

## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

#### Synopsis

**Application Information** 

**Application Request:** Consideration and action for a request to amend a previously approved conditional use for

the Trapper's Ridge at Wolf Creek P.R.U.D. The amendment will add Phase 8, consisting of

18 lots, to the existing multi-phased P.R.U.D. This P.R.U.D. amendment will run

concurrently with the request for preliminary subdivision approval of the Trapper's Ridge at Wolf Creek P.R.U.D. Phase 8, located within the approved Wolf Creek Resort Master

Development.

**Type of Decision:** Administrative

Agenda Date: Wednesday, June 29, 2016

**Applicant:** Eden Village, LLC **File Number:** CUP2016-07

**Property Information** 

**Approximate Address:** 5800 East Big Horn Parkway

Project Area: 8.618 Acres
Zoning: RE-15
Existing Land Use: Vacant
Proposed Land Use: Residential
Parcel ID: 22-020-0034

Township, Range, Section: T7N, R1E, Section SW 23 & NW 26

**Adjacent Land Use** 

North:ResidentialSouth:ResidentialEast:ResidentialWest:Residential

**Staff Information** 

**Report Presenter:** Ronda Kippen

rkippen@co.weber.ut.us

801-399-8768

Report Reviewer: SM

#### **Applicable Ordinances**

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 3 Residential Estate Zones (RE-15)
- Title 104, Zones, Chapter 27 Natural Hazards Overlay Zone
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 2 Ogden Valley Architectural, Landscape and Screening Design Standards
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 5 Planned Residential Unit Development
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

#### **Summary and Background**

The Planning Division recommends approval of the request to amend a previously approved conditional use for the Trapper's Ridge at Wolf Creek P.R.U.D. The amendment will add Phase 8, consisting of 18 lots, to the existing multi-phased P.R.U.D. This P.R.U.D. amendment will run concurrently with the request for preliminary subdivision approval of the Trapper's Ridge at Wolf Creek P.R.U.D. Phase 8, located within the approved Wolf Creek Resort Master Development (see Exhibit A for the proposed preliminary subdivision). The proposed subdivision will be the eighth phase in the Trapper's Ridge at Wolf Creek P.R.U.D. that was approved in 2002. The architectural style of the homes in Phase 8 will mirror those in the previous phases in the Trapper's Ridge Development (see Exhibit B for the architectural designs). The proposal includes

approximately 36,445 square feet of common area including a swimming pool as an amenity to the development (see Exhibit C for the common area landscape design and pool location).

Eden Village, LLC has been a part of the recent restructure of the Wolf Creek Resort development and has received approval of the "Second Amendment to the Wolf Creek Resort Zoning Development Agreement" for the transfer of 5 units from "The Fairway's" to "Trapper's Ridge" on June 7, 2016. The applicant would now like to move forward with the subdivision process and has submitted the required information as outlined in the Uniform Land Use Code of Weber County (LUC) §108-5 for consideration and approval of the proposed PRUD and preliminary subdivision. Planned Residential Unit Developments are listed as a "Conditional Use" in the LUC and are required to receive concurrent preliminary subdivision approval according to the approval process outlined in LUC §108-5-6(d)(3)(c).

Conditional use permits should be approved as long as any harmful impacts can be mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impacts to which the proposal must adhere. To ensure that the natural environment is preserved to the greatest possible extent, the Planning Commission, subject to the reviews and recommendations of the required public agencies, must review and approve the general site and architectural design of the building, the layout of the parking areas and the landscaping.

As part of the preliminary subdivision requirements, subdivision review process and approval procedure, the proposal has been reviewed against the current subdivision ordinance and the standards in the RE-15 zone. The preliminary subdivision must be presented to the Planning Commission for their recommendation to the County Commission for approval. The Planning Commission, subject to the requirements of this chapter, may recommend approval, approval with conditions or denial of the P.R.U.D. to the County Commission. The proposed P.R.U.D., including the preliminary subdivision and lot configuration, is in conformance with the existing P.R.U.D., current zoning and the Zoning Development Agreement Master Plan (see Exhibit D for the approved Wolf Creek Resort Concept Plan) as well as the applicable requirements in the LUC, based on the recommended conditions listed in this staff report. The following is staff's analysis of the proposed P.R.U.D. as a condition use, the design review and the preliminary subdivision.

#### Analysis

<u>General Plan:</u> The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

<u>Zoning:</u> The subject property is located in the Residential Estate Zone more particularly described as the RE-15 zone. The purpose and intent of the RE-15 zone is identified in the LUC §104-3-1 as:

"The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone."

