Boulder County

Community Planning & Permitting

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BOULDER COUNTY PLANNING COMMISSION
AGENDA ITEM #5.2

September 20, 2023 at 1:30 p.m.

All Commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join through **Zoom** or **in-person** at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder.

PUBLIC HEARING with PUBLIC TESTIMONY

Staff: Kathy Gissel, Permit & Licensing Operations Manager
Martin Laws, Planning Manager for Code Compliance & Public Information
Ethan Abner, Long Range Planner I

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

Text amendments to the Boulder County Land Use Code related to the Short-Term Dwelling and Vacation Rental uses in Article 4-507.E, Article 4-516.X, Article 4-516.Y, and any other related Articles and provisions necessary to integrate these changes.

Action Requested by Planning Commission: Recommendation of Approval to BOCC

PACKET CONTENTS

INTRODUCTION

Staff presented the Short-Term and Vacation Rental Two-Year Review to the Board of County Commissioners on January 17, 2023. As a result of this review, the Board of

County Commissioners authorized staff on March 14, 2023, to pursue text amendments to Articles 4-507 Lodging Uses and 4-516 Accessory Uses of the Boulder County Land Use Code related to the Vacation Rental, Primary Dwelling Short-Term Rental, Secondary Dwelling Short-Term Rental use classifications. Commissioners directed staff to consider options that would create more certainty for applicants, streamline the existing review process, and reduce discretion associated with the review process. Staff are proposing text amendments to the Boulder County Land Use Code and an update to Licensing Ordinance 2020-01. The proposed amendments to the Land Use Code and the Licensing Ordinance are coordinated to work together to regulate Short-Term Dwelling and Vacation Rentals in unincorporated Boulder County.

Staff recommend that the Boulder County Planning Commission recommend approval of the proposed Land Use Code text amendments to the Board of County Commissioners. In addition to text amendments, staff are also proposing updates to Licensing Ordinance 2020-01, which supplement the proposed changes to the Land use Code. Although Planning Commission does not have purview over the proposed Licensing Ordinance, the Board of County Commissioners may consider any suggestions or comments provided on that item, because the ordinance is an essential component of the program to regulate the proposed Short-Term and Vacation Rental uses. Given the interdependence between the Land Use Code text amendments and the Licensing Ordinance amendment, staff also recommend that the Planning Commission recommend that the Board of County Commissioners approve and adopt the proposed text amendments only if the Licensing Ordinance is also approved and adopted concurrently.

OBJECTIVES

The county's first regulations regarding short-term and vacation rentals were created in 2008 as part of DC-07-0002 and subsequently updated in 2020 as part of DC-19-0005. The 2020 update required staff to conduct an assessment of the Short-Term Dwelling and Vacation Rental regulations, which was completed in January 2023. To implement direction received from the Board of County Commissioners, staff reviewed Article 4 of the Land Use Code and Licensing Ordinance 2020-01 with a focus on proposing regulations that:

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

Staff reviewed academic research regarding the impacts of short-term and vacation rentals, data from the U.S. Census Bureau, and other municipalities' regulations. Staff also considered "best practices" and input received from the public, agencies, and other internal and external stakeholders. As part of this process staff explored additional areas of interest outlined by the Board of County Commissioners, to include:

- Housing stock, housing affordability, licensing caps and geographic restrictions;
- Assessing fees and taxes;

- Impacts to the tourism sector and traditional lodging sector; and
- Assessing penalties against platforms that advertise short-term and vacation rentals.

BACKGROUND AND RESEARCH

The 2019 updates to the Short-Term Dwelling and Vacation Rental regulations were proposed—and ultimately approved—to respond to evolving conditions, ensure a baseline level of safety at all short-term and vacation rental properties, improve enforcement mechanisms, and address housing impacts and concerns about the neighborhood compatibility of these uses. The Licensing Ordinance, which passed concurrently with the text amendments, was designed to work in conjunction with the amendments to achieve these goals. These goals remain unchanged, but staff has provided additional information to address how the proposed regulations will help achieve these goals.

The 2019 update divided Short-Term Dwelling and Vacation Rentals into three categories: Primary Dwelling Short-Term Rentals, Secondary Dwelling Short-Term Rentals, and Vacation Rentals. The key aspects of these rental types are summarized in Table 1 below:

Table 1: 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	Business, Commercial, Light Industrial, and General Industrial	High
		Forestry, Agricultural, Rural Residential, Mountain Institutional, provided the property is > 5 acres on unsubdivided land	High
	Special Use Review; License Required	Forestry, Agricultural, Rural Residential, Mountain Institutional if property is < 5 acres on unsubdivided land	Highest

While drafting the proposed regulations, staff sought a balance between the potential positive and negative impacts that short-term and vacation rentals can have on neighborhoods and communities. Staff worked to ensure that the proposed regulations align with the guiding principles of the Boulder County Comprehensive Plan, as well as specific elements in the Comprehensive Plan related to housing, tourism, and safety (see **Recommendations**).

The market for short-term and vacation rentals has continued to grow and evolve and online booking platforms that connect hosts to guests have supported this growth. The short-term and vacation rental market itself is influenced by a broad array of external factors that can vary over

time, impacting the supply and demand of short-term or vacation rentals in the community. For instance, changing preferences among renters can impact the demand for—or supply of—short-term and vacation rentals. Staff remain cognizant of these factors and have drafted the regulations with enough flexibility to account for changing conditions like these while accomplishing the county's goals and objectives. Staff has also researched a number of issues related to short-term and vacation rentals, a summary of which is provided below.

Housing Stock, Housing Affordability, Geographic Restrictions, and Licensing Caps

Staff remain concerned about the impacts that Vacation Rentals—essentially whole-home rentals—can have on housing stock and housing affordability in certain areas of the unincorporated county. The impacts that Vacation Rentals can have on local communities, housing stock, and housing affordability are complex and nuanced. Understanding these impacts can be complicated by traditional development patterns and uses in the unincorporated county, as well as broader external factors (e.g., natural disasters, economic environment, etc.).

Research shows that short-term and vacation rentals can reduce housing stock (numbers of units in the market) and housing affordability. For instance, the authors of "The Effect of Home-Sharing on House Prices and Rents: Evidence from Airbnb" concluded that "the increased ability to home-share has led to increases in both rental rates and house prices (Barron, Kung & Proserpio, 2020)." Additionally, the authors found that "while the total supply of housing is not affected by the entry of Airbnb, Airbnb listings increase the supply of short-term rental units and decrease the supply of long-term rental units (Barron et al., 2020)." Home-sharing can impact housing affordability by causing the price of rentals or home prices to rise. However, because housing supply is inelastic in the short-run—meaning it would be difficult to quickly build homes to increase supply in response to changes in demand—total housing stock is not affected in the short-run. Although there are no impacts to the total housing stock, re-allocation can occur when long-term rental units are converted to short-term rental units. Re-allocating units from the long-term rental market to the short-term rental market decreases the number of long-term units for rent, which decreases supply, leading to a rise in prices for these units.

Other studies found:

- "Airbnb mildly cannibalizes the rental market but has a market expansion effect.[1] The percentage of switchers varies significantly across cities. The rental supply reduction is larger for lower priced affordable units than for higher priced luxury units, suggesting that Airbnb can raise concerns about housing affordability. However, the market expansion effect is also greater for affordable units, suggesting that owners of affordable units benefit more from having Airbnb as an income source (Li, Kim & Srinivasan, 2021)."
- "… the spread of Airbnb seems at its core to be a shift of potential housing supply from the long-term residential housing market to the market for short-term accommodations.

[1] An example of market expansion would be a host—who would have kept their unit vacant—choosing to list on an online booking platform if the opportunity exists. Since the unit would have been vacant anyway, a unit of housing stock is not cannibalized.

The shift of supply can lower prices for travelers but raise housing prices for long-term residents (Bivens, 2019)."

- "Identifying more impactful approaches to increasing housing supply that go beyond STR restrictions is essential. As demonstrated throughout this report, STRs do not contribute significantly to housing shortages and rising costs, and aggressive STR regulation restricts regional tourism, which many communities depend on economically.[2] In vacation destinations, the underdevelopment of multifamily housing and the high share of second homeownership resulting in high vacancies that are main drivers of continuing housing shortages (Dubetz, Horton, & Kesteven, 2022)."
- "Home sharing can create a reallocation of the rental stock from the long-term rental to the short term rental market. This can increase rental rates and house prices, decrease vacancy rates in the long-term market, and create a tighter market for long-term renters (Vacation Home Rental (Short Term Rental Fee Study, 2022)."

These findings help identify trends and outline broader issues communities must consider when regulating short-term and vacation rentals. It is important to note that each community must consider a variety of unique factors when regulating these rental types.

Broadly, the impacts of short-term and vacation rentals relate to various goals and objectives of the Boulder County Comprehensive Plan and Land Use Code in different ways that may vary over time. For instance, staff has established that these rental types can increase home prices and rental rates; however, opportunities for homeowners to rent out a spare bedroom might help generate supplemental income, which can support home ownership. In this instance, where a portion of a home is rented, spare capacity is used, and a unit is not re-allocated because the owner still resides in their home. Creating opportunities to generate supplemental income while preserving housing stock available for long term rental or owner occupancy and reducing pressure on rental rates is a key goal of the regulations, which is why staff have recommended a greater focus on occupancy (or vacancy) of the unit during the rental period.

In addition to occupancy, staff also reviewed data from the U.S. Census Bureau regarding housing throughout the unincorporated county. Development patterns differ between areas of the county, primarily between the mountainous areas and the plains. This variance informs staffs' recommendation to implement different caps and restrictions on the number of Vacation Rental Licenses throughout areas of the county. Establishing a licensing cap creates a quantifiable limitation on the number of Vacation Rentals, which supports the county's housing goals. Licensing caps also allow for the consideration of the county's patterns of development, services, traditional use, and housing demand when determining appropriate locations and amounts for this use. For instance, higher vacancy rates in the north mountains suggest that allowing Vacation Rentals in this area might have less of an impact on housing stock, as the units available are more suitable for this use. In addition, implementing a cap on the total number of licenses in a particular area can help mitigate the less quantifiable impacts that Vacation Rentals can have on neighborhood and community character, such as knowing your neighbors and building community based on personal relationships. Finally, staffs' proposal modifying the

[2] Staff also reviewed studies that concluded that short-term and vacation rentals did not significantly impact housing stock and housing affordability. Although their findings were inconsistent with other studies, information provided in the reports was still considered by staff.

review process removes almost all discretion, thereby providing greater certainty to applicants as to the outcome of the review process.

Staff recommend a county-wide licensing cap for Vacation Rental Licenses based on a percentage of the total housing units in the mountainous areas of the unincorporated county. Existing Census County Divisions (CCDs) can be used to differentiate between the north mountains, south mountains, and plains area of the county.

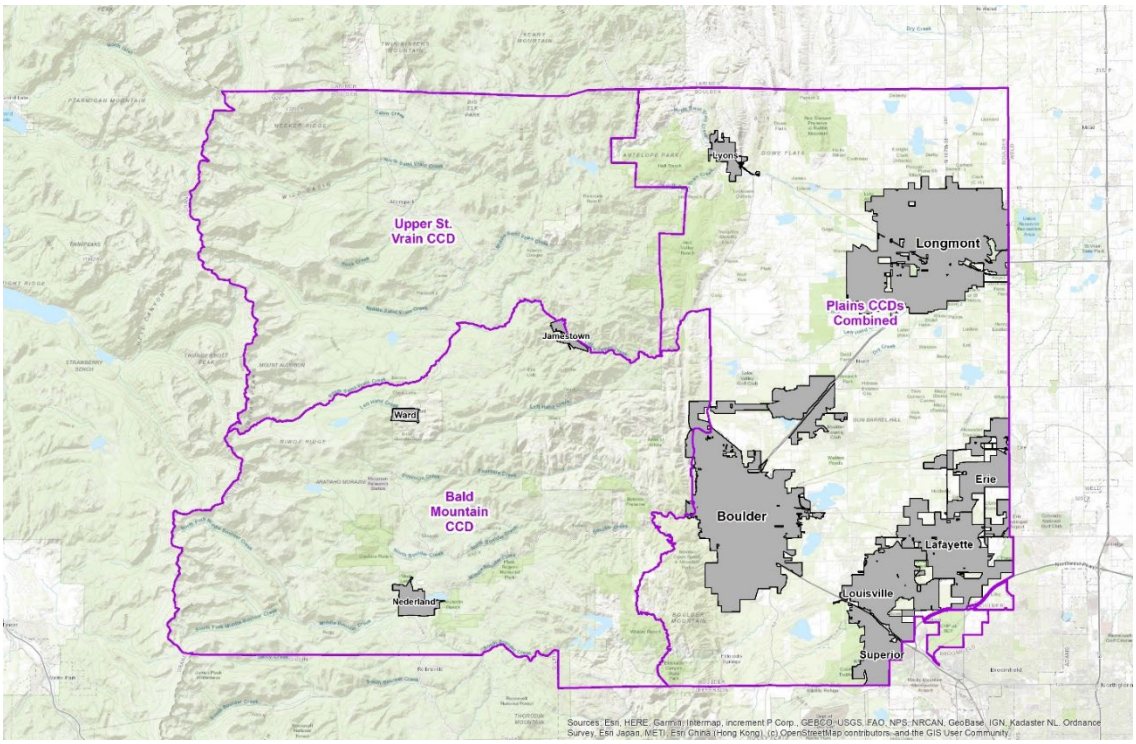


Figure 1: Outline of the three proposed licensing areas based on existing CCDs.

Staff reviewed Census data to better understand occupancy, vacancy, and the characteristics of housing units in the unincorporated county. Data from the 2020 Decennial Census indicates a much higher percentage of housing units in the mountains—more-so in the north mountains than in the south mountains—that are classified as "for seasonal, recreational, or occasional use." Far fewer housing units in the plains are classified in this manner, relative to total housing stock. The map in Figure 2 demonstrates this variance. Darker blue areas have a higher percentage of units classified as "for seasonal, recreational, or occasional use."

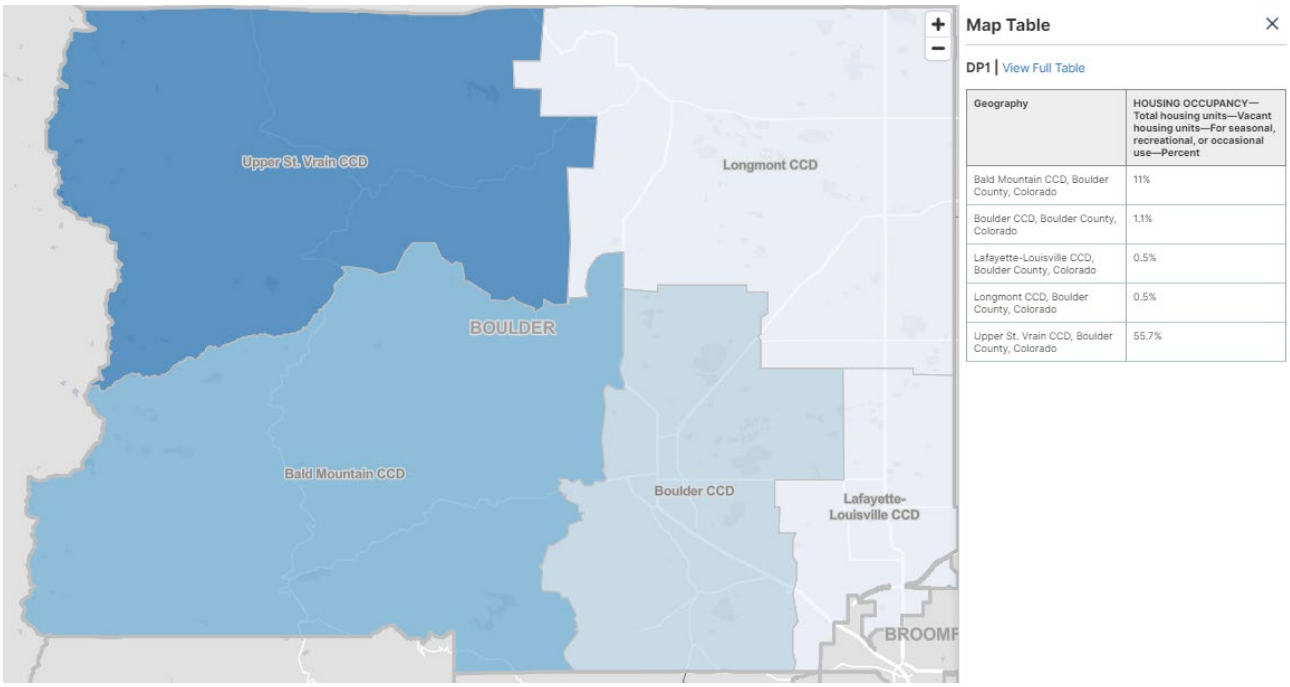


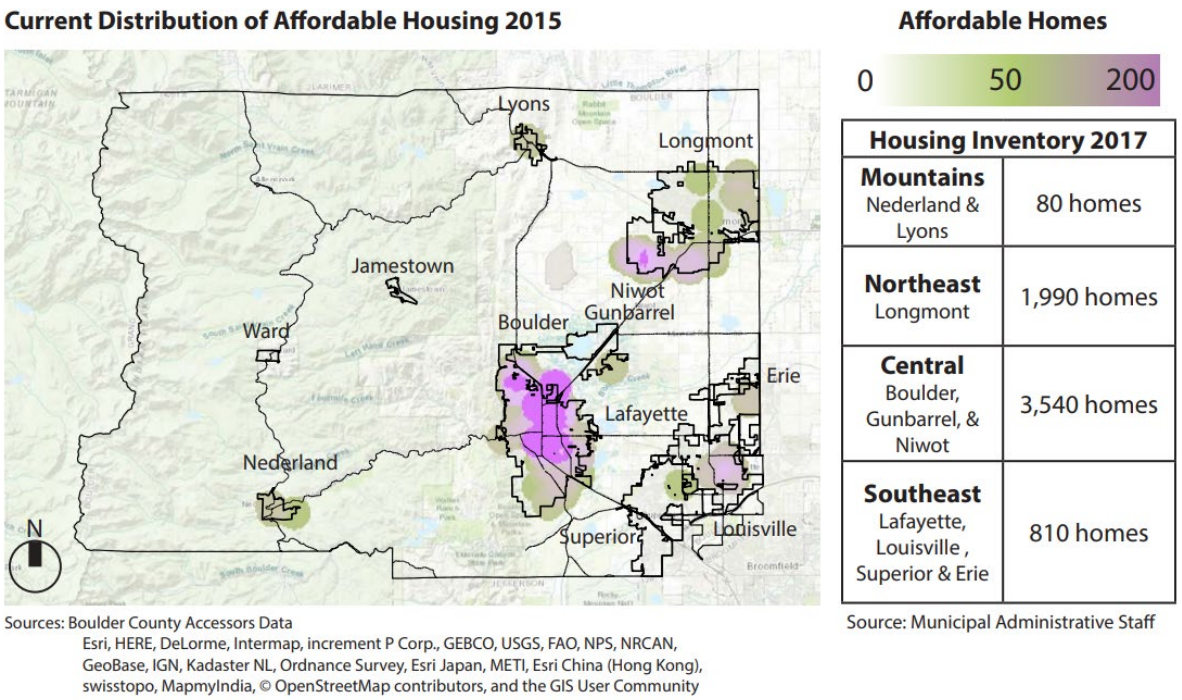
Figure 2: Percentage of total housing units classified as vacant "for seasonal, recreational, or occasional use." Darker blue areas indicate a higher percentage of units classified in this manner.

Units classified as "for seasonal, recreational, or occasional use" in each CCD are outlined below:

- 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;
- .5% each in the Lafayette-Louisville CCD and Longmont CCD are classified in this manner.

The number of units classified as "for seasonal, recreational, or occasional use" in the north mountains is significantly higher than those in the south mountains and the plains. These data suggest that Vacation Rentals may be more appropriate in the north mountains, while a Vacation Rental in the plains is more likely to remove a housing unit from the inventory of homes available for local residents.

While considering areas that might be more appropriate for Vacation Rentals, staff also reviewed the Boulder County Regional Housing Partnership's *Expanding Access to Diverse Housing for our Community*, which establishes a strategy for countering rising costs of renting and homebuying in the region. This strategy outlines the current distribution of affordable housing in the county in 2015 (Figure 3).

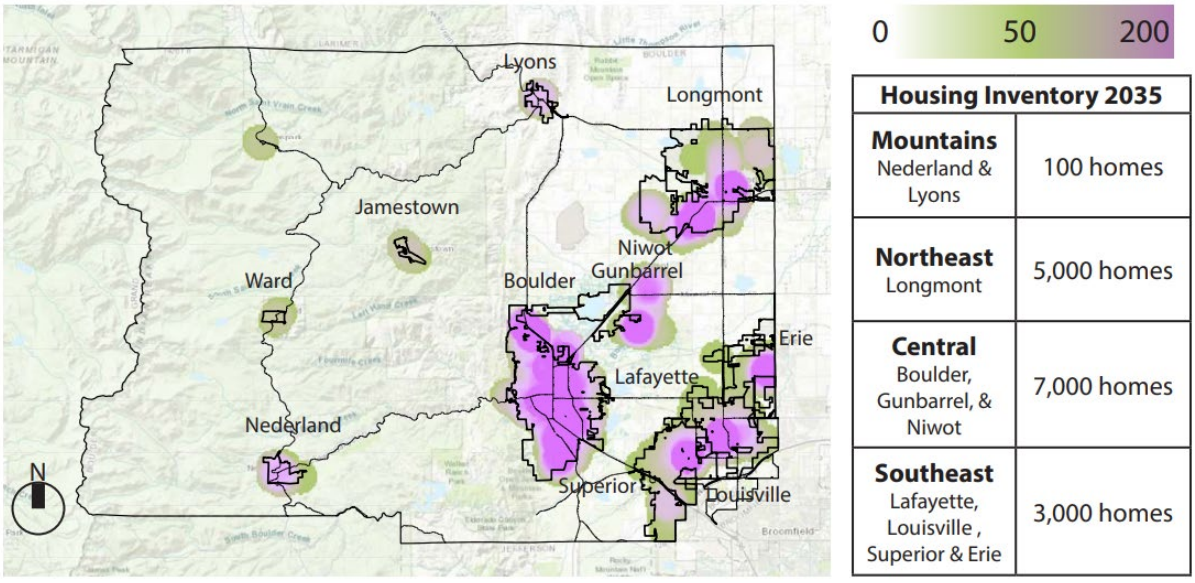


Housing Inventory 2017	
Mountains Nederland & Lyons	80 homes
Northeast Longmont	1,990 homes
Central Boulder, Gunbarrel, & Niwot	3,540 homes
Southeast Lafayette, Louisville , Superior & Erie	810 homes

Source: Municipal Administrative Staff

Figure 3: Current distribution of affordable housing in 2015 according to Boulder County's "Expanding Access to Diverse Housing."

Much of the affordable housing in the county currently exists in the plains. The strategy also outlines a possible distribution of affordable housing by 2035 (Figure 4)—much of which continues to exist in the plains, with a slight increase in the south mountains around Nederland.



Housing Inventory 2035	
Mountains Nederland & Lyons	100 homes
Northeast Longmont	5,000 homes
Central Boulder, Gunbarrel, & Niwot	7,000 homes
Southeast Lafayette, Louisville , Superior & Erie	3,000 homes

Figure 4: Possible distribution of affordable housing in 2015 according to Boulder County's "Expanding Access to Diverse Housing."

These data also suggest that different areas of the county should be considered differently, further supporting staffs' recommendation for a licensing cap that varies between areas of the county.

Taxing Short-Term and Vacation Rentals

HB 22-1117 expanded the allowable uses for county lodging taxes, which previously allowed for capital expenditures related to tourist information centers. According to a Fiscal Note published by Legislative Council Staff, HB 22-1117 "allows lodging tax revenue to be used for housing and childcare for the tourism-related workforce, seasonal workers, and other workers in the community…" The amount of lodging tax that can be levied is 2% and must be approved by voters.

Taxes are one method that communities can use to potentially disincentivize property owners from converting long-term rentals to short-term rentals, as they may increase operating costs and make long-term rentals more attractive than short-term rentals. Currently, residential properties in Colorado are taxed at a rate of approximately 7% and commercial properties are taxed at a rate of 29%. Though commercial in nature, short-term and vacation rentals are not taxed as commercial properties. Taxes collected from a 2% lodging tax might contribute some capital to construct local housing but considering the large difference between residential and commercial taxes, it's likely not enough to sufficiently incentivize owners to keep their homes in the long-term rental market.

Impacts to Tourism and the Traditional Lodging Sector

Short-term and vacation rentals can have both positive and negative impacts to the tourism and lodging sector. Like many other impacts created by short-term and vacation rentals, these impacts can vary by geographic area. Research shows that short-term and vacation rentals can supplement the existing supply of traditional lodging during times of high demand and limited capacity (i.e., graduation at a large university), generate additional income for local economies by supporting visitation to areas that lack traditional lodging facilities, positively impact local economic revenues, and increase income for owners (Dogru, Mody & Suess, 2018). However, research has also shown that short-term and vacation rentals can negatively impact room revenues, average daily rates, and occupancy rates in the traditional lodging sectors (Dogru et al., 2018).

Travelers' preferences, price differences between traditional lodging and short-term or vacation rentals, and the location of traditional lodging also play a role. Much of the traditional lodging (i.e. hotels) in the county is in the plains, which is more developed than the mountainous areas. This suggests that competition between short-term and vacation rentals and traditional lodging would be greater in the plains than in the mountains. Allowing Vacation Rentals in the mountainous areas can induce competition with traditional lodging facilities, like guest ranches, but establishing a cap on the total number of Vacation Rentals allowed in specific areas can help mitigate these impacts.

Penalties for Platforms Advertising Unlicensed Short-Term Rentals

Some communities have implemented fines for online booking platforms that advertise unlicensed short-term or vacation rentals. This is one potential option that might improve

enforcement outcomes. Additionally, HB 23-1287 was signed into law this year and went into effect in August 2023. HB 23-1287 grants the Board of County Commissioners the authority to require that permit or license numbers for short-term and vacation rentals be included in online advertisements. Furthermore, counties may request that a service remove a listing from its website when given proper notification. Considering these recent changes in the law, staff does not recommend establishing penalties for online booking platforms at this time. Rather, staff recommend incorporating the authorities granted under HB 23-1287 into existing enforcement processes.

SUMMARY OF PROPOSED TEXT AMENDMENTS

This summary provides information about how the regulations would work in practice as well as information about key changes. The proposed text amendments to the Land Use Code and updates to the Licensing Ordinance are designed to work together to regulate Short-Term and Vacation Rentals in the unincorporated county.

The proposed changes simplify the process by reducing the number of uses from three to two and establish a single process through which Short-Term and Vacation Rental uses are reviewed by zoning and licensing staff. Additional recommendations to the draft Licensing Ordinance create parameters that establish a baseline level of health and safety in rentals, outline areas where Vacation Rentals are more appropriate, and reduce impacts to traditional housing stock. Proposed changes to the Land Use Code are summarized in this section. A more detailed summary of proposed changes to the Licensing Ordinance can be found in **Attachment C**.

Proposed Changes related to Use Categories and Processes

- The proposed regulations reduce the number of Short-Term and Vacation Rental uses from three to two by eliminating the Secondary Dwelling Short-Term Rental use. Primary Dwelling Short-Term Rentals are redefined as "Short-Term Rentals" and the Vacation Rental use classification is maintained.
- Short-Term Rentals will continue to require a license and be reviewed by staff—there are no changes proposed for this review process.
- The proposed regulations, in conjunction with the Licensing Ordinance, also modify the review and approval process for Vacation Rentals. Vacation Rentals will only require licensing review with a zoning review completed by staff. There are no Planning Commission and/or Board of County Commissioners hearings required.
- Licensees will be 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.

Proposed Changes related to Vacation Rentals

- Defined as a single-family dwelling unit that offers transient lodging accommodations to a single booking party at a time for a rental duration of fewer than thirty days where the entire dwelling unit is solely occupied by the rental party during the duration of the rental period.
- If approved and licensed, Vacation Rentals are permitted to operate 365 days per year. Previously, Vacation Rentals were allowed for more than 60 days per year, but

oftentimes limitations on the total days per year that a unit could be rented were conditioned through the land use review process.

- Vacation Rentals will be allowed in the Forestry and Mountain Institutional zones where the use has a long tradition of operating, where vacancy rates are high, and where tourism driven by recreational opportunities is not well served by traditional lodging. Vacation Rentals would no longer be permitted in the Agricultural, Rural Residential, Commercial, Business, General Industrial, and Light Industrial zoning districts.
- Staff proposes reducing parking requirements to two spaces or one space per every four approved occupants, whichever is fewer. Parking is still required to be on-site.
- Vacation Rentals must be rented with a two-night stay minimum. Requiring a minimum night rental period can reduce impacts related to turnover and create some consistency for neighbors and the community.

<u>Propose Changes related to Short-Term Rentals</u>

- Defined as a Dwelling Unit offering transient lodging accommodations to a single booking party at a time for a rental duration of fewer than 30 days where the Dwelling Unit is the primary residence of the owner or tenant, the owner or tenant resides on the premises, and the owner or tenant is present during the rental period.
- An exception is proposed to allow the entire Dwelling Unit with a Short-Term Rental License to be rented without the owner present for up to 30 days per calendar year.
- Clarifies that Short-Term Rentals are permitted—with a license—in any legal Dwelling Unit and in Historic Accessory Dwelling units.
- This use is allowed by right in all zoning districts.
- Staff proposes modifying the parking requirements to two spaces. Parking is still required to be on-site.

<u>Other Conforming Changes to the Land Use Code</u>

- Staff are proposing to update the zoning tables and uses throughout Article 4 to reflect any approved changes.
- Article 4-516.Y, related to Secondary Dwelling Short-Term Rentals 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. Staff proposes to exclude a change in use to Vacation Rentals from the site plan review process because the prescriptive nature of the licensing ordinance is designed to mitigate the impacts of this use.

<u>Proposed Changes related to the Licensing Ordinance</u>

- Several changes that clarify licensing requirements related to health and safety have been included in the Licensing Ordinance.
- Some licensing requirements, such as a radon test or HERS rating are proposed to be eliminated.
- Proposed changes to the Licensing Ordinance introduce incrementalism into the Wildfire Partners Assessment and Certification Process.

- A cap on the number of Vacation Rental Licenses is proposed.
    - Based on staffs' review of the data discussed in **Background and Research** as well as parcel-specific information in the unincorporated county, staff proposes a 3.5% cap on the number of licenses based on the total number of housing units in the mountainous areas where the zoning permits this use.
    - Staff proposes a higher allotment of Vacation Rental Licenses in the north mountains than in the south mountains. Staff recommends a cap of 169 Vacation Rental Licenses in the north mountains (Upper St. Vrain CCD) and 73 Vacation Rental Licenses in the south mountains (Bald Mountain CCD).
        - There are 1,380 housing units in the Upper St. Vrain CCD—169 Vacation Rental Licenses would be approximately 12.2% of total housing units in this CCD.
        - There are 5,533 housing units in the Bald Mountain CCD (excluding municipalities)—73 Vacation Rental Licenses would be approximately 1.3% of total housing units in this CCD.
    - Staff also propose establishing a waitlist when the caps are reached.

SUMMARY OF PUBLIC ENGAGEMENT AND FEEDBACK

Community Planning & Permitting staff have engaged with the public multiple times since the two-year review and throughout the text amendment process. Table 2 provides a timeline of these engagements:

Table 2: Summary of Public Engagement

Activity	Timeframe
October 19, 2022	Working Session with Board of County Commissioners and Planning Commission
December 12, 2022	Virtual Public Listening Session
January 17, 2023	Presentation of Two-Year Review Report
March 14, 2023	Board of County Commissioners Authorization to Proceed with Code Amendment
May 12, 2023—June 12, 2023	Short-Term and Vacation Rental Concepts Survey
May 24, 2023	Virtual Feedback Session on Concepts
May 31, 2023	In-Person Feedback Session on Concepts in Allenspark
June 6, 2023	In-Person Feedback Session on Concepts in Commissioners' Hearing Room

Throughout the public engagement process, staff heard from property managers, people that currently have or want a short-term rental in the county, those who live near short-term rentals, agency staff, hosting platforms, and other internal and external partners. Most public engagement included those who live in, or own a residence in, Boulder County. Staff only heard from a few people outside of unincorporated Boulder County who might benefit from changes to the regulations. Staff did not have a racially diverse group attending sessions and may not have heard from people whose time constraints did not allow them to attend a session or have minimal access to the internet or technology.

Staff would like to thank members of the public who were able to participate during the process but would also like to acknowledge that those who are traditionally able to participate in public feedback sessions might not be inclusive of all those who will be affected by changes to the regulations. Staff considered all feedback received as well as potential impacts to traditionally marginalized or underrepresented groups.

Survey Results

Staff created and distributed an electronic survey requesting feedback from members of the public on concepts staff were considering as part of the update to the Short-Term and Vacation Rental regulations. The survey was open from May 8 to June 12 and 29 people responded. A copy of this survey and summary results are included in **Attachment F**. Staff notes that the survey respondents are not a representative sample of unincorporated Boulder County, and the survey was used for informational purposes only.

Summary of Public Comments Received

Staff received 18 unique written comments regarding this docket, with some comments provided by members of the public throughout the process of drafting and proposing regulations. Comments varied, but generally focused on:

- Supporting certain aspects of the proposed regulations (access requirements, consolidating use categories, etc.).
- Opposing certain aspects of the proposed regulations (lack of public comment period, allowing vacation rentals 365 days/year, etc.) or the regulations outright
- Recommending additional options for staff to consider (insurance, informing neighbors, fire danger, etc.)
- Sharing experiences with the current regulations
- Requesting additional information from staff
- Raising concerns about enforcement of the existing and/or proposed regulations
- Highlighting the benefits of short-term or vacation rentals (tourism, traditional use); and
- Highlighting concerns with short-term or vacation rentals (neighborhood compatibility, noise, impacts to housing stock/affordability, etc.).

All public comments received are included in Attachment E.

SUMMARY OF REFERRAL AGENCY FEEDBACK

The application was referred to a wide range of agencies and departments, including all homeowners' associations and fire protection districts in the unincorporated county. A significant number of agencies did not respond by September 12, 2023, which is regarded as a response with no conflict per Land Use Code Article 3-204.C.1.b. However, responses received after the deadline will be shared with the Planning Commission and incorporated into the staff packet for the Board of County Commissioners hearing, should the Planning Commission recommend approval of the docket.

Boulder County Access and Engineering Team: Recommend that parking requirements for Vacation Rentals be revised to a minimum of two spaces to ensure the requirement is consistent

with the current parking requirement for a single family residential unit and ensure some level of travel flexibility for users of the unit. The Access & Engineering team also recommended that parking requirements for Short-Term Rentals be revised to three required spaces, to accommodate residents (who often have two vehicles) and short-term renters.

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.

Agencies that responded with no conflict: Lyons Fire, Parks and Open Space—Conservation Easement Team, Town of Erie, Louisville Fire Protection District, Berthoud Fire Protection District, City of Lafayette Planning and Building Department.

RECOMMENDATION

Article 16-100.B of the Boulder County Land Use Code contains criteria for amending the text of the Land Use Code. Staff reviewed the proposed text amendments against these criteria and find:

1) *The existing text is in need of amendment.*

   Based on the results of the Two-Year Review and feedback from the public, Planning Commission, and Board of County Commissioners, text amendments are 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.*

   The Boulder County Land Use Code is enacted to protect and promote the health, safety, and general welfare of present and future inhabitants of Boulder County. The 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.

3) *The amendment is in accordance with the Boulder County Comprehensive Plan.*

   The Boulder County Comprehensive Plan provides the following guidance that staff finds directly relevant to Short-Term and Vacation Rentals:

   - 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.

Staff find that the criteria for text amendments to the Land Use Code are met. Further, staff finds that the proposed text amendments appropriately balance the competing values of preserving housing stock available for long term rental or owner occupancy, reducing pressure on rental rates, supporting tourism opportunities, and the health, safety, and welfare of Boulder County residents.

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

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

DOCKET DC-23-0001: TEXT AMENDMENTS TO THE LAND USE CODE RELATED TO SHORT-TERM DWELLING AND VACATION RENTALS. Text amendments to the Boulder County Land Use Code related to the Short-Term Dwelling and Vacation Rental uses in Article 4-507.E, Article 4-516.X, Article 4-516.Y, and any other related Articles and provisions necessary to integrate these changes.

A summary of changes made to each section is available in the Summary of Changes document. A strike-through format is utilized to denote language suggested for deletion and an underline format is utilized to indicate suggested new changes or additions.

4-507 Lodging Uses

E. Vacation Rental
   1. Definition: 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.~~
   2. Districts Permitted:
      a. ~~By Special Review~~ By right in F, ~~A, RR,~~ and MI, provided the property is ~~less than 5 acres in size and~~ not on ~~un~~subdivided land.
      ~~b. By Limited Impact Special Use Review in F, A, RR, and MI, provided the property is greater than 5 acres in size and on unsubdivided land.~~
      ~~c. By Limited Impact Special Use Review in B, C, LI, and GI.~~
   3. Parking Requirements: ~~One space per Sleeping Room in addition to one space for the local manager.~~ Two spaces, or one space per every four approved occupants, whichever is fewer. All parking must be on-site.
   4. Loading Requirements: None
   5. Additional Provisions:
      a. All Vacation Rentals must maintain a valid Boulder County Vacation Rental License.
      b. A Vacation Rental may not be marketed or used for weddings, receptions, or similar private or public events.
      c. The dwelling unit must be rented with a two-night stay minimum.
      d. Accessory Dwellings are not eligible for this use.

4-516 Accessory Uses

X. ~~Primary Dwelling~~ Short-Term Rental
   E. Definition: 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.

F. Districts Permitted: By right in all districts
G. Parking Requirements: ~~Three~~ Two spaces, which ~~or one space per designated Sleeping Room in addition to one space for the owner or local manager, whichever is greater. All parking~~ must be on-site.
H. Loading Requirements: None
I. Additional Provisions:
   a. All ~~Primary Dwelling~~ Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.
   b. A ~~Primary Dwelling~~ Short-Term Rental may not be marketed or used for weddings, receptions, or similar private or public events, with the exception of those by-right events hosted by one or more of the individuals who reside on the property.
   c. Historic Accessory Dwelling Units are the only type of Accessory Dwelling Unit eligible for this use.

~~Y. Secondary Dwelling Short-Term Rental~~

~~1. Definition: 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 not the primary residence of the owner;~~
   ~~b. The dwelling unit is rented 60 days per year or less; and~~
   ~~c. The dwelling unit is rented with a two-night stay minimum.~~
~~2. Districts Permitted: By Limited Impact Special Review in all districts~~
~~3. Parking Requirements: Three spaces, or one space per designated Sleeping Room in addition to one space for the owner or local manager, whichever is greater. All parking must be on-site.~~
~~4. Loading Requirements: None~~
~~5. Additional Provisions:~~
   ~~a. All Secondary Dwelling Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.~~
   ~~b. A Secondary Dwelling Short-Term Rental may not be marketed or used for weddings, receptions, or similar private or public events, with the exception of those by-right events hosted by one or more of the individuals who reside on the property.~~
   ~~c. Accessory Dwellings are not eligible for this use.~~

4-602 Special Provisions

G. Limited Impact Special Review Waiver for Bed and Breakfast ~~and Secondary Dwelling Short-Term Rental~~
   1. The requirement for Limited Impact Special Review may be waived if the Director determines that the Bed and Breakfast ~~or Secondary Dwelling Short-Term Rental~~ will not have any significant conflict with the criteria listed in Article 4-601 of this Code.
   2. The Director may impose written terms and conditions on ~~these uses~~ this use that may be reasonably necessary to avoid conflict with the review criteria in Article 4-601 of this Code.
   3. The Bed and Breakfast must comply with the Additional Provisions outlined in Article 4-507.A. of this Code. ~~The Secondary Dwelling Short-Term Rentals must comply with the Additional Provisions outlined in Article 4-516.Y. of this Code.~~

4. Notice of the waiver application being reviewed shall be sent to referral agencies and adjacent property owners in accordance with Article 3-204 of this Code.
5. The Director shall not issue the determination for 15 days following such notification and shall consider any comments received by the public.

4-802 Applicability and Scope of the Site Plan Review Process for Development

A. Site Plan Review shall be required for (unless not required or waived pursuant to Sections B and below):

10. A change in use of a parcel, except for a change in use to a Vacation Rental.

ORDINANCE NO. 2023-01

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 short-term rentals has grown drastically in the past decade; and
C. The short-term rental of residential Dwelling Units 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)~~ nine (9) 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. Tenant: A person who occupies property rented from a property owner for a rental duration of greater than 30 days.
12. ~~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 offer, provide, or 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.

   a. Short-Term Rentals: An additional License may be issued to a person or any legal entities associated with that person, including trusts, corporations, estates, or associations, if:

      i. The Dwelling Unit or Licensed Premises is a Historic Landmark; and
      ii. The applicant already maintains a Vacation Rental License on a separate Licensed Premises

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. Online 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 the 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~~ certificate of insurance with adequate liability and property insurance limits that must at a minimum, insure liability at $500,000 and show a rental exposure. An Insurance certificate must be submitted on a yearly basis when the insurance policy renews, or at any point that the insurance policy is changed.
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, along with the Sworn Statement of Primary Residence submitted upon application and on a yearly basis on the anniversary of the License issuance date. ~~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 location 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. Provide Copy of License to Neighbors. The Licensee must provide a copy of the License to immediately adjacent neighbors by U.S. Mail, first class postage or email. Further, the Licensee must post a copy of the License in a prominent location within the Dwelling Unit for guests to see.
10. Payment. Payment of all applicable License fees.

