

## OGDEN VALLEY PLANNING COMMISSION

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### MEETING AGENDA

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**September 28, 2021**

**4:30 p.m.**

- *Pledge of Allegiance*
- *Roll Call:*

#### **1. Petitions, Applications, and Public Hearings:**

##### **Administrative items**

**1.1 CUP2021-15** Consideration and/or action on a conditional use permit for short-term rental use at 4819 E 3925 N, Eden, UT 84310.

**Staff Presenter:** *Felix Lleverino*; **Applicant:** *Brady Jeppsen (Authorized Rep) Deveri Thornton (Owner)*

**1.2 UVW06062021** Request for a recommendation of final approval of Westwood Homestead Subdivision, consisting of four lots and road dedication along 1900 North St.

**Staff Presenter:** *Tammy Aydelotte*; **Applicant:** *Mike Westwood (Authorized Rep)*

#### **2. Public Comment for Items not on the Agenda:**

#### **3. Remarks from Planning Commissioners:**

#### **4. Planning Director Report:**

#### **5. Remarks from Legal Counsel:**

**Adjourn**

***The regular meeting will be held in person at the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.***

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/85297024137> Meeting ID: 852 9702 4137

**A Pre-Meeting will be held at 4:30 p.m.** The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open, public meeting.

***In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761***

## Meeting Procedures

### Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

### Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

### Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

### Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

### Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

### Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

## Commenting at Public Meetings and Public Hearings

### Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

### Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

### Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

### Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.



# 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 4819 E 3925 N, Eden, UT 84310.
<b>Agenda Date:</b>	Tuesday, September 28, 2021
<b>Applicant:</b>	Brady Jeppsen (Authorized Rep) Deveri Thornton (Owner)
<b>File Number:</b>	CUP2021-15

### Property Information

<b>Approximate Address:</b>	4819 E 3925 N, Eden, UT 84310
<b>Project Area:</b>	0.14 acres
<b>Zoning:</b>	Forest Residential-3 Zone (FR-3)
<b>Existing Land Use:</b>	Residential
<b>Proposed Land Use:</b>	Residential/Short Term Rental
<b>Parcel ID:</b>	22-254-0009
<b>Township, Range, Section:</b>	T7N, R1E, Section 22

### Adjacent Land Use

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

### Staff Information

<b>Report Presenter:</b>	<b>Felix Lleverino</b> flleverino@co.weber.ut.us 801-399-8767
<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. The proposed use will occur within an existing dwelling. As such, there is no design review required.

The applicant has submitted a project narrative (See **Exhibit A**) detailing their intended use of their property as a short-term rent the property. This narrative also indicates that Mr. Brady Jeppsen, who is hired to manage the rental, will address issues that may arise from noise, security, parking, and garage use. The applicant has also submitted a parking exhibit (See **Exhibit C**).

This application is being processed for an administrative review through the Ogden Valley Planning Commission as directed by the approval procedures outlined in LUC §108-4-3. This section of code indicates that a review of a conditional use permit application is intended to verify compliance with applicable ordinances and provide appropriate and reasonable mitigation of anticipated detrimental effects.

## 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 Residential (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 homeownership**. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.”*

The FR-3 Zone allows for a “nightly rental” as a conditional use. For comparison purposes, the FR-3 Zone also allows similar conditional uses such as condo-tels, group dwellings, lockout sleeping rooms, multi-family dwellings, timeshare buildings, and recreational lodges.

