

**Minutes for the Western Weber Planning Commission meeting of September 15, 2020, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 pm & Via Zoom Video Conferencing**

**Members Present:**       **Greg Bell-Acting Chair**  
                                  **Bren Edwards**  
                                  **Sarah Wichern**  
                                  **Wayne Andreotti**  
                                  **Andrew Favero**  
                                  **Jed McCormick**

**Members Excused:**     **Bruce Nilson**

**Staff Present:**     **Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Scott Perkes, Planner II, Matt Wilson, Legal Counsel; Marta Borchert, Secretary**

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

**Approval of minutes for September 10, 2019, October 8, 2019, and August 11, 2020.** Minutes approved as presented.

**LVB112219: Consideration and action on a request for final approval of Bridger Butler Subdivision consisting of 4 lots located at approximately 2843 S 4700 W in Taylor.**

Scott Perkes states that the item was approved for preliminary approval about six months ago, in the time since the applicant has been working with UDOT to get access approval for 4700 W, which they have since received and submitted to the satisfaction of the conditions of preliminary approval. The project area is a little over five acres. 2843 South 4700 West is in the A-1 Zone. The applicant is creating 4 lots. This is being provided by an access easement. There was some limitation on the frontage on 4700 W to be able to provide a full county vacated road for that reason they were granted an alternate access exemption access to the four lots provided an access easement. Staff recommends the approval of the subdivision subject to the conditions and findings in the staff report. Mr. Perkes asks if there are any questions on this project. There are none.

Chair Bell asks if there is anything the applicant wants to share or discuss. There are none.

Mr. Perkes states that he has been chatting with Commissioner Favero between preliminary and final approval concerning the storm drain question for this project. To satisfy those concerns the applicant has been working with the Engineering Department to ensure that the storm drain water that is intended to flow off of lots 1 through 4 towards the West is intended to be maintained on the remainder parcel, they will be working on those improvement plans with the engineers before the improvement plans are finalized. All the water that is anticipated to drain off of this project will be maintained on the remainder parcel to the West. There is also a question as to an irrigation line that traverses the subject property from the North to the South, he notes that they had the applicant's engineer identify that location. They have provided a 15 ft. irrigation easement along the Eastern boundary of lot 4 the easement also traverses the access easement and it runs North and South in the road dedication area that can be seen in the plat the irrigation line is now protected by the easement and will be maintained in that location.

**MOTION:** Commissioner Wichern moves to approve LVB112219 consideration and action on a request for final approval of Bridger Butler Subdivision consisting of 4 lots located at approximately 2843 S 4700 W in Taylor based on the following conditions. 1. Resolution to the three existing boundary line discrepancies identified in the submitted title report will be required simultaneously with the recording of the final plat. 2. Before recording the final plat, approved by the County Engineer. 3. Before recording the final plat, approved improvements will either need to be installed or a financial guarantee will need to be approved and submitted. Should the applicant desire to submit a financial guarantee for improvement that exceeds \$25,000, such a guarantee will need to be approved by the County Commission. 4. Before recording the final plat, the proposed right-of-way dedication will need to be approved and accepted by the County Commission. 5. Application review fees were collected based on a 3 lot subdivision. However, with the subdivision consisting of 4 lots, additional review fees will need to be submitted in the amount of \$75.00 (\$25.00 Planning, \$25.00 Engineering, & \$25.00 Surveying). 6. At the time the final plat is recorded, the owner will also be required to record the following agreements or covenants: A. Declaration of Deed Covenant Concerning Provision of Irrigation Water. B. Onsite Wastewater Disposal Systems Deed Covenant and Restrictions. C. Deferral of Public Improvement Agreement for the curb, gutter, and sidewalk along the subdivision's frontage of the 4700 West. D. Alternate Access Equitable Servitude and Covenant. 7. Final approval letters from Taylor-West Weber Water and Hooper Irrigation will need to be submitted before recording the final plat. This recommendation is based on the following findings: 1. The proposed subdivision on forms to the Western Weber General Plan. 2. The proposed subdivision complies with applicable County ordinances. Commissioner Andreotti seconds. Motion carries (4-1) Commissioner Jed McCormick did not respond when asked what his vote was. Commissioner Bren Edwards was not present for this motion.

