

BOARD OF ADJUSTMENT

MEETING AGENDA

Thursday, November 4, 2021 4:30 p.m.

- Pledge of Allegiance
- Roll Call

Regular Agenda Items

1. Minutes: September 16, 2021

2. BOA 2021-10: Consideration of an appeal on the Planning Division decision to deny a land use permit based on the County Stream Corridor Setback Requirements

Applicant: Scott Bracken; Staff Presenter: Steve Burton

3. BOA 2020-04: Consideration and action on a request for a **15-foot** variance from the rear yard setback in the FR-1 zone.

Applicant: Doug Neilson, Staff Presenter: Scott Perkes

4. BOA 2021-11: Consideration of an appeal of several permits issued by Weber County including a Weber County Stormwater Construction Activity Permit, Building Permit Number 21U388, and Land Use Permit LUP232-2021. **Applicant: Angelika Spaey; Staff Presenter: Steve Burton**

Adjournment

The Board of Adjustments meeting will be held in the Weber County Commission Chambers, in the Weber Center,1st Floor, 2380 Washington Blvd., Ogden, Utah.

&

Zoom Video Conferencing at the following link https://us02web.zoom.us/j/89106216411

Minutes of the Board of Adjustments meeting of September 16, 2021, held in the Weber County Commission Chamber, 2380 Washington Blvd. floor 1, Ogden UT at 4:30 p.m.

Members present: Jannette Borklund-Chair

Rex Mumford

Bryce Froerer

Staff Present:

Rick Grover, Planning Director; Scott Perkes, Planner III; Brandan Quinney, Legal Counsel; Marta

Borchert, Secretary

- · Pledge of Allegiance
- Roll Call Regular Agenda Items
- 1. Minutes: Approval of the May 27, 2021, July 8, 2021, and July 22, 2021 meeting minutes. Bryce Froerer states there was a correction to be made on July 22, 2021. On the last page, a comment was made by Director Grover stating that the Planning Dinner will be held in January 2021, it should say January 2022.

MOTION: Bryce Froerer moves to approve the minutes listed with the noted corrections. Rex Mumford seconds. Motion carries (3-0)

2. BOA 2020-04: Consideration and action on an updated request for a 19-foot variance from the rear yard setback in the FR-1 zone.

Scott Perkes states applicant was said they were going to try to attend but they might not be able to make it. Mr. Perkes states that this item was a review in June of last year. At the time this request was associated with a 3 lot subdivision. Mr. Perkes shows a copy of the previous configuration. He owned 3 lots and 4 total parcels. He was looking to demolish an old structure replat to shuffle out the lot lines and allow for the homes to be rebuilt with better spacing to maintain the same setbacks as the original structures had at a time. On this structure, it was 11 ft. away from the rear property line. The Board at that time a year ago voted to approve the 19 ft. variance to the rear setback and an 11 ft. variance to the side. The applicant went his way and continued the plating process. In doing so and working with the Health Department. The Health Department informed the applicant that they would not be able to honor any grandfathered structures that were present on the property. The current septic requirements were such that they have a minimum lot size of 20,000 sq. ft. for the septic permit to be issued for a new residential structure. The applicant worked with the Health Department to see if there were any other opportunities to rebuild the property with the existing density rights. They ultimately decided to restructure into a single 20,000 sq. ft. with a single residential home rather than trying to rebuild the three structures. Because of the limitations on septic, the applicant decided to reconfigure to one lot. The final plat that was recorded the entire property was made into a single lot. The applicant decided to come back and renew the variance request for the rear yard setback. They no longer need the side yard variance due to the property becoming much wider. This lot is nonconforming and irregularly shaped. In the code, there are some provisions to help with setback reductions, but only for side yard setbacks. The code does not have a proportionate calculation to help with the rear yard setback on a nonconforming irregularly shaped lot. For this reason, the applicant had requested the variance on the initial request. The request is being kept the same rear yard setback to match the previous setback of the previous structure had. They argue that the nonconforming and irregularly shaped lot is the unique hardship on this.

Bryce Froerer asks if there is any consideration given in Ogden Canyon where the property is so close to the river. 11 feet is not that far. Mr. Perkes states that FEMA previously delineated the flood plain anticipated for the river. The flood plain only pushes in the North-East corner. The majority of the structures along the river are very similarly placed along the river. In the ordinance for water setbacks, there is a sensitive land ordinance where year-round streams intermittent streams have minimum requirements. The river in the Ogden Canyon does not have this setback because of the unique circumstances where there is not much room to work with.

Rex Mumford states that the river property is owned by the US forest service are they okay with an 11 ft setback. Is there any objection from the fishery? This is a popular river to fish. He states that they can't back cast with 11 ft. Mr. Perkes states that these are good questions, staff has not looked into this. He states that when they look at this they look at property lines not necessarily look at adjacent ownership. He notes that notices go out to surrounding property owners within 500ft and the Forest Service did get a notification that the subdivision was going forward. They do not get notifications for variance requests, no notices were sent out the last time this item was before the board. He states that they have not heard from the Forest Service at that time. Rex Mumford asks if they know the distance. Mr. Perkes shows the subdivision plat and the flood plain. He states the there is some separation between the high watermark of the river and the property. If they want to build in the flood area, they would need to build at a flood elevation that exceeds the base flood elevations depicted on the plat. The applicant does not have the intention to build in a flood area. Rex Mumford asks if there are 3 lots consolidated into one. There was also a remainder parcel to the far east side that was brought into the subdivision boundary as well.

Chair Borklund asks if there are building in that area now. Mr. Perkes states that there were some structures there but the applicant has since demolished them. Some old dilapidated structures were removed the closest was 11 feet away. The code allows for them to renovate and rebuild a structure and keep it in a nonconforming setback but the applicant felt that it would be best to demolish all of the structures and redevelop the site for more modern facilities.

Bryce Froerer asks what is the reason for the placement for the house rather than placing it in a northerly direction and get it away from the river. Does doing that move it into the flood plains. Mr. Perkes states that if they had to comply with the 30-yard setback it would reduce the size of the build area almost in half. The applicant's main intent was to get enough separation from the neighbor and the flood plain comes through the North East corner. He is trying to comply and also keep the 11-foot setback. Mr. Froerer states that the house does not appear to have a huge structure. He asks why there is a 3 car garage. Mr. Perkes states that the structure is not very large, it might be just preference. It will be a two-story structure. The two stories will be less than 2500 sq. ft. the garage is not right on the setback line. He adds that Mr. Nielson worked with what was previously granted. He would like to put the septic drain fields to the East of the home. Mr. Mumford states that the septic drain fields can be within the side setback area. Director Grover asks what type of drain field they are doing. Mr. Perkes states that this was not clarified. This is a good question for the applicant. He notes that the applicant has submitted a site plan to the Health Department. Bryce Froerer asks if there has been approval from the Health Department of this plan. Mr. Perkes states that the Health Department approved the plat of the one-lot subdivision with the understanding that the septic system being proposed needs to accommodate a certain number of bedrooms. The applicant worked with the health department to figure out how many bedrooms they can accommodate. The plat has been signed with the knowledge that it is feasible as one lot. He states that he is not sure what type of system it is. They have looked at the proposed floor plan and the one lot to get it approved.

Chair Borklund asks if there is any preference as to where the septic should go. Mr. Perkes states that if there is a private well, they have to keep it out of the well protection area. This is being served by a culinary well system. Other than that there is not much that would restrict it, other than percolation testing. Mr. Perkes states that he does not believe it matters which side it is on. Chair Borklund states that it depends on the access. Mr. Perkes states that the access will be off of Ogden Canyon RD. Chair Borklund states that they will have to have the area towards the garage paved. Mr. Perkes states that the Health Department does not want pavement there and the owner will need to accept the fact that they may need to tear up the pavement to get to the septic system. It is preferable to have it open air.

Chair Borklund asks if the applicant will be present. Mr. Perkes states that the applicant stated that they would try to be present, but he is not sure if they are online.

Chair Borkland asks if any surrounding residents would like to speak. There are none.

Bryce Froerer asks if it is common for houses to be built that close to the river. Director Grover states that unfortunately this is common and there is on that fell recently and the home had to be condemned. The house was built in 1910. Mr. Froerer states that along the south side of the river there are a lot of homes that are built right on the river. He adds that his concern is that there might be really heavy snowfall and if these types of variances get approved, and something happens he does not want it to come back to the County because they approved it. Director Grover states that this will be a judgment call from the Board. He notes that the code looks at flood plain but also another thing to keep in mind is that there is not a stream corridor setback. This is based on the water provider in the area. If they did want one they would have put it in place years ago. Many instances in that channel it is very deep.

Mr. Perkes states that the applicant instead of asking for a variance to the front setback, preference is to be as far away from the road as possible. It is a narrow canyon his preference would be to be further away from the front lot line. The applicant asking for a rear yard variance rather than a front variance.

Director Grover asks if there was a shared septic system for the homes or was it individual septic systems. Mr. Perkes states that he is not sure. The Health Department did not have any interest in granting any grandfathered septic permits. They preferred that the lots be brought up to their standard of 20,000 sq. ft. and a new system be installed. Brandan Quinney states that where this is new construction the entitlements of the grandfathering provisions have dissipated. The Board can still consider and make a judgment based on what the applicant has requested but the entitlement is gone.

Bryce Froerer asks if the Board can say that the request will be approved if the home is moved West a certain amount of feet.

Director Grover states that they can but they will want to have justification and findings as to why they are doing that and look at the requirements. This is a brand new application with no grandfathering.

Rex Mumford states that one of the issues that he is having is that Planning Staff has looked at what was grandfathered rather than looking at shifting the house to the East. He adds that it would not be encroaching into the septic. Director Grover states that this is within their purview. He notes that it might seem like staff is advocating for the request because the applicant is not present. He states that it is within their purview to give the applicant some direction.

MOTION: Rex Mumford moves to table item BOA 2020-04: Consideration and action on an updated request for a 19-foot variance from the rear yard setback in the FR-1 zone to allow the applicant to reconsider the position of the home. Bryce Froerer seconds. Motion carries (3-0)

Bryce Froerer asks if they need to contact the Forest Service. Director Grover states that this is something that they can do to have that information for the record. Brandan Quinney states that this could be a consideration for one of the elements of hardship but wouldn't control the decision on the land-use code. Mr. Perkes states that he will see what he can do about getting with the Forest Service and he appreciates the Boards feedback.

Director Grover states that there is a Utah Land Use Conference in Sandy on October 26th and the 27th. Tuesday is half a day. Information will be sent out. He states that if they are interested in going let Ann Morby know Planning will pay for it. As Board members, they are required to have a certain amount of training. This is an opportunity for that.

Adjournment 5:15

Respectfully submitted,

Marta Borchert



Staff Report to the Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration of an appeal on the Planning Division decision to deny a land use permit

based on County Stream Corridor Setback Requirements

Agenda Date: Thursday, November 4, 2021

Applicant: Scott Bracken, represented by Darin Hammond

File Number: BOA 2021-10

Property Information

Approximate Address: 4271 N. Powder Mountain Rd

Project Area: 0.60 Acres
Zoning: FR-3
Existing Land Use: Vacant
Parcel ID: 22-209-0007

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

Adjacent Land Use

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

Staff Information

Report Presenter: Steve Burton

sburton@co.weber.ut.us

801-399-8766

Report Reviewer: RG

Applicable Land Use Codes

- Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Weber County Land Use Code Title 104 (Zones) Chapter 28 (Ogden Valley Sensitive Lands Overlay Zone)

Background

This appeal was accepted by the Planning Division on August 12, 2021. The appellant asserts that the Planning Division erred in denying a land use permit for a dwelling. The Planning Division issued a written decision explaining the denial on July 27, 2021. The written decision (Exhibit A) states that the decision to deny was based on the owner's site plan which showed the home 50 feet to the stream classified by the county as year-round. Year-round streams, under LUC 104-28-2, have a setback of 75 feet, in which no structures can be built.

The appellant's narrative and supplemental information are included in the staff report as Exhibit B.

The stream setback ordinance (LUC 104-28-2) and adopted stream corridor map are included as Exhibit C.

The appellant did not include the original proposed site plan in their appeal narrative. Planning Staff has added the original proposed site plan as Exhibit D.

Under Weber County's Land Use Code (Sec 102-3-3), The Board of Adjustment has the following duties and powers:

- a) To act as the appeal authority from decisions applying and interpreting this Land Use Code and Zoning Maps.
- b) To hear and decide variances from the requirements of the Land Use Code.

The following are the decision criteria and standards for the Board when considering appeals from decisions applying and interpreting the Land Use Code and Zoning Maps (Sec 102-3-4).

Appeals from decisions applying and interpreting the Land Use Code and Zoning Maps.

- 1. The board of adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Land Use Code and Zoning Maps.
- 2. The board of adjustment may hear only those decisions in which the land use authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel.
- 3. The appellant has the burden of proof that the land use authority erred.
- 4. All appeals to the board of adjustment shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority.
- 5. Appeals to the board of adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.

Planning Staff considers the exhibits in this staff report to be the record.

Exhibits

- A. Planning Division written decision of denial of a land use permit
- B. Appellant's narrative and supplemental information
- C. Weber County Sensitive Lands ordinance and map
- D. Appellant's original proposed site plan

Project Site





Weber County Planning Division www.co.weber.ut.us/planning_commission 2380 Washington Blvd., Suite 240 Ogden, Utah 84401-1473 Voice: (801) 399-8791

Fax: (801) 399-8862

Weber County Planning Division Written Decision

July 27, 2021

Scott Bracken 4271 N Powder Mountain Rd Eden, UT 84310

A review of the building permit application for a single family dwelling located on Lot 7 of Hidden Oaks at Wolf Creek Subdivision was conducted by the Planning Division on May 27, 2021. The review of the permit application states that the project is not approved because the site plan shows the proposed building is only 50 feet to the high-water mark of the on-site stream. The site plan will need to show compliance with a 75 foot setback from the high-water mark of the on-site stream because the county considers this stream to be a year-round stream. The following section of the County Land Use Code prohibits the construction of new buildings within 75 feet of a year-round stream:

104-28-2 Stream Corridors, Wetlands, and Shorelines

(b)(1)b. Structures, accessory structures, roads, or parking areas shall not be developed or located within 75 feet on both sides of year-round streams, as determined from the high water mark of the stream.

The Stream Corridor ordinance includes a map that locates rivers, year-round streams, and seasonal streams. The following image is from the Stream Corridor map that indicates the stream on your property is a rear-round stream.

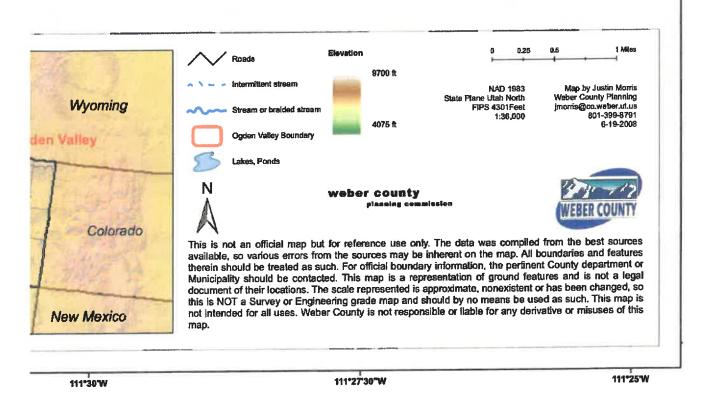




Weber County Planning Division www.co.weber.ut.us/planning_commission 2380 Washington Blvd., Suite 240 Ogden, Utah 84401-1473

Voice: (801) 399-8791 Fax: (801) 399-8862

The following image is from the legend that is part of the stream corridor map.



Appeals from administrative decisions shall be submitted to the planning division not more than 15 calendar days after the date of the written notice of decision in accordance with section 102-3-5. Appeals from administrative decisions shall be heard by the board of adjustment.

Thank you,

Rick Groyer, Director

Weber County Planning Division



August 9, 2021

Weber County Board of Adjustment

RE: Scott Bracken

Dear Weber County Board of Adjustment:

This office represents Scott Bracken with regard to the appeal to this Board of that certain written decision dated July 27, 2021, wherein Rick Grover, Director of the Weber County Planning Division made a decision not to grant Scott Bracken's building permit application for a single-family dwelling located on Lot 7 of the Hidden Oaks at Wolf Creek Subdivision. According to the July 27, 2021 written decision, the Planning Director made a determination based upon a stream corridor map which is held by the Weber County Planning Department. That map identifies the stream near the Bracken property as a year-round stream.

The foregoing determination by the Weber County Planning Director is in error and the stream corridor map is incorrect. The channel where irrigation water flows west of the Bracken property is primarily used as an irrigation ditch and is not a stream. The Weber County land use ordinances have defined stream as "an area where surface waters flow sufficiently to produce a defined channel or bed. ... This definition is not meant to include stormwater run-off devices or entirely artificial watercourse unless they are used to store or convey pass-through stream flows naturally occurring prior to construction of such devices." While the stream definition mentions that a channel may not contain water year-round, the ordinance at Weber County Ordinance 104-28-2(b)(1)b states "structures, accessory structures, roads, or parking areas shall not be developed or located within 75 feet on both sides of year-round streams, as determined from the highwater mark of the stream."

The channel located on the west boundary of the Bracken lot is not a "stream" as defined by the Weber County Ordinances. Dee Staples, Director of the Wolf Creek Irrigation Company has notified Mr. Bracken that the channel adjacent to the Bracken lot is used for diverting irrigation water. That irrigation channel is a facility which carries water from the diversion of the Wolf Creek stream to the Wolf Creek collection reservoir. It is based upon a diversion of water from the stream but is not itself a stream. That channel was originally dug for the purpose of delivering water to irrigation users downstream. Wolf Creek Irrigation Company is allowed to take water from the actual stream from March 1 until October 31 of each year. Wolf Creek Irrigation Company does not have the right to use that water through the channel next to the Bracken property from November 1 through February 28. Thus, this diversion channel which passes near the Bracken lot to the collection reservoir is not a stream, but an artificial watercourse used for irrigation purposes.

The term 'year-round' is not defined under the Weber County Ordinances. Therefore, because it is not defined in the Weber County Ordinances, this term should be applied based upon its reasonably and customarily understood meaning. Webster's Dictionary defines "year-round" as "happening or continuing throughout the year." There is never any water in the subject channel during the times the canal company is not diverting it. Thus, this channel next to the Bracken property cannot possibly be considered a "year-round" stream, but is more accurately defined as an artificial watercourse.

This body, the Weber County Board of Adjustment, should make the determination that the channel near the Bracken property is not a stream but an irrigation canal and does not fit the definition of a stream nor a year-round stream under the Weber County Ordinances.

As other grounds for this conclusion, the Weber County Board of Adjustment previously granted to neighboring property owners in the same subdivision a variance allowing them to construct their homes within the 75-foot distance of the main ordinance. Therefore, the Weber County Board of Adjustment should overturn the decision of the Planning Commission director.

We respectfully request that the Board of Adjustment determine that the stream ordinance is not applicable to the Bracken lot, Lot 7 of the Hidden Oaks at Wolf Creek Subdivision.

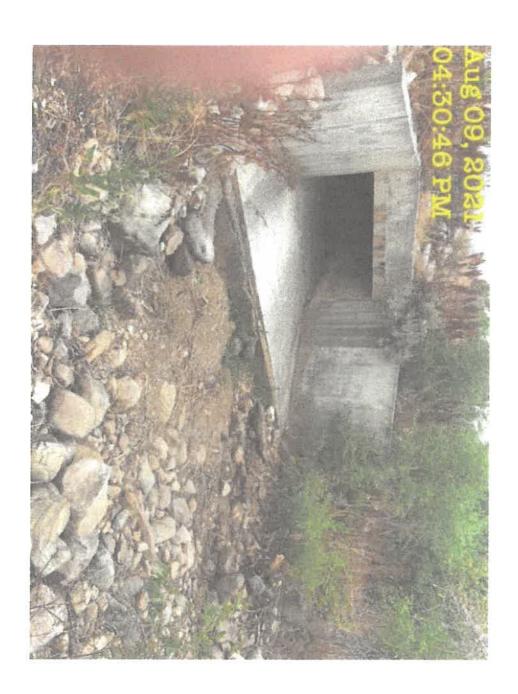
Sincerely,

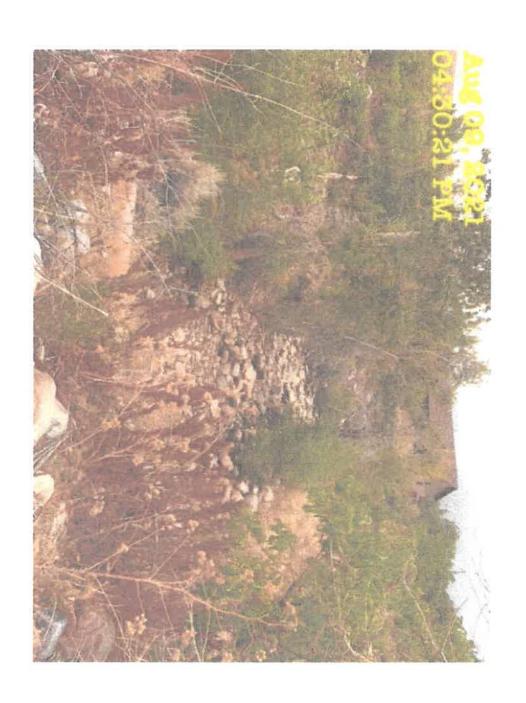
SMITH KNOWLES, P.C.

/s/ M. Darin Hammond
M. Darin Hammond
Attorney at Law

MDH:ss Enclosure







Chapter 104-28 Ogden Valley Sensitive Lands Overlay Zone

Sec 104-28-1 Purpose And Intent

Sec 104-28-2 Stream Corridors, Wetlands, And Shorelines

Sec 104-28-3 Important Wildlife Habitat Areas

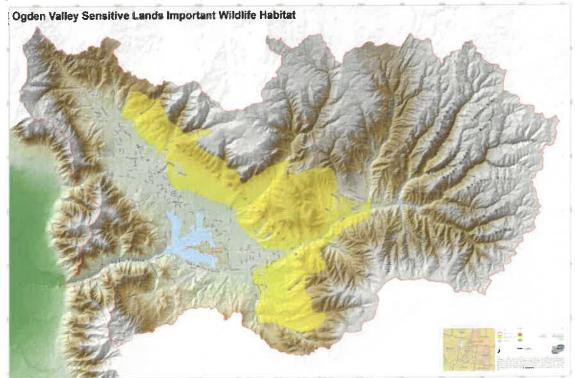
Sec 104-28-4 Scenic Corridors, Ridgelines, And Historical/Cultural Resources

HISTORY

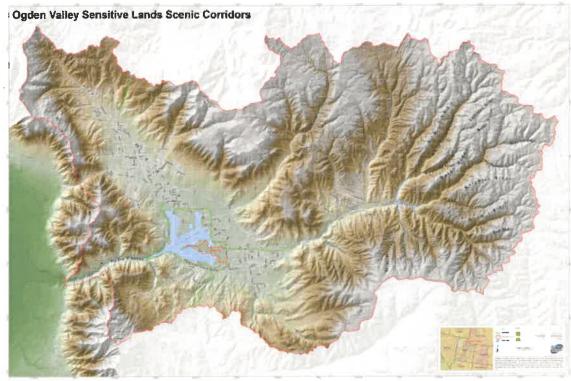
Amended by Ord. 2021-6 on 3/23/2021

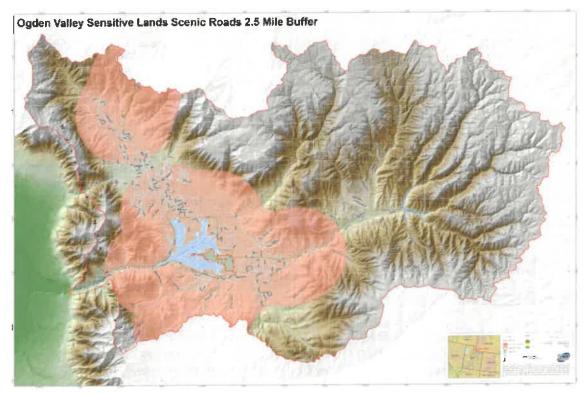
Sec 104-28-1 Purpose And Intent

- (a) As directed by the Ogden Valley general plan, the purpose and intent of this chapter is to identify and coordinate the application of natural and scenic resource protection guidelines and standards; protect the health, welfare, and safety of Weber County citizens; and minimize the potential degradation of natural and humanmade resources by identifying the cumulative impact on known sensitive areas. This chapter is specifically applicable to new land uses, new structures, and new land development (including amendments to existing developments) in Ogden Valley. This chapter describes mitigation methods that may either be required or recommended. These mitigation methods apply specifically to new land uses, new structures and new land development (including amendments to existing developments). This chapter will apply to all zoning designations in the Ogden Valley.
- (b) It is intended that the proposed development can be accomplished without substantial interference with or significant adverse effects upon identified sensitive or unique natural or ecological features, important wildlife habitats, or cultural and historic resources.
- (c) The Ogden Valley Sensitive Lands Maps are available from Weber County.









(Ord. of 1956, § 43-1)

Sec 104-28-2 Stream Corridors, Wetlands, And Shorelines

- (a) Reports. At the request of the county an approved jurisdictional wetland delineation report and concurrence report from the United State Army Corps of Engineers shall be required.
- (b) Development standards.
 - (1) Setbacks. No structure, accessory structure, road, or parking area shall be built within the required setback from a river or stream as measured from the high water mark of the river or stream. The high water mark shall be determined by the Weber County engineer. The areas within the setback shall be maintained in a manner that protects the quality of water in the river or stream and the habitat of native vegetation and wildlife along the river or stream.
 - a. Structures, accessory structures, roads, or parking areas shall not be developed or located within 100 feet on both sides of the North Fork, South Fork, and Middle Fork of the Ogden River, from the high water mark of the river.
 - b. Structures, accessory structures, roads, or parking areas shall not be developed or located within 75 feet on both sides of year-round streams, as determined from the high water mark of the stream.
 - c. Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark of a natural ephemeral stream.
 - d. Structures, accessory structures, roads, or parking areas shall not be developed or located within 100 feet on all sides of Pineview Reservoir, as determined from the high water mark of Pineview Reservoir.

(2) Exceptions.

a. Bridges or stream alterations approved by the Army Corps of Engineers and state

department of natural resources, division of water rights.

- b. Trails built in conformance to chapter 40, Ogden Valley Pathways, of the Land Use Code.
- c. The Ogden River below Pineview Reservoir.
- d. All existing structures, accessory structures, roads, or parking areas prior to the adoption of Ordinance No. 2005-19 River and Stream Corridor Setbacks.
- (3) Stream flow. No work of any kind shall be allowed in a stream corridor or any change that would alter the flow of a stream without a stream channel alteration permit and/or an approved water right from the state department of natural resources, division of water rights.

(Ord. of 1956, § 43-2)

Sec 104-28-3 Important Wildlife Habitat Areas

- (a) Preservation of important wildlife habitat and preventing the fragmentation of important wildlife habitat are encouraged. When new residential or commercial development is proposed within important wildlife habitat areas, mitigation methods shall be designed and implemented, such as those listed below:
 - (1) Development standards.
 - a. Limitations in areas of wildlife habitat as shown on the Ogden Valley Sensitive Lands Wildlife Map. All development subject to this subsection shall incorporate the following principles in establishing the limits of disturbance and siting of buildings, structures, roads, trails, and other similar facilities to protect important wildlife habitat areas and their functions: Wildlife movement is facilitated across areas dominated by human activities by:
 - Maintaining connectivity between open space parcels on adjacent and near-by parcels and subdivisions such that the result will be a larger contiguous area of open space;
 - 2. Locating roads and development away from natural travel corridors used by wildlife, such as riparian areas;
 - 3. Minimizing fencing types that inhibit the movement of big game species. Use of fencing within subdivisions or boundaries of subdivisions, commercial, industrial or multifamily development shall be minimized;
 - 4. Minimizing the visual contrast between human-dominated areas, including individual lots, and less disturbed terrain in surrounding areas, for example, by retaining or planting native vegetation and trees around a house or accessory building and maintaining consistent grading between developed and natural areas.
 - (2) Mimic features of the local natural landscape in developed areas by:
 - a. Retaining as much pre-development, high quality habitat as possible, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;
 - b. Minimizing levels of disturbance to trees, the under-story vegetation, and other

structural landscape features during construction;

- c. Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation;
- d. Reclaiming disturbed areas, such as degraded landscapes, roadsides, and other infrastructure disturbances by using seed and other selective plantings.
- (b) When development occurs in mapped important wildlife habitat areas, the state division of wildlife resources (DWR) may provide written recommendations. These recommendations will be considered advisory only, however, the property owner is encouraged to review the recommendations and implement those that are feasible.

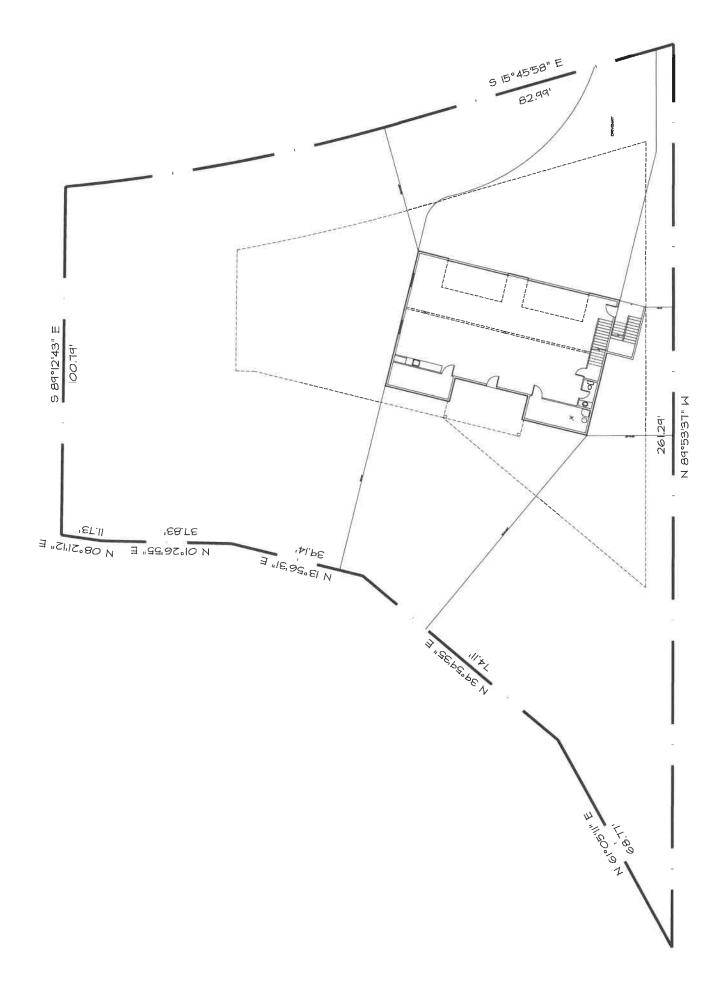
(Ord. of 1956, § 43-3)

Sec 104-28-4 Scenic Corridors, Ridgelines, And Historical/Cultural Resources

- (a) Scenic corridors of the Ogden Valley.
 - (1) Applicability to property within corridor areas. As directed by the general plan, the regulations contained in this subsection shall apply to all new commercial, industrial and residential structures on lots adjacent to or within 100 feet of the nearest right-of-way of scenic corridors in the Ogden Valley including:
 - a. Highway 39. All of Highway 39 beginning at the Pineview Reservoir Spillway and ending at the Eagles Campground in Southfork Canyon with the exclusion of its boundary with Huntsville Town and existing commercial areas.
 - b. Highway 166. All of Highway 166 except from the 1900 N. and 5500 E. intersection to the junction with Highway 162. Also the road from the "Y" east to the junction with 5500 E. is excluded.
 - c. Highway 162. All of Highway 162 except from its intersection with Highway 158 north to the Wolf Mountain turnoff, and that portion abutting commercial lots in Liberty.
 - d. Highway 158. All of Highway 158 from the Pineview Reservoir Spillway to the "Y" in Eden.
 - e. Avon Road. All of Avon Road.
 - f. Trappers Loop. All of Trappers Loop (Highway 167).
 - (2) Development standards.
 - a. Access/traffic. Access points and driveways connecting directly to the scenic corridor roadways shall be minimized. Shared/common driveways between adjoining projects shall be encouraged.
 - b. Fencing. Within the delineated boundaries of the scenic corridors, fences, except agricultural or stock fences, shall be of one of the following styles although commercial, manufacturing, and multifamily uses shall be compatible with requirements of chapter 18C, Ogden Valley Architectural, Landscaping and Screening Ordinance:
 - 1. Wooden rail;
 - 2. Architecturally compatible solid wood and natural or cultured stone; or

- 3. Various forms of embossed steel or vinyl fencing that may be approved by the Ogden Valley planning commission upon submittal of sample material with the site plans. Chainlink fencing shall not be permitted.
- (b) Ridge lines. The intent of these provisions is to ensure that development near ridge lines blends with the natural contour of these land forms. Ridge line areas that skyline as viewed from any scenic corridor at a distance of less than 2.5 miles shall be retained in a predominantly natural state and shall incorporate the mitigation criteria listed below. Ridge line development should be sited in such a manner so as not to create a silhouette against the skyline.
 - (1) Development standards. All structures located within the ridge line area shall not exceed 35 feet in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure. All ridge line developments shall be designed to minimize visual impact. All buildings constructed shall make use of neutral, natural colors (white may be used only as an accent color) that blend in to the surrounding area, nonreflective glass, metal and roofing materials, and varied roof lines. A landscape plan shall also be required and shall make use of trees designed to reduce visual impacts.
 - (2) Methods to reduce scenic quality impact.
 - a. Revegetation and reforestation to include the utilization of native or similar horticultural material and assurance that any such revegetation or reforestation will be completed during the first planting season after construction of required improvements, and maintained thereafter.
 - b. Removing and stockpiling topsoil prior to any construction grading or excavation and replacement for post-construction revegetation.
 - c. Location and installation of utilities in such a way that will cause the least damage to the natural environment.
 - d. Review of road system impact on scenic quality.
 - (3) Historic, prehistoric, and cultural resources.
 - a. All development proposals shall identify, preserve and promote any sites and structures determined to have historical or archaeological significance to the community, the region, or the state. This includes properties eligible for the National Register of Historic Places. Specific locations identified in the general plan as historical/cultural sites include, but are not limited to the Blacksmith Shop, Charde Property, Rhodes Property, Brick Kilns, and the Monastery.

(Ord. of 1956, § 43-4; Ord. No. 2015-22, Exh. A, 12-22-2015)





Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: 2nd UPDATE - Consideration and action on a request for an 11 foot variance from the side

yard setback and a request for a 15-foot variance from the rear yard setback in the FR-1

zone.

Agenda Date: Thursday, November 4, 2021

Applicant: Doug Neilson, Owner

File Number: BOA 2020-04

Property Information

Approximate Address: 301 Ogden CYN, Ogden, Utah 84401

Project Area: 0.58 acres

Zoning: Forest Residential Zone (FR-1)

Existing Land Use: Residential Proposed Land Use: Residential

Parcel ID: 20-030-0012, 20-030-0011, 20-030-0010, 20-030-0009, 20-030-0013x

Township, Range, Section: T6N, R1E, SW 1/4 Section 18

Adjacent Land Use

North: Ogden River South: USFS
East: Residential West: Ogden River

Staff Information

Report Presenter: Scott Perkes

sperkes@co.weber.ut.us

801-399-8772

Report Reviewer: SB

Applicable Codes

Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)

Weber County Land Use Code Title 104 (Zones) Chapter 13 (Forest Residential FR-1 Zone)

 Weber County Land Use Code Title 108 (Standards) Chapter 12 (Noncomplying Structures, Nonconforming Uses, And Nonconforming Lots) Section 13 (Setback Requirements For Nonconforming Lots)

Background

The applicant has submitted a second UPDATED variance request for a rear yard setback on a nonconforming and irregularly shaped lot in the FR-1 Zone (see Exhibit A). This second updated request is for a 15-foot variance from the rear yard setback to allow for a 15-foot setback on a reconfigured one-lot subdivision. Previously the applicant had requested an 11-foot variance from the side yard setback as well as a 19-foot variance from the rear yard setback for one of the lots in a proposed 3-lot subdivision. These originally requested variances were granted by the Board of Adjustment during the June 11, 2020 meeting (see Exhibit B).

Following the approval of the side and rear yard setback variances, the applicant proceeded to plat the originally proposed 3-lot subdivision. However, during review of the subdivision, the Weber-Morgan Health Department found that only one 20,000 sq. ft. minimum lot size could be accommodated due to septic permitting constraints. Accordingly, the applicant reconfigured the property into a single lot, rather than 3 smaller lots. This one-lot subdivision was approved and recorded in August of 2021.

Since the original variance requests were granted under a three-lot subdivision configuration, the applicant has been asked by the Planning Division to resubmit an updated variance request to accommodate a reduced rear yard setback that will be needed to accommodate a single-family residence on the revised 1-lot subdivision. The applicant submitted an alternative request for just 19-foot variance to the rear-yard setback on the single-lot subdivision. This alternative request was tabled during the Board's September 16, 2021 meeting to allow the applicant to explore additional adjustments to the final placement of the proposed single-family home.

The applicant has since worked with their septic designer and pushed the home as far east as possible on the lot while still fitting the septic system components adjacent and in front of the home. This reconfiguration exercise allowed the home to be 15-feet away from the rear property line rather than the previous 11-feet.

Analysis

Per LUC 101-1-7, the newly reconfigured single lot of the proposed amended subdivision meets the definition of both a Nonconforming and Irregular Shaped Lot:

Lot, nonconforming. The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot standards. Applicable standards include lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.

Lot, irregular shaped. The term "irregular shaped lot" means any building lot whose boundaries are:

- Comprised of three or more than four lot lines;
- 2. A lot in which the side lot lines are not radial or perpendicular to the front lot line; or
- 3. In which the rear lot line is not parallel to the front lot line.

Where an irregular shaped lot occurs, the interior angle of intercepting lot lines with an angle of 135 degrees or greater shall be considered the same lot line and yard designation. If the angle is less than 135 degrees, the yard designation shall be determined to be different and the applicable yard requirements would apply.

Due to its nonconforming status and irregular shape, this lot is allowed a standard reduction in side yard setback requirements from the FR-1 zoning minimum of 20 feet. This reduction is calculated per the requirements of LUC 108-12-13 as follows:

Sec 108-12-13 Setback Requirements For Nonconforming Lots

A nonconforming lot that has a smaller width than is required for the zone in which it is located may be developed in a manner that does not exceed the following allowed reduction in side yard setbacks:

- (a) A nonconforming lot's actual width (v) may be divided by the current required frontage/width (w) in order to formulate a ratio or proportional relation (x). (Formula: "v" divided by "w" equals "x".)
- (b) The ratio may then be multiplied by the current zone's side yard setback requirement (y) in order to establish a reduced setback (z). (Formula: "x" multiplied by "y" equals "z".)
- (c) The reduced side yard setback is subject to the conditions listed below.
 - (1) Under no circumstances shall an interior lot be allowed to reduce the side-yard setback requirement below five feet on one side and eight feet on the other.
 - (2) Under no circumstances shall a corner lot be allowed to reduce the side-yard requirement below ten feet when the side yard fronts on a street.

This code allowance helps a nonconforming lot with its side-yard setbacks only, and does not help with a reduction to rearyard setbacks. Due to the unique shape of the lot (wide, but not very deep) the applicant is re-requesting that a variance of 15-feet from the rear setback be granted to facilitate the placement of a single-family residence.

Summary of Board of Adjustment Considerations

LUC §102-3 states that one of the duties and powers of the Board of Adjustment is to hear and decide variances from the requirements of the Weber County Land Use Code. In order for a variance to be granted it must be shown that all of the following criteria have been met:

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

- b. There are special circumstances attached to the property that do not generally apply to other properties in the same
 - In determining whether or not there are special circumstances attached to the property, the appeal authority
 may find that special circumstances exist only if the special circumstances relate to the hardship complained of,
 and deprive the property of privileges granted to other properties in the same zone.
- c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
- d. The variance will not substantially affect the general plan and will not be contrary to the public interest.
- e. The spirit of the land use ordinance is observed and substantial justice done.

Staff's analysis and findings are discussed below:

- a. Literal enforcement of the Land Use Code would require an undesirable result. Literal enforcement of the 30-foot rear yard setback would require a building footprint that would be inefficient and would produce a structure that does not match neighboring development.
- b. The special circumstances that apply in this instance are due to the unique wide and shallow shape of the lot, that when standard zoning setbacks are applied, would create a hardship on the owner by preventing the placement a reasonable dwelling footprint on the property.
- c. Granting the variance would allow the owner to develop a reasonably consistent residence similar to adjacent property owners.
- d. The General Plan indicates that this area should be developed as is planned and zoned; thereby the variance and development is not contrary to any public interest.
- e. This variance request is not an attempt to avoid or circumvent the requirements of the County Land Use Code. The applicant has gone through the proper channels in re-applying for a variance. Granting this variance will improve the area through the reduction lots, additional lot and building separation, and consistent building setbacks.

Conformance to the General Plan

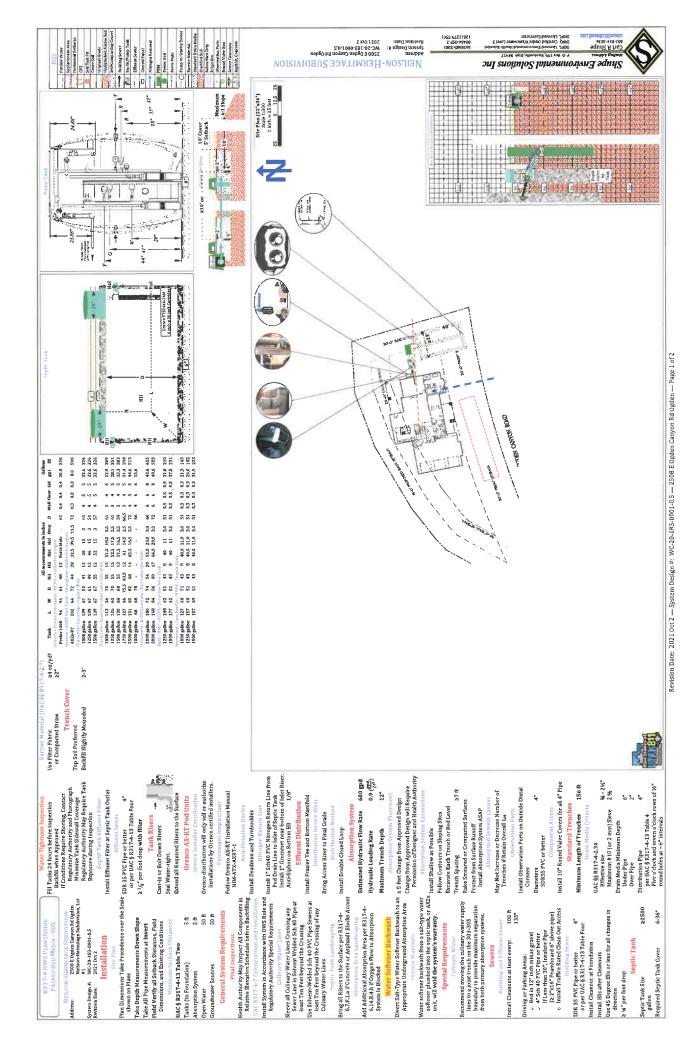
Preservation of open spaces and the development of single-family residences are supported by the Ogden Valley General Plan. The same are proposed through these variance requests and associated subdivision amendment.

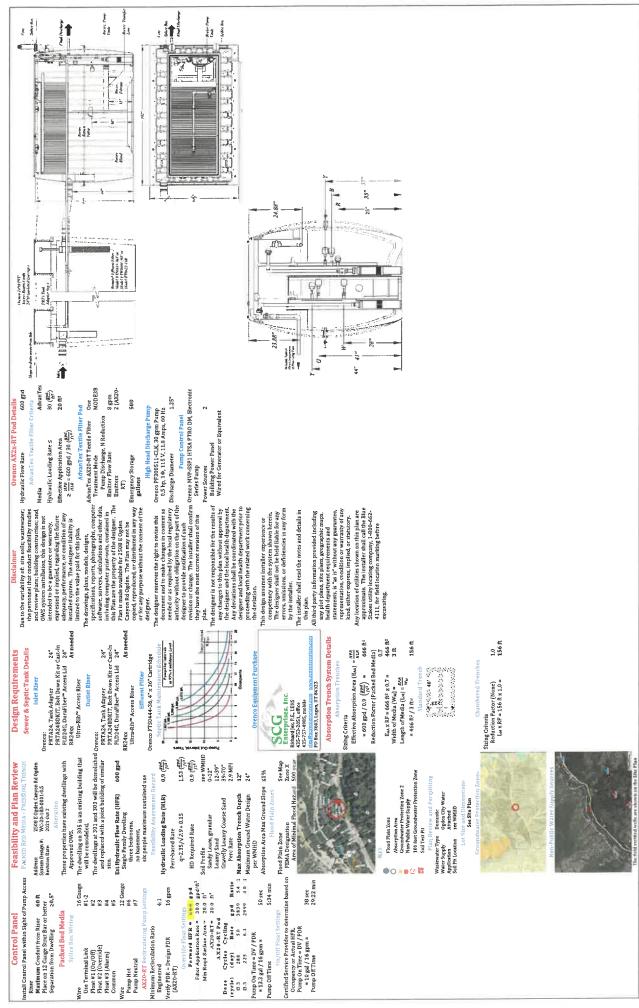
Exhibits

- A. 2nd Updated 1-Lot Subdivision Variance Exhibit W/Septic System
- B. Planning Staff Report (June, 11 2020)

Location Map







Revision Date: 2021 Oct 2 — System Design #: WG-20-183-0001-0,5 — 2508 E Ogden Canyon Rd Ogden — Page 2 of 2



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for an 11-foot variance from the side yard setback

and a request for a 19-foot variance from the rear yard setback in the FR-1 zone.

