



Weber County Commission Brief

Weber County Planning Division

Application Information

Application Information

Application Request: To consider and take action on a request to amend the Weber County zone map to rezone approximately 5.0 acres from the CVR-1 and CV-2 zones to the FR-3 zone at approximately 947 East Highway 39.

Agenda Date: Tuesday, May 25, 2021

Applicant: CW Land Company; Agent: Todd Meyers

File Number: ZMA 2021-01

Property Information

Approximate Address: 947 East Highway 39, Huntsville (Unincorporated Weber County)

Zoning: The property is currently zoned CVR-1

Existing Land Use: Vacant

Proposed Land Use: Residential (FR-3 zone)

Township, Range, Section: T5N, R1W, Section 23

Adjacent Land Use

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

Staff Information

Report Presenter: Charlie Ewert
cewert@webercountyutah.gov
801-399-8763

Report Reviewer: RG

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. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Synopsis

This report is a review of a request to rezone approximately 3.22 acres from the CVR-1 zone to the FR-3 zone. Upon an evaluation of the zoning in the area, staff recommends also rezoning the adjacent property (to the east across Old Snowbasin Road) from the CV-2 zone to the FR-3 zone. This will preserve zoning consistency in the area. The two properties together comprise about 5 acres. We have received consent from the other landowner for this rezone.

The CVR-1 zone and the FR-3 zone have almost identical lot development standards, meaning the overall density of the area will not be increased with this rezone, which is a critical recommendation found in the Ogden Valley General Plan.

The subject properties are located in a village area, as depicted in the general plan. A village area is noted as being a primary receiving area for residential uses. Between the residential uses allowed by the CVR-1 zone and the village areas of the plan, residential uses of the applicant's property appears to be a foregone conclusion. The future of commercial uses in this village, however, may not be as certain, or even recommended.

The applicant is willing to enter into a development agreement with the county to ensure the development will not be any more impactful to the community than otherwise. It will document the rules of development and management of uses thereafter.

Both the CVR-1 zone and the FR-3 zone allow short-term rentals. The applicant prefers that the use be allowed in the development. Through a development agreement, the County can apply additional rules to the land to properly govern short-term rentals. Staff is suggesting drawing from the currently drafted short-term rental ordinance to help guide the operations and management of any of the residences that are used as short-term rentals.

The latest version of that ordinance is attached (Attachment C). It includes operational standards and a mandatory management agent who can respond to problems onsite within 60 minutes. The ordinance also offers increased parking requirements. The applicant is working through the parking challenges, and believes they can be overcome.

Planning Commission Recommendation

The Planning Commission forwarded a positive recommendation to the County Commission for the rezone. However, their positive recommendation was only offered if the County Commission prohibit the use of the residences for short-term rentals, which would be governed through a development agreement. Their recommendation comes with the following findings:

Findings:

1. The Ogden Valley General Plan provides for a greater residential density on this property – as long as no new density is created. The proposal creates no new residential density than already entitled.
2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning.
3. The proposed zone is more harmonious with surround land uses than the property's current zone.

Supplemental Staff Recommendation

Option 1: If the Commission is satisfied with the Ogden Valley Planning Commission's recommendation, a final decision on this item should be tabled to another time so staff and the applicant can work through the details of the agreement for the Commission's final approval.

Option 2: If the Commission would rather enable short-term rentals in this development, a development agreement will likewise need to be crafted. Staff recommends also tabling the item pending the drafting of that agreement. Staff recommends that the agreement include the following considerations:

1. The Authorized Agent, Operations Standards, and enforcement provisions and penalties that are found in the recently drafted, but not adopted, Short-Term Rental Ordinance (Attachment C).
2. The agreement should require that the entire development be managed by a single management company, both for maintenance and for the operations and enforcement of short-term rentals.
3. The agreement should have a conceptual layout of the development agreement to guide development thereon.
4. The agreement should have a landscape plan that illustrates berming of adjacent residential uses and proposed vegetation and watering methods.
5. The agreement should provide for the authorization and governance of an alternative access for the proposed private shared drive.
6. The agreement should provide for the authorization and governance of a conditional use permit for each lot proposed to be used as a short term rental.

Option 3: If the Commission desires to deny the rezone, the denial should be supported by findings related to the health, safety, and welfare of the general public.

Exhibits

Exhibit A: Concept Development Plan

Exhibit B: Ogden Valley Planning Commission Staff Report

Exhibit C: Draft of Short-Term Rental Ordinance



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on a request to amend the Weber County zone map to rezone approximately 5.0 acres from the CVR-1 zone to the FR-3 zone at approximately 947 East Highway 39.

Agenda Date: Tuesday, April 29, 2021

Applicant: CW Land Company; Agent: Todd Meyers

File Number: ZMA 2021-01

Property Information

Approximate Address: 947 East Highway 39, Huntsville (Unincorporated Weber County)

Zoning: The property is currently zoned CVR-1

Existing Land Use: Vacant

Proposed Land Use: Residential (FR-3 zone)

Township, Range, Section: T5N, R1W, Section 23

Adjacent Land Use

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

Staff Information

Report Presenter: Charlie Ewert
cewert@webercountyutah.gov
801-399-8763

Report Reviewer: RG

Applicable Ordinances

- §102-5: Rezoning Procedures
- §104-11: Commercial Valley Resort Recreation Zone (CVR-1)
- §104-17: Forest Residential Zone (FR-3)

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. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary

This report is a review of a request to rezone approximately 3.22 acres from the CVR-1 zone to the FR-3 zone. Upon an evaluation of the zoning in the area, staff recommends also rezoning the adjacent property (to the east across Old Snowbasin Road) from the CV-2 zone to the FR-3 zone. This will preserve zoning consistency in the area. The two properties together comprise about 5 acres. We have received consent from the other landowner for this rezone.

The CVR-1 zone and the FR-3 zone have almost identical lot development standards, meaning the overall density of the area will not be increased with this rezone, which is a critical recommendation found in the Ogden Valley General Plan.

The subject properties are located in a village area, as depicted in the general plan. A village area is noted as being a primary receiving area for residential uses. Between the residential uses allowed by the CVR-1 zone and the village areas of the plan, residential uses of the applicant's property appears to be a foregone conclusion. The future of commercial in this village, however, may not be as certain, or even recommended.

Despite the property to the north of the subject parcel also being zoned CVR-1, very little if any commercial uses have been established. The commercial uses approved within that development are likely to be the result of the minimum requirement of the CVR-1 zone to provide 10 percent commercial space. The location of the intersection in proximity to existing residential properties, the reservoir, and federal land may render this location a poor choice for a commercial village. Even if a market existed to establish commercial uses in this village, the additional supply of commercial land will reduce the demand for commercial space at the intersection of Trappers Loop and Highway 39 – which is only a little over three quarters of a mile to the east of this intersection. The Trappers Loop intersection provides for a better location for commercial opportunities, and is already pre-planned in the Snowbasin Masterplan.

For these reasons, staff feel it may be prudent to consider this village more residential in nature. Staff are recommending approval of the rezone.

Policy Analysis

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices. Figure 1 displays the subject parcels.

Figure 1: Subject Parcels.



Zoning. The current zone of the subject parcel is CVR-1. **Figure 2** displays current zoning and the subject parcels and surrounding area, and **Figure 3** displays the proposed zoning.

Figure 2: Current Zoning Map and the Subject Parcel(s).

