



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Agenda Item: ZMA 2024-04 – West Creek Estates (GBAR) – PUBLIC HEARING - Discussion and possible action on a request for approval of a zoning map amendment to rezone approximately 30 acres of property located at approximately 6200 W 900 S, Ogden from A-2 (Agricultural) to RE-15 (Residential – approximately 1/3 acre lots).

Application Type: Legislative

Agenda Date: Tuesday, April 9, 2024

Applicant: John Newhall

File Number: ZMA 202-04

Property Information

Approximate Address: 6200 W 900 S, Ogden

Current Zoning: A-2

Existing Land Use: Vacant, agricultural

Proposed Land Use: Residential

Parcel Numbers: 100350072

Adjacent Land Use

North: Agricultural	South: Agricultural
East: Agricultural	West: Agricultural

Adjacent Land Use

Report Presenter: William Cobabe
bcobabe@webercountyutah.gov
801-399-8772

Report Reviewer: CE

Applicable Ordinances

§Title 102, Chapter 5 Rezone Procedures.
§Title 104, Chapter 2 Agricultural Zones.
§Title 104, Chapter 12 Residential Zones.

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary and Background

This is an application for a rezone from the A-2 Zone to the R1-15 Zone. The planning commission informally reviewed this request and the associated concept development plan in a work session at the March 12, 2024 planning commission meeting. At the time, the Planning Commission and staff offered the applicant feedback and recommended adjustments for the proposal. A complete staff review of the proposal was conducted a few days later in which staff offered the applicant formal written comments and recommendations that might help garner a favorable recommendation from the Planning Commission for the rezone.

The applicant has been attentive at resolving concerns expressed by the Planning Commission and staff regarding the proposal. The attached revised concept plan substantially addresses review comments and recommendations. With a few minor adjustments and reconsiderations, staff feels the concept plan is ready for a final decision.

This rezone, if approved, is recommended to be accompanied with a development agreement. Through this development agreement the County can modify the application of the street connectivity standards to allow for the developer’s proposal. If connectivity is not specifically resolved by the development agreement then the developer will be restricted to lot sizes of 15,000 square feet or greater. This means that in order for the entire development to come to fruition, the developer will need to ensure proper street connectivity in order to comply with the code.

Whether connectivity is resolved in a development agreement, or the typical code requirements are applied, it is staff’s determination that sufficient regulatory measures are in place or can be put in place to enable the development under the proposed zone. Staff is recommending approval of the rezone, with certain specific requirements being placed in a development agreement, as provided in the staff recommendation herein.

Policy Analysis

This is a proposed rezone of approximately 30 acres (parcel number 100350072). **Figure 1** shows the subject parcels outlined in red.



Figure 1: Areal Map Depicting Exterior Perimeter of the Subject Parcels.

The applicant’s concept plan suggests that the subject property contains 30 acres.

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

Zoning Analysis

The current zone of the subject property is A-2. **Figure 2** displays current zoning for the area of the subject property. It also shows the configuration of the property within the larger context of the West Weber area. The purpose and intent of the A-2 zone is:

"The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible."¹

¹ Weber County Code Section 104-2-1.



Figure 2: Current Zoning Map and the Subject Parcel(s).

The proposed zone for the subject property is the R1-15 Zone. The purpose of the R1-15 Zone is:

“... to provide regulated areas for Single-Family Dwelling uses at three different low-density levels. The R1 zone includes the R1-15, R1-12, and R1-10 zones. [...]”²

The proposed rezone can be observed in **Figure 3**, with the yellow polygon depicting the proposed R1-15 zone.

² Weber County Code Section 104-12-1.



Figure 3: Proposed Zoning Map and the Subject Parcel(s) – Zone change shown in yellow.

The R1-15 Zone is intended to support single-family lots that are an average of 15,000 square feet in area. The R1-15 zone was specifically designed to support the residential directives that the Western Weber General Plan prescribes for this area. In addition to the creation of the R1-15 zone, following the directives of the general plan Weber County also adopted modifications to its previously adopted street connectivity incentivized subdivision standards and have since been applying the new standards to all new residential rezones. Typically, compliance with street connectivity incentives is voluntary. When applied to the project through a rezone development agreement, the county can obligate the developer to comply, and from there on the standards are compulsory.

