Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted	*Received By (Office Use)*	*Added to Map (Office Use)*
September 23 2011		

Property Owner Contact Information

Name of Property Owner(s)	Mailing Address of Property Owner(s)
Rex Mumford	8115 E 500 S Huntsville Utah 84317
Phone: 801 721 2677 / Fax:	
Email Address: eagleoutdoor@MSN.com	Preferred Method of Written Correspondence: ☐ Email ☐ Fax ☒ Mail

Ordinance Proposal

Ordinance to be Amended: 28-11

Describing the amendment and/or proposed changes to the ordinance:

See Attachment

Ordinance Proposal (continued...)

Applicant Affidavit

I (We), Rex Mumford, depose and say that I (we) am (are) the interested member)s) of 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.

(Signature)

(Signature)

Subscribed and sworn to me this 23 day of September, 20 11,

(Notary)

Description of the amendment and /or proposed changes to the ordinance.

Reference to: 28-11

Proposed Change

A subdivision which has been approved and recorded prior to a change in zoning requiring larger lots, may realign the boundaries within the subdivision changing the size of the lots within the approved and recorded subdivision with the following provisions:

1 – No lot within the subdivision shall be less in size than the original zoning requirement allowed at the time the subdivision was created.

2 – The required frontage width is not altered or changed within the subdivision.

3 – No new parcels or lots are created.

4 - An amended subdivision plat shall be submitted for approval and recorded with the boundaries changes.

Rationale for the change:

Currently once a subdivision has been created meeting the current zoning and afterwards the zoning has changed requiring larger lots, a change of boundary within the subdivision is not allowed to reduce any lot to a size less than the current zoning. Whereas had the zoning change requiring larger lots not taken place, a change of boundary within the subdivision would have been allowed subject to zoning requirements.

History:

In 1960 my parents obtained approximately 4.32 acres of property from my grandparents parcel of land. They built a home on this parcel in 1961. Around 1993 I obtained a parcel of land from my parents parcel. As I was desirous to build upon the parcel I had obtained I learned I needed to formally subdivide the property. I subdivided the property under the 1-acre zoning creating one lot at 1.66 acres and the other lot at 2.66 acres. The 1.66-acre lot was my original parcel size of property. After creating the subdivision the zoning changed requiring 3-acre lots. We built our home under the 1-acre zoning requirement. After building my parents wished to give or sell me part of their 2.66 acres. They did not have a use for such a large parcel and did not have livestock or the ability to farm or tend to the acres beyond what their home and outbuilding required. Additionally they desired to lessen their property tax burden and irrigation water expense through this

transfer. They desired to keep the one-acre that was required when they built and when the subdivision was created. Had we had the foresight we could have created the same subdivision with one lot, my parents, at one acre, and the other lot at 3.32 acres. This would have placed the tax burden, irrigation water burden, and stewardship of the land with my lot. We approached planning with the desire to modify the subdivision boundaries to one acre for my parents with the remaining acreage on my lot. I was informed due to the zoning change to 3 acres, we could not reduce any lot within the subdivision to less than it already is, so the adjustment is not possible under current zoning. Logic would seem to allow for a change of boundaries within the subdivision under the zoning requirements at the time of the subdivision creation and not subject to newer or later zoning changes which took place after the creation of the subdivision. This logic would be subject to not creating any new lots within the subdivision or changing the requirements imposed by the zoning at the time of the original subdivision upon each lot.

There may be others within the county that have similar situations where family own all the lots within a subdivision and desire to align the boundaries within the subdivision for desired property use and alignment of the tax and stewardship responsibilities within the subdivision. This amendment would allow these changes, yet not alter the original zoning intent of the subdivision.

Weber County Public Works Department
Official Receipt

03:19:16 PM

Receipt Date 23-SEP-11

Description ZONING TEXT AMENDMENT

From Client REX MUMFORD

CHECK	300
Total Received:	300

Empl Id / Receipt Nbr: SW - 21225

SW

Signature

*** Please Retain This Receipt For Your Personal Records ***

Staff process checklist for Zoning Map amendment

	Date	
☐	_____	Verify that the application for zoning map amendment is sufficiently complete for consideration. If not complete, inform the appellant, specifically, how the application is deficient
☐	_____	Have the application fees been paid
☐	_____	Review Chapter 35 (Petitioner Requirements-Rezone Procedures-Development Agreement), for review requirements. Prepare staff report and place on Land Use Authority agenda (Planning Commission)
☐	_____	Notify applicant of meeting and provide copy of staff report
☐	_____	Send out notices as required. (A Planning Commission public meeting is considered a public hearing because the public is given a reasonable opportunity to speak)
☐	_____	Place a copy of the label list of property owners in the file
☐	_____	The Planning Commission should consider relevant evidence and opinion related to whether the proposed zone change or text amendment should receive a positive recommendation. Important references are whether the zone change or text amendment does the following: a. no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of Weber County and the purposes of this Ordinance b. complies with the County's General Plans c. compatibility with surrounding land uses, and impacts on the surrounding area
☐	_____	Supplementary approval criteria for a Destination and Recreation Resort Zone: a. the proposed Resort can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands as identified in Chapter 43, Ogden Valley Sensitive Lands Overlay District, of the Weber County Zoning Ordinance b. a professional and empirical study has provided substantial evidence determining that the proposed Resort is viable and contributes to the surrounding community's economic well being c. a professional and empirical study has provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors, serving the Resort, from diminishing below an acceptable Level of Service d. the natural and developed recreational amenities, provided by the Resort, shall constitute a primary attraction and provide an exceptional recreational experience by enhancing quality public recreational opportunities e. the proposed Resort's Seasonal Workforce Housing Plan will provide a socially, economically, and environmentally responsible development f. the proposed Resort can demonstrate that public safety services are and/or will be feasible and available to serve the project in a manner that is acceptable to the County Commission
☐	_____	The Planning Commission must vote and recommend approval or denial of a map change or land use ordinance amendment to the legislative body. A proposed zone change or text amendment may be reviewed and revised by the Planning Commission as part of its recommendation
☐	_____	Prepare zoning development agreement for map amendments
☐	_____	Prepare the notice for the public hearing
☐	_____	Place the item on the legislative agenda to set a date for a public hearing at least 14 days (consider the time it takes to publish the notice)from the date of the meeting to set a public hearing
☐	_____	Prepare ordinances, and summary of ordinance

