SOUTH WEBER CITY
PLANNING COMMISSION WORK MEETING

DATE OF MEETING: **11 July 2019** **TIME COMMENCED:** **6:03 p.m.**

LOCATION: **South Weber City Office at 1600 East South Weber Drive, South Weber, UT**

PRESENT: **COMMISSIONERS:** **Tim Grubb (excused)**
Debi Pitts
Rob Osborne
Wes Johnson
Taylor Walton

CODE ENFORCER: **Chris Tremea**

CITY PLANNER: **Barry Burton**

DEVELOPMENT COORDINATOR: **Kimberli Guill**

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES:

Approval of Consent Agenda:
- **13 June 2019 Minutes**

Public Hearing and Action on Cobblestone Resort Short Term Rental Conditional Use Permit at 1923 E Canyon Drive, Parcel (13-184-0030): Commissioner Osborne stated the owner should be in attendance. Commissioner Walton asked about the basement of this rental. Chris Tremea, Code Enforcer, explained the basement is not finished but the owner is in the process of finishing it. Commissioner Walton asked what are parking spaces based upon. Chris said the number of bedrooms.

Public Hearing and Action on Adam Braithwaite Short Term Rental Conditional Use Permit at 1936 E Cedar Bench Drive, Parcel (13-165-0050): Chris Tremea stated this short term rental has five total parking stalls provided off street.

The Lofts at Deer Run: Commissioner Osborne reported there has been some miscommunication concerning the Lofts at Deer Run. He said the Planning Commission will not be addressing this item but the public can make public comment.

Other Business: Commissioner Pitts asked if there is a time limit that can be placed on a conditional use permit. Barry Burton, City Planner, stated the time limit depends on the type of conditional use. Chris Tremea discussed his position of being the code enforcer. He said his

phone number is inside the books in the short term rental and the client and resident can contact him. He then reaches out to the property owner allowing them two attempts and then contact the Davis County Sheriff's Department. Kimberli Guill discussed the short term rental is required to sign up for transient room tax.

General Plan Update: Barry Burton, City Planner, mentioned he wants to go over the gravel pits and the noise zones concerning the general plan. Commissioner Johnson asked about the noise zones. Barry said they are currently not adopted. He said even though the changes eliminate the model noise zone in South Weber, the city will stay with existing noise contours for planning purposes. Commissioner Johnson asked about street connections from Uintah and South Weber City. Barry stated the connection would have to bridge over the river and the freeway. He said the Weber Pathway Trail will not be affected.

ADJOURNED: **6:28 p.m.**

APPROVED: **Date** 8 AUG 2019

Chairperson: Rob Osborne

Transcriber: Michelle Clark

Attest: **Development Coordinator: Kimberli Guill**

SOUTH WEBER CITY
PLANNING COMMISSION MEETING

DATE OF MEETING: **11 July 2019** **TIME COMMENCED:** **6:32 p.m.**

LOCATION: **South Weber City Office at 1600 East South Weber Drive, South Weber, UT**

PRESENT: **COMMISSIONERS:** **Tim Grubb (excused)**
Debi Pitts
Rob Osborne
Wes Johnson
Taylor Walton

CODE ENFORCER: **Chris Tremea**

CITY ENGINEER: **Brandon Jones**

DEVELOPMENT COORDINATOR: **Kimberli Guill**

Transcriber: Minutes transcribed by Michelle Clark

***A PUBLIC WORK MEETING was held at 6:00 p.m. to* REVIEW AGENDA ITEMS**

ATTENDEES: Chris Tremea, Michael Grant, Paul Sturm, Lorraine Mills, Randy Mills, Debi Waters, William Garner, Nicole Johnson, Sue Iverson, Peggy Morris, Trent Layland, Sandra Layland, Kris Springer, Carol Braithwaite, Clay Simpson, Elizabeth Oldrage,Jay Oldrage, Shule Gerry, Lisa Mecham, Allan Mecham, Chris Humpherys, Carl Humphreys, Tona Mackintosh, Cory Mackintosh, Kathryn Hansen, Tammy Long, Joseph Bruderer, Doris Rice, Albert Andrews, Robin Belnap, Carl Stuar, Tom R. Wright, Lara Wright, Mark Burnett, Bart Boren, Emily Boren, Steven Hansen, Jolene Garner, Karolee Jesser, Sherrie West, Mark West, Richard Hawkes, Julie Hawkes, Carol & Mark Christensen, Don Byrne, Ashley Koford, Corryn Manning, Angie Koford, Jeff Koford, Susan Westbroek, David Hoggan, Brandi & Casey Kendell, Bridgette Hadlock, Jean Jenkins, Jeff Bench, Bill Petty, Brandyn Bodily, Jake Porter, Rodney Morris, Jed Schenck, and Melanie Schenck,

PLEDGE OF ALLEGIANCE: Commissioner Johnson

APPROVAL OF CONSENT AGENDA

- **Minutes of 13 June 2019**

Commissioner Johnson moved to approve the consent agenda as written. Commissioner Pitts seconded the motion. Commissioners Osborne, Johnson, Pitts, and Walton voted aye. The motion carried.

PUBLIC COMMENTS:

Commissioner Osborne said if anyone is in attendance to discuss The Lofts at Deer Run (Mixed Use) Subdivision at approximately 7870 S 2700 E., the Planning Commission will not be discussing this item tonight. He understands there are several in attendance who are concerned about this development; however, this item is not on the agenda. He said everyone is welcome to stay, but The Lofts at Deer Run will not be discussed. There were those in the audience who questioned why this can't be discussed as part of the general plan. Michael Grant said he was told most of the property was passed and said most in attendance don't want to see this slip. Commissioner Osborne stated two years ago on 10 August 2017 the property was rezoned from the Highway Commercial Zone (C-H) to Commercial Overlay Zone (C-O). The rezone allows for mixed use development on that piece of property. He said so the property owners have the zoning in place. Michael Grant stated he attended the meeting on 10 August 2017, and it was exceptionally for day care only. Commissioner Osborne said that is not the case. He said he doesn't want to discuss The Lofts at Deer Run because it is not on the agenda and it is illegal for the Planning Commission to do so without a 24-hour notice on the agenda. Someone in the audience asked how to get the property rezoned. Commissioner Osborne explained a property owner can request a rezone, but you can't do it for somebody else's property. Linda Marvel asked why can't we? Linda said she has a residential home on residential property, and it is already there and has been there for 45 years. Commissioner Osborne said he really doesn't want to go into The Lofts at Deer Run. It is not on the agenda and he must stick to the agenda. He said after the meeting he would be happy to discuss law or how the process works.

