

From: [Wufoo](#)
To: [Boulder County Board of Commissioners](#)
Subject: Contact County Commissioners [#1750] - [Name: Fiore, Nicholas] Re: Short Term Rentals
Date: Wednesday, December 2, 2020 9:49:14 PM

Name * Nicholas Fiore

Email * nicholasfiore@gmail.com

Address or General Area (optional) ☐ 1265 Berea Dr
Boulder, CO 80305
United States

Subject * Short Term Rentals

Comments, Question or Feedback *

Hello Commissioners,

We've seen, over the 15 years I've lived here, the best intentions of the County (and Boulder city, natch) result in a long string of unintended consequences (or so we hope). We stand as one of the most expensive areas in the USA to build or buy a home. County policies are absolutely a factor, with energy codes and development restraints the largest culprits. As a growth restring, these policies are genius. As an equitable housing strategy, they are a disaster. We all know this, who work in the field (I'm an architect). Further restricting – arbitrarily – home owners ability to use their homes as the need, as they see fit, is punitive and another nail in the coffin of BoCo affordability. Let's stop and consider why we continuously provide a sandbox for the career boosting ideas of professional planners (who often sail away to bigger cities once we provide a forum for their ideas, enacted), and let's ask ourselves why we punish our neighbors and friends who live here now, have lived here, and will remain here. None of the reasons short term rental controls make sense in a tightly knit city (noise, inconvenience, parking), make sense in rural private properties.

Surprise us. Make a pragmatic choice.

Cheers
Nick

Please check box below *

- I acknowledge receipt of the Open Records Notification

From: [Betina Mattesen](#)
To: [Boulder County Board of Commissioners](#)
Subject: Short Term Rentals Put Me On the Street
Date: Wednesday, December 2, 2020 6:26:35 PM

I lost my beloved Boulder city apartment, my home, when a new corporate owner, Landmark Realty, turned it into a hotel room as an investment.

Of course short term rentals take away the affordable housing of hard working locals. They also destroy neighborhoods with a party atmosphere of strangers instead of stable community members.

Now I'm outside of Nederland and always concerned the rug will be pulled out from under me again. Please say no to "top dollar" real estate. Boulder property owners are doing just fine with their investments without having to kick out their faithful tenants.

Also what's up with realtors scooping up BC houses for sale? Many sit empty - or get rented out temporarily for the big bucks. Real houses for real people who need them please. Second homes gobbling up open space and investment only, realty owned, properties should be taxed out of existence.

Thanks.

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#27]
Date: Thursday, December 3, 2020 8:46:44 AM

Name *	Beth Johnson
Email *	eaj100@comcast.net
Phone Number *	(303) 447-2239
Address *	<input type="checkbox"/> 4213 Peach Way Boulder, CO 80301 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	<p>Thank you for the opportunity to comment.</p> <p>Bed and Breakfasts, Motels, Hotels, and other such businesses should only be allowed when at least 1000 feet away from residences. They bring a stream of strangers into our neighborhoods to temporarily live which increases the risks of crimes and other negative impacts.</p> <p>You can make a difference!</p>
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#28]
Date: Thursday, December 3, 2020 10:05:04 AM

Name * Kathleen Newberg

Email * newberg.k.r@gmail.com

Phone Number * (720) 515-9477

Address * ☐ 6547 Red Hill Rd
Boulder, CO 80302
United States

Is your primary residence in Boulder County, Colorado? * Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *

My major concern is the increased risk for wildfires by individuals who are visiting and do not understand that an errant ember, an improperly disposed of cigarette or use of a tracer round can ignite an uncontrolled fire.

I am totally fine with short term rentals for individuals who remain on the property during the visitors' stay and can therefore act as a guide and enforce fire and other safety regulations. I have grave concerns for those individuals who have a second home, which is vacant until it is rented. I agree with what some individuals have stated – it is a business, a source of income, versus a primary residence. Individuals who want to rent out their primary residence or a building that is on their primary residence property is a good, and safe compromise.

Please check box below * ☐ I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#29]
Date: Thursday, December 3, 2020 11:21:24 AM

Name *	lynn segal
Email *	lynnsegal7@hotmail.com
Phone Number *	(303) 447-3216
Address *	<input type="checkbox"/> 538 Dewey Ave boulder, CO 80304 United States
Is your primary residence in Boulder County, Colorado? *	Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *

Limit the nights stay in hotels to sixty days per year!

Better yet, shut THEM. How dare you constrain the rights of the small property owner over the wealth extractor hotel, when people all aver the world are suffering, STARVING and more, grossly accelerated by the virus. And you are concerned by small scale mountain homes actually USING shelter which should be used year round. This when homeless and evictions are delivering huge costs and GUILT to all life. Airbnb are not bringing strangers to personal homes. Hotels are.

Please check box below *

- I acknowledge receipt of the Open Records Notification

From: [Mary McKay](#)
To: [Rodenburg, Jasmine](#)
Subject: Docket DC-19-0005, Short-Term Rentals.
Date: Wednesday, December 2, 2020 5:05:50 PM

Board of Boulder County Commissioners,

Please **Approve** Docket DC-19-0005, Short-Term Rentals.

i am a year around resident of Allenspark. We bought in 1983 and this has be wen our much loved home since 1997.

I am not opposed to the concept of short term rentals, but they must be very carefully regulated and there needs to also be a secure oversight of compliance with the regulations. Lack of these has caused many problems in Allenspark and around the US. I support Boulder County in doing all that it can to regulated and have adequate supervision of short-term rentals in order to protect those of us who live here.

Thank you,
Mary McKay

322 Lab Road
Allenspark. CO 60510

From: [Paul McKay](#)
To: [Rodenburg, Jasmine](#)
Subject: Please Approve Docket DC-19-0005
Date: Wednesday, December 2, 2020 5:06:51 PM

Dear friends of the Boulder County Commission,

Every year my wife and I gladly pay our Boulder County property taxes for our dwelling of the last 23 years at 322 Lab Road, Allenspark, because we know that we are living in a very special place that has been cared for through regulations put in place by the progressive electorate of Boulder County.

We lived in/or worked in Guatemala for 40+ years in an environment lacking any kind of housing or property regulations, as well as much corruption in public officials. We very much appreciate the difference we experience in BOCO.

I strongly urge the County commissioners to approve Docket DC-19-0005 to put in place reasonable regulations on the operation of B&B or short-term rentals. We live on a privately maintained dirt road and if unregulated short-term rentals were to operate here it would take away the peace and tranquility that we so cherish in living here. I attended the virtual meeting of the County Planning Staff and I feel that the regulations proposed in the Docket are a concession to prospective property renters and perhaps not as stringent as I would have made. However, I understand, that politics is the game of the possible and I urge the County to go forth in approving Docket DC-19-0005.

Gratefully,

Paul T. McKay
322 Lab Road, Allenspark, CO 80510
303-747-2059

From: [James Christoph](#)
To: [BOCC Hearings](#)
Subject: Short term rental 20 day maximum rule
Date: Wednesday, December 2, 2020 8:38:54 AM

Restricting by month ignores the fact that in the mountains, the warmer months are when going to the mountains is most attractive for tourists. Why curtail every single month? The harsh winter mountain season will limit occupancy. This ordinance is draconian in its restrictiveness. This is a solution in search of a problem.

Jim Christoph
720-308-4534.

Sent from my iPad

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#20]
Date: Wednesday, December 2, 2020 5:45:45 PM

Name *	Richard Skeie
Email *	richard.skeie@gmail.com
Phone Number *	(303) 449-5825
Address *	<input type="checkbox"/> 65 Old Townsite Road Boulder, CO 80302 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	I agree with the article in the Boulder Daily Camera. It's a solution in search of a problem. Enough with the big government!
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#21]
Date: Wednesday, December 2, 2020 5:52:46 PM

Name *	Timothy Sweet
Email *	t@tim-sweet.com
Phone Number *	(303) 494-5259
Address *	<input type="checkbox"/> 344 S. 68th St Boulder, CO 80303 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	As long time rural Boulder County residents we are opposed to short term rentals in our immediate neighborhood. We have chosen to live in a single family rural area so that we can enjoy our space and privacy amongst a community of familiar faces. Short term rentals raise security and privacy concerns that we should not have to contend with.
Please check box below *	<ul style="list-style-type: none">I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#22]
Date: Wednesday, December 2, 2020 6:16:08 PM

Name *	Frank Reigel
Email *	reigelf@gmail.com
Phone Number *	(303) 444-1947
Address *	<input type="checkbox"/> 234 Owl Creek Road boulder, CO 80302 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	I concur with today's Camera article that so eloquently submits that this attempt to regulate rentals is a solution in search of a problem. Adding complicated bureaucratic oversight to a situation that is not currently a problem, just in case it might become one, will benefit only the county coffers, and the extra employees hired to do the policing. Are there not more important issues for Boulder County to attend to, instead of this nitpicking?
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#23]
Date: Wednesday, December 2, 2020 6:50:47 PM

Name *	Holadia Holadia
Email *	holadia36@gmail.com
Phone Number *	(303) 324-9464
Address *	<input type="checkbox"/> 239 Owl Creek Rd. 3033249464 Boulder, Colorado 80302 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	I am a bit shocked by the heavy handed nature of the proposed restrictions to use of personal/private dwellings by the county of Boulder. These rules and regulations seem offensively intrusive, counter to the whole nature of private property use, and impossible to enforce and regulate with any degree of integrity/fairness. Each small community within the county has its own individual needs and issues. A blanket proposal such as the Camera article suggested is a solution in search of a problem. I certainly hope the County reconsiders what it is attempting and comes to it senses.
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#24]
Date: Wednesday, December 2, 2020 6:55:21 PM

Name * Charlie Wright

Email * 929.chw@gmail.com

Phone Number * (303) 747-2238

Address * ☐ 50108 Highway 72
Lyons, CO 80540
United States

Is your primary residence in Boulder County, Colorado? * Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *

All,

Thank you for the opportunity to provide feedback from the prospective of a local stakeholder. I have owned property in Boulder County for 30 years; a cabin which has been in the family since the '50s. I have now lived here full time for 14 years. I am in my 70s and care about my home and my community.

Most of my working life was in the non-profit sector helping low-income families retain their liberty and stay in their homes and out of subsidized housing. I now rely on vacation rentals over the summer season (about four and a half months) to support my retirement. Without this essential income I would become an economic refugee. I live on site and am always available should any problems arise; four years in and none have. And if I am limited to a shorter seasonal span or my bread and butter season is eroded by a 20 out of 30 day rule the effect is identical. My home and my livelihood are one and the same; if I lose one, I lose all.

There are a several other short term rentals in my vicinity. I know of no substantial negative issues or complaints involving the locally owned STRs. My guests partake of Boulder County's restaurants, groceries', shops and other attractions paying taxes all along the way thus subsidizing the county's revenue stream well above my humble contribution. My modest entrepreneurial efforts provide economic benefits across the county.

I believe that the total number of complaints across the county, while significant to those involved, is scant in relation to the total number of rental nights booked. I note that such problems tend to involve absentee owners who are likely to ignore new regulations as readily as the old.

Reading through the comments and numerous questions about the proposed regulations I find myself thinking that many of the complaints could have been addressed effectively the same way one addresses an issue with a resident neighbor; with a phone call to the resident, manager, owner or the sheriff. No new regulations needed on this account. That said, there are infrastructure issues in some areas. Beyond keeping the occupancy in line with home and septic design parameters, suitable parking, etc. perhaps some portion of the tourist generated tax revenue should be targeted to support impacted rural roads, facilities and services. I cannot speak for those who live in these

areas.

The primary irritant appears to be absentee grab-the-cash-and-run owners who have no personal connections to our communities. Has consideration been given to revising the tax code to discourage absentee ownership of STRs? It would appear to be a practical avenue to keep many more of Boulder County's full time STRs in the hands of responsible stakeholders within their communities.

If the goal is to protect the supply of affordable housing then it behooves the county to support the many local owner/operators thereby keeping them in their homes paying taxes and independent of county support.

Complicated, burdensome regulations discourage compliance and unnecessarily high fees discourage participation. I know of no regulation that can replace responsible, local owners.

Please check box below *

• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#25]
Date: Wednesday, December 2, 2020 8:32:49 PM

Name * David Elise

Email * scou@aol.com

Phone Number * (303) 589-4243

Address * ☐ 3333 Jay
Boulder, CO 80301
United States

Is your primary residence in Boulder County, Colorado? * Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *

Hello Commissioners,

We occasionally rent our home out. We've been county residents for more than 30 years.

We're adamantly OPPOSED to the passing of these county regulations.

Three — but not the only — reasons why.

– This is clearly a solution in search of a problem. There is NO data or even strong, anecdotal trend suggesting safety, privacy, affordable housing, or the like is a County-wide problem due to short-term rentals. "Concerns" are always worth listening to and addressing. But developing an entirely new bureaucracy, with tedious regulation, taxes and fees should be a LAST resort, not first.

– To emphasize, there are numerous laws on the books that can be used and evolved to address "concerns" BEFORE creating an entirely new county regulatory division (more tax spending) with private contractors hired (never a good idea when private companies are charged with public 'enforcement' and fee collection), all designed to assure the money, employees, and regulation never go away, but actually grow. Noise ordinances, occupancy ordinances, fire code, etc— use these laws FIRST with those penalties as the hammer. You can always regulate later.

– We're deep in the middle of a pandemic, businesses are closing throughout the county, and one of the VERY few shining financial lights is the fact people want to come and visit Boulder! At the very least, delay this regulatory consideration until the crisis is over, and let the citizens and businesses you represent earn in a very difficult time.

For us, home rental has been a financial lifeline. These regulations will end this option, and we will likely leave the county as we lose the flexibility. We're not alone. This will force many old timers relying on this income out of Boulder.

This is also classic over regulation. The timing is just awful. And this is simply not the spirit of Boulder County or the American West. Please take pause, and table this agenda item.

Thank you.

Please check box below *

- I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#26]
Date: Thursday, December 3, 2020 7:51:41 AM

Name * Michael Kirschbaum

Email * michaelkirschbaum@gmail.com

Phone Number * (303) 884-7510

Address * ☐ 704 Copperdale Ln
Golden, CO 80403-9779
United States

Is your primary residence in Boulder County, Colorado? * Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *

Please stop these changes from taking effect, and in the future please also try to reduce other such attempts to further diminish the ability of private property owners to pursue the enjoyment of their privately held property.

This change in rules will force those good folks who are already trying to comply with the currently onerous requirements to abandon the enjoyment of current temporary dwelling units. Instead, it will create more illegal, unregulated dwelling units. Your proposal to use a for profit company to police such rentals is disgusting, as this will ultimately be paid for by those legally complying with the regulation. The cost for this should be borne by the people who complain about temporary dwelling units, and public services should not be farmed out to for profit companies.

I encourage the Commissioners to eat a slice of humble pie. Start embracing private property rights and start seeing that the already over the top regulations just promote scofflaws and penalize the compliant folks by making them pay the price for your continued formulation of ridiculous, over the top rules.

So much of this is about some people trying to manipulate what others do with their own private property. The arguments are always about health and safety, but this is typically a farce. It's amazing that people die to protect this country, and in Boulder County you can't even really own your own property; instead you just rent it by paying taxes (they take it away if you don't pay) and then anything you want to do has to go through the HOA (county government) to make sure that everyone feels good about it and can make their comments.

In my 15 years living in this county I have found that all of these attempts to make Boulder a better place to live just make it a worse place to live. In my neighborhood nearly every notice sent out regarding application review ultimately ends up with the applicants withdrawing the application, and then they just quietly do it on their own anyway.

Please think about making reasonable rules that make sense for your constituents and stop following the advice of career Technocrats and obnoxious outspoken activists. Instead, reject the impetus to create and enforce unnecessary and irrelevant rules in this continual attempt to have the most onerous living codes in the US. You are in fact diminishing the quality of life here in the name

of improving it.

On top of all of this, your desire to address this issue during a global pandemic when people's livelihoods are already overstressed is telling of the privilege under which you operate. You should focus your efforts on helping our residents, not hindering them.

Please check box below *

- I acknowledge receipt of the Open Records Notification

From: [Barry Hannigan](#)
To: [Rodenburg, Jasmine](#)
Subject: Docket DC-19-0005
Date: Wednesday, December 2, 2020 10:06:46 AM

I am writing to support the regulations on short-term rentals. I do not own a short-term rental.

I am particularly concerned because I feel that a few persons who oppose any regulations have been so vocal that they have created a sense that they are a majority. I believe that persons who want regulations are the majority.

I am extremely concerned about the possibility of fire started by renters from other states where fire is not an issue. I am amazed that fire mitigation is not a requirement for short-term rental owners.

I have been receiving information about this for a long time, and I am happy that Boulder County is taking steps to preserve our safety and property values.

Thank you,

Barry Hannigan
541 Tahosa Park N. Rd.
Allenspark
Sent from my iPhone

From: [Doug Henderson](#)
To: [Rodenburg, Jasmine](#)
Subject: Docket DC-19-0005 ShortTerm Rental Regulations
Date: Wednesday, December 2, 2020 11:55:11 AM

Dear Commissioners:

I wish to comment on Docket DC-19-0005 ShortTerm Rental Regulations.

I am a property owner and tax payer in Boulder County. My property is located in Pine Valley, near Allenspark.

I support the proposed regulations for ShortTerm Rentals.

ShortTerm Rentals are a commercialization of residential property. If properly managed, shortterm rentals are not a problem. However, shortterm rentals can generate substantial nuisance and conflict to neighbors and neighborhoods, can cause increased financial costs to neighbors and neighborhoods that are not paid by shortterm rental owners (such as common road maintenance), can increase serious risks such as fire and road accidents, and can result in economic losses to neighbors and neighborhoods.

To protect neighbors and neighborhood, to reduce conflict between neighborhoods and in local areas, to reduce risks to the environment and to public services, shortterm rentals need to be regulated.

I commend Boulder County for recognizing the need and benefits of ShortTerm Rental Regulations, for properly engaging the public in the process, and I support the adoption of these regulations.

Respectfully,
Douglas Henderson

Gail M. Fray
fraygail@gmail.com

December 2, 2020

To: Boulder Board of County Commissioners

I wish to add my voice to the discussion of the new Short-Term Dwelling Rental Licensing Ordinance.

A bit about me. I moved to Boulder eight years ago. After raising three boys, and assisting my husband in his work ventures, I sought employment in Boulder. It turns out, I was not a sought-after employee. I'm sure my age and lack of "official" employment for 18 years hindered employment consideration.

One of the things I excel at is hospitality. I enjoy helping guests feel welcome and at home. So, I began to host a suite in our home on AirBnB. I'm proud to say that I've earned Super Host status and have all five-star ratings. I enjoy caring for the needs of my guests, helping connect them to our community in activities, and sharing the beauty of our location. Over the years, I have listened and responded to my guests' interests and directed them to local breweries, restaurants, museums, shopping districts, and hikes. I've directed them to bike trails and told them where to rent a bicycle. At each place, these guests have opened their wallets, contributing to the tourism economy of Boulder. I have found a way to contribute to our income doing something I love and I'm good at.

Boulder County, with the new licensing restrictions, is seeking to be the trusted gate-keeper to short-term hospitality. But the platforms that match hosts and guests, such as AirBnB or VRBO, provide an easy and direct trust relationship, without government oversight. (I wonder if any of the Planning Commission staff members making recommendations to the County Commissioners are hosts on these platforms, as there seems to be a lack of understanding of how they work.) With simple ratings and reviews in place, the formerly trusted gate-keeper no longer has a role to play. The hosts and guests are aware of each other's prior performance in the rental relationship, and make their decisions of engaging (or not) in a rental agreement. It works like a charm. The cream rises to the top, and the bad ones lose.

Now, to the line items I have issue with in Ordinance 2020-01:

Section 1, 8) I understand the concern is that long term rentals for residents may diminish in numbers due to the popularity of the short-term rental market. The proposal that a primary residence needs to be owner-occupied for more than six months each year handles that effectively, as the rental spaces being offered were not previously in the long-term rental market. They are NEW to the rental market, so they're not reducing long-term rental housing stock. But the Ordinance's definition for a primary residence states the entire unit cannot be offered and available for rent for more than twenty days

in any month. Why? Who cares how many days in a month a guest can stay? This is an arbitrary number not connected to how we live today.

With the COVID-19 pandemic, many employees now work from home. But here's the thing: they can work from ANY home. Remote work is here to stay—a favorable outcome of the pandemic. My husband will soon work remotely, for a month, at a location that is near our children and grandchildren. We would like to rent our home for that month, to help pay for our own lodging, but with the Ordinance's definition, would not be able to do so. We could only rent it for twenty days. This is government over-reach.

Additionally, the platforms allow a host to reduce the rental price or make special offers for longer rentals, by the week. Your twenty-day limit is shorter than three weeks, so the discount option is effectively removed.

Section 2, C) Only one type of license (either Short-Term or Vacation) will be issued to each person. Vacation Rental is defined as the home is NOT owner-occupied and the stays *exceed* 60 nights a year, and Short-Term is defined as the home IS owner-occupied and stays are *less than* 60 nights a year.

In our scenario above, we would like to rent our home for 30 days while we are AWAY, squarely falling into the Short-Term rental category, but now we are only allowed 30 more days of rent for the remainder of eleven months. That's less than three nights a month—very restrictive. I submit that the different categories of Short-Term or Vacation Rentals are not needed nor helpful. One license should suffice, whether the owner is present or not, allowing flexibility for different situations. Additionally, there should not be a restriction on the number of stays. I see no bearing on the community's health, safety, and welfare due to the number of stays in a primary residence. The community has much to gain by the influx of tourist dollars.

Section 5. This rather exhaustive list should be a “best practices” list offered by the county. The county building codes ensure most of these items, so they don't need to be repeated in a rental license. As example, regarding the carbon monoxide detectors, the code reads:

Regulations

- Carbon monoxide detectors/alarms are required in all homes built or transferred, and all apartments rented after September 1, 2009.
- Detectors/alarms must be on each floor of a multi-level home and **within 15 feet** of every sleeping area doorway.
- Alarms must be ANSI/UL 2034 Standard for Single and Multiple Stations.
-

Yet, the Ordinance requires the detectors to be in the “**immediate vicinity**” of the sleeping rooms.

Of course, the sewer system needs to work. Of course, the plumbing, electrical, heating and cooling needs to work. Of course, the water needs to be clean. These are all things that any decent homeowner will attend to for their own benefit. You can bet if any of these items are in poor condition, guest reviews will announce it and prospective guests will rent elsewhere. I see no repercussions to the county if any of these items are not met, but plenty of repercussions to the home-owner. Same for liability insurance. The platforms provide it, but you require the home-owner's insurance to also include it. A prudent home-owner may double the coverage, but that's not the county's business, and should not be a requirement. And I can attest that no guest of mine has ever cared or asked about the energy efficiency of their rental. We are certified with Wildfire Partners, but I understand that is a voluntary program. These seem to be pet projects of the Planning Commission that are thrown into the Ordinance.

Section 13. I cannot find the fee for a Short-Term Rental license listed in the [Planning Review Fee Schedule](#). Perhaps this is an old version. Please advise what the costs are.

Thank you for listening to the voices of our community. Thank you for protecting the housing market for residents first. I believe that Boulder has so much to offer, and there's plenty of goodness to go around. Please do not create obstacles to your residents living the life they choose, creating a little income to help with the high cost of real estate by inviting guests into their homes to share in the Boulder beauty.

Sincerely,

Gail Fray

Board of County Commissioners

Docket DC-19-0005; Short Term Rental and Bed and Breakfast Update and Licensing Ordinance 2020-1

Public Comments

Commissioners:

Thank you for considering the following comments as you debate the extent and effects the proposed Short-Term Rental Regulations will have on Boulder County property owners.

Some of the regulations concern legitimate matters of safety and health. However, as discussed below, most of the regulations, specifically those that limit rental days, income, property ownership, and property size, are a solution in search of a problem. The drastic limits on short-term rentals (STRs), not only diminish property values, they will significantly reduce employment opportunities and income for retail and service industries in remote communities.

As you consider these strict regulations, please keep in mind that Staff identified 779 STR listings, representing only 647 unique rental units, which one interested citizen noted is less than one percent of the total number of dwellings in Boulder County. Remarkably, Staff believes that this relatively small number of STRs “*could have*” such a negative impact on County housing stock that STRs must essentially be regulated out of existence.

Please consider:

1. The main purpose of the regulations is to make properties unattractive to investors by devaluing income potential.

Land Use Staff repeatedly claims that the most pressing STR problem everywhere in Boulder County is the negative impact on affordable housing stock. Staff designed the regulations to stop the alleged housing impact, but in so doing, has essentially eliminated second-home rentals in the County.

Staff claims strict STR limits are required to prevent investors from buying up dwellings to use as STRs which will reduce affordable housing stock. However, in public meetings and in its presentation to the Planning Commission, Staff did not provide any examples of where this scenario is playing out in Boulder County. In fact, Staff told the Planning Commission only that STRs in the County “*could impact housing stock.*”

As well, Staff’s research into STR regulations is limited to articles discussing housing impacts in New York, San Francisco, Los Angeles, and other cities. (For example, one article, *Regulating Airbnb: how cities deal with perceived negative externalities of short-term rentals*, focuses on Denver.) Staff cites these articles, rather than actual Boulder County evidence, to support their “prioritized concern” of limiting housing stock. Staff seems convinced that the same housing stock issues generated by the hundreds of STR properties in Denver, New York, and San Francisco also will be caused by the relatively few STRs properties in Boulder County, and

therefore proposes overreaching and legally unsupported regulations aimed not at investors, but rather at the property rights of County property owners. Although Staff acknowledged only that STRs in the County “*could impact*” housing stock, Staff actually admitted their approach is to decrease the attractiveness of properties to investors by devaluing property values.

The regulations drastically limit STRs in several ways, which, when taken as a whole, could limit all STRs in Boulder County to 60 days annual rentals. First, Staff proposes limiting second-home rentals to 60 days with a two-night minimum. Staff told the Planning Commission, whose members strongly questioned this proposal, that because the 60-day limit results in annual income of only \$10,320.00, investors would not find the property attractive. As well, Staff told the Planning Commission that the 60-day limit is appropriate because there is a “shorter season in the mountains” and that the two-day minimum “felt right to us.” One wonders how regulations that devalue property values based on feelings and seasons can survive judicial scrutiny.¹

Second, Staff imposed a one-acre property requirement on second-home rentals of more than 60 days. When the Planning Commission questioned this strict regulation, Staff stated that although smaller properties are more affordable, these properties would not attract investors if frequent rentals were prohibited.

Staff prohibited rentals of more than 60 days in all platted subdivisions. Together with the other limits discussed above, this overreaching regulation essential would limit most if not all rentals to 60 days and all rental income to \$10,000 annually, which Staff arbitrarily determined was sufficient to pay all home ownership and upkeep costs.

Finally, the regulations devalue property values by limiting the number of STR licenses. The regulations allow an individual and their associated entities to rent only one property. This egregious regulation apparently is not based on factual evidence, but only on Staff’s belief that “allowing property owners to rent out multiple residential properties on a short-term basis *might* increase racial and socio-economic disparities by providing more opportunities for wealth creation.” This regulation, like the 60-day limit, acreage limit, and the platted subdivision restriction, wrongfully results in owners’ loss of their right to earn income from their properties.

Staff admits that most jurisdictions do not regulate STRs based on maximum number of days annually, minimum stays, or limits on the number of licenses. In fact, Staff cites research finding that “[p]lanning best practices indicate that these types of provisions are very difficult to enforce because of resource constraints and the inability to verify. *Consequently, they are not worth including in regulations.*” As well, Staff admits that two companies that monitor and enforce STR regulations found that “*formal limits on the number of days rented is not enforceable* because that type of occupancy data is not available without doing a formal audit of each

¹ Staff’s rationale that the 60-day limit is appropriate because of the shorter season in western Boulder County misses the mark on two grounds. First, more and more Colorado residents enjoy wintertime in the mountains. Second, some mountain homes are winterized and completely able to safely offer winter rentals. A better approach might be to allow unlimited rental days to winterized homes that meet County safety requirements. This approach also might incentivize owners to upgrade their historic cabins.

property. Moreover, *formal caps cause “haphazard limits on who can benefit.”* Larimer, Summit, and Grand Counties regulate STR occupancy numbers and safety and health matters. None of these counties, all of which are popular tourist destinations that are much more likely to attract investors, restrict rental income, rental days, property location or property size. Despite all of this factual evidence, Staff continues to advocate strict and unenforceable STR limits.

Making rental properties less attractive to investors based on a possible (not actual) impact on housing stock does not protect public health, safety, or welfare. Intentionally limiting rental income does not protect the public health, safety, and welfare. Rather, limiting rental income diminishes property values and exposes Boulder County to claims of a regulatory taking.

As well, the proposed STR regulations require significant and expensive property upgrades and fire mitigation that will cost thousands of dollars. Owners of mountain properties told the Planning Commission that limiting their rental income will make it impossible to pay for these expensive upgrades.

2. License fees based on enforcement costs and third-party monitoring and enforcement are unnecessary and inappropriate.

Staff states enforcement is the second most important STR issue.² Staff proposes an arbitrary and expensive licensing fee structure because it intends the STR program to entirely pay for third-party monitoring and enforcement.

The proposed regulations require license fees ranging from \$150 to a stiff \$800. (Owners renting properties for less than 60 days pay \$150; owners renting more than 60 days pay \$800.) Staff confirmed that the large discrepancy between these fees is again based on potential (and speculative) rental income, and also suggested that properties renting for 60 days or more “likely will have more enforcement costs and fees.” It is difficult to understand how a well-loved 1,000 square foot family cabin off the Peak to Peak Highway that sleeps four people and rents 120 days requires as much enforcement as a 4,000 square foot house off the Diagonal Highway that sleeps 12 and rents 300 days. License fees in similar counties are more reasonable. Grand County bases license fees on occupancy. Larimer and Summit County fees are the same whether the property rents one day or 300 days. A better solution may be to assess an affordable fee for second-home properties and a higher fee for investor-owned properties.

Staff seems to favor third-party enforcement, such as Host Compliance. (Staff’s research included an article written by the CEO of Host Compliance, and Staff has discussed STR issues with this company.). Host Compliance scans rental websites to flag properties that do not have a rental license or are otherwise non-compliant. Host Compliance likely will be incentivized by their compensation structure to find and assess penalties of \$1,000 per violation per day with no cap. Here again, Staff failed to provide any evidence to support this harsh enforcement and penalties to monitor the relatively few STRs in Boulder County. Staff has not provided the

² Staff admitted that Boulder County intentionally did not pursue STR enforcement in the past.

locations of “party houses”³ or neighborhoods containing numerous investor-owned STR homes. Residents who complain about STRs causing parking, trash, and noise issues live in conveniently-located suburban subdivisions. These complaints could easily be solved by a human enforcement officer. The proposed “big brother is watching” approach is a solution in search of a problem, and is entirely inconsistent with Boulder’s community values.

3. Staff’s Public Outreach Focused on Opposition to Short-Term Rentals

Although Staff reached out to residents concerning the proposed STR regulations, Staff routinely ignored residents’ concerns. In an informational survey, Staff reported 1,567 respondents, with more than 85% agreeing that there should be short-term rentals in Boulder County and 76% *rejecting* a minimum-stay requirement. Remarkably, Staff dismisses this survey, stating that it is not a “representational sample” of Boulder County. Seventy-five percent of the attendees at a September meeting were mountain residents. Forty-three percent of attendees were concerned about over-regulation and thirty percent concerned about under-regulation. Staff seems to have focused on the thirty percent.

Residents told staff that limiting their rental income and the number of properties they can rent will severely impact their retirement, their ability to pay taxes, insurance and other carrying costs, and to maintain and update their properties. Staff acknowledged that residents’ STR comments included: “expressions of how short-term rentals help supplement income for retirement, agriculture, property taxes, and maintaining homes and family cabins; expressions of how property owners who use short-term rentals develop relationships with the renters and feel a positive cultural and community exchange in that way; and expressions of how short-term rentals provide economic benefits to the local community.” Staff responded to these positive STR attributes in bureaucratic-speak: “Staff recognizes there are many positive benefits of short-term rentals and is working to enhance those benefits while mitigating the burdens.” The proposed regulations, however, only mitigate an alleged STR burden (the possible impact on housing stock) on the backs of residents; there is absolutely no “enhancement” of STR benefits.

4. Staff Ignored the Planning Commissions’ Concerns.

Most recently, twenty residents,⁴ almost all owners of cabins or homes in western Boulder County, attended the Planning Commission hearing. Seventeen residents told the Planning Commission that the 60-day rental limit and other regulations will create severe financial

³ Party houses may be a thing of the past. Airbnb recently reported it is combating party houses with “robust new [policies](#), products and technologies to stop large gatherings, which far exceeds measures taken by others. Guests under the age of 25 with fewer than three positive reviews on the site could not book entire homes near where they live. The company placed a 16-person cap on reservations, [banned parties](#) and sued guests who were responsible for the events. It recently started [testing](#) technology to block suspicious last-minute bookings and suspended some party houses from its listings. *Airbnb Fights its “Party House” Problem*, New York Times, October 27, 2020.

⁴ The Planning Commission hearing on STR regulations began after a three-hour wait. The delay caused several attendees to drop off.

hardship. Residents also reported no problems with STR renters, stating their renters often returned year after year and treated their properties with respect.

The Planning Commission listened to the residents' concerns, and directed Staff to consider, among other items, increasing the 60-day rental limit, reducing the one-acre requirement, and establishing a waiver process for exceptions to the STR regulations. Staff has summarily dismissed the Planning Commission's concerns.

Staff did not recommend increasing the 60-day limit as the Planning Commission suggested. Staff reports that a \$10,000 annual income generated by 60 rental days is sufficient for owners of second homes. Remarkable! The Commissioners might ask Staff how this regulation is legal and not a regulatory taking.

Staff did not recommend lifting the one-acre parcel size because "smaller parcels are more affordable, and removing them from the Vacation Rental [more than 60-days] use will reduce negative impacts on housing affordability." Staff has yet to provide any evidence of these "negative impacts." Again, the Commissioners might ask Staff how determining an annual rental income to \$10,000 to make properties less attractive to investors is legal and not a regulatory taking.

Staff dismissed the ability to request a waiver or other process to ask for an exception to the regulations based on the "high costs of additional staff time." This puts the burden and expense on residents to weave their way through the complicated and expensive licensing process staff proposes. Staff also dismissed a waiver/exception process "to protect the integrity and purpose of the proposed text amendments." This response seems to suggest that Staff is so strongly committed to their regulatory scheme that they are entirely unwilling to consider any alternatives or help residents in any way.

Taken together, it seems the 60-day limit for seasonal rentals, the one-acre property size limit on rentals over 60 days, and the restriction prohibiting rentals longer than 60 days in platted subdivisions essentially eliminates most STRs in Boulder County. An owner with a new or winterized second home that sits on less than one acre can rent for only 60 days, limiting their income to \$10,000. Owners of seasonal cabins also can rent only for 60 days with \$10,000 income. Owners of second-homes in platted subdivisions cannot rent more than 60 days, also limiting their income to \$10,000. Again, one wonders how this devaluing of property interests can be legal without any showing of a concrete proper public purpose. The Commissioners might ask Staff the location, type, and number of dwellings that will be allowed to rent for more than 60 days.

Staff admits the regulations are designed to make properties unattractive to investors. Seasonal cabins, new or winterized second homes on less than one acre, and any home in a platted subdivision are all limited to \$10,000 annual income. These impossibly strict regulations place untenable and perhaps illegal burdens on the backs of County residents.

Suggestions for Reasonable Modifications to the Proposed STRs for Mountain Communities.

1. Consider Boulder County's diverse communities and draft more precise regulations that consider diverse community attributes, locations, and historical uses. Platted subdivisions in the mountains are vastly different from platted subdivisions in the plains in terms of number and locations of dwellings. A small property in the mountains is more isolated than a small property in the plains. Year-round rentals are more attractive in the mountains than in the plains. The County's STR regulations should consider these important differences when considering land use impacts. The regulations cannot be "one-size fits all."
2. Waivers for New Construction. New homes that received a Certificate of Occupancy in 2018 or later should be issued a license without the need of any other review, except an STR inspection. The certificate of occupancy should be allowed as evidence of compliance with all STR health and safety requirements.
3. Limit requirements for recently updated homes. Owners who can present evidence (photographs, invoices, etc.) of upgraded septic systems, fire mitigation, and compliance with other STR health and safety requirements should be issued a license without additional review.
4. Allow individuals to own and rent more than one property. It is difficult to understand how families who rent more than one cabin or property will negatively impact housing stock. A better solution might be to trace corporate owners of rental condo buildings and limit those rental licenses.

It seems reasonable to conclude that a broad regulatory scheme based on limiting rental income and devaluing property values to make property less attractive to investors in order to mitigate an unproven impact on housing stock will not withstand judicial scrutiny. As well, a "one size fits all" solution to STRs cannot be applied to Boulder County's diverse communities. I urge the County Commissioners to table the proposed STR regulations and require Staff to present regulations that consider all communities and historical attributes of our diverse county, and that are based on facts rather than speculation.

Thank you for your time and attention.

Ilona Dotterrer, 289 Ski Road, Allenspark, CO 80510 720-581-3374

From: [H. Kit Fuller](#)
To: [Rodenburg, Jasmine](#)
Cc: [Wanda; Preserve Gunbarrel; Julie And David Dye; Rod Rietema; Ardith Rietema; Rhona Unsell; Susan Davis Lambert; Phil & Mary Stern; rharris@indra.com](#)
Subject: Short term rentals, docket number DC-19-0005
Date: Wednesday, December 2, 2020 11:19:21 AM

Dear Ms. Rodenburg,

I am writing as a citizen of Boulder to support approval of regulations on short-term rentals, docket number DC-19-0005.

My wife and I live in a quiet suburban neighborhood where there are a few long-term rental properties. We get to know and appreciate our rental neighbors.

Short-term rentals are a different matter.

Short term rentals are a home business activity that can easily get out of hand. Hence the need for simple regulation. Residential areas should not be subject to the potential abuses that can occur when visitors regularly come in for a weekend or a week of special times with friends and family.

Common sense regulations are needed to protect neighbors of short term rental properties from nuisances and potentially dangerous activities, including large late night parties that go outside, overflow parking, campfires, shooting, and trespassing. While homeowners have a right to use their property freely, they also have a responsibility to be thoughtful and courteous to their neighbors. A resident's occasional celebrations are a welcome addition to a neighborhood, but weekly celebrations in a quiet residential neighborhood are a completely different matter.

Real estate speculators who are in it only for the money should not be allowed to freely use residences as mini-hotels without a concern for the impacts on neighbors and the neighborhood. It's reasonable and necessary for the City of Boulder and Boulder County to protect neighbors and neighborhoods from potential nuisances and abuses that can come with short-term rentals. The City of Boulder and Boulder County need to work together to develop simple and sensible regulations that allow short term rentals under certain conditions. Limits on the frequency or length of stay would make sense. The simpler the better, and the city and the county regulations need to work well together. And since this is a business activity, how about collecting a small tax to enable the enforcement of these regulations? Seems reasonable to expect businesses to contribute to the tax base.

Special note: In addition to our home, we also own a mountain cabin, where this issue is MUCH more important. Controls on short term rentals in the mountain areas of Boulder County are a very serious matter of safety. A simple mistake by a newcomer could result in a wildfire that could destroy homes, kill wildlife and people, and destroy these precious ecosystems. The wind in our mountains can be capricious, strong, and dangerous. We also are concerned about the noise that celebrations generate -- and noise travels far in the mountains. The mountainous areas of Boulder County might need stronger regulations on short-term rentals than our more urbanized areas.

A few important points should be made before I close:

We have no financial interest in this issue, as we have no short-term rentals. This should not be a discussion of property values. This should be a discussion about neighborhood quality of life. Our main interest is in preserving the residential quality of life in our residential neighborhoods (including safety, peace and quiet, and security).

Claims that this issue is being rushed through or handled quietly are completely untrue. We have been receiving proper notification about these regulations and meetings related to them for months.

The regulations proposed are necessary.

We support the approval of this docket.

Thank you all for the work invested in these regulations.

Sincerely,

Kit and Wanda Fuller
4600 Cloud Court
Boulder, CO 80301

582 County Road 113 South
Meeker Park, CO 80510

From: [Maura Christoph](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#)
Subject: Short term rental new considerations.
Date: Wednesday, December 2, 2020 9:56:14 AM

Good morning,

As I'm reading through all the over regulation rules you are hoping to Implement

I have a few questions.

1.

Please explain "where the heck" did this proposed regulation of a vacation rental has to be on property on or over an acre or more come from?

What is the justification for for that rule?

I don't recall that ever being written in prior code you were rewriting.

Many Boulder county mountain cabins are on less than an acre.

2. Under definitions you have number 7. "ON SITE: "Contiguous parcels or lots under the same ownership and control as the licensed premises"

I cannot find in all exhibits where this "on site" definition fits.

Please explain to me where I can find that in the DC-19-0005.

3. What is the justification for 20 days a month only allowed to rent.

How is this number helpful or honest to neighborhoods that support short term rental and want to promote tourism dollars to Boulder County versus the money going to nearby Larimer County and Gilpin County in peak Tourism months.

I look forward to your response.

Maura Christoph
Sent from my iPad

From: [Philip Mary Stern](#)
To: [Rodenburg, Jasmine](#)
Subject: Docket DC-19-0005
Date: Wednesday, December 2, 2020 11:12:16 AM

Board of Boulder County Commissioners

Please **Approve** Docket DC-19-0005, Short-Term Rentals.

The County Staff should be applauded for its diligent and comprehensive work on Short Term Rentals. The County is long overdue for a revision to the existing ordinance. The proposed ordinance is well balanced. While we personally believe it could be stronger and additional provisions added, we accept it as is.

We have no financial interest in this docket. We don't operate a B & B or short-term rental unit. Our interest is to preserve the peace and harmony and security of our neighborhood. We have been receiving proper notification about these regulations and meetings related to them for months. The regulations proposed are necessary to accomplish this.

We support the approval of this docket.

Phil & Mary Stern

PO Box 56
Allenspark, CO 80510

From: [Gail](#)
To: [Rodenburg, Jasmine](#)
Subject: Re: Comments RE: DC-19-0005
Date: Wednesday, December 2, 2020 3:49:10 PM

Hello Jasmine,

Thank you for your quick reply and for addressing some of my concerns.

1. I believe it is onerous to have to rebut to a county agency every time I want to rent my home for 21 days or more while I'm away. Instead, I suggest this rebuttal should only take place if there's a complaint registered. It's quite a jump to presume that a 20 day absence in any given month would establish that the home is not the owner's primary residence. What kind of "credible evidence" would be accepted that I live in my home? Eyewitnesses? With COVID, I rarely see my neighbors, and other than my husband, no one else lives with us to attest to our presence. That's a hard one to crack. It would be easier to give evidence of the time away, with a copy of flight reservations or passport stamps, but that only serves to prove why you were away from your home, not all the time you actually live in it, which is what you're trying to prove. (Even typing that sounds crazy! Proving you live in your house!)

2. I would recommend that the Ordinance specify that there is no restriction to the number of nights an owner can rent his/her primary residence. That would make it crystal clear and probably reduce the number of letters and phone calls from Boulder County residents to your department, such as my own. :)

Please add these two suggestions to the comments about the Ordinance.

Kind regards,

Gail Fray

On Dec 2, 2020, at 3:08 PM, Rodenburg, Jasmine
<jrodenburg@bouldercounty.org> wrote:

Good Afternoon, Gail –

Thank you for submitting your comments on the proposed short-term rental regulations. I added your comments (the letter you attached to the wufoo form) to the public record for consideration by the Board of County Commissioners.

I did want to take some time to answer a few of the questions/comments you had.

1. We have heard from a couple of people about the twenty day limitation, and this is a bit of a misunderstanding. I will do my best to clear this up with the Board at the public hearing as well. Primary Dwelling Short-Term Rentals must be

someone's Primary Residence. The Licensing Ordinance defines Primary Residence as the place where someone resides for more than 6 months out of every calendar year. However, staff will presume that a residence is not someone's Primary Residence if it is offered for rent for more than twenty days in any month. This presumption is rebuttable with credible evidence from the property owner. Like you mention, there are many legitimate reasons that someone might rent out a property for more than 20 days in a month (travel for work or pleasure for an entire month or retiring and living elsewhere over the 3 months of winter). However, there are also many times when someone rents out a place for more than 20 days in a month and it is clear that the property is not anybody's primary residence. Thus, the 20 days is not a hard limit on rentals, it just means the property owner has to demonstrate that the residence is indeed his/her Primary Residence and they are simply absent for that month.

2. There are two types of licenses the county could issue, a Vacation Rental License and a Short-Term Rental License. A Short-Term Rental License in the Licensing Ordinance includes both Primary Dwelling Short-Term Rentals and Secondary Dwelling Short-Term Rentals. Thus, if someone, such as yourselves, wanted to rent out their Primary Residence, they would get a Short-Term Rental License for a Primary Dwelling Short-Term Rental. There is no current limitation on the number of nights someone can rent out his or her Primary Dwelling (as long as they comply with all the other code provisions). The 60 day limitation is proposed for the Secondary Dwelling Short-Term Rental. A License will be good for two years.
3. The fees have not yet been adopted. As a result, you will not find them in the fee schedule. This will happen after (and if) the Board of County Commissioners approves the Text Amendments and the Licensing Ordinance.

I hope this addresses some of the questions you had. I appreciate the comments and look forward to any other questions or concerns you might have.

Kindly,

Jasmine

Jasmine Rodenburg

Senior Planner – Oil/Gas and Environmental Policy

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We've become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

www.bouldercounty.org

PLEASE NOTE: Due to COVID-19, the Boulder County Community Planning & Permitting Department is conducting business and providing services virtually. Our physical office

in Boulder is currently closed to the public. Please visit us online at <https://www.boco.org/cpp> for more information.

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#17]
Date: Wednesday, December 2, 2020 6:48:11 AM

Name *	Ben Emerson
Email *	ben_emerson@msn.com
Phone Number *	(720) 406-7872
Address *	<input type="checkbox"/> 250 Valley Lane Boulder, CO 80302 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	The proposed regulations seem to be a broad brush approach to a problem that, in my opinion, is very limited. I urge the Boulder County Commissioners to reject the proposed changes and, instead, direct staff to research the problem more thoroughly and a) determine if anything really needs to be done, and b) if changes are needed, develop a defined program that addresses any real problems while minimizing property owner rights restrictions.
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#19]
Date: Wednesday, December 2, 2020 1:25:11 PM

Name * Daryl James

Email * djames@djameslaw.com

Phone Number * (303) 447-9688

Address * ☐ 4567 Apple Way
Boulder, Colorado 80301
United States

Is your primary residence in Boulder County, Colorado? * Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *

Commissioners,

As a long-time (39 years) Boulder County resident, I am glad to see you are attempting to assert some rational control over short-term rentals. Having witnessed two recent Limited Impact Special Use Reviews for short-term rental proposals in Orange Orchard subdivision, it is obvious that a coherent strategy is needed to address the effects these uses have on neighborhoods.

The proposal to increase the right to rent for STRs from 14 days to 60 in neighborhoods zoned Rural Residential (RR) is something which is simply not needed. Owners who bought in RR areas knew of the restriction at the time of purchase and the pressure to create added opportunities for renting out property comes from a minority of owners. The majority are not asking for this special consideration and granting it to the minority imposes burdens on the majority. For that reason, no such expansion should take place.

Having said that, I can see that County staff and the Planning Commission are committed to the staff recommendations, and the Commissioners are likely to approve the recommendations or something close to them. Thus, my comments below are addressed to the issue of how to minimize the adverse effects of what you are about to do.

There are a number of things you can do to lessen the impact of permitted STRs:

1. Require a substantial license fee. This will incentivize would-be lessors to think twice before starting up a rental operation.
2. Require license renewal every year, with an opportunity for comment from neighbors.
3. Limit STRs to primary dwellings only in RR areas.
4. Require the owner to be present during any rentals. While the inclusion of a requirement for a manager to be within one hour of the premises seems well-intentioned, this concept is alien to the idea of a primary residence rental. The owner should be present. If the owner wants to set up a rental operation on a scale large enough to need a manager, the operation should not be in an RR area.
5. Require a minimum rental period of two nights.
6. Limit the number of STRs in a given geographic/density area. This is something that does not

appear to be addressed in the staff recommendations but could be important, because a proliferation of STRs in existing neighborhoods will cause fundamental change in the nature of those neighborhoods.

7. Limit the number of guests who can be present at any one time. The current draft sets this at eight people. That is a far greater number of people than the average family, which typically consists of two to four people.

8. Impose a substantial fine for violations of licensure requirements. The structure proposed by staff is a good start, but the Commissioners should think more broadly in terms of a fine structure sufficient to prevent violations.

9. Provide a clear statement that local homeowners' associations are free to enact stricter limits on rentals within their associations. While this is in fact the law, the Commissioners and the County can play a part in actively informing HOAs of this.

Finally, I urge you to not accede to the wishes of those few owners who assert that regulation of STRs poses some kind of draconian burden on their right to do as they please with their property. While we own property, we have responsibilities to others so that they can enjoy their properties consistent with the expectations they had consistent with the land use regulations in effect at the time of purchase.

Good luck dealing with a difficult issue, and thanks for considering these suggestions.

Respectfully,

Daryl James

Please check box below *

• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Ask a Planner - Lacey Beldon - -
Date: Wednesday, December 2, 2020 2:19:51 PM

Name: Lacey Beldon

Email Address: mountain.love722@gmail.com

Please enter your question or comment: What is the protocol for when a home has gone through the STR permitting process to allow additional days beyond what is currently allowed and then sells? Is the new homeowner required to go through the same process as the owner they purchased from? If not who assures the new owner about the protocols they are supposed to follow and what was permitted via Special Review?

I wished someone would really keep an eye on these STR's in the mountains of Unincorporated Boulder they are out of control and bringing all sorts of out-of-towner's to the area.

Boulder county resident,

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

RECEIVED

NOV 30 2020



BERG HILL
GREENLEAF RUSCITTI^{LLP}

BOULDER COUNTY ATTORNEY

Giovanni M. Ruscitti
Managing Partner
Licensed in New York and Colorado

Email: gmr@bhgrlaw.com

November 16, 2020

Certified Mail/Return Receipt Requested

Boulder County Attorney's Office
Attn: Ben Pearlman and Erica Rogers
Boulder County Courthouse
5th Floor
1325 Pearl Street
Boulder, CO 80302

Re: *Docket DC-19-0005: Short-Term Dwelling Rental and Bed and Breakfast Update and Licensing Ordinance 2020-1*

Dear Mr. Pearlman and Ms. Rogers:

This firm acts as counsel to numerous homeowners in the Allenspark area (the “**Homeowners**”) in connection with the above referenced matter. As you know, Boulder County is considering imposing new, severely restrictive regulations on people that use their home for short-term dwelling rentals or as a bed and breakfast (the “**New Regulations**”). As set forth below, the New Regulations violate Colorado law and impacted parties have not been provided a fair opportunity to be heard on this matter. The purpose of this letter is to demand that the Boulder County Community Planning & Permitting office (“**CPP**”) postpone consideration of the New Regulations until all impacts are properly taken into account and the New Regulations are modified so that they do not violate Colorado law. If CPP moves forward with enactment of the New Regulations, the Homeowners will pursue any and all claims available to them, including filing a lawsuit against the appropriate parties.

