

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 13 August 2020

TIME COMMENCED: 6:00 p.m.

LOCATION: Electronic Meeting through Zoom

PRESENT: COMMISSIONERS:

Tim Grubb
Gary Boatright (arrived at 7:15)
Rob Osborne
Wes Johnson
Taylor Walton

CITY PLANNER:

Barry Burton

DEVELOPMENT COORDINATOR:

Kimberli Guill

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Blair Halverson, Chris Tremea, Tracy Hart, Mark Staples, and Amy Roskelley.

Commissioner Osborne excused Commissioner Boatright

1. PLEDGE OF ALLEGIANCE: Commissioner Grubb

2. Public Comment: Anyone requesting to comment live via Zoom must pre-register at the following <https://forms.gle/PMJFhYFJsD3KCi899> before 5 pm on the meeting date.

Comments will also be accepted at publiccomment@southwebercity.com

- a. Individuals may speak once for 3 minutes or less
- b. State your name and address
- c. Direct comments to the entire planning commission
- d. Note planning commission will not respond during the public comment period

Tracy Hart lives three houses away from the Snowbasin Destination short term rental. She voiced she is concerned about all the things she has been reading about short term rentals on the South Weber Citizens United Facebook page. She is concerned about parties, safety, etc. She has lived in her home for over 30 years and it has always been a peaceful neighborhood. She is not sure the neighborhood is conducive to overnight stays. She asked if the property owner obtained a business license prior to operation and is it related to the short-term rental. She questioned why the neighbors are just hearing about this. She did not know there was a short-term rental until she saw the sandwich sign notification at 2345 E 8100 S.

Commissioner Osborne stated the city saw a need to have an ordinance in place so that short term rentals can be regulated.

ACTION ITEMS:

3. Approval of Consent Agenda

- a. 2020-06-03 Minutes (amended to include public comments)**
- b. 2020-06-11 Minutes (amended to include public comments)**
- c. 2020-07-09 Minutes**
- d. 2020-07-14 Minutes**

Commissioner Johnson thanked Amy Mitchell for her public comments submitted on 6-11-2020.

Commissioner Johnson moved to approve the consent agenda. Commissioner Taylor seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

4. Harvest Park Phase 3 Final Recommendation located at approx. 700 E 6750 S (Parcel 13-275-0020) 8.66 acres: City planner Barry Burton, explained originally this was a two-phase development, but was amended to a three-phase subdivision.

Mark Staples, of Nilson Homes, reported his engineer submitted the plat revision for Harvest Park Phase 3 at 5:00 p.m. today. City planner Barry Burton remarked everything on his review of 6 August 2020 has been completed by the developer. Commissioner Grubb addressed the two street names that need to be decided. Barry commented the developer has decided on the street names and has added them to the plat. Commissioner Grubb pointed out Pebble Creek Drive needs to be the stub road continuing east that is currently labeled as River Way. The longer north south road, currently labeled as Pebble Creek Drive, needs to be a different name, perhaps River Way. Mark Staples, of Nilson Homes, explained the stub road is now Pebble Creek Drive and the north south road is now River Way.

Commissioner Walton questioned why there are only two easements located on the plat (specifically, Comcast). Mark stated the Comcast easement is the public right of way. Commissioner Walton asked once the easement is in the public right of way, it won't appear on the plat. Mark stated that is correct. He explained there is a 10' public utility easement on all the front yards, which include power, and Comcast. The gas is in the park strip and everything else is in the asphalt. He pointed out the sewer easement connects to the knuckle in phase 3. There is an existing power line and power pole in the park strip of Pebble Creek Drive extension. Mark pointed out the power pole is in the right of way of lot 326.

Commissioner Walton asked if the basement chart describing maximum basement depths on each lot has been completed. Barry acknowledged that has been taken care of. Commissioner Walton asked about the water table. Mark explained the water table has changed quite a bit since the report and has gone both up and down. He remarked a land drain was added in phase 1 & 2 and if phase 3 needs one, they will come back and install one. Barry discussed this phase, though not that same as shown on the approved preliminary plat, is in conformance with the preliminary as far as the number and size of lots in that given area. Originally, there were only two phases. The change in phasing issue was covered and approved with Phase 2. Barry reviewed the geotechnical report and stated there was a total of nine test pits for the ground

water. They encountered ground water in only three of the nine test pits ranging from 8.3 ft. to 11 ft.

Commissioner Walton asked about the utility notification form, which mentions Century Link is not applicable. Amy Roskelley, of Nilson Homes, stated Century Link said they could not provide the service in that area. Commissioner Osborne asked about the status of the dog park. Mark has a meeting on Monday to discuss the trail alignment and then they will put together an irrigation plan. Commissioner Osborne discussed the council would like to see as many trees remain as possible. Mark explained the retention basin is larger than planned. Commissioner Grubb asked about the streetlights. Barry reported they are on the construction drawings. Commissioner Grubb wants to make sure there are streetlights on the intersection. Mark will make sure they are there.

