



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and/or action on a conditional use permit for Edelweiss Haus Bed & Breakfast Dwelling.  
**Agenda Date:** Tuesday, October 24, 2017  
**Applicant:** Charles M. James, Owner  
**File Number:** CUP 2017-14

### Property Information

**Approximate Address:** 2548 N. Nordic Valley Dr., Eden, UT, 84310  
**Project Area:** 0.92 acres  
**Zoning:** Forest Valley - 3 Zone (FV-3)  
**Existing Land Use:** Residential  
**Proposed Land Use:** Bed and breakfast dwelling  
**Parcel ID:** 22-030-0010  
**Township, Range, Section:** T7N, R1E, Section 32 NE

### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Residential
<b>East:</b> Residential	<b>West:</b> Nordic Valley Drive/Residential

### Staff Information

**Report Presenter:** **Tammy Aydelotte**  
taydelotte@co.weber.ut.us  
801-399-8794  
**Report Reviewer:** RK

## Applicable Ordinances

- Weber County Land Use Code Title 101 Chapter 1 General Provisions, Section 7 Definitions
- Weber County Land Use Code Title 104 Chapter 14 (FV-3 Zone)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Chapter 7 (Parking Lot Design and Maintenance)
- Weber County Land Use Code Title 108 Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)

## Summary and Background

The applicant is requesting approval of a conditional use permit for the Edelweiss Haus Bed and Breakfast, a bed and breakfast dwelling located in the FV-3 zone at 2548 N. Nordic Valley Dr., in Eden. The FV-3 Zone allows a “bed and breakfast dwelling” as a conditional use. The proposed bed and breakfast dwelling is an existing structure that was originally approved as a bed and breakfast dwelling in 1978; however, the bed and breakfast use has been vacated for more than a year, therefore a new conditional use permit is required to be issued prior to operating the structure as a bed and breakfast dwelling. Over the past several years, the property fell into disrepair and the current owner has been renovating the existing building for the proposed use as outlined in this staff report.

The application is being processed as 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 and design reviews.

## Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by directing new commercial development to Huntsville (pg. 25 Ogden Valley General Plan, Commercial Development Goal 1). As a conditional use, this operation is allowed in the FV-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 (FV-3) Zone. The purpose of the FV-3 Zone can be further described in LUC §104-21-1 as follows:

*The purpose of the FV-3 zone is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.*

The FV-3 Zone has specific standards identified in the LUC §104-14-3 (2) as well as additional standards that are outlined throughout the LUC that shall be met as part of the development process. The applicable standards are as follows:

- Two parking spaces shall be provided for the host family plus one space for each guest room;
- Proprietor or owner shall occupy the property;
- Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;
- Not more than two guests sleeping rooms per dwelling;
- Allowed only in existing dwellings with no exterior additions nor change in residential character;

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 commencing work, the applicant will need to receive approval from the applicable agencies for the proposal. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.

Design Review: The FV-3 zone and the proposed conditional use mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding 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:

*Considerations relating to traffic safety and traffic congestion.* The proposal includes a site plan that identifies the location of the proposed building and the location of future and existing parking spaces that will provide adequate parking for the property owners and guests.

LUC §108-8-4 outlines parking regulations for a bed and breakfast inn. Bed and Breakfast Dwelling is not a listed use. The chapter states the following for uses not listed:

*Where uses not listed above, the parking requirements shall be established by the planning commission based upon a reasonable number of spaces for staff and customers, and similar requirements of like businesses.*

LUC §108-8-7(6) further states:

*All private parking facilities must be improved with a hard surface such as concrete or asphalt and must be sloped and graded to prevent drainage of storm water onto adjacent properties.*

Staff feels that two guest parking spaces located in front of the garage, and 1-2 owner parking spaces located to the side of the Bed and Breakfast Dwelling will be adequate for the proposed use. All parking must be hard surface, including owner parking, to be located to the side of the dwelling. Access to the proposed structure will be gained from Nordic Valley Drive (see Exhibit B). If the planning commission feels additional parking is required, a condition of approval must be added to staff's recommendation.

*Considerations relating to landscaping.* After performing a site visit to the subject property, it was determined that the existing landscaping meets the requirements as outlined in LUC §108-2.

*Considerations relating to buildings and site layout.* The existing buildings meet the site development standards of the FV-3 Zone. The proposed parking area for the existing building is currently located in the front of the property. While there is some natural screening, a condition of approval is added that the parking be re-located to the side of the

dwelling, and will meet the parking requirements as outlined above. Natural screening is already in place, and meets design standards as outlined in 108-8-7(3).

*Considerations relating to utility easements, drainage, and other engineering questions.* The applicant will need to adhere to all conditions of the Engineering Division including but not limited to parking not allowable on the substandard county road located in front of the property. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.

*Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

## 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:

- Owner parking will be located to the side of the dwelling, and must be improved with a hard surface such as concrete or asphalt.
- No parking allowed on the County road in front of the building.

This recommendation is based on the following findings:

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

## Exhibits

- A. Application
- B. Site Plans

Exhibit A - Application

<b>Weber County Conditional Use Permit Application</b>			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed <b>6-25-17</b>	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) <b>CHARLES M. &amp; DEANNE JAMES</b>		Mailing Address of Property Owner(s) <b>P.O. BOX 915 EDEN, UT. 84310</b>	
Phone	Fax		
Email Address <b>JAMES GANG 1971@HOTMAIL.COM</b>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s) <b>CHARLES M. JAMES</b>		Mailing Address of Authorized Person <b>P.O. BOX 915 EDEN, UT. 84310</b>	
Phone <b>801-2090725</b>	Fax <b>—</b>		
Email Address <b>JAMES GANG 1971@HOTMAIL.COM</b>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Information</b>			
Project Name <b>EDELWEISS HAUS</b>		Total Acreage <b>1 ACRE</b>	Current Zoning
Approximate Address <b>254B N. NORDIC VALLEY DR. EDEN, UT. 84310.</b>		Land Serial Number(s) <b>22-030-0010</b>	
Proposed Use <b>BED AND BREAKFAST.</b>			
Project Narrative  <p style="text-align: center;">THIS HOME WAS ORIGINALLY BUILT IN APPROX. 1979-80 TO BE A BED &amp; BREAKFAST. THE HOME HAS A 1500 SQ FT. APARTMENT FOR THE OWNERS OR MANAGERS WITH THE REST OF THE SPACE (APPROX. 4500 SQ FT.) AS COMMON SPACE AND SUITES. IT HAS A LARGE GORMET KITCHEN AS WELL AS A BEAUTIFUL GREAT ROOM, GAME ROOM, LAUNDRY, AND PLENTY OF PARKING. WE HAVE SPENT THE LAST 3 YEARS FINISHING THE PROJECT AND WOULD LIKE TO OPEN FOR BUSINESS IN OCTOBER</p>			

**Basis for Issuance of Conditional Use Permit**

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

*yes*

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

*will not*

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

*will comply*

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

*yes*

**Property Owner Affidavit**

I (we), \_\_\_\_\_, 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.

*Charles M. James*  
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)



Subscribed and sworn to me this 29 day of June, 2017.

*Tiffany Bennett*  
\_\_\_\_\_  
(Notary)

**Authorized Representative Affidavit**

I (we), \_\_\_\_\_, the owner(s) of the real property described in the attached application, do authorize as my (our) representative(s), \_\_\_\_\_, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

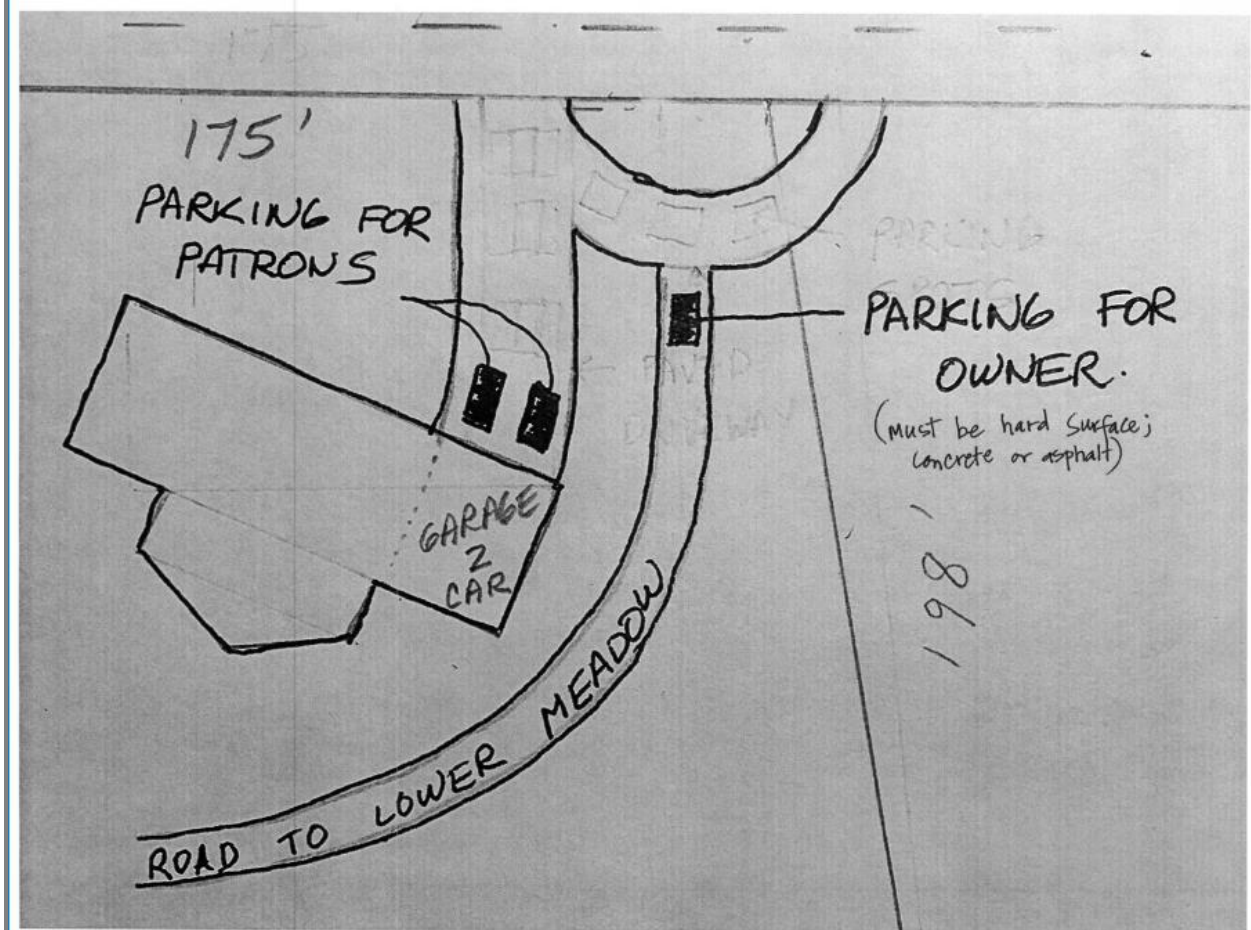
\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

