



NOTICE AND AGENDA
SOUTH OGDEN CITY PLANNING COMMISSION MEETING
Thursday, January 9, 2025

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting on Thursday, January 9, 2025, beginning at 6:15 p.m. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; anyone interested is welcome to attend. Some members of the commission may be attending the meeting electronically. The meeting will also be streamed live over www.youtube.com/@southogdencity and www.facebook.com/southogdencity

A briefing session will be held at 5:30 pm in the conference room and is open to the public.

I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES – Vice Chair Robert Bruderer

II. ZONING ITEMS

- A. Discussion on Proposed Short-Term Rental Ordinance
- B. Discussion on Accessory Building Requirements

III. SPECIAL ITEMS

Open and Public Meetings Training Questions

IV. APPROVAL OF MINUTES OF PREVIOUS MEETING

Approval of December 12, 2024, Planning Commission Minutes

V. STAFF REPORTS

City Council Updates

VI. OTHER BUSINESS

VII. PUBLIC COMMENTS

VIII. ADJOURN

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted to the State of Utah Public Notice Website, on the City's website (southogdencity.gov) and emailed to the Standard Examiner on January 3, 2025. Copies were also delivered to each member of the Planning Commission.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

STAFF REPORT



SUBJECT: Code Change Discussion - Short-Term Rentals
AUTHOR: Alika Murphy
DEPARTMENT: Planning Administration
DATE: January 9, 2025

BACKGROUND

On the October 10, 2024, agenda, there was an item where Staff was proposing to add in the definition of short-term rental (STR) to Section 3-11-0 to explain how the city defines an STR and to be clear that they are not allowed in the city. This addition was based on previous discussions that previous planning staff has had with the commission about the allowance of STRs. At the October 10th meeting, there was interest from the commission to explore the conversation of STRs further since most of the current commission is new. It was discussed again on November 14, 2024, and ultimately the commission agreed that before moving forward, it would be best to hear from City Council to see if this ordinance is something that they would be willing to support. The discussion of STRs was brought up to the council on December 3, 2024 and the result was that they were open to considering a Short-Term Rental ordinance.

ANALYSIS

A short-term rental is a living space available to rent for short periods of time. Typically, they have been treated as a hotel adjacent rental where people stay for a couple days to a few weeks. Anything less than 30 days is considered a short-term rental. Utah defines it a short-term rental as a residential unit or any portion of a residential unit that the owner or record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.

Short-term rentals (STRs) have been a topic of discussion in the past and current planning staff is always open to having the STR discussion again. Leading up to that decision, there was a lot of back and forth for Planning Commission and City Council. Part of the last STR conversation was a survey that had about 400 responses and it was basically a 50/50 split of residents with 192 residents being for them and 197 residents against them. Planning Commission voted (5-1) to recommend that short-term rentals be allowed and regulated. The last discussion that City Council had was in March of 2023 and it was decided to still not allow STRs in the city. Since then, there have been phone calls asking about short-term rentals and new staff is open to having the STRs.

As mentioned, one of the items in the last planning commission meeting was adding language in the code that explicitly says that STRs are not allowed in the city. The Accessory Dwelling Unit section is the only one that has a line prohibiting short-term rentals within an ADU, but there has not been any other section that specifically states that STRs are not allowed. The code does say under 10-14-2 “Any use not expressly permitted, or listed as a conditional use, is prohibited” and under 10-1-3 D it states “If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a zone that is either permitted or requires a conditional use permit, the use is not permitted and may only be approved through an amendment of this title”. These two sections do cover the non-permitted use of STRs, but before adding further language prohibiting short-term rentals, it is worth having the conversation again about whether or not to have an ordinance that could allow them with restrictions.

As far as Utah legislation is concerned, there is one section of code that talks about STRs (17-50-338). This state code states that a legislative body may not do the following:

1. Enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or
2. Use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.

The section above does not apply to an individual who lists or offers an internal accessory dwelling unit as a short-term rental on a short-term rental website if the county records a notice for the internal accessory dwelling unit under Subsection 17-27a-526(6).