DECLARATION OF CONFLICT OF INTEREST: (None)

Commissioner Walton moved to open the public hearing. Commissioner Pitts seconded the motion. Commissioners Osborne, Johnson, Pitts, and Walton voted aye. The motion carried.

********** **PUBLIC HEARING** **********

Public Hearing and Action on Cobblestone Resort Short Term Rental Conditional Use Permit at 1923 E Canyon Drive, Parcel (13-184-0030): The proposed use for this property is a short-term rental. This property is 1.14 acres. The square footage of business is 3,000 square feet. The anticipated number of employees is 4. Hours of operation is 40 hours with the days of operation being 7 days a week. There are 4 bedrooms and 8 parking stalls. There are 4 smoke detectors, 1 carbon monoxide detector, and 1 fire extinguisher.

Chris Tremea, South Weber City Code Enforcer, has inspected the home and pointe out that on the upstairs consists of:

1. Queen & Twin Bunk Beds (4 occupancy)
2. Twin Bunk (2 occupancy)
3. King Master (2 occupancy)
4. Queen Bunk (4 occupancy)

There is occupancy for 12 and 4 vehicles based on 4 completed bedrooms. There is a total of 9 off street parking stalls.

Chris reported the basement has not been completed and cannot count until final inspection and a new fire inspection is completed. Plans for the downstairs include:

1. King (2 occupancy)
2. Queen & Queen Bunk (6 occupancy)
3. King x2 (4 occupancy)
4. Queen x2 (4 occupancy)
5. Queen & Queen Bunk (6 occupancy)

There is occupancy for 22 and 5 vehicles based on room available when complete. The Total occupancy for this short-term rental, when completed and inspected, is 34 occupancy and 9 vehicles.

WonAe Mier and Dustin Shiozaki, property owners, were in attendance.

Commissioner Osborne asked if there was any public comment.

Bridgette Hadlock, 7297 S. 1950 E., said her home is directly behind this short-term rental property. She said there are no trees to block the view. She has three small children and doesn't feel safe knowing strangers are renting this home. She said the hot tub is just outside her door. She said in May 2019 there was a baseball team renting the home. They were making noise well into the night. She did contact Chris Tremea at midnight and received no response. She said it is unnerving for her to know that strangers can be right next door. She said most of the women in the neighborhood do not feel safe. She said the neighborhood is now left to monitor and voice our concerns. (SEE ATTACHED)

Sandra Layland, 7294 S. 1950 E., said on June 15th there was a photo shoot going on. Hilary Bench witnessed a gentleman taking pictures of a topless woman. She said Hilary is at girl's camp and couldn't be in attendance tonight. She then read an email from a gentleman who reviewed this short-term rental. She would like to know what is to stop outside investors from purchasing other homes in our city. She said there are battles all over. She said there are states that are banning them. She would like to know who is protecting the rights of those of us who have lived here for a long time. She said there is no privacy fence. She objects to this conditional use permit. (SEE ATTACHED)

Trent Layland, 7294 S. 1950 E., voiced his opinion that the property owners are liars. He feels they will keep on going until the residents caught them. He reported the property owners have bunk beds stacked in the closets. He also feels the property owners have brought pornography into the neighborhood. He discussed the fireworks on July 4th that were illegal. He described buses pulling up with fifty kids getting out at this short-term rental. He mentioned the police have been contacted many times. He pointed out that Chris Tremea, City Code Enforcer, should have record of all these complaints. He feels the city has failed us as a community. He is also concerned because the house has not been kept up to city code.

Chris Tremea, Code Enforcer, pointed out that he has talked with many who are in attendance tonight. He has documented that he called Dustin Shiozaki sixteen times concerning the incident with the topless photo shoot. He apologized for not responding to Bridgette Hadlock at midnight. He reminded everyone that fireworks are difficult to enforce. He said the short-term rental is difficult to enforce inside a person's home. He feels the short-term rental ordinance does have teeth. He explained that when the first complaint comes in, he contacts the owner, he said on the second complaint he contacts the owner through a letter, and then the third complaint goes to the Davis County Sheriff's Department. He asked the residents for patience in allowing the ordinance to work. He said the property owners know what the laws and regulations are now and if the owner isn't complying, their business license will be revoked.

Jeff Bench, 1916 E. Canyon Drive, explained he lives across the street from this short-term rental. He has no issue with anyone having a short-term rental, but with this scenario it is not seamless. He wants to live in a safe neighborhood.

Jacob Porter, 2032 Canyon Drive, has not met the owners of this short-term rental. He appreciates the time the council has put in with coming up with the ordinance. He is concerned that the owner is not required to occupy the home. He suggested the Planning Commission make it a requirement that short-term rental units are owner occupied and amend the ordinance as such.

Tom Wright, 1934 Canyon Drive, lives across the street from this short-term rental. He is concerned for his four minors that live in his home and the strangers coming and going at this particular short-term rental.

Mark West, 8025 S. Peachwood, questioned if Air B&B has been contacted.

