



OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

August 24, 2021

4:30 p.m.

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

1. Minutes: June 29, 2021

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

2.1 UVA070821: Consideration and action on Final approval of the Asgard Heights Subdivision consisting of 6 lots at approximately 3460 Nordic Valley Road in Liberty.

Applicant: Dan Maybe; Staff Presenter: Scott Perkes

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

Applicant: Wade Tolman; Staff Presenter: Felix Lleverino

2.3 CUP 2021-12: Consideration and action on a request for a conditional use permit to install an additional public utility substation infrastructure at the Eden-SAL site, located at approximately 4964 N Powder Mountain Road, Eden, UT, 84310.

Applicant: Karl Riding; Staff Presenter: Tammy Aydelotte

2.4 UVW06062021: Request for preliminary approval for Westwood Homestead Subdivision, a four-lot subdivision located at 1900 N 7800 E, Eden, UT in the FV-3 zone.

Representative: Mike Westwood; Staff Presenter: Tammy Aydelotte

2.5 UVG06222021: Request for preliminary approval of Gateway Estates Subdivision, a three-phase subdivision consisting of 31 lots, located in the F-5 and F-40 zones.

Representative: Nate Reeve; Staff Presenter: Tammy Aydelotte

2.6 UVP070821: Consideration and action on a request for final approval of The Point Subdivision, located at 3850 North Wolf Creek Dr.

Applicant: Eric Housholder; Staff Presenter: Steve Burton

3. Public Comment for Items not on the Agenda:

4. Remarks from Planning Commissioners:

5. Planning Director Report:

6. Remarks from Legal Counsel:

Adjourn

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

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/87962565569> Meeting ID: 879 6256 5569

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

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

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761

Meeting Procedures

Outline of Meeting Procedures:

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

Role of Staff:

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

Role of the Applicant:

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

Role of the Planning Commission:

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

Public Comment:

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

Planning Commission Action:

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

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

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

Speak to the Point:

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

Handouts:

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

Remember Your Objective:

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

Minutes of the Ogden Valley Planning Commission Meeting for June 29, 2021. To join the meeting, please navigate to the following weblink at <https://us02web.zoom.us/j/82079929422> the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: John Lewis, Chair; Shanna Francis, Vice Chair; Commissioners Jeff Burton, John (Jack) Howell, Ron Lackey, Trevor Shuman, and Justin Torman.

Absent/Excused: none.

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

- **Pledge of Allegiance**
- **Roll Call:** Chair Lewis conducted roll call and indicated Chair Lewis has been excused from the meeting.

Chair Lewis disclosed a conflict of interest he personally has with items 2.1 and 2.3 on the agenda; he indicated he will recuse himself from discussing or acting on these applications. He then asked if any other member of the Commission had any ex parte communication or conflict of interest to declare. No additional disclosures were made.

1. Approval of minutes for April 27, 2021.

Vice Chair Francis moved to approve the minutes of the April 27, 2021 meeting as presented. Commissioner Lackey seconded the motion. Commissioners Lewis, Francis, Howell, Lackey, and Shuman all voted aye. (Motion carried 5-0). Commissioners Burton and Torman abstained from voting on the minutes.

2. Petitions, Applications, and Public Hearings.

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

Planner Burton reported the applicant is requesting approval of a conditional use permit amendment to the Worldmark PRUD located at 3835 N Wolf Creek Drive, Eden. The proposed conditional use permit amendment does not include any new density. A rezone of 0.57 acres (ZMA 2021-02) was approved by the County Commission on May 25, 2021. Under the recently adopted PRUD ordinance, a PRUD may be amended without establishing an overlay zone. The following section of land use code references amendments to nonconforming PRUDs: "104-27-2(c). A nonconforming PRUD may be amended from time to time under the same rules that governed its creation, provided that the amendment is a de minimis change that is routine and uncontested. The Planning Director or the Planning Commission has independent authority to determine what constitutes a routine and uncontested de minimis decision. If it is determined to not be routine or uncontested, then the applicant shall pursue the creation and approval of a master planned development overlay zone pursuant to this chapter." The Planning Commission may grant the proposed amendment, if it determines the changes is routine or uncontested and considered to be de minimis. The rezone allowed for the expansion of project area to provide more room for the three condominium buildings with 16 units each (48 units total). The three condominium buildings were previously approved under the original PRUD (CUP#32- 98). The following is an analysis of the project against the county's land use codes.

Planning Commission considerations include:

- Does this proposal comply with the applicable PRUD and the Conditional Use Permit ordinances?
- In considering the proposed planned residential unit development, the County Commission shall review and consider the following, as applicable:
 - The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
 - Which streets shall be public, and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
 - The landscaping and screening as related to the proposed uses within the development and their integration into the surrounding area.

- o The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.

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

1. The proposed changes are considered routine and uncontested.

There was discussion about the maximum density allowed in the area based upon zoning designations and any requirements to preserve a certain amount of open space in the PRUD project.

Commissioner Howell moved approve CUP 2021-9, conditional use permit amendment for the Point at Wolf Creek Condominiums PRUD, located at approximately 3835 N. Wolf Creek Drive, based on the findings and subject to the conditions listed in the staff report. Commissioner Burton seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0). Commissioner Lewis abstained from voting.

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

Planner Everson reported on June 25, 2018 Design Review Approval was granted for this purpose. Previous design review approval was valid for 28 days from the approval date. On May 7, 2021 the applicant requested design review approval for a temporary rock crushing operation to produce material for the development of improvements within the Eden Escape Plat A and B subdivisions. The operation is proposed to exist for a maximum of four weeks. Staff has determined that a temporary rock crushing operation is a use which is customarily incidental to the construction of infrastructure in a subdivision, and is, therefore, a permitted use in the FR-3 Zone.

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

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

The recommendation based on the following findings:

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

The Commission briefly discussed the condition of the ground in the area relative to the presence of springs or other water sources, or very dry areas that could be caught on fire by the rock crusher, and whether the use will impact any sensitive land areas. Mr. Burton answered presented a rendering that illustrates the area in which the rock crushing operation will take place, but deferred to the applicant to expound on the soil conditions in the area. Applicant Rick Everson stated the crusher has sprayers attached directly to it that knock down any sparks resulting from rock crushing. He stated that he is concerned that the approval will only be granted for a two-to-four-week period; the rock crushing work likely will not begin until July 17 and he would like some flexibility to ensure that all work can be completed.

Vice Chair Francis asked Mr. Everson if he would be willing to adjust the hours of operation to start rock crushing later in the morning on Saturday mornings. Mr. Everson stated he does not believe that will be problematic; he will pass that recommendation on to the contractor. Chair Lewis added that Mr. Everson needs to communicate to the contractor the importance of dust control;

if there is excessive dust created by the project, nearby residents will likely complain and this could result in enforcement action from the County.

Commissioner Howell moved approve DR: 2021-09, based on the findings and subject to the conditions listed in the staff report. Commissioner Torman seconded the motion.

Commissioner Francis offered a friendly amendment to add an additional condition that hours of operation be adjusted to start one hour later on Saturdays and that proper dust control measures be implemented. And that the rock crushing operation will not commence until July 17 and shall cease four weeks from that date.

Commissioners Howell and Burton accepted the friendly amendment. Commissioners Lewis, Francis, Burton, Howell, Shuman, and Torman all voted aye. (Motion carried 6-0).

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

Planner Burton reported on June 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.

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.

Commissioner Howell asked if the applicant is required to provide secondary water to the project. Mr. Burton stated that the applicant will need either approval from the culinary water service provider to use the water for secondary purposes or provide a true secondary water source. Legal Counsel Erickson referenced condition number three, which requires inclusion into Mountain Sewer Corporation Sewer, or another district, to be completed. Mr. Erickson stated that there may not be a district providing oversight and ownership of wastewater treatment and he asked if it would be appropriate to amend the condition to ensure that the applicant will be required to provide documented evidence that wastewater treatment will be provided for in accordance

with laws and regulations. Mr. Burton stated that would be acceptable, or the condition could be stricken as it is included in the engineering requirements for the project.

Vice Chair Francis invited public input. There were no persons appearing to be heard.

Commissioner Burton moved approve UVL05222021, preliminary and final approval for Legacy Estates PRUD Subdivision, consisting of 48 lots and three open space parcels, located at approximately 6068 East Night Hawk Lane, Huntsville, UT, 84317, in the FV-3 zone, based on the findings and subject to the conditions in the staff report, with the amendment to strike condition three. Commissioner Torman seconded the motion. Commissioners Francis, Burton, Howell, Lackey, Shuman, and Torman all voted aye. (Motion carried 6-0). Commissioner Lewis abstained from voting.

2.4 UVC052021: Consideration and action on a request for preliminary approval of Charly’s Acres Subdivision, consisting of four residential lots. Staff Presenter: Felix Lleverino

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

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

Section 106-1-5 (a) (8) describes key elements of a subdivision design to begin the establishment of roads for future neighborhoods. This property is not located within a Geologic Study Area, however, The County Engineering Department will require a geotechnical report that will give specifications for road construction based on the site and soil conditions. As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the AV-3 zone found in LUC §104-6. The following section is a brief analysis of this project against current land use regulations.

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

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

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

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

Mr. Lleverino added that staff also recommends an additional condition of approval relating to culinary water and the need to drill wells; staff recommends the owner of record enter into a covenant that will advise new and future lot owners that well drilling permits must be obtained to drill a well on their property. Additionally, before recordation of the subdivision, at least one well permit must be pulled for the subject property.

Commission discussion centered on ingress/egress points for the subdivision and a potential for this configuration to change in the future upon further residential development of the area.

Commissioner Burton asked if each of the four lots in the subdivision meet minimum lot size requirements, to which Mr. Lleverino answered yes; the subdivision plat has been drawn in a way to ensure that no lot encroaches on any public right of way easement in the area.

Commissioner Howell moved to approve UVC052021, preliminary approval of Charly’s Acres Subdivision, consisting of four residential lots, based on the findings and subject to the conditions in the staff report and with the additional condition that the

owner of record enter into a covenant that will advise new and future lot owners that well drilling permits must be obtained to drill a well on their property. Additionally, before recordation of the subdivision, at least one well permit must be pulled for the subject property. Commissioner Shuman seconded the motion. Commissioners Lewis, Francis, Burton, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

3. Public Comment for Items not on the Agenda

Jeremy Krauss asked the Commission to consider revisiting mid-block length requirements in the Ogden Valley.

4. Remarks from Planning Commissioners

There were no additional Planning Commission comments.

5. Planning Director Report

Mr. Grover provided a brief report of the projects the Planning Division is currently working on as well as recent actions taken by the County Commission.

6. Remarks from Legal Counsel

There were no additional comments from Legal Counsel.

**Meeting Adjourned: The meeting adjourned at 6:17 p.m.
Respectfully Submitted,**

Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on Final approval of Asgard Heights Subdivision consisting of 6 lots.
Type of Decision: Administrative
Agenda Date: Tuesday, August 24, 2021
Applicant: Dan Mabey, Owner
File Number: UVA070821

Property Information

Approximate Address: 3460 Nordic Valley Rd., Liberty, UT
Project Area: 18.96 acres
Zoning: Forest Valley 3 (FV-3) & Agricultural Valley 3 (AV-3)
Existing Land Use: Vacant
Proposed Land Use: Residential
Parcel ID: 22-023-0016
Township, Range, Section: T5N, R1E, Section 29 SE

Adjacent Land Use

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

Staff Information

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

Applicable Land Use Codes

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

Background and Summary

The applicant is requesting final approval of Asgard Heights Subdivision consisting of six residential lots (See **Exhibit A**). This subdivision is proposed as a connectivity-incentivized subdivision with lot areas ranging from 2.72 acres to 3.33 acres and dedicated roadway extending Nordic Meadows Drive eastwards to connect with Carrol Street in an alignment requested by county staff (see **Exhibit B**). The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by maintaining the existing density provided by the current zoning and existing approvals (2016 Ogden Valley General Plan, Land Use Principle 1.1). It also fulfills the transportation vision of enhancing mobility and connectivity, reduces congestion, and meets air quality standards without disturbing existing land uses (Transportation Goal 1, Pg. 41).

Zoning: The subject property is primarily located in the FV-3 Zone with a small portion of the northern tip in the AV-3 Zone. Single-family dwellings are a permitted use in both the FV-3 and AV-3 Zones.

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

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106, and the AV-3 and FV-3 zone standards found in LUC § 104-2 and 104-14. With exception to Lots 1 and 2, the proposed subdivision utilizes traditional subdivision requirements to create 3-acre lots as required in both the FV-3 and AV-3 zones. County staff have agreed to allow Lots 1 and 2, consisting of 2.73 and 2.72 acres, to be substandard to

the 3-acre lot minimum in order to incentivize the dedication and connection of Nordic Meadows Drive to Carrol Street. Newly adopted language in the subdivision ordinance (Sec. 106-2-4.30) allows for lots in the FV-3 and AV-3 zones to be reduced up to 50% of the zone's minimum lot size in order to allow desired connectivity to occur. At the request of County Planning staff, the applicant has agreed to dedicate and improve the Nordic Meadows Drive extension at the time of subdivision, thereby allowing the applicant to utilize the Flexible Lot Standards of Sec. 106-2-4.30.

Culinary water and Secondary Water: The applicant has entered into a Water Service Agreement with Nordic Mountain Water Inc. for culinary water services for 6 lots (see **Exhibit C**). This letter indicates that each lot may utilize their culinary water for up to 5,000 sq. ft. of landscape watering until such time as secondary water may become available. Nordic Mountain Water has also submitted a Capacity Assessment Letter as required by LUC Sec. 106-4-2.1(c) verifying that their system is capable of providing, and has the capacity to provide, culinary water to the project once completion of the water line extension and connection to the existing service line on the West boundary of the subdivision have been made (see **Exhibit D**).

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

Sanitary Sewage Disposal: Each of the 6 lots in the proposed subdivision will be served by on-site waste water systems (septic). The Weber-Morgan Health Department have issued a Septic Feasibility Letter detailing the feasibility of on-site water disposal systems for each of the 6 lots (see **Exhibit E**).

Floodplain: The subject property contains a seasonal stream corridor that traverses from the Northeast towards the Southwest. This corridor requires that base flood elevations (BFEs) be calculated and depicted on a final plat in order to determine safe finished floor elevations for future homes.

BFE calculations have been submitted to the Weber County Engineering Department for review and approval by the County Engineering Department (see **Exhibit F**). The proposed final plat depicts these BFEs along the stream corridor, as required by LUC sec. 106-1-8.20(c), to allow the areas adjacent to be developable for residential structures.

This stream corridor is also depicted as a seasonal stream on the Ogden Valley Sensitive Lands Map. Per LUC Sec. 104-28-2(b)(1)c. (Ogden Valley Sensitive Lands Overlay Zone) the corridor requires a minimum 50-foot setback from high water mark for any future buildings. This setback has been depicted on the final plat. Of note, the 50-foot setbacks from high water marks far exceed the base flood elevations that have been calculated. This ensures that all new structures placed outside of the 50-foot setback are also well outside of the anticipated 1% Annual Chance Floodplain Elevation.

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

Review Agencies: To-date, Planning, Engineering, Fire, Surveying, and the Weber-Morgan Health Department have reviewed this project. All review agency requirements must be addressed and completed prior to the final subdivision plat being recorded with the Weber County Recorder's Office.

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

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

Staff Recommendation

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

1. Engineering review of the estimated base flood elevations will need to be finalized and approved by the Weber County Engineer. Once approved, these BFEs will need to be depicted on the final plat mylar prior to recording.
2. Civil plans and cost estimates for the Nordic Meadows Drive extension will need to be submitted and approved by the Engineering Division prior to the project being submitted to the County Commission for escrow and improvement agreement approval.

3. A signature block on the final mylar or submittal of a final approval letter will be needed for/from Nordic Mountain Water prior to the final mylar being recorded.
4. A deferral agreement for curb, gutter, and sidewalks for the project's frontages along Nordic Meadows Road and Nordic Meadows Drive will need to be executed and recorded simultaneously with the final plat.
5. A restrictive covenant pertaining to the amount of culinary water available for secondary purposes shall be executed and recorded. This covenant's recording number, book, and page shall be notated on the final plat's mylar prior to recording.
6. An Onsite Wastewater Disposal Systems Deed Covenant and Restriction shall be recorded simultaneously with the final plat.

This recommendation is based on the following findings:





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

Exhibits

- A. Subdivision Application
- B. Proposed Final Plat
- C. Culinary Water Service Agreement
- D. Culinary Water Capacity Assessment Letter
- E. Updated Septic Feasibility letter
- F. Base Flood Elevation Estimation

Area Map



Weber County Subdivision Application			
<small>All subdivisions submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd, Suite 240, Ogden, UT 84401</small>			
Date Submitted / Completed 7-1-2021	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Subdivision and Property Information			
Subdivision Name Asgard			Number of Lots 6
Approximate Address 3460 Nordic Valley Road, Liberty UT 84310		Land Serial Number(s) 22-023-0016	
Current Zoning MV#	Total Acreage 19.56		
Culinary Water Provider Nordic Valley Water	Secondary Water Provider Weber Water	Wastewater Treatment Septic	
Property Owner Contact Information			
Name of Property Owner(s) Liberty Land and Livestock		Mailing Address of Property Owner(s) 1715 Canyon Circle Farmington, UT 84025	
Phone 801-414-6163	Fax		
Email Address Goldrim@gmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Dan Mabey		Mailing Address of Authorized Person 1715 Canyon Circle Farmington, UT 84025	
Phone 801-414-6163	Fax		
Email Address Goldrim@gmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Surveyor/Engineer Contact Information			
Name or Company of Surveyor/Engineer Gardner Engineering		Mailing Address of Surveyor/Engineer 968 Chambers Street Ogden, UT 84403	
Phone 801-476-0202	Fax		
Email Address logan@gecivil.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Owner Affidavit			
I (we), Liberty Land and Livestock LLC , depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.			
 (Liberty Owner)		 (Property Owner)	
Subscribed and sworn to me this <u>2nd</u> day of <u>July</u> , 20 <u>21</u> .			
			 (Notary)

Authorized Representative Affidavit

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

Dan Mabey
(Property Owner)

Dan Mabey
(Property Owner)

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



Michael H. Brown
(Notary)

Exhibit C – Culinary Water Service Agreement

Nordic Mountain Water Inc.

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

Ref: Reservation of Service Agreement

July 2, 2021

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

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

4. General Restrictions:

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

5. Costs to the Developer

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

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

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

If these conditions are acceptable, please submit the appropriate deposit and sign this agreement. If you have any questions, please feel free to contact Bill Green at (801)791-3976 anytime or through our NMWI office. This unsigned document remains valid for 7 days from original document date.

Sincerely,

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

Agreement of Terms: 
Dan Mabey, Asgard Subdivision Developer

Date: 7-6-2021

Signature Date:
NMWI Representative 

Date: 7/10/2021

Perkes, Scott

From: Bill Green <bill.green@digis.net>
Sent: Tuesday, August 17, 2021 8:11 AM
To: Perkes, Scott
Cc: 'Nordic Mountain Water'; 'Bill Green'
Subject: [EXTERNAL] Water Service Availability

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

To: Weber County Planning and Zoning
Date: August 16, 2021
From: Nordic Mountain Water, Inc.

Re: Water Service Capability for Asgard Heights Subdivision

Nordic Mountain Water Inc. is currently capable of providing and has the capacity to provide the culinary water to Asgard Heights subdivision as agreed to and described in the terms of the joint agreement dated July 2, 2021 and on file with the Weber County Planning and Zoning Office.

This service will be available upon the completion of the extension and connection to our existing service on the West boundary of the Asgard Heights Subdivision.

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



BRIAN COWAN, MPH, LEHS
Health Officer/Executive Director

August 12, 2021

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

RE: Preliminary Subdivision Determination
Asgard Heights Subdivision, 6 lots
Parcel #22-023-0016
Soil log #14600

Gentlemen:

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

DESIGN REQUIREMENTS

Lots 1-6: Documented ground water tables not to exceed 12 inches and slopes exceeding 4%, fall within the range of acceptability for the utilization of a Wisconsin Mound Treatment System or a Packed Bed Media Treatment System followed by a Drip Irrigation absorption area, as a means of wastewater disposal. Maximum absorption area depth is limited to 0 inches. The absorption area is to be designed using a maximum loading rate of 0.25 gal/ft²/day for a Wisconsin Mound absorption area, or 0.5 gal/ft²/day for a Drip Irrigation absorption area as required for the loam, granular structure soil horizon.

ENGINEERING CONSIDERATIONS

The soil exploration pits associated with lots 3 and 5 do not currently fall within the property lines of their respective lots, but they are both located less than 50 feet from the property lines of their respective lots. Due to the close proximity of these soil exploration pits to their respective lots and the consistency of suitable soils observed throughout the subdivision, it has been determined that these soil exploration pits may be considered as valid for the placement of absorption areas on these lots. Absorption areas designed for lots 3 and 5 should be designed for placement on the portions of these lots that are in close proximity to their respective soil exploration pits. Absorption areas designed in areas that are significantly farther than 50 feet from their original soil exploration pits may be subject to additional site and soil evaluations and percolation testing.

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

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

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

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

Sincerely,

Ryan Klinge
Environmental Health Division
801-399-7160

EDUCATE | ENGAGE | EMPOWER

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



MEMORANDUM

DATE: July 27, 2021

TO: Dan Mavey
1715 Canyon Circle
Farmington, UT 84025

FROM: Daniel Jones, P.E., CFM
Hansen, Allen & Luce, Inc. (HAL)
859 West So. Jordan Pkwy – Suite 200
South Jordan, Utah 84095

SUBJECT: Base Flood Elevation Estimation for Liberty property

PROJECT NO.: 344.249.100



BACKGROUND

Mr. Dan Mavey (CLIENT), owner of the property shown in Exhibit 1, located Liberty, Utah desires to improve six lots. FEMA's effective flood insurance rate maps (FIRMs) for the area, map panels No. 49057C0236F and 49057C0228F (dated June 2 2015), show the subject property somewhat encumbered to the 1% Annual Chance (AC) floodplain (Zone 'A') of Pine Creek, as shown in Exhibit 1. However, the floodplain is over-mapped in this area as evidenced by the receiving waters (Zone AE), which are several times narrower than the Zone A mapping which encumbers the subject property. CLIENT desires to pursue a Letter of Map Amendment, which requires an estimate of the Base Flood Elevation (BFE). The BFE is defined as the 1% AC floodplain elevation, and is also commonly referred to as the "100-year" floodplain elevation.

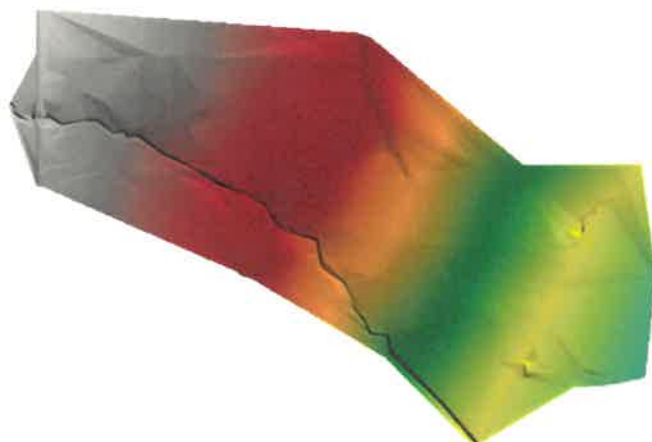
As an estimate of the BFE is required prior to acquiring a LOMA or improving each lot, CLIENT has requested that HAL perform this service. This memorandum is issued to document the methodology used to generate BFEs.

HYDROLOGY

As no detailed hydrology exists for this area, the flows from StreamStats (Exhibit 2) were used in the hydraulic model. The 1% AC flow as reported by StreamStats for this area is 71.7 cfs.

HYDRAULIC MODEL DEVELOPMENT

Gardner Engineering created a surface which was provided by CLIENT. HAL used this to create a two-dimensional model of the site. A visual representation of this elevation data can be found below.



VISUAL REPRESENTATION OF SURVEYED ELEVATION DATA (NORTH IS RIGHT)

The perimeter of the model grid was placed using the US Army Corps of Engineers hydraulics software HEC-RAS 6.0. The perimeter was further refined to ensure water would not pond on any border cell of the model. The 2D mesh was established on 10 foot grid spacing. A uniform Manning's n roughness coefficient of 0.045 was established based on pictures provided by CLIENT (a predominant cover of weeds with low sparse sagebrush) and with reference to Guide for Selecting Manning's Roughness Coefficients for Natural Channels and Flood Plains Water-Supply Paper 2339 by the United States Geological Survey (1989) and values suggested in Open Channel Hydraulics by Ven Te Chow (1959). Breaklines were drawn on the road centerlines and creek banks to prevent cell leakage. A constant inflow boundary condition was established just below Nordic Valley Road at 71.7 cfs. The downstream boundary condition was established based on the stream slope of 0.069 ft/ft (6.9%). The computational time step was set to 0.1 seconds and the simulation was run for 10 minutes to provide a pseudo steady state result.



PREDOMINANT COVER OF WEEDS AND SPARSE SAGEBRUSH

The result of the model can be seen below in plan and profile. The two-dimensional model based on survey shows that the floodplain is considerably less wide than shown on the effective FIRM map for the subject property. This is a result of the greater hydrologic and hydraulic detail.

Please feel free to contact me should you have any questions.