City Engineer, Brandon Jones, review of 6 August 2020 is as follows:

Our office has completed a review of the Final Plat and Improvement Plans for the Harvest Park Subdivision Phase 3, dated August 6, 2020. We recommend approval subject to the following items being addressed prior to being considered by the City Council. Some items are mentioned for information purposes only.

GENERAL

E1. Final plans need to be submitted to the South Weber Irrigation Company and an approval letter provided indicating that the improvement plans meet their requirements.

PLAT

E2. Pebble Creek Drive needs to be the stub road continuing East (currently labeled as River Way). The longer North-South road (currently labeled as Pebble Creek Drive needs to be a different name, perhaps River Way).

E3. In order to avoid confusion, we would recommend adding an address table that lists the lot, lot address, and street name for each frontage of each lot (as where the street changes names may not be obvious).

IMPROVEMENT PLANS

E4. We have a few minor revisions that we will provide on a redline set of drawings to the developer's engineer.

City Planner, Barry Burton's, review of 6 August 2020 is as follows:

Zoning Compliance:

PL1– All lots are in compliance with the requirements of the R-P zone for those lots within that zone and are in compliance with the R-M zone with the PUD overlay for those lots in that zone.

PL2 – This phase, though not that same as shown on the approved preliminary plat, is in conformance with the preliminary as far as the number and size of lots in that given area. (Originally there were only two phases. The change in phasing issue was covered and approved with Phase 2.)

PL3 – The typical setback detail on the subdivision plat complies with requirements of the R-P zone and PUD overlay.

Final Plat:

PL4 – Formatting of the plat looks good. There are two street names that need to be decided and added. (If looking for address grid coordinates for street names, the City Engineer can provide.)

PL5 – The basement chart describing maximum basement depths on each lot will need to be completed prior to final approval by the City Council.

Recommendation: I advise the Planning Commission to recommend Harvest Park Subdivision Phase 3 final Plat to the City Council for approval.

Commissioner Grubb moved to recommend approval to the city council for Harvest Park Phase 3 Final Recommendation located at approximately 700 E 6750 S (Parcel 13-275-0020) 8.66 acres subject to the following:

- 1. City engineer Brandon Jones review of 6 August 2020.**
- 2. City planner Barry Burton review of 6 August 2020.**
- 3. Verify streetlights located at intersection of Pebble Creek Drive and River Way. As well as Cobblestone Drive and Short Street.**

Commissioner Johnson seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

Commissioner Grubb moved to open the public hearing for short term rental conditional use for Snowbasin Destination operated by Lori Drake located at 2345 E 8100 S.

Commissioner Johnson seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

Commissioner Osborne reported there were two emails submitted concerning the Snowbasin Destination short term rental. **(See attached email from Lonnie & Lynette Winterton and Tina & Gary Sandzone).**

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

5. Public Hearing and Action on Short Term Rental Conditional Use for Snowbasin Destination operated by Lori Drake located at 2345 E 8100 S.:

This request is for a short-term rental conditional use permit for Snowbasin Destination located at 2435 E. 8100 S. The total acreage of this property is .33 acres. Hours of operation include 24 hours a day, 7 days a week. There are three bedrooms and four parking stalls. Total square footage of the business is 1500. The square footage of the residence is 3,600. A fire inspection has been completed.

Commissioner Osborne understands Lori Drake has submitted application for a conditional use permit for a short-term rental. Code enforcer Chris Tremea has submitted a report from his on-site visit. He has reviewed the ordinance with Lori Drake. She will stay in communication with Chris with any concerns. It was stated there are currently five short term rentals who have approached the city. Commissioner Osborne asked if there have been rentals longer than 30 days.

Aaron Drake, representing his mother, Lori Drake, reported this summer there were two interns who came from out of state who stayed at this short-term rental longer than 30 days. He pointed out there are individuals in the neighborhood who rent their basements. Commissioner Osborne explained to rent a basement, it must be to a family relation.

Discussion took place regarding no more than six occupants. Aaron reported there are four parking stalls. He explained his mom can commit to having the occupants park only on the driveway so that neighbors are more comfortable. Commissioner Johnson pointed out Mrs. Hart made the comment she did not even know the short-term rental was there until she received the notice from the city.

Commissioner Walton asked about the email comment concerning individuals walking on another person's property. He asked if there really is enough parking available. Chris explained there are four parking stalls. Aaron pointed out there is a three-car garage, which she allows tenants to park in the garage. Chris explained he has reviewed video footage of individuals walking on the neighbor's property. He suggested the possibility of installing landscape to help prevent that. He also suggested Lori include no trespassing on the neighbor's property in the short-term rental binder which she has her tenant's review. Aaron discussed Lori being willing to work with the neighbor concerning the possibility of installing a fence.

Aaron expressed one aspect of short-term rentals is a social aspect. He hopes that neighborhoods would not be so restrictive that people cannot come together. Commissioner Johnson commented this short-term rental is owner occupied. Commissioner Grubb suggested a boundary for trespassing or landscaping that would prevent trespassers. Aaron acknowledged lessons have been learned concerning guests who have less than three reviews. In the future, Lori will not be renting to such applicants. Aaron explained the property line on the east is a cement driveway and there would not be a place for landscaping.