**3. Public Comment for Items not on the Agenda:** none

**4. Remarks from Planning Commissioners:** none

**5. Planning Director Report:** none

**6. Remarks from Legal Counsel:** none

**Adjourn to Work Session: 5:15 PM**

**WS1: Discussion regarding a proposed accessory dwelling unit ordinance.**

Mr. Ewert states that currently the County has an ordinance that allows accessory apartments, the rules for that is it's got to be part of the main dwelling it's got to be part of the building itself, it's got to share a common wall with the livable area between both the accessory apartment and the primary dwelling. It's also going to have a way to pass through from the primary dwelling into the accessory apartment without going outside. The main door to the accessory apartment has to be on this side of the rear of the dwelling. There are several different requirements involved in our accessory apartment ordinance. He states that they are proposing that they delete the accessory apartment ordinance or at least take that over, and this entails calling an accessory apartment an accessory dwelling unit. What that does is it allows them to not just allow accessory apartments that are attached but also accessory dwelling units that are detached. A dwelling unit is a building that has sanitation facilities cooking facilities and sleeping facilities that are essentially how a dwelling unit as defined. If there is a barn in someone's backyard, but those three facilities are in that barn technically it is a dwelling unit. He notes that they may know someone who has or have themselves an accessory building with bonus rooms or maybe even a kitchenette. He notes that what they have done in the past is say if they don't have cooking facilities if they don't have a range of 220 range or a gas range in your kitchen. He notes that they have been allowing those types of buildings to go in with kitchenettes for example, but they're still not allowed to be rented out or permanently occupied unless it's attached to a primary dwelling. He states that this will change that and will allow those to be rented out. It could help provide affordable housing opportunity for several people, especially since there are quite a few people who asked us regularly whether or not they can do a

mother in law apartment for their mother in law or someone who is aging, and take care of them through their end of term care. There are a lot of people who have children who are getting older and ready to move on, but still can't afford to get their place yet and so accessory dwelling units could help provide for them. Looking at the biggest changes that this is going to provide for the County accessory apartments are currently allowed by a conditional use permit. He adds that they are proposing that they be allowed as accessory dwelling units as a permitted use. There are some standards that he will go through. There's no reason to go through the CUP process with all these if they can nail down what standards they want to apply. They are going to be removing some definitions for example the definition Carriage House, which is an accessory dwelling unit. It is one of the same it's just a fancy way of saying it.

This will allow for one accessory dwelling unit on a parcel with this current proposal. The owner must occupy either the accessory dwelling unit or the main dwelling. There are some size limitations they can't do short term rental. They want to make sure that these accessory dwelling units are not freely available in the market for short term rentals because that's all they would be there's just so much more money you can earn on flipping it every four or five days, as opposed to having somebody in there permanently. Keeping these open for affordable housing would be essentially in the best interest of those who need housing affordability. If it's attached, the main building needs to appear as a single-family dwelling and not a duplex. They just want single-family zones to appear as if they are single-family zones. And if there happens to be a dwelling unit that is an accessory building it should look like an accessory building, even though somebody is living there. He asks if there are any questions.

Mr. Ewert goes through all the changes as listed in the staff report.

Mr. Ewert states that sec. 108-19-2 Applicability there is a provision in the Ogden Valley code which would make some accessory dwelling units a little less affordable but would be less expensive than buying a 3-acre lot and put a house on it. This is because they do not want to see a single density point added to their area above and beyond what the current zoning allows.

Commissioner Wichern states that she saw this section. She asks why it has not been added to the rest of Weber County. Mr. Ewert states that there is a lot of people especially in the Uintah Highlands area where they would have the same opinion. He notes that this has been proposed to the Ogden Valley because it states no new density above and beyond what is there. The Western Weber General Plan does not say this. It also states that they need to provide as required by states law affordable housing. He notes that when reading that section of the code affordable is being made less affordable and when going to the County Commission if this section stays as it is there will be a discussion with the County Commission about the dichotomy of interest that is in their General Plan and they will try to flesh out what the policymakers feel is most important. He notes that when it comes to applying this to Western Weber County it is a discussion that can be had if there is interest. It puts a damper on housing affordability if they are trying to make accessory apartments affordable someone has to go out and do a transferable development right or have a large parcel to put an accessory dwelling on their lot. Commissioner Wichern states that she has some concerns about having an accessory dwelling units in the R-1-10 area. Mr. Ewert states that they can go in a determine if it is allowed or not with additional acreage.

