



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and/or action on a conditional use permit for short term rental use at 3563 Creekside Way, Eden, UT, 84310
<b>Agenda Date:</b>	Tuesday, March 23, 2021
<b>Applicant:</b>	Christian Manion, Owner
<b>File Number:</b>	CUP2021-01

### Property Information

<b>Approximate Address:</b>	3563 Creekside Way, Eden, UT, 84310
<b>Project Area:</b>	0.05 acres
<b>Zoning:</b>	Forest Residential-3 Zone (FR-3)
<b>Existing Land Use:</b>	Residential
<b>Proposed Land Use:</b>	Short Term Rental
<b>Parcel ID:</b>	22-370-0007
<b>Township, Range, Section:</b>	T7N, R1E, Section 22 SW

### Adjacent Land Use

<b>North:</b>	Wolf Lodge Drive	<b>South:</b>	Residential
<b>East:</b>	Creekside Way	<b>West:</b>	Village Way

### Staff Information

<b>Report Presenter:</b>	<b>Tammy Aydelotte</b> taydelotte@co.weber.ut.us 801-399-8794
<b>Report Reviewer:</b>	SB

## Applicable Ordinances

- Weber County Land Use Code Title 101 Chapter 1 General Provisions, Section 7 Definitions
- Weber County Land Use Code Title 104 Chapter 17 (FR-3 Zone)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Chapter 7, section 25 (Nightly Rentals)

## Summary and Background

The applicant is requesting approval of a conditional use permit for short term use in a residential dwelling located in the FR-3 zone at 3563 Creekside Way, in Eden. The FR-3 Zone allows a "nightly rental" as a conditional use. The proposed use will occur within an existing dwelling. As such, there is no design review required. There is ample guest parking along Wolf Creek Drive.

The application is being processed for an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits.

## Analysis

**General Plan:** As a conditional use, this use is allowed in the FR-3 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

**Zoning:** The subject property is located within the Forest Valley (FR-3) Zone. The purpose of the FR-3 Zone can be further described in LUC §104-17-1 as follows:

*“The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.”*

The FR-3 Zone has specific standards identified in the LUC §104-17-5, as well as additional standards that are outlined throughout the LUC that shall be met as part of the development process. The applicable standards, for single-family dwellings, are as follows:

Parking shall occur only in designated areas

The current property has two parking spaces (one car garage and driveway) that were approved as part of the Villages at Wolf Creek Development.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. Prior to issuance of a conditional use permit, the applicant will need to apply for a business license, and approval from the applicable agencies for the proposal, will need to be obtained. A condition has been made part of the Planning Division’s recommendations to ensure that this standard is met.

Nightly Rental Ordinance: Under the current land use code, the section titled ‘Nightly Rentals’ states the following:

*The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days is considered a nightly rental. Nightly rentals are allowed only when listed as either a permitted or conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).*

## Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agencies and is based on the following conditions:

- A business license shall be obtained prior to issuance of this conditional use permit.
- Parking shall occur only in designated areas within the development

This recommendation is based on the following findings:

- The proposed use is allowed in the FR-3 Zone and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met because mitigation of reasonably anticipated detrimental effects can be accomplished.

## Exhibits

- A. Application & Narrative
- B. Site Plans

# Area Map



## Exhibit A – Application & Narrative

### Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed 11/23/2020	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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#### Property Owner Contact Information

Name of Property Owner(s) Christian Manion & Diem Chi Nguyen		Mailing Address of Property Owner(s) 481 North Beaumont Ct Salt Lake City, UT 84116	
Phone 661-600-7235	Fax		
Email Address (required) manionchristian@gmail.com		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) Christian Manion		Mailing Address of Authorized Person 481 North Beaumont Ct Salt Lake City, UT 84116	
Phone 661-600-7235	Fax		
Email Address manionchristian@gmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

#### Property Information

Project Name The Villages at Wolf Creek	Total Acreage 0.05	Current Zoning FR-3
Approximate Address 3563 North Creekside Way Eden, UT 84310	Land Serial Number(s) 22-370-0007	

Proposed Use Nightly Rental
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Project Narrative Plan to use the townhome at the above address as a nightly vacation rental. The property owners will self manage the unit.
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**Basis for Issuance of Conditional Use Permit**

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

Possible increased traffic to the residence, however complex was designed and allows for nightly rentals. Property will comply will all HOA rules and regulations.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

Property is zoned for nightly rentals with conditional use permit.

**Property Owner Affidavit**

I (We), Christian Manion & Diem Chi Nguyen, 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.

Christian Manion  
(Property Owner)

Diem Chi Nguyen  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,

\_\_\_\_\_  
(Notary)