

OGDEN VALLEY PLANNING COMMISSION

Revised Ogden Valley Virtual Meeting

July 28, 2020

4:30 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/84184667093>

Scheduled times are approximate-We will hear items when they happen

- *Roll Call*
- *Pledge of Allegiance*

APPRECIATION FOR SERVING ON THE PLANNING COMMISSION; Bob Wood.

Consent Item:

1. **CUP2020-10 - Consideration and/or action on a conditional use permit for Wild Turkey Lodge Bed & Breakfast Dwelling.**

Regular Agenda

45 MIN. Approx.

1. **CUP 2020-09 Request for approval of a conditional use permit for expansion of restaurant services and installation of equipment rental services on the site of the Alaskan Inn, Ogden Canyon Rd, Ogden, UT.**

Legislative Item:

15 MIN. Approx.

1. **ZTA 2018-05: Discussion and action on a proposal to amend the following sections of Weber County Code: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments. Presenter: Steve Burton**

Adjourn

The regular meeting will be held VIRTUALLY via Zoom Video Conference. Please access this VIRTUAL meeting by navigating to the following weblink in a web browser: Join Zoom Meeting: <https://us02web.zoom.us/j/84184667093>

A Pre-Meeting will also be held VIRTUALLY through the same weblink listed above at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and/or action on a conditional use permit for Wild Turkey Lodge Bed & Breakfast Dwelling.
Agenda Date:	Tuesday, July 28, 2020
Applicant:	Glen Croydon and Bonita Gravelle, Owners
File Number:	CUP 2020-01

Property Information

Approximate Address:	932 S 6525 E Huntsville, Utah, 84310
Project Area:	1.47 acres
Zoning:	Forest Valley - 3 Zone (FV-3)
Existing Land Use:	Residential
Proposed Land Use:	Bed and breakfast dwelling
Parcel ID:	20-056-0001
Township, Range, Section:	T6N, R1E, Section 24 NW

Adjacent Land Use

North:	Residential	South:	Residential
East:	Residential	West:	Residential

Staff Information

Report Presenter:	Felix Lleverino flleverino@co.weber.ut.us 801-399-8767
Report Reviewer:	SB

Applicable Ordinances

- Weber County Land Use Code Title 101 Chapter 1 General Provisions, Section 7 Definitions
- Weber County Land Use Code Title 104 Chapter 14 (FV-3 Zone)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)
- Weber County Land Use Code Title 108 Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Chapter 8 (Parking and loading Space)

Summary and Background

The applicant is requesting approval of a conditional use permit for the Wild Turkey Lodge Bed and Breakfast dwelling located in the FV-3 zone at 6525 E 932 S. The FV-3 Zone allows a "bed and breakfast dwelling" as a conditional use. The property is well situated for visitors interested in the many outdoor activities the Ogden Valley has to offer. This corner lot has access from Highway 39 and 6525 East.

Visitors to the Wild Turkey Lodge, which are limited to two bookings per night, will have access to breakfast and other snacks.

The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by directing new commercial development to Huntsville (pg. 25 Ogden Valley General Plan, Commercial Development Goal 1). As a conditional use, this operation is allowed in the FV-3 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

Zoning: The subject property is located within the Forest Valley (FV-3) Zone. The purpose of the FV-3 Zone can be further described in LUC §104-21-1 as follows:

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

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

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

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. Prior to commencing work, the applicant will need to receive approval from the applicable agencies for the proposal. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.

Design Review: To ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood, this proposal has been reviewed for compliance with LUC §108-1.

Considerations relating to traffic safety and traffic congestion. The proposal includes several site plans (see exhibit C-page 9 and exhibit E) that indicate the location of the owner and visitor parking, existing home, garden, garage, cottage and sheep pastures. It is Planning Staff's observation that the existing parking spaces are adequate for the owners and guests.

LUC §104-14-3 (b) outlines parking regulations for a bed and breakfast dwelling. There shall be two parking spaces for the host family with one additional space per sleeping room. The site plan indicates that the guest parking spaces are not in the front yard set-back area.

Considerations relating to landscaping. The landscape plan shows areas of lawn and garden within close proximity to the home that will be irrigated with Lakeview Water services. As a means to employ water saving methods, the pastureland surrounding the property will not be irrigated until secondary water shares are acquired. Landscaping and water conservation measures meet the Design Review Landscape requirements as outlined in LUC §108-2.

Considerations relating to buildings and site layout. The existing buildings meet the site development standards of the FV-3 Zone. The parking area is on the south of the property and well away from view from Hwy 39. A line of trees and shrubs on the south side of the property screen the parking area from neighboring properties. Natural screening is already in place, and meets design standards as outlined in 108-8-7(3).

Considerations relating to utility easements, drainage, and other engineering questions. The existing structures do not encroach into easements or drainages. The site grading and hard surface slopes are designed to shed water away from the structures.

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

Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agencies and is based on the following conditions:

- A business license is obtained prior to opening to the public.
- No visitor parking allowed on the public right-of-way (Hwy 39 and 6525 E) or within the front yard setback area.

The following findings are the basis for the Planning Division recommendation:

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

Exhibits

- A. Application
- B. Narrative
- C. Site Plans
- D. Response to Planning questions
- E. Landscape plan

Weber County Conditional Use Permit Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) GLEN KROYDON & BONITA J. GRAVELLE		Mailing Address of Property Owner(s) 932 SKI LAKE DRIVE HUNTSVILLE, UTAH 84317 (WEBER COUNTY)	
Phone (808) 748-1890	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required) gkroydon@gmail.com			
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Same as above		Mailing Address of Authorized Person	
Phone	Fax	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address			
Property Information			
Project Name WILD TURKEY LODGE (BED & BREAKFAST)		Total Acreage 1.47 ac	Current Zoning FV-3
Approximate Address 6525 E 932 S HUNTSVILLE, UTAH 84317		Land Serial Number(s)	
Proposed Use BED & BREAKFAST			
Project Name:			

Property Owner Affidavit

I (We), _____, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Glen & Dwyer
(Property Owner)

Bonita S. Gravelle
(Property Owner)

Subscribed and sworn to me this 16 day of June, 2020.

(Notary)

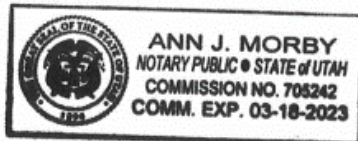
Authorized Representative Affidavit

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

(Property Owner)

(Property Owner)

Dated this 16 day of June, 2020, personally appeared before me Ann J. Morby, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



Ann J. Morby
(Notary)

Wild Turkey Lodge Bed and Breakfast
Conditional Use Permit Application Narrative

This summer, my wife and I would like to open our Ogden Valley home as a bed and breakfast lodge developed within established guidelines of the Weber County Planning Commission. We are applying for a permit, in the belief that our property will qualify for this status once we complete the application process for a conditional approval permit and obtain a business license.

We are proposing a year-round bed and breakfast called "Wild Turkey Lodge" located on the SE corner of Hwy 39 and 6525 E, also named 932 Ski Lake Drive, Huntsville, Utah, 84317, in the unincorporated Ogden Valley region of Weber County. The current zoning for this 1.47-acre property is FV-3 (Forest Valley). Geographical features:

- a) Mature trees and shrubs surround this home on three sides, providing privacy and a buffer for neighboring homes. On the fourth side, this prime property is located on Hwy 39 across from Pineview Reservoir's Anderson Cove National Campground.
- b) long term stability of neighboring properties-no zoning changes and/or property splits are allowed.
- c) St. Florence Catholic Church is on the opposite corner of Ski Lake Drive,
- d) adequate off-street parking for three spaces in garage facilities. Three off-street parking spaces are available for guests and 200+ feet of private driveway.

