



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing for discussion and decision on a proposal to amend the following sections of Weber County Code: Applicability (§108-2-3) and Ogden Valley Recreation and Resort Zone (§108-8-5 and §108-8-13) to allow the Land Use Authority to modify the applicability of certain provisions of the Land Use Code in the Ogden Valley Destination and Recreation Resort Zone, where a master plan has been approved.

Agenda Date: Tuesday, November 28, 2017
Staff Report Date: Tuesday, November 21, 2017
Applicant: Weber County Planning Division
File Number: ZTA 2017-12

Staff Information

Report Presenter: Steve Burton
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801-399-8766
Report Reviewer: CE

Applicable Ordinances

- Weber County Land Use Code, Title 108, Chapter 2 (Ogden Valley Architectural, Landscape and Screening Design Standards).
- Weber County Land Use Code, Title 108, Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations).

Legislative Decisions

Decision on this item is a legislative action. 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

Sections of the Ogden Valley Architectural, Landscape and Screening Design Standards (§108-2) and the Parking and Loading Space, Vehicle Traffic and Access Regulations (§108-8) allow the Planning Commission to modify the applicability of provisions of the chapters, only in the DRR-1 Zone where a master plan has been approved by the Planning Commission. The Planning Commission can modify the applicability of the provisions by approving an alternative plan created by the developer, if the Planning Commission determines that the plan is consistent with the approved master plan.

The proposed text amendment would continue to allow the Planning Commission to modify the applicability of the provisions of the two chapters as well as the Planning Director in the case of certain design review applications, allowing for a more efficient administration of the Land Use Code.

Policy Analysis

The way the current code is written appears to allow the land use authority to modify the law. That is not the case. The land use authority should only have the authority to modify the way the law is applied when there are other mechanisms in place that better provide for the desired outcome, such as a development agreement.

Allowing the "land use authority", whether it be the Planning Commission or the Planning Director, to modify the applicability of the provisions of the two chapters is consistent with the current Design Review chapter that

allows the Planning Director to approve buildings with a total footprint of less than 75,000 square feet in the DRR-1 Zone. The proposed changes would only apply to master planned communities within the DRR-1 Zone, at an elevation of at least 6,200 feet above sea level.

Conformance to the General Plan

The Ogden Valley General Plan states that the County will continue to pursue recreational development opportunities with existing recreation resorts in the Ogden Valley planning area (Ogden Valley General Plan, Parks and Recreation Goal 2, Page 45). The proposed amendment will allow for a more efficient administration of the code, specifically for projects within the DRR-1 Zone.

Past Action on this Item

During a public hearing held on October 24, 2017 the Ogden Valley Planning Commission offered a unanimous recommendation for approval for the proposal.

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

Planning Commission Recommendation

The Planning Commission recommended approval of the proposal 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.
3. The changes will enhance the general welfare of County residents.

Exhibits

- A. Proposed ordinance.
 - Clean Copy
 - Track Change Copy

ORDINANCE NUMBER 2017-_____

AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE TO ALLOW THE LAND USE AUTHORITY TO MODIFY THE APPLICABILITY OF CERTAIN PROVISIONS OF THE LAND USE CODE IN THE DRR-1 ZONE

WHEREAS, the Weber County Land Use Code heretofore contained regulations permitting the Planning Commission to modify certain provisions of the Land Use Code within the Ogden Valley Destination and Recreation Resort Zone; and

WHEREAS, these regulations offered inadequate, vague, or inconsistent provisions; and

WHEREAS, the Weber County Land Use Code heretofore contained regulations permitting the Planning Director to approve certain applications within the Ogden Valley Destination and Recreation Resort Zone; and

WHEREAS, on October 24, 2017, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code with respect to allowing the Land Use Authority to modify the applicability of certain provisions of the Land Use Code, and offered a positive recommendation to the County Commission; and

WHEREAS, on November 28, 2017, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

WHEREAS, the Weber County Board of Commissioners find that the ordinance amendments herein do not run contrary to the goals and objectives of the General Plan and provide clarification necessary to facilitate efficient administration of the Weber County Land Use Code within the Ogden Valley Destination and Recreation Resort Zone;

NOW THEREFORE, the Weber County Board of Commissioners ordains an amendment to the Weber County Land Use Code as follows:

See Exhibit A (Clean Copy) and Exhibit B (Track Changes)

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this _____ day of _____, 2017, by the Weber County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By _____,
James Ebert, Chair

Commissioner Ebert voted _____
Commissioner Gibson voted _____
Commissioner Harvey voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

1 TITLE 108 - STANDARDS

2 ...

