



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Public hearing to consider a request (ZTA 2015-03) to amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone Chapter (Title 104, Chapter 29); the Design Review Chapter (Title 108, Chapter 1); the Ogden Valley Architectural, Landscape, and Screening Design Standards Chapter (Title 108, Chapter 2); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); the Accessory Apartments Chapter (Title 108, Chapter 19); and the Ogden Valley Signs Chapter (Title 110, Chapter 2) within the Weber County Land Use Code.
<b>Agenda Date:</b>	Tuesday, October 27, 2015
<b>Applicant:</b>	Summit Mountain Holding Group, L.L.C.
<b>Representative:</b>	Paul Strange, Summit Mountain Holding Group – Eden, Utah
<b>File Number:</b>	ZTA 2015-03

### Staff Information

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<b>Report Reviewer:</b>	SW

## Subject Codes

- Weber County Land Use Code, Section 101-1-7 (Definitions).
- Weber County Land Use Code, Title 104, Chapter 29 (Ogden Valley Destination and Recreation Resort Zone).
- Weber County Land Use Code Title 108, Chapter 1 (Design Review).
- Weber County Land Use Code, Title 108, Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Design Standards).
- Weber County Land Use Code Title 108, Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations).
- Weber County Land Use Code Title 108, Chapter 19 (Accessory Apartments).
- Weber County Land Use Code, Title 110, Chapter 2 (Ogden Valley Signs).

## 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 text amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically, the criteria for making a recommendation related to a legislative matter require compatibility with the general plan and existing codes.

## Request and Staff Review

The applicant is requesting that Weber County amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone Chapter (Title 104, Chapter 29); the Design Review Chapter (Title 108, Chapter 1); the Ogden Valley Architectural, Landscape, and Screening Design Standards Chapter (Title 108, Chapter 2); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); the Accessory Apartments Chapter (Title 108, Chapter 19); and the Ogden Valley Signs Chapter (Title 110, Chapter 2) within the Weber County Land Use Code. See pages 1 and 2 (more specifically those sections, titles, and chapters highlighted) of Exhibit A for the applicant's list and descriptions of the proposed code amendments.

On June 2, 2015 and June 23, 2015, the applicant presented several proposed (Weber County Land Use Code) text amendments to the Ogden Valley Planning Commission during work sessions. Based on input received from the Planning Commission, the applicant has prepared a final version of the proposal. Refer to pages 2 through 5 of this staff report for a summary and brief Planning Division review of all proposed changes. Refer to Exhibits B-H for these items written into the County Land Use Code.

The following describes the requested amendments based on the Ogden Valley Planning Commission's input, and provides a Planning Division Staff review:

**1. Requested Amendment to Title 101 (General Provisions), Section 101-1-7 (Definitions)**

This amendment changes the definition of "lockout sleeping room" in the Ogden Valley Destination and Recreation Resort Zone only and adds to the type of units allowed to have "lockout sleeping rooms" in that zone. This amendment also creates a new "detached lockout" sleeping room definition. See page 1 of Exhibit B for proposed language.

**Planning Division Review**

Currently, lockout sleeping rooms are only allowed when attached to a condominium dwelling unit or a condominium rental apartment. This amendment would allow an "attached" lockout sleeping room to be built onto, or in conjunction with, any type of dwelling, hotel, or any other residential accommodation in the Resort Zone. This amendment can increase the number of residential-type units (and other nightly accommodation units) without diminishing the total number of dwelling units or commercial square feet approved as part of a Destination and Recreation Resort Zone development agreement. Any increase to the number and type of dwellings, other accommodations, or commercial square feet can have impacts related to traffic and public services.

A "Detached Lockout", according to the proposed definition is an accessory use to another main residential use and can operate in the same manner as a hotel room. This new use, if approved and adopted, will account for .33 of a dwelling unit when calculating density for Resort Zone projects.

**2. Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-2 (Development Standards)**

This amendment removes Ogden Valley Destination and Recreation Resort Zone buffers where the developer owns the land adjacent to the zone boundary, or where the adjacent land owner approves a conceptual plan or site plan that shows encroachments into what otherwise would be a buffer area located at the perimeter of a resort. This amendment also changes minimum lot sizes, lot widths, setbacks, and maximum building heights. See pages 4 and 8-11 of Exhibit C for proposed language.

**Planning Division Review**

Required buffer areas are not intended to apply to land that is part of a resort but "technically" is located across a county line. The proposed language clarifies the intent and allows flexibility when affected parties agree that no buffer is necessary.

