



**PLANNING COMMISSION MEETING
NOVEMBER 16, 2022 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414**

PUBLIC CAN ATTEND IN PERSON, OR:

Click the link to join the webinar: <https://us02web.zoom.us/j/88279294623> Webinar ID: 882 7929 4623

Or Telephone Dial: 1 669 900 9128 or 1 253 215 8782 or 1 346 248 7799 or +1 646 558 8656

YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos>

Welcome: Chairman Thomas

Invocation or Thought: Commissioner Lunt

Pledge of Allegiance: Commissioner Watson

1. Roll Call
2. Opening Meeting Statement
3. Ex parte communications or conflicts of interest to disclose
4. Public comments for items not on the agenda

ADMINISTRATIVE ITEMS

5. SUB 2022-14 Consideration and action on an administrative application for preliminary approval of the Mountain Valley Villas Subdivision, Phase 4 (1 lot) located at approximately 800 East 2700 North
Presenter: Kai Johnsen, Planning Tech
6. Public comments
7. Remarks - Planning Commissioners
8. Report - Planning Director
9. Remarks - City Manager/Attorney
10. Adjournment

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 10th day of November, 2022 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <http://www.northogdencity.com>. The 2022 meeting schedule was also provided to the Standard Examiner on December 16, 2021.

The Planning Commission at its discretion, may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance and Council Policy, one or more Planning Commission Members may be connected via speakerphone.

Susan L. Nance, CMC, City Recorder

PLANNING COMMISSION

OPENING MEETING STATEMENT

Before each agenda item begins City staff will give a report. After the staff report, the item will be opened for other speakers. The applicant will speak first and be allowed up to 10 minutes. Following the applicant, any other interested person will be allowed to speak for up to 3 minutes. The applicant has final rebuttal time of up to 5 minutes.

Any materials that are displayed or referenced, e.g., pictures or written materials are part of the record and must be left with the Commission.

Speakers are required to have signed in at the door and will state their name and address before beginning their remarks. If you agree with a previous speaker then state your agreement to avoid repetitious remarks.

Speakers shall address the Commission from the podium or microphone and shall address all comments to the Planning Commission.

Please silence your phone.

OPENING MEETING STATEMENT (ZOOM)

Before each agenda item begins City staff will give a report. After the staff report, the item will be opened for other speakers. The applicant will speak first and be allowed up to 10 minutes. Following the applicant, any other interested person will be allowed to speak for up to 3 minutes. The applicant has final rebuttal time of up to 5 minutes.

Any materials that are displayed or referenced, e.g., pictures or written materials are part of the record and must be forwarded to the Commission.

Speakers are required to have registered their full name on Zoom and will state their name and address before beginning their remarks. If you agree with a previous speaker then state your agreement to avoid repetitious remarks.

Speakers shall address all comments to the Planning Commission.

Please silence your microphone until ready to speak.

Staff Report to the North Ogden City Planning Commission

SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration and action on an administrative application for preliminary approval of the Mountain Valley Villas Subdivision Phase 4 (1 lot) located at approximately 800 East 2700 North

Agenda Date: November 26, 2022

Applicant: Lync Construction, Pat Burns

File Number: SUB 2022-14

PUBLIC NOTICE:

Mailed Notice: N/A

Newspaper: N/A

City Website: November 10, 2022

PROPERTY INFORMATION

Address: Approximately 800 East (Burns Ln.) 2700 North

Project Area: Approximately .44 Acres

Zoning: Single Family Residential Zone (R-1-8)

Existing Land Use: Vacant / Residential

Proposed Land Use: Residential

Parcel ID: 170190034

ADJACENT LAND USE

North: Agriculture

East: Residential

South: Residential

West: Residential

STAFF INFORMATION

Kai Johnsen
kjohnsen@nogden.org
(801) 737-2202

APPLICABLE ORDINANCES

North Ogden City Zoning Ordinance: 11-9B-4: SITE DEVELOPMENT STANDARDS

North Ogden Subdivision Ordinance: 11-26: IMPROVEMENTS, RESERVATIONS AND DESIGN

TYPE OF DECISION

When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has a limited degree of discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

BACKGROUND

The applicant is requesting preliminary approval of the Mountain Valley Villas subdivision phase 4, a 1 lot subdivision located at approximately 800 East 2700 North. The property is vacant. The property to the north is in agricultural use and the remaining three sides have single family residential. The property for this proposed subdivision is located on approximately .44 acres and is in the R-1-8 zone. The R-1-8 zone requires a minimum lot size of 8,000 square feet for interior lots and 9,000 square feet for corner lots, with a lot width requirement of 80 feet. (See Exhibit A)

The City Engineer has submitted a report dated November 9, 2022. (See Exhibit C). The applicant provided a geotechnical report for the previous phases of this subdivision and needs to provide a will-serve letter for sewer and secondary irrigation.