Chris Tremea reported no citations have been given to this short-term rental. He explained after this short-term rental receives a business license and a conditional use permit, if the property owners break the rules, then that can be enforced. He mentioned the inspections have been completed, and everything is in place if a citation needs to be given tomorrow. Discussion took place regarding the fireworks. Chris reported that since then the property owners have put up a sign stating no fireworks distribution from this property. A resident in the audience said she doesn't understand why a short-term rental is allowed in a single-family dwelling agricultural zoned area. Barry Burton, City Planner, explained that the zoning ordinance doesn't control the renting of property, it controls the use of the property. He stated anyone one of you, who have a single-family home, can rent it and the city has no control over that. He explained if you have a commercial building, you can rent out space in that commercial building. He declared the city didn't dream this scenario would ever come up and adopt ordinances in advance, it just happened to us. He pointed out suddenly there are short term rentals and that is something that is relatively new on the landscape of this country and we are all struggling to deal with it. The resident asked if the single-family unit has any effect on this because the State of Utah says if you are not in a college town you can have only four nonrelated family members living with you. Barry pointed out the State of Utah doesn't regulate that, but the local jurisdictions do. He said it was felt by the City Council and Planning Commission that the best way to deal with short term rentals for the city to have more control is to make it a conditional use. The best way to do that was to adopt this short-term rental ordinance and then allow the short-term rental owners to come into the city and apply for a conditional use permit. He reported this is the city's first application. He said the city has asked these owners to come in and apply for their permits and we are

endeavoring to do that. He said the short-term rental ordinance makes this a conditional use. A resident in the audience stated it is South Weber's provisions that in a building that is occupied for 15 or more people, and this short-term rental is advertised for 16+ occupants, qualifies it as a hotel. She would like to know how the Planning Commission got around that. Barry said he is not aware of that ordinance. She stated her husband looked it up and it is 10.1.10 definition of a hotel. She pointed out that Cobblestone Resort claims they can have room for 16+ occupants. She proclaimed that is a hotel and not a short-term rental.

Katherine Hansen, 7318 S. 1950 E., submitted information concerning the definition of a hotel. She explained she was the first house in this subdivision, and this is not what this subdivision was supposed to be. She said it was to be an agricultural area so that if people wanted horses, cows, pigs, etc., they could have so many in their yard. She proclaimed the property is not zoned for a hotel. It was zoned for agricultural use and that is what she signed when she signed the plat map 22 years ago.

Tammy Long, 2178 E. Deer Run Drive, reported she spoke to the State of Utah Land Ombudsman, Brent Bateman, about short term rentals. She was told that the state does not require cities to allow short term rentals in their city. Secondly, she requested the Planning Commission and City Council look at allowing short term rentals in a single zone, in which she recommends the high-density zone. She explained a short-term rental is multi-family use. She said according to county code 820.050 the swimming pool is required to be registered with the county for mosquito abatement. She has received complaints from residents concerning this particular short-term rental. She voiced her concerns with the yard not being maintained. She strongly feels this should only be allowed in the multi-family use high density zone, because the other zones don't allow for multi-family use. She is not in favor of a blanket rezone and allowed in the entire city. She is also concerned about on street parking, because the property owner is required to accommodate for off street parking.

A member in the audience asked about this process and how it is to notify the public that the property owners have applied for a conditional use permit. Commissioner Osborne explained the property owner is requesting a conditional use permit and this forum is for the public to comment and to allow the Planning Commission to review the application and either approve, deny, or table it. The resident voiced his concern about whether the property owner should be allowed to receive approval for such a permit. He asked if the past can prejudice the Planning Commission's decision tonight. Another resident had questions concerning the property owner's current business license and whether violations before this application can be enforced. Chris Tremea declared he can't answer that but is willing to look into that.

Commissioner Pitts moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Osborne, Johnson, Pitts, and Walton voted aye. The motion carried.

********** **PUBLIC HEARING CLOSED**********

WonAe Mier, owner of the property, reported she purchased the home at 1923 E. Canyon Drive in August of 2018. At that time there wasn't an ordinance for short term rentals in South Weber City. She professed the upstairs is finished but the downstairs is not. She understands there have been complaints and they have tried to manage the complaints. She understands they

started off on the wrong foot with the neighbors, because they were under the assumption that we were moving in. She feels the neighbors have been on a mission to get rid of them. Concerning the swimming pool incident, her son was approached by someone who rented the pool for a couple of hours. She said they didn't know the photo shoot was going to be that way. They were told it was a photo shoot for swimsuits on amazon. She then addressed the water leak into the basement. She explained that in the process of fixing the water leak, the sprinklers were damaged. They got the sprinklers fixed and found out the neighbors have been deliberately turning off the sprinkler valve to prove we haven't been taking care of our yard. Since then she has put a lock on the valve, and they haven't had any problem since then. She reported everything that has been brought to their attention, they have worked on fixing. She feels bad that people don't feel safe, because the clients they get are upper-class citizens. She said no one has gone into the neighbor's property or injuries etc. She said there is no proof that anyone has been hurt. She feels that they should be given a chance to prove themselves.

Dustin Shiozaki, property owner, explained before he and his mother purchased the property, he researched other properties, but really liked this one. He then contacted South Weber City and asked about short term rentals and was told there was no such ordinance in South Weber City. He explained their intention is to finish the basement. He pointed out that they have invested a lot of time and money into this property. He feels the individuals who come to the city will bring in a tax base. He explained that without commerce a city can't grow. He said the city is going to grow. Concerning the pool situation, he has documented all those conversations. He was unaware that this would happen. He doesn't think the photo shoot was criminal. He assured those in attendance that they have followed the existing laws and he has a business model and has been built upon the laws at the time. He feels he has a right to protect his business, and he understands the city has the right to draft ordinances. He explained their rights are the rights when they purchased the property. He mentioned he wants to finish the second unit. He requested they be grandfathered with the second unit.

Commissioner Johnson asked how many short-term rentals are available in South Weber City. Chris Tremea stated there are two that have contacted the city, but he is aware of approximately five or six. Commissioner Johnson explained a conditional use permit gives teeth for the city to enforce the business licensing. He pointed out the local people are the eyes and ears of the community.

Commissioner Walton pointed out he can't find in the city ordinance where a conditional use is available in an agricultural zone. Barry believes it was in all residential zones when conditional use permits were adopted; however, he will need to research that.

