



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on ZMA 2018-02, a request to amend the zone map to change parcels currently zoned M-1 near the Little Mountain manufacturing area to A-2.

Agenda Date: Tuesday, October 02, 2018

Applicant: John Price

File Number: ZMA 2018-02

Property Information

Approximate Address: 7900 West 900 South

Zoning: The area is currently Manufacturing (M-1).

Existing Land Use: Agricultural/Residential

Proposed Land Use: Agricultural/Residential

Township, Range, Section: T6N, R3W, Sections 15, 22

Adjacent Land Use

North:	Residential/Agricultural	South:	Residential/Agricultural
East:	Residential/Agricultural	West:	Residential/Agricultural

Staff Information

Report Presenter: Charles Ewert
cewert@webercountyutah.gov
801-399-8767

Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures

Summary

This item is a proposal to amend the Weber County Zone Map to change land currently zoned M-1 (light manufacturing) to A-2 (moderate agriculture and/or residential). The land is located just east of the heavy manufacturing area at Little Mountain¹. The zone change is not in compliance with the current West Central Weber County General Plan, but the applicant is also running a general plan amendment in tandem with this application. If the County Commission desires to adopt this rezone, also consider amending the general plan to reflect the need for this rezone.

After considering several different alternatives² the planning commission has forwarded a positive recommendation for this rezone with a positive recommendation for a general plan amendment that supports it. Staff also recommend approval of this rezone.

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require compatibility with the general plan and existing ordinances.

¹ See Figure 1

² See Attachment B: Planning Commission Staff Report to review all of the alternatives the planning commission considered.

Background

This original rezone application, File #ZMA 2018-02), was first scheduled for a public hearing with the planning commission on June 12, 2018. The planning commission did not have a quorum that evening so instead of a public hearing, staff held a public comment meeting with the public to discuss the concerns, Staff then forwarded those concerns to the planning commission for their consideration in their July meeting.

On July 10, 2018, the planning commission held an official public hearing for this item. In this meeting the planning commission separated the rezone for this property from the other property. The other property was sent to the County Commission with a positive recommendation at this time, which proceeded as file #2018-05, while a decision on this rezone was tabled to their August meeting in order to allow for more time for additional consideration.

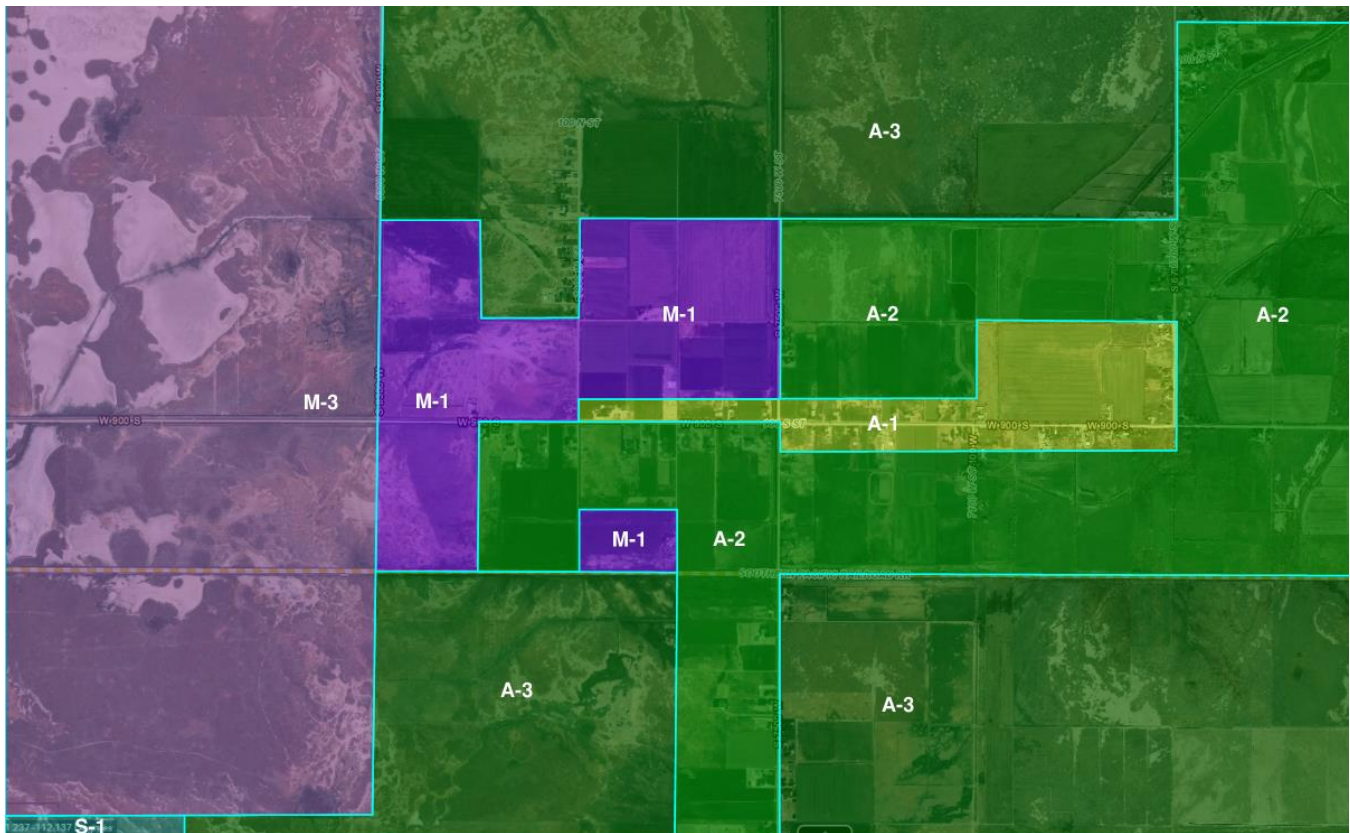
In their August 14, 2018 Planning Commission Meeting, the planning commission appeared to have a potential for an evenly split vote, which would have equated to a negative recommendation for this rezone. There were only four planning commissioners present. Instead of the negative recommendation, the planning commission asked the applicant whether he would prefer the negative recommendation or if he would rather they postpone their decision until more planning commissioners were present. The applicant preferred to wait until more planning commissioners were present.

In their September 11, 2018 Planning Commission Meeting, the planning commission offered a positive recommendation for the rezone (and associated general plan amendment), with all four members present voting in favor.

County Commission Considerations

Zoning. The current zone of the subject parcels is M-1 or A-1, depending on the parcel. The M-1 zone is typically reserved for light industrial operations. **Figure 1** displays current zoning of the area.

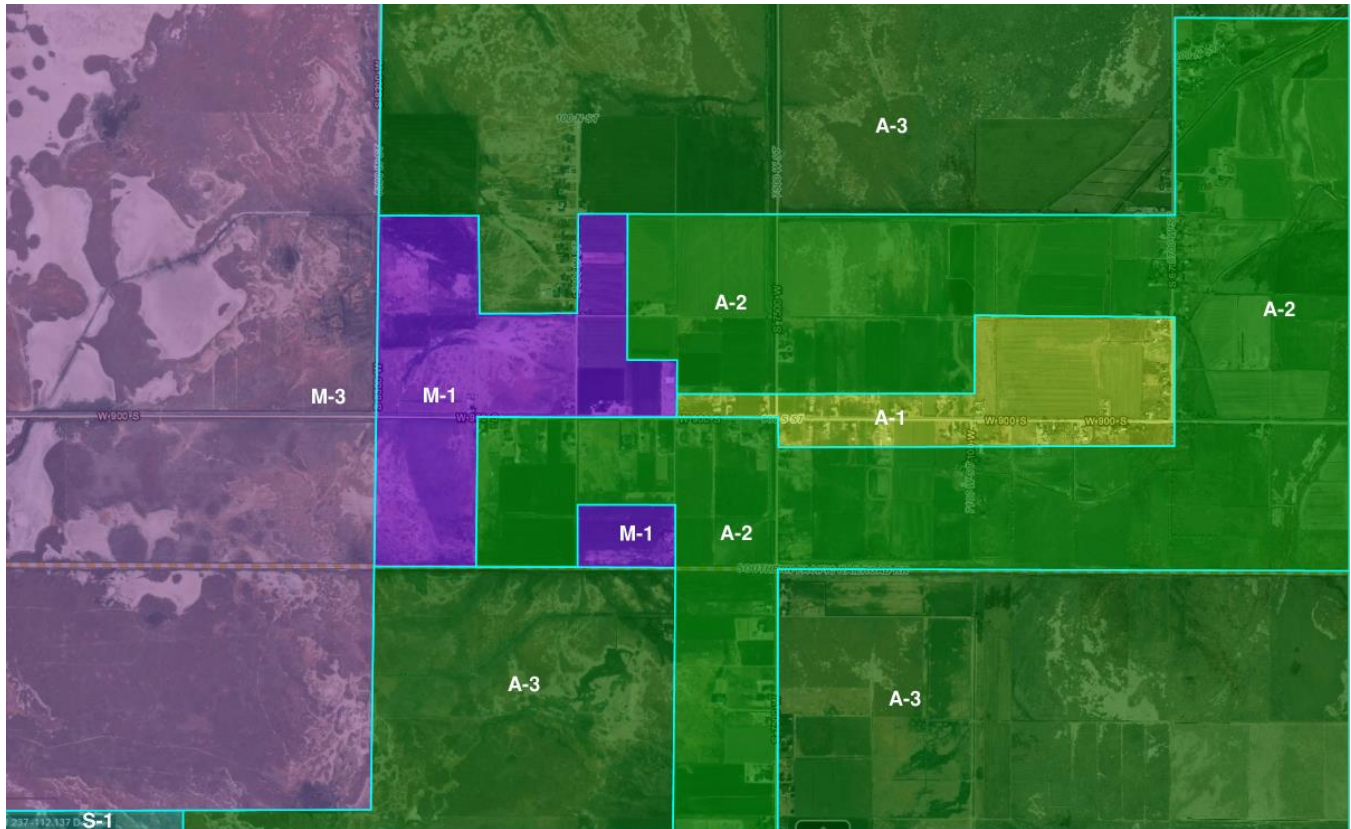
Figure 1: Current Zoning Map.



The requested zone for the subject parcels is the A-2 zone. As can be seen in **Figure 2**, this rezone will extend the existing A-2 zone westward. It also extends the M-1 zone to 900 South for several parcels. Rezoning property to

the M-1 zone was not originally a part of this application, but this application stimulated folks in the area to ask for this change so it was incorporated in.

Figure 2: Proposed Zoning Map.



Changing a zone from M-1 to A-2, or from A-1 to M-1, comes with a few things to consider. Because the uses in the M-1 zone are so voluminous it is prudent to consider that *removing* acreage from the M-1 will likely *reduce* land use conflicts in the future – especially for lands that share a zoning boundary with the M-1 zone. There is an argument that this could enhance the health, safety, and welfare of the residential uses of the area.

Likewise, rezoning from the A-1 to the M-1 zone could be considered for its potential to add conflicting uses – especially for lands that share a zone boundary. However, because this rezone actually reduces the shared boundary between the A-1 zone and the M-1 zone, it could be considered more beneficial for health, safety, and general welfare of those land owners in the area. The A-1 zone is a lighter agricultural zone than the A-2 zone, and generally has more provisions for the longevity of residential uses. Because of this, it could be determined to be inappropriate to locate an M-1 zone immediately adjacent to the A-1 zone without a more intense zone to buffer.

Changing zoning. The Weber County Land Use Code has a chapter that governs application-driven rezones. The following are excerpts and/or staff's commentary on how it applies to this application.

§ 102-5-2: Specifies that rezoning should be in compliance with the general plan. This rezone does not comply with the general plan. The general plan currently anticipates industrial uses for the area. It should be noted, however, that the M-1 zone of the area pre-dated the general plan, and the resulting future land use map in the general plan planned for the status-quo of the area without specifying whether anything should be changed. If the Commission desires to make this zone change, we advise the Commission to make a similar change to the general plan's future land use map (an action that is listed on the same agenda as a "general plan amendment").

§ 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

- (a) *To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.*
- (b) *The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application-for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.*

This section specifies that a change to the zoning map should be based on changing conditions of the area. Because the general plan's future land use map denotes status-quo development in the area, and this application is being presented with broad neighborhood support, that perhaps this application, by its own merits, indicates changing conditions in the desires of the local residents.

§ 102-5-4 and § 102-5-5 sets forth application submittal criteria. In these chapters the County Commission will find that Weber County has previously adopted very strict requirements for rezones. These application requirements expect engineered drawings for concept plans, water and waste water provisions, and storm water runoff. This is a challenging burden to meet when a landowner is considering a rezone, and each of these are required prior to actual development of the land, so it may be redundant to require them. The applicant has asserted that if/when he develops the land, his conceptual plan is to comply with the development regulations already in place or as may be amended by that time.

Concept development plan. A rough concept development plan has been provided for the property in compliance with this section of the ordinance. However, the applicant is asking that it not be applied to the property in favor of future development to simply comply with development regulations. Staff are comfortable with this proposal. Under § 102-5-6(1) the county commission may:

- (1) *The county commission may approve the proposed rezoning and concurrently approve a concept plan for the development, in whole or in part, with or without changes or conditions and adopt an ordinance rezoning the property;*

The applicant is requesting that the applicability of the concept plan be waived in as much part as the commission has authority to do so. Staff recommends doing the same.

Locations of buildings and structures and their architectural designs. The ordinance requires that the concept plan show the location of buildings and structures and their architectural designs. This might be a reasonable level of detail for a commercial site that has high visibility but for a residential/agricultural development this is an extraordinary burden for a landowner to commit to at the rezone stage of development. The applicant asserts that the design and layout of lots and buildings will comply with the subdivision regulations and zoning standards in place at the time a subdivision is proposed, and that the buildings will appear as traditional residential buildings that are popular in the market at the time. The County Commission may determine that this requirement has been satisfied with this explanation.

Access and traffic circulation. The property being rezoned from M-1 to A-2 has primary access from 7500 West. At the time of development 7500 West will need to be brought to current street standards. The applicant asserts that he will comply with at least the minimum requirements for block lengths and stub streets that offer access to and through the subject property and connect to adjacent parcels. The applicant has also asserted the future streets will likely be along section lines, quarter sections lines, and quarter-quarter section lines. No greater specificity has been offered at this time nor is needed.

