Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public Hearing to consider and take action on a request to amend the Weber County Land Use Code, Title 104 (Zones) Chapter 13 (Forest Residential Zone (FR-1), to allow the nightly rental of a condominium dwelling within a platted condominium project
Agenda Date:	Tuesday, June 10, 2014
Applicant:	Scott Littlefield, et al.
File Number:	ZTA 2014-03

Property Information

Approximate Address:	Not Applicable
Project Area:	Not Applicable
Zoning:	Not Applicable
Existing Land Use:	Not Applicable
Proposed Land Use:	Not Applicable
Parcel ID:	Not Applicable
Township, Range, Section:	Not Applicable

Adjacent Land Use

North:	Not Applicable	**South:**	Not Applicable
East:	Not Applicable	**West:**	Not Applicable

Staff Information

Report Presenter:	Charlie Ewert cewert@co.weber.ut.us (801) 399-8763
Report Reviewer:	SW

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 13 (Forest Residential Zone FR-1) Section 3 (Conditional Uses)

Background

Note: As further explained below, this application was divided into two separate issues by the Ogden Valley Planning Commission: the first issue is whether the FR-1 zone is a compatible zone for nightly rentals – for which they recommend denial, the second issue is consideration on general code clarifications relating to nightly rentals – for which they recommend approval. This staff report covers the first issue only. The second issue has been forwarded to the Western Weber Planning Commission for their recommendation prior to the County Commission's formal consideration. If the County Commission desires to approve this first issue, staff respectfully requests the Commission postpone any final decision until the second issue can once again be enjoined in a final proposed ordinance.

The applicant, as an owner within the Cobbles Condominium Project in the Ogden Canyon, is proposing to amend the Weber County Land Use Code (LUC) §104-13-3 to include Nightly Rental as a use allowed by conditional use permit in the FR-1 Zone[1]. The FR-1 Zone[2] does not currently expressly allow the use of dwellings for Nightly Rental[3] uses in the same way that the FR-3[4] and the DRR-1[5] zones do.

However, the FR-1 zone does currently allow certain types of short term rental units when approved as part of a "Bed and Breakfast Dwelling" and "Bed and Breakfast Inn" conditional use permit. Also, dwelling units within a Planned Residential

[1] See Exhibit A, attached. The applicant is representing the interests of himself and a number of other owners within the Cobbles Condominiums, as provided in the petition included therewith.

[2] See Exhibit C attached for a map of FR-1 property in Weber County

[3] Pursuant to LUC §108-7-25, "nightly rentals are allowed only when listed as either a *permitted or conditional use in a specific zone* or when approved as part of a planned residential unit development (PRUD)." (Italics added for emphasis)

[4] LUC §104-17-3: Forest Residential Zone FR-3 Conditional Uses

[5] LUC §104-29-8: Ogden Valley Destination and Recreation Resort Zone DRR-1 Land Uses

Unit Development (PRUD) may be used as a nightly rental when the use is approved as part of a PRUD conditional use permit.[6] Because PRUD's are listed as allowed conditional uses in the FR-1 zone, it is conceptually possible for nightly rentals to be permitted in the zone; but because the Cobbles Condominium project was approved without such PRUD approval, no nightly rentals are currently approved. To compound this problem, the Cobbles Condominium project does not qualify to be converted to a PRUD because it lacks sufficient acreage and units required by the PRUD ordinance.

Please see Exhibit B (attached) to review the proposed new text. Underlined text indicates new additions, strikeouts indicate deleted text.

Summary of Suggested County Commission Considerations

When making legislative considerations for land use matters the County Commission should focus on providing a reasonable balance between certain private property rights and the use's potential negative impacts on others. The following considerations can assist the County Commission to find such balance for this application:

First, is it reasonable to permit the use in the FR-1 zone? This is a key question for the County Commission to consider, the answer for which should be responsive to the intent of the FR-1 zone. The FR-1 zone is intended "to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development."[7] The minimum lot area in the FR-1 zone is one acre.[8] Considering that the zone is intended for low density forest residential development, and that the established uses in the zone are primarily single family residential in nature, allowing nightly rental units throughout the zone may not precisely align with the zone's single family residential character.

To be sensitive to this potential detriment the applicant has suggested that the allowance only be extended to platted condominium projects, in a manner similar to that allowed by the PRUD ordinance. At this current time the applicant's condominium project is the only platted condominium in the zone; therefore the text would only be applicable to it. If at some point in the future additional condominiums were to be established in the zone they would most likely be established via the PRUD subdivision process, which specifically permits nightly rentals as part of a potential PRUD conditional use permit. Thus, it can be determined that there is already potential for nightly rental uses in the zone within certain types of planned developments – provided that the harmful impacts of odor, vibration, light, dust, smoke, or noise[9] can be mitigated – but not within existing single family dwelling unit developments.

Second, how might the use affect existing residents? As mentioned above, the FR-1 zone currently allows bed and breakfast dwelling units and inns upon approval of a conditional use permit. The function of these types of short term rental units may prove similar to the function of nightly rentals of condominium units; however, unlike bed and breakfast operations, nightly rentals would not require owner occupancy, nor be in a complex under single ownership. This could result in inattentive and/or apathetic absentee owners who are not cognizant of the use's negative effects on other owner-occupied or long-term renter occupied units. The Planning Commission should take into consideration the potential impact of the nightly rentals on other owners.

The negative effect of this amendment on single family residential neighbors in the zone appears minimal considering it is only proposed to occur in condominium projects, and only after review for mitigation of harmful impacts as part of a conditional use permit. The effect it may have on future new PRUD developments in the zone also appears negligible because those future owners will have full disclosure of the allowed uses prior to their purchase.

Thus, the only neighborhood that this text amendment will substantially affect is the Cobbles Condominiums. Consideration for those owner's desires should be balanced. The applicant has asserted that the Cobbles Condominiums CC&R's do not currently prohibit nightly rentals, and has also provided a list of property owners in the Cobbles who favor the text amendment.[10] To scope other owners desires staff noticed this application to all owners within the Cobbles Condominiums and invited them to express their thoughts to the Planning Commission. There was significant comment from proponents

[6] LUC §108-5-4: Planned Residential Unit Development (PRUD), Use Requirements, part (d)
[7] LUC §104-13-1: Forest Residential Zone FR-1, Zone Character and Objectives
[8] LUC §104-13-5: Forest Residential Zone FR-1, Site Development Standards
[9] LUC §108-4-4: Criteria for Issuance of a Conditional Use Permit
[10] Included in the attached Exhibit A. Two of the signors have since rescinded their support, as shown by strikeouts and initials.

and opponents of the issue. The Planning Commission's recommendation for denial of the request indicates their feeling that the use may be too impactful to the existing owners and residents in the Cobbles Condominiums.

Third, is there balance between the desire for the use in the zone and the need for an ordinance amendment? This consideration is a higher level review of whether there is sufficient need to amend County Code to provide for the use. An unintended consequence of specific case by case ordinance amendments is the potential for over-bloated ordinances due to years of multiple minor and seemingly reasonable amendments. Ordinance over-bloat can result in an unadministrable set of ordinances that may require considerable revisions in the future to make intelligible. Also, case-by-case ordinance changes can cause the administration of a zone to unintentionally "creep" away from the purpose and intent of the zone. The County Commission should consider whether this addition poses threat to the future code integrity and/or administration.

As a final consideration, if the County Commission determines that nightly rentals in non-bed and breakfast facilities in the FR-1 zone is not conducive to the intent of the zone, then there should be some direction to staff to provide the proper amendments to the code to eliminate the opportunity for nightly rentals in the zone as a part of an approved PRUD conditional use permit.

Conformance to the General Plan

Legislative decisions should be considered through the lens of policy perspectives provided in the General Plan. A review of the general plan documents returned little specificity on the subject of permitting nightly rentals within single family zones. The Ogden Valley General Plan Recreation Element does provide significant discussion on the importance of facilitating recreational uses in the valley[11], which short term rentals may do; and the Weber County Housing Assessment and Plan discusses the need for diversity in housing options throughout the County.[12] Generally, it appears that nightly rentals support these ideals. However, the Weber County Housing Assessment and Plan also cautions about the potential for "long term destabilization [that] is typically due to the lack of maintenance of absentee owners."[13] The balance between these interests may be subsided by the limitation that the proposed (and other existing) text offers that restrict nightly rentals in the FR-1 zone to condominium (and PRUD) projects, which will typically have community management and maintenance obligations through CC&R's.

Conditions of Approval

Not Applicable

Ogden Valley Planning Commission Recommendation

The code amendment that is currently being forwarded to the County Commission from the Planning Commission is one part of a bifurcated issue. On a 5-0 vote, the Ogden Valley Planning Commission has recommended that the County Commission *deny* the first issue, which is the code amendment that would allow nightly rentals in the FR-1 zone; but has recommended approval of a second issue, which is administrative code cleanup regarding nightly rentals in other zones. Because this second issue affects code sections relevant to Western Weber County it is first being forwarded to them for their recommendation and will be forwarded to the County Commission at a later date.

Exhibits

A. Application with supporting information provided by the applicant.
B. Proposed amendments – LUC §104-13-3: Forest Residential Zone FR-1.
C. Zoning Map of FR-1 property in Weber County.
D. Draft Planning Commission Meeting Minutes.
E. Supplemental information submitted by opponents of the amendment.

[11] See Ogden Valley General Plan Recreation Element, Chapter 3 and Chapter 9; http://www.co.weber.ut.us/planning_commission/packets/OVGP_Rec_Element.pdf
[12] See Weber County Housing Assessment and Plan 2012-2014, Section 3.3.0; http://www.co.weber.ut.us/mediawiki/images/9/96/Weber_Plan_Final_11192013_Online.pdf
[13] See Weber County Housing Assessment and Plan 2012-2014, Section 3.1

Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted	*Received By (Office Use)*	*Added to Map (Office Use)*
3/11/14		

Property Owner Contact Information

Name of Property Owner(s)	Mailing Address of Property Owner(s)
SCOTT LITTLEFIELD	218 OGDEN CANYON OGDEN, UT. 84401
Phone: (801) 814-7183 / Fax:	
Email Address: u0716349@utah.edu	Preferred Method of Written Correspondence: ☒ Email ☐ Fax ☐ Mail

Ordinance Proposal

Ordinance to be Amended

FOREST RESIDENTIAL ZONE FR-1, CONDITIONAL USES 12-3

Describing the amendment and/or proposed changes to the ordinance:

NIGHTLY RENTALS AS APART OF A CONDOMIUM PROJECT

Ordinance Proposal (continued...)