Sincerely,



Daniel Jones

Enclosures

Exhibit 1 – Effective FIRM

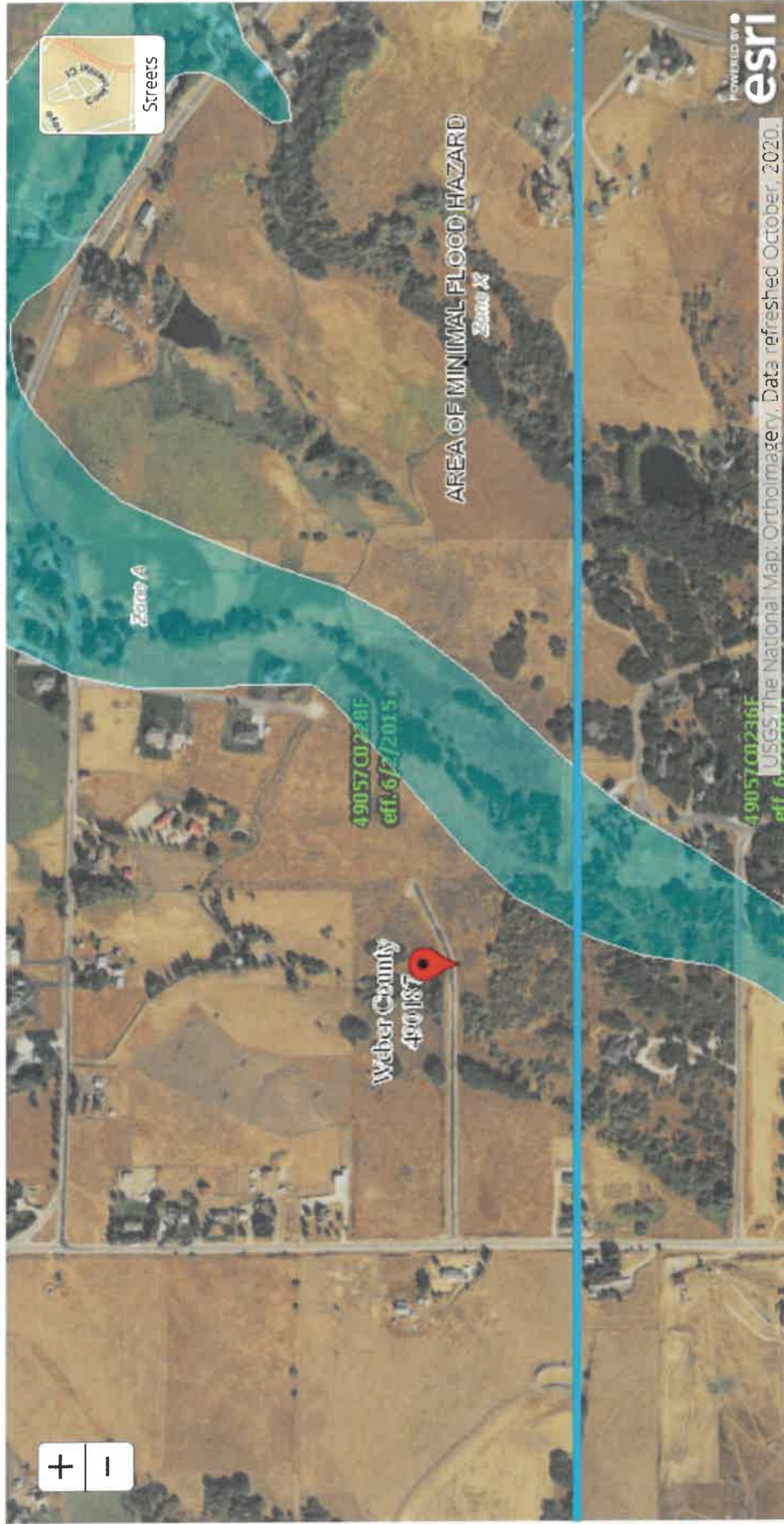
Exhibit 2 – StreamStats Report

Exhibit 3 – Topographic Surface

Exhibit 4 – BFE Estimate Map along Pine Creek

Exhibit 5 – Pine Creek 1% AC Profile

RAS 6.0 Model



PIN

- Approximate location based on user input and does not represent an authoritative property location
- Selected FloodMap Boundary
- Digital Data Available
- No Digital Data Available
- Unmapped

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, VE, AH
- With BFE or Depth Regulatory Floodway Zone AE, AO, AH, VE, AH
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levees. See Note. Zone X
- Area with Flood Risk due to Levees Zone D

OTHER AREAS OF FLOOD HAZARD

- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard zone D
- Otherwise Protected Area

MAP PANELS

- NO SPECIALS
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard zone D
- Otherwise Protected Area

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

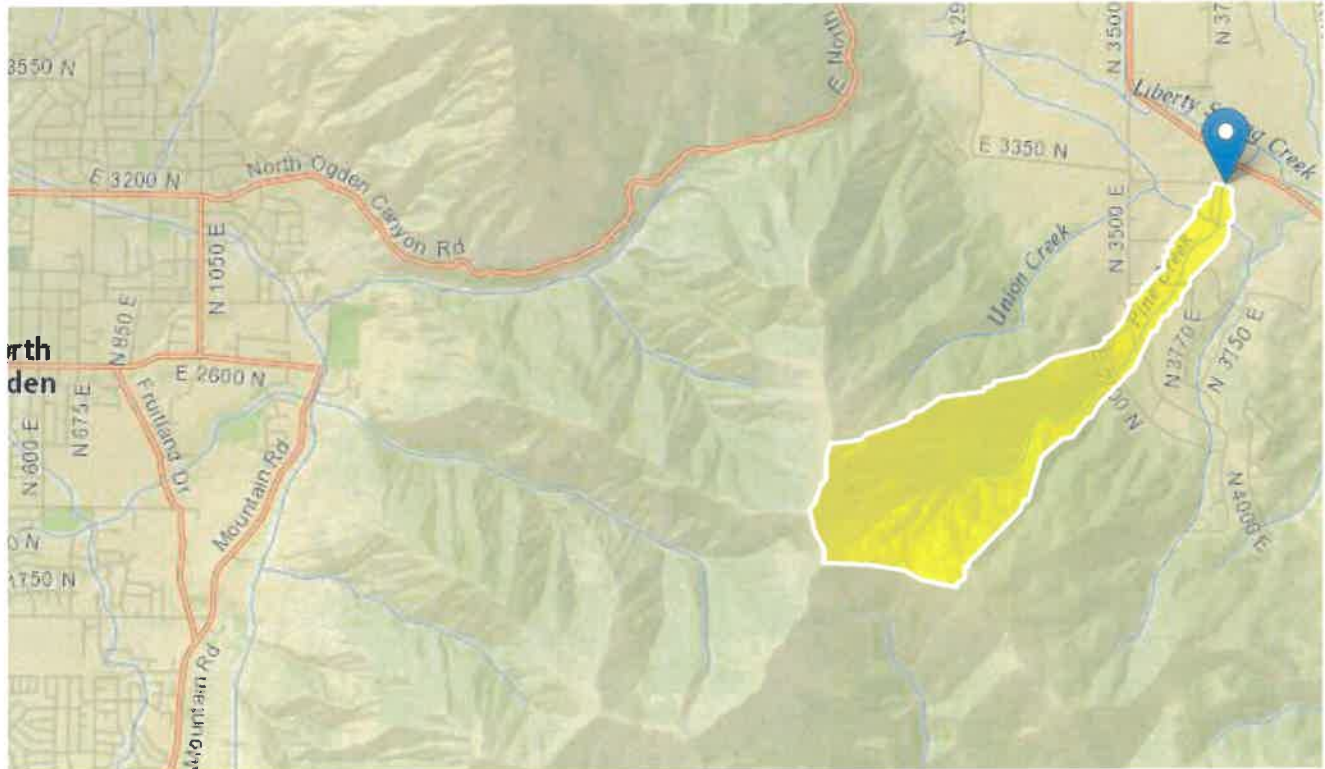
POWERED BY

USGS The National Map, Orthoimagery, Data refreshed October, 2020.

EXHIBIT 2

StreamStats Report

Region ID: UT
Workspace ID: UT20210610163756605000
Clicked Point (Latitude, Longitude): 41.31746, -111.85537
Time: 2021-06-10 10:37:59 -0600



Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	0.99	square miles
PRECIP	Mean Annual Precipitation	42.3	inches

Peak-Flow Statistics Parameters [Region 2]

Parameter Code	Parameter Name	Value	Units	Min Limit	Max Limit
DRNAREA	Drainage Area	0.99	square miles	2.14	84.1

Parameter Code	Parameter Name	Value	Units	Min Limit	Max Limit
PRECIP	Mean Annual Precipitation	42.3	inches	16.5	53.7

Peak-Flow Statistics Disclaimers [Region 2]

One or more of the parameters is outside the suggested range. Estimates were extrapolated with unknown errors

Peak-Flow Statistics Flow Report [Region 2]

Statistic	Value	Unit
50-percent AEP flood	11.9	ft ³ /s
20-percent AEP flood	24.1	ft ³ /s
10-percent AEP flood	34.4	ft ³ /s
4-percent AEP flood	44.9	ft ³ /s
2-percent AEP flood	60.2	ft ³ /s
1-percent AEP flood	71.7	ft ³ /s
0.5-percent AEP flood	84.1	ft ³ /s
0.2-percent AEP flood	110	ft ³ /s

Peak-Flow Statistics Citations

Kenney, T.A., Wilkowske, C.D., and Wright, S.J., 2007, Methods for Estimating Magnitude and Frequency of Peak Flows for Natural Streams in Utah: U.S. Geological Survey Scientific Investigations Report 2007-5158, 28 p. (<http://pubs.usgs.gov/sir/2007/5158/>)

USGS Data Disclaimer: Unless otherwise stated, all data, metadata and related materials are considered to satisfy the quality standards relative to the purpose for which the data were collected. Although these data and associated metadata have been reviewed for accuracy and completeness and approved for release by the U.S. Geological Survey (USGS), no warranty expressed or implied is made regarding the display or utility of the data for other purposes, nor on all computer systems, nor shall the act of distribution constitute any such warranty.

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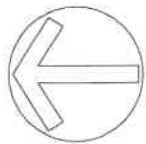
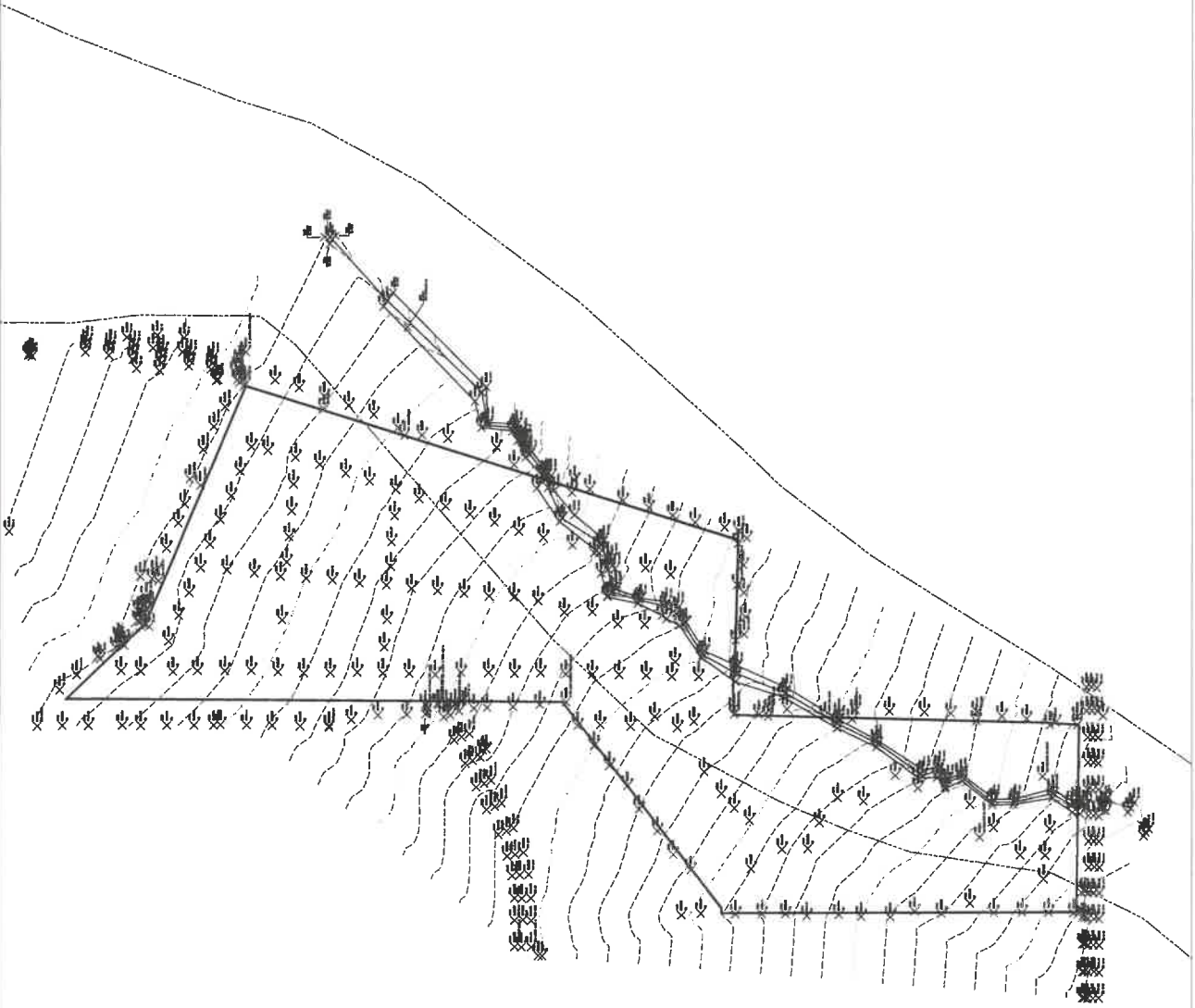
Application Version: 4.5.3

StreamStats Services Version: 1.2.22

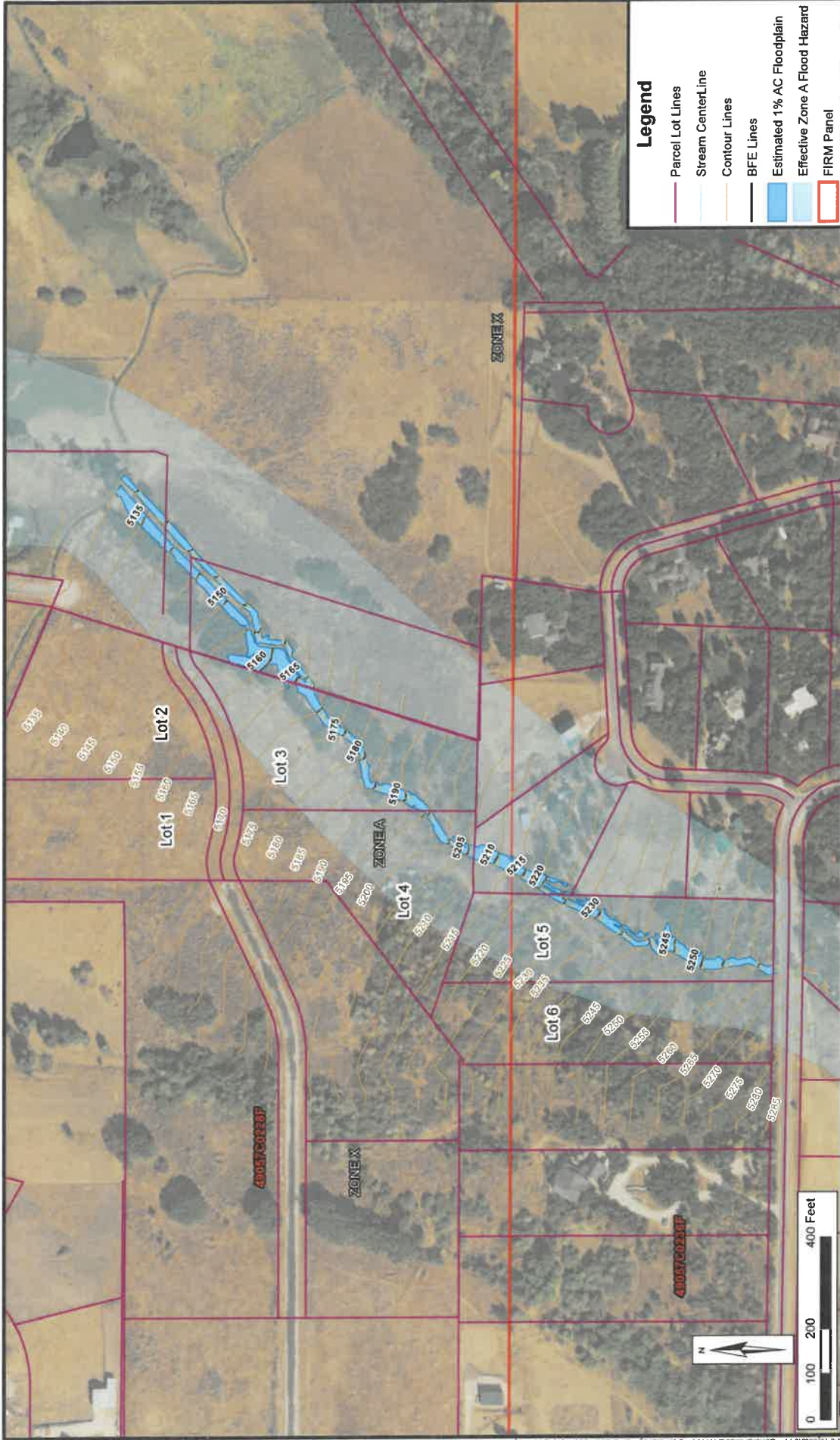
NSS Services Version: 2.1.2

Exhibit F

EXHIBIT 3



1"=100'



**BFE ESTIMATE FOR LIBERTY PROPERTY
ALONG PINE CREEK**

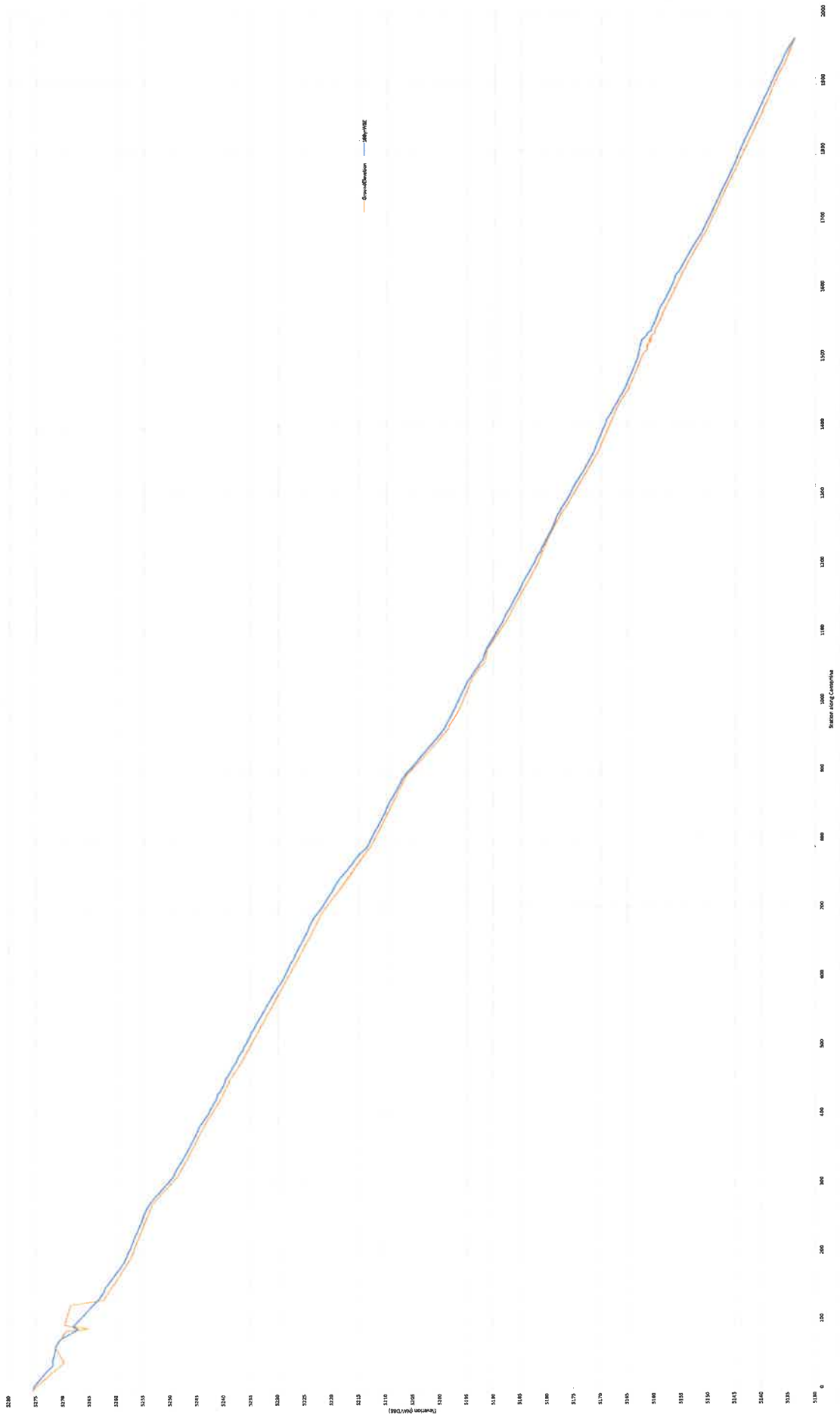
DAN MAVÉY

**EXHIBIT
4**



Exhibit F

EXHIBIT 5
Pine Creek 1% AC Profile





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for final approval of Charly's Acres Subdivision, consisting of four residential lots.

Agenda Date: Tuesday, August 24, 2021

Applicant: Wade Tolman, owner

File Number: UVC052021

Property Information

Approximate Address: 500 South 8400 East, Huntsville

Project Area: 38.23 Acres

Zoning: Agricultural Valley (AV-3)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 21-026-0050

Township, Range, Section: T6N, R2E, Section 17

Adjacent Land Use

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

Staff Information

Report Presenter: Felix Lleverino
fleverino@co.weber.ut.us
801-399-8767

Report Reviewer: SB

Applicable Land Use Codes

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

Development History

Charly's Acres was presented to the Planning Commission on June 29th 2021. In that meeting, the Planning Commission granted preliminary approval with the following conditions:

1. Charly's Acres subdivision plat must be under final review from the County Surveyor's office before returning for final approval from the Planning Commission.
 - A final dedication plat is under review by the County Surveyor's office. It is expected that following several minor revisions, the final plat will be approved.
2. The developer shall submit a geotechnical report.
 - A Geotechnical Consultation prepared by CMT Laboratories, dated July 16, 2021, provides soil information and surface preparation for the placement of a public road that will have a street coordinate of 8300 East.

Background and Summary

The applicant is requesting final approval of a four-lot subdivision that fronts directly on 500 South Streets, which is a county public right-of-way (ROW). This 38.23-acre lot is currently vacant farm ground. Approximately 1,228' north of 500 South Street lies the approximate mid-block.

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

Analysis

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

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

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

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

Roadway Dedication: The subdivision plat depicts dedication of right-of-way area amounting to .84-acres dedicated to the Weber County public road called 500 South Street. A new public road built within this development will be numbered 8300 East street, terminating at a cul-de-sac.

Future Public Right-of-Way Easement: Two Future Public Right-of-Way Easements are depicted on the subdivision plat highlighted in yellow (see Exhibit A). One is a 66' ROW that would provide a through-access from east to west where the cul de sac terminates. The other is a 33' ROW that has the potential to facilitate the continuation of a mid-block through-street.

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

Secondary Water: The fully executed replacement water contract between the owner and Weber Basin Water states that the water is available for irrigation and domestic purposes. Wade Tolman owns 22 shares of Huntsville Irrigation Company water and intends to use those shares for pressurized irrigation to the four lots.

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

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

Staff Recommendation

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

1. The owner enters into a deferral agreement for curb gutter and sidewalk on areas fronting 8300 East street.
2. The developer provides a cost estimate for the 8300 East roadway improvements
3. The Charly's Acres Subdivision plat conforms to all County Surveyor requirements.
4. The Weber Fire District shall approve a fire suppression system.

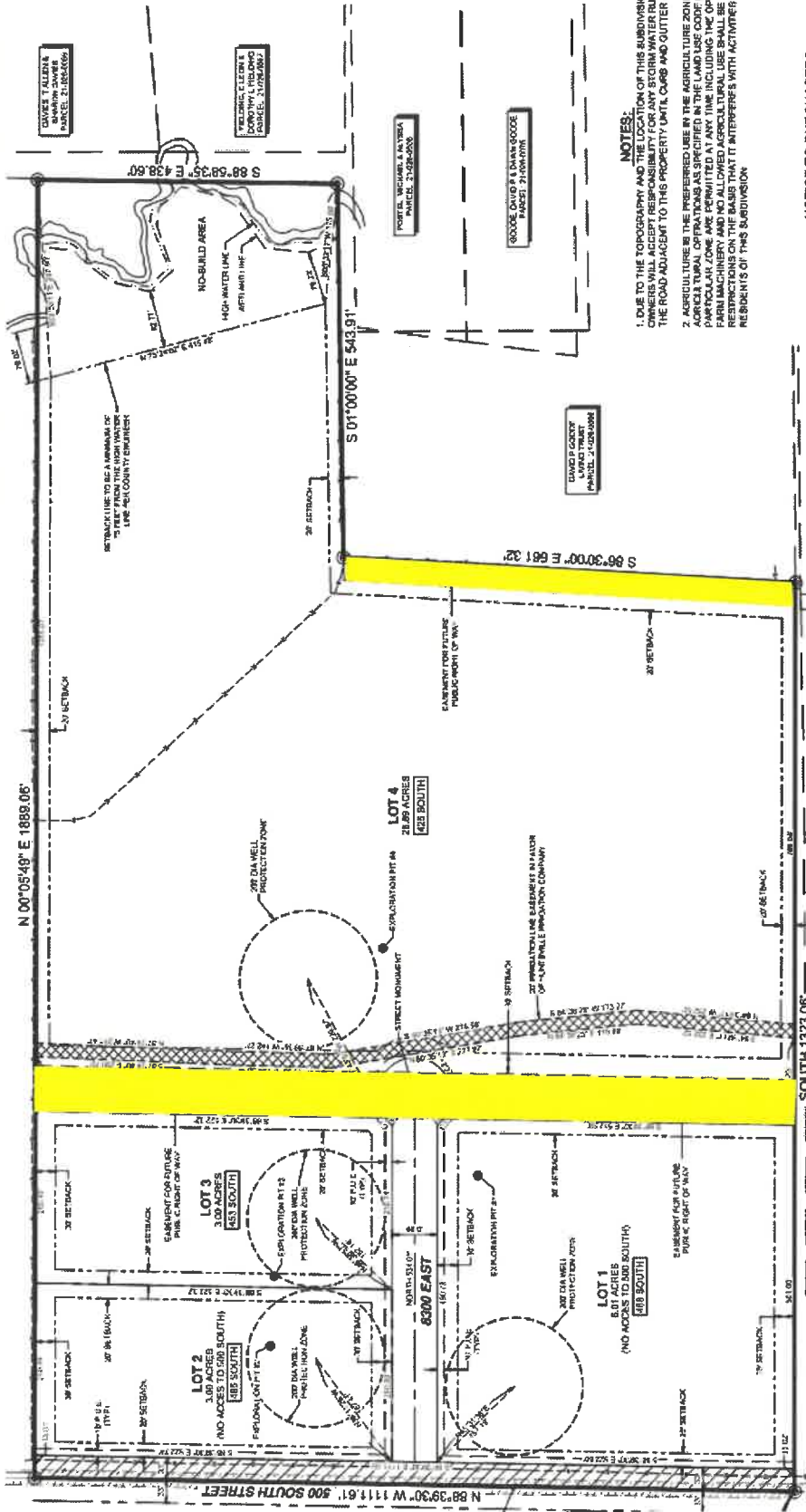
The following findings are the basis for the planning staff's recommendation:

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

Exhibits

- A. Charly's Acres Subdivision Plat
- B. Civil plans
- C. Well Permit, Lot 4





- NOTES:**
1. DUE TO THE TOPOGRAPHY AND THE LOCATION OF THIS SUBDIVISION, ALL OWNERS WILL ACCEPT RESPONSIBILITY FOR ANY STORM WATER RUNOFF FROM THE ROAD ADJACENT TO THIS PROPERTY UNIT, CURB AND GUTTER IS INSTALLED.
 2. AGRICULTURE IS THE PREFERRED USE IN THE AGRICULTURE ZONE. AGRICULTURAL OPERATIONS AS SPECIFIED IN THE LAND USE CODE FOR A PARTICULAR ZONE ARE PERMITTED AT ANY TIME INCLUDING THE OPERATION OF FARM MACHINERY AND NO ALLOWED AGRICULTURAL USE SHALL BE SUBJECT TO RESTRICTIONS ON THE BASIS THAT IT INTERFERES WITH ACTIVITIES OF FUTURE RESIDENTS OF THIS SUBDIVISION.