Specifically, the New Regulations modify existing use restrictions in the Land Use Code and place stricter regulations on how property owners can operate short-term rentals out of their homes. A brief summary of the changes that the ordinance will make is as follows: (1) clarify the distinction in the Land Use Code among Bed and Breakfast, Short-Term Dwelling Rental, and Vacation Rental uses by bringing new definitions of each of the above terms; and (2) introduce a Short-Term Dwelling Rental and Vacation Rental licensing program through the adoption of a Licensing Ordinance that coordinates with the proposed Land Use Code text amendments. The changes are unlawful.

ATTORNEYS AT LAW

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BHGR.LAW.COM

In that regard, bed and breakfasts are defined as “a principal lodging use where a facility is rented to one or more guest parties at a time, the owner or manager resides on-site during rental periods, and at least one meal per day is served to guests.” Vacation rental is now defined as “a principal lodging use where a single-family dwelling is not owner-occupied and is rented to one guest party at a time more than 60 nights per year.” Lastly, a short-term dwelling rental is “an accessory residential use where a single-family dwelling is owner-occupied or is rented to one guest party at a time 60 nights or fewer per year.” The CPP has stated that the New Regulations serve four purposes, including to: (1) facilitate safe short-term rental of residential property in a way that protects the integrity of neighborhood character; (2) preserve existing housing stock; (3) track, manage, and enforce violations of this Ordinance; and (4) protect the health, safety, and welfare of the public. However, the New Regulations do not serve these stated purposes and will significantly modify the current Land Use Code.

To that end, one of our clients, Mr. Sam Arieti, has sent several formal comment letters on behalf of the Homeowners to CPP when DC-19-0005 was open for public comment. Those letters are attached hereto as Exhibit A and are incorporated herein by this reference. In those letters, the Homeowners explained their opposition as rooted in the following key principles: (1) the use of residential property as living space, including as a rental property, is the intended use of such property and has been historically used for such purpose – the New Regulation modifies this; (2) the limit of one license per individual is an unlawful and unfair restriction; (3) the proposed special review/public hearing process is burdensome and should be eliminated; (4) the proposed penalties are excessive and unreasonable; (4) “A One Size Fits all” approach is improper for Unincorporated Boulder County; (5) the stated rationale for the New Regulation is invalid, and results in discriminatory application; (6) the New Regulations will impose significant economic limitations on the residents; and (7) the review process has been unfair and prejudicial.

Enactment of the New Regulations violates Colorado and US Supreme Court law. Specifically, in *Houston v. Wilson Mesa Ranch Homeowners Association, Inc.*, 360 P.3d 255, 258-59 (2015), the Colorado Court of Appeals explained that some courts “concluded that, because ambiguities in restrictive covenants were to be construed in favor of the free use of property, short-term rentals were not precluded as inconsistent with residential use. [While] Other courts have found no ambiguity, reasoning that, as long as the property is used for living purposes, it does not cease being residential simply because such use is transitory rather than permanent.” The Court continued, “in these circumstances, ***we agree with the courts that have held that mere temporary or short-term use of a residence does not preclude that use from being residential. Moreover, even if we were to find the covenants ambiguous in this regard, we would be required to adopt the construction of residential that favors the free and unrestricted use of Houston’s property.***” *Id.* at 259 (emphasis added). The court also deemed “that receipt of income does not transform residential use of property into commercial use.” *Id.* at 260.

Applying these principles here, CPP has stated that one of the main purposes for enacting DC-19-0005 is to “preserve the integrity of neighborhood character.” However, short-term dwelling rentals are a historic use and do not take away from the integrity of the neighborhood. Instead, they add to it. Because short-term rentals do not constitute commercial use and is a residential use, these short-term rentals simply do not change the integrity of the neighborhood character. The people using these short-term rentals are not doing anything different (using the

house as a place to sleep, eat, etc.) than homeowners in houses that are not available to rent. Short-term rentals keep the neighborhood residential and, allow others not privy to the neighborhood to visit and experience the neighborhood character. Short-term rentals promote residential use of the home rather than promoting commercial use, thus preserving the integrity of the neighborhood character. The New Regulations ignore this precedent, are short-sighted, and are classic Boulder County over-regulation of housing for the benefit of a few extremists.

Moreover, the New Regulations constitute a taking. In *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528 (2005), the United States Supreme Court outlined two categories of regulatory action that generally will be deemed per se takings for Fifth Amendment purposes: “(1) where government requires an owner to suffer permanent physical invasion of her property – however minor- it must provide just compensation; and (2) regulations that completely deprive an owner of ‘all economically beneficial use’ of her property.” Outside of the two factors above, regulatory takings challenges are governed by the standards set forth in *Penn Central Transp. Co. v. New York City*, 438 U.S. 104 (1978). The Court in *Penn Central* “acknowledged that it had hitherto been ‘unable to develop any set formula’ for evaluating regulatory takings claims, but identified ‘several factors that have particular significance.’ Primary among those factors are ‘[t]he economic impact of the regulation on the claimant and, particularly, the extent to which the regulation has interfered with distinct investment-backed expectations.’”

Here, the New Regulations will have such an adverse effect on the Homeowners as to completely deprive them of all economically beneficial use of their property if they cannot make an income from short-term rentals. As stated in Mr. Arieti’s comment letter, it is made clear that some of these homeowners have “structured their property ownership or organized their economic lives and retirement on the opportunities presented by vacation rentals.” If these ordinances are implemented, CPP will be depriving homeowners of all economically beneficial use of their property, justifying a taking by Boulder County. However, a taking without just compensation is illegal. The New Regulations will severely damage homeowners who have historically used their property as short-term rentals and have planned their retirement on the ability to continue to do so.

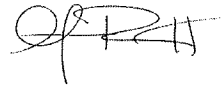
Other concerns are addressed in Mr. Arieti’s letter and are not restated here.

In short, the New Regulations pose a threat to all homeowners in Boulder County that use their homes for short-term rentals, and violate Colorado and US Supreme Court law. We demand the CPP postpone consideration of the New Regulations until all impacts are properly taken into account and the New Regulations are modified so that they do not violate Colorado law. If CPP moves forward with enactment of the New Regulations, the Homeowners will pursue any and all claims available to them, including filing a lawsuit against the appropriate parties.

If you have any questions, please feel free to contact me.

Sincerely,

BERG HILL GREENLEAF & RUSCITTI

A handwritten signature in black ink, appearing to read "GR", with a horizontal line extending to the right.

Giovanni Ruscitti

November 12, 2020

Board of County Commissioners
1325 Pearl St, Third Floor
Boulder, CO 80302

Re: Public Comments requested for **Docket DC-19-0005: Short-Term Dwelling Rental and Bed and Breakfast Update and Licensing Ordinance 2020-1**

Commissioners:

I attended a meeting earlier today during which County Attorney Erica Rogers presented to you the Licensing Ordinance referred to above, and in response to which you had no questions or comments. The purpose of this letter is to lay out for you some very deep reservations concerning the Licensing Ordinance and Code Update (collectively, the "Proposal") that are shared by many property owners in Unincorporated Boulder County. I petition you to consider the concerns listed below and ask that you deny any motion to adopt or approve the Proposal at the meeting scheduled for December 3rd or at any future date. For your reference I have attached a copy of my earlier letter which outlines additional grounds for protest.

From the onset, I would like to point out that there are much simpler and more appropriate ways for the County to address the issue of short term and vacation rentals. In lieu of the Proposal, I encourage the County to consider whether it would not be better policy instead to permit any property owner to register and become licensed upon showing proof of adequate insurance. Licensees could then be monitored and instances of abuse or serious complaint could then be addressed on a case-by-case basis. The Proposal as stands would effectively kill all vacation rental activity in the County, which appears to be its intention.

1. **Most property-owners will not be able to comply with these over-complex regulations.** There are several pages of lengthy, time consuming and expensive regulatory steps property owners must comply with. The timeframe for accomplishing many of the items, particularly given logistical constraints in the mountains, is well in excess of one year; whereas, the Planning Staff want to start enforcing these rules early in 2021. Many property owners have stated they would need to hire an attorney to navigate the list. It will simply be impossible for most people to organize all the steps necessary to comply. For example, the fire mitigation requirement alone requires elimination of more than 90% of trees and shrubs within a 100 foot radius of a home and most homeowners will be unable to easily accomplish that sort of physical work that can take over 100 hours. In general, because of the essentially harmless nature of rental activity (which does not differ from the homeowners' use of the property) nearly all these requirements are absolutely unnecessary and appear specifically intended to eliminate rental activity altogether. I ask the Commissioners to consider whether it is in the interest of the County to publish regulations that create an almost impenetrable barrier to compliance.
2. **Penalties of up to \$1,000 per day for a perceived offense are extreme and unwarranted.** The penalty regime is excessive and unwarranted given that vacation rental activity presents no overt harm to the County commensurate with the penalties being proposed. The complexity of the regulations makes it inevitable that the penalties will be enforced arbitrarily.
3. **The Special Review/Public Hearing Process.** The Proposal requires most property-owners to go through a public hearing process as a pre-requirement for a license. This process can take up to a year and represents a further barrier to compliance. The Land Use Commission could be flooded with a backlog of hundreds of such requests, increasing the wait time. This process should altogether be

unnecessary given that vacation rental does not give rise to any land use alteration that would need to be reviewed by the Commission or the public.

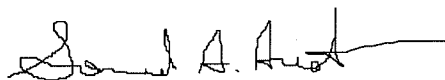
4. **Only one license permitted per individual and affiliates.** How can the County defend such an extreme restriction on the number of rental properties? What other business in the County can only be carried out at a single location? This provision seems outrageous and allows zero pathway to compliance to anyone who owns multiple rental properties.
5. **Boulder County would become an outlier.** While many jurisdictions are beginning to impose licensure requirements on some vacation rental activity, none have gone to lengths set forth in the Proposal. While the Planning Staff have stated that their Proposal would place Boulder in the “median” in terms of restrictiveness, I respectfully request that the Commissioners use their own judgement and common sense to determine whether they believe that the Planning Staff is looking at this question objectively. I note in passing that Summit County and San Miguel County have no similar restrictions.
6. **Elimination of the historic seasonal activity in Unincorporated Boulder County.** Short term and vacation rental should be viewed differently based on where it occurs and in the mountains of Boulder County this activity has been conducted for generations in homes and historic cabins. The Proposal attacks and would eliminate this seasonal vacation activity, almost in the entirety, because it will be impossible for many people to comply with the burdensome and complex regulations. If anything similar to the Proposal is adopted, then exceptions must exist for properties located on the Peak-to-Peak and in the surrounding of Rocky Mountain National Park. The Commissioners should consider that very few fulltime residents live in this area – it is almost exclusively used seasonally by second home owners and vacationers. **In drafting these rules, should not Boulder County take into consideration the historic use of property in these areas and take measures that protect this activity?**
7. **Litigation hazard.** The Texas Supreme Court has stricken similar rules in that State because it found that residential use of property by renters was the same as residential use of property by owners and that there was no basis to impose major restrictions on rental use. In addition, because the Planning Staff have claimed that their primary objective in writing the Proposal was to cause a decline in property values by removing rental possibilities (thereby accomplishing the goal of creating affordable housing), the County lies exposed to claims by all property owners in the unincorporated areas that the government has intentionally diminished their property values. I would encourage the Commissioners to consider these concerns and start the drafting process from scratch with new planning staff so as to eliminate the potential legal liability associated with the current Proposal.
8. **Economic disaster for many.** Many residents and property owners in the unincorporated areas have structured their economic affairs and personal retirement strategy to take advantage of vacation activity in the mountains. To achieve questionable policy objectives, the Proposal will cause serious economic harm to many.
9. **Lack of good faith on the part of County Planning Staff.** Throughout the process of “educating” the public about the Proposal, the Planning Staff has intimated that they would listen to the public and address their concerns in the final draft regulations. However, they very clearly have made little to no effort to address the myriad concerns raised during all meetings calls, where the vast preponderance of the attendees have been individuals opposed to the Proposal. The Planning Staff have made numerous comments to attendees that demonstrate that the staff themselves are personally or politically opposed to vacation rental activity and that they view short term/vacation rentals as objectionable in nature. In addition, the staff have frequently made the comment that the Proposal is not offensive because it merely tweaks or modifies the current licensure regime, and that many complaining property owners simply do

not understand this nuance. This line of reasoning is a falsehood. Suffice it to say that many members of the public opposed to the Proposal are sophisticated individuals, including doctors, tax lawyers and real estate attorneys, and we are more than capable of reading complex regulations and deciphering that the Proposal is a radical departure from current regulations and seeks to undermine all rental activity.

10. **Opposition to the Proposal has no voice.** To further the point above, no voice or advocate opposed to the Proposal has been able to join the drafting process. Instead, we hear that the Planning Staff is working hand-in-hand in writing these rules with members of the public who are personally opposed to all rental activity. I petition the Commissioners to be the voice that many of us have lacked in this process and to question seriously the Proposal, the intentions therefore, and whether a less restrictive approach would be more appropriate.
11. **Discriminatory nature of the Proposal.** The Planning Staff have often noted that an evil of vacation rental they seek to remedy by eliminating the activity pursuant to the Proposal is to “preserve the character of neighborhoods.” What “character,” one may ask, are they seeking to preserve? In Allenspark, the unquestionable “character of the neighborhood” is one of seasonal vacation use, which the Proposal is seeking to alter by making it all but impossible to get a rental license. Since the Proposal clearly is intended to destroy, rather than preserve, the character of Allenspark, it seems clear that by using the term “preserve the character of the neighborhood,” the Planning Staff mean something else. As the demographic of vacationers in Boulder County has changed via online rental platforms, there has been an increase of urban and international travelers to the county, including ethnic minorities. The Planning Staff appear to working hand-in-hand with elements in the County that are opposed to these “outsiders” from visiting the County who differ from the more traditional demographic that has been vacationing in our mountains for generations. It is quite clear that the outcome of the Proposal would be to prevent all but the few and very wealthy from being able to stay in many parts of the County, unless we are to believe (as the Planning Staff appear to claim) that property devaluation in the mountains would cause an onrushing wave of low income residents comfortable living without cell phone reception and more than 30 minutes from job locations.
12. **Ability to rent is a fundamental land right.** In the haste to publish changes to the Land Use Code or to establish a licensing regime for vacation rentals, the Commissioners should not overlook the fact that a property owner’s right to rent their property is a fundamental right that goes with real property. That right is so fundamental that before major restrictions are imposed, those restrictions should be vetted carefully and should be limited only to those items absolutely necessary to carry out the limited objective of the regulating body. So I must ask the question: Is the objective of the Proposal to eliminate nearly all vacation rental activity in Unincorporated Boulder County, or is the objective merely to document the text amendments requested by the Board of County Commissioners on July 2, 2019? I respectfully submit to the Commissioners that the objective must clearly be the former, since it would be much easier, much less complex, much less controversial and much more efficient (from both an administration and enforcement perspective) to merely grant all interested property owners a license and then to address issues with offensive situations on an ad hoc basis.

If you are convinced by even one of the above concerns or lines of argument, I ask you to please choose not to move forward with authorizing the adoption of the Proposal and rather to authorize new Planning Staff to pursue any of the many more reasonable alternatives.

Best Regards,



Samuel A. Arieti, Allenspark

September 24, 2020

Boulder County – Community Planning & Permitting
P.O. Box 471
Boulder, CO 80306

Cc: Concerned property owners of Boulder County

Re: Public Comments requested for **Docket DC-19-0005: Short-Term Dwelling Rental and Bed and Breakfast Update**

To whom it may concern,

I am sending this letter of protest on behalf of myself and a likeminded group of other property owners in the mountainous parts of unincorporated Boulder County. This letter responds to the request for public comments by Boulder County's Community Planning & Permitting staff ("CPP") with respect to Docket DC-19-0005, which contains CPP's proposals for text amendments to Boulder County's Land Use Code and proposed licensure requirements for short-term rentals, vacation rentals, and other activity in unincorporated Boulder County. These proposals are referred to in this letter as "DC-19-0005."

The context for our opposition to DC-19-0005 is addressed at length below and is rooted in the following key principles:

1. Use of Residential Property as Living Space Is the Intended Use of Such Property
2. The Special Review/Public Hearing Process Should Be Eliminated
3. "A One Size Fits All" Approach is Improper for Unincorporated Boulder County
4. Vacation Rental Is a Historic Use of Property in Boulder County
5. The Stated Rationale for DC-19-0005 Is Invalid
6. Many Provisions in DC-19-0005 Are Arbitrary and Susceptible to Legal Challenge
7. Concerns with Vacation Rentals Can Better Be Addressed Without DC-19-0005

1. Use of Residential Property as Living Space Is the Intended Use of Such Property

Residential real estate is intended for use as living space by small groups of friends and family and for good reasons the use of residences as a place to sleep, eat and socialize by such groups generally is not monitored or regulated by government. The use of a residence as a residence, regardless of the individuals involved, cannot, per se, result in misuse of residential property. In taking the contrary position via DC-19-0005, the CPP believes that the County may interfere with the residential use of residential property on the basis of which particular individuals carry on residential activities within residences or their relationship to the landowner, or that certain residential activity within residences raises novel land use concerns that need to be addressed via regulation. The CPP's position cuts to very nature of the rights of property owners and the fundamental use of real property for its intended use, and thus we respectfully request delay of DC-19-0005 until the ramifications of the CPP's position becomes better understood. The CPP's erroneous position that it should judge and regulate residential use of a residence is connected to many of the other arguments against DC-19-0005 contained in this letter.

2. The Special Review/Public Hearing Process Should Be Eliminated

DC-19-0005 creates several categories of land use involving short-term and vacation rentals and requires, as a step precedent to seeking a license, that the property owner undertake a "Special Review" process, which generally means going through a 6-9 month public hearing process to obtain approvals from the County, the CPP staff and neighbors. On phone calls regarding DC-19-0005, the CPP staff has pointed out

that (a) the “Special Review” process currently is required for property owners seeking vacation rental licenses, and (b) that the “Special Review” process allows the CPP staff the opportunity to control the number of rental properties in the County subject to various standards that could not be articulated on the phone call. **In our view, the “Special Review” process represents the most objectionable part of DC-19-0005.** First, as outlined in Item 1 above, vacation rental activity represents residential use of residential property – thus it is no departure in kind, degree, or magnitude from the intended and lawful use of residences. Thus, the process of “Special Review” is altogether unnecessary when it comes to short-term or vacation rental activity. Instead, that process appears designed for situations where there is a proposed shift in the underlying nature of land use. If the “Special Review” process is currently codified as a vacation licensure requirement then the current rules should be changed as part of the CPP’s mandate instead of being relied upon by the CPP as an excuse to “double down” on a bizarre and objectionable policy. Second, it appears to us to be deeply improper for the “Special Review” process to be misused by County authorities or adjacent landowners as a way to restrict lawful use of property for its intended residential purposes. This introduces a level of arbitrariness into the process that is altogether unjustifiable. The County and adjacent landowners certainly should have a right to object if a residential property owner were to seek a variance to convert his/her property into a gas station or strip mine operation; but, neither group should have any right to interfere when a landowner invites guests onto the property to carry out its intended purpose of serving as a place where people sleep, eat and socialize. In addition, we note that nearly every other jurisdiction we are aware of that regulates vacation rentals has chosen to acknowledge this key principle and has imposed mere licensure requirements without any need for property owners to seek a land use variance or request permission from neighbors or government staff.

3. “A One Size Fits All” Approach is Improper for Unincorporated Boulder County

Through the phone calls organized by the CPP it has become clear that a driving force behind the drafting of DC-19-0005 are subdivision homeowners outraged at perceived over-use of their neighbors’ properties by short-term guests. A variety of smokescreen excuses have been proposed to lend validity to these individuals’ concerns that somehow residential use of a neighbor’s residence results in misuse: increased car traffic, a loud party, a parking hazard, etc.... As described elsewhere below, such concerns already are solved by public nuisance laws and are unworthy of being doubly solved via regulation of rental activity. Fundamentally, though, many or most concerns related to increased activity in subdivisions do not apply to less densely populated parts of Boulder County. Still, in a rush to speedily craft one set of ill-conceived rules for all of unincorporated Boulder County, the CPP is justifying its “one size fits all” approach on the grounds that use of property in the mountains and plains creates other concerns related to wildfire and wildlife, and that those concerns are similar enough to subdivision concerns to justify drafting one set of rules for all unincorporated parts of the County. We believe that the concerns and problems created by use of property in a subdivision are entirely different than any concerns and problems created by use of property in a rural area and must, as a matter of prudent public policy dictate different approaches instead of the single approach taken by the CPP in drafting DC-19-0005. Any attempt to differentiate between types of property in the current draft proposal fall woefully short. We encourage the CPP to abandon its current efforts to draft rules for all unincorporated parts of the County and instead to use a targeted approach to solve problems where they actually exist.

4. Vacation Rental is a Historic Use of Property in Boulder County

The history of vacation rental activity in the mountains of Boulder County goes back many generations and is tied intrinsically with proximity to Rocky Mountain National Park. Over four million tourists visit the Park annually and many or most travel to arrive there and require lodging. No property owner alive today in the mountainous parts of Boulder County, and particularly Allenspark, can claim that he or she acquired their property while unaware that vacation rental activity was ongoing and was a major use of property in the area. It is **absolutely disingenuous** for the CPP to take the position that new information has come to light, or that the proliferation of Airbnb and VRBO has changed the nature of vacation rental activity in the

mountains of Boulder County. Hundreds of landowners rent their property to hundreds of thousands of annual guests, in a cycle of supply and demand that the CPP appears to have ignored entirely in its drafting of DC-19-0005. Many property owners in the County have structured their property ownership or organized their economic lives and retirement on the opportunities presented by vacation rental. The grave concerns of personal bankruptcy, forced foreclosure, financial ruin and other hardship cause us to plead in unison that the County reject DC-19-0005 as drafted until the full impact on the community can be understood and better rules are drafted that **promote and encourage** flourishing historic vacation rental activity. We strongly believe that the harms of DC-19-0005 surely outweigh its intended benefits.

5. The Stated Rationale for DC-19-0005 Is Invalid

Based from the participation on group calls organized by the CPP, a driving impetus for DC-19-0005 appears to come from inappropriate sources: disgruntled property owners involved in neighborhood disputes. However, because the CPP has rationalized its proposals by citing several other concerns, we present those below, along with our thoughts on their lack of persuasiveness:

- a. Shortage of Affordable Housing. The CPP staff claim that they have drafted DC-19-0005 in an effort to cause a decline in real estate prices and to make housing more affordable, citing unidentified statistical studies of the impact of vacation rentals on home prices. However, based on our analysis, there are no conclusive studies on this subject, and the better understanding is that approximately 700 vacation rental properties in all of the unincorporated areas could not possibly have any meaningful impact on the affordability of housing stock. In addition to the futility of DC-19-0005 in addressing this concern, we also question (i) whether the lack of affordable housing is an issue for all unincorporated Boulder County (i.e., is it an issue only for places close to Boulder and Longmont?), (ii) whether it is acceptable for Boulder County to address the issue by seeking to drive down property values indirectly as opposed to directly solving the problem by constructing more low-income housing, and (iii) whether the County truly wants to go on the record in terms of supporting property devaluation. In our view, property values are high in Boulder County because it is a beautiful place to live and vacation rentals are not a meaningful part of the equation.
- b. Character of the Neighborhood. The CPP staff argue that rental activity should be curtailed because it changes the character of neighborhoods where the activity takes place. This argument ignores entirely the longstanding history of rental activity in Boulder County and the critical fact that renters' use of residences does not differ in any material way from the property-owners' use of those residences. The argument that government should attempt to use land use codes to alter the "character of the neighborhood" should set alarm bells ringing as it clearly is merely a construct used to conceal some ulterior motive and has often been used in the past to provide cover for all types of discriminatory policy aims.
- c. Proliferation of Airbnb and VRBO. Another claim by the CPP is that the rapid rise of Airbnb and VRBO have changed the nature of land use in unincorporated Boulder County in a manner that mandates government action. As noted above, this claim is absolutely disingenuous as it relates to many mountainous parts of the county where vacation rental has been a primary historic use of property. Moreover, we note that Airbnb and VRBO are merely platforms whereby landowners can alter the identity of the individuals making residential use of residential property – i.e., there is no change in the underlying use of homes as places where people sleep, eat and socialize – and therefore there is no need for the community to be alarmed by the rental of property on these websites. These companies are better viewed as partners of Boulder County than as antagonists.
- d. Risk to Vacationers. The CPP has justified many of the Licensure requirements in DC-19-0005 as being necessary to protect guests who are staying in short-term rental or vacation rental properties. While we interpret this concern as paternalistic and unnecessary in most instances, we are prepared to accept that the County may choose to impose a license fee and some safety

measures or recommended best practices for property owners that host short-term or vacation rentals. A requirement for such property owners to carry a certain minimum insurance should suffice to address this concern. We reject the use of this process as an apparatus to impose stringent conditions or other policy goals, such as wildfire mitigation or construction upgrades. In our view and based on our reading of the vacation rental ordinances in other municipalities, the requirements in DC-19-0005 are overly restrictive and expensive and go far beyond the purported goal of ensuring safety for guests. Instead, the cost and restrictiveness of the licensure requirements seem to have the direct goal of preventing rental activity.

- e. Wildfire and Wildlife. The CPP has also claimed that regulations in rural mountainous areas are necessary because of the risk posed by out of town guests creating wildfires and disturbing wildlife. We note that hundreds of thousands, if not millions, of people visit Boulder County annually, and that many people move to the County for work or school each year. None of these people undergo any sort of training with wildfire risks or wild animals. Yet, the CPP points to approximately 700 rental properties in the County as a risk factor worthy of requiring government action! In the absence of any proof linking wildfire and wildlife risks with vacation rental activity, we respectfully submit that these are not valid concerns that should be addressed as part of this process.
- f. Over-Use of Property. The CPP staff claim that vacation rental is problematic because residences become “over-used,” resulting in enhanced traffic issues, enhanced wildfire or wildlife incidents, and enhanced partying. But the opposite is actually the case, and those concerns would surely be magnified by converting seldom-used vacation rental properties into full-time owner-occupied residences. A home that is owner-occupied is resided in nearly 365 days per year, with the septic used daily, parties hosted frequently, lots of daily traffic and all sorts of other year-round activities and opportunities for wildfire risk and wildlife confrontation. By contrast, a property that is typically rented for 60-100 days annually for families vacationing in the mountains has far less usage. The CPP’s goal of mitigating wildfire and wildlife risks in rural areas is therefore directly at odds with its other stated goal of converting rental properties into owner-occupied residences. This underscores the absolute failure of DC-19-0005 in achieving any articulable policy goals.

To summarize, because the supposed rationales for DC-19-0005 appear to have no logical footing, we urge Boulder County to immediately suspend any further consideration of the proposal.

6. Many Provisions in DC-19-0005 Are Arbitrary and Susceptible to Legal Challenge

While many of the above concerns relate to the general unfairness and poor policy considerations behind DC-19-0005, we also point out the following specific provisions of the proposal that reek of arbitrariness and we suspect are constructed on shaky legal ground:

- a. Eight person maximum: The CPP staff’s rules would prevent more than 8 people from renting a home in the County. As the owner of a large 5 bedroom home in Allenspark where on many occasions I have gathered with 3 other adults and their 6 children, I shudder to consider that the CPP staff regards those gatherings as offensive and has drafted DC-19-0005 to outlaw similar gatherings. This provision appears to be low-hanging fruit susceptible to legal challenge and throws into question whether Boulder County believes it has the authority to bar property owners from hosting family reunions or even taking in foster children or relatives who have fallen on hard times. If the County’s goal is to prevent obnoxious parties from occurring in residences, then it has other authority at its means to address abusive situations.
- b. One license per individual/affiliated entity: DC-19-0005 allows an individual (together with any affiliates) to possess a vacation rental license for only a single property. This rule appears to be a blatant and arbitrary restraint on free trade and property use, and could be challenged on Constitutional or other legal grounds. As noted in Item 4 above, many property owners in the County have arranged their economic affairs so as to operate multiple vacation rental

properties and rather than allow them a path to validly license their businesses with the County, DC-19-0005 forces them to consider either disregard of the rules or taking legal action. If the State and County do not restrict individuals from owning more than one mining operation, more than one oil refinery or more than one restaurant (or any other routine business) then how, possibly, could Boulder County seek to justify restricting ownership to one single vacation rental property – particularly in a County where vacation rental is a common historic land use dating back generations?

- c. Weddings: DC-19-0005 seeks to bar weddings from occurring on residential property. This is a particularly shameful provision, and the CPP staff appear to be cherry-picking from an arbitrary list of behaviors and events they deem acceptable. Simpler and sounder public policy is the default common sense and legal concept that any lawful behavior is allowed on residential property if it does not encroach on others' rights. And again, if the County's goal is to appeal to landowners whose neighbors host loud parties, then there are ample existing methods of dealing with such situations that fall short of proposing changes to the Land Use Code.
- d. Cost of a License: DC-19-0005's maximum fee for a vacation rental license is \$800. This amount grossly exceeds the cost of licensure in other jurisdictions whose rules we have reviewed. Given the minimal impact of vacation rental activity on land use, smart public policy would be to mandate few licensure requirements and a nominal cost for such licenses.
- e. 60 Day Threshold: In drafting DC-19-0005, the CPP staff have attempted to thread a needle by creating two separate categories of rental activity: "secondary accessory short-term rental" and "vacation rental," which are separated from each other primarily by which side of "60 Days" of annual rental activity they fall on. The first category will prove illusory for all practical purposes. The rental season in the mountains of Boulder County lasts for 90-120 days and few property owners engaging in the activity would seek to rent for fewer than 60 days per year. The 60-day threshold is arbitrary and unsuitable for Boulder County and the separation of rental activity into multiple categories also raises considerable questions of residency and how the rules could be administered from year to year. This reflects broader concerns with DC-19-0005 regarding poor drafting, over-complexity and over-regulation.

7. Concerns with Vacation Rentals Can Better Be Addressed Without DC-19-0005

Because vacation rental activity merely involves the use of residences by guests as a place to sleep, eat and socialize (i.e., residential activity), there is very clearly no novel or revolutionary change in the land use patterns in the County resulting from the activity that should give rise to calls for a restrictive regime like DC-19-0005. Assuming there is no influence present from lobbying groups such as the hotel industry, the likeliest actual concerns giving rise to a proposal like DC-19-0005 are (a) complaints from landowners about inconveniences experienced because of neighbors' use of adjoining residences, and (b) a desire by the County to collect fee revenue that has become more easily identifiable now that rental activity is being congregated into visible platforms like Airbnb and VRBO.

- (a) Complaints from landowners: As a preliminary matter, we point out that most of these complaints are meritless: no law prevents residential property owners from having large families reside at a residence, hosting events or inviting guests onto their property. Nevertheless, abusive situations do arise with land use and can be addressed easily using existing statutes. All that is needed is for County officials to cause public nuisance laws to be stringently enforced and to direct law enforcement to ticket parking violations, road hazards and loud parties occurring in unincorporated areas. Such enforcement will have the added benefit of targeting not only misuse of residential property by renters, but also by the landowners themselves. Put simply, concerns about loud parties is not sufficient grounds to create new rules that undermine the very nature of land use or thwart the historic vacation rental activity ongoing in the Boulder County mountains.
- (b) A revenue source. The County is undoubtedly interested in sharing from the economic benefits associated with vacation rental activity. In our view, the County should fall in line in this regard

EXHIBIT A

Protest Letter re DC-19-0005
September 24, 2020

with the preponderance of other regulating jurisdictions that have settled on reasonable, easy-to-follow licensure requirements. If the County were truly concerned about septic system updates, building code violations, wildfire risk, etc., then it would be better placed to address those issues broadly for the entire population via a separate effort. The County should license vacation rentals, if at all, by asking property owners to show proof of insurance and pay a nominal fee.

As set forth above, DC-19-0005 represents bad public policy on a number of levels – particularly owing to the deep threat it poses to land rights and land use, its detrimental effect on historic vacation rental activity in the mountains of Boulder County, and the “Special Review” process that presumes that individuals’ use of a residence for its intended purpose must somehow require government and community scrutiny. Therefore, with the utmost sincerity and deepest concern I respectfully request that any further action on DC-19-0005 be delayed indefinitely until a new proposal can be agreed upon by all impacted members of the community who should also have a direct right to participate in the drafting process.

Best Regards,

A handwritten signature in black ink, appearing to read "Samuel A. Arieti", with a long horizontal flourish extending to the right.

Samuel A. Arieti, Allenspark



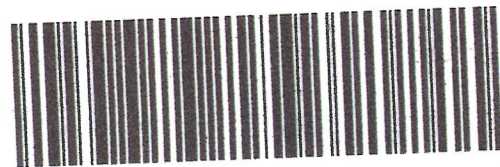
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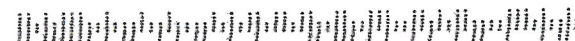
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NOV 16 2020

MAILED FROM ZIP CODE 80302

Boulder County Attorney's Office
Attn: Ben Pearlman and Erica Rogers
Boulder County Courthouse
5th Floor
1325 Pearl Street
Boulder, CO 80302

8030235247 0034



From: [Alexandra Armitage](#)
To: [Rodenburg, Jasmine](#)
Subject: Short Term Rentals
Date: Tuesday, November 24, 2020 2:41:49 PM

Great job, Jasmine, on all the work you have put in for the short term rental biz. Will there be a data base which the public can check on neighbors' status?

Lexie Armitage

Home on the Range Real Estate LLC

www.nederlandproperty.com

c.303-517-9658 o.303-258-7839

From: [Boulder County Board of Commissioners](#)
To: [#LandUsePlanner](#)
Cc: [Churchill, Jennifer](#)
Subject: FW: Contact County Commissioners [#1736] - [Name: Rochester, Dick] Re: Air B&B
Date: Wednesday, November 25, 2020 10:35:36 AM

This email came in to the Boulder County Commissioners email box—thank you for your assistance!

Jennifer Churchill | Public Information Officer (Temporary)
Boulder County Commissioners' Office
Phone: 303-441-3500

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, November 12, 2020 12:41 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: Contact County Commissioners [#1736] - [Name: Rochester, Dick] Re: Air B&B

Name *	Dick Rochester
Email *	dick.rochester@gmail.com
Organization (optional)	self
Address or General Area (optional)	<input type="checkbox"/> 361 Driftwood Circle Lafayette, CO 80026 United States
Phone Number (optional)	(303) 619-0368
Subject *	Air B&B
Comments, Question or Feedback *	You do not need to regulate Air B&B's. That's just a money grab. I suspect the hotel industry is a major contributor to this. Please, please, please do the right thing.
Please check box below *	<ul style="list-style-type: none">I acknowledge receipt of the Open Records Notification

From: [Francine Blum](#)
To: [Rodenburg, Jasmine](#)
Cc: [Ott, Jean](#); [Hippely, Hannah](#); [Sanchez, Kimberly](#); [Case, Dale](#)
Subject: Re: Dec. 3 Public Hearings for Final Adoption of Short-Term Rental and Bed & Breakfast Text Amendments and Licensing Ordinance
Date: Tuesday, November 24, 2020 1:45:26 PM

Folks,

Orange Orchard is designated as a RURAL, RESIDENTIAL area by the county ZONING BOARD.

The term RURAL characterizes density and describes the usage and activity allowed here.

RESIDENTIAL means the area Is NOT INTENDED as a business zone used for trade/commerce, except for the occasional gas station to make it possible to access more remote areas. That is the WORDING IN THE GOVERNING DOCUMENT.

Turning people's homes into hotels appears inconsistent with the Zoning Board's intent.

Exchanging funds for overnight room and board is a revenue producing, taxable activity. It is not an activity commonly associated with family neighborhoods.

Short term rental traffic increases density.

It threatens a quiet, rural lifestyle in many ways. Our mountain towns are already suffering from this .

Non family visitors should be in hotels in designated town areas where there are rules and services, parking lots and restaurants to serve their needs. Not all business is good,

Since our homes have increased in value they can be easily sold. This will allow the resident to monetize the increase in value and live in a smaller setting with fewer complications.

Fran Blum

MountainMuttDogCoats
Made in America
www.mountainmuttdogcoats.com

Top Rated by Whole Dog Journal

On Tue, Nov 24, 2020, 1:05 PM Rodenburg, Jasmine, <jrodenburg@bouldercounty.org> wrote:

Good Afternoon,

We are reaching out to you because you previously participated in a Short-Term Dwelling Rental land use process or have participated in the Short-Term Dwelling Rental and Bed and Breakfast regulation update process and we wanted to invite you to continue your participation.

The Board of County Commissioners will hold two separate public hearings to consider the final adoption of the [proposed Short-Term Dwelling Rental and Bed and Breakfast Text Amendments](#) and the [proposed Short-Term Rental Licensing Ordinance 2020-01](#), on Thursday, Dec. 3, 2020 beginning at 9 a.m.

Item No. 1: Community Planning & Permitting Department Docket DC- 19-0005: Proposed Boulder County Land Use Code Text Amendments related to Lodging Uses – Short-Term Dwelling Rentals and Bed and Breakfast. Public testimony will be taken.

BOCC Action Requested: Approval /Adoption

Item No. 2: Second Reading of the Boulder County Commissioners' Ordinance No. 2020-01: An Ordinance by the Board of County Commissioners for the County of Boulder for the Licensing of Short-Term Rentals and Vacation Rentals within the Unincorporated Area of Boulder County.

BOCC Action Requested: Approval /Adoption

Beginning at 9 a.m. on Dec. 3, the Board will hold a public hearing to first consider the Text Amendments. Immediately following that public hearing, the Board will hold a public hearing to consider Ordinance No. 2020-01: An Ordinance by the Board of County Commissioners for the County of Boulder for the Licensing of Short-Term Rentals within the Unincorporated Area of Boulder County.

You may view all the information about this update (and sign up to participate in the December 3, 2020 public hearings) online by visiting <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/>.

We apologize if you already received this information in another form.

Please feel free to reach out if you have any other questions.

Kindly,

Jasmine

Jasmine Rodenburg

Senior Planner – Oil/Gas and Environmental Policy

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We've become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

www.bouldercounty.org

PLEASE NOTE: Due to COVID-19, the Boulder County Community Planning & Permitting Department is conducting business and providing services virtually. Our physical office in Boulder is currently closed to the public. Please visit us online at <https://www.boco.org/cpp> for more information.

November 15, 2020

Board of Boulder County Commissioners

Matt Jones, Commissioner

Deb Gardener, Commissioner

Elise Jones, Commissioner

1325 Pearl Street, 3rd Floor

Boulder, CO 80302

Re: Docket DC-19-0005: Short-Term Dwelling Rental and Bed and Breakfast Update and Licensing Ordinance 2020-1

Dear Commissioners,

We come to you as residents and private property owners in Boulder County. We will be greatly and adversely effected on a number of levels by the docket regulations. The proposed licensing process and severely restrictive regulations will at the least cut our retirement income stream to no less than half. We therefore appeal to your authority to put this on hold until a fair, equal, and transparent process has included property owners like ourselves.

The strict one license policy, after legal counsel, is unconstitutional, discriminatory, and illegal.

You should know we learned of this development in August 2020 thru a neighbor of the ongoing meetings concerning these proposed regulations. We hereby learned that we had been taken off the email list from the staff team that we had been on since the fall of 2019, we therefore knew nothing of these developments. I visited by phone with Jasmine Rodenberg about the upcoming proposed regulations and she agreed to a virtual meeting which I requested to be on September 10, 2020. During that conversation with Jasmine she asked me "if you can't meet these new regulations will you be selling and moving out of the area". I, Rosemary, took that as a threat and others I have mentioned her statement to have stated the same. It also belies the motives and hidden team members that at this point were still hidden from transparency. Her question to me stirred our minds to ask what was the real agenda of those involved in these over restrictive and costly regulations. We just recently had it confirmed by Dale Case that Phil Stern and Bruce Thompson have made comments and had input the development of these regulations. It is well know that those two and a few others are strongly opposed to vacation rentals. We personally have dealt with results of these motives concerning vacation rentals in the Wagener Road, Tahosa South Road Association for several years.

The most recent action of discrimination by Jasmine and staff was November 12, 2020, when they apparently notified some but not all, including us, concerned property owners 15-20 minutes prior to presenting this proposal to the commissioners. We have been told that the commissioners spent approximately 5 minutes to approve. We also are not aware of any changes recommended by the planning commissioners or various property owners that have requested changes be considered to the proposed regulations.

We were told that the commissioners had read the regulations. There is a clause that we have asked for clarification on numerous times and yet to have an answer as to the intent and reasoning. It says in essence, that if one property owner owns two adjoining properties, that they will be considered one parcel and not separable as to licensing. We request you please respond and explain this? We find this fits our two properties to the letter. Jasmine said we would have to decide on one or the other. We have spent three years of out of pocket expense restoring a 1937 WWII Historical cabin (Landmark with Boulder County) SEE ATTACHMENT, and had grand opening this summer. This took tens of thousands of dollars and 1-2 thousand hours of volunteer time to complete. One of the motives we had during this process which we let Denise Grimm and Jessica Fasick (Historical staff) as well as all of the various county building inspectors know was the desire to share the amazing and heroic role that Siegfried Wagener had in defeating Hitler and Nazi Germany in WWII . We let everyone know during throughout the project our intention of the cabin being used for vacation rental. What we learned in this process lets us state with great certainty "what went on in this one room cabin with wood heat, an outhouse, a radio tower, and generator in Allenspark, Colorado was greatly instrumental in bringing WWII to an earlier end than without it and without Siegfried Wagener and his typewriter and short wave radio tower".

We have experienced little to no understanding from Jasmine and the staff for this sacrifice that is now going to be taken away with the stroke of a pen and commissioner's stamp of approval.

For us and all of the other potentially effected property owners, we sincerely appeal to your good graces.

We would ask you as commissioners, to consider the following:

- Eliminate one license per owner
- Including a Grandfather clause for people with successful track records
- That vacation rentals have no impact on land use as a private home
- That vacation rentals allow literally the world to visit and enjoy the mountains without heavy commercial development for their housing
- That restrictions against weddings, rehearsal dinners, family reunions, and all other events runs contrary to over 100 years of history in this area
- The economic damage to property owners and businesses that have relied on this industry for over 100 years
- The spin off economic damages to cleaning services, handyman services for repairs and maintenance, etc
- Lift restrictions to lot/property size
- Proposed licensing application fee (\$800.00) and potential fines (\$200.00-\$400.00 per day with every day a new event at the discretion of the director or his designees) is extremely out of line with anything in the State of Colorado
- With 2-3 million yearly visitors thru the mountains in Boulder County there is no adverse impact on guest ranches, lodges, and hotels. This industry is a reliable revenue stream for Boulder County and the State of Colorado.

This proposed regulation docket has been poorly thought out, discriminatory in the development and action, non-transparent to all Boulder County unincorporated property owners, unconstitutional to “pursuit of happiness” clause, and an invasion of private property rights, and a taking without economic recompense. We are requesting this particular set of proposed regulations be discarded and an open and fair discussion take its place.

Sincerely,
Brian and Rosemary Donahue

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#16]
Date: Monday, November 30, 2020 6:02:19 PM

Name * Brian and Rosemary Donahue

Email * Tahosa.ranch@gmail.com

Phone Number * (303) 747-2248

Address * ☐ PO BOX 152
ALLENSPARK, Colorado 80510
United States

Is your primary residence in Boulder County, Colorado? * Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *

We have submitted a letter earlier with some of our concerns. We hope that you as Commissioners have read that letter and we would appreciate open, complete, and specific answers as to date we have yet to get the answers we have asked to the land use department staff that have written these "proposed" regulations on numerous occasions from various venues.

Three questions in particular that need addressed are:

- 1) Why have ALL of the advice and directions that the Planning Commissioners gave to Jasmine Rodenburg not been reflected in any detail in the final draft of this docket?
- 2) Why are property owners of more than one property being denied potential licenses by this proposal-Jasmine personally has been asked numerous times if this was even legal and to date NO answer?
- 3) If one property owner owns two properties (separate deeds and property tax bills) with a common property line, why do these regulations specifically state that the two properties will be considered as one parcel and what will be the practical significance in the world of inspections and compliance.

We appreciate you putting this proposal on hold until all property owners have been properly notified and have equal representation during this process. We believe some of these regulations are a violation of personal property rights and possibly unconstitutional

Sincerely thanks,

Brian and Rosemary Donahue

Please check box below *

- I acknowledge receipt of the Open Records Notification

Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

HISTORIC PRESERVATION ADVISORY BOARD

Thursday, December 7, 2017 – 6:00 p.m.

Third Floor Hearing Room
Boulder County Courthouse

STAFF PLANNER: Denise Grimm

Docket HP-17-0006: Tahosa Valley Land Office

Request: Boulder County Historic Landmark Designation
Location: 12247 Hwy 7, in Section 14, T3N, R73W in the 6th Principal Meridian.
Zoning: Forestry (F) Zoning
Owner: LAB Rentals LLC
Applicants: Brian and Rosemary Donahue

PURPOSE

To determine if the nominated property qualifies for landmark designation, determine if the application is complete, and formulate recommendations for the Board of County Commissioners.

BACKGROUND

An application for landmark designation of the Land Office has been submitted by Brian and Rosemary Donahue with permission from the owners, LAB Rentals LLC. The Donahues are currently in the process of purchasing the property.

The structure dates to around 1937 and first served as the Land Office for Siegfried Wagener. Wagener, a journalist, had immigrated to the United States from Germany in 1926, eventually working as a reporter in Chicago. In 1932 he came to Colorado for solitude and befriended Charles Hewes at the Hewes Kirkwood Inn. Wagener traveled back and forth to Chicago for years, working in business and journalism, married Chicago art educator and program administrator Winnie Sparks, and made plans to subdivide 160 acres that he owned in Tahosa Valley from his Land Office.

In 1939 Wagener started analyzing the “shortwave propaganda” being distributed by pro-Nazis via radio. A month after the United States entered World War II, his column “We’re Listening” (written under pseudonym B.E. Lucas) was picked up by the Chicago Times. The Land Office was soon turned into a listening post from which Wagener could monitor and analyze broadcasts from around the world. In 1940-41 Siegfried and Winnie built a home together on an adjacent parcel and they raised cattle and poultry as Winnie continued to work in Chicago. Also in 1941, Wagener started broadcasting twice weekly from KFEL in Denver but soon insisted that he broadcast from Tahosa

Valley and a government phone line was installed. It is believed that Wagener broadcast from both the Land Office as well as their new home.

Wagener briefly held a position with the Office of Strategic Services in Washington, D.C. after which he returned to Tahosa Valley to try to lead a quieter life. Before long he was embroiled in local affairs and worked adamantly on bringing power to the Meeker Park and Allenspark area. Winnie retired in 1950 and around that time the Land Office became the Tahosa Gift Shop. Winnie died in 1971 and Siegfried died in 1976.

The Land Office was originally about half the size that it is today. Around 1951 an addition was added to the east side of the structure. The existing fireplace became double-sided as it went from being on the east side to being in the center of the structure. Additionally, the realignment of State Hwy 7 moved the highway away from the Land Office whereas it used to pass directly in front of the structure accounting for its orientation.

Allenspark historian Edie DeWeese suggests that local builder Charles Baker probably built the Land Office for Wagener as the two were friends and Baker built many cabins in the area.

The home that Siegfried and Winnie built together and which appears in several of the Allenspark Wind photos is at 247 Wagener Road and has been altered from its original form.

SIGNIFICANCE

Preservation staff believes the Tahosa Valley Land Office qualifies for landmark status under Criteria 1, 2 and 3.

Criterion 15-501(A)(1) The character, interest, or value of the proposed landmark is part of the development, heritage, or cultural characteristics of the county;

The Tahosa Valley Land Office is significant for its association with the development of the Tahosa Valley area.

Criterion 15-501(A)(2) The proposed landmark as a location of a significant local, county, state, or national event;

The Tahosa Valley Land Office is significant first as the location of Siegfried Wagener's listening post and then as a location from which Wagener broadcast shows.

Criteria 15-501(A)(3) the identification of the proposed landmark with a person or persons significantly contributing to the local, county, state, or national history;

The Tahosa Valley Land Office is significant for its association with Siegfried Wagener, a journalist whose newspaper column and radio broadcasts analyzed pro-Nazi propaganda during World War II.

The landmark application would add Criteria 4 and 5. Preservation staff believes the structure should not qualify under Criterion 4 as its type of construction does not rise to the level of significance warranted for landmark status. Further, preservation staff believes the structure should not qualify under Criterion 5 because the builder's identity has not been confirmed.

Criteria 15-501(A)(4) the proposed landmark as an embodiment of the distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or the use of indigenous materials;

The Tahosa Valley Land Office is significant as an example of log construction.

Criteria 15-501(A)(5) the proposed landmark as identification of the work of an architect, landscape architect, or master builder whose work has influenced development in the county, state, or nation;

The Tahosa Valley Land Office is significant as possibly being an example of the work of local builder Charles Baker who built many cabins in the area.






RECOMMENDATION

Staff recommends that the Historic Preservation Advisory Board APPROVE and recommend that the BOCC approve **HP-17-0006: Tahosa Valley Land Office** under Criteria 1, 2 and 3 and subject to the following conditions:

1. Alteration of any exterior feature of the landmarked structure will require review and approval of a Certificate of Appropriateness (CA) by Boulder County (note: applicable county review processes, including but not limited to Site Plan Review, may be required).
2. Regular maintenance which prolongs the life of the landmark, using original materials or materials that replicate the original materials, will not require review for a Certificate of Appropriateness, provided the Land Use Director has determined that the repair is minor in nature and will not damage any existing architectural features. Emergency repairs, which are temporary in nature, will not require review (note: Depending on the type of work, a building permit may still be required.)