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the existing PRUD and the standards in the RE-15 zone in LUC §104-3 to ensure that the regulations and standards have been adhered to. The proposed subdivision, with the recommended conditions listed in this staff report, is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to "allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas." The site development standards for the RE-15 zone requires a minimum lot area of 15,000 sq. ft. with a minimum lot width of 100' per LUC §104-3-7. The proposed PRUD utilizes the allowed flexibility to create a neighborhood with lot sizes varying from 10,016 square feet to 19,498 square feet and lot widths varying from 55 feet to 130 feet. The preliminary drawings include the following minimum yard setbacks:

Front Yard: 20 feet

Side Yard: 12 feet

Rear Yard: 20 feet

Side Facing Street (corner lot): 20 feet

Based on the allowed flexibility of a PRUD, the proposed layout, lot configuration and lot size are acceptable. Staff recommends a "No Access" note and line to be added to the proposed Lot 166 along either Trappers Trail Road or

Telluride Ridge Lane to restrict access per LUC §106-2-4(c) which prohibits interior lots from having frontage on two streets except where unusual conditions make other design undesirable. A condition of approval has been added to staff's recommendations to ensure the final subdivision is submitted with the required "No Access" note on the plat.

Common Area: The general requirements for a P.R.U.D. identify the need to preserve common open space. The applicant is proposing to dedicate approximately 36,445 square feet of common area which is 15.4% of the net developable area. The preliminary subdivision identifies the common open space as "Common Area" and will be dedicated upon recording to a Community Association. The CC&R's will need to comply with the provisions of the Condominium Ownership Act, U.C.A 1953, §57-8-1 et seq. per LUC §108-5-6(d)(3) for the preservation, maintenance and ownership of the common area. Prior to receiving final approval of the subdivision, the applicant will need to provide to the County a copy of the proposed CC&R's for review as well as a cash escrow to be held by Weber County for the proposed improvements including the common area amenities. The dedication language on the final plat will need to include language to grant ownership of the common area to the Community Association. A condition of approval has been added to ensure the final subdivision submittal includes the correct dedication language on the plat, a cost estimate for the improvements and a draft copy of the CC&R's for review by the applicable agencies prior to final approval.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone "X" as determined by FEMA to be an area determined to be outside 500-year floodplain. A geotechnical study has been performed and a report has been prepared by Earthtec Engineering dated March 10, 2016, identified as Project #167002. A geologic site reconnaissance has taken place and a report has been prepared by IGES dated June 20, 2016, identified as Project #018550-007. All site development will need to adhere to the recommendations of these reports and a note will need to be added to the final plat as well as a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners.

<u>Culinary water, irrigation water and sanitary sewage disposal:</u> The applicant has provided a feasibility letter from the Wolf Creek Water and Sewer District for the culinary water, irrigation water and sanitary sewer (see Exhibit E). The applicant will need to provide a "Capacity Assessment Letter" from the Wolf Creek Water and Sewer District as part of the final subdivision submittal. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water will be required for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission. These items have been included in the conditions of approval to ensure they are included in the final subdivision application submittal.

<u>Review Agencies</u>: The Weber County Surveyor's Office, the Weber Fire District and the Ogden Valley Starry Nights have reviewed the proposal. The Weber County Fire District has approved the proposal and the Weber County Surveyor's Office has provided the applicant with redlined drawings that will need to be addressed on the final plat. Additional lighting details will need to be provided during the final subdivision process to ensure that the outdoor lighting associated with the common area adheres to the LUC. The Weber County Engineering Division has not reviewed the proposal to date. A condition of approval has been made part of the Planning Division's recommendations to ensure that any conditions of the Engineering Division and Weber Fire District are strictly adhered to.

<u>Additional design standards and requirements:</u> The applicant would like to utilize the ability to have nightly rentals as an option allowed in the P.R.U.D. ordinance for the owner's in the Trapper's Ridge at Wolf Creek P.R.U.D. Phase 8. Currently the proposal does not include lock out sleeping rooms so additional parking requirements will not be necessary at this time. A note will need to be added to the final plat to declare this subdivision approved for nightly rentals.

<u>Conditional Use Review:</u> The proposed P.R.U.D. is conditionally allowed in the RE-15 Zone. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. As a requirement of the conditional use permit, the applicant has provided a "Will-Serve Letter" from Wolf Creek Water and Sewer District (see Exhibit E) for culinary, irrigation and waste water services. The applicant has provided the required material to facilitate a thorough review of the proposed project including preliminary subdivision plan, grading, drainage, and a geologic site reconnaissance and geotechnical report.

