



OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

PLANNING MEETING AGENDA

April 22, 2014

5:00 p.m.

**Pledge of Allegiance:*

**Roll Call:*

1. Minutes: Approval of the March 25, 2014 and April 1, 2014 meeting minutes
2. Consent Agenda:
 - 2.1. SUBVAC 2014-01 Consideration and action on a request to vacate Lots 4 and 5 of The Sanctuary Subdivision including all public utility easements located at approximately 1500 Maple Drive, Huntsville UT (Timothy Charlwood, Applicant)
3. Petitions, Applications and Public Hearings
 - 3.1. Administrative Items
 - a. New Business
 1. DR 2014-03 Consideration and action on a an administrative application for a temporary material processing and rock crushing operation at The Retreat Subdivision located at 5334 East Elkhorn Drive in the Residential 20 (RE-20) Zone (Retreat Utah Development Corporation, Applicant, John Lewis, Agent)
4. Legislative Items
 - 4.1. New Business
 - a. ZTA 2014-04 Consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 9 (Forest Zones F-5, F-10, and F-40) Section 2 (Permitted Uses by increasing the allowed size of a shed from 100 square feet to 200 square feet (Sunridge Property Owners Association Board Members, Applicant)
 - b. ZTA 2014-05 Consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 13 (Forest Residential-1 (FR-1) Zone) to allow the nightly rental of a condominium dwelling with a platted condominium project (Cobble Condominiums, Applicant; Scott Littlefield, Agent)
5. Communication Policy
6. Public Comment for Items not on the Agenda
7. Remarks from Planning Commissioners
8. Report of the Planning Director
9. Remarks from Legal Counsel
10. Adjourn

The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT

A pre-meeting will be held at 4:30 P.M. in Room 108, no decisions will be made in this meeting.



(In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission 24 hours in advance of the meeting at 801-399-8791)

Minutes of the Ogden Valley Planning Commission Regular meeting March 25, 2014, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Pen Hollist, Chair; Ann Miller; John Howell; Kevin Parson, Greg Graves, Kevin Parson

Absent/Excused: Laura Warburton, Will Haymond

Staff Present: Sean Wilkinson, Planning Director; Jim Gentry, Planner; Scott Mendoza, Planner; Steve Parkinson, Planner; Charles Ewert, Planner; Ben Hatfield, Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

- *Pledge of Allegiance*
- *Roll call:*

1. Minutes

1.1. Approval of the February 25, 2014 meeting minutes

Chair Hollist declared the meeting minutes of February 25, 2014 approved as written.

Chair Hollist asked if any member had ex parte communications they would like to declare. No ex parte communications were declared.

Chair Hollist moved the consent item later in the agenda.

3. Petitions, Applications and Public Hearings

3.1. Administrative Items

a. New Business

1. CUP 2014-01: Consideration and action on an administrative application expanding an existing Conditional Use Permit CUP 2014-01 for the removal of the existing filter buildings, two (2) sludge drying beds and construct three (3) new buildings and work site located at approximately 900 Canyon Road within the Forest-40 (F-40) and Forest Residential-1 (FR-1) Zones (Ogden City, Applicant; Kenton Moffett, Agent)

Steve Parkinson said the applicant is requesting approval to expand their existing conditional use permit CUP 2014-01 for a Water Treatment Facility at approximately 900 Ogden Canyon. Ogden City is the operator of the plant and leases the property from the U.S. Government. The proposed changes are improvements to the existing site by removing two of the three sludge drying beds and replacing the vegetation. The new proposal is an improvement to the overall site and use. There are three new buildings proposed with the largest being 100' x 110' and the other two buildings are 30' x 40'. The proposed buildings will be located further from the road than the current pretreatment building on the east of the property. Staff has a list of concerns that have yet to be resolved but can be resolved during this meeting. There are two other departments or agencies that have responded with no issues from the Weber County Fire Department. The US Forest Service has one issue that the exterior of the building continue to appear harmonious with the surrounding environment. Staff feels that there are fewer detrimental effects (i.e. noise, smoke, dust, odor, vibration or light) for this use with the modifications to the site than the existing site. Staff recommends approval of the expansion of the Ogden City Treatment Facility and requires that all County and State review requirements are satisfied.

Chair Hollist asked why is Ogden City moving this detention pond across the highway? Mr. Parkinson replied that it was due to change in technology and the applicant can provide further explanation.

Commissioner Howell asked if staff had any idea what part of this property is owned by Ogden City. Mr. Parkinson replied that Ogden City owns a small portion of land and most of the property is owned by the US Government in which they are leasing that property from.

Kenton Moffitt, Ogden City Utility Manager, said their old filter plant needs a new upgrade and the new plant will be utilizing new technology where they don't use as much sludge handling. The technology will be confined to those two buildings on the west side of the project. They will be using mechanical dewatering instead of the sun. Ogden Canyon does not have a lot of sun and they have had issues with the sludge drying beds over the years. They will be increasing the capacity of the plant but the footprint will be the same or smaller because of the technology they are utilizing inside. They currently utilize sand and charcoal called a Conventional Water Treatment Plant. The new plant will be using a membrane

technology; which is an up and coming technology, and will be one of the largest plants in Utah by a factor of two. They are anticipating having lots of college visitors; which is one reason they have the large landscaped area, for people to enjoy and learn about water conservation.

Commission Howell asked while they are making these changes will they adequately be able to provide Ogden with purified water. Mr. Moffitt replied yes they will because they will have to do this in the winter. They use this filter plant to supplement the high demand that comes during the warmer season. They will be starting on this project and start building the new treatment plant. Shortly come fall they will be shut down for the winter and they will demolish the existing facility. They will continue to build the new plant over the winter and their goal is to get that started by the water season next April.

MOTION: Commissioner Miller moved to approve CUP 2014-01 which is the expanding of the Water Treatment Plant Facility in Ogden Canyon by removing the existing filter building and two sludge drying beds and constructing three new buildings and work site subject to review of all the agency requirements. Commissioner Howell seconded.

DISCUSSION: Commissioner Graves asked if the motion was subject to all agency review comments and would that include the specific things that Planning has outlined in the staff report. Chair Hollist replied yes as outlined in the conditions of approval. Commissioner Graves said that's for the agencies but there are specific things that staff went over and those need to be included in that.

AMENDED MOTION: Commissioner Miller moved to approve CUP 2014-01 which is the expanding of the Water Treatment Plant Facility in Ogden Canyon by removing the existing filter building and two sludge drying beds and constructing three new buildings and work site subject to review of all the agency requirements in the staff report and include staff's conditions that need to be resolved. Commissioner Parson seconded.

VOTE: A vote was taken and Chair Hollist indicated that the motion carried (5-0).

2. Consent Agenda:

- 2.1. UVS1104-13:** Consideration and action on an administrative application for final approval of the Silver Summit Estates Subdivision consisting of 13 lots located at approximately 9150 E 1300 S within the Forest Valley-3 (FV-3) Zone (Park City Premier Properties LLC, Applicant; Matthew Lowe, Agent)

MOTION: Commissioner Howell moved to recommend to the County Commission to approval of Consent Agenda Item USV1104-13 subject to staff and other agencies listed in the staff report and that it conforms to the General Plan and the state and county ordinances.

FRIENDLY AMENDMENT: Commissioner Miller suggested including that there be a path along the south side of the river on the north side of this subdivision in a floodplain. This would be a portion of the connecting east/west pathway along the river. Commissioner Parson seconded.

VOTE: A vote was taken and Chair Hollist indicated that the motion carried 5-0.

4. Communication Policy: No Communication Policy was discussed.

5. Public Comment for Items not on the Agenda: There were no public comments.

6. Remarks from Planning Commissioners: Chair Hollist said the Design Charrette Findings will be held on April 1st at 5:00 p.m. in the Weber County Commission Chambers and extending to Room 108. The 63 USU Design Charrette Posters will be posted with the formal meeting with the County Commission beginning from 7-8 p.m. He asked staff if the USU Professors and Student Team Leaders could be here at 5 p.m. to position the posters so that people could have access to view those posters before the formal meeting. Mr. Wilkinson replied yes. Chair Hollist said on April 14-17th the public will have access to all 63 of those posters in the upper floor of Snowcrest Junior High School Library. That will be from Monday through Thursday from 7 a.m. – 7 p.m. so there is ample opportunity for people to come and view those posters. On May 6th, which is our work session meeting, Professor Arrington who is leading a six team of students from USU, will be here to discuss with her team leader, the results of their research in the economic viability of land use tools, including TDR's, PDR's, and Conservation Easements. In

addition, Janet Muir will be present and she has been working with Professors at Weber State University on dark sky initiatives; particularly to get North Fork Park certified as an internationally recognized Dark Sky Location.

Chair Hollist said that he has completed the first draft of the request for proposals for the Ogden Valley Consultant. He anticipates being through after one more read of the solicitation. He is working with a Weber County Standard Form of RFP Contract; but has not gone through the exhibits which include the standard form of the contract. He wants to make sure that it is consistent in the proposal. This should be done by the end of the week and he will hand it to the Planning Commissioners for their first review of the draft RFP. Mr. Wilkinson suggested that before Chair Hollist sends it out to the Planning Commissioners, would like to meet with him and Charlie Ewert from our staff, and review the wording. Chair Hollist said he would set up an appointment with Mr. Wilkinson and suggested having Legal Counsel attend this meeting. After the Planning Commissioners review it, the County Purchasing Agent will need to review it to make sure that it meets the standard form of proposal.

7. Report of the Planning Director: Sean Wilkinson indicated that the names and terms of service are now on the county website, as agreed upon; no contact information and personal information is out there. They have submitted their final proposal for the local Planning Resource Program with the Wasatch Regional Council requesting some additional funding to help out with the Ogden Valley Study process. They should find out by April 9th whether or not they have received any additional funding. There is also a potential that they could receive some consulting help in lieu of funding for some training. Those are the options that are out there and he will report back to them as soon as they find out.

8. Remarks from Legal Counsel: No remarks from the Legal Counsel.

9. Adjourn to a Work Session:

WS1. Administrative Approval Process Discussion:

Sean Wilkinson said in the last work session meeting, he handed out this sheet to this Planning Commission for them to review. As it stands right now, he would probably leave conditional use permits to the Planning Commission because there are conditions that you have the authority on these items. However, if it's a small amendment to a conditional use permit, like putting new antenna's to a cell tower or they are adding a small shed to this site plan, he would like to have staff to be able to approve that, or other design-type items.

Mr. Wilkinson said in talking with the Western Weber Planning Commission, they wanted staff to bring changes to them to take a look and anything that staff currently is doing administratively, they would like a report on. As part of these items on the agenda, there will be an item under the Planning Director's Report that says, "Report on Administrative Approvals." At that point, he would tell them what in the last month had been approved administratively.

There was a discussion and the Planning Commissioners agreed that this would keep them well informed and updated about what is going on.

Mr. Wilkinson said what they can also do is on the website they can establish a section for administrative approvals and anytime they have a subdivision approved administratively; they would publish an agenda and staff report.

Scott Mendoza asked if you had questions on administrative approvals, would you have the ability to bring that to the Planning Commission. Mr. Wilkinson replied that is a good point, in our ordinance currently we can take anything that we approve administratively; anything that he is not approving, he will send it to the Planning Commission for a decision.

Chair Hollist said this is the first time that he has seen on a piece of paper the whole approval authority process and so he recommends that in addition to spelling it out, that staff adds a table as a quick reference so they can see what it is. Mr. Wilkinson replied that they could certainly do that.

WS2. Cluster Subdivision Ordinance Discussion:

Scott Mendoza said that the last time we met we talked about the Cluster Subdivision Ordinance and the members gave him some guidance and asked him to come back and report on a couple of things: One being the Ogden Valley TDR Program also known as the Destination Recreation Resort Zone and the effect that it had on the Ogden Valley to date. This came from a

traffic engineer, we went back and got the information from the Snow Basin's Traffic Engineers and were able to report on these trips per day. If you notice there are 758 vehicle trips per day per week day, and close to 1,500 per trips per day on a weekend. It depends on where these transferring parcels are and obviously where you transfer density to. You can see quite a few benefits when you consider traffic, air quality, and the visual impacts that TDR's can have. When you approved Snow Basin, you approved their transfers; you basically ended up enabling the preservation of over 3,000 acres within that resort. They were able to become that resort zone and one of the standards for them to meet was they had to have 60% open space; about half of that had to be conservation space. So by approving the TDR's as a byproduct you ended up preserving 3,000 acres somewhere else just because they were able to become the resort zone and then had to meet those standards.

Mr. Mendoza said the second thing he wanted to report on was your question about mandatory TDR's and how they relate to the cluster ordinance and he will be talking more in depth about TDR's in general. The question had to do with the cluster ordinance, bonus criteria, the bonus densities, and TDR's. He was able to visit with Chris Allred and he agrees and he also remembers that before there were bonus densities in the cluster ordinance, there was no bonus, so what you ended up with was offering was some incentives. What you would be doing is going in one direction as far as offering incentives and then coming back towards where the cluster ordinance as it was before with no bonuses, so basically it was one for one.

The Planning Commissioners had a discussion on TDR's, the history, the density, their vision, and the effects of harmonics (cycles) from weather patterns that could affect development throughout the valley.

Mr. Mendoza said if you don't have much more that you would like to cover, he is okay with the cluster ordinance in the Western Weber area, coming back later to update them on parts that would impact the ordinances as they know it. As for as the bonus criteria, this Planning Commission should keep this and study it, be prepared to do a TDR Presentation, and then tackle this. They should determine what they would like to see scratched off, what they would like to see raised as far as bonus densities, what they would like as far as percentages, what they would like to see dropped, and if they have any ideas, add them to the list. They could pick up from there after the TDR Presentation.