11. Property Taxes. ~~For Vacation Rentals and Secondary Dwelling Short-Term Rentals,~~ Proof that property taxes have been paid to date.
12. 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 <u>within six (6) months (180 days) will result in withdrawal</u> ~~may be grounds for denial~~ of the application.

C. The Director may refer the application to <u>Boulder County Public Health, Access & Engineering, Building Safety & Inspection Services, the Wildfire Mitigation Team, or</u> 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 <u>Code</u> ~~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. The applicant shall be required to obtain and complete the necessary permits for any nonpermitted work in the Dwelling Unit offered for rental.

~~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 within the past five (5) years; and

ii. Upon the first renewal, the Licensed Premises is Wildfire Partners Certified.

iii. The Licensed Premises must be assessed and re-certified by Wildfire Partners every six (6) years.

~~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 suitable mitigated any traffic hazards associated with the proposed use.~~

5. Access Routes For Vacation Rental License. The County Engineer or the County Engineer's designee has determined that the proposed Licensed Premises has a vehicular access route that meets the Boulder County Multimodal Transportation Standards and the Boulder County Land Use Code.

6. 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.

7. 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.
    i. Occupancy as permitted in the License is the total number of persons who may be at the Licensed Premises at any one time while the Dwelling Unit is offered for rental.
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. ~~In Wildfire Zone 1,~~ Renters cannot have any outdoor fires except for gas grills and gas fire tables. To the extent the Licensed Premises has existing outdoor fire pits, fire rings, fireplaces, charcoal grills, or other outdoor fire structures, the Licensee must cover those structures and place a “do not use” sign on the cover while the Licensed Premises is being rented.
4. Contact Emergency Services. Applicants shall demonstrate that renters have a means through cellular service, VoIP, or landline, that renters may use to contact emergency services.
5. 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.

6. ~~Signs. The Licensed Premises must comply with the signage requirements in Article 13 of the Boulder County Land Use Code.~~
7. ~~Provide Copy of License to Neighbors. The Licensee must provide a copy of the License to immediately adjacent neighbors or other individuals, if requested. Further, the Licensee must post a copy of the License in a prominent location within the Dwelling Unit for guests to see~~.
8. Advertisement. All advertisements and listings of the Licensed Premises must include:
    i. The local License number;
    ii. Whether the whole home or a private room is being offered for rent;
    iii. The approved occupancy limit; ~~and~~
    iv. The number of parking spaces available On-site; and
    v. The minimum night stay, if applicable.
9. 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 XX: Limitations on Number of Short-Term Rental and Vacation Rental Licenses

A. Short-Term Rental Licenses. There is no cap on the number of Short-Term Rental licenses.
B. Licenses for Vacation Rentals shall be subject to a combined 3.5 percent cap of the total housing units within the Upper St. Vrain Census County Division (CCD) and Bald Mountain CCD within the unincorporated County. Caps on the number of rental licenses for each CCD are established as follows:
    a. Upper St. Vrain CCD: 169 Vacation Rental Licenses
    b. Bald Mountain CCD: 73 Vacation Rental Licenses
C. License Waitlist. When the total number of issued licenses reaches the caps established in Section XX.B the Director shall create a waitlist for new licenses. Prospective applicants shall be placed on the waitlist on a first come, first served basis. When a license becomes available, the County will notify the first applicant on the waiting list. Upon notification, the applicant shall have thirty (30) days to begin the application submittal process. If the applicant does not respond or fails to begin the application submittal process by the deadline, the next person on the waitlist will be contacted and the original applicant will be removed from the waiting list.

Ensuing sections will be renumbered accordingly.

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 (2) years (the License Period). A License will expire on the expiration date listed on the License 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. <u>In issuing this License, the County has not reviewed or assessed whether other development existing on the subject property is in compliance with the County Land Use Code, County Building Code, or applicable regulations of Boulder County Public Health. Issuance of this License therefore does not constitute County acknowledgement of or acquiescence in any violations of these other regulations which may exist or arise on the subject property.</u>

Section 11: License Non-Transferable

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

This Ordinance will be effective 30 days after publication following adoption on the second reading.

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

Summary of Proposed Changes in Initial Draft Code Text and Licensing Ordinance

September 1, 2023

County staffs' proposed revisions to Article 4 of the Land Use Code and Licensing Ordinance 2020-01, which govern all Short-Term Dwelling and Vacation Rentals in unincorporated Boulder County, are attached. The draft identifies proposed language to the text by underlining proposed additions and ~~striking~~ text that is proposed to be removed. These revisions are an initial draft and may be modified throughout the remainder of the text amendment and licensing update process.

The proposed changes seek to strike a balance that considers the potential positive and negative impacts of Short-Term and Vacation Rentals, with a focus on:

- Ensuring a baseline level of safety for Short-Term and Vacation Rentals
- Simplifying the licensing and land use review process
- Creating more certainty for applicants
- Balancing property owners' desires for short-term rentals and the desires of the surrounding neighborhoods and communities
- Minimizing impacts to housing stock by guiding whole-home rentals to areas of the county that are more appropriate for this use

The practice of regulating Short-Term and Vacation Rentals, as well as balancing their impacts on the community, is complex. This summary provides information about how the regulations will work in practice, highlights key changes, and provides additional details on other proposed changes. The proposed text amendments to the Land Use Code and the updates to the Licensing Ordinance are designed to work together to regulate Short-Term and Vacation Rentals in the unincorporated county. They simplify the process by reducing the number of uses from three to two and establish a single process through which both the Short-Term and Vacation Rental uses are reviewed by zoning and licensing staff. Additional recommendations create parameters that establish a baseline level of health and safety in rental dwellings, outline areas where Vacation Rentals may be more appropriate, and reduce impacts to traditional housing stock, primarily through the introduction of a licensing cap.

Summary of Proposed Changes

1. **Reduce the Number of Rental Types**

- Reduce the number of rental types from three to two by eliminating the Secondary Dwelling Short-Term Rental use.
- Redefine Primary Dwelling Short-Term Rental as "Short-Term Rental" and maintain the Vacation Rental use classification.

2. **Redefine Short-Term and Vacation Rentals**

- **Vacation Rentals (Article 4-507.E)**
    - Define a Vacation Rental as a single-family dwelling unit (Dwelling Unit) that offers transient lodging accommodations to a single booking party at a time for a rental duration of fewer than thirty days where the entire Dwelling Unit is solely occupied by the rental party during the duration of the rental period.

- Remove references to the number of days the Dwelling Unit is rented, allowing approved Vacation Rentals to be rented for up to 365 days per year.

- **Short-Term Rental (Article 4-516.X)**
  - Define Short-Term Rental as a Dwelling Unit offering transient lodging accommodations to a single booking party at a time for a rental duration of fewer than 30 days where the Dwelling Unit is the primary residence of the owner or tenant, the owner or tenant resides on the premises, and the owner or tenant is present during the rental period.
  - Allow a long-term tenant to obtain a Short-Term Rental License.
  - Create an exception that allows the entire Dwelling Unit to be rented without the owner or tenant present for up to 30 days per calendar year.
  - Clarify that Short-Term Rentals are permitted, with a license, in any legal Dwelling Unit .

3. <u>Changes to Process</u>

- Short-Term Rentals will continue to require a license and be reviewed by staff as part of issuing the license. There is no change proposed for this process.
- Vacation Rentals will now only require review under licensing. Compliance with zoning is included as part of the licensing review. There are no Planning Commission and/or Board of County Commissioners hearings required.
- The requirement for a Development Agreement has been eliminated due to the change in review process.
- Licensees will be required to notify immediately adjacent property owners about their Short-Term or Vacation Rental License.
- A cap of total licenses available in the County is proposed.

<u>Other Proposed Changes to the Land Use Code related to Short-Term and Vacation Rentals</u>

- **Vacation Rentals (4-507.E)**
  - Allow Vacation Rentals only in the Forestry and Mountain Institutional zoning districts.
  - Modify parking requirements to two spaces, or one space per every four approved occupants, whichever is fewer. Require all parking to be on-site.
  - Require that Vacation Rentals be rented with a two-night stay minimum.

- **Short-Term Rentals (4-516.X)**
  - Maintain allowance in all zoning districts, by right.
  - Modify parking requirements to two spaces. Require all parking to be on-site.

<u>Proposed Changes to the Licensing Ordinance</u>

- **Section 1: Definitions**
  - Redefine Primary Residence as “the Dwelling Unit in which a person resides for more than nine (9) months out of each calendar year.”
  - Remove definition of Short-Term Rental since the Secondary Dwelling Short-Term Rental is proposed to be eliminated. Strike language regarding Vacation Rental as this use is defined by the Land Use Code.
  - Define tenant as “a person who occupies property rented from a property owner for a rental duration of greater than 30 days.”

- **Section 2: License Required:**
    - Clarify that offering, providing, or operating a Short-Term Rental or Vacation Rental without a license is a violation of the Licensing Ordinance. HB23-1287 enables Boards of County Commissioners to work with vacation rental platforms to have advertisements for unlicensed rentals removed from platforms.
    - Maintain limitation of one license of any type per person or legal entity.
    - Allow an additional Short-Term Rental license to be issued to a person or legal entity associated with that person if the Dwelling Unit or Licensed Premises is a Historic Landmark and the owner already maintains a Vacation Rental License on a separately Licensed Premises.

- **Section 3: Licenses**
    - No proposed changes.

- **Section 4: Licensing Procedure**
    - Outline the process for submitting an application online, including providing proof of adequate liability and property insurance.
    - Modify proof of primary residence requirements by reducing the types of documents that applicants must provide and instead require the applicant to provide a Colorado state-issued Driver's License or Identification Card and sign a Sworn Statement of Primary Residence.
    - Require Sworn Statement of Primary Residence to be submitted annually on the anniversary of license issuance.
    - Remove text referencing proof of land use approvals as land use reviews will no longer be required.
    - Require Licensees to provide a copy of their license to immediately adjacent neighbors.
    - Remove references to Secondary Dwelling Short-Term Rentals.
    - Clarify that applicants must provide any additional information requested by staff for the potential Licensee's application within six months. If the information is not provided, the application will be withdrawn.
    - Outline some of the departments to which the Director may refer licenses.

- **Section 5: Licensing Requirements**
    - Clarify that applicants must comply with Land Use Code requirements, as applicable.
    - Maintain requirements for building inspections.
    - Add a provision that requires the applicant to obtain and complete permits for any nonpermitted work in the Dwelling Unit that is being offered for rental.
    - Modify Wildfire Partners Certification process.
        - Short-Term and Vacation Rental applicants must have an assessment that has been completed within the past five years to obtain their initial license.
        - Upon their first renewal, two years after the date of the initial license, they must be Wildfire Partners Certified.

        - Upon their third renewal, six years after the date of the initial license, the Licensed Premises must be re-assessed and re-certified by Wildfire Partners.
    - Require that access routes to Vacation Rentals must meet Boulder County's Multimodal Standards.
    - Maintain the requirement that the applicant demonstrate sufficient on-site parking.

- **Section 6: Operating Standards and Requirements**
    - Limit occupancy to eight individuals or the occupancy limit of the approved on-site wastewater treatment system, whichever is less. Remove any occupancy limitations associated with sleeping rooms.
    - Clarify that the occupancy permitted on-site is the total number of persons who may be at the premises at any one time while the unit is offered for rental.
    - Eliminate the requirement for an indoor radon gas testing report.
    - Eliminate the requirement for a HERS report.
    - Expand the prohibition on outdoor fires—except for gas grills and fire tables—to the entire county rather than just Wildfire Zone 1.
    - Require applicants to demonstrate a means by which renters can contact emergency services.
    - Remove language regarding Article 13 of the Land Use Code.
    - Relocate the requirement to provide a license to neighbors to Section 4, with slight text modifications.
    - Require that advertisements for Short-Term or Vacation Rentals include:
        - The local License number;
        - Whether the whole home or a private room is being offered for rent;
        - The approved occupancy limit;
        - The number of parking spaces available On-Site; and
        - The minimum night stay, if applicable.
    - Maintain the requirement that all Licensees comply with anti-discrimination laws.

- **Section XX: Licensing Caps**
    - Divide county into three sections based off of existing Census County Divisions—essentially the north mountains, south mountains, and plains.
    - Cap the number of licenses to 3.5% of the total housing units in the unincorporated county in the mountain Census County Divisions.
    - More licenses would be available in the north mountains than the south mountains.
    - Establish a waiting list when the cap is reached.

- **Section 7: Inspection**
    - No changes are proposed.

- **Section 8: Decision and Appeal**
    - No changes are proposed.

- **Section 9: Changes to an Issued License**

- No changes are proposed.

- **Section 10: Term of License or Permit; Renewal**
  - Clarify language related to violations of the Licensing Ordinance on Licensed Premises.

- **Section 11: Licenses Non-Transferable**
  - No changes are proposed—licenses may not be transferred from one person to another or one location to another.

- **Section 12: Violations**
  - No changes are proposed.

- **Section 13: Fees as adopted in the Planning Review Fee Schedule**
  - No changes are proposed.

- **Section 14: Severability/Savings Clause**
  - No changes are proposed.

- **Section 15: Effective Date**
  - No changes are proposed. Ordinance will become effective 30 days after publication following adoption on the second reading.

Summary of Proposed Changes to the Land Use Code

- **Article 4**
  - Zoning tables in Article 4 as well as associated uses will be updated to reflect the approved changes.
- **Article 4-516.Y**
  - Text of this section will be deleted to eliminate the Secondary Dwelling Short-Term Rental use.
- **Article 4-602 Special Provisions**
  - Text will be updated to remove references to Secondary Dwelling Short-Term Rentals
- **Article 4-802 Applicability and Scope of the Site Plan Review Process for Development**
  - A.10. will be updated to read “A change in use of a parcel, except for a change of use to a Vacation Rental.”

Additional Materials and Background Research

Barron, Kyle and Kung, Edward and Proserpio, Davide, "The Effect of Home-Sharing on House Prices and Rents: Evidence from Airbnb" (March 4, 2020). Available at SSRN: https://ssrn.com/abstract=3006832 or http://dx.doi.org/10.2139/ssrn.3006832

Bivens, Josh, "The Economic Costs and Benefits of Airbnb," (January 30, 2019; Updated March 26, 2019). Available at https://www.epi.org/publication/the-economic-costs-and-benefits-of-airbnb-no-reason-for-local-policymakers-to-let-airbnb-bypass-tax-or-regulatory-obligations/

Boulder County Regional Housing Partnership, "Expanding Access to Diverse Housing for our Community," (September 29, 2017). Available at https://assets.bouldercounty.gov/wp-content/uploads/2017/03/affordable-housing-draft-plan.pdf

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Dubetz, Alissa and Horton, Matt, and Kesteven, Charlotte, "Stay Power: The Effects of Short-Term Rentals on California's Tourism Economy and Housing Affordability" (June 1, 2022). Available at The Effects of Short-Term Rentals on California Tourism and Housing (milkeninstitute.org)

Li, Hui and Kim, Yijin, and Srinivasan, Kannan, "Market Shifts in the Sharing Economy: The Impact of Airbnb on Housing Rentals (July, 1, 2021). *Management Science.* Available at SSRN: https://ssrn.com/abstract=3435105 or http://dx.doi.org/10.2139/ssrn.3435105

"Town of Estes Park Vacation Home Rental (Short Term Rental) Fee Study," (February 22, 2022). Root Policy Research. Available at https://www.summitcountyco.gov/DocumentCenter/View/36929/Estes-Park-Study_Root-Policy-Full-Report

U.S. Census Bureau, "2020 Decennial Census," (2021), Available at https://data.census.gov.

ATTACHMENT D

Review of Regulations in Other Colorado Jurisdictions								
Jurisdiction	License Term (Years)	Restricted to Primary Residence	Max Night Limitation	Minimum Rental Period	Allowed in All Residential Zone Districts?	Limit on total # of licenses (community-wide)	Limit on individual licenses	Fee
City of Boulder	4	Yes	For ADU (120 days)	None	Yes	No	Yes (1)	$225
City of Longmont	1	No	No	None	Yes	In R-RU or R-SF, only 1 on each side of street without CUA	1 investment dwelling (for residents)	$125
Town of Nederland	1	No	Hosted—unlimited; Un-hosted 180 days	None	Yes	No	Yes (1)	$150
Steamboat Springs	1	No	No	None	---	Zone A: Unlimited Zone B: Caps Zone C: Prohibited	---	$250
Chafee County	1	No*	No	None	Yes	Yes, 310	1-year cooling off period	$250
Clear Creek County	~2	No	No	None	Yes	Yes, 161 (4.5% of THU)	No	$500
Gilpin County	2	No	No	None	Yes	Yes, 150 (5% of THU)	Yes, 2 (resident); 1 (non-res)	$500--$1800 depending on type
Jefferson County	Currently updating regulations							
Summit County	1	No	35 bookings per year in neighborhood zone	Not explicitly	Yes	Cap per basin	---	$280 - $340 depending on zone
Grand County	1	Yes	No	None	Yes	No	---	$100 per occupant
Larimer County	2	Yes	No	None	Yes	No, but density requirement in certain zones	---	$300

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February 3, 2023

MEMORANDUM FOR

County Commissioners
Claire Levy
Marta Loachamin
Ashley Stolzmann

Community Planning & Permitting:
Clay Fong, Chief of Staff
Dale Case, Director
Hannah Hippely, Long Range Planning Division Manager
Ethan Abner, Planner I
Dyan Harden, Code Compliance Specialist I

Legal
Ben Pearlman, Boulder County Attorney

Thank you for holding the January 17, 2023 public meeting on possible updates to the County's short-term rental regulations.

I spoke at the meeting and have some additional thoughts. These are based on my own difficulties with the present system and how it has affected me. I have a house on a 1.25 mile private road. Before the road reaches the Leinweber property whose owners have requested a short-term secondary rental, it crosses four other properties. The Leinweber's is at the end of the road so all rental traffic to their house crosses the other properties. My house is immediately before theirs. I have written many letters to the staff and Commissioners over the pasts few years.

Now on to how well the present regulations are working.

1. **Wear and tear on private road.** Commissioner Levy requested at the hearing that the "wear and tear" on a private access road be clarified. This was Levy's interpretation of a verbal remark I had made in the public hearing. Hers is a reasonable consideration, but what was really bothers me is in the next section. My only comment is that the road I am familiar with is packed soil with a little gravel. In my own experience when my neighbors (Leinwebers) farther along the road added on to their house, the traffic

increased the potholes and resulting bumpiness of the road. Surely with rental traffic that would also occur.

2. **Liabilty for renter crossing other private property.** When I made my point in the hearing I was insufficiently explicit about my concern. It is of course about wear and tear, but the issue of liability could be even more serious. Who would be legally responsible if a renter has an accident on my property? Accidents that might occur would be a renter car colliding with a walker or another car, or damaging my property. Under the present regulations this issue is not considered. In granting a license to my neighbors the County is implicitly granting the right to drive across my property and those of the other three neighbors.

   In licensing the Leinwebers, the County did require the Leinwebers to sign an Access Improvement and Maintenance Agreement (AIMA) for their own property. It was not required for the road through other properties. Clearly this puts me at some liability risk and damages the peace and quiet for which I bought my property. The easement for access to the Leinweber property is strictly limited to a single-family house and does not give access to a rental property.

3. **Staff are not informed of existing regulations.** When Referrals are requested from various County or other agencies, they must be accompanied by a complete statement of what is being reviewed. I suspect that has never happened before. One referral was done without the referrer knowing what the Boulder County Multimodal Transportation Standards are. I suspect this was true of other agencies as well. The staff should include the current ordinance for the reviewer and point out any recent changes such as requiring the Multimodal Transportation Standards to be met for the full access through the other properties, and not just that on the Leinweber property. It does not seem fair for the County to place an additional constraint on my, and my neighbors, properties so that those at the end of the road can collect money with a short-term rental, while giving me no compensation. Let me be clear that the value to me of my own property is reduced by the extra traffic.

4. **No determination that access meets Multimodal Transportation Standards.** When the Planning Commission and the Commissioners are considering the approval of a short-term rental, the staff must inform them what the regulations are. The Leinweber application was passed by the Commissioners without any staff determination that the access met the BCMTS as required. In my verbal testimony to the Commissioners I cautioned that that to approve the Leinweber application would be a violation of their own regulation requiring that the access road meet the Multimodal Transportation Standards all the way to Highway 7. Nevertheless, they passed it anyway, and offered no explanation.

5. **Require transparency in considering licenses.** I still do not know whether the Leinweber license was approved even though the Commissioners ignored my complaint that the short-term secondary rental was illegal. Staff informed me that licensing is not a public process. I do know that the Airbnb website shows complementary reviews from

visitors who have I filed a complaint with the County's on-line violation application. The response I got was that there was a 600 case backlog written to discourage me from complaining.

6. **Misinformation from staff.** In discussing this matter with a friend, a staff member informed him that the Multimodal Standards are never applied except to major County roads. The short-term rental regulations however explicitly apply them to short-term rentals.

7. **Referrals must provide full information to staff.** When Referrals are made to other agencies, staff must be reminded of that they are approving to ensure compliance. In the case of the Leinweber approval, the referrals were given no information about the new short-term rental regulations.

8. **Progress with application approval and licensing must be available to the public**. All properties having up-to-date licenses must be listed on a publicly available website that is also up-to-date. The website should also include cases of violations.

9. **Problems with limited staff knowledge.** It will be apparent that some are related to the regulations themselves and some are related to staff either not knowing their current status or perhaps sometimes willfully violating them. In the last two cases these are issues that the Director can remedy.

February 13, 2023
Ethan Abner, Boulder County Long-Range Planner
Board of County Commissioners

Ethan,
Thank you for introducing yourself at the January 17 STR hearing.

At the end of the hearing, CPP Director Dale Case stated staff would come back to the BOCC in one of their business meetings with a summary of next steps staff recommends. Could you provide a copy of that summary and a notice of the meeting date? I understand business meetings are not for public participation.

What is your understanding of the next steps in the process of revisions to the current STR regulations to make the process less discretionary and more prescriptive, as the BOCC requested?

Specifically:

- Will there be another public meeting between staff and the BOCC before formal drafting begins?
- What is your understanding of the timeline of the entire revision process?
- How can the public participate in the process going forward? Can we continue a dialogue with staff and or the BOCC?
- Other than licensing caps, which the Commissioners did not seem to favor, what changes are staff considering to further a more prescriptive process?
- Is staff considering more use of the administrative waiver as a means to reduce discretion? Your January 2023 report on page 15 confirmed that staff specifically requested more instructions on how to process administrative waivers. Are you following up on this request? In this regard, note that the drafters of the STR regulations stated:

> Staff also proposes adoption of a Limited Impact Special Review Waiver (LUW) for Bed and Breakfasts and Secondary Dwelling Short-Term Rentals that qualify. Under this special provision in Article 4-602 for Special Review and Limited Impact Special Review (LU), the requirement for *Limited Impact Special Review may be waived* if the Director determines that the Bed and Breakfast or Secondary Dwelling Short-Term Rental will not have any significant conflict with the criteria listed in Article 4-601. In addition, the Director may impose written terms and conditions on these uses that may be reasonably necessary to avoid conflict with the review criteria. *The purpose of this provision is to provide flexibility for an administrative review process,* if based on the specific site and operational circumstances, it is determined that the proposed use has low potential for negative impacts. BOCC Public Hearing Packet, December 3, 2020, p.8. Emphasis added.

Please consider the following as one way to reduce discretion and create a more prescriptive process. "Neighborhood compatibility" seems to be the most important factor in STR applications. Unfortunately, this factor also is the most discretionary. In most Vacation Rental applications, staff uses their discretion to limit the number of rental days. The BOCC must then

review and discuss (often at length) whether the staff's limit on rental days is appropriate. There is, however, a simple solution to this quagmire.

Add a Minimum Rental Period for Vacation Rentals. The current Short-Term Rental category (rentals of less than 60 days) includes a two-day minimum rental period. The Vacation Rental category does not require a minimum rental period. I respectfully suggest that the County add a 2-day minimum rental period for Vacation Rentals. This requirement would significantly improve neighborhood compatibility. In fact, in your report, you confirmed that " . . . minimum rental periods reduce the intensity of the use by reducing the turnover rate of the unit which can *promote neighborhood compatibility*. The inclusion of this requirement can reduce turnover by over 50% in the course of a week." Staff January 2023 Report, p. 18. (Emphasis added.) A discount on license fees or other incentives could be offered to owners who voluntarily require a 3-4 night minimum. Not only would these longer stays further reduce turnover, such stays would help local economies; visitors who stay longer will spend more money at local restaurants and retail establishments.

A 2-day minimum would eliminate the need to arbitrarily limit the total number of rental days per year in order to promote neighborhood compatibility. All Vacation Rentals would simply be allowed to rent for 60 days or more, with a minimum 2-day rental period. This prescriptive change would eliminate discretion and promote neighborhood compatibility by decreasing rental turnovers.

A total rental period of 365 days is self-regulating. Several owners who have operated STRs for years in western Boulder County (with an open calendar of 365 days) confirmed that their yearly occupancy rate ranged from 50% - 65% of the year. Their rentals were never rented for 365 days. As well, in recent BOCC STR hearings, all applicants (except one) who requested 365-day rental periods testified either that they personally use their dwelling or simply close it down for fairly lengthy periods.

Thank you for your time and attention. I look forward to hearing from you to further discuss these and other concerns.

Ilona Dotterrer
On behalf of the Boulder County Mountain Cabin Alliance

From: Wufoo
To: LU Land Use Planner
Subject: [EXTERNAL] Ask a Planner - ursula treves - DC-23-0001 - 12002 spruce canyon circle, golden, co 80403
Date: Monday, June 5, 2023 11:44:28 AM

Boulder County Property Address : 12002 spruce canyon circle, golden, co 80403
If your comments are regarding a specific Docket, please enter the Docket number: DC-23-0001
Name: ursula treves
Email Address: treves.u@gmail.com
Phone Number: (843) 342-4999
Please enter your question or comment: Hello,
I live in unincorporated Boulder County, more precisely, Coal Creek Canyon where our community is divided between Boulder and Jefferson Counties.
My and my neighbors' interest in STRs is intense, and I would like to offer some thoughts for your public hearing on 6/6/23.
We had a rude awakening when neighbors started complaining about late-night party noises, garbage flying about, unauthorized use of private trails , etc. These 'disturbances' resulted from STRs. In one of our smaller streets, two STRs are operating, with a third expected shortly which would make what I like to call a 'hotel row' of three adjoining houses. Another house is advertised for sale with the listed incentive of 'making x amount of dollars' from an STR.
Whether the particular houses are in Boulder or Jefferson County has really never been of any concern to us. We are a rather self-sufficient close community, established some 60 years ago, and although there has been change, most families have lived here for 30-40 years, raising their children and doing everything to preserve the beauty of the surroundings, when it comes to wildfire mitigation, the precautions used when living with wildlife, etc.
Many of our families are planning to live out the rest of their lives in this community and, I think, have the right to see their peace and quiet which they sought when building or buying here, not disputed by what we consider commercial interests.
You probably have heard the concern of many homeowners when it comes to STRs and their negative consequences for residents. I know we have no right to infringe homeowners rights, and Boulder County has stringent rules on the books for permits of STRs.
But who enforces these rules? Who watches the neighborhoods where STRs' guests unknowingly cause wildfires or in other ways degrade a neighborhood?
If I may, I would like to suggest that you consider changing the permission of STRs and impose a rental period of not less than 30 days. That would allow homeowners to collect security deposits thereby exacting reasonable behavior and damage control; it may also placate insurance companies who impose ever increasing homeowners premiums. I would further allow neighborhoods to ask for compliance with their rules so that renters learn about wildfire dangers, mountain road conditions, how to behave in the presence of wildlife and, last not least allow renters to be part of a community, even if for a short period of time.

Thank you for your consideration.
Ursula Treves

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.

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June 13, 2023 5

MEMORANDUM FOR

Community Planning & Permitting:
Ethan Abner, Planner I
Hannah Hippely, Long Range Planning Division Manager
Dale Case, Director

This letter is in response to the three recent hearings given by Ethan Abner about concepts for changes to the County's short-term rental regulations.

I wrote a similar letter dated on February 3, 2023. Subsequently, on May 12, 2022, two of the County Commissioners (Loachamin, Jones, Levy recused) approved a secondary short-term rental for the Leinweber * property at 17665 Highway 7, Allenspark. This was contrary to my assertion at the hearing that their doing so was illegal because the private road to their house does not meet the required Boulder County Multimodal Transportation Standards (BCMTS) access requirements. The decision was also flawed by my testimony being cut off before my allotted time was over and by misstatements by Mr. Leinweber.

I have a house on a 1.25 mile private road. My address is 17663 Highway 7 in Allenspark. The road begins at Colorado 7. It crosses five properties before ending at the last house on the road, owned by the Leinweber family who have requested a secondary short-term rental. Because the Leinweber's is at the end of the road all rental traffic to their house crosses the other four properties. My house is immediately before theirs. I have written many letters to the staff and Commissioners over the past few years stating a variety of difficulties this has caused me.

Now you are reviewing the County's rental regulations. This letter reviews some of the difficulties I have had with the present system and how it has affected me. The rest of this letter details how the present regulations are working or not working in my case.

ACCESS:

When the present rental regulations were adopted, they included a requirement that access be according to the BCMTS. Previously these Standards had only been applied to parking. This was a big improvement because many of Boulder County's rural areas are accessed by dirt roads some of which are only one lane wide or very steep. The new requirement seemed to offer a big improvement for fire and health safety. However, it has appeared to me that since the newer

short-term rental regulations started these standards have been ignored. The following are more specific examples.

- **Liability for renter crossing other private property.** Who would be legally responsible if a renter has an accident on my property? Accidents that might occur would be a renter car colliding with a hiker or another car, or damaging my property. Under the present regulations this issue is not considered. In granting a license to my neighbors the County is implicitly granting the right to drive across my property and those of the other three neighbors.

- **No determination that access meets BCMTS.** In approving the Leinwebers application, the County did require the Leinwebers to sign an Access Improvement and Maintenance Agreement (AIMA) for their own property. It was not required for the road through the other properties. Clearly this puts me and the other property owners not only at risk for liability and damages, but also damages the peace and quiet for which we bought our properties. Reading the easement for access to the Leinweber property only mentions a single-family house and does not give access to a profit-making rental property.

- **Wear and tear on private road.** Commissioner Levy requested a short-term rental hearing that the "wear and tear" on a private access road be clarified. This was Levy's interpretation of a remark I had made in the public hearing. Hers is a reasonable consideration, but what was really bothers me is in the liability section of this letter. The road I am familiar with is packed dirt with a little gravel and lots of embedded rocks. In my own experience when my neighbors the Leinwebers added on to their house, the construction traffic increased the potholes and resulting bumpiness of the road. Surely with rental traffic that would also occur.

- **Direct access to public road essential.** One method for removing this problem would be to require rentals to have direct access to a public road. This would eliminate a time-consuming problem for the staff who in some cases would need to review easements on private roads. It would limit the need for staff to review the adequacy of access roads, a time consuming and delaying task, except on the rental property itself. It would also eliminate the need for signing an AIMA except for the owner wishing a rental license.

STAFF KNOWLEDGE:

- **County staff are not informed of existing regulations.** When referrals are requested from various County or other agencies, they must be accompanied by a complete statement of what is being reviewed. I suspect that has never happened before. One referral was done without the referrer knowing what the BCMTS is. I suspect this was true of other agencies as well. The requests to referral staff should include the current ordinance for the reviewer and point out any recent changes such as requiring the Multimodal Transportation Standards to be met for the full access through the other properties, and not just that on the rental property. It does not seem fair for the County to place an additional constraint on my, and my neighbors', properties so that those at the

end of the road can collect money with a short-term rental, while the value to me of my own property is reduced by the extra traffic.

- **No determination that access meets Multimodal Transportation Standards.** When the Planning Commission and the Commissioners are considering the approval of a short-term rental, the staff must inform them what the regulations are. The Leinweber application was passed by the Commissioners without any staff determination that the access met the BCMTS as required. In my verbal testimony to the Commissioners I cautioned that that to approve the Leinweber application would be a violation of their own regulation requiring that the access road meet the BCMTS all the way to Highway 7. Nevertheless, they passed it anyway, and offered no explanation.

- **Misinformation from staff.** In discussing this matter with a friend, a staff member informed him that the Multimodal Standards are never applied except to major County roads. The short-term rental regulations however explicitly apply them to short-term rentals. The referral staff should have been notified of this new requirement.

- **Referrals must provide full information to staff.** When referrals are made to other agencies, staff must be reminded of what they are approving to ensure compliance. In the case of the Leinweber approval, the referrals were given no information about the new short-term rental regulations.

- **Problems with limited staff knowledge.** It will be apparent that some are related to the regulations themselves and some are related to staff either not knowing their current status or perhaps sometimes willfully violating them. The above two cases are issues that the Director can remedy.

TRANSPARENCY:

- **Notify neighbors of rental requests.** I believe that most neighbors will feel animosity toward staff if short-term rentals are approved without notice. This should apply to next door neighbors and nearby ones, particularly if they share a road. In my own case I was not notified until a renter appeared at my door when he locked himself out.

- **Require transparency in considering licenses.** There seem to be two steps required for an authorized rental: approval based on the regulations with the license delayed until all conditions have been met. Notifying neighbors of the request for a rental is the first step. It is followed by a licensing request that I believe is held privately by the staff who do licensing. For example, I still do not know whether the Leinweber license was licensed even though the Commissioners ignored my complaint that the short-term secondary rental was illegal. Staff informed me that licensing is not a public process. I do know that the Airbnb website has shown positive renter reviews from visitors. Believing that these reviews demonstrated that the Leinwebers had rented without a license I filed a complaint with the County's on-line violation application. The response I got was that there was a 600 case backlog to discourage me from complaining. I seem to have no way to find out. My complaint was not taken seriously.

- **Divulging the online service being used for rentals.** This should also be part of the County's public disclosures. Recently the Leinwebers may have stopped using Airbnb.com. I can find their online ad in no other places. I think I should know to be able to check airbnb.com or vrbo.com to learn whether there are complaints from the reviews of such websites.

- **Public transparency with application approval and licensing**. With the present regulations applications for rentals must be disclosed to neighbors. Licenses granted are not disclosed. All properties having up-to-date licenses must be listed on a publicly available searchable website that is also up-to-date. There may be a present website for this, but it is poorly designed and prevents searching for owners' names and addresses. The website should also include cases of violations.

In your review, please consider the issues I have raised in your review. Moreover please be cautious in streamlining the regulations that are still required if the regulations are to be effective.

∗ I have recently discovered that the Leinweber house is for sale at a price of $1,200,000. Moreover, the online rental called "cab leinweber" on airbnb.com seems to have moved to "rentbyowner.com". I am not expert but I have found no listing for "cab leinweber" in either airbnb.com, vrbo.com, or whatever site has their listing. Regardless of where a listing is hosted, or whether its ownership changes, the problems I have experienced may not change. The County's regulations will continue to be essential to me in maintaining knowledge of my neighbors and their attempt to use my road to access their profit-making business.

Abner, Ethan

From: LU Land Use Planner
Sent: Tuesday, June 27, 2023 9:02 AM
To: Abner, Ethan
Subject: FW: [EXTERNAL] BOCC visit to Allenspark on 6/8/23
Attachments: Fact Sheet of BoCo Wrongdoing May23.docx

Hannah L. Hippely, AICP | Long Range Planning Division Manager
Boulder County Community Planning & Permitting
Phone: Direct 720-564-2298 | Main 303-441-3930
hhippely@bouldercounty.org
www.bouldercounty.gov

From: Edward Yagi <yagi.edward@gmail.com>
Sent: Wednesday, May 17, 2023 1:08 AM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Cc: Boulder County Short-Term Rental Licensing <STRLicensing@bouldercounty.org>; LU Land Use Planner <planner@bouldercounty.org>; Boulder County Cabin Rental Alliance <bccabinrental@gmail.com>
Subject: [EXTERNAL] BOCC visit to Allenspark on 6/8/23

Dear Boulder County Commissioners and Land Use Office staff:

I'm terribly sorry I can't be there in person on June 8 to give you a piece of my mind. On that date I shall be very far away indeed.

However, for the record, here is a VERY short list of things we in Allenspark are VERY unhappy about:

1) The incredible STR debacle, now three years of unadulterated BS, starting with the deliberate harassment of us with complex rules that cannot be administered, unbelievably over-the-top requirements, a cruel-unusual-unnecessary differentiation between STRs and VRs, and a list of wrongdoing that now exceeds three dozen line items (see attachment),

2) Exploding property taxes due to exploding property values (something totally beyond homeowner control). Lots of homeowners can at present CANNOT AFFORD THEIR PROPERTY TAXES,

3) Lack of adequate representation of BoCo's unincorporated areas -- with Allenspark being Exhibit A,

4) Unacceptable violence by BoCo LEOs (law enforcement officers) -- multiple incidents in just the last couple of years, which gets the county sued and costs us taxpayers millions of dollars in settlements,

5) the BOCC going out of its way to vote to use OUR MONEY to DEFEND LEOs in civil trials at taxpayer expense,

6) The stupid, pointless, useless, wasteful, and dangerous gates on Hwy 7

7) BoCo's absurd waste of our tax dollars with unnecessary positions such as diversity officers and additional HR staff to hire additional HR staff, and

8) Absolutely no checks and balances, no system to address taxpayer complaints, and flagrant conflicts of interest (former commissioner and current county attorney Ben Pearlman being a particularly egregious example -- a huge number of lawyers and even the State of Colorado consider his appointment illegal), and

9) Lousy customer service in general (no one EVER answers a telephone, employees refuse to give even basic information without a FOIA request, and often ignore or insult customers/taxpayers -- with Ben Pearlman being Exhibit A for this item.

On the bright side, the Meeker Park Sort Yard continues to be, after many years, a bright spot (maybe the ONLY bright spot) representing an initiative that actually is of tremendous value and works (mostly) as designed. But even the Sort Yard has limited hours and had to be opened late (or shut down) because BoCo is too lazy or stupid to hire a college student working for school credit and minimum wage to staff it.

