



OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

December 6, 2022
Regular Meeting 5:00

- *Pledge of Allegiance*
- *Roll Call:*

1 Minutes: October 27, 2020; November 17, 2020

Adjourn to work session

Work Session

WS1: Nordic Valley Rezone Discussion Revisitation

The regular meeting will be held on Zoom from the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

Via Zoom Video Conferencing at <https://us02web.zoom.us/j/83052170443> Meeting ID: 830 5217 0443

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record will be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

October 27, 2020 Minutes

Minutes for Ogden Valley Planning Commission meeting of October 27, 2020, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm.

Roll Call:

Present: John Lewis, Chair; Shanna Francis, Vice Chair, John Howell, Chris Hogge, Jeffry R. Burton, Ron Lackey, and Steve Waldrip

Absent/Excused:

Staff Present: Rick Grover, Planning Director; Charlie Ewart, Principal Planner; Steve Burton, Planner, Scott Perkes, Planner; Tammy Aydelotte, Planner, Felix Lleverino, Planner, Courtlan Erickson, Legal Counsel; Angela Martin, Lead Office Specialist II

Pledge of Allegiance

1. CUP 2020-14: Request for approval of a conditional use permit for the storage of agricultural equipment for off-farm non-agricultural related construction work. Staff Presenter –Steve Burton

The applicant is requesting a conditional use permit to be able to store agricultural equipment that is used for off-site, non-agricultural related construction work. The subject parcel is 5.72 acres with a residence, located on an unimproved extension of 2100 N Street. This portion of 2100 N street is considered a private drive that is used to access two homes, one of which is the home of the applicant. The proposal includes existing buildings, with no new buildings proposed.

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

The AV-3 zone lists the following as a conditional use:

The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or more, for off-farm, non- agricultural related, construction work to supplement farm income.

The applicant is proposing to store one of each of the following: a dump truck, a track hoe, back hoe, end loader, and a flatbed trailer. Staff feels that the proposed equipment to be stored meets the definition listed above. If additional equipment is proposed to be stored in the future, an amendment to the conditional use permit will be required. The proposed hours of operation are from 7 AM to 6 PM each day of the week.

Mrs. Story, I live next door to this property. At some point there will be homes adjacent to this. I am concerned about my land value. This could be a negative for the neighbors going forward. May I have a copy of this?

Kevin Fuller, my father owned property next to this property. Over the years there has been some updates to the road. There is nothing used for farming. Mostly for construction. Concerned about heavy vehicles on a small 20 foot private lane.

Speaker on Zoom: I have a question about the AV-3. This is not a farm, but more like an industrial park. Can you store without a farm?

Tom Summers. I am the applicant. Yes we have been parking construction equipment here for many years. We also

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have a county business license. We take care of most of the water companies and do lots of things for lots of people.

Lisa Arbagast, I would like to support them in continuing to do what they are doing. They have been farming there for generations. We would be at a loss if Mr Summers could not do his job. Equipment, dust, noise is never a problem.

Robert Fuller, we have a parcel of land near the area. Tom is a great asset to the community. I believe that we should support this petition.

John Story, what is the process. Are there other meeting about this?

Dennis Shaw. I have some property just north of Toms. He has always been a help and helped maintain the lane. I support Tom.

Commissioner Lewis said that the good outweighs the bad.

John Howell motions to pass this item. Ron Lackey seconds the motion.

Staff recommends approval of this conditional use application subject to all review agency requirements and the following conditions:

- 1. Any additional equipment proposed to be stored after this permit is issued will require an amended conditional use permit application.**
- 2. The applicant is required to repair any damages to the portion of 2100 N street, including the private drive, caused by the proposed use.**
- 3. If the applicant does not legally have a right to use the private road for the proposed use, the conditional use permit will be void.**

This recommendation is based on the following findings:

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

Motion passed 7-0

2. CUP 2020-13: Consideration and/or action on a conditional use permit for Eden Storage, located in the CV-2 zone, at 2550 Valley Junction Drive, Eden, UT, 84310. Staff Presenter – Tammy Aydelotte

The applicant is requesting approval of a conditional use permit for Eden Storage, a self-storage facility, intended to provide 66 secure, covered storage units, to house a variety of recreational vehicles, as well as provide for other personal storage, located in the CV-2 zone at 2550 Valley Junction Drive, Eden, UT, 84310. The CV-2 Zone allows a “Self-storage, indoor units for personal and household items” and “Recreational vehicle storage” as conditional uses.