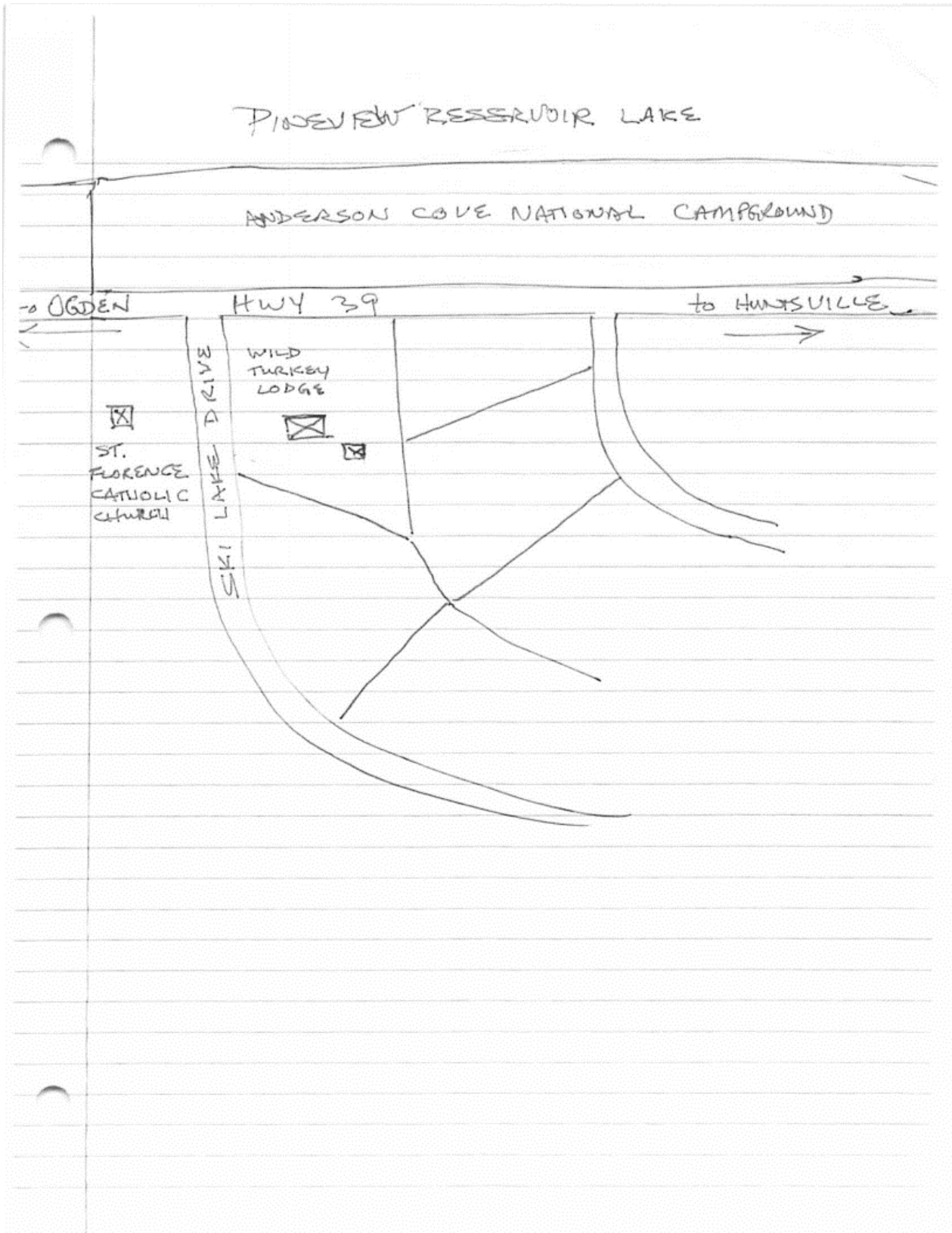
Wild Turkey Lodge will consist of our four bedroom/three bath home, and a one bedroom/one bath cottage providing several options to accommodate the two "spaces per night" bed and breakfast limit regulations. For nightly rentals, we hope to have three options available with only two bookings per night allowed by code.

- 1) Option #1 One or two bedrooms on the second story level with a private full bath for a single-family unit (with or without children).
- 2) Option #2 An entire walkout basement space with a full private bath, seating area with fireplace, dining table with six chairs, and a limited use kitchenette (no oven or stove) with a refrigerator. Although this is a basement level space, there are four large daylight windows ensuring egress to the outside.
- 3) Option #3 A detached one-bedroom cottage with a living room, full private bath, dining area, and a limited use kitchenette (no oven or stove) with a small refrigerator.

Again, not more than two bookings will be scheduled per night consisting of one of the above options by one family unit (with or without children.) Our proposal is that an extended family unit may book one or two available spaces on the same night. All persons must be from the same family unit to constitute one booking. No pets, no smoking, and/or illegal activities will be permitted. Strict enforcement of noise levels will be upheld with nightly silence between 10:00 pm and 8:00 am, the same standard used at Anderson Cove Campground.

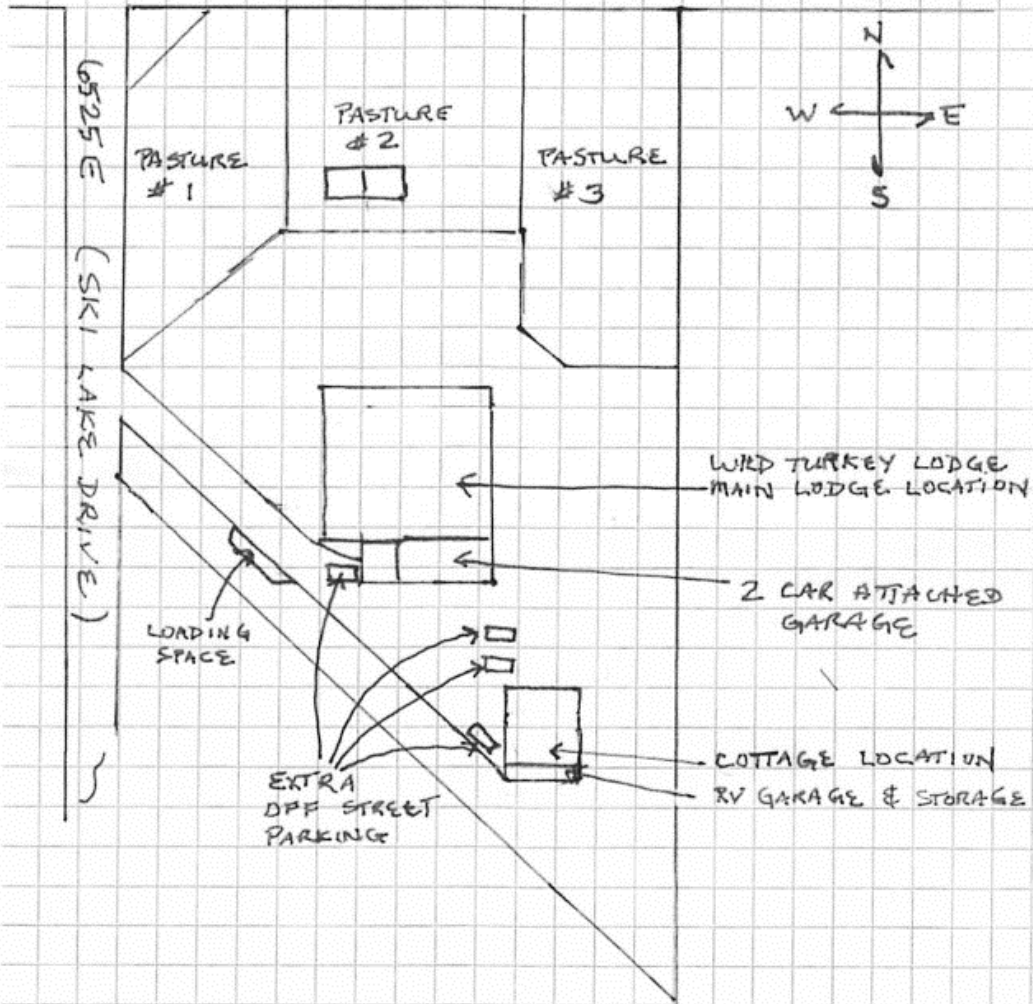
Breakfast or other meals and snacks will only be offered to guests. We, the property owners will be resident managers of the property and will be present whenever lodge guests are scheduled.

Water through Lakeview Water Corporation and wastewater/sewer through Mountain Sewer Corporation have been contracted to provide the needed services.

