

Minutes of the Work Session of the Ogden Valley Planning Commission for June 6, 2023. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/81600295821>, the time of the meeting, commencing at 5:00 p.m.

**Ogden Valley Planning Commissioners Present:** Trevor Shuman, Chair, Jeff Barber, Jeff Burton, and Jared Montgomery.  
**Absent/Excused:** Commissioners Dayson Johnson, Justin Torman, and Janet Wampler.

**Staff Present:** Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist; Iris Hennon, Code Enforcement.

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

Chair Shuman conducted roll call and indicated Commissioners Johnson, Torman, and Wampler have been excused from the meeting.

**WS1 Update on Short Term Rental ordinance data gathering and enforcement. Presenters: Bill Cobabe and Iris Hennon.**  
**NOTE: *There will be a representative from Granicus available to help field questions, and public comment/questions will be allowed.***

Planner Bill Cobabe used the aid of a PowerPoint presentation to discuss short term rentals (STRs) in the Ogden Valley; he reviewed the timeline for the County's consideration of STRs, starting in 2020 with discussion of amending the County's 'nightly rentals' ordinance, ongoing research through 2021, public hearings in 2022, and adoption of new STR ordinances in December of 2022. The ordinance revisions included additional provisions intended to mitigate the impact an STR can have on a neighborhood:

- Parking requirements.
- Noise and nuisance.
- Nights required per rental period.
- Maximum occupancy.
- Responsible agent required.
- Licensure.
- Penalties and enforcement.

In January of 2023, the County contracted with Granicus as a third-party enforcement agency; they began gathering data regarding the number of STRs being offered for rent in the County through various rental websites; there are currently 515 STR rental units identified in the County, including eight additional new units in the last 30 days. This number represents approximately 84.7 percent of listings in the County.

Chair Shuman inquired as to where the other 15 percent of rental units are and how the County knows there are more. Mr. Cobabe stated that will be explained in greater detail as the meeting goes on.

Mr. Cobabe then discussed the enforcement actions that have taken place thus far for the STRs that the County has been made aware of. The County has determined that 116 properties are compliant STRs and 308 are non-compliant. There are also a number of units for which the compliance status is not determined, and Granicus is still working to determine their status. Those are the additional 15 percent of the total number of units for which compliance or noncompliance has been determined. He then presented several pie charts illustrating compliance status for the number of units they have found and the characteristics of the units, i.e., number of bathrooms, number/types of rooms, and the property type. He noted that to date, the County has sent 121 letters (letters were sent in February and May), notifying people of the new ordinance and potential violations on the property. Of these, 35 have been for STRs that are not in areas that allow and 12 of these have come into compliance, while the remaining 23 have yet to come into compliance. The rest of the letters (86 letters) were sent to those STRs who are in areas that do allow for STRs, but for which no license could be found. Since these letters have been sent out, 23 STRs in these areas have come into compliance, while the remaining 63 are currently working to come into compliance. The County's Code Enforcement team is aware of all of this and is working with property owners to come into compliance.

Chair Shuman stated that the Commission has received several applications for conditional use permits in the past regarding STRs; however, since the ordinance was adopted, the Commission has not heard any such applications and he asked how the determination was made that some were compliant when the Commission has not heard them. Principal Planner Ewert stated that the new ordinance changed STRs from conditional to permitted uses in certain areas; if an applicant can prove they meet the regulations to be a permitted use, it is not necessary for such an application to come before the Planning Commission.

Mr. Cobabe then played a video from Granicus illustrating their research process and the findings of their research. The video was largely inaudible and as an alternative, Mr. Cobabe summarized the content of the video and engaged in discussion with the Commission regarding certain listing details for various properties and whether there is a major offender in the County.

Chair Shuman stated he is still unsure on where the other 15 percent of the listings are. Mr. Ewert stated that of the total number of STR properties that have been discovered through this process, Granicus is confident that 85 percent of the listings are accurate and can be identified. The other 15 percent either have not been developed or are not currently being operated as an STR. Commissioner Burton noted that there may be another type of STR, which is those that are only advertised through word of mouth and cannot be found on an type of listing website. Code Enforcement Officer Hennon agreed and stated that in those cases, she is relying upon public reporting, and she will still pursue enforcement action when she is made aware of a non-compliant STR.