10. Adjourn: The meeting was adjourned at 7:30 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,
Weber County Planning Division

Minutes of the Ogden Valley Commission Work Session Meeting held April 01, 2014, in the Weber County Commission Chambers, 1st Floor, commencing at 6:00 p.m.

Present: Pen Hollist, Chair; Ann Miller; John Howell; Greg Graves; Laura Warburton; Will Haymond

Absent/Excused: Kevin Parson

Staff Present: Sean Wilkinson, Planning Director; Jim Gentry, Planner; Scott Mendoza, Planner; Ben Hatfield, Planner; Sherri Sillitoe, Secretary

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- ***Pledge of Allegiance***
 - ***Roll Call:*** Chair Hollist declared that six Planning Commission members were present, and Kevin Parson was absent.

The record reflects that a public open house was held from 6:00 p.m. to 7:00 p.m.

1. Utah State University and Ogden Valley Charrette Presentation

Chair Hollist called the meeting to order and thanked those in attendance. He thanked the many people who assisted and facilitated the preparation and presentation of the 2014 Ogden Valley Design Charrette. The Charrette was prepared by the USU Department of Landscape Architecture and Environmental Planning students under the direction of Dr. Bell. There were 15 student teams involved each with a team leader with approximately 150 students participating.

Each team was given a question or topic to study as follows:

1. What makes Ogden Valley unique and special
2. What makes each community unique and special
3. Potential and future opportunities for Ogden Valley Region
4. Agriculture – can and should it be a part of the valley
5. Wildlife – habitat and conservation
6. Development and open space preservation – methods
7. Property ownership and property rights
8. Resorts – contribution and relationship to the valley
9. Moderate income housing
10. Pineview Reservoir and its waterfront
11. Pineview Reservoir – land use, development, waterfront
12. Snow Basin's waterfront property
13. Village and neighborhood centers
14. Huntsville City's new development parcels
15. Huntsville City

Chair Hollist explained to the audience what a Design Charrette is and what it isn't. Chair Hollist indicated that the work done on this Design Charrette had exceeded his expectations. The Charrette cost the County \$3,600 and the quality of the work that has been done far exceeds that amount of money in his opinion. As part of the Charrette process, the student teams visited Ogden Valley, spoke to citizens, gathered information, and formulated ideas. Posters were prepared representing the ideas generated by the student teams with limited prior knowledge of Ogden Valley and limited time to complete the project.

Weber County will consider the USU student suggestions and recommendations in future Ogden Valley Planning projects. Weber County has set aside funds to hire a consultant that will study Ogden Valley planning issues such as commercial nodes, etc., and the Design Charrette information will be taken into consideration by that consultant. Ogden Valley residents will have input all along the study process.

Chair Hollist turned the time over to the team leaders to briefly explain their topic of study and findings.

The meeting was then opened up to public comment. The main concern raised was regarding increased property taxes if the ideas from the Charrette were adopted.

A property owner stated that he believes the uniqueness to the Ogden Valley is the people who live there. He raised the concern of public accessed pathways being recommended in the rear of properties in private ownership and the concern that if a private property owner refuses to allow the pathway, would the County take their property anyway using eminent domain.

Another resident voiced his concern regarding how the disposal of sewage would be handled with increased recreational or camping use along the reservoir.

A property owner voiced opposition to this becoming an exercise in social engineering of government trying to gain more control over private property as what is happening in Southern Utah. He understands the need for long range planning but believes care should be taken and more time spent studying the issues.

A resident asked if the students have determined if there is a limit or cap on building. Chair Hollist in conjunction with Sean Wilkinson indicated that they hope to be able to come up with a maximum number of units the Ogden Valley could handle after the consultant studies the issue.

Concern was raised about where the money will come from to pay for the suggested improvements the students came up with. How much more of an impediment will the boardwalks or park areas be for the wildlife? A student indicated that they suggested making the existing travel corridors more available for the wildlife.

Chair Hollist indicated that the Planning Commission has not pre-determined any kind of direction for Ogden Valley. The Planning Commissioners urged the residents to keep attending the public meetings and giving their input. He thanked everyone for participating and indicated an informal presentation open house of the 2014 Ogden Valley Design Charrette will be held on Monday, April 14, 2014 through Thursday, April 17, 2014 at Snowcrest Jr. High School from 7:00 am to 7:00 pm. Ogden Valley residents are welcome to spend as much or as little time as they wish viewing the 62 posters.

Also several of Utah State University's Huntsman Scholars will present their findings and conclusions about a variety of land use tools that can be used to shape Ogden Valley's future. The presentation will be part of the Ogden Valley Planning Commission work session on May 6, 2014 at 5:00 PM in the Weber Center Commission Chambers. The public is welcome to attend.

2. Adjourn: The meeting was adjourned at 9:30 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary,
Weber County Planning Division



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request to vacate Lots 4 and 5 of The Sanctuary Subdivision including all public utility easements.
Agenda Date: Tuesday, April 22, 2014
Applicant: Tim Charlwood
File Number: SUBVAC 2014-01

Property Information

Approximate Address: 1500 North Maple Drive; Huntsville UT
Project Area: 160+ acres
Zoning: Forest (F-40) Zone
Existing Land Use: Recreational Residential
Proposed Land Use: Recreational Residential
Parcel ID: 21-126-0004 & 21-126-0005
Township, Range, Section: T6N, R2E, Section 3 & 4

Adjacent Land Use

North:	Recreational Residential	South:	Forest Land
East:	Forest Land	West:	Recreational Residential

Staff Information

Report Presenter: Steve Parkinson
sparkinson@co.weber.ut.us
801-399-8768
Report Reviewer: JG

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 9 (Forest F-40 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

Background

The Sanctuary 1st Amendment (Lots 4, 5, 7, and 8) is an amended subdivision which is replacing Lots 4 and 5 in The Sanctuary Subdivision. The purpose of the amendment is to create two (2) additional lots. All four (4) lots will meet the minimum lot area requirements of the F-40 Zone. Currently Lots 4 and 5 are vacant and creating two (2) additional lots will not cause any additional issues. All of the lots will have water provided by individual wells and individual septic tanks for wastewater treatment.

As part of the subdivision amendment process, Lots 4 and 5 of The Sanctuary, including the public utility easements, will be vacated. The amended subdivision plat showing the new lots and public utility easements will then be recorded. A recommendation from the Planning Commission to the County Commission is required for these lot vacations to occur. The lot vacation process officially removes from record the existing legal descriptions of the lots that are being replaced by the amended subdivision. This process helps keep the chain of title clear and helps prevent errors.

Summary of Planning Commission Considerations

- Does the subdivision meet the applicable requirements of the Weber County Land Use Code?

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

Conditions of Approval

- Meeting the requirements of applicable review agencies.

Staff Recommendation

Staff recommends approval of the request to vacate Lots 4 and 5 of The Sanctuary Subdivision including all public utility easements.

Exhibits

- A. The Sanctuary Subdivision Plat
- B. The Sanctuary 1st Amendment Subdivision Plat

Location Map

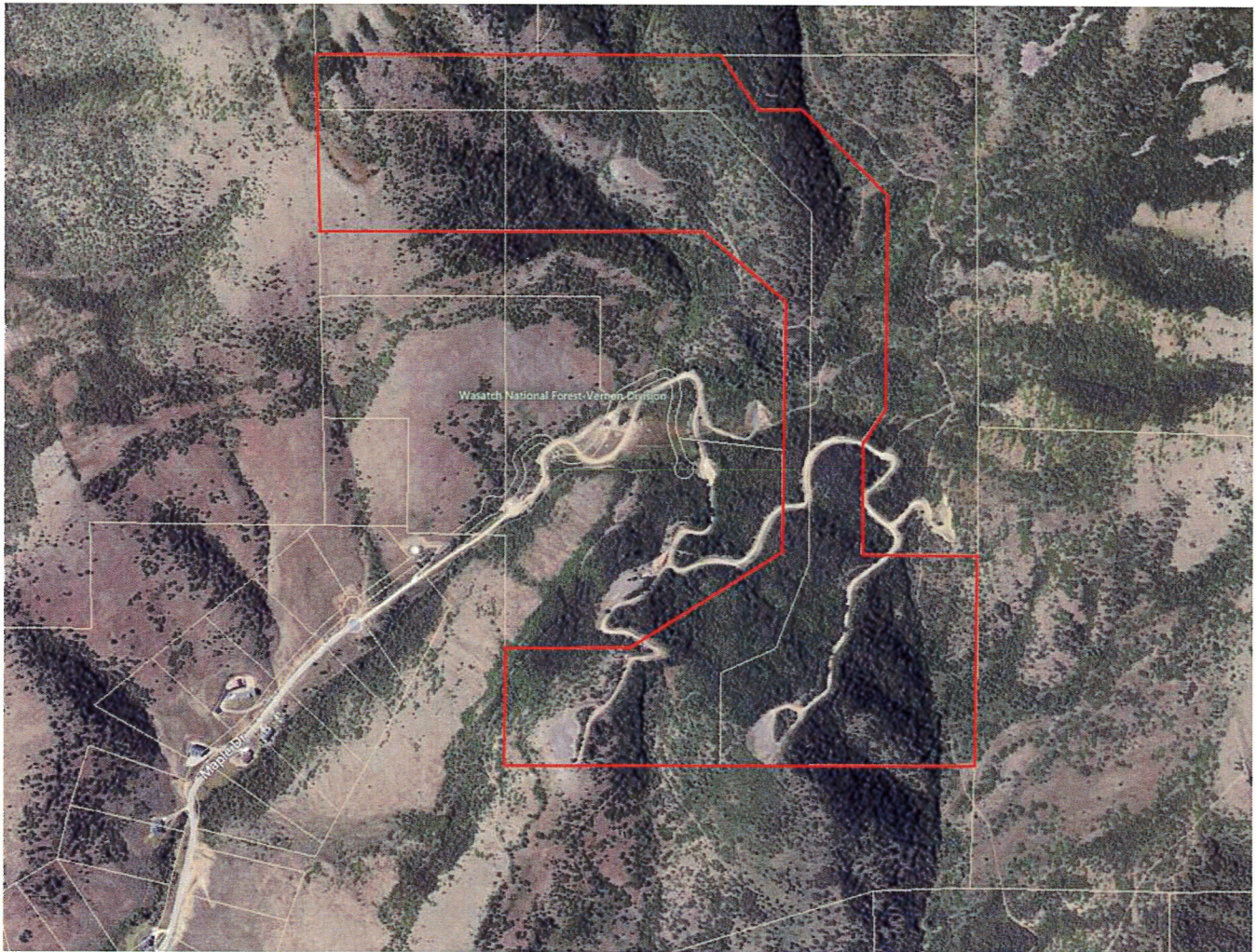
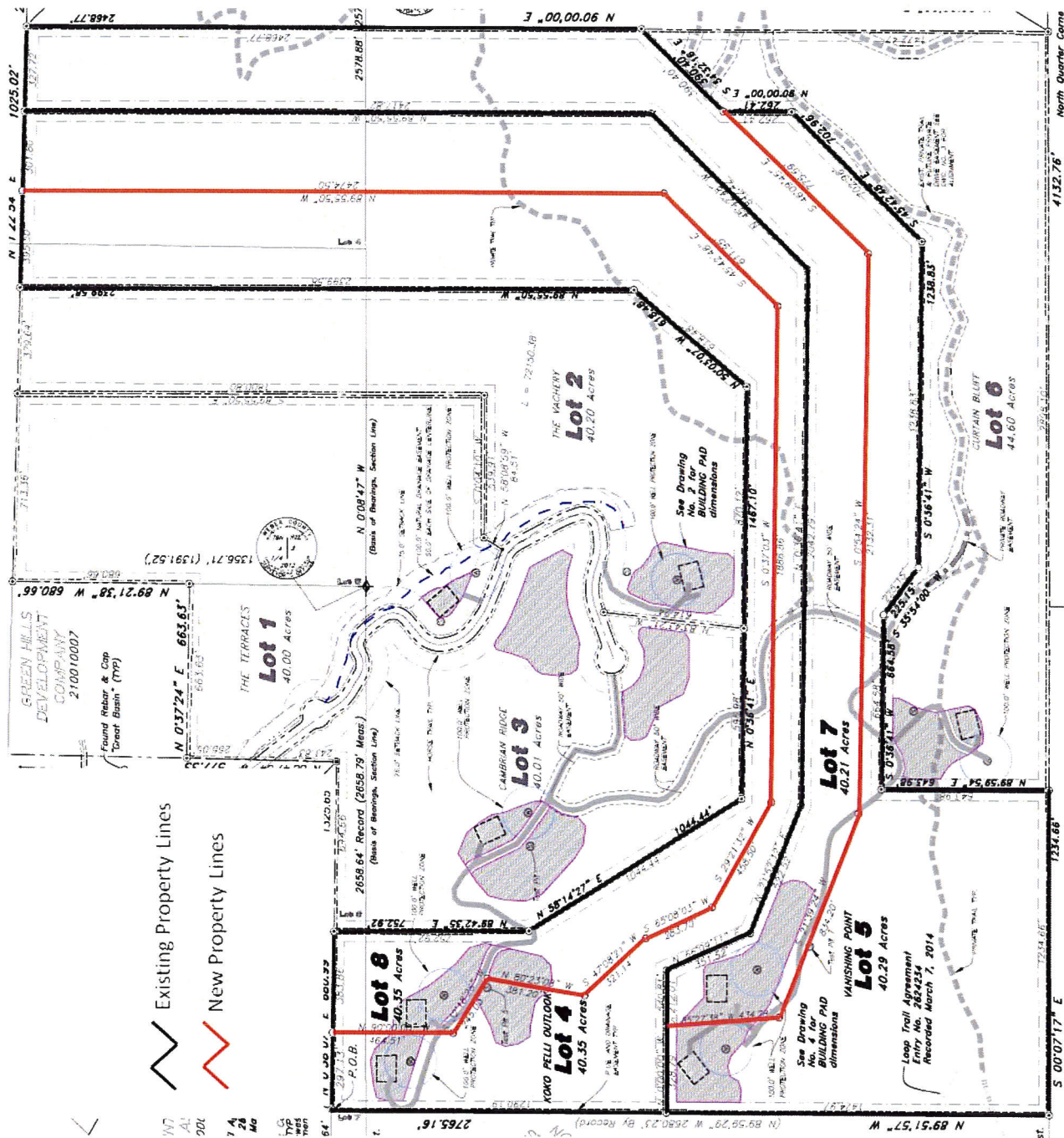




Exhibit B





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an administrative application (Design Review 2014-03) for a temporary material processing and rock crushing operation at The Retreat Subdivision at 5334 East Elkhorn Drive

Agenda Date: Tuesday, April 22, 2014

Applicant: John Lewis for Retreat Utah Development Corporation

File Number: DR 2014-03

Property Information

Approximate Address: The Retreat Subdivision at 5334 East Elkhorn Drive

Project Area: 22 acres

Zoning: Residential RE-20

Existing Land Use: Vacant

Proposed Land Use: Temporary material processing and rock crushing operation

Parcel ID: 220160097

Township, Range, Section: T7N, R1E, Section 22

Adjacent Land Use

North:	Vacant	South:	Vacant
East:	Vacant	West:	Vacant

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8767

Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 3 (Residential RE15 and RE20)
- Weber County Land Use Code Title 108 (Standards) Chapter 1 (Design Review)

Type of Decision

Administrative Decisions: When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

Background

The applicant is requesting approval to conduct a material processing and rock crushing operation on a temporary basis at the Retreat Subdivision in Wolf Creek. The purpose of the excavation and crushing operation is to provide material to be used in road and utility construction within the Retreat Subdivision Development. Any excess material may be used at The Ridge Town Home Project, which is another project by this developer. All of the material will be processed on Retreat Subdivision property and moved to the other project. No off-site material may be brought in for crushing.