Some cities have adopted ordinances allowing short-term rentals, but there are still cities that have decided not to allow them. Surrounding that do have an ordinance include Ogden, North Ogden, and West Haven. Below are some of the main requirements for STRs.

Ogden:

- Allowed in R-1 zone, owner-occupied
- R-2, R-2EC, R-3, R-3EC, R-4, R-5, and R-9 zones limit one per block if they are not owner-occupied
- Must pass a building and fire inspection
- Contact information must be sent to all neighbors within 300 feet and proof of letters but be submitted to city
- STR license must be renewed annually
- 2 people per sleeping room
- No visitors
- There must be off-street parking offered to renters otherwise there is a fine

North Ogden:

- Only within owner-occupied structures or those managed by the owner
- Allowed within ADUs
- 1 parking space per bedroom
- Provide contact information to city (must be reached 24/7)
- STR business license required
- Fire inspection annually
- Max of 12 persons
- Violation is \$500 fine

West Haven

- Owner-occupied
- Must show proof of residence which includes driver's license, deed, and a notary note must be turned in
- Site plan, floor plan, parking plan, and contact information must be turned in
- Land Use Permit and business license is required
- Fire code inspection
- Property description
- Limit of 182 nights that can be rented
- Must provide an information packet for renter that includes emergency contact, business license, owner contact information, noise ordinance, etc.

The first step is to agree on a list of goals that the new short-term regulation should accomplish.

- Ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents
- Possibly encourage some additional tourism in certain areas to drive more business to downtown stores and restaurants. This is possibly something that we may be more concerned when our city center is established.
- Ensure any regulation of short-term rentals does not negatively affect property values
- Ensure that homes are not turned into pseudo hotels or “party houses”
- Give permanent residents the option to occasionally utilize their properties to generate extra income from short-term rentals as long as all of the above mentioned policy objectives are met
- Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work
- Give citizens the option to utilize their properties to generate extra income from short term rentals to help them financially as long as all city ordinances are followed

Make sure the ordinance is enforceable!!

- warnings and violations set in place
- don't just rely on self-reporting for the neighborhood
- don't make it too complicated that residents cannot follow
- don't make the registration process too difficult that it could deter residents from wanting to comply
- We have to be able to track our own data (excel or any other STR software)

Policy Objective	Viable Regulatory Approaches	Unviable Regulatory Approaches
Give our citizens the option to utilize their homes as short term rentals	Adopt a formal annual permitting requirement and a process for revoking permits from “trouble properties”. We can have a “3 strikes rule” whereby a permit is automatically revoked for a number of years in the event the local government receives 3 (substantiated) complaints about a property within a certain time frame (i.e. a 24 month period). Alternatively, a local government can adopt a rule by which a permit is automatically revoked in the event the town receives conclusive evidence (police report, video evidence etc.) that a city ordinance has been violated.	Failing to clearly specify what rules law abiding and respectful shortterm landlords and their renters must comply with. Adopting regulation that does not clearly define the criteria and process for revoking a short-term rental permit.
Ensure homes are not bought out to be short-term rentals thereby affecting affordable housing stock while still giving permanent residents the option to utilize their homes to generate extra income from short-term rentals.	Require the permit holder to verify residency on an annual basis by submitting verification that the residence is their primary residence.	Adopting a permitting process that does not formally require the permit holders to verify that they are permanent residents of the permitted property