Connectivity incentivized development allows the developer to maintain a consistent number of lots while still placing streets, pathways, and open spaces where they can be most optimal given the specific site and surrounding area characteristics.

Through a development agreement, the county can also apply other regulations to the project that may help soften the strict requirements of code if those requirements do not make sense for the specifics of the project, or strengthen sections of code that may not adequately govern the specifics of the project.

Working with the applicant, planning staff have a high degree of confidence that the proposal can meet the R1-15 zone requirements, as well as street and pathway connectivity standards. The site plan may need a few minor changes or reconfigurations here or there, as requested by staff, but the Planning Commission should be able to find that these changes can occur through the process of drafting a development agreement prior to final county commission consideration.

If a land survey finds that the property is accurately describes as 30 acres, this rezone will entitle the applicant to approximately 90 dwelling units. Please note that because the base acreage is different than expect by the applicant as noted on the concept plan, this density may be different from the applicant's requested number of lots. Regardless, the applicant is currently only proposing up to 79 lots in the proposed development.

Exhibit B illustrates the proposed concept plan for the property.

As can be seen, with minimal adjustments, the plan should be sufficient to provide for the conceptual nature of the proposal. The pathways outlined, already depicted on the concept plan, show good interconnections within the site and connecting to trails yet to be developed outside the site. Staff outlined them with the intent to specify that

these should be 10-foot wide pathways, and not typical sidewalks. Otherwise, the applicant is proposing typical sidewalks along all other streets. The notes written on the concept plan could be clarified on this point.

Weber County Code has six general decision criteria for determining whether a rezone is merited. They are as follows:

- a. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*
- b. *Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.*
- c. *The extent to which the proposed amendment may adversely affect adjacent property.*
- d. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, and refuse collection.*
- e. *Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*
- f. *Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.*

The following is an analysis of the proposal in the context of these criteria.

(a) *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*

As a legislative decision, a rezone should advance the goals of the general plan, or at the very least, not be detrimental to them without good cause. The general plan is only a guiding document and not mandatory to follow, however, because it sets the desired future community outcome, deviation from it should be done with caution.

The community character vision is the filter through which all interpretation and understanding of the plan should be run. This is the vision to which all other visions and goals within the plan are oriented. It reads as follows:

"While the pressure to grow and develop will persist, there is a clear desire for growth to be carefully and deliberately designed in a manner that preserves, complements, and honors the agrarian roots of the community. To do this, Weber County will promote and encourage the community's character through public space and street design standards, open space preservation, and diversity of lot sizes and property uses that address the need for places for living, working, and playing in a growing community."³

The plan prioritizes the implementation of smart growth principles as development occurs. It encourages the county to utilize the rezone process as an opportunity to help developers and land owners gain the benefits of the rezone while implementing for the public the benefits of these principles. Because the general plan is *general* in nature, no one principle is absolutely mandatory except when adopted into the development code. Similarly, allowing a property to be rezoned is also not mandatory. Both the developer and the County have the ability to substantially gain if a rezone is negotiated well enough. **Figure 4** shows the Future Land Use Map for the County, highlighting the area under consideration for this proposed zoning map amendment (rezone) application.

³ Western Weber General Plan (p. 21)

