



# VIRTUAL OPEN HOUSE

Community Planning & Permitting Department

Short-Term Dwelling Rental and Bed & Breakfast Code Update

DC-19-0005

September 17, 2020



# AGENDA

Introduction

Community Impacts

Why Change the Code Now?

Walk-Through of Draft Regs

Hypotheticals

Frequently Asked Questions

Small Group Discussion

Poll Questions Throughout



How did you hear about this Virtual Open House?

POLL QUESTION

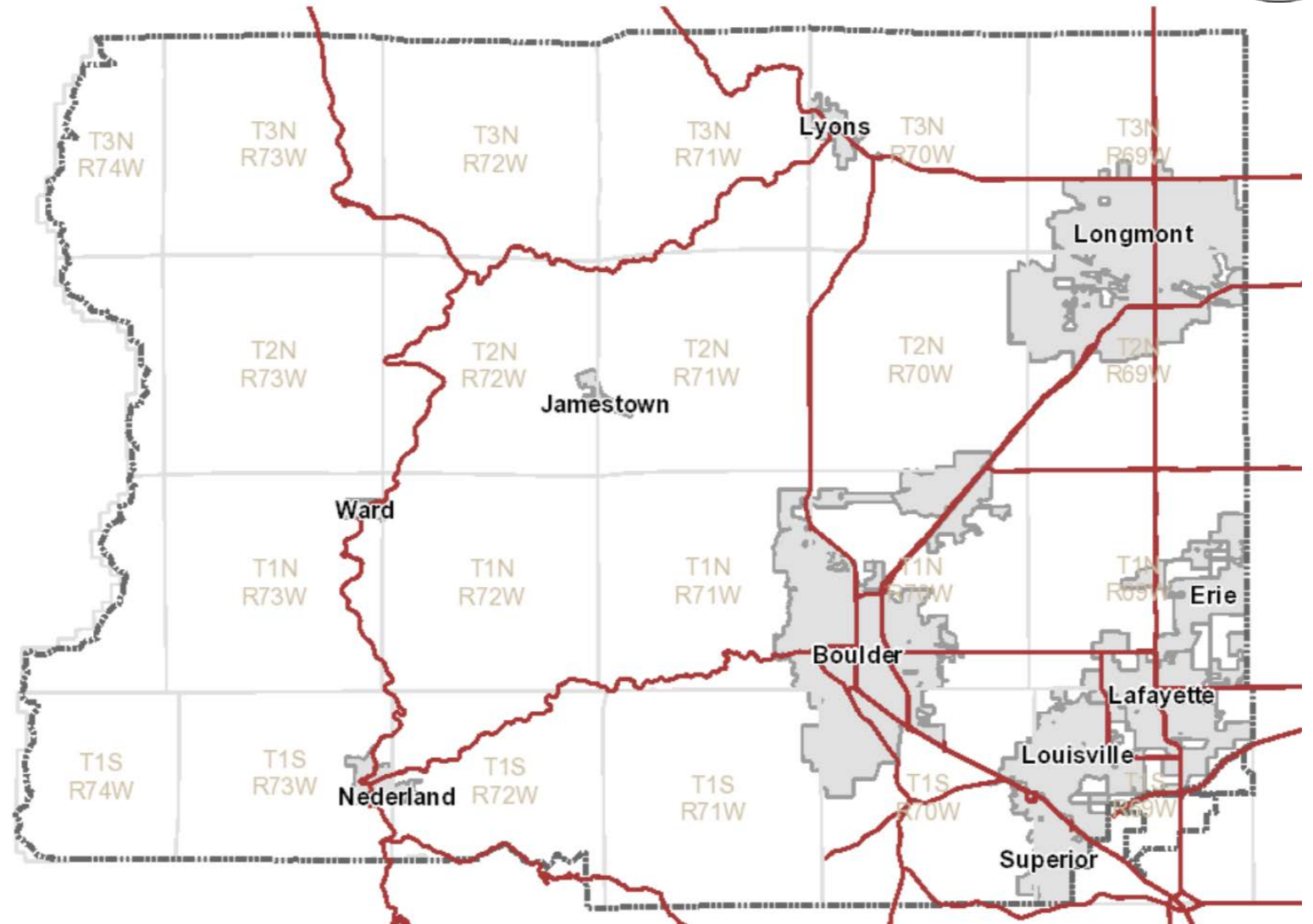
# Introduction

## What areas are affected?

- ▶ Unincorporated Boulder County

## Who is affected?

- ▶ Anybody who rents a single-family home for durations less than 30 days at a time (e.g. on weekends, one week at a time, etc.)
- ▶ Anybody who owns/operates a Bed & Breakfast (facility rented for durations under 30 days at a time, providing at least one meal, where the manager/owner resides on property)





Do you own/manage property in the mountains or the plains?