Very sincerely yours,

Edward Yagi

ATTACHMENT E

Fact Sheet of Boulder County Wrongdoing

The Boulder County Government:

1. Relies on Colorado State law to justify their legal authority to pass and enforce regulations. However, they claim and act such that state laws regarding employee behavior and ethical conduct do not apply to them.
2. Has no written Code of Conduct or, if any such document exists, refuses to share it with the public.
3. Has budgeted half a million dollars annually, starting this year (2022) for diversity/inclusion purposes that is totally unnecessary as comprehensive civil rights laws have already existed in the U.S. for half a century.
4. Inexplicably and possibly uniquely for any local, state, or federal government entity, the Boulder County government apparently has no ethics office, no ethics officer, and no written ethics policy.
5. Boulder County has no formal mechanism to monitor, record, or address taxpayer complaints.
6. Systematically ignores taxpayer telephone calls and emails regarding issues it does not wish to discuss.
7. Created short-term rental (STR, also called "vacation rentals;" terms are not standardized leading to rampant confusion) laws based on imaginary and fabricated pretenses without a shred of evidence.
8. Has been dishonest and inconsistent regarding the need for any STR regulations at all, citing in various times and places number of housing units, home price inflation, "affordable" (presumably low-cost and/or taxpayer subsidized) housing, rent costs, safety, building code compliance, unsubstantiated complaints, and not-in-my-backyard (NIMBY) issues – none of which have any valid and established connection with STR activity in most jurisdictions, including Boulder County.
9. Passed STR regulation with no idea whatsoever how many STRs even exist in the county, in any form. The extent of STRs remains a complete mystery as the county has never conducted a survey to find out.
10. Appear to have held secret meetings with anti-STR extremists in extraordinary and deliberate violation of both ethical principles and Colorado State and other laws.
11. Refuses to either confirm or deny if it held secret meetings despite documentary evidence that it has.
12. Actively suppresses or tries to suppress contradicting facts and opinions, both within the county government and from the public.
13. Tampers with due process to prevent public debate or render it irrelevant; specifically, it held only ONE public hearing on STR rules on the shortest possible legal advance notice in 2020. The commissioners voted to approve the new rules at the SAME meeting, demonstrating that they had decided to approve the rules in advance, regardless of the facts presented by the few public speakers able to speak on such short notice.
14. Does not respond to some Colorado Open Record Act (c.f., Freedom of Information Act) requests in a timely basis, reportedly ignores some requests, and has denied others on rhetorical grounds (e.g., citizens are asking for "documents" or "information" rather than "records" without explaining any relevant distinction).
15. Falsely accuses critics of positions they have not taken.
16. Approved unenforceable and un-administrable regulations without reading them or understanding their contents.
17. Deliberately put thousands of Boulder County taxpayers into long-term, forced non-compliance, under threat of fines that, were they to try to enforce them today, now greatly exceed the value of the properties.
18. Constantly changes or re-interprets its own rules and policies. In many cases, they make up new rules and policies on the spot.
19. Has refused to put a formal STR regulation moratorium in place, citing excuses that are patently false (such as making up new, nonsensical definitions of commonly used terms such as "effective" and "enforced").
20. Has forced many of its most junior and vulnerable county employees to do pointless and wasteful work, face-to-face with justifiably enraged and resentful applicants who are paying thousands of dollars simply to have their privacy invaded waste everyone's time, demonstrating that the rules exist only to deter applicants.
21. **Deliberately expedited into approval extraordinarily complex and punitive changes to the already excessive (and widely ignored) Land Use and housing codes at the very height of the Covid-19 pandemic crisis, when panic and social disruption were at their very greatest (evidence of bad faith).**
22. Grossly mis-wrote the STR rules. A single word such as "may" or "the" can change the entire meaning of a statute. The STR rules were written by openly biased and objectively inexperienced and incompetent staff, all of whom mysteriously quit as soon as the laws were passed. The rules were passed with apparently with no oversight or editing, resulting in intents, purposes, and meanings too vague to comprehend more than a year later. Examples: commissioners, Land Use staff, and legal staff debate at length over the following: Definition of "bedroom." If guests may legally sleep on a sofa bed (the conclusion: no). How to determine occupancy limits, since there are many ways, all subject to interpretation, to

calculate and evaluate number of bedrooms, parking capacity, sewage system capacity, and "neighborhood conformity" – especially in the case of only very infrequent use. If language allowing rentals of "more than 60 days a year" means that it is illegal for an owner to rent LESS than 60 days a year and/or live in their own home themselves year-round (the consensus was muddled but appeared to be: yes, any use other than that expressly permitted is illegal). All of the above can be seen in videos on the county's website.
23. Claims that regulations are "signed" or "approved" or "effective" on different dates, while saying they are "implemented" on yet different dates based on dates of "enforcement" that are not officially announced nor formally authorized. Following the letter and spirit of the law itself, Boulder County (BoCo) was to begin a review of the new rules in December 2021. However, BoCo is now re-interpreting terms, at whim with no authority OR evidence, in order to push review of the STR rules into January 2023 at the earliest.
24. Forced a local citizen to file a Colorado Open Records Request (CORA) asking for a copy of the contract BoCo made a with a private company for active enforcement (in other words, investigating and snitching). A month and $80.00 later, Boco replied that the contact was available online in the public document portal.
25. Paid $17,000 in taxpayer funds to a company called Harmari STR (not a U.S. company) in 2021 to spy on taxpayers online. Information on Hamari's website indicates they play on the fears of the NIMBY crowd.
26. Actively enforces STRs. Of the hundreds of services that BoCo is paid to provide, STRs are the ONLY matter – apparently in the entire history of Boulder County – that the county subjects to "active" enforcement. All other business enforcement is "passive", meaning BoCo's enforcement relies on public complaints.
27. Approved the STR rules ignoring documented taxpayer sentiment 80~98% in favor of STRs.
28. Voted on agenda items that are objectively confused and unclear, even to the commissioners voting on them (e.g., April 28, 2022).
29. Frequently unfairly rushes through meetings without due process (April 28) or suddenly cancelling meetings scheduled months in advance (multiple occasions).
30. Spells "virtual" on its website "vertual" *[sic]* along with many other spelling and grammatical errors.
31. Ignores the fact that public comment regarding STRs has been in SUPPORT of STR activity and applications at a ratio of approximately 40 or 50 in favor to 1 against.
32. Misrepresents reports that it pays private company to assemble and provide to BoCo as "complaints."
33. At an April 7, 2022 Virtual Town Hall, the Boulder County commissioners stated on the record that the reason for delaying review of the STR rules was lack of staff capacity due to the Marshall Fire. This directly contradicts expansive, written explanations from those very same staff that the reason, explicitly, concerns the definition of "implementation" and has nothing to do whatsoever with the Marshall Fire. This comment by the commissioners was also illogical in that the County continues to process, enforce, and implement STR rules simultaneously with claiming that it lacks the capacity to merely REVIEW them. If in fact the county lacks sufficient capacity to REVIEW the STR rules due to the Marshall Fire, it certainly ought to lack the capacity to actively ENFORCE them – something it does with no other policy. If the County is too desperate to review the STR rules, logically they should simply put a moratorium on them, something that has been proposed constantly and the commissioners repeatedly refuse to do.
34. Weaponized the federally and/or state-funded "Wildfire Partners Program" by making mandatory a program designed to be purely voluntary. This weaponization destroyed much of the goodwill the Program had been able to create with the general public as a result of being purely voluntary, flexible, and non-intrusive.
35. According to some fire experts, may be criminally or civilly liable for the destroyed property due to the Marshall Fire due to insufficient fire mitigation of county-owned lands in the wildland urban interface (WIU).
36. Cuts off the audio and video of online comment speakers for being "off topic," which is an egregious violation of the First Amendment right to free speech (ex: EY, 9/8/22).
37. Commissioners and staff are possibly criminally incompetent in terms of being willingly ignorant of the contents and implications of the rules they passed, are responsible for enforcing, and are supposed to be the subject matter experts (SME) on. On 10/13/22, commissioner Levy had absolutely no idea what a "development agreement" was, and neither did Ian Brighton, supposedly the SME. The STR applicant was totally blindsided by this new requirement despite months (a year or more?) and presumably close to $10,000 worth of resources expended.
38. Staff presentations present misleading, incorrect, biased, irrelevant, or incomplete data to county commissioners (this was highly evident in both Jasmine Rodenbert's presentation in December 2020, and Ethan Abner's presentation in January 2023).

Last updated: 2/7/23

From: ILONA DOTTERRER
To: Abner, Ethan
Subject: [EXTERNAL] Short-Term Rental Amendments
Date: Monday, July 17, 2023 2:34:39 PM

Hi Ethan,
In order to simplify the application and enforcement process, has the County considered having only two categories of STRs?
The two categories of Primary Dwelling STRs and Vacation Rentals would be sufficient.
The definition of Primary Dwelling STR would remain the same. (However, I suggest the definition in the code be clarified as follows: "The Dwelling Unit in which a person resides for more than six (6) months or 180 days of each calendar year, which need not be consecutive."
Vacation Rentals could be defined as "A Dwelling Unit that is used for, or advertised and available for use for, accommodations of guests paying a fee, for a single period of fewer than 30 consecutive days."
Also, could the County remove Vacation Rentals (as currently defined or defined as suggested above) from Lodging categories in the Code? The Lodging category presupposes commercial use. A person renting a family cabin for a few months, using it for personal use for few weeks, and then closing it down for the winter is vastly different than a year-round bed and breakfast, resort lodge, conference center, and guest ranch. Including a cabin in the Lodging category can increase taxes and insurance for families trying to maintain a secondary home.
Thanks for your time.
Ilona Dotterrer

From:	Boulder County Cabin Rental Alliance
To:	Commisionerstolzmann@bouldercounty.org; Commissionerlevy@bouldercounty.org; Info@marta4boco.org; Boulder County Board of Commissioners; Case, Dale; Sanchez, Kimberly; Abner, Ethan; !LongRange
Cc:	ild17@comcast.net; sarieti@gmail.com
Subject:	[EXTERNAL] Proposed Amendments Related to Short-Term Dwelling and Vacation Rentals
Date:	Tuesday, August 8, 2023 1:55:53 PM
Attachments:	BC Land Use Code and Ordinance Amendments (Proposed).docx

Hello all,

Boulder County Mountain Cabin Alliance ("BCMCA") has prepared draft amendments to the Land Use Code and a Licensing Ordinance covering short term rentals and vacation rentals (collectively, "STRs"), which we propose as an alternative, or as a guide, to the new regulations that we understand Ethan Abner and other staff members are currently working on.

BCMCA's purpose as an organization is to secure fair rules covering STRs in Boulder County that balance the rights of property owners with the very limited interests of the County in overseeing STR activity. These proposed rules would achieve that purpose by streamlining and simplifying the current system, which is so overly-complex that the County has been unable to implement it in the last 2+ years. BCMCA notes that the existing regulations were adopted in December of 2020 with the admitted aim to curtail STRs in Boulder County.

We would welcome the opportunity to discuss our proposed regulations with the County. If you are interested in having such a discussion, then please respond to this email or reach out directly to Ilona Dotterrer and/or Samuel Arieti, who are copied here.

Summary

Text Amendments:

The changes to the land use code eliminate the new definitions and different categories of STRs created in the 2020 overhaul. Instead of regulating STRs as a commercial lodging use, the BCMCA's proposal follows Colorado law in treating STRs as a residential use (*See* Houston v. Wilson Mesa Ranch Homeowners Ass'n, 360 P.3d 255, 256 (Colo.App. 2015) & O'Neil v. Conejos Cnty. Bd. Of Comm'rs, 395 P.3d 1185, 1190 (Colo.App. 2017). The upshot of this approach is that STRs would no longer need to be regulated through the land use review process, which under the current system has proved not to be manageable (*See* 2+ year wait time for licensure under current rules and paltry number of licenses issued for properties that must undertake the land use review process). Instead, STRs would be regulated solely via an administrative process covered by the Ordinance discussed below.

This approach, as opposed to the land use review process, properly reflects (a) the nature of STRs as a residential use that has no impact on the physical nature of the property, and (b) that the County has little interest in regulating STRs, and very limited resources it can devote to doing so. In addition, the BCMCA's approach maximizes administrability of the regulations by eliminating unnecessary categories of STRs in favor of a single category of STRs.

Ordinance:

The BCMCA's proposed Ordinance differs from the existing ordinance in the following key respects:

1. It eliminates the hostile recitals that baselessly regard STRs as a danger to the community and that, according to the current Community Permitting & Planning (CPP) staff themselves, erroneously associate STRs with the high cost of housing stock in Boulder County.
2. As noted above, it simplifies the administration of the Ordinance by eliminating unnecessary and poorly planned categories of STR activity.
3. It alters the insurance and proof of ownership requirements to make those requirements able to be realistically achieved by applicants without incurring wholly unnecessary costs.
4. It eliminates many of the egregiously unnecessary requirements in the current Ordinance that CPP staff have consistently failed to cogently explain or justify or which have nothing to do with STR activity, including the following: a parking plan and approval by the County Engineer, signage, notice to adjacent property owners, certification by Wildfire Partners, radon gas testing and a HERS certificate or energy audit.
5. It contains a more flexible license term (5 years) and transferability provision.
6. It contains a much more reasonable penalty and enforcement provision and eliminates the unlimited penalty provisions created under the current Ordinance.

Boulder County Mountain Cabin Alliance
bccabinrental@gmail.com

Boulder County Mountain Cabin Alliance

A. Proposed Amendments to Boulder County Land Use Code:

I. Land Use Code Section 4-507 E, Vacation Rental, is deleted in the entirety from the Land Use Code.

II. Land Use Code Section 4-516 X, Primary Dwelling Short-Term Rental, and 4-516 Y, Secondary Dwelling Short-Term Rental, are deleted in the entirety from the Land Use Code.

III. Concomitant changes to the Land Use Code are required to delete references to the above deleted sections. *See Land Use Code Sections*:

4-101 Forestry (F) District, Sections B.7.d, C.18, C.19

4-102 Agricultural (A) District, Sections B.7.d, C.22, C.23

4-103 Rural Residential (RR) District, Sections B.7.d, C.21, C.22

4-104 Estate Residential (ER) District, Sections C.18, C.20

4-105 Suburban Residential (SR) District, Sections C.17, C.18

4-106 Multifamily (MF) District, Sections C.15, C.16

4-108 Transitional (T) District, Sections C.16, C.17

4-109 Business (B) District, Sections B.7.c, C.16, C.17

4-110 Commercial (C) District, Sections B.7.c, C.16, C.17

4-111 Light Industrial (LI) District, Sections B.7.c, C.20, C.21

4-112 General Industrial (GI) District, Sections B.7.c, C.20, C.21

4-117 Mountain Institutional (MI) District, Sections B.7.d, C.18, C.19

IV. Land Use Code Section 18-137, "Dwelling" Definition, is modified as follows:

18-137 Dwelling

A. A building or portion thereof used exclusively for residential occupancy, whether rented or owner-occupied, including one-family dwellings and multiple family dwellings, but not including hotels, motels, tents, camper-trailers, or other structures designed or used primarily for temporary occupancy.

B. A dwelling shall also include the following types of residential buildings which are factory made and not constructed on site:

1. Manufactured homes which are not less than 24 fee in width and 35 feet in length, which are installed on an engineered permanent foundation in accordance with all applicable County requirements, and which have a brick, wood, or cosmetically equivalent exterior siding and a pitched roof, pursuant to C.R.S. 30-28-115(3)(a), as amended; and

2. Factory built modular housing which is certified by the State of Colorado to meet Uniform Building Code requirements pursuant to the Colorado Housing Act of 1970, C.R.S. 24-32-701, et seq., as amended.

V. Land Use Code Section 4-511 E, Single Family Dwelling, is modified as follows:

4-511 E Single Family Dwelling.

1. Definition: A detached building which is occupied or which is arranged, designed, and intended to be occupied, by not more than one family, and which contains not more than one dwelling unit.
2. Districts Permitted: By right in all districts
3. Parking Requirements: Two spaces
4. Loading Requirements: None
5. Additional Provisions: None
6. Short-Term Rental Provisions: A single family dwelling unit offering lodging accommodations for a rental duration of fewer than 30 days must maintain a valid Boulder County Short-Term Rental License.

B. Proposed Boulder County Short-Term License Ordinance:

Section 1. Definitions.

a. Director: The Director of the Boulder County Community Planning & Permitted Department or the Director's designee
b. License: A Short-Term Rental License issued pursuant to this Ordinance
c. Licensee: The person or legal entity to whom the License is issued
d. Licensed Premises: The parcel or lot on which the Short-Term Rental is located.
e. Offense: A violation of this Ordinance that endangers the health, safety or welfare of the occupants of the Licensed Premises or the public, as determined by the Director
f. Safety Inspection. An in-person visit to the Licensed Premises, scheduled with the Licensee not less than 14 days in advance of the visit, to be conducted by the Director or the Director's designee.
g. Short-Term Rental: A single family dwelling unit offering lodging accommodations for a rental duration of fewer than 30 days

Section 2. License Required.

It is a violation of this Ordinance to operate a Short-Term Rental within the unincorporated area of Boulder County, Colorado, or any municipality which consents to the application of this ordinance within its jurisdictions, without a current Short-Term Rental License. The Director shall issue Short-Term Rental Licenses under the terms and conditions of this Ordinance. Licensees remain subject to all other federal, state or local law requirements.

Section 3. Licensing Requirements.

a. Authorization by all Owners. An applicant must submit an application duly signed by all owners of the proposed Licensed Premises and proving such ownership by including a copy of the current deed and contact information for the Licensee, the Owners and any agents or property managers.
b. Proof of Insurance or Waiver. An applicant must demonstrate either (i) that the proposed Licensed Premises shall be covered by appropriate insurance at a minimum of $500,000 covering rental exposure, whether arranged by Licensee directly or secured through the platform used by Licensee to arrange any short term rental activity, or (ii) that all persons renting the proposed Licensed Premises for periods less than 30 days sign waivers holding harmless Boulder County for any injury or accident occurring at such property during the rental period.
c. Safety Inspection. An applicant must consent to a Safety Inspection by the Director or the Director's designee, and if such Safety Inspection takes place then the Director or the Director's designee must certify that the proposed Licensed Premises has passed such inspection.
d. Property Taxes. An applicant must demonstrate that all property taxes have been timely paid.
e. Sales Taxes. All Licensees must remit all applicable taxes for the Short-Term Rental and must provide one of the following: (i) an individual sales tax license number issued to the Licensee or

their agent from the State of Colorado Department of Revenue, or (ii) a statement that the only platforms used to advertise and book the Short-Term Rental remit taxes on behalf of Licensee.

f. Payment of all applicable license fees, as established from time to time by the Director.

Section 4. Safety Inspection.

At the Director's discretion, the Director or the Director's designee may undertake a Safety Inspection of any proposed Short-Term Rental and may thereafter conduct any additional Safety Inspection of such property no more than once per annum; provided, however, that an additional Safety Inspection may be scheduled in response to report to the Director of any Offense. As long as a proposed Licensed Premises is fit for occupancy and provides no danger to the health, safety or welfare of the public, the Director or the Director's designee shall certify that the proposed Short-Term Rental has passed such Safety Inspection. The Director or the Director's Designee shall use the following criteria in making such determination:

a. No observable structural defects.
b. Any plumbing, electrical, and heating or cooling systems are in a good state of repair, taking into consideration the age, location and overall nature of the property.
c. Water supplies conform to the regulations of the Boulder County Public Health Department.
d. Operable fire extinguishers and smoke detectors.

Section 5. Operating Standards and Requirements.

a. The occupancy limit of any Short-Term Rental shall be reasonable after considering the size, location and number of days occupied per year and the nature of the property. The Director shall have the discretion to limit the occupancy of a Licensed Premises to the number of adults recommended by the property's permitted and approved on-site wastewater treatment system. No Licensee shall advertise any Short-Term Rental in violation of this occupancy limit.
b. Each Licensee shall provide guests with information regarding the outdoor fire restrictions covering the Licensed Premises imposed by any Boulder County and any safety documents related to short-term rentals that may be published and provided by the Director for this use.
c. Any Licensee either must reside within a one hour drive of the Licensed Premises or designate a local manager who is available to respond to any emergencies at the Licensed Premises. The Licensee must share their own contact information, or the contact information of the local manager, with guests as well as with the Director or the Director's designee.

Section 6. Licenses.

a. The Director shall issue or renew a License provided that the criteria of Sections 3, 4 and 5 above are met and/or maintained.
b. Each License shall indicate the names and contact information of the Licensees and any property managers, as well as the occupancy limit determined by the Director pursuant to Section 5 above.
c. If any application or renewal is denied, for any reason, then the Director must issue a denial letter specifying the reasons for denial and grant the applicant or Licensee a hearing for appeal.

d. Each License granted hereunder shall be valid for a period of not less than 5 years and will expire on the expiration date unless the Licensee submits a renewal application prior to the expiration date.
e. If any change in ownership of a Licensed Premises occurs, then such change must be reported to the Director within 60 days thereof, along with an indication of whether the new owners desire to maintain the License. If the new owners of the Licensed Premises desire to maintain the License, then the Director shall have the right, but not the obligation, to conduct a Safety Inspection and otherwise ensure that the new owners are in compliance with this Ordinance, prior to re-issuing the License to the new owners reflecting them as Licensee. If the new owners indicate that they have no desire to maintain the License issued for the property, then the License shall be considered null and void as of the date of the change in ownership.
f. Licensing Fees may be established from time to time by the Director. Such fees shall not exceed $300 per annum.

Section 7. Offenses.

a. Unlicensed Short-Term Rental. If the Director determines that any single family dwelling unit offering lodging accommodations for a rental duration of fewer than 30 days has not been issued a License under the provisions of this Ordinance, then the Director shall mail the registered owners of such property a notification of a violation of this Ordinance, and the Director will either obtain acknowledgement of such notification from the owners or make a good faith attempt to obtain acknowledgement. If, unlicensed short-term rental activity occurs more than 60 days after acknowledgement of such notification or a failed good faith attempt to receive acknowledgement, the Director is authorized to carry out the penalty provisions set forth below.
b. Offenses. If the Director determines that an Offense has occurred at any Short-Term Rental, then the Director shall notify the Licensee of same. Upon receipt of such notice, the Licensee shall immediately cease any rental activity at the Licensed Premises until the Licensee has provided proof, meeting the Director's satisfaction, that the Offense has been resolved. If the Licensee continues any Short-Term Rental activity at the Licensed Premises prior to resolution of such Offense, or on the third verified occurrence of an Offense at a particular Short-Term Rental, then the Director shall be authorized to carry out the penalty provisions set forth below.
c. Other Violations. Other violations of this Ordinance, not rising to the level of an Offense, shall by punishable by a fine levied to the Licensee of not more than $100 per violation. If such violations occur more than 3 times during the issuance of a License then the 4th such violation shall be considered an Offense, giving rise to the penalty provisions below. Nonpayment of any such fines 60 days after notification thereof shall also be considered an Offense.

Section 8. Penalty Provisions

In the event of any violations of this Ordinance set forth in Section 7 above, the Director is authorized to take any one of the following actions to secure compliance with this Ordinance:

a. The Director may assess penalties for violation of this Ordinance, not to exceed $500.
b. The Director may terminate a License, requiring the impacted Licensee to submit a new application prior to carrying out any short-term rental activity at the impacted property.

c. The Director may terminate a License and/or impose a one-year waiting period prior to the Director considering any new Short-Term Rental application for the property or any other property by the Licensee.
d. The Director may to seek injunctive relieve to enforce this Ordinance.
e. The Director may task law enforcement personnel for assistance in enforcing this Ordinance.

Section 9. Severability/Savings Clause.

If any provision of this Ordinance is found to invalid by a court of competent jurisdiction, only the provision subject to the court decision may be repealed or amended. All other provisions must remain in full force and effect.

Section 10. Effective Date and Transition Rule.

This Ordinance will be effective 30 days after the publication following adoption on the second reading. Prior to the two-year anniversary of such effective date, the Director will not carry out any of the penalty provisions set forth in Section 8 above with respect to any rental activity at a single family dwelling unit offering lodging accommodations for a rental duration of fewer than 30 days.

From:	Edward Yagi
To:	Abner, Ethan
Cc:	Boulder County Board of Commissioners; !LongRange; Boulder County Cabin Rental Alliance
Subject:	Re: [EXTERNAL] Fwd: Request for citations and document location
Date:	Tuesday, September 5, 2023 11:13:25 PM
Attachments:	image001.png image001.png

Hello Abner,

Thank you very much for this information. I look forward to anything else you can share with me.

If you would, please include this email into the packet of information to be presented to the Planning Commission and the BOCC prior to any discussions on the review of the current STR regulations.

The articles you sent me represent some excellent research and I will give them the time they deserve to review in more detail. However, even a quick glance shows that none of the four you provide have anything to do with unincorporated Boulder County.

Specifically:

-- The situation within the city limits of the Town of Estes Park is not comparable with unincorporated Boulder County, and in any event Estes Park is in a different county (Larimer).
-- The Li, Kim, et al. paper took all of its data from 9 major "metropolitan areas" such as LA and San Francisco.
-- The Bevins article cites "cities" 35 times -- but "rural areas" (or similar terms) zero times.
-- The Barron and Kung report very pointedly notes "We include only data from the 100 largest CBSAs [major metropolitan areas] as measured by 2010 population." Even the Greater Boulder area (which is neither rural nor unincorporated), the Boulder CBSA, ranks only #156 and was not even close to being part of this study.
-- A word check of all four documents shows that the words "rural" and "unincorporated" and "mountain" all appear exactly zero times.

Unless you have a compelling justification for citing STR-related reports -- and their conclusions -- concerning areas that are irrelevant to unincorporated Boulder County, you can expect some pushback from those of us inconvenineced and constrained by, and opposed to, the current and proposed regulations.

You could consider modifying your statement t read "SOME studies and reports OF MAJOR METROPOLITAN ARES 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" (although this might also be inaccurate: I saw, at first glance, no references to "health, safety, or community welfare" in any of the reports).

Or (my recommendation), this statement should be removed entirely.

Cheers, Edward Yagi

On Tue, Sep 5, 2023 at 11:06 PM Abner, Ethan <eabner@bouldercounty.gov> wrote:

> Good morning Edward—hope all is well!
>
> I will cite the studies in the staff packet, which we are finalizing this week. It should be available on September 13th. Here are a few I've reviewed if you'd like to take a look in the meantime.
>
> Market Shifts in the Sharing Economy: The Impact of Airbnb on Housing Rentals (Li, Kim, Srinivasan)
>
> The Economic Costs and Benefits of Airbnb (Bivens)
>
> The Effect of Home-Sharing on House Prices and Rents: Evidence from Airbnb (Barron, Kung, Proserpio)
>
> Town of Estes Park Vacation Home Rental (Short Term Rental) Fee Study
>
> Best,
>
> **Ethan Abner | Long Range Planner**
>
> Boulder County Community Planning & Permitting
>
> Mailing Address: P.O. Box 471, Boulder, CO 80306
>
> Main: 303-441-3930 | Direct: 303-682-6892
>
> eabner@bouldercounty.gov
>
> www.BoulderCounty.gov
>
> *Boulder County has migrated all email to the .gov domain. Please update your contact lists to reflect the change from name@bouldercounty.org to name@bouldercounty.gov.* ***Emails sent to both .org and .gov addresses will continue to work.*** *This work is part of the migration to the .gov domain that began in July, 2022 when the Boulder County website moved to www.bouldercounty.gov. This move to the .gov domain provides a higher level of cybersecurity protection.*

Ethan

From: Edward Yagi <yagi.edward@gmail.com>
Sent: Tuesday, September 5, 2023 7:39 AM
To: Abner, Ethan <eabner@bouldercounty.gov>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.gov>; !LongRange <longrange@bouldercounty.gov>
Subject: [EXTERNAL] Fwd: Request for citations and document location

Resending.

---------- Forwarded message ---------
From: **Edward Yagi** <yagi.edward@gmail.com>
Date: Sun, Sep 3, 2023 at 7:23 PM
Subject: Request for citations and document location
To: Abner, Ethan <eabner@bouldercounty.org>
Cc: Boulder County Board of Commissioners <commissioners@bouldercounty.org>, !LongRange <longrange@bouldercounty.org>

Hello Ethan,

Regarding your "Proposed Amendments Related to Short-Term Dwelling and Vacation Rentals," they lead off in part with the following statement:

"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."

How many "studies and reports" are you citing, who authored them, when were they published, and where can they be viewed or downloaded? I need to review them prior to the public hearing on the 20th.

Cheers, Edward Yagi

---------- Forwarded message ---------
From: **Boulder County Community Planning & Permitting**
<bouldercounty@public.govdelivery.com>
Date: Sat, Sep 2, 2023 at 2:46 AM
Subject: Proposed Amendments Related to Short-Term Dwelling and Vacation Rentals
To: <yagi.edward@gmail.com>

boulder county news and information banner

Sept. 1, 2023

Contact
Ethan Abner, 303-682-6892

Proposed Amendments Related to Short-Term Dwelling and Vacation Rentals

Planning Commission Public Hearing Scheduled for Sept. 20

Boulder County, Colo. - Boulder County Community Planning & Permitting staff are proposing changes to the Land Use Code and Licensing Ordinance associated with Short-Term and Vacation Rentals in unincorporated Boulder County. These proposed changes will be presented to the Planning Commission for review during a Public Hearing on Wednesday, Sept. 20, 2023. The proposed draft regulations are available for review and can be found at boco.org/dc-23-0001.

As a result of the Short-Term and Vacation Rental Two-Year Review, which was presented to the Board of County Commissioners on January 17, 2023, Commissioners directed staff to consider amendments to the existing regulations and updates to the licensing ordinance. The proposed regulations are focused on ensuring a baseline level of safety at Short-Term and Vacation Rentals, simplifying the licensing and land use review process, creating more certainty for applicants, balancing property owners' desires for

short-term rentals and the desires of immediate neighborhoods and communities, and minimizing impacts to housing stock.

Information regarding the Planning Commission Public Hearing and how to participate will be published on the Planning Commission webpage a week before the Sept. 20 Public Hearing.

The proposed changes are for the unincorporated areas of Boulder County, not in cities like Boulder or Longmont. Boulder County's unincorporated areas comprise the rural, mountainous and plains communities that are not part of any incorporated municipality.

If you would like to comment on the draft text, email written comments to longrange@bouldercounty.gov. For more information, contact Ethan Abner, Long Range Planning & Policy Team Planner.

From: Jennifer Lemmon
To: !LongRange
Subject: [EXTERNAL] Land use vacation short term law changes
Date: Tuesday, September 5, 2023 4:03:16 AM

I am thoroughly opposed to this change I haven't even read it yet I'll get back and make another comment but I just saw what's going on out there and I think that with all the building and hotel building and apartment building they're doing in the incorporated communities that using up Colorado's space resources freedoms on more money grabbers renting stuff out to short term possible they're not here to stay and there are plenty of places they've built to accommodate all these people and making Colorado into Florida

Sent from my iPhone

From:	Cat Oehlman
To:	Laws, Martin; Harden, Dyan; Harden, Dyan; Hippely, Hannah
Cc:	Mark Herber
Subject:	[EXTERNAL] 16194, 16188, 1690,16198 N St Vrain Dr
Date:	Wednesday, September 6, 2023 10:10:00 AM

Good morning, all.
I will be out of town for family issues and will not be able to attend hearing on the 19th.

I have many concerns regarding the adjacent properties next to us (we reside 16072 N St Vrain)
I am opposed to any permits etc possibly being granted to “Riverside Cabins” Micah Kohls or any other member of ownership for the following reasons:

In 2015 we pursued a purchase of properties and through due diligence, were advised of historic status, flood zone, use restrictions, etc. by representatives of Boulder County. We were strongly discouraged after spending huge amounts of time and money.
The past 2 years, work on the 8 buildings have apparently been conducted with permits issued only to 16194. My understanding is these are separate parcels and addresses
The past 2 years (estimated) the properties have been rented as Airbnb and VRBO rentals. Be advised there is NO owner occupancy at any time. This is a blatant disregard of rental property laws.
There are at least 2 dozen guests per week, a parking lot full of cars, and trespassers on our property on a regular basis.
Steps have been built to access river as well as a makeshift dam. Fishing is offered, not certain if licenses are being obtained.
Events with food trucks have occurred this summer, one being a wedding of 40 plus people.

I have documentation, photos, and text communication available upon request. There is too much to attach here.
I understand, as a business owner in Boulder County myself, that we all have a right to conduct business. I am requesting that rules are standard for all, and consequential action is taken for those who don’t comply.
Looking forward to your responses.

Cat Oehlman
Personal phone 970-290-2241
Owner Smokin’ Dave’s BBQ and Brew

970-577-7427(Ribs)- Estes Park
303-823-7427(Ribs)- Lyons
303-923-7427(Ribs)- Longmont
303-430-7427(Ribs)- Denver

From: Eric Moutz
To: !LongRange
Subject: [EXTERNAL] Short Term Rentals
Date: Wednesday, September 6, 2023 10:27:54 AM

To Whom it May Concern,

I'm writing to address proposed amendments to the Boulder County Land Use Code relating to short term rentals. I'm a former member of the Board of Adjustment and have ample experience with the Code and County Staff.

To be blunt, I'm concerned these amendments will make it easier for property owners to obtain a short term rental license, thereby impacting our neighborhoods and communities. I'm also concerned these amendments deny neighbors a voice and vote in what happens around their homes.

I want to start by saying that STR's/Vacation Rentals suck for everyone except the property owner. They increase traffic, noise, fire danger, and create risks by having an ever changing influx of strangers roaming through residential areas. Folks who buy a house on a quiet mountain street in Boulder County arent expecting, or wanting, to live next to a hotel. We also all know STRs don't follow the rules the county passes. We have had fireworks, drug/alcohol fueled parties till 4am, etc. etc. It is unfair to impose this kind of burden on these folks so that property owners can operate a for profit business in an area that is supposed to be residential. We all know you can pass regulations but that enforcement is non-existent/impossible (especially in remote areas). You call the cops, it takes 2 hours for them to show up, the STR renters apologize, and then the problems start as soon as the cops leave. My neighbors and I literally complained for months about an illegal STR and got zero help from the County. Moreover, neighbors shouldn't have to resort to calling the county or police repeatedly to deal with problematic STRs. This specifically includes "forestry" zoned areas which comprise the majority of the "quiet mountain" areas we are talking about. In many cases forestry zoning is right beside a subdivision or includes homes which are located closely together due to builds that occurred prior to current LUC standards. In my case, I live in a subdivision that is directly across the street from forestry zoning. Putting an STR in that location is like putting it in the middle of the subdivision with all of the undesirable impacts that come with it. The County understands this which is why STRs are prohibited in subdivisions.

I'm concerned, among other things, that the proposed changes eliminate a planning/BOCC review for applications for Vacation Rentals (i.e. hotels). In addition, the changes eliminate the requirement that the Vacation Rentals be consistent with the character of the neighborhood (a showing which is required under the current process). Any Vacation Rentals license should require a hearing so that the neighbors can be heard and their concerns addressed (or the license denied). Staff has specifically said that their attitude is "a person should be able to do what they want with their property" when it comes to Vacation Rentals. I would expect staff review to result in approval of every license (indeed, staff admitted last summer they had never denied a license application). My neighborhood (Tall Timbers) recently defeated an Vacation Rental application for a property located in our neighborhood through this process before the planning commission. We did so by showing the property in question would impose unreasonable and unfair traffic, noise, and other burdens on

our neighborhood. It is unfair to allow County staff to reflexively approve Vacation Rentals without considering the concerns and burdens on a particular location. This can only realistically be done through a hearing in which neighbors are allowed to be heard and their concerns addressed by the BOCC and/or planning commission.

Specifically, Vacation Rentals should not be a use "as of right" and should require a hearing with neighbor input. The impacts should be considered on the particular location and objections should be heard. The County routinely requires a hearing if you want to build 5' into a setback. You should also have a hearing if you want to open a hotel in a single family neighborhood. It is that simple. In addition, the number of days a property can be rented should be limited. Even where a Vacation Rental is allowed, it shouldn't be allowed 365 days a year. It should be far, far less. We, as county residents, don't want full time hotels in our residential neighborhoods.

Most Boulder County residents don't want an STR or Vacation Rental in their neighborhood. Period. The County should not change the rules to make it easier for STRs/Vacation Rentals to invade neighborhoods or prevent neighbors from having a voice in what happens in this process.

Again, we don't want these uses in or near our homes and neighborhoods. Stop trying to force this garbage down our throats.

Sincerely,
Eric Moutz
524 Kelly Road
Boulder, Colorado 80302

From: Rachel Lederman
To: !LongRange
Subject: [EXTERNAL] do not permit 365 short term rentals
Date: Wednesday, September 6, 2023 10:39:19 AM

Rachel Lederman 926 Kelly Road West Boulder, CO 80302 09/06/2023

Ethan Abner Long Range Planning + Policy Team Planner

Subject: The Potential Consequences of 365 Day Short-Term Vacation Rentals

Dear Members of the Boulder City Council & Long Range Planning + Policy Team Planner,

I hope this letter finds you well. I am writing as a concerned citizen to express my apprehensions regarding the potential move to allow 365-day short-term vacation rentals in Boulder and its surrounding rural areas. I firmly believe that this would be detrimental to our community, turning our beloved city into what would essentially be a hotel town, thereby compromising the essence of what makes Boulder special.

Loss of Community Essence: Boulder, with its verdant trails, artsy enclaves, and spirited community events, is not just a place but a feeling. Introducing constant short-term rentals would invariably change the demographics, leading to a transient population with no long-term commitment to the community's well-being or its culture.

Property Prices & Affordable Housing: With the potential profitability of year-round short-term rentals, property owners might be incentivized to prefer tourists over long-term tenants. This could drive up housing prices, making it even more challenging for many residents, especially the younger and less-affluent ones, to find affordable housing.

Noise & Safety Concerns: A constant influx of short-term visitors may increase noise disturbances and other related nuisances in residential areas. Furthermore, the regular change of occupants might pose safety concerns, given that there is no long-term accountability as with traditional leases.

Infrastructure Strain: Boulder's infrastructure, including roads, utilities, and public spaces, is designed keeping in mind its residents. Continuous tourist turnover might strain these resources, diminishing the quality of life for the long-standing residents.

Environmental Impact: Boulder's surrounding rural areas, cherished for their tranquillity and natural beauty, could face environmental degradation. Increased traffic, waste, and the general strain of constant short-term visitors might harm the delicate balance of these ecosystems.

Loss of Local Business Character: With a continuous influx of tourists, there's a possibility that local businesses might start catering more to the tastes and demands of tourists rather than the local community. This could lead to a loss in the distinct character and charm that many local businesses bring to Boulder.

I understand the potential economic benefits that 365-day short-term rentals could bring to the city. However, it's essential to consider the long-term implications, not just the immediate financial gain. Boulder's unique charm lies in its sense of community, its respect for the environment, and its commitment to ensuring a high quality of life for its residents.

I kindly urge the City Council to consider the broader implications of this decision and weigh the long-term health and happiness of our community against short-term financial gains. Let's work together to preserve the soul of Boulder and ensure that it remains a place we're all proud to call home.

Thank you for your time and consideration.

Warm regards,

Rachel Lederman rachel@sweetsadie.com/917-312-2102

--

Rachel Lederman-Melendez (she/her)

Founder

(917) 312-2102

Schedule a meeting with me

sweetsadie.com

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September 9, 2023

STR pushback:

Comments to Boulder County for the permanent record in response to request from the BOCC for public comment on the draft STR regulation changes proposed on September 1, 2023

1. Edward Yagi comments to the BOCC, 9/7/23 @ 1030 MST (Delivered from Baguio, Philippines, presumably the cause of the poor audio and video quality reported by the commissioners, who requested follow-up by email)

Are my audio and video OK? My name is Edward Yagi, and I am co-owner of 5th generation family property in Allenspark.

My comments concern misconduct by Boulder County officials. On August 8, a citizens' group of which I am a member, the Boulder County Mountain Cabin Alliance, sent you a 2000 word replacement recommendation to short term rental regulations that you had no justification to implement in the first place.

Our proposal was crafted by lawyers with more relevant experience than anyone in your Land Use Department, now or previously. The draft document YOU issued on September 1 incorporates almost none of our input, and worse, doubles down on a number of incredible lies. Here are just two.

One. You falsely equate the desire of property owners to have their legal rights protected, with the desire of whiny neighbors to be petty or ignorant. You assert that it's OK to debase property rights just because some neighbor doesn't recognize a car in their vicinity. Knowingly equating Constitutional rights with selfish whims is lying.

Two, you just keep repeating the lie that STRs in unincorporated Boulder County are net negative and somehow deplete housing stock. Your draft says right up front: "Studies and reports have concluded that STRs create adverse impacts to the health, safety, and welfare of communities, including an increase in housing costs and depletion of residential housing." Well guess what? I read the studies you say you cited, and ALL of them have NOTHING to do with Boulder County. ABSOLUTELY NOTHING. Most of them concern only densely populated metropolitan areas like New York and San Francisco. What findings there are, are weak, heavily conditional, and not ONE of them involves health, safety, or welfare. NOT ONE. This is lying by omission, and when government officials do it, it's illegal. Are you going to hold your staff responsible for this deliberately deceptive behavior accountable? That is a yes or no question. Answer it.

Your draft of September 1 remains wildly unacceptable, with Wildfire Partners requirements, zoning and insurance rules, licensing caps, unenforceable and unreasonable occupancy limits, excessive fees and expenses for applicants and taxpayer alike, short permit validity periods, and NO provisions for the many applicants who after nearly three years are STILL in license limbo because of your incompetence. Your draft remains absurdly excessive and impossible to administer at 13 pages and nearly 6000 words. It's just a disaster.

You owe our Alliance, and the extremely qualified subject matter experts who prepared the August 8 draft, an apology, new staff, and a promise that our draft will be given the attention and respect it deserves prior to the public hearing on September 20.

Dear god. If Jasmine Rodenburg, Raini Ott, and the three creep commissioners in office

three years ago had simply solicited and approved our Alliance's draft back in 2020, instead of shamelessly ignoring both public input and your own Planning Commission, you wouldn't be in the mess you are now – inches away from a lawsuit like the one in Summit County [filed in federal court on August 14]. You've got 13 days to try to get your act together. Good luck.

This concludes my remarks.

(End of spoken remarks)

https://www.summitdaily.com/news/summit-county-homeowners-sue-local-officials-over-short-term-rental-regulations/

2. Specific portions of the current draft that are utterly unacceptable. The items below were cut-and-pasted from discussions with multiple citizens involved in the Boulder County STR dispute.

-- The county's entire position is based on "assumed facts not in evidence" (specifically, absolutely zero evidence despite four years of effort for the false assertions that STRs in unincorporated Boulder County pose any – ANY – threat in the slightest to the public interest, including but not limited to health, safety, welfare, fire hazard, traffic, housing costs, or housing stock. By contrast, the BCMCA and its members have provided dozens of specific, concrete examples of how STR activity improves communities (provides local jobs in management, maintenance, services, income that is directly invested in fire mitigation, etc.)

-- The County will be divided into three zones: North Mountains (Allenspark); South Mountains (Nederland) and Plains (the rest of the County). Each zone will have separate licensing caps, apparently based on the number of rentals available.

In the exact words of another BCMCA member: Are you kidding? Are you joking? For 171 rentals, which amounts to less than 1% of the 20,000 dwellings in the County? Ethan said that licensing caps must be implemented in return for the county giving up its highly intrusive and subjective discretionary review of rentals under the land use code. So apparently if the County does not impose specific, intrusive, unnecessary and expensive conditions on rentals, they will just limit the number of rentals? There is absolutely no logic or justification here. (Note that Commissioner Levy seemed quite opposed to licensing caps when Ethan proposed this at the initial meeting-work session.)

-- Licensing caps are totally ridiculous. Ethan's rationale is that the caps substitute for the subjective land process. This makes no sense; for example, a party house could pull a license.

BCMCA research on caps shows ski resort towns with thousands of STRs have caps (Breckenridge has 3000 STRs and has caps.) That is 18 times the number of STRs in one tiny city (pop 5000) compared to most of an entire Colorado county. Boulder county has about 170 STRs, which is less than 1% of the total 20,000 dwelling units in the County – no where near any objective number that DEMAND regulation as a "compelling public interest." Caps are totally unnecessary and a big hit to rural economies and owners just trying to get by. The cap proposal did not get support in the town discussions, either.

-- The primary residence owner occupancy requirement is unworkable. All STRs in Denver must be primary residences, but even there, there is no owner occupancy requirement.