Agenda Date: Thursday, June 11, 2020
Applicant: Doug Neilson, Owner

File Number: BOA 2020-04

Property Information

Approximate Address: 301 Ogden CYN, Ogden, Utah 84401

Project Area: 0.58 acres

Zoning: Forest Residential Zone (FR-1)

Existing Land Use: Residential Proposed Land Use: Residential

Parcel ID: 20-030-0012, 20-030-0011, 20-030-0010, 20-030-0009, 20-030-0013x

Township, Range, Section: T6N, R1E, SW 1/4 Section 18

Adjacent Land Use

North: Ogden River South: USFS
East: Residential West: Ogden River

Staff Information

Report Presenter: Scott Perkes

sperkes@co.weber.ut.us

801-399-8772

Report Reviewer: SB

Applicable Codes

- Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Weber County Land Use Code Title 104 (Zones) Chapter 13 (Forest Residential FR-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 12 (Noncomplying Structures, Nonconforming Uses, And Nonconforming Lots) Section 13 (Setback Requirements For Nonconforming Lots)

Background

The applicant has submitted variance requests for side and rear yard setbacks for a proposed nonconforming and irregularly shaped lot in the FR-1 Zone. The first request is for an 11-foot variance from the side yard setback of 20-feet to allow for a 9-foot side setback. The second request is a 19-foot variance from the rear yard setback of 30-feet to allow for an 11-foot rear setback. Both of these variances are requested to facilitate a reasonable single-family dwelling footprint on an amended Lot 6 of the Hermitage Block 10 subdivision (depicted as Lot 3 on the proposed subdivision amendment).

As indicated above, and in tandem with these variance requests, the applicant has also submitted a subdivision amendment application to reconfigure Lots 3, 4, 5, and 6 of the existing Hermitage Block 10 subdivision. The overall intent of these applications is to "allow for adequate spacing for the proposed single-family dwellings [301, 303, and 305], septic systems, and to give enough depth for the driveway to come off of Highway 39." (See Exhibit A, Variance Application). This will be done by eliminating Lot 5 of the existing subdivision and using its area and frontage to increase the remaining 3 lots' overall width and area. By doing so, these amendments will allow the remaining lots to be less nonconforming with current zoning standards and improve the overall spacing and configuration of the developable areas (see Exhibit B for the proposed subdivision plat).

Per LUC 101-1-7, Lot 3 of the proposed amended subdivision meets the definition of both a Nonconforming and Irregular Shaped Lot:

<u>Lot, nonconforming.</u> The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot

standards. Applicable standards include lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.

Lot, irregular shaped. The term "irregular shaped lot" means any building lot whose boundaries are:

- Comprised of three or more than four lot lines;
- 2. A lot in which the side lot lines are not radial or perpendicular to the front lot line; or
- 3. In which the rear lot line is not parallel to the front lot line.

Where an irregular shaped lot occurs, the interior angle of intercepting lot lines with an angle of 135 degrees or greater shall be considered the same lot line and yard designation. If the angle is less than 135 degrees, the yard designation shall be determined to be different and the applicable yard requirements would apply.

Due to its nonconforming status and irregular shape, this lot is allowed a standard reduction in side yard setback requirements from the FR-1 zoning minimum of 20 feet. This reduction is calculated per the requirements of LUC 108-12-13 as follows:

Sec 108-12-13 Setback Requirements For Nonconforming Lots

A nonconforming lot that has a smaller width than is required for the zone in which it is located may be developed in a manner that does not exceed the following allowed reduction in side yard setbacks:

- (a) A nonconforming lot's actual width (v) may be divided by the current required frontage/width (w) in order to formulate a ratio or proportional relation (x). (Formula: "v" divided by "w" equals "x".)
- (b) The ratio may then be multiplied by the current zone's side yard setback requirement (y) in order to establish a reduced setback (z). (Formula: "x" multiplied by "y" equals "z".)
- (c) The reduced side yard setback is subject to the conditions listed below.
 - (1) Under no circumstances shall an interior lot be allowed to reduce the side-yard setback requirement below five feet on one side and eight feet on the other.
 - (2) Under no circumstances shall a corner lot be allowed to reduce the side-yard requirement below ten feet when the side yard fronts on a street.

The calculation results for the standard side yard setbacks on Lot 3 of the proposed amended subdivision are as follows:

145.47' Actual Width

145.47' / 150' (FR-1 zone minimum width) = 0.97 (Reduced side yard setback ratio)

0.97 x 20' (FR-1 zone side yard setback minimum) = 19.4' (reduced side yard setback)

The results of this ratio calculation indicate that the standard side-yard setback for Lot 3 would only be reduced by **0.6 feet.**This is primarily due to the large width of Lot 3. Whereas a nonconforming lot with a smaller width (such as the other two lots in the proposed subdivision) enjoy a much larger setback reduction due to a larger ratio between the actual lot width,

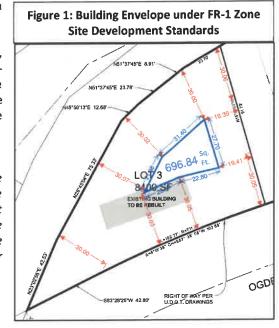
and required lot width. For example, Lot 2 of the proposed subdivision

is allowed a reduced side yard setback of 8.02 feet.

In summary, the standard side-yard reduction for nonconforming lots, in conjunction with the required rear and front yard setbacks in the FR-1 zone, is not enough to accommodate a reasonable building envelope on Lot 3 of the proposed amended subdivision. See **Figure 1** for the allowed building footprint (696.84 sq. ft.) under the current FR-1 site development standards and standard reduced side-yard setbacks:

The applicant's application narrative argues:

"Even with the increased space from eliminating one lot, the shape and depth created by the sharp angle [west side/rear property line junction] provide an unreasonable shape and space in which to fit the footprint of a home... granting the variances would allow the new dwelling to have the same setback that it already has [see existing structures] on its west side and will be similar or even better than others nearby."



Summary of Board of Adjustment Considerations

LUC §102-3 states that one of the duties and powers of the Board of Adjustment is to hear and decide variances from the requirements of the Weber County Land Use Code. In order for a variance to be granted it must be shown that all of the following criteria have been met:

- a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.
 - 1. In determining whether or not literal enforcement of the land use code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - 2. In determining whether or not literal enforcement of the land use code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
- b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
 - In determining whether or not there are special circumstances attached to the property, the appeal authority
 may find that special circumstances exist only if the special circumstances relate to the hardship complained of,
 and deprive the property of privileges granted to other properties in the same zone.
- c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
- d. The variance will not substantially affect the general plan and will not be contrary to the public interest.
- e. The spirit of the land use ordinance is observed and substantial justice done.

Staff's analysis and findings are discussed below:

- a. Literal enforcement of the Land Use Code would require an undesirable result. Literal enforcement of the 30-foot front yard setback and the 19.4-foot reduced side yard setback would require a building footprint that would be inefficient and would produce a structure that does not match neighboring development.
- b. The special circumstances that apply in this instance are due to the unique wide and shallow shape of the parcel, that when standard zoning setbacks are applied, would create a hardship on the owner by preventing the placement a reasonable dwelling footprint on the property.
- c. Granting the variance would allow the owner of the parcel to improve the overall subdivision proportions and building separation while also improving the nonconformance of the existing lots to better match current zoning dimensions.
- d. The General Plan indicates that this area should be developed as is planned and zoned; thereby the variance and development is not contrary to any public interest.
- e. This variance request is not an attempt to avoid or circumvent the requirements of the County Land Use Code. The applicant has gone through the proper channels in applying for a variance. Granting this variance will improve the area through the reduction of one lot, additional lot and building separation, and consistent building setbacks.

Conformance to the General Plan

Preservation of open spaces and the development of single-family residences are supported by the Ogden Valley General Plan. The same are proposed through these variance requests and associated subdivision amendment.

Staff Recommendation

Staff recommends approval of an 11-foot variance from the side yard setback and a 19-foot variance from the rear yard setback in the FR-1 zone. This recommendation is conditioned upon the approval of an associated subdivision amendment to the Hermitage Block 10 subdivision.

Exhibits

- A. Variance Application
- B. Current Hermitage Block 10 Subdivision Plat
- C. Proposed Subdivision Plat Amendment

EXHIBIT A

Location Map 1



Application submitta						
	Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401					
ate Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)			
roperty Owner Contact	Information					
me of Property Owner(s)		Mailing Address of Property Owner	(s)			
Doug Neilson Hone Fax		3744 Van Buren	Ave-			
one	Fax	Ogden, UT 844	03			
801-624-9077	1 —	ogacit, out				
ail Address		Preferred Method of Written Corre	4			
Douglastay	5@gmail.com	Email Fax Mia	11			
uthorized Representati	ive Contact Information					
me of Person Authorized to Rep	resent the Property Owner(s)	Mailing Address of Authorized Per	rson			
SAME						
one	Fax					
nail Address		Preferred Method of Written Correspondence Email Fax Mail				
		Cilidii I rax I waii				
ppeal Request						
_Lot area Yord set	tback Frontage width	Other:				
Ordinance	oning Map	e is an error in any order, requirement, deci	sion or refusal in enforcing of the Zonin			
An Interpretation of the Zo A hearing to decide appeal v Ordinance Other:	oning Map	e is an error in any order, requirement, deci	sion or refusal in enforcing of the Zonin			
An Interpretation of the Zo A hearing to decide appeal v Ordinance Other: roperty information	oning Map		sion or refusal in enforcing of the Zonin			
An Interpretation of the Zo A hearing to decide appeal of Ordinance Other: Coperty Information Droximate Address 30 (oning Map	Land Serial Number(s)				
An Interpretation of the Zo A hearing to decide appeal of Ordinance Other: operty information oroximate Address 30 (oning Map where it is alleged by appellant that then	Land Serial Number(s)	sion or refusal in enforcing of the Zonin 20-030-0012 and 20-030-0011			
An Interpretation of the Zo A hearing to decide appeal of Ordinance Other: Toperty Information Droximate Address 301 (Ogden Trent Zoning FR 1	oning Map where it is alleged by appellant that then	Land Serial Number(s) Parcel #:				
An Interpretation of the Zo A hearing to decide appeal of Ordinance Other: roperty Information proximate Address 30 (Ogder rrent Zoning FR 1 Existing	oning Map where it is alleged by appellant that then Saden CYN 1, ut 84401	Land Serial Number(s) Parcel #:	20-030-0012 and 20-030-0011			
An Interpretation of the Zo A hearing to decide appeal of Ordinance Other: Operty Information Oroximate Address 30 (Opderverent Zoning FR 1 Existing Area 8398.68	oning Map where it is alleged by appellant that there only the same of the sam	Land Serial Number(s) Parcel #: Required Mea	20-030-0012 and 20-030-0011 surements (Office Use)			
An Interpretation of the Zo A hearing to decide appeal of Ordinance Other: roperty Information proximate Address 301 (Ogder rrent Zoning FR 1 Existing	oning Map where it is alleged by appellant that then Ogden CYN n, ut 84401 Measurements	Land Serial Number(s) Partel #: Required Mea	20-030-0012 and 20-030-0011 surements (Office Use)			

Applicant Narrative

Please explain your request.

I am requesting a side yard variance on parcel 6 of the proposed Neilson Hermitage subdivision. I propose the East side yard set back be # 9 feet in addition to the North West side | rear setback to Il feet. This will allow for adequate spacing for the proposed single family dwellings, Septic systems, and to give enough depth for the driveway to come off of Hyghway 39.

Variance Request

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

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

One to the sharp angle of the west corner of parcel 6, the Shape of the lot is the main hardship, The wide frontage does not permit a substantial allowed reduction, given for the FRI Zone. The rear set back is also a burden because of the unique shape. We propose to maintain the existing structures rear-side set back of 11 feet.

Variance Request (continued...)

- 2. There are special circumstances attached to the property that do not generally apply to the other properties in the same zone.
- a. In determining whether there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.

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

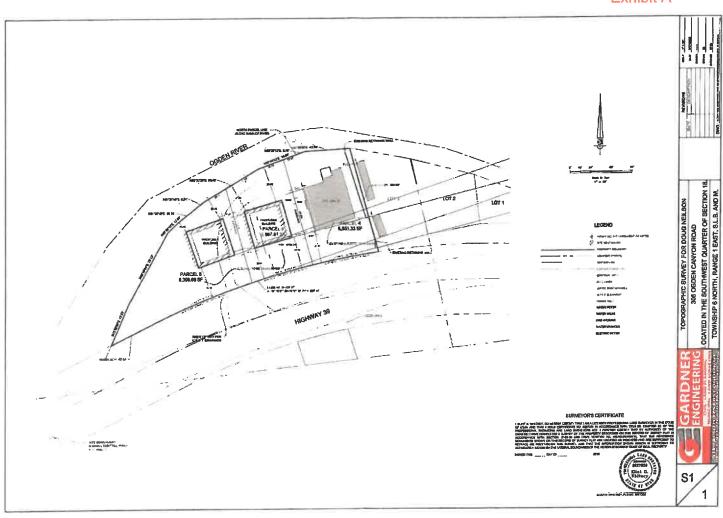
Even with the increased space from eliminating one lot, the shape and depth created by the sharp angle provide an unreasonable shape and space in which to fit the footprint of a home.

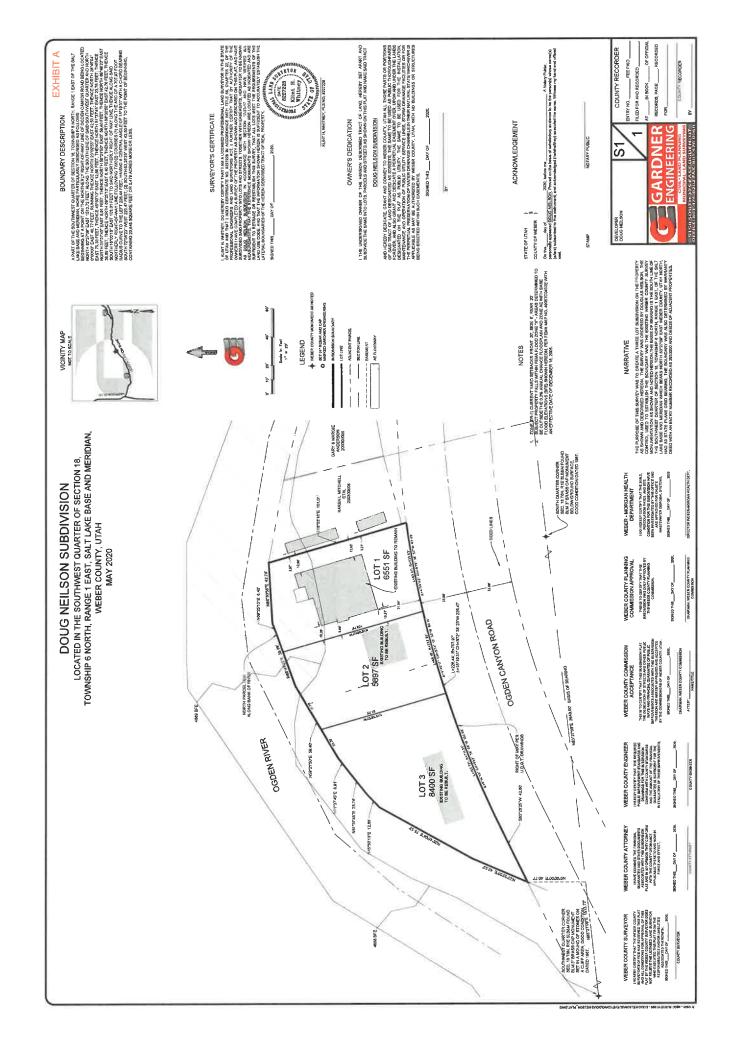
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

the square footage of this property is larger than its neighbors. Granting the variance would a low the new dwelling to have the same setback that it already has on its west side and will be similar or even better than others nearby.

Variance Request (continued)
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
For 30 plus years the neighborhood has dealt with these properties
that attract vandalism, are exesores to the area and are
hazardais in general. This variance would allow us to make sen
that attract vandalism, are eyesores to the area and are hazardais in general. This variance would allow us to make sent of the property by spacing 301,303 and 305 aesthetically, while
utilizing the square footage rationally.
5. The spirit of the land use ordinance is observed and substantial justice done.
Similar to my answer in #4 - receiving this variance would
allow me to dayclose the property, beautity the area, increase
surrounding property values and make this home functional and practical by doing what other homes in this area have a
and practical by doing what other homes in this area have a
done - All without going to unreasonable lengths to accomplish it.
Property Owner Affidavit
I (We), depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.
(Property Owner)
Subscriber ANGELA MARTIN NOTARY PULLO STATE OUTAN 20 20 COMMISSION NO. 709793 COMM. EXP. 12-23-2023 (Notary)
Authorized Representative Affidavit
I (We),
my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.
(Property Owner) (Property Owner)
Dated thisday of personally appeared before me the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.
(Notary)

Exhibit A







Staff Report to the Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration of an appeal of several permits issued by Weber County including a Weber

County Stormwater Construction Activity Permit, Building Permit Number 21U388, and

Land Use Permit LUP232-2021.

Agenda Date: Thursday, November 4, 2021

Applicant: Angelika Spaey, represented by Zane Froerer

File Number: BOA 2021-11

Property Information

Approximate Address: 3924 N 4800 E, Eden

Zoning: FR-3
Existing Land Use: Vacant
Parcel ID: 22-254-0006

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

Adjacent Land Use

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

Staff Information

Report Presenter: Steve Burton

sburton@co.weber.ut.us

801-399-8766

Report Reviewer: RG

Applicable Land Use Codes

Weber County Land Use Code Title 102 (Administration) Chapter 3 (Board of Adjustment)

Background

This appeal was submitted on August 26, 2021. The appellant asserts that the County erred in issuing several permits for a single family dwelling, located near appellant's property at 3932 N 4800 E, Eden. The appellant cites several permits including Weber County Stormwater Construction Activity Permit, Building Permit Number 21U388, and Land Use Permit LUP232-2021.

The only permit that the Weber County Land Use Code authorizes the Board of Adjustment to review under appeal is the Land Use Permit LUP232-2021. The other permits are not considered land use decisions. The land use permit was issued on July 14, 2021. The land use code states that "all appeals to the board of adjustment shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority." The decision to approve the land use permit was posted to the county's review website called Frontier on July 14, 2021. The appeal period for this land use permit expired on July 29, 2021 and the application was submitted on August 26, 2021.

The appellant's narrative and supplemental information are included in the staff report as Exhibit A. The Planning Division Reviews and land use approval are attached as Exhibit B.

Under Weber County's Land Use Code (Sec 102-3-3), The Board of Adjustment has the following duties and powers:

- a) To act as the appeal authority from decisions applying and interpreting this Land Use Code and Zoning Maps.
- b) To hear and decide variances from the requirements of the Land Use Code.

The following are the decision criteria and standards for the Board when considering appeals from decisions applying and interpreting the Land Use Code and Zoning Maps (Sec 102-3-4).

Appeals from decisions applying and interpreting the Land Use Code and Zoning Maps.

- 1. The board of adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Land Use Code and Zoning Maps.
- 2. The board of adjustment may hear only those decisions in which the land use authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel.
- 3. The appellant has the burden of proof that the land use authority erred.
- 4. All appeals to the board of adjustment shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority.
- 5. Appeals to the board of adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.

Planning Staff considers the exhibits in this staff report to be the record.

When the conditional use permit was approved for the Fairway Oaks PRUD, there were specific building elevations and floor plans approved that were to be followed by lot owners as they constructed their homes. The County did not agree to enforce the house types, as that is typically enforced by an HOA. Recognizing that there is an active HOA, Planning staff wanted the owner to communicate with the HOA, so that the owner would not be held up by the HOA once the building permit was received.

Before issuing the land use permit, the Planning Division reached out to the Fairway Oaks HOA, out of courtesy, to provide comment regarding the architecture of the proposed dwelling. The HOA did not respond and the land use permit was issued because the owner demonstrated compliance with the applicable land use codes. Exhibit D shows the house types that were approved as part of the original conditional use permit.

Exhibits

- A. Appellant's narrative and supplemental information
- B. Planning Division approval of Land Use Permit 232-2021
- C. Lot owner's approved building plans, site plan, and images of the existing dwellings in the neighborhood
- D. House types from the original conditional use permit

Project Site



We	eber County Board	of Adjustment Appl	lication
Application submittals	will be accepted by appointment on	iy. (801) 399-8374. 2380 Washington Bi	vd. Suite 240, Ogden, UT 84401
Date Submitted / Completed August 25, 2021	Fees (Office Use)	Recelpt Number (Office Use)	File Number (Office Use)
Property Owner Contact I	nformation		
Name of Property Owner(s)	g er en geren de Gardin a milita Sum Aufliche er er er einer er fert geren er	Mailing Address of Property Owner(s)	the state of the s
SPAEY, MARC C & WF ANGELIKA D	SPAEY	3924 N 4800 E	
Phone	Fax	Eden, Utah 84310	
303-358-7571			
Email Address		Preferred Method of Written Correspo	ondence
somersetd@gmail.com		X Email Fax Mail	
Authorized Representativ	e Contact Information		
Authorized Representativ			
Name of Person Authorized to Repre	esent the Property Owner(s)	Mailing Address of Authorized Perso	n
Zane S. Froerer			
Phone	Fax		
801-621-2690			
Email Address		Preferred Method of Written Correspo	ondence
zane.froerer@froererlaw.com		X Email Fax Mail	***
Appeal Request			
☐ An Interpretation of the Zoo ☐ An Interpretation of the Zoo ☐ A hearing to decide appeal wordinance	ning Map	is an error in any order, requirement, decisto	on or refusal in enforcing of the Zoning
Other:			
Property Information			
Approximate Address		Land Serial Number(s)	er men eg er el megnet ringet storet. Der er en till til det til et til til en er t
3924 N 4800 E		22-254-0006	
Eden, Utah 84310		22-234-0000	
Current Zoning		-	
Existing Measurements		Required Measu	rements (Office Use)
Lot Area	Lot Frontage/Width	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback	Rear Yard Setback	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback	Side Yard Setback	Side Yard Setback (Office Use)	Side Yord Setback (Office Use)

Applicant Narrative
Please explain your request.
See attached statement
See attachen Statement
Variance Request
1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the
The Board of Adjustment may grant a variance only if the following five criteria are met. Please explain how this variance request meets the following five criteria: 1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. 2. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the
 Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable
 Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable
 Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable
 Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. a. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

Variance Request (continued)
2. There are special circumstances attached to the property that do not generally apply to the other properties in the same zone.
a. In determining whether there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.
Please describe the special circumstances attached to the property that do not generally apply to the other properties in the same zone:
See attached statement
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
See attached statement

Variance Request (continued:)	
4. The variance will not substantially affect the general plan and Will not be contrary t	ci the public litterest.
Şee attached statement	
5. The spirit of the land use ordinance is observed and substantial justice done	
See attached statement	
Property Owner Affidavit	the state of the s
I (We), Chry Wath Have Day depose and say that and thet the statements herein contained, the information provided in the attached place (our) knowledge.	I (we) am (are) the owner(s) of the property identified in this application as and oursel to the best of my
anglika Spary	(Propedly Owner)
STATE OF UTAH DEV	4. 10
ON ONE CLASSIC ON THE ABOVE INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT	Densa In
HE/SHE/THEY EXECUTED THE SAME	(NOTARY PUBLIC PERESA SHAUM
Authorized Representative Representa	MY OF MAIN AND AND AND AND AND AND AND AND AND AN
I (We)	real property described in the attached application and to appear of this application and to appear of this application and to act in all respects as our agent in matters pertaining
angula Spaly (Property Swiner)	(Property Owner)
ATE OF UTAH 25 day of 100 15 20.21 personally appeared by the control of the new particles and the control of the control of the new particles are a unity at the Athle of the control of	before me NARAVA FINAVESPACE the item they executed the same.
ERSONALLY APPEARED: BEFORE ME.* LYACH KO TIYLLY COM SIGNER(S): OF THE ABOVE VETERIMENT, WING DOLL ARKNOWLEDGED TO ME THAT	NOTART PUBLIC:
SHE/THEY EXEGUTED THE SAME. NOTARY-PUBLIC	DOMM. # 708188 (NO CATALON) MY COMMISSION EXPIRES OCTOBER 08, 2023 STATE CHARGE ALO 186

Zane S. Froerer (#10807)
FROERER AND MILES, P.C.
2661 Washington Blvd., Suite 201
Ogden, Utah 84401
801-621-2690
Zane.froerer@froererlaw.com

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF UTAH COUNTY OF WEBER, OGDEN DEPARTMENT

In Re:

Permit Issued to Heidi Christiansen and Allen Kirk Construction LLC

Property: Lot 22 of Fairway Oaks PRUD

3924 N 4800 E, Eden, Utah

Appellant: Angelika Spaey

NOTICE OF APPEAL TO BOARD OF ADJUSTMENTS

This Notice is filed in conjunction with the Board of Adjustment Cover Sheet and Application which is being submitted on August 25th, 2021, to the Weber County Planning Department for submission to the Weber County Board of Adjustments.

Decisions Appealed

- 1. Weber County Stormwater Construction Activity Permit.
- 2. Building Permit Number 21U388 issued August 13th, 2021.
- 3. Land Use Permit Number LUP232-2021 dated 07-14-2021.
- All other land use decisions related to the development and construction currently underway by Applicant Heidi Christiansen and Allen Kirk Construction, LLC.

While the Appellant intends to supplement the material she is submitting with this Notice and Application, contemporaneous with the filing of her Notice and Application, the Appellant has submitted the following:

- 1. Personal statement from the Appellant.
- 2. Plat for Fairway Oaks At Wolf Creek PRUD Phase 1
- 3. Preliminary Plat Fairway Oaks At Wolf Creek PRUD
- 4. Main Floor Plan + Basement/Footing foundation plan
- 5. Land Use Permit LUP232-2021
- 6. Building Permit 21U388
- 7. Approval of Storm Water Pollution Prevention Plan
- 8. Pictures
- 9. Fairway Oaks Home Owners Association Design Review Board Guidelines
- 10. Fairway Oaks Home Owners Association Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Fairway Oaks Home Owners Association
- 11. Weber County Commission Meeting Minutes September 3rd, 1998
- 12. Notice from Weber County Planning Commission dated August 6th, 1997
- 13, Ordinance 2008-14

GROUNDS FOR APPEAL

Appellant asserts that the land use decisions were issued without substantial evidence, are illegal, and based upon arbitrary and capricious grounds. In the Land Use Permit Comments, it is alleged that Planning staff found the proposed home plans were architecturally and materially

consistent with the existing homes in the community. This is not supported by substantial evidence. The Planning staff also approved the permits despite not receiving an HOA approval letter making the decisions arbitrary, illegal, and without substantial evidence. The decisions ignore the problems with drainage and water due to the condition of the soils. The decisions ignore the applicable setbacks. The Appellant reserves her right to further supplement this Notice with briefing to be provided to the Board of Adjustments.

Dated this 25th day of August 2021.

FROERER & MILES PC

/s/ Zane S. Froerer
Zane S. Froerer
Attorney

Zane S. Froerer (#10807)
FROERER AND MILES, P.C.
2661 Washington Blvd., Suite 201
Ogden, Utah 84401
801-621-2690
Zane.froerer@froererlaw.com

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF UTAH COUNTY OF WEBER, OGDEN DEPARTMENT

In Re:

Permit Issued to Heidi Christiansen and Allen Kirk Construction LLC

Property: Lot 22 of Fairway Oaks PRUD

3924 N 4800 E, Eden, Utah

Appellant: Angelika Spaey

NOTICE OF APPEAL TO BOARD OF ADJUSTMENTS

This Notice is filed in conjunction with the Board of Adjustment Cover Sheet and Application which is being submitted on August 25th, 2021, to the Weber County Planning Department for submission to the Weber County Board of Adjustments.

Decisions Appealed

- 1. Weber County Stormwater Construction Activity Permit.
- 2. Building Permit Number 21U388 issued August 13th, 2021.
- 3. Land Use Permit Number LUP232-2021 dated 07-14-2021.
- 4. All other land use decisions related to the development and construction currently underway by Applicant Heidi Christiansen and Allen Kirk Construction, LLC.

While the Appellant intends to supplement the material she is submitting with this Notice and Application, contemporaneous with the filing of her Notice and Application, the Appellant has submitted the following:

- 1. Personal statement from the Appellant.
- 2. Plat for Fairway Oaks At Wolf Creek PRUD Phase 1
- 3. Preliminary Plat Fairway Oaks At Wolf Creek PRUD
- 4. Main Floor Plan + Basement/Footing foundation plan
- 5. Land Use Permit LUP232-2021
- 6. Building Permit 21U388
- 7. Approval of Storm Water Pollution Prevention Plan
- 8. Pictures
- 9. Fairway Oaks Home Owners Association Design Review Board Guidelines
- 10. Fairway Oaks Home Owners Association Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Fairway Oaks Home Owners Association
- 11. Weber County Commission Meeting Minutes September 3rd, 1998
- 12. Notice from Weber County Planning Commission dated August 6th, 1997
- 13. Ordinance 2008-14

GROUNDS FOR APPEAL

Appellant asserts that the land use decisions were issued without substantial evidence, are illegal, and based upon arbitrary and capricious grounds. In the Land Use Permit Comments, it is alleged that Planning staff found the proposed home plans were architecturally and materially

consistent with the existing homes in the community. This is not supported by substantial evidence. The Planning staff also approved the permits despite not receiving an HOA approval letter making the decisions arbitrary, illegal, and without substantial evidence. The decisions ignore the problems with drainage and water due to the condition of the soils. The decisions ignore the applicable setbacks. The Appellant reserves her right to further supplement this Notice with briefing to be provided to the Board of Adjustments.

Dated this 25th day of August 2021.

FROERER & MILES PC

/s/ Zane S. Froerer Zane S. Froerer Attorney Zane S. Froerer (#10807) FROERER AND MILES, P.C. 2661 Washington Blvd., Suite 201 Ogden, Utah 84401 801-621-2690 Zane.froerer@froererlaw.com

In Re:

DECLARATION OF ANGELIKA SPAEY

Permit Issued to Heidi Christiansen and Allen Kirk Construction LLC

Property: Lot 22 of Fairway Oaks PRUD

3924 N 4800 E, Eden, Utah

Appellant: Angelika Spaey

I, ANGELIKA SPAEY, do declare that the following statements are true and correct, to the best of my knowledge, under penalty of perjury.

- I am competent to testify to the matters in this Declaration.
- 2. I purchased 3924 North 4800 East, Eden Utah in 2001 and was told this was a planned residential unit development with small patio style homes. I was given pictures of the housing styles by John Lewis, the original developer of fairway oaks. He received CUP in 1997 for the area.
 - 3. Lot 22 is uphill in the center lots of this subdivision. The width of this lot was reduced by around 2 feet when I took legal action against John Lewis to re-Platte Fairway Oaks in 2003. My home was built by John Lewis and was not on its building envelope until the 2008 Platte.

- a. Lot 22 remained for sale for many years due to its limited building potential and slope with an active spring between lot 22 and 28. The soil is labeled as Qafi, a soil type shown on Weber Counties website that is labeled as one of the least stable soil types, and requires a soil test to build.
- 4. My homes foundation is surrounded by drainage gravel and my crawl space has at least 4' of drainage gravel to keep the area free of flowing spring water. The Conditional Use Permit or CUP document shows we are in an area that has hi spring activity close to the surface, hence no basements should be built. Given the springs and dense building lots most 'patio' style homes built and approved are at least 20' apart so that water flows do not erode the Qafi type soil and cause harm to downhill neighbors.
- 5. I have been working with Weber County Planning and Weber County
 Engineering to get the housing styles on record for the past year to make sure future homes were
 built to the CUP standards. The builder of lot 28 just to the right of my home built a three-story
 home (When?) completely ignoring housing styles and dimensions by building a 7500 square
 foot house, dwarfing its neighbors. This is the same builder proposed for lot 22. The HOA
 denied the building application, but Heidi Christiansen, the builder, went to Weber Planning and
 was told no housing styles were on file and she could build anything she wanted to build.
- 6. October of 2020 I was told that Heidi would be building on the lot above me and I worked to establish the CUP documents, soil conditions and housing styles for our HOA to enforce. In February 2021 I received the CUP documents for Fairway Oaks with the

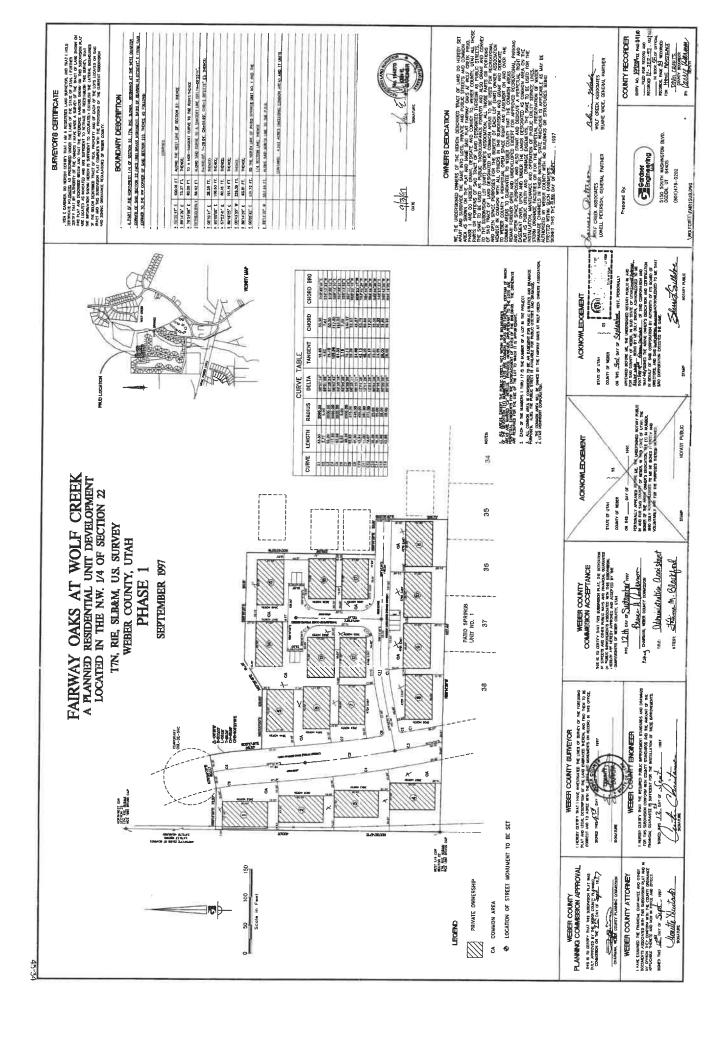
commission meeting minutes and the engineering recommendations that only small patio style homes with no basements were to be built due to active surface springs.

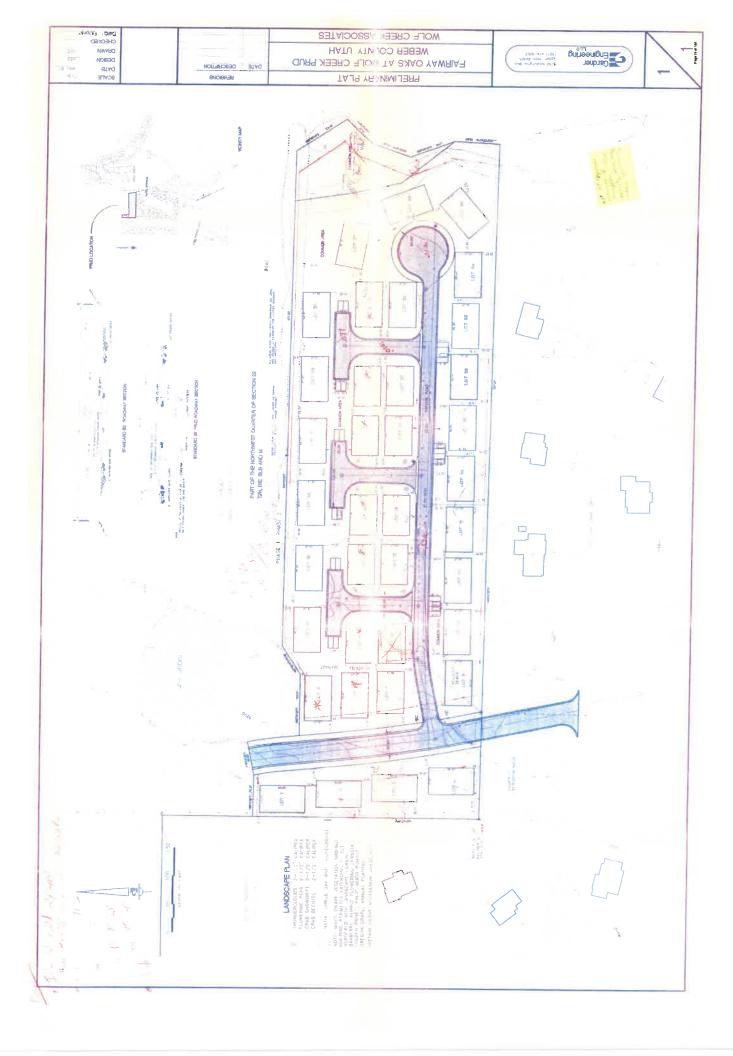
- 7. I provided all the documents to the Fairway Oaks board members and to Steve Burton, a planner at Weber County planning, who approved Heidi's building plan and Tucker Weigh with Weber County Engineering, showing the soil types and the home styles. I wrote to Gage Froerer, one of the county commissioners, multiple times asking the county to accept this information and to use this in deciding in the building permit for the lot above mine, which is lot 22.
- 8. Our HOA denied the building plan for lot 22 provided by Heidi Christiansen because there was no engineering report on stormwater abatement and their building was too close to my foundation. I did not hear until 7/20/21 that they were planning to build without HOA approval because Steve Burton had approved their plan. Neither I nor the HOA was allowed to see the building plan.
- 9. The HOA board met with Ms. Christiansen to ask them (? Them or her) not to build on 7/28/21. They told her they had a buyer for the lot, and she said they would take 7 days to consider and get back to the Board with an answer. They (Heidi?) started the excavation on 8/17/21 without any contact with the Board.
- 10. I believe the structure being built is too close to my home per governmental regulations and that it should not be built.

11. We discussed remedies such as an injunction and I agreed to a retainer with Zane Froerer, and to hiring a soil engineer. I also agreed to get the building permit and other documents to delay this build.

