

## Issue

Growth in the number of short-term rentals has caused adverse impacts in other communities. The current RSTR ordinance has not been consistently administered. State law imposes constraints on local authority regarding conditional use permits and regulation of short-term rentals. The Temporary RSTR ordinance 2025-1 provides time for reconsideration of current and future RSTRs.

### Town Council High-Level Questions (February Discussion)

- 1) How does allowing RSTRs benefit the community and achieve our General Plan?
  - a) Who does it benefit, and why do we care? Who do we WANT it to benefit?
- 2) Does TC believe that our current restrictions on RSTRs have been effective and/or accomplished our community goals?
  - a) Do we like what we see relative to other communities?
- 3) Should small-scale short-term rentals be regulated using the “Airbnb” model, as Bed & Breakfast (meals provided), or as campground cabins or motels (applying the commercial standards.)
- 4) Should the revised ordinance clearly distinguish between Land Use (Planning responsibility) and Business Licensing (Town Council responsibility).

### Specific Issues and TC Legislative Policy Input (Preliminary)

- 1) Regulate the total number of short-term rentals to preserve community character and to prevent erosion of the stock of housing available for local residents.
- 2) Provide certainty to holders of RSTR business licenses (CUP should be a onetime review at initial application with license renewal being administrative and dependent only on paying fees and continued compliance with requirements.
- 3) Ensure that the revised ordinance complies with the constraints imposed by state law and is enforceable and easy to administer.
- 4) The number of RSTR licenses should be legislatively fixed and not dependent on a complex formula.
- 5) Restricting ownership of an RSTR to local residents is consistent with the general plan goals.

### Training

Before beginning work on a revised RSTR ordinance the planning commission will be required to obtain training regarding management of RSTRs by other jurisdictions and the constraints imposed by state law.

Utah League of Cities and Towns provides [Good background on RSTR regulation in Utah.](#)

State law 10-9a-507 is very explicit regarding the limited circumstances under which a conditional use permit can be denied. For example, the following from Utah League of Cities and Towns

<https://www.youtube.com/watch?v=ggvLFVXbfA0>

<https://www.youtube.com/watch?v=aZBi6FI8eI0>

Also Utah code that's relevant: <https://le.utah.gov/xcode/Title10/Chapter8/10-8-S85.4.html>.

Note that Garfield County building department has a requirements checklist and inspection process for RSTRs that might be appropriate to use as a model.

### **Land Use Issues for Planning Consideration**

1) Should RSTR's continue to be allowed in all zones, and is the allocation between upper, middle, and lower Boulder appropriate?

2) If short-term rentals are to be a conditional use, then determine what named impacts, objective standards, and mitigation measures need to be specified in the ordinance in order to comply with state law?

3) Residential short-term rentals, bed and breakfast inns, campground cabins, RV parks, and guest ranches are all addressed individually in the table of Uses 153.117 and in specific ordinance provisions. All these classifications involve rental for less than 30 days. Are similar land uses being treated similarly? Are the distinctions between the different sets of rules based on municipal concerns?

### **Formal TC Request**

The Boulder Town Council requests that the Planning Commission begin with obtaining background information and training indicated above, and provide policy options and recommendations for a revised ordinance by April 2025, which will allow two months for TC action before the sunset date. The Town Council will plan to provide specific conclusions regarding the high-level questions and legislative preference at their February meeting.