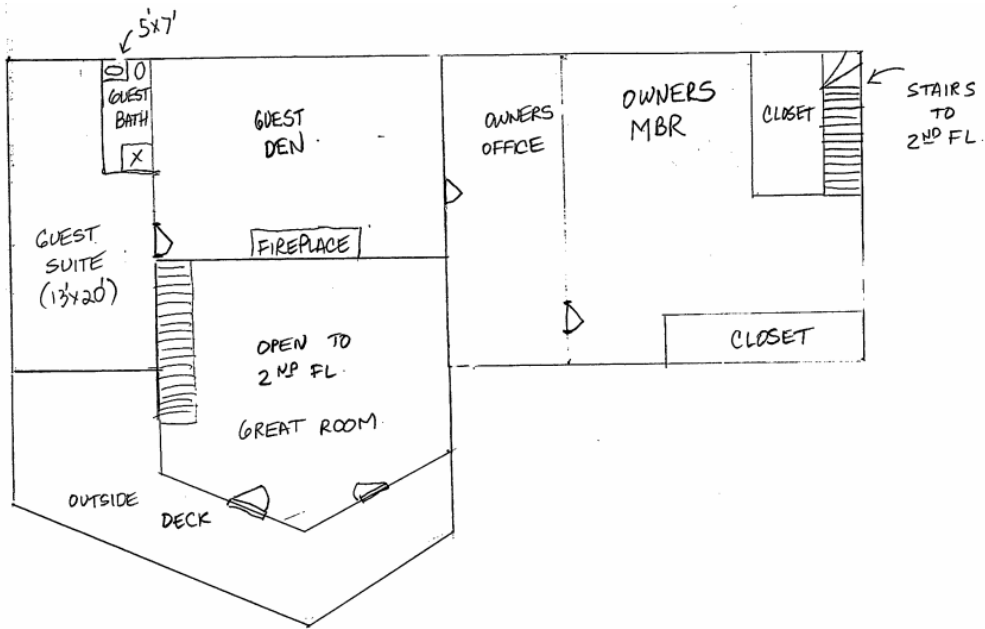
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