Conditional Use Review: A review process and use standards have been outlined in LUC §108-4 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The conditional use standards are as follows:

- 1) Standards relating to safety for persons and property
- 2) Standards relating to infrastructure, amenities, and services
- 3) Standards relating to the environment
- 4) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan
- 5) Standards relating to performance (bonds, agreements)
- 6) Standards generally (economy, other applicable LUC standards)
- 7) Voluntary contributions providing satisfactory compliance with applicable standards

Nightly Rental Ordinance: Under the current land-use code, §108-7-25 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).*

## Agency Reviews

To date, the Weber Fire District has offered the following review of the request:

*David Reed, Fire Marshal (8/25/2021): There is a ten-person limit in non-sprinklered dwelling units. Please provide a fire extinguisher left in plain sight, CO and smoke detectors are required.*

## Staff Analysis

The staff offers the following analysis following review of the application against the conditional use standards:

- 1) Standards relating to safety for persons and property.
  - Apart from the Fire Marshal’s review and conditions, the operation of a short-term rental is not anticipated to cause safety hazards to persons or property.
- 2) Standards relating to infrastructure, amenities, and services.
  - The parking infrastructure for visitors includes one “comfortable” parking spaces in the garage, two parking spaces on the driveway, and one parking space in the guest parking area directly across from the front yard. The members of an operational HOA enforce the parking requirements. It is Staff’s opinion that parking should be limited to the garage and driveway. A condition related to staff’s opinion is within the staff recommendation.
- 3) Standards relating to the environment.
  - Staff does not anticipate any detrimental effects on the natural features of the site or surrounding areas.
- 4) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.
  - The current FR-3 zoning anticipates short-term rental use and the area has been developed for resort and lodging purposes. As such, staff does not anticipate the proposed use to be detrimental to the characteristics of the area. The zoning is consistent with the General Plan.
- 5) Standards relating to performance (bonds, agreements).
  - There is an existing dwelling, with a sufficient parking area. No performance bonds or agreements are necessary for the proposed use.
- 6) Standards generally (economy, other applicable LUC standards).
  - The proposed use is not anticipated to have detrimental effects on the local economy.

- Before issuance of a conditional use permit, the applicant will need to apply for, and be issued with, a business license.
- 7) Voluntary contributions providing satisfactory compliance with applicable standards.
- There are no voluntary contributions that are offered with this request.

## Staff Recommendation

Based on the staff analysis above and the findings listed below, staff recommends approval of this conditional use application. This recommendation is subject to the applicant meeting the conditions of approval listed below and any other conditions required by reviewing agencies and the Planning Commission:

1. There is a ten-person limit in non-sprinklered dwelling units. A fire-extinguisher shall be left in plain sight. Carbon monoxide and smoke detectors are required.
2. A business license shall be obtained before the issuance of this conditional use permit.
3. The dwelling's attached garage shall be made available to the guests. Visitor parking is limited to the two-car garage and the two-car driveway.

The following findings are the basis for the staff's recommendation:

1. The proposed use is allowed in the FR-3 Zone and meets the appropriate site development standards.
2. 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. Recorder's plat
- C. Parking Plan
- D. Fairway Oaks Neighborhood Rules

Area Map



Unit 26, Fairway Oaks at Wolf Creek PRUD Phase 2

## Exhibit A – Narrative

We purchased this property in May 2020 on a 1031 Exchange after selling 2 other rentals. Because of this designation according to tax laws, we are only allowed to occupy the home 14 nights or less per year. It was being used as a short-term rental at the time of our purchase. We hired the previous Property Manager and kept the listing he was already using. We also purchased all the furnishings in the home from him. The neighborhood was clearly designed and zoned for this type of use. There is an off-street parking spot for 3 vehicles directly in our front yard. The HOA fees include landscaping, snow removal, and maintenance of our private road. The home is listed on Airbnb and VRBO by our property manager, Brady Jeppsen, who manages 15 other homes in the Ogden Valley.