Commissioner Johnson feels the City Council may need to review the ordinance to bring in some of the issues brought up tonight. Barry explained all of the standards, except for parking, are operational in nature. He discussed keeping landscape in order and maintained, maintain low noise standards, keeping things in order etc. He explained that is something that can't be explained beforehand but will be ongoing, and it is difficult to enforce until the city sees the short-term rental in operation.

Commissioner Pitts would like clarification of the zoning and its relation to Section 10-18-3 paragraph A. Barry explained by adoption of this ordinance it will basically make them conditional uses in zones that allow residents, and as a conditional use, the State of Utah has

pretty much taken all the teeth of regulations for cities to the extent that we can't just decide on the fly what conditions they can comply with, it has to be put in ordinance form, and if they can comply with conditions in the ordinance, then the city has to issue the permit.

Commissioner Walton questioned Section 10-18-11. Barry explained that any resident in the city, if they meet these conditions and they apply for a conditional use permit, then they can do it. Commissioner Osborne asked a resident in the audience which sections discusses the definition of a hotel. It was stated Section 10-01-100. Someone else in the audience asked about single family. Barry explained the single family was basically overridden by the adoption of this ordinance. Commissioner Osborne expressed his issues with the hotel thing and stated he just doesn't know how that effects this.

Chris Tremea said single family dwelling is unenforceable, but he can enforce the short-term rental ordinance when it is approved. Members in the audience asked Chris why single family is unenforceable. Commissioner Osborne doesn't feel a good decision can be made without the City Attorney giving a definition of a hotel. Commissioner Pitts has some legal questions and would like to table this. Chris stated when new ordinances are made that new ordinance supersedes all other ordinances. Barry stated this conditional use permit is for one unit. He pointed out the Planning Commission can approve this ordinance with the condition that there can only be 15 or less individuals, which is under the limit for a hotel. Chris said according to his inspection it is under 14. He said right now the basement is not complete. Barry discussed the issue with the basement and explained right now this is a single-family dwelling and if the property owner is separating it into two separate units, it is no longer a single family dwelling. He stated then it becomes a duplex. Commissioner Osborne would like to table this item until the August meeting. Barry agrees there are legitimate questions that need legal advice. Commissioner Osborne recommended city staff meet with the property owners of both properties to further discuss the ordinance. Commissioner Pitts is concerned about Section 2 the general repealer and requested further clarification.

Commissioner Pitts moved to table Cobblestone Resort Short Term Rental Conditional Use Permit at 1923 E Canyon Drive, Parcel (13-184-0030) to address legal concerns and questions concerning which ordinances are being impacted. Commissioner Johnson seconded the motion. Commissioners Osborne, Johnson, and Pitts voted aye. Commissioner Walton voted no. The motion carried 3 to 1.

Commissioner Walton moved to open the public hearing. Commissioner Pitts seconded the motion. Commissioners Osborne, Johnson, Pitts, and Walton voted aye. The motion carried.

********** **PUBLIC HEARING** **********

Public Hearing and Action on Adam Braithwaite Short Term Rental Conditional Use Permit at 1936 E Cedar Bench Drive, Parcel (13-165-0050): The proposed use for this property is a short-term rental. The total acreage is .29. The hours of operation are 24 hours Sunday through Saturday. There are 5 bedrooms and 9 parking stalls. There are 7 smoke detectors, 2 carbon monoxide detectors, and 2 fire extinguishers.

Chris Tremea, South Weber City Code Enforcer, has inspected the home and based on the current and completed available rooms there are:

1. 3 rooms with 3 queen beds upstairs = 6
2. 2 rooms with 3 queen beds downstairs = 6

The occupancy is 12 and 5 vehicles based on five completed bedrooms. There are 5 total off-street parking stalls.

Commissioner Osborne asked if there was any public comment.

Albert Andrews, 1972 Cedar Bench Drive, said parking has been a problem with this short-term rental. He said this has been a problem for school kids. He said there are bus stops in the areas.

Karolee Jesser, 1977 Deer Run Drive, is concerned about the bus stop. She has walked by this short-term rental several times. She has seen vehicles with out of state license plates. She said when the owner doesn't live there, there is no accountability. She feels the public should have a voice as to whether this is allowed in their neighborhood. She objects to any short-term rentals in South Weber, but specifically this one that is a block and a half from her home.

Tammy Long, 2178 E. Deer Run Drive, stated she would like the Planning Commission to request the City Council discuss short term rentals with the state ombudsman.

Commissioner Johnson moved to close the public hearing. Commissioner Pitts seconded the motion. Commissioners Osborne, Johnson, Pitts, and Walton voted aye. The motion carried.

********** **PUBLIC HEARING CLOSED**********

Carol Braithwaite, 1936 Cedar Bench Dr., explained her son Adam owns the property, and has been deployed. He has met with Chris Tremea. She reported the smoke detectors were installed in the bedrooms. She said it is listed as a duplex because her son's items are stored in part of the home. She is currently working on the parking issues. She is trying to support her son, as he wants to come home to this house. She described how they have tried to rent the home and it didn't work.

Commissioner Walton is concerned about tabling because there is an ordinance in front of the Planning Commission. Chris Tremea stated the City Attorney was penned by him. He was involved in every one of those staff meetings. Barry said there are still questions the Planning Commission needs to get more information on and questions answered.

Commissioner Pitts moved to table Adam Braithwaite Short Term Rental Conditional Use Permit at 1936 E Cedar Bench Drive, Parcel (13-165-0050). Commissioner Johnson seconded the motion. Commissioners Osborne, Johnson, and Pitts, voted aye. Commissioner Walton voted no. The motion carried 3 to 1.

General Plan Update: Barry Burton, City Planner, discussed the gravel pits. He has redrafted this and the potential hazards are mainly due to dust. He understands the city has been working

with the gravel pit owners concerning fugitive dust. He reported both gravel pits recycle concrete and asphalt. He then discussed the noise zones from Hill Air Force Base (HAFB). He has seen the preliminary results of the air installation compatible use zone. He said the modeling that the city has seen is considerably less impactful on the city, because the modeling has change. He said he knows there is an impact on the city and the planning in the last four years is based on that. He explained there are state easements that have been purchased. He acknowledges the easements in the general plan. He recommends the city utilize the existing plan that will protect against the future of increased noise and it also protects HAFB. He said Commissioner Walton has information on the easements that will be charted. Barry will be working on the HAFB contamination areas next. He said there will be an interactive map on-line in which individuals can make comments. Commissioner Walton pointed out the Utah Division of Air Quality has resources on pollutants from gravel pits. Also, he talked about the joint land use study coming up. He said the timing of this might be difficult, but he would still like to make reference to that to make that a discussion point. Barry said we can add a comment that we know that a land use study is coming.

