

Short Term Rental Regulations in Bridger Canyon

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For Discussion

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Current Status – Not Explicitly Permitted

Short term rentals are not a listed use in the majority of the district. Therefore, they are prohibited, unless an applicant obtains a finding of similar use, which no one has tried to our knowledge, but which might be granted. This places short term rentals in a legal gray area. In spite of the ambiguity, a number of short term rentals exist.

The Base Area regulations do provide for Overnight Accommodations near Bridger Bowl, of which there are none currently.

Reg §3.44 – "Overnight Accommodations: Permanent, separately rentable accommodations which are not available for residential use, except for the proprietors of a bed and breakfast inn. Overnight lodgings include hotel or motel rooms, hostels, cabins, bed and breakfast inns and timeshared units. Individually owned units may be considered overnight lodging if they are available for overnight rental use by the general public for at least 48 weeks per calendar year through a central reservation and check in service.

References

Hebgen Lake

21.17 Short-Term Rentals.

- a. Restrictions. Short-Term Rentals are only allowed in the Commercial District and Rainbow Point District. Within these districts, Short-Term Rentals are only authorized with a current Conditional Use Permit.
- b. Advertisement. Advertising of Short-Term Rentals, other than Short-Term Rentals located in the Commercial District or Rainbow Point District with a valid CUP, shall be considered prima facie evidence of the owner's or agent's intent to lease or operate Short-Term Rentals. Advertisement of short-term rentals may subject owners or agents to enforcement action under this regulation.

6.70 Short-Term Rental. Rental of a dwelling for a period of less than 30 days.

National Association of Realtors

<http://www.realtor.org/field-guides/field-guide-to-short-term-rental-restrictions>

Option 1 – Banned

15.16 Short-Term Rentals.

- a. Restrictions. Short-Term Rentals are prohibited within the RF and AE zoning Districts except for (i) guest rooms at Bed & Breakfast Inns or Guest Ranch and (ii) Overnight Accommodations in the Base Area.
- b. Advertisement. Advertising of Short-Term Rentals, or availability of a Dwelling Unit, Accessory Building, or portion of either of them, for a Short-Term Rental, other than of Short-Term Rentals permitted in clause a., shall be presumptive evidence of the owner's intent to lease or operate Short-Term Rentals. The owner of any property shall be responsible for any Advertisement of such property placed by any of his agents. Advertisement of Short-Term Rentals may subject owners or agents to enforcement action under this Regulation.

Option 2 – Conditional Use

15.16 Rentals. This Section 15.16 shall apply to the AE and RF Zoning Districts.

- a. The primary Dwelling Unit and other Dwelling Units on a parcel shall not be rented such that they are concurrently occupied by unrelated parties for any period. For example, but not as a limitation, an owner occupying a primary Dwelling Unit may not rent an Accessory Dwelling on the same parcel to another party.
- b. Short Term Rentals of individual rooms in a primary Dwelling Unit or Accessory Dwelling are prohibited.
- c. Short Term Rentals of an entire property shall be a Conditional Use, subject to the following conditions and such other conditions as the Commission deems appropriate:
 - i. Onsite parking shall be sufficient to accommodate renters.
 - ii. The sum of all Short-Term Rental occupancy shall not exceed XX nights in any twelve-month period.
 - iii. Total occupancy of a Short-Term Rental shall not exceed XX persons.
 - iv. Rentals must be separated by XX distance.
 - v. Rented dwellings shall provide a setback of XX feet from adjoining properties.
 - vi. Rental use shall not generate more than five trips per day on average.
 - vii. Owners shall comply with state and local health, tax, fire, and other regulations, including those applicable to Bed & Breakfast Inns.
 - viii. Owners shall notify renters of wildland fire hazards, burn bans, and other laws and regulations pertinent to occupancy.
 - ix. Renters shall not unduly disturb the peace of neighborhoods. The owner shall be accountable for any unlawful or disruptive conduct of all his renters.

- x. No CUP for Short-Term Rental shall be granted (A) for any property located in a subdivision [PUD??] or (B) any property situated on a parcel of less than XX acres.
- xi. A Short Term Rental CUP is subject to revocation or restrictive amendment upon violation of any of the foregoing conditions. In addition, upon a finding that a CUP holder has breached any condition, the Commission may [shall] prohibit the holder from any further Short Term Rental CUP for a period of time of not less than XX months or more than YY months.
- xii. Advertising of Short-Term Rentals shall be presumptive evidence of the owner's or agent's intent to lease or operate Short-Term Rentals. Advertisement of unpermitted Short-Term Rentals may subject owners or agents to enforcement action under this Regulation.
- xiii. A CUP for a Short-Term Rental shall be for a fixed period of time, not to exceed XX years. Such CUP shall be personal to its applicant and shall not attach to the property. Should a property whose owner holds a CUP for Short-Term Rentals sell the property and the subsequent owner applies for a comparable CUP, the Commission shall consider the new application *de novo*, giving no weight to the prior owner's CUP.