Water, waste water, fire, engineering, and other utilities. This application was sent for review by all relevant review agencies. No negative responses were returned.

Planning Commission Recommendation

The Planning Commission forwarded a positive recommendation to the County Commission on the rezone offered in the attached ordinance with the following findings:

1. That after changes to the general plan's future land use map, the rezone complies with general plan.
2. That the rezone better supports the majority desires of the local community.
3. That the rezone offers better buffering between zones that have conflicting uses
4. That the rezone is not detrimental to the health, safety, or general welfare of the public.

Attachment

Attachment A: Rezone Ordinance with Exhibits

Attachment B: Planning Commission Staff Report, Identifying other options.

Attachment A: Rezone Ordinance with Exhibits

ORDINANCE NUMBER 2018-_____

**AN ORDINANCE AMENDING THE WEBER COUNTY ZONING MAP TO REZONE PROPERTY ON
7500 WEST FROM M-1 TO A-2, AND ON 900 SOUTH FROM A-1 TO M-1**

WHEREAS, the Weber County Board of Commissioners have adopted a zoning map for the unincorporated areas of Weber County; and

WHEREAS, the Weber County Board of Commissioners have received an application to amend the adopted zoning map for certain properties along 7500 West and 900 South; and

WHEREAS, after a duly noticed public hearing, the Western Weber Planning Commission have given a favorable recommendation for the zoning map amendment to the Weber County Board of Commissioners; and

WHEREAS, after a duly noticed public hearing, the Weber County Board of Commissioners have determined that the zoning map amendment complies with the intent of the West Central Weber County General Plan; and

WHEREAS, the Board of Weber County Commissioners have also determined that the proposed zoning map amendment is not detrimental to the health, safety, and general welfare of the area; and

WHEREAS, the Board of Weber County Commissioners have determined that this is an appropriate time and this is an appropriate location for the proposed zoning map amendment; and

WHEREAS, as part of their consideration, the Weber County Board of Commissioners have determined that strict compliance with a concept plan is unnecessary to facilitate the intent of the general plan or the purpose and intent of the existing or proposed new zone;

NOW THEREFORE, the Weber County Board of Commissioners ordains an amendment to the Weber County Zoning Map to rezone property from the M-1 zone to the A-2 zone along 7500 West, and to rezone property from the A-1 zone to the M-1 zone on property located along 900 South. The graphic representation of the rezone is included and incorporated herein as Exhibit A. The legal description of the rezone is included as Exhibit B. In the event there is conflict between the two, the graphic representation shall prevail. In the event the legal description is found by a licensed surveyor to be invalid or incorrect, the corrected legal description shall prevail as the description herein, if recommended by the County Surveyor. Any gaps in legal descriptions shall also be rezoned respectively.

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this _____ day of _____, 2018, by the Weber County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By _____,
James H. "Jim" Harvey, Chair

Commissioner Harvey voted _____
Commissioner Ebert voted _____
Commissioner Jenkins voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

Exhibit A

Graphic Representations Rezoning from M-1 to A-2, and from A-1 to M-1.

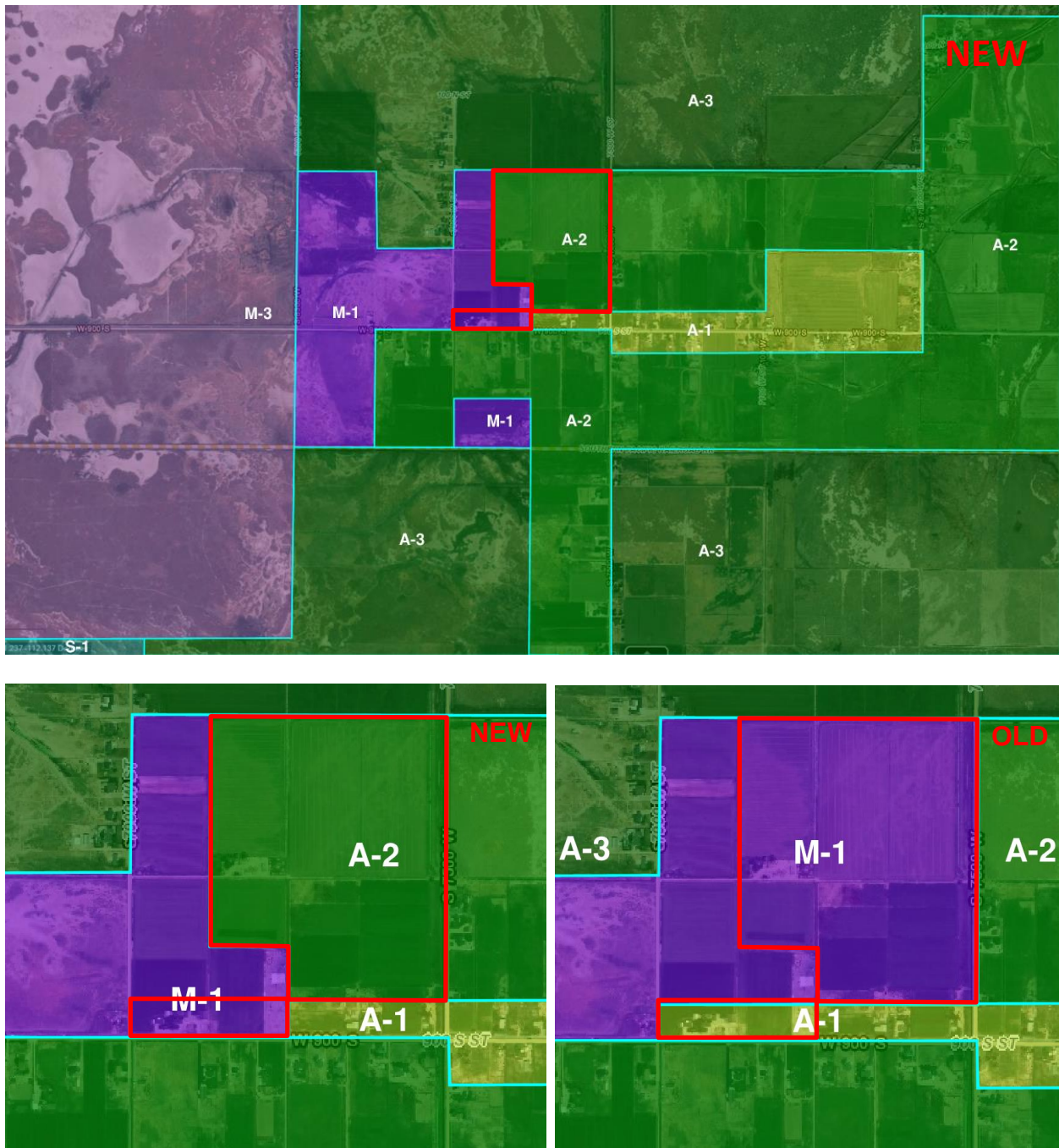


Exhibit B

Legal Descriptions

Rezoning from A-1 to M-1

Parcel # 10-037-0013

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY;; RUNNING THENCE NORTH ALONG THE SECTION LINE 1320 FEET, THENCE EAST 181.5 FEET, THENCE SOUTH PARALLEL TO SECTION LINE 1320 FEET, THENCE WEST 181.5 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM 33 FEET ON THE WEST AND SOUTH FOR STREET PURPOSES. LESS AND EXCEPTING: A PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF LAND, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, INCIDENT TO THE CONSTRUCTION OF 1200 SOUTH STREET, WEBER COUNTY, STATE OF UTAH ALSO KNOWN AS PROJECT NO LG-WC1200 SOUTH. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY OF 1200 SOUTH STREET AND THE EASTERLY RIGHT OF WAY OF 7900 WEST STREET WHICH POINT IS THE SOUTHWEST CORNER OF GRANTORS LAND, SAID POINT BEING 33.00 FEET NORTH ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 15 AND 33.00 FEET EAST FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 15, AND RUNNING THENCE NORTH 14.66 FEET ALONG GRANTORS WEST LINE, THENCE NORTH 89D52'40" EAST 148.50 FEET TO A POINT ON GRANTORS EAST LINE, THENCE SOUTH 14.98 FEET ALONG GRANTORS EAST LINE TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 15 AND GRANTORS SOUTH LINE, THENCE WEST 148.50 FEET ALONG SAID SOUTH SECTION LINE AND GRANTORS SOUTH LINE TO THE POINT OF BEGINNING. [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THE RECORDERS OFFICE FOR TAX PURPOSES.]

Parcel # 10-037-0014

PART OF THE SOUTHWEST QUARTER, SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, BEGINNING AT A POINT WHICH BEARS SOUTH 89D15'15" EAST (EAST 181.50 FEET) 181.53 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER AND RUNNING THENCE NORTH 00D29'12" EAST PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER SECTION 1330.25 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, THENCE SOUTH 89D12'48" EAST (SOUTH 89D57'10" EAST) 183.50 FEET ALONG SAID QUARTER, QUARTER LINE, THENCE SOUTH 00D29'12" WEST 1022.62 FEET, THENCE NORTH 89D15'15" WEST 33.50 FEET, THENCE SOUTH 00D29'12" WEST 307.49 FEET TO THE SOUTH LINE OF SAID QUARTER SECTION, THENCE NORTH 89D15'15" WEST (WEST) 150.00 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. EXCEPTING THEREFROM 33 FEET SOUTH FOR ROAD PURPOSES. LESS AND EXCEPTING: A PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF LAND, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, INCIDENT TO THE CONSTRUCTION OF 1200 SOUTH STREET, WEBER COUNTY, STATE OF UTAH ALSO KNOWN AS PROJECT NO LG-WC1200 SOUTH. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF 1200 SOUTH STREET, SAID POINT ALSO BEING A POINT ON THE WEST LINE OF GRANTORS PROPERTY, SAID POINT LIES 181.50 FEET SOUTH 89D15'15" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 15, AND 33.01 FEET NORTH 00D29'12" EAST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 15 AND RUNNING THENCE NORTH 00D29'12" EAST 14.97 FEET ALONG GRANTORS WEST LINE, THENCE SOUTH 89D22'36" EAST 150.00 FEET TO A POINT ON GRANTORS EAST LINE, THENCE SOUTH 00D29'12" WEST 15.29 FEET ALONG GRANTORS EAST LINE TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 1200 SOUTH STREET, THENCE NORTH 89D15'15" WEST 150.00 FEET ALONG SAID NORTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING. [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THE RECORDERS OFFICE FOR TAX PURPOSES.]

Parcel # 10-092-0001

ALL OF LOT 1, ONE FOR THE KIDD SUBDIVISION, WEBER COUNTY, UTAH. LESS AND EXCEPTING: PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF LAND, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE AND MERIDIAN, INCIDENT TO THE CONSTRUCTION OF 1200 SOUTH STREET, WEBER COUNTY, STATE OF UTAH ALSO KNOWN AS PROJECT NO LG-WC1200S. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF GRANTORS LAND, SAID POINT ALSO BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF 1200 SOUTH STREET, SAID POINT LIES 331.54 FEET SOUTH 89D15'15" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 15, AND 40.91 FEET NORTH 00D24'38" EAST FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15; AND RUNNING THENCE NORTH 00D24'38" EAST 7.39 FEET ALONG GRANTORS WEST LINE; THENCE SOUTH 89D22'36" EAST 150.00 FEET TO A POINT ON GRANTORS EAST LINE; THENCE SOUTH 00D24'38" WEST 7.71 FEET ALONG GRANTORS EAST LINE TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 1200 SOUTH STREET; THENCE NORTH 89D15'15" WEST 150.00 FEET ALONG SAID NORTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING. THE PRECEDING DESCRIPTION NEEDS TO BE ROTATED 00D00'01" COUNTER-CLOCKWISE TO MATCH PROJECT ALIGNMENT. THE ABOVE DESCRIBED PART OF AN ENTIRE TRACT OF LAND CONTAINS 1,132 SQUARE FEET OR 0.026 ACRES. E#2840655

Parcel # 10-037-0008

PART OF THE SOUTHWEST QUARTER, SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, BEGINNING AT A POINT WHICH BEARS SOUTH 89D15'15" EAST (EAST) 723.73 FEET AND NORTH 0D38'20" EAST 33.00 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER AND RUNNING THENCE NORTH 89D15'15" WEST 242.27 FEET THENCE NORTH 00D29'12" EAST PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER SECTION 274.49 FEET, NORTH 89D15'15" WEST 116.50 FEET, THENCE NORTH 00D29'12" EAST PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER SECTION 1022.62 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, THENCE SOUTH 89D12'48" EAST (SOUTH 89D57'10" EAST) 362.22 FEET ALONG SAID QUARTER, QUARTER LINE, THENCE SOUTH 0D38'20" WEST (SOUTH 0D06'19" EAST) 1296.85 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. LESS AND EXCEPTING: A PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF LAND, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, INCIDENT TO THE CONSTRUCTION OF 1200 SOUTH STREET, WEBER COUNTY, STATE OF UTAH ALSO KNOWN AS PROJECT NO LG-WC1200 SOUTH. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF GRANTORS PROPERTY SAID POINT BEING 723.73 FEET SOUTH 89D15'15" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 15 AND 33.00 FEET NORTH 00D38'20" EAST AND RUNNING THENCE NORTH 89D15'15" WEST 242.27 FEET ALONG THE SOUTH LINE OF GRANTORS PROPERTY TO THE WEST LINE OF SAID GRANTORS PROPERTY, THENCE NORTH 0D29'56" EAST 15.62 FEET ALONG SAID WEST LINE OF SAID GRANTORS PROPERTY, THENCE SOUTH 89D22'36" EAST 242.36 FEET TO THE EAST LINE OF GRANTORS PROPERTY, THENCE SOUTH 0D48'43" WEST 16.14 FEET ALONG SAID EAST LINE OF GRANTORS PROPERTY TO THE POINT OF BEGINNING. [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THE RECORDERS OFFICE FOR TAX PURPOSES.]