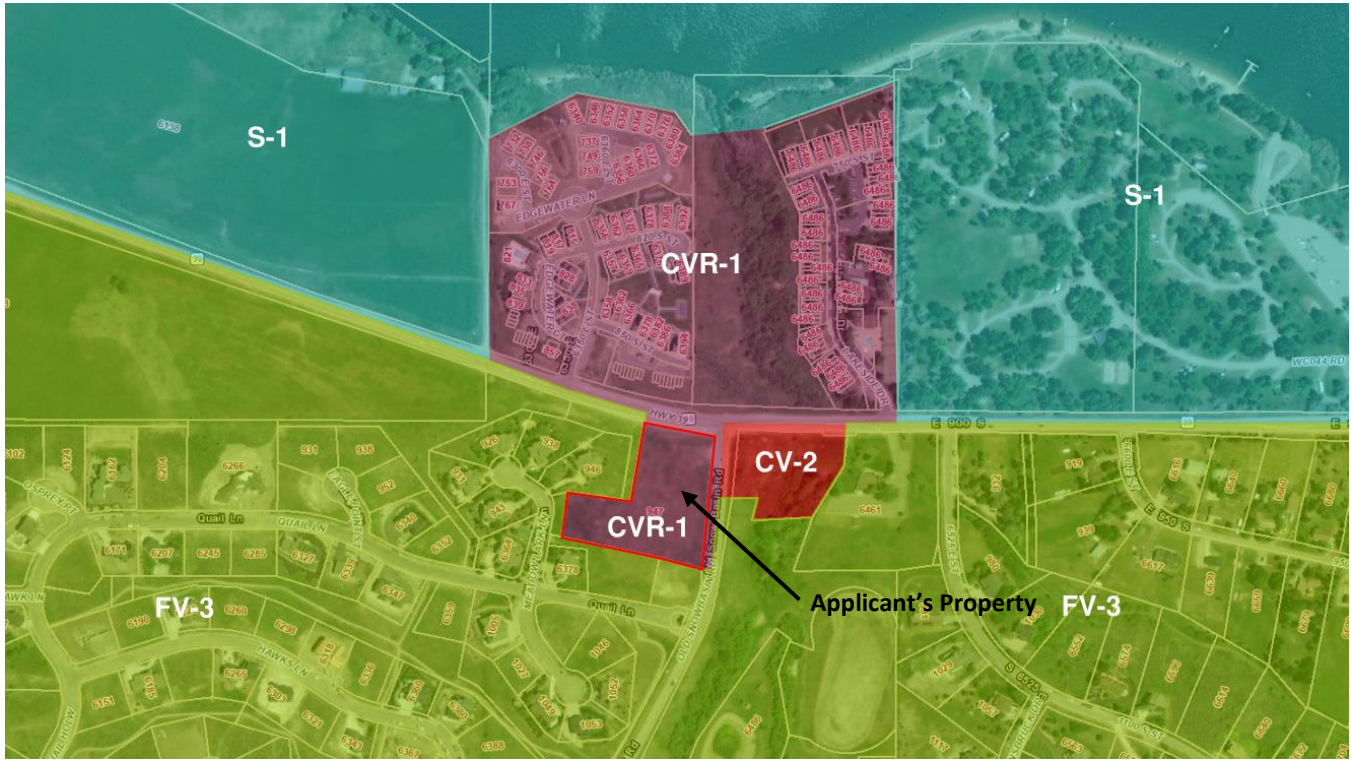


Figure 3: Proposed Zoning Map and the Subject Parcel(s).



The purposes of the CVR-1 zone and the FR-3 zone are interrelated:

Weber County Code §104-11-1 says the purpose of the CVR-1 zone is:

“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. In this role, even though the area is primarily commercial in nature, it should be compatible with the general surrounding natural environment. To this end, the general siting and architectural design of buildings and structures, the layout of parking areas and landscaping shall be subject to review and recommendations by the public agencies, design review and approval by the planning commission to ensure that the natural environment is preserved to the greatest possible extent.”

Weber County Code §104-11-1 says the purpose of the FR-3 zone is:

“The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.”

As can be reviewed in these purposes, the FR-3 zone is the residential compliment of a CVR-1 zone, and is intended to be located near recreation/resort areas.

The intent for the FR-3 zone to be located near and be a part of “recreation areas and facilities” in the mountains could be interpreted to mean that this location is not intended for the zone since no recreation resort or area is immediately adjacent. If the Planning Commission desires to interpret it this way, then the rezone probably be denied. However, when staff evaluated other FR-3 zones in the valley, it seems that locating the FR-3 zone in the general proximity of recreation land or other property zoned for recreational uses in the valley have been sufficient to grant this zone on other property. Considering that the applicant’s property is currently zoned for recreation uses, as are the properties on the north side of Highway 39, Anderson Cove campground and the Pineview boat launch area are just east of the property, and Highway 39 is a major access corridor to Snowbasin and National Forest access, the area may be sufficiently recreational in nature to meet the FR-3 zoning intent.

The site development standards of the two zones are very similar in application. See **Figures 4 and 5**.

Figure 5: FR-3 Site Development Standards:

- (2) Developments using a community or group wastewater disposal facility meeting the requirements of the state division of health code of wastewater disposal regulations:
 - a. One building dwelling: 6,000 square feet of net developable area:
 - 1. Single-family.
 - 2. Two-family: 7,500 square feet or net developable area for a two-family dwelling.
 - 3. Multiple-family: 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of two.
 - b. Group dwellings: 7,500 square feet of net developable area for each dwelling plus 2,000 square feet of net developable area for each dwelling unit in excess of two in each building.
 - c. Other main buildings: 7,500 square feet of net developable area. Each rental sleeping room including lockout sleeping: 500 square feet of net developable area in including lockout sleeping addition to the area required for the room dwelling unit containing the sleeping room.
 - d. Notwithstanding the above requirements, the maximum residential density shall not exceed 20 dwelling units or 40 rental guest sleeping rooms per net developable acre of land or part thereof.
 - e. Net developable area or acre. The term "net developable area" or "net developable acre" is defined as a quantity of ground within a parcel or parcels of land with slopes of less than 30 percent and with soils of sufficient depth and suitable types to ensure against development being a detriment to surface water and groundwater quality.

Figure 5: CVR-1 Site Development Standards:

- (a) **Area.** The following minimum overall project development area is required for the uses specified, but never less than two and one-half acres:

USE	AREA
Condominium rental apartment or other lodging use that provides nightly or longer lodging:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Dwelling unit, if approved as part of a PRUD overlay zone:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Lockout sleeping room:	500 square feet of overall net developable area.
Other uses:	None.

- (b) **Width.** 150-foot minimum overall project development width is required, as measured at the yard setback and the street frontage.
- (c) **Yard setback.** The minimum yard setbacks from the overall project development boundary are as follows:

YARD	SETBACK
Front:	30 feet
Side:	20 feet minimum, except as otherwise required by this or any other county ordinance.
Rear:	20 feet minimum, except as otherwise required by this or any other county ordinance.

Because the CVR-1 zone requires 10 percent commercial uses, rezoning the property to the FR-3 zone provides for a less intense use of the land than allowing it to remain in the CVR-1 zone. In fact, at the time the property was zoned to the CVR-1 zone, it was approved for a hotel. The proposed change will have less impact on the surrounding area.

The maximum residential density for both zones is approximately 20 dwelling units to the acre. Despite this maximum potential, obtaining a density this great will require a sewer connection for every dwelling unit. Currently, the applicant asserts that no more than 13 sewer connections are available for the property, so the actual resulting density will be no greater than 13 total units on the applicant's property. The applicant's intended subdivision layout can be seen in **Figure 6**.

Figure 6: Site Development Plan



A review of **Figures 7-8** will show that the allowed uses between the two zones also generally show less intense overall uses in the FR-3 zone.

Figure 8: FR-3 Use

Sec 104-14-2 Permitted Uses

The following uses are permitted in the Forest Valley Zone FV-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted, and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Animals and fowl kept for family food production.
- (e) Cluster subdivision, in accordance with title 108, chapter 3.
- (f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line.
- (g) Greenhouse, noncommercial only.
- (h) Home occupations.
- (i) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land exclusively devoted to the keeping of horses.
- (j) Household pets which do not constitute a kennel.
- (k) Single-family dwelling.
- (l) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (m) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.

(Ord. of 1956, § 12B-2; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

HISTORY
Amended by Ord. 2020-27 on 12/22/2020

Sec 104-14-3 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:

- (a) Agri-tourism; meeting the requirements of title 108, chapter 21 (agri-tourism).
- (b) Bed and Breakfast dwelling subject to the following standards:
 - (1) Two parking spaces shall be provided for the host family plus one space for each guest room;
 - (2) Proprietor or owner shall occupy the property;
 - (3) Meals shall only be served to overnight guests;
 - (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;
 - (5) Not more than two guests sleeping rooms per dwelling;
 - (6) Allowed only in existing dwellings with no exterior additions nor change in residential character;
 - (7) Business license shall be obtained.
- (c) Bed and breakfast inn subject to the following standards and criteria:
 - (1) Proprietor or owner shall occupy the premises;
 - (2) Not more than seven sleeping rooms per inn;
 - (3) The lot shall be at least three acres in area with frontage on a public street of at least 250 feet in width;
 - (4) The lot shall have frontage on a major street as shown on the county master plan (state highway or county major street);
 - (5) The inn shall be at least 300 feet from the nearest existing dwelling;
 - (6) Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;
 - (7) The guest parking shall be in the rear of the Inn;
 - (8) Meals shall be served to registered overnight guests only;
 - (9) Signs are limited to one name plate or one identification sign of not more than eight square feet in area;
 - (10) The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape plan shall be submitted with site plan.
 - (11) The inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;
 - (12) A business license shall be obtained;
 - (13) All units to be in one building together with owner's residence.
- (d) Small events, such as weddings, family reunions, business retreats and art/cooking classes, not to exceed 75 participants and not more than four events held per calendar month, and only when conducted as an accessory use to an approved bed and breakfast inn.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Educational/institutional identification sign.
- (h) Golf course, except miniature golf.
- (i) Parking lot accessory to uses permitted in this zone.
- (j) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (k) Public building, public park, recreation grounds and associated buildings.
 - (l) Public utility substations.
- (m) Recreation lodge.
- (n) Ski resorts, including summer skateboard activities as an accessory use.
- (o) Water pumping plants and reservoirs.
- (p) Recreation lodge.
- (q) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations, but not including individual water disposal systems.

Figure 8: CVR-1 Uses

Sec 104-11-3 Permitted Uses

The following uses are permitted in the Commercial Valley Resort Recreation Zone CVR-1:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted, and accessory uses customarily incidental to a main use.
- (b) Art gallery.
- (c) Bank.
- (d) Bookstore/newsstand.
- (e) Beauty shop/barbershop.
- (f) Day spa/fitness center.
- (g) Deli/small grocery store.
- (h) Florist shop.
- (i) Gift shop, boutique.
- (j) Music and video store.
- (k) Restaurants, excluding those with drive-up windows.
 - (l) Restaurant: fast food, excluding those with drive-up windows.
- (m) Sporting goods store.
- (n) Sports clothing store.
- (o) Public and private swimming pools.
- (p) Vendor, short term.