This project is located in the Residential RE-20 Zone where development of single-family dwellings is permitted, and uses customarily incidental to permitted uses are permitted. Staff has determined that a temporary material excavation and rock crushing operation is a use which is customarily incidental to the construction of infrastructure in a subdivision for single-family dwellings, and is, therefore, a permitted use in the Residential Zone. This use is consistent with and very similar to a rock crushing operation approved by the Planning Commission in 2009 (DR 2009-01) for Eagle Ridge Subdivision.

The material excavation and rock crushing operation will be located approximately 1,600 feet north and uphill from the nearest home, in an area that is currently being developed as Phase 3 of the Retreat Subdivision. The applicant estimated 26,000 tons of material will need to be processed. Noise mitigation is tied to the distance from the nearest homes and the berms that are already on site. Water trucks will be on site to mitigate potential problems with dust. The Weber County Engineering Division is requiring a Storm Water Pollution Prevention Plan (SWPPP) for the subdivision to be amended to include this operation, and this operation is to be at least 50 from the creek, which by the site plan it appears to be a considerable distant from the creek.

The operation will run four weeks up to eight weeks depending on the weather, and the hours of operation will be from 8:00 a.m. to 5:00 p.m. Monday through Friday. The applicant has estimated that 1,732 round trips for dump trucks travelling up and down Wolf Creek Drive and through the Ogden Valley can be eliminated by using the material harvested on-site.

Summary of Planning Commission Considerations

- Are the proposed noise and dust mitigation measures adequate?
- Are there other potential impacts that have not been addressed?

Conformance to the General Plan

The proposed use is customarily incidental to the construction of the Retreat Subdivision development, and is, therefore, a permitted use that meets the requirements of the Residential RE-20 Zone and conforms to the Ogden Valley General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division.
- Requirements of the Weber-Morgan Health Department.
- No off-site material may be brought in for crushing and any excess material can be used by the developer on other projects owned by this developer within Wolf Creek.
- The site plan, hours of operation, and mitigation controls must be followed as approved by the Planning Commission.
- A signed copy of the approval letter from State of Utah Department of Air Quality for Dust Control.
- The operation will run four weeks up to eight weeks depending on the weather, and the hours of operation will be from 8:00 a.m. to 5:00 p.m. Monday through Friday.

Staff Recommendation

Staff recommends approval of (Design Review 2014-03) for a temporary material processing and rock crushing operation at The Retreat Subdivision at 5334 East Elkhorn Drive based on the following information:

- The operation is an accessory use that is customarily incidental to the construction of a subdivision and is permitted in the RE-20 Zone.
- The operation will significantly eliminate the number of truck trips used to haul material to this site, thus improving safety and decreasing road damage in the Ogden Valley.
- The applicant has proposed ways to mitigate potential negative impacts.

Exhibits

- A. Project Narrative
- B. Site Plan
- C. Location Map
- D. Site Plan Pictures

The Retreat 'Site Plan'

This 'Site Plan' is intended to serve the best interest of the community, the environment, and the successful completion of a sustainable clean project. It preserve's the integrity of the desired finished product. The second and third Phase of 'The Retreat' development in Eden has produced over a dozen temporary berms that must be removed to allow for the development and construction of homes yet to be built. At this stage, plans are being made to remove large quantities of lose earth material with large truck and pup vehicles, followed by importing large quantities of processed earth material to the property, unless a better plan is implemented. This will require a sudden and unnecessary increase in traffic, heavy equipment, and use over 15,000 additional gallons of fuel. In addition, more wear and tear on the existing roads, safety concerns, environmental concerns, and increased road construction activity will occur, unless a better solution can be remedied. The 'Site Plan' being proposed will provide a better solution. This plan offers a significant positive effect on the environment, safety, roads and the successful completion of the projects.

Site Plan Proposal

We have located an area out of sight where we propose to move all berms and prepare a safe, out of sight and sound to process the material into a usable source of material thus preventing the need to remove the old material and bring back in processed material. (See Exhibits A, B1,B2,B3 and B4.)

The stage site will be over 1,600 feet away from the nearest homes. This is a safe distance from any residential homes and is surrounded by hillsides that block any view and sound from surrounding homes in all directions. In addition a Berm will be built along the South end of the site to further isolate the sound and view. These berms will also block most all sound and send the waves vertical into the atmosphere traveling away from the nearest homes. It is virtually at the furthest point from traffic and homes in an area that is under construction in accordance with the approved phases of the subdivision with Weber County.. Fortunately, this time of the season the prevailing wind current will also be blowing to the north-east away from all residential areas. The aforementioned area is in a natural gully that is on the furthest and highest cul-de-sac away from the community. It is virtually going to be out of sight and noise shall be reduced drastically and limited to certain hours

Weather permitting; this project is expected to last approximately 4 weeks.

The hours of operation for the equipment processing the material will be from 8:00 AM to 5:00 PM Monday through Friday. Other equipment will be operated on a normal basis as prescribed in the current subdivision approval from Weber County.

Positive Benefits

Environment; The project will save potentially over 15,000 gallons of fuel toxins from entering the atmosphere in our community. As it stands now approximately 26,000 tons of material will have to be removed from the project site to complete the approved subdivision, and another 26,000 tons of material will need to be brought back to the project to complete the roads. This material is already sitting in piles that have been excavated out to make the cuts for the existing roads for phase 1, 2 and 3. There are over 12 berms of material sitting in piles that have to be removed in order to make room for the development. It will take approximately 866 truckloads of material to move away this material from the project site. In addition, another 866 truckloads (26,000 tons of material) will be required to provide material for the road sub base and base to meet code requirements. This will require an additional minimum of 866 truckloads to travel from Willard to back to Eden. The material that is sitting in the existing berms are capable of being recycled and providing the base and sub base and completely eliminate the need to have 1,732 round trips of a loaded truck and a pup material traveling up and down our community roads over the next several months.

Roads; The 1,732 round Trips of loaded truck and pups will cause unnecessary wear and tear on the existing roads. We are ultimately paying the price for the premature wear on the roads and the repairs needed when they finally get repaired. This additional wear and tear is unnecessary and will be avoided with the successful implementation of this plan.

Community Safety; Implementation and approval of this 'Site Plan' can clearly make this community a safer place to travel on foot, bike and vehicle with the reduction of the heavy equipment that will be required to complete this (Weber County approved) development as it now stands. This project is full of positive benefits to all parties and will have very little impact, if any on the community. Health, safety, road use, cost feasibility, and environmental concerns motivate this Plan.

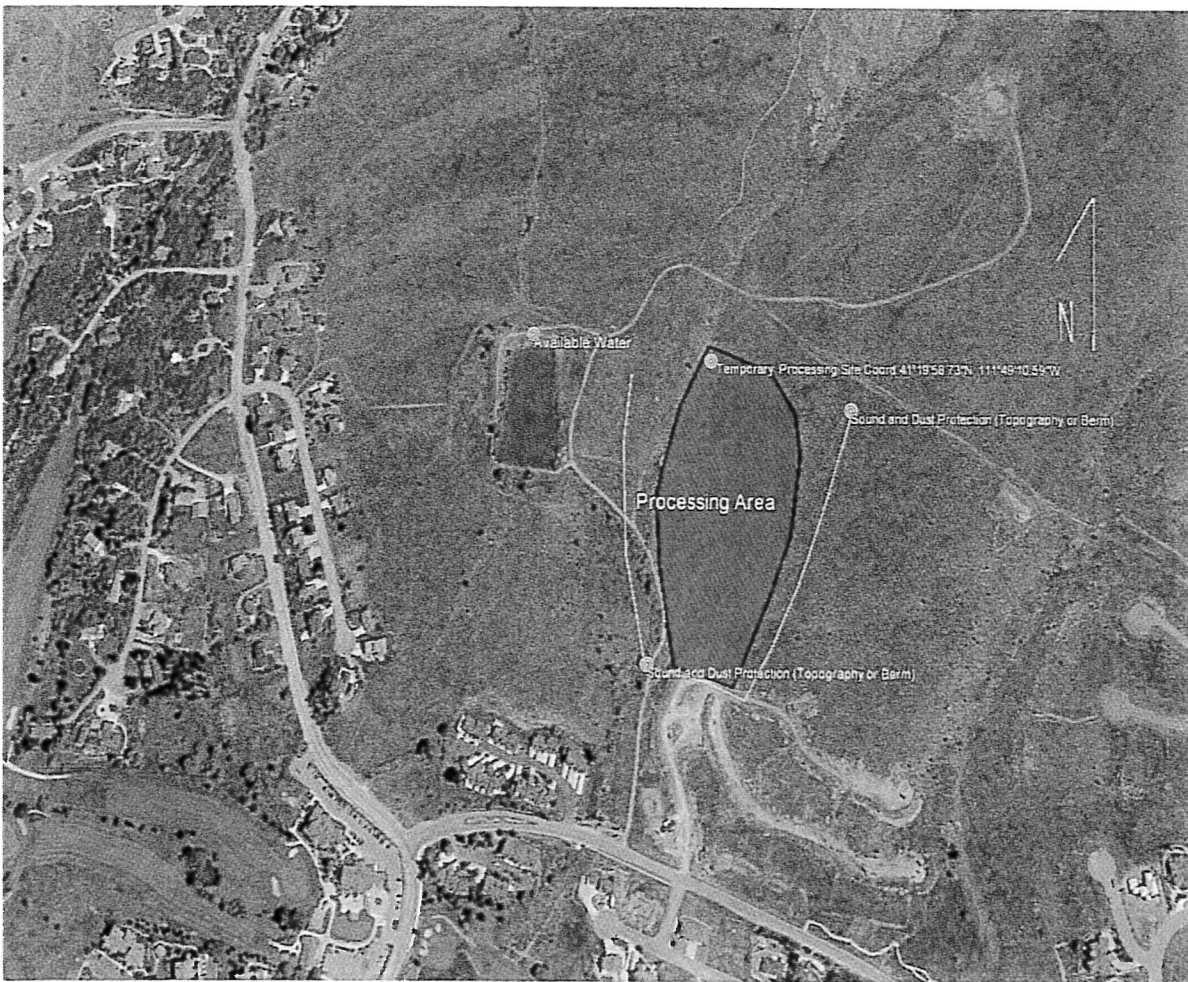
Certified Contractor

The contractor will be certified and in full compliance with Weber County and abide with the State requirement under the Air Quality Permit statutes and **MSHA Quality Control** testing requirements. The contractor will be required to have an **Air Quality Control permit**. Due to the

remote location it is not anticipated that excessive levels of dust will be a factor, however, water trucks will be used if conditions warrant. Water will be provided from the source nearby.

The current Project falls under the current **SWPP Plan** required by the subdivision by the County. The contractor will operate in compliance with the current plan due to the fact that no further excavation is expected to meet objectives of all parties.

Site Plan



Alternate Haul Route (52 Mile, approximately 2 ½ hours roundtrip.