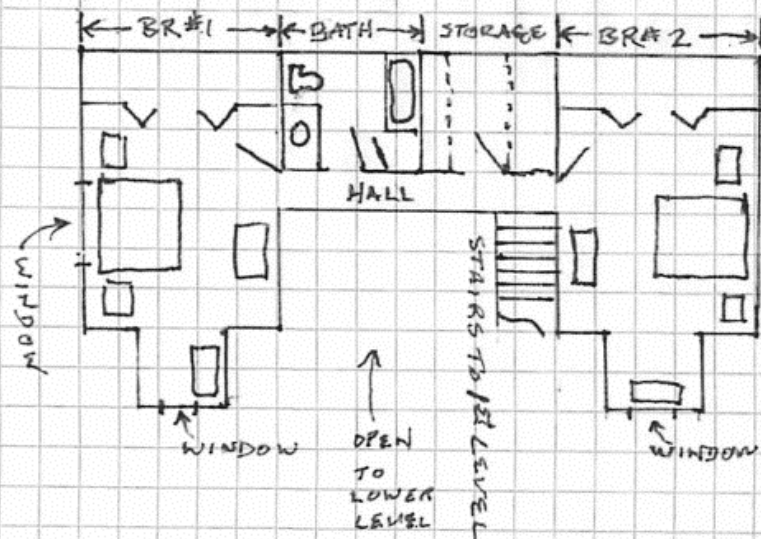


ANDERSON COVE NATIONAL CAMPGROUND

HWY 39

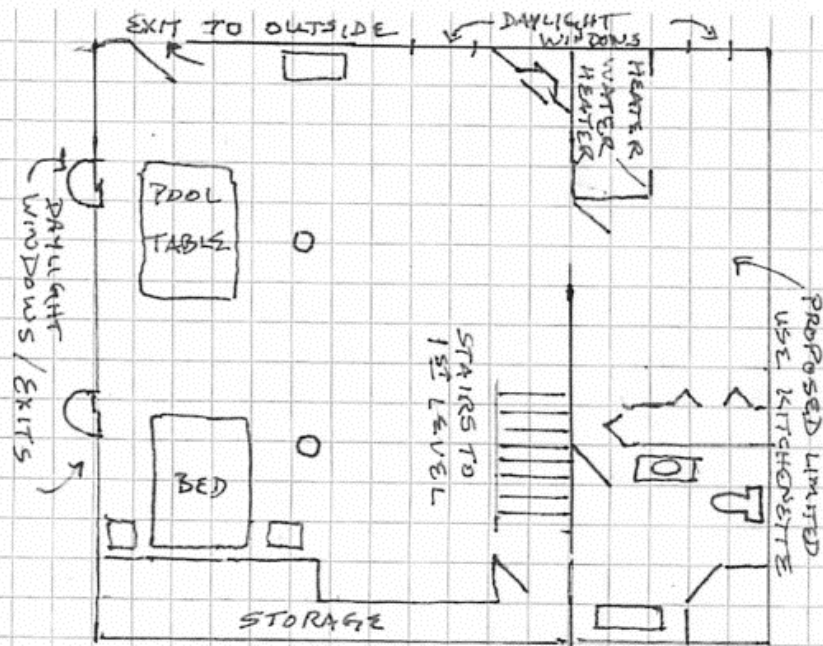


WILD TURKEY LODGE
932 SKI LAKE DRIVE
HUNTSVILLE, UTAH 84317
(803) 748-1890



SPACE #1 ENTIRE SECOND
STORY LEVEL WITH PRIVATE
FULL BATH FOR A SINGLE
FAMILY BOOKING (WITH OR
WITHOUT CHILDREN)

WILD TURKEY LODGE
932 SKI LAKE DRIVE
HUNTSVILLE, UTAH 84317
(808) 748-1890



SPACE #2 A FULL WALKOUT

BASEMENT WITH ONE QUEEN BED, 1 SOFA BED AND SEATING AREA WITH GAS FIREPLACE, POOL TABLE, DINETTE TABLE / 6 CHAIRS, A PRIVATE FULL BATH, AND PROPOSED LIMITED USE KITCHENETTE (NO STOVE OR OVEN.)

WILD TURKEY LODGE
932 SKI LAKE DRIVE
HUNTSVILLE, UTAH 84317
(808) 748-1890

Lleverino, Felix

From: Glenn Croydon <gacroydon@gmail.com>
Sent: Tuesday, July 7, 2020 2:54 PM
To: Lleverino, Felix
Cc: Burton, Steven; Boni Gravelle
Subject: [EXTERNAL]Wild Turkey Lodge Revisions to Address Questions Raised

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Dear Mr. Lleverino,

Thank you for your call this morning. It helped us to clarify your main points and what we need to do to modify our application. Below (in blue) are the changes we are making in response to your questions.

Wild Turkey Lodge Bed and Breakfast Inn

Zoning – FV-3

B&B Dwelling and Inns are listed on the zone code as conditional uses.

1. The narrative indicates the desire to offer a detached one-bedroom cottage as an option. The B&B dwelling operation is limited to exist only within the dwelling.

We will remove any references to the detached one-bedroom cottage for use as an option for our B&B. We will follow the progress of Weber County deliberations regarding ADU dwellings and Airbnb accommodations for potential future use of the cottage.

Signs

2. Provide a drawing showing the sign design and location. The sign size is limited to a nameplate measuring 2 square feet in area. If you have plans to light the sign include what type of fixture will be used.



The above metal sign is 20"x 20". Our proposed plan is to hang the sign over our entry driveway on a wooden bar between two wooden posts. An existing lamppost will be used to illuminate the sign.

Conditional Use

3. Who will manage the rental spaces between visits? Do you plan to contract with a cleaning service? Will the landscaping or room maintenance be done by a maintenance company?

Wild Turkey Lodge is our home. We are planning to use VRBO as our primary web presence and booking structure. The Lodge will be an owner-managed, owner-maintained company. Occasionally, as needed, independent contractors will be hired to assist us for such tasks as snow removal, landscaping, cleaning, window washing, etc.

4. If a nuisance from noise occurs, how do you plan to mitigate it?

First, all short-term renters will sign an agreement on house rules, one of which will be lower noise levels and quiet hours.

Second, this is our home. Whenever there are short-term renters, we will be on the premises to monitor noise levels.

Third, in the unlikely chance there is excessive noise levels that cannot be mitigated by the owners, local authorities will be contacted for assistance.

Design Review

1. Do you have plans to install new outdoor lighting? Be aware that all new lighting fixtures shall be dark sky compliant and not trespass into neighboring properties.

We appreciate and fully support dark sky compliant regulations. We do not have plans for new lighting other than solar landscape lights on walk paths. The property is insulated from neighbors by trees and buffer zones so lighting is not a factor of concern.

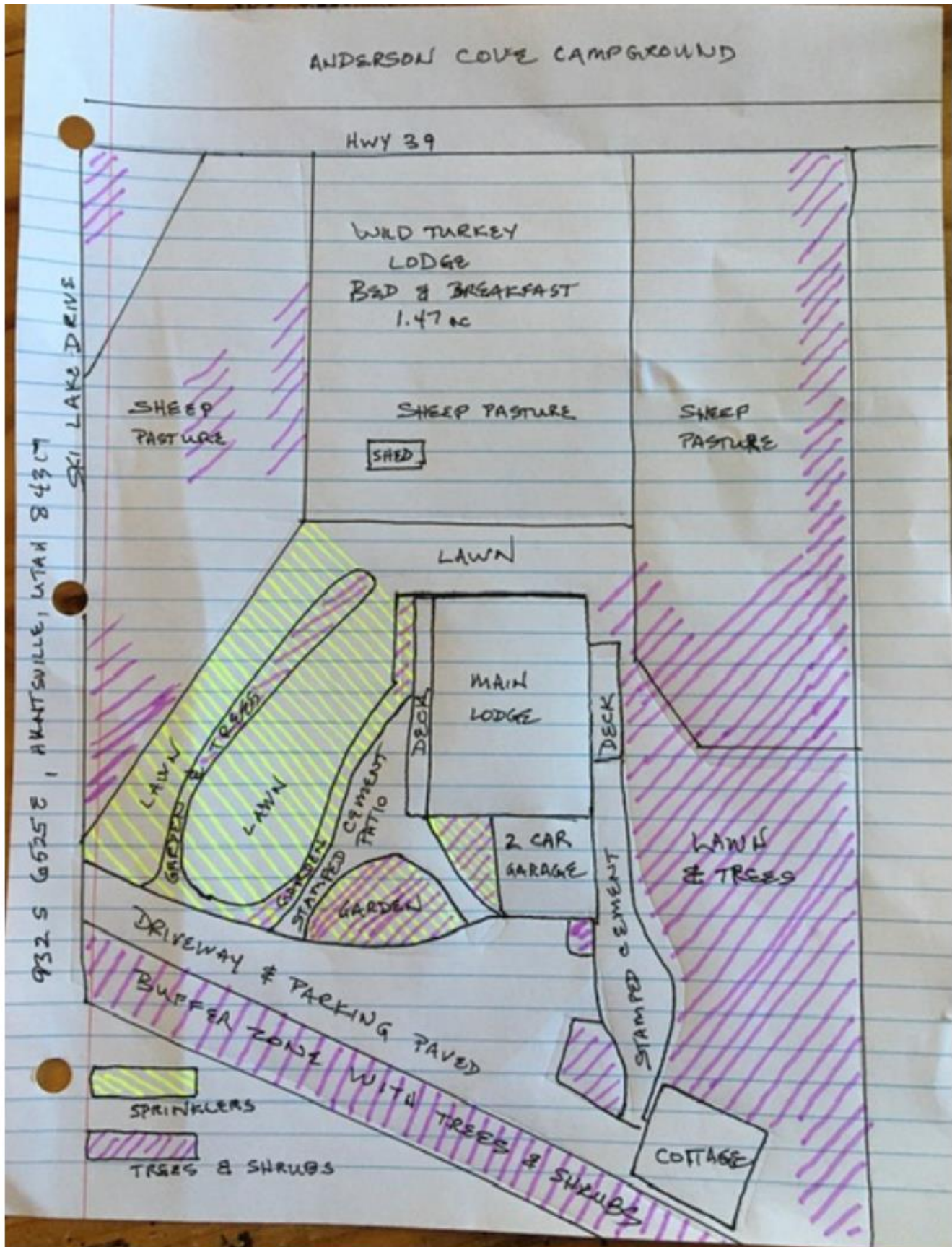
2. Provide a landscape plan showing the square feet of the total site area, the total existing landscaped area, and any new landscaping.

The original property landscaping was not maintained over the last several years, but as new owners, we found the basic "bones" of the gardens were very good. We are in the process of weeding and trimming the existing gardens. No new landscaping is planned. Dead trees and overgrown trees and shrubs are currently being cleared.

3. The landscape plan should include the irrigation method for existing and new areas. Water conservation methods are recommended and encouraged.

This property has culinary water, but no secondary water or water rights. The existing sprinkling system has been minimized to lawns and gardens close to the main house and along the driveway to conserve water. If water rights can be purchased in the future, additional areas will be considered for watering.