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

Commissioner Howell ask what kind of fence will be around.

Lance Anderson owner representative. Walls are the security of border of the place. We do show lights on the plan. There will be colored and textured CMU around the site.

Public Comment

Lisa Arbagast; I have concerns about the lighting design. I want to make sure that it will be dark sky compliant.

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Motion: John Howell motions to approve the following. Second: Jeffrey Burton

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

1. Two dedicated parking spaces be located on the site.
2. Landscaping will be located along street-facing property lines, per required as a complete street requirement. See §104- 21-4. The landscaping plan must show a minimum of 80% living plants. Landscaping must either be installed or escrowed for, prior to issuance of a conditional use permit.
3. All proposed signage will adhere to sign regulation as outlined in LUC §110-2.
4. A lighting plan, as part of the complete street design, must be reviewed and approved by Planning prior to issuance of a conditional use permit, per regulations as set forth in LUC §108-16.
5. All street sides of the buildings along Valley Junction Drive and 2550 North Street East may not have CMU's unless colored and textured.
6. A 10' pathway/sidewalk along Valley Junction Drive and 2550 North Street is required per LUC §104-21-4.
7. The complete street design shall include pedestrian crossings on Valley Junction Drive and 2550 North Street.
8. A perpetual building maintenance agreement is required per §104-21-4, for all shared property boundaries where buildings are located closer than 10' to the property boundary.
9. The applicant will need to submit revised building elevations, showing architectural detail at focal points on all building facades, such that monotonous horizontal lines greater than 50 feet do not occur.

This recommendation is based on the following findings:

- The proposed use is allowed in the CV-2 Zone and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Motion Carries 7-0

Legislative Items

1. ZTA 2020-05: Public hearing to discuss and take comment on potential scenarios to amend § 108-7-25 of the Weber County Code regarding short-term rentals. Staff Presenter – Scott Perkes

Scott Perkes: I have consolidated the public comments to the Frontier page.

We have had a total of 105 comments with 85 commenters. 68% have mentioned concern about community character. We know the top concerns. Community character, noise, parking, code enforcement, parties, safety, traffic, HOA, law enforcement capacity, tax revenue, property rights, trash, occupancy, infrastructure, property values, trespassing, absentee owners etc. We do want to get public comment at this meeting.

Every document that we have created is available to the public on Frontier under short term rentals. We have gone through this with the planning commission in great detail. We want to talk about the regulatory scenarios. We will talk about an open, open limited and business as usual and closed scenario

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Open:

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Any residential property within the unincorporated Weber County may obtain a short-term rental

4

license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days subject to the requirements and standards of this chapter.

5 **Open/Limited Scenario:**

6 With exception to properties in the FR-1 zone, any residential property within the unincorporated
 7 Weber County may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit,
 8 or dwelling for a time period of less than 30 days subject to the requirements and standards of this
 9 chapter.

2 **Business as Usual:**

3 **Be [PS3] rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30**
 4 **days is considered a short-term rental. Short-term rentals are allowed only when listed as either a**
 5 **permitted or conditional use in a specific zone or when approved as part of a planned residential unit**
 6 **development (PRUD).**

27 **Sec 108-23-X Prohibitions**

28 A short-term rental license will not be issued for any of the following:

- 29 (a) *Accessory Buildings and Accessory Dwelling Units.* Short-term rentals are not allowed in any
 30 accessory building, including licensed accessory dwelling units (ADUs), unless specifically
 31 provided for in other areas of this land use code. A property that contains a licensed ADU is not
 32 eligible to obtain a short-term rental license for the primary residence.
- 33 (b) *Deed Restricted Housing.* Short-term rentals are not allowed in properties that have been deed
 34 restricted for affordable or workforce housing.