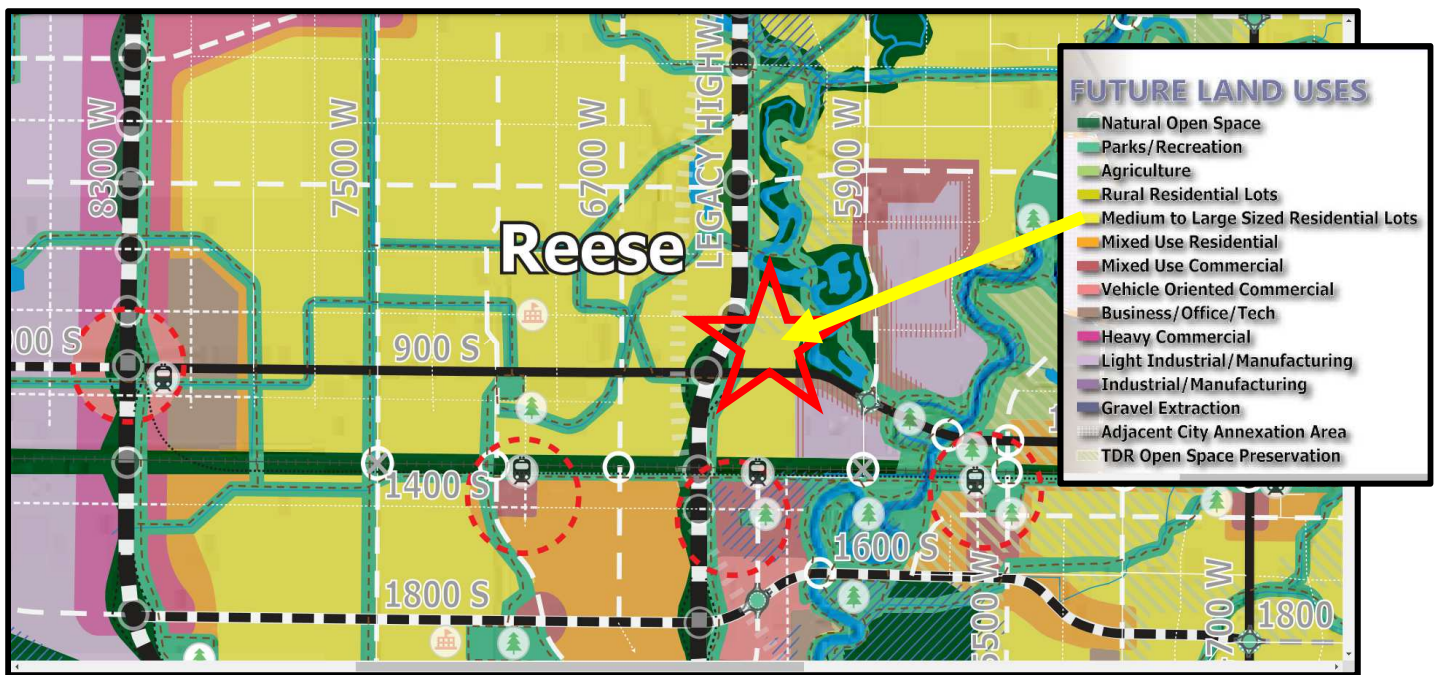


Figure 4: Future Land Use Map – Western Weber General Plan

General Plan Smart Growth Principles

The general plan lists both basic and exemplary smart growth principles. The seven basic smart growth standards are:

1. Street connectivity.
2. Pathway and trail connectivity.
3. Open space and recreation facilities.
4. Dark sky considerations.
5. Culinary and secondary water conservation planning.
6. Emission and air quality.
7. Renewable energy.

The proposal’s compliance with each of these standards are further provided in this report.

The following nine bullet points is a list of the general plan’s exemplary smart growth principles (in italics). A staff analysis regarding how they may relate to this potential project follows each bullet point. Some of these principles are similar to the basic smart growth principles aforementioned, but are designed to provide optimal community benefits to the community.

- *Provision for a wide variety of housing options.*
 - While this proposal is anticipated to be exclusively single-family residential, the flexible lot standards of the R1-15 zone and connectivity incentivized subdivision will help the developer create a wide variety of lot sizes. Smaller lots will be more affordable than the larger lots, which in turn will allow the developer to market to prospective single-family homeowners that are at different stages of life.
- *Use of lot-averaging to create smaller lots/housing that responds to the needed moderate income housing.*
 - The applicant has not proposed any moderate income housing for the development. It should be noted that the variety of lot sizes will result in smaller lots, as small as 6,000 square feet. This will

