



CITY COUNCIL ACTION FORM

Originating Dept.	Presented by	Date
Community Development	Nina P. Williams - City Attorney	November 2, 2021

ITEM Ordinance 2021-18- Extending a temporary moratorium on the submission, acceptance, processing and approval of any application for a short-term rental license, and declaring an emergency

BACKGROUND

On July 20, 2021, via Ordinance 2021-11, City Council imposed a three month moratorium, or temporary halt, until October 20, 2021, on the issuance of new or transferred STR licenses to give staff, Planning Commission and City Council the opportunity to analyze and review various options and solutions to address the shortage of housing, as well as evaluate the impacts of short-term rental units on affordability and availability.

The effective date of Ordinance 2021-15, amending the City's short-term rental regulations, was November 8, 2021. Therefore, in order for equitable enforcement and consistent application of the Code and the City's administrative regulations, Council extended the temporary moratorium a few weeks until that November 8, 2021 date.

Based upon public feedback, Council is now considering additional amendments to the City's STR regulations via Ordinance 2021-17, which is scheduled for a public hearing and second reading on November 16, 2021, and which, if adopted, would have an effective date of December 19, 2021.

STAFF RECOMMENDATION

Staff recommends extending this temporary moratorium until December 20, 2021.



CITY COUNCIL ACTION FORM

Originating Dept.	Presented by	Date
Community Development	Nina P. Williams - City Attorney	November 2, 2021

SUGGESTED MOTION

"I move to approve Ordinance 2021-18, extending a temporary moratorium on the submission, acceptance, processing and approval of any application for a short-term rental license, and declaring an emergency," followed by a roll call vote.

CITY OF SALIDA, COLORADO
ORDINANCE NO. 18
(Series of 2021)

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO EXTENDING A TEMPORARY MORATORIUM ON THE
SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF ANY
APPLICATION FOR A SHORT-TERM RENTAL LICENSE, AND DECLARING
AN EMERGENCY**

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 the Council also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to such authority, the City has previously adopted certain regulations concerning short-term rentals within Chapter 6 and Chapter 16 of the Salida Municipal Code (“Code”); and

WHEREAS, on July 20, 2021, through Ordinance 2021-11, the City Council imposed a three (3) month temporary moratorium on receiving applications for review and issuing or approving short-term rental licenses in order to preserve the status quo while the Planning Commission and City Council completed its review of the City’s regulatory framework for short-term rentals and its impact on the housing crisis; and

WHEREAS, this initial temporary moratorium was set to expire on October 20, 2021, and the effective date of Ordinance 2021-15, amending the City’s short term rental regulations, was November 8, 2021; and

WHEREAS, in order for equitable enforcement and consistent application of the Code and the City’s administrative regulations, Council extended the temporary moratorium until that November 8, 2021 date; and

WHEREAS, due to public feedback, Council is considering additional amendments to the City’s short-term rental regulations via Ordinance 2021-17, which is scheduled for a public hearing and second reading on November 16, 2021, and which, if adopted, would have an effective date of December 19, 2021; and

WHEREAS, in order to maintain the same level of equitable enforcement and consistent application of the Code, the Council finds and determines that a brief additional extension of the temporary moratorium on short term rental license applications is necessary to the immediate preservation of the public health, safety and welfare and that this ordinance should therefore

become effective immediately upon adoption, as authorized by C.R.S. § 31-16-105.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO as follows:

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations and findings by the City Council.

Section 2. Extension of Temporary Moratorium. Effective immediately, upon the date of this Ordinance, the moratorium imposed on July 20, 2021, and extended on October 5, 2021, upon the submission, acceptance, processing, and approval of all applications for short-term rental licenses within the City of Salida is hereby further extended. No application for a short-term rental license shall be submitted to or accepted by the City, and no such application shall be reviewed or license issued or approved in response to such an application. This moratorium does not apply to those properties governed by already-existing Planned Development Agreements, Subdivision Improvement Agreements and Annexation Agreements with the City.

Section 3. Effective Date; Expiration. The moratorium imposed on July 20, 2021, extended on October 5, 2021, and further extended by this Ordinance shall continue as of the effective date of this Ordinance and shall expire on December 20, 2021.

Section 4. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 5. Emergency declaration. Pursuant to C.R.S. § 31-16-105, the City Council hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of the public health, safety and welfare and the financial well-being of the City because there must be a data-driven analysis conducted on the impact on City residents, workforce and property owners concerning short-term rentals and affordable housing, and therefore, this ordinance must be passed as an emergency ordinance.

INTRODUCED, READ AND PASSED, ADOPTED AND ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council this 2nd day of November, 2021.

CITY OF SALIDA

By: _____
Mayor P.T. Wood

ATTEST: (SEAL)

By: _____

City Clerk