NOTICE TO PURCHASERS

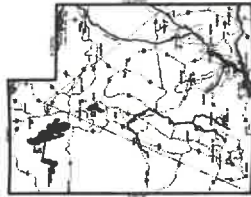
REVISIONS	
NO.	DATE

INDEX OF SHEETS	
NO.	TITLE SHEET
C1.0	SITE & UTILITY PLAN
C2.0	GRADING & DRAINAGE PLAN
C2.1	ROADWAY PLAN & PROFILE
C3.0	EROSION CONTROL PLAN
C4.0	TYPICAL SECTIONS & DETAILS

CHARLY'S ACRES SUBDIVISION APPX. 500 SOUTH 8400 EAST HUNTSVILLE, UT

LOCATED IN SECTION 17,
TOWNSHIP 16 NORTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN

JULY 22, 2021



CIVIL ENGINEER
PEP CONSULTING LLC
1100 SOUTH 8400 EAST, SUITE 100
HUNTSVILLE, UT 84003

CLIENT
CHARLY'S ACRES SUBDIVISION
1100 SOUTH 8400 EAST, SUITE 100
HUNTSVILLE, UT 84003
TEL: 2025.751.1000 / WWW.PEPCONSULTING.COM

VICINITY MAP
NOT TO SCALE

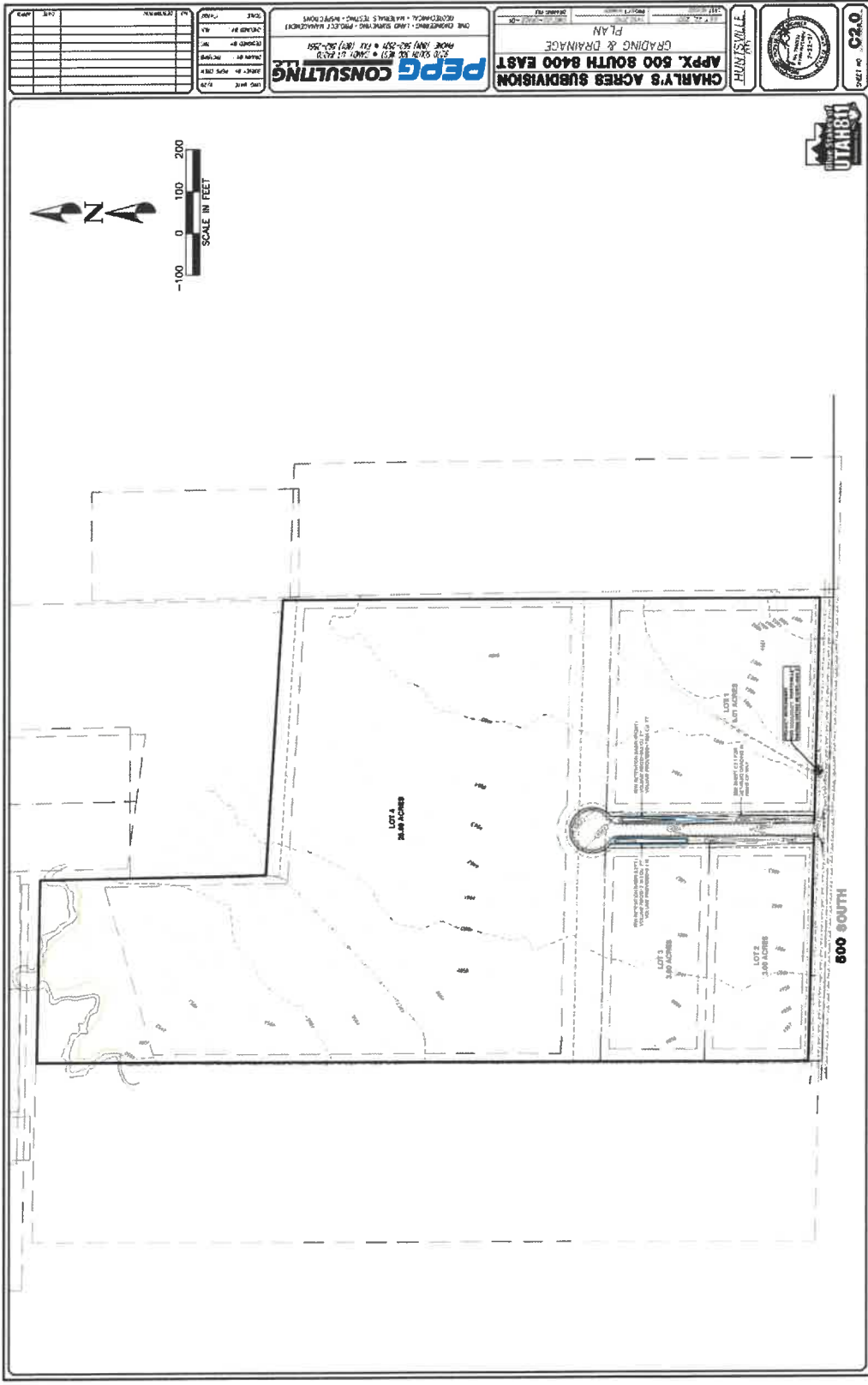


PEPG CONSULTING LLC
3075 SOUTH 300 WEST • SUITE 10100
ARVING, UT 84003 • FAX (801) 562-2529

CIVIL ENGINEERING • LAND SURVEILLING • PROJECT MANAGEMENT
GEO-TECHNICAL • MATERIALS TESTING • WATERWORKS

UTAH STATE BOARD OF PROFESSIONAL ENGINEERS

PEP CONSULTING LLC



DATE	BY	REVISIONS

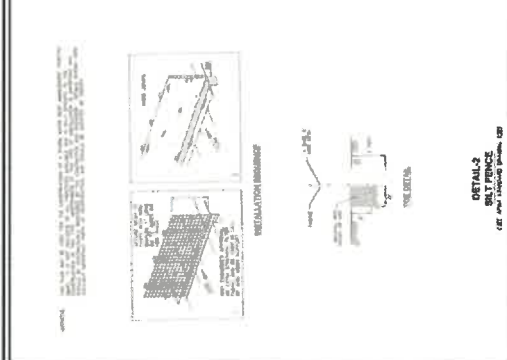
PEPP CONSULTING
 500 SOUTH 8400 EAST
 RENO, NV 89502
 PHONE (775) 784-2500 • FAX (775) 784-2504
 WWW.PEPPCONSULTING.COM
 ONE OF THE LEADING LAND SURVEYING, ENGINEERING, AND PLANNING FIRMS IN THE WESTERN UNITED STATES
 REGISTERED PROFESSIONAL ENGINEER - CIVIL
 LICENSE NO. 10000
 REGISTERED PROFESSIONAL SURVEYOR
 LICENSE NO. 10000

CHARLY'S 500 ACRES SUBDIVISION
APPX. 500 SOUTH 8400 EAST
GRADING & DRAINAGE
PLAN
 SHEET NO. 02
 DATE: 08/15/2011
 DRAWN BY: JAC
 CHECKED BY: JAC
 APPROVED BY: JAC

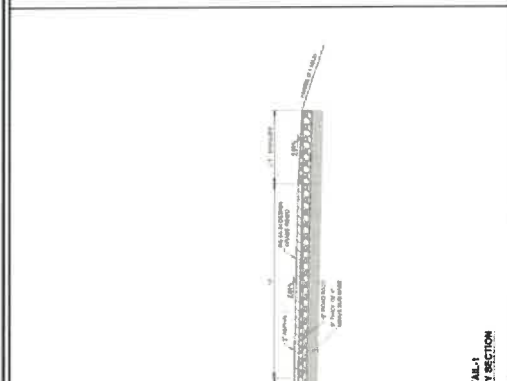




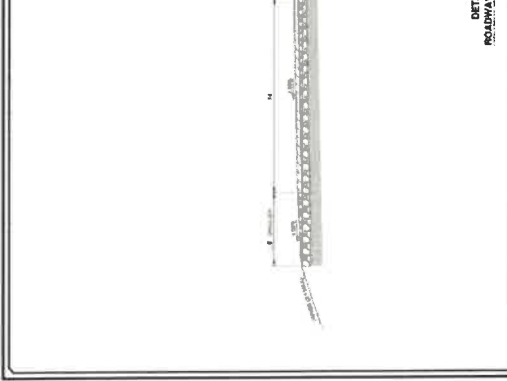
DETAIL-3
STABILIZED ROADWAY ENTRANCE
(See Utah Standard Plans, 303)



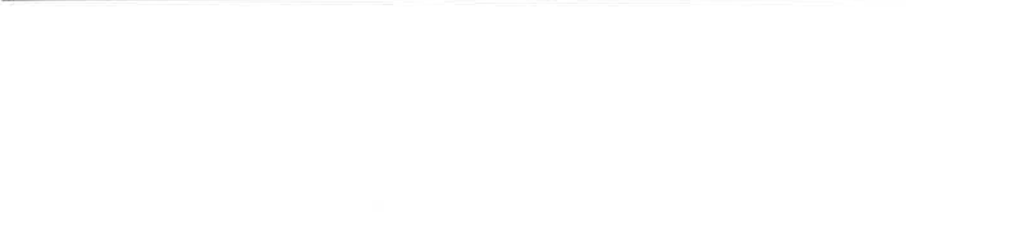
DETAIL-2
SALT FENCE
(See Utah Standard Plans, 303)



DETAIL-1
ROADWAY SECTION



DETAIL-4
THRUST BLOCK
(See Utah Standard Plans, 303)



DETAIL-5
SECONDARY WATER ISOLATION VALVE
(See Utah Standard Plans, 303)


Weber-Morgan Health Department
Environmental Health Division
477 23rd Street
Ogden, UT 84401

Well/Spring Permit

WADE TOLMAN
500 S 8400 E
HUNTSVILLE, UT. 84317
LEGEND DRILLING #920

JULY 22, 2021

Permit Date



Brian Cowan, MPH, LEHS, Health Officer
Post in Public View — Non-Transferable



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a conditional use permit for a cell tower site located off SR 158/Powder Mountain Road.

Type of Decision: Administrative

Applicant: Utah Broadband

Authorized Agent: Karl Riding

File Number: CUP# 2021-12

Property Information

Approximate Address: 4964 N Powder Mountain Road, Eden

Project Area: 0.50 acres

Zoning: F-5

Existing Land Use: Public Utility Substation

Proposed Land Use: Expansion of Public Utility Substation Use

Parcel ID: 22-006-0036

Township, Range, Section: Township 7 North, Range 1 East, Section 15

Adjacent Land Use

North: Vacant F-5	South: Vacant F-5
East: Vacant F-40	West: Vacant F-5

Staff Information

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

Report Reviewer: SB

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Definitions
- Title 104, Chapter 6, Forest Zones F-5 Zone
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses

Summary and Background

The applicant is requesting approval of a conditional use permit to install a 20' tower to accommodate equipment necessary to provide broadband services to nearby residents. The tower site located on a hill east of Snowflake Subdivision with access from Powder Mountain Road (approximately 4964 N Powder Mountain Road, Eden) (see Exhibits A & B). At present, one 8'x20' steel equipment shed, and a 10'x30' precast cement shed are employed on the site to house various equipment associated with the existing cell tower use. The additional proposed tower will be located in the southwest corner of the site, and will utilize existing infrastructure for electrical. See Exhibit C for a site plan, and engineered plans, depicting the location and dimensions of the proposed tower. The proposed improvements will not alter the existing cell tower.

Conditional use permits should be approved as long as any harmful impacts are mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application, with reasonable conditions, is able to meet these standards. The following is staff's evaluation of the request.

Analysis

General Plan: The request is in conformance with the Ogden Valley General Plan by ensuring a better quality of communication services for residents of the Ogden Valley while not proposing an entirely new utility substation.

Zoning: The subject property is located within the F-5 Zone. Public utility substations and radio/television towers are listed as a conditional use in the F-5 zone.

The following are setbacks in the F-5 zone:

Front: 30 feet

Side: 20 feet

Rear: 30 feet

The submitted site plan shows compliance with these setbacks.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The following is an analysis of the application reviewed against the applicable conditional use standards:

- *Standards relating to safety for persons and property:* The proposal is not anticipated to cause any concerns of safety for persons and property.
- *Standards relating to infrastructure, amenities, and services:* The proposal will provide better communication services to residents in the area.
- *Standards relating to the environment:* The proposed conditional use request is not anticipated to negatively impact the environment, as the purpose for this application is to add infrastructure that will increase services for the residents of Ogden Valley. The proposed structure is 20' in height, and the slight increase in footprint (an additional 43 sq. ft.) is not anticipated to cause additional impact to the environment.
- *Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan:* Weber County LUC § 108-10-2 requires collocation onto an existing tower. Weber County Operations feels that collocating onto the existing tower would interfere with previously installed equipment.

Design Review: The proposed use requires a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding areas. The matters for consideration are as follows:

- *Considerations relating to traffic safety and traffic congestion.* The proposal is not anticipated to cause any traffic congestion or safety hazards.
- *Considerations relating to landscaping.* The site does not currently maintain the required 20 % landscaping. However, the site has been reviewed through multiple conditional use permit reviews. As part of previous approvals on site, the Ogden Valley Planning Commission did not require additional landscaping beyond the natural foliage that currently covers the site (See exhibit C).
- *Considerations relating to buildings and site layout.* The proposal includes installation of an additional 20' equipment tower on the ground level. The proposed tower shouldn't interfere with existing sight lines from nearby neighborhoods (see Exhibit C). Operations will ensure that the proposed self-supported, lattice-tower, concrete pad, and enclosure, will not interfere with any existing infrastructure. The three-sided tower is 18" in width on each side. The dimensions of the NEMA 4 enclosure are 62"H x 24"W x 34"D. The color of the tower will match what is already on site.
- *Considerations relating to utility easements, drainage, and other engineering questions.* No conditions of approval have been required following review of the application by the Engineering Division.
- *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The subject site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

Review Agencies: The Fire District and the Engineering Division have both approved of the proposed conditional use permit without conditions. Weber County Operations has approved this proposal with conditions.

Exhibit A - Application

Application

[+ Add Building](#) [+ Add Parcel](#) [+ Add a Contractor](#) [✎ Edit Application](#) [🖨 Print](#)

Project Description

Utah Broadband would like to install a 20' self-supported lattice tower. The tower is 18" wide on each of the 3 sides. The tower does not require guy wires and can be painted to match its surroundings. Install an outdoor NEMA 4 enclosure with the dimensions of 62" H 24" W 34" D. The tower will be used to provide redundancy to our fiber to the home communities.

Property Address

4964 N POWDER MOUNTAIN RD (GPS 41.338772 -111.816253)
EDEN, UT, 84310

Property Owner

WEBER COUNTY
801-393-8791
wross@co.weber.ut.us

Representative

Utah Broadband Karl Riding
801-372-4929
kriding@utahbroadband.com

Accessory Dwelling Unit

False

Current Zoning

Subdivision Name

Number of Lots

Lot Number

Lot Size

Frontage

Culinary Water Authority

Secondary Water Provider

Sanitary Sewer Authority

Nearest Hydrant Address

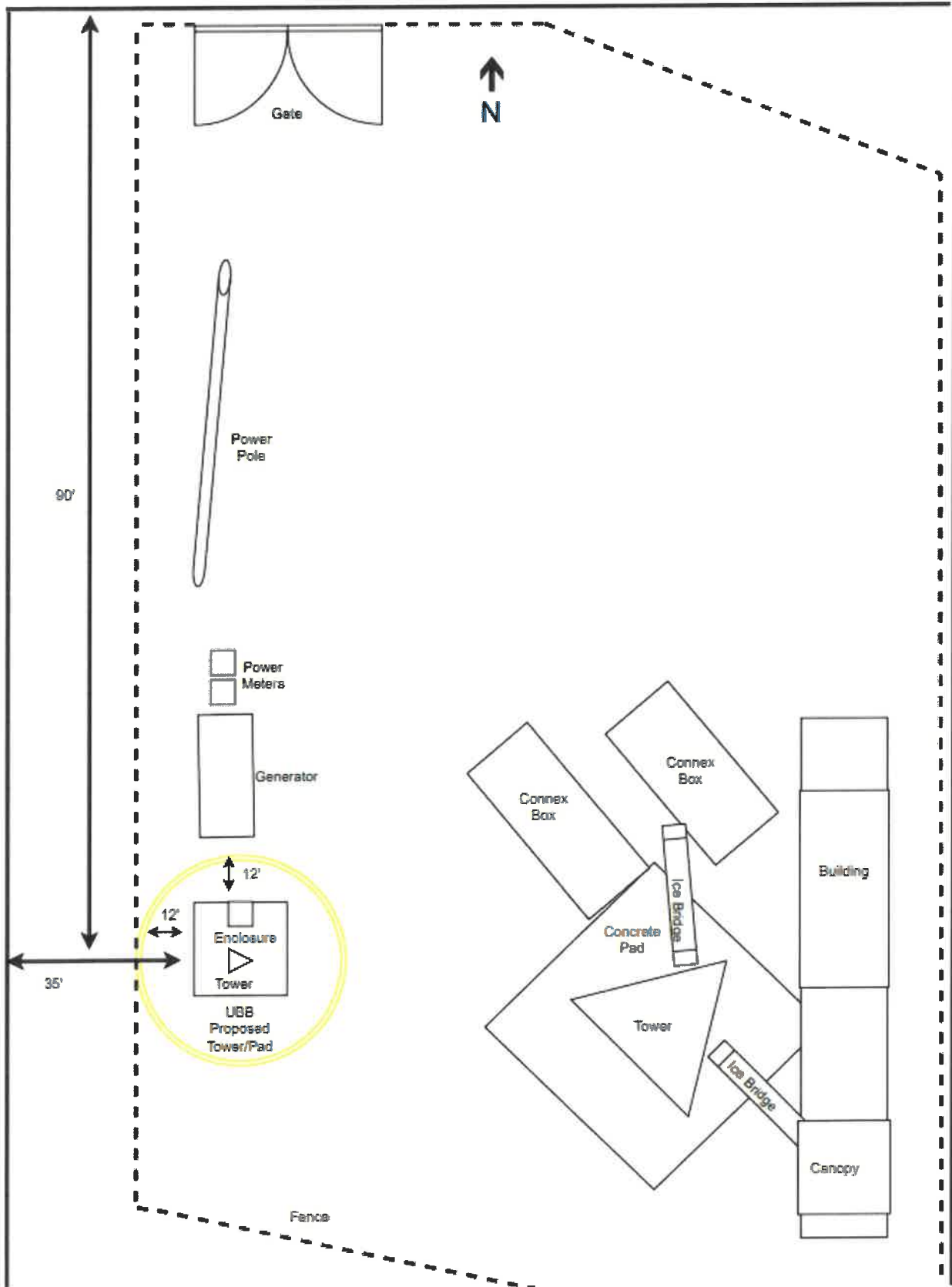
Signed By

Representative, Karl Riding

Parcel Number

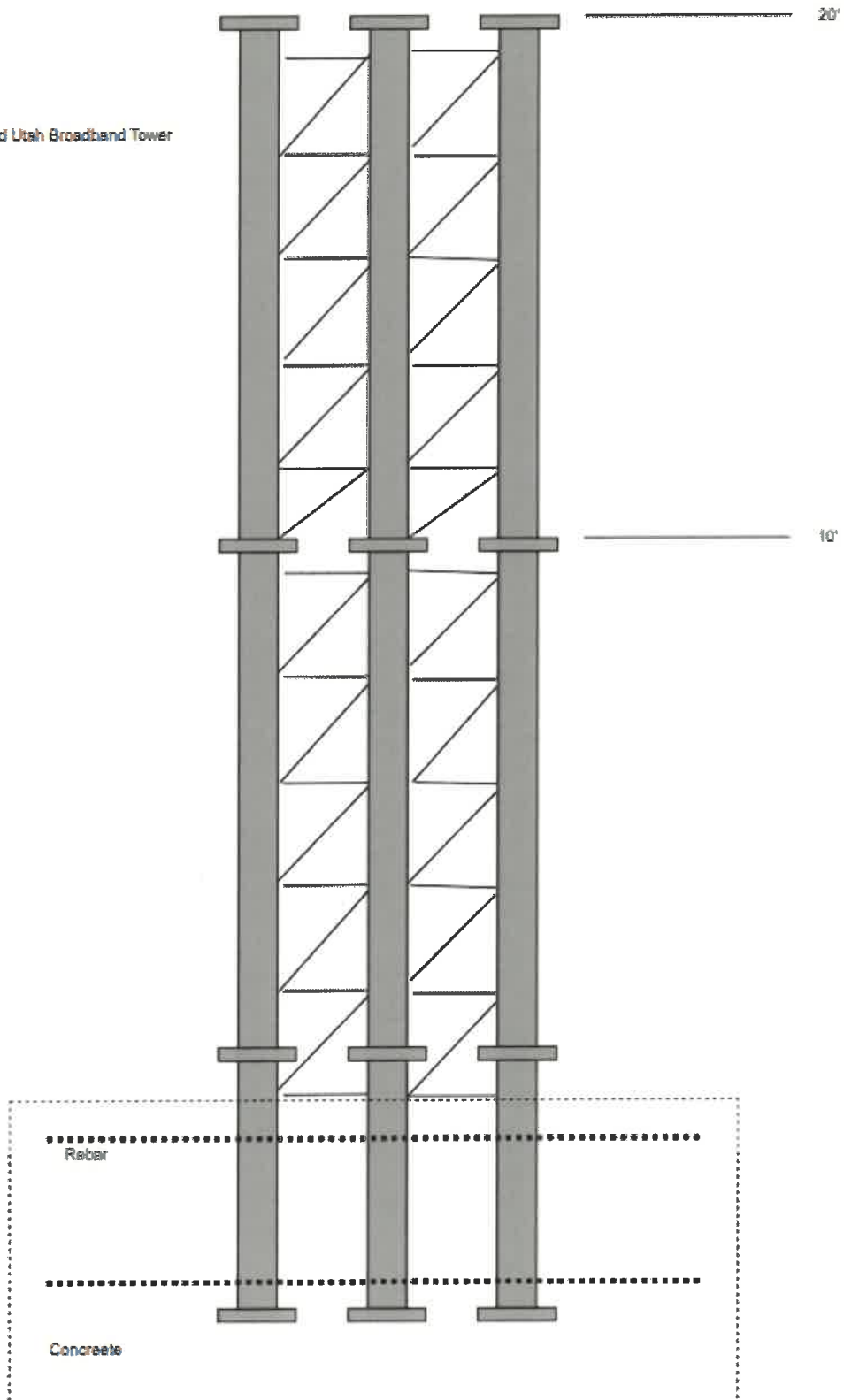
[✖ Remove](#) [220060035 - County Map](#)

Exhibit B - Site Plan, Photos, and Structural Dimensions





Proposed Utah Broadband Tower



Pre-Engineered Structures

1800 SRWD Freestanding & Bracketed Towers

Use: These pre-engineered towers are designed to be utilized for a number of communication applications. Strength and efficient design make this tower the premier all solid, 18' face structure in the industry.

Design: All towers are designed per ANSI/TIA/EIA-222-F-1996. Built with 1.25" or 1.50" solid round legs and 1/2" solid serpentine bracing, these pre-engineered towers are

offered in 5' & 10' sections and will support the antenna loads as specified on pages 68 and 72.

Materials that are included with each structure: Complete tower steel & hardware and one (1) foundation design based on normal 4000 psf soil. (Other accessory items are available upon customer request.)

Towers

Tower Profile	
EPA Load Range (sq. ft.)	See Pages 68 and 72
Load Location	Top
Maximum Height	85' Freestanding / 125' Bracketed
Minimum Height	10' Freestanding / 20' Bracketed
Standard 10' Section Weight (lbs.) (Bolt.)	199.23 (1.25" leg) / 253.68 (1.50" leg)
Maximum # of Lines on a Face	2- 1/4" Lines per Face (6 - total)
Leg Size	1.25" and 1.50"
Leg Type	Solid Round
Leg Connection	Three Hole Bolted Flange
Bracing Size	1/2"
Bracing Type	Solid Serpentine
Brace Connection	Welded
Engineering	Pre-Engineered
Climbing Application	Incorporated into Tower Face
Type of Line Support	NA - Attach directly to bracing members
Sector Mount Compatible	No
Platform Compatible	No
Maximum Sidearm Length	6' Max



Notes:
 1) The allowable projected area values are actually Effective Projected Area (EPA) values. EPA is the actual area "seen by the wind" of an appurtenance (antenna, mount, etc.) multiplied by a force coefficient. It is not necessarily the value published by the appurtenance manufacturer. Please refer to page 15 of this Catalog for a further explanation of and some guidelines on how to calculate EPA.
 2) ANSI/TIA/EIA-222-F-1996 recommends that designs be evaluated by a registered professional engineer for each specific application.
 3) The 1800 SRWD is also available as a custom engineered guyed tower.