Parcel # 10-037-0032

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN (AS MONUMENTED), BEGINNING AT A POINT WHICH BEARS NORTH 89D15'15" WEST 204.07 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SOUTHEAST QUARTER OF SAID SECTION 15, SAID POINT BEING MORE PARTICULARLY DESCRIBED AS BEING NORTH 89D15'15" WEST 1517.41 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION, AND RUNNING THENCE NORTH 01D12'46" EAST 229.03 FEET TO AND ALONG AN EXISTING FENCE LINE, THENCE SOUTH 81D50'00" WEST, 3.59 FEET ALONG SAID FENCE, THENCE NORTH 0D42'35" EAST 401.53 FEET, MORE OR LESS, TO A FENCE, THENCE NORTH 89D15'15" WEST (ALONG SAID FENCE) 172.83 FEET, THENCE SOUTH 0D38'20" WEST 630.00 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID QUARTER SECTION, THENCE SOUTH 89D15'15" EAST 173.59 FEET ALONG SECTION LINE TO THE POINT OF BEGINNING. LESS AND EXCEPTING: A PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF LAND, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, INCIDENT TO THE CONSTRUCTION OF 1200 SOUTH STREET, WEBER COUNTY, STATE OF UTAH, ALSO KNOWN AS PROJECT NO. LG_WC_1200 SOUTH. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 15 AND THE EAST LINE OF THE GRANTORS PROPERTY, SAID POINT LIES 204.07 NORTH 89D15'00" WEST ALONG THE SOUTH LINE OF SAID SECTION 15 FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15, SAID POINT ALSO LIES 1517.41 FEET NORTH 89D15'00" WEST ALONG THE SOUTH LINE OF SAID SECTION 15 FROM THE SOUTHEAST CORNER OF SAID SECTION 15, AND RUNNING THENCE NORTH 89D15'00" WEST 173.65 FEET ALONG THE SOUTH LINE OF SAID SECTION 15 AND ALSO THE SOUTH LINE OF SAID GRANTORS PROPERTY TO A POINT ON THE WEST LINE OF THE GRANTORS PROPERTY, THENCE NORTH 00D38'00" EAST 49.35 FEET ALONG SAID WEST PROPERTY LINE TO A POINT ON THE PROPOSED NORTH RIGHT OF WAY LINE FOR THE 1200 SOUTH STREET (900 SOUTH STREET) ROAD WIDENING PROJECT (LG_WC_1200 SOUTH) THENCE SOUTH 89D22'36" EAST 174.14 FEET ALONG SAID PROPOSED NORTH RIGHT OF WAY LINE TO A POINT ON THE EAST LINE OF GRANTORS PROPERTY, THENCE SOUTH 01D12'00" WEST 49.74 FEET ALONG SAID EAST PROPERTY LINE TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 8615 SQUARE FEET OR 0.198 ACRES OF WHICH 5736 SQUARE FEET OR 0.132 ACRES IS ARE NOW OCCUPIED BY EXISTING HIGHWAY. BALANCE 2880 SQUARE FEET OR 0.066 ACRES (E# 2824379) [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THE RECORDERS OFFICE FOR TAX PURPOSES.]

Parcel # 10-037-0041

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE MERIDIAN, US SURVEY, BEGINNING AT A POINT EAST 1109.25 FEET ALONG THE SOUTH LINE FROM THE SOUTHWEST CORNER OF SOUTHEAST QUARTER RUNNING THENCE NORTH 01D12'46" EAST 229.03 FEET TO & ALONG AN EXISTING FENCE LINE, THENCE SOUTH 81D50'00" WEST 3.59 FEET ALONG SAID FENCE, THENCE NORTH 0D42'35" EAST 505.75 FEET ALONG SAID FENCE TO A FENCE INTERSECTION, THENCE SOUTH 88D05'07" EAST 204.75 FEET ALONG AND BEYOND SAID FENCE TO THE EAST LINE OF THE SOUTHWEST QUARTER AND SOUTHEAST QUARTER OF SECTION 15, THENCE SOUTH 0D06'19" EAST 730.2 FEET, MORE OR LESS, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SOUTHEAST QUARTER TO SOUTH LINE OF SAID SOUTHWEST QUARTER OF SOUTHEAST QUARTER, THENCE WEST ALONG SAID SOUTH LINE 204.07 FEET, MORE OR LESS TO POINT OF BEGINNING. EXCEPTING THEREFROM 33 FEET ON SOUTH FOR ROAD PURPOSES. [EXCEPT: PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF LAND, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, INCIDENT TO THE CONSTRUCTION OF 1200 SOUTH STREET, WEBER COUNTY, STATE OF UTAH, ALSO KNOWN AS PROJECT NO. LG_WC_1200 SOUTH. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS: BEGINNING AT

A POINT ALONG THE NORTH RIGHT OF WAYLINE OF 1200 SOUTH STREET SAID POINT BEING 1109.20 FEET SOUTH 89°15'58" EAST (1109.25 FEET EAST (DEED)) AND 33.00 FEET NORTH 01°12'46" EAST FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 15, AND RUNNING THENCE NORTH 01°12'46" EAST 16.74 FEET ALONG SAID WESTERLY LINE OF THE GRANTORS PROPERTY, THENCE SOUTH 89°22'36" EAST 212.41 FEET TO A POINT ON THE EASTERLY LINE OF THE GRANTORS PROPERTY, THENCE SOUTH 00°06'00" EAST 17.19 FEET ALONG SAID EASTERLY LINE OF THE GRANTORS PROPERTY, THENCE NORTH 89°15'16" (WEST 212.80 FEET (DEED)) FEET ALONG THE SOUTHERLY LINE OF THE GRANTORS PROPERTY TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PART OF AN ENTIRE TRACT OF LAND CONTAINS 3607 SQUARE FEET OR 0.083 ACRES. (E#2715812)] [NOTE: THE DESCRIPTION USED 2811658 APPEARS IN CONFLICT WITH THE BRACKETED INFORMATION SHOWN ABOVE.] [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THE RECORDERS OFFICE FOR TAX PURPOSES.]

Parcel # 10-037-0028

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN (AS MONUMENTED), BEGINNING AT A POINT WHICH BEARS NORTH 89°15'15" WEST 1517.41 FEET AND NORTH 01°12'46" EAST 229.03 FEET TO AND ALONG AN EXISTING FENCE LINE, AND SOUTH 81°50'00" WEST 3.59 FEET, THENCE NORTH 0°42'35" EAST 401.53 FEET, FROM THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE NORTH 0°42'35" EAST 104.22 FEET; THENCE SOUTH 88°05'7" EAST 204.75 FEET ALONG AND BEYOND SAID FENCE TO THE EAST LINE OF SOUTHWEST QUARTER OF SOUTHEAST QUARTER OF SECTION 15, THENCE NORTH 0°38'30" EAST 599.39 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER, SOUTHEAST QUARTER, THENCE NORTH 89°12'48" WEST 589.61 FEET ALONG THE NORTH LINE OF SAID QUARTER, QUARTER SECTION, MORE OR LESS TO THE NORTHWEST CORNER OF BOOK 1950 PAGE 1435 OF THE WEBER COUNTY RECORDS, THENCE SOUTH 0°38'20" WEST 1329.85 FEET (SOUTH 0°06'19" EAST 1330.08 FEET) ALONG SAID DEED LINE, MORE OR LESS, TO THE SOUTH LINE OF SAID QUARTER SECTION, SAID POINT ALSO BEARS (EAST 723.71 FEET) SOUTH 89°15'15" EAST 723.73 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION 15, THENCE SOUTH 89°15'15" EAST 211.95 FEET ALONG SECTION LINE THENCE NORTH 0°38'20" EAST 630.00 FEET; THENCE SOUTH 89°15'15" EAST 172.83 FEET, TO THE POINT OF BEGINNING. EXCEPTING ANY PART THEREOF WITHIN 900 SOUTH STREET. LESS AND EXCEPTING: A PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF LAND, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, INCIDENT TO THE CONSTRUCTION OF 1200 SOUTH STREET, WEBER COUNTY, STATE OF UTAH ALSO KNOWN AS PROJECT NO. LG-WC1200 SOUTH, THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SECTION 15 AND ON THE SOUTHEAST CORNER OF GRANTORS PROPERTY, SAID POINT BEING 1691.06 FEET NORTH 89°14'48" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 15 AND RUNNING THENCE NORTH 89°15'00" WEST 211.95 FEET ALONG THE SOUTH LINE OF SAID SECTION 15 AND SAID GRANTORS SOUTH PROPERTY LINE TO THE WEST LINE OF THE GRANTORS PROPERTY, THENCE NORTH 0°38'00" EAST 48.89 FEET ALONG SAID WEST LINE OF THE GRANTORS PROPERTY THENCE SOUTH 89°22'36" EAST 211.95 FEET TO THE EAST LINE OF THE GRANTORS PROPERTY, THENCE SOUTH 0°38'00" WEST 49.35 FEET ALONG SAID EAST LINE OF THE GRANTORS PROPERTY TO THE POINT OF BEGINNING. [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THE RECORDERS OFFICE FOR TAX PURPOSES.]

Less the northern portion of this parcel otherwise being rezoned to the A-2 zone; more particularly described as all parts of this parcel north of a line that runs parallel with the centerline of 900 South and intersects with the north west corner of Parcel #10-037-0041.

Street Rights-of-Way

The M-1 zone shall also extend to the centerline of the street right-of-way of 900 South for the full extent of the area being rezoned to M-1. Any remaining A-1 zone between the new M-1 and the existing A-2 to the south shall be rezoned to A-2.

Rezoning from M-1 to A-2

Parcel # 10-037-0037

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE MERIDIAN, U S SURVEY: BEGINNING 158 FEET WEST OF THE SOUTHEAST CORNER OF SAID QUARTER SECTION, AND RUNNING THENCE WEST 374 FEET; THENCE NORTH 441 FEET; THENCE WEST 180 FEET; THENCE SOUTH 441 FEET; THENCE WEST 13 FEET; THENCE NORTH 233 FEET; THENCE WEST 218 FEET; THENCE SOUTH 233 FEET; THENCE WEST 377 FEET TO THE SOUTHWEST CORNER OF SAID QUARTER QUARTER SECTION; THENCE NORTH 1320 FEET TO THE NORTHWEST CORNER OF SAID QUARTER QUARTER SECTION; THENCE EAST 1162 FEET TO THE WEST BOUNDARY OF WARREN IRRIGATION CO. PROPERTY; THENCE SOUTH 887 FEET; THENCE EAST 65 FEET; THENCE SOUTH 400 FEET; THENCE WEST 65 FEET AND SOUTH 33 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD AND TO THE RIGHTS OF THE PUBLIC AND OTHERS ENTITLED THERETO, TO USE FOR STREET AND INCIDENTAL PURPOSES, THAT PORTION OF THE PREMISES LYING WITHIN THE BOUNDARIES OF 900 SOUTH STREET, AND TO THE EFFECT AND REQUIREMENTS OF THE 1969 FARMLAND ASSESSMENT ACT. (NOTE: BECAUSE THE DESCRIPTION OF RECORD

DID NOT CONTAIN AN AREA FOR THIS PARCEL, THE AREA FOR THIS PARCEL WAS CALCULATED BY THIS OFFICE FOR TAX PURPOSES.)

Less that area already in the A-1 zone, which shall remain unaffected.

Parcel # 10-066-0001

ALL OF LOT 1, DAVIS CUP SUBDIVISION, WEBER COUNTY, UTAH, less that area already in the A-1 zone, which shall remain unaffected.

Parcel # 10-037-0004

ALL OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE MERIDIAN, U.S. SURVEY. EXCEPT WARREN IRRIGATION COMPANY'S RIGHT OF WAY.

Parcel # 10-037-0038

PART OF THE [NORTHEAST] QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, DESCRIBED AS FOLLOWS: THE EAST 1/2 OF NORTHWEST QUARTER OF SOUTHEAST QUARTER OF SECTION 15. EXCEPT: A STRIP OF GROUND 1 ROD WIDE ON THE SOUTH SIDE FOR A RIGHT OF WAY FOR AN IRRIGATION DITCH, ALL IN TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, US SURVEY. [NOTE: THE BRACKETED INFORMATION APPEARS NOT TO BE IN THE NORTHEAST QUARTER E# 2641318] [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THE RECORDERS OFFICE FOR TAX PURPOSES.]

Parcel # 10-037-0028

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN (AS MONUMENTED), BEGINNING AT A POINT WHICH BEARS NORTH 89°15'15" WEST 1517.41 FEET AND NORTH 01°12'46" EAST 229.03 FEET TO AND ALONG AN EXISTING FENCE LINE, AND SOUTH 81°50'00" WEST 3.59 FEET, THENCE NORTH 0°42'35" EAST 401.53 FEET, FROM THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE NORTH 0°42'35" EAST 104.22 FEET; THENCE SOUTH 88°05'7" EAST 204.75 FEET ALONG AND BEYOND SAID FENCE TO THE EAST LINE OF SOUTHWEST QUARTER OF SOUTHEAST QUARTER OF SECTION 15, THENCE NORTH 0°38'30" EAST 599.39 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER, SOUTHEAST QUARTER, THENCE NORTH 89°12'48" WEST 589.61 FEET ALONG THE NORTH LINE OF SAID QUARTER, QUARTER SECTION, MORE OR LESS TO THE NORTHWEST CORNER OF BOOK 1950 PAGE 1435 OF THE WEBER COUNTY RECORDS, THENCE SOUTH 0°38'20" WEST 1329.85 FEET (SOUTH 0°06'19" EAST 1330.08 FEET) ALONG SAID DEED LINE, MORE OR LESS, TO THE SOUTH LINE OF SAID QUARTER SECTION, SAID POINT ALSO BEARS (EAST 723.71 FEET) SOUTH 89°15'15" EAST 723.73 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION 15, THENCE SOUTH 89°15'15" EAST 211.95 FEET ALONG SECTION LINE THENCE NORTH 0°38'20" EAST 630.00 FEET; THENCE SOUTH 89°15'15" EAST 172.83 FEET, TO THE POINT OF BEGINNING. EXCEPTING ANY PART THEREOF WITHIN 900 SOUTH STREET. LESS AND EXCEPTING: A PARCEL OF LAND IN FEE, BEING PART OF AN ENTIRE TRACT OF LAND, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE & MERIDIAN, INCIDENT TO THE CONSTRUCTION OF 1200 SOUTH STREET, WEBER COUNTY, STATE OF UTAH ALSO KNOWN AS PROJECT NO. LG-WC1200 SOUTH, THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SECTION 15 AND ON THE SOUTHEAST CORNER OF GRANTORS PROPERTY, SAID POINT BEING 1691.06 FEET NORTH 89°14'48" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 15 AND RUNNING THENCE NORTH 89°15'00" WEST 211.95 FEET ALONG THE SOUTH LINE OF SAID SECTION 15 AND SAID GRANTORS SOUTH PROPERTY LINE TO THE WEST LINE OF THE GRANTORS PROPERTY, THENCE NORTH 0°38'00" EAST 48.89 FEET ALONG SAID WEST LINE OF THE GRANTORS PROPERTY THENCE SOUTH 89°22'36" EAST 211.95 FEET TO THE EAST LINE OF THE GRANTORS PROPERTY, THENCE SOUTH 0°38'00" WEST 49.35 FEET ALONG SAID EAST LINE OF THE GRANTORS PROPERTY TO THE POINT OF BEGINNING. [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THE RECORDERS OFFICE FOR TAX PURPOSES.]