The proposed lot meets the lot width requirements. The lot meets the square footage requirements.

The applicant is proposing a one-foot protection strip along the north end of Burns Ln., this property will need to be included in the street dedication, or the applicant must reach an agreement with the City Council regarding the disposition of this property. Additionally, the road must be completed, or guarantee the improvements through a bond, escrow, letter of credit, or lien agreement. This must be put in place to ensure the road is completed within two years of the final plat recordation as outlined in City Code.

CONFORMANCE WITH THE GENERAL PLAN

The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as low density residential. The General Plan map shows this area as: Low Density Residential and is on the eastern edge of the Old Town Neighborhood.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

- Does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances?

RECOMMENDATION

Staff recommends preliminary approval of the Mountain Valley Villas Subdivision subject to the conditions in the Staff report. The proposed road cross section is subject to the adoption of the low impact design standards into the North Ogden Public Works Standards. In Phase 1, lot 3 is to be expanded to include the existing home and the 80 foot frontage requirement met.

EXHIBITS

- A. Application
- B. Subdivision Plat
- C. City Engineer Memo

MAP

(See next page)





Land Use Development Application

Date: 10/31/2022

Applicant / Owner

Applicant Name: Pat Burns
 Company: Lync Construction
 Address: 1407 N Mtn. Rd
 City, State, Zip: 1407 N Mtn. Rd
 Phone: 8017102234
 Email: Pat@Lynconstruction.com

Same as Applicant: ☒
 Owner Name: Pat Burns
 Address: 1407 N Mtn Rd
 City, State, Zip: Ogden UT 84404
 Phone: 8017102234
 Email: Pat@lynconstruction.com

Contractor Information

Contractor:
 Address:
 City, State, Zip:

Phone:
 Email:

Project

Project Name: MVV 28
 Address: 2625 N. St. Mtn. View DR.
 City, State, Zip: Ogden UT 84404
 Parcel: 170190034
 Subdivision: Mountain Valley Villas
 Lot #: 28

Acreage: 16289.00
 Current Zoning: Res
 Proposed Zoning: Res
 # of lots:
 Existing Sq.Ft.:
 Proposed Sq.Ft.:
 Land Serial #:

Project Description: [Description]

Application Type

Subdivision: ☒
 Preliminary Approval: ☒
 Final Approval: ☒
 Special Exception: ☐
Minor Subdivision: ☐
 Subdivision without Review: ☐
 Amendment or Vacation: ☐
Boundary Line Adjustment: ☐
Site Plan Review: ☐
 With Technical Review: ☐
 No Technical Review: ☐
Zoning Amendment: ☐
 Text: ☐
 Map: ☐
 Annexation City: ☐
Hearing Officer: ☐

Variance: ☐
Conditional Use Permit: ☐
 City Fee (With Review): ☐
 City Fee (No Review): ☐
Planned Residential Unit: ☐
Subdivision Extension: ☐
 Fence: ☐
 Fence Interior Lot: ☐
 Fence Corner Lot: ☐
 Patio: ☐
 RV PADS/Expand Driveway: ☐
 New Structure: ☐
 Shed: ☐
 Other Structure under 200 sq. ft: ☐
 Deck: ☐
 Other: ☐

Vacation Request

Easement:
Road:

☐
☐

Subdivision:
Subdivision Lot:

☐
☐

Conditional Use Permit

Please explain the measures that will take place so that heavy traffic generated by the proposed use will not adversely affect the general traffic patterns of the area.

What measures are going to take place to assure that the building location will not create a pedestrian traffic hazard by causing approaches to sidewalks?

Please explain how the building design is compatible with, or complimentary to, already established adjacent structures.

If the development is adjacent to a residential zone or use, please explain how the building location, lighting, parking, or traffic circulation will not adversely affect the adjacent residential uses.