Ms. Hennon then used the aid of a PowerPoint presentation to summarize the County's STR licensing process; she requires all applicants to sign a statement indicating they have read through the County's ordinance section 108-11, which includes regulations for STRs. Applicants must indicate if they have made any modifications to their home to accommodate an STR and, if so, if they obtained a building permit for the modifications. Additional requirements include:

- Proof of occupancy permit.
- Site plan.
- Parking plan or designated parking spot on a driveway.
- Trash disposal and collection plan.
- Detailed floor plan.
- Fencing of the property.
- Will serve letter for culinary and sanitary sewer services specifically approving a STR use.
- Will serve letter from the local health department if the unit is on septic.
- Submission of a building permit and associated land use permit unless no building modifications are required in order to attain compliance with building codes.
- Outside lighting plan
- Contact name of the individual or management company for the property and assurance they can respond to the site within an hour.
- If property is being managed by a management company, signed acknowledgement by the owner and agent that they have read the STR ordinance and that they understand licensing, operational standards, violation, and revocation provisions.
- If the unit is in a homeowner's association (HOA) managed development, confirmation that STRs are allowed.
- Application fee.
- Entity number for the person managing the STR.
- Complete application.

She then summarized the operating standards for an STR contained in Section 108-11-8 of the Weber County Land Use Code (LUC). She summarized the notification process she employs when taking enforcement action against a property for which she has received a complaint or when a non-compliant unit has been discovered. The County is committed to resolving all unlicensed violations; owners of these units are given one warning and each violation thereafter is subject to escalating administrative penalties based upon the property's average nightly rate. She concluded by summarizing violations that would warrant revocation of an STRs operating license.

High level discussion among the Commission and Planning staff centered on the types of complaints the County has received regarding STRs in the Valley and State legislation pertaining to sales taxes to be paid by STRs.

Jan Fullmer stated she is pleased to see that Fox News is attending this meeting via Zoom and that some attention is being paid to STRs in the Ogden Valley. She stated that by far, the majority of the total number of STRs in Weber County are located in the Ogden Valley. She thanked Ms. Hennon for doing the difficult job of enforcement and noted that she and many other residents in the Valley will continue to collect data regarding illegal STRs to assist her in doing her job. She noted that a few concentrated areas of STRs include Moose Hollow, The Cascades, and Wolf Lodge; these are condos in which STRs are allowed and the management companies of those developments have informed their property owners of the County's requirements for receiving an STR license. She presented an article published recently in the Standard-Examiner, it was written by a realtor who provides ten adverse effects of STRs in neighborhoods, communities, and towns. These 10 adverse effects have been reported by residents to Mr. Cobabe as evidence of the fact that STRs can devastate a community. She concluded by asking a question; on April 19, 2021, the Weber County Commission held a work session and Commissioner Froerer indicated that there was misinformation indicating that the Commission wanted to expand STRs. Commissioner Froerer was very adamant that the purpose of a STR ordinance was to provide enforcement opportunities, but he did not say 'not expanding STRs in the current zones'. She asked if Weber County Planning Division is continuing to consider allowing STRs when new developers submit their development plans.

Mr. Ewert stated that he is not sure if the County Commission is going to consider expanding the STR use into other areas, but he does know that one of their intentions was to not allow STRs in the zones in which they are currently not allowed. For zones that STRs were already allowed in, that is not being changed. There are many different discussions taking place regarding ongoing development in the Valley and he is unsure what the final outcome will be relative to the areas in which STRs will be allowed. Chair Shuman noted that those decisions should only be made following a public process relating to a zone change. Mr. Ewert stated that is correct.

Douglas Dixon stated he is from Liberty, and he is interested in making sure that he preserves his property usage rights; he has watched the Valley be taken over by people have moved here from other places and want to recreate in his backyard the environment from which they moved. He stated that developers have said the Valley is a 'gold mine' and that property owners here do not even know what they have. He lived through the time when statements were made about limiting growth in the Valley to keep residents happy, which included creating three-acre zones, but this resulted in property owners losing the value of their development rights. He likened the current time to the 1940s in Nazi Germany; he feels the current proceedings have the same atmosphere as a congressional hearing where it is all about taxes and money and not about people. He will be in violation of the County's ordinance when he invites his family to stay at his home on the 4<sup>th</sup> of July; there will be more than 10 people staying there. He will continue to work with planners and staff, and he will be vigilant from an insider's standpoint as those coming into the Valley are as vigilant to make sure that people like him are squashed and made an example of.

Mike Ulrich stated he also owns a property in Eden, and he comes from a family with seven children who all love to gather at their property in Eden to recreate and enjoy one another. He has experienced the same thing as Mr. Dixon; people are harassing his family for using their property over a holiday weekend. He stated that his family was at their property over the Thanksgiving holiday and there was a group of people there spying on them and gathering information about the number of people that were staying there. His disabled nephew received a written note on his car saying, 'you are not welcome here, this is illegal', signed 'your neighbors'. He stated that these groups are sneaking around and essentially harassing his family and others in the same situation he finds himself in. He has also called the Police to report this behavior. He noted that when he is not at the home, he rents it out. He is a licensed real estate agent and can speak to the fact that licensed STRs increase the value of a property and benefit the community. He discussed housing discrimination under the Fair Housing Act; a violation he has experienced relates to being told how he can use his property that he purchased. If he wants to have 30 family members at his property, it is his right to do so. He bought his property, and he pays taxes, which have tripled since he bought it. He also pays additional taxes for the STR, which benefits the government and businesses around it. He stated that he feels it is ridiculous that the County and some residents want to tell him how to use his property, which is not located in an HOA community, and which is located on over a half-acre parcel.