For primary rentals, the owner will be REQUIRED to occupy the premises during the rental. This makes absolutely no sense for too many reasons to mention. It might work in very limited situation if one has separate finished living quarters with kitchen, bath, etc., but otherwise all you are doing is renting out a room with shared amenities. Will the owner be expected to share one bathroom with a stranger? How can a family be accommodated? What about the septic system requirement if the owner and their family is in the dwelling with additional guests? How will this be enforced? (hint: it can't – it's impossible).

-- The limit of one license is totally random and without any objective and rational justification.

A limit of one vacation rental per person could easily backfire on its stated purpose, as it could incentivize vacation rentals to be disproportionately larger houses that can accommodate larger groups and are more likely to be "party" houses. If someone is in the market to purchase a vacation rental property and is only allowed one property, they would be incentivized to purchase the largest one they could afford. Smaller vacation rentals, such as a property which is a one room cabin that sleeps only two people, have much less impact on communities. Many (perhaps most) guests are primarily couples who are very quiet. If the occupancy limit is eight individuals per property, would the county allow that to be divided over multiple properties per owner? For example, four tiny cabins that are limited to two guests should be equal to one property that allows eight guests under the cap. The point of this argument is: no two properties are alike. Establishing ANY rule creates an infinite number of discussion, debate, definitions, and interpreting issues, all of which can and will change over time depending on who is doing the observing. The points of conflict become infinite, all over matters that are ultimately unenforceable anyway. Such an absurd waste of time and money over something so unimportant to the public interest.

-- The BCMCA has a big problem with the rule that vacation rentals can't be marketed or used for weddings, because we don't see a definition of what a wedding is (and no matter what definition the county uses, someone can think of exceptions). According to one member:

> "I'm okay not *marketing* for weddings but I don't agree with not allowing guests to have weddings if they are very small. I've had couples that have eloped at my property, and had very small and quiet ceremonies with only a handful of guests and no reception. I definitely understand not allowing large weddings, but what's the difference if someone only has a few guests over for dinner or a few guests over for a micro wedding ceremony. At least the county should say a wedding is, say, a group of more than 25 people. Also there is a big difference between a small ceremony vs a reception."

-- The county is deeply negligent in that there is no mention of any compensation to those who have already spent thousands & thousands of dollars & almost three years of their time enduring all the county's draconian BS and STILL do not have a license. At a bare minimum the County should extended their license renewals period to at least 5 years from the date of the license issuance, and better yet 10 years (with 5 years being the basis for everyone else).

-- Vacation Rentals are ONLY allowed in "Forestry" or "Mountain" zoning areas, no longer in rural residential by right. This is arbitrary, discriminatory, and the county has provided absolutely no justification.

-- Only "Vacation Rental" designated properties are allowed 365 days. This is arbitrary, discriminatory, and the county has provided absolutely no justification.

-- BoCo is seeking to change the definition of "Primary Residence" to 9 months instead of 6. Which means a limit to 3 months of STR if not a "Vacation Rental" by automatic right. This is arbitrary, discriminatory, and the county has provided absolutely no justification.

-- Limited number of STR's per person (or any entities associated with that person.) to 1. This is arbitrary, discriminatory, and the county has provided absolutely no justification.

-- Applicants have to notify all neighbors and provide them with a copy of the license. This is unusual as that doesn't occur with any other license. This is arbitrary, discriminatory, and the county has provided absolutely no justification.

-- Cap of 8 guests regardless of the home's ability to accommodate more. One member has a large house that sleeps 14 for instance...typically 2 families will rent, or group retreats tend to book. Another has a large house with an uncertain number of bedrooms (one bedroom doubles as a library) AND is totally vacant least 7 or 8 months of the year. It often hosts a dozen or more family members for a few days at a time at the most and the septic system cannot ever have possibly operated up to a fraction of its capacity. This is arbitrary, discriminatory, and the county has provided absolutely no justification.

-- Minimum 2 night stay. This is arbitrary, discriminatory, and the county has provided absolutely no justification.

-- The combination of Forestry/Mountain restrictions specifically combined with the availability of only one short term rental property per person and guest limits are entirely arbitrary and should be based on a property’s overall condition, including age, size, location, and number of months per year vacant.

-- Boulder County lacks the resources, time, and competence to perform even basic services now – and it has no “customer service worthy of the name.” For example, it mistakenly sent emails to the wrong address of ne BCMCA member and his application was delayed for nearly a year. He was told to reapply within one day or he would have to start the entire process all over again. Boulder County never apologized and never admitted the mistake. Too many other missteps, mistakes, and examples of disgraceful “customer service” issues have occurred to list here.

3. Additional Edward Yagi comment: As a former government official myself, I can state with total authority that ANY (and I mean ANY) rules that aren't absolutely necessary are a horrible idea. Why? Three reasons: the Law of Unintended Consequences, mission creep (the gradual expansion of an intervention, project or mission far beyond its original scope that morphs into something totally different and usually undesirable), and eventual paralysis.

Once one rule is made, it inevitably leads to another, then another, then another as people come up with new interpretations and new means of enforcement. Eventually the rules start to conflict with each other, and the result is a mess that no one understands (tax law, immigration policy, you name it).

Simplicity is best. The fewer rules the better. If BoCo can't document an objective compelling public interest for a rule, you have no ethical (or legal) basis to propose it. The more rules you have, the worse customer service becomes for ALL taxpayers.

4. Another comment applicable to the subject issue: The Boulder County Government reminds me of a cult. To understand the MAGA experience, we must stop thinking of it as a political movement and recognize it as a cult. Same with Boulder County. I grew up in a cult.

There is a seductive intoxication to being an insider. Cults confirm your uniqueness, your superiority: you know something important that others do not. You isolate, surrounding yourself with people who confirm your world view. Doubts are laughed off, reason abandoned, mental gymnastics embraced. There is only one “Truth” and you are lucky enough to know it. Trump rallyers look happy for a reason: in that moment they have transcended the common experience to a higher plane of being. You cannot argue someone out of a cult. I doubt you can “love” them out of it, either. Escaping a cult is a personal journey that begins with a betrayal from inside the cult. Something that cracks the brittle shell of what you thought was everything, and the bright light of reality finally seeps through. A revelation. But, even when this happens, there will be a number who will not abandon their faith. How can you even begin to negotiate or discuss with people like that? You can’t. The only tool at your disposal is to fight them in court and win.

From: Paula Hemenway
To: !LongRange
Subject: [EXTERNAL] Comments on Short-Term Rental Amendments
Date: Monday, September 11, 2023 1:19:42 PM

I am writing to comment on the proposed text amendments to the land use code related to short-term dwelling and vacation rentals. I am on the Board of the Somerset Estates Homeowners Association, and we have one home in our subdivision that was recently licensed as a Primary Dwelling Short-Term Rental after several years of on-going rentals. My overriding suggestion is that whatever regulations the County adopts be enforceable; in particular, that the County has a way of knowing whether or not the licensee is complying with the rental restrictions that does not rely on the licensee's statements.

1. I agree with combining into one the two categories of Primary Dwelling and Secondary Dwelling as it's clear that almost no one used the Secondary Dwelling category.

2. How will you know whether the owner (or tenant) is actually present during the rental period? Our HOA governing documents forbid an owner to rent a room or portion of the house. Under the proposed amendment, this will mean that if the owner is following both the HOA and County rules, he will be limited to 30 nights per year of rentals. Do you expect that VRBO or Airbnb listings will say that it is a portion of the house being rented? Will you watch for that?

3. I'm confused by 4-516 X. I. c. "Historical Accessory Dwelling Units are the only type of Accessory Dwelling Unit eligible for this use." What is "this use"? Short-term rentals or "weddings, receptions, or similar ..." in the paragraph above? Is the use of the word "Accessory" in the title of this section related to "Historic Accessory Dwelling Unit" or are there two meanings to Accessory?

4. Maybe a driver's license and sworn statement is sufficient to establish proof of Primary Residence, but how do you know whether they live there nine months of the year? Because they say so? The owners in our subdivision somehow documented that they live at the licensed property six months of the year, but we are not aware that they have ever actually lived there for any extended period. From public voter records, his address is listed as Castle Rock and hers as Niwot, but with a PO box for mail. I would guess this was done to pass the current County primary residence test, although I wonder why the County didn't catch the two voter registration addresses. A sworn statement would be insufficient unless the County intends to somehow verify the residency. How about an inspection to look for personal items or other evidence of residency? Either that, or keep a secondary document requirement and check for consistency between multiple owners (e.g., spouses).

5. How do you know whether a licensee has provided a copy of the license to neighbors? I'm not sure it's a good idea to switch the responsibility for this notification from the County to the licensee.

6. Do you intend to monitor the short-term rental sites (VRBO, Airbnb, etc.) to see whether the listings include the whole home or a private room? How do you tell the difference on a rental listing whether dates are blocked off because the home has been rented or if the owner has blocked it off for their own use? How will you know whether the 30 days of whole home rental has been exceeded? Are you relying on the "honor system" from the licensee? Anything you can do to make violations obvious would be helpful, even if it means making the rules less restrictive.

7. If these new rules are adopted, what happens to existing licenses for short-term rentals that are good for two years? I understand the County not wanting to reduce housing stock, etc., but that must be balanced against property owner rights. In the case of our homeowner, they now have a license that allows them to rent the whole home for 120 days per year (20 days/mo for the six months that they supposedly aren't living there). Unless the County is really paying attention, they'll rent it as much as they can. With the new rules, they'll be limited to 30 days/yr unless they pretend to be there for other rental days. That's not something the HOA can monitor as we're not going to knock on the door to see who is actually at the house. All we know is the number of cars in the driveway (which is often many). If these rules pass, the business is unworkable as the HOA prohibits exactly what the County wants to allow, which is the rental of a portion of the home, and 30 days/yr is not sufficient to cover costs.

If our HOA really wants to completely stop short-term rentals, we have the option to amend our governing documents. We haven't taken that path as the County rules are restrictive enough that we are satisfied to allow short-term rentals as long as the owner has a County license. However, unless there is some good monitoring system, the incentive is to get the license and then ignore the restrictions so I'd encourage you to think through exactly how you will know whether or not your rules (current or proposed) are being followed. If there is no easy way to enforce them, they should be reconsidered.

I hope this is helpful.

Paula Hemenway

Boulder County Community Planning & Permitting Department
Docket #DC-23-0001: Short Term & Vacation Rentals

Having reviewed the Documents available for the Planning Commission's consideration of the proposed Text Amendments, these are my very brief comments. I'll present more in testimony at the Planning Commission Hearing on this matter.

1. Almost all emphasis is on the Applicant, **not** the property owners potentially affected in the vicinity of the proposed units.

No notification of application for license is given to the immediate area (has been defined as 1,500 feet), now eliminated.

Notification of approval is only given to "adjacent" neighbors.

Hence, we end up with no idea what a property may be approved for. If we see a fire in a pit, not allowed vacation rentals, do we know if that's a private resident and allowed or is it a vacation rental and not allowed? If we are concerned about noise emanating from the raised deck of a nearby house, a party of twelve persons, do we know that the occupancy is allowed, even if noisy, or restricted by code for a vacation rental allowing a maximum of six persons?

2. The proposed changes do simplify the process for the Applicant. And perhaps that simplifies enforcement at certain levels. But in the examples given in my point 1, enforcement is only going to occur if a local, a neighbor, turns them in. And there goes the neighborhood! And under all complaint situations I'm aware, the complainers name is required.

Enforcement must be rigorous and under the proposed Text Amendments, the surrounding area is placed at a disadvantage, both from lack of knowledge of what type of residential unit exists, and if regulated by these proposed regulations, who to contact in the case of an infraction.

3. The proposed limits on the number of Vacation Rentals in the St Vrain CCD appear arbitrary without the statistics to back them up. Where does the 168 limit come from, or the 3.5% of the housing stock originate? Are these numbers too lenient or too strict? And why shouldn't there be similar restrictions on Short Term Rentals?

Missing altogether is consideration of the density or packing of Short Term or Vacation rentals in a specific area. What constitutes too much? In several areas I'm familiar with, we now have a row of legal, or illegal, units lining the highway. So goes the neighborhood!

4. The licensing of existing Short Term and Vacation units should be given priority over any new applications. There are many illegal units operating today that have not applied for licensing. They and others that have rental units, need to be processed first, only then should applications for brand new units be considered.

The recent application of Tahosa South road in the Allenspark area should serve as an example. You approved a Short Term Rental license for a house that had not yet even received approval for being built. Is a moratorium on future units of this type going to be put in place?

5. Vacation Rental units should pay Commercial tax rates, just like hotels and motels. Any lessor means of taxation is unfair to the accommodation industry that pays commercial rates. I understand that this is a Colorado State Legislature matter, the County not having the authority to propose such a change, but shouldn't the Boulder County Planning Commission recommend that the Boulder Country Commissioners lobby the State in this matter?

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September 12, 2023

Ethan Abner
Long Range Planning & Policy Review Team Planner
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Dear Mr. Abner:

Thank you for sending your draft showing changes to the short term rental ordinance and texts. I have been very interested in this topic for several years. It has a direct impact on my own property. I am sure you have worked very hard to draft the new document and secure the approval of other County staff.

For reference my property in Allenspark is at 17663 Highway 7.

The following includes your draft in which I have comments, in text boxes containing my comments in bold type. My lack of expertise has led to several small changes in your formatting, including page numbers.

From my personal perspective the major change that I support is the explicit specification of the access requirement. It is imperative that there be a clearly stated special requirement for access across other properties which are under different ownership than the property proposing the rental.

There are many shared private roads in Allenspark including one of which I am a party. In fact the road roughly bisects my property with one more dwelling beyond it. This means that a rental on my road generates traffic that now distrupts my peace and quiet that I have enjoyed for about 30 years. My disturbance is for the profit making rental on the road. In my case there is no easement that permits operating such a business although it does permit ingress and egress of neighbors beyond me. This can affect other properties in Allenspark. It is a problem that needs to be dealt with. I do not believe the County has the right to appropriate my portion of the private road to a neighbor for profit making at my expense.

I believe Vacation Rentals must be limited to those properties that have a direct access to a public road. Thus the rental requirement for access that meets the Boulder County

Multimodal Transportation Standards will be continuous onto the public road. All the burden of rental uses will therefore be on the rental property.

Another major concern I have is the lack of transparency required by the Director when approvals are made. Neighbors and the public should be notified when a rental request is made and time allowed for public comments before a final decision is made. The Director must also issue a written finding with the approval that must be sent to the neighbor to provide community understanding of what was approved.

In addition, there seems to a second part to final approval. That seems to be the actual licensing. That has not been public in my experience, with known approvals waiting licensing for many months.

Finally, there must be a public notice of all approved rentals. In the spirit of transparency it should be on line. This will permit clear public knowledge of the extent of the overall rental program.

This transparency will solve the impression that some members of the public have that suggest private dealing of owners and the County staff.

The Director shall issue a statement at the end of every year stating the tax receipts for that year's rentals. This will demonstrate to the public that the costs of administering the rental program are reasonable and in the interest of the taxpayers.

DOCKET DC-23-0001: TEXT AMENDMENTS TO THE LAND USE CODE RELATED TO SHORT-TERM DWELLING AND VACATION RENTALS. Text amendments to the Boulder County Land Use Code related to the Short-Term Dwelling and Vacation Rental uses in Article 4-507.E, Article 4-516.X, Article 4-516.Y, and any other related Articles and provisions necessary to integrate these changes. A summary of changes made to each section is available in the Summary of Changes document. A strikethrough format is utilized to denote language suggested for deletion and an underline format is utilized to indicate suggested new changes or additions.

4-507 Lodging Uses

E. Vacation Rental

1. *Definition: 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.*~~
2. *Districts Permitted:*
   a. ~~*By Special Review*~~ *By right in F, ~~A, RR,~~ and MI, provided the property is ~~less than 5 acres in size and~~ not on ~~un~~subdivided land.*
   b. ~~*By Limited Impact Special Use Review in F, A, RR, and MI, provided the property is greater than 5 acres in size and on unsubdivided land.*~~
   c. ~~*By Limited Impact Special Use Review in B, C, LI, and GI.*~~
3. *Parking Requirements: ~~One space per Sleeping Room in addition to one space for the local manager.~~ Two spaces, or one space per every four approved occupants, whichever is fewer. All parking must be on-site.*
4. *Loading Requirements: None 5. Additional Provisions:*
   a. ~~*All Vacation Rentals must maintain a valid Boulder County Vacation Rental License.*~~
   b. ~~*A Vacation Rental may not be marketed or used for weddings, receptions, or similar private or public events.*~~
   c. *The dwelling unit must be rented with a two-night stay minimum.*
   d. ~~*Accessory Dwellings are not eligible for this use.*~~

4-516 Accessory Uses

X. ~~*Primary Dwelling*~~ *Short-Term Rental*

E. *Definition: 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.*

F. *Districts Permitted: By right in all districts*

G. *Parking Requirements: ~~Three~~ Two spaces, which ~~or one space per designated Sleeping Room in addition to one space for the owner or local manager, whichever is greater. All parking~~ must be on-site.*
H. *Loading Requirements: None*
I. *Additional Provisions:*
   a. *All ~~Primary Dwelling~~ Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.*
   b. *A ~~Primary Dwelling~~ Short-Term Rental may not be marketed or used for weddings, receptions, or similar private or public events, with the exception of those by-right events hosted by one or more of the individuals who reside on the property.*
   c. *Historic Accessory Dwelling Units are the only type of Accessory Dwelling Unit eligible for this use.*

Y. *~~Secondary Dwelling Short-Term Rental~~*

No comment.

4-602 Special Provisions

G. Limited Impact Special Review Waiver for Bed and Breakfast ~~and Secondary Dwelling Short-Term Rental~~
1. *The requirement for Limited Impact Special Review may be waived if the Director determines that the Bed and Breakfast ~~or Secondary Dwelling Short-Term Rental~~ will not have any significant conflict with the criteria listed in Article 4-601 of this Code.*
2. *The Director may impose written terms and conditions on ~~these uses~~ this use that may be reasonably necessary to avoid conflict with the review criteria in Article 4-601 of this Code.*
3. *The Bed and Breakfast must comply with the Additional Provisions outlined in Article 4-507.A. of this Code. ~~The Secondary Dwelling Short-Term Rentals must comply with the Additional Provisions outlined in Article 4-516.Y. of this Code.~~*
4. *Notice of the waiver application being reviewed shall be sent to referral agencies and adjacent property owners in accordance with Article 3-204 of this Code.*
5. *The Director shall not issue the determination for 15 days following such notification and shall consider any comments received by the public.*

4-802 Applicability and Scope of the Site Plan Review Process for Development

A. Site Plan Review shall be required for (unless not required or waived pursuant to Sections B and below):

10. A change in use of a parcel, except for a change in use to a Vacation Rental.

ORDINANCE NO. 2023-01

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 short-term rentals has grown drastically in the past decade; and*
C. *The short-term rental of residential Dwelling Units 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*

Comment: In the mountains tourism and agritourism have been discouraged historically because growth requires urban services that are very expensive for County residents who live elsewhere. For example the response time for the sheriff is often several hours at present. Fire protection is by talented, but volunteer firefighters. Local job opportunities are not as pressing because the population density is low as a result, for most people, because of the hostile winter weather. Fostering community is an admirable social matter, but a very expensive one that people can also access as lower altitudes.s

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)~~ nine (9) 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. *Tenant: A person who occupies property rented from a property owner for a rental duration of greater than 30 days.*
12. ~~*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 offer, provide, or operate a ShortTerm 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.*

   a. *Short-Term Rentals: An additional License may be issued to a person or any legal entities associated with that person, including trusts, corporations, estates, or associations, if:*

      i. *The Dwelling Unit or Licensed Premises is a Historic Landmark; and*
      ii. *The applicant already maintains a Vacation Rental License on a separate Licensed Premises*

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. *Online 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 the 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~~ certificate of insurance with adequate liability and property insurance limits that must at a minimum, insure liability at $500,000 and show a rental exposure. An Insurance certificate must be submitted on a yearly basis when the insurance policy renews, or at any point that the insurance policy is changed.*

Comment: Insurance must cover damages to nearby properties and liabilities incurred if renters must travel across those properties to access the rental.

   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, along with the Sworn Statement of Primary Residence submitted upon application and on a yearly basis on the anniversary of the License issuance date. ~~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 location 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. *Provide Copy of License to Neighbors. The Licensee must provide a copy of the License to immediately adjacent neighbors by U.S. Mail, first class postage or email. Further, the Licensee must post a copy of the License in a prominent location within the Dwelling Unit for guests to see.*

Comment: It is very important to inform neighbors about rentals so they can understand possible impacts from the legitimate renters and not mistake them for illegitimate squatters.

10. *Payment. Payment of all applicable License fees.*
11. *Property Taxes. ~~For Vacation Rentals and Secondary Dwelling Short-Term Rentals,~~ Proof that property taxes have been paid to date.*
12. *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 within six (6) months (180 days) will result in withdrawal ~~may be grounds for denial~~ of the application.*

C. *The Director may refer the application to Boulder County Public Health, Access & Engineering, Building Safety & Inspection Services, the Wildfire Mitigation Team, or 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 Code ~~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. The applicant shall be required to obtain and complete the necessary permits for any nonpermitted work in the Dwelling Unit offered for rental.*

~~*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 within the past five (5) years; and*

ii. *Upon the first renewal, the Licensed Premises is Wildfire Partners Certified.*

iii. *The Licensed Premises must be assessed and re-certified by Wildfire Partners every six (6) years.*

~~*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 suitable mitigated any traffic hazards associated with the proposed use.~~*

5. *Access Routes For Vacation Rental License. The County Engineer or the County Engineer's designee has determined that the proposed Licensed Premises has a vehicular access route that meets the Boulder County Multimodal Transportation Standards and the Boulder County Land Use Code.*

Comment: It is vital that this requirement apply to all rentals, not just those for Vacation Rentals.

Indeed it may be more important for ordinary rentals with shorter rental terms when the renters have less opportunity to become familiar with the particular access that may cause accidents.

6. *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.*
7. *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.

i. Occupancy as permitted in the License is the total number of persons who may be at the Licensed Premises at any one time while the Dwelling Unit is offered for rental.

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. ~~In Wildfire Zone 1,~~ Renters cannot have any outdoor fires except for gas grills and gas fire tables. To the extent the Licensed Premises has existing outdoor fire pits, fire rings, fireplaces, charcoal grills, or other outdoor fire structures, the Licensee must cover those structures and place a "do not use" sign on the cover while the Licensed Premises is being rented.*

Comment: Given the serious fire danger in the mountains, either prohibit such structure entirely or change the wording to say some like "use illegal by Boulder County law."

4. *Contact Emergency Services. Applicants shall demonstrate that renters have a means through cellular service, VoIP, or landline, that renters may use to contact emergency services.*

Comment: It should be required that contact with emergency services be available at all times (24/7).

5. *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 ShortTerm 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.

Comment: This information must also be available to neighbors who otherwise may be unable to report difficulties, especially those that may be urgent. The best would to be have it on line.

6. ~~*Signs. The Licensed Premises must comply with the signage requirements in Article 13 of the Boulder County Land Use Code.*~~
7. ~~*Provide Copy of License to Neighbors. The Licensee must provide a copy of the License to immediately adjacent neighbors or other individuals, if requested. Further, the Licensee must post a copy of the License in a prominent location within the Dwelling Unit for guests to see*~~.
8. *Advertisement. All advertisements and listings of the Licensed Premises must include:*
    i. *The local License number;*
    ii. *Whether the whole home or a private room is being offered for rent;*
    iii. *The approved occupancy limit;* ~~*and*~~ *iv. The number of parking spaces available On-site; and*
    v. The minimum night stay, if applicable.
9. *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 XX: Limitations on Number of Short-Term Rental and Vacation Rental Licenses

A. *Short-Term Rental Licenses. There is no cap on the number of Short-Term Rental licenses.*

Removing the cap entirely offers the opportunity for investors to create neighborhoods that are dominated by rentals, destroying the expected peace and quiet of neighbors who were expecting that solitude in the mountains.

B. *Licenses for Vacation Rentals shall be subject to a combined 3.5 percent cap of the total housing units within the Upper St. Vrain Census County Division (CCD) and Bald Mountain CCD within the unincorporated County. Caps on the number of rental licenses for each CCD are established as follows:*

a. *Upper St. Vrain CCD: 169 Vacation Rental Licenses*
b. *Bald Mountain CCD: 73 Vacation Rental Licenses*

C. *License Waitlist. When the total number of issued licenses reaches the caps established in Section XX.B the Director shall create a waitlist for new licenses. Prospective applicants shall be placed on the waitlist on a first come, first served basis. When a license becomes available, the County will notify the first applicant on the waiting list. Upon notification, the applicant shall have thirty (30) days to begin the application submittal process. If the applicant does not respond or fails to*

begin the application submittal process by the deadline, the next person on the waitlist will be contacted and the original applicant will be removed from the waiting list.

Ensuing sections will be renumbered accordingly.

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.

Comment: If inspections require the Director to cross properties under other ownership the permission from those owners must be obtained first.

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.*

Comment: The Director must send copies of his letter to neighbors who may also choose to provide a sometimes urgent and important written response.

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 listed on the License 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. In issuing this License, the County has not reviewed or assessed whether other development existing on the subject property is in compliance with the County Land Use Code, County Building Code, or applicable regulations of Boulder County Public Health. Issuance of this License therefore does not constitute County acknowledgement of or acquiescence in any violations of these other regulations which may exist or arise on the subject property.*

Section 11: License Non-Transferable

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

This Ordinance will be effective 30 days after publication following adoption on the second reading.

Hi- I wanted to share our life next to a short term primary residence rental in Boulder County

I attended my first meeting of Boulder County concerning the changes to rental licenses that are being worked on by Ethan A. and his team. I found it fascinating to see how the process works and very informative. One thing that struck me was the initial intended purpose for Primary Residence Short Term Rentals (sounded like renting out rooms with owners present). Our neighbors' house is being used in a very different way. I thought it might be interesting to write down our experience. It sounds like the county might be collecting these examples for the update process.

In 2021 our new neighbors got a short term primary residence rental for their home. Since they have begun renting the house it has significantly changed our experience in our home.

Our neighbors own a second home out of state. Typically, when they rent the house out on Olde Stage they leave the state for their other home. They have never been present when the house is rented. One of the owners will probably hit 6 months in his boulder home this year but did not last year. The other has not been in Boulder for over a year.

Historically, our road is typically very quiet and home to lots of wildlife. The community is fairly tight knit and many of us moved there for the tranquility and space. We have lots of bears, foxes, deer and other amazing wildlife.

The nature of the rental does not seem to fit the community. The rental was initially rented on a non-stop basis for several months. The owner changed this when he was informed about the details of the license. Now it is rented on and off many months of the year with renters changing on a fairly consistent basis. Without an owner overseeing the property we have had issues with noise, trash left out for wildlife, fire safety and frequency/length of rentals.

Renters are typically on vacation when they rent the house. They arrive/leave at odd hours, stay up very late on the deck and are typically not concerned about their volume. This has been hard for neighbors who have to get up for work/kids to school, etc. With no one present to remind them of noise rules we are left in a position to contact the owner out of state.

The renters are typically not aware of the unique things about the area. Several times trash has been left out for the bears to dig through. Trash cans have been left out overnight which draws the bears, a pile of trash was left in the driveway or sometimes trash is left by the curb once they leave. Again, unless we alert the owners there is no way for them to know.

There has been a family reunion at the house, grad parties, a hair salon set up on the deck and other large groups. The house occupancy is supposed to be 6 but it has been over that several times. Again, if the owner were present this would not happen.

When renters are out partying/socializing on the deck it is very noisy for us. This has probably been the hardest part. When people are on vacation, they often behave differently than when at home. With no supervision of the property (they have a property manager who stops by in between renters) it is an opportunity for people to behave any way they want.

The owners have put up signs about quiet hours after 10 pm. We have spoken to each other multiple times about the issues but it is hard to change many of the challenges. Again, if the owners were present many of these challenges would be easy to handle.

We also live in a high fire zone (it seems at this point the whole county is at high fire danger). We have been evacuated multiple times for fires. It is very unnerving for people from out of state to be smoking on the hillside or having fires on the deck. We are guessing the owner alerts them to the fire danger but don't know for sure.

When we think about solutions it seems like the area is better suited for long term rentals. This way, the renters will be invested in the quiet community and the wildlife. They might have more of an investment in fire safety, noise and wildlife. Renters just passing through for a few days have no interest in who lives next to them. They are also gone before they understand the fragile nature of the area we live in.

We have been told that our road does not qualify for Vacation Rental status. However, the current situation definitely feels like a vacation rental. We struggle to see the difference. It would be great if there was a way to detail the difference.

We have spoken with the owners and tried to come to resolutions. They have put up signs about noise and trash. We have tried to work together. However, with little oversight there is only so much you can do when it comes to noise and daily occurrences with trash, numbers of occupants, etc.

The boundaries of the rental time limits are not always followed. They have not always complied with the 20 day a month rental limit (once having renters for 3 months). This is another pain point. I am not sure there is any way the county can oversee this. It is a very challenging situation. As a neighbor it feels like there is no break sometimes from the constant stream of renters and then cleaners/etc.

We worry about it lowering our property value (having a constant shuffle of people next door). We also feel it has put us in the awkward position of keeping an eye on things (safety wise) at the rental while they are out of state(we realize we have taken this on ourselves). One of the people on the license has not been in Boulder for at least 15 months. It has caused stress for the neighbors and altered how we feel about living there.

We plan to stay involved in the process so we can learn and provide feedback to the county. It is very heartening to hear that the county knows there are struggles with this and they are taking it seriously.

We hope our situation adds to the stories of others in the county. Hopefully, some type of change can happen with the primary residence short term rental licenses.

We have lived in our house for 22 years and we have lived in Boulder since 1990.

Thanks for listening-Missie and Tom Sunderland
303-618-7435

Boulder County Commissioners
Boulder Count Attorney
Ethan Abner

Re: Short-Term Rentals Review Process

Thank you for the opportunity to participate in the Short-Term Rental Regulation review process.

The current short-term rental regulations were enacted to control what the County determined were over 700 short-term rental (STR) dwellings. The County now admits to only 170 STRs, less than 1% of the County's estimated 20,000 dwellings. This fact alone supports a major overhaul of the current unnecessary, burdensome, and expensive two-step STR regulation process.

The current STR regulations require county residents who desire to offer short-term rentals of secondary dwellings to comply with both a lengthy and intensive Land Use Review process and a comprehensive Licensing Ordinance. The County has never identified any other comparable jurisdiction that requires residents to go such considerable expense and effort to occasionally rent a secondary dwelling. (See Staff Presentation to County Commissioners, Dec 3, 2022, p.9. All of the comparable jurisdictions cited regulate STRs only by administrative review.) When the planners who drafted the regulations presented only the Licensing Ordinance, the planning directors told them to also include a Land Use review process.

The Land Use code review process introduces complex, confusing, and unnecessary factors into what should be a straightforward and simple licensing procedure. The only factors relevant to STRs licensing should be the adequate protection of public health, safety, and welfare. Other factors, such as the impact of a particular rental on affordable housing, compatibility with the neighborhood, length of stay, etc., are arbitrary and subjective, and depend solely on judgment of the staff member who conducted the Land Use review process. This results in significantly different restrictions and conditions placed on similarly situated properties, as well as conditions that go well beyond protection of the public, health, safety, and welfare.

The Land Use review process requires officials to use factors outside the public health, safety, and welfare to make STR decisions. These factors include but are not limited to protecting affordable housing and the slippery and elusive "compatibility" determination. Consideration of these two factors is entirely misplaced and unnecessary in regulating the mere 170 STRs that exist in the County.

Consider:

- <u>The County has never provided evidence that STRs impact affordable housing in the County.</u> The County relies heavily on the Comprehensive Plan provisions concerning protection of affordable housing for County residents. This reliance may be understandable in dealing with 700 STRs, but certainly a mere 170 STRs would have little impact on the County's affordable housing inventory. In the STR hearings I attended, "protecting affordable housing" seems to be pretense for taking the familiar "not in my backyard" stance. In fact, the Commissioners who enacted the STR scheme

leaned heavily on NIMBY with little mention of protecting affordable housing. (One Commissioner stated on the record "People complain."). And staff admitted only that STRs **"might"** impact affordable housing. (In response to my CORA request, staff admitted that they had not received any complaints of people unable to find affordable housing due to STRs.) Staff relied on studies from huge metropolitan areas such as New York and Chicago to support the impacts on affordable housing caused by investors who buy dozens of dwellings to conduct STRs, but provided no evidence that this was happening in Boulder County. (See Staff Presentation to BOCC, Dec. 3, 2022, p. 3-4).

- The County has adequately protected affordable housing by prohibiting STRs of more than 60 days in 361 platted subdivisions. Remarkably, the County has no idea how many total homes are in these 361 subdivisions. However, with only 170 STRs operating in the County, it seems reasonable to assume that shutting down vacation rentals in 361 subdivisions captures many of the 170 STRs in the County. (In response to my CORA request as to how many homes are in the 361 platted subdivisions, the County stated it does not have this information, and that in order to respond, a new document would need to be created, and they have no obligation under CORA to do so.).

- The folly of using the affordable housing rationale as a means to limit STRs was evident in a recent STR application. The applicant requested to rent a dwelling located on 5 acres in east Boulder for 365 days a year. The five acres are relatively isolated from other homes. The parcel is close to one of the busiest highways in the County and close to the former IBM complex. The applicant had installed security devices, conducted a professional noise study, and voluntarily undertook other projects to alleviate any impacts to neighbors. Staff suggested the applicant could conduct STRs for 180 days, and offer the dwelling for long-term rental the remaining 180 days, thereby protecting affordable housing. The Commissioners stated this "split the baby" approach was entirely unworkable, and denied the 365 day request on the usual "compatibility" grounds.

- "Compatibility" is a slippery and elusive concept that should not be used to regulate short-term rentals. The County has decided the "compatibility" issue by prohibiting rentals of more than 60 days in 361 platted subdivisions. The restriction was based entirely on concerns of parking, trash, and noise. The County also adequately addressed "compatibility" be prohibiting events such as weddings in all STRs. As applied to STRs, "compatibility" is code for NIMBY. This was apparent in a recent decision by the Commissioners to deny a vacation rental on a five acre parcel outside a platted subdivision as "incompatible" based on the neighbors' unproven concerns about traffic and noise. And, staff applies the "compatibility" factor inconsistently. In one staffer's assessment, a dwelling close to natural areas is "compatible" with the area and allowed 365 rental days because visitors traditionally come to Boulder County to visit natural areas. However, in a different application, another staffer refused the 365 day request as "incompatible" to limit visitor disruptions to the natural areas.

The Land Use Code unduly complicates STR decisions.

- The complicated Land Use review process confuses County staff, applicants, and Commissioners. County staffers do not understand the Land Use code requirements and often cannot answer even basic questions. The staffers make arbitrary recommendations concerning the number of rental days and compatibility. As well, staff's conditions are highly intrusive and suggest a distrust of applicants. One staffer went so far as to require applicants to remove couches to eliminate any possibility of hosting more than the allowed number of guests.

  In an apparent misunderstanding of the Land Use code, staff requires Vacation Rental applicants to complete a Development Agreement, which must be recorded in the County records. (At a recent STR hearing, a Commissioner asked staff "What is a Development Agreement?.). Even a cursory reading of the Land Use code provisions indicates a Development Agreement is just that, an agreement between a land developer who is developing vacant land, and agrees to conditions such as utilities, grading, etc. required by the County. An experienced staffer explained to one STR applicant that a Development Agreement was not required because no change to the physical aspects of the property. Yet the County requires residents who rent a dwelling for 60 days to complete and pay for this expensive and unnecessary procedure.

  The County categorized Vacation Rentals as a commercial use in the Land Use code. Section 4-101(7). Applicants who rent their homes for 60 days are now subject to the same restrictions and requirements as purely commercial uses, such as campgrounds, bed and breakfasts, hotels, resort lodges, guest ranches, and conference centers. It is difficult to understand how a single-family home that is rented for 60 days can be categorized as these purely commercial uses. (All the applicants who requested 365 rental days stated on the record that they use their dwelling parts of the year and would not rent the entire year.) This another example of overregulation of 170 STRs.

The Land Use Review process is unduly intrusive, lengthy and expensive. Applicants report spending thousands of dollars and sometimes more than a year to comply with all of the requirements.

The Land Use review is not necessary to adequately protect the public health, safety and welfare, or to protect affordable housing. No other neighboring counties require such intrusive, lengthy, and expensive processes. As set forth below, the comprehensive and detailed Licensing Ordinance requirements adequately protect affordable housing stock and the public health, safety, and welfare.

- An individual and all related entities and individuals can only have one STR license.
- There must be a local manager who can arrive on the property within one hour.
- Applicants must provide proof of insurance with a minimum liability of $500,000.
- Applicants must provide a copy their deed to prove ownership of the property.

- Applicants must provide a parking plan, floor plan showing locations of all smoke and CO detectors and fire extinguishers, as well as sleeping rooms with egresses.
- Applicants must provide a list of adjacent owners with their contact information.
- Applicants must provide proof of payment of property taxes.
- Applicants must provide proof of approved sewage systems.
- Applicants must provide guests with detailed information concerning the results of a radon test, the dwelling's energy proficiency assessment, wildlife concerns, and proper garbage disposal.
- The County Engineer must approve the parking and egress, and identify traffic hazards.
- The County Building Inspector must conduct a comprehensive inspection of the dwelling and the "Licensed Premises" to insure there is no "significant risk to health safety, and welfare for the occupants or surrounding properties."
- Applicants must undertake wildfire mitigation and obtain a Wildfire Partners Certificate.
- Applicants must provide a copy of their rental license to neighbors.

I urge the County to remove STR regulation from the Land Use Code. The detailed comprehensive Licensing Ordinance absolutely protects the public health, safety, and welfare, protects affordable housing, and mitigates NIMBY concerns. No additional regulation is needed to control the 170 STRs in the County.

Thank you for your time and attention.

Ilona Dotterrer

December 12, 2022

From:	Lyle Dean
To:	LU Land Use Planner
Subject:	[EXTERNAL] ATTN: Planning Commission Fw: Docket #: DC-23-0001: Text Amendments to Short Term Dwelling and Vacation Rentals
Date:	Thursday, September 14, 2023 12:15:23 PM

----- Forwarded Message -----
From: Lyle Dean <lylerdean@aol.com>
To: longrange@bouldercounty.gov <longrange@bouldercounty.gov>
Cc: clevy@bouldercounty.gov <clevy@bouldercounty.gov>; mloachamin@bouldercounty.gov <mloachamin@bouldercounty.gov>; astolzmann@bouldercounty.gov <astolzmann@bouldercounty.gov>
Sent: Thursday, September 14, 2023, 12:11:19 PM MDT
Subject: Docket #: DC-23-0001: Text Amendments to Short Term Dwelling and Vacation Rentals

Hello Ethan,

My name is Lyle Dean and I'm writing in reference to your proposed amendments to VR regulations, specifically your proposal to "maintain limitation of one license ... per person or legal entity". I have always found this regulation a bit confusing, when a property has multiple owners. To make my point, I feel it's important to give you my background history.
In 1978 I began pursuing a career as a mountain guide. I first came to Colorado in 1980 when I was 24 years old. At that time Boulder Colorado was at the forefront of American climbing with several of the best guides and professional climbers in the country based out of Boulder. I spent the Fall of 1980 climbing in and around Boulder. I really don't have the words to express how important that time was for me as a young man pursuing a career. I lived at various locations in Colorado for the next 10 years. In the Fall of 1991 I moved back to the Boulder area full time to work with the International Alpine School based out of Eldorado Springs. My guiding work took me all over the world, the Himalayas, Alaska, Antarctica, Canada, Andes, Europe, etc.

Guiding does't pay all that well, work varies and is typically seasonal. I have never owned a home and I could not afford to purchase a house on my own. In the winter of 2018 a 100 year old cabin in Eldora was on the market for a short period of time. Turning 65 I wanted a place of my own in the Boulder area that I could share with family and friends which reflected the spirit of my life as a mountain guide.

The Eldora location of this historical cabin is exceptional for me. You can drive up the Fourth of July road and be in the Indian Peaks in minutes. Boulder creek is the back boundary of the property. You can see deer, bear, moose, coyote, racoon, grouse, hawks, etc from the living room window on a regular basis. Boulder Canyon 10 minutes away provides legendary rock climbing.

The cabin was quite run down and would require committing all of my financial resources and over 2 years of personal time to restore. I convinced my long time partner/wife, Roxanne di Santo and her sister how important this was for me and they agreed to help.

Upon purchasing the cabin and going through the county planning process for the remodel, the overall cost went up significantly. I had planned to rent the cabin to make it financially feasible. During the restoration the county implemented the the new program for STR licensing. I started my Special Use Review process for a vacation rental the same time my partner Roxanne started the Special Use Review for her vacation rental house on Caribou Rd. I explained my ownership situation to my planner, Sam Walker (who was also Roxanne's planner) and he assured me my application was ok to go, as long as the application was in my name and even though Roxanne was a part owner.

I was scheduled for my first hearing with the Planning Commission in February 2021. Unfortunately just before halloween of 2020, I suffered the worst climbing accident of my life, skull fracture, vertebra fracture, multiple rib fractures, collapsed lung, etc. At that point Roxanne informed Sam I wouldn't be able

to attend the hearing and asked if she could temporarily represent me for my application, which he said wouldn't be a problem. With that knowledge, we proceeded forward. Then months later and a week before my first hearing in front of the Planning Commission, which was also Roxanne's hearing date, Sam informed us she could not move forward with two applications and would have to choose one, even though he approved the submission of my application earlier and knowing she was a part owner and the application was not in her name, but mine. This news was devastating and sadly, after many months of work and preparation, we had to table the application, which is it's current status.

