



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Agenda Item:</b>	UVV091923. Consideration and action on a request for final subdivision approval of Valley Center Estates 2 <sup>nd</sup> amendment, consisting of 4 lots.
<b>Agenda Date:</b>	November 15, 2023
<b>Applicant:</b>	Zane Froerer
<b>File Number:</b>	UVV091923

### Property Information

<b>Approximate Address:</b>	5461 E 2300 N, Eden
<b>Project Area:</b>	2.99 acres
<b>Zoning:</b>	FB
<b>Existing Land Use:</b>	Vacant, residential
<b>Proposed Land Use:</b>	Commercial, Residential
<b>Parcel ID:</b>	22-316-0003

### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Commercial
<b>East:</b>	Residential	<b>West:</b>	Residential

### Staff Information

<b>Report Presenter:</b>	Steve Burton <a href="mailto:sburton@co.weber.ut.us">sburton@co.weber.ut.us</a> 801-399-8766
<b>Report Reviewer:</b>	RG

## Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 22, Form-Based Zone FB
- Title 106, Subdivisions, Chapter 1-8 as applicable

## Background and Summary

This application was accepted for review on September 19, 2023. The purpose of the proposal is to adjust lot boundaries within the Valley Center Estates Subdivision so that the applicant has more area for a septic drainfield for the Eden Commercial Hub. This project is located along the mixed-use commercial and multi-family residential street within the Old Town Eden Form Based Zoning street regulating plan.

## Analysis

**General Plan:** The proposal, if approved, will allow the applicant to have room for a septic drainfield for one of the first commercial buildings that complies with the Old Town Eden Form Based zoning regulations. The Form Based zoning and village areas were adopted to implement the Commercial Development chapter of the 2016 Ogden Valley General Plan.

**Zoning:** The subject property is located in the FB Zone. Sec 104-22-1 provides the following purpose and intent for the zone:

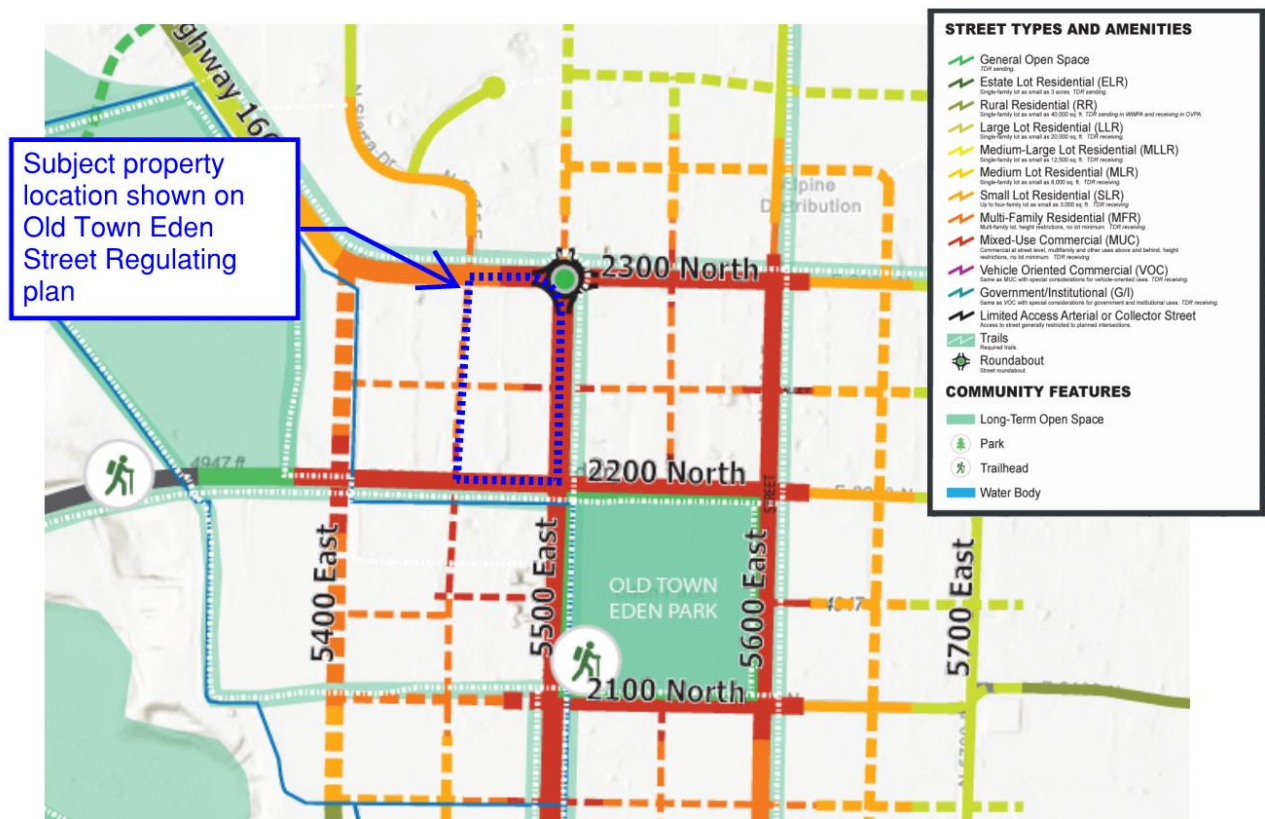
*The purpose and intent of the Form-Based Zone is to provide a form-based regulatory tool that focuses on the public street design and the buildings that frame the public street. This deemphasizes separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design. Additionally:*

- Implements the general plan. The Form-Based Zone regulations are intended to carry out the objectives of the 2016 Ogden Valley General Plan through the implementation of form-based small area zoning and transferable development rights.*

b) Creates street regulating plans. Each area affected by the Form-Based Zone shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and functionality of streets and building facades along these streets. The intent is to stimulate the creation of buildings and streets that frame the public rights-of-way with architectural and design elements that are unified under a common design theme whilst enabling unique building facades.

The following image is intended to show the location of the subject property on the applicable street regulating plan. There are no minimum lot sizes in the mixed-use commercial and multi-family residential streets within the FB zone. The minimum lot width in the mixed-use commercial and multi-family residential streets is 12 feet. Lot 6 is 1 acre and has 130 feet of lot width along 2200 N. Lot 7 is 0.89 acres with at least 100 feet of lot width along 2200 N and 5500 E. Lot 8 is 1 acre and has 150 feet of lot width. Lot 9 is 0.65 acres and has 187 feet of lot width along 5500 E. All lots meet the width and frontage requirements of the FB zone.

Lots 6, 7, and 8 were originally part of the Valley Center Estates 1<sup>st</sup> Amendment Subdivision. Lot 9 is being included because the subdivision code does not allow a remainder parcel to be shown on a plat that is less than five acres. Lot 9 has an existing residence on it.



Culinary Water, Sanitary Sewer, and Secondary Water: Eden Water Works provides culinary water to the existing lots and the existing residence. All lots have approvals for septic systems from the Weber-Morgan Health Departments.

Sensitive Lands: The subject property is not in a geologic hazards area, nor are there mapped floodplain boundaries, streams, or wetlands on the property.

Public Streets and Trails: The Form Based zoning ordinance for this area calls for 60 foot half width streets. With this application, the owner is adjusting a several lot lines and not adding new impact. Staff does not feel it is appropriate at this time to request right of way dedication more than the existing 40 foot half width. Approximately 12 feet by 150 feet of right of way dedication will be dedicated to the county along lot 8 as a condition of design review approval (DR 2020-05). As other lots receive design review approvals, the developer will be asked to dedicate appropriate portions of property required by the Form Based Zoning ordinance.

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office and Weber Fire District have reviewed the proposal. Prior to the subdivision being released for Mylar, all review agencies comments will need to be addressed.

## Staff Recommendation

Staff recommends final approval of Valley Center Estates 2<sup>nd</sup> amendment, consisting of 4 lots. This recommendation for approval is subject to all applicable review agency requirements.

This recommendation is based on the following findings:

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

## Exhibits

A. Final Plat

## Location Map 1



# VALLEY CENTER ESTATES-2ND AMENDMENT

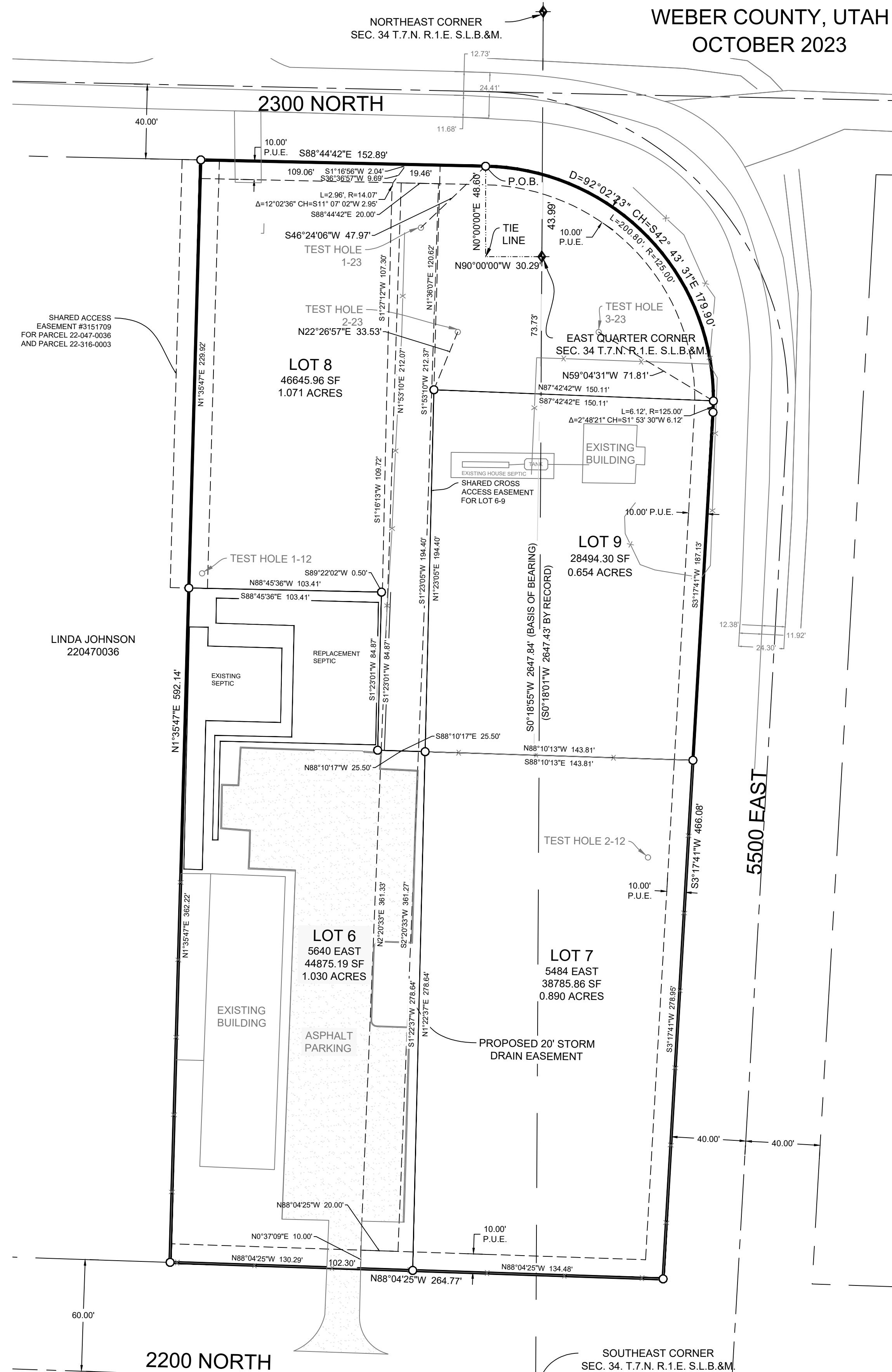
LOCATED IN THE EAST HALF OF SECTION 34

AND THE WEST HALF OF SECTION 35,

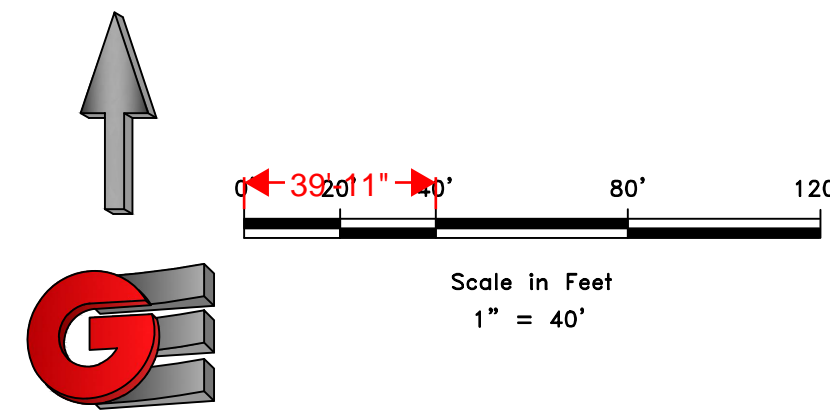
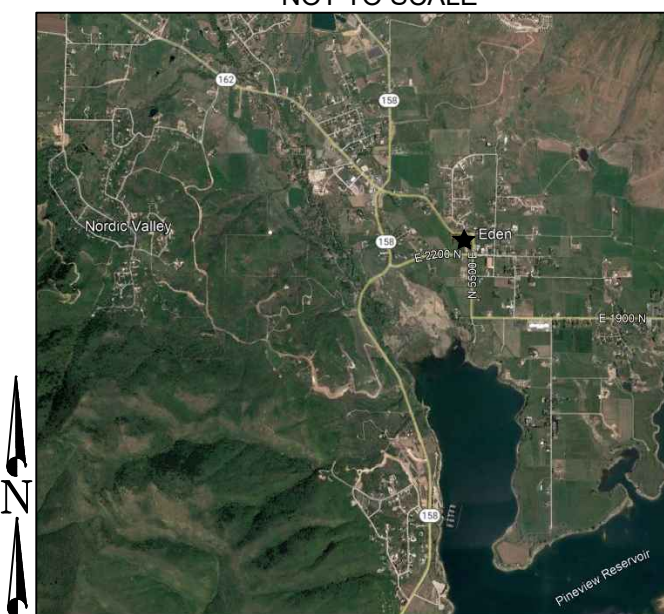
TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,

WEBER COUNTY, UTAH

OCTOBER 2023



### VICINITY MAP



### LEGEND

- WEBER COUNTY MONUMENT AS NOTED
- SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
- SUBDIVISION BOUNDARY
- LOT LINE
- EXISTING FENCE
- ADJACENT PARCEL
- SECTION LINE
- EASEMENT
- ORIGINAL LOT LINE

### SITE SOIL INFORMATION

- TEST HOLES 2012
- TEST HOLE 1-12 UTM ZONE 12 NAD 83 (12T) 431653 E 4572395±18 N 0-20" SILTY LOAM, GRANULAR 20-45" SILTY CLAY LOAM, MASSIVE 45-72" GRAVELLY LOAM SANDY, SINGLE GRAINED, 30% GRAVEL (HIGH CLAY)
- TEST HOLE 2-12 UTM ZONE 12 NAD 83 (12T) 431725 E 4572345 N 0-16" SILT LOAM, GRANULAR 16-61" SILTY CLAY LOAM, MASSIVE 61-82" GRAVELLY LOAM SANDY, SINGLE GRAINED, 30% GRAVEL (HIGH CLAY), PREDICTED LESS THAN 5MIN/INCH PERCOLATION RATE. TRENCH LIMITED TO 12INCHES
- TEST HOLES 2023
- TEST HOLE 1-23 UTM ZONE 12 NAD 83 0431668 E 4572449 N 0-11" LOAM, GRANULAR, 0.5 GPD/SF 11-26" LOAM WEAK, GRANULAR, 0.45 GPD/SF 26-42" GRAVELLY COARSE SANDY LOAM, MASSIVE, 75% GRAVEL, 0.45 GPD/SF 42-51" LOAM, MASSIVE, 0.4 GPD/SF 51-88" GRAVELLY SANDY LOAM, SINGLE GRAIN, 80% GRAVEL, 0.45 GPD/SF
- TEST HOLE 2-23 UTM ZONE 12 NAD 83 0431694 E 4572432 N 0-19" LOAM, GRANULAR, 0.5 GPD/SF 19-65" LOAM, BLOCKY, 0.5 GPD/SF 65-94" GRAVELLY COARSE LOAMY SAND, SINGLE GRAINED, 0.45 GPD/SF
- TEST HOLE 3-23 UTM ZONE 12 NAD 83 04311717 E 4572432 N 0-18" LOAM, GRANULAR, 0.5 GPD/SF 18-60" LOAM, BLOCKY, 0.5 GPD/SF 60-78" GRAVELLY COARSE LOAMY SAND, SINGLE GRAINED, 0.5 GPD/SF

### ACKNOWLEDGEMENT

STATE OF UTAH )  
COUNTY OF WEBER )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared before me (ZANE B. FROERER) (OWNER/SIGNER), whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the (MANAGER), (TITLE) of (ZV INVESTMENTS LLC) (CORP/TRUST), and that said document was signed by him/her in behalf of said "Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said (ZANE B. FROERER), (OWNER/SIGNER) acknowledged to me that said "Corporation executed the same.

- STAMP NOTARY PUBLIC
- NOTES
- 1. ZONE FB - MUC (FORM-BASED ZONE - MIXED USED COMMERCIAL) CURRENT YARD SETBACKS:  
FRONT: NO MINIMUM, MAXIMUM OF FIVE (5) FEET OR TWENTY (20) IF PROVIDING PUBLIC DINING OR GATHERING SPACE  
SIDE: NONE  
REAR: NONE
- 2. SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. PER FEMA MAP NO. 49057C0237F WITH AN EFFECTIVE DATE OF JUNE 2, 2015.
- 3. DUE TO THE TOPOGRAPHY AND THE LOCATION OF THIS SUBDIVISION ALL OWNERS WILL ACCEPT RESPONSIBILITY FOR ANY STORM WATER RUNOFF FROM THE ROAD ADJACENT TO THIS PROPERTY UNTIL CURB AND GUTTER IS INSTALLED.

### NARRATIVE

I DO HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITION FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.

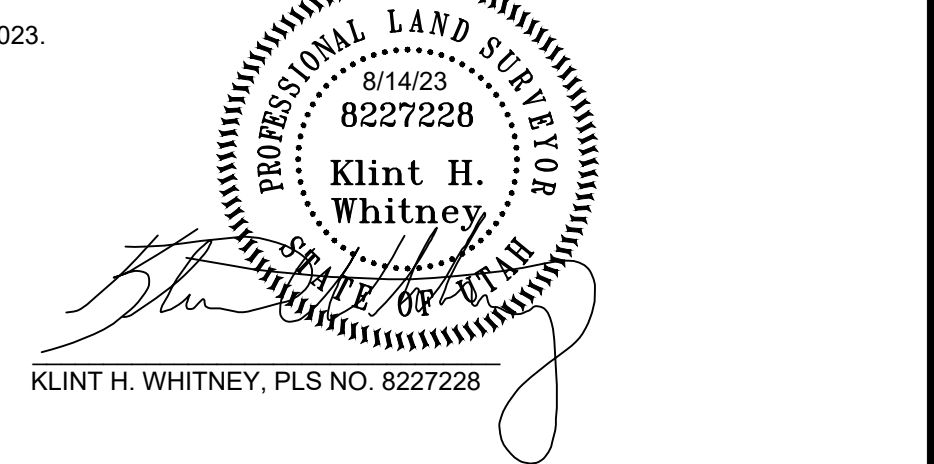
THE PURPOSE OF THIS SURVEY WAS TO AMEND THE SUBDIVISION ON THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY ZANE & LANCE FROERER. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON THE BASIS OF BEARING IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS NORTH 00°18'55" WEST WEBER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING.

### AMENDED BOUNDARY DESCRIPTION

A PART OF THE EAST HALF OF SECTION 34 AND THE WEST HALF OF SECTION 35, TOWNSHIP 7 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 2300 NORTH STREET SAID POINT BEING LOCATED NORTH 90°00'00" WEST 30.29 FEET AND NORTH 00°00'00" EAST 48.60 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 34; RUNNING THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE ALONG THE ARC OF A 125 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 200.80 FEET WITH A CHORD BEARING OF SOUTH 42°43'31" EAST 179.90 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 5500 EAST STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 03°17'41" WEST 466.08 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 2200 NORTH STREET; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE NORTH 88°04'25" WEST 264.77 FEET; THENCE NORTH 01°35'47" EAST 592.14 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 2300 NORTH STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE SOUTH 88°44'42" EAST 152.89 FEET TO THE POINT OF BEGINNING, CONTAINING 130,306.97 SQUARE FEET OR 2.99 ACRES.

### SURVEYOR'S CERTIFICATE

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED ON THIS PLAT, AND HAVE SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS VALLEY CENTER ESTATES-2ND AMENDMENT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN HEREON ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; THAT ALL LOTS MEET THE REQUIREMENTS OF THE LAND USE CODE, AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.



### OWNER'S DEDICATION

I THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

VALLEY CENTER ESTATES-2ND AMENDMENT

AND HEREBY DEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY WEBER COUNTY, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS. ALSO, THE UNDERSIGNED HEREBY GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON, AND UNDER THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS SHARED CROSS ACCESS EASEMENT FOR THE CONSTRUCTION, OPERATION, MAINTENANCE AND REPAIR OF A SHARED DRIVEWAY TO BE USED AS PUBLIC ACCESS TO ALL ADJOINING LOTS WITH THE EXCEPTION OF LOT 7 AS DESCRIBED ON THE PLAT HEREON. ALSO, THE UNDERSIGNED HEREBY GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON, AND UNDER THOSE PARTS OR PORTION OF SAID TRACT OF LAND DESIGNATED AS STORM DRAIN EASEMENT FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, ENLARGEMENT, AND REMOVAL OF A STORM DRAIN LINE AND ALL NECESSARY OR DESIRABLE ACCESSORIES AND APPURTENANCES THERETO.

SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: \_\_\_\_\_

### ACKNOWLEDGEMENT

STATE OF UTAH )  
COUNTY OF WEBER )  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared before me (ZANE B. FROERER) (OWNER/SIGNER), whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the (MANAGER), (TITLE) of (ZV INVESTMENTS LLC) (CORP/TRUST), and that said document was signed by him/her in behalf of said "Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said (ZANE B. FROERER), (OWNER/SIGNER) acknowledged to me that said "Corporation executed the same.

STAMP NOTARY PUBLIC

- WEBER COUNTY SURVEYOR: I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR APPROVAL BY THIS OFFICE HAVE BEEN SATISFIED. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.  
SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2023.
- WEBER COUNTY ATTORNEY: I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.  
SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2023.
- WEBER COUNTY ENGINEER: I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.  
SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2023.
- WEBER COUNTY COMMISSION ACCEPTANCE: THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH.  
SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2023.
- WEBER COUNTY PLANNING COMMISSION APPROVAL: THIS IS TO CERTIFY THAT THIS SUBDIVISION WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION.  
SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2023.
- WEBER - MORGAN HEALTH DEPARTMENT: I DO HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITION FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.  
SIGNED THIS \_\_\_ DAY OF \_\_\_\_\_, 2023.

DEVELOPER: ZANE FROERER, LANCE FROERER, 2600 WASHINGTON BLVD, OGDEN, UTAH 801-668-0920, 801-668-0924

**S1**  
**1**

COUNTY RECORDER: ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_ FILED FOR AND RECORDED \_\_\_\_\_ AT \_\_\_\_\_ IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS, PAGE \_\_\_\_\_ RECORDED FOR \_\_\_\_\_ COUNTY RECORDER BY: \_\_\_\_\_

**GARDNER ENGINEERING**  
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MUNICIPAL • LAND SURVEYING  
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