

Minutes of the Ogden Valley Planning Commission Meeting for June 8, 2021. To join the meeting, please navigate to the following weblink at <https://us02web.zoom.us/j/86507923056> the time of the meeting, commencing at 5:00 p.m.

**Ogden Valley Planning Commissioners Present:** John Lewis, Chair; Shanna Francis, Vice Chair; Commissioners Jeff Burton, John (Jack) Howell, Trevor Shuman, and Justin Torman.

**Absent/Excused:** Chair John Lewis; Commissioner Ron Lackey.

**Staff Present:** Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Scott Perkes, Planner; Liam Keogh, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:** Vice Chair Francis conducted roll call and indicated Chair Lewis has been excused from the meeting.

Chair Lewis asked if anyone had any ex parte communication or conflict of interest to declare. No disclosures were made.

Chair Lewis then reported that item 5 has been tabled and will be heard during the June 8, 2021 meeting.

## 1. Petitions, Applications, and Public Hearings.

### 1.1 CUP 2021-08: Request for approval of a conditional use permit for short-term rental use within an existing dwelling located at approximately 4941 E Wolf Lodge Dr., Eden, UT, 84310 in the FR-3 zone. *Staff Presenter: Scott Perkes*

Planner Perkes reported The applicant is requesting approval of a conditional use permit for short term use in a residential dwelling located in the FR3 zone at 4941 E Wolf Lodge Dr., Eden, UT, 84310. The proposed use will occur within an existing dwelling. As such, there is no design review required. The applicant has submitted a project narrative (See Exhibit A) detailing their intended use of the property as their primary residence and short-term rent the property while they are away on military assignments. This narrative also addresses how they intent to accommodate noise, security, parking, and garage use. The applicant has also submitted a parking exhibit (See Exhibit C) to help visualize the overall parking plan for The Village at Wolf Creek community. This application is being processed for an administrative review through the Ogden Valley Planning Commission as directed by the approval procedures outlined in LUC §108-4-3. This section of code indicates that review of a conditional use permit application is intended to verify compliance with applicable ordinances and provide appropriate and reasonable mitigation of anticipated detrimental effects.

Staff offers the following analysis following review of the application against the conditional use standards:

- Standards relating to safety for persons and property:
  - Apart from the Fire Marshal's review and conditions, the operation of a short-term rental is not anticipated to cause safety hazards to persons or property.
- Standards relating to infrastructure, amenities, and services:
  - In order to mitigate for adequate onsite parking, the owner has indicated in their narrative that they intend to make the dwelling's attached and oversized 1-car garage available to renters. This parking would be in addition to the available guest parking spaces that are provided throughout The Village community. The Village community was designed to meet the current Weber County parking requirements for multi-family developments as part of the original PRUD approvals (1.75 spaces per dwelling unit). As a condition of approval, staff recommends that no on-street parking be allowed.
  - Staff does not anticipate the proposed use to materially reduce other amenities or services.
- Standards relating to the environment:
  - Staff does not anticipate any detrimental effects on the natural features of the site or surrounding areas.
- Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan
  - The current FR-3 zoning anticipates short-term rental use and the area has been developed for resort and lodging purposes. As such, staff does not anticipate the proposed use to be detrimental to the characteristics of the area. The zoning is consistent with the master plan.
- Standards relating to performance (bonds, agreements):

- Original approvals of the Village PRUD required that “No Parking” signs be installed along the community streets. Staff recommends that these signs be installed prior to the issuance of the conditional use permit.
- Staff review of original approvals, and subsequent amendments, for this community has not found any conditions or agreements that would prohibit the proposed use.
- Standards generally (economy, other applicable LUC standards)
  - Staff does not believe that the proposed use will have detrimental effects on the local economy.
  - Prior to issuance of a conditional use permit, the applicant will need to apply for, and be issued with, a business license.
- Voluntary contributions providing satisfactory compliance with applicable standards.
  - Per the applicant’s narrative, the residence is being monitored with security and controlled entry devices. These voluntary measures will help the owner keep an eye on the property while it’s being rented.

