



W2348948

EX 2348948 PG 1 OF 1
ERNEST D ROWLEY, WEBER COUNTY RECORDER
19-JUN-08 911 AM FEE \$1.00 DEP LF
REC FOR: WEBER COUNTY PLANNING

Ordinance 2008 - 14

An Ordinance of Weber County Vacating Fairway Oaks at Wolf Creek PRUD Phase 1

Whereas, Fairway Oaks at Wolf Creek PRUD Phase 1 has been amended to correct the location of the building pads within the PRUD, and is now known as Fairway Oaks at Wolf Creek PRUD Phase 1 1st Amendment;

Whereas, the vacation of Fairway Oaks at Wolf Creek PRUD Phase 1 is recommended by the Weber County Planning Department and Recorder/Surveyor's Office because it will reduce the potential for future errors in transfer of title;

Whereas, the vacation of Fairway Oaks at Wolf Creek PRUD Phase 1 will not adversely affect the public health, safety, or welfare;

Now Therefore, the Weber County Board of Commissioners ordains and vacates the following:

All of Fairway Oaks at Wolf Creek PRUD Phase 1

This ordinance shall take effect upon the concurrent recording of Fairway Oaks at Wolf Creek PRUD Phase 1 1st Amendment. Should Fairway Oaks at Wolf Creek PRUD Phase 1 1st Amendment fail to be recorded on or before September 1, 2008, this ordinance shall be void and of no effect.

Passed, Adopted and Ordered published this 22 day of April, 2008
by the Board of County Commissioners of Weber County, Utah,

Commissioner Bischoff	Voting <u>aye</u>
Commissioner Dearden	Voting <u>excused</u>
Commissioner Zogmaister	Voting <u>aye</u>

Jan M. Zogmaister
Jan M. Zogmaister, Chair

ATTEST:

Alan D. McEwan
Alan D. McEwan, CPA Weber County Clerk/Auditor

By: Roger Brunker
CHIEF DEPUTY

Minutes of the Weber County Township Planning Commission held Tuesday, June 29, 1999, in the Weber County Commission Chambers, 2380 Washington Blvd., commencing at 6:00 p.m.

Members Present:

Dale Campbell, Chair
Haynes Fuller
Wayne Gibson
Becky Messerly
Sandra Tuck

Members Excused:

Tena Campbell
Brent Harsha

Staff

Craig Barker, Director
Jim Gentry, Planner
Kevin Hamilton, Planner
Chris Allred, Legal Counsel
Curtis Christensen, County Engineer
Sherri L. Sillitoe, Secretary

Consent Agenda Items

- A. Request for a six month extension of Final Approval for Sheep Creek, 4400 N. 4000 E.
- B. Bottoms Subdivision, 2 Lots, 4900 W. 2100 S. - Final Approval - To Be Tabled
- C. Amendment of Fairway Oaks to allow an additional building plan - John Lewis
- D. Trendwest Condo Plat, Phase 1, 3618 Wolf Creek Drive, 32 Units - Final Approval

Regular Agenda Items

- 1. Approval of the May 18, 1999, meeting minutes
- 2. CUP #15-99 by Garilyn Nelson at 171 S. 3500 W. for a Laboratory for Agricultural Testing
- 3. CUP #16-99 by AT&T Wireless in Ogden Canyon for a Telecommunications Site
- 4. CUP #17-99 by Ernie Butters, 1600 W. 3300 S. for Site Leveling
- 5. Manufacturing Site Plan MSP #06-99 by Vickie King for pet care & boarding w/ dwelling for night watchman at 1256 W. 2550 S.
- 6. Flag Lot #08-99 by Bret Hadley, 5296 W. 2200 S.
- 7. Approval of the Revised Bret Hadley Subdivision, Phase 4, 3 Lots
- 8. Flag Lot FLAG #08-99 by Russell L. Chatelain for a Flag Lot at 419 W. 2550 N.
- 9. McFarland Subdivision, 416 N. 3600 W., 2 Lots - Preliminary Approval - Tabled from 5/18/99
- 10. Eden Acres, 2500 N. Hwy 166 - Final Approval
- 11. Cottonwood Hills, Phase 4, 6 Lots, 3700 N. 3775 E - Final Approval
- 12. Other
- 13. Adjourn

Consent Agenda Items

A. Request for a six-month extension of Final Approval for Sheep Creek, 4400 N. 4000 E.

Commissioner Tuck moved to grant a six-month extension for final approval for Sheep Creek located at 4400 N. 4000 E. Commissioner Gibson seconded the motion. A vote was taken and Chair Campbell said the motion carried with all members present voting aye.

B. Bottoms Subdivision, 2 Lots, 4900 W. 2100 S. - Final Approval - To Be Tabled

MOTION: Commissioner Tuck moved to table this item until the July 20, 1999, meeting. Commissioner Gibson seconded the motion. A vote was taken and Chair Campbell said the motion carried with all members present voting aye.

C. Amendment of Fairway Oaks to allow an additional building plan - John Lewis

Commissioner Gibson moved to approve the amendment of Fairway Oaks to allow an additional building plan. Commissioner Fuller seconded the motion. A vote was taken and Chair Campbell said the motion carried with all members present voting aye.

Minutes of the East Huntsville Township Planning Board meeting held Thursday, August 24, 1999, in the Weber County Commission Chambers of the Weber Center, commencing at 5:00 p.m.

Members Present:

Louis Cooper, Chair
Wally Armstrong
Greg Graves
Frank Maughan
Norman Montgomery
Lorna Rich

Staff

Craig C. Barker, Planning Director
G. Kelly Grier, Senior Planner
Kevin Hamilton, Planner
Monette Hurtado, Legal Counsel
Sherri Sillitoe, Secretary

Consent Agenda Items

1. Approval of Site Plan for Sunridge Common Area

Regular Agenda Items

1. Approval of minutes of the June 22, 1999, meeting
2. Zoning Petition Z.P. #016-99 to Rezone FV-3 to CV-2 at Hwy 39 & Snowbasin Road
3. Zoning Petition Z.P. #017-99 to Amend Chapter 8 Forest Zones
4. Zoning Petition Z.P. #018-99 to add Chapter 21-B the Valley Manufacturing MV-1 Zone
5. Zoning Petition Z.P. #019-99 to Amend Chapter 23 Supplementary and Qualifying Regulations
6. Zoning Petition Z.P. #020-99 to Amend Chapter 15 Forest Residential FR-3 Zone
7. Zoning Petition Z.P. #021-99 to Amend Chapter 10 Single Family Residential
8. Zoning Petition Z.P. #022-99 to Amend Chapter 12 Forest Residential FR-1 Zone
9. Conditional Use CUP #09-99 Chris Petersen's Lighting issues discussion
10. Conditional Use CUP #21-96 Garr Petersen's Caretaker's Dwelling Discussion and possible action
11. Discussion - Building Permits issued prior to subdivision improvements installed, ie., Bailey Acres, Green Hills
12. Discussion - Priority for upcoming ordinance amendments
13. Name Suggestion for a person to fulfill Vicki Petersen's unexpired term
14. Other

1. Approval of minutes of the June 22, 1999, meeting

Legal Counsel has reviewed this set of minutes.

MOTION: Commissioner Montgomery moved to approve the minutes of the June 22, 1999, meeting as approved by Legal Counsel. Commissioner Graves seconded the motion. A vote was taken and Chair Cooper said the motion carried by a unanimous vote, with Commissioner Messerly abstaining.

Consent Agenda Items

1. Approval of Site Plan for Sunridge Common Area

Staff said Sunridge Home Owner's Association will add a pavilion and a restroom facility next year to their common area. They have received Health Department approval to build the restroom facility.

MOTION: Commissioner Maughan moved to approve Consent Agenda Item 1. Commissioner Rich seconded the motion. A vote was taken and Chair Cooper said the motion carried with all members present voting aye.

Minutes of the Weber County Township Planning Commission meeting held August 12, 1997, held in the Weber County Commission Chambers, 2380 Washington Blvd., commencing at 5:30 p.m.

Members Present:

Dale Campbell, Vice Chair
Haynes Fuller
Wayne Gibson
Brent Harsha
Becky Messerly
Sandra Tuck

Members Excused:

Frank Spinosa

Staff

Craig C. Barker, Director
Jim Gentry, Planner
Troy Herold, Planner
Sherri Sillitoe, Secretary
Monette Hurtado, Legal Counsel

Consent Agenda

1. Fairway Oaks, 4000 N. 4900 E., 37 units - Final Approval

Regular Agenda Items

1. Approval of April 22, 1997, May 13, 1997, June 24, 1997, and July 8, 1997 minutes
2. Amendment to Rules of Procedure to require Chairman to vote on all issues.
3. Suggested Changes to Rules of Procedure as proposed by Marriott Township
4. C.S.P. 2-97 by Kelly Goddard for Site Plan approval for a hardware store and service station at 7800 E. 500 S.
5. C.S.P. 3-97 by Rock Toone for a 13' x 13' addition at 5500 E. 2200 N.
6. Private Road Acceptance, 2268 S. 3500 W., Wesley Robison
7. Wheeler Subdivision, 5100 N. 3600 E., 9 lots - Preliminary Approval
8. Mountain View Estates #3, 2800 N. 4975 E., 30 Lots - Preliminary Approval
9. Elkhorn Phase #3, 3600 N. Elkridge, 24 Lots - Preliminary Approval
10. Bailey Subdivision, 4500 N. 3300 E., 50 Lots - Preliminary Approval
11. Carver Subdivision, 3900 W. 3600 N., 18 Lots - Preliminary Approval
12. Other
13. Motion to Adjourn

1. **Approval of April 22, 1997, May 13, 1997, June 24, 1997, and July 8, 1997 minutes**

MOTION: Commissioner Fuller moved to approve the minutes of the April 22, 1997 and May 13, 1997 minutes. The remaining minutes will be tabled until the next meeting. Commissioner Tuck seconded the motion. A vote was taken and Vice Chair Campbell said the motion carried with all members present voting aye.

The members opted to place this item as a regular agenda item for further discussion.

1. **Fairway Oaks, 4000 N. 4900 E., 37 Units - Final Approval**

Staff presented the following report:

Finding of Fact:

The petitioner has received approval from the County Commission on the PRUD. They have also addressed the Engineering concerns. In order to transfer "ownership" of the units, plat must be approved for recording.

Questions to ask: None.

Staff and Agency Reviews: Final Approval from Engineering and Surveying departments. Conditions of approval from State Division of Natural Resources on Aug. 8th letter.

Staff Recommendations:

Final approval subject to staff and agency comments.

Planning Commission Action Required:

Motion for Final Approval of Fairway Oaks PRUD subject to agency comments, and bond for improvements that are not yet completed.

Lowell Peterson said he believed all the issues of concern have been addressed. They have been working with the County Engineer and State Department of Natural Resources. The stream channel altering has been approved and staff's concerns have been addressed. The subdivision plan will be transferring ownership of the lots so they can transfer ownership to the new owners.

Dick Manley, Chairman of the Eden Planning Committee, asked if work can be commenced on the stream channel and the roads before final approval has been given. Staff replied that once Preliminary Approval is given, the developer can cut roads. Mr. Manley asked why the detention pond is not shown on the plans. The Eden Planning Committee is concerned about water storage capacity. He is assuming the County is monitoring the storage capacity vs. actual numbers using the system. Mr. Manley asked about secondary water. Restoring the stream channel would be extremely difficult if the members wanted the course changed.

Staff said the approval process for a P.R.U.D. is different from a standard subdivision. Once the P.R.U.D. is approved by the County Commission that is final approval. This plat is on the agenda because they do not want to rent the units. Staff said there will be 578 units on the water system if this project is approved. The detention pond is not on this property which is why it is not on the subdivision plat. However, the cost for improving the pond will be placed in escrow. Commissioner Fuller asked where the stream will be altered. Staff showed this location and said the stream was the overflow channel that is higher than the main channel of Wolf Creek.

Shanna Francis said she contacted the State Division of Water Rights who said as of 3:00 p.m. today the petitioner did not obtain a stream alteration permit before commencing the stream alteration. Ms. Francis also stated they provided false information on their stream alteration application. The stream flows seven to eight months of the year whereas their application said the stream flows only 30 days of the year. The site was excavated before August 8, 1997.

Dick Manley said Mr. Wiscombe from the Patio Springs Home Owner's Association previously said they objected to using a lot in the Patio Springs development for a detention basin. Staff said Mr. Wiscombe signed a letter on June 30, 1997 giving permission to use this lot for the Fairway Oaks Development.

Lowell Peterson said they had been very careful with the work done. They were under the understanding work could commence and their engineer filled out the stream alteration application. The stream channel is defined in some areas and in some areas it is not. This was already an altered channel at the time the golf course was built. He cannot believe that the plans have not been submitted to the State. When he visited the site, he saw they had crossed the future road, but had not altered the stream. Monette Hurtado, Legal Counsel, said when stream alteration occurs, the State contacts the County and states that they are investigating. If they find the stream was altered illegally, they can pursue action.

MOTION: Commissioner Gibson moved to recommend to the County Commission that Final Approval be given to Fairway Oaks P.R.U.D. Subdivision, 400 0N. 4900 E., 37 Units subject to the conditions as listed in the staff report and approval from the State Division of Water Quality for stream path alteration. Commissioner Harsha seconded the motion

DISCUSSION: Commissioner Gibson said he really appreciated the efforts of the Eden Planning Committee to bring information to their attention, but he believes the board does not have the right to deny approval if a proposal meets County Ordinance requirements.

Commissioner Fuller said Mr. Peterson said the stream had been altered in the past. However, there is much discussion about how much drainage should go down stream channels at certain times of the year.

VOTE: A vote was taken and Vice Chair Campbell said the motion carried with all members present voting aye.

2. **Amendment to Rules of Procedure to require Chairman to vote on all issues**

Monette Hurtado said the Rules of Procedure required that they have four members present to act. If there is a 2-1 vote, the Chair only votes to make or break a tie. The Chair does not actually say he votes with the majority. This rule was implemented when the Planning Commission was the final approving body. At that time, the determination was the Chair's role was as an administrator rather than an active member of the board.

Ms. Hurtado submitted proposed wording that would amend the rules of procedure to state that the Chair would vote on all questions unless the chair has declared a conflict of interest so they will always have a majority voting on an issue.

Commissioner Gibson asked what happens if the Weber County planning board approves this amendment and the other townships do not.

No action was taken and the members moved onto the next agenda item.

3. **Suggested Changes to Rules of Procedure as proposed by Marriott Township**

This item was tabled as no one was present to discuss this item.

4. **C.S.P. 2-97 by Kelly Goddard for Site Plan approval for a hardware store and service station at 7800 E. 500 S.**

Staff presented the following report:

Finding of Fact:

The petitioner's property is zoned Commercial C-2. The petitioner is proposing a hardware store and small retail shops along with a service station. The petitioner is proposing to annex into Huntsville Town in order to obtain culinary water.

Commercial and manufacturing zones require curb, gutter and sidewalk, but there is none in this area. The Planning Commission needs to require the curb, gutter and sidewalk to be installed, or require a deferral agreement for these improvements.

Conformance to General Plan: The proposal conforms to the General Plan for the area

Conditions for Approval:

1. Landscaping details
2. Parking Curbs
3. If there is a receiving area, then that needs to be shown
4. Screening of the trash dumpster area
5. A letter of requirements from Utah Department of Transportation for access off State Highway 39
6. Fire District requirements
7. Engineering requirements
8. The center parking area be separated by a small landscaped area or have the ends of the center parking area landscaped to allow recreation vehicle parking
9. Installation of curb, gutter and sidewalk, or require a deferral agreement
10. Additional landscaping of the rear property line to provide a buffer between the commercial property and the adjacent home

Staff Recommendations: Staff recommends approval subject to staff and other agency comments

The Health Department said they would approve the septic tank system if the petitioner deletes the freestanding restrooms near the pumps from the proposal. U.D.O.T. would like to see turning and deceleration lanes.

Monette Hurtado said if Mr. Froerer cannot meet the requirements, this proposal could not receive Final Approval. A developer is not required to develop off-site improvements, but they do have to provide interior roads. If Mr. Waters allows the road to be connected, the public could use the road. If Mr. Waters does not allow the connection, Mr. Froerer could still have a cul-de-sac. Staff explained the Preliminary Approval process at this time.

Commissioner Tuck said she believed a cluster subdivision would have worked better. Legally, she believes they cannot deny Preliminary Approval.

VOTE: A vote was taken and Chair Pro-tem Tuck said the motion carried with all members present voting aye.

4. **Wolf Creek P.R.U.D. Fairway Oaks 37 units 4000 North 4900 East**

Staff presented the following report:

Finding of Fact:

The petitioner would like to build a 37-unit PRUD on the North Side of Patio Springs Subdivision. The property is zoned FR-3 that allows PRUD's as a Conditional Use. The proposal is for single family patio type homes on reduced lots. The lots would measure 80' x 47.5', and have the bulk of the property in common open space. The purchasers of the lots would have five different home styles from which to choose. Two of the styles are two story homes (approx. 68' x 38'), the other three are one level homes (71' x 42', 62' x 42', & 48' x 56'). The homes are wood frame construction and would fit well into the surrounding home styles.

The property is approx. 10 acres of which approx. 8 acres is buildable. This would allow up to 48 units per the Wolf Creek Master Plan of six units per acre, or up to 58 units according to zoning requirements of 6,000 sq.ft. per unit in the FR-3. The project is well under the area and density requirements.

Conformance to General Plan: The project does conform to the overall Wolf Creek Master Plan.

Staff and Agency Reviews:

Planning

The minimum front yard setback for the FR-3 zone is 25'. Most of the "building pads" are 20' from the back of curb, or the edge of the right of way on the public road. Staff would recommend that the minimum front yard setbacks be maintained along the north-south 60' public road. The "building pads" could be reduced to 75' wide and still have a little room for the widest home style proposed (71'). This would allow for a little room to meet the setback requirements and give more space between the units.

Most of the home styles would have to face north-south on the building pads (within the central bull-nosed area). This could force the architectural front of the homes to be other than parallel to the road. This could mean that the front of one house would be looking into the rear of another. This may work out, but some thought should be given to the final landscaping plan to provide some screening, etc. to accommodate that.

