



# 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 3571 N Creekside Way. #72, Eden, UT, 84310
<b>Agenda Date:</b>	Tuesday, July 27, 2021
<b>Applicant:</b>	Laura Benintend, Owner
<b>File Number:</b>	CUP2021-11

### Property Information

<b>Approximate Address:</b>	3571 N Creekside Way. #72, Eden, UT, 84310
<b>Project Area:</b>	0.03 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>	22-370-0010
<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 a conditional use permit for short term rentals in a residential dwelling located in the FR-3 zone at 3571 N Creekside Way, #72, 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. Parking will be made available in the existing attached garage. Additional vehicles may park in designated guest parking along Wolf Lodge 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 one parking space in the garage, with additional guest parking in designated areas along Wolf Lodge Drive, 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; there shall be no parking along any interior streets within this 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



## Benintend-Laura-Conditional Use Permits

<b>Address:</b>	3571 N Creekside Way, Eden, UT, 84310
<b>Maps:</b>	<a href="#">Google Maps</a>
<b>Project Type:</b>	Conditional Use Permits
<b>Sub Type:</b>	Conditional Use Permits
<b>Created By:</b>	<a href="#">Laura Benintend</a>
<b>Created On:</b>	6/24/2021
<b>Project Status:</b>	Accepted
<b>Status Date:</b>	7/6/2021
<b>File Number:</b>	CUP 2021-11
<b>Project Manager:</b>	<a href="#">Tammy Aydelotte</a>

[Application](#) [Documents 5](#) [Comments 1](#) [Reviews 0](#) [Followers 4](#)

### Application

[+ Add Building](#)

**Project Description** Requesting permission to use a SFR as a short term rental

**Property Address** 3571 N Creekside Way  
Eden, UT, 84310

**Property Owner** Laura Benintend  
760-585-8416  
[lfbenintend@yahoo.com](mailto:lfbenintend@yahoo.com)

**Representative** --

**Accessory Dwelling Unit** False  
**Current Zoning** RE-15  
**Subdivision Name** Villages at Wolf Creek  
**Number of Lots**  
**Lot Number** 72  
**Lot Size** .01  
**Frontage**  
**Culinary Water Authority** Wolfcreek Water Company  
**Secondary Water Provider** Not Applicable  
**Sanitary Sewer Authority** Wolfcreek Sewer Improvement District  
**Nearest Hydrant Address**  
**Signed By** Owner, Laura Benintend

#### Parcel Number

[✖ Remove](#) 223700010 - County Map

### **Short term Rental Narrative for 3571 N Creekside Way**

We are applying to use our second home for short term rentals usually between 1 and 3 weeks. The use by renters should provide no noticeable difference from our personal use. Most renters will be a single family with one vehicle. Renters will park in our garage and if there is a second vehicle, general spaces are available at the corner of our street and Creekview Dr. Renters generally check in at 12 and check out at 3 but can access the property any time as would an owner. Renters will be provided the applicable HOA rules and regulations and must follow them. The HOA and zoning both allow short term rentals with a conditional use permit. The use by renters should provide no difference to the neighbors and surrounding area versus when we, the owners are using the property for our own personal use.

The subdivision was recently built and these are townhomes so the lighting has been reviewed and approved by the county as part of the subdivision as has the parking. The subdivision has control of any space outside the footprint of the building so there are no fences, etc. to note.