Based on the staff analysis above and the findings listed below, staff recommends approval of this conditional use application. This recommendation is subject to the applicant meeting the conditions of approval listed below and any other conditions required by reviewing agencies and the Planning Commission:

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

This recommendation is based on the following findings:

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

Vice Chair Francis inquired as to the manner in which no-parking signs are installed. Mr. Perkes stated no-parking signs are the obligation of the developer, who would be required to finalize the installation of the signs as part of the original development improvements. Vice Chair Francis inquired as the location in which the signs would be installed. Mr. Perkes stated the applicant would be required to install them within the development, rather than on the other side of the right-of-way; they will be required throughout the public right-of-way of the subject development.

Commissioner Torman referenced the application narrative, which indicates the subject property is an end-unit, but it does not appear to be an end-unit on the associated map of the project area. Mr. Perkes stated that it is not the last lot in the development and the most recent approvals of development in the area may not be identified on aerial images of the subject property. The applicant, Stephanie Haymond, indicated that there are two units in the building, and the use of the term ‘end-unit’ simply means that the subject unit is an ‘end-unit’ in that building.

Commissioner Burton asked if the applicant has considered where visitors to the short-term rental will park, specifically those who may be pulling a trailer behind their vehicle. Mr. Haymond stated that according to the covenants, conditions, and restrictions (CCRs) for the entire project, trailers are not allowed within the development. This will be made very clear in any postings that are made to market the property for short-term rental. Commissioner Burton stated that the application materials indicate that the applicant is an active-duty member of the military, and that the property will only be rented out when they are away from home. He asked if that is correct or if the unit will also be offered for short-term rental when the applicant is home. Mr. Haymond stated that has not been determined, but he does not anticipate renting the unit when he is home; he and his family just moved to the unit in September 2020, and this will be their permanent residence.

Vice Chair Francis asked the applicant if they have identified a mechanism for addressing any issues that arise at the property when it is occupied by short-term renters. Mr. Haymond stated that he plans to hire a property management company that will control the unit when it is being rented.

Commissioner Howell moved approve CUP 2021-8, request for approval of a conditional use permit for short-term rental use within an existing dwelling located at approximately 4941 E. Wolf Lodge Drive, Eden, UT, 84310, in the FR-3 zone, based on the

findings and subject to the conditions listed in the staff report - most notable of which is the condition to install no-parking signs in specified areas within the development. Commissioner Burton seconded the motion. Commissioners Francis, Burton, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

**1.2 UVB050721 AND AAE 2021-04: Consideration and action on preliminary approval of The Basin Subdivision located at approximately 947 E Old Snow Basin Road, including a request for alternative access approval. Staff Presenter: Steve Burton.**

Vice Chair Francis indicated this item has been pulled from the agenda at the request of County staff; staff received a letter from water service provider, which indicated their approval did not extend to any commercial use at the subject property. The zone change for the property has not yet been approved and still carries a commercial designation. Staff will work with the applicant and service providers regarding this matter in order for documentation to be adjusted before the matter is reviewed by the Commission.

**2. Legislative Items**

**2.1 ZTA2021-04: A public hearing to consider a county-initiated proposal to amend various sections of the County's subdivision ordinance to require public street connectivity in certain intervals, enable the use of a shared private lane, modify rules governing flag lots, and related amendments regarding the provision of streets and lot access in the County's subdivision ordinance. Staff presenter: Charlie Ewert**

Planner Ewert reported This proposal is intended primarily to address street connectivity. After reviewing other sections of code for conflicts, staff discovered a number of sections that should be amended to reduce redundancies and conflicting language. In doing so, staff are also proposed a few procedural shifts intended to help streamline the development review process for the applicant. The attached proposal has staff-annotations in the margins to help explain the purpose of the changes. Below is a summary of what they are.

*Street connectivity* – The proposal clarifies the street-block provisions to be responsive to lot size and density. The smaller the allowed lot size, the smaller the street-block should be. This will help provide general consistency in the number of lots accessing a street block regardless of the zone. The proposal also provides a graphic depiction of a street block and the methods of measuring it.