Commissioner Walton asked when this short-term rental began. Aaron reported it started in September or October of 2019. He described how it took the city quite a while to get the application process ready after the short-term rental ordinance was approved.

Further discussion took place regarding ways in which to discourage trespassing on the neighbor's property. Aaron suggested the planning commission be more specific as to what the city wants. Chris expressed he is concerned about how to enforce this. Commissioner Osborne isn't sure installation of a fence should be a condition. Aaron stated Lori is willing to discuss options with the neighbor. Commissioner Osborne suggested Lori work with Chris Tremea concerning the trespassing on the property boundary.

Commissioner Boatright arrived at 7:15 p.m.

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

Commissioner Grubb moved to close the public hearing for Short Term Rental Conditional Use for Snowbasin Destination operated by Lori Drake located at 2345 E 8100 S. Commissioner Johnson seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

Commissioner Grubb moved to approve Short Term Rental Conditional Use for Snowbasin Destination operated by Lori Drake located at 2345 E 8100 S subject to the following:

- 1. South Weber City Short Term Rental Ordinance**
- 2. No more than 6 occupants**
- 3. Owner Occupied**
- 4. Owner will discuss with neighbor concerning boundary delineation and work with South Weber City Code Enforcer Chris Tremea.**
- 5. Requirement of four parking stalls for off street parking.**

Commissioner Johnson seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

DISCUSSION ITEMS:

6. Discussion: 2020 General Plan

Planning Commission met on July 14, 2020 in a work session to discuss the General Plan second draft public comments and prepare the General Plan maps and narrative for final recommendation to the City Council. Amendments were decided and city staff has since updated the General Plan maps and narrative and called it the third draft General Plan based on those decisions. Tonight's discussion item is a chance to review the third draft General Plan and finalize it for Planning Commission's recommendation to the City Council.

Commissioner Osborne commented it was his understanding the general plan text needs to eliminate the connection from View Drive to 7800 South. Commissioner Grubb understood that it should not be a collector. It was stated it needs to be removed from the map as well.

Commissioner Osborne proposed concerning 1900 East, the text state...*Currently, South Weber City has one access road to Layton. The road is currently used as an access to the city water tank. The road off 1900 East is owned by the city, it is 60-foot-wide, has some utilities (Fire Hydrant and Storm Drain) already installed and has a road base for its surface.* Barry pointed out from the last meeting the decision was made to take that out. Commissioner Osborne does not feel it should be taken out. Discussion took place concerning labeling this section (Access road to city water tank) and not 1900 East. Commissioner Boatright is not opposed to this and questioned whether this should be included in the Transportation Section of the general plan. Commissioner Walton feels it needs to be included in the general plan to point out this is what the state of the road is today. Commissioner Grubb suggested stating the current condition of the road and no changes have been made or recommended. The Planning Commission agreed.

Commissioner Johnson asked why the potential mixed use and multi-family is still in the general plan. Commissioner Walton explained there is still the concept of mixed use. Barry stated we are proposing a change to the zoning ordinance that allows for a negotiated agreement on what happens on the Poll property and Stephen's property, which may or may not contain mixed use.

Commissioner Johnson asked about the noise contour study from Hill Air Force Base and why the city is using a decibel rate of 75. Barry explained the planning for years and years has been 75, and if it is changed now, it will include a lot of residents. Commissioner Johnson suggested

changing it from 65-74. Barry is not sure how that can be changed and include the F-35. Commissioner Johnson pointed out numerous military studies that have been completed on other aircraft and they state the 65-74 as an area of moderate impact. Commissioner Boatright doesn't feel nothing is going to change as it is going to be loud for residents. Commissioner Walton suggested referencing to the compatible use zones. Commissioner Boatright is ready to wrap this up and send the general plan to the city council for review. Commissioner Walton stated this can always be an amendment to the general plan because there is more information coming.

Commissioner Walton discussed Canyon Drive and 2050 East. He suggested extending the red line further to the east. Commissioner Boatright is not sure that should be included with this general plan at this point. Barry suggested including it. Commissioner Boatright is okay with that. The Planning Commission agreed. It was decided that Barry will make the amendments and the general plan will be brought back to the Planning Commission for an action item.

REPORTS:

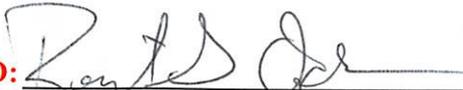
7. Planning Commission Comments (Boatright, Grubb, Johnson, Osborne, Walton)

Commissioner Osborne: He reported the special meeting for Deer Run Flats Preliminary Plat approval will be held on 27 August 2020.

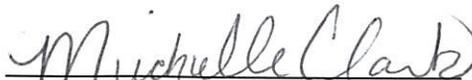
Commissioner Walton: He reported the Ordinance Committee is currently reviewing Title 10, Chapter 2. They will also review Chapter 5, and short-term rental. There will be a bi-monthly meeting.