Sent from my iPhone





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Request for approval of a conditional use permit for expansion of restaurant services and installation of equipment rental services on the site of the Alaskan Inn, Ogden Canyon Rd, Ogden, UT.

Application Type: Administrative

File Number: CUP 2020-09

Applicant: Roy Gabbay, Owner/Applicant

Agenda Date: Tuesday, June 23, 2020

Approximate Address: 429 & 435 Ogden Canyon Rd, Ogden, UT

Project Area: 16.04 Acres

Zoning: CVR-1

Existing Land Use: Commercial

Proposed Land Use: Commercial

Parcel ID: 20-025-0018, 20-025-0005

Township, Range, Section: Township 6 North, Range 1 East, Section 18 NE

Adjacent Land Use

North: Ogden River	South: Hwy 39 (Ogden Canyon Rd)
East: Weber County Access Rd	West: Ogden River

Staff Information

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

Report Reviewer: SB

Applicable Ordinances

- Weber County Land Use Code Title 104 Chapter 11 (CVR-1 Zone)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Chapter 8 (Parking and Loading Space)
- Weber County Land Use Code Title 108 Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)
- Weber County Land Use Code Title 108 Chapter 17 (Ogden Valley Pathways)
- Weber County Land Use Code Title 108 Chapter 16 (Ogden Valley Outdoor Lighting)

Background and Summary

The Alaskan Inn Bed and Breakfast Hotel is a commercial property consisting of 23 sleeping rooms. Conditional Use approval for the original inn was granted on December 12, 1995. An amendment to the previously approved CUP included the addition of 11 sleeping rooms, as well as conditions related to landscaping and architectural adjustments. The applicant is requesting approval of an amendment to the existing conditional use permit for inclusion of a restaurant, open to the public and includes 9 tables and an outdoor recreational equipment rental space within the hotel lobby. Equipment available to rent will be kayaks, stand-up paddle boards, jet skis and a boat. The proposal will include screening for all outdoor recreation equipment, as well as an easement for a trail along the eastern boundary. The CVR-1 Zone allows a "bed and breakfast hotel" as a conditional use. The proposal has demonstrated that the operation will comply with the applicable regulations, with reasonable conditions imposed.

The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews.

Analysis

General Plan: As a conditional use, this operation is allowed in the CVR-1 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

Zoning: The subject property is located within the Commercial Valley Resort Recreation (CVR-1) Zone. The purpose of the CVR-1 Zone can be further described in LUC §104-11-1 as follows:

“The purpose of this zone is to provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained.”

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. Thus far, the applicant has received approval from the County Engineering Division, for the proposal.

The following is an analysis of the proposal reviewed against the conditional use standards:

(1) *Standards relating to safety for persons and property.* The proposal is not anticipated or expected to negatively impact this property, surrounding properties, or persons.

(2) *Standards relating to infrastructure, amenities, and services:* The proposal is part of the existing development, and is not anticipated or expected to negatively impact any existing infrastructure, amenities, or services in the area.

(3) *Standards relating to the environment.* The proposal is not anticipated or expected to negatively impact the environment.

(4) *Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.* The proposal complies with and supports the intent of the general plan.

Design Review: The CVR-1 zone and the proposed conditional use mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. The submitted proposal, including exterior finishes/additional screening, similar to existing infrastructure within this development. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

Considerations relating to traffic safety and traffic congestion. The proposal includes a site plan that identifies the location of the existing building(s), outdoor storage of recreational equipment, including the necessary screening storage and loading zone(s), as well as identification of required parking. The existing site is located adjacent to a Weber County Access Road. Weber County Land Use Code 108-17-2(b)(1) Pathways shall be located and designed for public use on currently existing public rights-of-way.

Considerations relating to landscaping. The existing landscaping meets the ordinance and no changes are required at this time.

Considerations relating to buildings and site layout. The existing buildings meet the site development standards of the CVR-1 Zone.

Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agency requirements and is based on the following conditions:

1. All outdoor recreational equipment shall be stored in designated, screened areas, when not in use.
2. Parking shall not be allowed east of the Weber County access road, per LUC 108-8-7.
3. The northeast area, adjacent to proposed pathway easement, shall be used for loading purposes only.
4. The dumpster shall not be located in the right-of-way, and shall be screened from public view.
5. All outdoor lighting shall be brought into compliance with LUC 108-16 (Dark Sky Lighting Ordinance).
6. All sign additions shall comply with Ogden Valley Sign Code (LUC 110-2).
7. Any required/additional screening shall match the existing screening on site and shall be reviewed and approved by the Planning staff prior to installation.

This recommendation is based on the following findings:

- The proposed use is allowed in the CVR-1 Zone and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Exhibits

- A. Application and Project Narrative
- B. Detailed Site Plan and Sign Materials

Map 1



Exhibit A – Application and Project Narrative

Weber County Conditional Use Permit Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed 5/12/2020	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) ML Resorts, LLC		Mailing Address of Property Owner(s) 435 Ogden Canyon Ogden UT 84401	
Phone 801-621-8600	Fax		
Email Address (required) manager@alaskaninn.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Roy Gabbay		Mailing Address of Authorized Person 435 Ogden Canyon Ogden UT 84401	
Phone 8016218600	Fax		
Email Address manager@alaskaninn.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name 9 Table / Equipment rentals		Total Acreage	Current Zoning CVR-1
Approximate Address 429 Ogden Canyon 435 Ogden Canyon		Land Serial Number(s) 20-025-0018 20-025-0005	
Proposed Use CVR-1			
Project Narrative Alaskan Inn would like to expand its services to include a 9 table restaurant and recreational vehicle/ watercraft equipment rental within the existing buildings and parking previsions. The 9 table restaurant will include both indoor and outdoor seating using the existing Kitchen, Lobby and outdoor seating. The recreational vehicle watercraft equipment rental will be using the existing sheds for storage and a small portion of the lobby (less than 200sf) for rental agreements and safety briefings. To meet Parking requirements Alaskan Inn currently has 33 spots, the hotel portion is required to have 1 per unit room which equates to 23 spots, that leaves 10 spots for the additional services. Existing signage will be used.			

Basis for Issuance of Conditional Use Permit

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise. Expanding services to our community.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use. Alaskan inn will comply with regulations as it relates to the CVR-1 zone. The Restaurant and equipment rental does meet the criteria for the CVR-1 zone and we currently already have paved parking spaces to comply with the regulations.

Property Owner Affidavit

I (We), Roy Gubdany, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

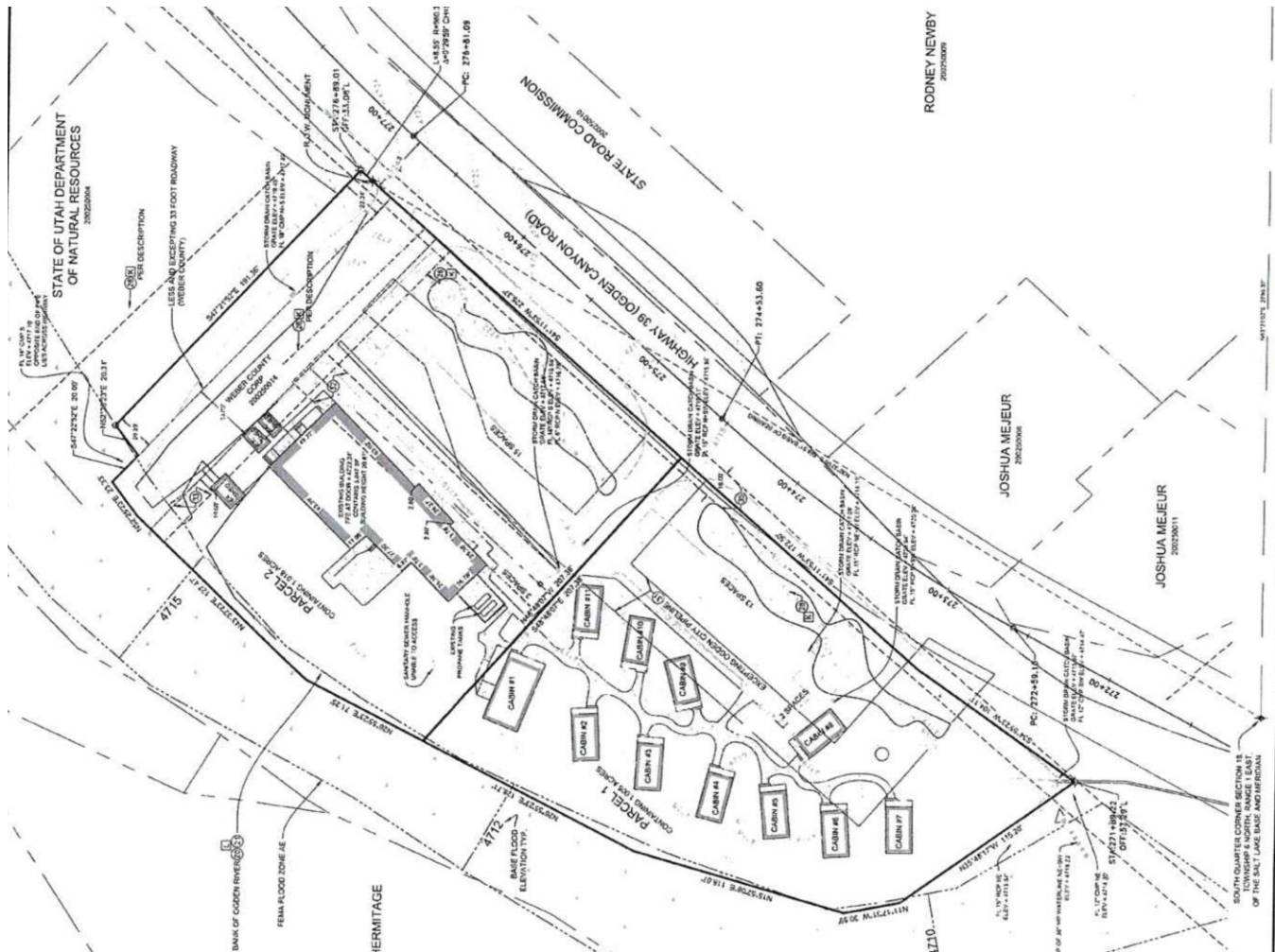
Subscribed and sworn to me this 18 day of May, 2020



