

MAY 30, 2006

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C200662



W2184604

ORDINANCE NO. 2006-15

EH 2184604 PG 1 OF 12
DOUG CROFTS, WEBER COUNTY RECORDER
05-JUN-06 422 PM FEE \$1.00 DEP JPH
REC FOR: WEBER COUNTY CLERK

An Ordinance of Weber County, amending the Weber County Zoning Map by rezoning property in the East Half of Section 27, Township 7 North, Range 1 East, Salt Lake Base & Meridian from Residential Estates Zone RE-15 and Open Space Zone O-1 to Residential Estates Zone RE-15 and from Agricultural Valley Zone AV-3, Residential Estates Zone RE-15 and Open Space Zone O-1 to Forest Residential Zone FR-3.

WHEREAS, The Ogden Valley Township Planning Commission recommended approval of the request to rezone property at approximately 3100 N. Wolf Creek Drive from Residential Estates Zone RE-15 and Open Space Zone O-1 to Residential Estates Zone RE-15 and from Agricultural Valley Zone AV-3, Residential Estates Zone RE-15 and Open Space Zone O-1 to Forest Residential Zone FR, on March 28th 2006; and

WHEREAS, The Board of County Commissioners of Weber County, Utah, after appropriate notice, held a public hearing on May 16th 2006, to allow the general public to comment on the proposed zoning change; and

WHEREAS, The Ogden Valley General Plan sets a goal to enhance quality recreational opportunities with an objective to identify recreational assets, facilities and activities in the Valley and determine which facilities might be expanded to meet increased recreation demand and plan for such expansion and protect open space and sensitive lands; and

WHEREAS, The Board of County Commissioners of Weber County, Utah finds that the proposed zoning change and the concept development plan for the zoning change promote the goals and objectives of the Ogden Valley General Plan by enhancing quality recreational opportunities in the Ogden Valley through the expansion of the Wolf Creek Golf Course; and

WHEREAS, The Board of County Commissioners of Weber County, Utah finds that the proposed zoning change and the concept development plan for the zoning change promote the goals and objectives of the Ogden Valley General Plan through the preservation of open space by clustering residential development; and

WHEREAS, The Board of County Commissioners of Weber County, Utah finds that the proposed zoning change and the concept development plan for the zoning change will promote public safety by providing better access for emergency service providers into the eastern portions of the Wolf Creek development and better traffic circulation in the Wolf Creek area overall.

NOW THEREFORE, The Board of County Commissioners of Weber County, State of Utah, Ordain as follows:

22-021-0102 ^W/_{PT}

Section 1.

The Zoning Map of Weber County is hereby amended by reclassifying the following described area of unincorporated Weber County from Residential Estates Zone RE-15 and Open Space Zone O-1 to Residential Estates Zone RE-15.

A part of the East Half of Section 27, Township 7 North, Range 1 East, Salt Lake Base & Meridian beginning at a point on the South line of Elk Horn Subdivision Phase 3 said point being S. 00°27'53" W. along the section line 163.46 feet from the Northeast Corner of said Section 27, T7N, R1E, SLB&M; thence the following courses: S 00°27'53" W 2464.48 feet along said section line to the east quarter corner; thence S 00°22'02" W 650.86 feet along the section line; thence N 89°37'27" W 1805.50 feet to the East line of Andersen Acres Subdivision; thence N 13°25'39" W 362.44 feet along the East line of Andersen Acres Subdivision; thence N 00°00'09" W 530.00 feet along the East line of Andersen Acres Subdivision and the extension of said subdivision; thence West 752.36 feet to the West line Of the East half of said Section 27; thence N 00°16'53" E 2261.16 feet along the West line Of the East half of said Section; thence S 89°07'48" E 176.96 feet; thence S 67°23'35" E 604.07 feet; thence S 65°54'36" E 539.55 feet; thence S 36°56'23" E 232.69 feet; thence Northeasterly 126.01 feet along a curve to the right to a tangent line (R=255.00' Delta=28°18'49" T=64.32' CH=124.73' CHB=N 58°01'40" E); thence N 72°11'05" E 197.69 feet to a tangent curve; thence Northeasterly 340.16 feet along said curve to the left to a tangent line (R=270.00' Delta=72°11'05" T=196.83' CH=318.11' CHB=N 36°05'32" E); thence North 229.51 feet to the south line of Elk Horn Phase 2; thence S 89°07'48" E 806.75 feet along the south line of Elk Horn Phase 2 to the point of beginning.

Contains: 7,071,745 sq. ft. / 162.34 acres

22-021-0102 ^W/_{PT}, 22-021-00661 ^W/_{PT}

Section 2.

The Zoning Map of Weber County is hereby amended by reclassifying the following described area of unincorporated Weber County from Agricultural Valley Zone AV-3, Residential Estates Zone RE-15 and Open Space Zone O-1 to Forest Residential Zone FR-3.