Applicant Affidavit

I (We), _____, depose and say that I (we) am (are) the interested member)s) of this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

_____ (Signature)

_____ (Signature)

Subscribed and sworn to me this _____day of _____, 20 _____,

_____ (Notary)

Cobbles Condominium Owner Petition to the Weber County Planning Division

We, the Cobbles Condominium Owners, petition you, the Weber County Planning Division for a Zoning Ordinance Text Amendment or
an addition to the conditional uses section of the Forest Residential Zone (FR1) to allow Nightly Rentals in Cobbles Condominiums.

Nightly rentals of homes are not currently prohibited under the current CCR's. Weber County currently allows nightly rentals for other condominiums in Weber County. Discussions with Weber County officials have indicated that Weber County would consider a zoning Ordinance Text Amendment or a change to the Forest Residentian Zone (FR-1) to add for Cobbles Condominium pursuant to a request from owners of Cobbles Units (signatures attached).

Owners who rent their home for nightly rental agree to add the following provisions to rental contracts:

- Require all renters to sign a contract that limits group size and activities.
- Require all participants to park off the street.
- No ATVs or additional RVs allowed.
- Rentals will comply with Weber County permitting and licensing requirements.
- Observe quiet times (after 9 PM and before 9 AM).
- No loud, outside music.
- Failure of renters to comply with the provisions in the contract could require the renter to vacate the premises immediately.

All owners involved in nightly rentals will provide their phone numbers to all other residents so they can be contacted directly if there are problems.

Homeowners renting any property will have the obligation to screen all potential renters to ensure that each rental results in an experience pleasant to all residents.

Additionally, the renters are considered guests of the owners and owners will provide comfortable homes that are well-kept and owners will be available to assist these guests at any time during their stay.

Please email the add this request to the County Commission Agenda and include a notice to Cobbles HOA Board Representative Patti Litlefield and she will inform all Cobbles owners of county Commission hearings: patti.littlefield@kroger.com

Owner Signature	Date	Phone Number
Hal Lee	28 Oct 13	801 627 1017
Mike Bachmann	28 Oct 13	8014300583
Nikki R Bachmann	10/28/13	801-940-6390
[illegible]	1/8/14	801-791-3473
[illegible]	1/13/14	801 643-4721
Rick Montgomery	1-13-14	801-791-1219
Scott Littlefield	1/13/14	801-814-7183
Patti Littlefield	1/13/14	801-814-7091
Brenda Lee	1/19/14	801 915 9792
Traci Douglass	1-19-14	801-732-9521
[illegible]	1-30-14	801-644-2887

CHAPTER 12

FOREST RESIDENTIAL ZONE FR-1

12-1. Zone Character and Objectives

The purpose of the Forest Residential Zone is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.

12-2. Permitted Uses

1. Accessory building or accessory use customarily incidental to a permitted use
2. Agriculture
3. Animals and fowl kept for family food production
4. Cluster subdivision, in accordance with Chapter 22B
5. Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than one hundred (100) feet from a public street, and not less than twenty-five (25) feet from any side or rear lot line, 40 feet from the residence and 75 from the nearest adjacent residence. 99-23
6. Greenhouse, non-commercial only
7. Home occupations 96-35, 2010-20
8. Horses for private use only, and provided that not more than two (2) horses may be kept for each one (1) acre of land - exclusively devoted to the keeping of horses. 14-92, 99-23
9. Household pets which do not constitute a kennel. 99-23
10. Single family dwelling
11. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work
12. Residential Facilities for persons with a disability meeting the requirements of Chapter 23-13 of this Ordinance. 2009-14

12-3. Conditional Uses **2010-20**

The following uses shall be permitted only when authorized by a Conditional Use permit obtained as provided in Chapter 22C:

1. Bed and Breakfast dwelling subject to the following standards 15-86, 99-23
   A. Two parking spaces shall be provided for the host family plus one space for each guest room;
   B. Proprietor or owner shall occupy the property;
   C. Meals shall only be served to overnight guests;
   D. Signs are limited to a name plate identification sign not exceeding 2 sq. ft. in area per dwelling;
   E. Not more than 2 guests sleeping rooms per dwelling;
   F. Allowed only in existing dwellings with no exterior additions nor change in residential character; and
   G. Business license shall be obtained

2. Bed and Breakfast Inn subject to the following standards and criteria: 9-90, 99-23
   A. Proprietor or owner shall occupy the premises;
   B. Not more than seven (7) sleeping rooms per inn. 2003-2
   C. The lot must be at least 2 1/2 acres in area with frontage on a public street of at least two hundred fifty (250) ft. in width;
   D. The lot shall have frontage on a major street as shown on the County Master Plan (State Highway or County Major Street);
   E. The lot shall not be in a recorded subdivision unless the lot is specifically created for the purpose of a Bed and Breakfast Inn;
   F. The Inn shall be at least 300 ft. from the nearest existing dwelling;
   G. Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;
   H. The guest parking shall be in the rear of the Inn;
   I. Meals shall be served to registered overnight guests only;
   J. Signs are limited to one name plate or one identification sign of not more than 8 sq. ft. in area;
   K. The site shall be landscaped to provide a visual and noise buffer to adjoining property; A Landscape Plan shall be submitted with Site Plan.
   L. The Inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;
   M. A business license shall be obtained;
   N. All units to be in one building together with owner's residence.
3. Church, synagogue or similar permanent building used for regular religious worship
4. Educational Institution
5. Educational/Institutional Identification Sign 20-94, 30-94
6. Golf course, except miniature golf
7. Parking lot accessory to uses permitted in this zone
8. Planned Residential Unit Development in accordance with Chapter 22D of this Zoning Ordinance 3-72
9. Private park, playground or recreation area, but not including privately owned commercial amusement business
10. Public building, public park, recreation grounds and associated buildings
11. Public Utility Substations 96-42
12. Ski resorts, including summer skateboard activities as an accessory use 19-77
13. Water storage reservoir developed by a public agency
14. Conference/Education Center, with 5 acre minimum lot size 99-23
15. NIGHTLY RENTALS AS APART OF A PLATTED CONDOMINIUM PROJECT.

12-4. Permitted Signs and Regulations

Signs shall meet requirements of Chapter 32B, Valley Commercial Signs if located within the Ogden Canyon or Ogden Valley area.

12-5. <u>Site Development Standards.</u>

1.	Minimum Lot Area	One acre
2.	Minimum Lot Width	150 feet, except the width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up on one- third (1/3) provided the lot has the required lot width at a distance of 70 feet back from the front lot line. 7-77

3. Minimum Yard Setbacks		
A. Front	30 ft. on streets of less than 80 ft. in width; 50 ft. on streets and highways of 80 ft. or more in width	2-89
B. Side	20 feet	
C. Rear		
1. Main Bldg.	30 feet	
2. Accessory Bldg.	10 feet	
4. Main Building Height		
A. Minimum	one story	
B. Maximum	35 feet	
5. Accessory Building Height	25 feet, unless meeting requirements of Chapter 23-16, Large Accessory Buildings.	2002-8, 2009-14

WEBER COUNTY

WEBER COUNTY CMS RECEIPTING SYSTEM

OFFICIAL RECEIPT

*** REPRINT ***

Date: 11-MAR-2014 Receipt Nbr: 2852 ID# 18793

Employee / Department: ANGELA - 4181 - PLANNING
Monies Received From: COBBLES CONDOMINIUMS
Template: PUBLIC WORKS
Description: TEXT AMENDMENT

The following amount of money has been received and allocated to the various accounts listed below:

Total Currency	$	.00
Total Coin	$	.00
Total Debit/Credit Card	$	.00
Pre-deposit	$	.00
Total Checks	$	300.00
Grand Total	$	300.00

Account Number	Account Name	Comments	Total
2014-08-4181-3419-0550-000	ZONING FEES		300.00

TOTAL $ 300.00

Check Amounts

300.00

Total Checks: 1 Total Check Amounts: $ 300.00

*** SAVE THIS RECEIPT FOR YOUR RECORDS ***

A Summary Document Supporting the Cobbles Condominium Owner Petition to the Weber County Planning Division

Abstract: *This document presents an analysis of benefits derived from nightly single family rentals at county, municipal and community levels. In particular, this Summary Document provides an overview of revenue and competitive benefits enjoyed by county and municipal organizations that choose to support nightly single family rentals as well as an assessment of property value and owner revenue advantages realized at a community level.*

Ogden Valley, Ogden City and Greater Weber County Considerations

Vacation revenue encompasses sectors including, but not limited to: ski resort revenue, local ski resort employment, restaurant sales, outdoor sport equipment rentals, lodging, and associated retail and grocery sales. The Ogden Valley enjoys outdoor opportunities that will attract visitors to vacation destinations based on the availability of: downhill ski, cross country ski, snow shoe, hiking, mountain biking, boating, conventional angling and fly fishing which all have resources available in the immediate Ogden Valley vicinity. The Ogden Valley is truly blessed with a plethora of outdoor vacation destination opportunities that are available to vacationers on a twelve month basis, depending upon the sport of choice.

Potentially most problematic for the Ogden Valley and Weber County in terms of competing with other markets for vacation travel revenue is the shortage of short-term rental opportunities in the Ogden Valley and greater Ogden City areas. The fifty year Master Plan for Snowbasin ski resort offers a long-term growth plan to address this shortage, but mechanisms to address this shortage in the near-term will rely on case-by-case solutions. Short-term, single family rentals (SFRs) offer one avenue of relief to this resource restraint.

> *"A relative rarity in the USA a decade ago, such alternative lodging options now represent a nearly $25 billion segment of the travel business, ….It's gone from being a literal cottage industry to nearly a quarter of U.S. lodging revenues…."*
>
> - *Brent Hieggelke, SecondPorch.com – USA Today*
>
> *The availability of short term lodging is a key goal of the Town of Vail. Very early on the town recognized the need to provide a wide range of lodging opportunities to our guests and visitors. Short term rentals fill a unique niche in the market that cannot be filled by hotel rooms alone.*

- *Town of Vail, Colorado Association of Ski Towns Survey (2011)*

"10.4% of Park City's winter visitors come from California, which means 180,000 California skiers not coming to Mammoth." (Mammoth Lakes currently prohibits SFR within township limits)

- *Mammoth Vacation Home Rentals, why allowing short-term family home rentals makes good sense for Mammoth, http://www.mammothvhr.org/*

Weber County; as with all local and municipal entities, wrestles constantly with acquiring sufficient revenue to provide services while minimizing the county and city tax burden on residents. SFRs offer an additional mechanism for revenue generation for local and municipal governments through the transient occupancy tax (TOT). The TOT funds received from SFR receipts have proved beneficial for both Park City and Lake Tahoe, to wit:

"Both Park City and Lake Tahoe had restrictions on nightly SFR rentals. When Park City changed its ordinance allowing SFR nightly rentals and the collection of TOT from it they received an increase in TOT receipts of 9.95% ***and an increase in tourism spending of 4.7%.*** *Lake Tahoe's TOT receipts increased by 13.4% and* ***tourism spending increased by 8.9%.*** *Interestingly, Lake Tahoe found that the average days stayed by a transient renter in a hotel/motel at 3.4 days, condos at 3.5 days, and private SFRs at 10.4 days…."*

- *Mammoth Vacation Home Rentals, why allowing short-term family home rentals makes good sense for Mammoth, http://www.mammothvhr.org/*

In broad terms, decisions made by Weber County when addressing short-term rental opportunities for vacation destination customers play prominently into the future success of the Ogden Valley, Weber County and Ogden City economies. To the extent which the Ogden Valley can *compete* as a relevant vacation destination against other world-class destinations in the American west will define the area's economic ceiling in the coming ten and twenty year time frames.