Mr. Ewert state that the floor area of an accessory dwelling unit shall not be less than 400 square feet and shall not exceed 1,000 square feet. In no case shall the floor area of the accessory dwelling unit exceed 40 percent of the gross livable area of the main dwelling, except that if the accessory dwelling unit is entirely located in a basement, the entire basement area may be used for the accessory dwelling unit. In the accessory apartment ordinance currently, there is a limit on the size of the accessory apartment to 800 sq. ft. He states that they bumped it up to 1000 sq. ft. because they felt 800 sq. ft. wasn't enough. He notes that if 1000 is not big enough it can be bumped up. He adds that he likes the idea of having ratios but they will likely run into issues with the smaller lots, in R-1-10 with 9000 sq. ft. lots. He states that they stuck 1000 because they were able to draw out a 9000 sq. ft. lot with a modest 2000 sq. ft. foot building print that could be a 4000 sq. ft. home and taking the rest of that 9000 sq. ft. rear yard they could sketch in a 5000 sq ft footprint that had two floors with only 1000 sq. ft. he notes that if it is not ridiculous it is more compact but it is possible to make that happen in a way that is not wall to wall building. Commissioner Wichern states that she does like the idea of limiting the accessory dwelling units, and she believes conserving the appearance is important but there needs to be a balance

making it possible. She states that her concern with the 1000 sq. ft. is that it may be too small for some and too large for others. She states that she likes the 40 percent ratio and the other thing she saw in some areas is a percentage of the back yard that can be covered by an accessory dwelling unit. It might be better to allow for a certain percentage of the backyard to be covered and it needs to be 40 percent of the gross floor area. She asks that it be balanced out so that there can be a large estate with a large pool house and not allow areas with smaller lots to have the 1000 sq. ft. because it might dwarf the yard. Mr. Ewert states that he likes that and one thing that they haven't limited accessory dwelling units to existing only in the back yard. They can exist on the side yard and they can even exist in the front yard in the same way any accessory building could. If they are on the side or in the front they have to meet the primary dwelling setbacks. Commissioner Wichern states that she is okay with that but she would like to see an overall land percentage. Mr. Ewert states that he will run some math to figure out what it should be. It might be different per zone but he will get in there to figure that out. Chair Bell states that he would rather limit it to a percentage of a gross area more than setting set square footage. He notes that he has a lot of the same concerns as Commissioner Wichern. If there is a cluster subdivision with a 6000 sq. ft. lot there may not be room for an accessory dwelling unit there if they can't meet the requirements. Although it might be allowed because of the shape and size of the house on the cluster and lot. Mr. Ewert asks if a 40 percent gross floor area sounds like a good number. Commissioner Bell states that his concern is if they have a full basement and they want to rent out the basement, would they have to limit the renters to a certain percentage of the basement instead of giving them the whole basement. Mr. Ewert states that this would not be the case the basement is the exception. The accessory apartment currently says no more than 25 percent or 800 as a maximum of 400 as a minimum of the dwelling can be used for an accessory dwelling but it also gives a provision for the basement. Commissioner Bell asks if this would be more along the lines of an external ADU. Mr. Ewert state that it would be external as well, but looking at it would be 800 sq. ft. or 25 percent of the dwelling would not provide enough area for a small family to live in, he notes that they wanted to bump it up to 40 percent and a 1000 sq. ft. He notes that those numbers were just selected trying to look at was would be reasonable. Looking the 100 sq. ft. and the gross floor area, it can be changed to say the footprint can be no greater than 1000 sq. ft. that is a potentially 3000 sq. ft. home if it has 3 levels. Commissioner Favero asks if the minimum is going to be changed from 400 sq. ft., the minimum will remain the same. Mr. Ewert states that this is correct. He notes that there are 1000 sq. ft. area home they are going to get by with the 40 percent and there is going to be barely enough room for the ADU. Commissioner Wichern states that concerning parking if they are going to allow larger than 800sq. ft. living area they should require anything larger than 800 sq. ft. to have 2 parking spaces. She states that this is where it will affect the community the homes with vehicles on the street. She is okay with the 40 percent but she would rather see the yard cover limits. She notes that she does not want to put too many restrictions on something when it could be aesthetically pleasing. She states that 40 percent seems reasonable. If they base it on the footprint it would make it more difficult for the people to arrange it when they may come up with something that may look nice. The yard coverage is what is going to stand out, and possibly a height limit, it can't exceed the height of the main dwelling. Mr. Ewert asks how much shorter it should be as compared to the main dwelling. Should be equal or less? Chair Bell states that it should be equal or less. He notes that out west there are people building shops and they are the same height as their home, and they could be putting a mother-in-law apartment at the top of that shop. He has seen this happen. Mr. Ewert asks what happens if the shop is already taller than the main home. Chair Bell states that if it already an existing dwelling they should allow provisions for that. Commissioner Wichern states that Chair Bell is correct in an agricultural zone a barn in the back that is taller probably won't look bad. Commissioner Favero states that they would have to do this by zone. It would work in zones that can be lumped together. Commissioner Wichern states that it could be done by size. Sometimes there are larger parcels within smaller zoned areas. Mr. Ewert asks if the smaller lots should be equal. Chair Bell states yes because of the A-1 lots they could still end up with a home and a 9000 sq. ft. cluster. Mr. Ewert agrees and states that it should not be smaller than a 9000 sq. ft. clusters. Commissioner Wichern states that anything smaller than an acre would be subject to the height requirement. Mr. Ewert states that smaller lots where there are buildings closer together his preference would be to see the main dwelling taller than the other building on the lot. He would say less than some percentage of the main building. If the Planning Commissioners feel differently and would like to see equal or shorter he can add that. Commissioner Favero asks what happens if the property owner wants to add a two-story building to make it large enough to maximize what they can put there and it exceeds the height of the house. Mr. Ewert agrees and states that for example if someone would build a garage and they put an apartment on top, but they only have a single-story home. He notes that this is a very real possibility even with a smaller home. Chair Bell states that he would like see it be kept equal because they are already limiting the square footage of it, it is still going to be a smaller footprint, but it should not exceed the height of the