- help provide the market with a larger supply of smaller lots, which in turn will help curb the inflating housing costs the area has been experiencing. If the planning commission desires the developer to specifically provide deed-restricted moderate income housing within the development, the requirement can be inserted into the proposed development agreement.
- *Strong trail network with excellent trail connectivity that prioritizes bicycling and pedestrians over vehicles.*
 - The concept plan has strong pathway and sidewalk connectivity throughout. In a number of instances, pathways will run between lots instead of adjacent to streets, giving users a greater sense of safety away from vehicle traffic.
 - *Strong street connectivity and neighborhood connections that avoid the use of cul-de-sacs or dead ends.*
 - As can be reviewed on the concept plan, the applicant has done well to not use cul-de-sacs and permanent dead-end streets. More on this later in this report.
 - *Large and meaningful open space areas with improved parks, recreation, etc.*
 - Due to the limited size of this parcel, additional open space on the property is not feasible or desirable. The development agreement between the developer and the County will outline a donation in lieu of the dedication of open space, as agreed upon between the developer and the park district. There is a proposed park nearby in the Black Pine/Promontory Commerce Center development which will be close enough to walk to and enjoy by residents of this development.
 - *Homes that have higher efficiency ratings than required by local building codes.*
 - Buildings are required to be constructed to an efficiency standard based on the climate of the area. Usually, buildings located in higher (colder) elevations need to meet greater efficiency standards. However, given the wide degree of temperature swings in the Western Weber area over a one year period, requiring buildings to be constructed to better efficiency ratings will help alleviate the area's future demand on power and gas. This will also help provide better air-quality related to building emissions. Staff suggests buildings be built to an efficiency rating that is compliant with one climate zone greater than currently prescribed for the area.
 - *Homes that have solar-paneled rooftops and watt-smart compliant batteries.*
 - Similar to building efficiencies, providing energy independence when possible is integral in a smart-growth community. Staff recommends requiring rooftop solar panels, as well as power storage capabilities such as a solar-charged battery. To assist with affordability, perhaps this requirement can be waived for residences less than 1800 square feet or those deed restricted for moderate income housing.
 - *Provisions that create attractive communities for the long term and that create a distinctive sense of place.*
 - The planning commission may determine that the street and pathway connectivity and the Weber River Parkway and linear park dedication accomplishes this principle.
 - One additional item for the planning commission to consider on this point: When a limited access collector or arterial street serves a single-family residential area, these types of streets are likely to be lined with rear and/or side yards. As a result they can trend toward a less attractive aesthetic. The general plan suggests landscaping, fencing, and street art be located along limited access collector and arterial streets to enhance a greater sense of community character and aesthetic. The county does not currently have the organizational or financial structure to operate and maintain such street improvements, so if the planning commission desires to require these improvements in this development then it would be advisable to require a professionally managed homeowners association to care for the operations and maintenance. This is not included in staff's recommendation herein, but can easily be added by the planning commission if so desired.
 - *Use of transferable development rights from agricultural lands identified for protection.*
 - In a manner, by utilizing the flexible lot standards of connectivity-incentivized development this proposal centralizes potential development and private ownership. The applicant does not desire to transfer more development to this project.

(b) Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.

It would be challenging to argue that the proposal matches the character of existing development in the area. However, "compatibility" and matching are not necessarily the same thing. There are currently a number of large lot residential properties along 900 South Street. Regardless of lot size, residential uses are traditionally compatible with, and most similar to, other residential uses than they are other types of land uses.

The General Plan identifies that heavy agricultural uses may not be very compatible with residential development/neighborhoods. It is worth evaluating how surrounding agricultural uses may affect this project, and vice versa.

The General Plan suggests and acknowledges some incompatibilities will occur as the area develops over time. If the plan is followed, in time, the surrounding area is likely to be more similar to the character of this development than it is the character of the existing area.

(c) The extent to which the proposed amendment may adversely affect adjacent property.

When considering how this rezone might adversely affect adjacent property, there are a wide array of factors at play. These include impacts on private property rights and nuisances, as well as other factors such as impacts on a landowner's desires for their neighborhood and the intrinsic values they've imbued into that neighborhood.

Most importantly, the Planning Commission should prioritize fact-based adverse impacts, then consider the perception-based impacts.

If rezoned, the development is likely to significantly change the immediate area. Existing streets will need to be upgraded and new streets will be constructed. Medium and medium-large-lot residential uses should be expected. The smaller and relatively denser development will change the visual nature of the area, traffic volumes and patterns, and noise potential. The proposed uses are not expected to be greater than that found in a typical residential neighborhood. When developing, the applicant will be responsible for correcting any material degradation in services that the development might create for the area. Thus, other than potential increases to noise, most of the fact-based effects will be required to be mitigated by the applicant.