PUBLIC COMMENTS: Concerning The Lofts at Deer Run (Mixed Use) Subdivision at approximately 7870 S 2700 E. 3.29 acres on 7 Parcels:

Linda Marvel, 8087 S. 2700 E., is concerned about the changing of the master plan. She is concerned about high density housing. She declared most people like the way South Weber City is. She doesn't want apartments or a lot of condominiums. She is concerned about the impact on the schools, etc. She doesn't understand why the city would do this.

Tammy Long, 2178 E. Deer Run Drive, has a problem with the proposed condominiums on the frontage road (2700 East). She feels the developer misrepresented their plan and told the city they were going to put in a day care. She suggested there should be a dedicated turning lane because of the increased traffic. She is also concerned about the impact this development will have on the city's sewer.

Michael Grant, 2622 Deer Run Drive, referred to the Planning Commission meeting held on 10 August 2017 when the property at 7870 S. 2700 E. was rezoned from Commercial Zone (C) to Commercial Overlay Zone (C-O) by applicant Laurie Gale. He attended that meeting. He then read from the minutes of 10 August 2017 concerning what took place. He is concerned that the property being high density.

Paul Sturm 2527 Deer Run Drive questioned how much additional income the city will receive from the proposed high-density development on 2700 East. He is concerned about property values decreasing. He is also concerned about parking.

A person in the audience asked if the property is sold. Barry Burton said there is a developer interested in the property. Another person in the audience asked if it is a done deal. It was stated there has been no approval for any development, but a rezone has been approved. Barry explained the status of the property on 2700 East and said there has been a development agreement that has been approved and that agreement establishes parameters that the developer will abide by if they do go ahead with the development. He said five years ago, when the general plan was adopted, the commercial overlay zone was designated an appropriate zone for that property. He said then two years ago the property was rezoned from Commercial Zone (C) to Commercial Overlay Zone (C-O) by applicant Laurie Gale. He said once something is rezoned you must accept everything allowed in that zone. He has always understood there would be a residential component to that property since the rezone. He said the developer is in compliance with the zone regulations, and as long as they can comply, we can't stop them from developing.

A resident in the audience wanted to know who rezoned this and where it started. Another resident asked if this makes sense that it was a good idea. Another resident said when the property is changed to the commercial the value for the property goes up. Various residents began speaking at the same time. Someone asked about the additional traffic. Someone else mentioned the impact will have on the schools.

Nicole Johnson, 2678 E. 8150 S., bought her home in South Weber City to be safe. She feels when this happens, she is not going to be safe. She purchased her home because there is a sense of community. She understands people are busy with life but how hard is it for the city to make the public aware by putting something on the water bill. She feels there is a lack of communication in the community.

Commissioner Osborne explained that those in attendance need to understand what this body represents. A resident in the audience said they feel the developer misrepresented themselves. Commissioner Osborne reminded those in attendance that if they have issues with the laws and the ordinances, they need to be talking to the City Councilmembers and Mayor. He explained they are the ones who enact the laws and the Planning Commission follows them.

A resident in the audience asked if the Planning Commission can pass along that the residents don't want high density and retail. Commissioner Osborne said he welcomes the retail because he doesn't want to pay for the taxes. He explained that is why there is zoning so that it can be put in a spot that doesn't impact us. A resident stated it does impact us.

Jean Jenkins, 2065 Cedar Bench Drive, explained when she moved to South Weber City, the city required beautiful homes. She would like to know what happened to the rules in South Weber City. She is concerned about the how this type of development will impact the city.

Corey Macintosh, 2010 Deer Run Drive, is concerned about the impact this type of development will have on the city. He feels this is wrong on so many levels. He is concerned about snow removal and safety concerns.

PLANNING COMMISSION ITEMS:

Commissioner Walton: He stated the general plan is our plan. He said it is frustrating because when we sit in these meetings, we don't always have people telling us what their vision for South Weber is. He encouraged individuals to attend the meetings. He suggested looking at the cost of low density to high density for cities, and why South Weber would want to pursue commercial opportunities.

Commissioner Johnson: He reminded those in attendance that they need to give their input on the general plan. He said it is up to residents to research and give their input. He said commercial development reduces the cost to the city verses residential.

Commissioner Pitts: She attended the meetings six years ago at which time she decided to become involved. She recommended citizens get involved. She said there is information out there.

Commissioner Osborne: He read an email from Yvette Tate concerning the proposed high-density development on the frontage road. (SEE ATTACHED) He stated if you really do feel opposition for high density, then he recommended individuals attend the meeting. He said we also must respect property owner's rights.

ADJOURNED: Commissioner Pitts moved to adjourn the Planning Commission meeting at 9:56 p.m. Commissioner Johnson seconded the motion. Commissioners Osborne, Johnson, Pitts, and Walton voted yes. The motion carried.

APPROVED: _____ **Date** 8 AUG 2019
Chairperson: Rob Osborne

_____
Transcriber: Michelle Clark

_____
Attest: Development Coordinator: Kimberli Guill

July 11, 2019, South Weber City Planning Commission Meeting

Bridgette Hadlock

7297 South 1950 E.

My home is directly behind the rental property so that the entire fence line borders the back yard including the pool area. There is a see through, chain link fence that separates the properties with no trees or bushes to block the view. My 3 minor children play in the yard but not as much lately because of the strangers that are constantly in the rental yard. I am concerned for their safety and feel like I have no privacy when back there whatsoever. I contacted a fence company to see about putting slats in the chain link and was told it would cost me about $2000 for then entire length of my side yard for just the slats. They also told me that for it to be strong enough I would need to install more poles between each pole to keep it from blowing over from the wind. At that point I just decided not to pursue it further knowing I couldn't afford it.