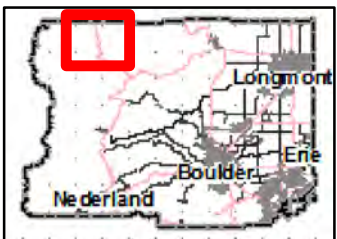


Legend

-  Subject Property
-  County Boundary
-  Intermittent Stream
-  Perennial Stream
-  Subdivisions

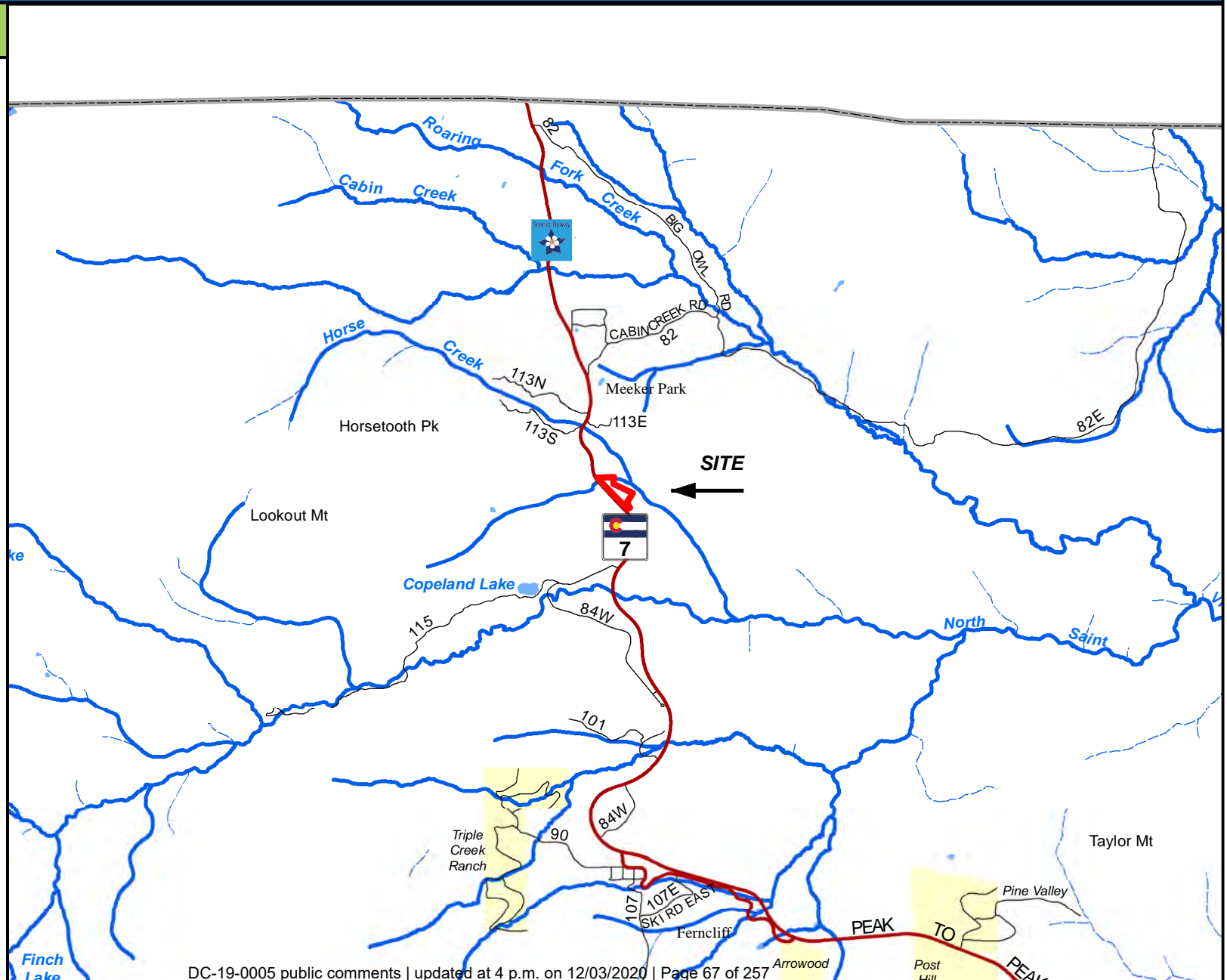


Area of Detail Date: 11/14/2017




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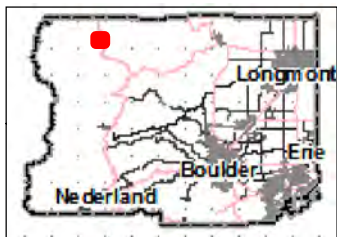


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 Subject Property

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Area of Detail Date: 11/14/2017



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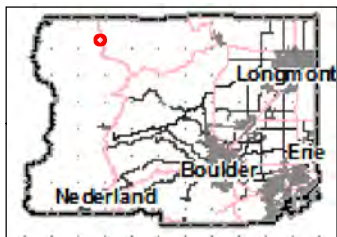


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 Subject Property

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Area of Detail Date: 11/14/2017



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Boulder County Historic Landmark - Nomination Form

1. Name of Property	
Historic Name: <i>Tahosa Valley Land Office</i> Other Names: <i>Tahosa Gift</i> <i>Wagener's Residence</i> Historical Narrative (Continuation Sheet) <input checked="" type="checkbox"/>	
2. Location	
Address: <i>12247 State Hwy 7</i> <i>Allenspark, Co 80510</i> Continuation Sheet (For Multiple Properties) <input type="checkbox"/>	
3. Classification	
Property Ownership: Public <input type="checkbox"/> Private <input checked="" type="checkbox"/> Other <input type="checkbox"/> Category of Property: Structure <input checked="" type="checkbox"/> Site <input type="checkbox"/> District <input type="checkbox"/> Number of Resources Within Property: Contributing <input checked="" type="checkbox"/> Non-Contributing <input type="checkbox"/> Continuation Sheet <input type="checkbox"/>	
4. Function or Use	
Historic Functions: <i>See attachment</i>	Current Functions: <i>See attachment</i>
Continuation Sheet <input checked="" type="checkbox"/>	
5. Description	
Continuation Sheet <input checked="" type="checkbox"/>	
6. Statement of Significance	
Boulder County Criteria for Designation: <i>See attachment</i>	
Areas of Significance: Significant Dates:	Period of Significance: Significant Persons:
Statement of Significance (Continuation Sheet) <input checked="" type="checkbox"/>	

7. Bibliographical References

Continuation Sheet



8. Geographical Data

Legal Description of Property: See attached legal description "Exhibit A"

Boundary Description:

Boundary Justification:

Continuation Sheet



9. Property Owner(s)

Name(s): Lab Rentals LLC (Scott + Paula Balke)

Address(es): 7 Acorn Cluster Court
Spring, TX 77383

Continuation Sheet



10. Form Prepared By (Name and Address)

Brian + Rosemary Donahue
P.O. Box 152
105 Wagener Road - Tahosa Ranch
Allenspark, Co 80510

Directions for Attachments

Continuation Sheets

For each continuation sheet used, clearly identify the section of this form to which the sheet applies. For example, the Historical Narrative in Section 1 will need to have a continuation sheet. At the top of this sheet, type "Continuation Sheet - Section 1". Remember to number each page of the application, including all attachments.

Maps

This form will be considered incomplete unless a map(s) identifying the location of the structure or site, or the boundary of a district is included.

Photos

Photos or slides of the property should be included with this application. The photos should include captions identifying the photo as well as the date it was taken, if possible. These photos will become part of the file for the property and won't be returned unless requested by the applicant.

Boulder County Historic Landmark –Nomination Form

Continuation Sheet-Section 1

1. **Historical Narrative:** The property is significant for its association with Siegfried Wagener (1898-1976) who contributed to local and national history during the World War II years. Wagener was a journalist/author who immigrated to the United States from Germany in 1926. In this country he continued his writing and moved to Allenspark, Colorado, area in 1930. During World War II he became a “propaganda analyst” by monitoring short-wave broadcasts from Berlin, Moscow, and Tokyo and publishing his analysis in a column called “We’re Listening” in the Chicago Daily Times.
Siegfried Wagener’s work at the Chicago Times was syndicated around the U.S. He also wrote for the Chicago Abendpost, and contributed to KFEL in Denver. He assisted the War Department and was recognized for his efforts in a letter from President Franklin Roosevelt.
Wagener and his wife Winnie were instrumental in promoting development of a large area between Allenspark and Meeker Park that is now known as Tahosa Valley.
Please see “Allenspark Wind” articles from July, August, and September 2010.
- 2.

Continuation Sheet-Section 3

3. **Number of Resources Within Property:** 5-contributing- Cabin, Old Hwy 7 road grade, Outhouse, Waterline, Radio Tower site.

Continuation Sheet-Section 4

4. **Function or Use**
Historic Functions:
 - Domestic**
 - Used as primary residence until main ranch house was built in the 1940’s
 - Long and short term rental
 - Commerce and Trade**
 - Office building for radio broadcasting and writing publication headquarters
 - Real Estate Office (Tahosa Land Office)
 - Winnie’s gift shop
 - Craft building
 - Social**
 - Meeting hall for public awareness of Nazi propaganda
 - Education**
 - Education, literature and radio broadcasting base
 - Agriculture/Subsistence**
 - Fishing from Reservoir, cattle grazing
 - Industry/Processing/Extraction**
 - Reservoir, head gates and gravity fed water supply for summer residents (remnant of galvanized iron waterline and valve gates still in place)
 - Communications facility –radio station, publications.
 - Defense**
 - Early alignment of Siegfried Wagener with Department of Defense on counter intelligence work against Nazi propaganda

Landscape

Natural features of mountain views, valley, stream, pond, forest management

Transportation

Old Hwy 7 walkway and trails

Vacant/Used

Property has been unused for the past several years and is in serious need of restoration

Other

Various large rock outcroppings allowed for creative play for neighborhood children, ie forts, sledding, cross country skiing

Continuation Sheet-Section 5

5. Description: This cabin began as a simple one room cabin and covered front porch in approx. 1937. See attached "Building Description And Value Calculation". It was expanded in about 1951 the to east adding additional fireplace and second room and usable crawlspace. It was built on the north side of the original Highway 7 approximately 3 miles north of Allenspark. In about 1971/1972, the current Highway 7 was constructed to the west of the cabin a couple hundred feet. After which the original road bed was abandoned back to the owner, Siegfried Wagener. The current 8.67 acres was created as a buildable deed as part of a larger area wide property agreement in 2013. Presently the cabin is suffering from serious neglect and foundation issues since the Flood of September 2013. The preparer is also an experience building contractor (nearly 40 years). (In his opinion) the cabin can be recovered and restored. However, created solutions for vintage foundation of structural integrities and crawl space conditions will need employed.

Continuation Sheet –Section 6

6. Statement of Significance

Boulder County Criteria for Designation:

1. The cabin and its usage/owner were a bridge or transition from previous generations who by nature of homesteading focused on agriculture, logging, and mining industries. And the generations that followed which have focused on tourism, Rocky Mountain National Park, rental, gift shops, outdoor recreation, summer vacationing.
2. See #3.
3. A quote from the "Allenspark Wind" from July 2010 says it all about Siegfried Wagener. "Whispers in nearby communities were of Nazi spies living in Allenspark. Wagener was a spy but not for the Nazis. He was arguably one of the most important weapons the allies had in World War II fighting propaganda the Nazis were sending to America and the rest of the world." This cabin was his original Colorado headquarters for this effort.
In the late 1940's, the issue of electric power became a very controversial subject. One part of the community advocated power supply by REA and the other of which Siegfried Wagener was a key player advocated for what is now called Estes Park Light and Power.

(See article September 2010)

4. The original structure was more of a typical Lincoln log structure with mortar and wood strip chinking. The addition was upgraded to D-log stacked logs with vertical corners. The foundation used a simple stone and mortar typical of the era with bottom course scratched into the surface of the ground. The mortar chinking of the newer stone work used a more stylish use of tools leaving a convex continuous line around most of the stones. The fireplace now has two openings and two flues. The original opening into the current bedroom and the one added with the addition facing east into the living room.
5. A renowned local builder/onsite engineer/architect was named Charles Baker. He was in turn related to the historical landmark name, Bernie Dannels (the Estes Park Fire House is named after Bernie Dannels). Their family owned what is now the Girl Scout Ranch near Allenspark. They also worked in the early cabin industry in this area. Charlie Baker worked in the building trades into his 80's and lived into his 90's. His family owned the property that Siegfried Wagener purchased in the 1930's. Charlie Baker remained friends with Siegfried Wagener for the rest of Siegfried's life. It is very likely and probable that Charlie Baker and possibly Bernie Dannels built the original structure as well as the addition.
6. NA
7. NA
8. NA

Period of Significance: 1930's thru 1976 (end of Siegfried's life)

Continuation Sheet-Section 7

Bibliographical Reference

Allenspark Wind, Allenspark, CO, July, August, September 2010

Weaving Mountain Memories, 2011 Edition, Lorna Knowlton and Edie DeWeese

"Hermit of Horse Creek," Time Magazine, Monday, Jan. 27, 1941, Vol. 37, Issues 4, p. 48.

The current preparer (Rosemary Donahue) and her family met Siegfried and Winnie Wagener in 1964. Rosemary as a young girl remembers first set of ice skates as Christmas gifts from the Wageners, running errands to the Wagener's ranch house, ice skating on his pond, riding in his "puddle jumper", playing fort in the rock outcroppings, and special dinners at the "Timberline Restaurant" in Estes Park. She still has special gifts from Winnie's gift shop. Her parents, Dean and Fayrene Wallace, were introduced to the Wageners by Charlie Baker and immediately became friends of Siegfried and Winnie. Siegfried began to call Dean Wallace his "Gate Keeper" and later chose the lot position and boundaries that the Wallaces built their home one at the original entrance of Tahosa Ranch in order to monitor all traffic, coming and going. The Wallaces became Siegfried and Winnie's all around caretakers and caregivers until Winnie passed and continued for Siegfried until he passed in the 1976. To emphasize the friendship and trust between Siegfried and the Wallaces, Siegfried helped establish the lot lines and

secured the construction loan for the Wallace home. The current preparers, Brian and Rosemary Donahue, bought the home from the Wallace estate in 1990. Therefore, much of the information was integral from the close association of the Wallaces and the Wageners.

There is an abundant amount of information in the July, August, and September 2010 Allenspark Wind. See attached articles. Also from these issues multiple boxes of Siegfried's writings from this era have been donated to the CU library

8. Geographical Data

See attached description "Exhibit A"

9. Property Owner

Lab Rentals, LLC
Scott and Paula Balke
7 Acorn Cluster Court
Spring, Texas 77381
405-385-2526

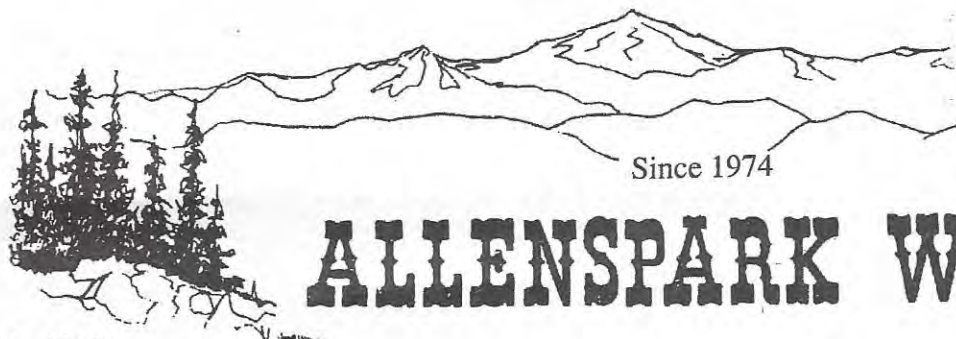
10. Form Prepared by

Brian and Rosemary Donahue
P.O. Box 152
Allenspark, Colorado 80510
303-747-2248

EXHIBIT "A"

THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 73 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 73 WEST OF THE 6TH P.M., AS MONUMENTED BY AN "X" ON A GRANITE STONE (REMONUMENTED WITH ALUMINUM CAP STAMPED LS 10385, AND CONSIDERING THE NORTH 1/16TH CORNER OF SECTIONS 13-14, AS MONUMENTED WITH 2 1/2" ALUMINUM CAP STAMPED LS 26974, TO BEAR NORTH 00 DEGREES 57 MINUTES 27 SECONDS EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO; THENCE NORTH 00 DEGREES 57 MINUTES 27 SECONDS EAST 1315.26 FEET TO SAID NORTH 1/16TH CORNER OF SECTIONS 13=14; THENCE SOUTH 89 DEGREES 56 MINUTES 48 SECONDS WEST 1333.99 FEET ALONG THE NORTH LINE OF THE SE1/4 OF THE NE1/4 OF SECTION 14 TO NORTHEAST 1/16TH CORNER SECTION 14 AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 56 MINUTES 48 SECONDS WEST 401.47 FEET ALONG THE NORTH LINE OF THE SW1/4 OF THE NE1/4 OF SECTION 14 TO THE EAST RIGHT OF WAY LINE OF COLORADO HIGHWAY NO. 7; THENCE FOLLOWING SAID EAST R.O.W. LINE THE FOLLOWING 6 COURSES (SOUTH 33 DEGREES 30 MINUTES 22 SECONDS EAST 35.37 FEET, SOUTH 40 DEGREES 53 MINUTES 57 SECONDS EAST 183.09 FEET, SOUTH 36 DEGREES 49 MINUTES 10 SECONDS EAST 173.38 FEET; SOUTH 43 DEGREES 26 MINUTES 37 SECONDS EAST 912.14 FEET, SOUTH 31 DEGREES 25 MINUTES 15 SECONDS EAST 46.80 FEET; AND NORTH 58 DEGREES 34 MINUTES 45 SECONDS EAST 80.00 FEET); THENCE SOUTHEASTERLY ALONG THE EST R.O.W. LINE OF COLORADO HIGHWAY NO. 7 10 FEET MORE OR LESS; THENCE NORTH 56 DEGREES 48 MINUTES 10 SECONDS EAST 12 FEET, MORE OR LESS TO THE SOUTHWEST LINE OF A TRACT OF LAND DESCRIBED IN RECEPTION NO. 023111 IN FILM 776 (ALSO KNOWN AS TRACT 4913) BEING NORTH 33 DEGREES 11 MINUTES 50 SECONDS WEST 270.00 FEET FROM THE SOUTH CORNER OF SAID TRACT OF LAND DESCRIBED IN RECEPTION NO. 023111 IN FILM 776; THENCE NORTH 33 DEGREES 11 MINUTES 50 SECONDS WEST 170.71 FEET ALONG SAID SOUTHWEST LINE TO THE WEST CORNER OF SAID TRACT OF LAND DESCRIBED IN RECEPTION NO. 023111 IN FILM 776; THENCE NORTH 32 DEGREES 21 MINUTES 27 SECONDS EAST 380.43 FEET ALONG THE NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN RECEPTION NO. 023111 IN FILM 776; THENCE NORTH 63 DEGREES 35 MINUTES 50 SECONDS WEST 94.72 FEET TO THE SOUTH CORNER OF RECEPTION NO. 426831 IN FILM 1146; THENCE NORTH 63 DEGREES 35 MINUTES 50 SECONDS WEST 595.28 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 12 SECONDS WEST 200.00 FEET TO THE NORTH LINE OF THE SE1/4 OF THE NE1/4 OF SECTION 14; THENCE SOUTH 89 DEGREES 56 MINUTES 48 SECONDS WEST 67.60 FEET ALONG SAID NORTH LINE TO THE TRUE POINT OF BEGINNING.

COUNTY OF BOULDER, STATE OF COLORADO



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ALLENSPARK WIND



July 2010
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A journal of the life and times of
Allenspark, Ferncliff, Longs Peak, Meeker Park, Peaceful Valley, Raymond, and Riverside, Colorado



Siegfried Wagener fighting Nazi propaganda with his radio broadcast, while friends enjoy the show.

In this issue:

Shooting range comment period closed but controversy continues.

We mourn the loss of Kent Lemmons.

Hilltop Guild prepares for Bazaar.

Siegfried Wagener - hermit or hero?

And summer activities for the young and old alike.

Siegfried Wagener - WWII Hero - or, The Typewriter is Mightier Than the Sword by Gene Mackey

Fame for most Allenspark residents means having a local ski run named after them, or maybe a ditch that feeds summer water systems. A few early explorers are remembered by names on nearby mountain peaks, and other residents have grown their own circles of fame in their niche of art, literature, or music. One former resident overshadows them all in his worldwide renown and local involvement, though many today may not even know that he lived in these hills. Rumors and stories reduced Siegfried Wagener to an eccentric who carried a gun. Whispers in nearby communities were of Nazi spies living in Allenspark. Wagener was a spy, but not for the Nazis. He was arguably one of the most important weapons the Allies had in World War II fighting propaganda the Nazis were sending to America and the rest of the world.

Wagener was born in Hannover, Germany, September 22, 1898. His father was rebellious against the Kaiser and the Reich that controlled Germany at the time, so Siegfried grew up hearing often about the weaknesses of Imperialistic Germany. He was drafted into the German army in 1916 and served as a disgruntled soldier. On a visit home in 1917 he found his mother and two sisters in Berlin near starvation with one sister, Hilda, near death with hunger typhus. This pushed him to the revolution. Some reports say he shot a superior officer and was sent to a mental hospital where he feigned insanity to get out of the war. Reportedly he worked for over a year for the Democratic German Revolution carrying an automatic pistol with him at all times with only one bullet in it, to shoot himself so he wouldn't betray his comrades to the Kaiser's minions if he were caught. He was reportedly in the right place on November 9, 1918, when the German Revolution started, to use a loosely organized revolutionary force and personally lead a team that took possession of the High Command (Admiralty) of the Imperial Navy, and removed the commander of the Third Army Corps from his post in Berlin. He later served as a member of the first constituting assembly of the Weimer Republic, which replaced Imperial Germany with a parliamentary republic. If these facts are purely accurate can be questioned as the news articles were written during the middle of WWII, so they were certainly relying on Wagener's own stories of his past. One fact that seems to have been borne out is that when he turned his back on the German Imperialism he also lost his family, who remained loyal Germans. His sister, Hilda Wagener-Tressler, was a leading lady of the Austrian National Theater in Vienna during World War II and reportedly never had contact with Siegfried again.

After WWI he stayed in Germany for a while and took up journalism, editing and publishing a German movie magazine and was a correspondent to Swedish publications. Even as he dabbled in the fantasies of people's movie careers, serving as reporter and even agent to stars as the world moved into talking pictures, Siegfried had a sense of politics and an uncanny ability to read the news of the day and see the effects years into the future. He could see that Germany and Europe were unstable. Wagener came to America in January 1926, years before Hitler formed his Third Reich in 1933.

Upon his arrival in the United States Siegfried had job offers from Hollywood but he wanted to learn about America from the bottom up and instead took a job in a factory in Detroit, worked an assembly line in Chicago, and became a consulting radio engineer. He returned to journalism in 1928 becoming a reporter, radio editor, drama editor, and finally associate editor for the Chicago Abendpost, a German language paper. He was also an American correspondent for three Austrian newspapers, a job that was later lost when he refused to join the Nazi party as Hitler marched into Vienna.

Many said Siegfried's mental powers were on a genius level, not the least of who was Albert Einstein. Wagener wrote such detailed explanations of Einstein's Field Equations that Einstein wrote him a letter complimenting that he had, "Struck the very pith of the matter."

Being a farsighted person of intellect, Siegfried recognized early that Hitler's regime would not last. He also quickly realized that the propaganda that the Nazis were sending across the globe could be very damaging to the war effort in undermining the Allies' solidarity. He began listening and analyzing these programs and in 1939 began a daily column in the Chicago Times entitled "We are Listening," that explained and deconstructed these shortwave broadcasts. The column was soon syndicated across the Midwest. He first concentrated mainly on the German, Russian, and Italian stations, being fluent in numerous languages, but also listened to Chinese and other short wave from across the globe.

The beginning of the war in Europe brought great fear and pessimism to the American press and Wagener's column was a source of hope as he used his intimate knowledge of Central Europe to logically defend optimism. CBS and NBC also had listening posts but lacking Wagener's skills they would pick news items from foreign stations and use them for scoops. Princeton University also started a listening post but they would only publish a brief monthly report, which paled to Wagener's verbose daily column and later radio show. He repeatedly requested that the US government set up listening posts of their own staffed by people who could translate and



analyze in one operation. He insisted that this was the only way to get an undiluted feel for the propaganda being sent out. As the war continued, Wagener was asked by the War Department to assist in training people for this task.

Wagener was king of the truth behind Axis propaganda and reigned like a true master. He was able to stop the Chicago Nazis from broadcasting from Hammond, Indiana. When the British propaganda station took offence to his analysis they tried to copyright their broadcasts but Wagener's sarcastic remarks soon put an end to that. The Berlin radio station tried to use Wagener's column to their own purpose and they quickly learned to never try that again. When the rest of the world was worried that Russia would team up with Germany, Wagener was a lone voice predicting that the truce was only temporary and that Stalin and Hitler were just, "Waiting for the day." When the Nazis said they were later winning in Russia, Wagener accurately reported the strong defiance of the Russian people. He predicted the breakdown of Italy and concluded months before the British authorities that Hitler was not going to invade England. He did this through constant vigilance, listening at times for thirty-two hours straight.

Unfortunately for Wagener, this combination of accuracy and thoroughness in reporting the truth about Nazi lies made him a most wanted individual and death threats became common from Nazi sympathizers. Even though he was quoted as saying he was not easily intimidated, he started keeping his revolver loaded and in the summer of 1940 he moved his listening post from Chicago to Tahosa Valley, continuing his work with KFEL Radio in Denver. This move not only gave him greater security in the heart of the Rocky Mountains but also gave him better



reception for his short wave radio. True Magazine gave a gripping, if somewhat sensationalized version of Wagener's life in the mountains describing how he was often shot at and attacked by Nazis in the forest and was protected by body guards (Barney Coulehan) and several police dogs that would growl at the least disturbance.

In fact, the little cabin where he moved his base of operations still sits just off Highway 7. At the time the highway ran right passed the front door and daily visitors became more and more of a problem as his fame grew in America. He eventually had to put up a sign saying, "Sorry, no visitors," and take visitors by telephone appointment only. Callers that he did see included senators, department heads, faculty members of various universities, and even included Rabbi Goldenson, the leader of the largest Jewish congregation in the world at that time.

President Roosevelt acknowledged his work in a letter that came as a surprise to a modest Wagener. What he was able to do for the war effort is hard to completely comprehend for us now sixty-five years later. I wonder, however, if we today had a person who could consistently and accurately show us the mind of today's enemies, how much that could solidify America. Luckily for us during WWII we had such a man and his name was Siegfried Wagener.

Next month we will look more into his life, meet his wife, his Allenspark friends, and learn about the battles he fought to make life easier for us in these mountains even today.

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In this issue:

Hilltop Guild prepares for Bazaar on August 7.

Siegfried Wagener and Charles Hewes.

Lunch Bunch gets grant to continue.

Area Club presidents pass at Peaceful Valley.

And August happenings in the throes of summer.

Siegfried Wagener - The Tahosa Ties

By Gene Mackey

Siegfried Wagener was a man of superior intellect, deep convictions, and strong opinions. He influenced influential people and fought for his adopted country, the United States, in the propaganda war that leveraged the Allied powers in WWII. In the Tahosa Valley, where he made his home, he directed power poles and pipelines with his sharp tongue, the strokes of a typewriter, and the barrel of a gun.

Wagener came to the foot of Longs Peak in 1932 and spent the winter with Charles Hewes at the Hewes Kirkwood Inn. He was looking for solitude but found little as he reported it to be a cat-and-dog-fight among a number of women at the inn and found himself marooned by the Colorado winter. So he left the inn and moved to the privacy of Charles' homestead cabin, taking what would become his constant companions for the rest of his life: a typewriter, his dog (Tom), and a gun. He was looking for peace and in this small cabin he did find it, but only in the off-season. He wrote later that summers were crammed with people, "Some dear, and some not so."

It was in the summer of 1934 that Wagener met Winnie Sparks, the woman that would become his wife. That winter Charles Hewes, always only one step in front of the creditors, was foreclosed on and Wagener was evicted. He moved in with a friend that he described as a "Mountain-comber from Connecticut," who Wagener said he had saved from starvation. In an attempt to make a living for himself and his friend he leased a place nearby and remodeled it into a small hotel for paying guests. He couldn't leave his past behind, however, and his lodgers included two attaches of the Nazi embassy, "Trying to blackmail me into slanting my Viennese articles pro-Hitler." Wagener wrote in a later synopsis of his life that, "Business was bad, my partner vamoosed, and Winnie Sparks said, 'Why don't you lock the door from the outside and throw the key away?'"

Siegfried took her advice and ran again, further this time to the Four Corners area where he said he set up an abode in a cliff dwelling to, "find out what influence environment might have had on the 'ancient people.'" Whether he was running from the atrocities of man, or to an elusive inner peace, it was a race that would never be

quite won. A few years earlier, in 1929, he found himself to be one of the first on scene at the St. Valentine's Day massacre as a reporter in Chicago. Now, as he prepared to finalize his move to New Mexico, he found himself back in Chicago where Winnie had gone. He proposed to her that evening and they were married the next day. He was going to go back to the mountains but instead stayed in Chicago with her and wrote a novel, "Victims of Tomorrow," that nearly 30 publishers rejected.

Winnie Sparks was art supervisor in the Chicago schools and very interested in New Mexican art. They did move to New Mexico for a time spending a year in the Sandia Mountains and summers in Tahosa Valley. Wagener had helped Winnie build a cabin near Rocky Mountain National Park in 1935, and in 1938 he was offered a large tract of land, a quarter section (160 acres), near their cabin. "Badly mauled by the Depression," he wrote, "as both of us were, we scraped every penny together, borrowed the balance, and bought the land as a more solid footing for our future mountain life and old age." He built a small Land Office and got ready for subdivision sales. He had learned one thing from Charles Hewes, however, and he didn't officially subdivide it, as he found that it would be more taxes and the higher taxes were part of what had put Hewes in such debt.

Spring, 1939, found Wagener back in their Chicago apartment translating a Hitler speech for Winnie. In it, Hitler threatened to swamp the U.S. with his propaganda if the U.S. didn't stop theirs. "The old war horse in me pricked up its ears," Wagener wrote. "Day and night the Nazis flooded America with shortwave propaganda with us sitting blithely by and doing nothing. Press and radio paid no attention and when I offered a daily column of analysis, spelled counter-propaganda, through my friend Arthur Rudd, who sold the Gallop Poll, editors from Canada to Mexico threw up their hands in horror."



Siegfried with one of his life long friends.



Winnie in the kitchen of their Tahosa Ranch home.

Despite the lack of a venue or audience for his anti-propaganda, Wagener went ahead with his translating and analyzing and waited for what he was sure to come. Within a month after the U.S. involvement in WWII started, the Chicago Times picked up his column "We're Listening" by B. E. Lucas for \$10 a week (Lucas was his mother's maiden name and he used it to protect his family still in Germany). The president of Zenith Radio provided him with proper receivers and he rigged his study as a listening post. His phone number was unlisted but he started getting calls, first friendly voices like the British Consul, then the German Consul got the number and threatened Wagener, calling him "Jew Felsheimer." The German propaganda radio also lambasted Wagener at length in the radio broadcasts. He turned more to the friends he had made years ago in Tahosa Valley: his dog and his .38 PP. He also made preparations and moved his listening post to the Land Office, complete with a wind charger for electricity and a long distance telephone.

"The long vigil had started," he later wrote. "In fall my wife went back to Chicago and I was alone except for Tom. How rough it was going to be I had no idea. First indication came through an FBI agent who, though not allowed to reveal FBI sources, involuntarily gave me a clue that the head of the English-Speaking Union in Denver had denounced me as, of all things, a Nazi agent. From then on, as the FBI informed me from time to time, they were flooded with denunciations, mostly barely literate. This made them more dangerous and I was strongly advised to pack a gun at all times, even in bed and in Rocky Mountain National Park next door.

"But I just laughed it off, stacked the highway side of my cabin with fireplace wood against stray bullets, and when the

time came looked straight into the eyes of an Estes Park necktie party for me. To boot, I had a few good, hard-fisted friends, and I had been elected Justice of the Peace. However, the underlying tension was always there and made me pay the price in later years."

He continued his work analyzing the German propaganda and proved himself correct time after time as events played out as he had predicted. In January 1941 Time ran a story on him and the general manager of Mutual Broadcasting System phoned him from New York wanting him to broadcast twice a week coast-to-coast. It was not only an unpaid position (due, Wagener claimed, to the malice of the Morning Colonel in Chicago who controlled the Midwest key station WGN), but also one that required twice weekly visits to Denver to broadcast from KFEL. Within three months Wagener threatened to quit unless he could broadcast from his home. A government phone line was installed and he started getting an expense account furnished by the Anti-Defamation League of B'nai B'rith. It was a voluntary contribution to him as a Gentile who fought Hitler for his own reasons.

During the winter of 1940-1941 Wagener built their new mountain home, Tahosa Ranch. Winnie was the architect and Siegfried the contractor, doing much of the work himself as his work with the war effort did not pay a livelihood. In 1943 Winnie took a sabbatical from her work as Art Supervisor, Chicago Schools, and staff member of the Chicago Art Institute. They stocked the ranch with cattle and poultry. Whether Wagener was a good rancher or not, he was certainly a dedicated one, as demonstrated by his commitment to a brood of baby chicks kept in the Land Office. Wagener slept in his skivvies so that when he became cold at night he would wake to stoke the fire.

It was during this time with Wagener riding the range every day, tending his livestock, that the Office of Strategic Services (OSS) called him and he left Winnie "Sitting with the whole mess, physical as well as financial, and headed for Washington and ETO-SHAEP" (European Theater Operations - Supreme Headquarters Allied Expeditionary Forces).

Wagener found work with the OSS to be frustrating for him as his hands were tied in many ways. OSS had requested him because of his knowledge of psychological warfare and his first-hand experience in the German revolution in 1918, for the ostensible purpose of lending a hand in fostering an anti-Hitler revolution. But much of the top brass, including General Eisenhower, denied even the existence of a German underground and Wagener found himself, "Floundering in a morass of Madison Ave. hucksterism which made my tour of duty one uninterrupted round-the-clock fight for sanity." By the end of 1944 his health broke and he went home with severe asthma.

The winter of 1944-45 Siegfried and Winnie hibernated in a Chicago hotel apartment. Winnie was having heart trouble and by the time they came back to their Tahosa home they were more or less crippled and broke. "What we had built in the past was still there," Wagener wrote. "But where were we to take the physical strength and money to make a living in the Front Range of the Rockies?" It was the tranquility of their environment that ended up being most important. Their Wahlheimat (adopted country) that gradually separated them from the impact of the war, Hiroshima, the Cold War, H-bombs, and even the "rigmarole over getting into space fustest with the mostest," he wrote, "so that by now we can look upon this chaotic world with the necessary philosophical perspective... Or do we?"

(To be continued)

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Tahosa Land Office and Winnie's gift shop.
DeWeese photo.

Siefried Wagener - The Later Years

by Gene Mackey

Whether a fighter is born with his fists clenched as he comes from his mother's womb, or if it comes from heritage and upbringing, is debatable. However it happened, Siegfried Wagener was a fighter all his life. When he returned from WWII he was understandably exhausted. Despite that, he turned his attention to the problems he saw in this area and immediately went on the offense again as he took on the Public Utilities Commission and the Estes Park Town Board over a proposed electric line to service the Allenspark area. He chastised the PUC in a letter dated June 3, 1947, for granting the Estes Park Public Service Co. a "Certificate of Necessary and Convenience" to serve the unincorporated Allenspark area with electricity. He explained in the letter that Estes Park Public Service had been trying to obtain this certificate since 1934, and objected that the PUC had done this "While most of the residents of Allenspark were away due to the war and there was not a single child in our school." He said it had been opposed at that time by the prospective consumers "Who refused to meet the high rates and construction costs." He claimed the town was using this certificate to stop the Allenspark residents from getting electricity from other sources and questioned the legality of the certificate because, as he stated, no public notice was given.

On July 20, he continued his attack with a letter to the Estes Park Town Board after an article appeared in the Trail about a \$130,000 bond issue for the electric line. He laid out the facts as he saw them, citing again the high cost as a deterrent. He describes an electric extension line built in 1935 from Estes to St. Malo for the benefit of the Hews

Kirkwood development by Byron Hall. This was an expensive endeavor and Hall offered electricity to other neighbors demanding that rates would pay for the cost of construction of the line. Most residents couldn't afford the rates and would not pay the cost for the service.

Residents as far south as Peaceful Valley and Riverside formed a Rural Electric Association, with Wagener as president. He claimed the 130 members of this Rocky Mountain REA as all of the actual and potential consumers of electricity with nearly everyone refusing to buy electricity from Estes under the "current rates and conditions." He continued with a threat of unspecified consequences from the ill will of the people. "I can safely say that you act as you do," he continued in the letter, "only because hardly a member of your board, and hardly a responsible resident of your town, ever feels it necessary to venture into, and "penetrate" and visit our region, and that therefore you are as ignorant of the actual needs, desires, and mood of our people as if we were living on the moon."

By November of 1947, Wagener and the other residents of the area had shifted their focus to the actual construction of the still proposed power line, which in part was to run between Twin Sisters and

Reason No. 6

Why Do Business In Estes Park?

Actual Customer Comment:

"Family Hearing Center's staff is friendly, knowledgeable, very caring, and committed to service. I teach water aerobics at the Aquatic Center so I chose the water-proof hearing aids and wear them with confidence both in and out of the pool. Susan Day is there for me with limitless adjustments as needed and always with a warm smile."

D. D. of Estes Park

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Longs Peak. A new organization, the South St. Vrain Association, presented a resolution to the Bureau of Reclamation complete with many Whereases and Therefore from probably not only Wagener's writing skills but also listed secretary and lawyer friend Otto Zumwinkel. It is signed at the top by Wagener followed by Charlie Baker, Priscilla Burd, Carl Christ, Charles Eagleplume, Richard Ilse, K. F. Riehle, Lyman Weld, Ruth Ward, H. H. Warner, Charles Wetig, Katherine Wolter, president Robert Fagan, and vice president A. L. Polhamus, as well as secretary Zumwinkel. In its eloquence, the resolution lays out the case for positioning the power line on the east side of Twin Sisters, saying the South St. Vrain Association represented all of the residents along the South St. Vrain Highway from Estes to Ward (maybe the first glimmer of the Peak to Peak Scenic Byway) with its chief obligation, "To hold in common trust the incomparable scenic beauty of the Rocky Mountain Front Range east of Rocky Mountain National Park and its preservation in the National interests." In fact, it claims, it was only an accident that the region between Twin Sisters and Longs Peak from Lily Mountain to Wild Basin was not included in the National Park to begin with. It says Highway 7 was built at great expense to the Federal government with the sole purpose to make this region accessible to the nation's "vacationists." It envisioned the South St. Vrain Highway to become a four-lane peak to peak highway from Longs Peak to Pikes Peak and would then be one of the scenic wonders of Western America. Because of this, the association declared it as its duty to oppose the path of the power line, though the importance of this power line was stressed in closing remarks, acknowledging not only its importance to the Allenspark region, but as a connecting link between Eastern Slope power plants and Western Slope pumping plants for the rest of the state.

At this point, some stumbling blocks had shortened the list of options for the Rocky Mountain

REA. This REA had enough members to build a power line up Left Hand Canyon through Jamestown, but during the war a private company had built a line into Jamestown, making it economically impossible to bring power from that direction. The Poudre Valley REA suggested Allenspark get the power from Estes. The Rocky Mountain REA united with Union REA from Brighton who was able to get a government-backed construction loan of \$164,000 to bring power from the Bureau of Reclamation's Mary's Lake substation. Estes Park held firm to the franchise it was granted from the PUC, and ultimately the line was built and is still owned by Estes Park Utilities Department. Wagener fought the power line to the end, and when words failed, he took to his guns again and "persuaded" the builders of the power line to move it farther west as it crossed his land, holding target practice whenever the construction crews came close.

His guns continued to be a comfort to him and a threat to his enemies. A poster offering a \$350 reward for information on vandals who were wrecking and stealing from mailboxes and cabins had a long list of names of local residents and businesses that all chipped in for the reward. Wagener's name was printed first and an extra threat was added in the margin in Wagener's handwriting for the thief, "We mean it: we shoot first and ask questions later!! And don't for a moment think we don't!" The poster was dated November 30, 1969.

Wagener was never rich by people's standards, but he kept a comfortable life selling bits of his land. He fought the battles for the land he loved as a strong member of the community and helped with the formation of the fire department. Winnie continued her job as supervisor of the fine arts program

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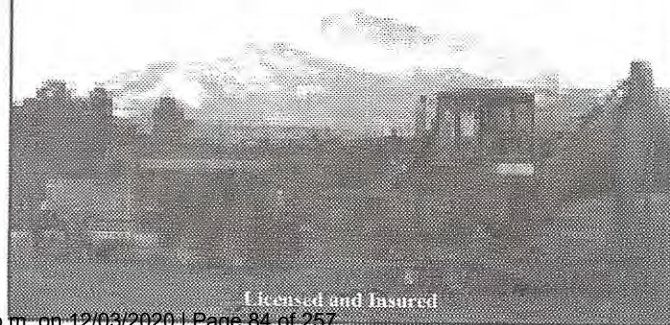
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at the Chicago Art Institute during school sessions and retired in 1950. She opened a gift shop at the land office building called the Tahosa Gift Shop in 1953 and ran it for a number of years. Racked by heart problems all her life, Winnie died July 19, 1971. She willed her body to medical science and requested no memorial service be held.

They shared a quiet, if not peaceful life. Wagener's antagonistic view of the world, the essence that made him who he was, followed him all his life. Some people remember him as a mean and cruel man. Even Rosemary Donahue said she was afraid of him the first time they met when she was a small child, but then grew to adore him as her parents Dean and Fayrene Wallace took care of him in his waning years. In January 1976, Siegfried held an open house at his home to celebrate 50 years since he had come to the United States. His health was not well by then. He had severe emphysema and arthritis. Siegfried died on November 26, 1976. His sister Hilda in Vienna was still alive at the time. She had visited Siegfried in the U.S. once, though Siegfried apparently disapproved of her moral character and the relationship was not close. He left most of his possessions, including the land that had

sustained him, to Betty Strickland Mapes. She donated many of his papers to the CU library. In accepting the donation of over 12 cubic feet of papers, Associate Professor and curator John Brennan described Wagener as "an interesting and strong-willed individual who migrated to the American West." The materials included personal letters, published book reviews, drafts of philosophical writings, book manuscripts, business correspondence, newspaper clippings, scrapbooks, photographs, and assorted memorabilia. "It is good," he concluded, "that this record of his unrest and thoughtful life is being preserved at this institution," As Siegfried himself said in his synopsis of his life: "The freedom I started out to find in high altitude I have never attained."

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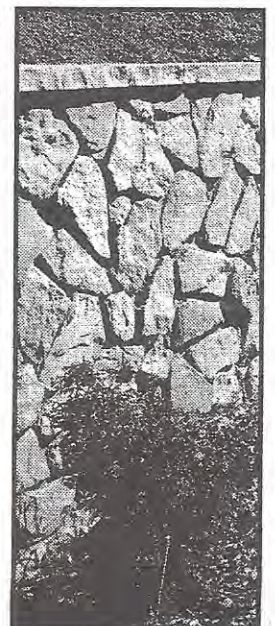
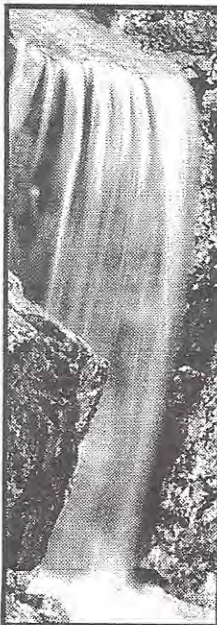
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Dear Neighbour: Remember, there's room a-plenty for all your friends to build a summer home right near you on Tahosa Valley's 320 acres. This picture shows Mt. Meeker and part of the surveyed land on Horse Creek Road which I offer for \$100 an acre and up including road and abstract; piped water everywhere available. Don't drop in for business only!

Siegfried Wagener,
Tahosa Valley Land Office,
Allenspark, Colorado.
So. St. Vrain Highway - Tel. and Tel. Estes Park

Dear Neighbour: Remember, there's room a-plenty for all your friends to build a summer home right near you on Tahosa Valley's 320 acres. This picture shows Mt. Meeker and part of the surveyed land on Horse Creek Road which I offer for \$100 an acre and up including road and abstract; piped water everywhere available. Don't drop in for business only!

Siegfried Wagener,
Tahosa Valley Land Office,
Allenspark, Colorado.
So. St. Vrain Highway - Tel. and Tel. Estes Park

1939 postcard advertisement for Tahosa Valley land

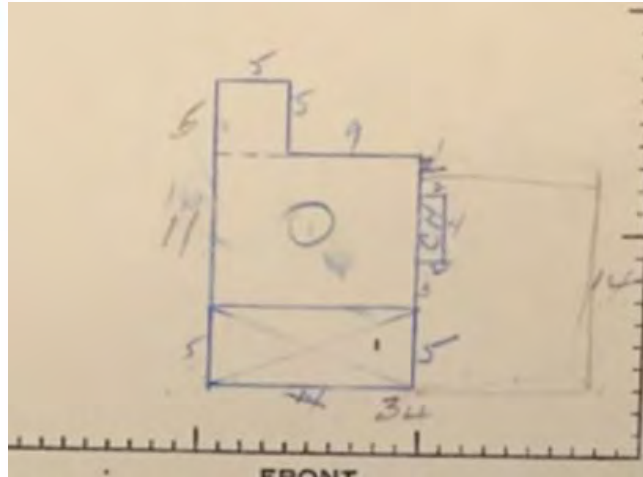
Date unknown

Allenspark Wind Page 5



1949 Assessor's card

1949 Assessor's card with updates



Shows original cabin in blue
and addition in pencil

MAJOR ALTERATIONS OR ADDITIONS				
PER CENT	DATE	AGE	DESCRIPTION	PER CENT
			(Check for addition 1951)	

Indicates addition was in 1951

BUILDING DESCRIPTION AND VALUE CALCULATION

CLASSIFICATION NO. 14-2 MAIN BUILDING DESCRIPTION BLDG No. 14-2

TYPE AND USE
 Farm Dwelling ☐ Prepared Roll ☐ Finished Stairs ☐
 Farm Barn ☐ Built-Up Asphalt ☐ Percent of Ground Area:
 Other Farm ☐ Shingle: Wood ☐ Asphalt ☐ Finished ☐ % Unfin. ☐
 Const. Indus. Card No. ☐ Metal ☐ Tile ☐ Cement ☐ Clay ☐ Unfinished ☐
 Number of Rooms ☐ Tin ☐ Copper ☐ Number: Open ☐ Closed
 Insulated ☐ Unfinished ☐ Finished

UNITS AND ROOMS
 Kind of Units ☐ Units ☐ Rooms ☐

FOUNDATION
 Posts or Piers ☐ Plastered Ceiling ☐ Heating
 Walls ☐ Plastered Walls ☐ Forced Circulation ☐
☐ Walls Kind ☐ Hot Water or Vapor ☐
☐ Finished ☐ No. ☐ % Area ☐ Steam Radiators ☐

EXTERIOR WALLS
 Wood Frame ☐ Subfloor 1st ☐ 2d Up ☐ Gas Floor Furnaces ☐
 Sheathing ☐ No Sheathing ☐ No Subfloor 1st ☐ 2d Up ☐ Air Conditioning ☐
 Solid Masonry ☐ Construction ☐ Automatic Burner or Stoker ☐
 Insulation ☐ % Area ☐ Wood Joists ☐ Oil ☐ Gas ☐ Coal ☐
 Siding: Woodboard ☐ Concrete on Grade ☐ Finish Flooring ☐
 Board and Batten ☐ Tile: Sq. Ft. ☐ Hardwood ☐ Softwood ☐
 Shingle: Wood ☐ Sq. Ft. ☐ Shingle ☐ Asbestos ☐ Plaster ☐
 Stucco ☐ Kind ☐ Kind ☐
 Brick Veneer: Com. ☐ Face ☐ Interior Finish ☐
 Stone Veneer: Native ☐ Cut ☐ Wallboard or Equal ☐
 Brick Solid: Com. ☐ Face ☐ Plastered ☐
 Concrete Block ☐ Concrete Block ☐ Kind ☐
 Kind ☐ Sq. Ft. ☐ Tile Walls: Sq. Ft. ☐
 Kind ☐ Sq. Ft. ☐ Trim: Hardwood ☐ Rm. ☐
 Kind ☐ Sq. Ft. ☐ Softwood ☐ Rm. ☐

ROOF
 Type: Flat ☐ Pitched ☐ Low ☐
 Medium ☐ Steep ☐
 Framing: Simple ☐
 Average ☐ Difficult ☐ Elec. ☐ Gas ☐ None ☐

DATE OF CONSTRUCTION
 DATE 1949 AGE 1 SOURCE 1949 DATE 1949 AGE 1 DESCRIPTION 1949

MAJOR ALTERATIONS OR ADDITIONS
 DATE 1951 AGE 2 SOURCE 1951 DATE 1951 AGE 2 DESCRIPTION 1951

OTHER FARM BUILDINGS
 CLASS NO. 14-2 SIZE 14x11 WALLS 14x11 FLOOR 14x11 ROOF 14x11 FLOOR 14x11 HEATING 14x11 LIGHTING 14x11 PLUMBING 14x11 UNIT 14x11 REPRODUCTION 14x11 COST 14x11 AGE 14x11 DEPRECIATION 14x11 NET VALUE 14x11

SPECIAL BUILDING NOTES:
Check for addition 1951

GROUND PLAN SKETCH
 (INDICATE NUMBER STORIES)
 FRONT

CARD OF
 AREA--MAIN BUILDING
 14 x 11 = 154
 14 x 5 = 70
 14 x 20 = 280
 X
 X
 X
 X
 TOTAL 529

REPRODUCTION COST AND FINAL VALUE
 MAIN BUILDING
 ITEM NO. 14-2 AREA OR QUANTITY 529 UNIT COST 96 TOTAL 507

ADDITIONS (PLUS)
 14-2 70 96 30
 12-20 100

DEDUCTIONS (MINUS)

DEPRECIATION AND OBSOLESCENCE
 A. AGE (NORMAL DEPRECIATION) ☐ %
 B. PHYSICAL CONDITION ☐ %
 C. MODERNIZATION (MINUS) ☐ %
 D. TOTAL DEPRECIATION ☐ %
 E. NET CONDITION (100-D) ☐ %
 F. LOCATION (AREA NO.) ☐ %
 G. OTHER ☐ %
 H. TOTAL SPECIAL OBSOLESCENCE ☐ %
 J. FINAL NET CONDITION (100-H) XE ☐ %

SPECIAL OBSOLESCENCE
 F. LOCATION (AREA NO.) ☐ %
 G. OTHER ☐ %
 H. TOTAL SPECIAL OBSOLESCENCE ☐ %
 J. FINAL NET CONDITION (100-H) XE ☐ %

SUMMARY OF BUILDING VALUE
 MAIN BUILDING \$ 507
 GARAGE 0
 MINOR BUILDINGS 0
 OTHER IMPROVEMENTS 0
 TOTAL BUILDINGS AND IMPROVEMENTS \$ 507

1980s

Assessor's card



DC-19-0005 public comments | updated at 4 p.m. on 12/03/2020 | Page 89 of 257

HP-17-0006: Tahosa Valley Land Office





DC-19-0005 public comments | updated at 4 p.m. on 12/03/2020 | Page 90 of 267

HP-17-0006: Tahosa Valley Land Office





DC 19-0005 public comments | updated at 4 p.m. on 12/03/2020 | Page 91 of 257



DC-19-0005 public comments | updated at 4 p.m. on 12/03/2020 | Page 92 of 267

HP-17-0006: Tahosa Valley Land Office





DC 19-0005 public comments | updated at 4 p.m. on 12/03/2020 | Page 93 of 257

HP-17-0006: Tahosa Valley Land Office





DC 19-0005 public comments | updated at 4 p.m. on 12/03/2020 | Page 94 of 257

HP-17-0006: Tahosa Valley Land Office





DC-19-0005 public comments | updated at 4 p.m. on 12/03/2020 | Page 95 of 257

HP-17-0006: Tahosa Valley Land Office



From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Ask a Planner - Web inquiry from Deirdre Garvey -
Date: Monday, November 4, 2019 9:11:44 AM

Boulder County Property Address : 778 Wagonwheel Gap Rd

Name: Deirdre Garvey

Email Address: deirdre@indra.com

Phone Number: (303) 442-0278

Please enter your question or comment: The short term rental regulations you have put online as part of the survey you are taking on proposed STR regulations in the county says: "Owners must complete a short-term dwelling rental registration form and submit it to the Land Use Department where the registration form shall be available for public review." I have been unable to find WHERE this is available for public review. Please let me know where this information can be found online.