Sec 104-11-4 Conditional Uses

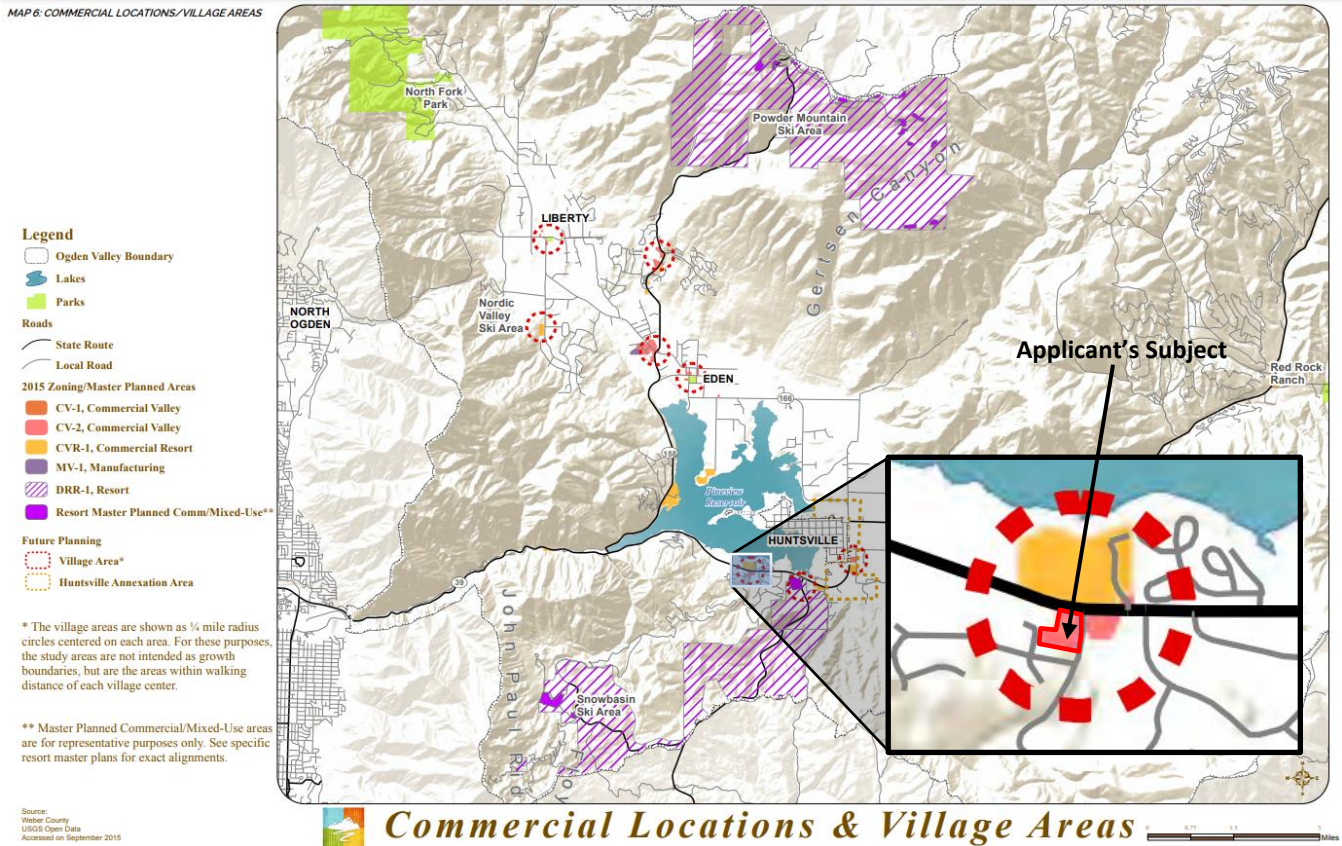
The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as provided in title 108, chapter 4 of this Land Use Code:

- (a) Beer parlor, sale of draft beer.
- (b) Bed and breakfast inn.
- (c) Bed and breakfast hotel.
- (d) Recreation lodge.
- (e) Dry cleaning pickup station.
- (f) Dwelling unit, when a part of a recreation resort development.
- (g) Recreation resort complex.
- (h) Horse rentals (up to ten horses per acre, if stabled), horse feed store and haystack yard.
- (i) Indoor facilities for rental to clubs, private groups, parties and organizational groups for recreation activities, including dancing.
- (j) Liquor store.
- (k) Medical/dental office.
- (l) Outfitters base camp.
- (m) Pet grooming and supply store.
- (n) Public utility substations.
- (o) Real estate office.
- (p) Ski equipment, snowmobile, boat, and bicycle rentals.
- (q) Outdoor skating rink (ice or roller).
- (r) Skateboarding course.
- (s) Snowmobile and Nordic ski trails.
- (t) Equestrian trails.
- (u) Public parks.
- (v) Golf courses, including miniature golf as part of a recreation resort.
- (w) Conference/education center.
- (x) Condominium rental apartment, including lockout rooms.
- (y) Gazebo, pavilion.
- (z) Time share condominiums including lockout rooms.
- (aa) Travel agency.
- (ab) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use.
- (ac) Residential property rental and management agency for recreation resort complexes.
- (ad) Off road vehicle and recreation equipment sales and service, and rental.
- (ae) Service stations.
- (af) Ski resort and ski schools.
- (ag) Hotel/motel, including lockout rooms.
- (ah) Restaurants, including those with drive-up windows.
 - (ai) Accessory uses to the above listed.
 - (aj) Brewpub.
 - (ak) Reception/banquet facilities.

General plan. Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. It does not require that a rezone be approved if it complies with the plan, but rather, it suggests pursuing opportunities to implement the plan.

The applicable general plan is the Ogden Valley General Plan. The rezone proposal appears to comply with the plan, provided the Commission is comfortable with the village in which the property is located being a residential village rather than a commercial or mixed-use village. **Figure 9** displays the commercial locations and village map from the general plan.

Figure 9: Figure 4: Ogden Valley Commercial Locations and Villages Map.



General Considerations. When considering whether a general plan implementation opportunity is appropriate, the Planning Commission should consider whether this is the right time and the right place for the proposed rezone. A review of land uses and development compatibility in the area is important. A review of the uses and existing development in the area show that the north side of Highway 39 has high density housing relative to the neighborhoods on the south side of the highway. A residential cul-de-sac immediately adjacent to the applicant's property has seven lots with an average lot size of approximately 26,500 square feet. The proposal will create 13 residential lots with an average lot size of approximately 9,200 square feet. Keep in mind however, that not rezoning the property could result in about the same residential lots or equivalent impact.

Another key consideration is traffic impact. The proposed development is a cul-de-sac with a single access onto Old Snowbasin Road. During high-traffic events, the left-hand-turn wait time to get from Old Snowbasin Road to westbound Highway 39 can get lengthy. The engineering division has no concerns over the proposal at this time, but if it is likely that traffic wait times will be materially reduced as a result of this development, then the engineering division will pursue a traffic impact analysis to determine whether turning lanes should be installed at the time of development.

Rezoning. Weber County Code § 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

- (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.*

Water, waste water, fire, engineering, and other utilities. This application was sent for review by all relevant review agencies. None of them returned any negative responses. When the project proceeds to subdivision review, all utility and firefighting provisions will be required before the subdivision can be approved.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2021-01, a proposal to rezone approximately 5.0 acres from the CVR-1 zone to the FR-3 zone. This recommendation comes with the following findings:

Findings:

1. The Ogden Valley General Plan provides for a greater residential density on this property – as long as no new density is created. The proposal creates no new residential density than already entitled.
2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning.
3. The proposed zone is more harmonious with surround land uses than the property’s current zone.

Exhibits

Exhibit A: Concept Development Plan



UNLESS A PROFESSIONAL SEAL WITH SIGNATURE AND DATE IS AFFIXED, THIS DOCUMENT IS PRELIMINARY AND IS NOT INTENDED FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION.

C.W. URBAN

THE DESIGNS SHOWN AND DESCRIBED HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATIONS & MODELS, THEREOF, ARE PROPRIETARY & CAN NOT BE COPIED, DUPLICATED, OR COMMERCIALY EXPLOITED IN WHOLE OR IN PART WITHOUT THE SOLE AND EXPRESS WRITTEN PERMISSION FROM C.W. URBAN.