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

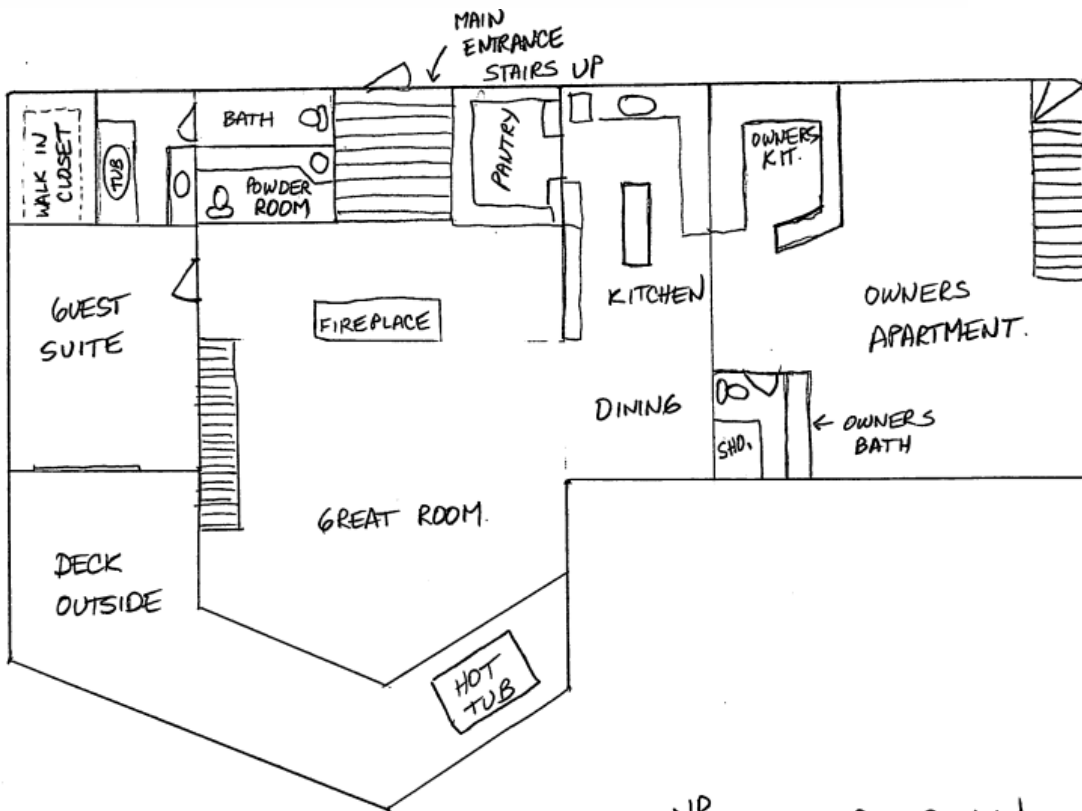
Exhibit B - Site/House Plans



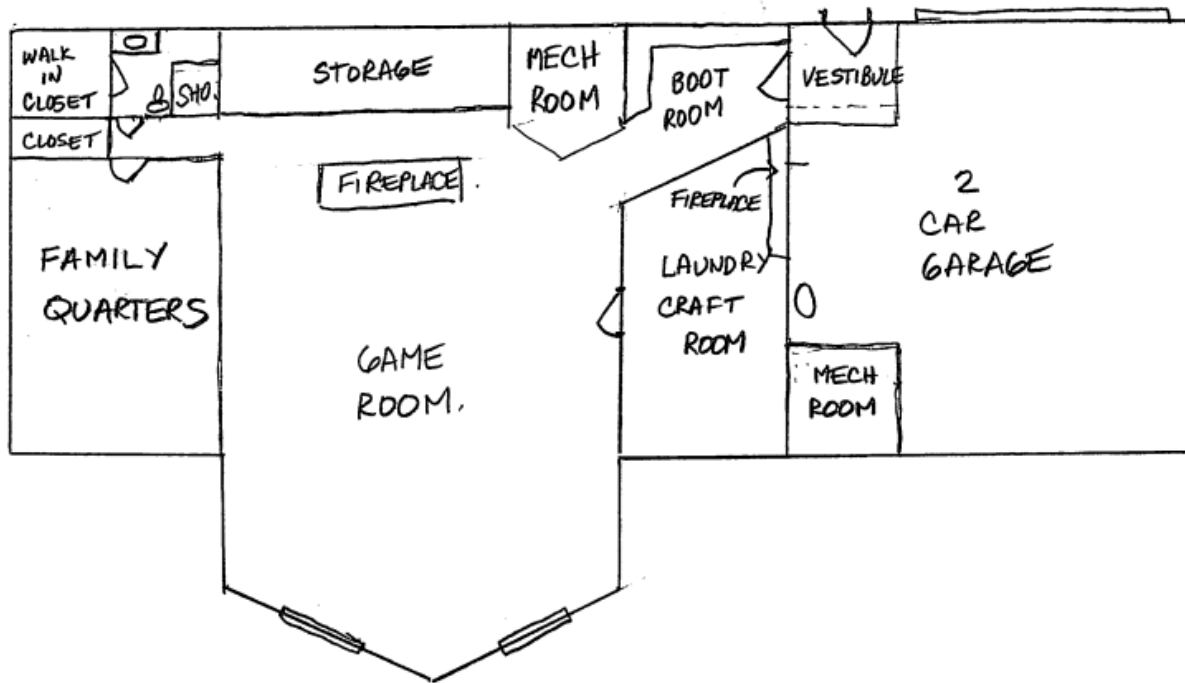




3<sup>RD</sup> FL. FLOOR PLAN



2<sup>ND</sup> FLOOR PLAN



1<sup>ST</sup> FLOOR PLAN

Map 1