106 **Sec 108-23-X Operational Standards**

- 107 (a) *Information Dissemination Requirements.* The owner shall post the following information in a
 108 prominent and visible location:
 - 134 (1) *Internal posting.* Each licensed short-term rental property shall have the
 135 following information posted in a conspicuous location where it can be easily
 136 viewed by tenants:
 - 137 a. Short-Term Rental License number;
 - 138 b. Contact information for the owner and responsible agent,
 139 including a phone number for 24-hour response to
 140 emergencies;
 - 141 c. The property’s maximum occupancy;
 - 142 d. The property-specific parking plan including the maximum
 143 number of vehicles allowed to be parked on the property and
 144 applicable parking rules;
 - 145 e. Description of the location/s of fire extinguishers and emergency egress routes;
 - 146 f. Good neighbor requirements regarding noise, parking, trash
 147 pickup, and fire restrictions;
 - 148 g. Current fire restriction information as disseminated through the
 149 Weber County Fire District website; and
 - 150 (2)

- h. Any other information deemed necessary by the reviewing agencies to ensure the public’s health and safety.

(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:

- (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.”

109 The owner of a short-term rental shall appoint a Responsible Agent for the rental property. This
 110 appointed agent may be the owner, independent property manager, or a professional property
 111 management company. The appointed responsible agent shall be on-call to manage the property during
 112 any period within which the property is occupied. This agent must be able to respond, in person if
 113 needed, within 60 minutes to address any complaints, to the best of their ability, which may arise from
 114 the operation of the short-term rental. A responsible agent is not required to, and should not, place
 115 themselves in a situation that could cause them physical harm in order to attempt to address a
 116 complaint. The owner shall notify the Planning Division within three days of a modification to the
 117 appointed responsible agent and shall provide name, address, and telephone number of any newly
 118 appointed agent. It is the owner’s responsibility to update this information throughout the term of the
 119 license.

120 **Sec 108-23-X Complaints And Violations**

121 (a) *Complaints.* The Planning Division requires all complaints regarding the operation of any short-
 122 term rental unit to be made through the County’s short-term rental hotline or website.
 123 (1) Complaints concerning the use or occupancy of a licensed short-term rental unit may be
 124 made to the County through the County’s short-term rental hotline or website. The
 125 subject of the complaint may include, without limitation, such things as parking, trash,
 126 noise, or other concerns related to the short-term rental unit. The complaining party will
 127 then be provided with a reference number associated with their complaint; however,
 128 anonymous complaints made through the website or call center will not be processed.

249 (2) When a complaint concerning a short-term rental unit has been received,
 250 contact to the responsible agent for the unit will be attempted by a
 251 County designee using the telephone number on file with the County. If
 252 the responsible agent can be reached by phone, the agent will be notified
 253 of the details of the complaint as filed by the complaining party. The time
 254 (3) that the responsible agent was notified shall be recorded. The responsible
 255 agent is required to make an attempt to resolve the issue that was
 256 subject to the complaint as outlined in **Sec 108-23-XX**. The responsible
 257 agent shall promptly notify the County’s hotline if the agent believes a
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complaint has been successfully resolved. If the County’s hotline does not receive notification from the responsible agent that a complaint has been successfully resolved within the timeframes outlined in **Sec 108-23-XX**, it shall be presumed that the complaint has not been successfully resolved, and the complaining party may follow up with the County’s hotline or website with the reference number issued for the original complaint.

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 the police, and follow any direction(s) given by the police.

- a. If a complaint is not resolved to the satisfaction of the complaining party, a formal complaint may be filed with the Planning Division. The formal complaint shall describe in detail the violation(s) of this chapter alleged to have occurred on the short-term rental property. Within three (3) days of receipt of such a complaint, the County shall provide a copy of the formal complaint to the owner and responsible agent if applicable. Formal complaints shall be signed by an individual and are subject to public inspection; no anonymous formal complaints shall be accepted.
- b. The County shall investigate any 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.

Motion to Open Public Hearing: Shanna Francis motions to open public Hearing. Steve Waldrip seconds the motion. Motion passes 7-0

Douglas Child: I am strongly in favor of allowing nightly rentals in Weber County. I live in Eden. I have been updating and improving my properties. Some of these restrictions could be discriminatory and possible unconstitutional.

Chad Jones: I am in favor with the Business as Usual with a little change in the rules. I am concerned about the proposed language of the ordinance. Specifically line 177, 188 and how that will affect my properties.

