

May 2, 2019

Public Hearing on Residential Short-Term Rentals (RSTR)

Public hearing began at 6:30 p.m.

Council present: Steve Cox; Mayor, Peter Benson, Judy Drain, Gladys Lefevre, Conrad Jepsen; council members, Judi Davis, Michala Alldredge; clerks

Public present: Scotty Mitchell, Susan Heaton, Ray Nelson, Andy, Donna Owen, Shawn Owen, Tessa Barkan, Stephanie Love, Blake Spalding, Matt Cochran, Lou Tancredi, Perry Tancredi, Walt Gove, Mark Nelson, Jimmy Catmull, Colleen Thompson, Josey Muse, Bill Muse, ?, Randy Catmull, Peg Smith, Elizabeth and Troy Julian, Ashley Coombs, Ana Sanders

Public Comment

Scotty Mitchell feels that people rent out their properties because there is an economic need to do so. Other communities are being damaged by not putting restrictions on vacation rentals. She believes that the way the ordinance is written to restrict rentals to primary residents will control damage to the community by wiping out the investor factor. She read from the ordinance that the number of rentals shall be 15% of each district and Boulder has been divided into 3-4 areas. She stated that the math shows that this would be 3.7 Airbnb's per area. That would mean 1-2 more cars per hour going down the road. She doesn't like the restriction of only being allowed to rent for 183 days per calendar year. She feels the restriction is punitive and people should be allowed to rent as many days of the year as they chose. She thinks we should welcome Airbnb's within the primary residence and the income into our community. She feels we should help people who need to make ends meet and pay their mortgages by renting their property.

Blake Spalding wants to support what Scotty said. She agrees with limiting the rentals to primary residents. She feels that making zones is "classist". As owner of Hell's Backbone Grill and Farm she is someone who works with hundreds of tourists per week and understands the need for more local lodging. Currently Boulder can't support the need for lodging and many people are forced to stay in Torrey or Escalante. Her fear is that a big hotel chain will take notice and come to Boulder. She questioned how it will be decided as to who gets to have the 3 Airbnb's on lower boulder? What if she would like to do this on her property eventually. She doesn't want to be precluded.

Perry Tancredi was involved in drafting the ordinance and explained one of the reasons for restriction on short-term rentals is so that the community doesn't eliminate long-term rentals. So Boulder is not only a community of tourists. We have a dearth of rental opportunities in town. If the available rentals are all short-term then it becomes unaffordable for some people to live here who can't afford to buy.

Shawn Owen spoke in support of Scotty and Blake's comments. He stated that personal property rights are important. Economics are an inevitability. Things don't work if there isn't economic equilibrium.. We all have bills to pay and the best way we can do it is to cooperate together. The restrictions do not make sense to him. Airbnb's are an inevitability in the world and it is better to go with the flow sometimes and figure out the right way to do it rather than try to restrict it. He is open minded and suggests that the community put as much emphasis on private property rights and the ability for that to be used for people to create value for each other in consensual agreements. He doesn't think long-term rentals work economically very well and other solutions are needed. He reiterated that Boulder needs housing and always will.

Matt Cochran stated that he and the other members of the planning commission endeavored to draft this ordinance in accordance with the general plan, which includes quiet use and keeping the residential neighborhoods. He understands property rights and being a property owner there is also a value for people living here that is not economic. That is the quiet neighborhoods and the old ways. Boulder has a certain character. He stated a fear that he's heard people discuss is that change is inevitable but Boulder can control the changes by monitoring, adapting and altering it over the next few years. He stated that the specific reasons for the zones is to spread the Airbnb's out and make it equitable.

Randy Catmull questioned why there are three limitations, how many already exist, whois going to keep track of list? Questioned where is your plat? He feels that the ordinance violates personal property rights and that the property management stuff is ridiculous.

Mark Nelson stated that the problem is with the planning in what kind of town you want to be. Sometimes you have to give up some rights on your property to protect your rights. Tourism is hungry beast. Must give up rights to protect property and values. He stated that he doesn't like the idea of Airbnb's because it is more like commercial use. He doesn't think that we can have tourism and make money.

Peg Smith reiterated that the certain items in the ordinance where explicitly added to protect and cover liability. As a business you have to attend to those matters.

Donna Owen stated that she lives near an Airbnb on Lower Boulder Road and the patrons never create a bother or have been a problem. She expressed her support for a night-sky ordinance in Boulder. She disagrees with the zoning of the ordinance and feels that the question of how to decide fairly who gets to have them hasn't been addressed.

Tessa Barkan thanked the Planning Commission (PC) for working diligently on this effort. In listening to the conversations in the PC meetings during the drafting process over the months she feels that this ordinance is important and necessary. She lived in a city for a long time and was unable to find long-term rentals due to the increased numbers of short-term rentals. She agrees that there should be limits on the short-term rentals.

Mayor Cox asked for a motion to end the public hearing. Conrad moved to end the public hearing, Judy seconded it and all approved. Meeting ended at 6:40 p.m.