Considerations for Cobbles Condominium

Cobbles Condominium resale prices have plummeted by 30 to 50% of pre 2008 property values based on a comparison of pre 2008 and post 2009 home sale prices. The condominium has suffered two foreclosures and the overall prognosis for property value recovery commensurate to home prices in the Ogden City and Ogden Valley areas is dismal.

Fortunately, four properties, including two of the foreclosed properties have been acquired by homeowners who have spent, or are planning to spend, considerable funds to revitalize those properties. While the infrastructure spending on these properties is absolutely vital, it is unlikely that those efforts will translate, in and of themselves, to a property price recovery to pre 2008 values in the foreseeable future.

In order for Cobbles Condominium to realize a significant property value increase in the foreseeable future the condominium needs a game-changing paradigm shift that will create property value increases heretofore unrealized in the Condominium or, for that matter, in Ogden Canyon. The exposure of Condominium properties to non-local potential buyers during their vacation stay has the potential to be that mechanism. Conversely, the limiting of SFRs at Cobbles Condominium would be a debilitating hurdle to realizing potential property value upsides. Prohibition of SFRs in the Condominium would unreasonably and permanently destroy property value for current and future unit owners.

In terms of retention and enhancement of property values, SFR's offer a tremendous advantage to Cobbles Condominium. Because the SFR clientele is discerning, it is imperative for a successful SFR property owner to consistently maintain their property **as well or better** than owner-occupied properties.

> *"Vacation rentals are often the best kept houses in the area. They need to be, in order to attract return guests. Some of us buy older homes that are headed towards decay and renovate them. Property values of vacation homes are often higher than they are on other homes because the rental income makes the property more valuable."*
>
> - *North American Association of Vacation Rentals (NAAVR)*

The ability for homeowners in Cobbles Condominium to enjoy SFR capability would add enormously to the earning potential of each condominium property:

> *"Short-term rentals are the accommodations of choice for a growing number of bargain-seeking travelers who, in a single night, shell out enough to cover 25 percent of the property's monthly mortgage. In some instances, there's an opportunity to charge even more during high demand periods, during special events, holidays, and seasonal peaks."*
>
> - *AshleyM. Halligan, Personal, financial investment returns make short term rentals ever more popular, Deadline News.com, January 27, 2012.*

Additionally, utilization of a property as a SFR would make tax benefits available to condominium owners:

> *"If the property is rented for more than 15 days out of the year, the owner can take a business use deduction on a host of operating, upkeep and maintenance costs as well as the cost of large-ticket purchases such as hot tubs, replacing the HVAC, remodeling work and a host of other costs."*
>
> - *AshleyM. Halligan, Personal, financial investment returns make short term rentals ever more popular, Deadline News.com, January 27, 2012.*

SFR capability for Cobbles Condominiums would result in an enhanced property preservation ethos at the Condominium, an increased earning capability for owners that participate in nightly SFRs and the acquisition of tax benefits for property owners who choose to make investments in their property. The net effect of these benefits is a decrease in the likelihood of future

foreclosures at the Condominium, stability and enhancement of property values, and an increase in owner wealth that would be in turn be reinvested in Cobbles Condominium properties.

Conclusion

The right for owners to enjoy SFR capability is a question currently being considered at vacation destinations throughout the United States. Forward-looking county and municipal planning departments, as well as residential organizations are assessing the cost benefit analysis of the SFR question.

In the mid to long term, vacation destination planning departments that make the decision to add short-term rental capacity to their lodging market via SFR will realize widespread economic benefit in the form of vacation-driven revenues for local businesses, more local jobs and a robust transient occupancy tax to obviate property tax increases. County and municipal organizations associated with vacation destinations that forego this opportunity will be at a competitive disadvantage to attract vacation revenue dollars as compared to competitor markets that choose to increase short term rental capacity and maximize transient occupancy tax potential.

Local community organizations that opt in for SFR will realize more personal wealth and experience more substantial property value increases than communities that prohibit this opportunity. In the case of Cobbles Condominium the decision for this option is the difference between permanently limiting a property's value versus choosing prosperity for Cobbles Condominium and for greater Weber County.

Proposed Amendments – LUC §104-13-3

CHAPTER 13. FOREST RESIDENTIAL ZONE FR-1

…

Sec. 104-13-3. Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code:

(1) Bed and breakfast dwelling, subject to the following standards:

a. Two parking spaces shall be provided for the host family plus one space for each guest room;

b. Proprietor or owner shall occupy the property;

c. Meals shall only be served to overnight guests;

d. Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;

e. Not more than two guests sleeping rooms per dwelling;

f. Allowed only in existing dwellings with no exterior additions nor change in residential character; and

g. Business license shall be obtained.

(2) Bed and breakfast inn, subject to the following standards and criteria:

a. Proprietor or owner shall occupy the premises;

b. Not more than seven sleeping rooms per inn.

c. The lot must be at least 2½ acres in area with frontage on a public street of at least 250 feet in width;

d. The lot shall have frontage on a major street as shown on the county general plan (state highway or county major street);

e. The lot shall not be in a recorded subdivision unless the lot is specifically created for the purpose of a bed and breakfast inn;

f. The inn shall be at least 300 feet from the nearest existing dwelling;

g. Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;

h. The guest parking shall be in the rear of the inn;

i. Meals shall be served to registered overnight guests only;

j. Signs are limited to one nameplate or one identification sign of not more than eight square feet in area;

Proposed Amendments – LUC §104-13-3, LUC §108-7-25, LUC §108-8-2, and LUC §108-5-4

k. The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape plan shall be submitted with site plan;

l. The inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;

m. A business license shall be obtained;

n. All units to be in one building together with owner's residence.

(3) Church, synagogue or similar permanent building used for regular religious worship.

(4) Educational institution.

(5) Educational/institutional identification sign.

(6) Golf course, except miniature golf.

(7) Parking lot accessory to uses permitted in this zone.

(8) Planned residential unit development in accordance with title 108, chapter 5 of this Land Use Code.

(9) Private park, playground or recreation area, but not including privately owned commercial amusement business.

(10) Public building, public park, recreation grounds and associated buildings.

(11) Public utility substations.

(12) Ski resorts, including summer skateboard activities as an accessory use.

(13) Water storage reservoir developed by a public agency.

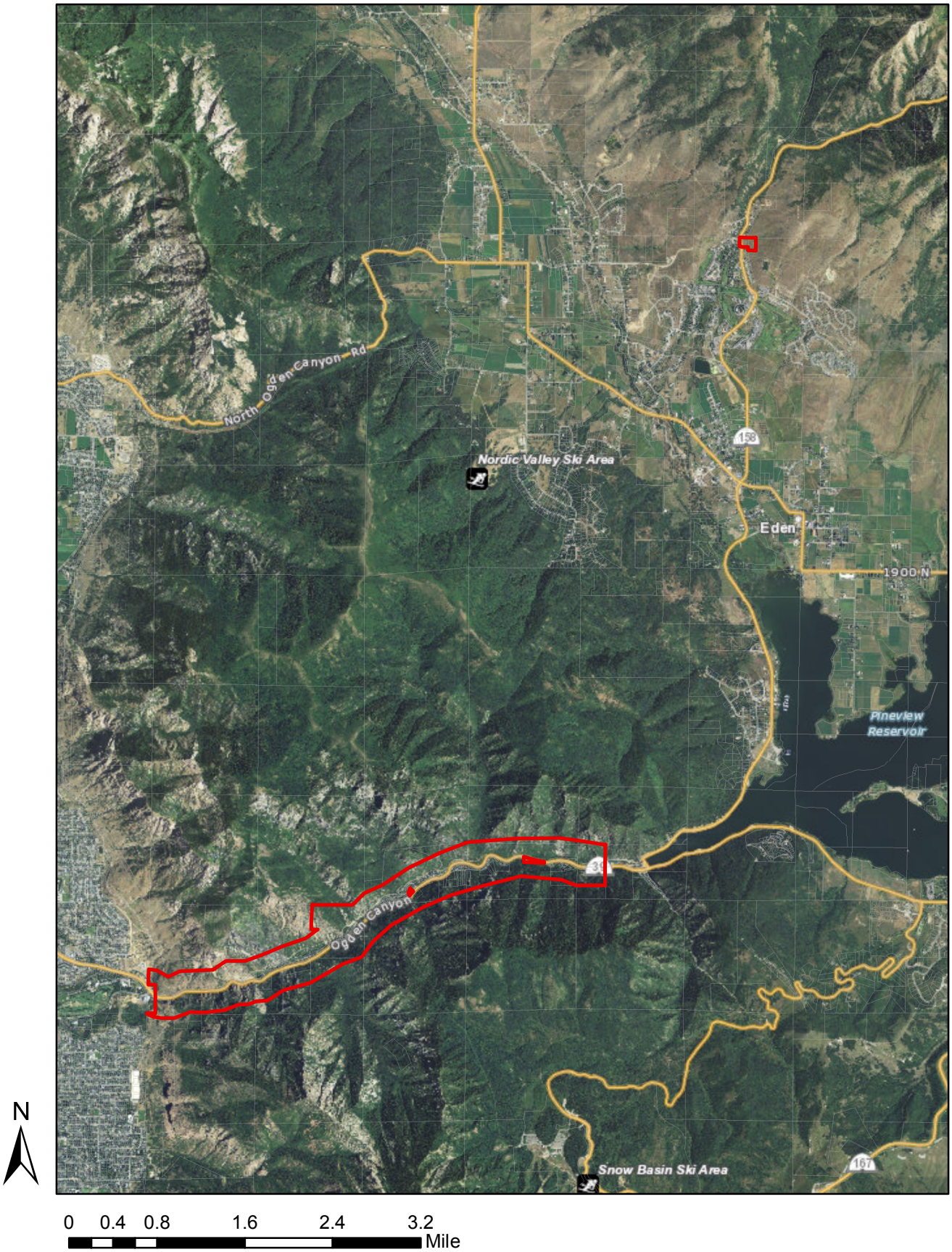
(14) Conference/education center, with five acre minimum lot size.