Olivia Arbagast: In the last few years there has been a noticeable increase in crime and traffic safety. There is not enough law enforcement to keep this area safe. It seems irresponsible to increase short term rentals before this is addressed.

Christy Reed: I have property in Ogden Valley. My parents have STR’s in other cities. I would be in favor of STRs. These are tough time and people could use the extra income and the economy. STRs offer a break for the visitors.

Steve Reed: This area is a vacation destination. There is a shortage of STRs. I only see them as helpful to the community.

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Lisa Arbagast: We have an overabundance of STRs. We need to support the businesses that are already there. Our property values are over inflated because of STRs. I would support closing the STRs to handle the legal STRs already here.

Jason Fuller: I am about to the point that I can't afford to live in the valley. I am for the STRs with restrictions.

Zoom:

Jan Fulmar: 90% of the original comments that were sent want to expansion of STRs and they don't like them. Scott, could you please provide a summary percentage wise of the ones that were anti STRs. What would be the cost benefit of hiring a 3rd company to enforce STRs? The County has said that it has not been able to enforce violation on STRs.

Kay Hoogalin: I agree with Jan about the great work done by the planners. Most who have submitted comments are against STRs. We don't want to be Park City. We should start with the end in mind. How do you enforce it in a financially responsible way? We would like to see the business case for enforcement. We are under resourced and over taxed.

Lee Schusseman: I live in Eden. I am opposed the expanding STRs into AV-3 violated the private property right of Ogden Valley citizen. This is also against the General Plan.

Jason Judd: MY family loves the Ogden Valley. We eat, shop and pump gas in the Valley. We are considering building a cabin in the Valley. We want to rent it out to offset the cost of the cabin (STR).

James Bird: I am concerned about enforcement. Code enforcement and civil enforcement. It can be hard to get a Sherriff up here. STRs continue to grow. What will happen if they relax the codes? We can't handle what is here. I am also concerned about single family homes for medium income. Our HOA does not allow STRs. Could the County force them to allow STRs in the HOA?

BJ : I have a problem house by me. I have counted 25 people in the house by me. What is going to be done about enforcement. You need to show us that you can enforce the rules you now have.

Clark Duellman: As an HOA attorney in the valley. I would like to change some of the language concerning HOAs and STRs. There are some areas where there is no HOA, but Covenants in some areas. Great work on this.

Cal Stevens: I agree with all the folks against expanding this until you can enforce the law.

Miranda Menze: I appreciate the planning department for putting together these proposals. Let's just go with business as usual or slowly increase it. Don't expand until we can get this under control.

Nanette Rich: Thank you to the Commission for all the work. It would be nice if we could have these designed into the neighborhood. I might want to finish my basement and use it for an STR to help make ends meet. I would like to make sure that both sides are considered equally.

Dr Theo Listic: I am not in favor of the loosening of restrictions-especially until we can enforce the rules. Some of the language needs to be cleared up as far as violations and time enforcement goes.

Fred Blickley: Full time resident. I support not changing our current rules.

Jeremy-yield time to Lee Schussmen: I have a concern –we don't have the infrastructure to accommodate. We also don't have waste water treatment to accommodate larger groups in some of these homes.

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Jan Fulmer: We didn't purchase in some areas because they allowed STRs. Why have zones if you are just going to go back and change the zones?

Chair John Lewis. We appreciate all the comments. Planner Scott Perkes, could you address some of these issues.

Motion to close the public hearing made by Steve Waldrip and seconded by Chris Hogg. Motion passed 7-0.

Scott Perkes: Enforcement. On Frontier there is a scenario about 3rd party enforcement. We did go to Garden city. They have been using 3rd party enforcement. They have been very successful. HOAs- Our intent is not to step on the toes of HOAs. The County will honor the HOAs rights. We don't want multiple unrelated parties renting a single property at the same time. We are also working on lock offs. The Health Department is the reviewing agency of any issued licenses. If there is an issue with anyone's waste water management, it will be address then. They could be limited in occupancy or have to do improvement to the septic.

