



DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals

Planning Commission
September 20, 2023
Staff: Ethan Abner

Introduction

Goals

- Ensure a baseline level of safety at Short-Term and Vacation Rentals
- Simplify the licensing and land use review processes
- Create more certainty for applicants
- Balance property owners' desires for short-term or vacation rentals and the desires of surrounding neighborhoods and communities
- Minimize impacts to housing stock by allowing whole-home rentals in areas of the county that are more appropriate for the Vacation Rental use

Timeline

Activity	Time Period
Public Engagement	10/19/22—PC/BOCC Working Session 12/12/22—Virtual Public Listening Session 1/17/23—Presentation of Two-Year Review 3/14/23—BOCC Authorization 5/12/23—6/12/23—Concepts Survey 5/24/23—Virtual Feedback Session 5/31/23—In-Person Feedback Session (Allenspark) 6/6/23—In-Person Feedback Session (Boulder)
Draft Regulations Finalized	9/1/2023
First Draft of Ordinance Posted	9/19/2023
Planning Commission	9/20/2023
First Reading	Before 10/3/2023
BOCC Hearing/Second Reading	10/24/2023

Land Use Code Criteria for Text Amendment

- 1) The existing text is in need of amendment.
 - Necessary to clarify requirements for applicants, improve review processes, and better-align regulations with Comprehensive Plan goals and objectives.

- 2) The amendment is not contrary to the intent and purpose of this Code.
 - Proposed text amendments seek to improve the regulatory process for Short-Term and Vacation Rentals, balance the potential positive and negative impacts on neighborhoods and communities, and improve enforcement mechanisms for unlicensed Short-Term and Vacation Rentals.

Land Use Code Criteria for Text Amendment

- 3) The amendment is in accordance with the Boulder County Comprehensive Plan
- *Economics Element 1.04 Tourism and Recreation:* Boulder County acknowledges and values the tourism and recreation industries for the diversity and vitality they bring to the local economy. The county seeks to provide opportunities for these industries to thrive without placing an undue burden on the county's resources or compromising its rural character.
 - *Housing Element 3.06 Prioritize Housing for Residents:* The 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.
 - *Public Health Goal 6 Promote Healthy and Safe Structures:* Boulder County supports efforts to ensure that structures have healthy indoor air quality, structural integrity, and reasonable safety features to protect occupants.

Summary of Text Amendments

Proposed Changes related to Use Categories and Processes

- Two uses—Short-Term and Vacation Rental (Secondary Dwelling Short-Term Rental Use eliminated).
- Staff-level zoning and licensing review for Short-Term and Vacation Rentals.
- Licensees required to notify immediately adjacent property owners about their Short-Term or Vacation Rental License.
- A cap on the total number of Vacation Rental Licenses is proposed in the Licensing Ordinance.

Summary of Text Amendments: Short-Term Rentals

Short-Term Rental defined as:

- A ~~single-family~~ dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where:
 - a) The dwelling unit is the primary residence* of the owner or tenant;
 - b) The owner or tenant resides on the premises; and
 - c) The owner or tenant is present during the rental period, with the exception of up to thirty nights per year where the entire dwelling unit may be rented without an owner or tenant present.

Licensing Ordinance defines Primary Residence: The Dwelling Unit in which a person resides for more than nine (9) months out of each calendar year.

Summary of Text Amendments: Short-Term Rentals

Short-Term Rentals:

- Permitted by right in all districts.
- Allowed in subdivisions.
- Two parking spaces, which must be on-site.
- Must maintain a valid license.
- Cannot be marketed for weddings, receptions or similar private or public events, still permits by-right events hosted by one or more of the individuals who reside on the property.
- Historic Accessory Dwelling are eligible for this use.

Summary of Text Amendments: Vacation Rentals

Vacation Rental defined as:

- A single-family dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where the entire dwelling unit is solely occupied by the rental party during the duration of the rental period.
 - ~~a. The dwelling unit is not the primary residence of the owner; and~~
 - ~~b. The dwelling unit is rented more than 60 days per year.~~

Summary of Text Amendments: Vacation Rentals

Vacation Rentals:

- Permitted in F and MI zoning districts.
- Not allowed in subdivisions.
- Two parking spaces or one space per every four approved occupants, whichever is fewer.
- Access routes must meet MMTS.
- Licensing cap proposed.
- Must maintain a valid rental license.
- May not be marketed or used for weddings, receptions, or similar private or public events.
- The dwelling unit must be rented with a two-night stay minimum.
- Accessory Dwellings are not eligible for this use.