☐ _____ The legislative body should consider the Planning Commission recommendation and any other relevant evidence and opinion related to whether or not the proposed zoning map or land use or ordinance amendment:

a. no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of Weber County and the purposes of this Ordinance

b. complies with the County's General Plans

c. compatibility with surrounding land uses, and impacts on the surrounding area

☐ _____ The legislative body takes a vote and approves, modifies, denies the zoning map or ordinance text amendment. A proposed map change or text amendment may be reviewed and revised by the legislative body prior to taking action without referring the matter back to the Planning Commission

☐ _____ The unanimous vote of the full body of the County Commission is required to overturn the recommendation of the Planning Commission, if there was a unanimous vote of the Planning Commission in favor or denial of the petition

☐ _____ Take public comment concerning the map or text amendment

☐ _____ Preserve the record of the proceedings to document the information considered in granting the map or text amendment

☐ _____ Have applicant sign the zoning development agreement for map amendments

☐ _____ Have the summary of the ordinance published

☐ _____ Record the zoning development agreement

Staff process checklist for amendments to the General Plan

☐ _____ Place the amendment on the Planning Commission agenda

☐ _____ Prepare public hearing notice

☐ _____ Provide the required notice of meeting and hearing by the Planning Commission to consider the application. Provide notice for a public hearing at least 14 days (consider the time it takes to publish the notice) in advance of the public hearing

☐ _____ Notify the affected entities as listed in state code

☐ _____ Place a copy of the label list of affected entities in the file

☐ _____ Prepare staff report

☐ _____ Have a public comment period

☐ _____ The Planning Commission considers relevant evidence and opinion related to the content of the plan, the plan's conformity with state codes, and whether or not the proposed plan complies with goals of *LUDMA, and the plan contains the essential elements:

a. a land use element, including agricultural protection zones if an issue

b. a transportation element

c. moderate income plan

☐ _____ The Planning Commission takes a vote and recommends approval or denial of the plan amendment to the legislative body. A proposed General Plan amendment may be revised by the Planning Commission as part of its recommendation to the legislative body. Important considerations are whether the proposal is in the best interest of the citizens and the community, and whether it complies with *LUDMA

☐ _____ Prepare the notice for the public hearing

☐ _____ Notify the affective entities as listed in state code

☐ _____ Place a copy of the label list of affected entities in the file

☐ _____ Place the item on the legislative agenda to set a date for a public hearing at least 14 days (consider the time it takes to publish the notice)from the date of the meeting to set a public hearing

☐ _____ The legislative body should consider the Planning Commission recommendation and any other relevant evidence and opinion related to whether or not the proposed plan amendment is in the interest of its citizens and the community, complies with the goals of *LUDMA, and contains the elements outlined above

☐ _____ The legislative body takes a vote and approves, modifies, or denies the plan amendment. A plan amendment may be reviewed and revised by the legislative body prior to taking action without referring the matter back to the Planning Commission

☐ _____ Take public comment concerning the General Plan amendment

☐ _____ Preserve the record of the proceedings to document the information considered in granting the map or text amendment

☐ _____ Have the summary of the ordinance published

*The authority to regulate land use is derived from LUDMA and must be preceded by a General Plan. A General Plan must advance the purpose of LUDMA. Those purposes are:

1. To provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the county and its present and future inhabitants and businesses.
2. To protect the tax base;
3. To secure economy in government expenditures;
4. To foster the state's agricultural and other industries;
5 To protect both urban and nonurban development;
6. To protect and ensure access to sunlight for solar energy devices;
7. To provide fundamental fairness in land use regulations; and
8. To protect property values.

Definitions:

Public hearing means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public meeting means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

The Planning Commission meetings are regarded as public hearings because the meetings provide a reasonable opportunity for the public to comment on the subject of the hearing.

The Planning Commission is required to have a public hearing on adoptions of Ordinances. The County Commission is to have a public meeting on ordinances. In Weber County, the public hearing is with the County Commission, since they are the adopting body.

The Planning Commission is require having a public hearing on adoptions of General Plans, and the County Commission is required to have a public hearing.

Public hearings require a 10-business day notice, but Weber County has a 14-day public hearing notice requirement.

Weber County Planning Division

WEBER COUNTY AGENCY REVIEW
OF ZONING ORDINANCE

PAPER	ELECTRONIC	AGENCY
○	●	ENGINEERING
○	●	SURVEYORS
○	●	HEALTH

OTHER AGENCY REVIEW

PAPER	ELECTRONIC	AGENCY
○	○	_____
○	○	_____
○	○	_____
○	○	_____
○	○	_____
○	○	_____

--If processing by paper, please respond to this review request **by returning this form** and the attached plan **within 14 days** to:

Weber County Planning Commission, 2380 Washington Blvd., Ste 240, Ogden, UT 84401-1473

--If processing through Miradi, submit your response **within 14 days**

-- If you have any questions or need further information, please call 399-8791, Fax 399-8862

Thank You, Kary Serrano