The plan calls for some guest parking stalls. It is also staff's understanding that driveways for the units could be used for guest parking. To accommodate this, the minimum setback distance for the front of any garage should be 20' from the back of curb. This would prevent any guest vehicles from overlapping onto the private road. The areas labeled as guest parking would most likely end up being used for snow storage rather than the area that is labeled as such on the east side of the property. Staff does not see a problem for this since guest could still use the driveways.

Engineering

Easements for creek, permit from State Engineers Office to relocate stream, FEMA Floodplain study for property, No basements (high spring area), other smaller items (see letter).

Fire No concerns as to hydrant location and access.

Water & Sewer

Wolf Creek Wtr. & Swr. has bonded for a new pump in their well. That pump should be installed within the next two months. The sewer lagoons are at half capacity and can be easily upgraded when necessary. The State Division of Water Quality is monitoring this.

Staff Recommendations:

Staff feels that the project could work well for this property. However, staff does not feel that approval of this proposal should be given until some engineering concerns have been addressed. Staff would also like to see a detailed "example" of what the units may look like on the property with some landscaping. (This could be done by showing a blow up of one of the bull-nose cul-de-sac's, with the home footprint, landscaping, walks, lighting, etc.)

Staff received phone calls from property owners asking how this development would fit with the Patio Springs development. Staff said the density would fit well with the Patio Springs development.

Commissioner Gibson asked if the petitioner was against postponing this item. Staff said they had addressed most of the concerns, but staff only received the information today. Staff requests they have more time to review the information.

Staff said FEMA showed the floodplain going through this property. They are not sure this can be diverted without State approval.

Dick Manley, Chairman of the Eden Planning Committee, said that they needed to stay on top of the number of connections allowed on the Wolf Creek water and sewer system. The members were concerned that the catch basins for this development are proposed on another property. If the two-year build out does not happen, they would like to know what happens to the subdivision. The committee was also concerned about open space. Mr. Wiscombe attended their meeting and said the east lots were wet. He was very concerned about potential flooding from Wolf Creek and passing percolation tests. They will need to do further study.

Lowell Peterson, representing Wolf Creek Associates, said the engineering concerns were the only questions left to answer. There is common area at the east end of Wolf Creek. The proposed homes will be back to back. The stream Mr. Manley referred to only flows one to two months out of the year when Wolf Creek is high. They would like to receive approval and request the 5-6 lots be held as restricted lots so they could not be built upon until the question is answered. There is an easement in the common area that works well for storm water detention.

Ken Gardner of Gardner Engineering said this was an existing sewer line that runs through the project. There will be no septic tanks or basements. The stream was relocated when the golf course was constructed. He concurs that these lots could be restricted until they resolve the conflict.

No other comments were received from the audience at this time.

MOTION: Commissioner Gibson moved to recommend approval subject to staff and agency review, that the five lots in question be restricted until the creek issue is resolved, and that the detention basin question is answered. Commissioner Harsha seconded the motion. A vote was taken and Chair Pro-tem Tuck said the motion carried with all members present voting aye.

5. **Wolf Creek Timeshare 30 units approx. 3691 North 5100 East**
Staff presented the following report:

Finding of Fact:

The petitioner is requesting approval of Phase 3 and 4 of Wolf Creek Village Timeshare. This P.R.U.D. (Planned Residential Unit Development) that was approved in 1982 shows a phase consisting of four buildings with a total of 60 units. There is a total of 30 units being proposed in these two phases. Phase one was approved and built in 1982. Phase 2 was approved in 1984 but wasn't built until 1991. The Forest Residential FR-3 zones list P.R.U.D as a Conditional Use, which expires after 18 months.

Staff has no concern with this proposal. There is sufficient landscaping proposed, parking and pedestrian circulation. Wolf Creek Water and Sewer has the capacity to serve these lots and the lots that have been approved. The sewer lagoons are at approximately 60 percent capacity and with the pump that is being installed on their well, sufficient water will be in their water system. The State Division of Drinking Water has stated that there is sufficient storage capacity in Wolf Creek's water system for this development and Wolf Creeks P.R.U.D.

Conformance to General Plan: The proposal conforms with the General Plan

Questions to ask:

1. Lighting
2. Signs

Staff Recommendations:

Staff recommends that Wolf Village Timeshare be approved, subject to staff and other agency comments.



Post-it® Fax Note 071		Date 7/8/97	# of pages 1
To TROY HARBO		From KEN GARDNER	
Co./Dept.		Co.	
Phone #		Phone #	
Fax # 399-8862		Fax #	

June 30, 1997

We the home owner's association for Patio Springs Subdivision give John Lewis, developer for the Fairway Oaks Subdivision, the right to use the common area "I" on the northwest corner of 3900 North and 4700 East for a storm water detention basin. The storm detention basin will be used for storm drainage from the Fairway Oaks Subdivision

The improvements allowed on this parcel are as follows:

- Construction of 3' x 3' concrete inlet structure (height to be determined)
- Removal of existing pipe located at proposed site
- No other earthwork to take place on proposed site

The Patio Springs Homeowner's Association hereby accepts the above improvements to the common area "I".

Alan C. Ball

Alan R. Wiscombe

Greg McKel

Ken Allen

STAFF REPORT TO PLANNING COMMISSION

August 12, 1997

**Final Approval of Fairway Oaks PRUD Subdivision Plat
4000 N. 4900 E.**

Finding of Fact:

The petitioner has received approval from the County Commission on the PRUD. They have also addressed the Engineering concerns. In order to transfer "ownership" of the units, plat must be approved for recording.

Questions to ask:

None.

Staff and Agency Reviews:

Final Approval from Engineering and Surveying departments.
Conditions of approval from State Division of Natural Resources on Aug. 8th letter.

Staff Recommendations:

Final approval subject to staff and agency comments.

Planning Commission Action Required:

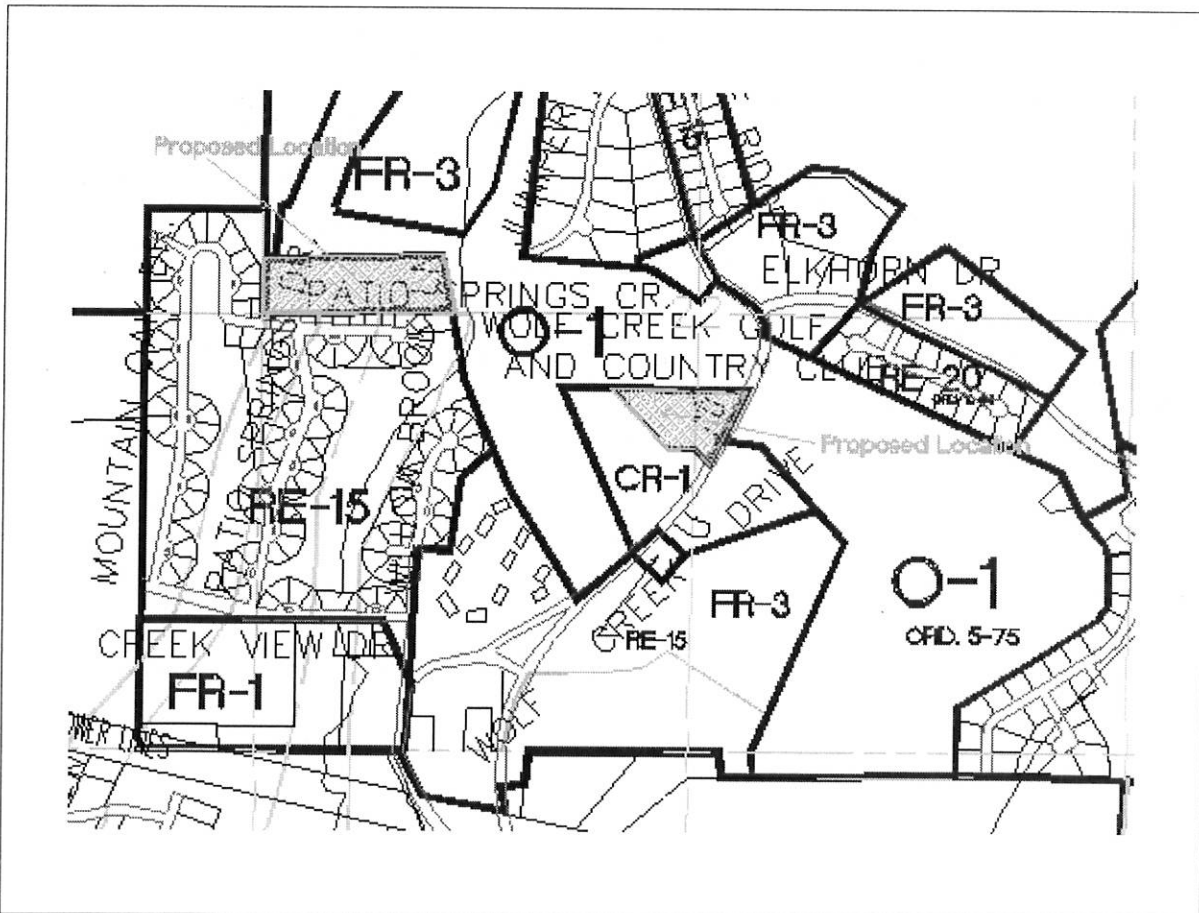
Motion for Final Approval of Fairway Oaks PRUD subject to agency comments, and bond for improvements that are not yet completed.

P.R.U.D. by Wolf Creek

At 4000 N. 4900 East 37 Units

P.R.U.D. by Wolf Creek

1



Area Map

2

STAFF REPORT TO PLANNING COMMISSION

June 24, 1997

Fairway Oaks PRUD (Conditional Use) by Wolf Creek at 4000 N. 4900 E. north of Patio Springs

Finding of Fact:

The petitioner would like to build a 37 unit PRUD on the North Side of Patio Springs Subdivision. The property is zoned FR-3 which allows PRUD's as a Conditional Use. The proposal is for single family patio type homes on reduced lots. The lots would measure 80' x 47.5', and have the bulk of the property in common open space. The purchasers of the lots would have 5 different home styles to chose from. Two of the styles are two story homes (approx. 68' x 38'), the other three are 1 level homes (71' x 42', 62' x 42', & 48' x 56'). The homes are wood frame construction and would fit well into the surrounding home styles.

The property is approx. 10 acres of which approx 8 acres is build able. This would allow up to 48 units per the Wolf Creek Master Plan of 6 units per acre, or up to 58 units as per zoning requirements of 6,000 sq.ft. per unit in the FR-3. The project is well under the area and density requirements.

Conformance to General Plan:

The project does conform to the overall Wolf Creek Master Plan.

Staff and Agency Reviews:

Planning

The minimum front yard setback for the FR-3 zone is 25'. Most of the "building pads" are 20' from the back of curb, or the edge of R.O.W. on the public road. Staff would recommend that the minimum front yard setbacks be maintained along the north-south 60' public road. The "building pads" could be reduced to 75' wide and still have a little room for the widest home style proposed (71'). This would allow for a little room to meet the setback requirements and give more space between the units.

Most of the home styles would have to face north-south on the building pads (within the central bull-nosed area). This could force the architectural front of the homes to be other than parallel to the road. This could mean that the front of one house would be looking into the rear of another. This may work out but some thought should be given to the final landscaping plan to provide some screening, etc. to accommodate that.

The plan calls for some guest parking stalls, it is also staff's understanding that driveways for the units could be used for guest parking. To accommodate this, the minimum setback distance for the front of any garage should be 20' from the back of curb. This would prevent any guest vehicles from overlapping onto the private road. The areas labeled as guest parking would most likely end up being used for snow storage rather than the area that is labeled as such on the east side of the property. Staff does not see a problem for this since guest could still use the driveways.

Engineering

Easements for creek, permit from State Engineers Office to relocate stream, FEMA Floodplain study for property, No basements (high spring area), other smaller items (see letter).

Fire

No concerns as to hydrant location and access.

Water & Sewer

Wolf Creek Wtr. & Swr. has bonded for a new pump in their well. That pump should be installed within the next 2 months. The sewer lagoons are at about half capacity & can be fairly easily upgraded when necessary. The State Division of Water Quality is monitoring this.

Staff Recommendations:

Staff feels that the project could work well for this property, however staff does not feel that approval of this proposal should be given until some of the engineering concerns have been addressed. Staff would also like to see a detailed "example" of what the units may look like on the property with some landscaping. (This could be done by showing a blow up of one of the bull-nose cul-de-sac's, with the home footprint, landscaping, walks, lighting, etc.)



WEBER COUNTY

June 2, 1997

ENGINEERING/
BUILDING INSPECTION

Curtis Christensen
Director

Troy Herold
Weber County Planning

Re: Fairway Oaks PRUD (preliminary)

Building Inspections
(801) 399-8374

Business License
(801) 399-8394

Engineering
(801) 399-8371

I have reviewed the above referenced subdivision and have the following comments:

1. New ordinance requires 50 Ft. each side of creek to be non buildable. A 100 ft. wide easement (50 ft. Each side of centerline of creek) for each creek needs to be shown on plat and designate area within easement as non-buildable.
2. FEMA did not make a floodplain determination for this area. However, floodplain boundaries are determined to the south boundary of this development. Please submit a floodplain and base flood elevation determination study for the development and show floodplain boundary and base flood elevation on plat. Construction in a floodplain will require special conditions as outline in the floodplain ordinance.
3. Property for detention basin is owned by Patio Springs Home Owners Association. An agreement from the association to allow detention basin needs to be submitted to the county.
4. The developer will be required to develop the access road (to county standards) from Patio Springs. Improvement plans will need to be submitted for this portion of road. Show how transition will be made from asphalt to curb & gutter.
5. How will storm drainage be provided for? A storm drainage plan needs to be submitted.
6. Westerly stream will require piping for road development. Required pipe size can be determined in conjunction with floodplain study.
7. Temporary turn around is required at end of road.
8. How will snow removal for PRUD roadway be provided and where will snow be stored?
9. Plan calls for relocating the westerly stream. This is a natural stream and its relocation may not be allowed by the state. Permits will be required from the State Engineer's Office for any construction that takes place in the streams.
10. Springs can be found close to the ground surface through out this area. Minimal excavation should be considered when building homes. Possibly patio homes with no basements.

Sincerely,

Dennis Richardson
Weber County Engineering

Engineering/
Building Inspection
2380 Washington Blvd.
Ogden, Utah, 84401-3113
(801) 399-8371
Fax: (801) 399-8862



MEMORANDUM

To: WEBER COUNTY PLANNING COMMISSION

From: Ken Gardner, P.E. L.S. 

RE: FAIRWAY OAKS AT WOLF CREEK, P.R.U.D.

Date: June 24, 1997

The following is a summary of information requested for approval of the subject development as requested through the County Engineering and Planning Departments:

1. Lots along the main 60 foot County road have been moved to a setback of 25'.
2. Lots 35, 36 and 37 have been relocated to accommodate a 100' wide right-of-way along Wolf Creek.
3. The storm water retention pond size for the proposed development (see enclosed calculations) requires 8,500 cubic feet. The natural depressed area in the proposed retention site is 13,500 cubic feet. The addition of a 5.6 inch diameter orifice to the existing discharging pipe is all that will be necessary. The site of the retention pond is dedicated common area for an adjoining subdivision. The common area is dedicated for public utilities and storm drainage.
4. The Westerly channel flow can be controlled from Wolf Creek. The channel is used to fill an existing pond on the golf course. It is our understanding that the channel can be relocated without the consent of any state agency. The proposed pipe for the relocated channel under the road will be 18" diameter.
5. Storm drainage will be captured through three cross-gutters in the street and two catch basins at the beginning of the private road. A pipe diameter of 18" will have sufficient capacity at a slope of 2.5% to permit 15.73 cfs to discharge to the retention basin.
6. The National Flood Insurance Program maps have not delineated the area around Wolf Creek within the proposed development, but have designated the area as Zone "D" which has an undetermined flood hazard. During the spring run off we observed on several occasions that Wolf Creek remained within its banks without any danger of flooding even when upstream culverts were washed out. Enclosed are recent photographs of the Wolf Creek Channel.

Fairway2.doc



WEBER COUNTY

PLANNING COMMISSION

Craig C. Barker
Director



Date: June 16, 1999

TO PROPERTY OWNERS WITHIN FAIRWAY OAKS PLANNED RESIDENTIAL UNIT DEVELOPMENT

The Weber County Planning Office has received a request to amend Fairway Oaks P.R.U.D. to allow an additional dwelling style.

You are invited to express your thoughts concerning this Petition at a meeting of the Weber County Township Planning Commission to be held on **Tuesday, June 29, 1999 at 5:00 p.m.** in the Weber County Commission Chambers, 1st Floor of the Weber Center, 2380 Washington Blvd., Ogden, Utah. or call 399-8766 prior to the meeting.