NOTARY PUBLIC
DALTON JONES
COMM. # 700138
COMMISSION EXPIRES
APRIL 30, 2022
STATE OF UTAH

[Signature]

(Notary)







Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Discussion and action on a proposal to amend the following sections of Weber County Code: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments.
Agenda Date:	Tuesday, July 28, 2020
Planner:	Steve Burton sburton@co.weber.ut.us 801-399-8766
Report Reviewer:	CE

Applicable Ordinances

- Weber County Land Use Code, Title 102, Chapter 1 (General Provisions)
- Weber County Land Use Code, Title 102, Chapter 5 (Rezone Procedures)

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

The Planning Division is proposing the attached changes in order to clarify the rezone procedures and to bring the land use code into compliance with state code regarding legislative recommendations from the Planning Commission. The proposed changes will also clarify requirements and procedures for a development agreement. Finally, the proposed changes will allow planning staff to require a concept development plan as part of a rezone application when deemed necessary.

Conformance to the General Plan

This proposal is meant to provide clear and concise rezone procedures which can help to effectively implement the county's general plans.

Past Action on this Item

No action has occurred on this item.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

Staff recommends that the Ogden Valley Planning Commission recommend approval of the text included as Exhibit A of this staff report based on the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The clarifications will provide for a more efficient administration of the Land Use Code.

Exhibits

- A. Proposed Ordinance – Clean Copy.
- B. Proposed Ordinance – Track Change Copy.

1 ...

2
3 Sec 102-5-1 Purpose And Intent

4 Every property in the unincorporated area of the county is legally zoned as a result of
5 comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the
6 1960s. The purpose of this chapter is to establish a legislative means by which applications to the
7 county are processed to change zoning. Rezoning is intended to implement the adopted general
8 plans for the different planning areas of the county.

9
10 Sec 102-5-2 Development To Be In Conformance To The General Plan

11 Rezoning of property should further the purpose of the zoning regulations listed in Section 101-
12 1-2 of the county's Land Use Code by complying with the county's general plans.

13
14 Sec 102-5-3 Application Submittal

15 (a) A pre-application meeting is required prior to the application submittal.

16 (b) An application for a rezoning shall be submitted on forms provided by the planning
17 division and shall expire 18 months after submittal, if not acted upon, provided however,
18 that the director may extend the application for six months for just cause. The application
19 shall be accompanied with the following information:

20 (1) The application shall be signed by the landowner or their duly authorized
21 representative and shall be accompanied by the necessary fee as shown within the
22 applicable fee schedule.

23 (2) A rezoning may be initiated by an owner of any property or any person, firm or
24 corporation with the written consent of the owner of the property, or be county-
25 initiated.

26 (3) A proposed rezone to any zone may be required to be accompanied by a concept
27 development plan in accordance with Section 102-5-5 of this chapter. A detailed site
28 plan, in lieu of a concept development plan, may be required.

29 (4) Letters of feasibility from the appropriate state or county agencies for water and
30 wastewater.

31 (5) A narrative from the project engineer discussing the feasibility for the mitigation of
32 stormwater runoff.

33 (6) The applicant shall provide a narrative addressing the following information:

34 a. How is the change in compliance with the general plan?

35 b. Why should the present zoning be changed to allow this proposal?

36 c. How is the change in the public interest?

37 d. What conditions and circumstances have taken place in the general area since the
38 general plan was adopted to warrant such a change?

- 39 e. How does this proposal promote the health, safety and welfare of the inhabitants
40 of the county?
- 41 f. Project narrative describing the project vision.
- 42 (c) Destination and recreation resort zone supplementary requirements.
- 43 (1) Due to the anticipated scale and potential impact of a destination and recreation resort
44 on the county and other surrounding areas, additional information, shall be required to
45 accompany any application submitted for consideration of a destination and
46 recreation resort zone approval. The additional information shall consist of the
47 following:
- 48 a. Concept development plan showing sensitive land areas as described/mapped in
49 title 104, chapter 28, Ogden Valley Sensitive Lands Overlay Districts.
- 50 b. Traffic impact analysis.
- 51 c. Cost benefit analysis.
- 52 d. Recreation facilities plan.
- 53 e. Seasonal workforce housing plan.
- 54 f. Emergency services plan including a letter of feasibility from the Weber fire
55 district and Weber County sheriff's office.
- 56 g. Letter of feasibility from the electrical power provider.
- 57 h. Density calculation table showing proposed density calculations.
- 58 i. Thematic renderings demonstrating the general vision and character of the
59 proposed development.
- 60 (2) All documents submitted as part of the application shall be accompanied by a
61 corresponding PDF formatted file.

62

63 Sec 102-5-4 Concept Development Plan

- 64 (a) A concept development plan may be required to be submitted with a rezoning application
65 to any zone, according to section 102-5-5 (a) of this chapter. The concept development
66 plan shall supply sufficient information about the development to assist the Planning
67 Commission and County Commission in making a decision on the rezoning application.
68 A copy of plans shall be submitted on 11- by 17-inch paper on 24- by 36-inch paper, at a
69 readable scale. All concept plans (including but not limited to architectural
70 elevations/renderings, etc.), and subsequent submittals and revisions, shall be
71 accompanied by a full-scale set of PDF, DWF and JPEG files of the respective plans.
72 Information supplied shall include text and illustration:
- 73 (1) Inventory of general land use types located within the project and the surrounding
74 area.
- 75 (2) Approximate locations and arrangements of buildings, structures, facilities and open
76 space.
- 77 (3) Architectural rendering of proposed buildings, structures, facilities and open space
78 within the project.
- 79 (4) Access and traffic circulation patterns and approximant location of parking.

- 80 (5) A written description explaining how the project is compatible with surrounding land
81 uses.
- 82 (6) The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands,
83 etc.).
- 84 (7) Written explanation and visual illustration showing project density and mass/scale in
85 comparison to the existing developed area adjacent to the proposed rezone.
- 86 (8) Legal description of the property being proposed for rezone.
- 87 (b) The applicant/owner and any assigns or successors in interest, is required to develop only
88 in accordance with the proposals outlined in the plan. Any materially different concept,
89 use, building arrangement, etc., will not be approved nor will building permits be issued
90 by the county until such plan is amended by the county commission after
91 recommendation of the planning commission. Minor changes may be approved by the
92 planning director. If the county denies such changes or amendments and/or the concept
93 plan is abandoned, the county may institute steps to revert the zoning to its former or
94 other appropriate zone. The information shown on the concept plan may vary in detail
95 depending on the size of projects.

96

97 Sec 102-5-5 Procedure

- 98 (a) Prior to submittal of a rezone application, the applicant shall attend a pre-application
99 meeting in which the proposal is discussed with County planning staff. After the pre
100 application meeting, the Planning Director or designee may require a concept
101 development plan to be submitted with the application. After application submittal, if no
102 concept plan was previously required, the Planning Director or designee, the Planning
103 Commission, or the County Commission may require a concept development plan or any
104 other information to address emerging impacts.
- 105 (b) When a rezoning application meets the requirements outlined in 102-5-3 of this Chapter,
106 and when the application is deemed complete by the Planning Director or designee, the
107 application will be processed in the following manner:
- 108 (1) Upon receiving a recommendation from staff regarding an amendment to the zoning
109 map, and after holding the required public hearing for which 14 days notice shall be
110 provided as required by Utah State Code, the Planning Commission shall review the
111 amendment and prepare its recommendation. The Planning Commission may
112 recommend approval, approval with modifications, or denial of the proposed
113 amendment and shall submit its recommendation to the County Commission for
114 review and decision.
- 115 (2) Upon receiving a recommendation from the Planning Commission regarding an
116 amendment to the zoning map, the County Commission shall schedule and hold a
117 public hearing to review and make a decision on the application. Following the public
118 hearing the County Commission may approve, approve with modifications, or deny
119 the proposed amendment. Prior to making a decision that goes contrary to the
120 Planning Commission's recommendation, the County Commission may, but is not

