

Memorandum

To: Planning Commission
From: Derrick I. Tokos, AICP, Community Development Director 
Date: January 11, 2019
Re: Short-Term Rental Ordinance No. 2144 - Commission's Preferred Alternatives

Enclosed are mark-up and clean copies of draft Chapters 4.25 and 14.25 with changes to sections discussed at the Planning Commission's January 8, 2019 work session. Additionally, I have enclosed a revised version of map alternative #3 with cleaned up line work and updated statistics. The Commission requested feedback from the Building Official regarding the occupancy limits of bed and breakfast facilities and his response is included as well.

This meeting is a time for the Commission to continue its deliberation on the draft ordinance. Two motions will be needed. The first would reflect the Planning Commission's recommendation related to the draft ordinance, which could read as follows:

"I move to recommend the City Council adopt Ordinance No. 2144 in the manner outlined in draft Chapters 4.25 and 14.25 presented this evening, and that findings be prepared to support the changes in a manner that aligns with the Commission's reasoning as articulated in the mark-up versions of these documents. The Commission recognizes, and supports, minor changes to other code sections that may be needed to fully implement these recommendations."

A second motion would address enforcement, which could read as follows:

"I move that the Commission convey to the City Council that it supports the Ad-hoc Work Groups recommendation that the city further evaluate, and possibly retain, the services of a third-party vendor to develop a centralized complaint system that facilitates transparency and citizen access to information, and that the Council take such other steps, as it deems necessary, to improve enforcement of short-term rentals."

Commission members are certainly welcome to modify the motions as they deem appropriate. Minor changes to other codes would include updates to the permitted use lists in NMC 14.03.050 and 14.03.060 and any other land use chapters where there are references to vacation rental use that would conflict with draft Chapters 4.25 and 14.25. A graphic illustration of the recommended Vacation Rental Overlay Zone will also be prepared for the Council.

The staff recommendation will be amended to include elements of the Commission recommendation where the concepts are aligned, and it will be provided to the Council along with public comment, and other background materials.

Attachments

- Mark-up and Clean Copies of Ordinance No. 2144 Chapters 4.25 and 14.25
- Email from Joseph Lease, Building Official, dated 1/10/19
- Updated Map Alternative #3