The proposal also adds a provision intended to incentivize superior street connectivity over what a developer might have otherwise proposed. The incentive allows the developer to credit the area consumed by streets toward additional lots. This will allow the developer to realize a financial benefit when configuring streets in a manner that considers the overall community, and not just the specific property's ability for return on investment.

*Streamlining* – One way to help streamline the development review timeline is to reduce the number of bodies that are required to approval a subdivision. This proposal helps clarify the rules of subdivision approval, and after doing so appoints the planning commission, not the county commission, as the final decision authority for large subdivisions, and the planning director for small subdivisions. It clarifies that a small subdivision is not subject to the two-step preliminary then final review by the land use authority by allowed both preliminary and final plats to be reviewed simultaneously. The proposal also allows the county engineer to make decisions regarding financial guarantees, which saves a special approval by the county commission.

*Reducing redundancies and conflicts* – By reducing redundancies and conflicts, the code can be better and more efficiently administered, with less probability for time-consuming litigation.

Staff recommends that the Planning Commission offers a positive recommendation to the County Commission for file ZTA2021-04, a proposal to incentivize street connectivity in a subdivision, streamline the subdivision process, and reduce redundancies and conflicts in the code. The recommendation is supportable with the following findings:

1. The proposal will protect future transportation opportunities, and enhance transportation safety of new streets.
2. The proposal will help streamline the subdivision review process.
3. The proposal will help eliminate redundancies and conflicts in the code.
4. The proposal is in the best interest of the health, safety, and welfare of the general public.

Mr. Ewert facilitated review of the proposed amendments to the subdivision ordinance and solicited feedback from the Commission; there was a focus on lot size flexibility; optional street designations, including shared private lanes and private streets; the mechanism for applying underlying zoning for nonconforming lots to ensure density neutrality; adjustments to development application processes; approval authorities for various application types; public noticing for various development applications; connectivity and improvements that provide for easy pedestrian access to commercial areas; appropriate block lengths; exemptions from completing certain improvements in order to preserve the rural look/feel of the area; and emphasizing the need for site specific considerations aimed at preserving the Ogden Valley feel. The Commission emphasized they prioritize open space preservation over connectivity. Mr. Ewert indicated he will utilize the feedback provided by the Commission to adjust the ordinance document; he asked if the group is comfortable with staff moving the ordinance to the County Commission for consideration or if they want to see the revisions to the document before it is submitted to the County Commission. Vice Chair Francis polled the Commission to determine their preference and they concluded they would like for the language regulating connectivity to be reworked and presented to them again for review before the document is forwarded to the County Commission. They indicated they would like the document to be split into three separate sections for approval purposes and will make a motion to that effect following the public hearing.

Vice Chair Francis opened the public hearing and invited public input.

Lisa McDonald stated she is a property owner in the Edgewater Subdivision; she was very impressed with many of the things she heard this evening and thanked the Commission and staff for their foresight and consideration of the development potential of open spaces in the Ogden Valley.

There were no additional persons appearing to be heard and the public hearing was closed.

Commissioner Burton moved to separate the proposed ordinance into three separate sections; forward a positive recommendation to the County Commission regarding the sections of the document governing land use authority provisions and procedures; forward a positive recommendation to the County Commission regarding the section governing incentives for voluntary connectivity/street configurations; and the provisions governing mandatory block lengths and pathways between blocks be tabled for further adjustment and review by the Ogden Valley Planning Commission at a future meeting, with the option of considering separate provisions for the Western Weber County area and the Ogden Valley area. Commissioner Lackey seconded the motion.

