

A scenic view of a mountain valley. In the foreground, there is a town with houses and trees. The middle ground shows rolling hills and more trees. The background features large, rugged mountains under a clear blue sky. The text is overlaid on this image.

# WEBER COUNTY

**WWPC Public Meeting 1/12/2021**  
**Short-Term Rentals Regulation Scenarios**

# Action Summary – WWPC Meeting 12/08/2020

On 12/08/2020 the WWPC tabled the discussion regarding short-term rental regulation scenarios. This was done for staff to further explore other regulation scenarios that could help to protect the affordable intent of the recently adopted Accessory Dwelling Unit Ordinance.

# New Staff Research

Further staff research has found the following regulation scenarios in use by other communities in an attempt to mitigate impacts to housing availability and affordability:

## 1) STR License Caps

- Set as ratios of STR Licenses/total # of dwelling units or ratio of STR Licenses/ADU Licenses.
- Designed to ensure a healthy balance of each type of use.
- Ratios can be modified as needed over time.
- This scenario has already been drafted and reviewed as the “Open/Limited” scenario.

## 2) Owner-Occupied STRs

- Ensures a housing unit is not being left vacant in order to provide a short-term rental unit.
- Significantly dis-incentivizes second homes from being acquired solely for the purpose of STR.
- Prevents enterprises from buying-up housing stock to quickly convert them into rentals.
- Proven to increase the mitigation of potential negative impacts to surrounding neighbors (noise, parking, etc).
- Allows local owners to capitalize on the full potential of their asset.

Staff also found that many communities have enacted policies to reinvest STR revenues into community development programs that build and/or incentivize low-to-moderate income housing. This allows STRS to create a direct benefit to the community. The reinvestment of associated fees and tax revenues would allow for STR impacts to be directly countered with the development of deed-restricted affordable housing.

# Short-Term Rental Regulatory Scenarios

The following regulatory scenarios are open to discussion regarding the question of “Where should STRs be allowed”:

- A) Open
- B) Open & Limited (STR License Caps)
- C) Open/Owner-Occupied (**NEW FOR CONSIDERATION**)
- D) Business as Usual
- E) Proof of Concept (**OVPC RECOMMENDATION**)
- F) Closed

# Regulatory Scenarios

## C) Open/Owner-Occupied (NEW FOR CONSIDERATION)

APPLICABILITY: Any residential property within the unincorporated Weber County may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days **subject to the following limitations:**

1. The primary dwelling shall be occupied as a primary residence. Primary Residence shall be defined by the Weber County Assessor's Office. **(No Second Homes or Investment Properties)**
2. In order to qualify for a short-term rental license, a property owner must have held title to the property for at least two years prior to applying for a license.
3. The owner must occupy the primary dwelling at all times that the licensed short-term rental is occupied.
4. The owner must act as the Responsible Agent for the rental.
5. Short-term rental licenses shall be revoked if a property transfers ownership from the originally licensed owner.

In this scenario, the following would be applied:

- 3rd Party Enforcement **is utilized** to augment county enforcement efforts
- This scenario would be subject to the licensing and operational standards of the STR Ordinance.

# Regulatory Scenarios

## A) Open

APPLICABILITY: Any residential property within the unincorporated Weber County may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days.

- 3<sup>rd</sup> Party Enforcement **is utilized** to augment county enforcement efforts
- This scenario would be subject to the requirements and operational standards of this chapter.

# Regulatory Scenarios

## B) Open & Limited

APPLICABILITY: With exception to properties in the FR-1 zone, any residential property within the unincorporated Weber County may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days subject to the requirements and standards of this chapter.

- This scenario also employs a geographic separation requirement that would prevent STR properties from being located adjacent to, or within a specified distance of another STR property
- 3<sup>rd</sup> Party Enforcement **is utilized** to augment county enforcement efforts
- This scenario would be subject to the requirements and operational standards of the short-term rental ordinance

# Regulatory Scenarios

## D) Business as Usual

APPLICABILITY: The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days is considered a short-term rental. Short-term rentals are allowed only when listed as either a permitted or conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).

- This language is unchanged from existing regulation found in Sec. 108-7-25 “Nightly Rentals”
- 3<sup>rd</sup> Party Enforcement **is NOT utilized** to augment county enforcement efforts
- This scenario would **NOT be Subject** to the requirements and standards of the short-term rental ordinance

# Regulatory Scenarios

## E) Proof of Concept (OVPC RECOMMENDATION)

APPLICABILITY: The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days is considered a short-term rental. Short-term rentals are allowed only when listed as either a permitted or conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).

- This language is unchanged from existing regulation found in Sec. 108-7-25 “Nightly Rentals”
- 3<sup>rd</sup> Party Enforcement **is utilized** to augment county enforcement efforts
- This scenario would be subject to the requirements and operational standards of the short-term rental ordinance

# Regulatory Scenarios

## F) Closed

- STRs will continue to be an allowed use in the DDR-1 Zone.
- Except for grandfathered licensees, STRs will no longer be allowed as a conditional use in the FR-3 zone.
- New PRUD developments will no longer be approved with the STR use. Owners within existing PRUD developments, with approved STR use, will be allowed to obtain an STR license or continue renting if already licensed.
- 3rd Party Enforcement is **NOT utilized** to augment county enforcement efforts
- This scenario would **NOT be Subject** to the requirements and standards of this chapter.

# Operational Requirements

## **Prohibitions:**

- Not allowed in accessory buildings
- Not allowed in Accessory Dwelling Units (ADUs)
- Not allowed in Deed Restricted Housing

## **Short-Term Rental License Required**

- Properties must be inspected prior to licensure
- Owners are required to collect and remit applicable taxes

## **All licensed properties are required to operate by specific operational standards:**

- Information dissemination (info packet)
- Advertising Requirements
- Occupancy limits
- Parking
- Noise
- Trash disposal and collection
- Outdoor lighting
- Signage (not allowed)
- Fire safety

# Enforcement

## **3<sup>rd</sup> Party Enforcement Support**

- “Scrapes” all major and many minor STR websites to identify unique listings and their specific addresses.
- Allows for efficient licensing, tracking, and renewal
- Consistently monitors listings for compliance with County STR ordinance and licensing requirements
- Consistently monitors rental activity and collects data to be used for enforcement efforts.
- Dedicated hotline staffed 24/7 for neighbors to report non-emergency STR complaints, submit evidence, and initiate automatic follow-up activities.

# Enforcement

## **Complaints:**

- 24/7 complaint hotline
- Responsible Agent (on-call 24/7) (must respond within 60 minutes)

## **Violations:**

- Minor Violation
  - Any violation of the operational standards (parking, noise, trash, etc.)
- Major Violation
  - Failure of the responsible agent to respond to complaints
- Unlicensed Violation
  - Operating an unlicensed STR

## **Penalties:**

- Proportionate to a property's rental rate
  - Minor violation - 50% of nightly rental rate
  - Major Violation - 100% of nightly rental rate
  - Unlicensed Violation - 200% of nightly rental rate

## **License Revocation:**

- Minor Violation – 4 violations in 3 months or 6 in 12 months
- Major Violation – 2 violations in 3 months or 4 in 12 months

Questions?

Public Comment