(15) Nightly rental of a condominium dwelling unit within a platted condominium project, subject to the additional parking requirements for rental sleeping rooms as provided in title 108, chapter 8, section 2 of this Land Use Code.

(Ord. of 1956, § 12-3; Ord. No. 3-72; Ord. No. 19-77; Ord. No. 15-86; Ord. No. 9-90; Ord. No. 14-92; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 99-23; Ord. No. 2003-2; Ord. No. 2010-20)

...

Zoning Map of FR-1 Property in Weber County



Minutes of the Ogden Valley Planning Commission Regular meeting April 22, 2014, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Pen Hollist, Chair; John Howell; Kevin Parson; Laura Warburton, Will Haymond
Absent/Excused: Ann Miller; Greg Graves
Staff Present: Sean Wilkinson, Planning Director; Jim Gentry, Planner; Steve Parkinson, Planner; Charlie Ewert, Planner; Chris Allred, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance:
Roll Call:

1. Minutes: Approval of the March 25, 2014 and April 1, 2014 meeting minutes

MOTION: Chair Hollist declared the meeting minutes approved as written.

Chair Hollist asked if any member had ex parte communications they would like to declare. No ex parte communications were declared.

2. Consent Agenda:
2.1. SUBVAC 2014-01: Consideration and action on a request to vacate Lots 4 and 5 of The Sanctuary Subdivision including all public utility easements located at approximately 1500 Maple Drive, Huntsville UT (Timothy Charlwood, Applicant)

MOTION: Commissioner Warburton moved to approve consent agenda item SUBVAC 2014-01 to vacate Lots 4 and 5 of The Sanctuary Subdivision. Commissioner Parson seconded.

VOTE: A vote was taken and Chair Hollist said the motion carried (5-0)

3. Petitions, Applications and Public Hearings
3.1. Administrative Items
a. New Business
1. DR 2014-03: Consideration and action on a an administrative application for a temporary material processing and rock crushing operation at The Retreat Subdivision located at 5334 East Elkhorn Drive in the Residential 20 (RE-20) Zone (Retreat Utah Development Corporation, Applicant, John Lewis, Agent)

This agenda item was not heard as it was withdrawn by the applicant.

4. Legislative Items
4.1. New Business
a. ZTA 2014-04: Consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 9 (Forest Zones F-5, F-10, and F-40) Section 2 (Permitted Uses by increasing the allowed size of a shed from 100 square feet to 200 square feet (Sunridge Property Owners Association Board Members, Applicant)

Jim Gentry said this is an application from the Sunridge Property Owners Association to amend the Weber County Land Use Code Title 104, Chapter 9, and Section 2 by increasing the allowed size of a shed from 100 square feet to 200 square feet. Property owners in the Forest Zones F-5, F-10, and F-40 can have a recreational vehicle or trailer on their lot and are allowed to have one shed not exceeding 100 sq. ft. In 1983 an amendment to the zoning ordinance was approved to allow temporary trailers in the Forest-5 Zones as well as 100 sq. ft. sheds. At that time, the County Commission was debating between 100 and 150 sq. ft. sheds and they went with 100 sq. ft. The amendment was added to allow lot owners a place to store tools and other equipment they needed to work on their lots. Today lot owners need a place to store and lock up costly ATV's and support equipment and not have to transport their equipment each time they visit the site. The other change to Section 104-9-3 Conditional Uses by removing number (16) Recreation Resort and renumbering and the proposal conforms to the goals and policies of the General Plan for recreation opportunities. Staff is recommending approval
.

MOTION: Commissioner Warburton moved to recommend to the County Commission approval of ZTA 2014-04 to amend the Weber County Land Use Code Title 104 (Zones) Chapter 9 (Forest Zones F-5, F-10, and F-40) to include increasing the size of

the sheds from 100 sq. ft. up to 200 sq. ft maximum and remove from Title 104 Chapter 9 Section 3 number (16) Recreation Resort and renumber to reflect the change. Commissioner Howell seconded.

DISCUSSION: Chair Hollist said that mathematically that moves from a 10x10 to a 14x14 shed so it's not a huge building. Commissioner Warburton said that anything above 200 sq. ft. requires a building permit.

VOTE: A vote was taken and Chair Hollist said the motion carried (5-0)

b. ZTA 2014-03: Consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 13 (Forest Residential-1 (FR-1) Zone) to allow the nightly rental of a condominium dwelling with a platted condominium project (Cobble Condominiums, Applicant; Scott Littlefield, Agent)

Charlie Ewert said this is a request for a text amendment to change all the uses within the FR-1 Zone to allow nightly rentals. Through staff's analysis, they have determined that it would be best to the text changes for the existing condominium. When the applicant came and petitioned for a change he was hoping to get nightly rentals specifically within his complex. To illustrate the analysis that was conducted and there are three primary questions that he posed in providing this analysis:

1. Is it reasonable to permit the use in the FR-1 Zone? The FR-1 Zone is intended "to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development." That is the purpose of the FR-1 Zone.
2. How might the new use affect existing residents within that zone? Mr. Ewert said as they did the research on this project, they found that nightly rentals are also found in Bed and Breakfasts in the zone and they are allowed in the PRUD's by conditional use permit within the zone. So if they were to apply for a Planned Residential Unit Development, they could ask for nightly rentals as well. One of the complications of the Cobbles and perhaps the reason why they aren't a PRUD is because they were a platted condominium project that was platted back in the 70's, prior to specific ordinances allowing the PRUD conditional use permit. If the zone was intended for low density residential but currently allows for certain nightly rentals, what is it that the Planning Commission, County Commission, and the citizens in the FR-1 Zone want? Staff's recommendation would be neutral, but in reading the purpose statement of the FR-1 Zone, its intent in the beginning was to provide for single family residential homes. If that was currently what the zone is, it would be an easy recommendation to not allow nightly rentals; however, it's not as clear as that because the zone has evolved.
3. The point is to provide a balance between the desired use of the zone and the need for an ordinance amendment. Staff finds that zones creep over time by simple corrections or updates so we want to check that the request from the applicant fits in well with the zone, fits in with the purpose, and fits in with the rest of the ordinance structure and framework so that there are no unnecessary complications in our ordinances.
4. A final point is the County Commission feels that this is not a use that should be allowed in the zone, this Planning Commission may want to address this with staff, and have us go back and look at the PRUD Ordinance and determine whether or not nightly rentals should even be permitted.

Commissioner Warburton asked staff to clarify the difference between platted condominiums and PRUD's. Mr. Ewert replied that the State of Utah has adopted the Condominium Act which states how to plat the condominium. Condominium complexes can be just like an apartment complex; however, the airspace within each unit is owned and there is a deed to it. You can plat condominium complexes with the PRUD Ordinance, but it's not restricted to only ownership of the condominiums.

Chair Hollist asked staff to clarify the paragraph, "allowing nightly rental units throughout the zone, may not precisely align with the zones single family residential character." Mr. Ewert replied that currently the F-1 Zone primarily has single family residences and his exhibits will show that the F-1 Zone is primarily in the Ogden Canyon with a very small spot in the valley. Staff didn't want to advance nightly rentals being allowed everywhere including single family residences, because it could negatively impact a single family neighborhood. Staff encouraged the applicant to focus more on the condominium complex because the condominium will have an association with a board and potentially a management company with the ability for the complex to maintain the facility better than a single family residence where there are absentee owners.

Commissioner Warburton asked if they approve this on the conditional basis, and put it Section 108, then the PRUD has certain qualifying regulations that are already set, but for future condominium projects that want to qualify and be able to rent nightly locating specifically in that zone. Mr. Ewert replied to get the condo plat within this zone they would need to use

the PRUD Ordinance to do so.

Commissioner Warburton asked if the PRUD was allowed way back then, and nightly rentals were available to the condominium project, but an applicant didn't have land available and they didn't meet all of the qualifications, what they would have to do to get a variance. Mr. Ewert replied that if the only issue is that there is a lot size problem, they would petition the county to seek out a variance in the lot size requirement and that would go to the Board of Adjustment who would consider they meet the criteria for a variance.

Sean Wilkinson said that a PRUD currently requires 24 units as well and this condominium has only 16 units, so that would need two variances.

Commissioner Parson said that this project should not be related to a Bed and Breakfast. In the FR-1 Zone the Bed and Breakfast has kind of crept in and clouded our perception of the impact on single family dwellings. Bed and Breakfast has stipulations like the property owner has to be on the premise, must have a 2-1/2 acres minimum lot size, 250 feet of frontage, and the end has to be 300 feet from the nearest existing dwelling. They have done a good job protecting the general plan as it relates to a single family dwelling.

Charlie Ewert said that on Exhibit A is the application is 7 sheets provided to us from that applicant. There was little information provided there that might have been misunderstood by the public that was provided research from the county, but it was actually provided by the applicant. Exhibit B is the proposed amendments that need to be changed are in blue and deletions are struck out in red. Exhibit C is the zoning map of all the FR-1 properties within Weber County. The final Exhibit is the previously implemented land use code and during the process he found an error; nightly rentals are anything that is rented out 3 days or less as opposed to 30 days, and anything after 30 days are nightly rentals.

Chair Hollist said before we get into the applicant and public comments, he would like to explain what this Planning Commission's role in this matter and to clarify what they are doing here. They are talking about changing the law; and going to the County Commissioners with a recommendation from the Planning Commission on how they wish the law to read for the FR-1 Zone. There seems to be a 50/50 for and against nightly rentals, so there is likely to be emotions involved here, to the extent, that you the public are able to advise us, as to how this Planning Commission should act relative to changing the law, because that is what the County Commission expects of us. There needs to be something of substance as we go to the County Commission and make recommendations.

Scott Littlefield, the applicant who resides in Ogden Canyon, said that he asked staff if he could bring Howell Lee to the meeting and address the issues. Staff said that would not be a problem. He said he would address a question if all the units were occupied. This is broken down into four different groups; of the 16 units in the Cobbles area, owner occupied they currently have four long term rentals, they have five owner unoccupied, and seven or part time occupancy. I would like to turn this over to Mr. Lee who is an owner and a part time resident at the Cobbles.

Chair Hollist said for the record, they have heard from the applicant and now entering the public comment portion.