Less the southern portion of this parcel otherwise being zoned to the M-1 zone; more particularly described as all parts of this parcel south of a line that runs parallel with the centerline of 900 South and intersects with the north west corner of Parcel #10-037-0041.

Street Rights-of-Way

The A-2 zone shall also extend across the street right-of-way of 7500 West for the full extent of the A-2 zone and abut the existing A-2 zone on the east side of 7500 West. No remnant M-1 gap shall result.

Attachment B: Planning Commission Staff Report, Identifying Other Options.



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on ZMA 2018-02, a request to amend the zone map to change parcels currently zoned M-1 near the Little Mountain manufacturing area to A-2.

Agenda Date: Tuesday, August 14, 2018

Applicant: John Price

File Number: ZMA 2018-02

Property Information

Approximate Address: 7900 West 900 South

Zoning: The area is currently Manufacturing (M-1).

Existing Land Use: Agricultural/Residential

Proposed Land Use: Agricultural/Residential

Township, Range, Section: T6N, R3W, Sections 15, 22

Adjacent Land Use

North:	Residential/Agricultural	South:	Residential/Agricultural
East:	Residential/Agricultural	West:	Residential/Agricultural

Staff Information

Report Presenter: Charles Ewert
cewert@webercountyutah.gov
801-399-8767

Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures

Proposal History

This proposal was presented at public hearing to the Western Weber Planning Commission on July 10, 2018. At the time it was combined into a bigger decision regarding a rezone of the area and other general plan and zoning text administrative cleanup. The planning commission requested that decision to be broken into smaller components. This report only addresses an amendment to the zone map.

On the evening of June 12th, 2018, this proposal was on the agenda for consideration and action. Due to there not being a quorum, a final decision was not made. Instead, the planning division held an informal public comment meeting to discuss the proposal's concerns with the public that were present.

This proposal was also discussed by the planning commission in a work session on the evening of Tuesday, May 8, 2018.

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require compatibility with the general plan and existing ordinances.

Background and summary

This application is concerning a change to the weber county zone map. It has previously been packaged as a bigger decision regarding not just a change to the zone map, but also a change to the general plan. In their July 10, 2018 meeting, the planning commission pulled apart the packaged decision in favor of making a decision on each item individually.

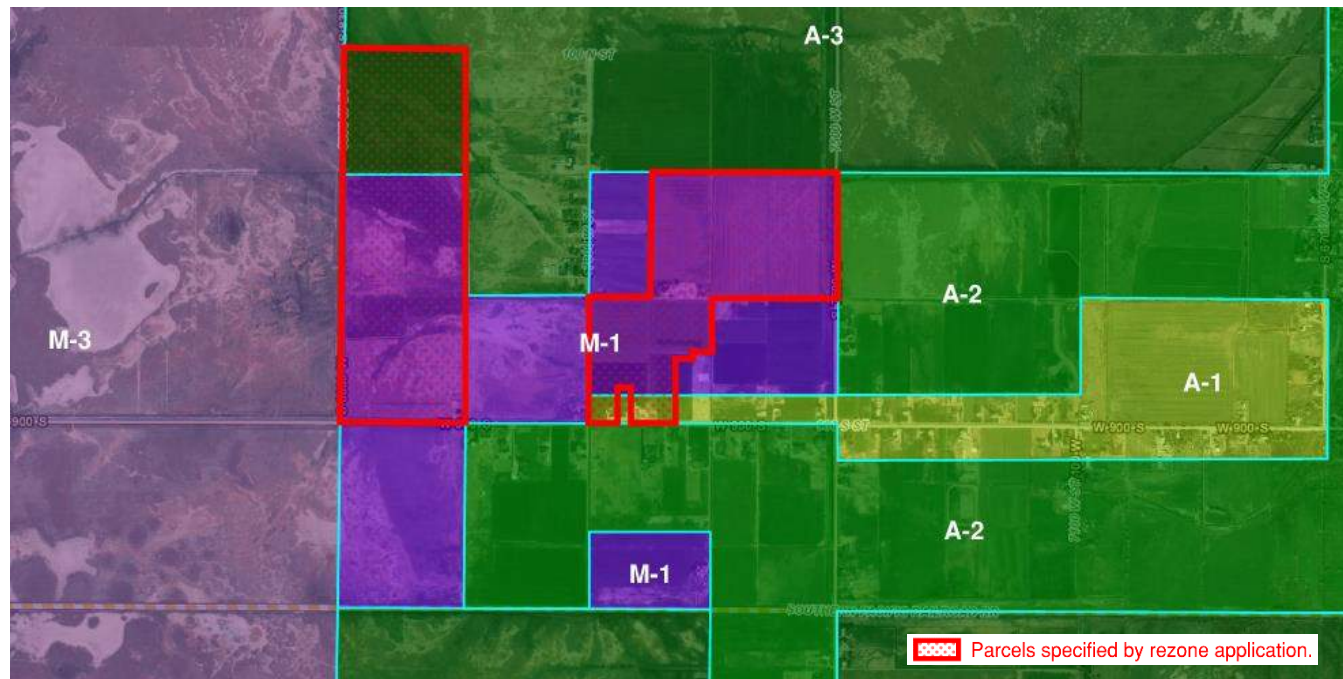
§102-5-2 requires a change to the zone map to comply with the general plan. The analysis herein offers a number of options and option variants for rezoning the property. Regardless of the planning commission's decision, it should be found to comply with the general plan. The proposed zone change does not comply with the current general plan's future land use map. That map should be changed in accordance with the planning commission's desired outcome for this item prior to making a decision on this item.

Summary of Planning Commission Considerations

In order to streamline decision making and in an attempt to keep the infinite options narrow enough to make a reasonable decision, staff are offering three different alternative recommendations at this time and an analysis of each. There are certainly more possible outcomes and if the planning commission would like to consider more it can be discussed in the meeting or in future meetings.

First, an understanding of the applicant's request is important. **Figure 1**¹ offers a graphic representation of the parcels included in the rezone application. It overlays those parcels onto the existing zone map. These parcels are those the applicant desires to rezone from M-1 to A-2 (excepting out the area already zone A-1).

Figure 1: Existing zoning with application parcels.



As can be seen, if *only* the parcels that are the subject of the application are rezoned then the contiguity of the existing M-1 zone is interrupted. This leads to an increased risk of future A-2 oriented uses (primarily single family dwellings on 40,000 square feet of land) being interspersed amongst future manufacturing uses².

As the current zone map is configured, there are a few areas where single family residential uses could be located adjacent to manufacturing uses. Perpetuating this practice may have future unforeseen land use consequences that should not be underestimated at this time³. The purpose of different and distinct zoning designations with

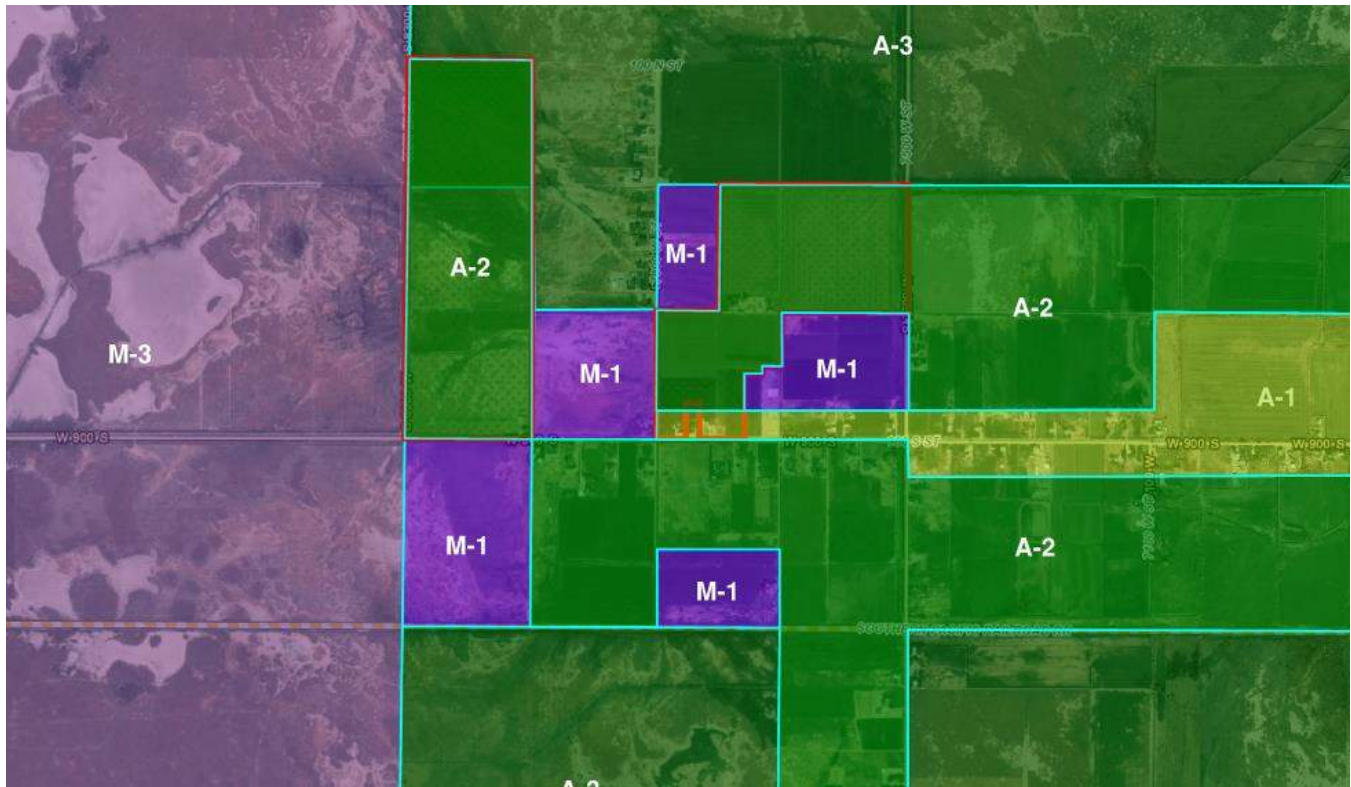
¹ See also Exhibit B

² See Exhibit G for a non-exhaustive list of manufacturing or commercial uses that are currently allowed in the M-1 zone that are generally incompatible with single family dwelling neighborhoods.

³ Exhibit H offers a local NPR article explaining the risk of rezoning without properly considering potential land use conflicts. While Weber County's M-1 zone does not allow a medical waste incinerator (the subject of the article), a review of the uses allowed in the M-1 zone (see Exhibit G) might offer a compelling reason why allowing future residential areas to buffer M-1 areas would result in unnecessary land use conflict.

allowances or prohibitions for different uses, also known as “Euclidean Zoning”⁴, is to offer a separation of conflicting uses in order to establish a more harmonious community and enhance community character. The outcome that best supports a separation of incompatible uses will be one that minimizes the abutting of A-2 (and A-1) zones to the M-1 zone. **Figure 2**⁵ shows how the zoning map would appear if *only* the applicant’s requested parcels are rezoned.

Figure 2: Appearance of zoning map if only application parcels are rezoned.



Alternative one.

In staff’s original recommendation, parts of the area currently zoned M-1 would be rezoned to A-2. All parts currently zoned A-1 would remain the same. **Figure 3**⁶ shows how that would appear on the zoning map. In order for this proposal to merit consideration, the general plan would need to be amended to show that there is general plan support for agricultural and residential land uses in this area.

This recommendation was, at the time, based on staff’s understanding that there would be little to no opposition. During the public process staff has become aware that there is opposition to this proposal. See **Figure 4**⁷ to review the parcels that have owners who have expressed opposition in one form or another. Please note that some of this opposition may already be resolved.

⁴ The term “Euclidean Zoning” comes from the landmark case that occurred at the height of the industrial era (*Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926)) in which a real estate company wanted to build industrial uses on property in the Village of Euclid (just outside Cleveland, Ohio), but the Village of Euclid wanted to protect its residential suburban character. The Village protected the residential uses from industrial uses through zoning designations with land use exclusions. It was the first case in which using zoning to separate conflicting uses was upheld by the courts.

⁵ See also Exhibit C.

⁶ See also Exhibit D.

⁷ See also Exhibit E.

The following are the pros and cons of this alternative:

Pros:

- Keeps opposing land uses separated.
- Enhances the area for rural residential uses, enhancing existing community character
- Protects local agricultural uses.
- Existing manufacturing uses, as currently established, will be protected through nonconforming rights.

Cons

- Requires a change to the general plan.
- Changes the anticipated/expected and planned future uses of the area.
- Prohibits existing land owners from expanding or adding new manufacturing uses.
- Abuts the A-2 zone to the M-3 zone – creating potential for future land use conflicts.

The primary concern expressed in the opposition revolves around a removal of manufacturing rights. Concerned landowners have expressed that they acquired the land in the M-1 zone with the uses of the M-1 zone in mind. One of them developed the land in accordance with the requirements of the M-1 zone. By no fault or action of their own, their expected rights in the land might change if this alternative is the preferred alternative.