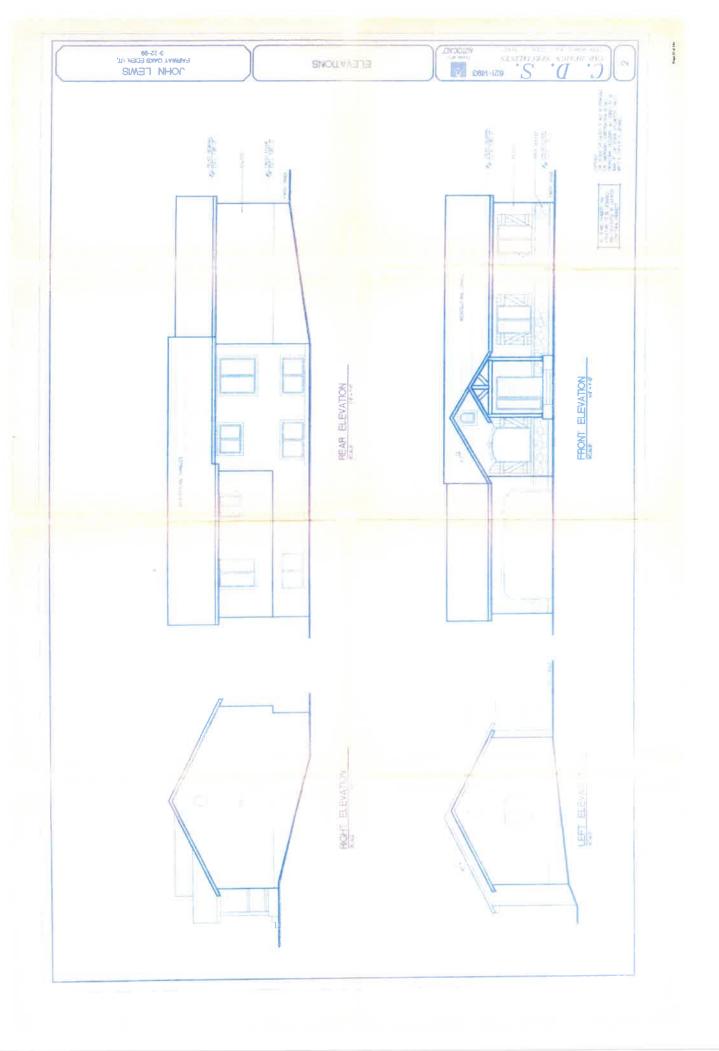
August 24th, 2021

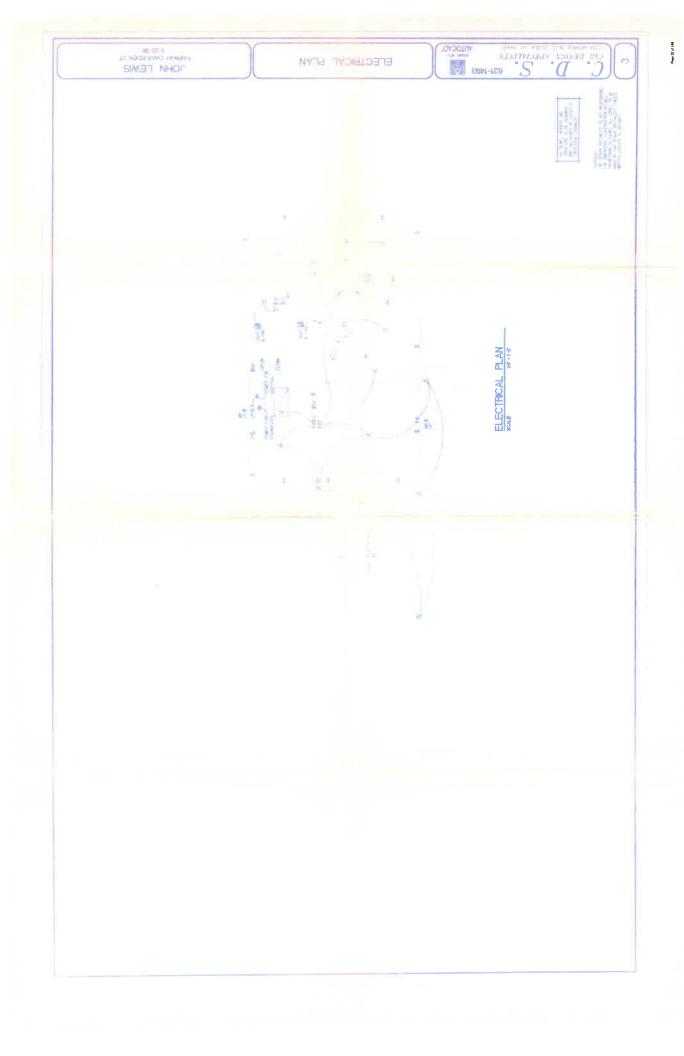
/s/ Angelika Spaey
Angelika Spaey

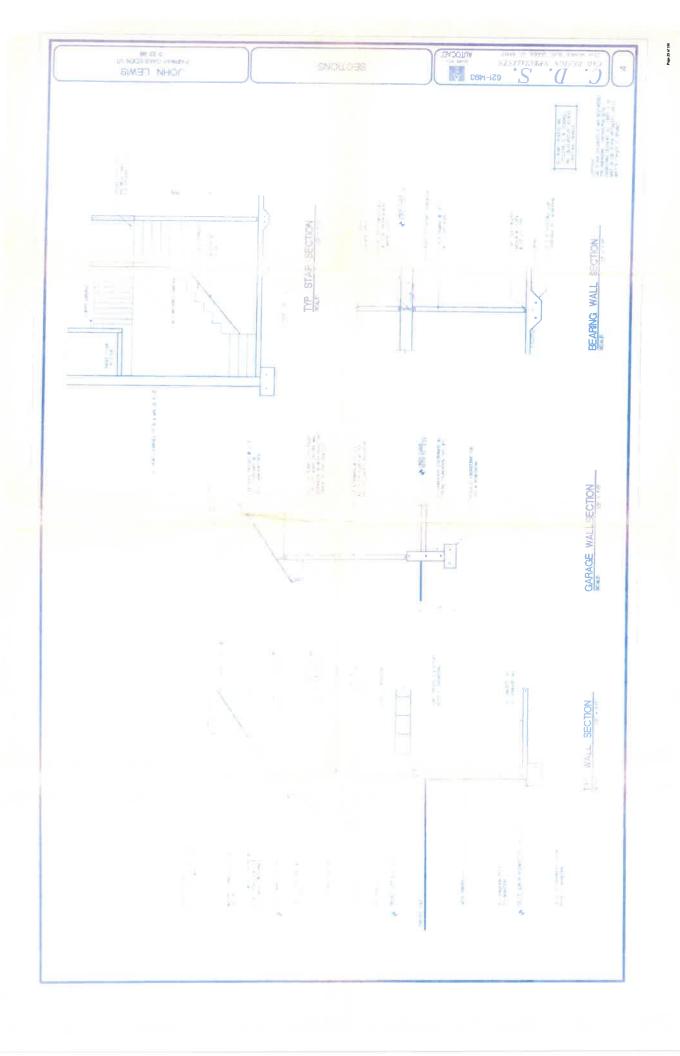












6 of 90 pages

W2686681

When recorded return to:

Fairway Oaks Home Owners Association 4765 E 3925 N Eden, UT 84310

E# 2686681 PG 1 OF 90 ERNEST D ROWLEY, WERER COUNTY RECORDER 16-MAY-14 1153 AM FEE \$225.00 DEP SGC REC FOR: FAIRWAY DAKS HOA

AMENDED AND RESTATED DECLARATION

OF

COVENANTS, CONDITIONS, AND RESTRICTIONS

FOR

FAIRWAY OAKS HOME OWNERS ASSOCIATION

TABLE OF CONTENTS

Article 1 - De	efinitions
1.1	"Acts"2
1.2	"Additional Charges"
1.3	"Articles"
1.4	"Assessment"
1.5	"Association"
1.6	"Board of Directors" or "Board"3
1.7	"Bylaws" 3
1.8	"Common Area"
1.9	"Common Expenses"
1.10	"Common Expense Fund" 4
1.11	"Common Flora Improvements" 4
1.12	"Common Improvements" 4
1.13	"Declaration"
1.13	"Dwelling"4
1.14	"Eligible Mortgagee"4
1.15	"Governing Documents"4
	"Lot"
1.17	"Majority of the Owners"5
1.18	"Manager"5
1.19	"Manager",,
1.20	"Member"5
1.21	"Mortgage"5
1.22	"Mortgagee"
1.23	"Owner"5
1.24	"Owner Improvements, Equipment or Amenities"
1.25	"Percentage Interest"6
1.26	"Plat Map(s)"6
1.27	"Project"
1.28	"Recorder's Office"6
1.29	"Reserve Fund"
1.30	"Rules and Regulations" 6
1.31	"Unit"
1.32	"Vacant Lot" 7
1.33	"Yard(s)" 7
	•
Article 2 - De	escription of Project
2.1	Generally/
2,2	Land
2.3	Lot Location and Description 7
2.4	Common Area
2.5	Yards
2,6	Dwellings
2.7	Percentage of Undivided Interest in Common Area

Article 3 - Ov	yner's Association	3
3.1	Form of Association	3
3.2	Membership	3
3.3	Voting	9
3.4	Bylaws of Association	l0
3.5	Attorney in Fact 1	.0
Article 4 - Bo	ard of Directors	11
4.1	Board Purpose	11
4.2	Board Approvals	11
4.3	Board Authority	11
	·	
Article 5 – Ma	aintenance, Repair and Replacement	13
5.1	Generally	13
5.2	Lots and Dwellings	13
5.3	Common Area	14
5.4	Common Improvements	16
5.5	Owner Improvements, Equipment or Amenities	18
5.6	Noxious Weeds	19
5.7	Aesthetics	20
5.7 5.8	Board Rules / Fines	20
5.8	Board Rules / Filles	
A-tiple C As	esthetics and Architectural Standards	2.0
	Generally	20
6.1	Building and Design Standards	20
6.2	Building and Design Standards	20
6.3	Design Review Board	2 l
6.4	Dwellings	21 21
6.5	Common Area / Yards	21
6.6	Common Improvements	21
6.7	Vacant Lots	~
6.8	Fines	41
Article 7 – Re	strictions on Use	24
7.1	Occupation and Use	22
7.2	Prohibited Occupation or Uses	22
7.3	Commercial / Retail Activities	22
7.4	Outside Libert 111111111111111111111111111111111111	23
7.5	Vacant Lots	23
7.6	I Alloco I Inditional Literature Control of the Con	23
7.7	Clotheslines Prohibited	23
7.8	Outdoor Recreational Equipment Prohibited	24
7.9		24
7.10	Signage	24
7.11	Exterior Lighting	24
7.12	THE POLICE TO VINCENTE AND ALLES AND AND ADDRESS AND A	25
7.13		25

7.14 7.15 7.16 7.17 7.18 7.19 7.20 7.21 7.22 7.23 7.24 7.25	Vehicle Speed Limits Nuisances and Offensive Activity Mailboxes No Hazardous Activity Communication Devices Driveways and Walkways Hot Tubs Animals Dwelling Completion Before Occupancy Long-Term and Short-term Leases/Rentals Effect on Insurance Board Rules / Fines	26 26 26 27 27 28 28 29 29
Article 8 – F 8.1 8.2 8.3	ines	30 30
Article 9 – B 9.1 9.2 9.3 9.4 9.5 9.6 9.7	Association Budget and Estimated Expenses Reserve Fund Line Item Common Expense Fund Reserve Analysis Reserve Fund Funds to be Maintained Separately Recordkeeping	31 32 33 33 33 34
Article 10 – 10.1 10.2 10.3 10.4 10.5 10.6	Owner Payment of Assessments Annual Assessments Special Assessments Collection of Assessments / Failure to Pay	36 37 38 39
Article 11 – 11.1 11.2 11.3	Compliance and Enforcement	41 42

Article 12 - In	isurance
12.1	Property Insurance
12.2	Comprehensive General Liability (CGL) Insurance
12.3	Insurance Coverage for Theft and Embezzlement of Association Funds 43
12.4	Directors and Officers Insurance
12.5	Association Personal Property
12.6	Workers' Compensation Insurance
12.7	Insurance Trustee
12.8	Insurance Trustees; Power of Attorney
12.9	Miscellaneous
12.10	Owner Insurance Coverage
Article 13 – E	Pasements
13.1	In General
13.2	Association Functions
13.3	Governmental Public Services
13.4	Encroachments
Article 14 – I	Damage, Destruction or Condemnation
14.1	Damage or Destruction
14.2	Condemnation
14.3	Authority of Board to Represent Owners in Condemnation 48
14.4	Settlement Proceeds
14.5	Excess Insurance
14.6	Inadequate Insurance
Article 15 – 0	Consent in Lieu of Vote
15.1	Sixty-Day Limit
15.2	Revocation of Written Consent
15.3	Change In Ownership
15.4	Notice
15.5	Statutory Requirements or Restrictions
Antiolo 16 - 1	Limitation of Liability
16.1	No Personal Liability
16.2	Indemnification of Board Members
Article 17 – I	Mortgagee Protection
Article 18 – 1	Expansion / Contraction

ticle 19 – Amendment to Declaration	2
ticle 20 – Miscellaneous	2
20.1 Service of Process	2
20.2 Notices for All Purposes 5	2
20.3 Security Disclaimer	زا
20.4 Mechanics Lien	3
20.5 Severability	3
20.6 Effective Date	4
20.7 Rules Against Perpetuities and Unreasonable Restraints	4
20.8 Liberal Construction	4
20.9 Consistent with Acts5	4
20.10 Covenant Running with Land	4
20.11 "Person", etc	4
20.12 Captions and Exhibits	5

254

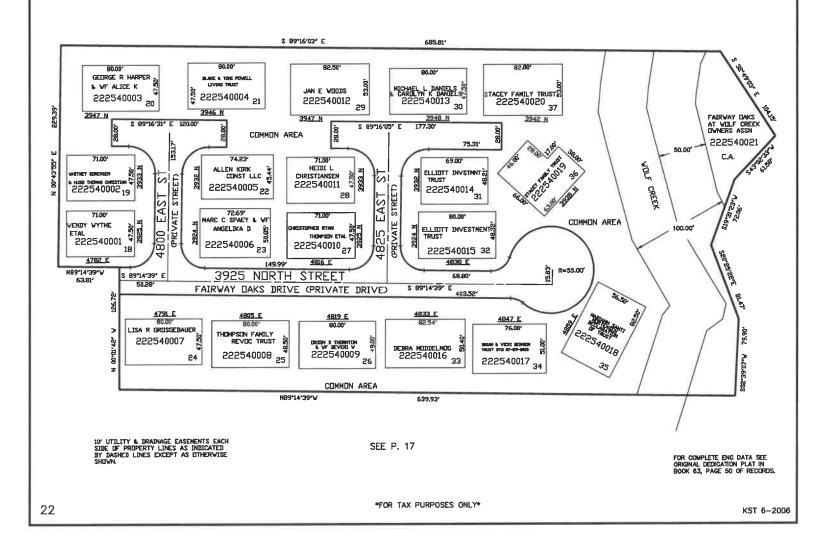
PART OF THE NW.1/4, OF SECTION 22, T.7N., R.1E., S.L.B. & M.

FAIRWAY OAKS AT WOLF CREEK PRUD PH 2 AMD

TAXING UNIT: 203

IN WEBER COUNTY SCALE 1" = 50'

SEE P. 17



Weber County Building Inspections Permit Application

		***	JC1 C0	unty	Pul	iding mape	CUOII3 I CI III	ic Ap	Pilcation		
Date Submitted Date Issued Recei				ceipt Number		Square ft of building Valuation \$425,000.00		Valuation \$425,000.00	Permit Number		
Proposed use of structure						Rough Basement Finished Basement		nished Basement	21U 388		
Single Family Dwelling						Carport sq ft Garag		je sq ft			
Building	address					Parcel Number		508		Building Fees \$2,197.75	
3932 N	4800 E, E	den				22-254-0005	Type of Bldg.	Occ. 0	Group		
Lot Subdivision name							7			Plan Check Fees \$891.71	
22	Fairway	Oaks					No. of Bldgs.	No. stories			
Property location Total property			operty a	rea Total bld. area		1	1		Electrical Fees \$150.00		
							No. of dwellings				
Owner	of proper	ty	1		Pho	ne number	1			Plumbing Fees	
Allen Kir	k Constr	uction LI	LC		801	-698-2064	No. of bedrooms			\$100.00	
Mailing	Address			City -	Zip		3			Mechanical Fees	
				Hunt	sville	,84317	Max occ. load	Fire Sp	orinkler	\$100.00	
Architec	t or Engi	neer			Pho	ne number	i	·		Subtotal	
	gineering				435	-720-2907	Type of improve	ment			
General	Contract	or			Pho	ne number	Build			State Fee	
Allen Kir			.C		801-698-2064		Number of covered parking		kina	\$25.48	
Contract	tors addr	ess	St	ate Lice	nse #	Business Lic	- Humber of covered parking			Storm Drain Impact fee \$1,234.71	
		-55		0976129			No. of off street parking uncovered				
Electrica	l Contrac	tor			Pho	ne number	110. or on street parking uncovered			Wastewater Impact fee	
			-821-3747								
Contract	ors addr	055	C+	ate Lice			Land use fee	Land	d use permit	Roadways Impact fee	
Contract	O S addi	C33		2865175			\$60.00 L		P232-2021	\$1,200.00	
Plumbin	a Contra	ctor			_	ne number	Trails Impact fee			Other Fees	
Durrant :					801-876-6161		\$1,350.00			\$490.00	
Contract			C+	ate Licer			Other Fees			Total Fee	
Contract	ors addin	E33	1	1809-55			\$315.00			\$8,114.65	
Mechani	cal Conti	ractor				ne number					
Ben Lom			Air			782-0655	This application does not become a permit until signed below.				
							Plan Chk. OK by			* merendem (CDACET malantina)	
Contractors address State License # Bu 2366085-5501 Zone Approved				Business Lic	Signature of	11					
			roved By	Signature of Approval	K	aup)	Date 8.13.31				
Disapproved	t	,	C-1-0' D				menced within 180 c	lags pri	If construction or	r construction authorized is not com- work is suspended or abandoned for a	
	infayını Set	ate baoks in Fee	-Sub-Ck. By	11	P	lot Plan	period of 180 days a read and examined t	t any tin his appli	ne after work is co loation and know t	pmmenced. I hereby certify that I have the same to be true and correct. All pro-	
Tront	-	- Ton	100	Prop. Uns		Prop. Line	whether specified h	erein or	not the granting	is type of work will be complied with of a permit does not presume to give	
	_1	, š.) Prop		Prop	construction or the	perform	the provisions of sance of construc	any other state or local law regulating other and that I make this statement	
	te Street			L		louse or se & Gerage	under penalty of perj	ury.			
If Co	rner Lat				А	ttached	*				
NOTE: 0	Indicate STREET					TREET	Signature of Contractor or Authorized Agent Date			Date	
NOTE: 24 hours notice is required for all inspections.					5.	\$ Signature of Owner (If	owner)		Page 31 of 186at()		



Land Use Permit

Weber County Planning Commission

2380 Washington Blvd. STE 240

Ogden, UT 84401

Phone: (801) 399-8791 FAX: (801) 399-8862

webercountyutah.gov/planning

Permit Number: LUP232-2021

Permit Type: Structure Permit Date: 07/14/2021

Applicant Owner

Name: Heidi Christiansen Name: Allen Kirk Construction LLC

Business: Business: Address: 3932 N 4800 E Address:

Eden, UT 84310 , UT

Phone: 801-698-2064 Phone: 801-698-2064

Parcel

Parcel: 222540005

Zoning: FR-3 Area: 0 Sq Ft: Lot(s): 22 Subdivision: Fairway Oaks Ph. 2 Amd.

Address: 3932 N 4800 E EDEN, UT 84310 T - R - S - QS: 7N - 1E - 22 - NW

Proposal

Proposed Structure: SFD Building Footprint: 2554

Proposed Structure Height: 25 Max Structure Height in Zone: 35

of Dwelling Units: 1 # of Accessory Bldgs: 0

Off Street Parking Regd: 2 *Is Structure > 1,000 Sq. Ft? Yes

*If True Need Certif. Statement

Permit Checklist

Access Type: Front Lot Line Alternative Access File # N/A

Greater than 4218 ft above sea level? Yes Wetlands/Flood Zone? No Meet Zone Area Frontage? Yes

> 200 ft from paved Road? No Hillside Review Reqd? No N/A

Culinary Water District: Wolf Creek Water Waste Water System: Wolf Creek Sewer

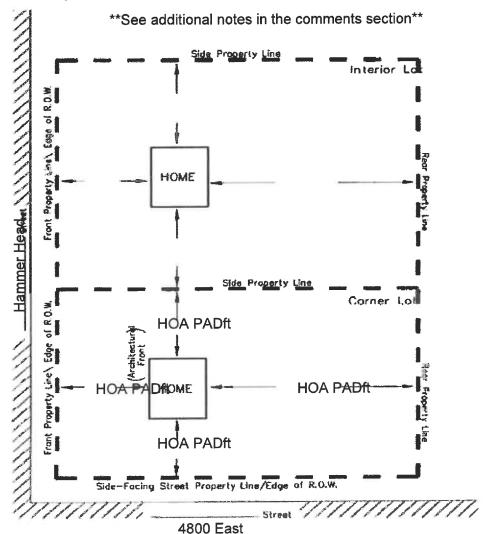
Comments

This Land Use Permit is for a single-family dwelling on building pad #22 of the Fairway Oaks @ Wolf Creek PRUD Phase 2 Amended subdivision. Building setbacks are dictated by the building pad on the subdivision plat (see enclosed). Weber County staff requested correspondence from the Fairway Oaks Design Review Board regarding the architectural and material design of the structure via email 6/24/2021. No response from the HOA was received. With guidance from the Weber County Attorney's Office, Planning staff reviewed the proposed home plans, in the absence of an HOA approval letter, to verify that the home is consistent with the single-family home standards (LUC Sec. 108-15). Staff also found that home to be architecturally and materially consistent with existing homes in the Fairway Oaks community. Ultimately, compliance with any applicable private covenants is the responsibility of the owner. Lastly, all outdoor lighting is required to remain in compliance with LUC Sec. 108-16.



Land Use Permit

Structure Setback Graphic: New Dwelling, Addition, Etc.

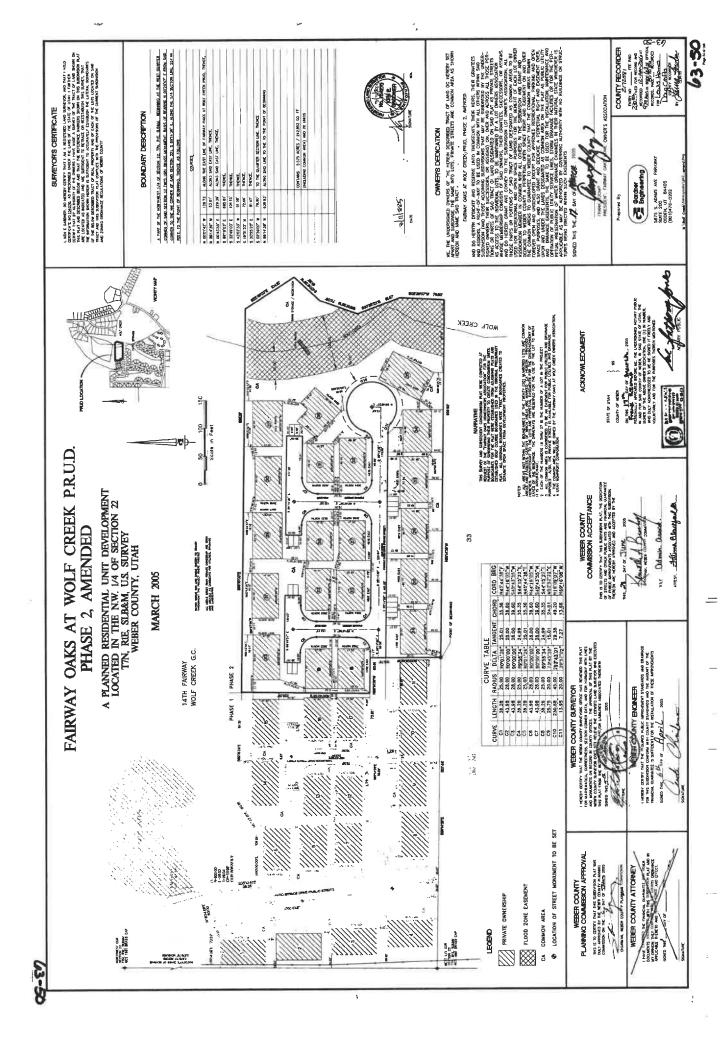


MINIMUM YARD SETBACKS New Dwelling, Addit ion, Etc.

NOTICE FOR APPLICANT (Please Read Before Signing)

Proposals for the installation of an individual water supply and for a sanitary waste disposal system (septic tank) for any structure designed for human occipation must be approved by Weber County Health Department prior to installation.

Scott Perkes	07/14/2021
Planning Dept. Signature of Approval	Date
I hereby certify that I have read and ex and know the same to be true and correct and ordinances governing this land use wi specified herein or not. I make this statem	. All provisions of laws ill be complied with whether
Contractor/Owner Signature of Approval	Date





Fairway Oaks Home Owners Association

Design Review Board Design Guidelines for New Construction, Remodeling, Landscaping, Painting

Primary Contact: Nanci Stacey, DRB Coordinator

Address: 3938 N 4825 E

Eden, Utah 84310

Phone: 949-500-6327

Email: <u>nstacey@gaineslaw.com</u>

TABLE OF CONTENTS

1.	INT	RODUCTION AND PURPOSE.	1				
	1.1	Fairway Oaks Residential Community.	1				
	1.2	Community Theme and Characteristics	1				
	1.3	Design Review Board and Process.					
	1.4	Definitions					
2.	DES	IGN REVIEW PROCESS	4				
	2.1	Review Fees.	4				
	2.2	Pre-Design Meeting.					
	2.3	Preliminary Approval					
	2.4	Final Approval.					
3.	CON	NSTRUCTION RULES AND REGULATIONS	6				
	3.1	Pre-Construction Meeting.	6				
	3.2	Notice of Construction	6				
	3.3	Construction Observation.	6				
	3.4	Four-Way Construction Meeting.	6				
	3.5	Construction Regulations					
	3.6	Construction Commencement and Completion Requirements					
4.	SCH	EDULE OF FINES.	8				
5.	SITE PLANNING.						
	5.1	Driveways.	10				
	5.2	Limit of Disturbance.	10				
	5.3	Paving.	10				
	5.4	Existing Native Vegetation and Landscape.	10				
	5.5	Enhanced Landscaping.	10				
	5.6	Porches, Decks and Terraces.					
	5.7	Lighting					
6.	ARC	CHITECTURE.	11				
	6.1	Purpose					
	6.2	Upper Floors.	13				

	6.3	Roof Form	13
	6.4	Roof Pitch.	
	6.5	Roof Overhangs, Fascias, Gutters, and Soffits.	
	6.6	Covered Entryways and Porches.	13
	6.7	Garage Elevations and Doors	13
	6.8	Front-Loaded Garages.	14
	6.9	Windows.	14
	6.10	Elevated/Walkout Decks	15
	6.11	Skylights.	15
	6.12	Roof Materials and Colors	15
	6.13	Wall Materials	16
	6.14	Building Colors	16
	6.15	Exterior Lighting	16
	6.16	Accessory Structures	
	6.17	Exterior Building Equipment.	17
7.	LAN	DSCAPE.	17
	7.1	Purpose	17
	7.2	Landscape Design Principles.	18
	7.3	Water Conservation.	19
	7.4	Irrigation.	19
	7.5	Plant Material Setbacks	19
	7.6	Minimum Plant Material Sizes.	
	7.7	Shrub and Flower Beds.	
	7.8	Rock and Wood Mulch.	
	7.9	Landscape Grading.	
	7.10	Landscape Installation Timing	20
	7.11	Street Tree-Lawn Landscape.	
	7.12	Landscape Transition Between Lots.	
	7.13	Corner Side Yard Landscape.	
	7.14	Interior Side and Rear Yard Landscape	21
	7.15	Recommended Plant Materials.	
	7.16	Landscape Planning for Wildlife.	
	7.17	Retaining Walls	
	7.18	Temporary Builder Signs.	
DF '	NITZ IN A	O.F.	22
BLA	NNK PA	GE	23

1. Introduction and Purpose

1.1 FAIRWAY OAKS RESIDENTIAL COMMUNITY

The primary objectives of the Design Review Board ("DRB") are to preserve the "mountain village" theme and character of the community to preserve the value and marketability of all homes in the Fairway Oaks Community and to outline a process for managing new construction, remodeling, painting and exterior lighting.

The "mountain village" character and western architectural expression are reflected by a commitment to alpine and mountain design styles and philosophies. Architectural elements that unify the Fairway Oaks "village" theme are characterized by facade and window articulation, stone wainscots, log or timber beams, stucco finish, natural earth-tone exterior palettes and design elements that preserve the identity and consistent architectural theme established in the community. Long porches and outdoor spaces in the community that allow passage of natural light and views from surrounding homes contribute to the sense of openness in the community.

Dark evening skies are highly valued both in the Ogden Valley and by the Fairway Oaks Community. Exterior lighting for safety and conscientious enjoyment of outdoor porches and decks that minimize intrusion to natural night sky and neighboring homes is the Community's philosophical commitment to the Dark Sky Initiative.

(A note to lot owners: If you are providing home drawings as part of your marketing strategy, the DRB encourages you to submit your drawings and concepts so that your buyer is not mislead on possibilities.)

1.2 COMMUNITY THEME AND CHARACTERISTICS

The hillside community of Fairway Oaks has been designed to promote the goals and comply with the standards of the County by preserving natural vegetation, geologic features, wildlife habitat and open space, while minimizing the amount of grading and earthwork to develop streets and lots.

A predominant stone and stucco theme with natural log or timber posts and railings is preferred. Open log or timber trusses have been applied on portico gables. Tongue and grooved ceilings in natural cedar or cedar tones have been used under porches and porticos; however, improved materials that maintain the effect of cedar may be considered. These design elements will be required for the remaining homes to preserve and enhance this dominant alpine character established in the Fairway Oaks Community.

Steel roofing on gables and lower porch roofs is encouraged to contrast with the primary shingle roofing, as another example. (See 3907 N. Patio Springs; 4734, 4737, 4805, 4847, and 4859, all on Fairway Oaks.)

For lots next to the 14th Fairway, stone accents may be required for the <u>full height of walls</u>, on two story homes, which repeats the pattern established by current homes along the Fairway, (see 3839 N 4825 E; 3946 N. 4800 E.; 3946 Tanglewood Ct.)

Stone wainscot will be required on all four sides of the home. Modifications to this requirement may be justified with tasteful architecture elements, such as bay windows, or major window walls that provide a break to large bare wall spaces, as well as to provide a spectacular view of the mountains.

The maximum roof peak height for internal lots, those not along the north and south boundaries of the project, will be 24' above top of stem wall for flat lots; and the stem wall top surface is no more than 9" above highest point of current natural grade. The maximum height for a home on a lot with a slope drop of 6' or more will be measured from the lowest point in the lot.

Facade articulation shall have a minimum of three changes on the entry side of the home and a minimum of two changes on the remaining sides of the home.

Setbacks shall be the more restrictive of either the traditional setbacks established by homes constructed up to the adoption of the Amended and Restated Covenants, Conditions and Restrictions dated May 16, 2014, or building envelope designated by the Subdivision Map approved by Weber County, State of Utah.

The ratio between the square footage of the Lot ("Building Envelope") and the square footage of the heated space within the Building Envelope shall not exceed 1 to 1. For example:

- An 80'x 50' Lot = 4000 square feet
- Three car garage $30' \times 30' = 900$ square feet
- Wrap around porch 65' x 8' = 520 square feet
- Back deck 20' x 12' = 240 square feet
- First floor heated space = 4000 900 520 240 = 2340
- Second floor heated space maximum = $4000 2340 = \underline{1660}$

The Design Guidelines, at a minimum, comply with existing applicable Weber County Codes or Regulations.

1.3 DESIGN REVIEW BOARD AND PROCESS

The DRB will review and approve all proposed development plans and submittal documents prior to submission to the County. No work may be performed in Fairway Oaks project without prior approval of the DRB.

Please refer to Exhibit A, DRB Application, at the end of this document. It provides the process outline to be followed as part of proposing new construction, or remodeling.

The Design Guidelines are subject to interpretation by the DRB and may be amended from time to time to meet specific site or functional requirements consistent with the objectives of the Design Guidelines.

1.4 DEFINITIONS

Capitalized terms used but not defined in these Design Guidelines will have the meanings given them in the Fairway Oaks CC&Rs. When used in this document, the following terms will have the meanings set forth below:

- Applicant The owner(s) seeking to construct improvements upon the owner's Lot within the Fairway Oaks Planned Residential Unit Development who applies to the Design Review Board (DRB).
- Application The materials an Applicant must submit to the DRB for approval before constructing any improvements on the Applicant's Lot.
- Builder Refers to the entity that constructs improvements on a lot on behalf of the Owner.
- CC&R's Refers to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Fairway Oaks Homeowners Association dated May 16, 2014 (Fairway Oaks HOA).
- County Refers to Weber County, State of Utah.
- County Codes and Standards Refers to all Ordinances, Resolutions, Engineering Standards and Specifications that are officially adopted Weber County, Utah.
- Common Area Refers to all real and personal property, including easements, belonging to and maintained by Fairway Oaks HOA for the common use and enjoyment of the residents.
- Community Fence Refers to the approved community fence prototypes built along the perimeter of a parcel, along a street, common area, or open space/amenity area which are owned and maintained by the HOA.
- Construction Any activity pertaining that requires any permit or approval.
- Design Guidelines Refers to the Design Guidelines which provide architecture and other design criteria for all residential development and provide a basis for the decisions and recommendations of the Design Review Board.
- Design Review Board (DRB) Refers to the Design Review Board established by the Fairway Oaks Board, authorized to review and submit to the Board for approval all development proposals based on the requirements of the Design Guidelines.
- Lot Refers to an area of land for construction of a home to be held in private ownership. "Lot" includes any Unit, as that term is defined in the Declaration. "Lot" refers to the "Building Envelope" as referred to by Weber County, for a PRUD platted with Common Areas surrounding the Lot.
- Owner Refers to the titleholder of a lot.

- Single-Family (Homes and Lots) Generally refers to detached single-family home sites.
- Visible from Street Shall mean, with respect to any given object, that such object is or
 would be visible to a person six feet tall standing on the stated point on the level of the base
 of the object being viewed.

2. DESIGN REVIEW PROCESS

2.1 REVIEW FEES:

The DRB will assess a fee to cover the reasonable cost of reviewing an Application, including the reasonable cost of hiring architects, engineers, or other professionals to review the Application. The review fee is \$2,500, due at the time the Application is first submitted to the DRB. The Applicant is given two complimentary meetings. The DRB will charge the Applicant an additional \$500 for each additional meeting, necessary because of Owner or Builder no show, inaccurate documents, such as plans and specs drawings. The application fee will be returned in whole or in part based on the documented expenses incurred by the HOA DRB to obtain guidance and opinions.

The Boards are volunteer for two initial meetings. However, for the extra meetings, as mentioned above, or for time required to police or guide/manage the project due to poor project management, by the Owner or their Builder, the respective Board member will be engaged by the HOA as an agent and will be paid \$50 per hour for time billed to the HOA for such purposes. Should the Board look outside for a person to perform this service, their rate would be assessed the Owner. The Board may require fees be paid in advance, as with a retainer. Owners must understand that the HOA looks to the Owner of the Lot, not the builder, for compliance with DRB Guidelines, and CC&Rs. Any action required by our volunteer boards to keep the project in compliance will be billed to the Owner!

An Applicant will also be required to submit a security deposit in the amount of \$5,000 to ensure that the Applicant and its design professionals, builders, contractors, agents, and representatives comply with these Design Guidelines. This fee must be paid to the HOA before any building activity such as excavation commences. This fee is fully refundable if no violations are cited throughout the construction process. (Please refer to sections 6 and 7 for a list of requirements and fines.)

The \$5000.00 security deposit is a minimum. However, it may be raised based on the judgment of the Board of Directors. As a guideline, it could be raised to approximately 10% of the estimated market value of the proposed home including lot. This action may be taken by the board to protect the Association against poor building practices, previous direct experience with the owner or builder, experiences of other communities with the owner or builder; rude, inconsiderate, threatening behavior, such as physical threats, name calling, threats to sue. As the watch dog for the community, its appearance and its funds, the Board of Directors has complete discretion to make these determinations.

The DRB will have the discretion to impose a smaller security deposit for projects whose total estimated construction value is less than \$50,000. For landscape modifications to existing homes, for example, typically no fee is collected.

As stated, the security deposit will be refunded if the Applicant fully complies with these Design Guidelines. The DRB may also, at its option, apply the security deposit to the cost incurred by the DRB in correcting an Applicant's violation of these Design Guidelines, or to the cost of any other damages suffered by the DRB or the Association because of the violation. The DRB will return the security deposit (without interest) to the Applicant upon satisfactory completion of construction, if the Applicant has fully complied with these Design Guidelines. The DRB may refuse to review an Application until the review fee or security deposit is paid. The DRB may reasonably increase the amount of the review fee or the security deposit at any time to account for increasing costs.

2.2 PRE-DESIGN MEETING

Before applying and selecting a design, the Owner or its design professional must contact the DRB to schedule a pre-design meeting, and the **Owner and its design professionals** must attend the pre-design meeting with a DRB representative at the Lot. The purpose of this meeting is to review these Design Guidelines, clarify the requirements of the Application, and discuss any unique conditions and opportunities of the Lot. The DRB may reject any Application if the Owner and its design professionals fail to attend the pre-design meeting. **There is no charge for this meeting.**

2.3 PRELIMINARY APPROVAL

After the selection of a design approved in concept by the DRB, the Owner must submit an Application, including the \$2500.00 review fee, along with the documents requested on the Application Form. These include: (a) conceptual drawing of the dwelling, showing type of roofing and siding selected, location of garage, expected height to highest peak, locations for stone and detail for various siding selections, location for exterior sidewalks and decks; (b) conceptual landscape drawing, showing location for plantings, flower beds, selection for flower bed edging, retaining walls, material to be used on retaining walls or garden barriers. The DRB may: (a) preliminarily approve the Application, (b) preliminarily approve the Application subject to certain conditions, (c) preliminarily approve portions of the Application while disapproving other portions, or (d) disapprove the Application. Preliminary approval of the Application will not vest any right in the Applicant to make any of the proposed improvements.

2.4 FINAL APPROVAL

After receiving preliminary approval of the Application, the Applicant shall submit the Application for final approval. The DRB will make a final determination on the Application within 30 days after the Application has been completely submitted in accordance with these Design Guidelines. The DRB may: (a) approve the Application, (b) approve the Application subject to certain conditions, (c) approve portions of the Application and disapprove other portions, or (d) disapprove the Application. All conditions set forth in the preliminary approval of the Application must be fulfilled to the DRB's satisfaction before final approval will be granted. The DRB decision must be approved by two of the three Directors.

3. CONSTRUCTION RULES AND REGULATIONS

3.1 Pre-Construction Meeting

After the Application is approved, the Owner must contact the DRB to schedule a pre-construction meeting, and the Owner and its builder must attend the pre-construction meeting with a representative of the DRB at the Lot. The purpose of this meeting is to review the construction rules and regulations set forth in these Design Guidelines. There is no charge for this meeting.

3.2 Notice of Construction

At least seven days before beginning construction on the approved improvements, the Owner must provide the DRB with a written notice of construction. This notice must include a construction schedule and the contact information of the Owner, builder, construction supervisor (and other necessary individuals, as requested by the DRB, if not previously provided).

3.3 CONSTRUCTION OBSERVATION

The DRB may, but is not obligated to, make periodic visits to the construction site to observe compliance with the approved Application and these Design Guidelines. The DRB may require that construction cease until all violations are cured, without liability to the DRB for any resulting delays in construction. The DRB may also report any violations to the Board, which may fine the violator in accordance with Section 1.24 of these Design Guidelines.

3.4 FOUR-WAY INSPECTION MEETING

Upon completion of framing, HVAC, plumbing, and electrical, the Owner (or its builder) must contact the DRB to schedule a meeting at the Lot with a representative of the DRB. The purpose of this meeting is to review the exterior material choices and colors, along with the landscaping plan. There is no charge for this meeting. However, if not scheduled by the Owner (or its builder), a fine may be charged for violation of these Guidelines. The meeting may be waived by the DRB if all choices were presented during the Application Approval process and there have not been any changes.

3.5 CONSTRUCTION REGULATIONS

During construction, the Owner and its builders and contractors must strictly comply with the following regulations and will be responsible for ensuring compliance by their respective employees and contractors:

- 1. The Owner and its builder must satisfy all requirements of the County Building Inspection Department and the requirements of any applicable public and private utilities including Wolf Creek Water Company, Wolf Creek Sanitary Sewer District, and Wolf Creek Water Conservancy for the hook-up of water, sewer, power, gas, telephone, and any temporary use of such services. The use of jumpers, secondary connections, or fire hydrant tampering for the use of water during construction is prohibited.
- 2. Portable chemical toilet facilities must be in place at the time construction begins and must be placed within the limits of disturbance. Such facilities must be serviced regularly,

must be secured against high winds, may not be stored on the shoulder of the road, and must be removed when construction is completed, or construction is halted for more than 30 days.

- 3. During construction, dumpsters or trash containers must be maintained on the Lot within the limits of disturbance and must be covered. Such facilities may not be stored on the shoulder of the road without prior written approval from the DRB. At all times the builder will keep the construction site and roads clean and free of rubbish and debris, and rubbish or debris may not be stockpiled outside of the dumpster. These facilities must be emptied regularly, serviced as needed, and removed when construction is completed, or construction is halted for more than 30 days.
- 4. Construction materials may not be stored on roads or shoulders of roads without DRB written approval. All construction materials and equipment must be stored within the limits of disturbance on the Lot.
- 5. No construction work may start before 7:00 a.m. or continue after 7:00 p.m. No construction work may be conducted on Sundays or on the following holidays: Christmas, New Year's Eve, Memorial Day, Labor Day, and Thanksgiving. Interior finish work will be allowed after hours, but only with written approval of the DRB.
- 6. Concrete trucks will not be allowed to wash out on roads or shoulders of roads in the Project. The builder will be responsible for providing a wash site for the trucks within the limits of disturbance and will be responsible for ensuring that the material washed from the trucks does not leave the limits of disturbance and is ultimately removed from the community.
- 7. All construction-related deliveries will take place during the permitted construction hours listed in paragraph 5. All loading, unloading and hauling on roads will comply with County ordinances. Builders must post signage and employ flaggers during staging that occupies more than 1/3 of the width of the road.
- 8. County dust and noise abatement ordinances and dust and noise regulations established by the DRB from time to time will be observed during construction.
- 9. Construction equipment and vehicles (including employee vehicles) may be parked only within areas designated by the DRB. Overnight parking is prohibited. Vehicles parked in violation of this paragraph may be towed at the vehicle owner's expense.
 - 10. No pets are allowed on the construction site.
 - 11. Possession of firearms or hunting within the Project is prohibited.
- 12. The construction site will be maintained, and excavation and grading will be carried out, in accordance with County ordinances, so as not to impact adjacent property.
- 13. Silt fencing must be properly installed around the perimeter of the Lot (except in the front yard) before construction begins, to provide erosion control and to confine construction materials within the limits of disturbance of the Lot.

- 14. Snow may not be removed from the construction site and placed on adjacent property. Snow lying in areas outside the limits of disturbance on a Lot may not be removed.
- 15. Builders will clean up debris that accumulates on adjacent property because of the builder's construction activities. The DRB may at any time require reasonable expanded site cleanup, including roads, open spaces, and trails adjacent to the construction site.
 - 16. All road regulations will be strictly enforced as posted.
- 17. All construction signage will comply with Fairway Oaks CC&Rs and Rules and Regulations. Any construction signage that does not comply may be removed by the DRB at the expense of the person who installed the sign.
- 18. At no time will the removal or modification of the following items be allowed: roads, curbs, road shoulders, and landscaping. The Owner will be responsible for any damage to these items resulting from construction activities on its property.

3.6 CONSTRUCTION COMMENCEMENT AND COMPLETION REQUIREMENTS

If construction does not commence (defined as footings and foundations poured or otherwise installed) on a project for which plans have been approved by the DRB within one year after the date of approval, such approval shall be deemed withdrawn and it shall be necessary for the Owner to reapply for approval before commencing any activities. Once construction is commenced, it shall be diligently pursued to completion.

All work shall be completed within one year of commencement unless otherwise specified in the notice of approval or unless the DRB grants an extension in writing, which it shall not be obligated to do. If approved work is not completed within the required time, it shall be considered nonconforming and shall be subject to enforcement action.

4. SCHEDULE OF FINES

Fines may be assessed as a Specific Assessment against the Owner and its Lot. Fines may also be deducted from the Owner's Deposit. All fines will be assessed by the Fairway Oaks HOA Board.

Violation/Infraction	<u>Fines</u>
Failure to build per DRB-approved plans	\$500 per occurrence
Failure to complete project including landscaping within two years from start of construction	\$500 per day
Concrete wash-out anywhere outside of Lot	\$500 plus cleanup cost

Damage to roads during construction	\$500 plus cost of repair
Damage to water or sewer system during construction	\$500 plus cost of repair
Damage to adjacent property during construction	\$500 plus cost of repair
Failure to control dust during construction	\$500 plus cost of cleaning exterior of neighboring homes
Improper disposal of construction materials	\$400 plus cost of disposal
Storage of construction material or equipment on roads	\$200 per day
Failure to properly install silt fence around perimeter of Lot	\$100 per day
No portable toilets on construction site	\$100 per day
Speeding on roads (≤25 MPH)	\$50 per infraction
Nuisance infraction: Includes, without limitation, excessive noise on construction site, construction before or after permitted construction hours, allowing pets on construction site	\$50 per infraction
Failure to maintain dumpster or trash container on construction site	\$25 per day
Construction material blowing off construction site	\$25 per infraction

5. SITE PLANNING

5.1 DRIVEWAYS

Driveways shall meet the width and spacing requirements identified in the Design Guidelines. Driveways steeper than an average of 10% will require DRB approval. A single driveway may only access each site. Shared driveways may be considered but must be approved by Weber County and the DRB. Driveway access is to be resolved in the Pre-Design Conference. Driveways should be as narrow as possible at the street approach and widen as they approach the building. In addition, the orientation of the driveway in relation to solar orientation in order to minimize snow shedding is to be carefully considered.

5.2 LIMIT OF DISTURBANCE

Limits of disturbance are defined by the boundaries of the "Building Envelope", defining the area in which construction, grading, filling, and vegetation removal may occur. No grading or vegetation removal shall take place outside of the approved limits of disturbance, except as approved in the Final Approval of the landscape plan, by the DRB. Any revision to these limits of disturbance shall require the review and approval of the DRB and possibly Weber County.

5.3 PAVING

It is the goal of Fairway Oaks to limit the impervious cover of the lot to the optimum area commensurate with the needs of access and gracious living. Excessive areas of pavement will be discouraged. Paving materials for driveways, paths, steps, patios and other areas should have a dull, nonreflective surface and color that blends well with the natural surroundings. Driveways are encouraged to be colored concrete, pavers, stamped colored concrete or natural stone. Asphalt paving is permitted, but a minimum 12" wide concrete edge is required to maintain the integrity of the paving. Asphalt thickness and base shall conform to the requirements of the sub-grade conditions.

5.4 EXISTING NATIVE VEGETATION AND LANDSCAPE

During construction, the intentional or unintentional removal of, or damage to, any existing vegetation, other than those specifically approved by the DRB for removal, is a violation of the CC&Rs and all appropriate remedies therein will be invoked in such cases. The DRB reserves the right to require approval for removal of trees, and native vegetation.

5.5 ENHANCED LANDSCAPING

To enhance the existing natural landscape, additional vegetation should be provided to compliment the native species and be compatible with the existing natural environmental and ecological conditions.

5.6 PORCHES DECKS AND TERRACES

Outdoor living spaces are essential to the character and appeal of the residential design. Not only are long outdoor patios, decks and terraces an enjoyment to the home owner, but contribute the philosophical underpinnings of Design Review to enhance the feel of openness and provide access

Fairway Oaks HOA October 8, 2019

Design Guidelines

to natural light and view corridors to the community. Porches, decks and terraces should be designed to be an extension of the architecture while also responding to the surrounding landform.

5.7 LIGHTING

Both exterior and interior lighting are of paramount importance to the Community. Exterior lighting for safety and conscientious enjoyment of outdoor porches and decks that minimize intrusion to natural night sky and neighboring homes is the Community's philosophical commitment to the Dark Sky Initiative.

"No outdoor lighting is permitted unless such lighting is designed and installed to aim downwards and limit the field of light to the confines of the Dwelling or Lot upon which such lighting has been installed. Exterior lighting fixtures shall not direct excessive lighting into any other Dwelling or Lots...Whenever possible, efforts should be made to ensure that both indoor and outdoor lighting is not unreasonably offensive to surrounding property owners. No excessively bright indoor lighting, such as industrial lights, floodlights, workroom lights, or fluorescent lights are permitted after dark. In order to ensure compliance with [the Fairway Oaks CC&Rs] Section 7.11 throughout the entire Project, the Design Review Board may require removal and/or replacement of any non-compliant or nonconforming lighting that may have been installed prior to or after recording of [Fairway Oaks CC&Rs]." (CC&Rs, Section 7.11, P24-25).

Installation of exterior lighting for emergency safety use only, shall be an exception.

6. ARCHITECTURE

6.1 The objective of the Design Guidelines is to create pleasing and appealing residential structures that are suitable and complementary to the beauty of the mountain setting that is Fairway Oaks. In addition, the structures should relate to a human scale with homes designed to not be overwhelming nor overpowering to this environment. There is no one "style" but a unifying principle of design that is to be adhered to. A thoughtful approach to these principles is expected by the DRB of all owners, builders, architects and other design professionals. Anything that is too massive, does not maintain well defined proportions and contextual detailing will not be approved by the DRB.

Key features of these design principles include:

- Low-pitched gable roofs.
- Avoidance of large areas of symmetrical massing.
- Decorative beams and braces usually added under gables.
- Front porches (sometimes side and rear).
- Porch supports of either log or square timber,
- Hip roof forms engaging gable and clipped hip roofs as accents.
- Stone wainscots.