Commissioner Howell: The County only has 1 enforcement officer for the whole county. Commissioner Lackey ask the net on the number of who is in favor and who is not. Mr Perkes says that we don't look at this as a yes, no vote. We are looking for issues at hand. I would put a guess at 85% against. There is a lot of ambiguity. Maybe yes if things are done correctly. Maybe no. Chair Lewis says that there is still a lot of work to be done on this. Commissioner Burton says that all STRs are, are hotels. Are there any areas that allow hotels? Planner Perkes says that in the resort areas they are allowed. Hotels say that STRs are not a threat to their business. Commissioner Waldrip talked about property rights. We have to look at the issue of expansion and preserving the rights of those who have already purchased property. Rights on both sides should be considered. We should not rush to any conclusion. Great work by Scott and the staff. Commissioner Hogge says that this is a challenging problem. Is seems that there is a very high percentage of unlicensed STRs. It seems like any tax benefit could be lost. We don't want the price for a license too high to detour people from getting licensed. Commissioner Francis, the County Commissioners wanted us to add an option, the closed option. To eliminate STRs except in resort areas and PRUD that allows them. I think that this would be appropriate. STRs are a commercial business and should only be in commercial areas. Jeffry Burton states that it seems like enforcement is the key to making it work. Commissioner Lackey says that enforcement is the key. We already have zones where STRs are allowed. Let's enforce the rules. Chair Lewis says let's not rush through this. Let's table this until some of the things are ironed out. Director Grover says that we have looked into 3rd party enforcement. If it is done right it can be successful. A 3rd party could better enforce the afterhours violations. Planner Perkes, we have looked into a lot of options either in house or out of house 3rd party. It would be great if this is self-sustaining through violations and fees. We want the community to speak of what they think is best.

Steve Waldrip motions to recommend to the County to pursue 3rd party enforcement contract to enforce existing nightly rental ordinances in Ogden Valley based on the assumption that will allow us to determine – a-the budget that is needed for enforcement and –b-the feasibility of expanding or contracting the nightly rentals areas based on collaboration with the 3rd party enforcement company.

John Howell seconded the motion.

Director Grover ask if they want to incorporate all the STR language that was proposed for each one of the scenarios. Commissioner Waldrip states that he doesn't want to change anything at this point. What we are looking at is just maintaining that status quo while we determine the feasibility of a 3rd party contractor coming in and cleaning up the mess that we have right now. Planner Perkes asked if they were thinking that we would

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not incorporate any of the operational standards of trash, parking and noise. Commissioner Waldrip says that we probably ought to so that they have something to enforce.

Commissioner Lewis suggested that they table the item and ask Scott to come back with a 5th option that incorporates all of this. Commissioner Waldrip would withdraw this motion in favor of what Chair Lewis suggested.

Commissioner Waldrip withdraws his motion in favor of someone making a motion to the effect of figuring out better language to reflect our wishes.

Attorney Erickson suggested that it might be better to vote on the motion and then go from there. Motion was voted on and failed 0-7.

Commissioner Waldrip motions to table this and instruct staff to come back with a recommendation for maintaining the status quo as to areas where Short Term Rentals are permitted, but come back with some additional standards that they feel could be incorporated to allow a 3rd party contractor to appropriately enforce those standards. Motion was seconded by Chris Hogge.

Planner Perkes says he feels like this motion is like the business as usual scenario. We could bring back a scenario that is called maybe proof of concept scenario in which it is business as usual as far as where STRs are allowed. He states that he could put together and ordinance that removes all the other scenarios and indicate that the whole reasoning behind this is to do a proof of concept.

Steve Waldrip motions to amend his previous motion. Seconded by Ron Lackey --I move that we table this discussion until the next meeting and in the meantime instruct staff to construct a proof of concept outline that we can approve that included incorporating the new standards for enforcement and compliance that have been contemplated to this point as well as bidding out and hiring of a 3rd party enforcement company to manage the enforcement of the standards that we will pass while keeping the areas that are available for short term rentals as they currently stand. Motion is seconded by John Howell. Motion passed 6-1 with Shanna Francis voting no.

2. ZTA2019-6: A public hearing for, consideration of, and possible action on a county-initiated proposal to amend Section 101-2, 104-20, 104-21, 104-22, and 104-23 to provide building design standards for indoor storage units in commercial areas, to add the use in manufacturing zones, clarify where the use can occur, and clarify that outdoor storage is not permissible in these zones unless otherwise specifically allowed by the use. Staff Presenter – Charlie Ewert

This item has been postponed until the next meeting.