(866) 4-A-TOWER (866-428-6937)
Fax: (712) 293-1964

catalog@sabrecom.com
www.sabrecom.com





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on preliminary approval of Westwood Homestead Subdivision, consisting of four lots.

Type of Decision: Administrative

Agenda Date: Tuesday, August 24, 2021

Applicant: Westwood Eden, LLC

Representative: Mike Westwood, Owner

File Number: UVW06062021

Property Information

Approximate Address: 1900 N 7800 E, Eden, UT, 84310

Project Area: 14.1702 acres

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

Existing Land Use: Agriculture

Proposed Land Use: Residential

Parcel ID: 21-005-0030

Township, Range, Section: T6N, R2E, Section 16 S

Adjacent Land Use

North: 1900 North St.	South: Residential
East: 7800 East St.	West: Residential

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov

Report Reviewer: SB

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Stream corridors, wetlands, shorelines)
- Weber County Land Use Code Title 104 (Zones) Chapter 14 (FV-3 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 2 (AV-3 Zone)

Background and Summary

An alternative access request was previously approved on 10/28/2020. This alternative access approval allows the owner to have a private access easement to access each lot. The owner will be required to record a covenant with the subdivision plat, where the owner agrees to dedicate to the county and improve the access easement at the time the county so requests.

The applicant is requesting preliminary approval of Westwood Homestead Subdivision, a single-phase subdivision consisting of four lots, in the AV-3 and FV-3 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The request is in conformance with the Ogden Valley General Plan, as the property is being platted under the existing 3 acre zoning.

Zoning: The subject property is located in the FV-3 Zone. Single-family dwellings are a permitted use in the FV-3 Zone.

Lot area, frontage/width and yard regulations: Both the AV-3 and FV-3 zones require a minimum lot area of 3 acres for a single family dwelling and a minimum lot width of 150 feet. All lots in this proposed subdivision meet this requirement. This subdivision has an approved access exception dated October 28, 2020.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the FV-3 zone standards in LUC § 104-14. The proposed subdivision will involve road dedication along 1900 North Street, and an approved access exception in order to access lots 2-4.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback regarding on-site wells, as well as recommendations for design requirements for on-site septic systems for each lot. Well permits, for each lot, have been issued by Weber Morgan Health Department, in response to a requested Order of the State Engineer.

Secondary water by private well. If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:

1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;
2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;
3. A note is placed on the final recorded plat as required in Section 106-1-8.2; and
4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.

There is an irrigation ditch that is owned by the applicant, which will be relocated along the western boundary of lots 1 and 2.

Natural hazards/wetlands: Per LUC § 104-28-2, there are several waterways that run through the remainder parcel, but not through the subdivision itself.

The proposed subdivision lies within, or near a designated flood zone (FEMA Zone AE). Further reports have not been required from Engineering at this time. Engineering has confirmed that these area do not lie within the subdivision boundary.

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

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

Staff Recommendation

Staff recommends preliminary approval of Westwood Homestead Subdivision, consisting of four lots located at approximately 1900 N 7800 E, Eden. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. All wells must be drilled and pump tested prior to recording the subdivision.
2. The proposed access shall comply with safety, design, and parcel/lot standards as outlined in LUC
3. An alternative access covenant, per the approval for an alternative access dated 10/28/2020, shall be recorded with the final plat.
4. An onsite wastewater disposal covenant shall be recorded with the final plat
5. A private well covenant shall be recorded with the final plat.
6. A covenant, specifying the allowed amount of non-drought tolerant landscaping, shall be recorded with the final plat.

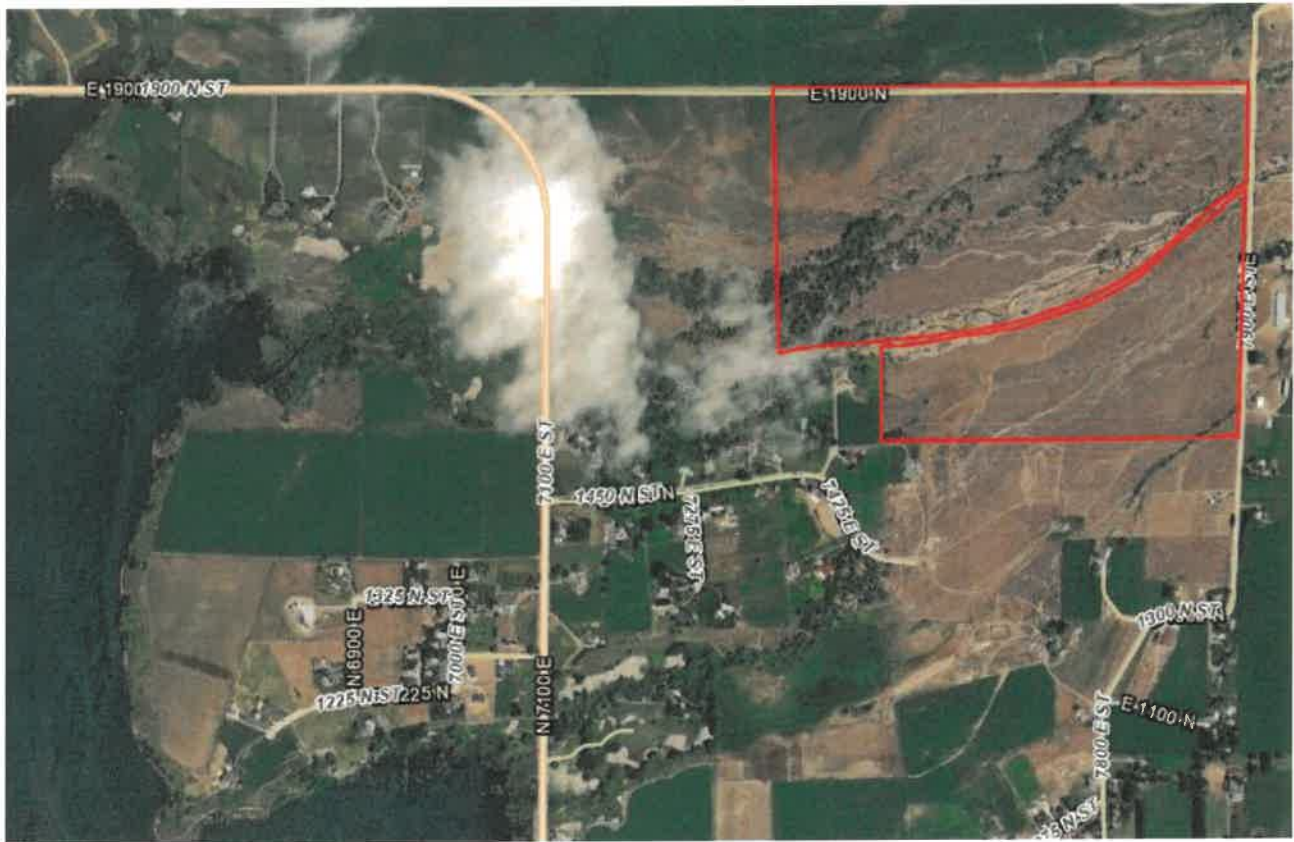
This recommendation is based on the following findings:

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

Exhibits

- A. Application
- B. Subdivision Plat
- C. Well Permits & Septic Feasibility

Area Map



Application

Project Description This is a four lot subdivision located at approx. 1900 N 7800 E, Eden.

Property Address 1900 N 7800 E
Eden, UT, 84310

Property Owner Westwood Eden, LLC
801-643-2340
westwood450@msn.com

Representative --

Accessory Dwelling Unit False
Current Zoning FV-3
Subdivision Name Westwood Homestead
Number of Lots
Lot Number 4
Lot Size 3
Frontage 150
Culinary Water Authority Weber Basin Water Conservancy District
Secondary Water Provider Middle Fork Irrigation Company
Sanitary Sewer Authority Health Department (Septic)
Nearest Hydrant Address 7100 E
Signed By Owner, Mike Westwood

Parcel Number

[✖ Remove](#) 210050030 - [County Map](#)

Exhibit C - Well Permits/Septic Feasibility

Well permits - See attached.

BRIAN COWAN MPH, LEHS
Health Officer/Executive Director

May 24, 2021



Weber County Planning Commission
2380 Washington Blvd.
Ogden, UT 8

RE: Preliminary Subdivision **Determination**
Westwood Eden LLC, 4 lots
Parcel #21-005-0030
Soil log #15138

Gentlemen:

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

DESIGN REQUIREMENTS

Lot 1: Documented ground water tables not to exceed 36 inches, and soil classified as Type I, fall within the range of acceptability for a Packed Bed Media Treatment System with non-chemical disinfection followed by a conventional trench with a maximum trench depth limited to 18 inches. The absorption system is to be designed using a maximum loading rate of 0.5 gal/sq. ft./day as required for a gravelly fine sandy loam, granular structure soil horizon.

Lot 2, 3, 4: Documented ground water tables not expected to exceed 36 inches. Due to the gravelly loamy sand, single grain structure, soil horizon beginning at 24 inches below grade the property falls within the range of acceptability for the utilization of a Mound Treatment System or a Packed Bed Media System with non-chemical disinfection as a means of wastewater disposal. As defined in the Utah Administrative Code R317-4 Table 6 the absorption area is to be designed using a maximum loading rate of 0.25 gal/sq. ft./day for a Mound absorption area, or 0.5 gal/sq. ft./day for the Packed Bed Media absorption area as required for the sandy loam, massive structure soil horizon. Maximum absorption area depth is limited to 0 inches for the Mound system and 18 inches for the Packed Bed Media System.

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

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

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

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

Sincerely,


Summer Day, LEHS
Environmental Health Division
801-399-7160

Exploration pits should be backfilled immediately upon completion to prevent a hazardous environment that may cause death or injury to people or animals.

Due to the soil types existing on this property, the final readings of the **percolation tests will need to be witnessed by a representative from the Health Department**. Please make the percolation tester aware of the requirement so that arrangements can be made. Test results will not be accepted if this requirement is not met.

Percolation tests may be completed by any individual on the enclosed list. The stabilized percolation test results are to be submitted to this office for review prior to the recommendation for further development to the appropriate planning agency or prior to the issuance of a wastewater disposal permit.

If you have any further questions, contact this office at your convenience.

Sincerely,



James T. Day
Summer Day, LEHS
Environmental Health Division
801-399-7160

Weber-Morgan Health Department
Environmental Health Division
477 23rd Street
Ogden, UT 84401

Well/Spring Permit

WESTWOOD EDEN LLC
35-13798 (Lot 4)
1900 N 7800 E
EDEN, UT 84317

MIKE ZIMMERMAN #527

APRIL 7, 2021

Permit Date



Brian Cowan, MPH, LEHS, Health Officer

Post in Public View — Non-Transferable

Weber-Morgan Health Department
Environmental Health Division
477 23rd Street
Ogden, UT 84401

Well/Spring Permit

WESTWOOD EDEN LLC
35-13797 (Lot 3)
1900 N 7800 E
EDEN, UT 84317

MIKE ZIMMERMAN #527

APRIL 7, 2021

Permit Date



Brian Cowan, MPH, LEHS, Health Officer

Post in Public View — Non-Transferable

2

Weber-Morgan Health Department
Environmental Health Division
477 23rd Street
Ogden, UT 84401

Well/Spring Permit

WESTWOOD EDEN LLC
35-13796 (Lot2)
1900 N 7800 E
EDEN, UT 84317

MIKE ZIMMERMAN #527

APRIL 7, 2021

Permit Date



Brian Cowan, MPH, LEHS, Health Officer

Post in Public View — Non-Transferable

Weber-Morgan Health Department
Environmental Health Division
477 23rd Street
Ogden, UT 84401

Well/Spring Permit

WESTWOOD EDEN LLC
35-13795 (Lot1)
1900 N 7800 E
EDEN, UT 84317

MIKE ZIMMERMAN #527

APRIL 7, 2021

Permit Date



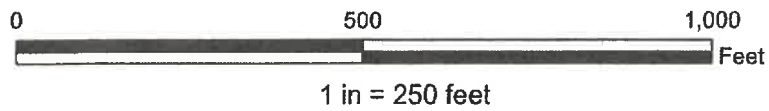
Brian Cowan, MPH, LEHS, Health Officer






Post in Public View — Non-Transferable



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Geomatics, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

Exchange Application Map Contract #77700



-  Point of Diversion
-  Place of Use
-  Parcel
-  Section
-  Forty

More than one point of diversion

12/16/2020

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13795 (E6097)
Page 5

WESTWOOD EDEN LLC
3130 W 3600 S
WEST HAVEN UT 84401

- - - - -



SPENCER J. COX
Governor
DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

BRIAN C. STEED
Executive Director

TERESA WILHELMSSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

For Exchange Application Number 35-13795 (E6097)

Exchange Application Number 35-13795 (E6097) in the name of Westwood Eden LLC was filed on December 21, 2020, to exchange 1.00 acre-foot of water, as evidenced by Water Right Number 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 77700 associated with Tax I.D. Number 21-005-0030) for its use with Weber Basin Water Conservancy District (WBWCD). The 1.00 acre-foot of water is to be released from Pineview Reservoir and, in lieu thereof, 1.00 acre-foot of water will be diverted from: (1) Well - South 390 feet and West 1308 feet from the NE Corner of Section 6, T6N, R2E, SLB&M (8-inch well, 100-500 feet deep); and (2) Well - South 265 feet and West 1112 feet from the NE Corner of Section 6, T6N, R2E, SLB&M (8-inch well, 100-500 feet deep). The water is to be used for the irrigation of 0.1833 acre from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (EDU). The water is to be used in all or portion(s) of Section 6, T6N, R2E, SLB&M and Section 31, T7N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on January 7 and 14, 2021. No protests were received.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicant is put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as proposed in the exchange application.

It is, therefore, **ORDERED** and Exchange Application Number 35-13795 (E6097) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant and WBWCD. This contract must be maintained for this exchange to remain valid. No water may be withdrawn under this application if a contract is not in effect.
- 2) Total diversion under this exchange application is limited to 1.00 acre-foot of water per year for the irrigation of 0.1833 acre (0.55 acre-foot) from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 EDU (0.45 acre-foot).
- 3) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.
- 4) The applicant shall construct or install and maintain controlling works and a measuring device as required by Section 73-5-4 of Utah Code.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13795 (E6097)

Page 2

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before March 31, 2026, or a request for extension of time must be acceptably filed; otherwise, the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.

When the work is complete, an Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- The water use is for a quarter acre of irrigation or less.
- The water use is for the watering of ten head of livestock (or equivalent) or less.
- The water use does not include any uses in addition to the three listed above.

As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

Under the authority of Section 73-3-20 of the Utah Code, the applicant is required to submit a proof of diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13795 (E6097)
Page 3

Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right, please contact the Division at the phone number below.

Your contact with this office, should you need it, is with the Weber River/Western Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 4 day of March, 2021.



Teresa Wilhelmsen, P.E., State Engineer

ORDER OF THE STATE ENGINEER
Exchange Application Number
35-13795 (E6097)
Page 4

Mailed a copy of the foregoing Order this 4 day of March, 2021 to:

Westwood Eden LLC
3130 W 3600 S
West Haven UT 84401

Weber Basin Water Conservancy District
2837 East Highway 193
Layton UT 84040

Cole Panter, River Commissioner
PO Box 741
OGDEN UT 84402

Division of Water Rights
Distribution Section
c/o Susan Odekirk
OGDEN RIVER

BY: Doralee Cannon
Doralee Cannon, Applications/Records Secretary

DRILLER (START) CARD for Exchange Application: E6097(35-13795)

IMPORTANT: THIS CARD MUST BE RECEIVED BY THE DIVISION OF WATER RIGHTS PRIOR TO THE BEGINNING OF WELL CONSTRUCTION – REQUIRED FOR WELLS DEEPER THAN 30 PROOF DUE/EXPIRATION DATE: March 31, 2026
START CARDS CAN BE SUBMITTED ONLINE WITH THE WATER RIGHT NUMBER OR NON-PRODUCTION WELL NUMBER AND THE PIN.
ONLINE SUBMISSION WATER RIGHT: E6097 ONLINE SUBMISSION PIN: 497336
ONLINE SUBMISSION URL: <http://waterrights.utah.gov/welldrilling/startcardOnline.asp>

OWNER/APPLICANT: Westwood Eden LLC

MAILING ADDRESS: 3130 W 3600 S, West Haven UT 84401

PHONE NUMBER: 801-643-2340

WELL LOCATION: S 390' W 1308' from NE Cor, S06, T 6N, R 2E, SLB&M

WELL UTM COORDINATES: Northing: 436134.249 Easting: 4571452.104

WELL ACTIVITY: NEW(X) REPLACE() REPAIR() DEEPEN()

PROPOSED START DATE: _____

PROJECTED COMPLETION DATE: _____

LICENSE #: _____ LICENSEE/COMPANY: _____

Licensee Signature

Date

NOTICE TO APPLICANT: THIS CARD IS TO BE GIVEN TO A UTAH-LICENSED WATER WELL DRILLER FOR SUBMITTAL TO THE DIVISION OF WATER RIGHTS PRIOR TO WELL CONSTRUCTION.

STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: _____

START CARDS MAY ALSO SUBMITTED BY PHONE*, FAX, OR EMAIL.

PHONE: 801-538-7416 - FAX: 801-538-7467 - EMAIL: waterrights_wells@utah.gov

*IF THE START CARD IS PHONED IN, THEN THE COMPLETED AND SIGNED START CARD MUST BE RETURNED TO THE DIVISION OF WATER RIGHTS BY FAX, EMAIL, OR MAIL.

DRILLER (START) CARD for Exchange Application: E6097(35-13795)

IMPORTANT: THIS CARD MUST BE RECEIVED BY THE DIVISION OF WATER RIGHTS PRIOR TO THE BEGINNING OF WELL CONSTRUCTION -- REQUIRED FOR WELLS DEEPER THAN 30 PROOF DUE/EXPIRATION DATE: March 31, 2026
START CARDS CAN BE SUBMITTED ONLINE WITH THE WATER RIGHT NUMBER OR NON-PRODUCTION WELL NUMBER AND THE PIN.
ONLINE SUBMISSION WATER RIGHT: E6097 ONLINE SUBMISSION PIN: 497337
ONLINE SUBMISSION URL: <http://waterrights.utah.gov/welldrilling/startcardOnline.asp>

OWNER/APPLICANT: Westwood Eden LLC
MAILING ADDRESS: 3130 W 3600 S, West Haven UT 84401
PHONE NUMBER: 801-643-2340
WELL LOCATION: S 265' W 1112' from NE Cor, S06, T 6N, R 2E, SLB&M
WELL UTM COORDINATES: Northing: 436193.989 Easting: 4571490.204
WELL ACTIVITY: NEW(X) REPLACE() REPAIR() DEEPEN()
PROPOSED START DATE: _____
PROJECTED COMPLETION DATE: _____
LICENSE #: _____ LICENSEE/COMPANY: _____

Licensee Signature

Date

NOTICE TO APPLICANT: THIS CARD IS TO BE GIVEN TO A UTAH-LICENSED WATER WELL DRILLER FOR SUBMITTAL TO THE DIVISION OF WATER RIGHTS PRIOR TO WELL CONSTRUCTION.
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: _____

START CARDS MAY ALSO SUBMITTED BY PHONE*, FAX, OR EMAIL.
PHONE: 801-538-7416 - FAX: 801-538-7467 - EMAIL: waterrights_wells@utah.gov
*IF THE START CARD IS PHONED IN, THEN THE COMPLETED AND SIGNED START CARD MUST BE RETURNED TO THE DIVISION OF WATER RIGHTS BY FAX, EMAIL, OR MAIL.

APPLICANT CARD for Exchange Application: E6097(35-13795)

IMPORTANT: THIS CARD MUST BE COMPLETED, SIGNED AND RETURNED BY THE WELL OWNER/APPLICANT AS SOON AS THE WELL IS DRILLED BY A LICENSED UTAH WELL DRILLER. PROOF DUE/EXPIRATION DATE: March 31, 2026

OWNER/APPLICANT: Westwood Eden LLC

MAILING ADDRESS: 3130 W 3600 S, West Haven UT 84401

PHONE NUMBER: 801-643-2340

WELL LOCATION: S 265' W 1112' from NE Cor, S06, T 6N, R 2E, SLB&M

WELL UTM COORDINATES: Northing: 436193.989 Easting: 4571490.204

WELL ACTIVITY: NEW(X) REPLACE() REPAIR() DEEPEN()

WELL COMPLETION DATE:

NAME OF DRILLING COMPANY/LICENSEE:

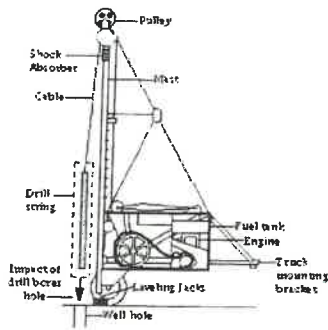
Owner/Applicant Signature

Date

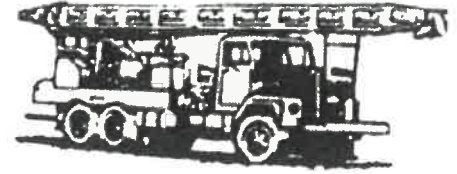
NOTICE TO APPLICANT: COMPLETE AND RETURN THIS PORTION UPON FINAL WELL COMPLETION.
DO NOT GIVE THIS CARD TO LICENSED WELL DRILLER. - YOU MUST RETURN IT.
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS:

START/APPLICANT CARD INSTRUCTIONS: First, for each well, you must give a Driller (Start) Card to licensed driller with whom you contract to construct your well. Second, it is your responsibility to sign and return this Applicant Card to this office immediately after completion of the well.
CAUTION: There may be local health requirements for the actual siting of your well. Please check with the proper local authority before construction begins. See enclosed sheet addressing construction information.



UTAH WATER WELL CONSTRUCTION REQUIREMENTS



In order to protect you, the well owner, and the precious groundwater resources in Utah, Well Drillers must construct wells in accordance to minimum construction standards promulgated under the Administrative Rules for Water Well Drillers (R655-4 of the Utah Administrative Code). This flyer is designed to inform you, as a potentially new well owner, of the major minimum construction standards that your well driller must follow. Please also check to see if other Federal, State, and local well drilling requirements apply before drilling. The Well Drilling Rules, list of licensed drillers, and other water well information can be viewed at the Division of Water Rights website at waterrights.utah.gov/wellinfo. Well drilling questions can be directed to the Well Drilling Section of the Division of Water Rights at 801-538-7416. An abridged list of the major construction standards are as follows:

- Well Drillers must be licensed through the State Engineer's Office to drill wells in the State of Utah (Check web page or call office for current list)
- The Well Driller must submit the Driller Start Card (provided by the well owner) to the State Engineer's Office before starting to drill
- The driller will check to see if the drill location matches the approved point of diversion on your permit. If the drill location differs from the approved location, the driller will notify you and note the difference on the official driller's report submitted to the State Engineer's Office, and it will be your responsibility and liability to either move the drill location to the approved spot or file a change application to move the approved location to the drill location.
- The Well Driller must submit an Official Well Driller's Report (Well Log) to the State Engineer's Office within 30 days of well completion (when the rig is moved offsite)
- If a well is replaced under an approved replacement permit, the well owner is required by law to have the driller abandon the existing (old) well before leaving the site
- Well casing must extend at least 18-inches above ground when completed
- Steel casing must meet common industry standards, be in new or like new condition, free of pits or breaks, and meet specific wall thickness requirements depending on the depth of the well and diameter of the casing (See Table 1 of the Rules for wall thickness requirements)
- The driller must have the permission of the well owner before installing PVC screen or casing
- PVC casing/screen must meet ASTM F480 standards and have a wall thickness that at least equals SDR 17 or Schedule 80
- PVC casing exposed at the ground surface must be covered and protected at the wellhead to a depth of at least 2.5 feet with steel casing or an equivalent covering
- Casing joints must be structurally strong and water tight
- Steel casing joints can be screw-coupled or welded. The weld must consist of at least 2 passes and be as thick as the casing itself
- The well casing must be capped at the surface with a sanitary weatherproof seal or a completely welded cap

Account No. 77700

Replacement Contract/District 3

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

Westwood Eden LLC (herein "Petitioner") hereby applies to the Weber Basin Water Conservancy District (herein "District") for the allotment of the beneficial use of 1.00 acre-foot of untreated replacement water annually, for irrigation and domestic purposes, on land situated in Weber County, Utah, legally described as follows:

Section 6, Township 6N, Range 2E, Acres 196.56

Tax I.D. No.(s): 21-005-0030

Description of Lands:

LOTS 1 AND 2, AND THE SOUTH HALF OF THE NORTHEAST QUARTER, OF SECTION 6, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKEBASE AND MERIDIAN, U.S. SURVEY: ALSO PART OF THE NORTHWESTQUARTER DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTCORNER OF LOT 3, RUNNING THENCE SOUTH 1320 FEET, MORE ORLESS, TO THE SOUTHEAST CORNER OF LOT 3, THENCE SOUTH 1D59'15"EAST 254.17 FEET, THENCE SOUTH 1D33' WEST 355.00 FEET ALONG A FENCE TO THE NORTHEAST CORNER OF LOT 6, MIDDLE FORK RANCHES, THENCE ALONG SAID NORTH LINE AS FOLLOWS, SOUTH 84D55'30" WEST 788.15 FEET, THENCE NORTH 00D02'45" WEST 1976.97 FEET, MOREOR LESS, TO THE NORTH LINE OF SAID LOT 3; THENCE EAST TO THEPOINT OF BEGINNING. EXCEPT THAT PORTION LYING WITHIN 7900 EAST STREET.

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

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

(a) To pay for the right to use the allotted water an amount annually, which amount

initially shall be \$482.96. A portion of the above payment amount is to be applied to the extent required on the District's obligations under bonds or other government-District contracts or capital expenditures, and is to be fixed from time to time by the District's Board of Trustees. The remainder of the above payment amount is to apply to the District's general operation, maintenance, and repair and replacement expenses, and other special expenses and costs incurred in operating, maintaining, repairing and replacing the separate facilities of the District used or required in servicing this Contract, hereinafter referred to as "OM&R". Such fair OM&R amounts shall be estimated each year by the Board of Trustees of the District, and any such determination shall be final and conclusive and binding on all parties. If such estimate is more than the actual cost thereof, an appropriate adjustment will be made in the annual OM&R amount for the year following the year for which the estimate was made.