For the single parcel that is currently used for manufacturing uses, this change will make the uses nonconforming (also known as a “grandfathered use”) that are entitled to continue in accordance with its current operations in perpetuity (even if the property changes hands). The land owner has expressed concern over the limiting of *future* manufacturing uses on the land and desires any and all uses allowed in the M-1 zone to be available for future use.

However, under Utah law, no land owner has explicit entitlement to the uses of the zone being available in perpetuity unless or until the use becomes *vested*. Vesting occurs either when an application for approval of the use has been submitted, or for those uses that do not require a land use permit, when the use is actually initiated. This allows the legislative authority to make changes to development laws, including changes to zoning designations, based on their legislative duties and obligations to shaping a quality community. As uncomfortable as it may seem, nonconforming rights preserve the rights as they are currently being used, but allow for sufficient flexibility for the legislative body to plan *around* those rights in order to shape the community according to the need, with the hopes that the future will offer sufficient motivation for those nonconforming rights to be retired in favor of surrounding land uses (which occasionally does not happen).

One idea put out about this proposal was to avoid rezoning the parcel currently used in accordance with the M-1 manufacturing uses to the A-2 zone, but instead to change the zoning of the front of this parcel to M-1 so that manufacturing uses can expand or change on the property. If the community character of the area is intended to change to rural residential uses over time, staff discourages this and instead suggests resting this decision on the entitled nonconforming rights of the property owner that would exist if this proposal is approved. This will ensure that, regardless of property ownership, manufacturing uses on the parcel will be not likely expand to the extent that it creates an overwhelming burden on surrounding (future residential) property owners.

Otherwise, if the planning commission desires to assist this particular land owner in rezoning the front of the property to M-1, staff recommends a different alternative.

Figure 3: Staff's initial proposal.

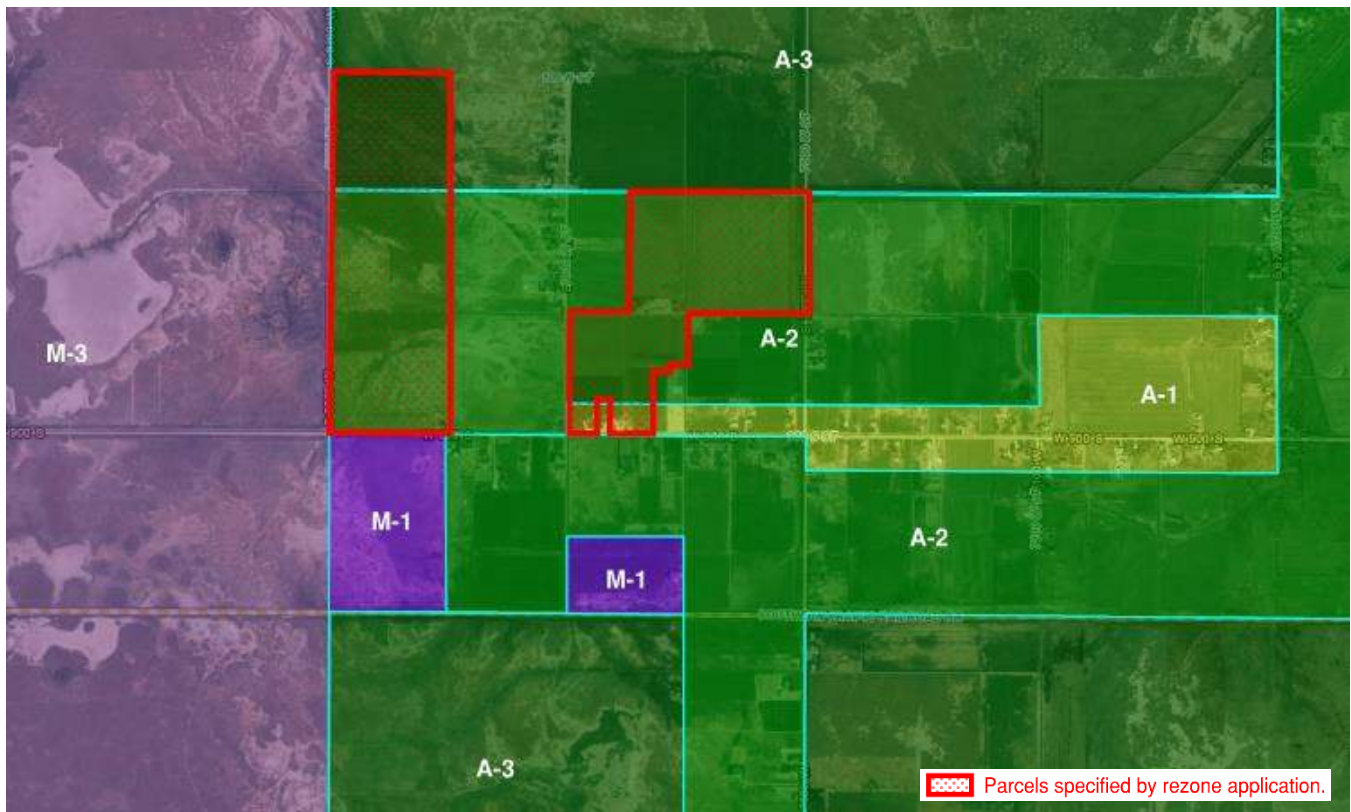
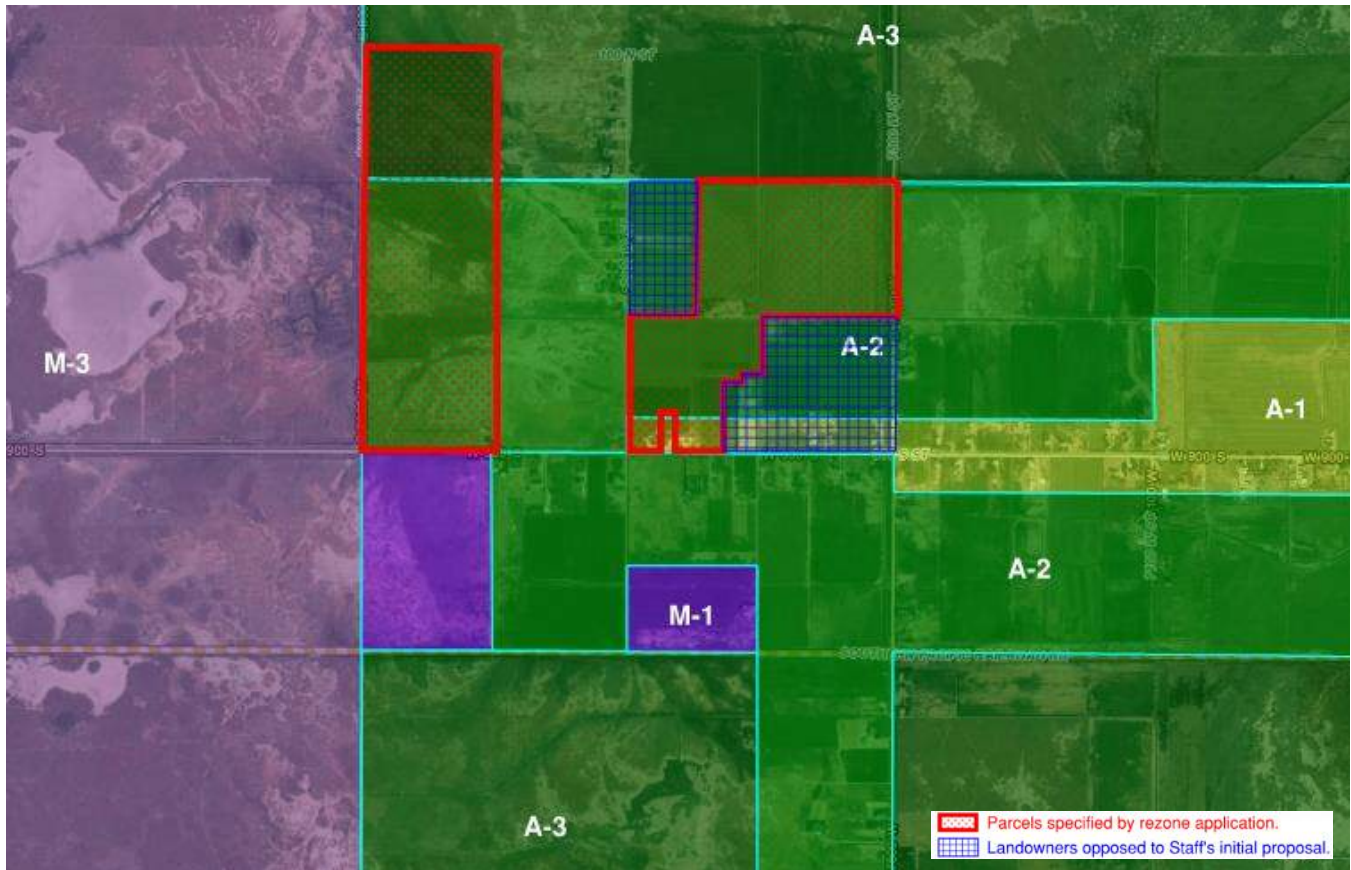


Figure 4: Parcels owned by those opposed to staff's proposed rezone.



Alternative Two.

The alternative that is supported by the current general plan is a recommendation for denial of the application. The planning commission can make a finding that the consequences of the rezone – and the general plan amendment that it would require – are too great to overcome at this time and do not have sufficient community support.

The following are the pros and cons of this alternative:

Pros:

- Requires no change to the general plan.
- Keeps future land uses in accordance with the communities currently planned future.
- Protects existing manufacturing uses – and enables expansion to new manufacturing uses.
- Does not employ nonconforming rights.

Cons

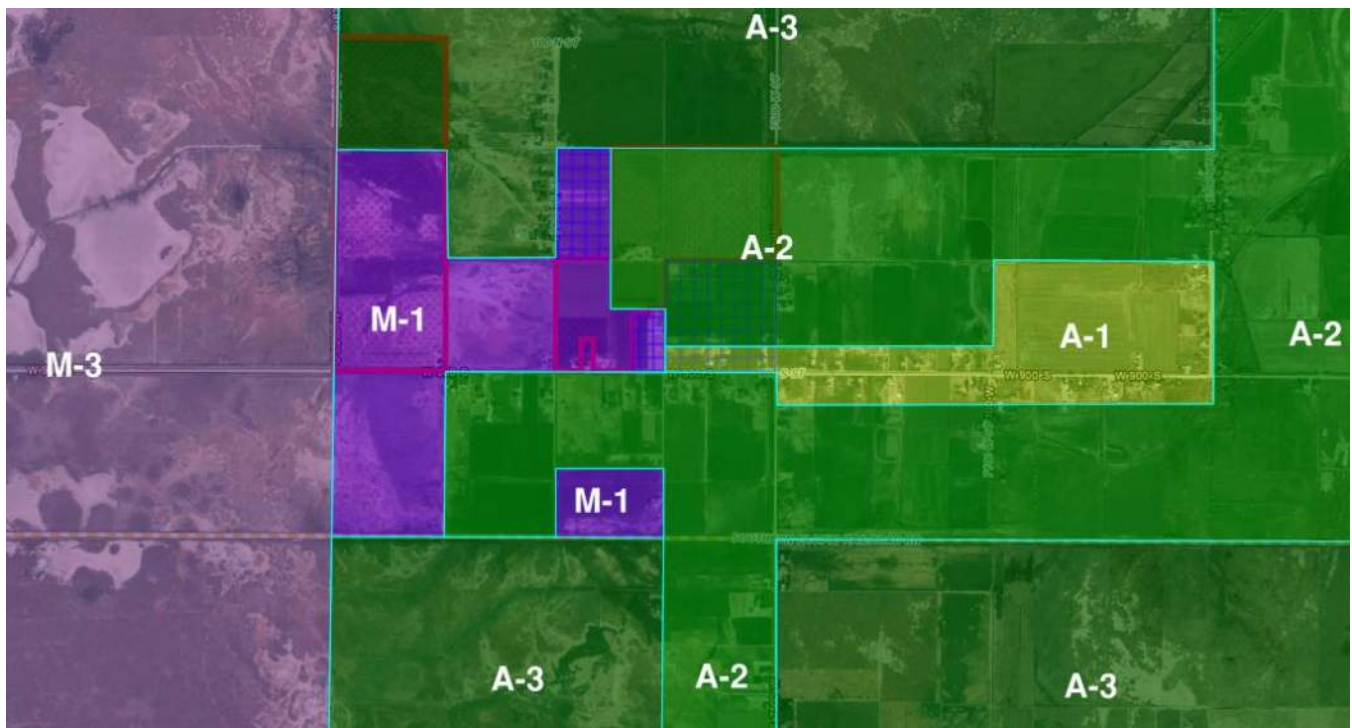
- The applicant does not get the change desired.
- Landowners will likely need to continue to wait until a market for manufacturing uses exists in the area to get the highest and best use of the land.

Alternative Three (The Compromise).

In an effort to find a solution that may best serve the most amount of people, staff and the applicant have devised a series of possible rezone options that could be mutually beneficial to all involved. In each, the entire rezone area of the application is not considered, but rather parred back to allow some of the A-2 rezone but still preserve the M-1 zone to some effect. Each would extend the A-2 zone westward in some fashion, and extend the M-1 zone to 900 South in some fashion. See **Figures 5-8**⁸ to review each variant.

If the planning commission desires to execute one of these variants, either variant one or variant four is staff's preferred variants, as variant two bisects the A-1 zone with the M-1 zone along 900 South, and variant three intermingles A-2 uses and M-1 uses a little more than comfort calls. However, any of these four variants may prove to offer the best case compromise for all land owners involved. In order for any of these variants to be executed, the general plan's future land use map will need to be changed proportionately.

Figure 5: Compromise Variant 1.



⁸ See also Exhibit F.

Figure 6: Compromise Variant 2.