- Clean but heavier (built-up) fascia.
- Materials and detailing which express the structure of the building (such as timbers, exposed wood trusses,).
- Natural materials and stucco finishes.
- Interesting and varied streetscape architecture, which de-emphasizes and mitigates the impact of garages. Usable front porches, covered entryways, varied garage orientations and setbacks are important components.
- Articulated building forms, including a combination of single and multiple-story building forms and elements, which provide transitions to individual sites and adjacent houses, as well as a comfortable scale in relationship to human proportions.
- Log homes are not allowed.

Principles to achieve a scaled and articulated building include:

- Avoiding large unbroken wall planes and windowless elevations
- Mitigating the impact of garages by integrating them into the building mass and design, and with mid to darker colors.
- Avoiding large, unbroken wall planes on all elevations and windowless elevations. The use of material banding (i.e. masonry bases), bay and box window elements, cantilevers, wall plane off-sets, upper floor setbacks and covered decks and porches are encouraged to break up elevations and provide visual interest. These elements will help to negate flat, undesirable building elevations, particularly for homes on rear walkout lots.

Building masses are required to step down to lower heights at the perimeter of the structure. Proposed structures with more than one level should have different areas in terms of space on each level. Facade articulation shall have a minimum of three changes on the entry side of the home and a minimum of two changes on the remaining sides of the home. The DRB will typically disapprove of structures that are "boxy" due to the massive appearance of homes with similar floor areas on two levels.

Small cantilevered areas may be considered, but significant volumes of space over negative spaces must be avoided. Homes that favor the lower floor area will be more successful in meeting the requirement that the lower masses occur toward the outside edges of the home. The DRB will take into account the specific character of both the site and the proposed architectural response. Structure massing will be a significant topic at the required site meeting prior to beginning design.

6.2 UPPER FLOORS

Consideration should be given to the design of upper levels and how these masses will appear from streets, adjacent parcels, or common areas. Variety will be achieved by "moving" upper level orientations and locations. Avoid repetitive forms over garages.

6.3 ROOF FORM

In general, a simple, dominant roof form should be used in conjunction with complimentary, secondary, and minor roof forms and elements. The dominant roof form should generally be oriented from front-to-back in order to lower apparent roof heights and reduce the impacts of high gable roof ends from the street. Gables, dormers, and other smaller roof elements should be proportional to the spaces they cover and to the overall roof sizes and forms.

6.4 ROOF PITCH

The pitch or slope of main body roofs shall be consistent with the selected architectural style and will generally be a minimum four-to twelve (4:12) and a maximum eight-to-twelve (8:12). Steeper or shallower roof pitches will be considered on a case-by-case basis by the DRB.

6.5 ROOF OVERHANGS, FASCIA, GUTTERS, AND SOFFITS

Roof fascia, gutters, and soffits, should be colored to closely match roofing color, to provide mass.

The minimum roof overhang for all main body roofs shall be 18 inches. The roof overhang for secondary roof elements may vary in order to achieve a consistent fascia line. Eaves, fascias and soffits shall be detailed appropriately for the scale and form of the roof structure.

6.6 COVERED ENTRYWAYS AND PORCHES

A covered entryway compatible with the architectural character of the home is required for the front door on all residences. This may be accomplished by use of a porch, Porte Cochere, second floor overhang, skirt roof, etc. Minimum covered area is 36 square feet with a minimum clear width dimension of 6 feet and a 6-foot depth to create a usable porch area. Porch railing, when utilized, must have wood elements; such as log railing and spindles, solid timber railings with round or square metal spindles.

6.7 GARAGE ELEVATIONS AND DOORS

Garage doors shall neither dominate the residence, nor be emphasized as a focal point when viewed from the street. However, it being a goal of the Fairway Oaks CC&Rs to discourage the parking of any vehicles along the common property roadways (CC&Rs, Section7.13, P 25), garage size and practical function shall govern form. The function of the garage is to accommodate two vehicles - one of which would be a standard size automobile and the other of which would be a full size pick up or SUV.

- Garage doors should either be the same color as the body of the house or slightly a darker shade of the same color. They should not be lighter or darker enough to call attention to themselves.
- Large unbroken wall masses above garage doors will not be approved by the DRB.
- Side-loaded garage configurations are strongly encouraged, with access from both the side property line or in front of the main entry where possible.

- Garage doors shall be recessed into the garage elevation a minimum 12-inch depth (which may include the door trim or built-up edge around the door).
- The exposed facade above the garage doors should not exceed 18 inches (as measured from the top of garage trim to the bottom of the roof fascia).

Doors taller than 9 feet serving garages for recreational vehicles require DRB approval. Considerable care during design will be required to appropriately integrate doors of this size into the scale and character of the home.

All garage doors shall be sectional roll-up types only. Acceptable materials include manufactured wood, natural wood or metal doors, painted or stained to match the home.

6.8 FRONT-LOADED GARAGES

Front loaded garages are discouraged. Three-Car garages are required to have offsets between the front face of the double and single bay or door. When Front Loaded garages are unavoidable, the garage doors should be placed further from the street than the façade of the house. Doing so leaves the house as the main focal point of the architecture.

Staggering the front setback of homes to enhance the interest and variability of the street scene such that no two homes adjacent to each other have the same garage setback is a desirable strategy. Adjacent garage setbacks should vary by a minimum of 4 ft.



6.9 WINDOWS

All windows and other openings shall be articulated with trim material appropriate to the style for all elevations. Color of window casing should be close to siding color, or darker.

The placement, size and detailing of basement-level windows on walk-out homes should also be consistent with the home's architectural style and compatible with other windows on the home.

6.10 ELEVATED/WALKOUT DECKS

The design of elevated decks, (located at the main level of a walk-out lot), including their materials and colors, shall be consistent with and complimentary to the main structure and not appear to be "tacked on" to a house. All vertical elements (railings, supports, columns), fascia and overhead

structures shall be painted or stained to reflect natural wood tones, to match the main structure, or with the color schemes approved by the DRB, and not left to weather naturally. Deck posts shall be a minimum of 8 inches in section unless grouped (2 or more posts) or enhanced with a built-up wood or masonry base. The column size and spacing in relation to height is critical to creating proportions that are aesthetically pleasing.

Covered decks are encouraged and should incorporate building and roof forms consistent with the home. However, covered porches, integrated to the primary dwelling, are limited to the dimensions of the Building Envelope, as per Weber County regulations.

Special attention shall be given to stairway construction as it connects from the deck to grade. Running the stairs along the side of the home or adjacent to the deck is encouraged. Stairs shall be constructed of similar materials to the deck and its handrails and supports.

Decks should be designed so that stairs and railings do not conflict with windows, and the form and extent complement the exterior elevation.

Decks must be contained within the "building envelope", as shown on the plat map dimensions, if their footings and supports are integrated into the foundation. They cannot extend into the common area unless approved by the DRB and County.

6.11 SKYLIGHTS

Skylights, when provided, shall be integrated with the roof design and parallel to roof pitches. Skylight glazing should be flat and clear, solar bronze, or gray. Bubble skylights and reflective glazing are not permitted. Framing material color shall be copper, bronze, or colored to match the surrounding roof.

6.12 ROOF MATERIALS AND COLORS

Proper selection of roof materials and colors is an important element in distinguishing the character of the home and should complement the color scheme of the house. Acceptable roof materials include dimensional and standard composition shingles and concrete tile and slate seam) are also acceptable.

- Dimensional Composition Shingles must be a 30-year minimum grade with a dimensional ridge. Blended shingle colors rather than a single-color look is encouraged.
- Concrete Tile color and profile of concrete tile should be appropriate to the architectural style. Concrete tile colors shall have an integral flashed finish or be a blend of homogenous colors.
- Metal roof panels are to be non-reflective. Weathered Corten steel, copper or tern steel will be allowed. Painted colors are to be "earth-tones". Bright colors such as red, blue, green, are not allowed. Provisions for snow shedding are to be implemented.

6.13 WALL MATERIALS

The essential requirement is that the material selection and its detailing successfully contribute to the creation of the desired architectural character of the home. As such, multiple wall materials should blend harmoniously with one another and frequent material changes shall be avoided. In general, no more than two dominant materials should be used per home. Materials should wrap architectural elements in their entirety or wrap corners, as appropriate.

- Stucco walls shall be two coats or three coats applications. Stucco finishes should not be heavy and/or irregular. Stucco substitutes, including staccato board will not be permitted. Warm and neutral, medium to dark, not cool, colors are acceptable.
- Acceptable exterior siding materials include: stucco and stone (required), manufactured
 and natural wood siding, cedar shingle siding, board and batten siding, and Hardy Board.
 Materials not permitted are aluminum siding, vinyl siding, brick, reflective materials,
 unfinished concrete or concrete block.
- Manufactured or natural wood, or other horizontal siding shall not be less than a 6-inch lap dimension on all elevations. Grooved plywood is not acceptable.
- Shakes or shingles, both natural wood (true cedar) and manufactured shingles will be permitted.

Wall siding materials shall be connected to within six (6) inches of finished grade on all elevations with edges not to exceed 12-18 inches for side elevations or walkout conditions.

6.14 BUILDING COLORS

Enriched, earth-tone colors are encouraged, while bright and pastel colors are not allowed. Accent colors should be used with discretion. Trim colors should accentuate roof forms and colors, window and door color

Proposed colors when presented to the DRB must adequately indicate the tones and hues of the proposed color in its final application. Small color samples often do not accurately depict how the color will appear on large expanse of wall or real construction materials. The DRB may require the color be applied to an area of the house prior to approval.

6.15 EXTERIOR LIGHTING

The beauty of the night sky at Fairway Oaks will be protected by the judicious use of lighting. The objective is to minimize lighting on the mountain. The unnecessary use of light will therefore be prohibited in the interest of maintaining a quiet nighttime environment. All light sources shall be shielded and directional, discretely illuminating only essential areas. No fluorescent or sodium vapor lighting will be allowed. All lighting must comply with the Ogden Valley Night Sky Ordinance.

Fairway Oaks HOA October 8, 2019

Design Guidelines

All exterior building lighting shall be designed to avoid spilling onto adjacent residences. Decorative building lighting shall be designed to reduce harsh glares by illuminating downward and minimizing lateral effects. Light fixtures with cut-off or concealed light sources are required. This may include wall sconces, recessed lighting, soffit lighting, and directional lighting.

Concealed light sources are preferred. Lighting shall illuminate the entry and pedestrian path from the street. Additional landscaping lighting may be used to augment or provide additional illumination of the home and site but must not spill onto adjacent residences.

6.16 ACCESSORY STRUCTURES

Accessory structures, such as mailboxes, garden/utility storage sheds, green houses, gazebo's and detached garages are not permitted.

6.17 EXTERIOR BUILDING EQUIPMENT

- Mechanical, Electrical, and Communications Equipment. All mechanical and electrical equipment, including but not limited to air conditioning condensing units, soft-water tanks, cable television boxes, security apparatus, transformers, telephone boxes, and electric and gas meters, must be integrated into a building's design, screened from public view. Airconditioning and evaporative cooling units may not be located on roofs, in windows, or mounted on the sides of buildings. Air-conditioning units located at ground level, must be within the building envelope, adjacent to buildings they serve, but away from bedroom walls of adjacent homes, and screened from public view with appropriately detailed wall matching the character of the home.
- Antennas and Satellite Systems. Television antennae and satellite dishes two feet in
 diameter or smaller shall be installed at the lowest possible level, screened from public
 view, and placed in the rear or side yard such that acceptable signal reception is not
 impaired. Citizen band radio antennae and satellite dishes greater than two feet in diameter
 are not permitted unless approved by the DRB. Refer to CC&R's for additional
 information.
- Solar Panels and Equipment are strongly discouraged When solar panels are used, they are to be integrated into roof designs and positioned flush with roof slopes. Frames must be colored to complement roofs to which they are attached. Related plumbing and mechanical equipment must be enclosed and/or screened from view. Refer to CC&R's for additional information.

7. LANDSCAPE

7.1 PURPOSE

The landscape concept for Fairway Oaks reflects the natural landscape patterns of the site and its mountain setting, emphasizing the foothills terrain, open meadows, and Gamble Oak forests that create a unique natural environment for the community.

To emphasize and preserve this natural setting and provide transition between uses, careful attention will be given to parcel edges where homes and lots abut community roadways, common areas, natural open spaces and existing vegetation. A major landscape objective will be to create an informal, natural looking landscape setting that integrates new plantings with existing natural vegetation.

Other major landscape considerations shall include the following:

- Plant materials shall be compatible with the native vegetation and selected based on their
 adaptability to the physical and climatic characteristics of the site. Selecting tree and shrub
 varieties that are "deer" resistant are encouraged.
- Individual lots shall be landscaped to create a cohesive "flowing" relationship between adjacent lots. Designs emphasizing, and delineating lot lines will be discouraged.
- The existing natural vegetation and Gamble Oak forest shall be preserved whenever, and to the greatest extent possible adjacent to and surrounding lot parcel areas.

7.2 LANDSCAPE DESIGN PRINCIPLES

The location and function of plant materials shall be carefully considered when selecting plant materials. Generally, plants should be chosen for one or more of the following functions:

- To provide shade;
- To screen or cover blank walls and exposed foundations (using trees and large and small shrubs);
- To screen accessory structures, equipment, or utilities (using large shrubs and evergreen trees);
- To buffer from noise, wind, or incompatible adjacent uses (using large shrubs and evergreen trees);
- To provide color during all seasons; To create outdoor spaces or "rooms"; For ornamentation or aesthetics;
- To frame views, both interior and exterior;
- To blend with and provide a natural transition to open space preserves and existing natural vegetation
- Consulting a landscape architect, nurseryman, or other landscape and irrigation design professional is required. Submission of a planting plan is required.

Fairway Oaks HOA October 8, 2019

Design Guidelines

7.3 WATER CONSERVATION

Builders, Landscape Architects, other landscape and irrigation professionals and residents are urged to utilize plant materials, irrigation systems, and maintenance practices that conserve water and are drought tolerant.

7.4 IRRIGATION

All irrigation systems shall be designed to minimize over spray and water waste. Overhead spray irrigation is limited to turf and flowering groundcover areas. The recommended minimum width of spray areas is 6 feet. Low angle spray nozzles (15%) are recommended adjacent to paved areas. All other landscape areas should utilize drip irrigation.

7.5 PLANT MATERIAL SETBACKS

Cottonwoods, willows, and other shallow-rooted trees shall not be planted within 15 feet of building foundations, driveways, curbs, or other structures that may be damaged by their vigorous, shallow root system.

Evergreen trees shall not be planted within 8 feet of any roadway, sidewalk or building entrance where their mature size may obstruct access and/or visibility. Neither shall they be placed within site visibility triangles at intersections. Evergreen trees shall not be located where their shadow may cause icing on paved surfaces.

7.6 MINIMUM PLANT MATERIAL SIZES

The following minimum sizes for plant materials shall apply to all landscaping:

Deciduous Trees: 15 gallon

Evergreen Trees: 6-foot height

Ornamental Trees: 15 gallon

• Shrubs: 5-gallon container

The sizes of additional plant materials, above the minimum quantity may be selected at homeowner's or builder's discretion.

7.7 SHRUB AND FLOWER BEDS

To encourage weed mitigation, shrub beds should be mulched with either rock or wood mulch. Generally, perennial and annual flowerbeds should be mulched with wood mulch to cover any bare ground. Use of a water permeable weed barrier ground cover between ground and mulch is required.

7.8 ROCK AND WOOD MULCH

Generally, the same type and color of rock mulch is encouraged to be used between adjacent houses or structures to unify the street scene. The use of two different colors of rock mulch in the same bed is not allowed. Wood mulch shall be of high quality (including clean material and consistent size).

7.9 LANDSCAPE GRADING

Planting and hardscape areas shall not impede or significantly alter drainage patterns. Lot grading should produce graceful contours, not sharp angles or abrupt grade changes. Smooth transitions, which respect the existing natural landforms, shall be made between individual lots and parcel edges, common areas and natural open spaces.

7.10 LANDSCAPE INSTALLATION TIMING

All landscaping and irrigation shall be installed according to the following schedule:

- Front and corner side yard (including street "tree-lawn") landscaping shall be installed within 180 days of closing to a homeowner, weather permitting.
- Rear and side yard landscaping when visible from streets shall be installed within 180 days
 of closing to a homeowner, weather permitting.
- Interior side and rear yard landscaping shall be installed within one year of closing to a homeowner, weather permitting.

7.11 STREET TREE-LAWN LANDSCAPE

Where the street design includes a detached sidewalk creating a tree lawn zone (landscape area between the back of the curb and the detached walk), the following minimum landscape requirements shall apply:

- A minimum of 1 street tree shall be planted within the front yard tree-lawn of the lot. A maximum of 1 of these trees may be applied from the minimum front yard-planting requirement.
- Street trees shall be selected from the list of deciduous trees on the Recommended Plant Materials List.
- Street tree-lawns shall be planted with grass and irrigated. Rock or wood mulch is not permitted in this area. In natural lot areas or where native vegetation is maintained, this requirement is waived.
- The placement of street trees along the street frontage should be carefully considered in relation to individual homes and lots, as well as the overall streetscape.
- Street trees on corner lots should be located outside corner sight visibility triangles.

- Street trees should be located away from driveway entrances so as not to abstract or block the view of oncoming traffic.
- For tree-lawns of uniform width, street trees should be centered in the tree lawn between the back of curb and sidewalk.

7.12 LANDSCAPE TRANSITION BETWEEN LOTS

Front yard landscaping between adjacent homes and lots should provide a cohesive and flowing relationship along the street scene. As such, tree and shrub massing should blend together, when possible. Formal plantings and hard edges, such as mow strips, edging and walls between lots should be minimized.

Where mulch areas abut one another, a single, unified planting bed with a consistent edge line should be considered for both yards. One type and color of rock mulch should, be used throughout the entire planting bed. Two different types or colors of rock mulch in the same planting bed between lots should be avoided.

7.13 CORNER SIDE YARD LANDSCAPE

In addition to the front yard planting requirements, corner side yards (adjacent to a street) shall be fully landscaped and irrigated according to the following requirements:

- The ground area of side yards shall have a minimum of 70% living plant material coverage, including shrubs, ground covers, and turf.
- Shrubs should be planted in such fashion as to screen any exposed house foundation.

7.14 INTERIOR SIDE AND REAR YARD LANDSCAPE

The design solution and plant selection should be consistent with and compliment the overall landscape concept for the lot, provide a cohesive and flowing relationship with adjacent homes and lots, and blend with surroundings common and natural areas.

7.15 RECOMMENDED PLANT MATERIALS

Consultation with your local nursery or landscape designer is recommended for plant selection best suited to the building lot location.

7.16 LANDSCAPE PLANNING FOR WILDLIFE

In addition to the list of recommended plant materials, plant material selection should also consider the potential impact by wildlife and minimizing browsing damage by deer, which utilize much of the site and foothills region, especially in winter months.

7.17 RETAINING WALLS

Retaining walls adjacent to, or visible from, any street or common area shall be constructed of materials compatible with the surrounding architecture and other streetscape elements. Such walls

should be aesthetically pleasing and offer other potential uses, such as planting and seating areas. Walls requiring a poured concrete foundation must be designed by a registered engineer.

- Retaining walls shall not exceed 6 feet in height. Grade changes requiring walls in excess
 of this height, shall be terraced, except as approved by the DRB. A 3-foot horizontal
 separation is required for walls up to 4 feet in height, while a 4-foot separation is required
 for walls up to 6 feet in height. Retaining walls over 4 feet in height are required to be
 engineered by a professional engineer licensed in the State of Utah as required by Weber
 County.
- Walls must be setback a minimum of 4 feet from a public Right of Way or property line or 2 feet from the back of a sidewalk, whichever is greater. Retaining walls located along a side yard lot-line may not exceed 2 feet in height within the front yard setback and must terminate a minimum of 5 feet from the front property line.
- Shrubs or trees shall be used to break up the mass of any exposed wall face visible from a street or common area.
- Acceptable materials for retaining walls visible from the street or common areas shall
 include: natural or manufactured stone. Textured and split-face concrete block, high quality
 wood timbers, and other materials consistent with the architectural character of the home
 or structure will be considered on a case-by-case basis by the DRB.

7.18 TEMPORARY BUILDER SIGNS

All Temporary Builder Signs are prohibited.

Fairway Oaks HOA October 8, 2019

Design Guidelines





EN 2348948 PG 1 OF 1 ERNEST D ROWLEY, WEBER COUNTY RECORDER 19-JUN-08 911 AN FEE \$.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 th		, 2008
by the Board of County Commissioners of	Weber County, Utah,	
	Commissioner Bischoff	Voting and
	Commissioner Dearden	Voting QX(USL)
	Commissioner Zogmaister	Voting aug
	Jan Wannyu	it

Jan M. Zogmaister Chair

April

ATTEST:

Alan D. McEwan, CPA Weber County Clerk/Auditor

By Rober BROWNER -Chier DEPROTY

Minutes of the Weber County Tov ip Planning Commission held Tuesday, J 29, 1999, in the Weber County Commission Chambers, 2380 Washington Blvd., commencing at 0 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

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.

Fiag Lot #08-99 by Bret Hadley, 5296 W. 2200 S.

7. Approval of the Revised Bret Hadley Subdivision, Phase 4, 3 Lots

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 To hip Planning Board meeting held Thurs 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

Approval of Site Plan for Sunridge Common Area

Regular Agenda Items

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
- 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

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 Aship Planning Commission meeting helingust 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

- Approval of April 22, 1997, May 13, 1997, June 24, 1997, and July 8, 1997 minutes
- Amendment to Rules of Procedure to require Chairman to vote on all issues.
- Suggested Changes to Rules of Procedure as proposed by Marriott Township
- C.S.P. 2-97 by Kelly Goddard for Site Plan approval for a hardware store and service station at 7800 E. 500 S.
- 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
- 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.

<u>Staff and Agency Reviews</u>: 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:

- Landscaping details
- 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
- Engineering requirements
- 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
- 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:

- Lighting
- 2. Signs

Staff Recommendations:

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



Post-It* Fax Note	371	Date 7 8 97 pages	
TO TROY HAPOU	7	From KEN GARDNER	
Co /Depl.		Co. Phone # Fax #	
Phone #			
Fax # 399 - 8862			

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".

Atom C. Ball &

Allan R. Wisembe

Ton Will

Him Ollen

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:

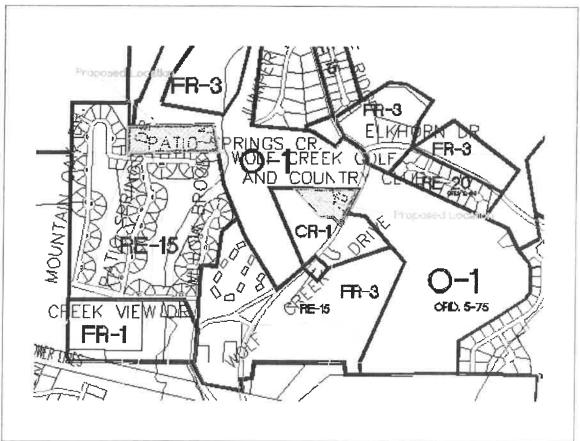
Motion for Final Approval of Fairway Oaks PRUD subject to agency comments, and bond for improvements that are not yet completed.

P.R.U.D. by Wolf Creek

At 4000 N. 4900 East 37 Units

P.R.U.D. by Wolf Creek





Area Map

2 Page 72 of 186

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.)



June 2, 1997

ENGINEERING/ BUILDING INSPECTION

Troy Herold
Weber County Planning

Curtis Christensen Director Re: Fairway Oaks PRUD (preliminary)

Building Inspections (801) 399-8374

Business License (801) 399-8394 I have reviewed the above referenced subdivision and have the following comments:

Engineering (801) 399-8371 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'.
- 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



PLANNING COMMISSION

Craig C. Barker Director

V

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 <u>Tuesday</u>, <u>June 29</u>, <u>1999</u> 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 22-137-0002 22-137-0003 GRAHAM, JOHN TODD & WF **UTAH STERLING L C** D'AMATO, KAREN PATRICIA H GRAHAM 3953 PATIO SPRINGS RD 3937 N PATIO SPRINGS 3923 N 4700 E **EDEN UT 84310 EDEN UT 84310 EDEN UT 84310** 22-137-0005 22-137-0006 22-137-0004 SLADE, THOMAS E & WF KNAPP, DAVID K & WF **WOLF CREEK ASSOCIATES** ANNETTE H SLADE JANICE M KNAPP % BLAINE WADE P O BOX 836 3944 N 4700 E 296 E 3250 N **EDEN UT 84310 EDEN UT 84310 OGDEN UT 84414** 22-137-0007 22-137-0010 22-137-0011 BAILEY, LONNY H & WF NANCY A BAILEY **WOLF CREEK ASSOCIATES** LEWIS, JAMES T & JUDITH M LEWIS % BLAINE WADE 296 E 3250 N 4404 WOLF RIDGE CIR 4765 E 3925 N **EDEN UT 84310 EDEN UT 84310 OGDEN UT 84414** 22-137-0012 22-137-0013 22-137-0014 STAUFFER, KEVIN E & WF NELSON, GEORGE W & WF WALKER, LARRY R & WF JEAN P WALKER LINDA L STAUFFER DIANE E NELSON % HOME ABSTRACT 2380 WASHINGTON BLVD 3933 N 4750 E P O BOX 658 OGDEN UT 84401 **EDEN UT 84310 EDEN UT 84310** 22-137-0015 22-137-0017 22-150-0012 STEVENS, TED A FLORENCE, BARBARA J LEWIS HOMES INC

4768 E 3925 N

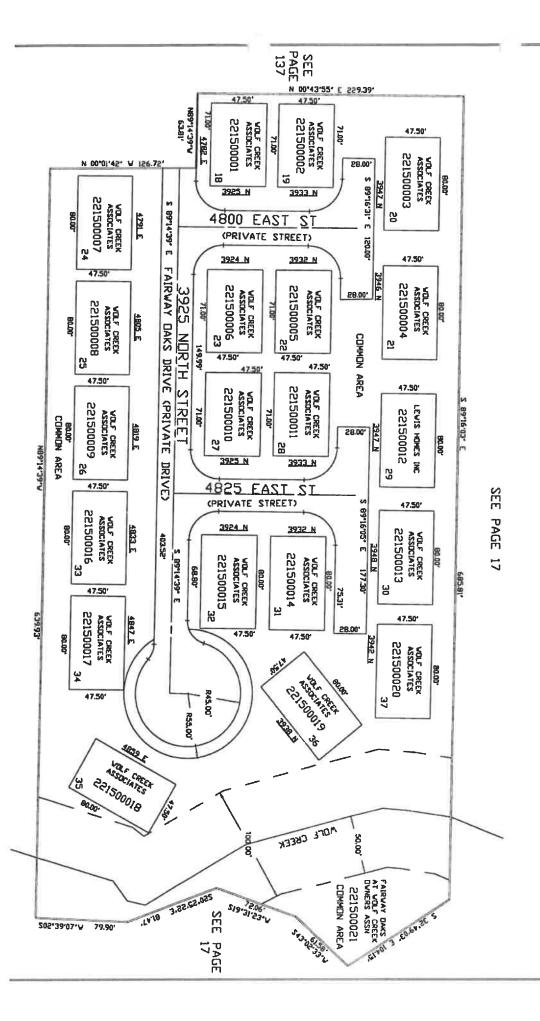
OGDEN UT 84414

3946 N 4750 E

EDEN UT 84310

P O BOX 660

EDEN UT 84310



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.

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

Public Hearing to Discuss LLEBG Block Grant

Action on Public Hearing -- LLEBG Block Grant

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

BMA

Minutes, August 26, 1997

Minutes, August 28, 1997

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

Resolution 25-97

Adjournment

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.

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

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.

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.

ROLL CALL VOTE Commissioner Burton aye

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

JOE H. RITCHIERUCE H. ANDERSON ACTING WEBER COUNTY COMMISSION 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.

ROLL CALL VOTE

Commissioner Anderson	е
Commissioner Burton	
Chair Ritchie ay	e

Notice to Proceed on Flower Shop

Appointment to Fill Vacancy on Hooper Planning District

Public Hearing on Approval of Fairway Oaks PRUD 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.

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.

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

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.

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.

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

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

Action on Public Hearing - Fairway Oaks PRUD

Minutes, July 1, 1997

Adjournment

JOE H. MTCHIE

WEBER COUNTY COMMISSION CHAIR

LÍNDA G. LUNCEFORD

WEBER COUNTY CLERK/AUDITOR

1492804

WEBER COUNTY

SUBDIVISION IMPROVEMENT

AGREEMENT

DOUG CROFTS
WEBER COUNTY RECORDER
DEPUTY MARCONDER
1997 SEP 12 P 4: 55

1. Parties: The parties to this Subdivision Improvement Agreement ("the Agreement") are Lewis House 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 FAFIZWAY OAICS Passe (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.

#5#1880 PAGE 2706

- 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.

- 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:
 - 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;
 - 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.

BOUK 1880 PAGE 2709

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.

Sub. Imp. Agreement

- 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. 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)

(Address)

Lewis Homes, INC. P.O. BOX 654 EDEW. 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. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under Immunity: any applicable state law.

Personal jurisdiction and venue for any civil action commenced by either

Personal Jurisdiction and Venue:

32.

• • •	ommenced in District Court for Weber County. The Developer expressly waives
	or to remove such action to any other court whether state of federal.
Dated this day of	September 197
Deycloper Chin	esident Lewis Homes Inc. NDIVIDUAL ACKNOWLEDGEMENT
State of Utah	
County of Weber)	
On the day	of A.D. 19
personally appeared before me	
the signer(s) of the within instrument, wh	o duly acknowledged to me that he/she executed the same.
	Notary Public
	Residing at: , Utah
***********	**********************************
APPROVED AS TO FORM:	
Meber County Attorney	
**********	***********************

party to this Agreement whether arising out of or relating to the Agreement or Letter of Credit will be deemed to

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 ine of Edler.
, 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.
SHERRI L. SILLITOE SHERRI L. SILLITOE SCORN, UT 84401 Notary Public Residing at: Debet County
Residing at. A Person (DANCE)

Sub. Imp. Agreement

EXHIBIT A:

PROPERTY DESCRIPTION TO BE SUBDIVIDED

FAIRWAY Oaks at Wolf Creek
Pluse #1

EXHIBIT B:

REQUIRED ON & OFF SITE SUBDIVISION IMPROVEMENTS

SEE EXHIBIT B

EXHIBIT C:

FINANCIAL GUARANTEE

SEE EXHIBIT C

80UK 1880 PAGE 2714



CONS	STRUCTION BID BY:	PHASE1		1	I
				COST ESTIMATE	
	(FAIRWAY OAKS PHASE LLS)			T	
FOR:	FAIRWAY OAKS AT WOLF CREEK PHASE 1			 	
IMPRO	OVEMENTS - 17 TOTAL LOTS			1	
ITEM				UNIT	TOTAL
NO.	DESCRIPTION	QUANT	UNIT	PRICE	AMOUNT
1	8" . ASTM D3934 PVC SEVIER LINE	709	LF	\$12 00	
2	4" SERVICE LATERAL LINES AND CONN.	17	LOT	\$325.00	
3	4' MANHOLE COMPLETE	1	EA	\$1,400.00	-
4	5' MANHOLE COMPLETE	1	EA	\$1,700.00	
5	CONNECT TO EXISTING 8" SEWER LINE	1	EA	\$150.00	-
6	CONNECT TO EXISTING 8" PVC WATERLINE	1	EA	\$300.00	-
7	8" DIP CLASS 350	980	LF	\$14.25	
8	FH. AWWA C-502, MUBLLER, A-423, CENTUR	1	EA	\$1,800.00	
9	3/4" SERVICE CONNECT AND LATERALS	17	LOT	\$325.00	-
10	8" GATE VALVE COMPLETE WITH BOX	5	EA	3550.00	
11	e" TEE	2	EA	\$200.00	
12	6" C -900 PVC CLASS 200 IRR LINE	810	LF	\$7.50	
13	4" C -900 PVC CLASS 200 RR LINE	160	LF	\$5.50	\$6,075 0
14	DOUBLE SERVICE CONNECTION	9	EA	\$385.00	\$928.00 \$3,485.00
15	SINGLE SERVICE CONNECTION	+	EA	\$315.00	\$315.0
16	5" IRR GATE VALVE COMFLETE WITH BOX	2	EA	\$400.00	\$800.00
17	4" IRR GATE VALVE COMFLETE WITH BOX	1	EA	\$325.00	\$325.00
18	5" IRRIGATION LINE PLUG	2	EA	\$350.00	
19	4" IRRIGATION LINE PLUG	1 1	EA	\$300.00	\$700.00
20	6" X 4" TEE	1	EA	\$215.00	\$300.00 \$215.00
21	CONNECT TO EXISTING LINE IRR LINE	1	EA	\$250.00	\$250.00
22	ROADWAY GRADING EXCAVATION	60.00%	LS	\$2,700.00	
23	FINE GRADING	4.262	SY	\$0,45	\$1,620.00
24	STORM CHANNEL RIP RAP	10	CY	\$30.00	\$1,917.72 \$300.00
25	RELOCATED STORM CHANN EXCAVATION	400	LF	\$2,00	\$800.00
28	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	
29	15" RCP. ASTM-C-76, CLASS III. STORM DR.	158	LF	\$16.25	\$1,750.00 \$2,535.00
30	DETENTION BASIN EARTH WORK	130	LS	\$1,900.00	
31	DETENTION BASIN CONTILOL STRUCT	 	EA	\$1,900.00	\$1,900.00
32	BITUMINOUS PATICH	1 1	TON	\$35.00	\$35.00
33	3" BITUMINOUS SURFACE COURSE				
34	8' BASE COURSE	4.262	\$Y	\$4.25	\$18,111.80
35	TYPE "A" BITUMINOUS SEAL COAT	4,282	SY	\$3.35	\$14,278.36
38	SURVEY MONUMENTS	4.262	SY EA	\$0.80	\$3,409.28 \$500.00
	STREET SIGNS	2		\$260.00	
38	STREET LIGHTS		EA	\$260.00	\$500.00
70	CONTINGENCY 10%	2	EA	\$1,200.00	\$2,400 00
		+	1.050	****	\$12,070.00
	ENGINEERING/SURVEYING	17	LOTS	\$500.00	\$8,500.00
	I VINC				3441,377.80

12,902.53

FAX (801) 476-0066

f. =

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, 50 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. // day of **Sept** , 1997 DATED this BANK of UTAH by Michael Fesmark
Escrow Agent
Michael Homal
Signature Title: Sr. Vice Pres. State of Utah) SS: County of Weber) day of Scotember , 19 77 appeared before me On the the signer(s) of the within instrument, who duly acknowledged to me that he/she executed the same. Notary Public

Residing at:



APPROVED AS TO FORM:

Weber County Attorney

APPROVED:

Acting Chairperson, Weber County Commission

State of Utah

County of Weber

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

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

Fatima M. Blackford.
Notary Public Residing at: Ogden, UT



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

State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER QUALITY

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.

August 17, 1997

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

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.

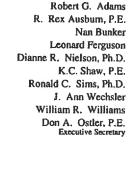
Sincerely,

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

cc Blaine Wade - Wolf Creek Sewer Improvement District

KLB:LWS:

L:\WQ\ENO_WQ\LSTOTT\WP\WOLFCAP.LT 17:27:0856-08/17/97KLB FILE;WOLFCREEK



WEBER COUNTY

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

> Lynn F. Pett Vice Chairman





Post-It' Fax Note 7671	Da'e 2/21 97 pages 2
TO ROU! H.	From KEN 6
Co./Dept.	Ço.
Phone #	Phone #
Fax# 399 - 8862	Fax #

MEMORANDUM

To: Weber County Planning Commission (Troy Harold)

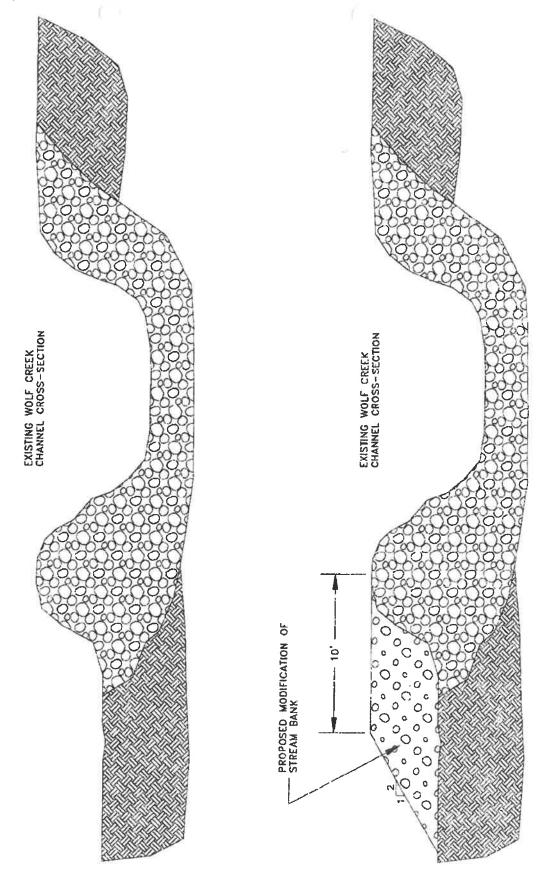
From: Ken Gardner, P.E., L.S.

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 well be constructed with on-site granular material and the covered with top soil for planting.

fairway3 doc





MEMORANDUM

To: Weber County Planning Commission

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

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



DIVISION OF WATER RIGHTS

September 8, 1997

Michael O. Leavitt Governor Ted Stewart Executive Director Robert I. Morgan 801-538-7240 State Engineer 801-538-7467 (Fax)

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

RECEIVED

SEP 1 0 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.

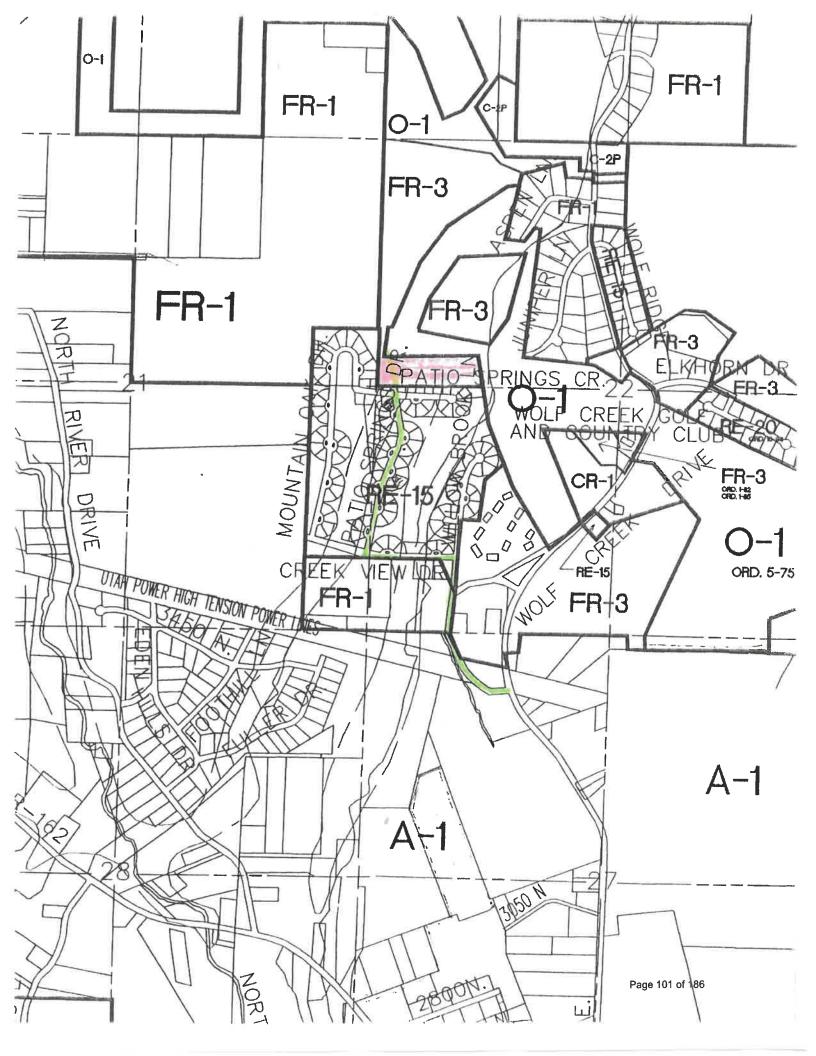
Should you have any additional questions, feel free to contact me at (801-538-7374).

Sincerely,

im Wells, P.E.

Stream Alteration Specialist

JW/jm



22-017-0001 22-015-0027 22-018-0011 SECURITY TITLE CO OF OGDEN WOLF CREEK ASSOCIATES WALKER, JOHN & WF KATHY WALKER % FIRST AMERICAN TITLE CO % BLAINE WADE 205 26TH ST 296 E 3250 N 2009 N 150 E OGDEN UT 84401 OGDEN UT 84414 **CENTERVILLE UT 84014** 22-018-0014 22-057-0001 22-057-0003 SATTERTHWAITE, BRENT H & WISCOMBE, ALLAN R & WF REILLY, JAMES C & DOROTHY T SATTERTHWAITE TR ELIZABETH J WISCOMBE RON REILLY 4009 N JUNIPER RD 4797 F 3900 N 2537 N 3750 E **EDEN UT 84310 EDEN UT 84310 EDEN UT 84310** 22-057-0004 22-057-0005 22-057-0006 BRODSTEIN, ROBERT S & FRALEY, ROBERT T TRUSTEE ALLEN, KENNETH M & WF GERALDINE A BRODSTEIN CINDY M ALLEN 3343 BAKER DR 3403 N 2175 E P O BOX 559 OGDEN UT 84403 LAYTON UT 84041 **EDEN UT 84310** 22-057-0007 22-057-0008 22-057-0009 DAUGAARD, CHRISTIAN F & WF INGLET, MELVIN L & WF WAITE, GARY C & JUDY KAUFFMAN REBECCA L DAUGAARD. PATRICIA WAITE 4454 GREENBRIER RD 4790 E 3900 N 9316 EAGLE RIDGE DR LOMPOC CA 93436 **EDEN UT 84310** LAS VEGAS NV 89134 22-057-0010 22-057-0011 22-057-0012 WITKOWSKI, NICK & WF BATEMAN, JOHN M & ELENBAAS, DENNIS J NANCY J WITKOWSKI **GAYLE BATEMAN** 4752 E 3900 N 11040 CHICKADEE DR P O BOX 687 **EDEN UT 84310 BOISE ID 83709 EDEN UT 84310** 22-057-0013 22-057-0014 22-057-0015 JOHNSON, ELEANOR ETAL GLEAVES, KEVIN M PETERSON, CORY I. % MAMIE CLEAVES 4773 E 3900 N 620 S 8TH P O BOX 313 **EDEN UT 84310** LARAMIE WY 82070 **EDEN UT 84310** 22-057-0016 22-058-0002 22-058-0001 T.V. SPECIALIST EMPLOYEES J KELLY GODDARD FAMILY WHITE, J BRAD & WF PROFIT SHARING PLAN **PARTNERSHIP** KIM R WHITE % KENNETH W BOLLINGER 1452 S 20TH E 3500 SOUTH MAIN ST 3950 N 4650 E SALT LAKE CITY UT 84108 SALT LAKE CITY UT 84115 **EDEN UT 84310** 22-058-0003 22-058-0004 22-058-0005 MARVA INVESTMENT COMPANY POWELL. DALE R & WF GRÖSGEBAUER, JON ALLAN & **BEVERLY S POWELL** KIMERLY JANE GROSGEBAUER 4760 S STATE ST 3930 N 4650 E P O BOX 1077 MURRAY UT 84107 **EDEN UT 84310 EDEN UT 84310** 22-058-0006 22-058-0008 22-058-0009 HOLMSTROM, VICTOR I. & ASHWORTH, BRENT F & PERKINS, THOMAS F &

CHARLENE M ASHWORTH

1965 N 1400 E

22-058-0015

4671 E 3900 N

EDEN UT 84310

PROVO UT 84604

LIERD, BLAIR & WF

BRANDI W LIERD

THELMA I. HOLMSTROM

EDNA B LAMPH TRUSTEES

P O BOX 868

22-058-0014

1316 E 2025 S

OGDEN UT 84401

EDEN UT 84310

LAMPH, MAX D &

22-058-0016

PATIO SPRINGS HOME OWNERS ASSOCIATION--WEST % RANDY LAUB 3900 N WOLF CREEK DR EDEN UT \$4310

DEANNA'S MORGAN

3951 N 4600 E

EDEN UT 84310

Page 102 of 186



DIVISION OF WATER RIGHTS

Michael O. Leavitt Governor Ted Stewart Executive Director Robert L. Morgan State Engineer 801-538-7467 (Fax)

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

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.