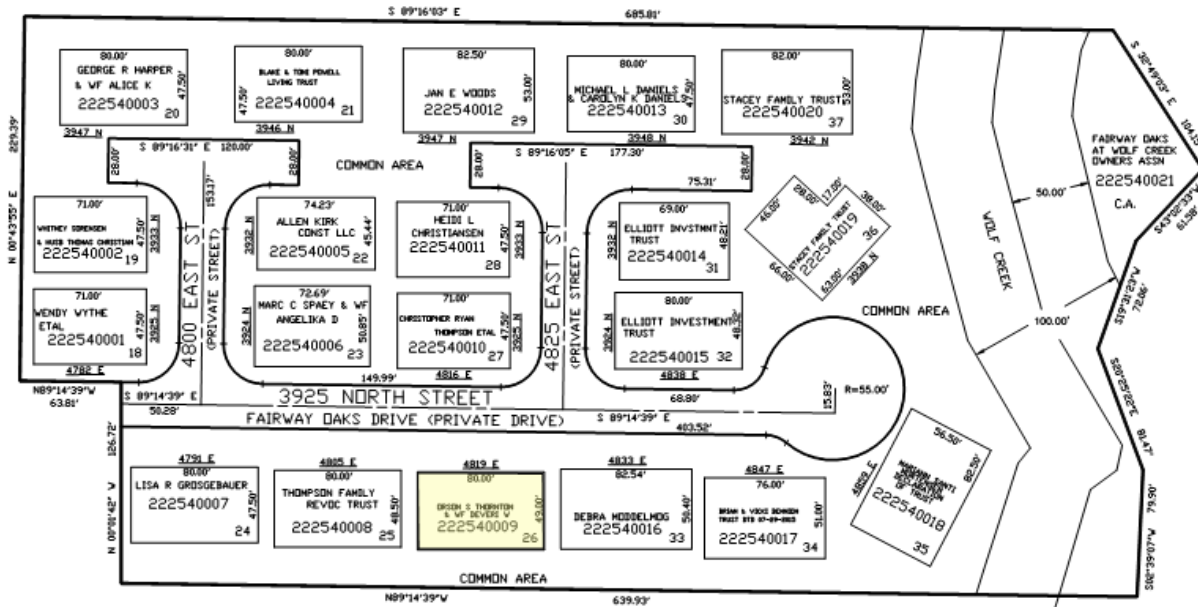
PART OF THE NW.1/4, OF SECTION 22, T.7N., R.1E., S.L.B. & M.  
**FAIRWAY OAKS AT WOLF CREEK PRUD PH 2 AMD**

254

TAXING UNIT: 203

IN WEBER COUNTY  
 SCALE 1" = 50'

SEE P. 17



10' UTILITY & DRAINAGE EASEMENTS EACH SIDE OF PROPERTY LINES AS INDICATED BY DASHED LINES EXCEPT AS OTHERWISE SHOWN.

SEE P. 17

FOR COMPLETE ENG DATA SEE ORIGINAL DEDICATION PLAT IN BOOK 63, PAGE 50 OF RECORDS.



## Exhibit C – Parking Plan

### Parking Plan

1 car comfortably fits in the garage, 2 cars on the driveway and we have a “parking pass” guests may use to park a 4<sup>th</sup> car in the designated off-street parking spot directly in front of the house. Our neighborhood has around 20 of these spots that were previously unmonitored. As a gesture of compromise when I was assigned to be on an HOA committee to discuss issues surrounding short-term rentals, I offered to limit our guests to only 1 parking stall. Owners are not limited in use of those spots. Guests are also given a welcome letter stating these rules and given a map of allowed parking areas.

### Exterior Lighting Plan

We follow the guidelines of the Night Sky Initiative, using only 25 watt light bulbs for our porch and garage lights and educate each renter to turn off exterior lighting before 11 PM.

### Water and Wastewater Plan

The Fairway Oaks HOA takes care of the watering of the landscape. We have no unusual demand on culinary water.

# WELCOME TO FAIRWAY OAKS NEIGHBORHOOD

Home Owners Association

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EST. 1998



## Neighborhood Rules

- 1) **No trespassing** on other's property
- 2) Honor **quiet hours** of 10 PM- 7 AM
- 3) **No trailer parking** in streets or on driveways, except for loading/unloading (includes boat, utility, ATV, and camping trailers and motorhomes)
- 4) According to the Night Sky Initiative, **turn off exterior lights** by 11 PM.
- 5) Park in the home's garage or driveway. If **additional parking** is needed, one vehicle may be parked on the street in designated areas with the **parking tag provided**.
- 6) **Garbage** day is MONDAY. If you are staying in the home over a Sunday night, please place all trash inside the green cans and place them at the curb by early Monday morning. Please **return them promptly** to the garage when they have been emptied.