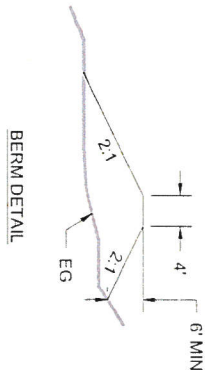
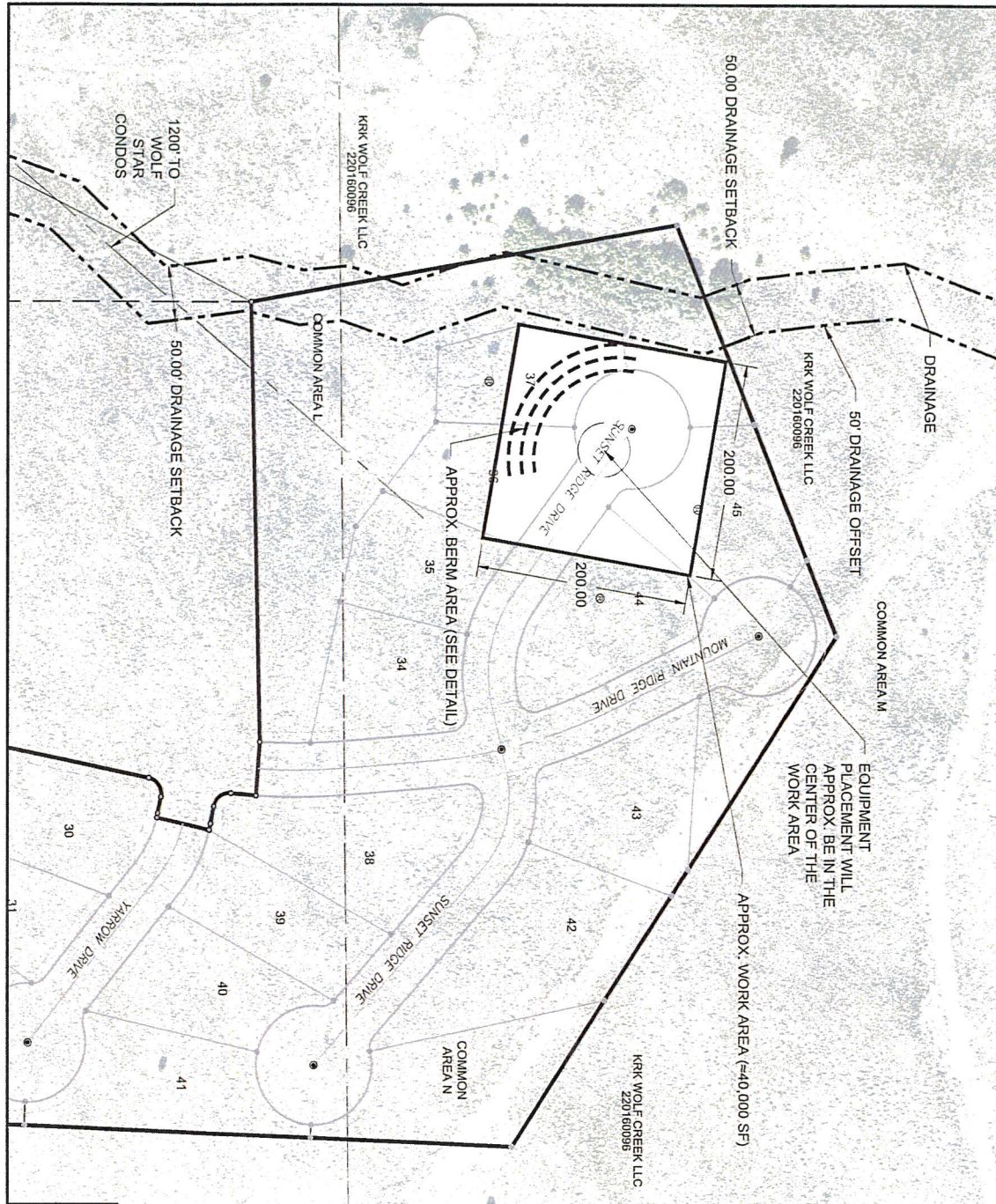


This demonstrates the unnecessary haul distances eliminated by utilizing on-site materials. Work smarter not harder and protect our environment from unnecessary impact by utilizing resources readily available on-site.

Addendum for 'The Retreat' Site Plan Narrative

This plan is intended to process all the loose material coming from the all the berms that have been stockpiled through Phase 2 and 3 of 'The Retreat' development. This processed material will then be used for the 'The Retreat' development. In the event there is any excess material, we request permission for this excess material to be moved to a nearby John Lewis or community Project.

The existing Storm Water Permit will be revised and coordinated with Weber County and in full compliance and cooperation with Weber county officials.



EX1	GARDNER ENGINEERING CIVIL • LAND PLANNING MUNICIPAL • LAND SURVEYING 5150 SOUTH 375 EAST OGDEN, UT OFFICE: 801-476-0202 FAX: 801-476-0066	CONDITIONAL USE PERMIT			Revisions	Date: APRIL 2014
		THE RETREAT			Date	Description
EX1		PHASE 3				Designed: DB
		WEBER COUNTY, UTAH				Drafted: DB
					Checked: TN	

[illegible]

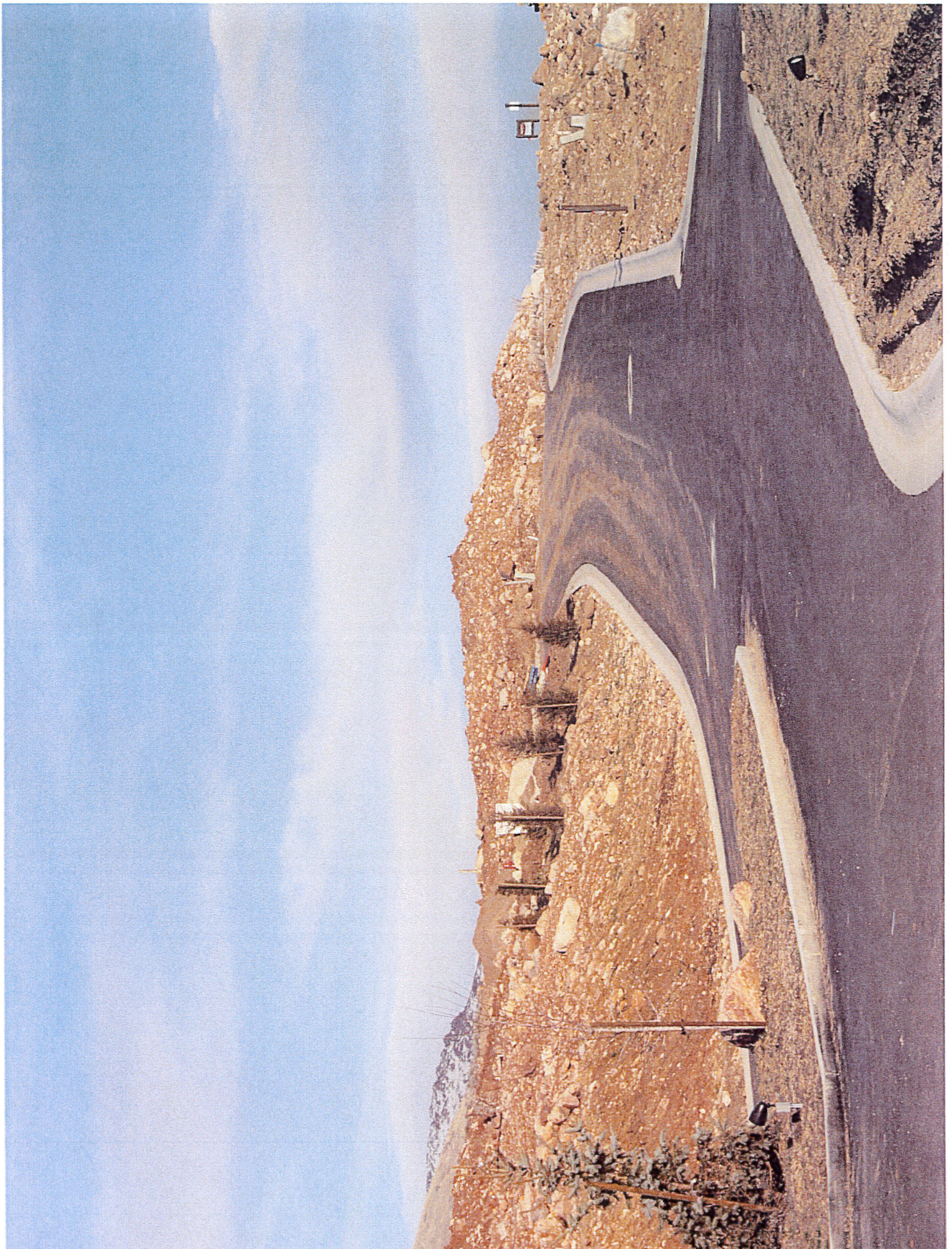


Exhibit B(1)
East View
from Worksite

E

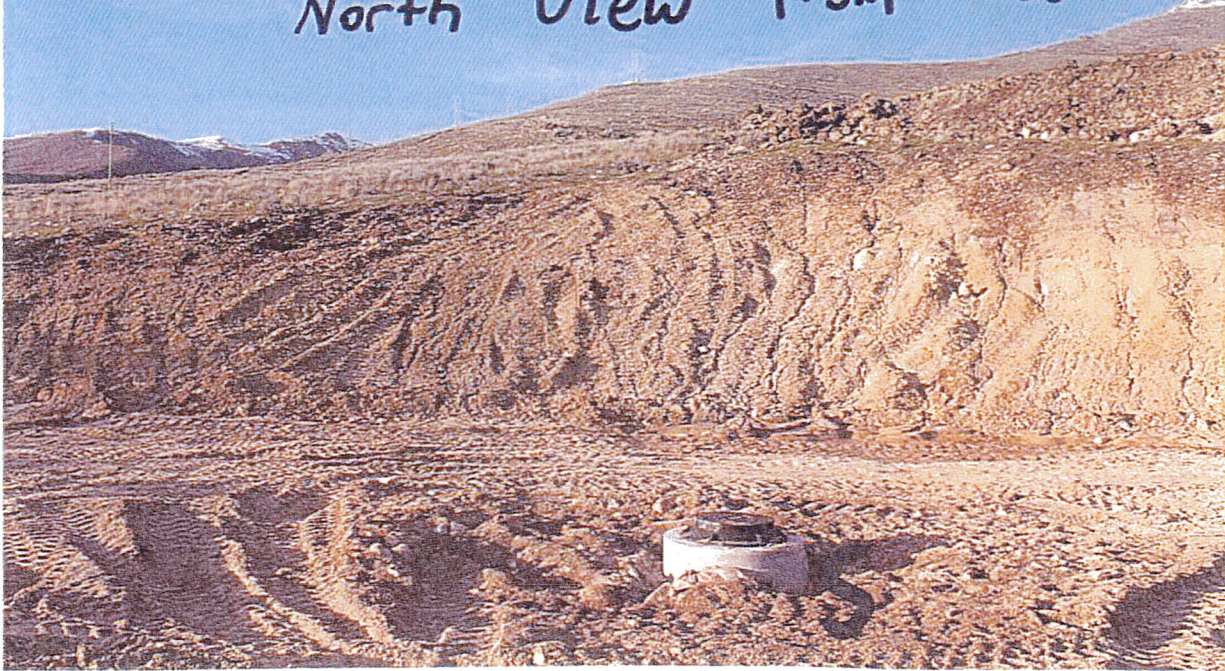
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S



Exhibit B (3) N

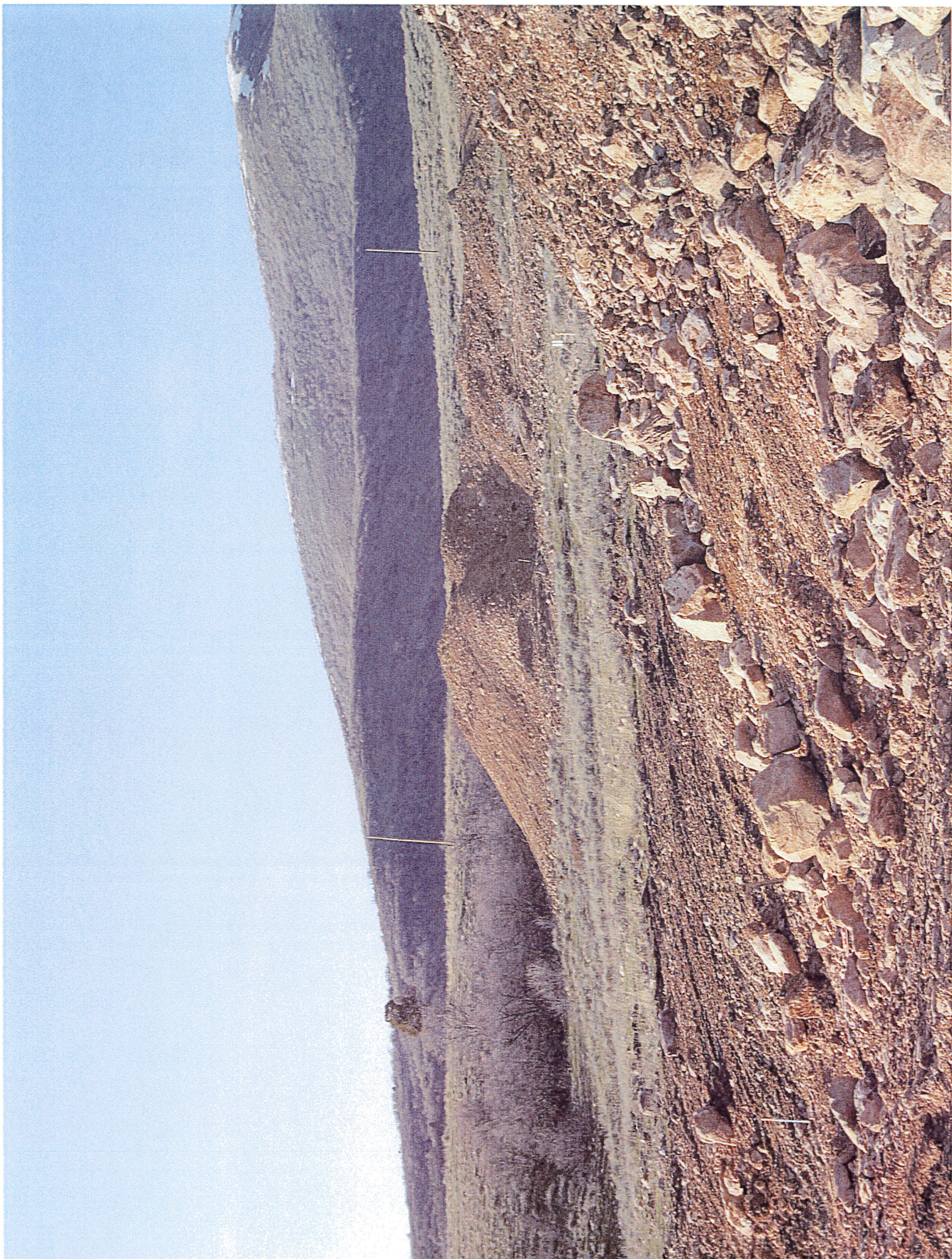
North View from worksite



W

E







Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 9 (Forest Zones F-5, F-10, and F-40) Section 2 (Permitted Uses) by increasing the allowed size of a shed from 100 square feet to 200 square feet.