3. ZTA2020-07: A public hearing for, consideration of, and possible action on a county-initiated proposal to amend Section 108-7-6 to limit the height of weeds and turf grasses. Staff Presenter – Charlie Ewert

This item has been postponed until the next meeting.

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4. **ZTA 2020-08: A public hearing regarding the removal of “Conference Center” as a conditional use within the FV-3 Zone. *Staff Presenter – Scott Perkes***
This item has been postponed until the next meeting.

Work Session

WS1: CUP File 2020-15 – A discussion for a Conference/education center called Harvest Moon Ranch. *Staff Presenter Felix Lleverino*

This item has been postponed until the next meeting.

WS2: Eden Small Area Plan Discussion and Map Review: *Staff presenter Charlie Ewert*

This item has been postponed until the next meeting.

No comments from Legal, Planning Director or Planning Commissioners.

Meeting Adjourned.

Adjourn

Respectfully Submitted,
June Nelson
Lead Office Specialist

November 17, 2020 Minutes

Minutes for Ogden Valley Planning Commission meeting of November 17, 2020, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm.

Members Present: John Lewis, Chair; Shanna Francis, Vice Chair, John Howell, Chris Hogge, Jeffry R. Burton, Ron Lackey,
Excused: Steve Waldrip

Pledge of Allegiance

Staff Present: Rick Grover, Director; Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson Attorney; Marta Borchert, Secretary

1. ZTA 2020-05: Discuss and potentially take action on potential scenarios to amend 108-7-25 of the Weber County Code regarding short-term rentals. Staff Presenter- Scott Perkes

Planner Perkes has updated the documents on Frontier since the last meeting.

During the commission’s 10/27/2020 public hearing of the short-term rental regulation scenarios and draft ordinance, the Commission requested that staff develop a clarified regulation scenario to be known as the “Proof of Concept Scenario”. The enclosed ordinance (see **Attachment “A”**) has added this scenario and clarified its differences with the “Business as Usual Scenario” that was reviewed during the meeting. Please see Page 1 of the updated ordinance to read through the 5 clarified scenarios, including the requested “Proof of Concept” Scenario.

Proposed Edits to the Draft Ordinance

Following the 10/27/2020 public hearing, staff has followed-up on various commission and public comments in the form of modifications to the draft ordinance language. These modifications are shown in the ordinance with redlined edits. These edits include the following:

1. Under the Prohibitions section, item (c) *Private Covenants* has been rewritten with proposed language from Clark Duellman, who is a member of the public and an attorney specializing in HOA law. Please see Attachment “B” below for an explanation of the proposed language revision.
2. Mr. Clark Duellman has also provided some proposed language for item (2)f. under the *Licensing Procedure* section. This language has been proposed to better match the language being updated in item (c) *Private Covenants* and to better explain the required documentation required for applicants to submit to staff at the time of licensure to verify STRs are allowed based on their neighborhood and any potential covenants that may be associated. Again, see Attachment “B” for Mr. Duellman’s explanation for this proposed language.
3. Lastly, under the occupancy section, subsection (2) has been updated to clarify multi-contract STR use within lock-off units that may be associated with approved developments within the DRR-1 zone or approved PRUD developments.

Western Weber Planning Commission Action 11/10/2020

The Western Weber Planning Commission held a public hearing to discuss the five potential regulation scenarios and associated draft ordinance during their 11/10/2020 meeting. Following public comment, the commission moved to table the item to allow the Ogden Valley Planning Commission to review the requested “Proof of Concept” scenario prior to th

em making a formal recommendation to the County Commission.

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28 **Proof of Concept Scenario:**

29 The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days is
 30 considered a short-term rental. Short-term rentals are allowed only when listed as either a permitted or
 31 conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).

Commented [PS2]: This language is unchanged from the existing Sec. 108-7-25 "Nightly Rentals"

- 32 • This language is unchanged from existing regulation found in Sec. 108-7-25 "Nightly Rentals"
- 33 • 3rd Party Enforcement is **utilized** to augment county enforcement efforts
- This scenario would be subject to the requirements and operational standards of this chapter.