Summary of Text Amendments: Conforming Changes

Staff proposing to update:

- Zoning tables and uses throughout Article 4 to reflect any approved changes.
- Article 4-516.Y, which will be deleted since staff proposes eliminating this use category.
- Article 4-602 will be updated to remove references to Secondary Dwelling Short-Term Rentals.
- Article 4-802 will be updated to allow for the change in use of a parcel to Vacation Rental without a Site Plan Review.

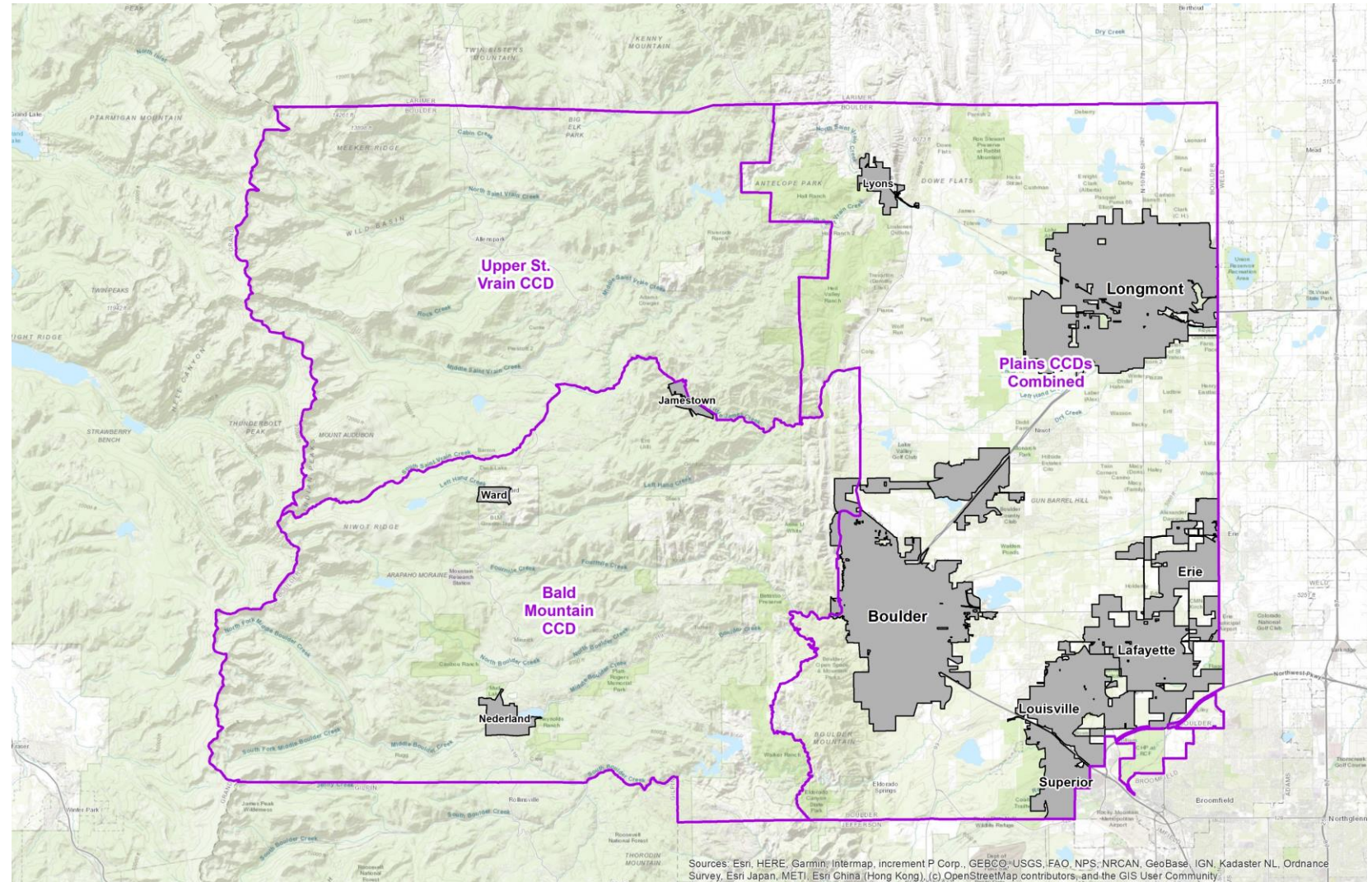
Summary of Proposed Changes to Licensing Ordinance

