



Land Use

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**BOULDER COUNTY
BOARD OF COUNTY COMMISSIONERS**

Tuesday, July 2 2019 at 10:30AM

**Commissioners Hearing Room, Third Floor
Boulder County Courthouse, 1325 Pearl Street, Boulder, CO**

Authorization to Pursue Text Amendments to the Boulder County Land Use Code

Staff: Christy Wiseman, Planner I, Land Use Department
Sinead O’Dwyer, Planner I, Land Use Department
Nicole Wobus, Long Range Planning Manager, Land Use Department
Denise Grimm, Principal Planner, Land Use Department

Public testimony will not be taken – action requested

SUMMARY

Staff requests Board authorization to pursue text amendments to the Land Use Code related to three separate topics:

- 1. Clarifications for Lot Mergers and Treatment of Townsites Relative to Definition of Subdivided Land**
- 2. Environmental Resources and Development Impacts**
- 3. Lodging Uses: Short Term Rentals and Bed and Breakfast**

Staff has done preliminary scoping for each of these topics and found that amendments are necessary to achieve the goals of the Boulder County Comprehensive Plan and clarify the intent of the Boulder County Land Use Code.

Clarifications for Lot Mergers and Treatment of Townsites Relative to Definition of Subdivided Land

Staff requests authorization to pursue text amendments to Article 9 and 18 to further clarify Article 9-102 Merger of Unsubdivided Parcels and specify that townsites are not considered Subdivisions within the Boulder County Land Use Code (“Code”). Currently Article 9-102 Merger of Unsubdivided Parcels does not account for instances when a legal lot is split into two illegal lots, and subsequently the property owner would like to recombine the parcels to reconstitute the legal lot configuration. It is the County Attorney’s position that under state statutes these mergers still require our process of Merger of Unsubdivided Parcels in Article 9-102. The terms Subdivided Land and Unsubdivided Land are used throughout Article 9 and defined in Article 18. This Code update will specify that townsites, although platted lands, were not approved through any subdivision process as defined by the Code and are thus not considered Subdivided Land for the purposes of the Code. Staff intends to update relevant content in Articles 9 and 18 (Definitions), of the Code, and will make any other revisions necessary to integrate the changes.

Environmental Resources and Development Impacts

Staff requests Board authorization to pursue text amendments to Article 7-1700 and other provisions of the Code that warrant amendments to protect the natural environment of the county as set forth in the 2013 update to the Environmental Resource element of the Boulder County Comprehensive Plan (BCCP). The purpose of the Code amendments is to strengthen county policies and procedures that protect the environmental resources of Boulder County, and to provide clearer guidance in adequately mitigating any potential impacts. Land Use staff has worked with Parks and Open Space to identify appropriate Code changes that reflect the goals and policies of the Environmental Resources element. Staff intends to expand the scope of the Wildlife Impact Report requirement in Article 7-1700 to better address environmental resources more broadly, provide clearer specifications of what is expected in the report, and adjust the items that trigger a report. Additionally, staff has started to explore methods for reducing fragmentation of natural areas that can result from development.

Lodging Uses: Short Term Rentals and Bed and Breakfast

Staff requests Board authorization to pursue text amendments to Article 4-507 related to the Short-term Dwelling Rentals and Bed and Breakfast uses. The existing use provisions for Short-term Dwelling Rentals (STRs) were created in 2008 as part of DC-07-002. The use provisions need an update considering current development, housing availability, and economic conditions in the county. Best planning and land use regulation practices regarding STRs have evolved significantly since the existing use provisions were put in place. In addition, staff has heard consistent input from county residents (particularly in the mountain communities) that the existing regulations do not adequately address the impacts of STRs. Staff intends to explore updating use provisions related to owner-occupancy, business registration, neighborhood compatibility, rental frequency, and preventative safety. Staff also intends to update the definition and provisions for the Bed and Breakfast use and clarify the distinction between the Short-term Dwelling Rentals and Bed and Breakfast uses. Staff will make any other revisions necessary to integrate the changes throughout the Code.

ACTION REQUESTED

Staff requests the Board of County Commissioners authorize staff to pursue text amendments to the Boulder County Land Use Code for the following three separate topics and any related content and provisions:

1. Clarifications for Lot Mergers and Treatment of Townsites Relative to Definition of Subdivided Land
2. Environmental Resources and Development Impacts
3. Lodging Uses: Short Term Rentals and Bed and Breakfast