Howell Lee, owner of Cobbles Condominium, said the Ogden Valley General Plan Recreational Element acknowledges the importance of facilitating recreational uses in the Ogden Valley because the valley competes with other outdoor recreation destinations for tourist income and there is a lodging limited recreation area which means it sells out during high peak time periods. It's worth looking into other recreational areas like California when they limited single family rentals and lost 10.4% of their ski economy to Utah which translates to 180,000 Californians going to Utah to ski per year. The city of Lake Tahoe had restrictions on nightly single family rentals. When Park City changed its ordinance allowing single family nightly rentals and the collection of the Transient Occupancy Tax (TOT), they received an increase of 9.95% with an increase of tourism spending of 4.7%. Lake Tahoe's TOT receipts increased by 13.4%, and tourism spending increased by 8.9%. They found that the average days stayed by transient renters in a hotel/motel was roughly 3.4 days, condo's 3.5 days, and private single family rentals approximately 10.4 days. Nightly single family rentals in Cobbles Condominium offer a unique opportunity for Weber County to capture additional benefit; roughly conservative per unit annual benefit of the economy to be $75,000. Cobbles Condominium resale prices have plummeted 30-50% from pre 2008 property values compared to 2009 home sales, has suffered two foreclosures, and the overall prognosis in the Ogden Valley is dismal. In order for the Cobbles Condominium to realize a significant property value, the condominium needs something to change. The exposure of condominium property to non-local potential buyers during their vacation stay has the potential to be that mechanism, and limiting of the rentals would

be a debilitating hurdle in realizing any upsize to property value. The Homeowners Association does have the ability to limit this activity through their CCNR's.

Mike Bachman, who resides in Cobbles Condominium, said he bought a house in the Ogden Canyon with the idea of turning it into a nightly rental. He bought the house for $45,000 and the previous residents destroyed the property and he was forced to evict them. Currently he has people renting by the month but would prefer renting by the night. This property is well maintained otherwise he could not rent it out to people and if they destroy it, he could charge them.

Taylor Jones, an Attorney representing the Cobbles Board of Directors, said that the number of documents that has been submitted has been mispresented as far as the number of owners that are in favor of this amendment being passed. There was a sheet signed by 8 or 9 people, and there are only 3 owners that support this amendment moving forward. Many of the people that are on there are married and only represent one unit, 2 of the people on there are on the side of the board and would like for the amendment not to be passed. There is only a small minority of people who live at the Cobbles who are looking at having this amendment passed. Condominiums in Utah have the authority to restrict rentals; and the association is in the process of having an amendment, that no matter what the Planning Commission decides, they will restrict nightly rentals either way. As for the security and nuisance concerns, there have been multiple occasions where the police have been called over the past several years for people who have been renting nightly. This is a residential area with full time residents and it's a gated community where people that live there are concerned about security and the number of people who have the gate's access code. There is a concern about maintenance, and the association doesn't hire people to maintain the property. The association is concerned that those people who rent short term won't be concerned about the maintenance. The other concern is about the parking as there is no street parking in these units and trailers are not allowed. There is a concern about fire and health ordinances as well. The owners when they purchased their units should have looked at their contract and noticed that there were no nightly rentals allowed in the condominiums. The Cobbles was created to be a residential community not a place where people come on a temporary basis, and is not fair for those people who reside there on a full time basis to have to deal with the problems of temporary residents.

Patty Littlefield, who resides in Cobbles Condominium, said she is a board member and voted for nightly rentals. They rent their property on a nightly basis and if a situation arises she is right there. As for the gate, that is always open during the winter and anyone can enter. They have had fisherman that come into the property without any problems. The trailer that they talk about is from someone that lives there on a long term basis. As for the insurance, they bought another insurance policy on top of the insurance provided by Cobbles so they would have enough to cover potential nightly rental damage.

Diana Taylor, who resides in Ogden Canyon, said she bought this home in 1989, and her condominium area is beautiful. She has been a board member as a secretary in Cobbles Condominium for a number of years. They have had more disruption with nightly rentals and were told that it was because the board is dysfunctional which it is not; it's the nightly rental's that make it dysfunctional and that is why the police have been called.

Nonnie Lee, who resides in Eden, said he father resides in Ogden Canyon and is a long term renter. She runs a concierge service for all of these nightly rentals and provides cleaning, shoveling, lawn mowing, and taking care of various issues as previously stated. There have been just as many problems with long term rentals as with short term rentals. They are not just renting to people that are coming for one night at a time and most of the time these people benefit Weber County. They are keeping her in business and her mother's barbershop in the valley in business. They spend money on food, recreation, and keeping the economy going there too. Most of these people are willing to come to somewhat a meeting in the middle, with contracts of understanding the differences of people coming and totally terrorizing the neighborhood. We have more problems with long term residents than with nightly rentals. They do track the people that they rent to. If they are not renting these condos then the condos sit there vacant being overrun by rodents and other things. When they go from 7,500 people to 35,000 people, half of the valley right now is a nightly rental community.

Greg Johnson, who resides in Clinton, said he bought his home four years ago, and he has spent thousands of dollars remodeling their home. It was meant to be a retirement home, and currently they are unable to reside there, but they do go there on weekends to enjoy their property, and have been doing so for several years. These are private homes and this is not zoned for rentals and the county has been called several times but these rentals keep going strong. He is the president of the Cobbles Condominium Board, and they have 12 owners that definitely do not want rentals, and are going to sign the CC&R's. These owners want this to be a private community and they want for it to stay that way.

Chris Barnard, who resides in Ogden Canyon, said he bought his property for $190,000 with the idea of living in a safe secure place. He moved here from Hawaii where there are a lot of transients and new neighbors everyday and be wanted to get away from that. If he had any idea that something like this was going to happen, he would have never considered moving here.

Mark Jim Nayland, who resides in Ogden Canyon, said that he was the former Board President of the Cobbles Condominium and served for 8 years; he is still on board and has been since 1978 when the Board was first formed. The intention of the Cobbles was to be a private residential neighborhood and the board members have worked to keep it that way. They have had discussions about limiting the long term rentals and it maybe something to consider in the future. They are a private single family community and he would like for it to stay that way. He has sympathy for his neighbors that have bought property with the idea of doing some development and making a profit from that; he has no argument with them doing that outside of their condominium. He opposes any change and appeals by the Planning Commission. This is a gated community and security issues are a serious concern. Having traffic coming through and not screened is a concern for all of them who have signed this petition opposing short term rentals. He has worked with sex offenders and rehabilitated them, but without a background check, there is no way that they are recognizable in the community, and being a parent and grandparent, he doesn't want them in his neighborhood.

Steve Clarke, who resides in Eden, said he has advantages and disadvantages for not being a property owner of the Cobbles. It seemed to him that the homeowners are putting the Planning Commission in a very awkward position, based on this requested law change and it could be possible to meet both needs. He believes that mitigation is possible even in this unusual case where you have no private residences that share a big septic field, the units share parking, and have common space where they play and live with all kinds of restrictions that make it difficult to accommodate nightly rentals. But in the spirit of cooperation, mitigation in almost everyone of these objections is feasible should the board and property owners decide that they wish to do it. The cost of mitigation could be borne by those property owners who rent nightly, and not by the people who are permanent residents. It seems that the PRUD Ordinance being implemented in the FR-1 Zone establishes precedence for permitting a text amendment that would allow nightly rentals, and then it becomes the property owner's decision. Let the property owners decide whether now's the time to have nightly rentals.

Collette Nayland, who resides in Ogden Canyon, said she wants to live there where her family can live and doesn't want to live in a commercial place where there are rentals. She noticed that those that want nightly rentals do not live there; they reside somewhere else, but want to make money in their neighborhood. Do they want nightly rentals in their neighborhood? Would this Planning Commission move into a place with the understanding that it was going to be a private zone for them to live, and all of a sudden it changes to nightly rentals? She is concerned about the law being changed and her quality of life being changed.

Howell Lee representing the applicant said one point he would rebut is how many people at Cobbles are for and how many are against; they don't have the answer to that, but they will find the answer to that in the days to come. If indeed it is the majority of the owners who built this place, than the CC&R's will be modified to reflect that. In reference to insurance, in the third quarter of 2013, the Homeowner's Association President approached him and indicated that he didn't have a problem with him doing nightly rentals except for the liability. He was asked to have a safety meeting with his insurance agent to raise his personal liability, which he did and it doubled his insurance premium to accommodate his fellow owners. The final point is if we go back to competition and economic environment of Weber County, Snow Basin, and Powder Mountain have a strong economic benefit from skiing, and his wife sells vacation destinations from the United States and Canada. Weber County is in a competitive fight for its economic life. The biggest rivals for the tourist income would be from the Cottonwood and Park City because that is the closest competitors. In terms of being sold out in lodging, Weber County is first; this is a controversial thing but if they are going to be competitive, it needs to start somewhere.

The HOA representative said that according to their calculations, there are four full time people, five that are part-time, three long terms renters, three nightly rentals, and one other unit where the person lives there and rents it out.
MOTION: Commissioner Warburton moved to recommend to the County Commission approval of ZTA 2014-03 to amend the Land Use Code Title 104-13-1 to allow the nightly rental of a condominium dwelling within a platted condominium project as a conditional use and to also change in 108-7-25 and change the error from 3 days back to 30 days. There was no second on the motion.

Commissioner Warburton said that if they vote this down they take the side of the board; and if they don't and allow it as stated by Mr. Clarke, they give them the opportunity to work this out. They are not in the business of deciding bylaws and CC&R's, or make decisions on who can make money and who can't. This is a property rights issue; as a condominium, they have a board, and they can make those property issue decisions together, and they should have the opportunity,

Chair Hollist said they do have the option to put this action on the table and instruct the homeowners to work it out. In listening to everyone, it seems that either way they go, they are in the middle; one way to avoid that is to put it on the table for a period of time and have them work it out and come back with a resolution.

Commissioner Warburton said what they are here is to decide land use issues, and whether or not they should give permission to further condominium projects where they can apply for a conditional use permit based on PRUD requirements that are already in the law; they are just giving them the right to apply for a conditional use.

Commissioner Parson asked if they go the route of the conditional use, then they go back to the conditions of the PRUD as it stands right now, in terms of the conditions they make their decision upon. Commissioner Warburton said they could give them a time limit of one year and have the applicant come back.

Chair Hollist said if they are recommending to the County Commissioners to change the law, would they be able to change the law for a period of time? Commissioner Warburton replied as part of the conditional use that is the mitigation and that would be something that this Planning Commission could impose, by conditional use, a time limit if they choose to.

Commissioner Howell asked legal counsel if the law is changed for this PRUD; on the Weber County Land Use Code, can the conditional use permit be added on the tail end? Chris Allred replied yes, that is what is proposed and if they amend the ordinance to make it a conditional use permit, then that's exactly what happens, and then they have to come back and get a conditional use permit before they can have a nightly rental.

Sean Wilkinson said that this discussion is starting to focus more on the Cobbles and it needs to focus more on the FR-1 Zone and whether or not this use is conducive based on the purpose and intent of that zone. The motion will need to contain the findings to that end. Regardless of what the decision is, you will need to have findings that reflect why or why not this is a good idea in the FR-1 Zone.

Commissioner Warburton said staff is correct and what they are looking at is a variance in that zone and it would have to be a PRUD as already stated. It would have to be a condominium project and it would be conditional, so they would have to come before the Planning Commission.