house. Mr. Ewert asks if the minimum height requirement for a single-family dwelling in general for all of these zones can't go taller than 35 ft. for accessory dwelling units. Commissioner Wichern states that she feels that it should be equal. She agrees that aesthetically she would like to see them shorter than the main house in a cluster subdivision and she doesn't want to see it taller. Chair Bell states that he would be okay with setting a limit at 80 percent. Commissioner Wichern agrees and states that she would be okay with 90 percent. Chair Bell states that they should be able to build a two-story accessory dwelling unit. Mr. Ewert states that this would be in the smaller lots, which are less than an acre. He states that as the lots get bigger they are okay with the ADU's being taller. He asks if the Planning Commissioners have any opposition. Scott Perkes asks if that would be 90 percent of a single-story building. Would it be shorter than a single story? Mr. Ewert states that looking at a single-story building the 90 percent could be referring to the footprint, or the top of the gable could be lower. Chair Bell states that he could compromise and go to 90 percent. Bring up the point with the single-family dwelling if there were a single-family dwelling he would like to see it be the same height. Mr. Ewert states that putting this into a different context they could build a garage that is 35 ft. tall. There could be a house that is 35 ft. tall and they could build a garage right next to it that is 35 ft. tall as a large accessory building. He states that maybe they do want to say equal or less. Commissioner Wichern states that her concern is looking at two-story homes, it seems funny to have a small 2 story tower. Mr. Ewert states that he will look at some other codes from other jurisdictions. Commissioner Wichern asks if there are limits for accessory garages. Mr. Ewert states that it is just the size of the home. Zones that have yard coverage requirements are the ones that have really small lots such as the F-zones. He notes that he is not sure why the F-zones have a yard coverage. Chair Bell asks if there is any way to set a requirement for the width to height ratio. Mr. Ewert states that they can set a requirement for this.

Mr. Ewert continues to go through the change as listed in the staff report.