Please explain how the signage will be complementary to the development and overall aesthetic nature of the immediate area.

Please explain which proposed toxic materials and pollutants would be used in the proposed use and how such materials and pollutants will be handled, stored, and disposed of.

Please explain what measures will take place to avoid adverse effects on the adjacent residential, commercial, and manufacturing uses.

Residential Conditional Use Permit

What traffic will be generated by this proposed use?

Please explain how the proposed development / use will not overload the carrying capacity for which local streets were designed.

What measures are you taking to assure that the internal traffic circulation will not adversely affect the adjacent residential property?

How is the proposed structure and parking facilities complimentary to the aesthetics of the general area?

Please explain how the proposed sign(s) will not adversely affect the development itself or the overall aesthetics of the immediate area?

Please explain how the proposed landscaping will be sufficient to enhance the aesthetics of the development and area.

Special Exception

Explain how literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the City Ordinance. (The hardship cannot be self-imposed or an economic hardship.)

Explain what is unique to, or the special circumstances attached to the property that does not generally apply to other properties in the city.

Explain how the granting of the special exception is essential to the enjoyment of a substantial property right possessed by other property in the same district.

Explain how the special exception will not substantially affect the general plan and will not be contrary to the public interest.

Explain how the spirit of the Zoning Ordinance is observed and substantial justice is done.

Zoning Ordinance Amendment

STATE THE PHYSICAL DESCRIPTION OF THE AREA PROPOSED TO BE REZONED:

STATE THE LEGAL DESCRIPTION OF AREA PROPOSED TO BE REZONED:

PROPOSED TEXT (attach additional sheets, if needed):

Variance

Explain how literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance. (The hardship cannot be self-imposed or an economic hardship.)

Explain what is peculiar to, or the special circumstances attached to the property that does not generally apply to other properties in the same district.

Explain how the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

Explain how the variance will not substantially affect the general plan and will not be contrary to the public interest.

Explain how the spirit of the Zoning Ordinance is observed and substantial justice is done.

I do hereby certify that the information contained herein is true and correct.

Pat Burns

Name

10/31/2022

Date

SAVE PRINT EMAIL

DESIGN REVIEW MEMORANDUM

TO: Scott Hess, Planning Director
Kai Johnsen, North Ogden City Planning
CC: Dave Espinoza, Public Works Director
FROM: Eric Casperson, P.E, City Engineer 
RE: Mountain Valley Villas Subdivision Phase 4
☐ Concept Review
☒ Preliminary Review
☐ Final Review
DATE: November 9, 2022

DESCRIPTION:

1 Lot. The subdivision is located at approximately 2700 N 800 East, North Ogden, UT.

Comment

Status as of November 9, 2022

Additional roadway dedication will be required as part of this subdivision.

- | | | |
|----|---|-----------|
| 1 | LID not required in this subdivision since it is under an acre. | Completed |
| 2 | Storm Water Detention facilities will not be required. Drainage to be managed by existing curb and gutter and storm drain system. | Completed |
| 3 | Road dedication to be written into a boundary description which should be separate from Lot 28. | Pending |
| 4 | Full Street improvement escrow will be required for the completion of 800 East. | Pending |
| 5 | Temporary turn around to remain until 800 East is completed to 750 East stub road. | Pending |
| 6 | Submit AutoCAD file to the City Engineer for assignment of addresses and show address, 2701 N, on plat | Pending |
| 7 | 10' PUE will be required across the frontage of all lots | Completed |
| 8 | Remainder Parcel A to be included with road dedication of 800 East. | Pending |
| 9 | No water meters shall be installed within drive approaches | Pending |
| 10 | A 2" culinary water blow off hydrant is required at the end of the watermain in 800 East. | Pending |
| 11 | Provide Will Serve Letters from Sewer and secondary Irrigation companies | Pending |

Should you have any questions, please feel free to contact me.

MOUNTAIN VALLEY VILLAS SUBDIVISION PHASE 4

PART OF THE SE 1/4 OF SEC. 28, TOWNSHIP 7 NORTH, RANGE 1 WEST, SLB & M
NORTH, OGDEN CITY, WEBER COUNTY, UTAH - Date of Survey: August 2018-November 2020

OWNER'S DEDICATION

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots as shown hereon and name said tract MOUNTAIN VALLEY VILLAS SUBDIVISION PHASE 4:

We hereby dedicate to the governing entity for the purpose of public use all those parts or portions of said tract of land designated as street(s) and/or road(s), the same to be used as public thoroughfares. And further dedicate grant and convey said street(s) or and/or road(s) as public utility corridors as may be authorized by the governing entity.