PROJECT
The Retail
Old Snow Basin Road

REVISIONS:

TITLE:
Site Plan

SHEET:
A003

ISSUE DATE: 12.11.2020

1 Site Plan
1" = 30'-0"



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PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

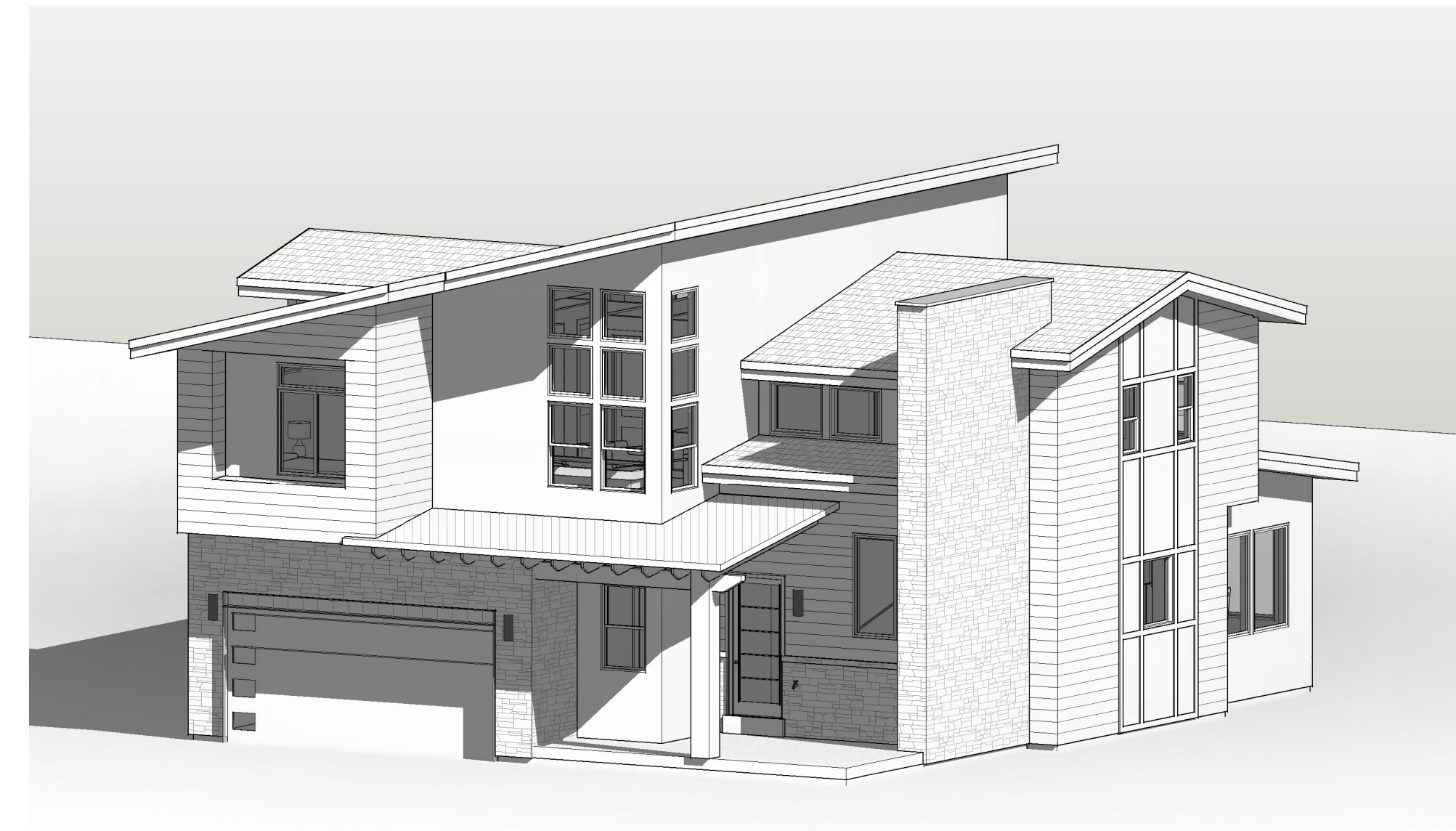
TITLE:
Renderings

SHEET:
A200

ISSUE DATE: 12.11.2020



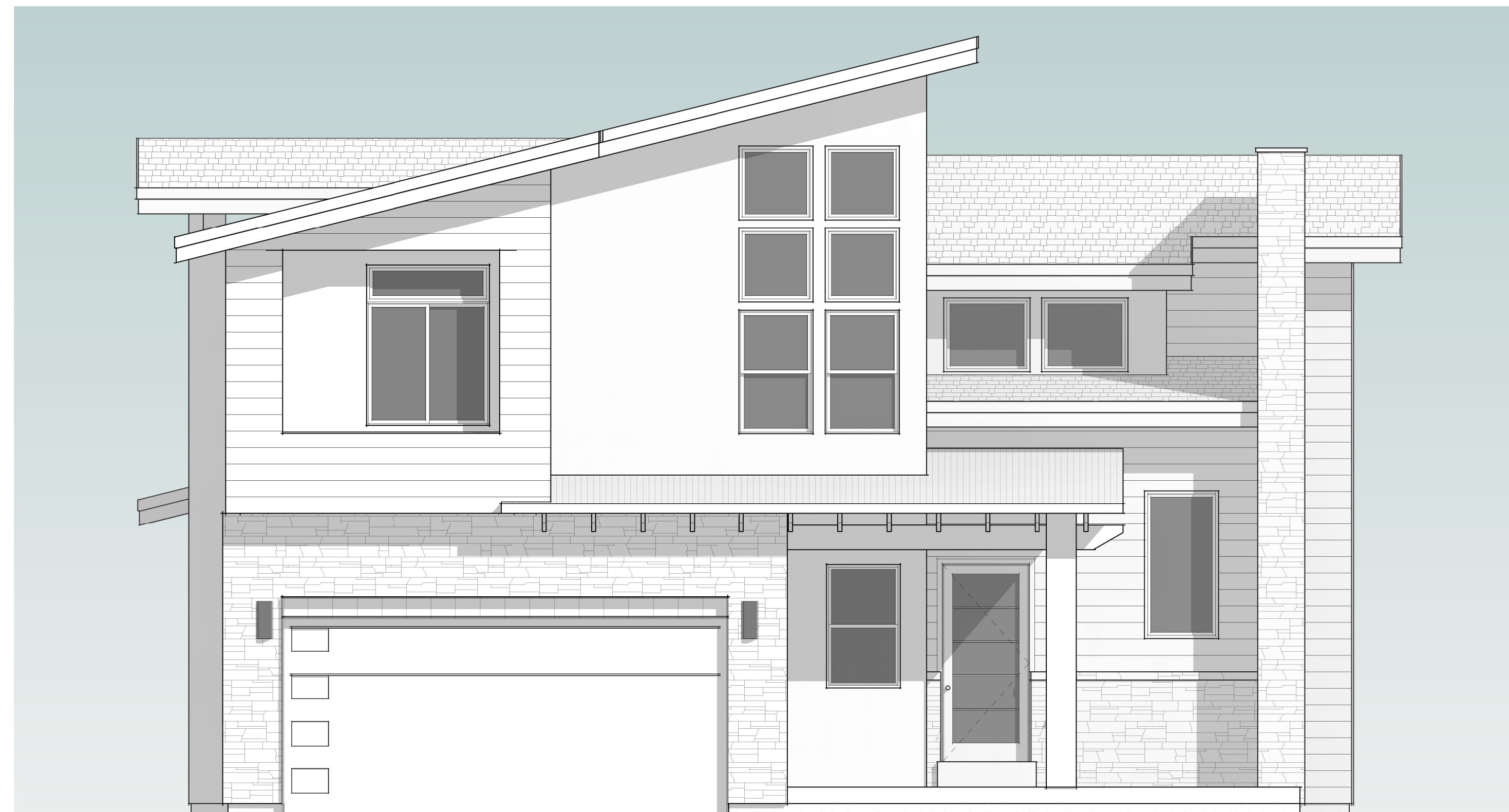
1 Rear Elevation
1/4" = 1'-0"



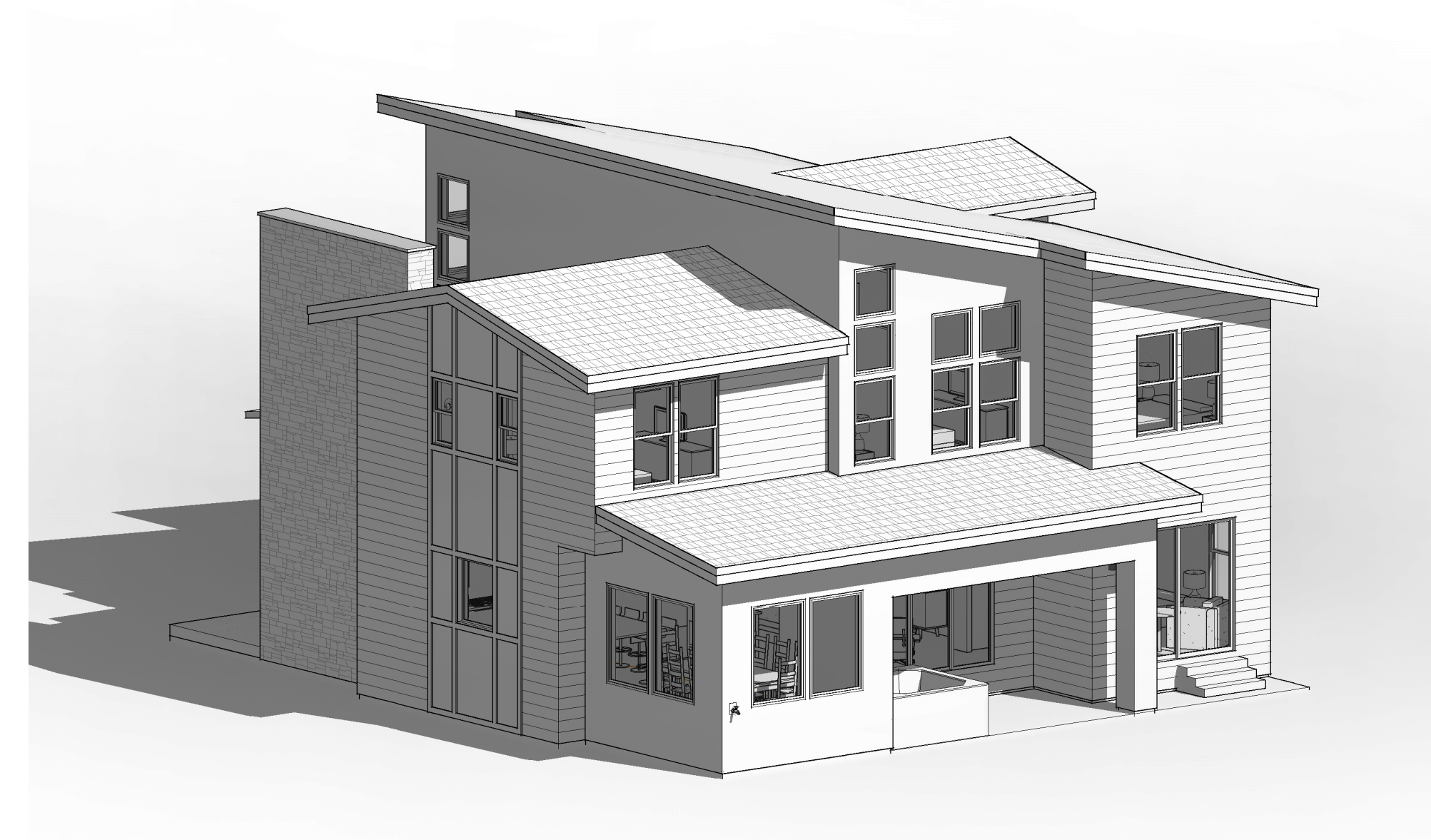
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2 Front Elevation
1/4" = 1'-0"



PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

TITLE:
Exterior Elevations

SHEET:
A201

ISSUE DATE: 12.11.2020



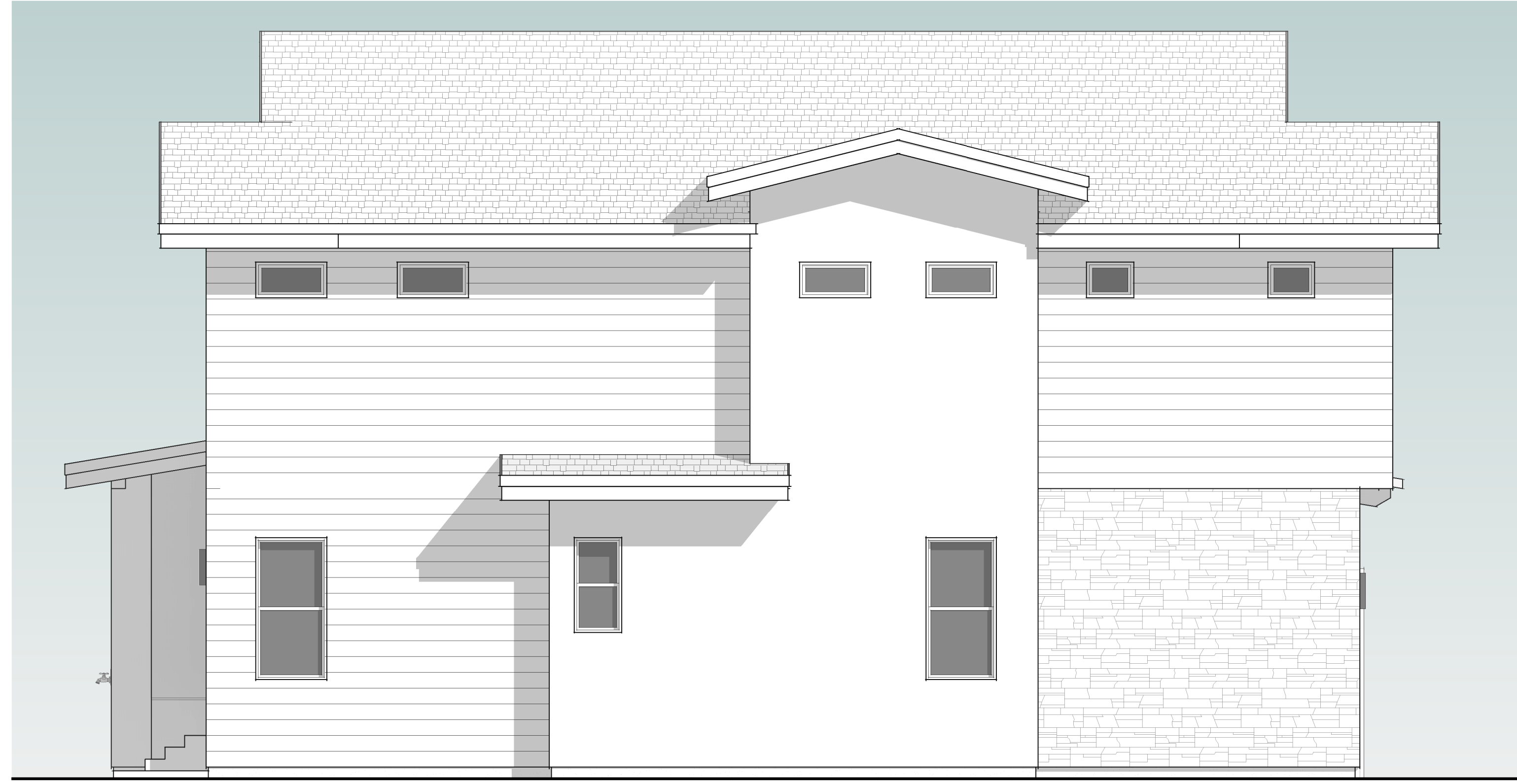
1 Right Elevation
1/4" = 1'-0"



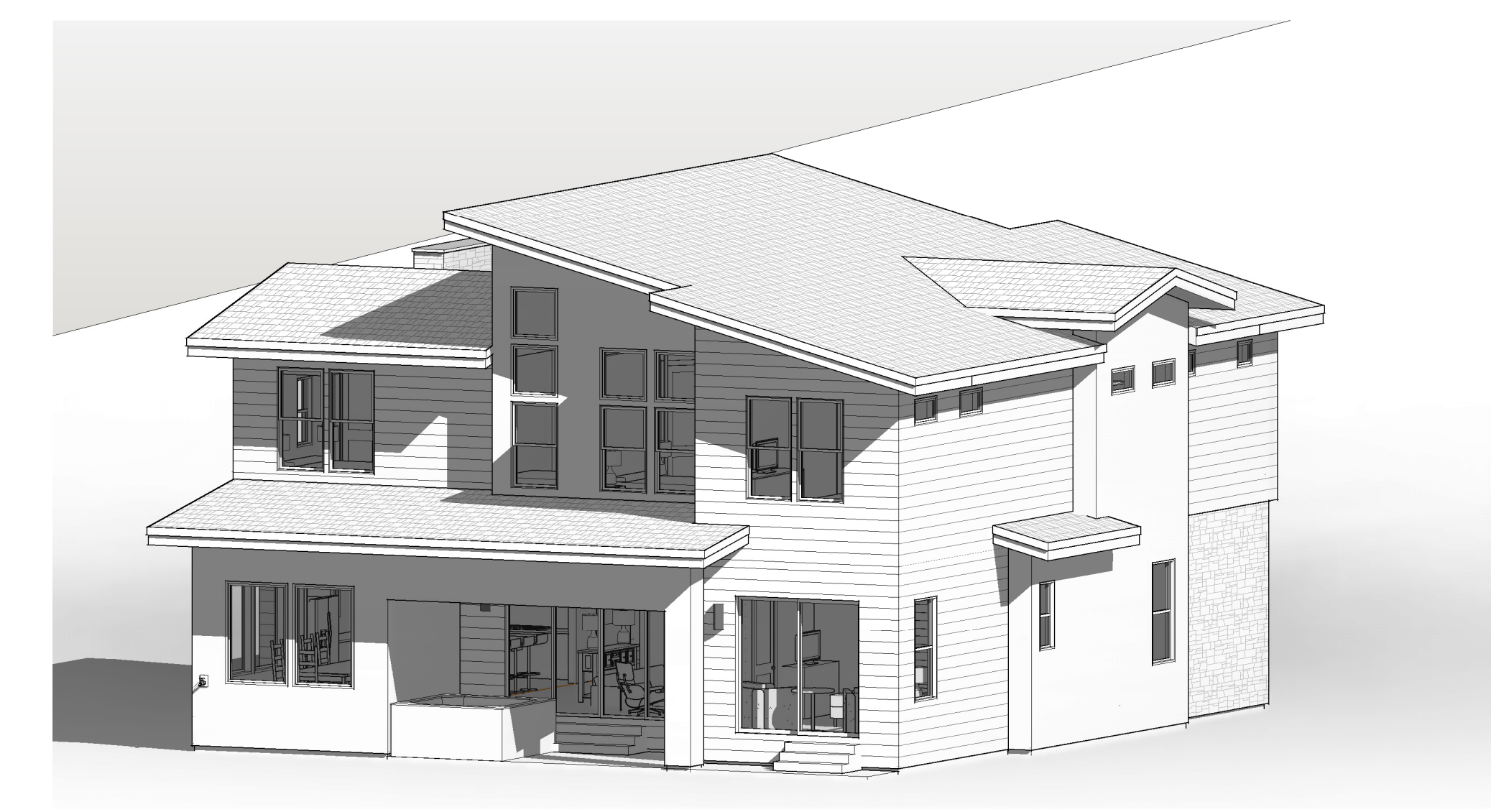
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URBAN