Agenda Date: Tuesday, April 22, 2014

Applicant: Sunridge Property Owners Association Board Members

File Number: ZTA 2014-04

Property Information

Approximate Address: Not Applicable

Project Area: Not Applicable

Zoning: Not Applicable

Existing Land Use: Not Applicable

Proposed Land Use: Not Applicable

Parcel ID: Not Applicable

Township, Range, Section: Not Applicable

Adjacent Land Use

North:	Not Applicable	South:	Not Applicable
East:	Not Applicable	West:	Not Applicable

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
(801) 399-8767

Report Reviewer: SW

Applicable Land Use Code

- Weber County Land Use Code Title 104 (Zones) Chapter 9 (Forest Zones F-5, F-10, and F-40) Section 2 (Permitted Uses)

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 amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically the criteria for recommending in a legislative matter require compatibility with the general plan and existing ordinances.

Background

The applicant is proposing to amend the Weber County Land Use Code Title 104 (Zones) Chapter 9 (Forest Zones F-5, F-10, and F-40) Section 2 (Permitted Uses) by increasing the allowed size of a shed from 100 square feet to 200 square feet. Property owners in the Forest Zones F-5, F-10, and F-40 can have a recreational vehicle or trailer on their lot and are allowed to have one shed not exceeding 100 square feet if all following conditions are met:

(6) One recreational vehicle, temporarily parked on a lot or parcel for periodic short-term intervals of less than 180 days for recreational use only and not for longer term placement nor for full time living. The following additional conditions shall apply:

- a. The lot has a minimum area of five acres in the F-5, ten acres in the F-10, and 40 acres in the F-40 Zone or is determined to be a legally approved or legal non-conforming lot or parcel or cluster subdivision and meets the minimum lot size, frontage, and setback requirements for all zones in this chapter.
- b. County environmental health department approval as to waste disposal by an approved septic tank and drain field with approved connection to the R.V., and a land use permit from the county planning commission for each unit, which shall expire after 180 days from date of issue, and including only the following accessory uses: not more than one storage shed

of not more than 100 square feet per lot, not to include electrical or plumbing connections; prepared R.V. parking pad; raised deck of not more than two feet in height adjacent to the R.V. parking pad; one outdoor camp fireplace; picnic table and chairs and tent type screens.

c. A second recreation vehicle may be placed on any lot, parcel, legal nonconforming lot, or parcel as qualified in subsection (6) b of this section containing a minimum area of two acres excluding land known as common land and/or open space.

d. The following state and local division of health codes and requirements are complied with:

1. International Utah Plumbing Code.
2. Rules and regulations relating to public water supplies.
3. Code of Waste Disposal Regulations.
4. Code of Solid Waste Disposal Regulations.
5. Recreation regulations.

In 1983 an amendment to the zoning ordinance was approved to allow temporary trailers in the Forest Zones as well as 100 square foot sheds. At that time the County Commission was debating between 100 and 150 square foot sheds. The County Commission at that time went with 100 square foot sheds, but no reasons were given for why they chose that size. The amendment was added to allow lot owners a place to store tools and other equipment they needed to work on their lots. Today, lot owners need a place to store and lock up costly ATV's and support equipment and not have to transport their equipment each time they visit the site. The size increase will allow property owners a place to store the modern side by side and the larger ATV's (see applicant's narrative).

The other change to this is chapter to Section 104-9-3 Conditional Uses by removing number (16) Recreation Resort and renumbering to reflect that change. The recreation lodge definition is more focused on the recreation uses versus the commercial uses and is more appropriate in the Forest Zones. With Recreation Resort, commercial type uses are wide open in the Forest Zones.

Summary of Planning Commission Considerations

Does the increase in shed size make sense?

Is the Planning Commission comfortable with removing Recreation Resort from the Land Use Code?

Conformance to the General Plan

The proposal conforms to the goals and policies of the General Plan for recreation opportunities. The removal Recreation Resort from this chapter supports the Ogden Valley Recreational Element of the General Plan and the Ogden Valley Destination and Recreation Resort Zone in the Land Use Code.

Conditions of Approval

Not Applicable

Staff Recommendation

Staff recommends approval of ZTA 2014-04 to increase the size of sheds in the Forest Zones F-5, F-10, and F-40 to 200 square feet as this proposal complies with the Ogden Valley General Plan. The recommendation should include removing recreation resort. The Planning Commission's decision should be made as a recommendation to the County Commission.

Exhibits

- A. Applicant's proposal.
- B. Definition of Recreational Resort and Recreation Lodges

Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted

3/20/14

Received By (Office Use)

Stene/Scott

Added to Map (Office Use)

ZTA 2014-04

Property Owner Contact Information

Name of Property Owner(s)

Hugh Ryan - Sunridge Property Owners Association Board Member

Mailing Address of Property Owner(s)

326 N 2550 W

West Point, UT 84015

Phone

801-721-9140

Fax

Email Address

ryanfam@yahoo.com

Preferred Method of Written Correspondence



Email



Fax



Mail

Ordinance Proposal

Ordinance to be Amended

Chapter 8-2 Paragraph 6b of the Forest Zones F-5 through F-40

Describing the amendment and/or proposed changes to the ordinance:

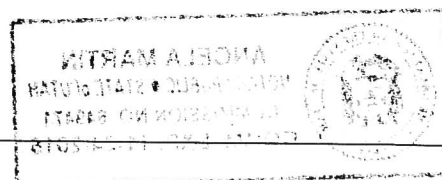
In accordance with Chapter 8 paragraph 8-2.6b of the Weber County Zoning Ordinance, the maximum size of a storage shed in an F-5 through F-40 Zone shall not be more than 100 square feet.

The Sunridge Property Owners Association Board (SPOA) of Trustees would like to petition Weber County to change the maximum size of storage shed to 200 square feet.

We believe this would better serve the public interest since the original 100 square foot ordinance was written prior to the introduction of larger modern side-by-side recreational all-terrain vehicles (ATVs) such as the Yamaha Rhino, Polaris Razor and the Honda Pioneer used by many property owners within F-10 Forest Zones.

The SPOA Board expects that, if approved, the increase in shed size will only help current land owners better utilize their property by having the option to being able to lock up and store their costly ATVs and support equipment on their property and not have to transport their equipment each time they visit. Additionally, with the requirement and associated expense of having a approved septic tank installed prior to building the shed, we feel this will help alleviate the occasional property owner who might view a larger sized shed as opportunity for using the larger dwelling as an opportunity for affordable housing on the site.

Support for the amendment from Beaver Creek (a similar cabin/RV use community) President; Zeke Marshal was obtained.



A Recreational Resort means a planned development which may consist of a combination of nightly or weekly lodging facilities and/or rental units and/or owner occupied dwelling units, and may include such support facilities as restaurants, gift shops, and personal service facilities (e.g., beauty shop, barbershop, boutique, massage salon), all development of which is designed around a recreational theme and shall offer a variety of outdoor and/or indoor recreation facilities and activities on-site which are designed to attract visiting, as well as local vacationers as a site destination because of the recreational attractions, both on- and off-site, as well as offering an attractive, vacation-type atmosphere”.

This chapter also allows Recreation Lodges which is defined as a lodge constructed in a mountainous or forested location, which may include up to 16 guest sleeping rooms, and facilities for guest's meals, providing on-site winter sports amenities such as cross country ski trails, snowmobile trails, ice skating and/or similar activities, and, if open year round, offers summer recreation amenities such as equestrian trails, mountain biking trails, hiking trails, rock climbing training stations, golf course, putting green, and/or tennis courts. Accessory uses, such as sports equipment rental and repair may be included. The number of horses allowed, in the case of a riding stable, shall be calculated and may be permitted based upon acreage and site plan review, and recommended by the planning commission. Limited day use may be allowed based upon site plan review and approval of the overall project as a conditional use by the planning commission.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request to amend the Weber County Land Use Code, Title 104 (Zones) Chapter 13 (Forest Residential Zone (FR-1), to allow the nightly rental of a condominium dwelling within a platted condominium project

Agenda Date: Tuesday, April 22, 2014

Applicant: Scott Littlefield, et al. (Paid for by the Cobbles Condominiums)

File Number: ZTA 2014-03

Property Information

Approximate Address: Not Applicable

Project Area: Not Applicable

Zoning: Not Applicable

Existing Land Use: Not Applicable

Proposed Land Use: Not Applicable

Parcel ID: Not Applicable

Township, Range, Section: Not Applicable

Adjacent Land Use

North:	Not Applicable	South:	Not Applicable
East:	Not Applicable	West:	Not Applicable

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 13 (Forest Residential Zone FR-1) Section 3 (Conditional Uses)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 25 (Nightly Rentals)
- Weber County Land Use Code Title 108 (Standards) Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations) Section 2 (Parking Spaces for Dwellings)
- Weber County Land Use Code Title 108 (Standards) Chapter 5 (Planned Residential Unit Development (PRUD)) Section 4 (Use Requirements)

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 amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically the criteria for recommending in a legislative matter require compatibility with the general plan and existing ordinances.

Background

The applicant, as an owner within the Cobbles Condominium Project, is proposing to amend the Weber County Land Use Code (LUC) §104-13-3 to include Nightly Rental as a use allowed by conditional use permit in the FR-1 Zone¹. The FR-1 Zone²

¹ See Exhibit A, attached. The applicant is representing the interests of himself and a number of other owners within the Cobbles Condominiums, as provided in the petition included therewith.

² See Exhibit C attached for a map of FR-1 property in Weber County

does not currently expressly allow the use of dwellings for Nightly Rental³ uses in the same way that the FR-3⁴ and the DRR-1⁵ zones do.

However, the FR-1 zone does currently allow certain types of short term rental units when approved as part of a “Bed and Breakfast Dwelling” and “Bed and Breakfast Inn” conditional use permit. Also, dwelling units within a Planned Residential Unit Development (PRUD) may be used as a nightly rental when the use is approved as part of a PRUD conditional use permit.⁶ Because PRUD’s are listed as allowed conditional uses in the FR-1 zone, it is conceptually possible for nightly rentals to be permitted in the zone; but because the applicant’s condominium project was approved without such PRUD approval, no nightly rentals are currently approved.

It may be determined that the criteria for conditional use permit review may adequately provide for effective mitigation of foreseen potential detrimental impacts of nightly rentals with the exception of parking space requirements. The attached ordinance contemplates minor modification to the parking requirements section⁷ as it relates to all rental sleeping rooms throughout the County; and for consistency and clarification purposes, it also contemplates similar modifications to the PRUD chapter as it specifically relates to nightly rentals.

Of further consideration, as staff prepared this code text amendment we observed that the requirements of LUC §108-7-25 regarding nightly rentals was inadvertently changed during the recent codification process. Whereas it previously defined nightly rentals as having a term of less than thirty days it now mistakenly provides for a term of less than three days. For clarification purposes this proposed amendment returns the code back to thirty days.

Please see Exhibit B (attached) to review the proposed new text. Underlined text indicates new additions, strikeouts indicate deleted text.

Summary of Planning Commission Considerations

When making legislative considerations for land use matters the Planning Commission should focus on providing a reasonable balance between certain private property rights and the use’s potential negative impacts on others. The following considerations should assist the Planning Commission to find such balance for this application:

First, is it reasonable to permit the use in the FR-1 zone? This is a key question for the Planning Commission to consider, the answer for which should be responsive to the intent of the FR-1 zone. The FR-1 zone is intended “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.”⁸ The minimum lot area in the FR-1 zone is one acre.⁹ Considering that the zone is intended for low density forest residential development, and that the established uses in the zone are primarily single family residential in nature, allowing nightly rental units throughout the zone may not precisely align with the zone’s single family residential character.

To be sensitive to this potential detriment the applicant has suggested that the allowance only be extended to platted condominium projects, in a manner similar to that allowed by the PRUD ordinance. At this current time the applicant’s condominium project is the only platted condominium in the zone; therefore the text would only be applicable to it. If at some point in the future additional condominiums were to be established in the zone they would most likely be established via the PRUD subdivision process, which specifically permits nightly rentals as part of a potential PRUD conditional use permit. Thus, it can be determined that there is already potential for nightly rental uses in the zone within certain types of planned developments – provided that the harmful impacts of odor, vibration, light, dust, smoke, or noise¹⁰ can be mitigated – but not within existing single family dwelling unit developments.

³ Pursuant to LUC §108-7-25, “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).” (Italics added for emphasis)

⁴ LUC §104-17-3: Forest Residential Zone FR-3 Conditional Uses

⁵ LUC §104-29-8: Ogden Valley Destination and Recreation Resort Zone DRR-1 Land Uses

⁶ LUC §108-5-4: Planned Residential Unit Development (PRUD), Use Requirements, part (d)

⁷ LUC §108-8-2: Parking and Loading Space, Vehicle Traffic and Access Regulations, Parking Spaces For Dwellings

⁸ LUC §104-13-1: Forest Residential Zone FR-1, Zone Character and Objectives

⁹ LUC §104-13-5: Forest Residential Zone FR-1, Site Development Standards

¹⁰ LUC §108-4-4: Criteria for Issuance of Conditional Use Permit

Second, how might the use affect existing residents? As mentioned above, the FR-1 zone currently allows bed and breakfast dwelling units and inns upon approval of a conditional use permit. The function of these types of short term rental units may prove similar to the function of nightly rentals of condominium units; however, unlike bed and breakfast operations, nightly rentals would not require owner occupancy, nor be in a complex under single ownership. This could result in inattentive and/or apathetic absentee owners who are not cognizant of the use's negative effects on other owner-occupied or long-term renter occupied units. The Planning Commission should take into consideration the potential impact of the nightly rentals on other owners. The negative effect of this amendment on single family residential neighbors in the zone appears minimal considering it is only proposed to occur in condominium projects, and only after review for mitigation of harmful impacts as part of a conditional use permit. The affect it may have on future new PRUD developments in the zone also appears negligible because those future owners will have full disclosure of the allowed uses prior to their purchase.