We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility (PUE), 10' Power Easement, drainage easement(s), and canal maintenance easement(s), the same to be used for the installation maintenance and operation of public utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetual preservation of water channels in their natural state whichever is applicable to the governing entity and as may be authorized by the governing entity, with no buildings or structures being erected within such easements.

We hereby grant a Temporary Turnaround Easement as shown hereon, said easement shall terminate at such time as Burns Lane (800 East Street) is extended. The extension of said street shall constitute evidence of the termination of the easement and shall terminate, relinquish and/or extinguish without further documentation. Furthermore, the easement may be terminated at any time by the governing entity without the approval or acknowledgment of the underlying fee owner(s), whichever may occur first. The granting of this easement is intended for authorized use only in accordance with the governing entities needs or requirements and for the use of owners within this subdivision. No use by the general public shall constitute a statutory dedication to the public of the Temporary Turnaround Easement.

Limited Liability Company Acknowledgement

IN WITNESS WHEREOF, said Limited Liability Company hereinafter named has caused this instrument to be executed by its proper officers hereunto duly authorized, this day of _____, 20____.

LYNC CONSTRUCTION, LLC, a Utah Limited Liability Company

By: _____ By: _____
STATE OF UTAH) SS
COUNTY OF WEBER)

On the date first above written personally appeared before me the above named signer(s), who, being by me duly sworn said that [he/she/they is/are] the Manager of said Limited Liability Company, and that the within and foregoing instrument was signed in behalf of said company by authority of its Articles of Organization, and the said signer(s) acknowledged to me that said company executed the same.

As a Notary Public commissioned in Utah, I, _____, do hereby certify that the date in this certificate first above written:

Notary Signature: _____ My Commission Expires: _____
(print name below signature):

Do will serve letters include Lot 28?
Road dedication for PUE (Burns Ln)
Include Remainder Parcel A in Road dedication if possible.

NORTH OGDEN CITY APPROVALS

This plot was approved by the City Engineer and the Planning Director.

By: _____ By: _____
City Engineer, Date: _____ Planning Director, Date: _____

NORTH OGDEN CITY ATTORNEY

I certify that the requirements of all applicable statutes and ordinances prerequisite by the State of Utah and the ordinances of North Ogden City of the foregoing plot and dedications have been complied with. Dated this _____ day of _____, 20____.