<p>We do not want a house turned into “party house”.</p>	<p>Adopt a formal permit requirement and put in place a specific limit on the number of people that are allowed to stay on the property at any given time. The “people limit” can be the same for all permitted properties (i.e. a max of 10 people) or be correlated with the number of bedrooms.</p>	<p>Adopting any regulation that does not clearly define what types of uses are disallowed will be ineffective and likely result in misinterpretation and/or abuse.</p>
<p>Clearly address parking for short-term rental properties.</p>	<p>Have a requirement of a specific limit on the number of motor vehicles that short-term renters are allowed to park on the property. The “motor vehicle limit” can be the same for all permitted properties (i.e. a max of 2) or be dependent on the number of permanent parking spots available on the property.</p>	<p>Adopting any regulation that does not clearly define a specific limit on the number of motor vehicles that short-term renters are allowed to park on/near the property.</p>
<p>Minimize public safety risks and possible noise and trash problems without creating additional work for the local police department and code enforcement personnel.</p>	<p>Require that all short term rental contracts include a copy of the local sound/trash/ parking ordinances and what is expected of the renter.</p>	<p>Adopting any regulation and enforcement processes that do not explicitly specify how non-emergency problems should be reported and addressed.</p>
<p>Minimize potential problems for the neighbors of short-term rental properties.</p>	<p>Require that short-term rental permit holders list a “local contact” that can be reached 24/7 and immediately take corrective action in the event any nonemergency issues are reported.</p> <p>The city can also consider establishing a 24/7 hotline to allow neighbors and other citizens to easily report non emergency</p>	<p>Not having any sort of 24/7 contact can cause issues within a neighborhood and increase distrust</p>

	issues without involving local law/code enforcement officers.	
Ensure that residential neighborhoods are not fully turned into tourist areas.	Adopt a formal permit requirement and set specific number of short-term rental permits allowed in any given neighborhood, and/or adopt the “permanent residency requirement” for short-term rental permit holders.	Adopting a complete ban on short-term rentals will not stop residents from trying to run STRs. Even with a community compliance official, there is no way that all illegal STRs would be detected.
Ensure any regulation of short-term rentals does not negatively affect property values or create other unexpected negative impact on neighbors.	Adopt regulation that automatically expires after a certain amount of time (i.e. 2-5 years) to ensure that the rules and processes that are adopted now are reviewed again by future staff, commission and council.	Adopt regulation that does not contain a catalyst for evaluating its effectiveness and issues.
Ensure the physical safety of short-term renters.	Consider a physical safety inspection requirement as part of the permit approval process. It can be conducted by local fire/police force and can cover various amounts of potential safety hazards.	Adopting an ordinance that does not check the safety of the home if an emergency should arise.

PROPOSED CHANGES

Attached is the STR draft that was presented to Planning Commission and City Council the last time it was discussed with a couple propositions from staff in red. If STRs were to be allowed, staff is proposing letting them be allowed in an ADU. Overall, staff is open to all comments and changes.

RECOMMENDATION

Staff recommends that the meeting in February have an agenda item dedicated to short-term rentals before setting a public hearing. Staff recommends that the public hearing be set for the Planning Commission meeting in March.

STAFF REPORT



SUBJECT: Code Change Discussion - Accessory Buildings
AUTHOR: Alika Murphy
DEPARTMENT: Planning Administration
DATE: January 9, 2025

BACKGROUND

As current planning staff gets to know the city's current code, a review and assessment of the code is also done. One of the latest sections of code that staff has interacted with has been the accessory building ordinance, particularly section 10-14-22. This section talks about location, size, design, and materials. Under "Design and Materials" the code states the following:

10-14-22: Standards For Accessory Buildings In Residential Zones

1. Design and Materials: The original design of the building must have been to function as a typical accessory residential structure, such as a patio cover, pergola, storage shed, garage or carport, and not for some other use. Reuse of a metal structure originally designed or used for other purposes, such as shipping or cargo containers, is not allowed unless the exterior of the metal structure is made to be integrated into the design of the main residential building, with a similar residential exterior wall treatment and roofing material as the main building.
 1. Metal accessory buildings two hundred (200) square feet or less are allowed in all residential zones. Accessory buildings over 200 square feet are allowed with exterior finished walls constructed of up to 50% painted metal, with the remainder of the building covered in horizontal lap or vertical (board and batten) siding, brick, stucco, wood, or similar material as the main building, etc.
 2. All accessory buildings larger than 200 square feet must be integrated into the design of the residential building, with a similar residential exterior wall color.
 1. Roofing materials including metal roofs shall have a similar color as the main building.
 2. An eave proportionate to the main building is required with a minimum of 12 inches. Aluminum fascia and soffits are allowed.
 3. Roof pitches shall be a minimum of a 4/12.