Commissioner Shuman stated that the motion may not be clear enough to communicate to the public the intent of the action taken tonight; he wondered if the application should be tabled in order to give staff the time to make requested adjustments and present the document to the Commission again for action. Mr. Ewert stated he understands Commissioner Shuman's hesitation; he feels that Commissioner Burton's motion provides a great deal of flexibility and trust in staff to make the adjustments that have been directed tonight before forwarding to the County Commission. Vice Chair Francis invited Mr. Ewert to again summarize the changes he will make responsive to the motion made by Commissioner Burton to allow the Commission to weigh in on whether they are comfortable voting on the motion. Mr. Ewert stated that in regard to the section governing land use authority provisions, his adjustments would be aimed at improving administrative processes by eliminating redundancies and increasing efficiency; these provisions are found in Section 106-1. In regard to the section governing incentives for street connectivity and alignment, he would provide options for ensuring the applicable underlying zone requirement is clarified. The portion that would be tabled according to Commissioner Burton's motion is everything in section 106-2 and 3; this includes lengths and widths of street blocks, midblock pedestrian connections, and business or industrial street block lengths.

Vice Chair Francis then called for a vote on the motion; Commissioners Francis, Burton, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

### **3. Public Comment for Items not on the Agenda**

There were no additional public comments.

### **4. Remarks from Planning Commissioners**

Commissioner Burton stated that the amount of information discussed tonight was voluminous and it can be difficult to follow along with the staff's presentation, especially in a virtual setting. He suggested breaking up such a large document into smaller segments to make review easier. Mr. Ewert stated he appreciates that suggestion and can make that adjustment in the future. Commissioner Shuman asked that the sections of the ordinance that are being referred to the County Commission be sent to the entire Ogden Valley Planning Commission for their review so that they fully understand the edits that are being forwarded for approval.

#### 5. Planning Director Report

Mr. Grover thanked the Commission for their thoroughness and attention to detail regarding these very important matters.

#### 6. Remarks from Legal Counsel

There were no additional comments from Legal Counsel.

**WS1: Discussion regarding a potential rezone to allow a mixed-use development of retail, office, and storage uses on land located at approximately 5500 East and 2300 North, in Eden. Applicant: Jeff Clifford; Staff Presenter: Scott Perkes & Charlie Ewert**

Planner Perkes provided a brief introduction of the item and invited the developer to share their presentation with the Commission. The applicant, Jeff Clifford, used the aid of a PowerPoint presentation to share conceptual elevations and façade designs that would incorporate the 'old town' designs currently present in the area. The frontage will shield the storage units in the rear of the property and there is a need and demand for this type of use given the large number of boats and trailers in the Valley and the fact that there are many areas that do not allow property owners to park those trailers in their subdivision. The complex will have an automatic gate and hours of access will be restricted so that the facility is only accessible from 6:00 a.m. to 11:00 p.m. Storage will be enclosed, and the complex will be maintained in a neat/clean fashion. He feels that the use will be quieter and less impactful than other uses that could be located on the property. He then displayed photographs of storage complexes he has built in other communities.

The architect for the project stated that he is open to hearing feedback from the Commission regarding the conceptual design of the project. There was discussion about the orientation of the project and the manner in which it will be accessed; functionality of the façade; long range plans for downtown Eden; access to utility infrastructure on the site; plans to improve the nearby intersection in the future by using a traffic circle (roundabout); the potential appearance of vacant commercial units on the site if the proposed use is approved; and the various types of land uses allowed on the site and surrounding areas based upon planning directives and utility access. The applicant concluded he has interpreted the feedback provided to mean the Commission is not supportive of the proposed use at this time. Mr. Perkes indicated that the Commission cannot make a motion during this meeting. He noted that the current land use ordinance would allow for the project to proceed if it included functional street-oriented commercial units. This led to continued discussion of the storage unit use and the presence of this type of use in other areas of the Ogden Valley and whether the use is appropriate for the location of the subject property; storage units have been a controversial use in the Ogden Valley in the past and that is why the land use ordinance requires it to be coupled with viable commercial uses in a village type of concept.

Vice Chair Francis thanked Mr. Clifford for his efforts at designing a project that would benefit the community. Mr. Clifford thanked the Commission for their attention to his application and for their feedback.

**Meeting Adjourned: The meeting adjourned at 8:47 p.m.**

**Respectfully Submitted,**

***Cassie Brown***

**Weber County Planning Commission**