Sincerely,

Kevin D. Hamilton, Planner
Weber County Planning Commission

Planning Commission
2380 Washington Boulevard
Ogden, Utah, 84401
(801) 399-8710

22-137-0001
GRAHAM, JOHN TODD & WF
PATRICIA H GRAHAM

3953 PATIO SPRINGS RD
EDEN UT 84310

22-137-0004
SLADE, THOMAS E & WF
ANNETTE H SLADE

P O BOX 836
EDEN UT 84310

22-137-0007
LEWIS, JAMES T &
JUDITH M LEWIS

4404 WOLF RIDGE CIR
EDEN UT 84310

22-137-0012
WALKER, LARRY R & WF
JEAN P WALKER
% HOME ABSTRACT
2380 WASHINGTON BLVD
OGDEN UT 84401

22-137-0015
STEVENS, TED A

3946 N 4750 E
EDEN UT 84310

22-137-0002
D'AMATO, KAREN

3937 N PATIO SPRINGS
EDEN UT 84310

22-137-0005
KNAPP, DAVID K & WF
JANICE M KNAPP

3944 N 4700 E
EDEN UT 84310

22-137-0010
BAILEY, LONNY H & WF
NANCY A BAILEY

4765 E 3925 N
EDEN UT 84310

22-137-0013
STAUFFER, KEVIN E & WF
LINDA L STAUFFER

3933 N 4750 E
EDEN UT 84310

22-137-0017
FLORENCE, BARBARA J

4768 E 3925 N
OGDEN UT 84414

22-137-0003
UTAH STERLING L C

3923 N 4700 E
EDEN UT 84310

22-137-0006
WOLF CREEK ASSOCIATES

% BLAINE WADE
296 E 3250 N
OGDEN UT 84414

22-137-0011
WOLF CREEK ASSOCIATES

% BLAINE WADE
296 E 3250 N
OGDEN UT 84414

22-137-0014
NELSON, GEORGE W & WF
DIANE E NELSON

P O BOX 658
EDEN UT 84310

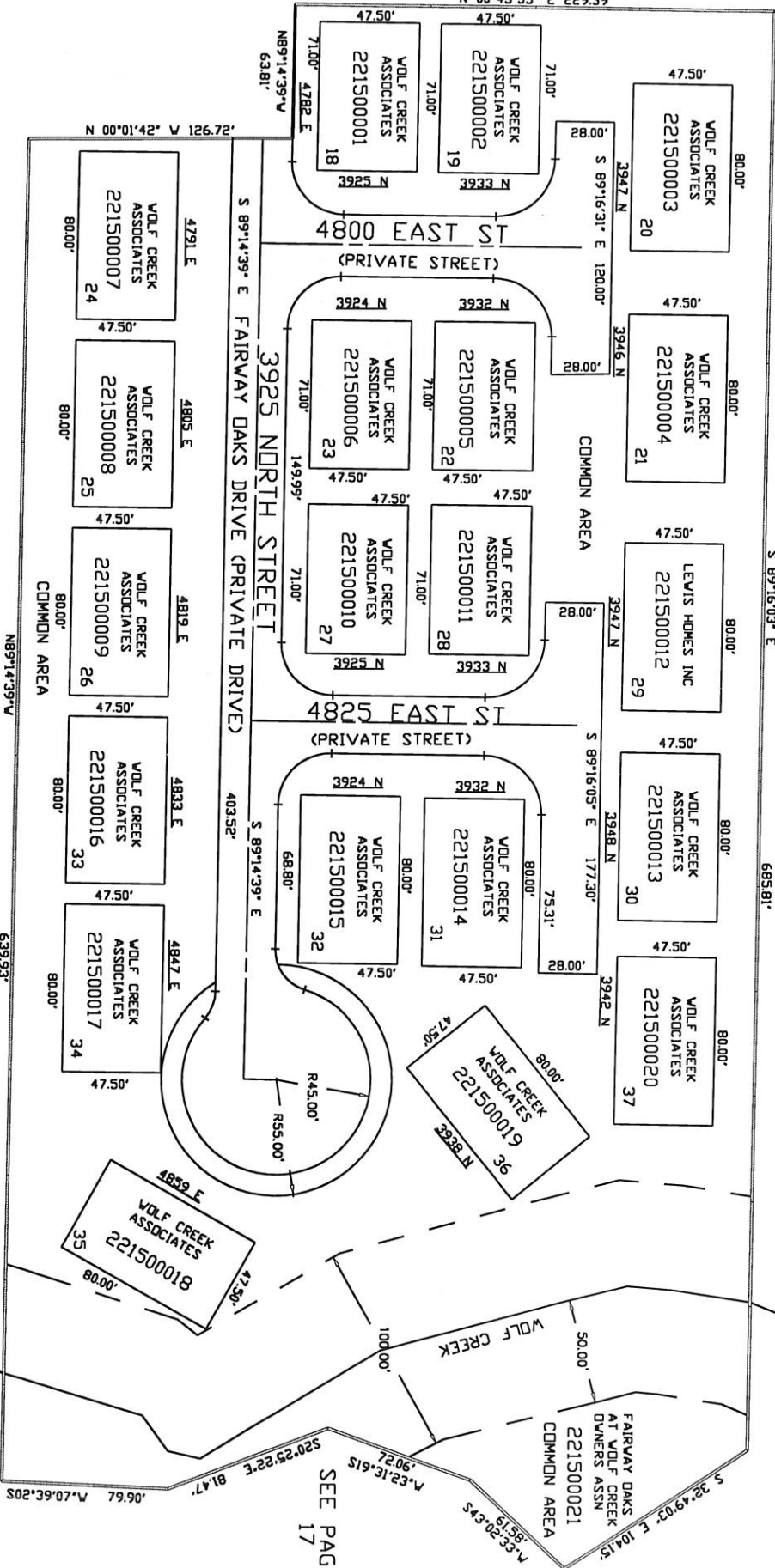
22-150-0012
LEWIS HOMES INC

P O BOX 660
EDEN UT 84310

SEE PAGE 137

N 00°43'55" E 229.39'

SEE PAGE 17



SEE PAGE 17

SEE PAGE 137

MINUTES
WEBER COUNTY COMMISSION MEETING
Thursday, September 4, 1997 - 9:00 a.m.
Commission Chambers, Weber Center

Each Commission Meeting/Work Session is recorded on audio tape. The tape is available to the public through the County Clerk's Office.

Commissioners Present: Commissioner Bruce H. Anderson and Commissioner Glen H. Burton. Chair Joe H. Ritchie was excused. Commissioner Anderson was Acting Chair.

Others Present: Linda G. Lunceford, County Clerk/Auditor, David C. Wilson, County Deputy Attorney. Fátima Blackford, Administrative Assistant, County Clerk/Auditor's Office, took minutes.

The Pledge of Allegiance was conducted by Linda G. Lunceford and the thought of the day was offered by Commissioner Burton.

Public Hearing to
Discuss LLEBG Block
Grant

Action on Public
Hearing --LLEBG Block
Grant

Final Approval, Fairway
Oaks Phase #1 &
Acceptance of Financial
Guarantee

- I. Public Meeting
- II. Commissioner Burton moved to adjourn the public meeting and convene a public hearing. Commissioner Anderson seconded, both voting aye.

A.K. Greenwood, County Sheriff's Office, gave an overview of the Local Law Enforcement Block Grant (LLEBG). Today's discussion is to approve the moving forward with the application process. There were no public comments.
- III. Commissioner Burton moved to adjourn the public hearing and reconvene the public meeting. Commissioner Anderson seconded, both voting aye.

Commissioner Burton moved to go forward with the application process on the LLEBG Block Grant. Commissioner Anderson seconded, both voting aye.

Troy Herold, County Planning, gave an overview of the request for final approval of Fairway Oaks Phase #1 subdivision plat and acceptance of the financial guarantee. The only issue raised for this development was the stream alteration. The application process had gone to the State Department of Natural Resources which had given preliminary approval a couple of weeks ago based upon revision being done of some of the plans. Mr. Herold stated that the petitioner's engineer has done this and resubmitted those plans. In speaking with Mr. Wells from the State

ABMG

Department of Natural Resources, Mr. Herold was told that he has reviewed the resubmitted drawings and approved them. Commissioner Burton moved to accept final approval of Fairway Oaks Phase #1 and acceptance of the financial guarantee of \$139,429.80 (which includes the 10% contingency) subject to petitioner meeting the State Department of Natural Resources' requirements and receiving written approval from the State on the stream alteration. Commissioner Anderson seconded, both voting aye.

Minutes,
August 26, 1997

Commissioner Burton moved to approve the minutes for the work session held August 26, 1997. Commissioner Anderson seconded, both voting aye.

Minutes,
August 28, 1997

Commissioner Burton moved to approve the minutes from the meeting held August 28, 1997. Commissioner Anderson seconded, both voting aye.

IV. Commissioner Burton moved to recess the commission meeting until today at 3:00 p.m. Commissioner Anderson seconded, both voting aye.


Resolution Authorizing
Issuance & Sale of Tax
& Revenue Anticipation
Notes, Series 1997B &
Related Matters
Resolution 25-97

Kelly Murdock, First Security Bank, County Financial Advisor, gave an overview of the successful sale of this \$3,700,000 note. Blake Wade, Ballard Spahr Andrews & Ingersoll, County Bond Counsel, presented the resolution and related documents, giving a brief overview as well.


Commissioner Burton moved to adopt Resolution 25-97, authorizing the issuance and sale of Weber County, Utah, Tax and Revenue Anticipation Notes, Series 1997B and related matters. Commissioner Anderson seconded.	
<u>ROLL CALL VOTE</u>	
Commissioner Burton	aye
Commissioner Anderson	aye

Adjournment

Commissioner Burton moved to adjourn at 3:17 p.m. Commissioner Anderson seconded, all voting aye.



JOE H. RITCHIE
BRUCE H. ANDERSON ACTING
WEBER COUNTY COMMISSIONER CHAIR



LINDA G. LUNCEFORD
WEBER COUNTY CLERK/AUDITOR

Resolution 21-97
Contract C97-51

Commissioner Anderson moved to adopt Resolution 21-97, approving Contract C97-51, Interlocal Agreement for Surveyor and Mapping Services with North Ogden City. Commissioner Burton seconded, all voting aye.	
<u>ROLL CALL VOTE</u>	
Commissioner Anderson	aye
Commissioner Burton	aye
Chair Ritchie	aye

Notice to Proceed on
Flower Shop

Richard Badger, County Operations, and the Commission outlined the Notice to Proceed on the former ZCMI Flower Shop, addressing the budget for this item. County Operations will be moving to this space. This process was done by bid. Commissioner Anderson moved to approve the Notice to Proceed on the former ZCMI Flower Shop and to award the bid to Summit Construction, Inc. to complete that work. Commissioner Burton seconded, all voting aye.

Appointment to Fill
Vacancy on Hooper
Planning District

Commissioner Burton moved to appoint Richard H. Noyes to the Hooper Planning District to fill the vacancy due to a resignation. Commissioner Anderson seconded, all voting aye.

II. Commissioner Anderson moved to adjourn the public meeting and convene a public hearing. Commissioner Burton seconded, all voting aye.

Public Hearing on
Approval of Fairway
Oaks PRUD

Troy Herold, County Planning, gave an overview of this item, indicating the location of the property on the map and stating that the petitioner, Wolf Creek Associates, is proposing a 37-unit PRUD. He said that this PRUD matches up with Wolf Creek's master plan as well as their overall development of that project. Most of the concerns on this item have been Engineering related and most have been addressed. Two of those concerns that still need to be addressed are a potential flood plain study and the relocation of a stream which he pointed out. The County Planning District unanimously recommended approval, but restricting the lots along the stream subject to a final clearance being received from the U.S. Army Corps of Engineers. Mr. Herold stated that his office has a letter from Patio Springs Home Owners Association giving permission to use the common area as part of the detention basin. He further indicated that County Planning also has the application from the Utah State Engineers Office that has been processed and which will allow the developer, Wolf Creek, to keep the Commission informed on what they are doing on this project. Mr. Herold gave an overview of other building phases. Discussion ensued regarding road grades (in

connection with school buses being able to go into this area), the water system capacity, and entry points. Lowell Peterson, one of the owners of Wolf Creek, addressed the long range plan for Wolf Creek and the water issue, stating that they are designing a second storage reservoir. He also stated that the road is not steep and can see no reason why school buses don't go in there. There were no other public comments.

- III. Commissioner Burton moved to adjourn the public hearing and reconvene the public meeting. Commissioner Anderson seconded, all voting aye.

Action on Public
Hearing - Fairway Oaks
PRUD

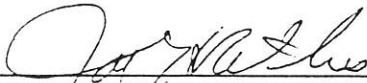
Commissioner Anderson moved to issue final approval for the Fairway Oaks PRUD by Wolf Creek Associates at 4000 N. 4900 E. but to restrict the lots along the stream until final clearance is received from the U.S. Army Corps of Engineers on relocating the stream. Commissioner Burton seconded, all voting aye.

Minutes,
July 1, 1997

Commissioner Anderson moved to approve the minutes for the meeting held July 1, 1997. Commissioner Burton seconded, all voting aye.

Adjournment

Commissioner Burton moved to adjourn the regular meeting at 6:05 p.m. Commissioner Anderson seconded, all voting aye.



JOE H. RITCHIE
WEBER COUNTY COMMISSION CHAIR



LINDA G. LUNCEFORD
WEBER COUNTY CLERK/AUDITOR

1492804

WEBER COUNTY
SUBDIVISION IMPROVEMENT
AGREEMENT

DOUG CROFTS
WEBER COUNTY RECORDER
DEPUTY *MB* *W Fee*
1997 SEP 12 P 4: 55

FILED AND RECORDED FOR

Weber County Planning
Lewis Homes, Inc.

1. **Parties:** The parties to this Subdivision Improvement Agreement ("the Agreement") are *Lewis Homes, Inc.* ("the Developer") and Weber County Corp. ("the County").
2. **Effective Date:** The Effective Date of this Agreement will be the date that final subdivision plat approval is granted by the County Commission ("the Commission").

RECITALS

WHEREAS, the Developer seeks permission to subdivide property within the unincorporated area of Weber County, to be known as *FAIRWAY OAKS Phase #1* (the "Subdivision"), which property is more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the County seeks to protect the health, safety and general welfare of the residents by requiring the completion of various improvements in the Subdivision and thereby to limit the harmful effects of substandard subdivisions, including premature subdivision which leaves property undeveloped and unproductive; and

WHEREAS, the purpose of this Agreement is to protect the County from the cost of completing subdivision improvements itself and is not executed for the benefit of material, men, laborers, or others providing work, services or material to the Subdivision or for the benefit of lot or home buyers in the Subdivision; and

WHEREAS, the mutual promises, covenants, and obligations contained in this Agreement are authorized by state law and the County's Subdivision Ordinance 6-85 as amended;

THEREFORE, the Parties hereby agree as follows:

DEVELOPER'S OBLIGATIONS

3. **Improvements:** The Developer will construct and install, at his own expense, those on-site and off-site subdivision improvements listed on Exhibit B attached hereto and incorporated herein by this reference ("the Improvements"). The Developer's obligation to complete the Improvements will arise upon final plat approval by the County, will be independent of any obligations of the County contained herein and will not be conditioned on the commencement of construction in the development or sale of any lots or improvements within the development.

BOOK 1880 PAGE 2706

4. **Security:** To secure the performance of his obligations hereunder, the Developer will deposit with the County on or prior to the effective date, a bond with corporate surety, an irrevocable letter of credit or deposit in Escrow in the amount of \$ 139,427.⁰⁰. The bond, letter of credit or escrow hereinafter referred to as ("Letter of Credit") will be issued by BANK OF UTAH Bank (or other financial institution approved by the County) to be known as ("Bank"), will be payable at sight to the County and will bear an expiration date not earlier than two years after the Effective Date of this Agreement. The letter of credit will be payable to the County at any time upon presentation of (i) a sight draft drawn on the issuing Bank in the amount to which the County is entitled to draw pursuant to the terms of this Agreement; or (ii) an affidavit executed by an authorized County official stating that the Developer is in default under this Agreement; and (iii) the original of the letter of credit. A letter of credit will be substantially similar to Exhibit C attached hereto and incorporated herein by this reference.
5. **Standards:** The Developer will construct the Improvements according to the Public Works Standards and Technical Specifications adopted by Weber County August 1982, as incorporated herein by this reference.
6. **Warranty:** The Developer warrants that the Improvements, each and every one of them, will be free from defects for a period of one year from the date that the County accepts the improvement when completed by the Developer.
7. **Completion Periods:** The Developer will commence work on the Improvements within one year from the Effective Date of this Agreement (the "Commencement Period") and the Improvements, each and every one of them, will be completed within two years from the Effective Date of this Agreement (the "Completion Period").
8. **Compliance with Law:** The Developer will comply with all relevant laws, ordinances, and regulations in effect at the time of final subdivision plat approval when fulfilling his obligations under this Agreement. When necessary to protect public health, the Developer will be subject to laws, ordinances and regulations that become effective after final plat approval.
9. **Dedication:** The developer will dedicate to the County or other applicable agency as designated by the County the Improvements listed on Exhibit B attached hereto and incorporated herein by this reference pursuant to the procedure described in Paragraph 13 below.

COUNTY'S OBLIGATIONS

10. **Plat Approval:** The County will grant final subdivision plat approval to the Subdivision under the terms and conditions previously agreed to by the Parties if those terms and conditions are consistent with all relevant state laws and local ordinances in effect at the time of final plat approval.

11. **Inspection and Certification:** The County will inspect the Improvements as they are being constructed and, if acceptable to the County Engineer, certify such improvement as being in compliance with the standards and specifications of the County. Such inspection and certification, if appropriate, will occur within 7 days of notice by the Developer that he desires to have the County inspect an improvement. Before obtaining certification of any such improvement, the Developer will present to the County valid lien waivers from all persons providing materials or performing work on the improvement for which certification is sought. Certification by the County Engineer does not constitute a waiver by the County of the right to draw funds under the Letter of Credit on account of defects in or failure of any improvement that is detected or which occurs following such certification.
12. **Notice of Defect:** The County will provide timely notice to the Developer whenever inspection reveals that an improvement does not conform to the standards and specifications shown on the approved subdivision improvement drawings on file in the Weber County Engineering and Surveyor's Office or is otherwise defective. The Developer will have 30 days from the issuance of such notice to cure or substantially cure the defect. The County may not declare a default under this Agreement during the 30 day cure period on account of any such defect unless it is clear that the Developer does not intend to cure the defect. The Developer will have no right to cure defects in or failure of any improvement found to exist or occurring after the County accepts dedication of the improvement(s).
13. **Acceptance of Dedication:** The County or other applicable agency will accept the dedication of any validly certified improvement within 30 days of the Developer's offer to dedicate the improvement. The County's or agency's acceptance of dedication is expressly conditioned on the presentation by the Developer of a policy of title insurance, where appropriate, for the benefit of the County showing that the Developer owns the improvement in fee simple and that there are no liens, encumbrances, or other restrictions on the improvement unacceptable to the County in its reasonable judgment. Acceptance of the dedication of any improvement does not constitute a waiver by the County of the right to draw funds under the Letter of Credit on account of any defect in or failure of the improvement that is detected or which occurs after the acceptance of the dedication. The Improvements must be offered to the County in no more than one dedication per month.
14. **Reduction of Security:** After the acceptance of any improvement, the amount which the County is entitled to draw on the Letter of Credit may be reduced by an amount equal to 90 percent of the estimated cost of the improvement as shown on Exhibit B. At the request of the Developer, the County will execute a certificate of release verifying the acceptance of the improvement and waiving its right to draw on the Letter of Credit to the extent of such amount. A Developer in default under this Agreement will have no right to such a certificate. Upon the acceptance of all of the Improvements, the balance that may be drawn under the credit will be available to the County for 90 days after expiration of the Warranty Period.
15. **Use of Proceeds:** The County will use funds drawn under the Letter of Credit only for the purposes of completing the Improvements or correcting defects in or failures of the Improvements.