<u>Design Review</u>: The RE-15 Zone and the proposed conditional use, mandates a design review as outlined in the LUC §108-1 to ensure that the general layout and appearance of the development shall not impair the orderly and harmonious development of the neighborhood nor impair investment in and occupation of the neighborhood. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed

conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- 1) Considerations relating to traffic safety and traffic congestion. The proposal includes improvements for the construction of Trapper's Trail Road and Telluride Ridge Land together with sidewalk, curb and gutter. The applicant has provided four parking spaces on the improvement plans located in the common area along Trapper's Trail Road for the pool amenity (see Exhibit C). The proposed parking meets the parking standards as outlined in LUC §108-8.
- 2) Considerations relating to outdoor advertising. The applicant has not proposed any signage or outdoor advertising as part of the application. If the developer would like to have any signage within the development, a signage plan will need to be submitted for review and approval prior to installation of any signage outside of the typical required traffic signs.
- 3) Considerations relating to landscaping, screening and buffering. The applicant has been able to adequately address the minimum landscaping requirements of the Design Review as outlined in LUC §108-1-4(3) and the Ogden Valley Architectural, Landscape and Screening Design Standards as outlined in LUC §108-2-5 and §108-2-9 by providing landscaped common area to buffer and screen the P.R.U.D. between Trapper's Ridge Road and the lots located in the Elkhorn Subdivision Phase 4 and has situated the larger lots in the P.R.U.D. along the exterior boundary of the P.R.U.D. adjacent to the development in the Elkhorn Subdivision Phase 3 (see Exhibit A & C).
- 4) Considerations relating to buildings and site layout. The individual lot layout has been reviewed against the design criteria of the RE-15 Zone in the LUC §104-3, the Design Review in the LUC §108-1, and the Ogden Valley Architectural, Landscape and Screening Design Standards in the LUC §108-2-4. The lot sizes in the P.R.U.D. will mimic the lot sizes of the adjacent development in the Elkhorn Subdivision Phase 3 as well as in the Trapper's Ridge at Wolf Creek P.R.U.D. including matching the existing architectural style of the existing homes in the development.
- 5) Considerations relating to utility easements, drainage, and other engineering questions. The applicant has provided civil engineered drawings that identify the existing and proposed topography, contour lines, utilities, easements and drainage. The applicant will need to adhere to all conditions of the Engineering Division including but not limited to easements and utilities to and through the property, site improvements and storm water drainage.
- 6) Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval. Phase 8 of the Trapper's Ridge at Wolf Creek has been designed around the existing approved P.R.U.D. development and is in conformance with the approved Conceptual Plan that was adopted with the Wolf Creek Resort Master Development.

<u>Tax clearance:</u> The 2013 property taxes are delinquent on parcel# 22-020-0034. The 2016 property taxes will be due in full on November 1, 2016. A condition of approval has been added to staff's recommendation to ensure delinquent taxes are paid in full prior to recording the final plat.

<u>Public Notice</u>: The required noticing for the final subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

#### **Summary of Planning Commission Considerations**

- Does this proposal comply with the applicable PRUD ordinance?
- Does this subdivision meet the requirements of applicable County Land Use Codes?
- Does this subdivision comply with the Wolf Creek Resort Zoning Development Agreement Conceptual Plan?
- In considering the proposed planned residential unit development, the planning commission shall review and consider the following, as applicable:
  - The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.

- Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
- The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.
- The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting.
- The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.
- The demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established.

#### **Staff Recommendation**

Staff recommends approval of the request to amend a previously approved conditional use for the Trapper's Ridge at Wolf Creek P.R.U.D. The amendment will add Phase 8, consisting of 18 lots, to the existing multi-phased P.R.U.D. This P.R.U.D. amendment will run concurrently with the request for preliminary subdivision approval of the Trapper's Ridge at Wolf Creek P.R.U.D. Phase 8, located within the approved Wolf Creek Resort Master Development. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

- 1. A "No Access" note and line will be placed on lot 166 on the final plat limiting access to lot 166 from either Trapper's Trail Road or Telluride Ridge Lane.
- 2. The final subdivision plat shall reflect the correct dedication language on the plat for the common area to be granted to the Community Association.
- 3. A cost estimate for the subdivision improvements shall be a part of the final subdivision submittal.
- 4. A draft copy of the CC&R's will be provided to the County for review by the applicable agencies prior to final approval.
- 5. A "Capacity Assessment Letter" from the Wolf Creek Water and Sewer District and a construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision are required prior to the subdivision receiving final approval from the County Commission.
- 6. All site development will need to adhere to the recommendations of the Earthtec Engineering's geotechnical report dated March 10, 2016, identified as Project #167002 and IGES's geologic site reconnaissance report dated June 20, 2016, identified as Project #018550-007.
- 7. A note on the final plat and a separate "Natural Hazards Disclosure" document will be required to be recorded to provide notice of any recommendations to future property owners regarding Earthtec Engineering's geotechnical report dated March 10, 2016, identified as Project #167002 and IGES's geologic site reconnaissance report dated June 20, 2016, identified as Project #018550-007.
- 8. Additional lighting details will need to be provided during the final subdivision process to ensure that the outdoor lighting associated with the common area adheres to the LUC.
- 9. A note will need to be added to the final plat to declare this subdivision approved for nightly rentals.
- 10. All delinquent taxes will be paid in full prior to recording the final plat.