(b) The amount so fixed shall be paid whether or not the Petitioner actually takes or uses the water allotted.

(c) The first payment of the amounts so fixed shall be a tax lien upon the above-described land and the Petitioner shall be bound by the rules and regulations of the District's Board of Trustees. Nothing contained herein shall be construed to exempt the Petitioner from paying the taxes levied.

(d) Notwithstanding any of the forgoing, the District shall be entitled to change the charging structure of this Contract, including the amounts charged under this Contract, as determined from time to time by the District's Board of Trustees. The District may, in its sole and absolute discretion, change the billing structure outlined herein, including but not limited to changing that billing structure so that the Petitioner is billed based on the amounts of water used ("bill for use"), such that the District may choose to charge by the unit or gallon delivered or used, and may institute tiers that provide for increasing charges for each such unit based on the total use. As outlined in this Contract, Petitioner is obligated to install appropriate metering and measuring devices. Petitioner agrees that any such meter will satisfy all requirements of the District and will properly measure water usage, which measurement may be used by the District in determining any overuse, as outlined below, and in determining the appropriate charge under any bill for use payment structure adopted by the District under this paragraph.

3. PENALTY FOR DELINQUENCY: Every installment or charge required to be paid to the District under this Contract, which shall remain unpaid after its due date, shall bear interest from date of delinquency at a rate of 18% APR.

4. REMEDIES IN CASE OF DEFAULT: If the Petitioner shall fail to make any payment due hereunder on or before the due date, or in the event that the petitioner shall violate any of the terms of this Contract, the District may refuse the delivery of water, or upon written notice to Petitioner, cancel this Contract in its entirety, but either or both of these remedies are not exclusive. The District may exercise any other remedy given by this Contract or by law to enforce collection of any payment due hereunder.

5. USE OF WATER. The use of the water allotted hereby shall be solely for the replacement of underground water diverted, withdrawn or to be diverted or withdrawn by means of a well for irrigation and domestic purposes at a point located on the land hereinabove described, and for no other use or purpose.

6. OVERUSE. The amount of water to which the Petitioner is entitled annually shall not exceed the allotted amount as described above. In the event that Petitioner receives water in excess of the allotted amount in any given year, whether intentionally or unintentionally, the Petitioner will be billed for the excess water at a rate or rates fixed from time to time by the Board of Trustees of the District. Payment for use of water in excess of the allotted amount shall be paid within 30 days from notification by the District. Failure to make payment in full by the due date will result in the total amount being levied as a tax lien in future years, and, at the District's sole discretion, in the discontinuation of service until payment in full is received by the District.

7. UTAH STATE ENGINEER. Petitioner's use of the water hereby allotted as replacement water shall be subject to such rules and regulations as the Utah State Engineer may from time to time prescribe. The Petitioner shall not use the allotted water in any way, and the District will not be obligated to deliver water to the Petitioner as herein provided, until Petitioner first receives an approved exchange application from the Utah State Engineer. It is the responsibility of the Petitioner to obtain such approved exchange application.

8. DELIVERY OF WATER. Delivery of the water hereby allotted by the District shall be as directed by the Utah State Engineer or his representative at the outlet works of Pineview Reservoir. The District shall have no obligation to provide works or facilities of any type to conduct the water hereby allotted from its point of delivery to its ultimate place of use.

9. WATER SHORTAGE. In the event there is a shortage of water caused by drought, inaccuracies in distribution not resulting from negligence, hostile diversion, prior or superior claims or other causes not within the control of the District, no liability shall arise against the District or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom to Petitioner and the payments to the District provided for herein shall not be abated or reduced because of any such shortage or damage. During periods of water shortage, allocations of drinking water for municipal and domestic use and treated and untreated water for industrial use shall have first priority.

10. WATER CONSERVATION. The Petitioner shall, at a minimum, take the following actions to conserve and protect water: (i) keep water use within the District's conservation goals (ii) follow all applicable water use restrictions for landscape watering; (iii) follow all applicable landscape ordinances.

11. FACILITIES. The Petitioner shall construct, operate and maintain, without cost to the district, the well and appurtenant facilities necessary to secure and accurately measure Petitioner's water supply. The metering or other measuring device installed by Petitioner shall be satisfactory to the Utah State Engineer. The District has no responsibility for the quality or quantity of water that Petitioner is able to secure through the source of Petitioner's well.

12. BENEFICIAL USE. The basis, the measure and the limit of the right of the Petitioner in the use of water shall rest perpetually in the beneficial application thereof, and the Petitioner agrees to put the water allotted Petitioner hereby to beneficial use in accordance with law. The Petitioner shall have no right to hold over or accumulate water from year to year, nor to sell or rent the water.

13. ACCOUNTING AND WATER SUPPLY RECORDS. The Petitioner shall maintain a set of books and records, satisfactory to the District, which shall keep and furnish suitable records of water

supply and the disposition thereof. The Petitioner agrees to provide the above information and documentation to the District upon request, and within 30 days of any such request.

14. COMPLIANCE WITH LAW. The Petitioner agrees to fully comply with all applicable federal laws, orders and regulations and the laws of the State of Utah, all as administered by appropriate authorities, concerning the pollution of streams, reservoirs, ground water or water courses with respect to thermal pollution or the discharge of refuse, garbage, sewage effluent, industrial waste, oil, mine tailings, mineral salts, or other pollutants.

15. INDEMNIFICATION. Petitioner agrees to indemnify, protect, and save and hold the District harmless against and in respect of any and all claims, losses, liabilities, damages, costs, deficiencies or expenses (including attorney's fees) resulting from any claim for any rights under the Contract or from the non-fulfillment of any covenant or agreement on the part of Petitioner under or relating to this instrument, and any and all actions, suits, proceedings, demands, assessments, judgments, costs, legal and accounting fees and other expenses incident to any of the foregoing.

16. NUMBER AND JOINT LIABILITY. In this instrument, the singular number includes the plural and the plural number includes the singular. If this instrument is executed by more than one person, firm, partnership or corporation, the obligations of each such person, firm, partnership or corporation hereunder shall be joint and several.

17. NO THIRD-PARTY BENEFICIARIES. Nothing herein shall be interpreted or construed to confer any right or remedy upon, or any duty, standard of care, liability or inference of liability to or with reference to, any person other than the District and the Petitioner and their respective successors and permitted assigns.

18. GOVERNING LAW; JURISDICTION. This instrument shall be governed by and construed in accordance with the domestic laws of the State of Utah without giving effect to any choice or conflict of law provision or rule (whether of the State of Utah or any other jurisdiction) that would cause the application of the laws of any jurisdiction other than the State of Utah. Petitioner submits to the jurisdiction of the Second Judicial District Court of the State of Utah in any action or proceeding arising out of or relating to this instrument and agrees that all claims in respect of the action or proceeding may be heard and determined in any such court. Petitioner waives any defense of inconvenient forum to the maintenance of any action or proceeding so brought and waives any bond, surety, or other security that might be required of the District with respect thereto.

19. INTERPRETATION. In the event an ambiguity or question of intent or interpretation arises, no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this instrument. The paragraph headings contained herein are for purposes of reference only and shall not limit, expand, or otherwise affect the interpretation of any provision hereof. Whenever the context requires, the singular shall include the plural, the plural shall include the singular, the whole shall include any part thereof, any gender shall include the masculine, feminine and neuter gender, and the term "person" shall include any individual, firm, partnership (general or limited), joint venture, corporation, limited liability company, trust, association, or other entity or association or any combination thereof. If any provision of this instrument or the application thereof to any person

or circumstance shall be invalid or unenforceable to any extent, the remainder of this instrument and the application of such provision to other persons or circumstances shall not be affected thereby and shall be enforced to the extent permitted by applicable law.

20. WAIVER. No failure or delay in exercising any right, power or privilege under this instrument, whether intentional or not, shall operate or be construed as a waiver thereof, nor shall any single or partial exercise of a right, power or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, power or privilege hereunder.

21. SUCCESSION AND ASSIGNMENT. The Contract shall be binding upon and inure to the benefit of the parties named herein and their respective successors and permitted assigns. Petitioner may not assign the Contract or any of its rights, interests, or obligations thereunder without the prior written approval of the District.

22. FURTHER ACTS. The parties hereby agree for themselves, and for their successors and assigns, to execute any instruments and to perform any act which may be necessary or proper to carry out the purposes of the Contract.

23. INCORPORATION OF RECITALS. The recitals set forth in this instrument are incorporated herein by reference and made a part hereof.

24. INTEGRATION. This instrument sets forth the entire understanding of the parties with respect to the subject matter hereof, and all prior negotiations, correspondence, proposals, discussions, understandings, representations, inducements and agreements, whether oral or written and whether made by a party hereto or by any one acting on behalf of a party, shall be deemed to be merged in and superseded by this instrument and shall be of no further force or effect. There are no representations, warranties, or agreements, whether express or implied, oral or written, with respect to the subject matter hereof, except as set forth herein, and no party has relied upon any representation, promise, assurance, covenant, omission or agreement not included in the terms hereof in making the decision to enter into this instrument. This instrument may not be contradicted by evidence of prior, contemporaneous or subsequent oral agreements among or between the parties.

25. AMENDMENTS. This instrument may not be modified, amended or changed by any oral agreement, either express or implied. No amendment, modification or change in this instrument shall be valid or binding unless reduced to writing and signed by both the District and the Petitioner. The provisions of this and the immediately preceding sentence themselves may not be amended or modified, either orally or by conduct, either express or implied, and it is the declared intention of the parties that no provisions of this instrument, including said two sentences, shall be modifiable in any way or manner whatsoever other than through a written document signed by both the District and the Petitioner.

26. EXPENSES OF ENFORCEMENT. In any proceeding to enforce, interpret, rescind or terminate this instrument or in pursuing any remedy provided hereunder or by applicable law, the prevailing party shall be entitled to recover from the other party all costs and expenses, including a reasonable attorney's fee, whether such proceeding or remedy is pursued by filing suit or otherwise, and regardless of whether such costs, fees and/or expenses are incurred in connection with any bankruptcy proceeding. For purposes of hereof, the term "prevailing party" shall include,

without limitation, a party who agrees to dismiss an action or proceeding upon the other's payment of the sums allegedly due or performance of the covenants allegedly breached, or who obtains substantially the relief sought. The provisions set forth in this paragraph shall survive the merger of these provisions into any judgment.

27. EFFECTIVE DATE. This Contract shall become effective upon approval hereof by the District, as indicated by its endorsement herein below.

28. REUSE. The reuse of water delivered pursuant to this contract shall not be allowed without permission of the District. The waste, seepage, or return flow from water delivered pursuant to this contract shall belong to the United States or the District for the use and benefit of the District.

29. NOTICE. Any notice herein required to be given to the Petitioner shall be sufficiently given if sent by mail addressed to the Petitioner at the address listed below, or if sent by electronic mail addressed to the Petitioner at the email address listed below, if any such email address is listed, or through public notice, and to the District office if delivered to 2837 East Highway 193, Layton, Utah 84040.

30. AUTHORIZED EXECUTION. The individuals signing below each represent and warrant (i) that they are authorized to execute this instrument for and on behalf of the party for whom they are signing; (ii) that such party shall be bound in all respects hereby; and (iii) that such execution presents no conflict with any other agreement of such party.

31. CONTRACT ASSESSMENTS: This Petition is governed by the provisions of Utah Code Section 17B-2a-1007, titled "Contract Assessments," together with the rules and regulations of the District's board of trustees relating to contract assessments.

ORDER ON PETITION

DUE NOTICE having been given and hearing had, IT IS ORDERED that the foregoing petition of Westwood Eden LLC be granted and an allotment of 1.00 acre-foot of water is hereby made to the lands therein described, upon the terms, at the rates, and payable in the manner as in said petition set forth.

DATED this 28 day of January, 2021.

WEBER BASIN WATER CONSERVANCY DISTRICT

BY Dee Alan Waldron
Dee Alan Waldron, President

ATTEST:

Tage I. Flint
Tage I. Flint, Secretary

(SEAL)





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on preliminary approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, public road dedication, and an alternative access request to access lot 1.

Type of Decision: Administrative

Agenda Date: Tuesday, August 24, 2021

Applicant: OVB Investments, LLC

Representative: Nate Reeve

File Number: UVG062221

Property Information

Approximate Address: 748 E Hwy 39, Huntsville, UT, 84317

Project Area: 14.1702 acres

Zoning: Forest (F-5)

Existing Land Use: vacant

Proposed Land Use: Residential

Parcel ID: 21-013-0007, 21-013-0009, 21-013-0001

Township, Range, Section: T6N, R2E, Section 11 S

Adjacent Land Use

North: Vacant	South: Highway 39
East: Vacant	West: Vacant

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov

Report Reviewer: SB

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Stream corridors, wetlands, shorelines)
- Weber County Land Use Code Title 104 (Zones) Chapter 9 (F-5 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

Background and Summary

The applicant is requesting preliminary approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, in the F-5 zone. The only lots that do not have frontage along Hwy 39 are lots 1 and 10. Lot 1 is proposed to gain access by a private access easement. Lot 10 will have frontage along a newly dedicated public right of way extending from the Highway to the north. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). Dedication of a new County road is included with this proposal. The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The request is in conformance with the Ogden Valley General Plan as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

Zoning: The subject property is located in the F-5 Zone. Single-family dwellings are a permitted use in the F-5 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-9-4, the F-5 zone requires a minimum lot area of 5 acres for a single family dwelling and a minimum lot width of 300 feet. The width of all ten lots in this proposed subdivision meet this requirement. The area for the lots ranges between 5.03 acres and 14.97 acres. Dedication of a new public road, located between lots 9 and 10, is included as part of this proposal.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the F-5 zone standards in LUC § 104-9.

Culinary water and sanitary sewage disposal: Weber-Morgan Health Department has performed the necessary soil testing to provide feedback and recommendations regarding wastewater disposal systems, and the placement of private wells. Though there are well protection areas shown on each lot, the developer is proposing shared wells (4) for this phase. The applicant will need well permits issued prior to coming before the planning commission for a recommendation of final approval, per LUC 106-4-2.1:

“(c) **Capacity assessment.** Prior to final plat approval by the planning commission, the applicant shall provide the county with a written capacity assessment for the culinary and secondary water supply and delivery system.

(2) Private well capacity assessment. For a private well’s water supply and delivery system, the capacity assessment shall include: For a private well’s water supply and delivery system, the capacity assessment shall include:

1. Written verification from the Utah Division of Water Rights that authorization to drill has been obtained for each proposed private well.
2. The following items, if secondary water is provided by contract with Weber Basin Water Conservancy District:
 1. Written verification from the District that an adequate allocation of water has been secured for each proposed well;
 2. Evidence that the annual cost for the District’s allocation is, or will be, attached to the tax notice of each lot; and
3. Proof of adequate allocation of water shall be demonstrated for all intended uses of the well water, including, but not limited to, applicable secondary water uses and fire suppression appurtenances.”

“Improvements required for private well.

1. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours, and a sample of water analyzed according to applicable agency requirements. A copy of pump-test results shall be submitted to the County and the local health department. The pump test results shall demonstrate that adequate flow and quality exists to serve all intended uses of the well. An inadequate pump-test shall result in that subdivision's approval being void unless another lawfully approved water source can be provided.
2. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.”

Secondary water requirements: LUC 106-4-2.1 (b):

“Required water quantity. Each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.

1. **Culinary water quantity and quality.** The quantity and quality of culinary water shall meet the minimum standards required by the culinary water authority, applicable agency, or applicable service provider.
2. **Secondary water quantity.** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.
 1. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part. As a baseline, each secondary water provider is encouraged to adopt water-wise landscaping requirements as provided in Subsection (b)(2)b. of this Section 106-4-2.1.
 2. **Secondary water by private well.** If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:

1. *All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;*
2. *A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;*
3. *A note is placed on the final recorded plat as required in Section 106-1-8.20; and*
4. *The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval."*

If there will be landscaping and watering restrictions on any of the lots, a note will need to be added to the final plat that generally explains the watering and landscaping restrictions, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.

Natural hazards/wetlands: Per LUC § 104-28-2, the proposed subdivision area has intermittent streams that run through this it.

Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark from the existing ephemeral streams located within the proposed subdivision, unless a stream alteration is approved by the Army Corps of Engineers and State Department of Natural Resources

The proposed subdivision is located within a ridgeline area. Per LUC § 104-28-4,

All structures located within the ridge line area shall not exceed 35 feet in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure. All ridge line developments shall be designed to minimize visual impact. All buildings constructed shall make use of neutral, natural colors (white may be used only as an accent color) that blend in to the surrounding area, non-reflective glass, metal and roofing materials, and varied roof lines. A landscape plan shall also be required and shall make use of trees designed to reduce visual impacts.

The proposed subdivision lies within a geologic hazard study area. Further reports have been required, and obtained. All recommendations contained within the submitted reports (AGEC project no. 1210067). Additional, site-specific, geotechnical reports will be required with each building permit submitted, per the recommendations outlined in the report. All recommendations contained in the submitted reports shall be followed, and a note shall be recorded on the plat indicating the need for further reports.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and the Weber Fire District. The County Surveyor's Office will review a proposed final plat, once one has been submitted. 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 2021 property taxes are not considered due at this time, but will become due in full on November 30, 2021.

Staff Recommendation

Staff recommends preliminary approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, dedication of new public road, and an associated alternative access request for lot 1, located at approximately 748 E Hwy 39, Huntsville. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. An approved plan with Weber Fire District must be submitted prior to going before the County Commission for final approval.
2. UDOT shall grant written approval for the proposed shared accesses off of Highway 39, prior to going before the planning commission for a recommendation of final approval, if this has not yet been completed already.
3. Well permits must be obtained prior to appearing before the planning commission for a recommendation of final approval, per LUC 106-4-2.1(c).
4. The proposed access shall comply with safety, design, and parcel/lot standards as outlined in LUC

5. An alternative access covenant, per the approval for an alternative access dated 10/28/2020, shall be recorded with the final plat.
6. An onsite wastewater disposal covenant shall be recorded with the final plat
7. A private well covenant shall be recorded with the final plat.
8. All required improvements shall be either installed, escrowed for, or a combination of both, prior to County Commission approval.
9. A restricted-landscape covenant shall be recorded with the final plat, to the lots that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable.
10. A landscaping plan shall be submitted, prior to receiving a recommendation of final approval from the planning commission.
11. Road dedication and improvements along the eastern boundary of lot 10 shall be shown on the final plat, and escrowed for or installed prior to final approval from the County Commission.

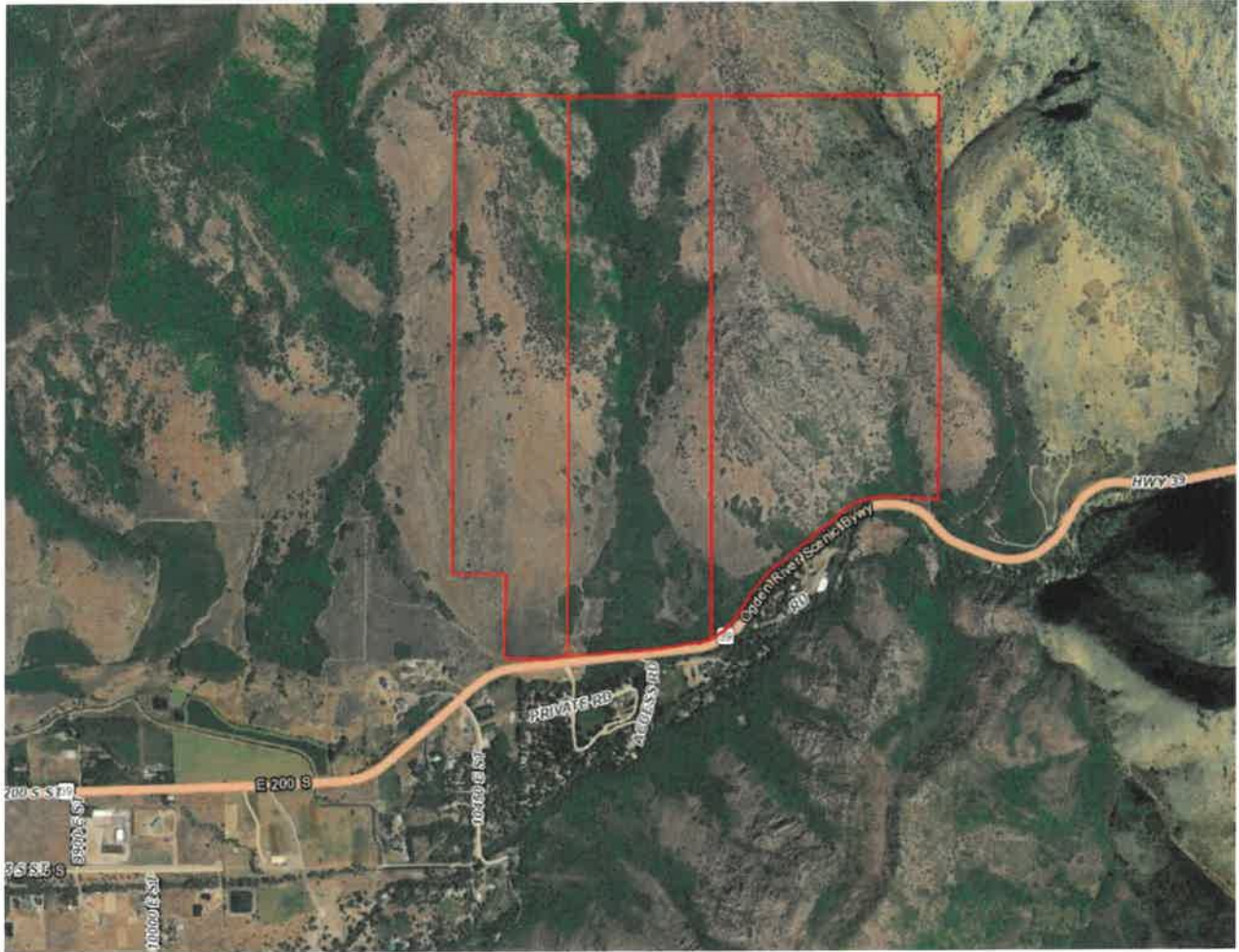
This recommendation is based on the following findings:

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

Exhibits

- A. Application
- B. Subdivision Plat
- C. Approved Water Leases & Septic Feasibility
- D. Geologic Hazard Study & Geotechnical Report

Area Map



Application

[+ Add Building](#)

Project Description 10-lot subdivision with an alternative access request.

Property Address Approx. 748 E. Hwy 39
Huntsville, UT, 84317

Property Owner Matt Lowe
801-648-8229
matt@lowecompanies.com

Representative Nate Reeve
801-621-3100
nreeve@reeve-assoc.com

Accessory Dwelling Unit False
Current Zoning F-5
Subdivision Name Gateway Estates
Number of Lots
Lot Number 31
Lot Size 5 - 43 acres
Frontage 300
Culinary Water Authority Not Applicable
Secondary Water Provider Pineview Water
Sanitary Sewer Authority Health Department (Septic)
Nearest Hydrant Address N/A
Signed By Representative, Nave Reeve

Parcel Number

- [✕ Remove](#) 210130007 - [County Map](#)
- [✕ Remove](#) 210130009 - [County Map](#)
- [✕ Remove](#) 210130001 - [County Map](#)

BRIAN COWAN, MPH, LEHS
Health Officer/Executive Director

June 21, 2021



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

RE: Preliminary Subdivision Determination
Gateway Estates Phase 1, 10 lots
Parcel #01-004-133
Soil log #14414

Gentlemen:

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

DESIGN REQUIREMENTS

Lot 1, 2, 5, 6, 7, 9: Anticipated ground water tables not to exceed 75 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/sq. ft. /day as required for a sandy clay loam, blocky structure soil horizon with a documented percolation rate of less than 60 minutes per inch.

Lot 3, 4, 8, 9, & 10: Anticipated ground water tables not to exceed 75 inches, fall within the range of acceptability for the utilization of a Packed Bed Media Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.4 gal/sq. ft. /day as required for a sandy clay loam, massive structure soil horizon with a documented percolation rate between 60-80 minutes per inch.

Proof of 20,000 square feet of contiguous buildable area with 25% slope or less for each lot within this phase of the development, was provided by a licensed engineering firm.

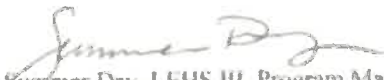
Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

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

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

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

Sincerely,


Summer Day, LEHS III, Program Manger
Environmental Health Division
801-399-7160

6 Miles East
05 Huntsville

Account No. 52010

Replacement Contract/District 3

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

OVB Investments LLC (herein "Petitioner") hereby applies to the Weber Basin Water Conservancy District (herein "District") for the allotment of the beneficial use of 20.00 acre-feet of untreated replacement water annually, for irrigation and domestic purposes, on land situated in Weber County, Utah, legally described as follows:

Section 11, Township 6N, Range 2E. Acres 485.58

Tax I.D. No.(s): 21-013-0001, 21-013-0007 & 21-013-0009

Description of Lands:

21-013-0001: PART OF THE NORTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN, U.S. SURVEY. BEGINNING AT THE NORTHEAST CORNER OF SECTION 11; THENCE SOUTH ALONG THE EAST LINE OF SECTION 11, 3815.4 FEET; THENCE NORTH 86°31' WEST 453 FEET; THENCE SOUTH 69°59' WEST 306.7 FEET; THENCE SOUTH 47°44' WEST 344.3 FEET; THENCE SOUTH 57°23' WEST 316.4 FEET; THENCE SOUTH 46°23' WEST 517.3 FEET; THENCE SOUTH 31°39' WEST 340.6 FEET; THENCE SOUTH 72°50' WEST 39 FEET; THENCE SOUTH 46°55' WEST 264 FEET; THENCE SOUTH 80° WEST 42 FEET; THENCE NORTH 5182 FEET TO THE NORTH LINE OF SAID SECTION 11; THENCE EAST ALONG THE NORTH SECTION LINE 2084.84 FEET TO THE POINT OF BEGINNING. SITUATE IN WEBER COUNTY, STATE OF UTAH.