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2 Left Elevation
1/4" = 1'-0"



PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

TITLE:
Exterior Elevations

SHEET:
A202

ISSUE DATE: 12.11.2020

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1 Floor Bsmt
1/4" = 1'-0"

TOTAL SQUARE FOOTAGE	
Name	Area
BSMT	1,213 SF
LEVEL 1	1,415 SF
LEVEL 2	1,638 SF
Grand total	3,053 SF
	4,266 SF

PROJECT
The Retail
Old Snow Basin Road

REVISIONS:

TITLE:
Floor Plan - Bsmt

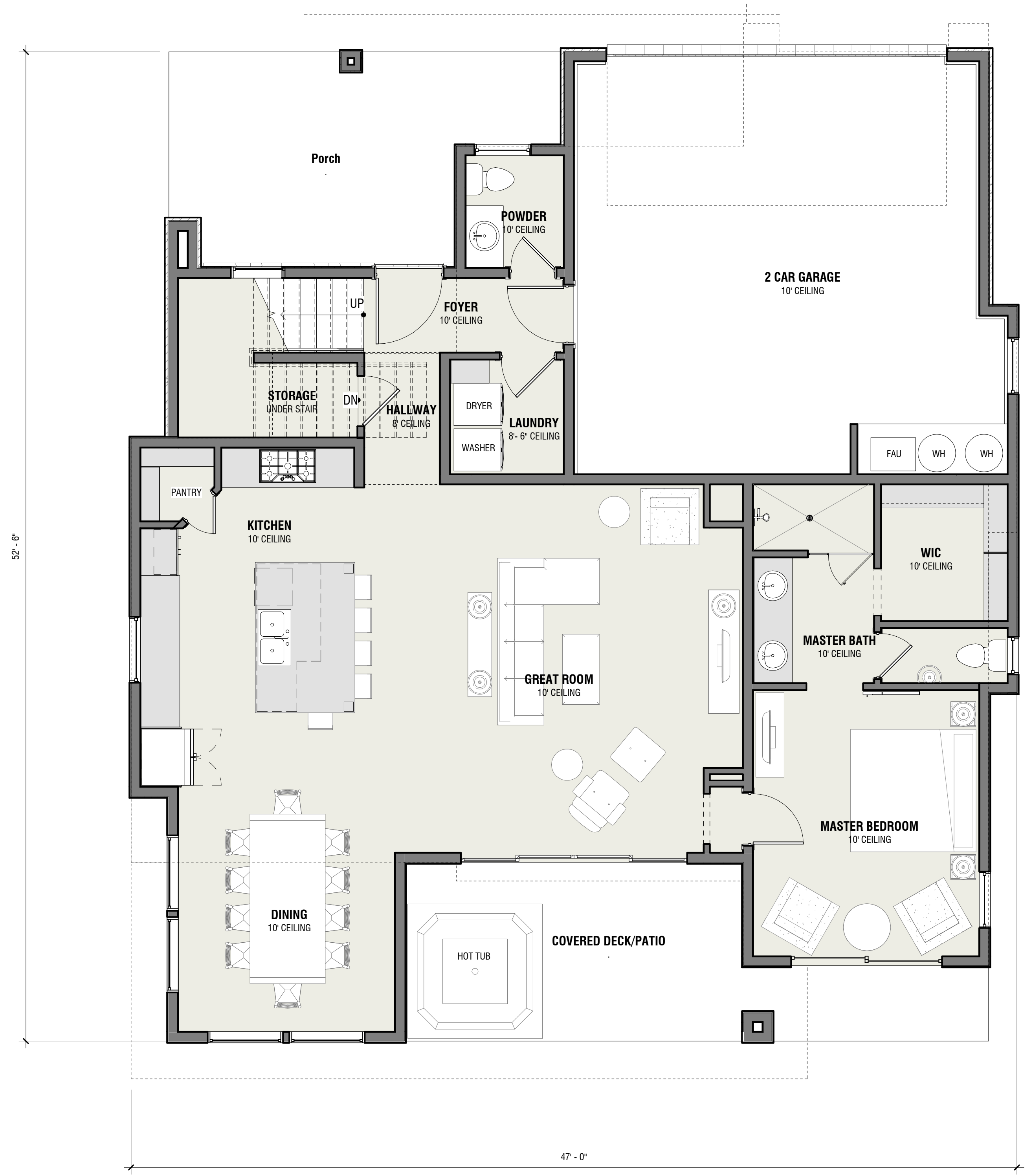
SHEET:
A101

ISSUE DATE: 12.11.2020

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1 Floor Main
1/4" = 1'-0"

TOTAL SQUARE FOOTAGE	
Name	Area
BSMT	1,213 SF
	1,213 SF
LEVEL 1	1,415 SF
LEVEL 2	1,638 SF
	3,053 SF
Grand total	4,266 SF

PROJECT
The Retail
Old Snow Basin Road

REVISIONS:

TITLE:
Floor Plan - Level 1

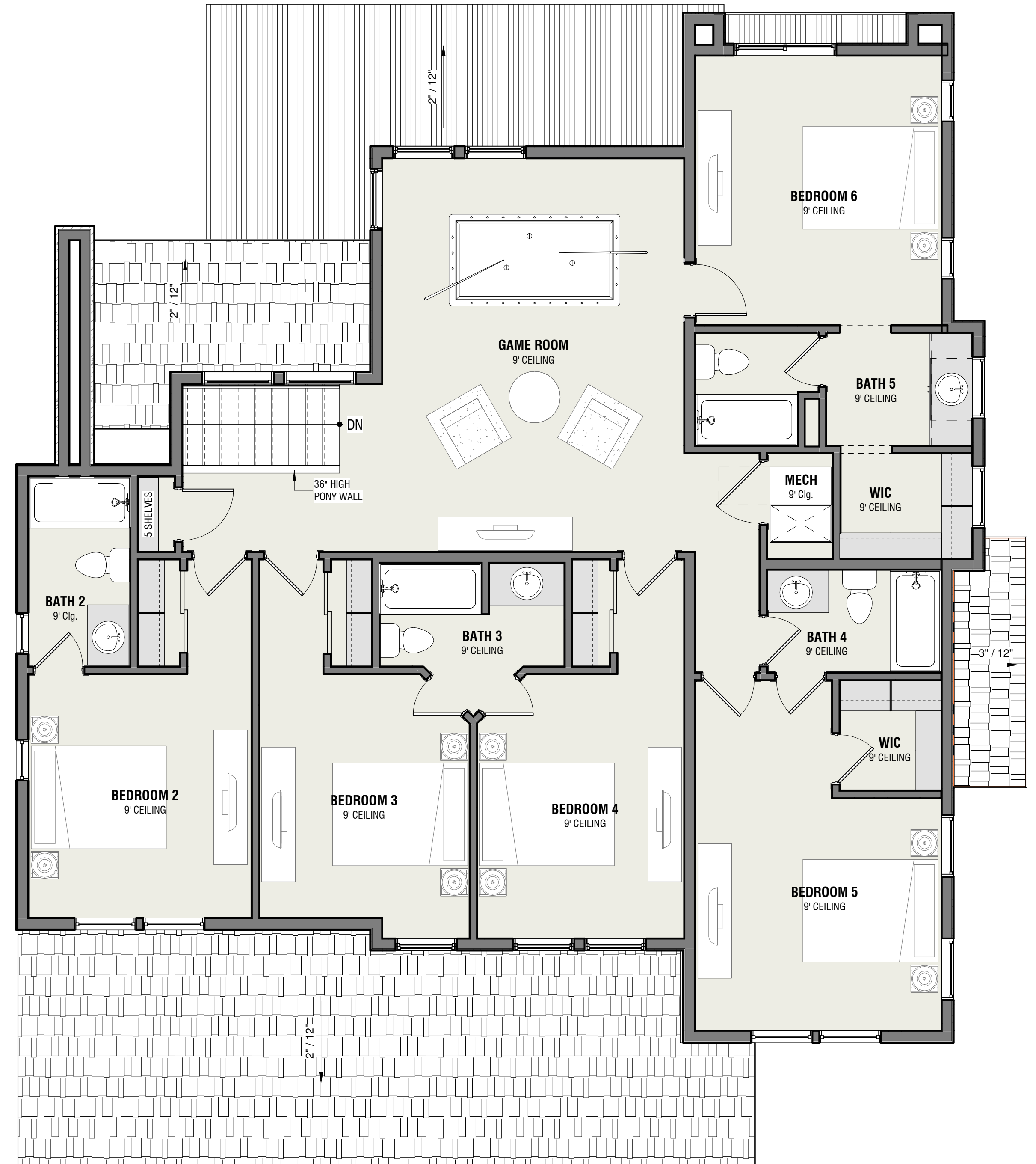
SHEET:
A102

ISSUE DATE: 12.11.2020

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1 Floor Upper
1/4" = 1'-0"

TOTAL SQUARE FOOTAGE	
Name	Area
BSMT	1,213 SF
	1,213 SF
LEVEL 1	1,415 SF
LEVEL 2	1,638 SF
	3,053 SF
Grand total	4,266 SF

PROJECT
The Retail
Old Snow Basin Road

REVISIONS:

TITLE:
Floor Plan - Level 2

SHEET:
A103

ISSUE DATE: 12.11.2020

This language is an excerpt from the actual draft. It omits irrelevant sections.