Thank you,

-- Deirdre Garvey

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Ask a Planner - Web inquiry from judith renfroe - DC19-0005
Date: Monday, November 4, 2019 1:20:28 PM

Boulder County Property Address : short term rental issue

If your comments are regarding a specific docket, please enter the docket number: DC19-0005

Name: judith renfroe

Email Address: judrenfroe@aol.com

Phone Number: (303) 443-8969

Please enter your question or comment: I learned about this docket and the associated survey via the newspaper article on Nov 4, 2019. My guess is that the people who will take note and respond are those who either want a short term rental or those who have been impacted by one. I believe the issue deserves more discussion if there is any potential for expansion.

I am opposed to any expansion whatsoever of the uses for ADU's. It is bad enough that now, if a unit has anything short of a full kitchen, it is not considered an ADU or apartment. That is ridiculous with the electric cooking appliances and under counter refrigerators available today. A full kitchen is not a necessity for a separate apartment.

Short term rentals have the potential to cause many problems and to impact the safety and privacy of neighbors and seriously compromise neighborhood character. There is really no good way to monitor them. At a minimum, if they are allowed, they should be registered and taxed. Maybe they should have safety inspections and the adequacy of water and septic systems should be part of that.

Also, a minimum requirement should be that the house is the primary residence of the owner and they occupy it most of the year. Ideally, the owner would be there during the rental. The presence of an owner is something that makes a Bed-and-Breakfast a different situation than a short term rental managed by an absentee owner or manager.

If there is any justification for a short term rental it would be to help a resident owner meet expenses. It is certainly not to help someone buy a vacation house or to get more money from a rental house.

As an owner of a house that is somewhat isolated, call it secluded, private, whatever, even though not as secluded as a cabin in the mountains, it is very disconcerting to see a constant flow of strangers coming and going from a nearby residence. You never know who they are, if they are supposed to be there, if they have criminal backgrounds, if they are a danger to your children, etc. At the very least, if the owner were present and living there, it would provide a slight reassurance of safety, but the concerns about an owner's selection and background checks of short term tenants is still valid. As someone who is also a landlord, I assure you it is not that easy to select tenants. In particular with regard to this area, it is the old houses in a secluded setting that attract problems. The presence of an owner on the premises will discourage party houses, or other nefarious uses. Perhaps rental safety and health inspections would also help prevent abuses.

People who are living in a neighboring house, whether they are owners or regular renters, should not be subject to the unknowns, risks, lack of privacy of the public coming and going as if there were a motel next door. That is why we bought in single family neighborhoods.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Ben Bayer](#)
To: [Rodenburg, Jasmine](#)
Cc: [Ott, Jean](#)
Subject: Re: Short-Term Dwelling Rental Virtual Coffee with a Planner
Date: Friday, July 10, 2020 2:12:44 PM

Hi Jasmine,

Thank you so much for this opportunity. Unfortunately I will be on the road headed to the east coast to visit family at this time and I'm worried with the lockdowns I won't be able to find a place to have this call. If you can reschedule a couple days later, I should be able to make it. Otherwise, read on.

My reason for desiring the meeting was to suggest an alternative to a ban or residency requirement. Regulations have a tendency to create black markets and punish those who obey the law. Instead, I would prefer to see a progressive tax policy that would make the investment properties less financially appealing without adding draconian regulation. This would also allow for more flexibility so the incentives can be adjusted based on shifting priorities.

In my ideal world, property taxes would be assessed based on the following tiers which take into account the relative harm to the community of each type of rental:

1. Primary residence or Primary residence with long-term rental of part of home (current tax rate)
2. Primary residence with short-term rental of part of home
3. Secondary residence with long-term rental
4. Secondary residence with short-term rental
5. Investment/developer property with no owner occupancy for long term rental
6. Investment/developer property with no owner occupancy for short term rental (2x or more increase in property taxes)

I believe this will help create the correct incentive structure while not harming those who need to take advantage of STRs to stay in their homes.

I have more to say about how this could be implemented and enforced effectively but you get the idea for a start. I also have ideas how to circumvent TABOR if that presents problems.

Thanks for providing the opportunity for the public to weigh in on this and let me know if this email is sufficient or if it's better to reschedule.

Best,
Ben Bayer

On Fri, Jul 10, 2020 at 9:23 AM Rodenburg, Jasmine <jrodenburg@bouldercounty.org> wrote:

Good Morning, Ben—

From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder County Contact Us/Feedback Form [#989]
Date: Tuesday, July 30, 2019 1:43:34 PM

Name * Mary Hunter

Email * mary@healthybeattitudes.com

Phone Number (optional) (303) 747-2602

Select a Subject * Land Use Planning

Comments or Feedback *

Regarding questionnaire short term rentals.

Living in Allenspark since 1991 in the townsite since 2002.

There was a time when there were issues several years ago when the current The Old Gallery building was ATV rental...the owners had several rentals that brought in people who were parties and left significant trash around and were loud and parking issues. But since they left and we have responsible property management up here for most of the short term rentals, there really have not been issues of concern here. On question one, I think it would be difficult

On question 1, it would be difficult to monitor the 51% and with so many "snowbirds" and 2nd homes up here, not practical.

It would be advisable that anyone doing short term rentals should have a property management person/company to be able to monitor issues that would be considered safety concerns.

Current short term rental regulations are fine as they currently are.

It seems to me, that BC does not need to create more work/constraints in this issue except the consideration of requiring property management on some level.

Thanks,
Mary Hunter
303-747-2602

Please check box below *

☒ I acknowledge receipt of the Open Records Notification

From: [Bruce Drogsvold](#)
To: [Rodenburg, Jasmine](#)
Subject: RE: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update
Date: Friday, September 4, 2020 10:23:42 AM

Thank you Jasmine,
That sounds great.
I have been reviewing the proposed changes.
I'll submit some comments with a couple suggestions.
I'm surprised not to see a lodging tax in there...maybe I'm missing it and it actually is in there.
Have a great weekend.
Bruce

From: Rodenburg, Jasmine <jrodenburg@bouldercounty.org>
Sent: Wednesday, September 2, 2020 4:51 PM
To: Bruce Drogsvold <bruced@wkre.com>
Subject: RE: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

Good Afternoon, Bruce –

I hear you. We are in the process of gathering all of the public comments received so that we can put them on the webpage (<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/>) for the public to review. We anticipate being able to put all comments received to date on the webpage the week of September 14, 2020. Please let me know if you do not see the public comments on there at that point and I will follow-up to make sure they get posted.

I appreciate your patience as we put these together for you all!

Kindly,

Jasmine

Jasmine Rodenburg

Senior Planner – Oil/Gas and Environmental Policy

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We've become a new department!](#)

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Main: 303-441-3930

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PLEASE NOTE: In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at www.boco.org/cpp for more detailed information and contact emails for groups in our department. You may also leave a message on our

Kindly,

Jasmine

Jasmine Rodenburg

Senior Planner – Oil/Gas and Environmental Policy

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We've become a new department!](#)

Direct: 303-441-1735

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From: Bruce Drogsvold <bruced@wkre.com>

Sent: Monday, August 31, 2020 9:53 AM

To: Rodenburg, Jasmine <jrodenburg@bouldercounty.org>; Ott, Jean <jott@bouldercounty.org>; Hippely, Hannah <hhippely@bouldercounty.org>

Subject: FW: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

Good morning Jasmine,

I have a hard time getting a clear sense of what these changes mean for my family?

I think I may fall under a “vacation rental” type category.

If so, that'll work.

I sent you a letter from a couple months ago that describes our family circumstances with our mountain cabin.

I hope we will not be prevented doing things the way we have been doing them.

Please let me know if we'll qualify for the vacation rental category?

Thank you,

From: [Bruce Drogsvold](#)
To: [Rodenburg, Jasmine](#)
Subject: RE: Short-Term Dwelling Rental Update
Date: Wednesday, July 8, 2020 3:19:53 PM

Hi Jasmine,

That sounds good.

I appreciate the opportunity to have a voice.

It might fall under the lodging use category as a new subcategory created specifically to address the short term rental situation.

Certainly there is no resemblance to a property owner that rents out his little cabin short term and the Stanley hotel.

I'll start to get educated.

Thank you so much.

Bruce

From: Rodenburg, Jasmine <jrodenburg@bouldercounty.org>
Sent: Wednesday, July 8, 2020 3:05 PM
To: Bruce Drogsvold <bruced@wkre.com>
Subject: RE: Short-Term Dwelling Rental Update

Good Afternoon, Bruce –

A lodging use is an existing use in the Boulder County Land Use Code. You could poke around that use for definitions. The lodging use would fall under that category, but it could be it's own category if that makes more sense when drafting the regulations.

We are in the process of crafting the regulations, so right now is a great opportunity to talk about how you would like a lodging use to be defined in the land use code for short-term dwelling rentals. Outside of what I mentioned in my email we have no concrete regulations drafted. We are at the very early stages of creating new regulations. So I realize I cannot give you many answers, but that is because we are seeking community input before we put pen to paper. Once there are regulations you can also react to those.

I can't tell you how it will work yet, because we are in the process of trying to figure out how it should work if that makes sense. So any input you provide now, during the meetings, or after the drafts come out will help inform the process.

Kindly,

Jasmine

From: Bruce Drogsvold <bruced@wkre.com>
Sent: Wednesday, July 8, 2020 2:31 PM
To: Rodenburg, Jasmine <jrodenburg@bouldercounty.org>

Subject: RE: Short-Term Dwelling Rental Update

Hi Jasmine,

Thank you for the response.

I'd like to have more understanding about a non owner occupied short term rental classified as a lodging use. Is this an existing classification or would it be a new designation designed specifically for short term rentals?

I'd be concerned that if it fell into a category that is designed for resorts and hotels it would be a bit much for little property owners like myself, who make a little money every year from renting their place out periodically for 6 or so months of the year.

How best can I get educated about this sort of thing.

I look forward to the process. Right now there are no clear regs.

It'll be great to know what you can and cannot do.

Bruce

From: Rodenburg, Jasmine <jrodenburg@bouldercounty.org>

Sent: Wednesday, July 8, 2020 1:45 PM

To: Bruce Drogsvold <bruced@wkre.com>

Subject: Short-Term Dwelling Rental Update

Good Afternoon, Bruce –

Thank you for the phone call and follow-up email.

I am happy you are interested in the short-term dwelling rental regulation update. As of yet, we do not have a draft set of the regulations. What we do have, is a general outline framing the future regulations. The general outline can be found here: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> under “Summer 2020 Updates.” Briefly, this outline discusses the possibility of having short-term dwelling rentals fall under two separate use categories: an accessory residential use where the rental residence is a primary residence for the property owner and a lodging use where the rental residence is not a primary residence for the property owner.

You have already signed up to be part of the virtual open-house to discuss these regulations which is great. As of right now there are opportunities to talk about the proposed outline at this virtual open-house or through virtual coffees with a planner. See the website above for additional details on that front. After the regulations are fully drafted, there will likely be another opportunity for public comment. Then again after that, there is opportunity for public comment at both the Planning Commissioners and Board of County Commissioners public hearings.

To summarize, there was a pause where not much has happened on these regulations since the

From: [Charlie Hager](#)
To: [Ott, Jean](#); [Rodenburg, Jasmine](#)
Subject: Re: Short-Term Dwelling Rental Virtual Coffee with a Planner
Date: Thursday, July 16, 2020 9:48:24 AM

All,

Thank you for reaching out and getting public feedback on this important issue. Please think about the ability of residents to support themselves, particularly homeowners or seniors if they find themselves with extra bedrooms, as empty-nesters, etc. Supporting residents financially and providing affordable housing is more important than a nosy neighbor that may be inconvenienced in the smallest possible way. The Boulder area is expensive, and the only other alternative for many owners is to sell and move away from the area.

Thank you for the notes and medical clarifications on ADUs. With regard to ADUs, do you get the sense that there may be a change coming? We would really like to help with that effort. The current three conditions are archaic because they do not take into account the current housing issues/trends and the cost to live in Boulder County, particularly for those with land. There is no reason rental units on large lots should be banned. We know of others that have standalone rentals that were grandfathered in, and it works great for both the owner and tenant. Like many, I do not have an ill family member, the need for a fulltime ranch hand, nor a historical structure. What we do have is the ability to help with affordable housing options and the need to support ourselves financially as we grow older in our own home on our own property.

Charlie

Charlie and Lauren Hager
303-931-1260 (Lauren's Cell)
303-358-9043 (Charlie's Cell)

From: Ott, Jean <jott@bouldercounty.org>
Sent: Wednesday, July 15, 2020 3:02 PM
To: Rodenburg, Jasmine <jrodenburg@bouldercounty.org>; Charlie_hager@hotmail.com <Charlie_hager@hotmail.com>
Subject: RE: Short-Term Dwelling Rental Virtual Coffee with a Planner

Good afternoon Charlie and Lauren,
Thank you both for taking the time to speak with us about short-term dwelling rentals yesterday. I'm following up on your additional questions regarding Accessory Dwelling Units (ADU) and I've included some information below. Let me know if you have questions after reading through. I'm happy to schedule a follow-up meeting to discuss further.

From: [Ott, Jean](#)
To: [Debbie Leinweber](#)
Cc: [Rodenburg, Jasmine](#)
Subject: RE: follow up questions from last night's meeting
Date: Thursday, August 6, 2020 5:22:16 PM

Hi Debbie,

Thank you for attending our Virtual Open House and for providing valuable input on the code update. And thank you also for the kind words! I felt like it was a tough, but very productive conversation. See my answers to your questions below in [blue](#).

Thanks!

Raini

Jean Lorraine Ott, AICP, CFM

Planner II | Development Review Team
720.564.2271 | jott@bouldercounty.org | she/her/hers

Boulder County Community Planning & Permitting
2045 13th Street | Boulder, CO | www.BoulderCounty.org
303.441.3930 | P.O. Box 471 | Boulder, CO 80306
Formerly Land Use and Transportation – [We've become a new department!](#)

PLEASE NOTE: In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at www.boco.org/cpp for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. ***Thank you for your adaptability and understanding in this extraordinary time!***

From: Debbie Leinweber <debbie.leinweber@gmail.com>
Sent: Friday, July 31, 2020 2:33 PM
To: Ott, Jean <jott@bouldercounty.org>
Subject: follow up questions from last night's meeting

Thank you for your time at yesterday's planning session open house.

After processing all of the discussion, I have a couple of follow up questions.

1. My husband and I believe we fall under the seasonal short-term rental (vacation home used frequently by property owner) category. We want to make sure that is the case. The cabin (17665 State Hwy 7) is our family cabin, used primarily for family vacations and weekend trips. We visit frequently, but do not live there permanently. We use Air BnB to rent out our cabin for a total of 40-45 nights (not consecutive) per year from May to the end of September. The cabin is not accessible most of the time in the winter. Do we fit in the seasonal short-term rental category? [Yes, this](#)

sounds like one of the main scenarios we were contemplating when we proposed the seasonal short-term rental use. Of course, that use does not currently exist and we are just beginning to draft the actual language in the code, but if we move forward with it, I believe your cabin would fit into that category.

2. You or someone on the call (there was a lot of talking over others) mentioned an AIMA. I'm still confused about that. Is it required to have in Boulder County? Do neighbors write it/agree upon it together? Does Boulder have a template for it? I have found quite a few online, but they don't seem to fit our situation. I haven't found anything on the Boulder County site. If you don't know the answers, who would be a good person to talk to? The AIMA (Access Improvement and Maintenance Agreement) is something that the county requires property owners who live on a shared, private driveway or road to sign. However, we haven't always required it so many shared accesses do not have an AIMA associated with them. The way we impose the AIMA currently is when someone comes to us requesting a new use (like a short-term rental) or new development (like a new house or outbuilding) on their property that uses one of these shared accesses, they must sign one. Each AIMA is written for the specific property and shared driveway/road and our hope is that, eventually, every property owner that uses a shared access will have signed on to help improve and maintain it. The team that looks at those and produces them is the Engineering Development Review Team (TransDevReview@bouldercounty.org). Just FYI, they are pretty swamped with work so it may take a while to get a response.

Again, thank you for your time. This is obviously a sensitive topic to many folks. I thought you did a great job facilitating the virtual meeting.

Debbie Leinweber
debbie.leinweber@gmail.com

From: [Deborah Denser](#)
To: [Rodenburg, Jasmine](#)
Cc: [Hippely, Hannah](#); [Ott, Jean](#)
Subject: RE: Recap: How Community Associations can Address Short-Term Rentals
Date: Friday, August 14, 2020 7:33:45 PM

This might help as well it's free! Just go to their website under resources and register for it.

PS: I do not work for them. I'm just a full time MOM for two active boys (12 & 14)
Deborah Bates-Denser

In this 1-hour webinar, we'll cover how to assess whether your historical STR activity could collect back taxes, review the effectiveness of your COVID-19 restrictions, and ensure rental and occupancy rate ordinances are followed. All this work can be automated so that every hour of your time is effective.

Topics include:

- How you can now “look back” years in the past to collect back taxes, or to communicate with those who were non-compliant with COVID-19 shutdowns
- Why auditing STR market activity may be the easiest, and highest return, function to carry out
- The role auditing has in annual rental cap compliance and more.

Speakers: Ulrik Binzer, General Manager of Compliance Services at Granicus & David Marcus, Chief Data Scientist at Granicus

Date: August 18th, 2020

Time: 1 PM ET | 10 AM PT

Duration: 1 hour

From: Deborah Denser [mailto:dbdenser@comcast.net]
Sent: Friday, August 14, 2020 6:56 PM
To: 'Rodenburg, Jasmine' <jrodenburg@bouldercounty.org>
Cc: 'hhippely@bouldercounty.org' <hhippely@bouldercounty.org>; 'jott@bouldercounty.org' <jott@bouldercounty.org>
Subject: FW: Recap: How Community Associations can Address Short-Term Rentals

Hi Jasmine,

I'm not sure if this could help you with gathering information. I know this company has helped Denver before, Host Compliance.

They have several webinar recordings and they do offer a free assessment market on how many short term rentals in your area.

That might give you an idea of possible revenue to pay for the enforcement. It could be a start, they do this with several cities/government agencies.

Sorry if this is unwanted suggestions, just let me know. I will not be offended. I just know from the research I've done this is an uphill challenge/battle.

Good Luck,

Deborah Bates-Denser

From: Christa Watson [<mailto:christa@granicus.com>]

Sent: Friday, August 14, 2020 9:00 AM

To: dbdenser@comcast.net

Subject: Recap: How Community Associations can Address Short-Term Rentals

Granicus Logo



Live Webinar

We're glad you joined us for the webinar, **How Community Associations Can Address Short-Term Rentals**.



Webinar Recording

[Download the slides](#) or [watch on demand](#) to recap short-term rentals and community associations.



Related Resources

Several attendees asked about short-term rental safety. Watch this webinar with Fire Marshal, Eric Guevin, discussing short-term rental safety. [Watch now.](#)

Looking for help in establishing STR policies? Get a free assessment of the market in your community and the solutions

available to help. [Learn More](#).

Upcoming Events

Mark your calendar for these upcoming events. Head over to granicus.com/events for the most up to date information.

Granicus Logo



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From: [Donna George](#)
To: [Rodenburg, Jasmine](#)
Subject: Short-Term Rentals
Date: Thursday, July 9, 2020 11:17:04 AM

Dear Jasmine,

I recently read about the short-term rental code changes in the Left Hand Valley Courier. I have a few questions that were not explained in the article.

1. Are short-term rentals presently allowed in unincorporated Boulder County?
2. What will the code changes be?
3. Will the code changes make it easier and also potentially increase the number of short-term rentals in unincorporated Boulder County?
4. How was the informational survey conducted? Was it sent only to residents in unincorporated Boulder County or did residents in the incorporated cities within Boulder County also fill out the survey? Was the survey mailed out to citizens or was it an optional on-line survey?

Thank you for your time in answering my questions.

Donna George

From: Susan
To: Rodenburg, Jasmine
Cc: Barry Cox
Subject: Follow up info from SkyRun per affordability
Date: Monday, July 27, 2020 3:39:51 PM
Attachments: [Housing_Report_final.pdf](#)
[Housing_Affordability_Impacts_of_Airbnb_in_Portland.pdf](#)
[VRMA+2020+Public+Policy+Agenda.pdf](#)

Jasmine, I received the two studies attached here from VRMA (Vacation Rental Management Association), the Oxford Economics study and another one that was done by ECO Northwest a few years ago. These are the best such studies they know about. Note that both of these studies only look at one platform's properties (Vrbo and Airbnb), so they are not holistic evaluations. If you find any other studies, we'd love to know about them.

Conclusions from the Oxford Economics study (pg 30):

- We have found that the rapid US house price and rent increases of the past few years have not been substantially driven by STRs.
- It suggests instead that the major sources of volatility in rental and house prices lie in economic and labor market outcomes.
- Adopting strict regulations on STRs is unlikely to solve the housing affordability crisis faced by many US households.

Conclusions from the ECO Northwest study (pg 1-2)

- Airbnb's activities in Portland have minimal, if any, impact on the current affordability crisis.
- Airbnb's previous analyses have pointed out the many ancillary benefits of their units for hosts and neighborhoods. These include creating extra income for hosts, supporting neighborhood vitality, and stimulating housing unit creation (in the form of ADUs). Policymakers should consider trade-offs between these benefits and a relatively small impact on overall affordability.

You may have already done **research through VRMA** (<https://www.vrmaadvocacy.org/>). VRMA is dedicated to further developing professional and traditional vacation rentals as a safe and reliable option for consumers. It is committed to working with policymakers to develop fair and balanced regulations that benefit both communities and the vacation rental market.

I'm attaching their **public policy agenda** for 2020. Please note VRMA's position related to regulations, including these, which SkyRun also aligns with:

- VRMA supports the use of fair, justified, proportional and enforceable rules for property owners and managers to follow to ensure the greatest compliance.
- VRMA supports open and transparent permitting processes and fee structures that are equitable and comparable to that of all other residential properties and does not discriminate against or show bias for residency requirements, use, advertising methods, booking platforms, or business models.
- VRMA supports and encourages communities to recognize the rights of property owners to rent their primary and secondary homes.
- VRMA believes that legislation that places limitations on the frequency or duration of stay should be done as a last resort and only in cases where it is proven justified and necessary.

Furthermore, VRMA makes these points

(http://e.learn.com/files/upload/resources/VRMA/VRMAVoice/index.html#/lessons/IHOFWop3sn2ujqxxiOjJc_dIQxkXUZsP):

- The majority of properties listed as vacation rentals are second homes, which were purchased for the homeowner's personal use. Since the owner uses the property from time to time, these homes are not going to be easily turned into long term housing.
- Housing costs rise as a function of increased property values – which is a positive development for not only for communities as a whole, but particularly for full-time homeowners who live there.

I plan to be on the meeting Thursday evening. Let me know if we can provide any additional helpful input before that meeting. Thank you again for listening to the professional property management viewpoint.

--

photo



Susan Graber
Director of Location Support, SkyRun Vacation Rentals
877-SkyRun-1, ext 803 | 303-249-8894 | susan@skyrun.com
www.SkyRun.com

SkyRun Vacation Rentals



If you have any concerns regarding my level of service, please reach out to
my manager:
barry@skyrun.com

Create your own [WiseStamp](#) email signature

From: [Lodrö Tsomo](#)
To: [Wiseman, Christy](#)
Subject: forgot to address this on the survey
Date: Wednesday, October 30, 2019 2:53:57 PM

Hello Christy,

Just realized that I forgot to address the matter of STR effect on long term rental availability in Allenspark in my survey answers.

Please add my 2 cents in about this issue somewhere in your survey process.

I believe that it is mistaken to think that ending STR will effect long term availability. Here are two cases that demonstrate this. My folks did have a company manage their property for STR use, but NEVER would have rented it out as a long term rental because they enjoyed coming for 3 months a year when their health allowed. Another example is the property across the road. It sits empty the WHOLE year except for two weeks. Again, this long time property owner (who has been asked if he would rent long term several times) is not going to forego the possibility of enjoying their cabin because of a long term renter.

As you can see, I don't think the long term rental argument holds water.

Sincerely,
K Winkel

From: [Bruce Drogsvold](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hippely, Hannah](#)
Subject: FW: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update
Date: Monday, August 31, 2020 9:54:01 AM
Attachments: [DC-19-0005 Referral Packet.pdf](#)

Good morning Jasmine,

I have a hard time getting a clear sense of what these changes mean for my family?
I think I may fall under a “vacation rental” type category.
If so, that’ll work.

I sent you a letter from a couple months ago that describes our family circumstances with our mountain cabin.
I hope we will not be prevented doing things the way we have been doing them.

Please let me know if we’ll qualify for the vacation rental category?

Thank you,
Bruce Drogsvold
303-579-1627

From: Bruce Drogsvold <bruced@wkre.com>
Sent: Monday, August 31, 2020 9:33 AM
To: Bruce Drogsvold <bruced@wkre.com>
Subject: FW: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

From: Rodenburg, Jasmine <jrodenburg@bouldercounty.org>
Sent: Monday, August 31, 2020 8:04 AM
To: Ott, Jean <jott@bouldercounty.org>
Cc: Hippely, Hannah <hhippely@bouldercounty.org>
Subject: Draft Language for Short-Term Dwelling Rental and Bed & Breakfast Code Update

Good Morning, All –

Thank you for participating in the public process thus far. We have spent the last week preparing and sending out the first draft of the Boulder County Short-Term Dwelling Rental and Bed & Breakfast Code update to internal and external referral agencies for input. Some of you might have received the drafts from the referral, or being part of the Land Use Code Update email list. If that is the case, I apologize for the duplicate copies! I just wanted to send it to everybody who has participated in the virtual coffees and virtual open house to make sure you all continue to be involved.

I encourage everyone to sign up for the virtual open house. At that open house we will discuss the

draft language, input received from the public and referral agencies (to the extent we receive it before the open house), and address frequently asked questions we receive.

Please feel free to email me with questions, comments, or concerns. Below you will find what I believe was sent out to the Land Use Code update email. It has information on signing up for the virtual open house, along with the draft language. For good measure, I have also attached the draft language from the referral. I encourage people to look at the attached document as it includes a flowchart that helps give an overview to the draft regulations and licensing ordinance.

Kindly,

Jasmine

Jasmine Rodenburg

Senior Planner – Oil/Gas and Environmental Policy

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We've become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

www.bouldercounty.org

PLEASE NOTE: In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at www.boco.org/cpp for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. ***Thank you for your adaptability and understanding in this extraordinary time!***

September 17 Virtual Open House: DC-19-0005 Short-term Dwelling Rental and Bed & Breakfast

***Attend a Virtual Open House starting at 6 p.m. on Thursday,
September 17, 2020***

Boulder County, CO - The [Boulder County Community Planning & Permitting Department](#) is continuing work on Land Use Code updates to Short-term Dwelling Rental and Bed & Breakfast regulations in docket [DC-19-0005](#).

After receiving input from the public, reviewing neighboring jurisdictions' regulations and additional research, staff has drafted [proposed Text Amendments to Article 4 of the Boulder County Land Use Code](#) along with a [proposed Licensing Ordinance to regulate Short-Term Rentals and Bed & Breakfast uses](#).

From: [Ilona Dotterrer](#)
To: [Rodenburg, Jasmine](#)
Subject: Re: Short-Term Dwelling Rental Virtual Coffee with a Planner
Date: Friday, July 10, 2020 12:22:45 PM

Thank you so much for your quick response! I must say that's a first in all of my communications with Boulder County on various issues.

I also appreciate your legal background, which brings elements of professionalism and objectivity to sometimes emotional situations.)I'm a retired lawyer.)

I am hopeful both the interests of Boulder County and concerned residents can be accommodated in these new regulations.

Based on the "Ideas" document, I do have a few simple suggestions, if you would like to chat sometime.

Thanks for your help and I look forward to the discussion.

Ilona Dotterrer

On Jul 10, 2020, at 11:57 AM, Rodenburg, Jasmine <jrodenburg@bouldercounty.org> wrote:

Good Morning, Ilona –

Thank you for signing up to participate in the short-term dwelling rental regulation update Virtual Coffee with a Planner sessions! We are looking forward to chatting with you about the upcoming changes to the Land Use Code. Based on your availability indicated in the online sign-up form, your 30-minute time-slot for this individual session is scheduled for July 17 from 10:00am-10:30am with Molly Marcucilli, cc'd on this email. You will find attached to this email a very generalized overview of the proposed regulations along with the sign-up form you filled out, for reference.

Below is the link to your virtual session, which has also been sent to you as an Outlook Calendar invitation. Although you can use Microsoft Teams in a web browser, many people find it easier if they download the desktop application ahead of time.

[Join Microsoft Teams Meeting](#)

[+1 720-400-7859](#) United States, Denver (Toll)

Conference ID: 198 355 677#

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

Mark your calendar! Following these Virtual Coffee with a Planner sessions, we will be hosting a Virtual Open House on Thursday, July 30th at 6:00PM. Please visit our website <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> for more information and updates.

Please let us know if you have any questions or concerns in advance of your session and we look forward to hearing from you.

Kindly,

From: [ILONA DOTTERER](#)
To: [Ott, Jean](#)
Cc: [Rodenburg, Jasmine](#)
Subject: Short Term Rental Proposals - Suggestions
Date: Wednesday, July 29, 2020 3:16:30 PM

Hello Rainie,

You and I and Molly spoke on July 17 about the County's proposed short-term rental regulations.

I suggested the County create a third category to provide for vacation rentals of cabins whose owners also use the properties. This type of ownership/use did not seem to fall within either the Accessory Residential Use or the Principal Lodging Use. I indicated I would research the parameters of this third category.

I suggest the following:

- The Accessory Residential Use and Principal Lodging Use do not provide for short-term vacation rentals of second homes that owners occupy on a part-time basis. The County may wish to create a third category, Second Home Use.
- A Second Home could be defined as a property that the principal owner or family members use or occupy at least 120 days per year on either a continuous or non-continuous basis.
- Second Home Use would be subject to an administrative review process and be subject to all County STR requirements.

On another note, the County may wish to consider that STR licenses issued to owners of any of the three Use categories during the first year of the program will be valid for 2 or 3 years, absent any violations. This may result in more initial compliance.

Please contact me with any questions.

I look forward to chatting with you at the meeting tomorrow.

Ilona Dotterrer

From: [Joseph Roth](#)
To: [Rodenburg, Jasmine](#)
Subject: Short Term Rental Questions
Date: Monday, June 29, 2020 10:29:49 AM

Jasmine,

We're considering purchasing a second home in the mountains for our family to use, but would like to rent it for ~100 days/year to offset some of the cost of ownership. Without some rental income, it doesn't make financial sense for us to purchase.

It looks like the current rules allow for 45 days (forestry zoned) without a formal review, and potentially an administrative review or full special use planning review for 100 days, but that these rules are undergoing changes.

The proposed rules indicate that if the property is used principally as a single family dwelling, then an administrative review might be sufficient. I was wondering if there was any insight into what would constitute owner-occupancy? If we used the home for the majority of weekends, would that be considered occupancy. Otherwise, it looks like we may need to go through a public hearing. I'm curious what the timetable, cost, and chance that might fail.

If it helps, we're looking at properties similar to 1001 Ski Rd, Allenspark, CO 80510. Something on >1 acre and away from residential style living.

Feel free to respond via email or I can do a virtual coffee with a planner if that is more convenient.

Thanks,
Joseph

From: [Kathryn Stanford](#)
To: [Rodenburg, Jasmine](#)
Subject: Fire Mitigation Requirements STR rentals.
Date: Wednesday, August 12, 2020 7:54:42 PM

Hi Jasmine.

Hope you're having a great week so far.

I wanted to check in and see if you have been in contact with the Wildfire Protection Program?

We, and many others who wish to short term rent are very nervous about the mitigation requirements, and have gotten mixed feedback from neighbors who have dealt with this program in the past.

Several of us have heard that there are a few really awesome individuals to work with that think outside the box, but there are also a few who have made it very difficult to obtain certification and are quick to go "by the book" of a 30' radius even in narrow mountain canyons with no support or second thought.

This would literally wipe out every single tree on our property.

Short term renting has been a lifeline for many of us, and we will do whatever it takes to qualify, I just hope this matter is VERY carefully considered.

Not being able to qualify by dealing with the wrong person could be extremely detrimental to many.

Thank you for your time & consideration.

This is a very delicate and important matter.

We, and many others we know in the mountain communities are trying to be ahead of the game.

-Kathryn Stanford

From: [Kathryn Stanford](#)
To: [Rodenburg, Jasmine](#)
Subject: Questions on the draft for STR/VACATION land use code
Date: Friday, August 28, 2020 7:54:14 AM

Good morning, Jasmine.

I have read through the draft several times, and am trying to understand everything.

First off, why is a sales tax license required for lodging use? Airbnb and VRBO have always collected and remitted those taxes on owners behalf as far as my knowledge. I believe in the entire state of Colorado this is true.

Also, is there a map or website where we can see what district we are in? I have had a hard time finding anything like that. I assume being in the mountains that we are either in MI OR F, but it would greatly help to know.

Also, to my understanding, if your property is greater than one acre yet less than 5, you will have a special review as opposed to a limited impact SR?
Having a hard time understanding the difference.

Thirdly, if we choose to apply for the lodging VS. accessory residential, I see that the WPP certification/mitigation must be done prior to the license. What about everything else? Will there be a grace period if anything comes up after a building inspection? Or will the license not be granted until everything is complete?

I feel like there needs to be something in the draft about a grace period for things like the insurance and other qualifications. There Is a huge punch list at hand, and I feel people deserve a grace period and some time while still being able to run their business and being approved.

It feels like this new draft is trying to make it hard for people to obtain a license even though there are

So many residents who have lived here their entire lives able to stay in Boulder county because of renting their homes while staying with a friend, traveling, working out of state, etc!

I am disappointed to see the max 180 days (with no more than 20 nights/month rule especially) for accessory residential. People travel for extended periods and come back to what they consider home. Being able to rent it allows that freedom. If it is to be 180 days, what is the point of the no more than 20 nights/month? There should be no restrictions on how those 180 days are used at the VERY LEAST. Please consider.

This draft is going to cause a lot of stress on certain individuals. Many of us don't feel we were heard at all on this matter, and it is really disheartening.

I'm sure there were many angles, and in certain areas such a subdivisions, I completely understand, but what happened to the varying levels of oversight?

This is a huge blow to people with rural properties and mountain properties. Especially the neighbors having to be notified by mail. What's the point when you have a completely separate property away from everyone because the parcels are large? Mountain neighbors keep to themselves already and this could raise a stink for no reason because let's be real, people have opinions no matter what.

What about people who are already booked in advance into the new year? There absolutely should be a grace period while people get their ducks in a row to qualify with all these new rules. The good hosts who have poured their heart and soul into this business would be heavily penalized having to cancel bookings. This would be detrimental and completely unnecessary in homes that are safe, and well maintained by responsible and attentive owners/hosts.

I really hope to see Boulder County taking care of its residents with this new code. I don't feel like it adequately addresses taking care of those who use their home as a vacation rental due to varying circumstances. Not all of us are big money investors coming in. Some of us truly enjoy hospitality, are able to give back more (we certainly do), and enjoy meeting new people. I feel like the balance between residents renting their homes full time, and vacation renting is fairly balanced.

I understand the need to keep big money coming in and buying up the housing stock. All for this!

Also, people who have hosted responsibly and have the reviews, notes, and touches to prove it should be recognized through this as well.

This platform brings so much to our economy and that should not be overlooked! During COVID, many short term renters hosted people needing to be close to a family in a nursing or assisted living situation. It was a win/win in so many cases.

Thank you for taking the time to read.

Sincerely hoping there are a few key changes made to this draft. Being able to rent even for 45-50 nights a year when we have has been huge!!

Best,

Kathryn

October 31, 2019

Susan Merrill
CSN LLC
PO Box 1465
Nederland, CO 80466

RE: DC-19-0005: Proposed Boulder County Land Use Code Text Amendments related to Lodging Uses - Short Term Rentals and Bed and Breakfast & Property-Specific Information for 825 Eaton Place

Dear Susan Merrill:

Thank you for calling the Land Use Department. I received your voicemail inquiring about the Land Use Code update related to short-term rentals. In your voicemail, you requested a hard copy version of the online short-term rental survey. I have included the following materials related to the Land Use Code update:

- A copy of the email notice that went out about the survey on October 30.
- A hard copy version of the online short-term rental survey. Please complete the survey and mail it back to the Land Use Department at PO Box 471, Boulder, CO 80306 by November 22, 2019.
- The existing Short-term Dwelling Rentals use regulations (Article 4-507.E of the Land Use Code).
- A print out of the Land Use Code update project webpage.

In your voicemail, you also mentioned property-specific issues and noted concerns about septic systems in your neighborhood. I have included the following materials for your information:

- The parcel report for your property at 825 Eaton Place.
- An excerpt of the Land Use Code detailing provisions for the Forestry (F) zoning district (Article 4-101).
- A handout on septic permitting; septic systems are regulated and permitted through Boulder County Public Health, not the Land Use Department. If you have questions about septic regulations, please call Public Health at 303-441-1564.

If you have any property-specific questions about your property, feel free to call 303-441-3930 and an on-call planner will promptly assist you. Please let me know if you have further questions or comments about the Land Use Code update.

Sincerely,

Christy Wiseman | Planner I
Boulder County Land Use Department
720-564-2623
cwiseman@bouldercounty.org
Mailing address: PO Box 471, Boulder, CO 80306
<https://www.bouldercounty.org/departments/land-use/>

October 31, 2019

Susan Merrill
CSN LLC
PO Box 1465
Nederland, CO 80466

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In your voicemail, you also mentioned property-specific issues and noted concerns about septic systems in your neighborhood. I have included the following materials for your information:

- The parcel report for your property at 825 Eaton Place.
- An excerpt of the Land Use Code detailing provisions for the Forestry (F) zoning district (Article 4-101).
- A handout on septic permitting; septic systems are regulated and permitted through Boulder County Public Health, not the Land Use Department. If you have questions about septic regulations, please call Public Health at 303-441-1564.

If you have any property-specific questions about your property, feel free to call 303-441-3930 and an on-call planner will promptly assist you. Please let me know if you have further questions or comments about the Land Use Code update.

Sincerely,

Christy Wiseman | Planner I
Boulder County Land Use Department
720-564-2623
cwiseman@bouldercounty.org
Mailing address: PO Box 471, Boulder, CO 80306
<https://www.bouldercounty.org/departments/land-use/>

From: [Maura Christoph](#)
To: [Rodenburg, Jasmine](#)
Cc: [Marcucilli, Molly](#)
Subject: Re: Short-Term Dwelling Rental Virtual Coffee with a Planner
Date: Friday, July 10, 2020 4:15:47 PM

Hi again,

And a thought on “local management” of short term dwellings and what exactly does that mean...? As many of the properties up here managed by companies and managers elsewhere....Estes? Longmont?

TheBoulder County Sheriff just issue a stage 2 fire ban up from a stage 1 fire ban.

Because I am signed up to get those alerts and live across the creek from my rental I was able to cover up the outdoor metal fire pit, tell current guests about the ban, etc.

I have no idea what kind of communication and outdoor grills many of the other properties nearby have... something to think about for you all as you are planning.

Maura

Sent from my iPad

On Jul 10, 2020, at 3:17 PM, Maura Christoph <mautoph@aol.com> wrote:

Hi Jasmine and Molly,

I don't have Microsoft.

I have an apple computer.

I really look forward to talking to a planner directly on this short term dwelling issue.

I spent March -August 2019 going through the LISU process , spending around \$1000 to Boulder County for the approval from the Boulder county planner.

Dwelling address is 103 Peaceful Valley Rd. 80540

I live up here in forestry unincorporated Boulder County. Directly across the creek from the rental dwelling.

I would like to give real feedback to a planner from me.

I know of many properties renting illegally up in this same area.

I would like to to assist you assist those properties to become legal short term rentals.

And I find that incredibly frustrating.

I would like to provide you with honest feedback as I am not afraid since I did everything completely by the code last summer.

So... if I don't have Microsoft how can we talk.

Thank you very much

Maura Christoph.

303-638-4441

Sent from my iPad

On Jul 10, 2020, at 11:40 AM, Rodenburg, Jasmine
<jrodenburg@bouldercounty.org> wrote:

From: [Maura Christoph](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Weeks, Scott](#); [Marcucilli, Molly](#)
Subject: A few more thoughts from Maura Christoph on DC-19-0005
Date: Tuesday, September 8, 2020 5:28:10 PM

1. VRBO and Air Bnb collect and remitt the Lodging taxes and other taxes from guests Directly to the State of Colorado on behalf on the property owners so it doesn't make Sense for property owner to get a sales tax license from the Colorado Department of Revenue.

2. Under the "Lodging Use"

Vacation Rental "if rented more than 60 " nights a year one must get a license, but not if rented less than 60 days (nights), a year.

I can Guarantee you that numerous property owners (not me)..

Will take advantage of the "60" day rule and they will not be truthful.

These cabins will be rented much more than 60 days but the owners will deny they are renting that much.

I guarantee this will be unenforceable .

I guarantee this 60 day rule is inviting misuse and abuse of all your hard work trying to update the short term rental code.

And the same folks illegally short term renting cabins will continue to do so.

I'm "the messenger" . I see what really goes on .

I believe there are cabins that have "rental accounts". at the recycle / trash transfer stations in Allenspark and Nederland. You might gain some information by talking to the Boulder County employees that run those recycle / trash stations.

Hope this is helpful to you all.

Maura Christoph

Sent from my iPad

From: [Pieter Strauss](#)
To: [Rodenburg, Jasmine](#)
Subject: Online short term rental meeting
Date: Thursday, July 30, 2020 7:51:42 PM

Many thanks, this was a helpful event. I didn't get to go to the end – the breakouts were being set up, and the software kicked me out.

My main concern, as I have indicated, is enforcement. Like one other attendee, I and my neighbors on the other side of the problem property have been trying to get existing regulations enforced since early July 2019, to no effect.

This is an unpermitted Airbnb in the Lakeshore Park plat. The Land Use Office has been in contact with them, but they persist in refusing to get a permit, and in obeying existing regulations. The wake-up call was a multi-day bachelor party last year, ten guys from Texas who specialized in getting up early, staying up late, drinking to excess and shouting profanities at the top of their lungs. These are 1 acre residential properties, so you can imagine how pleasant it was to live next door. I could go on, but it would bore you. To the best of my knowledge, none of the existing regulations are being honored.

So, while I appreciate better regulations, the fact that current regulations are not being enforced makes it seem idle to me to work on new ones.

Any help your office can be would be greatly appreciated. BTW the neighbors on the other side have sold up and are leaving. I have owned my house and lived here since 1988. I'm a little too old to make another move.

Regards,
Pieter Strauss
275 Lakeshore Park Rd.
Boulder, CO 80302

From: [Maura Christoph](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Weeks, Scott](#)
Subject: Please review STR FEES in Summit CTY. Same type of tourist population. Fees more reasonable than Boulder County proposals
Date: Saturday, August 29, 2020 11:54:57 AM

<https://www.summitcountyco.gov/1250/Permit-Application>

Shared via the [Google app](#)

Sent from my iPad

From: [Sandy Brown](#)
To: [Wiseman, Christy](#)
Subject: Question re: Short Term Rentals vs. Long Term Rentals ADU's in unincorporated BC
Date: Sunday, November 10, 2019 6:56:30 PM
Attachments: [Growing Greener Report.pdf](#)

Hi Christy,

I just completed your Survey Monkey on short term rentals. My wife and I own a home on 7 acres in unincorporated Boulder County on east Valmont, between 75th and 95th. We have owned this same home property for 27 years.

I was happy to see some consideration of changing short-term rental policy, however I am more interested in seeing change in long-term rental policy. Here is my thinking about the situation on long-term rentals:

First of all, I am sure you are familiar with the Growing Greener report that CoPIRG completed along with other environmental groups regarding housing policy in the City of Boulder. If you haven't, I attach a copy of that report in this email.

I have lived in Boulder County for 32 years. We have lived and raised our children in the same home that we have owned for 27 of those years. During that time I have seen traffic on east Valmont go from very little, to today's circumstance where during rush hour, it takes me about 10 minutes waiting for an opening to get out of my driveway. The traffic goes slowly in long lines and the amount of greenhouse gasses and other pollution created by commuters in today's climate crisis, is simply irresponsible. Meanwhile, the cost of housing has become astronomical. All 3 of my grown children do not believe they will ever be able to afford live in Boulder County. Though they spent all of their childhood here.

Why we are not allowing "mother in-law" type accessory dwelling units here is beyond me. I can not understand a single benefit, and have asked dozens of people if they knew why this policy exists. Not one has offered an explanation. I wrote the County Commissioners about this question, and never received a response. On our property, we cannot have an accessory dwelling unit. I have no interest in putting up an apartment building, but if the County allowed a single ADU for long-term rental on all the many rural properties like ours, we would see a reduction in traffic, pollution, and both the cost of buying homes (that rental income can be considered in applying for a mortgage) and in the high cost of rent. It is a win for the environment, a win for the local economy, and a win for making housing more affordable. I would love an explanation for the County's long-term ADU housing policy. I really would, as it seems to be counter-productive to any community benefit that I can imagine. I am less interested in short-term rentals. I don't see anything particularly wrong with them, and understand they can help people appreciate our wonderful County, help provide some income for local homeowners, and help improve the local economy. But they do not address the pollution and climate change issues, or affordable housing issues that are so critical to the well-being of our County. Changing policy on long-term local rentals would help address these problems. Can you explain the existing policy to me? I am sincerely both concerned and puzzled by it.

And I am not alone. Our next door neighbors' (Aaron and Jenifer Kennedy - Aaron is the Founder of Noodles and Company and worked for Governor Hickenlooper to "Brand"

Colorado) for many years, have had the same question, as do all of the 7 other nearest neighbors to us. One of our neighbors, Bob Serafin, the former Director of NCAR, bought a larger property with an older very small single level home right on Valmont. He built a larger home behind that one, and Boulder County literally made him sledge hammer all the plumbing and fixtures in the original home, so that he wouldn't have an ADU. To this day, he has no idea why the County required that. It seemed incredibly absurd to him, to destroy a perfectly usable housing structure. Now it sits empty. Again, there was never an explanation given.

Finally, I know of several homeowners, who will remain unnamed for fear of reprisal, that violate County zoning restrictions and have secretly built ADU's and rent them out on the side. The folks I know who do this, are respected and contributors to our community. One of these is extremely well respected in certain circles. They seem to do this for various reasons like:

- Having housing for farm support (yes I know there is existing code, but it is quite restrictive and it is not I who made this choice);
- Providing housing to a friend or family member in need who can't afford higher rent, but needs to stay in the area;
- And to bring in additional income to simply make ends meet.

What I see happening, is that this policy is making good hearted community members, who positively contribute to our County, choose, for various reasonable reasons, to break the law. They are breaking the law, for good reasons; but they are still breaking the law. From my perspective, it is the County government that should be ashamed for having this policy, not these folks for violating it.

Can you explain to me the reasoning for the existing policy on ADU's and long-term rentals? I understand concerns about rapid growth, but with like 30,000 people a month moving to Colorado, but shutting down growth when our County has a surplus of jobs, is creating enormous other problems. I do not think I, or other unincorporated homeowners should be allowed to put up apartment buildings. But why not a single ADU for long-term rental?

Please help me understand this policy, and if you agree, tell me what I can do to help change the policy. I would love to have my mind changed about this; discovering of my own ignorance. But please remember, that in my experience, I am in the majority in terms of this ignorance. I do not know a single person that understands the purpose of the existing County restrictions on ADU Long-Term Rentals

Thank you.

Very Sincerely,

Alexander "Sandy" Brown
7929 Valmont Rd.
Boulder

From: [Bruce Drogs vold](#)
To: [Wiseman, Christy](#)
Subject: Re: Boulder County Short-Term Rental Survey
Date: Monday, November 4, 2019 1:42:35 PM

Thank you Christy,
I look forward to participating in the process.
There are many examples of STR regulations around the US,
Some good, others not good.
City of Boulder did a pretty good job.
Hopefully Boulder County will come up with fair and reasonable rules too.
Bruce

Bruce Drogs vold
303-579-1627

From: Wiseman, Christy <cwiseman@bouldercounty.org>
Sent: Monday, November 4, 2019 12:56:53 PM
To: Bruce Drogs vold <bruced@wkre.com>
Subject: Boulder County Short-Term Rental Survey

Hello Bruce,

Thank you for calling the Land Use Department today. Here is the webpage for the short-term rental Land Use Code update: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> I've attached the county's existing short-term rental regulations as well as the full survey PDF.

The survey will remain open until November 22, 2019. After that, staff will begin analyzing the survey results and begin drafting various regulatory options. With every Land Use Code update, we aim to integrate public comment and involvement at every step of the process: during initial outreach (with the survey), through public meetings, with an external referral of the draft language, at the Planning Commission public hearing, and at the eventual Board of County Commissioners public hearing.

Please let me know if you have further questions or comments about this Land Use Code update.

Have a great day,

Christy Wiseman | Long Range Planner I

Pronouns: she/her/hers

Boulder County Land Use Department

720-564-2623

cwiseman@bouldercounty.org

<https://www.bouldercounty.org/departments/land-use/>

From: [Wiseman, Christy](#)
To: [Bruce Drogsvold](#)
Subject: RE: Boulder County Short-Term Rental Survey
Date: Thursday, December 12, 2019 10:54:00 AM

Good Morning Bruce,

To answer your questions:

1. I didn't hear of any other issues with the online survey glitching or stopping people after a certain question. That's not to say it couldn't have occurred for someone else, but no one reached out to our office about it.
2. Though the online short-term rental survey was originally planned to be open through November 22, we decided to keep it open longer due to a high volume of responses late in that week and various days of county office closure for weather. The survey was closed on the morning of December 2 and we are just now diving into the results. We received over 1,500 responses, so it's quite a lot of data. It will take us a few weeks to get through everything; I anticipate we will post survey results in January.
3. There isn't a rigid timeline for this Land Use Code update. After we process the survey results we will conduct various public outreach efforts to share the survey results and to present potential regulatory options. I anticipate that this Code update will go before Planning Commission at a public hearing in the spring or early summer of 2020, but it's difficult to say exactly when. We work on multiple updates to our Land Use Code and Comprehensive Plan simultaneously so they tend to be several-months-long to year-long processes.