Could you please explain the reasoning behind maintaining this limitation, especially since it's been proven there are so few nightly rentals in unincorporated Boulder County and they have a negligent impact to housing stock? I have lived and worked in Boulder county off and on for more than 40 years and this restriction seems unwarranted and I feel I am being discriminated against for only being able to afford a home in Boulder County as a part owner. If your proposal on this issue moves forward it will be incredibly impactful on my life.

I look forward to hearing your thoughts on this issue.

Thank you.
Lyle Dean

From: Wufoo
To: LU Land Use Planner
Subject: [EXTERNAL] Ask a Planner - Kevin Cloughley - DC-23-0001 - Within the Upper St Vrain CCD
Date: Sunday, September 17, 2023 5:53:24 PM

Boulder County Property Address : Within the Upper St Vrain CCD
If your comments are regarding a specific Docket, please enter the Docket number: DC-23-0001
Name: Kevin Cloughley
Email Address: kjc8946@gmail.com
Please enter your question or comment: I would like to comment on the proposed Short-Term Dwelling and Vacation Rental code changes, as I will be unable to attend the meeting on 09/20. In the January meeting on these same issues, the Boulder County (BoCo) commissioners asked for recommendations to make these regulations more streamlined, and balance the differing nature of BoCo in the plains versus BoCo in the mountains.

There has been considerable success in taking out much of the duplicate regulations that were outlined in this meeting, and streamlining the licensing process. Unfortunately, BoCo has fallen short both in balancing the differing nature of plains versus mountains, while also not being able to restrain itself from creating more regulations where none are warranted.

BoCo continues to assert the number of licenses an owner or entity can have is one. This is unless they already have a Vacation Rental license and will be applying for a Short Term Rental (SRT) license. Then they can have two licenses. The convolution of this exception reeks of overregulation without a problem to solve. This is especially evident when one looks at the restrictions of surrounding counties. Attachment D in the referral packet clearly shows only Gilpin County has restrictions on number of licenses. All other counties have no restrictions on the number of licenses an owner or entity can possess. BoCo would be wise to undo the above code convolution, and follow suit with the majority of surrounding counties, by removing the restrictions on the number of licenses an owner or entity can possess. If there is such grave concern over this issue, than a more realistic restriction of 4 or 5 licenses should be made. This allows for families that are BoCo owners to easily pass on their treasured properties. Allows their children, brothers, sisters, friends to own and inherit these properties. And also gives these heirs the ability to earn the money to maintain these properties in an every skyrocketing valuation and inflationary market.

Toward the end of maintaining and paying for “seasonal, recreational, or occasional use” properties, there should be no cap to the number of properties that can have a vacation rental license in the mountain areas of BoCo. If BoCo again chooses code in lieu of common sense, the only cap that makes logical sense is the percentage of those property classified as “seasonal, recreational, or occasional use” by census. This would be 55.7% in the Upper St. Vrain CCD, and 11% in the Bald Mountain CCD according to BoCo’s referral packet. This would allow any owner that does not use their property as a primary dwelling to acquire a Vacation Rental license, which in challenging economic times such as these is the only appropriate action to take if BoCo chooses to take action.

Finally, if a property owner obtains a Vacation Rental or STR license for their property, the license should be transferrable to a purchasing owner. Not making the license transferable cost the future owner the time and expense invested to get a new license, while wasting BoCo resources and taxpayer money to license a property that has already been licensed. A much more efficient process would be to transfer the existing license to the new owner for a fee. Where in, the new owner agrees to the terms of the license and pays the fee, without forcing a new license request be reviewed and a new license re-issued.

Thanks you for your time and consideration in these matters.

Best regards,
Kevin

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: H. Kit Fuller
To: Abner, Ethan
Subject: [EXTERNAL] My comments on DC-23-0001
Date: Monday, September 18, 2023 8:02:21 PM

Dear Mr. Abner,

Thank you for this opportunity to comment on DC-23-0001, text amendments to the land use code related to short term dwelling and vacation rentals in Boulder County.

I have studied the documents for hours and I recognize the significant amount of work represented in getting to this point. Nevertheless, I hope you will carefully consider the following comments, which I believe are substantive and deserve serious consideration. THANK YOU.

4-516 Accessory Uses -- Because short term rentals can be rented for up to 30 days when the owner is not present, **all limitations and restrictions for vacation rentals must apply to short term dwelling rentals during the 30 days when the owner is not present.**

Section 2: License Required -- If a license is required, what is the penalty for operating without a license? How are violators identified? **Language needs to be added to impose a fine and/or a (6-month?) delay in approval of a license for everyone who is found to be operating without a license.**

Section 4: Licensing Procedure -- The requirement in Section 4.A.9. to provide a copy of the license to immediately adjacent neighbors is inadequate notice, as it is limited to only "immediately adjacent neighbors," and it can be easily ignored by a licensee without consequence. A **better identification would be a simple sign by the front door that is visible from the street identifying the structure as licensed by the County for either short term or vacation rentals**. A decal should suffice, being easily removable if and when the license is no longer valid. This would address the need for Notice, as **had** been addressed in Section 4.D, which should not be simply deleted without addressing the need for adequate notice. **In addition, licensees should be required to include their license number in any web advertising of their short term or vacation rental unit.**

Section 6: Licensee Operating Standards and Requirements -- In addition to the documents listed in Section 6.A.2. the licensee should be required to provide **information on local noise ordinances and suggested local quiet hours.**

Section 6.A.3. addresses outdoor fires, which is also addressed in the Good Neighbor Guidelines. Limitations on use of firearms needs to be addressed somewhere in this section of the land use code; I believe **firearms should not be allowed in short term rentals or vacation rentals. Licensees should not be allowed to have firearms anywhere where they would be accessible to guests. Guests should not bring firearms into any vacation rentals or short term dwelling rentals. Guests who travel with firearms to vacation rentals or short term rentals should be required to keep their firearms unloaded and locked in cases locked in their vehicles. Guests who discharge guns at a vacation rental or short term rental should be arrested for reckless endangerment or a similar serious charge and fined at least $5000 for each offense.**

Section 6.A.6. Signs -- **Add language that requires all short term and vacation rentals to post a simple sign at the front door (legible from the street) to provide notice that the premises is licensed as either a short term dwelling rental or a vacation rental.** The appropriate sign would be provided by the County when a license is approved.

Section XX: Limitations on Number of Short-Term Rental and Vacation Rental Licenses -- Because we don't know the effect of allowing short term rentals anywhere in the County, we should approach this with caution and not allow everyone in the County to operate a short-term rental in their home. **Section XX.A. should be revised to limit the number of short term rentals to a combined 10 percent of the total housing units in the County.** This seems to me to be a very generous number of short term rentals, and

maybe the number should be lower.

Section 10: Term of License or Permit; Renewal -- In Section 10.B.2. **I see no reason to add the underlined language. In fact, violations of land use code, building codes, and public health regulations should need to be remedied before a license for short term rental or vacation rental could be renewed.**

Section 12: Violations -- Section 12.F.2.ii, Second Offense during license period, seems inadequate for major violations. **I would suggest a $3000 fine and a two-year suspension.**

Thank you for considering these suggestions!

Best regards,

H. Kit and Wanda H. Fuller
2112 Creekside Drive, Longmont, CO

AND
518 CR 113 South, Meeker Park, CO

September 18, 2023

To: Board of County Commissioners ("BOCC")
Planning Commission ("PC")

Re: Proposed Regulations for Rentals of Less Than 30 Days ("Short Rentals")

Dear PC and BOCC Members:

As you may recall, in January 2023, the BOCC and PC held a joint workshop to review changes to the Short Rentals regulations suggested by the Community Planning and Permitting ("CPP") staff. Both BOCC and PC suggested that the licensing process should be more prescriptive and less subjective, that their discretionary review of Short Rental applications is unnecessary, and that Short Rental applications should be reviewed under an administrative process. BOCC members and PC members suggested that there are too many Short Rentals in the County and that CPP should curtail Short Rentals. CPP's proposed regulations, however, have done exactly that; in fact, taken as a whole, CPP's proposed regulations essentially have entirely shut down Short Rentals.

CPP proposes two types of Short Rentals. "Vacation Rentals" are rentals of secondary dwellings, such as family cabins and cottages. "Short-Term Rentals" are rentals of primary residences. Although the proposed regulations do not limit the number of rental days, the regulations severely curtail, indeed almost eliminate, rentals of both of these categories.

For example, CPP proposes the following restrictions on Vacation Rentals:

- **CPP Entirely Prohibits Vacation Rentals Prohibits in the Eastern Half of the County.** CPP proposes to allow Vacation Rentals only in western Forestry and Mountain Industrial zones. CPP prohibits Vacation Rentals in Agricultural, Rural Residential, Business, Commercial, Light Industrial, and General Industrial districts, which the County zoning map shows is the entire eastern half of the County! As rationale for this overreach., CPP remarkably says that because Vacation Rentals are no longer subject to Special Use review under the Land Use Code, they must be removed from the allowed Lodging Uses in all of these zones. (Note that allowed Lodging Uses include overnight lodging, resort lodging, conference centers, guest ranches, bed and breakfasts, residential, boarding house, group care and foster homes, day care centers, farm camps, group gatherings, and special events.) CPP, however, does not offer any public health, safety, or welfare reason to support this severe restriction, which is simply another route to CPP's desire to entirely shut down the approximately 200 Short Rentals throughout the County. (Remarkably, in the January 2023 workshop, CPP did not know the number of Short Rental dwellings in the County. A website shows 92 STR licenses have been issued to date.)

  Solution: There is no need to bar Vacation Rentals in the entire Eastern half of the County based solely on an administrative change to the licensing procedure The simple and obvious solution that apparently escaped CPP is to let the Zoning and Land Use code

sections that allow Vacation Rentals as an allowed Lodging Use remain as is and simply add a parenthetical stating ("no Land Use Review required)."

- **CPP Imposes Licensing Caps.** During the January 2023 workshop, the BOCC stated that licensing caps are unnecessary to regulate the 200 dwellings (only 1% of the County's housing stock) that offering Short Rentals. As well, BOCC has specifically stated that because Short Rentals in the remote western regions of the County are too remote from employment centers and lack amenities, they have no impact on affordable housing. The CPP, of course, ignored BOCC's direction and, remarkably, imposed licensing caps for the entire county. Our cursory research shows that resort towns such as Breckenridge, Steamboat Springs, Telluride, etc., where large ski areas are located, impose licensing caps. However, these towns have thousands of rental dwellings and must house hundreds of local workers, a far cry from Boulder County and its 200 Short Rental dwellings and lack of any ski resort. CPP points to Estes Park to support its insistence on licensing caps, but Estes is similar to a ski resort town because it attracts several million Rocky Mountain National Park visitors per year and must house many local workers.

  Solution: As the BOCC directed, licensing caps are unnecessary for the approximately 1% of Short Rentals. Boulder County does not need to house hundreds of tourist industry workers.

- **CPP Entirely Prohibits Vacation Rentals in Platted Subdivisions in the Entire County.** The current regulations allow residents in platted subdivisions to provide rentals of less than 30 days for 60 days a year. CPP now prohibits **all** Vacation Rentals in platted subdivisions in every corner of the County, even though it admits it does not know the total number of dwellings in these 361 platted subdivisions. CPP does not provide any public health, safety, or welfare reasons to support this Draconian regulation. As well, CPP has not provided any evidence that allowing Short Rentals in platted subdivisions will adversely impact affordable housing in the County. (Note that platted subdivision often have a Home Owners Association ("HOA") the prohibits Short Rentals.)

  Solution: Determine how many platted subdivisions have prohibitions on Short Rentals, then draft specific regulations that govern Short Rentals in the remaining platted subdivision.

CPP also proposes severe changes to primary residences Short Rentals that essentially shuts down residents' ability to host visitors. Although the BOCC did not suggest that the CPP revise the Primary Dwelling rental regulations, CPP apparently chose to do so to further eliminate Short Rentals. Consider:

- **CPP Requires Owners to Occupy the Dwelling During All Rentals.** This irrational regulation results in a vacationing family or couple to share, for example, a two bedroom, one bathroom, one kitchen, one living room home with the owner. Instead of having private access to an entire dwelling, the renter essentially is only renting a private bedroom. (One wonders how this works if the dwelling is a studio with only one sleeping

space.) Other jurisdictions that allow only rentals of primary residences, such as the City of Boulder (300 licensed STRs) and Denver do not require the owner to be present during the rental. As well, CPP restricts occupancy of all Short Rentals based on OWTS (septic system) numbers. Therefor, if OWTS allows only four people to occupy a residence, and the owner must be present during the rental, then only three visitors can occupy the home. A family of four is entirely barred. Certainly, this harsh result will reduce tourist visits to the County.

Solution: The simple solution, which apparently escaped CPP, is to require a property manager (or the owner) to be available any time the dwelling is occupied. For example, Larimer County regulations require that "The short-term rental shall have a property manager consisting of the owner or a responsible party representing the owner to manage the use at any time it is occupied. The property manager shall be located within one hour or less travel distance from the short-term rental, and their contact information shall be posted outside at the front door and in the operations manual located in the short-term rental." Article 3.3.5.B, Larimer Couty Land Use Code.

- **CPP Requires an Owner to Occupy the Home for Nine Months of the Year to be Considered a Primary Residence.** This requirement is unduly rigid, and CPP offers no cogent explanation in support. Other jurisdictions offer more reasonable requirements. The City of Boulder defines principal residence as "the dwelling unit in which a person resides for more than one-half of the year," . . . . unless the entire unit is offered and available for rental more than twenty days in any month." Municipal Code, 10-1-1. Denver defines primary residence as "the place in which a person's habitation is fixed for the term of the [STR] license and is the person's usual place of return." CPP offers no reason to support this change from the current Primary Residence definition that states: "The Dwelling Unit in which a person resides for more than six (6) months out of each calendar year, and not offered for rent more than twenty days per month." Ordinance No. 2020-01. Section 1.A.8.

  Solution: Keep the current Ordinance definition.

- **CPP Bans All Visitors to Rented Dwellings**. As icing on the cake of these entirely over-the-top regulations, CPP bans any guests to visit a home when it is rented as either a Vacation Rental or a Short-Term Rental. CPP states: "The occupancy permitted on-site is the total number of persons who may be at the premises at any one time while the unit is offered for rental." Therefore, a family of four vacationing in Boulder County cannot host friends or relatives for coffee, dinner, or any other gathering. This regulation is stunning in its negative attitude towards tourism. CPP's message is clear: Don't vacation in Boulder County.

  Solution: Delete this confusing and inappropriate regulation from the proposed regulations.

Thank you for your time and attention to CPP's overregulation of the 1% of rental housing stock that provides County residents with much-needed income and boosts rural economies.

Ilona Dotterrer
On Behalf of the Boulder County Mountain Cabin Alliance

ATTACHMENT E

Hi Ethan,

Thank you for providing us with your proposed changes. I appreciate and am in sync with the first 4 points you have outlined below, but am frustrated by the inclusion of the 5th point. Your department's adherence to this false narrative, (highlighted below), is an underlying problem which continues to hamstring the process of creating simple, effective & enforceable regulations that are relevant to our area.

- Ensuring a baseline level of safety for Short-Term and Vacation Rentals
- Simplifying the licensing and land use review process
- Creating more certainty for applicants
- Balancing property owners' desires for short-term rentals and the desires of the surrounding neighborhoods and communities
- Minimizing impacts to housing stock by guiding whole-home rentals to areas of the county that are more appropriate for this use

In two and a half years your department has failed to produce any data which supports the misguided belief that STRs & VRs impact housing stock in unincorporated Boulder County, yet strangely that notion continues shape the regulations.

In previous work sessions and hearings you have established there are approximately 20,000K potential rentals in unincorporated Boulder County and to date, accumulatively a total of only 171 STR & VR applications that have been submitted. This is less than one percent of the housing stock, yet once again, you continue to perpetuate the misinformation that housing stock is impacted.

It has also been brought to the BCMCA group's attention you are including STR data from Estes Park and a handful of metropolitan cities like LA and San Francisco into your packet presentation to the Planning Commission to support your proposals. It is befuddling why your focus hasn't been on conducting an accurate impact analysis that is relevant to unincorporated Boulder County itself.

One of our BCMCA members will be providing you with more relevant data, which portrays a more accurate analysis of nightly rentals here in our county, not Larimer County, (which has 1,700 nightly rentals), Summit County (which has thousands of nightly rentals) or counties in extremely large cities and in other states.

The narrative that housing stock is impacted by nightly rentals may exist elsewhere, but it currently does not exist here and it is time this incorrect ideology be abandoned. Once this is achieved, I believe it will facilitate a simplified, streamline process and by default, will eliminate unenforceable, random and unnecessay over regulation. Sam Arieti, from the BCMCA group drafted and submitted a steamlined approach to regulating the small number of nightly rentals we actually have in our County and we, at BCMCA all support his proposal. I hope his proposal will be open for discussion during the hearing on the 20th and used as a comparison.

I support many of your proposals, but strongly oppose a handful, which I've listed below, along with my reason for opposition:

1.) I strongly oppose allowing a tenant to obtain a primary dwelling STR license. This allowance is not only counter intuitive, it may very well result into health and safety risks to a home or neighborhood, which is the very thing we all would like to avoid. Through the years I have rented to seasonal, long term tenants and would never even think of allowing them to sublet, specifically because it removes them from any real responsibilty. Allowing a temporary tenant to obtain a STR license in my home, using my personal belongings would be a nightmare. My reasoning is described below.

. a tenant would have limited knowledge of the house mechanics and it's nuiances. They also would not be a knowlegeable resource to rely on when solving issues, whether small or large and especially in an emergency situation. Some examples are: power outages, frozen, or bursted pipes, a leaky roof, floods in a crawl space, fire evacuatios, etc.
. a tenant would also have limited knowledge of the property (i.e if a well or septic issue should arise)
. they would have limited knowledge about the neighborhood and the overall environment (i.e. climate, wildlife habits) Years ago one of my long term tenants ignored my instructions and left garbage in an exterior shed, which not only created a chronic bear issue an entire summer, but also destroyed my shed. This has never happened with a short term guest.
. a tenant would not take the same care of one's home and the house contents as the homeowner. This is one reason I stopped renting to seasonal long term tenants. I often would return home to hundreds, sometimes thousands of dollars of damage. This has never happened with a short term guest.
. a tenant has no real investment in the home... they don't pay the homeowner insurance, property taxes, nor would they share the monetary responsibility for maintaining the home: the well water quality, the septic system, the yard, wildfire compliance etc.

2.) I oppose adding more restrictions to a Primary Dwelling Resident, reducing the number of nights they can rent their home from 6 months to 3 months and forcing them to co-habitate with their nightly guest during their stay.

. If the home is small, 2 bedroom, one bath (like many of the mountain properties), this restriction reduces the type of guests that would stay in their home, and precludes families and a group of 3 being able to rent the home all together.
. As far as I can tell, most nightly rentals in unincorporated Boulder County rent their entire home and would not choose to share their small space with guests while they're in their home. Forcing the owner(s) to occupy their home while renting to a guest seems more like a punishment than a regulation and defeats the purpose of helping the owner supplement their income and home expenses when they need to travel for work, family, or pleasure.
. It's strange your proposal is imposing more restrictions on primary dwellings when the original ordinances viewed them as having the least amount of impact on a neighborhood; as being the safest option for a nightly rentals and having zero impact on housing stock. Again, this restriction is very counter intuitive and appears random when there is no data supporting this ideological shift.
. Please explain

3.) I strongly oppose maintaining the limitation of one license per person.

. Maintaining this limitation, once again appears to be a carry over of reducing the housing stock impact, which as stated, has no basis and disenfranchises local homeowners who have been living in Boulder County for decades, or who have been partial owners of family homes for generations.
. Please provide data on how many current applicants have multiple homes.
. Are any of these applicants big corporations?
. Your historic landmark exception to the one license limitation is bizarre and random. How many current applications fall into this scenario?

The continuance of this limitation personally impacts me. I have a pending vacation rental license and am the sole owner of this home. I also co-own another home with my long time partner and my sister. I have lived in the Nederland/Eldora area for 25 years and my partner has lived in Boulder County for 30 plus years and in Colorado off and on for 40 years. He is 67 years old and finally, in 2018 had the resources and the opportunity to purchase a home as a partial owner. My sister has been visiting our area for 25 years and she too finally had an opportunity to buy into our area. We purchased a 100 year old log cabin that was in extreme disrepair. We spent 2 years remodeling and restoring the cabin at a great expense, due to the exorbitant building costs in Boulder County and navigating the challenging county building codes required to retro fit a 100 year old structure. We intend to have this property in our families for generations to come. The three of us are all in our 60s and are either retired or semi-retired. Currently, to maintain our cabin/property and get back on our feet from the exorbitant cost of restoration, we need to rent the cabin nightly. My partner and I have been Boulder County residents for more than a quarter of a century. We are not a multi-million dollar corporation buying properties purely for profit, yet both he and my sister are percluded from obtaining a VR license because I already own a home and am a partial owner of this second home. This is extremely unfair to them and discrimatory especially since there's no basis for this limitation. Also prior to purchasing our cabin, the previous owners owned the property for 50 years. This home was constructed in the 1920s, was family owned and has never been part of a long term rental housing stock.

4.) I oppose the proposal of having to provide adjacent property owners a copy of our license.

. It seems this should be the licensing department/County's job to send out notifications to adjacent property owners, like they do in other scenarios. Not all of us get along with our neighbors and in some cases, the application itself is a contentious issue.

5.) I oppose the proposed requirement for a homeowner to obtain permits and complete the work for non-permitted work. A lot of old mountain homes have non-conforming renovations that were done prior to 1970. This is a waste of the County's time and resources to decipher what's unpermitted and what's non-conforming. It also places an enormous financial burden upon a homeowner. I have first hand experience with the waste of time and resources. My planner spent months insisting and trying to prove the 2 sheds on my 100+ year old property were unpermitted and needed to be deconstructed. This was even included as a condition of approval. Many months later and after a lot of time and stress, I inadvertently found proof in the County Assessor's records that my sheds were built in 1955 and were considered to be non-conforming structures. As long as an applicant's home passes inspection, this proposal should be omitted

6.) I strongly oppose “the occupancy permitted on site is the total number of persons allowed on the premises at one time”.

. this is a bit ridiculous, very authoritative and an overreach. Also very reminiscent of trying to control where and what rooms guests are allowed to sleep in.
. what purpose does this serve? It has nothing to do with health & safety
. there are many ocassions when guests have family members, or friends who live close by and come to visit for dinner or the afternoon, but do not stay.the night.
. guests, (especially repeat guests), often want to meet me and ask my partner and I over for a drink, In these amendments this would be disallowed without just cause.
. this proposal would also disallow various maintenance and repair men onto the premises if it exceeded the number of guests allowed to stay in the house

7.) I strongly oppose implementing a 3.5% licensing cap and only allowing STRs & VRs in the north and south mountains.

. both proposals, once again are a by product of the false narrative that STRs & VRs are impacting housing stock and must be controlled
. the less than one percent of STRs & VRs does not warrant the need for caps
. limiting rentals to only be in Forestry & Mountain Industrial zones has no sound basis, is discriminatory and again, does not support the relevant data
. how would you reconcile current approved licensed properties in other zones, especially if they hold recorded Development Agreements where the right to be a vacation rental runs with the land?
. I recall Commissioner Levy opposed implementing a licensing cap in the Commisioner's workshop discussion last year
. I also recall little support for licensing caps in this spring's last work session

Finally, I find it remiss there's no mention of how to handle current licenses that are at odds with these proposals and also how to handle pending applications. After being in process for over 2 years, unfortunately I'm still in a holding pattern and have been waiting 2 months for a response from my planner regarding questions about my development agreement. The development agreement and it's recordation is the final element I need before receiving my license. So based on your new proposals, where does that put my process and others in a similar position?

. I feel there should be some type of compensation for all applicants who have had to adhere to the old arduous regulations. We have spent thousands of dollars and more than 2 years working on receiving our license.
. At a bare minimum, I believe once issued, our license should be valid for 5-7 years before renewal is required.

I hope once you and the Planning Commission has a chance to review the impact analysis submitted by other BCMCA members, it will become clear some of your proposals I've highlighted above will be rendered unnecessary.

Thank you.
Roxanne di Santo

From: Phillip Epstein
To: Abner, Ethan
Subject: [EXTERNAL] Short Term Rental Report - Please include in packet
Date: Wednesday, September 20, 2023 8:22:55 AM

Hi Ethan!

I will be testifying in front of the planning commission today, however, I wanted to if possible add my report to the packet:
https://public.tableau.com/app/profile/phillip.epstein8231/viz/AnalysisBoulderCountySTR/BoulderCountySTRReport

As no studies have been done to date on actual data from Unincorporated Boulder County based on operational data from OTA's (Airbnb/VRBO) from what I can tell, I performed my own study and created this interactive report.

Thank you,

-Phill

Phillip Epstein
Black & Red Inc.
Founder/CEO
aka The Wolf
C: 303-842-5597
O: 844-SEND-WOLF x700
W: BlackAndRed.io

From: Karl Linden
To: !LongRange
Subject: [EXTERNAL] Comments on Docket DC-23-0001
Date: Wednesday, September 20, 2023 10:12:37 PM

Sept 20, 2023

Dear Boulder County folks drafting amendments to the short-term and vacation rental guidance

I was not able to attend the public hearing today due to work. Please accept the following comments on the proposed rule changes to the short term rental rules. Below are comments on DOCKET DC-23-0001: TEXT AMENDMENTS TO THE LAND USE CODE RELATED TO SHORT-TERM DWELLING AND VACATION RENTALS

4-516 Accessory Uses

X.E.c: Why is it limited to 30 days when the unit may be rented out without an owner tenant present?

This is an extreme departure from the current rules where rentals of primary dwellings are allowed up to 20 days per month. Limiting this to only 30 days will result in lost housing stock rental opportunities for people who are away in the summer such as teachers and professors or snowbirds who are away in the winter months. This is a significant change and huge potential loss of anticipated income for those who transition from the current rules to the proposed rules. If a change has to be made to this part of the short term rental rules, the county should explain why and offer a progressive change rather than this abrupt change.

Section 1: definitions.

8 (primary residence): With the change in the rules around definition of a primary residence from residing from 6 months to 9 months each calendar year, this effectively limits a short term rental of an entire dwelling unit for primary dwellings to 3 months of the year. The further restriction in 4-516 X.E.c to limit rentals to 30 days only when owner tenant is not present, effectively leaves 60 days of vacancy if a primary dwelling is occupied for 9 months (and for instance the tenant owners are away for 3 months in the summer). This does not make sense from the perspective of making housing available for short term rentals. This restriction to 3 months of rental is already a significant change to the current rules allowing 6 months of rentals and further limiting that to only 30 days of allowable rental when owner/tenant is not present seems highly restricted and a radical departure from the current rules, and against the ideals of providing housing stock to summer visitors to Boulder.

Section 6: A.1.i: Occupancy limit is defined as the total number of person who can be over at the unit at any one time during a rental. That seems excessive – and this is essentially saying people cannot have a guest they may be visiting in town over for a coffee? - thats a bit draconian and controlling. Is that the case for when the owner lives there too? if not why the case when renters are there, if there is a strict no party policy? If a family is visiting Boulder to spend time with a child who is at CU, they effectively cannot have their child over to visit to have dinner. Was this the intention of the rule? Certainly prohibiting people staying over night or having partys or large gatherings, is one mechanism to minimize problems and should be enforced, but this rule seems a bit harsh.

Thanks for considering my comments on your proposed policy for short term rentals. Happy to discuss this with your staff or provide further input if desired.

Please confirm receipt of this email and my comments if you can.

Best Regards,

-Karl Linden

303-502-0188

From: ILONA DOTTERRER
To: Abner, Ethan
Subject: [EXTERNAL] Critical Information for Continued Planning Commission Hearing
Date: Friday, September 29, 2023 3:09:23 PM
Attachments: Telluride Considers Eliminating STR Licensing Caps.docx

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Hello Ethan,
The attached recent report attached includes critical information concerning STR licensing caps. See Telluride among first to consider easing short-term rental restriction (coloradosun.com)
We request that the report be reviewed and included as part of the public record for the upcoming Planning Commision hearing continuation. We understand that technically, the Planning Commission closed the public hearing portion of this docket, so there may not be an official opportunity for additional public comment to be submitted. However, the Planning Commision requested staff to further investigate and provide exactly this kind of information.
Yes, you have the right to refuse to include this information in the commissioner's package for the continuation of the hearing, however, the commissioners can decide to re-open public comment if new information comes to light.
Thank you for your time and attention.
Ilona Dotterrer
For the Boulder County Mountain Cabin Alliance

Telluride is among the first Colorado mountain towns to consider easing short-term rental restrictions

After two years of analysis, the Telluride town council appears ready to end a voter-approved cap from 2021 and impose higher taxes on short-term rental homes.

Jason Blevins3:50 AM MDT on Sep 25, 2023

Credibility:

- Original Reporting
- Sources Cited

From left, Telluride residents Emily Scott Robinson, Olivia Lavercombe and Hayley Nenadal assemble dozens of signed petitions supporting a limit on short-term rental properties on the front steps of Telluride Town Hall on July 15, 2020. (William Woody, Special to the Colorado Sun)

The dust has settled in Telluride. After two years of bitter fighting over short-term rentals, the town council appears ready to end a voter-approved cap and moratorium on short-term rental licenses.

Telluride councilwoman Adrienne Christy vehemently supported a cap on short-term rentals in 2021. At a council meeting this month she began to cry as she described her decision to support the expiration of the town's license cap and an increase in taxes on short-term rentals.

"The only way we are going to solve this problem is to build affordable housing and in order to do that we need to make money," she said at the Sept. 12 council meeting, making clear that she sees short-term rentals contributing to the town's housing crisis alongside previous councils' investment in open space and preservation of historic buildings. "I don't feel I need to soapbox anymore. I am not in favor of a cap. I'm ready to make some money — more money — and put it in our affordable housing fund from licenses and fees."

After two years of intense regulation on short-term rentals in Colorado's Western Slope mountain communities, Telluride is among the first to ease caps and limits imposed at the height of the pandemic. Property owners also are fighting back on taxes and regulations as tourism economies and real estate markets settle down after community-shocking growth during the pandemic.

Two years ago, pandemic-fleeing newcomers were flooding mountain towns, paying exorbitant amounts for houses and spiking home prices to record highs. The sudden surge in prices pinched the housing supply for locals and a labor shortage followed as heavily trafficked businesses struggled to find workers.

Local leaders across Colorado began targeting short-term rentals, hoping a crackdown on the largely unfettered industry could ease the housing crunch. By the end of 2021, very few mountain towns were not fiddling with short-term rental rules, suspending permits, capping numbers and raising taxes and fees. In November 2022, voters in 11 towns and six counties overwhelmingly approved new or expanded taxes on vacation rentals.

All those ballot issues were crafted by local elected leaders. Telluride voters in 2021 balked at a ballot question that would have capped the number of short-term rentals at 400, which would have cut more than 300 from the existing roster of vacation homes in the box canyon resort town. The town's voters did approve a second ballot question that doubled the fee for short-term rental licenses and suspended all new permits.

Jon Stavney, the head of the Northwest Colorado Council of Governments called the various short-term rental management strategies in the high country "a regional laboratory" in 2021.

"Let's find out in a year or two after data tracking," Stavney told The Sun in October 2021. "This is experimentation with policy that addresses something we know is impacting us."

It's been two years. Property owners are fighting back on taxes and regulations as tourism economies and real estate markets settle down after community-shocking growth during the pandemic. Communities are seeing record revenues flowing from new taxes and fees on short-term rentals. And tourist traffic is ebbing from its pandemic crescendo.

A lawsuit is underway in Summit County and another is simmering in Breckenridge. Salida property owners are preparing for a ballot question in November that could lower fees and taxes on vacation rental properties. Steamboat Springs is hauling in more than $1 million a month on its new 9% tax on vacation rentals.

Stavney says the lawsuits may be getting attention, but residents are not being swayed.

“I still think most citizens see the impacts and are behind the elected officials who seek to tax that for public benefit and protect the workforce,” he said. “There will be some adjustments made where regulations seem to impact the casual STR operators, that is it. As for tax revenues, once these start getting translated directly to affordable housing projects they will be difficult to argue against.”

READ MORE

Colorado’s mountain town homeowners are tired of being cast as villains in the fight over short-term rentals

3:50 AM MDT on Sep 5, 2023

Western Slope voters overwhelmingly passed taxes on short-term rentals to fund affordable housing

3:50 AM MST on Nov 17, 2022

There are about 760 active short-term rental licenses in Telluride and about 55 applicants are on a waitlist. That lock on new permits is set to expire in November. Instead of renewing the cap, it appears the council is opting for increased fees and excise taxes. Telluride hired an outside research firm to compile a report that analyzed how other communities are regulating homes that owners rent to vacationers. That study revealed most local governments tapping short-term rental owners and visitors with fees and taxes that fund affordable housing.

Three communities have short-term rental “housing regulatory fees” like $756 per bedroom in Breckenridge and $1,390 in Estes Park. At least a dozen other communities have increased annual license fees in the past two years, ranging from $1,000 in Salida and $800 in Crested Butte to $125 in Breckenridge.

The study by Economic and Planning Systems, Inc. showed short-term rental tax rates — which include city, county, state, lodging, short-term rental and other taxes — ranging from a high of 27.95% in Ouray to 12.275% in Breckenridge. Voters in many communities have passed excise taxes on short-term rentals in the past couple years, ranging from 15% in Ouray and 10% in Aspen to 2% in Avon. Ouray has the highest tax rates for short-term rentals and also has a cap of 120 licenses.

The voter-approved policy on short-term rentals in Telluride directed half of license revenue from an annual fee of $330 plus $44 per bedroom to the town’s housing fund. So far this year those license revenues raised $168,724 and a 2.5% excise tax raised $1.3 million in 2022 for the

town's affordable housing fund. By comparison, a voter approved 9% tax on more than four times the number of short-term rentals in Steamboat Springs generated more than $1.3 million a month in the first three months of a year.

Telluride Councilman Dan Enright remained unwavering in his support for a cap on short-term rentals. He noted that Telluride — like most Colorado mountain towns — is collecting more tax revenue than ever before. He said it was "unconscionable" to remove the cap, which he said would increase housing pressure on the town's businesses, local government, hospital and law enforcement.

"I don't think money is the answer to everything," Enright said. "As a person who is still struggling to make it in this town it feels harder than ever to actually be established. And I'm a town councilperson and I feel further away than ever than making this place my permanent home."

Telluride resident Greg Craig has spent two years analyzing his town's short-term rental industry and tourism economy. Earlier this month he sent each member of the council a copy of his in-depth, 134-page report. With vacation homes accounting for almost 90% of the overnight lodging base in Telluride and the annual lodging occupancy averaging around 40% a year, Craig counted 19 days a year where occupancy climbed to 74% or higher. Only on those 19 days a year would a cap on short-term rentals have any impact, said Craig, who has had a vacation rental license in Telluride for the past decade.

"STRs are not eating Telluride or affordable housing," said Craig, whose study suggests a strict cap on vacation rentals could be contributing to a decline in Telluride visitation and tax revenue this year, while nearby Mountain Village — one of very few Colorado resort communities that has not imposed any new restrictions, caps or taxes on short-term rentals and, it should be noted, allows second-homeowners to vote — is seeing robust growth.

From: Wufoo
To: LU Land Use Planner
Subject: [EXTERNAL] Ask a Planner - Maya Ward-Karet - DC-23-0001 -
Date: Wednesday, October 4, 2023 3:06:23 PM

If your comments are regarding a specific Docket, please enter the Docket number: DC-23-0001
Name: Maya Ward-Karet
Email Address: mayawk@gmail.com
Please enter your question or comment: Dear Boulder County Planning Commissioners,

This letter is in regards to docket number DC-23-0001, Short-Term Dwelling and Vacation Rentals; Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals. I attended the September 20th, 2023 hearing for this same docket and expressed some concerns in person during the public comment portion of the hearing, but ran out of time to express all the issues I see in the proposed code, so here are some more points.

I certainly commend the planning commission's desire to simplify the process for Short Term Rental and Vacation Rental uses in Boulder County. However, there are quite a few issues with the proposed code amendments as written, which I will outline below. Based on the current text amendments and staff's presentation, as well as the commissioners very thoughtful questions, it does not seem that there is adequate information available for the planning commissioners to recommend approval of these text amendments without considerable changes being made. Here are the main issues as I see them:

1. There have been no statistics provided nor studies completed in unincorporated Boulder County to determine whether Short Term and Vacation Rentals have any negative (or positive) impact upon the housing market, affordable/attainable housing stock or neighborhood character.

2. The proposed text amendments to the zone districts in which Vacation Rentals would be allowed completely prohibit Vacation Rentals in approximately 50% of unincorporated Boulder County. There is no data provided demonstrating ANY need to create such a restrictive code change, and the actual % being restricted is FAR greater once all the proposed restrictions are taken into consideration.

3. The proposed text amendments DRASTICALLY reduce the number or properties that would be eligible for Short Term or Vacation Rental licenses. There has been no quantifiable reason provided for why such an enormous restriction is necessary.

4. The proposed % caps on Short Term and Vacation Rental licenses in the mountain areas do not seem to be based on any information pertinent to unincorporated Boulder County. The difference in % caps from north to south seem very arbitrary. There is a very real possibility that imposing such low caps on Short Term and Vacation Rental licenses will result in a run on permits.

5. The severe restriction of possible Short Term and Vacation Rental properties skews dramatically towards aiding well to do and wealthy individuals, who own large homes, make more money off their homes, and eliminates the possibility of lower income home owners supplementing their mortgages with short term rental income. Why (by exclusion) can a 1 bedroom or studio home not be rented for more than 30 days per year?! Why are ADUs not eligible? What about homes in subdivisions, condos or apartments where the HOA allows for short term rentals?

6. There is no provision in the proposed text amendments for any kind of appeal or discretionary review of properties that don't meet the letter of the new land use code text amendments. This is a glaring oversight. It is impossible to predict all possible situations when codes are initially envisioned, and land use codes need to allow for some leeway in exceptional cases.

7. The proposed text amendments impose restrictions that seem to be treating vacation rentals as a high traffic volume commercial use when in fact Short Term and Vacation Rentals typically have the same average daily trip calculations applied to them as any other single family home. There is again no documented evidence provided that short term or vacation rentals result in higher traffic volume or greater strain on public amenities than a typical

residential use.

8. In addition to the clearly indicated changes (Vacation rentals only allowed in 2 zones, they have to be detached single family homes, no subdivisions etc) that will significantly decrease the properties in Boulder County that are eligible for Short Term or Vacation Rental licenses, the inclusion of the Section 5 Item 5 – Access Routes for Vacation Rental Licenses further dramatically decreases the number of lots that would be eligible. In addition to the issues raised by the undefined term "Access Routes," this section does not include any reference to roads, driveways or other "access routes" that may not meet the letter of the Boulder County Multimodal Transportation Standards, but that have been approved by the County Engineer, or by a variance process. This omission excludes residences on many County owned and maintained roads such as Magnolia Rd or Flagstaff Rd, which do not meet current Multimodal Transportation Standards, but have been approved for use through legal means, and clearly function well as "access routes."

9. Staff has failed to provide an estimate of how many properties would be eligible for Short Term and Vacation Rentals should the proposed text amendments be approved. Should they engage in that exercise given ALL the proposed restrictions, I expect the number of eligible properties will be significantly smaller than currently anticipated.

10. Staff has provided no data reflecting how many currently approved Short Term and Vacation Rentals would be affected by the proposed change to the Boulder County Land Use Code

11. Staff has provided no plan for transitioning from the current code requirements to the proposed text amendments. What happens to the property owners who have spend years and tens of thousands of dollars getting their rental properties approved through the current code requirements? What about those currently under review?

12. Why is staff proposing to reduce the number of days that an owner can rent out the entirety of their primary residence from 60 days to 30 days? Have there been issues with the current code allowance of 60 days? Why not increase that to 90 days? On what basis is this change being proposed?

13. Why is staff proposing that a primary residence require occupancy of 9 months? The current code definition is for 6 months. Federal tax law is 181 days. All other jurisdictions in Colorado that I have reviewed define permanent residency as 180 or 181 days per calendar year. Where does the need to create a more stringent requirement come from? What data supports such a change? How would a 9 month requirement be enforced?

14. Why is there an arbitrary limit of 8 persons per Vacation Rental? Why can't a 5 bedroom house rent out to 10 people assuming their utilities support that demand?

15. Why is Boulder County spending enormous amounts of money paying a 3rd party to police short term rentals when NO other land use violations are actively pursued in such a manner. Why are tax payers paying for this service without direct voter approval?

For all the reasons outlined above, I humbly request that the Boulder County Planning Commission direct planning staff to revisit the proposed text amendments regarding Short Term and Vacation Rentals before making a decision of recommendation to the Board of County Commissioners. If such drastic restrictions to property owners' rights are to be enacted, the public deserves complete data demonstrating the need for such restrictions. I highly recommend that the Boulder County Planning Commission direct that the funds currently going to a third party business to police short term rentals be re-directed into studies looking into the ACTUAL impact of short term and vacation rental in unincorporated Boulder County and jurisdictions with similar populations, terrain and land use codes. Through such studies, Boulder County planning staff will be able to determine what kind of restrictions to short term and vacation rentals are really necessary. In the meantime, text amendments allowing prescriptive short term and vacation rentals in ALL zone districts, and with only those restrictions necessary to ensure health and safety should be enacted. If such code amendments prove to be ineffective, then greater restrictions can be imposed in future land use code amendments.