Katie Foreman stated she is from Huntsville and she and her husband are current full-time Valley residents; they are small business owners and very active in the local economy and they consider themselves very lucky to own and live in their home, which also has an adorable detached guest house that they have been renovating in order to rent it to travelers. They were apprehensive about opening their home and property to strangers, but after many rentals, they can report they have never had a bad experience and have been surprised by the amount of respect, friendliness and appreciation they have received from their guests. When they started renting their property, they were unaware it was illegal; they have informed their neighbors of what they were doing and

have not had any complaints form any of them and have actually heard that they were surprised that the property was being used as an STR. Using their home as an STR has changed their life for the better and helped to relieve some financial burdens. It has also motivated them to make many big improvements to their property and their home, which has had a positive impact on the community at large. They are not the only owner-occupant hosts who have had amazingly positive experiences with Air B&B; they were shocked to hear the myriad of complaints from the community, but where not shocked to hear the bulk of these complaints are related to absentee homeowners who rent out second or third vacation home with little to no oversight or direct guest interaction. Those that have chosen to stay in their home while they are renting it are not those that are accumulating complaints and disrupting the neighborhood. There must be a solution to mitigating the complaints relating to absentee hosts while still allowing full-time owner-occupied hosts to continue to rent out their own properties. The Ogden Valley is growing and there is no stopping that; anyone who lives in the Valley can agree they do not want to see more land developed or for more multi-story condos/hotels to be built. By operating a STR from their home, they are filling a need without altering the landscape or rural integrity of the Valley. They are providing the opportunity for people to experience the beauty of the place they love so much through the homes of its actual community members. By doing this, they are sharing the culture, mentality and lifestyle with those that travel through, rather than creating a division between locals and tourists. This will hopefully instill a greater sense of connectedness and responsibility to respect the landscape and those travelling through. She concluded that here property is not in an area where STRs are allowed, but they want to do everything to bring their property into compliance as they have poured their heart, soul, time, and money into it and it would be devastating both financially and emotionally to no longer be able to do it.

Robin Jones stated she lives in the Ogden Canyon, and she agrees that word of mouth rentals are a very real thing and likely more common than anyone would think. She added that one of the contributing factors to this problem are the realtors that market homes for sale and falsely advertise that they can be used as STRs even they know that is not the case. She suggested that the County discuss this issue with the Board of Realtors since this is an ongoing problem. She added that she has worked closely with Ms. Hennon on enforcement against a property in her neighborhood that was used illegally as an STR for over two years. When the County first started discussing STRs, one of the suggestions from the County Commission was to hit bad actors in the pocketbook. She initially agreed with that, but after learning that an individual in her neighborhood amassed a \$17,000 fine that was never collected and was eventually forgiven, she does not believe that the penalty provisions are effective. She asked how the County plans to collect fines assessed on illegal STRs.

Mike Erickson stated he has lived in Eden for 15 years; he referenced the data that was listed in the presentations provided by County staff and noted that the conclusion he drew was that of the 308 non-compliant STRs, the County has only been able to get 32 to become compliant. He asked if that means that the other 270 are still operating and collecting their rental rates. If the County is going to come to any sort of solution, he wondered what will be done to ensure enforcement can take place. The inability to enforce is crippling. He suggested a few mechanisms for achieving compliance and thanked all those who have participated in the discussion of this issue. For those that choose a place to live, knowing who their neighbors are is integral to their comfort levels. He cannot feel comfortable in his home if he does not know who is staying next to him. For this reason, STRs are very impactful to their neighborhoods.

Gary Fullmer referenced the comments about people moving to the Valley and bringing with them the things they enjoyed in their former community. However, the alternative may be true for many people who are moving to the Valley to escape their former communities. The County should consider some of the other communities that are facing similar problems; he visited Moab last week and learned that there are no longer permanent Moab residents living there as they have all chosen to move elsewhere to escape tourism. That is not what the County should want for the Ogden Valley; however, some outsiders that have moved to the Valley bring with them valuable points of view. He added that some people have chosen to move to the Valley and use their property for a STR with a claim of ignorance that they did not know that the use was prohibited; those people should have been responsible to research the rights associate with their properties before they moved to them.