OTHER PROVISION

16. **Events of Default:** The following conditions, occurrences or actions will constitute a default by the Developer during the Construction Period:
- a. Developer's failure to commence construction of the Improvements within one year of final subdivision plat approval;
 - b. Developer's failure to complete construction of the Improvements within two years of final subdivision plat approval;
 - c. Developer's failure to cure the defective construction of any improvement within the applicable cure period;
 - d. Developer's insolvency, the appointment of a receiver for the Developer or the filing of a voluntary or involuntary petition in bankruptcy respecting the Developer;
 - e. Foreclosure of any lien against the Property or a portion of the Property or assignment or conveyance of the Property in lieu of foreclosure.

The County may not declare a default until written notice has been given to the Developer.

17. **Measure of Damages:** The measure of damages for breach of this Agreement will be the reasonable cost of completing the Improvements. For improvements upon which construction has not begun, the estimated cost of the Improvements as shown on Exhibit B will be prima facie evidence of the minimum cost of completion; however, neither that amount or the amount of the Letter of Credit establishes the maximum amount of the developer's liability. The County will be entitled to complete all unfinished improvements at the time of default regardless of the extent to which development has taken place in the Subdivision or whether development ever commenced.
18. **County's Rights Upon Default:** When any event of default occurs, the County may draw on the Letter of Credit to the extent of the face amount of the credit less 90 percent of the estimated cost (as shown on Exhibit B) of all improvements theretofore accepted by the County. The County will have the right to complete improvements itself or contract with a third party for completion, and the Developer hereby grants to the County, its successors, assigns, agents, contractors, and employees, a nonexclusive right and easement to enter the Property for the purposes of constructing, maintaining, and repairing such improvements. Alternatively, the County may assign the proceeds of the Letter of Credit to a subsequent developer (or a lender) who has acquired the Subdivision by purchase, foreclosure or otherwise who will then have the same rights of completion as the County if and only if the subsequent developer (or lender) agrees in writing to complete the unfinished improvements. In addition, the County also may suspend final plat approval during which time the Developer will have no right to sell, transfer, or otherwise convey lots or homes within the Subdivision without the express written approval of the County or until the Improvements are completed and by the County. These remedies are cumulative in nature except that during the Warranty Period, the County's only remedy will be to draw funds under the Letter of Credit.

19. **Indemnification:** The Developer hereby expressly agrees to indemnify and hold the County harmless from and against all claims, costs and liability of every kind and nature, for injury or damage received or sustained by any person or entity in connection with, or on account of the performance of work at the development site and elsewhere pursuant to this Agreement. The Developer further agrees to aid and defend the County in the event that the County is named as a defendant in an action concerning the performance of work pursuant to this Agreement except where such suit is brought by the Developer. The Developer is not an agent or employee of the County.
20. **No Waiver:** No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by both County and Developer; nor will the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The County's failure to exercise any right under this Agreement will not constitute the approval of any wrongful act by the Developer or the acceptance of any improvement.
21. **Amendment or Modification:** The parties to this Agreement may amend or modify this Agreement only by written instrument executed by the County and by the Developer or his authorized officer. Such amendment or modification will be properly notarized before it may be effective.
22. **Attorney's Fees:** Should either party be required to resort to litigation, arbitration, or mediation to enforce the terms of this Agreement, the prevailing party, plaintiff or defendant, will be entitled to costs, including reasonable attorney's fees and expert witness fees, from the opposing party. If the court, arbitrator, or mediator awards relief to both parties, each will bear its own costs in their entirety.
23. **Vested Rights:** The County does not warrant by this Agreement that the Developer is entitled to any other approval(s) required by the County, if any, before the Developer is entitled to commence development of the Subdivision or to transfer ownership of property in the Subdivision.
24. **Third Party Rights:** No person or entity who or which is not a party to this Agreement will have any right of action under this Agreement, except that if the County does not exercise its rights within 60 days following knowledge of an event of default, a purchaser of a lot or home in the Subdivision may bring an action in mandamus to compel the County to exercise its rights.
25. **Scope:** This Agreement constitutes the entire agreement between the parties and no statement(s), promise(s) or inducement(s) that is/are not contained in this Agreement will be binding on the parties.
26. **Time:** For the purpose of computing the Commencement, Abandonment, and Completion Periods, and time periods for County action, such times in which civil disaster, acts of God, or extreme weather conditions occur or exist will not be included if such times prevent the Developer or County from performing his/its obligations under the Agreement.

- 27. **Severability:** If any part, term or provision of this Agreement is held by the courts to be illegal or otherwise unenforceable, such illegality or unenforceability will not affect the validity of any other part, term, or provision and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.
- 28. **Benefits:** The benefits of this Agreement to the Developer are personal and may not be assigned without the express written approval of the County. Such approval may not be unreasonable withheld, but any unapproved assignment is void. Notwithstanding the foregoing, the burdens of this Agreement are personal obligations of the Developer and also will be binding on the heirs, successors, and assigns of the Developer. There is no prohibition on the right of the County to assign its rights under this Agreement. The County will release the original developer's Letter of Credit if it accepts new security from any developer or lender who obtains the Property. However, no act of the County will constitute a release of the original developer from this liability under this Agreement.
- 29. **Notice:** Any notice required or permitted by this Agreement will be deemed effective when personally delivered in writing or three (3) days after notice is deposited with the U.S Postal Service, postage prepaid, certified, and return receipt requested, and addressed as follows:

if to Developer (Attn) Lewis Homes, INC.
 (Address) P.O. BOX 654
EDEEN, UT 84310

if to County: Attn: County Engineer
 Weber Center
 2380 Washington Blvd.
 Ogden, UT 84401

- 30. **Recordation:** Either Developer or County may record a copy of this Agreement in the Clerk and Recorder's Office of Weber County, Utah.
- 31. **Immunity:** Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.

32. **Personal Jurisdiction and Venue:** Personal jurisdiction and venue for any civil action commenced by either party to this Agreement whether arising out of or relating to the Agreement or Letter of Credit will be deemed to be proper only if such action is commenced in District Court for Weber County. The Developer expressly waives his right to bring such action in or to remove such action to any other court whether state of federal.

Dated this 2 day of September, 1997.

[Handwritten Signature]
Developer, President Lewis Homes, Inc.

INDIVIDUAL ACKNOWLEDGEMENT

State of Utah)
 ss
County of Weber)

On the _____ day of _____ A.D. 19__

personally appeared before me _____

the signer(s) of the within instrument, who duly acknowledged to me that he/she executed the same.

Notary Public

Residing at: _____, Utah

APPROVED AS TO FORM:

[Handwritten Signature]
Weber County Attorney

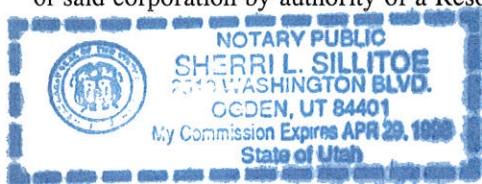
CORPORATE ACKNOWLEDGEMENT

State of Utah)
County of Weber)

On the 2 day of September A.D. 1997

personally appeared before me John Lewis, duly sworn, did say that he/she is the President of Lewis Homes inc. of Eden

Utah, the corporation which executed the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors that the said corporation executed the same.



Sherril L. Sillitoe
Notary Public
Residing at: Weber County

Bruce H. Anderson

Chairperson, Weber County Commission

9-12-97

Date

ATTEST:

by Fatima M. Blackford, Admin Assistant
Weber County Clerk

EXHIBIT A: PROPERTY DESCRIPTION TO BE SUBDIVIDED

FAIRWAY Oaks at Wolf Creek
Phase #1

EXHIBIT B: REQUIRED ON & OFF SITE SUBDIVISION IMPROVEMENTS

SEE EXHIBIT B

EXHIBIT C: FINANCIAL GUARANTEE

SEE EXHIBIT C



CONSTRUCTION BID BY:		PHASE 1	COST ESTIMATE		
(FAIRWAY OAKS PHASE 1LS)					
FOR: FAIRWAY OAKS AT WOLF CREEK PHASE 1 IMPROVEMENTS - 17 TOTAL LOTS					
ITEM NO.	DESCRIPTION	QUANT	UNIT	PRICE	TOTAL AMOUNT
1	8" . ASTM D3034 PVC SEWER LINE	708	LF	\$12.00	\$8,508.00
2	4" SERVICE LATERAL LINES AND CONN.	17	LOT	\$325.00	\$5,525.00
3	4' MANHOLE COMPLETE	1	EA	\$1,400.00	\$1,400.00
4	5' MANHOLE COMPLETE	1	EA	\$1,700.00	\$1,700.00
5	CONNECT TO EXISTING 8" SEWER LINE	1	EA	\$150.00	\$150.00
6	CONNECT TO EXISTING 8" PVC WATERLINE	1	EA	\$300.00	\$300.00
7	8" DIP CLASS 350	980	LF	\$14.25	\$13,965.00
8	FH. AWWA C-502, MUELLER, A-423, CENTUR	1	EA	\$1,800.00	\$1,800.00
9	3/4" SERVICE CONNECT AND LATERALS	17	LOT	\$325.00	\$5,525.00
10	8" GATE VALVE COMPLETE WITH BOX	5	EA	\$550.00	\$2,750.00
11	8" TEE	2	EA	\$200.00	\$400.00
12	6" C-900 PVC CLASS 200 IRR LINE	810	LF	\$7.50	\$6,075.00
13	4" C-900 PVC CLASS 200 IRR LINE	160	LF	\$5.80	\$928.00
14	DOUBLE SERVICE CONNECTION	9	EA	\$385.00	\$3,465.00
15	SINGLE SERVICE CONNECTION	1	EA	\$315.00	\$315.00
16	5" IRR GATE VALVE COMPLETE WITH BOX	2	EA	\$400.00	\$800.00
17	4" IRR GATE VALVE COMPLETE WITH BOX	1	EA	\$325.00	\$325.00
18	5" IRRIGATION LINE PLUG	2	EA	\$350.00	\$700.00
19	4" IRRIGATION LINE PLUG	1	EA	\$300.00	\$300.00
20	5" X 4" TEE	1	EA	\$215.00	\$215.00
21	CONNECT TO EXISTING LINE IRR LINE	1	EA	\$250.00	\$250.00
22	ROADWAY GRADING EXCAVATION	80.00%	LS	\$2,700.00	\$1,820.00
23	FINE GRADING	4.262	SY	\$0.46	\$1,917.72
24	STORM CHANNEL RIP RAP	10	CY	\$30.00	\$300.00
25	RELOCATED STORM CHANN EXCAVATION	400	LF	\$2.00	\$800.00
26	24" CURB AND GUTTER	1,968	LF	\$7.25	\$14,268.84
27	4' CROSS GUTTER	60	LF	\$8.00	\$480.00
28	CATCH BASIN	2	EA	\$875.00	\$1,750.00
29	15" RCP, ASTM-C-76, CLASS III, STORM DR.	156	LF	\$16.25	\$2,535.00
30	DETENTION BASIN EARTH WORK	1	LS	\$1,900.00	\$1,900.00
31	DETENTION BASIN CONTROL STRUCT	1	EA	\$600.00	\$600.00
32	BITUMINOUS PATCH	1	TON	\$35.00	\$35.00
33	3" BITUMINOUS SURFACE COURSE	4.262	SY	\$4.25	\$18,111.80
34	8" BASE COURSE	4.262	SY	\$3.35	\$14,278.38
35	TYPE "A" BITUMINOUS SEAL COAT	4.262	SY	\$0.80	\$3,409.28
36	SURVEY MONUMENTS	2	EA	\$250.00	\$500.00
37	STREET SIGNS	2	EA	\$250.00	\$500.00
38	STREET LIGHTS	2	EA	\$1,200.00	\$2,400.00
	CONTINGENCY 10%				\$12,079.86
	ENGINEERING/SURVEYING	17	LOTS	\$500.00	\$8,500.00
	TOTAL				\$41,377.80

12,902.53
139,427.80

ESCROW CERTIFICATE



TO WEBER COUNTY, UTAH:

The undersigned Escrow Agent does hereby certify that it has in its possession and custody, cash in the sum of \$ 139,427.⁸⁰ which said sum said Escrow Agent is holding in escrow to guarantee the installation and completion, according to Ordinance, of all on and or off-site improvements, as specified in Exhibit "A" on the following described tracts of land in Weber County, Utah to wit:

FAIRWAY OAKS PHASE #1 LOTS #1 - #17

In the event the funds so provided herein do not pay for and complete in full all of the specified improvements set forth in Exhibit "A" and as contemplated herein, then and in that event, subdivider/developer agrees to forthwith pay to Weber County all additional amounts necessary to so complete such improvements.

Said Escrow Agent hereby covenants and agrees that it will not release said funds to any person, firm or corporation (other than as is hereinafter provided) without the express written consent and direction from said Weber County, Utah, and that if said improvements are not satisfactorily installed and completed according to Ordinance within one month short of two years from the date hereof, that the said Escrow Agent will upon demand deliver said funds to said Weber County, Utah for the sole purpose of making and/or completing all of said improvements, with said County to return to the said Escrow Agent any and all funds which may prove to be in excess of the actual cost to the County to make and/or complete said improvements.

It is understood that the County may, at its sole option, extend said period of two years for such completion of such improvements upon request of the Escrow Agent or the Subdivider, if the County Commission determines that such extension is proper.

It is further understood and agreed that all matters concerning this agreement shall be subject to the pertinent provisions of the ordinances of Weber County, Utah.

DATED this 11 day of sept, 1997

BANK OF UTAH by Michael Fosmark
Escrow Agent

Michael Fosmark
Signature

Title: Sr. Vice Pres.

State of Utah)
 ss:
County of Weber)

On the 11th day of September, 1997 appeared before me

the signer(s) of the within instrument, who duly acknowledged to me that he/she executed the same.

Alissa Cook

Notary Public
Residing at:



APPROVED AS TO FORM:

Monette Huntado
Weber County Attorney

9/12/97
Date

APPROVED:

Bruce H. Anderson
Acting Chairperson, Weber County Commission

Sept 12, 1997
Date

State of Utah)
 ss:
County of Weber)

On the 12th day of September, 1997 appeared before me

the signer(s) of the within instrument, who duly acknowledged to me that he/she executed the same.

Fátima M. Blackford
Notary Public
Residing at: *Ogden, UT*





State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER QUALITY

Michael O. Leavitt
Governor
Dianne R. Nielson, Ph.D.
Executive Director
Don A. Ostler, P.E.
Director

288 North 1460 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
(801) 538-6146 Voice
(801) 538-6016 Fax
(801) 536-4414 T.D.D.

Water Quality Board
Leroy H. Wullstein, Ph.D.
Chairman
Lynn F. Pett
Vice Chairman
Robert G. Adams
R. Rex Ausburn, P.E.
Nan Bunker
Leonard Ferguson
Dianne R. Nielson, Ph.D.
K.C. Shaw, P.E.
Ronald C. Sims, Ph.D.
J. Ann Wechsler
William R. Williams
Don A. Ostler, P.E.
Executive Secretary

August 17, 1997

Mr. Jim Gentry
Weber County Planning Commission
2380 Washington Blvd.
Ogden, Utah 84401

RECEIVED
AUG 20 1997
WEBER COUNTY
PLANNING

Dear Mr. Gentry:

Subject: Treatment Capacity of Wolf Creek's aerated lagoons

In the past, we have determined available number of connections by dividing the difference between the design capacity and the current rate of flow in gallons per day, by 400 gallons per day per connection.

Wolf Creek's aerated lagoon is designed to treat 107,500 gallons per day of wastewater. When this lagoon begins to receive more than 86,000 gallons per day [80 per cent of the design capacity], then Wolf Creek should design and begin construction for additional capacity. Therefore, you may take the approach shown in this letter to estimate number of available connections after receiving current wastewater flow data from Wolf Creek. Wolf Creek's sewage collection system experiences a high rate of infiltration/inflow which reduces available capacity for connections. Wolf Creek should aggressively make efforts to eliminate extraneous flows to the system, and recover additional capacity to infiltration/inflows.

If I can be of future assistance, please contact me.

Sincerely,

Lyle W. Stott, P.E.
Design Evaluation Section

cc Blaine Wade - Wolf Creek Sewer Improvement District

KLB:LWS:

L:\WQ\ENG_WQ\STOTT\WP\WOLF\CAP.LT
17:27:0856-08/17/97KLB
FILE:WOLF\CREEK





Post-It® Fax Note	7671	Date	8/27/97	# of pages	2
To	TROY H.	From	KEN G.		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	399-8862	Fax #			

MEMORANDUM

To: Weber County Planning Commission (Troy Harold)

From: Ken Gardner, P.E., L.S. 

RE: FAIRWAY OAKS AT WOLF CREEK PRUD – WOLF CREEK BANK STABILIZATION

Date: August 27, 1997

We propose to modify the north bank of Wolf Creek for approximately 200 feet through the Fairway Oaks at Wolf Creek PRUD to assure that the bank is not overtopped during a 100 year flood event. The current embankment is high enough, but should be widened in accordance with the enclosed drawing. The embankment will be constructed with on-site granular material and the covered with top soil for planting.

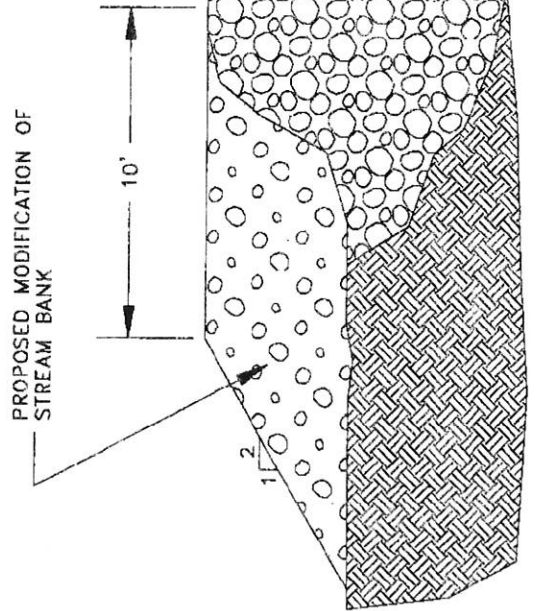
fairway3.doc

EXISTING WOLF CREEK
CHANNEL CROSS-SECTION



EXISTING WOLF CREEK
CHANNEL CROSS-SECTION

PROPOSED MODIFICATION OF
STREAM BANK





MEMORANDUM

To: Weber County Planning Commission

From: Ken Gardner, P.E., L.S. – Morgan City Engineer

A handwritten signature in black ink, appearing to be 'KG', is written over the name 'Ken Gardner' in the 'From' line.