The hot tub for the rental is just outside the back porch sliding glass door of the rental in view if I step out on my upper back porch and turn to the north. The night of May 28th there was a baseball team staying at the rental and apparently the coaches and chaperones had retired for the night because the kids were out there hot tubbing past midnight. I video recorded them and texted it to my neighbor, Sandra Layland, at 11:40 am. Her two daughter's bedrooms are on the street side across from my front yard and they were kept awake as well. Their front yard view is my house and the whole back yard of the rental including the pool. At 11:57 I messaged Chris Tremea and said, "They sure are making a lot of noise over there". I did not get a response back. Then Sandra texted me back at 12:26 am and she told me the police have been notified. Shortly after that the noise stopped. I really wasn't surprised by this because what would anyone expect when you see a whole baseball team filing out of a Charter bus that had pulled up in the driveway earlier that day? I have the noise video recorded and a picture of the charter bus. This isn't the only time a whole sports team has stayed there. There have been other noise violations as well.

This Short Term Rental situation is very disturbing to me as a mother and I'm so concerned for the safety of my children. There is a fear of the unknown. These are often large crowds that stay at the property.

Just a week or so ago there was a group of about 12 to 15 young men staying there for a weekend. Their activities were not out of line. They used the facilities and played basketball, however, it is very unnerving for me to know that on any given day a large number of men who are strangers can be over there and it's just me and/or my 4 kids right next door. Our properties are one acre lots and there are not a lot of eyes outside keeping tabs on things as would be if the lots were smaller and the houses were closer together. That is not a good ratio if someone has ill intentions. It only takes one. Sadly, child and sexual predators are very prevalent in our society today. Stranger Danger is very real and right next to us on any day there are people staying there, which is most days of the month. Many of us women in the neighborhood are not comfortable or feel safe when we are at home alone and there are strangers there.

The photoshoot incident that we suspect involved the owner or manager of the property has really upset all of us. This is the incident as recorded by police that occurred the morning of Saturday June 15th as witnessed by another neighbor.

I know all my neighbors surrounding this property are so disheartened that ~~this property~~ it has entered our once quiet and safe neighborhood. We are left the job of monitoring and reporting violations. This rental that is basically a resort, regardless of city definitions, is a business that is earning income. Our subdivision is not zoned for commercial or businesses. We strongly oppose the Short Term Rental conditional use permit being granted to the owner of the 1923 Canyon Road Rental.

In closing I would ask you to imagine my family's position as we were one of the first ones to build in the Pleasant Valley Park Subdivision in 1997. We moved into our new home March of 1998. It is so upsetting and hard to comprehend that there seems to be no protection for those of us who are basically homesteaders for over 20 years, done our best to follow all land use and zoning laws and have planned on being here for the rest of our lives.

I would like to submit my statement for public record. Thank you.

Received July 11 2019

South Weber City Planning Commision meeting, July 11, 2019

Sandra Layland

7294 S 1950 E

Regarding the 1923 Canyon Road Rental, I would like to include in this statement an incident that was told to me by my neighbor, Hilary Bench, about a photo shoot that happened there last month on Saturday June15th in which she was a witness as she turned the corner to her house in her car. She witnessed a guy taking pictures of a topless girl with a tiny red thong on by the swimming pool. There were blue heavy tarps up to try and block the view but as she turned the corner she saw everything enough to identify the mentioned tiny red thong. The police were call along with the code enforcement officer Chris Tremea, but they took off before the police arrived. In the meantime, new guests had arrived, who were questioned by police. They were so concerned that they walked over to Hilary when she was getting her mail and asked if she thought it was safe to stay there. They has said the downstairs basement door was left open (perhaps the police did some investigating and found it open) and there was food laying around and looked like someone had been staying there. The week prior, Hilary noticed the Owner and her son the manager, walking around the pool with2 other people holding up what appeared to be table cloths along the fence in different positions as if to see where they would block views. So this was not a violation by the Airbnb guests but by the owners themselves, bringing porno into our neighborhood. In the backyard that borders a home with 3 minor children. The home across the front of the Airbnb has 4 minor children. That is so unbelievably disturbing. Hilary Bench is out of town at girls camp so could not be here we should all be out doing something fun on Thursday night rather than having to go to yet another meeting about this STRs.

In regard to the photo shoot incident, I would like to read a review that I found yesterday from a guest named Manuel on of the Canyon Road Airbnb's guests. I realize that this may not be able to be used as proof in enforcing the law but this is not a court, it is an information exchange platform:

See attached exhibit A

Why would the persons phone you are trying contact to be left and ringing inside the home? And then no communication the whole weekend? Why?

One of my biggest concerns for our community as a whole, that I have mentioned to the councils in previous meetings, and since first discovering the hotel across the street, in which I recall my first "gut" realization was envisioning a future, if this rental was that if we do not regulate the owner occupancy then what is to stop outside of town investors buying up more and more homes for sale.

All one has to do is google it to see how the STR issue is affecting not just our country but all across the globe. Many cities have banned them all together. I believe Paris, and New York have and I know I have read articles about a 3 year battle between the city and community members in California and they have adopted strict regulations. There are battles in North Carolina, Florida, Indiana, you name it. STRs are invading once private, peaceful and safe feeling neighborhoods and creating housing shortages in communities. You can probably find a new article about it everyday.

One fact stated is that it's much more lucrative to rent short term than long term, Although the owners of the Airbnb do have the option to stop renting Short Term and to house long term renters, or possibly live there themselves we the neighbors are left with no recourse. So do we decide to move since our Pleasant Valley Park Subdivision isn't so "pleasant" anymore. If we do decide to sell, who is going to want to buy our properties next to a large resort type property? The values of our properties could easily take hit. The prospect is very discouraging.