- 121 obligated to, remand the amendment to the Planning Commission with a request for
122 another recommendation with additional or specific considerations. The Planning
123 Commission shall review such request as specified in subsection 1 of this section.
- 124 (3) A decision to amend the zoning map is a matter committed to the legislative
125 discretion of the County Commission and is not controlled by any one standard.
126 However, in making an amendment, the County Commission and Planning
127 Commission **may consider the following factors, among other factors they deem**
128 **relevant:**
- 129 1. Whether the proposed amendment is consistent with goals, objectives, and
130 policies of the County's general plan;
 - 131 2. Whether the proposed amendment is **compatible** with the overall character of
132 existing development in the vicinity of the subject property;
 - 133 3. The extent to which the proposed amendment may adversely affect adjacent
134 property; and
 - 135 4. The adequacy of facilities and services intended to serve the subject property,
136 including, but not limited to, roadways, parks and recreation facilities, police
137 and fire protection, schools, stormwater drainage systems, water supplies,
138 wastewater, and refuse collection.
 - 139 5. Whether the proposed rezone can be developed in a manner that will not
140 substantially degrade natural/ecological resources or sensitive lands.
 - 141 6. Whether proposed traffic mitigation plans will prevent transportation corridors
142 from diminishing below an acceptable level of service.
- 143
- 144 (4) Supplementary approval **considerations** for a destination and recreation resort zone:
145 The Planning Commission and County Commission **may** also consider the following
146 factors, among other factors they deem relevant, when making an amendment to
147 Resort zoning:
- 148 1. Whether a professional and empirical study has provided substantial evidence
149 determining that the proposed resort is viable and contributes to the
150 surrounding community's economic well-being.
 - 151 2. Whether the natural and developed recreational amenities, provided by the
152 resort, will constitute a primary attraction and provide an exceptional
153 recreational experience by enhancing public recreational opportunities.
 - 154 3. Whether the proposed resort's seasonal workforce housing plan will provide a
155 socially, economically, and environmentally responsible development.
- 156 (5) Where an application for a rezone has been denied the County shall not accept a
157 **substantially similar** zoning amendment application within one (1) year of a denial
158 unless there is a substantial change of conditions since the earlier application. A new
159 application, with applicable fee, shall be required and processed in accordance with
160 the procedure outlined in this section.
- 161
- 162

Sec 102-5-6 Approved Development Proposals

After rezoning is granted, applications for development within the rezoned area shall be reviewed as required by the Land Use Code. The plans shall be in accordance with the approved concept development plan or development agreement, if required as part of the approved rezone..

Sec 102-5-7 Development Agreement

The county commission may require an applicant, at the time of zoning approval, to enter into a zoning development agreement as outlined in 102-6.

Sec 102-5-9 Disconnect From Incorporated Cities

Properties that disconnect from incorporated cities shall submit a rezone application and fees to the county planning division. Prior to any disconnection, the subject property needs to comply with its current city zoning and approved site plan.

Development Agreements

Sec 102-6-1 Purpose and Intent

The purpose of this chapter is to provide procedures and minimum standards for the review, consideration, and possible approval of development agreements by the county commission. A development agreement may only be approved, if in the opinion of the county commission, such development agreement is found:

(a) To recognize the intended character of the subject property by tailoring development standards and requirements that provide more desirable land use planning and regulatory standards than would be possible under the county's existing land use ordinances; or

(b) To advance the policies of the county.

Sec 102-6-2 Applicability

(a) Unless expressly required elsewhere in this title, a development agreement is an optional land use regulatory tool that may be used, at the discretion of the county commission, as provided in section 102-5-7 of the Land Use Code. No provision herein shall obligate the county commission to enter into a development agreement.

- (b) All persons entering into a development agreement with the county must have a legal or equitable interest in the property that is the subject of the development agreement.
- (c) The county commission may require additional provisions and requirements depending on the nature and scope of the parcel(s) affected and the particular purposes and intent(s) of the development agreement.

Sec 102-6-3 Minimum Requirements

All development agreements entered into by the county shall, at a minimum, be found to comply with the following standards:

- (a) Be in writing.
- (b) Provide an accurate legal description of the subject property and the names of all legal and equitable owners.
- (c) Provide a concept plan including, but not limited to, the location and arrangement of all allowed uses, traffic circulation patterns, buildings, and all required dedications and improvements.
- (d) Provide the terms of the agreement, and any term extension requirement(s).
- (e) Identify all allowed uses for the subject property and the procedures required for the approval of each use.
- (f) Identify all development standards that will be implemented, including the timing and obligations associated with the provision of necessary infrastructure and services.
- (g) Provide for the provision and installation of required public infrastructure and services.
- (h) Provide a listing of all features and facilities being voluntarily provided to the county, or other public or private agency, as applicable if any, in addition to those typically required by the county's land use ordinances.
- (i) Provide a description of any reservation or dedication of lands for public purposes.
- (j) Provide a description of any conditions, terms, restrictions, or other requirements determined to be necessary to promote the public health, safety, or welfare or the purposes of the development agreement.
- (k) Identify enforcement mechanisms determined necessary to ensure compliance.
- (l) Provide for the recording of the approved development agreement in the office of the Weber County recorder. The signed and recorded copy of the development agreement shall be considered the official executed copy of said agreement.
- (m) Include any additional requirements identified by the county commission determined necessary to advance the interests of the county and other provisions and requirements to protect the public health, welfare and safety of the county, and its residents.

Sec 102-6-4 Development Procedures

A. The county commission, as the legislative body, shall consider all development agreements at a regular commission meeting. If a development agreement contains any provision proposing to amend the county general plan or land use ordinance, including zoning designation of the subject property, the procedures of the county required for a general plan or land use ordinance

amendment shall be followed, including complying with all noticing and public hearing requirements.

B. After consideration of materials, the Commission may approve or deny the proposed development agreement, with or without requirements and conditions and with necessary findings. If approved, the county commission chair, on behalf of the county, and the applicant shall sign and execute the development agreement, as approved.

C. Within fourteen (14) business days of signature by the county commission chair and the applicant, the development agreement shall be recorded in the office of the county recorder. The recorded agreement constitutes the official document of the county.

D. The county commission, in considering a development agreement, may request a recommendation of the planning commission on planning concerns, allowed uses, or other development matters that may be associated with the proposed development agreement.

E. In the event that a development agreement is amended after being executed by the affected parties, a notice of amendment shall be sent by certified mail to all property owners with interest in the property as described in the development agreement. Such notice shall, at a minimum, explain the amendment and provide information about where the amendment may be retrieved from the county recorder's office. Expenses for the notice shall be borne by the developer.

Sec 102-6-5 Development Agreement Review

In reviewing a proposed development agreement, the county commission may consider, but shall not be limited to considering, the following:

- (a) Public impacts and benefits.
- (b) Adequacy in the provision of all necessary public infrastructure and services.
- (c) Appropriateness and adequacy of environmental protection measures; and
- (d) Protection and enhancements of the public health, welfare, and safety above that are provided by the existing land use ordinances.

Sec 102-6-6 Effect of Approval:

A. A development agreement, as approved by the county commission and recorded as required by section 102-6-5 of this chapter, shall be controlling for the subject property, and shall modify the county's land use ordinances to the extent specifically identified by the development agreement.

B. Only those county land use ordinance provisions specifically identified by the development agreement shall be modified. All other land use ordinance requirements shall remain in full force and effect.

272

273 C. A development agreement shall not prevent the county from applying any new provisions or
274 regulations to the subject property that do not conflict with those contained within the
275 development agreement.

276

277 Sec 102-6-8 Binding Nature of Development Agreements:

278 All development agreements shall be binding on the county and the applicant and on all
279 successors and assigns for the term of the agreement.

280

281 Sec 102-6-8 Expenses

282 The county may require the applicant to reimburse the county for all reasonable expenses
283 incurred by the county related to the preparation and adoption of a development agreement.

284

285 Sec 102-6-9 Enforcement

286 The county may utilize all legally available enforcement mechanisms necessary to achieve
287 compliance with this chapter and any development agreement including, but not limited to, the
288 withholding of necessary land use approvals and permits.

289

290 Sec 102-6-10 Modification or Suspension to Comply with State or Federal Laws

291 In the event that federal or state laws or regulations, enacted after the adoption of a development
292 agreement, prevent or preclude compliance with one or more provisions of the agreement, such
293 provisions of the agreement shall be suspended, as may be necessary to comply with such laws
294 or regulations. If federal or state laws or regulations enacted after the adoption of a development
295 agreement, prevent or preclude compliance with a significant portion of the agreement, the entire
296 agreement shall be suspended, as may be necessary to comply with such laws or regulations.

297 Sec 102-6-11 Noncompliance

298 In the event a development agreement is terminated as a result of noncompliance by the subject
299 property owner the subject property shall revert to the general plan and zoning district
300 designation that existed prior to the enactment of the development agreement.

~~Sec 102-1-5 Hearing And Publication Notice For County Commission~~

~~Before finally adopting any such legislative amendment, the board of county commissioners shall hold a public hearing thereon, at least 14 days' notice of the time and place of which shall be given as per state code. The unanimous vote of the full body of the county commission is required to overturn the recommendation of the planning commission, if there was a unanimous vote of the planning commission in favor or denial of the petition.~~

~~...~~

Sec 102-5-1 Purpose And Intent

Every property in the unincorporated area of the county is legally zoned as a result of comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the 1960s. The purpose of this chapter is to establish a legislative means by which applications to the county are processed to change zoning. Rezoning is intended to implement the adopted general plans for the different planning areas of the county.