From an intrinsic perspective, current neighbors who have grown accustomed to the quiet rural nature of the immediate area may find the increase in development intensity unpleasant and contrary to the current reasons they reside in the area. Even though residents in the area do not own a property right that ensures their neighbor's property will not change, they may find dismay in the perception that changes beyond their control could upend their desired future for the area. This could lead to their eventual self-determined displacement from the neighborhood.

(d) The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, and refuse collection.

The County's currently adopted development regulations are designed to specifically require the developer to address their impact on local levels of service. As aforementioned, the applicant will be responsible for mitigating any material degradation of levels of service.

Roadways/Traffic.

Figure 5 shows the planned streets for the area, pursuant to the general plan. As it relates to the subject property and surrounding area, the plan recommends securing 900 South Street as a future major collector street. Other streets planned for the area, represented by thin dashed white lines, are intended to, in part, represent important smaller section line and quarter section line streets to serve residential neighborhoods. The specific configuration of these dashed lines within subject property's boundary is generally inconsequential. They follow the street alignment previously proposed (and now expired) by a past development approval on the property. As long as

residential street connections are being made in a manner that meet expected connectivity standards, the applicant should be given the latitude to arrange the streets as may be desirable for their development.

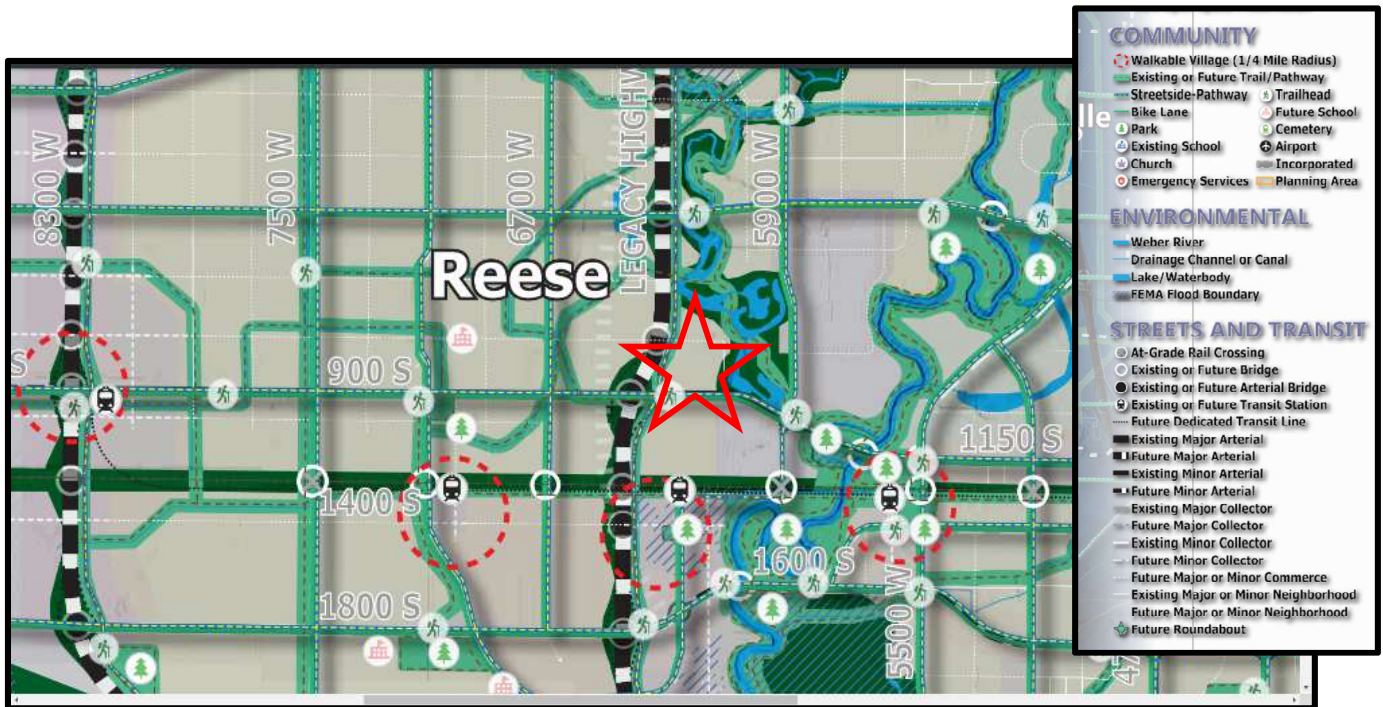


Figure 5: Planned Streets – Western Weber General Plan

Police and Fire Protection

It is not anticipated that this development will generate a greater per capita demand for police and fire protection than typical single-family residential development.

