

ORDINANCE NO. _____

An Ordinance of Weber County rezoning approximately 4,297 acres located at Powder Mountain Resort from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40).

WHEREAS, Western America Holding, LLC seeks to rezone certain property located at Powder Mountain Resort, as described above, for the general purpose of developing a year round destination resort; and

WHEREAS, the County seeks to promote the health, welfare, safety, convenience and economic prosperity of the inhabitants of the County through the establishment and administration of zoning regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing the General Plan as adopted for all or part of the County; and

WHEREAS, the Ogden Valley General Plan states that “Weber County supports the continued development of resort-related commercial areas”; and

WHEREAS, one of many goals, as outlined in the General Plan is to “enhance quality recreational opportunities” within the Ogden Valley and “encourage private businesses and entrepreneurs to meet the growing demand for recreational facilities”; and

WHEREAS, the County is desirous of rezoning the property for the purpose of developing it in the manner presented, but the County does not feel that the property should be rezoned unless the proposed development is commenced as soon as conditions allow and completion is pursued in good faith; and

WHEREAS, the Ogden Valley Township Planning Commission, after appropriate notice, held public meetings on August 1st and December 10th of 2007, and unanimously recommended that the County Commission approve the proposed rezone subject to certain conditions; and

WHEREAS, the Weber County Board of Commissioners, after appropriate notice, held public hearings on July 8, 2008, and June 1, 2010 to allow the general public to comment on the proposed rezone; and

WHEREAS, the County and Western America Holding, LLC entered into a binding Memorandum of Understanding (MOU) on June 1, 2010 to facilitate the completion of a Development Agreement; and

WHEREAS, the County has imposed certain conditions that aid in administering future development of the Resort and promote public safety and health, through negotiation of a Zoning Development Agreement; and

WHEREAS, the County and Western America Holding, LLC are desirous that certain litigation (Appellate Case No.20090897) which is presently pending before the Utah Supreme Court relating to the incorporation of the Town of Powder Mountain be dismissed and the Incorporation Petition be withdrawn; and

WHEREAS, the Weber County Board of Commissioners finds that the proposed rezoning complies with the goals and objectives of the General Plan; and

NOW THEREFORE, the Weber County Board of Commissioners ordains that the attached legal description is hereby rezoned from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40) as depicted on the attached map:

See Exhibit A for legal description and map.

Passed, adopted and a synopsis ordered published this _____ day of _____, 2012, by the Weber County Board of Commissioners.

WEBER COUNTY BOARD OF COMMISSIONERS

By: _____
Craig L. Dearden, Chair

Commissioner Dearden	Voting _____
Commissioner Zogmaister	Voting _____
Commissioner Gibson	Voting _____

ATTEST:

Ricky D. Hatch, CPA
Weber County Clerk/Auditor