Airbnb has perpetrated an avenue for STR's to come in under the radar. That's what happened to South Weber last fall and we all understand why the city has passed an ordinance. In that meeting we told that the STR ordinance could be revisited in the future and amended. We are waiting for that to happen.

Airbnb has so much money and as I've read different articles have discovered they have hired HUGE groups, some over 100 people, that go into states to lobby the politicians and city councils. I'm not positive but perhaps in the name of "it's my property so I should be able to do what I want with it.

I do believe in the rights of individuals in regard to their property to get out from under landlords and own their own property. Land use and zoning laws were established over time in our country to protect these properties sit that homeowners could "settle" in a neighborhood where their families would be in a safe space away from commercial, highly transient areas unless they chose to do so (or perhaps sadly had no other choice). There are those of us who have worked hard and obtained a wonderful home in a wonderful neighborhood where we perhaps would love to live out the rest of our days.

We need to research the State regulation that is referred to in the new Ordinance that refers to Sanitation. This is code is in reference Hotels and public housing facilities. Is this property a public housing facility? What parts of the code does the owner have to abide by? Why is this code even referenced? The same goes for the public pools regulation that is part of this state code. It refers to public pools. Is this property's pool considered provate due to the definition of what a "family" unit is? Regardless of definitions, there are different people people using this pool all month long. What code is supposed to be followed?

https://www.utah.gov/pmn/files/421829.pdf

In 2017, Utah Senator Stuart Adams and Rep. John Knotwell sponsored a bill, HB0235 that was passed which basically protects Short Term Rental owners making it impossible, as I understand it, for anyone to use infomation they obtain in the ads to enforce the law. I have to research more to fully understand why.

One thing I do know is that Sen. Stuart Adams is a longtime resident of Layton, I may have even voted for him back when I lived there. He owns a lot of property so he should know the ins and outs of land use. How could he not forsee what a law like this does in tying the hands of property owners, I've wondered if it is not a conflict of interest to vote on laws regarding this issue if you yourself own income property? Wouldn't this apply to our city commission and council members as well if they own rental properties? Would voting at these meetings not be a conflict of interest? I'm not sure since this isn't my line of expertise and I have no idea if any city officials own income property but it has crossed my mind.

So now, since this State law has been passed, if a STR owner wants to turn a home into an upper and lower (multi family) rental in a single family dwelling only zone, we cannot use their ad (in which it is advertised as such) to show in court or enforce the law. How is that not blatantly one sided in property rights protection and law enforcement.

So I guess since we seem to be saying the same things over and over to the commission and council, We would like to ask, who is protecting the rights of those of us who have lived here for a long time? I can see that this issue needs to be lobbied and changed at the state level.

Here is the link to Utah HB0235:

https://le.utah.gov/~2017/bills/static/HB0253.html

Since the Airbnb trade came out over a decade ago, the bigger cities have now banned or heavily regulated them. New York City has banned them. LA and other California counties are facing housing shortages as well. Citizens in neighborhoods are fed up. A 3 year battle between citizens in California and the city to get this issue under control has just been decided and they have cracked down with heavy regulations. As more regulations are adopted in other cities along the Wasatch front that make it harder for the investor type STR owners, then isn't it logical that they would seek out communities with less stringent regulations such as a South Weber? Just look across the street from me.

If we here in South Weber don't speak up now and help the city hear our pleas and protect the "homesteaders", those who wanted to settle here in safe quiet neighborhoods, who believed that land use and zoning laws would protect them, then I fear our blessed community will eventually be facing battles with the potential to create division and hostility among us.

On a personal level, I will share that each time I go out my front door I see the whole backyard of the Airbnb. Sometimes strangers gawk at me or my daughters. Sometimes I don't know if anyone is watching me through the numerous windows on the back of the house. If I knew them it wouldn't matter to me. A few weeks ago there was a group of 12+ young adult age men. I have a picture of them playing basketball and by the way I HATE that I have no choice other than to stalk innocent people. They did no harm and were innocent enough but the thought always crosses my mind that there are not a lot of eyes in this neighborhood since we are a low density subdivision. Often there may be only one women and/or also just a few kids at home next to this property at any given time. It is unnerving that the group numbers often outnumber those of us who reside here in the homes surrounding it. This group of men posed no problem. But as we all know, it only takes one crazy, nefarious, unobvious creep to ruin lives as we have recently witnessed in the crime that occurred in North Salt Lake. That guy, on the outside, appeared to be harmless but was underneath a COLD BLOODED KILLER.

It makes my heart hurt when I think how I would never have imaginde to be dealing with an issue like this because I believed I was protected by land use and zoning laws. I NEVER imagined I would wake up to find that I was living across the street from a hotel.

For the record, I officially object to the Short Term Rental Conditional use permit being issued to the owners of the property.

I am submitting this statement to be included in the record. Thank you.

Airbnb, Inc. [US] https://www.airbnb.com/rooms/28620835?location=South%20Weber%2C%20UT%2C%20United%20States&adults=1&guests=1&sc

Exhibit A - Sandra Layland statement
Review on 1923 Canyon Road Ad.

Overview · **Reviews** · The Host · Location · Policies

Share Save

Manuel
June 2019

NOT A SUPER-HOST!! **We never received any sort of communication from Dustin our entire stay.** Upon arrival there was people taking professional photos at the pool who claimed to know Dustin, they were quick to leave and said all the doors to the house were opened. A few minutes after they left the police showed up informing us of complaints of people being topless at the pool. We tried calling Dustin a couple times and found his phone inside the house. There was nothing that had emergency contact information or instructions for the house. There were rooms without fire detectors, a collapsing closet door in the hallway, the pool was a bit green, the hot tub full of dirt, and no lock on the basement door that is separately rented. The only reassurance we got that this place was safe was from speaking to a neighbor who assured we would be ok and offered help if needed. The house was organized and clean for our stay, heated pool, amenities worked fine, and other than a stressful arrival we had a good time.

?

Susan
October 2018

What a beautiful home! Tons of extras and great touches. Plenty of room for our crowd. **Home was close to the freeway and Lagoon.** While we only stayed one

$160 per night
★★★★★ 53

Dates
Check-in → Checkout

Guests
1 guest

Book

You won't be charged yet

This place is getting a lot of attention.
It's been viewed 277 times in the past week.