SECTION 12: **AMENDMENT** “Chapter 108-11 (Reserved)” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Chapter 108-11 (~~Reserved~~)Short-Term Rentals

SECTION 13: **ADOPTION** “Sec 108-11-1 Purpose And Intent” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-11-1 Purpose And Intent(*Added*)

There are benefits to allowing owners of a residential unit within the County to rent their dwelling unit for short periods of time. Short-term rental of a dwelling unit also brings capacity and diversification to the visitor-accommodation market. However due to the potential for adverse impacts, a short-term rental must be regulated by the County to protect the health, safety, and welfare of owners, neighbors, and visitors. The intent of this Chapter is to establish procedures and standards by which a residential short-term rental can be provided to visitors and tourists in a manner that protects both the quality of their experience, and the communities in which they are located.

SECTION 14: **ADOPTION** “Sec 108-11-2 Applicability” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-11-2 Applicability(*Added*)

This chapter applies to a short-term rental use in the unincorporated area of Weber County, where allowed by the zone. The following requirements apply to all short-term rentals.

- (a) **Approval required.** Except where specifically allowed otherwise in this Land Use Code, it is unlawful for an owner to rent any property for a time period of less than 30 days within the unincorporated area of Weber County without short-term rental approval pursuant to this chapter.
- (b) **Licenses, land use permits, and other applicable law.** A short-term rental use requires a short term rental license, as provided herein, a commercial business license, as

provided in Title 14, and shall only be conducted in a residential unit with all appropriate land use permits, building permits, certificates of occupancy, and any other approval as required by this Land Use Code, other County codes, and State and Federal law.

- (c) **Transferable development right.** Certain short-term rentals require one or more transferable development rights prior to licensure, and provided in XXX.

SECTION 15: ADOPTION “Sec 108-11-4 Application Procedure” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-11-4 Application Procedure(*Added*)

Application for short-term rental license. The application and review procedure for a short-term rental license is as follows:

(a) **Application submittal requirements:**

- (1) Proof of ownership of the lot;
- (2) A site plan drawn accurately to scale that shows property lines and dimensions, and that includes the following:
 - a. Driveway;
 - b. Parking plan demonstrating compliance with the parking standards established in Section 108-11-8, and any other relevant parking standard found in Chapter 108-8;
 - c. Existing fencing or perimeter screening, if applicable;
 - d. Trash disposal and collection plan demonstrating compliance with the trash disposal and collection standards established in Section 108-11-8; and
 - e. Outdoor lighting plan showing compliance with Section 108-16;
- (3) Detailed floor plan of the building or buildings to be used for short-term renting, indicating all areas allowed to be occupied or used by short-term rental occupants;
- (4) Preliminary title report dated within 30 calendar days prior to the submittal of an application;
- (5) Submission of a building permit and associated land use permit, unless no building modifications are required in order to attain compliance with building codes;
- (6) Submission of the name and contact information associated with the individual or management company being designated as the responsible agent and any other back-up responsible agent, as required by Section 108-11-7;
- (7) Signed acknowledgement by the owner and responsible agent that they have read this short-term rental ordinance and understand the licensing, operational

- standards, and violation and revocation provisions; and
- (8) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
- (b) ***Review procedure.***
- (1) ***Staff review.*** Upon submittal of a complete accessory dwelling unit application, Planning Division staff will review the application to verify compliance with this chapter and any other relevant component of this Land Use Code.
- (2) ***Agency reviews.*** Planning Division staff will route the application to the local fire authority, local health department, the County Building Division, and any other relevant review department or agency for verification of compliance, determination of need for application modifications, and for the submittal of other applications or reviews necessary to obtain their approval of a license, if applicable.
- (3) ***License issuance.*** If the application complies with relevant land use laws and receives all required department and agency approvals, the license shall be issued after the initial property inspection, pursuant to [Section 108-11-5](#), finds that the proposed short-term rental is in compliance with the requirements of this chapter.
- (c) ***Relevant authority approvals.*** The accessory dwelling unit shall comply with local regulations and ordinances for a residential dwelling. Approval is required from the Fire Authority, Culinary Water Authority, Sanitary Sewer Authority, Building Official, and any other entity or agency necessary to demonstrate compliance with this chapter.
- (d) ***Conditions of approval.*** The Planning Division may apply conditions of approval based on the standards listed in [Section 108-4-5](#).
- (e) ***Business license required.*** A business license is required to operate a short-term rental.
- (f) ***License Renewal.*** Existing licensees must submit for license renewal and pay the required fee by no later than December 1st of each year, regardless of the date of the initial license issuance. Owners wishing to renew a license must provide:
- (1) License renewal application;
- (2) Inspection report, if required by [Section 108-11-5](#).

SECTION 16: **ADOPTION** “Sec 108-11-5 Property Inspection” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-11-5 Property Inspection(*Added*)

- (a) ***Initial property inspection.*** Properties applying for their first short-term rental license shall be inspected for compliance with the provisions of this chapter and other applicable sections of this Land Use Code. The Planning Division shall have the option of designating a county inspector or may allow a 3rd party building inspector, at

the applicant's expense. Any deficiencies found during this initial inspection shall be resolved to the satisfaction of the inspector prior to the issuance of a short-term rental license.

- (b) License renewal property inspection. The County, at its discretion, may require that a property be inspected prior to the renewal of an existing license. The Planning Division shall have the option of designating a county inspector or a 3rd party building inspector, at the applicant's expense. Should the property fail the inspection, the owner shall have 90 days to bring their property into compliance or the license will be suspended. A license may be immediately suspended should life/safety concerns arise during the inspection. If a license is suspended due to life/safety concerns, the property owner must rectify the concerns prior to the license suspension being lifted.

SECTION 17: **ADOPTION** “Sec 108-11-6 Applicable Taxes And Remittance” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-11-6 Applicable Taxes And Remittance(*Added*)

An owner of a short-term rental is responsible to collect and remit all applicable state and local taxes. Owners who fail to collect and remit applicable taxes shall not be eligible for annual license renewal.

SECTION 18: **ADOPTION** “Sec 108-11-7 Responsible Agent” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-11-7 Responsible Agent(*Added*)

- (a) The owner of a short-term rental shall appoint a Responsible Agent for the rental property. This appointed agent may be the owner, independent property manager, or a professional property management company. The appointed responsible agent shall be on-call to manage the property during any period within which the property is occupied. This agent must be able to respond, in person if needed, within 60 minutes to address any complaints that may arise from the operation of the short-term rental. Designating one or more back-up agents is strongly advised to ensure this

responsibility is fulfilled. The failure of a Responsible Agent to respond constitutes a major violation, pursuant to Section 108-11-9.

- (b) A responsible agent is not required to, and should not, place themselves in a situation that could cause them physical harm in order to attempt to address a complaint.
- (c) The owner shall notify the Planning Division within three days of a modification to the appointed responsible agent and shall provide name, address, and telephone number of any newly appointed agent. It is the owner's responsibility to update this information throughout the term of the license.

SECTION 19: ADOPTION “Sec 108-11-8 Operational Standards” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-11-8 Operational Standards(*Added*)

- (a) **Information Dissemination Requirements.** The owner shall post the following information in a prominent and visible location on the property:
 - (1) **Internal posting.** Each licensed short-term rental property shall have the following information posted in a conspicuous location where it can be easily viewed by tenants:
 - a. Short-Term Rental License number;
 - b. Contact information for the owner and responsible agent, including a phone number for 24-hour response to emergencies;
 - c. The property's maximum occupancy;
 - d. The property-specific parking plan including the maximum number of vehicles allowed to be parked on the property and applicable parking rules;
 - e. Description of the location/s of fire extinguishers and emergency egress routes;
 - f. Good neighbor requirements regarding noise, parking, trash pickup, and fire restrictions;
 - g. Current fire restriction information as disseminated through the Weber County Fire District website; and
 - h. Any other information deemed necessary by the reviewing agencies to ensure the public's health and safety.
 - (2) **Street Addressing.** Each licensed short-term rental property shall have its assigned street address posted externally in a conspicuous location where it can be easily viewed day or night from the adjacent access way.
- (b) **Advertising Requirements.** As provided in UCA 17-50-338, the following advertising requirements are not intended to prohibit an individual from listing a property for short-term rental on any short-term rental website. All advertising for a short-term

rental property shall include the following information in searchable plain text:

- (1) The property's short-term rental license number
- (2) The property's maximum permitted occupancy
- (3) Maximum parking capacity
- (4) A digital link to the County's short-term rental regulations
- (5) The following language shall be included verbatim in a prominent location of the advertisement: "Any advertisement for a short-term rental property in unincorporated Weber County, Utah, that does not provide a unique license number is unlikely to be a lawfully licensed short-term rental."

(c) Occupancy.

