



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	A public hearing to consider and take action on a request to amend the side yard setbacks in the Ogden Valley Destination and Recreation Resort Zone (§104-29) in the Uniform Land Use Code of Weber County, Utah.
Type of Decision:	Legislative
Agenda Date:	Tuesday, January 24, 2017
Applicant:	Summit Mountain Holding Group, L.L.C.
Representative:	Jeff Werbelow, Summit Mountain Holding Group – Eden, Utah
File Number:	ZTA 2016-07

Staff Information

Report Presenter:	Ronda Kippen rkippen@co.weber.ut.us 801-399-8768
Report Reviewer:	SM

Applicable Ordinances

- Weber County Land Use Code, Title 104, Chapter 29 (Ogden Valley Destination and Recreation Resort Zone).

Summary and Background

The request is to amend the development standards outlined in the Uniform Land Use Code of Weber County, Utah (LUC) §104-29-2(h)(3)(b)(1) from an eight foot minimum side yard setback, with a minimum overall side yard setback of 18 feet, to a five foot setback, with no minimum combination. This request comes after the Ogden Valley Planning Commission held a public hearing on January 3, 2017 and received public input. The Ogden Valley Planning Commission has forwarded the application with a positive recommendation (five in favor; two against) to approve and adopt the above described amendment.

The Planning Division also supports this request due to the fact that the proposed revisions to the side yard setbacks will bring multiple lots that were previously established under the PRUD into compliance with the adopted development standards. The applicant intends on maintaining an eight foot minimum side yard setback, with a minimum overall side yard setback of 18 feet in the CC&R's; however, the applicant would like the ability to vary the CC&R's on a case by case basis in order to protect and preserve the natural habitat on the mountain.

On May 24, 2016 the Weber County Commission passed a text amendment that included this area of the LUC modifying the minimum lot sizes, lot widths, setbacks, and maximum building heights. Since that time, home construction has commenced and it has become evident that in order to protect and preserve multiple areas of what the developer has identified as "century trees" an additional development standard needs to be modified to allow for some flexibility during the developer's "Architectural Review Committee" process for the design and location of each new home in the development. These "century trees" are over 100 years old and are very large groves of trees. The developer would like to preserve these areas as much as possible. In order to do so, the developer will need the flexibility of moving some of the homes closer to the property lines to protect these groves of trees.

The proposed text amendment to the DRR-1 Zone has been reviewed against the 2016 Ogden Valley General Plan and certain standards in the LUC and is supported by the visions, goals and standards in these plans and ordinances. The following is staff's evaluation of the request.

Analysis

General Plan:

The "Community Character Vision" outlined in the 2016 Ogden Valley General Plan states:

"The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, abundant wildlife, and small villages."

The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. Residents want to ensure that new development enhances, not detract from, Ogden Valley’s character by encouraging creative development designs that preserve natural, agricultural, and other open spaces, including clustered and mixed-use developments; therefore “a goal of Weber County is to protect the Valley’s Sense of openness and rural character” by “encouraging the preservation and maintenance of significant trees, shrubs and other natural vegetation in riparian and other natural areas.”

The proposal conforms to the 2016 Ogden Valley General Plan by providing flexible development standards that can be used to preserve physical features and create development patterns that are compatible with and complement the natural environment and rural character of the Valley. The Ogden Valley General Plan also states that in the Ogden Valley planning area, Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley’s character. (Ogden Valley General Plan page 4, 7 & 52);

Zoning:

The purpose and intent of the Ogden Valley Destination and Recreation Resort Zone (DRR-1) is:

“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 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.”

The requested amendment would modify the side yard setbacks for all “Single, two, three and four-family dwellings” in the DRR-1 Zone as shown below:

(h) Site development standards.

	b.	Side yard
1.		<div style="display: flex; justify-content: space-between;"> <div data-bbox="412 1251 829 1276">Single, two, three and four-family dwelling</div> <div data-bbox="1040 1161 1479 1276"> <p style="color: red; margin: 0;">8 feet with a total of two required side yards of not less than 18 feet</p> <p style="margin: 0;"><u>5 feet</u></p> </div> </div>

The requested text amendment is supported by the language in the DRR-1 Zone Development Standards (General design and layout section (LUC§104-29-2(a)) by concentrating the residential uses to preserve the surrounding open landscapes and wildlife habitats. In addition, “a very important goal” in the DRR-1 Zone Development Standards is “The preservation of open space and the maintenance of the Ogden Valley’s rural character and its natural systems” (LUC 104-29-2(c)(1)).

Summary of County Commission Considerations

- Does the proposed amendment conform to the Ogden Valley General Plan?
- Does the proposed amendment preserve the overall purpose and intent of the Ogden Valley Destination and Recreation Resort Zone?