Chair Bell states that the biggest holdup for him, in general, is the enforcement area. He states that there is ADU's all over the place out in his area and not one of them meets the standards. He asks how do to make it so that people are more willing to declare that they have an ADU He asks how do they monitor it if they don't. Looking at the presentation from that third party that would go out and enforces short-term rentals is there anything similar to that where they are monitoring postings for basement rentals or monitor apartment rental. Mr. Ewert states that short-term rentals are being specifically monitored through short-term rental sites, but if they were listed through KSL classics or Craig's List it probably wouldn't catch it. This is the primary area where the ADU rentals are going to be listed, other than real estate listings for rentals. He notes that they could ask the third party enforcers to comb through real estate rentals but it is uncommon. He asks if it is causing a problem today, having the illegal ADU's. Is there a problem that needs to be addressed? Chair Bell states that the ones that he is aware of aren't concerning but he is concerned with whether or not they are meeting the median income housing. The whole point of this is to meet the median income housing and those ADU's are not being listed as meeting that. Mr. Ewert states that looking at rentals through census data it does capture most if not all of that of the rental regardless of whether or not they were lawfully permitted. Looking at American Community Survey as it is updated throughout the decade it will extrapolate using the 2020 census data once it is available. It will show what those rentals are. He notes that they are not just tracking them just because they have a license. They will be able to calculate what the affordable housing ability is, based on census data and department of workforce data along with several other resources. It is not perfect data but it is enough to indicate whether or not the County is succeeding in their efforts. Director Grover states that with short term rentals state law limits the ability to enforce just based on listing, with ADU's there is nothing that restricts that, it is going to be a lot easier to enforce. It is easier with ADU's to enforce than short term rentals. Commissioner Wichern states that she is seeing some issues in Uintah Highland, in her neighborhood, some homes were built with full kitchens in the basement. She notes that she can think of some areas where the street parking is the primary parking for those units. She adds that the owners could be made to provide parking off the street. She notes that since this is not a requirement this is starting to become a problem. She states that they are at a tipping point where homes are expensive and people are renting out basements and if not regulated they might not put the money or effort into following the requirements. Mr. Ewert states that he appreciates that perspective. He states that currently, the County is enforcing based on complaints. It is challenging to know if there is an illegal rental. He notes that they can go

through different records if they want to get very serious about who lives where and whether or not they are accessory dwelling unit rentals. This is something that the County Assessor would want to know because they are losing out on a tax base. There are ways to find that information but it is not always readily available to staff and right now they are just doing complaint-based. He adds that they can look at finding other mechanisms for enforcement. Commissioner Wichern states that the other question is can they afford to enforce, this is the problem with the short term rentals. She notes that the apartments that she mentioned never hit Craig's list because they are so desirable and people want to live in a nice neighborhood. She states that this process is important and people will be very open to it. Commissioner Bell states that he wishes there was something they could do to make it an easy process for people to become a registered ADU. Mr. Ewert states that it would not be easy to resolve that issue by changing it from a conditional use permit, where they have to go to the Planning Commission and the neighbors need to be notified to a permitted use where it would be just staff review. There are still challenges and hurdles to jump through. It is much easier to build the accessory dwelling unit in the basement and hope nobody finds out. Chair Bell states that there does have to be inspections and standards. He adds that he wants to think of a way to encourage people to have the ADU's registered. Mr. Ewert states that one thing that Ogden City does is on a few of their permits there is no cost, they would just need to submit the information. He notes that this is a hard sell because a lot of the Planning Division and other services being offered under community development were funded from a fund that needs those fees. There would need to be some internal discussions with the County Commission before they could commit a permit-free. Chair Bell states that it would be interesting to see the fee on the tax base that is recouped versus the money lost in requiring a permit. Mr. Ewert states that this would be a worthy conversation to have with the Tax Assessor.

**WS2: Discussion regarding short-term rental regulation scenarios**

Scott Perkes states the last time this was discussed was in a joint work session. There was some discussion about some potential regulation scenarios and, the preferences from the Planning Commissioners for directions to go in. There was a discussion about what some communities have done and what might work for Weber County and there were a couple of regulation variables discussed. He notes that there was not a full quorum for Western Weber in attendance at that meeting. To follow up on that conversation there was some discussion on enforcement, and what enforcement looks like under a potential new regulation or a new ordinance and how would that all kind of work together. He notes that he would like to provide a little bit of an update on some statistics for short term rentals in Weber County. In the unincorporated area, data was pulled by one of these third-party companies who was scraping all these websites and helping staff understand just how many listings are there. How many of them were unique, he notes that this can help give a pulse on what's going on in the actual world. He goes through the updates statistic as listed in the staff report noting that in the time between May and September 2020 in the unincorporated area there has been an increase of 134 listings. He notes that these are unique listings that have been identified. It represents a 22 percent increase in short term rentals in the last 5 months. He notes that they do not have year over year data and they are sure what it looked like in the last year if there is a cyclical nature where the number of listings drops off in the off-seasons or if they can ramp up before holidays and or the winter in the Valley. He states if they had access to this data they could see if this was a normal increase or if there is more at play. It is possible that some people could be putting their homes up for rent to provide relief during the economic downturn. Several factors could be at play here, the staff is not sure about the exact reasoning behind this. He notes that they have reached out to some of the third party companies to see if they have some insight regarding this increase.