Staff recently had one incident where the resident wanted to put up a building that is more than 50% metal, and was directed to go through the proper channels for an exception. However, staff began to question the reason to include the specific requirement of 50% painted metal and furthermore to have similar color of the main building. Staff assumes that the reason has to do

with not having an unattractive building that might be a sore sight for neighbors. Staff would like to hear the comments and suggestions from the current planning commission.

Links to code: <https://southogden.municipalcodeonline.com/book?type=ordinances#name=10-14-22: Standards For Accessory Buildings In Residential Zones>

<https://southogden.municipalcodeonline.com/book?type=ordinances#name=10-14-4: Additional Yard Regulations>

ANALYSIS

Staff wants to keep an open mind and be as flexible as possible when it comes to accessory buildings that residents put up. They already have requirements for building height and percentage that they are allowed to take up for the backyard which is in line with other city codes, but the percentage of certain materials and colors may limit residents from building a shelter for their vehicles or their personal belongings that they want. As mentioned, staff is aware that the city does not want unattractive accessory buildings, but having a higher percentage of metal does not necessarily make a building unattractive. Perhaps different wording would help portray what the city wants to see. Also, prices can be a driving force when residents are deciding on accessory buildings to purchase or build.

Things to think about:

- What are we trying to say in the ordinance?
- How flexible do we want to be?
- How much should the city mitigate the look of accessory buildings?
- What do we like about the existing accessory building requirements and what do we want to change?
- Are there other issues that need to be addressed for accessory buildings?

RECOMMENDATION

Staff recommends diving into the discussion of accessory buildings and having the commission direct staff to present an updated ordinance with different wording. A second discussion on this topic may be added to the February agenda and then have a public hearing in March. Another option would be to update the wording and have a public hearing in February or the ordinance can be left as is with no changes.

UTAH OPEN & PUBLIC MEETINGS ACT

UTAH CODE ANN. §§52-4-101

et seq.



§52-4-102 Declaration of Public Policy

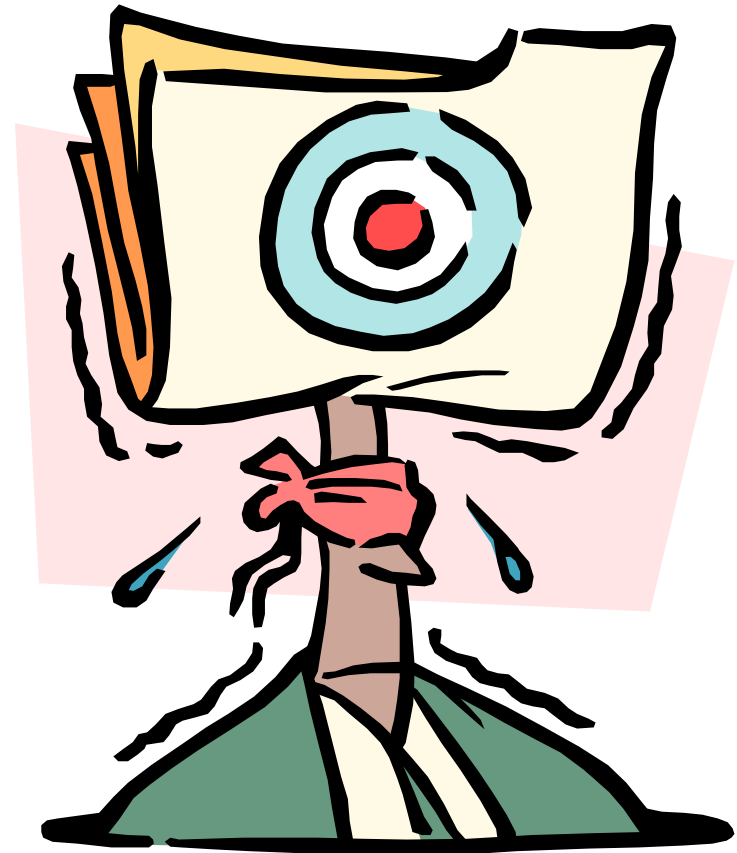
- (1) The Legislature finds and declares that the state, its agencies and political subdivisions exist to aid in the conduct of the peoples business.
- (2) It is the intent of the Legislature that the state, its agencies and its political subdivisions : (a) take their actions openly; and (b) conduct their deliberations openly.

