family Home Sites hereafter referred to as lots, under the following Terms and Conditions:

1. A 10% non-refundable deposit is required on the total number of metered connections rounded to the next whole lot multiplied by the Infrastructure Fee currently in effect.
 - a. Reservation of Service remains valid for one year from date this service agreement is signed by legal representatives of both parties and the full deposit has been made as outlined in this document.
 - b. Outstanding balance is due within one year from date this document is signed or when project is completed – whichever date is earliest.
 - i. Each lot will be assessed our normal monthly fee at time subdivision is completed.
 - ii. Each lot will be assessed a one-time membership fee as required at time subdivision is completed.
2. Options after one year if subdivision is not completed:
 - a. Pay Outstanding balance – each lot will be assessed our normal monthly fee and one-time membership fee.
 - b. Service Agreement is nullified, deposit is forfeited.
 - c. Renew this Reservation of Service Agreement for an additional year at the discretion of NMWI as outlined in paragraph 1 above and at fee rates in effect at time of renewal.
3. Details
 - a. Our current fee rates are:
 - i. Current Infrastructure fee: \$8,600/lot.
 - ii. Current One-time membership fee: \$300/lot.
 - iii. Current Monthly fee for water: \$75/lot for up to 20,000 gal. Cost increases per 1000 gals above the monthly allotment of 20,000 gal.
 - b. 6 lots at one (1) residential ¾" Connection per lot.
 - c. Total Infrastructure fee is 6 lots X \$8,600/lot = \$51,600.
 - d. Non-refundable deposit due at signing of this document is \$8,600 based on 6 lots X 10% rounded to whole lot multiplied by infrastructure fee/lot.
 - e. Deposit(s) are credited towards the original balance identified in 3c.
 - f. Final payment of original balance (3c) less deposit(s) is due not later than one year from date this agreement is signed or upon completion of subdivision – whichever date is earliest.
 - g. Monthly water fee charge per lot at completion:
 - i. Each lot will be assessed a monthly fee and water allocation in effect at date of completion (3a.iii).
 - ii. Each lot will be assessed a one-time membership fee, at the current rate in effect at date of completion as required by NMWI for water service (3a.ii)

4. General Restrictions:

- a. No Home Owner's Association (HOA) organized by Asgard Subdivision or its residents can include any culinary water provided by NMWI.
- b. No extensions to the water system developed for the Asgard Subdivision that includes water provided by NMWI will be allowed beyond the initial 6 lots.
- c. Asgard Subdivision cannot resale, manage, restrict, or charge any additional fees for water provided by NMWI under any circumstance.
- d. All water provided by NMWI shall be used for culinary purposes only. Minimal residential landscape watering will be allowed up to 5000 sq. feet until such time as secondary water may become available. Allocations are subject to change.

5. Costs to the Developer

- a. Developer pays all costs including required modifications to existing NMWI infrastructure necessary to provide NMWI water to the Asgard Subdivision as identified by NMWI or its approved agent.
- b. Necessary modifications to existing NMWI infrastructure as well as all water line extension design and associated construction is subject to the following:
 - i. Must meet all State, County, and County Fire District Specifications and Requirements
 - ii. Must meet Water System Specifications as provided by NMWI and agreed upon, by signed agreement, at a pre-construction meeting.
 - iii. All Waterline construction must be inspected and approved by NMWI or its identified Agent during all water system construction and/or modifications at the expense of the developer. Frequency of inspection will be determined during the pre-construction meeting and/or as specified in NMWI Standards and Specifications document.
 - iv. NMWI will take possession of new and modified portion of the water system at time of completion and Developer will warranty the full installation and modifications for a period of at least 1 year from completion date at discretion of NMWI.

6. NMWI uses a gravity-flow distributions system. Since an engineering study has not been completed for the proposed subdivision, NMWI will not guarantee adequate water pressure.

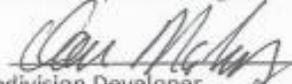
7. This agreement is subject to change contingent upon legal review by an NMWI legal representative.

If these conditions are acceptable, please submit the appropriate deposit and sign this agreement.

If you have any questions, please feel free to contact Bill Green at (801)791-3976 anytime or through our NMWI office. This unsigned document remains valid for 7 days from original document date.

Sincerely,

Bill D. Green
President
Board of Directors
Nordic Mountain Water, Inc.

Agreement of Terms: 
Dan Mabey, Asgard Subdivision Developer

Date: 7-6-2021

Signature Date:
NMWI Representative 

Date: 7/10/2021

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



June 10, 2019

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

RE: Wynn Storey Property
Site Address Approximately 3460 E Nordic Valley Drive
Parcel #22-023-0016
Soil log #14600

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Nordic Valley Water Company, an extension of an existing approved non-community water system. **A letter from the water supplier is required prior to issuance of a permit**

DESIGN REQUIREMENTS

Documented ground water tables not to exceed 12 inches, fall within the range of acceptability for the utilization of a Mound Treatment System as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption field is to be designed using a maximum loading rate of 0.22 gal/sq. ft./day as required for the 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.

All subdivisions plats submitted for review are to show the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. 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

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