There was one thing he wants to make sure he understood from the Western Weber Planning Commission moving forward with presenting a preferred ordinance. One thing that staff thought would differ between Western Weber and the Ogden Valley was the question of where should short-term rentals be allowed, or potentially be opened up to. The consensus was that they wanted to keep current regulation intact. And the current regulation under the land-use code section, 108-7-25 reads that nightly rentals are allowed only when listed as either permitted or conditional use in a specific zone or when approved as part of planned residential unit development. He asks if this still something they want to uphold as far as the recommendation was concerned. Is there a different opinion based on their location? He asks if there are any other thoughts on this other than what was discussed in the last meeting. Chair Bell states that he would like to keep it the same, but he knows that Commission Jenkins had some issues with it. He asks if they would still be able to get the current language approved if Commissioner Jenkins thinks it should be regulated based on

the zoning. Mr. Perkes states that the current language is already in place, and the consensus from the joint work session was that it should not be changed. The County Commissioners have indicated that they are curious and think it would be a good idea to open it up to Countywide in all residential areas as a way to get everyone on the same page. He notes that staff is not sure exactly where this will land, they are looking for a recommendation from the Planning Commissions to the County Commission.

Mr. Wilson states that there was a discussion with Commissioner Jenkins to go over the law and in the legislative section and the intent during the legislative session the legislature did discuss that their intent was not to take away the power of Counties or municipalities to regulate short term rentals. He notes that they had a discussion with Commission Jenkins and he is more amenable to that. Chair Bell states that would like to keep the language the way it is. Commissioner Wichern states that she was at that meeting with the other Commissioners, she understands wanting to keep the ordinance but she has some concern regarding the area. She states that is not sure if she is against it opening up Countywide, but the areas where it is allowed are very restricted and there are a lot of rentals operating outside of those areas. She states that her concern is not about the ordinance but there was a resident that lives by North Fork Canyon which is a recreational area and she is not sure if his property allowed for nightly rentals. She states that she is concerned that they are still too restricted in what areas allow nightly rentals. Mr. Perkes states that there are an awful lot of nightly rentals that are currently operating in areas where they are not allowed. He states that those numbers are increasing there is a lot of individuals in areas that are not in the allowed zoned that would like the opportunity to operate a short term rental and that goes back to the idea of opening it up for everybody to be allowed to use their property in that way but with specifics standards and operational requirements. He asks if anyone else wants to weigh in on where short term rentals should be allowed. There were no comments on this.

Chair Bell states that in Western Weber County there were two short term rentals. Mr. Perkes states that this is correct there is a couple in the Uintah Highlands area. Chair Bell states that the reason he feels that it should be left as it is that it doesn't affect the Western Weber area as much as the Ogden Valley. He states that he would like to keep it to an area where all the recreation is happening instead of bringing it to everybody's neighborhoods.

Mr. Perkes goes over Enforcement stating that currently there is one code enforcement officer who is operating on a reactive complaint-based system. There are no operational standards, no noise ordinance, and no parking requirements. He notes that the fine structure is based on the land-use code enforcement section.

He states that he wants to give them an overview of what it might cost if the County were to implement a third-party enforcement company. He states that he has been talking to two companies, it's a very small niche service that is provided by only a couple of companies. He notes that they are still working out the bugs and trying to get their bids and their costs and trying to make sure that they've got comparable pricing between the two. One of the Companies cost more than the other one.

Company A annually is looking to be about \$22,000 a year for their software on their service. Company B is about \$60,757 for a similar service. The cost to operate this type of a third party company is part of the enforcement program. Right now there are 731 unique listings, both companies claim that they're able to achieve a 90% or plus 95% compliance rate within the first year of implementation. To be cautious, if they were to calculate that they could get 95 or 90% of all those who are operating rental to become licensed, this is in a scenario if they were to open it up for all areas to become licensed they would have around 658 licenses which is 90% of the 731, 658 people that come through and become licensed pay a licensing fee. The cost for Company A would be \$33.53 cents per license to support that cost. It's a theoretical calculation. Under the current licensing business license system, they would need to weed out exactly who's operating a short term rental because there is a lot of people who label themselves as a real estate holding companies or have different names that may or may not be a short term rental they're not always clear. He notes that they believe there are somewhere between 28 and 60 short term rental licenses and it kind of depends on exactly how they label themselves. Looking at the low end 28 licenses, that is who is licensed right now. The cost to support Company A would be about \$788 a year. He states that they know they a lot more short term rentals that are operating in illegal areas. If the ordinance is changed to open it up for everyone there is a lot more that would theoretically become licensed and that would drive that cost down.

Looking at the two scenarios if it is opened it up, they could have to close to 700 licenses that are paying for the whole system and everybody's going to pull in that load. It's quite affordable \$33 a license. But if everybody who is in an area where it's currently allowed all to become licensed. The cost of the small area of short term rentals currently allowed in the County is going to be quite a bit more. There are just fewer licenses to spread the cost between. Using company B which is three times more expensive the cost is going to be quite a bit higher. He notes that he wants to give an overview of some preliminary cost figures for implementing an ordinance, to try to crack down on short-term rentals but also use third-party enforcement to help augment enforcement capabilities. And it could be pretty affordable but it also could be pretty expensive depending on how and what happens from the number of licenses that are processed. The one other takeaway from this is that, looking at the cost of company A \$22,000 a year. The County can't pay another enforcement officer on that type of salary. They represent some pretty good value, even at \$60,000 a year, between a fully benefited full-time employee. He adds that this should be taken a grain of salt, they are still working on getting final pricing. This is the cost of a third-party enforcement company at a high level, and the asterisk at the bottom indicates that there's still additional cost such as postage because they would be sending out a lot of letters and notifications to try to get people to either become licensed or notify them that they're operating illegal rental and they need to cease. He notes that they could also be getting income from violation fines that may also help to offset some of the cost. But it's hard to tell exactly how much would be pulled in from those fines, it's hard to budget.

He goes over some of the keys to enforcement.

Updated STR Ordinances, he states that it needs to be self-sustaining, augmented and mitigate the impact.

Licensing is important to get everybody on the same playing level. It would help track data, educate the owners on operational standards, and facilitate tax remittance and capture fees to pay the enforcement program.

Inspections are the key to enforcement at the beginning of the licensing process before they're given a license it allows them to ensure that a particular property is meeting all of the operational requirements and if any maintenance standards need to be enforced and they can make sure that the property is compliant. And it helps to establish what the maximum occupancy should be for a particular property based on its unique characteristics within its bedrooms or septic systems or parking. It helps ensure that the parking plan that they've submitted as part of their license application is actually in place and that they're not showing something different on the site. It also helps to establish a parking capacity so when they're licensed, and make sure that they do not advertise more parking space than that. They should not be parking on the street or in landscape areas. Inspections also ensure that there is safe environments for tenants but also for residents and neighbors.

Responsible agents, every licensed property would be responsible to designate a responsible agent. There has to be somebody who is directly responsible for that property. It would be deputizing an enforcement officer for every property. If there are hundreds of short-term rentals then there are hundreds of individuals who are primary contacts. If there are any issues, they would be called right away and they would be specifically responsible for being the point person and resolving any issue that may be occurring at the property. They would have to be available 24/7 anytime that a property is occupied by a tenant. They must be able to respond within a certain amount of time and be going back and forth on the amount of time at about 60 minutes. They need to respond within 60 minutes if they don't, then it would be a failure to respond. They would be penalized momentarily and then it would also be a risk of possible revocation of their permit or license.

Third-party enforcement specializes in scraping many of the major and minor's websites and the smaller websites such as classifieds were like Facebook Marketplace. He states that in general, these companies do a good job of scraping all major, and many of the minor websites that would have the listings for short term rentals. They're able to scrape these websites multiple times a day so they are immediately aware of any new postings and to know exactly where they are and are able to pair a particular property to a specific address and that help immediately determine whether or not they're in an area where it would be illegal or illegal. But it also helps to immediately issue a notice to the individuals and let them know how to get licensed if they are in an area where it is legal..



He states that they already know from the state law that they are not allowed to specifically enforce based on, posting, or advertising their property. This doesn't mean that staff can't reach out and let them know that it's not an area where it's allowed and educate them in hopes that they will cease. If they don't the County can build a record. He notes that they can also pull other data from the website, such as the number of times perhaps that they've been renting or the blocks of time that they've been renting. If the staff gets a specific complaint from that property. They information on record, beyond the state's limitation to enforce, and issue fines and violations. The data component that these third party support companies provide us is what is key. It allows an efficient licensed track renewal and license monitoring compliance. The data collection is huge for tax auditing for compliance for issuing notices and bringing people into compliance. Another really important component of a third party enforcement company as they provide a dedicated 24/7 hotline. It allows a way to educate the general public with one phone number and they can report any issues with short term rental or suspected neighbors who may be operating short term rental they may not be allowed to. They have a number to call. He notes that they don't have to advertise every single one of the authorized agent's phone numbers, because those authorized agents will have their contact information saved, and the general public only has to call one phone number. They can call the authorized representative, the authorized representative will then have 60 minutes to resolve the issue. They will then be required to follow back up. If the tenant is continuing to be belligerent and then at that point, they would escalate the issue to law enforcement or code enforcement. It would be good to be able to advertise one phone number. They can call if they have an issue, anywhere in the county.

He notes that he has been talking to a couple of communities. The Community that sticks out most in his mind in similarity is Garden City and Bear Lake to right on the border with Idaho. It is a huge summer and winter recreational area, they have a single Code Enforcement Officer, they implemented a third-party enforcement company, and he is now able to manage the system by himself with a single dashboard, and a user interface and he can interact with. He gets live reports of what's going on. All the data is saved on a property by property basis he has a running record of what has happened on every property. He can issue citations and violation notices instantly. He's had a really good experience and he's able to keep on top of that just by himself.

Fines permit revocation the current structure for fines is \$100 a day on the first violation \$200 on the second violation and then up to \$400 for multiple violations after that. He notes that they should have a fine structure that is specifically proportionate to a particular rentals income as a specific deterrent to their bad actions. Classify them as either minor or major violations, provide them with a warning, once a year, but after that, if they exceed the number of violations whether it's minor, major event, they would lose their permit, and they wouldn't be able to reapply for a certain amount of time depending on whether it's a minor or major violation. The fee would be specifically proportionate to their nightly rate and that nightly rate is something that would be on file because a third party enforcement company collects that information on a property by property basis. The fine would depend on their nightly rate and this would be a good eye-opener for the owner. He states they do not want the owners to feel like they can incorporate the fine structure into their cost of doing business. They need to be concerned about every violation.

Renewal auditing everybody who is licensed needs to be relicensed every year. This will allow to double check the record and make sure they haven't exceeded the number of violations that they're allowed, without having their permit revoked? It allows staff to verify that they're being compliant if they have a minimum length of stay, and make sure they are compliant with the minimum length of stay and not reissue the license if they don't comply. This gives the ability to estimate the revenue that each property may be taking in. It will help staff understand what the tax remittance should be and help identify the hotspots, and do some specific auditing if needed to ensure that they're emitting the proper amount of tax. This also allow staff during renewal to inspect the property if there is any suspicion of change, such as parking on the site, or that they may be exceeding maximum occupancy. The renewal will give staff a once a year opportunity to make sure that they are still in compliance and still aware of the requirements and nothing has changed on the property. With these seven steps, staff hopes have a holistic enforcement program that is supported by third-party data, which augments the current capacity with a single Code Enforcement Officer and would provide hundreds of authorized agents with specific phone numbers that are directly responsible for properties. This is a structure that has worked for many other communities. He states that staff anticipates that it would work for Weber County as well. No matter what

happens with the land-use question if it is opened up or if the same regulations are kept, this may be a good option to ensure everybody has a good experience.

**WS3: Training for Ex Parte Communications and Conflicts of Interest.** Mr. Wilson gives the Planning Commissioners a training on Ex Parte Communications and Conflicts of interest.

Adjournment: 7:09 PM

Respectfully submitted,

Marta Borchert