



# PLANNING COMMISSION REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201

Monday, September 27, 2021 - 6:00 PM

## AGENDA

Email public comments to: [publiccomment@cityofsalida.com](mailto:publiccomment@cityofsalida.com)

Please register for the Planning Commission meeting: <https://attendee.gotowebinar.com/rt/1909092342220683277>

### CALL TO ORDER BY CHAIRMAN – 6:00 PM

### ROLL CALL

### APPROVAL OF THE MINUTES

1. August 23, 2021 - Draft Minutes

### UNSCHEDULED CITIZENS

### AMENDMENT(S) TO AGENDA

### PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- |                                         |                                             |                                          |
|-----------------------------------------|---------------------------------------------|------------------------------------------|
| A. Open Public Hearing                  | D. Applicant's Presentation (if applicable) | G. Commission Discussion                 |
| B. Proof of Publication                 | E. Public Input                             | H. Commission Decision or Recommendation |
| C. Staff Review of Application/Proposal | F. Close Public Hearing                     |                                          |

2. **Time Extension for Salida Crossings Planned Development** – The applicant is requesting a 12-month extension to their previously approved development schedule for the Salida Crossings Planned Development, consistent with code provisions at Sec. 16-7-110(d) of the Salida Municipal Code. The property consists of 3.15 acres located at 1520 E. Highway 50. It is zoned C-1 with the Planned Development (PD) overlay.

3. **Amendments to Chapters 6 and 16 of the Salida Municipal Code**– Relating to Short-term rental regulations.

### NEW BUSINESS

### COMMISSIONERS' COMMENTS

### ADJOURN

*Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1<sup>st</sup> Street, Ste. 112, Salida, CO 81201, Ph.719-530-2630 at least 48 hours in advance.*



# PLANNING COMMISSION REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201

August 23, 2021 - 6:00 PM

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## MINUTES

Email public comments to: [publiccomment@cityofsalida.com](mailto:publiccomment@cityofsalida.com)

Please register for the Planning Commission meeting:

<https://attendee.gotowebinar.com/rt/1909092342220683277>

### CALL TO ORDER BY CHAIRMAN – 6:00 PM

#### PRESENT

Chairman Greg Follet

Vice-Chair Francie Bomer

Commissioner Judith Dockery

Commissioner Giff Kriebel

Commissioner Doug Mendelson

Commissioner Michelle Walker

Commissioner-Alternate Suzanne Copping

Commissioner-Alternate Dave Haynes

#### ROLL CALL

#### APPROVAL OF THE MINUTES

##### 1. July 26, 2021 Draft Minutes

Motion made by Vice-Chair Bomer, Seconded by Commissioner Dockery.  
Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery,  
Commissioner Kriebel, Commissioner Mendelson, Commissioner Walker,  
Commissioner-Alternate Copping, Commissioner- Alternate Haynes

#### UNSCHEDULED CITIZENS

**Dan Thomas** spoke against the Short Term Rental Moratorium.

#### AMENDMENT(S) TO AGENDA

#### PUBLIC HEARINGS

Public Hearings will follow the following procedure:

- |                                             |                                          |
|---------------------------------------------|------------------------------------------|
| A. Open Public Hearing                      | E. Public Input                          |
| B. Proof of Publication                     | F. Close Public Hearing                  |
| C. Staff Review of Application/Proposal     | G. Commission Discussion                 |
| D. Applicant's Presentation (if applicable) | H. Commission Decision or Recommendation |



- 2. Ordinance 2021-13 - Amending Chapter 16 of the Salida Municipal Code -**  
The amendment is to address changes to family child care homes required by recent State legislation.

- A. Open Public hearing – 6:22pm**
- B. Proof of Publication -Yes**
- C. Staff Review of Application –**
- D. Applicant’s Presentation –**
- E. Public Input –**
- F. Close Public Hearing – 6:23pm**
- G. Commissioner Discussion –**

**H. Commission Recommendation -**

Motion made by Commissioner Dockery to recommend City Council approve Ordinance 2021-13, Seconded by Commissioner Kriebel.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Mendelson, Commissioner Walker, Commissioner-Alternate Haynes, Commissioner- Alternate Copping

- 3. West End Major Subdivision - Major Impact Review-** The applicants, Tory and Clee Upchurch, are requesting approval of a 24 lot major subdivision on a vacant 5.32 acre parcel located between County Road 140 and County Road 141 that was recently annexed into the City of Salida.

Commissioners ask staff about the online public comments that centered around parking and open space. Commissioner’s also discussed:

- Chaffee County Housing Trust
  - How affordable housing units are calculated
  - Access on the rear of the lot and whether fencing should be required
  - Tree landscaping percentage requirements
  - Setbacks
- A. Open Public hearing – 6:26pm**
  - B. Proof of Publication -Yes**
  - C. Staff Review of Application –**
  - D. Applicant’s Presentation –** Bill Hussey & Tory Upchurch speaks about the major impact review.



Commissioners ask Upchurch about fencing, curbcuts, frontage for lot 4, and accessibility to CR 140.

E. Public Input –

**Steve Lewis- 8180 C.R. 141B** requests a 20 foot setback on the rear line.

**Charlie Farrell- 8255 C.R. 141** requests fencing on the north and western boundary of the development, green space in the development and public accountability for the median income units.

**James Jacobson- 8135 C.R. 141B** wants to know if there were limits on noise and construction on windy days and endorses the idea of a fence but not a wood fence.

**Jessica Chariton- 8105 Spruce Street** requests a fence, would like public accountability on the affordable housing units, feels like the fee in lieu for green space is too low, and wonders whether the elevation of the homes are the same for single residence or multi-family units.

**Paula Farrell- 8255 C.R. 141** submits comments in writing about parking, shares concerns about height restrictions, that this new development should blend with the aesthetics of the surrounding neighborhood and that there should be a public audit.

**Larry Metzler- 8110 Pinon Street** shares concerns about setbacks, that building heights should be restricted and that the roads should be improved to account for increasing traffic.

F. Close Public Hearing – 7:27pm

G. Commissioner Discussion –

Commissioners discuss the following:

- Deed restrictions
- Defining access from the back of the property
- 6 foot fencing or landscape in the back of the property to prevent parking

H. Commission Recommendation -

Motion made by Vice-Chair Bomer to recommend City Council approve the Major Impact Review application for the West End Major Subdivision with the conditions outlined by staff, adding an 11<sup>th</sup> condition to amend lot 4 to meet the 37.5 frontage requirement and propose a 12<sup>th</sup> condition with added language of restricted access, Seconded by Commissioner Kriebel.

Voting Yea: Chairman Follet, Vice-Chair Bomer, Commissioner Dockery, Commissioner Kriebel, Commissioner Walker, Commissioner-Alternate Coppin, Commissioner- Alternate Haynes

Voting Nay: Commissioner Mendelson



**COMMISSIONERS' COMMENTS**

Planning commission discusses the topics below:

- Short Term Rental Moratorium
- Fees in Lieu
- Chaffee County resident restrictions for 6 months for Upchurch

**ADJOURN** – no further business to come before the Commission, the meeting adjourned at 7:57 p.m.





## PLANNING COMMISSION STAFF REPORT

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**MEETING DATE:** September 27<sup>th</sup>, 2021

**AGENDA ITEM TITLE:** Time Extension for Salida Crossings Planned Development – Duane Cozart Representing BV Investments, LLC

**AGENDA SECTION:** New Business- Special Review for Timeline

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**REQUEST:**

The applicant is requesting a 12-month extension to their previously approved development schedule for the Salida Crossings Planned Development, consistent with code provisions at Sec. 16-7-110(d) of the Salida Municipal Code. The property consists of 3.15 acres located at 1520 E. Highway 50. It is zoned C-1 with the Planned Development (PD) overlay.



Site Location

**BACKGROUND AND REQUEST:**

Salida Crossings is a proposed 3-building, 122-unit mixed-use project that was approved by a planned development which allowed additional density and building height in exchange for 30 affordable deed restricted units, greater setbacks, and street improvements. The PD was originally approved by the City Council through the adoption of Ordinance 2018-04 on March 20, 2018. Prior to the ordinance becoming effective, citizens submitted a referendum petition protesting the ordinance. On June 6, 2018, the City Council upheld their decision to approve the Planned



Development; and a Special Ballot Question was set for a special election on September 25, 2018. The ballot measure passed to uphold the Ordinance, and the election results were certified by City Council on October 16, 2018, which is now the effective date of Ordinance 2018-04.

The applicant later requested, and was granted by Planning Commission, an extension to their start date (to be established upon recordation of the development plan) to April 15<sup>th</sup>, 2020. At the time, the development schedule that was submitted with the development plan indicated that Building A, along with the required public improvements, would be constructed within 400 days and that the entire project would be completed within “720-900 days.”

The 400-day mark cited in the development schedule would have been approximately May 20<sup>th</sup>, 2021, and the 720-900 day mark would have been between approximately April 5<sup>th</sup>, 2022 and October 5<sup>th</sup>, 2022. Per Sec. 16-7-110(d) of the Salida Municipal Code, failure of the developer to substantially adhere to the development schedule shall be cause for special review by the Planning Commission, which may be commenced by the City Administrator, Planning Commission, or the developer him/herself. The applicant has remained in communication about the status of the project in the interim and even submitted an Administrative Review for some insubstantial changes to the project in March, 2021. Due to a variety of factors related to financing, labor shortage, building materials costs, design amendments, and public improvements being conducted by the City along Highway 50, progress on the project has languished.

In August of this year, the original owner of the project, Salida Crossings 134, LLC, officially sold the project to a new group, BV Investments, LLC. This new group has committed to constructing the project as approved within a slightly revised time frame. This group has recently conducted additional site work and is planning new construction imminently, with intentions to begin foundational work by October 15<sup>th</sup>, subject to review timelines at the County. The new ownership group was advised by City staff to request an extension to the overall development schedule, given the public interest in the project, previous delays, and the possibility that various project benchmarks may not be met within the timeframe originally provided in the schedule.

The applicant has provided an updated development schedule and is asking Planning Commission to provide a time extension of up to one year to be able to complete the project (technically, no later than October 5<sup>th</sup>, 2023, but estimated as June 30<sup>th</sup>, 2023 in the new schedule). It should be noted that the latest approved development design shifted a large number of the required affordable housing units into the project's first phase, Building A, which will also include commercial retail space on the ground floor below. The developer has also opted in those amended plans to provide space for a day care, which per the conditions of the original PD, also allowed for a reduction in the overall number of parking spaces on the site. These parking spaces will be located around the perimeter of the site as well as in some locations adjacent and between the buildings. The most recent approved site plan is attached to this document.

#### **STAFF RECOMMENDATION:**

Staff recommends that Planning Commission issue an extension to the development schedule for Salida Crossings of up to one year (12 months), in order to accommodate the revised schedule provided in the applicant's request, with the following condition:

- If a building permit application for the project's first building (Building A) is not submitted and paid for within six months of the proposed schedule's first benchmark (foundation work on Building A, slated for October 15, 2021), or April 15, 2022, the applicant shall be required to return to City Council for a comprehensive review of the Planned Development,



per the authority of Sec. 16-7-110 of the Salida Municipal Code. At such a review, City Council may extend the time for completion of the PD, may revoke approval for the uncompleted portion of the PD, or require that the PD be amended. Meeting said deadline in no way exempts the project from other requirements of the section in regards to progress substantially in conformity with the newly approved development schedule.

**PROPOSED MOTION:**

“I move that the Planning Commission approve an extension of the Salida Crossings development schedule for a period of up to one year (12 months), with a completion date no later than October 5<sup>th</sup>, 2023, per Section 16-7-110(d), and with the condition recommended by staff.”

**Attachments:**

BV Investments Request Letter with Amended Development Schedule

Exhibit C- Original Development Schedule for Salida Crossings Development Plan

Latest Approved Site Plan



BV Investments, LLC  
A Colorado Corporation

Date: September 3, 2021

City of Salida  
Development Directors Office  
Salida, CO, 81201

Attn: Bill Almquist  
Planning and Zoning Board members

Mr. Almquist and P & Z Board Members:

Recently we purchased the Salida Crossings project from Salida Crossings 134, LLC, and as such, we are moving as fast as possible to break ground asap. With this in mind we are ready to start the offsite construction on or about September 20<sup>th</sup>, 2021, with the curb and waterline improvements and start the on-sites a week later comprised of storm water retention, fire lines, water lines, fiber optic cable, electric, natural gas, and sewer lines for all 3 buildings.