Sec 102-5-2 Development To Be In Conformance To The General Plan

~~Since the purpose of zoning regulations is to promote the general welfare, safety, health, convenience and economic prosperity of the county, it is county policy that rezoning of property, should further this purpose, by complying with the county's general plans.~~ Rezoning of property should further the purpose of the zoning regulations listed in Section 101-1-2 of the county's Land Use Code by complying with the county's general plans.

~~Sec 102-5-3 Approval Criteria~~

~~(a) To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.~~

~~(b) The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.~~

~~(c) Supplementary approval criteria for a destination and recreation resort zone.~~

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Indent: Left: 0.5", No bullets or

~~(1) The proposed resort can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands as identified in title 104, chapter 28, the Ogden Valley Sensitive Lands Overlay District, of the Weber County Land Use Code.~~

~~(2)(1) A professional and empirical study has provided substantial evidence determining that the proposed resort is viable and contributes to the surrounding community's economic well being.~~

~~(2)(1) A professional and empirical study has provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors, serving the resort, from diminishing below an acceptable level of service.~~

~~(4)(1) The natural and developed recreational amenities, provided by the resort, shall constitute a primary attraction and provide an exceptional recreational experience by enhancing quality public recreational opportunities.~~

~~(5)(1) The proposed resort's seasonal workforce housing plan will provide a socially, economically and environmentally responsible development.~~

~~(6)(1) The proposed resort can demonstrate that public safety services are and/or will be feasible and available to serve the project in a manner that is acceptable to the county commission.~~

Sec 102-5-34 Application Submittal

- (a) A pre-application meeting is required prior to the application submittal.
- (b) An application for a rezoning shall be submitted on forms provided by the planning division and shall expire 18 months after submittal, if not acted upon, provided however, that the director may extend the application for six months for just cause. The application shall be accompanied with the following information:
 - (1) The application shall be signed by the landowner or ~~his~~-their duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.
 - (2) A rezoning may be initiated by an owner of any property or any person, firm or corporation with the written consent of the owner of the property, or be county-initiated.
 - (3) A proposed rezone to any zone. An application for a rezoning shall may be required to be accompanied by a concept development plan in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development plan, may be required.
 - (4) Letters of feasibility from the appropriate state or county agencies for water and wastewater.
 - (5) A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.
 - (6) The applicant shall provide a narrative addressing the following information:
 - a. How is the change in compliance with the general plan?

- 78 b. Why should the present zoning be changed to allow this proposal?
 79 c. How is the change in the public interest?
 80 d. What conditions and circumstances have taken place in the general area since the
 81 general plan was adopted to warrant such a change?
 82 e. How does this proposal promote the health, safety and welfare of the inhabitants
 83 of the county?
 84 f. Project narrative describing the project vision.
 85 (c) Destination and recreation resort zone supplementary requirements.
 86 (1) Due to the anticipated scale and potential impact of a destination and recreation resort
 87 on the county and other surrounding areas, additional information, shall be required to
 88 accompany any application submitted for consideration of a destination and
 89 recreation resort zone approval. The additional information shall consist of the
 90 following:
 91 a. Concept development plan showing sensitive land areas as described/mapped in
 92 title 104, chapter 28, Ogden Valley Sensitive Lands Overlay Districts.
 93 b. Traffic impact analysis.
 94 c. Cost benefit analysis.
 95 d. Recreation facilities plan.
 96 e. Seasonal workforce housing plan.
 97 f. Emergency services plan including a letter of feasibility from the Weber fire
 98 district and Weber County sheriff's office.
 99 g. Letter of feasibility from the electrical power provider.
 100 h. Density calculation table showing proposed density calculations.
 101 i. Thematic renderings demonstrating the general vision and character of the
 102 proposed development.
 103 (2) All documents submitted as part of the application shall be accompanied by a
 104 corresponding PDF formatted file.

105 (2) —

Formatted: Normal, No bullets or numbering

107 Sec 102-5-4.5 Concept Development Plan

- 108 (a) ~~A~~The concept development plan ~~shall~~may be required to be submitted with a rezoning
 109 application ~~to any, and zone, according to section 102-5-5 (a) of this chapter. The concept~~
 110 ~~development plan~~ shall supply sufficient information about the development to assist the
 111 ~~P~~lanning ~~C~~ommission and ~~C~~ounty ~~C~~ommission in making a decision on the rezoning
 112 application. ~~Seven copies~~A copy of plans shall be submitted on 11- by 17-inch paper ~~and~~
 113 ~~two copies of plans shall be submitted~~ on 24- by 36-inch paper, at a readable scale. All
 114 concept plans (including but not limited to architectural elevations/renderings, etc.), and
 115 subsequent submittals and revisions, shall be accompanied by a full-scale set of PDF,
 116 DWF and JPEG files of the respective plans. Information supplied shall include text and
 117 illustration:

- (1) Inventory of general land use types located within the project and the surrounding area.
 - (2) Approximate locations and arrangements of buildings, structures, facilities and open space.
 - (3) Architectural rendering of proposed buildings, structures, facilities and open space within the project.
 - (4) Access and traffic circulation patterns and approximant location of parking.
 - (5) A written description explaining how the project is compatible with surrounding land uses.
 - (6) The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands, etc.).
 - (7) Written explanation and visual illustration showing project density and mass/scale in comparison to the existing developed area adjacent to the proposed rezone.
 - (8) Legal description of the property being proposed for rezone.
- (b) The applicant/owner and any assigns or successors in interest, is required to develop only in accordance with the proposals outlined in the plan. Any materially different concept, use, building arrangement, etc., will not be approved nor will building permits be issued by the county until such plan is amended by the county commission after recommendation of the planning commission. Minor changes may be approved by the planning director. If the county denies such changes or amendments and/or the concept plan is abandoned, the county may institute steps to revert the zoning to its former or other appropriate zone. The information shown on the concept plan may vary in detail depending on the size of projects.

Sec 102-5-56 County Zoning Procedure

~~The county commission after considering the recommendations of the planning commission, holding the required public hearing, and making findings as to whether or not the application meets the criteria found in section 102-5-3, may take any of the following actions:~~

- ~~(a) The county commission may approve the proposed rezoning and concurrently approve a concept plan for the development, in whole or in part, with or without changes or conditions and adopt an ordinance rezoning the property;~~
- ~~(b) The county commission may deny a rezoning application;~~
- ~~(c) The county commission may rezone the subject land to any other less intensive zone deemed more appropriate~~
- (a) Prior to submittal of a rezone application, the applicant shall attend a pre-application meeting in which the proposal is discussed with County planning staff. After the pre application meeting, the Planning Director or designee may require a concept development plan to be submitted with the application. After application submittal, if no concept plan was previously required, the Planning Director or designee, the Planning Commission, or the County Commission may require a concept development plan or any other information to address emerging impacts.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Not Highlight

Formatted: Font: (Default) Times New Roman, 12 pt, Highlight

Formatted: Font: (Default) Times New Roman, 12 pt

(b) When a rezoning application meets the requirements outlined in 102-5-3 of this Chapter, and when the application is deemed complete by the Planning Director or designee, the application will be processed in the following manner:

(1) Upon receiving a recommendation from staff regarding an amendment to the zoning map, and after holding the required public hearing for which 14 days notice shall be provided as required by Utah State Code, the Planning Commission shall review the amendment and prepare its recommendation. The Planning Commission may recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the County Commission for review and decision.

(2) Upon receiving a recommendation from the Planning Commission regarding an amendment to the zoning map, the County Commission shall schedule and hold a public hearing to review and make a decision on the application. Following the public hearing the County Commission may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the Planning Commission's recommendation, the County Commission may, but is not obligated to, remand the amendment to the Planning Commission with a request for another recommendation with additional or specific considerations. The Planning Commission shall review such request as specified in subsection 1 of this section.

(3) A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and Planning Commission may consider the following factors, among other factors they deem relevant:

1. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan;
2. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.
5. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.
6. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

(4) Supplementary approval considerations criteria for a destination and recreation resort zone: The Planning Commission and County Commission may also consider the following factors, among other factors they deem relevant, when making an amendment to Resort zoning:

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Not Highlight

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Indent: Left: 1.25"

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

~~The proposed resort can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands as identified in title 104, chapter 28, the Ogden Valley Sensitive Lands Overlay District, of the Weber County Land Use Code.~~

1. Whether a professional and empirical study has provided substantial evidence determining that the proposed resort is viable and contributes to the surrounding community's economic well-being.

~~A professional and empirical study has provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors, serving the resort, from diminishing below an acceptable level of service.~~

2. Whether the natural and developed recreational amenities, provided by the resort, will ~~shall~~ constitute a primary attraction and provide an exceptional recreational experience by enhancing ~~quality~~ public recreational opportunities.

3. Whether the proposed resort's seasonal workforce housing plan will provide a socially, economically, and environmentally responsible development.