Please let me know if you have any further questions. Though the survey is closed, you (or anyone) is welcome to submit comments about the Code update over email as the process continues. You can also sign up to receive emails about Land Use Code updates, including notices of public meetings and hearings by clicking on the orange "Subscribe" button on the project webpage:

<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/>

Best,

Christy Wiseman | Long Range Planner I

Pronouns: she/her/hers

Boulder County Land Use Department

720-564-2623

cwiseman@bouldercounty.org

<https://www.bouldercounty.org/departments/land-use/>

From: Bruce Drogsvold <bruced@wkre.com>
Sent: Thursday, December 12, 2019 10:22 AM
To: Wiseman, Christy <cwiseman@bouldercounty.org>
Subject: RE: Boulder County Short-Term Rental Survey

Good morning Christy,

I am following up from Nov. 4th when you sent me this link to the survey questions. I was busy filling out the link to the survey and it stopped me at question 13...it wouldn't let me answer the question and when I tried to continue it wouldn't let me send the survey back to you with, at least, my answers to the first 12 questions. I finally gave up so my voice was not heard.

I am wondering a couple things:

1. Did you have any other respondents that got stuck on question 13 or were unable to finish the survey?
2. Where is the process at this time? I hope to be a part of the process and I want to understand the timelines, when the public will be asked for their input, and all that stuff.
3. Please send me any sort of itinerary that you have...I'd greatly appreciate it.

Thank you,

Bruce Drogsvold
303-579-1627

From: Wiseman, Christy <cwiseman@bouldercounty.org>

Sent: Monday, November 4, 2019 12:57 PM

To: Bruce Drogsvold <bruced@wkre.com>

Subject: Boulder County Short-Term Rental Survey

Hello Bruce,

Thank you for calling the Land Use Department today. Here is the webpage for the short-term rental Land Use Code update: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> I've attached the county's existing short-term rental regulations as well as the full survey PDF.

The survey will remain open until November 22, 2019. After that, staff will begin analyzing the survey results and begin drafting various regulatory options. With every Land Use Code update, we aim to integrate public comment and involvement at every step of the process: during initial outreach (with the survey), through public meetings, with an external referral of the draft language, at the Planning Commission public hearing, and at the eventual Board of County Commissioners public hearing.

Please let me know if you have further questions or comments about this Land Use Code update.

Have a great day,

Christy Wiseman | Long Range Planner I

Pronouns: she/her/hers

Boulder County Land Use Department

720-564-2623

cwiseman@bouldercounty.org

<https://www.bouldercounty.org/departments/land-use/>

From: [Maura Christoph](#)
To: [Rodenburg, Jasmine](#)
Cc: [Ott, Jean](#); [Weeks, Scott](#)
Subject: Re: Larimer County short term rental Fees. Please note more reasonable than what Boulder County is considering. Same tourist population as Western Boulder County.
Date: Tuesday, September 1, 2020 2:10:47 PM

Hi Jasmine, Raini and Scott,

Thank you for the reply and I have another question.

After reading through all the PDF descriptions I did not see anything included that would state if a property owner has already gone through the whole LISU and LUW process

And that property , such as mine last summerLUW-19-0007

“ passed all the tests” to be completely to code, Wildfire partnered certified, building inspector inspected, in the positive interest of the neighborhood, plenty of parking, no event , etc etc etc....that the Property does NOT have to go through the whole process again.

On the “ call with a planner” last July I believe, a call which

Jean, Jasmine, Molly and Scott were on with me I asked that question.

Scott in that call verbally said “ no I don’t believe you’d have to go through the LISU again unless you planned to change something”

I have no intentions of changing anything for which I was prior approved yet I feel I need the reassurance in writing from County planners.

And it would be helpful to have that covered in the full PDF document.

I hope this makes sense.

Thank you

Maura Christoph

Sent from my iPad

On Sep 1, 2020, at 9:22 AM, Rodenburg, Jasmine
<jrodenburg@bouldercounty.org> wrote:

Good Morning, Maura –

Thank you for submitting your thoughts on the draft Short-Term Rental and Bed & Breakfast code language and Licensing Ordinance. I appreciate your continued involvement in this process.

I will look through the links you have submitted in this email and your separate emails.

Kindly,

Jasmine

Jasmine Rodenburg

Senior Planner – Oil/Gas and Environmental Policy

Boulder County Community Planning & Permitting Department (formerly Land Use and

Transportation) – [We've become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

www.bouldercounty.org

PLEASE NOTE: In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at www.boco.org/cpp for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. ***Thank you for your adaptability and understanding in this extraordinary time!***

From: Maura Christoph <mautoph@aol.com>

Sent: Saturday, August 29, 2020 11:59 AM

To: Rodenburg, Jasmine <jrodenburg@bouldercounty.org>; Ott, Jean <jott@bouldercounty.org>; Weeks, Scott <sweeks@bouldercounty.org>

Subject: Larimer County short term rental Fees. Please note more reasonable than what Boulder County is considering. Same tourist population as Western Boulder County.

<https://www.coloradoan.com/story/news/2019/08/30/short-term-rental-owners-face-new-300-fee-unincorporated-larimer-county/2131471001/>

Shared via the [Google app](#)

Sent from my iPad

From: [JANET](#)
To: [Wiseman, Christy](#)
Subject: Re: Online Survey for Short-Term Rentals in Unincorporated Boulder County - Please Complete Survey by November 22, 2019
Date: Monday, October 28, 2019 8:46:56 PM

Hi,

I did the survey but the last few questions I could not add comments. Basically I am opposed to short term rentals in small towns such as Eldorado Springs, the impact is too great. If a homeowner does not have close neighbors I can see how they may be ok but not in the densely estate residential town of Eldorado Springs.

Thanks,

Janet

> On Oct 28, 2019, at 5:07 PM, Wiseman, Christy <cwiseman@bouldercounty.org> wrote:
>

From: [Deborah Denser](#)
To: [Rounds, Jesse](#); [Wiseman, Christy](#); [Case, Dale](#)
Subject: RE: Questions regarding Lake Valley Estates
Date: Wednesday, October 30, 2019 9:53:58 AM

By the way, I noticed on your requirements/information nothing is mentioned regarding the new Colorado State Tax Law requiring sales tax on all rentals unless written agreement for permanent residence for at least 30 consecutive days.

Part 2: Taxable Sales

7 Revised June 2019

Rooms and accommodations

Colorado imposes sales tax on the entire amount charged for rooms and accommodations. The tax applies to any charge paid for the use, possession, or the right to use or possess any room in a hotel, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer coach, or mobile home and to any space in any camp ground, auto camp, or trailer court and park, under any concession, permit, right of access, license to use, or other agreement, or otherwise. Sales of rooms and accommodations may be exempt when made to a permanent resident who enters into a written agreement for occupancy for a period of at least 30 consecutive days

<https://www.colorado.gov/pacific/sites/default/files/Colorado%20Sales%20Tax%20Guide.pdf>

*Thanks,
Deborah Bates-Denser*

From: Deborah Denser [mailto:dbdenser@comcast.net]
Sent: Wednesday, October 30, 2019 9:01 AM
To: 'Rounds, Jesse' <jrounds@bouldercounty.org>; 'Wiseman, Christy' <cwiseman@bouldercounty.org>; 'dcase@bouldercounty.org' <dcase@bouldercounty.org>
Subject: Questions regarding Lake Valley Estates

Good Morning,

I have some questions regarding the process of the permits/license/hearing for lodging houses in neighborhood. I want to make sure I have the correct information.

So here goes:

If the hearing is in favor of 6366 Fairways owner Carolyn Eberle:

What would be the zoning on that property? What is the duration?

Since our HOA is still voting on STRs (lodging houses) if we vote no what are our rights if the property already has the permit/license?

What happens with the extra cost to our common areas (tennis courts, lake and park) because of the high traffic use?

What is the concern for fires, especially since we are surrounded by open space? This already happened to an STR in New Orleans, LA.

Does this open the gateway for more STRs in the neighborhood?

What about investors buying properties just for this purpose, we have a destination spot (open space- trails, private lake, tennis courts, parks), as per Airbnb we already have one property used just for that. 4066 Niblick Dr.

Will our neighborhood eventually be rezoned, since about 8-10 homes want to become STRs (lodging houses), which the new Colorado State Tax Law has stated that they are commercial/business and have to pay sales tax?

Will Boulder County use the verbiage Lodging Houses instead of Short Term Rentals to be consistent with Colorado State Law, especially since Boulder County does not participate in Home Rule Tax? It may be confusing for the average person.

If the hearing is not in favor of 6366 Fairways owner Carolyn Eberle:

What actions, if any does Boulder County enforce?

What if they ignore the results?

What can our neighborhood do, if your ruling is ignored and they have “friends” coming and going? (But are actual paying Guests) This property has been advertised on NextDoor neighbor and other unregulated sites.

Sorry for all the questions, however I’m getting conflicting information. Everyone has their own interpretation.

Thank you,

Deborah Bates-Denser

From: [Wiseman, Christy](#)
To: [Serene Karplus](#)
Subject: RE: Short Term Rental Survey
Date: Monday, December 30, 2019 12:48:00 PM
Attachments: [Boulder County Existing STR Regulations.pdf](#)

Hello Serene,

Thank you for your comment about the short-term rental Land Use Code update. I've attached the county's existing short-term rental regulations for your information. Regarding the online survey, we tried to distribute it as widely as possible; the survey was posted online, was emailed to the Land Use Code update email list, and was featured in multiple local newspapers (e.g., Daily Camera, Mountain-Ear, Left Hand Valley Courier). Unfortunately we do not have the resources to ensure every unincorporated county resident received a notice about the survey.

The online short-term rental survey was originally planned to be open through November 22. However, we decided to keep it open longer due to a high volume of responses late in that week and various days of county office closure for weather. The survey was closed on the morning of December 2 and we are in the process of analyzing the results. We received over 1,500 responses, so it's quite a lot of data. I anticipate we will post survey results in January.

Though the survey is closed, we encourage you to submit comments about the Code update over email as the process continues. Survey data is just one component of public input that will help inform updated regulations. With every Land Use Code update, we aim to integrate public comment and involvement at every step of the process: during initial outreach (with the survey), through public meetings (to be scheduled), with an external referral of draft language, at the Planning Commission public hearing, and at the eventual Board of County Commissioners public hearing. There isn't a rigid timeline for this Land Use Code update. After we process the survey results we will conduct various public outreach efforts to share the survey results and to present potential regulatory options. I anticipate that this Code update will go before Planning Commission at a public hearing in the spring or early summer of 2020, but it's difficult to say exactly when.

You can also sign up to receive emails about Land Use Code updates, including notices of public meetings and hearings by clicking on the orange "Subscribe" button on the project webpage: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/> Please let me know if you have further questions or comments about this Land Use Code update.

Have a great day,

Christy Wiseman | Long Range Planner I

Pronouns: she/her/hers

Boulder County Land Use Department

720-564-2623

cwiseman@bouldercounty.org

<https://www.bouldercounty.org/departments/land-use/>

From: Serene Karplus <serenekarplus@gmail.com>
Sent: Saturday, December 28, 2019 10:16 AM
To: Wiseman, Christy <cwiseman@bouldercounty.org>
Subject: Short Term Rental Survey

As a resident of unincorporated Boulder County who attends various housing and Land Use input meetings, I am concerned that a survey regarding short term rentals was not distributed to such residents or announced in the local newspapers of such residents. I just learned of a survey that closed 11/19/19 on this topic.

Serene Karplus
serenekarplus@gmail.com
303-545-2126 Home
303-618-7314 Cell/Text

From: [Deirdre Garvey](#)
To: [Boulder County Board of Commissioners](#)
Subject: Boulder County short term rental regulations - enforcement challenges
Date: Monday, December 2, 2019 5:33:49 PM

Dear Boulder County Commissioners:

Limiting the number-of-nights for a property to be used as an STR (Short Term Rental) is being touted in various regulations (e.g., Boulder County) as a way to limit the impact of STR's. However, it appears that enforcement of number-of-nights used by a property as an STR (or even whether a property is being used as an STR) is challenging! Just doing a search on AirBNB.com (or VRBO or various other sites) can be misleading - property owners find ways to hide listings. For example, there is now a feature in AirBNB.com to hide listings from locals:

<https://community.withairbnb.com/t5/Host-Voice/Feature-request-Hide-listing-from-guests-who-reside-in-the-same/idi-p/638912>

The current model of investigation only after a complaint is filed (and "proved") leaves much of the reporting burden to neighbors; note that the impacts of STR's are broader than just a neighborhood. What constitutes "proof" of a property being used as an STR? What would be "proof" of usage for more-than-the-permitted number of nights or over-occupancy?

Could sales/lodging tax records be used as a possible record for usage of an STR? These taxes are supposed to be collected for STR stays. The tax records could provide information on whether a property is being used as an STR and for how many nights. See the following article on tax collection by AirBNB in Colorado:

<https://www.airbnb.com/help/article/2298/occupancy-tax-collection-and-remittance-by-airbnb-in-colorado>

Since the Land Use department appears to be redoing some of the STR regulations for Boulder County, is there anything that could be added to the new regulations to make enforcement less obtuse and simpler for the department?

Thanks for reading,

Deirdre Garvey, Boulder County resident

From: [Bruce Drogsvold](#)
To: [Rodenburg, Jasmine](#)
Subject: Regarding short term rentals in Boulder County unincorporated
Date: Tuesday, July 7, 2020 12:34:06 PM

Hi Jasmine,

When people ask me where I live I tell them I live in a two story house.

One story is in Boulder

The other story is in the mountains.

It's funny, but also completely true.

We have owned our little cabin outside of Ward for 30 years.

We love it up there.

We're always up there, at least four to five days per week and we have been going there that often since the day we bought the place.

I'm 70 years old.

My wife is retiring this year.

Our kids, now 32 years old and 29 years old have spent there entire lives up there.

Our son stayed there for three months in April, May, and June 2020

I've lived in Boulder County since 1972

For the first 25 years we tried long term rentals.

There weren't other option then.

It was horrible.

Tenants would come and go almost yearly.

They'd love our place in spring.

Then the winter would hit and the next spring they'd be gone.

It's tough up there in wintertime.

These tenants would hardly be considered long term tenants.

And they typically didn't take care of our property either.

After the snow melted, beer cans, cigarette butts, trash, dog poop, etc.

It was discouraging.

Long term rentals don't work up there.

Then, the opportunity for short term rentals came along.

It was a Godsend.

Finally we could shut the place down to guests during the winter months and have it all to ourselves.

Then, we get guests only during late spring, summer, and early fall.

It's the perfect way to go for us. .

The guests love it and they get a genuine wilderness experience.

We make extra income, and we keep the place beautiful

Hopefully Boulder County will not make rules that shut us down.

We're doing nothing wrong.

Government rules state that you only have one primary residence but that's not really the case for us.

We have our own housing lifestyle and we'd appreciate the freedom to live our way.

If new short term regulations require owner occupancy, that won't work for us.

We don't fit the "one size fits all" thing

We will never go back to long term rentals.
They weren't worth the trouble.
Short term rentals help us be financially self sufficient.
We need an option in your new regulations that will accommodate our needs.
It's not a lot to ask.
We're responsible homeowners
We did the Septicsmart.org certification process three years ago.
We test our water quality every two years.
We keep the house safe and comfortable.
We love where we live.
Please consider us as you proceed toward creating your new rules.

Thank you,
Bruce Drogsvold

From: [Richard Harris](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#)
Subject: Meeting on short term rentals in mountains
Date: Friday, July 31, 2020 10:11:59 AM

Dear Jasmine and Jean,

Thanks for holding last night's video meeting on short term rentals in the mountains.

While I was sitting at my computer and trying to take notes, I failed to get everything. Microsoft Teams is something I have not previously used. It seems that Microsoft may not have exactly the same software for my Macintosh. I was sometimes unable to find things even though I got instructions verbally. If there is any chance you can use Zoom for public meetings like this one I, and most everybody is much more familiar with the system.

I thought it was a good meeting last night. Thank you for that.

So the following ...

1. Will you **please send me copies of your slides and any other documents** that will help me follow what you are doing? Thanks.
2. Christy Wiseman and Nicole Wobus were previously involved in this effort. Can we fairly assume that any input that was given to them has been digested by you and the present team? Are they still involved?
3. You got a taste last night of the difficulties faced by neighbors based on the lack of clear regulations. My neighbors the Leinweber's and I presented different perspectives of our disagreement about their use of Airbnb that is facilitated by their use of an easement through my property and several others.
4. The easement the Leinwebers use is limited to a single family house. There would be a single family house if it were not rented through international advertising with Airbnb. In future regulations I should have been notified in advance of approval of their short term rental so that I could have presented an alternate perspective.
5. You said that in approving short term rentals you would look only at legal access. Presumably that means for the public and for the purpose of short term rentals. It should be carefully defined and reviewed before approvals are given.
6. From the logs do you have contact information for Denise Donnelly? I'd appreciate getting it.

Thanks again for your hard work and your kind understanding of various points of view.

Dick Harris
2645 Briarwood Drive
Boulder, CO. 80305
(303) 499-1551
rharris@indra.com

17663 Highway 7
Allenspark, CO. 80510 (not for mailing)

From: [Samuel Arieti](#)
To: [Rodenburg, Jasmine](#)
Cc: [Hippely, Hannah](#); [Ott, Jean](#); [Rosemary Donahue](#)
Subject: Re: Thank You for Attending the Short-Term Rental Virtual Open House
Date: Thursday, August 20, 2020 2:37:40 PM

Hi Jasmine and team,

I appreciate having been invited to learn more in these sessions about your Department's plans to draft new regulations impacting short term rental activity in Boulder County. I have copied my friend and neighbor, Rosemary Donahue, who has lived in Boulder County much of her life and is interested in being included in future correspondence on this subject.

Rosemary and I know many people in the Northwestern part of the County who own or manage vacation rental properties and have done so for decades or longer without memory of any of the sort of wildfire or wildlife incidents that have been cited as a rationale for a rental ban or restrictive regulation. The concerned residents we've discussed this with expect that your Department will draft regulations that would facilitate compliance by imposing minimal restrictions on licensure, would give rise to lapse of license (or interference by the County) only in the event of grave incidents or mishaps, and would not impose solutions to problems in the City of Boulder on the residents of the entire County - particularly those who live in the parts of the County that been vacation destinations since the first settling of the State of Colorado. Further, while on the earlier calls your team noted that you had not yet coordinated with other divisions of County government on the budgetary impact of proposed changes, we believe it would be prudent for Planning & Permitting to do so. Restrictions on rental activities around Rocky Mountain National Park would devastate the surrounding communities and tax base, reduce current flow of occupancy and sales tax, and would undercut our shared financial benefit of proximity to one of the State's greatest and most well-known resources.

Again, thank you for including me to the extent you have as you work on these regulations. It is my sincere hope that your Department's new regulations will be easy to comply with and will embrace, respect, protect and encourage the long history of vacation rental activity in the area going back many generations.

Regards,

Sam

Samuel A. Arieti
(773) 531-7680
sarieti@gmail.com

On Mon, Aug 3, 2020 at 11:15 AM Rodenburg, Jasmine <jrodenburg@bouldercounty.org> wrote:

From: [Ben Bayer](#)
To: [Wiseman, Christy](#)
Subject: Short term rental advisory committee
Date: Friday, November 1, 2019 10:39:11 AM

Hi Christy,

I just completed the survey about short term rentals and saw that you're the person to contact about this. I feel strongly that an economic solution would be far better than a regulatory one. I wasn't sure if you had a steering or advisory committee to work on this but if so, I'd love to be involved. For the record, other than occasionally renting out my guest room, I have no horse in this race. I just want to avoid impulsive, emotional, and draconian regulation. Let me know if there are opportunities to help out with this.

Thanks,
Ben Bayer

From: [Catherine Monahan](#)
To: [Wiseman, Christy](#)
Subject: Short Term Rentals
Date: Thursday, October 31, 2019 9:10:37 AM

Dear Christy,

I live outside Nederland in unincorporated Boulder County. I've watched the struggle over STRs in Ned while my own little street goes through similar changes. I strongly feel STRs disintegrate a community. In my mountain area neighbors rely on each other. As houses get sold to folks who don't live here and factor STRs into their house payments, the number of actual neighbors shrinks, prices go up, and the likelihood of someone moving here full time dwindles. And the neighborhood suffers. I've lived near an ADU for five years. I recognize my neighbors' desire to make additional income, however, I resent the huge influx of traffic on my quiet road, the visitors who don't watch out for my pet or children, and the additional wear and tear on a private road that goes uncompensated. There is absolutely no recourse for neighbors who dislike the situation—and most of us do.

Thank you for pursuing STR regulations in unincorporated Boulder County. The cat is already out of the bag—I hope it's not too late to stuff it back in.

Sincerely,
Catherine Monahan

P.S. I took the STR survey. Please consider making it more accessible to people who may not receive the Boulder County updates. Perhaps advertise it in the Mountain Ear newspaper?

From: [SANDI MISURA](#)
To: [Wiseman, Christy](#)
Subject: Short term rentals
Date: Tuesday, October 29, 2019 11:38:46 AM

The Gunbarrel Green HOA does not allow short term rentals per our covenants.

Sandi Misura, Secretary
Gunbarrel Green HOA

Sent from my iPhone

Richard E. Harris
2645 Briarwood Drive
Boulder, CO 80305
(303) 499-1551 rharris@indra.com

Christy Wiseman, Planner I
Boulder County
P. O. Box 471
Boulder, CO 80306

October 2, 2019

Re: Problems with short-term rentals in mountains

Dear Ms. Wiseman:

I write concerning problems caused by short-term rentals in the mountain regions of Boulder County.

To introduce myself, I am the owner of a house on about 40 acres at 17663 Highway 7, Allenspark. Note that even with this address on a major highway, my house is located on a private road about one mile from the highway. Yesterday I sent you a separate letter explaining the problems faced by those on private roads. This letter deals with broader issues.

In our mountain regions it is apparent to residents and law enforcement authorities that increased short-term rentals are causing major problems. The increase is due to the ease of world-wide advertising for rentals using internet services such as Airbnb.com and vrbo.com.

Commonly this issue is mostly publicized as an urban problem. Major American cities have adopted restrictions on such rentals. In Colorado, Denver, Boulder, Fort Collins and Breckenridge have adopted regulations. Golden, Lakewood, and Wheat Ridge are following this leadership.

Many of these municipalities require owner occupancy if short-term rentals are allowed.

However, problems may be much more severe in more rural locations such as Allenspark, about which I am writing.

As the two most serious problems in Allenspark, I see a serious need for more (1) urban services and (2) fire dangers presented by short-term visitors who do not understand our very serious fire hazards. Below I discuss these and other critical needs.

Urban services:

For several decades Boulder County has effectively limited growth in its mountain areas to avoid the need for urban services required for high population density areas. Such services will be

- police (now the sheriff),
- rapid response professional County fire fighters (now excellent volunteers),
- medical facilities (Estes Park and Lyons are about 30 minutes away),
- increased road maintenance and plowing. and
- numerous other services resulting from increased population.

The cost of these services will be very large and must be paid by all County taxpayers. However the wise approach of previous County Commissioners has avoided taxing the large number of our citizens who live in our cities and towns for similar services in our low density mountain areas where they can only be provided at much higher cost. The County has accomplished this through great effort in examples such as limiting overnight stays at St. Malo (since severely damaged by fire) and limiting the uses of the more recently created Old Gallery.

I do not have data on the impact of widespread use of Airbnb rentals in Allenspark. To get an idea, I estimate there are 1,000 dwelling units in Allenspark. I also estimate that half of these are not often used regularly. That leaves 500 unoccupied units in the summer. If these were all occupied through world-wide advertising, it would require urban services adequate for a 500-unit geographically distributed hotel. This would not only be a major financial burden for Boulder County but a massive change in the character of our rural area. I encourage County Planners to use their likely better data to assess this problem accurately.

Fire:

Perhaps the most serious issue with short-term rentals is an increased danger of human-caused fires. I recall the serious fire several years ago caused by two visitors to an unauthorized campground near Nederland.

When I first learned of this fire, there was an Allenspark Airbnb rental advertised world-wide for a home with a fire pit. (This rental is still advertised but fortunately the mention of a fire pit has been removed.) While the ad cautioned prospective users about mountain fire danger and the possibility of County-wide fire bans, it provided no information about what to do if a fire spreads. It did not even mention calling 911! More importantly it seems unlikely that visitors for just a few days will spend much effort at learning safe procedures for fires.

If such rentals are allowed, I believe the County should prepare a manual on fire danger and require it be prominently displayed in every rental unit.

If Airbnb rentals are allowed with the code changes you are making, I believe the County should require that roads to the short-term rental properties, even when private, have adequate access for emergency vehicles such as fire engines and ambulances. In an emergency there might be several vehicles trying to gain access, along with fleeing occupants going the opposite direction,

and requiring a wide enough road to pass each other. For rentals in the winter regular snowplowing should be required.

Non-Resident Owners:

It is likely that most short-term rentals will be during times when the owners are not present. Indeed owners may not be nearby or even be out of state. Thus supervision of a rental will be minimal or non-existent. This offers the possibility of noise, drug use and dealing, poor control of pets, trespassing, vandalism, and shooting among other problems. At present there is no requirement for owner presence or even owner use of the property. An ordinance now under consideration in Golden requires the unit be owner-occupied at least ten months of the year. (I do not know the present status of regulations in Golden, but I'm sure you do.) Allenspark residents need the same protection.

Multi-Unit Ownership:

A serious problem that has arisen in urban areas is multi-unit ownership. Essentially a single owner or a cluster of individual homes provides a rental service for them, leading to a large negative impact on the community while allowing efficient management. By allowing such uses housing costs are likely to increase. The present low cost housing available some places in Allenspark would be reduced, a serious problem for expensive Boulder County.

Municipalities are limiting rentals of this sort. So should Boulder County.

Urgency:

The most urgent issue is fire. I suggest a moratorium on short-term rentals while County officials finish holding appropriate hearings to decide what regulations are necessary.

If we don't deal with this soon, renters may begin to feel entitled, making even necessary changes more controversial.

Recommended approach:

Short-term rentals should only allowed in owner-occupied units with owners required to be present during rental. Owner-occupied means 10 months per year as Golden has proposed.

There are numerous private roads in Boulder County's mountains. The easements permitting access to adjacent properties were likely agreed to before the concept of world-side advertising for short-term rentals even occurred to the neighbors who drafted them. These easements should be cancelled for short-term rentals until affected property owners agree on the changes they wish to make. In some cases, rentals will not be allowed unless agreement is achieved.

The present length of a short-term rental is 15 to 45 days. Since most mountain properties may not be accessible in the winter months, rentals will mostly occur during the summer. Thus present regulations would allow 45 days of rental during the summer, or half the summer. The

rentals should instead be distributed over the full year with only about one-quarter allowed during the summer. For example, the limit might be pressed as 1 to 3 days in any month.

Regulation:

When the County does draft new short-term rental regulations it is important that they be enforced. Owners should be required to submit a detailed record of their rentals every year or the short-term rental approval be cancelled. Data such as dates of owner occupancy and dates of rental are essential. Otherwise regulation will be futile and a huge burden to County staff. These data can be supplemented by neighbor reports or complaints in case of serious abuse.

I am ready to participate in a public process to craft draft regulations to be presented for adoption by the County Commissioners with a moratorium in place during that process.

Sincerely,

Richard E. Harris

From: [Marie Zuzack](#)
To: [Hackett, Richard](#); [Wiseman, Christy](#)
Subject: STR survey
Date: Friday, November 15, 2019 8:57:10 AM

Hello,

Your Short-Term Rental survey is a good thing, but I didn't see it posted on NextDoor for my neighborhood. I'd suggest posting it on all NextDoor neighborhoods in the unincorporated area (mountains and plains) so that more people become aware of the project and have the opportunity to submit their opinion and ideas. Other County departments use NextDoor regularly to communicate information like this.

Marie

----- Forwarded Message -----

From: Boulder County Information <bouldercounty@public.govdelivery.com>
To: "zuzackm@yahoo.com" <zuzackm@yahoo.com>
Sent: Wednesday, October 30, 2019, 02:06:58 PM EDT
Subject: Online survey open on Short-Term Rentals in unincorporated Boulder County

Having trouble viewing this email? [View it as a Web page.](#)

boulder county news and information banner



Online survey open on Short-Term Rentals in unincorporated Boulder County

Survey will be open through November 22, 2019

Boulder County, Colo. - The Boulder County Land Use Department is seeking input on Land Use Code regulations related to short-term rentals in unincorporated Boulder County (i.e., outside cities and towns) as part of [Docket DC-19-0005](#). An online survey is now available as part of a proposed [Land Use Code](#) update.

The Land Use Code defines a “short-term dwelling rental” as a dwelling that is rented in durations of less than 30 days at a time. These properties, often rented through Airbnb and VRBO, include dwellings rented out by individual owners or on behalf of an owner by a property management group.

Please share your thoughts about short-term rentals in the unincorporated county and how they should be regulated by taking the [online survey](#). The informational survey will take approximately 10 minutes to complete. Land Use staff will use survey results to inform the Land Use Code update before proposing draft regulations to Planning Commission and the Board of County Commissioners. The survey will remain open through November 22, 2019.

Survey link: <https://www.surveymonkey.com/r/BoulderCountySTR>

Background

On July 2, 2019, the [Board of County Commissioners authorized staff](#) to pursue text amendments to [Article 4-507 of the Boulder County Land Use Code](#) related to two Lodging Uses: Short-term Dwelling Rentals, and Bed and Breakfast. The existing use provisions for Short-term Dwelling Rentals (STRs) were created in 2008.

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 input from county residents 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.

For more information, please contact Christy Wiseman at cwiseman@bouldercounty.org or 720-564-2623

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#4]
Date: Monday, August 3, 2020 12:21:55 PM

Name *	Bruce Drogsvold
Email *	bruced@wkre.com
Phone Number *	(303) 579-1627
Address *	<input type="checkbox"/> 1527 5th St Boulder, Co 80302 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	<ol style="list-style-type: none">1. It's good to see that a second home frequently used by the owner is being acknowledged as a possible short term rental. That should be the case, especially in the mountains.2. Over regulation was the biggest issue on the feedback poll Please listen to that...
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#5]
Date: Monday, August 3, 2020 12:57:17 PM

Name *	phil stern
Email *	phil.stern@colorado.edu
Phone Number *	(303) 747-2986
Address *	<input type="checkbox"/> PO Box 56 allenspark, CO 80510 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	Long over needed. They need to be as stringent as possible. But that also needs to take into account the difficulties with enforcement. And in the mountains, this becomes even more critical what with concerns over fire and shooting. You also need to consider the short season in the mountains and not use the same residency, occupancy as used in the valley.
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#6]
Date: Monday, August 3, 2020 6:04:03 PM

Name *	Vicky L Foster
Email *	vlfoster@aol.com
Phone Number *	(303) 591-6299
Address *	<input type="checkbox"/> 885 Ski Road USPO 83 Allenspark, CO 80510 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	Please continue to allow them. I would have lost my farm if not for the income from the short term rentals. Not all of us inherited our properties from rich parents. Most of us are hard-working folks who are just trying to survive, especially in these trying times. Bottom line, my rentals have saved my farm.
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#8]
Date: Saturday, August 29, 2020 9:26:47 AM

Name * Maura Christoph

Email * mautoph@aol.com

Phone Number * (303) 638-4441

Address * ☐ 103 Peaceful Valley Rd
Lyons, Co , Colorado 80540
United States

Is your primary residence in Boulder County, Colorado? * Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *

I find the license fees way too high and unjustified. And these high fees will even more discourage people from being honest with Boulder County.
If you want owners to be honest and work with Boulder County
These high license fees are not the way to do it.

I already spent over \$1000 dollars to Boulder County last year going through my 6 month LUW-19-0007 process.

I believe the County is shooting themselves in the foot by having license fees so outrageously high unless that is for a 10 year license.

And it makes no sense that there is ZERO code for long term rental and ZERO license for Long term rental.in the County.

For example the City of Boulders Rental license is approximately
\$125 For 3 years.

The County gets money from these short term rentals as Lodging taxes are collected and remitted by VRBO and Air Bnb.

The County will lose that income if more owners decide to not rent because of the too high license fee.

I do not understand why Boulder County Wants to make it so difficult. For property owners to be honest.

Please check box below * ☒ I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#9]
Date: Saturday, August 29, 2020 12:13:41 PM

Name *	Maura Christoph
Email *	mautoph@aol.com
Phone Number *	(303) 638-4441
Address *	<input type="checkbox"/> 103 peaceful Valley Rd Lyons, Colorado 80540 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	<p>I would like to add further to my comments regarding the enormous licensing fee Boulder County is suggesting.</p> <p>Please look at comparable Counties with similar tourism destinations.</p> <p>Next door Larimer County is charging a one time \$300 fee for STR.</p> <p>Summit County has a \$150 initial fee and a \$75 renewal annual feel.</p> <p>Gilpin County is still figuring out its fee and registration rules.</p> <p>Why can't Boulder County be more consistent with similar Counties?</p> <p>What is the JUSTIFICATION. for Boulder County have gigantic STR licensing fees. Compared to peer Counties?</p>
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Ott, Jean](#)
To: [Suzanne Webel](#)
Cc: [Rodenburg, Jasmine](#)
Subject: RE: Short term rentals & more
Date: Monday, August 3, 2020 3:54:58 PM

Hi Suzanne,

Thank you very much for your involvement in the code update and your thoughts on agritourism in the county. You're not the only one who asked about expanding the accessory dwelling use so that will be added to our list of things to look into for future code updates.

Our website is a great place to keep up with new code updates that come about, but we will keep you in mind if something along these lines gains traction. Thank you again!

Thanks!

Raini

Jean Lorraine Ott, AICP, CFM
Planner II | Development Review Team
720.564.2271 | jott@bouldercounty.org | she/her/hers

Boulder County Community Planning & Permitting
2045 13th Street | Boulder, CO | www.BoulderCounty.org
303.441.3930 | P.O. Box 471 | Boulder, CO 80306
Formerly Land Use and Transportation – We've become a new department!

PLEASE NOTE: In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at www.boco.org/cpp for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. Thank you for your adaptability and understanding in this extraordinary time!

-----Original Message-----

From: Suzanne Webel <suzannewebel@gmail.com>
Sent: Monday, July 27, 2020 3:29 PM
To: Ott, Jean <jott@bouldercounty.org>
Subject: Short term rentals & more

Hi Raini

Thanks for the thoughtful "focus group of one" conversation we had last week about short term rentals, Air Bnb's/ VRBO's, agricultural accessory dwellings, and agritourism in general (the latter somewhat as a digression from your priority, perhaps, but nevertheless of interest to some of us out here in the hinterland!).

Coincidentally just this week I picked up a piece on CPR about agritourism and how it's helping the agricultural community bridge the gaps between traditional sources of revenue from crops and the people who want to get out of the city to experience a different way of life, connect with the land and food sources, and more. If you didn't happen to catch it, they had a link to the following article:

<https://modernfarmer.com/2020/07/farms-are-becoming-popular-staycation-destinations/>

Seems like every time this comes up at the county level we have open houses and opportunities for input and lots of talk, but it never goes anywhere :(. I'd really like to get involved in helping Boulder County do more to support agritourism (broadly defined) so we can all have fewer uptight regulations and more fun. Whether it's AirBnBs, VRBOs, traditional

B&B's, or country inns, or even (gasp!) agritainment, please keep me in the loop if there are any opportunities to move the concept forward.

Thanks again

Suzanne Webel
303-485-2162

From: [Ryan McDannold](#)
To: [Wiseman, Christy](#)
Subject: Thoughts on Short Term Rentals in Boulder County
Date: Monday, November 18, 2019 9:53:46 AM

Hi Christy,

I just completed the survey, but wanted to email you directly as well to share my thoughts/experience with Short-Term Rentals in the Boulder area:

I have (legally, following the city of Boulder's policies) hosted short-term rentals (AirBnB) in the past in my primary residence. I now live in unincorporated Boulder County and would like to continue doing the same.

Hosting guests in your primary residence (whether it is a spare bedroom, basement, or ADU/tiny house in the back yard) stays true to the original spirit of AirBnB and has been an overwhelmingly positive experience for me. It allows me to supplement my income in this incredibly expensive housing market, which is a big factor in my being able to continue living in the Boulder County community that I have called home for years.

I establish a relationship with my guests and teach them about the Boulder area, give them tips, tell them where the good hikes and restaurants are, sometimes share meals or beers, and enjoy hearing their travelling stories and background. I've met some very interesting people! It is a win-win for the host and guest, and keeps money in our local community rather than going to a large hotel chain. The economic benefits for our local community members cannot be overstated.

I also use short-term rentals as a guest when I travel in order to get this same positive experience.

I feel like there is a lot of misplaced fear around Short Term Rentals, so I hope you and others at the county will strongly consider all the positive benefits as you are planning new policies.

Thanks!
-Ryan McDannold

Richard E. Harris
2645 Briarwood Drive
Boulder, CO 80305
(303) 499-1551 rharris@indra.com

Christy Wiseman, Planner I
Boulder County Land Use
2045 13th Street
P. O. Box 471
Boulder, CO 80302

Re: Difficulties with present private road easements and Airbnb

Dear Ms. Wiseman:

I've spoken to you several times at various presentations you have made concerning short term rentals. You are making changes to the Boulder County Comprehensive Plan and land use regulations.

This letter is concerned specifically with the need for careful consideration of the hodgepodge of little used roads in Allenspark and perhaps other mountain communities.

I use my own situation as an example. The attachment shows an aerial view of my property at 17663 Highway 7. It also shows neighboring properties all of which share a private road that is one lane and about 1.5 miles long. The private road joins highway at the lower left corner of the figure.

On July 31, 2017, Boulder County approved a short term rental (15 – 45 days per year) for the single family dwelling owned by the Leinweber Trust, 17665 Highway 7, in Allenspark. No notice was given to any neighbors including those like me who have granted ingress/egress easements to the Leinweber property. I was appalled to find that use of the road through my property 17663 Highway 7 was being allowed to be advertised worldwide. In fact for my property and two others the road even bisects the properties.

This represents serious damage to the use of the properties as most owners intend – as a private, quiet retreat.

After much investigation I discovered several errors in the approval including failure by the County to correctly identify the current easements. After speaking with Dale Case, the errors were corrected but the approval remained in force. I can provide more details if it is helpful.

Since many of the easements specify the use of the road as for ingress/egress to single family houses, a major burden is placed on three of the properties closer to the public highway compared with that of the Leinwebers with the unexpected heavier use.

This is a widespread problem in Allenspark where there are numerous private roads in the that take advantage of the mutually agreed up on easements. There was never an issue because all parties had the expectation that the traffic on the road would be for seasonal and weekend homes minimal. Now the number of difficulties with cars passing on a mostly one lane driveway were acceptable. Moreover because of the unanticipated traffic none the easements specify plans for maintenance of the road. It gets bumpier all the time.

The easements obviously were agreed to long before the disruptive technology of worldwide advertising became widespread.

The regulations that you are drafting should therefore require access directly to a public road. Thus all the traffic would be on the property of the renter.

There are many other issues with short term rentals. I will send another letter that details many of them.

Thank you for ensuring that any changes you make do not allow disruption of the long-standing rural character of Allenspark, one of the County's still-preserved mountain gems.



From: [Cameron Tyler](#)
To: [Rodenburg, Jasmine](#)
Subject: Re: Vacation rental proposed ordinance
Date: Wednesday, September 2, 2020 5:57:48 PM

Thanks and I will definitely get back to you. The problem isn't small lots, it's big houses where people have parties. Based on experience as a neighbor with these scenarios, the restriction should be based on number of occupants- not lot size. Also, the variety of places in the mountains is so wide, I'm struggling to understand the ban and zero process to allow more use for vacation homes across the board. The County charges for the application and staff time - seems harsh to not allow anyone to prove up that renting more than 60 days would be fine for a particular place.

Appreciate you getting back to me so promptly!

Cam

Sent from my iPhone

On Sep 2, 2020, at 5:47 PM, Rodenburg, Jasmine
<jrodenburg@bouldercounty.org> wrote:

Hi Cam (sorry I called you Tyler at first) –

Our initial draft language separates properties in to three categories. The broad strokes of these are:

1. Primary Residence Accessory Short-Term Rental (This is someone's primary residence as shown on driver's license and tax forms)
2. Secondary Residence " " (This is not someone's primary home, but is someone's second home or an investment property or a family cabin) → Rented 60 days or fewer per year at a 2 night minimum (to try to reduce number of separate rental parties, even if it is only in the summer)
3. Vacation Rental (This is not someone's primary home but it is a second home or investment property or family cabin) → Rented more than 60 days per year

So our regulations cover the range of short-term rentals, however, the 1 acre discussion only applies to the Vacation Rental category.

As far as your second question below: I don't think we are reducing any rental period. We aren't saying cabins have to be rented only during a 3 month span etc. So I'm not entirely sure what additional clarifications to provide on that front. We have considered seasonality. As far as the 1 acre buffer. Properties that are larger than 1 acre are farther from neighbors (to minimize the negative externalities of short-term rentals such as parties, noise, coming and going, etc. it creates a buffer), and have more space for parking.

We actually are doing all of our public meetings virtually! Please check out our webpage for all updates on when the public meetings will be:
<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/>

You can weigh in, in a variety of ways! Feel free to send a “redline” of the document, send me an email of your thoughts, or submit a comment on the webpage. Regardless of the avenue, the comments will get to me and help inform the update!

Kindly,

Jasmine

Jasmine Rodenburg

Senior Planner – Oil/Gas and Environmental Policy

Boulder County Community Planning & Permitting Department (*formerly Land Use and Transportation*) – [We’ve become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

www.bouldercounty.org

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From: Cameron Tyler <camatthefarm@gmail.com>

Sent: Wednesday, September 2, 2020 5:30 PM

To: Rodenburg, Jasmine <jrodenburg@bouldercounty.org>

Subject: Re: Vacation rental proposed ordinance

A couple of clarification questions -

1. You say vacation rentals "do not have the added protection of being somebody's primary residence." I

thought short-term rentals were second homes as well under your proposed regulation?

2. What factors led to the 1-acre buffer idea? In the Forestry zone, are you considering seasonality? 50% of the properties west of the Peak-to-Peak are used only a couple months in the summer. If you reduce the rental period, then every property is going to be rented all summer long, rather than allowing rentals to occur more spread throughout the year, in winter. I think that effect will be really not what the summer residents/owners want.

What's the best way to "weigh in" on this, other than coming to the public meetings. Dealing with cancer and having to avoid people!

Thanks much

Cam

On Wed, Sep 2, 2020 at 5:11 PM Rodenburg, Jasmine
<jrodenburg@bouldercounty.org> wrote:

Good Afternoon, Tyler –

Here are our current thoughts on the 1-acre limitation:

Vacation Rentals are a more intensive use than other types of short-term rentals because they can be rented to more parties (so more nights per year) and do not have the added protection of being somebody's primary residence. Properties that are over 1 acre in size provide some buffer from any negative externalities that

neighboring property owners might experience.

Vacation Rentals also are the group of rentals that Boulder County is most concerned about removing housing stock from the area that could otherwise be used for long-term rentals or a home for folks. Properties 1 acre in size and smaller would be the more affordable rentals and homes and thus more appropriate for long-term housing.

Hopefully that helps you understand where we came from and the goals we are trying to accomplish!

Kindly,

Jasmine

Jasmine Rodenburg

Senior Planner – Oil/Gas and Environmental Policy

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From: Cameron Tyler <camatthefarm@gmail.com>

Sent: Tuesday, September 1, 2020 4:35 PM

To: Rodenburg, Jasmine <jrodenburg@bouldercounty.org>

Subject: Re: Vacation rental proposed ordinance

Ms. Rosenberg. Appreciate the response. On #1, can you explain the reasoning for the 1- acre limitation? I'm not understanding where this came from and what it is intended to accomplish.

Thanks

Sent from my iPhone

On Sep 1, 2020, at 9:15 AM, Rodenburg, Jasmine
<jrodenburg@bouldercounty.org> wrote:

Good Morning, Tyler –

Thank you for your interest in the Short-Term Rental and Bed & Breakfast Update in Boulder County!

To answer your questions:

1. You are correct. The draft Code Update does not allow Vacation Rentals as a use in the F Zoning District for parcels less than 1 acre in size.
2. I do not think all the comments submitted on the online form are easily available for all to read. I recommend reviewing the complete survey responses that are posted on the website. There are many write-in comments and thoughts from the public on those documents. I will work on my end to see if there is a meaningful way to consolidate all comments/emails received for the public to review sooner than the PC hearing. Typically, public comments are attached to the final staff recommendation that is submitted to the Planning Commission prior to the public hearing.
3. Thank you for your comments on the draft language. I agree that we could use a bit of balance in the introductory language. I will make a note of that. I will also review the document to make sure it is clear what rentals must comply with the ordinance. As drafted, Bed and Breakfasts will not need to get a license, so they do not need to comply with the Licensing Ordinance. We will also have a licensing webpage for these licenses and can make sure there is clarity on that webpage.

Again, thank you for your comments.

Kindly,

Jasmine

Jasmine Rodenburg

Senior Planner – Oil/Gas and Environmental Policy

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From: Cameron Tyler <camatthefarm@gmail.com>

Sent: Saturday, August 29, 2020 10:12 AM

To: Rodenburg, Jasmine <jrodenburg@bouldercounty.org>

Subject: Vacation rental proposed ordinance

Ms. Rodenburg:

Just read the proposed land use code amendments and licensing ordinance. Also reviewed the previous open house summaries from July 30, 2020.

For Vacation rentals, the ordinance appears to simply exclude all in Forestry zoning (like many mountain areas) that are less than 1 acre in size. There's no review process, limited or special? Am I misreading that?

Also, where can I access all the write-in comments by people on this proposed ordinance since the topic came up about a year ago? Can't seem to find it on-line anywhere.

A comment: In reviewing the License Ordinance, the link and the body of the ordinance often fail to mention Vacation rental - and a person could easily assume it applies only to the B&B, primary and second home rental categories. Also, in the "Whereas" part in the beginning - only the negative comments on short-term rentals are mentioned as the reason for the Ordinance - no mention whatsoever is made of the positives of short-term rentals (listed in the Open House materials).

It would be very kind of you to provide a response to this email soon so that I can evaluate participation in the County reviews of this.

Thanks



Dear Philip & Mary,

Just as you own a second home in Allenspark, my family has a vacation home on the Washington Coast. We didn't use it much, and when we did, it was a lot of work. Enjoying it was nearly impossible, as maintenance and projects would pile up between visits, waiting for us each time we returned. Time and money spent on upkeep was high, and the number of visits were dwindling.

So about eight years ago, we started renting our house to other vacationers. Initially, we interviewed property managers to keep our efforts to a minimum, but we were underwhelmed. We decided to "rent by owner." And while our home was modest, we earned thousands more than the local professionals had projected.

Based on our success, I started Vacasa: a full-service property management company that does things differently.

With a foundation of marketing and analytics, Vacasa can book homes for more, which affords us the ability to hire top local talent to care for our properties in every market we serve.

And while Vacasa may not be the cheapest management company, our net results to homeowners are the best in the industry—and we guarantee it! Our general premise is simple: homeowners should earn more before we earn anything.

The Vacasa Guarantee

If you currently rent your home through another management company, **we *guarantee a net increase of \$5,000 in your first year.** And if you're currently self-managing, **we guarantee that you'll make just as much with Vacasa,** even after our management fee. In either case, if we fail to meet the guarantee, we'll refund the difference, up to the full amount of our management fee.

Our approach has proven tremendously successful. In less than a decade, we've grown from caring for my family's home to managing over 13,000 homes, and from having two employees to over 3,000. We're the largest vacation rental management company nationwide.

*Terms and conditions apply.

(Over, please)

Growth like this is unheard of in the service industry, but our unique business characteristics have made it possible.

First, we developed software that automates the details associated with managing homes and adapts with the constantly changing market.

Second, we offer unparalleled financial results to our homeowners. Because of our proprietary systems, we're able to rent homes for more than anyone else in the industry—and we pass this upside to you.

Third, our growth enables us to provide our homeowners with the ultimate service and the best housekeepers and property caretakers. One of the most satisfying aspects of building Vacasa from the ground up is that we're able to handpick great people. They are attracted to our corporate culture and love being part of the Vacasa team. In fact, Myka Brown chose to work for Vacasa for this reason, and is Allenspark's local expert. I hope you will consider joining us.

Contact Myka Brown, our Allenspark Homeowner Consultant, today at (888) 504-3379 or myka.brown@vacasa.com. You'll learn exactly how much more you could be earning, and how much less you could be working, when you list your home with us.

Sincerely,

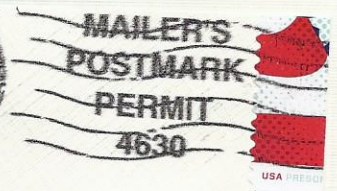
Eric Breon

Eric Breon

Cc-founder and CEO, Vacasa



P.O. Box 10130
Portland, OR 97296



Philip & Mary Stern

PO Box 56

Allenspark, CO 80510-0056

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From: [Cameron Tyler](#)
To: [Rodenburg, Jasmine](#)
Subject: Vacation rental proposed ordinance
Date: Saturday, August 29, 2020 10:11:57 AM

Ms. Rodenburg:

Just read the proposed land use code amendments and licensing ordinance. Also reviewed the previous open house summaries from July 30, 2020.

For Vacation rentals, the ordinance appears to simply exclude all in Forestry zoning (like many mountain areas) that are less than 1 acre in size. There's no review process, limited or special? Am I misreading that?

Also, where can I access all the write-in comments by people on this proposed ordinance since the topic came up about a year ago? Can't seem to find it on-line anywhere.

A comment: In reviewing the License Ordinance, the link and the body of the ordinance often fail to mention Vacation rental - and a person could easily assume it applies only to the B&B, primary and second home rental categories. Also, in the "Whereas" part in the beginning - only the negative comments on short-term rentals are mentioned as the reason for the Ordinance - no mention whatsoever is made of the positives of short-term rentals (listed in the Open House materials).

It would be very kind of you to provide a response to this email soon so that I can evaluate participation in the County reviews of this.

Thanks

From: [Deborah Denser](#)
To: [Wiseman, Christy](#)
Subject: what I found
Date: Friday, October 25, 2019 10:39:59 AM

I have done some research and wanted someone to see if my assessment was correct. I have already called the Appeals Court and spoke to a legal clerk, who cannot give legal advice, however informed me I would need to speak to a tax attorney. So here goes:

They are basing their opinions on a Colorado Court Appeal in 2015, which was HOA against a STR the STR won because the verbiage of commercial/residential.

https://www.courts.state.co.us/Courts/Court_of_Appeals/Opinion/2015/14CA1086-PD.pdf

However, that was four years ago and it may not have validity for today, especially with the Colorado State Tax Law, June 2019.