We would like to submit our schedule for construction on Building “A” and completing the entire project by June 2023.

Current Schedule:	Start Date
Foundation Building “A” start	Oct 15, 2021
Steel Erection and upper floors	Nov 20, 2021
Framing steel studs	Dec 20, 2021
Windows and dry-in	Jan 10, 2022
MEP Trades	Jan 20, 2022
Drywall, Roof, EIFS	Feb 15, 2022
Paint, Doors, Flooring	Mar 15, 2022
Cabinets, Tops, MEP trim	April 10, 2022
Punch items, exterior parking lot, Paving	May 15, 2022
Move in date	June 30, 2022

Buildings “B” and “C” (Building B then 30 days later Building C)	
Foundations	Mar 30, 2022
Steel Erection	April 20, 2022
Framing Steel Studs	May 10, 2022
Windows, Dry-in	June 5, 2022
MEP Trades	June 15, 2022



Drywall, Roof, EIFS	July 20, 2022
Paint, Doors, Flooring	Aug 25, 2022
Cabinets, Tops, MEP trim	Sept 25, 2022
Punch Items, Ext Parking, Paving	Nov 1, 2022
Punch Items Building C	Dec. 1, 2022
Move in date B	Jan 15, 2023
Move in date C	Feb 15, 2023
Closings completed on all 3 buildings	June 30, 2023

This schedule should reflect actual time lines and realistic move in times for owners. We are requesting an extension of the approved development schedule to reflect the dates listed above. This extension is necessary for our financing to be released to finish the project, we have sufficient cash reserves to finance the beginning infrastructure and start Building "A".

We thank you for your time and your understanding of this matter. We are diligently progressing forward to help relieve some of the Housing shortage that the community is currently facing.

We appreciate your time and attention for this important project.

Sincerely,

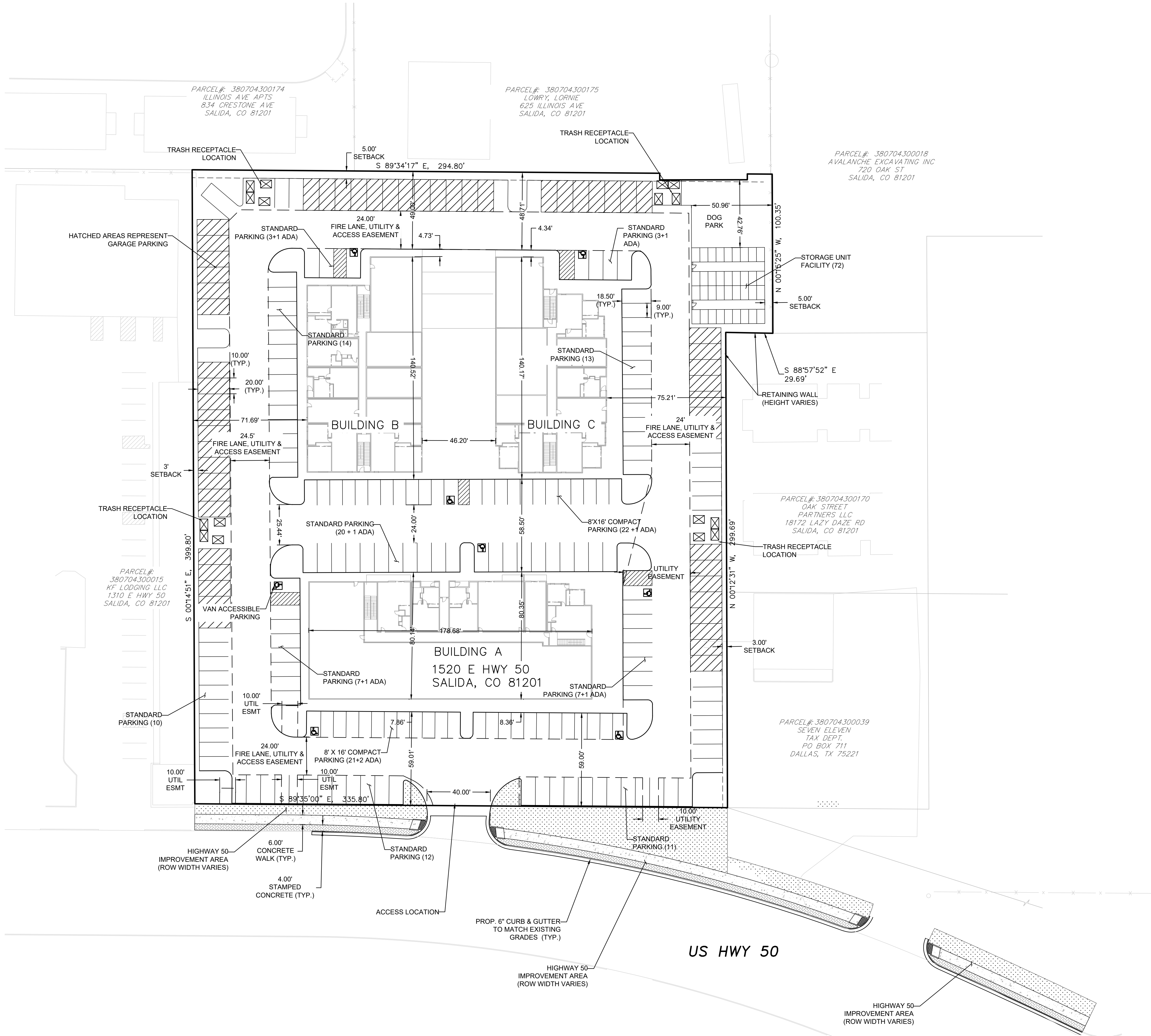
Duane Cozart  
Representing Agent for  
BV Investments, LLC  
Ken Gajera  
Principal



Salida Crossings			
Exhibit C			
Public Improvements Construction Schedule			
Item		Date	Days to Complete
Public Improvements			62
Building "A" concurrently			340
Building "B" concurrently			400
Building "C" concurrently			400
			720-900 days to complete



Drawing name: S:\Entitlement Engineering\17202 - Salida Commons\CAD\Sheets\site plan.dwg SITE PLAN Mar 01, 2021 3:32pm by: JPucillo



LEGEND:

- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPOSED STORM SEWER W/INLET AND FES
- PROPOSED WATER LINE W/FIRE HYDRANT
- FUTURE WATER LINE W/FIRE HYDRANT
- PROPOSED SANITARY SEWER W/MANHOLE
- FUTURE SANITARY SEWER W/MANHOLE
- DRAINAGE FLOWLINE
- PROPOSED BOUNDARY LINE
- PROPOSED TRACT
- PROPOSED EASEMENT LINE
- PROPOSED ROAD CENTER LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED EDGE OF PAVEMENT
- PROPOSED CURB & GUTTER
- EXISTING TRASH ENCLOSURE
- EXISTING LIGHT POLE
- EXISTING STORM SEWER MANHOLE
- EXISTING INLET
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING UTILITY POLE
- EXISTING UNDERGROUND WATER LINES
- EXISTING UNDERGROUND GAS LINES
- EXISTING UNDERGROUND SANITARY SEWER LINES
- EXISTING OVERHEAD UTILITY LINES
- EXISTING FENCE
- PROPOSED PUBLIC SIDEWALK
- 20'X10' SINGLE GARAGE PARKING (55 UNITS)
- STANDARD PARKING = 128 STALLS
- COMPACT PARKING = 44 STALLS
- TOTAL PARKING = 227 STALLS (8 ADA)
- 16 TRASH RECEPTACLES

1	2	3	4	5	6	7	8	9	10	11	12
PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS	PER CITY COMMENTS
2/6/2018	8/9/2019	4/8/2020									
DATE	DATE	DATE									



NOT FOR CONSTRUCTION

SCALE: SEE SHEET  
DESIGNED BY: JP  
DRAWN BY: JP  
CHECKED BY: CD

FINAL DEVELOPMENT PLAN  
SITE PLAN

SALIDA CROSSINGS  
CITY OF SALIDA, COLORADO

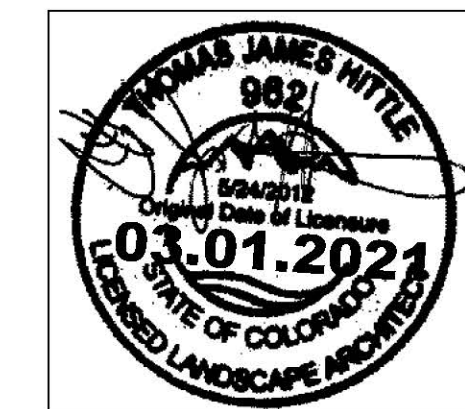
DATE  
4/8/2020  
PROJECT NO.  
17202



ALL IDEAS, DESIGNS, AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF HITTLE LANDSCAPE ARCHITECTS. NONE OF THE IDEAS, DESIGNS, OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF HITTLE LANDSCAPE ARCHITECTS. WRITTEN PERMISSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATION FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS. SHOP DETAILS MUST BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING WITH FABRICATION OR INSTALLATION. REPRODUCTION OF THESE DRAWINGS IS A CRIMINAL OFFENSE UNDER 18 U.S.C. SEC. 506.

Salida Crossings  
Master Landscape Plan  
1520 East Hwy. 50  
Salida, CO 81201

STAMP:



**MASTER PLAN**

REVISION:	N.A.	TJH	TJH	DATE:	03.01.2021	PROJECT NO.:	N.A.	SCALE:	SEE GRAPHIC SCALE	FILE NAME:	Plus.dwg
DRAWN:				CHECKED:							

SHEET NO.

**L-101**

**INDEX OF SHEETS**

Sheet/Sheet No./Name

1. L-100 - CONCEPT PLAN
2. L-101 - MASTER PLAN
3. L-201 - PLANTING PLAN "A"
4. L-202 - PLANTING PLAN "B"
5. L-301 - LAYOUT PLAN "A"
6. L-302 - LAYOUT PLAN "B"

City of Salida, CO - Landscape Guidelines:

Minimum Required Landscape Calculations - Zone PD Requirements:  
10% of lot required to be landscape area

Total Lot Size: 137,254sf  
Total required landscape area (10%) 13,725sf  
6 plants/15 parking spaces  
Total parking spaces = 226  
Total plants required: 91 plants

Actual Landscape Area Provided:  
BASE BID AREA: 14,262sf  
HWY 50 COR.: 8,244sf  
TOTAL: 22,506sf

Actual Trees Provided (BASE BID AREA): 30  
Actual Trees Provided (HWY 50 COR.): 29  
Actual Shrubs Provided (BASE BID): 239  
Actual Shrubs Provided (HWY 50 COR.): 69

**PROGRESS PRINT**  
NOT FOR CONSTRUCTION  
DATE: 03.01.2021

**Bld B&C Courtyard Area BLOWUP DETAIL**  
1"=10'

**Entry Berm Landscape BLOWUP DETAIL**  
1"=10'

**Center Walkway Seating Area BLOWUP DETAIL**  
1"=10'

**Front Corner Berm Landscape BLOWUP DETAIL**  
1"=10'

**Entry Berm Landscape BLOWUP DETAIL**  
1"=10'

**LANDSCAPE LEGEND**

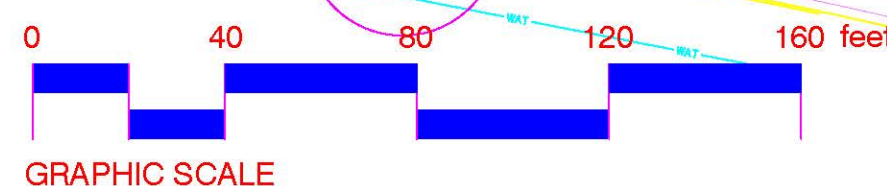
- EXISTING TREES/SHRUBS/PERENNIALS
- PROPOSED TREES
- PROPOSED PERENNIALS
- PROPOSED PERENNIAL GRASSES
- PROPOSED SHRUBS
- 30" EXP. AGG. CONCRETE PAVER (TYP. - SEE DETAIL)
- STEEL EDGING (TYP. - SEE DETAIL)
- BUILDING HYDRANT (TYP.)
- BUILDING DOWNSPOUT (TYP.)

**Landscape Area "A"**

**Landscape Area "B"**

**MASTER PLAN**

SEE GRAPHIC SCALE



NORTH

US HWY 50







## PLANNING COMMISSION STAFF REPORT

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**MEETING DATE:** September 27<sup>th</sup>, 2021

**AGENDA ITEM TITLE:** Changes to Chapters 6 & 16 of the Salida Municipal Code Regarding Short Term Rentals

**AGENDA SECTION:** Public Hearing

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### BACKGROUND:

As part of a series of actions to address the current workforce housing shortage (and specifically to put guardrails on the accelerating loss of long-term housing options), City Council recently implemented a moratorium on new short term rental (STR) licenses. STR units have been shown in various studies to have direct and indirect impacts on both the availability of long-term housing as well as housing affordability. These impacts generally arise as existing units are converted from long-term rentals (or owner-occupied homes) to STRs, and when both new and existing units are sold at prices considerably higher than they would have been without the additional STR revenue potential. The financial incentive to build new units specifically to short term rent may also preclude the development of future long-term housing options.

As of today, there are 210 total STR licenses across the city—including 75 in Residentially-zoned areas (which are capped at 3.5% of total units in those zones and are currently at capacity); 130 in the uncapped Commercial, RMU, and Industrial zone districts; and 5 in areas that were eligible to receive licenses via previous negotiated agreements. Since 2016, when existing STR policies were implemented, the percentage of STRs in non-Residential zones has risen from 9% of the residential stock to approximately 25% today—with the majority of that increase occurring in the Historic Downtown District and immediately surrounding area (where 50% of existing units are STRs). Under current code, non-Residential zones are where the greatest number of residential units could theoretically be removed from the current long-term housing stock and converted to short term rental use (over 400 units). It should also be noted that 70% of STR licenses are currently held by individuals or LLCs with their primary residence located outside of Chaffee County.

Following the initiation of the 90-day moratorium on new short term rental licenses, Council instructed staff to further analyze current conditions and code provisions, and to solicit public input, in order to develop new STR policy options. A survey of public perceptions regarding STRs was distributed online via a variety of channels between August 9<sup>th</sup> and September 3<sup>rd</sup>, 2021. At a work session on August 16<sup>th</sup>, staff presented a handful of policy options to Council, along with a summary of preliminary survey results, to receive general direction on the types of policy proposals to bring forth prior to the end of the moratorium (currently set for October 20<sup>th</sup>, 2021). Staff and the City Attorney have developed those potential code revisions, which are included in the attached Ordinance 2021-15. The main proposed changes to Chapters 6 and 16 are summarized as follows:



## Chapter 6

- Refinement of the definition and requirements of and STR license “Applicant”
- Clarification of application procedures and eligibility requirements
- Proof of Chaffee County residency required for *new* licenses (out-of-County residents with existing licenses would still be able to renew)
  - Exceptions for current owners and executed contracts for existing or new units permitted prior to July 20<sup>th</sup>, 2021 (beginning date of the moratorium), provided license applications are filed on or before June 1<sup>st</sup>, 2022
  - Exceptions via future negotiated land use application processes (at Council’s discretion) where at least double the required amount of affordable housing units are being provided in a development
- Establishment of caps on the number of STR licenses permitted in four separate *non-Residential* areas throughout the City:
  1. C-2/Historic Downtown: **99** Total (represents 70% of existing units) (currently 70 STRs)
  2. Highway 291 Corridor: **100** Total (represents 35% of existing units) (currently 48 STRs)
  3. Industrial Corridor: **16** Total (represents 35% of existing units) (currently 8 STRs)
  4. Highway 50 Corridor: **46** Total (represents 70% of existing units) (currently 4 STRs)

*Note:* The Mayor has also recommended that PC and Council consider an additional exception to the above caps (at Council’s discretion) where a developer agrees to build a significant number of deed-restricted affordable housing units above what would be required

## Chapter 16

- Refinement of the definition and review procedures for “Bed and breakfast inn”
- Clarification of review procedures for STRs in RMU, C-2, and C-1 zones
- Clarification of posting requirements in STR units
- Language regarding area-specific non-residential caps and waitlist information
- Creation of new parking standards for STRs
- Establishment of a cap on the number of STR licenses permitted in any new development (max. 50% for 2 or more units on the same lot)

As mentioned above, a survey was conducted regarding perceptions of STRs, their impacts on housing availability, prices, and on the community as a whole. The summary results of the survey are attached to this memo in graphical form. Overall, the number of respondents who expressed concerns about the number of STR licenses in non-Residential areas and who supported caps in those areas outnumbered those without concerns, approximately 2-to-1. There was a similar breakdown in responses to questions about Residential zones (although, as noted, those zones are already capped and therefore no additional caps are proposed for those zones). Respondents favored future licenses being issued only to primary residents of Chaffee County at a rate of nearly 3-to-1. Respondents also favored licenses being limited to a maximum of 1 per person or LLC at a rate of nearly 4-to-1 (however, due to the ability to create multiple LLCs for ownership, staff feels that such a restriction would be ineffective and overly burdensome administratively, and therefore it is not addressed in the proposed changes).

Lastly, the survey also solicited feedback about the different ways that STRs and hotels/motels are taxed (lower residential rate for STRs, higher commercial rates for hotels/motels). Overwhelmingly, respondents noted that STRs should be taxed the same or similar to hotels and motels. Per conversations with the Chaffee County Assessor and others; however, there are currently no legal mechanisms to assess residential units commercially for such STR use, at least until there is action at



the state level. It is noted that the number of respondents who feel that the fees for STRs are too low also outnumbered those who feel they are too high or just about right, nearly 2-to-1. Such potential fee adjustments are not a part of these proposed changes but will likely be addressed as part of a resolution at a Council date in the near future.

#### **REQUIRED ACTIONS BY THE COMMISSION:**

1. The Commission shall conduct a public hearing.
2. The Commission shall make a recommendation to City Council regarding the proposed changes to Chapter 16. (Council would also welcome comments and recommendations regarding the proposed changes to Chapter 6).

Such recommendations will be brought to the second reading and public hearing in front of City Council on October 5<sup>th</sup>, 2021. As a note, any such amendments would need 30 days to become effective, and therefore the moratorium may need to be extended by at least a couple of weeks.

#### **STAFF RECOMMENDATIONS:**

Staff recommends that Planning Commission recommend approval of the proposed text amendments included in Ordinance 2021-15, along with additional language for exceptions to the proposed caps in non-Residential areas.

#### **RECOMMENDED MOTIONS:**

- A. "I make a motion to recommend the City Council approve the proposed text amendments to Chapters 6 and 16 of the Salida Municipal Code regarding short term rentals, along with the following additions..."

#### **Attachments:**

Ordinance 2021-15

Summary Results of STR Survey

Proof of Notice

Public Comments received as of 9/24/21



**CITY OF SALIDA, COLORADO**  
**ORDINANCE NO. 15**  
**(Series of 2021)**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO**  
**AMENDING CHAPTER 6 AND CHAPTER 16 OF THE SALIDA MUNICIPAL CODE**  
**CONCERNING SHORT TERM RENTALS**

**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 local powers in furtherance of the public health, safety and welfare; and

**WHEREAS**, pursuant to Title 31, Article 15 of the Colorado Revised Statutes, the City also possesses the authority to license and regulate businesses; 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, Business Licenses and Regulations, and Chapter 16, Land use and Development, of the Salida Municipal Code (“Code”); and

**WHEREAS**, the City of Salida is currently experiencing a severe shortage of housing and long-term rental units for the local workforce, and the diversion of the existing housing stock for short-term rental licenses contributes to the City’s housing shortage and has a direct and indirect impact on affordability and the availability of housing; and

**WHEREAS**, as a result, on July 20, 2021, via Ordinance 2021-11, Council imposed a three (3) month temporary moratorium for the City to review, research, develop, adopt and implement recommendations, amendments and regulations regarding housing, affordability and short-term rentals; and

**WHEREAS**, the City engaged in a comprehensive public survey of approximately 750 residents, property owners and stakeholders, held work sessions, meetings and discussions, and reviewed City policy regarding housing of all types and short-term rentals, its impacts, availability, solutions and options that may lead to modification to land use regulations, business licensing requirements, staffing, funding and other regulatory measures; and

**WHEREAS**, without amending the applicable and appropriate regulations within Chapter 6 and Chapter 16 of the Code, short-term rentals will have and continue to have adverse impacts on the community at large, which include, but are not limited to real estate price pressure for present and future local wage earners and workforce, a scarcity of housing options within the City of Salida, a reduction in the number of housing units available to present and future local workforce and wage earners, and diminished neighborhoods and community character and



desirability, all of which may damage the public health, safety, and welfare of the City and surrounding neighborhoods; and

**WHEREAS**, at a public hearing held on September 27, 2021, the City Planning Commission reviewed all related issues and made certain recommendations to Chapter 16 of the Code; and

**WHEREAS**, after due and proper notice as required by C.R.S. §§ 31-23-304 and 305, the City Council held a public hearing on October 5, 2021; and

**WHEREAS**, the Council has conducted its review of all these issues and impacts, and has observed the processes provided for in the Code concerning short-term rentals, and finds that it is necessary for the public health, safety and welfare of its present and future residents, local workforce, businesses, customers, economy and tax base of Salida to amend Chapter 6, Article VI, regarding short-term rental licenses, and Chapter 16, regarding short term rentals, as provided below.

**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.** The definition of Applicant within section 6-6-10 of the Salida Municipal Code is hereby amended to read as follows:

**Sec. 6-6-10. Definitions.**

...

*Applicant* means the owner of the property, **or the person controlling the corporate owner of the property,** used as a short-term rental business, ~~or the owner's authorized agent or representative~~ **as evidenced on the recorded deed for the property.**

**Section 3.** Section 6-6-20 of the Salida Municipal Code is hereby amended to read as follows:

**Sec. 6-6-20. Licensing; limitations; requirements.**

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a license from the City Administrator or City Clerk. The initial license fee, renewal license fee and penalty for operating without a license shall be established by resolution of City Council, as may be amended from time to time, and payable annually in advance.
- (b) Upon approval of a business license pursuant to this Article, the City Administrator or City Clerk shall issue a business license number to each short-term rental business.



- (c) Short-term rental businesses shall include their business license number in the title of the listing for all public advertising, including but not limited to webhosting services such as Airbnb, Home Away, Trip Advisor, VRBO, **Kayak, Orbitz**, etc.
- (d) Applications for a short-term rental license shall be submitted on a completed form provided by the City, and the City shall accept no incomplete applications. Applications shall include all information required on the form.
- (e) Each licensee shall submit to the City, on a yearly basis, and upon renewal, an affidavit, signed by the licensee and notarized, attesting, **under penalty of perjury**, to the duration and frequency of the prior year's short-term rental history, **including the specific number of rooms and nights rented in the prior year**, as well as confirmation of payment of all applicable sales and occupational lodging taxes.
- (f) **The name of the license applicant must match the name of the owner on the deed for the property, or the person controlling the corporate owner of the property. The applicant shall submit to the City a copy of the recorded deed, showing the recording data with the Chaffee County Clerk and Recorder.**
- (g) **Chaffee County residency. To be eligible to apply for a short-term rental license, the applicant and owner of the property to be rented must be a bona fide resident of Chaffee County, pursuant to the following requirements, restrictions and parameters:**
  - (1) **Bona fide residency in Chaffee County shall be documented and established by two (2) or more of the following:**
    - a. **Valid driver's license or Colorado identification card;**
    - b. **Current voter registration;**
    - c. **Valid motor vehicle registration;**
    - d. **Document(s) designating a primary residence for income tax purposes.**
  - (2) **If there is a corporate owner of the property, the person controlling the corporate owner must establish bona fide residency in Chaffee County, as required above, and must provide proof of documentation filed with the Colorado Secretary of State establishing that person's control of the corporate owner.**
  - (3) **Current and valid documentation required by this Article must be provided to the City on an annual basis, for all new and renewal applications.**
  - (4) **Each licensee shall submit to the City, on an annual basis, for all new and renewal applications, an affidavit, signed by the applicant and notarized, attesting, under penalty of perjury, to bona fide residency in Chaffee County, as well as confirmation of the validity of all documentation submitted pursuant to this Article.**
  - (5) **All short-term rental units already licensed with the City as of November 4, 2021, the effective date of Ordinance 2021-15, may continue to operate and renew annually regardless of the Chaffee County residency eligibility requirements of this subsection (g) until such time that the property changes ownership, or the person(s) controlling the corporate owner of the property changes, or until such time the short-term rental license is revoked or abandoned pursuant to this Article. Furthermore, owners of property purchased, or under valid**



and executed contract to be purchased, prior to July 20, 2021 may apply for a short-term rental license regardless of the eligibility requirements of this subsection (g), provided such license application is filed on or before June 1, 2022, and provided that the unit existed or had a valid building permit for construction on or before July 20, 2021. If such a property had a valid building permit for construction on or before July 20, 2021, and is unable to obtain a Certificate of Occupancy before June 1, 2022, such property owner may apply for an extension, in writing, to the City Administrator, except that if such extension is granted, the short-term rental license shall be filed on or before June 1, 2023.

- (6) Exceptions to the residency requirements in this subsection (g) can be granted only upon City Council's sole discretion related to a negotiated land use application process, such as an annexation, planned development or subdivision, where the applicant is providing at least double the amount of affordable housing units required by the inclusionary housing requirements in effect at the time of application, and pursuant to the terms and conditions imposed by City Council upon approval of the subject land use application.

(h) The maximum number of short-term rentals in the non-residential zones (eg: RMU, C-1, C-2 and I) shall not exceed the caps in the following neighborhoods and designated areas, as illustrated in "Exhibit A" to Ordinance 2021-15, a running tally of which shall be kept with the City Clerk's office along with the most recent neighborhood map, and open for public inspection at all times during business hours:

- (1) C-2/Historic Downtown: Ninety-Nine (99) short-term rental licenses
- (2) Highway 291 Corridor: One Hundred (100) short-term rental licenses
- (3) Industrial Corridor: Sixteen (16) short-term rental licenses
- (4) Highway 50 corridor: Forty-Six (46) short-term rental licenses

**Section 4.** Section 6-6-30 of the Salida Municipal Code is hereby amended to read as follows:

**Sec. 6-6-30. - Application, issuance and renewals.**

- (a) Any person desiring a license to engage in the short-term rental business shall apply to the City Administrator or City Clerk prior to any advertising on forms provided by the City Clerk. New license applications for properties within the RMU, **I**, C-1, and C-2 zone districts must be submitted at least thirty (30) days prior to the date of the intended use and prior to any advertising of the property as a short-term rental. New license applications for properties within any zone district other than RMU, **I**, C-1 and C-2, and all renewal applications, shall be submitted by June 1 of every year, and licenses shall be valid from July 1 through June 30. New license application fees for properties within the RMU, **I**, C-1 and C-2 zone districts shall not be pro-rated or reduced.
- (b) The City Administrator or City Clerk may issue a **new** short-term rental business license upon all the following conditions:



- (1) The applicant has submitted a complete application form and provided all required information regarding the short-term rental unit, including, but not limited to a copy of the applicable sales tax license, **the total number of bedrooms**, and the local contact person.
  - (2) The applicant has paid the appropriate fee established by the City Council, **and has paid all taxes and fees owed to the City, including those related to other properties and purposes within the City.**
  - (3) The property to be used for a short-term rental business has completed and complied with the City short-term rental unit inspection worksheet.
  - (4) All applicable requirements in Section 6-6-20 are met.**
- (c) The City Administrator or City Clerk may renew a short-term rental business license upon all the following conditions:
- (1) The applicant has submitted a complete renewal form and provided all required information regarding the short-term rental unit, including, but not limited to a copy of the applicable sales tax license, and the local contact person.
  - (2) The applicant has paid the appropriate fee established by the City Council, and all applicable taxes throughout the previous year, **including sales tax, and has paid all taxes and fees owed to the City, including those related to other properties and purposes within the City.**
  - (3) The property to be used for a short-term rental business has completed and complied with the City short-term unit inspection worksheet and there are no outstanding health and safety violations on the property that are related to the "Short-Term Rental License Renewal Fire Department Checklist," any other application requirements set by the Fire Department, or any violations of Chapter 18 of this Code as it relates to habitability.
  - (4) The applicant has submitted the appropriate affidavits, as required by Section 6-6-20.
  - (5) There have been no violations of the provisions of this Article, or of any law, or regulation pertaining to the requirements of the application, or at the property, or of any of the terms pertaining to the license over the past year.
  - ~~(6) The licensee has remitted sales taxes during the previous year.~~
  - (6) All applicable requirements in Section 6-6-20 are met.**
- (d) It is the duty of each short-term rental licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the City within ten (10) days after the date upon which any information provided is no longer accurate.
- (e) No license issued under this Article shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.



**Section 5.** The definition of Bed and breakfast inn within Section 16-1-80 of the Salida Municipal Code is hereby amended to read as follows:

**Sec. 16-1-80. Definitions.**

...  
*Bed and breakfast inn* means an overnight lodging establishment that provides short-term lodging, **and temporary accommodations, services and amenities, including at least one meal per day, to overnight guests for a fee** ~~for a charge to the public, generally~~ for periods of less than ~~one (1) month~~ **thirty (30) days**, having an owner or manager residing on the site **and operating such establishment**. Incidental sale of supplies or products associated with the bed and breakfast shall be permitted on premises. An appropriate sales tax license shall be obtained and maintained during the course of business.

**Section 6.** Table 16-D of the Salida Municipal Code, regarding Schedule of Uses, is hereby amended, in part, as it relates to short-term rental units and bed and breakfast inns, to read as follows:

**TABLE 16-D**  
**Schedule of Uses**

<b>N = Not Permitted</b> <b>P = Permitted</b> <b>AC = Administrative Conditional Use</b> <b>C = Conditional Use</b> <b>AR = Administrative Review</b> <b>LR = Limited Impact Review</b> <b>MR = Major Impact Review</b>									
<b>Residential Business Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMU</b>	<b>C-2</b>	<b>C-1</b>	<b>I</b>	<b>Standards</b>
Bed and breakfast inns	AR	AR	AR	AR	P <u>AR</u>	P <u>AR</u>	P <u>AR</u>	A R	
...									
Short-term Rental units	AR	AR	AR	AR	P <u>AR</u>	P <u>AR</u>	P <u>AR</u>	A R	Sec. 16-4-190(q)

**Section 7.** Section 16-4-190(f) of the Salida Municipal Code, regarding Review standards applicable to particular uses, Short-term Rentals, is hereby amended, to read as follows:

**Sec. 16-4-190. – Review standards applicable to particular uses.**



...

(q) Short-term Rentals.

(1) Purpose. The purpose of this Section is to protect the health, safety and welfare of the general public and to ensure that the rental of private dwelling units as short-term rentals does not result in adverse impacts to the quality of residential neighborhoods due to excessive noise, parking congestion, and overcrowding and the availability of dwelling units for long term rentals.

a. Registration and licensing requirements.

1. All short-term rentals shall comply with Chapter 6 Article VI of the Salida Municipal Code, which establishes the conditions under which a property owner may apply for a short-term rental business license.
2. A separate short-term license is required for each short-term rental property. The permit shall be issued only to the owner of the short-term rental property. In the residential zones (R-1, R-2, R-3, and R-4), no more than one (1) short-term rental permit is permitted per property owner. All short-term rental permits shall be granted solely to the applicant at the address for which the permit is issued and shall not be transferable to any other person or legal entity **or property**. The owner of the short-term rental is responsible for compliance with the provisions of this Section and Chapter 6 Article VI pertaining to short-term rental licensing.
3. Properties that cannot comply with the criteria set forth in this Section and in Chapter 6 Article VI of the Salida Municipal Code may appeal the decision of the Administrator or his or her designee in conformance with Section 16-2-70 of the Land Use and Development Code.
4. Each short-term rental unit shall have a clearly visible notice posted within the unit that includes the following:
  - i. Contact information for the property management;
  - ii. The City short-term rental business license number;
  - iii. Contact information for emergencies;
  - iv. Location of fire extinguishers and fire escape routes;
  - v. The maximum number of people in terms of permitted sleeping occupancy;
  - vi. The maximum number of persons permitted in the unit at any one (1) time;
  - vii. The location for parking vehicles and the maximum number of parked vehicles permitted for the unit;
  - viii. Alternative parking locations for extra vehicles, trailers and campers;
  - ix. Requirements for smoking;
  - x. Method and timing of trash disposal;
  - xi. Snow removal instructions;
  - xii. Notice to keep noise to a minimum between 10:00 p.m. and 7:00 a.m.;
  - xiii. the total number of bedrooms [and]**
  - ~~xiii~~**xiv.** Policy regarding pets.



(2) Conditions and standards.

- a. The maximum number of short-term rentals in the residential zones (R-1, R-2, R-3, and R-4) shall not exceed three and a half (3½) percent of the total number of dwelling units eligible as short-term rentals (not including apartment units and accessory dwelling units) in those residential zones. This number shall be based on the survey of dwelling units in the residential zones completed in 2017 with the addition of new dwelling unit (with a certificate of occupancy) totals each year, added in December. Permitted short-term rentals in existence at the time of the adoption of this Section shall be included in the calculation of the maximum number of units allowed. In the event the maximum number has been met, no new applications for short-term rentals will be accepted. If a waiting list for short-term rentals in the residential zones exists, new permits, once available, will be issued based on the ability of the applicant to comply with the conditions in this Section and the licensing requirements in Chapter 6 Article VI of the Municipal Code on a first come first serve basis.
- b. **The maximum number of short-term rentals in the non-residential zones (eg: RMU, C-1, C-2 and I) shall not exceed the caps set forth in Section 6-6-20. In the event the maximum number has been met, no new applications for short-term rentals will be accepted. If a waiting list for short-term rentals in the non-residential zones exists, new permits, once available, will be issued based on the ability of the applicant to comply with the conditions in this Section and the licensing requirements in Chapter 6 Article VI of the Municipal Code on a first come first serve basis.**
- c. ~~b.~~ In the residential zones (R-1, R-2, R-3, and R-4), short-term rentals shall be rented as a short-term rental for no more than one hundred eighty-five (185) calendar days a year.
- ~~e~~d. A maximum of one (1) short-term rental is permitted per street segment (which includes the dwelling units on both sides of the street) in the residential zones (R-1, R-2, R-3, and R-4).
- ~~d~~e. Short-term rentals are not permitted in an apartment building at any time in any zone district.
- ~~e~~f. Applicants wishing to rent an individual room(s) on a short-term basis in an owner-occupied dwelling unit shall comply with Table 16-D of the Land Use and Development Code listing for bed and breakfast inns.
- ~~f~~g. Quiet hours shall be observed between the hours of 10:00 p.m. and 7:00 a.m.
- ~~g~~h. No short-term rental shall be operated in such a way as to constitute a nuisance.



hi. The maximum number of occupants permitted in a short-term rental shall be established at the time of initial unit licensing. Events, such as concerts and wedding events are prohibited.

ij. The designated parking for vehicles of short-term rental guests shall be addressed at the short-term rental application and licensing stage, **and shall meet the off-street parking standards identified in Table 16-J.**

**k. Any development that has two (2) or more primary units on the same lot shall have no more than fifty percent (50%) of its units as short-term rental units.**

**Section 8.** Table 16-J of the Salida Municipal Code, regarding Off-Street Parking Standards by Use, is hereby amended, in part, by the addition of Short-term rentals, as follows:

<b>TABLE 16-J</b>	
<b>Off-Street Parking Standards by Use</b>	
<b>Use</b>	<b>Parking Standard</b>
<b>Residential Uses—1 space per unit unless specified below</b>	
Single-family, Duplex, ADU	1 space per unit
Multi-family dwelling unit	One (1) space per first unit, plus one and one-half (1.5) spaces per additional unit. One (1) space per unit <sup>1</sup>
Rooming or boarding house	1 space per bed
...	
<b>Residential Business Uses</b>	
Bed and breakfast inn	½ space per guest room, plus 1 space for owner/manager's unit
....	
Home business or home occupation	1 additional space
<b><u>Short-Term Rentals</u></b>	<b><u>One (1) space per first two (2) bedrooms, plus one half (½) space for each additional bedroom</u></b>
...	

**Section 9.** The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

**INTRODUCED ON FIRST READING, ADOPTED and ORDERED PUBLISHED IN FULL** in a newspaper of general circulation in the City of Salida by the City Council on the 21<sup>st</sup> day of September, 2021 and set for second reading and public hearing on the 5<sup>th</sup> day of October, 2021.

**INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY**, by the City Council on the 5<sup>th</sup> day of October, 2021.



CITY OF SALIDA

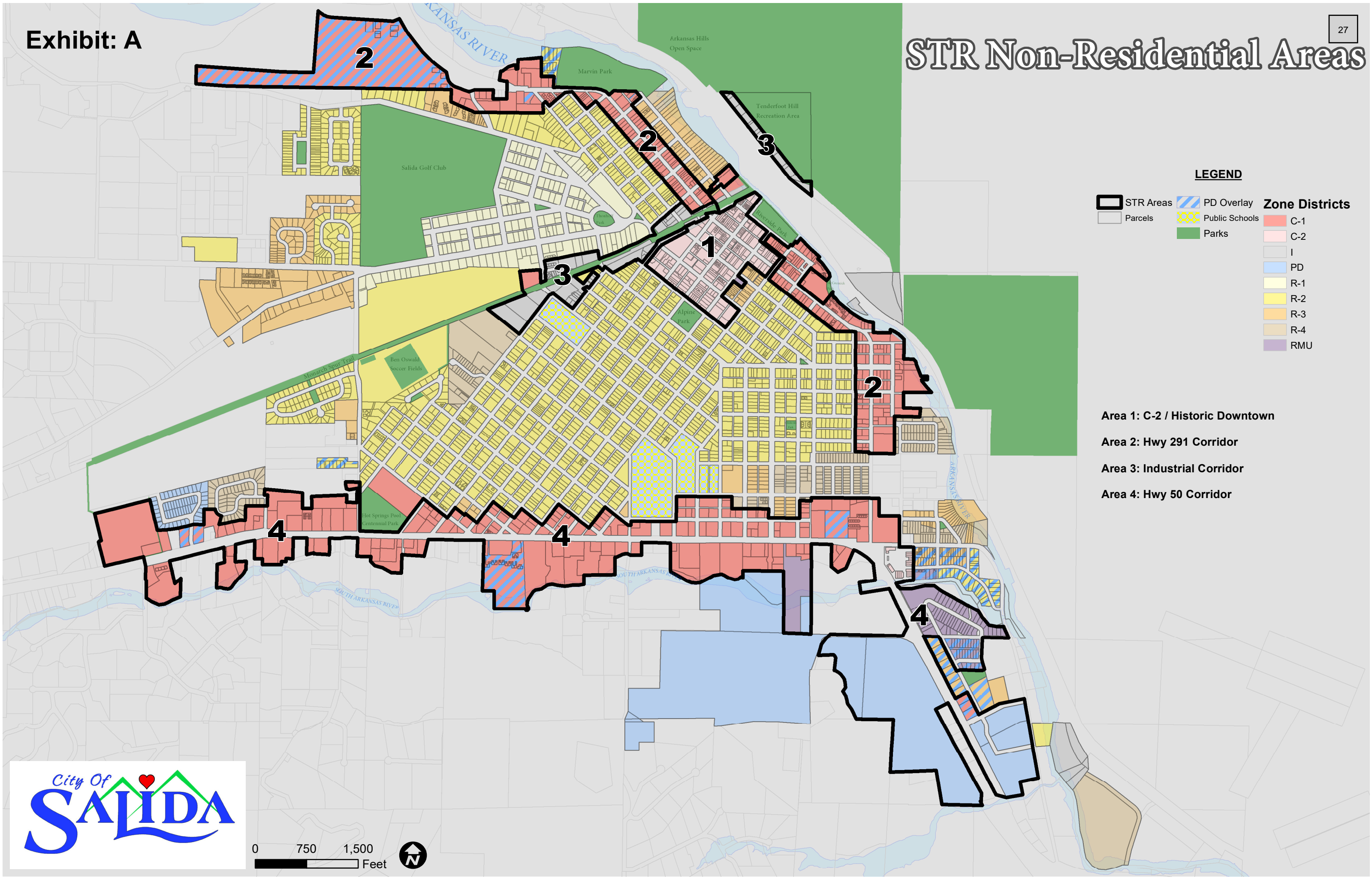
By: \_\_\_\_\_  
Mayor PT Wood

ATTEST: (SEAL)

By: \_\_\_\_\_  
City Clerk



# STR Non-Residential Areas





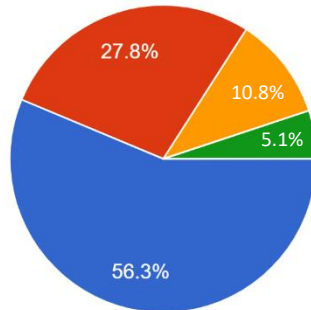
## City of Salida Short-Term Rental (STR) Survey Results

(August 10<sup>th</sup> – September 3<sup>rd</sup>)



Where is your primary residence?

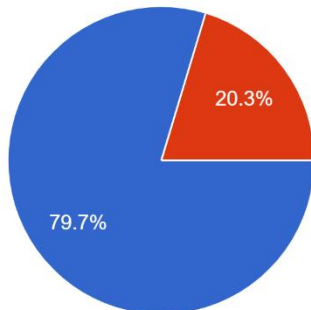
748 responses



- Within Salida city limits
- Within Chaffee County or within 50 miles of Salida
- Outside the area but within Colorado
- Outside of Colorado

Do you own or rent your primary residence?

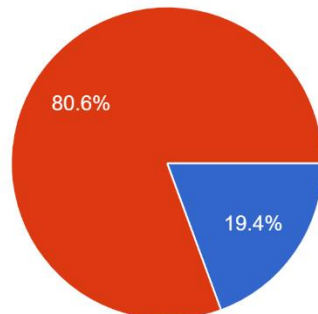
748 responses



- Own
- Rent

Do you currently hold a short-term rental (STR) license within the City of Salida?

748 responses



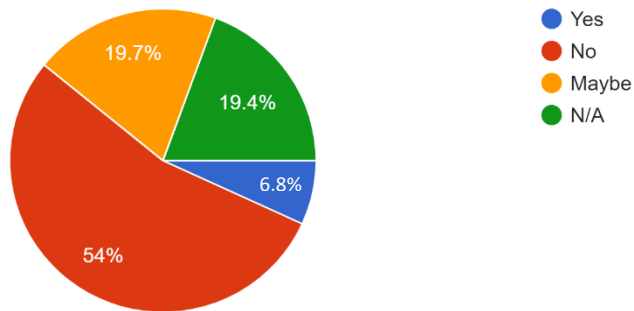
- Yes
- No





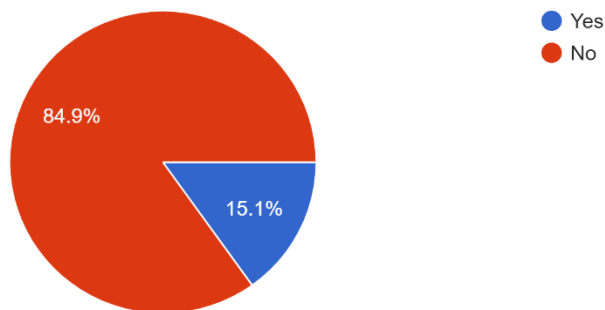
If you do not currently hold an STR license, do you currently have plans to obtain one in the future?

731 responses



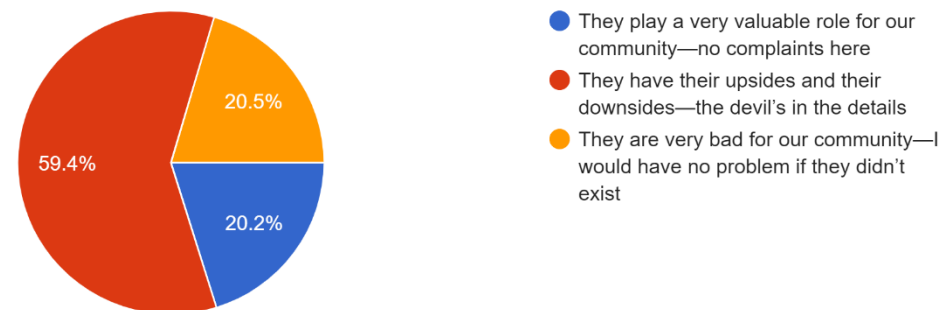
Are you involved with STRs in any sort of other business fashion (e.g. property management, real estate, development, etc.)?

748 responses



Generally speaking, how do you view STRs?

748 responses

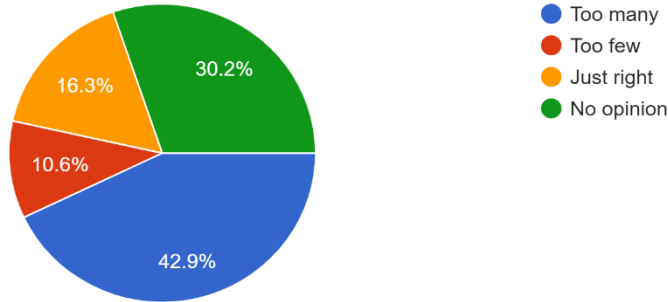






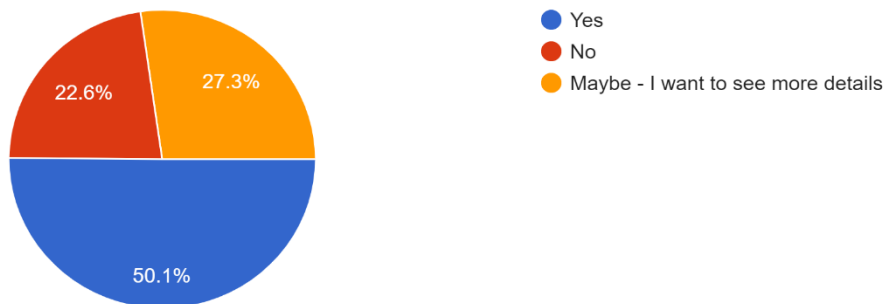
What is your view of the current number of STR licenses in COMMERCIAL/INDUSTRIAL zone districts?

748 responses



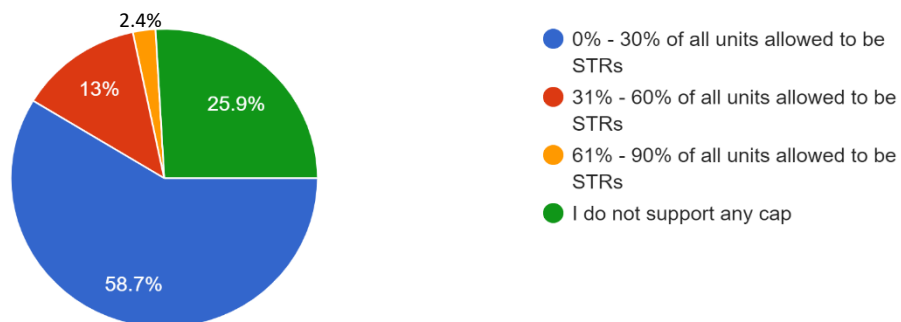
Would you support some sort of cap on the number of STR licenses allowed for EXISTING UNITS in COMMERCIAL/INDUSTRIAL zone districts? (assuming existing licenses would be allowed to continue)

748 responses



If you would support limits on the number of STR licenses allowed for EXISTING UNITS in COMMERCIAL/INDUSTRIAL zone districts, what do y... think would be an appropriate percentage cap?

714 responses

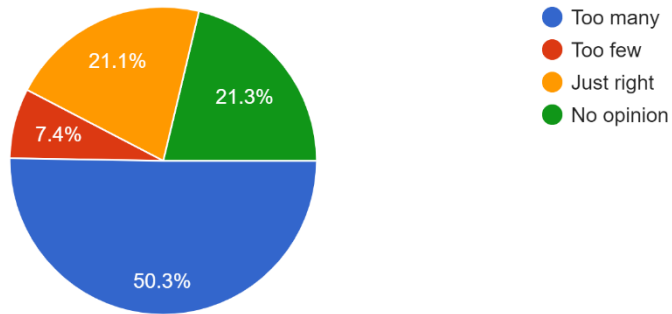






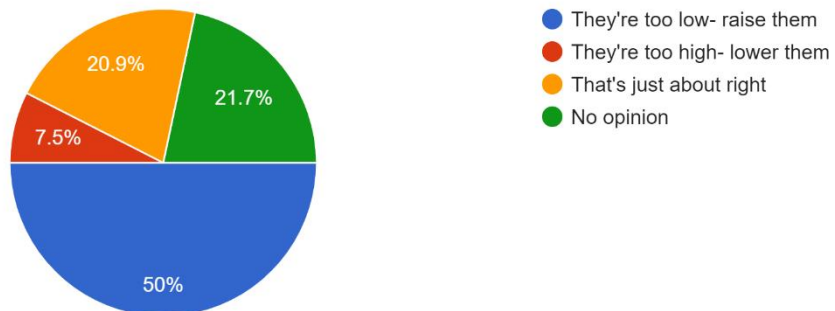
What is your view of the current number of STR licenses in RESIDENTIAL zone districts?

