



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Continuation of a work-session to consider a request (ZTA 2015-03) to amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone (DRR-1) Chapter; the Design Review Chapter; the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter; the Accessory Apartments Chapter; and the Ogden Valley Signs Chapter within the Weber County Land Use Code.
Agenda Date:	Tuesday, June 23, 2015
Applicant:	Summit Mountain Holding Group L.L.C.
Representative:	Paul Strange, Summit Mountain Holding Group – Eden, Utah
File Number:	ZTA 2015-03

Staff Information

Report Presenter:	Scott Mendoza smendoza@co.weber.ut.us 801-399-8769
Report Reviewer:	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 DRR-1).
- Weber County Land Use Code Title 108, Chapter 1 (Design Review).
- 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 (DRR-1) Chapter; the Design Review Chapter; the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter; the Accessory Apartments Chapter; and the Ogden Valley Signs Chapter within the Weber County Land Use Code. See pages 1 and 2 of Exhibit A for the applicant's descriptions of the proposed changes.

On Tuesday June 2, 2015, the applicant presented several proposed (Weber County Land Use Code) text amendments to the Ogden Valley Planning Commission. During the work-session, Planning Commission input was received for items 1 through 6 as listed below. For contextual purposes, items 1 through 6 remain in this staff report. Refer to pages 2 and 3, of this staff report, for proposed items 1 through 6. Refer to pages 4 through 27, of Exhibit A, for these items written into the County Land Use Code.

At the June 23, 2015 work-session, the applicant will present and gather further input on items 7 through 11. Previously discussed items may be discussed again. Refer to pages 4 and 5, of this staff report, for proposed items 7 through 11. Refer to pages 28 through 37, of Exhibit A, for these items written into the County Land Use Code.

The following describes the requested changes 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 change also creates a new “detached” lock-out sleeping room. See page 4 of Exhibit A for proposed language.

Planning Division Review

Currently, lock-out sleeping rooms are only allowed when attached to a condominium dwelling unit or a condominium rental apartment. This amendment would allow an “attached” and/or “detached” lock-out sleeping room to be built onto or in conjunction with any type of dwelling, hotel, or any other residential accommodation. 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 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.

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 8 and 12-15 of Exhibit A 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.

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 within the resort. See page 20 of Exhibit A 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. Weber County does not intend to limit seasonal workforce housing to resort property that is located in Weber County only. Housing may be located on property that is in the resort but is “technically” located across a county line. The proposed language clarifies the intent and allows flexibility when the resort owns adjacent property across a county line. Language should be added to clarify that the adjacent property was shown as part of the approved resort boundary or the property has historically been a part of the resort. Language should also be added that states that the adjacent property’s zoning designation must allow workforce housing or another jurisdiction, if located in another jurisdiction, has approved the workforce housing.

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 20-26 of Exhibit A 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, Additional Kitchens, and Detached Lockouts 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 27 of Exhibit A 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 27 of Exhibit A 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. “Miscellaneous improvements” may not always be appropriate if a lot is “Restricted” or has a building envelope (or non-buildable area) do to slopes or other geological issues identified on the lot. It may be necessary to distinguish between a developer imposed building envelope and a building envelope that has been put into place because of potential hazards. It may also be necessary to acknowledge situations where sensitive lands and/or easements can prohibit the construction of “miscellaneous improvements” outside of a building envelope.

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 allows the Planning Director additional flexibility and more discretion when being asked to approve land use applications in the Ogden Valley Destination and Recreation Resort Zone. See page 28 of Exhibit A 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 100,000 square feet is proposed) constructed at an elevation above 6,200 feet is reasonable because the Planning Commission will have already approved the development through an approved DRR-1 Zone conceptual plan.

8. 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 grants the Planning Director administrative authority to approve an overall parking plan, in the Ogden Valley Destination and Recreation Resort Zone, where the Planning Commission has already approved a master plan and the proposed parking plan is consistent with that approved master plan. It also allows the Planning Director to modify any provision within the parking chapter. See page 30 of Exhibit A 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 more appropriate for the Planning Commission to approve a parking plan when consistent with a previously approved master plan. The Planning Division Staff recommends that very specific approval criteria be provided as part the amendment.

Language addressing the revocation of an approved parking plan should also be provided.

9. Requested Amendment to Title 108 (Standards), Chapter 19 (Accessory Apartments), Section 108-19-6 (Destination and Recreation Resort Zone)

This amendment creates a new section that states that Accessory Apartments that are constructed, as part of a single-family dwelling, will be a "permitted" use where otherwise they are conditional uses in all other zones. The amendment also states that existing regulations, found in the Accessory Apartment chapter, do not apply to the Resort Zone and all accessory apartment specifications are "up to the discretion of the developer." See page 1 of Exhibit G for proposed language.

Planning Division Review

Currently, Accessory Apartments are a conditional use in all zones. This amendment would permit the construction of any number of Accessory Apartments at any size or relationship to the main dwelling. Also, the previously described amendment to the DRR-1 Zone "land uses" would permit the nightly rental of Accessory Apartments. According to the requested amendments, a resort developer could construct a single-family dwelling with any number of Accessory Apartments or any number of "Attached or Detached Lock-outs" and rent them nightly. See Exhibit D for standards found in the existing Weber County Accessory Apartments Code.

10. 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 Director the administrative authority 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 and the administrative sign plan approval, 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 36 of Exhibit A for proposed language.

Planning Division Review

Currently, there is no provision for modifying any standard in the Ogden Valley Sign Code. Because no specific approval criteria have been provided, it is more appropriate for the Planning Commission to approve any sign code modifications when consistent with a previously approved master plan.

The Planning Director could be granted the administrative authority to modify certain standards, within the sign code, and approve a master sign plan if very specific approval criteria could be provided as part the proposed amendment.

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

This amendment would allow “off-site” signs for properties that do not 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 37 of Exhibit A 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 and is somewhat 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?

Staff Recommendation

Staff recommends that the Ogden Valley Planning Commission consider the proposed amendments and provide input and direction related to preparing for the Planning Commission to take action at a future public meeting.

Exhibits

- A. Application Form and Code pages with amendments.
- B. Powder Mountain Resort (DRR-1) Overall Conceptual Plan Map.
- C. Snowbasin Resort (DRR-1) Overall Conceptual Plan Map.
- D. Current Weber County Accessory Apartments Code.