Planning Commission Recommendation

The Planning Commission supports the request to amend the side yard setbacks in the Ogden Valley Destination and Recreation Resort Zone from eight feet with a total of two required side yards of not less than 18 feet to a minimum of five feet due to the support found in the 2016 Ogden Valley General Plan and by meeting the purpose and intent of the DRR-1 Zone and based on the following findings:

1. The proposal conforms to the 2016 Ogden Valley General Plan by providing flexible development standards that can be used to preserve physical features and create development patterns that are compatible with and complement the natural environment and rural character of the Valley.
2. The proposed text amendment is not contrary to the purpose and intent of the Ogden Valley Destination and Recreation Resort Zone.
3. The proposed text amendment will not be detrimental to public health, safety, or welfare.
4. The proposed text amendment will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Text Amendment Application Form
- B. Proposed Ogden Valley Destination and Recreation Resort (DRR-1) Zone LUC §104-29-2(h)(3)(b)(1)
- C. Proposed Ordinance

Exhibit A-Text Amendment Application Form

Weber County General Plan or Text Amendment Application		
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401		
Date Submitted DECEMBER 1, 2016	Received By (Office Use)	Added to Map (Office Use)
Property Owner Contact Information		
Name of Property Owner(s) SUMMIT POWDER MOUNTAIN		Mailing Address of Property Owner(s) 3632 N. WOLF CREEK, EDEN, UT 84310
Phone 435-640-7002	Fax N/A	
Email Address JW@SUMMIT.CO	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Ordinance Proposal		
Ordinance to be Amended TITLE 104 (ZONES), CHAPTER 29 (DRR-1), SECTION 104-29-2 (DEVELOPMENT STANDARDS)		
Describing the amendment and/or proposed changes to the ordinance: Currently under (104-29-2-h-3-b-1), Single, two, three, and four-family dwellings have a side yard setback of 8 feet with a total of two side yards of not less than 18 feet. Summit requests an amendment to reduce the side yard setback to 5 feet, with no combined minimum. Summit will be keeping the current side yard setback requirements (8 feet with a total of two side yards of not less than 18 feet) as the standard in our Design Guidelines, but this will allow the Architectural Review Committee to allow variances of down to 5 feet on a case-by-case basis.		

Ordinance Proposal (continued...)

[Empty space for ordinance proposal text]

Applicant Affidavit

I (We), Summit Powder Mountain, depose and say that I (we) am (are) the interested member(s) of this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Signature) [Handwritten Signature]

(Signature) _____

Subscribed and sworn to me this 30 day of November, 2016

[Handwritten Signature]

(Notary)



Exhibit B- Proposed DRR-1 Zone LUC§104-29-2(h)(3)(b)(1)

Sec. 104-29-2. - Development standards.

...

(h) *Site development standards.*

...

b.		Side yard
1.	Single, two, three and four-family dwelling	8 feet with a total of two required side yards of not less than 18 feet <u>5 feet</u>

...

(Ord. of 1956, § 44-2; [Ord. No. 2016-4](#), Exh. B2, 5-24-2016)

ORDINANCE 2017 - _____

An ordinance of Weber County amending Title 104, Chapter 29, Section 2(h)(3)(b)(1) in the Ogden Valley Destination and Recreation Resort Zone within the Weber County Land Use Code.

WHEREAS, The Ogden Valley General Plan emphasizes the need for flexible development standards that can be used to preserve physical features and create development patterns that are compatible with and complement the natural environment and rural character of the Valley; and

WHEREAS, The Ogden Valley General Plan commits to promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley’s character; and

WHEREAS, The Ogden Valley Planning Commission provided appropriate notice, held a public hearing on January 3, 2017, and has provided a recommendation on the proposed amendment; and

WHEREAS, The Board of County Commissioners of Weber County, Utah, after appropriate notice, held a public hearing on January 24, 2017, to allow the general public to comment on the proposed amendment; and

WHEREAS, The Board of County Commissioners of Weber County, Utah, find that the proposed amendment complies with the goals and objectives of the General Plan and will promote the general welfare of the residents of the County;

NOW THEREFORE, The Board of County Commissioners of Weber County, Utah, ordains an amendment to the Weber County Land Use Code as follows:

See ExhibitsA1 (~~strikethrough version~~) and A2 (**final version**) for the subject chapter.

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

Passed, adopted and a synopsis ordered published this _____ day of January, 2017 by the Board of County Commissioners of Weber County, Utah.

Commissioner Ebert	Voting _____
Commissioner Gibson	Voting _____
Commissioner Harvey	Voting _____

James Ebert, Chair

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

Section 104-29-2

(h) Site development standards.

(3)		Site Setbacks. Setbacks shall apply for the following specific uses:
	b.	Side yard
	1.	<p style="text-align: center;">Single, two, three and four-family dwelling</p> <div style="float: right; text-align: right;"> <p>8 feet with a total of two required side yards of not less than 18 feet</p> <p><u>5 feet</u></p> </div>

Section 104-29-2

(h) Site development standards.

(3)			<p><i>Site Setbacks.</i> Setbacks shall apply for the following specific uses:</p>
	b.		<p>Side yard</p>
		1.	<p>Single, two, three and four-family dwelling</p> <p style="text-align: right;"><u>5 feet</u></p>