

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

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

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

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

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 • 3<sup>rd</sup> 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 • 3<sup>rd</sup> 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 • 3<sup>rd</sup> 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

APPROVED 12-6-2022