Gregory Freidman stated he is a homeowner in Trappers Ridge, and he is happy to hear the diversity of opinion being expressed tonight because he felt that was lacking last year when the County adopted the STR ordinance. He referenced the requirements to obtain a license as summarized by Ms. Hennon and stated that one that was interesting to him was a requirement for a fire suppression system. There is mention of appropriate fire safety measures as approved by the Fire Marshal, but there is no requirement for houses with over 10 people to have an actual sprinkler system. He asked if the County Commission is still evaluating licensure requirements to make sure there is no overreach or if those decisions are being left to the enforcement arm of the County. He also asked if occupancy requirements will be readdressed by the County.

Steve Emery stated he has lived in Eden for 25 years and he shares the concerns that have been raised regarding the County's ability to enforce nuisance and STR ordinances; he relayed a story about a complaint of a nuisance that was reported to the County's code enforcement division and action was never taken by staff after six months of communication back and forth. He stated that the County can adopt the most solid ordinances possible, but 'the rubber hits the road' when it comes to enforcement. The County needs enforcement teams, not just a few enforcement officers.

Kay Hogeland stated she has been following this issue in the Valley and has also studied what is occurring in other parts of Utah and she is also familiar with the Utah Legislature's consideration of legislation regarding this issue. She noted Weber County has a gift that few other counties do have in terms of regulating STRs, which is a wise and provident zoning code that was adopted prior to 2000. There are zones where STRs have been allowed for many years and other zones where they have been prohibited for many years. He views this effort as a reinforcement of previous zoning decisions that show good land use planning and protection for neighborhoods. He applauded the developers of the regulations for trying to see how to improve the plan and handle enforcement of it. She stated there are two cases she would like to address; she does feel that Mr. Dixon should be granted a homesteader's exemption to continue to use his property as he chooses. He is a long-term, responsible owner and there may be some way to grant him permission to operate a limited STR to recoup some money to pay for his escalated costs. She would also recommend some consideration for the Foremans to continue to operate their STR due to the fact that they occupy the primary dwelling on the property. Otherwise, investors see the Ogden Valley as a 'pot of gold' in terms of operating vacation properties and those activities should be controlled and prevented from occurring in traditional residential neighborhoods.

Ms. Fullmer re-approached and echoed Ms. Hogeland's recommendations. She added that there are reasons that land use codes have been used to define certain zones and those should not be ignored in order to allow developers to consume property and convert it to a STR use. She addressed the comments made by Mr. Ulrich and noted she is one of the individuals who has approached renters of illegally operated STRs; she has approached new people staying at properties and asked them if they are the new owners or long-term renters and was told that they were just renting the property for the weekend. This is with the knowledge that STRs are not allowed in those neighborhoods. People have found very creative ways to get around the County's laws and this is destroying the community.

Mr. Ulrich re-approached and noted that he installed several cameras around his property and has several items of documentation for people coming onto his property, even in the backyard, and are violating trespass laws. He has collected license plates and other vehicle information and he will use this information to seek other means for addressing these violations of his property rights.

Commissioner Barber asked Ms. Hennon if there is any limit on the number of related family members that can stay on a property for a gathering. Ms. Hennon answered no and stated that she has not taken enforcement action for those types of situations. She added that Granicus will be assisting the County in collecting fines that are assessed for the illegal operation of an STR. Commissioner Barber asked if there are objectives for achieving a certain level of compliance for the illegal STRs that have been found. Ms. Hennon stated that education of the rules and regulations is key; there will always be people who do not realize if they are using their property in a way that violates a land use code. She stated that she does not believe that 100 percent compliance is possible, but it is her goal to achieve 95 percent compliance. She also addressed Mr. Emery's comments and noted that the County is working to create a team that can handle code enforcement; STR licenses that are issued will indicate any fire suppression requirements and the total number of people that can stay at the unit at a given time. Commissioner Barber asked if it is correct that if someone occupies their property, they can obtain a permit to rent an accessory structure on their property. Ms. Hennon stated that is permitted in certain zones, but not all zones in the Valley; a conditional use permit (CUP) and business license can be obtained for a 'bed and breakfast' use. Commissioner Burton asked if there are zones where a 'bed and breakfast' may be allowed, but a STR is not allowed. Ms. Hennon answered yes.

Continued high level discussion among the Commission and staff centered on the amount of time that Granicus has been working on this project, plans for ongoing enforcement action, resident response to illegal STRs that could be defined as 'vigilante' behavior and the ability of the County to take action against someone who may be weaponizing the County's ordinance to harass another property owner, mechanisms and tools that residents can use to make a compliant about an illegal STR.

Chair Shuman concluded by noting that the Ogden Valley Planning Commission has been discussing the need to revisit the Ogden Valley General Plan to perform updates; the public is encouraged to consider whether an update is needed and, if so, to contact the County Commission to express the desire to proceed with that update.

**Meeting Adjourned: The meeting adjourned at 6:43 p.m.  
Respectfully Submitted,**

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**Weber County Planning Commission**