



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 short term rental use at 4941 E Wolf Lodge Dr., Eden, UT 84310.
Agenda Date:	Tuesday, June 08, 2021
Applicant:	Stephanie Haymond, Owner
File Number:	CUP2021-08

Property Information

Approximate Address:	4941 E Wolf Lodge Dr., Eden, UT, 84310
Project Area:	0.03 acres
Zoning:	Forest Residential-3 Zone (FR-3)
Existing Land Use:	Residential
Proposed Land Use:	Residential/Short Term Rental
Parcel ID:	22-370-0023
Township, Range, Section:	T7N, R1E, Section 22 SW

Adjacent Land Use

North:	Wolf Lodge Drive/Condominiums	South:	Residential
East:	Wolf Creek Dr.	West:	Residential

Staff Information

Report Presenter:	Scott Perkes sperkes@co.weber.ut.us 801-399-8772
Report Reviewer:	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 at 4941 E Wolf Lodge Dr., Eden, UT, 84310. 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 the property as their primary residence and short-term rent the property while they are away on military assignments. This narrative also addresses how they intent to accommodate noise, security, parking, and garage use. The applicant has also submitted a parking exhibit (See **Exhibit C**) to help visualize the overall parking plan for The Village at Wolf Creek community.

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 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 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 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, time share 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 (5/31/2021): *There is a ten person limit in non-sprinklered dwelling units. Please provide a fire extinguisher left in plain sight, CO and smoke detectors required.*

Staff Analysis

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
 - In order to mitigate for adequate onsite parking, the owner has indicated in their narrative that they intend to make the dwelling’s attached and oversized 1-car garage available to renters. This parking would be in addition to the available guest parking spaces that are provided throughout The Village community. The Village community was designed to meet the current Weber County parking requirements for multi-family developments as part of the original PRUD approvals (1.75 spaces per dwelling unit). As a condition of approval, staff recommends that no on-street parking be allowed.
 - Staff does not anticipate the proposed use to materially reduce other amenities or services.
- 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 master plan.
- 5) Standards relating to performance (bonds, agreements)
 - Original approvals of the Village PRUD required that “No Parking” signs be installed along the community streets. Staff recommends that these signs be installed prior to the issuance of the conditional use permit.
 - Staff review of original approvals, and subsequent amendments, for this community has not found any conditions or agreements that would prohibit the proposed use.
- 6) Standards generally (economy, other applicable LUC standards)
 - Staff does not believe that the proposed use will have detrimental effects on the local economy.
 - Prior to 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.
 - Per the applicant’s narrative, the residence is being monitored with security and controlled entry devices. These voluntary measures will help the owner keep an eye on the property while it’s being rented.

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:

- There is a ten person limit in non-sprinklered dwelling units. Please provide a fire extinguisher left in plain sight, CO and smoke detectors required.
- Installation of “No Parking” signs along community streets must be completed prior to the issuance of a conditional use permit.
- A business license shall be obtained prior to issuance of this conditional use permit.
- The dwelling’s attached garage shall be made available to renting parties. Any additional parking shall occur only in designated areas within the development. Parking in the right-of-way is prohibited.

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. Subject Property Location
- C. Parking Plan

Area Map



Exhibit A – Application Narrative

Project Narrative

We purchased this property for our primary residence and as a nightly rental investment (based on the FR-3 zoning). We moved into the property March 2021 and currently live here full time. We are active duty military and intend to use the home for nightly rentals when the Air Force sends us away for trainings and assignments. My family has been in the Ogden Valley for over 50 years, and being able to use this property for nightly rentals when we are away will allow us to keep the property and still have a home base in Ogden Valley.

To address how any reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated:

Noise: Our property is an end unit townhome (1 of only 2 units in our building) so therefore only 1 shared wall. The walls were built extremely thick and sound proof. We have conducted several sound tests with our neighbors and have yet to hear a single noise from the other unit.

Security: We have already installed several security features including a front door camera and a smart keypad lock. These are constantly monitored and will continue to be monitored during nightly rentals.

Parking: Unlike most townhomes and condos in the area, every unit in our complex has an attached garage for parking. Out of the 27 units, 21 units have very large one car garages, 4 units have regular one car garages, and 2 units have two car garages. 17 units have a private driveway space with at least 8 of those driveways being large enough to accommodate an extra vehicle. In addition, there are 18 extra paved parking spaces and the builder has committed to adding 4 more spaces in the Creekside Way parking lot once the landscaping is completed this spring (for a total of 22 parking lot spaces). In total, there will be 59 parking spaces for the 27 units without using any street parking. The County Code requires 1.75 parking spaces per unit, and this property clearly surpasses that requirement. CCRs strictly forbid trailers and recreational vehicles from parking in or on the property, and the HOA has actively managed that by sending reminder emails to all residents. A parking map has been included with this application under "other" documents.

Street Situation: As a full time resident who works from home, I can confidently say that I have never seen a resident or visitor park on the street. Without exception, any vehicles seen parked along the street have been related to construction as these buildings are new builds that are still having things completed (such as landscaping). The vehicles, trailers, & RVs chronically parked along Wolf Lodge Dr are connected to Wolf Lodge & are not associated with the Villages.

Garage use: Our garage will be accessible to renters for the purposes of accommodating off-street parking. It is a very large 1 car garage & can easily accommodate a parked vehicle plus bikes & other renter amenities.

Exhibit C - Parking Plan

Total units = 27
 Garage parking = 29
 Parking lot spaces = 22
 Units with driveways = 8+

Total parking spaces
 (off-street) =

59+

DW = Driveway