Chair Hollist said that the properties in this condominium association have been rented nightly and illegally for who knows how many years. It's an FR-1 Zone and nightly rentals under Weber County law are prohibited. No amount of letters from the HOA, no amount of calling the sheriff, no amount of brow beating the owner has changed that. So the question is, do we change the law to satisfy those that want to rent nightly or do we require them and uphold the law like the rest of the citizens.

MOTION: Commissioner Parson moved to not change the currently existing law to allow nightly rentals in the FR-1 Zone. Commissioner Howell seconded.

Sean Wilkinson said aside from that amendment, there were two other amendments that were to be considered as part of this, not necessarily applying directly to that section.

Charlie Ewert said that if the Planning Commission would look in Exhibit B, the changes on page two would not be included with a negative recommendation. For the changes on page three, they would want to change the recommendation from 3 back to 30 days. The changes on page four addresses parking per rental sleeping rooms throughout the county as it applies to FR-1 Zone and they have found some inconsistencies and how it can be applied elsewhere, and changing the language could help that, although it may not be as imperative without the other portion of the amendment, but it would clean it up. Page six provides some administrative cleanup to the PRUD Ordinance as it relates to nightly rentals and you may want to consider these in a different meeting, on a different topic. He could take out the negative recommendation and then bring it back to the Planning Commission another time.

DISCUSSION: Chair Hollist said that maybe if they table the motion with the idea that they are not going to make a recommended change to the law; other appropriate changes to the law would in fact be sorted out by tabling it.

Commissioner Howell asked if they could just table the items in question. Chair Hollist replied they have to act on the motion as it stands. Commissioner Howell asked if they could split off the other items that are affected by this ordinance. Chair Hollist asked Charlie to go through Appendix B, with the assumption that they are not going to allow nightly rentals, and point them to those paragraphs and let's rewrite the language so they can add those as a friendly amendment to Commissioner Parson's motion on the table and see if that is going to meet the requirement. Commissioner Warburton said that they would have to split vote and they don't have a separate file number for those two. Chris Allred said why don't they take a vote on the first part and somebody can make a motion on the remaining items.

Commissioner Howell said they have 11 people that are against nightly rental. The location at 208 Ogden Canyon does not have a PRUD and it would not qualify for a PRUD if they applied for it now so this is spot zoning, and with the majority are against it, it should be that majority rules. Commissioner Warburton replied that this is not spot zoning; it is more a property rights ownership issues, and she didn't want to tell the board what they can or cannot do.

Commissioner Haymond said as commissioners they need to be objective, and he has his list of positive and negatives, and the negatives outweigh the positives.

Commissioner Warburton asked what the differences between a condominium complex and a PRUD. Mr. Ewert replied that a Planned Residential Unit Development is a tool to plan out a specific residential development. You can have a condo within the PRUD, a condo side by side with single family dwelling units in a PRUD, townhomes, or whole mixed uses. A condo is a very specific tool under state law which takes a building or a structure or a group of buildings and structures and parcel by the air space that somebody owns the deed title. Commissioner Warburton said that this is a variance. Mr. Wilkinson replied the state code is very specific as to the criteria for a variance and the Board of Adjustment cannot grant a use variance which is what this would be if they were asking for a variance for nightly rental; it is currently prohibited under state code.

VOTE: A vote was taken and Chair Hollist said the motion carried (5-0)

Sean Wilkinson said for clarification, the motion from the Planning Commission will be heard by the County Commission and they will make the final decision.

Charlie Ewert said since we're clarifying, lines 60, 61, and 62 was to omit from the proposal and that was just done. Your final motion can be summed up by moving to approve the remaining of the changes or you could go through each of these sections; line 103 Section 108-7-25 supplemental regulations relating to nightly rentals. Page 4 is changing from 3 back to 30 and that is not a legislative action that changed it to 3. Section 108-8-2 parking space per dwellings, line 127, 128, 129, 130, and 131 of the proposed legislation and what this says is if they have a single family dwelling and have nightly rentals in that single family dwelling, there has to be two parking spaces for that single family dwelling and an additional .75 space for every rental sleeping room above and beyond two. On page 6 of 6, Section 108-5-4 which is use requirements within the PRUD Ordinance states that if is the use allowance built into these subdivision codes that you can use if you have a PRUD; you can ask for a conditional use permit for a nightly rental, and it restates what can be considered for nightly rentals. Previously there had been a number of single family residences, a number of other types of housing units that had been approved for nightly rentals. What this code does is it clearly states what they have already done in the past. To clarify, Part D this is what it currently states: *"any housing units to be developed or used for time share condominium rental apartment, lock out sleeping room, for night rentals, etc., shall be declared and designated on the site development plan."* What it is proposed to say is, *"any housing units to be developed for use in whole or in part for sleeping rooms, including walkout sleeping rooms, for nightly rentals shall be declared and designated on the site development plan and shall adhere to the additional parking requirements per rental sleeping room as provided in Title 108-8-2."*

MOTION: Commissioner Parson moved to alter the proposed text amendments of the Land Use Code in Exhibit B that piggybacks on ZTA 2014-05 to the following: Lines 102 - 105 changing from 3 to 30 days; Lines 127-131 to strike out those that are in red and keep those that are underlined in blue. Commissioner Haymond seconded.

VOTE: A vote was taken and Chair Hollist said the motion carried (5-0)

10. Adjournment: The meeting was adjourned at 7:55 p.m.

Respectfully Submitted,

Kary Serrano

Kary Serrano, Secretary,
Weber County Planning Division

Cobbles Homeowners That Do Not Want Daily Renters

Signed letters not wanting Daily Renters

Chris Barnard	248 Ogden Canyon
Brian & Debra Henniger	234B Ogden Canyon
Greg & Leah Johnson	236 Ogden Canyon
Kim & Colette Malan	208 Ogden Canyon
Kenneth Porter	246 Ogden Canyon
Jennifer Rasmussen	238 Ogden Canyon
Arthur & Doris Smith	210 Ogden Canyon
William Stolier & Kathy Weber	234A Ogden Canyon
Norris & Diane Taylor	242 Ogden Canyon
Joel Hewson	220 Ogden Canyon

Cobbles Homeowner was on the Petition/Changed mind Sign Letter

Rick Montgomery Signed letter not wanting daily renters	230 Ogden Canyon

Cobbles Homeowners that took there names off the Petition

Phil & Traci Douglass	214 Ogden Canyon
Pam Lee	232 Ogden Canyon

Cobbles Homeowners that are still on the Petition

Scott & Patti Littlefield	218 Ogden Canyon
Hal & Benda Lee	228 Ogden Canyon
Mike & Debra Bachman	212 Ogden Canyon

Homeowner on the Petition/Does not live in Cobbles

John Falls

COBBLES CONDOMINIUM

208-248 OGDEN CANYON
OGDEN, UT 84401

ZONING AND COBBLES AMENDMENT VOTING RESULTS FOR SHORT TERM RENTAL

Dear Homeowners,

A meeting of the Ogden Valley Township Planning Commission was held on Tuesday, April 22, 2014 in the Weber County Commission Chambers to determine whether the Zoning in the FR-1 zone (which includes Cobbles) should be amended to allow for nightly rentals.

The result was that the Planning Commission unanimously did not approve of amending the zoning. The Commission vote was 5 to 0. Therefore zoning in Cobbles does not allow for nightly rental.

Cobbles recently sent a ballot to all homeowners asking them to vote regarding short term rental. The ballot asked if homeowners wanted to amend the Declaration of Cobbles CC&R's. The deadline for returning ballots is not until May, however most homeowners returned their ballots quickly, and enough ballots were received to meet the legal requirements of amendment.

To date 11 of the 16 homeowners in Cobbles have returned ballots indicating they do not want short term rentals. Therefore, under legal advice from our attorney, the amendment has been legally recorded. Short term rental, bed and breakfast rental, and nightly rental are now legally prohibited in Cobbles, both by Weber County Zoning and Cobbles Condominium legal Covenants. A copy of the new amendment is shown below.

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS FOR THE COBBLES CONDOMINIUM

12.13.1 Rentals of a unit must be for a period of 30 days or longer. The operation of a Bed & Breakfast or nightly rentals is prohibited.

Now that a thorough discussion of this issue has ensued between homeowners and also with the Planning Commission and everyone has voted, this issue has been resolved. Spring has arrived and we can all look forward to an enjoyable season in Cobbles. Let us continue to work together as neighbors to make Cobbles a haven to live in and a beautiful place to live.

Cobbles Homeowners That Do Not Want Daily Renters

Chris Barnard	248 Ogden Canyon
Brian & Debra Henniger	234B Ogden Canyon
Greg & Leah Johnson	236 Ogden Canyon
Kim & Colette Malan	208 Ogden Canyon
Rick Montgomery	230 Ogden Canyon
Kenneth Porter	246 Ogden Canyon
Jennifer Rasmussen	238 Ogden Canyon
Arthur & Doris Smith	210 Ogden Canyon
William Stolier & Kathy Weber	234A Ogden Canyon
Norris & Diane Taylor	242 Ogden Canyon
Joel Hewson	220 Ogden Canyon

Long Term Renter

Danny Morgan	234B Ogden Canyon

Joel Hewson wants to be added to the (I do not want Daily Renters in Cobbles). Also I forgot to tell you that Rick Montgomery wants to be taken off the Petition for daily renter and go for I do not want Daily Renters in Cobbles. (See E-mail 17 April 2014 with sign letter)

This makes a total of **11** homeowners out of **16** that do not want Daily Renters in the Cobbles Condominium

DAILY RENTALS

April 17, 2014

To Weber County:

I Joel Hewson, at 220 Ogden Canyon is vehemently against daily (or weekly) rentals at Cobbles Condominium. This land is owned by sixteen shareholders who own their own homes and share a percentage of the land, and live within close proximity to one another.

When purchasing our home we did so because it was in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we purchased our property. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees to all homeowners because of increased insurance costs to cover the increased liability.

We strongly urge you to not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thank you.

Joel Hewson

4/19/~~13~~ 14 J.H.

DAILY RENTALS

April 9, 2014

To Weber County:

I Chris Barnard, at 248 Ogden Canyon is vehemently against daily (or weekly) rentals at Cobbles Condominium. This land is owned by sixteen shareholders who own their own homes and share a percentage of the land, and live within close proximity to one another.

When purchasing our home we did so because it was in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we purchased our property. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees to all homeowners because of increased insurance costs to cover the increased liability.

We strongly urge you to not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thank you.

Chris Alan Barnard

Chris Barnard

DAILY RENTALS

April 15, 2014

To Weber County:

We Brian & Debra Henniger, at 234B Ogden Canyon, are vehemently against daily (or weekly) rentals at Cobbles Condominium. This land is owned by sixteen shareholders who own their own homes and share a percentage of the land, and live within close proximity to one another.