**RE: FAIRWAY OAKS AT WOLF CREEK PRUD – STREAM ALTERATION
RECOMMENDATION**

Date: August 25, 1997

The flood channel associated with the Fairway Oaks at Wolf Creek PRUD originates from the main Wolf Creek channel near the Cul-de-sac at the end of Aspen Lane (see enclosed drawings). The main flood channel is a natural channel originally split from the main Wolf Creek channel. It appears that the flood channel was physically altered at the diversion point to maintain all flow in the main Wolf Creek channel. The flood channel is now feed from a 3' wide hand dug trench off of the main Wolf Creek channel. Existing evidence suggests that the flow to the flood channel has been controlled by use of diversion boards and canvas.

We recommend that the Wolf Creek channel be altered with the addition of a 2' diameter boulder weir wall that will control the depth of water behind the weir and thereby control the diversion of water into the flood channel. We are interested in your comments and concurrence.

wolfcreek1.doc

cc. *Jim Wells, Division of Water Rights*



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

September 8, 1997

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

1594 West North Temple, Suite 220
Box 146300
Salt Lake City, Utah 84114-6300
801-538-7240
801-538-7467 (Fax)

RECEIVED

SEP 10 1997

WEBER COUNTY
PLANNING

John Lewis Homes
c/o Ken Gardner
5150 Washington Blvd.
Ogden, UT 84405

RE: Stream Channel Alteration Application #97-35-45SA, temporary crossing of the west branch of Wolf Creek, and approval of proposed channel design for realignment of the west branch of Wolf Creek.

Dear Mr. Lewis:

As you recall, I met with you on August 13, 1997, in response to a complaint received by this office regarding stream work on the west branch of Wolf Creek.

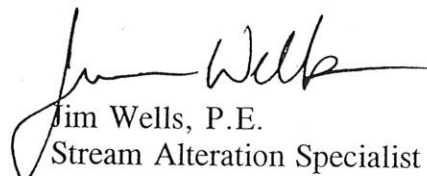
At that time I photographed the access road that had been placed through the channel at two sites. It had rained heavily the day before, yet the channel gave no evidence of having conducted any flow. Based upon this, I gave verbal permission for this access road to be retained as part of your approved permit, with the condition that temporary culverts be installed if flow occurred in the channel.

The new channel design submitted by Ken Gardner is acceptable to this office, provided the revegetation includes seeding with the grass and forb species listed on the attached "revegetation prescription", together with the nursery stock described on the submitted plans. Reseeding must occur over the entire drainage easement shown on your submitted plans. Compliance with these plans are hereby incorporated as a condition for approval of this permit. Dennis Richardson of the Weber County Engineer's office has also approved these plans as they relate to Weber County's flood control and maintenance responsibilities.


Additionally, you will find enclosed an application for a permit to construct the detention pond indicated on the plans. This application will need to be completed and submitted to this office for review and approval prior to any water storage occurring in the pond.

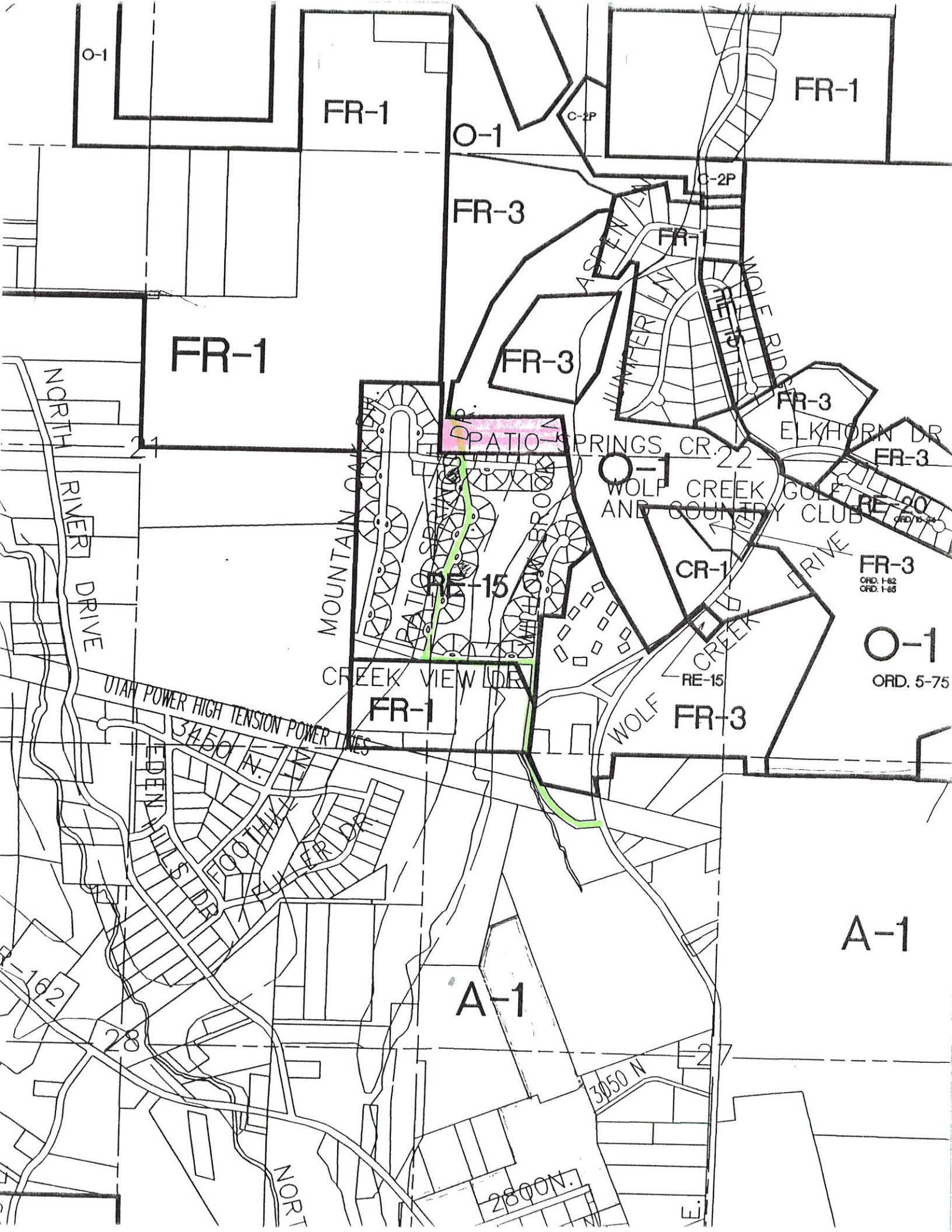
Should you have any additional questions, feel free to contact me at (801-538-7374).

Sincerely,


Jim Wells, P.E.
Stream Alteration Specialist

JW/jm

cc: Lesley McWhirter - Corps of Engineers
 Shanna Francis - Weber County Council
Harold - Weber County Planning
Dennis Richardson - Weber County Engineering



O-1

FR-1

FR-1

O-1

C-2P

FR-3

C-2P

FR-1

FR-3

NORTH RIVER DRIVE

MOUNTAIN CANYON DRIVE

ASPEN DRIVE
JUNIPER LANE

MOLE RIDGE

FR-3

ELKHORN DR

FR-3

WOLF CREEK GOLF AND COUNTRY CLUB

RE-15

CR-1

FR-3
ORD. 1-82
ORD. 1-85

O-1

ORD. 5-75

CREEK VIEW DRIVE

FR-1

FR-3

UTAH POWER HIGH TENSION POWER LINES

3450 N.

EDEN HILLS DRIVE

EGG THUMB DRIVE

FR-1

A-1

A-1

3050 N.

2800 N.

NORTH

E.

22-015-0027
SECURITY TITLE CO OF OGDEN

% FIRST AMERICAN TITLE CO
205 26TH ST
OGDEN UT 84401

22-018-0014
SATTERTHWAITE, BRENT H &
DOROTHY T SATTERTHWAITE TR

4009 N JUNIPER RD
EDEN UT 84310

22-057-0004
BRODSTEIN, ROBERT S &
GERALDINE A BRODSTEIN

3343 BAKER DR
OGDEN UT 84403

22-057-0007
INGLET, MELVIN L & WF
JUDY KAUFFMAN

4454 GREENBRIER RD
LOMPOC CA 93436

22-057-0010
WITKOWSKI, NICK & WF
NANCY J WITKOWSKI

4752 E 3900 N
EDEN UT 84310

22-057-0013
JOHNSON, ELEANOR ETAL

4773 E 3900 N
EDEN UT 84310

22-057-0016
T.V. SPECIALIST EMPLOYEES
PROFIT SHARING PLAN
% KENNETH W BOLLINGER
1452 S 20TH E
SALT LAKE CITY UT 84108

22-058-0003
MARVA INVESTMENT COMPANY

4760 S STATE ST
MURRAY UT 84107

22-058-0006
HOLMSTROM, VICTOR L &
THELMA L HOLMSTROM

P O BOX 868
EDEN UT 84310

22-058-0014
LAMPH, MAX D &
EDNA B LAMPH TRUSTEES

1316 E 2025 S
OGDEN UT 84401

22-017-0001
WOLF CREEK ASSOCIATES

% BLAINE WADE
296 E 3250 N
OGDEN UT 84414

22-057-0001
WISCOMBE, ALLAN R & WF
ELIZABETH J WISCOMBE

4797 E 3900 N
EDEN UT 84310

22-057-0005
FRALEY, ROBERT T TRUSTEE

3403 N 2175 E
LAYTON UT 84041

22-057-0008
DAUGAARD, CHRISTIAN F & WF
REBECCA L DAUGAARD,

4790 E 3900 N
EDEN UT 84310

22-057-0011
BATEMAN, JOHN M &
GAYLE BATEMAN

11040 CHICKADEE DR
BOISE ID 83709

22-057-0014
GLEAVES, KEVIN M

% MAMIE CLEAVES
620 S 8TH
LARAMIE WY 82070

22-058-0001
J KELLY GODDARD FAMILY
PARTNERSHIP

3500 SOUTH MAIN ST
SALT LAKE CITY UT 84115

22-058-0004
POWELL, DALE R & WF
BEVERLY S POWELL

3930 N 4650 E
EDEN UT 84310

22-058-0008
ASHWORTH, BRENT F &
CHARLENE M ASHWORTH

1965 N 1400 E
PROVO UT 84604

22-058-0015
LIERD, BLAIR & WF
BRANDI W LIERD

4671 E 3900 N
EDEN UT 84310

22-018-0011
WALKER, JOHN & WF
KATHY WALKER

2009 N 150 E
CENTERVILLE UT 84014

22-057-0003
REILLY, JAMES C &
RON REILLY

2537 N 3750 E
EDEN UT 84310

22-057-0006
ALLEN, KENNETH M & WF
CINDY M ALLEN

P O BOX 559
EDEN UT 84310

22-057-0009
WAITE, GARY C & WF
PATRICIA WAITE

9316 EAGLE RIDGE DR
LAS VEGAS NV 89134

22-057-0012
ELENBAAS, DENNIS J

P O BOX 687
EDEN UT 84310

22-057-0015
PETERSON, CORY L

P O BOX 313
EDEN UT 84310

22-058-0002
WHITE, J BRAD & WF
KIM R WHITE

3950 N 4650 E
EDEN UT 84310

22-058-0005
GROSGEBAUER, JON ALLAN &
KIMBERLY JANE GROSGEBAUER

P O BOX 1077
EDEN UT 84310

22-058-0009
PERKINS, THOMAS F &
DEANNA S MORGAN

3951 N 4600 E
EDEN UT 84310

22-058-0016
PATIO SPRINGS HOME OWNERS
ASSOCIATION--WEST
% RANDY LAUB
3900 N WOLF CREEK DR
EDEN UT 84310



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Robert L. Morgan
State Engineer

1594 West North Temple, Suite 220
Box 146300
Salt Lake City, Utah 84114-6300
801-538-7240
801-538-7467 (Fax)

August 8, 1997

Ken Gardner
5150 Washington Blvd.
Ogden, UT 84405

RE: Stream Channel Alteration Permit Number 97-35-45SA to re-align a flood channel of Wolf Creek near Eden in Weber County.
EXPIRATION DATE: August 8, 1998

Your application to Alter a Natural Stream Channel Number 97-35-45SA is hereby approved pursuant to the requirements of Section 73-3-29 of the Utah Code Annotated, 1953. This approval also constitutes compliance with Section 404 (e) of the Clean Water Act (33 USC 1344) pursuant to General Permit 040 issued to the State of Utah by the U.S. Army Corps of Engineers on October 15, 1987.

Work performed under this permit is subject to the following conditions:

1. The expiration date of this approved application is August 8, 1998. The expiration date may be extended, at the State Engineer's discretion, by submitting a written request outlining the need for the extension and the reasons for the delay in completing the proposed stream alteration.
2. A copy of this approved permit must be kept on-site at any time the work under this approved permit is in progress.
3. The plan view depicts undesirable, sharp angles and linear reaches for the proposed channel alignment. These sharp angles must be replaced with gentler meander bends. Lot geometries may need modification to accommodate these bends. Within the straight reaches depicted, the low flow channel must be meandered from side to side. These required modifications will help assure channel stability and decrease the gradient. A step-pool channel design should be adopted, given the gradients indicated. Information on design considerations for this stream type is enclosed.
4. This office will require that a final set of plans depicting these required amendments, together with the revegetation plan, be submitted to this office for review and approval prior to channel work commencing.



5. Work must be accomplished during a period of low flow. Sediment introduced into stream flows during construction must be controlled to prevent increases in turbidity downstream. This can be accomplished either by diverting flows away from the construction area or by constructing sediment control structures.
6. Disturbed riparian areas must be planted with naturally-occurring vegetation. Plantings shall be protected from grazing animals by fencing. If beaver or other rodent damage should occur, other methods, such as metal collars placed around the trees, must be included.
7. Riprap must consist of only clean, properly sized, angular rock. Riprap must be keyed deeply into the stream bed to prevent undercutting. A filter shall be placed behind riprap if necessary (i.e. if soils are fine grained, non-cohesive, and/or erodible). Demolition debris or refuse will not be allowed, nor material such as bricks, concrete, asphaltic material [either natural (tar sand, oil shale, etc.) or man made].
8. Excavated material and construction debris may not be wasted in any stream channel or placed in flowing waters, this will include material such as grease, oil, joint coating, or any other possible pollutant. Excess materials must be wasted at an upland site well away from any channel. Construction materials, bedding material, excavated material, etc. may not be stockpiled in riparian or channel areas.
9. Within 30 days after the completion of this project, the State Engineer's office must be contacted for a compliance inspection. Failure to provide such notification would invalidate U.S. Army Corps of Engineers General Permit 040, thereby placing the applicant in violation of Section 404 of the Clean Water Act.

This Decision is subject to the provisions of Rule R655-6 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953 as amended, which provide for filing either a Request for Reconsideration with the State Engineer, or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer with 20 days of the date of this decision. However, a Request for Reconsideration is not a prerequisite for a court appeal. A court appeal must be filed within 30 days after the date of this Decision, 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.

Page 3
97-35-45SA
August 8, 1997

If you have any questions, or need further clarification, please feel free to contact Jim Wells at 538-7374.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

RLM/jw/jm

Enclosures

pc: Mike Schwinn - Corps of Engineers
Bob Mairley - EPA
Field Supervisor - U. S. Fish & Wildlife
Jim Dykmann - State History
Carolyn Wright - State Planning
John Mann - Regional Engineer
Jerry Wiechman - Regional Wildlife Habitat Manager
Bill Bradwisch - Aquatic Habitat Coordinator

JOINT PERMIT APPLICATION FORM

U. S. ARMY CORPS OF ENGINEERS - FOR SECTIONS 404 AND 10
UTAH STATE ENGINEER'S OFFICE - FOR NATURAL STREAM CHANNELS

Application Number _____ / _____
(Assigned by: Corps State Engineer)

Applicant's Name (Last, First M.I.) John Lewis Homes, Inc.	Authorized Agent Ken Gardner	Telephone Number and Area Code 801-476-0202
---	---------------------------------	--

Applicant's Address (Street, RFD, Box Number, City, State, Zip)
5150 Washington Blvd., Ogden, Utah 84405 (Gardner Engineering)

PROJECT LOCATION

Quarter Section(s) NW 1/4	Section 22	Township 7N	Range 1E	Base & Meridian SLB & M
County Weber	Watercourse to be altered Wolf Creek side ch.	Check one: <input type="checkbox"/> Within city limits <input checked="" type="checkbox"/> Outside city limits List town or nearest town: Eden		

Project location or address:
3900 N 4700 W.

Brief description of project: (See enclosed map) Re-channel existing flood channel.
Flows approximately 30 days each spring. Flood channel is now somewhat "braided" and out of a defined channel.

Purpose (justification) of project:
Re-channeling stream will permit property development as indicated on enclosed map.

Is this a single and complete project or is it part of a larger project, continuing project, or other related activities? If so, please describe the larger project or other related activities.

N/A

If project includes the discharge of dredged or fill material:

Cubic yards of material: Excavate approximately 100 CY to construct channel. All material to remain on site.

Acreage or square footage of waters of the United States, including wetlands, affected by the project:

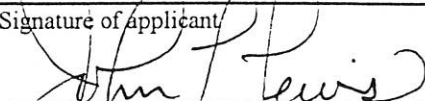
0.07 Acres

Source and type of fill material: Stream bed (above rocks)

Alternatives (other ways to accomplish the project purpose):	
Names and addresses of adjacent property owners or other individuals who may be affected by this project: Patio Springs home owners association has endorsed project including use of a proposed detention basin in their common area. (See enclosed letter)	
List other authorizations required by Federal, state or local governments (i.e.; National Flood Insurance Program), and the status of those authorizations.	
Estimated starting date of project August 1, 1997	Estimated completion date October 31, 1997

(If project has already been partially or totally completed, indicate date of work. Indicate existing work on drawings).

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or am acting as the duly authorized agent of the applicant.

Signature of applicant 	Date 7-7-97
--	----------------

I hereby certify that Ken Gardner Engineering is acting as my agent for this project.