Stormwater Drainage Systems

This is not usually a requirement of rezoning, and is better handled at the time specific construction drawings are submitted. This occurs during subdivision application review.

Water Supply

The property is within the Warren=West Warren Water Improvement District boundaries. The applicant has provided a letter from the district that acknowledges the rezone application and the potential for them to serve. The letter, attached below, provides a general list of infrastructure improvements that will be needed and conditions and requirements that will be expected of the developer in order to gain access to this service. One important expectation of the district is for the property to be served with secondary water by Hooper Irrigation Company or another similarly qualified irrigation company. The property is within Hooper Irrigation Company's declared expansion area. Hooper Irrigation Company is the only irrigation company on record that has provided the county a mapped expansion area. Current county code states:

"If any lot within the subdivision is located within a distance of 50 feet multiplied by the number of proposed lots from a public culinary water service provider's existing and functional main delivery line, or that of a secondary water service provider, and the service provider is willing and able to serve the subdivision, then in accordance with the service provider's standards and any applicable County standards, each lot within the subdivision shall be connected to the service provider's water delivery system."⁴

⁴ Weber County Code, Section 106-4-2.010.

50 times the number of lots proposed in the development equals roughly 2/3rds of a mile. The closest known functioning and well established secondary water system is Hooper Irrigation Company's water system, which is about one mile away.

There may be more than one secondary water system in the area. Current code anticipates this. It states:

*"If multiple existing culinary water delivery systems are available, connection to the culinary system that will yield the best organization of culinary water infrastructure in the area is required. The same shall be required for the secondary water delivery system. If conflict arises in making such a determination, the County Engineer shall make the final determination. Overlapping culinary or secondary water infrastructure should be avoided whenever possible."*⁵

Unless there is a secondary water service provider with existing and functional service lines closer to the project than Hooper Irrigation Company's lines, and considering Hooper Irrigation's proven service track record, it is likely indisputable that Hooper Irrigation Company can provide the best organization of secondary water infrastructure to this project should they be willing and able to serve it. Like stormwater, that is likely unnecessary to nail down during the rezone, as it will be required during subdivision review.

Wastewater

The project is proposed to be served by sewer that will be collected by Little Mountain Service Area. A will serve letter has been provided by the developer for the proposed development.

Refuse Collection

It is expected at this time that this development will be served by the county's typical contracted garbage collection service. If different, this can be better fleshed out during subdivision review.

(e) Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.

The property is not in a floodplain area. **Figure 6** illustrates suspected wetlands and how they relate to the subject property. The map shows that there may be suspected wetlands on the property on the westerly portion of the property. The applicant's development proposal avoids these areas.



Figure 6: National Wetland Inventory Map of Area

⁵ Weber County Code, See Section 106-4-2.010.

(f) Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

Based on the details already provided regarding street accessibility and street connectivity, the Planning Commission should be able to make a finding that the applicant is proposing sufficient compensation for their impact on both existing and proposed transportation corridors.

Staff Recommendation

After reviewing the proposal within the intended context of the Western Weber General Plan, it is staff's opinion that this rezone will help advance the vision and goals of the plan. Staff is recommending approval of the rezone. This recommendation is offered with the following considerations, which are intended to be incorporated into a zoning development agreement:

1. Concept plan update:
 - a. Provide concept plan amendments for compliance with connectivity standards.
 - b. To give the property owner the entire benefit of the rezone, instead of listing the proposed number of lots in the development, the concept plan and development agreement should rely on the County's adopted maximum density calculations to govern density. If the developer may choose to plat less than the maximum at its option.
2. Parks, open space, and trails:
 - a. The development agreement should include provision for the donation agreement between the developer and the park district.
 - b. Obligate applicant to install all pathways indicated on the proposed plat. Follow the adopted 10-foot paved or concrete pathway standards in the Land Use Code.
 - c. Each pathway and sidewalk within the development should be lined with shade trees in intervals and of species such that the crown of one tree, on average at maturity, will touch the crown of the next tree. Use at least three different tree varieties dispersed in a manner to avoid transmission of pests/disease.
 - d. Wherever a pathway intersects with a street, install or cause to be installed a battery powered and solar charged user-activated rapid flashing beacon and associated crosswalk signage, and paint a zebra-style crosswalk on the street. Repaint after sealing the street.
3. Streets:
 - a. The applicant will escrow the total value to acquire and construct all streets within the subdivision per County standards.
 - b. The applicant should work with staff to create a street cross section for the streets in the project. The street cross sections should generally reflect those adopted in recent development agreements.
 - c. Developer shall construct all new utilities to be underground, and shall remove and replace existing overhead utilities to be underground as well.
4. Air quality: Require each residence greater than 1800 square feet or not otherwise deed restricted for moderate income housing to:
 - a. Have solar panels and backup batteries installed prior to certificate of occupancy.
 - b. Be constructed to an energy efficiency rating that is one climate zone colder than the area.
5. Weber County's outdoor lighting code should be applied to all lighting in the project.

Staff's recommendation is offered with the following findings:

1. After the considerations listed in this recommendation are applied through a development agreement, the proposal generally supports and is anticipated by the vision, goals, and objectives of the Western Weber General Plan.
2. The project is beneficial to the overall health, safety, and welfare of the community, as provided in detail in the Western Weber General Plan.
3. A negotiated development agreement is the most reliable way for both the county and the applicant to realize mutual benefit.

Model Motion

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation **as-is**:

I move that we recommend approval of File # ZMA 2024-04, an applicant driven rezone application to amend the zoning map on 30 acres from A-2 to the RE-15 zone, property located at approximately 6200 W 900 S, Ogden. **I do so with the following findings:**

Example findings:

- The zone change is supported by the General Plan.
- [_____ add any other desired findings here _____].

Motion to **table**:

I move that we **table** action on File # ZMA 2024-04, an applicant driven rezone application to amend the zoning map on 30 acres from A-2 to the RE-15 zone, property located at approximately 6200 W 900 S, Ogden, **to [state a date certain _____], so that:**

Examples of reasons to table:

- We have more time to review the proposal.
- Staff can get us more information on [_____ specify what is needed from staff _____].
- The applicant can get us more information on [_____ specify what is needed from the applicant _____].
- More public noticing or outreach has occurred.
- [_____ add any other desired reason here _____].

Motion to recommend **denial**:

I move that we recommend denial of File # ZMA 2024-04, an applicant driven rezone application to amend the zoning map on 30 acres from A-2 to the RE-15 zone, property located at approximately 6200 W 900 S, Ogden. **I do so with the following findings:**

Examples of findings for denial:

- The proposal is not adequately supported by the General Plan.
- The proposal is not supported by the general public.
- The proposal runs contrary to the health, safety, and welfare of the general public.
- The area is not yet ready for the proposed change to be implemented.
- [_____ add any other desired findings here _____].

Exhibits

Exhibit A: Application Materials
Exhibit B: Proposed Lot Layout.

Exhibit A – Application Materials – Project Narrative

West Creek Estates Rezone Narrative

With the passing of the new master plan for West Weber, Cogburn LLC is respectfully asking for a rezone on its West Creek Estates project in accordance with the intent of the Commissioners after considering all options and public comment in proactively working towards and facilitating future growth in Weber County.

The proposed project will incorporate the Smart Growth Principles as laid out in the master plan and showcase responsible development that fosters nurturing neighborhoods, while simultaneously encompassing and embracing the agricultural heritage and legacy of the community upon which the area was founded.

We are engaged in ongoing conversations to receive feedback from agricultural producers to determine the best places to grow agriculture and the best place to build the necessary homes to support the thriving economy and growing population in Northern Utah as the next generation looks to stay closer to home. Fostering the continuation of family legacies and promoting and attracting new ones.