This recommendation is based on the following findings:

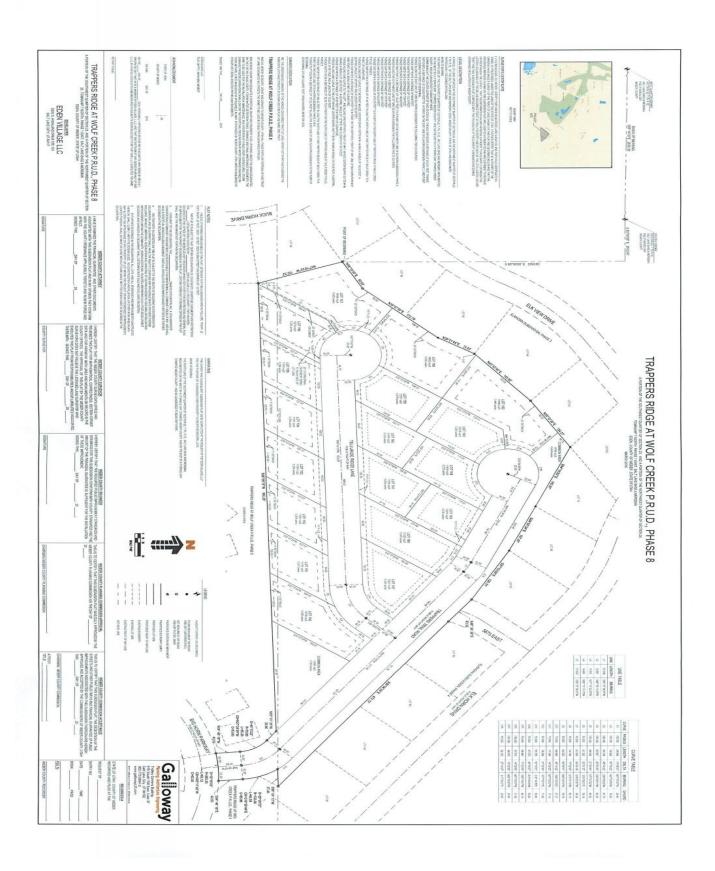
- 1. The proposed subdivision conforms to the Ogden Valley General Plan.
- 2. With the recommended conditions, the proposed subdivision complies with the applicable County ordinances.
- 3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the preliminary subdivision.
- 4. The property located in the Elkhorn Subdivision Phase 3 which is adjacent to the exterior boundary of the overall Trapper's Ridge at Wolf Creek P.R.U.D. will not be adversely affected due to the larger lots being located along the exterior boundary line.
- 5. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
- 6. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