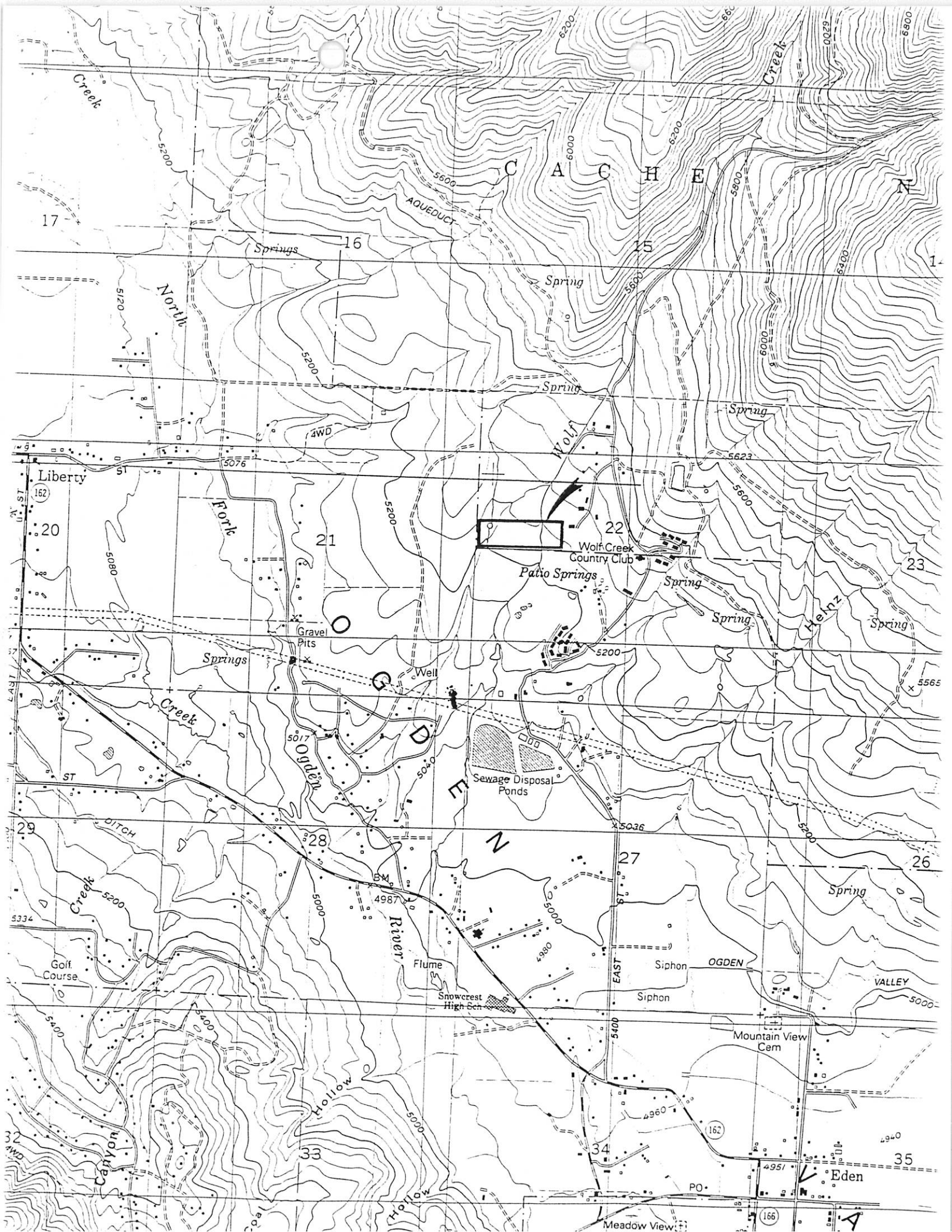
Agent's address and telephone number

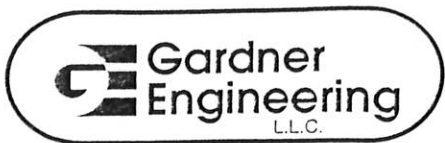
INSTRUCTIONS

Applications which do not include the following will not be processed.

For a complete application, you **MUST** include the following on 8 1/2 by 11 paper (for large projects, multiple sheets with a key may be used). Clear, hand-drawn plans approximately to scale are acceptable.

1. An accurate location map (USGS quadrangle map preferred)
2. A plan view of the proposed activity (as seen from above) including dimensions of work.
3. A cross-section view of the proposed activity (may use typical cross-section for large projects) including dimensions.
4. For projects which include wetlands, an accurate wetland delineation must be prepared in accordance with the current method required by the Corps.





Client: JOHN LENTIS
 Calculated by: JL Date: 7/2/97
 Checked by: _____ Date: _____
 Scale: _____

Project: FAIRWAY OAKS @
WOLF CR. No. _____
 Detail: _____
 Sheet: 1 of: _____

1. OPEN CHANNEL FLOW - WOLF CREEK OREFLOW FLOOD CHANNEL DESIGN

A. DESIGN FLOW - BASED UPON HIGH WATER MARKS ON EXISTING CULVERT CROSSINGS 3900 NORTH STREET (SEE CHART 2)

DESIGN Q = 6 CFS

B. USE 18" ROAD CROSSING FLOWING 90% FULL @ INLET

C. RE-CHANNELIZATION DESIGN

$Q = 6 \text{ CFS}$, DESIRED AREA = $6/4 = 1.5$

$S = 5.5\%$

$n = 0.030$

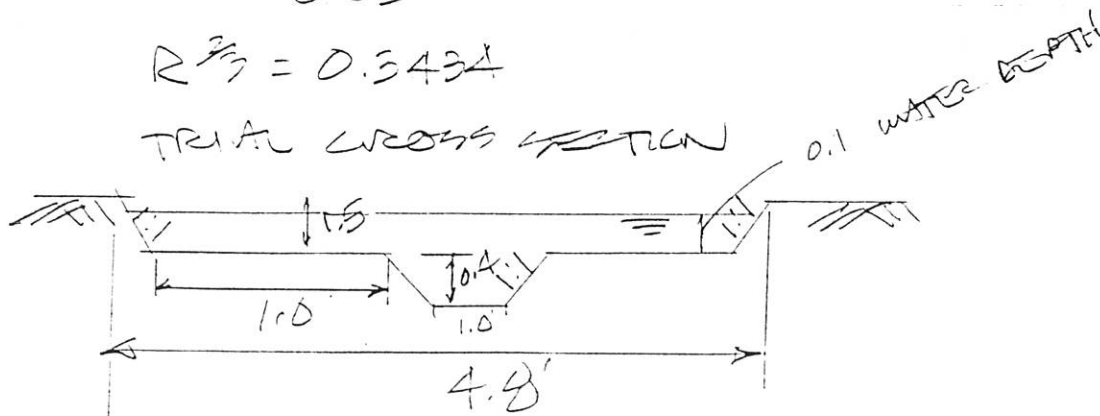
DESIGN VELOCITY = 4.0 TO AVOID EXCESSIVE SLOW

$$V = \frac{1.49}{n} R^{2/3} S^{1/2}$$

$$4.0 = \frac{1.49}{0.03} (R^{2/3}) (0.055)^{1/2}$$

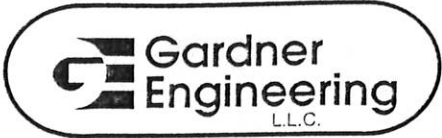
$$R^{2/3} = 0.3434$$

TRIAL CROSS SECTION



$A = 0.96$
 $D = 4.4$

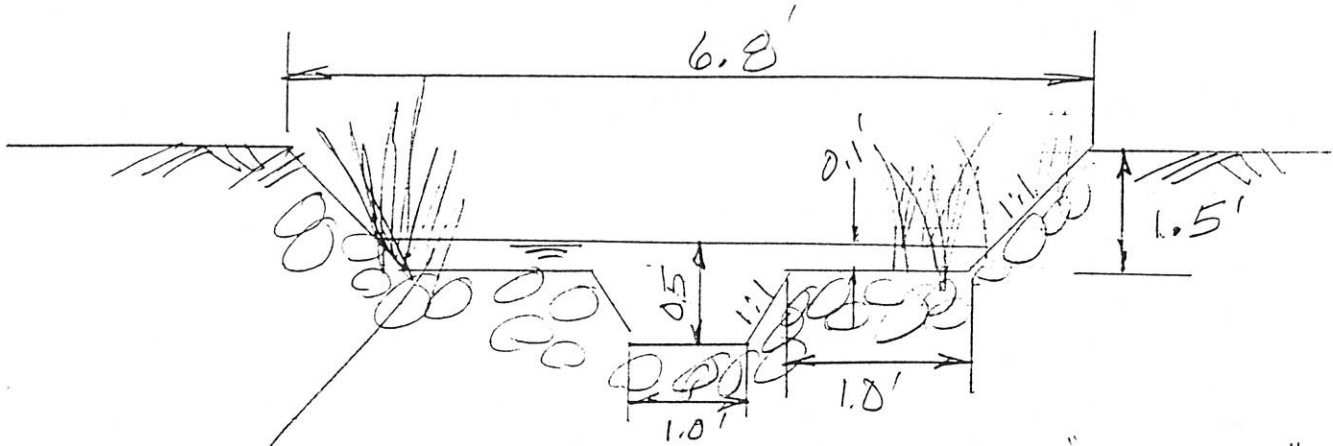
$R = 0.2177$
 $R^{2/3} = 0.3619 \approx 0.34$



Client: _____
Calculated by: _____ Date: _____
Checked by: _____ Date: _____
Scale: _____

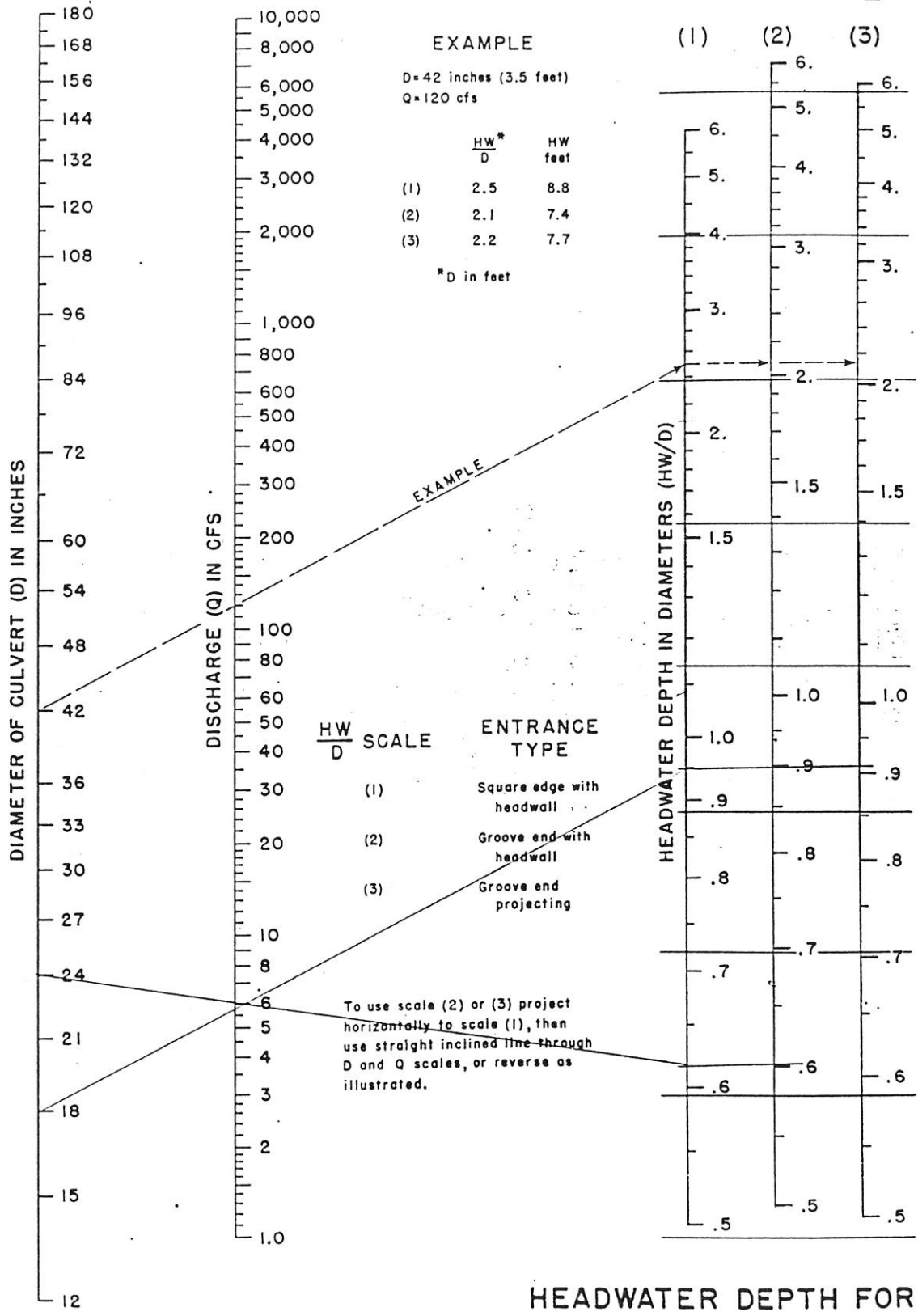
Project: _____
No. _____
Detail: _____
Sheet: 2 of _____

D. PROPOSED CHANNEL DESIGN



CHANNEL VEGETATION TO BE "DOGWOOD",
"WILLOW" AND "COTTONWOOD" PLANTINGS
FROM NURSERY STOCK

CHART 2



HEADWATER DEPTH FOR CONCRETE PIPE CULVERTS WITH INLET CONTROL

HEADWATER SCALES 2 & 3
 REVISED MAY 1964

Appendix A.—TABLES

Table 1.—Manning roughness coefficients, n ¹

	Manning's n range ¹		Manning's n range ¹
I. Closed conduits:		IV. Highway channels and swales with maintained vegetation²	
A. Concrete pipe.....	0.011-0.013	(values shown are for velocities of 2 and 6 f.p.s.):	
B. Corrugated-metal pipe or pipe-arch:		A. Depth of flow up to 0.7 foot:	
1. 2½ by ½-in. corrugation (riveted pipe): ³		1. Bermudagrass, Kentucky bluegrass, buffalograss:	
a. Plain or fully coated.....	0.024	a. Mowed to 2 inches.....	0.07-0.045
b. Paved invert (range values are for 25 and 50 percent of circumference paved):		b. Length 4-6 inches.....	0.09-0.05
(1) Flow full depth.....	0.021-0.018	2. Good stand, any grass:	
(2) Flow 0.8 depth.....	0.021-0.016	a. Length about 12 inches.....	0.19-0.09
(3) Flow 0.6 depth.....	0.019-0.013	b. Length about 24 inches.....	0.30-0.15
2. 6 by 2-in. corrugation (field bolted).....	0.03	3. Fair stand, any grass:	
C. Vitrified clay pipe.....	0.012-0.014	a. Length about 12 inches.....	0.14-0.08
D. Cast-iron pipe, uncoated.....	0.013	b. Length about 24 inches.....	0.25-0.13
E. Steel pipe.....	0.009-0.011	B. Depth of flow 0.7-1.5 feet:	
F. Brick.....	0.014-0.017	1. Bermudagrass, Kentucky bluegrass, buffalograss:	
G. Monolithic concrete:		a. Mowed to 2 inches.....	0.05-0.035
1. Wood forms, rough.....	0.015-0.017	b. Length 4 to 6 inches.....	0.06-0.04
2. Wood forms, smooth.....	0.012-0.014	2. Good stand, any grass:	
3. Steel forms.....	0.012-0.013	a. Length about 12 inches.....	0.12-0.07
H. Cemented rubble masonry walls:		b. Length about 24 inches.....	0.20-0.10
1. Concrete floor and top.....	0.017-0.022	3. Fair stand, any grass:	
2. Natural floor.....	0.019-0.025	a. Length about 12 inches.....	0.10-0.06
I. Laminated treated wood.....	0.015-0.017	b. Length about 24 inches.....	0.17-0.09
J. Vitrified clay liner plates.....	0.015	V. Street and expressway gutters:	
II. Open channels, lined⁴ (straight alignment):⁵		A. Concrete gutter, troweled finish.....	0.012
A. Concrete, with surfaces as indicated:		B. Asphalt pavement:	
1. Formed, no finish.....	0.013-0.017	1. Smooth texture.....	0.013
2. Trowel finish.....	0.012-0.014	2. Rough texture.....	0.016
3. Float finish.....	0.013-0.015	C. Concrete gutter with asphalt pavement:	
4. Float finish, some gravel on bottom.....	0.015-0.017	1. Smooth.....	0.013
5. Gunite, good section.....	0.016-0.019	2. Rough.....	0.015
6. Gunite, wavy section.....	0.018-0.022	D. Concrete pavement:	
B. Concrete, bottom float finished, sides as indicated:		1. Float finish.....	0.014
1. Dressed stone in mortar.....	0.015-0.017	2. Broom finish.....	0.016
2. Random stone in mortar.....	0.017-0.020	E. For gutters with small slope, where sediment may accumulate, increase above values of n by.....	0.002
3. Cement rubble masonry.....	0.020-0.025	VI. Natural stream channels:⁶	
4. Cement rubble masonry, plastered.....	0.016-0.020	A. Minor streams ⁷ (surface width at flood stage less than 100 ft.):	
5. Dry rubble (riprap).....	0.018-0.030	1. Fairly regular section:	
C. Gravel bottom, sides as indicated:		a. Some grass and weeds, little or no brush.....	0.030-0.035
1. Formed concrete.....	0.017-0.020	b. Dense growth of weeds, depth of flow materially greater than weed height.....	0.035-0.05
2. Random stone in mortar.....	0.020-0.023	c. Some weeds, light brush on banks.....	0.035-0.05
3. Dry rubble (riprap).....	0.023-0.033	d. Some weeds, heavy brush on banks.....	0.05-0.07
D. Brick.....	0.014-0.017	e. Some weeds, dense willows on banks.....	0.06-0.08
E. Asphalt:		f. For trees within channel, with branches submerged at high stage, increase all above values by.....	0.01-0.02
1. Smooth.....	0.013	2. Irregular sections, with pools, slight channel meander; increase values given in 1a-e about.....	0.01-0.02
2. Rough.....	0.016	3. Mountain streams, no vegetation in channel, banks usually steep, trees and brush along banks submerged at high stage:	
F. Wood, planed, clean.....	0.011-0.013	a. Bottom of gravel, cobbles, and few boulders.....	0.04-0.05
G. Concrete-lined excavated rock:		b. Bottom of cobbles, with large boulders.....	0.05-0.07
1. Good section.....	0.017-0.020	B. Flood plains (adjacent to natural streams):	
2. Irregular section.....	0.022-0.027	1. Pasture, no brush:	
III. Open channels, excavated⁴ (straight alignment,⁸ natural lining):		a. Short grass.....	0.030-0.035
A. Earth, uniform section:		b. High grass.....	0.035-0.05
1. Clean, recently completed.....	0.016-0.018	2. Cultivated areas:	
2. Clean, after weathering.....	0.018-0.020	a. No crop.....	0.03-0.04
3. With short grass, few weeds.....	0.022-0.027	b. Mature row crops.....	0.035-0.045
4. In gravelly soil, uniform section, clean.....	0.022-0.025	c. Mature field crops.....	0.04-0.05
B. Earth, fairly uniform section:		3. Heavy weeds, scattered brush.....	0.05-0.07
1. No vegetation.....	0.022-0.025	4. Light brush and trees: ¹⁰	
2. Grass, some weeds.....	0.025-0.030	a. Winter.....	0.05-0.06
3. Dense weeds or aquatic plants in deep channels.....	0.030-0.035	b. Summer.....	0.06-0.08
4. Sides clean, gravel bottom.....	0.025-0.030	5. Medium to dense brush: ¹⁰	
5. Sides clean, cobble bottom.....	0.030-0.040	a. Winter.....	0.07-0.11
C. Dragline excavated or dredged:		b. Summer.....	0.10-0.18
1. No vegetation.....	0.028-0.033	6. Dense willows, summer, not bent over by current.....	0.15-0.20
2. Light brush on banks.....	0.035-0.050	7. Cleared land with tree stumps, 100-150 per acre:	
D. Rock:		a. No sprouts.....	0.04-0.05
1. Based on design section.....	0.035	b. With heavy growth of sprouts.....	0.06-0.08
2. Based on actual mean section:		8. Heavy stand of timber, a few down trees, little undergrowth:	
a. Smooth and uniform.....	0.035-0.040	a. Flood depth below branches.....	0.10-0.12
b. Jagged and irregular.....	0.040-0.045	b. Flood depth reaches branches.....	0.12-0.16
E. Channels not maintained, weeds and brush uncut:		C. Major streams (surface width at flood stage more than 100 ft.): Roughness coefficient is usually less than for minor streams of similar description on account of less effective resistance offered by irregular banks or vegetation on banks. Values of n may be somewhat reduced. Follow recommendation in publication cited ¹ if possible. The value of n for larger streams of most regular section, with no boulders or brush, may be in the range of.....	0.028-0.033
1. Dense weeds, high as flow depth.....	0.08-0.12		
2. Clean bottom, brush on sides.....	0.05-0.08		
3. Clean bottom, brush on sides, highest stage of flow.....	0.07-0.11		
4. Dense brush, high stage.....	0.10-0.14		

