

**HUNTSVILLE TOWN  
ORDINANCE 2018-10-4-E**

**ZONING MAP AMENDMENT**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING THE ZONING MAP FOR A CERTAIN PARCEL WHERE A ZONING AMENDMENT APPLICATION WAS FILED; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

- A. **WHEREAS**, Huntsville Town (hereafter “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. **WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;
- C. **WHEREAS**, the Town received an Application to Amend the Zoning Map (“Application”) from Steve Johnson (“Applicant”) and said proposed amendment is consistent with the Town’s General Plan;
- D. **WHEREAS**, Applicant previously filed on or about January 7, 2014, application with Town to annex Weber County Parcels Number 24-014-0007 (“Property”)—as depicted in Exhibit “A” attached hereto—into the municipal boundaries of Huntsville Town;
- E. **WHEREAS**, the official annexation occurred on or about February 6, 2014;
- F. **WHEREAS**, as the Property was annexed into the Town with the same zoning as under Weber County, and Applicant did not request another zoning designation or change of use at that time;
- G. **WHEREAS**, the Huntsville Municipal Code 15.27.C requires any person annexing property into Town to provide Town with sufficient water rights and water source capacity to serve the anticipated uses of the annexed property;
- H. **WHEREAS**, notice of the requirement to provide Town with sufficient water rights and water source capacity is stated on the annexation application;
- I. **WHEREAS**, the Property annexed into Town was designated as Agricultural Zone A-3 for agricultural uses only and Applicant represented to Town that Applicant owned water rights sufficient to provide water to the Property in the event of a change of use;
- J. **WHEREAS**, the Town recognizes the Applicant’s inability to provide additional water source capacity to the Town’s culinary system through direct connection to the Town’s existing infrastructure without incurring significant cost to the Applicant;
- K. **WHEREAS**, the Applicant acknowledges the requirement to acquire the necessary water rights and permits to drill and develop one or more culinary well(s) sufficient for the uses identified in the Concept Development Plan attached hereto as Exhibit “B”;

- L. **WHEREAS**, the Applicant acknowledges the requirement to develop, operate, and maintain said culinary well(s) in compliance with all applicable federal, state, and local laws;
- M. **WHEREAS**, the Town desires to enter a Development Agreement to satisfy the requirement for a change in use of the Property to residential;
- N. **WHEREAS**, the Town has agreed to allow the amendment of the Zoning Map of the Property subject to the terms of the Development Agreement;
- O. **WHEREAS**, after publication of the required notice the Planning Commission held its public hearing on September 27, 2018, to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to conditionally approve the Application;
- P. **WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on November 1, 2018;

### **ORDINANCE**

**NOW, THEREFORE**, be it ordained by the Town Council of Huntsville, Utah as follows:

- Section 1:**     **Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.
- Section 2:**     **Zoning Map Amendment.** The Official Zoning Map of Huntsville Town, Utah is hereby amended for Weber County Parcel Number 24-014-0007 from A-3 to R-1.
- Section 3:**     **Concept Development Plan.** The Concept Development Plan associated with this Zoning Map Amendment is attached hereto as Exhibit "B" and incorporated herein by this reference. Any subdivision and site construction shall be substantially similar to the Concept Development Plan adopted in this Section. Any subdivision with less density than the Concept Development Plan is presumed to be substantially similar.
- Section 4:**     **Water Rights and Water Source Capacity.** The Applicant will be required to secure appropriately authorized water rights and provide independent water source capacity in the form of one or more culinary well(s) sufficient for the uses identified in the respective Concept Development Plan. It will be the responsibility of the Applicant to develop, operate, and maintain said culinary well(s) in compliance with all applicable federal, state, and local laws.
- Section 5:**     **Conditional Culinary Service:** In the event that the Town executes its contractual option to acquire additional source capacity from Huntsville Abbey Farms, LLC and Huntsville Rangeland Company, LLC ("Abbey"), the Town may elect to provide culinary water service to the Applicant in accordance with the terms of the Development Agreement. If the Town elects to provide culinary water service to the Applicant, the Applicant shall reimburse the Town for all applicable expenses associated with the acquisition of the required source capacity in addition to any customary Development Impact Fees assessed by the Town under Title 7 of the Huntsville Municipal Code. Upon reimbursement to the Town for the expenses associated with the acquisition of the required source capacity and the payment of the respective Development Impact Fees, the requirement for the

Applicant to develop, operate, and maintain one or more culinary well(s) shall be waived. Notwithstanding this waiver, the requirement for the Applicant to convey sufficient water rights to the Town shall remain in full force and effect.

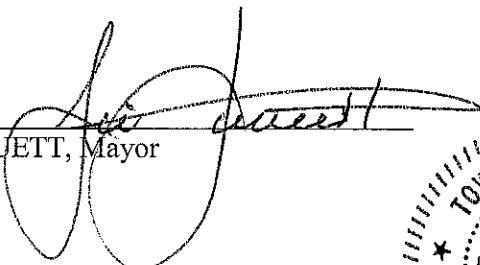
**Section 6: Development Agreement and Reversion.** That this Zoning Map amendment is subject to the Town and Applicant entering a Development Agreement that requires the Applicant to provide water rights and water source capacity—as described hereinabove—sufficient for the uses identified in the respective Concept Development Plan. If the Parties fail to enter the Development Agreement within eighteen (18) months, unless extended by the Town Council, then the zoning shall automatically revert to the prior zoning.


**Section 7: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 8: Effective date.** This Ordinance shall take effect immediately upon mayoral approval and posting.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett	X			
CM Max Ferre'	X			
CM McKay	X			
CM Bill Wangsgard	X			
CM Bill White			X	

PASSED AND ADOPTED by the Town Council on this 1<sup>st</sup> day of October, 2018.

  
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 JIM TRUETT, Mayor

ATTEST:  
  
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 BECKKI ENDICOTT, Recorder



RECORDED this 1<sup>st</sup> day of November, 2018