20 **Business as Usual Scenario:**

21 The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days is
 22 considered a short-term rental. Short-term rentals are allowed only when listed as either a permitted or
 23 conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).

Commented [PS1]: This language is unchanged from the existing Sec. 108-7-25 "Nightly Rentals"

- 24 • This language is unchanged from existing regulation found in Sec. 108-7-25 "Nightly Rentals"
- 25 • 3rd Party Enforcement is **NOT utilized** to augment county enforcement efforts
- This scenario would **NOT be Subject** to the requirements and standards of this chapter

36 **Closed Scenario:**

37 The county will continue to allow STR licenses to be issued in the DRR-1 zone going forward. Except for existing
 38 owners with a valid conditional use permit and business license, STRs will no longer be allowed as a conditional
 39 use in the FR-3 zone. Owners within existing PRUD developments (with approved STR use) will be allowed to
 40 obtain an STR license, or continue renting if already licensed. New PRUD developments will no longer be
 41 approved with the STR use.

- 42 • 3rd Party Enforcement is **NOT utilized** to augment county enforcement efforts
- 43 • This scenario would **NOT be Subject** to the requirements and standards of this chapter.

1 **Open Scenario:**

2 Any residential property within the unincorporated Weber County may obtain a short-term rental license to rent
 3 a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days.

- 4 • 3rd Party Enforcement is **utilized** to augment county enforcement efforts
- 5 • This scenario would be subject to the requirements and operational
 standards of this chapter. 10

6 **Open/Limited Scenario:**

11 With exception to properties in the FR-1 zone, any residential property within the unincorporated Weber County
 12 may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time
 13 period of less than 30 days subject to the requirements and standards of this chapter.

- 14 • This scenario also employs a geographic separation requirement that would prevent STR properties
 15 from being located adjacent to, or within a specified distance of another STR property.
- 16 • 3rd Party Enforcement is **utilized** to augment county enforcement efforts
- 17 • This scenario would be subject to the requirements and operational standards of this chapter.

- A. Open
- B. Open & Limited
- C. Business as Usual
- D. Proof of Concept (OVPC Preference)
- E. Closed

Chair Lewis suggested that we should only consider Proof of Concept and Open Limited Scenario. Commissioner Francis would like to add on the Closed Scenario. Commissioner Lackey says that the only option that he thinks will work is the Proof of Concept. Commissioner Burton would also like to try the Proof of Concept. Commissioner Hogge states that we need to get a handle on this and keep our minds open. I would lean for the Proof of Concept.

Chair Lewis calls for a motion. Commissioner Burton: I move that we recommend to the County Commission Option D- Proof of Concept be our initial recommendation for how we move forward for Short Term Rental problem or issue in the Valley. We adopt number D – Proof of Concept. Motion Seconded by Commissioner Hogge.

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Commissioner Francis would like to modify the terms to limit or put a cap on growth. Other Commissioners said that they would rather not do that, but try option D as stated. Commissioner Howell said that this can be brought up at another time.

Vote: 5 for- Commissioner Francis voted against. Motion passed 5-0.

2.ZTA 2020-08: Public hearing to discuss, take comment, and potentially take action on a county-initiated proposal to amend various zones to remove the use of conference center from zones that are primarily residential in nature, and provide additional clarifying language as may be necessary. This amendment may affect the following zones: DRR-1, F-5, F-10, F-40, CVR-1, FR-1, FV-3, FR-3. Staff Presenter – Scott Perkes

The County Commission has request consideration of amended language to the zoning ordinances for the F-5, F- 10, F-40, CVR-1, FR-1, FV-3, FR-3, & DRR-1 zones to potentially remove the use of “Conference Center” from zones that are primarily residential in nature.

Staff’s analysis of the zones in which a conference center is either a conditional or permitted use (listed above) has found that both the FR-1 and FV-3 zones are primarily intended for residential uses and may not be appropriate for a conference center use. Additionally, the FR-1 zone is entirely contained to Ogden Canyon where the majority of properties are constrained by narrow rights-of-way and other unique topographical characteristics that are not entirely hospitable to a conference center use.