Footnotes to table 1 appear at the top of page 101.

Footnotes to Table 1

1 Estimates are by Bureau of Public Roads unless otherwise noted.
 2 Ranges indicated for closed conduits and for open channels, lined or excavated, are for good to fair construction (unless otherwise stated). For poor quality construction, use larger values of n .
 3 Friction Factors in Corrugated Metal Pipe, by M. J. Webster and L. R. Metcalf, Corps of Engineers, Department of the Army; published in Journal of the Hydraulics Division, Proceedings of the American Society of Civil Engineers, vol. 35, No. HY9, Sept. 1959, Paper No. 2148, pp. 35-57.
 4 For important work and where accurate determination of water profiles is necessary, the designer is urged to consult the following references and to select n by comparison of the specific conditions with the channels tested:
 5 Flow of Water in Irrigation and Similar Channels, by F. C. Scobey, Division of Irrigation, Soil Conservation Service, U.S. Department of Agriculture, Tech. Bull. No. 652, Feb. 1939; and
 6 Flow of Water in Drainage Channels, by C. E. Ramser, Division of Agricultural Engineering, Bureau of Public Roads, U.S. Department of Agriculture, Tech. Bull. No. 129, Nov. 1929.
 7 With channel of an alignment other than straight, loss of head by resistance forces will be increased. A small increase in value of n may be made, to allow for the additional loss of energy.
 8 Handbook of Channel Design for Soil and Water Conservation, prepared by the Stillwater Outdoor Hydraulic Laboratory in cooperation with the Oklahoma Agricultural Experiment Station; published by the Soil Conservation Service, U.S. Department of Agriculture, Publ. No. SCS-TP-61, Mar. 1947, rev. June 1954.

9 Flow of Water in Channels Protected by Vegetative Linings, by W. O. Ree and V. J. Palmer, Division of Drainage and Water Control, Research, Soil Conservation Service, U.S. Department of Agriculture, Tech. Bull. No. 967, Feb. 1949.
 10 For calculation of stage or discharge in natural stream channels, it is recommended that the designer consult the local District Office of the Surface Water Branch of the U.S. Geological Survey, to obtain data regarding values of n applicable to streams of any specific locality. Where this procedure is not followed, the table may be used as a guide. The values of n tabulated have been derived from data reported by C. E. Ramser (see footnote 4) and from other incomplete data.
 11 The tentative values of n cited are principally derived from measurements made on fairly short but straight reaches of natural streams. Where slopes calculated from flood elevations along a considerable length of channel, involving meanders and bends, are to be used in velocity calculations by the Manning formula, the value of n must be increased to provide for the additional loss of energy caused by bends. The increase may be in the range of perhaps 3 to 15 percent.
 12 The presence of foliage on trees and brush under flood stage will materially increase the value of n . Therefore, roughness coefficients for vegetation in leaf will be larger than for bare branches. For trees in channel or on banks, and for brush on banks where submergence of branches increases with depth of flow, n will increase with rising stage.

Table 2.—Permissible velocities for channels with erodible linings, based on uniform flow in continuously wet, aged channels¹

Soil type or lining (earth; no vegetation)	Maximum permissible velocities for—		
	Clear water	Water carrying fine silts	Water carrying sand and gravel
	<i>F.p.s.</i>	<i>F.p.s.</i>	<i>F.p.s.</i>
Fine sand (noncolloidal).....	1.5	2.5	1.5
Sandy loam (noncolloidal).....	1.7	2.5	2.0
Silt loam (noncolloidal).....	2.0	3.0	2.0
Ordinary firm loam.....	2.5	3.5	2.2
Volcanic ash.....	2.5	3.5	2.0
Fine gravel.....	2.5	5.0	3.7
Stiff clay (very colloidal).....	3.7	5.0	3.0
Graded, loam to cobbles (noncolloidal).....	3.7	5.0	5.0
Graded, silt to cobbles (colloidal).....	4.0	5.5	5.0
Alluvial silts (noncolloidal).....	2.0	3.5	2.0
Alluvial silts (colloidal).....	3.7	5.0	3.0
Coarse gravel (noncolloidal).....	4.0	6.0	6.5
Cobbles and shingles.....	5.0	5.5	6.5
Shales and hard pans.....	6.0	6.0	5.0

¹ As recommended by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926.

Table 3.—Permissible velocities for channels lined with uniform stands of various grass covers, well maintained^{1 2}

Cover	Slope range	Permissible velocity on—	
		Erosion resistant soils	Easily eroded soils
	<i>Percent</i>	<i>F.p.s.</i>	<i>F.p.s.</i>
Bermudagrass.....	0-5	8	6
	5-10	7	5
	Over 10	6	4
Buffalograss.....	0-5	7	5
	5-10	6	4
	Over 10	5	3
Kentucky bluegrass.....	0-5	7	5
	5-10	6	4
	Over 10	5	3
Smooth brome.....	0-5	7	5
	5-10	6	4
	Over 10	5	3
Blue grama.....	0-5	7	5
	5-10	6	4
	Over 10	5	3
Grass mixture.....	0-5	5	4
	5-10	4	3
	0-5	3.5	2.5
Lespedeza sericea.....	5-10	3.5	2.5
	0-5	3.5	2.5
	0-5	3.5	2.5
Weeping lovegrass.....	0-5	3.5	2.5
Yellow bluestem.....	0-5	3.5	2.5
Kudzu.....	0-5	3.5	2.5
Alfalfa.....	0-5	3.5	2.5
Crabgrass.....	0-5	3.5	2.5
Common lespedeza ⁴	0-5	3.5	2.5
Sudangrass ³	0-5	3.5	2.5

¹ From Handbook of Channel Design for Soil and Water Conservation (see footnote 8, table 1, above).

² Use velocities over 5 f.p.s. only where good covers and proper maintenance can be obtained.

³ Annuals, used on mild slopes or as temporary protection until permanent covers are established.

⁴ Use on slopes steeper than 5 percent is not recommended.

Table 4.—Factors for adjustment of discharge to allow for increased resistance caused by friction against the top of a closed rectangular conduit¹

D/B	Factor
1.00	1.21
.80	1.24
.75	1.25
.667	1.27
.60	1.28
.50	1.31
.40	1.34

¹ Interpolations may be made. See derivation of factors on p. 8.

Table 5.—Guide to selection of retardance curve

Average length of vegetation	Retardance curve for—	
	Good stand	Fair stand
6-10 inches.....	C.....	D.....
2-6 inches.....	D.....	D.....



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF DRINKING WATER

Michael O. Leavitt
Governor

Dianne R. Nielson, Ph.D.
Executive Director

Kevin W. Brown
Director

150 North 1950 West
P.O. Box 144830
Salt Lake City, Utah 84114-4830
(801) 536-4200 Voice
(801) 536-4211 Fax
(801) 536-4414 T.D.D.

RECEIVED

JUN 18 1997

WEBER COUNTY
PLANNING

June 10, 1997

Jim Gentry, Planner
Weber County Planning Commission
2380 Washington Blvd.
Ogden, Utah 84401

Dear Mr. Gentry:

Subject: Drinking Water Feasibility Study for Fairway Oaks PRUD, Wolf Creek
Country Club Water System, # 29013, File # 04724

As per the letters written on March 21 and 26, 1996, we required that the engineering drawings for the improvements to the existing well be approved by our office and that Wolf Creek Water Company deposit in an escrow account an amount of money equal to the engineer's estimate to construct the pumping system, in order to approve the last 102 proposed lots in this project.

Prior to giving preliminary plat approval to Fairway Oaks PRUD, we suggest that the following conditions be met.

1. Engineering drawings of the pump and booster station in the Patio Springs well be approved by this office.
2. Wolf Creek Country Club Water Company agrees to install the pump and booster station at this time.

Storage capacity of the current water system will allow 608 units. To date we have approved 511 units. With the 37 units in this project and the 30 units in the proposed Wolf Creek Timeshare Resort, the total number of approved units will be 578.





State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER QUALITY

Michael O. Leavitt
Governor
Dianne R. Nielson, Ph.D.
Executive Director
Don A. Ostler, P.E.
Director

288 North 1460 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
(801) 538-6146 Voice
(801) 538-6016 Fax
(801) 536-4414 T.D.D.

Water Quality Board
Leroy H. Wullstein, Ph.D.
Chairman

Lynn F. Pett
Vice Chairman

Robert G. Adams

R. Rex Ausburn, P.E.

David S. Bowles, Ph.D., P.E.

Nan Bunker

Leonard Ferguson

Dianne R. Nielson, Ph.D.

K.C. Shaw, P.E.

J. Ann Wechsler

Don A. Ostler, P.E.
Executive Secretary

RECEIVED

JUL 03 1997

WEBER COUNTY
PLANNING

June 26, 1997

Mr. Jim Gentry
Weber County Planning Commission
2380 Washington Blvd.
Ogden, Utah 84401

Dear Mr. Gentry:

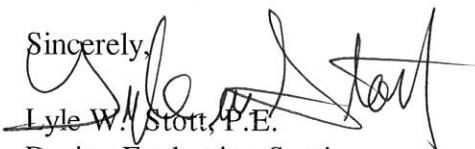
Subject: Fairway Oaks & Wolf Creek Time Share / Treatment Capacity of Wolf Creek's aerated lagoons

On May 27, 1997, we received information on two proposed subdivisions (Fairway Oaks 37 units and Wolf Creek Time Share 30 units). We have calculated the remaining treatment capacity of Wolf Creek's aerated lagoon facility.

The treatment facility is designed and constructed to treat 107,500 gallons per day (gpd). The average monthly inflow to the treatment facility is approximately 60,000 gpd during the peak month between 1996 and 1997. The remaining reserve capacity is therefore 47,500 gpd. The proposed two subdivisions would add approximately an additional 23,450 gpd assuming 3.5 persons per unit.

If I can be of future assistance, please contact me.

Sincerely,


Lyle W. Stott, P.E.

Design Evaluation Section

LWS:lws

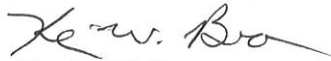
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FILE:WOLF\FCREEK



Jim Gentry
Page 2
June 10, 1997

If you have any additional questions concerning this project, please contact Kimball Wallace, of my staff, at 536-0048.

Sincerely,

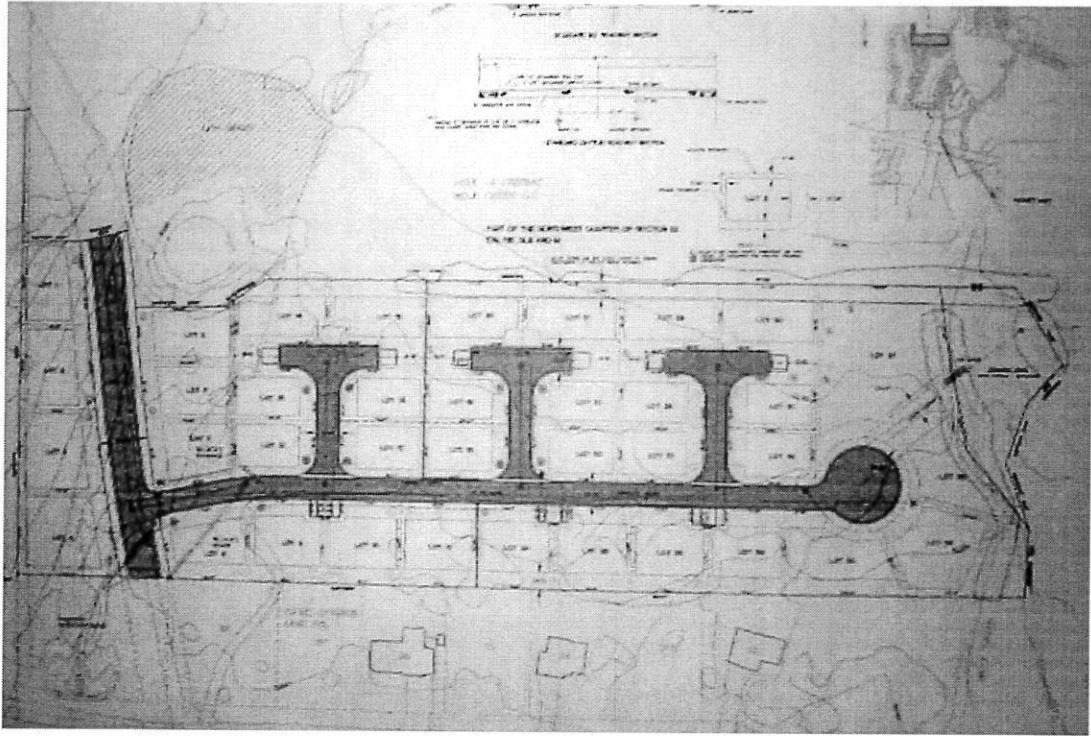


Kevin W. Brown
Director

KNW

cc: Blaine Wade, 296 East 3250 North, Ogden, Utah 84414
Weber/Morgan District Health Department

04724WOL.APR



Site Plan

FAIRWAY OAKS

DRAINAGE AREA (AC)

9.837



RUN OFF COEFFICIENT(C)

0.4

TIME OF CONCENTRATION (%)/(LENGTH)/(MIN)

*

RAIN FALL INTENSITY

IN/HR Q(CFS) = CIA

100 YEAR	6	23.6088
10 YEAR	4	15.7392
2 YEAR	2.9	11.41092

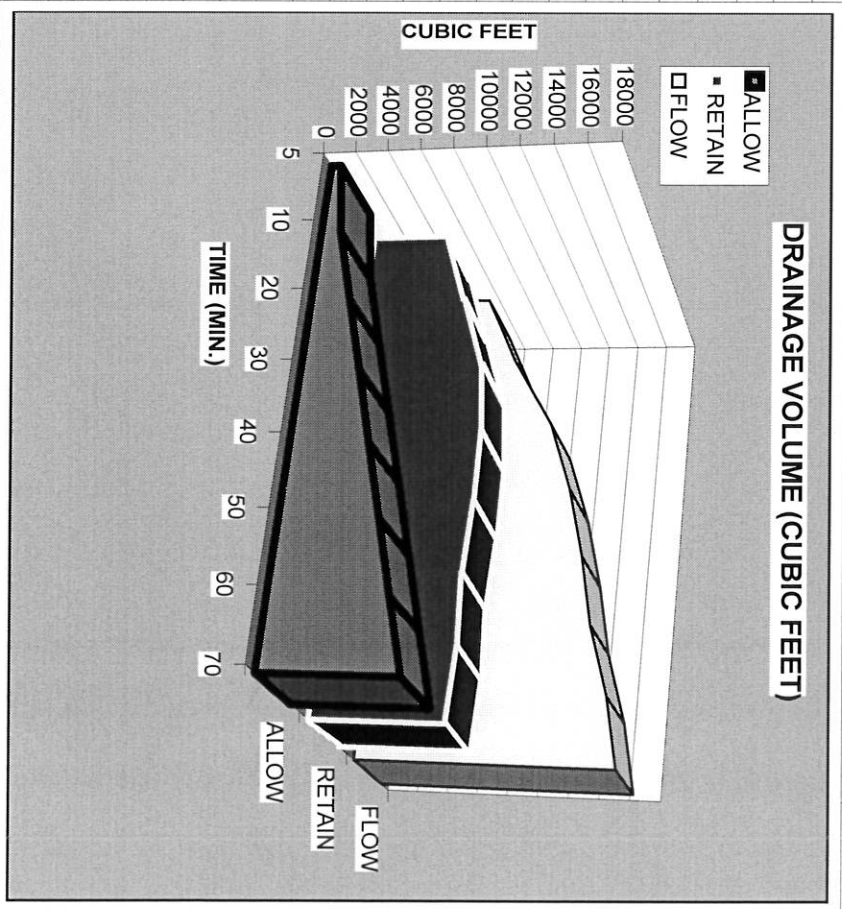
*SEE CHART

RUN OFF VOLUME(CFS)

MIN	ALLOW(.2*AREA)	i 10	10 YEAR	DIFF
5	590.22	4.5	5311.98	4721.76
10	1180.44	3.2	7554.816	6374.376
20	2360.88	2.2	10387.87	8026.992
30	3541.32	1.7	12040.49	8499.168
40	4721.76	1.4	13220.93	8499.168
50	5902.2	1.2	14165.28	8263.08
60	7082.64	1.1	15581.81	8499.168
70	8263.08	1	16526.16	8263.08

RECOMMENDED MIN. VOLUME RETAINED

CUBIC FEET 8499.168 YARDS 314.784



ORIFICE SIZE (.2 CFS / AC)

HEAD LOSS

AREA

DIA

5 0.1768 S.F. 5.6942 INCH



WEBER FIRE DISTRICT
1871 NORTH 1350 WEST
OGDEN, UTAH 84404
782-3580
FAX 782-3582

BOARD OF TRUSTEES
PAUL V. SKEEN
LAMAR HOLT
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KENT MEYERHOFFER
HUNTSVILLE REP.
WEST HAVEN REP.
FARR WEST REP.