The proposed changes, to the site development standards, provide more neighborhood design flexibility and limit the proposed increase to the maximum building heights (75 feet) of multi-family, commercial, and mixed-use structures, to elevations above 6,200 feet. Some development areas at Powder Mountain are visible from the Ogden Valley floor; however, the areas are visible at a distance of approximately 5½ to 7 miles. Development areas, above 6,200 feet at Snowbasin, are not visible from the Valley floor. See Exhibit I for a map showing the 6,200 foot elevation in the Ogden Valley.

**3. Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-7 (Seasonal Workforce Housing)**

This amendment allows workforce housing units to be located on property contiguous to the resort where today the code requires that employee housing be located entirely within the resort. See page 16 of Exhibit C for proposed language.

**Planning Division Review**

The DRR-1 Zone requires that a majority of a resort's seasonal workforce housing be located within the resort. The Planning Division does not intend to limit seasonal workforce housing to resort property that is located in Weber County only. With this amendment, housing may be located on property adjacent to a resort boundary and

the proposed language clarifies that workforce housing can be constructed across a county line when “technically” located within the resort and is approvable by the proper land use authority. The proposed language clarifies the overall intent of the Resort Zone and allows flexibility when the resort owns adjacent property.

**4. Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-8 (Land Uses)**

This amendment allows some flexibility and makes a clarification for buffers related to heli-ports and adds approximately 12 new permitted uses with 4 of the most noteworthy being Accessory Dwelling Units; Additional Kitchens; Detached Lockouts; and Liquor, wine, and beer manufacturing, blending, distilling, packaging, and sales. It also changes several conditional uses to permitted uses. See pages 16-22 of Exhibit C for changes to the land use table.

**Planning Division Review**

One standard, related to heli-ports, requires that all landing areas be set back from a property line at least 200 feet. Weber County does not intend to limit heli-ports to resort property that is located in Weber County only. Heli-ports, that meet all applicable standards, may be located on property that is in the resort but “technically” located near or across a county line. The proposed language clarifies the intent and allows flexibility when the resort owns adjacent property or when affected parties agree.

The uses that are currently listed as conditional uses, in the DRR-1 Zone, are also listed as conditional uses in other Ogden Valley commercial and resort development zones.

Proposed uses such as Accessory Dwelling Units and Additional Kitchens can increase the number of residential-type and other nightly accommodation units without diminishing the total number of dwelling units approved as part of a Destination and Recreation Resort development agreement. Any increase to the number and type of dwellings or other accommodations, can have impacts related to traffic and public services.

**5. Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-10 (Second Kitchen)**

This amendment creates a new section that states that the construction of a second full kitchen, in a home that is built within the Destination and Recreation Resort Zone, does not require the recording of a Second Kitchen Covenant where today all houses, with second full kitchens, require the recoding of the Covenant. See page 23 of Exhibit C for the proposed new section and language.

**Planning Division Review**

The construction of a single-family dwelling with a full second kitchen has the potential of operating and having similar, if not the same, impacts as two dwellings. Because the County’s subdivision code prohibits having two homes on one lot, Weber County as a policy, has been allowing the construction of a second full kitchen in one dwelling when the owner signs and records a covenant acknowledging and agreeing to operate his or her dwelling as one dwelling. The Second Kitchen Covenant would not prohibit an Accessory Apartment when granted an approval through the conditional use permitting process.

A use such as an Additional Kitchen, without the execution of a Second Kitchen Covenant, can increase the number of residential-type and other nightly accommodation units without diminishing the total number of dwelling units approved as part of a Destination and Recreation Resort development agreement. Any increase to the number and type of dwellings or other accommodations can have impacts related to traffic and public services.

**6. Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-11 (Miscellaneous Improvements)**

This amendment creates a new section that defines “miscellaneous improvements” and states that they are allowed to be built and/or extend into areas outside of a designated building envelope. See page 23 of Exhibit C for the proposed new section and language.

**Planning Division Review**

Locating “miscellaneous improvements” outside of a building envelope is appropriate in cases where the building envelope is an aesthetic consideration imposed by the developer. As proposed, “Miscellaneous Improvements” may be addressed appropriately in a case where a building lot is “Restricted” (or has a building envelope or non-buildable area due to slopes or other geological issues identified on the lot) and is subject to the County’s Hillside Development Review Chapter.

The most appropriate way to address improvements that can be built outside of a building envelope is to create and utilize plat notes, describing what is allowed, on each individual dedication plat.

