

# 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

1-27-12

Received By (Office Use)

Added to Map (Office Use)

ZTA-2012-02

## Property Owner Contact Information

Name of Property Owner(s)

Daniel J. Phelps

Mailing Address of Property Owner(s)

P.O. Box 512

Phone

801-541-3336

Fax

801-985-1030

Kaysville, Utah 84037

Email Address

danp801@hotmail.com

Preferred Method of Written Correspondence



Email



Fax



Mail

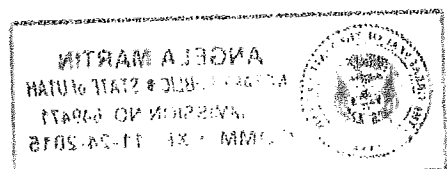
## Ordinance Proposal

Ordinance to be Amended

CV-2 Zone

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

See Attached Letter



Ordinance Proposal (continued...)

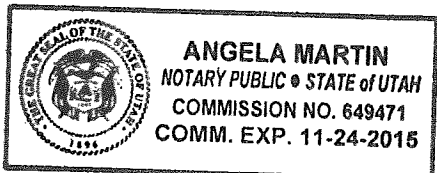
Applicant Affidavit

I (We), Daniel J. Phelps, 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 21 day of Jan, 2012



(Notary)

January 27, 2012

Weber County Planning Commission

Weber Center

Re: Text Amendment Application for CV-2 Zone

To Whom It May Concern;

My name is Daniel Phelps and I am the owner of property in the CV-2 zone in the Ogden Valley. I am requesting that the Planning Commission Amend the current CV-2 zone to add as a permitted use to this zone, the use of the property for an Assisted Living Center.

This change would be an excellent addition in this zone and would be an asset to the community. This would be a good use in this zone and would positively impact the zone. The Assisted Living Center use would be little impact as far as traffic and virtually no noise impact or other adverse impacts created by some uses already in the zone.

The placement of this use in the CV-2 zone would allow a very beneficial use in a zone that would cause no impact to residential oriented zones and a much lighter impact than most permitted uses already in the zone.

My property in the Valley is the current Red Moose Lodge on Valley View Drive. It is my intention to convert this use to be an Assisted Living Center. The conversion of this property would not adversely affect any neighbors and actually would be less traffic than current traffic lode and also lessen the impact of other things such as light pollution and noise. An assisted Living Center is a very pleasing neighbor that is well maintained and inspected regularly by the State Health Dept. It is also a much needed use in the Ogden Valley and Weber County in General. It would provide services to folks who need assistance in their activities of daily living.

Thank you for the consideration of this amendment and I am sure you will be pleased with and agree that this would be a great zone to place this use in.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Phelps", written over the word "Sincerely,".

Daniel Phelps



WEBER COUNTY CMS RECEIPTING SYSTEM  
OFFICIAL RECEIPT

cms314a  
Page 1 of 1

\*\*\* REPRINT \*\*\*

Date: 27-JAN-2012

Receipt Nbr: 506

ID# 1354

Employee / Department: ANGELA MARTIN - 4181 - PLANNING  
Monies Received From: DANIEL PHELPS  
Template: PUBLIC WORKS  
Description: TEXT AMENDMENT

*The following amount of money has been received and allocated to the various accounts listed below:*

Total Currency	\$	.00
Total Coin	\$	.00
Total Debit/Credit Card	\$	.00
Pre-deposit	\$	.00
Total Checks	\$	300.00
Grand Total	\$	300.00

Account Number	Account Name	Comments	Total
2012-01-4181-3419-0550-000	ZONING FEES		300.00

TOTAL \$ 300.00

Check Amounts

300.00

Total Checks: 1

Total Check Amounts: \$ 300.00

\*\*\* SAVE THIS RECEIPT FOR YOUR RECORDS \*\*\*

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**Staff process checklist for Zoning Map amendment**

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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

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**Staff process checklist for amendments to the General Plan**

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- ☐ \_\_\_\_\_ 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 TEXT AMENDMENTS

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<u>PAPER</u>	<u>ELECTRONIC</u>	<u>AGENCY</u>
<input type="radio"/>	<input type="radio"/>	ENGINEERING
<input type="radio"/>	<input type="radio"/>	HEALTH
<input type="radio"/>	<input type="radio"/>	BUILDING INSPECTION

### OTHER AGENCY REVIEW

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<u>PAPER</u>	<u>ELECTRONIC</u>	<u>AGENCY</u>
<input type="radio"/>	<input type="radio"/>	<u>USFS OGDEN RANGER DISTRICT</u>
<input type="radio"/>	<input type="radio"/>	<u>UTAH DEPT OF TRANSPORTATION</u>
<input type="radio"/>	<input type="radio"/>	<u>UTAH PUBLIC LANDS OFFICE</u>
<input type="radio"/>	<input type="radio"/>	<u>WEBER PATHWAYS</u>
<input type="radio"/>	<input type="radio"/>	_____
<input type="radio"/>	<input type="radio"/>	_____

--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