Page 2 97-35-45SA August 8, 1997

- 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 a round 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 <u>not</u> 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 <u>not</u> 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.)	Α	Authorized Agent		Tel	Telephone Number and Area Code		
John Lewis Homes, Inc		Ken Gar	dner		801-4	76-0202	
Applicant's Address (Street, RFD, Box Num	iber, City, State, Zip)						
5150 Washington Blvd.	, Ogden, Uta	h 84405	(Gardne	er Engin	eering	g)	
	PROJE	CT LOCATIO	N				
Quarter Section(s)	Section Township			Range		Base & Meridian	
NW 1/4	22	71	ı	1E	LE SLB & M		
County Weber	Watercourse to be alter Wolf Creek s				limits Eden	Outside city limits	
Project location or address:							
3900 N 4700 W.							
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.							
0.07 Acres	Acreage or square footage of waters of the United States, including wetlands, affected by the project:					1	
Source and type of fill material:							
Stream bed (above rocks)							

The state of the s	
Alternatives (other ways to accomplish the p. et purpose):	
Names and addresses of adjacent property owners or other individua	ds who may be affected by this project:
Patio Springs home owners associ	
including use of a proposed deterarea. (See enclosed letter)	ention pastn in their common
(330 3313313 20331,	
List other authorizations required by Federal, state or local government	ents (i.e.: National Flood Insurance Program), and the status of those
authorizations.	me (vol, venture) of the month of the control of th
Estimated starting date of project	Estimated completion date
August 1, 1997	October 31, 1997
(If project has already been partially or totally complete	ed, indicate date of work. Indicate existing work on drawings).
Application is hereby made for a permit or permits to authorize the account in the application, and that to the best of my knowledge and	ctivities described herein. I certify that I am familiar with the information d belief such information is true, complete and accurate. I further certify that
I possess the authority to undertake the proposed activities or am activities.	ng as the duly authorized agent of the applicant.

Signature of applicant

I hereby certify that

is acting as my agent for this project.

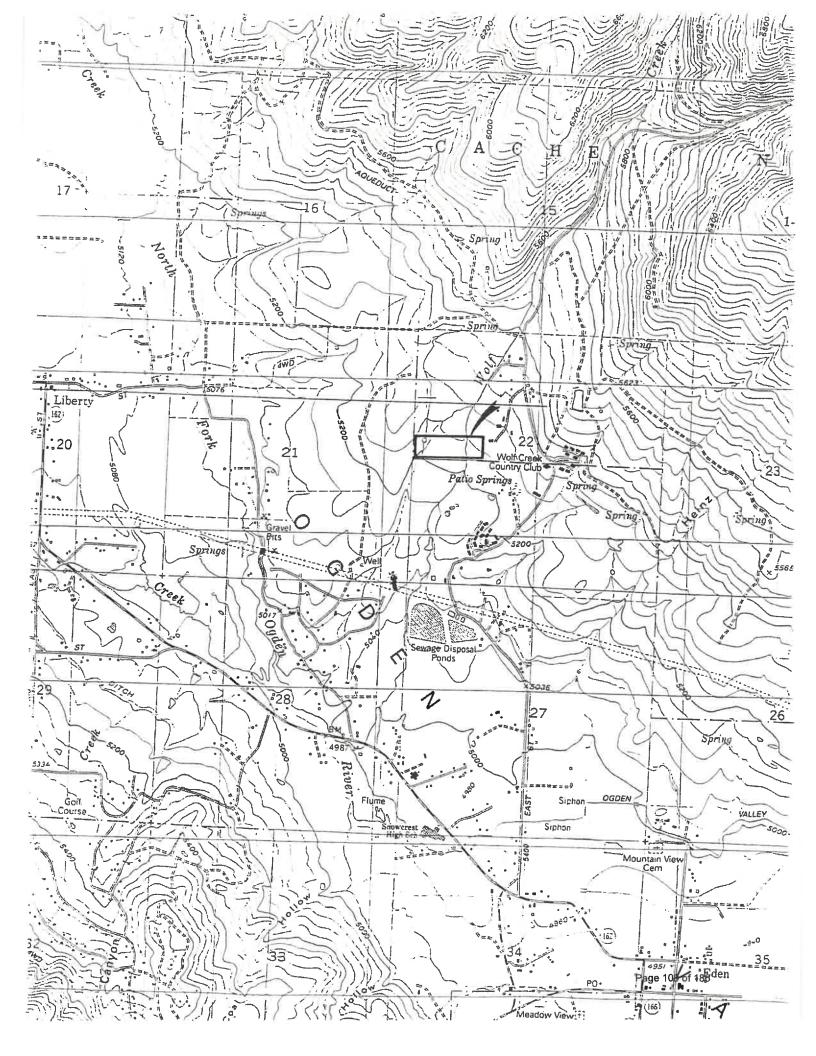
Agent's address and telephone number

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.





Gleni TOTA	1 5000
Cucumed by	112/97
Checked ou	350

WOLF de	NoNo

- 1. OF EN CHANNEL FLOW WOLF CASEL O REFLOW FLOOL CHANNEL BESTION
 - A. DESTINITUDE BASSEL UPON HIGH WATER WYCKO ON EXISTING CULLIFEET CASSINGS 1900 NOOTH STREET (SEE CHARTE)

10 21 Q= 6 CFS

- 5 USE 18" POAD CROSTING FLOWING
- C. RE-CHANNEYZYTIND DESIGN

Q = 6 CFS , BESTER A = 6/4=1.5

6 = 5.5%

N = 0.030

DESIGN VELOCIT = 4.0 TO AVOID EXCERTIVE

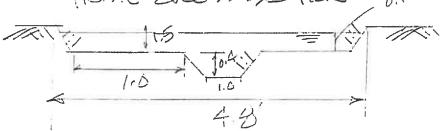
V= 1.49 R355

4.0 - 129 (63) 0.000)2

RP5 = 0.3434

TRIFL WROSS SECTION

OI WATER TOTAL



R = 0.2177 123 = 0.3619 Rage 10950+86



C etc.		Project:	
Carculated by	Cate	· · · · · · · · · · · · · · · · · · ·	No
Спескно бу		Detail	
Scae		Street Z	al

CARBROYEL CHAMBE ETT MI

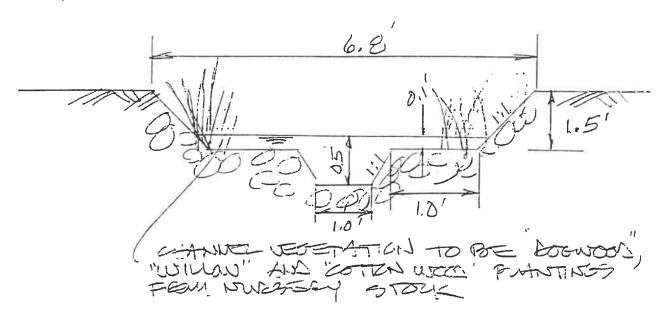


CHART 2 - 180 10,000 (2) (1) (3)EXAMPLE - 168 8,000 - 6. D=42 inches (3.5 feet) 156 - 6. 6,000 Q=120 cfs - 5. 5,000 144 6. 5. 4,000 <u>нw</u>* feet - 132 4. 3,000 5. 4. (1) 2.5 8.8 120 2.1 7.4 (2) 2,000 7.7 (3) 2.2 3. 108 3. *D in feet 3. 96 1,000 800 - 2 84 2. 600 500 DIAMETERS (HW/D) 2. 400 72 DIAMETER OF CULVERT (D) IN INCHES 300 1.5 -1.5 CFS - 1.5 200 - 60 NI (0) - 54 100 Z DISCHARGE 48 80 HEADWATER DEPTH 1.0 1.0 60 42 50 ENTRANCE HW - 1.0 SCALE TYPE 40 .9 - 36 Square edge with 30 (1) .9 headwall - 33 Groove end with (2) 20 .8 headwall .8 - 30 .8 Groove end (3) projecting - 27 10 8 .7 To use scale (2) or (3) project horifuntally to scale (1), then 5 - 21 use straight inclined line through 4 D and Q scales, or reverse as -6 .6 illustrated. 6 3 -18 2 - 15 .5 .5 , 5 1.0 HEADWATER DEPTH FOR - 12

HEADWATER SCALES 283 REVISED MAY 1964

BUREAU OF PUBLIC ROADS JAN. 1963

CONCRETE PIPE CULVERTS
WITH INLET CONTROL

Appendix A.—TABLES

Table 1.—Manning roughness coefficients, n^{-1}

	Manning's
I. Closed conduits: A. Concrete pipe	n range 1
	0.011-0.013
B. Corrugated-metal pipe or pipe-arch: 1. 235 by ½-in. corrugation (ri-sted pipe); 4 a. Plain or fully coated b. Paved fovert (range values are for 25 and 50 percent of circumferance passed);	
b. Paved invert (range values are for 25 and 50 percent	0.024
of circumference paved); (1) Flow full depth. (2) Flow 0.8 depth. (3) Flow 0.8 depth. 2. 6 by 2-in. corrugation (field boited). C. Vitrified clay pipe. D. Cast-iron pipe, uncoated. E. Steel pipe F. Brick. O. Monolithic concrete: 1. Wood forms, rough.	
(1) Flow full depth	0.021-0.018
(3) Flow 0.6 depth	0.021-0.016
2. 6 by 2-in, corrugation (field boited)	0.03
D. Castalron nine uncosted	0.012-0.014
E. Steel pipe	0.009-0.013
E. Steel pipe. F. Brick G. Monolithic concrete:	0.014-0.017
1. Wood forms, rough	0.015.0.017
1. Wood forms, rough 2. Wood forms, smooth 3. Steel forms 4. Cemented rubble masonry walls:	0.012-0.014
3. Steel forms	0.012-0.013
1. Concrete floor and top	0.017_0.022
1. Concrete floor and top. 2. Natural floor. L. Laminated treated wood. J. Vitrified clay liner plates.	0, 019-0, 025
I. Laminated treated wood	0.015-0.017
J. Vitrimed thay timer plates	~0,015
II. Open channels, lined ' (straight alinement): ' A. Concrete, with surfaces as indicated: 1. Formed, no finish. 2. Trowel finish. 3. Float finish, some gravel on bottom 5. Gunite, good section. 6. Gunite, wavy section. B. Concrete, bottom float finished, sides as indicated: 1. Dressed stone in mortar. 2. Random stone in mortar. 3. Cement rubble masonry, plastered. 5. Dry rubble (riprap). C. Gravel bottom, sides as indicated: 1. Formed concrets. 2. Random stone in mortar. 3. Dry rubble (riprap). D. Brick. E. Asphalt: 1. Sement	
II. Open channels, lined (straight alinement):	. '
1. Formed, no finish.	0.013-0.017
2. Trowel finish	0.012-0.014
4. Float finish some gravel on bottom	0.013-0.015
5. Gunite, good section.	0.015-0.017
6. Gunite, wavy section.	0.018-0.022
l. Dressed stone in morter	0.015-0.017
2. Random stone in morter	0. 013-0. 017
3. Cement rubble masonry	0. 020-0. 025
5. Dry rubble (ripran)	0.016-0.020
C. Gravel bottom, sides as indicated:	0. 020-0. 030
1. Formed concrete.	0. 017-0. 020
3. Dry rubble (riprap)	0.020-0.023
D. Brick	0.014-0.017
E. Asphalt:	0.017
2. Rough	0.013
F. Wood, planed, clean	0. 011-0, 013
1. Good section	0.017_0.090
E. Asphalt: 1. Smooth 2. Rough F. Wood, planed; clean G. Concrete-lined exeavated rock: 1. Good section 2. Irregular section.	0. 022-0. 027
III. Open channels, excavated (straight alinement, natural	
HHIME):	
A. Earth, uniform section; L. Clean, recently completed	N. 6180 018
1. Clean, recently completed 2. Clean, after weathering 3. With short grass, few weeds 4. In gravelly soil, uniform section, clean B. Earth fairly uniform section, clean), 018-0, 020
3. With short grass, few weeds	0.022-0.027
B. Earth, fairly uniform section:), 022-0, 025
1. No vegetation	0.022-0.025
2. Grass, some weeds	0.025-0.030
4. Sides clean, gravel bottom	1. 030=0. 035 1. 025=0. 030
4. In gravelly soil, uniform section, clean	. 030-C. 040
I. No vegetation	000 0 033
2. Light brush on banks.	, 035–0, 050
D. Rock:	
2. Based on actual mean section:	D. 035
a. Smooth and uniform	. 035-0, 040
D. Jagged and irregular E. Channels not maintained	. 040-0. 045
1. Dense weeds, high as flow denth	0.0%_0.10
2. Clean bottom, brush on sides.	0. 05-0. 08
4. Dense hrush high store	0.07-0.11
D. Rock: 1. Hased on design section 2. Based on actual mean section: a. Smooth and uniform b. Jagged and irregular C. Channels not maintained, weeds and brush uncut: b. Dense weeds, high as flow depth C. Clean bottom, brush on sides. Clean bottom, brush on sides, highest stage of flow Dense brush, high stage	u. 10→1, 14

IV. Highway channels and swales with maintained regetation s	
(values shown are for velocities of 2 and 6 f.p.s.);	Manning's
1. Bermudagrass, Kentucky bluegrass, buffalograsa:	n range !
(values shown are for velocities of 2 and 6 f.p.s.); A Depth of flow up to 0.7 (oot: 1. Bermudagrass, Kentucky bluegrass, buffalograss: a. Mowed to 2 inches. b. Length 4-6 inches. c. Good stand, any grass; a. Length about 12 inches. b. Length about 24 inches. J. Fair stand, any grass; a. Fair stand, any grass;	0.07-0.045 0.09-0.05
a. Length about 12 inches	0. 18-0. 09
3. Fair stand, any grass:	0.30-0.15
3. Fair stand, any grass: a. Length about 12 inches. b. Length about 24 inches. B. Depth of flow 0.7-1.5 feet:	0, 14-0, 08 0, 25-0, 13
B. Depth of flow 0.7-1.3 feet: 1. Bermudagrass, Kentucky bluegrass, buffalograss: a. Mowed to 2 inches. b. Length 4 to 6 inches.	0.05-0.035
2. Good stand, any grass: a. Length about 12 inches b. Length about 24 inches	0.12-0.07
3. Fair stand, any grass: a. Length about 12 inches. b. Length about 24 inches.	0.20-0.10
b. Length about 24 inches.	0. 17-0.09
V. Street and expressway gutters: A. Concrete gutter, troweled finish.	0.012
1. Smooth texture 2. Rough texture C. Concrete gutter with asphalt pavement:	. 0.016
7 Dansh	0.013
D. Concrete pavement: 1. Float finish. 2. Broom finish. E. For gutters with small slope, where sediment may accumulate increase above values of	0.014 0.015
E. For gutters with small slope, where sediment may accumulate, increase above values of n by	0.002
VI. Natural stream channels:1	V
A. Minor streams * (surface width at flood stage less than 100 ft.):	
1 Pairly requier sections	0. 030-0. 035
s. Some grass and weeds, little or no brush b. Dense growth of weeds, depth of flow materially greater than weed height. c. Some weeds, light brush on banks. d. Some weeds heavy bright on banks.	0.035-0.05
c. Some weeds, light brush on banks.	0. 035-0.05
c. Some weeds, light brush on banks. d. Some weeds, heavy brush on banks. e. Some weeds, dense willows on banks. f. For trees within channel, with branches submerged	0.05-0.07 0.06-0.08
at high stage, increase all shows values by Irregular sections, with pools, slight channel meander; increase values given in la-e about.	0.01-0.02
increase values given in ia-e about	0.01-0.02
 Mountain streams, no vegetation in channel, banks usually steep, trees and brush slong banks sub- merged at high stage: 	
merged at high stage: a. Bottom of gravel, cobbles, and few boulders b. Bottom of cobbles, with large boulders	0.04-0.05
21. PRODUCTURITES INCLUMENTATION CHRISTIAN STRANDERS	
Pasture, no brush: Short grass High grass	0. 030-0. 035
b. Mature row crops	0. 03-0. 04 0. 035-0. 045
a. No crop. b. Mature row crops. c. Mature field crops. 3. Heavy weeds, scattered brush.	0. 04-0. 05 0. 05-0. 07
4. Likiit urusu kuu srees	
s. Winter. b. Summer 5. Medium to dense brush: 16 8. Winter	0.05-0.08
a. Winter. b. Summer 6. Dense willows, summer, not bent over by current.	0.10-0.16
7. Cleared land with tree stumps, 100-150 per acre: a. No sprouts	
8. Heavy stand of timber, a few down trees, little under-	0. 06-0. 08
growth: a. Flood depth below branches	0. 10-0. 12
b. Flood depth reaches branches. C. Major streams (surface width at flood stage more than	0. 12-0. 16
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 vege- tation on banks. Values of n may be somewhat re-	
duced. Follow recommendation in publication cited	
if possible. The value of n for larger streams of most regular section, with no boulders or brush, may be in the	
range of	. 028-0. 033

Footnotes to Table 1

mates are by Bureau of Public Roads under the series of the wise noted.

Adapted indicated for closed conduits and pen channels. Ilined or excatated, are for good to fair construction function of the contraction of the form of the for

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

Maximum permissible velocities for—		
Clear water	Water carrying fine silts	Water carrying sand and gravel
F.p.s. 1.5 1.7 2.0 2.5 2.5	F.p.s. 2.5 2.5 3.0 3.5 3.5	F.p.s. 1.5 2.0 2.0 2.2 2.2
257	5.0 5.0 5.0 5.5 3.5	3.7 3.0 5.0 5.0 2.0
3.7 4.0 5.0 6.0	5. 0 6. 0 5. 5 6. 0	3, 0 6, 5 6, 5 5, 0
	Clear water F.p.s. 1.5 1.7 2.0 2.5 2.5 2.7 3.7 4.0 5.0	Velocities for velocities for velocities for vater water water carrying fine silts F.p.s. F.p.s. 2.5 1.5 2.5 3.0 2.5 3.3 2.5 5.0 3.7 5.0 3.7 5.0 3.7 5.0 4.0 6.0 5.0 5.5

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

Table 4.- Factors for adjustment of discharge to allow for increased resistance caused by friction against the top of a closed rectangular conduit 1

DIB	Factor		
1.00 .89 .75 .667 .60 .50	1, 21 1, 24 1, 25 1, 25 1, 28 1, 31 1, 34		

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

[†] Flow of Water in Channels Protected by Vegetative Linings, by W. O. Ree and V. J. Palmer, Division of Drainage and Water Control, Research, Soll Conservation Service, U.S. Department of Agriculture, Tech. Bull. No. 967,

1 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.

1 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.

10 The presence of foliage on trees and brush under flood stage will materially increase the value of n. Therefore, roughness coefficients for vegetation less 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. For calculation of stage or discharge in natural stream channels, it is

Table 3.—Permissible velocities for channels lined with uniform stands of various grass covers, well maintained 1.2

		Permissible velocity on—	
Cover	Slope	Erosion resist- ant soils	Easily eroded soils
Bermudagrass	Percent 0-5 5-10 Over 10	F.p.s. 8 7 5	P.p.s.
Buffalograss Kennicky bluegrass Smooth brome	0-5 5-10 Over 10	7 6 5	8 4 3
Grass mixture	{ 0-5 5-10	5 4	4
Lespedeza sericea	0-5	3. 5	2.5
Common lespedeza *	}	3. 5	2. 5

1 From Handbook of Channel Design for Soil and Water Conservation (see

From Handbook by Condition Design for Sold and Fract Construction (See Condition Condi

covers are established. . Use on slopes steeper than 5 percent is not recommended.

Table 5.- Guide to selection of retardance curve

Average length of vegetation	Retardance curve (or—	
	Good stand	Fair stand
8-10 inches	C D	D. D.



Michael O. Leavitt Governor Dianne R. Nielson, Ph.D. Executive Director Kevin W. Brown

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF DRINKING WATER

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.





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

State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER QUALITY

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.

RECEIVED

JUL 0 3 1997 WEBER COUNTY PLANNING Water Quality Board
Leroy H. Wullstein, Ph.D.
Chairman
Lynn F. Pett
Vice Charman
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

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.

Design Evaluation Section

LAWQAENG WQALSTOTTWPAWOLICAPALT

FILEWOLFCREEK

LWS:lws



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,

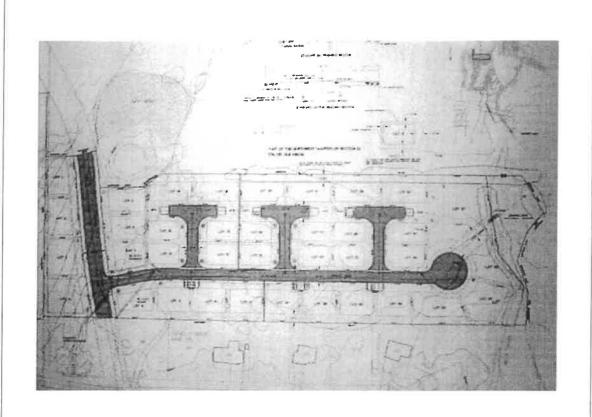
Kevin W. Brown

Director

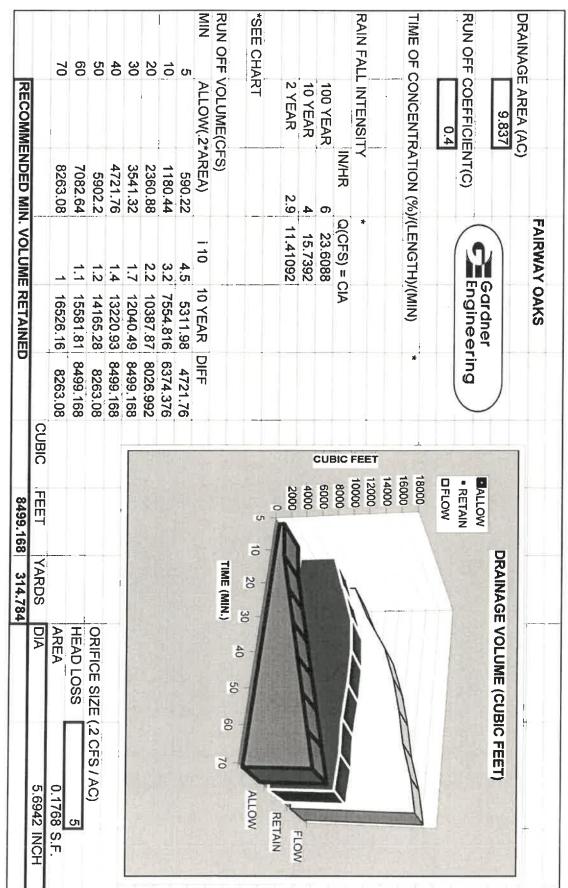
KNW

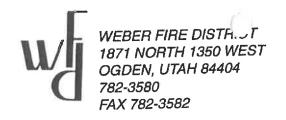
cc: Blaine Wade, 296 East 3250 North, Ogden, Utah 84414 Weber/Morgan District Health Department

04724WOL.APR



Site Plan 3





BOARD OF TRUSTEES

PAUL V. SKEEN
LAMAR HOLT
KEITH BUTLER
DENIVIS MONTGOMERY
STEVE TAYLOR
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. Ban 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

Planning Commission 2510 Washington Boulevard Ogden, Utah, 84401 [801] 399-8710

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.

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.

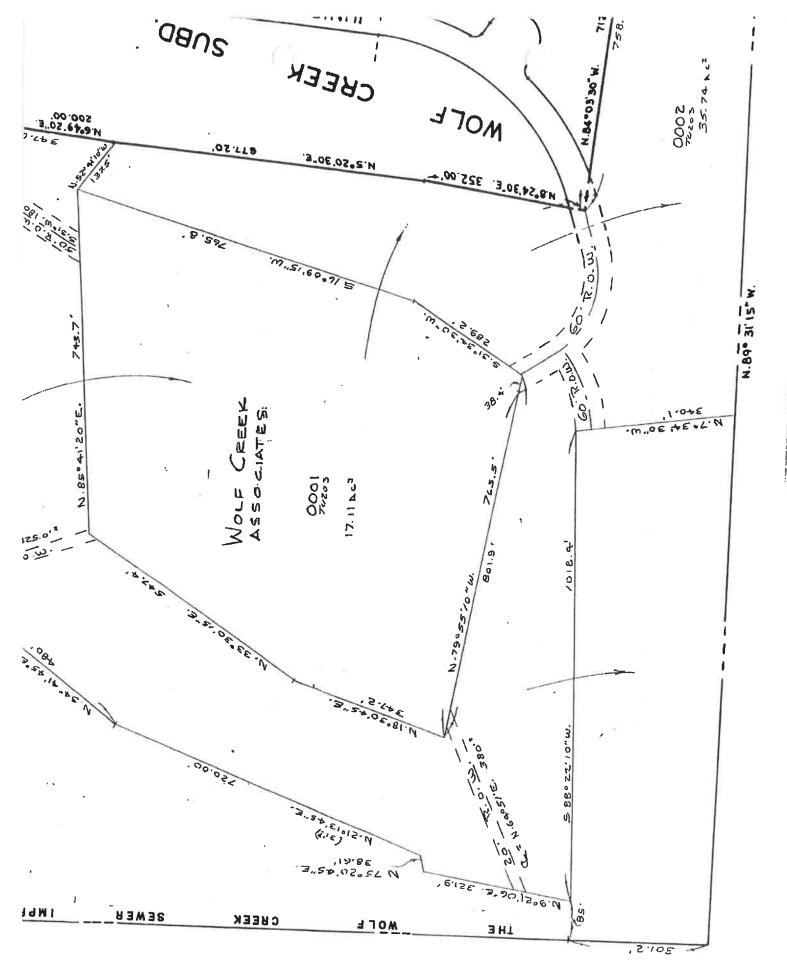
From the desk of...

FACSIMILE

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

> 399-8764 Fax: 399-8862





Page 124 of 186



Date: May 29, 1997

PLANNING COMMISSION

Craig C. Bam 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 ₹ 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 22-017-0001 22-018-0011 SECURITY TITLE CO OF OGDEN WOLF CREEK ASSOCIATES WALKER, JOHN & WF KATHY WALKER % FIRST AMERICAN TITLE CO % BLAINE WADE 205 26TH ST 296 E 3250 N 2009 N 150 E CENTERVILLE UT 84014 OGDEN UT 84401 **OGDEN UT 84414** 22-018-0014 22-057-0001 22-057-0003 SATTERTHWAITE, BRENT H & WISCOMBE, ALLAN R & WF REILLY, JAMES C & DOROTHY T SATTERTHWAITE TR **ELIZABETH J WISCOMBE** RON REILLY 4009 N JUNIPER RD 4797 E 3900 N 2537 N 3750 E **EDEN UT 84310 EDEN UT 84310 EDEN UT 84310** 22-057-0004 22-057-0005 22-057-0006 BRODSTEIN, ROBERT S & FRALEY, ROBERT T TRUSTEE ALLEN, KENNETH M & WF GERALDINE A BRODSTEIN CINDY M ALLEN 3343 BAKER DR 3403 N 2175 E P O BOX 559 **OGDEN UT 84403** LAYTON UT 84041 **EDEN UT 84310** 22-057-0007 22-057-0008 22-057-0009 INGLET, MELVIN L & WF DAUGAARD, CHRISTIAN F & WF WAITE, GARY C & JUDY KAUFFMAN REBECCA L DAUGAARD PATRICIA WAITE 4454 GREENBRIER RD 4790 E 3900 N 9316 EAGLE RIDGE DR LOMPOC CA 93436 **EDEN UT 84310** LAS VEGAS NV 89134 22-057-0010 22-057-0011 22-057-0012 WITKOWSKI, NICK & WF BATEMAN, JOHN M & ELENBAAS, DENNIS J NANCY J WITKOWSKI **GAYLE BATEMAN** 11040 CHICKADEE DR 4752 E 3900 N P O BOX 687 **EDEN UT 84310 BOISE ID 83709 EDEN UT 84310** 22-057-0013 22-057-0014 22-057-0015 JOHNSON, ELEANOR ETAL GLEAVES, KEVIN M PETERSON, CORY L % MAMIE CLEAVES 4773 E 3900 N 620 S 8TH P O BOX 313 **EDEN UT 84310** LARAMIE WY 82070 **EDEN UT 84310** 22-057-0016 22-058-0001 27-058-0002 T.V. SPECIALIST EMPLOYEES J KELLY GODDARD FAMILY WHITE, J BRAD & WF PROFIT SHARING PLAN **PARTNERSHIP** KIM R WHITE % KENNETH W BOLLINGER 1452 S 20TH E 3500 SOUTH MAIN ST 3950 N 4650 E SALT LAKE CITY UT 84108 **SALT LAKE CITY UT 84115 EDEN UT 84310** 22-058-0003 22-058-0004 22-058-0005 MARVA INVESTMENT COMPANY POWELL, DALE R & WF GROSGEBAUER, JON ALLAN & **BEVERLY S POWELL** KIMERLY JANE GROSGEBAUER 4760 S STATE ST 3930 N 4650 E P O BOX 1077 MURRAY UT 84107 **EDEN UT 84310 EDEN UT 84310** 22-058-0006 22-058-0008 22-058-0009 HOLMSTROM, VICTOR I. & ASHWORTH, BRENT F & PERKINS, THOMAS F & THELMA L HOLMSTROM CHARLENE M ASHWORTH DEANNA S MORGAN P O BOX 868 1965 N 1400 E 3951 N 4600 E **EDEN UT 84310 PROVO UT 84604 EDEN UT 84310** 22-058-0014 22-058-0015 22-058-0016 LAMPH, MAX D & LIERD, BLAIR & WF PATIO SPRINGS HOME OWNERS **EDNA B LAMPH TRUSTEES BRANDI W LIERD** ASSOCIATION--WEST % RANDY LAUB 1316 E 2025 S 4671 E 3900 N 3900 N WOLF CREEK DR **OGDEN UT 84401 EDEN UT 84310 EDEN UT 84310**

Page 126 of 186

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

AGENCIES C ? COMMITTEES.

PLANNING COMMITTEES CHAIRMEN

OGDEN VALLEY WIDE COMMITTEE

NEIGHBORHOOD (WITHIN 500 FEET)

OWNER LETTER

SEWER SENT, may 22

ENGINEERING Sent may 22

ENGINEERING Sent may 22

WATER

HEALTH | State Coursin of water quality and Drinking 22

OGDEN CITY water

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 Car Enomy Caks

50 Ft. BPRMS. Flows Longth - Wolff.
1996 o' 4 2 58'9" - 37'5"

#2 2,232 o' 4 2 60' 38'

#3 1,632 o' 3 1 71' 42'

#4 1,502 o' 2 1 62' 42'

* #5 1,326 o' 2 1 48' 56'



PLANNING COMMISSION

Craig C. Barker Director

Date: August 6, 1997



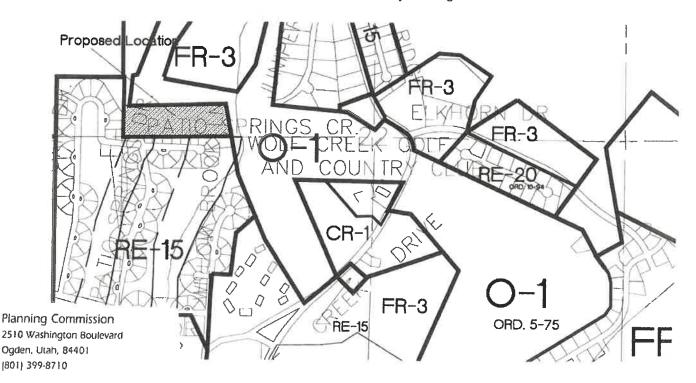
TO PROPERTY OWNERS WITHIN 500 FEET OF THE PROPOSED SUBDIVISION: Fairway Oaks Phase #1 at 4000 N. 4900 E.

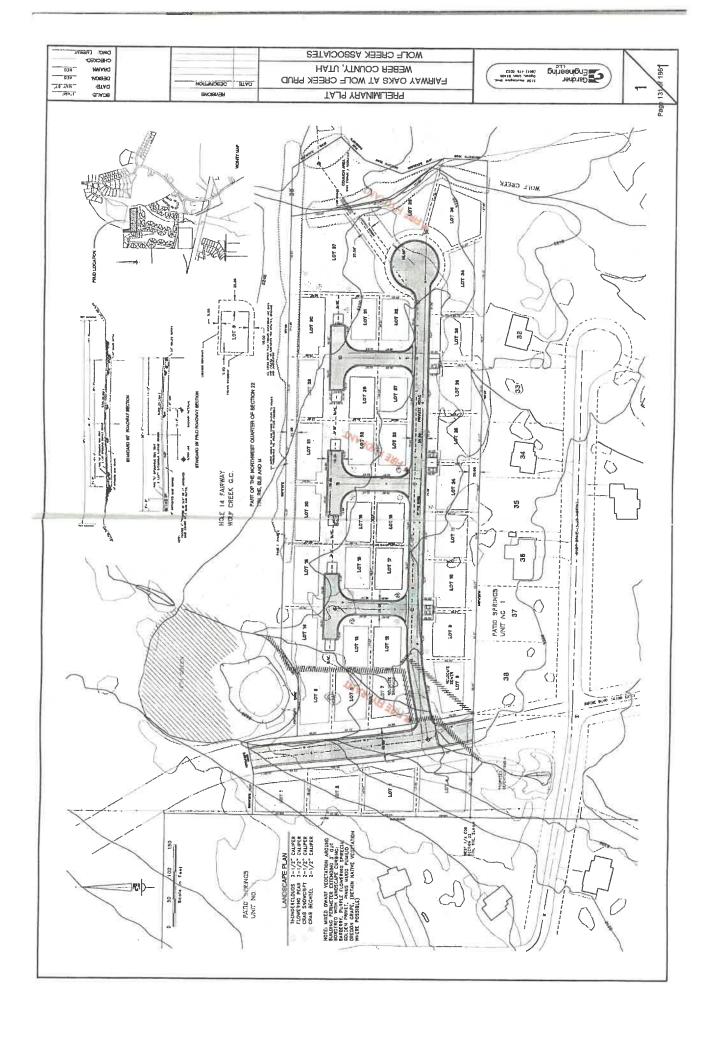
The Weber County Planning District will review the Fairway Oaks Subdivision Phase #1 at their next meeting. The subdivision is for 17 Lots at the above location.

The Weber County Planning District will meet to discuss this subdivision and make a recommendation to the County Commission on Tuesday, Aug 12, 1997 at 6:15 p.m. in the County Commission Chambers, First Floor of the Weber Center, 2380 Washington Blvd., Ogden, Utah. You are invited to attend this meeting to voice your concerns about, support for, or opposition to this subdivision. You may also contact the Planning Commission office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at 399-8710 prior to the meeting.

Troy Herold, County Planner

Weber County Planning Commission





MINUTES WEBER COUNTY COMMISSION MEETING

Thursday, September 3, 1998 - 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: Chair Glen H. Burton, Commissioner Joe H. Ritchie and Commissioner Bruce H. Anderson.

Others Present: Linda G. Lunceford, County Clerk/Auditor, David C. Wilson, Deputy County 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 Ritchie.

Final Approval of Fairway Oaks Subdivision Phase 2, 20 Lots & Approval of Financial Guarantee Jim Gentry, County Planning Dept., showed the area map. He stated that it comes with a recommendation for approval from the Planning Commission and the financial guarantee is for \$270,714.00. Chair Burton asked regarding water quantity as there are numerous concerns with water shortages that were occurring throughout various developments. He said that it appears that there is no mandate for people to hook-up to secondary water and that some are using culinary water for watering. He asked if there is a County review process that looks at homeowners by-laws to see if this can be mandated. Mr. Gentry stated that these requirements depend upon the water company. If they require secondary water hook-up, then the County records a covenant against the property. Blaine Wade, Wolf Creek, (has supervision over water and sewer systems) said that he didn't think it is required on the by-laws but that they will mandate secondary water hook-ups.

Commissioner Anderson moved to grant final approval of Fairway Oaks Subdivision Phase 2, 20 lots and approval of \$270,714.00 financial guarantee (which includes 10% contingency fee), and to include in this approval that secondary water hook-ups be a requirement. Commissioner Ritchie seconded, all voting aye.

Final Approval of Elkhorn Subdivision Phase 3, 27 Lots & Approval of Financial Guarantee

- Jim Gentry, County Planning Dept., showed the area map and said that it comes with a recommendation from the Planning Commission for approval. Mr. Lowell Peterson, Wolf Creek, stated that they will require secondary water hook-ups when people sign up for culinary water.
- Commissioner Anderson moved to grant final approval of Elkhorn Subdivision Phase 3, 27 lots, and approval of the \$400.091.00 financial guarantee (includes 10% contingency fee) and that secondary water hook-up be mandatory. Commissioner Ritchie seconded, all voting ave.

pdb

ROLL CALL VOTE Commissioner Burton aye Commissioner Cain aye Chair Bischoff aye

M. Request to Adopt Ordinance Amending Chapter 5B, AV-3, in Order to Clarify Conditional Use Regulation of Dog Kennels in the Ogden Valley - Ordinance 2000-16

This item was presented on June 21 but as no ordinance had been prepared at that time, Kelly Grier, County Planning Department, presented it now for adoption.

Commissioner Burton moved to adopt Ordinance 2000-16, amending Chapter 5B, AV-3, of the Weber County Zoning Ordinance, in order to clarify Conditional Use regulations of dog kennels in the Ogden Valley. Commissioner Cain seconded.

ROLL CALL VOTE Commissioner Burton aye Commissioner Cain aye Chair Bischoff aye

N. Request to Set Public Hearing Date to Approve Revised Site Plan for Fairway Oaks P.R.U.D. Jim Gentry, County Planning Department, said that the developer had built some of the homes (which were all single family homes) of this Planned Residential Unit Development (P.R.U.D.). Some of the decks and cantalevers were built over the buildable areas and the P.R.U.D. plan was being revised and would show new buildable areas.

Commissioner Cain moved to set July 12, 2000, at 5:00 p.m. for a public hearing to approve the revised site plan for Fairway Oaks Planned Residential Unit Development. Commissioner Burton seconded, all voting ave.

O. Final Approval of Middle Fork Meadows, 3 Lots, Located on 1040 N. 7800 E., & Acceptance of \$39,600 Financial Guarantee

Jim Gentry, County Planning Department, showed the area map of the Middle Fork Meadows, a part of Ry-Ky Estates. He said that lot 1 of Ry-Ky Estates would be vacated and a road would be constructed through Ry-Ky to serve the 2 lots in the rear. The Planning Commission unanimously recommended approval.

Commissioner Burton moved to grant final approval of Middle Fork Meadows, 3 lots, and the acceptance of the financial guarantee in the amount of \$39,600.00. Commissioner Cain seconded, all voting aye.

P. Final Approval of Summit Ski Lake Phase 4, 7 Lots, & Acceptance of \$105,476.00 Financial Guarantee

Jim Gentry, County Planning Department, said that this was the continuation of the Summit Ski Lake in the Ogden Valley and that the Planning Commission had recommended approval.

Commissioner Burton moved to grant final approval of Summit Ski Lake Phase 4, 7 lots, and acceptance of the financial guarantee in the amount of \$105,476.00. Commissioner Cain seconded, all voting aye.

O. Notice of Award of Contract to RLM Construction, Inc. for North Fork/Memorial Parks ADA Restroom Project

Dennis Richardson, County Engineering, stated that this project had gone to bid twice and each time the bids had come in way over budget, with the lowest bid the second time being \$260,000.00. The county negotiated with RLM for \$180,000.00. Mr. Richardson explained that the restrooms would be precast concrete units, with an exposed outer aggregate, and were basically like other ADA compliant restrooms.

Commissioner Burton moved to approve the Notice of Award of Contract to RLM Construction, Inc. for the Weber County North Fork/Memorial Parks ADA restroom project. Commissioner Cain seconded, all voting aye.

R. Approval of CDBG Contracts for North Fork Park/Memorial Park ADA Restrooms & Mud Creek Storm Drain - Contract C2000-66 and 67

Dennis Richardson, County Engineering, said that this was the second year of the multi-year projects for North Fork Park/Memorial Park and the Mud Creek Storm Drain. He indicated that multi-year contracts were previously handled with an amendment for the second year, however, this year the procedures has been

6/28/00

Minutes of the Weber County Aship Planning Commission meeting hough ugust 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

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

Regular Agenda Items

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

<u>Staff and Agency Reviews</u>: 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. <u>Suggested Changes to Rules of Procedure as proposed by Marriott Township</u> 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:

- 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
- A letter of requirements from Utah Department of Transportation for access off State Highway 39
- 6. Fire District requirements
- 7. Engineering requirements
- 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
- 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:

- Lighting
- 2. Signs

Staff Recommendations:

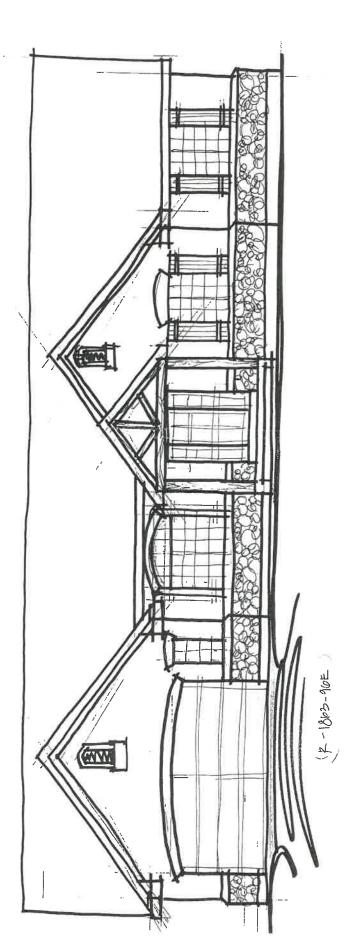
Staff recommends that Wolf Village Timeshare be approved, subject to staff and other agency comments.