**7. Requested Amendment to Title 108 (Standards), Chapter 1 (Design Review), Section 108-1-2 (Application and Review)**

This amendment grants the planning director administrative authority to approve land use or development applications in the Ogden Valley Destination and Recreation Resort Zone. The administrative authority is limited to sites above 6,200 feet in elevation and project footprints of less than 75,000 square feet. See page 1 of Exhibit D for proposed language.

**Planning Division Review**

Currently, the planning director has the administrative authority to approve design review applications when a new building's footprint is less than 10,000 square feet and the site is less than one acre. Authorizing the planning director to approve larger buildings (up to 75,000 square feet is proposed) constructed at an elevation above 6,200 feet is reasonable because the planning commission will have already conceptually approved the development through an approved DRR-1 Zone land use plan.

**8. Requested Amendment to Title 108 (Standards), Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Design Standards)**

This amendment creates a new sub-section that exempts Destination and Recreation Resorts Zone development projects (that are located above an elevation of 6,200 feet) from certain standards related to general landscaping and all standards related to landscaping, screening, and buffering parking lots and/or vehicular use areas. See page 2 of Exhibit E for proposed language. See (yellow high-lighted sections) pages 3 through 7 of Exhibit E for "exempted" sections. See Exhibit I for a map showing the 6,200 foot elevation in the Ogden Valley.

**Planning Division Review**

Currently, the above listed landscaping requirements apply to all commercial projects located at any elevation. Allowing DRR-1 Resort Zone projects the flexibility (when located above an elevation of 6,200 feet) to mimic existing and surrounding landscapes can create a more genuine alpine experience while reducing water consumption rates associated with more formal landscape designs. Also, offering DRR-1 Resort Zones more flexibility does not detract from established commercial projects on the Valley floor and can act as an incentive to landowners considering DRR-1 Resort Zoning.

**9. Requested Amendment to Title 108 (Standards), Chapter 8 (Parking and Loading), Section 108-8-12 (Ogden Valley Destination and Recreation Resort Zone)**

This amendment creates a new section that allows the planning commission to modify any provision within Chapter 8 by approving an overall parking plan. This only applies to projects located in the Ogden Valley Destination and Recreation Resort Zone, where the Planning Commission has already approved a master plan. Also, the proposed parking plan is required to be consistent with the previously approved master plan and provide a mechanism for revocation in the event that a parking plan does not operate in a manner that was presented and approved by the planning commission. See page 8 of Exhibit F for proposed language.

**Planning Division Review**

Currently, the planning commission has the authority to "adjust the required number of parking spaces" if in its determination there is an unusual or unique circumstance or condition that warrants an adjustment.

Where the planning commission already has the ability to make an adjustment to the number of parking spaces, it is reasonable for the planning commission to allow itself the discretion to approve a parking plan when consistent with a previously approved master plan.

**10. Requested Amendment to Title 108 (Standards), Chapter 19 (Accessory Apartments), Section 108-19-2 (Conditional Use)**

This amendment clarifies that the number of required parking spaces, associated with an accessory apartment, may be subject to parking modifications provided by the planning commission through an approval of a parking plan that meets the requirements as described in Section 108-8-12 (proposed amendment #9) above. See page 1 of Exhibit G for proposed language.

### **Planning Division Review**

Currently, an approved accessory apartment is required to have two parking spaces. This amendment is necessary if the planning commission is willing to allow modifications to the requirements of the parking chapter as described above in proposed amendment #9 above.

### **11. Requested Amendment to Title 110 (Signs), Chapter 2 (Ogden Valley Signs), Section 110-2-5 (Allowable Signs by District)**

This amendment creates a new sub-section and would give the Planning Commission the ability to modify any provision in the current Ogden Valley Sign Code and to approve a master sign plan for areas within a Destination and Recreation Resort Zone that sit above an elevation of 6,200 feet. To enable any code modifications the Planning Commission has to have previously approved a resort master plan and the sign plan has to be consistent with that plan. See page 3 of Exhibit H for the proposed new section. See Exhibit I for a map showing the 6,200 foot elevation in the Ogden Valley.

### **Planning Division Review**

Currently, there is no provision for modifying any standard in the Ogden Valley Sign Code. If the proposed new section were to be adopted, the Planning Commission would have the ability to approve any sign code modifications if the Commission were to find that a proposed sign plan is consistent with a previously approved master plan.

This request is reasonable due to the elevation limitation and the variety of resort signage needs.

### **12. Requested Amendment to Title 110 (Signs), Chapter 2 (Ogden Valley Signs), Section 110-2-8 (Prohibited Signs)**

This amendment would clarify that “off-site” signs are allowed for properties that do not have frontage on a road but do have access through another property that has frontage. The “off-site” signs would only be permitted on the adjacent property that provides the access. See page 4 of Exhibit H for proposed language.