Thus, the only neighborhood that this text amendment will substantially affect is the Cobbles Condominiums. Consideration for those owner's desires should be balanced. The applicant has asserted that the Cobbles Condominiums CC&R's do not currently prohibit nightly rentals, and has also provided a list of property owners in the Cobbles who favor the text amendment.¹¹ As of the writing of this report staff does not have a complete understanding of the opinion of all owners in the Cobbles Condominiums, but we do know that there may be contention over this issue. To gain further insight, staff has provided notice of the Planning Commission's consideration of this application to each of them. Public comment may provide a more complete understanding of other owners' desires.

Third, is there balance between the desire for the use in the zone and the need for an ordinance amendment? This consideration is a higher level review of whether there is sufficient need to amend County Code to provide for the use. An unintended consequence of specific case by case ordinance amendments is the potential for over-bloated ordinances due to years of multiple minor and seemingly reasonable amendments. Ordinance over-bloat can result in an unadministrable set of ordinances that may require considerable revisions in the future to make intelligible. The Planning Commission should consider whether this addition poses threat to the future code administration.

As a final consideration, if the Planning Commission determines that nightly rentals in non-bed and breakfast facilities in the FR-1 zone is not conducive to the intent of the zone, then there should be some direction to staff to provide the proper amendments to the code to eliminate the opportunity for nightly rentals in the zone as a part of an approved PRUD conditional use permit.

Conformance to the General Plan

Legislative decisions should be considered through the lens of policy perspectives provided in the General Plan. A review of the general plan documents returned little specificity on the subject of permitting nightly rentals within single family zones. The Ogden Valley General Plan Recreation Element does provide significant discussion on the importance of facilitating recreational uses in the valley¹², which short term rentals may do; and the Weber County Housing Assessment and Plan discusses the need for diversity in housing options throughout the County.¹³ Generally, it appears that nightly rentals support these ideals. However, the Weber County Housing Assessment and Plan also cautions about the potential for "long term destabilization [that] is typically due to the lack of maintenance of absentee owners."¹⁴ The balance between these interests may be subsided by the limitation that the proposed (and other existing) text offers that restrict nightly rentals in the FR-1 zone to condominium (and PRUD) projects, which will typically have community management and maintenance obligations through CC&R's.

Conditions of Approval

Not Applicable

Staff Recommendation

¹¹ Included in the attached Exhibit A. Two of the signors have since rescinded their support, as shown by strikeouts and initials.

¹² See Ogden Valley General Plan Recreation Element, Chapter 3 and Chapter 9;
http://www.co.weber.ut.us/planning_commission/packets/OVGP_Rec_Element.pdf

¹³ See Weber County Housing Assessment and Plan 2012-2014, Section 3.3.0;
http://www.co.weber.ut.us/mediawiki/images/9/96/Weber_Plan_Final_11192013_Online.pdf

¹⁴ See Weber County Housing Assessment and Plan 2012-2014, Section 3.1

If, after receiving public comment during a public hearing, the Planning Commission can find that the proposal is in the best interest of the County, Staff recommends approval the text included as Exhibit B with the following findings:

- There is already potential for nightly rentals in the FR-1 zone through use of a PRUD conditional use permit, thus any potential detrimental impact if expanding its allowance within the zone is negligible.
- There is sufficient public support for the text amendment.
- The amendment has been studied for legitimacy against the detriments of specific case-by-case code amendments. Staff has reviewed the proposed change as it fits into the broader scheme of other ordinances and finds that the proposed changes fit within the definitions and constructs of the existing code.
- There is general support in the General Plan documents to provide for nightly rentals as a support for recreational opportunities in the Ogden Valley as well as support for diversification in housing options.
- By permitting the use by conditional use permit, potential detrimental impacts of nightly rentals can be further mitigated by the proposal or imposition of reasonable conditions based on applicable ordinances.

The Planning Commission's decision should be made as a recommendation to the County Commission.

Exhibits

- A. Application with supporting information provided by the applicant.
- B. Proposed amendments – LUC §104-13-3: Forest Residential Zone FR-1; LUC §108-7-25: Supplementary and Qualifying Regulations, Nightly Rentals; LUC §108-8-2: Parking and Loading Space, Vehicle Traffic and Access Regulations, Parking Spaces for Dwellings; and LUC §108-5-4: Planned Residential Unit Development (PRUD), Use Requirements.
- C. Zoning Map of FR-1 property in Weber County.
- D. Previously implemented LUC §108-7-25 excerpt.

EXHIBIT A

1/7

Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted 3/11/14	Received By (Office Use)	Added to Map (Office Use)
---------------------------	--------------------------	---------------------------

Property Owner Contact Information

Name of Property Owner(s) SLOTT LITTLEFIELD		Mailing Address of Property Owner(s) 218 OGDEN CANYON OGDEN, UT. 84401
Phone (801) 814-7183	Fax	
Email Address 40716349@UTAH.EDU		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Ordinance Proposal

Ordinance to be Amended FOREST RESIDENTIAL ZONE FR-1, CONDITIONAL USES 12-3
--

Describing the amendment and/or proposed changes to the ordinance:

NIGHTLY RENTALS AS PART OF A CONDOMINIUM PROJECT

2/7

Cobbles Condominium Owner Petition to the Weber County Planning Division

We, the Cobbles Condominium Owners, petition you, the Weber County Planning Division for a Zoning Ordinance Text Amendment or an addition to the conditional uses section of the Forest Residential Zone (FR1) to allow Nightly Rentals in Cobbles Condominiums.

Nightly rentals of homes are not currently prohibited under the current CCR's. Weber County currently allows nightly rentals for other condominiums in Weber County. Discussions with Weber County officials have indicated that Weber County would consider a zoning Ordinance Text Amendment or a change to the Forest Residential Zone (FR-1) to add for Cobbles Condominium pursuant to a request from owners of Cobbles Units (signatures attached).

Owners who rent their home for nightly rental agree to add the following provisions to rental contracts:

- Require all renters to sign a contract that limits group size and activities.
- Require all participants to park off the street.
- No ATVs or additional RVs allowed.
- Rentals will comply with Weber County permitting and licensing requirements.
- Observe quiet times (after 9 PM and before 9 AM).
- No loud, outside music.
- Failure of renters to comply with the provisions in the contract could require the renter to vacate the premises immediately.

All owners involved in nightly rentals will provide their phone numbers to all other residents so they can be contacted directly if there are problems.

Homeowners renting any property will have the obligation to screen all potential renters to ensure that each rental results in an experience pleasant to all residents.

Additionally, the renters are considered guests of the owners and owners will provide comfortable homes that are well-kept and owners will be available to assist these guests at any time during their stay.

Please email the add this request to the County Commission Agenda and include a notice to Cobbles HOA Board Representative Patti Littlefield and she will inform all Cobbles owners of county Commission hearings: patti.littlefield@kroger.com

Hal Lee 28 Oct 13 801 627 1017
Owner Signature Date Phone Number

Mike Bachmann 28 Oct 13 801 430 0583
Owner Signature Date Phone Number

Dublin R. Broun 10/28/13 801-940-6390
Owner Signature Date Phone Number

Thomas L. 11/8/14 801-791-3677
Owner Signature Date Phone Number

~~K. O. J. 1/13/14 801 643-4721 PD~~
Owner Signature Date Phone Number

Rob Montgomery 1-13-14 801-791-1219
Owner Signature Date Phone Number

Scott H. 1/13/14 801-814-7183
Owner Signature Date Phone Number

Dante Littlefield 1/13/14 801-814-7091
Owner Signature Date Phone Number

Brenda Cee 1/19/14 801 915 9792
Owner Signature Date Phone Number

~~Shari Douglass 1-19-14 801-732-9521 PD~~
Owner Signature Date Phone Number

~~1-30-14 801-644-2887~~
Owner Signature Date Phone Number

Owner Signature Date Phone Number

A Summary Document Supporting the Cobbles Condominium Owner Petition to the Weber County Planning Division

Abstract: *This document presents an analysis of benefits derived from nightly single family rentals at county, municipal and community levels. In particular, this Summary Document provides an overview of revenue and competitive benefits enjoyed by county and municipal organizations that choose to support nightly single family rentals as well as an assessment of property value and owner revenue advantages realized at a community level.*

Ogden Valley, Ogden City and Greater Weber County Considerations

Vacation revenue encompasses sectors including, but not limited to: ski resort revenue, local ski resort employment, restaurant sales, outdoor sport equipment rentals, lodging, and associated retail and grocery sales. The Ogden Valley enjoys outdoor opportunities that will attract visitors to vacation destinations based on the availability of: downhill ski, cross country ski, snow shoe, hiking, mountain biking, boating, conventional angling and fly fishing which all have resources available in the immediate Ogden Valley vicinity. The Ogden Valley is truly blessed with a plethora of outdoor vacation destination opportunities that are available to vacationers on a twelve month basis, depending upon the sport of choice.

Potentially most problematic for the Ogden Valley and Weber County in terms of competing with other markets for vacation travel revenue is the shortage of short-term rental opportunities in the Ogden Valley and greater Ogden City areas. The fifty year Master Plan for Snowbasin ski resort offers a long-term growth plan to address this shortage, but mechanisms to address this shortage in the near-term will rely on case-by-case solutions. Short-term, single family rentals (SFRs) offer one avenue of relief to this resource restraint.

"A relative rarity in the USA a decade ago, such alternative lodging options now represent a nearly \$25 billion segment of the travel business,It's gone from being a literal cottage industry to nearly a quarter of U.S. lodging revenues...."

- Brent Hieggelke, SecondPorch.com – USA Today

The availability of short term lodging is a key goal of the Town of Vail. Very early on the town recognized the need to provide a wide range of lodging opportunities to our guests and visitors. Short term rentals fill a unique niche in the market that cannot be filled by hotel rooms alone.

- *Town of Vail, Colorado Association of Ski Towns Survey (2011)*

"10.4% of Park City's winter visitors come from California, which means 180,000 California skiers not coming to Mammoth." (Mammoth Lakes currently prohibits SFR within township limits)

- *Mammoth Vacation Home Rentals, why allowing short-term family home rentals makes good sense for Mammoth, <http://www.mammothvhr.org/>*

Weber County; as with all local and municipal entities, wrestles constantly with acquiring sufficient revenue to provide services while minimizing the county and city tax burden on residents. SFRs offer an additional mechanism for revenue generation for local and municipal governments through the transient occupancy tax (TOT). The TOT funds received from SFR receipts have proved beneficial for both Park City and Lake Tahoe, to wit:

*"Both Park City and Lake Tahoe had restrictions on nightly SFR rentals. When Park City changed its ordinance allowing SFR nightly rentals and the collection of TOT from it they received an increase in TOT receipts of 9.95% **and an increase in tourism spending of 4.7%**. Lake Tahoe's TOT receipts increased by 13.4% **and tourism spending increased by 8.9%**. Interestingly, Lake Tahoe found that the average days stayed by a transient renter in a hotel/motel at 3.4 days, condos at 3.5 days, and private SFRs at 10.4 days...."*

- *Mammoth Vacation Home Rentals, why allowing short-term family home rentals makes good sense for Mammoth, <http://www.mammothvhr.org/>*

In broad terms, decisions made by Weber County when addressing short-term rental opportunities for vacation destination customers play prominently into the future success of the Ogden Valley, Weber County and Ogden City economies. To the extent which the Ogden Valley can compete as a relevant vacation destination against other world-class destinations in the American west will define the area's economic ceiling in the coming ten and twenty year time frames.

Considerations for Cobbles Condominium

Cobbles Condominium resale prices have plummeted by 30 to 50% of pre 2008 property values based on a comparison of pre 2008 and post 2009 home sale prices. The condominium has suffered two foreclosures and the overall prognosis for property value recovery commensurate to home prices in the Ogden City and Ogden Valley areas is dismal.

Fortunately, four properties, including two of the foreclosed properties have been acquired by homeowners who have spent, or are planning to spend, considerable funds to revitalize those properties. While the infrastructure spending on these properties is absolutely vital, it is unlikely that those efforts will translate, in and of themselves, to a property price recovery to pre 2008 values in the foreseeable future.

In order for Cobbles Condominium to realize a significant property value increase in the foreseeable future the condominium needs a game-changing paradigm shift that will create property value increases heretofore unrealized in the Condominium or, for that matter, in Ogden Canyon. The exposure of Condominium properties to non-local potential buyers during their vacation stay has the potential to be that mechanism. Conversely, the limiting of SFRs at Cobbles Condominium would be a debilitating hurdle to realizing potential property value upsides. Prohibition of SFRs in the Condominium would unreasonably and permanently destroy property value for current and future unit owners.

In terms of retention and enhancement of property values, SFR's offer a tremendous advantage to Cobbles Condominium. Because the SFR clientele is discerning, it is imperative for a successful SFR property owner to consistently maintain their property **as well or better** than owner-occupied properties.

"Vacation rentals are often the best kept houses in the area. They need to be, in order to attract return guests. Some of us buy older homes that are headed towards decay and renovate them. Property values of vacation homes are often higher than they are on other homes because the rental income makes the property more valuable."