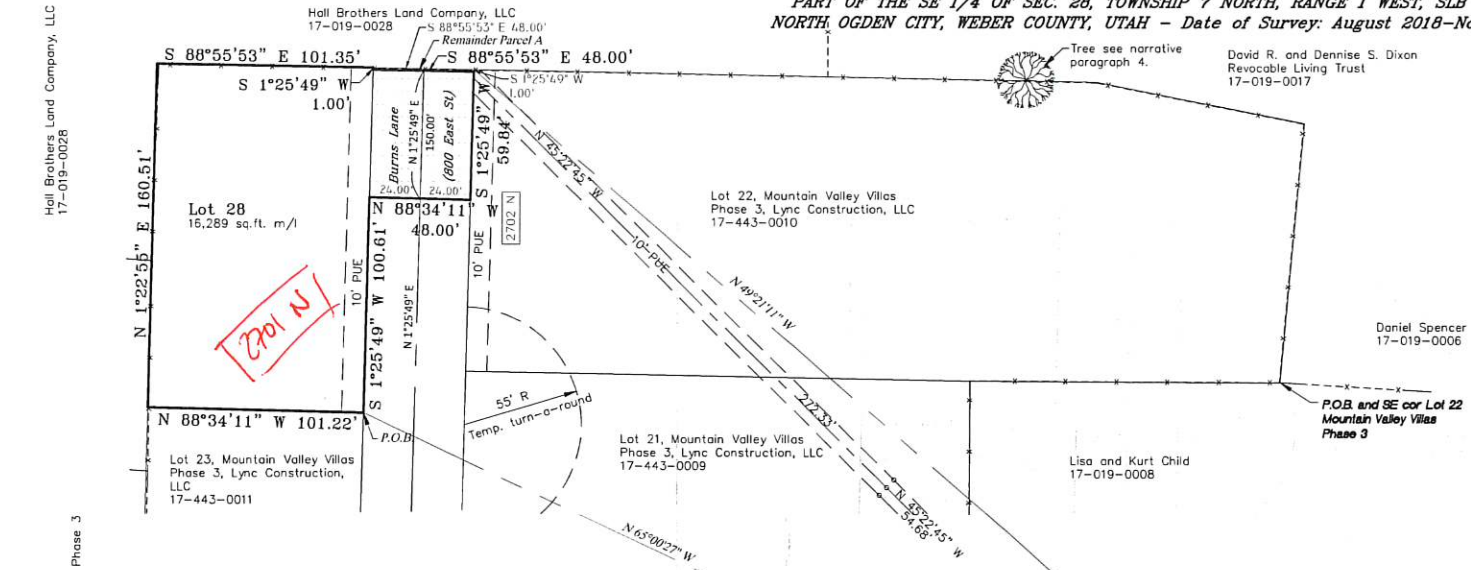
By: _____
City Attorney, Date: _____

NORTH OGDEN CITY LAND USE AUTHORITY APPROVAL

Approved by the Land Use Authority of North Ogden City, Utah, this _____ day of _____, 20____.

By: _____ Attest: _____
Land Use Authority Chair Land Use Authority Secretary

Landmark Surveying, Inc. A Complete Land Surveying Service www.LandmarkSurveyUtah.com		4646 South 1500 West - #A-3 West Haven, UT 84401 801-731-4075		Weber County Recorder	
DEVELOPER: Pat Burns Address: _____		1 of 1		Entry no. _____	
SE 1/4 of Section 28, Township 7 North, Range 1 West, Salt Lake Base and Meridian.		Subdivision Phase 4		Fee paid _____	
Revisions _____		DRAWN BY: EDR		Filed for record and recorded _____ day of _____, 20____	
CHECKED BY: _____		DATE: October 24, 2022		at _____	
FILE: 3847				in book _____ of official records, on page _____	
				County Recorder: Leann H Kiltz By Deputy: _____	



BOUNDARY DESCRIPTION

A tract of land located in the Southeast Quarter of Section 28, Township 7 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah, having a basis of bearing of South 00°52'09" West between the monumented Southeast corner of said Section 28 (said monument having Weber County NAD83 coordinates of record of as of 2016 N=3635672.69 E=1517479.72 U.S.Ft., record coordinates prior to 2016 N=3635671.79 E=1517479.83 U.S.Ft.) and the East Quarter corner of Section 33, of said Township and Range (said monument having Weber County NAD83 coordinates of record of prior to 2016 N=3635761.02 E=1512181.61 U.S.Ft.), said tract being described as follows:

BEGINNING at the Northeast corner of Lot 23, Mountain Valley Villas Phase 3, recorded Plat book 92 page 43, said point being located 1680.21 feet North 75°00'46" West, to a Street monument in a ring and lid at the Intersection of 850 East Street and Rice Creek Lane (said monument having NAD83 coordinates of N=3636107.202 E=1515857.028 U.S.Ft.), and 576.04 feet North 65°00'27" West, FROM the Southeast corner of said Section 28;

RUNNING thence North 88°34'11" West 101.22 feet, along the boundary of said Mountain Valley Villas Phase 3;

Thence North 01°22'55" East 160.51 feet, along or near an existing fence;

Thence South 88°55'53" East 101.35 feet, along or near an existing fence;

Thence South 01°25'49" West 1.00 feet;

Thence South 88°55'53" East 48.00 feet, to the west boundary of Lot 22 said Mountain Valley Villas Phase 3;

Thence the following Three (3) courses along the boundary of said Mountain Valley Villas Phase 3;

1) South 01°25'49" West 59.84 feet;

2) North 88°34'11" West 48.00 feet;

3) South 01°25'49" West 100.61 feet, to the point of beginning.

Containing 19,154 square feet, more or less.