### **Planning Division Review**

Currently, the Ogden Valley Sign Code allows a multi-tenant or multi-building project to construct one Entrance Ground Sign (advertising all businesses in the building or in the project) measuring 14 feet tall and 12 feet wide. This sign-type is typically located on a property that has street frontage which creates a situation where the Entrance Ground sign could be considered an “off-site” sign.

The proposed amendment is consistent with existing standards and clarifies that a multi-building commercial project, even though it has multiple/separate building lots, can utilize an Entrance Ground Sign when parties agree.

## **Summary of Planning Commission Considerations**

- Do the proposed amendments conform to the Ogden Valley General Plan?
- Do the proposed amendments preserve the overall purpose and intent of the Ogden Valley Destination and Recreation Resort Zone and other chapters listed in this proposal?

### ***Section. 104-29-1. - Purpose and intent.***

*The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county and the resorts through its ability to preserve the valley's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural parcels. Resorts that lie within an approved destination and recreation resort zone shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land.*

## Conformance to the General Plan

- The Recreation Element of the Ogden Valley General Plan (pg. 152) states that *“the future of Ogden Valley’s character is dependent on the future development success of its resort areas.”* To preserve the Valley’s character, the Plan also states that Weber County should adopt a “variety of progressive resort development guidelines.”
  - The proposed amendment can be thought of as “progressive” and is consistent with guidance given in the Ogden Valley General Plan due to its ability to encourage creative building design. Also, flexibility in design guidelines can act as an incentive for a developer to acquire a relatively large amount of property and develop it according to the requirements and standards provided in Ogden Valley Destination and Recreation Resort Zone.
- The Recreation Element (pg. iv) describes that, during a one year planning process, Valley residents provided input and expressed a desire to not generate any additional units beyond what exists under current zoning.
  - Certain proposals within this amendment can provide additional opportunities that can increase the number of residential-type units and other nightly accommodation units without diminishing the total number of dwelling units or commercial square feet approved as part of a Destination and Recreation Resort Zone development agreement. Any increase to the number and type of dwellings, other accommodations, or commercial square feet can have impacts related to traffic and public services.

## Staff Recommendation

Based on the proposal’s conformance to the Ogden Valley General Plan and the review provide above, the Planning Division Staff suggests that the Planning Commission recommend that the Weber County Commission approve and adopt the above described amendments with the exception of the following:

1. Proposed amendment (#1 above) to the definition of “lockout sleeping room”. This amendment would allow an “attached” lock-out sleeping room to be built onto or in conjunction with any type of dwelling, hotel, or any other residential accommodation in the Destination and Recreation Resort Zone where today a “lockout sleeping room” is limited to condominium units only. This amendment can increase the number of residential-type units and other nightly accommodation units without diminishing the total number of dwelling units (or commercial square feet) approved as part of a Destination and Recreation Resort Zone development agreement. Any increase to the number and type of dwellings, other accommodations, or commercial square feet (at any existing or future Destination and Recreation Resort) can have additional and, in the case of existing Resort Zones, unanticipated impacts related to traffic and public services.
2. Proposed removal of the existing limitation of 2 lockout sleeping rooms per condominium unit as shown on page 17 of Exhibit C. This amendment would allow an unlimited number of lockout sleeping rooms to be constructed.
3. Proposed addition of the use “Accessory Dwelling Unit” to the list of permitted uses shown on page 18 and 22 of Exhibit C.
4. Proposed addition of the use “Additional Kitchens” to the list of permitted uses shown on page 22 of Exhibit C.
5. Proposed addition of “Section 104-29-10 – Second Kitchens” shown on page 23 of Exhibit C.

## Exhibits

- A. Text Amendment Application Form.
- B. Proposed Section 101-1-7 (Definitions) within the Weber County Land Use Code.
- C. Proposed Ogden Valley Destination and Recreation Resort Zone Chapter (Title 104, Chapter 29).
- D. Proposed Design Review Chapter (Title 108, Chapter 1).
- E. Proposed Ogden Valley Architectural, Landscape, and Screening Design Standards Chapter (Title 108, Chapter 2).
- F. Proposed Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8).
- G. Proposed Accessory Apartments Chapter (Title 108, Chapter 19).
- H. Proposed Ogden Valley Signs Chapter (Title 110, Chapter 2).
- I. Ogden Valley 6,200 Foot Elevation Map.