Commissioner Burton asked about Agri-tourism. Planner Perkes said that the county recommends that we just use the education component for Agri-tourism.

Open Public Hearing: All voted yes. 6-0

No public Comment

Vote to close public hearing: All voted yes 6-0

Chair Lewis called for a vote: Commissioner Howell motioned: I motion to recommend to amend approval to the County Commission File Number ZTA 2020-08. That Zones F-5, F-10, F-40, CVR-1, CR-3, DDR-1 may be appropriate for conference center use with a Conditional Use Permit and the zones F-1 and FV-3 are primarily intended for residential development with low density and are not appropriate for any conference center type development and FR-1 and FV-3 will be removed as a Conditional Use in these zones. This motion is based on the Staff Report.

Commissioner Hogge seconded the motion. All voted in favor 6-0

3. ZTA2019-6: A public hearing for, consideration of, and possible action on a county-initiated proposal to amend Section 101-2, 104-20, 104-21, 104-22, and 104-23 to provide building design standards for indoor storage units in commercial areas, to add the use in manufacturing zones, clarify where the use can occur, and clarify that outdoor storage is not permissible in these zones unless otherwise specifically allowed by the use. Staff Presenter – Charlie Ewert

The use of storage units has been a recent topic for debate for both the Planning Commissions and the County Commission. If not held to higher standards, storage unit facilities tend to present poorly due, in part, to the absentee owner phenomenon. However, storage units are needed and will continue to be needed as the communities continue to grow. If they can designed into the community in a manner the draws the least attention and generates the least impact, their usefulness can be enjoyed without their effects become a detriment to the community.

The attached ordinance is designed to require new storage unit proposals in the C and CV zones to be designed in a manner that they hide in plain sight. It will require street-facing storefronts/commercial spaces to be placed in front of a storage unit facility.

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The proposal also addresses a number of clerical edits, and brings the C zones into alignment with the recent village-oriented ordinance modifications recently passed for the CV zones.

Vote to open Public Hearing: All vote yes 6-0.

No Public input

Vote to close Public Hearing: All vote yes 6-0.

Motion: Commissioner Francis motions to recommend for approval ZTA 2019-06 in consideration of the staff recommendations and policy analyses that staff provided. Motion seconded by Commissioner Hogge. All voted in favor 6-0.

4. ZTA2020-07: A public hearing for, consideration of, and possible action on a county-initiated proposal to amend Section 108-7-6 to limit the height of weeds and turf grasses. Staff Presenter – Charlie Ewert

The County Commission has request consideration of amended language to the weed ordinance to regulate the height of weeds and non-ornamental turf grasses. The attached proposal is intended to satisfy this concern. Staff is recommending approval.

In 2019, the County adopted an administrative code enforcement ordinance that enabled a more efficient method of enforcement of the land use code. Part of that new ordinance included provisions for weeds and unkempt yards (§ 108-7-6 of the Weber County Code). The ordinance did not specify a height limit at which the County would consider weeds or grasses “unkempt,” but rather left this to interpretive measures. The proposed ordinance specifies the height, thereby removing the interpretive guess-work when enforcing against violators.

Planner Ewert states that there is an allowance for having a “natural” environment. We are trying to target is those areas that are detrimental to the community or the neighborhood because of how unkempt or un-natural the area is.

Vote to open Public Hearing: All vote yes 6-0.

Miranda Menzee: I live where there is curb and gutter. We have catch basins that are completely blocked because the County has not done the maintenance.

Vote to close Public Hearing: All vote yes 6-0.

Chair Lewis calls for a motion: Commissioner Francis motions that we recommend to the County Commissioners that approval of ZTA 2020-07 as recommended by staff and with the addition that they look at the verbiage regarding native grasses and vegetation and also to add the wording on turf grasses verses ornamental grasses. Amendment: That it also includes staff recommendations and recommendations from Western Weber Planning Commission that it only apply to areas that have curb and gutter or have a deferral for curb and gutter. Seconded by Commissioner Burton. All voted in favor 6-0.

Work Session Items

WS2: Eden Small Area Plan Discussion and Map Review: Staff presenter Charlie Ewert

Adjourn

Respectfully Submitted,
June Nelson
 Lead Office Specialist