Which states: Part 2: Taxable Sales

7 Revised June 2019

Rooms and accommodations

Colorado imposes sales tax on the entire amount charged for rooms and accommodations. The tax applies to any charge paid for the use, possession, or the right to use or possess any room in a hotel, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer coach, or mobile home and to any space in any camp ground, auto camp, or trailer court and park, under any concession, permit, right of access, license to use, or other agreement, or otherwise. Sales of rooms and accommodations may be exempt when made to a permanent resident who enters into a written agreement for occupancy for a period of at least 30 consecutive days

<https://www.colorado.gov/pacific/sites/default/files/Colorado%20Sales%20Tax%20Guide.pdf>

Next with the verbiage:

Commercial definition

concerned with or engaged in commerce.

"a commercial agreement"

synonyms:

[trade](#) · [trading](#) · [business](#) · [private enterprise](#) · [mercantile](#) · [merchant](#) · [sales](#) · [merchandising](#)

Lodge definition:

stay or sleep in another person's house, paying money for one's accommodations.

"the man who lodged in the room next door"

synonyms:

[reside](#) · [board](#) · [stay](#) · have lodgings · have rooms · take a room · [put up](#) ·

[\[more\]](#)

Since we reside in Boulder County, they do not participate in a Home Rule Tax, it falls to the Colorado State Revenue.

<https://www.bouldercounty.org/government/budget-and-finance/sales-and-use-tax/>

Home Rule tax

Cities, counties, and special districts in Colorado can also impose tax on sales made within their boundaries. The Colorado Department of Revenue administers and collects sales taxes imposed by many cities, most counties, and a number of special districts. However, the Department does not administer and collect sales taxes imposed by certain home-rule cities, which instead administer their own sales taxes. Department publication Colorado Sales/Use Tax

Rates (DR 1002) provides detailed information about local sales taxes and exemptions.

Participating Home-Rule Cities and Counties

Arvada, Aurora, Boulder, Brighton, Denver, Longmont, Northglenn, Silverthorne, Westminster, Wheat Ridge, and Woodland Park have enacted ordinances that hold taxpayers harmless if they rely on these certified databases. To visit a local government webpage, see the [Colorado Department of Local Affairs, Active Colorado Municipalities](#)

NOTE: Boulder County taxes are collected by the State of Colorado. All payments of sales tax should be reported and remitted directly to the Colorado Department of Revenue on its form. There is a specific column on the form for County Sales Tax. Forms are available on the State of Colorado web site, www.colorado.gov/revenue or contact the Colorado Sales Tax Office at 303-238-7378 for handouts on rates charged in other Colorado localities.

<https://assets.bouldercounty.org/wp-content/uploads/2019/02/sales-and-use-tax-brochure.pdf>

Airbnb has acknowledged this as well since they have made an agreement with states to collect occupancy/lodge/sales tax.

<https://www.airbnb.com/help/article/2298/occupancy-tax-collection-and-remittance-by-airbnb-in-colorado>

**Occupancy tax collection and remittance by Airbnb in Colorado
State of Colorado**

Guests who book Airbnb listings that are located in the State of Colorado will pay the following taxes as part of their reservation:

- Colorado Sales Tax: 2.9% of the listing price including any cleaning fee for reservations 29 nights and shorter. For detailed information, visit the Colorado Department of Revenue [Sales Tax Publication](#).
- County Lodging Tax: The county lodging tax rate varies by county. The rate is typically .9-2% of the listing price including any cleaning fee for reservations 29 nights and shorter. For detailed information, visit the Colorado Department of Revenue [Sales Tax Publication](#).
- Local Marketing District Tax: The local marketing district tax rate varies by district. The rate is typically 1.4-4% of the listing price including any cleaning fee for reservations 29 nights and shorter. For detailed information, visit the Colorado Department of Revenue [Sales Tax Publication](#).
- Local Sales Tax: The local sales tax rate varies by city and county. The rate is typically 1-5% of the listing price including any cleaning fee for reservations 29 nights and shorter. For detailed information, visit the Colorado Department of Revenue [State-Collected Local Sales Tax Publication](#).

So with all this research isn't the government saying that a short term rental (which their wording is a lodge) commercial and not residential?

Regards,

Deborah Bates-Denser

From: [Wick Rowland](#)
To: [Gracia, Bonnie](#)
Cc: [#LandUsePlanner](#); [Ott, Jean](#); [Bodenburg, Jasmine](#)
Subject: Re: Short Term Dwelling Regulations
Date: Friday, July 10, 2020 12:16:38 PM

Many thanks for the call, Bonnie.

I now better understand the LU rule and intent, and most importantly I think I can now better explain them to my HOA board colleagues.

That said, many of us find the language very unclear, particularly since there are assumptions at work under the surface that, while perhaps clear to staff, are obscure to the lay person.

Accordingly, I hope that, as part of the DC review, the entire section and related aspects of the Lodging uses provisions will be overhauled and the anomalies resolved. Among other things the Code needs to reconsider the differences between LTRs and STRs, perhaps even eliminating the distinction, and focus on the intent about turnovers.

In that light perhaps the confusing pattern of differential LU requirements and registration requirements might be reduced. The playbook needs to be both much clearer on the background concerns and much simpler as to the specific requirements.

The Commission also needs to address the matter of having complex rules that it cannot actually enforce due to budget and staff limitations. It is difficult for HOAs to insist on member adherence to County rules under the current conditions, and no public body wants to encourage citizen cynicism or "scoff-lawlessness" that occurs when rules are only partially or differentially applied.

I would be happy to discuss these matters further with your colleagues, if that would be helpful, and also perhaps review any revision drafts.

In any case, thanks for your patient guidance on the matter — it's been very good "customer service."

Best regards,

Wick

On Jul 10, 2020, at 8:29 AM, Gracia, Bonnie <bgracia@bouldercounty.org> wrote:

Hi Wick,

Its still quite early so I thought you might appreciate an email rather than a call at this hour.

No, LUs do not apply in long term situations (30 days at a time or more) as the circumstances of the rental are different.

A short term rental is a situation where there is a constant turnaround of new tenants. A longer term rental of more than 30 days has a longer term tenant. This is a distinction you may wish to hash out with our code updaters.

While it is true that we do our best to follow the code to the letter, it is also the *intent* of the code that is an important component to applying the code. By making code updates and iterating this process, we continue to improve the specificity and clarity - at least we try.

I've included the staff making the updates so that we can work on elucidating the long term rental concept.

Let me know if you would like me to give you call this morning.

Best, Bonnie

Regards,

Bonnie Gracia
Planner On-call

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From: Wick Rowland <wick@earthlink.net>
Sent: Thursday, July 9, 2020 11:30 PM
To: Gracia, Bonnie <bgracia@bouldercounty.org>
Subject: Re: Short Term Dwelling Regulations

Thanks, Bonnie.

I appreciate your continuing effort to help us. And I apologize if I appear to be a bit thick in all this, but there still seems to be confusion on the LU matter for RR.

I do understand that there can be reasons for LUs to kick in differently in the two zone groupings. And I get it that after 45 nights that happens with the (d) group.

But, if that is so, then isn't the Code saying that LUs do apply in some long-term rental situations because 45 nights is more than 29, whereas earlier today I thought you were saying that they don't apply "in any zoning district"?

And if so, then that takes us back to group (c) and the statement that "...in these zoning districts, LU is required for short term rentals if a property owner proposes to rent 15 or more nights." Fine, but in your first message this morning you said that "When the code reads 'if rented 15 nights or more per year' it does not apply to longer term rentals." But anything from 30 days up would be LTRs.

So, I have to return to the question in my last message:

- Does "15 or more" for the LU in (c) really mean 15-29?

I hope you can see why we're still confused. The rule seems to be saying that anything from 15 nights on in RR requires a LU, but other statements seem to be saying that is not true beyond 29 nights.

I do appreciate your effort, but somehow we're not reaching closure on the core question. Again, perhaps a quick phone call would help us resolve the apparent contradictions?

I'd be happy to call you tomorrow, or you could reach me at (303) 443-3662.

Thanks,

Wick

On Jul 9, 2020, at 3:49 PM, Gracia, Bonnie <bgracia@bouldercounty.org> wrote:

Hi Wick,

Frequency of short term rentals was found to be more impactful in some zoning districts compared to others. In the [zone districts](#), RR, ER, SR, MF, LI and GI the Limited Impact Special Use Review (LU) is triggered after the 14th night.

In other zone districts (A, F, H, MI, T, B, C, and ED) the impact on the surrounding area is not as substantial (due to larger property setbacks and ambient development) so in this case, a property owner may rent the property as a short term rental up to 45 nights. If more than 45 nights are proposed, then the LU process kicks in.

I hope this helps to sort it out. We appreciate your input.

Let us know if we may assist you further.

Regards,

Bonnie Gracia
Planner On-call

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From: Wick Rowland <wickr@earthlink.net>
Sent: Thursday, July 9, 2020 1:04 PM
To: Gracia, Bonnie <bgracia@bouldercounty.org>
Cc: #LandUsePlanner <Planner@bouldercounty.org>
Subject: Re: Short Term Dwelling Regulations

Thanks, Bonnie,

In the short term can someone help me resolve the apparent contradictions between subsections (c) and (d) and the definition of STRs above?

Specifically:

- Does "15 or more" for the LU in (c) really mean 15-29?
- If so, then, what is meant by "46 or more" in (d)?

This is a practical need, because as we're rewriting our own Association leasing policies, I've got colleagues pressing me for clarification!

Thanks,

Wick

On Jul 9, 2020, at 12:52 PM, Gracia, Bonnie <bgracia@bouldercounty.org> wrote:

Thank you for your input, Wick.

I will send along these observations and suggestions to senior staff.

Best, Bonnie

Regards,

Bonnie Gracia
Planner On-call

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From: Wick Rowland <wickr@earthlink.net>

Sent: Thursday, July 9, 2020 12:47 PM

To: Gracia, Bonnie <bgracia@bouldercounty.org>

Cc: #LandUsePlanner <Planner@bouldercounty.org>

Subject: Re: Short Term Dwelling Regulations

Many thanks for your quick reply, Bonnie.

That is helpful, because many of my HOA board colleagues struggling with the STR matter have had real trouble interpreting the language and have understood it differently.

As you suggest the wording is confusing — but it's all throughout this section.

For instance, while the second sentence of the definition of STRs is clear enough, the third sentence isn't. I probably should have asked about that, namely, what is meant by "month to month or longer"? And why the mouthful of "use" language in the second half of the sentence? Shouldn't it say something simple like "Dwellings rented for 30 days or longer are not considered short-term rental properties as defined in this section, and the following subsections do not apply to them"? Or is that not the case (see question about (d) below)?

As for (c), I fear it's more than the redundant "if." The "15 nights or more per year" wording appears to plainly mean anything longer than 15. And that seems plausible given the context set by the following section (d) for other zones where the wording is for "46 nights or more nights per year."

In that latter instance, how does the earlier definition of STRs apply? 46 is more than 30; so one can reasonably infer that, as now written, LTRs actually are contemplated in these subsections and the longer interpretation of "15 or more" would make sense.

Finally, then, if (c) really means only 15-29 nights per year, then shouldn't it be stated that way? The use of "or more" is problematic and most lay people who initially read it do not understand it also to mean less than 30.

That, of course, then raises another question, which is why have the LU requirement for rental properties in just that brief window? If it's really necessary for that duration, why not for longer? Or if it isn't really necessary for longer periods, then why have it at all for just a 2-week period?

I hope these additional questions make sense and bio can help me resolve them. But I don't want to tie you up in a long email discourse. Perhaps a phone conversation would suffice?

In any case, the confusions I'm reflecting here are probably shared by others throughout the County and suggest the need for the thorough overhaul of the entire section that apparently is contemplated in the DC-19-0005 proceeding.

In fact, please feel free to submit these comments to the planners.

In any case I'd enjoy talking further with you about the current confusions about (c) and (d), and again thanks,

Wick

On Jul 9, 2020, at 11:19 AM, Gracia, Bonnie <bgracia@bouldercounty.org> wrote:

Hi Wick,

Hopefully I may be of some assistance.

I see you have included the first sentence of the definition but not the entire definition, maybe that is a part of the confusion.

When the code reads "if rented 15 nights or more per year" it does not apply to longer term rentals.

Limited Impact Special Use Review (LU) is not required for rentals of more than 30 days at a time in any zoning district, including RR. A property rented between 30 and 365 nights per year would not require an approved LU.

Perhaps the word "if" is redundant and it could say "rentals for 15 nights or more per year". We can have staff take a look at the language for a possible code update in the future.

Regards,

Bonnie Gracia
Planner On-call

PLEASE NOTE: In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at www.boco.org/cpp

for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. **Thank you for your adaptability and understanding in this extraordinary time!**

[Community Planning & Permitting - Boulder County](#)

The Boulder County Land Use Department provides building permits and inspections, zoning enforcement, and planning for unincorporated Boulder County.
www.boco.org

for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. **Thank you for your adaptability and understanding in this extraordinary time!**

Short-Term Rentals (STRs) Land Use Code Update

1. What do you think about owner-occupancy requirements for STRs? To be considered owner-occupied, a home must be occupied by the owner at least 51% of the year.

In Allenspark, I don't think this is applicable. We have been a vacation community for over 100 years. Most people here have vacation homes in town.

2. What safety measures should be taken into consideration when someone is renting out their home on a short-term basis (particularly to visitors who are not familiar with the area)?

- 1) Bear/Moose/Wildlife Safety information
 - 2) Fire ~~code~~ pit safety information
 - 3) Fire extinguisher, smoke detector, CO detector
 - 4) If fire pit, inspected for safety
 - 5) Fire ban information
 - 6) Propane safety information
 - 7) Septic system ~~safety~~ ~~info~~ info
3. What do you think about frequency (i.e., total number of rental nights per month/year) or duration (i.e., number of rental days at a time) limits for STRs?

None

4. Do you have any other general comments about short-term rentals?

They are good for the economy of this area (Allenspark)

Thank you! The Land Use Department appreciates your time and ideas.

From: [John Winkel](#)
To: [Rodenburg, Jasmine](#)
Subject: DC-19-0005 Open House follow-up
Date: Friday, September 18, 2020 9:16:45 AM

Jasmine,

Thanks for the professional way you facilitated the open house discussion last night.

In my career I have worked both private sector and government jobs, so you can forgive me for thinking this Boulder County effort is largely an exercise with a foregone conclusion. I have seen too many well-intentioned regulations that did not take into account unforeseen consequences. When enforced to the letter by later bureaucrats these cause problems. One prime example is the Depression-era Davis Bacon Act designed to give local contractors a fair shot at major federal projects versus cheaper labor from out-of-state contractors. Unfortunately, the dollar amount defining a major construction project has never been updated since the 1930's, so now essentially all federal construction projects (large and small) are burdened by this Act.

I also want to recognize that my assumptions may be unwarranted. So before I suggest text edits to the Land Use or Licensing drafts, can you please send me:

1. The economic analysis Staff has done to support a change in the 2008 code/regs – I assume most of the 700 current listings you mentioned are in the mountains (most likely near the Peak-Peak highway), most are older building stock, and would guesstimate the average is actually rented for ~30 days/year (or for 1/3 of Summer season) to at most a family's worth of visitors (consistent with your statistic that most rentals are single-family residences). These statistics/assumptions suggest a direct economic impact to owners in mountain portions of the County of approximately $700 \times 30 \times \$175 = \3.7 million. But as you pointed out there are secondary management and cleaning jobs created. More significant would surely be the purchasing impact of these short term destination renters on the economies of places like Boulder, Lyons, etc. when they pass through. And if Boulder County reduces its short term rental stock, or increases its price, by these code/reg changes, what is the price point sensitivity that would cause these visitors to divert to Larimer County? I am sure you have evaluated these direct and indirect economic impacts. Please forward me your analysis so I can see if I am correctly assessing the situation.
2. Whatever survey or assessment of owners you have done – You stated a key driver was to keep housing affordable in rural areas of the County. I suspect a survey of owners would show that at a certain point (cost of improvements, degree of process hassle, etc.) a majority would either:
 - a. be forced to sell out, in which case the County would likely have the same issues with new owners that Brian and Rosemary flagged, since it is unlikely these older cabins will be bought by someone willing to scrape them and build new; and, even if they did build new, that would defeat the "keeping community character" goal, or
 - b. do like a neighbor of ours, who simply shuts their cabin up unlivd in except for at most 1

week/year, which neither helps the economy nor the affordable housing stock.

Please note we are not doing primary or secondary, or vacation, rentals at present. My interest is in getting good, sensible, and reasonable code/reg changes that do not foreclose our future options. Given my past work experience, where County staff blindly enforced Boulder County code at the expense of fire safety of the residents in the development I mentioned, your present draft would almost certainly cause us to opt for option 2b in the future. This would be the worst outcome, both for us and for the County.

Best regards,
John Winkel

ORDINANCE NO. 2021-X

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF BOULDER FOR THE LICENSING OF SHORT-TERM RENTALS AND VACATION RENTALS WITHIN THE UNINCORPORATED AREA OF BOULDER COUNTY

Commented [RH2]: Comments from Richard Harris
It is very important to ban shooting in all rental properties. Otherwise some units might be rental for militia practice.

RECITALS

- A. Boards of County Commissioners are empowered by C.R.S. § 30-15-401(1)(s) to license and regulate an owner or owner's agent who rents or advertises the owner's lodging unit for a short-term stay, and to fix the fees, terms, and manner for issuing and revoking licenses; and
- B. Studies and reports have concluded that short-term rental of residential property creates adverse impacts to the health, safety, and welfare of communities, including increase in housing costs and depletion of residential housing opportunities for persons seeking full-time accommodations; and
- C. Boulder County has received numerous comments expressing the desire to preserve the residential character of neighborhoods and concern over how short-term rental of residential property may diminish neighborhood character and housing stock; and
- D. Boulder County "prioritizes preserving housing units for Boulder County residents and workers and their families and limits visitor- and tourism serving uses such as short-term rentals. The county evaluates applications for tourism serving uses based on safety for visitors and county residents in addition to compatibility with neighborhood character" as outlined in the Boulder County Comprehensive Plan Section 3.06; and
- E. This Ordinance intends to: (1) facilitate safe short-term rental of residential property in a way that protects the integrity of neighborhood character; (2) preserve existing housing stock; (3) track, manage, and enforce violations of this Ordinance; and (4) protect the health, safety, and welfare of the public; and
- F. Cities and towns within the county may consent to have this ordinance apply within their boundaries, as provided in C.R.S §30-15-401(8).

Commented [RH3]: You might choose a different word than "residential". In the Forestry zone the word might be "rural".

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF BOULDER AS FOLLOWS:

Section 1: Definitions

- A. The definitions found in the Boulder County Land Use Code will apply to this Ordinance, except the following words, terms, and phrases will have the following meanings:
 1. Director: The Director of the Boulder County Community Planning & Permitting Department, or the Director's designee.
 2. License: A Short-Term Rental License or Vacation Rental License issued pursuant to this Ordinance.
 3. Licensed Premises: The parcel or lot on which the Short-Term Rental or Vacation Rental is located.
 4. Major Offense: Any violations of this Ordinance that actively, or have the potential to endanger, the health, safety, or welfare of the public.
 5. Minor Offense: Any violations of this Ordinance that are procedural or do not actively, or have the potential to endanger the health, safety, or welfare of the public.
 6. On-Site: Contiguous parcels or lots under the same ownership and control as the Licensed Premises.

Commented [RH4]: What if the unit has no fire information? Is that major?

7. Primary Residence: The dwelling unit in which a person resides for more than six (6) months out of each calendar year. However, it is presumed that the dwelling unit is not a primary residence if (1) the entire unit is offered and available for rent for more than twenty days in any month; (2) the person's spouse or domestic partner has a different primary residence; or (3) the person's driver's license, voter registration or any dependent's school registration shows a different residence address. These presumptions are rebuttable, but each must be rebutted by credible evidence from the party claiming that the dwelling is a primary residence.
8. Short-Term Rental: Includes Primary Residential Accessory Short-Term Rentals and Secondary Accessory Short-Term Rentals, as defined in the Boulder County Land Use Code.

Section 2: License Required

- A. Local License Required. It is a violation of this Ordinance to operate a Short-Term Rental or Vacation Rental within the unincorporated area of Boulder County, Colorado, or any municipality which consents to the application of this ordinance within its jurisdiction, without a current Short-Term Rental License or Vacation Rental License.
- B. A property which is deed-restricted as affordable housing is not eligible for a Short-Term Rental License or a Vacation Rental license.
- C. Only one license of any type (Short-Term Rental License or Vacation Rental License) may be issued to each person and any legal entities associated with that person, including trusts, corporations, estates, or associations.

Section 3: Licenses

- A. Short-Term Rental License and Vacation Rental License: The Director is authorized to issue a Short-Term Rental License or a Vacation Rental License under the terms and conditions of this Ordinance. Licensees remain subject to all other federal, state, or local law requirements including the Boulder County Land Use Code.

Commented [RH5]: I think it is included later, but the Director must make a tentative decision and release it to neighbors and other members of the public, giving them time to offer comments that must be considered.

Section 4: Licensing Procedure

- A. An application for a Short-Term Rental License or Vacation Rental License must include:
 1. Application Form. The applicant must designate all agents, exhibit all property owner signatures, and have all necessary information completed.
 2. Proof of Insurance. The applicant must demonstrate that the property owner has procured appropriate insurance in the form of a property owner (HO-3) policy, dwelling fire (HO-5), or unit owner's policy (HO-6), which covers a rental exposure, with adequate liability and property insurance limits that must at a minimum insure liability at \$500,000.
 3. Proof of Primary Residence, if applicable. The applicant must demonstrate that the dwelling unit is the property owner's primary residence by presenting a Colorado state-issued driver's license or Colorado state-issued identification card and at least one of the following documents:
 - a. Voter Registration;
 - b. Motor Vehicle Registration;
 - c. Income Tax Return with address listed; or
 - d. Any other legal documentation deemed sufficient by the Director which is pertinent to establishing the property owner's Primary Residence.

Commented [RH6]: Will this insurance be public? It must include coverage for fires and other damages occurring outside the property being rented. Renters may start forest fires.

Commented [RH7]: These documents must be publicly available to check for authenticity.

4. Proof of Ownership. Applicant must demonstrate ownership of the Licensed Premises by including a copy of the current deed.
 5. Parking Plan. Applicant must demonstrate compliance with the applicable Boulder County Land Use Code and Boulder County Multimodal Transportation Standards for on-site guest parking.
 6. Floor Plan. The floor plan must show locations within the dwelling unit of all smoke detectors, fire extinguishers, and carbon monoxide detectors, as well as locations of guest rooms and egress, as required under the Boulder County Land Use Code and applicable Building Code.
 7. Proof of Land Use Approvals. For Secondary Accessory Short-Term Rentals and Vacation Rentals, documentation demonstrating that the applicant has obtained the required approvals under the Boulder County Land Use Code.
 8. List of Adjacent Owners. Names, physical addresses, mailing addresses, and additional contact information (if known) for owners of all immediately adjacent parcels.
 9. Payment. Payment of all applicable license fees.
- B. The Applicant's failure to provide any requested information by requested deadlines may be grounds for denial of the application.
- C. The Director may refer the application to additional agencies or departments.
- D. For Short-Term Rental Licenses for Primary Residence Short-Term Rentals, Boulder County will provide notification by U.S. Mail, first-class postage or email to all owners of immediately adjacent parcels a minimum of 14 days prior to the license being issued by the Director.

Commented [RH8]: Presumably the County keeps accurate mailing addresses that often will be off-site.

Section 5: Licensing Requirements

- A. Before issuing a License, the Director must determine that the applicant has met following requirements:
1. Land Use Approval. The applicant has complied with all Boulder County Land Use Code requirements, as applicable.
 2. Building Inspection. The Chief Building Official or the Chief Building Official's designee has determined the following:
 - a. For all Licensed Premises:
 - i. The dwelling unit to be rented must contain:
 - (1) Operable fire extinguishers in each guest room and in the kitchen;
 - (2) Operable smoke detectors:
 - a. In each guest room;
 - b. Outside each guest sleeping area in the immediate vicinity of the guest rooms; and
 - c. On each additional story of the dwelling unit including basements and habitable attics.
 - (3) A UL 2075 compliant carbon monoxide detector installed outside of each separate guest sleeping area in the immediate vicinity of the guest rooms in the dwelling unit.
 - ii. The dwelling unit is served by an adequate potable water supply.
 - b. For Short-Term Rental Licenses:
 - i. The dwelling unit has no observable structural defects; and
 - ii. Any plumbing, electrical, and heating and cooling systems are in a good state of repair; and

- iii. Nothing on the Licensed Premises or in the dwelling unit pose a significant risk to health, safety, or welfare of the occupants or surrounding properties.
 - c. For Vacation Rental Licenses:
 - i. The dwelling unit to be rented must be legally existing or have been constructed under a valid building permit; and
 - ii. Received a Certificate of Occupancy or final inspection approval; and
 - iii. Must meet the applicable Building Code as required when the dwelling unit was constructed or when upgrades to the structure subject to a Building Permit were made; and
 - iv. No unapproved uses, unpermitted uses, or unpermitted work exist on the Licensed Premises. All previously unpermitted work must be permitted; and
 - v. Nothing on the Licensed Premises or in the dwelling unit pose a significant risk to health, safety, or welfare of the occupants or surrounding properties
- 3. Wildfire Mitigation within Wildfire Zone 1. The Wildfire Mitigation Team or the Wildfire Mitigation Team's designee has verified the following:
 - a. For Short-Term Rental Licenses:
 - i. A Wildfire Partners Assessment for the Licensed Premises has been completed; and
 - ii. Any mitigation efforts the assessment deemed necessary for the health, safety, and welfare of the occupants or surrounding properties have been completed; and
 - iii. Upon the first renewal, the property is Wildfire Partners Certified.
 - b. For Vacation Rental Licenses:
 - i. The Licensed Premises is Wildfire Partners Certified.
- 4. Parking and Access. The County Engineer or the County Engineer's designee has determined that the proposed Licensed Premises has satisfactory vehicular access and on-site parking facilities pursuant to the Boulder County Multimodal Transportation Standards and the Boulder County Land Use Code. The County Engineer or the County Engineer's designee has further determined that the applicant has suitably mitigated any traffic hazards associated with the proposed use.
- 5. Sewage Disposal. The Public Health Director or the Public Health Director's designee have determined that the proposed Licensed Premises has all required on-site wastewater treatment system permits or is otherwise adequately served by public sewer. Existing systems do not need to be repaired or replaced unless required by Boulder County Public Health.
- 6. Property Taxes. For Vacation Rentals and Secondary Accessory Short-Term Rentals, the property taxes have been paid.
- 7. Sales Tax License. The property owner or manager must provide a current sales tax license for the short-term rental issued by the Colorado Department of Revenue.
- 8. Building Lot. Verification that the Licensed Premises is a legal building lot under the Boulder County Land Use Code.

Commented [RH9]: This kind of risk must never be held up for a renewal.

Commented [RH10]: No rental should be allowed until the Wildfire Mitigation is complete. If renewals are only every two years, that is too long to delay something as essential as wildfire mitigation.

Commented [RH11]: Satisfactory vehicular access may not be possible without investigating numerous easements across various other properties. If there are easements it must be noted that some are for "single family units". Instead, in our new era of digital world-wide advertising, they must be modified to include rental homes as well as the owned homes that were expected when the easements were created. The easements must be reevaluated. There should be no obligation for a property owner along the way to agree to this new rental use.

Many of the homes in Allenspark have access only through easements on other properties. Even Big John Road, that I think has an official looking street sign, I believe is a private road with easements.

To make these changes in rentals may create an unreasonable burden on neighboring property owners that forces those owners to hire lawyers to defend their easements. The cost would likely be thousands of dollars. The County should instead create a climate that protects present homeowners from unreasonable financial burdens from neighboring new landlords who profit from new rentals.

Commented [RH12]: Aren't there other taxes in addition to sales taxes?

Section 6: Licensee Operating Standards and Requirements

A. All Licenses:

9. Occupancy Limit. Two adults per legal conforming guest room with a maximum of eight individuals, unless otherwise allowed through the applicable Land Use Code approval process.
- a. For Licensed Premises with an on-site wastewater treatment system, the occupancy limit may be reduced based on the size of the permitted and approved system.
10. Guest Information. In the rented dwelling unit, the licensee must provide the following documents to all guests:
- a. Septic Safety information sheet provided by the county, if applicable;
 - b. Wildlife Safety information sheet provided by the county, if applicable;
 - c. Wildfire Safety information sheet provided by the county, if applicable;
 - d. Fire restrictions and evacuation routes in the event of a fire or emergency;
 - e. Good Neighbor Guidelines provided by the county;
 - f. A map clearly delineating guest parking and property boundaries;
 - g. Contact information for the Local Manager and Licensee; and
 - h. Trash and recycling schedule and information.
11. Local Manager. Every Licensed Premise must have an emergency contact available to manage the property during any period when the property is occupied as a Short-Term Rental or Vacation Rental. The contact must be able to respond to a renter or complainant within one (1) hour in person. The contact may be the owner if the owner meets the above criteria. The name and contact information must be on file with the Director. The licensee must report any change in the emergency contact must be reported to the Director as soon as practicable.
12. Signs. The Licensed Premises must comply with the signage requirements in Article 13 of the Boulder County Land Use Code.
13. Posting of License. The licensee must provide a copy of the Short-Term Rental License or Vacation Rental License to immediately adjacent neighbors and post the license in a prominent location on the rental for both guests and neighbors to see.
14. Advertisement. All advertisements and listings of the Licensed Premises must include:
- a. The local license number;
 - b. The approved occupancy limit; and
 - c. The minimum night stay, if applicable.
15. Compliance with anti-discrimination laws. No licensee may discriminate against any guest or potential guest, because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, or source of income.

Section 7: Inspection

- A. By signing and submitting a license application, the owner of the Short-Term Rental or Vacation Rental certifies that the Applicant has received permission from the property owner to allow inspections as may be required under this Ordinance. The owners authorize the Director to enter upon and inspect the Licensed Premises. This section will not limit any inspection authorized under other provision of law or regulation. The Director will inspect the Short-Term Rental or Vacation Rental for compliance with the requirements of this Ordinance, the Land Use Code, and any applicable conditions of approval prior to the initial license and at each renewal. The owner further authorizes inspections in response to complaints of violations as further specified in Section 12.

Commented [RH13]: Please provide such an information sheet to the public before enacting this document.

Commented [RH14]: Please provide a copy of this sheet to the public before enacting this document.

Commented [RH15]: This item is listed twice.

Commented [RH16]: This must be considered by neighboring properties with easements, because it may interfere with their own escape routes.

Commented [RH17]: Please provide a copy of these Guidelines before enacting this document.

Commented [RH18]: Please have neighbors approve maps of boundaries before enacting this document.

Commented [RH19]: Need to check this Article.

Commented [RH20]: How will the County verify compliance with this non-discrimination requirement.

Commented [RH21]: The County must verify prior to licensing that any easements allow inspections.

Section 8: Decision and Appeal

- A. Decision. Once the Director has completed a review of the application, the Director must either issue a License or issue a denial letter that specifies the reasons for denial.
- B. Appeal. Within ten days of any decision by the Director, the Licensee may provide a written response by submitting a letter to the Director clearly stating its position. In response, the Director may make a final decision, request additional information or conduct additional investigation prior to issuing a final decision, or withdraw License. A final decision is appealable under Colorado Rule of Civil Procedure 106(a)(4). A Licensee may continue to operate during the pendency of an appeal. The Director may grant extensions of deadlines under this Article for good cause shown.

Section 9: Changes to an Issued License

- A. A licensee must submit any proposal to change an issued license under this Ordinance to the Director. The proposal may be subject to the requirements under Section 4, up to and including re-Application.

Section 10: Term of License or Permit; Renewal

- A. Term of License. Short-Term Rental Licenses and Vacation Rental Licenses will be valid for a period of two (2) years (the License Period). A License will expire on the expiration date if the licensee fails to submit a renewal Application prior to the expiration date of a License.
- B. Renewal of License. Before renewing a License, the Director must determine that all of the following requirements have been met:
 - 1. The Applicant has submitted an Application with all the requirements as outlined in Section 4 above, at least 45 days before the expiration of the License. If the applicant has not met all of the requirements 45 days before the expiration of the License, the application will be subject to the application fees for a new license.
 - 2. No violations of this Ordinance exist on the Licensed Premises. Renewal of any License is subject to the laws and regulations effective at the time of renewal, which may be different than the regulations in place when the Director issued the prior License.

Section 11: License Non-Transferrable

- A. No License granted pursuant to this Ordinance is transferable from one (1) person to another or from one (1) location to another. Any change of ownership of the Licensed Premises must be reported to the Director within 30 days of the transfer of ownership.

Section 12: Violations

- A. Each act in violation of this Ordinance is considered a separate offense. Each calendar day that a violation exists may also be considered a separate offense of this Ordinance.
- B. The Director is authorized to suspend or revoke a License and assess administrative penalties for any violation of this Ordinance.
- C. Determination of a Violation:
 - 1. The Director may investigate any complaints of violations of this Ordinance.
 - 2. If the Director discovers a violation of this Ordinance, the Director may charge the violator for the actual cost to the County of any follow-up inspections and testing to determine if the violation has been remedied.

Commented [RH22]: The County must provide this information, not only to the applicant but also to neighbors and the public. It must be provided with time for these other parties to comment and have their input considered. The license shall not be valid until this time limit has been passed and the decision reaffirmed. 30 days is a reasonable time to permit even possible distant property owner to reply. Ten days is much too soon.

Commented [RH23]: Any proposed changes must be sent to neighbors and the public, giving them sufficient time to respond.

Commented [RH24]: Two years is too long a time for a license to be valid. This should be 1 year. That will provide the landowner and the County more time to remedy violations.

3. When the Director has reasonable cause to believe that a violation of this Ordinance is likely to exist on a premises, and that entry onto the premises is necessary to verify the violation, the Director shall first make a reasonable effort to contact the property owner or local manager, and request consent to enter and inspect the premises. If the property owner or local manager cannot be contacted or if entry is refused, the Director may impose penalties or revoke the License.

E. Issuance of Notice of Violation:

1. If the Director determines that one or more violations of this Ordinance exists, notice of all applicable violations must be given to the property owner by U.S. Mail, first-class postage or via email a minimum of 30 days prior to the Director taking further action to impose penalties or to revoke the License.
2. If violations of this Ordinance have not been resolved, or satisfactory progress towards resolution has not been made within 30 days, the Director may impose an administrative fine, task law enforcement personnel with using the Penalty Assessment Procedure described in C.R.S. § 16-2-201 for violations of this Ordinance, or seek injunctive relief.
3. No enforcement action for a violation of this Ordinance will be taken more than one (1) calendar year after the date on which said violation occurred.

F. Penalties for Violations:

1. Minor Offenses:
 - a. First Offense during License Period: \$150 fine
 - b. Second Offense during License Period: \$500 fine
 - c. Third Offense during License Period: \$1,000 fine and one (1) year suspension of the License.
2. Major Offenses:
 - a. First Offense during License Period: \$750 fine
 - b. Second Offense during License Period: \$1,000 fine and one (1) year suspension of the License.

Commented [RH25]: This limitation seems unneeded. Some violations may take more than 1 year to remedy.

Commented [RH26]: Add that a suspension will require a new license application

Section 12: Fee Structure:

- A. Application Fee:
 - a. For Short-Term Rental Licenses: \$200
 - b. For Vacation Rental Licenses: \$800
- B. Renewal Fee:
 - a. For Short-Term Rental Licenses: \$150
 - b. For Vacation Rental Licenses: \$600

Commented [RH27]: These fees should represent the actual to the County of administering these licenses. For many rentals the fee is about the cost of one night's rental. That is too small to pay for the cost of administration.

Commented [RH28]: Renewal should cost the same as the original license because verifying compliance will take at least as much County staff time as the original application.

Section 13: Severability/Savings Clause

- A. If any provision of this Ordinance is found to be invalid by a court of competent jurisdiction, only the provision subject to the court decision must be repealed or amended. All other provisions must remain in full force and effect.

Section 14: Effective Date

- A. This Ordinance will be effective 30 days after publication following adoption on the second reading.

From: [Rosemary Donahue](#)
To: [Rodenburg, Jasmine](#)
Cc: [Grimm, Denise](#); [Fasick, Jessica](#)
Subject: September 10, 2020 meeting on Boulder County Proposal
Date: Sunday, September 13, 2020 11:09:30 AM

Jasmine

We are wanting to follow up with you and your team from the September 10, 2020 virtual meeting on the Proposal Docket DC-19-0005. We received several phone calls and emails afterwards with basically everyone commenting on the same.

We do not need more notes taken by your committee- we need honest, straightforward, transparent answers.

- 1) When did this proposal process begin and by whom? **“I think July 2019”**
- 2) What were the survey results from last fall? **“go to our webpage (webpage not given on the call)”**
When I reached out to Kristina to get on that email list for the survey and apparently have been removed as we heard nothing and did not know about the virtual meetings since. This seems discriminating.
- 3) Who and how are property owners being notified of this proposal? **“Let us know how you think would be the best way to notify all interested**

parties?” I responded that the honest, straightforward, and transparent way would be by using the property owner tax record that Boulder County collects property taxes from every year-Rosemary .

4) Who is on this committee and how were they chosen? How did you chose the 100 plus agencies you have notified of the proposal ?

“as an invested property owner in this industry we were not notified and want the names and representatives of all parties Boulder County has contacted to make decisions on our and others personal private property.” Rosemary

5) What is the real long term purpose and goals for these very restrictive, overreaching proposals?

6) Several property owners we have been in communication with have asked “What is the need for such a forced rushed process when there are so many in Boulder County that you know and we know will be so adversely affected –economically, emotionally, and mentally?

7) We also have heard a number of times about the layering of the different laws in the proposal that are already laws in the county. Why add to that in

this proposal?

- 8) What is the reasoning and motivation to limit ambitious and motivated people to one license especially when they pay property taxes on more than one property and are Seniors Citizens?

More feedback from the ones on the call are they request hearings, equal representation, honest, straightforward, transparent answers, and due process including proper notification of all unincorporated property owners in Boulder County.

We appreciate the phone call and look forward to your answers.

Brian and Rosemary Donahue, Boulder County
Property Owners

September 24, 2020

Boulder County – Community Planning & Permitting
P.O. Box 471
Boulder, CO 80306

Cc: Concerned property owners of Boulder County

Re: Public Comments requested for **Docket DC-19-0005: Short-Term Dwelling Rental and Bed and Breakfast Update**

To whom it may concern,

I am sending this letter of protest on behalf of myself and a likeminded group of other property owners in the mountainous parts of unincorporated Boulder County. This letter responds to the request for public comments by Boulder County's Community Planning & Permitting staff ("CPP") with respect to Docket DC-19-0005, which contains CPP's proposals for text amendments to Boulder County's Land Use Code and proposed licensure requirements for short-term rentals, vacation rentals, and other activity in unincorporated Boulder County. These proposals are referred to in this letter as "DC-19-0005."

The context for our opposition to DC-19-0005 is addressed at length below and is rooted in the following key principles:

1. Use of Residential Property as Living Space Is the Intended Use of Such Property
2. The Special Review/Public Hearing Process Should Be Eliminated
3. "A One Size Fits All" Approach is Improper for Unincorporated Boulder County
4. Vacation Rental Is a Historic Use of Property in Boulder County
5. The Stated Rationale for DC-19-0005 Is Invalid
6. Many Provisions in DC-19-0005 Are Arbitrary and Susceptible to Legal Challenge
7. Concerns with Vacation Rentals Can Better Be Addressed Without DC-19-0005

1. Use of Residential Property as Living Space Is the Intended Use of Such Property

Residential real estate is intended for use as living space by small groups of friends and family and for good reasons the use of residences as a place to sleep, eat and socialize by such groups generally is not monitored or regulated by government. The use of a residence as a residence, regardless of the individuals involved, cannot, per se, result in misuse of residential property. In taking the contrary position via DC-19-0005, the CPP believes that the County may interfere with the residential use of residential property on the basis of which particular individuals carry on residential activities within residences or their relationship to the landowner, or that certain residential activity within residences raises novel land use concerns that need to be addressed via regulation. The CPP's position cuts to very nature of the rights of property owners and the fundamental use of real property for its intended use, and thus we respectfully request delay of DC-19-0005 until the ramifications of the CPP's position becomes better understood. The CPP's erroneous position that it should judge and regulate residential use of a residence is connected to many of the other arguments against DC-19-0005 contained in this letter.

2. The Special Review/Public Hearing Process Should Be Eliminated

DC-19-0005 creates several categories of land use involving short-term and vacation rentals and requires, as a step precedent to seeking a license, that the property owner undertake a "Special Review" process, which generally means going through a 6-9 month public hearing process to obtain approvals from the County, the CPP staff and neighbors. On phone calls regarding DC-19-0005, the CPP staff has pointed out

that (a) the “Special Review” process currently is required for property owners seeking vacation rental licenses, and (b) that the “Special Review” process allows the CPP staff the opportunity to control the number of rental properties in the County subject to various standards that could not be articulated on the phone call. **In our view, the “Special Review” process represents the most objectionable part of DC-19-0005.** First, as outlined in Item 1 above, vacation rental activity represents residential use of residential property – thus it is no departure in kind, degree, or magnitude from the intended and lawful use of residences. Thus, the process of “Special Review” is altogether unnecessary when it comes to short-term or vacation rental activity. Instead, that process appears designed for situations where there is a proposed shift in the underlying nature of land use. If the “Special Review” process is currently codified as a vacation licensure requirement then the current rules should be changed as part of the CPP’s mandate instead of being relied upon by the CPP as an excuse to “double down” on a bizarre and objectionable policy. Second, it appears to us to be deeply improper for the “Special Review” process to be misused by County authorities or adjacent landowners as a way to restrict lawful use of property for its intended residential purposes. This introduces a level of arbitrariness into the process that is altogether unjustifiable. The County and adjacent landowners certainly should have a right to object if a residential property owner were to seek a variance to convert his/her property into a gas station or strip mine operation; but, neither group should have any right to interfere when a landowner invites guests onto the property to carry out its intended purpose of serving as a place where people sleep, eat and socialize. In addition, we note that nearly every other jurisdiction we are aware of that regulates vacation rentals has chosen to acknowledge this key principle and has imposed mere licensure requirements without any need for property owners to seek a land use variance or request permission from neighbors or government staff.

3. “A One Size Fits All” Approach is Improper for Unincorporated Boulder County

Through the phone calls organized by the CPP it has become clear that a driving force behind the drafting of DC-19-0005 are subdivision homeowners outraged at perceived over-use of their neighbors’ properties by short-term guests. A variety of smokescreen excuses have been proposed to lend validity to these individuals’ concerns that somehow residential use of a neighbor’s residence results in misuse: increased car traffic, a loud party, a parking hazard, etc.... As described elsewhere below, such concerns already are solved by public nuisance laws and are unworthy of being doubly solved via regulation of rental activity. Fundamentally, though, many or most concerns related to increased activity in subdivisions do not apply to less densely populated parts of Boulder County. Still, in a rush to speedily craft one set of ill-conceived rules for all of unincorporated Boulder County, the CPP is justifying its “one size fits all” approach on the grounds that use of property in the mountains and plains creates other concerns related to wildfire and wildlife, and that those concerns are similar enough to subdivision concerns to justify drafting one set of rules for all unincorporated parts of the County. We believe that the concerns and problems created by use of property in a subdivision are entirely different than any concerns and problems created by use of property in a rural area and must, as a matter of prudent public policy dictate different approaches instead of the single approach taken by the CPP in drafting DC-19-0005. Any attempt to differentiate between types of property in the current draft proposal fall woefully short. We encourage the CPP to abandon its current efforts to draft rules for all unincorporated parts of the County and instead to use a targeted approach to solve problems where they actually exist.

4. Vacation Rental is a Historic Use of Property in Boulder County

The history of vacation rental activity in the mountains of Boulder County goes back many generations and is tied intrinsically with proximity to Rocky Mountain National Park. Over four million tourists visit the Park annually and many or most travel to arrive there and require lodging. No property owner alive today in the mountainous parts of Boulder County, and particularly Allenspark, can claim that he or she acquired their property while unaware that vacation rental activity was ongoing and was a major use of property in the area. It is **absolutely disingenuous** for the CPP to take the position that new information has come to light, or that the proliferation of Airbnb and VRBO has changed the nature of vacation rental activity in the

mountains of Boulder County. Hundreds of landowners rent their property to hundreds of thousands of annual guests, in a cycle of supply and demand that the CPP appears to have ignored entirely in its drafting of DC-19-0005. Many property owners in the County have structured their property ownership or organized their economic lives and retirement on the opportunities presented by vacation rental. The grave concerns of personal bankruptcy, forced foreclosure, financial ruin and other hardship cause us to plead in unison that the County reject DC-19-0005 as drafted until the full impact on the community can be understood and better rules are drafted that **promote and encourage** flourishing historic vacation rental activity. We strongly believe that the harms of DC-19-0005 surely outweigh its intended benefits.

5. The Stated Rationale for DC-19-0005 Is Invalid

Based from the participation on group calls organized by the CPP, a driving impetus for DC-19-0005 appears to come from inappropriate sources: disgruntled property owners involved in neighborhood disputes. However, because the CPP has rationalized its proposals by citing several other concerns, we present those below, along with our thoughts on their lack of persuasiveness:

- a. **Shortage of Affordable Housing.** The CPP staff claim that they have drafted DC-19-0005 in an effort to cause a decline in real estate prices and to make housing more affordable, citing unidentified statistical studies of the impact of vacation rentals on home prices. However, based on our analysis, there are no conclusive studies on this subject, and the better understanding is that approximately 700 vacation rental properties in all of the unincorporated areas could not possibly have any meaningful impact on the affordability of housing stock. In addition to the futility of DC-19-0005 in addressing this concern, we also question (i) whether the lack of affordable housing is an issue for all unincorporated Boulder County (i.e., is it an issue only for places close to Boulder and Longmont?), (ii) whether it is acceptable for Boulder County to address the issue by seeking to drive down property values indirectly as opposed to directly solving the problem by constructing more low-income housing, and (iii) whether the County truly wants to go on the record in terms of supporting property devaluation. In our view, property values are high in Boulder County because it is a beautiful place to live and vacation rentals are not a meaningful part of the equation.
- b. **Character of the Neighborhood.** The CPP staff argue that rental activity should be curtailed because it changes the character of neighborhoods where the activity takes place. This argument ignores entirely the longstanding history of rental activity in Boulder County and the critical fact that renters' use of residences does not differ in any material way from the property-owners' use of those residences. The argument that government should attempt to use land use codes to alter the "character of the neighborhood" should set alarm bells ringing as it clearly is merely a construct used to conceal some ulterior motive and has often been used in the past to provide cover for all types of discriminatory policy aims.
- c. **Proliferation of Airbnb and VRBO.** Another claim by the CPP is that the rapid rise of Airbnb and VRBO have changed the nature of land use in unincorporated Boulder County in a manner that mandates government action. As noted above, this claim is absolutely disingenuous as it relates to many mountainous parts of the county where vacation rental has been a primary historic use of property. Moreover, we note that Airbnb and VRBO are merely platforms whereby landowners can alter the identity of the individuals making residential use of residential property – i.e., there is no change in the underlying use of homes as places where people sleep, eat and socialize – and therefore there is no need for the community to be alarmed by the rental of property on these websites. These companies are better viewed as partners of Boulder County than as antagonists.
- d. **Risk to Vacationers.** The CPP has justified many of the Licensure requirements in DC-19-0005 as being necessary to protect guests who are staying in short-term rental or vacation rental properties. While we interpret this concern as paternalistic and unnecessary in most instances, we are prepared to accept that the County may choose to impose a license fee and some safety

- measures or recommended best practices for property owners that host short-term or vacation rentals. A requirement for such property owners to carry a certain minimum insurance should suffice to address this concern. We reject the use of this process as an apparatus to impose stringent conditions or other policy goals, such as wildfire mitigation or construction upgrades. In our view and based on our reading of the vacation rental ordinances in other municipalities, the requirements in DC-19-0005 are overly restrictive and expensive and go far beyond the purported goal of ensuring safety for guests. Instead, the cost and restrictiveness of the licensure requirements seem to have the direct goal of preventing rental activity.
- e. Wildfire and Wildlife. The CPP has also claimed that regulations in rural mountainous areas are necessary because of the risk posed by out of town guests creating wildfires and disturbing wildlife. We note that hundreds of thousands, if not millions, of people visit Boulder County annually, and that many people move to the County for work or school each year. None of these people undergo any sort of training with wildfire risks or wild animals. Yet, the CPP points to approximately 700 rental properties in the County as a risk factor worthy of requiring government action! In the absence of any proof linking wildfire and wildlife risks with vacation rental activity, we respectfully submit that these are not valid concerns that should be addressed as part of this process.
 - f. Over-Use of Property. The CPP staff claim that vacation rental is problematic because residences become “over-used,” resulting in enhanced traffic issues, enhanced wildfire or wildlife incidents, and enhanced partying. But the opposite is actually the case, and those concerns would surely be magnified by converting seldom-used vacation rental properties into full-time owner-occupied residences. A home that is owner-occupied is resided in nearly 365 days per year, with the septic used daily, parties hosted frequently, lots of daily traffic and all sorts of other year-round activities and opportunities for wildfire risk and wildlife confrontation. By contrast, a property that is typically rented for 60-100 days annually for families vacationing in the mountains has far less usage. The CPP’s goal of mitigating wildfire and wildlife risks in rural areas is therefore directly at odds with its other stated goal of converting rental properties into owner-occupied residences. This underscores the absolute failure of DC-19-0005 in achieving any articulable policy goals.

To summarize, because the supposed rationales for DC-19-0005 appear to have no logical footing, we urge Boulder County to immediately suspend any further consideration of the proposal.