Finally, there is absolutely no reason that the Boulder County Planning Commission should even consider recommendation of approval of this docket without a clear and complete plan for how such changes will be implemented. Staff's response that they "don't know" how currently approved short term and vacation rental

licenses would be affected is simply not acceptable.

Sincerely,

Maya Ward-Karet
Boulder County Resident & Property Owner
Fourmile Canyon Drive

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:	Boulder County Board of Commissioners
To:	LU Land Use Planner
Subject:	FW: NO Short Term Rentals on properties with shared easements with neighbors
Date:	Tuesday, October 10, 2023 3:16:31 PM

From: Deborah Rideout <canyondance6@hotmail.com>
Sent: Tuesday, October 10, 2023 12:11 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.gov>
Subject: [EXTERNAL] NO Short Term Rentals on properties with shared easements with neighbors

To all who are responsible for writing and/or passing the amended Short Term Rental/Vacation Rental Ordinances and Land Use Codes for unincorporated Boulder County,

Action Required:

It is absolutely essential that you please add that any sort of short term/vacation rental must have their legal access of record completely on their own land; or if there is a shared easement with any neighbors; they must have written agreement from that/those neighbor(s) for any sort of short term rental.

Reason:

I am Deborah Rideout and have resided at my current residence of 267 Fourmile Canyon Drive, Boulder, for 39 years. I have experienced first hand how having a short term rental next door has detrimentally affected me and my property as a neighbor with a shared access easement. This is a unique, creekside mountain property with specific site specific conditions where any type of STR would be inappropriate and should never be allowed as it would create a host of uncontrollable Safety, Liability, Damage, Trespassing, and Privacy issues.

The next door property, at 265 Fourmile Canyon, was purchased by a new owner less than a year ago. The first 38 years I've lived here, the use of the next door property of 265 Fourmile Canyon, has been owner occupied residential and I had expectations that it stay that way. However, the new owner, Verne Harnish, has chosen not to actually live there, but to turn it into a short term rental business since this past winter. Verne is rarely on the property himself, less than 4 months per year, and is not present to monitor his renters. The legal access to his property is through a shared access easement with my home. The driveway is steep. winding, and narrow, with one side hugging the vertical mountainside and the other side a sheer drop off toward the creek below. The driveway is mostly on my property, comes to within a few feet of my actual house, and crosses over my bridge with a 10 foot drop off to the creek bed below. Verne has been illegally renting his property out as a short term rental most of this year, despite me filing a code violation complaint in May 2023, and continues to do so. Legal or illegal, 265 Fourmile should not be allowed to be a short term rental.

SAFETY ISSUES:

Many of the short term renters do not know how to drive in the mountains, especially with the conditions of the driveway described above. So they get stuck partway up the narrow driveway and can't move. This totally blocks my access to my own home, as I then can't get out of or into my property. It also blocks access for firetrucks and emergency vehicles, creating a real safety hazard.

I have also had to call the Police when his renters trespassed onto my property and verbally and physically assaulted me and my partner. I now no longer feel safe in my own home.

LIABILITY:

The renters from Verne's short term rental business have held parties - football parties, graduation parties, wedding parties, etc., and even without parties, do get high. What happens to my liability if his renters run into a tree on my property, or falls off my bridge, etc.? Or would I have to sue Boulder County if the county ever gives him a STR license? In any instance, not a situation I want to be placed in.

DAMAGE:

Because the driveway can be difficult to negotiate, renters repeatedly cause damage, hitting my bridge and my landscaping, running over my garden, and creating gouges in the driveway. It also creates extra wear and tear on my bridge and driveway.

TRESSPASSING AND PRIVACY:

Again, I have lived in my home at 267 Fourmile Canyon Drive for 39 years. The first 38 years, the use of 265 Fourmile was residential, and I expected it to stay that way. Then a brand new owner buys it and tries to turn it into Short Term Rental business for monetary greed. I have no desire to live next to a short term rental "hotel" with an almost constant stream of everchanging strangers, coming in and out of my driveway that comes across my front yard within a few feet of my house. They trespass, park in my parking spots on my property, come into my yard and up to my door, create dust, noise, and unsecured garbage in our bear territory, and have assaulted my partner and myself.

Having a property with a shared access easement, as a short term rental creates many uncontrollable negative consequences which should never be inflicted on a neighbor and Boulder citizen. It has absolutely taken away my quiet private enjoyment of my property, to the point where I no longer feel safe in my own home. I did attend the STR community meeting, where the Boulder County presenter stated a reason for short term rentals was to allow older residents to stay in their long term homes. Well, allowing a STR for my new next door neighbor destroys my quality of life and could therefore, push me out of my home- not your goal!

SUMMARY:

The current ordinances do not mitigate enough negative consequences of short term rentals. JUST THINK- WOULD YOU WANT THE CLIENTS OF WHAT IS ESSENTIALLY A SHORT TERM RENTAL "HOTEL BUSINESS" REPEATEDLY CROSSING YOUR FRONT YARD? Of course not, so PLEASE DO EVERYTHING YOU CAN TO PREVENT THIS FROM HAPPENING TO BOULDER COUNTY RESIDENTS. MAKE ABSOLUTELY SURE THAT ANY ORDINANCE/LICENSING REQUIREMENTS/ LAND USE CODE FOR SHORT TERM and VACATION RENTALS INCLUDE WORDING REQUIRING THAT THE RENTAL HAVE THE LEGAL ACCESS OF RECORD COMPLETELY ON THEIR OWN LAND, OR THAT IF THEY HAVE A SHARED ACCESS EASEMENT WITH ANY NEIGHBORS-REQUIRE THEY HAVE WRITTEN CONSENT FROM THOSE NEIGHBORS FOR THE RENTAL.

THANK YOU,

Deborah Rideout

267 Fourmile Canyon Drive
Boulder, Colorado 80302

From: SUE RAAB
To: !LongRange
Subject: [EXTERNAL] Docket DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals
Date: Thursday, October 12, 2023 12:44:49 PM

As the Planning Commission considers changes to the land use code related to short-term dwelling and vacation rentals, we encourage the commission to place a moratorium on consideration of applications for short-term vacation rentals outside the areas where they would be permitted under an amended code -- the Forestry and Mountain Institutional zones. Applications for short-term vacation rentals in other zones, such as Rural Residential, should not be considered until a decision is made on whether to amend the code as recommended by staff.

Paul and Sue Raab
3259 Nebo Road
Boulder, CO 80302

From: n hall
To: !LongRange
Subject: [EXTERNAL] Draft Short-Term and Vacation Rental Land Use Code
Date: Friday, October 13, 2023 3:15:00 PM

1.
Regarding the following shown in **bold**:

Section 2: License Required
A. Local License Required. It is a violation of this Ordinance to offer, provide, or 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.

The language is ambiguous : (one license for me) AND (one for each legal entity associated with me) or one license for (me and any legal entities associated with me)?

How do you define "associated with"? LLC, which uses my TID? Irrevocable trust, which has its own TID? Trust with other TID of which I am a trustee? Do my spouse and I each get one license (say the properties are in both our names) ?

2. I would like to see neighbors be notified upon a request for a permit, not after-the-fact. Neighbors should have an opportunity to contest the permit. Like the way neighbors get a chance to give input on a site plan review : you stake a sign on the property. I'd like to see this for applications for short-term rentals.

3. Thanks for the opportunity to express my concerns.

Boulder County Planning Commission

I attended the September 20, 2023 hearing, docket number DC-23-0001 for the proposed Text Amendments to the Land Use Code related to Short Term and Vacation Rentals, I am a member of the Boulder County Mountain Cabin Alliance and I am still waiting to receive my Vaction Rental license after being in process for 2.5 years.

For those of us who attended the hearing last month, the 3+ hour session revealed the basis for many of Community Planning and Permitting (CPP) staff's proposed amendment changes were arbitrary and embedded in ideological concepts, as opposed to fact based data. It also clearly established CPP staff needed to conduct a more comprehensive impact analysis, specific to unicorporated Boulder County inorder to address and answer critical questions asked by both the public and your planning commission.

I applauded your commission for tabling your vote until October 18, 2023, believing the intent behind the postponement was to give CPP staff additional time to accumulate more conclusive data specific to Boulder County, and also to give them additional time to answer other important, rudimentary questions regarding a multitude of things.

However last Thursday, with less than a week left before the October 18th hearing, CPP staff responded to an inquiry from another BCMCA member, informing him that they had not and would not be making any changes to their draft proposals presented to your commission at the September 20, 2023 hearing. Staff stated the reason being your commission had not directed them to do so. This is not only concerning and frustarating, but confusing, especially since the hearing adjourned with many gaps in CPP's analysis along with many unanswered questions posed by your board and the public. Why would your commission move forward with a vote on the October 18th if CPP staff has not made any changes to it's original proposed text amendments and why didn't your board direct them to do so? Keeping the status quo and disregarding the concerns of the public and your board from the September 20, 2023 hearing seems to defeat the point of tabling the vote? Or should we just assume whatever CPP staff drafted is pre-ordained to be approved and the public due process is all for show?

I've highlighted some of the concerning specifics that still need to be addressed below before a vote moves forward:

1.) There was no staff provision outlining how to integrate existing licensees and applications into the new text amendments. This should be a priority since many of us have endured a very expensive (thousands of dollars) and a 2.5 year long process and still await the issuance of a license. Also many issued licenses are in locations the new draft amendments intend to prohibit from obtaining a license. Will these properties be grandfathered in and if so, how and will their right to reapply for another license be in perpetuity, especially if they have a recorded Development Agreement with Boulder County, which the old regulations required Vacation Rentals to do?

2.) Staff proposed new restrictions on Primary Residence STRs without providing any justification or evidence to support primary resident STRs need more regulation:

a.) increased occupancy requirement from 6 months to 9 months
b.) reduced number of rental days from 60-30
c.)require owner to occupy home while renting, without providing any evidence to support primary resident STRs need more regulation.

3.) Staff also proposed to allow a long term tenant to obtain a primary dwelling STR license. This came out of left field, is counter intuitive and could very well result into a health and safety risk to a home or neighborhood, which is the very thing we all would like to avoid. An owner instructing short term guests what to do in their home, is not comparable to a long term tenant, (who has limited knowledge of the home and how to mitigate issues and emergencies) instructing a guests what to do. The long term tenant also holds no financial obligation to ensure the home, guests or neighborhood are protected.

2.

In a different inquiry from another BCMCA member after the September 20, 2023 hearing CPP staff stated one of the resons for wanting to regulate primary residences more was because they were focusing on spare room vacancy vs occupancy.

This is extremely impactful and unfairly restrictive to primary residence STRs. Many mountain homes are modest in size (800 – 1500 square feet) and are 1-2 bedrooms with one bath. This proposal would preclude single bedroom homes from being able to rent at all and would be an uncomfortable enviroment for a homeowner being forced to share their small space with total strangers. Again staff presented no evidence this is a problem, or any data to support this claim. Vacancy vs occupancy seems to be another ideological concept staff has conjured up. In fact, available data supports a different reality. The Department of Numbers' Residential Rent Statisics for Boulder County tracted rental vacancy from 2015-2019, showing in 4 years it fluctuated between 3.16% - 5.14%. Also the 2020 census showed there were 7538 vacant homes in Boulder County: 5.2% of the county's residences. So comparatively, Boulder County has nearly 30 times the number of empty homes than it has STRs. Other data has also shown last year STRs/VRs generated over a million dollars in tax revenue and employed many local residents. The 7500+ vacant homes are a dark hole. They offer no benefit to the community and net zero revenue. If filling vacant rooms truly is a priority of concern, than perhaps staff needs to be regulating somes these homes.

4.) Staff proposed to maintain the limitation of one license per person, but has never established this as being a problem based on an impact analysis. Staff has been asked, but has never provided a number of applicants that have affiliations with 2 or more homes, or if any of their current applicants are big corporations. We would all like to know what this number is. This regulation is arbitrary and discrimatory against multiple owners of a family home when one of the owners soley owns another property. Staff has given no justification why other family members are being penalized and prohibited from obtaining a license, especially since the license would be in a different name. Some long time residents co-own a family home, or own a home with others because it's the only way they could afford to buy a home in Boulder County and should not be prevented from obtaining a license.

5.) Staff's desire to impose a 3.5% licensing cap on Vacational Rentals and prohibit them in all zones except for Forestry and Industrial Mountain Zones, again is discrimatory and unwarranted. In a past hearing, even Commissioner Levy opposed implemented caps.

Staff continually states the false narrative that the 1-1.5% of STRs and VRs existing in unincorporated Boulder County have a measureable impact on housing stock, home prices and rental rates, yet staff provides NO data analysis to support this claim.

Prior to the September 20, 2023 hearing, staff's data showed their was a total of 8 licensed VRs, with 5 pending applications and 171 licensed STRs in all of unicorporated Boulder County. Once again these are just more ideological concepts that needs to be abandoned once and for all. Boulder County housing costs are 152% higher than the national average and 73% higher than Denver. Realtor.com reported the median building costs in the county are $581 a square foot. Rent rates in the state of Colorado alone are the 18th highest rates in the country, which most likely has been impacted even more by Covid. In some areas in the city of Boulder, one statistic shows the median rental rates increased 25% from 2020 - 2023, which agreeably is a problem in the city. I could not find any rental rate statistics specific to unincorporated Boulder County.

6.) Another text amendemnet that needs more scrutiny is the requirement a homeowner must obtain permits and complete the work for non-permitted work. A lot of old mountain homes have non-conforming renovations that were done prior to 1970. This is a waste of the County's time and resources to decipher what's unpermitted and what's non-conforming. It also places an enormous financial burden upon a homeowner. I have first hand experience with the waste of time and resources. My planner spent months insisting and trying to prove the 2 exterior sheds on my 100+ year old home were unpermitted and needed to be deconstructed, which he included as a condition of approval. Many months later and after a lot of time and stress, I inadvertently found proof in the County Assessor's records that my sheds were built in 1955 and were considered to be non-conforming structures. If a home passes inspection, it should be approved.

7.) The text amendment stating “the occupancy permitted on site is the total number of persons allowed on the premises at one time” also needs to revisited. This proposal is random, impractical and strange.

. It is reminiscent of the authoritative and over reaching old regulations. Very similar to trying to control where and what rooms guests are allowed to sleep in.
. what purpose does this serve? It has nothing to do with health & safety
. there are many ocassions when guests have family members, or friends who live close by and come to visit for dinner or the afternoon, but do not stay the night.
. guests, (especially repeat guests), often want to meet me and my partner and ask us over for a drink. If there are 4 guests staying, this would be disallowed.
. this proposal would also disallow various maintenance and repair men onto the premises if it exceeded the number of guests allowed to stay in the house

Accounting for all the statistics stated above, it's absurd to blame the meager 200-250 STRs and VRs scattered throughout unicorporated Boulder County for all the housing woes that plague the county. It is my hope that at some point CPP and your board of commisssioners will cease vilifying STRs and VRs, abandon ideological concepts, and finally recognize and accept the reality of what the data for unicorporated Boulder County reflects... STRs and VRs do NOT impact home prices, housing stock or rental rates in our area and in addition, have meaningful economic benefits for their communities. Until these facts are acknowledged, the underlying problem will continue to hamstring the process of creating simple, effective and enforceable regulations.

Please do not approve the current text amendments as is and please direct CPP staff to conduct a more comprehensive impact analysis specific to unincorporated Boulder County so they have more accurate information to address the many concerns and unanswered questions from the September 20, 2023 hearing. After more than 3 years, it's time to get this right.

Thank you for your time and consideration.
Roxanne di Santo

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

Introduction

Following the Short-Term and Vacation Rental Two-Year Review completed in January 2023, the Board of County Commissioners authorized Community Planning & Permitting to consider amendments to the Land Use Code (the Code) and licensing ordinance related to Short-Term Dwelling and Vacation Rentals in unincorporated Boulder County. The Board directed staff to explore changes that would create more certainty for applicants and streamline the review process. Staff developed concepts designed to achieve these goals and are interested in receiving the public's feedback. This feedback form presents the concepts, provides a brief explanation, and seeks input from the public regarding each concept. Feedback provided through this form will be reviewed by staff and shared with the Planning Commission and Board of County Commissioners. This feedback form is best viewed on a desktop or laptop but can also be completed on a mobile device. It is estimated that this feedback form may take 20-30 minutes to complete.

The subject concepts and changes apply to unincorporated areas of Boulder County, not the cities like Boulder or Longmont.

1. Which of the following best describes you?

- ◯ I own or manage a Short-Term Dwelling or Vacation Rental in unincorporated Boulder County
- ◯ I am interested in applying for a Short-Term Dwelling or Vacation Rental in unincorporated Boulder County
- ◯ I live in an area where there are Short-Term Dwelling or Vacation Rentals
- ◯ I do not own, manage, or live in an area where there are Short-Term Dwelling or Vacation Rentals, but I am interested in this topic

2. Which of the following best describes where you currently reside?

- ◯ Mountains
- ◯ Plains
- ◯ Outside of Boulder County

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

Introduction

3. If you currently reside outside of Boulder County, where is your property located in unincorporated Boulder County?

- ◯ Mountains
- ◯ Plains
- ◯ I do not own property in unincorporated Boulder County

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

CONCEPT #1: Streamline the Process and Create More Certainty

Currently, there are three types of rentals: Primary Dwelling Short-Term Rentals, Secondary Dwelling Short-Term Rentals, and Vacation Rentals. Primary Dwelling Short-Term Rentals do not require a land use review prior to obtaining a license. However, Secondary Dwelling Short-Term Rentals and Vacation Rentals must first—prior to obtaining a license—be approved through a site-specific review, which requires Planning Commission and Board of County Commissioners' public hearings. Approvals are granted or denied on a case-by-case basis based on the criteria review.

A license will still be required in both options described below.

Option A: Licensing Only

- **Define acceptable parameters for Short-Term Dwelling and Vacation Rentals and handle their approval through licensing only (vs. discretionary review). Staff would develop language prescribing areas where these rental types are appropriate. This could include zoning districts, geographic location (e.g., townsite, mountain or plains, etc.), wildfire risk, etc.**
- **Staff would ensure the rental qualifies as a rental under the parameters, but the proposal would be reviewed using objective review criteria. This option removes discretion (from staff and neighbors) but narrows the properties that are eligible for the use. This option also removes the ability to apply particular conditions of approval to specific sites.**
- **Immediately adjacent property owners would only receive notice about the Short-Term Dwelling or Vacation Rental approval after the license is issued and would not be asked to provide input on the proposed use. Referral agencies would still provide comments related to the relevant licensing requirements to confirm compliance.**
- **This option substantially reduces the process required when compared to current regulations.**
- **This approach would simplify and improve enforcement, allowing for more effective enforcement outcomes.**

Option B: Discretionary Review

- **Define acceptable parameters for Short-Term Dwelling and Vacation Rentals and require a discretionary review. Staff would develop language prescribing areas where the rental types are appropriate. This could include zoning districts, geographic location (e.g., townsite, mountain or plains, etc.), wildfire risk, etc.**
- **A set of criteria would be evaluated to assess the suitability of each unique site for a rental use on a case-by-case basis. An administrative review of the proposal would be necessary, and a site-specific determination would be made based on evaluation of the criteria. An administrative review—a review that receives approval from the Director of Community Planning & Permitting — would remove the requirement for a public hearing.**
- **This approach allows for notification of adjacent property owners and input**

from referral agencies.

- **This option retains discretion on the appropriateness of the rental. This option also reduces the amount of process required when compared to the current regulations.**

4. Do you prefer one of these options over the other?

- ◯ I prefer Option A
- ◯ I prefer Option B
- ◯ I don't prefer either Option A or B

5. What are the most important reasons you chose the option you prefer? If you don't prefer either option, why is that the case?

6. Are there any elements that you specifically support or oppose (e.g., additional objective criteria, administrative review, adjacent property owner input, etc.)?

7. Are there any additional criteria regarding Short-Term Dwelling or Vacation Rentals that you think staff should consider when defining where these rentals are allowed?

8. How important is enforcement of Short-Term Dwelling and Vacation Rental violations to you?

- ◯ Not at all important
- ◯ Not so important
- ◯ Somewhat important
- ◯ Very important
- ◯ Extremely important

9. Would a more effective enforcement process make you more comfortable with having a Short-Term Dwelling or Vacation Rental in your neighborhood? Why or why not?

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

CONCEPT #2: Caps on the Number of Rental Licenses Available

Allowing a maximum number of licenses for Short-Term Dwelling and Vacation Rentals (i.e., caps in a defined geographic area) could help address concerns regarding the impact of these rental types on housing stock and housing affordability, as well as support the housing goals outlined in the Boulder County Comprehensive Plan. A licensing cap could provide a quantifiable number of rental types that could be used to better limit these impacts. A licensing cap could also help ensure that the number of Short-Term Dwelling and Vacation Rentals in an area are appropriate from a community character perspective. The number of licenses could vary by geographic location, reflecting the unique nature of different areas within the county.

10. Would you support or oppose a cap on the number of Short-Term Dwelling and/or Vacation Rental licenses available?

- ◯ Support
- ◯ Oppose

11. What do you think about varying the number of licenses available based on geographic location?

12. Are there any additional thoughts regarding licensing caps that you would like to share?

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

CONCEPT #3: Removing or Refining Licensing Requirements

Staff are reviewing requirements in the licensing ordinance (page 3) to determine if they are clear and serve a defined purpose. These include requirements related to Home Energy Rating System (HERS) requirements, parking, access, radon testing, etc.

13. Are there any specific requirements in the licensing ordinance that you think are particularly important? Any that should be removed? If so, why?

14. Are there any requirements that you think should be added?

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

(Continued) Concept #3: Removing or Refining Licensing Requirements

Staff are also exploring modifications to the Wildfire Partners Assessment and Certification requirements. Currently, Primary Dwelling Short-Term Rental and Secondary Dwelling Short-Term Rental applicants must complete a Wildfire Partners Assessment before receiving a license. During a Wildfire Partners Assessment staff review the property with the owner and provide recommendations about wildfire mitigation activities. Vacation Rental applicants must complete Wildfire Partners Certification (which requires full implementation of the Assessment directives) before receiving a license.

Staff are considering changing the requirements to include Wildfire Partners Assessment for initial licensing and Wildfire Partners Certification for licensing renewal (two years after receipt of the initial license) for all Short-Term Dwelling and Vacation Rentals. This would create parity among applicants and allow licensees two years to complete mitigation activities before achieving certification. Wildfire Partners has also suggested a re-certification for license holders every six years, with notice to the license holder informing them of the pending re-certification after five years.

15. Do you support or oppose this concept?

- ◯ Support
- ◯ Oppose

16. Do you think there are any specific instances where Short-Term Dwelling and Vacation Rentals should be required to implement wildfire mitigations more quickly?

17. Would you support a re-certification requirement every six years? Why or why not?

18. Are there any additional thoughts you would like to share about this concept?

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

CONCEPT #4: Minimum Night Rental Periods

Currently, minimum night rental periods (i.e., the unit must be rented for a minimum of two nights) are only required by the Land Use Code for Secondary Dwelling Short-Term Rentals. Although not required for Vacation Rentals, minimum night rental periods are sometimes included as a condition of approval in order to reduce the intensity of the use by reducing a unit's rate of turnover. Staff are considering implementing a minimum night rental period for all Short-Term Dwelling Rentals and Vacation Rentals since these provisions could help ensure a more predictable level of use for the community.

19. Do you support or oppose minimum night rental periods for all Short-Term Dwelling and Vacation Rental types?

- ◯ Support
- ◯ Oppose

20. What do you consider an appropriate minimum night rental period?

21. Do you have any additional thoughts about how predictability around the level of use can be provided to residents living near Short-Term Dwelling or Vacation Rentals?

22. Is there a level of use that you think is acceptable in your area?

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

CONCEPT #5: Total Maximum Nights Per Year

The Code does not currently establish a limit on the total nights per year that a Primary Dwelling Short-Term Rental or Vacation Rental can be rented. However, the total nights per year that a dwelling can be rented is sometimes included as a condition of approval for Vacation Rentals that undergo discretionary review. The Code does limit Secondary Dwelling Short-Term Rentals to sixty nights per year to allow owners of a dwelling that is not their primary residence the opportunity to earn additional income. Limiting the total number of rental days per year could minimize the impacts a Short-Term Dwelling or Vacation Rental has on the surrounding area. Two options include:

Option A: Include an explicit limitation for all Short-Term Dwelling and Vacation Rentals (i.e., 180 nights per year).
Option B: Do not establish an explicit limitation on the number of nights a year a Short-Term Dwelling or Vacation Rental can be rented. This means that the total nights per year that a unit could be rented would be left to the owner's discretion.

23. Do you prefer one of these options over the other?

- ◯ Option A
- ◯ Option B
- ◯ I don't prefer either option

24. If you prefer one option over the other, please describe why that is your preference. If you don't prefer either option, please explain why that is the case.

25. Do you have any thoughts about providing owners with the discretion to determine the total nights per year a Short-Term Dwelling or Vacation Rental can be rented?

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

CONCEPT #6: Limiting Use Through Bookings

Some communities have provided Short-Term and Vacation Rental owners with an allotment of bookings to use at their discretion. This allows owners to determine how best to utilize their allotment of bookings. Once the allotment of bookings for a license holder is exhausted, they would be unable to rent the property until a new allotment period begins. A specific allotment of bookings might incentivize owners to prefer a longer minimum night rental period and limit the total number of nights per year that a property is rented, which would reduce impacts on the surrounding area. Owners of Short-Term Dwelling and Vacation Rentals would need to provide annual reports to the county regarding the use of their allotment of bookings.

26. Do you support or oppose this concept?

- ◯ Support
- ◯ Oppose

27. What are your thoughts on providing a certain allocation of bookings to be used at an owner's discretion?

28. Are there any additional thoughts regarding this concept that you would like to share?

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

CONCEPT #7: Occupancy Requirements

The current regulations differentiate between Short-Term Dwelling Rentals and Vacation Rentals by determining whether the dwelling in which a short-term or vacation rental is operating qualifies as a "Primary Residence" as defined in the licensing ordinance. The regulations do not specify if the dwelling must be occupied by the owners when the rental is occurring. Staff are considering modifications to the regulations that differentiate between rental types by focusing on occupancy.

The current regulations were intended to allow residents to obtain supplemental income by renting an unoccupied room in their home. The regulations were also drafted on the basis that most safety and neighborhood-impact related concerns would be alleviated by having an owner present at the property. Focusing on occupancy rather than residency status would also reduce concerns related to housing stock since the dwelling would be occupied by an individual who lives in the community.

Staff are also considering regulations that would allow the Primary Dwelling Short-Term Rental to be occupied by a long-term occupant (i.e., long-term renter) rather than the property's owner. In this scenario an owner may partner with a long-term occupant to rent a portion of the home as a Primary Dwelling Short-Term Rental, providing supplemental income for both parties. Both parties would need to agree to this arrangement.

29. Do you support or oppose occupancy requirements for Primary Dwelling Short-Term Rentals?

- ◯ Support
- ◯ Oppose

30. Are there any specific reasons you support or oppose occupancy requirements?

31. Would you support or oppose allowing a Primary Dwelling Short-Term Rental to be occupied by someone other than the owner?

- ◯ Support
- ◯ Oppose

32. Why or why not?

33. Are there any additional thoughts regarding these concepts that you would like to share?

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

CONCEPT #8: Taxing Short-Term Dwelling and Vacation Rentals

Colorado law allows the county to levy a two percent (2%) tax on Short-Term and Vacation Rentals. The revenue received from this tax can be used for housing and childcare for the tourism-related workforce, seasonal workers, and other workers in the community. At least ten percent (10 %) of the total revenue must be utilized for tourism marketing and promotion. Implementing this tax would require voter approval and may be subject to TABOR.

34. Would you support or oppose a two percent (2 %) tax for Short-Term Dwelling and Vacation Rentals?

- ◯ Support
- ◯ Oppose

35. Are there any additional thoughts about taxing Short-Term Dwelling or Vacation Rentals that you would like to share?

Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

CONCEPT #9: Active Enforcement

More active enforcement of Short-Term Dwelling and Vacation Rental violations ensures that all operators are held to the same standard of operation. The licensing ordinance for Short-Term Dwelling and Vacation Rentals allows the county to fine owners who do not comply with the regulations. Some communities have also implemented regulations that create fines for booking platforms (e.g., AirBnB, Vrbo) that advertise unlicensed short-term and vacation rentals. Staff are exploring a similar regime for Short-Term Dwelling and Vacation Rentals in unincorporated Boulder County.

36. Would you support or oppose fines for booking platforms that advertise unlicensed Short-Term Dwelling and Vacation Rentals?

- ◯ Support
- ◯ Oppose

37. Why do you support or oppose this concept?

38. Are there any additional thoughts related to this concept that you would like to share?

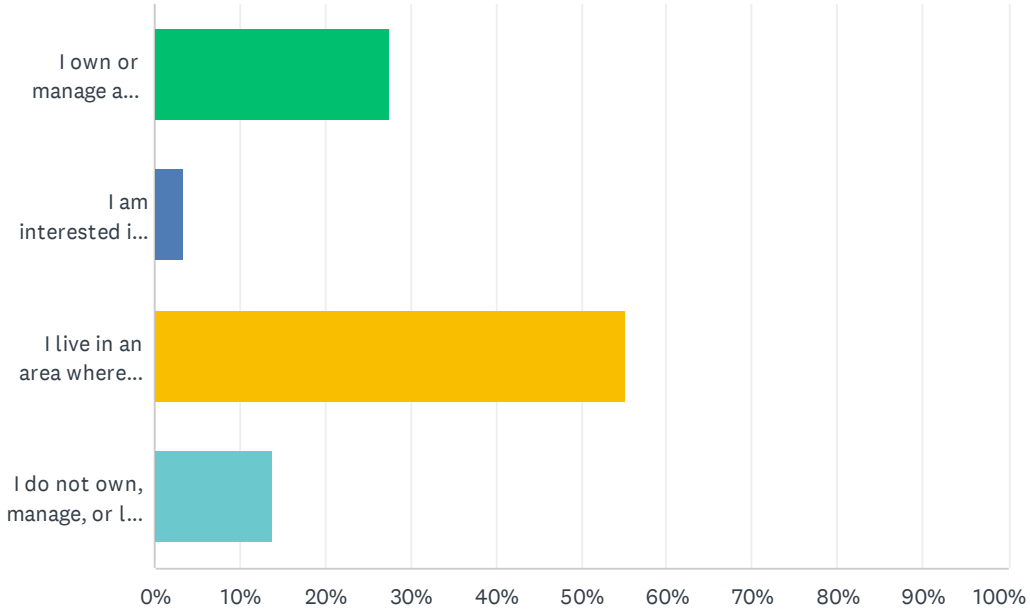
Feedback Form: Short-Term Dwelling and Vacation Rental Concepts

Conclusion

Thank you for taking the time to complete this feedback form. If you would like to stay involved in this process, please visit the webpage for Docket DC-23-0001 or subscribe to the county's Land Use Code news list for updates.

Q1 Which of the following best describes you?

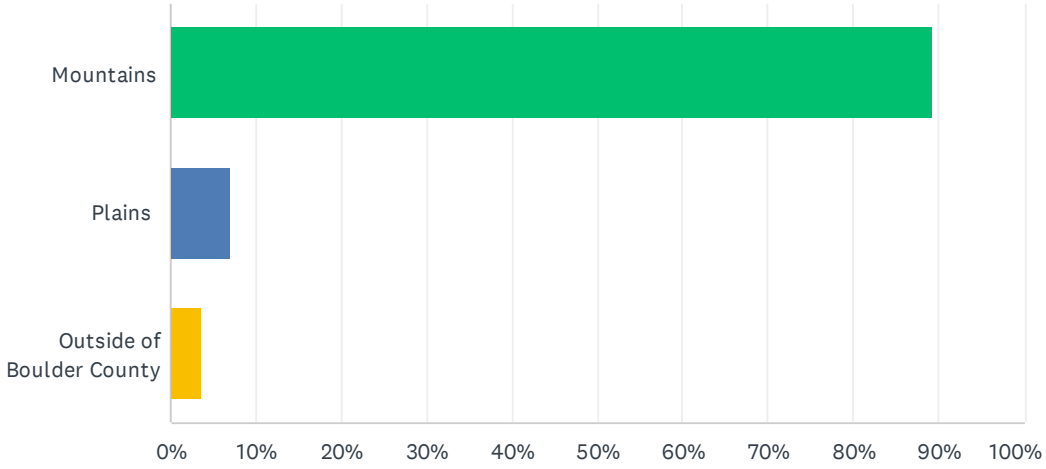
Answered: 29 Skipped: 0



ANSWER CHOICES	RESPONSES	
I own or manage a Short-Term Dwelling or Vacation Rental in unincorporated Boulder County	27.59%	8
I am interested in applying for a Short-Term Dwelling or Vacation Rental in unincorporated Boulder County	3.45%	1
I live in an area where there are Short-Term Dwelling or Vacation Rentals	55.17%	16
I do not own, manage, or live in an area where there are Short-Term Dwelling or Vacation Rentals, but I am interested in this topic	13.79%	4
TOTAL		29

Q2 Which of the following best describes where you currently reside?

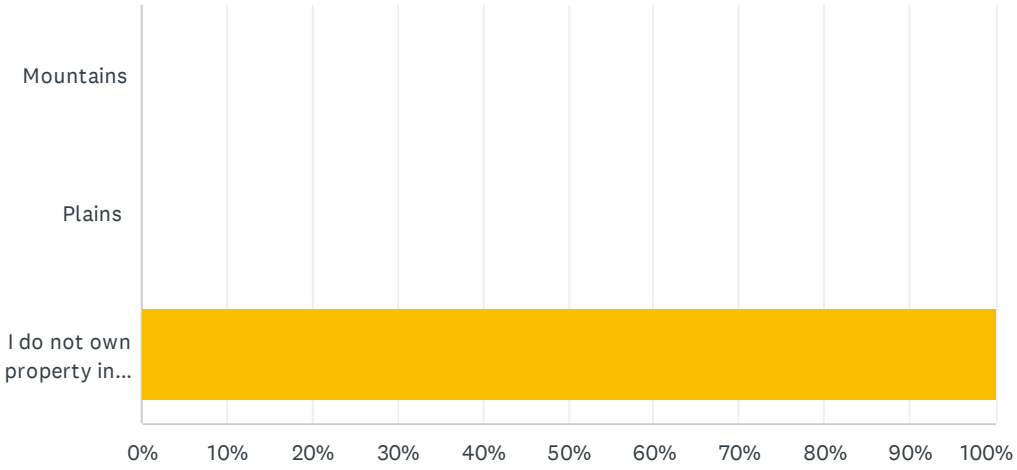
Answered: 28 Skipped: 1



ANSWER CHOICES	RESPONSES	
Mountains	89.29%	25
Plains	7.14%	2
Outside of Boulder County	3.57%	1
TOTAL		28

Q3 If you currently reside outside of Boulder County, where is your property located in unincorporated Boulder County?

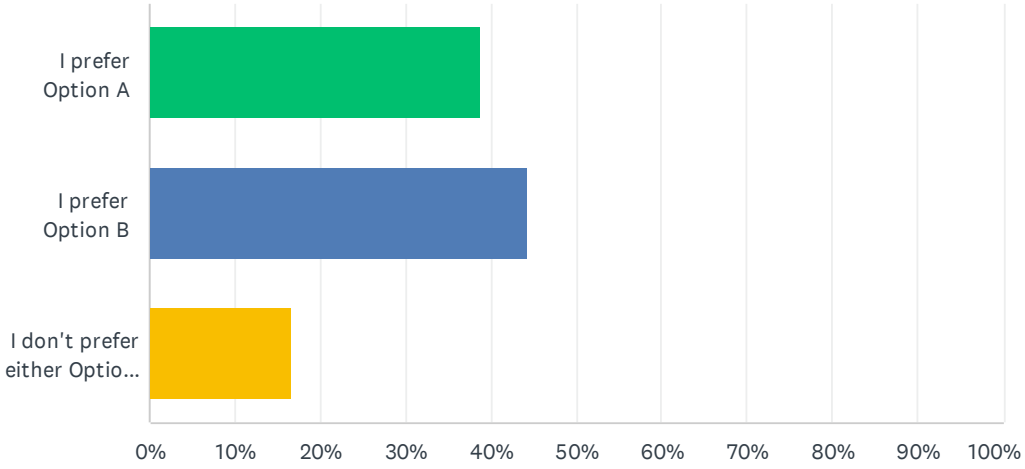
Answered: 2 Skipped: 27



ANSWER CHOICES	RESPONSES	
Mountains	0.00%	0
Plains	0.00%	0
I do not own property in unincorporated Boulder County	100.00%	2
TOTAL		2

Q4 Do you prefer one of these options over the other?

Answered: 18 Skipped: 11



ANSWER CHOICES	RESPONSES	
I prefer Option A	38.89%	7
I prefer Option B	44.44%	8
I don't prefer either Option A or B	16.67%	3
TOTAL		18

Q5 What are the most important reasons you chose the option you prefer? If you don't prefer either option, why is that the case?

Answered: 19 Skipped: 10

#	RESPONSES	DATE
1	I can't imagine any application will be simple enough to essentially consider it in secret. That will cause public antipathy.	6/12/2023 6:01 PM
2	There are too many variations in properties, especially here in the mountains, to have appropriate parameters for every case. And neighbors who will be affected should ALWAYS be notified ahead of approval so their input can be heard. If you want to streamline the process, have the very restrictive language of option A, with the possible discretionary administrative review and adjacent property owner input of option B for any factors outside those parameters, as the combo should reduce the # of reviews that occur.	6/11/2023 12:18 PM
3	Specific review of each site Notification of adjacent property owners Determination of appropriate rental areas	6/7/2023 1:25 PM
4	Notification and ability to strengthen licensing provisions, ability to ensure enforcement will occur	6/1/2023 8:15 AM
5	Boulder County has too many regulations	5/29/2023 7:51 AM
6	There was absolutely no mention in this meeting of the benefits of STRs/vacation rentals to small mountain communities that may otherwise vacant housing stock. ie, people frequenting and supporting local businesses as a direct result of staying at STRs/vacation rentals.	5/24/2023 6:49 PM
7	Short term rentals NEED to be BANNED. They reduce housing stock for those who need a place to live and only encourage more investors to our area.	5/24/2023 3:17 PM
8	Reviewed on a case-by-case basis.	5/24/2023 12:51 PM
9	I've been in process for 2 years working on obtaining a Vacation Rental license and have also attended many BOCC hearings for other STR & VR applications during the course of these 2 years. It has been my experience that discretionary reviews (even with parameters in place) have not precluded arbitrary determinations and interpretations from being made. I have seen time & time again the defined parameters expanded, which has delayed the process, especially when staff creates additional, intrepretive conditions of approval. For example, after Boulder County Health has determined the number of guests allowed in the home, County Planning staff has forced additional authoritative conditions of where those guests are allowed to sleep. If 4 guests are allowed in a 2 bedroom home and 2 of those guests (of a family of 4) are a teenage boy & girl, they should not be required to share a bedroom with a queen bed. They should be allowed to sleep on the living room pull out couch if they choose. Discretionary reviews also inherently take up an inordinate amount of the applicant's & the County staff's time & resources.	5/21/2023 2:14 PM
10	Less red tape and it should be faster	5/17/2023 5:46 PM
11	I like option A because it seems like a more efficient use of staff resources. I assume defined parameters will aim to protect public health and safety as well as preserve environmental resources and longterm housing stock.	5/17/2023 2:34 PM
12	The number of STRs in unincorporated Boulder County is objectively insignificant and has been going on for 100 years just fine with no regulation whatsoever. Given the huge costs of trying to implement these regulations, ANY regulation is objectively unnecessary and constitutes fraud, waste, and abuse of county assets and taxpayer money. However, if the county insists on regulations for its own internal political reasons (NOT public health and safety), then they should be as minimal, inexpensive, and quick to administer as absolutely possible.	5/16/2023 10:34 PM
13	having a vacation rental next door to a private residence impacts quality of life, especially when the rental owner is not present. Being able to notify county of mismatches encourages a	5/16/2023 7:51 AM

	happy neighborhood	
14	We have been in vacation rental since the summer of 1980. We prefer option A because it is the closest choice to being “Grandfather clause”. We know of no complaints involving neighbors or community and have continually improved property. After 40 Plus years of self employment, this is our means of providing our retirement without being a burden to society.	5/15/2023 9:23 PM
15	Notification of adjacent property owners is crucial. We’re in an extreme fire danger area, so there has be appropriate oversight on how to manage short-term rentals.	5/13/2023 1:00 PM
16	Option A appears to have less red tape and clearer objective STR rules. Versus the current licensing status appears to be all subjective by the “ staffer de jour” decisions. And this would clear more time for the County Commissioners to get more important work completed such as wildfire mitigation plans for the dense Western Boulder County Forest . And to get shooters from shooting on public lands.	5/13/2023 8:44 AM
17	Option A provides for clear regulatory specifications. Currently it's difficult to understand how and where a short term rental qualifies. I would like to see that it falls under similar blanket acceptance as the 5acre plus policy that exists previously etc.. also significantly less process is involved. The very long and obscure, non-objective process is especially difficult to navigate as well as expensive. I like that it also reduces nimby concerns.	5/13/2023 1:50 AM
18	I think input from adjacent property owner is important. For instance, the is a STR at 2637 Riverside drive that is adjacent to our property at 2639 Riverside Dr. They have specified on their application that this is their primary residence. It is not. They also do not have legal egress (as I understand it) windows in the bedrooms of their rental. With staff only reviewing applications they have no idea who might be ‘fibbing’ without ‘boots on the ground’ information.	5/12/2023 1:38 PM
19	I believe adjacent property owners should be involved in the process. Not every property should be eligible for STR even if it meets the basic requirements.	5/12/2023 12:29 PM

Q6 Are there any elements that you specifically support or oppose (e.g., additional objective criteria, administrative review, adjacent property owner input, etc.)?