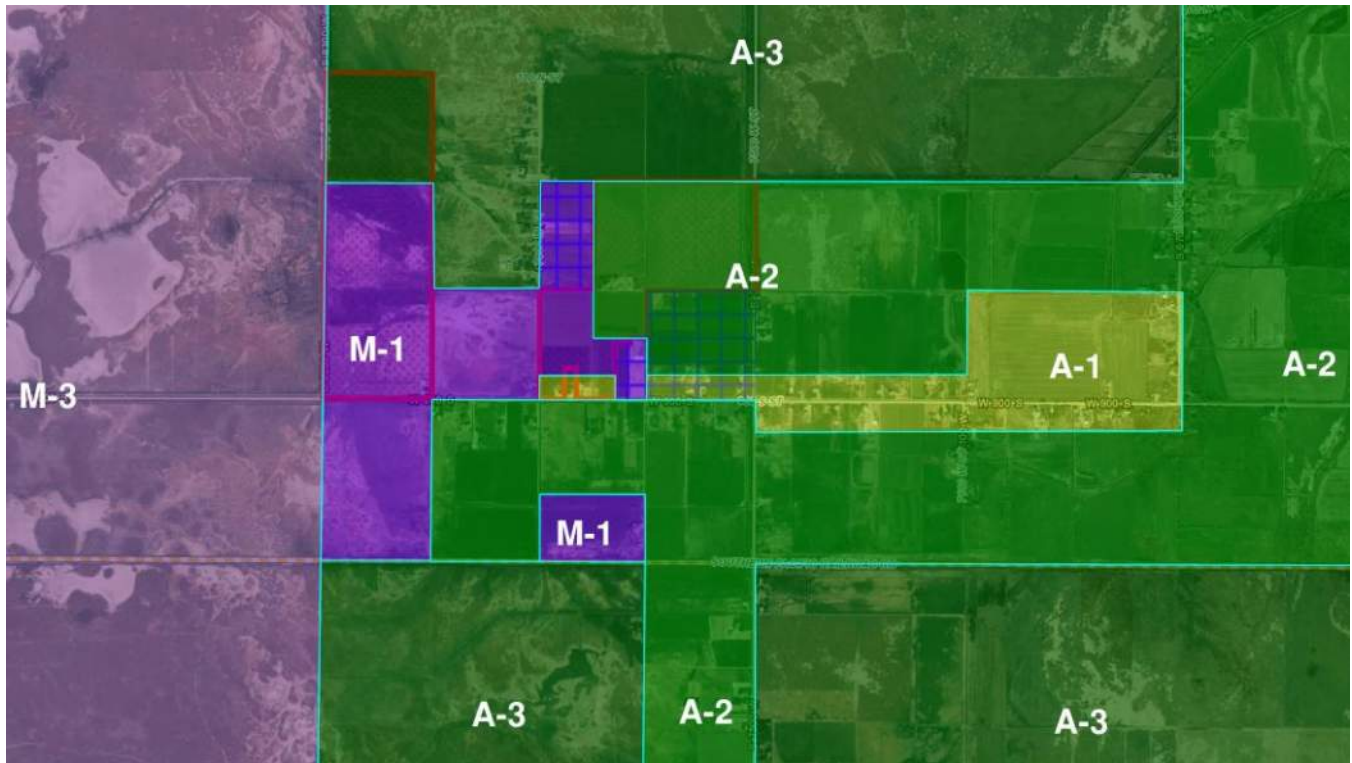


Figure 7: Compromise Variant 3.

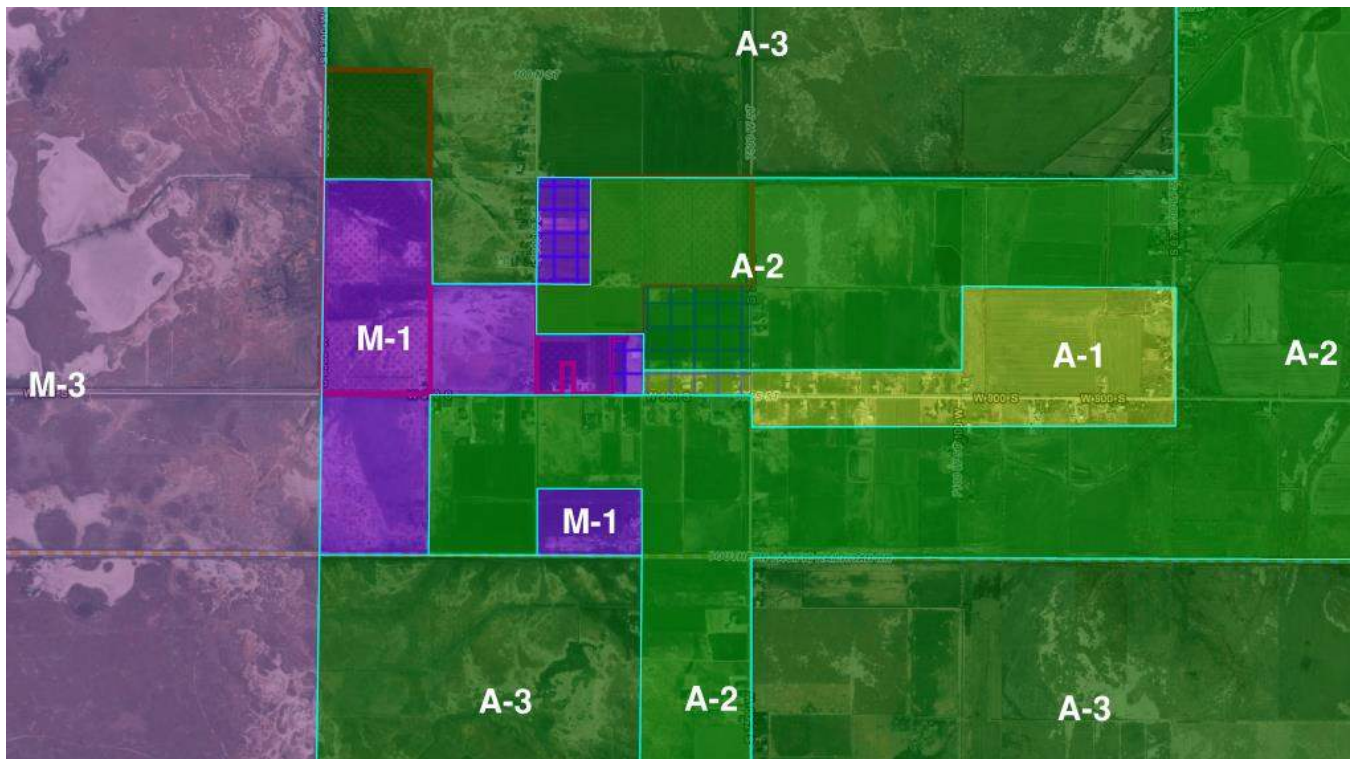
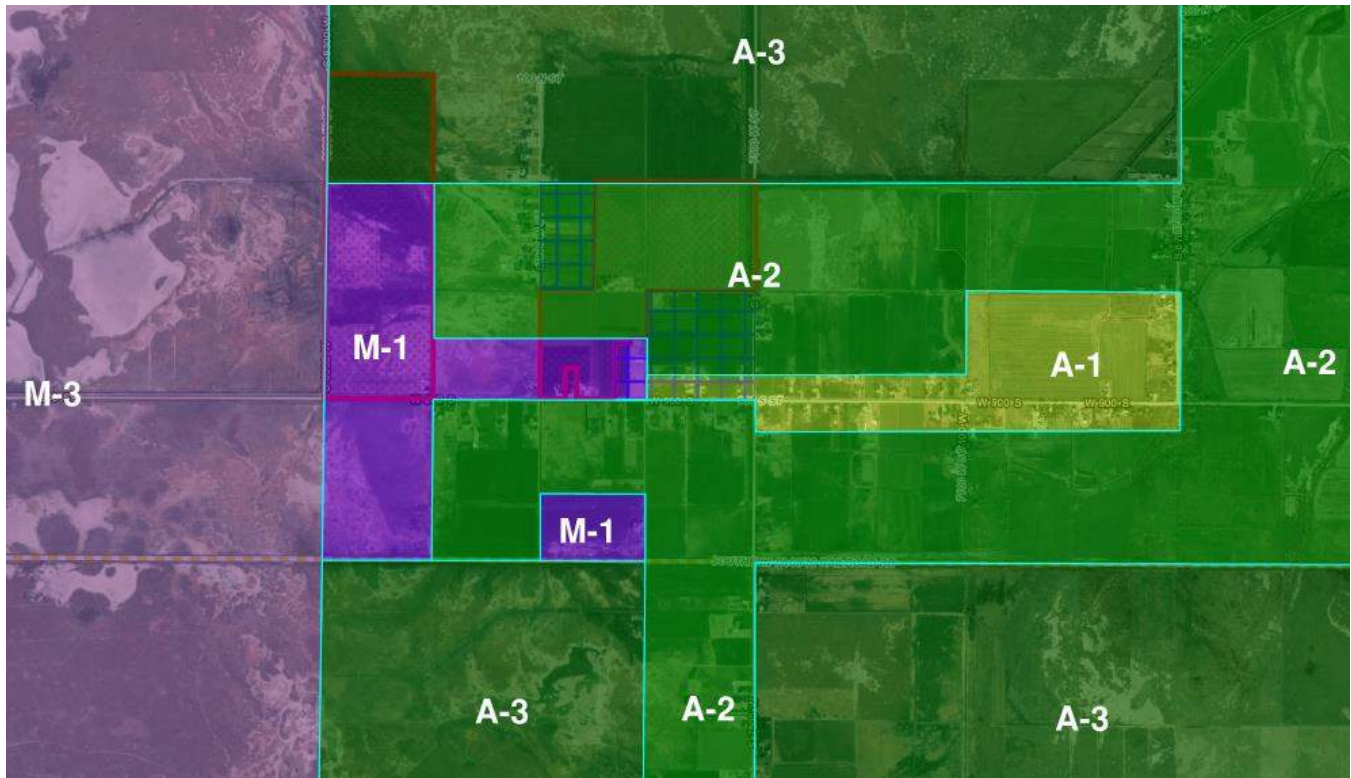


Figure 8: Compromise Variant 4.



Staff Recommendation

If the Planning Commission desires to forward a positive recommendation to the County Commission on alternative one, staff recommends doing so with the following findings:

1. That after changes to the general plan's future land use map, the rezone complies with general plan.
2. That the rezone better supports the majority desires of the local community.
3. That the rezone will still protect the existing manufacturing uses through nonconforming rights.
4. That the rezone is not detrimental to the health, safety, or general welfare of the public.

If the Planning Commission desires to forward a positive recommendation to the County Commission on alternative two, staff recommends doing so with the following findings:

1. The proposed rezone is not in compliance with the general plan.
2. There is insufficient public support for the rezone.
3. The rezone would not be in the best interest of the health, safety, or general welfare of the public.

If the Planning Commission desires to forward a positive recommendation to the County Commission on one of the variants of alternative three, staff recommends doing so with the following findings:

1. That after changes to the general plan's future land use map, the rezone complies with general plan.
2. That the rezone better supports the majority desires of the local community.
3. That the rezone offers better buffering between zones that have conflicting uses
4. That the rezone is not detrimental to the health, safety, or general welfare of the public.

Exhibits

Exhibit A: Parcels specified by rezone application.

Exhibit B: Current zoning and parcels specified by rezone application.

Exhibit C: Result of proposed rezone.

Exhibit D: Staff's initial proposal for rezone from M-1 to A-2.

Exhibit E: Landowners opposed to Staff's initial proposal.

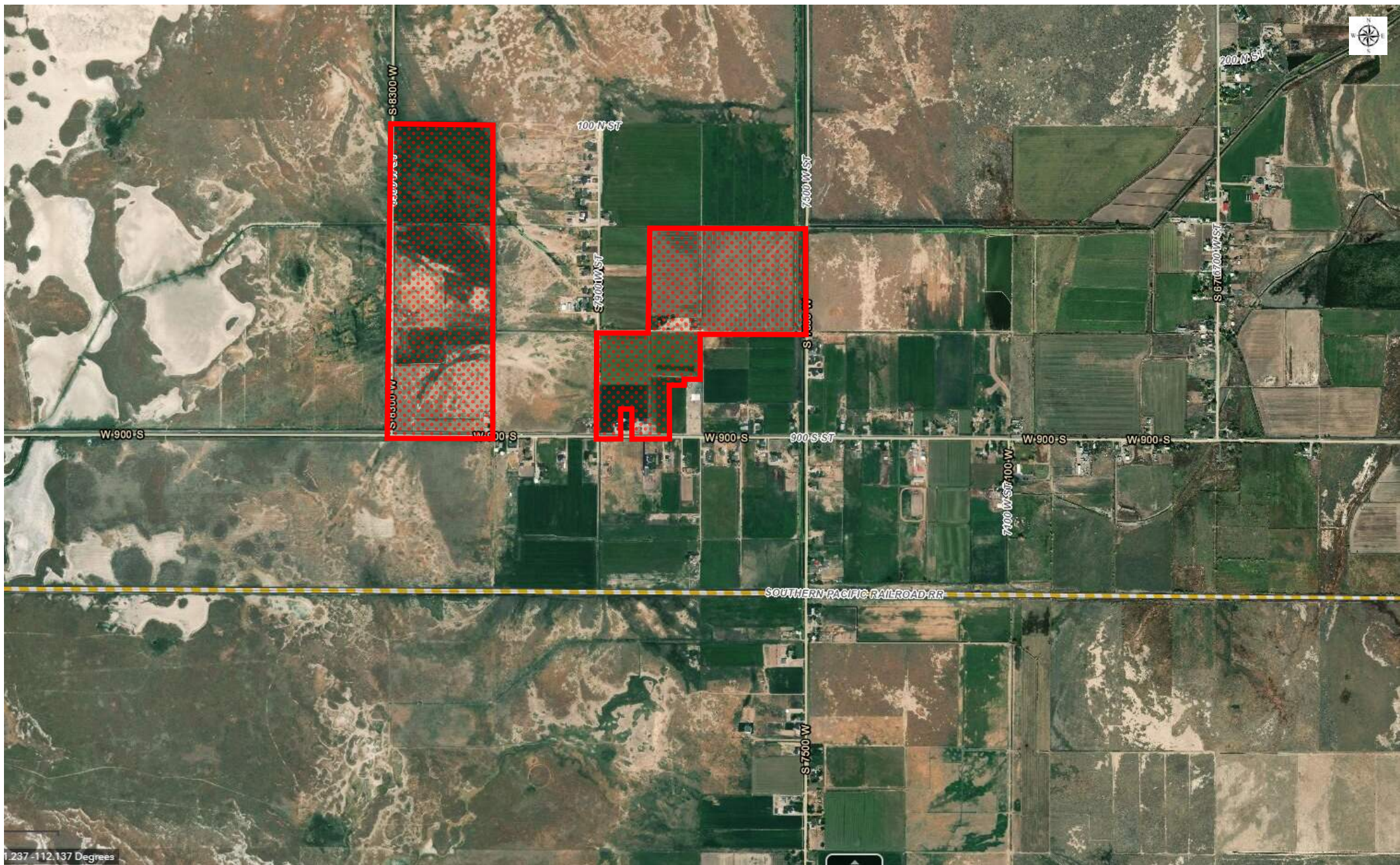
Exhibit F: Alternative 3: Extend A-2 westward, extend M-1 to 900 South.