6. Many Provisions in DC-19-0005 Are Arbitrary and Susceptible to Legal Challenge

While many of the above concerns relate to the general unfairness and poor policy considerations behind DC-19-0005, we also point out the following specific provisions of the proposal that reek of arbitrariness and we suspect are constructed on shaky legal ground:

- a. Eight person maximum: The CPP staff’s rules would prevent more than 8 people from renting a home in the County. As the owner of a large 5 bedroom home in Allenspark where on many occasions I have gathered with 3 other adults and their 6 children, I shudder to consider that the CPP staff regards those gatherings as offensive and has drafted DC-19-0005 to outlaw similar gatherings. This provision appears to be low-hanging fruit susceptible to legal challenge and throws into question whether Boulder County believes it has the authority to bar property owners from hosting family reunions or even taking in foster children or relatives who have fallen on hard times. If the County’s goal is to prevent obnoxious parties from occurring in residences, then it has other authority at its means to address abusive situations.
- b. One license per individual/affiliated entity: DC-19-0005 allows an individual (together with any affiliates) to possess a vacation rental license for only a single property. This rule appears to be a blatant and arbitrary restraint on free trade and property use, and could be challenged on Constitutional or other legal grounds. As noted in Item 4 above, many property owners in the County have arranged their economic affairs so as to operate multiple vacation rental

- properties and rather than allow them a path to validly license their businesses with the County, DC-19-0005 forces them to consider either disregard of the rules or taking legal action. If the State and County do not restrict individuals from owning more than one mining operation, more than one oil refinery or more than one restaurant (or any other routine business) then how, possibly, could Boulder County seek to justify restricting ownership to one single vacation rental property – particularly in a County where vacation rental is a common historic land use dating back generations?
- c. Weddings: DC-19-0005 seeks to bar weddings from occurring on residential property. This is a particularly shameful provision, and the CPP staff appear to be cherry-picking from an arbitrary list of behaviors and events they deem acceptable. Simpler and sounder public policy is the default common sense and legal concept that any lawful behavior is allowed on residential property if it does not encroach on others' rights. And again, if the County's goal is to appeal to landowners whose neighbors host loud parties, then there are ample existing methods of dealing with such situations that fall short of proposing changes to the Land Use Code.
 - d. Cost of a License: DC-19-0005's maximum fee for a vacation rental license is \$800. This amount grossly exceeds the cost of licensure in other jurisdictions whose rules we have reviewed. Given the minimal impact of vacation rental activity on land use, smart public policy would be to mandate few licensure requirements and a nominal cost for such licenses.
 - e. 60 Day Threshold: In drafting DC-19-0005, the CPP staff have attempted to thread a needle by creating two separate categories of rental activity: "secondary accessory short-term rental" and "vacation rental," which are separated from each other primarily by which side of "60 Days" of annual rental activity they fall on. The first category will prove illusory for all practical purposes. The rental season in the mountains of Boulder County lasts for 90-120 days and few property owners engaging in the activity would seek to rent for fewer than 60 days per year. The 60-day threshold is arbitrary and unsuitable for Boulder County and the separation of rental activity into multiple categories also raises considerable questions of residency and how the rules could be administered from year to year. This reflects broader concerns with DC-19-0005 regarding poor drafting, over-complexity and over-regulation.

7. Concerns with Vacation Rentals Can Better Be Addressed Without DC-19-0005

Because vacation rental activity merely involves the use of residences by guests as a place to sleep, eat and socialize (i.e., residential activity), there is very clearly no novel or revolutionary change in the land use patterns in the County resulting from the activity that should give rise to calls for a restrictive regime like DC-19-0005. Assuming there is no influence present from lobbying groups such as the hotel industry, the likeliest actual concerns giving rise to a proposal like DC-19-0005 are (a) complaints from landowners about inconveniences experienced because of neighbors' use of adjoining residences, and (b) a desire by the County to collect fee revenue that has become more easily identifiable now that rental activity is being congregated into visible platforms like Airbnb and VRBO.

- (a) Complaints from landowners: As a preliminary matter, we point out that most of these complaints are meritless: no law prevents residential property owners from having large families reside at a residence, hosting events or inviting guests onto their property. Nevertheless, abusive situations do arise with land use and can be addressed easily using existing statutes. All that is needed is for County officials to cause public nuisance laws to be stringently enforced and to direct law enforcement to ticket parking violations, road hazards and loud parties occurring in unincorporated areas. Such enforcement will have the added benefit of targeting not only misuse of residential property by renters, but also by the landowners themselves. Put simply, concerns about loud parties is not sufficient grounds to create new rules that undermine the very nature of land use or thwart the historic vacation rental activity ongoing in the Boulder County mountains.
- (b) A revenue source. The County is undoubtedly interested in sharing from the economic benefits associated with vacation rental activity. In our view, the County should fall in line in this regard

with the preponderance of other regulating jurisdictions that have settled on reasonable, easy-to-follow licensure requirements. If the County were truly concerned about septic system updates, building code violations, wildfire risk, etc., then it would be better placed to address those issues broadly for the entire population via a separate effort. The County should license vacation rentals, if at all, by asking property owners to show proof of insurance and pay a nominal fee.

As set forth above, DC-19-0005 represents bad public policy on a number of levels – particularly owing to the deep threat it poses to land rights and land use, its detrimental effect on historic vacation rental activity in the mountains of Boulder County, and the “Special Review” process that presumes that individuals’ use of a residence for its intended purpose must somehow require government and community scrutiny. Therefore, with the utmost sincerity and deepest concern I respectfully request that any further action on DC-19-0005 be delayed indefinitely until a new proposal can be agreed upon by all impacted members of the community who should also have a direct right to participate in the drafting process.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Samuel A. Arieti', with a long horizontal flourish extending to the right.

Samuel A. Arieti, Allenspark

From: [Bruce Drogsvold](#)
To: [Rodenburg, Jasmine](#)
Subject: FW: Docket DC-19--0005: Short Term Dwelling Rentals
Date: Wednesday, September 30, 2020 3:31:38 PM

Hi Jasmine,

I am returning my feedback for the public comment section.

There were two boxes one of which needed to be checked on your memo from August 26th.

1. ☐ We have reviewed the proposal and have no conflicts
2. ☐ Letter is enclosed

I would like the second box checked stating that this letter is enclosed.

Please add this letter to the public comment section and tell me where I can find the public comment section? (Specific to this short term rental issue)

That's where I can read what the general public is saying...which is the most important place to understand what the public would like to see happen.

I participated in the City of Boulder "short term rental" process and I watched the Nederland "short term rental" process take place and I have googled a variety of other municipalities around the USA that have created laws addressing "short term rentals".

Apparently these proposed rules have been mostly copied from regulatory endeavors in other places.

Rural Boulder County housing needs are different than housing needs in Boulder, or Breckenridge, or Telluride.

Housing needs on Peak to Peak Highway and much of western Boulder County are very different from these kinds of municipalities.

That's said, it's nice not to reinvent the wheel.

Some feedback :

The Recitals Section, B, C, and D ought to be changed/updated to reflect the pros as well as the cons about short term rentals. They are too one-sided.

1. Short Term rentals enhance more of a "social fabric" experience to visitors.
2. Visitors get to stay in private homes.
3. Visitors are not limited to camping or staying in big resorts/hotels.
4. Short term rentals provide supplemental income to families.
5. There are many positive aspects to short term rentals...please add them.
6. Good rules are necessary

All in all, your proposed rules are pretty good.

About the Recitals Section -

Recital B states- "Studies and Reports have concluded that short- term rental of residential property creates adverse impacts to health, safety, and welfare of communities, including housing costs and depletion of residential housing opportunities for persons seeking fulltime accommodations.

This section was far more true for the City of Boulder than the mountains. 52% of Boulder housing is rental property. Everybody wants to live there.

Recital C states that short term rentals diminish neighborhood character - not necessarily true – especially when the neighborhood is wilderness

Recital D states that they preserve housing units for Boulder County residents by limiting visitor and tourism serving uses such as short term rentals – not necessarily a strong correlation on Peak to Peak highway and the mountains of Boulder County – Recital D is overstated in our case.

These housing issues are not so true for the mountains and rural areas of Boulder County.

It's a different kind of housing demand in the mountains, a demand much more related to tourists, vacationers, visitors.

I most appreciate that your proposed rules will allow property owners to do short term rentals without being considered by the county to be a primary residence.

I own a co-primary residence in the mountains

It's not a second home.

It's a co-primary residence...yes, there is such a thing.

Co-primary homes are more than just second homes.

I use my home in town and my home in the mountains equally.

I do not want to be disallowed from doing short term rentals because my property could be mis-labeled as a secondary residence.

That would be inaccurate and wrong.

Fire regulations are a good addition to your proposed rules.

Questions:

Section 6 : Licensee Operating Standards and Requirements –

6-12 – Signs. THE PROPOSED REQUIREMENTS INCLUDE #12 SIGNS.

6-12 says to go to ARTICLE 13 OF THE LAND USE CODE – I read Article 13- there is nothing about signs for sort term rentals in it. Where is the required sign for vacation rentals?

Article 13 Doesn't have anything.

6-13 – POSTING OF LICENSE – THIS REQUIREMENT ALSO REFERS TO ARTICLE 13 OF THE LAND USE CODE. – ::

Section 12: Fee Structure - \$800 for Vacation Rental License's seems very high and every two years it must be paid again.

Why not a reasonable occupancy tax like the City of Boulder uses instead? (Although City of Boulder occupancy tax is pretty high)

Otherwise Boulder County will depend on fining short term rental citizens for the money.

I'm curious why don't you have an occupancy tax. It's simple and pays for gov't expenses.

Do you plan to make your money by fining people?

That's not a positive approach.

Also exorbitant fees give the impression that Boulder County is circumvent the taxing restrictions imposed by Tabor to get around having to do a vote.

Extremely high fees are disingenuous, unfair, and have been used too much around the state.

Section 14: Effective Date – Please state an actual date instead of saying “30 DAYS AFTER PUBLICATION FOLLOWING ADOPTION ON THE SECOND READING.”

When will that be?

I don't think there will be a single homeowner that has any idea of when that date will occur.

Perhaps a ballpark idea.

I hope you can get these regulations right the first time around.

Remember we're in the middle of a pandemic.

Please go easy on us.

Thanks for your efforts,

Respectfully,

Bruce Drogsvold

November 12, 2020

Board of County Commissioners
1325 Pearl St, Third Floor
Boulder, CO 80302

Re: Public Comments requested for **Docket DC-19-0005: Short-Term Dwelling Rental and Bed and Breakfast Update and Licensing Ordinance 2020-1**

Commissioners:

I attended a meeting earlier today during which County Attorney Erica Rogers presented to you the Licensing Ordinance referred to above, and in response to which you had no questions or comments. The purpose of this letter is to lay out for you some very deep reservations concerning the Licensing Ordinance and Code Update (collectively, the “Proposal”) that are shared by many property owners in Unincorporated Boulder County. I petition you to consider the concerns listed below and ask that you deny any motion to adopt or approve the Proposal at the meeting scheduled for December 3rd or at any future date. For your reference I have attached a copy of my earlier letter which outlines additional grounds for protest.

From the onset, I would like to point out that there are much simpler and more appropriate ways for the County to address the issue of short term and vacation rentals. In lieu of the Proposal, I encourage the County to consider whether it would not be better policy instead to permit any property owner to register and become licensed upon showing proof of adequate insurance. Licensees could then be monitored and instances of abuse or serious complaint could then be addressed on a case-by-case basis. The Proposal as stands would effectively kill all vacation rental activity in the County, which appears to be its intention.

1. **Most property-owners will not be able to comply with these over-complex regulations.** There are several pages of lengthy, time consuming and expensive regulatory steps property owners must comply with. The timeframe for accomplishing many of the items, particularly given logistical constraints in the mountains, is well in excess of one year; whereas, the Planning Staff want to start enforcing these rules early in 2021. Many property owners have stated they would need to hire an attorney to navigate the list. It will simply be impossible for most people to organize all the steps necessary to comply. For example, the fire mitigation requirement alone requires elimination of more than 90% of trees and shrubs within a 100 foot radius of a home and most homeowners will be unable to easily accomplish that sort of physical work that can take over 100 hours. In general, because of the essentially harmless nature of rental activity (which does not differ from the homeowners’ use of the property) nearly all these requirements are absolutely unnecessary and appear specifically intended to eliminate rental activity altogether. I ask the Commissioners to consider whether it is in the interest of the County to publish regulations that create an almost impenetrable barrier to compliance.
2. **Penalties of up to \$1,000 per day for a perceived offense are extreme and unwarranted.** The penalty regime is excessive and unwarranted given that vacation rental activity presents no overt harm to the County commensurate with the penalties being proposed. The complexity of the regulations makes it inevitable that the penalties will be enforced arbitrarily.
3. **The Special Review/Public Hearing Process.** The Proposal requires most property-owners to go through a public hearing process as a pre-requirement for a license. This process can take up to a year and represents a further barrier to compliance. The Land Use Commission could be flooded with a backlog of hundreds of such requests, increasing the wait time. This process should altogether be

unnecessary given that vacation rental does not give rise to any land use alteration that would need to be reviewed by the Commission or the public.

4. **Only one license permitted per individual and affiliates.** How can the County defend such an extreme restriction on the number of rental properties? What other business in the County can only be carried out at a single location? This provision seems outrageous and allows zero pathway to compliance to anyone who owns multiple rental properties.
5. **Boulder County would become an outlier.** While many jurisdictions are beginning to impose licensure requirements on some vacation rental activity, none have gone to lengths set forth in the Proposal. While the Planning Staff have stated that their Proposal would place Boulder in the “median” in terms of restrictiveness, I respectfully request that the Commissioners use their own judgement and common sense to determine whether they believe that the Planning Staff is looking at this question objectively. I note in passing that Summit County and San Miguel County have no similar restrictions.
6. **Elimination of the historic seasonal activity in Unincorporated Boulder County.** Short term and vacation rental should be viewed differently based on where it occurs and in the mountains of Boulder County this activity has been conducted for generations in homes and historic cabins. The Proposal attacks and would eliminate this seasonal vacation activity, almost in the entirety, because it will be impossible for many people to comply with the burdensome and complex regulations. If anything similar to the Proposal is adopted, then exceptions must exist for properties located on the Peak-to-Peak and in the surrounding of Rocky Mountain National Park. The Commissioners should consider that very few fulltime residents live in this area – it is almost exclusively used seasonally by second home owners and vacationers. In drafting these rules, should not Boulder County take into consideration the historic use of property in these areas and take measures that protect this activity?
7. **Litigation hazard.** The Texas Supreme Court has stricken similar rules in that State because it found that residential use of property by renters was the same as residential use of property by owners and that there was no basis to impose major restrictions on rental use. In addition, because the Planning Staff have claimed that their primary objective in writing the Proposal was to cause a decline in property values by removing rental possibilities (thereby accomplishing the goal of creating affordable housing), the County lies exposed to claims by all property owners in the unincorporated areas that the government has intentionally diminished their property values. I would encourage the Commissioners to consider these concerns and start the drafting process from scratch with new planning staff so as to eliminate the potential legal liability associated with the current Proposal.
8. **Economic disaster for many.** Many residents and property owners in the unincorporated areas have structured their economic affairs and personal retirement strategy to take advantage of vacation activity in the mountains. To achieve questionable policy objectives, the Proposal will cause serious economic harm to many.
9. **Lack of good faith on the part of County Planning Staff.** Throughout the process of “educating” the public about the Proposal, the Planning Staff has intimated that they would listen to the public and address their concerns in the final draft regulations. However, they very clearly have made little to no effort to address the myriad concerns raised during all meetings calls, where the vast preponderance of the attendees have been individuals opposed to the Proposal. The Planning Staff have made numerous comments to attendees that demonstrate that the staff themselves are personally or politically opposed to vacation rental activity and that they view short term/vacation rentals as objectionable in nature. In addition, the staff have frequently made the comment that the Proposal is not offensive because it merely tweaks or modifies the current licensure regime, and that many complaining property owners simply do

not understand this nuance. This line of reasoning is a falsehood. Suffice it to say that many members of the public opposed to the Proposal are sophisticated individuals, including doctors, tax lawyers and real estate attorneys, and we are more than capable of reading complex regulations and deciphering that the Proposal is a radical departure from current regulations and seeks to undermine all rental activity.

10. **Opposition to the Proposal has no voice.** To further the point above, no voice or advocate opposed to the Proposal has been able to join the drafting process. Instead, we hear that the Planning Staff is working hand-in-hand in writing these rules with members of the public who are personally opposed to all rental activity. I petition the Commissioners to be the voice that many of us have lacked in this process and to question seriously the Proposal, the intentions therefore, and whether a less restrictive approach would be more appropriate.
11. **Discriminatory nature of the Proposal.** The Planning Staff have often noted that an evil of vacation rental they seek to remedy by eliminating the activity pursuant to the Proposal is to “preserve the character of neighborhoods.” What “character,” one may ask, are they seeking to preserve? In Allenspark, the unquestionable “character of the neighborhood” is one of seasonal vacation use, which the Proposal is seeking to alter by making it all but impossible to get a rental license. Since the Proposal clearly is intended to destroy, rather than preserve, the character of Allenspark, it seems clear that by using the term “preserve the character of the neighborhood,” the Planning Staff mean something else. As the demographic of vacationers in Boulder County has changed via online rental platforms, there has been an increase of urban and international travelers to the county, including ethnic minorities. The Planning Staff appear to working hand-in-hand with elements in the County that are opposed to these “outsiders” from visiting the County who differ from the more traditional demographic that has been vacationing in our mountains for generations. It is quite clear that the outcome of the Proposal would be to prevent all but the few and very wealthy from being able to stay in many parts of the County, unless we are to believe (as the Planning Staff appear to claim) that property devaluation in the mountains would cause an onrushing wave of low income residents comfortable living without cell phone reception and more than 30 minutes from job locations.
12. **Ability to rent is a fundamental land right.** In the haste to publish changes to the Land Use Code or to establish a licensing regime for vacation rentals, the Commissioners should not overlook the fact that a property owner’s right to rent their property is a fundamental right that goes with real property. That right is so fundamental that before major restrictions are imposed, those restrictions should be vetted carefully and should be limited only to those items absolutely necessary to carry out the limited objective of the regulating body. So I must ask the question: Is the objective of the Proposal to eliminate nearly all vacation rental activity in Unincorporated Boulder County, or is the objective merely to document the text amendments requested by the Board of County Commissioners on July 2, 2019? I respectfully submit to the Commissioners that the objective must clearly be the former, since it would be much easier, much less complex, much less controversial and much more efficient (from both an administration and enforcement perspective) to merely grant all interested property owners a license and then to address issues with offensive situations on an ad hoc basis.

If you are convinced by even one of the above concerns or lines of argument, I ask you to please choose not to move forward with authorizing the adoption of the Proposal and rather to authorize new Planning Staff to pursue any of the many more reasonable alternatives.

Best Regards,



Samuel A. Arieti, Allenspark

September 24, 2020

Boulder County – Community Planning & Permitting
P.O. Box 471
Boulder, CO 80306

Cc: Concerned property owners of Boulder County

Re: Public Comments requested for **Docket DC-19-0005: Short-Term Dwelling Rental and Bed and Breakfast Update**

To whom it may concern,

I am sending this letter of protest on behalf of myself and a likeminded group of other property owners in the mountainous parts of unincorporated Boulder County. This letter responds to the request for public comments by Boulder County's Community Planning & Permitting staff ("CPP") with respect to Docket DC-19-0005, which contains CPP's proposals for text amendments to Boulder County's Land Use Code and proposed licensure requirements for short-term rentals, vacation rentals, and other activity in unincorporated Boulder County. These proposals are referred to in this letter as "DC-19-0005."

The context for our opposition to DC-19-0005 is addressed at length below and is rooted in the following key principles:

1. Use of Residential Property as Living Space Is the Intended Use of Such Property
2. The Special Review/Public Hearing Process Should Be Eliminated
3. "A One Size Fits All" Approach is Improper for Unincorporated Boulder County
4. Vacation Rental Is a Historic Use of Property in Boulder County
5. The Stated Rationale for DC-19-0005 Is Invalid
6. Many Provisions in DC-19-0005 Are Arbitrary and Susceptible to Legal Challenge
7. Concerns with Vacation Rentals Can Better Be Addressed Without DC-19-0005

1. Use of Residential Property as Living Space Is the Intended Use of Such Property

Residential real estate is intended for use as living space by small groups of friends and family and for good reasons the use of residences as a place to sleep, eat and socialize by such groups generally is not monitored or regulated by government. The use of a residence as a residence, regardless of the individuals involved, cannot, per se, result in misuse of residential property. In taking the contrary position via DC-19-0005, the CPP believes that the County may interfere with the residential use of residential property on the basis of which particular individuals carry on residential activities within residences or their relationship to the landowner, or that certain residential activity within residences raises novel land use concerns that need to be addressed via regulation. The CPP's position cuts to very nature of the rights of property owners and the fundamental use of real property for its intended use, and thus we respectfully request delay of DC-19-0005 until the ramifications of the CPP's position becomes better understood. The CPP's erroneous position that it should judge and regulate residential use of a residence is connected to many of the other arguments against DC-19-0005 contained in this letter.

2. The Special Review/Public Hearing Process Should Be Eliminated

DC-19-0005 creates several categories of land use involving short-term and vacation rentals and requires, as a step precedent to seeking a license, that the property owner undertake a "Special Review" process, which generally means going through a 6-9 month public hearing process to obtain approvals from the County, the CPP staff and neighbors. On phone calls regarding DC-19-0005, the CPP staff has pointed out

that (a) the “Special Review” process currently is required for property owners seeking vacation rental licenses, and (b) that the “Special Review” process allows the CPP staff the opportunity to control the number of rental properties in the County subject to various standards that could not be articulated on the phone call. **In our view, the “Special Review” process represents the most objectionable part of DC-19-0005.** First, as outlined in Item 1 above, vacation rental activity represents residential use of residential property – thus it is no departure in kind, degree, or magnitude from the intended and lawful use of residences. Thus, the process of “Special Review” is altogether unnecessary when it comes to short-term or vacation rental activity. Instead, that process appears designed for situations where there is a proposed shift in the underlying nature of land use. If the “Special Review” process is currently codified as a vacation licensure requirement then the current rules should be changed as part of the CPP’s mandate instead of being relied upon by the CPP as an excuse to “double down” on a bizarre and objectionable policy. Second, it appears to us to be deeply improper for the “Special Review” process to be misused by County authorities or adjacent landowners as a way to restrict lawful use of property for its intended residential purposes. This introduces a level of arbitrariness into the process that is altogether unjustifiable. The County and adjacent landowners certainly should have a right to object if a residential property owner were to seek a variance to convert his/her property into a gas station or strip mine operation; but, neither group should have any right to interfere when a landowner invites guests onto the property to carry out its intended purpose of serving as a place where people sleep, eat and socialize. In addition, we note that nearly every other jurisdiction we are aware of that regulates vacation rentals has chosen to acknowledge this key principle and has imposed mere licensure requirements without any need for property owners to seek a land use variance or request permission from neighbors or government staff.

3. “A One Size Fits All” Approach is Improper for Unincorporated Boulder County

Through the phone calls organized by the CPP it has become clear that a driving force behind the drafting of DC-19-0005 are subdivision homeowners outraged at perceived over-use of their neighbors’ properties by short-term guests. A variety of smokescreen excuses have been proposed to lend validity to these individuals’ concerns that somehow residential use of a neighbor’s residence results in misuse: increased car traffic, a loud party, a parking hazard, etc.... As described elsewhere below, such concerns already are solved by public nuisance laws and are unworthy of being doubly solved via regulation of rental activity. Fundamentally, though, many or most concerns related to increased activity in subdivisions do not apply to less densely populated parts of Boulder County. Still, in a rush to speedily craft one set of ill-conceived rules for all of unincorporated Boulder County, the CPP is justifying its “one size fits all” approach on the grounds that use of property in the mountains and plains creates other concerns related to wildfire and wildlife, and that those concerns are similar enough to subdivision concerns to justify drafting one set of rules for all unincorporated parts of the County. We believe that the concerns and problems created by use of property in a subdivision are entirely different than any concerns and problems created by use of property in a rural area and must, as a matter of prudent public policy dictate different approaches instead of the single approach taken by the CPP in drafting DC-19-0005. Any attempt to differentiate between types of property in the current draft proposal fall woefully short. We encourage the CPP to abandon its current efforts to draft rules for all unincorporated parts of the County and instead to use a targeted approach to solve problems where they actually exist.

4. Vacation Rental is a Historic Use of Property in Boulder County

The history of vacation rental activity in the mountains of Boulder County goes back many generations and is tied intrinsically with proximity to Rocky Mountain National Park. Over four million tourists visit the Park annually and many or most travel to arrive there and require lodging. No property owner alive today in the mountainous parts of Boulder County, and particularly Allenspark, can claim that he or she acquired their property while unaware that vacation rental activity was ongoing and was a major use of property in the area. It is **absolutely disingenuous** for the CPP to take the position that new information has come to light, or that the proliferation of Airbnb and VRBO has changed the nature of vacation rental activity in the

mountains of Boulder County. Hundreds of landowners rent their property to hundreds of thousands of annual guests, in a cycle of supply and demand that the CPP appears to have ignored entirely in its drafting of DC-19-0005. Many property owners in the County have structured their property ownership or organized their economic lives and retirement on the opportunities presented by vacation rental. The grave concerns of personal bankruptcy, forced foreclosure, financial ruin and other hardship cause us to plead in unison that the County reject DC-19-0005 as drafted until the full impact on the community can be understood and better rules are drafted that **promote and encourage** flourishing historic vacation rental activity. We strongly believe that the harms of DC-19-0005 surely outweigh its intended benefits.

5. The Stated Rationale for DC-19-0005 Is Invalid

Based from the participation on group calls organized by the CPP, a driving impetus for DC-19-0005 appears to come from inappropriate sources: disgruntled property owners involved in neighborhood disputes. However, because the CPP has rationalized its proposals by citing several other concerns, we present those below, along with our thoughts on their lack of persuasiveness:

- a. **Shortage of Affordable Housing.** The CPP staff claim that they have drafted DC-19-0005 in an effort to cause a decline in real estate prices and to make housing more affordable, citing unidentified statistical studies of the impact of vacation rentals on home prices. However, based on our analysis, there are no conclusive studies on this subject, and the better understanding is that approximately 700 vacation rental properties in all of the unincorporated areas could not possibly have any meaningful impact on the affordability of housing stock. In addition to the futility of DC-19-0005 in addressing this concern, we also question (i) whether the lack of affordable housing is an issue for all unincorporated Boulder County (i.e., is it an issue only for places close to Boulder and Longmont?), (ii) whether it is acceptable for Boulder County to address the issue by seeking to drive down property values indirectly as opposed to directly solving the problem by constructing more low-income housing, and (iii) whether the County truly wants to go on the record in terms of supporting property devaluation. In our view, property values are high in Boulder County because it is a beautiful place to live and vacation rentals are not a meaningful part of the equation.
- b. **Character of the Neighborhood.** The CPP staff argue that rental activity should be curtailed because it changes the character of neighborhoods where the activity takes place. This argument ignores entirely the longstanding history of rental activity in Boulder County and the critical fact that renters' use of residences does not differ in any material way from the property-owners' use of those residences. The argument that government should attempt to use land use codes to alter the "character of the neighborhood" should set alarm bells ringing as it clearly is merely a construct used to conceal some ulterior motive and has often been used in the past to provide cover for all types of discriminatory policy aims.
- c. **Proliferation of Airbnb and VRBO.** Another claim by the CPP is that the rapid rise of Airbnb and VRBO have changed the nature of land use in unincorporated Boulder County in a manner that mandates government action. As noted above, this claim is absolutely disingenuous as it relates to many mountainous parts of the county where vacation rental has been a primary historic use of property. Moreover, we note that Airbnb and VRBO are merely platforms whereby landowners can alter the identity of the individuals making residential use of residential property – i.e., there is no change in the underlying use of homes as places where people sleep, eat and socialize – and therefore there is no need for the community to be alarmed by the rental of property on these websites. These companies are better viewed as partners of Boulder County than as antagonists.
- d. **Risk to Vacationers.** The CPP has justified many of the Licensure requirements in DC-19-0005 as being necessary to protect guests who are staying in short-term rental or vacation rental properties. While we interpret this concern as paternalistic and unnecessary in most instances, we are prepared to accept that the County may choose to impose a license fee and some safety

- measures or recommended best practices for property owners that host short-term or vacation rentals. A requirement for such property owners to carry a certain minimum insurance should suffice to address this concern. We reject the use of this process as an apparatus to impose stringent conditions or other policy goals, such as wildfire mitigation or construction upgrades. In our view and based on our reading of the vacation rental ordinances in other municipalities, the requirements in DC-19-0005 are overly restrictive and expensive and go far beyond the purported goal of ensuring safety for guests. Instead, the cost and restrictiveness of the licensure requirements seem to have the direct goal of preventing rental activity.
- e. Wildfire and Wildlife. The CPP has also claimed that regulations in rural mountainous areas are necessary because of the risk posed by out of town guests creating wildfires and disturbing wildlife. We note that hundreds of thousands, if not millions, of people visit Boulder County annually, and that many people move to the County for work or school each year. None of these people undergo any sort of training with wildfire risks or wild animals. Yet, the CPP points to approximately 700 rental properties in the County as a risk factor worthy of requiring government action! In the absence of any proof linking wildfire and wildlife risks with vacation rental activity, we respectfully submit that these are not valid concerns that should be addressed as part of this process.
 - f. Over-Use of Property. The CPP staff claim that vacation rental is problematic because residences become “over-used,” resulting in enhanced traffic issues, enhanced wildfire or wildlife incidents, and enhanced partying. But the opposite is actually the case, and those concerns would surely be magnified by converting seldom-used vacation rental properties into full-time owner-occupied residences. A home that is owner-occupied is resided in nearly 365 days per year, with the septic used daily, parties hosted frequently, lots of daily traffic and all sorts of other year-round activities and opportunities for wildfire risk and wildlife confrontation. By contrast, a property that is typically rented for 60-100 days annually for families vacationing in the mountains has far less usage. The CPP’s goal of mitigating wildfire and wildlife risks in rural areas is therefore directly at odds with its other stated goal of converting rental properties into owner-occupied residences. This underscores the absolute failure of DC-19-0005 in achieving any articulable policy goals.

To summarize, because the supposed rationales for DC-19-0005 appear to have no logical footing, we urge Boulder County to immediately suspend any further consideration of the proposal.

6. Many Provisions in DC-19-0005 Are Arbitrary and Susceptible to Legal Challenge

While many of the above concerns relate to the general unfairness and poor policy considerations behind DC-19-0005, we also point out the following specific provisions of the proposal that reek of arbitrariness and we suspect are constructed on shaky legal ground:

- a. Eight person maximum: The CPP staff’s rules would prevent more than 8 people from renting a home in the County. As the owner of a large 5 bedroom home in Allenspark where on many occasions I have gathered with 3 other adults and their 6 children, I shudder to consider that the CPP staff regards those gatherings as offensive and has drafted DC-19-0005 to outlaw similar gatherings. This provision appears to be low-hanging fruit susceptible to legal challenge and throws into question whether Boulder County believes it has the authority to bar property owners from hosting family reunions or even taking in foster children or relatives who have fallen on hard times. If the County’s goal is to prevent obnoxious parties from occurring in residences, then it has other authority at its means to address abusive situations.
- b. One license per individual/affiliated entity: DC-19-0005 allows an individual (together with any affiliates) to possess a vacation rental license for only a single property. This rule appears to be a blatant and arbitrary restraint on free trade and property use, and could be challenged on Constitutional or other legal grounds. As noted in Item 4 above, many property owners in the County have arranged their economic affairs so as to operate multiple vacation rental

- properties and rather than allow them a path to validly license their businesses with the County, DC-19-0005 forces them to consider either disregard of the rules or taking legal action. If the State and County do not restrict individuals from owning more than one mining operation, more than one oil refinery or more than one restaurant (or any other routine business) then how, possibly, could Boulder County seek to justify restricting ownership to one single vacation rental property – particularly in a County where vacation rental is a common historic land use dating back generations?
- c. Weddings: DC-19-0005 seeks to bar weddings from occurring on residential property. This is a particularly shameful provision, and the CPP staff appear to be cherry-picking from an arbitrary list of behaviors and events they deem acceptable. Simpler and sounder public policy is the default common sense and legal concept that any lawful behavior is allowed on residential property if it does not encroach on others' rights. And again, if the County's goal is to appeal to landowners whose neighbors host loud parties, then there are ample existing methods of dealing with such situations that fall short of proposing changes to the Land Use Code.
 - d. Cost of a License: DC-19-0005's maximum fee for a vacation rental license is \$800. This amount grossly exceeds the cost of licensure in other jurisdictions whose rules we have reviewed. Given the minimal impact of vacation rental activity on land use, smart public policy would be to mandate few licensure requirements and a nominal cost for such licenses.
 - e. 60 Day Threshold: In drafting DC-19-0005, the CPP staff have attempted to thread a needle by creating two separate categories of rental activity: "secondary accessory short-term rental" and "vacation rental," which are separated from each other primarily by which side of "60 Days" of annual rental activity they fall on. The first category will prove illusory for all practical purposes. The rental season in the mountains of Boulder County lasts for 90-120 days and few property owners engaging in the activity would seek to rent for fewer than 60 days per year. The 60-day threshold is arbitrary and unsuitable for Boulder County and the separation of rental activity into multiple categories also raises considerable questions of residency and how the rules could be administered from year to year. This reflects broader concerns with DC-19-0005 regarding poor drafting, over-complexity and over-regulation.

7. Concerns with Vacation Rentals Can Better Be Addressed Without DC-19-0005

Because vacation rental activity merely involves the use of residences by guests as a place to sleep, eat and socialize (i.e., residential activity), there is very clearly no novel or revolutionary change in the land use patterns in the County resulting from the activity that should give rise to calls for a restrictive regime like DC-19-0005. Assuming there is no influence present from lobbying groups such as the hotel industry, the likeliest actual concerns giving rise to a proposal like DC-19-0005 are (a) complaints from landowners about inconveniences experienced because of neighbors' use of adjoining residences, and (b) a desire by the County to collect fee revenue that has become more easily identifiable now that rental activity is being congregated into visible platforms like Airbnb and VRBO.

- (a) Complaints from landowners: As a preliminary matter, we point out that most of these complaints are meritless: no law prevents residential property owners from having large families reside at a residence, hosting events or inviting guests onto their property. Nevertheless, abusive situations do arise with land use and can be addressed easily using existing statutes. All that is needed is for County officials to cause public nuisance laws to be stringently enforced and to direct law enforcement to ticket parking violations, road hazards and loud parties occurring in unincorporated areas. Such enforcement will have the added benefit of targeting not only misuse of residential property by renters, but also by the landowners themselves. Put simply, concerns about loud parties is not sufficient grounds to create new rules that undermine the very nature of land use or thwart the historic vacation rental activity ongoing in the Boulder County mountains.
- (b) A revenue source. The County is undoubtedly interested in sharing from the economic benefits associated with vacation rental activity. In our view, the County should fall in line in this regard

with the preponderance of other regulating jurisdictions that have settled on reasonable, easy-to-follow licensure requirements. If the County were truly concerned about septic system updates, building code violations, wildfire risk, etc., then it would be better placed to address those issues broadly for the entire population via a separate effort. The County should license vacation rentals, if at all, by asking property owners to show proof of insurance and pay a nominal fee.

As set forth above, DC-19-0005 represents bad public policy on a number of levels – particularly owing to the deep threat it poses to land rights and land use, its detrimental effect on historic vacation rental activity in the mountains of Boulder County, and the “Special Review” process that presumes that individuals’ use of a residence for its intended purpose must somehow require government and community scrutiny. Therefore, with the utmost sincerity and deepest concern I respectfully request that any further action on DC-19-0005 be delayed indefinitely until a new proposal can be agreed upon by all impacted members of the community who should also have a direct right to participate in the drafting process.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Samuel A. Arieti', with a long horizontal flourish extending to the right.

Samuel A. Arieti, Allenspark

From: [Daryl Galloway](#)
To: [#LandUsePlanner](#)
Subject: Short-Term Dwelling rental & Bed & Breakfast Lodging
Date: Wednesday, October 7, 2020 1:49:13 PM

I strongly object to allowing and type rentals in the Pine View Estates area as past experience indicates renters have no respect for our road which we have to maintain ourselves.
Pine View Estates consists of Pinion and Ponderosa Way off Lazy Z Road, off Magnolia Drive.

From: [Kathy Sniffin](#)
To: [#LandUsePlanner](#)
Subject: DC-19-0005 proposal for meeting Oct. 21, 2020
Date: Tuesday, October 20, 2020 11:07:49 AM

To Whom It May Concern:

I received a postcard from Boulder County regarding proposal DC-19-0005 and short-term dwelling rental and bed and breakfast lodging.

Are you able to provide a list of those addresses requesting to be short term or B and B rentals?

In the recent few years, we have experienced, first hand, the effects of having short term rentals, as the house due south of ours currently rents its home and it's garage as separate dwellings to others. It is disconcerting at times to have unknown people with direct view and access of our yard, while we also are subject to unpredictable situations such as noise, parties, and currently, an ever-present smell of growing/smoking marijuana coming into our yard. Most of the tenants have been pleasant when we've had a chance to say hello over the fence, but still we have not had the opportunity to develop relationships with them as we would a permanent neighbor.

We have lived in this neighborhood since 1992, and we moved here for the rural setting, yet closeness to community and town. We appreciate the relationships we have developed with neighbors over the years. I wish there could be better solution to have some input into the conditions or behavior of tenants of rentals.

Thank you for your efforts.

Sincerely,
Kathy Sniffin
6206 Misty Way

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To: [#LandUsePlanner](#)
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Date: Tuesday, October 20, 2020 11:07:49 AM

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Thank you for your efforts.

Sincerely,
Kathy Sniffin
6206 Misty Way

From: [John Gaventa gmail](#)
To: [#LandUsePlanner](#)
Subject: DC-19-0005
Date: Sunday, October 18, 2020 1:09:59 PM

Dear Planners,

We have recently received notice of the proposed changes regarding Short-term Dwelling rental, DC-19-0005. We have several questions.

I own a rental property in a rural area for which we went through considerable expense to meet existing regulations in 2019, and received approval for rentals up to 100 nights a year.

- I see no information in the proposals to be presented to the Planning Commission for such properties. Will our previous approval be 'grandfathered' in?
- Will we have to go through this process every time we apply for a license and a renewal?
- We see a requirement to post the license on the property so it may be seen by others. In a rural area, this has big risks of showing people that it is a rental property, not regularly occupied, and therefore greater risks of vandalism. What is the purpose of this requirement?

I live overseas and my notices regarding this came very late. How can I make sure I receive any pertinent notices to this issue by this email?

Many thanks

John Gaventa

From: [Deborah Denser](#)
To: [Rodenburg, Jasmine](#); [Hippely, Hannah](#); [Ott, Jean](#)
Subject: FW: Short-term rental parties continue unchecked during pandemic
Date: Friday, October 16, 2020 9:50:22 AM

Good Morning,

I thought this might be interesting to you ladies with enforcement and how difficult it can be, especially with Covid.

*Good Luck,
Deborah Bates-Denser*

From: Christa Watson [mailto:christa@granicus.com]
Sent: Friday, October 16, 2020 9:36 AM
To: dbdenser@comcast.net
Subject: Short-term rental parties continue unchecked during pandemic

Hi Deborah,

While bars and restaurants across North America are closing – or remain closed – due to public health requirements, short-term vacation rental (STR) parties are in full swing. Bloomberg recently wrote about this situation, including how contact tracing has tracked positive COVID-19 cases back to these forbidden STR parties. Here's one resident's experience highlighted in the article:

"People were looking to escape from their own homes and came into our tiny neighborhood to party all day, every day," says Kristen Robinson Doe, a resident of a quiet suburban Dallas neighborhood... Doe watched in disbelief as strangers streamed through the gates [of a party pad] every weekend and danced until dawn, unmasked, inebriated — and in clear violation of social distancing protocols.

As you wrap up your week, learn more about what might be happening in your community this very weekend.

[Read the Bloomberg article here.](#)

If you'd like to learn more about the short-term rentals in your community, or how you can address these STR challenges, [please get in touch with us.](#)

Christa Watson

415-715-9280

A 408 St. Peter St., Suite 600, St. Paul MN 55102

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From: [Cheryl Craig](#)
To: [#LandUsePlanner](#)
Subject: Input for short-term rental consideration
Date: Tuesday, October 20, 2020 1:30:44 PM

I want to give you folks some firsthand feedback about our experiences owning a mountain property in Park County with an active VRBO next door. This property has only been a short-term rental for one year, but we have seen it impact our enjoyment of our property tremendously. We want to make sure that our home in Boulder County does not experience the same impact as it is very disruptive.

The Park County VRBO lists up to 10 adults. While the owners try to screen the renters, we have had two very unpleasant experiences and many more nuisance experiences. In the two unpleasant experiences, the groups were carrying on until midnight in one case and 1AM in the second. In the 1AM case, guys were screaming at the top of their lungs (drunk happy we think) at that time. The more numerous nuisance experiences are groups simply enjoying themselves outside. When you have a neighbor, people tend to respect each other's privacy and not every weekend is a "let's enjoy being outside, making lots of noise" experience. When people are on vacation, they tend to be outside more and be more noisy. Also, with a new renter every week, you never know what you are getting. The Park County VRBO owner is trying to make things work, but they are not nearby. We neighbors are the ones who have to "police" it. I would hate to see my Boulder County home experience this same disruption. All that being said, there certainly have been renters where we barely know they are there. I think most of the time these are a single family.

When I vacation, I do enjoy renting a VRBO over a hotel room, so I understand that people would want to be able to do so in Boulder County as well. I simply request that Boulder County help us to maintain the balance between people living 100% of the time in their homes being right next door to a new vacation neighbor every week. Homeowners need to be able to have a way to address when there are nuisance renters and recourse if a rental becomes an ongoing issue. Perhaps a VRBO could undergo an annual renewal with neighbors being given the opportunity to register documented, valid complaints so that the county could see if there were repeated problems with a particular rental?

Thank you for your consideration,
Cheryl Craig
5921 Niwot Rd
Niwot, CO 80503

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#12]
Date: Thursday, October 15, 2020 5:05:44 PM

Name *	Janace Cole
Email *	janace@comcast.net
Phone Number *	(303) 530-1772
Address *	<input type="checkbox"/> 6349 Waxwing Court Niwot, CO 80503 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	I am against short term rentals and Bed and Breakfast rentals in the area where I live. When I moved here several years ago, one of the attractions was that it was only homeowners who lived in the houses --- there were no short term rentals. We know who our neighbors are and what vehicles they drive. I do not want to see strangers moving in and out. And, rentals might increase traffic. They might change the character of the neighborhoods. Thank you.
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [John Gaventa gmail](#)
To: [#LandUsePlanner](#)
Subject: DC-19-0005
Date: Sunday, October 18, 2020 1:09:59 PM

Dear Planners,

We have recently received notice of the proposed changes regarding Short-term Dwelling rental, DC-19-0005. We have several questions.

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- I see no information in the proposals to be presented to the Planning Commission for such properties. Will our previous approval be 'grandfathered' in?
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I live overseas and my notices regarding this came very late. How can I make sure I receive any pertinent notices to this issue by this email?

Many thanks

John Gaventa

COMMENTS TO DRAFT BOULDER COUNTY SHORT-TERM RENTAL
REGULATIONS DATED AUGUST 26, 2020

Planning Commission Members:

Thank you for allowing this submission as you consider the land use impacts of the revised STR Regulations for all of unincorporated Boulder County.

The Land Use staff has done a great job soliciting public comment and graciously explaining the reasoning supporting the draft regulations. They should be commended for their hard work and outreach efforts.

I respond to the draft Regulations dated August 26, 2020. When staff was questioned about the reasons behind some particular regulations, their responses did not seem to fall within the public health, safety, and welfare requirements. As well, some of the draft regulations seem to be a solution in search of a problem.

For example:

1. Limits on Family Cabin Rentals. The regulations create two STR categories for rentals of single family dwellings that are primary residences: Secondary Accessory STR (SASTR) and Vacation Rentals. According to staff, SASTR category was created for family cabins and “well-used second homes” that “will not or should not be rented out frequently.” This is most likely correct; most cabins and second homes are well-loved and well-cared for by their owners. These owners tend to limit the rentals on their own to allow use by friends and family. Staff recognized this, but then went ahead and imposed strict rental limits on such cabin rentals. Not only did they propose a limit of only 60 nights rental, they also required a two-night minimum, which they stated would “lead to less turnover.” These strict requirements presuppose (without factual support) a problem: owners of family cabins rent their well-loved cabins as much as possible, which creates untenable land use impacts and must be curtailed. Staff did not provide any credible evidence to support any rental abuse by family cabin owners; their only rationale appears to be that the cabins “will not or should not be rented out frequently.” Staff also based the 60-day rental and 2-day minimum on the belief that these well-loved cabins are only seasonal and not built for year-round use, which arbitrarily ignores cabins that have been upgraded and modernized for safe year-round use, including septic systems, insulation, and fire mitigation.

I strongly suggest the Planning Commission staff to review the actual land use impacts of family cabin rentals, especially the 60-night limit. Absent evidence of rental abuse, perhaps a 120-night rental limit with a two-night minimum would be more realistic, reasonable, and based on facts.

Of note, 75% of the attendees at the September 17 open house had rental properties in the mountains.

2. STR License Fees: The differences in the license fees between the SASTR and Vacation Rental categories are remarkable. Owners who rent their cabin for 60 days pay \$150, but if they rent for 65 days, they fall into the Vacation Rental category and must pay \$800. Staff stated the high Vacation Rental fee is because Vacation Rentals “will likely have more enforcement costs and fees,” but it is difficult to understand how a well-loved 1,000 square foot cabin that sleeps four people and rents 65 nights a year requires as much enforcement as a 5,000 square foot house in eastern unincorporated Boulder County that sleeps 12 and rents 300 days a year. The significant difference in license fees seems totally arbitrary.

Perhaps basing STR license fees based on maximum advertised occupancy is more objective and rational. For example, the Grand County (including Winter Park) STR regulations base license fees on \$25.00 per occupant; if a property sleeps 10 people, the fee is \$250.00.

Remarkably, staff somehow ties the license fees to the cost of the average nightly short-term rental in Boulder County, which they calculated was \$172.00 per night. It is uncertain how the average nightly rental rate bears any connection to enforcement costs.

As well, in proposing an \$800 license fee, staff appears to be most concerned with having sufficient resources to pay for enforcement costs, which was mentioned several times at the September 17 open house. Staff suggested they may use a third party, such as Host Compliance, to monitor listings on internet vacation rental sites in an effort to find non-compliance by Boulder County rental owners. Although this may be reasonable, the fact that staff failed to provide any information about STR abuses, including any examples of non-compliance, the locations of “party houses,” and the neighborhoods where investors allegedly own homes that are used solely as STRs, raises concerns of overreaching and solutions in search of problem.

3. Due Process Concern. The draft regulations state in Section 7.A: "This section will not limit any inspection authorized under other provision of law or regulation." This statement seems to violate due process principles. Apparently, an owner who consents to the defined short-term rental inspection consents to any and all undefined and unrelated inspections under any other undefined law or regulation, with notice of the requirements of these laws or regulations. As well, this provision conflicts with the first sentence in Section 7.A, which states inspections are limited to those "as may be required under this ordinance."
4. Thank you for the opportunity to address my concerns with the proposed Boulder County Short-Term Rental Regulations.

ILONA DOTERRER (ild17@comcast.net).

From: [Deborah Denser](#)
To: [Rodenburg, Jasmine](#); [Hippely, Hannah](#); [Ott, Jean](#)
Subject: FW: Short-term rental parties continue unchecked during pandemic
Date: Friday, October 16, 2020 9:50:22 AM

Good Morning,

I thought this might be interesting to you ladies with enforcement and how difficult it can be, especially with Covid.

*Good Luck,
Deborah Bates-Denser*

From: Christa Watson [mailto:christa@granicus.com]
Sent: Friday, October 16, 2020 9:36 AM
To: dbdenser@comcast.net
Subject: Short-term rental parties continue unchecked during pandemic

Hi Deborah,

While bars and restaurants across North America are closing – or remain closed – due to public health requirements, short-term vacation rental (STR) parties are in full swing. Bloomberg recently wrote about this situation, including how contact tracing has tracked positive COVID-19 cases back to these forbidden STR parties. Here's one resident's experience highlighted in the article:

"People were looking to escape from their own homes and came into our tiny neighborhood to party all day, every day," says Kristen Robinson Doe, a resident of a quiet suburban Dallas neighborhood... Doe watched in disbelief as strangers streamed through the gates [of a party pad] every weekend and danced until dawn, unmasked, inebriated — and in clear violation of social distancing protocols.

As you wrap up your week, learn more about what might be happening in your community this very weekend.

[Read the Bloomberg article here.](#)

If you'd like to learn more about the short-term rentals in your community, or how you can address these STR challenges, [please get in touch with us.](#)

Christa Watson

415-715-9280

A 408 St. Peter St., Suite 600, St. Paul MN 55102

Granicus-white-600.png



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[Manage the emails you get from us](#)

From: [Richard Harris](#)
To: [Rodenburg, Jasmine](#)
Subject: Harris remarks to Planning Commission
Date: Friday, October 23, 2020 11:21:21 AM
Attachments: [Remarks \(only\) to Boulder County Planning Commission.docx](#)

Dear Jasmine,

At the conclusion of the Planning Commission meeting, I roughly recall you summarized some things from the public.

One of those that you mentioned early was that the County would not deal with easements, an issue brought up by my out of town neighbor. I have long since abandoned this argument because I recall you told me, in the opinions of higher-ups it would not be considered.

You did not mention my remarks a couple of speakers' Transportation Standards that apply to residential driveways. In your summary you did not mention that concern. I worry that somehow you conflated that argument with the easement one. That is not the case.

Elsewhere in the draft you emphasize that to get a license a property will be inspected to ensure that it meets the same code requirements as when it was built. But strangely the portion of those requirements related to driveways/roads has been omitted — even though they are very important safety considerations in Allenspark where many parcels are large and driveways are sometimes more than a mile long. They may also be very steep.

To make clear what I addressed I have attached the text of my remarks.

I also mentioned that the Waiver provision should be accompanied by release of a draft license to the public before it is official.

I hope you will read my remarks and respond to the issues I raised.

Many thanks.

Dick Harris
(303) 499-1551

From: [Cheryl Craig](#)
To: [#LandUsePlanner](#)
Subject: Input for short-term rental consideration
Date: Tuesday, October 20, 2020 1:30:44 PM

I want to give you folks some firsthand feedback about our experiences owning a mountain property in Park County with an active VRBO next door. This property has only been a short-term rental for one year, but we have seen it impact our enjoyment of our property tremendously. We want to make sure that our home in Boulder County does not experience the same impact as it is very disruptive.

The Park County VRBO lists up to 10 adults. While the owners try to screen the renters, we have had two very unpleasant experiences and many more nuisance experiences. In the two unpleasant experiences, the groups were carrying on until midnight in one case and 1AM in the second. In the 1AM case, guys were screaming at the top of their lungs (drunk happy we think) at that time. The more numerous nuisance experiences are groups simply enjoying themselves outside. When you have a neighbor, people tend to respect each other's privacy and not every weekend is a "let's enjoy being outside, making lots of noise" experience. When people are on vacation, they tend to be outside more and be more noisy. Also, with a new renter every week, you never know what you are getting. The Park County VRBO owner is trying to make things work, but they are not nearby. We neighbors are the ones who have to "police" it. I would hate to see my Boulder County home experience this same disruption. All that being said, there certainly have been renters where we barely know they are there. I think most of the time these are a single family.

When I vacation, I do enjoy renting a VRBO over a hotel room, so I understand that people would want to be able to do so in Boulder County as well. I simply request that Boulder County help us to maintain the balance between people living 100% of the time in their homes being right next door to a new vacation neighbor every week. Homeowners need to be able to have a way to address when there are nuisance renters and recourse if a rental becomes an ongoing issue. Perhaps a VRBO could undergo an annual renewal with neighbors being given the opportunity to register documented, valid complaints so that the county could see if there were repeated problems with a particular rental?

Thank you for your consideration,
Cheryl Craig
5921 Niwot Rd
Niwot, CO 80503



Community Planning & Permitting (CPP)

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930

Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Jasmine Rodenburg, Senior Planner and
Jean (Raini) Ott, Planner II
DATE: August 26, 2020
RE: Docket DC-19-0005

Docket DC-19-0005: Short-Term Dwelling Rental and Bed and Breakfast Update

Request: Text amendments to the Boulder County Land Use Code related to the Short-Term Dwelling Rental and Bed and Breakfast Lodging Uses.