UTAH OPEN & PUBLIC MEETINGS ACT

- WHAT DOES THE OPEN MEETINGS ACT DO?
 - “It requires government to take actions openly.”
 - “Ensures deliberations allow for an open public process.”

Who Is Subject To This Law?

- DO I HAVE TO FOLLOW THE LAW?
- YES, if you are:
 - A state administrative, advisory or legislative body and;
 - Were created by the Utah Constitution, statute, rule ordinance or resolution
 - Consist of two or more persons
 - You spend, distribute or are supported by tax money
 - You have authority to make decisions about the public's business.



Examples

- DABC Commission
- State Records Committee
- Board of Pardons
- City Council
- City Council Advisory Boards
 - Planning & zoning
 - Board of adjustments
 - Project committees

Who Is Not Affected?

- Political parties, groups and caucuses
- Legislative conference, rules and sifting committees
- Community councils



§52-4-103(4)(a)

- WHAT IS A MEETING?
 - “Meeting” means the convening of a public body, with a quorum present, including a workshop or an executive session whether the meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power, about, or acting upon a matter over which the public has jurisdiction or advisory power.

§52-4-103(4)(b)

- WHAT DOES “MEETING” NOT MEAN?
 - A chance meeting
 - A social meeting
 - Meeting of a legislative body with both legislative and executive responsibilities
 - No public funds are appropriated
 - Meeting solely for discussion or to implement administrative/operational matters

Attendance at Meetings

- DO I HAVE TO ATTEND MEETINGS, OR CAN IT BE HELD WITHOUT PEOPLE IN THE SAME ROOM?
 - Can meet by phone, computer or other electronic means
 - Notice requirements still apply
 - Public must have a means to attend or participate
 - Must be adopted into existing rules/ordinance



§52-4-201(1)

Closed Meetings

- CAN A MEETING BE CLOSED TO THE PUBLIC? IF SO WHEN?
 - Discussing an individual's character, professional competence, or physical or mental health
 - Strategy sessions to discuss collective bargaining
 - Discussions regarding security personnel, devices or systems
 - Investigative proceedings regarding allegations of criminal misconduct
 - Strategy sessions to discuss the purchase, exchange, lease or sale of real property
 - Public notice of the terms and public approval of sale required



Are There Any Meetings That Must Be Closed?

- NO
- The decision to close a meeting to the public is always discretionary, not mandatory. The law does not require any meeting to be closed.

§52-4-204 Closing Meetings

- IS THERE A PROCESS TO CLOSE MEETINGS?
- YES, 52-4-204
 - A Quorum must be present.
 - Two-thirds of the body must vote to close the meeting.
 - The body must first hold a public meeting with proper notice before entering into the closed meeting.
 - The body must publicly disclose:
 - The vote by name of each member for or against entering into the closed meeting
 - The reasons for holding the closed meeting
 - Location of the closed meeting

What Is Forbidden During A Closed Meeting?

- You may not:
 - Approve any ordinance, resolution, rule, regulation, contract or appointment
 - Interview a person to fill an elected position
 - Take final action
 - Final votes must be open and on the record



§52-4-202 Notice Requirements

- ARE THERE ANY NOTICE REQUIREMENTS?