LITTLE MOUNTAIN SERVICE AREA DISTRICT (LMSA) WASTEWATER WILL-SERVE LETTER

January 21, 2024
Weber County Planning Office
2380 Washington Blvd #240, Ogden Utah 84401

SUBJECT: Will-Serve Letter

At the request of John Newhall, the LMSA board of Directors has reviewed an application for will-serve for the West Creek subdivision. This project is currently located in the LMSA sanitary sewer service district.

1. LMSA has the capacity to treat the sanitary sewer flow from this subdivision.
2. Prior to any connection being made, the petitioner must submit to the LMSA Board Manager:
 - a. **Connection Application** with engineer certified plans.
 - b. **Connection and Fee Schedule Agreement.**
3. Once approved, any connection must be inspected by LMSA's contracted engineer while the work is being done at the cost of the petitioner. A minimum of 48-hour notice for inspection shall be given to the LMSA Board Manager prior to any work associated with the connection commencing.
4. LMSA will not take ownership or responsibility for the condition, ownership or maintenance of the proposed sanitary sewer lines (gravity or pressure) or system that will be installed to serve this subdivision.
5. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction.
6. Impact fees will need to be paid to LMSA no later than the issuance of any building permits.

Prohibited Discharge into Sanitary Sewer. No person shall discharge or cause or make a connection which would allow to be discharged any storm water, surface water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer.

If you have any further questions or need additional information, please let us know.
Best Regards,

Stephanie Russell
Little Mountain Service Area, Board Manager

CC: John Price, LMSA Board Chair

Exhibit A – Application Materials – West Warren- Warren Will Serve

West Warren-Warren Water Improvement District
1561 S. 7500 W.
Ogden, UT 84404
801-259-7614
westwarrentwtr@gmail.com

January 12, 2024

To Whom it May Concern:

RE: WATER AVAILABILITY LETTER FOR West Creek Estates

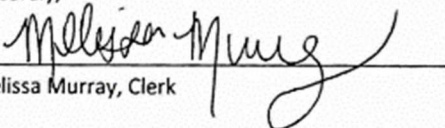
This proposed development is located at 6150 W 900 S in West Warren, Weber County, Utah. It is proposed to have 79 residential lots. John Newhall, who works with Reeve & Associates engineering group, brought tentative plans to propose. He said the secondary water is from Knight Irrigation. The West Warren-Warren Water Improvement District (hereafter the District) does have culinary water available for this proposed development.

This letter is only to state that the above-mentioned project is in the boundaries of the District and water will only be made available if the following conditions are met. This letter is the first of two letters that will be issued for this development. When these and any necessary additional conditions are met, the District will issue the Will-Serve Letter. The District board gave approval for a letter of water availability based on several contingencies as follows:

- The proposed development must be annexed into the taxation area of the District, if not already in taxation area.
- Proof of access to secondary water. A plan for installation of a functioning, pressurized, secondary water delivery system for any subdivision over 2 lots, to be inspected and approved by the WWWID board chairman, prior to the delivery of any culinary water, including water for construction use. Pressure requirements are a minimum of 50 to a maximum of 80 lbs/pressure.
- A plan for an engineered secondary water pond, that is lined, concrete on the bottom, rock on sides, adequate fencing, and an aerator to stay clean. Along with an engineered calculation of how much secondary water will be needed for the proposed development.
- The owner or contractor will need to furnish all materials and labor to run the service line. The District will furnish and place the water meter. All materials and workmanship must be in compliance with and approved by the District.
- The Weber Basin Water Rights Impact Fee of \$10,082.00 per proposed unit of service, must be paid prior to receiving a Will-Serve Letter and prior to the commencement of any development or construction as well as \$100.00 fee for water for construction.
- All remaining fees must be paid to the District before culinary water services will be made available. The District's fees are currently set at the following rates:
 - Capital Facilities Impact Fee \$4,588
 - Weber Basin Water Rights Impact Fee \$10,082
 - Connection fee with Existing service Lateral \$350

Should you have clerical questions or comments, please contact the district clerk. Please direct questions regarding water systems, materials, etc., to (801-791-7368) Randy Giordano, Chairman of the WWWID Board. This letter expires 1 year from the day it is issued.

Sincerely,


Melissa Murray, Clerk