When purchasing our home we did so because it was in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we purchased our property. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees to all homeowners because of increased insurance costs to cover the increased liability.

We strongly urge you to not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thanks, you

Brian Henniger 4-16-14

Debra Henniger 4/16/14

DAILY RENTALS

April 9, 2014

To Weber County:

We Greg & Leah Johnson, at 236 Ogden Canyon are vehemently against daily (or weekly) rentals at Cobbles Condominium. This land is owned by sixteen shareholders who own their own homes and share a percentage of the land, and live within close proximity to one another.

When purchasing our home we did so because it was in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we purchased our property. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees to all homeowners because of increased insurance costs to cover the increased liability.

We strongly urge you to not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thank you.

Greg Johnson

Leah Johnson

DAILY RENTALS

April 9, 2014

To Weber County:

We Kim & Colette Malan, at 208 Ogden Canyon are vehemently against daily (or weekly) rentals at Cobbles Condominium. This land is owned by sixteen shareholders who own their own homes and share a percentage of the land, and live within close proximity to one another.

When purchasing our home we did so because it was in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we purchased our property. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees to all homeowners because of increased insurance costs to cover the increased liability.

We strongly urge you to not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thank you.

Kim Malan

Kim Malan

Colette Malan

Colette Malan

DAILY RENTALS

April 9, 2014

To Weber County:

I Rick Montgomery, at 230 Ogden Canyon is vehemently against daily (or weekly) rentals at Cobbles Condominium. This land is owned by sixteen shareholders who own their own homes and share a percentage of the land, and live within close proximity to one another.

When purchasing our home we did so because it was in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we purchased our property. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees to all homeowners because of increased insurance costs to cover the increased liability.

We strongly urge you to not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thank you.

Rick Montgomery

DAILY RENTALS

April 9, 2014

To Weber County:

I Kenneth Porter, at 246 Ogden Canyon is vehemently against daily (or weekly) rentals at Cobbles Condominium. This land is owned by sixteen shareholders who own their own homes and share a percentage of the land, and live within close proximity to one another.

When purchasing our home we did so because it was in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we purchased our property. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees to all homeowners because of increased insurance costs to cover the increased liability.

We strongly urge you to not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thank you.

Kenneth Porter

DAILY RENTALS

April 16, 2014

To Weber County:

I Jennifer%George Michael Rasmussen, at 238 Ogden Canyon, am vehemently against daily (or weekly) rentals at Cobbles Condominium. This land is owned by sixteen shareholders who own their own homes and share a percentage of the land, and live within close proximity to one another.

When purchasing our home we did so because it was in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we purchased our property. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees to all homeowners because of increased insurance costs to cover the increased liability.

We strongly urge you to not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thanks, you

Jennifer Rasmussen

Jennifer Rasmussen

DAILY RENTALS

April 9, 2014

To Weber County:

We Arthur & Doris Smith, at 210 Ogden Canyon are vehemently against daily (or weekly) rentals at Cobbles Condominium. This land is owned by sixteen shareholders who own their own homes and share a percentage of the land, and live within close proximity to one another.

When purchasing our home we did so because it was in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we purchased our property. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees to all homeowners because of increased insurance costs to cover the increased liability.

We strongly urge you to not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thank you.

Arthur Smith
Arthur P. Smith

Doris Smith
Doris R. Smith

DAILY RENTALS

April 9, 2014

To Weber County:

We, William Stolier and Kathy Weber, owners of 234A Ogden Canyon Road, are vehemently against daily (or weekly) rentals at Cobbles Condominium. This land is owned by sixteen shareholders who own their own homes and share a percentage of the land, and live within close proximity to one another.

When purchasing our home we did so because it was in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we purchased our property. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees to all homeowners because of increased insurance costs to cover the increased liability.

We strongly urge you to should not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thank you.

William Stolier Kathy Weber

DAILY RENTALS

April 9, 2014

To Weber County:

We Norris & Diane Taylor, at 242 Ogden Canyon are vehemently against daily (or weekly) rentals at Cobbles Condominium. This land is owned by sixteen shareholders who own their own homes and share a percentage of the land, and live within close proximity to one another.

When purchasing our home we did so because it was in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we purchased our property. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees to all homeowners because of increased insurance costs to cover the increased liability.

We strongly urge you to not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thank you.

Norris Taylor

Diane Taylor

DAILY RENTALS

April 15, 2014

To Weber County:

I Danny Morgan, at 234B Ogden Canyon, am vehemently against daily (or weekly) rentals at Cobbles Condominium. I am a long term renter with a family.

We live here because it is in a private gated, secure and peaceful community. Daily rentals will completely negate all the reasons we wanted to rent this home. Un-supervised daily renters make the property less secure and peaceful. We have already had incidents of this nature from "illegal" renters. In addition to security issues, daily or weekly rentals will increase the HOA fees because of increased insurance costs to cover the increased liability.

We strongly urge you to not allow daily rentals at Cobbles Condominium and keep the rentals rules as they currently stand.

Thanks, you

Danny Morgan

4/15/2014

Ewert,Charles

From: Pam Lee [huntsvillee@yahoo.com]
Sent: Tuesday, April 22, 2014 11:02 AM
To: Ewert,Charles
Subject: Zoning Text Amendment Hearing Cobble Condo Assoc.

Mr. Ewert,
I received your phone message, thank you for your reply.
I, Pam Lee, am a homeowner in the Cobbles Condominium area, unit #222. I am writing this email to serve as notice that I would like to rescind my signature in support of the proposed zoning amendment for the Cobble Condo that will be heard by the planning commission today.
Thank you for your time and attention to this matter.
Pam Lee

ARTICLE 1. DESCRIPTION OF LAND

1.1 Description of Land

The land in which the buildings and improvements provided for in this Declaration is located at Weber County, State of Utah, and the legal description is more particularly set forth in Schedule "A" attached hereto and incorporated herein by reference.

ARTICLE 2. DESCRIPTION OF BUILDINGS AND IMPROVEMENTS

2.1 Buildings

2.1.1 There are six (6) brick duplex buildings, comprising twelve (12) duplex units. These twelve (12) units are numbered 208, 210, 212, 214, 228, 230, 234A, 234B, 236, 238, 246 and 248. Each of the duplex units has a carport parking area. The duplex units are built upon concrete foundations with brick construction. Units 236 and 238 have three (3) bedrooms on two levels. All of the other duplex units have two (2) bedrooms on one level.

2.1.2 There are four (4) wood frame single dwelling residential units on the property. These units are numbered 218, 220, 222 and 242. These latter units do not have carports; however, they have driveway access off of a private road.

2.1.3 All of the buildings and units are supplied with electricity and water. Sewage service is by septic tank. The units are supplied with cable for television.

2.1.4 In this Declaraion a duplex unit shall mean a single residential unit. There are two (2) duplex units in each duplex building. In this Declaration a duplex building shall mean a building which consists of two (2) duplex units.

ARTICLE 3. DESCRIPTION OF THE UNITS, LOCATION

3.1 Designation of Buildings

Each unit is identified by number. Each unit has access to a private road. All units are separately heated. The water service is on a central water supply. Sewer service is on a septic tank system. Schedule "B" hereto contains a table setting forth the number designation of each unit and the percentage of ownership in the common areas applicable to each unit. Hereafter, the description of the project by name and the unit by the number shall be deemed sufficient to convey legal title to the unit and its appurtenant percentage interest in the property.

2013 appraisal

Neighborhood Description The subject is located 2-3 miles east of Ogden Canyon. This is a narrow canyon allowing for only a few residences typically along the Ogden River. This is a high desirable area with limited land for homes. This area affords a typical buyer the ability to live in an Alpine setting being just minutes from the city service. Due to the strong appeal of this area, few homes or condominiums sell in any given year. When available these homes sell quickly

Name on File

Insurance Company out of Farmington Utah If there are short term rentals that take place there are two avenues of coverage that will come into play if there is a liability claim. First the owner of that particular unit being occupied would be named and the association would be named. We have seen when a claim occurs both the individual owner and the association is always going to be named in the law suit. A starting point for liability coverage should be a minimum of 1,000,000. Honestly with most of the associations we insure they start at the 1 mil and go up from there. The rental operation does open up the association to a very real potential risk.

Name on file

A SUMMARY DOCUMENT SUPPORTING THE COBBLES CONDOMINIUM OWNERS PETITION TO THE WEBER COUNTY PLANNING DIVISION REBUTTAL

Abstract: This document presents an analysis of benefits derived from nightly single family rentals at county, municipal and community levels. In particular, this Summary Document provides an overview of revenue and competitive benefits enjoyed by county and municipal organizations that choose to support nightly single family rentals as well as an assessment of property value and owner revenue advantages realized at a community level.

OGDEN VALLEY, OGDEN CITY AND GREATER WEBER COUNTY CONSIDERATIONS

Vacation revenue encompasses sectors including, but not limited to: ski resort revenue, local ski resort employment, restaurant sales, outdoor sport equipment rentals, lodging, and associated retail and grocery sales. The Ogden Valley enjoys outdoor opportunities that will attract visitors to vacation destinations based on the availability of: downhill ski, cross country ski, snow shoe, hiking, mountain biking, boating, conventional angling and fly fishing which all have resources available in the immediate Ogden Valley vicinity. The Ogden Valley is truly blessed with a plethora of outdoor vacation destination opportunities that are available to vacationers on a twelve month basis, depending upon the sport of choice.

Potentially most problematic for the Ogden Valley and Weber County in terms of competing with other markets for vacation travel revenue is the shortage of short-term rental opportunities in the Ogden Valley and greater Ogden City areas. The fifty year Master Plan for Snowbasin ski resort offers a long-term growth plan to address this shortage, but mechanisms to address this shortage in the near-term will rely on case-by-case solutions. Short-term, single family rentals (SFRs) offer one avenue of relief to this resource restraint.

"A relative rarity in the USA a decade ago, such alternative lodging options now represent a nearly $25 billion segment of the travel business, ...It's gone from being a literal cottage industry to nearly a quarter of U.S. lodging revenues...." - Brent Hieggelke, SecondPorch.com – USA Today

The availability of short term lodging is a key goal of the Town of Vail. Very early on the town recognized the need to provide a wide range of lodging opportunities to our guests and visitors. Short term rentals fill a unique niche in the market that cannot be filled by hotel rooms alone.