- Must be posted as a written notice at the place where the meeting will be held
- Must be given to at least one local general circulation newspaper or local media correspondent
- After October, 2008, by posting notice to the “Utah Public Notice Website” 63F-1-70 (not required if you are a municipality with budget less than \$1 million)
- At least 24 hours prior to meeting post:
 - Agenda including all action items stated with reasonable specificity
 - Date
 - Time
 - Place

UTAH OPEN & PUBLIC MEETINGS ACT

- WHAT ABOUT EMERGENCIES?
- The law allows for meetings for “emergency or urgent” matters if:
 - The best notice practicable is given
 - The minutes include a statement of the unforeseen circumstances that made the meeting necessary



UTAH OPEN & PUBLIC MEETINGS ACT

- WHAT ABOUT RECORDS OF THE MEETING? DO WE HAVE TO KEEP MINUTES?
- YES!
- 52-4-203 MINUTES OF OPEN MEETINGS, PUBLIC RECORDS AND RECORDING OF MEETINGS
- MINUTES OF BOTH OPEN AND CLOSED MEETINGS MUST BE KEPT
- A RECORDING OF AN OPEN MEETING MUST ALSO BE KEPT

Legislative Update §52-4-203

- Changed to include both written minutes and recording of open meeting as public records.
- Public body shall establish and implement procedures for the public body's approval of the written minutes each meeting.

What Are The Requirements For Keeping Minutes?

- All minutes must include
 - Date/time
 - Place of meeting
 - Names of all members present or absent
- In addition minutes of open meetings must include
 - All matters proposed, discussed or decided
 - All names and substance of information from individuals giving testimony
 - Individual votes on each matter
 - Any additional information requested by a member
- Minutes of closed meetings must include
 - The names of others present at the closed meeting, unless it infringes on the purpose of the closed meeting

Legislative Update §52-4-203

- Written minutes shall be available to the public before final approval when the minutes are only awaiting formal approval.
- The minutes released prior to final approval must be identified as “unapproved”.

§52-4-203(7) Minutes and Recordings of Open Meetings

- WHEN ARE THE MINUTES OF MEETINGS PUBLIC?
 - Written minutes and recordings of open meetings are public records pursuant to 63G-2-101 et seq. (GRAMA) and shall be released within a reasonable amount of time.
 - Minutes and/or recordings of closed meetings are not public records.

WHAT HAPPENS IF SOMEONE VIOLATES OPMA?

- 52-4-305
 - “In addition to any other penalty under this chapter, a member of a public body who intentionally violates or intentionally abets or advises a violation of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.”
- 52-1-302
 - A court can void any action in violation of the law
 - Sometimes a violation can be “cured” by discussing an taking a public vote in a subsequent meeting
 - May have to pay court costs and attorneys fees



Common Violations Of OPMA

- Closing meetings without members of the body voting first in an open meeting to close the meeting
- Conducting a closed meeting for reasons other than those allowed by OPMA
- Taking official or final action in a closed meeting
- Failing to properly provide notice of a public meeting
- Failing to provide adequate notice of a public meeting

WHO CAN ENFORCE OPMA?

- The courts
- The Attorney General
- A County Attorney
- A private citizen who is an aggrieved party

UTAH OPEN & PUBLIC MEETINGS ACT

- HOW LONG DOES A PARTY HAVE TO PURSUE CORRECTIVE ACTION?
 - 90 Days
 - 30 Days if it involves, bonds, notes, or debt

UTAH OPEN & PUBLIC MEETINGS ACT

- QUESTIONS?

UNSWORN AFFIRMATION OF TRAINING

In accordance with the requirements of UCA §52-4-104 et. seq., Utah's Open and Public Meetings Act and pursuant to the provisions of UCA §78B-5-705,

I _____
(please print) make this written declaration upon oath, subscribed and dated under penalty as provided by said section and affirm as follows:

I have completed the required annual training as a member of the

- City Council
- Planning Commission
- Urban Forestry Commission
- Other Covered Body: _____

By way of the following:

- 2023 video presentation by State Auditors Office found online at <https://www.youtube.com/watch?v=QNVBuXB7vkM>
- 2016 video presentation by Dave Church found online at <https://www.youtube.com/watch?v=15V3WZY7ljs>
- Review of the 2010 State Legislature presentation (found in packet)
- Other: _____

Executed and dated this ____ day of _____, 20__.

Signature