3 CHAPTER 2. - OGDEN VALLEY ARCHITECTURAL, LANDSCAPE AND SCREENING
4 DESIGN STANDARDS

5 ...

6 **Sec. 108-2-3. - Applicability.**

7 (a) The architectural, landscape and screening design standards, as set forth in this
8 chapter, shall apply to all commercial, industrial, manufacturing, public or quasi-
9 public uses. They shall apply to multi-family dwellings of three or more units,
10 including townhouses, condominiums, apartments and bed and breakfast inns.
11 Single-family residential use and its approved accessory uses, agricultural uses,
12 including agri-tourism, parking or vehicular uses which are under, on, or within
13 buildings, and parking areas serving single-family and duplex uses shall be
14 exempt.

15 (b) Yurts are exempt from the requirements of section 108-2-4(2), Minimum
16 standards; architectural, Exposed fronts and street sides of buildings , but shall
17 meet all other requirements of this chapter.

18 (c) In the Ogden Valley Destination and Recreation Resort Zone at elevations of at
19 least 6,200 feet above sea level, where a master plan has been approved by the
20 planning commission, the land use authority may modify the applicability of any
21 provision of this chapter by approving a landscape, buffering, and screening plan
22 created by the developer if the land use authority determines that the plan is
23 consistent with the approved master plan. For the purposes of this section, the
24 term "developer" refers to the signatory, successors, or assigns of a
25 development agreement, or as otherwise defined in an applicable development
26 agreement.

27 ...

28 CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

29 ...

30 **Sec. 108-8-5. - Adjustments for unusual and unique conditions.**

31 The planning commission may adjust the required number of spaces listed in this
32 chapter if it determines that unusual or unique circumstances or conditions relating to
33 the operational characteristics of the use exist in a manner or to such a degree that
34 such adjustment is equitable and warranted. This section does not apply to the
35 circumstances described in section 108-8-13.

36 ...

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38 **Sec. 108-8-13. - Ogden Valley Destination and Recreation Resort Zone.**

39 Within the Ogden Valley Destination and Recreation Resort Zone at elevations of
40 at least 6,200 feet above sea level, where a master plan has been approved by the
41 planning commission, the land use authority may modify the applicability of any
42 provision of this chapter by approving a parking plan created by the developer if the
43 land use authority determines that the plan is consistent with the approved master
44 plan. Such plan shall include provisions applying sufficient mitigation for parking and
45 will provide a mechanism for revocation where the plan is not operating as presented.
46 For the purposes of this section, the term "developer" refers to the signatory,
47 successors, or assigns of a development agreement, or as otherwise defined in an
48 applicable development agreement.

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15 (b) Yurts are exempt from the requirements of section 108-2-4(2), Minimum
16 standards; architectural, Exposed fronts and street sides of buildings , but shall
17 meet all other requirements of this chapter.

18 (c) In the Ogden Valley Destination and Recreation Resort Zone ~~destination and~~
19 ~~recreation resort zone~~ at elevations of at least 6,200 feet above sea level, where
20 a master plan has been approved by the planning commission, the ~~planning~~
21 ~~commission~~ land use authority may modify the applicability of any provision of
22 this chapter by approving a landscape, buffering, and screening plan created by
23 the developer ~~(as defined in the applicable zoning development agreement)~~ if
24 the ~~planning commission~~ land use authority determines that the plan is consistent
25 with the approved master plan. For the purposes of this section, the term
26 "developer" refers to the signatory, successors, or assigns, of a development
27 agreement, or as otherwise defined in an applicable development agreement.

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29 CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND
30 ACCESS REGULATIONS

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35 conditions relating to the operational characteristics of the use exist in a manner or to
36 such a degree that such adjustment is equitable and warranted. This section does not
37 apply to the circumstances described in section 108-8-13.

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Sec. 108-8-13. - Ogden Valley Destination and Recreation ~~and~~ Resort Zone.

Within ~~the any~~ Ogden Valley Destination and Recreation ~~and~~ Resort Zone at elevations of at least 6,200 feet above sea level, where a master plan has been approved by the planning commission, the ~~planning commission~~ land use authority may modify the applicability of any provision of this chapter by approving a parking plan created by the developer ~~(as defined in the applicable zoning development agreement)~~ if the ~~planning commission~~ land use authority determines that the plan is consistent with the approved master plan. Such plan shall include provisions applying sufficient mitigation for parking and will provide a mechanism for revocation where the plan is not operating as presented. For the purposes of this section, the term "developer" refers to the signatory, successors, or assigns, of a development agreement, or as otherwise defined in an applicable development agreement.

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