Exhibit G: List of uses allowed in M-1 zone that are specifically incompatible with adjacent residential uses.

Exhibit H: Omitted.

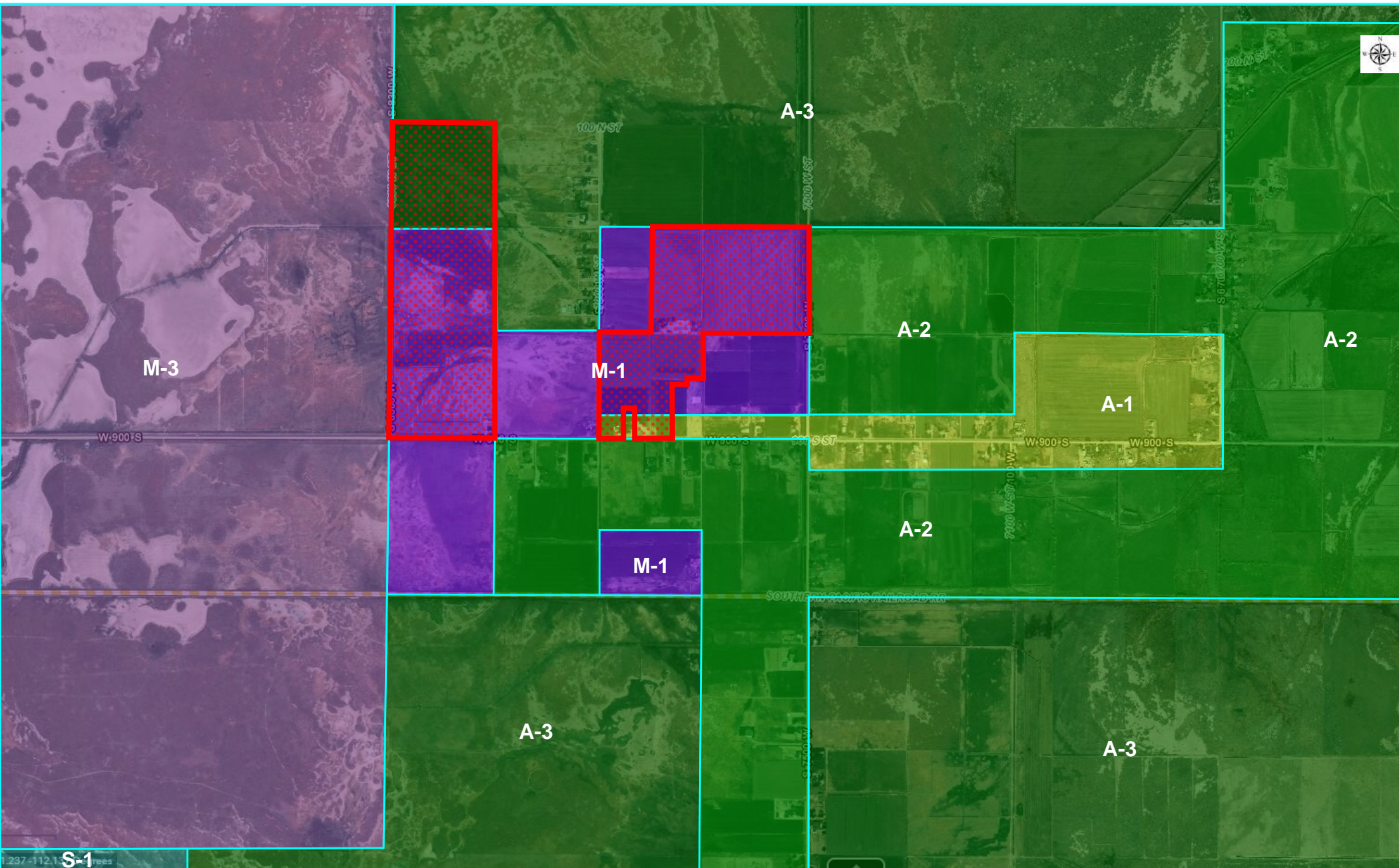
Exhibit I : Application.

Exhibit A: Parcels specified by rezone application.

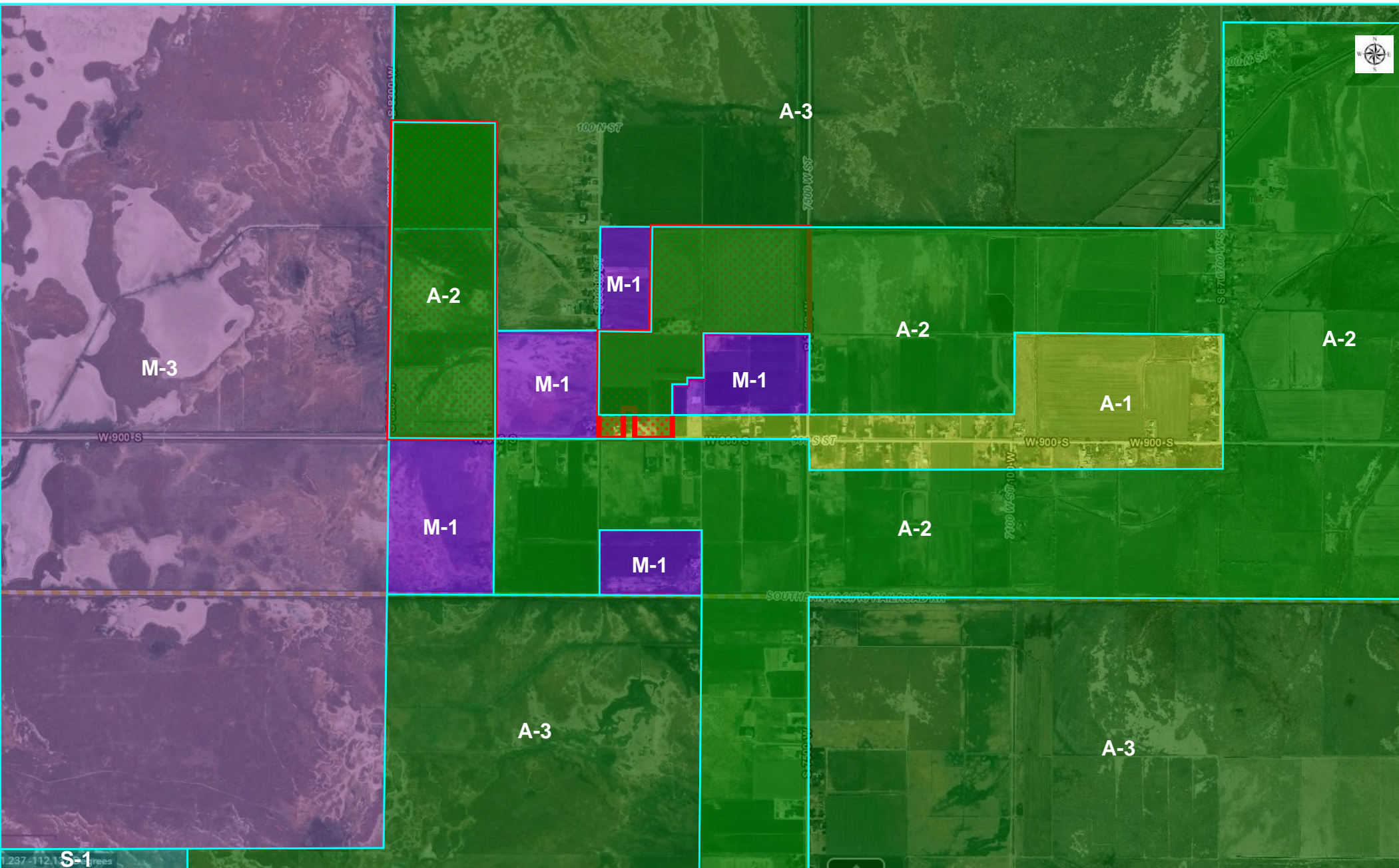


 Parcels specified by rezone application.

Exhibit B: Current zoning **and** parcels specified by rezone application.

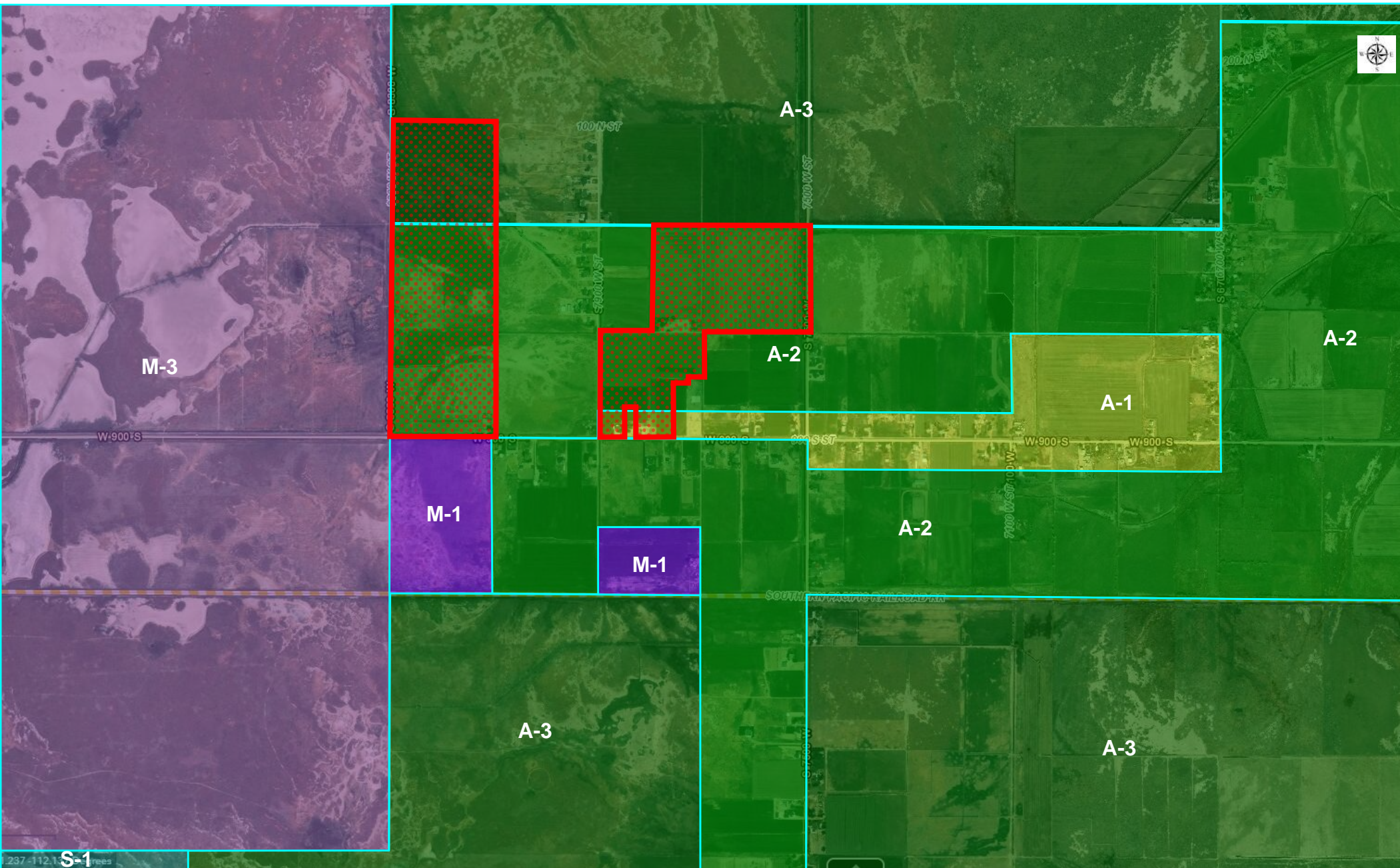


 Parcels specified by rezone application.