95% of the homes in our neighborhood are owner-occupied.

We are honored to have you as a guest here. Please remember to be respectful of the other residents and their property and keep our neighborhood beautiful.



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Request for a recommendation of final approval of Westwood Homestead Subdivision, consisting of four lots and road dedication along 1900 North St.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Tuesday, August 24, 2021
<b>Applicant:</b>	Westwood Eden, LLC
<b>Representative:</b>	Mike Westwood, Owner
<b>File Number:</b>	UVW06062021

#### Property Information

<b>Approximate Address:</b>	1900 N 7800 E, Eden, UT, 84310
<b>Project Area:</b>	14.1702 acres
<b>Zoning:</b>	Forest Valley (FV-3), Agricultural Valley (AV-3)
<b>Existing Land Use:</b>	Agriculture
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	21-005-0030
<b>Township, Range, Section:</b>	T6N, R2E, Section 16 S

#### Adjacent Land Use

<b>North:</b>	1900 North St.	<b>South:</b>	Residential
<b>East:</b>	7800 East St.	<b>West:</b>	Residential

#### Staff Information

<b>Report Presenter:</b>	Tammy Aydelotte taydelotte@webercountyutah.gov
<b>Report Reviewer:</b>	SB

### Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Stream corridors, wetlands, shorelines)
- Weber County Land Use Code Title 104 (Zones) Chapter 14 (FV-3 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 2 (AV-3 Zone)

### Background and Summary

10/28/2020 – Alternative access approval.

8/24/2021 – Preliminary approval granted by Ogden Valley Planning Commission.

### Preliminary Conditions of Approval

There are no requirements to be fulfilled prior to receiving a recommendation of final approval from the Planning Commission. All conditions of approval listed in this staff report will be required prior to recording the final plat.

### Analysis

**General Plan:** The request is in conformance with the Ogden Valley General Plan, as the property is being platted under the existing 3 acre zoning.

**Zoning:** The subject property is located in the FV-3 Zone. Single-family dwellings are a permitted use in the FV-3 Zone.

**Culinary water and sanitary sewage disposal:** Well permits, and septic feasibility for each lot, have been issued by Weber Morgan Health Department, in response to a requested Order of the State Engineer.

**Secondary water by private well.** The applicant has indicated that a portion of the water share for each lot, from Weber Basin, will be utilized for irrigation purposes. If homeowners wish to increase their landscaped area, they may have access to the irrigation shares owned by the developer, from Middle Fork Irrigation Co. This irrigation water is located within the subdivision boundaries, and will be relocated along the western boundary of lots 1 and 2 within the proposed subdivision.

This application was submitted prior to the recent changes to the Weber County Land Use Code (Culinary and secondary water requirements) were adopted in July of this year.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and Surveyor's Office along with the Weber Fire District. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2021 property taxes are not considered due at this time, but will become due in full on November 30, 2021.

## Staff Recommendation

Staff recommends final approval of Westwood Homestead Subdivision, consisting of four lots located at approximately 1900 N 7800 E, Eden. This recommendation includes road dedication along 1900 North Street and is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. All wells must be drilled and pump tested prior to recording the subdivision.
2. The proposed access shall comply with safety, design, and parcel/lot standards as outlined in LUC
3. An alternative access covenant, per the approval for an alternative access dated 10/28/2020, shall be recorded with the final plat.
4. An onsite wastewater disposal covenant shall be recorded with the final plat

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan
2. The proposed subdivision complies with applicable county ordinances

## Exhibits

- A. Proposed Final Subdivision Plat