Dear Referral Agency/Stakeholder/Interested Party,

On July 2, 2019, the Board of County Commissioners (BOCC) authorized Community Planning & Permitting staff to pursue text amendments to the Short-Term Dwelling Rental and Bed and Breakfast provisions in Article 4-507 of the of the Boulder County Land Use Code ("the Code").

The existing use provisions for Short-Term Dwelling Rentals (STRs) were created in 2008 as part of DC-07-002. These existing provisions need an update considering current development, housing availability, and economic conditions in the county and with an eye towards evolving best planning and land use regulation practices regarding STRs. In addition, staff has heard consistent input from county residents that the existing regulations do not adequately address the impacts of STRs. As a result, Staff proposes the attached Text Amendments for the Bed and Breakfast and Short-Term Dwelling Rental uses. Staff is simultaneously working on licensing regulations for STRs that will work in concert with the proposed text amendments.

Summary of Proposed Changes:

- Clarify the distinction in the Land Use Code among Bed and Breakfast, Short-Term Rental, and Vacation Rental uses:
 - Bed and Breakfast: A principal lodging use where a facility is rented to one or more guest parties at a time, the owner or manager resides on-site during rental periods, and at least one meal per day is served to guests.
 - Vacation Rental: A principal lodging use where a single-family dwelling is not owner-occupied and is rented to one guest party at a time more than 60 nights per year.
 - Short-Term Rental: An accessory residential use where a single-family dwelling is owner-occupied or is rented to one guest party at a time 60 nights or fewer per year.
- Introduce a Short-Term Rental and Vacation Rental licensing program through the adoption of a Licensing Ordinance that coordinates with the proposed Land Use Code text amendments.

Attachments:

- **Attachment A:** Flow Chart Summary of Article 4 Text Amendments
- **Attachment B:** Draft Text Amendments to Article 4 of the Land Use Code (excerpts of existing Code language included)
- **Attachment C:** Draft Short-Term Rental and Vacation Rental Licensing Ordinance

The draft Text Amendments and associated Licensing Ordinance are being referred to agencies and members of the public to garner feedback. Staff will make necessary changes to the drafts before they are recommended for adoption through the public hearing process.

You may also view the proposed draft text amendments and future revisions online at:

<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-19-0005/>

The docket review process for the proposed Text Amendments to Article 4 of the Land Use Code will include a public hearing before the Boulder County Planning Commission and the Boulder County Board of County Commissioners. Public comment will be taken at both hearings. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

The review process for the proposed Licensing Ordinance will include a first reading at a public meeting before the Boulder County Board of County Commissioners and a second reading at a public hearing before the Boulder County Board of County Commissioners. Public comment will be taken at the second reading. Confirmation of the public meeting and public hearing dates and times will be published online at the link above and in local newspapers.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.org. All comments will be made part of the public record. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.org to request more information. If you have any questions regarding these drafts, please contact me at 720-564-2271 or jott@bouldercounty.org.

Please return responses by **September 30, 2020.**

Please note that due to circumstances surrounding COVID-19, application timelines and deadlines may need to be modified as explained in the CPP Notice of Emergency Actions issued March 23, 2020 (see <https://boco.org/covid-19-cpp-notice-20200323>).

☐ We have reviewed the proposal and have no conflicts.

☒ Letter is enclosed.

Signed  PRINTED Name Kyle Gruber
Agency or Address 1485 S Boulder Rd Boulder, CO 80303

Please note that all Community Planning & Permitting Department property owner's mailing lists and parcel maps are generated from the records maintained by the County Assessor and Treasurer Office. We are required to use this list to send notices to the "property owner" of land in Boulder County. If you feel that you should not be considered a "property owner," or if the mailing address used is incorrect, please contact the County Assessor's Office at (303) 441-3530.

Kyle Gibson

6988 S Boulder Rd.
Boulder, CO 80303
(720)339-6062

5th October 2020

Dear Boulder County Commissioners,

I recently received a short term rental permit for our property. I had gone through an extensively long and expensive process to get this transferable permit. I was told throughout the entire process that the permit would transfer with the property to the new owner upon the sale of the property. This was a huge determining factor in the amount of time and money I had invested in getting this permit. Furthermore, I do feel it is an overstep of the county to decide that in order for a property to be determined as a principal residence it would need to be rented less than 20 days per month. Many residents do travel for work or leisure for more than 20 days per month. Particularly during summer months for young families, professors or seasonal workers and vice versa for perhaps retirees or other seasonal workers. Many people save up their vacation time so they can have an extended time away. This again was not the case when I applied just recently for my permit. I was never expected to rent 20 days or less per month. I do not feel this is a fair way to decide on a property being a principal resident. This is not consistent in other ways residency is determined. Most commonly residency is determined by where you pay your state and federal taxes.

I started the process in August/September of 2019. With my first meeting on 10/28/2019. I was finally able to get a finalized permit in June 2020 but I was also told at that time we could not rent until the COVID 19 restrictions were lifted, understandably. During this time we had never been given notification that the process would be changing. I actually received this notice asking for a response by September 30, 2020 on October 2, 2020 by email.

My life was literally turned upside down during this process of approval and my fate of being allowed to have a short term rental was left in the hands of one person's opinion. The process was not consistent with other permitting reviews for Boulder County or with other areas that have had success with short term rentals in their community.

Having short term rentals, vacation rentals and other options for people not only offers an opportunity to bring community within our community but also

allows businesses to thrive from new visitors, contractors, and families. People come from all over the world to enjoy state of the art dining, hiking, educational resources and so much more. Parents need a place their family can stay comfortably while coming to support their CU student during events and transitions. Other people come to conferences and lengthy events within our community that require a place to stay. People come to community races, festivals and other events. Being diverse in our community extends beyond just long term housing. People need options not only prior to COVID19 but especially during COVID19 for the short term stays in our community. Supporting local businesses is more than just supporting the retail and dining venues in our community. It is supporting the residents as well. I also find great value in staying in Vacation rentals and airbnb's. It allows me to be part of the community and allows me to eat and take care of my body during travel in ways I can not in a hotel.

I am a long time resident of Boulder. My parents, sibling and grandparents are long time residents of Boulder. I want to stay and keep my ties in our community. I also want to broaden my families horizons. By allowing me to offer my place as a short term rental for others to experience our community it is also allowing me the flexibility to visit other areas. My short term rental offers food recommendations, farmers markets, shopping ideas as well as supports cleaners and contractors in our area. The county also receives additional tax revenue.

I urge you to consider allowing short term rentals and allow it with a reasonable process. The city of Boulder has seen success with allowing short term rentals with a simple application and fee. I also urge you to grandfather in or continue allowing the rentals to be transferable with properties like in Hawaii. I urge the county to respect the owners and their guests the ability to rent beyond 20 days per month, I also urge you to respect the owners and guest privacy as you would with a long term rental, owner of a property or anyone else in our community. I don't believe the county should be allowed special rules that allow the county to disrupt the peace and enjoyment or privacy of property that is listed as a short term rental or vacation rental. I urge you to look to areas that have had success with short term rentals and how it has hugely impacted their communities and residents in a positive way. Of course negative situations can be found with short term rentals but negativity can be found with any type of change or rental.

Sincerely,

Kyle Gibson

My name is Bobby Rothschild. 6620 Finley Pl #301 Boulder, CO
My partner and I are in the process of building a home at 689 Sugarloaf Mtn Rd.

I'd like to address the Short-Term Dwelling Rental Licensing Ordinance.

My motivation for speaking today is that I'm moving into the Sugarloaf housing development at a time when the conditions of climate change, drought and high temperatures, are obvious and raging in the fires consuming Colorado. Climate Change is changing the future of fires and so we need your strong ordinance regarding short-term rentals now.

To begin with, *anyone* can accidentally start a fire.

Though they are classified by the EPA as natural disasters, only 10 to 15 percent of wildfires occur on their own in nature. The other 85 to 90 percent result from human causes.

So what can we do? To start, we should be doing everything that experts tell us to do. And that's where the Wildfire Mitigation team informs residents about exactly what we need to do. If it was up to me, every mountain property would be required to pass a Wildfire Mitigation certification as soon as possible.

I want to say that I endorse the extensive reach of the ordinance and I strongly approve of almost all of it in its entirety. I'd like to comment on several sections.

- I want to start by saying that I think that the inclusion of Wildfire Partners Assessment Certification is the most important part of the proposed ordinance. There should be no stone left unturned by a host regarding the wildfire safety on their property.
- The majority of rentals are most likely during the Wildfire season, so I would propose that the committee consider reducing the number of rentable days to the lowest possible number. For example, I would endorse no more than 90 days total per year.
- Short-term rentals are infamous for the paying guests opening the rental house to additional guests. And then there's the hosts who count their office, basement, and the walk-in closet as bedrooms. So the host is also effectively adding guests. An overcrowded house dramatically increases the risks of a wildfire accident. For these reasons, I endorse the Occupancy Limits set at two adults per legal conforming guest room with a maximum of eight.

I'll end by saying that ultimately a short-term rental host has no control over what happens during a rental, nor any control over how many people will actually stay on the property. It troubles me that rental guests come to vacation and thus are in an altogether different state of mind where they're not likely to be vigilant of the risks of fire.

I'll say it again; *anyone* can accidentally start a fire. Thank you.

From: [Cheryl Craig](#)
To: [Rodenburg, Jasmine](#)
Cc: [Ott, Jean](#)
Subject: Re: Input for short-term rental consideration
Date: Tuesday, October 20, 2020 5:10:55 PM

Jasmine-

Thank you for your reply. I believe that if Park County were to adopt these guidelines some, but not all of our problems would be resolved. While 8 guests is a good limitation, I believe some of our bad experiences were with groups that size or smaller.

I took a quick pass through the draft proposal, and a couple of items that I didn't see which might help are:

Minimum age for primary renter? (it's amazing at how noisy a small group of college aged people can get)

Is the local management contact provided to the neighbors? While directly adjacent neighbors are most impacted, from our experience, even neighbors a couple of lots away have heard the problem gatherings (and these are 2 acre plus lots). If the management company's contact is provided to neighbors, I would suggest a larger distribution than just immediate neighbors. Is the management company on call 24 hours a day as some problems occur much later?

I will try to find some time to read through the draft regulations carefully. I just found out about this today, so I'm catching up.

Thanks,
Cheryl

On Tuesday, October 20, 2020, 4:24:26 PM MDT, Rodenburg, Jasmine
<jrodenburg@bouldercounty.org> wrote:

Good Afternoon, Cheryl –

Thank you for submitting your comments for docket DC-19-0005: Proposed Boulder County Text Amendments related to Short-Term Dwelling Rentals and Bed & Breakfast uses. We have added your comment to the public record for consideration by staff, the Boulder County Planning Commission, and the Boulder County Board of County Commissioners.

We appreciate hearing your story and insight. I encourage you to check out the draft regulations at www.boco.org/dc-19-0005. The Licensing Ordinance has a few provisions that might interest you including: an 8 person maximum, a local management contact who must be able to respond to the property in person in one hour to manage issues, information sheets that outline good neighbor guidelines (including noise limitations), and more enforcement mechanisms (active enforcement, fines). In the Text Amendments you will find that we are proposing to limit how people can rent out secondary dwellings (where it is not the owners primary residence).

In our draft we did work to strike a balance. I encourage you to take a look and provide any additional

feedback you might have. We have a Boulder County Planning Commission hearing tomorrow (you can find details on the webpage for how to sign-up to participate) and there will be another public hearing in front of the Board of County Commissioners. So there is more time to provide input.

Our regulations are currently a draft as we have not yet received approval through the public hearing processes.

Please feel free to reach out to me directly with any other questions/comments/concerns! I am one of the principal planners working on this docket.

Kindly,

Jasmine

Jasmine Rodenburg

Senior Planner – Oil/Gas and Environmental Policy

Boulder County Community Planning & Permitting Department *(formerly Land Use and Transportation)* – [We've become a new department!](#)

Direct: 303-441-1735

Main: 303-441-3930

www.bouldercounty.org

Staff is focused on fire response and many have been redeployed to other roles. Our response may be delayed. Thank you for your patience

PLEASE NOTE: In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at www.boco.org/cpp for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. ***Thank you for your adaptability and understanding in this extraordinary time!***

From: Cheryl Craig <cacraig10@yahoo.com>

Sent: Tuesday, October 20, 2020 1:31 PM

To: #LandUsePlanner <Planner@bouldercounty.org>
Subject: Input for short-term rental consideration

I want to give you folks some firsthand feedback about our experiences owning a mountain property in Park County with an active VRBO next door. This property has only been a short-term rental for one year, but we have seen it impact our enjoyment of our property tremendously. We want to make sure that our home in Boulder County does not experience the same impact as it is very disruptive.

The Park County VRBO lists up to 10 adults. While the owners try to screen the renters, we have had two very unpleasant experiences and many more nuisance experiences. In the two unpleasant experiences, the groups were carrying on until midnight in one case and 1AM in the second. In the 1AM case, guys were screaming at the top of their lungs (drunk happy we think) at that time. The more numerous nuisance experiences are groups simply enjoying themselves outside. When you have a neighbor, people tend to respect each other's privacy and not every weekend is a "let's enjoy being outside, making lots of noise" experience. When people are on vacation, they tend to be outside more and be more noisy. Also, with a new renter every week, you never know what you are getting. The Park County VRBO owner is trying to make things work, but they are not nearby. We neighbors are the ones who have to "police" it. I would hate to see my Boulder County home experience this same disruption. All that being said, there certainly have been renters where we barely know they are there. I think most of the time these are a single family.

When I vacation, I do enjoy renting a VRBO over a hotel room, so I understand that people would want to be able to do so in Boulder County as well. I simply request that Boulder County help us to maintain the balance between people living 100% of the time in their homes being right next door to a new vacation neighbor every week. Homeowners need to be able to have a way to address when there are nuisance renters and recourse if a rental becomes an ongoing issue. Perhaps a VRBO could undergo an annual renewal with neighbors being given the opportunity to register documented, valid complaints so that the county could see if there were repeated problems with a particular rental?

Thank you for your consideration,

Cheryl Craig

5921 Niwot Rd

Niwot, CO 80503

Remarks to Boulder County Planning Commission
October 21, 2020

R. E. Harris. Mailing address: 2645 Briarwood Drive, Boulder, CO. 80305

I am Dick Harris. I own property at 17663 Highway 7, in Allenspark. My neighbors and I share a private road that bisects my property, and they rent their cabin using worldwide digital advertising with Airbnb. I am well acquainted with the problems caused by short term rentals.

I have attended most of the meetings held by staff as they have drafted the code before you. They demonstrate good knowledge of the impact from short term rentals and have made major improvements compared with the present code.

But there are very serious problems yet to be fixed.

Much of the draft code has to do with safety. I quickly counted 10 items (but note that allowing any fires is a terrible mistake).

The code requires adequate parking but only generally states a requirement for undefined “satisfactory” vehicle access. Why this is the case is mysterious.

Boulder County has Multimodal Transportation Standards that clearly require access roads to be 12 feet wide plus a shoulder. For emergency vehicles a turn-out lane is required every 400 feet. A grade of 12% is the maximum and is important especially in the mountains. These requirements must be explicitly stated in the new code, and compliance verified when a license is awarded.

Why do we need these requirements? We have fires and large emergency vehicles must be able to access the site. Rentals are a particularly dangerous situation as the clients may be unfamiliar with fire precautions necessary in the mountains. Moreover our altitude may cause serious emergency health problems for visitors who want to look at our beautiful scenery but come from lower elevations and may not be in good physical condition.

If a license is issued or renewed County staff must be required to inspect the access roads to ensure that they meet these mandatory Multimodal Transportation Standards.

It is a wonderful improvement to have public reviews of rental licenses, but allowing waivers by Director offers too much leeway. Reasoning and decisions must be in writing, published, and distributed to nearby neighbors and the public. Because many residents live elsewhere, extra time will be required to mail notices to them. At least a month should be required.

As this new code is implemented present licenses must be replaced quickly, especially for safety-related matters. “Grandfathering” old licenses must be absolutely forbidden.

The bottom line is that we don’t want to welcome our visitors to dangerous situations either to themselves or to those of us who live here.

From: tyler_alpern@yahoo.com
To: [#LandUsePlanner](#)
Subject: Short term Dweeling rental
Date: Tuesday, October 6, 2020 10:08:32 AM

I received a postcard inviting me to comment on the Lodging Amendments being considered.

Rural residential neighborhoods and not hotel zones. Olde stage Road has had many homes turn themselves into hotels and those residential homes now have blaring headlights from cars coming and going at night and horrible outside unshielded beacons on light destroying the rural dark. The noise from additional cars at night on gravel drives and roads is also an unwelcome intrusion into the dark and quiet of night which brought us out here in the first place.

Please do not allow homes to become hotels in rural boulder county.

Thanks,
Tyler

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#10]
Date: Tuesday, October 6, 2020 8:26:47 AM

Name *	Kevin Criss
Email *	kevin@casacriss.com
Phone Number *	(303) 709-7916
Address *	<input type="checkbox"/> 7427 Park Cir Boulder, CO 80301-3958 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	I am strongly against allowing short-term dwelling rentals in my neighborhood.
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#11]
Date: Monday, October 12, 2020 5:33:37 PM

Name *	Cristina Mejia-Lansing
Email *	makime40@hotmail.com
Phone Number *	(303) 956-3480
Address *	<input type="checkbox"/> 623 Sugarloaf Mountain Rd Boulder, CO us, 80302-9234 United States
Is your primary residence in Boulder County, Colorado? *	No
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	United States..... my husband and I own a property near the place, we don't have any problems with bread and breakfast use.... no objection.
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#12]
Date: Thursday, October 15, 2020 5:05:44 PM

Name *	Janace Cole
Email *	janace@comcast.net
Phone Number *	(303) 530-1772
Address *	<input type="checkbox"/> 6349 Waxwing Court Niwot, CO 80503 United States
Is your primary residence in Boulder County, Colorado? *	Yes
What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *	I am against short term rentals and Bed and Breakfast rentals in the area where I live. When I moved here several years ago, one of the attractions was that it was only homeowners who lived in the houses --- there were no short term rentals. We know who our neighbors are and what vehicles they drive. I do not want to see strangers moving in and out. And, rentals might increase traffic. They might change the character of the neighborhoods. Thank you.
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#13]
Date: Wednesday, October 21, 2020 6:19:07 PM

Name * Margaret Andrews

Email * mandrews303@yahoo.com

Phone Number * (720) 273-1075

Address * ☐ 510 Logan Mill Rd
Boulder, CO 80302
United States

Is your primary residence in Boulder County, Colorado? * Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *

There MUST be tighter controls and regulations over short term rentals. The wide open "regs" are not enforced and cannot be enforced, turning thousands of homes in the county into what equates to a flop house, bringing more and more infection Covid 19 into our county. How many outbreaks will it take to realize this a bad idea? People come into the foothills, have no clue how tinder dry it is and smoke outside, throw cigarette butts and start fires. They rent a room, don't know how to drive steep mountain roads, don't leash their dogs, don't know their dogs, and create traffic issues we never had before. The properties are not zoned nor equipped for excess sewage waste in septic systems and the wells are not adequate (and cannot be MADE adequate) to handle the additional influx of visitors in our mountain foothill communities. If something isn't done to restrict this STR activity, the noise, vibration, traffic, dust, and irritant factors will force me to move out of Boulder County. It's up to you. This is out of hand already and the situation will only be exacerbated under the current plans I've seen to attempt to draw up some level of guidelines for rentals. This doesn't come close to managing the impact it will cause and will only escalate to very serious consequences which will ruin the Boulder foothills way of life. Please, please reconsider tightening these rules and regs. People will still find a way around and abuse the existing laws. It is bothersome and impacts our daily way of life.

Please check box below *

☒ I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Rodenburg, Jasmine](#); [Ott, Jean](#); [Hackett, Richard](#)
Subject: Submit a Public Comment on DC-19-0005 [#14]
Date: Saturday, October 31, 2020 1:41:13 PM

Name * Heather Williams

Email * histratton@mac.com

Phone Number * (303) 530-4282

Address * ☐ 4625 Kirkwood Ct.
Boulder, CO 80301
United States

Is your primary residence in Boulder County, Colorado? * Yes

What are your thoughts and comments on proposed updates to the the Boulder County Land Use Code related to Short-term Dwelling Rentals and Bed and Breakfast uses? *

I am very much against Short-term Dwelling Rentals within suburban/rural residential subdivisions such as mine, which contain quiet, family-oriented homes situated on less than one acre of land. We know our neighbors and the vehicles they drive. I object to the possibility of transient occupants with no accountability to neighboring stakeholders. I believe short-term rentals could increase traffic, parking demand, and noise levels, and would change the character of the neighborhoods. Please consider the needs of the many over the wants of a few as regards Vacation Rentals in residential areas.

Please check box below * ☐ I acknowledge receipt of the Open Records Notification

From: [THOMAS BYRNES](#)
To: [#LandUsePlanner](#)
Subject: VRBO
Date: Thursday, October 22, 2020 12:49:34 PM

Dear Planners,

Our experience with the neighbor's renting has been good, although this operation puts many foreign people into our quiet neighborhood creating more disturbance and noise.

We would most vehemently like to keep the rental homes owner occupied and NOT having the permit running with the house/land(as I understand the permit process now), but with the owner of the property.

Best to the panel,
Thomas Byrnes

Richard E. Harris
2645 Briarwood Drive
Boulder, CO. 80305
[*rharris@indra.com*](mailto:rharris@indra.com)
(303) 499-1551

Ben Pearlman, County Attorney
Boulder County Courthouse
5th Floor
1325 Pearl Street
Boulder, CO 80302

November 20, 2020

Dear Ben:

As you know Boulder County staff have drafted a new land use code covering short-term rentals. It was approved by the County Planning Commission with some recommended changes on October 21, 2020, and will be considered by the County Commissioners on December 3, 2020.

The draft regulations seem to require that the building being licensed for rental must meet the code that is required if it were being built today. Curiously I have discovered what seems to me to be an important omission from the draft code: there is no mandatory requirement that roads to a rental meet the Multimodal Transportation Standards, as would a new home being built. The only language concerning access to a rental uses the word “satisfactory”. The use of such a vaguely defined requirement helps to ensure that it will be ignored by a County staff member, pressed for time, and under pressure from the applicant to issue a license or renewal. I addressed this matter in my testimony to the Planning Commission and have attached my three-minute testimony from October 21, 2020.

I am contacting you directly to make certain that you are aware of this omission. My concern is that the County staff are overworked and may try to optimize code to streamline their workload. The staff have made it clear to me that issues regarding the use of easements to access a rental are considered a legal matter between the private parties involved. The County will not deal with them, even in a first application.

I note that the staff have not referred the draft code to the Transportation Department. This failure implicitly suggests they have no interest in seriously determining how to seriously evaluate “satisfactory”. This is especially peculiar

given the County's existing Multimodal Transportation Standards that appear to be overlooked.

I retained the services of a well-known Boulder County land use attorney to review this situation. I can provide you separately with his name if that seems necessary. What follows are his remarks to me on this topic, identified by italics, and included with his permission. He generated these remarks in response to a draft dated August 26, 2020. There have been two subsequent drafts dated October 13, 2020, and November 5, 2020. The last is the one posted on the County's website as I write this letter and is referred to as Ordinance No. 2020-01.

Section 5.A.4 of the proposed ordinance specifically mentions the Standards. It states the requirement that the "County Engineer's designee has determined that the proposed Licensed Premises has satisfactory vehicular access and on-site parking facilities pursuant to the Boulder County Multimodal Transportation Standards and the Boulder County Land Use Code [underlining added by attorney]". To me, this requirement is ambiguous because the Standards themselves (at Section 1.3) state that they only apply in limited circumstances. Section 1.3 of the Standards only applies to private roads that provide access from public right-of-way to property proposed for private development and all other facilities required through the development review process outlined in the Boulder County Land Use Code. It seems to me that ... [your neighbor] is not proposing private development or undergoing development review process. Also, I doubt that the licensing review envisioned by the proposed ordinance constitutes a development review process outlined in the Boulder County Land Use Code. Section 2.2.5 of the Standards states that the County regulates the development, improvement, and use of private accesses, including for vehicular, emergency and other appropriate purposes, through the development review process.

It seems to me that the proposed ordinance should be amended to clarify that for purposes of the short-term rental licensing process, compliance with the Standards will be required as though the Licensed Premises were proposed for private development. In that way or some other way, it should be made clear that the access to the Licensed Premises must comply with the Standard as though the Licensed Premises were proposed for private development. Perhaps that is already the intent of the drafters of the proposed ordinance. If so, getting that clarification should be simple. If that is not the intent of the proposed drafters, I set forth below some arguments or questions to the drafters as to why that should be their intent.

First, if the intent is not to impose the Standards as though the Licensed Premises was proposed new construction, it is pretty unclear just what standard would apply to the access and why the Standards were mentioned at all. This would also be an argument that the drafters did not intend to grandfather older construction in.

Second, the proposed ordinance mentions the intent to promote safety for visitors and county residents in numerous places in the Recitals (see A, B, D, and E). Recital B mentions that adverse impacts to safety are created by short-term rentals. In terms of vehicular safety, it would seem that compliance with the Standards is more important when the access is being used for short-term rentals. The Standards are primarily designed to promote safety and emergency access. Given that short-term renters are by definition not as used to dealing with the particular non-Standard complying road as permanent residents, they are more in need of compliance with the Standards. Also, short term visitors may be more in need of emergency services, such as ambulances and fire trucks that the Standards are designed to facilitate.

Third, while the license application is not proposed development, it does require site-specific review similar to land use reviews for new development and the Standards should apply like they do to such land use reviews.

It should also be made clear that compliance with the Standards (as though new construction) should apply to new licenses and renewal of existing licenses. In terms of safety, it makes no difference whether a tourist visiting for the first time is going to Licensed Premises, newly licensed or just renewed. In general, for a renewal the licensee should still be required to demonstrate compliance with all of the items listed in Section 5, not just prepare an application in accordance with Section 4 (See Section 10B). Perhaps there could be some sort of truncated way to make that demonstration or some presumption that if it satisfied the criteria before, it also satisfies it on renewal but that should not be cast in stone.

Finally, in fairness, the proposed ordinance should provide that if off-site improvements are needed to be made to access on lands of other parties, any required improvements to the roadways on other private owners' lands should be made by the licensee. The licensee should not be able to impose improvement requirements on neighbors, notwithstanding easement agreements providing that the owners of the land need to make required improvements. I say "fairness" because, the licensee is making the money on the short-term rental—given that, the licensee should pay for any required improvements. It would be a travesty that a non-involved neighbor must incur costs for required improvements to have short-termers driving thru his land.

I also have some technical suggested changes. The ordinance should define "Vacation Rentals" and "Short-Term Rental". Yes, there is a general statement in the beginning of Section 1.A. that definitions found in the Boulder County Land Use Code will apply to the Ordinance and Section 1.A.8 defines "Short-Term Rental" by reference to two other terms defined in the Land Use Code, but it can be difficult to find those definitions and those definitions can change over time without intent of changing the Ordinance. Also, I am not

sure that the drafters went back and looked at those definitions to make sure that is how they wanted to define terms for purposes of this Ordinance.

Section 8 gives the licensee a right to appeal to the director and to the courts. The same should be true for affected neighbors. Neighbors should also have the right to present evidence and be entitled to notices of hearings and decisions. Why give the neighbors notice, if they have no right to participate?

As you mention, the proposed ordinance will be publicly discussed. However, I think it might be good if you could arrange to meet with the drafters or staff before the hearing. That might be a better way to hammer out some of the smaller points.

As indicated above I have met via Zoom and phone with several County staff members and attended all or almost all County outreach efforts for Allenpark, some even before the pandemic forced us all to use Zoom-like connections.

Thanks for helping to make certain that the new code will protect the interests of all of our citizens as we attempt to allow the disruptive penetration of world-wide advertising into our County.

Sincerely,



Richard E. Harris

Remarks to Boulder County Planning Commission
October 21, 2020

R. E. Harris. Mailing address: 2645 Briarwood Drive, Boulder, CO. 80305

I am Dick Harris. I own property at 17663 Highway 7, in Allenspark. My neighbors and I share a private road that bisects my property, and they rent their cabin using worldwide digital advertising with Airbnb. I am well acquainted with the problems caused by short term rentals.

I have attended most of the meetings held by staff as they have drafted the code before you. They demonstrate good knowledge of the impact from short term rentals and have made major improvements compared with the present code.

But there are very serious problems yet to be fixed.

Much of the draft code has to do with safety. I quickly counted 10 items (but note that allowing any fires is a terrible mistake).

The code requires adequate parking but only generally states a requirement for undefined “satisfactory” vehicle access. Why this is the case is mysterious.

Boulder County has Multimodal Transportation Standards that clearly require access roads to be 12 feet wide plus a shoulder. For emergency vehicles a turn-out lane is required every 400 feet. A grade of 12% is the maximum and is important especially in the mountains. These requirements must be explicitly stated in the new code, and compliance verified when a license is awarded.

Why do we need these requirements? We have fires and large emergency vehicles must be able to access the site. Rentals are a particularly dangerous situation as the clients may be unfamiliar with fire precautions necessary in the mountains. Moreover our altitude may cause serious emergency health problems for visitors who want to look at our beautiful scenery but come from lower elevations and may not be in good physical condition.

If a license is issued or renewed County staff must be required to inspect the access roads to ensure that they meet these mandatory Multimodal Transportation Standards.

It is a wonderful improvement to have public reviews of rental licenses, but allowing waivers by Director offers too much leeway. Reasoning and decisions must be in writing, published, and distributed to nearby neighbors and the public. Because many residents live elsewhere, extra time will be required to mail notices to them. At least a month should be required.

As this new code is implemented present licenses must be replaced quickly, especially for safety-related matters. “Grandfathering” old licenses must be absolutely forbidden.

The bottom line is that we don’t want to welcome our visitors to dangerous situations either to themselves or to those of us who live here.



Office of the County Attorney

Ben Pearlman, County Attorney • Tel: 303.441.3190 • Fax: 303.441.4794 • ca@bouldercounty.org
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306-0471 • www.bouldercounty.org

MEMORANDUM

TO: Board of County Commissioners

FROM: Erica Rogers, Assistant County Attorney; Jasmine Rodenburg, Senior Planner;
Jean (Raini) Ott, AICP, CFM, Planner II

DATE: November 05, 2020

RE: Ordinance No. 2020-01: An Ordinance by the Board of County Commissioners for the County of Boulder for the Licensing of Short-Term Dwelling Rentals and Vacation Rentals within the Unincorporated Area of Boulder County.

Dear Commissioners,

On July 2, 2019, the Board of County Commissioners (BOCC) authorized Community Planning & Permitting (CP&P) staff to pursue text amendments to the Short-Term Dwelling Rental and Bed and Breakfast provisions in the Boulder County Land Use Code (the "Code"). Subsequently, in March 2020, the Colorado State Legislature passed bill HB 20-1093 authorizing counties, including Boulder County, to license and regulate short-term rentals. As a result, CP&P Staff are proposing a two-pronged approach to regulate short-term rentals: first, text amendments to the Boulder County Land Use Code and second, a Licensing Ordinance. The text amendments and the Licensing Ordinance will work together to regulate short-term dwelling rentals in Boulder County.

Today we are introducing the second piece: Licensing Ordinance No. 2020-01, attached as Exhibit A. The proposed Licensing Ordinance aims to facilitate safe accommodations, address potential negative impacts to neighbors and the community, and provide more effective enforcement mechanisms for short-term rentals. The Licensing Ordinance addresses application requirements, operating requirements, inspections, appeal processes, and enforcement mechanisms. Staff will provide a more comprehensive overview of the Licensing Ordinance along with the Text Amendments at public hearings on December 3, 2020.

Staff believes that this Licensing Ordinance is both proper under C.R.S. § 30-15-401(1)(s) and necessary to appropriately balance the competing values of housing stock and affordability, a tourism economy, and the health, safety, and welfare of Boulder County Residents. Thus, Staff is presenting the Licensing Ordinance for a first reading pursuant to C.R.S. § 30-15-406.

Attachment: Memo re Ord 2020-1 (4223 : First Reading Ordinance 2020-1 - Short-Term Dwelling Rental Licensing Ordinance)

ORDINANCE NO. 2020-01**AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF BOULDER FOR THE LICENSING OF SHORT-TERM DWELLING RENTALS AND VACATION RENTALS WITHIN THE UNINCORPORATED AREA OF BOULDER COUNTY****RECITALS**

- A. Boards of County Commissioners are empowered by C.R.S. § 30-15-401(1)(s) to “license and regulate” the short-term rental of residential Dwelling Units and to “fix the fees, terms, and manner for issuing and revoking licenses”; and
- B. The use of residential Dwelling Units as a short-term rental has grown drastically in the past decade; and
- C. The short-term rental of residential Dwellings can benefit communities by offering supplemental income to property owners, supporting the local economy through tourism and agri-tourism, creating local job opportunities, and fostering community between the short-term rental hosts and renters; and
- D. Studies and reports have concluded that short-term rental of residential property creates adverse impacts to the health, safety, and welfare of communities, including an increase in housing costs and depletion of residential housing opportunities for persons seeking full-time accommodations; and
- E. Boulder County has received numerous comments expressing concern about how the short-term rental of Dwelling Units might impact housing stock and the residential and rural character of Boulder County; and
- F. Boulder County “prioritizes preserving housing units for Boulder County residents and workers and their families and limits visitor- and tourism serving uses such as short-term rentals. The county evaluates applications for tourism serving uses based on safety for visitors and county residents in addition to compatibility with neighborhood character” as outlined in the Boulder County Comprehensive Plan Section 3.06; and
- G. This Ordinance intends to: (1) facilitate safe short-term rental of residential Dwelling Units in a way that balances the benefits and burdens on the local community; (2) preserve existing housing stock and protect housing affordability; (3) track, manage, and enforce violations of this Ordinance; and (4) protect the health, safety, and welfare of the public; and
- H. Cities and towns within the county may consent to have this ordinance apply within their boundaries, as provided in C.R.S §30-15-401(8).

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF BOULDER AS FOLLOWS:**Section 1: Definitions**

- A. The definitions found in the Boulder County Land Use Code will apply to this Ordinance, except the following words, terms, and phrases will have the following meanings:
 - 1. Director: The Director of the Boulder County Community Planning & Permitting Department, or the Director’s designee.

2. License: A Short-Term Rental License or Vacation Rental License issued pursuant to this Ordinance.
3. Licensee: The person or legal entity who is issued the License.
4. Licensed Premises: The parcel or lot on which the Short-Term Rental or Vacation Rental is located.
5. Major Offense: Any violations of this Ordinance that endanger the health, safety, or welfare of the public, as determined by the Director.
6. Minor Offense: Any violations of this Ordinance that are procedural or do not endanger the health, safety, or welfare of the public, as determined by the Director.
7. On-Site: Contiguous parcels or lots under the same ownership and control as the Licensed Premises.
8. Primary Residence: The Dwelling Unit in which a person resides for more than six (6) months out of each calendar year. A Dwelling Unit is presumed to not be a Primary Residence if (1) the entire unit is offered and available for rent for more than twenty days in any month; (2) the person's spouse or domestic partner has a different Primary Residence; or (3) the person's driver's license, voter registration or any dependent's school registration shows a different residence address. These presumptions are rebuttable, but each must be rebutted by credible evidence from the party claiming that the dwelling is a Primary Residence.
9. Short-Term Rental: Includes Primary Dwelling Short-Term Rentals and Secondary Dwelling Short-Term Rentals, as defined in the Boulder County Land Use Code.
10. Sleeping Room: Any rooms or areas within the Licensed Dwelling Unit that are intended to be used as a sleeping place for guests.
11. Vacation Rental: Defined in the Boulder County Land Use Code.

Section 2: License Required

- A. Local License Required. It is a violation of this Ordinance to operate a Short-Term Rental or Vacation Rental within the unincorporated area of Boulder County, Colorado, or any municipality which consents to the application of this ordinance within its jurisdiction, without a current Short-Term Rental License or Vacation Rental License.
- B. A property which is deed-restricted as affordable housing is not eligible for a License.
- C. Only one License of any type (Short-Term Rental License or Vacation Rental License) may be issued to each person and any legal entities associated with that person, including trusts, corporations, estates, or associations.

Section 3: Licenses

- A. Short-Term Rental License and Vacation Rental License: The Director is authorized to issue a Short-Term Rental License or a Vacation Rental License under the terms and conditions of this Ordinance. Licensees remain subject to all other federal, state, or local law requirements including the Boulder County Land Use Code.

Section 4: Licensing Procedure

A. An application for a License must include:

1. Application Form. Applicant must designate all agents, exhibit all property owner and Local Manager signatures, and have all necessary information completed.
2. Proof of Insurance. Applicant must demonstrate that proposed Licensed Premises is covered by appropriate insurance in the form of a property owner (HO-3) policy, dwelling fire (HO-5), or unit owner's policy (HO-6), which covers a rental exposure, with adequate liability and property insurance limits that must at a minimum insure liability at \$500,000.
3. Proof of Primary Residence, if applicable. The applicant must demonstrate that the Dwelling Unit is the property owner's Primary Residence by presenting a Colorado state-issued driver's license or Colorado state-issued identification card and at least one of the following documents:
 - a. Voter Registration;
 - b. Motor Vehicle Registration;
 - c. Income Tax Return with address listed; or
 - d. Any other legal documentation deemed sufficient by the Director, which is pertinent to establishing the property owner's Primary Residence.
4. Proof of Ownership. Applicant must demonstrate ownership of the Licensed Premises by including a copy of the current deed.
5. Parking Plan. Applicant must demonstrate compliance with the applicable Boulder County Land Use Code and Boulder County Multimodal Transportation Standards for On-site parking.
6. Floor Plan. The floor plan must show locations within the Dwelling Unit of all smoke detectors, fire extinguishers, and carbon monoxide detectors, as well as locations of Sleeping Rooms and egress, as required under Section 5 of this Ordinance and the applicable Building Code.
7. Proof of Land Use Approvals. For Secondary Dwelling Short-Term Rentals and Vacation Rentals, documentation demonstrating that the applicant has obtained the required approvals under the Boulder County Land Use Code.
8. List of Adjacent Owners. Names, physical addresses, mailing addresses, and additional contact information (if known) for owners of all immediately adjacent parcels.
9. Payment. Payment of all applicable License fees.
10. Property Taxes. For Vacation Rentals and Secondary Dwelling Short-Term Rentals, proof that property taxes have been paid to date.
11. Sales Tax License. All Licensees will be required to remit all applicable taxes for the Licensed Premises, including state and local sales and use taxes. Applicant must provide one of the following:
 - a. An individual sales tax license number issued to the Licensee or Local Manager from the State of Colorado Department of Revenue; OR

- b. Proof that the only platforms used to advertise and book the Licensed Premises remit taxes on behalf of the Licensee. Licensees may not advertise or book on web platforms that do not remit taxes on behalf of the Licensee without an individual sales tax license number.
- B. The applicant's failure to timely provide any requested information may be grounds for denial of the application.
- C. The Director may refer the application to additional agencies or departments. On properties over which a Boulder County conservation easement has been granted, the Director will refer the application to the easement holder.
- D. Notice. For Short-Term Rental Licenses for Primary Dwelling Short-Term Rentals, Boulder County will provide notification by U.S. Mail, first-class postage or email to all owners of immediately adjacent parcels when the License is issued by the Director.

Section 5: Licensing Requirements

- A. Before issuing a License, the Director must determine that the applicant has met following requirements:
 - 1. Land Use Approval. The applicant complied with all Boulder County Land Use Code requirements, as applicable.
 - 2. Building Inspection. The Chief Building Official or the Chief Building Official's designee determined the following from an inspection:
 - a. For all Licensed Premises:
 - i. The Dwelling Unit to be rented contains:
 - (1) Operable fire extinguishers in each Sleeping Room and in the kitchen, or an Automatic Residential Fire Sprinkler System.
 - (2) Operable smoke detectors:
 - a. In each Sleeping Room;
 - b. Outside each guest sleeping area in the immediate vicinity of the Sleeping Rooms; and
 - c. On each additional story of the Dwelling Unit including basements and habitable attics.
 - (3) A UL 2075 compliant carbon monoxide detector installed outside of each separate guest sleeping area in the immediate vicinity of the Sleeping Rooms in the Dwelling Unit.
 - ii. The Dwelling Unit is served by water supplies that are in conformance with the regulations and requirements of the Boulder County Public Health Department, Colorado Department of Public Health and Environment, and the Colorado Division of Water Resources.
 - iii. Sleeping Rooms must be legally existing.
 - (1) Sleeping Rooms built prior to 1976 must have code conforming Emergency Escape and Rescue Openings.

- iv. The Dwelling Unit has no observable structural defects;
 - v. Any plumbing, electrical, and heating and cooling systems in the Dwelling Unit are in a good state of repair; and
 - vi. Nothing on the Licensed Premises or in the Dwelling Unit pose a significant risk to the health, safety, or welfare of the occupants or surrounding properties.
- b. For Vacation Rentals:
- i. No unapproved uses, unpermitted uses, or unpermitted work exist on the Licensed Premises.
3. Wildfire Mitigation within Wildfire Zone 1. The Wildfire Mitigation Team or the Wildfire Mitigation Team's designee has verified the following:
- a. For Short-Term Rental Licenses:
 - i. The Wildfire Mitigation Team completed a Wildfire Partners Assessment for the Licensed Premises; and
 - ii. Upon the first renewal, the Licensed Premises is Wildfire Partners Certified.
 - b. For Vacation Rental Licenses:
 - i. The Licensed Premises is Wildfire Partners Certified.
4. Parking and Access. The County Engineer or the County Engineer's designee has determined that the proposed Licensed Premises has satisfactory vehicular access and On-site parking facilities pursuant to the Boulder County Multimodal Transportation Standards and the Boulder County Land Use Code. The County Engineer or the County Engineer's designee has further determined that the applicant has suitably mitigated any traffic hazards associated with the proposed use.
5. Sewage Disposal. The Public Health Director or the Public Health Director's designee has determined that the proposed Licensed Premises has all required on-site wastewater treatment system permits or is otherwise adequately served by public sewer. Existing systems do not need to be repaired or replaced unless required by Boulder County Public Health.
6. Building Lot. Verification that the Licensed Premises is a legal building lot under the Boulder County Land Use Code.

Section 6: Licensee Operating Standards and Requirements

A. All Licenses:

- 1. Occupancy Limit. Two adults per Sleeping Room with a maximum of eight individuals, or the occupancy limit of the permitted and approved on-site wastewater treatment system, whichever is fewer.
- 2. Guest Information. In the rented Dwelling Unit, the Licensee must provide the following documents to all guests:
 - i. Septic Safety information sheet provided by the county, if applicable;

- ii. Wildlife Safety information sheet provided by the county, if applicable;
 - iii. Wildfire Safety information sheet provided by the county, if applicable;
 - iv. Local Fire restrictions, if applicable, and evacuation routes in the event of a fire or emergency;
 - v. Floor plan posted in a conspicuous location with fire exit routes for the Dwelling Unit;
 - vi. Good Neighbor Guidelines provided by the county;
 - vii. A map clearly delineating guest parking and the Licensed Premises boundaries;
 - viii. Contact information for the Local Manager and Licensee;
 - ix. Trash and recycling schedule and information;
 - x. An indoor radon gas testing report including the indoor radon gas testing results issued by a certified Radon Measurement Provider for the Licensed Premises. Indoor radon gas testing results shall be less than 5 years old and must be performed by a National Radon Proficiency Program (NRPP) or National Radon Safety Board (NRSB) certified Radon Measurement Provider. The Licensed Premises shall be retested for indoor radon gas every 5 years, and the most recent indoor radon gas testing report including the indoor radon gas testing results must be provided to guests.
 - xi. For Vacation Rentals: A HERS Certificate or Energy Audit must be completed for the Dwelling Unit by 2022 and thereafter, a copy must be provided to guests.
3. Outdoor Fires. If permitted under Licensed Premises, Local Fire Protection District, and Homeowner's Association rules, and not prohibited by local or state fire bans, outdoor fires must be limited to fire rings, stoves, grills, or fireplaces provided for that purpose.
 4. Local Manager. Every Licensed Premises must have a local manager available to manage the Licensed Premises during any period when the Licensed Premises are occupied as a Short-Term Rental or Vacation Rental. The manager must be able to respond to a renter or complainant within one (1) hour in person. The manager may be the owner if the owner meets the above criteria. The local manager's name and contact information must be on file with the Director. The Licensee must report any change in the local manager to the Director as soon as practicable.
 5. Signs. The Licensed Premises must comply with the signage requirements in Article 13 of the Boulder County Land Use Code.
 6. Posting of License. The Licensee must provide a copy of the License to immediately adjacent neighbors and post the License in a prominent location outside of the Dwelling Unit for both guests and neighbors to see.
 7. Advertisement. All advertisements and listings of the Licensed Premises must include:
 - i. The local License number;
 - ii. The approved occupancy limit; and
 - iii. The minimum night stay, if applicable.

8. Compliance with anti-discrimination laws. No Licensee may discriminate against any guest or potential guest, because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, or source of income.

Section 7: Inspection

- A. By signing and submitting a License application, the owner of the Short-Term Rental or Vacation Rental certifies that the Licensee has received permission from the property owner to allow inspections as may be required under this Ordinance. The owner authorizes the Director to enter upon and inspect the Licensed Premises. This section will not limit any inspection authorized under other provision of law or regulation. The Director will inspect the Short-Term Rental or Vacation Rental for compliance with the requirements of this Ordinance and any applicable conditions of approval prior to the initial License and at each renewal. The owner further authorizes inspections in response to complaints of violations as further specified in Section 12.

Section 8: Decision and Appeal

- A. Decision. Once the Director has completed a review of the application, the Director must either issue a License or issue a denial letter that specifies the reasons for denial.
- B. Appeal. Within ten days of any decision by the Director, the applicant or the Licensee may provide a written response by submitting a letter to the Director clearly stating its position. In response, the Director may make a final decision, request additional information, or conduct additional investigation prior to issuing a final decision. A final decision is appealable under Colorado Rule of Civil Procedure 106(a)(4). A Licensee may continue to operate during the pendency of an appeal. The Director may grant extensions of deadlines under this Article for good cause shown.

Section 9: Changes to an Issued License

- A. A Licensee must submit any proposal to change an issued License under this Ordinance to the Director. The proposal may be subject to the requirements under Section 4, up to and including re-application.

Section 10: Term of License or Permit; Renewal

- A. Term of License. Short-Term Rental Licenses and Vacation Rental Licenses will be valid for a period of two years (the License Period). A License will expire on the expiration date if the Licensee fails to submit a renewal Application prior to the expiration date of a License.
- B. Renewal of License. Before renewing a License, the Director must determine that the following requirements have been met:
 1. The Licensee has submitted an Application with the requirements listed in Section 4 above, at least 45 days before the expiration of the License. If the Licensee has not met the requirements 45 days before the expiration of the License, the application will be subject to the application fees for a new license.
 2. No violations of this Ordinance exist on the Licensed Premises. Renewal of any License is subject to the laws and regulations effective at the time of renewal, which may be different than the regulations in place when the Director issued the prior License.

Section 11: License Non-Transferrable

- A. No License granted pursuant to this Ordinance is transferable from one person to another or from one location to another. Any change of ownership of the Licensed Premises must be reported to the Director within 30 days of the transfer of ownership.

Section 12: Violations

- A. Each act in violation of this Ordinance is considered a separate offense. Each calendar day that a violation exists may also be considered a separate offense under this Ordinance.
- B. The Director is authorized to suspend or revoke a License and assess administrative penalties for any violation of this Ordinance.
- C. Determination of a Violation:
 - 1. The Director may investigate any complaints of violations of this Ordinance.
 - 2. If the Director discovers a violation of this Ordinance, the Director may charge the violator for the actual cost to the County of any follow-up inspections and testing to determine if the violation has been remedied.
 - 3. When the Director has reasonable cause to believe that a violation of this Ordinance exists on a premises, and that entry onto the premises is necessary to verify the violation, the Director shall make a reasonable effort to contact the Licensee, Property Owner, or Local Manager and request consent to enter and inspect the Licensed Premises. If the Licensee, Property Owner, or Local Manager cannot be contacted or if entry is refused, the Director may impose penalties or revoke the License.
- E. Issuance of Notice of Violation:
 - 1. Determination of Violation. If the Director determines that one or more violations of this Ordinance exists, the Director must provide notice of all the violations to the property owner by U.S. Mail, first-class postage or via email, a minimum of 30 days prior to the Director taking further action to impose penalties or to revoke the License.
 - 2. Stop Renting Order. If the violation involves an immediate threat of health and safety, the Director may, in writing sent to or posted in a conspicuous place on the Licensed Premises, order that all rental activity on the Licensed Premises cease until further notice from the Director. It shall be unlawful for any person to fail to comply with a Stop Renting Order.
 - 3. If violations of this Ordinance have not been resolved, or satisfactory progress towards resolution has not been made within a reasonable timeframe, the Director may impose an administrative fine, task law enforcement personnel with using the Penalty Assessment Procedure described in C.R.S. § 16-2-201 for violations of this Ordinance, or seek injunctive relief.
- F. Penalties for Violations
 - 1. Minor Offenses:
 - i. First Offense during License Period: \$150 fine
 - ii. Second Offense during License Period: \$500 fine
 - iii. Third Offense during License Period: \$1,000 fine and one-year suspension of the License.

2. Major Offenses:

- i. First Offense during License Period: \$750 fine
- ii. Second Offense during License Period: \$1,000 fine and one-year suspension of the License.

G. Appeal of Determination of Violation

1. Hearing Before the Board of County Commissioners. If the Licensee files a written appeal with the Board of County Commissioners of the Director's Determination of Violation, issuance or the amount of a fine, or other penalty for a violation, within 10 days of the imposition of any fine or a written order suspending or revoking a License, the Board will schedule a hearing on the appeal, of which the Licensee will receive reasonable prior notice. The Board, based on the evidence in the record, may reverse or confirm the Director's determination whether a violation occurred. In addition, based on the evidence in the record, the Board may reverse, confirm, or adjust any remedy or penalty imposed by the Director. The Board, in its discretion, may also give the Licensee additional time to correct the violation(s), or may specify other means of correcting the violation(s) at the Licensee's expense. The Board's determination is a final decision appealable under Colorado Rule of Civil Procedure 106(a)(4).

Section 13: Fees as adopted in the Planning Review Fee Schedule

Section 14: Severability/Savings Clause

- A. If any provision of this Ordinance is found to be invalid by a court of competent jurisdiction, only the provision subject to the court decision must be repealed or amended. All other provisions must remain in full force and effect.

Section 15: Effective Date

- A. This Ordinance will be effective 30 days after publication following adoption on the second reading.

ADOPTED ON SECOND AND FINAL READING on _____, 2020.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF BOULDER, COLORADO

Deb Gardner, Chair

ATTEST:

Clerk to the Board