DAVID AUSTIN- CHIEF

June 2, 1997

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

Ref.; Fairway Oaks P.R.U.D.

Dear Jim;

I have reviewed both the plans and the area for Fairway Oaks. The fire hydrants proposed are sufficient both in number (three) and in location and access is adequate. However, I would like to see an engineers figures on how they plan to continue to provide adequate water for culinary needs as well as fire protection with the proposed increases in demand by both. The number served by Wolf Creek Water is increasing. Has the system been designed to handle the increase, also considering the additional preliminary plans for Wolf Creek Time Share Units. The fire flows for each of the individual townhouses alone are in the neighborhood of 23,143 gallons. There must be at least 30,000 gallons on reserve for fire protection at all times. I have no further concerns with the site plans as proposed.

Sincerely,

David L. Austin
Fire Chief



Date: June 12, 1997

PLANNING COMMISSION

Craig C. B...
Director

TO PROPERTY OWNERS WITHIN 500 FEET OF THE PROPERTY OWNED BY:
Wolf Creek and Resorts at approximately 3516 North 5100 East

The Weber County Planning District has received an Application for 37 Unit Planned Residential Unit Development (P.R.U.D.) by Wolf Creek and Associates at approximately 4000 North 4900 East.

You are invited to express your thoughts concerning this Application at the next meeting of the Weber County Planning Commission to be held on **Tuesday, June 24, 1997 at 4:15 p.m.** in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden, Utah or call 399-8791 prior to the meeting.

Sincerely,

Troy Herold, Planner
Weber County Planning Commission

Eden Planning Committee

RECEIVED

JUN 11 1997

WEBER COUNTY
PLANNING

WOLF CREEK WATER & SEWER COMPANY
296 E 3250 NORTH
OGDEN, UTAH 84414

June 6, 1997

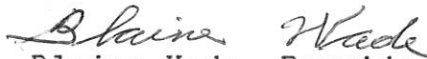
Weber County Planning Commission
2380 Washington Blvd.
Ogden, Utah 84401

Gentlemen:

We have reviewed the proposed plans for the Fairway Oaks P.R.U.D. consisting of 37 planned units. Since they are within the boundaries of our service district we agree to provide water and sewer service as required for this development.

Sincerely,

Wolf Creek Water & Sewer Company


Blaine Wade, President

To: Ken Gardner, Gardner Engineering
Fax #: 476-0066
Re: Fairway Oaks & Eagle Ridge Review
Date: June 4, 1997
Pages: 10, including this cover sheet.

FACSIMILE

Following is a copy of the draft staff report and agency comments on these two projects.

If you could get some of the concerns on Fairway Oaks addressed before the meeting, it may change our recommendation. I will be out Friday, and I will be in SLC on Monday, Tuesday, and Wednesday taking my licensing exam. If you have anything you want submit as far as changes or clarifications on the PRUD, get in touch with Jim. He will be handling the item for me at the meeting. If you have any questions call. Thanks.

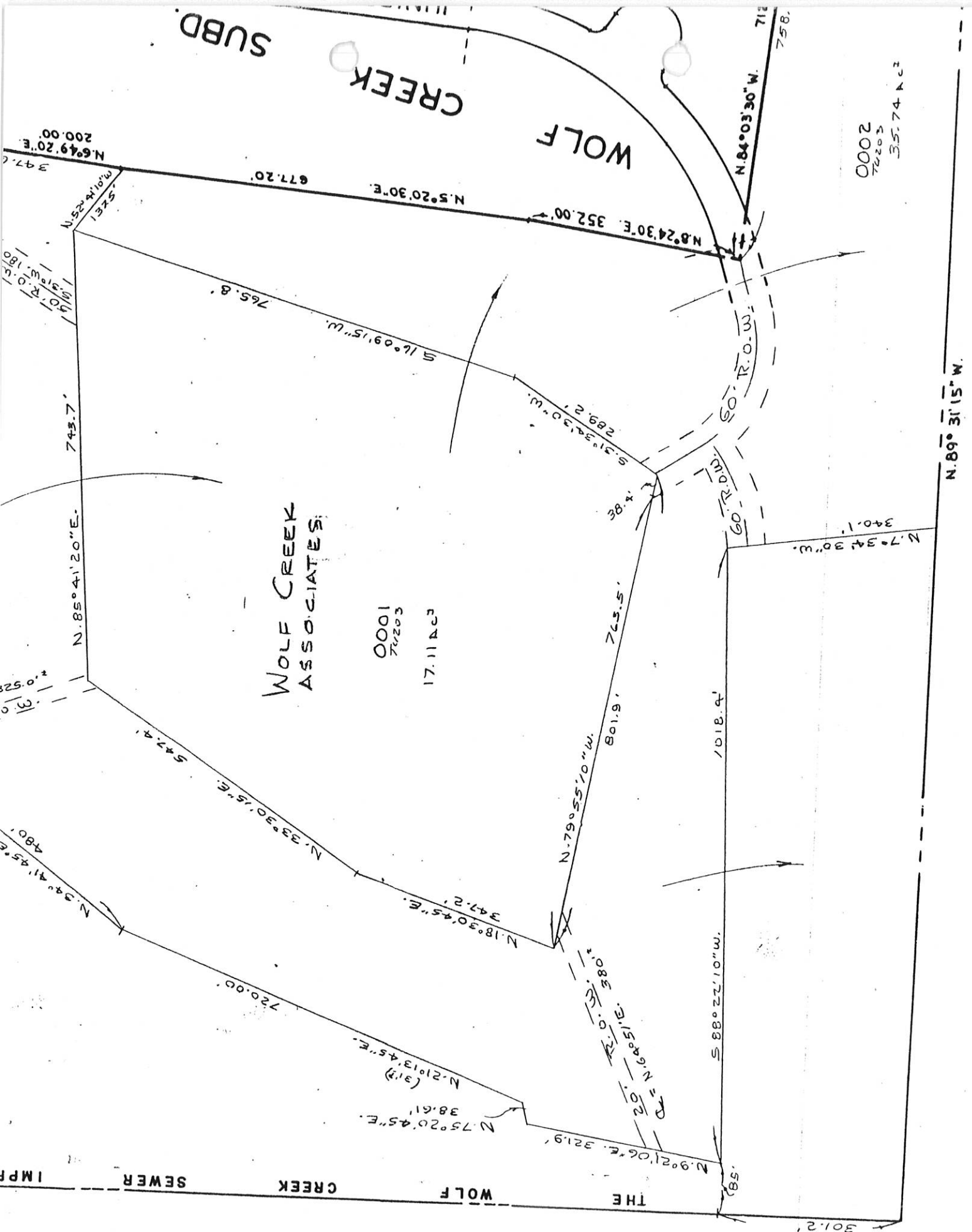
From the desk of...

Troy Herold
County Planner
Weber County Planning
2380 Washington Blvd.
Ogden, UT 84401

399-8764
Fax: 399-8862



AGE



SUBD.

CREEK

WOLF

WOLF CREEK ASSOCIATES;

0001

72203

17.11 AC

0002

72203

35.74 AC

THE WOLF CREEK SEWER IMPR

712

N.84°50'30"W. 758.7

N.8°24'30"E. 352.00

N.5°20'30"E. 677.20

M.90°42'30"W. 340.1

743.7

N.85°41'20"E.

547.4

N.33°30'15"E.

N.7°34'30"W. 340.1

N.89° 31' 15" W.

60' R.O.W.

60' R.O.W.

N.79°55'10"W. 801.9

765.5

1018.4

S.88°22'10"W.

588.2

720.00

N.18°30'45"E. 347.2

N.18°30'45"E. 347.2

N.75°20'45"E. 38.61

(31') N.21°13'45"E. 38.61

N.75°20'45"E.

N.9°21'06"E. 321.9

N.64°51'E. 380

N.9°21'06"E. 321.9

N.79°55'10"W.

S.16°09'15"W. 765.8

N.18°30'45"E.

S.16°09'15"W.

N.79°55'10"W.

N.7°34'30"W.

N.79°55'10"W.

801.9

N.79°55'10"W.

765.5

N.79°55'10"W.

1018.4

N.79°55'10"W.

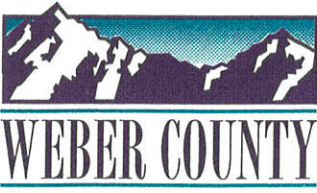
N.7°34'30"W.

N.7°34'30"W.

340.1

N.7°34'30"W.

340.1



Date: May 29, 1997

PLANNING COMMISSION

Craig C. Bales
Director

TO PROPERTY OWNERS WITHIN 500 FEET OF THE PROPERTY OWNED BY:
Wolf Creek and Associate at approximately 4000 North 4900 East

The Weber County Planning District has received a P.R.U.D. (Planned Residential Unit Development) Application by Wolf Creek and Associates for a 37 units at approximately 4000 north 4900 East.

You are invited to express your thoughts concerning this Application at the next meeting of the Weber County Planning Commission to be held on **Tuesday, June 10, 1997 at 6:15 p.m.** in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden, Utah or call 399-8791 prior to the meeting.

Sincerely,

Jim Gentry, Planner
Weber County Planning Commission

Eden Planning Committee

Planning Commission
2510 Washington Boulevard
Ogden, Utah, 84401
(801) 399-8710

22-015-0027
SECURITY TITLE CO OF OGDEN

% FIRST AMERICAN TITLE CO
205 26TH ST
OGDEN UT 84401

22-018-0014
SATERTHWAITE, BRENT H &
DOROTHY T SATERTHWAITE TR

4009 N JUNIPER RD
EDEN UT 84310

22-057-0004
BRODSTEIN, ROBERT S &
GERALDINE A BRODSTEIN

3343 BAKER DR
OGDEN UT 84403

22-057-0007
INGLET, MELVIN L & WF
JUDY KAUFFMAN

4454 GREENBRIER RD
LOMPOC CA 93436

22-057-0010
WITKOWSKI, NICK & WF
NANCY J WITKOWSKI

4752 E 3900 N
EDEN UT 84310

22-057-0013
JOHNSON, ELEANOR ETAL

4773 E 3900 N
EDEN UT 84310

22-057-0016
T.V. SPECIALIST EMPLOYEES
PROFIT SHARING PLAN
% KENNETH W BOLLINGER
1452 S 20TH E
SALT LAKE CITY UT 84108

22-058-0003
MARVA INVESTMENT COMPANY

4760 S STATE ST
MURRAY UT 84107

22-058-0006
HOLMSTROM, VICTOR L &
THELMA L HOLMSTROM

P O BOX 868
EDEN UT 84310

22-058-0014
LAMPH, MAX D &
EDNA B LAMPH TRUSTEES

1316 E 2025 S
OGDEN UT 84401

22-017-0001
WOLF CREEK ASSOCIATES

% BLAINE WADE
296 E 3250 N
OGDEN UT 84414

22-057-0001
WISCOMBE, ALLAN R & WF
ELIZABETH J WISCOMBE

4797 E 3900 N
EDEN UT 84310

22-057-0005
FRALEY, ROBERT T TRUSTEE

3403 N 2175 E
LAYTON UT 84041

22-057-0008
DAUGAARD, CHRISTIAN F & WF
REBECCA L DAUGAARD

4790 E 3900 N
EDEN UT 84310

22-057-0011
BATEMAN, JOHN M &
GAYLE BATEMAN

11040 CHICKADEE DR
BOISE ID 83709

22-057-0014
GLEAVES, KEVIN M

% MAMIE CLEAVES
620 S 8TH
LARAMIE WY 82070

22-058-0001
J KELLY GODDARD FAMILY
PARTNERSHIP

3500 SOUTH MAIN ST
SALT LAKE CITY UT 84115

22-058-0004
POWELL, DALE R & WF
BEVERLY S POWELL

3930 N 4650 E
EDEN UT 84310

22-058-0008
ASHWORTH, BRENT F &
CHARLENE M ASHWORTH

1965 N 1400 E
PROVO UT 84604

22-058-0015
LIERD, BLAIR & WF
BRANDI W LIERD

4671 E 3900 N
EDEN UT 84310

22-018-0011
WALKER, JOHN & WF
KATHY WALKER

2009 N 150 E
CENTERVILLE UT 84014

22-057-0003
REILLY, JAMES C &
RON REILLY

2537 N 3750 E
EDEN UT 84310

22-057-0006
ALLEN, KENNETH M & WF
CINDY M ALLEN

P O BOX 559
EDEN UT 84310

22-057-0009
WAITE, GARY C &
PATRICIA WAITE

9316 EAGLE RIDGE DR
LAS VEGAS NV 89134

22-057-0012
ELENBAAS, DENNIS J

P O BOX 687
EDEN UT 84310

22-057-0015
PETERSON, CORY L

P O BOX 313
EDEN UT 84310

22-058-0002
WHITE, J BRAD & WF
KIM R WHITE

3950 N 4650 E
EDEN UT 84310

22-058-0005
GROSGBAUER, JON ALLAN &
KIMERLY JANE GROSGBAUER

P O BOX 1077
EDEN UT 84310

22-058-0009
PERKINS, THOMAS F &
DEANNA S MORGAN

3951 N 4600 E
EDEN UT 84310

22-058-0016
PATIO SPRINGS HOME OWNERS
ASSOCIATION--WEST
% RANDY LAUB
3900 N WOLF CREEK DR
EDEN UT 84310

People who might need to be notified on the following applications: Conditional Use, Board of Adjustment, Flag Lots, Zoning Petitions, and Large Subdivisions

AGENCIES & COMMITTEES:

DATE LETTER SENT:

PLANNING COMMITTEES CHAIRMEN

Sent May 22

~~OGDEN VALLEY WIDE COMMITTEE~~

NEIGHBORHOOD (WITHIN 500 FEET)

OWNER LETTER

FIRE DEPT.

Sent May 22

SEWER

sent May 22

ENGINEERING

sent May 22

WATER

sent May 22

HEALTH

state division of water quality and drinking water

sent May 22

OGDEN CITY

sent May 22

John C. Witwer

4826 Patio Springs Circle ♦ P.O. Box 723 ♦ Eden, Utah 84310
Home Phone (801) 745-0781 ♦ Email johnwitwer@yahoo.com

January 24, 2000

Rial Storey
Building Official
Weber County
Weber Center
2380 Washington Blvd. 2nd Floor
Ogden, Utah 84401

Dear Mr. Storey,

I would like to thank both you and Mr. Craig Barker, whom I spoke with subsequent to our conversation. I really appreciate that you did return my calls and that your response to my concerns was genuine. I have listed specific issues that are of a concern to my self and to my neighbors.

- It appears that there have been violations of Weber County Zoning Ordinances, specifically 23-8. (4), on properties referred to as lot #33 and #25 of the Fairway Oaks Phase II Development. According to the copy of the ordinances I have, "unwalled porches, terraces and balconies may extend five (5) feet into required front and rear yards." However, the balcony on the rear of the structure on lot #33 extends 10 1/2 feet into the rear yard. The balcony on the rear of the structure on lot #25 extends 8 feet into the rear yard.

As a side note here, I would like to convey the idea that I believe that the over sized projections were done in direct defiance of know code restrictions. I make this accusation as a result of a conversation that I had with the potential owner of the home. The owner called me out of my yard one day approximately two months ago and asked me if I would approve a variance to the ordinances. He said that John Lewis, the developer of Fairway Oaks, told the owner that there is a projection restriction of five feet and that to deviate from that a letter stating my non-objection would be required. At that time I said that I indeed have reservations and that we should all get together to discuss the issue. My repeated invitations went unanswered until one day the balcony was constructed to its present dimension. Immediately, I attempted to contact Mr. Lewis through his office, again I was ignored and construction continued not only at lot #33 but also a balcony exceeding the ordinance was completed on lot #25.

- There are concerns that watershed from the development are having significant effect on the properties in the Patio Springs development. Specifically, at least in part, water is being diverted onto a vacant lot immediately west of 4826 Patio Springs Circle through the use of exposed water pipe. This modification results in a significant flow rate increase onto and through the property. This is of concern to neighboring residents because of the potential impact of overflow flooding, erosion, etc. Additionally, the development along the entire Fairway Oaks Drive may be creating runoff and flooding problems on existing homes along Patio Springs Circle.

Again, a note of interest here: I personally observed the dredging up of an apparently active spring under the structure being erected on lot #26. The result of uncovering this water source seemed to be an adjustment of the buildings design and or location. I am not privy to this as fact. However, the implications that the house rests on an active spring and may be in some way underengineered is of grave concern to residences in the area because of the potential for grievous harm to the property values as a result of the structure becoming uninhabitable.

Sincerely,



John C. Witwer

House Plans for Fairway Oaks

	<u>Sq Ft.</u>	<u>BDRMs.</u>	<u>Floors</u>	<u>wide</u> <u>length</u>	-	<u>deep</u> <u>width</u>
#1	1,996'	4	2	58'9"	-	37'5"
#2	2,232'	4	2	60'		38'
#3	1,632'	3	1	71'		42'
#4	1,502'	2	1	62'		42'
* #5	1,326'	2	1	48'		56' +