ADJOURNED: Commissioner Walton moved to adjourn the Planning Commission meeting at 8:08 p.m. Commissioner Grubb seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

APPROVED:


Date 9-23-2020

Chairperson: Rob Osborne



Transcriber: Michelle Clark



Attest: Development Coordinator, Kimberli Guill

From: [LONNY WINTERTON](#)
To: [Public Comment](#)
Subject: RE Snowbasin Destination operated by Lori Drake
Date: Thursday, August 13, 2020 10:35:51 AM

Thank you for including us in the public hearing notice.

Our residence has not had any personal negative impact from the past 12-18 months of the operation of Snowbasin Destination Airbnb operating in our neighborhood, although we were surprised to find the license had not already been obtained prior to opening the Airbnb. We have witnessed and been made aware of several negative incidences that have impacted some of the more immediate neighbors to the residence.

We are also aware that it takes some experience to smoothly operate a venture such as this. As with any business, the first year or so can have some serious problems. There have been some privacy and security issues regarding neighboring homes in addition to some city ordinances and laws being violated by Airbnb renters. We would anticipate and hope that rules and restrictions would be more closely monitored in the future should the license be approved.

We are grateful that she lives in the residence allowing it be more closely monitored. In a single family dwelling neighborhood, having the Airbnb does have some conflicts with that designation as it is more transient in nature.

There are also several basement rentals in the neighborhood with property owners on site and many in the neighborhood have also had family members living in their homes for extended and lengthy periods of time. These also require management and compliance of property owners.

We have known Lori Drake for over 25 years and know her to be a hands on problem solver.

Lonny and Lynette Winterton
2357 East 8100 South

August 10, 2020

South Weber City Planning Commission
1600 E South Weber Drive
South Weber, UT 84405

Subject: Public Hearing for Conditional Use Permit application for Snowbasin Destination LLC, owner Lori Drake

Dear Planning Commission:

We are submitting the following as comment to the Public Hearing in regards to the Conditional Use Permit application for a Short-Term Rental submitted by Lori Drake ("**Responsible Party**") of Snowbasin Destination located at 2345 E 8100 S., South Weber UT ("**Short-Term Rental**"). According to the Airbnb website persons renting or residing ("**Occupants**") in the short-term rental are offered a downstairs living space with three bedrooms. We believe based on public reviews on the Airbnb website for this short-term rental, and by witnessing occupants, this short-term rental began operations September 2019. A search on the Utah Business website (<https://secure.utah.gov/bes/>) shows a Utah Certificate of Organization, file number 11638573 was issued to Snowbasin Destination LLC January 30, 2020.

The purpose of this letter are to:

1. present the planning commission with a summary of previous complaints made to the South Weber Code enforcer;
2. present the planning commission with historical issues related to parking at the short-term Rental;
3. present the planning commission with details of events/parties at this location;
4. present the planning commission with concerns we have related to trespassing by occupant and non-occupant visitors;
5. ask the planning commission when reviewing the application for this short-term rental to clarify the difference between a two-family dwelling and short term rental conditional use permit;
6. ask the planning commission when reviewing the application to clarify and define the accountability of the Responsible Party, and South Weber City in regards to code violations.

Complaints:

On two separate occasions, we have provided the South Weber Code Enforcer with written formal complaints. The first complaint dated January 16, 2020 outlined issues related to no receipt of public notification from the city in regards to the conditional use permit, parking issues in violation of South Weber winter ordinance, violation of the noise ordinance due to late hour parties at the short-term rental among an occupant and visitors. The second complaint dated July 16, 2020 described issues related to no public notification from the city in regards to the conditional use permit, parking issues, and trespassing.

Provided as an attachment to this letter will be a copy of two police reports D20-00395 related to winter parking, and D20-00424 related to winter parking, parties and a warrant arrest at the short-term rental.

Parking:

The short-term rental historically has not enforced off street parking. On several occasion the short-term rental has had 3+ vehicles parked on the street overnight. Street parking is nearly always directly in front of our property. During winter months, we witnessed, and documented many occupants not following the South Weber winter parking ordinance.

The first picture below taken November 15, 2019 shows what we witness as typical overnight winter parking. The second picture taken the morning of November 19, 2019, shows a work truck, which had been parked overnight broken down in the street in front of our property. A large oil spill was left in the roadway after the occupant had finished working on the vehicle.



The occupant the week of January 12, 2020 had a constant stream of vehicles throughout the evening and early morning. Due to nightly parties held at the short-term rental, vehicles parked on the roadway and in the short-term rental driveway. The below pictures were taken the evening of January 15, 2020, not pictured are the additional vehicles parked to the east of our driveway.



The below picture taken the morning of January 17, 2020 shows one of the several cars that had been left parked on the street overnight.



After filing police complaints dated January 16 and 17, 2020, we discussed issues related to the short-term rental with the responsible party. We very clearly voiced our concerns in regards to parking. The responsible party said she understood our concerns in regards to cars parking all the way to the gate when checking in late at night, which causes extra noise due to slamming doors, and car alarms. In addition, we discussed street parking in front of our residence, and felt we had come to a mutual understanding in regards to parking.