A part of the Northeast Quarter of Section 27, Township 7 North, Range 1 East, Salt Lake Base & Meridian beginning at a point on the South line of Elk Horn Subdivision Phase 2 said point being S. 00°27'53" W. along the section line 163.46 feet and N 89°07'48" W 806.75 feet from the Northeast Corner of said Section 27, T7N, R1E, SLB&M; thence the following courses: South 229.51 feet to a tangent curve; thence Southwesterly 340.16 feet along said curve to the right to a tangent line (R=270.00' Delta=72°11'05" T=196.83' CH=318.10' CHB=S 36°05'32" W); thence S 72°11'05" W 197.69 feet to a tangent curve; thence Southwesterly 126.01 feet along said curve to the left to a non-tangent line (R=255.00' Delta=28°18'49" T=64.32' CH=124.73' CHB=S 58°01'40" W); thence N 36°56'23" W 232.69 feet; thence N 65°54'36" W 539.55 feet; thence N 67°23'35" W 604.07 feet; thence N 89°07'48" W 176.96 feet to the West line the East half of said section 27; thence N 00°16'53" E 162.05 feet along the west line of the east half of said section 27 to the North quarter corner of said section 27; thence S 89°09'42" E 738.12 feet along the north line of said section 27; thence S 68°46'53" E 378.92 feet; thence S 85°37'27" E 500.94 feet to the Southwest corner of Elk Horn Phase 2; thence S 89°07'48" E 256.89 feet along the south line of Elk Horn Phase 2 to the point of beginning.

Contains: 698,551 sq. ft. / 16.03 acres

Passed, Adopted and Ordered published this 30 day of May, 2006, by the Board of County Commissioners of Weber County, Utah,

Commissioner Bischoff	Voting	<u>aye</u>
Commissioner Cain	Voting	<u>aye</u>
Commissioner Dearden	Voting	<u>aye</u>

Craig L. Dearden
 Craig L. Dearden, Chair

ATTEST:
Linda G. Lunceford
 Linda G. Lunceford, CPO Weber County Clerk

Utility Cost Management Consultants to determine any overcharges or rate differentials to reduce future utilities charges, with the amendment; Commissioner Cain seconded, all voting aye.

2. Ratify a contract with Utah Hispanic Horse Racing for races held on May 28, 2006 at the Golden Spike Event Center - Contract C2006-60

Jim Harvey, GSEC, asked for ratification of this contract. There had been a scheduling problem, but the contractor had been very successful at this race and had booked several future races. Commissioner Cain moved to ratify Contract C2006-60 by/between Weber County and Utah Hispanic Horse Racing for races held on May 28, 2006 at the Golden Spike Event Center; Commissioner Bischoff seconded, all voting aye.

3. Contract with WSRA Demo Derby for an event to be held on June 10, 2006 at the Golden Spike Event Center - Contract C2006-61

Jim Harvey, GSEC, presented this contract stating that the event had been successful in the last three years that the county had produced it. He addressed the commissioners' questions stating that it was the same contract as approved in past years and legal counsel had reviewed it. Commissioner Bischoff moved to approve Contract C2006-61 by/between Weber County and WSRA Demo Derby for an event to be held on June 10, 2006 at the Golden Spike Event Center; Commissioner Cain seconded, all voting aye.

4. Final approval for Cota Subdivision, 1 lot, at approximately 1413 South 4700 West

Sean Wilkinson, County Planning Department, showed an area map and stated that the petitioner was requesting final approval of this 1-lot subdivision with deferral of curb, gutter and sidewalk. This subdivision is within the 1.5 mile radius of West Weber Elementary School and Mr. Wilkinson had spoken with Sue Morgan, routing specialist for the Weber School District. She had sent him a letter stating that because of safety concerns for the students crossing the railroad tracks, they bused all students who were south of those tracks, and at this time they did not feel that curb, gutter and sidewalk were necessary. Currently, there are no students in the area of this subdivision.

On July 12, 2005 the Planning Commission unanimously recommended final approval of this subdivision with deferral of curb, gutter and sidewalk. In April 2005 the petitioner had been found to be in violation of the Zoning Ordinance for storing construction equipment, junked vehicles, etc., however, the violations had been cleared up. Staff recommended approval of this item. Commissioner Cain moved to grant final approval of Cota Subdivision, 1 lot, located at approximately 1413 South 4700 West, with deferral for curb, gutter and sidewalk; Commissioner Bischoff seconded, all voting aye.

5. Ordinance amending the Wolf Creek Master Plan by adding approximately 174 acres with 106 development rights to the Wolf Creek Master Plan and zoning the property and a small portion of the existing Wolf Creek Property to Residential Estate RE-15 and Forest Residential FR-3 - Ordinance 2006-15, Zoning Development Agreement C2006-62

Kevin Hamilton, County Planning Department, showed area maps, including the one sent out with the Planning Commission hearing notice, and a concept plan for the duplexes.

The County Commission held a public hearing on May 16, 2006 on the request to rezone property in the Wolf Creek area consisting of about 174 acres that will be added to approximately 4.3 acres of property that is already a part of Wolf Creek. The rezoning will result in the upper portion of the property being zoned FR-3 to allow for duplexes and the lower portion being zoned RE-15 for single family 15,000 square ft. lots. The density for both of these developments will be set by the

Zoning Development Agreement. The are zoned RE-15 will only be allowed 106 single family units, and the FR-3 zone will be allowed 24 duplexes. The density for the condominium units is part of Wolf Creek's overall density—they have about 2,150 total units. This rezoning will not increase the number of units in the Wolf Creek area. The Planning Commission had recommended approval of this item.

Chair Dearden stated that the County Commission had received a Notice of Appeal on Application ZP #03-06 submitted by Wolf Creek Properties. Monette Hurtado, Deputy County Attorney, had reviewed the notice and written a response to the County Commission. The Notice of Appeal was appealing the decision of the Planning Commission, however, that body only makes recommendations. The next issue was of notice, and County Planning staff notifies property owners within 500 feet of the affected property, which was done in this case on two occasions. The notification included a map, which covered the entire area proposed for rezone.

Ms. Hurtado stated that of those who filed the appeal, all but one attended either one or both of the Planning Commission hearings (or that person may not have signed the attendance record) and had opportunity for input and the benefit of hearing detailed discussion by staff on the entire proposal. The one person in question appears to be a spouse of someone who did attend. Additionally, notice of the County Commission's public hearing was published in the newspaper.

Another issue in the appeal alleged that one of the Planning Commission members was a contract employee of Wolf Creek. Chair Dearden said this was researched and that person is not an employee of Wolf Creek Properties but works for a subsidiary that was totally separate. Ms. Hurtado said that the allegation that was made indicated that this individual works for Liberty Pipeline and Liberty Pipe has a contract to provide services to Wolf Creek Properties, but, no substance had been found to support that allegation. The appellants may have been concerned about a Planning Commissioner that does provide work for one of the water service providers but he is an employee, not a corporate principal, and it was not Liberty Pipeline as they stated. Commissioner Cain noted that even if this was so, it was only one vote on the Planning Commission, which was only advisory to the County Commission, and the final decision is made by the County Commission. Ms. Hurtado added that the County Commission could give what weight it deemed appropriate or ignore the Planning Commission's recommendation and come to its own factual determination. The County Commission held a public hearing, heard input, and also had the minutes of the Planning Commission which contained statements by individuals who attended the hearings.

Chair Dearden stated he revisited this site and had looked at it from statements made at the public hearing. Most people had expressed opposition to the upper property portion being rezoned, but were fine with the lower proposed rezoning. Mr. Schickedanz' and Mr. Curtis' had indicated that the rezone would inhibit their views of Pineview Reservoir and Chair Dearden believed their properties were up high enough that not much of their view would be blocked in either case, except if someone built a 35 ft. building in the area already zoned RE-15. He said that Mr. Rasmussen's property was at the low spot and even if the area proposed for the duplexes was not rezoned, he would have a view issue with the houses that could be built on the property already zoned for RE-15. Commissioner Cain stated that the property already zoned for RE-15 would be attached to Wolf Creek and she reiterated that the proposed rezoning would not increase the overall density; it was just changing the position of the FR-3 zone. Chair Dearden had met with Mr. Dyer, Director of Wolf Creek's Planning & Development, on another issue and they had discussed this issue somewhat. Wolf Creek had indicated its concern about safety and was willing to work on the final design. Mr. Dyer, who was present today, concurred.

Commissioner Bischoff moved to adopt Ordinance 2006-15 and approve Zoning Development Agreement C2006-62 amending the Weber County Zoning Map by rezoning property in the east half of Section 27, Township 7 North, Range 1 East, Salt Lake Base and Meridian at approximately 3100 N. Wolf Creek Drive from Residential Estates RE-15 and Open Space O-1 to Residential Estates RE-15 and from Agricultural Valley AV-3, Residential RE-15, and Open Space O-1 to Forest Residential FR-3 because this rezone was consistent with the Ogden Valley Master Plan, especially as it related to the recently approved recreation element wherein the efforts are to increase development around recreation areas, to cluster development, to provide recreation areas with the ability to expand the recreation possibilities, and it provided an additional circulation factor to the transportation element, thus affording a more adequate opportunity for provision of their services, and ensuring safety factors to the community at large; Commissioner Cain seconded.

Roll Call Vote:

Commissioner Cain.aye
Commissioner Bischoff.aye
Chair Dearden.aye