- Town of Vail, Colorado Association of Ski Towns Survey (2011)

"10.4% of Park City's winter visitors come from California, which means 180,000 California skiers not coming to Mammoth." (Mammoth Lakes currently prohibits SFR within township limits)

- Mammoth Vacation Home Rentals, why allowing short-term family home rentals makes good sense for Mammoth, http://www.mammothvhr.org/

Weber County; as with all local and municipal entities, wrestles constantly with acquiring sufficient revenue to provide services while minimizing the county and city tax burden on residents. SFRs offer an

additional mechanism for revenue generation for local and municipal governments through the transient occupancy tax (TOT). The TOT funds received from SFR receipts have proved beneficial for both Park City and Lake Tahoe, to wit:

"Both Park City and Lake Tahoe had restrictions on nightly SFR rentals. When Park City changed its ordinance allowing SFR nightly rentals and the collection of TOT from it they received an increase in TOT receipts of 9.95% and an increase in tourism spending of 4.7%. Lake Tahoe's TOT receipts increased by 13.4% and tourism spending increased by 8.9%. Interestingly, Lake Tahoe found that the average days stayed by a transient renter in a hotel/motel at 3.4 days, condos at 3.5 days, and private SFRs at 10.4 days...."

- Mammoth Vacation Home Rentals, why allowing short-term family home rentals makes good sense for Mammoth, http://www.mammothvhr.org/

In broad terms, decisions made by Weber County when addressing short-term rental opportunities for vacation destination customers play prominently into the future success of the Ogden Valley, Weber County and Ogden City economies. To the extent which the Ogden Valley can compete as a relevant vacation destination against other world-class destinations in the American west will define the area's economic ceiling in the coming ten and twenty year time frames.

This section does not have much to do with The Cobbles. However it carries the highly debatable assumption that the Ogden Valley should compete with outdoor recreation markets and destination resorts such as Vail, Park City, Lake Tahoe, and Mammoth Lakes. Such destination resorts bring a vastly different character to their communities and commensurate burdens to go with the asserted benefits. Residents have chosen to settle in Ogden Valley rather than Park City with its high density and expense for a reason. The author's assumption that such competition is desired raises a host of quality of life issues for residents that ought to part of a broader public policy discourse.

Further, even if it is determined that the Ogden Valley ought to compete with destination resorts it does not follow that a small, private gated community in Ogden Canyon plays any significant role. The comparator resorts have vast infrastructure to serve large amounts of tourists. Availability of daily rentals is just one piece of a larger picture. A much larger impact would be made if Ogden/Eden Valley were to build more on-mountain units, finer dining establishments and other resort infrastructure. The availability of daily rentals in the Canyon is really not very relevant to realizing such a resort vision. See additional comments below.

CONSIDERATIONS FOR COBBLES CONDOMINIUM

Cobbles Condominium resale prices have plummeted by 30 to 50% of pre 2008 property values based on a comparison of pre 2008 and post 2009 home sale prices. The condominium has suffered two foreclosures and the overall prognosis for property value recovery commensurate to home prices in the Ogden City and Ogden Valley areas is dismal.

Fortunately, four properties, including two of the foreclosed properties have been acquired by homeowners who have spent, or are planning to spend, considerable funds to revitalize those properties. While the infrastructure spending on these properties is absolutely vital, it is unlikely that those efforts will translate, in and of themselves, to a property price recovery to pre 2008 values in the foreseeable future.

In order for Cobbles Condominium to realize a significant property value increase in the foreseeable future the condominium needs a game-changing paradigm shift that will create property value increases heretofore unrealized in the Condominium or, for that matter, in Ogden Canyon. The exposure of Condominium properties to non-local potential buyers during their vacation stay has the potential to be that mechanism. Conversely, the limiting of SFRs at Cobbles Condominium would be a debilitating hurdle to realizing potential property value upsides.. Prohibition of SFRs in the Condominium would unreasonably and permanently destroy property value for current and future unit owners.

In terms of retention and enhancement of property values, SFR's offer a tremendous advantage to Cobbles Condominium. Because the SFR clientele is discerning, it is imperative for a successful SFR property owner to consistently maintain their property as well or better than owner-occupied properties.

"Vacation rentals are often the best kept houses in the area. They need to be, in order to attract return guests. Some of us buy older homes that are headed towards decay and renovate them. Property values of vacation homes are often higher than they are on other homes because the rental income makes the property more valuable."

- North American Association of Vacation Rentals (NAAVR)

The ability for homeowners in Cobbles Condominium to enjoy SFR capability would add enormously to the earning potential of each condominium property:

"Short-term rentals are the accommodations of choice for a growing number of bargain- seeking travelers who, in a single night, shell out enough to cover 25 percent of the property's monthly mortgage. In some instances, there's an opportunity to charge even more during high demand periods, during special events, holidays, and seasonal peaks."

- AshleyM. Halligan, Personal, financial investment returns make short term rentals ever more popular, Deadline News.com, January 27, 2012.

Additionally, utilization of a property as a SFR would make tax benefits available to condominium owners:

"If the property is rented for more than 15 days out of the year, the owner can take a business use deduction on a host of operating, upkeep and maintenance costs as well as the cost of large-ticket purchases such as hot tubs, replacing the HVAC, remodeling work and a host of other costs."

- AshleyM. Halligan, Personal, financial investment returns make short term rentals ever more popular, Deadline News.com, January 27, 2012.

SFR capability for Cobbles Condominiums would result in an enhanced property preservation ethos at the Condominium, an increased earning capability for owners that participate in nightly SFRs and the acquisition of tax benefits for property owners who choose to make investments in their property. The net effect of these benefits is a decrease in the likelihood of future foreclosures at the Condominium, stability and enhancement of property values, and an increase in owner wealth that would be in turn be reinvested in Cobbles Condominium properties.

This whole section is predicated on several more erroneous assumptions: (1) That the primary reason that most owners and residents have opted to locate in a small, private, peaceful, gated, residential community in the Canyon is return on investment and maximization of property values to the exclusion of various quality of life factors. While it may be true for some it likely is false for the majority of owners. (2) That the only way owners may realize an increase in their property values is to jump into the SFR market. In fact, this paints a one-sided picture. It may be that owners of property where single rentals are allowed may realize some gain in value. But what about those who want to reside on their property? Statistics suggest that daily rentals will, in fact, decrease property values for owner residences. (3) That "discerning" "bargain-seeking travelers" that will be SFR clientele will necessarily cause absentee owners to maintain their property better than will live-on-site owners. Actually, single night visitors have no vested interest and will likely have less incentive to obey local HOA rules. We have seen evidence of this from the "illegal" rentals in The Cobbles that have taken place in the last few years. We also have no assurances about how "discerning" the owner-landlords will be in choosing their "discerning" nightly clientele. Most likely, owners will accept anyone who is willing to pay for what will be a modestly priced rental. Further, the absentee owners will not be on the property to supervise and make sure their renters are behaving in manner appropriate for a residential community.

Conclusion

The right for owners to enjoy SFR capability is a question currently being considered at vacation destinations throughout the United States. Forward-looking county and municipal planning departments, as well as residential organizations are assessing the cost benefit analysis of the SFR question.

In the mid to long term, vacation destination planning departments that make the decision to add short-term rental capacity to their lodging market via SFR will realize widespread economic benefit in the form of vacation-driven revenues for local businesses, more local jobs and a robust transient occupancy tax to obviate property tax increases. County and municipal organizations associated with vacation destinations that forego this opportunity will be at a competitive disadvantage to attract vacation

revenue dollars as compared to competitor markets that choose to increase short term rental capacity and maximize transient occupancy tax potential.

Local community organizations that opt in for SFR will realize more personal wealth and experience more substantial property value increases than communities that prohibit this opportunity. In the case of Cobbles Condominium the decision for this option is the difference between permanently limiting a property's value versus choosing prosperity for Cobbles Condominium and for greater Weber County.

The conclusion is mostly conjecture and opinion. Most importantly, the last sentence offers a false choice and is irresponsible. If The Cobbles were to allow single night rentals, some people may realize some economic benefit—but it would very likely be at the expense of others in the community (making the community public, less secure, and more costly). This is hardly "prosperity for Cobbles Condominium" as a whole. (Perhaps all the owners could just incorporate and turn The Cobbles into a full-time vacation rental property). Nor, would refusing to allow single night rentals in this small residential community forego anyone's opportunity for prosperity. As to greater Weber County, as stated in the comments to the previous section, The Cobbles is a proverbial drop in the Pineview Reservoir when it comes to determining the direction of economic development and support for recreation and tourism industries in the county at large. Finally, this advocacy document does not address issues such as insurance and liability costs that may come along with making The Cobbles part of the "lodging market." Nor, does it address any measures to mitigate impacts on residential owners.

Ewert,Charles

From: brandontogden@gmail.com on behalf of Brandon Thueson [bthueson@weberfd.com]
Sent: Thursday, April 17, 2014 11:53 AM
To: Ewert,Charles
Subject: Re: Cobblestone Condo's- Ogden Canyon

Gotcha. That makes sense, as long as they are aware that there will be significant code requirements involved. Let me know if you feel I need to be at the meeting. Thanks for clarifying.

Brandon Thueson
Fire Marshal
Weber Fire District
801-782-3580 Office
801-917-0678 Cell

On Thu, Apr 17, 2014 at 10:04 AM, Ewert,Charles <cewert@co.weber.ut.us> wrote:

Brandon,

Sean sent me over your comments below. Perhaps we should meet and discuss this file. It not for specific land use permit approvals in the Cobbles Condominiums for nightly rentals. It is a request to change the FR-1 zone to potentially allow nightly rentals in condominiums in the future. The Cobbles happens to be the only condo project in the FR-1 zone at this time.

If the ordinance is approved then it will enable condo owners to request a conditional use permit for nightly rentals in the future, at which time we will be looking for fire, building, and health department approvals/requirements.

Let me know if you need to meet to discuss further.

Respectfully,

Charlie Ewert

801-399-8763

cewert@co.weber.ut.us

From: Wilkinson, Sean
Sent: Thursday, April 17, 2014 9:24 AM
To: Ewert,Charles
Subject: FW: Cobblestone Condo's- Ogden Canyon

FYI

From: brandontogden@gmail.com [mailto:brandontogden@gmail.com] **On Behalf Of** Brandon Thueson
Sent: Thursday, April 17, 2014 9:20 AM
To: Wilkinson, Sean
Cc: Browne, Craig Clark.; David L Austin
Subject: Cobblestone Condo's- Ogden Canyon

Sean,

I had a phone call this morning from a concerned individual who informed me that there is currently a request to the County to allow the Cobblestone Condo owners to rent their units out to the general public on a nightly basis.

I have great concerns with this. The International Fire Code classifies this type of use as an R1 occupancy (motel and hotels transient in nature). It is much different than a time share. When it is open for nightly rentals to anyone, then the individuals staying have no idea about the property, emergency exits, emergency plans etc. For those reasons the fire code is much more strict on this type of an occupancy.

The code requires that these types of facilities be equipped throughout with fire sprinklers and a fire alarm system.

I understand that there is a meeting next week about this project. I have not seen or heard of this project until today. Is it on Miradi?

If you have questions please let me know.

Brandon Thueson

Fire Marshal

Weber Fire District

801-782-3580 Office

801-917-0678 Cell