The plans submitted reflected what they wanted to do, but the Conditional Use has expired. Staff has Page 138 of 186

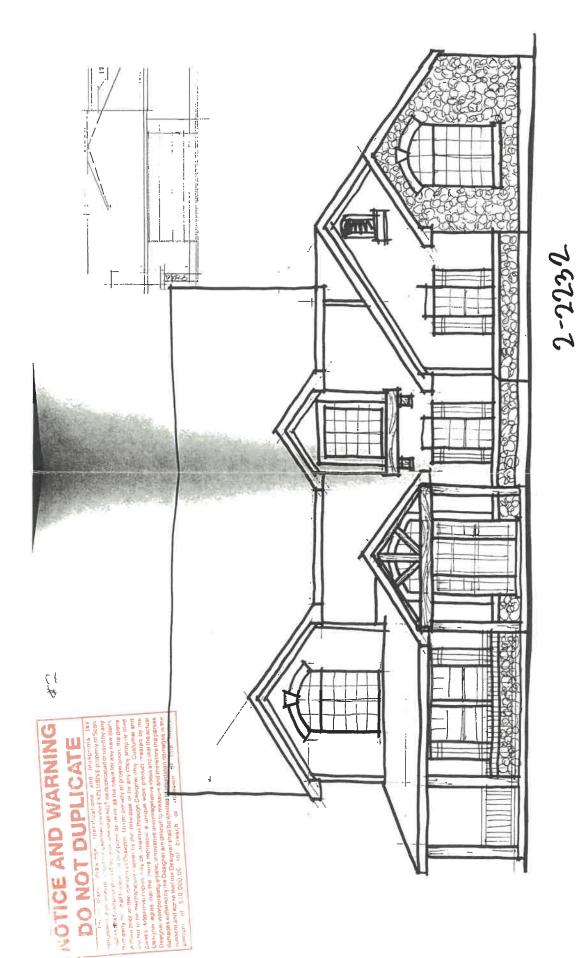


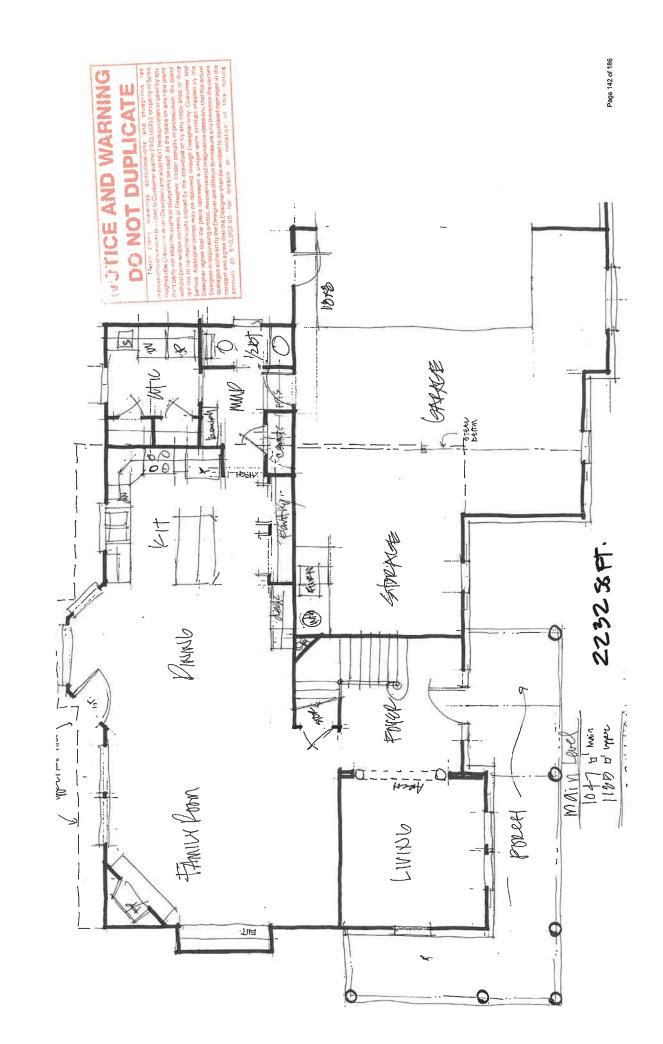
NOTICE AND WARNING DO NOT DUPLICATE

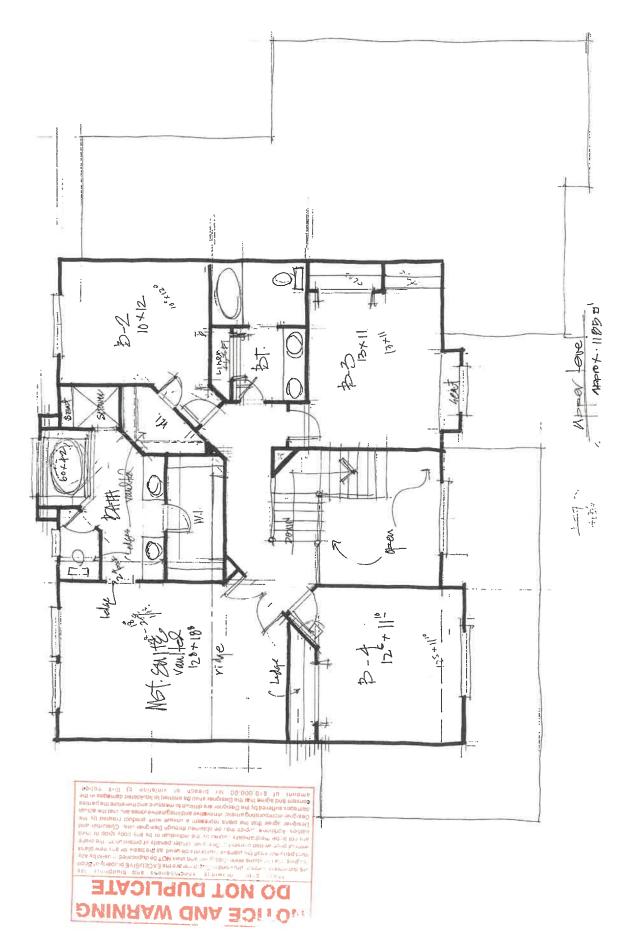
The part of the control of the contr

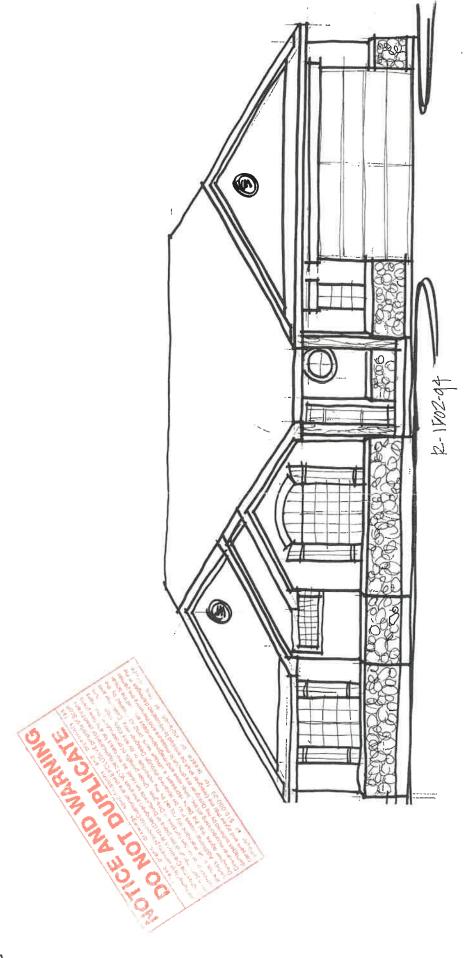


120 pt 2 pt - 1414-960#

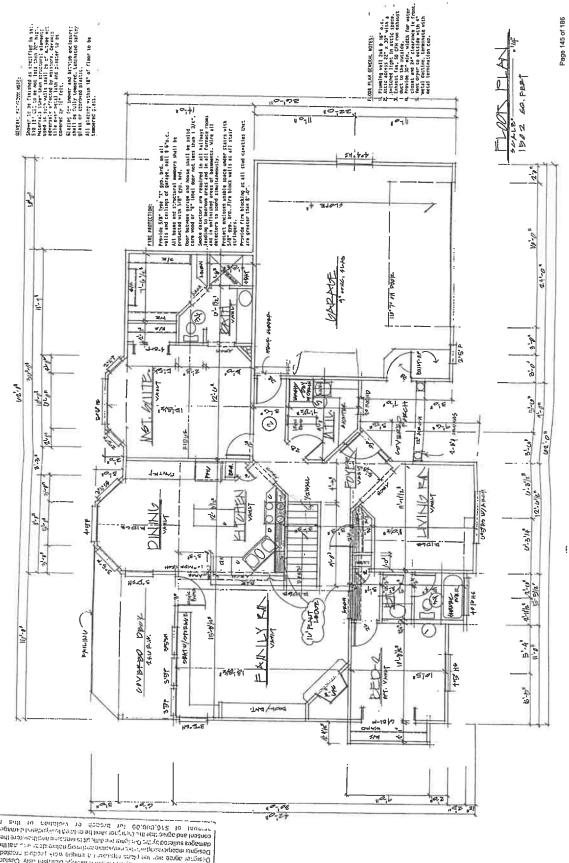








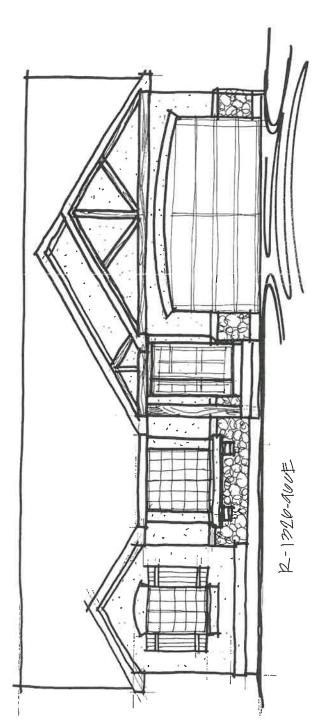
\

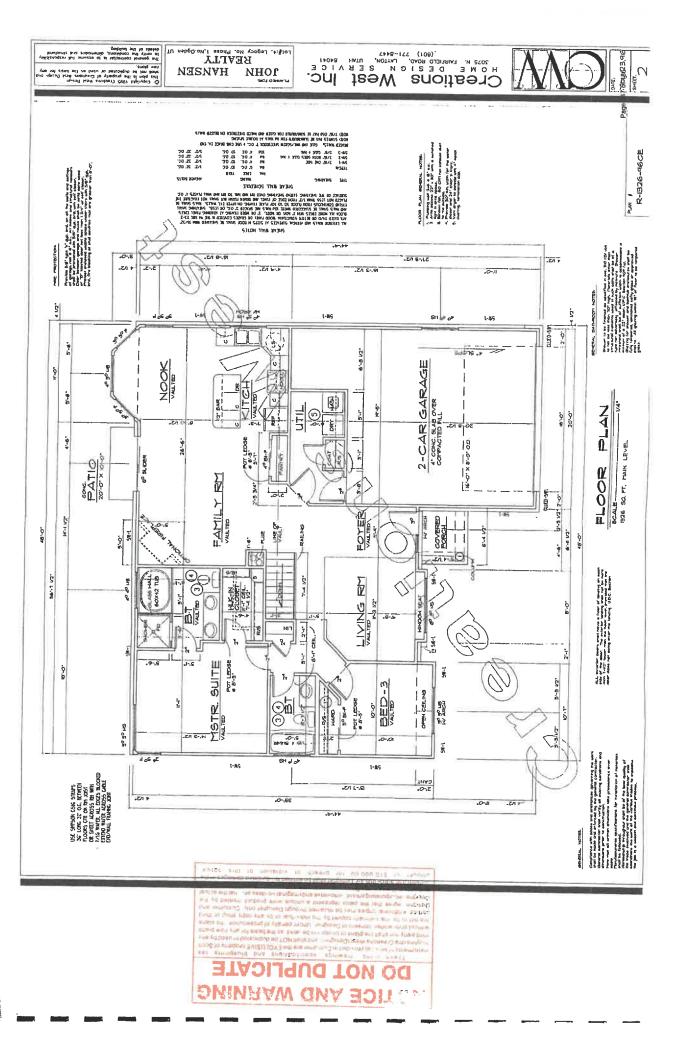


attending the control of the control

5 110 m 700000







9/7/2021 Review - Frontier

Review: Planning Review #1

+ Add Document (/p/Project/AddReviewDocument/35205)

Edit (/p/Project/EditReview/35205)

Remove (/p/Project/DeleteReview/35205)

Allen Kirk Const - SFD (/p/Project/Index/12990)

Project:

Scott Perkes (/Home/Details/393381c9-61b1-4266-8330-41f6dfce9777)

Review By:

Weber County Planning

Department:

6/1/2021

Created: Modified:

6/1/2021 More Information Needed

Review Status:

Following review, the Planning Division will need to have the following items addressed prior to the issuance of a land use permit:

- 1. The applicant will need to submit an architectural approval letter from the Fairway Oaks HOA.
- 2. The outdoor lighting plan does not include the lighting over the garage door as depicted in the electrical plan. Please coordinate these plans and resubmit clarifications.

The rest of the plans meet the applicable land use requirements.

Please feel free to reach out should you have any questions regarding this review.

Scott Perkes, AICP

Planner III - Weber County Planning Division

sperkes@webercountyutah.gov

801-399-8772

Back to Project (/p/Project/Index/12990)

9/7/2021 Review - Frontier

© 2020 - Frontier

Burton, Steven

From: Burton, Steven

Sent: Thursday, June 24, 2021 8:12 AM

To: Alan Elliott

Cc: Perkes, Scott; Grover, Rick

Subject: Christiansen

Attachments: Response to Weber County (1).pdf

Alan,

This is regarding the Christiansen building permit at Fairway Oaks (3932 North 4800 East). We requested an approval letter from the HOA, specifically for the exterior of the home and if it meets the DRB guidelines. The owner has given us a letter (attached) that she prepared, explaining how she is in compliance with the DRB requirements. We want to issue the building permit. Before we issue the permit we are giving the HOA an opportunity to respond to her letter. Again, we only want the HOA approval for the exterior of the building because we understand there are certain aesthetic requirements in Fairway Oaks. Is her building still out of compliance with the DRB guidelines? If so, please explain. Thank you,

Steve Burton

Principal Planner
Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, Utah, 84401
P: 801-399-8766



Steve Burton/Scott Perkes 2380 Washington Blvd. #240 Ogden, UT 84401

Steve and Scott,

Thank you for meeting with Allen and I in regard to the proposed build on lot 22 in Fairway Oaks. Again, we would like to express how unfortunate this situation has become in regard to the unnecessary man hours that the Weber County Planning team has had to endure over this potential build. Nonetheless, Allen and I appreciate the fact you were willing to meet with us and consider our position, given the special circumstances.

To recap our conversation, we have been trying to get DRB/HOA approval since October 2020 and the DRB/HOA has intentionally and repeatedly blocked our ability to obtain approval through the DRB/HOA. Every time we submit our plans to the DRB/HOA we are given a new set of concerns and requirements that have nothing to do with the exterior design of the home in order to prevent or stall us from building. We have been faced with discrimination and as a result, we were forced to retain an attorney.

Per your request I have outlined our claim below that Allen Kirk Construction is compliant per the Fairway Oaks DRB guidelines.

1) The position of the DRB is to review the outside architecture of the home and make a determination that it is consistent within the neighborhood, using the DRB guidelines as an objective tool.

Fairway Oaks CC&R's, Section 6.4 <u>Dwellings</u>, "The DRB shall have sole discretion to establish, regulate and determine the exterior appearance of the Dwellings consistent with the DRB's building and design standards. The DRB may require and otherwise regulate painting and other decorative finishing of the Dwellings and prescribe the type and color of such decorative finishes, and may prohibit, require or regulate any modification or decoration of such Dwelling undertaken or proposed by any Owner. This power of the DRB extends to screens, doors, windows, awnings, railings or any other visible portions of each Dwelling." The Christiansen's and Allen Kirk Construction (AKC) completely understand that Fairway Oaks is within an HOA and that the design guidelines are put in place to ensure the cohesiveness of the community. By intentionally building a home similar in design to the last two builds in the community, lot 20, owned by the Harpers (in 2019) and even more similarly, lot 30 built by the Daniels (in 2018), the Christiansen's know the conformity and cohesiveness of the proposed build is in line with the rest of the community. We have asked the DRB/HOA repeatedly to site specifically in the DRB guidelines where we are out of compliance in regard to the actual build of the home and no one can give us an explanation. The former HOA president approved our plans, and ultimately resigned over the intentional stonewalling by the remaining members of the DRB/HOA of this build. As a result, a new president was "appointed" by the other two members because he held the same views as them.

- 2) The proposed home is within the CC&R's in terms of allowing a basement.
 - Section 2.6 <u>Dwellings</u>: "Each Dwelling shall be a one-story or two-story detached residential structure with an attached garage. The Dwelling may also include a basement." AKC's proposed home does include a basement which seems to be a major issue with the DRB/HOA. They claim that there could be springs and requested that we pay for an engineer to see if the existing pipe that runs adjacent to the lot can handle another load of water, if a sump pump is installed. AKC hired an engineer at AKC's expense and it was determined that the pipe is big enough to handle more water at a rate of 50 gallons per minute. The DRB/HOA claim that the information was not sufficient but failed to explain why and what exactly they needed to fulfill this requirement. The Christiansen's own a lot directly across from the proposed built and have never run into water. We, nor has any other member of the community, has been forced to provide this type of information prior to building.
- 3) The proposed home is within the DRB guidelines in terms of square footage.

 Section 1.2 Community Theme and Characteristics: "The ratio between the square footage of the Lot ("Building Envelope") and the square footage of the heated space within the Building Envelope shall not exceed 1 to 1." AKC's proposed build's square footage is 3182, which complies with the DRB guidelines as it is below the maximum square footage of 3373.
- 4) The proposed home is within the DRB guidelines in terms of roof pitch.

 Section 6.4 Roof Pitch: "The pitch or slope of main body roofs shall be consistent with the selected architectural style and will generally be a minimum four-to twelve (4:12) and a maximum eight-to-twelve (8:12)." AKC's proposed roof pitch meets the requirement of 8:12.
- 5) The proposed home is within the DRB guidelines in terms of height of the home.

 Section 1.2 Community Theme and Characteristics: "The maximum roof peak height for internal lots, those not along the north and south boundaries of the project, will be 24' above top of stem wall for flat lots; and the stem wall top surface is no more than 9" above highest point of current natural grade. The maximum height for a home on a lot with a slope drop of 6' or more will be measured from the lowest point in the lot." The height of the home is below the 24'.
- 6) The proposed home is within the DRB guidelines in terms of use of timber. Section 6.1 <u>Architecture</u>: "Porch supports of either log or square timber." The plans on the proposed build calls out for 8X8 solid wood posts.
- 7) The proposed home is within the DRB guidelines in terms of the front porch.

 Section 6.6 Covered Entryways and Porches: "A covered entryway compatible with the architectural character of the home is required for the front door on all residences. This may be accomplished by use of a porch, Porte Cohere, second floor overhang, skirt roof, etc.

 Minimum covered area is 36 square feet with a minimum clear width dimension of 6 feet and a 6-foot depth to create a usable porch area. Porch railing, when utilized, must have

wood elements; such as log railing and spindles, solid timber railings with round or square metal spindles. The proposed build's front porch is 47 square feet which is more than the minimum 36 square feet. It also contains 8X8 solid wood posts.

8) The proposed home is within the DRB guidelines in terms of the use of materials on exterior of the home.

Section 1.2 <u>Community Theme and Characteristics</u>: A predominant stone and stucco theme with natural log or timber posts and railings is preferred." AKC's proposed build is primarily stucco with stone wainscoting with composite siding to add architectural interest. Siding will be composite (Hardie board or LP smart siding) — painted which comply and the roofing will be a 30-year architectural grade asphalt shingles that are consistent with the materials used in the neighborhood, also is called out on the plans, along with specific brands and colors which were furnished on the application that was submitted to the DRB/HOA.

- 9) The proposed home is within the DRB guidelines in terms of incorporating a side load garage. Section 6.7 Garage Elevations and Doors: "Side-loaded garage configurations are strongly encouraged, with access from both the side property line or in front of the main entry where possible." This DRB guideline is on the proposed plan. This not only allows for more parking, but adds to the front aesthetic to the home and is consistent with the lot 23, which is the home next to the proposed build.
- 10) The proposed home is within the DRB guidelines in terms of roof overhang.

 Section 6.5 Roof Overhangs, Fascia, Gutters, and Soffits: "The minimum roof overhang for all main body roofs shall be 18 inches. The roof overhang for secondary roof elements may vary in order to achieve a consistent fascia line. Eaves, fascia and soffits shall be detailed appropriately for the scale and form of the roof structure." The roof overhang for the proposed build is 18 inches.
- 11) The proposed home is within the DRB guidelines in terms of types of permitted windows.

 Section 6.9 Windows: "All windows and other openings shall be articulated with trim material appropriate to the style for all elevations." The proposed home will be designed with vinyl windows, which is consistent with the neighborhood.
- 12) The proposed home is within the CC&R requirement in terms of master bedroom window projection.

Section 6.1 <u>Architecture:</u> Small cantilevered areas may be considered, but significant volumes of space over negative spaces must be avoided. Also, in section 13.4 <u>Encroachments:</u> The non-exclusive, perpetual and irrevocable easement described in this paragraph shall also apply to any encroachments due to any overhang or projection of the Dwelling." This is also consistent with the Daniel's home (lot 30) and Spaey's home (lot 23) to name a few. It is an extremely common practice to extend cantilevers and roof projections into or over buildable areas and is absolutely allowed in accordance to IRC. The intent of the projection is to provide depth and architectural interest to the curb appeal of the most important elevation.

13) The proposed home is within the DRB guidelines and Weber County in terms of being Dark Sky compliant.

Section 5.7 <u>Lighting:</u> "Exterior lighting for safety and conscientious enjoyment of outdoor porches and decks that minimize intrusion to natural night sky and neighboring homes is the Community's philosophical commitment to the Dark Sky Initiative." The proposed build notates that all light will be Dark Sky compliant and has passed Weber County requirements.

14) The proposed home is within the DRB guidelines in terms the covered deck.

Section 6.10 Elevated/Walkout Decks: "The design of elevated decks, (located at the main level of a walk-out lot), including their materials and colors, shall be consistent with and complimentary to the main structure and not appear to be "tacked on" to a house." The guidline of the DRB in regard to the covered deck is consistent with the proposed plan.

Steve, as you are aware, when concerns have been brought up with not only Weber County, but the DRB in terms of items being out of compliance or not meeting the DRB guidelines, we have made changes promptly. However, there are items that are preventing us from obtaining approval that are the central focus to the DRB/HOA that have nothing to do with the outside architecture of the home.

In April, our counsel reached out to the Association's counsel, challenging the Association's denial and requesting dialogue to try to resolve these unwarranted objections, and asserted that the Association's position was "indefensible under the guidelines." The Association's counsel has never provided any meaningful response to this correspondence, and that lack of response is what prompted our attorney to suggest that we submit the plans for approval. It seems inappropriate that the Association can stop our building by interjecting objections that their counsel cannot, or will not defend.

On April 24, 2021, one member of the DRB and the new HOA "appointed" president showed up on our doorstep and attempted to return the \$2500 deposit and instructed us to start the process over but failed to give us any explanation as to why we are out of compliance in regard to the DRB guidelines. Allen and I refused the check and told them we have been working with them since October 2020 and there was no way we were going to start the process over. Two days later, they mailed the check back to us, forcing us to receive it.

Ultimately, since it is not a Weber County statute and the last 4 homes (at the very least) that were built did not require HOA approval in Fairway Oaks prior to building, we followed our advice of our counsel, and submitted the plans to Weber County for approval.

Allen Kirk Construction maintains it has complied with all DRB guidelines & CC&R's and strongly feel that a permit should be issued on this.

We look forward to hearing from you on how we can move forward.

Sincerely,

Heidi & Allen Christiansen

Review: Planning Review #2

+ Add Document (/p/Project/AddReviewDocument/35581)

✓ Edit (/p/Project/EditReview/35581)

✗ Remove (/p/Project/DeleteReview/35581)

Allen Kirk Const - SFD (/p/Project/Index/12990)

Project:

Scott Perkes (/Home/Details/393381c9-61b1-4266-8330-41f6dfce9777)

Review By:

Weber County Planning

Department:

7/14/2021

Created:

7/14/2021

Modified:

Approved

Review Status:

Review of resubmitted plans has shown compliance with the applicable land use requirements. Land use approval is subject to all reviewing agency comments or conditions. Please see attached for the issued land use permit.

Scott Perkes, AICP

Planner III - Weber County Planning Division

sperkes@webercountyutah.gov

801-399-8772

Documents

	Date
Document Name	Uploaded

LUP232-2021.pdf

7/14/2021

Download (/p/Project/DownloadFile?ProjectDocumentId=56751)

(/p/Project/ViewFile?

ProjectDocumentId=56751)

≭ Remove

Back to Project (/p/Project/Index/12990)

9/7/2021 Review - Frontier

© 2020 - Frontier



Land Use Permit

Weber County Planning Commission

2380 Washington Blvd. STE 240

Ogden, UT 84401

Phone: (801) 399-8791 FAX: (801) 399-8862

webercountyutah.gov/planning

Permit Number: LUP232-2021

Permit Type: Structure Permit Date: 07/14/2021

Owner Applicant

Allen Kirk Construction LLC Name: Heidi Christiansen Name:

Business: Business: Address: Address: 3932 N 4800 E

> Eden. UT 84310 . UT

801-698-2064 Phone: 801-698-2064 Phone:

Parcel

Parcel: 222540005

Subdivision: Fairway Oaks Ph. 2 Amd. Zoning: FR-3 Area: 0 Sa Ft: Lot(s): 22

Address: 3932 N 4800 E EDEN, UT 84310 T-R-S-QS: 7N-1E-22-NW

Proposal

Proposed Structure: SFD **Building Footprint:** 2554

Max Structure Height in Zone: 35 **Proposed Structure Height:** 25

0 # of Accessory Bldgs: # of Dwelling Units:

*Is Structure > 1,000 Sq. Ft? Yes # Off Street Parking Regd: 2

*If True Need Certif. Statement

Permit Checklist

N/A Alternative Access File # Access Type: Front Lot Line

No Wetlands/Flood Zone? Greater than 4218 ft above sea level? Yes

Yes Additional Setback Regd. ? Meet Zone Area Frontage? No Hillside Review Reqd? No N/A No > 200 ft from paved Road?

Wolf Creek Sewer Culinary Water District: Wolf Creek Water Waste Water System:

Comments

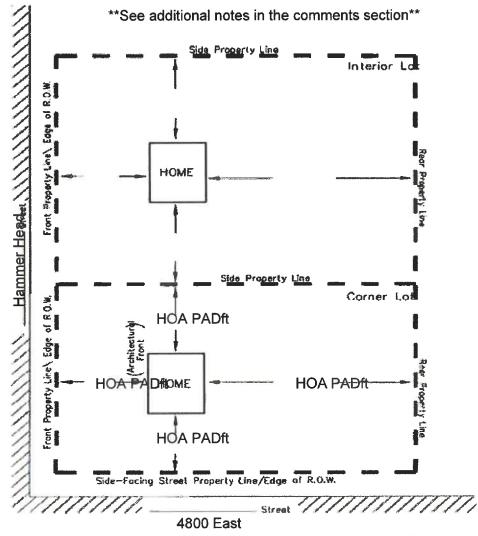
This Land Use Permit is for a single-family dwelling on building pad #22 of the Fairway Oaks @ Wolf Creek PRUD Phase 2

Amended subdivision. Building setbacks are dictated by the building pad on the subdivision plat (see enclosed). Weber County staff requested correspondence from the Fairway Oaks Design Review Board regarding the architectural and material design of the structure via email 6/24/2021. No response from the HOA was received. With guidance from the Weber County Attorney's Office, Planning staff reviewed the proposed home plans, in the absence of an HOA approval letter, to verify that the home is consistent with the single-family home standards (LUC Sec. 108-15). Staff also found that home to be architecturally and materially consistent with existing homes in the Fairway Oaks community. Ultimately, compliance with any applicable private covenants is the responsibility of the owner. Lastly, all outdoor lighting is required to remain in compliance with LUC Sec. 108-16.



Land Use Permit

Structure Setback Graphic: New Dwelling, Addition, Etc.

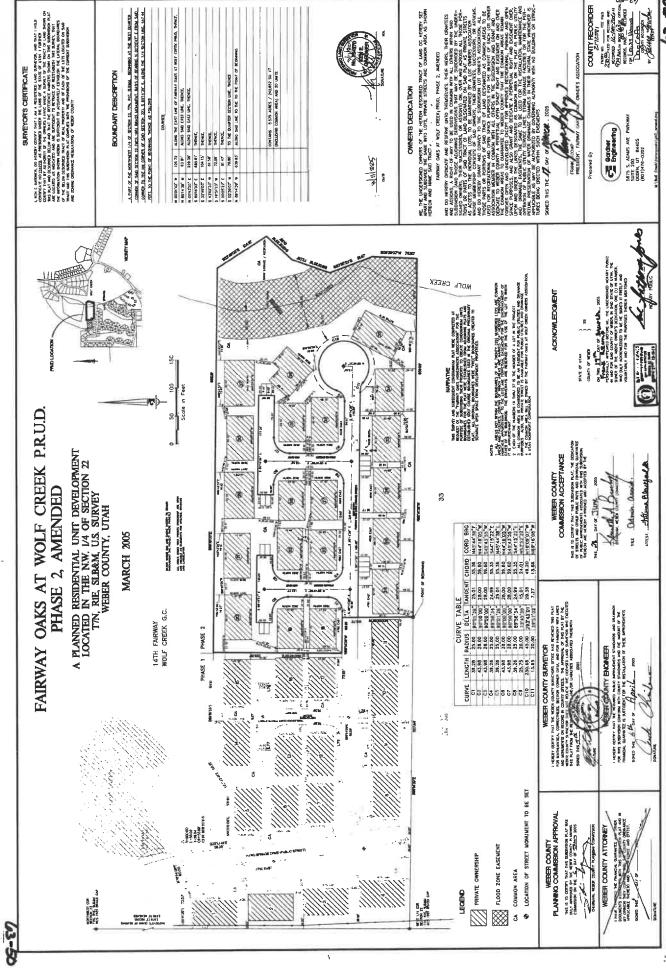


MINIMUM YARD SETBACKS New Dwelling, Addit ion, Etc.

NOTICE FOR APPLICANT (Please Read Before Signing)

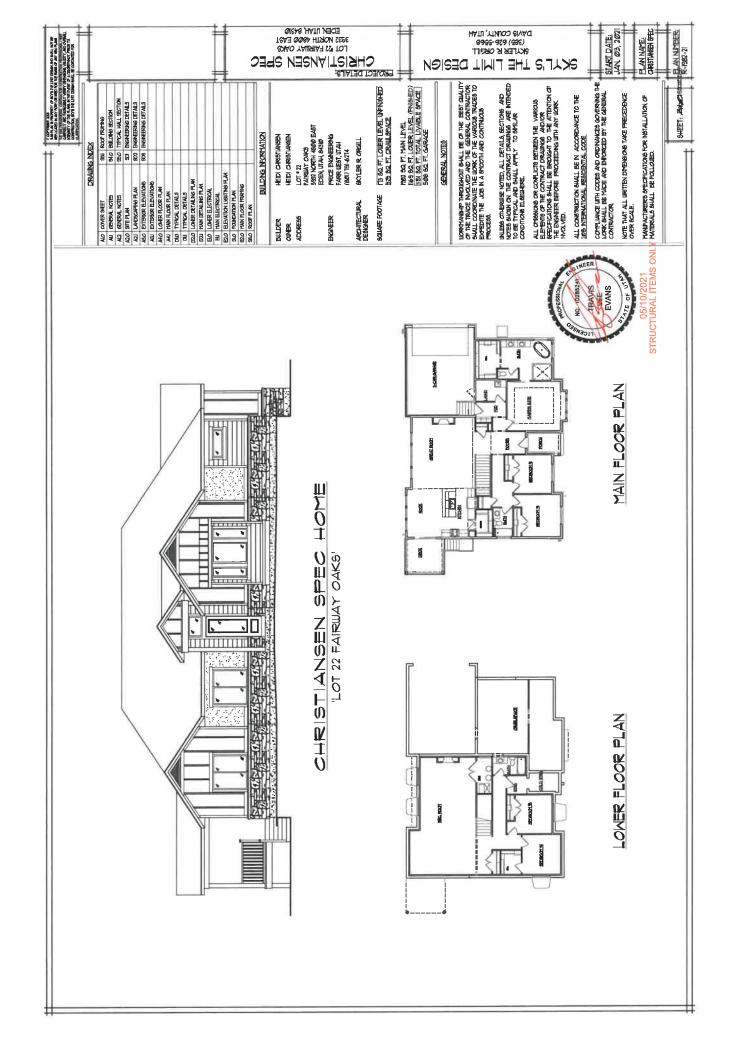
Proposals for the installation of an individual water supply and for a sanitary waste disposal system (septic tank) for any structure designed for human occpation must be approved by Weber County Health Department prior to installation.

Scott Perkes	07/14/2021
Planning Dept. Signature of Approval	Date
I hereby certify that I have read and earnd know the same to be true and correct and ordinances governing this land use w specified herein or not. I make this statem	All provisions of laws ill be complied with whether
Contractor/Owner Signature of Approval	Date



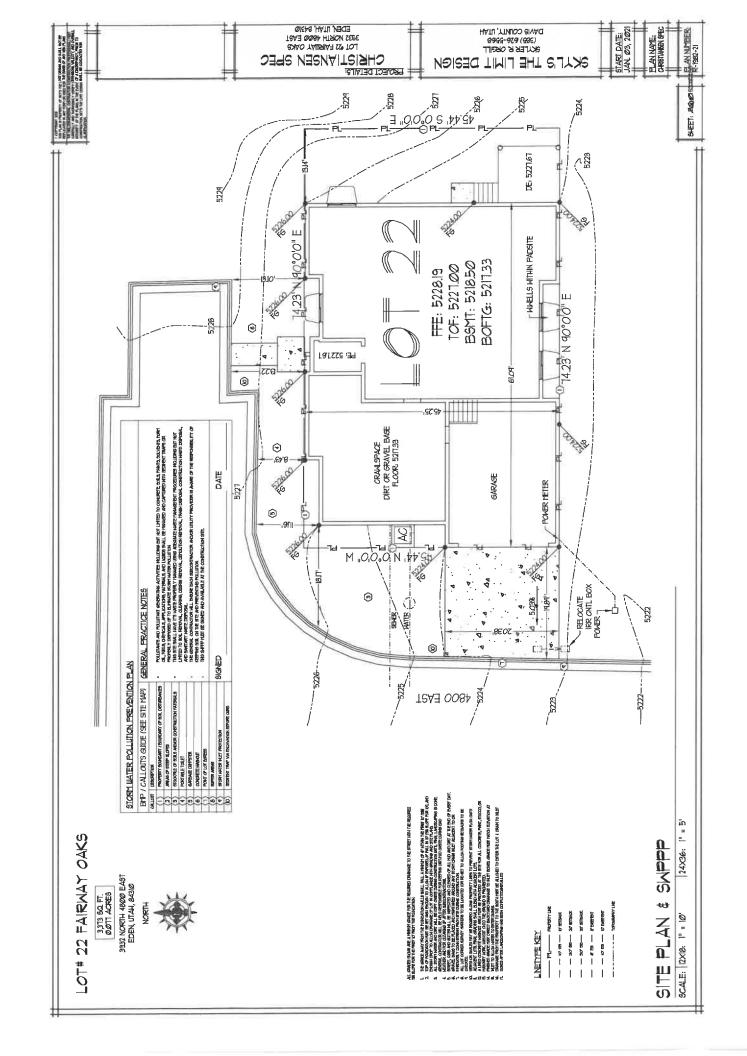
63-30

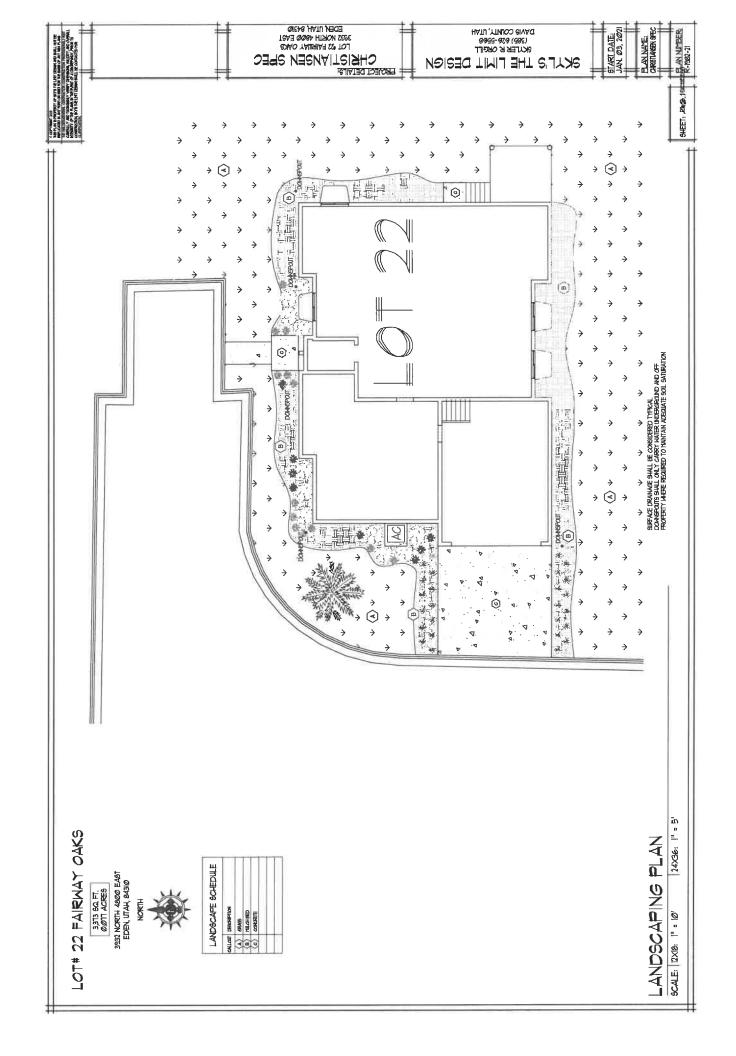
_

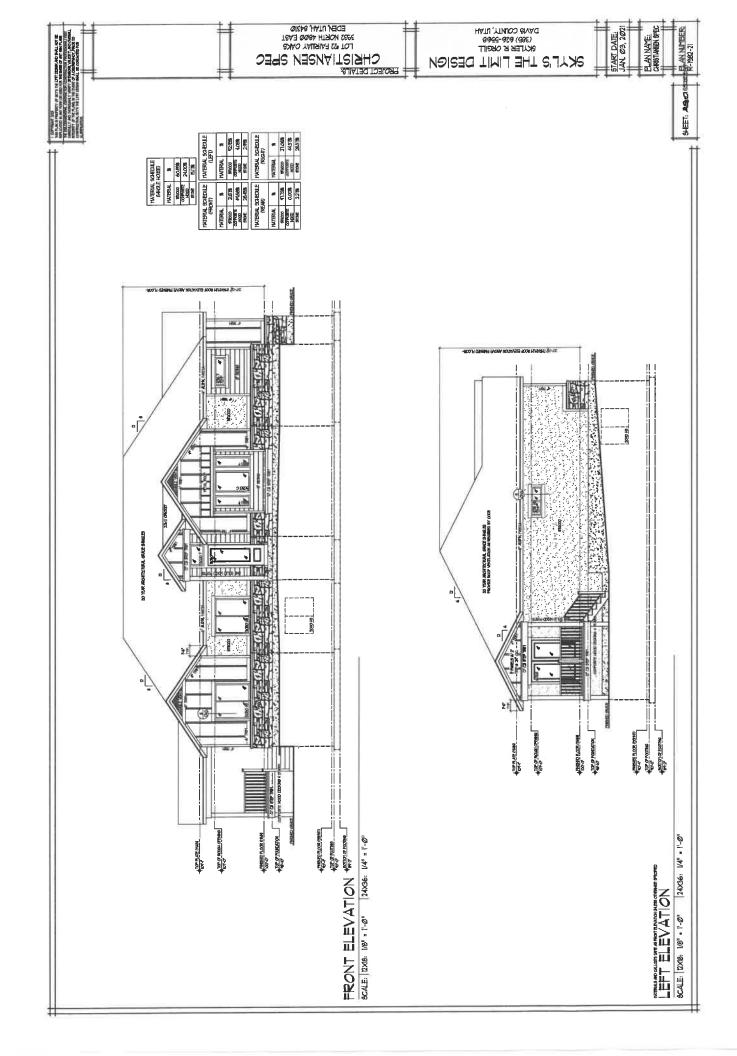


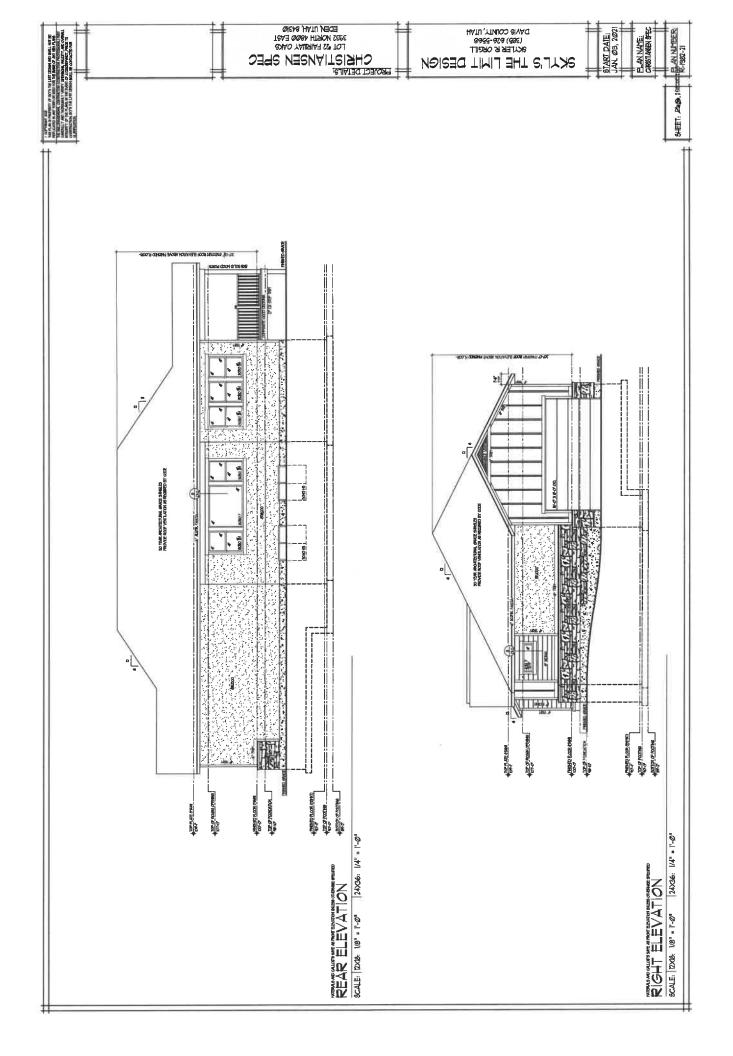
The control of the co	SKYL'S THE LIMIT DESIGN SKYL'S THE LIMIT DESIGN SECTION UTAN, SHEW EDBU UTAN, SHEW EDBU UTAN, SHEW EDBU UTAN, SHEW	SHEET: AND TO THE PARTY OF THE PER PROPERTY OF
A. A. M. of intercondition is between conceased vertical and horizontal scales and in as a c. in conceased vertical and horizontal scales and in a c. in conceased regions between size in the property of th	5	while not prove in the control of th
in mergency states and response contributed to the behavior deficient. The section what has been been been been been been been bee		7
undications ground surface. When a spiglicable, the output of todages shall also conform to Section 1.2. Substructural careful changes. Bether of ALL tenting shall be not less than 20° todawn the fished open surface. The substructural careful changes is the substructural careful changes. Bether of ALL tenting shall be not 30° todawn the fished open substructural careful changes. Substructural careful changes is the substructural careful changes in the substructural changes in the substructural careful changes in the substructural changes in the s		CONTRACTOR OF THE CONTRACTOR O
FECTION I, STRICTURAL DATA In ESTERMIC ZON D2 1, CLX 1100 In MINISTERMIC ZON D2 1, C		tractories of the ce footbook, which shall (305 mm) teelow the