21-013-0007: PART OF THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT EAST 779.79 FEET OF THE NORTHWEST CORNER OF SECTION 11; THENCE SOUTH 4501.18 FEET; THENCE EAST 514 FEET; THENCE SOUTH 778.82 FEET TO THE SOUTH LINE OF SECTION 11; THENCE EAST ALONG SOUTH LINE OF SECTION 11, 569.92 FEET; THENCE NORTH 5280 FEET TO THE NORTH LINE OF SECTION 11; THENCE WEST ALONG NORTH LINE OF SECTION 11, 1083.92 FEET TO POINT OF BEGINNING. SITUATE IN WEBER COUNTY, STATE OF UTAH.

52010

1/8

21-013-0009 PART OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN, U.S. SURVEY. BEGINNING 2084.84 FEET WEST OF THE NORTHEAST CORNER OF SECTION 11; THENCE SOUTH 5182 FEET; THENCE SOUTH 80° WEST 564 FEET; THENCE SOUTH 52 FEET TO THE SOUTH LINE OF SECTION 11; THENCE WEST ALONG THE SOUTH SECTION LINE 776.29 FEET; THENCE NORTH 5280 FEET TO THE NORTH SECTION LINE OF SECTION 11; THENCE EAST ALONG THE NORTH SECTION LINE 1331.45 FEET TO POINT OF BEGINNING.

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

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

(a) To pay for the right to use the allotted water an amount annually, which amount initially shall be \$9,118.20. A portion of the above payment amount is to be applied to the extent required on the District's obligations under bonds or other government-District contracts or capital expenditures, and is to be fixed from time to time by the District's Board of Trustees. The remainder of the above payment amount is to apply to the District's general operation, maintenance, and repair and replacement expenses, and other special expenses and costs incurred in operating, maintaining, repairing and replacing the separate facilities of the District used or required in servicing this Contract, hereinafter referred to as "OM&R". Such fair OM&R amounts shall be estimated each year by the Board of Trustees of the District, and any such determination shall be final and conclusive and binding on all parties. If such estimate is more than the actual cost thereof, an appropriate adjustment will be made in the annual OM&R amount for the year following the year for which the estimate was made.

(b) The amount so fixed shall be paid whether or not the Petitioner actually takes or uses the water allotted.

(c) The first payment of the amounts so fixed shall be a tax lien upon the above-described land and the Petitioner shall be bound by the rules and regulations of the District's Board of Trustees. Nothing contained herein shall be construed to exempt the Petitioner from paying the taxes levied.

(d) Notwithstanding any of the forgoing, the District shall be entitled to change the charging structure of this Contract, including the amounts charged under this Contract, as determined from time to time by the District's Board of Trustees. The District may, in its sole and absolute discretion, change the billing structure outlined herein, including but not limited to changing that billing structure so that the Petitioner is billed based on the amounts of water used ("bill for use"), such that the District may choose to charge by the unit or gallon delivered or used, and may institute tiers that provide for increasing charges for each such unit based on the total use. As outlined in this Contract, Petitioner is obligated to install appropriate metering and measuring devices. Petitioner agrees that any such meter will satisfy all requirements of the District and will

properly measure water usage, which measurement may be used by the District in determining any overuse, as outlined below, and in determining the appropriate charge under any bill for use payment structure adopted by the District under this paragraph.

3. PENALTY FOR DELINQUENCY: Every installment or charge required to be paid to the District under this Contract, which shall remain unpaid after its due date, shall bear interest from date of delinquency at a rate of 18% APR.

4. REMEDIES IN CASE OF DEFAULT: If the Petitioner shall fail to make any payment due hereunder on or before the due date, or in the event that the petitioner shall violate any of the terms of this Contract, the District may refuse the delivery of water, or upon written notice to Petitioner, cancel this Contract in its entirety, but either or both of these remedies are not exclusive. The District may exercise any other remedy given by this Contract or by law to enforce collection of any payment due hereunder.

5. USE OF WATER. The use of the water allotted hereby shall be solely for the replacement of underground water diverted, withdrawn or to be diverted or withdrawn by means of a well for irrigation and domestic purposes at a point located on the land hereinabove described, and for no other use or purpose.

6. OVERUSE. The amount of water to which the Petitioner is entitled annually shall not exceed the allotted amount as described above. In the event that Petitioner receives water in excess of the allotted amount in any given year, whether intentionally or unintentionally, the Petitioner will be billed for the excess water at a rate or rates fixed from time to time by the Board of Trustees of the District. Payment for use of water in excess of the allotted amount shall be paid within 30 days from notification by the District. Failure to make payment in full by the due date will result in the total amount being levied as a tax lien in future years, and, at the District's sole discretion, in the discontinuation of service until payment in full is received by the District.

7. UTAH STATE ENGINEER. Petitioner's use of the water hereby allotted as replacement water shall be subject to such rules and regulations as the Utah State Engineer may from time to time prescribe. The Petitioner shall not use the allotted water in any way, and the District will not be obligated to deliver water to the Petitioner as herein provided, until Petitioner first receives an approved exchange application from the Utah State Engineer. It is the responsibility of the Petitioner to obtain such approved exchange application.

8. DELIVERY OF WATER. Delivery of the water hereby allotted by the District shall be as directed by the Utah State Engineer or his representative at the outlet works of Pineview Reservoir. The District shall have no obligation to provide works or facilities of any type to conduct the water hereby allotted from its point of delivery to its ultimate place of use.

9. WATER SHORTAGE. In the event there is a shortage of water caused by drought, inaccuracies in distribution not resulting from negligence, hostile diversion, prior or superior claims or other causes not within the control of the District, no liability shall arise against the District or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom to Petitioner and the payments to the District provided for herein shall not be abated or reduced because of any such shortage or damage. During periods of water shortage, allocations of drinking water for municipal and domestic use and treated and untreated water for industrial

and construed in accordance with the domestic laws of the State of Utah without giving effect to any choice or conflict of law provision or rule (whether of the State of Utah or any other jurisdiction) that would cause the application of the laws of any jurisdiction other than the State of Utah. Petitioner submits to the jurisdiction of the Second Judicial District Court of the State of Utah in any action or proceeding arising out of or relating to this instrument and agrees that all claims in respect of the action or proceeding may be heard and determined in any such court. Petitioner waives any defense of inconvenient forum to the maintenance of any action or proceeding so brought and waives any bond, surety, or other security that might be required of the District with respect thereto.

19. INTERPRETATION. In the event an ambiguity or question of intent or interpretation arises, no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this instrument. The paragraph headings contained herein are for purposes of reference only and shall not limit, expand, or otherwise affect the interpretation of any provision hereof. Whenever the context requires, the singular shall include the plural, the plural shall include the singular, the whole shall include any part thereof, any gender shall include the masculine, feminine and neuter gender, and the term "person" shall include any individual, firm, partnership (general or limited), joint venture, corporation, limited liability company, trust, association, or other entity or association or any combination thereof. If any provision of this instrument or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this instrument and the application of such provision to other persons or circumstances shall not be affected thereby and shall be enforced to the extent permitted by applicable law.

20. WAIVER. No failure or delay in exercising any right, power or privilege under this instrument, whether intentional or not, shall operate or be construed as a waiver thereof, nor shall any single or partial exercise of a right, power or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, power or privilege hereunder.

21. SUCCESSION AND ASSIGNMENT. The Contract shall be binding upon and inure to the benefit of the parties named herein and their respective successors and permitted assigns. Petitioner may not assign the Contract or any of its rights, interests, or obligations thereunder without the prior written approval of the District.

22. FURTHER ACTS. The parties hereby agree for themselves, and for their successors and assigns, to execute any instruments and to perform any act which may be necessary or proper to carry out the purposes of the Contract.

23. INCORPORATION OF RECITALS. The recitals set forth in this instrument are incorporated herein by reference and made a part hereof.

24. INTEGRATION. This instrument sets forth the entire understanding of the parties with respect to the subject matter hereof, and all prior negotiations, correspondence, proposals, discussions, understandings, representations, inducements and agreements, whether oral or written and whether made by a party hereto or by any one acting on behalf of a party, shall be deemed to be merged in and superseded by this instrument and shall be of no further force or effect. There are no representations, warranties, or agreements, whether express or implied, or oral or written, with respect to the subject matter hereof, except as set forth herein, and no party

has relied upon any representation, promise, assurance, covenant, omission or agreement not included in the terms hereof in making the decision to enter into this instrument. This instrument may not be contradicted by evidence of prior, contemporaneous or subsequent oral agreements among or between the parties.

25. **AMENDMENTS.** This instrument may not be modified, amended or changed by any oral agreement, either express or implied. No amendment, modification or change in this instrument shall be valid or binding unless reduced to writing and signed by both the District and the Petitioner. The provisions of this and the immediately preceding sentence themselves may not be amended or modified, either orally or by conduct, either express or implied, and it is the declared intention of the parties that no provisions of this instrument, including said two sentences, shall be modifiable in any way or manner whatsoever other than through a written document signed by both the District and the Petitioner.

26. **EXPENSES OF ENFORCEMENT.** In any proceeding to enforce, interpret, rescind or terminate this instrument or in pursuing any remedy provided hereunder or by applicable law, the prevailing party shall be entitled to recover from the other party all costs and expenses, including a reasonable attorney's fee, whether such proceeding or remedy is pursued by filing suit or otherwise, and regardless of whether such costs, fees and/or expenses are incurred in connection with any bankruptcy proceeding. For purposes of hereof, the term "prevailing party" shall include, without limitation, a party who agrees to dismiss an action or proceeding upon the other's payment of the sums allegedly due or performance of the covenants allegedly breached, or who obtains substantially the relief sought. The provisions set forth in this paragraph shall survive the merger of these provisions into any judgment.

27. **EFFECTIVE DATE.** This Contract shall become effective upon approval hereof by the District, as indicated by its endorsement herein below.

28. **REUSE.** The reuse of water delivered pursuant to this contract shall not be allowed without permission of the District. The waste, seepage, or return flow from water delivered pursuant to this contract shall belong to the United States or the District for the use and benefit of the District.

29. **NOTICE.** Any notice herein required to be given to the Petitioner shall be sufficiently given if sent by mail addressed to the Petitioner at the address listed below, or if sent by electronic mail addressed to the Petitioner at the email address listed below, if any such email address is listed, or through public notice, and to the District office if delivered to 2837 East Highway 193, Layton, Utah 84040.

30. **AUTHORIZED EXECUTION.** The individuals signing below each represent and warrant (i) that they are authorized to execute this instrument for and on behalf of the party for whom they are signing; (ii) that such party shall be bound in all respects hereby; and (iii) that such execution presents no conflict with any other agreement of such party.

31. **CONTRACT ASSESSMENTS:** This Petition is governed by the provisions of Utah Code Section 17B-2a-1007, titled "Contract Assessments," together with the rules and regulations of the District's board of trustees relating to contract assessments.

use shall have first priority.

10. WATER CONSERVATION. The Petitioner shall, at a minimum, take the following actions to conserve and protect water: (i) keep water use within the District's conservation goals (ii) follow all applicable water use restrictions for landscape watering; (iii) follow all applicable landscape ordinances.

11. FACILITIES. The Petitioner shall construct, operate and maintain, without cost to the district, the well and appurtenant facilities necessary to secure and accurately measure Petitioner's water supply. The metering or other measuring device installed by Petitioner shall be satisfactory to the Utah State Engineer. The District has no responsibility for the quality or quantity of water that Petitioner is able to secure through the source of Petitioner's well.

12. BENEFICIAL USE. The basis, the measure and the limit of the right of the Petitioner in the use of water shall rest perpetually in the beneficial application thereof, and the Petitioner agrees to put the water allotted Petitioner hereby to beneficial use in accordance with law. The Petitioner shall have no right to hold over or accumulate water from year to year, nor to sell or rent the water.

13. ACCOUNTING AND WATER SUPPLY RECORDS. The Petitioner shall maintain a set of books and records, satisfactory to the District, which shall keep and furnish suitable records of water supply and the disposition thereof. The Petitioner agrees to provide the above information and documentation to the District upon request, and within 30 days of any such request.

14. COMPLIANCE WITH LAW. The Petitioner agrees to fully comply with all applicable federal laws, orders and regulations and the laws of the State of Utah, all as administered by appropriate authorities, concerning the pollution of streams, reservoirs, ground water or water courses with respect to thermal pollution or the discharge of refuse, garbage, sewage effluent, industrial waste, oil, mine tailings, mineral salts, or other pollutants.

15. INDEMNIFICATION. Petitioner agrees to indemnify, protect, and save and hold the District harmless against and in respect of any and all claims, losses, liabilities, damages, costs, deficiencies or expenses (including attorney's fees) resulting from any claim for any rights under the Contract or from the non-fulfillment of any covenant or agreement on the part of Petitioner under or relating to this instrument, and any and all actions, suits, proceedings, demands, assessments, judgments, costs, legal and accounting fees and other expenses incident to any of the foregoing.

16. NUMBER AND JOINT LIABILITY. In this instrument, the singular number includes the plural and the plural number includes the singular. If this instrument is executed by more than one person, firm, partnership or corporation, the obligations of each such person, firm, partnership or corporation hereunder shall be joint and several.

17. NO THIRD-PARTY BENEFICIARIES. Nothing herein shall be interpreted or construed to confer any right or remedy upon, or any duty, standard of care, liability or inference of liability to or with reference to, any person other than the District and the Petitioner and their respective successors and permitted assigns.

18. GOVERNING LAW; JURISDICTION. This instrument shall be governed by

SIGN HERE

SIGN HERE

Matt Lowe
Petitioners and Owners of Land above-described

OVB Investments LLC

c/o: Matt Lowe

6028 South Ridgeline Drive, Suite 203

Ogden, UT 84405

Address

matt@lowecompanies.com

Email Address

801-648-8229

Phone Number

STATE OF)
 : ss.
COUNTY OF)

On the 5th day of April, 2021, before me, Lisa Woolsey a notary
date month year notary public name

public, personally appeared Matt Lowe, proved on the basis of
name of document signor(s)

satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and
acknowledged (he/she/they) executed the same.

Lisa Woolsey
NOTARY PUBLIC SIGNATURE

(SEAL)



7/8

ORDER ON PETITION

DUE NOTICE having been given and hearing had, IT IS ORDERED that the foregoing petition of OVB Investments LLC be granted and an allotment of 20.00 acre-feet of water is hereby made to the lands therein described, upon the terms, at the rates, and payable in the manner as in said petition set forth.

DATED this 29 day of April 2021.

WEBER BASIN WATER CONSERVANCY DISTRICT

BY Dee Alan Waldron
Dee Alan Waldron, President

ATTEST:

[Signature]
Tage L. Fink, Secretary



Exhibit D- Geologic Hazard Study and Geotechnical Reports

See attached.



July 27, 2021

Lowes Companies
6028 South Ridgeline Drive, Suite 203
Ogden, UT 84405

Attention: Matt Lowe
EMAIL: matt@lowecompanies.com

Subject: Reconnaissance-level Geologic-hazards Study
Proposed Gateway Estates Subdivision
Approximately 10700 East Highway 39
Huntsville, Utah
Project No. 1210067

Mr. Lowe:

Applied Geotechnical Engineering Consultants was requested to perform a reconnaissance-level geologic-hazards study for the proposed Gateway Estates subdivision.

PURPOSE AND SCOPE OF INVESTIGATION

This letter presents the results of a reconnaissance-level geologic-hazards study for the proposed Gateway Estates subdivision at approximately 10700 East Highway 39 in Huntsville, Utah.

The study was conducted to identify potential geologic hazards that may affect the proposed development. The hazards evaluated are surface fault rupture, landslide, tectonic subsidence, rockfall, debris flow and liquefaction. The study included a review of geologic literature, aerial photographs and lidar data, site reconnaissance, and geologic analysis. This report has been prepared to summarize the data obtained during the study and to present our conclusions.

PROPOSED CONSTRUCTION

We understand that single-family residences are planned to be constructed on the property. We anticipate the buildings will be one- to two-story structures with basements.

SITE DESCRIPTION

At the time of our site visit on February 10, 2021, there were no permanent structures or pavement on the site. The property consists of undeveloped land.

The general topography of the site is presented on Figure 2. There is a dry drainage that extends generally north-south through the west central portion of the property, which fans out into an alluvial fan. There are other minor drainages on the east and west sides of the property. Ridges with bedrock outcrops extend through much of the north half of the property and into parts of the south-central part of the property.

Vegetation consists of grass, brush and some patches of trees. Tree coverage is greatest in the central drainage.

There is similar properties to the north, east and west. State Route 39 borders the south side of the property. There are houses and camps south of the road.

OFFICE METHODS OF INVESTIGATION

Geologic conditions at the site were evaluated by a review of geologic literature, aerial photographs and lidar data. Aerial photographs and lidar data used during the investigation were downloaded from the Utah Geological Survey website. Photographs with numbers of AAJ-1B-23 and 24, and a date of August 10, 1946 were reviewed. The lidar data is from 2016 with 0.5-meter resolution.

A. Geologic Literature Review

The site is located on the north side of the South Fork of the Ogden River on the east side of the Ogden Valley. Ogden Valley is a northwest trending valley within the Wasatch Mountains of north-central Utah. The valley is filled with an accumulation of lacustrine, alluvial and colluvial sediments from deposition during the past 15 million years.

Bedrock is exposed through most of the steep parts of the site. The bedrock is mapped by Coogan and King (2016) to consist of Neoproterozoic metamorphic rocks classified as quartzites, meta-sandstone and argillites with dip down to the east-northeast at approximately 40 degrees (See Figure 1). The surface deposits in drainages consist of alluvium with colluvial deposits along the margin of drainages. There are landslide deposits mapped for the southwest corner of the property. The landslide map of Elliott and Harty (2010) shows no additional landslides for the property. The landslides appear to have relative shallow-depth slide planes and may be associated with springs in the area.

Ogden Valley is a down-dropped structure with the Ogden Valley Northeast margin fault along the northeast side of the valley and the Ogden Valley Southwest margin fault and the Ogden Valley North Fork fault along the southwest side of the valley. These faults are oriented in a general northwest to southeast direction with the two western faults estimated to have moved in the last 750,000 years and the east fault having evidence of movement in the last 2.6 million years. The faults are considered normal faults with dip direction down to the northeast on the two west fault systems and down to the southwest for the Ogden Valley Northeast margin fault. The faults are considered relatively old structures and do not represent a significant surface-fault-rupture hazard for development within the Ogden Valley area. Tectonic subsidence associated with fault movement would similarly not be a significant hazard at this site.

The Utah Fault and Fold database shows the Ogden Valley northeast margin fault located approximately 1 mile west of the property. No active faults are mapped through or near the site. The closest active fault to the site based on the Utah Geological Survey database is the Wasatch fault located approximately 12 miles to the west (Utah Geological Survey, 2021). The Morgan Fault is considered a potentially active fault and is approximately 12 miles south of the site.

B. Aerial Photograph and Lidar Review

Based on review of the aerial photographs and lidar data, the landslide deposits are mapped on Figure 2.

Based on the topography of the site and surrounding area debris flow is not considered a potential geologic hazards at the site.

C. Seismicity

The property is located in the Intermountain Seismic Zone, which consists of an area of relatively high historical seismic activity. The most intense seismic ground shaking at the site is expected to originate from the Wasatch fault zone. The Wasatch fault zone is considered capable of producing earthquakes on the order of 7 to 7.5 magnitude and can result in significant seismic ground shaking at the site. The US Geological Survey data indicate that a peak ground acceleration of 0.41g can be expected to have a 2 percent probability of being exceeded in a 50-year time period at this site (ICC, 2017).

D. Liquefaction Potential

Based on our understanding of the geology of the area, liquefaction is not considered a hazard at this site (Anderson and others, 1994).

FIELD METHODS OF INVESTIGATION

A site visit was made on February 10, 2021 by a geologist from AGECE. The site was snow covered and thus evidence of geologic hazards could be obscured by the snow cover. There is surface evidence of the landslides mapped on Figure 2 and potential evidence that rockfall could be a hazard for develop below bedrock outcrops above or on Lots 1, 2, 3, 4, 21, 25, 28 ,29, 30 and 31. Rockfall should be evaluated for these lots once the snow has melted.

CONCLUSIONS AND RECOMMENDATIONS

Landslide is a potential hazard for development of the area mapped as landslide deposits on Figure 2. Additional subsurface investigation and stability analysis is recommended for lots planned to be developed in this area. Slope stability could also be a concern where slopes are steepened and should be evaluated for individual residences planned to be constructed. Rockfall is a potential hazard for the lots indicated above and should be further evaluated. It is our professional opinion that debris flow, surface fault rupture, tectonic subsidence and liquefaction are not significant hazards at the site.

LIMITATIONS

This study was performed in accordance with generally accepted engineering geology practices for the area. The findings of the study are based on published geologic maps, review of aerial photographs and lidar data of the site and our interpretation of geologic conditions at the site.

Sincerely,

APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC.



Douglas R. Hawkes, P.E., P.G.

Reviewed by James E. Nordquist, P.E.
DRH/rs

Enclosures

REFERENCES

Anderson, L.R., Keaton, J.R., and Bay, J., 1994; Liquefaction Potential Map for Weber County, Utah; Utah Geological Survey Contract Report 94-1.

Coogan, J.C. and King, J.K., 2016; Interim geologic map of the Ogden 30' X 60' quadrangle, Utah and Wyoming, Utah Geological Survey Open-file Report 653DM.

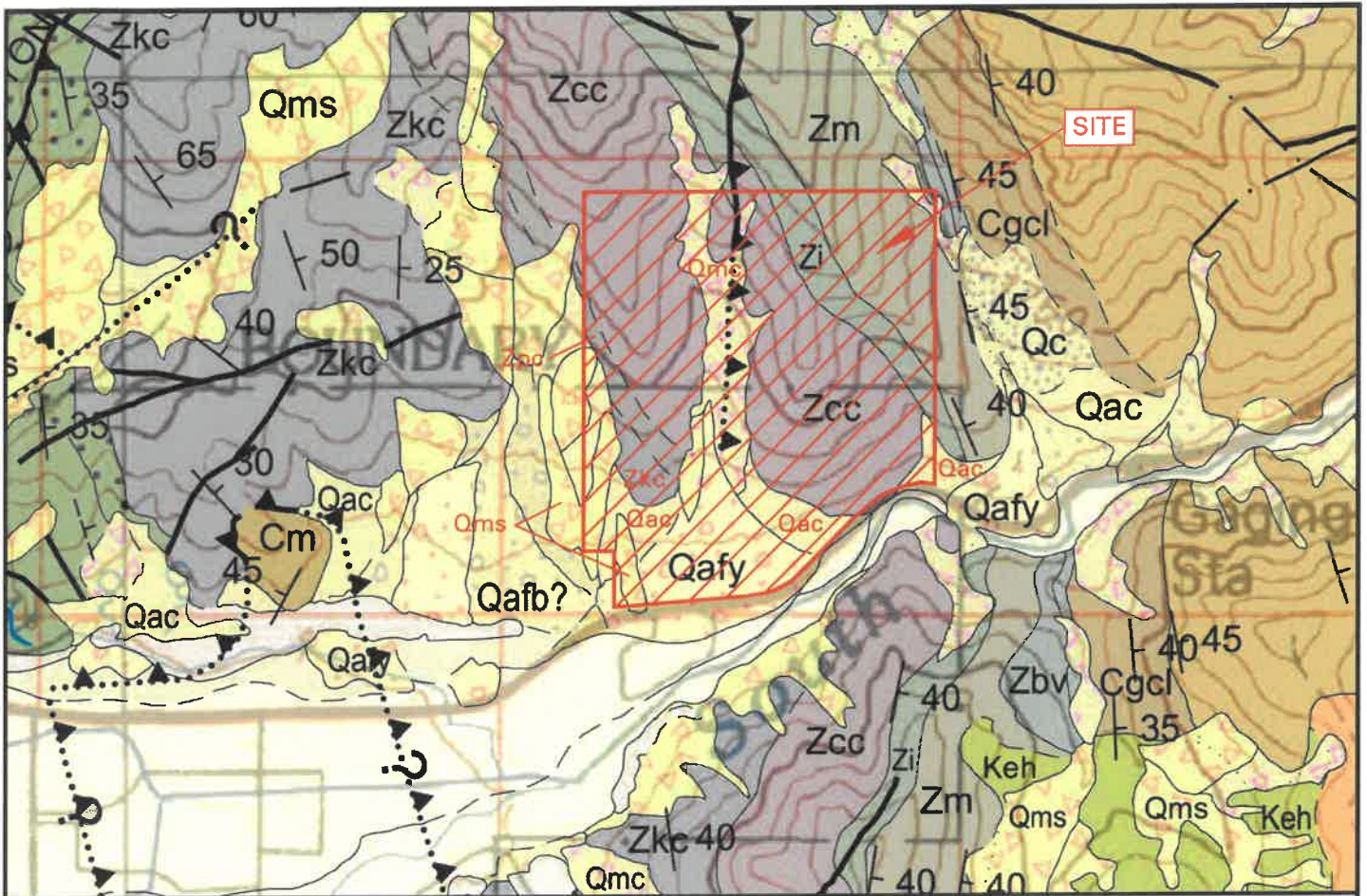
Elliott, A.H. and Harty, K.M., 2010; Landslide maps of Utah, Ogden 30' X 60' quadrangle, Utah Geological Survey Map 246DM, Plate 6.

International Code Council, 2017, 2018; International Building Code, Falls Church, Virginia.

King, J.K., McDonald, G.N. and Coogan, J.C., 2014; Geologic map of the Huntsville quadrangle, Weber and Cache Counties, Utah, Utah Geological Survey map in progress.

Sorensen, M.L. and Crittenden, M.D., Jr., 1979; Geologic map of the Huntsville quadrangle, Weber and Cache Counties, Utah, US Geological Survey Map GQ-1503.

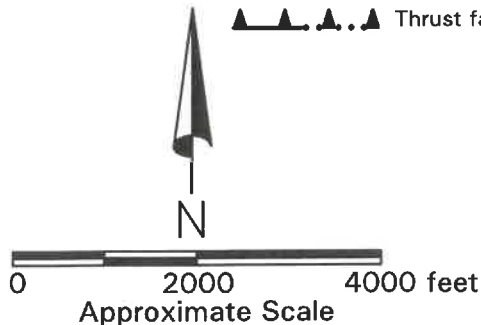
Utah Geological Survey, 2021; Utah Quaternary Fault and Fold Database, <http://geology.utah.gov/resources/data-databases/qfaults/> accessed March 2, 2021.