- North American Association of Vacation Rentals (NAAVR)

The ability for homeowners in Cobbles Condominium to enjoy SFR capability would add enormously to the earning potential of each condominium property:

"Short-term rentals are the accommodations of choice for a growing number of bargain-seeking travelers who, in a single night, shell out enough to cover 25 percent of the property's monthly mortgage. In some instances, there's an opportunity to charge even more during high demand periods, during special events, holidays, and seasonal peaks."

- AshleyM. Halligan, Personal, financial investment returns make short term rentals ever more popular, Deadline News.com, January 27, 2012.

Additionally, utilization of a property as a SFR would make tax benefits available to condominium owners:

"If the property is rented for more than 15 days out of the year, the owner can take a business use deduction on a host of operating, upkeep and maintenance costs as well as the cost of large-ticket purchases such as hot tubs, replacing the HVAC, remodeling work and a host of other costs."

- AshleyM. Halligan, Personal, financial investment returns make short term rentals ever more popular, Deadline News.com, January 27, 2012.

SFR capability for Cobbles Condominiums would result in an enhanced property preservation ethos at the Condominium, an increased earning capability for owners that participate in nightly SFRs and the acquisition of tax benefits for property owners who choose to make investments in their property. The net effect of these benefits is a decrease in the likelihood of future

foreclosures at the Condominium, stability and enhancement of property values, and an increase in owner wealth that would be in turn be reinvested in Cobbles Condominium properties.

Conclusion

The right for owners to enjoy SFR capability is a question currently being considered at vacation destinations throughout the United States. Forward-looking county and municipal planning departments, as well as residential organizations are assessing the cost benefit analysis of the SFR question.

In the mid to long term, vacation destination planning departments that make the decision to add short-term rental capacity to their lodging market via SFR will realize widespread economic benefit in the form of vacation-driven revenues for local businesses, more local jobs and a robust transient occupancy tax to obviate property tax increases. County and municipal organizations associated with vacation destinations that forego this opportunity will be at a competitive disadvantage to attract vacation revenue dollars as compared to competitor markets that choose to increase short term rental capacity and maximize transient occupancy tax potential.

Local community organizations that opt in for SFR will realize more personal wealth and experience more substantial property value increases than communities that prohibit this opportunity. In the case of Cobbles Condominium the decision for this option is the difference between permanently limiting a property's value versus choosing prosperity for Cobbles Condominium and for greater Weber County.

CHAPTER 13. FOREST RESIDENTIAL ZONE FR-1

Sec. 104-13-1. Zone character and objectives.

Sec. 104-13-2. Permitted uses.

Sec. 104-13-3. Conditional uses.

Sec. 104-13-4. Permitted signs and regulations.

Sec. 104-13-5. Site development standards.

...

Sec. 104-13-3. Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code:

(1) Bed and breakfast dwelling, subject to the following standards:

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

(2) Bed and breakfast inn, subject to the following standards and criteria:

- a. Proprietor or owner shall occupy the premises;
- b. Not more than seven sleeping rooms per inn.
- c. The lot must be at least 2½ acres in area with frontage on a public street of at least 250 feet in width;
- d. The lot shall have frontage on a major street as shown on the county general plan (state highway or county major street);
- e. The lot shall not be in a recorded subdivision unless the lot is specifically created for the purpose of a bed and breakfast inn;
- f. The inn shall be at least 300 feet from the nearest existing dwelling;
- g. Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;
- h. The guest parking shall be in the rear of the inn;
- i. Meals shall be served to registered overnight guests only;
- j. Signs are limited to one nameplate or one identification sign of not more than eight square feet in area;
- k. The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape plan shall be submitted with site plan;

- 40 l. The inn shall be of a historic period or other distinguishable architectural
41 style or design so as not to resemble the modern block motel
42 appearance;
- 43 m. A business license shall be obtained;
- 44 n. All units to be in one building together with owner's residence.
- 45 (3) Church, synagogue or similar permanent building used for regular religious
46 worship.
- 47 (4) Educational institution.
- 48 (5) Educational/institutional identification sign.
- 49 (6) Golf course, except miniature golf.
- 50 (7) Parking lot accessory to uses permitted in this zone.
- 51 (8) Planned residential unit development in accordance with title 108, chapter 5 of
52 this Land Use Code.
- 53 (9) Private park, playground or recreation area, but not including privately owned
54 commercial amusement business.
- 55 (10) Public building, public park, recreation grounds and associated buildings.
- 56 (11) Public utility substations.
- 57 (12) Ski resorts, including summer skateboard activities as an accessory use.
- 58 (13) Water storage reservoir developed by a public agency.
- 59 (14) Conference/education center, with five acre minimum lot size.
- 60 (15) Nightly rental of a condominium dwelling unit within a platted condominium
61 project, subject to the additional parking requirements for rental sleeping rooms
62 as provided in title 108, chapter 8, section 2 of this Land Use Code.
- 63 (Ord. of 1956, § 12-3; Ord. No. 3-72; Ord. No. 19-77; Ord. No. 15-86; Ord. No. 9-90; Ord. No.
64 14-92; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 99-23; Ord. No. 2003-2; Ord.
65 No. 2010-20)
- 66 ...

67 CHAPTER 7. SUPPLEMENTARY AND QUALIFYING REGULATIONS

- 68 Sec. 108-7-1. Purpose and intent.
- 69 Sec. 108-7-2. Projections permitted into required yard setbacks.
- 70 Sec. 108-7-3. Fencing requirements.
- 71 Sec. 108-7-4. Area of accessory building.
- 72 Sec. 108-7-5. Exceptions to height limitations.
- 73 Sec. 108-7-6. Minimum height of dwelling.
- 74 Sec. 108-7-7. Clear view of intersecting streets.
- 75 Sec. 108-7-8. Setbacks for animals and fowl.
- 76 Sec. 108-7-9. Water and sewage requirements.

- 77 Sec. 108-7-10. Required building setback from designated collector or arterial streets.
- 78 Sec. 108-7-11. Group dwellings.
- 79 Sec. 108-7-12. Towers.
- 80 Sec. 108-7-13. Residential facility for persons with a disability facility requirements.
- 81 Sec. 108-7-14. Residential facility for troubled youth; facility requirements.
- 82 Sec. 108-7-15. Residential facility for elderly persons; facility requirements.
- 83 Sec. 108-7-16. Large accessory buildings (1,000 square feet or larger).
- 84 Sec. 108-7-17. New construction in residential and commercial developments.
- 85 Sec. 108-7-18. Swimming pools.
- 86 Sec. 108-7-19. Building on dedicated substandard streets or public by right of use roads.
- 87 Sec. 108-7-20. Occupying recreational vehicles.
- 88 Sec. 108-7-21. No obstruction of irrigation ditches, drains and/or canals.
- 89 Sec. 108-7-22. Temporary real estate sales office.
- 90 Sec. 108-7-23. River and stream corridor setbacks (Western Weber County).
- 91 Sec. 108-7-24. Wind energy conversion systems (small wind energy systems).
- 92 Sec. 108-7-25. Nightly rentals.
- 93 Sec. 108-7-26. Land use applications involving lots/parcels with existing violations.
- 94 Sec. 108-7-27. Solar energy systems.
- 95 Sec. 108-7-28. Garage sales/yard sales.
- 96 Sec. 108-7-29. Flag lot access strip, private right-of-way, and access easement standards.
- 97 Sec. 108-7-30. Flag lots.
- 98 Sec. 108-7-31. Access to a lot/parcel using a private right-of-way or access easement.
- 99 Sec. 108-7-32. Access to a lot/parcel at a location other than across the front lot line.

100 | ...

101 **Sec. 108-7-25. Nightly rentals.**

102 The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than
103 | thirty (30) days is considered a nightly rental. Nightly rentals are allowed only when listed as either a
104 permitted or conditional use in a specific zone or when approved as part of a planned residential unit
105 development (PRUD).

106 (Ord. of 1956, § 23-25; Ord. No. 2009-14)

107 **CHAPTER 8. PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS**

- 108 Sec. 108-8-1. Purpose and intent.
- 109 Sec. 108-8-2. Parking spaces for dwellings.
- 110 Sec. 108-8-3. Access to lots in subdivisions.
- 111 Sec. 108-8-4. Parking space for non-dwelling buildings and uses.

- 112 Sec. 108-8-5. Adjustments for unusual and unique conditions.
 113 Sec. 108-8-6. Computation of parking requirements.
 114 Sec. 108-8-7. Parking lot design and maintenance.
 115 Sec. 108-8-8. Off-street truck loading space.
 116 Sec. 108-8-9. Business requiring automobile access.
 117 Sec. 108-8-10. Vehicular traffic to commercial or manufacturing zones.
 118 Sec. 108-8-11. Regulations governing accessory vehicle off-street parking within required side yard
 119 areas.
 120 Sec. 108-8-12. Off-site improvements required.

121 ...

122 **Sec. 108-8-2. Parking spaces for dwellings.**

123 In all zones there shall be provided in a private garage or in an area properly located for a
 124 future garage:

Single-family dwelling	Two side-by-side parking spaces
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

125 (1) If any dwelling unit is increased by occupant use after the original building permit
 126 is issued, the parking requirements shall reflect that increase.

127 (2) Rental sleeping room. In addition to the above parking space requirements,
 128 dwelling units with more than two sleeping rooms shall provide three-fourths
 129 additional parking space per each additional room used as a rental sleeping
 130 room. ~~In addition to the above parking space requirements, three-fourths parking~~
 131 ~~space shall be provided for each rental sleeping room in a dwelling unit.~~

132 (Ord. of 1956, § 24-2, Ord. No. 27-80; Ord. No. 9-81; Ord. No. 2011-3, § 24-2, 2-15-2011)

133 ...

134 **CHAPTER 5. PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)**

135 Sec. 108-5-1. Definitions.

136 Sec. 108-5-2. Purpose and intent.

Sec. 108-5-3. Permitted zones.
Sec. 108-5-4. Use requirements.
Sec. 108-5-5. Area regulations.
Sec. 108-5-6. General requirements.
Sec. 108-5-7. Submission of application.
Sec. 108-5-8. Planning commission consideration.
Sec. 108-5-9. Planning commission action.
Sec. 108-5-10. County commission action.
Sec. 108-5-11. Building permit issuance.
Sec. 108-5-12. Time limit.

...

Sec. 108-5-4. Use requirements.

- (a) An over all development plan for a planned residential unit development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common open spaces, etc., may be approved by the planning commission and county commission and building permits issued in accordance with such plan, even though the residential uses and dwelling types and the location of the buildings proposed may differ from the residential uses and dwelling types and regulations governing such uses in effect in the zone in which the development is proposed provided the requirements of this chapter are complied with. Accessory nonresidential uses may be included in planned residential unit developments of 100 units or more to provide a necessary service to the residents of the development as determined by the planning commission provided agreements and restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical design to the county's satisfaction are filed by and entered into by the developer to assure that the approved necessary services intent is maintained.
- (b) Once the overall development plan showing details of buildings, structures and uses has been approved by the county commission, after recommendations of the planning commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the planning commission and county commission, except for landscaping, provided subsection (c) of this section has been complied with.
- (c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the township planning commission and shall be stamped by a licensed landscape architect certifying the following:
- (1) That the area of landscaping area exceeds the approved landscape plan;
 - (2) That the number and quality of plants exceed the approved landscape plan;

(3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan; and

(4) That all requirements of the Land Use Code have been met.

No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall be released until all landscaping requirements are completed for that phase, with the exception of single-family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to that portion of the phase represented by the dwelling, may be released.

(d) Any housing units to be developed or used, in whole or in part, for ~~time-share~~ condominiums rental apartment, lockout sleeping rooms (including lockout sleeping rooms) for nightly rentals, etc., shall be declared and designated on the site development plan, and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title 108, chapter 8, section 2 of this Land Use Code.

(Ord. of 1956, § 22D-4; Ord. No. 9-81; Ord. No. 2004-17)

Exhibit C: Zoning Map of FR-1 Property in Weber County

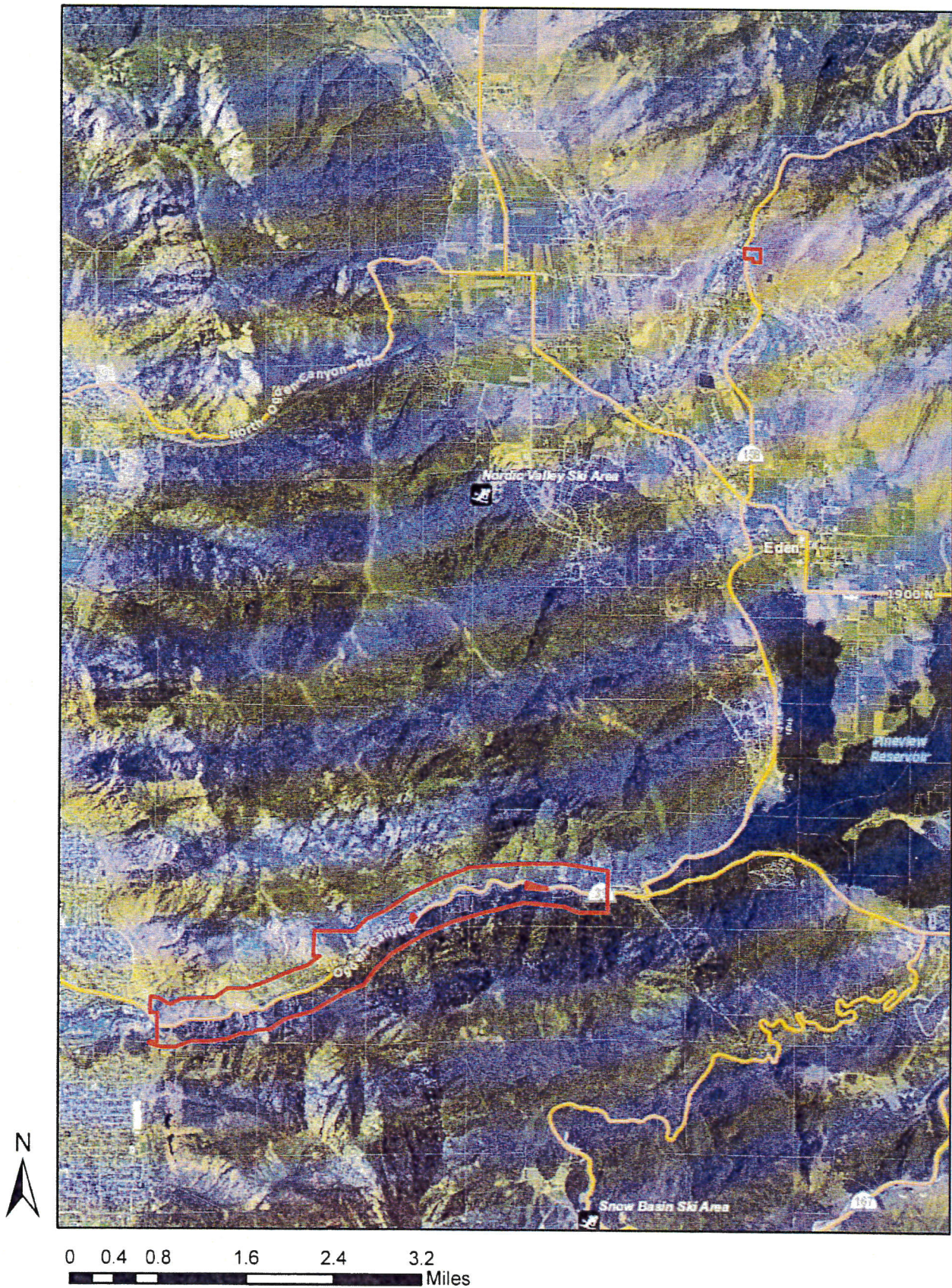


EXHIBIT D: PREVIOUS CODE EXCERPT

6. Small wind energy systems shall not exceed sixty (60) decibels as measured at the closest property line except during short-term severe wind events. A manufacturer's sound report shall be required with an application for a small wind energy system.