That's a ton of looks!

Report this listing

Type here to search 6:18 PM 7/10/2019

Exhibit A - Sandra Layland statement
Review on 1923 Canyon Road Ad.

?+

Trucks a ton
of looks!

Airbnb, Inc. [US] https://www.airbnb.com/users/show/188617838

LHM The Book of Isaiah - (

M

Hi, I'm Manuel

Joined in 2018

Hola!

2 reviews

Verified

Lives in Salt Lake City, UT

Speaks English,Español,Italiano

Work: Work

Manuel provided

Government ID

Email address

Phone number

2 reviews

June 2019

Nice people left everything in good order and followed the rules.

Dustin, Salt Lake City, UT

Joined in 2018 · Report

Type here to search

6:53 PM
7/10/2019

Tisha
January 2019
Dustin was a great host, very accommodating! Our boys basketball team had an amazing time being able to stay together. They really enjoyed it! Thank you!

Shantel
April 2019
This place was perfect for our SpringBreak getaway. Plenty of room and tons of games for the kids to enjoy. Pool and hottub were great to have available to us even though we were sharing with renters from the basement there was never any issues with sharing and space to use them. **We were concerned about noise, but were happy that you couldn't hear much going on downstairs.** We are already planning our next stay here!

Single Family Dwelling

Manuel
June 2019
NOT A SUPER-HOST!! **We never received any sort of communication from Dustin our entire stay.** Upon arrival there was people taking professional photos at the pool who claimed to know Dustin, they were quick to leave and said all the doors to the house were opened. A few minutes after they left the police showed up informing us of complaints of people being topless at the pool. We tried calling Dustin a couple times and found his phone inside the house. There was nothing that had emergency contact information or instructions for the house. There were rooms without fire detectors, a collapsing closet door in the hallway, the pool was a bit green, the hot tub full of dirt, and no lock on the basement door that is separately rented. The only reassurance we got that this place was safe was from speaking to a neighbor who assured we would be ok and offered help if needed. The house was organized and clean for our stay, heated pool, amenities worked fine, and other than a stressful arrival we had a good time.

Sonic Foundry Mediaworks

Jenny
June 2019

I booked this home for a end of school bring on summer party for a group of teenage boys it was a HUGE hit! The house is perfect for gatherings such as this. There is SO much to do the playstation VR was a huge hit and there is a lot to do they never got bored. The way the house is set up its great for people wanting to hang out together, not so much if you want your own private space though. The house was clean plenty of towels and it was very well stocked. They even left some candy for the guests. The pool area is great and also very well stocked it has goggles, pool noodles, floats etc.. and lots of chairs. My only complaint was the slide was not working, and the pool was recovering from some Algae problems. Dustin was trying to correct this for future guests. Just a bummer for us. The boys loved the basketball court too. The location is nice the mountains are beautiful. The neighbors are not super close. If you want it to be private I would for sure rent the basement though! They were doing construction on the basement when we were there and the host was there almost the whole time along with other construction workers.. it was kinda weird to share the space (I was hesitant about this when I booked but decided to try it. Dustins listing is upfront about this.) **I would not rent only the top again though because...** First I had teenagers and I don't know how I would have kept them quiet enough for the guests below, with all the stuff to do in the house. Second they were little freaked out by all the random people there. Third you all enter through the garage so you see each other a lot because that is how you get to the pool etc... So just book the whole house is my advice if you want privacy. otherwise its more like being at hotels as far as sharing. Overall we were very happy and it met our needs pay attention to the amount of guests, the price changes over 5. I had not seen that when I booked on my phone thankfully Dustin was able to work with me. Great Property thanks!

Kathryn Hansen

Chapter 1
GENERAL PROVISIONS

10.1.10 Definitions:

HOTEL: A building designed or occupied as the more or less temporary abiding place of fifteen (15) or more individuals who are, for compensation, lodged with or without meals.

Hotels (transient lodging) are only allowed in COMMERCIAL RECREATION ZONE (C-R) and HIGHWAY-COMMERCIAL ZONE (C-H)

Cobblestone Resort is zoned agricultural and claims to lodge "16+ guests".

Kim Guill Please Read in Meeting

From: David J. Larson
Sent: Thursday, July 11, 2019 5:24 PM
To: Kim Guill
Subject: Fwd: Opposition to High Density Development on South Weber Frontage Road

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From: Yvette Tate <bnytates@yahoo.com>
Sent: Tuesday, July 9, 2019 4:29:27 PM
To: David J. Larson
Subject: Opposition to High Density Development on South Weber Frontage Road

This email serves to voice my Opposition to the Proposed High-Density Development on the South Weber Frontage Road just above where i live on Deer Run Dr. We've lived here almost 15 years which is both less than some but many more years than most and I think all would say that they were drawn to this Community for the small bedroom/semi-rural community feel that South Weber has always offered. Since moving in however we've seen our South Weber City Water/Waste bill go from the $60s to almost $130. If there were some perceived or real benefit gained for each of us with all the new housing development that's been going on, that would be one thing. I would assume that with the costs of these utilities and roads and snow removal that these costs would not dramatically increase but would be more easily burdened by the residents as the cost is spread out over a wider base but this has not proven to be the case.

We don't need a squeeze in townhomes and condos or apartments into every square inch of our Beautiful City especially when we are not seeing a realized benefit as the taxpayer. We could probably accept another 55+ Community but 75, 65, 55, 45, 35, or even 25 Townhomes isn't the answer.

The Townhomes for that matter at the top of the Frontage Road aren't even all that "Affordable" as we've already recently spoken with a Single Mother living there that recently commented that just since moving in 2 years ago, her HOA is going up and that her City Water/Waste bill has almost doubled so she is now looking to move out.

Due to being out of town this Thursday night, we're sending this email and wish for it to be read into the record of the meeting that night to be heard and counted with all the other voices present.

Regards,

Brandon and Yvette Tate
2558 Deer Run Dr