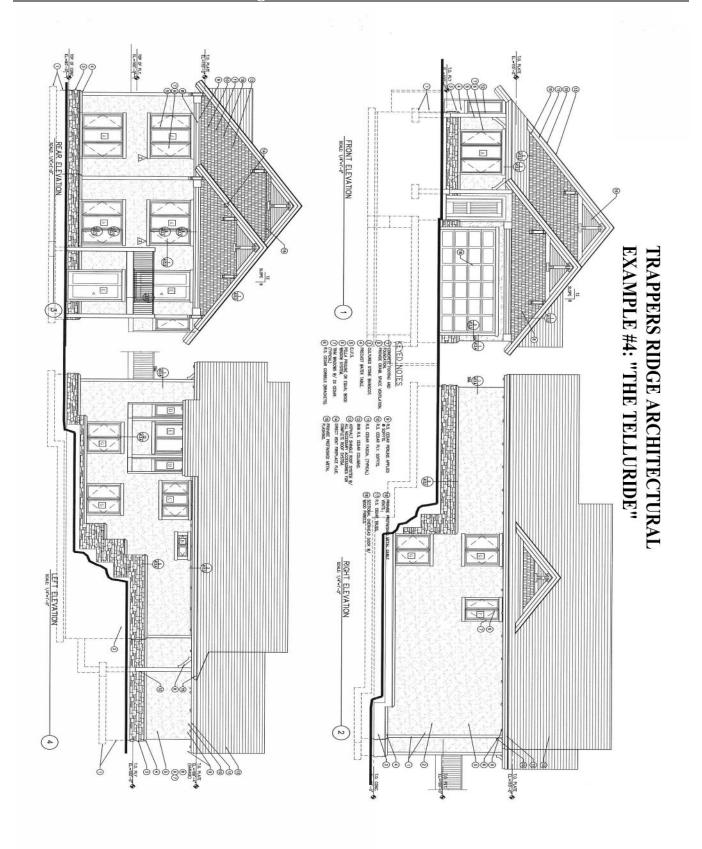
### **Exhibits**

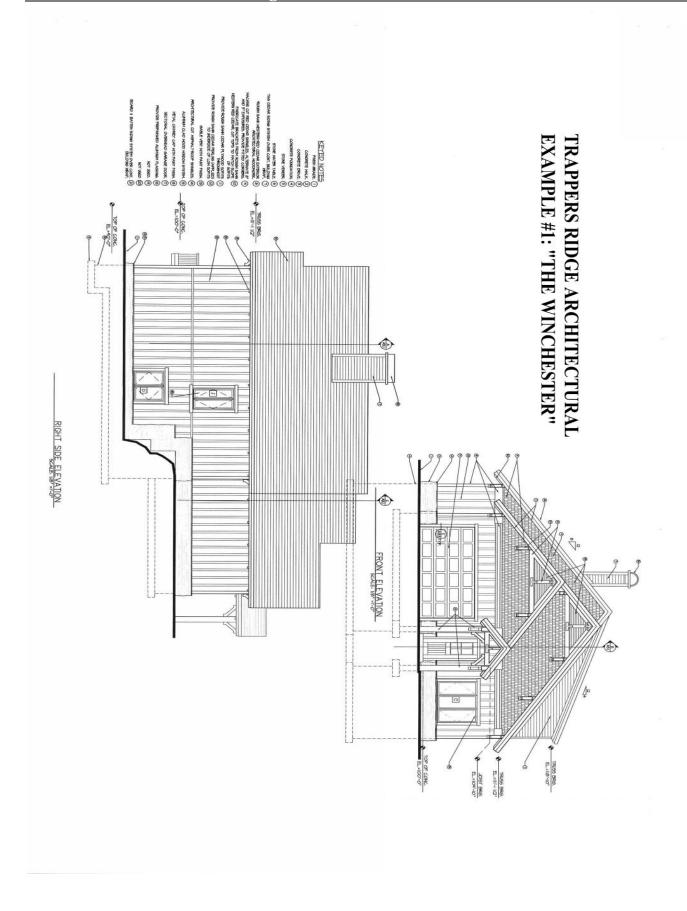
- A. Proposed Trapper's Ridge at Wolf Creek P.R.U.D., Phase 8 preliminary subdivision
- B. Architectural Plans
- C. Landscape Plans
- D. Wolf Creek Resort Zoning Development Conceptual Plan
- E. Feasibility Letter