From Coogan and King (2016)

EXPLANATION OF SYMBOLS AND GEOLOGIC UNITS IN AREA OF PROPOSED DEVELOPMENT

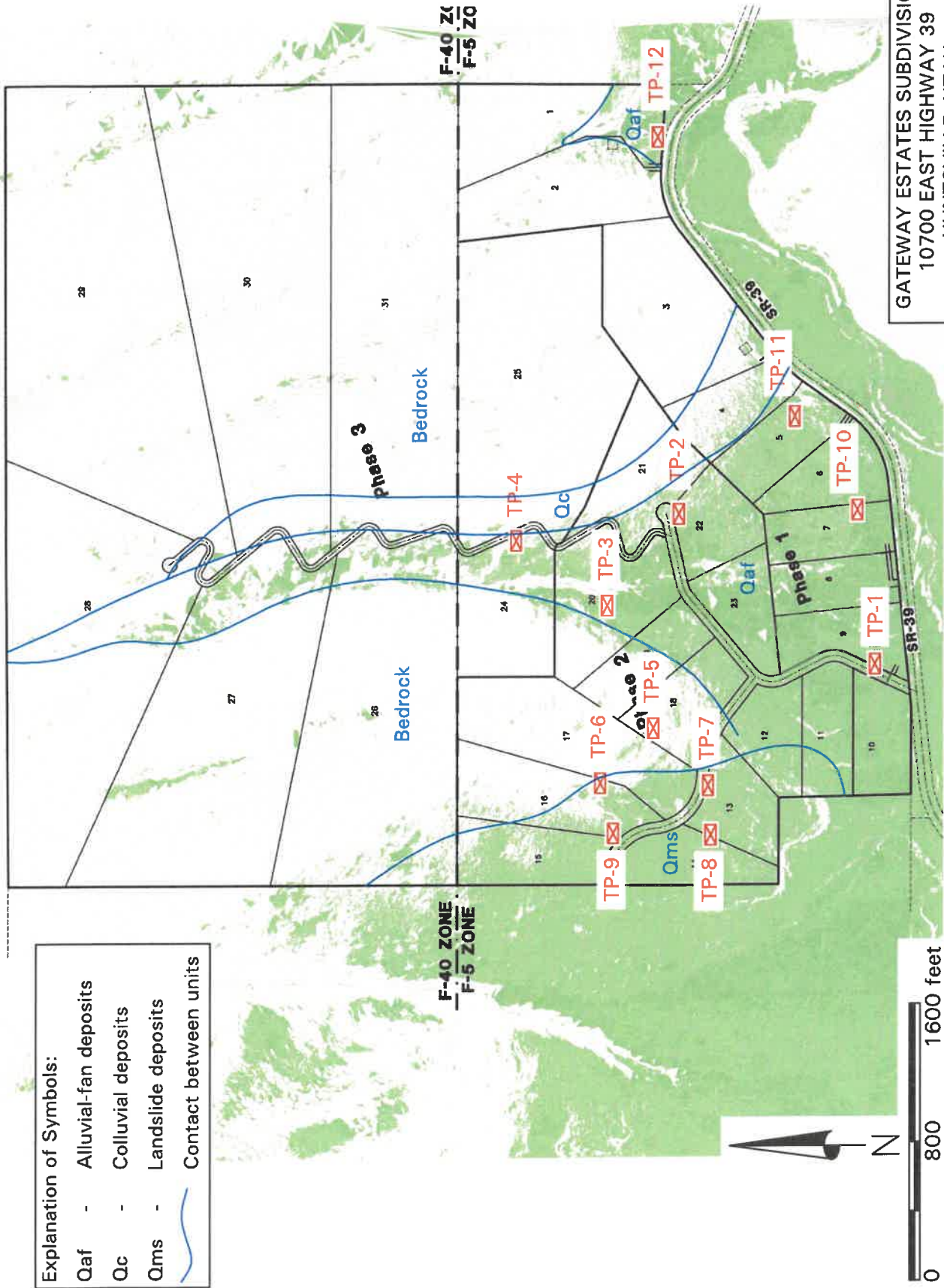
- Qafy - Alluvial-fan deposit (Quarternary).
- Qac - Alluvial and colluvial deposits (Quarternary).
- Qmc - Landslide and Colluvial deposits (Quarternary).
- Qms - Landslide deposits (Quarternary).
- Zm - Mutual formation - quartzite (Neoproterozoic)
- Zi - Inkom formation - argillite and metasandstone (Neoproterozoic)
- Zcc - Caddy Canyon Quartzite - quartzite (Neoproterozoic)
- Zpc - Papoose Creek Formation - argillite, metasandstone and quartzite (Neoproterozoic)
- Zkc - Kelley Canyon Formation - argillite and phyllite (Neoproterozoic)
- — — — — Geologic contact between units, dashed where approximate.
- ▲▲▲▲▲ Thrust fault, dotted where concealed.



GATEWAY ESTATES SUBDIVISION
10700 EAST HIGHWAY 39
HUNTSVILLE, UTAH

Explanation of Symbols:

- Qaf - Alluvial-fan deposits
- Qc - Colluvial deposits
- Qms - Landslide deposits
-  Contact between units



Base Map from Reeve and Associates.

GATEWAY ESTATES SUBDIVISION
10700 EAST HIGHWAY 39
HUNTSVILLE, UTAH



**PRELIMINARY
GEOTECHNICAL STUDY**

**PROPOSED GATEWAY
ESTATES SUBDIVISION**

10700 EAST STATE ROUTE 39

WEBER COUNTY, UTAH

PREPARED FOR:

**LOWE COMPANIES
6028 SOUTH RIDGELINE DRIVE, SUITE 203
OGDEN, UTAH 84405**

ATTN: MATT LOWE

PROJECT NO. 1210067

MARCH 9, 2021

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FIGURES

TEST PIT LOCATIONS
TEST PIT LOGS
TEST PIT LEGEND AND NOTES
SUMMARY OF LABORATORY TEST RESULTS

FIGURE 1
FIGURES 2-3
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TABLE I

EXECUTIVE SUMMARY

1. The subsurface materials encountered at the site consist of approximately ½ to 1 ½ feet of topsoil overlying clay and clayey gravel.
2. No subsurface water was encountered to the maximum depth investigated, approximately 11 feet.
3. There are landslide deposits in the west side of the property, which are not considered suitable for residential development without further geotechnical study. The area is shown on Figure 1.
4. High plastic clay was encountered in the area of landslide deposits and to a lesser amount in other test pits. The high plastic clay is moisture sensitive. It will expand when wetted and shrink when dried. Geotechnical studies are recommended for each individual house to be constructed on the property to determine what mitigation may be needed for the residences.
5. The proposed residences to be constructed outside the landslide deposits may be supported on spread footings bearing on the undisturbed bedrock or on structural fill extending down to the bedrock and may be designed for a net allowable bearing pressure of 3,500 pounds per square foot. Spread footings may be suitable to support buildings in areas of lean clay and clayey gravel where the clay matrix is not high plastic clay. The individual geotechnical studies will help determine what foundation system is appropriate. Removal of high plastic clay or supporting buildings on deep foundations may be needed in some areas of the site.
6. The upper soil consists of clay or has a high clay content and may result in access difficulties for rubber-tired construction equipment when it is very moist to wet. Placement of 1 to 2 feet of granular fill may be needed to provide limited support for construction equipment when the upper soil is very moist to wet.
7. Geotechnical information related to foundations, subgrade preparation and materials is included in the report.

SCOPE

This report presents the results of a preliminary geotechnical study for the proposed Gateway Estates subdivision to be constructed at approximately 10700 East State Route 39 west of Huntsville, Utah. The report presents the subsurface conditions encountered, laboratory test results and recommendations for foundations and pavement. The study was conducted in general accordance with our proposal dated January 28, 2021. A geologic-hazards study was performed for the site and is presented in a separate report.

Field exploration was conducted to obtain information on the subsurface conditions. Information obtained from the field was used to define conditions at the site for our engineering analysis and to develop recommendations for the proposed foundations and pavement.

This report has been prepared to summarize the data obtained during the study and to present our conclusions and recommendations based on the proposed construction and the subsurface conditions encountered. Design parameters and a discussion of geotechnical engineering considerations related to construction are included in the report.

SITE CONDITIONS

At the time of our site visit on February 10, 2021, there were no permanent structures or pavement on the site. The property consists of undeveloped land. There were several feet of snow on the ground.

The general topography of the site is presented on Figure 1. There is a drainage that extends generally north-south through the west central portion of the property, which fans out into an alluvial fan. There was some water in the drainage. There are other minor drainages on the east and west sides of the property, which are currently dry. Ridges with bedrock outcrops extend through much of the north half of the property and into parts of the south-central part of the property.

Vegetation consists of grass, brush and some patches of trees. Tree coverage is greatest in the central drainage.

There are similar properties to the north, east and west. State Route 39 borders the south side of the property. There are houses and camps south of the road.

FIELD STUDY

The field study was conducted on February 10, 11 and 16, 2021. Twelve test pits were excavated at the approximate locations indicated on Figure 1. The test pits were logged and samples obtained by a geologist from AGECE. The logs of the subsurface conditions encountered in the test pits are presented on Figures 2 and 3 with legend and notes on Figure 4.

The test pits were backfilled without significant compaction. The backfill should be removed and replaced with properly compacted fill where the backfill will support buildings, slabs or pavement.

SUBSURFACE CONDITIONS

The subsurface materials encountered at the site consist of approximately ½ to 1 ½ feet of topsoil overlying clay and clayey gravel.

A description of the soil and bedrock encountered in the test pits follows:

Topsoil - The topsoil consists of sandy lean to fat clay with gravel and cobbles. It is moist, dark brown and contains organics.

Lean Clay with Sand - The clay contains some gravels and cobbles. It is very stiff, slightly moist and brown.

Laboratory tests on the clay indicate it has natural moisture contents of 5 to 7 percent. A hydrometer test indicates it has a clay fraction of 16 percent. Atterberg limit tests indicate it has liquid limits of 26 to 27 percent and a plasticity index of 9 percent.

Fat Clay - The clay contains a small to large amount of sand and gravel. It contains cobbles and boulders up to approximately 3 feet in size. It is very stiff, moist and brown.

Laboratory tests on the clay indicate it has natural moisture contents of 17 to 18 percent. Hydrometer tests indicate it has clay fractions of 28 to 41 percent. Atterberg limit tests indicate it has liquid limits of 54 to 72 percent and plasticity indexes of 35 to 50 percent.

Clayey Gravel with Sand - The gravel contains cobbles and boulders up to approximately 4 feet in size. It is medium dense to dense, slightly moist and brown.

Laboratory tests on the gravel indicate it has natural moisture contents of 7 to 16 percent. Hydrometer tests on the clay portion of the gravel samples indicate it has clay fractions of 33 to 46 percent. Atterberg limit tests on the clay portion of the gravel samples indicate it has liquid limits of 62 to 63 percent and a plasticity index of 47 percent.

Quartzite Bedrock - The bedrock is highly fractured, has clay infilled fractures and is very hard, slightly moist and brown.

Results of the laboratory tests are summarized on Table I and are included on the logs of the test pits.

SUBSURFACE WATER

No subsurface water was encountered in the test pits.

PROPOSED CONSTRUCTION

We have assumed the residences will be one- to three-story, wood-frame structures with the potential for a basements. We have assumed building loads to consist of wall loads up to 3 kips per lineal foot and column loads up to 30 kips.

We anticipate that roads extending into the development will have predominantly car traffic with occasional delivery and garbage-truck traffic.

If the proposed construction, building loads or traffic is significantly different from that described above, we should be notified so that we can reevaluate the recommendations given.

RECOMMENDATIONS

High plastic clay was encountered in the area of landslide deposits and other areas of the site. The high plastic clay is moisture sensitive. It will expand when wetted and shrink when dried. Geotechnical studies are recommended for each individual house to be constructed on the property to determine what mitigation may be needed for the residences. The following are preliminary recommendations for the proposed development.

A. Site Grading

1. Subgrade Preparation

Prior to placing grading fill or base course, the topsoil, organics, unsuitable fill and other deleterious materials should be removed. In some cases, some or all of the high plastic clay may need to be removed from proposed building areas.

The upper soil consists of clay or has a high clay content and may result in access difficulties for rubber-tired construction equipment when it is very moist to wet. Placement of 1 to 2 feet of granular fill may be needed to provide limited support for construction equipment when the upper soil is very moist to wet.

2. Excavation

We anticipate that excavation at the site can be accomplished with heavy-duty excavation equipment. Difficult excavation can be expected where bedrock is encountered, particularly for confined excavations, such as for utilities. Jack hammering or other rock excavation methods may be needed for excavation into the bedrock.

3. Slopes

Temporary unretained excavation slopes may be constructed at 1 ½ horizontal to 1 vertical. For preliminary planning, permanent unretained cut and fill slopes may be considered at 4 horizontal to 1 vertical or flatter. Flatter slopes or retainage may be needed in some areas, particularly in areas of landslide deposits. Steeper slopes would be appropriate in areas of bedrock and gravel with low fines content. Additional study is recommended to evaluate stability of slopes. Slopes should be protected from erosion by revegetation or other methods. Surface drainage should be directed away from cut and fill slopes.

4. Materials

Listed below are materials recommended for imported structural fill:

Fill to Support	Recommendations
Footings	Non-expansive granular soil Passing No. 200 Sieve < 35% Liquid Limit < 30% Maximum size 4 inches
Floor Slab (Upper 4 inches)	Sand and/or Gravel Passing No. 200 Sieve < 5% Maximum size 2 inches
Slab Support	Non-expansive granular soil Passing No. 200 Sieve < 50% Liquid Limit < 30% Maximum size 6 inches

Fill placed below the area of the proposed buildings should consist of granular soil as indicated above, though there may be instances where low-permeable fill is recommended. This would be determined with individual lot geotechnical studies. The on-site gravel meeting the above criteria exclusive of topsoil, organics, over-sized particles, debris and other deleterious materials may be used as structural fill. The natural gravel, lean clay and bedrock may be used as fill outside proposed building areas if the organics, debris and other deleterious materials are removed.

The moisture of the soil used as fill should be adjusted to within 2 percent of the optimum moisture content to facilitate compaction. Drying of the soil may not be practical during cold or wet times of the year.

5. Compaction

Compaction of materials placed at the site should equal or exceed the minimum densities as indicated below when compared to the maximum dry density as determined by ASTM D 1557.

Fill To Support	Compaction Criteria
Foundations	≥ 95%
Concrete Slabs	≥ 90%
Pavement	
Base Course	≥ 95%
Fill placed below Base Course	≥ 90%
Landscaping	≥ 85%
Retaining Wall Backfill	85 - 90%

Fill and pavement materials placed for the project should be frequently tested for compaction. Fill should be placed in thin enough lifts to allow for proper compaction.

6. Drainage

The ground surface surrounding the proposed buildings should be sloped away from the buildings in all directions. Roof down spouts and drains should discharge beyond the limits of backfill.

The collection and diversion of drainage away from the pavement surface is important to the satisfactory performance of the pavement section. Proper drainage should be provided.

B. Foundations

1. Bearing Material

The proposed residences to be constructed outside the landslide deposits may be supported on spread footings bearing on the undisturbed bedrock or on structural fill extending down to the bedrock. Spread footings may be suitable to support buildings in areas of lean clay and clayey gravel where the clay matrix is not high plastic clay. The individual geotechnical studies will

help determine what foundation system is appropriate. Removal of high plastic clay or supporting buildings on deep foundations may be needed in some areas of the site. Structural fill placed below footings should extend out away from the edge of footings at least a distance equal to the depth of fill placed below footings.

The topsoil, organics, unsuitable fill, debris and other deleterious materials should be removed from below proposed foundation areas.

2. Bearing Pressure

Spread footings bearing on the natural undisturbed bedrock or on compacted structural fill extending down to the bedrock may be designed for a net allowable bearing pressure of 3,500 pounds per square foot. Assuming the gravel for a particular residence does not have significant high plastic clay, footings bearing on the gravel or structural fill extending down to the gravel may also be designed for a net allowable bearing pressure of 3,500 pounds per square foot. Recommended allowable bearing pressures for other soil conditions would be evaluated as part of the lot-specific studies.

3. Minimum Footing Width and Embedment

Footings should have a width of at least 18 inches and a depth of embedment of at least 10 inches.

4. Settlement

We estimate that total and differential settlement for footings designed as indicated above to be less than ½ inch for footing bearing on bedrock or gravel as described above. Settlement estimates for other subsurface conditions can be provided from lot-specific studies.

5. Temporary Loading Conditions

The allowable bearing pressure may be increased by one-half for temporary loading conditions such as wind or seismic loads.

6. Frost Depth

Exterior footings and footings beneath unheated areas should be placed at least 36 inches below grade for frost protection.

7. Foundation Base

The base of foundation excavations should be cleared of loose or deleterious material prior to structural fill or concrete placement.

8. Construction Observation

A representative of the geotechnical engineer should observe footing excavations prior to structural fill or concrete placement.

C. Concrete Slab-on-Grade

1. Slab Support

Concrete slabs may be supported on the undisturbed natural bedrock, and in some cases the gravel or on compacted structural fill. Slab support recommendation would be provided with lot-specific studies.

Expansive soil, topsoil, unsuitable fill, organics, debris and other deleterious materials should be removed from below proposed slabs.

2. Underslab Sand and/or Gravel

Consideration may be given to placing a 4-inch layer of free-draining sand and/or gravel (less than 5 percent passing the No. 200 sieve) below slabs to promote even curing of the slab concrete.

D. Lateral Earth Pressures

1. Lateral Resistance for Footings

Lateral resistance for footings placed on the bedrock, gravel or structural fill is controlled by sliding resistance between the footing and supporting material. A friction value of 0.45 may be used in design for ultimate lateral resistance for footings. A low friction value would be recommended for footings bearing on lean clay.

2. Subgrade Walls and Retaining Structures

The following equivalent fluid weights are given for design of subgrade walls and retaining structures. The active condition is where the wall moves away from the soil. The passive condition is where the wall moves into the soil and the at-rest condition is where the wall does not move. The values listed below assume a horizontal surface adjacent the top and bottom of the wall.

Soil Type	Active	At-Rest	Passive
Clay & Silt	50 pcf	65 pcf	250 pcf
Sand & Gravel	40 pcf	55 pcf	300 pcf

Additional recommendations can be provided for sloping backfill conditions.

3. Seismic Conditions

Under seismic conditions, the equivalent fluid weight should be increased by 24 pcf and 9 pcf for active and at-rest conditions, respectively, and decreased by 24 pcf for the passive condition. This assumes a peak horizontal ground acceleration of 0.41g for a seismic event having a 2 percent probability of exceedance in a 50-year period.

4. Safety Factors

The values recommended above for active and passive conditions assume mobilization of the soil to achieve the soil strength. Conventional safety factors used for structural analysis for such items as overturning and sliding resistance should be used in design.

E. Seismicity, Faulting and Liquefaction

1. Seismicity

Listed below is a summary of the site parameters that may be used with the 2018 International Building Code:

Description	Value ¹
Site Class	D ²
S _s - MCE _R ground motion (period = 0.2s)	0.73g
S ₁ - MCE _R ground motion (period = 1.0s)	0.25g
F _a - Site amplification factor at 0.2s	1.22
F _v - Site amplification factor at 1.0s	2.10
PGA - MCE _G peak ground acceleration	0.32g
PGA _M - Site modified peak ground acceleration	0.41g

¹Values obtained from information provided by the Applied Technology Council at <https://hazards.atcouncil.org>

²Site Class C may be representative in areas of bedrock.

2. Faulting

There are no mapped active faults extending through the property. The closest mapped active fault is the Morgan Fault located approximately 12 miles to the south (Utah Geological Survey, 2021).

3. Liquefaction

Based on the subsurface conditions encountered and our understanding of geologic conditions in the area liquefaction is not considered a hazard at this site.

F. Subsurface Drains

If the lowest floor level of the residences extend below the natural ground surface, a perimeter drain system should be provided. The perimeter drain system should consist of at least the following items:

1. The underdrain system should consist of a perforated pipe installed in a free-draining gravel filled trench around the perimeter of the below grade floor.
2. The flow line of the pipe should be placed at least 18 inches below the finished floor level or crawl space and should slope to a sump or outlet where water can be removed by pumping or by gravity flow.
3. If placing the gravel and drain pipe requires excavation below the bearing level of the footing, the excavation for the drain pipe and gravel should have a slope no steeper than 1 horizontal to 1 vertical away from the edge of the footing to avoid disturbing the soil below the footing.
4. A filter fabric should be placed between the natural soil and the drain gravel. This will help reduce the potential for fine-grained material filling in the void spaces of the gravel.
5. The subgrade floor slab should have at least 6 inches of free-draining gravel placed below it and the underslab gravel should connect to the perimeter drain.

6. Consideration should be given to installing clean-outs to allow access into the perimeter drain, should cleaning of the pipe be required in the future.

G. Water Soluble Sulfates

Based on the soil and bedrock conditions encountered and our experience in the area no special cement type is required for concrete placed in contact with the natural soil and bedrock. Other conditions may dictate the type of cement to be used in concrete for the project.

H. Pavement

Based on the subsoil conditions encountered, laboratory test results and the assumed traffic as indicated in the Proposed Construction section of the report, the following pavement support recommendations are given:

1. Subgrade Support

The upper natural soil at the site consists of a mixture of clay sand and gravel. A California Bearing Ratio (CBR) of 2½ percent was used for our analysis.

2. Pavement Thickness

Based on the subsoil conditions, assumed traffic as described in the Proposed Construction section of the report, a design life of 20 years for flexible and 30 years for rigid pavement and methods presented by AASHTO, a flexible pavement section consisting of 3 inches of asphaltic concrete overlying 8 inches of high quality base course is recommended. Alternatively, a rigid pavement section consisting of at least 5 inches of Portland cement concrete may be used.

3. Pavement Material and Construction

a. Flexible Pavement (Asphaltic Concrete)

The pavement materials should meet the material specifications for the applicable jurisdiction. The use of other materials may result in the need for different pavement material thicknesses.

b. Rigid Pavement (Portland Cement Concrete)

The design assumes that a concrete shoulder or curb will be placed at the edge of the pavement and that the pavement will have aggregate interlock joints.

The pavement materials should meet the material specifications for the applicable jurisdiction. The pavement thicknesses indicated above assume that the concrete will have a 28-day compressive strength of 5,000 pounds per square inch. Concrete should be air entrained with approximately 6 percent air. The maximum allowable slump will depend on the method of placement, but should not exceed 4 inches.

4. Jointing

Joints for concrete pavement should be laid out in a square or rectangular pattern. Joint spacings should not exceed 30 times the thickness of the slab. The joint spacings indicated should accommodate the contraction of the concrete and under these conditions steel reinforcing will not be required. The depth of joints should be approximately one-fourth the slab thickness.

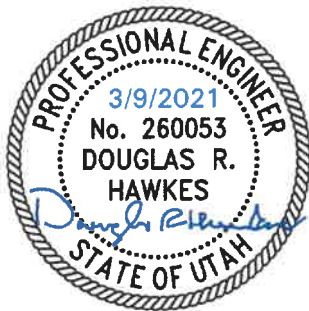
I. **Preconstruction Meeting**

A preconstruction meeting should be held with representatives of the owner, project architect, geotechnical engineer, general contractor, earthwork contractor and other members of the design team to review construction plans, specifications, methods and schedule.


LIMITATIONS

This report has been prepared in accordance with generally accepted soil and foundation engineering practices in the area for the use of the client for preliminary design purposes. The conclusions and recommendations included in the report are based on the information obtained from the test pits excavated at the approximate locations indicated on Figure 1 and the results of the laboratory tests. Variations in the subsurface conditions may not become evident until additional exploration or excavation is conducted. If the proposed construction, subsurface conditions or groundwater level is found to be significantly different from what is described above, we should be notified to reevaluate the recommendations given.

APPLIED GEOTECHNICAL ENGINEERING CONSULTANTS, INC.



Douglas R. Hawkes, P.E., P.G.


Reviewed by Jay R. McQuivey, P.E.

DRH/rs

REFERENCES

International Code Council, 2017; 2018 International Building Code, Falls Church, Virginia.

Utah Geological Survey, 2021; Utah Quaternary Fault and Fold Database, <http://geology.utah.gov/resources/data-databases/qfaults/> accessed March 1, 2021.