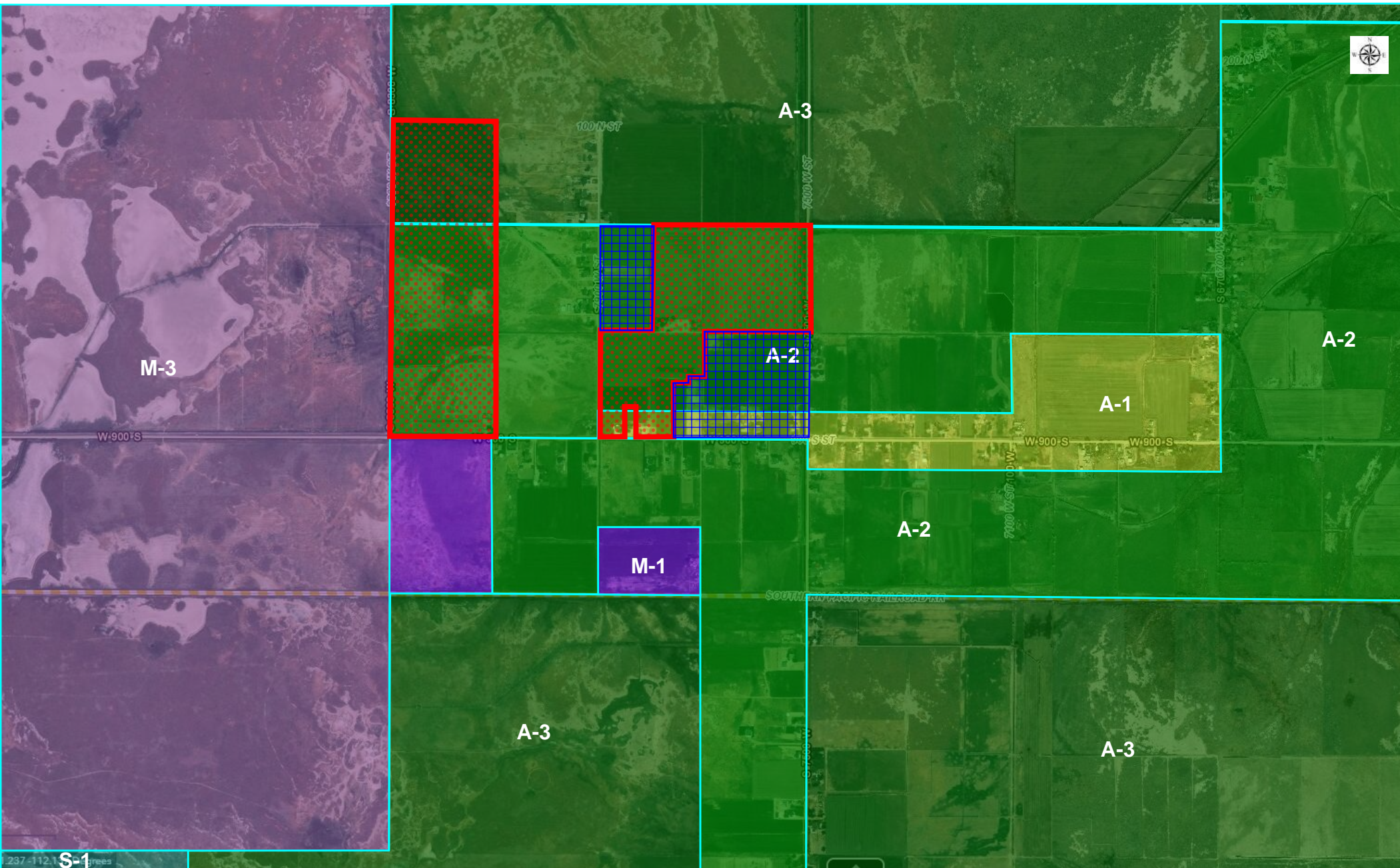


 Parcels specified by rezone application.

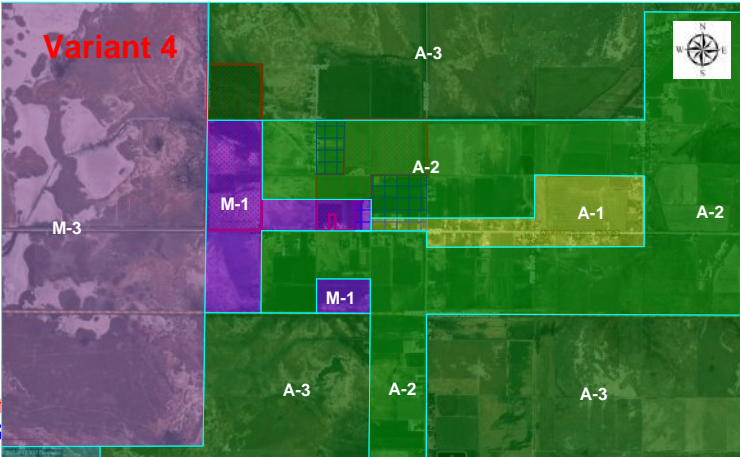
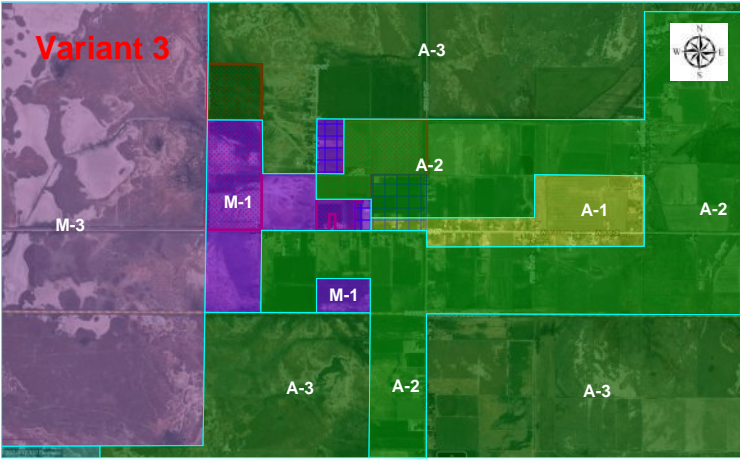
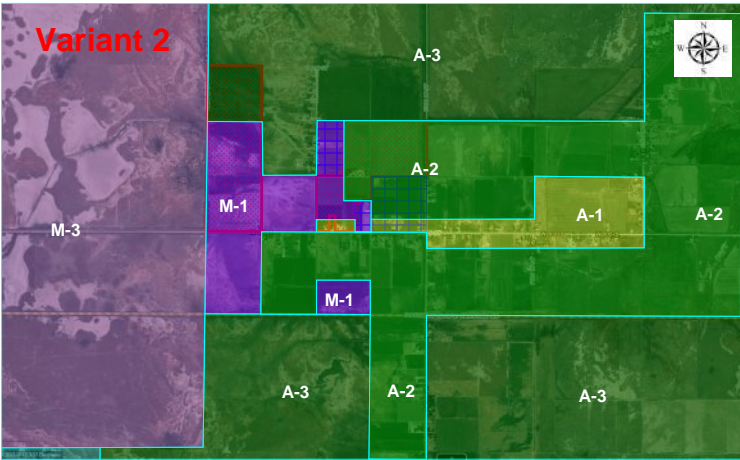
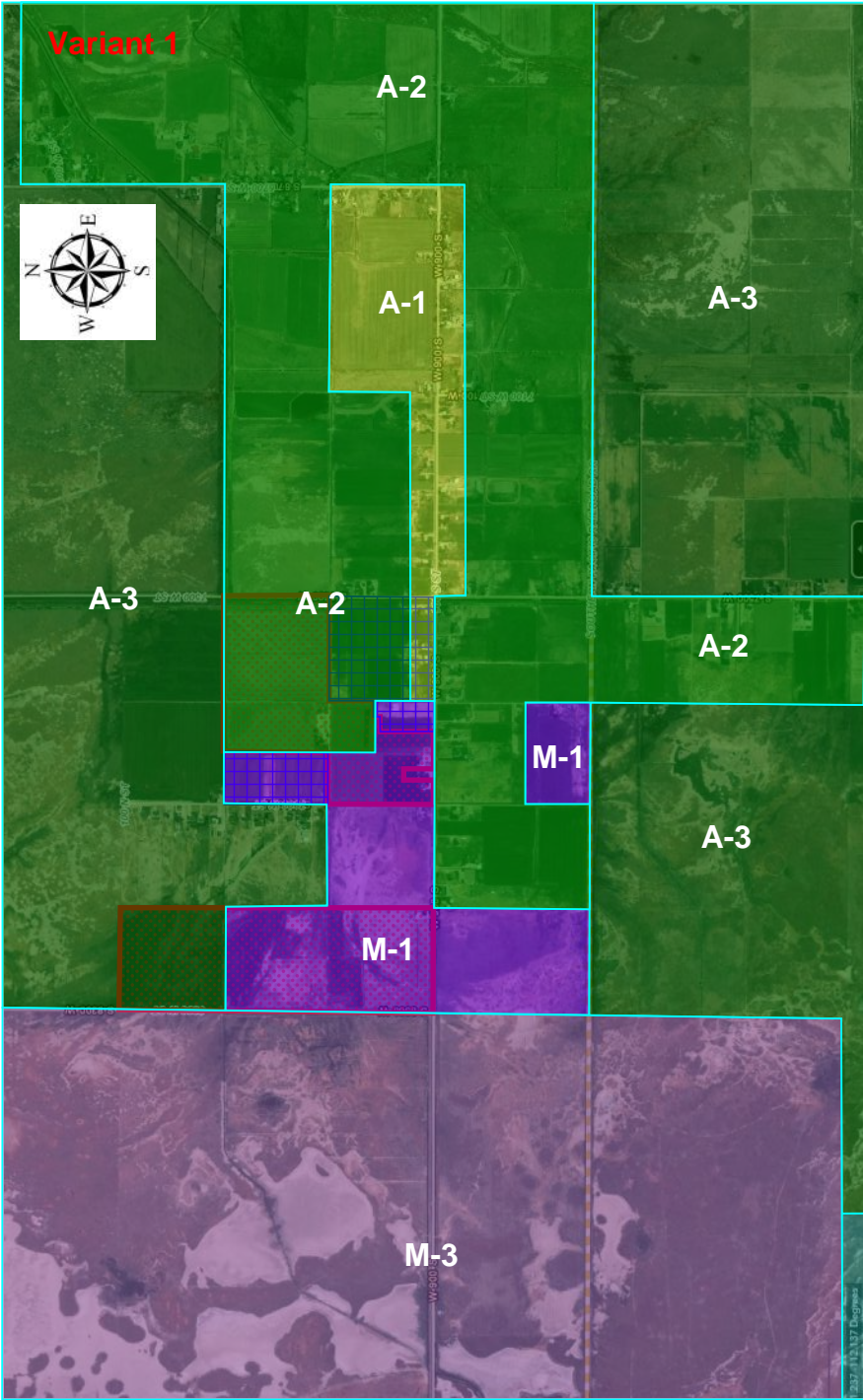
Exhibit D: Staff's initial proposal for rezone from M-1 to A-2.



 Parcels specified by rezone application.



 Parcels specified by rezone application.



Uses Generally Incompatible with Single Family Dwelling 40,000 Square Foot Lots

Manufacturing or processing plant (various materials and products, but not ferrous metals).

Animal services

- Pest Control
- Pet and pet supply

Transportation Facilities

- Bus terminal
- Trucking terminal

Rubber Works

- Rubber welding
- Tire retreading and/or vulcanizing

Metal works

- Welding shop
- Gunsmith
- Machine shop

Vehicle Service and Repair

- Motor vehicles, trailers, bicycles and machinery repairing, rentals, sales and reconditioning
- Truck (Semi) service station
- Auto body shop
- Car wash
- Boat building or service
- RV Storage
- Trailer service

Vehicle sales

- New car lot
- Used car lot
- Boat and other motorsports sales
- Trailer sales

Amusement businesses

- bowling alley
- Boxing arena
- Motion picture studio
- Cabaret
- Circus
- Dance and social hall
- Lounge (AKA night club)
- Pool hall

- Rec center
- Roller skating rink
- Shooting range/club/gallery
- Indoor theater
- Outdoor theater

Alcohol establishment

- Beer parlor/tavern/bar
- Liquor store
- Lounge (AKA night club)
- Private liquor club (AKA: bar; "private club" is an archaic reference)

Commercial Lodging

- Boarding/lodging house
- Hotel or motel

Building material yard

- Construction of buildings to be sold and moved off the premises.
- Sales of build materials (outdoor)

Wood work

- Cabinet shop
- Lumber mill
- Lumber yard

Textile work

- Dry cleaning plant.
- Dyeing

Medical and Health

- Medical or dental clinic or offices
- Gym (public and private)
- Medical or dental laboratory

Retail and stores (allows big-box)

- Various retail establishments
- Department store
- Furniture sales
- Grocery store
- Hardware
- Pawnshop
- Supermarket
- Tobacco shop
- Variety store

Wholesale

- Hospital supply

Greenhouse/nursery

Air travel

Heliport/helipad

Food or food processing

Custom meat cutting, but not slaughtering
dairy processing
Bottling works, soft drinks
Restaurant (all types)

Other

Reception center
Mortuary
Trade school
Mobile home manufacturing, sales, and service
Sand blasting

Weber County Zoning Map 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)
Property Owner Contact Information		
Name of Property Owner(s) <i>JP Farm + Ranch Randy Giordano Barbara Huggs</i>		Mailing Address of Property Owner(s) <i>400 S. 6700 W West Warren 84404</i>
Phone <i>801-391-7169</i>	Fax	
Email Address <i>jprice-4@hotmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
Authorized Representative Contact Information		
Name of Person Authorized to Represent the Property Owner(s) <i>John Price</i>		Mailing Address of Authorized Person <i>400 S. 6700 W Ogden UT 84404</i>
Phone <i>801-391-7169</i>	Fax	
Email Address <i>jprice-4@hotmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
Property Information		
Project Name	Current Zoning <i>M-1</i>	Proposed Zoning <i>A-1 or A-2</i>
Approximate Address <i>650 S. 7900 W. Ogden 84404</i>	Land Serial Number(s) <i>100370038 100370014 100370004 100370028 100370013 100370029 100370011</i>	
Total Acreage <i>140</i>	Current Use <i>Farm / Residential</i>	Proposed Use <i>Farm / Residential</i>
Project Narrative		
Describing the project vision. <i>Desire to change our M-1 zoning to A-1 or A-2. Currently there is far greater advantage for us having A-1 or A-2. There is no realistic opportunity for Manufacturing to ever purchase our property.</i>		

Project Narrative (continued...)

How is the change in compliance with the General Plan?

change Doesn't change any opportunity for manufacturing growth.

Why should the present zoning be changed to allow this proposal?

Current zoning has no logical reason for this particular M-1 location. It would be far better for county and property owners to have this in A-1 or A-2. Also all current residents in community are in favor of this change.

Project Narrative (continued...)

How is the change in the public interest?

This provides a buffer from manufacturing being put in the middle of residential areas.

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

More desire for residential development.

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

Helps keep residents home values and safety.

Property Owner Affidavit

I (We), John Price, Randy Giordano, Barbara Higgs depose and say that I (we) am (are) the owner(s) of the property identified in 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.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 28 day of March, 2018



(Notary)

Authorized Representative Affidavit

I (We), Randy Giordano Barbara Higgs, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), John Price, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

[Signature]
(Property Owner)

[Signature]
(Property Owner)

Dated this 18 day of March, 20 18, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

[Signature]
(Notary)