REMAINDER PARCEL A

A tract of land located in the Southeast Quarter of Section 28, Township 7 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah, having a basis of bearing of South 00°52'09" West between the monumented Southeast corner of said Section 28 (said monument having Weber County NAD83 coordinates of record of as of 2016 N=3635672.69 E=1517479.72 U.S.Ft., record coordinates prior to 2016 N=3635671.79 E=1517479.83 U.S.Ft.) and the East Quarter corner of Section 33, of said Township and Range (said monument having Weber County NAD83 coordinates of record of prior to 2016 N=3635761.02 E=1512181.61 U.S.Ft.), said tract being described as follows:

BEGINNING at the Northwest corner of Lot 22, Mountain Valley Villas Phase 3, recorded Plat book 92 page 43, said point being located 1680.21 feet North 75°00'46" West, to a Street monument in a ring and lid at the Intersection of 850 East Street and Rice Creek Lane (said monument having NAD83 coordinates of N=3636107.202 E=1515857.028 U.S.Ft.), and 619.56 feet North 49°21'11" West, FROM the Southeast corner of said Section 28;

RUNNING thence South 01°25'49" West 1.00 feet, along the west boundary of said Lot 22;

Thence North 88°55'53" West 48.00 feet;

Thence North 01°25'49" East 1.00 feet;

Thence South 88°55'53" East 48.00 feet, to the point of beginning.

Containing 48 square feet, more or less.

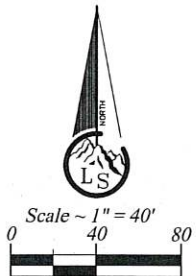
SURVEYOR'S CERTIFICATE

I, Ernest D. Rowley, do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 171781-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as may be noted hereon or contained in the project files of Landmark Surveying, Inc. Any warranties, express or implied, are hereby limited to the current owner(s) of the properties surveyed. No certification or warranties are extended to successor(s), assign(s), or heir(s) of said owner(s) nor to adjacent owner(s) of the properties of which may or may not share a common boundary with the property(s) surveyed.



NARRATIVE

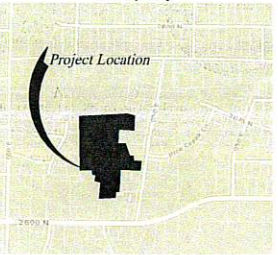
- The purpose of the survey is to create Lot 28 as shown in a Phase 4 of Mountain Valley Villas Subdivisions and dedicating additional street in front of the new Lot 28. It is intended that the Owner retain a 1 foot strip of land at the end of the street as described in the Remainder Parcel A hereon. The basis of bearing of this survey and from documents and records as may be noted hereon or contained in the project files of Landmark Surveying, Inc. Any warranties, express or implied, are hereby limited to the current owner(s) of the properties surveyed. No certification or warranties are extended to successor(s), assign(s), or heir(s) of said owner(s) nor to adjacent owner(s) of the properties of which may or may not share a common boundary with the property(s) surveyed.
- For additional information see the narratives for Mountain Valley Villas Phase's 1, 2 and 3.
- Deeds for the properties of not only the subdivision but the adjoining parcels described by metes and bounds have lie issues and in some cases closure errors that make it a challenge to identify the properties and their boundaries. It has been found that in most cases there are old fence lines that are close enough to the described lines that they are being held as the intended lines of title.
- In particular the fence line on the north of the subdivision has been in place long enough that trees have grown around the wire and are deeply embedded in them.



Legend

- EXISTING FENCE
- EASEMENTS (as labeled or granted)
- STREET CENTERLINE
- FND SECTION CORNER
- CALC SECTION CORNER
- FND STREET MONUMENT
- SET #5x24" REBAR AND CAP STAMPED LANDMARK
- ROAD/STREET DEDICATION
- RECORD DATA
- MEASURED DATA

Vicinity Map



SE cor Sec 28, T 7 N, R 1 W,
SLB&M, Utah North Zone NAD83
coordinates measured using Leica
GPS Network of N=3635672.755
E=1517479.709 U.S.Ft. (WCoS
record coordinates prior to 2016
N=3635671.789 E=1517479.828
U.S.Ft.)

Basis of bearing=S 00°52'09" W
Weber County Survey record,
NAD83 Utah north zone

E 1/4 cor Sec 28, T 7 N, R 1 W,
SLB&M, Utah North Zone NAD83
coordinates WCoS record
coordinates prior to 2016
N=3635671.789 E=1517479.828
U.S.Ft.