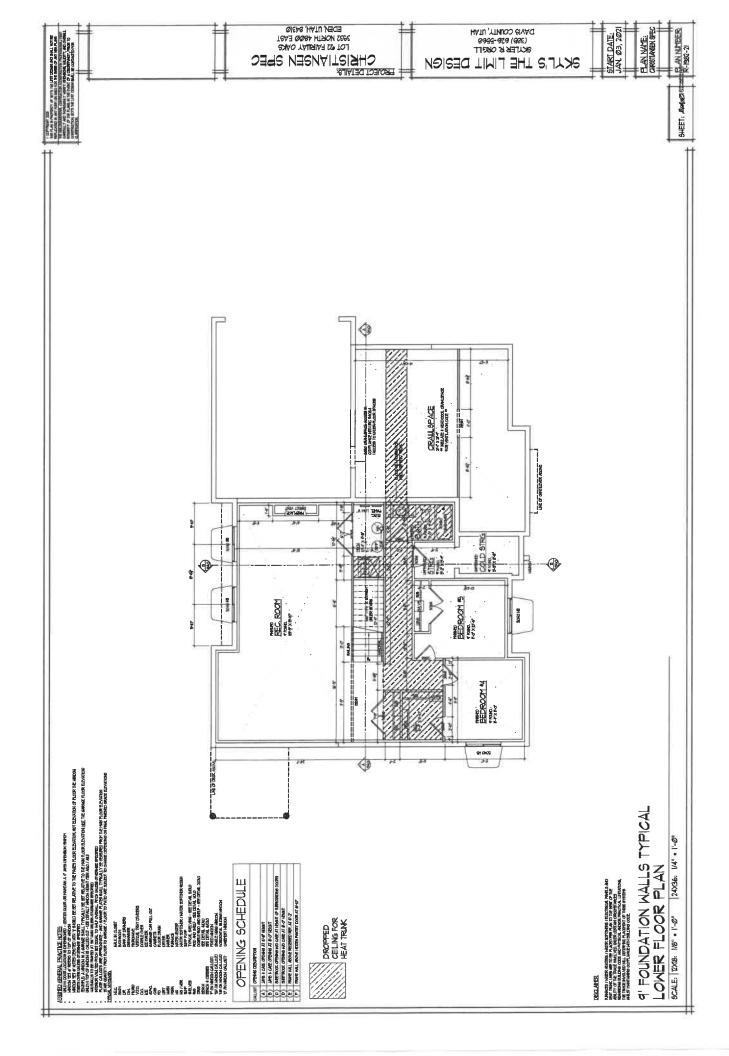
	A DI PROGRAFIA DI SETTI DEI I PETTONICA AND SELLI PATTICO. DE SANT PARTICOLO SER DI RESPONDE CONTROL DA SELLI PATTICOLO DI PETTONICA DI	OF A DISCHERANCY, PRICK TO WALL BE CONTACTED FOR	-															100	+					9	·=	d	Ş	\ \ \ \ \ \	0	NO A	87 /TE	ポル	셤	10) 22	125 I	רכ		H	0) DEC	08		=			_	16	2 9	S	⊒		Ť	19K	1 0 4 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	35 SE	9) (9 EK	17. 38.6 81.7) *6		3,	٦,	L',	∀	6		+		START DATE:	JAN. 03, 2021	=	1	D AN NAME	CHROTIANGEN SPEC		D AN AMPRICA	K-1982-21	
(COMMENT ASS	NO PLAN IN PROPERTY OF SUTS NO WITH LEGISLAND CONTRACTOR WITH LEGISLAND CONTRACTOR CONTRACTOR OF CONTRACTOR OF CON	CONTRACTOR OF PLANS IN THE PART OF THE PAR	4																																																																							4		SHITT: AND DESCRIPTION	
	e equipment drawlings or attropage in the concentrate drain pipeling. Onthin pipeling shall be a residence of 31 Appendix of 11 Appendix of 1	11.13 Sadhnar Tine - When a sedment from is not incompreted as part of the appliance, a	addinent trap shall be statefed downwarement of the application should valve us down to be trible of the societies of the sections of the section o	Programmer and the contraction of the line as that that the contraction of the line as that that do figure (400 RNC CARGO A to other charles accounted as a protection of the line as that the contraction of the contraction	dothes dryers, decoration version appliances for batalation in vantard frequencia, gas the places and	purchoon givilla model not be ted uppered.	SECTION 12, ENERGY EFFICIENTY I ELECTRON 2010) 12,1 This project shall comply with either the prescriptive requirements or the performance approach	to comply with the 2015 RECC - Chapter 4 Randonilla Energy Embercy as amended by the claims of Unit code, Completion with all mandatory sections of this code is also required. The performance	approach will require an accurate streetly conservation analysis such as a 2015 RESolveck or alternative as a convent to a Resident Children		of the RES check current addion with Utah Modifier, with a 3% butter then code in 2017 and a	4%, better then code in 2019 and a 5%, better than code in 2021 or the presorbbive mathod in Section 8472 1 and Table R402 12 Citizate Zone 5, 2015 settion I.P.C.	12.1.2 BUB DING THERMAL ENVELOPE NIGULATION - An Ravelue identification mark shall	be applied by the menufacturer to each peace or building freeme envelope anumon il anciena. (306 mm) or more vidos, Atematély, the Insufeiton instellers shall provide a conflication liating.	the type, manufacturar and Revalue of Insulation tratalised in each element of the building	12.1.3 BLOWN OR SPRAYED ROCFICELING INSULATION - The trictmess of blown in or	sprayed rookbailing traufallon (thengless or calkblace) shall be written in brokes (mm) on maches that are broked as base one for each 200 ff 120 mill trookboat the affections. The	marked shall be effect to the trustee or yolds and marked with the relational install installed	House as with numbers, a minimum of 1 feeth (25 mm) light, flach marker ahalf shos the efficiency	12.1.4 INSTALLATION - All materials, systems and equipment that be installed in econdence	with the manufactorer's installation instructions and the provisions of this code.	dar/fluiton penel. The certificate shall be completed by the builder or registered design	professional. The confitces shall list the predominant Revalues of insulation installed in or on	outside conditioned apaces. The certificate shall also list the type and efficiency of heeling.	cooling and service water healing equipment,	12.2 Show insulation Revalues and type clearly on plens for all arress,	12.3 All extentor wells of untimished beammans shall be insulated, or the floor above the unfinished	basament with a separation of confiltrand and unconfiltrand apada.	\$2.4 The building thermal envelope shall be constructed to limit at leastage as per 402.4.1, The	trudicing thermal envelope an all the sealed between dissimilar materials and the helpstation shall	compay with manusculation in base above the bound common in the component arowers by the building may certify completing to component chiefs for herm not inspected	during regularly acheduled inspections. The building or dwelling shall be leased and vetified as	having an at leakage rain of not exceeding 5 air changes per hour R 404.4.1.2. Third party blower door neases this to DD to DD SUIT suiting to exceed the season descent with commentation	COOK (BESING STAIR DE ETT) OF NEGOTIE, CONTROL OF ADJUNCTION ROSTORIAN MAIN LAND LAND LAND LAND LAND LAND LAND LAN	10.7 Not leas than 75 necessit of the farmes in necessarish hetaliked lightly fathers shall be	high-efficiency lemps or not less than 75 percent of the permanently installed lighting fictures shall	COMBAT PARTY REPORTED REMINES.	6ECTRON 13, CONSTRUCTION DETAILS. 13.1 Glave shall problete at least one available wall another building cross section about 0 the	construction materials and methods used from the boding to the sever.	editionalisment and an experience of the college and the college and the selection of the selection of the	Topyogate and the warm at the company of the compan	is, Top of loolings. b. Basement ording line,	C. Main floor line,	a. Second thorning.	I, Second Boor casing line. 13.3 Due to the mature of the design, the following additional framing details shall be authrithed:	e. Nath Boot handing plan.	C. Roof framing plan,	C, DIMPWRY CORE SECTION.	13.4 Bearing partitions parpendicular to joikts shalf not be offest from supporting pirdem, water or numbers may have the joikt state. (1830).4	A THOUGHT AND A STATE OF THE AND	13.5 Ag exceptor waste and interfer pertitions supporting two stoces, not and califing shall have not loss than 2" x 6" stock at 16" o.c	13.6 December classification than use of although expensive mathematic processing from collecting could be	construction shall be automitted:	SECTION 14, STRUCTURAL DATA	14.1 DESIGN DATA 1. SEISMIC: ZON D2 z 0.30 11,00	2. WRND: Basic whol speed Occupancy Catagory III = 150 MPH (3 second gus) Vult ASCE? 1. EYDOR IDE is also accode for the most of Exemplation is Entratated.	4. SOR, BEARING: 1,600 PSF (without a soft report)	6. FROST DEPTH 30 habos	7, FLOOR LIVE LOAD; 40 P3F Bedrooms; 30P3F B. BAL CONTYDECK LIVE LOAD; 40 P3F	1.8 % Only and the contract of		14.3 Specing and direction of run for all frustees and ginder trustees shall be shown on the plans.	14.4. Species, grade, size, specing and direction of run for all jobits and mitters shall be shown on		14.5 Species, grade, she and location of all beams, girden and headers, over 4 long shall be shown on the disra.	44 th Occasions, consider and possibles of all and arms shall has sirenan on the plane.		BECOMMY TO WOLES 15.1 Validay of Permit, (R105.4)	15.1.1 The leautance or granding of a parmit or approval of glans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of	the provelors of the code or of any other ordinance of the junisdiction. Permits presuming to take authority to wholese are several the constitutions of the rande or after ordinance of the	Carte abundanty to votate to demonstrate the province of the p	15.1.2 The lautence of a parmit based upon plans, specifications and other data shall not prevent the building official from themsitier requiring the correction of errors in seld plans.	specifications and other data, or from preventing building operations being carded on thereunder when in violation of this code or of any other ordinances of this jurisdiction. The	for building official is also subtracted to prevent occupancy or use of a structure where its violation of this code or any other orthances of this jurisdollors.			
	10,10 White breiten Scrabel viren's wher demagns your size and a press a world fight part builded	TO 11 WAYER HEATER SCROOL SCROOL IN Selection Case of the D. D. D. and	transported in the form of the	that of the open along of the water healts, either in any forticontal direction, or in accordance	COLL COLL TO BE ARREST THE TAIL THE PARTY OF THE COLL THE TAIL THE	10,12 ACICLESS TO PUMP • Accosa and do provided to decusion pumps (alecaza toda) in accordance with the ficture manufacture's bristalisation tratuctions. Where the manufacturer's	Instructions do not specify the location and minimum size of their labritated access operatings, a 12fect by 12fect (304 mm by 304 mm) minimum size operating shall be installed to provide access to	the deculation pump, Where pumps are located more than 2 feet (\$99 mm) from the access conding an it flatch by 185ch (\$37 mm by 457 mm) mitheum abs cooning shall be installed.	(P2720.1)	10,13 BACKWATER VALVES - Sevage back flow, Where the flood level rims of plumbing fixtures					plumbing fictures and ficture fittings shall be in accordance with table (see table P2903.2)	10,15 HOSE CONNECTION - Silcocks, hose bibs, well hydrants and other openings with a hose	connection shall be protected by an atmospheriotype or presumetype vacuum breaker, a pressure	Technic Milena essentacy of a politicative principal roles companies transfer to the property	10,15 WATER HAMMER - The liow valooity of the water distribution system shall be controlled to	reduce the postuborary of warmit familians, weather than an extension a stall be assumed as a black of the control from the manufacturer's fractuations, Wester-harmmer arrestors ahalf conform to ASSE 1010.	The state of the s	valvas of the presente-balance, thermoetatio-modify, or combination pressure	beliance/hermostetlo-midny virtive types with a high limit stop in eccordance with ASSE 1016/ASME	grader than 120°F (46°C). In-line thermostatic valves shall not be used for compliance with this	section,	SECTION 11. MECKANICAL PLAN	11.1 Appliernale translation in garages or color siness where any may be subject to damage shall be suitably queryled spanist such damage, (1.R.C. M1307.3.1)		11.2 Healting and cooping southment potated in a garage and which garveness a grow, appear or rame capable or familiar distributed flammable valors: shall be tratabled with pilots; burners, healthg elements and	awitches at least 16" above the floor level. (I.R.C. M1307.3)	11.3 AB buildings are considered to be unaskally light construction and all combustion set to reoms	or spaces contabling fuel burning appliances shall be obtained from the outdoors or from spaces	freely communicating with the outdoors, (LP.C. M2407.1)	11.2.1 Compression are small be autopased by one (1) versions or noracontal operang, weight mail and area of 1 aq. leich per 3,000 BTL/H of the total input rating of all appliances within the space.	(G2407.8.2) 11.3.2 Show the absence locational a various in chans hechanist ducts backnowld necessari	apace, will louvers etc.) of all combustion air openings.	11.4 The furnice room shalf have an opening or door and passageway therato not less than 2" in	width and large enough to permit removal of the largest furnace in such room, (J.R.C. M1305,1.2)	11.5 An uncharturated working apace not fer a than 30" in depth and the height of the furnace shall be	provided along the front or service able of each furnace when the door of the enclosure is open.	(indicated and only in 2)	11.5 A warm air humade on air handlans aituālind be fruinilad in a closet on alcove lass than 12. wider than the famade or humades and with a minimum class working space of 3° along the ables.	back and top of the furnion, Minimum diserences required by the manufacture must also be	וואראות ווייניים או ייניים	11,7 PROHIBITED LOCATIONS = Appliances shall not be located in steeping morns, ball-norms, toffel morns, storage closerts or surgicel norms, or in a space that opens directly into such rooms or	spaces, except where the installation compiles with one of the hallowing: (J.R.C., G2408.2)	the Beting and the manufactures' hystalletion instructions.	11,7.2 Venned room heaters, vall Ruhacts, vensed decorative appliances, vensed ges freplaces, vensed gas freplace heaters and decorative appliances for tratallation in vented	acidit fuel burning limplaces are installed in norms that meet the required volume criteria of Services (22407 8.	Sections occurs. 11,7,3 A single walk-mounted unvented room heeler is installed in a bethroom and such	unvented room heater is equipped as specified in Sections 52445.8 and has an most rating not onester than 6,000 Shuh (1,76 kM). The bethnoom shall mast the required volume chiefe of	Section Q2407.5.	unversion healer is equipped as specified in Section 02445.5 and has an input nating not	gradier han 10,000 61 UPH (2,03 kW), The bedroom shall meet the nequency volume offerse of Section Q2407.5.		weather-et/speed door equipped with an approved self-closing device. All combustion air shall be the self-closing device.	led a series account the second in the second second in the second secon	That A warm are furnace arise from the measured were a constructe or tests then by each use consequent characters agon, Minthrum cloansmoots as required by the manufacture must also be followed.	(I.R.C. M1305.1.1)	11.9, APPLANCES IN ATTICS - Attics containing appliances requiring access shall have an	applance, but not less than 30 hortes (752 mm) high and 22 hortes (559 mm) wide and not more	than 20 fest (9096 mm) long when measured along the centerfine of the passageway from the opening to the appliance. The passageway shall have continuous solid flooting in accordance with	Chapter 5 not loss than 24 inches (610 mm) wide. A level service space at least 30 inches (762 mm)	cept and 30 inches (102 intri) who exists of present carry as weep to prompt make the second required. The observaces opening dimensions shall be a minimum of 20 inches by 30 inches.	where such dimensions are large enough to allow removal of the largest appliance, (LR,C, M1305.5.3)		and vertical length of 35, Maximum length of duct shalf be rectuced 21/2 for much 45" bend or 67 for	each 90" benct, Duct shall be a rgn, northwalstood of 4, (LPCC, M1302.4.5)	11,11 REQUIRED HEATING - When the winter design temperature in Table R301.2(1) is below 60F (100), every dwelfor unit shall be provided with heating hadilities croable of maintaining a minimum.	room temperature of SSF (20C) at a point 3 lest (914 mm) above the floor and 2 feet (510mm) from	OXIGNED WHEN IN AN INCIDENCE TO COME IN DIG COMING THE INCIDENCE (LITELA PACALINA)	11,12 Condensate disposet Condensate from all cooling colls or evaporators shall be conveyed from the draft pan cutted to an appropried place of disposal. Condensate shall not discharge into a	street, alley or other amea so as to cause a noteance, (LR.C. M1411,3) 11.12.1 Auxiliary and secondary drain systems; in addition to the requirements of Section	10,11, a secondary drain or sudillary drain pan shall be tequined for each coding or evaporator coll where demage to any building components will occur as a mast) of evention from the			
		IA.C. ESSON and ESSON AND ESSON OF THE PROPERTY OF THE PROPERT	d. Stehnward top & bottom of num	e, Coldion Entrances or Exits	C. Attached Garges	8.22 Lighting factures may be installed in dothes chaets only if the following cleeranous are	maintained. (IR.C. E4003.12) 8,22,1 Surfacemounted incendepoint or LED testure installed on the wall above the door or on	the calling, provided there is a minimum dearance of 12° between the fixture and the nearest control is stotice ame.	8.22.2. Surfacemounted or recessed fluorescent throates histaffed on the wall above the door or	point of the storage area,	the well or celling provided there is a minimum descence of 6° between the bourn and the	nearest point of the storage grees.	table is sometimenders that he permitted.	8,23 All light evilibbe must have neutral withe ran to them for potential future use of occupancy	sensors and other devices that negules a neutral wife, (PRC E4001,15)	8.24 ELECTRICAL SERVICE	0,24,1 Underground electrical services, up to 200 amps, shell be helalised in 2º rigid rises with 2º residents on seasonal to 2º District sectional state to contact at an extension and sectional sections.	18" deep. (KCDC 1029)	8.24.2 Overhead electrical sentices, up to 200 amps, shall be installed in minimum 2" rigid steel	Section 3604.		OCC meet ejectivel permit can not be focused in the year of members.	8,28 Electrical panels must be in an area that is 30° in width with 38° clear in depth and a minimum	or the right (notes company)	SECTION 9. SYMMENTO POOLS 9.1 The installation of all evidence cocks and the electrical wideo and equipment associated with		9.2 All overhead conductors shall meet the clearances as per Table E4203.5 and Sec. E4203.8.		M.3 Underground wiring asset not be intrinsed under or within 5 lets of pool. (EAGALL?)						240 volt, single phase, whether by receptacle or direct connection, shall be provided with GFCI provided in parameters (FADA) 1.3.		W.5 Velopylates shall not be cover than 5 feet to waters edge and switches and not be cover than 5 feet to edge of pool. (E4203.1.1 and E4203.2)	filler and as becauses habitant codes called to be because the filler and for building the CONTRACT OF CO	copper conductors not amailler than 8 AWG; conductive pool shalls, pool shultural steel, perimeter	dock reinforcing used or band wire, underweier lightling with metal forming shells or brackets, all	this act of many many over a milety denerated, ment person or expension appropriate associated with the pool water circulation or heating, pool across and motors, and any metal withing methods and	equipment closer than 5 feet to the pool. (LR.C. E4204) 9.8.1 PERRAIETER SURFACE BONDHG-The perimeter puritions around the pool shall be	bonded by meene of structural reinforcing steel extending 3 feet from adga of pool, or by at	the pool habitaled between 18 and 24 inches from the waters edge of the pool. The partmater	wire shall he bonded to the reinforcing steel of the pool at a national not points uniformly appead around the partmeter of the pool.	9.5.2 Pool water. The pool water shall be thereforally bonded by means of a conductive	phalible permitted to consist of parts that are required to be bonded, (64204.2)	925.3 CONTROLLED ACCESS - The awkinning pixel shall be enclosed by a wall or fence that to at least 6 leef in height and constructed to a 4 fixh sphare cannot peas through at any point,	Access gates shall be self-closing, self-lebthing, and be equipped to accommodate a locking	OBINIO)	SECTION to, PLUMBING PLAN 10.1 Each water down (tolks) what he located in a datar space of not less than 30" in width 115"	from center to any obstruction) and have a clear space, in hork, of not less then 21", (LR.C. P2705)	10.2 All shower comperiments shall have a minimum linished interior of 900 sq. bothes and shall	addo be capade of encompassing a 30° demeter circle. The access opening to a shower shall have a clear and unobstructed finished width of 22 inches (559 mm). If a coor is installed it must have	a 22" opening when open, it must awing out and must be tempered. (LR.C. PZT08.1)	10,3 All appliances (woter heater, boiler, steam generalor, etc.) which require pressure relief valves	served) which shall extend to a floor draft and discharge through an air gap, (I.R.C. P2804.6.1)	10.4 All buildings are considered to be unusually light construction and all combustion air to rooms	or spaces containing fuel burning spallences that be obtained from the outdoors or from spaces freely communicating with the outdoors, (LR.C. M2407.1)	10.4.1 If the one permanent opening method is used, a vertical or a horizontal duct shall extend	of all appliances located in the ancidoure and not less than the sum of the areas of all vent	connectors in the space, (62407.8.2) 10.4.2 Show the side and location (Ls., vertical in chase, hoticorial ducts, horizontal paened	space, wall lowers etc.) of all combustion air openings,	TO AND THE WINDS TO SELECT THE SECOND THE CONTROL OF COURSE	(0.5 No gas first appliances shall be located in eleging rooms, behindoms, tollet rooms, cheets or in a speed that coers into such rooms or speeds. Exception: The appliance is a clear, onc.	appliance and is installed as per its listing and the manifecturing instructions, (G2408,2)	10.6 Water heaters loomed in a garage and which generates a glow, apart or fame capable of	gotdog temmade vapore anali be traballed with the ploce, burners or heating earnents and switches at best 18" above the Boor level, unless fetod as flaturable vapor (galido resistent, (LR.C.,	(22801.7)	10.7 Water halance transfed in gampes or other eness where they may be subject to demage shall be a detailed enoughed such demand. If D.C. Coden or	OF BANKING QUALITIES AGAINST BAKET CARTINGS. (KITCA: CACTAGAS)	10.8 The weier heater apace shall have an opening or door and a continuous passageway thereto not less than Z to width and large anough to remove the largest weier heater in the room. (IRC.)	M130S)	10.9 An unobstructed working area not less than 30° in depth and 30° in width shall be provided immediately in front of the control aids to service the appliance, (M1305)			
	SECTION I, ELECTRICAL PLAN	Le in the control of	stress do visigant personale de materiale auditaria en acceptanção de casa, caradas emissas en auditoriales de construction may be betallo opposible do viv. 1/2,0, 8314,0, All smoke directors must be libited as per	O.1.1 Installed in sech sleeping room.	out at whiching as a positionning accided in the current or and giving access to each separate standard promit.	3.1.3 When the developing has more than one story and in develops with basements, a delector shalf be tratafied on EACH STORY and in the BASEMENT, (I.R.C. R314.3)	8,14 Smoke atterns shall be tristated not less then 3 feet (914 mm) hortzontally from the door or opening of a bathecom that contains a bathtab or abover unless this would prevent	placement of a smoke idem required by Sedlon F314.3 8.1.5 lentration anothe adams shall not be tratailed less than 20 less 1909ff mm) horizontally	from a permanently installed cooking appliance. If a Discontinue of the Continue of the Conti	from a permanently histoffed cooking appliance.	R.2 CARBON MONOXIDE ALARMS	8.2.1 Carbon monowide alemas shall be installed on each hebitable level of a dwelling unit	Inmediate whichly outside of all bedrooms. All carbon monodise delectors shall be listed and	comply with U.L. 2015 and shall be installed in accordance with provisions of this code and MFPA 720, (IRC R315)	THE RESIDENCE AND ADDRESS OF THE PARTY OF TH	IN STRUCTURE OF INTERFERENCE IN THE STRUCTURE OF INTERFERENCE OF INSTRUCTION WITHOUT THE STRUCTURE OF INTERFERENCE OF INTERFER	In such a manner that the activation of one alarm will activate all of the alarms in the Individual unit.	doors diseat. Approved combination amoba and carbon monorable defectors shall be permitted.	(R314,7 State Amendment)	B.4 Cullet boxes in life raised walls shall be listed and tested for use in fire raised walls and be	Installed per their listing. Such fores on opposite aides of the wrill shall be separated by one of the	1, by the horizontal distance of 24°, (R302.4.2)	2, by molid lifeblooking per Section P302,11,		-	passageway opening, shall be provided at or near appliances located in affice and crawl epaces,	(LPCC) MISSESSESS MISSESSESSESSESSESSESSESSESSESSESSESSESSE	8.6 Arc leuß chruit interrupters. ALL branch circuits that supply 125 roll; single phase, 15end	Zuempere receptate busite material in dwareng unit becroons, vitamins, and seurory rooms shall be protected by an arc feet chould bream the materials. O.R.C. E3802.18 and State Amendments)	THE PERSON CONTRACTOR AND THE PERSON CONTRACTOR AND THE PERSON OF THE PE	8.7 GROUND FAULT GROUPT INTERRUPTIES PROTECTION FOR PERSONNEL (GEG) AL 125V. abode olders 15 or 204 montanies and droubs lisked below whall be embedded by a cround finith.	chruft hierupter, I.R.C. E3902	8.7.1 ALL neeplacks installed in betweens.	0.7.2. ALL receptorate in paragram 0.7.2. ALL receptorate in paragram	8.7.4 ALL receptedes installed in critical spaces and in unfinished becoments 8.7.5 All reconstruction temperature cathetics by hydron in section or under two authorises	8,7,8 Laundry, utBy, and ber shit receptedes, All 126voll, slegts phase, 15and 20ampers	receptables thet are rocking within a local (1924 mm) of the bulbue eutre auge of a returnity, tuting of wet bar afrit, shall have ground fault circuit interrupter protection for personnel. Recaptable	curtists shall not be traitalled in a face up position in the work surfaces or countertops. (I.R.C.			0.0 M GFCI receptables must be forested in a readily accessible location (R3602.14)				s counters shell be included in the 6' mexumement, A receptede ill apsoca 2' or more in width. LR.C. E3601.2						L Bedroom #3		then 12*, (I.R.C. E3001.4.1)	B.10 Kilchen and drifting area counters shall have recepteds outfat located so that no point, along	the wall lithe, is more than 24" massured horizonishly from a recapisole guilet in that space. (LP.C. E3801.4.1)	If it followed and reaches the constitute been 40% to relative when it has a factor and constitute and the c	receptable. I.R.C. E3901.4.2 and E3901.4.3. Countertop spaces separated by ranges, cooktops,	(2'willongs) "sacrade applicate na accessor an sall a serve to early in	6.12 At least one wall receptable outliot shall be installed in the bathroom within 3 leet of each bash., (LR.C. E3901.5)	had been also been also been been a been been and a been been been been about the control of the	outdoorn, Balconies, decits, and porches that are 20 square feet or more in size shall have a	receptance installed within its pertresser, All exterior receptances ahali be tated as weather resistant, (R4002,8 and R4002.9)	And There shall he of least one nevertable retired lestelled for the leavest of D C ENDO A.	למו המשיים שנושה בכי של המשיים המשלים המשיים המשיים המשיים והיו של המשיים שני של המשיים המשיים המשיים המשיים ה	B.15 At least one receptable cults; in addition to any provided for specific equipment, eval be installed in the basement, (RRC, E3801.9)	6.48.8) has a consequence of the fire addition in any condition for analysis and consequent	Installed in the garage and each motor vahide space. (IR.C. E3901.9)	8.17 At least one receptable cullet shall be installed in each hallway of 10' or greater in length.	(IR.C. E3901.10)	8.15 At least one receptable culter shall be provided within 25 of all HVAC equipment, other than even confirm modern. (R30H 12)	/1 - , oac	B.19 All loast one lighting outlet, with a switch located at point of entry, shall be installed in each afte, crawl spece, utility from and basement used for storage or completing equipment requiring service.	(LP.C. E3903.4)	6.20 Temper resistant receptacles; All 125-cd; 15 and 20 amp receptacles trackled inside or quightie of a dyrelling shall be listed temper resistant receptacles unions located more than 5°0" shows the	floor, (R4002,14)		

