



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on amending the Weber County Zoning Code regulations regarding short-term rentals
Agenda Date: Tuesday, December 20, 2022
Applicant: Weber County Planning Division
File Numbers: ZTA 2020-05
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Applicable Ordinances

§ 101-1-8 – Amendments to Code

Amendments found in the following Sections:

- § 102-1-2 – Definitions
- § 102-4-3 – Land Use Permit Revocation
- § 104-11-3 – Permitted Uses (CVR-1)
- § 104-11-6 – Minimum Overall Project Development Area, Width, and Yard Regulations
- § 104-17-2 – Permitted Uses (FR-3)
- § 104-17-3 – Conditional Uses (FR-3)
- § 104-22-3 – Land Use Table (Form Based Zone)
- § 104-27-5 – Use Permissions and Prohibitions (Master Planned Overlay Zone)
- § 104-29-8 – Land Uses (Ogden Valley Destination and Recreation Resort Zone)
- § 108-7-25 – Nightly Rentals (repealed)
- § 108-8-2 – Parking Spaces for Dwellings
- § 108-11 – Short-term Rentals
- § 108-19-2 – Applicability (ADUs)
- § 108-19-3 – General Provisions (ADUs)
- § 108-19-4 – Standards and Requirements (ADUs)
- § 108-19-5 – Application and Procedure (ADUs)
- § 108-21-3 – General Development Standards (Agri-tourism)
- § 108-21-5 – Permitted Uses/Activities Table (Agri-tourism)
- § 108-21-6 – Use/Activity Standards and Limitations (Agri-tourism)

Legislative Decisions

Decision on these items is a legislative action. The County Commission is the land use authority in Weber County and is authorized to make legislative decisions. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

The proposed zoning code amendment relates to the regulation of short-term rentals in the County. The affected code sections are noted above and allow for the orderly regulation, maintenance, and licensure of short-term rental units in the County, as well as providing for penalties for violations. The complete draft is attached below in Attachments A and B, with Attachment A being a markup version of the existing ordinance, and Attachment B being the copy as proposed without any markups.

Public comment has been received by Planning Staff and has been attached to this report as Attachment C. This includes reports from outside entities and other thoughts, concerns, suggestions, and questions posed to the

Planning Staff and which those who made the comments wished to be presented to the County Commission. Planning Staff is not condoning or supporting any of these viewpoints, but is including them in this report as a courtesy to those who submitted.

Policy Analysis

Beginning in 2020, Planning Staff has been looking at ways to more appropriately regulate the installation and use of short-term rentals in the County. Previously these had been known as “nightly rentals” and were allowed in just a few zoning districts and developments. State Code has been revised to show what cities and counties may or may not do with regard to the regulation of short-term rentals, and there is ongoing legislative interest in this kind of use. Courts have found, however, that municipalities have the authority to reasonably regulate and restrict short-term rentals as an appropriate exercise of the police power of the municipality over things related to health, safety, and welfare. Further, as a taxing entity, ensuring that the proper licensure, monitoring, and taxation of rental units in the County is an appropriate activity. Finally, reasonably restricting and providing for potential violations and reporting protects adjacent property owners’ and their right to quiet use and enjoyment of their property. The proposed changes to the Weber County Code reflect the need to balance the desirability of short-term rentals and other uses in a residential area.

Recommendation

On October 27, 2020, the Ogden Valley Planning Commission held a public hearing, and on November 10, 2020, the Western Weber Planning Commission held a public hearing to discuss the proposed code amendments. Both Planning Commissions voted to forward a positive recommendation to the County Commission of the proposed amendments, based on the following findings:

1. The proposals will meet the anticipated needs and goals outlined in the General Plan;
2. The proposals reflect the best practices for land use and planning;
3. The proposals demonstrate a continued orderly progression to development in the area; and,
4. The proposals are in the best interest of the health, safety, and welfare of the general public.

Attachments

- A. Proposed Code Amendments (markups)
- B. Proposed Code Amendments (without markups)
- C. Public Comments

WEBER COUNTY ORDINANCE 2022-__

ON ORDINANCE AMENDING THE COUNTY'S LAND USE CODE REGARDING SHORT TERM AND NIGHTLY RENTAL AND LODGING ACCOMODATIONS, AND PROVIDING OTHER ADMINISTRATIVE AND CLERICAL EDITS./

WHEREAS, the County has an interest in regulating short-term rental units in the unincorporated areas of the County to promote the orderly and regular development and use of property; and,

WHEREAS, State Code Section 59-12-602 (12) defines "short-term rental" as a lease or rental that is 30 days or less; and,

WHEREAS, the County wishes to comply with all appertaining State regulations and codes related to short-term rentals; and,

WHEREAS, residents of the County have a right to quiet use and enjoyment of their property, including short-term rentals and those properties nearby;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

1 SECTION 1: AMENDMENT "Title 101 General Provisions" of the Weber County Code is hereby
2 amended as follows:

3 ...

4 Chapter 101-2 Definitions

5 ...

6 Sec 101-2-2 Ab-Definitions

7 *Abandonment.* The term "abandonment" means to cease or discontinue a use or activity ~~without intent~~
8 ~~to resume for a period of one year~~, but excluding temporary or short-term interruptions to a use or activity
9 during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during
10 normal periods of vacation or seasonal closure.

11 *Abutting.* The term "abutting" means having a common border with, or being separated from such a
12 common border by a right-of-way.

13 ...

14 Sec 101-2-2 Ac-Definitions

15 *Accessory dwelling unit.* ~~The term "accessory dwelling unit," also referred to as an "ADU," means a~~
16 ~~dwelling unit, as defined by this chapter, that is incidental and accessory to a main use, of a lot or parcel as~~
17 ~~may be allowed in this Land Use Code. See dwelling unit, accessory.~~

18 *Accessory dwelling unit, internal.* See dwelling unit, internal accessory.
19 *Accessory dwelling unit, detached.* See dwelling unit, detached accessory.
20 *Acreage, adjusted gross.* The term "acreage, adjusted gross" means a total of all land area that lies within a
21 project boundary and is classified as "developable" by this or any other county, state or federal law,
22 ordinance or regulation.

23 ...

24 **Sec 101-2-2 Ag-Definitions**

25 *Agricultural arts center.* The term "agricultural arts center" means a facility designed for the purpose of
26 offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of
27 concepts related to art, art history, and art theory. ~~It, in In~~ a conducive agricultural setting, it acts as a
28 venue for the community to experience, appreciate, and consume art in a variety of forms, including, but
29 not limited to, visual or media art, literature, music, theatre, film, and/or dance. An agricultural arts center
30 does not provide accommodation for ~~overnight lodging nightly~~ farm-stays; however, it may serve meals
31 when served to event participants and/or guests.

32 *Agricultural land, prime.* The term "prime agricultural land" means the area of a lot or parcel best suited
33 for large-scale crop production. This area has soil types that have, or are capable of having, highest
34 nutrient content and best irrigation capabilities over other soil types on the property, and are of a
35 sufficient size and configuration to offer marketable opportunities for crop-production. Unless
36 otherwise specified by this Land Use Code, actual crop production need not exist onsite for a property
37 to be considered to contain prime agricultural land.

38 ...

39 **Sec 101-2-3 Ba Definitions**

40 *Barn.* The term "barn" means an agricultural structure used for the storage of produce, animals and/or
41 agricultural vehicles and equipment.

42 *Base density.* The term "base density" means the number of ~~residential development rights~~ dwelling units
43 allowed ~~within an described~~ area. ~~For development types that permit more dwelling units than otherwise~~
44 ~~provided by the lot development standards of the zone,~~ The base density shall be calculated as the net
45 developable acreage ~~for development types that permit more dwelling units than otherwise allowed by~~
46 ~~the lot development standards of the zone;~~ as defined herein, divided by the minimum lot area of the zone,
47 except when a greater area would otherwise be required by the Weber-Morgan Health Department due
48 to lack of sanitary sewer or culinary water, ~~then when~~ the greater area shall be used. This calculation can
49 be observed by this formula: ((net developable acreage) / (minimum lot area)) = base dwelling unit
50 density. The result shall be rounded down to the nearest whole dwelling unit.

51 *Basement/cellar.* The term "basement/cellar" means a story having more than one-half of its height
52 below natural grade. The portion below the natural grade shall not be counted as part of the building
53 height.

54 ...

55 **Sec 101-2-3 Be Definitions**

56 *Bed and breakfast dwelling.* The term "bed and breakfast dwelling" means an owner- occupied dwelling
57 in which not more than two rooms are rented out by the day, offering overnight lodgings to travelers, and
58 where one or more meals are provided by the host family, the price of which may be included in the room
59 rate.

60 *Bed and breakfast (B&B) farm dwelling, agri-tourism.* The term "agri-tourism B&B farm dwelling" means
61 an owner-occupied farm house further utilized for the purpose of providing ~~overnight lodging~~ nightly

Commented [E1]: Adjusting language to consistently eliminate the word "nightly" from ordinance. This occurs throughout.

62 accommodations and meals to overnight guests.

63 **Bed and breakfast (B&B) farm retreat, agri-tourism.** The term "agri-tourism B&B farm retreat" means
64 an owner-occupied farm house further utilized for the purpose of providing overnight lodging~~nightly~~
65 accommodations as well as meals to overnight guests and the visiting day-use public within an internally
66 incorporated dining area.

67 **Bed and breakfast hotel.** The term "bed and breakfast hotel" means an owner or host occupied building
68 in which at least six but not more than 20 guest rooms are rented out by the day offering overnight lodging
69 accommodations and service to travelers with one or more meals provided, the price of which is included
70 in the daily room rate.

71 ...

72 **Sec 101-2-5 D Definitions**

73 ...

74 **Day care (child) home.** The term "day care (child) home" means an occupied residence where care,
75 protection, and supervision are provided to no more than eight children at one time, including the caregiver's
76 children under six years of age.

77 **Density, base.** See "base density."

78 **Detached lockout.** ~~See "lockout, detached." In the Ogden Valley Destination and Recreation Resort~~
79 ~~Zone, the term "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot~~
80 ~~with single, two, three, four, multi-family dwellings, condominiums, condominium rental apartments~~
81 ~~(condo-tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership~~
82 ~~units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or~~
83 ~~common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which~~
84 ~~may be rented independently of the main unit for nightly rental by locking access. A detached lockout is~~
85 ~~accessory to the main use and shall not be sold independently from the main unit. Unless specifically~~
86 ~~addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]~~
87 ~~Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density~~
88 ~~on a parcel of land.~~

89 **Development.** The term "development" means all structures and other modifications of the natural
90 landscape above and below ground or water, on a particular site; the division of land into one or more
91 parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any
92 structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

93 **Development master plan.** The term "development master plan" means a plan of a development which
94 encompasses an entire site under one or more ownerships which is designed to accommodate one or
95 more land uses, the development of which may be phased, and which could include planned residential
96 unit development, clustered subdivision and planned commercial development.

97 **Development right.** The term "development right" means the right to develop property.

98 **Development right, residential.** The term "residential development right" means the right to develop one
99 residential dwelling unit in accordance with the lot development standards of the zone, development type, or
100 definition of "base density" as provided herein.

101 **Distillery.** The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound,
102 process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to
103 others.

104 **Duplex.** See "dwelling, two family."

105 **Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance

106 with the ~~county's~~ County's adopted building codes and designed as a place for human habitation,
107 except hotel, apartment hotel, boardinghouse, ~~lodginghouse~~ lodging house, tourist court or apartment
108 court and meeting the requirements of title 108, chapter 15. The term "dwelling" shall include
109 manufactured home and modular home when the requirements of title 108, chapter 14 are met.

110 **Dwelling, group.** The term "group dwelling" means two or more dwellings arranged around a court.

111 **Dwelling, multiple-family.** The term "multiple-family dwelling" means a building or portion thereof used
112 and/or arranged or designed to be occupied by more than four families, including apartment houses and
113 apartment hotels, but not including tourist courts.

114 **Dwelling, primary.** The term "primary dwelling" means a single-family dwelling comprising a single
115 building, not attached to other buildings, and is the building designed to be the main dwelling on the lot.
116 Typically, the main dwelling is in the building that is most visually prominent when viewed from the
117 front lot line.

118 **Dwelling, single-family.** The term "single-family dwelling" means a building arranged or designed to
119 be occupied exclusively by one family, the structure having only one dwelling unit, unless specified
120 otherwise by this Land Use Code.

121 **Dwelling, two-family (duplex).** The term "two-family dwelling" also referred to as a "duplex," means a
122 building arranged or designed to be occupied by two families, the structure having only two dwelling
123 units with approximately the same floor area.

124 **Dwelling unit.** The term "dwelling unit" means any building or portion thereof that contains living
125 facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.

126 **Dwelling unit, accessory.** The term "accessory dwelling unit," also referred to as an "ADU," means a
127 dwelling unit, as defined by this chapter, that is incidental and accessory to a main use, of a lot or parcel as
128 may be allowed in this Land Use Code.

129 **Dwelling unit, internal accessory.** The phrase "internal accessory dwelling unit" means an accessory
130 dwelling unit that is created within the footprint of a primary dwelling unit for the purpose of offering
131 a long-term rental.

132 **Dwelling unit, detached accessory.** The phrase "detached accessory dwelling unit" means an accessory
133 dwelling unit that is located in an accessory building.

134 **Dwelling unit, owner occupied.** The phrase "owner occupied dwelling unit" means a unit that is occupied by
135 the owner of record for a minimum of seven months of the calendar year, except that temporary leave for
136 religious, military, or other legitimate purposes does not disqualify owner occupancy. A primary dwelling,
137 as designated by the County Assessor, qualifies as an owner occupied dwelling unit, unless clear evidence
138 exists to the contrary.

139 ...

140 Sec 101-2-7 F Definitions

141 ...

142 **Family food production.** The term "family food production" means the keeping of animals or fowl for the
143 purpose of producing food for the family living on the property.

144 **Farm inn, agri-tourism.** The term "agri-tourism farm inn" means a farm building designed for the purpose
145 of providing ~~overnight lodging~~nightly accommodations as well as meals to overnight guests and the
146 visiting day-use public within an internally incorporated dining area.

147 **Farm stay, agri-tourism.** The term "agri-tourism farm stay" means a general agri-tourism use/activity
148 category that comprises a variety of ~~overnight lodging~~overnight accommodations made available at a

Commented [E2]: Adding this definition to better provide for accessory dwelling units. See that section herein to review how the term is used.

Commented [E3]: Current code fails to define this term.

This and the following definitions apply to the accessory dwelling unit provisions and are not the primary subject of this proposal. However, they are proposed here to provide clarifications that ensure adequate and efficient application and enforcement of the accessory dwelling unit provisions. Where the proposed short term rental provisions reference provisions for accessory dwelling units, and vice versa, it seemed appropriate to propose these changes at this time instead of in a separate amendment.

Commented [E4]: This term can now be found in state code. Adding it here and using in the accessory dwelling unit section helps county code work better with state code.

Commented [E5]: Distinguishing between and ADU that is part of the house and the one in an accessory building.

Commented [E6]: This is a definition that can be found in the current accessory dwelling unit ordinance. Moving it here for use in the proposed short term rental ordinance.

Commented [C7]: What are considered "legitimate purposes"? Is this defined elsewhere?

149 working farm that is approved for an agri-tourism operation. A farm stay, for any group or individual,
150 does not exceed 14 (consecutive or non-consecutive) calendar days per month; however, farm stays may
151 serve as an interactive recreational activity that offers agri-tourists, including children, opportunities to
152 participate in feeding animals, collecting eggs, and/or learning how a farm functions through practical day
153 to day experience. A farm stay may also consist of a retreat or be described as a work exchange, where
154 the guests, for recreational purposes, work in exchange for free or discounted accommodations.

155 **Farm tour, agri-tourism.** The term "agri-tourism farm tour" means an agri-tourism use/activity that offers
156 opportunities for the "non-farm" public to learn how a farm functions and where/how food, fiber, fuel,
157 and other agricultural products are produced and/or packaged.

158 Farm tours frequently highlight the history of the subject farm and in general, foster a broader understanding
159 of the importance of agriculture and educate the public as to current agricultural practices and technology.

160 ...

161 **Sec 101-2-13 Loc - Lod Definitions**

162 **Located behind the dwelling.** The term "located behind the dwelling" means the setbacks are measured from
163 the farthest rear location of the dwelling and is parallel to the front lot line.

164 **Lockout, detached.** The term "detached lockout" means a detached lockout sleeping room on the same lot
165 with single-, two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments
166 (condo-tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership
167 units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or
168 common access and toilet facilities but no cooking facilities except for the allowance of a hotplate and/or
169 a microwave, which may be rented independently of the main unit for short-term rental. A detached
170 lockout is accessory to the main use and shall not be sold independently from the main unit.

171 **Lockout sleeping room.** The term "lockout sleeping room" means a sleeping room attached to a dwelling
172 unit in a condominium dwelling unit or condominium rental apartment with which has separate or
173 common access and toilet facilities but no cooking facilities except for the allowance of a hotplate and/or
174 a microwave, and which may be rented independently from the main dwelling unit for short-
175 term nightly rental purposes. Unless specifically addressed otherwise in a development agreement, a
176 detached lockout- lockout sleeping room shall be considered one-fourth of a dwelling unit when
177 calculating density on a parcel of land, by locking interior access. In the Ogden Valle Destination and
178 Recreation Resort Zone, the term "lockout sleeping room" means a sleeping room attached to a single-
179 family dwelling, condominium dwelling unit, or, condominium rental apartment (condo-tel), with
180 separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a
181 microwave, which may be rented independently of the main unit for nightly rental by locking access. A
182 lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered
183 a dwelling unit when figuring density on a parcel of land.

184 **Lodginghouse/Lodging house/boardhouse.** The term "lodginghouse/lodging house/boardhouse"
185 means a building where lodging only is provided for compensation in five or more guest rooms, but
186 not exceeding 15 persons.

187 **Long-term rental.** See "rental, long term"

188 ...

189 **Sec 101-2-17 P Definitions**

190 **Parcel.** The term "parcel" or "parcel of land" means a contiguous quantity of land in the possession of, or
191 owned by, or recorded as the property of the same claimant or person.

192 **Play area, agri-tourism.** The term "agri-tourism play area" means an area within an agri- tourism
193 operation's activity center that is dedicated to open and informal play. The play area may include, but

Commented [E8]: This definition was moved from "detached lockout" and placed here next to "lockout sleeping room" for administrative ease of using the code. The provisions have been updated to do the following:

- To better reflect other provisions of the ordinance
- To better address short-term rentals.
- To reduce redundancies and conflicts with other definitions.

Commented [E9]: Same explanation as above. It should be noted that both changes also affects density as follows:

- Makes both a detached lockout and a lockout sleeping room count against allowed density. Current ordinance seems to only count a detached lockout.
- Changes how much density is affected to make consistent with provisions already found in existing ordinances (see Section 104-11-60.

194 not be limited to, conventional and unconventional playground equipment.

195 Primary dwelling unit. See "dwelling unit, primary."

196 **Private access right-of-way.** The term "private access right-of-way" means an easement of not less than
197 50 feet wide reserved by dedication unto the subdivider-property or lot owners to be used as private
198 access to serve the lots platted within the subdivision and complying with the adopted street cross section
199 standards of the county-County and maintained by the subdivider-property owners or other private
200 agency.

201 ...

202 **Sec 101-2-19 R Definitions**

203 **Recreation facilities plan.** The term "recreation facilities plan" means a document that describes, in
204 general, the recreational facilities that are part of a development proposal. The plan is supplemental to
205 an overall master plan and consists of, but is not limited to the following sections: an executive
206 summary, list of facilities and their scale, facility orientation (i.e., public/private), phasing schedule and
207 proposed recreational programs.

208 **Recreation lodge.** The term "recreation lodge" means a lodge constructed in a mountainous or forested
209 location, which may include up to 16 guest sleeping rooms for short-term rental lodging~~nightly~~
210 ~~accommodations~~, and facilities for guest's meals, providing on-site winter sports amenities such as cross
211 country ski trails, snowmobile trails, ice skating and/or similar activities, and, if open year-round, offers
212 summer recreation amenities such as equestrian trails, mountain biking trails, hiking trails, rock climbing
213 training stations, golf course, putting green, and/or tennis courts. Accessory uses, such as sports
214 equipment rental and repair may be included. The number of horses allowed, in the case of a riding stable,
215 shall be calculated and may be permitted based upon acreage and site plan review, and recommended
216 by the planning commission. Limited day use may be allowed based upon site plan review and approval
217 of the overall project as a conditional use by the planning commission.

218 **Recreational resort.** The term "recreational resort" means a planned development which may consist of a
219 combination of ~~short-term rental~~~~nightly or weekly~~ lodging facilities and/or rental units and/or owner
220 occupied dwelling units, and may include such support facilities as restaurants, gift shops, and personal
221 service facilities (e.g., beauty shop, barbershop, boutique, massage salon), ~~all the~~ development of which
222 is designed around a recreational theme and shall offer a variety of outdoor and/or indoor recreation
223 facilities and activities on-site which are designed to attract ~~visiting, as well as~~foreign and local
224 vacationers as a site destination because of the recreational attractions, both on- and off-site, as well as
225 offering an attractive, vacation-type atmosphere.

226 **Recreational vehicle/travel trailer.** The term "recreational vehicle/travel trailer" means a vehicular unit,
227 other than a mobile home, designed as a temporary dwelling for travel, recreational, and vacation use,
228 which is either self-propelled or is mounted on or pulled by another vehicle including, but not limited to:
229 travel trailer, camp trailer, folding tent trailer, truck camper, or motor home.

230 ~~Rental, long-term.~~ The term "long-term rental" means the rental of a dwelling unit for a time period no less

231 ~~than 30 days.~~

232 ~~Rental, short-term.~~ The term "short-term rental," also referred herein as an "STR," means the rental of a

233 ~~dwelling or portion thereof for a time period of less than 30 days.~~

234 **Reserved future development area (RFDA).** The term "reserved future development area (RFDA)" means

235 areas within a described parcel of land and/or proposed irrevocable transfer of development right easement

236 and/or a transferable development right site plan that has been reserved for future development.

237 ...

238 **Resort (destination and recreation).** The term "resort (destination and recreation)" means a destination

Commented [E10]: This definition has always been inferred as a result of current ordinance. Creating it here makes it explicit.

239 and recreation resort is a destination place that attracts visitors throughout the year and provides areas and
240 facilities used for relaxation and/or recreation. The resort is entirely contiguous; it consists of at least
241 1,000 gross acres and is generally self-contained; therefore, capable of providing goods and services that
242 meet most needs of the visitor while remaining on or within the resort. These goods and services may
243 include, but not be limited to resort administration/operations, food, drink, lodging, sports,
244 entertainment, shopping, personal and healthcare/emergency facilities (e.g., market, open-air market,
245 restaurant, package liquor store, owner-occupied dwellings, ~~short-term~~ ~~nightly~~ rentals, indoor/outdoor
246 sports, cultural events, performing arts, miscellaneous retail, athletic/wellness center and clinic).

247 **Ridge line area.** The term "ridge line area" means the top, ridge or crest of a hill or slope, plus the land
248 located within 100 feet on both sides of the top, ridge, or crest.

249 **Right, development.** See "development right."

250 **Right, residential development.** See "residential development right."

251 ...

252 **Sec 101-2-20 Sh Definitions**

253 **Shopping center.** The term "shopping center" means a group of three or more separate commercial
254 establishments which share the same site, with common facilities, including parking, ingress/egress,
255 landscaping and pedestrian malls which function as a unit.

256 Distinguishing characteristics of a shopping center may, but need not, include common ownership of the
257 property upon which the center is located, common wall construction, and multiple occupant commercial use
258 of a single structure.

259 **Shoreline.** The term "shoreline" means the land and water interface of large water bodies.

260 **Short-term rental.** See "rental, short term."

261 ...

262 **Sec 101-2-21 T Definitions**

263 ...

264 **Transfer company.** The term "transfer company" means a company established to provide expert
265 shipping services that include the shipping, receiving, inspection and temporary warehousing of
266 commercial or household goods.

267 **Transferable development right.** The term "transferable development right," also known herein as TDR,
268 means the removal of a development right from one lot or parcel that is then transferred to a different lot
269 or parcel.

270 **Transfer incentive matching unit (TIMU).** The term "transfer incentive matching unit (TIMU)" means a
271 discretionary development right, or fraction thereof, that may be granted by the county commission, after
272 a recommendation from the planning commission, when a development right is transferred from an area
273 within the Ogden Valley to a Destination and Recreation Resort Zone.

274 ...

275 **SECTION 2: AMENDMENT "Title 102 Administration" of the Weber County Code is hereby**
276 **amended as follows:**

277 ...

278 **Chapter 102-4 Permits Required And Enforcement**

279 ...

280 **Sec 102-4-3 Land Use Permit Revocation**

281 ~~As used in this section, the term "permit" shall mean a land use permit, conditional use permit, license, or~~
282 ~~any other final written approval that is authorized by this Land Use Code. A land use permit or conditional~~
283 ~~use permit may be revoked for violation of any part of this Land Use Code related to the specific use or~~
284 ~~permit in accordance with the following:~~

285 (a) Revocation shall be conducted by the land use authority that is authorized to approve the permit.

286 ~~(b) Prior to permit revocation, the land owner and, if different, permittee shall be given reasonable~~
287 ~~opportunity to resolve the violation by bringing the property into compliance or by diligently~~
288 ~~pursuing an amendment or modification to the permit, as may be allowed by this Land Use Code.~~

289 ~~(c)~~(b) ~~In the event compliance cannot be attained,~~The land owner and, if different, permittee shall be
290 given a notice of the impending permit revocation 14 days prior to final revocation. The notice of
291 the impending permit revocation shall specify the violation, and inform the land owner and, if
292 different, permittee of the right to request a hearing.

293 ~~(c)~~(c) The land owner and, if different, permittee shall have a right to a hearing with the land use
294 authority to show cause for why the permit should not be revoked, if a written request for such is
295 submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the
296 permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by
297 the land use authority.

298 ~~(d)~~(d) Revocation of a permit is final upon the issuance of a final written decision. The final written
299 decision may be appealed pursuant to ~~T~~itle 102, ~~C~~hapter 3.

300 ~~(e)~~(e) Revocation of a permit shall not prohibit prosecution or any other legal action taken on account of
301 the violation, as provided in this Land Use Code or any other applicable law.

302 ...

303 **SECTION 3: AMENDMENT "Title 104 Zones" of the Weber County Code is hereby as follows:**

304 ...

305 **Chapter 104-11 Commercial Valley Resort Recreation Zone**

306 ...

307 **Sec 104-11-3 Permitted Uses**

308 The following uses are permitted in the Commercial Valley Resort Recreation Zone CVR-1:

309 ...

310 (l) Restaurant: fast food, excluding those with drive-up windows.

311 ~~(m) Short-term rental, pursuant to Section 108-11.~~

312 ~~(n)~~(n) Sporting goods store.

313 ~~(o)~~(o) Sports clothing store.

314 ~~(p)~~(p) Public and private swimming pools.

315 ~~(q)~~(q) Vendor, short term.

316 ...

317 **Sec 104-11-5 Additional Design Requirements**

318 To meet the intent of this chapter the following design standards are required:

Commented [E11]: Generally, the changes proposed to this section enable stricter enforcement measures for short term rentals. The changes also contain edits for clarity and consistency regarding how this section interacts with other sections of code.

- 319 (a) All projects shall consist of a minimum of ten percent commercial ~~uses area, other than condominium~~
 320 ~~rental apartments, dwellings, multifamily dwellings, and/or other uses providing nightly or longer~~
 321 ~~term lodging.~~
- 322 (b) Multiple or mixed uses shall be allowed in a single building. For example, a building housing
 323 condominium rental apartments may also include restaurants, gift shops and sports clothing stores.
- 324 (c) In approving site plans, the land use authority shall find that proposed buildings and uses are sized
 325 in proportion to the recreational amenities for which they will provide goods and services. For
 326 example, a golf or ski resort may have a small grocery and sporting goods store, but neither should
 327 be sized to be an attraction independent of the provided recreational amenity. In other words, the
 328 recreational amenity remains the attraction.

329

330 **Sec 104-11-6 Minimum Overall Project Development Area, Width, And Yard Regulations**

- 331 (a) **Area.** The following minimum overall project development area is required for the uses specified,
 332 but never less than two and one-half acres:

USE	AREA
Condominium rental apartment or other overnight lodging use that provides nightly or longer lodging.	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Dwelling unit, if approved as part of a MPD overlay zone:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Lockout sleeping room:	500 square feet of overall net developable area.
Other uses:	None.

- 333 (b) **Width.** 150-foot minimum overall project development width is required, as measured at the yard
 334 setback and the street frontage.

335 ...

336 **Chapter 104-17 Forest Residential Zone**

337 ...

338 **Sec 104-17-2 Permitted Uses**

339 The following uses are permitted in the Forest Residential Zone FR-3:

- 340 (f) Household pets.
- 341 ~~(g)~~ (g) Short-term rental, pursuant to Section 108-11.
- 342 ~~(h)~~ (h) Single-family, two-family, three-family and four-family dwellings.

343 ~~(h)~~(i) Temporary building or use incidental to construction work. Such building or use to be removed
 344 upon completion or abandonment of the construction work.

345 ~~(h)~~(i) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

346 ...

347 **Sec 104-17-3 Conditional Uses**

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

350 (a) Boardinghouse, lodginghouse, bed and breakfast inn, subject to requirements of section 104-
 351 17-5(j).

352 (b) Condominium rental apartment (condo-tel).

353 (c) Educational/institutional identification sign.

354 (d) Group dwelling.

355 (e) Lockout sleeping room, maximum of two per dwelling unit.

356 (f) Multiple-family dwelling.

357 ~~(g) Nightly rental.~~

358 ~~(h)~~(g) Private park, playground and/or recreation area, but not including privately owned
 359 commercial amusement business.

360 ~~(h)~~(h) Public buildings, public park, recreation grounds and associated buildings.

361 ~~(h)~~(i) Public utility substations.

362 ~~(h)~~(j) Time share building.

363 ~~(h)~~(k) Recreation lodge.

364 ~~(h)~~(l) Conference/education center.

365 ...

366 **Chapter 104-22 Form Based Zone**

367 ...

368 **Sec 104-22-3 Land Use Table**

369 ...

(i) Residential uses.	G & I	V O C	M U C	M F C	S R R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
Dwelling, single-family. A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	P	P	N	See Section 104-22-4, and TDR requirements of 104-22-11
Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	

Dwelling, three-family. A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	
Dwelling unit. A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.	P	P	P	P	N	N	N	N	N	N	
Residential facility for elderly persons.	P	P	P	P	P	P	P	P	P	N	
Residential facility for handicapped persons.	P	P	P	P	P	P	P	P	P	N	
Residential facility for troubled youth.	P	P	P	P	P	P	P	P	P	N	
Short-term rental. A short-term (nightly) rental.	P	P	P	P	C	N	N	N	N	N	
Short-term rental, owner-occupied. An owner-occupied short term rental.	P	P	P	P	P	C	N	N	N	N	
Transient lodging. A hotel, motel, lodging house lodging house , condominium rental apartment (condo-tel), or timeshare condominium.	P	P	P	P	N	N	N	N	N	N	This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	N	See Section 104-22-4 and Section 104-22-12.

370
371 ...
372 **Chapter 104-27 Master Planned Development Overlay Zone**
373 ...
374 **See 104-27-5 Use Permissions And Prohibitions**
375 (a) **General uses.** All uses specified in the underlying zone are allowed in a master planned

376 development, unless specifically prohibited in the development agreement.

377 (b) **Other small-scale service uses.** If a master planned development contains 100 dwelling units or
378 more, other uses not otherwise allowed in the underlying zone may be approved by the county
379 commission, after receiving recommendation from the planning commission, provided that
380 evidence demonstrates that those uses are necessary for the provision of small-scale local
381 neighborhood services to the residents of the development and the immediate surrounding
382 neighborhood. The county commission has legislative discretion to determine what a small-scale
383 local neighborhood service is. The development agreement shall contain provisions for the proposed
384 uses, ownership, operational characteristics, and physical design to assure compliance with this
385 section.

386 (c) **Short-term rentals (~~nightly rentals~~).** Housing units to be used in whole or in part for short-term ~~or~~
387 ~~nightly~~ rentals shall only be allowed in neighborhoods that can support the transient use. Short-term
388 ~~or nightly~~ rentals shall only be allowed when their existence substantially advances a general plan
389 goal, principle, ~~and/or~~ implementation strategy. In the Western Weber Planning Area, short-term ~~or~~
390 ~~nightly~~ rentals require the owner of the property to reside and, for management purposes, be generally
391 available onsite for the duration of the short-term ~~or nightly~~ rental. Master planned developments that
392 permit short-term ~~or nightly~~ rentals shall be clearly declared and provided for in the development
393 agreement.

394 ...

395 **Chapter 104-29 Ogden Valley Destination And Recreation Resort Zone**

396 ...

397 **Sec 104-29-8 Land Uses**

Use	Permitted (P) Conditional (C)
Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	P
Short-term rental, pursuant to Section 108-11 Nightly rentals of a single-, two-, three-, four-, multi-family dwelling, recreation lodge, lockout sleeping room, detached lockout, condominium dwelling unit, condominium rental apartment (condo-tel), private residence club, townhome, residential facility, timeshare/fractional ownership unit, hotel, bed and breakfast dwelling/B&B inn/B&B hotel, workforce housing/dormitories/residence hall, hostel, campground, accessory dwelling unit, and all or any portion of any other residential use	P
Commercial Uses	
Bank/financial institution	P

398 ...

399 ...

400 **SECTION 4: AMENDMENT “Title 108 Standards” of the Weber County Code is hereby as follows:**

401 ...

402 **Chapter 108-7 Supplementary and Qualifying Regulations**

403 ...

404 **Sec 108-7-25 ~~Nightly Rentals~~ (Repealed)**

405 ~~The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days~~
406 ~~is considered a nightly rental. Nightly rentals are allowed only when listed as either a permitted or~~
407 ~~conditional use in a specific zone or when approved as part of a planned residential unit development~~
408 ~~(PRUD).~~

409 ...

410 **Chapter 108-8 Parking And Loading Space, Vehicle Traffic And Access Regulations**

411 ...

412 **Sec 108-8-2 ~~Parking Spaces For Dwellings~~**

413 ~~In all zones there shall be provided in a private garage or in an area designated for vehicle parking, that~~
414 ~~includes a hard surface area:~~

415 In all zones, the following number of parking spaces measuring no less than nine feet by 20 feet shall be
416 provided:

Single-family dwelling	Two side-by-side parking spaces
Accessory dwelling unit	Two parking spaces <u>in addition to any other required parking</u>
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.
<u>Increased occupancy</u>	<u>If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.</u>

Commented [E12]: This is the extent current ordinances govern short term rentals. This section is proposed for deletion in favor of the more robust proposal in Sec 108-11 below.

Commented [E13]: Only minor modifications being proposed to parking section to eliminate inconsistencies and provide better provisions.

Actual STR parking requirements can be found in Sec108-11 below.

Commented [E14]: Green underlined text indicates text moved here from elsewhere.

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~~(a) **Increased occupancy.** If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.~~

~~(b) **Rental sleeping room.** In addition to the above parking space requirements, dwelling units with more than two sleeping rooms shall provide three-fourths additional parking space per each additional room used as a rental sleeping room.~~

Chapter 108-11 (Repealed) Short-Term Rentals

Sec 108-11-1 Purpose And Intent

There are benefits to allowing owners of a residential unit within the County to rent their dwelling unit for short periods of time. Short-term rental of a dwelling unit also brings capacity and diversification to the visitor-accommodation market. However due to the potential for adverse impacts, a short-term rental must be regulated by the County to protect the health, safety, and welfare of owners, neighbors, and visitors. The intent of this Chapter is to establish procedures and standards by which a residential short-term rental can be provided to visitors and tourists in a manner that protects both the quality of their experience, and the communities in which they are located.

Sec 108-11-2 Applicability

This chapter applies to a short-term rental use in the unincorporated area of Weber County, where allowed by the zone. The following requirements apply to all short-term rentals.

(a) **Approval required.** Except where specifically allowed otherwise in this Land Use Code, it is unlawful for an owner to rent any property for a time period of less than 30 days within the unincorporated area of Weber County without short-term rental approval pursuant to this chapter.

(b) **Licenses, land use permits, and other applicable law.** A short-term rental use requires a short term rental license, as provided herein, a commercial business license, as provided in Title 14, and shall only be conducted in a residential unit with all appropriate land use permits, building permits, certificates of occupancy, and any other approval as required by this Land Use Code, other County codes, and State and Federal law.

Sec 108-11-3 Prohibitions

A short-term rental license will not be issued for any of the following:

(a) **Building not approved for residential occupancy.** A short-term rental is not allowed in any building unless it has received approval for a residential use, and has a certificate of occupancy.

(b) **Accessory dwelling unit.** A short-term rental is not allowed in an accessory dwelling unit.

(c) **Restricted housing.** A short-term rental is not allowed in a dwelling unit that has been reserved for workforce housing.

(d) **Fractional ownership.** A short-term rental is not allowed in a dwelling unit held in fractional ownership, such as timeshare, cooperative ownership agreement, or similar.

(e) **Private covenants.** A short-term rental license is invalid if issued for any property that is subject to private covenants that restrict the property's use for short-term rentals. This applies regardless of how the private covenants are labeled, and regardless of whether or not the private covenants are enforced by a homeowners association or committee.

Commented [E15]: Green strikeout text indicates text moved from here to elsewhere.

Commented [E16]: Deleting this provision in favor of the parking requirements of Sec 108-11.

Commented [E17]: This whole Chapter 108-11 is the proposed new STR ordinance and the primary subject of this proposed ordinance amendment.

459 **Sec 108-11-4 Application Procedure**
460 Application for short-term rental license. The application and review procedure for a short-term rental
461 license is as follows:
462 **(a) Application submittal requirements.**
463 (1) Proof of ownership of the lot;
464 (2) A site plan drawn accurately to scale that shows property lines and dimensions, and that includes
465 the following:
466 a. Driveway;
467 b. Parking plan demonstrating compliance with the parking standards established in Section
468 108-11-8, and any other relevant parking standard found in Chapter 108-8;
469 c. Existing fencing or perimeter screening, if applicable;
470 d. Trash disposal and collection plan demonstrating compliance with the trash disposal and
471 collection standards established in Section 108-11-8; and
472 e. Outdoor lighting plan showing compliance with Section 108-16, including the replacement of
473 all nonconforming outdoor lighting on the property;
474 (3) Detailed floor plan of the building or buildings to be used for short-term renting, indicating all
475 areas allowed to be occupied or used by short-term rental occupants;
476 (4) Commitment to serve, also known as a will-serve letter, from the utilities providing culinary
477 water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or
478 septic system, the local health department. The will-serve letter shall specify the maximum
479 occupancy or number of sleeping rooms allowed to be associated with the short term rental use.
480 (5) Submission of a building permit and associated land use permit, unless no building modifications
481 are required in order to attain compliance with building codes, in which case certificates of
482 occupancy shall be submitted;
483 (6) Submission of the name and contact information associated with the individual or management
484 company being designated as the Responsible Agent and any other back-up Responsible Agent,
485 as required by Section 108-11-7;
486 (7) Signed acknowledgement by the owner and Responsible Agent that they have read this short-term
487 rental ordinance and understand the licensing, operational standards, and violation and revocation
488 provisions; and
489 (8) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-
490 submittal review, does not constitute a complete application.
491 **(b) Review procedure.**
492 (1) Staff review. Upon submittal of a complete short-term rental application, Planning Division staff
493 will review the application to verify compliance with this chapter and any other relevant
494 component of this Land Use Code.
495 (2) Agency reviews. Planning Division staff will route the application to the local Fire Authority,
496 Building Official, and any other relevant review department or agency for verification of
497 compliance, determination of need for application modifications, and for the submittal of other
498 applications or reviews necessary to obtain their approval of a license, if applicable. The
499 accessory dwelling unit shall comply with local regulations and ordinances for a residential
500 dwelling. Approval is required from the aforementioned authorities, departments, and agencies.

501 (3) License issuance. If the application complies with relevant land use laws and receives all required
502 department and agency approvals, the license shall be issued after the initial property inspection,
503 pursuant to Section 108-11-5, finds that the proposed short-term rental is in compliance with the
504 requirements of this chapter.

505 (c) Conditions of approval. The Land Use Authority may apply conditions of approval based on the
506 standards listed in Section 108-4-5.

507 (d) Business license required. A business license is required to operate a short-term rental.

508 (e) License Renewal. Existing licensees must submit for license renewal and pay the required fee by no
509 later than December 1st of each year, regardless of the date of the initial license issuance. Owners
510 wishing to renew a license must provide the following:

511 (1) License renewal application;

512 (2) Inspection report, if required by Section 108-11-5;

513 (3) Evidence of tax remittance from the year prior; and

514 (4) Any other documentation required by the County.

515 Sec 108-11-5 Property Inspection

516 (a) Initial property inspection. Properties applying for their first short-term rental license shall be
517 inspected for compliance with the provisions of this chapter and other applicable sections of this Land
518 Use Code. The Planning Division shall have the option of designating a county inspector or may
519 allow a 3rd party building inspector, at the applicant's expense. Any deficiencies found during this
520 initial inspection shall be resolved to the satisfaction of the inspector prior to the issuance of a short-
521 term rental license.

522 (b) License renewal property inspection. The County, at its discretion, may require that a property be
523 inspected prior to the renewal of an existing license. The Planning Division shall have the option of
524 designating a county inspector or a 3rd party building inspector, at the applicant's expense. Should the
525 property fail the inspection, the owner shall have 90 days to bring their property into compliance or
526 the license will be suspended. A license may be immediately suspended if life/safety concerns arise
527 during the inspection. If a license is suspended, the property owner must rectify the concerns that led
528 to the suspension prior to the license reinstatement.

529 (c) Property inspection after violation. If the County receives complaint or notice of violation of any
530 applicable County regulations at any time, the Planning Division may request an inspection to
531 determine compliance with the regulations. Failure to comply with the inspection may result in
532 additional minor or major violations (see Sections 108-11-9 through 108-11-10, below)

533 Sec 108-11-6 Applicable Taxes And Remittance

534 An owner of a short-term rental is responsible to collect and remit all applicable state and local taxes.
535 Owners who fail to collect and remit applicable taxes shall not be eligible for annual license renewal. The
536 County reserves the right to conduct routine tax audits to verify appropriate tax remittance of any short-
537 term rental at any time, or prior to license renewal.

538 Sec 108-11-7 Responsible Agent

539 (a) The owner of a short-term rental shall appoint a Responsible Agent for the rental property. This
540 appointed agent may be the owner, independent property manager, or a professional property
541 management company. The appointed responsible agent shall be on-call to manage the property
542 during any period within which the property is occupied. This agent must be able to respond, in
543 person if needed, within 60 minutes to address any complaints that may arise from the operation of
544 the short-term rental. Designating one or more back-up agents is strongly advised to ensure this

545 responsibility is fulfilled. The failure of a Responsible Agent to respond constitutes a major violation,
546 pursuant to Section 108-11-9.

547 (b) A Responsible Agent is not required to, and should not, place themselves in a situation that could
548 cause them physical harm in order to attempt to address a complaint.

549 (c) The owner shall notify the Planning Division within three days of a modification to the appointed
550 Responsible Agent and shall provide name, address, and telephone number of any newly appointed
551 agent. It is the owner's responsibility to update this information throughout the term of the license.

552 **Sec 108-11-8 Operational Standards**

553 (a) **Information Dissemination Requirements.** The owner shall post the following information in a
554 prominent and visible location on the property:

555 (1) **Internal posting.** Each licensed short-term rental property shall have the following information
556 posted in a conspicuous location where it can be easily viewed by tenants:

557 a. Short-Term Rental License number;

558 b. Contact information for the owner and responsible agent, including a phone number for 24-
559 hour response to emergencies;

560 c. The property's maximum occupancy;

561 d. The property-specific parking plan including the maximum number of vehicles allowed to be
562 parked on the property, the location of parking for large vehicles or trailers, the prohibition of
563 parking in the public right-of-way, and all other applicable parking rules;

564 e. Map and description of the location/s of fire extinguishers and emergency egress routes;

565 f. Good neighbor requirements regarding noise, parking, trash pickup, and fire restrictions;

566 g. Current fire restriction information, as disseminated through the Weber County Fire District
567 website; and

568 h. Any other information deemed necessary by the reviewing agencies to ensure the public's
569 health and safety.

570 (2) **Street Addressing.** Each licensed short-term rental property shall have its assigned street address
571 posted externally in a conspicuous location where it can be easily viewed day or night from the
572 adjacent street or access way.

573 (b) **Advertising Requirements.** As provided in UCA 17-50-338, the following advertising requirements
574 are not intended to prohibit an individual from listing a property for short-term rental on any short-
575 term rental website. All advertising for a short-term rental property shall include the following
576 information in searchable plain text:

577 (1) The property's short-term rental license number.

578 (2) The property's maximum permitted occupancy.

579 (3) Maximum parking capacity, including the availability for parking of large vehicles or trailers.

580 (4) A digital link to the County's short-term rental regulations.

581 (5) The following language shall be included verbatim in a prominent location of the advertisement:

582 "Any advertisement for a short-term rental property in unincorporated Weber County, Utah, that
583 does not provide a unique license number is unlikely to be a lawfully licensed short term rental."

584 (c) **Occupancy.**

585 (1) **Occupancy Limits.** The maximum occupancy for a short-term rental property shall be no more
586 than two people per bedroom, plus four people, for up to a maximum of 10 people per short-term
587 rental, and is subject to the following:

588 a. A property's maximum occupancy may be reduced due to a property's unique characteristics,
589 including but not limited to, parking constraints, septic/sewer system capacity; and

590 b. A greater maximum occupancy may be approved following additional review and approval of
591 applicable reviewing agencies and the provision of additional components that would
592 otherwise limit capacity including, but not limited to, fire suppression systems, parking
593 capacity, septic/sewer capacity, culinary water rights, and the number of available sleeping
594 rooms.

595 (2) **Single Contract.** With exception to condominiums approved to allow a short-term rental within a
596 lockout sleeping room, owners shall not concurrently rent individual rooms or areas to more than
597 one unrelated party for the same night or nights.

598 (3) **External sleeping accommodations prohibited.** All sleeping accommodations must be
599 maintained internal to the licensed dwelling unit as indicated by the floorplan that was submitted
600 and approved during the licensing process. External accommodations such as yurts, teepees, tents,
601 recreational vehicles/travel trailer, other temporary structures, or any similar accommodation may
602 not be used for sleeping accommodations or as a means to increase the maximum permitted
603 occupancy.

604 (4) **Duration.** No licensed short-term rental unit may be rented for less than three consecutive days,
605 with exception to property in the DRR-1 zone.

606 (d) **Parking.** In addition to the parking requirements for dwellings, as outlined by Section 108-8-2, the
607 following parking regulations are also required for all licensed short-term rental properties.

608 (1) No less than one parking space measuring a minimum of nine feet by 20 feet shall be provided for
609 each two sleeping rooms offered, but never less than two parking spaces.

610 (2) All vehicles of occupants and visitors of a short-term rental property shall be parked only within
611 the property's boundary lines and in accordance with the approved parking plan. Additionally, up
612 to, but no greater than, 25% of the property's front or side yard setbacks may be used for parking.

613 (3) No parking is allowed within the property's adjacent rights-of-way.

614 (4) No vehicles shall be parked on the lawn or landscaped areas of the property.

615 (5) No vehicles with a passenger capacity of greater than sixteen (16) persons may be parked at the
616 property.

617 (6) Trailers and oversized vehicles shall be parked in the locations designated on the approved
618 parking plan. Trailers and oversized vehicle parking shall be a minimum ten feet by 45 feet and
619 area for reasonable access and maneuvering to the space shall be provided.

620 (7) A map of the property, showing parking locations and property lines, shall be provided.

621 (e) **Noise.** At no time shall the noise emanating from the property exceed 55 dB as measured from the
622 property line. Between the hours of 10:00 pm and 8:00 am, no sound exceeding 50 dB, and no
623 amplified or reproduced sound, shall be allowed as measured from the property line.

624 (f) **Nature of use.** The short-term rental shall remain consistent with the residential nature of the area. As
625 such, no extensive commercial operations shall be permitted in the home or on the property. This
626 shall include large events that exceed the normal occupancy of the stated limit (see Section 108-11-8
627 (c) above) at any time on the property. Prohibited uses/events shall include, but are not limited to,
628 receptions, luncheons, weddings, retreats, and similar commercial uses or events. Catering of food,

629 erection and use of temporary shelters, tents, canopies, and other similar structures, and outside
630 employees and/or staff are expressly prohibited.

631 (g) **Trash disposal and collection.** All short-term rental properties shall provide a trash disposal and
632 collection plan at the time of license application to ensure that trash containers are not left outdoors
633 where they can cause issues for wildlife, snow removal operations, or cause unsightliness. With
634 exception to the property's assigned trash pick-up day, trash containers must be stored behind the
635 property's front setback line and must be shielded from the view of adjacent public rights-of-way.
636 The designated responsible agent shall ensure that any trash generated that exceeds the typical pick-
637 up schedule is collected and removed from the property as needed. Properties with larger maximum
638 permitted occupancies may require the procurement of additional trash cans to accommodate the
639 volume of anticipated trash being generated.

640 (h) **Outdoor lighting.** Incorporated herein for all properties located in unincorporated Weber County
641 desiring a short-term rental license, all outdoor lighting associated with a short-term rental shall at all
642 times comply with the exterior lighting requirements set forth in Section 108-16 of the Land Use
643 Code. All nonconforming outdoor lighting shall be replaced with conforming lighting prior to the
644 issuance of a short-term rental license.

645 (i) **Signage.** On-site signage intended to advertise the property as a short-term rental is not permitted
646 anywhere on the property or adjacent right-of-way.

647 (j) **Fire safety.**

648 (1) The property must have primary access along a public right-of-way or access easement that meets
649 the fire marshal's requirements for a fire access road.

650 (2) The property must have a fire prevention system as approved by the fire marshal.

651 (3) Outdoor fire pits must be permanently affixed natural gas or propane gas fixtures.

652 (4) Smoke and carbon monoxide detectors must be installed and maintained per current building and
653 fire codes.

654 (5) Fire extinguishers must be placed in an approved location on each level of the property and
655 adjacent to outdoor fire pits.

656 (6) An emergency egress plan must be posted in a conspicuous location on each level of the property.

657 (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the current
658 Wildland-Urban Interface code requirements.

659 (k) **Animals.**

660 (1) Animals shall be kept on leash while outdoors on the property.

661 (2) No animal shall be allowed to roam freely without supervision.

662 (3) Only domestic pets shall be allowed at short-term rental units, where allowed by the property
663 owner.

664 **Sec 108-11-9 Complaints And Violations**

665 (a) **Complaints.** The following set the minimum requirements for short-term rental complaint resolution.

666 (1) **Making an initial complaint.** An initial complaint concerning the use or occupancy of a licensed
667 short-term rental unit may be made to the County or designee by a means as established by the
668 Planning Division. Anonymous complaints will not be processed.

669 (2) **Notification to responsible agent.** When a complaint concerning a short-term rental has been
670 received, contact to the responsible agent will be attempted by a County designee using the

671 telephone number on file with the County. If the responsible agent does not respond to the
672 County designee within sufficient time for the responsible agent to address the complaint within
673 the timeframe specified in Section 108-11-7, this constitutes a major violation as provided in
674 Subsection (b) of this section.

675 (3) **Attempt to resolve complaint.** The Responsible Agent is required to make an attempt to resolve
676 the issue within 60 minutes of receiving notification of the complaint. The Responsible Agent
677 shall promptly notify the County or designee if the Agent believes a complaint has been
678 successfully resolved. If the County or designee does not receive notification from the
679 Responsible Agent that a complaint has been successfully resolved within the 60 minute
680 timeframe, it shall be presumed that the complaint has not been successfully resolved.

681 (4) **Contacting law enforcement.** If a complaint involves the immediate health and safety of any
682 person or property, or if, despite good faith efforts, the problem that was the subject of a
683 complaint cannot be resolved, the Responsible Agent shall immediately contact law enforcement,
684 and follow any direction(s) given by any law enforcement official.

685 (5) **County investigation.** The County shall investigate a formal complaint received, in order to
686 determine if it is a substantiated complaint that represents a documented violation of any
687 provision(s) of this Chapter.

688 (b) **Violations.** For the purposes of this chapter violations for licensed short-term rental properties shall
689 be classified as either a Minor Violation or a Major Violation. Violations for unlicensed rental
690 properties shall be classified as an Unlicensed Violation.

691 (1) **Minor violations.** A minor violation shall be any violation of the short-term rental operational
692 standards as provided in Section 108-11-8.

693 a. Owners will be given one warning following their first minor violation within each calendar
694 year. If this warning is subject to a static and prevailing concern, owners shall be given three
695 calendar days to correct the issue or the warning will become a documented minor violation.

696 b. After three minor violations within 12 consecutive months, the owner shall be issued a major
697 violation on the fourth and subsequent occurrences.

698 c. Each minor violation shall be subject to an administrative penalty as provided in Section 108-
699 11-10.

700 (2) **Major violation.** A major violation shall consist of the failure of the responsible agent to perform
701 their responsibilities as provided in this chapter, or the fourth and subsequent minor violations
702 within a 12 month consecutive time frame.

703 a. Owners will be given one warning in the event of a responsible agent failing to perform their
704 responsibilities within each calendar year.

705 b. Each major violation shall be subject to administrative penalties as provided in Section 108-
706 11-10.

707 (3) **Unlicensed violation.** An unlicensed violation is committed upon the rental of an unlicensed
708 property on a short-term basis. Owners will be given one warning. Each violation thereafter shall
709 be subject to administrative penalties as provided in Section 108-11-10.

710 **Sec 108-11-10 Administrative Penalty**

711 (a) Any person found in violation of any provision(s) of this Chapter is liable for an administrative
712 penalty in the form of a monetary fine based on the property's average nightly rate. The average
713 rental rate of the property shall be determined through the advertised nightly rental rate. Each day a
714 violation remains unresolved shall carry a daily administrative penalty and monetary fine as follows:

- 715 (1) Minor violations. Monetary fines shall be 50 percent of the advertised nightly rental rate on the
 716 date/s of the violation.
- 717 (2) Major violations. Monetary fines shall be 100 percent of the lease/rental agreement in place at the
 718 time of the violation, based on the advertised nightly rental rate on the date/s of the violation.
- 719 (3) Unlicensed violations. Monetary fines shall be 200 percent of the advertised nightly rental rate on
 720 the date(s) of the violation.
- 721 (b) In the event the County cannot determine the average nightly rental rate of a specific rental, the
 722 average rental rate of the violation dates within the planning area shall be used.

723 **Sec 108-11-11 License Revocation**

724 (a) **Revocation due to minor violations.**

- 725 (1) If a short-term rental unit has four minor violations within three consecutive months, or six minor
 726 violations within twelve consecutive months, the short-term rental license shall be revoked in
 727 accordance with the provisions of Section 102-4-3.
- 728 (2) If a short-term rental license is revoked due to an accumulation of minor violations, for a
 729 minimum of one year following the revocation, the County shall not accept an application for a
 730 new license for the same short-term vacation rental property; with the exception that a new
 731 application by a new property owner, proven to be unaffiliated with the property owner whose
 732 license was revoked, may be considered.

733 (b) **Revocation due to major violations.**

- 734 (1) If a short-term rental unit has two major violations within three consecutive months, or four major
 735 violations within twelve consecutive months, the short-term rental license shall be revoked in
 736 accordance with the provisions of Section 102-4-3.
- 737 (2) If a short-term rental license is revoked due to major violations, for a minimum of two years
 738 following the revocation, the County shall not accept an application for a new license for the
 739 same short-term vacation rental property; with the exception that a new application by a new
 740 property owner, proven to be unaffiliated with the property owner whose license was revoked,
 741 may be considered.

742 (c) **Revocation process.** In addition to the process explained herein, license revocation shall follow the
 743 procedure specified in Section 102-4-3.

744 ...

745 **Chapter 108-15 Standards For Single-Family Dwellings**

746 ...

747 **Sec 108-15-2 Other Standards And Requirements**

748 The following standards and requirements shall be met for the use of a single-family dwelling:

- 749 (d) A single-family dwelling, together with its accessory buildings, shall have only one kitchen except
 750 ~~when:~~
- 751 (1) ~~When~~ otherwise specifically allowed by this Land Use Code;
- 752 (2) ~~That a~~ single additional kitchen ~~is~~ may be located within an accessory dwelling unit that
 753 complies with Chapter 108-19; or
- 754 (3) ~~When~~ ~~the~~ owner has signed and recorded a notarized covenant to run with the land, as
 755 prescribed by Weber County, which provides that it is prohibited to use the additional

Commented [E18]: Providing for second kitchens for owner-occupied STR and cleaning up other provisions.

756 kitchen for an additional dwelling unit. The covenant shall be recorded prior to the issuance
757 of a building permit. The owner may be released from this covenant at a later time by the
758 County upon recordation of a notice of release of covenant, provided the second kitchen is
759 then used in a manner otherwise allowed by this Land Use Code, as evidenced by the
760 issuance of a land use permit.

761 ...

762 Chapter 108-19 Accessory Dwelling Units

763 ...

764 Sec 108-19-2 Applicability

765 (a) **Applicability.** The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed
766 by the zone.

767 (b) **Ogden Valley detached Accessory Dwelling Unit.** In the Ogden Valley, ~~an detached~~ accessory
768 dwelling unit ~~located in an accessory building~~ shall only be allowed in one of the two following
769 circumstances:

770 (1) **Double acreage.** The lot has a base density, as defined in Chapter 101-2, of at least two. The
771 lot owner shall record a covenant that runs with the land and is between the lot owner and
772 the County. The covenant shall document the lot's calculated base density; the number of
773 dwelling units developed on the lot, including the ~~detached~~ accessory dwelling unit; the
774 number of ~~residential development rightdwelling unit right~~ subtracted from the base density
775 by any other means; and the number of ~~residential development rightdwelling unit right~~
776 remaining for the property.

777 (2) **Transferable development right.** A landowner has successfully negotiated the reallocation of
778 a ~~second residential development rightdwelling unit right~~ from another lot or parcel, and is in
779 compliance with the following:

780 a. The reallocated ~~residential development rightdwelling unit right~~ may only be transferred
781 from a lot or parcel that:

782 i. Is located in one of the following zones: RE-15, RE-20, AV- 3, FV-3, and S-1; and

783 ii. Has an available ~~residential development rightdwelling unit right~~. Available ~~residential~~
784 ~~development rightdwelling unit right~~ are determined by the lot or parcel's base density
785 and adjusted for any previous ~~residential development rightdwelling unit right~~
786 reduction or addition.

787 b. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each
788 covenant shall run with the land and be between the owner and the County. Each covenant
789 shall document the applicable lot or parcel's calculated base density; the number of
790 dwelling units developed on the lot or parcel, including the accessory dwelling unit, if
791 applicable; the number of ~~residential development rightdwelling unit right~~ subtracted
792 from, or added to, the base density by any means; and the number of ~~residential~~
793 ~~development rightdwelling unit right~~ remaining for the lot or parcel.

794 ...

795 Sec 108-19-3 General Provisions

796 The following provisions shall apply:

797 (a) **Number of accessory dwelling units per parcel.** No more than one accessory dwelling unit
798 shall be allowed on a lot containing a single-family dwelling, unless explicitly specified

Commented [E19]: Amending the accessory dwelling unit code to provide consistent terms and reduce redundancies with other parts of this proposal.

- 799 otherwise in this Land Use Code.
- 800 (b) **Amenities.** An accessory dwelling unit shall contain sufficient amenities to be definable ~~by~~
 801 ~~Chapter 101-2~~ as a dwelling unit.
- 802 (c) **Parking.** Parking shall be as provided in Chapter 108-8 for an accessory dwelling unit, and shall
 803 be on a hard-surfaced area prepared to accommodate vehicle parking.
- 804 (d) **Occupancy.** Either the accessory dwelling unit or the ~~primary single-family dwelling unit~~ shall be
 805 owner-occupied. While away, the owner shall not offer the owner-occupied dwelling unit for rent.
 806 The non-owner-occupied unit is limited to no more than one family. ~~For the purposes of this~~
 807 ~~subsection (d), "owner-occupied dwelling unit" means a unit that is occupied by the owner for a~~
 808 ~~minimum of seven months of the calendar year, except that temporary leave for religious, military, or~~
 809 ~~other legitimate purposes qualifies as owner occupancy.~~
- 810 (e) **Relevant authority approvals.** The accessory dwelling unit shall comply with local regulations
 811 and ordinances for a single-family dwelling. Approval is required from the Fire Authority,
 812 Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building
 813 Official.

Commented [E20]: New definition for "primary dwelling"

814

815 **Sec 108-19-4 Standards And Requirements**

- 816 (a) **Standards same as single-family dwellings.** ~~The provisions of Subsection (c) of this section~~
 817 ~~notwithstanding, if~~ new construction for an accessory dwelling unit is proposed or will occur, the
 818 standards for single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that
 819 an accessory dwelling unit shall not have more than one kitchen.
- 820 (b) **Size.** The size regulations for an accessory dwelling unit are as follows:
- 821 (1) The footprint of an accessory dwelling unit, as determined by the exterior perimeter of all
 822 levels when viewed from above, shall not be less than 400 square feet and shall not exceed
 823 1,500 square feet. In no case shall the gross floor area of the accessory dwelling unit ~~exceed 50~~
 824 ~~percent of the gross floor area of the single-family dwelling, or~~ be greater than 2,000 square
 825 feet. However, an accessory dwelling unit located entirely within a basement of a single-family
 826 dwelling may consume the entire basement area regardless of square footage.
- 827 (2) Except as provided in Subsection (b)(3) of this section, the height of a detached accessory
 828 building that houses an accessory dwelling unit shall be no greater than 35 feet.
- 829 (3) For a lot that has 20,000 square feet or less:
- 830 a. The height of a detached accessory building that houses an accessory dwelling unit shall be
 831 no greater than 90% of the height of the single-family dwelling.
- 832 a.b. The total area of the footprint of a detached accessory building that houses an accessory
 833 dwelling unit combined with the total area of the footprint of the single-family dwelling shall
 834 not cover more than 25 percent of the total lot area.
- 835 (c) **Relationship to the primary single-family dwelling; appearance.** The exterior design of an accessory
 836 dwelling unit, or the building that contains an accessory dwelling unit, shall compliment the
 837 primary single-family dwelling in a manner that preserves the appearance of the lot's single-family
 838 use.
- 839 (1) The exterior of the accessory dwelling unit shall either:
- 840 a. Conform to the primary single-family dwelling in architectural style and materials on all sides of
 841 the building and roof;

Commented [E21]: State code has made it so internal accessory dwelling units cannot be limited in size.

- 842 b. Be designed by a licensed architect in a manner that gives the appearance of a barn or other
843 similarly styled agricultural outbuilding; or
- 844 c. Be designed by a licensed architect in a manner that provides the architectural features
845 of historic buildings from the general area.
- 846 (2) An accessory dwelling unit located in a building that is only connected to the single-family
847 dwelling by means of a continuous roofline, such as a breezeway, shall be determined to be a
848 part of the single-family dwelling provided that the distance between them is no greater than
849 15 feet.

850 ...

851 **Sec 108-19-5 Application and Procedure**

852 Approval of an accessory dwelling unit requires a land use permit. The application and review procedure
853 for a land use permit is as follows:

854 (a) **Application submittal requirements.**

- 855 (1) A completed application form signed by the property owner or assigned agent.
- 856 (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-
857 submittal review, does not constitute a complete application.
- 858 (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of
859 existing buildings and building entrances, any proposed building and its dimensions from buildings
860 and property lines, and the location of parking stalls.
- 861 ~~(4)~~ Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or
862 proposed uses.
- 863 ~~(4)~~~~(5)~~ A statement of feasibility, also known as a "will-serve letter" from the entities/utlities
864 providing culinary water and sanitary sewer services, or, if the accessory dwelling unit will be
865 served by a well or septic system, the local health department.
- 866 ~~(5)~~~~(6)~~ Written verification that the applicant is the owner of the property and has permanent
867 residency in the existing single-family dwelling where the request is being made. In order for an
868 accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge
869 that they are the owner-occupant and will remain an owner-occupant.

870 (b) **Review procedure.**

- 871 (1) Upon submittal of a complete accessory dwelling unit application, Planning Division staff will
872 review the application to verify compliance with this chapter and any other relevant component of
873 this Land Use Code.
- 874 (2) Planning Division staff will route the application to the local fire authority, ~~local health department,~~
875 the County Building Division, and any other relevant review department or agency for verification
876 of compliance, determination of need for land use permit application modifications, and for the
877 submittal of other applications or reviews necessary to obtain their approvals of an accessory
878 dwelling unit.
- 879 (3) If the land use permit application complies with relevant land use laws, and receives all required
880 department and agency approvals, a land use permit shall be issued. If the application requires
881 submittal of other applications or reviews necessary to attain the approvals of other required
882 departments or agencies, but otherwise complies with relevant land use laws, the application shall
883 be given conditional approval by Planning Division staff, conditioned on approval of other
884 reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.

Commented [E22]: Making sure water and sewer entities are involved in the decision making process from the beginning.

Commented [E23]: Moved this to the application process instead of review process.

885 (4) If the application does not comply, Planning Division staff shall notify the applicant using the
886 notification method typical for similar Planning Division correspondence. The applicant shall be
887 given the opportunity to revise the application to bring it into compliance. If the application cannot
888 be brought into compliance, the applicant may either withdraw the application, forfeiting the fee,
889 or pursue a final land use decision by the Planning Division, which shall be denial of the land use
890 application.

891 (5) Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if
892 needed, prior to building or using any space as an accessory dwelling unit. The County may
893 combine the land use permit and building permit application process.

894 (6) If the accessory dwelling unit is rented, a business license is required. If the business license is
895 addressed to the site, it shall be reviewed as a home occupation business license, as provided in
896 Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite
897 shall not apply.

898 ...

899 **Chapter 108-21 Agri-Tourism**

900 ...

901 **Sec 108-21-3 General Development Standards**

902 The development standards imposed by this section do not alter, supersede or nullify any codes,
903 ordinances, statutes, or other applicable standards which may also regulate these same uses/activities.

904 (i) *Hours of operation.* Agri-tourism uses/activities, not including residential overnight lodging
905 accommodations and/or those conducted within a completely enclosed building, shall be limited to
906 operating during the daily hours of 8:00 a.m. and 10:00 p.m. The planning commission may consider
907 a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on
908 making observations that can only occur during hours otherwise not permitted.

909 (j) *Development agreement.* An agri-tourism operation shall, prior to the construction of any structure
910 intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial
911 development agreement, provided by Weber County, on all parcels utilized as part of an approved
912 agri-tourism operation. One single-family dwelling or farm house (per parcel) and/or any number of
913 structures that qualify for an agricultural exemption are excepted from this standard when developed
914 in accordance with the requirements found in the Weber County Land Use Code.

915 ...

916 **Sec 108-21-5 Permitted Uses/Activities Table**

917 The following uses/activities have been determined desirable when thoughtfully incorporated into an
918 approved agri-tourism operation. As stated above, these uses/activities may be subject to other
919 requirements beyond those imposed by this chapter; therefore, it shall not be construed to mean that this
920 chapter alters or nullifies any requirements contained in other codes, ordinances, statutes, or applicable
921 standards. Those uses/activities marked with an asterisk (*) have additional design and/or limitation
922 standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable
923 standards. See section 108-21-7 for these specific design and/or limitation standards associated with each
924 use/activity marked with an asterisk (*).

925

	Farm Designations
--	--------------------------

Uses/Activities	Market Garden (3 —<5 acres)	Family Farm (5— <10 acres)	Small Farm (10 —<20 acres)	Medium Farm (20 —<40 acres)	Large Farm (40 —<80 acres)	Ranch (=80 acres)
Farm Stay (Residential and Overnight <u>Lodging</u> Accommodation) Uses/Activities						

926 ...

927 **Sec 108-21-6 Use/Activity Standards And Limitations**

928 To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the
 929 uses listed below shall be subject to additional standards beyond any provided within other, expressed
 930 and/or unexpressed, codes, ordinances, statutes, rules, or requirements. One or more of these additional
 931 standards and/or limitations, may be waived by the Planning Commission upon finding that either: a
 932 proposed use poses no detrimental effects to neighboring properties due to unique circumstances or that a
 933 proposed use can be mitigated to an acceptable level due to the imposition of other more appropriate, site
 934 specific conditions that justify the use's/activity's approval.

935 (a) *Farm stay (residential and overnight lodging accommodation) uses/activities.*

936 (1) *Agro-ecology research and education center (AREC).*

937 a. An AREC shall be limited to providing overnight lodging ~~nightly~~ accommodations for
 938 faculty, staff, and/or students/apprentices only.

939 ...

940

941 **PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS**
 942 **ON THIS ___ DAY OF _____, 20__.**

943

AYE NAY ABSENT ABSTAIN

Gage Froerer

Jim "H" Harvey

Scott K. Jenkins

944

945 Presiding Officer

Attest

946

947

 James H. Harvey, Board of
 Commissioners Chair, Weber County

 Ricky D. Hatch, CPA, Clerk/Auditor Weber
 County

WEBER COUNTY ORDINANCE 2022-__

ON ORDINANCE AMENDING THE COUNTY’S LAND USE CODE REGARDING SHORT TERM AND NIGHTLY RENTAL AND LODGING ACCOMODATIONS, AND PROVIDING OTHER ADMINISTRATIVE AND CLERICAL EDITS./

WHEREAS, the County has an interest in regulating short-term rental units in the unincorporated areas of the County to promote the orderly and regular development and use of property; and,

WHEREAS, State Code Section 59-12-602 (12) defines “short-term rental” as a lease or rental that is 30 days or less; and,

WHEREAS, the County wishes to comply with all appertaining State regulations and codes related to short-term rentals; and,

WHEREAS, residents of the County have a right to quiet use and enjoyment of their property, including short-term rentals and those properties nearby;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

1 **SECTION 1: AMENDMENT “Title 101 General Provisions” of the Weber County Code is hereby**
2 **amended as follows:**

3 ...

4 **Chapter 101-2 Definitions**

5 ...

6 **Sec 101-2-2 Ab-Definitions**

7 *Abandonment.* The term "abandonment" means to cease or discontinue a use or activity-for a period of
8 one year, but excluding temporary or short-term interruptions to a use or activity during periods of
9 remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of
10 vacation or seasonal closure.

11 *Abutting.* The term "abutting" means having a common border with, or being separated from such a
12 common border by a right-of-way.

13 ...

14 **Sec 101-2-2 Ac-Definitions**

15 *Accessory dwelling unit.* See dwelling unit, accessory.

16 *Accessory dwelling unit, internal.* See dwelling unit, internal accessory.

17 **Accessory dwelling unit, detached.** See dwelling unit, detached accessory.

18 **Acreage, adjusted gross.** The term "acreage, adjusted gross" means a total of all land area that lies within a
19 project boundary and is classified as developable by this or any other county, state or federal law, ordinance
20 or regulation.

21 ...

22 **Sec 101-2-2 Ag-Definitions**

23 **Agricultural arts center.** The term "agricultural arts center" means a facility designed for the purpose of
24 offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of
25 concepts related to art, art history, and art theory. In a conducive agricultural setting, it acts as a venue for
26 the community to experience, appreciate, and consume art in a variety of forms, including, but not limited
27 to, visual or media art, literature, music, theatre, film, and/or dance. An agricultural arts center does not
28 provide accommodation for overnight lodging farm-stays; however, it may serve meals when served to
29 event participants and/or guests.

30 **Agricultural land, prime.** The term "prime agricultural land" means the area of a lot or parcel best suited
31 for large-scale crop production. This area has soil types that have, or are capable of having, highest
32 nutrient content and best irrigation capabilities over other soil types on the property, and are of a
33 sufficient size and configuration to offer marketable opportunities for crop-production. Unless
34 otherwise specified by this Land Use Code, actual crop production need not exist onsite for a property
35 to be considered to contain prime agricultural land.

36 ...

37 **Sec 101-2-3 Ba Definitions**

38 **Barn.** The term "barn" means an agricultural structure used for the storage of produce, animals and/or
39 agricultural vehicles and equipment.

40 **Base density.** The term "base density" means the number of residential development rights allowed
41 within a described area., The base density shall be calculated as the net developable acreage for
42 development types that permit more dwelling units than otherwise allowed by the lot development standards
43 of the zone as defined herein, divided by the minimum lot area of the zone, except when a greater area
44 would otherwise be required by the Weber-Morgan Health Department due to lack of sanitary sewer or
45 culinary water, when the greater area shall be used. This calculation can be observed by this formula: ((net
46 developable acreage) / (minimum lot area)) = base dwelling unit density. The result shall be rounded
47 down to the nearest whole dwelling unit.

48 **Basement/cellar.** The term "basement/cellar" means a story having more than one-half of its height
49 below natural grade. The portion below the natural grade shall not be counted as part of the building
50 height.

51 ...

52 **Sec 101-2-3 Be Definitions**

53 **Bed and breakfast dwelling.** The term "bed and breakfast dwelling" means an owner- occupied dwelling
54 in which not more than two rooms are rented out by the day, offering overnight lodgings to travelers, and
55 where one or more meals are provided by the host family, the price of which may be included in the room
56 rate.

57 **Bed and breakfast (B&B) farm dwelling, agri-tourism.** The term "agri-tourism B&B farm dwelling" means
58 an owner-occupied farm house further utilized for the purpose of providing overnight lodging
59 accommodations and meals to overnight guests.

60 **Bed and breakfast (B&B) farm retreat, agri-tourism.** The term "agri-tourism B&B farm retreat" means

61 an owner-occupied farm house further utilized for the purpose of providing overnight lodging
62 accommodations as well as meals to overnight guests and the visiting day-use public within an internally
63 incorporated dining area.

64 **Bed and breakfast hotel.** The term "bed and breakfast hotel" means an owner or host occupied building
65 in which at least six but not more than 20 guest rooms are rented out by the day offering overnight lodging
66 accommodations and service to travelers with one or more meals provided, the price of which is included
67 in the daily room rate.

68 ...

69 **Sec 101-2-5 D Definitions**

70 ...

71 **Day care (child) home.** The term "day care (child) home" means an occupied residence where care,
72 protection, and supervision are provided to no more than eight children at one time, including the caregiver's
73 children under six years of age.

74 **Density, base.** See "base density."

75 **Detached lockout.** See "lockout, detached."

76 **Development.** The term "development" means all structures and other modifications of the natural
77 landscape above and below ground or water, on a particular site; the division of land into one or more
78 parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any
79 structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

80 **Development master plan.** The term "development master plan" means a plan of a development which
81 encompasses an entire site under one or more ownerships which is designed to accommodate one or
82 more land uses, the development of which may be phased, and which could include planned residential
83 unit development, clustered subdivision and planned commercial development.

84 **Development right.** The term "development right" means the right to develop property.

85 **Development right, residential.** The term "residential development right" means the right to develop one
86 residential dwelling unit in accordance with the lot development standards of the zone, development type, or
87 definition of "base density" as provided herein.

88 **Distillery.** The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound,
89 process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to
90 others.

91 **Duplex.** See "dwelling, two family."

92 **Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance
93 with the County's adopted building codes and designed as a place for human habitation, except hotel,
94 apartment hotel, boardinghouse, lodging house, tourist court or apartment court and meeting the
95 requirements of title 108, chapter 15. The term "dwelling" shall include manufactured home and
96 modular home when the requirements of title 108, chapter 14 are met.

97 **Dwelling, group.** The term "group dwelling" means two or more dwellings arranged around a court.

98 **Dwelling, multiple-family.** The term "multiple-family dwelling" means a building or portion thereof used
99 and/or arranged or designed to be occupied by more than four families, including apartment houses and
100 apartment hotels, but not including tourist courts.

101 **Dwelling, primary.** The term "primary dwelling" means a single-family dwelling comprising a single
102 building, not attached to other buildings, and is the building designed to be the main dwelling on the lot.
103 Typically, the main dwelling is in the building that is most visually prominent when viewed from the

104 front lot line.

105 **Dwelling, single-family.** The term "single-family dwelling" means a building arranged or designed to
106 be occupied exclusively by one family, the structure having only one dwelling unit, unless specified
107 otherwise by this Land Use Code.

108 **Dwelling, two-family (duplex).** The term "two-family dwelling" also referred to as a "duplex," means a
109 building arranged or designed to be occupied by two families, the structure having only two dwelling
110 units with approximately the same floor area.

111 **Dwelling unit.** The term "dwelling unit" means any building or portion thereof that contains living
112 facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.

113 **Dwelling unit, accessory.** The term "accessory dwelling unit," also referred to as an "ADU," means a
114 dwelling unit, as defined by this chapter, that is incidental and accessory to a main use, of a lot or parcel as
115 may be allowed in this Land Use Code.

116 **Dwelling unit, internal accessory.** The phrase "internal accessory dwelling unit" means an accessory
117 dwelling unit that is created within the footprint of a primary dwelling unit for the purpose of offering
118 a long-term rental.

119 **Dwelling unit, detached accessory.** The phrase "detached accessory dwelling unit" means an accessory
120 dwelling unit that is located in an accessory building.

121 **Dwelling unit, owner occupied.** The phrase "owner occupied dwelling unit" means a unit that is occupied by
122 the owner of record for a minimum of seven months of the calendar year, except that temporary leave for
123 religious, military, or other legitimate purposes does not disqualify owner occupancy. A primary dwelling,
124 as designated by the County Assessor, qualifies as an owner occupied dwelling unit, unless clear evidence
125 exists to the contrary.

126 ...

127 **Sec 101-2-7 F Definitions**

128 ...

129 **Family food production.** The term "family food production" means the keeping of animals or fowl for the
130 purpose of producing food for the family living on the property.

131 **Farm inn, agri-tourism.** The term "agri-tourism farm inn" means a farm building designed for the purpose
132 of providing overnight lodging accommodations as well as meals to overnight guests and the visiting day-
133 use public within an internally incorporated dining area.

134 **Farm stay, agri-tourism.** The term "agri-tourism farm stay" means a general agri-tourism use/activity
135 category that comprises a variety of overnight lodging accommodations made available at a working farm
136 that is approved for an agri-tourism operation. A farm stay, for any group or individual, does not exceed
137 14 (consecutive or non-consecutive) calendar days per month; however, farm stays may serve as an
138 interactive recreational activity that offers agri-tourists, including children, opportunities to participate in
139 feeding animals, collecting eggs, and/or learning how a farm functions through practical day to day
140 experience. A farm stay may also consist of a retreat or be described as a work exchange, where the guests,
141 for recreational purposes, work in exchange for free or discounted accommodations.

142 **Farm tour, agri-tourism.** The term "agri-tourism farm tour" means an agri-tourism use/activity that offers
143 opportunities for the "non-farm" public to learn how a farm functions and where/how food, fiber, fuel,
144 and other agricultural products are produced and/or packaged.

145 Farm tours frequently highlight the history of the subject farm and in general, foster a broader understanding
146 of the importance of agriculture and educate the public as to current agricultural practices and technology.

147 ...

148 **Sec 101-2-13 Loc - Lod Definitions**

149 **Located behind the dwelling.** The term "located behind the dwelling" means the setbacks are measured from
150 the farthest rear location of the dwelling and is parallel to the front lot line.

151 **Lockout, detached.** The term "detached lockout" means a detached lockout sleeping room on the same lot
152 with single-, two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments
153 (condo-tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership
154 units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or
155 common access and toilet facilities but no cooking facilities except for the allowance of a hotplate and/or
156 a microwave, which may be rented independently of the main unit for short-term rental. A detached
157 lockout is accessory to the main use and shall not be sold independently from the main unit.

158 **Lockout sleeping room.** The term "lockout sleeping room" means a sleeping room attached to a dwelling
159 unit which has separate or common access and toilet facilities but no cooking facilities except for the
160 allowance of a hotplate and/or a microwave, and which may be rented independently from the main
161 dwelling unit for short-term rental purposes. Unless specifically addressed otherwise in a development
162 agreement, a lockout sleeping room shall be considered one-fourth of a dwelling unit when calculating
163 density on a parcel of land.

164 **Lodging house/boardinghouse.** The term "lodging house/boardinghouse" means a building where
165 lodging only is provided for compensation in five or more guest rooms, but not exceeding 15 persons.

166 **Long-term rental.** See "rental, long term"

167 ...

168 **Sec 101-2-17 P Definitions**

169 **Parcel.** The term "parcel" or "parcel of land" means a contiguous quantity of land in the possession of, or
170 owned by, or recorded as the property of the same claimant or person.

171 **Play area, agri-tourism.** The term "agri-tourism play area" means an area within an agri- tourism
172 operation's activity center that is dedicated to open and informal play. The play area may include, but
173 not be limited to, conventional and unconventional playground equipment.

174 **Primary dwelling unit.** See "dwelling unit, primary."

175 **Private access right-of-way.** The term "private access right-of-way" means an easement of not less than
176 50 feet wide reserved by dedication to the property or lot owners to be used as private access to serve
177 the lots platted within the subdivision and complying with the adopted street cross section standards of
178 the County and maintained by the property owners or other private agency.

179 ...

180 **Sec 101-2-19 R Definitions**

181 **Recreation facilities plan.** The term "recreation facilities plan" means a document that describes, in
182 general, the recreational facilities that are part of a development proposal. The plan is supplemental to
183 an overall master plan and consists of, but is not limited to the following sections: an executive
184 summary, list of facilities and their scale, facility orientation (i.e., public/private), phasing schedule and
185 proposed recreational programs.

186 **Recreation lodge.** The term "recreation lodge" means a lodge constructed in a mountainous or forested
187 location, which may include up to 16 guest sleeping rooms for short-term rental lodging, and facilities
188 for guest's meals, providing on-site winter sports amenities such as cross country ski trails, snowmobile
189 trails, ice skating and/or similar activities, and, if open year-round, offers summer recreation amenities

190 such as equestrian trails, mountain biking trails, hiking trails, rock climbing training stations, golf course,
191 putting green, and/or tennis courts. Accessory uses, such as sports equipment rental and repair may be
192 included. The number of horses allowed, in the case of a riding stable, shall be calculated and may be
193 permitted based upon acreage and site plan review, and recommended by the planning commission.
194 Limited day use may be allowed based upon site plan review and approval of the overall project as a
195 conditional use by the planning commission.

196 **Recreational resort.** The term "recreational resort" means a planned development which may consist of a
197 combination of short-term rental lodging facilities and/or rental units and/or owner occupied dwelling
198 units, and may include such support facilities as restaurants, gift shops, and personal service facilities (e.g.,
199 beauty shop, barbershop, boutique, massage salon), the development of which is designed around a
200 recreational theme and shall offer a variety of outdoor and/or indoor recreation facilities and activities
201 on-site which are designed to attract foreign and local vacationers as a site destination because of the
202 recreational attractions, both on- and off-site, as well as offering an attractive, vacation-type atmosphere.

203 **Recreational vehicle/travel trailer.** The term "recreational vehicle/travel trailer" means a vehicular unit,
204 other than a mobile home, designed as a temporary dwelling for travel, recreational, and vacation use,
205 which is either self-propelled or is mounted on or pulled by another vehicle including, but not limited to:
206 travel trailer, camp trailer, folding tent trailer, truck camper, or motor home.

207 **Rental, long-term.** The term "long-term rental" means the rental of a dwelling unit for a time period no less
208 than 30 days.

209 **Rental, short-term.** The term "short-term rental," also referred herein as an "STR," means the rental of a
210 dwelling or portion thereof for a time period of less than 30 days.

211 **Reserved future development area (RFDA).** The term "reserved future development area (RFDA)" means
212 areas within a described parcel of land and/or proposed irrevocable transfer of development right easement
213 and/or a transferable development right site plan that has been reserved for future development.

214 ...

215 **Resort (destination and recreation).** The term "resort (destination and recreation)" means a destination
216 and recreation resort is a destination place that attracts visitors throughout the year and provides areas and
217 facilities used for relaxation and/or recreation. The resort is entirely contiguous; it consists of at least
218 1,000 gross acres and is generally self-contained; therefore, capable of providing goods and services that
219 meet most needs of the visitor while remaining on or within the resort. These goods and services may
220 include, but not be limited to resort administration/operations, food, drink, lodging, sports,
221 entertainment, shopping, personal and healthcare/emergency facilities (e.g., market, open-air market,
222 restaurant, package liquor store, owner-occupied dwellings, short-term rentals, indoor/outdoor sports,
223 cultural events, performing arts, miscellaneous retail, athletic/wellness center and clinic).

224 **Ridge line area.** The term "ridge line area" means the top, ridge or crest of a hill or slope, plus the land
225 located within 100 feet on both sides of the top, ridge, or crest.

226 **Right, development.** See "development right."

227 **Right, residential development.** See "residential development right."

228 ...

229 **Sec 101-2-20 Sh Definitions**

230 **Shopping center.** The term "shopping center" means a group of three or more separate commercial
231 establishments which share the same site, with common facilities, including parking, ingress/egress,
232 landscaping and pedestrian malls which function as a unit.

233 Distinguishing characteristics of a shopping center may, but need not, include common ownership of the

234 property upon which the center is located, common wall construction, and multiple occupant commercial use
235 of a single structure.

236 **Shoreline.** The term "shoreline" means the land and water interface of large water bodies.

237 **Short-term rental.** See "rental, short term."

238 ...

239 **Sec 101-2-21 T Definitions**

240 ...

241 **Transfer company.** The term "transfer company" means a company established to provide expert
242 shipping services that include the shipping, receiving, inspection and temporary warehousing of
243 commercial or household goods.

244 **Transferable development right.** The term "transferable development right," also known herein as TDR,
245 means the removal of a development right from one lot or parcel that is then transferred to a different lot
246 or parcel.

247 **Transfer incentive matching unit (TIMU).** The term "transfer incentive matching unit (TIMU)" means a
248 discretionary development right, or fraction thereof, that may be granted by the county commission, after
249 a recommendation from the planning commission, when a development right is transferred from an area
250 within the Ogden Valley to a Destination and Recreation Resort Zone.

251 ...

252 **SECTION 2: AMENDMENT "Title 102 Administration" of the Weber County Code is hereby** 253 **amended as follows:**

254 ...

255 **Chapter 102-4 Permits Required And Enforcement**

256 ...

257 **Sec 102-4-3 Land Use Permit Revocation**

258 As used in this section, the term "permit" shall mean a land use permit, conditional use permit, license, or
259 any other final written approval that is authorized by this Land Use Code. A permit may be revoked for
260 violation of any part of this Land Use Code related to the specific use or permit in accordance with the
261 following:

- 262 (a) Revocation shall be conducted by the land use authority that is authorized to approve the permit.
- 263 (b) The land owner and, if different, permittee shall be given a notice of the impending permit revocation
264 14 days prior to final revocation. The notice of the impending permit revocation shall specify the
265 violation, and inform the land owner and, if different, permittee of the right to request a hearing.
- 266 (c) The land owner and, if different, permittee shall have a right to a hearing with the land use authority
267 to show cause for why the permit should not be revoked, if a written request for such is submitted
268 prior to a final written revocation decision. If a hearing is requested, final revocation of the permit
269 shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the land
270 use authority.
- 271 (d) Revocation of a permit is final upon the issuance of a final written decision. The final written
272 decision may be appealed pursuant to Title 102, Chapter 3.
- 273 (e) Revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the
274 violation, as provided in this Land Use Code or any other applicable law.

275 ...
276 **SECTION 3: AMENDMENT “Title 104 Zones” of the Weber County Code is hereby as follows:**

277 ...
278 **Chapter 104-11 Commercial Valley Resort Recreation Zone**

279 ...
280 **Sec 104-11-3 Permitted Uses**

281 The following uses are permitted in the Commercial Valley Resort Recreation Zone CVR-1:

- 282 ...
- 283 (l) Restaurant: fast food, excluding those with drive-up windows.
 - 284 (m) Short-term rental, pursuant to Section 108-11.
 - 285 (n) Sporting goods store.
 - 286 (o) Sports clothing store.
 - 287 (p) Public and private swimming pools.
 - 288 (q) Vendor, short term.

289 ...
290 **Sec 104-11-5 Additional Design Requirements**

291 To meet the intent of this chapter the following design standards are required:

- 292 (a) All projects shall consist of a minimum of ten percent commercial area.
- 293 (b) Multiple or mixed uses shall be allowed in a single building. For example, a building housing
294 condominium rental apartments may also include restaurants, gift shops and sports clothing stores.
- 295 (c) In approving site plans, the land use authority shall find that proposed buildings and uses are sized
296 in proportion to the recreational amenities for which they will provide goods and services. For
297 example, a golf or ski resort may have a small grocery and sporting goods store, but neither should
298 be sized to be an attraction independent of the provided recreational amenity. In other words, the
299 recreational amenity remains the attraction.

300
301 **Sec 104-11-6 Minimum Overall Project Development Area, Width, And Yard Regulations**

- 302 (a) **Area.** The following minimum overall project development area is required for the uses specified,
303 but never less than two and one-half acres:

USE	AREA
Condominium rental apartment or other overnight lodging use	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.

Dwelling unit, if approved as part of a MPD overlay zone:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Lockout sleeping room:	500 square feet of overall net developable area.
Other uses:	None.

304 (b) **Width.** 150-foot minimum overall project development width is required, as measured at the yard
305 setback and the street frontage.

306 ...

307 **Chapter 104-17 Forest Residential Zone**

308 ...

309 **Sec 104-17-2 Permitted Uses**

310 The following uses are permitted in the Forest Residential Zone FR-3:

311 (f) Household pets.

312 (g) Short-term rental, pursuant to Section 108-11.

313 (h) Single-family, two-family, three-family and four-family dwellings.

314 (i) Temporary building or use incidental to construction work. Such building or use to be removed upon
315 completion or abandonment of the construction work.

316 (j) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

317 ...

318 **Sec 104-17-3 Conditional Uses**

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

321 (a) Boardinghouse, lodginghouse, bed and breakfast inn, subject to requirements of section 104-
322 17-5(j).

323 (b) Condominium rental apartment (condo-tel).

324 (c) Educational/institutional identification sign.

325 (d) Group dwelling.

326 (e) Lockout sleeping room, maximum of two per dwelling unit.

327 (f) Multiple-family dwelling.

328 (g) Private park, playground and/or recreation area, but not including privately owned commercial
329 amusement business.

330 (h) Public buildings, public park, recreation grounds and associated buildings.

331 (i) Public utility substations.

332 (j) Time share building.

- 333 (k) Recreation lodge.
- 334 (l) Conference/education center.
- 335 ...
- 336 **Chapter 104-22 Form Based Zone**
- 337 ...
- 338 **Sec 104-22-3 Land Use Table**
- 339 ...

<i>(i) Residential uses.</i>	G & I	V O C	M U C	M F R	S F R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
<i>Dwelling, single-family.</i> A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	P	P	N	See Section 104-22-4, and TDR requirements of 104-22-11
<i>Dwelling, two-family.</i> A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
<i>Dwelling, three-family.</i> A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
<i>Dwelling, four-family.</i> A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
<i>Dwelling, multi-family.</i> A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	
<i>Dwelling unit.</i> A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.	P	P	P	P	N	N	N	N	N	N	
<i>Residential facility for elderly persons.</i>	P	P	P	P	P	P	P	P	P	N	
<i>Residential facility for handicapped persons.</i>	P	P	P	P	P	P	P	P	P	N	
<i>Residential facility for troubled youth.</i>	P	P	P	P	P	P	P	P	P	N	
<i>Short-term rental.</i> A short-term rental.	P	P	P	P	C	N	N	N	N	N	

Transient lodging. A hotel, motel, lodging house, condominium rental apartment (condo-tel), or timeshare condominium.	P	P	P	P	N	N	N	N	N	N	N	This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	P	N	See Section 104-22-4 and Section 104-22-12.

340

341 ...

342 **Chapter 104-27 Master Planned Development Overlay Zone**

343 ...

344 **Sec 104-27-5 Use Permissions And Prohibitions**

345 (a) **General uses.** All uses specified in the underlying zone are allowed in a master planned
346 development, unless specifically prohibited in the development agreement.

347 (b) **Other small-scale service uses.** If a master planned development contains 100 dwelling units or
348 more, other uses not otherwise allowed in the underlying zone may be approved by the county
349 commission, after receiving recommendation from the planning commission, provided that
350 evidence demonstrates that those uses are necessary for the provision of small-scale local
351 neighborhood services to the residents of the development and the immediate surrounding
352 neighborhood. The county commission has legislative discretion to determine what a small-scale
353 local neighborhood service is. The development agreement shall contain provisions for the proposed
354 uses, ownership, operational characteristics, and physical design to assure compliance with this
355 section.

356 (c) **Short-term rentals.** Housing units to be used in whole or in part for short-term rentals shall only be
357 allowed in neighborhoods that can support the transient use. Short-term rentals shall only be allowed
358 when their existence substantially advances a general plan goal, principle, or implementation
359 strategy. In the Western Weber Planning Area, short-term rentals require the owner of the property to
360 reside and, for management purposes, be generally available onsite for the duration of the short-term
361 rental. Master planned developments that permit short-term rentals shall be clearly declared and
362 provided for in the development agreement.

363 ...

364 **Chapter 104-29 Ogden Valley Destination And Recreation Resort Zone**

365 ...

366 **Sec 104-29-8 Land Uses**

Use	Permitted (P) Conditional (C)
-----	----------------------------------

367 ...

Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	P
Short-term rental, pursuant to Section 108-11	P
Commercial Uses	
Bank/financial institution	P

368 ...

369 **SECTION 4: AMENDMENT “Title 108 Standards” of the Weber County Code is hereby as follows:**

370 ...

371 **Chapter 108-7 Supplementary and Qualifying Regulations**

372 ...

373 **Sec 108-7-25 (Repealed)**

374 ...

375 **Chapter 108-8 Parking And Loading Space, Vehicle Traffic And Access Regulations**

376 ...

377 **Sec 108-8-2 Parking Spaces For Dwellings**

378

379 In all zones, the following number of parking spaces measuring no less than nine feet by 20 feet shall be
380 provided:

Single-family dwelling	Two side-by-side parking spaces
Accessory dwelling unit	Two parking spaces in addition to any other required parking
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	

Mixed bachelor, bachelorette and family	1 ³ / ₄ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.
Increased occupancy	If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

381

382 ...

383 **Chapter 108-11 Short-Term Rentals**

384 **Sec 108-11-1 Purpose And Intent**

385 There are benefits to allowing owners of a residential unit within the County to rent their dwelling unit for
 386 short periods of time. Short-term rental of a dwelling unit also brings capacity and diversification to the
 387 visitor-accommodation market. However due to the potential for adverse impacts, a short-term rental
 388 must be regulated by the County to protect the health, safety, and welfare of owners, neighbors, and
 389 visitors. The intent of this Chapter is to establish procedures and standards by which a residential short-
 390 term rental can be provided to visitors and tourists in a manner that protects both the quality of their
 391 experience, and the communities in which they are located.

392 **Sec 108-11-2 Applicability**

393 This chapter applies to a short-term rental use in the unincorporated area of Weber County, where
 394 allowed by the zone. The following requirements apply to all short-term rentals.

395 (a) **Approval required.** Except where specifically allowed otherwise in this Land Use Code, it is
 396 unlawful for an owner to rent any property for a time period of less than 30 days within the
 397 unincorporated area of Weber County without short-term rental approval pursuant to this
 398 chapter.

399 (b) **Licenses, land use permits, and other applicable law.** A short-term rental use requires a short
 400 term rental license, as provided herein, a commercial business license, as provided in Title
 401 14, and shall only be conducted in a residential unit with all appropriate land use permits,
 402 building permits, certificates of occupancy, and any other approval as required by this Land
 403 Use Code, other County codes, and State and Federal law.

404 **Sec 108-11-3 Prohibitions**

405 A short-term rental license will not be issued for any of the following:

406 (a) **Building not approved for residential occupancy.** A short-term rental is not allowed in any
 407 building unless it has received approval for a residential use, and has a certificate of
 408 occupancy.

- 409 (b) **Accessory dwelling unit.** A short-term rental is not allowed in an accessory dwelling unit.
410 (c) **Restricted housing.** A short-term rental is not allowed in a dwelling unit that has been
411 reserved for workforce housing.
412 (d) **Fractional ownership.** A short-term rental is not allowed in a dwelling unit held in fractional
413 ownership, such as timeshare, cooperative ownership agreement, or similar.
414 (e) **Private covenants.** A short-term rental license is invalid if issued for any property that is
415 subject to private covenants that restrict the property's use for short-term rentals. This applies
416 regardless of how the private covenants are labeled, and regardless of whether or not the
417 private covenants are enforced by a homeowners association or committee.

418 **Sec 108-11-4 Application Procedure**

419 Application for short-term rental license. The application and review procedure for a short-term rental
420 license is as follows:

- 421 (a) **Application submittal requirements.**
- 422 (1) Proof of ownership of the lot;
 - 423 (2) A site plan drawn accurately to scale that shows property lines and dimensions, and that includes
424 the following:
 - 425 a. Driveway;
 - 426 b. Parking plan demonstrating compliance with the parking standards established in Section
427 108-11-8, and any other relevant parking standard found in Chapter 108-8;
 - 428 c. Existing fencing or perimeter screening, if applicable;
 - 429 d. Trash disposal and collection plan demonstrating compliance with the trash disposal and
430 collection standards established in Section 108-11-8; and
 - 431 e. Outdoor lighting plan showing compliance with Section 108-16, including the replacement of
432 all nonconforming outdoor lighting on the property;
 - 433 (3) Detailed floor plan of the building or buildings to be used for short-term renting, indicating all
434 areas allowed to be occupied or used by short-term rental occupants;
 - 435 (4) Commitment to serve, also known as a will-serve letter, from the utilities providing culinary
436 water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or
437 septic system, the local health department. The will-serve letter shall specify the maximum
438 occupancy or number of sleeping rooms allowed to be associated with the short term rental use.
 - 439 (5) Submission of a building permit and associated land use permit, unless no building modifications
440 are required in order to attain compliance with building codes, in which case certificates of
441 occupancy shall be submitted;
 - 442 (6) Submission of the name and contact information associated with the individual or management
443 company being designated as the Responsible Agent and any other back-up Responsible Agent,
444 as required by Section 108-11-7;
 - 445 (7) Signed acknowledgement by the owner and Responsible Agent that they have read this short-term
446 rental ordinance and understand the licensing, operational standards, and violation and revocation
447 provisions; and
 - 448 (8) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-
449 submittal review, does not constitute a complete application.

450 (b) **Review procedure.**

451 (1) Staff review. Upon submittal of a complete short-term rental application, Planning Division staff
452 will review the application to verify compliance with this chapter and any other relevant
453 component of this Land Use Code.

454 (2) Agency reviews. Planning Division staff will route the application to the local Fire Authority,
455 Building Official, and any other relevant review department or agency for verification of
456 compliance, determination of need for application modifications, and for the submittal of other
457 applications or reviews necessary to obtain their approval of a license, if applicable. The
458 accessory dwelling unit shall comply with local regulations and ordinances for a residential
459 dwelling. Approval is required from the aforementioned authorities, departments, and agencies.

460 (3) License issuance. If the application complies with relevant land use laws and receives all required
461 department and agency approvals, the license shall be issued after the initial property inspection,
462 pursuant to Section 108-11-5, finds that the proposed short-term rental is in compliance with the
463 requirements of this chapter.

464 (c) **Conditions of approval.** The Land Use Authority may apply conditions of approval based on the
465 standards listed in Section 108-4-5.

466 (d) **Business license required.** A business license is required to operate a short-term rental.

467 (e) **License Renewal.** Existing licensees must submit for license renewal and pay the required fee by no
468 later than December 1st of each year, regardless of the date of the initial license issuance. Owners
469 wishing to renew a license must provide the following:

- 470 (1) License renewal application;
- 471 (2) Inspection report, if required by Section 108-11-5;
- 472 (3) Evidence of tax remittance from the year prior; and
- 473 (4) Any other documentation required by the County.

474 **Sec 108-11-5 Property Inspection**

475 (a) **Initial property inspection.** Properties applying for their first short-term rental license shall be
476 inspected for compliance with the provisions of this chapter and other applicable sections of this Land
477 Use Code. The Planning Division shall have the option of designating a county inspector or may
478 allow a 3rd party building inspector, at the applicant's expense. Any deficiencies found during this
479 initial inspection shall be resolved to the satisfaction of the inspector prior to the issuance of a short-
480 term rental license.

481 (b) **License renewal property inspection.** The County, at its discretion, may require that a property be
482 inspected prior to the renewal of an existing license. The Planning Division shall have the option of
483 designating a county inspector or a 3rd party building inspector, at the applicant's expense. Should the
484 property fail the inspection, the owner shall have 90 days to bring their property into compliance or
485 the license will be suspended. A license may be immediately suspended if life/safety concerns arise
486 during the inspection. If a license is suspended, the property owner must rectify the concerns that led
487 to the suspension prior to the license reinstatement.

488 (c) **Property inspection after violation.** If the County receives complaint or notice of violation of any
489 applicable County regulations at any time, the Planning Division may request an inspection to
490 determine compliance with the regulations. Failure to comply with the inspection may result in
491 additional minor or major violations (see Sections 108-11-9 through 108-11-10, below)

492 **Sec 108-11-6 Applicable Taxes And Remittance**

493 An owner of a short-term rental is responsible to collect and remit all applicable state and local taxes.
494 Owners who fail to collect and remit applicable taxes shall not be eligible for annual license renewal. The
495 County reserves the right to conduct routine tax audits to verify appropriate tax remittance of any short-
496 term rental at any time, or prior to license renewal.

497 **Sec 108-11-7 Responsible Agent**

498 (a) The owner of a short-term rental shall appoint a Responsible Agent for the rental property. This
499 appointed agent may be the owner, independent property manager, or a professional property
500 management company. The appointed responsible agent shall be on-call to manage the property
501 during any period within which the property is occupied. This agent must be able to respond, in
502 person if needed, within 60 minutes to address any complaints that may arise from the operation of
503 the short-term rental. Designating one or more back-up agents is strongly advised to ensure this
504 responsibility is fulfilled. The failure of a Responsible Agent to respond constitutes a major violation,
505 pursuant to Section 108-11-9.

506 (b) A Responsible Agent is not required to, and should not, place themselves in a situation that could
507 cause them physical harm in order to attempt to address a complaint.

508 (c) The owner shall notify the Planning Division within three days of a modification to the appointed
509 Responsible Agent and shall provide name, address, and telephone number of any newly appointed
510 agent. It is the owner's responsibility to update this information throughout the term of the license.

511 **Sec 108-11-8 Operational Standards**

512 (a) **Information Dissemination Requirements.** The owner shall post the following information in a
513 prominent and visible location on the property:

514 (1) **Internal posting.** Each licensed short-term rental property shall have the following information
515 posted in a conspicuous location where it can be easily viewed by tenants:

516 a. Short-Term Rental License number;

517 b. Contact information for the owner and responsible agent, including a phone number for 24-
518 hour response to emergencies;

519 c. The property's maximum occupancy;

520 d. The property-specific parking plan including the maximum number of vehicles allowed to be
521 parked on the property, the location of parking for large vehicles or trailers, the prohibition of
522 parking in the public right-of-way, and all other applicable parking rules;

523 e. Map and description of the location/s of fire extinguishers and emergency egress routes;

524 f. Good neighbor requirements regarding noise, parking, trash pickup, and fire restrictions;

525 g. Current fire restriction information, as disseminated through the Weber County Fire District
526 website; and

527 h. Any other information deemed necessary by the reviewing agencies to ensure the public's
528 health and safety.

529 (2) **Street Addressing.** Each licensed short-term rental property shall have its assigned street address
530 posted externally in a conspicuous location where it can be easily viewed day or night from the
531 adjacent street or access way.

532 (b) **Advertising Requirements.** As provided in UCA 17-50-338, the following advertising requirements
533 are not intended to prohibit an individual from listing a property for short-term rental on any short-
534 term rental website. All advertising for a short-term rental property shall include the following
535 information in searchable plain text:

- 536 (1) The property’s short-term rental license number.
537 (2) The property’s maximum permitted occupancy.
538 (3) Maximum parking capacity, including the availability for parking of large vehicles or trailers.
539 (4) A digital link to the County’s short-term rental regulations.
540 (5) The following language shall be included verbatim in a prominent location of the advertisement:
541 “Any advertisement for a short-term rental property in unincorporated Weber County, Utah, that
542 does not provide a unique license number is unlikely to be a lawfully licensed short term rental.”

543 (c) **Occupancy.**

- 544 (1) **Occupancy Limits.** The maximum occupancy for a short-term rental property shall be no more
545 than two people per bedroom, plus four people, for up to a maximum of 10 people per short-term
546 rental, and is subject to the following:
- 547 a. A property’s maximum occupancy may be reduced due to a property’s unique characteristics,
548 including but not limited to, parking constraints, septic/sewer system capacity; and
 - 549 b. A greater maximum occupancy may be approved following additional review and approval of
550 applicable reviewing agencies and the provision of additional components that would
551 otherwise limit capacity including, but not limited to, fire suppression systems, parking
552 capacity, septic/sewer capacity, culinary water rights, and the number of available sleeping
553 rooms.
- 554 (2) **Single Contract.** With exception to condominiums approved to allow a short-term rental within a
555 lockout sleeping room, owners shall not concurrently rent individual rooms or areas to more than
556 one unrelated party for the same night or nights.
- 557 (3) **External sleeping accommodations prohibited.** All sleeping accommodations must be
558 maintained internal to the licensed dwelling unit as indicated by the floorplan that was submitted
559 and approved during the licensing process. External accommodations such as yurts, teepees, tents,
560 recreational vehicles/travel trailer, other temporary structures, or any similar accommodation may
561 not be used for sleeping accommodations or as a means to increase the maximum permitted
562 occupancy.
- 563 (4) **Duration.** No licensed short-term rental unit may be rented for less than three consecutive days,
564 with exception to property in the DRR-1 zone.

565 (d) **Parking.** In addition to the parking requirements for dwellings, as outlined by Section 108-8-2, the
566 following parking regulations are also required for all licensed short-term rental properties.

- 567 (1) No less than one parking space measuring a minimum of nine feet by 20 feet shall be provided for
568 each two sleeping rooms offered, but never less than two parking spaces.
- 569 (2) All vehicles of occupants and visitors of a short-term rental property shall be parked only within
570 the property’s boundary lines and in accordance with the approved parking plan. Additionally, up
571 to, but no greater than, 25% of the property’s front or side yard setbacks may be used for parking.
- 572 (3) No parking is allowed within the property’s adjacent rights-of-way.
- 573 (4) No vehicles shall be parked on the lawn or landscaped areas of the property.
- 574 (5) No vehicles with a passenger capacity of greater than sixteen (16) persons may be parked at the
575 property.

- 576 (6) Trailers and oversized vehicles shall be parked in the locations designated on the approved
577 parking plan. Trailers and oversized vehicle parking shall be a minimum ten feet by 45 feet and
578 area for reasonable access and maneuvering to the space shall be provided.
- 579 (7) A map of the property, showing parking locations and property lines, shall be provided.
- 580 (e) **Noise.** At no time shall the noise emanating from the property exceed 55 dB as measured from the
581 property line. Between the hours of 10:00 pm and 8:00 am, no sound exceeding 50 dB, and no
582 amplified or reproduced sound, shall be allowed as measured from the property line.
- 583 (f) **Nature of use.** The short-term rental shall remain consistent with the residential nature of the area. As
584 such, no extensive commercial operations shall be permitted in the home or on the property. This
585 shall include large events that exceed the normal occupancy of the stated limit (see Section 108-11-8
586 (c) above) at any time on the property. Prohibited uses/events shall include, but are not limited to,
587 receptions, luncheons, weddings, retreats, and similar commercial uses or events. Catering of food,
588 erection and use of temporary shelters, tents, canopies, and other similar structures, and outside
589 employees and/or staff are expressly prohibited.
- 590 (g) **Trash disposal and collection.** All short-term rental properties shall provide a trash disposal and
591 collection plan at the time of license application to ensure that trash containers are not left outdoors
592 where they can cause issues for wildlife, snow removal operations, or cause unsightliness. With
593 exception to the property's assigned trash pick-up day, trash containers must be stored behind the
594 property's front setback line and must be shielded from the view of adjacent public rights-of-way.
595 The designated responsible agent shall ensure that any trash generated that exceeds the typical pick-
596 up schedule is collected and removed from the property as needed. Properties with larger maximum
597 permitted occupancies may require the procurement of additional trash cans to accommodate the
598 volume of anticipated trash being generated.
- 599 (h) **Outdoor lighting.** Incorporated herein for all properties located in unincorporated Weber County
600 desiring a short-term rental license, all outdoor lighting associated with a short-term rental shall at all
601 times comply with the exterior lighting requirements set forth in Section 108-16 of the Land Use
602 Code. All nonconforming outdoor lighting shall be replaced with conforming lighting prior to the
603 issuance of a short-term rental license.
- 604 (i) **Signage.** On-site signage intended to advertise the property as a short-term rental is not permitted
605 anywhere on the property or adjacent right-of-way.
- 606 (j) **Fire safety.**
- 607 (1) The property must have primary access along a public right-of-way or access easement that meets
608 the fire marshal's requirements for a fire access road.
- 609 (2) The property must have a fire prevention system as approved by the fire marshal.
- 610 (3) Outdoor fire pits must be permanently affixed natural gas or propane gas fixtures.
- 611 (4) Smoke and carbon monoxide detectors must be installed and maintained per current building and
612 fire codes.
- 613 (5) Fire extinguishers must be placed in an approved location on each level of the property and
614 adjacent to outdoor fire pits.
- 615 (6) An emergency egress plan must be posted in a conspicuous location on each level of the property.
- 616 (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the current
617 Wildland-Urban Interface code requirements.
- 618 (k) **Animals.**

- 619 (1) Animals shall be kept on leash while outdoors on the property.
620 (2) No animal shall be allowed to roam freely without supervision.
621 (3) Only domestic pets shall be allowed at short-term rental units, where allowed by the property
622 owner.

623 **Sec 108-11-9 Complaints And Violations**

624 (a) **Complaints.** The following set the minimum requirements for short-term rental complaint resolution.

- 625 (1) **Making an initial complaint.** An initial complaint concerning the use or occupancy of a licensed
626 short-term rental unit may be made to the County or designee by a means as established by the
627 Planning Division. Anonymous complaints will not be processed.
- 628 (2) **Notification to responsible agent.** When a complaint concerning a short-term rental has been
629 received, contact to the responsible agent will be attempted by a County designee using the
630 telephone number on file with the County. If the responsible agent does not respond to the
631 County designee within sufficient time for the responsible agent to address the complaint within
632 the timeframe specified in Section 108-11-7, this constitutes a major violation as provided in
633 Subsection (b) of this section.
- 634 (3) **Attempt to resolve complaint.** The Responsible Agent is required to make an attempt to resolve
635 the issue within 60 minutes of receiving notification of the complaint. The Responsible Agent
636 shall promptly notify the County or designee if the Agent believes a complaint has been
637 successfully resolved. If the County or designee does not receive notification from the
638 Responsible Agent that a complaint has been successfully resolved within the 60 minute
639 timeframe, it shall be presumed that the complaint has not been successfully resolved.
- 640 (4) **Contacting law enforcement.** If a complaint involves the immediate health and safety of any
641 person or property, or if, despite good faith efforts, the problem that was the subject of a
642 complaint cannot be resolved, the Responsible Agent shall immediately contact law enforcement,
643 and follow any direction(s) given by any law enforcement official.
- 644 (5) **County investigation.** The County shall investigate a formal complaint received, in order to
645 determine if it is a substantiated complaint that represents a documented violation of any
646 provision(s) of this Chapter.

647 (b) **Violations.** For the purposes of this chapter violations for licensed short-term rental properties shall
648 be classified as either a Minor Violation or a Major Violation. Violations for unlicensed rental
649 properties shall be classified as an Unlicensed Violation.

- 650 (1) **Minor violations.** A minor violation shall be any violation of the short-term rental operational
651 standards as provided in Section 108-11-8.
- 652 a. Owners will be given one warning following their first minor violation within each calendar
653 year. If this warning is subject to a static and prevailing concern, owners shall be given three
654 calendar days to correct the issue or the warning will become a documented minor violation.
- 655 b. After three minor violations within 12 consecutive months, the owner shall be issued a major
656 violation on the fourth and subsequent occurrences.
- 657 c. Each minor violation shall be subject to an administrative penalty as provided in Section 108-
658 11-10.
- 659 (2) **Major violation.** A major violation shall consist of the failure of the responsible agent to perform
660 their responsibilities as provided in this chapter, or the fourth and subsequent minor violations
661 within a 12 month consecutive time frame.

662 a. Owners will be given one warning in the event of a responsible agent failing to perform their
663 responsibilities within each calendar year.

664 b. Each major violation shall be subject to administrative penalties as provided in Section 108-
665 11-10.

666 (3) **Unlicensed violation.** An unlicensed violation is committed upon the rental of an unlicensed
667 property on a short-term basis. Owners will be given one warning. Each violation thereafter shall
668 be subject to administrative penalties as provided in Section 108-11-10.

669 **Sec 108-11-10 Administrative Penalty**

670 (a) Any person found in violation of any provision(s) of this Chapter is liable for an administrative
671 penalty in the form of a monetary fine based on the property's average nightly rate. The average
672 rental rate of the property shall be determined through the advertised nightly rental rate. Each day a
673 violation remains unresolved shall carry a daily administrative penalty and monetary fine as follows:

674 (1) Minor violations. Monetary fines shall be 50 percent of the advertised nightly rental rate on the
675 date/s of the violation.

676 (2) Major violations. Monetary fines shall be 100 percent of the lease/rental agreement in place at the
677 time of the violation, based on the advertised nightly rental rate on the date/s of the violation.

678 (3) Unlicensed violations. Monetary fines shall be 200 percent of the advertised nightly rental rate on
679 the date(s) of the violation.

680 (b) In the event the County cannot determine the average nightly rental rate of a specific rental, the
681 average rental rate of the violation dates within the planning area shall be used.

682 **Sec 108-11-11 License Revocation**

683 (a) **Revocation due to minor violations.**

684 (1) If a short-term rental unit has four minor violations within three consecutive months, or six minor
685 violations within twelve consecutive months, the short-term rental license shall be revoked in
686 accordance with the provisions of Section 102-4-3.

687 (2) If a short-term rental license is revoked due to an accumulation of minor violations, for a
688 minimum of one year following the revocation, the County shall not accept an application for a
689 new license for the same short-term vacation rental property; with the exception that a new
690 application by a new property owner, proven to be unaffiliated with the property owner whose
691 license was revoked, may be considered.

692 (b) **Revocation due to major violations.**

693 (1) If a short-term rental unit has two major violations within three consecutive months, or four major
694 violations within twelve consecutive months, the short-term rental license shall be revoked in
695 accordance with the provisions of Section 102-4-3.

696 (2) If a short-term rental license is revoked due to major violations, for a minimum of two years
697 following the revocation, the County shall not accept an application for a new license for the
698 same short-term vacation rental property; with the exception that a new application by a new
699 property owner, proven to be unaffiliated with the property owner whose license was revoked,
700 may be considered.

701 (c) **Revocation process.** In addition to the process explained herein, license revocation shall follow the
702 procedure specified in Section 102-4-3.

703 ...

704 **Chapter 108-15 Standards For Single-Family Dwellings**

705 ...

706 **Sec 108-15-2 Other Standards And Requirements**

707 The following standards and requirements shall be met for the use of a single-family dwelling:

708 (d) A single-family dwelling, together with its accessory buildings, shall have only one kitchen except:

709 (1) When otherwise specifically allowed by this Land Use Code;

710 (2) That a single additional kitchen may be located within an accessory dwelling unit that
711 complies with Chapter 108-19; or

712 (3) When the owner has signed and recorded a notarized covenant to run with the land, as
713 prescribed by Weber County, which provides that it is prohibited to use the additional
714 kitchen for an additional dwelling unit. The covenant shall be recorded prior to the issuance
715 of a building permit. The owner may be released from this covenant at a later time by the
716 County upon recordation of a notice of release of covenant, provided the second kitchen is
717 then used in a manner otherwise allowed by this Land Use Code, as evidenced by the
718 issuance of a land use permit.

719 ...

720 **Chapter 108-19 Accessory Dwelling Units**

721 ...

722 **Sec 108-19-2 Applicability**

723 (a) **Applicability.** The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed
724 by the zone.

725 (b) **Ogden Valley detached accessory dwelling unit.** In the Ogden Valley, a detached accessory dwelling
726 unit shall only be allowed in one of the two following circumstances:

727 (1) **Double acreage.** The lot has a base density, as defined in Chapter 101-2, of at least two. The
728 lot owner shall record a covenant that runs with the land and is between the lot owner and
729 the County. The covenant shall document the lot's calculated base density; the number of
730 dwelling units developed on the lot, including the detached accessory dwelling unit; the
731 number of residential development rights subtracted from the base density by any other
732 means; and the number of residential development rights remaining for the property.

733 (2) **Transferable development right.** A landowner has successfully negotiated the reallocation of
734 a second residential development right from another lot or parcel, and is in compliance with
735 the following:

736 a. The reallocated residential development right may only be transferred from a lot or parcel
737 that:

738 i. Is located in one of the following zones: RE-15, RE-20, AV- 3, FV-3, and S-1; and

739 ii. Has an available residential development right. Available residential development
740 rights are determined by the lot or parcel's base density and adjusted for any previous
741 residential development right reduction or addition.

742 b. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each
743 covenant shall run with the land and be between the owner and the County. Each covenant
744 shall document the applicable lot or parcel's calculated base density; the number of
745 dwelling units developed on the lot or parcel, including the accessory dwelling unit, if

746 applicable; the number of residential development rights subtracted from, or added to, the
747 base density by any means; and the number of residential development rights remaining for
748 the lot or parcel.

749 ...

750 **Sec 108-19-3 General Provisions**

751 The following provisions shall apply:

- 752 (a) **Number of accessory dwelling units per parcel.** No more than one accessory dwelling unit
753 shall be allowed on a lot containing a single-family dwelling, unless explicitly specified
754 otherwise in this Land Use Code.
- 755 (b) **Amenities.** An accessory dwelling unit shall contain sufficient amenities to be definable as a
756 dwelling unit.
- 757 (c) **Parking.** Parking shall be as provided in Chapter 108-8 for an accessory dwelling unit, and shall
758 be on a hard-surfaced area prepared to accommodate vehicle parking.
- 759 (d) **Occupancy.** Either the accessory dwelling unit or the primary dwelling shall be owner-occupied.
760 While away, the owner shall not offer the owner-occupied dwelling unit for rent. The non-owner-
761 occupied unit is limited to no more than one family.
- 762 (e) **Relevant authority approvals.** The accessory dwelling unit shall comply with local regulations
763 and ordinances for a single-family dwelling. Approval is required from the Fire Authority,
764 Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building
765 Official.

766 **Sec 108-19-4 Standards And Requirements**

- 767 (a) **Standards same as single-family dwellings.** The provisions of Subsection (c) of this section
768 notwithstanding, if new construction for an accessory dwelling unit is proposed or will occur, the
769 standards for single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that
770 an accessory dwelling unit shall not have more than one kitchen.
- 771 (b) **Size.** The size regulations for an accessory dwelling unit are as follows:
- 772 (1) The footprint of an accessory dwelling unit, as determined by the exterior perimeter of all
773 levels when viewed from above, shall not be less than 400 square feet and shall not exceed
774 1,500 square feet. In no case shall the gross floor area of the accessory dwelling unit be greater
775 than 2,000 square feet. However, an accessory dwelling unit located entirely within a basement
776 of a single-family dwelling may consume the entire basement area regardless of square
777 footage.
- 778 (2) Except as provided in Subsection (b)(3) of this section, the height of a detached accessory
779 building that houses an accessory dwelling unit shall be no greater than 35 feet.
- 780 (3) For a lot that has 20,000 square feet or less:
- 781 a. The height of a detached accessory building that houses an accessory dwelling unit shall be
782 no greater than 90% of the height of the single-family dwelling.
- 783 b. The total area of the footprint of a detached accessory building that houses an accessory
784 dwelling unit combined with the total area of the footprint of the single-family dwelling shall
785 not cover more than 25 percent of the total lot area.
- 786 (c) **Relationship to the primary dwelling; appearance.** The exterior design of an accessory dwelling
787 unit, or the building that contains an accessory dwelling unit, shall compliment the primary dwelling
788 in a manner that preserves the appearance of the lot's single-family use.

- 789 (1) The exterior of the accessory dwelling unit shall either:
790 a. Conform to the primary dwelling in architectural style and materials on all sides of the building
791 and roof;
792 b. Be designed by a licensed architect in a manner that gives the appearance of a barn or other
793 similarly styled agricultural outbuilding; or
794 c. Be designed by a licensed architect in a manner that provides the architectural features
795 of historic buildings from the general area.
796 (2) An accessory dwelling unit located in a building that is only connected to the single-family
797 dwelling by means of a continuous roofline, such as a breezeway, shall be determined to be a
798 part of the single-family dwelling provided that the distance between them is no greater than
799 15 feet.

800 ...

801 **Sec 108-19-5 Application and Procedure**

802 Approval of an accessory dwelling unit requires a land use permit. The application and review procedure
803 for a land use permit is as follows:

804 (a) *Application submittal requirements.*

- 805 (1) A completed application form signed by the property owner or assigned agent.
806 (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-
807 submittal review, does not constitute a complete application.
808 (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of
809 existing buildings and building entrances, any proposed building and its dimensions from buildings
810 and property lines, and the location of parking stalls.
811 (4) Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or
812 proposed uses.
813 (5) A statement of feasibility, also known as a will-serve letter from the utilities providing culinary
814 water and sanitary sewer services, or, if the accessory dwelling unit will be served by a well or
815 septic system, the local health department.
816 (6) Written verification that the applicant is the owner of the property and has permanent residency in
817 the existing single-family dwelling where the request is being made. In order for an accessory
818 dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they
819 are the owner-occupant and will remain an owner-occupant.

820 (b) *Review procedure.*

- 821 (1) Upon submittal of a complete accessory dwelling unit application, Planning Division staff will
822 review the application to verify compliance with this chapter and any other relevant component of
823 this Land Use Code.
824 (2) Planning Division staff will route the application to the local fire authority, the County Building
825 Division, and any other relevant review department or agency for verification of compliance,
826 determination of need for land use permit application modifications, and for the submittal of other
827 applications or reviews necessary to obtain their approvals of an accessory dwelling unit.
828 (3) If the land use permit application complies with relevant land use laws, and receives all required
829 department and agency approvals, a land use permit shall be issued. If the application requires
830 submittal of other applications or reviews necessary to attain the approvals of other required

831 departments or agencies, but otherwise complies with relevant land use laws, the application shall
832 be given conditional approval by Planning Division staff, conditioned on approval of other
833 reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.

834 (4) If the application does not comply, Planning Division staff shall notify the applicant using the
835 notification method typical for similar Planning Division correspondence. The applicant shall be
836 given the opportunity to revise the application to bring it into compliance. If the application cannot
837 be brought into compliance, the applicant may either withdraw the application, forfeiting the fee,
838 or pursue a final land use decision by the Planning Division, which shall be denial of the land use
839 application.

840 (5) Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if
841 needed, prior to building or using any space as an accessory dwelling unit. The County may
842 combine the land use permit and building permit application process.

843 (6) If the accessory dwelling unit is rented, a business license is required. If the business license is
844 addressed to the site, it shall be reviewed as a home occupation business license, as provided in
845 Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite
846 shall not apply.

847 ...

848 **Chapter 108-21 Agri-Tourism**

849 ...

850 **Sec 108-21-3 General Development Standards**

851 The development standards imposed by this section do not alter, supersede or nullify any codes,
852 ordinances, statutes, or other applicable standards which may also regulate these same uses/activities.

853 (i) *Hours of operation.* Agri-tourism uses/activities, not including residential overnight lodging
854 accommodations and/or those conducted within a completely enclosed building, shall be limited to
855 operating during the daily hours of 8:00 a.m. and 10:00 p.m. The planning commission may consider
856 a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on
857 making observations that can only occur during hours otherwise not permitted.

858 (j) *Development agreement.* An agri-tourism operation shall, prior to the construction of any structure
859 intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial
860 development agreement, provided by Weber County, on all parcels utilized as part of an approved
861 agri-tourism operation. One single-family dwelling or farm house (per parcel) and/or any number of
862 structures that qualify for an agricultural exemption are excepted from this standard when developed
863 in accordance with the requirements found in the Weber County Land Use Code.

864 ...

865 **Sec 108-21-5 Permitted Uses/Activities Table**

866 The following uses/activities have been determined desirable when thoughtfully incorporated into an
867 approved agri-tourism operation. As stated above, these uses/activities may be subject to other
868 requirements beyond those imposed by this chapter; therefore, it shall not be construed to mean that this
869 chapter alters or nullifies any requirements contained in other codes, ordinances, statutes, or applicable
870 standards. Those uses/activities marked with an asterisk (*) have additional design and/or limitation
871 standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable
872 standards. See section 108-21-7 for these specific design and/or limitation standards associated with each
873 use/activity marked with an asterisk (*).

874

Uses/Activities	Farm Designations					
	Market Garden (3 —<5 acres)	Family Farm (5— <10 acres)	Small Farm (10 —<20 acres)	Medium Farm (20 —<40 acres)	Large Farm (40 —<80 acres)	Ranch (=80 acres)
Farm Stay (Residential and Overnight Lodging Accommodation) Uses/Activities						

875 ...

876 **Sec 108-21-6 Use/Activity Standards And Limitations**

877 To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the
 878 uses listed below shall be subject to additional standards beyond any provided within other, expressed
 879 and/or unexpressed, codes, ordinances, statutes, rules, or requirements. One or more of these additional
 880 standards and/or limitations, may be waived by the Planning Commission upon finding that either: a
 881 proposed use poses no detrimental effects to neighboring properties due to unique circumstances or that a
 882 proposed use can be mitigated to an acceptable level due to the imposition of other more appropriate, site
 883 specific conditions that justify the use's/activity's approval.

884 (a) *Farm stay (residential and overnight lodging accommodation) uses/activities.*

885 (1) *Agro-ecology research and education center (AREC).*

886 a. An AREC shall be limited to providing overnight lodging accommodations for faculty,
 887 staff, and/or students/apprentices only.

888 ...

889

890 **PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS**
 891 **ON THIS ___ DAY OF _____, 20__.**

892

AYE NAY ABSENT ABSTAIN

Gage Froerer

Jim "H" Harvey

Scott K. Jenkins

893

894

895

896

897

898 Presiding Officer

899

900

James H. Harvey, Board of
Commissioners Chair, Weber County

Attest

Ricky D. Hatch, CPA, Clerk/Auditor Weber
County

Attachment C: Public Comments

From: Grover,Rick <rgrover@webercountyutah.gov>
Sent: Monday, October 31, 2022 10:24 AM
To: Jan Fullmer <jfullmer1@aol.com>; Harvey, Jim H. <jharvey@webercountyutah.gov>; Jenkins,Scott <sjenkins@webercountyutah.gov>; Froerer,Gage <gfroerer@webercountyutah.gov>; Wilkinson, Sean <swilkinson@webercountyutah.gov>; Ewert,Charles <cewert@webercountyutah.gov>; Cobabe,Bill <bcobabe@webercountyutah.gov>; Hennon, Iris M. <ihennon@webercountyutah.gov>
Subject: RE: [EXTERNAL] Short Term Rentals (STRs) in the Bear Lake Area

Jan,

I agree this information is helpful. Planning Staff meet in person with Garden City Staff and they took us on a tour of the Bear Lake area during this STR process. It was very helpful to review their ordinance and successes with STR's. We also took a field trip and meet with the Staff in the Sun Valley area and found helpful information from their area regarding STR's.

Thanks,

Rick

From: Jan Fullmer <jfullmer1@aol.com>
Sent: Monday, October 31, 2022 9:54 AM
To: Harvey, Jim H. <jharvey@webercountyutah.gov>; Jenkins,Scott <sjenkins@webercountyutah.gov>; Froerer,Gage <gfroerer@webercountyutah.gov>; Grover,Rick <rgrover@webercountyutah.gov>; Wilkinson, Sean <swilkinson@webercountyutah.gov>; Ewert,Charles <cewert@webercountyutah.gov>; Cobabe,Bill <bcobabe@webercountyutah.gov>; Hennon, Iris M. <ihennon@webercountyutah.gov>
Subject: [EXTERNAL] Short Term Rentals (STRs) in the Bear Lake Area

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Dear Weber County Commissioners and Weber County Planning:

At multiple meetings, the Weber County Commissioners have mentioned how STRs in the Bear Lake area seem to be provided without a lot of issues. So, given the current DRAFT of the Weber County STR ordinance under development, I decided to contact Garden City (the primary community on the Utah side of Bear Lake) to see how they handle STRs. Please add this information to the current documents submitted on different community actions taken on STRs.

Please keep in mind the following about the size of this Bear Lake community versus Ogden Valley --- there is a far less population impacted by STRs in Garden City.

Garden City population: 610 as of 2022

Rich County Population: 2,560 as of 2022

Ogden Valley Population: 8,000+ (estimated by S. Parke in Weber County)

Garden City feels they do have STRs under control, but to do so, they had to implement very strict requirements to obtain a STR license and impose heavy fines on STR violations.

The attachment to this email summarizes my conversations with several Garden City employees. And the current Code Enforcement Officer, Glen Gillies, noted that he was visited about 2 years ago by Weber County staff to inquire about the STR issues and enforcement in the Bear Lake area.

It is hoped that you will review the attachment to this email to see the actions Garden City had to take to enforce STRs. And please feel free to contact the Garden City individuals I talked to. Their contact information is provided in the attachment.

To Commissioner Jenkins - Thank you for requesting that the current DRAFT STR ordinance follow the established process of first being reviewed by the Ogden Valley Planning Commission instead of executing an immediate Weber County approval. It has indeed been close to 2 years since work on this ordinance had been reviewed.

To Iris Hennon - Thank you for all your work on Weber County STR enforcement, and we certainly do not want to see you carry a gun as is the case with the Garden City Code Enforcement officer.

Kind regards,

Jan Fullmer

From: Jan Fullmer <jfullmer1@aol.com>

Sent: Wednesday, November 2, 2022 10:38 AM

To: Jan Fullmer <jfullmer1@aol.com>

Subject: [EXTERNAL] Ogden Valley Community Meeting on Short Term Rentals and Fractional Ownership

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

To the Ogden Valley Community:

An Ogden Valley Community Meeting on the proposed County ordinance on Short Term Rentals (STRs), as well as the need for an ordinance on Fractional Ownership, is planned for

Wednesday, November 16, 2022

6:00 pm

Auditorium in the Huntsville Library

More than 19 months ago one of our elected Weber County Commissioners indicated that the much needed ordinance on Short Term Rentals (STRs) was being placed on-hold due to misinformation which indicated the Weber County Commissioners wanted to expand STRs. **The Commissioner clearly stated that the purpose of the STR ordinance was for enforcement, and not expansion.** Apparently the misinformation was not at all misinformation since the current DRAFT of Weber County's STR ordinance will expand STRs to just about every zone/land use code in Ogden Valley.

In addition to reviewing the impact to our valley on this proposed STR ordinance, we will also review another issue that can be detrimental to our valley and that is Fractional Ownership. Last week Park City passed an ordinance placing controls on Fractional Ownership of homes. In Park City, the areas where STRs and Fractional Ownership are allowed is limited since Park City officials realized the negative impact to their community and neighborhoods if they did not limit the areas for these commercial and revenue generating operations. In addition, Summit County (where Park City is located) placed a moratorium on all Short Term Rentals (STRs) in its unincorporated areas effective May 24, 2022.

There are two attachments to this email. The first attachment is a Short Term Rental (STR) petition. If you have not signed this petition, please consider doing so and share with your neighbors and related communities. There is a **DROP** box for this petition in our Valley Market.

The second attachment is an October 28, 2022 short article from the Park City Record newspaper on the recent ordinance passed by Park City on Fractional Ownership.

Additional information on the meeting will be distributed a few days prior to the meeting.

Kind regards, and hope to see you at the meeting on November 16, 2022 at 6:00 pm

Jan Fullmer

(Attached to email):

**Petition to Ogden Valley Planning Commission (OVPC) and Weber County Commissioners
Regarding Short Term Rental (STR) Expansion and Regulation in Ogden Valley**

The undersigned residents of Weber County hereby urge that Weber County:

1. Impose an immediate moratorium on any expansion of STRs in Ogden Valley.

This moratorium should grandfather-in all existing, legal STRs, but should halt approval of all new proposed zoning changes that would place any additional STRs in any zones in the valley in which they are not currently permitted.

2. Rapidly adopt effective and enforceable STR regulations.

- In the absence of effective regulation, the number of illegal and disruptive STRs has expanded exponentially.
- Two years ago, the Weber County Planning Department developed the option of a "proof of concept" proposal for new STR regulation. This proposal included: **no STR expansion**, using third-party enforcement services, tougher fines, and more effective enforcement. Planners stated that this plan would be effective, enforceable, and affordable. This option was re-presented to the West Weber Planning Commission on January 12, 2022.
- As soon as possible, the OVPC and Weber County Commissioners should write and codify an ordinance similar to the "proof of concept" proposal that will allow no new STRs in any zones of the valley where they are not currently permitted.

3. Enforce current laws regulating STRs.

- Ogden Valley provides a substantial amount of tax revenue to the county, but enforcement of current STR ordinances in Ogden Valley is under-resourced and thus ineffective.
- Weber County Commissioners need to immediately dedicate enough resources to consistently enforce the existing ordinances for all STRs.

NAMES OF WEBER COUNTY CITIZENS SUPPORTING THIS PETITION:

Signature: _____ Date: _____

Printed Name: _____

Weber County Address:
(Street) _____ (City) _____ (Zip) _____

(Also attached was an article referenced here but edited for brevity)

Park City becomes first in country to regulate co-owned homes

KPCW | By [Parker Malatesta](#)

Published October 28, 2022 at 4:53 PM MDT



Parker Malatesta

A new city ordinance permits fractional ownership in the same zones as timeshares and private residence clubs.

From: Jan Fullmer <jfullmer1@aol.com>

Sent: Monday, November 14, 2022 7:15 PM

To: Cobabe,Bill <bcobabe@webercountyutah.gov>; Ewert,Charles <cewert@webercountyutah.gov>

Cc: Grover,Rick <rgrover@webercountyutah.gov>; Grover,Rick <rgrover@webercountyutah.gov>

Subject: [EXTERNAL] Another Article on STRs in Park City

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Bill & All -

I have attached a recent article from Park City. They are actually considering paying homeowners NOT TO DO STRs in an effort to retain some affordable housing (longer term rentals) for their workers.

Last year Park City did not even have a sufficient number of workers in the ski areas, and many of the lifts at Deer Valley, Park City and Canyons were not operational.

Kind regards,
Jan Fullmer

(article again referenced but not included entirely for brevity)

KPCW has a new daily morning newsletter called The Local. It contains the top stories from Summit and Wasatch counties, as well as other news from across Utah and the Intermountain West.

KPCW | By [Michelle Deininger](#)

Published November 11, 2022 at 5:13 PM MST



KPCW

/

Park City neighborhoods that were once filled with workers are increasingly occupied by visitors renting for a weekend or week.

Park City government is hoping to chip away at the worker housing shortage with a new program that will pay homeowners not to rent their properties on a short-term basis. The city is holding open houses to see who's interested.

From: Grover,Rick <rgrover@webercountyutah.gov>

Sent: Tuesday, November 15, 2022 5:12 PM

To: Lee Schussman <lee@schussman.com>

Cc: Ewert,Charles <cewart@webercountyutah.gov>; Cobabe,Bill <bcobabe@webercountyutah.gov>; Hennon, Iris M. <ihennon@webercountyutah.gov>

Subject: RE: [EXTERNAL] Re: STR Options

Lee,

The County Commission has asked that we have a joint work session with the County Commission and the OVPC once we get the 3rd party enforcement figured out. We will discuss the "Proof of Concept" and other options in the joint meeting. Please let me know if you have additional questions. I will be in a water wise workshop for the next few days and will respond to your emails as soon as possible. I've CC'd Charlie and Bill on this since they are the project managers on this item.

Thanks,

Rick

From: Lee Schussman [<mailto:lee@schussman.com>]
Sent: Tuesday, November 15, 2022 3:35 PM
To: Grover, Rick <rgrover@webercountyutah.gov>
Cc: Ewert, Charles <cewert@webercountyutah.gov>; Fullmer Jan <jfullmer1@aol.com>; Hennon, Iris M. <ihennon@webercountyutah.gov>
Subject: [EXTERNAL] Re: STR Options

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Hi Rick. Ts to keep

THANK YOU for your continued efforts in helping us understand the current status of the draft for the proposed STR ordinances.

On June 6, 2022, I met with Scott Perkes, and he answered my multiple questions and shared with me the then current draft of the STR proposed ordinance. The iteration of the ordinance that we talked about was either the same as (or very similar to) what you sent to Jan. Here's a file of the West Weber presentation and proposed ordinance that Scott said was current in June.

This draft DOES INCLUDE the "Proof of Concept" proposal that was favored by the OVPC 2 years ago.

However, in June, Scott said that the draft we discussed was definitely to be changed.

Then, in July, Scott reiterated that he was making major changes in the proposed ordinance. (In fact, he asked me to not disseminate the draft that we discussed, as that might just stir up public concern unnecessarily.):

Begin forwarded message:

From: "Perkes, Scott" <sperkes@co.weber.ut.us>

Subject: RE: [EXTERNAL] Re: [EXTERNAL] Short Term Rentals (STR's)

Date: July 22, 2022 at 8:41:02 AM MDT

To: Lee Schussman <lee@schussman.com>

Good morning Lee,

I received your voicemail and I don't have any problem with you sharing our email correspondence from yesterday. However, and as we discussed before, we'll continue to hold our working drafts of potential STR regulation scenarios internal for the time being.

Thanks,

Scott Perkes, AICP

Planner III – Weber County Planning Division

Office: 801-399-8772

sperkes@webercountyutah.gov

As you know, the new draft was presented to the commissioners in their Oct. 19, 2022 work session, and then was posted on Frontier. We (I, Jan, and others here in the valley) carefully studied that draft and then I met with Charlie and Iris (Oct 21, 2022) to discuss concerns that we have had with the new draft. Charlie and Iris were extremely generous with their time and expertise and we discussed many of the specifics of the new draft.

I can not find anywhere that any "Proof of Concept" option is included in this newest iteration. And, indeed, SECTION 3 clearly defines all the zones into which short term rentals WILL BE expanded if this new draft is codified. It is this expansion that so many people are concerned

about.

I (and I am pretty sure that I can speak for MANY) would be delighted, relieved, and fully supportive if the county were to adopt the "Proof of Concept" proposal which we think would at this time:

1. Be based on a "Proof of Concept" proposal which would NOT expand STRs,
2. Set up affordable and effective third-party enforcement (with which there is nearly 100% agreement),
3. Put in place a trial of that enforcement in the areas where STRs are already permitted, and then
4. Re-evaluate that enforcement in two years to make any needed changes in enforcement.

Please do let us know if this "Proof of Concept" option is indeed one that the commissioners would consider and please let us know how / if that option would replace SECTION 3 of the most current draft that is available to the public.

Thanks very much

Lee

On Nov 15, 2022, at 9:31 AM, Jan Fullmer <jfullmer1@aol.com> wrote:

Rick,

Thank you, but this goes back almost 2 years and I guess it is good that it will come up before the OV Planning Commission again.

Lee Schussman is working with me on the STR community meeting scheduled for tomorrow and based on his meetings with Charlie, it certainly appeared that the current DRAFT of the STR ordinance Charlie presented at a Commissioners' work session in early September was the STR ordinance "courant du jour".

I talked to Lee briefly after we met yesterday (thank you so much for your time) and I have copied him on this email to keep Lee up to date also.

Jan

-----Original Message-----

From: Grover,Rick <rgrover@webercountyutah.gov>

To: Jan Fullmer <jfullmer1@aol.com>

Cc: Ewert,Charles <cewert@webercountyutah.gov>

Sent: Tue, Nov 15, 2022 8:39 am

Subject: STR Options

Jan,

Attached are the different scenarios for STR's. Since this has been a while from when the OVPC reviewed this the County Commission will most likely have a joint work session with the OVPC to discuss options further once they figure out the 3rd party enforcement support. As you know the Commissioners feel this 3rd party enforcement support is critical. Please let me know if you have questions. I will be in a water wise workshop the next three days but I will check my email periodically.

Thanks,

Rick

Rick V. Grover

Planning Director

Weber County Planning Division

2380 Washington Blvd., Suite 240

Ogden, Utah, 84401

P: 801-399-8759

Email: rgrover@co.weber.ut.us

<image001.png>

From: Jan Fullmer <jfullmer1@aol.com>

Sent: Friday, November 18, 2022 9:10 PM

To: Jan Fullmer <jfullmer1@aol.com>

Subject: [EXTERNAL] Recap of Short Term Rental (STRs) & Fractional Ownership

Community Meeting on November 16, 2022

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

To Ogden Valley Communities:

A special thank you to all who attended the community meeting on Short Term Rentals (STRs) and Fractional Ownership. Attendance was excellent, and it became apparent that there have been far more STR issues in Ogden Valley than just a few isolated incidences.

There are several attachments to this email that were referenced during the meeting.

- The Power Point slides presented at the meeting
- An EXCEL spreadsheet showing the number of dwelling units in Ogden Valley identified to date residing in zones/land use codes that allow STRs
- An article on Fractional Ownership in Park City
- An article on Park City's proposal to compensate owners offering STRs to stop the STRs or change to longer term rentals to provide moderate priced housing for workers

Over the last 18 months, Ogden Valley residents have sent their comments/concerns to Weber County Planning. All the comments/concerns received were entered into the County's Frontier System for the Short Term Rental (STR) project. If you have any comments, opinions or articles on STRs, you should send these to Bill Cobabe, bcobabe@webercountyutah.gov, in Weber County Planning. The following link will take you to all related STR information collected and developed to date.

https://es.sonicurlprotection-sjl.com/click?PV=2&MSGID=202211190411090096173&URLID=2&ESV=10.0.19.7431&IV=551109220C1CF2E962DA7F80DB45F92D&TT=1668831072875&ESN=IMXI990COh2rRAiEki zGgRecaEQN4OHDLkzl3Mphf4E%3D&KV=1536961729280&B64_ENCODED_URL=aHR0cHM6Ly9mcm9udGllci5jby53ZWJlci51dC51cy9wL1Byb2plY3QvaW5kZXqvMTA1OTMjZG9jdW1lbnRz&HK=A60B6CF289F6371BCD57023A4A6E68C165B9A2F1D9AE9967A97F00F990FBED71

If you experience any unpleasant STR incidence, or identify an STR that is occurring in a zone/land use code that does not allow STRs, please report this to Iris Hennon at ihennon@webercountyutah.gov. Provide Iris with as much information as possible, including the home address, issues, pictures, STR ad you may have located on the Internet,

etc.

There have been several Ogden Valley residents who have contacted the State of Utah Property Rights Ombudsman with concerns about carte blanche changes to existing zoning/land use codes to expand STRs. In particular, residents who specifically built or purchased a home where they could be part of a "community" in a zone/land use code that did **not** allow STRs could be facing living with constant transients. Contact information for the State of Utah Property Rights Ombudsman is provided at the end of this email.

Please note that we recently learned that a meeting with Weber County Planning and the Ogden Valley Planning Commission to revisit the options for the STR ordinance is being planned. An email notification on this meeting will be sent to the Ogden Valley email distribution list as soon as the date, time and location of the meeting are published.

Please feel free to forward this information to your neighbors and related communities.

Kind regards,
Jan Fullmer

Office of the Utah Ombudsman
Jordan Cullimore, Marcie Jones, and Richard Plehn
801-530-6391/801-882-4662
propertyrights@utah.gov
Office of the Property Rights
Ombudsman State of Utah Department of Commerce
P.O Box 146702
Salt Lake City, UT 84114-6702

(attachments edited for brevity – full comments and notes available upon request)

(News article)

PARKRECORD.com

Guest editorial: Fractional ownership will change the very nature of Park City neighborhoods

Editorial [FOLLOW EDITORIAL](#) | 1d ago

Vincent A. (Van) Novack, PhD Snyderville Basin

(Notes from a presentation)

Ogden Valley Community Meeting

Short Term Rentals & Fractional Ownership

November 16, 2022

(Spreadsheet cataloging STRs in the Ogden Valley)

		Spreadsheet Updated July 29, 2022			
Units in Zones/Land Use Codes that Allow Sort Term Rentals (STRs)					
in Zip Codes 84310 (Eden, Liberty) & 84317 (Huntsville)					
Note: The Fairways, Trappers, The Bridges and Eden Escapes currently have additional units under construction not included in total					

From: liz poulter <liz.poulter@hotmail.com>
 Sent: Monday, November 21, 2022 1:10 PM
 To: Cobabe,Bill <bcobabe@webercountyutah.gov>
 Subject: [EXTERNAL] short term rentals in Ogden Valley

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. Think Before You Click!

Hello, I grew up in Ogden, and I have lived in Huntsville since 1981. I am deeply concerned at the willingness of our county commissioners to increase the legalizing of short term rentals in this valley. The real estate prices have already skyrocketed eliminating many families from remaining here. The rapid development of open spaces and wildlife habitat and corridors is driven by greed. I have traveled the world and have not found a valley to compare with this one. Of course people want to live here, and vacation here. But we must preserve and protect our communities and the environment of this valley. To have a commercial dwelling and often partying vacationers in a neighborhood is destructive to all but the thoughtless investors.