Answered: 18 Skipped: 11

#	RESPONSES	DATE
1	Adjacent owners; shared roads;	6/12/2023 6:01 PM
2	see #4	6/11/2023 12:18 PM
3	Define the acceptable parameters more clearly	6/7/2023 1:25 PM
4	Neighborhood stability depends on no negative impact from STRs and tge ability to quickly eliminate potential problems.	6/1/2023 8:15 AM
5	Primary dwelling rentals should continue to be treated differently from secondary vacation rentals. Owners should be allowed to rent a room in their home, or their entire home without restrictions. Needing a license makes sense, to ensure the home is safe. Beyond that, owners should be able to rent some or all of their home at their discretion.	5/24/2023 6:48 PM
6	The short term rentals/ VRBO/airbnb are destroying local neighborhoods and communities. There are disruptions with noise, parties, traffic.	5/24/2023 3:17 PM
7	I am in the mountain and am concerned about wildfire risk; I think short-term rentals in the mountains should be rejected or limited.	5/24/2023 12:51 PM
8	I strongly oppose administrative review for the reasons described above, along with many others reasons. No applicant should have to undergo a rigorous 2 year process to receive a license. I am a staunch advocate for property owner's rights. STRs & VRs have also been incorrectly mischaracterized as having a change of use. The use of our homes is residential living, whether short or long term and an adjacent neighbor's input should be the same for both. If guests are being disrepectfully loud or having parties, etc. the neighbor should call the police or sheriff like they would if it were a long term tenant...and of course if the guests are in violation of the ordinances, they should also file a complaint with the County as well. On it's face I support objective criteria, but need more information as to why it would narrow the properties that are eligible for this use?	5/21/2023 2:14 PM
9	Reduce the licensing requirements and eliminate mandatory wildfire partners approval. Wild fire mitigation has nothing to do with this issue.	5/17/2023 5:46 PM
10	It might still be valuable to give APOs an opportunity for input to help identify unusual circumstances, but limit action on that input to concerns related to the objective criteria developed.	5/17/2023 2:34 PM
11	I absolutely oppose all regulations entirely. They are impractical, impossible to fulfill in many cases, and constitute fraud, waste, and abuse of taxpayer resources.	5/16/2023 10:34 PM
12	I think a vacation rental within a certain distance from neighbors should be reviewed more thoroughly, with owners who live on premises receiving higher preference to rental owners who do not reside on property. I would encourage no unleashed pets at vacation rentals, as this can be a big disturbance and endanger wildlife.	5/16/2023 7:51 AM
13	See answer above concerning “Grandfather clause “ after 33 years of trouble free vacation rental. As taxpayers and private property owners, less is better!	5/15/2023 9:23 PM
14	Again, adjacent property owner input is very important.	5/13/2023 1:00 PM
15	I think the property owner of the STR needs to be on site or available within an hour to respond to issues. I believe all adjacent property owners deserve to have the direct contacts of the STR property owner and It’s rental management company to contact if there are any issues. And to also complaint reported to the county.	5/13/2023 8:44 AM

16	Objective criteria, and reduced adjacent property owner input is important to me. It not only reduces process, provides clear guidelines and prevents neighbor animosity with clear regulatory expectations	5/13/2023 1:50 AM
17	Adjacent property owners input	5/12/2023 1:38 PM
18	The requirement for "primary dwelling" actually has nothing to do with the property being a primary dwelling. There is no requirement for the owner to actually live there at all.	5/12/2023 12:29 PM

Q7 Are there any additional criteria regarding Short-Term Dwelling or Vacation Rentals that you think staff should consider when defining where these rentals are allowed?

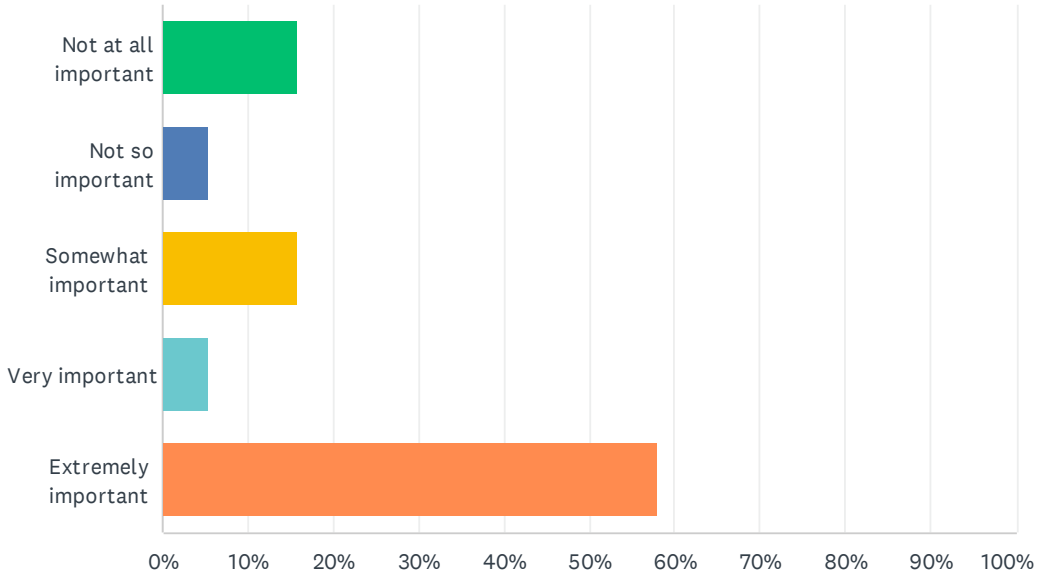
Answered: 16 Skipped: 13

#	RESPONSES	DATE
1	Don't force the use of shared roads unless those neighbors explicitly agree to sharing.	6/12/2023 6:01 PM
2	Objective Criteria that should be included in any option is that Primary, Secondary, or Vacation licensing should AUTOMATICALLY BE DENIED WHEN THE ACCESS OF RECORD TO THE POTENTIAL RENTAL IS THROUGH AN EASEMENT CROSSING A NEIGHBORS PROPERTY, as a stream of strangers from a short term rental business has a direct negative impact upon those neighbors, as I have experienced first hand as my new neighbor has just moved in Dec. 2022 and has essentially turned his place into an (illegal) short term rental. Having a short term rental next door creates a host of Safety, Liability, Privacy, Damage, and Trespassing issues which should never be inflicted upon those neighbors, and SIGNIFICANTLY interferes with their private peaceful enjoyment of their own property.	6/11/2023 12:18 PM
3	Fire Danger, Wells or water source in area, geographic location. Currently, we live in the mountains that are very quiet but now have a short term rental next to us. It has changed the level of noise and feel of the area	6/7/2023 1:25 PM
4	Density, location, access, security. Current proposals often do not treat the threat of STRs as real! Enforcement must be practical and swift.	6/1/2023 8:15 AM
5	Do NOT allow them anywhere	5/24/2023 3:17 PM
6	Whether or not they are on a private road that is not maintained by the county. My neighbors and I handle our own snow removal and road maintenance, if there was a short-term renter they would not participate.	5/24/2023 12:51 PM
7	No, I believe they should be allowed anywhere, especially since the data showed (as of January 2023) there were only 180 STRs/VRs.	5/21/2023 2:14 PM
8	Just make it objective and transparent instead of the current process	5/17/2023 5:46 PM
9	Fire risk is the top concern, which I know y'all will consider	5/17/2023 2:34 PM
10	I absolutely oppose all regulations entirely. They are impractical, impossible to fulfill in many cases, and constitute fraud, waste, and abuse of taxpayer resources.	5/16/2023 10:34 PM
11	For condos, vacation rentals should be permitted by HOA. For houses, it must be approved by majority of homeowners within 500 ft of residence	5/16/2023 7:51 AM
12	The basic concept of vacation rental has been a fundamental economic foundation for the rural mountain areas for over 100 years and that fact alone means historically vacation rental in this area should carry significant precedence over newer and younger usage of the mountain areas.	5/15/2023 9:23 PM
13	I believe all STR must continue to be wildfire Partner certified, have no outdoor campfires, nor charcoal grills.	5/13/2023 8:44 AM
14	- 5 acres or more should get blanket approval. Large properties are unlikely to affect neighbors or adjacent properties substantially - plains vs mountains is irrelevant. I think criteria such as space and zoning district are more important. - consider forestry and rural residential for blanket approval - I would like to see 365 day approval as currently day limits have no degree of changing rental or use outcome.	5/13/2023 1:50 AM
15	I would like to see private drives for access be required and shared drives for access not be allowed.	5/12/2023 1:38 PM
16	Access to the property through a shared driveway should be a consideration. Our little private lane now has constant traffic with strangers coming and going at all times of the day and night.	5/12/2023 12:29 PM

ATTACHMENT F

Q8 How important is enforcement of Short-Term Dwelling and Vacation Rental violations to you?

Answered: 19 Skipped: 10



ANSWER CHOICES	RESPONSES	
Not at all important	15.79%	3
Not so important	5.26%	1
Somewhat important	15.79%	3
Very important	5.26%	1
Extremely important	57.89%	11
TOTAL		19

Q9 Would a more effective enforcement process make you more comfortable with having a Short-Term Dwelling or Vacation Rental in your neighborhood? Why or why not?

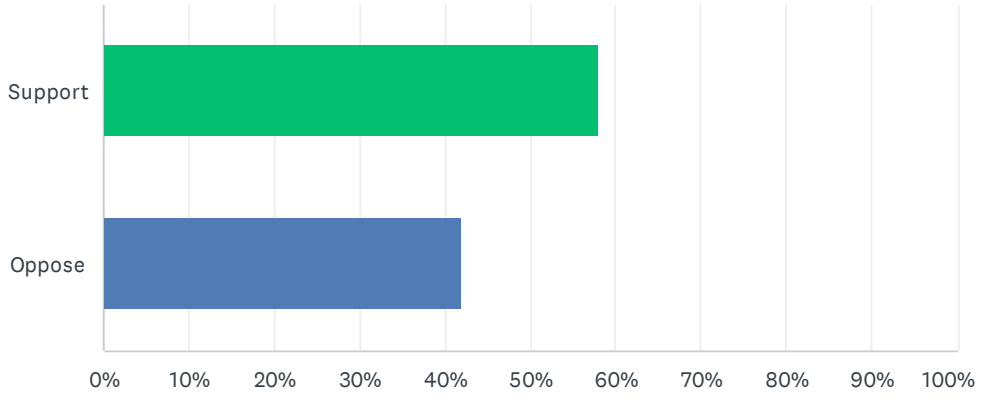
Answered: 17 Skipped: 12

#	RESPONSES	DATE
1	No. I have a place in the mountains for peace and quiet. BCO has always tried to keep the population in mountain areas low to minimize cost of fire, police, etc. We seems to be drifting away and trying to bring more people in.	6/12/2023 6:01 PM
2	No, as some some people feel rules don't really apply to them and will break them repeatedly anyway, not pay fines, figure fines are just a cost of doing business and rent anyway, renters may not care as they have no investment in the neighborhood or the neighbors.	6/11/2023 12:18 PM
3	No	6/7/2023 1:25 PM
4	Yes. Clearly tge current system depends on neighbors turning in complaints. That doesn’t wirk!	6/1/2023 8:15 AM
5	NO. While they are allowed now, rules should be stringently be enforced. Better yet, BAN ALL SHORT TERM RENTALS	5/24/2023 3:17 PM
6	No, I am not confident they will be enforced as they have not thus far.	5/24/2023 12:51 PM
7	Enforcement for STRs & VRs should be the same as all other County regulations & ordinances, which is complaint based.	5/21/2023 2:14 PM
8	Enforcement can be handled the same way as any other neighborhood nuisances. There’s nothing objectively worse about vacation rentals than many other activities that are not regulated or don’t have special enforcement mechanisms.	5/17/2023 5:46 PM
9	Yes because APOs will have assurance that problem STRs will not be allowed to continue	5/17/2023 2:34 PM
10	All opposition to any form of STRs has been clearly shown to be NIMBY, selfish, or racist in nature. There is NO NEED for any regulation whatsoever, and the county has NEVER in any way presented the slightest evidence otherwise.	5/16/2023 10:34 PM
11	Yes, as right now there is little to no enforcement, even if complaints are made.	5/16/2023 7:51 AM
12	Our experience has been the predominant use our vacation rental has been family gatherings, visiting the Rocky Mountains for the first time, hiking, fishing, relaxing. The old adage “ do unto others as you would have them do unto you” means we don’t allow late, loud activities, we follow local fire department directives. Because it is our personal, private asset, we have certain policies in place.	5/15/2023 9:23 PM
13	Yes, it’s important that homeowners maintain the right to rent their homes on a short term basis. We just need to make sure that there is a careful vetting process involved	5/13/2023 1:00 PM
14	Yes. Yet I don’t trust the County would follow through and enforce their code. I say this because when complaints are put forth on neighbors with unsightly rubbish, unscreened broken down properties, vehicles, trailers, unlicensed and non operable the County doesn’t follow through on those complaints .	5/13/2023 8:44 AM
15	No it would not. Short term rental enforcement is particularly a lass cource of action that should be undertaken. Education and additional measures should be considered first. It has been shown in numerous studies that short term rentals do not necessarily promote adverse conditions.	5/13/2023 1:50 AM
16	A more effective enforcement process would definitely be preferred. This way, as an adjacent property owner, I know my neighbor is in accordance with regulations and operatinglegally and safely.	5/12/2023 1:38 PM
17	I feel like there is no enforcement at the moment. STR next door to me has an outstanding	5/12/2023 12:29 PM

request for documents that were due in June 2022 yet they have been renting non stop for over a year now.

Q10 Would you support or oppose a cap on the number of Short-Term Dwelling and/or Vacation Rental licenses available?

Answered: 19 Skipped: 10



ANSWER CHOICES	RESPONSES	
Support	57.89%	11
Oppose	42.11%	8
TOTAL		19

Q11 What do you think about varying the number of licenses available based on geographic location?

Answered: 16 Skipped: 13

#	RESPONSES	DATE
1	Might be a good idea. Hopefully it will be zero everywhere!	6/12/2023 6:02 PM
2	favor	6/11/2023 12:19 PM
3	It sounds reasonable but I feel that certain areas should not have short term renters unless there is more done about fire danger and protecting wildlife, enforcement.	6/7/2023 1:31 PM
4	Necessaryremoteness and access coupled with security should be cause to deny a permit even in low density area.	6/1/2023 8:16 AM
5	I agree that some geographical areas have been historically vacation rental areas and warrant more licenses than other residential areas.	5/29/2023 7:53 AM
6	I think rentals in mountain communities should be very limited.	5/24/2023 12:53 PM
7	I oppose capping the number of STRs & VRs.	5/21/2023 2:17 PM
8	I oppose a cap, but clearly there is a lot of short term rental activity in the mountains and less reason to cap it there than in more urban areas	5/17/2023 5:47 PM
9	Mountains vs plains and/or proximity to city/urban services, yes	5/17/2023 2:36 PM
10	1) The county has proved repeatedly that it does not have the knowledge or expertise to define objective criteria for such a concept. 2) No STR regulations are necessary in any event.	5/16/2023 10:37 PM
11	This makes sense as all neighborhoods are different	5/16/2023 7:54 AM
12	Vacation rental has been a fundamental economic foundation in the mountains for over 100 years. That fact alone should give historical precedence to vacation rental over all subsequent developments. The public was initially told there were over 800 vacation rentals in Boulder County when in fact we have recently learned there are a little over 100 vacation rentals. This is far less than even 1% of available housing.	5/15/2023 9:44 PM
13	The Geographical location is very important. Most of the mountain STR properties are located in extreme harsh environments in the winter. Therefore those properties are not suitable for LOng term rentals .	5/13/2023 8:50 AM
14	I'm not a huge fan of this style of regulation. I do feel that certain property types are better than others for short term rental. This has more to do with density that a finite cap. I would like to see properties of larger size get blanket approval. Neighborhood STR's are a bit more invasive in some cases	5/13/2023 1:52 AM
15	I support this in order to keep the uniqueness of the Riverside/Raymond area in tact and not have it turn into 'Short Term Rental Land.' We have a spot there to get away from the intensity of daily life. Having new 'neighbors' in and out all the time diminishes community and is a disturbance to our peace.	5/12/2023 1:48 PM
16	Location should be taken into consideration. I think it is not good to have STR's taking over so many properties in a relatively small area.	5/12/2023 12:30 PM

Q12 Are there any additional thoughts regarding licensing caps that you would like to share?

Answered: 11 Skipped: 18

#	RESPONSES	DATE
1	Living next to a short term rental we have seen how much it can change your environment and comfort in your home. Caps seem to be a good idea so you don't lose the neighborhoods integrity to short term people passing through. I think it limits the number of people also renting for income with no vested interest in the community.	6/7/2023 1:31 PM
2	There was absolutely no mention in this meeting of the benefits of STRs/vacation rentals to small mountain communities that may otherwise vacant housing stock. ie, people frequenting and supporting local businesses as a direct result of staying at STRs/vacation rentals.	5/24/2023 6:49 PM
3	Short-term rentals are reducing long-term renter options, so they should be capped.	5/24/2023 12:53 PM
4	As of January 2023 the number of STR & VR applications represented less than a half of one percent of the housing stock available. Therefore, the number of STRs & VRs has NOT impacted housing stock or housing affordability in our area. The living & housing costs in Boulder County are expensive, period. . From 2010-2019 there was a 10.7% growth increase. . From 2020-2021 there was 21.9% housing cost increase . Housing costs in Boulder County are 152% higher than the national average, 76.2% higher than Denver & twice as much as other areas in the state. These stats are NOT the result of the less than half of one percent of STRs & VRs in Bouder County. It's time to debunk the myth, redirect the incorrect narrative and stop vilifying nightly rentals for being the cause of all Boulder County's housing woes. I advocate for all STR & VR licensing fees to be allocated towards an affordable housing fund.	5/21/2023 2:17 PM
5	Don’t cap owner-occupied STRs - renting a room can be an important source of supplemental income	5/17/2023 2:36 PM
6	Terrible idea: impossible to define objective criteria and the county cannot possibly effectively enforce any rule it puts in place.	5/16/2023 10:37 PM
7	To be fair, there should be time limit to allow for others to get a license if all are issued. Maybe 2-3 years.	5/16/2023 7:54 AM
8	In light of the previous answer, there is no practical Reason to put a cap On vacation rentals in unincorporated Boulder county	5/15/2023 9:44 PM
9	I agree with the past regulation of One owner each for STR to keep big corporations and rental investment firms from buying up the properties as investments.	5/13/2023 8:50 AM
10	See above	5/13/2023 1:52 AM
11	I don’t know that this comment really belongs here, but I want to transmit it. Safety checks of STR’s and verification of statements made on applications will keep investors out and legitimate owners within regulations.	5/12/2023 1:48 PM

Q13 Are there any specific requirements in the licensing ordinance that you think are particularly important? Any that should be removed? If so, why?

Answered: 15 Skipped: 14

#	RESPONSES	DATE
1	Make sure you keep the access ones especially the Multimodal transportation standards	6/12/2023 6:03 PM
2	Access, and parking , radon testing, all especially important. HERS requirements not so important, as those may be cost prohibitive for some folks.	6/11/2023 12:23 PM
3	Clarity around the types of rentals and details involved should be more defined. For instance, a primary residence. In the rental next to us, the owners own a home out of state that they live in (one person full time/the other person half time). Even though they have not been at their Boulder house very much over the last year they still qualify for primary residence status. It seems unclear how this is defined (it is living in the residence 6 months of the year but this seems to not always be the case). Also, when/why exceptions are made.	6/7/2023 1:39 PM
4	Security and fire restrictions, noise abatement	6/1/2023 8:17 AM
5	Access, parking, wildfire mitigation, noise	5/24/2023 12:54 PM
6	I think the below requirements should be eliminated from the licensing process: . A renter's addenduem to a homeowner insurance policy - in the aftermath of the Marshall fire it has become difficult to find companies that offer these policy addendums in the mountain communities and these policy are extremely expensive. I was forced to leave the insurance company I had had for 23 yrs and the cheapest renter policy addendum I found was more than doubled of what I had been paying. My costs went from $2,100/yr to $4,700/year. . A radon test - my home exceeded the national standard by a half percent. The radon technician who istalled the radon fan in my home felt mitigation wasn't necessary since no one would be living in the house full time. He explained, radon gas is only harmful when it builds up day after day, year after year. However, because of the requirement, I had him install it anyway. The cost was approx $1,200. . Building lot determination - this has noting to do with health and safety . HERS test - I had to explain to Rebecca in licensing what this actually was and it has nothing to do with health and safety. If licensing doesn't even understand what it is, a guest certainly wouldn't. . parking requirements - nothing to do with health and safety . Historic Society Evaluation - nothing to do with health and safety I'm a strong advocate of the Wildfire Partner Certification Program and think it's very important, however, I think it's misplaced as a VR licensing requirement. It imposes an enormous financial burden on a homeowner and it's all for naught if other neighbors are not required to go through the program certification as well. I received my Certification last October and my partner and I did 90% of the work and it took 2 summers/autumns to complete. Even though my partner and I did most of the work, my out of pocket costs were still $8,000.	5/21/2023 2:21 PM
7	As long as the property is safe to be lived in then there is no need for licensing requirements. HERS, radon, wildfire mitigation, and such requirements aren't necessary even necessary when selling a house, so how could they be important for a short term rental?	5/17/2023 5:49 PM
8	Remove the ridiculous HERS requirement	5/17/2023 2:38 PM
9	These are single family homes that have been in use for generations, ofter AS STRS. Unless they are manifestly unsafe (i.e., targets for condemning), absolutely no additional requirements are appropriate, needed, useful, or necessary.	5/16/2023 10:38 PM
10	Add legal bedrooms - some rentals add sleeping areas that are not part of original floor plan and are not safe. Pets on leash or under control should be added. The penalties for violations seem quite minimal when it comes to a business, and not a deterrent. Parking also an issue with neighbors - list the parking limitations on ad or listing	5/16/2023 8:10 AM
11	Remove the HERS as these are 100 year old cabins, radon testing because by the very nature	5/15/2023 9:49 PM

	of vacation rental the danger to guests is minute. In fact vacation rental is the best usage for this very reason. Parking should only become an issue if it affects public right a way or neighbors quality of life. “One shoe does not fit all”!	
12	The HERS requirements are “ over the top “ expensive and not relative for mountain properties that are primarily rented in the summer where folks rarely use heat or air conditioning. The radon testing also crazy for STR as guests usually at the property 2-7 days, and if in the mountains the windows are open . It is extremely hypocritical the County as Zero regulations for Long term rentals regarding pretty much anything including HERS and Radon as those health environmental issues seem more applicable if people living in. Dwelling for months at a time . I think the parking requirements and access are reasonable for Many reasons	5/13/2023 9:02 AM
13	Wildfire partners is probably the only requirement I see that is helpful, especially from an informational standpoint. It helps to educate the owner with a free and helpful evaluation... Parking requirements, HERS requirements etc just pose undue burden to the home owner when in most cases there is no substantial difference in use between an STR and a normal occupancy. There is not anymore traffic generated (as the same number of people are approved at the house as is normal for typical owner occupied). Parking is not increased as most visitors come in a single car. HERS requirements just pose potentially more of a burden financially. Radon testing again is non impactful as there is typically not long term tenants who would otherwise be affected. All these additional requirements drain resources.	5/13/2023 1:58 AM
14	Enforcement. There has been none on my neighbors illegal operation.	5/12/2023 2:16 PM
15	Primary Dwelling is meaningless yet it makes a big difference in the requirements compared to Secondary Dwelling	5/12/2023 12:32 PM

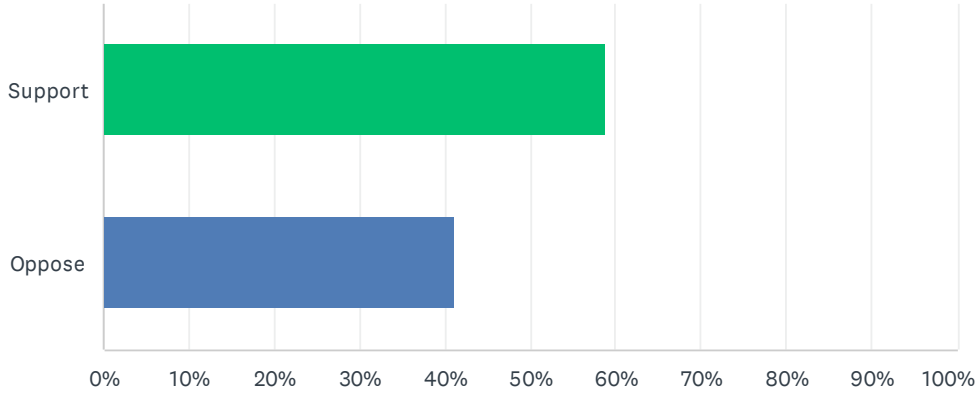
Q14 Are there any requirements that you think should be added?

Answered: 13 Skipped: 16

#	RESPONSES	DATE
1	Make sure the County uses and enforces the use of standard access codes.	6/12/2023 6:03 PM
2	It would be great if the owner be present when renting their short term/primary residence rental.	6/7/2023 1:39 PM
3	Longer stay periods.	6/1/2023 8:17 AM
4	If you continue to allow short term rentals (PLEASE DON'T) then the owners should be taxed at least double for property and triple lodging tax	5/24/2023 3:20 PM
5	No	5/21/2023 2:21 PM
6	No	5/17/2023 5:49 PM
7	No	5/17/2023 2:38 PM
8	Absolutely none.	5/16/2023 10:38 PM
9	Asking for support from neighbors is important. Perhaps including house rules of rental for license application and neighbors would be helpful in determining f it is a good fit	5/16/2023 8:10 AM
10	None	5/15/2023 9:49 PM
11	The neighbors should all be supplied of the owners direct contacts and their rental company if applicable . Dogs need to always be required on leash if renters. I've walked by properties on Riverside Dr. Where rental property dogs have rush out and almost attacked me.	5/13/2023 9:02 AM
12	Perhaps a system wherein notifications sent to adjacent property owners via U.S. Mail have a signature requirement which is then checked off by the County as received. understand that this may be too expensive and a burden on staff's time, especially since thee has been no follow up on my neighbors licensing request from a January 2022 application.	5/12/2023 2:16 PM
13	Private access/driveway/bridge should be required, or approval from all others sharing the access.	5/12/2023 12:32 PM

Q15 Do you support or oppose this concept?

Answered: 17 Skipped: 12



ANSWER CHOICES	RESPONSES	
Support	58.82%	10
Oppose	41.18%	7
TOTAL		17

Q16 Do you think there are any specific instances where Short-Term Dwelling and Vacation Rentals should be required to implement wildfire mitigations more quickly?

Answered: 17 Skipped: 12

#	RESPONSES	DATE
1	Require wire standards immediately. Renters will be ignorant of the fire issues so we can't rely on them to be extra fire safe for a couple of years.	6/12/2023 6:05 PM
2	Yes, properties in higher fire danger areas should be certified before getting licenses.	6/11/2023 12:27 PM
3	We live in the foothills of Boulder County. We have been evacuated for fire many times. It would be great in the foothills to require more fire mitigations. Renters often seem unaware of fire danger in the area.	6/7/2023 1:42 PM
4	All instances should immediately comply.	6/1/2023 8:20 AM
5	No	5/29/2023 7:54 AM
6	two years is too long, 1 year is appropriate	5/24/2023 3:21 PM
7	Yes, when they are in the mountain communities	5/24/2023 12:56 PM
8	No	5/21/2023 2:56 PM
9	Wildfire mitigation is important for the community but has nothing to do with vacation rental. The regulations should target items that actually impact the safety of a home for a short term stay and there are few such items.	5/17/2023 5:53 PM
10	If there is a clear and present danger identified by qualified staff at the time of initial inspection, yes	5/17/2023 2:41 PM
11	Absolutely not. It is a proven fact that Wildfire Partners certification is IMPOSSIBLE under many circumstances for many homes (for a dozen reasons, including lack of foresters).	5/16/2023 10:43 PM
12	high forest fire areas, or flood plain	5/16/2023 8:14 AM
13	Not at all	5/15/2023 9:55 PM
14	Mountain locations would benefit from a quicker implementation of wildfire mitigation requirements	5/13/2023 1:20 PM
15	Yes. I think Wildfire Partners team should decide if a property appears to be at a greater fire risk and would deem it needing full certification sooner.	5/13/2023 9:09 AM
16	No	5/13/2023 2:00 AM
17	Yes. I imagine there must be sone properties tucked away in the trees that wouldn’t qualify for approved mitigation.	5/12/2023 2:20 PM

Q17 Would you support a re-certification requirement every six years? Why or why not?

Answered: 17 Skipped: 12

#	RESPONSES	DATE
1	Sure.	6/12/2023 6:05 PM
2	Yes, trees and brush grow.	6/11/2023 12:27 PM
3	Yes	6/7/2023 1:42 PM
4	Yes, just decertified myself.	6/1/2023 8:20 AM
5	Yes	5/29/2023 7:54 AM
6	every year	5/24/2023 3:21 PM
7	Yes, to confirm the mitigation work is ongoing	5/24/2023 12:56 PM
8	I'm on the fence, but am leaning more towards opposing it. I'm a strong advocate of the Wildfire Partner's program and I received my certification last October. However it was extemely labor intensive & expensive to complete. It took my partner and I two summers & autumns and 100s of hours each to complete. We did 90% of the work ourselves and it still cost more than $6,000.	5/21/2023 2:56 PM
9	No	5/17/2023 5:53 PM
10	Yes, makes sure fuels don’t build up where out of town guests might not understand the risks	5/17/2023 2:41 PM
11	Absolutely not. See above. Certification is impossible under many circumstances and is financially prohibitive in many others.	5/16/2023 10:43 PM
12	yes	5/16/2023 8:14 AM
13	Is this required of EVERY property owner of Boulder County? Should NOT be specific to vacation rental property owners.	5/15/2023 9:55 PM
14	No…mountain areas…@every three years	5/13/2023 1:20 PM
15	Yes.	5/13/2023 9:09 AM
16	Yes I would, as long as it continues to be free.	5/13/2023 2:00 AM
17	Yes, I support re-certification to protect renters from owners who only follow the rules initiall in order to receive a license.	5/12/2023 2:20 PM

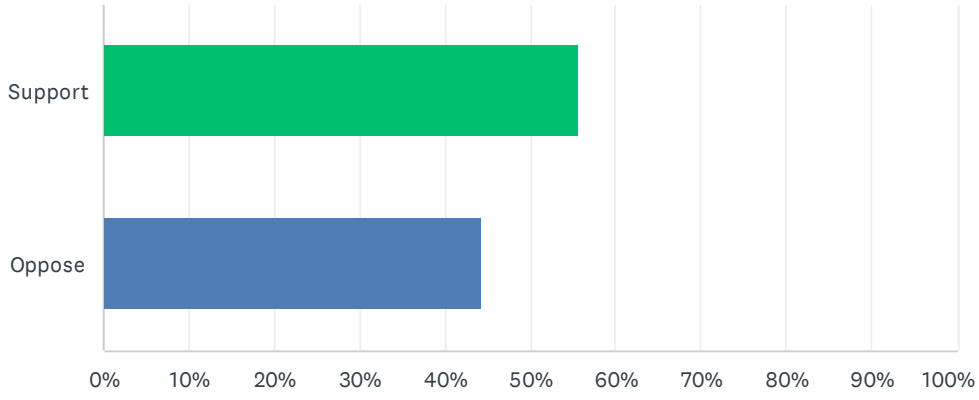
Q18 Are there any additional thoughts you would like to share about this concept?

Answered: 11 Skipped: 18

#	RESPONSES	DATE
1	It is a great concept!	6/7/2023 1:42 PM
2	100ft zone not large enough for effective fire control, especially when adjacent properties nearby.	6/1/2023 8:20 AM
3	Again I strongly support the Wildfire Mitigation Program, but feel VR applicant's are forced to shoulder the burden, which unfair. Also if we all are require to get our certification & stay in compliance, but our surrounding neighbors are not required to do any wildfire mitigation and have a lot of fire hazards on their property, unfortunately all our efforts are for naught. Also unfortunately, home insurance companies don't recognized the Certification as anything special, so don't even offer a discount if you complete the program. If this could happen, it would incentivize a lot more homeowners to mitigate & get their certification	5/21/2023 2:56 PM
4	Wildfire mitigation can be extremely burdensome. It’s not appropriate to ask someone to do it in exchange for a short term rental license. Instead the state (or County) should pay for it in all areas where it is a specific concern.	5/17/2023 5:53 PM
5	No	5/17/2023 2:41 PM
6	This was a "nuisance requirement" meant only to make STR licenses impossible to acquire, the county knew this perfectly well from the beginning, and this was the only reason for the requirement in the first place. Also, making Wildfire Partners a MANDATORY requirement, rather than a voluntary one, destroys the trust taxpayers have in the program and might be a violation of federal or state law (if the program accepts state or federal funds under the conditions that it is a voluntary program). Boulder County is probably violating state or federal law by including Wildfire Partners in a county licensing requirement.	5/16/2023 10:43 PM
7	Need to enforce this by a physical inspection of the property, whatever you decide. A verbal review does not seem sufficient	5/16/2023 8:14 AM
8	No	5/15/2023 9:55 PM
9	I think when we have a County fire ban STR owners need to communicate to their guests no cigarettes are to be allowed to be smoked outside. Many out of state guests do not understand our fire risk and need to be educated by the property owners	5/13/2023 9:09 AM
10	Having done the wildfire partners assessment I found it informative and helpful in protecting my property and reducing risk to the community.	5/13/2023 2:00 AM
11	no.	5/12/2023 2:20 PM

Q19 Do you support or oppose minimum night rental periods for all Short-Term Dwelling and Vacation Rental types?

Answered: 18 Skipped: 11



ANSWER CHOICES	RESPONSES	
Support	55.56%	10
Oppose	44.44%	8
TOTAL		18

Q20 What do you consider an appropriate minimum night rental period?

Answered: 18 Skipped: 11

#	RESPONSES	DATE
1	Probably a week to permit renters learning about fire.	6/12/2023 6:06 PM
2	2 or 3	6/11/2023 12:33 PM
3	At least two nights. One often hard and noisy part of renters next to your house is the transitions. Often, They are loud when they arrive and leave. You also have cleaners, etc. that come and go (and other handyman,etc). It really increases the traffic and commotion if they are switching constantly.	6/7/2023 1:53 PM
4	4-5 nights	6/1/2023 8:22 AM
5	2 nights	5/29/2023 7:55 AM
6	2. Anything more than 2 is unreasonable.	5/24/2023 6:50 PM
7	2	5/24/2023 12:57 PM
8	A 2 night minimum for STRs & VRs is sufficient, but nothing more. A lot of nightly rental business (especially in off seasons), occurs on the weekends.	5/21/2023 3:31 PM
9	Let the rental market figure it out. This smells like overregulation. Most landlords will want a minimum rental period anyway without the County forcing it on people	5/17/2023 6:00 PM
10	2 nights	5/17/2023 2:44 PM
11	No minimum is needed. If absolutely necessary, two.	5/16/2023 10:47 PM
12	this varies by property	5/16/2023 8:16 AM
13	The practical side of managing a vacation rental encourages longer minimums (less cleaning and maintenance, etc)	5/15/2023 10:01 PM
14	No minimum	5/13/2023 1:26 PM
15	2.	5/13/2023 9:14 AM
16	1 night is appropriate for most properties that are also appropriate for short term rentals. I think min day use does not substantially change things for rental	5/13/2023 2:04 AM
17	Two nights	5/12/2023 2:25 PM
18	at least 2, preferably 3	5/12/2023 12:36 PM

Q21 Do you have any additional thoughts about how predictability around the level of use can be provided to residents living near Short-Term Dwelling or Vacation Rentals?

Answered: 11 Skipped: 18

#	RESPONSES	DATE
1	restrict # of total rental nights per month depending on area for all rental types	6/11/2023 12:33 PM
2	I think communication to the neighbors would help. I also think that more enforcement would help.	6/7/2023 1:53 PM
3	Don't allow them! Create a system to allow complaints without the complainer having to identify themselves.	6/1/2023 8:22 AM
4	All these regulations, money needed to pay staff, etc could be avoided if you BAN SHORT TERM RENTALS	5/24/2023 3:22 PM
5	The number of nights allowed and the minimum number of nights allowed again is a misunderstood concept. First, Covid proved nothing is typical to predict with use anymore. However, pre_Covid to present, (if lucky), with the more established nightly rental homes, probably had/have a 40% - 70% occupancy rate. This year levels are reverting back to pre-Covid times. So in days (and with no restrictions in place), on the high side, the home maybe occupied 255 nights/year, which means it is unoccupied for approx 3 and a half months, more than a quarter of the year. On the low side, the home is only occupied 146 nights/year, which means it is unoccupied for 7 months, more than half the year. These numbers are the reality & are NOT very impactful. What is predictable with nightly rental use, is there is a lot of down time most of the year. Summer/autumn (June 1 - Oct 15) are the busiest months and considered high season.	5/21/2023 3:31 PM
6	Residents living near vacation rentals are not owed any assured predictability about their neighbors' property use. Not sure why the County would even consider this.	5/17/2023 6:00 PM
7	Public and up to date direct contact for the STR so APOs can easily get in touch if problems arise	5/17/2023 2:44 PM
8	None necessary. Obviously.	5/16/2023 10:47 PM
9	No comment	5/15/2023 10:01 PM
10	The owner of the STR is responsible for communicating with all its neighbors.	5/13/2023 9:14 AM
11	Perhaps a cap on total number of rental nights per year.	5/12/2023 2:25 PM

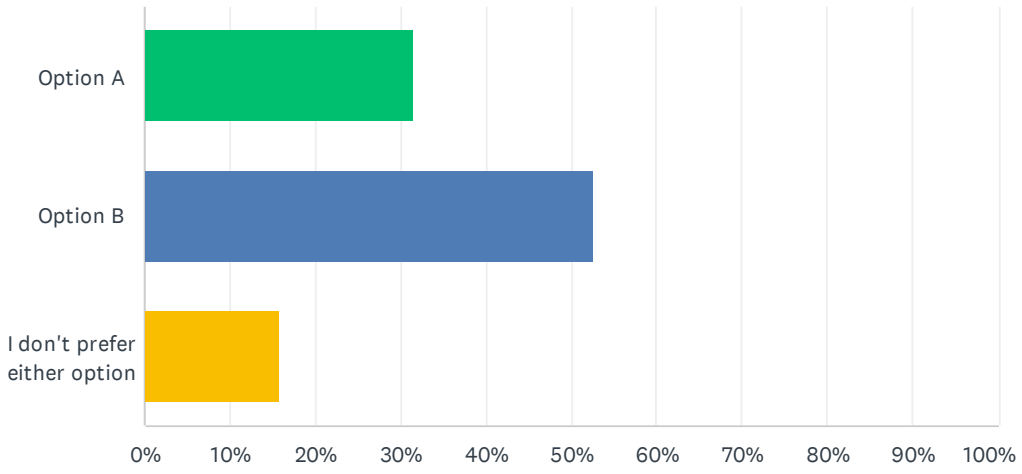
Q22 Is there a level of use that you think is acceptable in your area?

Answered: 13 Skipped: 16

#	RESPONSES	DATE
1	Almost zero. Should not be a business.	6/12/2023 6:06 PM
2	We live in the foothills on Olde Stage. We feel that long term rentals are the only appropriate rental in the area. The short term renters often are loud (in an otherwise very quiet area), they have left trash in the driveway and yard which attracts the bears/wildlife to eat. They sometimes have fires on the deck or smoke outside which is worrisome with the fire danger. By the time they are beginning to be educated about the area they are gone. Neighbors will often stop by and mention not leaving trash out, etc. A long term renter might at least take the time to understand what is special about the area and what the community is trying to preserve. They might educate themselves on fire/wildlife/etc.	6/7/2023 1:53 PM
3	One	6/1/2023 8:22 AM
4	Again a 2 night minimum is acceptable.	5/21/2023 3:31 PM
5	Most vacation rentals are used as single family homes by families renting them, so this isn't really a problem. But if renters have a party at a rented home then neighbors can call the police.	5/17/2023 6:00 PM
6	I'd prefer longterm rentals to STRs but don't think they are necessarily a problem either	5/17/2023 2:44 PM
7	OMG, this is a really stupid, nonsensical question that suggests that, once again, Boulder County is acting in bad faith. It is impossible to define the terms "level of use," "acceptable," and "your area." It strongly suggests that you are merely fishing for any angry comments by NIMBY types to use to justify regulations when none are appropriate or necessary.	5/16/2023 10:47 PM
8	very hard to say as so dependent on the renter	5/16/2023 8:16 AM
9	No comment	5/15/2023 10:01 PM
10	As long as the neighborhood's quality of life is respected, level of use shouldn't be restricted.	5/13/2023 1:26 PM
11	In the mountains of Colorado the season is usually Mid April- October. Then the harsh winter sets in .	5/13/2023 9:14 AM
12	365 days a year is completely acceptable if there is sufficient acreage for the property. The larger the property the less likely neighbors will be in any way affected. I recommend 5acres for blanket approval and over an acre with maybe some different considerations	5/13/2023 2:04 AM
13	100 nights per year maximum for secondary STR property	5/12/2023 2:25 PM

Q23 Do you prefer one of these options over the other?

