



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

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

Property Information

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

Adjacent Land Use

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

Staff Information

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

Applicable Ordinances

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

Background and Summary

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

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

Analysis

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

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

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

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

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

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

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

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

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

Earthquake ground rupture – High

Landslides and slope failures – High

Problem soil and rock – Medium

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

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

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

Staff Recommendation

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

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

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

This recommendation is based on the following findings:

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

Exhibits

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

Location Map




Exhibit A - Application

 Application

 Documents **14**

 Comments **1**

 Reviews **1**

Application

Project Description

Legacy Mountain Estates Phase 1

Property Address

6068 E Nighthawk Lane
Huntsville, UT, 84317

Property Owner

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

Representative

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

Accessory Dwelling Unit

False

Current Zoning

FV-3

Subdivision Name

Legacy Mountain Estates Phase 1

Number of Lots

Lot Number

Lot Size

Frontage

Culinary Water Authority

Lakeview Water

Secondary Water Provider

Not Applicable

Sanitary Sewer Authority

Mountain Sewer

Nearest Hydrant Address

Signed By

Representative, Eric Householder

Parcel Number

 Remove 200150009 - [County Map](#)

 Remove 200350028 - [County Map](#)

 Remove 200350046 - [County Map](#)

 Remove 200350044 - [County Map](#)

 Remove 200350001 - [County Map](#)

 Remove 200350075 - [County Map](#)

April 7, 2021

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

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

Dear John,

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

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

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

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

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

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

Winter Storage Pond

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

Tree Farm, Filtration and Drip Irrigation System

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

Impact Fees

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

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

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

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

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

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

Sincerely,

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

Ray Bowden, Pres.
Mountain Sewer Corporation

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

March 31, 2021

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

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

Dear Mr. Lewis

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

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

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

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

Source Requirement

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

Storage Requirement

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

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

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

Water Rights Requirement

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

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

Fees

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

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

Memo of Understanding

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

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Legacy Mountain Estates

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

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

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

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

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

Sincerely,

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

Ray Bowden, Pres.
Lakeview Water Company