7. Manufacturer specifications for components and installation shall be required with an application for a small wind energy system.

23-25. Nightly Rentals

The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than thirty (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).

23-26. Land Use Applications Involving Lots/Parcels with Existing Violations

No land use application shall be approved for any lot/parcel until all unresolved zoning, building, business license, nuisance, or other violations on any such lot/parcel, or on any parcel included in any manner as part of the application are resolved, unless approval of the application will resolve all of the existing violations. A land use application submitted for approval, which will resolve all of the existing violations, must be accompanied by a letter from the applicant stating what the existing violations are, and how the proposed land use application will resolve them.

23-27. Solar Energy Systems

Solar energy systems located on individual parcels/lots, which are used to supply energy to a principal use or structure on the parcel/lot, shall be allowed in any zone as an accessory use to a principal use or structure. Solar energy systems shall meet the setback and height requirements for an accessory building in the zone in which the system is located. Setbacks shall be measured to the outermost edge of the system nearest the property line. Solar energy systems which are attached to a building shall meet the same setbacks that are required for the building.

This section does not address large scale projects which include multiple solar energy systems designed to produce energy for wholesale purposes.

23-27. Garage Sales/Yard Sales

2011-17

Garage sales/yard sales of personal used items from a single-family dwelling shall not be held more than once every 3 months.

23-28. Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards

2012-7

1. In order to provide for safe and consistent access to lots/parcels using flag lot access strips, private rights-of-way, or access easements as the primary means of ingress and egress, the following standards shall be met, in addition to the individual requirements of Sections 23-29, 23-30, and 23-31 below:

Ewert, Charles

From: Ewert, Charles
Sent: Tuesday, April 15, 2014 10:08 AM
To: Sillitoe, Sherri L.
Subject: FW: Nightly Rentals as part of a platted Condo Project
Attachments: Businesses Regulation for Cobbles Condominium.pdf

Planning Commission,

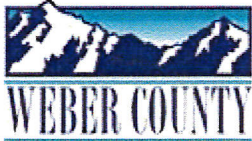
Mr. Greg Johnson, the President of the Cobbles HOA, who has expressed opposition to the nightly rentals ordinance amendment, has requested the attached section of the Cobbles bylaws be forwarded for your consideration. Because association bylaws are private contracts between owners, for which the County has no role in enforcing, I urge caution in how you use it.

Respectfully,



Charlie Ewert
801-399-8763

cewert@co.weber.ut.us



From: Greg Johnson [<mailto:johns2391@gmail.com>]
Sent: Monday, April 14, 2014 9:18 PM
To: Ewert, Charles
Subject: Nightly Rentals as part of a platted Condo Project

This is what the Cobbles CC@Rs say about running a business in Cobbles. Please add it to the file so it can also be reviewed by the planning Board (SEE ATTACHMENT).

--

Caution: This message may contain competitive, sensitive or other non-public information not intended for disclosure outside official government channels. Do not disseminate this message without the approval of the Office of the Assistant Secretary of the Air Force for Acquisition. If you received this message in error, please notify the sender by reply e-mail and delete all copies of this message

AMENDMENT TO DECLARATION AND BYLAWS FOR THE COBBLES CONDOMINIUM

This amendment is made and executed on the date shown below by the The Cobbles Condominium Management Committee (hereinafter, "Board").

RECITALS

WHEREAS, The Cobbles Condominium was created by a "Declaration and Covenants, Conditions, Restrictions and Reservations for The Cobbles, a Condominium," (hereinafter "Declaration") recorded in the records of Weber County, Utah, on March 2, 1978, in book 1228, beginning on page 245; and

WHEREAS, The Cobbles Condominium unit owners desire to amend the Declaration and to amend the Bylaws to address matters necessary to clarify and change provisions in the Declaration and to (1) preserve and enhance the quality of life at The Cobbles Condominium, (2) prevent disregard for the welfare and consideration of others, (3) prevent nuisances and inconvenience to the residents of The Cobbles Condominium, and (4) enforce the rules of the condominium association more consistently, fairly and economically;

WHEREAS, it is the desire of the Board of The Cobbles Condominium, the unit owners and the residents of The Cobbles Condominium to live in a condominium community that is orderly, peaceful and desirable, and that will allow for and protect the comfortable enjoyment of all residents of The Cobbles Condominium.

NOW THEREFORE, the unit owners of The Cobbles Condominium hereby amend the Declaration and Bylaws recorded against the real property located in Weber County, Utah; known as The Cobbles Condominium and more fully described on Exhibit "A" attached hereto. If there is any conflict between this Amendment to Declaration and Bylaws and the original Declaration and Bylaws, this document shall control.

This amendment shall become effective upon recording. The The Cobbles Condominium Declaration and Bylaws are hereby amended as follows:

E# 1932368 BK2355 PG1294
DOUG CROFTS, WEBER COUNTY RECORDER
23-APR-03 1055 AM FEE \$33.00 DEP JPH
REC FOR: RICHARD JONES

AMENDMENT

1. PERSON TO RECEIVE SERVICE

Pursuant to Article 26.1 of the Declaration, the President of The Cobbles Doris Smith, whose address is 408 East 3100 North, North Ogden 84414, is hereby designated to receive notice of process in any action which may be brought relating to the Limited Common Areas and Facilities and the Common Areas and Facilities or more than on Unit. The Board may amend this provision of the Declaration without a vote of the association upon recording a notice with the Weber County Recorder's Office of the agent to receive service of process.

2. TENANTS SUBJECT TO CONDOMINIUM RULES

All leases of units shall be in writing and shall by reference incorporate the provisions of the Declaration, bylaws, and rules and regulations into the terms of the lease. The names and phone numbers of the tenants shall be provided to the Board so the tenants could be contacted in the case of an emergency. All tenants and the leases they sign to lease a unit at The Cobbles Condominiums shall be subject in all respects to the provisions of the Declarations, bylaws, and rules and regulations of The Cobbles Condominium. Failure of a tenant to comply with the terms of condominium documents (Declaration, bylaws, rules and regulations) shall be a default under the lease or tenancy. The Board may maintain an action, separate and apart from the unit owner, for eviction, injunction, and/or damages against a tenant who is in violation of the declaration, the by-laws, the rules of the association, or who violates Weber County ordinances or Utah State laws that affect the peace, quiet, or comfortable enjoyment of residents living at The Cobbles Condominium.

3. BUSINESSES REGULATION

Inasmuch as The Cobbles Condominium is a residential community where neighbors live in close proximity to each other, no business of any kind whatsoever shall be established, conducted, permitted, operated, or maintained at The Cobbles Condominiums except they meet all of the Federal, State and Municipal laws, ordinances and licensing requirements, as well as complying with the following requirements of The Cobbles Condominium:

- A. No business activities may be conducted between the hours of 8:00 p.m. and 8:00 a.m.
- B. Only businesses such as consulting, tax preparation, computer, Internet businesses, or similar type home businesses may be operated from a condominium unit.
- C. Any vehicles used in or connected to a business must comply with condominium parking rules.

- D. Customers, patrons, guests, clients or individuals may come to units for business activity on a very limited scale.
- E. Non-complying businesses operating at The Cobbles as of the date this paragraph is adopted shall be permitted to continue operating at The Cobbles until the unit owner sells his or her unit, the unit owners moves, or until the unit owner retires and ceases to operate the business. This right is non-transferrable.

4. **LATE FEES**

Any unit owner who fails to pay the monthly condominium fee for common expenses by the 15th day of the month for which they are assessed or who fails to pay a special assessment by the 15th day of the month for which it is assessed, shall pay a late fee of \$25.00 for each and every month the payment remains unpaid. All payments by unit owners to The Cobbles Condominium for common expenses or special assessments shall be applied first to outstanding late fees, then to costs of collection, including court costs and attorney's fees, then to any interest outstanding, and finally to the principal amount owed for the common expenses or special assessments.

5. **RIGHT OF FIRST REFUSAL-REPEALED**

Article 23, titled "Sale or Lease. Right of First Refusal. Option", as contained in the Declaration recorded in the records of Weber County, Utah, on March 2, 1978, in book 1228, beginning on page 245, is hereby repealed. Those provisions contained in Article 24 and Article 25 are also repealed to the extent that they contain language referring to Article 23 and relate to the Right of First Refusal.

6. **CONVERTIBLE SPACE-REPEALED**

Article 11.16, titled "Reservation of Convertible Space", is hereby repealed and deleted from the Declaration since the five year time limit to convert common area into a unit has expired as set forth in Utah Code § 57-8-13.2(3).

7. **NUMBER ON THE BOARD**

Article 3.1 of the Bylaws (attached to the Declaration as Exhibit C) is hereby amended to read as follows:

"The affairs of the Association shall be governed by a Board which shall be composed of five (5) members."

All other references within the Bylaws that refer to a three member board are also hereby amended to be consistent with this change to a five member board. The intent of this amendment

Amendment to Declaration & Bylaws
The Cobbles Condominium
E: 1932368 BK2335 PG1296

is to make the Association Bylaws consistent with Article 5 of the "Articles of Incorporation of Cobbles Condominium Home Owners Association, Inc., A Non Profit Corporation," which has a board consisting of five members, so that whenever the Cobbles Board meets and acts, it is acting in behalf of the Cobbles Home Owners Association as created by the Condominium Ownership Act (U.C.A. 57-8-1, et seq) and the Cobbles Condominium Home Owners Association Inc.

8. SEVERABILITY

If any of the provisions of this Amendment to Declaration and Bylaws, or any paragraph, sentence, clause, phrase or word, or the application thereof, in any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of the Amendment to Declaration and Bylaws and the application of any such provision, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

CERTIFICATION

It is hereby certified that condominium unit owners holding more than 60% of the undivided ownership interest in the common areas and facilities have voted to approve these amendments.

IN WITNESS WHEREOF, this 21 day of April, 2003.

By

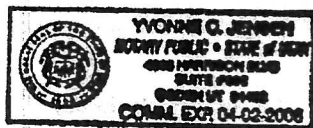
Doris R. Smith
Doris R. Smith, President

STATE OF UTAH)

:ss.

COUNTY OF WEBER)

On this 21st day of April, 2003, personally appeared before me Doris Smith who, being by me duly sworn, did say that she is President of the The Cobbles Condominium Board and that the within and foregoing instrument was signed in behalf of said Board and she duly acknowledged to me she executed the same.



Yvonne Jensen
Notary Public

Amendment to Declaration & Bylaws
The Cobbles Condominium

E# 1932368 BK2355 Pg1297



WEBER-MORGAN HEALTH DEPARTMENT

GARY M. HOUSE, M.P.H.
Health Officer / Director

April 15, 2014

Division Directors
KAY LARRISON, Administration
CLAUDIA PRICE, Nursing & Health Promotion
LOUIS K. COOPER, Environmental Health
COLLEEN JENSON, WIC

Weber County Planning Commission
2380 Washington Blvd.
Ogden, Utah 84401

RE: Cobble Condominiums located at approximately 200 Ogden Canyon

Gentlemen:

We have been asked to address the capacity of the onsite wastewater treatment system of Cobble Condominiums with regards to rezoning the condominiums for nightly rental properties. The entire property is composed of 16 condominiums and one single family home which are connected to a community drainfield. Three of the homes have individual septic tanks and the rest utilize a common 15,000gal septic tank. The anticipated daily wastewater flow for 16 condominiums plus one single family residence at 400 gal/day equals 6800gal/day. Our files do not have any drainfield size or information.

State Administrative Code R317-5 sizing requirements for single family homes vs. condominiums is the same and the anticipated daily wastewater flow for a motel or hotel is 62gal/day/person. Ideally rentals should not exceed the daily wastewater flow if property owners adhere to capacity limits per unit.

Please contact our office with any questions or concerns at 801-399-7160.

Sincerely,

Michela Gladwell, LEHS
Environmental Health Division