~~The proposed resort can demonstrate that public safety services are and/or will be feasible and available to serve the project in a manner that is acceptable to the county commission.~~

(5) Where an application for a rezone has been denied the County shall not accept a substantially similar zoning amendment application within one (1) year of a denial unless there is a substantial change of conditions since the earlier application. A new application, with applicable fee, shall be required and processed in accordance with the procedure outlined in this section.

Formatted

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph

Sec 102-5-~~6~~7 Processing-Approved Development Proposals

After rezoning is granted, applications for development within the rezoned area ~~a development proposal~~ shall be ~~processed and specific plans for all or a phase of the development on the rezoned land shall be~~ reviewed as required by the Land Use Code, as part of its (site plan design review, conditional use approval, subdivision and/or building permit) approval process. The plans shall be in accordance with the approved concept development plan or development agreement, if required as part of the approved rezone ~~and any conditions attached.~~

Sec 102-5-~~7~~8 Development Agreement

~~(a)~~ The county commission may require an applicant, at the time of zoning approval, to enter into a zoning development agreement as outlined in 102-6 ~~which specifies and details the applicant's responsibilities and commitments in carrying out the development contained in an approved concept development plan and which lists the conditions and limitations~~

Formatted: Font: (Default) Times New Roman, 12 pt

of development imposed by the county and also the contemplated action of the county in case of default by an applicant or any successors in interest in the rezoned property.

(b) The agreement shall also contain the applicant's acknowledgment that the commitment of zoning is predicated upon the good faith accomplishment of the approved development and if not started or constructed within the specified periods of time, the county may take steps to rescind zoning approval and revert the zoning to its former or other appropriate zone.

(c) A development agreement, which has been executed as part of a rezoning process, shall be recorded in the county recorder's office as a covenant running with the land, concurrently with adoption of an ordinance implementing a rezoning application.

Sec 102-5-9 Reversion To Original Zoning Designation

(a) If development does not occur as proposed at the time of zoning approval, the public benefits expected from the development cannot be realized and the effect of the rezoning is therefore without merit in terms of improving the public economic prosperity, general welfare, safety, health and convenience. If in such cases the county finds that the zoning purpose has not been attained, the county then may declare its intent to revert the zoning to its former or other appropriate zone so future opportunities for similar development in the same general area may be shared by other properties deemed suitable.

(b) If building permits have not been obtained and construction of the development or an agreed upon phase thereof, in accordance with the approved concept and final development plans, has not commenced within two years from the date of zoning approval or other time period as set by the county commission, the county may examine the reasons for the delay and the progress of the development to that point and may either extend the time period or initiate steps to revert the zoning designation of the previously rezoned land to its former or other appropriate zone. The reversion of zoning shall follow the same procedure established by law for amending the zoning map.

Sec 102-5-9.10 Disconnect From Incorporated Cities

Properties that disconnect from incorporated cities shall submit a rezone application and fees to the county planning division. Prior to any disconnection, the subject property needs to comply with its current city zoning and approved site plan.

[Development Agreements](#)

[Sec 102-6-1 Purpose and Intent](#)

Formatted: Font: (Default) Times New Roman, 12 pt

The purpose of this chapter is to provide procedures and minimum standards for the review, consideration, and possible approval of development agreements by the county commission. A development agreement may only be approved, if in the opinion of the county commission, such development agreement is found:

- (a) To recognize the intended character of the subject property by tailoring development standards and requirements that provide more desirable land use planning and regulatory standards than would be possible under the county's existing land use ordinances; or
- (b) To advance the policies of the county.

Sec 102-6-2 Applicability

- a) Unless expressly required elsewhere in this title, a development agreement is an optional land use regulatory tool that may be used, at the discretion of the county commission, as provided in section 102-5-7 of this chapter. No provision herein shall obligate the county commission to enter into a development agreement.
- b) All persons entering into a development agreement with the county must have a legal or equitable interest in the property that is the subject of the development agreement.
- c) The county commission may require additional provisions and requirements depending on the nature and scope of the parcel(s) affected and the particular purposes and intent(s) of the development agreement.

Sec 102-6-3 Minimum Requirements

All development agreements entered into by the county shall, at a minimum, be found to comply with the following standards:

- (a) Be in writing.
- (b) Provide an accurate legal description of the subject property and the names of all legal and equitable owners.
- (c) Provide a concept plan including, but not limited to, the location and arrangement of all allowed uses, traffic circulation patterns, buildings, and all required dedications and improvements.
- (d) Provide the terms of the agreement, and any term extension requirement(s).
- (e) Identify all allowed uses for the subject property and the procedures required for the approval of each use.
- (f) Identify development standards that will be implemented, including the timing and obligations associated with the provision of necessary infrastructure and services.
- (g) Provide for the provision and installation of required public infrastructure and services.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 0.5", No bullets or

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

(h) Provide a listing of all features and facilities being voluntarily provided to the county, or other public or private agency, as applicable if any, in addition to those typically required by the county's land use ordinances.

(i) Provide a description of any reservation or dedication of lands for public purposes.

(j) Provide a description of any conditions, terms, restrictions, or other requirements determined to be necessary to promote the public health, safety, or welfare or the purposes of the development agreement.

(k) Identify enforcement mechanisms determined necessary to ensure compliance.

(l) Provide for the recording of the approved development agreement in the office of the Weber County recorder. The signed and recorded copy of the development agreement shall be considered the official executed copy of said agreement.

(m) Include any additional requirements identified by the county commission determined necessary to advance the interests of the county and other provisions and requirements to protect the public health, welfare and safety of the county, and its residents.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Sec 102-6-4 Development Procedures

Formatted: Font: (Default) Times New Roman, 12 pt

The county commission, as the legislative body, shall consider all development agreements at a regular commission meeting. If a development agreement contains any provision proposing to amend the county general plan or land use ordinance, including zoning designation of the subject property, the procedures of the county required for a general plan or land use ordinance amendment shall be followed, including complying with all noticing and public hearing requirements.

Formatted: Font: (Default) Times New Roman, 12 pt

B. After consideration of materials, the Commission may approve or deny the proposed development agreement, with or without requirements and conditions and with necessary findings. If approved, the county commission chair, on behalf of the county, and the applicant shall sign and execute the development agreement, as approved.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

C. Within fourteen (14) business days of signature by the county commission chair and the applicant, the development agreement shall be recorded in the office of the county recorder. The recorded agreement constitutes the official document of the county.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

D. The county commission, in considering a development agreement, may request a recommendation of the planning commission on planning concerns, allowed uses, or other development matters that may be associated with the proposed development agreement.

Formatted: Font: (Default) Times New Roman, 12 pt, Highlight

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Highlight

E. In the event that a development agreement is amended after being executed by the affected parties, a notice of amendment shall be sent by certified mail to all property owners with interest in the property as described in the development agreement. Such notice shall, at a minimum, explain the amendment and provide information about where the amendment may be retrieved from the county recorder's office. Expenses for the notice shall be borne by the developer.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Sec 102-6-5 Development Agreement Review

In reviewing a proposed development agreement the county commission may consider, but shall not be limited to, the following:

- (a) Public impacts and benefits.
- (b) Adequacy in the provision of all necessary public infrastructure and services.
- (c) Appropriateness and adequacy of environmental protection measures; and
- (d) Protection and enhancements of the public health, welfare, and safety above that and provided by the existing land use ordinances.

Sec 102-6-6 Effect of Approval:

A. A development agreement, as approved by the county commission and recorded as required by section 8.2.1 of this chapter, shall be controlling for the subject property, and shall modify the county's land use ordinances to the extent specifically identified by the development agreement.

B. Only those county land use ordinance provisions specifically identified by the development agreement shall be modified. All other land use ordinance requirements shall remain in full force and effect.

C. A development agreement shall not prevent the county from applying any new provisions or regulations to the subject property that do not conflict with those contained within the development agreement.

Sec 102-6-7 Binding Nature of Development Agreements:

All development agreements shall be binding on the county and the applicant and on all successors and assigns for the term of the agreement.

Sec 102-6-8 Expenses

The county may require the applicant to reimburse the county for all reasonable expenses incurred by the county related to the preparation and adoption of a development agreement.

Sec 102-6-9 Enforcement

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Highlight

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Highlight

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt, Highlight

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

The county may utilize all legally available enforcement mechanisms necessary to achieve compliance with this chapter and any development agreement including, but not limited to, the withholding of necessary land use approvals and permits.

Sec 102-6-10 Modification or Suspension to Comply with State or Federal Laws

In the event that federal or state laws or regulations, enacted after the adoption of a development agreement, prevent or preclude compliance with one or more provisions of the agreement, such provisions of the agreement shall be suspended, as may be necessary to comply with such laws or regulations. If federal or state laws or regulations enacted after the adoption of a development agreement, prevent or preclude compliance with a significant portion of the agreement, the entire agreement shall be suspended, as may be necessary to comply with such laws or regulations.

Sec 102-6-11 Noncompliance

In the event a development agreement is terminated as a result of noncompliance by the subject property owner, the subject property shall revert to the general plan and zoning district designation that existed prior to the enactment of the development agreement.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt