



AGENDA INFORMATION MEMORANDUM NEDERLAND BOARD OF TRUSTEES

Meeting Date: August 7, 2018
Prepared By: Karen Gerrity, Town Administrator
Dept: Admin

WORK SESSION

AGENDA ITEM:

Work Session regarding proposed Short-term Rental Licensing Program

SUMMARY:

Short Term Rentals (STR's) have been in existence for years in the Nederland area, despite a lack of associated regulations to address impact to neighborhoods and infrastructure. The Planning Commission (PC) continued a hearing to consider a DRAFT Ordinance for a Short-Term Rental Licensing Program on June 27, 2018. They voted to send a revised DRAFT Ordinance to the Board of Trustees (BOT) for consideration. The BOT considered the DRAFT Ordinance as a discussion item at their July 17, 2018 meeting. After public comment and a discussion, the BOT decided to continue the discussion in a work session.

HISTORY AND PREVIOUS BOARD ACTION:

The Commission previously discussed short term rentals at meetings on January 24 and April 25, 2018. Prior to that, the Commission discussed the item in 2017 at the Joint Work Session on October 25, and on April 26, and at the Joint Work Session in August 2016. In the interim of this time, the STR market proliferated exponentially, with associated impacts for housing affordability and availability.

The Commission opened a public hearing regarding the consideration of an STR ordinance at their May 23, 2018 meeting. After considerable public input and then a subsequent discussion by commissioners, a vote was taken to approve the continuation of the public hearing to their June 27, 2018 meeting.

After considerable public comment followed by a discussion by the commissioners at the June meeting, the PC voted to remove the primary residence requirement from STRs and directed staff to change the language to allow only one STR per licensee/applicant described as an individual/family/legal entity. This is addressed

in Sec. 6-294 (h) of the DRAFT STR Ordinance which is the first attachment to this memo.

The DRAFT STR Ordinance includes language in Sec.6-292 (10) requesting a completed Short-term Rentals Self-inspection form which will be provided by the Town Clerk based on the stipulations in the Ordinance. The PC also recommends that a “Good Neighbor Guideline” be included in the applicant packet. An example of each document is attached.

The definition of short-term rentals included in the draft ordinance is as follows:

Short term rental means a residence or portion thereof used for lodging accommodations for transients for a period of less than thirty (30) consecutive days per transient renter.

Legal review noted that STR regulations are typically contained in the Business License section of the Municipal Code, as seen across Colorado.

On May 17, 2018, the Board of Trustees adopted Ordinance 785 amending Chapter 16 of the NMC to permit and regulate accessory dwelling units (ADUs). This ordinance is included as an attachment. The definition of ADUs as stated in Ordinance 785 is as follows:

Accessory dwelling units means a second dwelling unit created on a lot with an existing residential structure such as a house, attached house or manufactured home, or within said existing principal residential structure, which shall be a distinct and separate housekeeping unit.

The process to gain approval for an ADU will be similar to a land use application. The ordinance will go into effect November 17, 2018 which gives staff adequate time to finalize the process and paperwork.

On July 17, 2017 the Board of Trustees listened to public comment and held a brief discussion regarding STRs. The topic was tabled to a future meeting.

ATTACHMENTS:

- BOT DRAFT Minutes from 7.17.2018 (included earlier in the packet)
- DRAFT STR Ordinance endorsed by PC at June meeting
- DRAFT STR Ordinance from May PC meeting packet for comparison
- PC DRAFT Minutes from 6.27.2018
- Ordinance 785 to Permit and Regulate ADUs
- Sample Nederland Good Neighbor Agreement

- Sample Nederland STR Self-Inspection Form
- Letters of Support and Opposition from the Public
- STR Nederland Listings Report from April 2018

In addition to the attachments, below is a link to Regulating Short-Term Rentals: A Guidebook for Equitable Policy from the Sustainable Economies Law Center

http://www.theselc.org/regulating_short_term_rentals_a_guidebook_for_equitable_policy