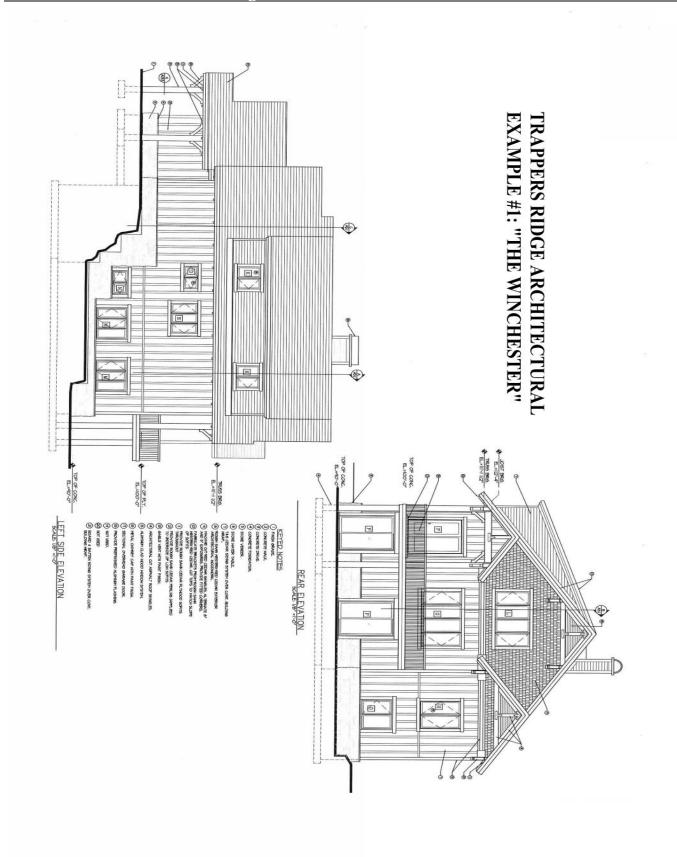
# **Location Map**

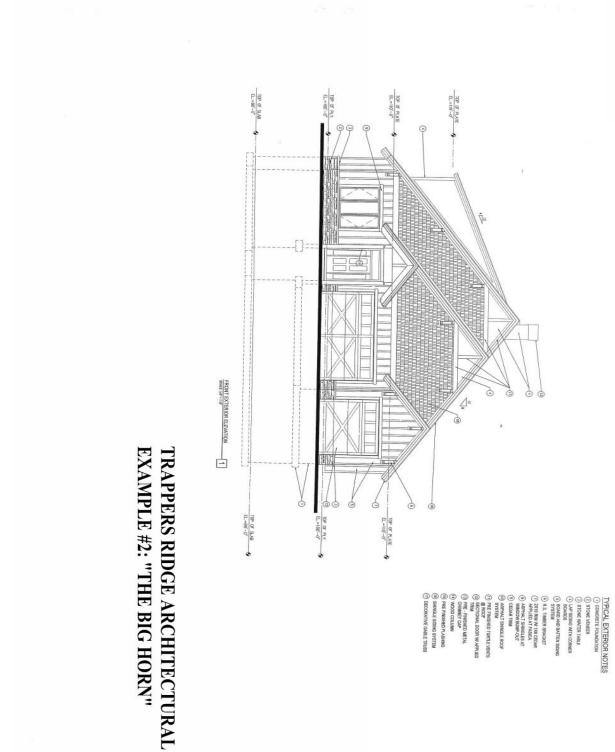




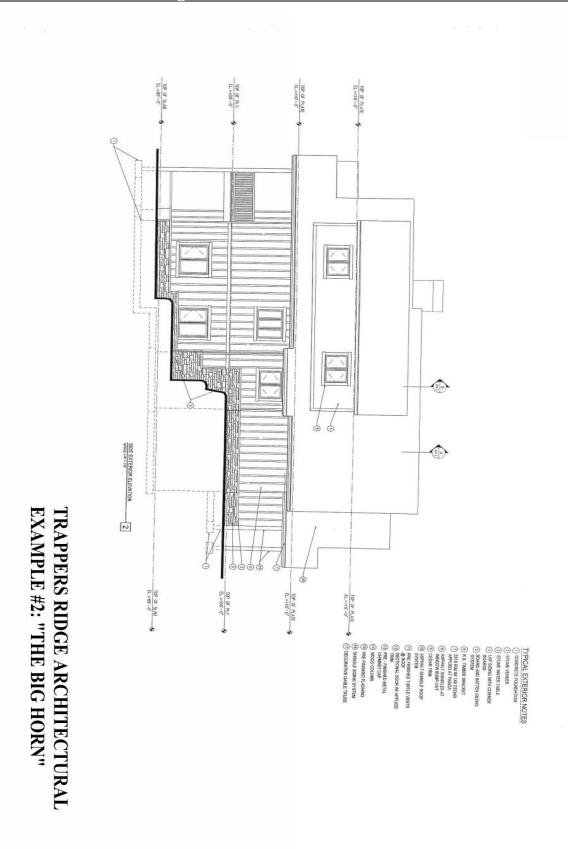


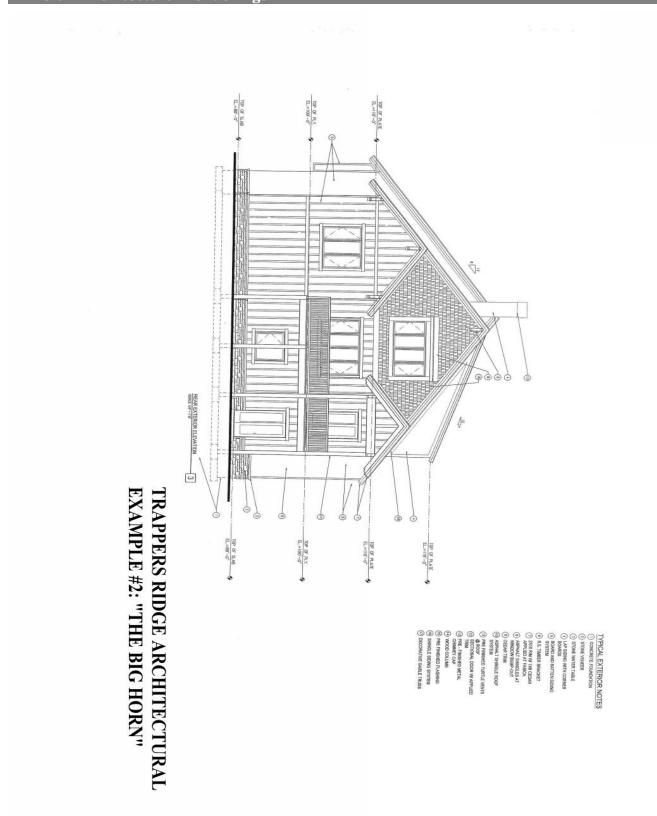


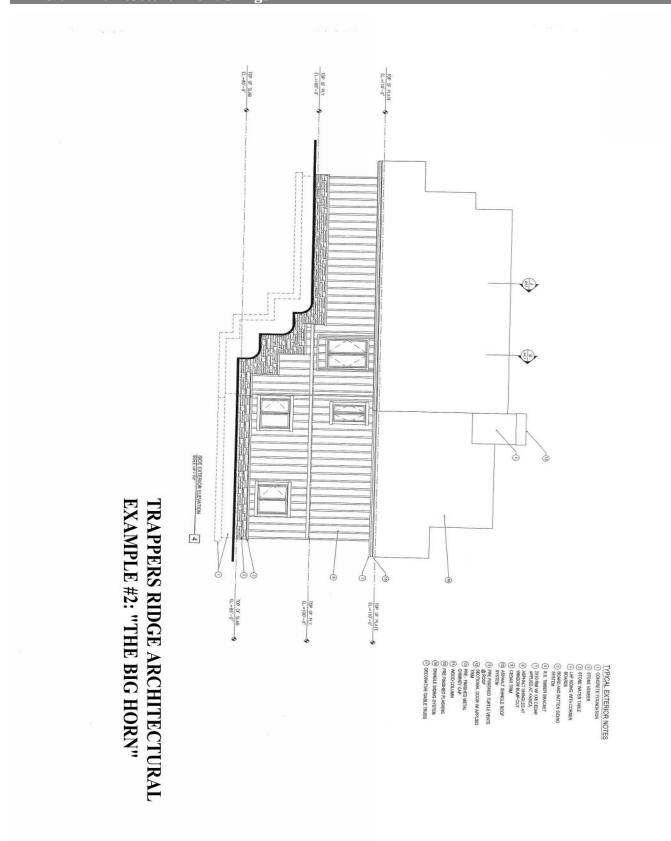


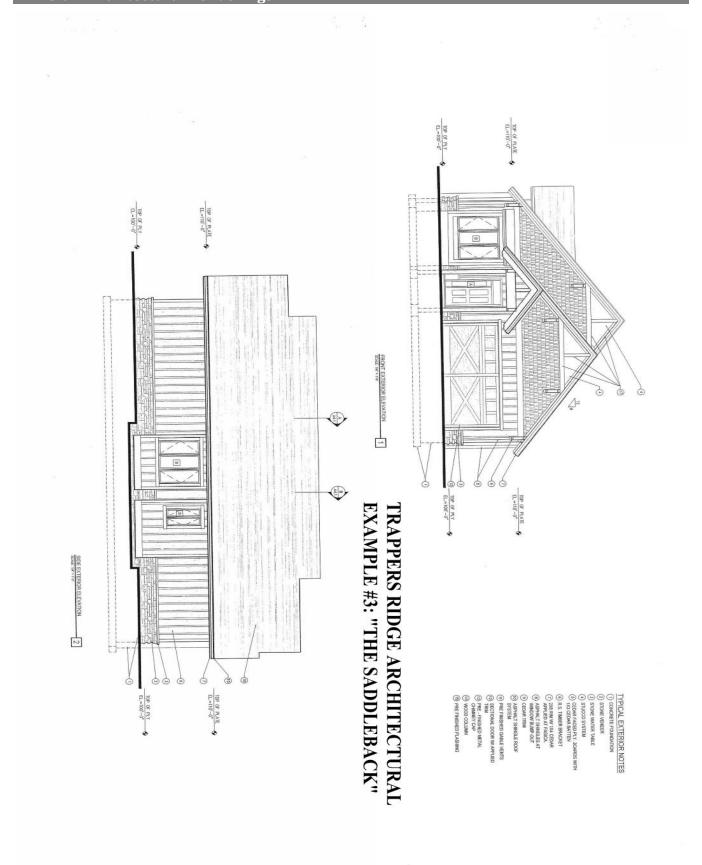


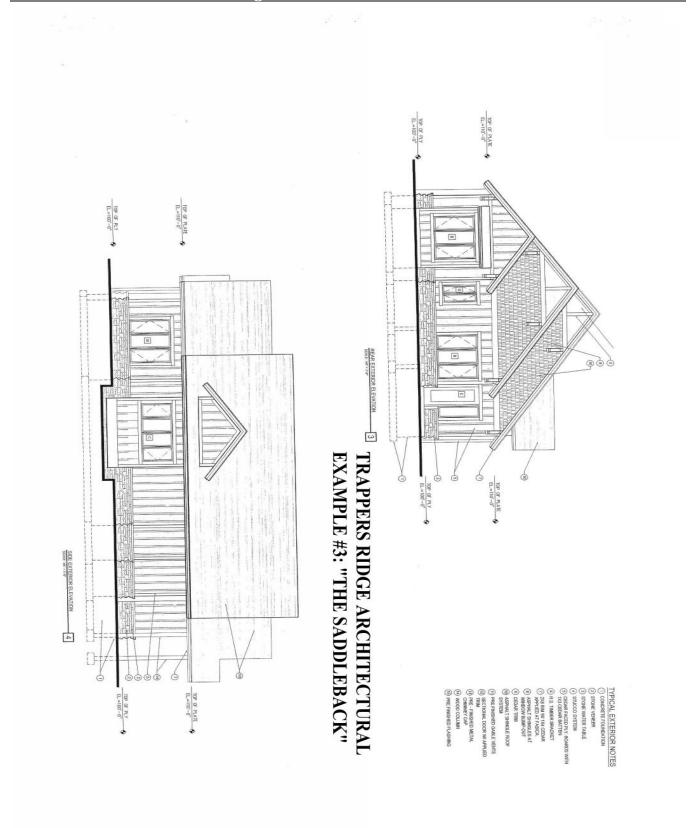
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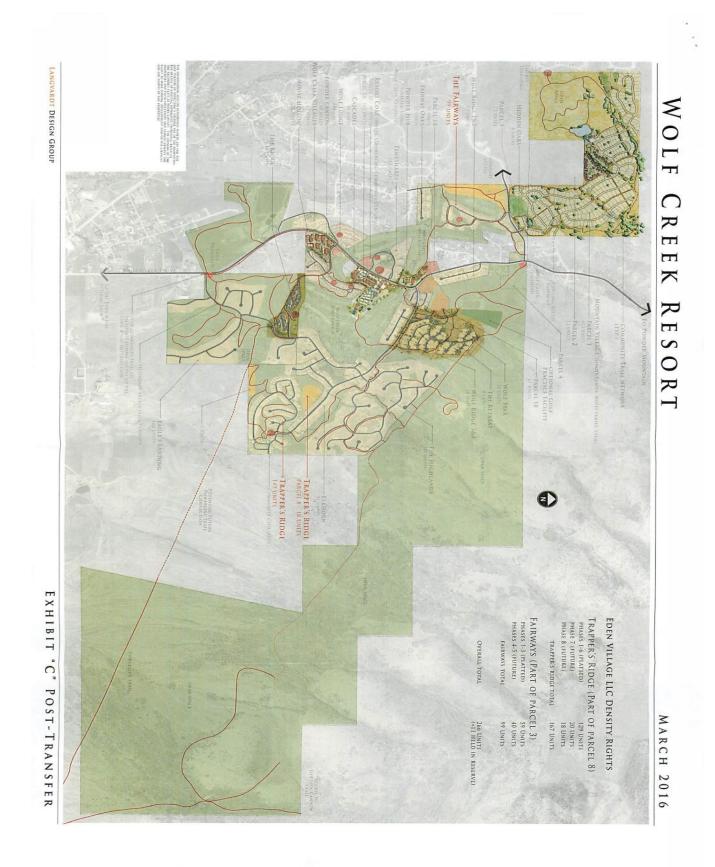








### Exhibit D-Wolf Creek Zoning Development Conceptual Plan





### Wolf Creek Water and Sewer Improvement District

P.O. Box 658 3632 N. Wolf Creek Dr. Eden, Utah 84310 (801) 745-3435 Fax (801) 745-3454

RE: Fairways at Wolf Creek PRUD Phase 4

Fairways at Wolf Creek PRUD Phase 5

Trappers Ridge at Wolf Creek PRUD Phase 8

#### Russ-

Based on our recent discussions, we understand that you are working with the County to adjust your master plans at the Fairways and Trappers Ridge projects referenced above. It is our understanding that the first step of the process will be to reduce the density in Fairways by 16 units, transferring 5 of those to Trappers, and holding 11 in reserve for future use. This leaves the following project densities:

- Fairways at Wolf Creek PRUD Phase 4 23 homes