The picture below shows how vehicles are currently parking at the short-term rental. The below pictures were taken on July 11, 2020 and July 19, 2020.



We understand there is no ordinance or law preventing parking in front of our home. However, we strongly feel we should not have to extend a courtesy, or tolerate excessive parking that benefits a business in our neighborhood. The occupant parking in front of our property is not the view we purchased when we moved to South Weber.

- Does the city require the property owner to provide adequate and safe parking at a short-term rental?
- Does the city require the property owner to provide parking that does not interfere, cause damage, or encourage trespassing of neighboring properties?
- Can occupant vehicles park over 48 hours on the street without moving?

Parties/Events:

The short-term rental has already had parties/events. The evening of January 15, 2020, was at least the second evening of a string of parties held by an occupant involving very young adults, alcohol, smoking and loud music. At approximately 11:30 pm, a young female visitor of the occupant

knocked on our door asking to use our wifi. She explained a boy named Isaac had sent an uber for her, but she was unable to locate the Airbnb. After giving her directions to the short-term rental, we witness an additional vehicle arrive. This vehicle contained an additional three young male adults with beer who were being very loud. By this point in the evening, there were six vehicles and many young adults in the driveway, and back yard drinking, smoking and causing a lot of noise.

The picture below taken on January 16, 2020 is of two of the five men that were outside drinking, smoking, and play loud music from at least 10:30 pm until well after midnight.



The incident as described in a section of police report (D20-00424) dated January 17, 2020; “On January 17, 2020, I was informed of a parking problem at the address of 2345 E 8100 S in South Weber. I contacted the complainant, Gary Sanzone, who lives next door. Mr. Sanzone informed me that he has witnessed multiple vehicles parking on the road in violation of South Weber City Code. He stated the vehicles are parked there by guests at the Airbnb in the basement of the residence next door. In addition, he informed me that the guests at the Airbnb have been throwing parties, which have involved excessive noise late into the night, smoking in the Airbnb’s backyard near his property and his bedroom window, and the consumption of alcohol by those he presumes to be minors. Mr. Sanzone made a similar complaint yesterday, on January 16, 2020 (See D20-00395).”

The following is from an additional section of report D20-00424; “Upon returning to the residence I verified all provided information, while running Mr. Provenzano’s provided information through NCIC I got a return on a fully extraditable warrant. I verified the NCIC hit through Davis County Dispatch and confirmed the information found.”

 **Isaac**
January 2020

Wonderful place. Good for small groups & skiers. Definitely would not recommend for parties! Very nice and comfortable space.

We are sorry we left this location in disrepair. We intended to stay in the location and clean it, but the neighbors complained about our noise level (we had loud music and backyard smoking). The sherriffs did come to ask us to move our car out of the street, as one of our group didn't know he had to park on the driveway. We do intend to pay for the damage to the unit, and are very sorry for the condition we left it in under such short notice. [read less](#)

 **Response from Isaac**
Joined in 2016

January 2020

Unfortunately, Daniel's review wasn't up yet and I accepted the reservation from this young man. Honestly, I have never felt so ... violated. My beautiful space has at least \$500 worth of damage. I need to salvage my reputation with the sheriff's office, my city, and my neighbors. I have purchased new comforters, blankets, and linens due to a myriad of stains that I won't describe. I must replace a window screen that was destroyed. A new rug and my carpet have muddy boot prints all over and now I am finding other small things as I clean. There are dings in the walls and my gorgeous new sofa has stains on all three cushions. Need I say more? My downstairs space has only been available for four months and I have hosted lovely people from all over the U.S. I honestly am concerned about Isaac and the sustainability of his lifestyle, but that's another story. [read less](#)

 **Lori, South Weber, UT**
Joined in 2017

As stated in the parking section of this letter, after involving the police and code enforcer, we had a discussion with the responsible party about what had been happening at the short-term rental. We were very surprised to learn that during the week of parties the responsible party was in the residence. We also learned from her that the young woman who came to our door had also come to her door. The responsible party expressed to us that she felt taken advantage of and that she needed to be more careful. She felt Isaac had not represented himself or the purpose of travel correctly, and that he was a wondering troubled young man. We feel this incident clearly demonstrates the responsible party did not manage the owner occupied short-term rental in a way that ensures neighborhood safety.

We received the following text message from the code enforcer on January 17, 2020 "I am pretty sure that we have resolved the problem and Lori did rent the property as a short term rental to an individual that took advantage of the situation and has since been evicted from the property. I have advised her that she will be required to obtain a business license from the city so that I can go over the specific regulations with her that are outlined in the ordinance."

As a follow up question we asked the code enforcer if the responsible party was allowed to continue to rent the short-term rental, and received the following response; "Nope, she has to immediately obtain a permit." The responsible party had a new occupant at the short-term rental the beginning of following week. The below picture of the new occupant was taken January 23, 2020.



