



Memorandum

To: Mayor & North Ogden City Council

CC: Ed Dickie

From: Craig Barker

Date: 1/6/2011

Re: Quail Ponds

This is what has transpired to try to finish the vacating and re-subdivision of Quail Ponds. The biggest issue has been the requirement of the Army Corps of Engineers needing to have Mr. Bruce Jones reapply for a new wetlands permit because his first permit has expired and he did not complete all of the requirements of that permit within the timeframe of the permit. Mr. Jones has proceeded to do that as he has explained in his email to the Planning dept. received this week (see attached). I have also spoken to the Army Corps of Engineers regarding Mr. Jones actions. The Corps is in contact with Mr. Jones' consultants with regard to the necessary information that they need to have. They informed me that they do not yet have the new permit application but expect it shortly. They also relayed the information that Mr. Jones is proposing to utilize a wetlands land bank to purchase wetlands credits and substitute the credits for the existing wetlands at the Quail Ponds area and remove them from the jurisdiction of the Corps of Engineers. This was an option Mr. Jones has undertaken to help solve the issue of the ownership and maintenance of the wetlands when the PRUD is vacated. The Corps told him and the city that they no longer allow wetlands to be included within the lot boundaries of newly subdivided lot because of issues with all the new owners. The city has taken the steps to vacate the subdivision and all easements on the plat but has not taken the final action to record the resolution doing so because the new plat has not been finished by Mr. Jones' engineer pending the final decision of the Corps of Engineers and the effect of their decision on the design of the final plat. The city engineer has reviewed a tentative final plat and redlined this and returned it to Mr. Jones' engineer. Mr. Jones and his engineer have been waiting for the final approval of Mr. Jones' new wetlands permit before finishing the final plat.

There has been a request by Mrs. Brown, a homeowner in the Quail Ponds development, that the city go ahead and vacate the PRUD and record the new subdivision plat. I can't speak for Mrs. Brown so I can only speculate of her desire to have this happen as soon as possible. The city's subdivision ordinance does not require the Corps of Engineers to approve the subdivision plat but it does require the developer to identify all significant features within the area of the subdivision to be identified and the methods that will be used to mitigate the effect of the of the issue identified and the city engineer to agree with the proposal. The city engineer has significant concerns over signing the final plat without knowing the findings and requirements of the wetlands permit which may affect the final plat. The city attorney also has some concerns but find there is no requirement to have the Corps of Engineers approval of the final plat. The city manager also has some concerns but feels that the city council could authorize the filing of the vacating resolution and recommend that the Land Use Authority sign the final plat and authorize the recording of the same. The issue here is that Mr. Jones needs to have his engineer complete the final plat and submit it to the city with all the owners of record having signed the plat, have the CCRs completed and reviewed by the city and submit both to the city for recording.