- Fairways at Wolf Creek PRUD Phase 5 17 homes
- Trappers Ridge at Wolf Creek PRUD Phase 8 18 homes

Within the master planning process Wolf Creek Water and Sewer Improvement District has previously anticipated service in accordance with the original master plans and this amendment does not inhibit our ability to serve either of these projects. The excess units to be held in reserve will also remain able to be served by WCWSID with possible conditions depending on where the units are eventually transferred to and other developments or changes that have occurred in the meantime.

As you are aware, we operate three separate systems, culinary water, irrigation/secondary water, and sewer with treatment. The capacity of each of these systems is subject to state laws and limitations applied by the Division of Drinking Water and Department of Environmental Quality. In particular, the amount of culinary water we are required to have available is dependent on 1) continuing to supply irrigation water, and 2) limiting outdoor use of culinary water. At the same time, the supply of irrigation water is dependent on flow to the Wolf Creek diversion, which as you know may change due to pumping related to development at Powder Mountain.

In view of these concerns, we anticipate the following conditions will be placed upon all future developments:

#### **Exhibit D-Feasibility Letter**

- Landscaping plans shall limit irrigated areas and minimize installation of turf, both for building lots and common areas. Each building lot/unit shall be equipped with at least one hosebib tied to the irrigation system.
- Landscaping plans will be reviewed and approved by WCWSID, with an emphasis on xeriscaping and installed as approved
- Drip irrigation systems shall be used for all shrub and tree beds, consistent with the existing Design Guidelines (2010) of the Wolf Creek Master HOA. We strongly recommend design of the irrigation systems with zones based upon planting demand.
- · No basement sump pump or footing drain shall be connected to the sanitary sewer.

In summary, WCWSID is at present able to provide culinary water, sewer, and irrigation services to the projects listed above upon payment of impact fees per our standard schedule. This commitment to Master Planned densities is subject to future review until the connection and impact fees have been paid.

Let me know if you have any further questions.

Thanks,

Rob Thomas

General Manager

WCWSID