POLL QUESTION



Have you ever stayed in a short-term rental, such as a VRBO or Airbnb?

POLL QUESTION



Have you ever hosted a short-term rental in Boulder County?

POLL QUESTION



Are you a neighbor to a short-term rental in Boulder County?

POLL QUESTION



# Rentals in Unincorporated Boulder County

- ▶ Global short-term rental market grown over 1000% since 2011
- ▶ Approximately 700 listings
- ▶ Current Short-Term Rental Regulations were adopted in 2008

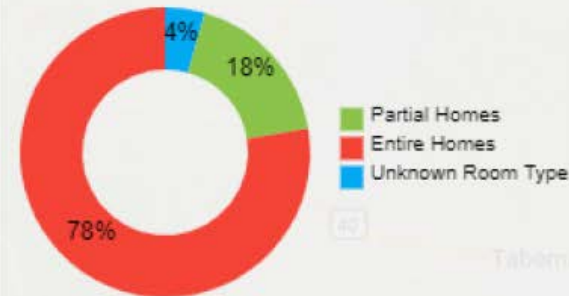
## Boulder County Data Details

(Unincorporated Areas Only)

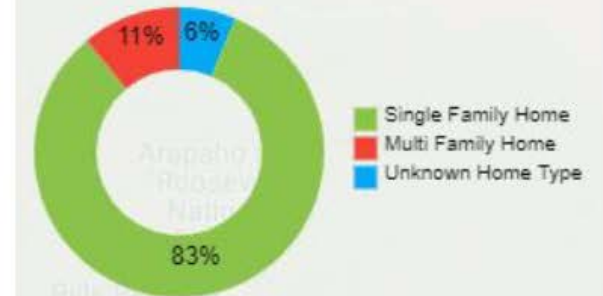
Median Nightly Rate  
(USD)

**\$172**

Unit Types



Listing Types





What brings you here today? What are your concerns?

POLL QUESTION

# Community Impacts of Short-Term Rentals

## Potential Positive Impacts/Benefits

- ▶ Provide supplemental income for:
  - ▶ Retirement
  - ▶ Mortgage payment
  - ▶ Property taxes
  - ▶ Property maintenance
- ▶ Support the local economy
  - ▶ Tourism (sharing the beauty of Boulder County)
  - ▶ Agritourism
- ▶ Provide local jobs
- ▶ Community building between hosts and renters
- ▶ Increased tax revenue, if collected

## Potential Negative Impacts/Concerns

- ▶ Reduce housing stock
- ▶ Decrease housing affordability
  - ▶ Increase property values and taxes
- ▶ Alter rural/residential character
  - ▶ Increased traffic
  - ▶ Parking conflicts
  - ▶ Noise/parties
- ▶ Community safety (wildfire, wildlife)
- ▶ Occupant safety (septic, building condition)
- ▶ Cost of enforcement



# Why Change the Code Now?

## Balance the Positive and Negative Impacts of Short-term Rentals on the Community

### Outdated Regulations

- ▶ Current short-term rental regulations adopted in 2008
- ▶ Use of short-term rentals has increased significantly nationwide in the last decade
- ▶ Staff has received consistent input from Boulder County residents stating current code does not adequately address impacts of short-term rentals
- ▶ Current Code treats most short-term rentals equally when there may be differences in impacts based on type and location

### Improve Enforcement Mechanisms

### Prevent Loss of Housing Stock and Increase Housing Affordability

- ▶ Long-term rentals for residents becoming short-term rentals for non-residents
- ▶ Property values increase (and price people out) in areas with dense short-term rentals



# Walk-Through of Draft Regulations

## CODE UPDATE

Two Accessory Residential Uses (allowed in all zoning districts)

- ▶ Primary Accessory Short-Term Rental
- ▶ Secondary Accessory Short-Term Rental

Two Principal Lodging Uses (allowed in limited zoning districts)

- ▶ Vacation Rental
- ▶ Bed & Breakfast

## LICENSING ORDINANCE

License will be required for all short-term or vacation rentals

- ▶ Bed & Breakfasts, Resort Lodges/Guest Ranches, and Overnight Lodging uses will not require this license

Enforcement Mechanism



Do you agree or disagree that the costs of this program should be paid for by the beneficiaries of the program (i.e., owners of short-term/vacation rentals)?

POLL QUESTION



# Short-Term Rental and Bed & Breakfast Code Update

## Accessory Residential Use

Short-Term Rental License  
Vacation Rental License

## Lodging Use

### Primary Accessory Short-Term Rental

### Secondary Accessory Short-Term Rental

### Vacation Rental

### Bed & Breakfast *\*No License Required\**

Single-Family Dwelling  
Primary Residence  
One Party  
Max. 180 nights unless owner present during all rental periods

Single-Family Dwelling  
Not Primary Residence  
One Party  
Rented 60 days or fewer per year  
Two-night minimum stay

Single-Family Dwelling  
Not Primary Residence  
One Party  
Rented more than 60 days per year

A facility  
One meal provided  
Manager/owner resides and present during all rental periods.  
One or more Parties

By Right: All districts

Limited Impact Special Review or Waiver: All districts

Limited Impact Special Review (Unsubdivided, >5acres): F, A, RR, MI  
Special Review (>1 acre): F, A, RR, MI  
Limited Impact Special Review: T,B,C,LI, GI  
Not Allowed: ER, SR, MF, MH, H, ED

Limited Impact Special Review or Waiver (6 guests/3 rooms): F, A, RR, SR, ER, MF, MI  
Special Review (more than 6 guests/3 rooms): F, A, RR, SR, MF, MI  
By Right: T, B, C, LI, GI  
Not Allowed: MH, H, ED

# Bed & Breakfast

## Changes from the Current Code

- ▶ Use is allowed in an expanded number of zoning districts to be more compatible with other lodging uses
- ▶ Clarification that the use cannot be marketed or used for weddings, receptions, or similar private or public events
- ▶ Clarification of number of parking spaces required
- ▶ Revised definition to differentiate Bed & Breakfast from Short-Term Rentals and Vacation Rentals
  - ▶ Manager/Owner resides on the premises and is present during rental periods
  - ▶ At least one meal Provided





# Planning Processes

## Special Review

- ▶ Staff review against criteria under Article 4-601 of Land Use Code
- ▶ Requires two Public Hearings, one with the Boulder County Planning Commission and one with the Board of County Commissioners

## Limited Impact Special Review

- ▶ Staff review against criteria under Article 4-601 of Land Use Code
- ▶ Requires a Public Hearing with the Board of County Commissioners
- ▶ This is the current required process for all short-term rentals over 14 or 45 nights per year, depending on zoning district

## \*New\* Limited Impact Special Review Waiver

- ▶ Staff review against criteria under Article 4-601 of Land Use Code
- ▶ Administrative review if Director determines no significant conflict with criteria under Article 4-601 of Land Use Code
- ▶ No public hearing requirement, but public will still be notified of the application



# Licensing Ordinance - Overview

## Licensing Program

- ▶ License required for all short-term rentals but not B&B
- ▶ Must obtain after applicable planning process is approved
- ▶ Renewed every two years
- ▶ Only one license may be issued to each person

## Enforcement

- ▶ Revocation of license
- ▶ Fines
  - ▶ Range from \$150 - \$1,000 depending on major or minor offense and number of offenses

## Currently Proposed Fees

- ▶ Application Fee:
  - ▶ Short-Term Rental: \$200
  - ▶ Vacation Rental: \$800
- ▶ Renewal Fee (every 2 years):
  - ▶ Short-Term Rental: \$150
  - ▶ Vacation Rental: \$600



# Licensing Ordinance - Application

## Application Requirements

- ▶ Proof of Insurance that covers rental exposure
- ▶ Proof of Primary Residence (Driver's License or State ID Card plus voter/motor vehicle registration, tax return, or other document)
- ▶ Proof of Ownership
- ▶ Parking Plan
- ▶ Floor Plan
- ▶ Proof of Land Use Approval
- ▶ List of Adjacent Property Owners
- ▶ Payment



# Licensing Ordinance - Other Requirements

## Building Inspection

- ▶ All: fire extinguishers, smoke detectors, carbon monoxide detector, adequate potable water supply; nothing poses significant risk to health/safety/welfare of occupants or surrounding properties
- ▶ Short-Term Rental Licenses: No observable structural defects, plumbing/electrical/heating/cooling in good state of repair
- ▶ Vacation Rentals: Legally existing/valid building permit, CO or final inspection approval, meet applicable Building Code as required in constructed or upgraded; no unapproved, unpermitted uses, or unpermitted work on property

## Parking and Access

OWTS permitted by Boulder County Public Health

Taxes: Property Taxes have been paid; Must have state issued sales tax license; must prove that all applicable state and local taxes are paid

## Building Lot

### Wildfire Mitigation in Zone 1 (West of Hwy 36)

- ▶ Short-Term Rental: Assessment and any item deemed necessary for health/safety/welfare of occupants or surrounding properties completed prior to rental; Wildfire Partners Certified upon renewal
- ▶ Vacation Rental: Wildfire Partners Certified



# Licensing Ordinance - Operating Standards

Occupancy Limit: 2 adults per bedroom with a max of 8 unless otherwise approved

Local Manager: Contact able to respond to issues on property within 1 hour in person

## Guest Information

- ▶ Information sheets created by the County to be provided to guests: septic, wildfire, and wildlife safety, and good neighbor guidelines
- ▶ Fire restrictions and evacuation routes
- ▶ Map with property boundaries and guest parking
- ▶ Trash and recycling schedule information
- ▶ Local Manager contact

Posting License: Provide copy to neighbors and post in prominent location on rental

Advertisement: local license number, occupancy limit, minimum night stay

Comply with anti-discrimination laws



# Hypotheticals

Mario's great-grandpa built a cabin in the Forestry (F) district in Boulder County. Mario lives in Boulder, visits the cabin frequently, and wants to rent it out on Airbnb to help cover the maintenance costs of the old cabin.

- ▶ 60 nights per year or fewer at a 2-night minimum stay = Secondary Accessory Short-Term Rental with LISU or waiver + license
- ▶ More than 60 nights per year and parcel is over 1 acre = Vacation Rental with SU, LISU + license

Gigi lives in California but comes to Boulder County every summer to enjoy the foothills. She decides to buy a second home in Boulder County and plans to rent it out the other 9 months out of the year.

- ▶ Only eligible if in the F, A, RR, MI (over 1 acre in size) or T, B, C, LI, GI districts
- ▶ Vacation Rental with SU, LISU + license



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# Hypotheticals

Marge lives on a large property in the plains. There is a ton of space on the property to pitch a tent, place an airstream, and set up a fire pit. She would like to create that space for short-term rentals.

- ▶ Not allowed under the short-term rental or vacation rental uses which are only allowed in single-family dwellings
- ▶ May be considered a Campground Use

Fred is looking to buy a home in Gunbarrel, but can't quite afford the mortgage. He plans to live there full time and wants to rent out a few rooms in his basement on a short-term basis (less than 30 days at a time) to help pay for the home.

- ▶ Primary Accessory Short-Term Rental → Just needs to apply for a license

**What if Fred already had a license to rent out his family cabin in Ward?**

- ▶ Not allowed since licenses are limited to one per person





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Which use category best identifies your situation?

POLL QUESTION



# Frequently Asked Questions

- ▶ Why is there a wildfire mitigation requirement? Will I have to cut down all the trees in a 30-foot radius around my home?
- ▶ Will all the existing short-term rentals be grandfathered in?
- ▶ Taxes!
  - ▶ Property Taxes
  - ▶ Lodging Tax
  - ▶ State Sales Tax. Doesn't Airbnb collect this?
  - ▶ Local Sales Tax. Doesn't Airbnb collect this?
- ▶ Why would existing zoning violations, or buildings built without permits (and without my knowledge from previous owners) prevent me from getting a license?
- ▶ Do I have to bring my home all the way up to the current building code?
- ▶ Why 60 days? 60 days is too many days for summer rentals up in the mountains.



# NEXT STEPS



Are you interested in staying for a small group discussion?

POLL QUESTION



Lead Planner  
Jasmine Rodenburg  
jrodenburg@bouldercounty.org

Assisting Planner  
Raini (Jean) Ott  
jott@bouldercounty.org

Stay informed!

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

Sign-up for Boulder County  
email groups:  
[https://public.govdelivery.com/accounts/COBOULDER/subscribe/new?topic\\_id=COBOULDER\\_33](https://public.govdelivery.com/accounts/COBOULDER/subscribe/new?topic_id=COBOULDER_33)

→ Land Use Code

# Thank You!

Comments or Questions?  
Join a Small Group Discussion  
or Email Us!



# Small Group Discussions

## System Requirements for Microsoft Teams:

- If using Windows - use either Chrome, Edge, or desktop app
- If using Mac - use Chrome, or desktop app
- If using mobile device (phone or iPad) - use app

\*Internet Explorer and Safari are NOT supported browsers for Microsoft Teams\*

## Desktop Application Download:

<https://products.office.com/en-us/microsoft-teams/download-app>

## Small Group #1 (Last name A-J):

Staff: Raini and Molly

- ▶ Link: <https://boco.org/dc-19-0005-small-group-1>
- ▶ Dial-In: 720-400-7859
- ▶ Conference ID: 480 192 783#

## Small Group #2 (Last name K-Z):

Staff: Jasmine and Hannah

- ▶ Link: <https://boco.org/dc-19-0005-small-group-2>
- ▶ Dial-In: 720-400-7859
- ▶ Conference ID: 229 365 87#