748 responses



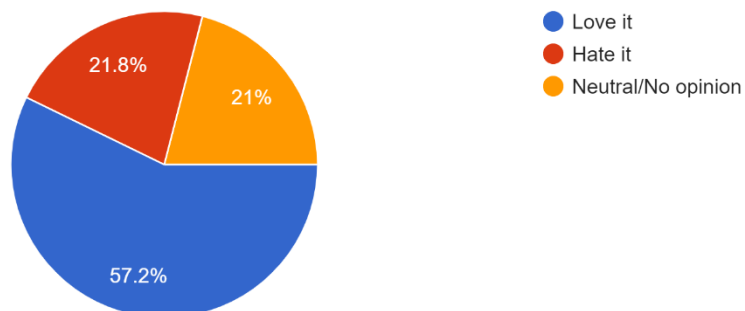
How do you feel about current fees for STR licenses?

748 responses



How would you feel if only primary residents of Chaffee County were allowed to receive FUTURE licenses?

748 responses





Name of an Adult has been filed with the Chaffee Court.  
The Petition requests that the name of Addie Lee Browning be changed to Adelee Browning Richey

SEAL  
By /s/ Dana Petri  
Clerk of Court/Deputy Clerk  
Published in The Mountain Mail September 10, 14 and 17, 2021

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARINGS BEFORE  
THE CITY OF SALIDA PLANNING  
COMMISSION AND SALIDA CITY  
COUNCIL CONCERNING PROPOSED  
AMENDMENTS TO CHAPTER 6  
BUSINESS LICENSES AND REGULATIONS  
AND CHAPTER 16 LAND USE AND  
DEVELOPMENT OF THE SALIDA  
MUNICIPAL CODE REGARDING SHORT-  
TERM RENTAL (STR) UNITS**

TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE NOTICE that two public hearings will be held to consider amendments to Chapter 6, Article VI and Chapter 16, Article IV of the Salida Municipal Code regarding short-term rental units and licensing:

• **Monday, September 27, 2021**—at or about the hour of 6:00 p.m., a public hearing will be conducted by the City of Salida Planning Commission at City Council Chambers, 448 East First Street, Suite 190, Salida, CO and online at: <https://register.gotowebinar.com/rt/1909092342220683277>. Planning Commission will consider said amendments and make recommendations to City Council for the hearing listed below.

• **Tuesday, October 5, 2021**—at or about the hour of 6:00 p.m., a second reading and public hearing will be conducted by the Salida City Council at City Council Chambers, 448 East First Street, Suite 190, Salida, CO and online at the following link: <https://attendee.gotowebinar.com/register/6382995264411204366>.

The proposed changes regard potential caps on the number of licenses permitted in currently uncapped zone districts/areas, residency requirements, and other code clarifications. Interested persons are encouraged to attend the public hearings online or in person. Further information on the application may be obtained from either the City Clerk's Office or the Community Development Department.  
Published in The Mountain Mail September 17, 2021

EQUIPMENT, \$291.83; BUENA VISTA HOME VALUE 2, \$453.37; BUSINESS OPTIONS MEDICAL BILLING LLC, \$5,235.26; BUSINESS SOLUTIONS LEASING, \$3,441.15; C & J AUTOMOTIVE, \$3,015.36; C.C. TREASURER & PUBLIC TRUSTEE, \$409.23; CAAO, \$50.00; CAPITAL ONE, \$249.77; CAPITAL ONE TRADE CREDIT, \$195.87; Castendyk, Devin, \$150.00; CDPHE (ASD-AR-B1), \$670.00; CEBT, \$254,427.07; CENTRAL COLORADO CONSERVANCY DIST, \$1,000.00; CENTRAL COLORADO TITLE & ESCROW, \$51,300.00; CENTRAL RESTAURANT PRODUCTS, LLC, \$308.66; CenturyLink, \$3,223.69; CENTURYLINK QCC, \$4,807.52; CHAFFEE COUNTY DHS, \$21,228.48; CHAFFEE COUNTY FIRE PROTECTION DIST, \$4,010.50; CHAFFEE COUNTY HOUSING DEPARTMENT, \$139,110.00; CHAFFEE COUNTY LANDFILL, \$759.77; CHAFFEE COUNTY TREASURER, \$474,361.14; CHAFFEE PRINTING CENTER, \$669.48; CHAFFEE TIRE & WHEEL, \$957.00; CHAMBER OF COMMERCE HEART OF THE ROCKIES, \$5,000.00; CHARTER COMMUNICATIONS, \$144.98; CITY OF SALIDA, \$4,534.00; CITY SERVICE VALCON, \$32,584.87; COLLEGIATE COMMONS APARTMENTS, \$450.00; COLLEGIATE PEAKS BANK, \$1,645.04; COLO. DEPT OF HUMAN SERVICE, \$2,280.00; COLO. DEPT OF REVENUE, \$1,884.91; COLONIAL LIFE & ACCIDENT, \$948.50; COLORADO ASSOCIATION OF TAX APPRAISERS, \$85.00; COLORADO CENTRAL TELECOM, \$2,002.92; COLORADO COMPRESSED GASES, \$128.80; COLORADO STANDARD, LLC, \$8,750.00; COLORADO STATE UNIVERSITY, \$2,572.50; COLORADO WEED MANAGEMENT ASSO., \$493.50; COMMUNICATION SOLUTIONS, \$492.87; COPELAN, JOSHUA, \$319.52; COPPER, DEE DEE, \$40.00; CORVINUS GROUP, LLC, \$795.31; CP'S PORTABLES, \$120.00; CRABTREE GROUP, INC., \$40.00; CRAWFORD AUTO PARTS, \$480.15; CREST COUNSELING SERVICES, \$125.00; CURGUS, MARJO, \$150.00; CURTIS, DAVID, \$5,333.33; DE VOY, DANE, \$105.00; DEPT OF LABOR BOILER INSPECTION, \$180.00; DESIGN CONCEPTS CLA, INC., \$7,413.75; DISTRICT ATTORNEY OFFICE, \$127,998.24; DOUMAS, THOMAS, \$100.00; DUNN, SUSAN H., \$35.00; DWYER, ANNE, \$113.27; EL PASO COUNTY CORONER, \$4,500.00; ELECTION CENTER, \$509.00; ELITE BRANDS OF COLORADO, \$170.00; EMERALD CARPET CARE, \$1,238.00; ESO SOLUTIONS, INC., \$111.00; EXTENSION ACTIVITY FUND, \$29.20; FAIRBANKS SCALES, INC., \$2,230.00; FAMILY FRIENDLY COURT, \$154.00; FAMILY SUPPORT REGISTRY,

SIGNS & GRAPHICS, \$80.00; PSYCHOLOGICAL DIMENSIONS, \$350.00; PUEBLO BANK & TRUST, \$415.01; QTPOD, \$427.72; QUILL CORPORATION, \$974.39; RAUSCHKE, PAUL, \$150.00; READY COMM, \$839.15; REED, TARA, \$1,225.00; RICE, REBECCA, \$150.00; RIVER RUNNERS, \$40.00; RIVERSIDE TROPHIES, \$59.95; ROBERTS, RICK, \$19.96; ROSHAMBO, LLC, \$300.00; ROWELL, ANGEL, \$2,156.45; SAFETY KLEEN SYSTEMS, INC, \$304.35; SAGE GENERATION, \$224.63; SALIDA ACE HARDWARE, \$5,244.51; SALIDA AUTO & DIESEL REPAIR, \$213.25; SALIDA AUTO PARTS, \$2,369.51; SALIDA AUTO SALES, \$1,293.60; SALIDA FIRE EXTINGUISHER, LLC, \$344.00; SALIDA HOSPITAL DISTRICT, \$2,107.42; SALIDA TECH, INC., \$12,310.00; SANGRE DE CRISTO ELECT, \$1,323.73; SANOFI PASTEUR, INC, \$483.74; SARAH F. WHITTINGTON PC, \$8,054.00; SCANGA MEAT CO., \$315.44; SCOTT, JOEL, \$40.00; SEAN'S LAWN CARE, \$1,200.00; SELLARS PROJECT SPACE, \$91,800.00; SHAMROCK FOODS COMPANY, \$2,674.78; SHEHANE, JUDITH, \$300.00; SHIP N THINGS, \$49.60; SKYLINE STEEL, \$19,837.60; SLOW MONEY INSTITUTE, \$1,000.00; SORUM TRACTOR COMPANY, \$401.17; SOULCRAFT BREWING, \$165.00; SOULED OUT T-SHIRTS, \$970.00; SOUTHERN COLORADO MORTUARY TRANSPORT LLC, \$885.00; SOUTHWEST CENTENNIAL CORPORATION, \$920.00; SSCOR INC., \$132.27; STANDARD INSURANCE COMPANY, \$3,161.64; STECK INSIGHTS WEB DESIGN, \$75.00; SYSCO DENVER, \$6,390.93; TBK Bank, \$41.67; TELEFLEX LLC, \$2,215.50; THE ALLIANCE: SART, \$550.00; THE ARTWORKS, \$16,374.00; THOMAS REUTERS - WEST, \$159.14; TIMBERLINE MOTORSPORTS, \$272.86; TOLIN MECHANICAL SYSTEMS, \$1,696.00; TOTAL OFFICE SOLUTIONS, \$315.29; TOWN & COUNTRY SALIDA, INC., \$8,175.51; TOWN OF BUENA VISTA, \$120.72; TOWN OF PONCHA SPRINGS, \$243.65; TRACTOR SUPPLY CREDIT PLAN, \$535.92; TRANSWEST TRUCK TRAILER RV, \$217.94; TRILLIUM HOLDCO, LLC, \$9,236.97; TRIPLETT, ASHLEY, \$79.44; TRYG GROUP LLC, \$23,761.56; TURN KEY HEALTH CLINICS, LLC, \$30,936.67; U.S. BANK, \$73,795.18; UAACOG, \$290,000.00; UPPER ARK VALLEY FOP #43, \$1,680.00; UPPER ARKANSAS CONSERVATION DISTRICT, \$381.25; URBONAS, WAYNE, \$39.25; VALLEVONA, ROBERT A., \$300.00; VAX-CARE, \$533.93; VELTRI, JOSEPH, \$107.78; VENES, REBECCA, \$60.00; VERIZON WIRELESS, \$5,092.85; VISTA WORKS, \$138.25; WAGNER EQUIPMENT CO, \$228.19; WART-

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 (719) 239-2018  
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[info@chaffeecountyedc.com](mailto:info@chaffeecountyedc.com)

August 11, 2021

Salida City Council  
 448 E. First Street, Suite 112  
 Salida, CO 81201

RE: Impact to Jobs, Investment From Limiting Short-Term Rentals (STRs) in Commercial Zones

Dear Councilmembers:

The staff, board, and membership of the Chaffee County Economic Development Corporation appreciates the urgency of the affordable housing shortage in the City of Salida and commends your historical and current commitment to finding meaningful solutions. However, we do not view the limiting of short-term rentals (STR's) in commercial zones to be an optimal solution.

As you develop your long-term course of action on this issue, we request that you create opportunities to hear directly from those business leaders who are negatively impacted by the unintended consequences of the recent moratorium on this issue.

Of particular note:

- Construction and development are long-term processes and related capital investment and job creation depends on stable, predictable public policy. The recent moratorium on this issue, while well intentioned, represents a significant mid-stream change to previously agreed upon policy created through robust public input.
- This change creates unintended negative consequences jeopardizing tens of millions of dollars of investment already secured and countless jobs yet to be created in the creation of new mixed-use development in commercial zones.





- Mixed-use projects in commercial zones create desirable, safe, activated spaces 24 hours a day, in zones the Planning Commission has previously identified through public input as well suited for this type of development.
- These projects often donate land to the City's affordable housing partners and all meet the affordable housing requirements mandated by the City.
- While some residential units in these zones will be short-term rentals in the near term, they provide valuable housing options for workers in numerous construction and building trades in the near term, and may well become long-term rentals in the future as market preferences change.

In order to better understand these concerns, the Chaffee County EDC requests that negatively impacted businesses be allowed an opportunity to contribute to a public conversation to guide future policy on STRs in commercial zones.

Sincerely,



Jake Rishavy  
Executive Director  
Chaffee County Economic Development Corporation





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## STR Discussions

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bgray@chaffeeconomy.org <bgray@chaffeeconomy.org>

To: Drew Nelson <drew.nelson@cityofsalida.com>

Cc: Bill Almquist <bill.almquist@cityofsalida.com>

Wed, Sep 1, 2021 at 10:01 AM

Greetings Drew and Bill,

I wanted to touch base with you regarding the Council's discussions regarding short term rentals. I will attend the next few meetings about this topic, and I would like opportunity to speak on the subject. Please let me know if you'd prefer I do this during "citizen comment" or some other fashion.

I'm sharing with you the attached word doc, which summarizes some Salida-specific responses to a recent survey conducted by the Community Engagement committee on the Chaffee housing Authority. The quotes pulled out are particularly poignant to the STR discussion.

In response to the staff recommendations made August 16<sup>th</sup>, I encourage you to consider the needs of local workforce residents as you navigate this discussion. One approach I will advocate for is to be sure there are *at least* as many permanently affordable long term housing units as there are short term rentals in the four districts/zones being evaluated. One approach could be that in each of these zones/districts there is an inclusionary policy that allows the following unit mix:

- 1/3 Permanently affordable housing units
- 1/3 Short term rentals
- 1/3 market rate housing units

This would at least demonstrate that workforce housing takes the same priority as the tourism and development communities.

Please let me know how and when you would prefer I communicate this recommendation to your Council members.

With great appreciation,

Becky Gray

Director of Housing

Chaffee County, Colorado

719-239-1398

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This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.



**Chaffee Housing Authority Survey Salida specific August 2021.docx**

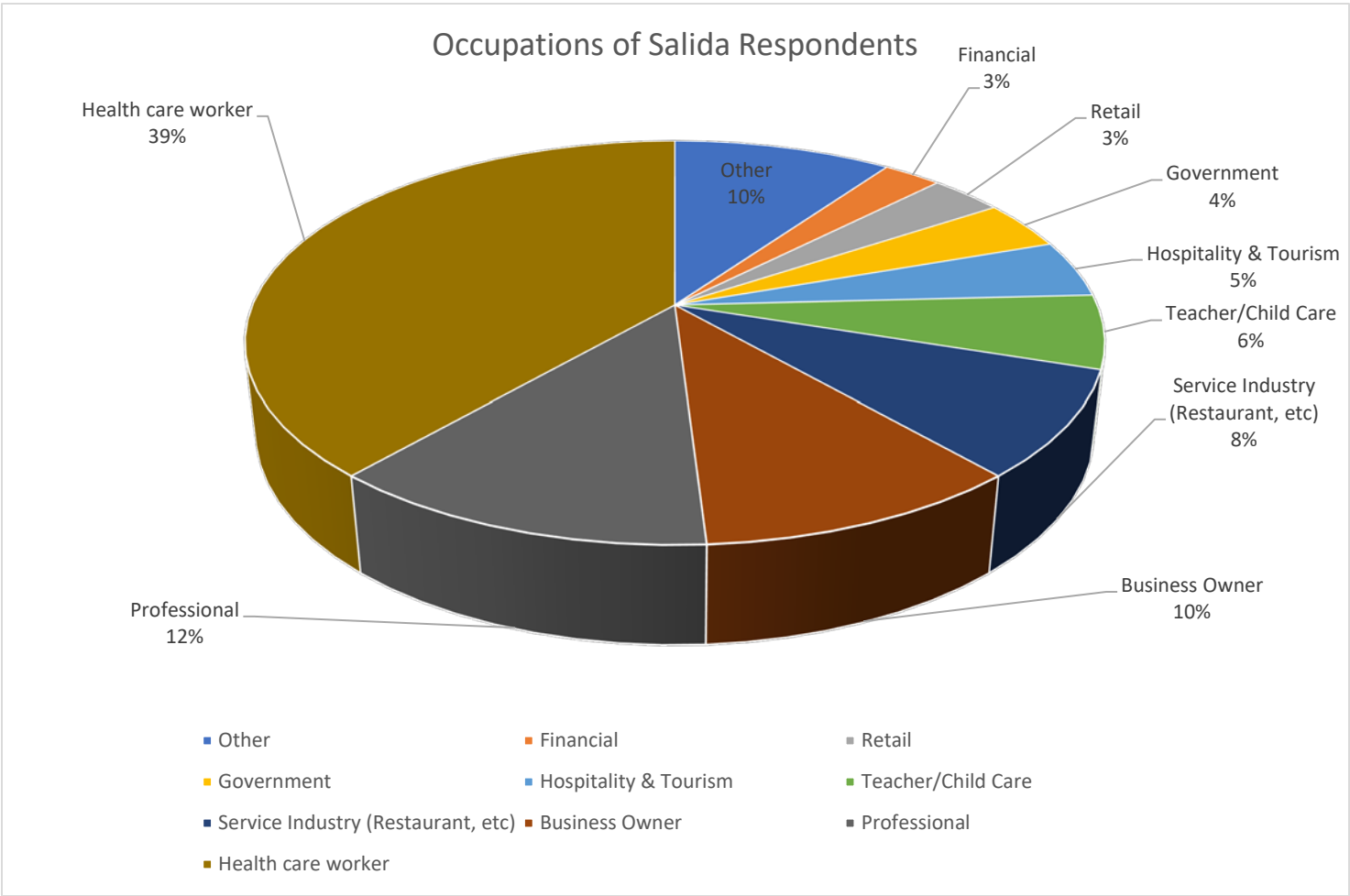
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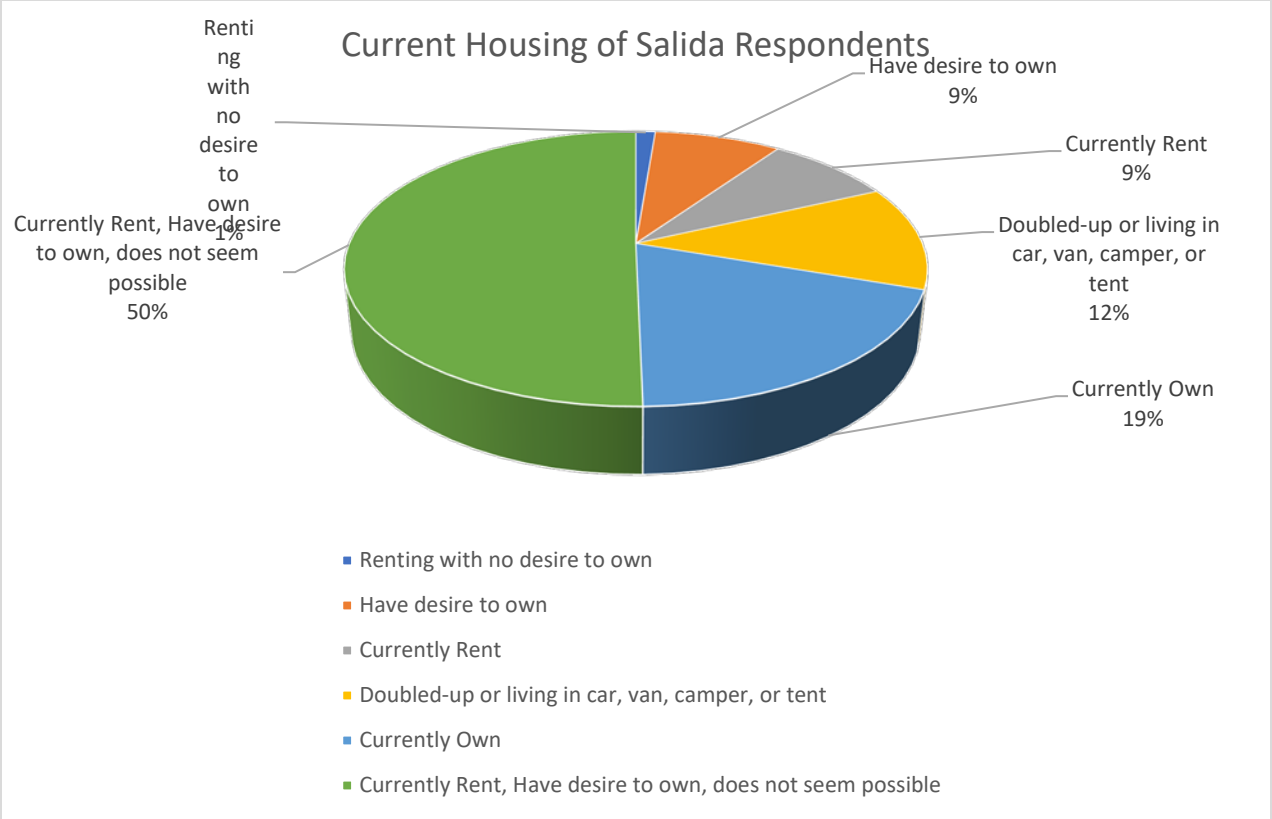
Chaffee Housing Authority – Housing Survey, conducted August 2021

286 total responses as of 9/1/2021

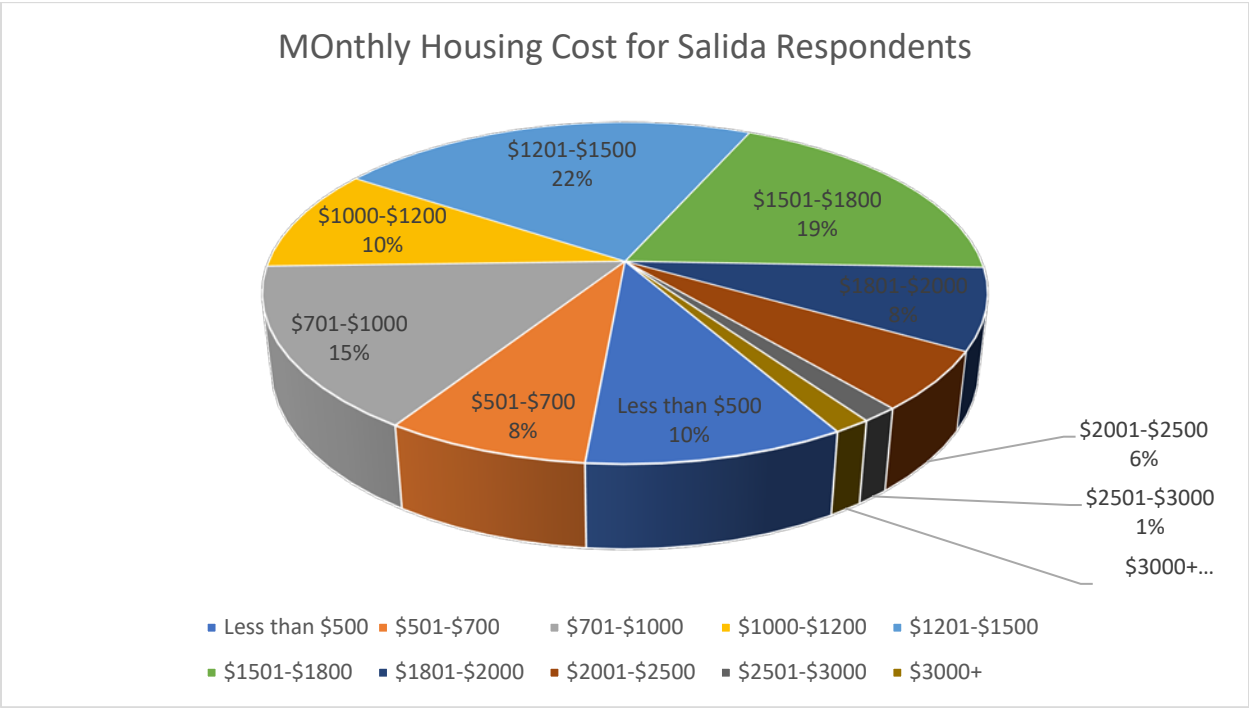
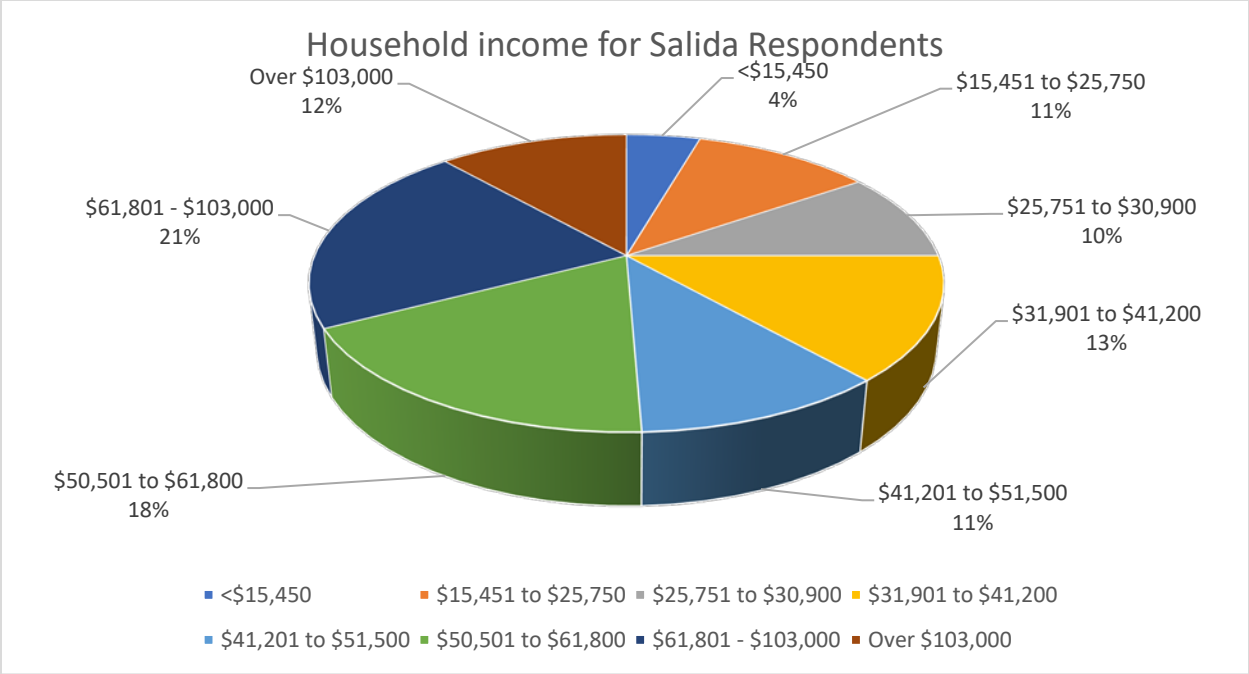
158 reported their primary residence to be in Salida











“I’m currently work three jobs and going to school while living in my car. It’s difficult to find a room or an apartment out here. I’ve tried for a year and eventually will move on in 2022, but I hope in the future there are more housing options for potential people who move out here.”



“We need more long term rentals. The city must understand this and not be afraid to push for it. It’s more about the humans that have lived here forever and Salida’s workforce. It’s heartbreaking that businesses are closed because of lack of help. And native families that have a bad run, that cannot afford to get back in their feet here because there are NO options!! And people that state “affordable housing”, must ask affordable for whom?”

“I am sorry but the city has ruined this town with letting so many air bnb come into Chaffee county’s. City council needs to do something about this now that they let this happen.”

“I would love to buy instead of rent. It is impossible to find something affordable and not enough inventory. Too many short term rentals pushing prices out of reach.”

“It would be helpful if there were more regulations around Air BNB's, as it is impossible to find a fairly priced home for sale, and the number of Air BNB's make renting very difficult. It does not support individuals who work in and support the actual community. It makes me not want to live here or invest in the community any longer.”

“More long term rentals for locals working in Salida. Pet friendly a must.”

“I've struggled to find long-term rentals or even something affordable to buy ; because it boils down to who you know whether you get a discounted rental rate and how long your lease is going to be. I've been trying to buy for over a year now; I've given up on that thinking..... I'd believed this community and County was a champion for their citizens.... when in fact they're more concerned about the tourism dollars.”

“I observe that it is the lack of regulation of vacation rentals that is killing our local access to housing--it also drives prices up both for rentals and home purchases, as well as outside commodification interests of our beautiful area.”

“Progressive, aggressive housing reform that prioritizes the people that work and live here.. those of us that bring value to this place have no voice. Vacation home and second home moratorium, much higher fees, use to income to build or buy back housing appropriate for Chaffee (not apartments, this isn’t Denver).”

“There needs to be less vacation rentals/second homes from people who don’t live here. We are open to buying but prices are skyrocketing because people from out of county/state/country are buying them all up as rentals and charging ridiculous rental prices. There should be a higher property tax or something on those people buying houses that don’t use them as a primary residence.”

“Stop letting second homeowners gobble up all of the inventory for Airbnb!!! We have nowhere to live as locals!!!!!!”





## Fwd: Attention: Planning Commission

**Public Comment** <publiccomment@cityofsalida.com>  
To: Bill Almquist <bill.almquist@cityofsalida.com>

Tue, Sep 7, 2021 at 1:07 PM

Bill,  
Just wanted you to see this. She'd like it forwarded to the Planning Commission.

Erin

----- Forwarded message -----

From: **Jessica Wierzbinski** <wierzbinski@msn.com>  
Date: Mon, Sep 6, 2021 at 9:37 PM  
Subject: Attention: Planning Commission  
To: [publiccomment@cityofsalida.com](mailto:publiccomment@cityofsalida.com) <[publiccomment@cityofsalida.com](mailto:publiccomment@cityofsalida.com)>

If I am sending this to the wrong address, please advise as to how I can get it before the planning commission in advance of their discussion of this topic.

This is the letter I'm sending to city council persons, and so I would like to get it before the eyes of the planning commission as well....

Dear City Council member,

Regarding the current moratorium on short term rentals, especially as it applies to historic downtown Salida, I applaud the city for being proactive in protecting long-term housing and preserving the community feel of Salida. However, I question the timing of this moratorium (summer being high season for real estate sales), and certainly the proposed length of it. Many people are left in limbo while the city's decision is pending, and I would ask the council to consider a measure to alleviate that pressure on homeowners and home buyers.

I currently own a condo on C and Sackett Avenue that was my family's primary dwelling until we recently outgrew it. I am trying to sell it in order to buy our "forever home." There is a contract on my condo, and I am under contract on the dream home I'd like to buy. Unfortunately, both of those sales are suspended indefinitely, pending city council's decision on short term rentals.

My condo has been under contract since before the moratorium began, but when the moratorium was announced, the buyers decided they could not proceed with the purchase unless they are able to live in the condo part time and use it as a vacation rental for portions of the year, to help cover their mortgage. Sympathizing with the uncertain situation they've been put in, I agreed to extended the contract for sale to allow time for the city to make their decision. But this puts me in a precarious position to say the least. I risk losing the contract on both homes!

I have a license for short term rentals for the condo, so if that license can be transferred to the new owners, then both of these home sales can go through this fall. And I am not the only STR license holder in the same or a similar position. I know of several buyers and sellers whose investments are tied up right now, pending the city's decision on this. I would urge you to move quickly to allow at least those of us who are under contract to have transferrable licenses, or for the buyers who are currently under contract on commercially zoned properties to be allowed to procure their own license immediately if they choose to, even if the moratorium needs to remain in effect while you hammer out the details of the new licensing restrictions.

Again, I applaud the city for recognizing the local housing crisis and acting on it. I agree there should be a cap on the number of STR licenses available in commercially zoned downtown Salida. Furthermore, allowing licenses in commercial zones to be transferrable to new owners makes complete sense: it would not increase the number of STRs downtown but would simply allow existing businesses to continue to operate as such, unimpeded. It would allow people like me to be able to sell the business they've worked for years to establish; whereas if that possibility is suddenly taken away, my investment crumbles. Honestly, I feel like the city has pulled the rug out from under me here. If my condo becomes suddenly ineligible for an STR license, its value and salability drops considerably.

If I may be so bold as to make recommendations to council on how to protect our downtown and long-term housing without jeopardizing people's investments, I would make the following concrete suggestions, humbly offered for your consideration:

- Limit STR's in downtown commercial zones to somewhere just a little above the saturation level we're now at (because it feels like a pretty good mix of long- and short-term housing downtown right now, such that a small increase in STRs can be sustained without unduly threatening the balance; whereas, dropping the axe on them entirely and unexpectedly feels rather draconian and will certainly cause backlash)
- Allow existing STR licenses in commercial zones to be transferrable to new buyer, upon formal request from said buyers, and requiring a transfer fee to cover administrative costs.
- Require STR owners to pay lodging taxes as they are currently structured, \$3.66 per night rented.
- Remove the cap on the number of nights per year an STR may be rented (since STR's are being compared to hotels and motels, they should be able to rent them out just as frequently as those businesses)
- In both residential and commercial zones, remove any limitations on permanent residents wishing to rent out a portion of their home, or wishing to rent out their entire home for less than 1/3 of the year. (This is how permanent residents can make their personal housing truly affordable for themselves—by renting their homes out while they travel, or renting a room out now and then. This is an affordable housing tool that should not be denied to local homeowners.) Such permanent residents should still be required to hold an STR license from the city and to pay the per-night lodging tax, but their license should not count toward any caps that are put into place.
- Limit the number of STR licenses any given entity can hold for a residence that is not their primary residence to just 1.
- Require all STRs (and hotels and motels) to provide curbside recycling service to their guests. (I realize this last point is rather tangential, but it really should be in place in a town that is such a vacation destination. If you need someone "in the STR industry" to spearhead this as a separate initiative, I'm happy to take that one, and I will likely tackle it once this moratorium/licensing question is resolved. Your direction in that endeavor is most welcome.)

Thanks for your time and attention, and for the hard work you're putting into shaping this important civic policy for our burgeoning town!

Best,

Jess

Jessica

**Stay In Salida**  
719-207-1335  
[Stayinsalida.com](http://Stayinsalida.com)







Bill Almquist &lt;bill.almquist@cityofsalida.com&gt;

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## Short Term Rentals

---

**Keith Kolar** <kckolar@sbcglobal.net>  
To: bill.almquist@cityofsalida.com

Sun, Sep 19, 2021 at 3:21 PM

Bill,

I am writing in regards to the short term rental moratorium in downtown Salida; noted in the Standard.

As I recall from the last big recession, Salida welcomed local and outside investment into its downtown. These investments would seem to have had an overall positive impact.

I am not in favor of restricting current or under development STR properties that bring visitor spending to the city.

I wouldn't disagree Salida needs to have more affordable housing for its workers vs more STRs for visitors.

That said, is there any consideration for a special economic development zone that would draw investors in to build affordable apartments?

Best regards  
Keith Kolar  
(M) 1 630 240 5640





Public Comment &lt;publiccomment@cityofsalida.com&gt;

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## Short Term Rental Public Comment

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**Shawn Allison** <Shawn@thinairendurance.com>

Fri, Aug 13, 2021 at 1:03 PM

To: "publiccomment@cityofsalida.com" &lt;publiccomment@cityofsalida.com&gt;

I am very concerned about the moratorium on short term rental STR as it relates to applications in the commercial zone of Salida. The commercial zone by definition, is the ability to utilize property rights for commercial applications. These uses include a business and home base business or the ability to offer lodging services. Salida lacks downtown lodging options which contributed greatly to sales tax revenue. This participation in funding the potential for long term housing projects for our locals. Short term renters have a tremendous effect in the participation in our local economy. I understand the need for more affordable long term rental options. It should be a top priority to address many different solutions to the housing shortage.

By placing a moratorium on the commercial zone, you limit property rights of owners. These owners are not going to magically provide affordable housing, instead these homes will sit empty providing no value to the community.

Increase application fees, hire more resources, put more tax burden on the STR to help provide solutions that will help the long-term shortage of much needed resources to keep our citizens in the community.

Regards,

Shawn Allison

431 E 1<sup>st</sup> Street

Salida, CO 81201

303-521-5161