Our American society needs protection and not greedy exploitation. Our threatened wildlife and natural habitats need protection and not human exploitation.

The short term rentals must be confined to specific areas. Not neighborhoods.

Thanks you for consideration,

Liz Poulter

621 S 7700 E

Huntsville UT

Sent from Mail for Windows

From: Jan Fullmer <jfullmer1@aol.com>

Sent: Sunday, December 4, 2022 6:50 AM

To: Jan Fullmer <jfullmer1@aol.com>

Subject: [EXTERNAL] Ogden Valley Planning Commission Work Session - Tuesday, December 6, 2022

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

To Ogden Valley Communities -

The Ogden Valley Planning Commission will have a work session on Tuesday, 12/06/2022, dedicated to a discussion on the rezone of Nordic Valley. At present, the Ogden Valley Planning Commission had approved 488 development units for the Nordic Valley development plans, but there appears to be unclear language in a previous development agreement from around 2008 which may lead to approval of an additional 88 development

units for Nordic Valley. This would increase the total development units from 488 to 568, and the greater majority of these units would likely be approved for Short Term Rentals (STRs). It is not clear what the ambiguity may be in the previous development agreement from 2008.

There are definitely several communities in Ogden Valley that are very concerned about the Nordic Valley development plans as well as any expansion of STRs.

Please feel free to forward this information to your neighbors and related communities.

Kind regards,

Jan Fullmer

From: Jan Fullmer <jfullmer1@aol.com>

Sent: Friday, December 9, 2022 6:08 PM

To: Jan Fullmer <jfullmer1@aol.com>

Subject: [EXTERNAL] Short Term Rental (STR) Ordinance Review at 12/12/2022 Weber County Commissioners' Work Session

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. Think Before You Click!

To the Ogden Valley Community:

As of the distribution of this email, the entire, revised Short Term Rental Ordinance from Weber County Planning has not yet been released. However, what was just received is a summary of changes to this ordinance (attached to this email) and it is assumed that these revisions are being applied to the DRAFT STR ordinance released in September 2022 (also attached to this email).

The revised STR ordinance will be reviewed with the County Commissioners at their work session scheduled for Monday 12/12/2022, from 1:00 pm - 4:00 pm. There will be a ZOOM link to enable the public to attend this meeting. Since the revised STR ordinance will be reviewed by the County Commissioners at their Monday work session, attending this Commissioners' work session may be the only opportunity to learn what is included in the revised STR ordinance prior to the Open House in the Huntsville Library later in the day on 12/12/2022 at 6:00 pm. It does not appear that the Ogden Valley Planning Commission will have the opportunity to review this revised ordinance and provide a recommendation on its adoption. There seems to be an urgency to get this STR ordinance approved and adopted since current plans call for the ordinance to be presented to the Weber County

Commissioners at their 12/20/2022 meeting for approval.

Details on the 12/12/2022 Weber County Commissioners' work session (including the ZOOM link) are provided below in the announcement from the State of Utah meeting notification system. Also note that another agenda item for this Commissioners' work session is a discussion of the Nordic Valley Rezone and Development Agreement.

This work session is considered a public meeting, not a public hearing, and questions/comments from meeting attendees are not permitted.

Please feel free to forward this information to your neighbors and related communities

Kind regards,
Jan Fullmer

From: Steve Nichols <snichols@youngnichols.com>
Sent: Monday, December 12, 2022 12:24 PM
To: Cobabe,Bill <bcobabe@webercountyutah.gov>
Subject: [EXTERNAL] Short Term Rental matters before the County.

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. Think Before You Click!

Mr. Cobabe, my wife Dayna and I are owners of a home in Trappers Ridge, Eden Utah. Just to give you some history so that you do not think we are something that we are not. First, Dayna Favero was born in Ogden and raised there and in Brigham City. I was born in Payson and raised in California and Brigham City. After high school I went to Utah State and graduated in 1975 before I left to attend law school at Pepperdine University (My uncle was an attorney and judge in Logan, but I did not want to practice in Utah having to have lawsuits with members of my church all the time!) I practiced law in So. California for over 40 years and in the meantime have properties in Ogden, Eden and Layton. Dayna has a number of siblings living in Ogden and I have siblings in Box Elder and Utah Counties and other relatives throughout Utah. Dayna's uncle was a Weber County Commissioner for a number of years back in the 70's.

The ordinance that is being considered for adoption seems to be rather one sided. There is no consideration for the home owners that have bought property and already provide the financial help that county's depend upon. I would like to point out several concerns and hope you can see the points as important issues for current property owners.

We bought property in Eden years ago with the absolute understanding that we could rent on the short term rental method. This is our second home in Eden in Trapper's Ridge. Trapper's Ridge was set up with STR in mind as well and that was a significant point in choosing Eden and Weber County. It is a bit of a shock to see that property owner's that have existing property rights, being treated the same as people that "may" in the future purchase property and/or rent on STR basis. That is far different than those owner's that already have been doing STR's under the laws that were in place. There is no recognition of people with property rights based upon the laws that existed and many who have spent in excess of a million dollars. The system that the county is considering (maybe already decided upon from pressure from outside business interests?) appears to be the work of an outside organization providing the county with these "conditions" to rent. All the owner's that I know have an outside entities coming in to clean and inspect after every rental to insure that maintenance is the highest and the safety is looked at.

There are points that need to be looked at from property owners point of view. Why would there be a 10 person limit when the home has 6, 7, 8 or more bedrooms? Two families with 6-8 children would be over this arbitrary limit for no apparent reason (Obviously no one wants a bunch of drunk 20—30 yr. old's making a scene, but the owners are very aware of that and limit the people that have STR since their property is at risk. There is also insurance to deal with these types). This seems to place conditions upon owner's that are intended to limit STR's simply because people feel that these numerous conditions are too much for them to deal with or afraid that they are getting into a situation where they only see the government looking at everything they do. This weeds out STR owner's simply because of what is looked at as a financial burden and the "red tape".

There is NO RECOGNITION of current owners rights and the limitations the county is placing upon them-especially when the real estate development had STR's in mind when it was developed and submitted to the county years ago. The requirements about providing space plans and trash etc. should not be updated every year, but rather when there is a change in ownership or other significant change that the county would need to know about. It seems that a yearly basis is unnecessary other than for the county to collect its "fees". It seems that money is always a driving force behind much of this and that is fine if there is a real reason behind it. The fees and conditions should never amount to the point where it is prohibitive. There is already a tax in place similar to hotel and motels which is for the purpose of revenue and this is simply placing more fees on the owners. Often the politics seems to be that the owners are not residents of Utah and they can be taxed for the right to rent the home without knowing who the owners are and what they may contribute to the state and county already. The issue of inspections is also a bit much, the inspection should only be when the initial permit is issued and not thereafter unless a sale or significant change has occurred. It seems that the county is creating a new industry in inspections and oversight that does not need to exist.

Owner's of STR property are law abiding people that have their property at risk. To lessen this risk they have insurance, the require renter's to have insurance and limit the types of

people (ages of those to rent and the purpose of the rental) that are going to use the property. They do not want to cause harm to the home or to the neighborhood and consider safety and compliance seriously. The intended changes seem to be pushed by something different than compliance and the effect is to remove the STR owner's before they think about buying the property. Has the county identified those that are pushing for changes and what is the motivation behind this? Have the bias's and reasons are these parties been put on the table for all the residents of the county to see? The owner's of STR property's have already shown that they have abided by the laws in place and consider their future to be based upon the laws that were in effect at the time they bought. This is a very real issue both legally and financially. Any changes should be based upon those that will become STR owners and those that have already invested hundreds of thousands in their properties based on the laws in place when they became owners. There should be a method to deal with those that are already STR owners to be grandfathered in and to streamline the method for their compliance.

I believe that there is ample time and methods to deal with both situations and for the county to reconsider many of the issues that are being considered so that there is equity in the methods, looking forward, that will be implemented. We appreciate all that you do to make Weber County a place that people want to live in and thrive in. Please express our points to the other members of the committee. We look forward to having a chance to meet and speak to the members in the future on issues of common concern.

Sincerely, Steve and Dayna Nichols

Steve W. Nichols, Partner
Law Offices of Young & Nichols
1901 Truxtun Avenue
Bakersfield, CA 93301
Telephone: (661) 861-7911
Facsimile: (661) 861-7932
snichols@youngnichols.com

From: Steve Nichols <snichols@youngnichols.com>

Sent: Monday, December 12, 2022 2:33 PM

To: Cobabe,Bill <bcobabe@webercountyutah.gov>

Subject: [EXTERNAL] Re: Short Term Rental matters before the County.

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Before You Click!

Thank you for being able to communicate with. We just were made aware of this and I had little time to digest it. There are usually groups that have a financial interest in placing restrictions on STR and I have not been able to get people on this. Hopefully common sense will prevail.

From: Jan Fullmer <jfullmer1@aol.com>

Sent: Monday, December 12, 2022 8:45 PM

To: Jan Fullmer <jfullmer1@aol.com>

Subject: [EXTERNAL] Open House on the Revised Short Term Rental Ordinance

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

To the Ogden Valley Community:

There was a decent turnout at the Open House this evening arranged by Weber County Planning to allow Ogden Valley residents to comment and ask questions on the revised Short Term Rental (STR) ordinance. Unfortunately, the revised ordinance was just released late in the day and most valley residents did not have the opportunity to read and comprehend the revisions to this ordinance.

I have attached a copy of the revised Short Term Rental ordinance with all the revisions/changes "accepted" in the actual Microsoft WORD document. The previous version I distributed earlier today was marked up with all the changes and may have been a bit more difficult to read.

Current plans call for this revised STR ordinance to be on the agenda of the Weber County Commissioners' meeting on Tuesday, 12/20/2022, for adoption. The final agenda for this Commissioners' meeting will be distributed via the Ogden Valley email distribution list.

Please feel free to share this information with your neighbors and related communities.

Kind regards,
Jan Fullmer

From: Gregory Friedman <gregfman@gmail.com>
Sent: Wednesday, December 14, 2022 2:32 PM
To: Cobabe,Bill <bcobabe@webercountyutah.gov>; Ewert,Charles <cewert@webercountyutah.gov>;
Burton,Steven <sburton@webercountyutah.gov>
Subject: [EXTERNAL] Re[2]: [EXTERNAL] STR Meeting Follow Up

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Hi Bill, thanks for taking the time to continue the conversation. I wanted to give you some further thoughts, and then I promise to stop bothering you guys. See in line:

Greg Friedman

----- Original Message -----

From: "Cobabe,Bill" <bcobabe@webercountyutah.gov>
To: "Gregory Friedman" <gregfman@gmail.com>; "Ewert,Charles" <cewert@webercountyutah.gov>;
"Burton,Steven" <sburton@webercountyutah.gov>
Sent: 12/14/2022 3:06:46 PM
Subject: RE: [EXTERNAL] STR Meeting Follow Up

Hi Greg –

Thanks for reaching out with these follow up questions/comments. I will respond below and if others have comments they can chime in as well.

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From: Gregory Friedman <gregfman@gmail.com>
Sent: Wednesday, December 14, 2022 8:54 AM
To: Ewert, Charles <cewert@webercountyutah.gov>; Cobabe, Bill <bcobabe@webercountyutah.gov>;
Burton, Steven <sburton@webercountyutah.gov>
Subject: [EXTERNAL] STR Meeting Follow Up

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Guys - It was great to meet you in person on Monday night, and I cant tell you how much it is appreciated that you are willing to come out and hear from everyone as to the various concerns and issues that are out there. Each of you had asked me to summarize my thoughts (I'm hoping because you thought they may be constructive), so I wanted to share some issues with you. I would very much appreciate any consideration these items could be given at the commissioner's level.

Big picture - I think everyone seems to agree that a well-regulated STR framework is valuable to the county. That said, everyone's definition of "well-regulated", "reasonable", and "fair" seem to waiver based on their personal desire or goal. Please understand that in general, people at planning will typical hear from the most vocal sides of a debate, and I feel its important that as you collect comments, the people that would be (for lack of a better word) "pro-STR" are probably significantly under-represented. After all, they don't live here, and its probably not the most important topic for them day to day.

As someone who previously rented, and is now a full-time occupant, I feel like I see things from both sides. I also happen to live down the street from a house that has been a problem, so I do have an interest in strong, well-done regulations. Here are my specific suggestions and some of the logic behind it, and please know these are not in any specific order.

1. Section 108-11-8(C) provides a maximum occupancy of 10 unless you get a special exception or review. In addition, it seems like the regulations are setting up to require higher levels of finish (i.e. sprinklers). There are a number of houses, mine included, that have 5 - 8 bedrooms. For houses this size, we have always relied on the common formula of bedrooms x 2 + 4 (the idea being that there are typically 2 bunk rooms in larger homes.) Where is the 10 person limit coming from? Why not 6? Why not 20? It seems a bit arbitrary, and I feel like it is simply being created as a hurdle to the larger renters. 4 bedroom houses cost much less than 6 bedroom houses. Yes, I understand the people that don't like renters REALLY don't like lots of renters. But there is a difference between 14 people being in a 7 bedroom house as opposed to being in a 3 bedroom house. From our experience, we also tend to get higher quality renters when we stick to the formulas as they pay more. The LAST thing I want as a landlord is 14 people in a small house. I'd love to see this revisited, and I think the 10 person limit is arbitrary and unreasonable to a portion of

the owners in the county. **[Bill Cobabe]** Ten seems to be a reasonable upper limit for several factors, not just limited to number of bedrooms. Parking is a consideration, and people on vacation will often get a sedan or other smaller vehicle that seats five (max). So two cars full of five people would be ten people. It's obviously not an exact thing – 10 individuals could also conceivably all drive separately, but given that most will not do that the parking seems to be thus reasonably accommodating without being over burdensome on the property owner or the renters who might be forced to park on the street if all of the available parking were taken up. As you point out, larger homes can accommodate more people, and that would extend to parking as well. But the basic math you suggest (# of bedrooms x 2 + 4) would capture a three bedroom home perfectly, and I think that is the most common number of bedrooms in an average home. It's worth a continuing conversation, though, as we continue to move through the process.

(GREG) - I realized I was unclear on occupancy (and we went through this debate for several years in trappers ridge)... the limit we put in place was a formula of $2X+2$ for 4 bedroom houses or smaller, and $2x+4$ for anything larger. The thought behind it is that larger houses tend to have two bunk rooms for boys and girls, whereas smaller houses do not. To be transparent, I would disagree with any hard limit. In my opinion, it is making assumptions that people on vacation use smaller vehicles. My experience is honestly the exact opposite and that bigger groups get big suburban type SUVs. Either way, it seems more appropriate to lay out a set of expected behaviors and restrictions based on the size of the house as opposed to anyone's guess as to how certain people act or will act.

2. 108-11-2 provides the areas of the county under which this will apply. There now seems to be a drafted requirement that the owner of the house has been occupying it for the two previous years. Does this intentionally freeze out people that want to buy in the county, but need to rent out at times to help cover the costs? Does this apply to all areas of the county? Does it apply to trappers ridge and similar developments? This seems to be an arbitrary differentiation of property rights which are not applied uniformly. It's also possible I am misinterpreting this section, so please ignore if i have misread. **[Bill Cobabe]** It's difficult to know for certain why the residency requirement was inserted and the intentions behind it. I believe it was to ensure that the people who rent out their homes/units would have a connection with the community and be vested in maintaining the quality of life. This connection goes both ways, of course, and people would know who owns the property as well.

(GREG) - Regarding the occupancy requirement, I also think its important to understand there could/will be potential unintended consequences. As drafted, it would effectively eliminate any buyer from the market that can only afford their first vacation house by renting part of the time. It seems like this is geared towards some sort of perception of renters versus what the reality of who owns properties here. This just isn't Miami. I'd encourage the final draft to focus on dealing with the bad actors instead of creating rules that stifle all participants. Also, if you are there for 2 years and then rent, do you then have to come back for 2 years? Is it 2 years and then you can do as much as you want? I just want to stress to the greatest extent possible the ramification of this clause. I beg you guys to give it more consideration.

3. 108-11-3 creates and entire structure to get a license. In general, I think everyone would agree that a license is appropriate. However, it is possible to create a standard for licensing that is so difficult as to

make it nearly impossible. This is obviously melodramatic, but we can all remember learning that in the south, everyone could vote, as long as you could pass an arbitrary "test" which was used in a very discriminatory way. The items required for licensing, aside from the always present "fee" would require many homeowners to hire professionals to get a floor plan drawn, get a surveyor to do a site plan, etc. In speaking to you guys at the meeting, it seemed like the thought process behind the floor plan was to confirm the consistency between the advertised number of bedrooms and what's there. Perhaps alternatively, you could simply say that if the number of bedrooms advertised is greater than what is on the assessors worksheet, then a floor plan or inspection is warranted. Or perhaps an owner could sign an attestation on the license application that the number of bedrooms is accurate, and would therefore be subject to a fine as a violation if it turns out to be inaccurate. Likewise, a parking plan, trash plan, etc. (at least for existing construction) seems like a major hurdle versus simply creating certain requirements (have 1 space for every two bedrooms, have adequate trash receptacles, etc.) Again, why put everyone through these hoops versus using the enforcement against those that get complaints lodged against them? Finally, in terms of the items needed for an application, why would this all be required every year. How about if a person simply attested to "no major changes"? It would also greatly reduce the workload of the licensing agency. **[Bill Cobabe]** Much of the conversation regarding licensing is happening at the State level as well, and they're watching to see what we do with our STR requirements. The reason a floor plan is requested is so that the County knows what part of the home/property will be rented out (basement, ADU, detached structure, a portion of the main level, the entire unit...) We also want to see how parking will be accommodated.

(GREG) - This may again be more applicable in instances where the entire home is not being rented. In that case, there is a much greater logic to create more stringent documentation. For existing homes, the county in general has the plans (especially in the Ogden Valley where the housing stock is relatively new.) Parking is visible both on plans, and via satellite. I would just encourage the county to consider the cost/benefit of asking owners to go through these hoops relative to enforcing existing parking laws. Realistically, and owner can give you a plan showing the spaces for their guests. And then the guests show up, and may or may not follow what is laid out.

4. I would suggest fines for people that have a certain number of reported complaints that are shown to be invalid. There needs to be some mechanism to prevent someone that just hates either the idea of STRs or a particular owner from just repeatedly complaining. **[Bill Cobabe]** This is definitely something we can look in to.

5. Finally, and perhaps most helpful, is a suggestion to create a framework whereby a management company could be empowered to do all of this for an owner. I would envision something along the following:

a. Management companies could choose to obtain some sort of "master management license" from the county. It would not be required, but would provide greater capabilities with the county if it was obtained. The county could also set certain requirements (insurance, local contacts, etc.) to make sure these licenses management companies are appropriate. No owner would be forced to hire one of these companies, and no management company would be required to get this license, but it would provide big advantages to doing so (carrot vs. stick).

b. If an owner hired one of these licenses management companies, the company would be empowered to place the property under its "master list" of managed properties, and that would relieve the owner of the required paperwork. The management company could also be certified to handle the property inspections that are mentioned. Ultimately, it would still come back to the owner if the management company did not perform and there were violations, but that can then be resolved between the owner and the management company.

The advantages to this would be multiple. The ones that jump out to me are (1) more houses under professional management will likely lead to more professionally managed homes with fewer complaints and issues, (2) the administrative load on the county would be greatly reduced, and presumably become much more effective if you are chasing 5 management companies and 50 owners instead of 500 owners, (3) the management companies would have a vested interest in making sure others in the community are living up to the STR standards for which they are being held. The reality is that most STR owners are probably not some mega-corporation that owns many houses - its probably someone that wanted to buy a ski house, but still has kids at home, needs some extra income to make it work, etc. These are the people that would greatly benefit from having a management company handle everything, and benefits the owner, the management company, the county staff, and the community at large. I urge you to consider this or some other similar framework. **[Bill Cobabe]** This kind of thing also has some potential pitfalls, such as reduced liability/responsibility, less of a home-grown, organic kind of situation and more of a corporate feel, and sets up enforcement problems. But again, it's worth a continued conversation about it.

(GREG) - point taken, but frankly, this whole endeavor is somewhat of an attempt to have a more professional / corporate feel. The owners are still the family that wants a part time ski house... its just now run correctly instead of from 1000 miles away. The reality is that everything has some potential pitfall. If there wasnt, everyone would agree on it and it would have 100% support. Often, the choice presented ends up being the "least bad" option. This would help accommodate the presumed majority of STR owners - out of state, part-time owners. Personally, i think the idea that most STR owners live here all the time and then just rent illegally for a weekend on a holiday is false. If it does exist, its (at least in my mind) and incredible minority of cases that can be handled. The vast majority are people that would benefit from professional management, as would the community and the department.

Thank you again for your time and consideration, and I look forward to seeing the debate play out. **[Bill Cobabe]** Thank you, Greg! It was a genuine pleasure to meet you on Monday! (Greg) - same to all of you. Thanks again!

Greg Friedman