According to the Airbnb listing for this short-term rental the responsible party advertises house rules which includes the phrase “no parties or events”. We witnessed recent occupants having a gathering with visitors. The additional visitors creates noise, and excessive numbers of vehicles in the street. Holding events/parties at the short-term rental brings up the following questions:

- Does the Conditional Use Permit allow a short-term rental to be a venue, defined as a place where an event or meeting happens?
- Is the rental for occupants, or occupants and their visitors?
- What are the maximum number to occupants, visitors, and vehicles allowed at a short-term rental?

Trespassing:

Our property has become a walking path, a park, and a shortcut from the street to the gate by many occupants. The following pictures taken August 2, 2020 provides an example of what we witness as typical foot traffic to the gated area of the short-term rental.



The below pictures taken August 9, 2020 show occupants as they are having a nerf gun war on our front yard.



We have also had visitors of occupants mistake our property for the Airbnb. On July 15, 2020, a small red SUV pulled into our driveway at approximately 9:45 pm playing loud music. The driver pulled in and out backing up to our gate on the east side of our property. Quickly confronted before he could exit his vehicle to enter the gated area, he stated his purpose for being in our driveway was to pick up an occupant of the Airbnb. Having an uninvited person enter our

property at night, with the possibility of trying to gain access to our home has the potential of becoming a dangerous situation for all parties involved. Begrudgingly we now have to display tacky no trespassing, and beware of dog signs from our front porch and gate. As you can see from the pictures above, the signs are not working.

Two-Family Dwelling/Short-Term Rental:

Utah HB 253 passed during the 2017 general session enacted Utah Codes 10-8-85.4 and 17-50-338.

10.8.85.4(1)(b) and 17-50-338(1)(b) "Short-term rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.

10-8.85.4(2)(a) and 17-50-338(2)(a) a legislative body may not: enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or

10-8-85.4(2)(b) and 17-50-338(2)(b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.

South Weber Ordinance 10-18-2 (A) Short-Term or Vacation Rental means a transient lodging facility in a single family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than 30 consecutive days as an alternative to a hotel or motel.

The logistics section of the Airbnb listing of the responsible party states the property is available for long term stays, 28 days or more. Four recent occupants of the short-term rental stayed for the summer, well over 30 days.



Emma
July 2020

Lori's place was exquisite, I spent the entire summer here for an internship. She made our stay and experience in Utah all the more special! A wonderful host and person! We love you Lori!

July 2020

What a choice experience it has been to host Emma and her peeps. They were gracious, considerate, and deeply appreciative of every detail. Not only in their private space but also in discovering Utah. The experience of getting to know these four young women from every corner of the United States was a thrill for me. I wish them the best of luck and hope to see them again. They will always be welcome. [read less](#)



Lori, South Weber, UT
Joined in 2017

From what we have witnessed and according to recent reviews left on the Airbnb website for the short-term rental, it appears the short-term rental is not always operating at fewer than 30 consecutive days. Based on the definitions of the Utah and South Weber Code we have the following questions:

- Is the responsible party using the property as a short-term rental, or a two family dwelling? Is this student housing? Corporate housing?
- What is the difference in a conditional use permit for a short-term rental and a two family dwelling?
- When code violations or issues arise, does offering the rental for 30+ days prevent the city from enforcing short-term rental ordinances?

Responsibility:

As of the date of this letter, we feel neither the city nor the responsible party appear to have taken responsibility to ensure compliance or enforcement of South Weber City Codes/Ordinances. In our opinion the responsible party did not act with integrity by starting a business without first obtaining a business license, or permit from the city. Bypassing the short-term rental process as outlined by South Weber City potentially took tax dollars from our community, and did not allow long-term neighbors their right to public comment before the short-term rental became operational.

Airbnb's website offers a help document under responsible hosting in regards to business licensing stating the following. "You are responsible for checking whether your activity may be considered to be a business activity, and if so, for ensuring that you comply with local rules that regulate businesses (which may include business registration and/or licensing requirements) before starting to provide your experience."

South Weber City has allowed the short-term rental to run without a license, and has not done enough to ensure the rights of other property owners. The Utah State Codes enacted for short-term rentals should not render our leaders paralyzed, unable to protect all property owners. South Weber residence deserve better.

- Who is responsible and accountable for occupants of a short-term rental? Is it the Neighbors, the Police, the Planning Commission, the City Council, or the Responsible Party?

In regards to the responsible party and the short-term rental, we have tried to be patient and respectful of the right to operate a business. In January, we were willing to listen and discuss compromise to ensure continued success of the short-term rental, while still maintaining our rights and safety. Since that discussion, we feel the responsible party has not been concerned at all about our rights, our property, or our safety. In January, the responsible party expressed to us that she had been the victim of an occupant. We do not feel the responsible party was violated, instead we feel she did not control a bad situation that was taking place at the short-term rental, and as a result suffered the consequence. The lack of action taken by the responsible party caused interruption to the police department, the code enforcer, and us. Since then we feel the responsible party continues to allow occupants to park anywhere, hold what appears to be events, and does not appear to consider the disruption the short-term rental is causing to the surroundings.

We are strongly opposed to the planning commission granting a conditional use permit for this short-term rental. We feel the responsible party lacks the skill, and security training to operate a short-term rental in a manner that protects the integrity, characteristics, and safety of our neighborhood. The responsible party has not managed the short-term rental in a manner that we the neighbors are unaware of the existence.

Best Regards,
Gary and Tina Sanzone
Property Owners
2353 E 8100 S

Enclosure: Davis County Sheriff police report D20-00395 and D20-00424.



DAVIS COUNTY SHERIFF'S OFFICE

Deputy Report for Incident D20-00395

Nature: Parking Problem

Address: 2353 E 8100 S

Location: 150

SOUTH WEBER UT 84405

Offense Codes: PARK

Received By: T Dyer

How Received: T

Agency: DCSO

Responding Officers: M Castro

Responsible Officer: M Castro

Disposition: CLO 01/16/20

When Reported: 06:18:37 01/16/20

Occurred Between: 06:18:37 01/16/20 and 06:18:37 01/16/20

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race:

Sex:

Phone:

City: ,

Offense Codes

Reported:

Observed: PARK Parking Problem

Additional Offense: PARK Parking Problem

Circumstances

BM88 No Bias

DCVN Dash Cam Video: No

LT13 Highway, Road, Alley

Responding Officers:

M Castro

Unit :

D100

Responsible Officer: M Castro

Received By: T Dyer

How Received: T Telephone

When Reported: 06:18:37 01/16/20

Judicial Status:

Misc Entry: DJ

Agency: DCSO

Last Radio Log: **:*.**. **/**/**

Clearance: CRO Cleared by Responding Officer

Disposition: CLO **Date:** 01/16/20

Occurred between: 06:18:37 01/16/20

and: 06:18:37 01/16/20

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description	Relationship
01/16/20	Name	SANZONE, GARY WALTER	Complainant
01/16/20	Cad Call	06:18:37 01/16/20 Parking Problem	Initiating Call

Narrative

Subject: Parking Problem
D20-00395
M. Castro
01/16/2020

On 01/16/2020, I was dispatched to a parking problem in South Weber. I spoke with the complainant, Gary Sanzone, who told me the house next door located at 2345 E 8100 S is an Airbnb. The people staying at the Airbnb will often park their cars on the street in front of Gary's house which causes the snowplows to skip his house.

Gary also told me that last night there was a party at the airbnb and sometime between 2300 and 2330 hours a group of people showed up knocking at his door. They were looking for the party, and thought that Gary's home was the airbnb.

Gary informed me he would be filing a complaint with South Weber City in regards to the Airbnb. I told him I would pass on the information so Deputies would be aware and could enforce the winter parking. I sent out a message to the Patrol Division regarding this case.

Nothing further.

Responsible LEO:

Approved by:

Date

Name Involvements:

Complainant : 240974

Last: SANZONE

First: GARY

Mid: WALTER

DOB:

Dr Lic: Phone:

Address: 2353 E 8100 S

Race: Sex: M

City: SOUTH WEBER, UT 84405



DAVIS COUNTY SHERIFF'S OFFICE

Deputy Report for Incident D20-00424

Nature: Parking Problem
Location: 150

Address: 2353 E 8100 S;10-21
SOUTH WEBER UT 84405

Offense Codes: WARA

Received By: L Jacobs

How Received: T

Agency: DCSO

Responding Officers: C Bodily, C Hawkins, J Jefferies, L Payne

Responsible Officer: J Jefferies

Disposition: CAA 01/23/20

When Reported: 07:36:26 01/17/20

Occurred Between: 07:36:26 01/17/20 and 07:36:26 01/17/20

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race:

Sex:

Phone:

City: ,

Offense Codes

Reported:

Observed: WARA Warrant Arrest

Additional Offense: WARA Warrant Arrest

Circumstances

BM88 No Bias

DCVY Dash Cam Video: Yes

LT20 Residence or Home

DAY Day (6 a.m. - 6 p.m.)

Responding Officers:

Unit :

C Bodily

D48

C Hawkins

D18

J Jefferies

D103

L Payne

D38

Responsible Officer: J Jefferies

Agency: DCSO

Received By: L Jacobs

Last Radio Log: **/**/** **/**/**

How Received: T Telephone

Clearance: CRO Cleared by Responding Officer

When Reported: 07:36:26 01/17/20

Disposition: CAA **Date:** 01/23/20

Judicial Status:

Occurred between: 07:36:26 01/17/20

Misc Entry:

and: 07:36:26 01/17/20

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description	Relationship
01/23/20	Name	PROVENZANA, PETER JOSEPH	OFFENDER
01/17/20	Name	SANZONE, GARY WALTER	Complainant
01/17/20	Name	PROVENZANO, PETER JOSEPH	SUBJECT
01/17/20	Name	BARTOLOMEI, ISAAC EPHRAIM	Offender
01/17/20	Cad Call	07:36:26 01/17/20 Parking Problem	Initiating Call

Narrative

Subject: Parking Problem/ Warrant Arrest
Case Number: D20-00424
Date: 01/17/2020
Reporting Officer: Deputy J Jefferies
Body Camera Footage Available: Yes

On January 17, 2020, I was informed of a parking problem at the address of 2345 E 8100 S in South Weber. I contacted the complainant, Gary Sanzone, who lives next door. Mr. Sanzone informed me that he has witnessed multiple vehicles parking on the road in violation of South Weber City Code. He stated the vehicles are parked there by guests at the Airbnb in the basement of the residence next door. In addition he informed me that the guests at the Air BnB have been throwing parties which have involved excessive noise late into the night, smoking in the Airbnb's backyard near his property and his bedroom window, and the consumption of alcohol by those he presumes to be minors. Mr. Sanzone made a similar complaint yesterday, on January 16, 2020 (See D20-00395).

I informed Mr. Sanzone that we would go to the home to insure all vehicles were moved off the road and speak with the guests about continuing noise complaints and parking violations.

Upon my arrival I found one vehicle still on the road, I ran the vehicle which returned valid with no warrants attached.

I knocked on the door of the Airbnb portion of the residence and made contact with a male later identified as Peter Provenzano, who invited me into the home. I informed Mr. Provenzano of the complaints that had been made and asked what his relation was to the residence and Airbnb. He informed me that he had not been there last night and did not know who's vehicle was on the street.

Upon asking for identification Mr. Provenzano initially refused, identifying himself only as Peter. Mr. Provenzano eventually agreed to providing a Florida Identification Card and I copied down his information.

While speaking with Mr. Provenzano, another male came into the room and identified himself as Isaac Bartolomei. Mr. Martolomei stated that he was the renter of the Airbnb and said he would contact the driver of the vehicle still on the road to have it moved. He also said he was aware of the noise complaints and would not have any more parties or guests while staying at the residence..

Due to a separate incident that occurred while speaking the occupants of the Airbnb, I left the scene and returned upon the completion of the separate incident (See D20-00421).

Upon returning to the residence I verified all provided information, While running Mr. Provenzano's provided information through NCIC I got a return on a fully extraditable warrant. I verified the NCIC hit through Davis County Dispatch and confirmed the information found.

I made contact again with Mr, Bartolomei to obtain the infomation of the Airbnb renter so that they could be advised of the complaints that had been made. Mr. Bartolomei provided me with the contact information for a Lori Drake. While speaking with Mr. Martolomei I saw Mr. Provenzano in the kitchen of the Airbnb . I made contact with Mr. Provenzano and asked him to stand and place his hands on his head Mr. Provenzano was compliant and was placed in handcuffs, which were checked for fit and double locked. Mr. Provenzano had multiple knives on his

person which were removed. The knives and other property belonging to him were left with the other guests of the Airbnb with Mr. Provenzano's permission.

Mr. Provenzano was placed in my patrol vehicle where was placed in a locked seatbelt. Transport to Davis County Jail occurred without incident Upon arrival to the jail custody was transferred to Jail staff and his warrant information was verified,

End of Report
J Jefferies 17453

Responsible LEO:

Approved by:

Date

Supplement

Subject: Supplemental Report- Follow Up Warrant Arrest

Case Number: D20-00424

Date: 01/17/2020

Reporting Officer: Deputy J Jefferies

Body Camera Footage Available: Yes

On January 17, 2020, I spoke with Lori Drake, who is the owner of the residence at 2345 E 8100 S South Weber. Lori contacted Davis County Dispatch inquiring about the arrest that had occurred at her residence. I informed Ms. Drake that we had arrested someone who was staying at her Airbnb after identifying him and discovering his warrant.

Ms. Drake asked if it would be possible to remove the other Airbnb guests from her home. I advised Ms. Drake to contact Airbnb if she wanted to terminate the contract with her guests but until then it would remain a civil matter.

I informed Ms. Drake that if she had any other questions about criminal problems, or if at anytime felt that she required a civil standby, that she could contact the Sheriff's Office again.

End of Supplemental Report

J Jefferies 17453

Name Involvements:

Complainant : 240974

Last: SANZONE

First: GARY

Mid: WALTER

DOB: [REDACTED]

Dr Lic: [REDACTED]

Address: 2353 E 8100 S

Race: [REDACTED] **Sex:** M

Phone: [REDACTED]

City: SOUTH WEBER, UT 84405

Offender : 395208

Last: BARTOLOMEI

First: ISAAC

Mid: EPHRAIM

DOB: [REDACTED]

Phone: [REDACTED]

City: [REDACTED]

Sex: M

SUBJECT : 395205

Last: PROVENZANO

First: PETER

Mid: JOSEPH

DOB: [REDACTED]

Phone: [REDACTED]

City: ,

Sex: M

OFFENDER : 395206

Last: PROVENZANA

First: PETER

Mid: JOSEPH

DOB: [REDACTED]

Phone: [REDACTED]

City: ,

Sex: M