- Clarifies that advertising a rental without a license is a violation of the ordinance
- Reduce the types of documents that applicants must provide by requiring a Colorado state-issued Driver's License or ID Card and a Sworn Statement of Primary Residence
- Applicants must provide license to immediately adjacent neighbors
- Several changes related to health and safety
 - Permits required for unpermitted work in the dwelling unit offered for rental
 - Incrementalism in Wildfire Partners Certification process
 - Access routes to Vacation Rentals must meet MMTS
 - Expands prohibition on outdoor fires (except in gas grills/fire tables) throughout county
- Removal of some requirements (HERS rating, Radon testing)
- Cap on the number of Vacation Rental licenses

Licensing Caps

Staff proposing a cap of 3.5% of total housing units in mountainous areas of the unincorporated county for Vacation Rental Licenses.

- 169 (12.2% of THU) Vacation Rental Licenses in Upper St. Vrain CCD;
- 73 (1.3% of THU) Vacation Rental Licenses in Bald Mountain CCD



Licensing Caps

- Establishing a cap creates a quantifiable limitation on the number of Vacation Rentals, which aligns with goals of preserving housing stock.
- Far more housing units in the mountains that are classified by the U.S. Census as “for seasonal, recreational or occasional use.”
 - 55.7% in the Upper St. Vrain CCD (north mountains) are classified in this manner.
 - 11% in the Bald Mountain CCD (south mountains) are classified in this manner.
 - 1.1% in the Boulder CCD are classified in this manner.
 - 0.5% each in the Lafayette-Louisville CCD and Longmont CCD are classified in this manner.
- Many housing units in the north mountains were traditionally built for seasonal or vacation use. Furthermore, many of the traditional lodging facilities (i.e., hotels) in the county are in the plains.
- Plains is where we see more of our development and services, supporting traditional housing stock
- Reviewed the Regional Housing Strategy, which anticipates many more opportunities for creating affordable housing in the Plains than in the Mountains.

Referrals

- **Boulder County Access & Engineering Team:** Recommend that parking requirements for Vacation Rentals be revised to a minimum of two spaces and parking requirements for Short-Term Rentals be revised to three spaces.
- **Boulder Rural Fire Rescue:** Recommend that short-term rentals be equipped with smoke and carbon monoxide detectors/alarms, as well as appropriate fire extinguishers.
- **Pinewood Fire Protection District:** Recommend that responding fire agencies be notified about the presence of short-term or vacation rentals in their jurisdiction.
- **No conflict:** Lyons Fire, Parks and Open Space CE Team, Town of Erie, Louisville FPD, Berthoud FPD, City of Lafayette Planning and Building Department.

Summary of Public Comment

Comments varied, but generally focused on:

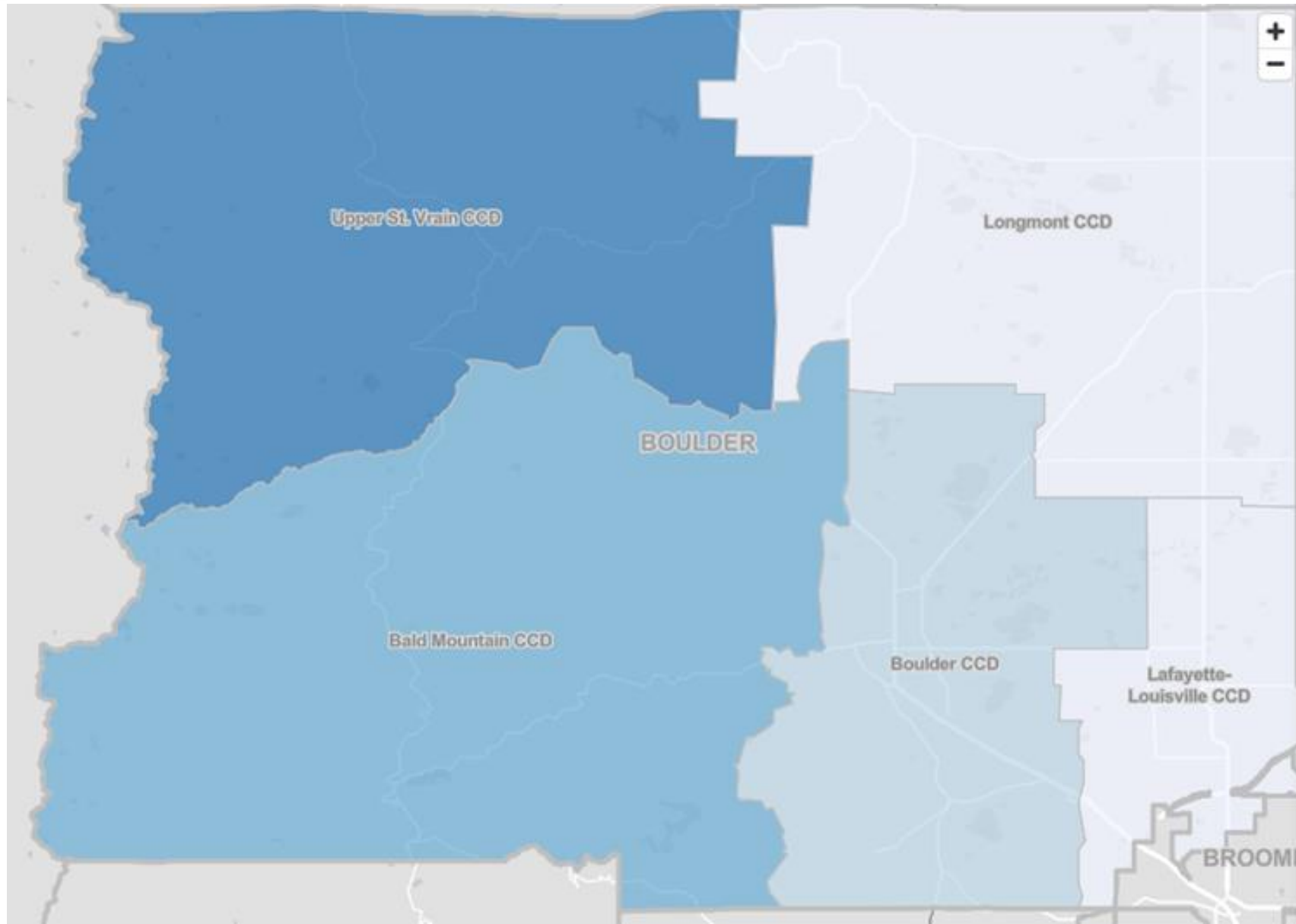
- Supporting aspects of the proposed regulations (access requirements, consolidating use categories, reducing process)
- Opposing aspects of the proposed regulations (process, licensing cap, limitation of one license per owner, etc.)
- Recommending additional options for staff to consider
- Sharing experiences with current regulations
- Concerns about enforcement of existing/proposed regulations
- Highlighting benefits or concerns with short-term and vacation rentals (tourism, traditional uses, neighborhood compatibility, noise, impacts to housing stock, etc.)

Action Requested

Staff recommends that the Planning Commission recommend to the Board of County Commissioners ***approval of Docket DC-23-0001: Text Amendment to the Land Use Code related to Short-Term Dwelling and Vacation Rentals, with the following condition(s):***

A. The Board of County Commissioners concurrently adopts the proposed Short-Term and Vacation Rental Licensing Ordinance.

Summary of Current Short-Term Dwelling and Vacation Rental Uses			
Rental Type	Review Process	Zoning District	Expected Level of Impact
Primary Dwelling Short-Term Rental	No Land Use Review; License Required	All Districts	Lowest
Secondary Dwelling Short-Term Rental	Limited Impact Special Use Review; License Required	All Districts	Moderate
Vacation Rental	Limited Impact Special Use Review; License Required	B, C, LI, and GI	High
		F, A, RR, MI, > 5 acres unsubdivided land	High
	Special Use Review; License Required	F, A, RR, MI, < 5 acres unsubdivided land	Highest



Map Table



DP1 | [View Full Table](#)

Geography	HOUSING OCCUPANCY— Total housing units—Vacant housing units—For seasonal, recreational, or occasional use—Percent
Bald Mountain CCD, Boulder County, Colorado	11%
Boulder CCD, Boulder County, Colorado	1.1%
Lafayette-Louisville CCD, Boulder County, Colorado	0.5%
Longmont CCD, Boulder County, Colorado	0.5%
Upper St. Vrain CCD, Boulder County, Colorado	55.7%