- (1) **Owner occupancy.** When owner-occupancy is required by this chapter: if the owner is away from the property at any time that the short-term rental unit is occupied, the owner shall provide a responsible agent, as required in [Section 108-11-7](#). While away, the owner-occupied dwelling unit shall not be rented or leased.
- (2) **Occupancy Limits.** The maximum occupancy for a short-term rental property shall be no more than two people per bedroom, plus four people, for up to a maximum of 10 people per short-term rental, and is subject to the following:
 - a. A property's maximum occupancy may be reduced due to a property's unique characteristics, including but not limited to, parking constraints, septic/sewer system capacity; and
 - b. A greater maximum occupancy may be approved following additional review and approval of applicable reviewing agencies and the provision of additional components that would otherwise limit capacity including, but not limited to, fire suppression systems, parking capacity, septic/sewer capacity, culinary water rights, sleeping rooms.
- (3) **Single Contract.** With exception to condominiums previously approved to allow a short-term rental within a [lockout sleeping room](#), owners shall not concurrently rent individual rooms or areas to unrelated parties for the same night or nights.
- (4) **External sleeping accommodations prohibited.** All sleeping accommodations must be maintained internal to the licensed dwelling unit as indicated by the floorplan that was submitted and approved during the licensing process. External accommodations such as [yurts](#), [teepees](#), [tents](#), [recreational vehicles/travel trailer](#), other temporary structures, or any similar accommodation may not be used for sleeping accommodations or as a means to increase the maximum permitted occupancy.
- (5) **Duration.** No licensed short-term rental unit may be rented for less than three consecutive days, with exception to the following property in the [DRR-1 zone](#).

(d) Parking. In addition to the parking requirements for dwellings, as outlined by [Section 108-8-2](#), the following parking regulations are also required for all licensed short-term rental properties.

- (1) All vehicles of occupants and visitors of a short-term rental property shall be

parked only within the property's boundary lines. Additionally, no more than 25% of the property's front or side yard setbacks shall be dedicated to parking.

- (2) No parking is allowed within the property's adjacent rights-of-way.
 - (3) No vehicles shall be parked on the lawn or landscaped areas of the property.
 - (4) No vehicles with a passenger capacity of greater than sixteen (16) persons may be parked at the property.
- (e) ***Noise.*** At no time shall the noise emanating from the property exceed 65 dB as measured from the property line. Between the hours of 10:00 pm and 8:00 am, no sound exceeding 55 dB, and no amplified or reproduced sound, shall be allowed as measured from the property line.
- (f) ***Trash disposal and collection.*** All short-term rental properties shall provide a trash disposal and collection plan at the time of license application to ensure that trash containers are not left outdoors where they can cause issues for wildlife, snow removal operations, or cause unsightliness. With exception to the property's assigned trash pick-up day, trash containers must be stored behind the property's front setback line and must be shielded from the view of adjacent public rights-of-way. The designated responsible agent shall ensure that any trash generated that exceeds the typical pick-up schedule is collected and removed from the property as needed. Properties with larger maximum permitted occupancies may require the procurement of additional trash cans to accommodate the volume of anticipated trash being generated.
- (g) ***Outdoor lighting.*** Incorporated herein for all properties located in unincorporated Weber County desiring a short-term rental license, all outdoor lighting associated with a short-term rental shall at all times comply with the exterior lighting requirements set forth in [Section 108-16](#) of the Land Use Code.
- (h) ***Signage.*** On-site signage intended to advertise the property as a short-term rental is not permitted anywhere on the property or adjacent right-of-way.
- (i) ***Fire safety.***
- (1) The property must have primary access along a public right-of-way or access easement that meets the fire marshal's requirements for a fire access road.
 - (2) The property must have a fire prevention system as approved by the fire marshal.
 - (3) Outdoor fire pits must be permanently affixed natural gas or propane gas fixtures.
 - (4) Smoke and carbon monoxide detectors must be installed and maintained per current building and fire codes.
 - (5) Fire extinguishers must be placed in an approved location on each level of the property and adjacent to outdoor fire pits.
 - (6) An emergency egress plan must be posted in a conspicuous location on each level of the property.
 - (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the current Wildland-Urban Interface code requirements.

SECTION 20: ADOPTION “Sec 108-11-9 Complaints And Violations” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-11-9 Complaints And Violations(*Added*)

- (a) **Complaints.** The following set the minimum requirements for short-term rental complaint resolution.
- (1) **Making an initial complaint.** An initial complaint concerning the use or occupancy of a licensed short-term rental unit may be made to the County or designee by a means as established by the Planning Division. Anonymous complaints will not be processed.
 - (2) **Notification to responsible agent.** When a complaint concerning a short-term rental has been received, contact to the responsible agent will be attempted by a County designee using the telephone number on file with the County. Inability to make contact constitutes a major violation as provided in Subsection (b) of this section.
 - (3) **Attempt to resolve complaint.** The responsible agent is required to make an attempt to resolve the issue within 60 minutes of receiving notification of the complaint. The responsible agent shall promptly notify the County or designee if the agent believes a complaint has been successfully resolved. If the County or designee does not receive notification from the responsible agent that a complaint has been successfully resolved within the 60 minute timeframe, it shall be presumed that the complaint has not been successfully resolved.
 - (4) **Contacting law enforcement.** If a complaint involves the immediate health and safety of any person or property, or if, despite good faith efforts, the problem that was the subject of a complaint cannot be resolved, the responsible agent shall immediately contact law enforcement, and follow any direction(s) given by any law enforcement official.
 - (5) **County investigation.** The County shall investigate a formal complaint received, in order to determine if it is a substantiated complaint that represents a documented violation of any provision(s) of this Chapter.
- (b) **Violations.** For the purposes of this chapter violations for licensed short-term rental properties shall be classified as either a Minor Violation or a Major Violation. Violations for unlicensed rental properties shall be classified as an Unlicensed Violation.
- (1) **Minor violations.** A minor violation shall be any violation of the short-term rental operational standards as provided in [Section 108-11-8](#).
 - a. Owners will be given one warning following their first minor violation within each calendar year. If this warning is subject to a static and prevailing concern, owners shall be given three calendar days to correct the issue or the warning will become a documented

- minor violation.
 - b. After three minor violations within 12 consecutive months, the owner shall be issued a major violation on the fourth and subsequent occurrences.
 - c. Each minor violation shall be subject to an administrative penalty as provided in Section 108-11-10.
- (2) ***Major violation.*** A major violation shall consist of the failure of the responsible agent to perform their responsibilities as provided in this chapter, or the fourth and subsequent minor violations within a 12 month consecutive time frame.
- a. Owners will be given one warning in the event of a responsible agent failing to perform their responsibilities within each calendar year.
 - b. Each major violation shall be subject to administrative penalties as provided in Section 108-11-10.
- (3) ***Unlicensed violation.*** An unlicensed violation is committed upon the rental of an unlicensed property on a short-term basis. Owners will be given one warning within each calendar year. Each violation thereafter shall be subject to administrative penalties as provided in Section 108-11-10.

SECTION 21: **ADOPTION** “Sec 108-11-10 Administrative Penalty” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-11-10 Administrative Penalty(*Added*)

- (a) Any person found in violation of any provision(s) of this Chapter is liable for an administrative penalty in the form of a monetary fine based on the property’s average nightly rate. The average rental rate of the property shall be determined through advertised nightly rental rate. Each day a violation remains unresolved shall carry a daily administrative penalty and monetary fine as follows:
- (1) Minor violations. Monetary fines shall be 50% of the advertised nightly rental rate on the date/s of the violation.
 - (2) Major violations. Monetary fines shall be 100% of the advertised nightly rental rate on the date/s of the violation.
 - (3) Unlicensed violations. Monetary fines shall be 200% of the advertised nightly rental rate on the date/s of the violation. If the unlicensed property does not have advertised rental rates, then the administrative penalty shall be the average nightly rental rate for all rental properties located in unincorporated Weber County for the dates associated with the violation.

(b) In the event the County cannot determine the average nightly rental rate of a specific rental, the average rental rate of the violation dates within the planning area shall be used.

SECTION 22: **ADOPTION** “Sec 108-11-11 License Revocation” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-11-11 License Revocation(*Added*)

(a) *Revocation due to minor violations.*

(1) If a short-term rental unit has four minor violations within three consecutive months, or six minor violations within twelve consecutive months, the short-term rental license shall be revoked in accordance with the provisions of Section 102-4-3.

(2) If a short-term rental license is revoked due to an accumulation of minor violations, for a minimum of one year following the revocation, the County shall not accept an application for a new license for the same short-term vacation rental property; with the exception that a new application by a new property owner, proven to be unaffiliated with the property owner whose license was revoked, may be considered.

(b) *Revocation due to major violations.*

(1) If a short-term rental unit has two major violations within three consecutive months, or four major violations within twelve consecutive months, the short-term rental license shall be revoked in accordance with the provisions of Section 102-4-3.

(2) If a short-term rental license is revoked due to major violations, for a minimum of two years following the revocation, the County shall not accept an application for a new license for the same short-term vacation rental property; with the exception that a new application by a new property owner, proven to be unaffiliated with the property owner whose license was revoked, may be considered.

SECTION 23: **ADOPTION** “Sec 108-11-12 License Revocation Appeal Procedure” of the Weber County County Code is hereby *added* as follows: