



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request:	An appeal of The Sanctuary Recreational Lodge Conditional Use Permit, a permit to operate a recreation lodge on Lot 6 of The Sanctuary Subdivision, which is a 44.6 acre lot in the F-40 zone, at approximately 9803 E. Maple Ridge Road.
Agenda Date:	Thursday, August 25, 2016
Staff Report Date:	Wednesday, August 17, 2016
Applicant:	Green Hills HOA
File Number:	BOA2016-05

Staff Information

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

Applicable Ordinances

- §101-1-7 (Definitions)
- §102-3 (Board of Adjustment)
- §104-9 (Forest Zones)
- §104-28 (Ogden Valley Sensitive Lands Overlay District)
- §108-1 (Design Review)
- §108-2 (Ogden Valley Architectural, Landscape and Screening Standards)
- §108-4 (Conditional Uses)
- §108-18 (Drinking Water Source Protection)

Summary and Background

On July 5, 2016, the Ogden Valley Planning Commission granted a conditional use permit for a recreational lodge on lot 6 of the Sanctuary subdivision. The approval was granted with four findings and 16 conditions.¹

The Sanctuary subdivision lots gain access through the Green Hill Country Estates subdivision's private streets. Both The Sanctuary subdivision and the Green Hills Country Estates are approved and recorded subdivisions with private streets and private rights-of-way.

On July 22, 2016, the Appellant filed an appeal regarding the decision.² The appeal, among other things, alleges that the Planning Commission erred in its decision to approve the permit on the basis that it did not consider provisions and restrictions of private access agreement between the Mr. Tim Charlwood (herein referred to as "Permittee") and the Green Hills HOA (herein referred to as "Appellant") regarding access and usage rights along the private road known as Maple Drive. The Appellant is requesting that the Board of Adjustment reverse the decision.

County staff has reviewed the appeal and recommend that the County uphold the Planning Commission's decision. A complete analysis as to why is provided below.

Board of Adjustment Review and Consideration Requirements

The Board of Adjustment's review of this appeal is governed by Weber County Land Use Code (LUC) Section 102-3, and by Utah Code Annotated (UCA) Section 17-27a-7.

¹ See Exhibit B for the Notice of Decision.

² See Exhibit A for a complete review of the appeal application.

LUC Section 102-3-4 specifies the following (*staff commentary is offered in italics*):

- (a) Appeals from decisions applying and interpreting the Land Use Code and Zoning Maps.
 - (1) The board of adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Land Use Code and Zoning Maps.
The Land Use Authority in this case was the Planning Commission. The Board of Adjustment needs to determine the “correctness” of their decision.
 - (2) The board of adjustment may hear only those decisions in which the land use authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel.
A final decision was rendered regarding a particular application and parcel. This provision is satisfied.
 - (3) The Appellant has the burden of proof that the land use authority erred.
While this staff report will offer a cursory defense for the Planning Commission’s decision, it is not the County’s obligation to prove to the Board of Adjustment that the decision was correct, but rather, it is the Appellant’s responsibility to prove that Planning Commission erred.
 - (4) All appeals to the board of adjustment shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority.
The appeal was filed in a timely manner.
 - (5) Appeals to the board of adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.
The Board of Adjustment is limited in the information that it can entertain to determine the “correctness” of the decision. It may not entertain any information that was not presented to the Planning Commission for their deliberation.

Staff Review of the Appeal

In reviewing the record and determining the correctness of the Planning Commission’s decision, the Board of Adjustments should consider that the County’s land use decisions are limited to relevant provisions of the County’s Land Use Code. We offer no opinion herein whether the conditional use of a recreational lodge on the site – or access to it by means of a private road – is a good idea. We do, however, offer an opinion on whether the Planning Commission’s decision approving such a use complies with the Land Use Code. On this point, it is important for the Board of Adjustments to understand that in the event the Land Use Code provisions or permissions are in conflict with any private agreements, restrictions, etc., the County’s approval of such permission does not invalidate the requirements and obligations of those private agreements.

The following is staff’s review of the claims of the appeal and a comparison with the record:

1. The Appellants’ primary claim is that the Planning Commission had a responsibility to consider the obligations stipulated in a declaratory judgment and private access agreement (herein called “Private Agreement”).³ This Private Agreement governs the rights of access through the Appellant’s subdivision to the Permittee’s subdivision lot by use of the private road known as Maple Drive. The County is not a party to this Private Agreement in any manner. Without being a party to the Private Agreement, the County

³ To review an excerpt of the declaratory judgment and access agreement as provided by oral statement by David Cram in the July 5, 2016 Planning Commission meeting, see Exhibit C. The entire agreement was not provided for the Planning Commission’s review, and as such only the excerpts offered in the meeting should be considered by the Board of Adjustment. The oral statements can be found in the first paragraph of page five.

rejects the claim that the Land Use Authority, who is the Planning Commission in this case, has any authority granted to it by the County's Land Use Code or the state's County Land Use Development and Management Act (CLUDMA)⁴ for the interference in, interpretation of, administration of, or enforcement of this Private Agreement. There is no evidence in the record that would indicate that the County has any authority or obligation to enforce the Private Agreement.

2. There is need for a technical clarification. The Appellant states that the property is in a FR-40 zone. The Private Agreement also refers to a FR-40 zone. We presume the Appellant and the Private Agreement is referring to the F-40 zone, which the subject property is indeed in. We have no indication that the zone has changed since the creation of the declaratory judgment and access agreement. We assume that references in the appeal and in the Private Agreement to an FR-40 zone were in error, and were actually intended to reference to the F-40 zone⁵.
3. The Appellant states that the Private Easement that governs access through the Green Hill Country Estates subdivision to the lots in The Sanctuary subdivision limits all development to no more than 13 single family dwelling units within The Sanctuary Subdivision. The Appellant further claims that access to the site for the use of a recreation lodge is not permitted by the Private Agreement. The Permittee, however, argues that this interpretation of the private agreement is illogical, and that an on-its-face reading of the private agreement will render a different interpretation. Regardless of the different ways to interpret the agreement, the County is not a party to the agreement. Therefore, interpretation, application, and enforcement of it are not within the Planning Commission's authority. This authority rests only with the private parties and/or the courts. Legal counsel and staff discouraged the Planning Commission from considering, debating, or attempting to enforce the provisions of the Private Agreement. A review of the Planning Commission minutes indicates the Commission's understanding of their authority.⁶ In the same manner, we are now discouraging the Board of Adjustments from considering the Private Agreement, except to note that the Planning Commission was correct to not consider it.
4. The Appellant is using this appeal process in an attempt to use the County to enforce the terms of the Private Agreement. This is an improper use of the appeal process. LUC §102-3-4 indicates that appeals are only relevant when the Land Use Authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel. Enforcement of the Private Agreement is not stipulated by the Land Use Code, and therefore it correctly has no part in the Planning Commission's decision. The Appellant has a legal avenue to remedy their claim – and that is to seek relief from the courts. The Appellants can always ask the Court for an injunction to stay any building in the future while that issue is addressed, but that would not be an issue under the County's purview. No part of the record or the Land Use Code would indicate that the Planning Commission has the authority to get involved in these private matters.
5. As such, the Planning Commission's decision was not contingent on the terms of the Private Agreement. Prior to the Planning Commission's decision, staff verified that ordinance-required access to the site exists from the public right-of-way. It exists by means of formally platted subdivisions (Green Hills Country Estates and The Sanctuary) with the associated ordinance-required private rights-of way (Maple Drive). Whether these private access rights through the subdivisions were abridged by private agreement(s) is solely for the consideration of the private parties and the courts – the County has no stake in the agreement(s).
6. Further, to the extent that it could be construed that the County is required to ensure that legal access exists to the site, rather than offering interpretation, administration, or enforcement of the private agreement, the Planning Commission instead addressed this concern in condition #14 of their approval,⁷ which states that

"[conditional use permit] approval is based on legal access existing via Maple Drive. In

⁴ The provisions of CLUDMA can be found in §17-27a of Utah Code Annotated.

⁵ See LUC §104-9-1 for regulations governing development in the F-40 zone. See also Exhibit H, Zone Map.

⁶ The Planning Commission's understanding of their authority is well summed by oral statements by Commissioner Waldrip found in the last paragraph of page five of the Planning Commission Meeting Minutes, Exhibit C.

⁷ See Exhibit B for a review of the conditions they applied to the permit.

the event it is proven that this access is not legal or valid for this use, then this CUP is invalid.”

For the Appellant to now argue that the decision was incorrect is to argue that this condition does not go far enough to protect their interests. However, the County asserts that they have their recourse through private legal claim in the Courts. With this condition, if the courts or the private entities are ever to determine that the legal access does not exist, then the County can determine that the permit also does not exist.⁸

7. When the Planning Commission applied condition #14 to the permit they specifically asked the Appellant’s legal counsel whether the condition would remediate their concerns. At that time the Appellant’s legal counsel agreed that it does. Without this discourse, condition #14 would not have existed for the permit. It appears that this appeal is now contesting the very condition that was created to resolve the Appellants concerns.⁹ Thus, this appeal would suggest that they’ve changed their minds, and are now asserting that condition #14 does not go far enough. This appeal is based solely on the grounds that the Appellants feel the only satisfactory resolution would be for the Planning Commission to take on the responsibility of, and assume the authority for, enforcing the Private Agreement vis-à-vis a denial or postponement of the conditional use permit. This would be the equivalent of any private entity asserting that the County has an obligation to enforce the terms of their private land rights agreements when the County makes any land use decisions. In practical effect, this argument would present an extreme and unnecessary burden on the County, and would likely be an egregious overreach of government authority into private property rights.
8. Supposing the Planning Commission chose to deny the permit based on the Appellants claim that it violates the Private Agreement, if it was determined through resolution of the parties or by the courts that the Permittee does indeed have legal rights of access, then the County could be found at fault for unlawfully denying a land use permit. In the event the decision to grant the conditional use permit was postponed in order for the parties to resolve the issue the County could still be found at fault for unnecessarily and unreasonably withholding a permit without a justifiable basis of law. Thus, the Appellant not only desires to use the County to enforce their interpretation of Private Agreement, but they also desire it be done without any liability of an erroneous withholding of a land use right.
9. Regarding any basis of law that the Appellant claims should have been applied to deny this permit, the Appellant has failed to provide substantial evidence from the record to substantiate this claim. Specifically, the Appellant asserts that the declaratory judgment and access agreement is referenced on The Sanctuary subdivision plat, and as such should be enforced by the County as a condition of approval of that plat. No evidence has been submitted substantiating this claim. The plat references a 50’ wide right-of-way¹⁰ for the extension of Maple Drive through the Green Hills subdivision; however, the Sanctuary plat offers no language in the dedication or plat notes to refer to any governing agreements between the County, the Appellant, and/or the Permittee regarding the use of that portion of the 50’ wide right of way. The dedication language that does specify assignment of rights to the private rights-of-way is limited to the rights-of-way within the legal description of the plat – which no part of the Green Hill Country Estates subdivision is included.
10. The Appellant claims that the Planning Commission erred in determining that the Permittee demonstrated compliance with the County’s access requirements by determining that the recordation of the private rights-of-way within the Green Hill Country Estates subdivision and The Sanctuary subdivision was sufficient evidence to prove access exists to the subject lot.¹¹ The Appellant’s argument on this point relies on a misleading interpretation of the vesting doctrine as it relates to the current laws of the State of Utah. UCA §17-27a-508 specifies that an applicant is entitled to review of an application, and UCA §17-

⁸ This concept was explained to the Planning Commission in their meeting, as provided in the first paragraph of page 4 of the Planning Commission Meeting Minutes, Exhibit C.

⁹ The commission held much debate over the legality of the access and, after getting consent regarding condition #14 from the Appellant’s legal counsel, ultimately applied it to resolve their concerns. See paragraphs 3-4 on page 13 of the Planning Commission Meeting Minutes, Exhibit C.

¹⁰ See Exhibit E to review The Sanctuary subdivision plat.

¹¹ To review this discussion, see page 11-13 of the Planning Commission Meeting Minutes, Exhibit C.

27a-506 specifies that a conditional use permit application is entitled to approval provided “reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.” Thus, if a land use is listed in the zone as a conditionally permitted use, the applicant is entitled to approval as long as the reasonably anticipated detrimental effects are mitigated.

This land right for a recreational lodge was assigned to the land at the time the F-40 zone was created, which predated The Sanctuary subdivision plat by several decades. The vesting doctrine in this case does not apply to whether a right to use the land exists under the law, it applies to the initiation of the use, and the government's review of the unique circumstances peculiar to it and the authority to limit or restrict the reasonably anticipated detrimental effects. In other words, the applicant is vested in the use – and the government is severely limited in its ability to strip the property of the use – after an application is submitted. However, the land owner has the right to initiate the use anytime, and the County’s approval of the use – subject to the mitigation of the reasonably anticipated detrimental effects – is mandatory.

This is relevant because anytime the County considers development of any land, it also anticipates that any use, whether permitted or conditional, will occur on the site or in the area of the same zone unless the right is eliminated or restricted by means of rezone, zone text amendment, or agreement between the Land Owner and the County.

The Planning Commission decision relied on a correct interpretation of the vesting doctrine, and no evidence can be found in the record otherwise.

11. Further, the Appellant makes several claims that the Planning Commission violated County ordinance in their approval of this permit by not adequately considering items such as vehicle and pedestrian circulation, traffic safety, traffic congestion, other traffic issues and “other” matters. There is no evidence in the record that substantiates this claim. In fact, the evidence in the record is contrary to this claim. Pages 2-3 of the Planning Commission staff report¹² shows an analysis of traffic demand. It was noted that the reasonably anticipated detrimental effects of the use would not significantly increase the traditional traffic demand of single family dwellings in the area -- and as such merited no further evaluation. Additionally, conditions of approval #5, #11, #12, and #14 were all imposed to offer mitigation of the reasonably anticipated detrimental effects of these issues.

The Planning Commission, not the Appellant, had the discretionary authority to determine what the detrimental effects are and the conditions needed to mitigate them. However, in making this determination they are required by the Land Use Code to rely on credible evidence.¹³ They cannot rely on public clamor or unsubstantiated claims. Pursuant to Weber County Land Use Code §108-4-5, the Planning Commission's review is limited to "credible evidence, relevant standards, and reasonable conditions." If the Appellant desired the planning commission to review traffic demands, circulation, and pedestrian considerations above and beyond the analysis of staff, the onus was on them to provide expert opinion on the matter at the time of the review. Because there was no expert or credible opinion offered to the contrary, the Appellant has failed to point to any credible evidence in the record that specifies what reasonably anticipated detrimental effects should or could have been better mitigated; except to argue that a Private Agreement, of which the County has no tie and for which the County has no authority, should have been enforced by the County.

¹² See Exhibit D.

¹³ LUC §108-4-5 puts allows the Planning Commission some discretion in determining conditions of approval, however, offers tight parameters to the discretion. It states that:

(a) The land use authority may apply conditions of approval related to any of the standards of this section, provided that credible evidence exists that:

(1) The application of the standard is relevant to the use; and

(2) The conditions are reasonable and necessary to substantially mitigate detrimental effects of the use as specified in the standard.

(b) The land use authority shall consider the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions.

12. Finally, the Appellant asserts that the Permittee's application was incomplete because it did not, among other things, provide the Private Agreement, the subdivision plat, the location of roads, etc. However, as specified herein, the Private Agreement is irrelevant. The application did include a copy of the plat, with a site plan. In totality the application was complete enough to merit substantive land use review as provided by UCA §17-27a-509.5. All of the application information was uploaded to Miradi, the County's project tracking website, at <https://miradi.co.weber.ut.us/projects/view/2381> prior to the Planning Commission's consideration of the item. There is no evidence in the record to substantiate that the application was incomplete.

Thus, for these reasons there is not any evidence in the record that would support an overturn of the Planning Commission's decision.

Staff Recommendation

Staff recommends that the Board of Adjustment upholds the Planning Commission's decision with the findings and conditions provided by the Notice of Decision, Exhibit B, of this report. This is recommended with the following findings:

1. There is no evidence in the record to indicate that the Planning Commission erred in its decision.
2. This appeal appears to be an attempt to use the County to enforce a private agreement for which the County has no authority enforcing.
3. That the Appellant has sufficient recourse for their claim in the courts.
4. That in the event it is determined that no legal access exists for the conditional use permit, then the permit is invalid. This is sufficient protection for the Appellant.

Exhibits

- A. Appeal Application
- B. Notice of Decision regarding The Sanctuary Recreational Lodge Conditional Use Permit Approval
- C. DRAFT Ogden Valley Planning Commission Minutes for July 5, 2016
- D. Ogden Valley Planning Commission Staff Report
- E. The Sanctuary Subdivision Plat



Weber County Board of Adjustment Application

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

Date Submitted / Completed 07/22/2016	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Green Hills Estates Home Owner's Association		Mailing Address of Property Owner(s) Zane S. Froerer 2510 Washington Blvd. #200 Ogden Utah 84407	
Phone (801) 389-1533	Fax		
Email Address zane.froerer@froererlaw.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) Zane S. Froerer		Mailing Address of Authorized Person Zane S. Froerer 2510 Washington Blvd. #200 Ogden Utah 84407	
Phone (801) 389-1533	Fax		
Email Address zane.froerer@froererlaw.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Appeal Request

- A variance request:
 ___ Lot area ___ Yard setback ___ Frontage width ___ Other: _____
- An Interpretation of the Zoning Ordinance
- An Interpretation of the Zoning Map
- A hearing to decide appeal where it is alleged by appellant that there is an error in any order, requirement, decision or refusal in enforcing of the Zoning Ordinance
- Other: _____

Property Information

Approximate Address 9686 E Maple Rd. Lot 6, Huntsville, Utah 84317		Land Serial Number(s) 211300003	
Current Zoning FR-40			
Existing Measurements		Required Measurements (Office Use)	
Lot Area 40.29 Acres	Lot Frontage/Width	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback	Rear Yard Setback	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback	Side Yard Setback	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

Applicant Tim Charlwood as owner of the above identified parcel applied for a Conditional Use Permit (CUP) on May 25, 2016 seeking to have granted a CUP for a recreational lodge to be permitted on Lot 6 of the Sanctuary Subdivision on . Such a use is a "conditional" use under the FR-40 zone and was such at the time the Sanctuary Plat application was made and when said Plat was recorded on July 16, 2013. All of Sanctuary, including Lot 6, is accessed through a private road owned and maintained by Green Hills. That access, the scope, the rights, and all use is determined between Green Hills and Sanctuary through a Declaratory Judgment and Easement Agreement And Declaration of Covenants. That Agreement limits development on any Sanctuary lot to a single family dwelling and there would be no applications for higher density. This limitation was to define the scope of use of the shared private road commonly known as Maple Drive. In the approved Sanctuary Plat, Maple Drive is identified as a private right-of-way that provides the exclusive access to the Sanctuary Lots. Further, the Plat specifically refers to the agreements that define reciprocal access rights to trails within Sanctuary. Further, the Agreement imposes upon Sanctuary lot owners a duty to contribute to the maintenance and repair costs of the road with the rates being calculated on a rate equal to that of a single family dwelling. The CUP permits the construction of a 16 bedroom recreational lodges with rental and repair shop as accessory uses. It is anticipated, by the representations in the Application, that dining services and hotel guest services will also be operated out of this lodge. The Application for the CUP failed to provide the Easement Agreement and Declaration of Covenants, a copy of the 2013 Plat. Instead, the Application relied upon the Declaratory Judgment, which referred to the Agreement for all terms of use and rights, and Mr. Charlwood's own personal proffer that he had access approved to mitigate any change in use occurring with the CUP. In making its decision, the Ogden Valley Planning Commission failed to actually review the Agreement or the Plat yet determined that Sanctuary had access to Lot 6 sufficient to meet the mitigation requirements of the CUP Ordinance. Because the Commission did not have the Plat and did not consider the language of the Agreement, it lacked sufficient evidence to support a finding that access to Lot 6 was sufficient and of a nature to permit any mitigation under the Ordinance. Further, the Commission relied upon an erroneous legal position in reaching its conclusion. Both the Commission and the Staff determined that when the 2013 Plat was approved and recorded that access was granted for all prospective uses either "permitted" or "conditional" within the FV-40 zone. The Vesting Doctrine clearly states that land use rights do not vest until application is made. Mr. Charlwood did not file his application for the CUP until 2016, three years after the 2013 Plat was recorded. According to Sec. 108-4-2, a CUP is required for conditional uses and application is required as per Sec. 108-4-3. Therefore, the decision that the 2013 Plat approved access for the proposed CUP use is in error. Further, the Commission failed to adequately consider design review requirements under Sec. 108-1-3 of the Ordinance when it granted the CUP. Specifically, the Commission failed to adequately consider "vehicle and pedestrian circulation" and roads when it determined that the terms of the Agreement did not affect its determination. Further, the Commission failed to address the specific mitigation considerations in Sec. 108-1-4 of the Ordinance. This includes traffic safety, traffic congestion, the effect on traffic conditions on Maple Drive, whether a separate ingress/egress may be required. The Commission's determinations are not supported by substantial evidence and are in error. Particularly, the Commission's determination that the terms of the Agreement do not affect their decision is in error because the terms of access in the Agreement was the basis for the approval of the 2013 Plat. In effect, the Agreement is integral to the Plat both by implication and by express reference. Further, the Commission's review of the CUP was erroneously narrowed to whether the access allowed for emergency access. The Ordinance is not so limited and the Commission failed to follow the proper review procedures. Under Sections 108-1-4 and 108-4-4, the Commission is specifically directed to consider certain deficiencies that include traffic issues, but is also mandated to consider "other" matters when applicable, and must also consider mitigation to "reasonably anticipated detrimental effects" with "any" portion of the Land Use Code. Further, the Commission failed to even consider the Conditional Use Standards including right-of-way conflicts, standards related to infrastructure, The Agreement and the limits on the development is one such "other" matter. The Commission therefore made an error in not taking into consideration the "deficiencies" in access to Lot 6 for a Recreational Lodge. Further, the Application was incomplete because it failed to identify the location and width of existing roads, Maple Dr., that applied. Therefore, the CUP should be reversed.

Variance Request

The Board of Adjustment may grant a variance only if the following five criteria are met. Please explain how this variance request meets the following five criteria:

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.
 - a. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

Variance Request (continued...)

2. There are special circumstances attached to the property that do not generally apply to the other properties in the same zone.

a. In determining whether there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.

Please describe the special circumstances attached to the property that do not generally apply to the other properties in the same zone:

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

Variance Request (continued...)

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

5. The spirit of the land use ordinance is observed and substantial justice done.

Property Owner Affidavit

I (We) BRIAN SEE (GREEN HILLS) 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.

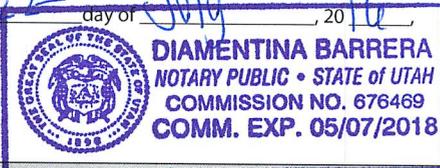
Brian See

(Property Owner)

(Property Owner)

* For the Board

Subscribed and sworn to me this 22nd day of July, 2016



Diamantina Barrera

(Notary)

Authorized Representative Affidavit

I (We) BRIAN SEE (GREEN HILLS) the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Case 5, Procket, 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.

Brian See

(Property Owner)

(Property Owner)

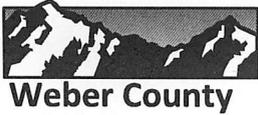
* For the Board

Dated this 22nd day of July, 2016, personally appeared before me Brian See, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



Diamantina Barrera

(Notary)



Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

Ogden Valley Planning Commission
NOTICE OF DECISION

July 8, 2015

Timothy Charlwood
PO Box 980400
Park City, UT 84098

RE: File Number: CUP 2016-11

You are hereby notified that your conditional use permit for a recreational lodge on Lot 6 of the Sanctuary subdivision, which is in the F-40 zone, was approved by the Ogden Valley Planning Commission on July 5, 2016. Approval was based on the following conditions and findings:

Conditions:

1. The limits of disturbance shall not exceed the building pad areas, as shown in the application. In the event building activities must exceed the building pad area, a de minimis planning division review of the changes shall be conducted.
2. That quiet hours shall be observed from 10 p.m. to 7 a.m. Daytime noises related to existence or the use of the lodge that are unreasonable, obnoxious, or out of character for a quiet residential neighborhood are prohibited.
3. All exterior lighting shall be downward directional and fully shielded in a manner that obstructs the visible light source from view from adjacent properties. The intensity of outdoor lighting, including any landscape lighting, shall be minimized so as not to create unnecessary reflection on the mountain side. Exterior lighting shall be configured in a manner that has minimal visual impact when viewed from other properties. The building permit application shall include, for staff approval, the specifics of the light fixtures to be used.
4. All lighting shall be inward directed so as not to create a light trespass on adjacent properties.
5. Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant to 49 CFR 565.15), except for package delivery service at times and in intervals typical for a normal residential use, shall be limited to one delivery or pickup per day between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. A loading and unloading area, adequately sized to accommodate the type of truck and the size of the delivery or pickup, shall be provided on the site. No loading or unloading shall be permitted offsite.
6. The applicant shall either submit an updated letter from a qualified geologist indicating that the findings of the general geologic hazards report(s) previously conducted are still valid for the specific building location, or an updated building-specific report shall be submitted with the building permit application that provides any necessary mitigation measures.
7. Storm water drainage shall comply with typical engineering standards, as approved by the County Engineering Division during building permit review.
8. CUP approval shall be subject to final review and approval by the Weber County Engineering Division during building permit review.
9. CUP approval shall be subject to final review and approval of the culinary water and waste water systems, commercial kitchen, and pool or spa (if applicable), in accordance with Health Department requirements.



Weber County

Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
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10. The colors of the facility shall be limited to general muted earth tones that are found in abundance on the site such that all man-made facilities have minimal visual impact and blend with the natural state of the property.
11. There shall be sufficient parking spaces, pursuant to the Weber County parking standards of LUC §108-8, to provide for 10 onsite parking spaces. Parking provisions shall comply with ADA standards. The building permit application shall include a specific parking plan for staff verification.
12. All affected streets shall be repaired to their current state upon completion of construction, as may be necessary.
13. CUP approval shall be subject to final review and approval by the Weber County Fire Marshal during typical building permit review.
14. CUP approval is based on legal access existing via Maple Drive. In the event it is proven that this access is not legal or valid for this use, then this CUP is invalid.
15. Windows or window treatments shall be provided on all windows to significantly reduce reflectivity and glare and reduce the light intensity of internal illumination.
16. The proposal shall maintain compliance with all other local, state, and federal laws.

Findings:

1. The proposed use is a recreational use and supports other recreational uses in the Ogden Valley, which is in compliance with the Ogden Valley Recreation Element of the General Plan.
2. The proposed use complies with the Land Use Code's definition of "Recreation Lodge."
3. Given the applicant's proposal and the conditions provided herein, the proposal reasonably mitigates the anticipated detrimental effects of the use.
4. That the applicant asserts that private legal access exists from the public right-of-way to the site. CUP approval is contingent on legal access to the site.

Strict adherence to these conditions is required. Please refer to them when designing building and site plans pursuant to building permit application preparation. Please contact the Planning Division Office if – and before – compliance with the conditions becomes too challenging so we can discuss permit amendment options.

This notice is a courtesy intended to inform you of the Planning Commission's decision. Please contact our office for a copy of the official Planning Commission meeting minutes.

* * * * *

The decision of the Planning Commission may be appealed to the Board of Adjustments by filing such appeal within 15 days after the date of this notice.

Respectfully,

A handwritten signature in black ink, appearing to read "Charles Ewert".

Charles Ewert, AICP
Principal Planner



Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

Ogden Valley Planning Commission
NOTICE OF DECISION

July 8, 2015

Timothy Charlwood
PO Box 980400
Park City, UT 84098

RE: File Number: CUP 2016-11

You are hereby notified that your conditional use permit for a recreational lodge on Lot 6 of the Sanctuary subdivision, which is in the F-40 zone, was approved by the Ogden Valley Planning Commission on July 5, 2016. Approval was based on the following conditions and findings:

Conditions:

1. The limits of disturbance shall not exceed the building pad areas, as shown in the application. In the event building activities must exceed the building pad area, a de minimis planning division review of the changes shall be conducted.
2. That quiet hours shall be observed from 10 p.m. to 7 a.m. Daytime noises related to existence or the use of the lodge that are unreasonable, obnoxious, or out of character for a quiet residential neighborhood are prohibited.
3. All exterior lighting shall be downward directional and fully shielded in a manner that obstructs the visible light source from view from adjacent properties. The intensity of outdoor lighting, including any landscape lighting, shall be minimized so as not to create unnecessary reflection on the mountain side. Exterior lighting shall be configured in a manner that has minimal visual impact when viewed from other properties. The building permit application shall include, for staff approval, the specifics of the light fixtures to be used.
4. All lighting shall be inward directed so as not to create a light trespass on adjacent properties.
5. Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant to 49 CFR 565.15), except for package delivery service at times and in intervals typical for a normal residential use, shall be limited to one delivery or pickup per day between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. A loading and unloading area, adequately sized to accommodate the type of truck and the size of the delivery or pickup, shall be provided on the site. No loading or unloading shall be permitted offsite.
6. The applicant shall either submit an updated letter from a qualified geologist indicating that the findings of the general geologic hazards report(s) previously conducted are still valid for the specific building location, or an updated building-specific report shall be submitted with the building permit application that provides any necessary mitigation measures.
7. Storm water drainage shall comply with typical engineering standards, as approved by the County Engineering Division during building permit review.
8. CUP approval shall be subject to final review and approval by the Weber County Engineering Division during building permit review.
9. CUP approval shall be subject to final review and approval of the culinary water and waste water systems, commercial kitchen, and pool or spa (if applicable), in accordance with Health Department requirements.



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10. The colors of the facility shall be limited to general muted earth tones that are found in abundance on the site such that all man-made facilities have minimal visual impact and blend with the natural state of the property.
11. There shall be sufficient parking spaces, pursuant to the Weber County parking standards of LUC §108-8, to provide for 10 onsite parking spaces. Parking provisions shall comply with ADA standards. The building permit application shall include a specific parking plan for staff verification.
12. All affected streets shall be repaired to their current state upon completion of construction, as may be necessary.
13. CUP approval shall be subject to final review and approval by the Weber County Fire Marshal during typical building permit review.
14. CUP approval is based on legal access existing via Maple Drive. In the event it is proven that this access is not legal or valid for this use, then this CUP is invalid.
15. Windows or window treatments shall be provided on all windows to significantly reduce reflectivity and glare and reduce the light intensity of internal illumination.
16. The proposal shall maintain compliance with all other local, state, and federal laws.

Findings:

1. The proposed use is a recreational use and supports other recreational uses in the Ogden Valley, which is in compliance with the Ogden Valley Recreation Element of the General Plan.
2. The proposed use complies with the Land Use Code's definition of "Recreation Lodge."
3. Given the applicant's proposal and the conditions provided herein, the proposal reasonably mitigates the anticipated detrimental effects of the use.
4. That the applicant asserts that private legal access exists from the public right-of-way to the site. CUP approval is contingent on legal access to the site.

Strict adherence to these conditions is required. Please refer to them when designing building and site plans pursuant to building permit application preparation. Please contact the Planning Division Office if – and before – compliance with the conditions becomes too challenging so we can discuss permit amendment options.

This notice is a courtesy intended to inform you of the Planning Commission's decision. Please contact our office for a copy of the official Planning Commission meeting minutes.

* * * * *

The decision of the Planning Commission may be appealed to the Board of Adjustments by filing such appeal within 15 days after the date of this notice.

Respectfully,



Charles Ewert, AICP
Principal Planner

Minutes of the Ogden Valley Planning Commission Regular meeting July 05, 2016, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Jami Taylor, John Howell, Kevin Parson, Will Haymond, Stephen Waldrip

Absent/Excused: Greg Graves

Staff Present: Rick Grover, Planning Director; Scott Mendoza, Assist Planning Director; Ronda Kippen, Principal Planner; Ben Hatfield, Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary,

***Pledge of Allegiance**

***Roll Call:**

1. Administrative Items:

a. New Business:

- 1. CUP 2016-11:** Consideration and action on a request for a conditional use permit to operate a recreational lodge on Lot 6 of the Sanctuary Subdivision, located at 9686 East Maple Ridge Road, within the Forest 40 (F-40) Zones. (Tim Charlwood, Applicant)

Charles Ewert said this is an application for a recreational lodge submitted Tim Charlwood. The application is for a piece of property which is Lot 6 of the Sanctuary Subdivision. It is located at the top of the Sanctuary and the general location where the lodge will be placed. Lot 6 is accessed by a Private Right of Way through Greenhills that is the last Public Right of Way access that is located by the turn-around where the Private Right of Way ends. The applicant asserts that there is a judicative right of way that gives him the right to access. It is a private agreement between the Greenhill HOA and the applicant; and is nothing that the county can weigh in on for the access. Staff did consider the access and the assertion from the applicant that he does have a right of way to the property. What the applicant wants to build is a ten room lodge, with natural setting and keeps the natural vegetation in the area.

Charles Ewert said that staff did a number of different analyses and he would like to point out the highlights. In regards to the zoning analysis, they were able to find that a recreational lodge is permitted in the F-40 Zone, by conditional use permit. A conditional use permit is an administrative action by the Planning Commission; and if it's allowed as a conditional use, and the harmful impacts and detrimental effects can be mitigated, the applicant is entitled for approval. As they went through the list of code criteria listed in the staff report; such as fire control, access and circulation, parking, architectural design, lighting, deliveries, landscaping and irrigation, solid waste disposal, water source, waste water, source protection, flood plain, signage, geology, and noise. As they did their evaluation, they added a number of conditions of approval to this application in order to help mitigate the concerns that staff had in regards to potential detrimental effects and those conditions of approval are listed in the staff report.

Commissioner Parson asked when was that photo taken that is on the ridge. In that site acclamation do they have that right (Storm Water Pollution Prevention Plan) SWPPP; and is some of material from that area used to build anything, or had they thought about where this was going? Mr. Ewert replied that he didn't know the history regarding what is currently been flattened out in this area; to his understanding that was done during the subdivision improvement, which they would have required to have a swift done at that time. When they get a building permit, they are required to pull a SWPPP Permit to define the limit of disturbance and identify where the storm water pollution is going to be located. Currently there is not one there and has been in the same condition for awhile; and he has been trying to work at getting something approved.

Commissioner Parson asked what the estimated square footage of the facility was. Mr. Ewert replied that they didn't have the specific schematic for the building at this time. It can be up to 16 room but they are only asking for 10 rooms.

Commissioner Waldrip said that 7,500 sq. ft. was what was proposed. Mr. Ewert replied if they will notice on this subdivision plat there is a 7,500 sq. ft. building pad, and he is proposing to put the facility completely inside of the building pad. There is a height requirement of 35 feet and he has not asked for any modification to that height requirement. This is a proposal of this facility and it is not anticipated that it will be more than a single story.

Commissioner Waldrip asked when you say single story about a main level residence below grade that would be that it includes parking. Mr. Ewert replied below grade so single story would be from ground level up and there may be additional spacing.

Commissioner Howell asked if this would be the area where the helicopter will land. Mr. Ewert replied that there is a helicopter pad that is on the same lot be just a little bit below. This area is the 7,500 sq. ft. black rectangle and the blue area would be where the helipad is located.

In response to Commissioner Howell's question; Mr. Ewert said they have not received any complaints from the zoning office and neither has Mr. Charlwood. They saw the aerial three dimensional imagery of the mountainside; and what he is doing is flying high on the mountainside, and coming down and landing. So he is staying away from those roof tops of that subdivision.

Commissioner Taylor asked on Page 3, it states, *"The Planning Commission may desire to limit the size and frequency of the delivery of vehicles."* A couple of pages later on #4, he gave a specific recommendation, *"Delivery or pickup in a 14,001 pound or greater truck, except for packaged deliveries to visit times and intervals typical for a normal residentially used, shall be limited to one delivery, or pickup per day between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday."* Just wondered where he got that information. Mr. Ewert replied that 14,001 is a class for gross vehicle weight under Federal Highway Administration. So they set the rating on trucks and they actually use this standard in the home office occupation code which is a very simple standard to come back to because in essence Mr. Charlwood is trying not to create something that acts or behaves anything different than residence. They are being more restrictive in this than what they did in the home occupation code.

Commissioner Taylor asked in regards to the water source on Page 4, it states, *"The culinary water will be provided via a well, and Health Department has provided feasibility for it, but the Planning Commission should consider conditioning their approval on the demonstration of adequate water rights, water yield, and water quality as administered by the Health Department."* She could not find more information and if he could elaborate. Mr. Ewert replied that this is one of the typical parts of the process in getting a building permit. He has to prove that they have water, the water has to be of a particular quality and the Health Department governs that. What they are doing is putting in a condition, in the conditional use in order to say that they have to be good with the Health Department, to be a legitimate conditional use permit as listed in the conditions of approval in item number 8.

Commissioner Howell asked who their water company was. Mr. Ewert replied that it was a private well.

Commissioner Taylor asked if the Health Department determined the water right. Mr. Ewert replied that is correct and they wouldn't give well approval without adequate demonstration of water rights, water quantity, and water quality before they give well signoff.

Commissioner Waldrip asked if he could talk about the source protection issue. Mr. Ewert replied in Weber County they have adopted source protection zones. These are not technically zones in the traditional zoning standards; it's an application of more strict standards similar to natural hazards zone. In these zones this particular project is in the Zone 2; and in Zone 2 the traditional leech build is allowed to exist because it's uphill with a catch basin for well that is downstream. What the Health Department said that a packed-bed medium system which has pretreatment and produces significant cleaner water discharge than a typical septic system does and is adequate for a Zone 2.

Commissioner Parson said that it wasn't listed but they will require approval from the Fire Department. Mr. Ewert replied said he failed to mention in the analysis he mentioned that there is a very specific fire review and in the exhibits he improved the fire review but he failed to include a condition related to final fire review and approval being that building permit in the conditions of approval. He would recommend adding that in per their provision.

Commissioner Waldrip said from staff's prospective, what concerns does staff have regarding the conditions of approval that would create a more palatable use of this type in this area. He understood having gone through the staff report; what issues does staff have that they should consider here to make sure they fully examine those specific issues. Mr. Ewert replied as far as this particular use, he hit all of the points in the staff report. It may be a benefit for the Planning Commission to think about and not a part of the decision for this; but think about whether or not this

particular use of recreational lodge is appropriate in that particular area or an areas like this. They have the F-40 Zone; with 40 acres up there and is that the right place for recreational lodges.

Chair Warburton said clarification in the simplest terms possible; can he explain what is a conditional use permit, and what control does this planning commission have. Mr. Ewert replied a conditional use permit is the same thing as a permitted use permit; it's just one that they can add conditions to it. It's a type of use that is allowed in a zone; it's a land use right to all users of that zone, provided that they can mitigate certain detrimental effects. Those detrimental effects have to be specified by standards in the ordinance. These are identified in the staff report, and as long as these items are identified as standards, can be addressed well, and the detrimental effects can be mitigated, there is not a lot of discretion to deny the conditional use permit.

Chair Warburton asked what happens if this Planning Commission says no. Mr. Ewert replied the applicant has the right to appeal. Quite frankly if they say no without legitimate findings, as to why detrimental effects cannot be mitigated, that has to be backed up by science, then the applicant has a very good case, and legal counsel could address that.

Commissioner Taylor said she needed clarification beginning on Page 2, regarding access and circulation. This states, *"The site is accessed through the Green Hills Subdivision."* and *"The applicant asserts that an adjudicated right-of-way exists with an access agreement, between the Green Hills HOA and himself."* Can he explain how this agreement is a private agreement and if they could take that into account? Mr. Ewert replied that the applicant is going to try and get the county to make an assertion on that, and they don't have a stake in that agreement. So they shouldn't make a comment on the legality of the access and the same goes for the HOA. That is for the HOA, for the applicant, and ultimately the attorney's to figure that out.

Commissioner Haymond asked how does this equate in density, is it one point? Mr. Ewert replied that the ordinance is not as clear, and he would say yes this is one point. The ordinance doesn't define a recreational lodge any differently than it defines an equivalent residential unit so they would say it is the same thing. Through the general planning process, they talked about the possibility of treating uses a little bit differently, and maybe recreational lodge could count as two points in the future. Currently one recreational lodge on a property that has 10 rooms and is essentially a very large residential facility is how they would count as density points.

Chair Warburton said that what is not so often understood; the ordinances that they are looking at in order to approve, disapprove, or regulate any land use, those are law and they are under strict rule to observe the law. However, they just finished with the General Plan and that is creating law. The Planning Commission is not the only ones that have a say in the law; and she would encourage for everyone to get involved in the process.

Commissioner Waldrip said on the geology that was one of the issues that was mentioned specifically. There were two geological studies and an additional report is forthcoming. What would be the standard for that report, or what would need to be shown in the report for staff to require further review of the geologic report? Mr. Ewert replied the Geologist has a very specific profession; and what they would be looking for is the project geologist, to write a letter of report that states that this site is safe to build on. That's the standard of review that they defer to the private market. If that report does give them reason for alarm, they would read the report to check the findings, and then the engineers has the discretions to check and address any concerns. In this particular case there was a 2007 Geologic Hazard Report, and in 2010 there was an update to that. He was comfortable knowing that it was in a known study area for geologists to review where the footings and foundations and find the same findings.

Courtlan Erickson, Legal Counsel asked it may be worth discussing with the previous question about the access. Particularly where there may be legal questions surround that; if at some point where the county would have to take a look and decide whether the county is comfortable with the owner's access and legal right. Did it already happen and could it happen in the future. Mr. Ewert replied in platting the Sanctuary Subdivision, they had already looked at the access. It is an approved access and if they look at the comments from the Fire Chief in regards to the access; any new accesses being cut in can't be any greater than 10%, but he is comfortable grandfathering in whatever the old access standard was. The standard review for the existing access to the site; they already applied it when the subdivision was installed for both Greenhill and Sanctuary.

Courtlan Erickson said in other words from here on; they would not take a look whether the county thinks the owner has a legal right to get up to the property, through an easement or right of way. Mr. Ewert replied that is correct they are relying on the owner's assertion that they have a legal right to get to the property. That is actually one of the findings that the owner has asserted that there is a legal right. If they find out that there is not one; this permit would be held as invalid.

Timothy Charlwood, who resides in Park City, and owns the Sanctuary, said that the vision of all this was that the home they seen is the original home that was put out there. He has had a lot of experience particularly in Europe where they have had home and they have a shed in the middle and it's a shared home. It is the same rules that he has applied here where they have sort of expanded it, and they are trying to create something that would support the Sanctuary. To understand the Sanctuary; he has put 89% of the land into a land trust. He has created trails; he has created equestrian areas, and spent fortune in trying to create what is the most beautiful recreational ranch out there. To help to sustain cabins that they needed to put down there; where it is a pretty big elemental risk in building, and doing things out there. He believes that the lodge will help to sustain the whole ambiance, feeding, and the service that they need to keep in it in there. To also encourage people to come in and stay and share what they have done.

Timothy Charlwood said that this is very high quality and probably not the same standards in the area and they are trying to raise the bar in quality and spoil people for what they have up there with the stunning views, fantastic trails, and just enjoy the environment. His objective is to keep simple and keep it low key; and trying to keep the balance so they don't overdo the environment and just make it a happy place to stay. There are a couple of issues; one being the geology that has been updated and no changes. The other issue being water rights; and he over a year and a half getting with the Division of Water Right, over this tax base mound system. It has been signed off as totally none contaminant. It was a very big issue, very expensive, and making sure everything is green. They are making sure to apply geo thermal to the building and making something that is sustainable and self contained. By putting the trust into the control of the land it can never be messed up and the integrity of what he has up there will be sustained forever under that agreement.

Commissioner Parson asked how many acres is in that trust. Mr. Charlwood replied that he has 527 in total, and 466 acres in the Ogden Valley Land Trust. The agreements that enforced in the Sanctuary in that everybody shares it; it is open space to be shared, there are no fences, and the habitat remains as it should be.

Commissioner Parson said he has built a lot of things; but his point is just in concrete, that is 416 cubic yards of concrete, so that is 46 trucks that each hauls 9 cubic yards of concrete. They just repaved the 3-way Stop Sign in Liberty; and the reason they worked on that road was because of the trucks from Pine Ridge, that haul rock in the heat of the summer, and they push that asphalt. So his question is what does he plan to do to remediate the damage that he is building up there, what is he going to do with the roads. Mr. Charlwood replied there is an agreement that is very clear and specified. There is insurance for any building that goes up in the subdivision. There have been six new buildings in the last couple of years that have gone off the subdivision envelope, so the roads are that each owner that causes any damage has to put it right. The roads are in disrepair but they are looking at renewing them and there is a bond in there. When they did this subdivision; they went back repaired any damages that was done, it has been monitored, recorded, and that is part of taking responsibility as it should be.

Commissioner Waldrip said they need to talk about the flight path that he had indicated over 100 helicopter flights in and out of that helipad. Mr. Charlwood replied when he talks about the pilots coming in through the back; they come at high speeds from behind at 9,000 feet. It's root from behind and they go over the bluff in the back and then out. There are two ways to come in but they absolutely avoid Greenhills per his instruction.

Commissioner Waldrip asked if that was something that could be written into a contractual form with the County or with the HOA and if he felt comfortable entering into an agreement that this is the flight path. Mr. Charlwood replied that if there were complaints then it would be justified but he had not received any. He would be happy to.

Chair Warburton said that is not before us; however, a conditional use can be revoked if they break the standards, to in and make more noise. This commission can revoke a conditional use permit.

Open for Public Comment.

David Cram, 8916 Pineview Drive, Member of Greenhills HOA, said he would like to present the commission with a current petition with 84 signatures with members and homeowners that are opposing the conditional use permit. He also has some questions and concerns; that the permit request does meet requirements and does not benefit the majority of the citizens and taxpayers of Weber County. Nor take into consideration of the following; all requirements 2016 Ogden Valley General Plan, the Greenhills Water and Sewer District drinking water, and the well head protection plan for the Maple Canyon Well approved by the State of Utah. The county approved Sanctuary Subdivision requirements for constructing only 13 residential sites on F-40 Lots within the subdivision. The 2003 Second Judicial District Court for Weber County Judgment, known at the NAS Agreement between Greenhills HOA and former Sanctuary landowners. That judgment states, "The development of NAS property, including future owners of the property, shall be consistent with the uses and density permitted by the Weber County Ordinances, for the zoning presently applies to the property on the date this document was executed," which was in 2003 in the Forest Residential (FR-40) Zone. NAS agrees that no more than 13 single family dwellings shall be built on the NAS property; and agrees not to apply for any zoning change that would allow for a higher density than one unit per 40 acres, that is allowed by the current FR-40 Zone. The adequate water and sewer facilities may not exist or are limited to provide the necessary water for fire protection and dwelling operation within the Sanctuary Subdivision. A 10-16 room recreational lodge is not a single family dwelling. It is a commercial business operation not permitted by the county approved requirements with the Sanctuary Subdivision; nor the NAS Agreement Judgment between Greenhill's HOA and Mr. Charlwood, who is the current owner of the property. The existing Helipad and operation facility are also no real threat to the surrounding sensitive water sheds that drains directly into Maple Creek and aquifers below; the Sensitive Land including DWR Protective Wildlife Land Preserves. With the petition presented with overwhelming opposition from the majority of Greenhills HOA residents and taxpayers; he proposed that this conditional use permit be tabled.

Commissioner Waldrip said the issue that he sees it that Mr. Cram has a NAS Agreement that he read through and he understands the issues that surround that. The challenge that they have as a Planning Commission is that they cannot consider that and they are legally barred. Mr. Cram asked how a Second District Court could make a judgment that can't be recognized. Mr. Erickson, County Attorney replied it was a private agreement with the parties of the Greenhills HOA officers and the property owners at that time; was recognized by the court a resolution to a lawsuit that was going on at that time. It was not anything that bound the county; the county was not a party to that lawsuit. The remedy there would be that if anybody was a party to that agreement, felt that there was a violation of that agreement that would be potentially cause for a private lawsuit now. He agreed with Commissioner Waldrip, and that would not be something the county would rely on for not taking action.

Commissioner Parson said that was approved in the F-40 single family dwellings. What else was approved in the F-40 if he would have applied for back then is the same thing that he is applying for right now. That is why is it so frustrating that they to put conditions on it, but it is a conditional use up to 16. They have something that could be a hotel in the F-40, it can be but it has to be conditionally in there. It wasn't in the original zone because it wasn't an idea back then and he was just trying to explain the reality of the F-40 Zone.

David Cram said that he knew that that applicant worked hard to try and sell lots, and it doesn't seem he has sold any lots. He doesn't think that they should being giving him anymore things that are outside of fairness. Chair Warburton replied he has property, the county has already said outside of his property they are not going to do spot zoning. They are not rezoning and this petition saying that it is a rezone is not a rezone. Mr. Charlwood has walked the line and does exactly what he is supposed to do, apply like he is required to do, have met all the requirements of what is required to do, and he is within the law. If the commission did what he is asking, they would be outside the law. The 2016 General Plan has not been adopted yet so it's not law.

Commissioner Waldrip said the recourse in this action is to enforce the HOA which was a party to this settlement that is outside of this process completely. This commission is legally barred from considering that settlement in this application and they are not allowed to. That is the struggle that this commission has because they can read it, understand it, and see it; but by law they are prohibited from considering it as they make a finding on this particular issue. Mr. Erickson said that he would recommend making it clear that this Planning Commission are not stating or implying that they believe that there is any violation of the private agreement. Commissioner Waldrip replied they have no idea; there may be an issue there that the HOA wants to pursue, but that's beyond their scope of their ability to review or advocate for or against.

Commissioner Taylor asked Mr. Cram to elaborate more on Zone 2 Protection for the Maple Canyon Well. Mr. Cram replied that was a protection plan that Greenhills Water and Sewer District applied for.

Ron Gleason, 252 N 8750 E in Huntsville, said that in previous times he has addressed this commission regarding the Sanctuary. He was a resident of Greenhills and also member of the Greenhills Water and Sewer Improvement District. As of May 2014 he no longer resides in Greenhills nor is he a member of Greenhills Water and Sewer Improvement District and just representing himself. For complete disclosure when he was a member of the water district; he did oversee a project for Mr. Charlwood that involved moving some waterlines. That was a project that was done correctly, on time, and was done professionally; and both parties worked well and still working fine. There was mention of the 200 foot buffer between the helipad and the structure is going to be valid; and the 90,000 gallon water tank which would be needed for fire and other activities there. There is no indication on the site plan where that particular structure will be. Personally he would like to know where it will be located, how is it going to be put there, and how is it going to be shielded. Is that tank going to be used for other lots for firefighting purposes or is it just for this specific lodge. As for the waste water system that he is not familiar with; he is glad that Mr. Charlwood would go that route, but it's not shown on site map where it is located and may be used for other lots. As a resident he is very interested where this is physically going to be and how different entities and buildings are going to connect. That particular well that is mentioned has through put of 20 foot of 20 gallons per minute. This was done after pump was put in of 1-1/2 horsepower pump that of approximately 140 feet below the surface. There some checks and balances that they should put in place; he would encourage this Planning Commissioner to go to the state. See if this one acre foot enough for a facility of this size, through put the number of people, and is a wall which is currently producing 20 feet per minute to fill a 90,000 gallon tank, and that's about 75 hours pure pumping without any withdrawn adequate to fill the tank and deal with the activities that are being proposed for this facility. Ask the applicant to submit a lighting plan with the number of lumens, the amount of light being used, and reduce the glare with the number and type of windows that he will use.

Commissioner Waldrip said mentioned about the ridgeline sensitivity that was in his report. Mr. Gleason replied that Mr. Ewert called out the fact that what appeared to be on the ridgeline is not, and the closest view corridors are within two miles. But this is beyond the Sensitive Land Ordinance, this is the structure at the highest land elevation, and he would ask that this commission ask the applicant to do any and everything to reduce the light footprint and the glare that will potentially occur based on the materials he will be using.

Zane Froerer, Representing Greenhills HOA, said his clients concern has to do with one thing and that's access. He is going to take some issues with the conclusion that have been drawn. He believed that this board's job is to look at whether or not the agreement provides access. He is going through the staff report to demonstrate this:

- **Summary and Background:**

- Standards relating to infrastructure, amenities, and services, including public infrastructure and utility capacity: One of the considerations is there adequate infrastructure to support and conditional use permit for a Lodge. Inevitably that staff recognized one of those issues that had to be addressed was access and circulation. Under the county code in addressing circulation, specifically when reviewing a conditional use permit is often required that the commission consider that additional points of egress and ingress are required. That directs them to how is access being made and staff concludes the site is access to the Greenhills Subdivision along Maple Drive. That is a conclusion that is drawn from one of two sources which ultimately becomes one source. The first is that is what the agreement states; the agreement states that there is access through the Greenhill Subdivision. The second one is that the applicant has asserted this. The applicant's assertion is based one thing, his interpretation of the agreement.
- What staff has done in making the recommendation, rather than avoid drawing an opinion, they have done the exact same thing that the County Attorney, the Planning Commission, and staff have drawn an opinion about what the agreement means. If they want to stay true to not drawing an opinion on what the agreement says; they cannot draw the conclusion that the site is through Greenhills Subdivision. They have to rely upon the agreement and an interpretation of the agreement. If staff and the commission are going to get into what does the agreement mean; by concluding that the agreement gives them access, the staff and the commission better review the agreement. They better take the position on whether the agreement allows access.

- After concluding that the agreement grants access because that's what this says that there is access through Greenhills. Staff says not to consider the agreement. If they are not going to take a position on the agreement, they cannot conclude that they have access. So the commission cannot draw any conclusion with respect to whether there is adequate ingress or egress for this building.
- What the commission is reviewing right now is very narrow. There will be applications for building permits and land use permits; and all of that is going to happen. What he is trying to focus on right now are the mitigation issues. If they are going to the job of looking at how to mitigate things as per county code; they have to look at the scope of the agreement, and say does this agreement allow for the access that is necessary for a Recreational Lodge.
- In their report, the staff does ask this commission to consider what one private agreement would say. That is respect to water rights. They make the approval of the conditional use permit on determining whether or not Sanctuary has water rights. Water Rights are done through private agreement; what happens they get water rights, they buy it, they share it, and apply for an agreement. It is also done through the State Engineer Office. If they are applying through the State Engineer Office, then they can get water rights there. If they are buying water shares, and they are going to do an exchange, those are private agreements that define the scope of water shares and water rights.
- **Staff Recommendation:**
 - Findings: Rather than put this in recommendations, they put this in findings, and he thinks that this belongs in recommendations. 4. That the applicant asserts the private legal access exists from the public right-of-way to the site. Approval is contingent on legal access to the site.
 - He believes that if the commission is going to give approval; it should be conditioned or revocable that at some point, the applicant has to show that he has legal access to this lodge. The scope of that legal access is adequate and fits the lodge.
 - An example as to why this is important. Asserting that there is access, an agreement that there is access, without reviewing the scope of that agreement. Consider if it was horse access, the only access is by horse, it's a horse trail. If that's the access they are talking about, they are only going to know what that scope is if they review the agreement. Or if they ask the applicant to come back; demonstrate to them that this is an actual legal driving access.
 - They don't have a horse access here; they have whatever the agreement says. It's a court document, a settlement between the parties.
 - The commission at this point may not have to entertain defining what it says. What they should do, is ask the applicant to do more than assert that he has access. He needs to demonstrate as staff has recommended; demonstrate as he does with water rights, that he does have legal access that can be used for a 10 to 16 room Recreational Lodge.

That is the narrow point that his client would like to have addressed today, if it's going to be approved, approve it subject to there being a demonstration that access is legitimate, beyond the assertion that was done. It has been indicated by several parties on both sides of the issue; that the parties will ultimately work out what that access means between each other. If the commission is going to take the position that there is access, they are implying they read the agreement, and they are interpreting the agreement. He cautions this commission on taking any position at this time if they are going to hold to the principal that they can't consider it at all.

Commissioner Howell said that the applicant has verified that he does have legal access and can prove it. Zane Froerer replied he is wrong; he has access for a single family dwelling. In their own ordinance, a single family dwelling is a single unit for a residential purpose. What he is asking for is a 10 to 16 room lodge. In the agreement says that his development is limited to 13 single family residents. If he goes ahead and builds this and the Home Owners Association is forced to file a lawsuit seeking injunction; they are going to put gates up and they are not going to have access. There will be no fire trucks, no emergency access, it's cut off and done. Now that may never happen, but just because he comes here and says that he has access, this commission is not going to take him at his word. All that they want is for the applicant to verify that he has the access that he testified here. He doesn't represent everybody from Greenhills, he represents the association. The position that his client is taking may be different; his client understand that the applicant has rights. What they are asking is in considering how to change as they exist now. As they exist now, the applicant has a plat for 13 single residences, and he is asking this commission to change that.

Commissioner Parson said no, he is not, it is a condition. It is what is legally within his right to do on an F-40 piece of property. Mr. Froerer replied if he already has that right, why are they here. It is a right if he can obtain if he meets the condition. He is not going to disagree with that as long as he can meet the condition. What he is asking for is within his right, as long as he meets the conditions. The conditions that they are asking is to verify that if he is going to put this large lodge up there; that he will be able to get the access that he says he has. They are not saying to stop it, that maybe for another day, and he understand this commission's job is what it is. They are just asking to work with them.

Commissioner Waldrip said one of the recommendations and findings and this instance how they and lack of leeway making a recommendation versus a finding and putting the burden back on county staff that these conditions are met. Legal the conditions need to be tied and ordinance and there are different stages the stage the CUP need to take the ordinance, the standards, what conditions you want to put there. That it would be appropriate conditions of approval that states access affects those standards, and opposed conditional approval.

Commissioner Waldrip asked legal counsel that one of the assertions that Mr. Froerer has raised is the difference between recommendations and findings in the staff report; which in this instance becomes a critical distinction. Can he talk about what their lack of leeway is, in making a recommendation versus a finding on whether or not the applicant has access in that burden back on county staff to verify that these conditions are met. Mr. Erickson replied that the distinction that he is asking about is between a condition and a finding. So the conditions in this type of situation need to be tied to the standards in the ordinances. As has been discussed, there are different stages of the whole property development process, and the stage that they are right now, is the conditional use permit. They need to look at the ordinances, take a look at what the standards are, take a look at what conditions need to be mitigated, and what conditions they want to put in there. Anything in there that relates to access, and he agrees with Mr. Froerer that it would be appropriate to put a condition on the approval of this application. That states to the extent that access affects any of those standards that are in the ordinance that needs to be established. As opposed to a finding, it would be appropriate to make it a condition of approval.

Zane Froerer said really all that they are asking. When he saw that there was a finding and not a recommendation; he thought people in the neighborhood that he represents may not like a lot of things about this. His focus was what things they could ask this commission to verify, prove, and digest to make sure that the process is moving forward in an orderly form. Commissioner Waldrip said that one of those conditions will allow them to do is revoke a conditional use permit should those conditions fail to be met in the future.

Toni Ure, 838 N Maple Drive, said when they asked the question about the construction truck going up and fixing the road, she wasn't clear on the answer that was provided. She didn't understand whether he was talking about the road damage to his property or all the way through Greenhill. Chair Warburton replied all the way through Greenhill. He made a verbal commitment; stated that in past experiences where he has spoken with the chair of the HOA, and has already demonstrated that he has done this, and has every intention to do this. Toni Ure asked if they could put that as a condition. Chair Warburton replied no, the HOA has a document on file, and it's an HOA issue, and if he doesn't do that it becomes a civil matter and then she could contact Mr. Froerer.

Toni Ure said that Mr. Charlwood had mentioned that he was creating this space and that would be access. They haven't been granted access to go through a public grounds or anything like that, over to Middle Fork, or anything through the Sanctuary. She asked if they could clarify that and if that was a condition that they are allowed access to the public. She understands the no hunting, but the hiking, riding a horse up there, no motorized vehicles, and that kind of thing. Chair Warburton replied that is still private property and any access that he grants them he does it out of the kindness of his heart.

Commissioner Waldrip said that he didn't believe that was something that they could impose as a condition. Chair Warburton said that if this was a PRUD or some other type of application, they would have more control of that, but they don't and they can't make it as a condition.

Courtlan Erickson said that under the conditional use standards; there are standards relating to infrastructure amenities and services, including mitigate material degradation of the level of service of any street, and to potentially mitigate any damage to a road. Commissioner Waldrip asked is the road that is defined a public road or a private

right-of-way. Mr. Erickson replied it states any street. Chair Warburton said that they have established that they can add that in there and make sure that it is done.

Toni Ure said that the reason she brought that up was because his access is private deal with them. Commissioner Parson replied that he would assume because it is in the Ogden Valley Land Trust that is how it was recorded in that.

Teri Allen, 1211 North Maple, said that until recently that was the last house on the left before just below the Sanctuary. When they talked about the water, and the leech fields, and the placement of the wells; he was wondering the exact location of his well. Is his well going to be in a higher elevation than his leech field? He would be interested to know the elevations and the plot plan of where this is going to go. As they all know water is going to flow downhill and even sub-terrain annually. He is concern about the Maple Well that has been referenced that is between his house and the Sanctuary. Commissioner Parson made reference to the number of trucks, number of cubic feet with cement, and things like that. He didn't know if that was possible, and he understood when he talked about private land and the subdivisions egress and ingress. Any entrance to the Sanctuary has to go down 9000 East which is a county road part way to the entrance of Greenhills. When they talk about access to the Sanctuary; it's about a 1/3 of the mile off of 39 before the Home Owners Association takes over the Greenhills. He would like to see in the conditional use permit that monitors and measures because the county will require that road to be fixed if there has been any damaged. It would be a nice reference point that the subdivision take in this also. In reference to a comment about access to the Sanctuary; he rode his horse up there two weeks ago, the entrances are blocked off. He thinks everything needs to be above board with what they are looking at, and he claims that they have access and they don't, so what else is he telling this commission and not be true. Chair Warburton replied that whether he gives access or not, does not have any bearing on whether they approve this conditional use.

Commissioner Howell said that he asked about the well and where it is located, the state makes that recommendation and the health department determines where the well is being placed.

Miranda Menzies, 3807 N Elkridge Trail, Eden said that she supports Ron Gleason's comments about light. The two things that will affect the whole valley are light and noise. Request that the commission consider putting restrictions in terms of the conditional use process; on night lighting and even though they have that downward facing light, that doesn't necessarily work if the rest of the valley is below. She would request that the lights be directed downwards towards the property, that the conditions be established with the number of lumens crossing the property line at the boundaries of the lot so that the light stays contained inwards on the property towards the facility. There is a lot of wildlife out there and the adverse lighting affects the wildlife; that there is a condition in place that when the facility is not in use that the lights be turned off be placed on security motion sensor. In general the lights are off from 11:30 p.m. to dawn so they don't have the situation of a beacon shining out throughout the whole valley. On the noise, she would request that there be some of barrier to noise, and glass is not always a barrier to sound, so be very considerate of neighbors and the valley as a whole. If there is a loud part out there, the noise will travel out across the valley and the whole thing rings like a bell. If they could request quiet times and the windows be closed in the event of night time party.

Closed for Public Comments

Tim Charlwood said the one consideration under the recreational use, they have been through the whole process with the helicopter permit, it was granted for access for ten flights a day, ten operations a day, access of vehicles have all been approved, and there have been never been any complaints. In its own way it creates a precedence of proof of access that have been in place for years; aside of the mass agreement they have supplemented it with actual recreational use. Under this agreement it's very clear that they will not oppose any development under the F-40 Zone for use or density and it says no more than 13 dwellings. They are just complying with what was written in that agreement which they willingly signed back in 2004. Ron Gleason mentioned about water tank and they be putting this tank underground, and it will be into the underground carport, and will not be visible at all, and that is part of the Fire Chief's requirement and they will comply with him. There was mention about the 20 gallons per minute but a single family home is actually committed to 1-1/2 gallons per minute and well sources have way more than that, so they do have plenty of water there from the well permits. They don't have any issues over the lighting; he didn't believe they could be seen from Greenhills at all. Because of the ridgeline they have an 800 foot rock face behind them; he is only doing one floor above ground, so it's not a high rise and it's meant to be tasteful. The nearest line of

site would be from the Pineview Reservoir and not from anybody within the residential areas. As for the noise, they are 9-1/2 miles from the nearest people. There has talk about access and he has created a trail between Greenhills and Sanctuary which is a 5-1/2 mile non-motorized trail that he built for everyone to use. That is the common access and he has allowed some people, and he has an understanding that if they ask, and are polite that he would give them permission. He has had major issues with people causing damage that he has had to call the police and that is what he has had to deal with that. Greenhills are illegally having nightly rentals that this has become a big issue; this has caused a lot of conflict, has been very hostile, and he has been quiet about and has put up with it. There was question about the septic systems; the Wisconsin Pack Bed Medium Mound System is actually a circus mound that's how it all works. It actually ends up through UV and comes out virtually purified water. That is why the Division of Water Rights says that it resists contamination; and they even allow that to be 50 feet from a well, and the septic mound is on the surface and that's part of the health department.

Commissioner Parson said there was one question that he didn't address, and that was the helicopter landing below the structure and the sound echo effect. Mr Charlwood replied it's a mile and a half down to the nearest properties that is outside of their property. The topography is that they have hills and covers that they can't hear a helicopter. They might be able to hear in a gap when it's going up and it's not a big deal, they only do it one or two times a day, and they plan on three days a week and that's in the winter.

Commissioner Waldrip asked where they have an existing conditional use approved for a helicopters where this could potentially cause a change in condition; and it seems that Mr. Charlwood would consider that if there is a change in the condition to review that and make modification if necessary; and if the construction of a building affects that sound activity where it does become an issue. Is that something they can consider with this application on an impact on a previous approved use? Mr. Erickson replied that would depend upon the language of the previous conditional use permit that was granted, but certainly if there is something that is a change to the circumstance, and impacts the previous conditional use permit they could take a look at it. Or they could in #2, where it talks about daytime uses related to the lodge, they could potentially change that or clarify make a condition that could lead to the review of the helicopter noise reflecting off the lodge, and he would recommend that be more specific because related to the lodge may be interrupted not related to the helicopter.

Chair Warburton said that Ms. Menzies had talked about the glooming lanterns and can they turn off the lights at night. If they have the sound down at 10:00 p.m. could they turn off the lights? Mr. Charlwood replied that he thinks that in the architects designing of a building like this, have been dealing with homes in Park City, and they are very sensitive to issues like that. He agrees that they don't want to be a lighthouse.

Commissioner Warburton asked if they have special windows and special window coverings that would mitigate that. Even if he doesn't have coverings on the windows, there are films that go on the windows that would mitigate light. Mr. Charlwood replied that these windows have triple glaze now with UV filters inside really to stop the light getting in and making it hot and keeping the ambience just right.

Commissioner Waldrip said the issue that Ms. Menzies was talking about in the night time conditions when people are driving in when the lodge is visible from other areas of the valley; that is when the lighthouse effects comes into play, and it's really nice to be able to look out at night, but that doesn't happen when they have lights on. Is there some condition where he could put in interior window coverings when they do have their lights at night because they are going to have to be on at night? Mr. Charlwood replied they are going to be automatic; there will be internal blinds that are in the plan as part of the design. As for the traffic being able to see, he is surrounded by large trees, and to have underground parking which they are planning on that and he is sensitive to what they are talking about.

Commissioner Waldrip asked for clarification on the ridgeline sensitive lands overlay zone and how this impacts that particular zone; because staff have looked at it and noted in his staff report. Could staff explain specifically how that ordinance is currently written and how that is to be interpreted in this circumstance? Mr. Ewert replied that the ordinance goes with the map; what was done in the past when the ordinance was created, it was determined that there needed to be a buffer along scenic view corridors near the roadways. There are civic roadways that surround the lake and run through the valley. If they could view the ridge from that view corridor, that is protected the ridge and they could not build on it. They have to build a certain distance from it and do something different with the pitch

of their facility so it's not visible. This particular property the closest scenic corridor that could be seen from the property where the house is going to be built is about three miles away so it is outside of that corridor.

Commissioner Taylor said in reference to what Mr. Froerer addressed that they approve this CUP subject to a demonstration that the agreement is verified upon the findings. Mr. Ewert replied that he didn't have any confirmation to what Mr. Froerer had mentioned; in the staff report it was intended to say the proposed access. On making a determination of whether or not that access exists and is legal. It's clear from the applicant's position and from the HOA's position; that there may be conflicts there. He still thinks that they don't want to make a final determination unless they are the source, and they don't want to be involved in a lawsuit. To convert that to a condition of approval; what they would say that provided that legal access does exist, he has a conditional use permit and they could go figure out whether or not legal access exists. If it turns out that he doesn't have access through adjudication or some other issue where it have been determined that it doesn't exist, then the CUP is invalid.

Chair Warburton asked if that was their responsibility that it does exist. Mr. Ewert replied they do have a responsibility that verified that there is a safe legal access to a property and they have done their part of the responsibility.

In response to Commissioner Howell's question, Mr. Ewert said yes, and he thought putting into a finding would be sufficient because of changes in the existing conditions that exists in the future it could make the approval invalid and is definitely stronger as a conditional use. That's the confusion and contention here; he has provided the adjudication document that says that he has access. The counter position is that it doesn't actually say that he has access; and what staff is saying is that we are not going to make an opinion. They can figure that out and provided that he has access, he can have the CUP.

Commissioner Waldrip said that aren't they taking the position that access does exist at this point or the opinion of staff is that access does exist at this point. Mr. Ewert replied that idea is rooted in the sub-division that they are by approving a permit, overruling or overriding other agreements, and they are not. Access is being provided by the applicant to the site, and staff is just taking it at his word without taking a position on whether or not.

Chair Warburton said if they approve it with the current language in the report, would that give him any legal standing. Mr. Erickson replied in the event there was a lawsuit or some other dispute between the parties. He did not believe that the decision here based on a determination for their purposes was sufficient here would have a bearing there. He would defer to the parties; if they have a concern with the Planning Commission taking any action in that regard.

In response to Commissioner Howell's question; Mr Erickson replied that his understanding is that the subdivision, approval that already there was some kind of finding at that point there was access. Mr. Ewert replied that was his understanding as well.

Chair Warburton asked if he doesn't have access, how does he drive up to his property. Mr. Ewert replied that he has legal access for a residential building. Chair Warburton said or whatever is approved on that; and that is the whole issue what that finding says.

Courtland Erickson said so at this point they are looking at a conditional use permit and if there are any conditions there; for instance the safety issue, the fire access issue, they take a look and see if there is any concern there. They have some evidence that there is access, and staff has made the determination that there is access sufficient for the conditional use permit. If it turns out in the future that it is not true; because of litigation or some other evidence that is brought to staff or the Planning Commission, then they can take a look and determine whether or not the conditional use permit is still valid. He has to agree that there was a determination that there was some type of access.

Commissioner Howell said when they approved the conditional use permit, access was not the problem, it was the operation of the helicopter and the level of the noise.

Commissioner Waldrip said it seemed to him that in accepting this application; that they are making a presumption that access for this type of use currently exists. Is that presumption reasonable; what is the county standard for that determination. Have they met that standard, does that need to be a condition that they impose that staff meets that level or that standard of review so that they don't get held responsible down the road for one way or the other? They have accepted in their staff report, that presumption has been met for this particular use which is the point of contention here. They are not talking about the use that was granted in the previous petition or the previous subdivision approval. They are making an assumption that this particular use is acceptable for this particular access. What is that standard that staff and/or commission needs meet and have they met that standard or is it more appropriate to state that standard; or state that there is a standard that needs to be met prior to final approval. Put that as a condition rather than the presumption with see if it changes in the future then they go backwards.

Charlie Ewert replied said going back to the private nature of the agreement; and attempting not to take a position on whether access exists, let's take this to a conceptual level and think about this differently. If access is determined to not exist through the Greenhills Subdivision along the subject road; but the applicant is able to provide alternative access, that meets all county standards and fire standards, the permit would still be valid. With that in mind he didn't know that it had to be specific to the particular agreement being valid or determined valid held at this time by our determination. Staff would not review that private access agreement and through other people's property at that time.

Commissioner Waldrip said the question is what is the standard of their review; and acceptance of somebody's assertion. Do they have no standard and if somebody comes in and states they have access and clearly they are not in the right faculties, do they simply accept that or do they have a duty to investigate that, and to what level do they investigate. He understands completely the thin line that this walks; however, that is incumbent on us to understand what it is by default approving, and what it is by default accepting, but is that our standard. Mr. Ewert replied that as far as the review went, and as far as the threshold that the standard of verification, there is a platted subdivision with existing roads going to the site.

Chair Warburton said that she was concerned; because the more they talk about this the more clear it becomes that he has access; and if wanted to have 16 of his friends to have a picnic up there, that wouldn't be an issue. The issue here is that they don't want that built up there; so they are hanging this on access, and they found a loophole. She does not want to be involved in an HOA dispute and that is not their place. She wants this commission to be very careful to be pulled in to an HOA debate. It's clear that he does have access, and if they decide as a commission to put a condition that he has to prove it, then what they are doing is forcing him into an arbitration of some sort, then he cannot move on his property until that settles. Lawsuits can be continually stalled until the money runs out. So if they want to be lawyers, they need to think about what they are doing. Mr. Erickson said for this commission on whatever decision they reach; including on this question, make sure there is substantial evidence in the record to support your decision. Staff has presented with its facts, its findings that it recommends, the conditions for the recommends imposing.

Chair Warburton said that they have to make a decision based on the information before us. They do not have access to that information that was the previous findings. Mr. Erickson replied if they base their decision on substantial evidence in the record, it's more likely to be upheld if it's challenged. They do have two different viewpoints that have been presented; they take a look at all the facts as they know them with respect to this question, to the extent that it relates to the conditional use permit. You apply those to the conditional use permit application, and whatever conditions they impose, and whatever finding they make.

Director Grover said when they look at subdividing land, they clearly look at the access whether that access or not, and they also look at what the uses are allowed in the zone. In this situation they have a private agreement and that's typically between those two to resolve those things. The access is always looked at when they deal with subdivision, and they do have standards in place at subdivision level for requirements for access. Whether it is a standard access, a flag lot, access exception, and they have those standards in place that they look at and that is typically done at subdivision level.

Commissioner Waldrip said for clarification so their finding in this circumstance would be specific to the fact that the subdivision was created, access was determined to have existed at that time relative to all uses that were available at

the time of creation of that subdivision and that would be the standard that staff relied on to come up with this recommendation. Director Grover replied that when they look at Condition 11 it states, "The proposal shall maintain compliance with all other local state and federal laws." When they look at local laws they would be looking at; are there any violations of anything that happened at the subdivision level. With that and the findings of four, he would think they are within their purview to meet the requirements for access and those kinds of issues. Typically where it's a private agreement, it's going to be a small matter.

MOTION: Commissioner Howell said in reviewing the staff report; this application meets the criteria of this conditional use permit, he moves to approval CUP 2016-11 located at 9686 East Maple Ridge Road, Lot Area 40.29 Acres, in the Forest (F-40) Zone which is permitted. This is subject to all the conditions and recommendations listed in the staff report, to include all county and state agency requirements. Commissioner Parson seconded.

FRIENDLY AMENDMENT: Commissioner Waldrip added a friendly amendment to add all street repairs for private and public roads, following any construction the Planning Commission requires as a condition of approval. That approval of access from the Fire Department and all fire regulation requirements is required as a condition. That access through the Private Right of Way is a condition to access to the applicant to his property for this specific use through Maple Drive as a condition of approval. That lighting profusion from any onsite lighting not cross outside of the property lines, whether it's internal or external lighting not cross property line.

DISCUSSION: Chair Warburton restated the friendly amendment and asked if Commissioner Waldrip wanted the applicant to prove right of access. Commissioner Waldrip replied no, that access to his property for that use is a condition of approval. So if it's ever proven that he doesn't have access, then they could revoke that approval. That is what Mr. Froerer recommended and that is what everyone was comfortable with. Chair Warburton asked legal counsel if he was comfortable with that. Commissioner Waldrip said in other words if he doesn't have access, could they revoke the conditional use, if it's shown that there is a lawsuit and they lose their access, would they not be able to revoke their conditional use at that point. Chair Warburton said that is already innate and they don't have to say that; and she didn't want to set them up for a lawsuit. Commissioner Waldrip said but they are already policing everything else; they are policing light, street repair, and all of these requirements that simply align.

Director Grover said that typically they look at that, at the subdivision level as part of the access codes. That has been addressed in a private agreement; and if they have some concerns back and forth on the different parties, that's more on a civil matter, and staff already looked at the access with the subdivision. Commissioner Howell said that they had approved the helicopter a few years ago, and access was not a problem, and he thinks it's reasonable to believe that the applicant does have access to his property. Courtlan Erickson, Legal Counsel said essentially what he is saying is that access is already assumed because of the subdivision level, when the subdivision was approved. If it's determined in the future that he doesn't have access, then the conditional permit gets revoked. Commissioner Waldrip said at some future date and something happens, whatever it is and they approve right now; because the presumption is there is access based on the subdivision approval, and this is simply referring to some future unknown event.

Commissioner Taylor said that litigation has not been declared at this point. Chair Warburton said that lighting should not cross the boundaries, and if it's okay provide down and inward lighting. Mr. Erickson, Legal Counsel said that he was concerned about the lighting, if it's clear depending upon how it's phrased. He thought he heard if the light crosses the property line; that could be a problem because if he is standing somewhere across the valley, and he sees white all coming from the lodge, does that mean that the light is coming from the lodge. He may be too technical here, but what is meant by the light crossing the property line. Chair Warburton said they took that statement out; what they are going to say provide lights that are shielded, downward, and inward facing. Commissioner Waldrip added whether it's internal or external. They don't want to have a lighthouse. He could use some help on that one, and asked if anyone had some language on that fits that no lighthouse. Commissioner Taylor said that they can't ask him to draw their blinds from the inside of their house. Possibly some sort of a glare or anti-glare on the windows that prevents outside lights. Chair Warburton said that she believed the applicant has already done that. She asked Commissioner Howell if he agreed with the friendly amendments. Commissioner Howell replied yes.

DISCUSSION: Commissioner Taylor asked legal counsel that she would need some guidance to give a friendly amendment, that if this increased the helicopter noise, if that noise could be mitigated. If creating that lodge

increased the helicopter noise, could that noise be mitigated? Commissioner Howell replied that could be a separate issue that could be brought up when the helicopter was there. Commissioner Waldrip suggested to Commissioner Taylor what if they struck after daytime noises related to the use of the lodge, and counsel had that concern that they have that limitation, so if they say daytime noises was unreasonable. Commissioner Taylor replied that she liked that it was related to the use of the lodge. Commissioner Waldrip said because that limits it and is not related to the use of the lodge and is totally separate. Chair Warburton asked that Ms. Serrano to read back the proposed friendly amendment, *"That daytime noises was unreasonable, that the noise could be mitigated."* Chair Warburton said that they would have to define unreasonable. Commissioner Waldrip replied that it's in the staff report, and struck that language and put in related to the use of the lodge, would that be what Commissioner Taylor was thinking.

Commissioner Taylor said that she was hoping for help from legal counsel, if there is any possible way to add some language in there. Mr. Erickson, Legal Counsel replied that it's a very broad definition here, when they use the term like unreasonable, obnoxious, or out of character; that could lead to questions of what is and it could be subjective. It depends on how comfortable she is in the future with something happening and she has to revoke the conditional use permit. What are the facts going to be to support that and that's pretty broad and squishy language. That is also difficult to avoid in a situation like this when it deals with noise, unless they get a decibel reader to measure it. Commissioner Parson said that this was discussed when they had the helicopter; however, because this is a hotel, a commercial endeavor, this is a residential thing. Granted it's been approved in the F-40 Zone, which goes back to the whole basis of when they looked at a subdivision, that is in the F-40 and what is allowable. So that road is permitted for weight travel and it's an engineering question. But it's reasonable because there is no other unnecessary sound that is being generated, for instance traffic noise that is highly measurable. It is difficult to measure noise like when the helicopter was taking off from ground zero in Eden. The helicopter was 20 feet off the deck and a diesel truck came by with a purring engine and it drowned out the helicopter. His point is that it is difficult and they couldn't come up with a decibel reading; there was Pen Hollist and so many people talking about the sound metering and what is noticeable obnoxious decibel reading. The gentleman, Lee Shushman provided unbelievable documentation of what that was and they could go back on all the information that is on record. However; it is pretty reasonable to ask for that because of the fact that there is no other noise pollution up there. It's a question of the bounce back effect off of the building and it could be an unintended consequence of putting the building where it is. If they just say if it happens, and put in the condition that it has to be mitigated. They are complaint driven, and the only way that this would change is through a complaint driven process.

Director Grover said that it's well within their purview to include that with the building and the proposed use, to create that impact and make that a condition. Commissioner Parson said and it could easily be moved; and what their consideration might be is there's the valley below, there's the home, and this is where it's landing. But if it lands back here with the topography, the great pilots that land these things, then it's not an issue. Commissioner Taylor said maybe, instead of taking out the parenthesis, they say due to the construction of the lodge or the use of the lodge. It seems like that, for instance the like at the lake, for anyone who wants to complain that this lodge has been created; and due to its creation now they have an unreasonable noise and that seems sufficient to her. Chair Warburton said due to the helicopter noise, due to any noise, because they have already addressed the noise. Commissioner Taylor said she isn't just saying any, she is leaving that open. Just the fact that they're saying; because of the construction now they have an unwanted noise. It would be a helicopter and she didn't know what else it would be. Chair Warburton said that it could be loud parties or all kinds of things. There are stuff happening after night and if there is some that go beyond all of the conditions that were placed on this, and if there are several complaints, then this would get revoked, so that is already there and it doesn't need to be there. Commissioner Taylor said is there construction. Chair Warburton asked if that was already in. Director Grover replied that would require putting that in. Commissioner Taylor said that needs to be put in, due to the construction of the lodge in the wording. Chair Warburton said okay there is a motion, and there are several friendly amendments, is there discussion to the motion. Mr. Erickson, Legal Counsel asked the chair if the friendly amendments been officially approved by the commission. Chair Warburton replied that they could discuss about the friendly amendments and it's not quite the same thing as Robert Rules with the friendly amendments, so they don't have to approve those but they could discuss it. All that's really required is that the maker of the motion actually accepts them.

Courtlan Erickson, Legal Counsel said doesn't the current rules say with unanimous consent of the members present that may be made without a formal motion to amend. Chair Warburton replied that's why it is a friendly amendment; if they were to make a formal motion to amend, that would be different. It's not a formal motion, it's not Roberts

Rule, but it is in there. Mr. Erickson, Legal Counsel said so it's in our rules of procedure, but the commission needs to agree unanimously if there is not going to be a formal motion. Chair Warburton asked the Planning Commission if they all agree with the friendly amendments. The response was yes. Chair Warburton clarified that everyone said yes. In response to Commissioner Haymond questions, Mr. Ewert said the intention of that condition was to address all things Health Departments related including what is required, because they won't allow a system up there. Commissioner Taylor said in regards to the location of the well and all of that, the Health Department will deal with that. Mr. Ewert replied yes and the Health Department will make sure that it done.

VOTE: A vote was taken with Commissioner Parson, Haymond, Waldrip, Taylor, Howell, and Chair Warburton voting aye. Motion Carried (6-0).

7. **Adjournment:** The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,



**Kary Serrano, Secretary;
Weber County Planning Commission**



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration of, and action on, a Conditional Use Permit to operate a recreational lodge on lot 6 of the Sanctuary subdivision, at 9686 East Maple Ridge Road.

Agenda Date: Tuesday, July 05, 2016

Applicant: Tim Charlwood

File Number: CUP 2016-11

Property Information

Approximate Address: 9686 East Maple Ridge Road

Project Area: Lot area: 1,755,032.4 sqft. (40.29 Acres).
Building area: 7,440.25 sqft.

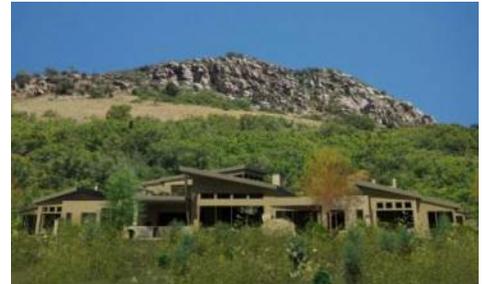
Zoning: F-40 (Forest 40)

Existing Land Use: Vacant subdivided land.

Proposed Land Use: Recreation Lodge

Parcel ID: 21-130-0003

Township, Range, Section: Township: 6 North, Range: 2 East, Section: 03 (Southwest Quarter Section)



Adjacent Land Use

North: Vacant/Forest and Wildland/Rural Recreation	South: Large (40 acre) Subdivision Lot
East: Open Space/Common Area (Green Hills HOA)	West: Large (40 acre) Subdivision Lot

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

- §101-1-7 (Definitions)
- §104-9 (Forest Zones)
- §104-28 (Ogden Valley Sensitive Lands Overlay District)
- §108-1 (Design Review)
- §108-2 (Ogden Valley Architectural, Landscape and Screening Standards)
- §108-4 (Conditional Uses)
- §108-18 (Drinking Water Source Protection)

Summary and Background

This is a proposal for a 10 room recreation lodge, located on Lot 6 of the Sanctuary subdivision. Recreation lodge is listed as a conditional use in the F-40 zone. Standards that the Planning Commission should consider to apply to this conditional use include:

- Standards relating to safety for persons and property, including fire fighting considerations and traffic mitigation.
- Standards relating to infrastructure, amenities, and services, including public infrastructure and utility capacity.
- Standards relating to the environment, including site disturbance and retention of native vegetation.
- Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan, including screening of incompatible uses from view from other properties, quality architectural design, landscaping, and potential noise and light issues.

The Sanctuary was recorded in 2013 as an eight lot subdivision. At that time part of the subject parcel was designated for building purposes. This propose does not affect that. Subdivision approval also vetted access to the site, culinary and waste water feasibility for the site, and preliminary geologic information in the area.

With the findings and conditions listed herein, the proposal appears to comply with County ordinances. Staff is recommending approval with conditions.

Planning Commission Considerations

Request. The Planning Commission is being requested to review and approve a 10 room recreation lodge in the F-40 zone. The lodge will provide general vacation services, including overnight accommodations and meal preparation, and is intended to provide recreational opportunities both on and off the property.

Please review the applicant's summary in Exhibit A for a complete description of the proposal.

Zoning Analysis. The requested use is for a "Recreation Lodge." Recreation lodge is a term defined by Weber County's Land Use Code as follows:

*The term "recreation lodge" means a lodge constructed in a mountainous or forested location, which may include up to 16 guest sleeping rooms, and facilities for guest's meals, providing on-site winter sports amenities such as cross country ski trails, snowmobile trails, ice skating and/or similar activities, and, if open yearround, offers summer recreation amenities such as equestrian trails, mountain biking trails, hiking trails, rock climbing training stations, golf course, putting green, and/or tennis courts. Accessory uses, such as sports equipment rental and repair may be included. The number of horses allowed, in the case of a riding stable, shall be calculated and may be permitted based upon acreage and site plan review, and recommended by the planning commission. Limited day use may be allowed based upon site plan review and approval of the overall project as a conditional use by the planning commission.*¹

Recreation lodge is permitted as a conditional use in the F-40 zone.² Pursuant to State Law and the County Land Use Code,³ if a use is listed in the zone as a conditional use it shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

Conditional Use Analysis. In determining "applicable standards" that can be applied to this use, the Planning Commission should consider the following guidance offered by the Land Use Code:

Sec. 108-4-5. - Conditional use standards.

(a) The land use authority may apply conditions of approval related to any of the standards of this section, provided that credible evidence exists that:

(1) The application of the standard is relevant to the use; and

(2) The conditions are reasonable and necessary to substantially mitigate detrimental effects of the use as specified in the standard.

*(b) The land use authority shall consider the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions.*⁴

Based on applicable standards of the CUP code, staff recommends that the Planning Commission consider the following information when determining the reasonably anticipated detrimental effects of the use. Staff recommends reasonable conditions in this staff report that are intended to mitigate known potential detrimental effects.

Fire control. A specific analysis of fire control for the proposal has been conducted by the local Fire Marshal, and is attached as Exhibit B.

Access and circulation. The site is accessed through the Green Hills Subdivision along Maple Drive. The applicant asserts that an adjudicated right-of-way exists, with an access agreement,⁵ between the Green Hills HOA and himself, which



¹ See LUC §101-1-7, "Recreation Lodge."

² See LUC §104-9-3 to review this and other conditional uses allowed in the F-40 zone.

³ See UCA §17-27a-506. Conditional Uses; and LUC §108-4-4.- Decision Requirements.

⁴ See LUC §108-4-5. – Conditional Use Standards.

⁵ Civil case number 010905924, Judge Michael D. Lyon.

provides the opportunity to access the site across private property, as proposed. This agreement is a private agreement between the applicant and the HOA. Enforcement of it is the responsibility of the HOA and the applicant, and as such the County should offer no opinion as to its provisions. The County's public right-of-way ends at the end of 9000 East Street.

In determining how the use will affect traffic demand, the Planning Commission should focus on whether the use will cause any material degradation in the level of service of public road infrastructure. It is anticipated that this lodge will average above 50% vacancy rate, with occasional peak times at full occupancy. In Utah, the typical year-round single family dwelling that contains a household of 6 people generates about 32.7 vehicle trips per day (coming and going equals two trips)⁶ and possesses about two vehicles.⁷ In comparing the suggested average annual occupancy rate of the proposed use and the anticipation for the ordinance-based standard for the maximum peak parking demand of the proposed use (as specified below) it can be anticipated that the effect of the use on average traffic patterns in the area will be similar to a (very) large-family single-family dwelling, with occasions of variance depending on peak/off-peak lodging demands. This demand does not appear to be significant enough to materially degrade any public infrastructure and as such it does not merit special traffic accommodations like off-site road or right of way improvements.

Parking. Parking for the facility is proposed to be underground. County code does not specify the number of stalls for a recreational lodge, but offers guidance for a motel, a hotel, and a lodginghouse.⁸ A motel is required to have one space per sleeping or living unit (10 spaces for this proposal). A hotel is required to have one space per two sleeping units (five spaces for this proposal). A lodginghouse is required to have three spaces for every four persons to whom rooms will be rented (eight spaces for this proposal). Given the smaller scale of this use and the likelihood that maximum occupancy could occasionally occur, it seems most appropriate for the Planning Commission to apply the motel standard for this proposal. The parking facilities should provide ADA accessibility to the lodge.

*Architectural design.*⁹ The building is being designed by licensed architect James Carroll. Building materials include rock, stone, steel, aluminum, steel, glass, and quality synthetic stucco. Based on the images presented in the application it appears that the color will be muted earth tones. This complies with ordinance requirements. No specific color palette has been provided. The Planning Commission may want to condition approval on an appropriate color scheme.

The building height will be limited to 35 feet, as required by the F-40 zone.¹⁰ The structure appears to be located along a ridge, but is not visible from any two mile scenic corridors as provided for in the sensitive lands ordinance.¹¹ The nearest scenic corridor (7100 East) from which the building pad might be visible is approximately three miles away.

Lighting. No specific lighting plans have been proposed; however, the applicant has proposed that all lighting will be downward directional in a manner that does not disturb other properties. The Planning Commission may desire a condition of approval to ensure that all constructed exterior lighting is indeed downward direction and fully shielded so as not to produce unnecessary light pollution.

Deliveries. The applicant asserts that deliveries can be restricted to the underground parking facilities or to the side entrance of the lodge. Considering that deliveries will pass through residential areas to get to the site, the Planning Commission may desire to limit the size and frequency of the delivery vehicles. Staff recommendation provides for this.

Landscaping and irrigation. The applicant is proposing to generally leave the site in its current native state of vegetation. There is currently an area that has been cleared for the building, but the applicant asserts that the clearing was conservative. In the event construction activities lend the need for reseeding or replanting, the applicant has proposed to replant or seed with the same native vegetation in the immediate vicinity. The applicant indicates that he owns 1/5 acre-foot of water for irrigation purposes if needed, but no irrigation is anticipated due to retention of native vegetation. The remote location, size, and natural state of the property may render additional landscape considerations unnecessary.

Solid waste disposal. Solid waste disposal will be by means of private waste removal contract or owner removal. The waste receptacles will be located in the underground parking facilities away from public view. No outdoor dumpsters are proposed; therefore no dumpster screening should be required.

⁶ This is a generalized average based on national statistics. In Utah, according to <http://governor.utah.gov/>, a one person household in one Utah county generated 4.7 trips per day, while a six person household generated 32.7 trips per day.

⁷ Pulled from <http://www.smartgrowthamerica.org/documents/saltlakecitysprawl.pdf>

⁸ See LUC §108-8-4 for parking requirements.

⁹ See LUC §108-2-4 for general architectural standards.

¹⁰ See LUC §104-9-4 for height limitations.

¹¹ See LUC §104-28-4 for Scenic corridors ridgeline protection provisions.

Water source. Culinary water will be provide via well. The Health Department has provided feasibility for it. The Planning Commission should consider conditioning CUP approval on the demonstration of adequate water rights, water yield, and water quality, as administered by the Health Department.

Waste water. The applicant has proposed a packed bed media waste water system for waste water disposal. The Health Department will review the final design and functionality during building permit review, but they have offered general feasibility for the system during subdivision review and approval. They have updated that feasibility based on this proposal for 10 room lodging facility. For the purposes of waste water the Health Department is considering the use residential in nature, which they say is more restrictive than considering if for commercial lodging purposes.

Source Protection. The waste water system will be located in zone two of a source protection area of another well in the [relative] vicinity. Zone two prohibits typical septic and drain fields. The Health Department and the State Division of Drinking Water does not consider a packed-bed media system¹² the same as a typical drain field. The Health Department finds this waste water system suitable for this location. Approval should be conditioned on a packed-bed media system, and compliance with all state and Health Department regulations.

Flood plain. According to the FEMA flood data, the property is located in the "X" flood zone. The X flood zone denotes areas determined to be outside the 500-year floodplain, or determined to be outside the 1% and 0.2% annual chance floodplains.

Signage. No specific signage is being proposed for the property. There is an existing non-illuminated neighborhood identification sign made of timber and iron at the entrance of the lower approach road of the Sanctuary subdivision.

Geology. This site is in a geologic hazards study area.¹³ A hazard study was provided for the Sanctuary subdivision¹⁴ that offered general guidance and recommendations to building in the area. It found minimal concern. Considering that the report was not specific to the footing/foundation of this proposed lodge, the Planning Commission should consider the need for an update letter from the project geologist to verify that the general scope, conditions, and findings listed in the report are sufficient to provide for a reasonable degree of safety when developing the site. An update letter from Western Geologic is in the process at this time, and will be provided prior to building permit review.

Noise. Because the use involves short term lodging for persons not permanently vested in a quiet residential neighborhood experience, it could potentially produce intrusive noises during uninviting hours of the day. The Planning Commission should consider imposing quiet hours for the use in order to mitigate this concern.

Conformance to the General Plan

The Ogden Valley general plan recreation element supports recreation opportunities and uses. The allowance of recreation in the F-40 zone appropriately executes this desire.

Staff Recommendation

Staff recommends approval of the Sanctuary Recreation Lodge conditional use permit, file #CUP 2016-11, based on the following findings and conditions:

Conditions:

1. The limits of disturbance shall not exceed the building pad areas, as shown in the application. In the event building activities must exceed the building pad area, a de minimis planning division review of the changes shall be conducted.
2. That quiet hours shall be observed from 10 p.m. to 7 a.m. Daytime noises (related to the use of the lodge) that are unreasonable, obnoxious, or out of character for a quiet residential neighborhood are prohibited.
3. All exterior lighting shall be downward directional and fully shielded in a manner that obstructs the visible light source from view from adjacent properties. The intensity of outdoor lighting, including any landscape lighting, shall be minimized so as not to create unnecessary reflection on the mountain side. Exterior lighting shall be configured in a manner that has minimal visual impact when viewed from other properties. The building permit application shall include for staff approval the specifics of the light fixtures to be used.

¹² Pursuant to a letter dated October 28, 2013, sent to the Weber County Planning Director from The Director of the Department of Environmental Quality, Division of Drinking Water.

¹³ The Utah Geological Survey's Ogden 30x60 Geologic Quadrangle, updated in 2016, indicates that the building site is in the Zkc geologic unit. This unit requires a geologic hazards study and report.

¹⁴ See report from Western Geologic, LLC dated September 23, 2010, located in project file.

4. Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant to 49 CFR 565.15), except for package delivery service at times and in intervals typical for a normal residential use, shall be limited to one delivery or pickup per day between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. A loading and unloading area, adequately sized to accommodate the type of truck and the size of the delivery or pickup, shall be provided on the site. No loading or unloading shall be permitted offsite.
5. The applicant shall either submit an updated letter from a qualified geologist indicating that the findings of the general geologic hazards report(s) previously conducted are still valid for the specific building location, or an updated building-specific report shall be submitted with the building permit application that provides any necessary mitigation measures.
6. Storm water drainage shall comply with typical engineering standards, as approved by the County Engineering Division during building permit review.
7. CUP approval shall be subject to final review and approval by the Weber County Engineering Division during building permit review.
8. CUP approval shall be subject to final review and approval of the culinary water and waste water systems, commercial kitchen, and pool or spa (if applicable), in accordance with Health Department requirements.
9. The colors of the facility shall be limited to general muted earth tones that are found in abundance on the site such that all man-made facilities have minimal visual impact and blend with the natural state of the property.
10. There shall be sufficient parking spaces, pursuant to the Weber County parking standards of LUC §108-8, to provide for 10 onsite parking spaces. Parking provisions shall comply with ADA standards. The building permit application shall include a specific parking plan for staff verification.
11. The proposal shall maintain compliance with all other local, state, and federal laws.

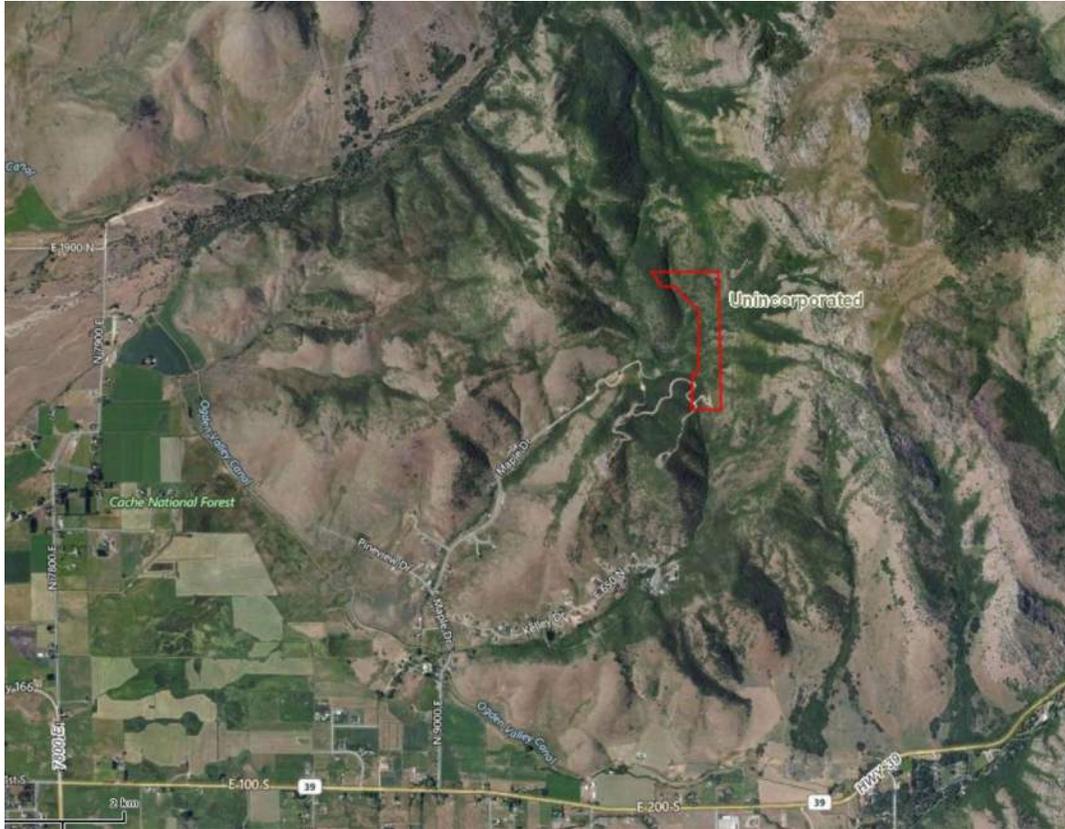
Findings:

1. The proposed use is a recreational use and supports other recreational uses in the Ogden Valley, which is in compliance with the Ogden Valley Recreation Element of the General Plan.
2. The proposed use complies with the Land Use Code's definition of "Recreation Lodge."
3. Given the applicant's proposal and the conditions provided herein, the proposal reasonably mitigates the anticipated detrimental effects of the use.
4. That the applicant asserts that private legal access exists from the public right-of-way to the site. CUP approval is contingent on legal access to the site.

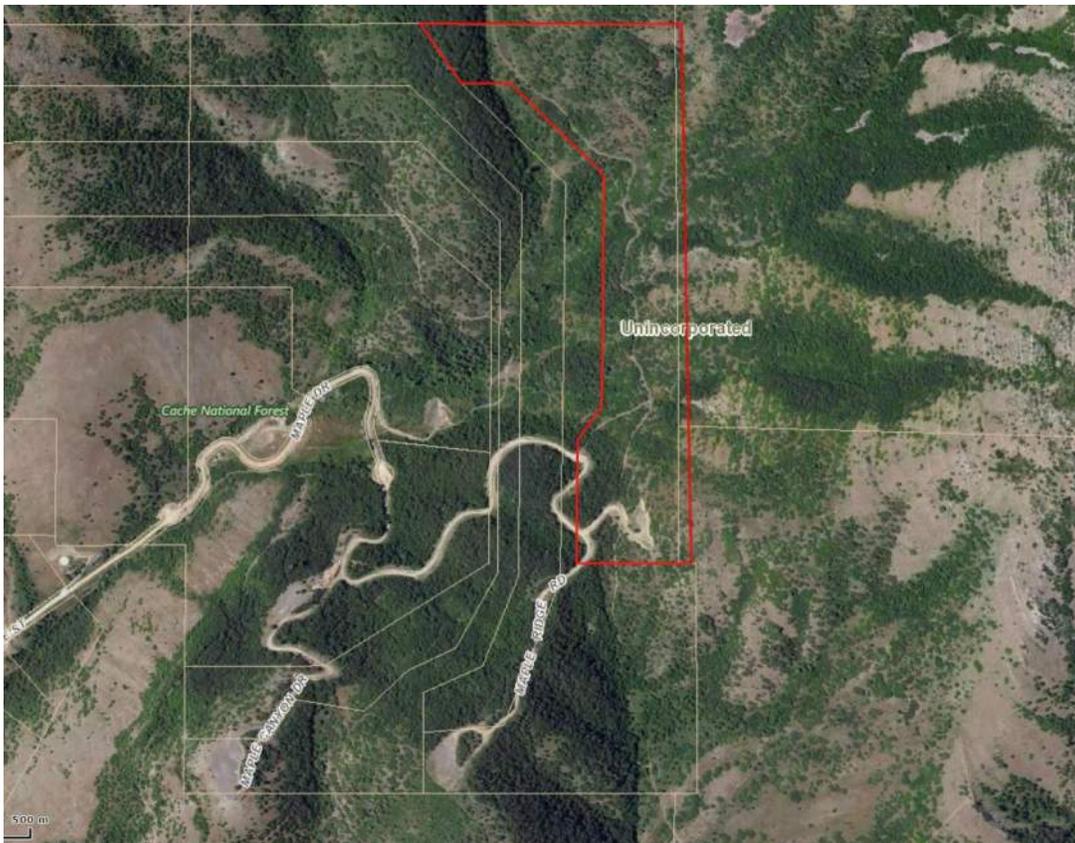
Exhibits

- A. Application
- B. Fire Marshal Review
- C. Engineering Review

Map 1



Map 2



Weber County Conditional Use Permit Application

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

Date Submitted / Completed 5/25/2016	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) TIMOTHY CHARLWOOD		Mailing Address of Property Owner(s) PO Box 980400 PARK CITY UTAH 84098-0400	
Phone 435 901 2337	Fax N/A		
Email Address (required) TIMCHARLWOOD@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) TIMOTHY CHARLWOOD		Mailing Address of Authorized Person PO box 980400 PARK CITY UTAH 84098-0400	
Phone 435 901 2337	Fax N/A		
Email Address TIMCHARLWOOD@gmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name THE SANCTUARY RECREATIONAL LODGE	Total Acreage 40	Current Zoning FR-40
Approximate Address THE SANCTUARY MAPLE DRIVE HUNTSVILLE UTAH 84317 LOT 6.	Land Serial Number(s) 21 126 0006	

Proposed Use: RECREATIONAL RETREAT

Project Narrative:
SEE ATTACHED

Basis for Issuance of Conditional Use Permit

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

THE RECREATIONAL LODGE IS INTENDED AS HIGH QUALITY RETREAT WITH IMMEDIATE ACCESS TO ENDLESS RECREATION IN A PROTECTED ENVIRONMENT. BOUND RESTRICTIVE EASEMENT STAFF WILL ENSURE THE RETREAT MAINTAINS STANDARDS SET HIGH IN THE INTERESTS OF OUR ENVIRONMENT AND GUESTS. THIS IS TO BE STRICTLY OBSERVED.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

THE LODGE WILL COMPLY WITH ALL ZONING ORDINANCE UNDER FR-40

Property Owner Affidavit

I (We), [Signature], depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature]

(Property Owner)



Subscribed and sworn to me this 25th day of May, 20

[Signature]

(Notary)

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, 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.

(Property Owner)

(Property Owner)

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

(Notary)



Tim Charlwood • (435) 901-2337 • timcharlwood@gmail.com • PO Box 980400, Park City, Utah, 84098

Sanctuary Recreational Lodge, Curtain Bluff, Lot 6 The Sanctuary

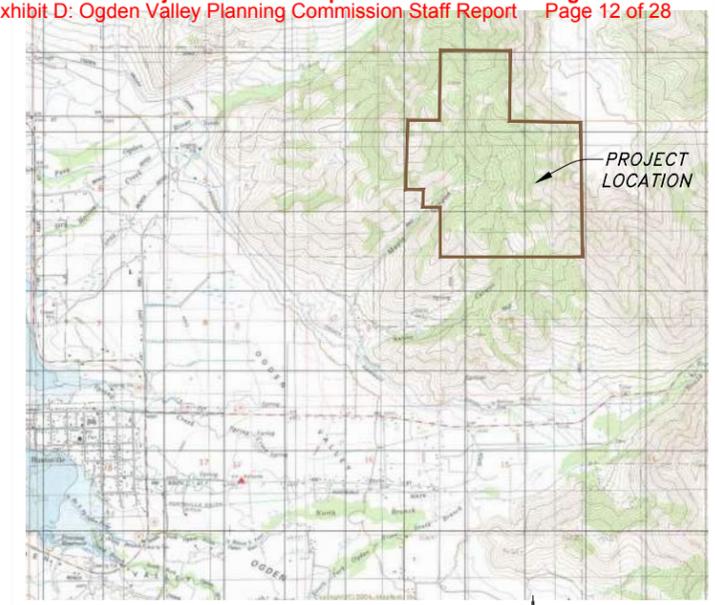
Owner; Tim Charlwood, PO Box 980400, Park City, Utah, 84098-0400.

An application for Recreational Lodge at Lot 6 with 40 acres within Sanctuary will comply with all FR-40 zoning standards. It is proposed to build a High quality Recreational Lodge that will blend into the environment designed by award winning architect James Carroll of Salt Lake City with a maximum of 7,500 square feet live-able area with maximum 10 Bedrooms with shared central open area with full kitchen and anticipated Chef services. It is proposed to have 10 under ground car spaces. Road access has been approved and built right to the Homesite at both upper and lower car park level with snow clearance all winter by Sanctuary HOA. Well approval has been granted and recorded. Septic to comply with Health Department standards with "Green" Packed Bed Mound System designed with no contamination. Geo Thermal heat/cool systems will be installed. Landscaping will be minimal as natural landscape is desired. Homesite with immediate landscape is in place retaining all natural vegetation. Outside of build-able is protected by an Easement and covering all our 469 acres of Open Space within Sanctuary for Home owners to share, no fencing is allowed to maintain natural Habitat. Recreation begins at this Homesite with two treed trails North and South established 10 years ago for equestrian, hiking, biking and Nordic skiing connecting to miles of environmental friendly trails built for Sanctuary use. A Heli-Ski pad is opposite the lower level car park that will accommodate other Sanctuary home owners vehicles if they choose to Heli-Ski. With over 100 Heli-Ski operations there have been no complaints, strict management control has been applied. Future use will be for Sanctuary home owners and guests only. The intention is to maintain a high quality retreat for guests to enjoy. Access through Green Hills Estate has been granted under an agreement that includes a contribution for roads, as a gesture of goodwill it has been proposed to Green Hills HOA to contribute with a double charge for any Homesite with Recreational Lodge permitted use within Sanctuary at time of building permit. This is to comply year round whether occupied or not. This conditional use has the approval of all Lots within Sanctuary being under same ownership. This property is far removed from any residence outside of Sanctuary with no disturbance potential. The building will comply with code including Disability Access and Fire Protection. The Recreational Lodge will be bound by restrictions of use applied under the Land Trust agreement with Ogden Valley Land Trust designed to protect the environment with minimal disturbance, these include No Hunting or Snowmobiles within Sanctuary. This is seen as a good support for all future Sanctuary Homeowners and their guests. A shared use Equestrian area for Sanctuary Homeowners has been designed to allow Horses to stay over night for guests working with local ranchers and is located within the lower Lot 3.



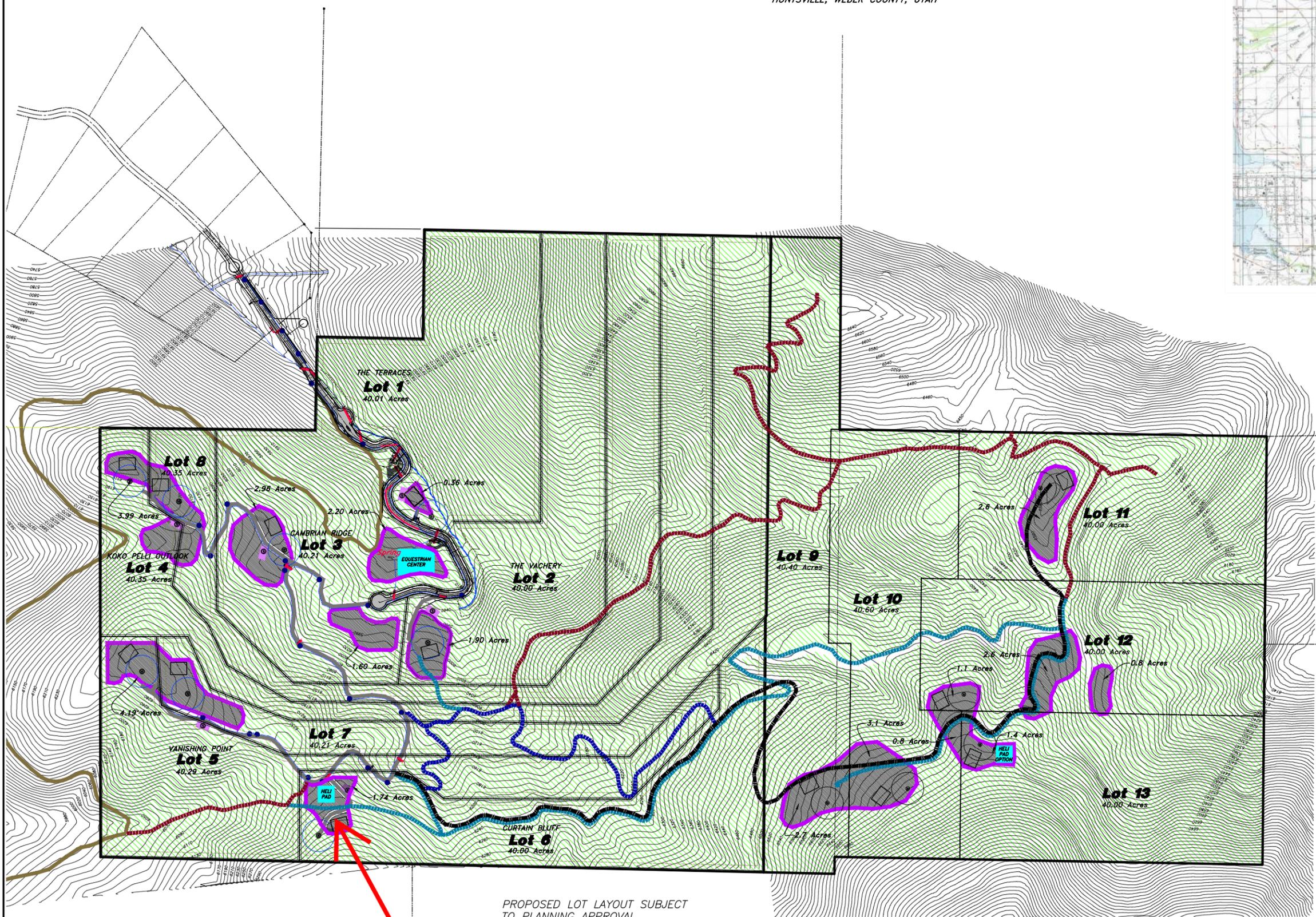
Preliminary Plat For THE SANCTUARY NORTH

HUNTSVILLE, WEBER COUNTY, UTAH



VICINITY MAP
 NOT TO SCALE

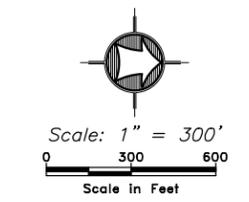
- LEGEND:**
- 50' Private Roadway
 - 50' Private Driveway Easement
 - Exist. 12' wide Green Hills Loop Trail
 - Exist. Trail or Road
 - Winter Habitat Protected Trail (Motorized Vehicles Prohibited from Jan. 1st to Apr. 7th)
 - Proposed 12' wide Equestrian/Nordic Trail
 - Future 50' Private Road
 - 100' Minimum Building Envelope (75'x100')
 - Limited Building Area (Less than 25% slope)
 - Future Building Area (Less than 25% slope)
 - Building Setbacks: Front = 75' min. Side = 40' min. Rear = 30' min.
 - Well Site & 100' Radius Protection Zone
 - Septic Site
 - Check Dam
 - Conservation Easement Area



PROPOSED LOT LAYOUT SUBJECT TO PLANNING APPROVAL

NOTE:
 NO SNOWMOBILE OR SINGLE SEAT
 ATV ALLOWED ON ANY TRAILS

HANSEN & ASSOCIATES, INC.
 Consulting Engineers and Land Surveyors
 538 North Main Brigham City, Utah 84302
 67 East 100 North Logan, Utah 84321
 Brigham City Logan
 (435) 723-3491 Ogden (435) 752-9197
 (435) 723-7663 (801) 399-4905 (435) 752-8272





1
A-U

ELEVATIONS
SCALE: 1/4" = 1'-0"



2
A-U

ELEVATIONS
SCALE: 1/4" = 1'-0"

James L. Carroll & Associates

"INNOVATORS OF AWARD WINNING DESIGN"
 455 EAST 400 SOUTH SUITE #403
 SALT LAKE CITY, UTAH 84111 | 801.735.8517
 www.jamescarrollassociates.com

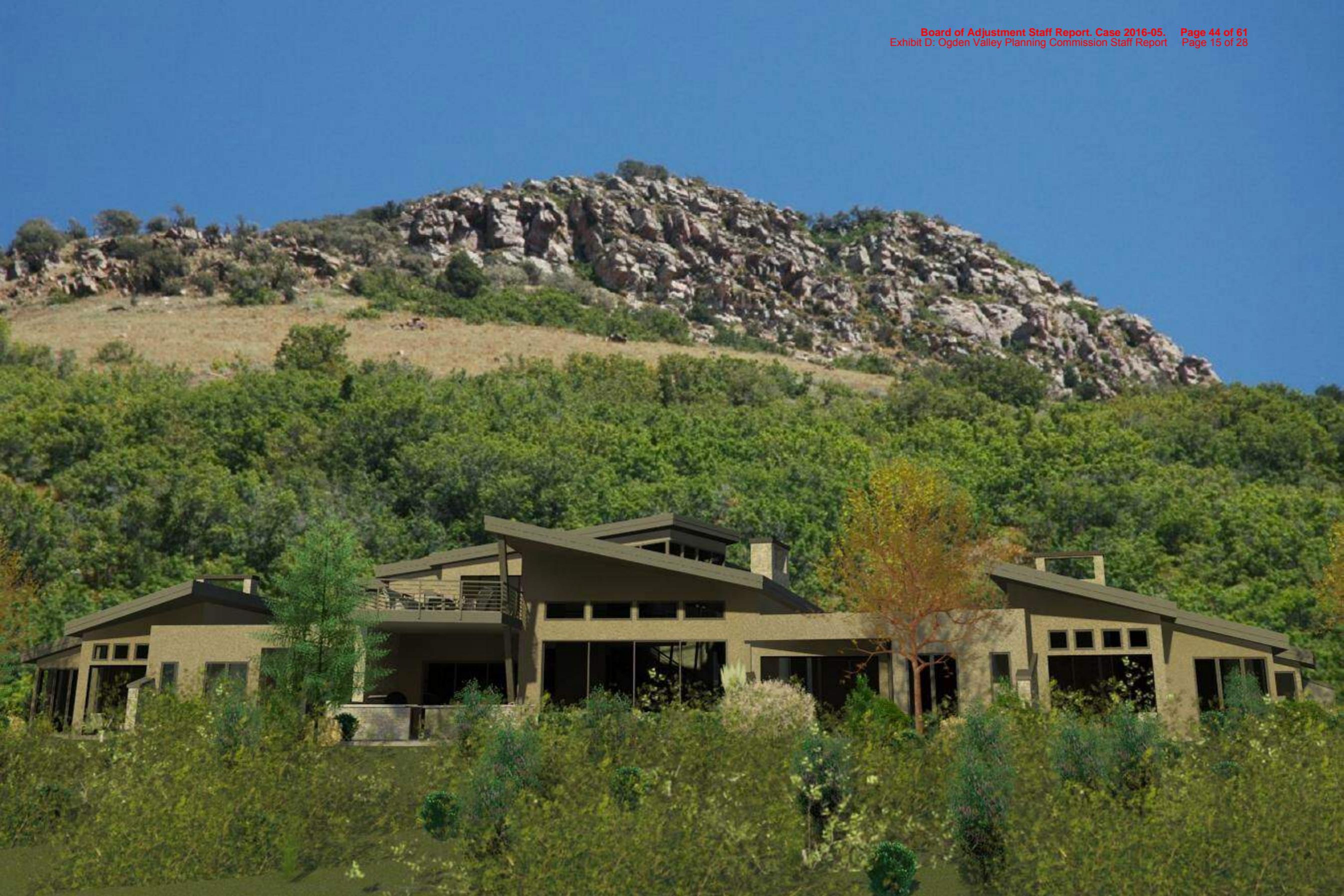
PRIVATE RESIDENCE

LOT #
 STREET NAME
 CITY, STATE, ZIP CODE

PROJECT: PRIVATE RESIDENCE
 PLAN DATE: 10-24-2012
 DRAWN BY:
 CHECKED BY:
 REVISION DATE:
 DATE DATE:
 REVISION DESCRIPTION:
 ELEVATIONS

SHEET #
 A-1.1





Ewert, Charles

From: Tim Charlwood [timcharlwood@gmail.com]
Sent: Wednesday, June 22, 2016 10:04 PM
To: Ewert, Charles
Subject: Sanctuary CUP

Charlie,

Building materials used to finish include rock, stone, steel, Aluminum, Quality synthetic stucco, steel, glass.

Designs by leading award winning architects.

Is that enough?

Thanks for all your help.

Tim









Ewert, Charles

From: Tim Charwood [timcharwood@gmail.com]
Sent: Sunday, June 19, 2016 1:11 PM
To: Ewert, Charles
Subject: [CAUTION link-attachment]CUP Sanctuary Lodge

Charlie,

No.1. I hope the images below provide enough for the CUP. this shows the footprint for the Lodge, Topo contours, underground parking is off the drive under Homesite footprint, no new landscaping as homesite prepared, no irrigation is planned any immediate disturbance will be replanted as natural native that exists with Maple, Elderberry and Sage, ground disturbance will be limited to building pad already cleared with minimum vegetation removal. Solid Waste units will be out of sight within underground area. Septic as indicated and approved will be packed bed mound system, Well as indicated already located in cleared area. Additional rocks from Sanctuary will be placed on area across the approach road to form a decorative feature with natural local seeding between rocks. Similar to those placed at Lot 1 photos below.

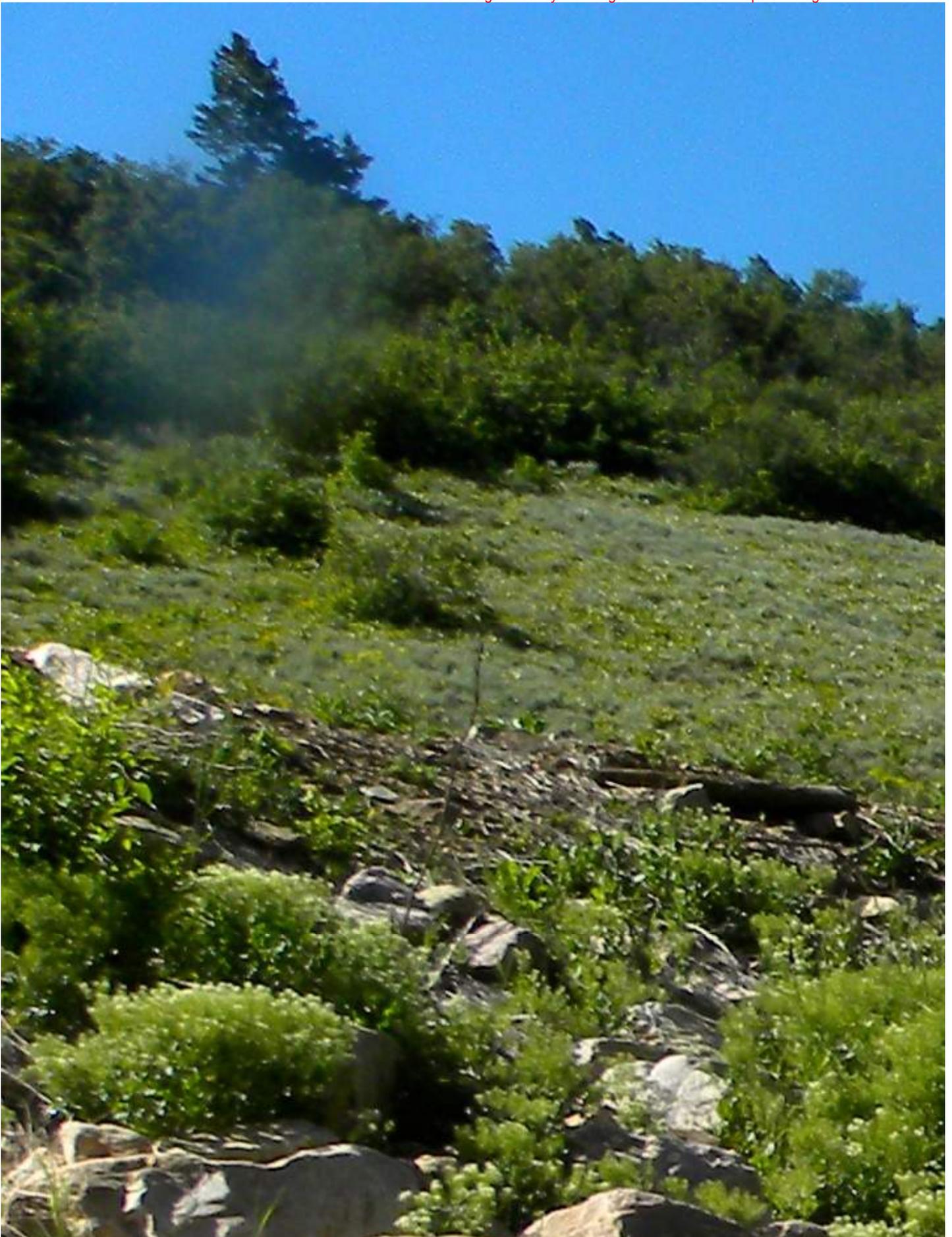
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Be the Human Firewall!

To prevent malicious software and viruses, NEVER open files or click on links from unexpected or unknown sources.

Think Before You Click!

#####



No2. Solid Waste in covered area inside entrance to underground car park with screened door. No dumpster required.

No 3. Deliveries can be to underground car park on approach road or to side entrance of lodge.

No.4 Natural drainage to South, South West and North with Homesite on elevated plateau. Small French drain as recommended in Geological Study by Western Geologic outside foundation on East side.

Architectural and Design

No.1 Building materials will comply with LUC 108-2-4 parts (2), (4), (6), and (7). Highest quality used by architect James Carroll in award winning homes will be the standard used.

No.2 and 3. Well below ridge line with maximum height less than 35 feet from finished grade.

Lighting.

Will be downward facing not disturbing other properties.

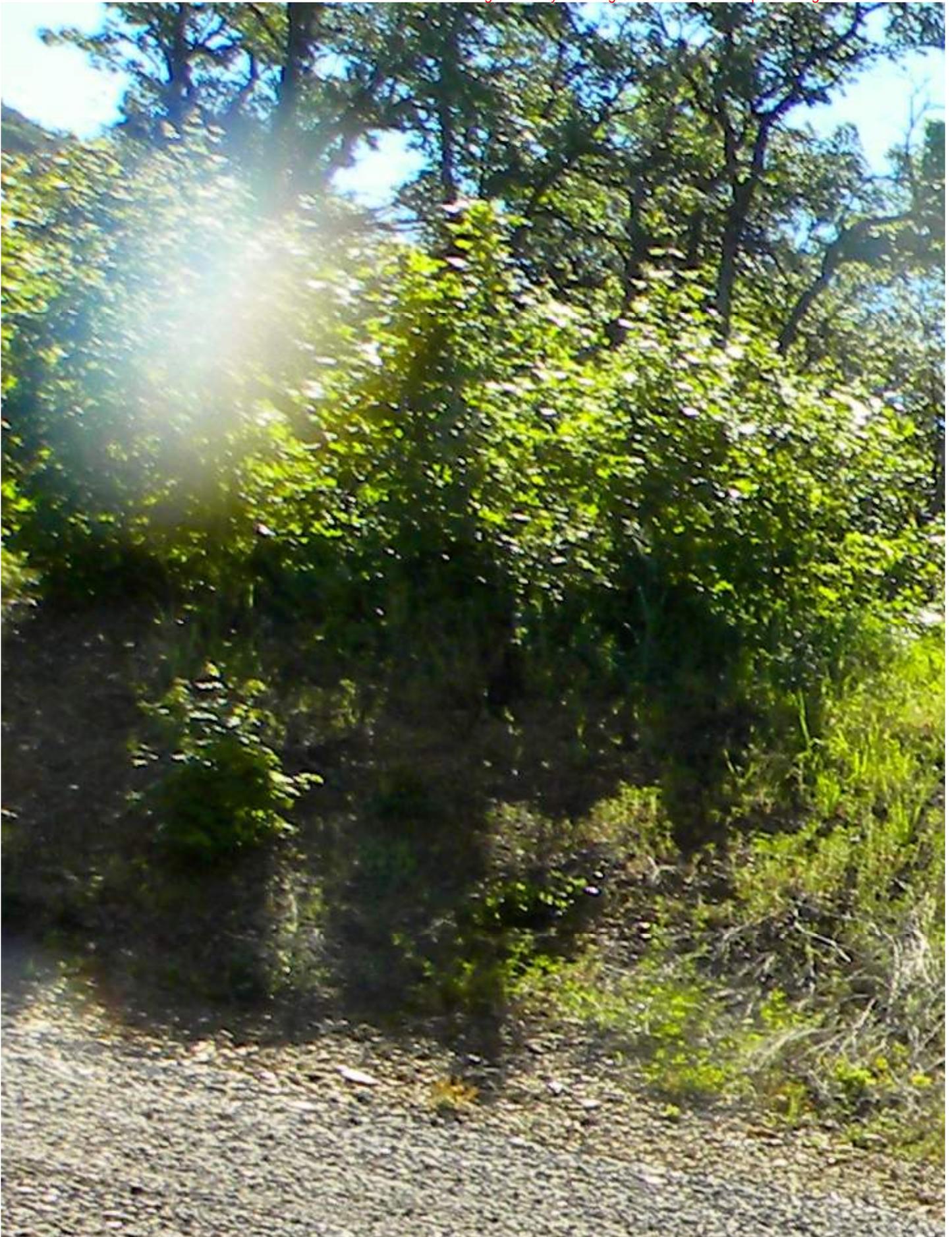
Landscaping

No.1 The natural vegetation will be retained mainly Sage and Maple. Any damage vegetation will be replaced. The Homesite sits on an elevated rock plateau prepared years ago with natural vegetation remaining on all sides. Compliance with all the code listed will be applied.

No.2. No irrigation is intended, retaining a natural environment is planned. I acre foot water approved Well Rights Approval E 4906 through Sept 30th 2021.

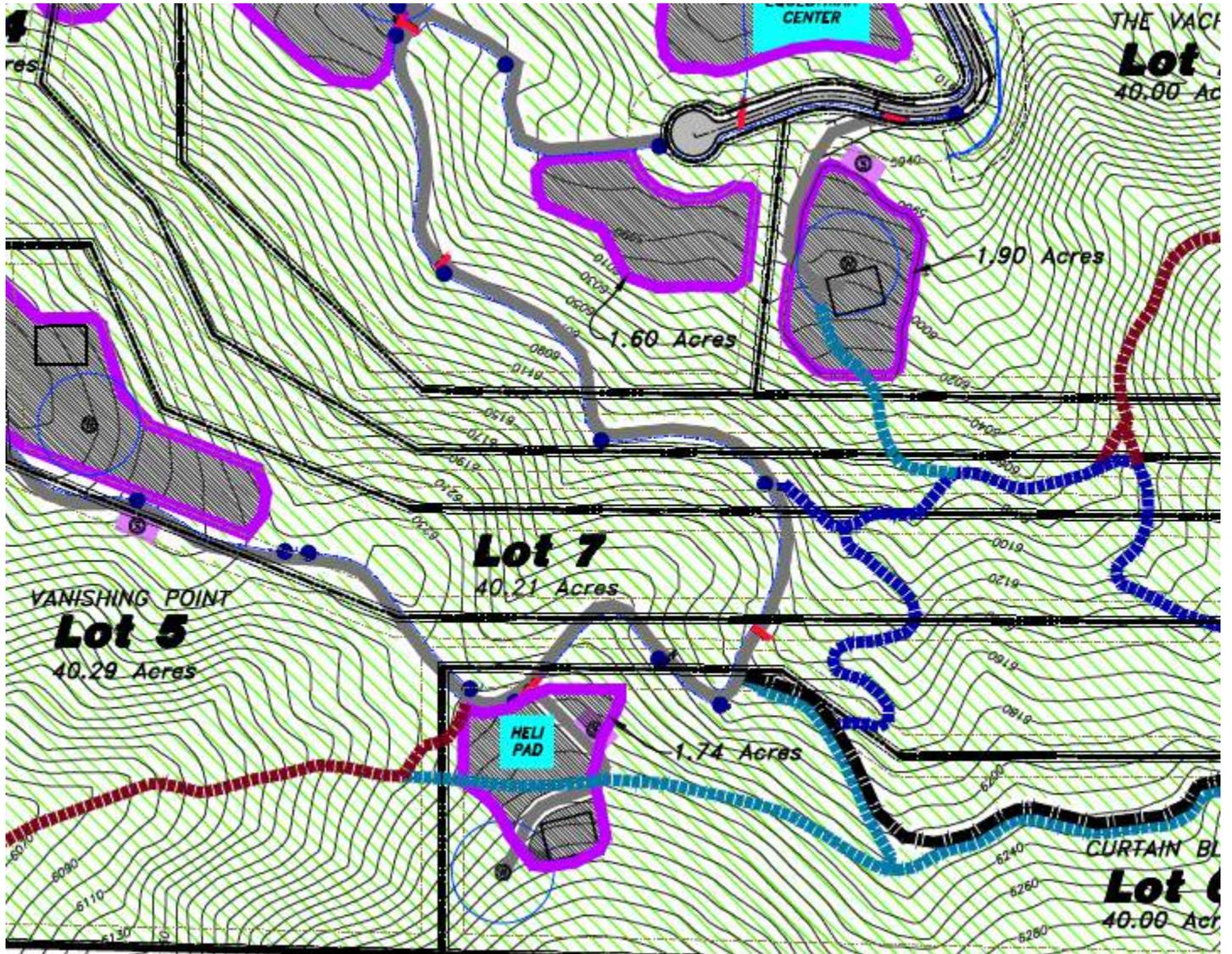
Signage.

A sign in natural timber and old iron sign established 8 years ago with letters carved out within exists on lower approach road indicating Curtain Bluff, no further signs required and no lighting.



Geological hazards.

A pit was dug and formed part of the tests at Lot 6, the report has been written in 2007 and updated 2010 with no change, a further review letter is on the way from Bill Black at Western Geologic



Weber Fire District Comments– Conditional Use Permit

Project: The Sanctuary Recreational Lodge
User: Brandon Thueson
Department: Weber County Special Events, Weber Fire District
Created: 2016-06-06 10:09:59
Modified: 2016-06-09 08:48:12
Approved: Yes

Notes

Date: June 6, 2016

Project Name: The Sanctuary Recreational Lodge

Project Address: 9803 E Maple Rd Lot 6, Huntsville Utah 84317

Contractor/Contact: Timothy Charlwood 435-901-2337 timcharlwood@gmail.com

Fee(s): see attached pdf.

Fee Notice:

Weber Fire District has various fees associated with plan reviews, and inspections. Please be prepared to make payments at the time of inspections or when you pick up your approved plans. Impact Fees are due prior to taking out a building permit. Make checks payable to: Weber Fire District.

A Written Response Is Required For This Review

Status: USE APPROVED WITH CONDITIONS

Specific Comments:

1. Fire Flow: Fire flow for this project will be 1,500 GPM for 1 Hour duration (90,000 gallons total). This is contingent upon the building being equipped throughout with an NFPA 13 or 13R fire suppression system and a building no larger than 8,000 square feet in area.
2. Fire Hydrant(s): At least one new fire hydrant must be provided within 100 feet of the fire department connection for the suppression system. This hydrant shall be tied to the 90,000 gallon water supply and shall be capable of producing a minimum of 1,500 GPM at 20 PSI.
3. Fire Suppression System: The building will be an R1 occupancy type which requires a fire suppression system compliant with NFPA 13 or 13R (these are not the same system types as a home would have). These systems are more demanding for flow and pressure and they are hydraulically calculated. Consult with a fire protection contractor concerning system design criteria (see IFC section 903.2.8).
4. Fire Alarm System: A full fire alarm system will be required throughout the building (see IFC 907.2.8)

General Requirements:

1. Fire Access roads to any property shall have a minimum clear width of 20 feet (face of curb to face of curb) and a vertical clearance of 13 foot 6 inches and shall be capable of supporting a 75,000 pound load.
2. Roads shall have a maximum grade of 10% unless specifically approved as outlined by the International Fire Code. (Roads previously approved and recorded are not subject to change.)
3. Radius on all corners shall be a minimum of 28'-0".
4. Dead end fire apparatus access roads in excess of 150 feet in length shall be provide with an approved area for turning around fire apparatus constructed with the same requirements as the roads.
5. Roads and bridges shall be designed, constructed and maintained to support an imposed load of 75,000 lbs.
6. All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
7. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
8. All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible construction.
9. SEPERATE SUBMITAL NOTICE: Fire suppression systems and fire alarm systems require a separate submittal. A permit shall be applied for before any installation of either fire suppression system or fire alarm system. The permit shall be on the job site and be available for review by any inspector. The APPROVED STAMPED set of plans shall also be on the job site and available for review by any inspector. If there is no permit and/or approved stamped plans on the job site, there will be a Stop Work Order issued until both are on the job site. Submit plans at Weber Fire District, 2023 W. 1300 N. Farr West.
10. If the building is equipped with an fire suppression system, there shall be a weather proof horn/strobe device located on the street side of the building as approved by the Fire Prevention Division (coordinate with fire inspector regarding location).
11. If the building is equipped with a fire department connection (FDC) there shall be a cement pad measuring 3 ft x 3 ft under the FDC (coordinate with fire inspector regarding this).
12. Fire suppression systems for kitchen hoods shall have the plans approved by the fire department before installation and a test of the system shall be preformed for the fire department for approval.
13. A Knox Box is required for this building. These may be ordered at www.knoxbox.com. Please select WEBER FIRE DISTRICT as your jurisdiction. Only 3200 Series boxes are to be used.
14. Gates into the area shall be provided with either a Knox Box containing a key to the gate or if the gate is an electric gate, the gate shall have a Knox Key Switch installed. See #18 for how to order.

Every effort has been made to provide a complete and thorough review of these plans. This review DOES NOT relieve the owner, contractor and/or developer from compliance with any and all applicable codes, and standards.

Any change or revision of this plan will render this review void and will require submittal of the new, or revised, layout for fire department review. If you have any questions, please contact me at 801-782-3580.

Brandon Thueson

Fire Marshal

cc: File

Files

Name	Size	Date Uploaded	Actions
CUP- Sanctuary Rec Lodge 9803 E Maple Rd Lot 6 Huntsville.pdf	226 KB	2016-06-09 08:48:33	<input type="button" value="Rename"/> <input type="button" value="Delete"/>

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Engineering

Project: The Sanctuary Recreational Lodge
User: Chad Meyerhoffer
Department: Weber County Engineering Division
Created: 2016-06-15 12:37:26
Modified: 2016-06-15 12:37:26

Notes

This letter concerns the above referenced Development. I have had a chance to review the plan(s) and have the following comment(s): Written responses to the following comments are required.

1. This lot appears to be in the Geological hazard study area. A site reconnaissance from a Geologist will need to be done on the property. This will need to be done prior to getting the engineering on the building and submitting for building permit.
2. A site plan showing the contours and where the structure will sit will need to be submitted for review. This will be needed for the building permit application and assume as well for the Geologist.
3. A Building Permit will need to be obtained through the Weber County Building Inspection Dept.
4. The necessary permits will need to be obtained through the Health Dept.
5. A Storm Water Pollution Prevention Plan (SWPPP) is now required to be submitted for all new development where construction is required. The State now requires that a National Discharge Pollution Elimination Systems (NPDES) permit be acquired for all new development. A copy of the permit needs to be submitted to the county before final approval. Permits can now be obtained online thru the Utah State Dept. of Environmental Quality at the following web site: https://secure.utah.gov/account/login.html?returnToUrl=https%3A%2F%2Fsecure.utah.gov/stormwater/uii_authentication This is part of a Common Plan of Development and will need to be submitted with the building permit.
6. A Storm Water Activity Permit will need to be obtained through our office before construction begins.
http://www1.co.weber.ut.us/mediawiki/images/5/56/Stormwater_Construction_Activity_Permit.pdf This will need to be submitted with the building permit.

I have tried to address all items of concern from the engineering department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this letter, feel free to contact me.

Sincerely,

Chad Meyerhoffer
Weber County Engineering Dept.
Phone: (801) 399-8004
e-mail: cmeyerho@co.weber.ut.us

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FINAL PLAT THE SANCTUARY A Part of Section 3 & 4, T6N, R2E of the Salt Lake Base and Meridian. Weber County, Utah March 2013

Surveyor's Certificate

I, K. Greg Hansen, a registered land surveyor in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, do hereby certify that this plat of THE SANCTUARY in Weber County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Weber County Recorder's Office, and of a survey completed of the property described on the plat in accordance with Section 17-23-17 and have verified all measurements, made on the ground, by placed monuments as represented on the plat, and meets the Weber County zoning requirements.

Boundary Description

ALL OF THE SOUTH ONE HALF AND THE NORTH ONE HALF OF THE SOUTH ONE HALF OF THE SOUTHWEST QUARTER AND ALL OF THE NORTH ONE HALF OF THE SOUTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 2 EAST AND ALL OF LOTS 4, 5, 6 AND 7 OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 2 EAST OF THE SALT LAKE BASE AND MERIDIAN LESS AND EXCEPTING THE NORTHWEST QUARTER OF SAID LOT 6 AND ALSO LESS AND EXCEPTING GREEN HILL COUNTRY ESTATES PHASE NO. 6, ENTRY NO. 1570517 IN BOOK 48 AT PAGE 84 OF THE OFFICIAL RECORDS OF THE WEBER COUNTY RECORDER AS EVIDENCED ON THE GROUND BY FOUND GREAT BASIN REBAR AND CAP MORE PARTICULAR DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH ONE HALF OF THE SOUTH ONE HALF THE SOUTHWEST QUARTER OF SAID SECTION 3 AND THE BOUNDARY LINE OF SAID GREEN HILL COUNTRY ESTATES PHASE NO. 6 AS STAKED ON THE GROUND LOCATED NORTH 00°09'34" EAST 663.64 FEET TO THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 2 EAST OF THE SALT LAKE BASE AND MERIDIAN CAP MONUMENT DATED 2012; RUNNING THENCE ALONG THE STAKED BOUNDARY LINE OF SAID GREEN HILL COUNTRY ESTATES PHASE NO. 6 THE FOLLOWING TWO (2) COURSES: (1) NORTH 00°38'07" EAST 1325.65 FEET (NORTH 1320.00 BY RECORD) TO A GREAT BASIN REBAR AND CAP; AND (2) NORTH 89°24'10" WEST (NORTH 89°24'10" WEST BY RECORD) 577.33 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID LOT 6; THENCE NORTH 00°37'24" EAST 663.63 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID LOT 6; THENCE NORTH 89°21'58" WEST 600.66 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH 01°22'54" EAST 2118.03 FEET ALONG THE WEST BOUNDARY LINE OF SAID LOT 5 AND THEN SAID LOT 4 IN PART; THENCE NORTH 90°00'00" EAST 3841.24 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE SOUTH 00°07'17" EAST 4132.76 FEET ALONG THE CENTER SECTION LINE TO THE SOUTH LINE OF THE NORTH ONE HALF OF THE SOUTH ONE HALF THE SOUTHWEST QUARTER OF SAID SECTION 3 BEING A POINT LOCATED 649.73 FEET NORTH 00°07'17" WEST OF THE SOUTH QUARTER CORNER OF SAID SECTION 3 BEING A WEBER COUNTY ALUMINUM CAP MONUMENT DATED 2012; THENCE NORTH 89°51'57" WEST 2765.16 FEET (NORTH 89°51'57" WEST 2880.23 FEET BY RECORD) ALONG SAID SOUTH LINE OF THE NORTH ONE HALF OF THE SOUTH ONE HALF THE SOUTHWEST QUARTER TO THE POINT OF BEGINNING, CONTAINING 329.08 ACRES. THE BASIS OF BEARING IS THE WEST LINE OF SAID SECTION 3 WHICH BEARS NORTH 00°08'47" WEST ON THIS SURVEY, NORTH 00°00'17" WEST UTAH NORTH MAD 83 CALCULATED GRID BEARING.

Narrative

The purpose of this survey was to establish the boundary of subdivision and the lots within as shown and described herein. The survey was ordered by Tim Charwood, the property owner. The control used to establish the boundary of the subdivision was the found GLO Section Corner Monumentation in Sections 33 and 34, T7N, R2E of the SLB&M along with the recent monumentation of Section 3 and Section 4, T6N, R2E, by the Weber County Surveyors office. Also used was the East and North boundaries of Green Hill Subdivision as plotted and staked on the ground by Great Basin. The break down of Lots 4 & 5, of Section 4, T6N, R2E, SLB&M was based on said recent monumentation by the Weber County Surveyors office and the GLO monumentation along the North line of said Section 4. The basis of bearing is the West line of said Section 3 assumed to bear North 00°08'47" West, Utah North MAD 83, Weber County Surveyor, Grid bearing for this Section line is North 00°00'17" West.

STATE OF UTAH, DNR, DWR

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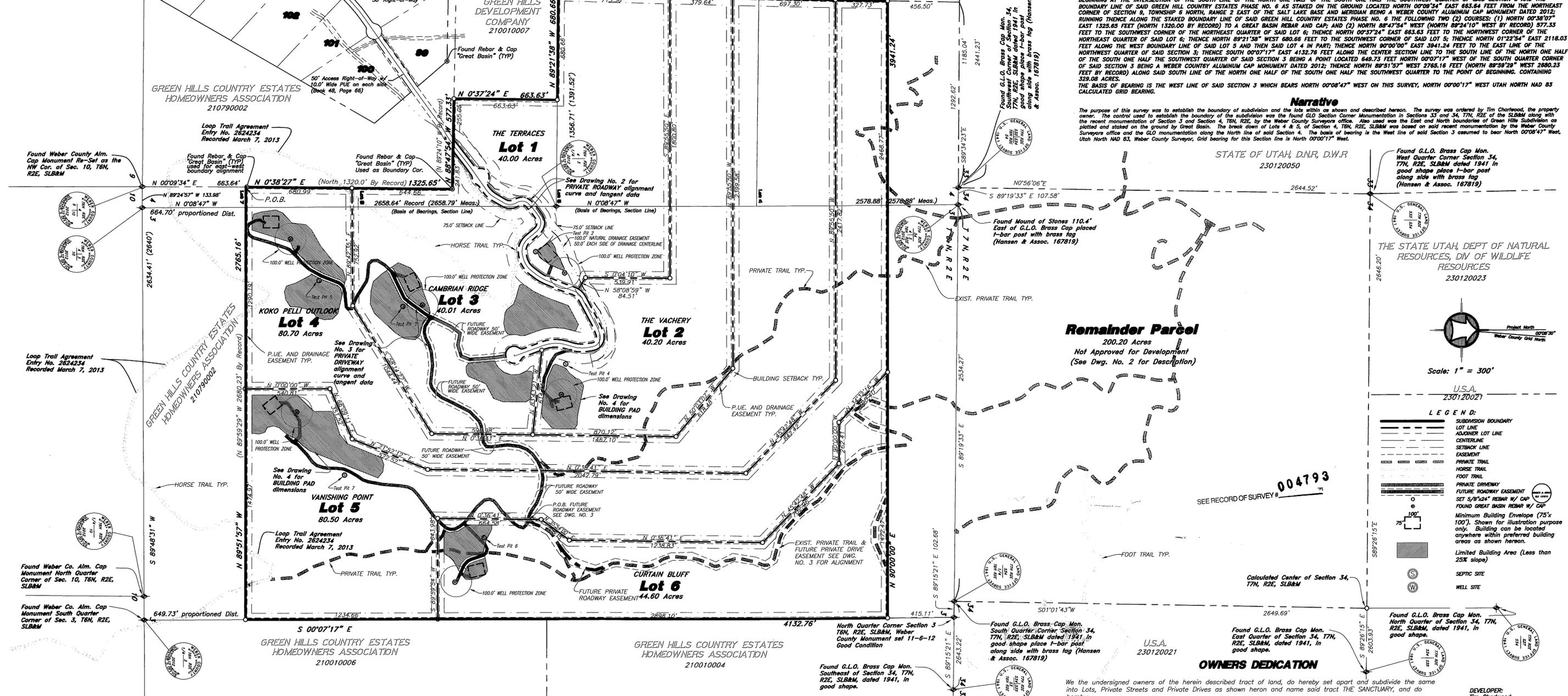
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NOTE: 10 FT PUBLIC UTILITY AND DRAINAGE EASEMENTS EACH SIDE OF PROPERTY LINES AS INDICATED BY DASHED LINES, UNLESS OTHERWISE SHOWN.



THE STATE OF UTAH, DEPT OF NATURAL RESOURCES, DIV OF WILDLIFE RESOURCES 230120023



Scale: 1" = 300'

U.S.A. 230120021

LEGEND: SUBDIVISION BOUNDARY, LOT LINE, ADJACENT LOT LINE, CENTERLINE, SETBACK LINE, EASEMENT, PRIVATE TRAIL, HORSE TRAIL, FOOT TRAIL, PRIVATE DRIVEWAY, FUTURE ROADWAY EASEMENT, SET 5/8" x 24" REBAR W/ CAP, FOUND GREAT BASIN REBAR W/ CAP, Minimum Building Envelope (75' x 100'), Shown for illustration purposes only. Building can be located anywhere within preferred building areas as shown hereon. Limited Building Area (Less than 25% slope), SEPTIC SITE, WELL SITE.

OWNERS DEDICATION We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into Lots, Private Streets and Private Drives as shown hereon and name said tract THE SANCTUARY, and do hereby: Dedicate and reserve unto themselves, their heirs, their grantees and assigns, a 50' right-of-way to be used in common with all others within said subdivision (and those adjoining subdivisions that may be subdivided by the undersigned owners, their successors, or assigns) on, over and across all those portions or parts of said tract of land designated on said plat as Private Roadways and Private Driveways as access to the individual lots and adjoining lands to the north designated as Parcel "A" hereof, to be maintained by a Lot Owners Association whose membership consists of said owners, their grantees, successors, or assigns. And do also hereby grant and convey to the subdivision Lot Owners Association, all those parts or portions of said tract of land designated as Horse Trails, Private Foot Trails and Private Trails to be used for recreational purposes for the benefit of each Lot Owners Association member in common with all others in the subdivision. And do also hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereof as public utility, storm water detention ponds drainage easements and canal maintenance easement, the same to be used for the installation maintenance and operation of public utility service line, storm drainage facilities, irrigation canals or for the perpetual preservation of water channels in their natural state whichever is applicable as may be authorized by the governing authority, with no buildings or structures being erected within such easements. And do also hereby grant and dedicate a perpetual right and easement over, upon and under all of the lands designated as lots hereof excepting therefrom those portions of land designated as "Limited Building Area" hereof as storm water detention ponds, drainage easements, creek and drainage channel maintenance easements, the same to be used for the installation maintenance and operation of natural runoff and storm drainage facilities or for the perpetual preservation and/or maintenance of water channels in their natural state whichever is applicable as may be authorized by the governing authority, with no buildings or structures being erected within such easements and/or natural creeks and/or drainage channels.

DEVELOPER: Tim Charwood, P.O. Box 980400, Park City, Utah 84098-0400, 435-901-2337. SHEET 1 of 4 FINAL PLAT. WEBER COUNTY RECORDER: ERNEST D. ROWLEY, COUNTY RECORDER. DEPUTY: Jeanne Kleits.

WEBER COUNTY SURVEYOR I hereby certify that the Weber County Surveyor's office has reviewed this plat for mathematical correctness, section corner data, and for harmony with lines and monuments on record in county offices. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor of his or her responsibilities and/or obligations associated therewith. Signed this 21st day of March, 2013.

WEBER COUNTY ATTORNEY I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the county ordinance applicable thereto and now in force and effect. Signed this 21st day of March, 2013.

WEBER COUNTY PLANNING COMMISSION This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the 16th day of July, 2013.

WEBER COUNTY COMMISSION ACCEPTANCE This is to certify that this subdivision plat, the dedication of streets and other public ways and the financial guarantee of public improvements associated with this subdivision, thereon are hereby accepted by the Commissioners of Weber County, Utah, this 16th day of July, 2013.

WEBER COUNTY ENGINEER 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 these improvements. Signed this 9th day of July, 2013.

WEBER-MORGAN HEALTH DEPARTMENT I hereby certify that the soils, percolation rates, and site conditions for this subdivision have been investigated by this office and are approved for on-site wastewater disposal systems. Signed this 4th day of April, 2013.

ACKNOWLEDGMENT STATE OF Utah, COUNTY OF Weber. ON THIS 14th DAY OF March, 2013, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, Timothy Charwood, THE SIGNERS OF THE ABOVE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC: Judy Bates, MY COMMISSION EXPIRES 7/1/2016, RESIDING IN Weber, COUNTY, UTAH.

HANSEN & ASSOCIATES, INC. Consulting Engineers and Land Surveyors. 538 North Main Street, Brigham, Utah 84302. Visit us at www.haies.net. Brigham City, Ogden, Logan. (435) 723-3491, (801) 399-4905, (435) 752-8272.

WEBER COUNTY SURVEYOR: K. Greg Hansen, License No. 167819.

WEBER COUNTY ATTORNEY: Adam J. Adams, Attorney at Law.

WEBER COUNTY PLANNING COMMISSION: Adam J. Adams, Chairman.

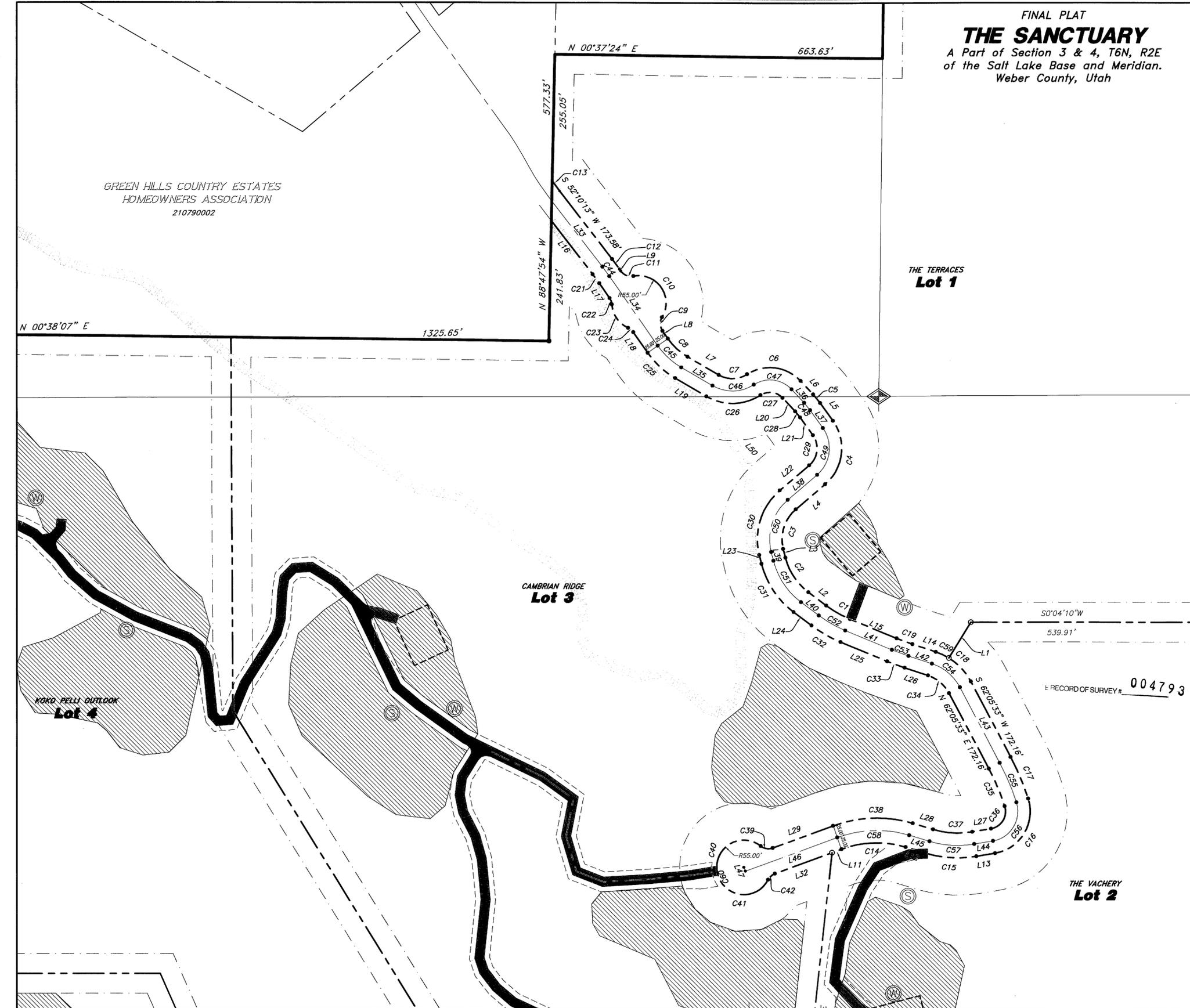
WEBER COUNTY ENGINEER: Adam J. Adams, Chairman.

WEBER-MORGAN HEALTH DEPARTMENT: Michelle Gladwell, Director.

ACKNOWLEDGMENT SIGNERS: Timothy Charwood, K. Greg Hansen, Adam J. Adams, Adam J. Adams, Adam J. Adams, Adam J. Adams.

NOTARY PUBLIC: Judy Bates.

WEBER COUNTY RECORDER: Ernest D. Rowley, Deputy: Jeanne Kleits.



FINAL PLAT
THE SANCTUARY
 A Part of Section 3 & 4, T6N, R2E
 of the Salt Lake Base and Meridian.
 Weber County, Utah

Line Table for PRIVATE ROADWAY

LINE	BEARING	DISTANCE
L1	N58°08'59"W	84.51'
L2	S36°43'16"W	45.11'
L3	S75°43'16"W	18.30'
L4	N40°16'22"W	77.99'
L5	S54°18'34"W	44.23'
L6	S46°58'50"W	37.29'
L7	S29°58'17"W	73.01'
L8	S54°52'27"W	18.97'
L9	S54°52'27"W	4.59'
L10	N20°00'42"W	20.45'
L11	N18°26'15"E	49.96'
L12	N16°55'52"E	43.00'
L13	N09°18'53"W	38.51'
L14	S18°26'15"W	49.96'
L15	S22°33'19"W	102.12'
L16	N52°10'13"E	136.14'
L17	N54°52'27"E	36.27'
L18	N54°52'27"E	50.65'
L19	N29°58'17"E	73.01'
L20	N46°58'50"E	37.29'
L21	N54°18'34"E	44.23'
L22	S40°16'22"E	77.99'
L23	N75°43'16"E	18.30'
L24	N36°43'02"E	45.11'
L25	N22°33'19"E	102.12'
L26	N18°26'15"E	49.96'
L27	S09°18'53"E	38.51'
L28	S16°55'52"W	43.00'
L29	S20°00'42"E	130.12'
L30	N20°00'42"W	123.25'
L31	N52°10'13"E	167.61'
L32	N54°52'27"E	170.42'
L33	N29°58'17"E	73.01'
L34	N46°58'50"E	37.29'
L35	N54°18'34"E	44.23'
L36	N75°43'16"E	18.30'
L37	N36°43'02"E	45.11'
L38	N22°33'19"E	102.12'
L39	N18°26'15"E	49.96'
L40	N16°55'52"E	43.00'
L41	N09°18'53"W	38.51'
L42	S18°26'15"E	49.96'
L43	N62°00'33"E	172.16'
L44	S09°18'53"E	38.51'
L45	S16°55'52"W	43.00'
L46	S20°00'42"E	198.42'
L47	S69°59'18"W	8.35'

Curve Table for PRIVATE ROADWAY

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD
C1	14°09'43"	225.00'	55.61'	27.95'	S29°38'10"W 55.47'
C2	39°00'15"	125.00'	85.09'	44.27'	S56°13'09"W 83.46'
C3	85°25'03"	95.00'	141.63'	87.69'	N82°58'54"W 128.87'
C4	07°19'45"	175.00'	22.39'	11.21'	S50°38'42"W 22.37'
C5	79°57'21"	85.00'	118.62'	71.27'	S07°00'09"W 109.22'
C6	62°56'48"	55.00'	80.43'	33.67'	S01°30'07"E 57.43'
C7	24°54'10"	125.00'	54.33'	27.60'	S42°25'22"W 53.90'
C8	66°39'37"	25.00'	29.06'	16.42'	N88°10'45"E 27.45'
C9	133°13'08"	85.00'	127.89'	122.14'	S54°52'27"W 100.97'
C10	86°26'37"	25.00'	29.06'	16.42'	N21°34'09"E 27.45'
C11	02°42'14"	525.00'	24.78'	12.39'	S53°31'20"W 24.77'
C12	03°01'24"	475.00'	25.06'	12.52'	S53°40'55"W 25.06'
C13	36°58'34"	205.00'	132.18'	68.48'	N01°32'25"W 129.90'
C14	26°14'45"	225.00'	103.07'	52.45'	N03°48'29"E 102.17'
C15	98°39'08"	85.00'	146.35'	98.91'	N09°38'27"W 126.53'
C16	09°58'26"	525.00'	91.09'	45.86'	S87°03'46"W 90.97'
C17	30°14'27"	125.00'	65.98'	33.78'	S46°58'20"W 65.21'
C18	04°07'04"	475.00'	34.14'	17.08'	S20°29'47"W 34.13'
C19	02°42'14"	475.00'	22.42'	11.21'	N53°31'20"E 22.41'
C20	31°27'28"	25.00'	13.73'	7.04'	S70°36'11"W 13.55'
C21	62°54'56"	55.00'	80.39'	33.65'	N54°52'27"E 57.40'
C22	31°27'28"	25.00'	13.73'	7.04'	S38°04'43"W 13.55'
C23	24°54'10"	125.00'	76.06'	38.64'	N42°25'22"E 75.46'
C24	62°56'48"	105.00'	115.36'	64.28'	N01°30'07"W 109.64'
C25	79°57'21"	35.00'	48.84'	29.35'	N07°00'09"E 44.97'
C26	07°19'45"	125.00'	15.99'	8.01'	N50°38'42"E 15.98'
C27	85°25'03"	45.00'	67.09'	41.54'	S82°58'54"E 61.05'
C28	64°00'21"	129.00'	144.21'	80.68'	S72°16'33"E 136.85'
C29	39°00'15"	175.00'	119.13'	61.98'	N56°13'09"E 116.84'
C30	14°09'43"	275.00'	67.87'	34.16'	N29°58'17"E 67.80'
C31	04°07'04"	525.00'	37.73'	18.87'	N20°29'47"E 37.72'
C32	43°39'19"	75.00'	57.14'	30.04'	N40°15'54"E 55.77'
C33	09°58'26"	475.00'	82.41'	41.31'	N67°03'46"E 82.31'
C34	98°39'08"	35.00'	60.26'	40.73'	S58°38'27"E 53.09'
C35	26°14'45"	175.00'	80.16'	40.80'	S03°48'29"W 79.46'
C36	36°58'34"	255.00'	184.42'	95.18'	S01°32'25"E 161.58'
C37	58°37'29"	25.00'	25.58'	14.04'	N09°18'22"E 24.48'
C38	158°25'37"	35.00'	152.08'	288.69'	S40°35'49"E 108.06'
C39	123°21'52"	55.00'	118.42'	102.07'	N01°29'54"W 96.84'
C40	43°08'53"	25.00'	18.83'	9.89'	S41°35'28"E 18.39'
C41	02°42'14"	500.00'	26.60'	11.80'	N53°31'20"E 23.59'
C42	24°54'10"	150.00'	65.20'	33.12'	N42°25'22"E 64.68'
C43	36°58'34"	80.00'	87.89'	48.97'	N01°30'07"E 83.54'
C44	79°57'21"	80.00'	83.73'	50.31'	N07°00'09"E 77.10'
C45	07°19'45"	150.00'	19.19'	9.61'	N50°38'42"E 19.18'
C46	85°25'03"	70.00'	104.36'	64.61'	S82°58'54"E 94.96'
C47	64°00'21"	104.09'	116.28'	65.05'	S72°16'33"E 110.33'
C48	39°00'15"	150.00'	102.11'	53.12'	N56°13'09"E 100.15'
C49	14°09'43"	250.00'	61.79'	31.06'	N29°58'17"E 61.64'
C50	04°07'04"	500.00'	35.94'	17.98'	N20°29'47"E 35.93'
C51	43°39'19"	100.00'	76.19'	40.05'	N40°15'54"E 74.36'
C52	09°58'26"	500.00'	86.75'	43.48'	N67°03'46"E 86.64'
C53	98°39'08"	60.00'	103.31'	68.82'	S58°38'27"E 91.01'
C54	26°14'45"	200.00'	91.62'	46.63'	S03°48'29"W 90.82'
C55	36°58'34"	230.00'	148.30'	76.83'	S01°32'25"E 145.74'
C56	15°24'52"	125.00'	28.27'	14.70'	S29°08'40"W 28.20'
C57	281°47'28"	55.00'	270.50'	44.70'	N77°45'12"E 69.38'

REMAINDER PARCEL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 3 AND A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 6 NORTH, RANGE 2 EAST AND A PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH RANGE 2 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 34 BEING A G.L.O BRASS CAP MONUMENT AND RUNNING THENCE NORTH 00°56'06" EAST 2644.52 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 34 BEING A G.L.O. BRASS CAP MONUMENT; THENCE SOUTH 89°26'15" EAST 2646.20 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01°01'43" WEST 2649.69 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER BEING A G.L.O. BRASS CAP MONUMENT; THENCE SOUTH 89°15'21" EAST 102.68 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE SOUTH 00°07'17" WEST 415.11 FEET ALONG THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 90°00'00" WEST 3941.24 FEET TO THE WEST LINE OF LOT 4 OF SAID SECTION 4; THENCE NORTH 01°22'54" EAST 456.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 89°34'23" EAST 1185.04 FEET ALONG THE NORTH LINE OF SAID LOT 4 TO THE POINT OF BEGINNING. CONTAINING 200.20 ACRES, TOGETHER WITH A PRIVATE ACCESS ROAD AND P.U.E. DESCRIBED AS FOLLOWS: A PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 2 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT THE CENTERLINE OF AN EXISTING DIRT ROAD LOCATED NORTH 00°07'17" WEST 1821.12 FEET ALONG THE MONUMENTED CENTER OF SAID SECTION 3 AND NORTH 90°00'00" WEST 636.48 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 3 AND RUNNING ALONG THE CENTERLINE OF SAID EXISTING DIRT ROAD THE FOLLOWING COURSES: SOUTH 88°41'02" EAST 10.00 FEET; THENCE NORTH 27°20'39" EAST 144.76 FEET; THENCE NORTH 44°13'49" EAST 33.81 FEET; THENCE NORTH 56°20'39" EAST 155.59 FEET; THENCE NORTH 45°39'39" EAST 82.85 FEET; THENCE NORTH 18°44'54" EAST 159.09 FEET; THENCE NORTH 18°56'50" WEST 136.13 FEET; THENCE NORTH 8°23'42" EAST 159.09 FEET; THENCE NORTH 21°59'16" WEST 178.99 FEET; THENCE NORTH 12°3'52" WEST 129.17 FEET; THENCE NORTH 22°4'21" EAST 169.85 FEET; THENCE NORTH 27°1'9" WEST 124.33 FEET; THENCE NORTH 9°7'17" EAST 138.38 FEET; THENCE NORTH 22°18'37" EAST 76.6 FEET; THENCE NORTH 34°21'27" WEST 62.37 FEET; THENCE NORTH 74°21'1" WEST 168.13 FEET; THENCE NORTH 47°33'31" WEST 177.46 FEET; THENCE NORTH 36°14'41" WEST 171.04 FEET; THENCE NORTH 52°25'55" WEST 228.99 FEET; THENCE NORTH 39°58'18" WEST 167.22 FEET; THENCE NORTH 13°36'53" WEST 127.37 FEET; THENCE NORTH 2°32'50" EAST 38.54 FEET TO A POINT ON THE NORTH BOUNDARY OF THE SANCTUARY SUBDIVISION AND THE POINT OF TERMINATION BEING LOCATED 1147.11 FEET NORTH 90°00'00" WEST FROM THE NORTHEAST CORNER OF SAID SUBDIVISION.

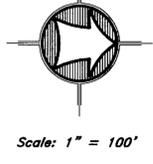
LEGEND:

- SUBDIVISION BOUNDARY
- LOT LINE
- ADJOINER LOT LINE
- CENTERLINE
- SETBACK LINE
- EASEMENT
- PRIVATE TRAIL
- HORSE TRAIL
- FOOT TRAIL
- PRIVATE DRIVEWAY
- SET 5/8"x24" REBAR W/ CAP
- Minimum Building Envelope (75'x100')
- Limited Building Area (Less than 25% slope)
- SEPTIC SITE
- WELL SITE

SHEET 2 of 4
PRIVATE ROADWAY
 07-129 07-129fp110812.dwg 11/12/12

WEBER COUNTY RECORDER
 ENTRY NO. 2016072 FEE PAID _____ FILED FOR RECORD AND
 RECORDED 11-01-2013 AT _____ OF OFFICIAL
 RECORDS, PAGES 31 to 3A RECORDED FOR _____
 COUNTY RECORDER
 BY: _____ DEPUTY

HANSEN & ASSOCIATES, INC.
 Consulting Engineers and Land Surveyors
 538 North Main Street, Brigham, Utah 84302
 Visit us at www.haisies.net
 Brigham City Ogden Logan
 (435) 723-3491 (801) 399-4905 (435) 752-8272

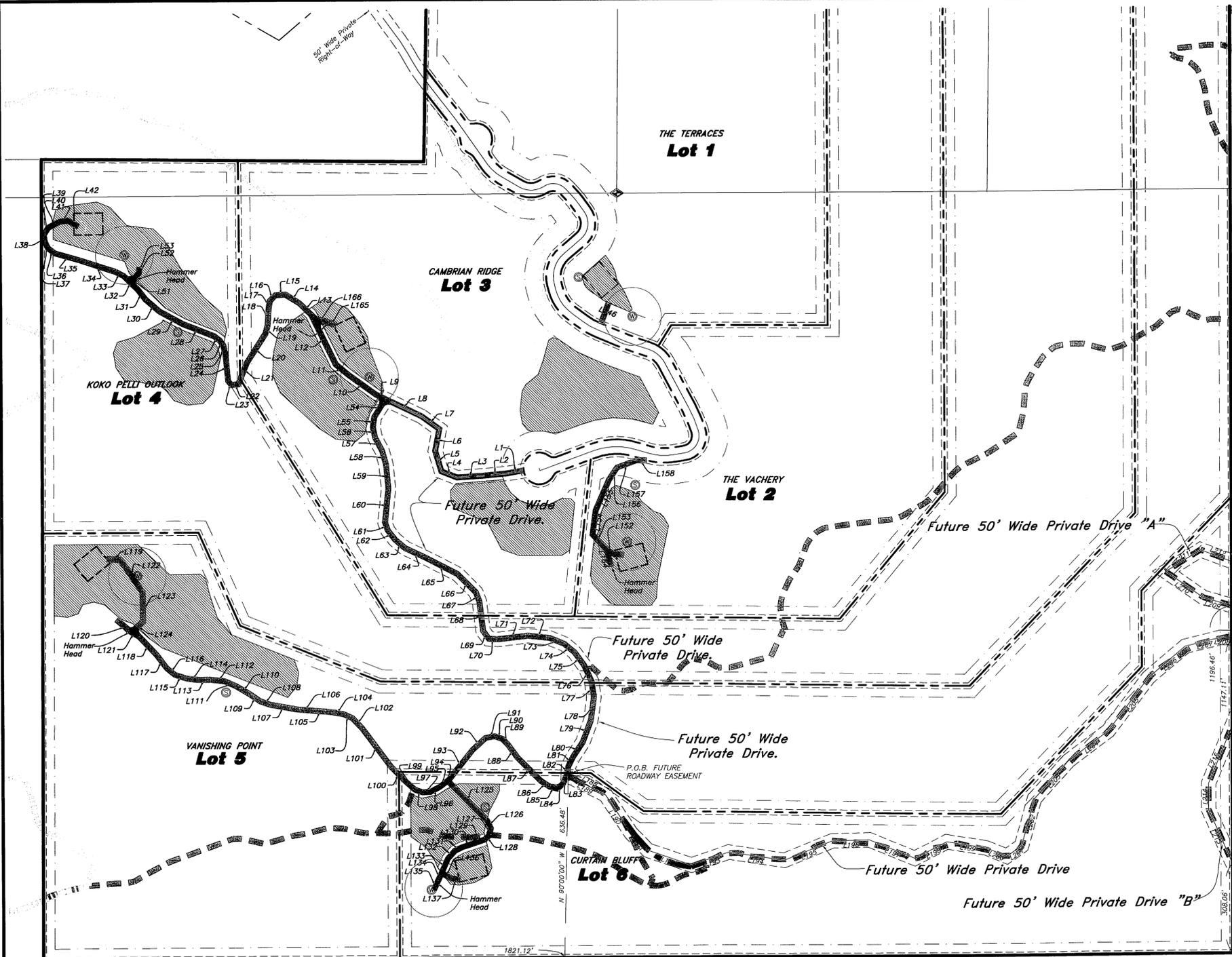


NOTE: SETBACKS ARE 75' FROM FRONT, 40' FROM SIDE, & 30' FROM REAR

FINAL PLAT
THE SANCTUARY
A Part of Section 3 & 4, T6N, R2E
of the Salt Lake Base and Meridian.
Weber County, Utah

LINE TABLE FOR PRIVATE DRIVEWAYS

LINE	LENGTH	BEARING	LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	62.17	S08°37'24"E	L81	34.42	S63°56'07"E	L161	75.00	S67°51'25"W
L2	85.74	S08°23'23"E	L82	35.75	S77°14'54"E	L162	100.00	N22°08'35"W
L3	89.09	S03°44'35"E	L83	28.26	S65°14'06"E	L163	75.00	N67°51'25"E
L4	57.73	S21°24'18"W	L84	25.62	S41°53'28"E	L164	60.00	N73°56'24"E
L5	73.79	S73°24'57"W	L85	27.28	S15°22'59"W	L165	49.21	S20°09'21"W
L6	77.04	N79°09'30"W	L86	35.21	S32°48'42"W	L166	27.73	S20°57'17"E
L7	76.46	S35°40'30"W	L87	116.27	S45°00'48"W	L167	622.17	S73°29'25"E
L8	138.39	S25°44'43"W	L88	54.07	S53°25'18"W	L168	75.00	S20°36'19"E
L9	35.99	S25°44'43"W	L89	28.12	S46°44'07"W	L169	100.00	S69°23'41"W
L10	117.37	S35°38'26"W	L90	28.71	S20°06'14"W	L170	75.00	N20°36'19"W
L11	56.78	S39°59'28"W	L91	32.76	S10°24'45"E	L171	100.00	N69°23'41"E
L12	189.92	S64°00'19"W	L92	61.46	S42°24'39"E	L172	422.94	N21°53'13"W
L13	57.57	S44°37'44"W	L93	130.57	S51°21'12"E	L173	100.00	N00°17'17"W
L14	57.16	S31°43'38"W	L94	5.93	S37°37'22"E	L174	75.00	N89°42'43"E
L15	35.03	S03°34'41"E	L95	34.47	S37°37'22"E	L175	100.00	S00°17'17"E
L16	27.66	S45°22'01"E	L96	37.06	S27°29'07"E	L176	75.00	S89°42'43"W
L17	27.68	S80°54'50"E	L97	26.99	S02°47'38"E	L177	155.35	S43°44'02"W
L18	55.30	S86°36'07"E	L98	27.87	S19°17'54"W	L178	75.00	N51°34'26"E
L19	30.63	S74°28'58"E	L99	38.67	S41°33'57"W	L179	100.00	N38°25'34"W
L20	119.46	S57°20'24"E	L100	75.87	S45°01'50"W	L180	75.00	S51°34'26"E
L21	79.68	S67°30'41"E	L101	166.82	S53°11'17"W	L181	100.00	S38°25'34"E
L22	23.61	S05°31'48"E	L102	47.93	S46°40'54"W	L182	286.49	S35°54'06"E
L23	17.19	S48°35'23"W	L103	35.32	S24°11'21"W	L183	75.00	N76°19'51"E
L24	93.74	S84°25'49"W	L104	48.00	S09°28'00"W	L184	100.00	S13°40'09"E
L25	30.36	S77°00'41"W	L105	61.99	S04°15'39"W	L185	75.00	S76°19'51"W
L26	21.25	S55°11'17"W	L106	80.68	S04°15'39"W	L186	100.00	N13°40'09"W
L27	25.48	S36°32'30"W	L107	95.46	S10°26'37"W			
L28	115.05	S21°00'34"W	L108	36.19	S19°06'06"W	L188	10.00'	S88°41'02"E
L29	92.28	S28°28'17"W	L109	41.06	S35°13'49"W	L189	144.76'	N 27°22'33" E
L30	63.42	S41°08'05"W	L110	56.29	S30°10'18"W	L190	155.59'	N 56°20'09" E
L31	41.57	S51°40'47"W	L111	42.94	S23°45'21"W	L191	82.85'	N 45°39'39" E
L32	69.54	S44°35'14"W	L112	46.98	S06°25'54"W	L192	159.46'	N 18°44'54" E
L33	31.54	S27°11'31"W	L113	48.66	S00°00'00"E	L193	136.13'	N 18°56'50" W
L34	129.45	S18°05'39"W	L114	37.11	S07°07'42"W	L194	195.09'	N 8°23'42" E
L35	90.71	S16°01'06"W	L115	42.84	S17°53'11"W	L195	178.99'	N 21°59'16" W
L36	29.27	S36°35'09"W	L116	35.54	S39°00'15"W	L196	129.17'	N 1°23'52" W
L37	23.74	S63°26'44"W	L117	58.68	S52°45'27"W	L197	169.85'	N 22°04'21" E
L38	25.32	S81°23'18"W	L118	86.55	S46°51'40"W	L198	124.33'	N 27°01'19" E
L39	29.67	N57°32'27"W	L119	47.33	S03°22'53"W	L199	138.38'	N 9°07'17" E
L40	42.91	N27°10'20"W	L120	57.76	N39°54'06"E	L200	76.60'	N 22°18'37" E
L41	29.10	N08°17'30"W	L121	41.83	N32°35'06"E	L201	62.37'	N 34°21'27" W
L42	43.16	N28°22'45"E	L122	136.05	N55°42'20"E	L202	168.13'	N 74°21'01" W
L43	24.18	N10°04'26"W	L123	101.66	N89°20'55"E	L203	177.46'	N 47°33'31" W
L44	23.63	N49°31'06"W	L124	52.99	S40°49'29"E	L204	171.04'	N 36°14'41" W
L45	19.90	N84°33'10"W	L125	194.36	N45°24'46"E	L205	228.99'	N 52°25'55" W
L46	73.19	S57°57'43"E	L126	28.79	N64°53'44"E	L206	167.22'	N 39°58'18" W
L47	35.82	S82°37'03"E	L127	25.10	S76°59'19"E	L207	127.37'	N 13°36'53" W
L48	35.61	N78°16'49"E	L128	21.32	S43°27'55"E	L208	38.54'	N 2°32'50" E
L49	53.25	N62°48'46"E	L129	41.20	S18°26'35"E	L209	103.10'	S16°22'58" W
L50	48.53	N74°16'30"E	L130	41.97	S18°26'35"E	L210	156.94'	S34°47'36" W
L51	82.62	N84°31'08"E	L131	27.28	S26°02'24"E	L211	142.50'	N 31°24'33" W
L52	118.16	S83°55'53"E	L132	36.33	S47°44'03"E	L212	114.50'	N 20°45'26" E
L53	28.50	N71°09'18"E	L133	54.34	S64°48'33"E	L213	202.05'	S 66°12'21" W
L54	45.73	N52°13'09"E	L134	30.61	S64°48'33"E	L214	91.68'	N90°00'00" W
L55	76.20	N25°01'38"E	L135	34.82	S65°33'24"E	L215	212.12'	N 67°23'59" W
L56	126.59	N27°20'42"E	L136	34.45	N30°43'23"E			
L57	89.30	N45°00'48"E	L137	32.61	N10°19'12"E			
L58	33.72	N69°27'10"E	L138	286.90	S36°16'04"W			
L59	102.08	N82°58'11"E	L139	75.00	S52°32'52"E			
L60	33.67	N54°00'37"E	L140	100.00	S37°27'08"W			
L61	29.66	N03°48'52"E	L141	75.00	N52°32'52"E			
L62	106.53	N06°22'56"W	L142	100.00	N37°27'08"E			
L63	76.39	N06°23'59"E	L143	28.84	S29°43'40"W			
L64	53.98	N22°11'59"E	L144	71.47	S47°45'01"W			
L65	46.23	N39°49'08"E	L145	83.52	N82°24'54"W			
L66	55.52	N53°41'09"E	L146	115.27	N66°09'47"W			
L67	61.52	N65°21'48"E	L147	50.88	N56°09'08"W			
L68	53.87	N81°34'37"E	L148	70.34	N20°14'45"W			
L69	81.69	S82°08'04"E	L149	37.48	N01°25'49"W			
L70	81.00	S68°04'18"E	L150	229.40	S46°54'16"E			
L71	61.43	S56°05'32"E	L151	100.00	S22°08'35"E			



Centerline Future 50' Wide Private Road and P.U.E. Description
(Existing Private Trail and Future Private Drive for Access and Utility Service for the Remainder Parcel)

A Part of the West Half of Section 3, Township 6 North, Range 2 East of the Salt Lake Base and Meridian.

Beginning at the centerline of an Existing Dirt Road Located North 00°07'17" West 1821.12 Feet Along the monumented Center of said Section 3 and North 90°00'00" West 636.48 Feet from the South Quarter Corner of said Section 3 and Running Along the Centerline of said Existing Dirt Road the Following Courses: South 88°41'02" East 10.00 Feet; Thence North 27°22'33" East 144.76 Feet; Thence North 44°13'49" East 33.81 Feet; Thence North 56°20'09" East 82.85 Feet; Thence North 18°44'54" East 159.46 Feet; Thence North 18°56'50" West 136.13 Feet; Thence North 8°23'42" East 195.09 Feet; Thence North 21°59'16" West 178.99 Feet; Thence North 1°23'52" West 129.17 Feet; Thence North 22°4'21" East 169.85 Feet; Thence North 27°1'9" West 124.33 Feet; Thence North 9°7'17" East 138.38 Feet; Thence North 22°18'37" East 76.6 Feet; Thence North 34°21'27" West 62.37 Feet; Thence North 74°21'1" West 168.13 Feet; Thence North 47°33'31" West 177.46 Feet; Thence North 36°14'41" West 171.04 Feet; Thence North 52°25'55" West 228.99 Feet; Thence North 39°58'18" West 167.22 Feet; Thence North 13°36'53" West 127.37 Feet; Thence North 2°32'50" East 38.54 Feet to a point on the North Boundary of The Sanctuary Subdivision and the Point of termination being located 1147.11 feet North 90°00'00" West from the northeast corner of said subdivision.

Centerline Future 50' Wide Private Drive "A" Easement Description

A Part of the Northwest Quarter of Section 3, Township 6 North, Range 2 East of the Salt Lake Base and Meridian.

Beginning at the centerline of an Existing Dirt Road Located South 00°07'17" East 426.17 feet Along the east line of said Northwest Quarter and North 90°00'00" West 1196.46 feet from the North Quarter Corner of said Section 3 and Running Along the Centerline of said Existing Dirt Road the Following Courses: South 16°22'58" West 103.10 feet; Thence South 34°47'36" West 156.94 Feet; Thence North 31°24'33" West 142.50 Feet; Thence North 20°45'26" East 113.55 Feet to a point on the North Boundary of The Sanctuary Subdivision and the Point of termination.

Centerline Future 50' Wide Private Drive "B" Easement Description

A Part of the Northwest Quarter of Section 3, Township 6 North, Range 2 East of the Salt Lake Base and Meridian.

Beginning at the centerline of an Existing Dirt Road Located South 00°07'17" East 426.17 Feet Along the East line of said Northwest Quarter and North 90°00'00" West 308.06 Feet from the North Quarter Corner of said Section 3 and Running Along the Centerline of said Existing Dirt Road the Following Courses: South 66°12'21" West 202.05 feet; Thence North 90°00'00" West 91.68 Feet; Thence North 67°23'59" West 212.12 Feet to a point on the North Boundary of The Sanctuary Subdivision and the Point of termination.

NOTICE TO PURCHASERS OF LOTS WITH DESIGNATED BUILDING AREAS:

- LOTS DESIGNATED WITH "BUILDING AREAS" HAVE BEEN APPROVED BY WEBER COUNTY SUBJECT TO THE CONDITION THAT THE BUILDING DEVELOPMENT SHALL BE CONSTRUCTED ONLY WITHIN SUCH DESIGNATED AREAS. EACH APPROVED "BUILDING AREA" SHOWN ON THE PLAT EXCEEDS THE MINIMUM AREA (100'x75') REQUIRED BY WEBER COUNTY ORDINANCE, AND HAS A SLOPE OF LESS THAN 10 PERCENT. THE (100'x75') MINIMUM AREAS ARE SHOWN ONLY AS A REFERENCE AND AS SUCH, THE SHOWN LOCATION DOES NOT PHYSICALLY FIX THE LOCATION OF THE RESIDENTIAL STRUCTURES. RESIDENTIAL STRUCTURES MAY BE LOCATED ANYWHERE WITHIN THE "BUILDING AREAS" AS SHOWN HEREON.
- ALL CONSTRUCTED HOMES (INCLUDED GARAGES, EAVES, ETC.) ARE REQUIRED TO HAVE FIRE SPRINKLER SYSTEMS THAT COMPLY WITH NFPA 13D.
- 10 FT PUBLIC UTILITY AND DRAINAGE EASEMENTS EACH SIDE OF PROPERTY LINES, PRIVATE ROADWAYS AND PRIVATE DRIVEWAYS AS INDICATED BY DASHED LINES, UNLESS OTHERWISE SHOWN.
- WATER SYSTEM TO BE INDIVIDUAL PRIVATE WELLS. A 100' WELL PROTECTIVE ZONE IS ENFORCED AROUND THE WELL LOCATION.
- THE HOME OWNER OF EACH LOT SHALL PROVIDE AN ON-SITE SEPTIC SYSTEM AND DRAINAGE FIELDS AS REQUIRED BY HOME SIZE AND /OR WASTEWATER DISCHARGE AS PER WEBER COUNTY STANDARDS AND REQUIREMENTS.
- THE HOME OWNER OF EACH LOT SHALL PROVIDE AN ON-SITE STORM WATER DETENTION BASIN AS REQUIRED BY HOME SIZE, PAVEMENTS, HARD SURFACES, LANDSCAPING, ETC. AS PER WEBER COUNTY STANDARDS AND REQUIREMENTS.
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- EASEMENT
- PRIVATE TRAIL
- HORSE TRAIL
- FOOT TRAIL
- PRIVATE DRIVEWAY
- SET 5/8"x24" REBAR W/ CAP
- Minimum Building Envelope (75'x100')
- Limited Building Area (Less than 25% slope)
- SEPTIC SITE
- WELL SITE

SHEET 3 of 4
PRIVATE DRIVEWAYS

DEVELOPER:
Tim Charlwood
P.O. Box 980400
Park City, Utah 84098-0400
435-901-2337

07-129 07-129fp10812.dwg 11/12/12

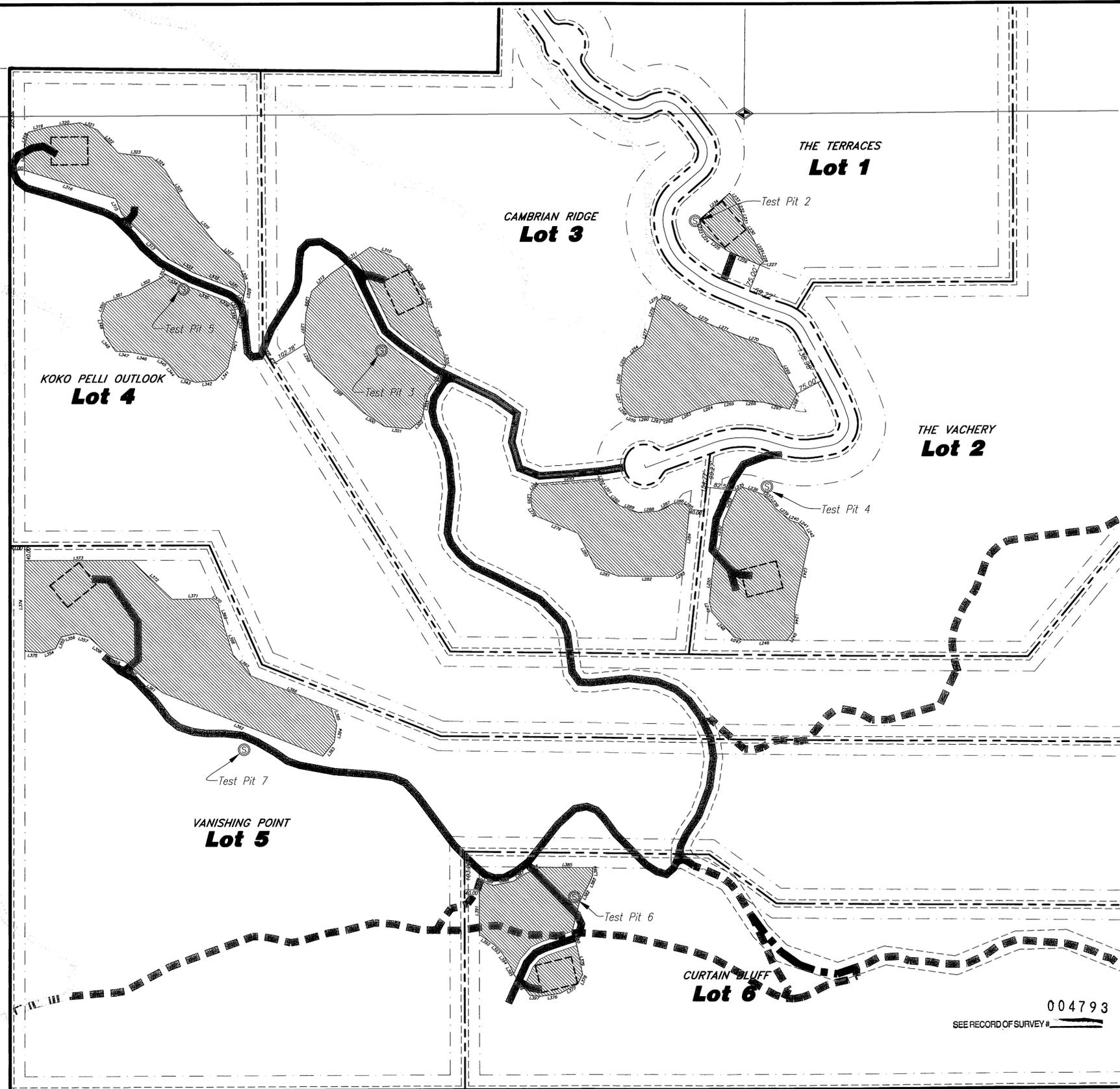
WEBER COUNTY RECORDER
ENTRY NO. 2013-002 FILED FOR RECORD AND
RECORDED 10-JUL-2013
IN BOOK 74 OF OFFICIAL
RECORDS, PAGE 30 TO 34 RECORDED
FOR _____
COUNTY RECORDER
BY: _____ DEPUTY

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302
Visit us at www.haies.net
Brigham City Ogdan Logan
(435) 723-3491 (801) 399-4905 (435) 752-8272

FINAL PLAT

THE SANCTUARY

A Part of Section 3 & 4, T6N, R2E of the Salt Lake Base and Meridian.



Line Table for LIMITED BUILDING AREAS

Line No.	Distance	Bearing	Line No.	Distance	Bearing
L223	29.88	N74°11'35"E	L310	86.83	S22°44'32"W
L224	18.58	N54°42'03"E	L311	129.38	S33°48'24"E
L225	70.00	N36°04'01"E	L312	70.43	S41°59'50"E
L226	95.52	N23°14'29"E	L313	107.73	S43°47'52"W
L227	12.16	N37°13'51"W	L314	65.94	S44°40'43"W
L228	7.84	S71°37'51"W	L315	44.13	S69°01'46"W
L229	58.23	S65°50'02"W	L316	259.36	S17°23'40"W
L230	51.98	S58°44'02"W	L317	63.24	N89°51'57"W
L231	24.10	S80°09'44"W	L318	40.78	N75°46'02"W
L232	27.44	S65°27'32"W	L319	54.17	N14°29'44"W
L233	40.36	S55°14'32"W	L320	89.54	N07°33'19"W
L234	108.05	S41°11'21"E	L321	50.34	N22°28'16"E
L235	17.99	N29°05'00"W	L322	85.12	N47°54'54"E
L236	54.90	N19°34'08"E	L323	91.80	N07°15'27"E
L237	21.58	N33°11'48"E	L324	51.23	N44°20'37"E
L238	32.52	N54°36'25"E	L325	118.61	N59°53'23"E
L239	53.14	N38°54'01"E	L326	123.21	N51°35'47"E
L240	22.35	N18°32'00"E	L327	84.01	N40°53'40"E
L241	17.79	N43°39'52"E	L328	61.86	N73°49'37"E
L242	34.16	N61°18'00"E	L329	27.46	S77°15'25"E
L243	187.25	S77°53'33"E	L330	4.71	S65°11'17"W
L244	68.23	S96°54'08"E	L331	31.43	S36°32'00"W
L245	31.08	S53°07'53"E	L332	116.47	S21°20'34"W
L246	121.46	S00°39'38"W	L333	78.50	S28°28'17"W
L247	23.92	S19°09'14"W	L334	69.74	N28°28'17"E
L248	89.49	S48°09'43"W	L335	113.63	N21°20'34"E
L249	29.41	S77°35'34"W	L336	19.53	N36°32'30"E
L250	96.17	N84°10'18"W	L337	14.11	N55°11'17"E
L251	62.87	N71°32'50"W	L338	25.21	N77°00'41"E
L252	62.57	N81°56'54"W	L339	13.59	N84°25'49"E
L253	90.71	N66°09'47"W	L340	121.52	S77°15'25"E
L254	54.81	S38°32'22"E	L341	47.72	S45°08'17"E
L255	27.40	S60°59'24"E	L342	53.48	S05°46'51"E
L256	65.20	S83°21'08"E	L343	48.25	S17°04'32"E
L257	46.94	N79°40'01"E	L344	43.54	S52°00'03"W
L258	28.75	N51°58'57"E	L345	24.56	S40°44'28"W
L259	17.61	N14°21'10"E	L346	84.98	S11°54'38"W
L260	36.60	N01°49'29"W	L347	43.16	S03°44'04"W
L261	32.25	N13°23'36"E	L348	53.38	S56°41'59"W
L262	29.18	N05°48'32"W	L349	51.90	S79°49'40"W
L263	70.25	N20°00'42"W	L350	39.42	N69°12'29"W
L264	56.34	N17°25'31"W	L351	63.77	N16°51'46"W
L265	61.86	N07°32'02"W	L352	107.91	N27°53'47"W
L266	68.35	N03°46'17"E	L353	74.41	N77°15'01"W
L267	73.22	N14°53'09"E	L354	38.67	N17°11'36"W
L268	45.85	N64°10'12"W	L355	35.79	N62°55'47"W
L269	138.22	S62°05'33"W	L356	39.31	N12°48'43"W
L270	113.33	S20°12'08"W	L357	38.39	N15°59'12"E
L271	60.79	S22°33'19"W	L358	75.85	N41°25'57"E
L272	62.31	S24°44'12"W	L359	43.19	N20°24'47"E
L273	74.60	S34°25'28"W	L360	72.71	N42°34'16"E
L274	21.37	S16°59'21"W	L361	59.99	N36°19'37"E
L275	15.88	S30°47'35"E	L362	466.84	N21°39'30"E
L276	72.89	S74°29'41"E	L363	49.12	N51°02'33"W
L277	51.31	S70°09'02"E	L364	47.20	N81°07'21"W
L278	28.17	N62°21'51"E	L365	48.53	S70°11'20"W
L279	121.03	N22°27'37"E	L366	232.75	S21°52'05"W
L280	105.20	N62°44'54"E	L367	75.51	S50°01'36"W
L281	65.16	N19°43'52"E	L368	81.73	S71°58'56"W
L282	147.22	N00°04'06"W	L369	60.54	S75°05'20"W
L283	33.11	N33°34'29"W	L370	22.90	S40°24'22"W
L284	163.88	N83°43'21"W	L371	106.24	S00°58'46"E
L285	19.61	S46°45'32"W	L372	153.01	S43°34'49"W
L286	30.72	S02°47'44"W	L373	289.22	S00°00'00"E
L287	47.32	S26°17'45"E	L374	243.74	N89°51'57"W
L288	53.01	S04°02'47"E	L375	46.65	N06°30'21"E
L289	54.29	S19°46'12"W	L376	54.23	N08°28'40"W
L290	39.48	S40°33'26"W	L377	54.54	N27°33'58"W
L291	39.03	S57°55'33"W	L378	28.61	N63°51'01"W
L292	14.45	S69°44'40"W	L379	67.56	S79°10'06"W
L293	164.54	S04°27'02"E	L380	57.09	S76°14'35"W
L294	31.37	S50°49'23"E	L381	75.76	N75°55'45"W
L295	39.85	N86°59'18"E	L382	55.71	N61°52'38"W
L296	63.75	S75°44'25"E	L383	24.70	N66°48'01"W
L297	81.79	S87°03'55"E	L384	21.44	S89°41'32"W
L298	68.56	N66°31'27"E	L385	140.93	S00°36'41"W
L299	180.70	N42°40'18"E	L386	43.82	S22°27'09"E
L300	68.26	N32°28'49"E	L387	39.40	S32°05'02"E
L301	69.20	N06°26'39"E	L388	55.64	S12°07'45"E
L302	39.80	N40°20'25"W	L389	28.11	S19°12'54"W
L303	70.83	N75°19'10"W	L390	24.13	S60°07'10"E
L304	90.20	N57°26'56"W	L391	121.18	N89°59'54"E
L305	35.62	S82°03'04"W	L392	51.10	N34°42'37"E
L306	117.40	S69°11'21"W	L393	26.45	N46°09'17"E
L307	46.83	S79°43'01"W	L394	45.53	N57°53'59"E
L308	56.38	S59°33'20"W	L395	22.05	N68°10'11"E
L309	63.05	S50°41'18"W	L396	71.98	N52°14'21"E
			L397	28.46	N05°27'21"E
			L398	75.90	S12°44'35"E

- NOTICE TO PURCHASERS OF LOTS WITH DESIGNATED BUILDING AREAS:**
- LOTS DESIGNATED WITH "BUILDING AREAS" HAVE BEEN APPROVED BY WEBER COUNTY SUBJECT TO THE CONDITION THAT THE BUILDING DEVELOPMENT SHALL BE CONSTRUCTED ONLY WITHIN SUCH DESIGNATED AREAS. EACH APPROVED "BUILDING AREA" SHOWN ON THE PLAT EXCEEDS THE MINIMUM AREA (100'x75') REQUIRED BY WEBER COUNTY ORDINANCE, AND HAS A SLOPE OF LESS THAN 10 PERCENT. THE (100'x75') MINIMUM AREAS ARE SHOWN ONLY AS A REFERENCE AND AS SUCH, THE SHOWN LOCATION DOES NOT PHYSICALLY FIX THE LOCATION OF THE RESIDENTIAL STRUCTURES. RESIDENTIAL STRUCTURES MAY BE LOCATED ANYWHERE WITHIN THE "BUILDING AREAS" AS SHOWN HEREON.
 - ALL CONSTRUCTED HOMES (INCLUDED GARAGES, EAVES, ETC.) ARE REQUIRED TO HAVE FIRE SPRINKLER SYSTEMS THAT COMPLY WITH NFPA 13D.
 - 10 FT PUBLIC UTILITY AND DRAINAGE EASEMENTS EACH SIDE OF PROPERTY LINES, PRIVATE ROADWAYS AND PRIVATE DRIVEWAYS AS INDICATED BY DASHED LINES, UNLESS OTHERWISE SHOWN.
 - WATER SYSTEM TO BE INDIVIDUAL PRIVATE WELLS. A 100' WELL PROTECTIVE ZONE IS ENFORCED AROUND THE WELL LOCATION.
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Scale: 1" = 150'

WEBER-MORGAN HEALTH DEPARTMENT SOIL EVALUATION

Lot No.	Health Dept Label	HAI Label	Latitude	Longitude	Perk Rate
Lot 1	PIT 1	Test Pit 2	N 41°17.119'	W 111°43.180'	11 mpi @ 30"
	Alt PIT 1		N 41°17.114'	W 111°43.212'	2 mpi @ 30"
Lot 2	PIT 2	Test Pit 4	N 41°17.172'	W 111°43.008'	8 mpi @ 27"
Lot 3	PIT 3	Test Pit 3	N 41°16.991'	W 111°43.010'	6 mpi @ 30"
Lot 4	PIT 4	Test Pit 5	N 41°16.910'	W 111°43.123'	14 mpi @ 29"
Lot 5	PIT 5	Test Pit 7	N 41°16.933'	W 111°42.857'	6 mpi @ 32"
Lot 6	PIT 6	Test Pit 6	N 41°17.051'	W 111°42.768'	3 mpi @ 32"

NOTE: SETBACKS ARE 75' FROM FRONT, 40' FROM SIDE, & 30' FROM REAR. ALL DIMENSIONS TO THE LIMITED BUILDING AREAS ARE AT RIGHT ANGLES AND PERPENDICULAR TO THE SUBDIVISION BOUNDARY AND LOT LINES.

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SHEET 4 of 4
Limited Building Area

WEBER COUNTY RECORDER
ENTRY NO. 2045102 FEE PAID
FILED FOR RECORD AND
RECORDED 11-20-2013 AT
IN BOOK 74 OF OFFICIAL
RECORDS, PAGE 31024 RECORDED
FOR
COUNTY RECORDER
BY: DEPUTY