Answered: 19 Skipped: 10



ANSWER CHOICES	RESPONSES	
Option A	31.58%	6
Option B	52.63%	10
I don't prefer either option	15.79%	3
TOTAL		19

Q24 If you prefer one option over the other, please describe why that is your preference. If you don't prefer either option, please explain why that is the case.

Answered: 17 Skipped: 12

#	RESPONSES	DATE
1	This should be much shorter. It should be expressed as nights per month. 180 nights per year is aa full summer in the mountains -- that is every rentable night. I might tolerate 10 nights per month.	6/12/2023 6:08 PM
2	Prefer limit of 30 nights per year for all types to reduce impact on neighborhood. 180 nights is more than 6 months of days, and folks who thought they were living in a residential neighborhood should not be subjected to that much.	6/11/2023 12:39 PM
3	Many people who own short term rentals are doing it to make money (or so it seems). They will rent to the maximum number of nights. Having a max number the community knows what to expect and can be assured that it won't be every night of the year. It takes some of the anxiety/stress off surrounding homes.	6/7/2023 1:58 PM
4	Number of nights reduced to 69 max.	6/1/2023 8:24 AM
5	Owners should decide what they want t do with theier property	5/29/2023 7:57 AM
6	limit it to 30 days/ year for current permited properites. STOP commodifying housing!!!	5/24/2023 3:24 PM
7	Reduce impact on neighbors	5/24/2023 12:58 PM
8	To reiterate from the previous questions.... It is important to understand that no matter what number of nights are allowed, the home NEVER rents a total of that amount. There is always downtime for maintenance, sometimes cleaning turnover, owner occupancy and slow seasons. The high season runs from June 1 - Oct 15. April and May are very, very slow months. This year I only had 5 nights booked for the whole month of April and only 12 nights for May. It can't be overstated enough.... occupancy rates aren't as high as people preceive them to be. A rental that has been approved for 356 nights will NEVER be occupied every night of the year. The number of nights per year should be at the owner's discretion.	5/21/2023 3:34 PM
9	Less regulation and easier in the County to not have to enforce a rental number that would be hard to track.	5/17/2023 6:01 PM
10	Option B makes enforcement easier	5/17/2023 2:48 PM
11	STRs have been operating for nearly 100 years without any problems -- ONLY isolated, unverified, and possibly fabricated complaints from selfish NIMBY types. No regulation of any kind is required.	5/16/2023 10:48 PM
12	if the rentals owner lives on the property, it should be decided by the owner. If the owner does not live on property it should be limited	5/16/2023 8:20 AM
13	Each property owners financial need is different and their motives are different. Some need the income to pay taxes, insurance, upkeep to keep property in family names for 3-4 generations. Some need the income for retirement supplement. Some need the income to afford keeping a loved one out of a long term facility and care then at home.	5/15/2023 10:06 PM
14	Whether it’s 180 days or, for instance, 250 days, it makes no difference.	5/13/2023 1:30 PM
15	It’s over regulation for the county to limit the nights per year. That will not help with housing problem . And it will decrease the lodging taxes the state and county receive. Boulder County doesn’t impose that regulation on hotels.	5/13/2023 9:18 AM
16	Option B. It should be completely up to the owner what they do with their property. STR's have a positive financial impact community wide and allow owners to keep and maintain their property.	5/13/2023 2:07 AM

17	I think a stricter limit on rental nights is appropriate is appropriate for rentals adjacent to full time residents.	5/12/2023 2:32 PM

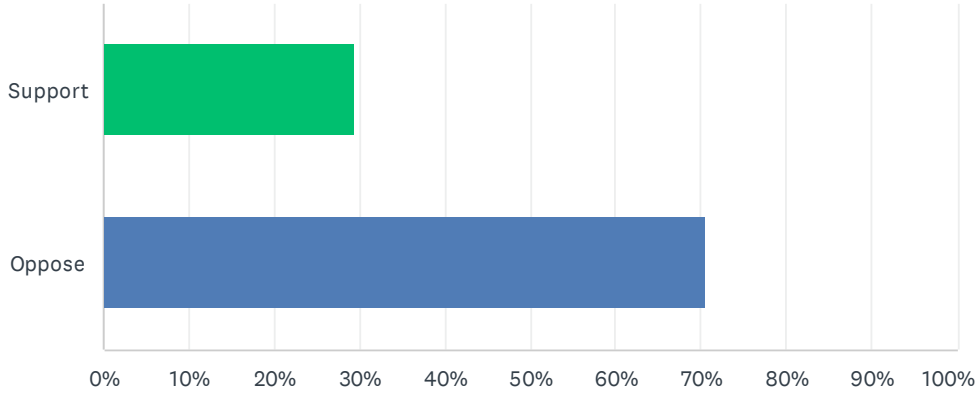
Q25 Do you have any thoughts about providing owners with the discretion to determine the total nights per year a Short-Term Dwelling or Vacation Rental can be rented?

Answered: 13 Skipped: 16

#	RESPONSES	DATE
1	Should never happen.	6/11/2023 12:39 PM
2	I think the majority of owners would rent the maximum number of nights possible. The community would have no idea what the year might look like in their neighborhood. They might have rentals every night or once in a while.	6/7/2023 1:58 PM
3	Shouldn’t allow.	6/1/2023 8:24 AM
4	There was absolutely no mention in this meeting of the benefits of STRs/vacation rentals to small mountain communities that may otherwise vacant housing stock. ie, people frequenting and supporting local businesses as a direct result of staying at STRs/vacation rentals.	5/24/2023 6:50 PM
5	I disagree with allowing them discretion	5/24/2023 12:58 PM
6	no	5/21/2023 3:34 PM
7	Tourist season and costs of keeping a mountain home open year round will mostly dictate nights rented in our area (Allenspark)	5/17/2023 2:48 PM
8	These are private homes and private property. Any county infringement on property rights is almost certainly illegal under the U.S. Constitution.	5/16/2023 10:48 PM
9	if the rentals owner lives on the property, it should be decided by the owner. If the owner does not live on property it should be limited	5/16/2023 8:20 AM
10	See previous answer	5/15/2023 10:06 PM
11	It takes a lot of work to run a STR. Review feedbacks are a lot of pressure on owners anyways to get guests. That “ self regulation” is already in effect	5/13/2023 9:18 AM
12	I think owners should absolutely be allowed to set their own number of days they prefer to rent. Rental periods can be seasonal and also it's unrealistic to think a rental will have 100% occupancy...therefore limiting an owner is unessisary and adds administrative burden.	5/13/2023 2:07 AM
13	If an owner is in compliance with regulations, I think they should be able to maximize the use of their property.	5/12/2023 2:32 PM

Q26 Do you support or oppose this concept?

Answered: 17 Skipped: 12



ANSWER CHOICES	RESPONSES	
Support	29.41%	5
Oppose	70.59%	12
TOTAL		17

Q27 What are your thoughts on providing a certain allocation of bookings to be used at an owner's discretion?

Answered: 14 Skipped: 15

#	RESPONSES	DATE
1	My neighbors just switched web sites. That could complicate trying to use this. I doubt the web sites hav enough staff to adequately police this.	6/12/2023 6:10 PM
2	12 bookings per year or 30 maximum rental nights total per year, whichever is less.	6/11/2023 12:42 PM
3	I think this is a really interesting concept. In theory it sounds like it could be an intestine way to manage rentals. I think the hard part would be tracking. Then, also the surrounding community does not know what the allotments look like and are not sure what to expect in their communities.	6/7/2023 2:01 PM
4	Doesn’t work from a neighbors point of view.	6/1/2023 8:24 AM
5	This proposal is an awful, authoritative idea.	5/21/2023 3:42 PM
6	It seems complicated to administer. The county should just make this a very simple process and only get involved when there are egregious problems.	5/17/2023 6:03 PM
7	I like this idea, but wonder if BoCo has the staff to enforce it and how much STR operators will adhere to it	5/17/2023 2:52 PM
8	Among a dozen other reasons, absolutely impossible to enforce.	5/16/2023 10:49 PM
9	too much to manage. I don't see this being helpful	5/16/2023 8:22 AM
10	Allocation of bookings should not be a consideration.	5/15/2023 10:09 PM
11	Too much of an imposition on the homeowners	5/13/2023 1:31 PM
12	County over reach . County over regulation.	5/13/2023 9:21 AM
13	Creating an allotment creates unneeded administrative bookkeeping and complexity. Also bookings can be unpredictable, this also adds another layer of privacy concerns into the business activities of the STR owner. I oppose this measure.	5/13/2023 2:09 AM
14	If an owner is in compliance with regulations, they should be able to maximize the use of their property.	5/12/2023 2:36 PM

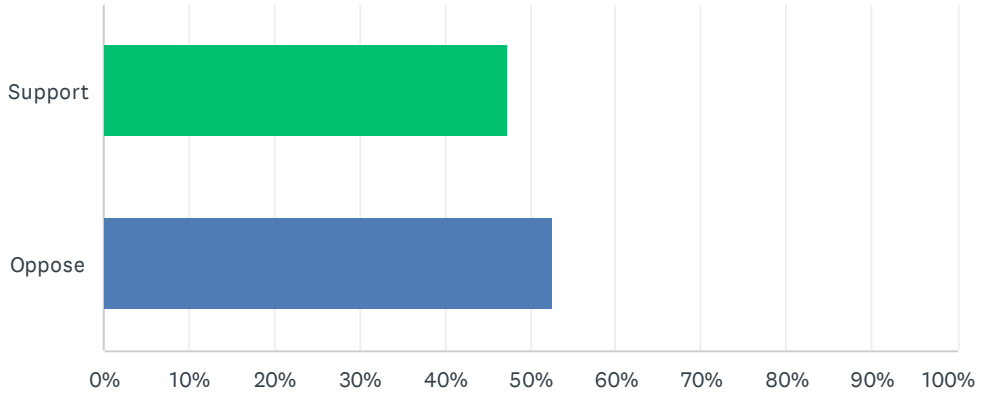
Q28 Are there any additional thoughts regarding this concept that you would like to share?

Answered: 9 Skipped: 20

#	RESPONSES	DATE
1	Impractical	6/12/2023 6:10 PM
2	This might be something that is really hard to keep a hold of. It seems like lots of different details to track and lots of variables.	6/7/2023 2:01 PM
3	There was absolutely no mention in this meeting of the benefits of STRs/vacation rentals to small mountain communities that may otherwise vacant housing stock. ie, people frequenting and supporting local businesses as a direct result of staying at STRs/vacation rentals.	5/24/2023 6:50 PM
4	Again the narrative must change and be data based, not complied on a concept of impact that does not exist. This proposal reverts back to more of the previous unnecessary, draconian & convoluted requirements. This is the antithesis of trying to streamline a process for both the applicant and County planning staff.	5/21/2023 3:42 PM
5	No	5/17/2023 2:52 PM
6	Stupid, stupid, stupid, STUPID idea.	5/16/2023 10:49 PM
7	To share thoughts from the founding fathers “the government that governs least, governs best”	5/15/2023 10:09 PM
8	As an owner I already strive for longer booking as it makes me a better host and a better experience for guests . I don’t feel more regulations that the county can’t enforce is useful,	5/13/2023 9:21 AM
9	No.	5/12/2023 2:36 PM

Q29 Do you support or oppose occupancy requirements for Primary Dwelling Short-Term Rentals?

Answered: 19 Skipped: 10



ANSWER CHOICES	RESPONSES	
Support	47.37%	9
Oppose	52.63%	10
TOTAL		19

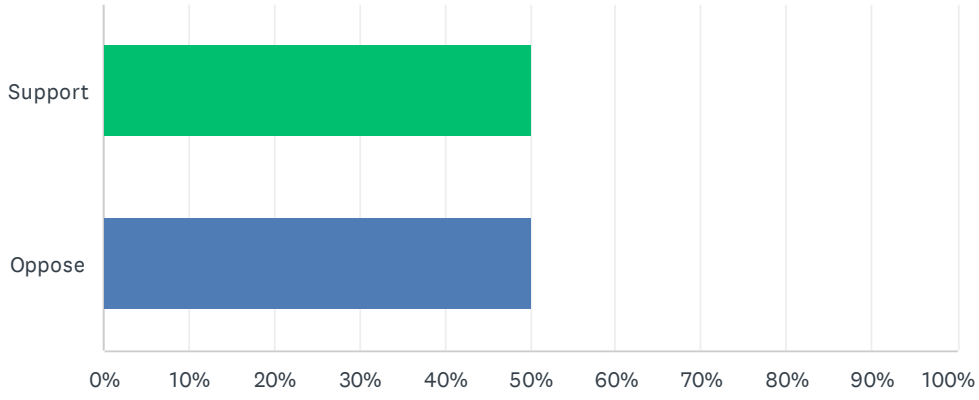
Q30 Are there any specific reasons you support or oppose occupancy requirements?

Answered: 13 Skipped: 16

#	RESPONSES	DATE
1	Owner occupied will control responsible use of the unit.	6/12/2023 6:11 PM
2	The owner should be present during the rental to oversee that rules are followed by renters.	6/11/2023 12:48 PM
3	I strongly support this. We are currently living next to a primary short term rental. When the owners rent it, they leave the state and go to their other residence. They have never been present in the house when it has been rented. This creates a free for all feeling with the rental. No one is managing the day to day issues like noise, trash (leaving it out for bears, etc.), fire danger, compliance, etc. Unless we call the owners and alert them to something happening on their property they generally have no idea. They have a person (property manager) who checks in on the house in between renters but not while they are there. We also have to alert the owner or property manager if renters are not following the rules (parties at the house, loud renters, accidents on property). This creates a stressful situation for all and puts a strain on the relationship of neighbors. If the owner were at the house many of these things would not be an issue. Most likely renters would not be on the deck on a weeknight being loud. The owner would watch out for things like fire safety and items left on the property because they would be there.	6/7/2023 2:18 PM
4	Stability and civil behavior of visitors.	6/1/2023 8:38 AM
5	Some owners may choose to rent out their whole primary residence when they go on vacation or stay somewhere else	5/29/2023 8:02 AM
6	People have all different lives. Sometimes a person will move overseas for a year or two and then come home. They should be able to rent their home for as long or short as they like, as long as it is their primary residence. Many people need another source of income, and renting their house on the weekends or a room in their house long or short term is a great way to create community and improve living standards for everyone.	5/24/2023 6:50 PM
7	I oppose this option for several reasons: . This is counterproductive to helping provide a primary resident with supplemental income. If an owner needs to travel for work, family concerns, personal or family illnesses, or pleasure, it should be their prerogative to have short term guests occupy their home during their absence. Very few people want to share their home with a stranger and vice versa. . Forcing an owner to occupy their home while renting it, limits the type of guest who can/will stay & also ultimately reduces the owner's ability to rent, thus preventing their home from generating a viable supplemental income. . It will also preclude a family from being the renting guests, which is more typical in the mountain areas, especially in the summer.	5/21/2023 3:53 PM
8	Longterm residents (renter or owner) care more about the property, neighborhood, and community than STR occupants	5/17/2023 3:14 PM
9	This is a particularly foolish idea. In many -- probably the majority of the case in many areas - these are second homes that are historically vacant much of the year.	5/16/2023 10:54 PM
10	Private property owners can make that decision on their own. No regulation needed!	5/15/2023 10:16 PM
11	Again, I don't think that this is a good strategy for promoting housing stock. Owners could just as easily leave a property vacant and this infringes on an owners rights to manage their property as they see fit	5/13/2023 2:12 AM
12	It seems like a way for investors to buy up property and have a work-around to call it owner occupied when it’s not.	5/12/2023 2:43 PM
13	Primary Dwelling STR next door to me has never been the residence of the owner. Primary Dwelling is currently meaningless.	5/12/2023 12:42 PM

Q31 Would you support or oppose allowing a Primary Dwelling Short-Term Rental to be occupied by someone other than the owner?

Answered: 18 Skipped: 11



ANSWER CHOICES	RESPONSES	
Support	50.00%	9
Oppose	50.00%	9
TOTAL		18

Q32 Why or why not?

Answered: 14 Skipped: 15

#	RESPONSES	DATE
1	Won't be able to find trustworthy people. We already require a manager within 1 hour.	6/12/2023 6:11 PM
2	No, unless there was a vetting program to make sure the someone was qualified and responsible, and a long term (6 months or more) resident of the property.	6/11/2023 12:48 PM
3	I am actually unsure on this. I would love to know more. Maybe?	6/7/2023 2:18 PM
4	Actually it may work but preference is the actual owner.	6/1/2023 8:38 AM
5	only primary residences should be considered differently from other short term rentals. Second homes, secondary properties etc should be considered differently from someone's primary residence.	5/24/2023 6:50 PM
6	Just say NO TO SHORT TERM RENTALS	5/24/2023 3:27 PM
7	It shouldn't matter who's occupying the home (owner or long term tenant), or even if the home remains unoccupied for 6 months a year, as long as the homeowner doesn't exceed their allowed 180 STR nights.	5/21/2023 3:53 PM
8	Longterm investment in a property can come from a renter rather than owner	5/17/2023 3:14 PM
9	These are private homes, people. Let the owners do with them as they please.	5/16/2023 10:54 PM
10	Many families are experiencing generational circumstances that require family members other than “owners” to take advantage of these properties. This is to be a decision made by the private property owners.	5/15/2023 10:16 PM
11	Yep. As long as all the neighbors have the direct contacts of all the parties involved in case there are issues .	5/13/2023 9:23 AM
12	Allowing rental tenants to rent to STR I think promotes additional negligence as a renter may have less "skin the in game"	5/13/2023 2:12 AM
13	It seems like a way for investors to buy up property and have a work-around to call it owner occupied when it’s not.	5/12/2023 2:43 PM
14	Question 30 is unclear to me. I support requiring the owner to actually live in the property if it is a Primary Dwelling. Alternatively, a long term renter would be fine	5/12/2023 12:42 PM

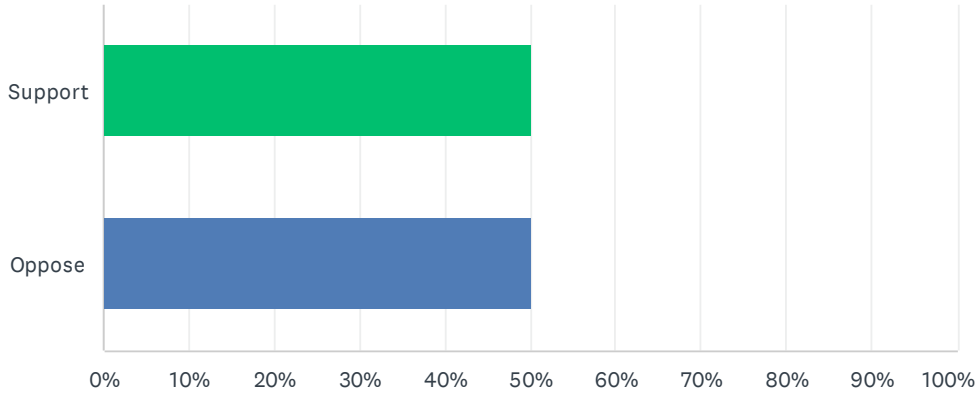
Q33 Are there any additional thoughts regarding these concepts that you would like to share?

Answered: 7 Skipped: 22

#	RESPONSES	DATE
1	We have been amazed at way these un-occupied rentals can affect the community. With little to no oversight, it is the surrounding community that takes the hit. We also feel like it has devalued our property.	6/7/2023 2:18 PM
2	There is an incorrect belief that a long term tenant doesn't impact a home or neighborhood and doesn't pose any safety risks. There's also a belief that a neighbor has no recourse to address a problem STR guest, but can address a problem long term tenant. This is ridiculous.... for example, if a guests is having a party or being too loud late at night, they should call the sheriff, just as they would do if a long term tenant's occupying the home was doing the same. I have both a long term rental and a short term rental. My short term guests have never damaged my property or caused a potential neigborhood hazard. Many short term travelers own their own homes, are very respectful and have treated my home & property like their own. However, some of my long term tenants have done questionable things, like leaving a pot lid in the oven (that melted the plastic knob), or leaving their garabage in a shed, (when specificly informed not to do so), which in turn attracted a bear who ripped my shed apart & caused extensive damage. The bear also became a frequent neighborhood nusiance that summer. It is a fallacy to believe having a long term tenant occupy your home guarantees safety measures are followed with no risks and respect for other neighbors and the neighborhood are obliged.	5/21/2023 3:53 PM
3	I'd recommend getting rid of multiple categories of short term rentals. The County should focus on simplicity and ease of regulation	5/17/2023 6:04 PM
4	Good idea!	5/17/2023 3:14 PM
5	OMG why in the name of Jesus and the Almighty are you making all of this so massively and unnecessarily complicated? Your rules are already -- by far -- the most complicated in the entire United States. Don't you people have ANYTHING BETTER TO DO??? This is NOT A PROBLEM THAT NEEDS A HEAVY-HANDED GOVERNMENT FIX!!!	5/16/2023 10:54 PM
6	No	5/15/2023 10:16 PM
7	No. My answers to Numbers 29 and 31 clearly statemy viewpoint.	5/12/2023 2:43 PM

Q34 Would you support or oppose a two percent (2 %) tax for Short-Term Dwelling and Vacation Rentals?

Answered: 18 Skipped: 11



ANSWER CHOICES	RESPONSES	
Support	50.00%	9
Oppose	50.00%	9
TOTAL		18

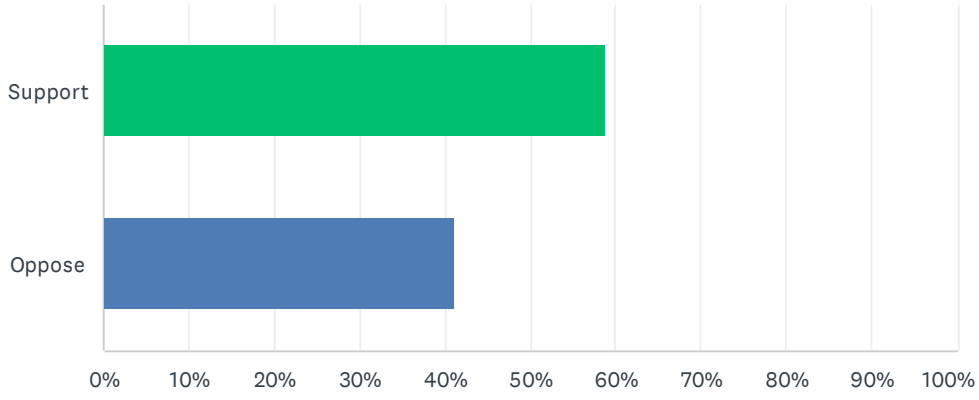
Q35 Are there any additional thoughts about taxing Short-Term Dwelling or Vacation Rentals that you would like to share?

Answered: 14 Skipped: 15

#	RESPONSES	DATE
1	We need a tax to make sure the cost of our staff supervision is fully covered. Rentals should not cost the county.	6/12/2023 6:12 PM
2	No tax. Taxing reduces income for those who need to rent to stay in their home. Taxing increases potential incentive for government to increase # or reduce requirements of short term rentals in order to bring in more revenue.	6/11/2023 12:50 PM
3	Skin in the game, baby! :) I think if the property owners are going to use our community to make money they should give back to the community in some way.	6/7/2023 2:20 PM
4	Tax but should be higher commercial rate for equity with @real@ businesses having to pay such rates. And the financial impact might lower the number of STRs with real economics kicking in.	6/1/2023 8:40 AM
5	There was absolutely no mention in this meeting of the benefits of STRs/vacation rentals to small mountain communities that may otherwise vacant housing stock. ie, people frequenting and supporting local businesses as a direct result of staying at STRs/vacation rentals.	5/24/2023 6:50 PM
6	the tax should be MUCH greater, say at least 25%	5/24/2023 3:27 PM
7	STRs & VRs already pay sales tax. In my area I'm subject to a 4.985% sales/lodging tax for every booking. I strongly oppose an additional 2% tax on top of that. However, I would support reallocating a portion of the 4.985% tax to go towards all the above mentioned things. Ultimately though, I think a 2% tax levy should be imposed on the multi-million/billion dollar hotels corporations & motels. Homeowners (many who struggle to pay their mortgages) should not be forced to carry tourism short fall housing related issues (or any other housing shortfalls) on our backs. As stated earlier, the STRs & VRs in unincorporated Boulder County account for less than a half of 1 percent of housing stock and are not the reason housing costs in Boulder County are 152% higher than the national average.	5/21/2023 3:54 PM
8	Short term rentals already add a lot of business to the county in terms of tourism, jobs, etc….	5/17/2023 6:06 PM
9	Support workers and their families!	5/17/2023 3:14 PM
10	1) Any and all STR income is already taxed as ordinary income (real estate gain/loss). 2) The county would find this impossible to enforce. 3) Any enforcement efforts would certainly cost more than any tax income to the county. 4) Running an STR is so expensive that, after management fees, upkeep, maintenance, expenses, and BOULDER COUNTY PROPERTY TAXES, most only break even, at best. There probably isn't any serious money here anyway.	5/16/2023 10:57 PM
11	Everywhere a person can look new construction is being built. Every one of these new properties is providing an ever increasing tax base without creating a single new one or increasing anyone’s taxes beyond the current rates. We actually have a question for whosoever is involved in appropriating these monies - where is there accountability back to the taxpayer for all of this extensive tax base increases??	5/15/2023 10:22 PM
12	VRBO already collects and remits the lodging , culture, transportation taxes and remits them to the State of Colorado to be dispersed accordingly it would be truest unfair and unjust to tax STR owners more than the large corporate hotels have to pay in lodging taxes.	5/13/2023 9:26 AM
13	Additional taxes could also help promote affordable housing by funding development and affordable housing projects.	5/13/2023 2:13 AM
14	I would support this ONLY IF the minimum total revenue be used as required and the remander used for enforcement of regulations.	5/12/2023 2:45 PM

Q36 Would you support or oppose fines for booking platforms that advertise unlicensed Short-Term Dwelling and Vacation Rentals?

Answered: 17 Skipped: 12



ANSWER CHOICES	RESPONSES	
Support	58.82%	10
Oppose	41.18%	7
TOTAL		17

Q37 Why do you support or oppose this concept?

Answered: 14 Skipped: 15

#	RESPONSES	DATE
1	It's okay, but probably unlreliable.	6/12/2023 6:13 PM
2	I think it is a good idea in general.	6/7/2023 2:20 PM
3	Too much government	5/29/2023 8:03 AM
4	Enforcement must be a priority	5/24/2023 1:01 PM
5	This is more goverment overreach	5/21/2023 4:01 PM
6	Historically the county has been awful on licensing vacation rentals, with people waiting for years to get approved. If the county actually were to have a fair and efficient process then stronger enforcement could follow. But the county needs to build the infrastructure of fair and efficient rules before ramping up enforcement. Also enforcement is more important for behavior that actually causes harm to the community. Unlicensed vacation rentals are the least of the county's problems.	5/17/2023 6:09 PM
7	Put the responsibility on the platform more so than staff	5/17/2023 3:26 PM
8	Impossible to enforce, and will engender even more hostility and antagonism between the county and the taxpayers than already exists (and there is LOT now).	5/16/2023 11:00 PM
9	The fines should be increased and paid by owner	5/16/2023 8:28 AM
10	We are opposed to all third party watchdogs paid for by our tax dollars. We personally know individuals who would gladly accept payments to watch other members of the community differently than their " good buddies" because of politics. This is extremely discriminatory. A quote we have learned of for example that came from early meetings specifically on these regulations was "we need to make these as expensive as we can on vacation rental property owners". This particular individual has made it his life long passion to involve himself in every building project requiring special review always to the detriment of the project. Again extremely discriminatory!	5/15/2023 10:32 PM
11	If Boulder County is going to take all this time to make this code then enforce it.	5/13/2023 9:29 AM
12	I oppose this measure as STRs have not posed a problem to date, and is consumptive of county resources as I understand to date there has been very limited law enforcement engagement due to problematic STRs. To date there is minimal negative outcome of STR's. I think the county should only focus on the traditional complaint based function, that's typical for zoning enforcement currently throughout the county. Active enforcement is a waste of resources, promotes negative externalities and pressures unessisary to the process	5/13/2023 2:18 AM
13	I'd support that only because it should cause verification and enforcement of regulations sooner.	5/12/2023 2:50 PM
14	The licensing is meaningless if not enforced.	5/12/2023 12:43 PM

Q38 Are there any additional thoughts related to this concept that you would like to share?

Answered: 10 Skipped: 19

#	RESPONSES	DATE
1	Bureoucracy.	6/12/2023 6:13 PM
2	i don't think there are enough affordable short and long term rentals in Boulder County. Staff should explore ways to EXPAND accessory dwelling units and rental licenses, not restrict them.	5/24/2023 6:51 PM
3	There was absolutely no mention in this meeting of the benefits of STRs/vacation rentals to small mountain communities that may otherwise vacant housing stock. ie, people frequenting and supporting local businesses as a direct result of staying at STRs/vacation rentals.	5/24/2023 6:51 PM
4	If you BAN short term rentals, you don't have to be concerned about ENFORCEMENT!!	5/24/2023 3:28 PM
5	Please use hard numbers and data. Once again, as of January 2023, less than half of 1 percent of housing stock are nightly rentals in our area and have very little impact on neighborhoods. I would like to propose a 10th concept to be addressed in the feedback session: Allowing an individual to be a sole owner of one VR and a partial owner of another family owned VR Thank you!	5/21/2023 4:01 PM
6	No	5/17/2023 3:26 PM
7	This is a dangerous idea. Colorado is swarming with armed citizens who are extremely suspicious of government at every level and very protective of their homes and property rights. If the county isn't careful, enforcement could get someone hurt or killed. It just isn't worth it.	5/16/2023 11:00 PM
8	No	5/15/2023 10:32 PM
9	As far as I can tell Boulder County spends lots of time paying staff to make code to torture its long term citizens .	5/13/2023 9:29 AM
10	I’d hate to see this requirement make pre-mature approval of licenses because staff is overwhelmed.	5/12/2023 2:50 PM

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Kathy Gissel, Permit & License Operations Manager
Martin Laws, Planning Manager for Code Compliance & Public Information
Ethan Abner, Long Range Planner I
DATE: September 1, 2023
RE: Docket DC-23-0001

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

Request: Text Amendments to the Boulder County Land Use Code and an update to Licensing Ordinance 2020-01 related to Short-Term and Vacation Rental Uses.

Dear Referral Agency, Stakeholder, or Interested Party,

On March 14, 2023, the Board of County Commissioners (BOCC) authorized Community Planning & Permitting staff to pursue text amendments to the Short-Term Dwelling and Vacation Rental provisions in Article 4-507.E, 4-516.X, and 4-516.Y of the Boulder County Land Use Code ("the Code").

The existing use provisions for Short-Term Dwelling and Vacation Rentals were created in 2008 as part of DC-07-0002 and updated in 2020 as part of DC-19-0005. As a result of the county's Short-Term and Vacation Rentals Two-Year Review—which was required as part of DC-19-0005 and completed in January 2023—the BOCC directed staff to consider amendments to the existing regulations and updates to the licensing ordinance. Specifically, staff were directed to explore options that would improve the predictability of outcomes for Short-Term Dwelling and Vacation Rental applications, streamline the existing review process, and reduce discretion in the current process. Staff have also received input from members of the public about the current regulations, their experiences with the existing review processes, and recommendations for potential changes. As a result, staff proposes the attached Text Amendments for the Short-Term Dwelling and Vacation Rental uses. Staff is simultaneously working on licensing regulations for Short-Term Dwelling and Vacation Rentals that complement the proposed changes to the Land Use Code.

Electronic Attachments:

- Summary of Proposed Changes
- Draft Land Use Code Text Amendments
- Draft Licensing Ordinance

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_____ We have reviewed the proposal and have no conflicts.
_____ Letter is enclosed.

Signed _____ Printed Name: _____

Agency or Address _____

Date _____

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_____ Letter is enclosed.

Signed [signature] Printed Name: Steven T. Pischke

Agency or Address Lyons Fire

Date 09 04 2023

From:	Northrup, Elizabeth (Liz)
To:	Abner, Ethan
Cc:	Carden, Timothy
Subject:	RE: Referral Packet for DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals
Date:	Wednesday, September 6, 2023 4:25:04 PM
Attachments:	image001.png image002.png

Hi Ethan,

I wanted to reach back out to you about DC-23-0001. Thanks for answering my initial questions about this update. I reviewed the draft language and the Conservation Easement Program does not have any concerns with the changes as proposed. We support our continued reference in Section 4 of the licensing ordinance so that the Conservation Easement Program can be consulted when conservation easement landowners are pursuing a Vacation Rental license, as Lodging Uses are often prohibited by conservation easements.

Thanks for the opportunity to review and comment on this code update,
Liz

Liz Northrup | Conservation Easement Program Supervisor
she/her/hers
Boulder County Parks & Open Space
5201 St. Vrain Road
Longmont, CO 80503
303-678-6253 (office)
enorthrup@bouldercounty.gov
Boulder County Open Space Website

New: Boulder County has a new website: BoulderCounty.gov! Bookmark it today. Email addresses will transition at a later date.
Nuevo: ¡El condado de Boulder tiene un nuevo sitio web: BoulderCounty.gov! Márcalo hoy. Los correos electrónicos harán la transición en una fecha posterior.

From: Morgan, Heather <hmorgan@bouldercounty.gov>
Sent: Friday, September 1, 2023 11:39 AM
To: Flax, Ron <rflax@bouldercounty.gov>; Historic <historic@bouldercounty.gov>; #WildfireMitigation <WildfireMitigation@bouldercounty.org>; Floodplain Admin <floodplainadmin@bouldercounty.gov>; Transportation Development Review <TransDevReview@bouldercounty.gov>; Northrup, Elizabeth (Liz) <enorthrup@bouldercounty.gov>; West, Ron <rowest@bouldercounty.gov>; #CEreferral <CEreferral@bouldercounty.gov>;

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Kathy Gissel, Permit & License Operations Manager
Martin Laws, Planning Manager for Code Compliance & Public Information
Ethan Abner, Long Range Planner I
DATE: September 1, 2023
RE: Docket DC-23-0001

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

Request: Text Amendments to the Boulder County Land Use Code and an update to Licensing Ordinance 2020-01 related to Short-Term and Vacation Rental Uses.

Dear Referral Agency, Stakeholder, or Interested Party,

On March 14, 2023, the Board of County Commissioners (BOCC) authorized Community Planning & Permitting staff to pursue text amendments to the Short-Term Dwelling and Vacation Rental provisions in Article 4-507.E, 4-516.X, and 4-516.Y of the Boulder County Land Use Code ("the Code").

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X We have reviewed the proposal and have no conflicts.
_____ Letter is enclosed.

Signed Kelly Driscoll Printed Name: Kelly Driscoll, Principal Planner

Agency or Address Town of Erie

Date 9/6/2023

Boulder County
Community Planning & Permitting
Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

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FROM: Kathy Gissel, Permit & License Operations Manager
Martin Laws, Planning Manager for Code Compliance & Public Information
Ethan Abner, Long Range Planner I
DATE: September 1, 2023
RE: Docket DC-23-0001

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_____ Letter is enclosed.

Signed _____ Printed Name: Jennifer Henderson

Agency or Address Louisville Fire Rotection District

Date 9/6/2023

September 11, 2023

TO: Ethan Abner, Planner I; Community Planning & Permitting, Long Range Planning

FROM: Anita Riley, Principal Planner; Community Planning & Permitting, Development Review Team – Access & Engineering

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

The Development Review Team – Access & Engineering staff has received and reviewed the language for the above referenced text amendment and has the following comments:

1. Staff recommends the parking requirements for vacation rentals, noted in Section 4-507.E.3 of the proposed text amendments, be revised to two required spaces in all cases. This will ensure the requirement is consistent with the current parking requirement for a single-family residential unit and ensure some level of travel flexibility for users of the unit.

2. Staff also recommends the parking requirements for short-term rentals, noted in Section 4-516.G of the proposed text amendments, be revised to three required spaces. This will accommodate parking for residents, who often have two vehicles, as well as a space for users of the short-term rental facilities.

This concludes our comments at this time.

Boulder County

Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

MEMO TO: Referral Agencies, Stakeholders, and Interested Parties
FROM: Kathy Gissel, Permit & License Operations Manager
Martin Laws, Planning Manager for Code Compliance & Public Information
Ethan Abner, Long Range Planner I
DATE: September 1, 2023
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____ Letter is enclosed.

Signed Stephen Charles Printed Name: STEPHEN CHARLES

Agency or Address Berthoud Fire Protection District
P.O. Box 510
275 Mountain Ave
Berthoud, CO 80513

Date 9/5/2023

Boulder County
Community Planning & Permitting
Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

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FROM: Kathy Gissel, Permit & License Operations Manager
Martin Laws, Planning Manager for Code Compliance & Public Information
Ethan Abner, Long Range Planner I
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_X_ Letter is enclosed.

Signed Ted Plank Printed Name: TED PLANK

Agency or Address PINEWOOD SPRINGS FIRE PROTECTION DISTRICT

Date 9/10/2023

PINEWOOD SPRINGS FIRE PROTECTION DISTRICT

Professional and Courteous Mountain Community Emergency Services

61 Kiowa Road | Lyons, CO 80540
Phone (303) 823-5086 Fax (303) 823-2402
www.pinewoodspringsfire.org

September 10, 2023

Boulder County Community Planning and Permitting
Kathy Gissel, Permit & License Operations Manager
Martin Laws, Planning Manager for Code Compliance & Public Information
Ethan Abner, Long Range Planner

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

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The Pinewood Springs Fire Protection District would like to see an additional provision included in the Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals. A provision requiring STR/VR applicants to notify the responding fire agency would be helpful.

We recently received a referral for a Vacation Rental at 14338 N. St. Vrain Dr. While researching that document, I found that a nearby property at 12700 N. St. Vrain Dr. had been approved as a Vacation Rental in August of 2022, but we had never been contacted with this information. In an emergency it can be extremely useful for us to know that we are responding to a STR/VR property. Knowledge of the use of these properties can be critical when evacuations are necessary, or when searching the structure during a structure fire.

Our request is to make sure that the updated code requires applicants to inform the local responding fire agency of the property status as a STR or VR.

Please reach out to me if you need additional information.

Sincerely,

Ted Plank | Fire Chief
Pinewood Springs Fire Protection District
303-818-7323 (cell)
chief@pwsfire.org

From: Dean Rogers
To: Abner, Ethan
Subject: [EXTERNAL] DC-23-0001
Date: Tuesday, September 12, 2023 11:57:29 AM

Ethan,
Boulder Rural has the following recommendations regarding DC-23-0001, Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals. While these recommendations may not be in line with what you had requested, the added safety provisions will help the fire department tremendously.

1. With the fire department, our primary concern is life safety and the reduction/elimination of adverse fire and safety conditions. With that, we would to see and Short-Term Rental be equipped with smoke and carbon monoxide (CO) detectors/alarms. We would also like to see the rental be equipped with the appropriate fire extinguishers.

If I missed anything, or if there are any questions, please let me know.
Thank you,

Dean Rogers, Engineer
Boulder Rural Fire Rescue
6230 Lookout Road, Boulder, CO 80301
O 303-530-9575 | C 720-498-0019
drogers@brfr.org | www.brfr.org

From:	Morgan, Heather
To:	Abner, Ethan
Subject:	FW: Referral Packet for DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals
Date:	Tuesday, September 12, 2023 12:44:26 PM
Attachments:	image001.png image003.png

From: Planning Division <planning@lafayetteco.gov>
Sent: Monday, September 11, 2023 10:51 AM
To: Morgan, Heather <hmorgan@bouldercounty.gov>
Subject: [EXTERNAL] RE: Referral Packet for DC-23-0001: Text Amendments to the Land Use Code related to Short-Term Dwelling and Vacation Rentals

Good Morning Heather,

We have reviewed the memo. There are no comments on behalf of the City of Lafayette Planning and Building Department.

Thank you,

Lauren Fichtner
Administrative Coordinator
City of Lafayette | Planning & Building Department
Office 303-661-1270

From: Morgan, Heather <hmorgan@bouldercounty.gov>
Sent: Friday, September 1, 2023 11:39 AM
To: Flax, Ron <rflax@bouldercounty.gov>; Historic <historic@bouldercounty.gov>; #WildfireMitigation <WildfireMitigation@bouldercounty.org>; Floodplain Admin <floodplainadmin@bouldercounty.gov>; Transportation Development Review <TransDevReview@bouldercounty.gov>; Northrup, Elizabeth (Liz) <enorthrup@bouldercounty.gov>; West, Ron <rowest@bouldercounty.gov>; #CEreferral <CEreferral@bouldercounty.gov>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; beckybapco@gmail.com; ild17@comcast.net; Phil.Stern@colorado.edu; cccia80403@gmail.com; eldoracivicassociate@gmail.com; Brent Tregaskis <btregaskis@eldora.com>; Hunter Wright <hwright@eldora.com>; tbrock@eldora.com; magnoliaforestgroup@gmail.com; teagenblakey@protonmail.com; lawrence.carlson@colorado.edu; ghtownmeeting@gmail.com; ghtownmeeting@gmail.com; Lawrence.Carlson@colorado.edu; ghtmtreasurer@gmail.com; ghtmsecretery@gmail.com; ghtmvicechair@gmail.com; info@niwot.com; landuse@niwot.org;