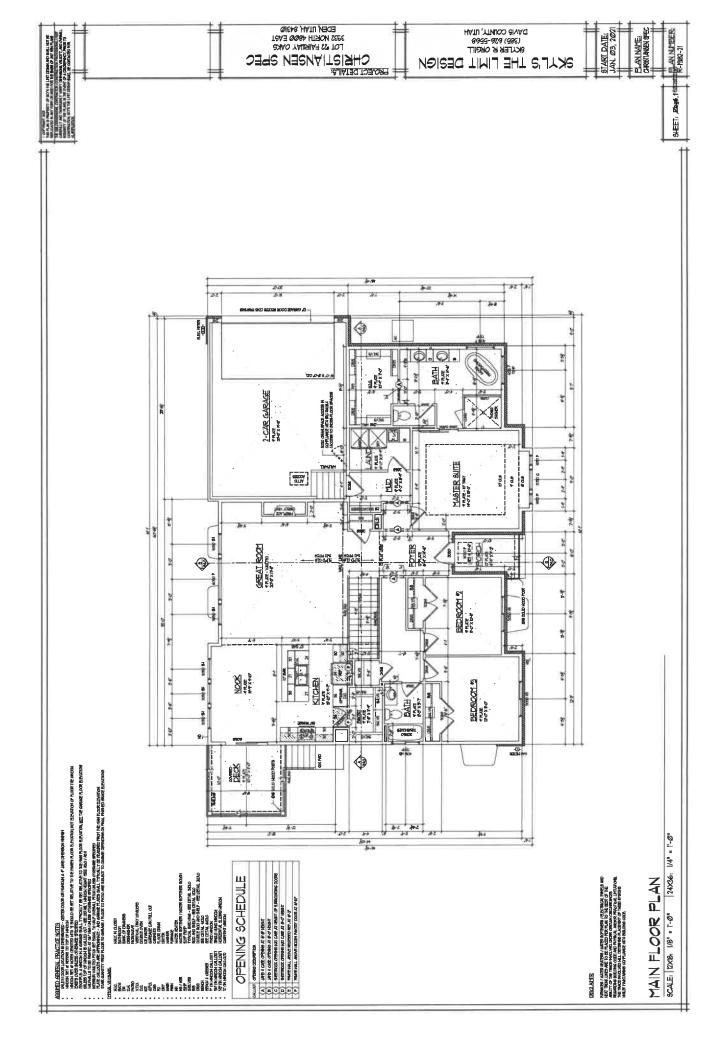


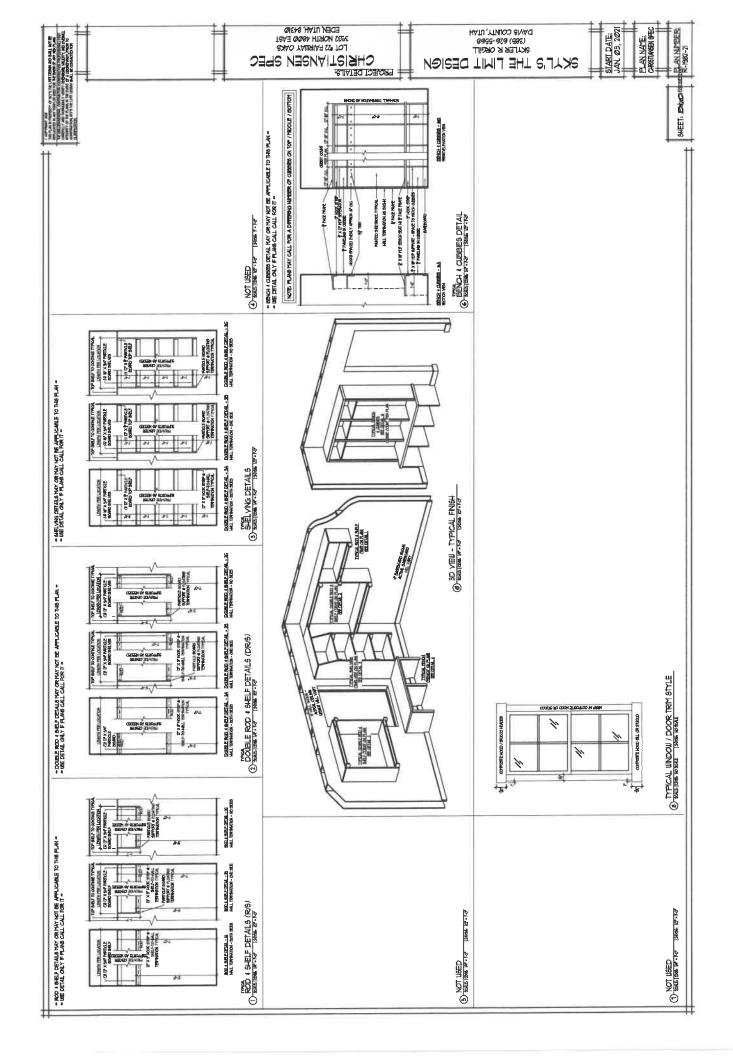


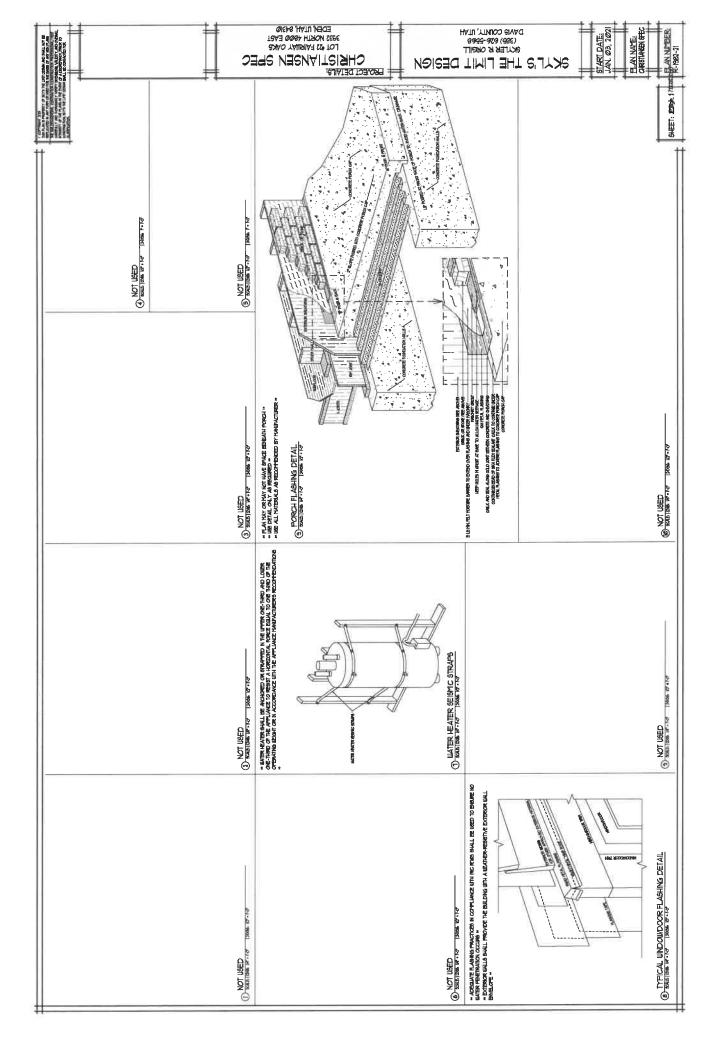


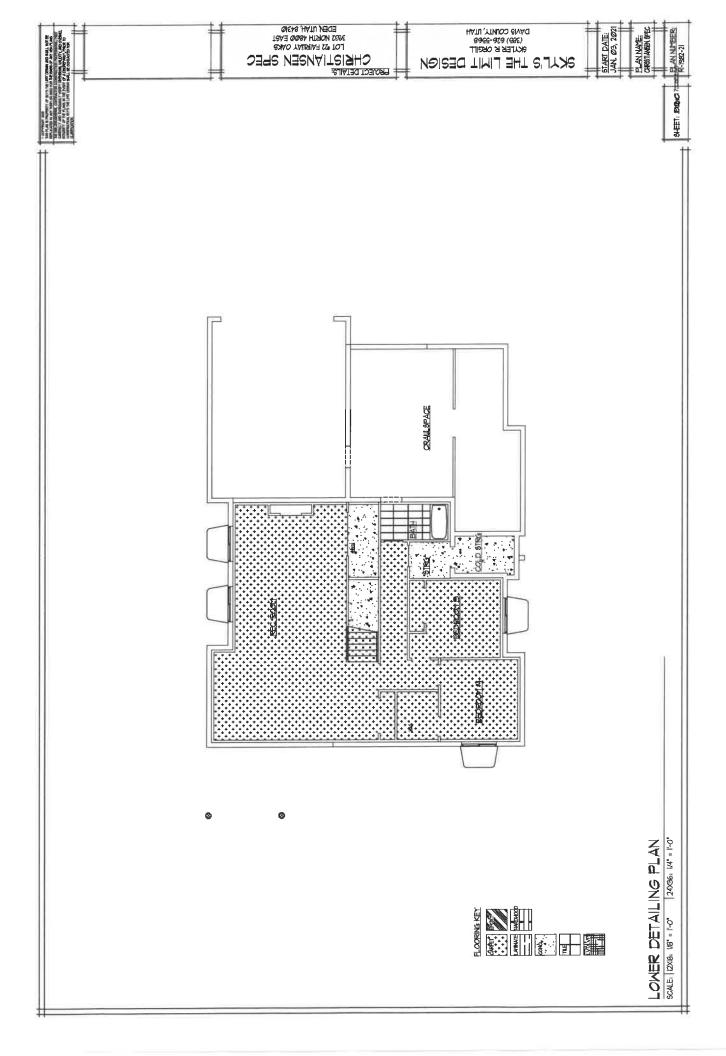


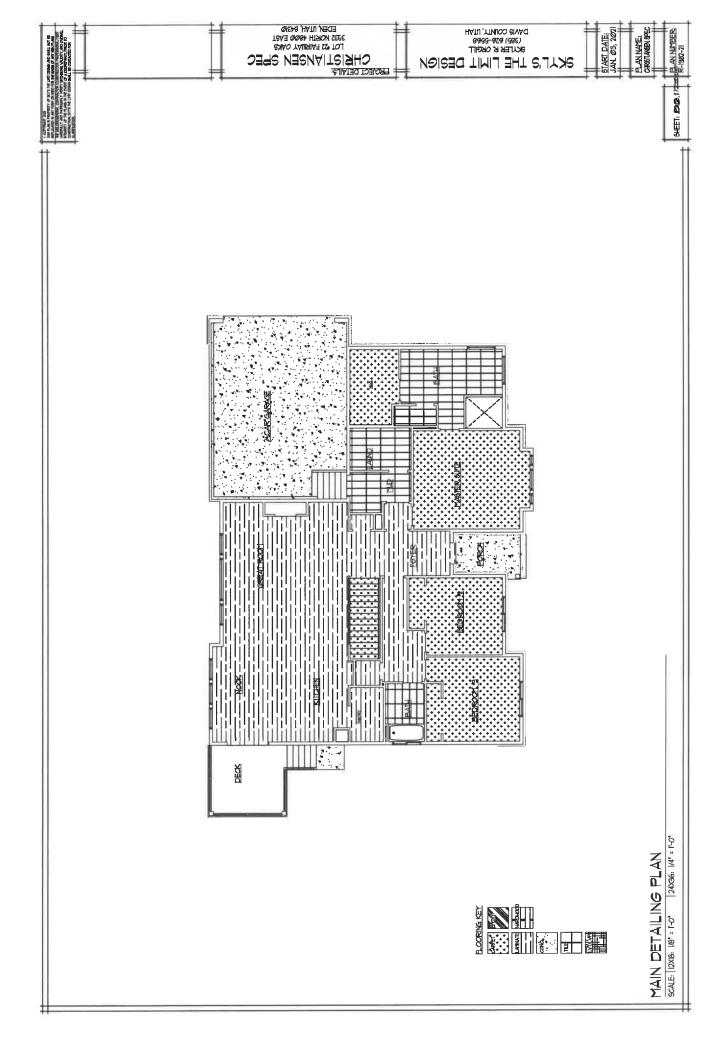


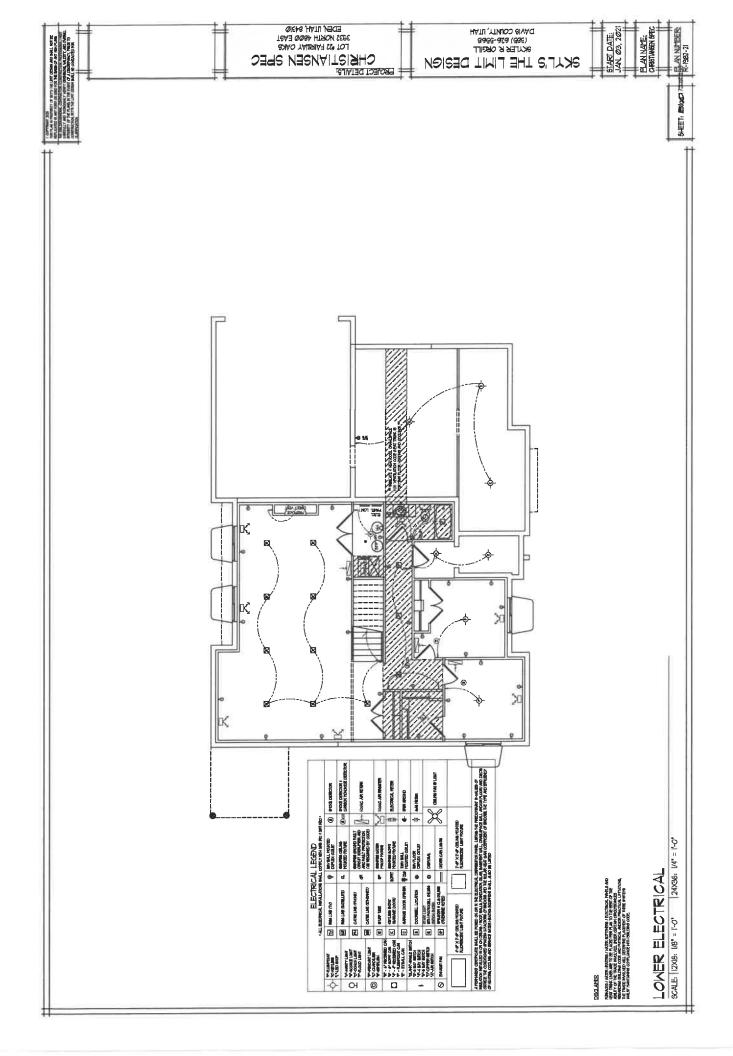


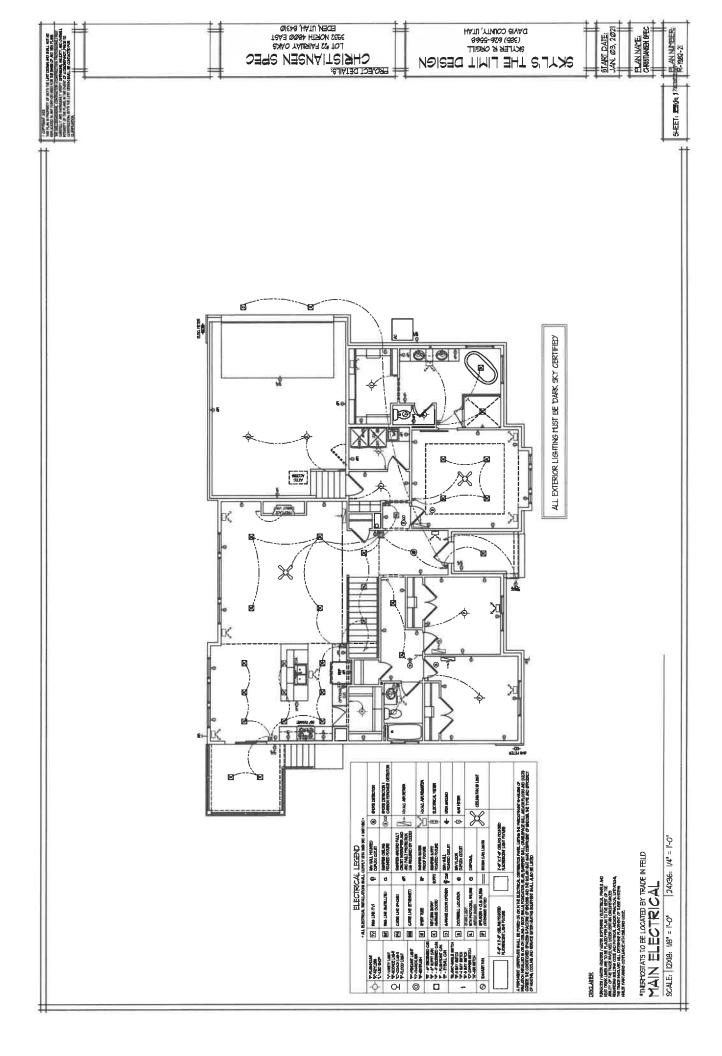


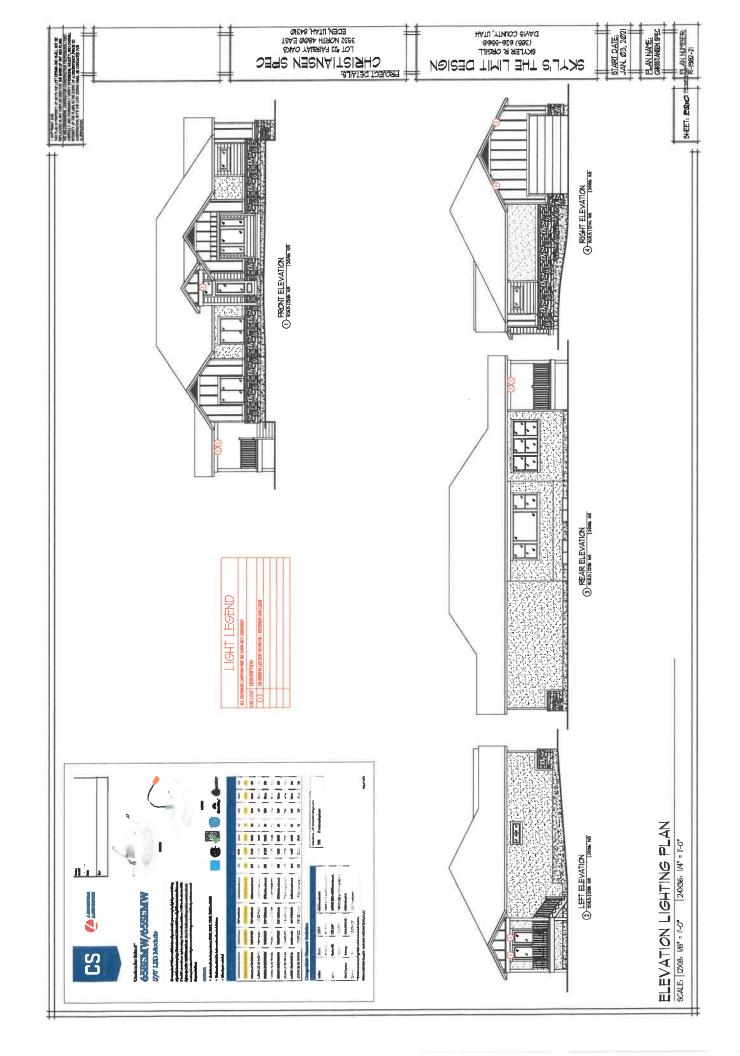


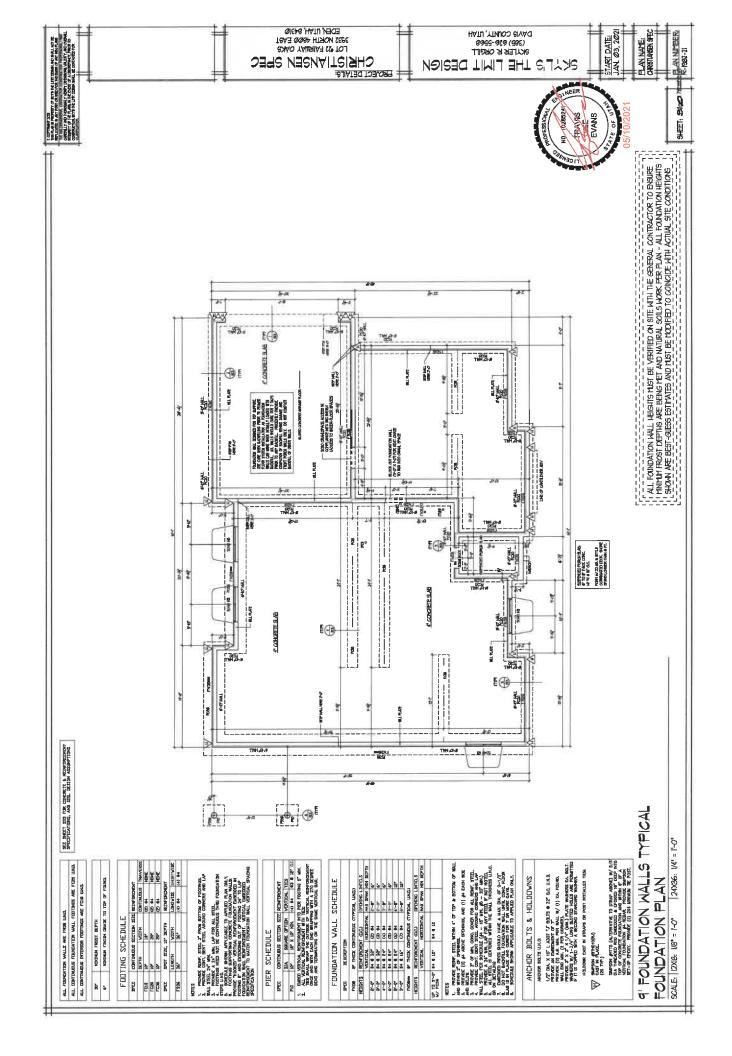


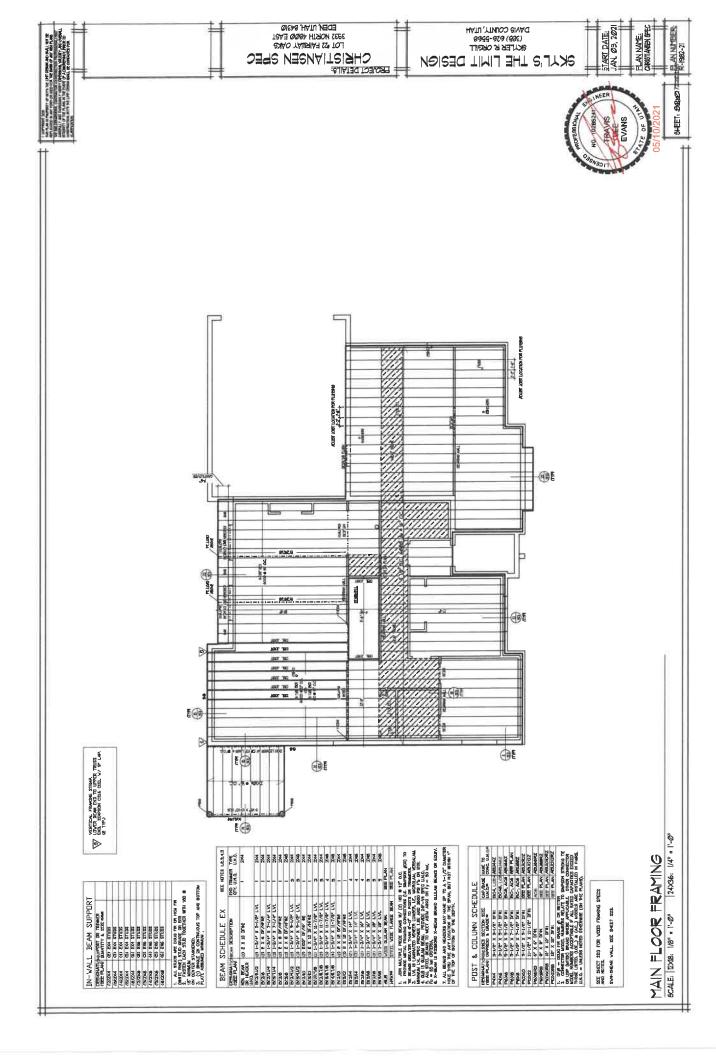


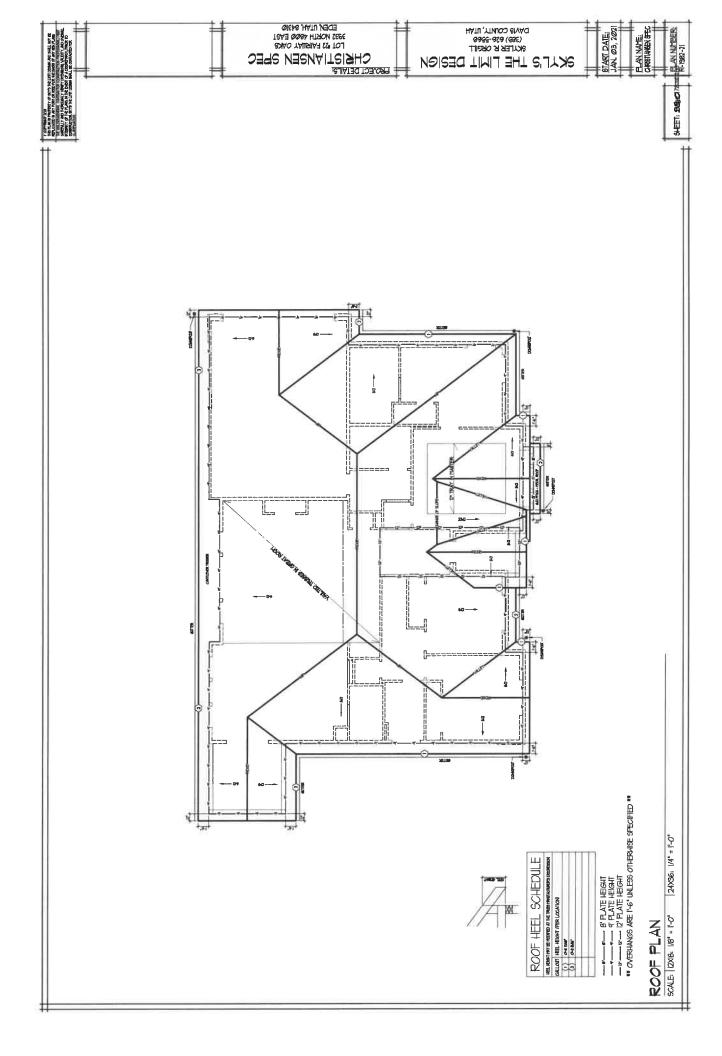


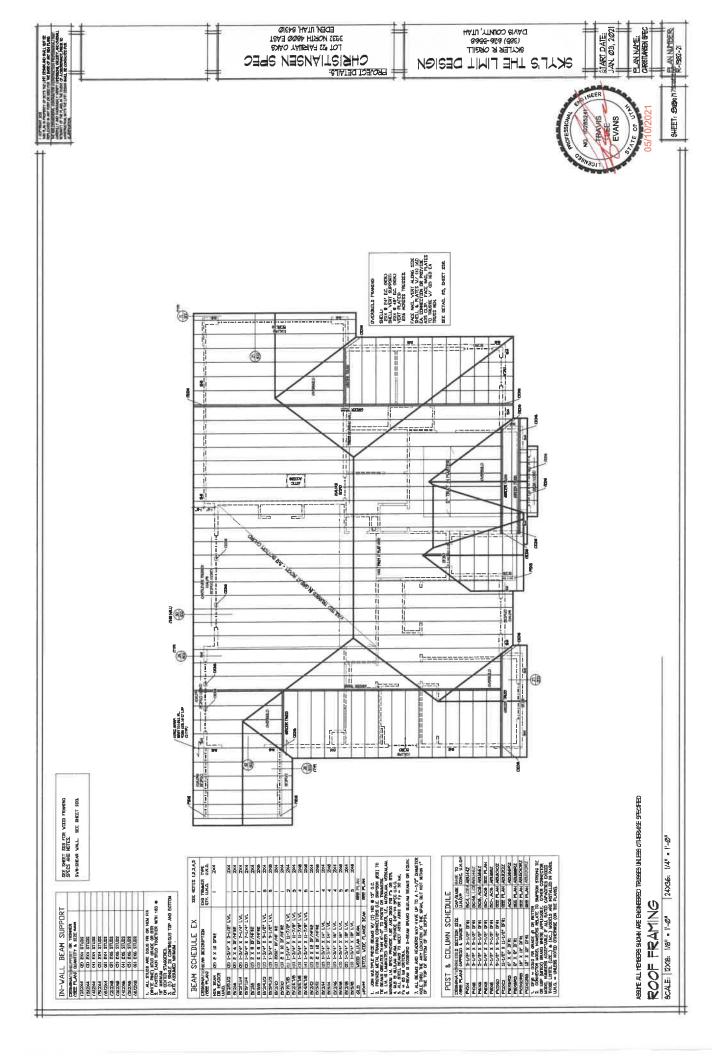


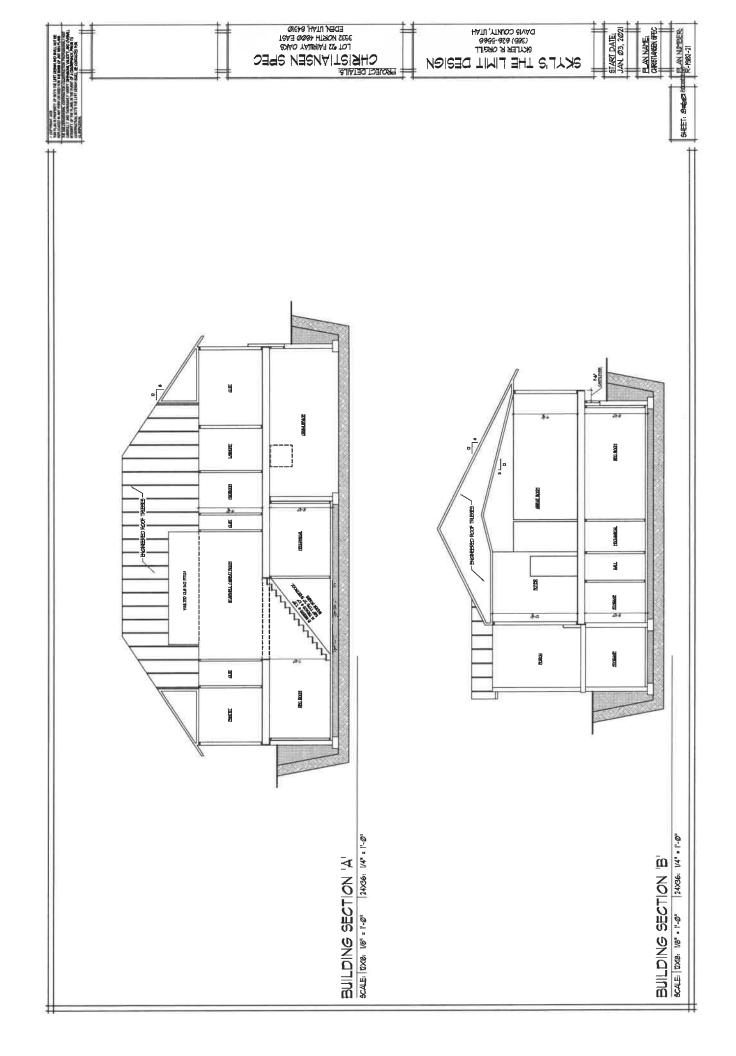


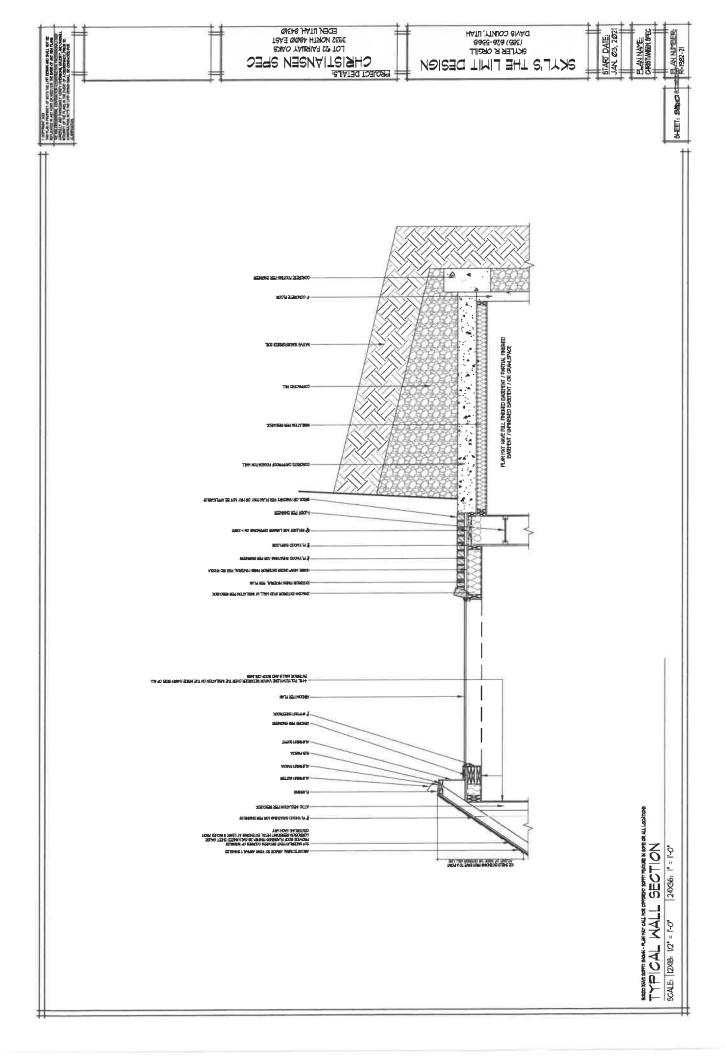


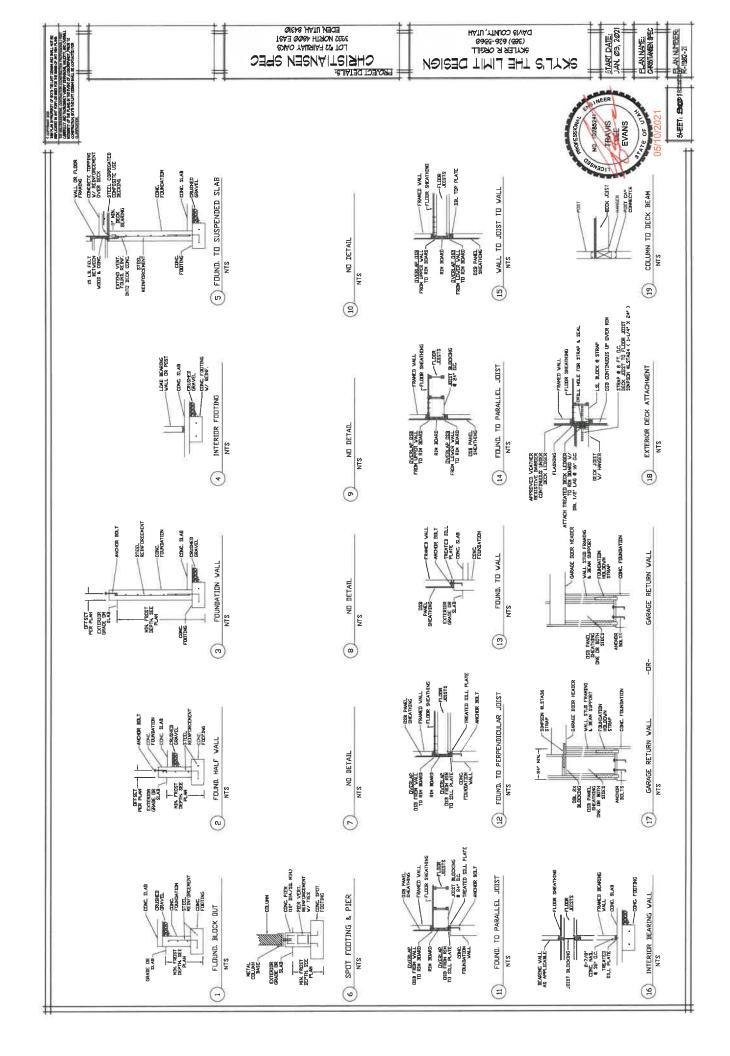


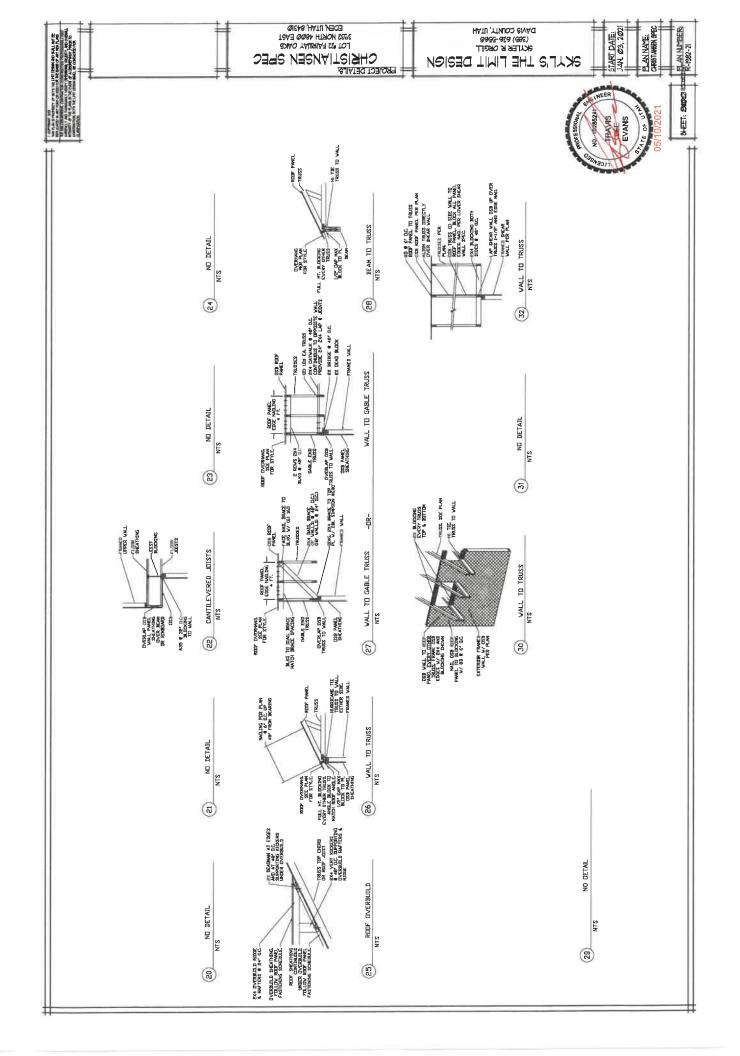












LOT 92 FAIRIIAY OAKS 3932 NORTH 4800 EAST EDEN, UTAH, 84310 START DATE. JAN Ø3, 2Ø21 PLAN NAME: CHRISTIANSIN BPEC DAVIS COUNTY, UTAH (385) 626-5568 (385) 626-5568 CHRISTIANSEN SPEC SKYL'S THE LIMIT DESIGN FRAMS EVANS

1130		RUUF IROSS & JUIST RUIES
SUPPORTING ENDGES EN STUD EX STUD 4x STUD	TRUSSES (PPEMANUFERD)	1. DOMERTON ET PRINSES IS PROVIDED BY THE WARMAN AND AND AND AND AND AND AND AND AND A
FINERS		TENTON OF THE STRUCTUR THUSS PACKAGE DESIGN LIDING OFFICIAL AS A DEFE
NOTES		RENEWED BY THE ENCHETH OF RECORD AND STAMPED FOR DENERAL CONFORMANCE.
	ROOF JOSTS	1. PROVIDE SIMPSON VPA DORNECTORS AT ALL UNIST BEARNA LOCATIONS. 2. PROVIDE FULL HEGHT BLOCKING EVERY OTHER JOIST.
ALL STAPLES	3	FLOOR SHEATHING NOTES
PROVIDE 1-1/2" PENETRATION	FLOOR SHEATHING U.N.O.:	LING:

EQUIVALENT FAS

TABLE OF E

PANELS

DVERLAP LOVER
RIM BOARD.
(AS APPLICABLE)

STLL

STAPLE SPACING

SA 15 GA 16 GA

10' 8' 6-1/2'

3-1/2' 8-1/2'

2-1/2' 1-1/2'

8

-	OLIGICATIS ARE INSUPPORTED CLEAR SPANIS LECTURE MONIMAL VERY LIL IAN INC. SPACING SUPPORTED SPACING SUPPORTED SPACING SUPPORTED SPANIS TO SEE SEA SEA SUPPORTED CLEAR SPANIS TO SEA SUPPOR	VER . ILL SPACING 16*	PANE) LAICRA, SUPPORT NOVE
2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	UP TO 14" E X 6 UP TO 16" E X 6 UP TO 19" E Y 2 X 6	* * * * * *	PLYMDOD, OR GLUED GYPSUM BOARD

POST & COLLUMN SCHEDULE

RESTORMING BESESSES STATES

PARKET PLANG APPROXES TO CHARGE MARE TO THE MARKET

PARKET PLANG APPROXES TO CHARGE MARE TO THE MARKET

PARKET PLANG APPROXES TO THE MARKET

PARKET PLANG APPROXES TO THE MARKET

PARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET PLANG APPROXES

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET PLANG APPROXES

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET PLANG APPROXES

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET PLANG APPROXES

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET PLANG APPROXES

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET PLANG APPROXES

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET PLANG APPROXES

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET PLANG APPROXES TO THE MARKET PLANG APPROXES

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET PLANG APPROXES

PROMISE TO THE MARKET PLANG APPROXES TO THE MARKET PLANGE PLANG APPROXES

PROMISE TO THE MARKET PLANGE PLANG APPROXES TO THE PLANGE PLANGE PLANGE PROMISE PLAN

R-1982-21

SHETT: SOURCE

1. Dec 5800 Lob PAMEL THICKORESS WILL SEE FURDADE	Ý	KULIF PRINEL	L SUME	SCHEDULE TO THE	DESIGN	GN CRITERIA	
1. 10 10 10 10 10 10 10			THICKNESS	NOTES CTYP.3	GOVERNING C		
10 25 25 25 25 25 25 25 2	UP TO 40 PSF UP TO 70 PSF		, 116°	1. ALL ROOF PLANELS SHALL BE APA STANPED, EXPOSURE 1,	1. LIVE LOAD	SLEEPING AREAS DECKE	to la
STEPHINE TABLE		SNOW LOAD S	S/8" EE SPEET.	THICKESS SPAN RATING	2. SHOW LOA	ROOF AREAS	d del
Column C	RODF PANE	L FASTENING	FABLE	5/8 40/20		hg.	
15. 127 NOTES BY THE BENGEN TO BE BENGEN TO BE BENGE BY THE BENGE BY THE	MAILING SPEC VAE PANEL MEETS MENI LE TRUSS, JOIST,	-	2	NALING APPROX. 1/2 FROM PANEL EDGES W/ INSIDE EDGES SHARNG INSIDE ROOF TRUSS.	K G	DESIGN SPEED; 120 MPH 3 SEC. O	nst.
10 10 10 10 10 10 10 10	CSSE DIAGRAM WILL 6/12	+	121	PROVIDE EDGE NAUNG ALONG ALL BLOCKING.	4. SUSSIC	SUC U R: 6.5 STE CLASS: 0 (ASS	UL COMED)
19.1 20.1	9/9	39	.9	A PROVIDE A MAX.		Sal: 0.56 3dr: 0.74	
THE DOWNER IN THE SECRETARY AND THE SECRETARY SHOWS THE SECRETARY	8/8	3.	è	SPACING OF 24" O.C.		FORCE RESISTING SYS WOOD LIGHT FRAME W	TEU: // WOOD PANEL.
Fig. 10 Fig.	GABLE END ROOF NATUNG SCHEDLI (SEE TABLE ABDV	₽	HIP R		5. SOIL BEAR		ON NATIVE SOLE
PLAN VIEW POLICY S. & JOINT NOTES A. MALESTANDER DE SERVICION DE SERVI	W 1		1		6. DEAD LDA		CASHALT SHINGES! (ACPHALT SHINGES! (NICC. THIN THE) (STUCCO, SICKING) (STUCCO, SICKING) (STUCCO, SICKING) (STUCCO, SICKING) (STUCC, FOUND, ETC.)
ROOF TRUESS & JUIST NUTES ROOF TRUESS BY ALMAYER THE BEAN VEW THE BEA	<u> </u>	1	**	1	BEAM		SEE NOTES 1.2,3,
RODE TRUES & JUIST NUTES RODE TRUESS IS DUIST NUTES INDOMESSO IS THOUSED IN THE TRUESSO IN THE TRUESSO IS THOUSED IN THE TRUESSO IN THE TRUESSO IS THOUSED IN THE TRUESSO IS THE TRUESSO IS THOUSED IN THE TRUESSO IS T	1		1	7	DESIGNATION CSEE PLAND	DEAN DESCRIPTION	END TRIMMER TYPE CITY, U.M.O. U.M.C
ROOF TRUSS & JOIST NOTES ROOF TRUSS & JOIST NOTES L. DESCRIPTION OF THE TRUSS OF THE MANAGEMENT OF THE MANAGEMENT OF THE TRUSS OF THE MANAGEMENT OF THE MANA			No.	 :	MDN. REAM OR HEADER UND.	CP) 2 X 10 DF42	1 2%
REDOF TRUESS & JUIST NUTES LABORIZOR OF THE CASE OF T	PLAN VE	<u> </u>		LAN VIEV	BC2)5.1/2	@) 1-3/4" X 5-1/2" LVL	1 8X4
RUDIS RUDIS & JUIST NUITES TO ESSENTIATE TO TRUSSES IS PROUDED BY THE BEST OF			41		BC27.1/4	CD 1-3/4" X 7-1/4" LVL	1 2004
THE STATE OF THE S				NOTES	BC3)7.1/4	C) 1-3/4, X 2-1/4, FAL	1 2X4
Sections of the section of the secti	-3	BUGINEERING FT	A TRUSSES IS	PROMOED BY THE	_	C) 2 X 8 DF AF 62	1 206
MANAPER) 1, THORONG THI HIGHEN ALGORIAN THROUGH MANAPERS (ALGORIAN THROUGH MANAPERS) 1, THORONG THIS SERVICE MANAPERS (ALGORIAN THROUGH MANAPERS (ALGORIAN THROUGH MANAPERS) 1, THORONG MANAPERS (ALGORIAN THROUGH	TRUSSES	PROVIDE METAL	CATIONS, H2.5	ED HURRICANE TIES AT ALL	_	G) 1-3/4" X 9-1/2" LVL	
16. THESE TANKS NAME PROPER PROSECULAR IN THE PROPERTY OF THE	(PRE-MANUFERD) 4.	PROVIDE FULL	HEGHT BLOCK	NG AT TRUSS BEARING	-	C) 1-3/4" X 3-1/C" LVL	1 2 EX4
FIG. 18 RES PRAME TAKES STATES BE SENDERT TO PER THE WITH THE SENDERT TO PER THE SENDERT TO SENDERT TO PER THE SENDERT TO PER THE SENDERT TO PER THE SENDERT TO SENDER	iei d	THESE PLANS I	IANE BEEN EN NS PROMDED.	TRUSS LAYOUTS DIFFERING	BC3)10	CI) 2 X 10 JF/HF#2	-
A SEATH OF THE ALGORISH SHAPE TO THE SEATH OF THE ALGORISH SHAPE TO THE ALGORISH AND THE ALGORISH SHAPE TO THE	Œ.F	IOM THE ROOF FR	THE STRUCTU	SHOULD BE BROUGHT TO	BC2111.7/8	C) 1-3/4" X II-7/8" LVL	na en
100578 1000000 10000000 10000000000000000000	wi P	THE TRUSS PAR	XACE DESIGN	SHALL BE SUBMITTED TO	BC3111.7/8	CD 1-3/4" X II-7/8" LVL	
FLOOR SHEATHING NOTES. Section 1. PROVED SHEATHING NOTES. FLOOR SHEATHING NOTES. Sections u.m.o Sections u.m.o Sections sheathing sheat sheat in the cost of the cost	- 61 25	DACKED BY THE	PACKAGE SUE	MITTAL, IT SHALL BE	BK4111.7/8	(4) 1-3/4" X II-7/8" LVL	87 -
12. PROVEE CARMINGOS GLE AND TO PARTS NAT. JOST 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	8	NERAL CONFORM	WGE.		_	CO S X IS DF/NF48	П
SHEATHING NOTES SHEATHING NOTES SHEATHING NOTES SHEATHING NOTES SHEATHING COMMISSION NATES SHEATHING COMMISSION NATES SHEATHING COMMISSION NATES SHEATHING SHEA	JOSTS	PROVIDE SIMPS	NA NPA DOWN	CTORS AT ALL JOIST	B(2)16	@) 1-3/4" X 14" LVL	+X8 +
SHEATHING NOTES BY SECOND STATE OF SECOND STAT	2.	PRUMOE FULL	HELGER BLUCKS	NO EVERY GINER AGIST.	302116	CD 1-3/4" X 16" LVL	4 204
E 2)/XZ '4-W STAMED, ENGINE TO THE OSS STAME OF THE OSS STAME OSS STAMES OF THE OSS				TES	90316	G) 1-3/4' X 16" LVL	
E 2.V.CY. "VAN. TAMPED, POSCORBE, " THE OCS SECTION TO COMMON OR OLCOMOTED, PARES B. THE COMMUNICATION OF ALCOMOTED, PARES B. THE COMMUNICATION OF ALCOMO				3	BC3318	C) 1-3/4' X IB" LV.	
I PRODUCE CAMINIONIS QUE LOS TO PARELS. 2 PRODUCE CAMINIONIS QUE LOST TO PARELS. 2 PRODUCE CAMINIONIS QUE LOS TO PARELS. 3 PRODUCE CAMINIONIS QUE LOS TO PARELS. 3 PRODUCE CAMINIONIS QUE LOS TO PARELS. 4 PRODUCE CAMINIONIS QUE LOS TO PARELS. 5 PRODUCE CAMINIONIS QUE LOS TO P	FLOOR SHEATHING U.A	£.0.:			8	VIIII QULM EAR	Ш
2. PROVIDE CAMPINIOS QUE AGEST TO PARES. 2. PROVIDE CAMPINIOS QUE AGEST TO PARES. 2. FILL TO THE TENTON TO CHAPTER AGES AGES AGES AGES AGES AGES AGES AGES	£.	W. ZC/CZ 30MO	PA' STAMPED,	EXPOSURE 1, Tako OSB	VEXIM	STEEL, VIDE FLANCE BEAM	SEE PLAN
CTIM HETCHTO 8. I DAM NI DOCTING	11/10	FEDOE / FIELD	0.0	TO BANK CEU MALS W	1. JOBN MUL.	TIPLE PIECE BEAMS W/ (2) 18 METAL FRANKIS CONNECTIONS	0.6 (2" 0.0.
A A STITIN HETCHTS 8. I DAN IN CHANNE	,	CONDE CONTINUO	agne agne	IO FAMELS.	JE BEAMS OF	REATER THAN 6'-O" TO POST!	S OR TRIMMERS.
STITU HETCHIC & LOAD BLOCKING					A. OLB IS OU	SPEC PROMISE 1.0E AND 280 ULAM BEAM, PROVIDE 24F-V BEAMS TO MEET ASTN A992	4 SPEC UN.O. OR Fy = 50 lat.
	TITS I IAW	HETCHT'S		PI OCKING	Fu = 65 los 6. x-8EAU C	CRITERA. S ROSBORD X—BEAM BRAND O	LULAW BEAMS OR EQ

100	113	PLAN	PLAN VIEV	PLAN VIEV
Jan Jan		ROD	F TRUSS &	ROOF TRUSS & JOIST NOTES
STUD SIZE OF SUPPORTING INSIDE PANEL ENDGES, SV6: (1) 2x STUD SV4: SV3: (2) 2x OR (1) ·	STUD SIZE OF SUPPORTING SING PANEL ENDGES, SV6: (1) 2x STUD SV4, SV3: (2) 2x STUD SV2: (1) 4x STUD	TRUSSES (PRE-MANUFERD)	1. BNONEERING FOR MANUFACTURER. 3. PROVIDE NETAL. TRUSS BEAVING LOCATIONS EVERY O S. THESE PLANS IN ROOF FRANKING PLANS.	The Department of The
ALENT FASTENERS	TENERS		THE ATTENTION OF THE TRUSS PACE THE BUILDING OFFICE	HOW THE KOLF HAMMYS THOUS BY BYONG THE ATTENTION OF THE STRUCTURAL ENGINEER. 6. THE TRUSS PACKAGE DESIGN SHALL BE SUBMITTHE THE BULDING OFFICIAL AS A DEFENSED SUBMITTAL.
LE SPACING	NOTES		REVENED BY THE OF	2303.4. PROR TO PACKACE SUBMITTAL, IT SHALL I REVIEWED BY THE ENCINEER OF RECORD AND STAMP
S GA. 16 GA			DENERAL CONFORMANCE.	NCE.
10,		DOOF INSTE	1. PROVIDE SIMPSON	1. PROVIDE SIMPSON VPA DORNECTORS AT ALL JOI
8, 6-1/8,		200	BEARING LOCATIONS.	PRING LOCATIONS.
, b			4, FRUING FULL	STATE STORY SALVE SINGLE
3-1/P' P-1/P'				
200 1 1 100 0		_	CITED SUPPLIATION OF THE	TAIL MILES

WALL STI	FRAMED WALL ST	DIEGHTS ARE U	ı	MAX. HEXGHT DI	UP TO 10'	91 DT 90	UP 70 14'	We the No.	
ri.	NOTES	TOENAIL	TUENAIL	FACE NAIL	FACE NAT.	FACE NAT.	FACE NAIL	FACE NAIL	CAPC NATI
ULE U.N.	NATLING	(E) 16.D	160 @ 47UC	16D @ 4" D.C. FACE NAIL	(8) 160	16D @ 16' CLC, FACE NATL	16D @ 4" D.C.	(E) 16J	101 1CT B 1C4
FRAMING NAILING SCHEDULE U.N.D.	CENNAECTEDIN DESCRIPTION	DIST TO TOP PLATE OR BEAN	LDCKONG CILLOGO TO STAL DR BEAN	ALL TO JOIST, RJ, BLKG, BEAM THRU FLOOR	OP DR STUL PLATE TO STUD	URLY UP ONLITTPLED STUTIS / COLUMNS	BL. TIP PLATE LAP 160 & 4" LIC. FACE NATL.	BL. TOP PLATE INTERSECTION LAP	CANTOC BEAMS GIBINGS AND TION JUNET 110

7. ALL BEALS AND MEADERS WAY HAVE UP TO A 1-1/2" DIAMETHOUGH THE SPAN, BUT NOT WITHIN 1"OF THE TOP OF BOTTOM OF THE DEPTH.

l	l			
EAR	WALL	EAR WALL SCHEDULE	ROOF	ROOF PANE
텒	EDGE OC	STUD SIZE IL OTY.	ROOF DESTGN SNOV LOA! PANEL	PANEL
1		(SEE DIAGRAM BELDA)	UP TO 40 PSF	
4		xa co	Sel of the Page	_
H		DBL 2X CR CD 4X	UP 70 130 PSF	IID
H	3,	DBL EX CR CD 4X		
36	P.	CD 4X	FOR ROOF SNOW LOAD S	S (VIII)
SIDES		DBL EX DR CD 4X	DESIGN CRITERY	W INTE
SPECS			RODF PANEL FASTENING 1	TENING 1
HCK APA STAN	A STAMPED	HCK APA STAMPED EXPOSURE 1 OSB SHEATHING OR BTR. O.C. MADMUA.	MAILING SPEC WHERE	100 000
PANELS SA PANE	W/ BD NAM	PAMELS W/ BD NALING @ 12" 0.C. EXCEPT ON PAMEL OR PAMELS EDGE FASTENING SPECS.	LE TRUSS, JOIST, BLDCK.	EDGE
WHE (OSB) EDGES.	PANEL (05B) EDGES. OVERLAP PANELS OVER TOP AND	6/12	۰,9
			9/9	,9
	MODE FLOORS	ES TO WOOD FLOORS W/ 180 # 4" O.G. STAGGRED.	3/3	34
DI SONTINO	OUS WITH A	CONTINUOUS WITH A 12" OVERLAP MIN. OR	GABLE END RODE NATLING SCHEDULE	
3	STRAPING	WITH A 12" LAN. LAN.	CACE INGILE COLUE)	-

SDILS	AND E	SOILS AND EXCAVATION NOTES	NDTES		SHEAF	SHEAR WALL SCHED	SCHED
UNFIED SOIL BEAN	SBFICATION:	UNFIED SOIL CLASSFICATION: NO SOLIS REPORT PROVIDED. DESIGN SOIL BEARING PRESSURE: 1500 PSF (ASSUMED).	OWDED.	DESTIGNATION CSEE PLAND	DSB PANEL QTY.	EDGE OC	8 E 8
1. ALL DESIGN	IS BASED OF	1. ALL DESIGN IS BASED ON STABLE SOL CHARACTERISTICS.	CTEMSTICS.	2A6	do sme	,,	l
SOILS FOUND AT	THE SITE WH	ILE EXCAVATION DOCK	RS WHICH	SW4	C) SIDE		BO
DEFERS FROM The	HOSE ASSUME	DI SYCULO DE GROUG	IT TO THE	SWS	C) SIDE	3	BO
ATTENTION DE TH	IE BUILDING	DIFICIAL AND ENGINEE	n:	SWS	C) SIDE	å	
2. ALL FOOTING	25 SHALL BE	ALL FOOTINGS SHALL BEAR ON UNDISTURBED SOIL OR	SOIL OR	SW4-DBL	BOTH SIDES	.,	60
INVESTIGATED AND ENGINEER.	O APPROVED	ANT ON SIE UN OINEN GESTEUNGEL MAZNASS SYAL DE SYSTRANTO AND APPROVED BY A LICENSED GESTEUNGAL BYGNEER.	EGNICAL	1. PROVIDE	1. PROVIDE 7/16" THICK APA STAM	1. PROVICE 7/16" THICK APA STAMPED EXPOSURE 1	OPOSURE 1
3. DO NOT BA FLOOR SLAB IS II	CARIL FOUND N PLACE AND	3. Do not backrill Foundation wals until the consister Floor slab is in place and has cured a minbalia of 7 days.	HE CONCRETE UM OF 7 DAYS.	2. FASTEN A EDGES. SEE	LL WALL PANE	PROWNER STUDYS @ 10 U.C. MADDANAM. 2. FASTEN ALL WALL PANELS W/ BD NALING @ 12" O'EDES. SEE ABOYE FOR PANELS EDGE FASTENING SPE	INC @ 12" O
CONCRET	E SPEC	CONCRETE SPECS & DETAILING	ING	3. BLOCK AL BOTTOM PLAT	ES.	3, BLOCK ALL WALL PAVEL (05B) EDGES, OVERLAP P. BOTTOM PLATES.	OVERLAP
ELENENT G"	G'C) NENDALIN	(F'C) RECOMENED W/C RATID	V/C RATID	4. FASTEN S	IL PLATES TO	4. FASTEM SILL PLATES TO WOOD FLOORS W/ 180 .	W/ 180 .
PDOTTNGS 255	ESSO PST	3000 PSI	000	S FASTEN A	LL DBL 2X STL	5. FASTEN ALL DBL. 2X STUD MENBERS TOGETHER WIT	NETHER INT
VALLS 25	ESOD PSI	3500 PSI	95	DI MONEDELLI.			
SUSP. SLABIE P500 PSI	124 00	3500 PSI	40	6. TOP PLAT	ES ARE CONTIN	6. TOP PLATES ARE CONTINUOUS WITH A 12" OVERLAS	12" OVERLAS
SLABS 35	3500 PSI	4000 PSI	.43	PROMDE SMP	SON 18 GA. CO	HE STRAPPING	WITH A 12"
1. (Fo) STRED	NOTH BASED	1. (Fo) STRENOTH BASED ON 28 DAY CURE TIME			SHEA	SHEAR WALL DIAGRAM	AGRAM.

THE SECTION OF 28 DAY CHIEF THE FOR LIA COMBINITY OF THE WIGHT CASS "C" OF "F" FLY ASH DE WIGHT SHEWITE STE SHEWITE SECLIDING CALCUN CHLORDE ACCETYRALE EXCLIDING CALCUN CHLORDE	TICATIONS	GRADE 60	A 706 GRADE 60 LOV ALLOY		INCHES	8	å	1-1/2"		R, UMB.					JAK AND SHORMS.	S TO 1/4"		WALL AND FOOTING URED LAP LENGTHES.
SHIP THE THE THE BINE OR THE THE BINE WEIGHT THE TEXT ASH BE WEIGHT THE THE THE THE THE THE THE THE THE T	ILING & SPECTI	ASTM A 615	ASTN A 706	ASTN A 185	CENTER (NONL)	RMEDD	THER STURNED	VEATHER	SCHEDULE	NTIMUOUS REBA					PER ACT 315	JOINT SURFACES TO 1/4"	DLD DNCE	DRNER BARS AT TO MEET REQ
FO) STRENOTH BASED ON 28 DAY CURE THE CONTRACT WAS TO CONTRACT STATE OF THE ASH BE 25% WAS AND STATE STATE OF THE ASH BE 1% WAS AND THE STATE ST	REINFURCEMENT DETAILING & SPECIFICATIONS	NON-VELDABLE CALL UNDS ASTM A 615 GRADE 60	ABLE	VELDED VIRE FABRIC	REDNEDROENENT CONCRETE CO	EXPOSED TO EARTH ONDT FORMEDD	EXPOSED TO EARTH DR VEATHER GURNEDS	NOT EXPOSED TO EARTH OR VEATHER	REINFIDROCHENT OREBARD LAP SCHEDULE	MINDHUM LAP FOR CONTINUOUS REBAR, UMG.	ie.	184	20.	P4*	CONTRACTOR RESPONSIBLE FOR FORMORK AND SHORMS. RENFORCEDY SUPPORT PCF ACI 315	ROUGHEN CONSTRUCTION	BEND REINFORCEMENT COLD DWCE	BENU KALLI MOD NOOK LEMINS 10 COMPLUED IN MOJ 713. PORVINCE CONTINUOUS CORNER BARES AT WALL AND FOOTING CORNIDERS LONG ENOUGH TO MEET REQUIRED LAP LENGTHES
≒ಲಿಸ್≠ಪಪ	STEE	Ź	VEL DABLE	ZE.	PEDM	EXPOR	500	Ě	2	SIZE	60	3	17	9#	-4	ಗ	4,	dej

VINDOV Se DOOR

STUDS

INSIDE PANEL EDGE

PLATE:

1. WERATE AND NEEDED TO L NOSEDIBOTS. 2. WHEN PLACIN PROVIDE PRO DRYNNG. 3. CONCRETE SI SAB INDON THE SLAB ITH NORE THAN	BERNEL AND CONSELLATE CONTRETE DEPTH PLACES ENTERTH OF LAIL VICES AND STRAAMING OF ALVERING SEE BOARD AND CONCESSEE HE HE OF COLD SKATES STRAME. SEE AND STRAIN STRAIN OF ACCESSARY OF EVENT AND STRAIN STRAI	WHEN EAST COME NO STRAINED THEN PLOCEDET AS MEDICAL TO CONCERN AS STRAINED OF WATCHER. THE WATCH AND COST AND STRAINED OF WATCH AND COST AND STRAINED OF WATCH AND COST AND CO
SLAB THICKNESS	JOH HEPTH MIN	SPACING NAX
3-1/2	1-1/4"	6'-0"
	1-1/5	100.
20	1-3/4	12'-0"
	ă	- CH1Ch2

8

FROST DEPTH, GRADING, DRAINAGE	ACHONOLIN FROST DEPTH	ICHONUR FINISH GRADE TO TOP OF FOUND.		THE RECORD HE REQUEST DEPTH OF THE UNEXTED SEE OF THE CONDITION AND FROME, FROM ANY SERVE OF THE COMMISSION OF THE CONDITION
FROST	SEE PLAN	SEE PLAN	NOTES	I. FROST DEPTH IS OF THE FOUNDATION DEPTH IS ADMISSION THESE GRANDE BY COUNDATIONS AT LEX HORIZONI'AL DESTINATION SUMMISSIONI'S OF THE STREAM OF THE STREAM STREAM APPROATE OF THE STREAM APPROATE AT LEASE STREAM APPROATE AT LOT OF A LEASE AT LOT O

П	CONNECTION DESCRIPTION	NATLING	NOTES
-	JUIST TO TOP PLATE OR BEAN	(8) 160	TOENAIL
a	BLDCKONG CILLOGO TO STILL DR BEAN	160 @ 47UC	TOEMAIL
m	STIL TO JOIST, RJ, BLKG, BEAN THRU FLOOR	16D @ 4" D.C. FACE NAIL	FACE NAI
*	TOP DR STUL PLATE TO STUD	(8) 160	FACE NATE
m	BUTT UP ORLITIPLED STUDS / COLUMNS	16D @ 16" D.C. FACE NAT.	FACE NAT
40	DBL TOP PLATE LAP	16D @ 4" D.C. FACE NAIL	FACE NAT
7	DBL TOP PLATE INTERSECTION LAP	(E) 163	FACE NATL
0	HEADERS, BEANS, GIRDERS MILTIPLYBUILT UP	(2) 1611 @ 16" FACE NAIL	FACE NAT
6	9 DEB PAVELS TO BY WALL FRAHING	8D ■ 6" / 12" EDGE/THT.	EDGE/THT
40	ALL FASTENERS WHICH ARE TO BE INSTALLED IN PRESERVATIVE TREATED WHICH MEET THE REGISTRENENTS OF 13C EIGHAIL	ESERVATIVE TREA	TED VOID

	*	