



# Staff Report to the Weber County Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Request to set the date of April 2, 2013 for a public hearing at 10:00 a.m. to consider a Zoning Map Amendment (ZMA 2013-01) to rezone properties in the North Fork Area, located near 6972 N North Fork Road, from Forest 5 Zone (F-5) to Forest Valley 3 Zone (FV-3).

**Agenda Date:** Tuesday, March 12, 2013

**Applicant:** Emily Fuller

**File Number:** ZMA 2013-01

### Property Information

**Approximate Address:** 6972 N North Fork Road

**Project Area:** 19.39 acres

**Zoning:** Current zoning is Forest 5 Zone (F-5), proposed zoning is Forest Valley 3 Zone (FV-3)

**Existing Land Use:** Residential and Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 17-135-0003, 17-092-0022, 17-092-0020, 17-092-0018, 17-092-0016, 17-092-0010, 17-092-0007, 17-092-0007

**Township, Range, Section:** T8N, R1W, Section 36

### Adjacent Land Use

<b>North:</b> Forest	<b>South:</b> Forest
<b>East:</b> Residential	<b>West:</b> Forest

### Staff Information

**Report Presenter:** Ben Hatfield  
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801-399-8766

**Report Reviewer:** SW

## Applicable Ordinances

- Weber County Zoning Ordinance Chapter 8 (F-5 Zone)
- Weber County Zoning Ordinance Chapter 12B (FV-3 Zone)
- Weber County Zoning Ordinance Chapter 28 (Noncomplying Structures and Nonconforming Uses and Parcels)
- Weber County Zoning Ordinance Chapter 35 (Petitioner Requirements – Rezone Procedure, Development Agreement)

## Background

The applicant is requesting approval to rezone property located near 6972 N North Fork Road from Forest 5 Zone (F-5) to Forest Valley 3 Zone (FV-3). The proposed properties to be rezoned contain 19.39 acres. These properties are adjacent to current FV-3 zoning and do not conform to the lot width and area standards of the F-5 zone.

Lot standards in the F-5 zone require parcels to be 5 or greater acres in area and 300 feet in width (frontage). Many of the properties created in this area of the county were created prior to this 5 acre standard or were part of a cluster subdivision. As topography has limited the development of roads in the area due to slopes and the North Fork River, the continuation of North Fork Road terminated. The Durfee Creek Cluster Subdivision, near the area, was able to develop a loop road through the subdivision to provide some traffic circulation. Most (approximately 4) of the proposed properties got there access from right-of-way agreements which crossed other private property.

Of the eight properties proposed to be rezoned one is a sliver (0.03 acres) owned by the applicant. Another is owned by Weber County and makes up the north entrance to North Fork Park. Of the remaining six parcels, five have been developed with homes. With approval of this request, the vacant parcel would meet the area requirements of the new zoning because it consists of 3.13 acres.

There is an extensive history of rezone, and variance requests for properties in this area. To summarize, in 1972 many of the properties in this area were rezoned from one acre (F-1) zoning to a new five acre (F-5) zone. This was done for mountainous areas around the Ogden Valley and, included the North Fork area. Other rezone requests since 1972 in Ogden Valley have occurred, which were reflected in the large rezone and General Plan adoption of 1998. A conversion of zones were transferred e.g. F-1 to FV-3 and A-1 to AV-3 with the 1998 change; however, areas that were zoned F-5 remained F-5. Generally for this area, the zoning in place today is what was reflected with 1998 changes.

Zoning in this area can be confusing as the Liberty / North Fork area has many zones which may not reflect the uses, topography, or size of current parcels. This area has an abundance of F-5 zoning, a pocket of AV-3 zoning, and two separate pockets of FV-3 zoning. These pockets have only a few developable parcels and contain only a few homes. The proposed request would double the size of one of these existing pockets.

## Planning Commission Recommendation

On March 5, 2013 the Ogden Valley Planning Commission recommended that the zoning map be amended for the proposed properties from the F-5 zone to the FV-3 zone.

## Summary of County Commission Considerations

The Weber County Zoning Ordinance Chapter 35 Section 3 states:

“To promote compatibility and stability in zoning and appropriate development of property within Weber County, 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. 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.”

In order to explain how the proposal meets these criteria, *Section 4 of Chapter 35* requires that the applicant provide answers to the following questions in addition to a narrative that explains the project vision:

1. How is the change in compliance with the General Plan?
2. Why should the present zoning be changed to allow this proposal?
3. How is the change in the public interest?
4. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
5. How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

The applicant has provided a narrative addressing these five questions. Staff has discussed these criteria with the applicant, and has reviewed the application in order to determine whether or not the questions have been answered appropriately. Staff has made the following determinations relating to whether or not this rezone request meets the criteria:

### **1. How is the change in compliance with the General Plan?**

Staff has determined that the rezone request does comply with the goals and objectives of the General Plan. Consideration of this request does “recognize and respect private property rights” (General Plan Section 3.02) by “engaging in creative zoning solutions that protect private property rights”. As many of the proposed properties do not meet the standards of the F-5 zone, providing a zone (FV-3) which more closely reflects the properties dimensions and uses respects the private property rights.

### **2. Why should the present zoning be changed to allow this proposal?**

Approval of this request would allow for non-conforming parcels to become closer to compliance to less restrictive zoning standards. Approval of this request could allow some properties to become legal and ensure their building/ property rights.

### **3. How is the change in the public interest?**

The securing and protecting of property rights is favorable to the public interest as it ensures a property owners right to develop. For these properties, it could change and limit possible uses that were available in the F-5 zone. Some new uses may be available for the properties which are allowed in the FV-3 zone.

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

These (developed) properties were either out of compliance or non-conforming at the time of the 1998 adoption of the General Plan. The requested map amendment would help resolve some issues which were not addressed with the General Plan Amendment.

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

Staff has determined that this rezone request promotes the health, safety, and welfare of the inhabitants of Weber County in the following ways:

- Culinary water, wastewater treatment, and storm water run-off will continue to be addressed with site plans and subdivisions with future development.
- As 5 of the potentially 6 buildable parcels have existing homes, minimal impact will occur with future development.
- The parcels would be able to develop similarly like others in the area.

**Conformance to the General Plan**

As previously stated this request does “recognize and respect private property rights” (General Plan Section 3.02) by “engaging in creative zoning solutions that protect private property rights”.

**Conditions of Approval**

- Requirements of County review agencies

**Staff Recommendation**

Staff has determined that this rezone request from F-5 to FV-3 in the North Fork area meets the criteria found in Chapter 35. Therefore, staff recommends approval of ZMA 2013-01.

**Exhibits**

- A. Proposed rezone map
- B. Notice of Decision

# Map 1