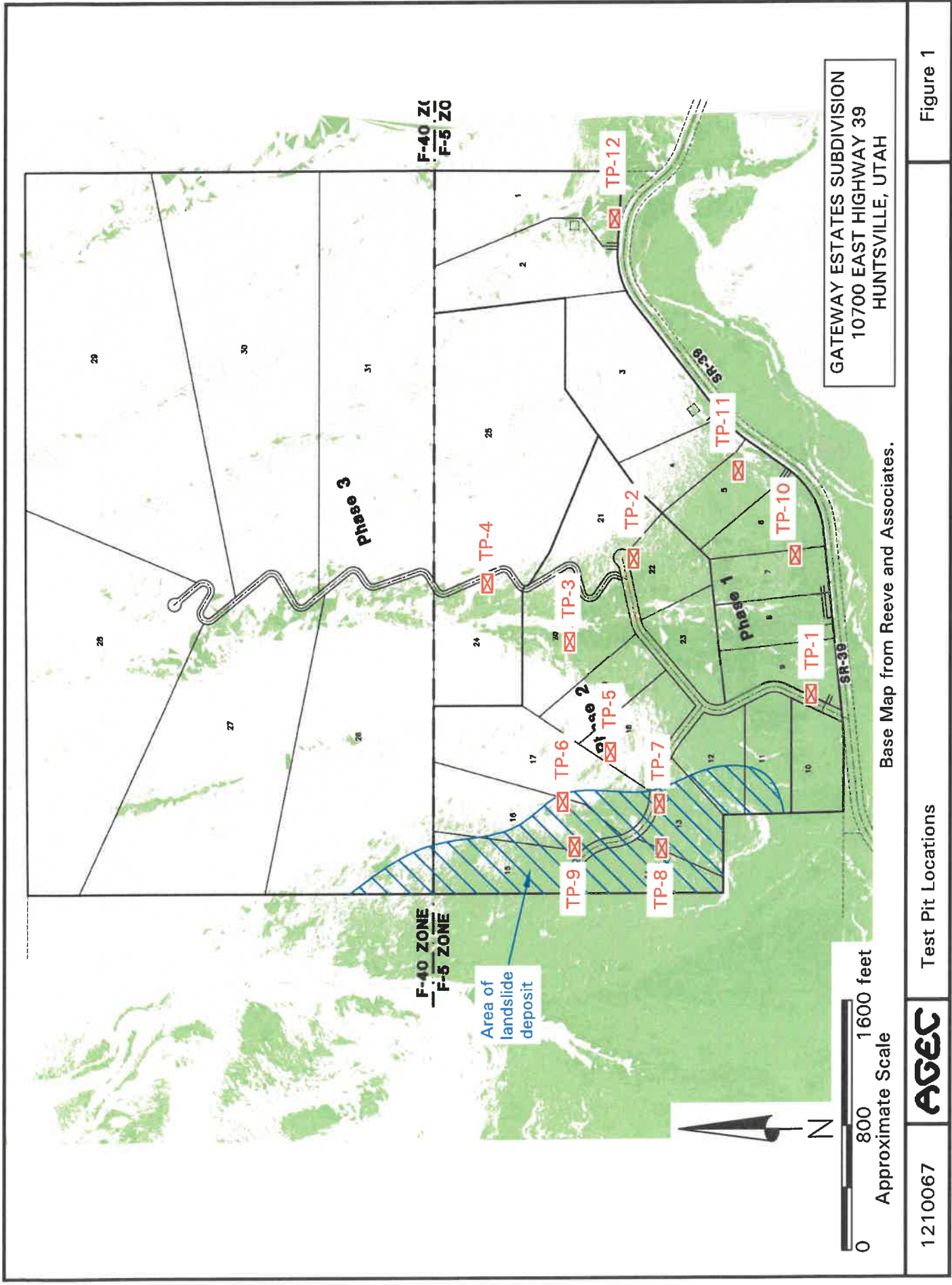
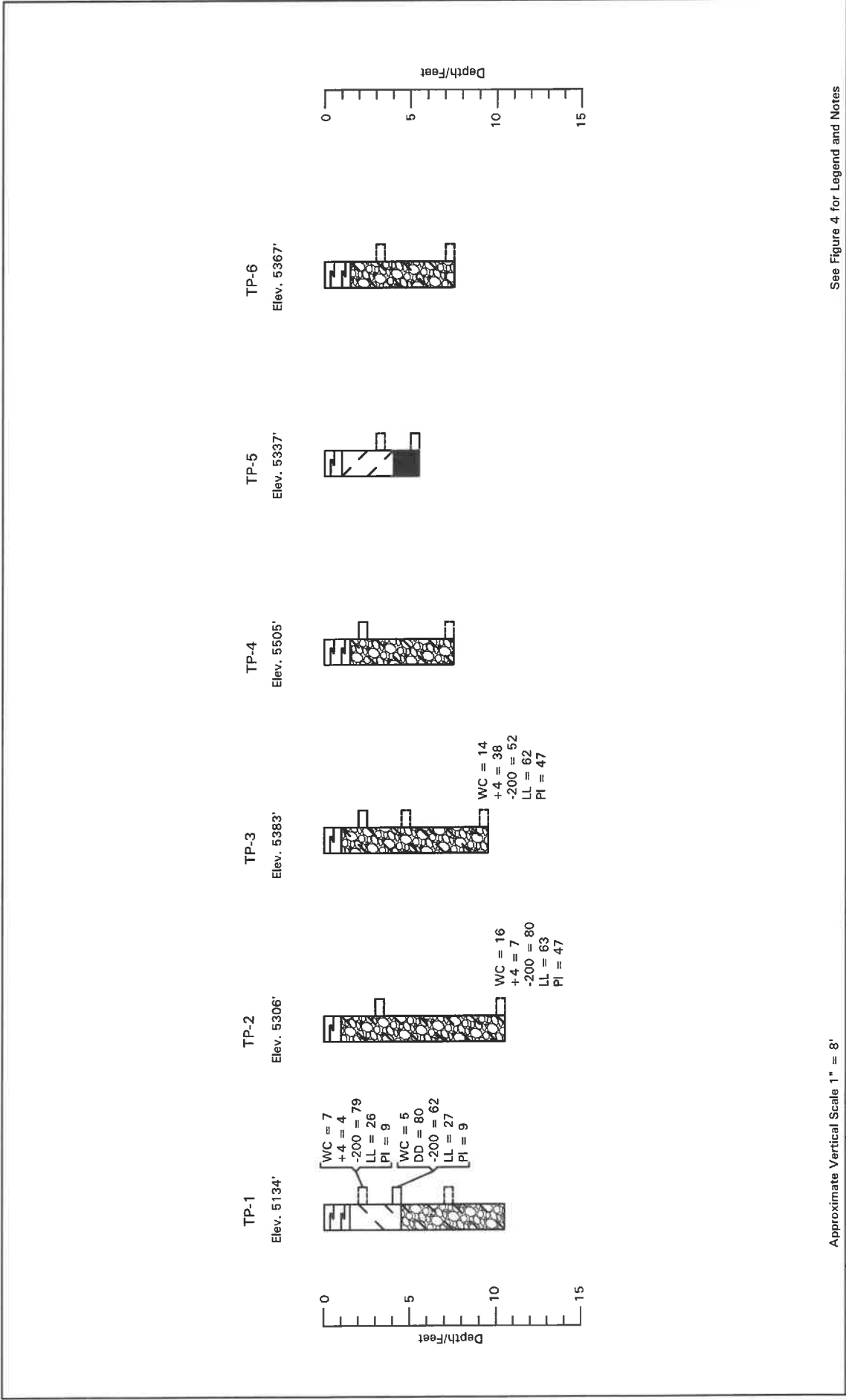
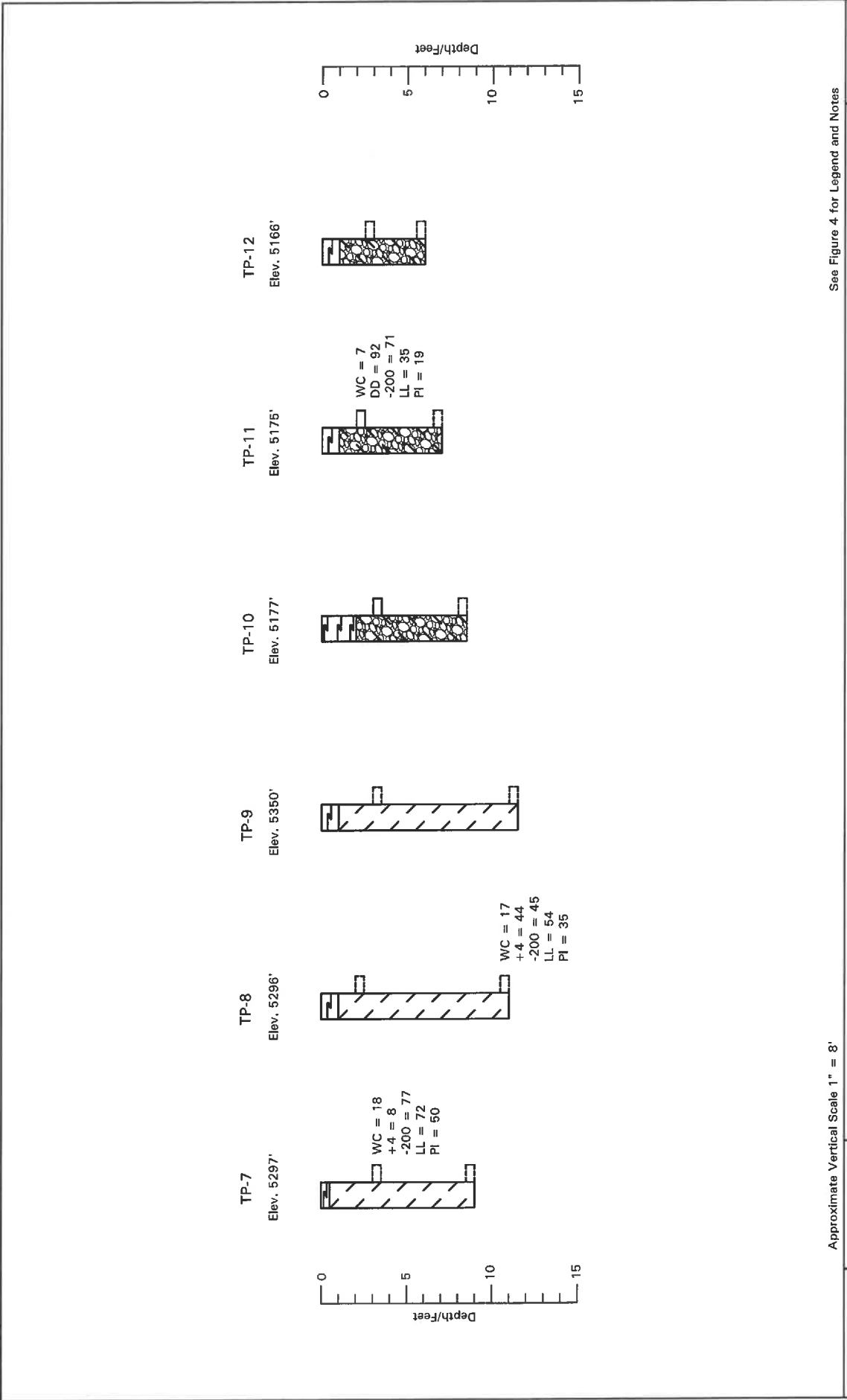


Figure 1



Approximate Vertical Scale 1" = 8'

See Figure 4 for Legend and Notes



1210067 **AGEC** Test Pit Logs See Figure 4 for Legend and Notes **Figure 3**

LEGEND:



Topsoil: sandy lean to fat clay with gravel and cobbles, moist, dark brown, organics.



Lean Clay with Sand (CL): some gravels and cobbles, very stiff, slightly moist, brown.



Fat Clay (CH): small to large amount of sand and gravel, some cobbles and boulders up to approximately 3 feet in size, very stiff, moist, brown.



Clayey Gravel with Sand (GC): cobbles, boulders up to approximately 4 feet in size, medium dense to dense, slightly moist, brown.



Quartzite Bedrock: highly weathered, clay infilled fractures, very hard, slightly moist, brown.



Indicates disturbed sample taken.



Indicates relatively undisturbed block sample taken.

NOTES:

1. The test pits were excavated on February 10, 11 and 16, 2021 with a tracked excavator.
2. Locations of the test pits were measured approximately by pacing from features shown on the site plan provided.
3. Elevations of the test pits were determined by interpolating between contours shown on the site plan provided.
4. The test pit locations and elevations should be considered accurate only to the degree implied by the method used.
5. The lines between materials shown on the logs represent the approximate boundaries between material types and the transitions may be gradual.
6. No free water was encountered in the test pits at the time of excavation.
7. WC = Water Content (%);
DD = Dry Density (pcf);
+4 = Percent Retained on the No. 4 Sieve;
-200 = Percent Passing the No. 200 Sieve;
LL = Liquid Limit (%);
PI = Plasticity Index (%).



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for final approval of The Point Subdivision located at approximately 3850 North Wolf Creek Drive.

Agenda Date: August 24, 2021

Applicant: The Point at Wolf Creek LLC John Lewis

Representative: Eric Householder

File Number: UVP070821

Property Information

Approximate Address: 3850 North Wolf Creek Drive, Eden

Project Area: Approximately 3 acres

Zoning: FR-3

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 220160034

Township, Range, Section: T7N, R1E, Section 22

Adjacent Land Use

North: Golf Course	South: Residential
East: Residential	West: Golf Course

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 17, Forest Residential (FR-3) Zone
- Title 104, Zones, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable

Background and Summary

On June 29, 2021 the Ogden Valley Planning Commission approved a de minimis revision to the Worldmark PRUD (CUP #32-98) site plan, which expanded the site by approximately 0.57 acres. On July 27, 2021, the Ogden Valley Planning Commission granted preliminary subdivision approval for this proposal, consisting of 48 lots. The current request is for a positive recommendation to the County Commission for final approval of the proposal. The following is an analysis of the project as it relates to the Weber County Land Use Ordinances. The analysis contains much of the same information that was written in the previous staff report for preliminary approval.

Analysis

General Plan: This development has no additional density than what was originally granted in 1998. By platting the number of units that was originally approved, in the same general location, this proposal is not contrary to the goals and policies of the Ogden Valley General Plan.

Zoning: The subject property is located in the Forest Residential (FR-3) Zone. The purpose and intent of the FR-3 zone is identified in the LUC §104-17-1 as:

The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an

integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.

Multi-family dwellings in the FR-3 zone require 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of 2. This PRUD site plan was approved with three buildings, each with 7,875 square feet of area and 16 units.

Culinary Water, Sanitary Sewer, and Secondary Water: The applicant has provided a will-serve letter from Wolf Creek Water and Sewer Improvement District for culinary water, secondary water, and sanitary sewer services. The applicant has provided a capacity assessment letter, as required by the subdivision ordinance, prior to final approval from the Planning Commission. A final plat approval letter will be required before the subdivision can be approved by the County Commission.

Parking: 82 on-site parking spaces were approved as part of the amended PRUD.

Sensitive Lands: The property is located within a geologic hazards area. The applicant has submitted a geotechnical engineering and geologic study that was prepared by Western Geologic and Environmental LLC. The development of the site must follow the recommendations that are listed in the report. A notice of geologic hazards will be recorded at the same time the plat records.

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office and Weber Fire District have reviewed the subdivision plat. Engineering and Fire approved of the site plan as part of the conditional use review in June of 2021. Prior to the subdivision being considered for final approval from the County Commission, all review agencies comments will need to be addressed.

Staff Recommendation

Staff recommends final approval of The Point Subdivision consisting of 48 condominium units. This recommendation for approval is subject to all applicable review agency requirements.

This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. The proposed subdivision amendment complies with all previous approvals and the applicable County ordinances.

Exhibits

- A. Proposed final plat

Location Map 1

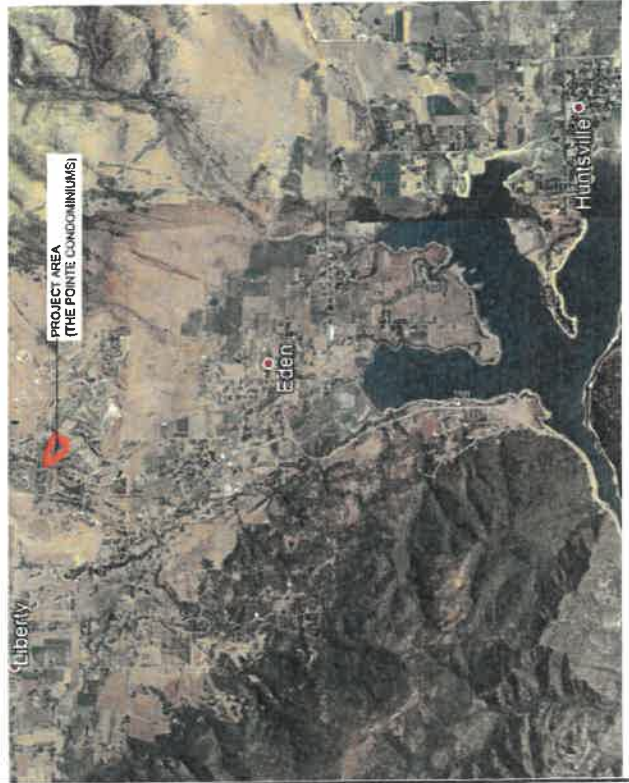


THE POINTE AT WOLF CREEK RESORT

FINAL REVIEW PLAN SET

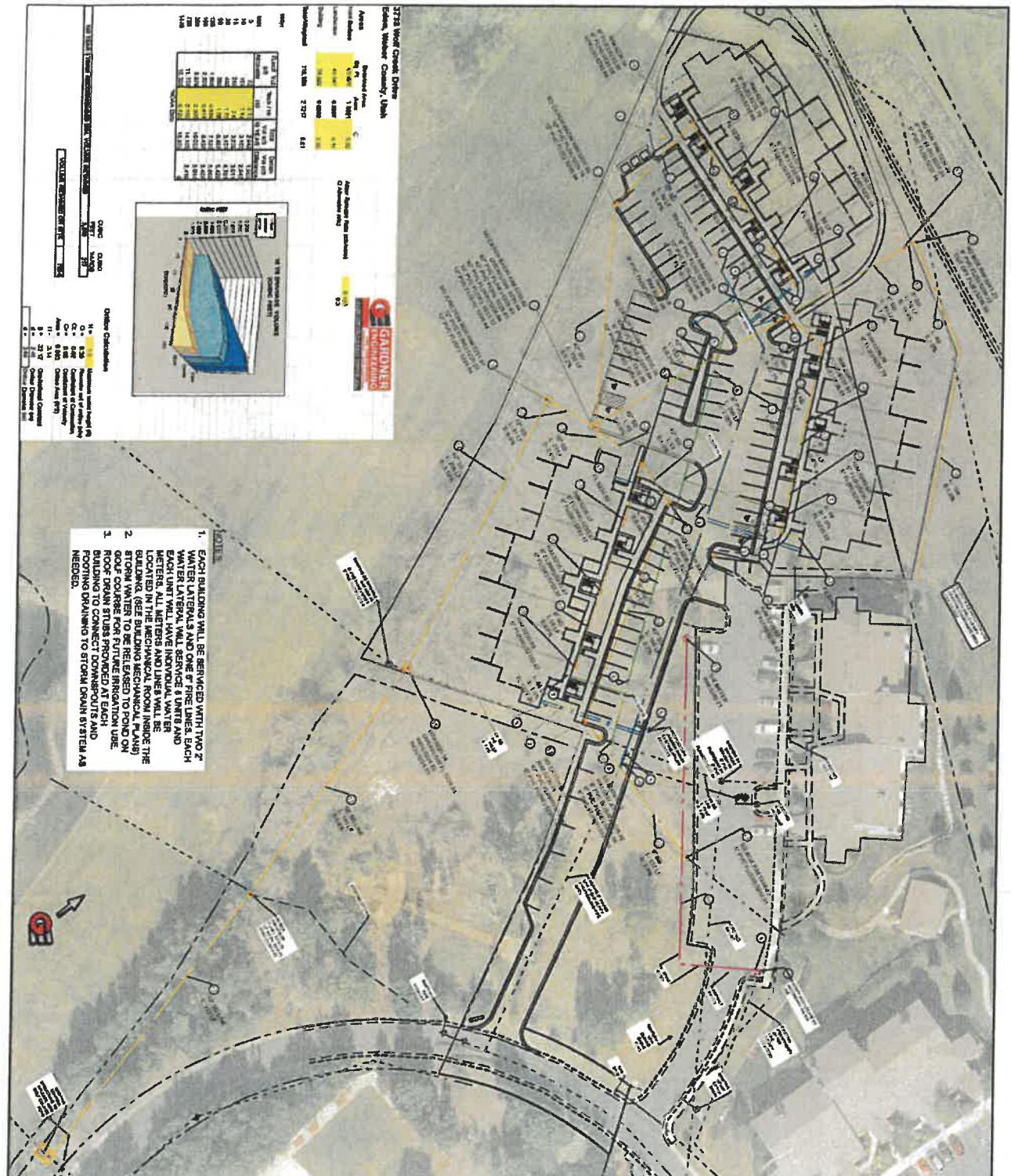


LOCATION MAP



SHEET INDEX:

- CE0-00 COVER SHEET
- CE0-01 NOTE SHEET
- CE1-01 SITE PLAN
- CE1-02 UTILITY PLAN
- CE1-03 SWEEP
- CE1-04 DETAILS
- CE1-05 DETAILS



KEY NOTES:

- 1 8" CG90 DR-18 PVC WATER LINE (PER DISTRICT STANDARDS)
- 2 WATER LATERAL (SEE NOTE 1) (PER DISTRICT STANDARDS)
- 3 FIRE LINE (SEE NOTE 1)
- 4 GATE VALVE (PER DISTRICT STANDARDS)
- 5 INSTALL FIRE HYDRANT ASSEMBLY (PER DISTRICT STANDARDS)
- 6 8" PVC SEWER LINE (PER DISTRICT STANDARDS)
- 7 8" PVC SEWER LATERAL (COORDINATE WITH BUILDING PLANS)
- 8 4" SERVICE MANHOLE (PER DISTRICT STANDARDS)
- 9 SEWER CLEANOUT (PER DISTRICT STANDARDS)
- 10 4" SECONDARY WATER LINE (SIZE PER LANDSCAPING PLAN) (PER DISTRICT STANDARDS)
- 11 1" SECONDARY WATER METER (SIZE PER LANDSCAPING PLAN) (PER DISTRICT STANDARDS)
- 12 1" PVC SER-35 STORM DRAIN LINE (PER DISTRICT STANDARDS)
- 13 36" SD BOX (SEE DETAIL)
- 14 STORM DRAIN DETENTION
- 15 36" STORM DRAIN CONTROL BOX (SEE DETAIL)
- 16 CONNECT TO EXISTING
- 17 ROOF DRAIN STUB (COORDINATE WITH BUILDING PLAN) (SEE NOTE 3)
- 18 12" INLINE DRAIN BOX
- 19 CUT OFF DRAIN

LEGEND

---	WATER
---	WATER LATERAL
---	EX. WATER
---	SEWER
---	SEWER LATERAL
---	EX. SEWER
---	STORM DRAIN
---	EX. STORM DRAIN
---	SECONDARY WATER
---	EX. SECONDARY WATER
---	EX. GAS
---	BUILDING
---	SIDEWALK
---	TBC
---	ASPHALT
---	PARKING STRIP
---	EX. SIDEWALK
---	EX. TBC
---	EX. ASPHALT
---	ASBESTOS
---	BOUNDARY LINE
---	BOUNDARY LINE ADDITION
---	ZONING EXCHANGE
---	22.285 SF
---	NEW ASPHALT
---	NEW CONCRETE
---	LANDSCAPING

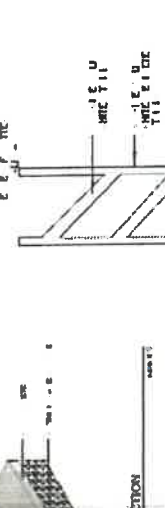
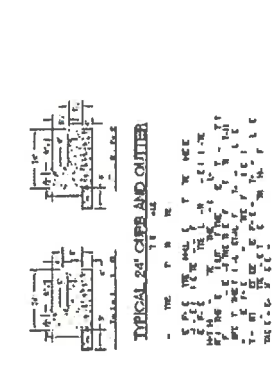
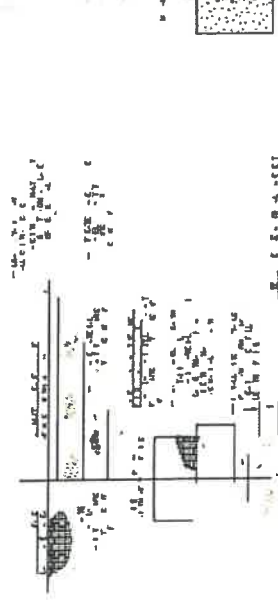
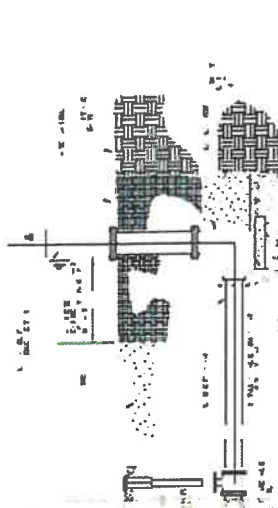
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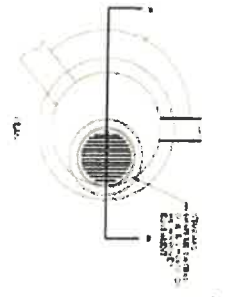
DATE	NO.	BY	REVISION

STANDARD DETAILS
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 EDEN, WEBER COUNTY, UTAH

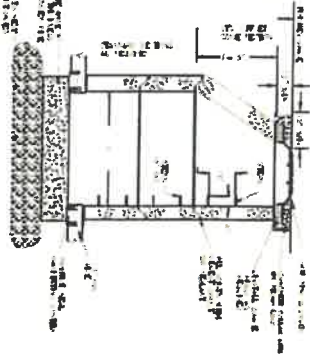
GARDNER
 ENGINEERING
 CIVIL AND ENVIRONMENTAL
 1170 NORTH 2000 WEST, SUITE 100
 SALT LAKE CITY, UTAH 84119

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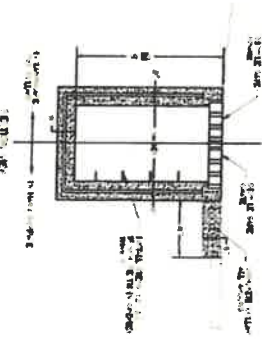
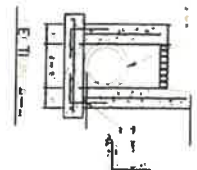
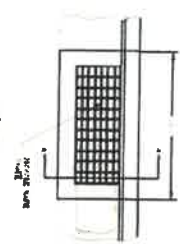




8 TYPICAL MANHOLE DETAIL

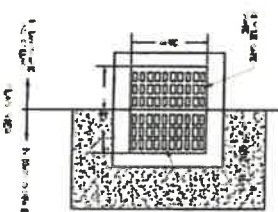


9 TYPICAL 2'-0\"/>



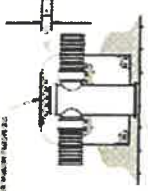
TYPICAL STORM DRAIN BOX

10 TYPICAL STORM DRAIN BOX



TYPICAL STORM DRAIN BOX

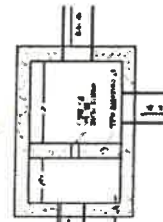
11 18\"/>



THE MANHOLE, STORM DRAIN, AND CATCH BASIN SHALL BE CONSTRUCTED OF CONCRETE. THE MANHOLE SHALL BE 18\"/>



12 ELEVATED LIGHT



CONTROL STRUCTURE DETAIL

13 18\"/>

GARDNER ENGINEERING
 CIVIL & LAND PLANNING
 3340 SOUTH 375 EAST OGDEN, UT
 OFFICE (801) 476-2002 FAX (801) 476-0095

CEI-06

STANDARD DETAILS
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 375 WOLF CREEK DR
 EDEN, WEBER COUNTY, UTAH

REVISION		DATE	BY

